

2009

Central Citizen Budget Advisory
Committee (CCBAC)

Dedicated Fund Review

PUBLIC SAFETY: District Attorney's
Office, Sheriff's Office, Department of
Community Justice, Department of
Management (Budget Office)



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Background

The Dedicated Fund Review Committee (DFR) has reviewed the dedicated funds of the Multnomah County Department of Community Justice, Multnomah County Sheriff's Office, and District Attorney's Office as directed by resolution 88-86 adopted May 26, 1988.

The resolution provides that these funds be reviewed by the Central Citizens Budget Advisory Committee (Central CBAC) on a rotating basis to determine at a minimum if the purpose for which the fund is dedicated is being met, whether the level of funds is reasonable for the purpose, and whether the need for the fund has increased or decreased. The Central CBAC formed a sub committee in January of 2009 for this purpose and accepted the DFR's Report on September 15, 2009, with a few minor changes. These changes have been incorporated into the text of this report.

The DFR Committee has reviewed the following funds for 2009/2010.

- Department of Community Justice:
 - o Family Court Services Fees
 - o Criminal Fees
 - o Probation Supervision Fees
 - o Enhanced Bench Probation Program Fees
 - o Adult Community Service Fees
- Multnomah County Sheriff's Office
 - o Emergency Communications Fund
 - o Alarm Permits Fund
 - o Concealed Weapons
- Multnomah County District Attorney's Office
 - o Liquor Control Fund
- Budget Office
 - o Justice Bond Project Fund
- Joint Public Safety Dedicated Funds
 - o Inmate Welfare Fund
 - o Multnomah County Sheriffs Office
 - o Department of Community Justice
 - o Forfeitures Fund
 - o District Attorney
 - o Multnomah County Sherriff's Office

Methodology

The Dedicated Fund Review Committee (DFR) was made up of volunteers from Multnomah County Citizen Budget Advisory Committees (CBACs). Members were Jim Lasher serving as Chair of the DFR Committee, Multnomah County Sheriff's Office CBAC; Helen Williams, Department of County Management and Community Services CBAC; Joe Marrone, Department of Community Justice CBAC; Dick Wegner, Multnomah County District Attorney's Office CBAC; and Ron Saroff, Multnomah County Sheriff's Office CBAC.

Starting its work in January of 2009, the DFR Committee received budgets, financial reports and narrative information on the purpose and any activity within these funds over the last three years from the following: Wanda Yantis and Larry Aab, Multnomah County Sheriff's Office; Shaun Coldwell, Department of Community Justice; Scott Marcy, Multnomah County District Attorney's Office; and Mark Campbell, Budget Office. Responses to follow up questions and additional information were also provided.

In order to gather additional insight the DFR Committee met with Wanda Yantis and Michelle Hoppel, Multnomah County Sheriff's Office as well as Shaun Coldwell and Joyce Resare from Community Justice. Committee member Dick Wegner took on the task of contacting Scott Marcy, District Attorney's Office and reporting back to the full committee. Kathleen Todd, Office of Citizen Involvement, gathered additional information for the DFR Committee on the Justice Bond Project Fund from Mark Campbell, Multnomah County Budget Office. The Office of Citizen involvement provided on going staff support for this review.

General Findings

The DFR Committee found the funds to be well managed. The funds are acceptable and no major changes are required currently. Multnomah County personnel were very helpful during the review process.

These funds have internal controls in place and are audited regularly as part of the annual outside financial audit process.

General Recommendations

1. Emphasis should continue to be placed on preventive criminal justice programs, as well as alternative programs in the areas of jails and community corrections. Support of diversion and follow-up/monitoring programs are recommended because they provide cost savings by reducing arrests and diverting individuals from County defense, prosecution, and incarceration resources.
2. It is our understanding that the County Auditor's Office does not currently include dedicated funds in its audit schedule. We recommend that the Auditor explore adding specific dedicated funds where additional evaluation could benefit the county.
3. For many of the funds reviewed, a portion of the fund was intended to be spent on specific crime prevention programs such as drug and alcohol rehabilitation, continuing education, and job skill programs. We again recommend that the portion of these funds earmarked for specific programs continue to be tracked not only to assure that the intended monies are spent on the appropriate programs but also to determine the success or failure of these programs through the collected evaluation data.
4. In order to stretch available funding for these programs, the DFR strongly recommends that the Department of Community Corrections, the Sheriff's and District Attorney's Offices continue to use their connections to the various college intern programs. Undergraduates and a supervising professor are available to tackle problems, offer recommendations, as well as technical assistance in exchange for the opportunity to fulfill graduation requirements. This is a valuable resource in light of the county's current budget shortfall.
5. The DFR Committee again recommends that more emphasis be placed on publicizing the success and value of programs within the justice system.
6. Fee for Service options should continue to be explored where applicable with the recommendation that careful monitoring should take place to ensure that no undue hardship results for the clients or their families.

