



Issue Brief - 2008

OREGON DEPARTMENT OF CORRECTIONS

Opting Out of Community Corrections

Overview:

Transfer of community corrections operations from a county to the state

Under Oregon law, if state funding for community corrections drops below a level defined in statute, a county may transfer responsibility for community corrections from the county to the state. An entirely local decision, this occurred in 2004.

- Linn and Douglas counties “opted out” of community corrections between January 2004 (when Ballot Measure 30 failed) and November 2004 (when the Emergency Board of the Legislature restored dollars cut from the community corrections budget).

Responsibilities of the state through the Department of Corrections

In opt-out counties, the state assumes responsibility for community-based supervision, sanctions and services for offenders convicted of felonies who are:

- On parole.
- On probation.
- On post-prison supervision.
- Sentenced to 12 months or less of incarceration.
- Sanctioned by a court or the state Board of Parole and Post-Prison Supervision to incarceration of 12 months or less for violation of a condition of parole, probation or post-prison supervision.
- On conditional release (“second look” release of juvenile offenders convicted of Measure 11 crimes).

People sentenced or sanctioned to prison terms of 12 months or less incarceration are called “local control” offenders. They serve their sentences locally. In opt-out counties, the state becomes their supervisory authority and determines the use of sanctions for this group as appropriate.

Community corrections funding

Community corrections grants to counties are determined by the number and type of offenders under supervision in each county. The allocation amount does not change when a county opts out, but is retained by the state to manage local community corrections. The funds cover personnel, supplies, facility operation, alternative sanctions and correctional interventions.

Personnel

Under existing state law, when a county opts out, all community corrections staff transfer to state employment (except those affected by reduction in workforce due to budget reductions or job elimination due to organizational restructuring). Salaries paid to these new state employees are guaranteed to match their county salaries for 12 months unless bargained higher. After the first year, wages, benefits, differentials and working conditions are subject to collective bargaining.

Community corrections plan

DOC staff are responsible for creating a biennial community corrections plan. This plan outlines the basic structure and the supervision, services and sanctions to be applied to offenders convicted of felonies placed on supervision or local control status. The plan consists of program descriptions, budget allocation, and performance objectives for the correctional interventions to be provided.

Property/Leases/Vehicles

The property, leases and vehicles used to operate the field office transfer to the state, as do leases and contracts.

Facilities

When a county opts out, any corrections facility built with state funds to house local control offenders becomes state-controlled until such time as the loan is repaid. The state has the option to operate the facility

directly, to contract with private or public entities to operate the facility, or to lease it back to the county. Some of these facilities are stand-alone buildings, but most of the projects were expansions of existing facilities. ■

For more information on the community corrections, please see the DOC Issue Brief: "Community Corrections."

The mission of the Oregon Department of Corrections is to promote public safety by holding offenders accountable for their actions and reducing the risk of future criminal behavior.



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