

SUPERVISORY AUTHORITY IN LANE COUNTY

The Intergovernmental Agreement between Lane County, the City of Eugene, and the City of Springfield directs the PSCC to review and make recommendations regarding the integration of the adult corrections system, including addressing the dual supervisory authority in Lane County.

BACKGROUND

The issue of “Supervisory Authority” has been addressed twice previously indirectly through the placement decisions regarding Parole and Probation. The first review was when SB 1145 was passed. The task group was asked to consider several options for the placement of Parole and Probation. Departments considered were the District Attorney’s, County Administration, Youth Services, the Sheriff’s Office, and Health and Human Services. There was much discussion on the topic and it was decided to temporarily place Probation and Parole in the Health and Human Services Department.

The second review occurred in 1998. This review involved the preparation of papers from the Sheriff’s Office, Health and Human Services, and Probation and Parole asking for responses in the following areas:

- Describe how the services of Parole and Probation would be incorporated into the existing structure, highlighting efficiencies and enhancements;
- Describe how client needs would be enhanced or addressed under their department;
- Describe how staff would be integrated into the existing structure, including what would remain the same, what would change, and what additional staff may be needed;
- Describe how Parole and Probation training needs would be incorporated into their program;
- Describe how public and employee safety may be enhanced by this agreement;
- Identify and if possible, quantify, fiscal realities if Parole and Probation would be with their department;
- Identify additional issues such as administrative support and management information systems;
- Describe how this would enhance continuity within the system such as ability to transfer information between counties or with the state; and
- Address bargaining unit issues that may need to be resolved and how this would occur.

In addition, a survey was conducted with Parole and Probation staff to ascertain their desires. The recommendation from the committee was for Parole and Probation to remain in the Health and Human Services Department.

It is believed that another review would produce very similar findings, and because of the duties assigned to the supervisory authority, this means Lane County would

continue to have a dual supervisory authority system. The recommendation is to proceed with action, instead of another review.

RECOMMENDATION

It is recommended that the Board of County Commissioners appoint a Supervisory Authority Team (SAT) including representation from Parole and Probation and the Sheriff's Office, the current supervisory authorities. The SAT will review and modify policies and procedures affecting the activities of the Supervisory Authority(ies).

Membership

The members of the SAT shall be the Sheriff's Office Corrections Division Commander, the Parole and Probation Manager, and the Presiding Judge or his/her designated judge.

Roles and Responsibilities

The SAT will:

- Jointly manage the corrections population by developing and using compatible policies and procedures;
- Review and approve changes in policies or practices associated with duties assigned to the supervisory authority under Oregon Revised Statutes;
- Make recommendations that will ensure the efficient and appropriate flow of offenders through the system;
- Monitor existing practices and strategies for managing the offender population and, if appropriate, implement new policies and strategies based on best or practices; and
- Provide regular reports to the Board of County Commissioners and the Public Safety Coordinating Council describing the management of the offender population.

Statutes Pertaining to Senate Bill 1145

Senate Bill 1145 was adopted in 1995 which transferred the supervision of offenders serving 12 months or less to counties and directed counties to form local public safety coordinating councils. ORS 423.505 was amended to read (new language in bold print): **Because counties are in the best position for the management, oversight and administration of local criminal justice matters and for determining local resource priorities**, it is declared to be the legislative policy of this state to establish an ongoing partnership between the state and counties and to finance with appropriations from the General Fund statewide community correction programs on a continuing basis. The intended purposes of this program are to:

1. Provide appropriate sentencing [*alternatives*] and **sanctioning options including incarceration, community supervision and services**;
2. Provide improved local services for persons charged with criminal offenses with the goal of reducing the occurrence of repeat criminal offenses;
3. Promote local **control and** management of community corrections programs; [*and*]
4. Promote the use of the most effective criminal [*sanction*] **sanctions** necessary to **protect public safety**, administer punishment to the offender[,], **and** rehabilitate the offender; [*and protect public safety*]
5. **Enhance, increase and encourage a greater role for local government and the local criminal justice system in the planning and implementation of local public safety polices.**

Section 9. Subject to section 6 of this Act, the county, in partnership with the department, shall assume responsibility for community-based supervision, sanctions and services for offenders convicted of felonies who are:

- a) **On parole;**
- b) **On probation;**
- c) **On post-prison supervision;**
- d) **Sentenced, on or after January 1, 1997, to 12 months or less incarceration; and**
- e) **Sanctioned, on or after January 1, 1997, by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less incarceration for violation of a condition of parole, probation, or post-prison supervision.**

Definition of Supervisory Authority

ORS 144.087

(1) "Supervisory Authority" means the state or local corrections agency or official designated in each county by that county's board of county commissioners or county court to operate corrections supervision services, custodial facilities or both.

(3) Nothing in this section is intended to repeal, in any way affect the sheriff's authority, duties, and liabilities set forth in ORS 169.320 to 169.360.

Duties of Supervisory Authority

ORS 423.478 (3) When an offender is committed to the custody of the supervisory authority, the supervisory authority may impose sanctions other than incarceration.

ORS 137.076 (5) Before releasing certain convicted offenders, the supervisory authority is required to obtain a blood or buccal sample and person's thumbprint.

ORS 137.523

- (1) When the judge sentences the defendant to confinement in a county jail as a condition of probation, the judge shall sentence the defendant directly to the custody of the sheriff or the supervisory authority, as defined in rules of the Oregon Criminal Justice Commission, with jurisdiction over the county jail.
- (2) When the judge recommends a custodial facility or program other than jail as a condition of probation, the judge shall sentence the defendant directly to the custody of the supervisory authority, as defined in rules of the Oregon Criminal Justice Commission, with jurisdiction over the facility or program. Before imposing such a sentence, the judge must determine from the supervisory authority that space is available in the facility or program and that the defendant meets the eligibility criteria established for the facility or program.

ORS 144.104

- (1) Upon release from prison, the person shall be supervised by the Department of Corrections or other supervisory authority.
- (2) During the period of post-prison supervision, the supervisory authority may adjust the level of supervision and recommend to the State Board of Parole and Post-Prison Supervision revisions to the conditions of supervision appropriate to the released person's conduct in the community.

ORS 144.350 The Department of Corrections or other supervisory authority may order the arrest and detention of any person under parole, post-prison supervision, probation, conditional pardon, or other conditional release from custody upon being informed and having reasonable grounds to believe that such person violated conditions of supervision. The supervisory authority is responsible for reporting the violation to the Board of Parole and Post-Prison Supervision, and imposing a sanction or recommending revocation.

ORS 144.106 The supervisory authority shall use a continuum of administrative sanctions in response to a violation of parole or post-prison supervision conditions. The sanction continuum may include, but not limited to, jail, community service work, house arrest, electronic surveillance, restitution centers, work release centers, day centers or other local sanctions established by agreement with the supervisory authority.

ORS 144.085 The supervisory authority is responsible for recommending inactive status for an offender or that the offender remains on active status.

144.108 If the violation of post-prison supervision is new criminal activity or if the supervisory authority finds that the continuum of sanctions is insufficient punishment for a violation of the conditions of post-prison supervision, the supervisory authority may:

- (a) Impose the most restrictive sanction available, including incarceration in jail
- (b) Request the State Board of Parole and Post-Prison Supervision to impose a sanction.

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