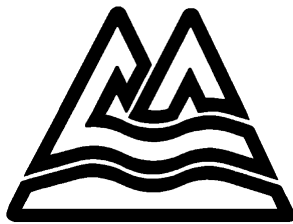


A Brief Review of the Multnomah County Restitution Center

Reducing Crime Benchmark Analysis
Multnomah County, Oregon



Department of Support Services

SEPTEMBER 1998

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MULTNOMAH COUNTY PUBLIC SAFETY:

**A BRIEF REVIEW OF NATIONAL, STATE
AND LOCAL CRIME TRENDS**

**REDUCE CRIME BENCHMARK
ANALYSIS, SEPTEMBER 1998**

**BUDGET & QUALITY OFFICE
DEPARTMENT OF SUPPORT SERVICES
MULTNOMAH COUNTY, OREGON**

A BRIEF REVIEW OF THE MULTNOMAH COUNTY RESTITUTION CENTER

Prepared by Jim Carlson, Evaluation Specialist, Department of Support Services and
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September 4, 1998

Methodology

Most narrative and statistical data in this report is excerpted from material supplied by the Multnomah County Sheriff's Office. This has been supplemented with direct observation of the Restitution Center admission screening process and interviews with representatives of the Department of Juvenile and Adult Community Justice Services (JACS) and two Circuit Court judges. The lead researcher, Mr. Carlson, is responsible for the conclusions drawn from a review of this material. These conclusions were reviewed by the two departments and left as open-ended items for further investigation when differences arose in the review process.

Background

Prior to the opening of the Multnomah County Restitution Center (MCRC), inmates with work release were housed at the Multnomah County Corrections Facility (MCCF) in Troutdale. At MCCF, they were housed with other offenders that were not afforded the same privileges given work release inmates. This created a situation of disparate treatment within the same facility; and, caused an inordinate amount of problems with the secure inmates pressuring work release inmates to introduce contraband upon their return to the facility after work and pass activities. In addition, the facility was located in an area that was geographically detached from job locations and support programs. Bus service for the facility was limited, and sometimes required staff shuttles to and from bus service in order to facilitate inmate work schedules.

With the demise of the Rajneesh group and their holdings, Multnomah County was fortunate to purchase the former Rajneesh Hotel in downtown Portland for use as a Work Release/Restitution Center.

A Brief History of MCRC

- May 27, 1986--City of Portland issues a Residential Care Facility License to Multnomah County Sheriff's Office to allow the County to proceed with the development of MCRC subject to Land Use and Building Codes.
- June 30, 1986--County secures the title to the MCRC site for \$1,600,000.
- August 6, 1986—A conditional use permit is received to open and operate MCRC up to 80 residents.
- March 13, 1989—A revised conditional use permit is secured raising the authorized capacity to 160 residents.
- October 1995—MCRC becomes co-ed
- July 1997—MCRC is funded to reach its maximum authorized capacity of 160 residents but all additional staff are not hired and assigned to facility.
- September 1998—Full expansion of staffing to accommodate 160 residents is underway

Restitution Center Program Description

Teaching responsibility is the foundation of all activities within the Center. Resident/inmates at the Center are expected to maintain or locate full time employment. Many come to the Center with little or no employment history. Those resident/inmates without employment are required to attend a Job Readiness Training program offered at the Center. Sixty percent of resident/inmates coming into the Center without employment leave with full-time employment.

Equally as important as employment are the groups that are offered at the Center. All resident/inmates are required to be involved in treatment while at the Center. Positive behavioral groups that are offered at the Center are: G.E.D. (instruction and testing); Parenting; Anger Control; Breaking Barriers and Unlocking Your Potential (positive goal setting groups); Chemical Dependency (A.A., N.A.); and Job Readiness Training. Many resident/inmates are also involved in outside treatment such as Theft Talk, Victim's Panel, Sex Offender Treatment, Alcohol and Drug Treatment, etc.

Once a resident/inmate is admitted into a group it is encouraged that they continue that activity even after their release. With groups such as parenting, it is encouraged that the resident/inmate bring their spouse or living partner into the Center to join them in group.

Admittance to the Center is subject to the approval of the Center's Screening Committee. The MCRC Screening Committee consists of five voting members: Three staff and two citizen volunteers. The three staff members include the Counseling Supervisor, the Facility Sergeant, and the person presenting the case to the rest of the Committee. The Screening Committee reviews information presented by the Counselors. Information that is reviewed is the defendants past criminal history, police contacts, prior institutional history, current criminal charges, and most importantly the attitude and willingness of the defendant to want to be a part of the program. Most rejections of potential residents occur because the individual is considered to be either a potential management problem inside the Center, or dangerous to the community at large or the neighborhood surrounding the Center. An individual's mental stability and predictability are important variables when making judgements about their potential behavior in the neighborhood or inside the Center.

Restitution Center Eligibility Criteria

Permits and agreements, which allow for the operation of the Restitution center at its current location, require that all residents be: completely sentenced; eligible for work release; and approved by a screening committee that involves citizens from the community. Residents can be accepted with a wide variety of current charges and criminal or social backgrounds. No single variable will make someone ineligible. However, the more "questionable" attributes listed in the chart below that describe a defendant, the less likely it is that they will be accepted.

