Background Brief on…

Community Corrections

Prepared by: Bill Taylor

Inside this Brief

Background

Historically, a felony is a crime with a penalty that includes the possibility of incarceration in excess of one year. A misdemeanor is a crime with a penalty of one year or less. Felons went to state prison; misdemeanants went to the local jail. As a practical matter, many felons served less than a year in prison because they were paroled early for a variety of reasons including good behavior or prison overcrowding. Also, a felon could receive a suspended sentence or even probation. This was particularly true for felons without serious criminal histories convicted of a less-serious felony.

Senate Bill 1145

Senate Bill 1145 (1995), with its follow-up bill, House Bill 3489 (1996 Special Session), created a new relationship between the State of Oregon and counties in the area of community corrections. Under the bill, counties assume responsibility for felons: (a) on parole; (b) on probation; (c) on post-prison supervision; (d) sentenced to 12 months or less incarceration; or (e) sanctioned by a court or the State Board of Parole and Post-Prison Supervision to 12 months or less for violating a condition of parole or post-prison supervision.[i] Thus, the distinction between state and county responsibility for an inmate is based on the length of sentence, not the labels of misdemeanor and felony. Twelve months or less and the defendant stays in the county jail. Anything above twelve months incarceration and the defendant goes to the Oregon Department of Corrections.

In return for the counties assuming responsibility for these defendants, the State of Oregon has assisted counties in building and remodeling jails and reimburses counties for the expenses associated with supervising this population. The provision for reimbursement of felons is the most controversial part of Senate Bill 1145.

Senate Bill 1145 allows counties to impose sanctions other than incarceration unless the sentencing court finds substantial and compelling reasons that the defendant be incarcerated. This provision is intended to allow counties to design a treatment program that gradually works the inmate back into the community. For example, part of an inmate's sentence could include incarceration in the county jail, followed by closed-custody

residential group living, followed by return to the community through a day reporting program. Studies show that programs that gradually work an offender back into the community make it less likely the offender will re-offend.

Senate Bill 1145 requires each county or group of counties to convene a local public safety coordinating council. These councils are required, at a minimum, to develop one plan for the local adult offender population and another plan for the local juvenile offender population. Councils must include, but are not limited to: (1) a police chief; (2) a sheriff of the county; (3) a district attorney; (4) a state court judge; (5) a public defender; (6) a director of community corrections; (7) a county commissioner; (8) a county juvenile department director; (9) a county mental health director; (10) a lay citizen; (11) a city councilor or mayor and a city manager or other city representative, both selected by the cities in the county; and (12) a representative of the state police (nonvoting member).

Finally, Senate Bill 1145 requires the Department of Corrections to provide the counties with central information and data services. In addition, the department must establish and operate, with the cooperation of the counties, a statewide evaluation and information system to monitor the effectiveness of community corrections.[ii] This should help Oregon judge how well the community corrections programs work to reduce recidivism.

Staff Contacts:
Bill Taylor   Judiciary Counsel
                     503-986-1750

---

[i] ORS 423.478
[ii] ORS 423.478 and 423.555