

# **APPENDIX B4. JO CO's MINIMALLY ADEQUATE LEVEL OF PUBLIC SAFETY SERVICES (MALPSS) STANDARDS**

**Including Law Enforcement Staffing &  
Deployment**

*Justice System & Public Safety Services  
Study Design: 2015*



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**Very Draft** December 15, 2015

## **Appendix B4. JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS) Standards**

### ***Justice System & Public Safety Services Study Design: 2015 (Study Design)***

Web Page: <http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

Very Draft December 15, 2015

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## ACRONYMS & ABBREVIATIONS

“x”	“x” amount of law enforcement per measure of population.
24/7	Twenty-four hours a day, seven days a week (“24/7”)
ACGPA	Oregon Advisory Committee on Government Performance and Accountability (ACGPA)
AOC	Association of Oregon Counties
AL	Adequate Level (AL) of PSS
ALOPSS	Adequate Level (AL) of PSS
Appen.	Appendix
APS	Analysis of Public Situation
AWA	Animal Welfare Act
Atty.	Attorney
BCC	Board of County Commissioners
BJS	The Bureau of Justice Statistics (BJS), within the Office of Justice Programs (OJP), within the United States Department of Justice (DOJ)
BPST	Oregon Advisory Board on Police Standards and Training
Br.	Brochure
CA	Content Analysis (CA) of Public Opinion
CAC	Corrections Advisory Committee
CALEA	Commission on Accreditation for Law Enforcement Agencies, Inc.
CFPI	Center for Public Integrity
Chpt.	Chapter
CJC	Criminal Justice Commission
CO	Correctional Officer
CPI	Center for Public Integrity
Committee	Hugo JS&PSS Exploratory Committee, Hugo Neighborhood Association & Historical Society
CP	Comprehensive Preparedness
Conditions	Affected Conditions
CPE	Center for Policing Excellence, DPSST
CPSFE	County Public Safety Fiscal Emergencies (Appendix A)
DA	District Attorney
DAS	Oregon Department of Administrative Services (DAS)
Dept.	Department
DOJ	United States Department of Justice (DOJ)
DPR	Differential Police Response (DPR) Strategies
DPSST	Oregon Department of Public Safety Standards and Training; Dept. of Public Safety Standards and Training
EL	Emergency Level (EL)
ELPSS	Emergency Level (EL) of PSS (Public Safety Services Emergency - PSSE)
Emerg.	Emergency
FAC	Fire Advisory Committee
FBI	Federal Bureau of Investigation
Fed.	Federal Government
FTE	Full-time Equivalent
Gen.	General
Gov.	Governor
GP	City of Grants Pass, Oregon
H.B.	House Bill
H.B. 3453	Oregon House Bill 3453 (2013)
H.B. 4176	Oregon House Bill 4176 (2012)
HNA&HS	Hugo Neighborhood Association & Historical Society
IACP	International Association of Chiefs of Police
IDC	Instructor Development Course
ID Team	Interdisciplinary Team

IL	Inadequate Level (IL) of PSS
ILPSS	Inadequate Level (IL) of PSS
IOUI	Incomplete Or Unavailable Information.
JO CO	Josephine County
JO CO	Josephine County, Oregon
JO CO Provided	JO CO Provided PSS
JO CO PSS	1. Adult Jail Beds, 2. Juvenile Justice Center, 3. District Attorney's Office, 4. Court Services, 5. Rural Patrol Deputies, 6. Criminal Investigations & Related Sheriff's Office Support Services, and 7. Animal Protection.
JS&PSS	Justice System & Public Safety Services
JS&PSS Issue	Josephine County's Justice System & Public Safety Services (JS&PSS) Problem/Issue
LCPSCC	Lane County Public Safety Coordinating Council
LEDS	Law Enforcement Data System
LES&D	Law Enforcement Staffing & Deployment
LTAL	Less than Adequate Level (LTAL) of PSS
LTALPSS	Less than Adequate Level (LTAL) of PSS
LTTE	Letters-To-The-Editor
MAL	Minimally adequate level (MAL) of PSS
MALPSS	Minimally Adequate Level Of Public Safety Services
MALPSS Categories	MALPSS Range of Ratings
MPP	Master's of Public Policy (MPP) Essay Research Paper
NIC	The National Institute of Corrections, U.S. Department of Justice
NSA	National Sheriff's Association
NOBLE	National Organization of Black Law Enforcement Executives
ORAR	Oregon Administrative Rules
ORAR 213-070 (2011)	Minimally Adequate Level of Public Safety Services (Appendix B)
ORAR 213-070-0000	Purpose (Appendix B)
ORAR 213-070-0005	Policy (Appendix B)
ORAR 213-070-0010	Definitions (Appendix B)
ORAR 213-070-0020	Current Level of Public Safety Services (Appendix B)
ORAR 213-070-0030	Historical Level of Public Safety Services (Appendix B)
ORAR 213-070-0040	Context Under Which Factors Are to Be Considered (Appendix B)
ORAR 213-070-0050	Findings and Recommendation (Appendix B)
O & C	Oregon & California
OCJC	Oregon Criminal Justice Commission
OJP	Office of Justice Programs (OJP) within the United States Department of Justice (DOJ)
OL	Optimal Level (OL) of PSS
OLPSS	Optimal Level (OL) of PSS
Op	Opinion
Op Atty Gen	Opinion of the Attorney General
OR	Oregon
ORS	Oregon Revised Statutes
ORS 181.610 - 181.705	Public Safety Standards and Training Act
ORS 181.750 - 703.990	Oregon Community Crime Prevention Information Center
ORS 203.095	County fiscal emergency with respect to state-required services; establishment of fiscal assistance board; recovery plan; ORS 203.095; ORS 203.100; & ORS 203.105 (App. A)
ORS 206.015	Sheriff's Qualifications Act
ORS 703.010	Polygraph Examiners Act
OSHA	Occupational Safety and Health Administration; Occupational Safety and Health Act of 1970 (OSHA)
OSP	Oregon State Police
OSPIRG	Oregon State Public Interest Research Group
OSSA	Oregon State Sheriff's Association

OSU	Oregon State University
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PAC	Police Advisory Committee
PERF	Police Executive Research Forum
PLAC	Polygraph Licensing Advisory Committee
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PSAC	Private Security Advisory Committee
PSCC	Public Safety Coordinating Council
PSFE	Public Safety Fiscal Emergency
PSSE	Public Safety Services Emergency
PSS	Public Safety Services
Rep.	Representative
RFP	Request For Proposal
RSP	Rural Studies Program (RSP) in OSU School of Public Policy
S.B.	Senate Bill
S.B. 77	Oregon Senate Bill 77 (2009)
<i>Scope of Work</i>	2013 JS&PSS Issue Scope Of Work
Sec.	Secretary
SFD	State of Fiscal Distress
SFST	Standardized Field Sobriety Testing
S-RS	State-Required Services (PSS)
SSR	Safe and Secure Rural Schools Act
TAC	Telecommunications Advisory Committee
State Provided	State Provided PSS
State-JO CO Shared	State-JO CO Shared PSS
<i>Study</i>	Final JS&PSS <i>Study</i>
<i>Study Design</i>	<i>The Justice System &amp; Public Safety Services Study Design: 2015 (Study Design)</i>
<i>Study Team</i>	Future Interdisciplinary Impact <i>Study Team</i>
Task Force	Governor's Task Force on Federal Forest Payments and County Services
TGPDC	<i>The Grants Pass Daily Courier</i>
UCR	Uniform Crime Reports.
USDA	United States Department of Agriculture
U.S.	United States
Vol.	Volume

## DEFINITIONS

Accessible Vetted Public Facts/Inventories	Understanding is made more difficult with all those noisy facts when truth isn't always something as clear and unquestionable as desired. It is believed that a step in the right direction is for different publics, that don't trust each other to share vetted, or checked, information. This is one of the purposes of <i>Study Design</i> – for citizens to speak a common language, to solve problems, not to spend valuable time and energy discussing potential conflicting facts. For that purpose, a web page of “ <i>listening</i> ” to baseline information, vetted facts, and disputed facts, has been started for consideration in <i>Study</i> : letters-to-the-editor (over 800); guest opinions (10 and adding), media articles (over 650), voters pamphlets (5), and studies & information (24 - e.g., declining federal payments to counties, demographic & population, health, OR reports of criminal offenses and arrests, local crime information, budget, etc.).
APS	Analysis of Public Situation - The APS is a document that provides information to characterize the JO CO JS&PSS Issue profile, describe any limitations, and identify opportunities to respond to the identified JS&PSS issues. Why do we need it? This analysis provides the basis for the proposed issues, range of alternatives, and affected conditions of the <i>Study</i> , which is based primarily on socio-economic conditions, existing laws, and science, including the types of safety services for maintenance or development.
BJS Ratio Data	The Bureau of Justice Statistics (BJS), within the Office of Justice Programs (OJP), within the United States Department of Justice (DOJ) publishes Local Police Departments report every three to four years. This report contains excellent and highly reliable data on state and local police personnel throughout the U.S. One aspect of this report is the average ratio of full time officers per 1,000 residents.
Capacity Based Release	“Capacity based release” is a procedure by which inmates awaiting trial are released pending trial, and sentenced inmates are released into the community before their sentence has ended, in order to ensure that jails do not exceed capacity. The inmates with the least perceived risk are those who should be released, until the requisite population level is reached (OAR 213-070-0010. Definitions; Appendix B).
Comprehensive Preparedness	Comprehensive Preparedness (CP) is a tool for developing emergency information and operations plans (as needed). It promotes a common understanding of the fundamentals of risk-informed planning and decision making to help the public examine a hazard or threat and produce integrated, coordinated, and synchronized plans and responses. The goal of CP is to assist in making the planning process routine across all phases of emergency management. CP helps the public and planners at all levels of government in their efforts to develop and maintain viable emergency plans.
Conditions	Affected Conditions - A description of the existing conditions to be affected by the range of publicly identified alternatives.
CPSFE Declaration of PSSE	County Public Safety Fiscal Emergencies (Appendix A) The Governor shall either issue the declaration of a PSSE, if the Governor determines that the county's fiscal distress prevents the county from providing a MALPSS, or issue a determination that the county's fiscal distress does not cause the county to provide a less than MALPSS. Declaration of a PSSE occurs establish a fiscal control board for the distressed CO.
Hope	Do better facts create, cause, or contribute to better decisions by the public? The authors will continue to try and serve a fresh source of public safety facts, researched and verified, to help citizens make better decisions and drive better conversations. The camaraderie of being part of a team, knowing defeat if it comes is O.K., as long as they show discipline and dedication with respect and sportsmanship in their drive for the facts. The belief that the benefits of common accurate facts to better explain the JO CO JS&PSS Issue is worth the effort.
Indicator	An indicator is a variable, either singly or in combination with another variable, which is taken as indicative of the condition of a sub-component of JO CO's PSS. An indicator is the specific variable by which compliance is described. A comprehensive description of the indicator(s) are the documented affected conditions being compared with a MALPSS

standard in some significant way. The indicators in the affected conditions section provide a benchmark or baseline for enabling the public to compare the magnitude and importance of variation from the MALPSS standards.

IOUI	Incomplete Or Unavailable Information (IOUI). A second additional, and just as important, requirement of the affected conditions section in the study is to always make it clear when there is any incomplete or unavailable information relating to the MALPSS. If the incomplete information is relevant to a reasonably foreseeable and is essential to a reasoned choice among possible MALPSS standards, and the overall costs of obtaining it are not exorbitant, the information shall be included in the MALPSS analysis. However, if the information cannot be obtained because the overall costs of obtaining it are exorbitant, or the means to obtain it are not known, the affected conditions section shall have a statement that such information is incomplete or unavailable.
JO CO PSS	1. Adult Jail Beds, 2. Juvenile Justice Center, 3. District Attorney’s Office, 4. Court Services, 5. Rural Patrol Deputies, 6. Criminal Investigations & Related Sheriff’s Office Support Services, and 7. Animal Protection.
Legitimate	All citizens, voters, and votes are legitimate.
OSHA	Occupational Safety and Health Administration (OSHA) is a federal organization (part of the Department of Labor) that ensures safe and healthy working conditions for Americans by enforcing standards and providing workplace safety training.
Socio-Economic	Of, relating to, or signifying the combination or interaction of social and economic factors: socioeconomic study; socioeconomic status.
Minimally Adequate Level of Public Safety Services	“Minimally Adequate Level of Public Safety Services” is that level of public safety services determined to be required to provide a reasonable level of public safety within the county. The Commission will determine the level of services that are minimally adequate in a particular county by following the process set forth in these rules, analyzing the contextual factors present in the county as well as the current and historical levels of public safety services provided by the county (OAR 213-070-0010. Definitions; Appendix B).
MALPSS	“Minimally Adequate Level of Public Safety Services” (MALPSS) is that level of PSS determined to be required to provide a reasonable level of public safety within the CO. The Com will determine the level of services that are minimally adequate in a particular CO by following the process set forth in these rules, analyzing the contextual factors present in the county as well as the current and historical levels of PSS provided by the CO.
MALPSS Categories	<ul style="list-style-type: none"> <li>• Optimal Level (OL) of PSS (includes discretionary services)</li> <li>• Adequate Level (AL) of PSS (LES&amp;D - actual workload)</li> <li>• Minimally Adequate Level of PSS (MALPSS)</li> <li>• Less than Adequate Level (LTAL) of PSS</li> <li>• Inadequate Level (IL) of PSS</li> <li>• Emergency Level (EL) of PSS (Public Safety Services Emergency - PSSE)</li> </ul>
Neutral	<i>Study</i> to be researched and written from a neutral point of view, meaning representing fairly, proportionately, and, as far as possible, without bias, all public views that have been published by reliable sources on the safety topic.
ORS 203.095 Outcomes	203.095; ORS 203.100; & ORS 203.105 (Appendix A) Outcomes are clearly stated results for Josephine County (JO CO) citizens and stakeholders who are supposed to benefit; set of activities for the planning, managing, and realizing of the desired outcomes from initiatives.
Performance Standards	Performance standards provide the employee with specific performance expectations for each major duty. They are the observable behaviors and actions which explain how the job is to be done, plus the results that are expected for satisfactory job performance.
Public Safety Services	“Public Safety Services Emergency” is a situation in which a county is in a state of fiscal

Emergency	distress that compromises the county’s ability to provide a Minimally Adequate Level of Public Safety Services (OAR 213-070-0010. Definitions; Appendix B).
PSS Emergency	“PSS Emergency” is a situation in which a CO is in a state of fiscal distress that compromises the CO’s ability to provide a MALPSS. Current Level of PSS OAR 213-070-0020 This rule defines information sources and areas of PSS such as CO jail operations and law enforcement, investigation, and patrol (2011 Definitions OAR 213-070-0010 - Revoked).
Safety Program	The JO CO’s present public safety program has the following separate funding components: 1. adult jail beds, 2. juvenile justice center, 3. district attorney’s office, 4. court services, 5. rural patrol deputies, 6. criminal investigations & related sheriff’s office support services, and 7. animal protection.
Significance	Another screen used to identify importance - Significance. It is used to address the importance of any variation from the MALPSS standards
Significance Determination	A determination of significance requires a consideration of both context and intensity. To determine significance, impact predictions are compared to identified standards (i.e., maximum/minimum level of effect) beyond which the impacts become significant. The standard is the basis for identifying the conclusionary levels of an impact.
Significant Impact	A significant impact is a change in the human conditions which if beyond a certain threshold become important. The components of a significant impact are its indicator, standard, and conclusion. Impacts, effects, and consequences are synonymous. Effects may be direct, indirect, or cumulative. Impact predictions are compared to identified standards (i.e., maximum/minimum level of effect) beyond which the impacts become significant).
Significant Issue	A significant issue is a subject or question of widespread public discussion or interest regarding the JS&PSS Issue. The impact methodology of identifying significant impacts starts first with the definition of the significant issues during scoping.
Stakeholder	A stakeholder is anyone affected by, or with an interest in, the JS&PSS Issue.
Standard	A standard is a measurable aspect of an indicator (i.e., components and sub-components of JO CO’s PSS). Setting standards is a judgmental process; however, the process is logical, traceable, and subject to public and government review (i.e., the scientific method) in the Analysis of the Public Situation (APS). A standard is the level, point, or value above which something will take place, or below which it will not take place. A standard provides a base against which a particular condition and/or change can be judged as acceptable or not. Standards or thresholds can be used to determine whether a change in an indicator or impact is significant (either beneficial or adverse).
Study	The <i>Study</i> is a socio-economic impact study that will document a comparison of the publicly identified range of alternative solutions for the JS&PSS Issue. The <i>Study</i> components include the following: 1. the publicly identified issues, range of alternative solutions, and affected conditions; and 2. analyzing the impacts of each alternative evaluated by condition indicators and standards through a combination of citizen input and professional expert investigations.
Study Design	The <i>Justice System &amp; Public Safety Services Study Design: 2015 (Study Design)</i> sets the design parameters for the impact <i>Study</i> project which will document a comparison of the publicly identified range of alternative solutions for the JS&PSS Issue. The <i>Study Design</i> process will be completed in three phases: 1. <i>Study Design</i> , 2. Grant Process, and 3. <i>Study</i> .
Sworn officers	At the state law enforcement level, sworn officers include police, sheriffs, and highway patrol. There are also some code enforcement officers and even reserve officers who have a degree of authority based on their position and the penal code.
Sworn vs. Non-sworn	Those who are considered "sworn" are typically those who have been through an academy, are carrying a badge and ID that identifies them as sworn peace officers, and are usually armed. Non-sworn personnel are generally support personnel.

Vetted Facts                      In an independent neutral planning analysis, facts/inventories are gathered and vetted, or checked, to determine their accuracy and usefulness.

Zero-Based Budgeting                      Zero-based budgeting is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, departmental managers justify only variances versus past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved.

- OAR 213-070-0000                      Purpose (Appendix B)
- OAR 213-070-0005                      Policy (Appendix B)
- OAR 213-070-0010                      Definitions (Appendix B)
- OAR 213-070-0020                      Current Level of Public Safety Services (Appendix B)
- OAR 213-070-0030                      Historical Level of Public Safety Services (Appendix B)
- OAR 213-070-0040                      Context Under Which Factors Are to Be Considered (Appendix B)

State of Fiscal Distress (SFD).

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## QUESTIONS???

- Number of offenses per 100,000 population,
- Rates per 100,000 population
- $\text{Number of Crimes} / \text{Population} \times 100,000 = \text{Crime Rate Per } 100,000$
- Law Enforcement Officers Per Capita
- Service rate as a number of calls per service per 1 sworn officer for that year.
- 

**Crime Rate.** The strict definition of mathematical rate is: “is a ratio between two measurements with different units”. Calculating Rate is a way of normalizing between different units. Crime rate is the number of crimes that occur in a given population. Crime rate is normally expressed as the number of crimes per 100,000. In order to calculate this the formula would look like this:  $(\text{Number of Crimes} / \text{Population}) \times 100,000 = \text{Crime Rate Per } 100,000$ . “x” is amount of law enforcement per capita (measure of population).

**First, you need to define what counts as “law enforcement personnel.”** Do we count everyone employed by law enforcement agencies? Or only patrol officers? Or officers, deputies, detectives, and supervisors? Or only “sworn” personnel? Do we count part-time or full-time? Are there confounding variables (like officers who work for multiple agencies)?

Then you need to decide if you’re looking at state, or local, or both, or federal, or all of the above. Then you need to decide which organization’s numbers you’re going to use — **BLS? NLEOMF? FBI? BJS? — and trust.** All of these organizations report conflicting numbers. What’s their methodology? What’s the margin of error? And how old are the numbers?

BLS	Bureau of Labor Statistics
NLEOMF	National Law Enforcement Officers Memorial Fund
FBI	Federal Bureau of Investigation / The FBI’s Uniform Crime Reports
BJS	Bureau of Justice Statistics

\*\*\*\*\*

## **Law Enforcement Officers Per Capita for Cities, Local Departments**

<http://www.governing.com/gov-data/safety-justice/law-enforcement-police-department-employee-totals-for-cities.html>

NOTE: View updated 2012 police employment data here.

The following table shows the number of total full-time law enforcement employees and officers per agency in 2010, as reported to the FBI’s Uniform Crime Reporting Program. Columns on the right show the number of police employees and officers per 10,000 residents. Click column headings to sort the data. Employee totals for the most populous 100 localities reporting data are listed.

**economics of policing and community safety** Discussions regarding the economics of policing and community safety are ongoing. These discussions are framed around identifying the nature of police expenditures, as well as ways to reduce costs while continuing to meet police responsibilities regarding public safety. Considerations around the economics of policing and community safety

Efficiency, as a ratio in which the denominator is measure of resources, can be expressed in different ways: per dollar, per officer, per employee, or per hour.

C:\Users\Mike\Documents\AAA Applications\Hugo\_Neighborhood\_Association\Community\_Issues\JO CO Public Safety Services 2015\Proposed Study\JSPSS\_AppxB4\_MALPSS\_FINALDRAFT1\_121515.wpd



## Appendix B4. JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS) Standards

### Executive Summary (ES)

The Josephine County's (JO CO's) Minimally Adequate Level Of Public Safety Services (MALPSS) Standards project is summarized in its seven chapters.

1. What's the Problem?
2. History MALPSS.
3. Types of Public Safety Standards.
4. What are the JO CO's MALPSS and Their Value?
5. Standards for Components of JO CO JS&PSS Public Safety Program.
6. Benefits of Public Understanding MALPSS Standards.
7. Potential Research Topics.

**The first chapter, *What's the Problem?***, is about a question, *What is the JO CO's Justice System & Public Safety Services (JS&PSS) Problem/Issue?* The question was asked, but not answered. That is the research project of identifying public opinion through content analysis. The Committee had two responses to the first question.

Response 1. It felt part of the problem was because JO CO citizens have never had to understand and debate needed levels and funding for public safety. That public debate has now been raging intensively since 2012.

Response 2. It posed a second question, *Or, is there a problem, and if so, judged by what standards?*

Understanding and designing solutions are complicated tasks as there are substantial differences between Oregon counties in terms of their geographic and demographic characteristics, priorities, historic crime rates, willingness to tolerate certain levels of crime, and past and present funding of various public safety services. This complexity is also found at the local level in Josephine County, Oregon. The issue is not simply taxes versus safety. The range of pro and con reasons for the last four levies and one proposed sales tax from 2012 - 2015 are broad and complex.

A scientific study of the standards used to proclaim a public safety fiscal emergency when fiscal conditions compromise JO CO's ability to provide a *minimally adequate level of public safety services* would help answer the "*Is there a problem.*" question. When is a county in a state of fiscal distress that compromises the county's ability to provide MALPSS? Locally professional opinions have been offered, but the public has not been provided a scientific vetted document study of the MALPSS standards.

There are 16 distinct JO CO public safety services (PSS), some provided by JO CO and some are shared between the county and the state (list provided later in ES). There are four additional PSS provided by the State (Table I-1): appellate court, state police, state prison, and attorney general.

However, the focus in JO CO is not the 16 PSS, but six public safety service components identified for increased funding from 2012 - 2015, during four years of JO CO levies and one City of Grants Pass sales tax proposal. They are locally considered to be the major components of the JO CO public safety program needing additional resources (Table I-2).

1. Adult Jail.
2. Juvenile Justice Center.
3. District Attorney's Office.
4. Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff's Office Support Services.
6. Animal Protection.

The Association of Oregon Counties was the original author of the document, *Task Force on Effective and Cost-Efficient Service Provision*, that identified the three types of funding for PSS: 1. State provided PSS, 2. State/County shared and provided PSS, and 3. County provided PSS. The AOC has been active in addressing the public safety issue statewide through three of its committees. The AOC Public Safety Steering Committee is focused on those issues surrounding protecting individual and community safety from personal injury or loss of property. The Public Lands and Natural Resources Steering Committee seeks appropriate management policies and policy-making processes for public lands and natural resources, guided by the principles of "Enlibra" (national standards, neighborhood solutions; collaboration, not polarization; reward results, not programs; science for facts, process for priorities; markets before mandates; change a heart, change a nation; recognition of benefits and costs; solutions transcend political boundaries). The Human Services Steering Committee deals with those issues that surround the needs of individual Oregonians. Those issues include health care, mental health, public health, seniors, children and veterans.

The Lane County Public Safety Coordinating Council identified a list of PSS components for the purpose of identifying a MALPSS. Its December 1, 2011 analysis, entitled *Status of the Public Safety System in Lane County as per Senate Bill 77*, is enlightening and educational. Of special value was its identified five levels of MALPSS for its PSS which led to the Committee developing its own recommended levels.

- |                 |                                     |
|-----------------|-------------------------------------|
| MALPSS Level 1. | Adequate Level of Service           |
| MALPSS Level 2. | Minimally Adequate Level of Service |
| MALPSS Level 3. | Less than Adequate Level of Service |
| MALPSS Level 4. | Inadequate Level of Service         |
| MALPSS Level 5. | Emergency Level of Service          |

The Lane County PSCC work was instrumental in the Committee developing its own thoughts of a MALPSS analysis. Thank you.

**The second chapter, *History of MALPSS***, addresses the Exploratory Committee's observations about the history of MALPSS (see Chapter II for history). The Committee has several observations about the Oregon Legislative's MALPSS concept, and the public independently becoming informed and prepared.

1. The Oregon Legislature Was Forward In Its Preparedness To Prevent Harm.
2. Early Advice From Professional Oregon Criminal Justice Commission (OCJC).
3. Oregon Legislature Refined MALPASS Planning Process From: 2009 - 2013.
4. Future Refinements OF MALPSS Would Be Valuable.
5. An Educated Public Makes Informed Decisions.

The Oregon Legislature was forward in its preparedness for county public safety fiscal emergencies (PSFE). The general purpose of all the 2009 - 2013 MALPSS legislation was to reduce the potential for loss of life, injury to persons or property and suffering that could result from PSFE, and to provide for recovery and relief assistance. These public safety objectives were to be accomplished by creating cooperation among units of local government and the Governor of Oregon. It was critical that local governments and citizens were involved in improving preparedness for the potential response to a catastrophic public safety event stemming from a PSFE.

The 18 Oregon counties in which there could be a PSFE were those counties that had Oregon and California Railroad Revested Lands (Section I.A). These counties became known as the O & C Counties. Starting in 2012, public safety in the O & C Counties with the following structural features could suffer if the Secure Rural Schools Act (SRS Act) funding ended, and/or significantly diminished: 1. they have substantial percentages of their general funds dependent on the SRS funds (40-70%), 2. most of their general funds are dedicated to public safety, 3. they have relatively low property tax rates and/or receive a small percentage of the property taxes levied in that county with little legal room, or political opportunity, to increase those rates, and 4. substantial fractions of these counties are federally owned, not subject to taxation.

Early advice from professional Oregon Criminal Justice Commission (OCJC) was a prudent decision by the Oregon Legislative. The JS&PSS Committee found the OCJC's MALPSS work sound. It encountered significant difficulty in reviewing and analyzing PSS provided by counties county to determine whether a county is providing a "minimally adequate level of public safety services" (MALPSS). The OCJC had the task of writing the Oregon Administration Regulations (OARs) to implement the law - rules for determining "minimally adequate" PSS in an affected county. The significant first question of the OCJC was, *What services should be taken into account, what are the key data elements in measuring a particular public safety service and how should they be measured?* Significantly, the OCJC developed the only OAR for MALPSS in 2011, since revoked. There have been no OAR to assist potentially affected counties in their decision-making since 2012, a critical length of time without guidance.

Oregon Legislature Refined MALPASS Planning Process From: 2009 - 2013. The Legislature started early in 2009 in anticipation of the 2012 loss of SRS funding and continued to refine its MALPASS planning concept through 2013.

Oregon Senate Bill 77 (2009). SB 77 established the process to declare a public safety services emergency in a fiscally distressed county. The bill had been codified at ORS 203.095 and 203.100. Under this bill the OCJC was identified as the agency to establish the process to declare a public safety services emergency (PSSE) in a fiscally distressed county.

Oregon House Bill 4176 (2012). The 2012 Oregon HB 4176 repealed the law per SB 77. Relating to counties in fiscal distress; creating new provisions; amending ORS 203.095 and 203.100; repealing ORS 203.095 and 203.100; appropriating money; limiting expenditures; and declaring an emergency.

Oregon House Bill 3453 (2013). The 2013 Oregon HB 3453 repealed HB 4176. HB House Bill 3453 is the law today as of December 15, 2015. It provides that the Governor of Oregon may proclaim public safety fiscal emergency (PSFE) for one or more counties where fiscal conditions compromise county ability to provide a MALPASS.

The Committee believes that future refinements of MALPASS would be valuable to address the following.

- Interaction of MALPASS Concept & Home Rule Charters
- Identify Planning Process Methodology and Standards by which MALPASS ratings are categorized and evaluated. The Committee was beginning to consider different possible frameworks of understanding within the context of local counties.
  - Optimal Level of PSS
  - Adequate Level of PSS
  - Minimally Adequate Level of PSS
  - Less than Adequate Level of PSS
  - Inadequate Level of PSS
  - Emergency Level of PSS

The Committee also feels strongly that there must be an understandable MALPASS evaluation methodology that addresses the following analysis process elements in a scientific, documented, public accessible way: 1. affected conditions – description of existing conditions being evaluated by MALPASS indicators and standards, 2. indicators, 3. standards, and 4. significance.

Nevertheless, the Committee believes the Oregon Legislative identified MALPASS concept was sound as a tool to assist counties in fiscal distress whether it was actually implemented by the Oregon Governor, or not (i.e., educational tool for public to have the opportunity to understand in a scientific documented way versus relying on professional opinions alone).

An Educated Public Makes Informed Decisions. As the public becomes ever more involved in the JO CO JS&PSS Problems/Issues as a part of daily life, it is crucial that citizens have the opportunity to develop critical thinking skills to help them decipher the barrage of conflicting information and opinions coming at them, and use this information in their opinion-forming and decision-making processes. This would help them in making decisions about the severity of any identified PSFE.

Comprehensive Preparedness (CP) is a tool for developing emergency information and operations plans (as needed). It promotes a common understanding of the fundamentals of risk-informed planning and decision making to help the public examine a hazard or threat and produce integrated, coordinated, and synchronized plans and responses. The goal of CP is to assist in making the planning process routine across all phases of emergency management. CP helps the public and planners at all levels of government in their efforts to develop and maintain viable emergency plans.

Preparedness, Considerations & Paths Forward. Natural disasters, political conflicts, economic crises, and other catastrophic events threaten the lives and livelihood of communities and people. The challenge for communities today is to make themselves more resilient in the face of the unexpected and expected, and more agile and responsive when disaster strikes. This is exactly the kind of problem MALPSS was designed to address.

The Committee believes that, even with its limitations, the original MALPSS concept has just started to be understood and valued as an educational tool, as well as its original and present legal role as an operational action plan.

**The third chapter, *Types of Public Safety Standards***, addresses the types of types of public safety services (PSS) standards. It is acknowledged by the Committee that this is a brainstorming work in progress. The heavy lifting would be by other individual researchers and/or the future *Study* team.

The first question was the jurisdictional authority for PSS. There was the obvious breakout by Federal, State of Oregon, and JO CO. The Committee's research is ongoing. The results have not been satisfying at the Federal and mixed at the State level.

At the State level enquiry, the primary value was a good overview of Federal jail standards and inspection, and some detailed information about Oregon's Department of Public Safety Standards and Training's (DPSST) standards and certification, and an excellent report by the Oregon State Police (OSP). A summary of the OSP JO CO patrol division's report follows.

Beginning in June 2012, when the Josephine County law enforcement levy failed, the OSP Patrol Division experienced a dramatic increase in calls for service. Because of the levy failure, the JO CO Sheriff's Office reduced their staff. With the dramatic downsizing of the Sheriff's Office, OSP saw an increase in the number of calls being referred from the Sheriff's Office. In 2013, there were 2,832 calls handled by the Patrol Division and 72% of the calls were referred to OSP by the Sheriff's Office. These demands have required some reallocation of agency resources.

The geographical area patrolled by the Central Point Area Command, which includes the Grants Pass work site, falls within Jackson and Josephine Counties. As the command group's larger parent office, Central Point enjoyed 24 hour patrol coverage at the beginning of 2012, with their allocation of 21 Patrol troopers. The Grants Pass Work site was staffed with eight Patrol troopers and one Patrol sergeant at the beginning of 2012.