	Acceptable	Questionable
In-house Behavior	When a defendant presents himself as cooperative and remorseful the weight of other questionable factors is reduced. No recent disciplinary history; no past work release failures that were self-destructive in nature (AWOL, alcohol use).	<ol style="list-style-type: none"> 1. Active addiction; defendant needs detoxification prior to MCRC residency. 2. Mental instability. 3. History of disruption or disrespectful behavior while incarcerated. 4. Angry, uncooperative, unremorseful. 5. Medical problems, gang associations, etc.
Current Crime	Property crimes or nonviolent person crimes that are not seen as being a danger to the community.	Person crime—the defendant is considered dangerous to the community, or the controls of the Center are not seen as strong enough to safely house this kind of offender.
Criminal History	Any criminal history not covered in the “questionable” column.	<ol style="list-style-type: none"> 1. Criminal history scale of A, B, or C on the sentencing guidelines.¹ 2. The defendant’s current crime is a person crime with a history of multiple unprosecuted person crimes of similar nature. 3. A history of property crime with regularity that indicates a lifestyle or compulsion of criminal property offenses.

Decision Process

The MCRC Resident Screening Committee meets twice weekly (Tuesday and Thursday) to review prospective clients for the Center and act upon their request for placement. In order to be considered, either an MCSO Institution Counselor or a Community Corrections Probation officer must present the applicant to the Committee. Prior to submittal to the Screening Committee for consideration, the presenter must prepare a ‘History Risk Assessment’, an ‘MCRC Applicant Interview Form’ and other appropriate background information to determine if the applicant meets the eligibility criteria.

Based upon the presentation of the client’s background and motivation, the Screening Committee makes a decision (by member vote—citizen votes weighing more than those of staff members), to achieve one of the following outcomes:

1. Full Rejection—based on their failure to meet eligibility criteria;
2. Conditional Rejection—with a recommendation that the applicant be rescreened if they exhibit good behavior while in a monitored custody period within an MCSO facility;
3. Conditional Acceptance—only during the last 30-60 days of their custody;
4. Conditional Acceptance—on the condition of initial housing at Inverness jail with positive participation in work crews (30-60 days);

¹ Sentence Guidelines Grid level A = Three or more person felonies (juvenile or adult); B = Two or more person felonies (juvenile or adult); C = one person felony plus one or more non-person felony.

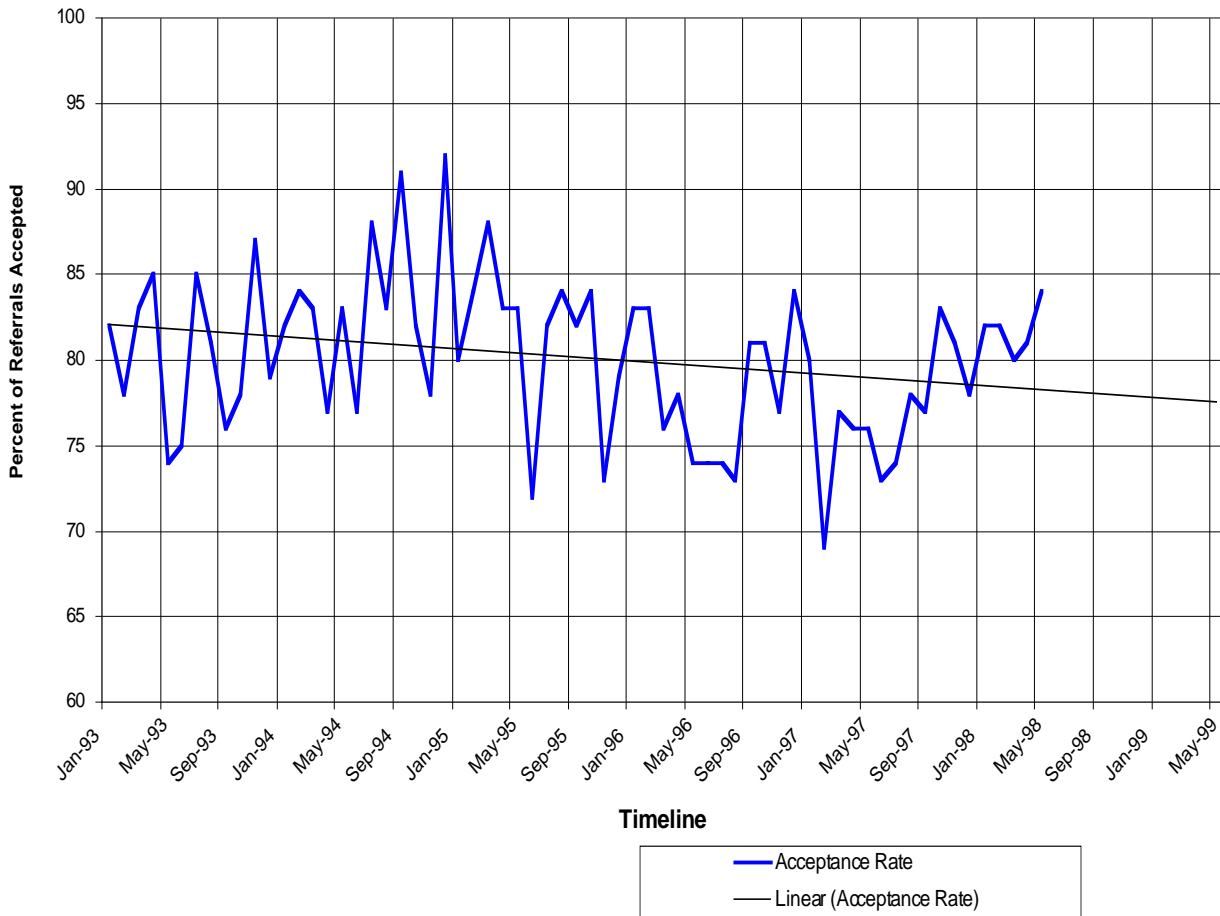
5. Conditional Acceptance—on the successful completion of inpatient treatment
6. Full Unconditional Acceptance.