7. For the purposes of this review we interviewed mostly departmental and electeds' budget staffers. The DFR Committee recommends that for the next review of these funds a member of the line staff for each program funded through these monies be included in the interview process.

Department of Community Justice

Specific Recommendations

Family Court Services Fees

Marriage License, Conciliation Court, and Parenting Education fees provide for the Multnomah County Court Family Services Program (FCS). This program provides family counseling and recommendations to the court on child custody and support.

Findings:

This program is supervised by the presiding judge of the Family Law Court and is accounted for in the Department of Community Corrections. The staff are Multnomah County employees.

The Family Court Services Program provides three distinct services using these funds. They include Conciliation, Mediation, and Custody and/or Parenting Time Evaluations. These services are valued by the Family Law Bench, the Family Law Bar, and parents. These funds make possible efforts to allow resolution outside of the courtroom whenever possible and appropriate.

Recommendations:

1. Continue to monitor the Marriage License and Divorce Filing Fees in order to provide the necessary support for these valuable services.
2. Continue parent education requirement and fees.
3. Increase publicity of Parent Education and related programs.

Criminal Fees

Criminal fees assessed by the state courts are collected by the court system and transferred to the County. The County's intergovernmental agreement gives 15% to the General Fund of each jurisdiction.

Findings:

The organizational structure of the programs funded through the Dept of Community Justice have changed since 2000. There is no longer a program specifically for Women's Transition, however this population continues to be served as part of the Adult Services Division.

In Multnomah County monies from criminal fees are now transferred into the general fund programs of two probation offices (Reduced Supervision Team and the Adult Services Division West Office) and the Adult Reporting Center (DRC). The DRC is an alternative to jail or other custody sanctions. The center provides counseling, educational and work programs to violent and drug addicted adult parole and probation violators. This program reduces the use of jail beds, leaving those beds available for more serious offenders.

Recommendations::

1. Programs that prove to be cost effective through lowering the recidivism rate should be publicized in order to inform the public about the benefits and savings provided by these programs.
2. If the fine levied by the state courts for various crimes does not meet the costs the County should work towards changing the amounts transferred to each jurisdiction to reflect the actual costs of the programs.

Probation Supervision Fees

Under ORS 423.570, a monthly fee is payable by persons on supervised release. The fee is \$35 a month.

Findings:

The Adult Services Division ensures that offenders submit regular payment of supervision fees. These fees are to offset the costs of supervision.

Supervision fees are to be used only for Community Justice purposes.

Recommendations:

The county should monitor the fee amount closely to determine if the supervision fee is covering most of the cost of this service.

Enhanced Bench Probation Program Fees

The Enhanced Bench Probation Program monitors adult offenders who have 1 to 3 convictions for Driving Under the Influence of Intoxicants (DUI). Fees are set by the circuit court and ordered by the court as a condition of enhanced bench probation.

Findings:

All offenders in the bench probation program, whether in warrant or active status, are monitored for police contact by three (3) county staff. The case load for this program averages 3,062 offenders per year. All are DUI offenders convicted in Multnomah County and are on bench probation. The program does not accept cases from other counties. Fees were increased from \$10 to \$15 in 2007 but the fee amounts are not keeping up with the costs of the program.

Recommendations:

The fee amount should cover the cost of this program. If this program continues to cost more than the fees that are levied the county should work with the circuit court to remedy this situation.

Adult Community Services Fees

Multnomah County Community Corrections charges a fee of \$35 (per Multnomah County Code Chapter 17) to any offender sentenced to a community service sentence of 40 hours or more in addition to probation.

Findings:

All fees collected are used to fund services provided by the alternative community service program. The fee is waived if manifest hardship or documented indigence is determined.

Community service sentences are increasing and are yielding good results. There are far fewer repeat offenders after serving a community service sentence.

Recommendations:

Programs that prove to be cost effective through lowering the recidivism rate should be publicized in order to inform the public about the benefits and savings provided by these programs.