In May of 2012, the Josephine County Sheriff's Office laid off deputies and calls for service were rising. It was readily apparent OSP would need to transfer resources to the Grants Pass Worksite to keep the troopers safe who were now responding to a greater variety of high-risk calls for service. The Department reallocated four Patrol trooper positions from Central Point to Grants Pass to address the safety issue. OSP routinely sends more than one trooper to certain types of calls which fall in line with best safety practices for law enforcement. The impact of the transfer of these four trooper positions, coupled with normal attrition (retirements), eliminated the ability of the Central Point Area Command to deliver 24-hour patrol coverage.

Due to the need to reallocate these four troopers to the Grants Pass Work site, the agency is realizing the following challenges.

- Decreased proactive policing time, impacting OSP Patrol priorities, including DUII apprehension, narcotic intervention, and crash prevention.
- Increased community frustrations with lack of police resources.
- Diminished service delivery at the Central Point Area Command.

In the aggregate, there are 16 types of PSS provided by the State & JO CO in Josephine County. Eleven (11) of these PSS are State and JO CO shared & provided, and five (5) are provided solely by JO CO.

## State-JO CO Shared & Provided Public Safety Services

1. Trial Courts
2. District Attorney
3. County Jail 911/Emergency Communications
4. Emergency Management
5. Homeland Security
6. Community Corrections
7. Security
8. Juvenile Services
9. Marine Patrol
10. Drug Courts
11. County Law Library

## JO CO Provided Public Safety Services

1. Sheriff Patrol
2. Animal Control
3. Justice Courts
4. Search and Rescue
5. County Jail

Identifying the minimum PSS standards for the JO CO Sheriff's Office has been mixed. One of the best clues on the JO CO Sheriff Office's minimum public safety standards came from a news article by Stacy D. Stumbo of *The Grants Pass Daily Courier* on the difficulty of identifying these minimum standards.

In 2012 the City of Grants Pass Public Safety Chief, Joe Henner, sent a memorandum to City Manager Aaron Cubic. The memo related discussions about consolidating law enforcement services in the city and the county after the failure of a property tax levy to support the criminal justice system. "Consolidation of law enforcement services under the umbrella of the Josephine County Sheriff's Office is a bad idea," Henner wrote.

"For elected Sheriffs in Oregon, very few minimum standards exist," [emphasis added] Henner wrote. "This is not meant to reflect negatively on any current or former sheriff but you really never know who will be providing leadership at the sheriff's office. That is because elected sheriffs can come and go with every election. At a recent meeting, the current Sheriff stated he 'answers to no one,' with respect to decision making about law enforcement in the county."

The Committee's will research the memorandum from City of Grants Pass Public Safety Chief, Joe Henner.

The Committee's research efforts discovered, except for training and certification, very little on mandatory PSS standards (i.e., laws & regulations), or even a scientific approach to these standards. It efforts were much more productive when it came to discovering the world of public "value" safety standards. Informal policies on *Public "Value" Safety Standards* are common for

the JS&PSS, and they are usually not requirements unless specifically adopted as policies rather than serving as guides or goals. They involve a variety of factors, including an understanding of substantial differences between local governments in terms of their geographic and demographic characteristics, priorities, historic crime rates, willingness to tolerate certain levels of crime, and past and present funding of various public safety services.

The Committee felt the brainstorming of PSS standards produced topics for further research (e.g., 1. Real World Ideas, 2. Numbers Of Officers Per Capita To Define PSS, 3. FTE Comparisons with Other Communities, 4. More With Less/Efficiently and Effectively/Best Management Practices, 5. Zero-Based Budgeting For Law Enforcement Staffing & Deployment, 6. Travel Coverage - Officer Response Time, 7. Number of Arrests & Citations, Daily Coverage: 24/7, 8. Socio-Economic Population PSS Needs, 9. Crime, 10. etc.).

Although difficult to find information on the JO CO Public Safety Coordinating Council (JO CO PSCC), it hoped to be a major potential source of applicable information pertinent to the JO CO JS&PSS Problems/Issues.

The bright spot for assuming significant information is to be gleaned from the JO CO PSCC was because of the web accessible MALPSS analysis by the Lane County Public Safety Coordinating Council (LC PSCC). The LC PSCC's purpose and background, and especially its MALPSS rating key ascertaining Lane County PSS relationships with the county's MALPSS rating key was exceptional. The LC PSCC's MALPSS five level rating key was identified earlier.

The LC PSCC's MALPSS methodology felt right to the Committee (i.e., it identified the concepts of MALPSS and PSSE with a range of evaluation ratings from above the MALPSS level to an emergency level of service) in satisfying the law and a common planning approach of identifying a range of alternative solutions for problems/issues.

The Committee's concern, at this level of research, is that the LC PSCC's report did not identify the methodology or standards by which it differentiated its rating categories. Hopefully this information is in another supporting document. For example, it identified many opinions, mostly without explanation. They are suggestive that some of the standards are based on some "policy" number for full-time-equivalency (FTE) and PSS ratios per population, however, there is no explanation in its report. This is a future area of research with the LC PSCC, and JO CO PSCC.

The Committee's conclusion, was that the LC PSCC's report was excellent. It was the only PSCC report found on MALPSS and very good on description. New to the Committee's research was a reasonable system of placing the MALPSS within a system (i.e., five rating categories).



The Committee believes that two other preliminary research topics had merit for further research.

1. Law Enforcement Staffing Standards.
2. Determining Police Staffing & Deployment.

Law Enforcement Staffing Standards. The use of officers per thousand for police or fire deployment is an ineffective performance measure. Instead, the determination should be made by what time is required to perform the given tasks on a daily, monthly, and seasonal basis and deploying the appropriate resources to manage the workload (*Police Staffing Standards*, Appendix J). Officers per thousand is a "national standard." Wrong. There are no such standards. Nor are there "recommended numbers of officer per thousand". It is not useful to make comparisons with other communities. "Ready-made, universally applicable patrol staffing standards" do not exist. A key resource is discretionary patrol time, or the time available for officers to make self-initiated stops, advise a victim in how to prevent the next crime, or call property owners, neighbors, or local agencies to report problems or request assistance. Understanding discretionary time, and how it is used, is vital.

Determining Police Staffing & Deployment. Staffing decisions, particularly in patrol, must be made based upon actual workload and very few law enforcement agencies have the capability of conducting that analysis (Appendix J). Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, *consistent with the community's ability to fund*.

The most effective way to manage operations, including public safety, is decisions based upon the interpretation and analysis of data and information. To achieve this, a data analysis of law enforcement department workload, staffing and deployment is conducted

**The fourth chapter, *What are the JO CO's MALPSS and Their Value?***, asked questions about legal indicators and standards for the MALPSS, with little satisfaction by the Committee in understanding the standards.

In 2013 the Hugo JS&PSS Exploratory Committee researched the legal indicators, but were unable to identify the standards by which the indicators were evaluated for meeting or/not, the MALPSS. Its position is that the 2013 HB 3453 legal thresholds of what the Committee had been identifying as standards were actually indicators of the JO CO PSS Problem/Issue, as standards were not identified in HB 3453, the ORS or the OAR.

- HB 3453 Indicator 1. JO CO PSS Problem/Issue's *State of Fiscal Distress (SFD)*.
- HB 3453 Indicator 2. JO CO PSS Problem/Issue's *Minimally Adequate Level of Public Safety Services (MALPSS)*
- HB 3453 Indicator 3. JO CO PSS Problem/Issue's *Public Safety Services Emergency (PSSE)*.

Questions about JO CO's MALPSS standards will apply to all 16 identified components of the JO CO public safety program, both the 11 State-JO Co Shared Public Safety Services, and the five (5) JO CO provided public safety services. However, the focus will be those historically considered locally to be the major components of the JO CO public safety program needing additional resources (Table I-2).

1. Adult Jail.
2. Juvenile Justice Center.
3. District Attorney's Office.
4. Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff's Office Support Services.
6. Animal Protection.

The Committee does not have a scientific methodology for the definition of MALPSS, but the LC PSCC in its 2011 *Status of the Public Safety System in Lane County as per Senate Bill 77* identified a MALPSS rating worthy of consideration that was identified in an earlier chapter.

The Committee addressed questions about performance standards without gaining an understanding of what they might be. It also continues to believe in the value of MALPSS standards regardless of whether there is a legal definition of the issue (i.e., 2013 Oregon House Bill 3453). Again, the bottom line, the public has not been provided a scientific documented study of where the county is at. Are we below the MALPSS, at it, or above it, as explained by more than professional opinions?

**The fifth chapter, *Standards for Components of JO CO JS&PSS Public Safety Program***, identified public safety services (PSS), of which there are 16 services, some provided by JO CO and some are shared between the county and the state.

The Committee's position is that the range of public safety service components identified for increased funding from 2012 - 2015, during four years of levies and the sales tax proposal, are locally considered to be the six major components of the JO CO public safety program.

1. Adult Jail.
2. Juvenile Justice Center.
3. District Attorney's Office.
4. Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff's Office Support Services.
6. Animal Protection.

The potential Sub-Components of the JO CO PSS can be very detailed. Good examples are provided for the following PSS: county jail operations; law enforcement, investigation, and patrol; community corrections; juvenile justice; emergency operations and emergency response, including search & rescue operations; criminal prosecution; and court facility operations.

The context under which sub-components of the JO CO PSS are considered is important (e.g., 1. Population density, 2. Geographic characteristics, 3. Historical crime rates, 4. Affected conditions, 5. Social, 6. Other relevant factors, etc.).

**Zero-Based Budgeting.** Performance measurement is at the heart of nearly every innovative management fad or organizational development strategy in the past two decades. It is an essential component of zero-based budgeting and management by objectives, reinventing government, re-engineering the corporation, total quality management, benchmarking, balanced scorecards, and organizational learning. Despite its popularity, performance measurement is an inherently ambiguous term. It is used in various ways to refer to the performance of individuals, of products and services, of subunits, of projects, and of organizations. Yet the methods and data used to measure performance at these different levels can vary significantly.

Zero-based budgeting is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, departmental managers justify only variances versus past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved. Zero-based budgeting requires that the budget request be re-evaluated thoroughly, starting from the zero-base; this involves preparation of a fresh budget every year without reference to the past. This process is independent of whether the total budget or specific line items are increasing or decreasing

There is a valuable treatment of performance standards on four traditional measurements of law enforcement performance from an article entitled *Measuring the Performance of Law Enforcement Agencies*: 1. Crime Rates, 2. Arrests & Citations, 3. Clearances, and 4. Response Time.

1. Crime Rates. It is too simple to argue that the public safety issue is the public viewing taxes versus safety as most policing scholars argue that there is no single “bottom line” in policing. Like other public agencies, police departments have multiple, perhaps even competing goals. Therefore, to focus exclusively on one goal at the expense of the others is to invite poor performance on alternative goals. It has been learned through the efforts of pioneering police chiefs that there are ways of operating police departments that reduce crime and enhance security without harming civil liberties or community satisfaction. Measuring police performance solely by crime statistics simply ignores consequential values such as justice, integrity, fear reduction, citizen satisfaction, protection and help for those who cannot protect or help themselves, and many others.”

There are two primary problems with using “unadjusted” crime rates as performance measures for police. First, police are not the only factor that influences crime rates. Crime is the product of a complex array of social, economic, and political forces. Second, reported crime rates often have as much to do with how local police departments process the information they receive as they do with the “true” level of crime. Finally, not all crime is reported to the police, therefore it makes sense to supplement “official” crime data with victimization surveys that indicate the extent of unreported crime.

2. Arrests and Citations are “output” measures. They demonstrate the extent to which organizations engage in certain activities, but they say nothing about whether these activities were effective in producing something of value for communities. In other words, they are not “outcomes.” When police departments cite the number of arrests they make or citations they issue, it is the equivalent of a carpenter boasting about how many board feet of lumber he cut, or how many nails he sank. Certainly these are some of the activities we expect of our police officers and our carpenters. These measures show clearly that the police officer and the carpenter were busy, but they do not demonstrate that the community is safer or happier, or that the home has been well built. This is not to say that arrest and citation data should not play any role in performance measurement. Rather, it is a challenge to police executives to think creatively about what these measures represent and how they might contribute to a more comprehensive performance measurement scheme.

Arrest represents one of the most visible measures of police output. Although this measure might appear on its face to be clear, research has shown that the legal definition of arrest varies widely across agencies. In addition to these measurement problems, arrests are also conceptually ambiguous.

Unlike arrests, there are no national data on citations issued by police agencies. Police departments traditionally maintain their own records on citations and have historically paid close attention to citation productivity. Citations are one of the basic outputs of police agencies, used

much more numerous than arrests. Citation data may be useful for individual police organizations to keep track of how officers are spending their time, or to ensure that the organization is producing outputs in the manner prescribed by the chief executive. But, because they are not available nationally, they cannot be used to compare police departments nationally.

Furthermore, arrests and citations are “output” measures. They demonstrate the extent to which organizations engage in certain activities, but they say nothing about whether these activities were effective in producing something of value for communities. In other words, they are not “outcomes.” When police departments cite the number of arrests they make or citations they issue, it is the equivalent of a carpenter boasting about how many board feet of lumber he cut, or how many nails he sank. Certainly these are some of the activities we expect of our police officers and our carpenters. These measures show clearly that the police officer and the carpenter were busy, but they do not demonstrate that the community is safer or happier, or that the home has been well built. This is not to say that arrest and citation data should not play any role in performance measurement. Rather, it is a challenge to police executives to think creatively about what these measures represent and how they might contribute to a more comprehensive performance measurement scheme.

3. Clearances. Like the arrest rate, the clearance rate, which is the proportion of reported crimes solved by the police, is another measure of police output that is collected widely and frequently by police agencies around the nation. Despite numerous conceptual and technical problems with clearance rates, they are “the most common measure of investigative effectiveness” used by police. Despite these problems with the measurement of clearance rates, they are reported routinely by police departments, and they are used routinely by researchers. Clearance rates can be very useful measures. As with arrest and citation measures, important concerns have been raised about the quality of the data, particularly when they are used to compare different agencies.

4. Response Time. The standard response to calls for service in most police departments has historically been to dispatch a sworn police officer, who responds quickly. Yet, research and experience have shown that not everybody who calls the police requires, or even necessarily expects, a rapid response. Police agencies facing resource shortages have often been able to streamline their existing resources and improve both efficiency and effectiveness by implementing some form of alternative response strategy. Collectively, these alternative responses have come to be known as “differential police response” (DPR) strategies. The development and diffusion of DPR strategies in American police agencies was informed by several influential research findings. First, several studies showed that rapid response to reports of serious crimes led to an arrest less than 5% of the time. Second, for offenses in which there are no witnesses and no evidence, citizens are often willing to file a police report over the telephone. Third, a series of studies showed that the single most important factor in citizen satisfaction with police response was whether the response time matched citizen expectations, even if the response time was lengthy. In other words, providing citizens with an accurate estimate of the response time is often more important than providing a rapid response.

What challenges do response rates raise as comparative performance measures? First, community standards vary widely. Some communities demand a different police response than others. Second, communities differ in geography, topography, traffic patterns, and other features that make it difficult to compare response rates. Third, rapid response can sometimes be a less efficient, less effective response strategy than alternative approaches. Rapid response to nuisance calls is sometimes wasteful and may detract from more important police priorities. It is possible to compute a comparative performance measure that is based on response times, but it would require careful thought. It would mean developing a uniform definition of calls requiring a rapid response, and measuring the response times for only those calls. Response time is important, but using it as a comparative performance measure invites several challenges. One more feasible alternative to using actual response times is to use customer satisfaction with response times as a performance measure.

Two worthwhile ideas are addressed: 1.toward a new conception of police performance, and 2. multi-dimensional nature of police performance.

The Committee feels strongly that there must be an identified MALPSS compliance methodology that addresses the following analysis process elements in a scientific, documented, public accessible way.

1. Affected Conditions – Description of Existing Conditions Being Compared to MALPSS Indicators and Standards.
2. Indicators.
3. Standards.
4. Significance.

**The sixth chapter, *Benefits of Public Understanding MALPSS Standards***, addresses the simple, belief that the benefits of common accurate facts to better explain the JO CO JS&PSS Issue is worth the effort. For example, the Committee believes strategies to combat misinformation are worth trying, within the framework that all citizens, voters, and votes are legitimate. Legitimacy has powerful hopes.

- A feeling of expectation and desire, and belief in citizens, for a certain thing to happen.
- *Study Design* may help to facilitate a consensus solution to the public safety issue.
- There are grounds for believing that something good may happen.
- Hope is belief that the glass is half-full rather than half-empty.

“Learn from yesterday, live for today, hope for tomorrow.  
The important thing is not to stop questioning.” Albert Einstein

The potential benefits are in a context of a Josephine County Public Safety Trust Issue, including the State of Oregon, and government in general.

- Issue # 2 Mistrust in Government Growing: Honesty, Transparency and Accountability
- Issue # 3 Citizens Feel Their Voices Are Not Being Heard. What Part Of “No” Don’t They Understand?

The Committee feels that facts matter and strategies to combat misinformation are worth trying. This includes new facts with all accessible to the public.

What will an analysis of the MALPSS and/or the “Law Enforcement Staffing & Deployment (LES&D)” standards provide to the citizens? These standards are in many ways just like all the other pieces of information needed for an informed and understanding public. They are also keys because they focus directly on the JO CO JS&PSS public safety issue. For example, the simple potential to provide a framework of understanding is significant in realizing where JO CO’s public safety program is in the scheme of things. Are we above an emergency level of services, or below? Are the JO CO’s JS&PSS adequate, or less than adequate? And, just as important, where is the science and/or facts supporting the professional opinions of adequacy?

What does the public think the difference is between an adequate and optimal PSS? The Committee is curious about is how far will the people go to get the best available outcomes. What will one sacrifice? The Committee believes that everything in life is relative and to achieve the best in one thing might mean giving something else up. That includes things like how it affects family members as well to how it affects individual citizens. The Committee defines a normative level of PSS to be what is considered to be the normal or correct way of doing something (i.e., compromise between adequate and optimal?).

The Committee’s opinion is that we need to go beyond the valuable work of the Lane County Public Safety Coordinating Council in defining a safety rating system, including the methodology or standards by which rating are categorized. Consider the following possible framework of understanding (Table IV-1. MALPSS Framework).

<b>Table VI-1. MALPSS Framework For Public Safety Services (PSS)</b>		
<b>Level of PSS<sup>1</sup></b>	<b>Acronym</b>	<b>Notes</b>
Optimal Level	OL PSS	best available outcomes; includes discretionary services
Normative Level	NL PSS	compromise between adequate and optimal; includes discretionary services (pre-2012 level of PSS?)
Adequate Level	AL PSS	LES&D? <sup>1</sup>
Minimally Adequate Level	MAL PSS	MALPSS
Less than Adequate Level	LTAL PSS	
Inadequate Level	IL PSS	
Emergency Level	EL PSS	Public Safety Fiscal Emergency (PSFE) <sup>2</sup>
Footnotes		
1. Public Safety Services Law Enforcement Staffing & Deployment (LES&D) standards.		
2. PSFE, Oregon House Bill 3453 (2013); Appendix A; much the same concept as Public Safety Services Emergency (PSSE), Oregon Senate Bill 77 (2009); Appendix B.		
Source: Walker, Mike and Whalen, Jon, Co-Authors <i>Study Design (Justice System &amp; Public Safety Services Study Design: 2015)</i> , The Hugo Justice System & Public Safety Services Exploratory Committee (Justice System Exploratory Committee). <a href="http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm">http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm</a> .		

*Hoped For Benefits.* What the authors know is that *Study Design* is a potential alternative that has not been considered as a serious solution in JO CO. It is beyond the adversary model of pro and con arguments during the last four 2012 - 2015 JO CO public safety levies, and one City of Grants Pass proposed city sales tax.

There are a range of possible key outcomes hoped for from a successful *Study*. They are all about the idea of slow long-range incremental changes, and the confidence that there will be an increase in the number of citizens believing in vetted inventories and knowing they are being listened to, starting to show between 2016 - 2026.

- \* *More* People know they are being listened to.
- \* *More* People are better informed.
- \* *More* People trust the vetted baseline facts/inventories (i.e., affected conditions).
- \* *More* People understand that the range of public safety problems/issues and range of alternatives were identified by them, individually, for consideration by the collective public.
- \* *More* People better understand the concerns of their neighbors.



- \* *More* People speak a common language to solve problems.
- \* *More* People agree on a consensus public safety problem/issue.
- \* *More* People agree on a consensus public safety solution.
- \* *More* People have a consensus to also address the causes of problem/issue.

*Perseverance.* The authors of *Study Design* will continue to serve a fresh source of accessible public safety facts, painstakingly researched and verified, to help citizens make better decisions and drive better conversations. The camaraderie of being part of a team, knowing defeat if it comes is O.K., as long as they show discipline and dedication with respect and sportsmanship in their drive for the facts. Independence, and perseverance, especially the value of endurance determination, are pleasure-pain genes that drives the authors forward.

**The seventh, and final chapter, *Potential Research Topics***, addresses research topic goals that the Committee is promoting to be initiated or completed prior to the contracted Phase 3 *Study*. This chapter includes the highlights, and status of potential research projects. In some ways the coverage is brainstorming and preliminary. In other ways it is detailed and demanding.

“Why support or sponsor a socio-economic impact “*Study*” that purports to represent the citizens of JO CO, Oregon in their efforts to address the county’s public safety problem/issue?” Why support a separate MALPSS research project? The Committee has three summary responses to the questions.

Response 1: In a nut shell *Study Design* proposes an impact *Study*, including several other independent and chronologically proceeding studies, which will be based on formal vetted inventories and an impact methodology model which promotes informed decision-making through a unique decision process, where the citizens identify the problems and potential solutions, and are the decision-makers. A key concept is *how to demonstrate trust and enhance communication between neighbors with different values, and JO CO government*. The approach primarily relies on citizens to provide insight about how to identify problems, and formulate their own goals and solutions for the future (e.g., voting, writing letters to the editor and guest opinions in *The Grants Pass Daily Courier*, writing arguments in voters’ pamphlets, etc.).

Response 2: Vetted *Study* Baseline Facts/Inventories. Understanding is made more difficult with all those noisy facts when truth isn't always something as clear and unquestionable as desired. It is believed that a step in the right direction is for different publics, that don't trust each other to share vetted, or checked, information. This is one of the purposes – for citizens to speak a common language, to solve problems, not to spend valuable time and energy discussing potential conflicting facts. For that purpose, a web page of “*listening*” to baseline information, vetted facts, and disputed facts, has been started for consideration in *Study*: letters-to-the-editor (over 800); guest opinions (10 and adding), media articles (over 650), voters pamphlets (5), and studies & information (24 - e.g., declining federal payments to counties, demographic & population, health, OR reports of criminal offenses and arrests, local crime information, budget, etc.).

Response 3: Key Outcomes. It is difficult when JO CO citizens are polarized over the public safety problem/issue and have not yet found a consensus definition of either the public safety problem, or the solution; and it's compelling that a significant number of city and county citizens fear for their family's and community's safety because of a decreased number of jail beds, lack of 911 call responses, JO CO rural patrol, etc. How will *Study Design* change the way people live? At this stage the public outreach strategy is to explain *Study Design* with the goal of moving toward a consensus definition of the problem/issue. It is definitely not as simple as “Taxes” versus “Safety.”

Observations by the Committee are several.

- Levies. Four JO CO levy attempts from 2012 - 2015, and one City of Grants Pass sales tax, to fund JS&PSS using the property owners model of replacing lost Federal payments failed.
- Citizen Voting. A majority of citizens did not favor the levies, but, averaging the four years of voting found, almost as large a number of citizens favored the levies. The one city vote was crushed by 15 points.
- No Observable Formal Planning: 1. to determine public values; 2. to determine *minimally adequate level of public safety services* (MALPSS); 3. to address public mistrust of government; and 4. other JS&PSS problems/issues.
- Specific documented strategies to listen to the public as decision-makers & partners are worth trying.
- Unique *Study Design* that proposes a *Study* which will be based on formal vetted inventories and an impact methodology, which promotes informed decision-making through a unique decision process, where the citizens are the decision-makers.

The *Study Design* process will be completed in three phases: Phase 1. *Study Design*, Phase 2. Grant Process, and Phase 3. *Study*. There are products of the *Study Design* planning phases.

- Product 1a. Final JS&PSS *Study Design*.
- Product 1b. Independent public safety research proposals.
- Product 2. *Study* Grant Proposal.
- Product 3. Request For Proposals (RFPs) for *Study* – often called grant announcements.
- Product 4. Award of Grant to Independent Third-Party *Study* Team.
- Product 5. Analysis of the Public Situation (APS).
- Product 6. Final JS&PSS *Study*.

Affected Condition Facts/Inventories One of the important steps is to understand the studies and information available, or to be researched, for the area of interest and to identify the affected conditions. This is a description of the existing conditions to be affected by the range of publicly identified alternatives.

Research topics that the Committee is promoting through *Study Design*, prior to the contracted Phase 3 *Study*, follow.

1. Public Opinion Through Content Analysis.
2. MALPSS Standards.
3. Accessible Vetted Public Facts/Inventories.
4. Zero Based Budgeting and JS&PSS Staffing & Standards.
5. Law Enforcement Staffing Standards.

1. The research topic, *Public Opinion Through Content Analysis*, is an unqualified success. On July 15, 2015, the Committee started out with a rough experimental content analysis (CA) of 60 letters-to-the-editor (LTTE) which was 12 percent of the 517 LTTE it had in its archives at the time. The CA analysis identified 11 JS&PSS Problems/Issues.

On November 7, 2015 Nathan Davis, a 2<sup>nd</sup> year graduate student at Oregon State University (OSU), formally settled on tiering his Master's of Public Policy (MPP) Essay research paper to the JO CO JS&PSS public safety issue. Davis is in the OSU School of Public Policy which is part of the OSU Rural Studies Program. The focus on citizens as the decision-makers will be the core of his MPP paper, which is recording and analyzing the public's opinions, pro and con, across their range of values, through a CA research method. The data base for this CA is over 800 LTTE, 10 guest opinions, and five (5) voters pamphlets. Davis is scheduled for graduation in the Spring of 2016.

2. *MALPSS Standards Identification Is On-going*. The Committee definitely believes in the MALPSS rating system developed by the Lane County Public Safety Coordinating Council. Like Lane County, the MALPSS evaluation will be for the entire range of 16 PSS, including appropriate sub-components. The Committee's opinion is that we need to go beyond the valuable work of the Lane County PSCC in defining a safety rating system, including the methodology and standards by which rating are categorized. Consider the possible MALPSS framework of understanding at Table VI-1 previously provided.

The MALPS analysis should move from comparative analysis toward the concepts of analyzing actual, and/or needed, workloads with the use of zero-based-budgeting. They all must be consistent with the community's ability and inclination to fund JS&PSS. The important difference is that the MALPSS analysis would a professional scientific documented study versus the tradition method of using professional opinion without a documented study.

The Committee also feels strongly that there must be an identified MALPSS evaluation methodology that addresses the analysis process elements in a scientific, documented, public accessible way: 1. Affected Conditions – Conditions evaluated by MALPSS indicators and standards, 2. indicators, 3. standards, and 4. significance.

3. *Accessible Vetted Public Facts/Inventories Program Has A Good Beginning* in the Committee's web publications. Understanding is made more difficult with all those noisy facts when truth isn't always something as clear and unquestionable as desired. It is believed that a step in the right direction is for different publics, that don't trust each other to share vetted, or checked, information. This is one of the purposes of *Study Design* – for citizens to speak a common language, to solve problems, not to spend valuable time and energy discussing potential conflicting facts. For that purpose, a web page of “*listening*” to baseline information, vetted facts, and disputed facts, has been started for consideration in *Study*: letters-to-the-editor (over 800); guest opinions (10 and adding), media articles (over 650), voters pamphlets (5), and studies & information (24 - e.g., declining federal payments to counties, demographic & population, health, OR reports of criminal offenses and arrests, local crime information, budget, etc.).

The Committee's web page is actually much more comprehensive than public facts/inventories, and includes many other data elements felt applicable to the JS&PSS Problems/Issues.

- Justice System & Public Safety Services Study Design: 2015
- Public Outreach
- Appendices to Study Design
- Press Releases
- Letters-To-The-Editor
- Guest Opinions
- Media Articles
- Voters Pamphlets
- Studies & Information

4. *Zero Based Budgeting and Agency Staffing Are Just Being Explored.* Law enforcement to population ratios and why they should not be used as a basis for staffing decisions. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions. Defining patrol staffing allocation and deployment requirements is a complex endeavor which requires consideration of an extensive series of factors and a sizable body of reliable, current data.

Zero-based budgeting is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, departmental managers justify only variances versus past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved. Law enforcement staffing standards from a zero based workload analysis?

5. *Law Enforcement Staffing Standards Are Just Being Explored.* Staffing decisions, particularly in patrol, must be made based upon actual workload and very few police agencies have the capability of conducting that analysis. Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, consistent with the community's ability to fund.

**In summary**, a scientific study of the standards used to proclaim a public safety fiscal emergency when fiscal conditions compromise JO CO's ability to provide a *minimally adequate level of public safety services* would help answer the "*Is there a problem.*" question. When is a county in a state of fiscal distress that compromises the county's ability to provide MALPSS? Locally professional opinions have been offered, but the public has not been provided a scientific vetted document study of the MALPSS standards.

The Committee believes the Oregon Legislative identified MALPSS concept is sound as an educational methodology tool to assist counties in fiscal distress, whether it is actually implemented by the Oregon Governor, or not (i.e., educational tool for public to have the opportunity to understand in a scientific documented way versus relying on professional opinions alone).

The Committee believes that, even with its limitations, the original MALPSS concept has just started to be understood and valued as an educational tool, as well as its original and present legal role as an operational action plan.

Research topics that the Committee is promoting through *Study Design*, prior to the contracted Phase 3 *Study*, follow.

1. Public Opinion Through Content Analysis.
2. MALPSS Standards.
3. Accessible Vetted Public Facts/Inventories.
4. Zero Based Budgeting and JS&PSS Staffing & Standards.
5. Law Enforcement Staffing Standards.

Two of them are already being implemented (i.e., public opinion through content analysis, and accessible vetted public facts/inventories. Two became about because of the MALPSS analysis:

1. zero based budgeting and JS&PSS staffing & standards, and law enforcement staffing standards.

## Appendix B4. JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS) Standards

The idea of *Josephine County's Minimally Adequate Level of Public Safety Services (MALPSS) Standards* is a major research need. *Is there a public safety problem, and if so, judged by what standards?*, is the research question to be addressed by this MALPSS study.

Appendix B4 was developed in support of the draft document entitled *Justice System & Public Safety Services Study Design: 2015*. The *Study Design* project is itself part of a 2013 challenge to research the Josephine County (JO CO), Oregon JS&PSS Problem/Issue (*Justice System & Public Safety Services Issue Scope Of Work*).

- Hugo Justice System & Public Safety Services Exploratory Committee. Draft 2015. *Justice System & Public Safety Services Study Design: 2015*. Hugo Neighborhood Association & Historical Society. Hugo, OR.
- Hugo Justice System & Public Safety Services Exploratory Committee. Draft July 18, 2013. *Justice System & Public Safety Services Issue Scope Of Work*. Hugo Neighborhood Association & Historical Society. Hugo, OR.
- Web Published: 2013 *Justice System & Public Safety Services Issue Scope Of Work*, and *Justice System & Public Safety Services Study Design: 2015*  
Justice System Exploratory Committee, Hugo Neighborhood Association & Historical Society  
<http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

### I. WHAT'S THE PROBLEM?

#### A. What is the Josephine County's Public Safety Issue?

**1. Complex Range of Potential Public Safety Problems/Issues** What is the JO CO's Justice System & Public Safety Services (JS&PSS) Problem/Issue? (see *Public Outreach 1.1, What's The Problem?*)

- Is crime the problem?
- Are the potential causes of crime the problem?
- Is funding public safety services the problem?
- Is the problem the level (i.e., not enough or too much of something) of the safety services?
- Is the problem a feeling of fear of being a victim of crime versus the belief that you can take care of your family if the situation arose?
- **Is part of the problem because JO CO citizens have never had to understand and debate needed levels and funding for public safety?**
- Is the problem a feeling that we have considered all the potential solutions, and tried what we thought were reasonable, only to have them fail, arriving a point of not knowing exactly what to do next?
- **Or, is there a problem, and if so, judged by what standards?**

The Committee believes part of the problem is because JO CO citizens have never had to understand and debate needed levels and funding for public safety. The history of this situation is because the JO CO government had always made the decisions to pass through Federal O & C payments to be used mostly for public safety. The public was never really involved in these decisions. Should this aspect of the JS&PSS Problem/Issue be considered fresh through a public

planning process decided de novo, meaning "from the beginning," "afresh," "anew," "beginning again?" (*Public Outreach 1.1, What's The Problem?*).