Those rejected may participate in an appropriate appeal process for reconsideration by the MCRC Screening Committee.

Results of Screening Process

About 80% of applicants to MCRC are accepted. This is shown in the following graph. The acceptance rate does show a slight decrease in 1996 in relation to 1995 and an increase during 1997. The overall linear trend line shows a long-term slight decline in the acceptance rate since 1993.

MCRC Acceptance Rate (%)



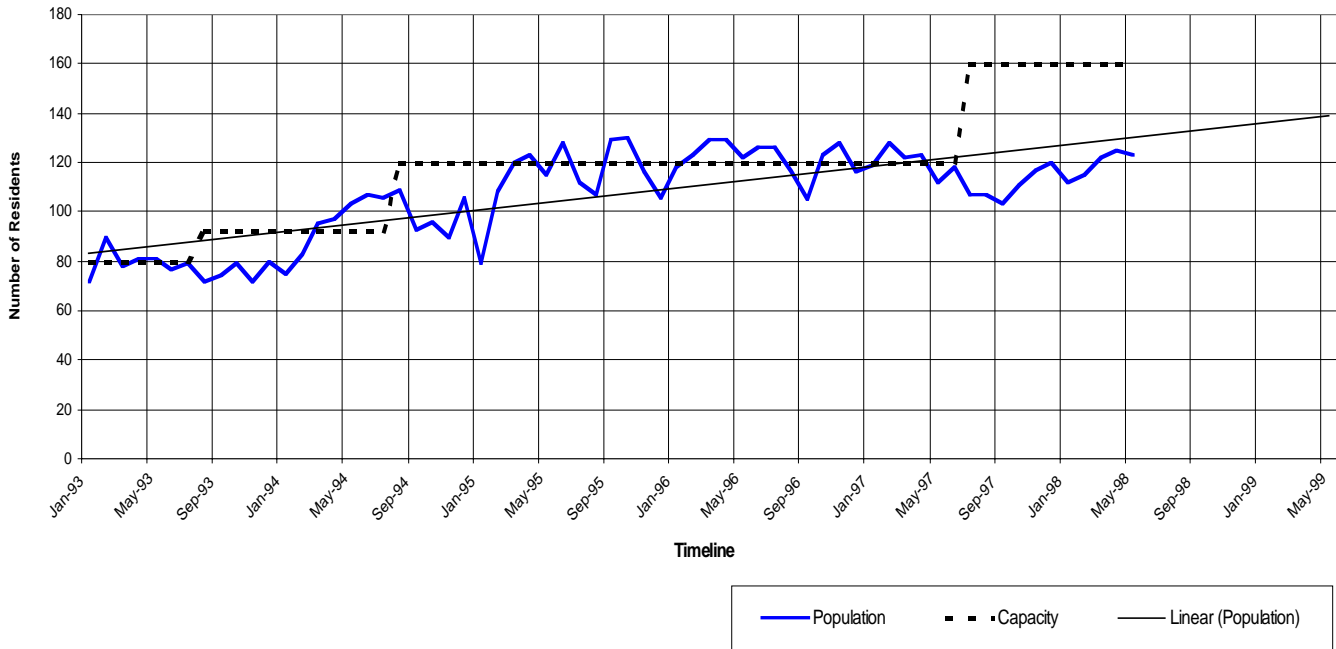
Despite a rigorous screening process 16-17% of those who are admitted fail to turn themselves in as scheduled to MCRC.

It should be noted that most work release programs do not have a screening process and many, nation wide, are operated out of secure facilities. In 1994 the MCRC went through an exhaustive accreditation process with the American Corrections Association. The program, at that time, scored the highest of any such program in the nation. In previous studies it has also been found that MCRC had the lowest recidivist rate in the nation.