Sheriff's Office

Specific Recommendations

Emergency Communication Fund

This fund consists of telephone excise taxes collected by the State and distributed to the local jurisdictions. This revenue is based on the number of residents in the unincorporated areas of the County.

Findings:

The revenue is used, as required by state statute, to help pay for "911" calls, ambulance dispatch, and Sheriff patrol dispatch costs. The County contracts by "letter of understanding" with the City of Portland for this service.

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With the population of the County growing in the unincorporated areas revenue is increasing. However there is still a need for supplements from the General Fund.

The change in technology currently underway continues to reduce dead spots as well as improve security of communications.

Recommendations:

1. The DFR Committee was pleased with improvements in the service and recommends that the County continue to contract with the City of Portland.
2. At some point cell phones need to be added into the cost of this service. The DFR recommends that adding a tax on cell phones for 911 service be added to the county legislative agenda in the next few years.

Alarm Permits Fund

The Board of County Commissioners through ordinance established the Alarm Control Fund in 1975. This fund comes from permit fees for home and business burglary alarm permits and from false alarm fines.

Findings:

The fund is used to operate the alarm permit office and the “profit” is allocated to the General Funds of the five participating jurisdictions within Multnomah County. Policy is made by a consortium of the involved jurisdictions, while the program is administered by the Multnomah County Sheriff’s Office. These jurisdictions include Gresham, Troutdale, Maywood Park and Wood Village. Improvements in computer technology have continued with this fund and it was brought into the County SAP accounting system in July of 2007.

Alarm fees are set by the Multnomah County Code ordinance (sections 15.704) which was revised recently to clarify definitions and amend the fees.

Recommendations:

1. The County should continue educating the public on the success and value of the Alarm Ordinance Program, especially in the area of decreasing false alarms and saving police time and resources.

2. The DFR Committee continues to support adequate fees for this program.
3. The DFR was pleased to learn that the Alarm Unit is now totally computerized and recommends that this office continue to keep current on computer technology.

Concealed Weapons

The Board of Multnomah County Commissioners in response to 1990-91 legislation regulating gun purchase and concealed weapons permits established the Concealed Handgun Fund. The fees and regulations are mandated by the State of Oregon as stated in Oregon Revised Statutes 166.291, 166.292, 166.293, and 166.295.

Findings:

This fund collects fees from persons wanting to purchase a handgun, take training, or have a concealed weapon permit. Fees are used to pay the cost of the Concealed Handgun Licensing Unit. Revenue is on a 4-year cycle that matches renewals. This cycle accounts for shortfalls matching the renewal cycle. Fees have not changed since the inception of the regulations concerning concealed handguns and as a result the unit is not self-supporting. The issue of increasing registration fees has been included in the Chair's legislative initiative list for the past three years, but no change has occurred through the State legislature.

The County has the highest number of licenses in Oregon but also has the highest denial and revocation rate.

There are no medical limitations on receiving a license.

Recommendations:

1. The DFR Committee commends the Unit's efforts to explore the process for increasing fees so that the program can become self-supporting. The committee recommends that the efforts be continued as appropriate.

2009 Dedicated Fund Review: Public Safety

2. In order to correct the need to dip into the General Fund every four years due to the renewal cycle, the DFR Committee once again recommends that the County push for renewals on a 2-year cycle.
3. The DFR is in support of the Expedited Access Program as a way to provide additional funding for the Unit.
4. Tuition for the County Safety Class should be set at an affordable rate to ensure attendance.

District Attorney's Office

Specific Recommendations

Liquor Control Fund

The Liquor Control Fund is a small amount of money collected by the State Courts from payment of Oregon Liquor Control Act fines. The revenue is then transferred to the District Attorney's Office. The funds are to be used for equipment or other enforcement activities that benefit the enforcement of Oregon Liquor Laws and requests are subject to the approval of the District Attorney. The Multnomah County District Attorney has chosen to track this revenue within the Justice Services Special Operations Fund 1516.

Findings:

Dollars from this fund must be spent on things that will help the enforcement of the Liquor Laws of Multnomah County. The dollars cannot be spent on personnel or personnel related costs such as overtime. The District Attorney is the decision maker on these funds. Requests are submitted in writing to the District Attorney for the use of these funds.

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In FY 2006, FY 2007, and FY 2008 no draws were made on these funds. In the current year, 2009, an expenditure of 16k was made for a color copier for the Misdemeanor Unit and the personnel handling DUII cases.