**2. Question** Or, is there a problem, and if so, judged by what standards? Understanding and designing solutions are complicated tasks as there are substantial differences between Oregon counties in terms of their geographic and demographic characteristics, priorities, historic crime rates, willingness to tolerate certain levels of crime, and past and present funding of various public safety services. This complexity is also found at the local level in Josephine County, Oregon. The issue is not simply taxes versus safety. The range of pro and con reasons for the last four levies and one proposed sales tax from 2012 - 2015 are broad and complex.

A scientific study of the standards the Governor of Oregon would use to proclaim a public safety fiscal emergency when fiscal conditions compromise JO CO's ability to provide a *minimally adequate level of public safety services* would help answer the "Is there a problem." question (MALPSS; 2013 Oregon House Bill 3453). Before the Governor could conduct a MALPSS analysis, she must have first received a request from the JO CO Board of County Commissioners (BCC) seeking a declaration of a fiscal emergency. The rationale for the declaration request must be because the BCC's analysis finds that the county is in a state of fiscal distress that compromises the county's ability to provide a minimally adequate level of public safety services (*Public Outreach 1.1, What's The Problem?*).

## **B. JO CO JS&PSS Public Safety Program**

**1. County and State Relationships** Counties play a key role in providing government services, and even precede Oregon's statehood. Once "Oregon Country" and its counties were carved into states, Oregon transitioned from having a provisional government to a territorial government, and finally to a state government. This evolution was mirrored at the county level as well, starting with four counties in 1843, with further dividing through the years to the current 36 counties in 1917 (*Oregon's Counties: 2012 Financial Condition Review*, pps. 3-4).

Originally, all counties functioned almost exclusively as agents of state government; all their activity had to be either authorized or mandated by state law. Under the provisional government, they were responsible for tracking property, probating estates, overseeing minor judicial functions, enforcing laws, operating jails, and conducting elections. The territorial government added some responsibility for "poor relief", public health, and agricultural services. In 1958 an amendment to the Oregon Constitution authorized counties to adopt "home rule" charters, and a 1973 state law granted all counties the power to exercise broad home rule authority. Nine have adopted home rule charters wherein voters have the power to adopt and amend their own county government organization (*Oregon's Counties: 2012 Financial Condition Review*, p. 3). Josephine County has a home rule charter.

Today's counties provide a wide range of public services including: public health, mental health, community corrections, juvenile services, criminal prosecution, hospitals, nursing homes, airports, parks, libraries, land-use planning, building regulations, refuse disposal, elections, air pollution control, veterans services, economic development, urban renewal, public housing,



vector control, county fairs, museums, animal control, civil defense, and senior services. Some of these services are supported with local taxes, whereas others rely in part upon state and federal revenue for support such as public health and senior services. As shown in Figure I-1, the Association of Oregon Counties (AOC) and the Oregon Secretary of State have identified major services provided by the State, counties, and by both entities, including public safety services (*Oregon's Counties: 2012 Financial Condition Review*, p. 3; Table I-1).

**2. Three Types of Public Safety Services (PSS) Funding** The AOC and Oregon identified three types of funding for PSS: 1. State provided PSS, 2. State/County shared and provided PSS, and 3. County provided PSS.

<b>Table I-1. Shared State-County Justice System &amp; Public Safety Services (PSS)</b>	
<b>Oregon State Provided PSS</b>	Appellate Court
	State Police
	State Prison
	Attorney General
<b>State &amp; County Shared PSS</b>	Trial Courts
	District Attorney
	911/Emergency Communications
	Emergency Management
	Homeland Security
	Community Corrections
	Court Security
	Juvenile Services
	Marine Patrol
	Drug Courts
	County Law Library
<b>County Provided PSS</b>	Sheriff Patrol
	Animal Control
	Justice Courts
	Search and Rescue
	County Jail

Sources:

1. Oregon Secretary of State. May 2012. *Oregon's Counties: 2012 Financial Condition Review*. Report Number 2012-17, Secretary of State Audit Report Kate Brown, Secretary of State Gary Blackmer, Director, Audits Division. Salem, OR.
2. Association of Oregon Counties. October 1, 2010. *Task Force on Effective and Cost-Efficient Service Provision*. Rep. Nancy Nathanson, Chair.

- Association of Oregon Counties. October 1, 2010. *Task Force on Effective and Cost-Efficient Service Provision*. Rep. Nancy Nathanson, Chair.
- Oregon Secretary of State. May 2012. *Oregon's Counties: 2012 Financial Condition Review*. Report Number 2012-17, Secretary of State Audit Report Kate Brown, Secretary of State Gary Blackmer, Director, Audits Division. Salem, OR.

### **C. Components Of JO CO Public Safety Program For Increased Funding: 2012 - 2014**

According to the AOC and the Oregon Secretary of State there are 16 components of every county's public safety system. Locally JO CO identified six major components.

Each component of the following components of the JO CO public safety program draws on information contained in *Task Force on Effective and Cost-Efficient Service Provision* document, and the *Oregon's Counties: 2012 Financial Condition Review* document, as well as other policies, agreements, and documents.

At first glance, it seems strange that the 16 identified components of the JO CO public safety program, both 11 the State-JO Co Shared PSS, the five JO CO provided PSS were addressed locally as six (6) components of the JO CO public safety program. These were the components the Committee found in 2013 when it started researching the issue, after 2012 when funding was cut and the first levy went on the ballot (*Study Design*, Chpt. I).

#### **1. Components of JO CO Public Safety Program**

##### **a) Major Components of JO CO PSS**

- (1) Adult Jail.
- (2) Juvenile Justice.
- (3) District Attorney.
- (4) Sheriff Rural Patrol Deputies.
- (5) Sheriff Criminal Investigations & Related Office Support Services.
- (6) Animal Protection.

However, the 16 identified components of the JO CO public safety program are found locally in JO CO. The differences seem to be the normal program of 16 PSS versus the range of components identified in levies/sales tax for increased funding: 2012 - 2015.

Need to verify.

**b) Josephine County Home Rule Charter**

(<http://www.co.josephine.or.us/Files/Josephine%20County%20Charter.pdf>)

**2005 Annotations On Charter by County Counsel**

(<http://www.co.josephine.or.us/Files/08-23-07.pdf>)

**Section 29.7 Prohibition of Income Tax.** Josephine County shall not establish an income tax; both personal and business income taxes would be disallowed. [Amended May 1990]

July 9, 2013<sup>1</sup> Josephine County's charter wouldn't allow an income tax, but the bill would allow more tax on 911 services or some other fees for services, said Cherryl Walker, county commissioner.

The Editor of the *Grants Pass Daily Courier*, Dennis Roller, is quoted in an opinion, “This county’s charter prohibits imposition of an income tax, but the bill would allow tax on 911 services or some other fees for service.”<sup>2</sup>

Footnotes

1. Jeff Duewel.07/09/13. *State Gives JoCo Emergency Option*. TDC Front Page News. Grants Pass, OR.
2. *Josephine County’s Financial Woes Lead Workers To Bail Out*. 07/11/13. Dennis Roler, Editor’s Opinion.

**c) Voters Pamphlets: 2012 - 2015** After four failed JO CO public safety levies and one city sales tax, in as many years, the public could be excused if it feels exhausted. What were the components of the public safety program proposed for funding?

**(1) JO CO Voters' Pamphlet Official Primary Election: May 15, 2012**

Referred to the People by Josephine County Board of Commissioners (Simon G. Hare, Chair; Don Reedy, Vice-Chair; and Harold Haugen, Commissioner). May 15, 2012 JO CO-wide Primary Election Measure 17 - 43, Criminal Justice System Operations Four Year Local Option Tax (i.e., \$1.99 per \$1,000 of assessed value).

Proposed Resolution 2012-xxx In the Matter of Criminal Justice System Operations Four Year Local Option Tax; Reduction of Tax Levy Amount if Federal County Payments Funding is Extended or Otherwise Appropriated

**Question:** Should Josephine County impose \$1.99 per \$1,000 of assessed value for criminal justice system operations for four years beginning 2012-2013? This measure may cause property taxes to increase more than three percent (Provided by the Josephine County Board of Commissioners).

**Summary:** The County would use the revenue from this measure to provide funding for criminal justice system operations for four years. Those operations include (Provided by the Josephine County Board of Commissioners):

1. Adult Jail;
2. Juvenile Shelter and Detention Facility;
3. District Attorney's Office;
4. Juvenile Justice Division;
5. Sheriff's Office, and
6. Patrols.

**Explanatory Statement:** The Josephine County criminal justice system serves all citizens of the County, including residents of the cities (Provided by the Josephine County Board of Commissioners).

- The District Attorney's Office prosecutes persons accused of criminal offenses and assists in enforcing child support orders.
- The Juvenile Justice Division provides detention and supervision for juvenile offenders and provides a shelter program for at risk juveniles.
- The Sheriff's Office provides operation of the adult jail, civil division, patrol deputies, investigative officers, search and rescue and emergency management.
  - Adult Jail.
  - Civil Division.
  - Patrol Deputies.
  - Investigative Officers.
  - Search and Rescue.
  - Emergency Management.

## **(2) Official JO CO Voters' Pamphlet Special Election: May 21, 2013**

Referred to the People by Josephine County Board of Commissioners (February 7, 2013 BCC Resolution No. 2013-010 by Simon G. Hare, Chair; Cheryl Walker, Vice-Chair; and K. O. Heck, Commissioner). May 21, 2013 JO CO-wide Special Election Measure 17 - 49, Criminal Justice and Public Safety Three Year Local Option Tax (i.e., \$1.48 per \$1,000 of assessed value).

**Question:** Shall Josephine County impose \$1.48 per \$1,000 assessed value for criminal justice and public safety for three years beginning 2013? This measure may cause property taxes to increase more than three percent (Provided by the Josephine County Board of Commissioners).

**Summary:** This measure would affect all parts of the criminal justice and public safety system and provide funding for services, which **may** (emphasis added) include (Provided by the Josephine County Board of Commissioners):

- Increase inmate capacity at adult jail
- Increase in number of criminal cases prosecuted by District Attorney
- Provide school security program and resources
- Provide support for Animal Control field services and animal shelter
- Provide Juvenile Justice services and detention
- Increase Sheriff deputies' response and patrol
- Provide support for Sheriff's Office civil services (investigations, evidence, records, and court security)

The revenue from this measure would be used for criminal justice and public safety services only.

**Explanatory Statement:** This measure would increase the levels of criminal justice and public safety services by providing funding to hold more inmates than are currently held in the adult jail, increase the number of criminal cases prosecuted by the District Attorney's Office, and provide funding for a school security program to ensure the safety of schools (Provided by the Josephine County Board of Commissioners).

This measure would provide funding support for Animal Control field services and for the animal shelter, funding for Juvenile Justice services and detention, and increase Sheriff's deputies' response and patrols. In addition, the measure would provide funding for the civil services provided by the Sheriff's Office, including investigations, evidence, records, and court security. The Sheriff's Office civil division would be able to increase its hours of service to the public and the Sheriff's Office would be able to increase its major crimes investigation services.

### **(3) JO CO Voters' Pamphlet Official Primary Election: May 20, 2014**

Referred to the People by Initiative Petition: Securing Our Safety (SOS). May 20, 2014 JO CO-wide Primary Election Measure 17 - 59, Criminal Justice and Public Safety Three Year Local Option Tax (i.e., \$1.19 per \$1,000 of assessed value).

**Question:** Shall County impose \$1.19 per \$1,000 assessed value for jail beds and youth treatment services for five years beginning 2014/15? This measure may cause property taxes to increase more than three percent (Provided by Steven Rich, Josephine County Legal Counsel).

**Summary:** Passage of this measure would provide funding for Josephine County to (Provided by Steven Rich, Josephine County Legal Counsel):

- Provide the Sheriff and local law enforcement agencies with increased adult jail beds to hold persons accused or convicted of crimes until their cases are completed or sentences served: and
- Provide counseling, secure treatment, detention and shelter services to community youth offenders and “at-risk” juveniles.

The revenue from this measure would be restricted and used only for funding increased adult jail bed capacity and for youth treatment counseling, secure treatment, detention and shelter services.

**Explanatory Statement:** Josephine County has experienced reduced revenue from federal timber lands. As a result, the County (Provided by Steven Rich, Josephine County Legal Counsel):

- has reduced the number of Sheriff's Office patrol deputies and
- has reduced the number of corrections deputies stationed in the county adult jail. The reduction in jail staffing has reduced the number of inmates the adult jail can hold.
- In the same way, juvenile detention services, counseling services, and treatment and shelter services for juveniles have been reduced.

This measure would provide dedicated funding for the Josephine County adult jail, juvenile detention and treatment, and juvenile shelter care facilities.

The revenue from this measure would allow the Sheriff's Office to increase the number of adult jail beds and add jail staff members, so that the adult jail could house a larger number of persons accused of or convicted of committing crimes. It would allow the addition of staff persons to provide counseling for juvenile offenders and “at-risk” juveniles, as well as providing treatment, detention and shelter care for juveniles.

If this measure passes, it would provide stable funding for the adult jail and for youth services and detention for a period of five years.

**(4) JO CO Voters' Pamphlet: May 19, 2015**

Referred to the People by Initiative Petition: Community United For Safety (CUFS). May 19, 2015 JO CO-wide Special Election Measure 17-66, For Patrol, Jail, Shelter of Abused Youth; Five Year Levy (i.e., \$1.40 per \$1,000 of assessed value).

**Question:** Shall County increase deputies, dispatchers, jail capacity, juvenile facilities; cost of \$1.40 per \$1,000 assessed value; five years beginning 2015/16? This measure may cause property taxes to increase more than three percent (Provided by Wally Hicks, Josephine County Legal Counsel).

**Summary:** Passage of this measure will, subject to required budgetary process and limitations (Provided by Wally Hicks, Josephine County Legal Counsel):

- Provide funding for 16 Sheriff's deputies (including patrol cars) and four 911 dispatchers, to increase Sheriff's patrols and provide for necessary emergency response.
- Increase Sheriff's patrols during times of heightened criminal activity.
- Allow Sheriff to enforce laws when individuals engage in illegal activities, which impacts residents in both the rural and urban sections of Josephine County.
- Provide funding to increase jail capacity to 160 beds, keeping those convicted of violent crimes in jail.
- Provide funding to re-open Juvenile Justice Center to shelter abused youth and counsel local youth in crisis.
- Create a better business and job environment by improving public safety in Josephine County.
- To ensure accountability, a Citizens' Oversight Committee will be created; plus an annual independent audit, with findings made public.

**Explanatory Statement:** The revenue from this measures would, it is estimated (Provided by Wally Hicks, Josephine County Legal Counsel):

- Allow the Sheriff's Office to add 16 patrol deputies and increase patrol activities in response to criminal activity.
- It would all the addition of four 911 dispatchers.
- It would allow the addition of jail staff to increase jail capacity to 160 beds so that persons convicted of violent crimes could be kept in jail.
- The measure would provide funding to re-open the Juvenile Shelter to provide counseling and shelter services for youth.
- The revenue from this measure would be subject to required budgetary processes and limitations.
- The measure provides for a citizens' oversight committee and for an independent annual audit. The findings of the audit would be made public.

**(5) JO CO/City Of Grants Pass Voters' Pamphlet Special Election: November 3, 2015**

Referred to the People by Grants Pass City Council. November 3, 2015 Grants Pass City-wide Special Election  
Measure 17-67 2 Percent Sales Tax for City Public Safety and Criminal Justice Services.

**Question:** Shall the City eliminate the \$1.79 Property Tax Levy, eliminate the Jail Utility Fee, and implement a 2.00% sales tax (Provided by the Grants Pass City Council)?

**Summary:** This sales tax eliminates the local option property tax levy of \$1.79 per \$1,000 assessed value, eliminates the Jail Utility Fee, and implements a 2.00% sales tax on retail and food services starting July 1, 2016. This measure provides revenues to (Provided by the Grants Pass City Council):

- Maintain Police and Fire Rescue services.
- Reopens the Juvenile Justice Shelter/Detention building.
- Increases criminal prosecution services.
- Allows the City to provide at least 30 adult jail beds.

Revenues from the sales tax are restricted for use in Public Safety and Criminal Justice services.

Explanatory Statement. Elimination of Local Option Property Tax Levy, Elimination of Jail Service Utility Fees, and Replace with Sales Tax.

Revenues from the sales tax are restricted for City Public Safety services, Juvenile Justice services, Criminal Prosecution services, and Jail services.

Would Maintain Current Police and Fire Services and Increase Criminal Justice Services. This measure would eliminate the Public Safety Local Option Property Tax Levy and would maintain current City Public Safety services including police and fire/rescue emergency responses, 24 hours a day, 365 days a year, 911 and dispatch services, traffic enforcement, gang prevention, major crimes investigations, neighborhood patrols, crime/fire prevention, school programs, drug enforcement, K-9 program, community policing, citizen public safety academy, vehicle crash and emergency medical response.

The measure would also allow the City to provide jail services with at least 30 adult jail beds, increase criminal prosecution services, and reopen the juvenile Justice shelter/detention facility.



**d) Differences**

**(1) Range Of Components In Levies/Sales Tax For Increased Funding: 2012 - 2015** During the last four years of levies and the sales tax proposal, locally there are usually considered to be six major components of the JO CO public safety program.

1. Adult Jail.
2. Juvenile Justice Center.
3. District Attorney’s Office.
4. Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff’s Office Support Services.
6. Animal Protection.

<b>Table I-2. Range Of Components In Levies/Sales Tax For Increased Funding: 2012 - 2015</b>					
Components <sup>1</sup>	2012 <sup>2</sup>	2013 <sup>3</sup>	2014 <sup>4</sup>	2015 <sup>5</sup>	2015 <sup>6</sup>
1. Adult Jail	√	√	√	√	√
2. Juvenile Justice	√	√	√	√	√
3. District Attorney	√	√			√
4. Sheriff Rural Patrol Deputies	√	√		√	
5. Sheriff Criminal Investigations & Related Office Support Services <sup>7</sup>	√ <sup>7</sup>	√		√	
6. Animal Control/Protection		√			
7. Provide School Security Program & Resources		√			
8. Better Business & Job Environment				√	
9. Citizens’ Oversight Committee				√	
10. Annual Independent Audit				√	
<b>Footnotes</b> 1. Range Of Components In Levies/Sales Tax For Increased Funding: 2012 - 2015 2. JO CO Voters Pamphlet: May 15, 2012 3. JO CO Voters Pamphlet: May 21, 2013 4. JO CO Voters Pamphlet: May 20, 2014 5. JO CO Voters Pamphlet: May 19, 2015 6. JO CO/City Of Grants Pass Voters Pamphlet: November 3, 2015 7. JO CO Public Safety Services: Sheriff Criminal Investigations & Related Office Support Services such as Adult Jail, Civil Division, Patrol Deputies, Investigative Officers, Search and Rescue, and Emergency Management.					

**(2) Differences Between AOC and JO CO PSS?** There are differences between the AOC list of public safety components and the JO CO range of components identified in levies/sales tax for increased funding: 2012 - 2015.

The public safety components of the AOC and JO CO lists are in fact the same. It appears the only difference in public safety components being what the local government and two safety groups felt needed additional funding.

How do the following State and JO CO shared public safety service fit into the components of the JO CO Public Safety Services?

- Trial Courts (State and JO CO provided)
- County Jail 911/Emergency Communications (Sheriff's Office)
- Emergency Management (Sheriff's Office)
- Homeland Security (part of Sheriff's Office?)
- Court Security (Sheriff's Office)
- Marine Patrol (State and JO CO provided)
- Search and Rescue (Sheriff's Office)
- Drug Courts (State and JO CO provided)
- County Law Library (State and JO CO provided)
- Community Corrections (State and JO CO provided)

Internal Note: Enquire with Nate Gairan, JO CO Community Corrections Director and, or Public Safety Committee, AOC (Section I.B.3).

Nate Gairan, JO CO Community Corrections Director  
541-474-5165 ext. 3713, Email: ngairan@co.josephine.or.us

## **D. Association of Oregon Counties**

### Contact Information

Association of Oregon Counties  
1201 Court St NE, Suite 300, Salem OR, 97301  
503-585-8351  
Email: [info@oregoncounties.org](mailto:info@oregoncounties.org)  
Web: <http://oregoncounties.org/>

The AOC was the original author of the document, *Task Force on Effective and Cost-Efficient Service Provision*, that identified the three types of funding for PSS: 1. State provided PSS, 2. State/County shared and provided PSS, and 3. County provided PSS (Table I-1).

- Association of Oregon Counties. October 1, 2010. *Task Force on Effective and Cost-Efficient Service Provision*. Rep. Nancy Nathanson, Chair.

There are at least three AOC committees that are working on topics applicable to the JO CO JS&PSS public safety issue.

1. AOC Public Safety Committee
2. AOC Public Lands & Natural Resources
3. AOC Human Services Committee

An issue is that the normal off-the-street public does not have access to potentially applicable JO CO JS&PSS public safety issue materials (i.e., in the sense of saving, and, therefore, efficiently using the AOC's "Meeting Materials" of its committee's web pages). The Committee will seek to understand how to sign up.

**1. AOC Public Safety Committee** The AOC Public Safety Steering Committee is focused on those issues surrounding protecting individual and community safety from personal injury or loss of property. Areas include law enforcement, prosecution, courts (state, county and justice), juvenile justice, jails, community corrections and emergency services. These areas often overlap with areas of primary concern to the AOC Human Services Committee, including, for example, crime prevention, mental health and public health.

- Public Safety Committee, Association of Oregon Counties  
<http://oregoncounties.org/advocacy/public-safety/>, Downloaded December 9, 2015
- Co-Chairs: Commissioner Jim Bernard, Clackamas County and Commissioner Jay Dixon, Benton County
- Vice Chair: Commissioner Jennifer Wheeler, Polk County
- Patrick Sieng, Policy Manager, AOC Staff

Toolkit - AOC's professional policy staff monitors policy development, legislation and regulation at all levels of government. AOC advocates on behalf of Oregon counties at the Oregon Legislature, state agencies, the governor's office, Congress, federal agencies and the

White House. AOC works closely with the National Association of Counties (NACo) on issues of federal concern.

2015 Meeting Materials.

**SHARED STATE-COUNTY SERVICES**  
SERVING THE CITIZENS OF OREGON

HEALTH & HUMAN SERVICES	PUBLIC SAFETY	NATURAL RESOURCES & RECREATION	TRANSPORTATION, LAND USE & ECONOMIC DEV.	OTHER COMMUNITY SERVICES
Child Protection	Appellate Court	State Parks	State Highways	Administrative Services
Housing	State Police	State Lands	State Fair	Assessment & Taxation
Mental Health Hospital	State Prison	Water Regulation	Land Use Planning & Coord.	PERS
Aging/Senior Services	Attorney General	Wildlife Regulation	Land Use Permitting	Employee/Labor Relations
Alcohol/Drug Treatment	Trial Courts	County Forest Trust Lands/ State Forest Management	Highway & Road System	Elections
Alcohol/Drug Prevention	District Attorney	Habitat Restoration	Senior & Disabled Transport.	Extension Service
Children & Families Svcs.	911/Emerg. Communications	Wildlife/Predator Control	Energy Development	Telecommunications
Dev. Disabled Services	Emergency Management	Federal Land Policy	Engineering	Administrative Services
Mental Health Services	Homeland Security	Noxious Weed Control	Building Permits & Inspection	Procurement
Oregon Health Plan Svcs.	Community Corrections	Watermaster	Economic Development	Recording Public Documents
Veterans Services	Court Security	County Forest Management	County Fair	County Library
Public Health Services	Juvenile Services	County Parks	Infrastructure Development	County Museums
Environmental Health	Marine Patrol	Vector Control	Surveying	County Service Districts
Housing Services	Drug Courts	Soil & Water Conservation	County Transportation System	
Medical Examiner	County Law Library			
Emergency Planning and Response	Sheriff Patrol			
Solid Waste Management	Animal Control			
Recycling Programs	Justice Courts			
	Search and Rescue			
	County Jail			

Green = State-Provided Services   Red = State/County-Shared Services   Blue = County-Provided Services

Directly supports schools/education

Figure I-1. Shared State-County Services  
Courtesy of Association of Oregon Counties

**2. AOC Public Lands & Natural Resources** The Public Lands and Natural Resources Steering Committee seeks appropriate management policies and policy-making processes for public lands and natural resources, guided by the principles of “Enlibra.” Enlibra is the name of a set of principles for protecting air, land and water. The principles have proven effective in resolving environmental and natural resource disputes in a more inclusive manner. The word Enlibra was coined by the Western Governors to symbolize balance and stewardship (i.e., national standards, neighborhood solutions; collaboration, not polarization; reward results, not programs; science for facts, process for priorities; markets before mandates; change a heart, change a nation; recognition of benefits and costs; solutions transcend political boundaries).

- Public Lands & Natural Resources Human Services Committee, Association of Oregon Counties <http://oregoncounties.org/advocacy/public-lands-and-natural-resources/>
- Co-Chairs:  
Commissioner Mark Davidson, Union County  
Commissioner Simon Hare, Josephine County
- AOC Staff  
Gil Riddell, Policy Manager, AOC Staff

2015 Meeting Materials.

Memorandum of Understanding Among OR/WA USDI BLM, Region 6 USDA Forest Service, and the Association of Oregon Counties, Representing Oregon County Governing Bodies

**3. AOC Human Services Committee** The Human Services Steering Committee deals with those issues that surround the needs of individual Oregonians. Those issues include health care, mental health, public health, seniors, children and veterans.

- Human Services Committee, Association of Oregon Counties  
<http://oregoncounties.org/advocacy/human-services/>, Downloaded December 9, 2015
- Co-Chairs:  
Commissioner Henry Heimuller, Columbia County  
Commissioner George Murdock, Umatilla County
- Stacy Michaelson, Policy Manager, AOC Staff

2015 Meeting Materials.

Human Services Committee Principles (Draft)

<https://drive.google.com/file/d/0B7M5rHzAfF1QS3JSMTdSTTIXbzdmNWdOV2dHbHd3eURRaXZr/view?pref=2&pli=1>

## **E. Lane County Public Safety Coordinating Council's PSS Components**

A slightly different list of PSS from JO CO was identified in Lane County for the purpose of identifying a MALPSS (Section III.C.2.a)(1)).

- Lane County Public Safety Coordinating Council. December 1, 2011 *Status of the Public Safety System in Lane County as per Senate Bill 77*. Report to the Board of County Commissioners. Eugene, OR.

The Lane County PSCC determined a minimally adequate level of public safety services for the following PSS considering Lane County's physical, historical and fiscal circumstances in the area. The differences between Lane and JO counties are understood as the Lane County PSCC was considering all components of their public safety system for a MALPSS analysis. JO CO was only considering components of its public safety system that some felt needed additional funding.

### **1. Major PSS Components**

- O Jail Operations.
- O Law Enforcement, Investigations and Patrol.
- O Community Corrections.
- O Juvenile Justice.
- O Emergency Operations and Emergency Response.
- O Search and Rescue.
- O Criminal Prosecution.
- O Court Facility Operations.

The Lane County PSCC went further and identified one of five levels of MALPSS for five service areas.

### **2. Five levels of MALPSS**

1. Adequate Level of Service
2. Minimally Adequate Level of Service
3. Less than Adequate Level of Service
4. Inadequate Level of Service
5. Emergency Level of Service

### **3. Five Public Safety Service Areas**

1. Youth Services
2. Human Services
3. Corrections Services
4. Police Services - Sheriff's Office
5. District Attorney Services

#### **4. Five Specific Public Safety Service Areas With MALPSS Rating**

The Lane County PSCC went further and identified one of five levels of MALPSS for each of the five service areas' sub-components.

##### **a) Youth Services With MALPSS Rating**

Juvenile Supervision & Support Services  
Admissions/Detention Staffing & Support  
Secure Residential Program Staff  
Research & Grant Writing Position  
Grant Funded Positions  
Administration  
Detention Beds  
OYA Beds for Lane County Youth  
Runaway Intervention  
Personal assessment of all charged Juveniles  
Rural Resource Teams  
Rural Youth Counselors  
Validated Risk Assessments  
Drug & Alcohol Intervention Programs  
Restorative Justice Program Referrals  
Drug/Alcohol Treatment Programs  
Misdemeanor Crime Intervention Programs  
Juvenile Drug Court  
Transition/Shelter Beds  
Community Service Crews Days/week  
Cognitive Intervention Classes per Year  
Alternative Education Programs  
Theft Diversion Classes  
Alcohol Diversion Classes  
Community Collaboration & Multicultural Programs  
Parent Education & Family Counseling  
Voc Training & Job Placement

##### **b) Human Services With MALPSS Rating**

The percentage of people in Lane County who are below the federal poverty level  
Number of people in Lane County who are below the federal poverty level  
Number of clients receiving Developmental Disabilities case management services  
Adults receiving Behavioral Health outpatient services from Lane County Behavioral Health.  
Number of mental health managed care(LaneCare) clients  
Number of treatment slots in the Methadone Program  
Number of FQHC clients  
Number of FQHC encounters  
Number of Cahoots contacts (Eugene)  
Number of sobering admissions (Buckley House)  
Number of households receiving bill paying assistance  
Lane County one night homeless count  
Pounds of food distributed by Food for Lane County  
Number of Lane County households that received food boxes of emergency food assistance

Number of individuals served at Community Service Centers for basic needs  
Sex Offender Treatment - Number served

### **c) Corrections Services With MALPSS Rating**

Lane County Jail  
    Beds for local offenders  
Community Corrections Ctr  
    Beds for local offenders  
Forest Work Camp  
DOMC Services  
Parole and Probation  
Electronic Supervision  
Re-entry Services  
Transitional Housing  
Transitional Services

### **d) Police Services - Sheriff's Office With MALPSS Rating**

Rural Patrol  
Residential  
Investigations  
Person Crimes  
Property Crimes  
Traffic Enforcement  
Search & Rescue  
Marine Patrol  
Forest Patrol  
Civil Paper Services

### **e) District Attorney Services With MALPSS Rating**

Cases filed  
Trials  
Investigative Services FTE - Criminal Div.  
Medical Examiner/Death Investigations  
# Victims Services  
# Victims Served  
Support/Enforcement Collections  
Juvenile Dependency Cases  
Juvenile Delinquency Cases  
Kids' FIRST Interviews  
Attorneys FTE - Criminal Div.  
Legal Secretaries FTE - Criminal Div.



## F. Summary

The first question, *What is the JO CO's Justice System & Public Safety Services (JS&PSS) Problem/Issue?*, was asked, but not answered. That is the research project of identifying public opinion through content analysis (Section VII.D.1). The Committee had two responses to the first question.

Response 1. It felt part of the problem was because JO CO citizens have never had to understand and debate needed levels and funding for public safety (Section I.A). That debate has now been ongoing intensively from 2012 - 2015.

Response 2. It posed a second question, and the purpose of this appendix. ***Or, is there a problem, and if so, judged by what standards?***

Understanding and designing solutions are complicated tasks as there are substantial differences between Oregon counties in terms of their geographic and demographic characteristics, priorities, historic crime rates, willingness to tolerate certain levels of crime, and past and present funding of various public safety services. This complexity is also found at the local level in Josephine County, Oregon. The issue is not simply taxes versus safety. The range of pro and con reasons for the last four levies and one proposed sales tax from 2012 - 2015 are broad and complex.

A scientific study of the standards used to proclaim a public safety fiscal emergency when fiscal conditions compromise JO CO's ability to provide a *minimally adequate level of public safety services* would help answer the "*Is there a problem.*" question. When is a county in a state of fiscal distress that compromises the county's ability to provide a minimally adequate level of public safety services? Locally professional opinions have been offered, but the public has not been provided a scientific vetted document study of the MALPSS standards.

The public safety services (PSS) are 16 services, some provided by JO CO and some are shared between the county and the state (Table I-1).

The range of public safety service components identified for increased funding from 2012 - 2015, during four years of levies and the sales tax proposal, are locally considered to be the six major components of the JO CO public safety program (Table I-2).

1. Adult Jail.
2. Juvenile Justice Center.
3. District Attorney's Office.
4. Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff's Office Support Services.
6. Animal Protection.

The Association of Oregon Counties was the original author of the document, *Task Force on Effective and Cost-Efficient Service Provision*, that identified the three types of funding for PSS: 1. State provided PSS, 2. State/County shared and provided PSS, and 3. County provided PSS. The AOC has been active in addressing the public safety issue statewide through three of its committees. The AOC Public Safety Steering Committee is focused on those issues surrounding protecting individual and community safety from personal injury or loss of property. The Public Lands and Natural Resources Steering Committee seeks appropriate management policies and policy-making processes for public lands and natural resources, guided by the principles of “Enlibra” (national standards, neighborhood solutions; collaboration, not polarization; reward results, not programs; science for facts, process for priorities; markets before mandates; change a heart, change a nation; recognition of benefits and costs; solutions transcend political boundaries).