Population Trends at MCRC

Although the approved operating capacity of MCRC was raised to 160 in 1989, it was not budgeted at that level until July 1997 and full expansion of staffing to handle increased population did not occur until September 1988. The following graph shows the relationship of actual population to budgeted capacity.

MCRC Population Over Time

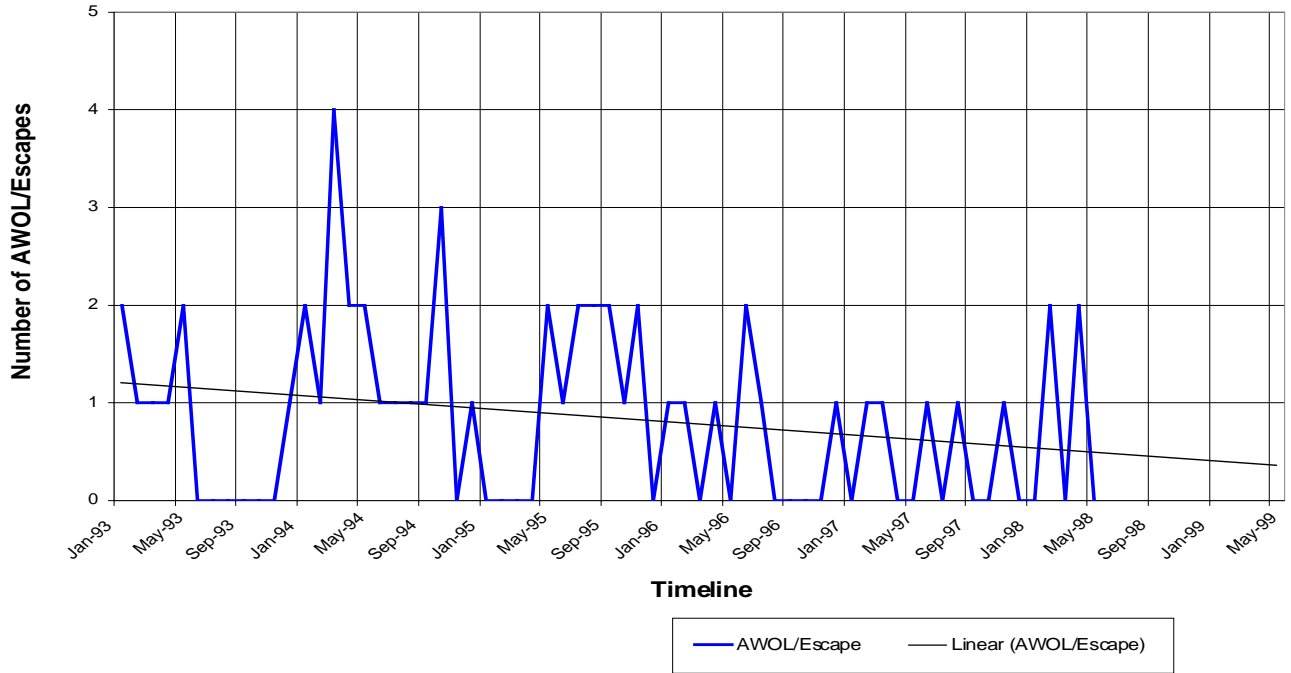


Resident Management Issues at MCRC

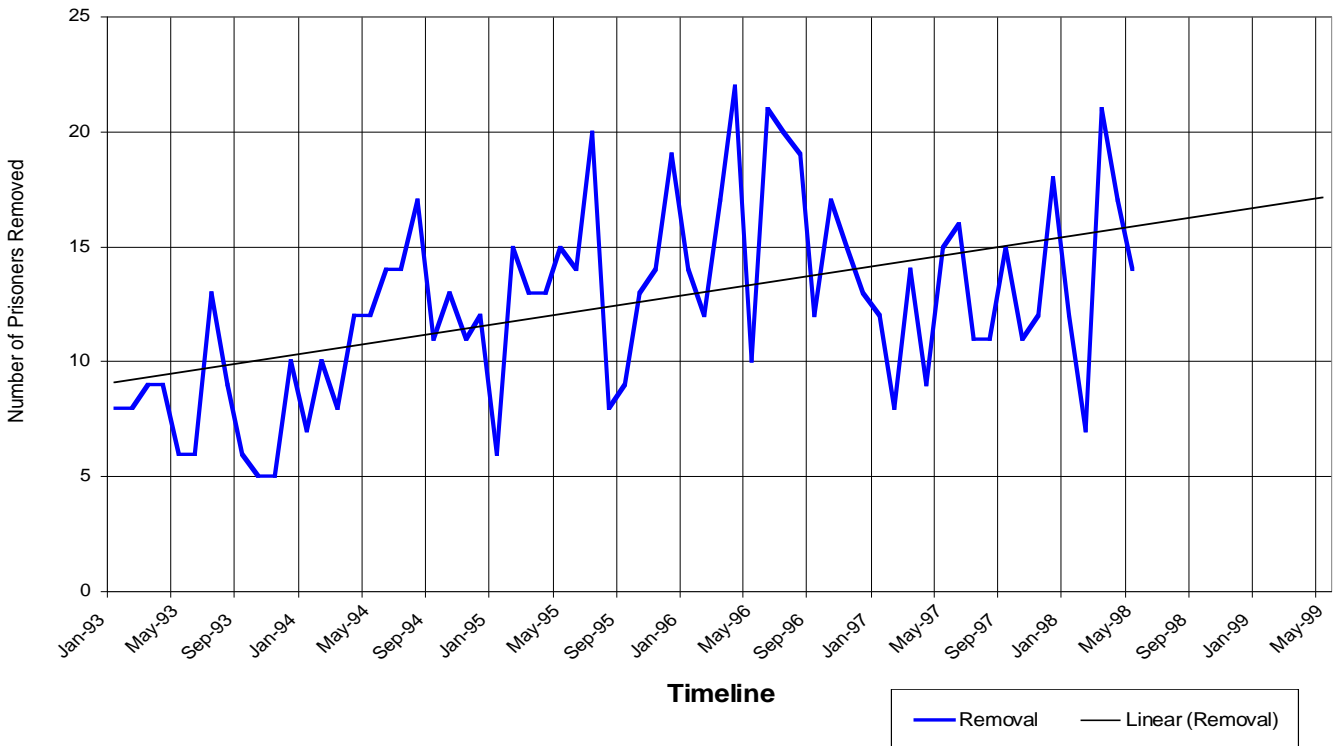
The remainder of this review focuses on population management and access issues, which influence how many inmates and what types of inmates that MCRC can reasonably handle. During interviews MCRC staff expressed concern that the facility is not designed nor staffed to handle serious behavioral disruptions and security risks. The facility is five floors with multiple small rooms and no clear line of sight. Despite a focus on accepting motivated offenders, residents of MCRC do escape or go AWOL (absent without leave) or are removed from the facility due to disruptive behavior.

The rates AWOL/Escapes and disciplinary removals are shown in the following graphs.

AWOL/Escapes Over Time



MCRC Resident Removal Over Time



In the past few years AWOLS/escapes typically vary from 0-2 per month, with a long-term downward trend. Disciplinary removals typically vary from 10-20 per month with a long-term upward trend.

The hypothesis was tested that an increasing acceptance rate correlated with increased escapes/AWOLS and disciplinary removals. No such correlation was found in the data. However, higher population did show a statistically significant correlation with a higher rate of disciplinary removals. This lends statistical support to the belief of MCRC staff that higher population levels are more difficult to manage. Their observation has been that as population rises that staff spends more time “putting out brush fires” and less in more therapeutic interaction with inmates.

Accessibility of MCRC to Probation and Parole Officers

Recent questions have been raised about the accessibility or lack of it to MCRC by probationers and parolees² supervised by the Department of Juvenile and Adult Community Justice Services (JACS). A review conducted by MCRC found that since 1993 only 28 cases have been **directly** presented to the Screening Committee by probation/parole officers (POs) with 23 (82%) being accepted. However, a review of all residents at MCRC on August 4, 1998 showed that 81% currently had a Multnomah County PO. (An additional 15% had POs in other counties). JACS supervised offenders obviously make up the bulk of the MCRC population, although their route into MCRC is not via direct referral by the POs. Most MCRC referrals are either by the courts or by jail staff.

Interviews with MCRC staff indicate that there have been repeated offers by MCRC staff to train POs in how to directly access the Restitution Center. Interviews with JACS staff indicate that most POs:

- 1) believe the clients they supervise would not meet eligibility requirements;
- 2) and/or it has been easier for the PO to revoke probation or parole and let the courts make the referral to MCRC. This has the effect of shifting this workload to the courts.

Assignment by JACS of a single PO to handle all referrals to MCRC did not substantially increase the number of referrals.

Interviews with JACS indicate the following services are needed by POs to manage their caseload:

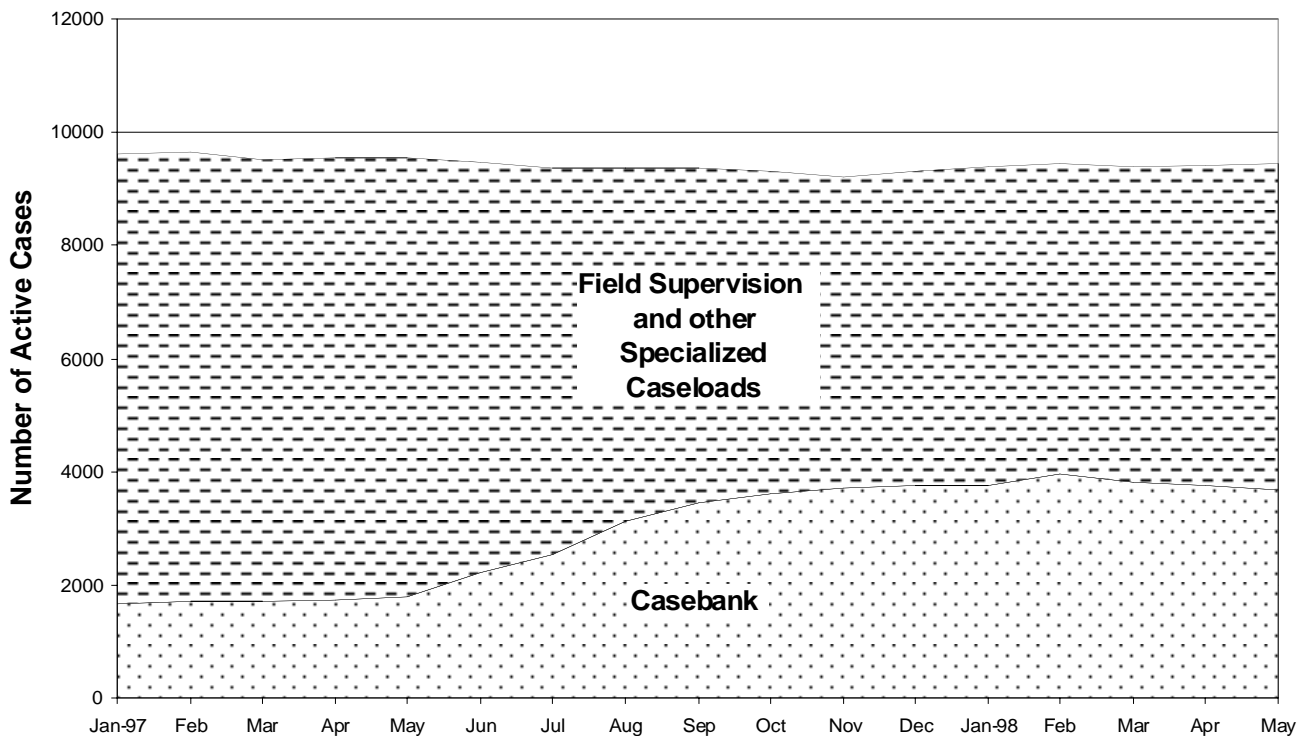
- 1) Immediate access to drug free housing--Parolees and probationers are constantly losing their housing for a variety of reasons and POs need a place to quickly stabilize the situation;
- 2) Longer term housing where the entire day can be structured;
- 3) A “bare bones” jail environment for limited duration sanctions.

² The current accepted term in lieu of parole is post-prison supervision. Due to changes over the last ten years in the statutes governing this status there are now three sets of governing statutes, depending on when an inmate committed their crime. Inmates may be under multiple statute sets if they have committed crimes at different times. The term parole refers to one of these earlier sets of laws. Although it is technically incorrect, this report often uses the term parole in lieu of the longer post-prison-supervision.

The Restitution Center can conceivably help to meet the second need. Limited direct use of the Restitution center by POs appears to be due to actual or perceived difficulty in accessing that facility. There appears to be a major philosophical difference between the type of inmate that MCRC either can accept (limited danger to the community) or prefers to accept (motivated to be in the program) and those who are currently the focus of JACS probation/parole officers.

During 1997 JACS began to concentrate their supervision on “High Risk” and “Medium Risk” offenders who have committed “Targeted Offenses”—which are primarily person to person crimes. Most “Low Risk”, “Limited Risk”, and non-targeted “Medium Risk” offenders were assigned to Casebank where they periodically self-report by telephone or mail but have no regularly scheduled face to face contact with probation/parole officers. This shift is shown in the following graph.

**Department of Juvenile and Adult Community Justice Services
Active Caseload for Adult Parole/Post-prison supervision/Probation**



The Casebank approach was supported by a January 1997 audit, which found that Casebank offenders “were no more likely to be re-arrested, convicted, or revoked than comparable offenders supervised traditionally on general caseloads.”³ The approach of concentrating criminal justice resources on higher risk offenders is also supported by a

³ *Community Corrections, Mixed results from new supervision programs*, Multnomah County Auditor’s Office, January 1997 p. iii

wealth of national data, which suggests that more intensive and appropriate intervention with higher risk offenders can reduce recidivism but may actually increase recidivism rates of low risk offenders.⁴ The National Council on Crime and Delinquency is conducting a further local evaluation of this revision in how adult offenders are supervised.

By concentrating on offenders motivated to change and posing relatively low risk to the community MCRC tends to select those offenders who are no longer the primary focus of the JACS probation/parole/post prison supervision caseload.

Definition of Risk

The core of this philosophical difference is what constitutes “risk”. JACS uses an instrument developed and tested by the State of Oregon Department of Corrections. It was first used in 1991 and improved in 1994 as a result of a validation study and recommendations by the National Council on Crime and Delinquency. This instrument is designed to predict the likelihood of offenders to reoffend. It is used by JACS to determine an appropriate level of community supervision and to calculate PO workload.