Recommendations:

1. Continue to use these funds for items that assist with the enforcement of the county's liquor laws. For example the color copier purchased with these funds should only be used by the Misdemeanor Unit and the personnel handling DUII cases.
 2. Requests for use of these funds should continue to be made in writing.
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Department of County Management

--- Budget Office

Specific Recommendations

Justice Bond Project Fund

This fund was established to account for the proceeds for a General Obligation Bond that paid primarily for construction of the Wapato Jail. The County issued \$79.7 million worth of bonds following passage of Measure 26-4 in May, 1996.

Findings:

A bond for these projects was issued for 7.5 million in 1996. The bond has been used for the purchase of the property for the Children's Receiving Center, upgrading current jail facilities including new drug and alcohol beds and data processing equipment, and the addition of a pod at the Juvenile Justice Complex. The selection of the Wapato Jail site was a slow process. Construction of the Wapato Jail has been completed but not opened for use.

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There is only about \$900,000 remaining in the fund. In FY 2009 the fund was programmed for capital projects in anticipation that Wapato would be opened in some capacity during the year. FY 2010 should see the closeout out of this fund.

Recommendations:

1. Continue to invest the bond monies until expenditures occur.
 2. With the completion of the Wapato Jail construction project there has been little activity in this fund. The DFR recommends that the county retain the fund only until such time that the bond proceeds and interest earnings have been exhausted.
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Joint Public Safety Dedicated Funds Specific Recommendations

Inmate Welfare Fund

The Board of County Commissioners by Ordinance established the Inmate Welfare Fund on September 22, 1988, to account for the purchase and sale of commissary items to inmates of both the County correctional facilities and the Juvenile Detention Center. Separate Reviews of the Sheriff's Office and Community Justice Inmate Welfare Funds were conducted.

Multnomah County Sheriff's Office Inmate Welfare Funds

The Multnomah County Sheriff's Office portion of the Inmate Welfare Fund is actually a trust fund set up to account for the purchase and sale of commissary items to inmates of Multnomah County's correctional facilities. The fund provides services to jail inmates, including banking, commissary, and phone services.

Findings:

Items are sold at current retail market value. The profit provides for essential items for indigent inmates and for recreational and educational items for the inmate population. An Inmate Welfare Safety Committee made up of various corrections personnel oversees purchases. Pay phones continue to add to the revenue in the fund. This fund is reconciled each month.

Commissary sales and profits have increased over the past three years even with the decline in the number of jail beds in the system. The increase in profits is due to the type and number of items offered to inmates and a review of market prices for items.

The 1988 ordinance had an item and product focus. The fund has grown to include recreational items and various programs for inmates. The Sheriff's Office is currently in the process of updating the ordinance to improve its transparency and bring it up to date. The target for revision is July 1st.

Recommendations:

1. Inmate input should continue to be sought in the selection of commissary items, equipment, and educational materials purchased with these funds.
2. Staff should continue to publicize the positive outcomes of the various programs that Corrections runs for the offenders.
3. Profit from the fund should continue to be used for essential items for indigent offenders and for recreational and educational items and programs for the inmate population such as the continued maintenance and periodic upgrades of the computer system and drug and alcohol assessment classes.
4. The DFR Committee was pleased to hear that the Sheriff's Office is in the process of reviewing the fund and updating its ordinance. We again suggest that the use of "Welfare" in the name of this fund might project a negative feeling. A name change to the Commissary Fund would add a more positive note.
5. The use of some of the profits for support of inmate drug and alcohol programs should be continued.

**Department of Community Justice Inmate Welfare Funds
(Juvenile Detention Fund)**

Findings:

Revenue for the Community Justice portion of the fund is generated from juvenile detainee telephone service for the Juvenile Detention Complex. Under a revenue sharing agreement, Global Telephone and FSH Communications forward the county's portion of the revenue generated by the operation of the phones at detention locations for placement in the fund. Fines for unacceptable behavior also go into this fund. The fund uses these monies towards items such as books, learning materials, videos, clothing, snacks, and special hygiene needs.

Rebates from local and long distance calls going into this fund have decreased due to lower commission rates for the county. Prior to September 2008 there was a 38% commission on long distance and intraLATA collect calls through FSH and a 34% commission on local telephone calls through GlobalTel. At the expiration of these contracts an informal procurement process was completed in August of 2008. At that time only FSH and GlobalTel were found that could or would provide these telephone services for the juvenile detention complex. The new negotiated contracts resulted in continuation of the 34% commission for the county through GlobalTel but a reduction from 38% to 10% for services through FSH.