**3. AOC Human Services Committee** The Human Services Steering Committee deals with those issues that surround the needs of individual Oregonians. Those issues include health care, mental health, public health, seniors, children and veterans.

The Lane County Public Safety Coordinating Council identified a list of PSS components for the purpose of identifying a MALPSS (Section I.E; Section III.C.2.a)(1)). Its December 1, 2011 analysis, entitled *Status of the Public Safety System in Lane County as per Senate Bill 77*, was enlightening and educational. Of special value was its identified five levels of MALPSS for its public safety services.

- MALPSS Level 1. Adequate Level of Service
- MALPSS Level 2. Minimally Adequate Level of Service
- MALPSS Level 3. Less than Adequate Level of Service
- MALPSS Level 4. Inadequate Level of Service
- MALPSS Level 5. Emergency Level of Service

The Lane County PSCC work was instrumental in the Committee developing its own thoughts of a MALPSS analysis which will be addressed in a later sections (Section III.C.2; Sections V.C - V.D; Section VI.B).

## **II. HISTORY OF MINIMALLY ADEQUATE LEVEL OF PUBLIC SAFETY SERVICES (MALPSS) & COMPONENTS OF JO CO PUBLIC SAFETY PROGRAM**

### **A. O&C Counties Historical Information**

Bureau of Land Management

U.S. Department of Interior

<http://www.blm.gov/or/rac/ctypayhistory.php>

Downloaded December 1, 2015

**1. Historical Background** The Oregon and California Railroad Revested Lands, known as the O&C Lands, lie in a checkerboard pattern through eighteen counties of western Oregon. These lands contain more than 2.4 million acres of forests with a diversity of plant and animal species, recreation areas, mining claims, grazing lands, cultural and historical resources, scenic areas, wild and scenic rivers, and wilderness. Most of the O&C lands are administered by the Bureau of Land Management.

The history of the O&C lands goes back to 1866 when Congress established a land grant to promote rapid completion of the Oregon section of the Portland to San Francisco railroad. The Oregon and California Railroad company was deeded about 12,800 acres per mile of track laid, providing incentive to complete the railroad. The land grant required the company to sell 160 acre parcels at no more than \$2.50 an acre to qualified settlers. In 1916, Congress took back the title on more than 2 million acres of these lands after the company failed to sell the land to settlers. Three years later, Congress revested 93,000 acres of Coos Bay Wagon Road grant lands due to similar circumstances.

The Oregon and California Revested Lands Sustained Yield Management Act of 1937 put the O&C lands under the jurisdiction of the U.S. Department of the Interior. The lands were classified as timberlands to be managed for permanent forest production, and the timber was to be sold, cut, and removed in conformity with the principle of sustained yield for the purpose of providing a permanent source of timber supply. The Act also provided for protecting watersheds, regulating stream flow, contributing to the economic stability of local communities and industries, and providing recreational facilities.

**2. Historical Documents** The BLM has a wealth of information on its web site for the O & C history buff.

### **History and Background Information**

O&C History (PDF)

O&C Background (PDF)

O&C Act of 1937 (PDF)

### **General Information**

Secure Rural Schools RACs

Official Secure Rural Schools Payments Made to Counties

Timber Receipts Payments Made to Counties (2015)

Oregon/Washington Citizen Advisory Groups

## B. OREGON LEGISLATION

This Oregon legislation history of the MALPSS topic is from Chapter V, Oregon Legislation, *Appendix B2. Studies & Information.*

- Walker, Mike; and Whalen, Jon, Members, Hugo Justice System & Public Safety Services Exploratory Committee. Draft July 7, 2015. *Appendix B2. Studies & Information.* Supporting Justice System & for Public Safety Services Study Design: 2015 and for the Hugo Neighborhood Association & Historical Society. Hugo, OR.

All referenced Exploratory Committee, Hugo Neighborhood Association & Historical Society, public safety brochures and public information documents are web published at <http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>.

**1. Oregon Senate Bill 77 (2009)** The 2009 Oregon Senate Bill 77 established the process to declare a public safety services emergency in a fiscally distressed county (Section IV.B; Appendix B). The bill had been codified at ORS 203.095 and 203.100. Under this bill the Oregon Criminal Justice Commission (OCJC) was identified as the agency to establish the process to declare a public safety services emergency in a fiscally distressed county. The JS&PSS Committee found the OCJC’s work sound, especially its summation of the difficulty of reviewing and analyzing public safety services provided by the county to determine whether the county is providing a “minimally adequate level of public safety services.” The OCJC had the task of writing the regulations to implement the law (i.e., OAR 213-070-000).

- Br. III.E.1.6.3.3 OR Criminal Justice Commission’s & OR Senate Bill 77, by the Committee (2013)

**These counties suffer from a multiplier effect of structural features which could negatively affect public safety in these counties if that funding ends:** (1) they have substantial percentages of their general funds dependent on the SSR funds (40-70%), (2) most of their general funds are dedicated to public safety, (3) they have relatively low property tax rates and/or receive a small percentage of the property taxes levied in that county with little legal room, or political opportunity, to increase those rates, and (4) substantial fractions of these counties are federally owned, not subject to taxation.

The last Legislature, concerned about the looming potential loss of SSR funding, enacted SB 77 relating to the declaration of a “public safety services emergency.” **In the face of such a declaration, the OCJC would be required to “review and analyze public safety services provided by the county” to determine whether the county is providing a “minimally adequate level of public safety services.”** There are substantial differences between counties in terms of, among other things, their geographic and demographic characteristics, historic crime rates and their willingness to tolerate certain levels of crime and their past and present funding of various public safety services. Given these, and other, substantial differences, writing rules for how to determine whether a particular county is providing “minimally adequate public safety services” is a difficult task indeed. **A committee of the OCJC is currently at work developing both a conceptual framework as well as draft rules to comply with the legislative directives laid out in SB 77.** The OCJC hopes to finalize the initial draft rule by the end of July, 2010.

**OAR 213-070-000** [2013 Note: The OCJC was successful and OAR 213-070-000 was finalized in 2011]. You are invited and encouraged to participate in this effort by making recommendations to the CJC concerning our efforts to write the rules for determining “minimally adequate” public safety services in an affected county. **What services should be taken into account, what are the key data elements in measuring a particular public safety service and how should they be measured?** The current thought is that the rules should be such that, given the variability in counties, these rules must be flexible in application while being based on uniformity in the categories and data categories utilized for any given public safety service. We look forward to your input.

**2. Oregon House Bill 4176 (2012)** Oregon House Bill 4176 (2012) repealed the law per SB 77. Relating to counties in fiscal distress; creating new provisions; amending ORS 203.095 and 203.100; repealing ORS 203.095 and 203.100; appropriating money; limiting expenditures; and declaring an emergency (Section IV.B).

**3. Oregon House Bill 3453 (2013)** Oregon House Bill 3453 (2013) repealed the law per HB 4176. HB House Bill 3453 is the law today as of December 15, 2015. It provides that the Governor of Oregon may proclaim public safety fiscal emergency for one or more counties where fiscal conditions compromise county ability to provide minimally adequate level of public safety services (Section IV.B; Appendix A).

## C. MALPSS

### 1. Committee Educational Brochures On Oregon Criminal Justice Commission

Br. III.E.1.6.3 Oregon Criminal Justice Commission, by the Committee (2013)

Br. III.E.1.6.3.3 OR Criminal Justice Commission's & OR Senate Bill 77, by the Committee (2013)

#### a) Br. III.E.1.6.3 Oregon Criminal Justice Commission, by the Committee (2013)

**CRIMINAL JUSTICE COMMISSION** [http://www.oregon.gov/CJC/Pages/about\\_us.aspx](http://www.oregon.gov/CJC/Pages/about_us.aspx)

The Criminal Justice Commission's purpose is to improve the efficiency and effectiveness of state and local criminal justice systems by providing a centralized and impartial forum for statewide policy development and planning. The commission is charged with developing a long-range public safety plan for Oregon, which includes making recommendations on the capacity and use of state prisons and local jails, implementation of community corrections programs and methods to reduce future criminal conduct. In addition, the Commission has a role in funding and evaluating Oregon's drug courts. The commission also conducts research, develops impact estimates of crime-related legislation, acts as a statistical and data clearinghouse, administers Oregon's felony sentencing guidelines and provides staff to the advisory committees regarding asset forfeiture and racial profiling. Commission members are appointed to four-year terms by the governor and confirmed by the senate.

**Justice System Exploratory Committee Research** The Justice System Exploratory Committee, Hugo Neighborhood Association & Historical Society, researched the Criminal Justice Commission's web site and could not find any information on the history of CJC's authority for "*minimally adequate level of public safety services.*" It is assumed there is no reference on the CJC's web site to "minimally adequate level of public safety services" because in 2012 the Oregon Legislature gave this authority to the Oregon Governor.

**CJC's Authority Repealed** Under former ORS 203.095 (2009); SB 77 (2009), the CJC adopted rules (OAR 213-070-000 (2011)) pertaining to public safety services guidelines to aid in determining whether a county provided a minimally adequate level of public safety services in certain defined areas. In 2012, the Oregon Legislature amended ORS 203.095 to remove CJC's authority in this regard, and to give the Governor authority, in certain circumstances, to determine whether a county is providing a minimally adequate level of state required services. HB 4176 (2012). As a result, CJC repealed its rules (OAR 213-070-000 (2011)) pertaining to the determination of a minimally adequate level of public safety services.

**Oregon Governor's Responsibility Under House Bill 3453** The bill provides that the Governor of Oregon may proclaim public safety fiscal emergency for one or more counties where fiscal conditions compromise a county's ability to provide "*minimally adequate level of public safety services.*" Under 3453 the Governor could enter into agreements with local county commissioners to raise money for additional law enforcement services. Half of the money would come from state coffers and the other half would be in the form of higher local taxes.

**Research to Continue** Although the CJC no longer has responsibility, it provided an invaluable service in addressing the standards and criteria to determine "*minimally adequate level of public safety services*" that will continue to be researched. It premise follows.

There are substantial differences between counties in terms of, among other things, their geographic and demographic characteristics, historic crime rates and their willingness to tolerate certain levels of crime and their past and present funding of various public safety services. Given these, and other, substantial differences, writing rules for how to determine whether a particular county is providing "minimally adequate public safety services" is a difficult task. **What services should be taken into account, what are the key data elements in measuring a particular public safety service and how should they be measured?**

## **b) Br. III.E.1.6.3.3 OR Criminal Justice Commission's & OR Senate Bill 77, by the Committee (2013)**

**OCJC Summer 2010 Newsletter Chair's Column – Judge Darryl Larson** It may be summer but the OCJC is definitely not on vacation. One of the most difficult jobs being undertaken by the OCJC is how to adequately, fairly, and successfully accomplish the task put before it by the Legislature in the form of **Senate Bill (SB) 77 concerning county public safety “emergencies.”**

There is a justifiable and very real concern that after 2012, the U.S. Congress may no longer authorize funding of what used to be called the O&C timber payments but are now commonly known as the Safe and Secure Rural Schools (SSR) funds. Twenty four of Oregon's 36 counties receive some of this funding. However, **some counties are particularly at risk from a cessation of the SSR funding.**

**These counties suffer from a multiplier effect of structural features which could negatively affect public safety in these counties if that funding ends:** (1) they have substantial percentages of their general funds dependent on the SSR funds (40-70%), (2) most of their general funds are dedicated to public safety, (3) they have relatively low property tax rates and/or receive a small percentage of the property taxes levied in that county with little legal room, or political opportunity, to increase those rates, and (4) substantial fractions of these counties are federally owned, not subject to taxation.

The last Legislature, concerned about the looming potential loss of SSR funding, enacted SB 77 relating to the declaration of a “public safety services emergency.” **In the face of such a declaration, the OCJC would be required to “review and analyze public safety services provided by the county” to determine whether the county is providing a “minimally adequate level of public safety services.”** There are substantial differences between counties in terms of, among other things, their geographic and demographic characteristics, historic crime rates and their willingness to tolerate certain levels of crime and their past and present funding of various public safety services. Given these, and other, substantial differences, writing rules for how to determine whether a particular county is providing “minimally adequate public safety services” is a difficult task indeed. **A committee of the OCJC is currently at work developing both a conceptual framework as well as draft rules to comply with the legislative directives laid out in SB 77.** The OCJC hopes to finalize the initial draft rule by the end of July, 2010.

**OAR 213-070-000** [2013 Note: The OCJC was successful and OAR 213-070-000 was finalized in 2011].

You are invited and encouraged to participate in this effort by making recommendations to the CJC concerning our efforts to write the rules for determining “minimally adequate” public safety services in an affected county. **What services should be taken into account, what are the key data elements in measuring a particular public safety service and how should they be measured?** The current thought is that the rules should be such that, given the variability in counties, these rules must be flexible in application while being based on uniformity in the categories and data categories utilized for any given public safety service. We look forward to your input.

### **(1) Executive Director's Column (Oregon Criminal Justice Commission)**

Oregon Criminal Justice Commission. Summer 2010. Executive Director's Column – Craig Prins. OCJC Summer 2010 Newsletter. Salem, OR.

### **(2) Oregon Criminal Justice Commission Administrative Overview**

Oregon Secretary of State. November 2010. *Oregon Criminal Justice Commission Administrative Overview*. Salem, OR.

## 2. Committee Brochures On OR'S MALPSS: 2013

***OR'S Minimally Adequate Public Safety Services Standards*** Brochure III.E.1.7, is one of several educational brochures developed by the Committee on 2013 Oregon House Bill 3453 under the authority of its 2013 JS&PSS Issue Scope Of Work (see Web Section on "Educational Brochures/facts: Standards"). <http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

Background to the MALPSS issue are education brochures relating to the JO CO public safety issue that the Committee web published in 2013.

- Br. III.E.1.4 Oregon Constitution, by the Committee
- Br. III.E.1.5 Josephine County Home Rule Charter, by the Committee
- Br. III.E.1.6 Oregon Agencies & Public Safety Services, by the Committee
- Br. III.E.1.6.1 Oregon Attorney General, by the Committee
- Br. III.E.1.6.2 Oregon Legislative Counsel, by the Committee
- Br. III.E.1.6.3 Oregon Criminal Justice Commission, by the Committee
- Br. III.E.1.6.3.1 OR Criminal Justice Commission & 2009 OR Governor's Reset Cabinet, by the Committee
- Br. III.E.1.6.3.2 OR Criminal Justice Commission's Public Safety Subcommittee Report, by the Committee
- Br. III.E.1.6.3.3 OR Criminal Justice Commission's & OR Senate Bill 77, by the Committee

The following educational brochures were also web published by the Committee in 2013. The core text of these brochures will follow as context to the MALPSSs issue as researched by the Committee.

- Br. III.E.1.6.3.3 OR Criminal Justice Commission's & OR Senate Bill 77, by the Committee (Section III.B)
- Br. III.E.1.7 OR'S Minimally Adequate Public Safety Services Standards, by the Committee
- Br. III.E.1.7.1 Oregon Senate Bill (SB) 77: 2009, by the Committee
- Br. III.E.1.7.2 Oregon House Bill 4176 (2012), by the Committee
- Br. III.E.1.7.3.1 Enrolled Oregon House Bill 3453: 2013 (1 of 2), by the Committee
- Br. III.E.1.7.3.2 Oregon House Bill 3453 (2 of 2), by the Committee
- Br. III.E.1.8.1 Oregon Administrative Rules (OAR) 213-070-000: 2011, by the Committee

The Committee believes the above seven education brochures demonstrate the historical intent of the MALPSSs issue for the 2009 OR Senate Bill 77, 2012 Oregon House Bill 4176, and the present existing law represented by the 2013 Oregon House Bill 3453.

The Committee is especially interested in the revoked 2011 OAR 213-070-000 (Br. III.E.1.8.1; Appendix B), that implemented OR Senate Bill 77, also revoked. The reason is that the Oregon Legislature never elected to direct the development of OARs for either Oregon House Bill 4176, or Oregon House Bill 3453.



The Committee, while not agreeing fully with the revoked 2011 OAR 213-070-000, also believes that the Oregon Criminal Justice Commission did some exceptional work in developing the OARs which remain the only model for identifying MALPSS standards for public safety services (PSS), such as:

1. County Jail Operations
2. Law Enforcement,
3. Investigation, and
4. Patrol.

#### **2011 Definitions OAR 213-070-0010 - Revoked**

- **“Minimally Adequate Level of Public Safety Services” (MALPSS)** is that level of PSS determined to be required to provide a **reasonable level of public safety** within the CO. The Com will determine the level of services that are minimally adequate in a particular CO by following the process set forth in these rules, analyzing the contextual factors present in the county as well as the current and historical levels of PSS provided by the CO.
- **“PSS Emergency”** is a situation in which a CO is in a **state of fiscal distress** that compromises the CO’s **ability to provide a MALPSS. Current Level of PSS OAR 213-070-0020** This rule defines information sources and areas of PSS such as CO jail operations and law enforcement, investigation, and patrol.

a) Br. III.E.1.6.3.3, OR Criminal Justice Commission's & OR Senate Bill 77 (also see Section III.A)

## OR CRIMINAL JUSTICE COMMISSION'S & OR SENATE BILL 77

Brochure III.E.1.6.3.3

### Standards & Authorities

Very Draft August 16, 2013

#### *Hugo Justice System Exploratory Committee*

**JO CO Justice System & Public Safety Services** The 2012 expiration of federal funding for services resulted in two JO CO proposed levies as a solution. "Is JO CO providing a minimally adequate level of public safety services?"<sup>1-2</sup>

#### CRIMINAL JUSTICE COMMISSION

[http://www.oregon.gov/CJC/Pages/about\\_us.aspx](http://www.oregon.gov/CJC/Pages/about_us.aspx)

**OCJC Summer 2010 Newsletter<sup>3</sup> Chair's Column – Judge Darryl Larson** It may be summer but the OCJC is definitely not on vacation. One of the most difficult jobs being undertaken by the OCJC is how to adequately, fairly and successfully accomplish the task put before it by the Legislature in the form of **Senate Bill (SB) 77 concerning county public safety "emergencies."**

There is a justifiable and very real concern that after 2012, the U.S. Congress may no longer authorize funding of what used to be called the O&C timber payments, but are now commonly known as the Safe and Secure Rural Schools (SSR) funds. Twenty four of Oregon's 36 counties receive some of this funding. However, **some counties are particularly at risk from a cessation of the SSR funding.**

**These counties suffer from a multiplier effect of structural features which could negatively affect public safety in these counties if that funding ends:** (1) they have substantial percentages of their general funds dependent on the SSR funds (40-70%), (2) most of their general funds are dedicated to public safety, (3) they have relatively low property tax rates and/or receive a small percentage of the property taxes levied in that county with little legal room, or political opportunity, to increase those rates, and (4) substantial fractions of these counties are federally owned, not subject to taxation.

The last Legislature, concerned about the looming potential loss of SSR funding, enacted SB 77 relating to the declaration of a "public safety services emergency." **In the face of such a declaration, the OCJC would be required to "review and analyze public safety services provided by the county" to determine whether the county is providing a "minimally adequate level of public safety services."** There are substantial differences between counties in terms of, among other things, their geographic and demographic characteristics, historic crime

rates and their willingness to tolerate certain levels of crime and their past and present funding of various public safety services.

Given these, and other, substantial differences, writing rules for how to determine whether a particular county is providing “minimally adequate public safety services” is a difficult task indeed. **A committee of the OCJC is currently at work developing both a conceptual framework as well as draft rules to comply with the legislative directives laid out in SB 77.** The OCJC hopes to finalize the initial draft rule by the end of July, 2010.

**OAR 213-070-000** [2013 Note: The OCJC was successful and OAR 213-070-000 was finalized in 2011].

You are invited and encouraged to participate in this effort by making recommendations to the CJC concerning our efforts to write the rules for determining “minimally adequate” public safety services in an affected county. **What services should be taken into account, what are the key data elements in measuring a particular public safety service and how should they be measured?** The current thought is that the rules should be such that, given the variability in counties, these rules must be flexible in application while being based on uniformity in the categories and data categories utilized for any given public safety service. We look forward to your input.

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1. Hugo Neighborhood Association & Historical Society (HNA&HS). July 9, 2013. *Justice System Exploratory Committee*. Hugo, OR.
  2. HNA&HS. July 24, 2013. *Hugo Neighborhood Association & Historical Society's Mission*. Hugo, OR.
  3. Oregon Criminal Justice Commission. Summer 2010. *Executive Director's Column – Craig Prins*. OCJC Summer 2010 Newsletter. Salem, OR.

## b) Br. III.E.1.7., OR'S Minimally Adequate Public Safety Services Standards

### OR'S MINIMALLY ADEQUATE PUBLIC SAFETY SERVICES STANDARDS

Brochure III.E.1.7

- Standards & Authorities** • *State of Fiscal Distress (SFD)*  
• *Minimally Adequate Level of Public Safety Services (MALPSS)*  
• *Public Safety Services Emergency (PSSE)*

**August 2, 2013**

#### *Hugo Justice System Exploratory Committee*

**JO CO Justice System & Public Safety Services**<sup>1-2</sup> The 2012 expiration of federal funding for services resulted in two JO CO proposed levies as a solution. They both failed. ***“Is JO CO providing a minimally adequate level of PSS?”***

**AOC (Association of Oregon Counties) Task Force On Effective And Cost-Efficient Service Provision**<sup>3</sup>

**OREGON SENATE BILL 77 (2009)** established the process to declare a public safety services emergency in a fiscally distressed county. The bill was codified at ORS 203.095 and 203.100.

**SB 77, Section 1. (1)** If the governing body of a county or the Governor believes that the county is in a **state of fiscal distress** that compromises the county's ability to provide a **minimally adequate level of public safety services**, the governing body or the Governor may seek a **declaration of a public safety services emergency** by requesting in writing that the Oregon Criminal Justice Commission (CJC) review and analyze public safety services provided by the county. (2) CJC review and analyze PSS provided to determine whether the CO is providing a **minimally adequate level of PSS**.

**OREGON HOUSE BILL 4176 (2012)** Relating to counties in fiscal distress; creating new provisions; amending ORS 203.095 and 203.100; repealing ORS 203.095 and 203.100; appropriating money; limiting expenditures; and declaring an emergency.

**HB 4176 SECTION 1. ORS 203.095 (1)(a)** The governing body of a county may seek a **declaration of a fiscal emergency** by requesting in writing that the Governor review and analyze state-required services provided by the county if: (A) The governing body of the county believes that the **county is in a state of fiscal distress** that **compromises the county's ability to provide a minimally adequate level**, currently or within the next fiscal year, of any service that a county is required to provide by state law; . . .

(2) When a request for review of state-required services is made the Governor shall gather information regarding the **current level of state-required services provided by the county**; and review and analyze state-required services provided in the county to determine whether the county is providing a **minimally adequate level of state-required services**.

(3) If the Governor finds that the county is providing, or within the next fiscal year will be providing, a **less than minimally adequate level of state-required services**, the Governor shall declare a **fiscal emergency** for the county.

**OREGON HOUSE BILL 3453 (2013)** Provides that the Governor of Oregon may proclaim public safety fiscal emergency for one or more counties **where fiscal conditions compromise county ability to provide minimally adequate level of public safety services**.

**ORS 203.095/ORS 203.100**

**OAR 213-070-0000/Definitions OAR 213-070-0010**

- **“Minimally Adequate Level of Public Safety Services” (MALPSS)** is that level of PSS determined to be required to provide a **reasonable level of public safety** within the CO. The Com will determine the level of services that are minimally adequate in a particular CO by following the process set forth in these rules, analyzing the contextual factors present in the county as well as the current and historical levels of PSS provided by the CO.
- **“PSS Emergency”** is a situation in which a CO is in a **state of fiscal distress** that compromises the CO’s **ability to provide a “Minimally Adequate Level of Public Safety Services.”** **Current Level of PSS OAR 213-070-0020** This rule defines information sources and areas of PSS such as CO jail operations and law enforcement, investigation, and patrol.

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1. Hugo Neighborhood Association & Historical Society (HNA&HS). July 9, 2013. *Justice System Exploratory Committee*. Hugo, OR.  
2. HNA&HS. July 24, 2013. *Government Needs Support*. Hugo, OR.  
3. AOC (Association of Oregon Counties). October 1, 2010. Association of Oregon Counties Task Force On Effective And Cost-Efficient Service Provision. Rep. Nancy Nathanson, Chair.

**c) Br. III.E.1.7.1, Oregon Senate Bill (SB) 77: 2009**

**OREGON SENATE BILL (SB) 77: 2009**

Brochure III.E.1.7.1

**Standards & Authorities**

Fiscally Distressed County

Current Level of Public Safety Services (PSS) Provided

Minimally Adequate PSS Which Must Be Delivered

Less than Minimally Adequate PSS

Restore Minimally Adequate PSS

PSS Emergency

Oregon Criminal Justice Commission/Fiscal Control Board

OAR PSS Guidelines Must Provide Basis for Analyzing Whether County Provides a Minimally Adequate Level of PSS

County's Fiscal Alternatives and Public Safety Service Needs and Shortcomings

**Very Draft August 2, 2013**

***Hugo Justice System Exploratory Committee***

**JO CO Justice System & Public Safety Services**<sup>1-2</sup> The 2012 expiration of federal funding for services resulted in two JO CO proposed levies as a solution. They both failed. *“Is JO CO providing a minimally adequate level of PSS?”*

**2009 ENROLLED OR SENATE BILL 77**

**SECTION 1. (1)** If the governing body of a county or the Governor believes that the **county is in a state of fiscal distress** that compromises the county's ability to provide a **minimally adequate level of public safety services**, the governing body or the Governor may seek a **declaration of a public safety services emergency** by requesting in writing that the **Oregon Criminal Justice Commission (CJC)** review and analyze public safety services provided by the county.

(2) CJC to gather information regarding the **current level of public safety services provided** by the CO and review and analyze PSS provided to determine whether the CO is providing a **minimally adequate level (MAL) of PSS**.

(3) If CJC finds that the CO is providing a **less than MALPSS**, the CJC shall recommend the Governor declare a **public safety services emergency (PSSE)** for CO.

(4) The Governor shall either issue the **declaration of a PSSE**, if the Governor determines that the county's fiscal distress prevents the county from providing a MALPSS, or issue a determination that the county's fiscal distress does not cause the county to provide a less than MALPSS. Declaration of a PSSE occurs establish a **fiscal control board** for the distressed CO.

(5) The **fiscal control board (CJC)** shall gain an understanding of the county's **fiscal alternatives** and **PSS needs and shortcomings**. The CJC shall propose to the governing body of the CO a recovery plan designed to **restore MALPSS**.

(6) The CO shall approve or reject the recovery plan proposed.

(7) When the CJC concludes that **MALPSS** have been restored in the fiscally distressed CO, the CJC shall recommend that Governor terminate the PSSE.

(8) The Governor shall declare the PSSE terminated when the fiscally distressed CO has **restored MALPSS**.

(9) The CJC shall establish, by rule, PSS guidelines to identify the MAL at which PSS must be delivered in a CO. The guidelines must provide a basis for analyzing whether the CO provides a MALPSS.

**SECTION 2** Fiscal Control Board/CJC. Fiscal Control Board/CJC. terminates when the Governor declares that the PSSE ended.

**SECTION 3.** This 2009 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2009 Act takes effect on its passage.

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1. Hugo Neighborhood Association & Historical Society (HNA&HS). July 9, 2013. *Justice System Exploratory Committee*. Hugo, OR.

2. HNA&HS. July 24, 2013. *Government Needs Support*. Hugo, OR.

**d) Br. III.E.1.7.2, Oregon House Bill 4176 (2012)**

**OREGON HOUSE BILL 4176 (2012)**

Brochure III.E.1.7.2

**Very Draft August 2, 2013**

**Standards & Authorities**

- Declaration of a Fiscal Emergency
- County in a State of Fiscal Distress
- Compromises the County's Ability to Provide a Minimally Adequate Level
  - Current Level of State-Required Services
  - Minimally Adequate Level of State-required Services
- Less than Minimally Adequate Level of State-required Services
  - Fiscal Assistance Board
- Recovery Plan Designed to Restore or Sustain Minimally Adequate State-Required Services

***Hugo Justice System Exploratory Committee***

**JO CO Justice System & Public Safety Services**<sup>1-2</sup> The 2012 expiration of federal funding for services resulted in two JO CO proposed levies as a solution. They both failed. ***“Is JO CO providing a minimally adequate level of PSS?”***

**AOC (Association of Oregon Counties) Task Force On Effective And Cost-Efficient Service Provision**<sup>3</sup>

Refinement of SB 77 procedure regarding determination of county inability to meet minimally adequate public safety. Senate Bill 77 (2009) established the process to declare a public safety services emergency in a fiscally distressed county. (The bill has been codified at ORS 203.095 and 203.100). In the view of the **County Services Planning Council Subcommittee**, the law does not provide a complete process that will result in recovery of the county.

**Enrolled Oregon House Bill 4176**

Relating to counties in **fiscal distress**; creating new provisions; amending ORS 203.095 and 203.100; repealing ORS 203.095 and 203.100; appropriating money; limiting expenditures; and declaring an emergency.

**Whereas** counties that received federal payments pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393) are experiencing significant budget shortfalls that compromise public health and safety, undermine funding for county roads and exacerbate job losses; and

**Whereas** it is in the best interest of the state to provide counties with a tool that would facilitate a collaborative process to identify solutions and mitigate the impact of the loss of Secure Rural Schools and Community Self-Determination Act of 2000 funds.



**SECTION 1. ORS 203.095 (1)(a)** The governing body of a county may seek a **declaration of a fiscal emergency** by requesting in writing that the Governor review and analyze state-required services provided by the county if: (A) The governing body of the county believes that the **county is in a state of fiscal distress that compromises the county’s ability to provide a minimally adequate level**, currently or within the next fiscal year, of any service that a county is required to provide by state law; . .

(2) When a request for review of state-required services is made under sub-section (1) of this section, the Governor shall: (a) Consult with the governing body of the county and other appropriate county officials, with labor organizations representing county employees and with other stakeholders to gather information regarding the **current level of state-required services** provided by the county; and (b) Review and analyze state-required services provided in the county to determine whether the county is providing a **minimally adequate level of state-required services**. . .

**SECTION 1. ORS 203.095(3)** If the Governor finds that the county is providing, or within the next fiscal year will be providing, a **less than minimally adequate level of state-required services**, the Governor shall declare a **fiscal emergency** for the county. . . .

**SECTION 1. ORS 203.095(4)** If the Governor issues the **declaration of a fiscal emergency** under subsection (3) of this section, the Governor shall establish a **fiscal assistance board**, as described in ORS 203.100, for the distressed county.

**SECTION 1. ORS 203.095(5)** . . . The board shall consider and adopt a **recovery plan designed to restore or sustain minimally adequate state-required services**. . . .”

**SECTION 1. ORS 203.095(6)** . . . When the fiscal assistance board concludes that **minimally adequate state-required services have been restored or sustained** in the **fiscally distressed county**, the board shall recommend that Governor **terminate the fiscal emergency**.

**SECTION 1. ORS 203.095(9) was eliminated from HB 4176.**

“The commission shall establish, by rule, **public safety services guidelines by which to identify the minimally adequate level at which public safety services must be delivered in a county**. In establishing the **guidelines**, the commission shall seek broad input from the governing body of the county, the sheriff, the district attorney, judges and other appropriate county officials, labor organizations representing county employees, other public safety stakeholders and members of the public, and take into consideration the population density, geographic characteristics, historical crime rates and other relevant factors in Oregon counties. **The guidelines must provide a basis for analyzing whether the county provides a minimally adequate level of public safety services** in the areas of . . .”

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1. Hugo Neighborhood Association & Historical Society (HNA&HS). July 9, 2013. *Justice System Exploratory Committee*. Hugo, OR.

2. HNA&HS. July 24, 2013. *Government Needs Support*. Hugo, OR.

3. AOC (Association of Oregon Counties). October 1, 2010. Association of Oregon Counties Task Force On Effective And Cost-Efficient Service Provision. Rep. Nancy Nathanson, Chair.