The instrument defines the following risk levels: High, Medium, Low, and Limited. There is an Initial Assessment and periodic Reassessments. The Risk Reassessment Instrument was designed specifically for community supervision use. It uses seven questions. The first three are the historical behavior factors that are carried forward from the Initial Risk Assessment. They are: 1. the number of prior convictions for robbery, burglary, or theft; 2. the number of prior convictions for drug offenses; 3. the number of prior incarcerations. The final four questions focus on client behavior under supervision since the last assessment was completed. These include: 1. prior probation, parole, or conditional release violations resulting in a custody sanction; 2. substance abuse problems in the community; 3. response to conditions of supervision; 4. verified employment.

Reviewing the MCRC Eligibility Criteria, many of these same factors are considered. MCRC also focuses on person to person crimes, which the risk assessment instrument does not (other than robbery), and additional factors such as the motivation of the inmate. The result is a clear philosophical difference between what MCRC chooses and the current focus of JACS community supervision. MCRC focuses on: selecting offenders that can be safely managed at their facility; on limiting risk to the community; and on offenders who are motivated to be in their program. JACS is concentrating active field supervision on medium to high risk offenders, many of which have a long criminal history and may not be “cooperative or motivated.” The limited use by JACS of the Restitution Center by its field POs should come as no surprise.

Role of MCRC in the Correctional System

There is a temptation to jump to the conclusion that MCRC should expand its eligibility criteria to include the higher risk offenders who are currently the focus of JACS field

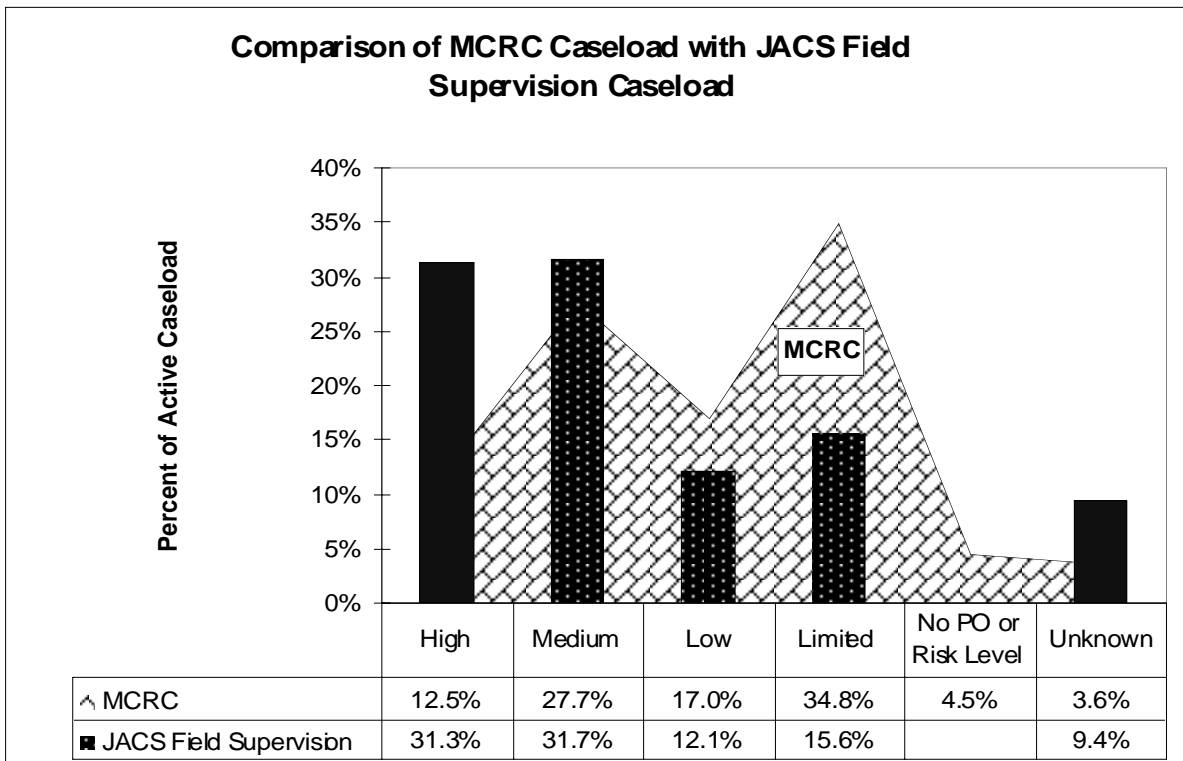
⁴ Public Protection Through Offender Risk Reduction: Evidence Based Practice, National Institute of Corrections and International Community Corrections Association, 1996.

supervision. There is no doubt that high and medium risk offenders can use this type of facility. During 1994-96 JACS operated a work release center at a facility leased from Clackamas County. During the first year of operation it served primarily as a transition facility for inmates being released from prison. During its second year of operation it focused more on being a resource to fields POs. Due to its design and location the facility was able to accept nearly all referrals. Interviews with JACS personnel indicate that most inmates in this program were successful in getting jobs. Unfortunately, in December 1996 Clackamas County decided to operate the facility. JACS was unable to re-site and reluctantly closed the program. At this time JACS contracted with MCRC for 40 beds for work release. Interviews with JACS personnel indicate that they feel unable to place the same level of offender at MCRC that they did in their previous facility.