Recommendations:

1. This fund should continue to be used towards the purchase of educational and hygiene needs of the detainees in the Juvenile Justice System.
2. The DFR encourages research into other providers of long distance and collect calls for detainees far in advance of the next contract renewal cycle for these services.

Forfeiture Fund

These funds account for the revenue derived from the sale of goods seized under federal and state statutes that allow seizure of property that has been used for criminal purpose or was purchased with funds from criminal activity. Separate Reviews of the District Attorney's and Sheriff's Offices Forfeiture Funds were conducted.

General Findings:

According to Multnomah County Ordinance 633, half of the revenue is returned to the seizing agency, 35% goes to the District Attorney for prosecution costs, and 15% is distributed to the General Fund of the seizing jurisdiction.

Federal Law requires the revenue be used to enhance the seizing agency's budget, not for replacement. The state law, until recently, allowed expenditures for justice/law enforcement programs. The recent passage of Measure 53 made some changes in the allowed use of these funds. The effects in Multnomah County are discussed below.

District Attorney's Forfeiture Funds

The fund was established to enable the District Attorney to track forfeiture funds.

Findings:

The Forfeiture Unit was responsible for processing seized and forfeited property related to the violation of state drug laws.

In November of 2000 Ballot Measure 3 was passed by the voters of Oregon and changed the Oregon Constitution. Measure 3 made the use of civil forfeiture much more difficult. As a result, Multnomah County's District Attorney's Office closed down its forfeiture activity in December 2000. The passage of Measure 53 made some changes to forfeiture regulations

From fiscal year 2006 to fiscal 2008 a total of \$54,133.40 was apportioned to the DA's Office from forfeiture funds. All of these funds were the result of Criminal Forfeiture activity with none resulting from Civil Forfeiture. In addition there was an interest accrual of \$97.06 in FY 2008.

Recommendations:

1. The DFR Committee congratulates the District Attorney's Office on its efforts and was sorry to discover that the passage of Measure 3 has made the continuation of these activities impossible. If an opportunity arises to support legislation to fund these activities the committee encourages the County to do so.
2. If there is any activity on forfeiture regulations via the legislature or other means the District Attorney's Office should notify the Central CBAC via the Multnomah County Citizen Involvement Office as soon as it happens.
3. DFR Committee recommends discontinuing reviewing these funds unless the current regulations are changed.

Sheriff's Office Forfeiture Funds

The MCSO Special Investigations Unit has a dedicated fund utilized for the following and was recently impacted by Measure 53:

- Purchasing equipment necessary for the enforcement of laws relating to the unlawful delivery, distribution , manufacture of possession of controlled substances;
- Cash for use in law enforcement activities (Confidential Funds)
- Drug awareness and drug education programs offered in middle schools, high schools and community groups
- The expenses of a forfeiting agency in operation joint narcotic operations with other forfeiting agencies pursuant to the terms of an intergovernmental agreement including paying for rental space, utilities and office equipment

Findings:

Monies received over the past three years and monies remaining in this fund have and will be used primarily to fund the drug enforcement efforts of Multnomah County Sheriff's Special Investigation Unit. The fund has been used specifically for buy money, informant fees, equipment, vehicle purchase and maintenance, overtime, and ongoing training for the Special Investigations Unit and others associated with the drug enforcement effort.

Funds have also been allocated to drug and alcohol awareness programs, specifically the “Every 15 Minutes” program. This effort is aimed at high school aged students and is designed to make them aware of the dangers and hazards of use and abuse of alcohol and illegal drugs.

MCSO is currently partnering with the County Attorney’s Office in the processing of forfeitures.

The passage of Measure 53 allows for 62.5% of the forfeiture to go to law enforcement. Money is to be used for counter drug enforcement.

Recommendations:

1. The DFR Committee congratulates the Sheriff’s Office on its efforts and was sorry to discover that the passage of Measure 3 has cut these activities so severely. If an opportunity arises to support legislation to restore funding of these types of activities the committee encourages the County to do so.
 2. Publicize the negative impacts of the loss of these funds on drug enforcement as well as drug awareness and treatment programs.
 3. If there is any activity on forfeiture regulations via the legislature or other means the Sheriff’s Office should notify the Central CBAC via the Multnomah County Citizen Involvement Office as soon as it happens.
 4. Continue the Sheriff’s Office support of drug and alcohol abuse awareness education in our community.
 5. Continue to work with high schools on prevention programs
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