**e) Br. III.E.1.7.3.1, Enrolled Oregon House Bill 3453: 2013 (1 of 2)**

- *State of Fiscal Distress (SFD)*
- *Minimally Adequate Level of Public Safety Services (MALPSS)*
- *Public Safety Fiscal Emergencies (PSFE)*

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**ENROLLED OREGON HOUSE BILL 3453: 2013**  
Brochure III.E.1.7.3.1 (1 of 2)

**Standards & Authorities**

*Public Safety Fiscal Emergency*  
*Minimally Adequate Level of Public Safety Services*  
*Intergovernmental Agreement*  
*Intergovernmental Agreement Entity*  
*Designated Intergovernmental Agreement Officer*

**Draft August 11, 2013**

***Hugo Justice System Exploratory Committee***

**JO CO Justice System & Public Safety Services** The 2012 expiration of federal funding for services resulted in two JO CO proposed levies as a solution. Both levies failed. The issue: “***Is JO CO providing a minimally adequate level of public safety services?***”<sup>1-5</sup>

**ENROLLED HOUSE BILL 3453<sup>6</sup>**

**SECTION 1** The purposes of sections 2 to 10 of this 2013 Act are to reduce the loss of life, injury to persons or property and suffering that result from **public safety fiscal emergencies (PSFE)**, and to provide for recovery and relief assistance. These public safety objectives are to be accomplished by creating cooperation among units of local government and granting the Governor the power to act on behalf of units of local government.

**SECTION 2 (1)** If the Governor determines that **fiscal conditions** exist, or are imminent in one or more counties that **compromise the ability** of the affected counties to provide a **minimally adequate level of public safety services**, the Governor may proclaim a **PSFE**.

**SECTION 3 (1)** Whenever the Governor has proclaimed a **PSFE** pursuant to section 2, he may, on behalf of a unit of local government **after obtaining written authorization signed by a majority of the governing body of the local government**, enter into a written IA for the **performance of functions and activities related to public safety** with a unit of local government that is party to the agreement or its officers or agencies have authority to perform. **(2) ORS 190.010** applies to the **performance of a function or activity** pursuant to an IA entered into under subsection (1).

**SECTION 4 (1)** An IA entered into under section 3 must **specify the functions or activities to be performed** and by what means the functions or activities shall be performed.

**SECTION 5 (2)** An **officer designated** in an IA under section 3 to **perform duties, functions or activities** of two or more public officers shall be considered to be holding one office.

**SECTION 6 (1)** An **intergovernmental entity** created by an IA entered into under section 3 may adopt all rules necessary to carry out the intergovernmental entity's powers and duties under the IA.

**SECTION 7 (1)** To carry out the purposes of sections 2 to 6, counties may impose a tax.

**SECTION 8 (1)** Counties may impose a tax on each paying retail subscriber who has telecommunication services with access to the 9-1-1 emergency reporting system.

**SECTION 9 (1)** A **PSFE** proclaimed pursuant to section 2 terminates after 18 months unless the Governor extends the **PSFE**.

**SECTION 10** The Legislative Assembly finds and declares that providing a coordinated and comprehensive response to a local or regional public safety fiscal emergency is a matter of state concern.

**SECTIONS 11 & 12** ORS 203.055 is amended.

**SECTION 13** The amendments to ORS 203.055 by section 12 of this 2013 Act become operative on January 2, 2018.

**SECTION 14** Sections 1 to 10 are repealed on January 2, 2018.

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1. Hugo Neighborhood Association & Historical Society (HNA&HS). July 9, 2013. *Justice System Exploratory Committee*. Hugo, OR.
  2. HNA&HS. July 24, 2013. *Hugo Neighborhood Association & Historical Society's Mission*. Hugo, OR.
  3. HNA&HS. July 9, 2013. *All Voters & Votes Are Legitimate*. Hugo, OR.
  4. HNA&HS. July 24, 2013. *Government Needs Support*. Hugo, OR.
  5. Hugo Justice System Exploratory Committee, HNA&HS. August 22, 2013. *Justice System & Public Safety Services Issue Scope Of Work*. Hugo, OR.
  6. 77th Oregon Legislative Assembly. 2013. Regular Session. *HB 3453*. Salem, OR.

f) Br. III.E.1.7.3.2, Oregon House Bill 3453 (2 of 2)

**OREGON HOUSE BILL 3453**  
**Br. III.E.1.7.3.2, Oregon House Bill 3453 (2 of 2)**

**Standards & Authorities**

- *Public Safety Fiscal Emergency*
- *Minimally Adequate Level of Public Safety Services*
  - *Intergovernmental Agreement*
  - *Intergovernmental Agreement Entity*
- *Designated Intergovernmental Agreement Officer*

**Very Very Draft July 9, 2013**

*Hugo Justice System Exploratory Committee*

**JO CO Justice System & Public Safety Services** The 2012 expiration of federal funding for services resulted in two JO CO proposed levies as a solution. The Exploratory Committee believes an informed public will consider the question behind the 2013 local tax Measure 17 - 49: “*Is JO CO providing a minimally adequate level of public safety services?*”<sup>1-2</sup>

**House Bill 3453**<sup>3</sup> Provides that the Governor of Oregon may proclaim public safety fiscal emergency for one or more counties **where fiscal conditions compromise county ability to provide minimally adequate level of public safety services.**  
(<http://www.leg.state.or.us/13reg/measpdf/hb3400.dir/hb3453.intro.pdf>)

[Define: 1. fiscal conditions, 2. compromise, 3. minimally adequate, and 4. public safety services.]

HB 3453 provides that Oregon Governor may proclaim, in affected counties, public safety fiscal emergency, with unanimous agreement of President and Minority Leader of Senate and Speaker and Minority Leader of House of Representatives. Allows for consolidation or merger of units of local government and for intergovernmental agreements for purpose of providing services. Allows for imposition of income tax assessment on residents of affected counties, with maximum rate to be specified in proclamation and with approval of county governing body. Declares emergency, effective on passage.

**HB 3453**<sup>3</sup> The bill allows financially troubled counties such as JO CO to impose other taxes or fees, which the state would match dollar-for-dollar.

JO CO’s charter wouldn’t allow an income tax, but the bill would allow more tax on 911 services or some other fees for services, said Cheryl Walker, county commissioner. Walker said she doesn’t know what those potential fees for services might be, but commissioners will start

discussing potential solutions this week. At present, every phone in the state is charged 75 cents a month for 911 services.

"The way it's written now, it has the potential to work for us, because legally it would work," Walker said. "The original bill, based on the governor making the decisions, would not have worked at all. Whether in reality (the new bill) would work has yet to be determined. The state is now trying to provide a safety net for us to come up with a solution. "People may see this as an option, in which to make a decision. Do you want to vote for a district, do you want to vote for a levy, or do you prefer we go with the governor's plan?"

Josephine County has voted down public safety funding the last two years. Another vote could not occur until May 2014, Walker said. Walker said any new taxes or fees would be authorized for only 18 months.

Hicks' ideas of using of lottery money and/or allowing counties to keep 2 percent of property taxes as a handling fee of sorts to fund public safety were left out of the bill.

**July 8, 2013<sup>4</sup>** Oregon lawmakers on Monday gave final approval to a bill that contains both pain and promise for some of the state's most financially beleaguered counties. The measure opens the door both to emergency aid from the state as well as higher local taxes, something that has been staunchly resisted in the two localities most in need of help: Josephine and Curry counties. Under House Bill 3453, Gov. John Kitzhaber could enter into agreements with local county commissioners to raise money for additional law enforcement services. Half of the money would come from state coffers and the other half would be in the form of higher local taxes.

### **Standards = Historical Costs/Services?**

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1. Hugo Neighborhood Association & Historical Society (HNA&HS). July 9, 2013. *Justice System Exploratory Committee*. Hugo, OR.
  2. Hugo Neighborhood Association. July 9, 2013. *All Voters & Votes Are Legitimate*. Hugo, OR.
  3. Jeff Duewel. 07/09/13. *State Gives JoCo Emergency Option*. TDC Front Page News. Grants Pass, OR.
  4. Mapes, Jeff. July 8, 2013. *County Rescue Bill Approved by Oregon Legislature*. "Oregonian." Portland, OR.

**g) Br. III.E.1.8.1, Oregon Administrative Rules (OAR) 213-070-000: 2011**

**OREGON ADMINISTRATIVE RULES OAR 213-070-000: 2011**

Brochure III.E.1.8.1

**Standards & Authorities**

- *State Of Fiscal Distress*
- *Minimally Adequate Level of Public Safety Services (MALPSS)*
  - *Current Level of PSS*
  - *Historical Level of PSS*
- *Context Under Which Factors Are to Be Considered:*  
*Comparison Analysis of the Historic Baseline Level of PSS to the Current Level of PSS*

**Very Very Draft August 2, 2013**

***Hugo Justice System Exploratory Committee***

**JO CO Justice System & Public Safety Services** The 2012 expiration of federal funding for services resulted in two JO CO proposed levies as a solution. They both failed. “*Is JO CO providing a minimally adequate level of public safety services?*”<sup>1-2</sup>

**MINIMALLY ADEQUATE LEVEL OF PUBLIC SAFETY SERVICES. OAR 213-070-000 (2011)<sup>3</sup>**

**Purpose. OAR 213-070-0000** The purpose of these rules is to provide **guidance** about the process and procedures the Criminal Justice Commission (CJC) will employ if the governing body of any CO or the Governor seeks a declaration of a **PSS Emergency** by requesting that the CJC review and analyze PSS provided by that CO.

**Policy. OAR 213-070-0005** The resulting **guidelines** are intended to incorporate factors integral to a **reasonable and adequate operation** of each area of PSS under consideration, in order to facilitate the ability to **evaluate each CO’s current level of PSS relative to its own historic standards PSS levels**. The CJC recognizes that individual counties have differing priorities and methodologies of providing PSS, and to that end the CJC intends to **compare a CO’s current provision of PSS to that same county’s historic level of services provision, rather than to compare a CO’s provision of PSS to that of other COs**.

**Definitions OAR 213-070-0010**

- “**Minimally Adequate Level of Public Safety Services**” (MALPSS) is that level of PSS determined to be required to provide a **reasonable level of public safety** within the CO. The Com will determine the level of services that are minimally adequate in a particular CO by following the process set forth in these rules, analyzing the contextual factors present in the county as well as the current and historical levels of PSS provided by the CO.

- “PSS Emergency” is a situation in which a CO is in a **state of fiscal distress** that compromises the CO’s **ability to provide a MALPSS. Current Level of PSS OAR 213-070-0020** This rule defines information sources and areas of PSS such as CO jail operations and law enforcement, investigation, and patrol.

**Current Level of PSS. OAR 213-070-0020** (1) Following a written **request from the Governor or the CO**, the CJC gathers information regarding the current level of PSS provided by the CO. (2) The CJC gathers and analyzes information regarding the CO’s current level of PSS.

**Historical Level of PSS. OAR 213-070-0030** This rule defines how the CJC conducts a review of the **PSS historically provided** by the CO over at least the five years immediately preceding the date of the request, to determine the **historic baseline of PSS provided by the CO** during that time.

The CJC **compares the historic baseline level of PSS to the current level of PSS** provided by the CO to assist in determining whether the CO is providing a MALPSS.

**Context Under Which Factors Are to Be Considered. OAR 213-070-0040** (1) When evaluating the factors set forth in these rules to determine **whether the CO is providing a MALPSS**, the CJC takes into consideration the CO’s: population density; geographic characteristics; historical crime rates; and other relevant factors.

(2) The CJC **evaluates the crime rate statistics in the CO as most recently available and compare and contrast them to historical crime rate statistics in the CO over at least the five years** immediately preceding the date of the request. Crime rates shall be determined by reference to the Oregon Uniform Crime Reports. The crime rate statistics considered shall include the violent crime index, property crime index, crime rates for Driving Under the Influence of Intoxicants under ORS 813.010, and crime rates for Assault IV under ORS 163.160.

(3) The CJC may also consider the **median level of PSS provided in any or all other counties** in one or more of the areas required to be analyzed under OAR 213-070-0020(2).

**Findings and Recommendation. OAR 213-070-0050** (1) “. . .The CJC makes findings as to whether the CO is providing a MALPSS. The CJC accomplishes this by **comparing the current level of PSS** (as determined under OAR 213-070-0020) **with the historical level of public safety services** (as determined under OAR 213-070-0040), analyzed in the context set forth in OAR 213-070-0030. . .”

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1. Hugo Neighborhood Association & Historical Society (HNA&HS). July 9, 2013. *Justice System Exploratory Committee*. Hugo, OR.  
 2. Hugo Neighborhood Association. July 9, 2013. *All Voters & Votes Are Legitimate*. Hugo, OR.  
 3. Oregon Secretary of State. January 1, 2011. *OAR 213-070-0000: Minimally Adequate Level of Public Safety Services*. Oregon Criminal Justice Commission Division 70, Oregon Administrative Rules contain OARs filed through July 15, 2011. Authority ORS 203.095. Salem, OR

## **D. Components of JO CO Public Safety Services: Association of Oregon Counties**

### **1. Task Force on Effective and Cost-Efficient Service Provision**

Association of Oregon Counties. October 1, 2010. *Task Force on Effective and Cost-Efficient Service Provision*. Rep. Nancy Nathanson, Chair.

During the 2009 legislative session, HB 2920 passed with bipartisan support creating the Task Force on Effective and Cost-Efficient Service Provision. The Task Force has been charged with reviewing state and county shared services with the objective of considering opportunities to restructure government programs to be more effective and cost-efficient.

**Report of the Task Force** HB 2920 passed with bipartisan support creating the Task Force on Effective and Cost-Efficient Service Provision. The Task Force has been charged with reviewing state and county shared services with the objective of considering opportunities to restructure government programs to be more effective and cost-efficient. The four shared services areas to be reviewed follow.

1. Assessment and Taxation
2. Criminal Justice
3. Elections
4. Human Services

In addition, the Task Force was charged with encouraging effective fiscal planning for counties managing the phase-out of federal forest safety net payments and recommending appropriate levels of state funding. The state of Oregon and her counties have a closely integrated system of service delivery for the residents of Oregon. Many state programs are delivered by counties, where the needs of local communities can best be served. This service delivery system has served Oregonians well for many years.

**Background** The state of Oregon and her counties have a closely integrated system of service delivery for the residents of Oregon. Many state programs are delivered by counties, where the needs of local communities can best be served. This service delivery system has served Oregonians well for many years.

**Report of the Task Force** Shared State-County services were identified in five broad areas.

1. Health & Human Services (18 services): such as child protection, aging and senior services and solid waste management.
2. **Public Safety (20 services)**: such as state police, 9-1-1 communications and animal control.
3. Natural Resources & Recreation (14 services): such as wildlife regulation, noxious weed control and soil & water conservation.
4. Transportation, Land Use, and Economic Development (14 services): such as state highways, building permits and inspection and surveying.
5. Other community services (18 services): such as assessment and taxation, elections and recording public documents.

Of these 79 separate services, 14 are provided by the state, 19 by counties and 46 are state and county shared services.

The report from the Governor's Task Force on Federal Forest Payments and County Services (January 2009) highlighted the precarious financial situation Oregon faces with the pending loss of federal forest payments. Conditions are such that the health of the state/county shared services system is in danger of collapse in some service areas. Unfortunately, this precarious situation is now exacerbated by the extremely difficult budget condition the state is experiencing.



Delivery of services is not meeting demand. The population of Oregon has grown increasingly urban. Transportation and communication have evolved, increasing service delivery options. And, some of our economic base has shifted from agriculture and manufacturing to a service economy. The underlying government structure, however, has remained largely unchanged.

The state and counties strive for effective and efficient delivery of service, but never has there been a time when the need for efficiencies was greater.

**Results** The Task Force is presenting a total of 23 recommendations – five from the full Task Force and 18 from the subcommittees. There are a number of ways in which these recommendations will move forward, including:

- 14 recommendations are being drafted into legislative proposals
- Work groups will be created to continue work with two recommendations
- The Task Force will raise the issues with legislative leadership and/or state agencies with three recommendations
- The Task Force will encourage regional and partnership opportunities with one recommendation
- The Task Force will encourage state agency collaboration with one recommendation
- The Task Force will encourage ongoing efforts with two recommendations

## **2. Components of JO CO Public Safety Services (Section I.C.)**

### **a) State-JO CO Shared Public Safety Services**

- Trial Courts
- District Attorney
- County Jail 911/Emerg. Communications
- Emergency Management
- Homeland Security
- Community Corrections
- Court Security
- Juvenile Services
- Marine Patrol
- Drug Courts
- County Law Library

### **b) JO CO Provided Public Safety Services**

- Sheriff Patrol
- Animal Control
- Justice Courts
- Search and Rescue
- County Jail

## **E. Financial Condition Indicators: Oregon Secretary of State**

### **1. Oregon's Counties: 2012 Financial Condition Review**

Oregon Secretary of State. May 2012. *Oregon's Counties: 2012 Financial Condition Review*. Report Number 2012-17, Secretary of State Audit Report Kate Brown, Secretary of State Gary Blackmer, Director, Audits Division. Salem, OR.

Br. IIIH.4.1 OR Sec. of State Financial Condition Review of OR Counties: 2012, by the Committee

Br. IIIH.4.2 OR COs: 2012 Review of Fiscal Indicators (FI) 1 Local Support & 2 Timber Payment Dependence, by the Committee

Br. IIIH.4.3 OR COs: 2012 Review of FI 3 Debt Burden & 4 Liquidity, by the Committee

Br. IIIH.4.4 OR COs: 2012 Review of FI 5 Fund Balance & 6 Retirement Benefit Obligation, by the Committee

Br. IIIH.4.5 OR COs: 2012 Review of FI 7 Public Safety & 8 Personal Income, by the Committee

Br. IIIH.4.6 OR COs: 2012 Review of FI 9 Population Trends & 10 Unemployment, by the Committee

Br. IIIH.4.7 JO CO: 2012 Financial Condition Review, by the Committee

### **Br. IIIH.4.1 OR Sec. of State Financial Condition Review of OR Counties: 2012, by the Committee**

**Financial Condition Review** In May 2012 the OR Secretary of State published an analysis entitled, "*Oregon's Counties: 2012 Financial Condition Review*."<sup>3</sup>

**The objective of the 2012 report** was to analyze the financial condition of county governments within the State of Oregon, and to **identify general strategies of other states for addressing financial concerns**. We also looked specifically at the federal timber payments to counties, which are scheduled to end, to identify the added financial strain.

**Financial and Demographic Indicators & Bankruptcy** The ability to evaluate the financial condition of a local government, whether by key decision makers within the government, taxpayers, rating agencies, bondholders or other parties, is critically important in today's economic environment.

Cities and counties around the country with long-term problems have found themselves pushed over the edge by the recession and its lingering aftermath. In Alabama, Jefferson County filed the largest Chapter 9 bankruptcy in American history. Officials in Michigan are negotiating the amount of aid, and subsequent oversight and control that could be provided to the City of Detroit. The City of Stockton, California is currently in negotiations in an attempt to avoid becoming the largest American city to declare bankruptcy.

Counties in Oregon are not immune to these and similar financial troubles. Public attention has been directed to counties including Curry, Josephine, and Lane, which are reported as facing financial hardship. Revenues from local sources such as property taxes and interest income as well as intergovernmental revenues from state and federal agencies have declined since 2008. Oregon, more than some other states, is further impacted by the anticipated loss of federal timber payments.

**Approaches in Other States to Financial Monitoring and Intervention** Other states have recognized the need to monitor the financial condition of local governments and, on occasion, intervene. State monitoring of financial indicators is one of the most common practices, though we found **no agreement on the indicators to use**. Some indicators attempt to predict financial distress to trigger early preventive efforts, while others are signals for dire conditions, when state intervention is needed. States face the challenge of defining their level of involvement in local government finances. We identified three broad approaches that states take in response to local governments in financial crises. Various combinations of the three approaches exist among the states. Research shows that the most effective states include monitoring and prevention as part of a comprehensive approach.

- Approach No 1. Monitoring
- Approach No 2. Proactive
- Approach No 3. Intervention
  - Preventive Intervention
  - Reactive Intervention

***Oregon's Approach to Financial Monitoring and Intervention*** Until recently, Oregon had very few laws associated with local government financial condition. **During the 2012 session, Oregon enacted laws to address financial distress among its counties;** the legislation (House Bills 4175, 4176, and 4177) is designed to assist troubled counties that were impacted by the recent loss of federal timber revenue. The most relevant of the three laws is House Bill 4176. The purpose of this law is to provide assistance to counties that had received federal timber payments through the Secure Rural Schools and Community Self-Determination Act of 2000 (SRS) and are now facing financial crisis. Under HB 4176, counties whose SRS payments exceeded 10% of their property tax revenue qualify to declare distress and seek state assistance and intervention.

If assistance is requested, the law allows for the establishment of a **fiscal assistance board** with the power to, among other things, reallocate funds, cut services, lay off employees, reduce expenditures, sell or lease real or personal county property, issue bonds, and renegotiate debt repayment. **However, implementation of the board's actions require a majority vote of the governor appointed board members and a majority vote of the county's governing board.**

Unfortunately, counties that do not qualify under the new law have few remedies at the state level. **While Oregon does allow Irrigation and Drainage Districts to file bankruptcy, it currently does not allow counties to file for bankruptcy.**

**OR House Bill 2924 - Died In Committee on July 8, 2013** 2013 Regular Session Current Location: In House Committee – Current Committee: Rules. HB 2924 would have allowed counties to declare bankruptcy. It died in committee and who knows if it will be resurrected.

**2. Financial Condition Indicators** The Oregon Secretary of State selected the following 10 indicators to provide a general assessment of the financial condition of Oregon's counties (*Oregon's Counties: 2012 Financial Condition Review*).

- Local Support
- Retirement Benefit Obligation
- Timber Payments
- Public Safety Dependence
- Debt Burden
- Personal Income
- Liquidity
- Population Trends
- Fund Balance
- Unemployment

## **F. Exploratory Committee Observations About History Of MALPSS**

The Committee has several observations about the Oregon Legislative's MALPSS concept, and the public independently becoming informed and prepared.

1. The Oregon Legislature Was Forward In Its Preparedness To Prevent Harm.
2. Early Advice From Professional Oregon Criminal Justice Commission (OCJC).
3. Oregon Legislature Refined MALPASS Planning Process From: 2009 - 2013.
4. Future Refinements OF MALPSS Would Be Valuable.
5. An Educated Public Makes Informed Decisions.

**1. The Oregon Legislature was forward in its preparedness** for county public safety fiscal emergencies. The general purpose of all the 2009 - 2013 MALPSS legislation was to reduce the potential for loss of life, injury to persons or property and suffering that could result from public safety fiscal emergencies, and to provide for recovery and relief assistance. These public safety objectives were to be accomplished by creating cooperation among units of local government and the Governor of Oregon. It was critical that local governments and citizens were involved in improving preparedness for the potential response to a catastrophic public safety event stemming from a public safety fiscal emergency (PSFE).

The 18 Oregon counties in which there could be a PSFE were those counties that had Oregon and California Railroad Revested Lands (Section I.A). These counties became known as the O & C Counties. Starting in 2012, public safety in the O & C Counties with the following structural features could suffer if the Secure Rural Schools Act (SRS Act) funding ended, and/or significantly diminished: 1. they have substantial percentages of their general funds dependent on the SRS funds (40-70%), 2. most of their general funds are dedicated to public safety, 3. they have relatively low property tax rates and/or receive a small percentage of the property taxes levied in that county with little legal room, or political opportunity, to increase those rates, and 4. substantial fractions of these counties are federally owned, not subject to taxation.

**3. Early Advice From Professional Oregon Criminal Justice Commission (OCJC)** was a prudent decision by the Oregon Legislative. The JS&PSS Committee found the OCJC's MALPSS work sound, especially its summation of the difficulty of reviewing and analyzing public safety services (PSS) provided by counties county to determine whether a county is providing a "minimally adequate level of public safety services" (MALPSS). The OCJC had the task of writing the Oregon Administration Regulations (OARs) to implement the law - rules for determining "minimally adequate" PSS in an affected county. The significant first question for the OCJC was, *What services should be taken into account, what are the key data elements in measuring a particular public safety service and how should they be measured?*

The OCJC developed the only OAR for MALPSS, since revoked.

**3. Oregon Legislature Refined MALPASS Planning Process From: 2009 - 2013** The Legislature started early in 2009 in anticipation of the 2012 loss of SRS funding and continued to refine its MALPASS planning concept through 2013.

**a) Oregon Senate Bill 77 (2009)** The 2009 Oregon Senate Bill 77 established the process to declare a public safety services emergency in a fiscally distressed county. The bill had been codified at ORS 203.095 and 203.100. Under this bill the Oregon Criminal Justice Commission (OCJC) was identified as the agency to establish the process to declare a public safety services emergency in a fiscally distressed county.

**b) Oregon House Bill 4176 (2012)** Oregon House Bill 4176 (2012) repealed the law per SB 77. Relating to counties in fiscal distress; creating new provisions; amending ORS 203.095 and 203.100; repealing ORS 203.095 and 203.100; appropriating money; limiting expenditures; and declaring an emergency.

**c) Oregon House Bill 3453 (2013)** Oregon House Bill 3453 (2013) repealed HB 4176. HB House Bill 3453 is the law today as of December 15, 2015. It provides that the Governor of Oregon may proclaim public safety fiscal emergency for one or more counties where fiscal conditions compromise county ability to provide a MALPASS.

**4. Future Refinements OF MALPASS Would Be Valuable** to address the following.

- . Interaction of MALPASS Concept & Home Rule Charters
- . Identify Planning Process Methodology and Standards by which MALPASS ratings are categorized and evaluated. Consider the following possible framework of understanding the context of local counties.
- Optimal Level of PSS
- Adequate Level of PSS
- Minimally Adequate Level of PSS
- Less than Adequate Level of PSS
- Inadequate Level of PSS
- Emergency Level of PSS

The Committee also feels strongly that there must be an understandable MALPASS evaluation methodology that addresses the following analysis process elements in a scientific, documented, public accessible way

1. Affected Conditions – description of existing conditions being evaluated by MALPASS indicators and standards.
2. Indicators.
3. Standards.
4. Significance.

Nevertheless, the Committee believes the Legislative identified MALPSS concept was sound as a tool to assist counties in fiscal distress whether it was actually implemented by the Oregon Governor, or not (i.e., public would have the opportunity to understand in a scientific documented way versus relying on professional opinions alone).

**5. An Educated Public Makes Informed Decisions.** As the public becomes ever more involved in the JO CO JS&PSS Problems/Issues as a part of daily life, it is crucial that citizens have the opportunity to develop critical thinking skills to help them decipher the barrage of conflicting information and opinions coming at them, and use this information in their opinion-forming and decision-making processes. This would help them in making decision about the severity of any identified PSFE.

Comprehensive Preparedness (CP) is a tool for developing emergency information and operations plans (as needed). It promotes a common understanding of the fundamentals of risk-informed planning and decision making to help the public examine a hazard or threat and produce integrated, coordinated, and synchronized plans and responses. The goal of CP is to assist in making the planning process routine across all phases of emergency management. CP helps the public and planners at all levels of government in their efforts to develop and maintain viable emergency plans.

Preparedness, Considerations, and paths forward. Natural disasters, political conflicts, economic crises, and other catastrophic events threaten the lives and livelihood of communities and people. The challenge for communities today is to make themselves more resilient in the face of the unexpected and expected, and more agile and responsive when disaster strikes. This is exactly the kind of problem MALPSS was designed to solve.

Even with its limitations, the MALPSS concept has just started to grow.

### III. TYPES OF PUBLIC SAFETY STANDARDS

The identification of the types of types of public safety standards is a brainstorming work in progress. The heavy lifting will be by the individual researchers (Chapter VII) and/or the future *Study* team.

#### A. Jurisdictional Authority

##### 1. Federal Level

a) **OSHA** Occupational Safety and Health Administration (OSHA) is a federal organization (part of the Department of Labor) that ensures safe and healthy working conditions for Americans by enforcing standards and providing workplace safety training.

##### b) Federal Jail Standards and Inspection

- Martin, Mark D.. April 2007. *Jail Standards and Inspection*. U.S. Department of Justice, National Institute of Corrections, NIC Accession Number 022180. Washington, DC

This document is supported by cooperative agreement #06J54GJJ3 from the National Institute of Corrections, U.S. Department of Justice. Points of view or opinions stated in this document are those of the author and do not necessarily represent the official opinion or policies of the U.S. Department of Justice.

**Forward** The National Institute of Corrections (NIC) recognizes that jails today face unprecedented challenges in the form of burgeoning jail populations, escalating costs, crowding, increased public scrutiny, and litigation. In response to these challenges, many states have decided to implement jail standards and inspection programs to ensure that jails are operated safely and efficiently.

Jail standards ensure that constitutional and statutory provisions are put into operational practice. These standards ensure a greater consistency across the state in jails' quality of care, use of resources, and operations. They also provide policymakers with a means of assessing and addressing the needs of inmates in a logical, objective way.

**Challenges Facing Jails Today** The 1970s ushered in the "hands-on" era of the federal courts. As the number of inmate rights lawsuits skyrocketed, the courts became very involved in addressing jail and prison issues. The number of federal prisoner rights lawsuits increased from 218 filed in 1966 (Hansen and Daly, 1994) to a peak of 68,235 in 1996 (Scaha, 2002). Although the actual number of lawsuits filed annually declined during the past decade, due to legislative initiatives aimed at reducing prisoner litigation, that decline was somewhat offset by increases in the prisoner population.

The convergence of historical neglect of jail issues with increased federal court involvement presents a major challenge for jail officials; **there is now a body of case law that defines how**

**jails should be operated and a means to hold jail officials accountable if the case law is not followed.**

## **Responding to the Challenges**

1. In *Estelle v. Gamble*, 429 U.S. 97 (1976), the "deliberate indifference" test is applied in areas other than just medical, including safety and other general living conditions. It has effectively expanded to mean "deliberate indifference to the basic human needs" of the inmate.

**Definition of Jail Standards** Jail standards are specifications or benchmarks for jail operations and facilities. They may exist in the form of mandated rules and regulations established by law or voluntary guidelines established by professional associations. Jail standards typically consist of prescriptive statements that establish requirements or levels of performance for specific jail functions, activities, or conditions. These statements, and the standards generally, are intended to reflect legal requirements and what the field believes is "sound correctional practice."

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**c) Others?**

## 2. State Level

### a) Standards

#### **(1) State of Oregon Department of Public Safety Standards and Training (DPSST) Standards & Certification** ([http://www.oregon.gov/dpsst/SC/Pages/about\\_us.aspx](http://www.oregon.gov/dpsst/SC/Pages/about_us.aspx))

**Mission** The DPSST's mission is to promote excellence in public safety through the development of professional standards and the delivery of quality training.

**Vision** The DPSST implements minimum standards established by the Board on Public Safety Standards and Training for recruitment and training of **city, county and state police, corrections officers, parole and probation officers, fire service personnel, emergency telecommunicators and private security providers** (emphasis added). DPSST conducts public safety training throughout Oregon and at the central academy in Salem; certifies qualified officers at various levels from basic through executive; certifies qualified instructors; and inspects and accredits training programs throughout the state based on standards established by the Public Safety Standards and Training Board.

#### **Values**

- Integrity...Following the highest ethical standards in our working relationships, practices and decisions.
- Excellence...Dedicated to the highest quality, both in our individual actions and as an organization.
- Customer Service...Working proactively to meet the needs of our constituents, stakeholders, and one another.
- Respect...Regarding others with honor and valuing their varied roles, contributions, and viewpoints.
- Accountability...Understanding that we are responsible to constituents, stakeholders, and one another both in our everyday work and in pursuing our mission.
- Communication...Speaking and listening openly, honestly and consistently to further our mission and build trust into our relationships.
- Employee Development...Committed to developing as a well-trained, competent and reliable workforce that:
  1. abides by the organization's values,
  2. is empowered for personal and professional growth, and
  3. is recognized for service to constituents, stakeholders, and one another.

**Mission Statement** There are two components of the DPSST Mission that work together to achieve excellence in Oregon's public safety professions -- delivering quality training and implementing professional standards as set by the Board. Training helps public safety providers protect lives and ensure the integrity of Oregon's criminal justice system and the public safety community. Developing standards ensures that officers continually meet the physical, emotional, moral, intellectual and fitness standards for all public safety disciplines.

Organization

**Annual Performance Measures** The programs offered statewide by DPSST span the entire field of public safety, including **police, fire, corrections, parole and probation, 9-1-1 telecommunications, private security, and polygraph examination** (emphasis added). It's goal is to provide the resources and certification programs that public safety professionals and local public safety organizations need to maintain the highest professional skill standards, stewardship and service to Oregon's communities and citizens. To accommodate this goal it provides.

- Basic and leadership training.
- Regional program for advanced and maintenance training.
- Mandatory and voluntary certification of public safety personnel
- A comprehensive library of information and resources.
- On-site consultants to local public safety agencies.