To more clearly determine who the Restitution Center is serving, a profile was done of all 112 residents present on August 4, 1998. The following profile emerged:

The typical resident at MCRC is a 32-year-old male who has been involved with Multnomah County's criminal justice system for 4.3 years. He has been booked in Multnomah County jails an average of 6 times. He is a repeat offender of one or more of the following types of crimes: property crimes; drug crimes; repeated driving while intoxicated and without a license; relatively minor person to person crimes; miscellaneous behavior crimes such as failure to pay support, resisting arrest, criminal mischief, trespass, etc. He is most likely Limited, Low, or Medium risk.

The following graph compares the risk profile of Restitution Center residents with the risk profile of offenders in JACS regular field supervision and other specialized field caseloads such as domestic violence, boot camp, DUII, gang members, etc.



The graph shows that the JACS field supervision caseload is 31.3% high risk cases while 12.5% of MCRC's caseload is high risk. Conversely, 15.6% of the JACS field supervision caseload is limited risk while 34.8% of MCRC's caseload is limited risk. Low and limited risk offenders occupy 51.8% of MCRC beds.

The preceding data can be summarized as follows:

- Most MCRC inmates do have a JACS PO, hence are JACS active caseload
- Most MCRC inmates are limited, low, or medium risk
- Most JACS limited, low, and non-targeted medium risk offenders are placed in Casebank
- Nearly all offenders in MCRC have been referred by the courts or jail staff, not field POs

A logical conclusion is that the courts and jail staff are using MCRC as a sanction and treatment resource for offenders as a condition of probation or for offenders who are not successful in Casebank. In this role, MCRC is serving a JACS caseload, but is not performing the same role as the work release center that had been previously operated by JACS.

If MCRC is indeed being used as a sanction for lower risk Casebank offenders, it may be that these offenders are receiving a more severe sanction through the courts than the higher risk JACS parole caseload. Since November 1997 local authorities (JACS POs, PO supervisors, hearing officers) have been able to sanction parole violators to sanctions of 31-90 days. Local authorities had previously been able to sanction up to 30 days with the State Parole Board reserving the right to impose longer sanctions. There is the possibility that some local sanctions imposed by JACS for the parole population are less severe than sanctions that judges impose on the Casebank offenders. This was not confirmed by this study, but the question probably merits further examination.

Interviews with Judges

Two judges with the Multnomah County Circuit Court, The Honorable Janice Wilson and The Honorable William Keys were interviewed as part of this study. They were asked two questions:

- 1) Did they feel that MCRC was serving a valuable role in the criminal justice system?
- 2) What was their experience in referring offenders to MCRC?

Both judges believe that MCRC is a very valuable part of the system. They laud its linkage of treatment and accountability. They welcome the opportunity to sanction an offender and to do so without causing them to lose a job.

However, both expressed some reservations with their lack of ability to get all their referrals into the facility. Judge Keys added the observation that for various historical and political reasons that the Restitution Center is much more selective than he wishes it would be. He feels the Restitution Center is especially important for inmates who need to be sanctioned and already have a job. The sanction is needed, but is there any sense in causing them to lose a job as well?

Conclusions

1. The Restitution Center plays a valuable role in the array of sanctions and treatment available in the criminal justice system. It is exemplary among national work release programs.
2. MCRC accepts about 80% of referrals. About 16-17% of those who are accepted fail to turn themselves in to MCRC as scheduled.
3. The primary use of MCRC appears to be judges sentencing offenders to the MCRC as a condition of probation or judges sanctioning JACS Casebank offenders who need additional sanction or treatment. MCRC is much less a resource to field POs.
4. It appears that there is a perception among some judges and POs that some inmates are rejected solely because they would not be successful, and/or have been in the program before. The Sheriff's Office, in reviewing a draft of this document, cites that predicted lack of success is tied to considerations such as out of control substance abuse, mental health issues, and in a few cases physical issues that would not allow a person to work; these latter reasons are the actual reasons why inmates are being rejected. This study could not resolve this difference in perception, but it does point to an underlying communication problem between MCRC and judges and POs concerning reasons for rejection.
5. The Sheriff's Office does not support any relaxation in the admission criteria to MCRC. "Our decisions have been reached over many years of screening candidates that require inpatient treatment prior to beginning work release. Although the offender may have been denied initially, they would be reconsidered for MCRC placement upon completion of the appropriate inpatient treatment and are usually more successful than those who do not receive treatment first. Our philosophy is not just a quick fix but trying to make long term changes in the offender's life."
6. This report could not resolve issues concerning how the physical layout of MCRC differs from the former work release facility operated at the Clackamas County site. This relates to what level of security risk MCRC could handle, apart from philosophical differences concerning which inmates should be there.
7. Many judges and field POs working with higher risk offenders would welcome a work release facility with less restricted access. For MCRC to play this role there would have to be:
 - a. a shift in philosophy of which inmates should be in that facility;
 - b. addressing of siting concerns;
 - c. examination of the physical ability of MCRC to accommodate higher risk offenders.