## **Programs**

- **Training Programs:** In total, DPSST offers more than 18 total types of basic, advanced, and specialized training to public safety providers across disciplines. Examples of these programs include: Police Training, Corrections Training, Fire Service Training, Parole and Probation Training, Telecommunications Training, Career Officer Development and Leadership Training.
- **Standards and Certification:** To ensure the fitness of all public safety professionals, DPSST certifies public safety officers, evaluates and accredits training programs and certifies instructors, ensures compliance with standards and training, and maintains a centralized records system.

## **(2) Dept of Public Safety Standards and Training (Blue Book)** Oregon Blue Book: 2000 (Appendix D)

The DPSST is responsible for public safety training and certification programs for the state of Oregon. Its mission is "to promote excellence in public safety through the development of professional standards and the delivery of quality training."

DPSST's constituency includes more than 32,000 public safety providers in many different public safety specialties within law enforcement, corrections, parole and probation, telecommunications, fire services, private security, and polygraph examination. The agency is currently headquartered in Monmouth, Oregon although a bid for proposal has been issued to find the agency another home to accommodate the growth in the diverse services they provide.

## **b) State Agencies**

### **(1) Oregon State Police**

#### **(a) Southern OR Officer Shortage Diverts State Troopers**

- Hall, Shaun. March 8, 2014. *Southern Oregon Officer Shortage Diverts State Troopers*. The Grants Pass Daily Courier. Grants Pass, OR.  
<http://www.opb.org/news/article/state-police-bailing-out-understaffed-sheriffs-department/>

The Oregon State Police is shouldering much of the law enforcement load in rural Josephine County, where state troopers have become the de facto sheriff's office on nights and weekends. Newly released statistics show huge jumps in the state police workload in the county, since 60 of the sheriff's workforce of nearly 100 deputies and support personnel were laid off two years ago due to budget cuts.

These days, the Sheriff's Office typically has patrol deputies on duty only 8 a.m. to 4 p.m. weekdays. Calls for help come in — thefts, domestics, property line disputes, etc. — but there are few deputies to go out. Into the void have stepped state police, which recently sent five more troopers and a sergeant this way.

The change in roles — troopers responding to calls formerly handled by deputies — might be having an impact on highway traffic enforcement. Instead of ticketing speeders and drunken drivers, troopers are handling domestic violence and suicide calls. The numbers are staggering. According to state police figures, in 2013:

\* 72 percent of state police patrol calls for service were referred from the Sheriff's Office — meaning that 72 percent of the calls troopers were assigned were calls that, prior to June 2012, would have been handled by a deputy.

\* 86 percent of state police detective calls for service in Josephine County were referred from the Sheriff's Office. Again, these are calls that used to be handled by a sheriff's detective. Now, there are none.

\* State police detectives investigated 797 cases in Josephine County, compared with only 148 cases in Jackson County, which has roughly two and a half times the population. It also, however, has a fully staffed sheriff's department.

The figures also show that in the five months before deputy layoffs took place in June 2012, state police detectives investigated fewer than 10 cases per month in Josephine County, compared with 50 or more cases investigated per month in the remainder of 2012 and last year. For example, in May 2012, there were 10 state police detective investigations in Josephine County, compared with 85 the following May.

How long Josephine County can expect this unofficial state subsidy to continue is anyone's guess. Shifting OSP resources from Jackson County, where property owners pay \$2.01 per \$1,000 of assessed value in county- government property taxes, to Josephine County, which has the lowest county- government tax rate in the state at 58 cents per \$1,000, will at some point have political ramifications. Counties that are paying their own freight for sheriff's services will likely demand that they receive the state police presence they are entitled to.

“When one agency takes a hit as what has happened to the (Josephine County) sheriff's office, it affects each agency,” Hastings said. “OSP is definitely feeling an impact while working very hard to minimize the effect it has on the community and transportation safety.”

## **(b) Oregon State Police Southern Counties Report: 2014**

- Oregon State Police . February 17, 2014. *Oregon State Police Southern Counties Report*. Central Point, OR.

**Josephine County Summary: Patrol Division** Beginning in June 2012, when the Josephine County law enforcement levy failed, the OSP Patrol Division experienced a dramatic increase in calls for service. Because of the levy failure, the Josephine County Sheriff's Office reduced their staff. With the dramatic downsizing of the Sheriff's Office, OSP saw an increase in the number of calls being referred from the Sheriff's Office. In 2013, there were 2,832 calls handled by the Patrol Division and 72% of the calls were referred to OSP by the Sheriff's Office. These demands have required some reallocation of agency resources (p. 2).

The geographical area patrolled by the Central Point Area Command, which includes the Grants Pass work site, falls within Jackson and Josephine Counties. As the command group's larger parent office, Central Point enjoyed 24 hour patrol coverage at the beginning of 2012, with their allocation of 21 Patrol troopers. The Grants Pass Worksite was staffed with eight Patrol troopers and one Patrol sergeant at the beginning of 2012 (p. 2).

In May of 2012, the Josephine County Sheriff's Office laid off deputies and calls for service were rising. It was readily apparent OSP would need to transfer resources to the Grants Pass Worksite to keep the troopers safe who were now responding to a greater variety of high-risk calls for service. The Department reallocated four Patrol trooper positions from Central Point to Grants Pass to address the safety issue. OSP routinely sends more than one trooper to certain types of calls which fall in line with best safety practices for law enforcement. The impact of the transfer of these four trooper positions, coupled with normal attrition (retirements), eliminated the ability of the Central Point Area Command to deliver 24-hour patrol coverage (p. 2).

Due to the need to reallocate these four troopers to the Grants Pass Worksite, the agency is realizing the following challenges (pps. 2 - 3).

- Decreased proactive policing time, impacting OSP Patrol priorities, including DUII apprehension, narcotic intervention, and crash prevention.
- Increased community frustrations with lack of police resources.
- Diminished service delivery at the Central Point Area Command.

**Dispatch Services** Troopers in Josephine County and other southern counties receive dispatch communications support from the Southern Command Center (SCC) in Central Point. The Josephine County impact on SCC is illustrated by the chart below that shows OSP Dispatch calls for service in Josephine County increased from 7,259 in 2012 to 9,934 in 2013, an increase of 37%. The upward trend in calls for service is a direct reflection of county level law enforcement services being shifted to OSP. While the number of calls have increased, it is the nature and duration of the calls that has dramatically changed and complicated the work of the SCC Dispatch staff. This change is the result of the 911 emergency calls being transferred to OSP from Josephine County and other agencies. The SCC is struggling to keep pace with the increasing demand for OSP services (p. 3).

As the volume and severity of the calls have increased, Dispatch support of these calls has become complex and time intensive. In receiving these initial calls it is typical for a dispatcher to communicate for extended periods of time with callers and responders until the scene is safe for the investigation to begin. Dispatchers, who previously dispatched for three or four counties of OSP activity, now find themselves unable to dispatch for anyone, as they stay on the line with a crime victim, or witness reporting and describing a crime in progress while troopers scramble to respond, often from far away (p. 3).

A proposal for added Dispatch staff is underway. Should the trend that created this situation in Josephine County continue in Klamath or Curry Counties, the need for more staffing must be considered (p. 3).

**Criminal Division** The workload of the OSP Criminal Division detectives serving Josephine County has significantly increased, since assuming responsibility for the bulk of the service calls in June of 2012. Looking back to 2012, prior to assuming all child abuse and homicide investigations in Josephine County, agency detectives typically investigated five to 10 cases per month in Josephine County. That number jumped to 50 to 80 investigations per month in Josephine County since June 2012. The below chart shows a breakdown of the criminal investigations handled in Josephine County (p. 4).

Major Crime Team (MCT) activations (homicides, violent assaults) within Josephine County for OSP detectives increased 850% between 2011 and 2013. There were 19 Major Crime Team activations in 2013 in Josephine County. The Oregon State Police was the lead law enforcement agency in all of these investigations, and with very few exceptions, was the sole provider of law enforcement officers assigned to the cases (p. 4).

In 2013, the agency allocated one additional Major Crimes detective to the Central Point Area Command, in an effort to address the constant flow of incoming cases, bringing the total to four. While this was a great assistance, additional detectives are still needed. The Criminal Division resources are in high demand statewide, which would compel the reduction at another worksite if the choice was made to add detective positions to southern Oregon. In the 2013 Legislative Session, an additional four positions were allotted to the Criminal Division for detectives. These positions will be assigned to offices in southern counties where the increased call load necessitates additional personnel. These additional positions will be funded in January 2015 (pps. 4 - 5).

Similar to the trend realized in the area of Patrol Division efforts, the Criminal Division is also being forced into a reactive policing model, leaving little time dedicated to proactive and preventative work. The high volume of incoming cases and strained resources has contributed to increased agency liability. The challenging workload for the detectives results in longer shifts and being called back to work frequently when off-duty to assist with critical incidents (p. 5).

## **(2) Other?**

### 3. Local Government

#### a) National Sheriff's Association (<http://www.sheriffs.org/content/faq>)

What is the difference between a Sheriff and a Police Chief? A Sheriff is generally (but not always) the highest, usually elected, law-enforcement officer of a county. Chiefs of Police usually are municipal employees who owe their allegiance to a city. Oftentimes, Chiefs are appointed by the Mayor of a city; or, they may be appointed by or subject to the confirmation of a Police Commission.

What is the difference between a Sheriff's Office and a Sheriff's Department? Black's Law Dictionary defines the terms as follows.

DEPARTMENT: "One of the major divisions of the executive branch of the government . . . generally, a branch or division of governmental administration."

OFFICE: "A right, and correspondent duty, to exercise public trust as an office. A public charge of employment... the most frequent occasions to use the word arise with reference to a duty and power conferred on an individual by the government, and when this is the connection, public office is a usual and more discriminating expression... in the constitutional sense, the term implies an authority to exercise some portion of the sovereign power either in making, executing, or administering the laws."

The Office of Sheriff is not simply another "department" of county government. The internal operation of an Office of Sheriff is the sole responsibility of the elected Sheriff. County department heads are subordinate to a county governing body, because a "department" is truly only a division of county government. The Office of Sheriff is a statutory/constitutional office having exclusive powers and authority under state law and/or state constitution. These inherent powers are not subject to the dictates of a local county governing body.

The Office of Sheriff has inherent common law powers and sovereignty granted under a state's constitution and/or state law. It is different from a county department which derives its limited authority from whatever is delegated to it by statute or by state constitution.

The use of the term "Department" implies being a subordinate unit of government (i.e. subordinate to local government - "delegated" authority from county government to a Department). The use of the term "Office" implies inherent powers and independent sovereignty.

[Sheriffs in the United States](https://en.wikipedia.org/wiki/Sheriffs_in_the_United_States), From Wikipedia, the free encyclopedia: Oregon  
[https://en.wikipedia.org/wiki/Sheriffs\\_in\\_the\\_United\\_States](https://en.wikipedia.org/wiki/Sheriffs_in_the_United_States)

General duties of sheriff. The sheriff is the chief executive officer and conservator of the peace of the county. In the execution of the office of sheriff, it is the sheriff's duty to:

- (1) Arrest and commit to prison all persons who break the peace, or attempt to break it, and all persons guilty of public offenses.
- (2) Defend the county against those who, by riot or otherwise, endanger the public peace or safety.
- (3) Execute the process and orders of the courts of justice or of judicial officers, when delivered to the sheriff for that purpose, according to law.

(4) Execute all warrants delivered to the sheriff for that purpose by other public officers, according to law.

(5) Attend, upon call, the Supreme Court, Court of Appeals, Oregon Tax Court, circuit court, justice court or county court held within the county, and to obey its lawful orders or directions. [Amended by 1985 c.339 §1]

There are 36 counties in Oregon with 36 elected sheriffs, each holding a four-year term of office. Sheriffs in Oregon provide full-service law enforcement, enforcing all state and local laws, **maintaining active traffic safety and enforcement units, managing the county jail, providing marine boating safety patrols, being responsible for county Search and Rescue, and providing law enforcement services for the courts** (emphasis added). Many Oregon sheriffs have dedicated specialized teams that include traffic safety, SWAT, interagency drug teams, K9, and rescue.

## **b) State & JO CO Public Safety Services**

### **(1) State-JO CO Shared & Provided Public Safety Services**

- (a) Trial Courts
- (b) District Attorney
- (c) County Jail 911/Emergency Communications (JO CO Sheriff Office?)
- (d) Emergency Management (JO CO Sheriff Office?)
- (e) Homeland Security (JO CO Sheriff Office?)
- (f) Community Corrections
- (g) Court Security (JO CO Sheriff Office)
- (h) Juvenile Services
- (i) Marine Patrol (JO CO Sheriff Office)
- (j) Drug Courts
- (k) County Law Library

### **(2) JO CO Provided Public Safety Services**

- (a) Sheriff Patrol (JO CO Sheriff Office)
- (b) Animal Control
- (c) Justice Courts (security - JO CO Sheriff Office)
- (d) Search and Rescue (JO CO Sheriff Office)
- (e) County Jail (JO CO Sheriff Office)



### **c) Josephine County**

#### First Responders

1. Police Patrol Officers
2. Sheriff's Deputies
3. Correctional Officers

Correctional officers – often referred to as “COs” – represent an entirely different side of law enforcement as compared to their counterparts in police departments and sheriff's offices.

COs are responsible for enforcing rules and regulations inside a state or federal prison, jail or rehabilitative or correctional facility. They supervise inmates during meals, recreation, work and other daily activities. Both COs and deputy sheriffs are tasked with transporting prisoners between correctional facilities and state or federal courthouses.

Duties specific to COs include inspecting correctional facilities – locks, window bars, grills, doors and gates – to ensure security and prevent escape. While sheriff's deputies and police officers carry handguns on a routine basis, COs use firearms only in emergency situations.

Sworn vs. non-sworn. Those who are considered "sworn" are typically those who have been through an academy, are carrying a badge and ID that identifies them as sworn peace officers, and are usually armed. Non-sworn personnel are generally support personnel. Every agency has a high demand for support personnel.

Sworn officers. At the state law enforcement level, sworn officers include police, sheriffs, and highway patrol. There are also some code enforcement officers and even reserve officers who have a degree of authority based on their position and the penal code.

## **(1) JO CO Sheriff Minimum Public Safety Standards**

- Stacy D. Stumbo of the Daily Courier. July 07, 2012. *Josephine County Sheriff Gil Gilbertson has had enough of friction with Grants Pass police officials.* Front Page News, The Grants Pass Daily Courier (TGPDC) [http://www.thedailycourier.com/articles/2012/07/07/front\\_page\\_news/news02.txt](http://www.thedailycourier.com/articles/2012/07/07/front_page_news/news02.txt)

**In 2012 the City of Grants Pass Public Safety Chief, Joe Henner, sent a memorandum to City Manager Aaron Cubic.** The memo related discussions about consolidating law enforcement services in the city and the county after the failure of a property tax levy to support the criminal justice system. "Consolidation of law enforcement services under the umbrella of the Josephine County Sheriff's Office is a bad idea," Henner wrote.

"**For elected Sheriffs in Oregon, very few minimum standards exist,**" [emphasis added] Henner wrote. "This is not meant to reflect negatively on any current or former sheriff but you really never know who will be providing leadership at the sheriff's office. That is because elected sheriffs can come and go with every election. At a recent meeting, the current Sheriff stated he 'answers to no one,' with respect to decision making about law enforcement in the county."

## **(2) Oregon Attorney General's 2008 Opinion Must the sheriff or a candidate for sheriff of Multnomah County meet the requirements for a sheriff set by ORS 206.015, including the requirement to be, or to become, certified as a police officer by the DPSST?**

- Myers, Hardy, OR Attorney General. November 10, 2008. *Attorney General's Opinion: Must the sheriff or a candidate for sheriff of Multnomah County meet the requirements for a sheriff set by ORS 206.015, including the requirement to be, or to become, certified as a police officer by the DPSST?* No. 8287. Salem, OR.

CONCLUSION For the reasons above, we conclude that the Multnomah County sheriff must possess the qualifications required by state law, including the requirement that any sheriff not certified as a police officer must become certified within one year of taking office. ORS 206.015(3). In our view, there is no irreconcilable conflict between sections 8 and 10 of Article VI of the Oregon Constitution. Instead, we think that those two provisions are reconciled by the understanding that sheriffs are required to possess qualifications imposed by state law, along with possessing any qualifications required by the home rule county. Although we acknowledge some possibility that those qualifications could theoretically be incompatible, that is not the case with respect to the sheriff of Multnomah County. We decline to infer from a hypothetical conflict between subconstitutional qualification requirements an unavoidable conflict between the relevant constitutional provisions. In our view, the text, context, and history of the relevant constitutional provisions all favor this understanding. Moreover, this understanding is consistent with the rule that constitutional provisions should be harmonized, and conflict between them should be avoided, where it is possible to do so. To the extent that 40 Op Atty Gen 464 (1980) is to the contrary, we overrule that opinion.

## **(3) ORS 206.015 Qualifications of Sheriff**

- Certification as Police Officer
- Determination of Eligibility to Be Candidate for Election to Office of Sheriff

#### **(4) Sheriff Patrol**

#### **(5) Animal Control**

The Animal Welfare Act (AWA) requires that minimum standards of care and treatment be provided for certain animals bred for commercial sale, used in research, transported commercially, or exhibited to the public, according to the USDA's website?

#### **(6) Justice Courts**

#### **(7) Search and Rescue**

Oregon State Sheriff's Association (OSSA) has adopted minimum search and rescue requirements?

#### **(8) Josephine County Jail**

#### **d) City of Grants Pass, Oregon**

#### **e) City of Cave Junction, Oregon**

### **4. Litigation**

- Pickering, Nina L . 2006. *Local Control Vs. Poor Patrol: Can Discriminatory Police Protection Be Remedied Through the Education Finance Litigation Model?* Boston University Law Review [p. 741, Vol. 86:741], J.D., Boston University.

Introduction. The public has demonstrated a renewed focus on police protection for our cities and towns since the terrorist attacks of September 11, 2001. This resurgence of interest in "homeland security" brings attention to the fact that police protection is discriminatorily enjoyed by relatively wealthy areas. Education finance litigation brought similar inequalities and inadequacies in the distribution of services to the forefront of state political and academic discussions. This Note examines the applicability of the salient factors of that litigation strategy to remedy disparities in police protection.

## **B. Mandatory Public Safety Standards**

### **1. Laws & Regulations**

Opportunities in law enforcement exist at both the state and federal levels. Training and qualification requirements vary by agency and position.

Training and qualification requirements vary by jurisdiction in Oregon.

Readily available guidance and standards and professional experience were used to evaluate law enforcement services to provide the recommendations that could be applied to guide the development of its emergency response services to meet the challenges presented by future growth.

Occupational Safety and Health Act of 1970 (OSHA)

### **2. Scientific?**

## C. Policies On Public “Value” Safety Standards

**1. Brainstorming Ideas** Informal policies on *Public “Value” Safety Standards* are common for the JS&PSS, and they are usually not requirements unless specifically adopted as policies rather than serving as guides or goals. They involve a variety of factors, including an understanding of substantial differences between local governments in terms of their geographic and demographic characteristics, priorities, historic crime rates, willingness to tolerate certain levels of crime, and past and present funding of various public safety services.

Applicable state and federal safety standards are probably requirements when emergency services are provided?

What law enforcement officer workload elements are needed safety standards? Any?

### a) Real World Ideas

- Serious crime is maximum/minimal by population standards?
- Calls for service have increased and/or decreased?

### Current Level of Service and Staffing

- Service twenty-four hours a day, seven days a week (“24/7”)?
- Staffed by “x” patrol officers, “x” sergeants, and the Sheriff/Chief.
- Supplemental police services are provided by on-call reserve officers used to replace full-time officers due to a variety of factors.
- Based on the current number of patrol officers and a sergeant, the ratio of officers per thousand residents is “x”? This ratio currently is necessary to maintain 24/7 coverage and to allow for some overlap. The ratio of officers per thousand residents is a measurement often used to compare the staffing levels of different law enforcement departments/offices.
- Regarding response times, “The area is small enough [so] that a law enforcement officer can get anywhere in the area in two minutes.” This is an exceptional response time; it can be affected by traffic congestion, and other factors.
- Counties are so large and/or in rugged country that response times can be long, including the time of moving prisoners to different facilities (e.g., if JO CO used jail space in Curry or Douglas counties, etc.).

### Departmental Staffing and Work Load

- According to ? authority, the minimum recommended ratio of officers to population is “x” per 1,000 persons. This ratio is currently considered to be an acceptable staffing level, but due to a variety of local conditions many sheriff offices/police departments operate at a lesser ratio while others operate with a higher ratio. The optimum ratio depends on the incident activity levels, response times, and officer safety factors. Such ratios also are dictated by what the community judges to be an acceptable level of service.

- Officers currently are assigned to work 12 hours shifts, which allows maximum coverage and often permits two officers to be on duty at the same time. It takes a minimum of “x” officers working 12 hour shifts to provide 24 hour/7 day a-week coverage.
- Advocates high patrol visibility. This is achieved having the patrol officers located in the busiest areas (e.g., highest commercial activity, highest population density, etc.) where they will be seen by the most people, thus giving the impression that there are many officers on duty.
- Officers spend approximately ? percent of their time involved with traffic matters.
- The necessity for ? officers to be on duty is especially important on the weekends and during evenings when law enforcement incident activity increases.
- Arrested subjects must be transported to and processed into the JO CO jail. This is a minimum ?- minute/hour trip, if the jail is not busy and can accept the prisoner immediately upon arrival. However, jails often are busy and the trip could take considerably longer.

### **Facilities and Equipment**

- The Law Enforcement Office/Department currently operates out of ?
- The Law Enforcement Office/Department currently uses ? patrol vehicles that vary in age and condition.

### **Related Information**

- Officers occasionally have had to call for additional external assistance: Oregon State Patrol, or “x” City police, or “x” County Sheriff’s Department.
- Response times for those agencies vary due to the responding units’ availability and distance

### **Dispatch Protocol and Mutual Aid Information?**

**b) Numbers Of Officers (FTE) Per Capita (Rates/Ratios) To Define PSS** Police agencies routinely speak about “recommended officers per 1,000 population” or a “National Standard” for staffing, or comparisons to other municipalities. Are there such standards, say recommended numbers of “officer per thousand population?” This is a real approach used by many law enforcement agencies.

Rates: “X” PSS services per 1,000 population; law enforcement officer numbers per population standards.

Law enforcement officer numbers per 1,000 population?

Law enforcement officer numbers per 10,000 population?

Law enforcement officer numbers per 100,000 population?

Questions. Ready-made, universally applicable patrol staffing standards do not appear to address needed PSS for a specific local government. The data is readily available, but are ratios, such as officers-per-thousand population, the best approach?

**c) FTE Comparisons with Other Communities** What about evaluating the needed PSS by comparing one law enforcement office/unit with other units in the region and/or state? The comparison of governments in the same region might better address the question of different geographic and demographic characteristics. The Oregon Criminal Justice Commission's main approach to identifying MALPSS used comparisons (i.e., the 2011 OAR 213-070, now revoked).

- Compare JO CO's current level of public safety services with its historical level of public safety services, analyzed in the context of the local situation.
- Compare public safety services to that of other counties.
- Compare JO CO's median level of public safety services to other counties in its region and/or all counties in Oregon.

Questions. Comparisons provide useful information, but they probably don't address needed levels of public safety services (PSS) for a unique community. They are probably good at raising issues regarding MALPSS in the form of debate at the local level. Comparisons also appear useful in providing a historic perspective on staffing trends, and in conducting long term staffing trend analysis.

**d) More With Less FTE/Efficiently and Effectively/Best Management Practices** Consider whether PSS are efficiently and effectively used in the law enforcement unit, and the extent to which changes in best practices policies, procedures or organizational operations would be likely to be conducive toward increasing public safety.

Questions. Are best management practices separate from needed JS&PSS?

**e) Zero-Based Budgeting For Law Enforcement Staffing & Deployment** Zero-based budgeting is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, departmental managers justify only variances versus past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved. Law enforcement staffing standards from a zero based workload analysis?

Questions. Seems like significant work in itself, and perhaps too difficult for a local law enforcement unit? And, payoff is significant for this approach?

**f) Travel Coverage - Officer Response Time** Distance/Geography - time it takes to drive as part of response. Average-Police-Response-Time to a 911 call?

**g) Number of Arrests & Citations** Arrest represents one of the most visible measures of police work. Legal definition of arrests? National database on citations issued by police agencies?

**h) Daily Coverage: 24/7** For the safety of the officer, it is necessary that there be a guaranteed "backup" provided for all calls that may present a threat to the responding officer.

A self-sufficient force is one that does not rely on assistance from resources external to the work unit, maintains 24/7 coverage with two full time sworn officers, available for response and backup. Based on a schedule of five shifts a week of eight hours a shift and accounting for three weeks vacation, training time, sick leave, administrative leave and holidays, a self-sustaining force requires a minimum of 11 full time sworn officers. True?

**i) Socio-Economic Population PSS Needs** Law enforcement is not the only factor that influences crime rates. Crime is the product of a complex array of social, economic, and political forces (see Section I.E.; *Status of the Public Safety System in Lane County as per Senate Bill 77*).

- Lane County Public Safety Coordinating Council. December 1, 2011 *Status of the Public Safety System in Lane County as per Senate Bill 77*. Report to the Board of County Commissioners. Eugene, OR.

The Lane County PSCC determined a minimally adequate level of public safety services for the following PSS considering Lane County's physical, historical and fiscal circumstances in the area. Also see *Appendix B2. Studies & Information*.

- Walker, Mike; Whalen, Jon, Members, Hugo Justice System & Public Safety Services Exploratory Committee, Hugo Neighborhood Association & Historical Society. Draft 2015. *Appendix B2. Studies & Information*. Supporting *Justice System & Public Safety Services Study Design: 2015*. Hugo, OR

**j) Crime** Knowing crime statistics is important. Police performance solely by crime statistics simply ignores consequential values such as justice, integrity, fear reduction, citizen satisfaction, protection and help for those who cannot protect or help themselves. Research demonstrates clearly that police departments can have a substantial impact on some types of crime. Can all crime be reduced the law enforcement efforts?

Police can have an effect on crime, but so can many other factors. Different law enforcement methods to process the information versus "true" level of crime.

**k) Other**



## 2. Preliminary Research

a) **MALPSS** Research by the Committee on MALPSS was not as rewarding as it originally thought it would be. A significant report found was by the Lane County Public Safety Coordinating Council (Section I.E).

**(1) Josephine County Public Safety Coordinating Council** At this point the Committee has very little information about the JO CO Public Safety Coordinating Council (PSCC).

The Committee has been in contact with the JO CO Board of County Commissioners, Sheriff's Office, District Attorney, and Community Corrections Department. In one way or another, they have all recommended contacting the JO CO PSCC.

### Outreach

- Stakeholder enquiry meeting with Chair of JO CO PSCC scheduled for December 28, 2015
- Committee members to attend some of the JO CO PSCC monthly meetings to meet stakeholders and hopefully to have a meeting scheduled to present the *Study Design* idea.

## (2) Lane County Public Safety Coordinating Council

- Lane County Public Safety Coordinating Council. December 1, 2011 *Status of the Public Safety System in Lane County as per Senate Bill 77*. Report to the Board of County Commissioners. Eugene, OR.

**(a) Purpose and Background** The following purpose and background for the report *Status of the Public Safety System in Lane County as per Senate Bill 77* is a good summary of one solution to the the JO CO JS&PSS Problems/Issues

**Purpose of the Report** The Lane County Public Safety Coordinating Council (PSCC) is an advisory body of the Board of County Commissioners that by statute is required to: 1) recommend on the use state resources for local offender populations and 2) advise on the coordination of policies and services involving law enforcement, corrections, criminal justice, prevention, treatment, education, employment and intervention (ORS 423.560 and ORS 423.565).

The 2011 PSCC Work Plan was proposed in January and focuses on the provisions of Senate Bill 77, a measure that anticipates Oregon counties that might enter a “state of fiscal distress” resulting in an “inability to provide adequate public safety services” leading to a “declaration of a public safety state of emergency” by the Governor.

The Chair of the PSCC, Tim Laue, provided Work plan Updates to the Board of County Commissioners (BCC) on May 24, 2011 and October 5, 2011. He was requested to come back before the BCC later in Fall of 2011 with a final report. The purpose of this report is to provide background information for the Board of Commissioners regarding the current status of Community Health and Public Safety Services in Lane County, and to assist the Board with other short term, mid-range, and long term actions the Board may wish to take to address the County’s financial circumstance.

**Background** Senate Bill 77, relating to fiscally distressed counties and declaring an emergency, was passed by the Oregon Legislature and signed by then Governor Ted Kulongoski in 2009. SB 77 provides a process whereby, if the governing body of a county or the Governor believe that the county is in a state of fiscal distress that compromises the county’s ability to provide a minimally adequate level of public safety services, the governing body or the Governor may seek a declaration of a public safety services emergency. The bill describes the process which then describes the roles of the Governor, the Oregon Criminal Justice Commission, a fiscal control board established by the Governor if he declares a public safety services emergency, and the governing body of the county. Oregon Administrative Rules 213-070-000 – 213-070-0050 provide further guidance about the process and procedures the Criminal justice Commission will employ if such a declaration is sought. SB 77 and the OAR’s are attached as an appendix to this report for reference by the Board of County Commissioners.

In response to SB 77, the Lane County Public Safety Coordinating Council (PSCC) adopted the following Workplan for 2011:

- 1) **Describe under the provisions of SB 77 (and OAR 213-070) what a “Minimally Adequate Level of Public Safety Services” is for Lane County** (emphasis added),
- 2) **Describe (under the same provisions) when a “Public Safety Services Emergency” might be reached for Lane County to anticipate the scenario before it is upon us** (emphasis added), and
- 3) Enhance the collaboration, cooperation and communication between the agencies and officials of the Coordinating Council to mitigate the impacts of such an emergency.

The Committee was very interested in the conclusions of the Lane County Public Safety Coordinating Council’s report, *Status of the Public Safety System in Lane County as per Senate Bill 77* on the following definitions.

1. Describe under the provisions of SB 77 (and OAR 213-070) what a “Minimally Adequate Level of Public Safety Services (MALPSS)” is for Lane County.
2. Describe (under the same provisions) when a “Public Safety Services Emergency (PSSE)” might be reached for Lane County.

The criminal justice agencies represented on the Lane County PSCC agreed to provide information on key system components and resources and rate their system components by colors as follow.

<b>(b) Rating Key For MALPSS</b>	(light blue)
Adequate Level of Service	(dark green)
Minimally Adequate Level of Service	(light green)
Less than Adequate Level of Service	(yellow)
Inadequate Level of Service	(orange)
Emergency Level of Service	(red)
n/a	(light blue)

This methodology felt right to the Committee (i.e., it identified the concepts of MALPSS and PSSE” with a range of evaluation ratings above MALPSS to an Emergency Level of Service) in satisfying the law and a common planning approach of identifying a range of alternative solutions for problems/issues.

There was a good description in the report of the following.

1. Determine a minimally adequate level of public safety services considering the County’s physical, historical and fiscal circumstances in the area of:
  - o Jail operations
  - o Law enforcement, investigations and patrol
  - o Community Corrections
  - o Juvenile justice
  - o Emergency operations and emergency response
  - o Search and rescue
  - o Criminal prosecution and
  - o Court facility operations
2. Do this considering population density, geographic considerations, historical crime rates and other relevant factors.
3. Enhance collaboration, communication and cooperation between agencies.

The Committee’s concern, at this level of research, is that the report did not identify the methodology or standards by which the Lane County PSCC differentiated its five rating categories. Hopefully this information is in another supporting document.

- Adequate Level of PSS
- Minimally Adequate Level of PSS (MALPSS)
- Less than Adequate Level of PSS
- Inadequate Level of PSS
- Emergency Level of PSS

**(c) Questions** For example, it identified the following statements, mostly without explanation. They are suggestive that the standard is based on some “policy” number for FTE and PSS ratios per population, however, there is no explanation. This is a future area of research with the Lane County PSCC, and JO CO PSCC.

1. Lane County Sheriff’s Office Police Services - Industry standards for “x” police deputies in the field and 24/7 coverage (p. 9).
2. Lane County Sheriff’s Office Police Services - In 2011, prior to the budget reductions which took place July 1, the Police Services Division of the LCSO had a police to population ratio of .45 officers per 1,000 population, much worse than the 1.19 ratio from 2008 with the City of Eugene ratio at 1.24 officers per 1,000 and the City of Springfield ratio at 1.13 per 1,000. In September 2010, the Oregon Criminal Justice Commission (**CJC**) released a *Lane County Criminal Justice Fact Sheet*. It provides the following data comparing Lane County (all law enforcement agencies, not just LCSO) with statewide data for Oregon, United States West Cities, and the US as a whole (p. 9).
3. District Attorney – It is not really useful or adequate to simply juxtapose old staffing numbers against the current office, with new divisions added since the 80’s (**Victims Services, Medical Examiner, Kids FIRST**) (p. 9); Another example is 100 felony possession cases would be a very light annual workload for a Deputy DA, while 20 murder cases would be overwhelming. As staffing forced triage, the composition of the caseload has changed over time. It is increasingly weighted in favor of more serious cases which, all things being equal, tend to require more time and more senior deputies. Again, from **CJC’s Fact Sheet**:(p. 10).
4. Adult Corrections Services – With only 33 Community Corrections Center (CCC) beds, the corrections system has very limited space to provide transitional services to offenders being released from jail or prison back into the community. Previously, releasing inmates would transition into a bed at the CCC or Forest Work Camp, which was closed in 2008, before being released into the community. The system has lost most of its ability to provide evidence based programs. Without transitional services there will likely be more inmates recidivating. This will lead to a future increase in use of criminal justice services and tax the system more in the long term. **CJC’s Fact Sheet** . . . (p.11)
5. Health & Human Services – During the last twenty years, the County has gained ground in some areas of human services, and lost ground in others. **Targeted goals and strategies** in the area of public health and primary care services resulted in improved facilities and significant expansion of access to primary care services through additional Federally Qualified Health Centers. At the same time, the sustained downturn in the economy has created a situation where the demand for human services continues to climb, particularly in the area of basic needs, far outstripping the resources available to meet that need. The need for human services in Lane County is greater than ever, as we are experiencing high unemployment and poverty, decreased housing and economic stability, decreased state and federal public assistance and job training resources. The percentage of people in Lane County who are below the federal poverty level has climbed to 19%, exacerbating other risk factors for crime and other problem behaviors (pps. 11 -12).

**Human Services: Service Area (Table: Human Services 1990 - 2012)**

- The percentage of people in Lane County who are below the federal poverty level
- Number of people in Lane County who are below the federal poverty level
- Number of clients receiving Developmental Disabilities case management services
- Adults receiving Behavioral Health outpatient services from Lane County Behavioral Health
- Number of mental health managed care (LaneCare) clients
- Number of treatment slots in the Methadone Program
- Number of FQHC clients
- Number of FQHC encounters
- Number of Cahoots contacts (Eugene)
- Number of sobering admissions (Buckley House)
- Number of households receiving bill paying assistance
- Lane County one night homeless count
- Pounds of food distributed by Food for Lane County
- Number of Lane County households that received food boxes of emergency food assistance

- Number of individuals served at Community Service Centers for basic needs
  - Sex Offender Treatment - Number served
6. A Look at Crime in Lane County - The Public Safety Coordinating Council (PSCC), in completing the January 2011 Criminal Justice System Report Card for Lane County, noted several negative trends in key indicators (pps. 13 - 16):
    - o *Rate of Reported Serious Violent Crime per 10,000 Population* exceeds Oregon's rate.
    - o *Juvenile Violent Crime Arrest Rate per 10,000 Youth* exceeds or is equal to the US and exceeds Oregon
    - o *Adult and Juvenile Drug Arrest Rates per 10,000* exceed both Oregon and the US
    - o *Three Year Re-offense Rates for Felony Offenders on Supervision* exceeds Oregon's rate
    - o *Child Abuse Victimization Rate per 10,000 Children Under Age 18* are increasing and exceed both Oregon and the US.
    - o *Releases Triggered By Overcrowding as a Percent of Lodgings*
  7. Costs of Crime (pps. 16 - 17).  
The CJC in July 2011 released a study entitled Cost-Benefit Methodology by Michael Wilson, Economist with the CJC Statistical Analysis Center. The full study can be downloaded from their website at <http://www.oregon.gov/CJC/JCP/JCP.shtml>. (p. 18)
  8. **Conclusions and Recommendations** Lane County has reached the crisis level in significant components of the criminal justice system. Other areas are hovering close to the crisis level. Several of the components which appear healthy are only remaining strong due to a proactive and successful pursuit of federal and state grants, which are critical but are "soft" funding. This is not an ideal situation but it has become an important piece of how local services are being supported in this economic environment. At this point, there is little hope that July 1, 2012 will arrive with sufficient resources to ameliorate this situation for Lane and other timber tax counties (p. 18)

**(d) Conclusion** The Committee's conclusion, is that the Lane County PSCC's report was excellent. It was the only PSCC report found on MALPSS and very good on description. New to the Committee's research was a reasonable system of placing the MALPSS within a system (i.e., five rating categories).

- Adequate Level of PSS
- Minimally Adequate Level of PSS
- Less than Adequate Level of PSS
- Inadequate Level of PSS
- Emergency Level of PSS (MALPSS?)

**b) Law Enforcement Staffing Standards** The use of officers per thousand for police or fire deployment is an ineffective performance measure. Instead, the determination should be made by what time is required to perform the given tasks on a daily, monthly, and seasonal basis and deploying the appropriate resources to manage the workload (*Police Staffing Standards*, Appendix J).

- Wiczorek, Thomas. December 1, 2010. *Police Staffing Standards*. International City/County Manager Association. [http://icma.org/en/icma/knowledge\\_network/questions/kn/question/20623](http://icma.org/en/icma/knowledge_network/questions/kn/question/20623). Downloaded December 16, 2015.

Officers per thousand is a "national standard." Wrong. There are no such standards. Nor are there "recommended numbers of officer per thousand". It is not useful to make comparisons with other communities. "Ready-made, universally applicable patrol staffing standards" do not exist.

A key resource is discretionary patrol time, or the time available for officers to make self-initiated stops, advise a victim in how to prevent the next crime, or call property owners, neighbors, or local agencies to report problems or request assistance. Understanding discretionary time, and how it is used, is vital.

Staffing decisions, particularly in patrol, must be made based upon actual workload. Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, **consistent with the community's ability to fund**.

Using the raw data "calls for service" into police services workload can effectively analyze workload reflecting seasonally, weekday, weekend, and time of day variables. Using this information an analysis can contrast actual workload with deployment and identify the amount of discretionary patrol time available (as well as time commitments to other police activities).

Law enforcement service workload differentiates from calls for service in that calls for service are a number reflecting the incidents recorded. Workload is a time measurement recording the actual amount of law enforcement time required to handle calls for service from inception to completion. Various types of law enforcement service calls require differing amounts of time (and thus affect staffing requirements). As such, call volume (number of calls) as a percentage of total number of calls could be significantly different than workload in a specific area as a percentage of total workload.

### **c) Determining Police Staffing & Deployment**

- Matarese, Leonard, Director of Research & Project Development, ICMA Center for Public Safety Management, International City/County Management Association. Downloaded December 16, 2015. *Determining Police Staffing & Deployment.*  
file:///C:/Users/Mike/Downloads/Determining%20Police%20Staffing%20&%20Deployment.pdf

Staffing decisions, particularly in patrol, must be made based upon actual workload and very few law enforcement agencies have the capability of conducting that analysis (Appendix J). Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, *consistent with the community's ability to fund.*

The most effective way to manage operations, including public safety, is to decisions based upon the interpretation and analysis of data and information. To achieve this, a data analysis of law enforcement department workload, staffing and deployment is conducted. By objectively analyzing the availability of deployed hours and comparing those to the hours necessary to conduct operations, staffing expansion and/or reductions can be determined and projected. Additionally the time necessary to conduct proactive police activities (such as directed patrol, community policing and selected traffic enforcement) will be reviewed to provide the city with a meaningful methodology to determine appropriate costing allocation models.

Existing deployment can be reviewed, particularly of the patrol force, to determine appropriate staffing levels throughout the day with particular attention to the size and number of patrol zones or beats. Understanding the difference between the various types of police department events and the staffing implications is critical to determining actual deployment needs.

The Data Analysis portion will consider the total deployed hours of the law enforcement department with a comparison to the time being spent to currently provide services. The analysis will review response times both cumulative as well as average for all services.

### **d) Other**

### **3. Recommendations For Further Research**



## D. Summary

The purpose of Chapter III was to identify the types of public safety standards (PSS). It was acknowledged by the authors that this was a brainstorming work in progress. The heavy lifting would be by the individual researchers (Chapter VII) and/or the future *Study* team.

The first question was the jurisdictional authority for PSS. There was the obvious breakout by Federal, State of Oregon, and JO CO. The Committee's research is ongoing. The results have not been satisfying at the Federal and mixed at the State level.

At the State level enquiry the primary value was a good overview of Federal jail standards and inspection, and some detailed information about Oregon's Department of Public Safety Standards and Training's (DPSST) standards and certification, and an excellent report by the Oregon State Police (OSP). A summary of the JO CO patrol division follows (see Section III.A.2.b)(1)(b)) for more information on patrol, dispatch services, and the criminal division).

Beginning in June 2012, when the Josephine County law enforcement levy failed, the OSP Patrol Division experienced a dramatic increase in calls for service. Because of the levy failure, the JO CO Sheriff's Office reduced their staff. With the dramatic downsizing of the Sheriff's Office, OSP saw an increase in the number of calls being referred from the Sheriff's Office. In 2013, there were 2,832 calls handled by the Patrol Division and 72% of the calls were referred to OSP by the Sheriff's Office. These demands have required some reallocation of agency resources.

The geographical area patrolled by the Central Point Area Command, which includes the Grants Pass work site, falls within Jackson and Josephine Counties. As the command group's larger parent office, Central Point enjoyed 24 hour patrol coverage at the beginning of 2012, with their allocation of 21 Patrol troopers. The Grants Pass Work site was staffed with eight Patrol troopers and one Patrol sergeant at the beginning of 2012.

In May of 2012, the Josephine County Sheriff's Office laid off deputies and calls for service were rising. It was readily apparent OSP would need to transfer resources to the Grants Pass Worksite to keep the troopers safe who were now responding to a greater variety of high-risk calls for service. The Department reallocated four Patrol trooper positions from Central Point to Grants Pass to address the safety issue. OSP routinely sends more than one trooper to certain types of calls which fall in line with best safety practices for law enforcement. The impact of the transfer of these four trooper positions, coupled with normal attrition (retirements), eliminated the ability of the Central Point Area Command to deliver 24-hour patrol coverage.

Due to the need to reallocate these four troopers to the Grants Pass Work site, the agency is realizing the following challenges.

- Decreased proactive policing time, impacting OSP Patrol priorities, including DUII apprehension, narcotic intervention, and crash prevention.
- Increased community frustrations with lack of police resources.
- Diminished service delivery at the Central Point Area Command.

In the aggregate, there are 16 types of PSS provided by the State & JO CO in Josephine County. Eleven (11) of these PSS are State and JO CO shared & provided, and five (5) are provided solely by JO CO.

#### State-JO CO Shared & Provided Public Safety Services

1. Trial Courts
2. District Attorney
3. County Jail 911/Emergency Communications
4. Emergency Management
5. Homeland Security
6. Community Corrections
7. Security
8. Juvenile Services
9. Marine Patrol
10. Drug Courts
11. County Law Library

#### JO CO Provided Public Safety Services

1. Sheriff Patrol
2. Animal Control
3. Justice Courts
4. Search and Rescue
5. County Jail

Identifying the minimum public safety standards for the JO CO Sheriff's Office has been mixed. One of the best clues on the JO CO Sheriff Office's minimum public safety standards came from a news article by Stacy D. Stumbo of the Daily Courier (July 07, 2012. *Josephine County Sheriff Gil Gilbertson has had enough of friction with Grants Pass police officials*).

In 2012 the City of Grants Pass Public Safety Chief, Joe Henner, sent a memorandum to City Manager Aaron Cubic. The memo related discussions about consolidating law enforcement services in the city and the county after the failure of a property tax levy to support the criminal justice system. "Consolidation of law enforcement services under the umbrella of the Josephine County Sheriff's Office is a bad idea," Henner wrote.

"For elected Sheriffs in Oregon, very few minimum standards exist," [emphasis added] Henner wrote. "This is not meant to reflect negatively on any current or former sheriff but you really never know who will be providing leadership at the sheriff's office. That is because elected sheriffs can come and go with every election. At a recent meeting, the current Sheriff stated he 'answers to no one,' with respect to decision making about law enforcement in the county."

The Committee's will research the memorandum from City of Grants Pass Public Safety Chief, Joe Henner.

There was some information found on Oregon Attorney General's opinions about standards for the Sheriff's Office.

Research has not started for the City of Grants Pass, Oregon and the City of Cave Junction, Oregon.

In some locations litigation is being used as a tool to help remedy disparities in police protection.

The Committee's research efforts discovered, except for training and certification, very little on mandatory public safety standards (i.e., laws & regulations), or even a scientific approach to these standards. It efforts were much more productive when it came to discovering the world of public "value" safety standards. Informal policies on *Public "Value" Safety Standards* are common for the JS&PSS, and they are usually not requirements unless specifically adopted as policies rather than serving as guides or goals. They involve a variety of factors, including an understanding of substantial differences between local governments in terms of their geographic and demographic characteristics, priorities, historic crime rates, willingness to tolerate certain levels of crime, and past and present funding of various public safety services.

The Committee felt the brainstorming of public safety standards produced topics for further research (e.g., Real World Ideas, Numbers Of Officers Per Capita To Define PSS, FTE Comparisons with Other Communities, More With Less/Efficiently and Effectively/Best Management Practices Zero-Based Budgeting For Law Enforcement Staffing & Deployment, Travel Coverage - Officer Response Time, Number of Arrests & Citations, Daily Coverage: 24/7, Socio-Economic Population PSS Needs, Crime, etc.). See Section III.C.1.

Although difficult to find information on the Josephine County Public Safety Coordinating Council, and county public safety coordinating council in general, it appears to be a major potential source of applicable information pertinent to the JO CO JS&PSS Problems/Issues.

The bright spot for assuming much information is to be gleaned from the JO CO PSCC was because of the web accessible MALPSS analysis by the Lane County Public Safety Coordinating Council. The LC PSCC's purpose and background, and especially its MALPSS rating key ascertaining Lane County PSS relationships with the county's MALPSS rating key was exceptional. The five level LC PSCC MALPSS rating key follows.

- Adequate Level of Service
- Minimally Adequate Level of Service
- Less than Adequate Level of Service
- Inadequate Level of Service
- Emergency Level of Service (MALPSS).

The Lane County PSCC's MALPSS methodology felt right to the Committee (i.e., it identified the concepts of MALPSS and PSSE" with a range of evaluation ratings above MALPSS to an Emergency Level of Service) in satisfying the law and a common planning approach of identifying a range of alternative solutions for problems/issues.

The Committee's concern, at this level of research, is that the Lane County PSCC's report did not identify the methodology or standards by which the Lane County PSCC differentiated its five rating categories. Hopefully this information is in another supporting document. For example, it identified the following statements, mostly without explanation. They are suggestive that the standard is based on some "policy" number for FTE and PSS ratios per population, however, there is no explanation. This is a future area of research with the Lane County PSCC, and JO CO PSCC.

The Committee's conclusion, was that the Lane County PSCC's report was excellent. It was the only PSCC report found on MALPSS and very good on description. New to the Committee's research was a reasonable system of placing the MALPSS within a system (i.e., five rating categories).

The Committee felt that two other preliminary research topics had merit for further research.

1. Law Enforcement Staffing Standards
2. Determining Police Staffing & Deployment

Law Enforcement Staffing Standards. The use of officers per thousand for police or fire deployment is an ineffective performance measure. Instead, the determination should be made by what time is required to perform the given tasks on a daily, monthly, and seasonal basis and deploying the appropriate resources to manage the workload (*Police Staffing Standards*, Appendix J). Officers per thousand is a "national standard." Wrong. There are no such standards. Nor are there "recommended numbers of officer per thousand". It is not useful to make comparisons with other communities. "Ready-made, universally applicable patrol staffing standards" do not exist. A key resource is discretionary patrol time, or the time available for officers to make self-initiated stops, advise a victim in how to prevent the next crime, or call property owners, neighbors, or local agencies to report problems or request assistance. Understanding discretionary time, and how it is used, is vital.

Determining Police Staffing & Deployment. Staffing decisions, particularly in patrol, must be made based upon actual workload and very few law enforcement agencies have the capability of conducting that analysis (Appendix J). Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, *consistent with the community's ability to fund*.

The most effective way to manage operations, including public safety, is to decisions based upon the interpretation and analysis of data and information. To achieve this, a data analysis of law enforcement department workload, staffing and deployment is conducted

#### **IV. WHAT ARE JO CO'S MALPSS & THEIR VALUE?**

In 2013 the Hugo JS&PSS Exploratory Committee researched the legal MALPSS indicators and standards, but were unable to specifically identify the standards by which the indicators were evaluated for exceeding, or/not, the MALPSS, and particularly the public safety emergency resulting from a county's state of fiscal distress.

- Hugo Justice System Exploratory Committee. August 2, 2013. *OR'S Minimally Adequate Public Safety Services Standards*. Brochure III.E.1.7, Justice System & Public Safety Services Series. Hugo, OR.

The Committee's position is that the 2013 Oregon House Bill (HB) 3453 legal thresholds of what the Committee had been identifying as standards were actually indicators of the JO CO PSS Problem/Issue, as standards were not identified in HB 3453; ORS 203.095, ORS 203.100, and ORS 203.105 (Appendix A), or the 2011 OAR 213-070-0000 (revoked; Appendix B).

HB 3453 Indicator 1. JO CO PSS Problem/Issue's *State of Fiscal Distress (SFD)*.

HB 3453 Indicator 2. JO CO PSS Problem/Issue's *Minimally Adequate Level of Public Safety Services (MALPSS)*

HB 3453 Indicator 3. JO CO PSS Problem/Issue's *Public Safety Services Emergency (PSSE)*.

##### **A. Sixteen (16) Identified Components of the JO CO Public Safety Program**

Questions about JO CO's MALPSS standards will apply to all 16 identified components of the JO CO public safety program, both the 11 State-JO Co Shared Public Safety Services, and the five (5) JO CO provided public safety services.

##### **1. State-JO CO Shared Public Safety Services**

- Trial Courts
- District Attorney
- County Jail 911/Emerg. Communications
- Emergency Management
- Homeland Security
- Community Corrections
- Court Security
- Juvenile Services
- Marine Patrol
- Drug Courts
- County Law Library

##### **2. JO CO Provided Public Safety Services**

- Sheriff Patrol
- Animal Control
- Justice Courts
- Search and Rescue
- County Jail

## **B. JO CO MALPSS Standards**

**1. Oregon House Bill 3453 (2013)** Provides that the Governor of Oregon may proclaim public safety fiscal emergency for one or more counties **where fiscal conditions compromise county ability to provide minimally adequate level of public safety services.**

- ORS 203.095. County fiscal emergency with respect to state-required services; establishment of fiscal assistance board; recovery plan.
- ORS 203.100. Fiscal assistance board for county fiscal emergency; membership; termination.
- ORS 203.105. Program in Governor's office to assist counties in fiscal distress

**2. ORS 203.095** County fiscal emergency with respect to state-required services; establishment of fiscal assistance board; recovery plan (Appendix A).

(1)(a) The governing **body of a county may seek a declaration of a fiscal emergency by requesting in writing that the Governor review and analyze state-required services provided by the county** if:

(A) The governing body of the county believes that the county is in a state of fiscal distress that compromises the county's ability to provide a minimally adequate level, currently or within the next fiscal year, **of any service that a county is required to provide by state law**; and . . .

### **3. Key Components Of ORS 203.095**

1. The JO CO BCC may seek a declaration of a fiscal emergency by requesting that the Oregon Governor review and analyze state-required services provided by JO CO, if
2. The JO CO BCC believes that JO CO is in a state of fiscal distress that compromises JO CO's ability to provide a minimally adequate level of state-required services,
3. That JO CO is required to provide by state law.

### **4. JO CO MALPSS Questions**

1. What is the legal definition of fiscal distress?
2. What are the standards for the state-required services provided by JO CO?
3. What is the definition of minimally adequate level of services (MALPSS)?
4. What is the level of state-required services JO CO is required to provide by state law?

The Committee does not have a scientific methodology for the definition of MALPASS, but the Lane County Public Safety Coordinating Council in its 2011 *Status of the Public Safety System in Lane County as per Senate Bill 77* identified a MALPSS rating (Section III.C.2.a)(2)).

- Adequate Level of Service
- Minimally Adequate Level of Service (MALPSS?)
- Less than Adequate Level of Service
- Inadequate Level of Service
- Emergency Level of Service (MALPSS?)

**5. Performance Standards** General planning processes and performance standards are topics understood by the authors of Study Design. Specific public safety performance standards are hardly understood at all, and expert advice is need to design this portion of *Study Design*.

The following should be considered brain-storming in an attempt by the authors to understand the topic and the questions. At this point three ideas are being researched.

- Minimally Adequate Level of Public Safety Services
- Legal/Certification Standards
- Indicators of Law Enforcement Protection Services

**a) Minimally Adequate Level of Public Safety Services** How does the JO CO JS&PSS Safety Program compare to the standards in the 2013 Oregon House Bill 3453? Is JO CO providing a *minimally adequate level of public safety services* (MALPSS)?

The MALPSS appears to be the lowest level of public safety services legally identified as minimally adequate.

**b) OAR 213-070-0000/Definitions OAR 213-070-0010: Repealed** Although the applicable OARs are repealed, they provided significant insight into the issue (see Committee education brochures at Section II.B; Appendix B).

**6. Media** See Appendix C for media articles covering the issue.

### **C. Value Of Understanding MALPSS**

The Committee continues to believe in the value of MALPSS standards regardless of whether there is a legal definition of the issue (i.e., 2013 Oregon House Bill 3453).

The background to the Committee's position is two-fold.

1. Part of the problem is because JO CO citizens have never had to really understand and debate needed levels and funding for public safety prior to 2012 (Section I.A). Now it is in that informal intense debate.
2. The public has not been provided a scientific rationale of the purported public safety problem (i.e., Section I.A.; judged by what standards?). A vetted scientific study of the standards to be used to proclaim a public safety fiscal emergency when fiscal conditions compromise JO CO's ability to provide a *minimally adequate level of public safety services* would help answer the, "*Is there a problem?*" question.

The analogy of zero-based budgeting comes to mind. Zero-based budgeting is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, managers justify only variances versus past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved.

In this case, it feels like the assumptions behind the four proposed levies and one sales tax from 2012 through 2015 were premised on traditional incremental budgeting, versus zero-based budgeting, and that the 2012 "baseline" was automatically assumed to be approved because it had been the defined public safety need.

Again, the bottom line, the public has not been provided a scientific study of where we are at. Are we below the MALPSS, at it, or above it?

#### **D. Summary**

In summary, in 2013 the Hugo JS&PSS Exploratory Committee researched the legal indicators, but were unable to identify the standards by which the indicators were evaluated for meeting or/not, the MALPSS. Its position is that the 2013 HB 3453 legal thresholds of what the Committee had been identifying as standards were actually indicators of the JO CO PSS Problem/Issue, as standards were not identified in HB 3453, the ORS or the OAR.

HB 3453 Indicator 1.	JO CO PSS Problem/Issue's <i>State of Fiscal Distress (SFD)</i> .
HB 3453 Indicator 2.	JO CO PSS Problem/Issue's <i>Minimally Adequate Level of Public Safety. Services (MALPSS)</i>
HB 3453 Indicator 3.	JO CO PSS Problem/Issue's <i>Public Safety Services Emergency (PSSE)</i> .

Questions about JO CO's MALPSS standards will apply to all 16 identified components of the JO CO public safety program, both the 11 State-JO Co Shared Public Safety Services, and the five (5) JO CO provided public safety services. Some questions follow.

1. What is the legal definition of fiscal distress?
2. What are state-required services provided by JO CO?
3. What is the definition of minimally adequate level of services (MALPSS)?
4. What state-required services is JO CO required to provide by state law?

The Committee does not have a scientific methodology for the definition of MALPASS, but the Lane County Public Safety Coordinating Council in its 2011 *Status of the Public Safety System in Lane County as per Senate Bill 77* identified a MALPSS rating.

- Adequate Level of Service
- Minimally Adequate Level of Service (MALPSS)
- Less than Adequate Level of Service
- Inadequate Level of Service
- Emergency Level of Service

The Committee addressed questions about performance standards without gaining an understanding of what they might be. It also continues to believe in the value of MALPSS standards regardless of whether there is a legal definition of the issue (i.e., 2013 Oregon House Bill 3453). Again, the bottom line, the public has not been provided a scientific study of where we are at. Are we below the MALPSS, at it, or above it?



## **V. STANDARDS FOR COMPONENTS OF JO CO JS&PSS PUBLIC SAFETY PROGRAM**

### **A. Components Of JO CO JS&PSS Public Safety Program**

**1. General Components** The discussion of standards for the components of the JO CO JS&PSS public safety program acknowledges the identification of the general components of the public safety services (PSS) for all counties in the State of Oregon. The public safety services (PSS) are 16 services, some provided by JO CO and some are shared between the county and the state (Section I.B.1; Table I-1; Section II.A.3.b)).

#### **a) State Provided Public Safety Services**

- Appellate Court.
- State Police.
- State Prison.

#### **b) State-JO CO Shared Public Safety Services**

- Trial Courts.
- District Attorney.
- County Jail 911/Emerg. Communications.
- Emergency Management.
- Homeland Security.
- Community Corrections.
- Court Security.
- Juvenile Services.
- Marine Patrol.
- Drug Courts.
- County Law Library.

#### **c) JO CO Provided Public Safety Services**

- Sheriff Patrol.
- Animal Control.
- Justice Courts.
- Search and Rescue.
- County Jail.

**2. General Components of the JO CO Public Safety Services** The range of public safety service components identified for increased funding from 2012 - 2015, during four years of levies and the sales tax proposal, are locally considered to be the six major components of the JO CO public safety program (Table I-2).

1. Adult Jail.
2. Juvenile Justice Center.
3. District Attorney's Office.
4. Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff's Office Support Services.
6. Animal Protection.

## **B. Sub-Components of the JO CO PSS**

### **1. Operational Components of the JO CO PSS (Preliminary List)**

- County jail operations.
- Law enforcement, investigation and patrol.
- Community corrections.
- Juvenile justice.
- Emergency operations and emergency response.
- Search and rescue operations.
- Criminal prosecution.
- Court facility operations.

**2. Historical Level of PSS** This will be a review of the PSS historically provided by JO CO to determine the historic baseline of PSS provided by JO CO during the determined review period. Next is a comparison of the historic baseline level of PSS to the current level of PSS provided by JO CO to assist in determining whether JO CO is providing a Minimally Adequate Level of Public Safety Services (MALPSS).

The following considerations will be to compile and analyze the following objective data in determining the historic baseline of PSS provided by JO CO.

#### **a) County Jail Operations**

1. Annual cost of operation.
2. Number of operable beds (number of beds for which staffing is currently available).
3. Number of available beds (number of operable beds plus the number of beds mothballed or otherwise not currently in use).
4. Number of capacity based releases.
5. Percentage of sentences fully served before release.
6. Number of beds available for post-prison supervision and probation violation sanctions
7. Number of jail beds per capita.
8. Number slots available for alternate forms of custody (e.g., ankle bracelets for house arrest, work center beds, other quasi-custodial beds).

#### **b) Law Enforcement, Investigation, and Patrol**

1. Number of sworn and non-sworn officers (including city, county and state).
2. Number of investigators (including city, county and state).
3. Number of sworn and non-sworn officers assigned to JO CO Rural Patrol.
4. Number of sworn and non-sworn officers assigned to JO CO Investigation.
5. Number of sworn and non-sworn officers, other professionals, and volunteers assigned to JO CO Related Sheriff's Office Support Services.

#### **c) Community Corrections**

1. Number parole/probation officers.
2. Number felons supervised.
3. Crime of supervision (each offender's most serious crime of supervision as categorized by the Oregon Department of Corrections).
4. Percentage of high-risk offenders as determined by Oregon Department of Corrections risk analysis tool.

5. Dollars spent per felon supervised (expenditures out of county funds that are not a part of state community corrections grants).
6. Expenditures for programs to reduce recidivism (education, treatment etc).

#### **d) Juvenile Justice**

1. Number of felony referrals to juvenile department.
2. Number of beds available for placement of delinquent youth.
3. Number of juvenile department employees supervising youth on county probation.
4. Number juvenile offenders released from county juvenile detention facilities due to capacity.

#### **e) Emergency Operations and Emergency Response Including Search & Rescue Operations**

1. Number of 911 dispatchers or call takers.
- 2a. Response time for 911 dispatchers or call takers to answer telephone call.
- 2b. Number of 911 calls not responded to.
3. Response time for emergency response personnel to arrive at scene.
4. Current updated disaster plan in place.
5. Ability to execute disaster plan (resources and equipment available to execute plan if necessary).

#### **f) Criminal Prosecution**

1. Number of prosecutors in District Attorney's office.
2. Number of support staff in District Attorney's office.
3. Number of felony and misdemeanor cases charged per prosecutor.
4. List of crimes for which District Attorney's office ordinarily does not file charges absent special circumstances, due to funding or staffing issues (e.g., Criminal Trespass II, or all property crime misdemeanors, etc.).
5. Number and types of cases resolved through early disposition or early resolution programs (e.g., District Attorney diversion).

#### **g) Court Facility Operations**

1. Hours of courthouse operation.
2. Number of security officers on duty in courthouse.
3. Portion of courthouse operating budget provided by county.
4. Average time from arraignment to final resolution of criminal cases.

### **3. JO CO's Annual Budget for Each of (1) - (7) Above.**

Need supplemental 2015 for safety.

**4a. Context Under Which Sub-components Of JO CO PSS Are to Be Considered** When evaluating the factors set forth in these rules to determine whether the county is providing a MALPSS, the authorities would take into consideration JO CO’s socio-economic facts such as the following.

1. Population density
2. Geographic characteristics
3. Historical crime rates
4. Affected Conditions (see Section V.B.4b that follows)
5. Social
6. Other relevant factors.

#### **4b. Affected Conditions**

*Justice System & Public Safety Services Study Design: 2015*  
Appendix B1. Potential Affected Conditions  
Appendix B2. Studies & Information  
Appendix G. How To Write A Grant Proposal

The existing “Shared State of Oregon & JO Co Public Safety Services” (2010 *Task Force on Effective and Cost-Efficient Service Provision*; Appendix B2. Studies & Information) provide the basic framework for describing the current safety program, including the components Of JO CO JS&PSS Program

The components of the current public safety program are both the baseline inventories (i.e., affected conditions) and the elements of the range of alternatives.

The following is Chapter VIII Potential Affected Conditions from *Justice System & Public Safety Services Study Design: 2015*. These affected conditions will be considered when determining whether the county is providing a MALPSS.

- Introduction
- Community Condition Indicators: Social, Economic and Environmental
  1. Social Indicator Sources
  2. Economic Condition Indicator Sources
  2. Environmental Condition Indicator Sources
- Elements of the JS&PSS
  1. Public Safety Services Research Projects
  2. Justice System & Public Safety Services Issue
- Research
  1. Utilize Previous Studies
  2. Record Citizen Involvement In Defining Issues
- Develop Affected Conditions To Respond To PS&PSS Issue
  1. Potential Affected Conditions: Elements of Alternatives
  2. Potential Affected Conditions: Issue Driven Human Quality of Life
  3. Potential Affected Conditions: Economic & Fiscal
  4. Potential Affected Conditions: Physical & Biological

## C. Performance Standards

Performance Standards: Appendix B3. Analysis Public Situation Performance standards were addressed in Section VI.3.d), Performance Standards, *Appendix B3. Analysis Public Situation*, supporting *Justice System & Public Safety Services Study Design: 2015 (Study Design)*.

- Walker, Mike , and Whalen, Jon, Members of Hugo Justice System & Public Safety Services Exploratory Committee, Hugo Neighborhood Association & Historical Society. Draft 2015. *Appendix B3. Analysis Public Situation*. Supporting *Justice System & Public Safety Services Study Design: 2015*. Hugo, OR.

General planning processes and performance standards are topics understood by the authors of *Study Design*. Specific public safety performance standards are hardly understood at all, and expert advice is need to design this portion of *Study Design*.

The following should be considered brain-storming in an attempt by the authors to understand the topic and the questions. At this point four ideas are being researched.

- Minimally Adequate Level of Public Safety Services
- Legal/Certification Standards
- Indicators of Law Enforcement Protection Services
- Measuring the Performance of Law Enforcement Agencies
  1. Zero-Based Budgeting
  2. Crime Rates
  3. Arrests and Citations
  4. Clearances
  5. Response Time
  6. Toward a New Conception of Police Performance
  7. The Multi-dimensional Nature of Police Performance

**1. Minimally Adequate Level of Public Safety Services** How does the JO CO JS&PSS Safety Program compare to the standards in the 2013 Oregon House Bill 3453? Is JO CO providing a *minimally adequate level of public safety services (MALPSS)*?

The MALPSS appears to be the lowest level of public safety services legally identified as minimally adequate, and the emergency level of service (IV.B.4). True?

## 2. Certification/Legal Standards

### **Oregon Department of Public Safety Standards and Training**

<http://www.oregon.gov/dpsst/pages/index.aspx>

Welcome to the Oregon Public Safety Academy, home of Oregon Department of Public Safety Standards and Training (DPSST). Our mission is to promote excellence in public safety by delivering quality training and developing and upholding professional standards for **police, fire, corrections, parole and probation, and telecommunications personnel, in addition to licensing private security providers and private investigators** (emphasis added) in Oregon.

DPSST also regulates and licenses polygraph examiners, determines sheriff candidates' eligibility to run for office and provides staffing for the Public Safety Memorial Fund. We strive to provide resources and certification

programs that public safety officers and local public safety organizations need to maintain the highest professional skill standards, stewardship and service to Oregon's communities and citizens. These services are based at our new, 236-acre academy and extend across the state through a network of regional training coordinators.

Agency functions are guided by several Oregon Revised Statutes and our authority is defined specifically in Chapter No. 259 of the Oregon Administrative Rules. We are governed by a 24-member Board and six discipline-specific policy committees; we serve more than 35,000 public safety constituents across the state.

**DPSST's Standards and Certification Program** implements and regulates compliance with Board-established, statewide standards for professionals in the criminal justice professions - **police, corrections, parole and probation, telecommunications and emergency medical dispatch** (emphasis added) - in conjunction with the policy committees for each discipline. This program ensures criminal justice professionals meet basic training requirements, and schedules officers for their basic training. The program audits the basic training conducted by the Department of Corrections for their corrections officers, and ensures compliance with ongoing professional standards for physical, emotional intellectual and moral fitness, and perishable skills for criminal justice professionals throughout their careers. This program also oversees the state's Polygraph Examiners licensing program, DPSST's administrative rule-writing process, and supports the separately-funded Public Safety Memorial Fund program.

As a subset of DPSST's Academy Training Division, the **Regional Training Section** is responsible for delivering mandated, specialized and maintenance training to Oregon's **criminal justice professionals** (emphasis added) on a regional basis. This section partners with 11 regional training councils to identify training needs and resources, provide training for local trainers, coordinate and facilitate skills-based and specialized training and provide technical support. The Regional Training Section also coordinates and delivers the agency's Instructor Development Course (IDC) sessions, which prepare agency instructors to teach in the academy-based basic courses. Finally, the Section is responsible for the provision of specialized educational opportunities in child abuse investigations, standardized field sobriety testing (SFST), driving under the influence of intoxicants video training, SFST instructor updates and RADAR/LIDAR usage.

#### **Center for Policing Excellence Encourages Research-Informed Public Safety Practices**

DPSST's Center for Policing Excellence (CPE) develops and delivers training and resources that promote the use of research related to building public trust and confidence, decreasing crime or disorder, and increasing offender accountability. CPE provides leadership development programs both on-site and regionally, and facilitates collaborative efforts between researchers and practitioners to support evidence based decision making. CPE is also responsible for ensuring DPSST's criminal justice training programs reflect the needs of Oregon's public safety communities, utilize effective educational strategies and accurately assess learning and performance.

### **3. Indicators of Law Enforcement Protection Services**

- Funding?
- Staff?
- Credentialed?
- Service?

Ways to measure law enforcement protection services?

Comparative performance measurement in policing?

Feasibility and utility of agency-level performance measurement in policing?

**4. Measuring the Performance of Law Enforcement Agencies** The following information is from an article entitled *Measuring the Performance of Law Enforcement Agencies - Part 1 of a 2-Part article*. It is not the complete article. At this point what follows is only selected ideas from the article that might have an application to the description of the JO CO JS&PSS Safety Program (Appendix A).

- Maguire, Edward R., Ph.D., Associate Professor Administration of Justice Program, George Mason University Fairfax, Virginia. *Measuring the Performance of Law Enforcement Agencies - Part 1 of a 2-Part article*. CALEA Update Magazine | Issue 83. Gainesville, Virginia.

The **Commission on Accreditation for Law Enforcement Agencies, Inc.**, (CALEA) was created in 1979 as a credentialing authority through the joint efforts of law enforcement's major executive associations.

1. International Association of Chiefs of Police (IACP);
2. National Organization of Black Law Enforcement Executives (NOBLE);
3. National Sheriffs' Association (NSA); and the
4. Police Executive Research Forum (PERF).

Performance measurement is at the heart of nearly every innovative management fad or organizational development strategy in the past two decades. It is an essential component of zero-based budgeting and management by objectives, reinventing government, re-engineering the corporation, total quality management, benchmarking, balanced scorecards, and organizational learning. Despite its popularity, **performance measurement is an inherently ambiguous term** (emphasis added). It is used in various ways to refer to the performance of individuals, of products and services, of subunits, of projects, and of organizations. Yet the methods and data used to measure performance at these different levels can vary significantly.

**a) Zero-Based Budgeting** is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, departmental managers justify only variances versus past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved. Zero-based budgeting requires that the budget request be re-evaluated thoroughly, starting from the zero-base; this involves preparation of a fresh budget every year without reference to the past. This process is independent of whether the total budget or specific line items are increasing or decreasing (From Wikipedia, the free encyclopedia).

**Police performance is multidimensional.** This idea, as simplistic as it might seem, is the foundation of effective performance measurement.

Police organizations have been collecting data about their performance since the birth of modern policing in the mid-nineteenth century. Most of these efforts were primarily local, intended to **demonstrate the inputs, activities, and outputs of individual police agencies**. The idea of **comparative performance measurement** began to take root in the early twentieth century, shortly after the birth of the **International Association of Chiefs of Police (IACP)** in 1894. In 1927, the IACP created a **Committee on Uniform Crime Records** to develop a standardized system for collecting crime data from police agencies throughout the nation. The Committee created the architecture for the **Uniform Crime Reports (UCR)** and in 1930, Congress authorized the Attorney General to begin collecting UCR data, a task he assigned to the **Federal Bureau of Investigation**. During its first year, the UCR program collected data from 400 police agencies in 43 states. By 1998, it was routinely collecting data from more than 17,000 police departments in all 50 states. As demonstrated later, the UCR has become the primary foundation for comparative performance measurement of police agencies in the United States.

Four traditional measures of police performance follow.

1. Crime Rates.
2. Arrests and Citations.
3. Clearances.
4. Response Time.

**b) Crime Rates** Most policing scholars argue that there is no single “bottom line” in policing. Like other public agencies, police departments have multiple, perhaps even competing goals. Therefore, to focus exclusively on one goal at the expense of the others is to invite poor performance on alternative goals. As Mark Moore, Professor at Harvard’s Kennedy School of Government, pointed out, “We have learned through the efforts of pioneering police chiefs that there are ways of operating police departments that reduce crime and enhance security without harming civil liberties or community satisfaction.” Criminologist George Kelling has argued that “measuring police performance solely by crime statistics simply ignores consequential values...[such as] justice, integrity, fear reduction, citizen satisfaction, protection and help for those who cannot protect or help themselves, and many others.”

Regardless of one’s perspective on the relative importance of crime rates as measures of police success, there are two primary problems with using “unadjusted” crime rates as performance measures for police. First, police are not the only factor that influences crime rates. Crime is the product of a complex array of social, economic, and political forces. Research demonstrates clearly that police departments can have a substantial impact on some types of crime. Some crimes, like open-air drug markets, are more visible, more preventable, and more suppressible than others. Others may be more difficult for police to reduce. Sometimes crime is reduced through the efforts of police, while other times it is reduced through factors having nothing to do with the police. Similarly, sometimes when a variety of social factors coalesce to increase crime, it is inappropriate to blame the police for factors beyond their control. Police can have an effect on crime, but so can many other factors. Before using crime rates as measures of police performance, it is necessary to “adjust” them statistically to account for these other factors.

Second, reported crime rates often have as much to do with how local police departments process the information they receive as they do with the “true” level of crime. Crime rates derived from police data have been referred to as “organizational outcomes.” In other words, they are as much a product of the police department that produced them as they are of the community or situation in which the alleged offenses took place. Police departments can influence crime rates any number of ways: departmental policies or structures that inhibit or encourage reporting, the behavior of a call-taker or police officer toward an alleged victim, or outright manipulation of crime statistics.

Finally, not all crime is reported to the police, therefore it makes sense to supplement “official” crime data with victimization surveys that indicate the extent of unreported crime.

**c) Arrests and Citations** Arrest represents one of the most visible measures of police output. Although this measure might appear on its face to be clear, research has shown that the legal definition of arrest varies widely across agencies. In addition to these measurement problems, arrests are also conceptually ambiguous.

Unlike arrests, there are no national data on citations issued by police agencies. Police departments traditionally maintain their own records on citations and have historically paid close attention to citation productivity. Citations are one of the basic outputs of police agencies, used much more numerously than arrests. Citation data may be useful for individual police organizations to keep track of how officers are spending their time, or to ensure that the organization is producing outputs in the manner prescribed by the chief executive. But, because they are not available nationally, they cannot be used to compare police departments nationally.

Furthermore, arrests and citations are “output” measures. They demonstrate the extent to which organizations engage in certain activities, but they say nothing about whether these activities were effective in producing something of value for communities. In other words, they are not “outcomes.” When police departments cite the number of arrests they make or citations they issue, it is the equivalent of a carpenter boasting about how many board feet of lumber he cut, or how many nails he sank. Certainly these are some of the activities we expect of our police officers



and our carpenters. These measures show clearly that the police officer and the carpenter were busy, but they do not demonstrate that the community is safer or happier, or that the home has been well built. This is not to say that arrest and citation data should not play any role in performance measurement. Rather, it is a challenge to police executives to think creatively about what these measures represent and how they might contribute to a more comprehensive performance measurement scheme.

**d) Clearances** Like the arrest rate, the clearance rate, which is the proportion of reported crimes solved by the police, is another measure of police output that is collected widely and frequently by police agencies around the nation. Despite numerous conceptual and technical problems with clearance rates, they are “the most common measure of investigative effectiveness” used by police.

Despite these problems with the measurement of clearance rates, they are reported routinely by police departments, and they are used routinely by researchers. Clearance rates can be very useful measures. As with arrest and citation measures, important concerns have been raised about the quality of the data, particularly when they are used to compare different agencies.

**e) Response Time** The standard response to calls for service in most police departments has historically been to dispatch a sworn police officer, who responds quickly. Yet, research and experience have shown that not everybody who calls the police requires, or even necessarily expects, a rapid response. Police agencies facing resource shortages have often been able to streamline their existing resources and improve both efficiency and effectiveness by implementing some form of alternative response strategy. Collectively, these alternative responses have come to be known as “differential police response” (DPR) strategies. The development and diffusion of DPR strategies in American police agencies was informed by several influential research findings. First, several studies showed that rapid response to reports of serious crimes led to an arrest less than 5% of the time. Second, for offenses in which there are no witnesses and no evidence, citizens are often willing to file a police report over the telephone. Third, a series of studies showed that the single most important factor in citizen satisfaction with police response was whether the response time matched citizen expectations, even if the response time was lengthy. In other words, providing citizens with an accurate estimate of the response time is often more important than providing a rapid response.

What challenges do response rates raise as comparative performance measures? First, community standards vary widely. Some communities demand a different police response than others. Second, communities differ in geography, topography, traffic patterns, and other features that make it difficult to compare response rates. Third, rapid response can sometimes be a less efficient, less effective response strategy than alternative approaches. Rapid response to nuisance calls is sometimes wasteful and may detract from more important police priorities. It is possible to compute a comparative performance measure that is based on response times, but it would require careful thought. It would mean developing a uniform definition of calls requiring a rapid response, and measuring the response times for only those calls. Response time is important, but using it as a comparative performance measure invites several challenges. One more feasible alternative to using actual response times is to use customer satisfaction with response times as a performance measure.

**f) Toward a New Conception of Police Performance** With the evolution of community policing, police reformers have recommended an entirely new way of viewing police performance measurement. The community policing reform literature suggests important changes in the way we measure police performance. First, police departments and communities are **urged to engage in the philosophical and conceptual work of identifying the goals that they expect the police to produce.** This exercise will help the police in any community clarify their mission and expand beyond the traditional performance measures. **Certainly maintaining safe communities with a good quality of life will play a role in any thoughtful analysis of the goals of policing.** But, there are many more goals worth pursuing. Second, these goals need to provide an accurate reflection of the work that police actually do. If police spend a large amount of time on traffic safety functions, for instance, or maintaining community order, then those functions should play some role in the list of the goals of policing. Evaluating police departments only on their prowess in apprehending offenders ignores the vital importance of all the other work that they do. Furthermore, it relieves them of accountability for performing equally well in all of their other work.

Finally, the community policing reform literature suggests that police agencies need to adopt outside-the-box thinking when generating performance measures. Police are accustomed to thinking about performance measures that exist already within the many data sets available to them. Yet, many alternatives exist. **Once those interested in developing performance measurement have established a list of general goals, they must then initiate the work of turning these into performance measures.** Implicit in any goal is a series of more specific outcomes that reflect the general goal, and which can be translated into specific performance measurements. For instance, suppose one of the goals is “citizen satisfaction with police.” A number of more specific performance measurements might issue from this single goal. For instance, police agencies might determine the proportions of victims, witnesses, and drivers who are satisfied with the police. Perhaps citizen complaints could be used as a proxy for citizen satisfaction (though this measure is often problematic). Perhaps different kinds of satisfaction might be parsed out: for instance, satisfaction with the call-taker, the response time, and the effort provided by the patrol officer or detective on the scene. These specific measures should extend beyond the traditional measures. Furthermore, the methods used to collect them should vary widely: general surveys of residents, “contact” surveys with those who have had recent contact with the police, employee surveys, direct observation of community conditions or police-citizen encounters, administrative data collected by the police department, or data collected by other agencies are all permissible and can be mixed in a variety of ways. The goal is to assemble information from a wide variety of data sources that can be used to generate knowledge useful for organizational learning.

**g) The Multi-dimensional Nature of Police Performance** Police agencies provide a variety of public services to their communities. The nature of these services varies widely, from educating citizens about crime prevention and responding to automobile accidents, to investigating crimes and apprehending offenders. It is this variety in the day-to-day tasks that police perform that makes measuring their performance so difficult. Some agencies might do a terrific job at maintaining positive and interactive relationships with their communities, but fail to be adequately prepared for critical incidents. Others may take advantage of the newest investigative and information-processing technologies while still relying on outmoded or inefficient patrol deployment strategies. In other words, police agency performance is multidimensional. Those police agencies that concentrate only on one or a handful of performance dimensions to the exclusion of others, do so at their peril. The idea that police agencies might be very successful in some ways but less successful in others is not unique to the police.

Think long enough about an organization and what its various constituencies expect of it, and it becomes rapidly apparent that performance is multidimensional in virtually every organizational setting. Even among corporations, who have a readily available measure of performance –the bottom line, or corporate profits– performance can still be thought of as multidimensional.

Clearly there are crucial differences between corporations and local government agencies like the police. Yet even the famed bottom line is often not the only important measure of corporate performance.

One way of thinking about the dimensions of performance in organizations of any type is to **consider the three E’s: equity, effectiveness, and efficiency.** Equity, also referred to as rectitude, refers to the fairness, or the ethical standards by which the organization operates. It is one generic dimension of performance. Effectiveness refers to how well the organization meets its goals. This dimension can sometimes be broken down into multiple sub-dimensions since organizations often have multiple goals which may even conflict with one another. Efficiency is a ratio of outputs or outcomes to inputs. If one firm is able to build the same bridge as another firm for half the cost, the former is twice as efficient as the latter.

These three generic dimensions are helpful for beginning to think about some of the ways that organizations might vary in terms of their performance. It is not difficult to think of departments that might score highly on some dimensions but not others. An agency might embrace fair practices throughout and produce an optimal level of public safety, but require a substantial level of funding that is out of range when compared to its peer agencies. In this case it would score highly on equity and effectiveness, but lower on efficiency. These dimensions are also useful for thinking about the normative decisions a community must make about public safety. Hiring a cop to stand on every corner would probably reduce crime substantially, but at what cost?

While the three E's have some value as a thought exercise, it is often more useful in practice to measure performance using dimensions that conform closely to the specific industry in question. One reason for this is that effectiveness is itself typically multidimensional. **Effective police agencies might be those that produce low crime rates, low rates of re-victimization, high quality of life, feelings of safety, and high clearance rates** (emphasis added). Equity too might refer to various kinds of fairness and rectitude: to officers and other employees within the organization, to victims, to arrestees, and to those they encounter on the street. Efficiency, as a ratio in which the denominator is measure of resources, can be expressed in different ways: per dollar, per officer, per employee, or per hour.

Rather than relying on a set of generic dimensions for measuring performance in any kind of organization, it makes a lot of sense to focus on the dimensions of performance within a particular industry. The idea is to demonstrate clearly that whatever performance measurement scheme is selected must, first and foremost, recognize that performance is multidimensional. That sets up the rather daunting task of deciding upon the relevant dimensions for policing. CALEA, with its ready access to forward-thinking police executives from around the nation, is situated ideally to engage in this process.

**5. Review Of Existing Decisions** A review of existing decisions and information in related documents has been conducted to determine which remain valid and may be used for continued implementation through the *Study*.

? summarizes decisions which will be carried forward for implementation through the *Study* without further analysis. These decisions will be restated or summarized to incorporate them into the *Study*. They will be common to all alternatives.

? summarizes decisions which, although determined to be valid for continued implementation through the *Study*, are not addressed or fully supported in terms of *Study* analysis. These valid decisions will be common to all alternatives and analysis of them will be incorporated into the impacts section of the *Study*.

Existing decisions not included in Tables ? and ? will be replaced by new decisions in the *Study*.

**6. Key Findings** The key findings of the APS related to the JS&PSS Issue would be highlighted because they are likely to be important considerations in the development of alternatives for the proposed JS&PSS Study.

Appendix A. Measuring the Performance of Law Enforcement

## D. MALPSS COMPLIANCE METHODOLOGY

*“Is JO CO providing a minimally adequate level of PSS?”* The Committee has asked itself this question dozens of times, in dozens of documents, since it started researching the JO CO public safety problem/issue in 2013. After four failed public safety levies and one sales tax, in as many years, the public could be excused if it feels exhausted. What does the public really think about public safety? Specifics vary, but so far there has been no proposed solution, except to try and regain, or work toward, the JO CO PSS System the county had in 2012. The Committee was established by the HNA&HS in 2013 to research the public safety problem/issue. The Committee asked the question, *“What can we do to shed some light on the public safety problem/issue?”*

The question, *“Is JO CO providing a minimally adequate level of PSS?, ”* comes from Oregon Law, specifically ORS 203.095 (Appendix A). The ORS is straight forward: fiscal distress compromises the county’s ability to provide a minimally adequate level of state required services. Public safety services is identified in ORS 203.100.

ORS 203.095 County fiscal emergency with respect to state-required services; establishment of fiscal assistance board; recovery plan. (1)(a) The governing body of a county may seek a **declaration of a fiscal emergency** (emphasis added) by requesting in writing that the Governor review and analyze **state-required services** (emphasis added) provided by the county if:

(A) The governing body of the county believes that the county is in a **state of fiscal distress** (emphasis added) that compromises the county’s ability to provide a **minimally adequate level** (emphasis added), currently or within the next fiscal year, of any service that a county is required to provide by state law . . . .

### *County Public Safety Fiscal Emergencies (Appendix A).*

Note: Sections 1 to 10, 14 and 15, chapter 753, Oregon Laws 2013, provide:

Sec. 1. The purposes of sections 2 to 10 of this 2013 Act are to reduce the **loss of life, injury to persons or property** (emphasis added) and suffering that result from **public safety fiscal emergencies** (emphasis added) and to provide for recovery and relief assistance. These public safety objectives are to be accomplished by creating cooperation among units of local government and granting the Governor the power to act on behalf of units of local government. The provisions of this section shall be liberally construed. [2013 c.753 §1]

Sec. 2. (1) If the Governor determines that **fiscal conditions exist or are imminent** (emphasis added) in one or more counties that compromise the ability of the affected counties to provide a **minimally adequate level of public safety services** (emphasis added), the **Governor may proclaim a public safety fiscal emergency**.(emphasis added)

*OAR 213-070-0010* (Appendix B). However, regardless of whether ORS 203.095 is extended or expires on January 2, 2016, the Committee’s position is that the question, *“Is JO CO providing a minimally adequate level of PSS?, ”* is an excellent standalone question in its own right and that defining the MALPSS standards should be researched for public education.

The Committee continues to believe in the value of MALPSS standards understood by the public, regardless of whether there is a legal definition of the issue (Section IV.C).

Although OAR 213-070-0010 was revoked, the Committee also believes there is value in the 2011 OAR definitions for “Capacity Based Release,” “Minimally Adequate Level of Public Safety Services,” and “Public Safety Services Emergency,” and, value in OAR 213-070 generally. This is because we are still dealing with the MALPSS law without any OARs, and the Oregon Criminal Justice Commission had done the best job so far in identifying the MALPSS.

(1) “Capacity based release” [CBR] is a procedure by which inmates awaiting trial are released pending trial, and sentenced inmates are released into the community before their sentence has ended, in order to ensure that jails do not exceed capacity. The inmates with the least perceived risk are those who should be released, until the requisite population level is reached.

(2) “Minimally Adequate Level of Public Safety Services” [MALPSS] is that level of public safety services determined to be required to provide a reasonable level of public safety within the county. The Commission will determine the level of services that are minimally adequate in a particular county by following the process set forth in these rules, analyzing the contextual factors present in the county as well as the current and historical levels of public safety services provided by the county.

(3) “Public Safety Services Emergency” [PSSE] is a situation in which a county is in a state of fiscal distress that compromises the county’s ability to provide a Minimally Adequate Level of Public Safety Services.

The declaration of a “PSSE” by JO CO would require the Governor of Oregon to “review and analyze public safety services provided by the county” to determine whether the county is providing a “MALPSS.” This is not an easy task as there are substantial differences between counties in terms of, among other things, their geographic and demographic characteristics, priorities, historic crime rates and their willingness to tolerate certain levels of crime, and their past and present funding of various public safety services.

***What public safety services should be taken into account, and what are the key data elements in measuring a particular public safety service, and how should they be measured?***

From a methodology point of view, performance standards and compliance standards are very similar. The first one, performance standards, could be used to evaluate the performance of an individual, work unit, or organization. Compliance standards (i.e., MALPSS standards) are used to identify whether a certain threshold for an affected condition has been met, or not, but not necessarily for judging performance and responsibility.

The following is the compliance methodology which will be used to determine whether the JO CO’s MALPSS are being met. It is based upon the concept of indicators and standards. The most important concept of the compliance methodology is that it uses the scientific method - it is not rocket science, but the process is logical, and traceable, and the MALPSS analysis is available for public and government review. The methodology identifies the process to determine whether the MALPSS is met, or not, and the rationale (threshold) to support the determination. It has four parts: 1. affected conditions, 2. indicators, standards (thresholds), and significance.

## **1. Affected Conditions – Description of Existing Conditions Being Compared to MALPSS Indicators and Standards**

The first step in the basic compliance methodology model is to document the affected conditions that will be compared by the standards.

The independent research project and/or the future impact *Study* would describe the conditions of the area(s) to be affected or created by the alternatives under consideration (Section V.B.4). The affected conditions are the baselines for which the MALPSS standards would apply and whether they would be a determination of a PSSE. In the face of such a declaration of PSSE by JO CO, the Governor of Oregon would be required to “review and analyze public safety services provided by the county” to determine whether the county is providing a MALPSS.

Incomplete Or Unavailable Information. A second additional, and just as important, requirement of the affected conditions section is to always make it clear when there is any incomplete or unavailable information relating to the MALPSS. If the incomplete information is relevant to a reasonably foreseeable and is essential to a reasoned choice among possible MALPSS standards, and the overall costs of obtaining it are not exorbitant, the information shall be included in the MALPSS analysis.

However, if the information cannot be obtained because the overall costs of obtaining it are exorbitant, or the means to obtain it are not known, the affected conditions section shall have a statement that such information is incomplete or unavailable.

**2. Indicators** An indicator is a variable, either singly or in combination with another variable, which is taken as indicative of the condition of a component or sub-component of JO CO’s PSS. An indicator is the specific variable by which compliance is described. A comprehensive description of the indicator(s) are the documented affected conditions being compared with a MALPSS standard in some significant way. The indicators in the affected conditions section provide a benchmark or baseline for enabling the public to compare the magnitude and importance of variation from the MALPSS standards.

The following components of the JO CO PSS are likely indicators of the MALPSS question.

- County jail operations.
- Law enforcement, investigation and patrol.
- Community corrections.
- Juvenile justice.
- Emergency operations and emergency response.
- Search and rescue operations.
- Criminal prosecution.
- Court facility operations.

The sub-components (Section V.B) of the JO CO's PSS can also, as desired, be further divided into as many indicators as needed. For example, the following are sub-indicators for the JO CO jail operations.

1. Annual cost of operation.
2. Number of operable beds (number of beds for which staffing is currently available).
3. Number of available beds (number of operable beds plus the number of beds mothballed or otherwise not currently in use).
4. Number of capacity based releases.
5. Percentage of sentences fully served before release.
6. Number of beds available for post-prison supervision and probation violation sanctions
7. Number of jail beds per capita.
8. Number slots available for alternate forms of custody (e.g., ankle bracelets for house arrest, work center beds, other quasi-custodial beds).

Financial Condition Indicators In 2012 the Oregon Secretary of State selected the following 10 indicators to provide a general assessment of the financial condition of Oregon's counties. However, standards were not identified, ***"We did not propose specific solutions for counties because the decision about county taxes and the level of services are based upon local priorities, within practical and legal requirements and limitations."*** (p. 1, *Oregon's Counties: 2012 Financial Condition Review*).

- Oregon Secretary of State. May 2012. *Oregon's Counties: 2012 Financial Condition Review*. Secretary of State Audit Report Kate Brown, Secretary of State Gary Blackmer, Director, Audits Division.
- Local Support
- Retirement Benefit Obligation
- Timber Payments
- Public Safety Dependence
- Debt Burden
- Personal Income
- Liquidity
- Population Trends
- Fund Balance
- Unemployment

In 2013 the Committee researched the 10 financial condition indicators.

- Oregon Secretary of State. May 2012. *Oregon's Counties: 2012 Financial Condition Review*. Report Number 2012-17, Secretary of State Audit Report Kate Brown, Secretary of State Gary Blackmer, Director, Audits Division. Salem, OR.  
Br. IIIH.4.1 OR Sec. of State Financial Condition Review of OR Counties: 2012, by the Committee (2013)  
Br. IIIH.4.2 OR COs: 2012 Review of Fiscal Indicators (FI) 1 Local Support & 2 Timber Payment Dependence, by the Committee (2013)  
Br. IIIH.4.3 OR COs: 2012 Review of FI 3 Debt Burden & 4 Liquidity, by the Committee (2013)  
Br. IIIH.4.4 OR COs: 2012 Review of FI 5 Fund Balance & 6 Retirement Benefit Obligation, by the Committee (2013)  
Br. IIIH.4.5 OR COs: 2012 Review of FI 7 Public Safety & 8 Personal Income, by the Committee (2013)

Br. IIIH.4.6 OR COs: 2012 Review of FI 9 Population Trends & 10 Unemployment, by the Committee (2013)

Br. IIIH.4.7 JO CO: 2012 Financial Condition Review, by the Committee (2013)

These financial condition indicators are conditions indicators, not for the MALPSS, but for factors affecting the MALPSS, and the impacts to the public and JO CO government.

**3. Standards** A standard is a measurable aspect of an indicator (i.e., components and sub-components of JO CO's PSS). Setting standards is a judgmental process; however, the process is logical, traceable, and subject to public and government review (i.e., the scientific method; see Analysis of the Public Situation (APS)).

- Walker, Mike; and Whalen, Jon, Members Hugo Justice System & Public Safety Services Exploratory Committee, Hugo Neighborhood Association & Historical Society. Draft 2015. *Appendix B3. Analysis Public Situation.* supporting *Justice System & Public Safety Services Study Design: 2015.* Hugo, OR.

A standard is the level, point, or value above which something will take place, or below which it will not take place. A standard provides a base against which a particular condition and/or change can be judged as acceptable or not. Standards or thresholds can be used to determine whether a change in an indicator or impact is significant (either beneficial or adverse).

**4. Significance** Another screen used to identify importance - Significance. It is used to address the importance of any variation from the MALPSS standards

**a) Significant Issue** A significant issue is a subject or question of widespread public discussion or interest regarding the JS&PSS Issue. The impact methodology of identifying significant impacts starts first with the definition of the significant issues during scoping (see *Public Outreach 7. Table Talk Discussion Script Topics.*

- Walker, Mike; and Whalen, Jon, Members Hugo Justice System & Public Safety Services Exploratory Committee, Hugo Neighborhood Association & Historical Society. Draft October 26, 2015. *Public Outreach 7. Table Talk Discussion Script Topics.* supporting *Justice System & Public Safety Services Study Design: 2015.* Hugo, OR.

**b) Significant Impact** A significant impact is a change in the human conditions which if beyond a certain threshold become important. The components of a significant impact are its indicator, standard, and conclusion.

Impacts, effects, and consequences are synonymous. Effects may be direct, indirect, or cumulative. Impact predictions are compared to identified standards (i.e., maximum/minimum level of effect) beyond which the impacts become significant).



### **c) Significance Determination**

A determination of significance requires a consideration of both context and intensity. To determine significance, impact predictions are compared to identified standards (i.e., maximum/minimum level of effect) beyond which the impacts become significant. The standard is the basis for identifying the conclusionary levels of an impact:

- significantly beneficial impact,
- beneficial impact,
- neutral impact,
- adverse impact, and
- significantly adverse impact

## **E. Summary**

The public safety services (PSS) are 16 services, some provided by JO CO and some are shared between the county and the state (Table I-1).

The Committee's position is that the range of public safety service components identified for increased funding from 2012 - 2015, during four years of levies and the sales tax proposal, are locally considered to be the six major components of the JO CO public safety program (Table I-2).

1. Adult Jail.
2. Juvenile Justice Center.
3. District Attorney's Office.
4. Rural Patrol Deputies.
5. Criminal Investigations & Related Sheriff's Office Support Services.
6. Animal Protection.

The potential Sub-Components of the JO CO PSS can be very detailed. Good examples are provided for the following PSS: county jail operations; law enforcement, investigation, and patrol; community corrections; juvenile justice; emergency operations and emergency response, including search & rescue operations; criminal prosecution; and court facility operations.

The 2015 JO CO's annual budget is being researched. Need a copy of the supplemental for public safety.

The context under which sub-components of the JO CO PSS are considered is important (e.g., 1. Population density, 2. Geographic characteristics, 3. Historical crime rates, 4. Affected conditions, 5. Social, 6. Other relevant factors, etc.).

**Zero-Based Budgeting.** Performance measurement is at the heart of nearly every innovative management fad or organizational development strategy in the past two decades. It is an essential component of zero-based budgeting and management by objectives, reinventing government, re-engineering the corporation, total quality management, benchmarking, balanced scorecards, and organizational learning. Despite its popularity, performance measurement is an inherently ambiguous term. It is used in various ways to refer to the performance of individuals, of products and services, of subunits, of projects, and of organizations. Yet the methods and data used to measure performance at these different levels can vary significantly.

Zero-based budgeting is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, departmental managers justify only variances versus past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved. Zero-based budgeting requires that the budget request be re-evaluated thoroughly, starting from the zero-base; this involves preparation of a fresh budget every year without reference to the past. This process is independent of whether the total budget or specific line items are increasing or decreasing

There is a valuable treatment of performance standards on four traditional measurements of law enforcement performance from an article entitled *Measuring the Performance of Law Enforcement Agencies*: 1. Crime Rates, 2. Arrests & Citations, 3. Clearances, and 4. Response Time.

**Crime Rates** It is too simple to argue that the public safety issue is the public viewing taxes versus safety as most policing scholars argue that there is no single “bottom line” in policing. Like other public agencies, police departments have multiple, perhaps even competing goals. Therefore, to focus exclusively on one goal at the expense of the others is to invite poor performance on alternative goals. It has been learned through the efforts of pioneering police chiefs that there are ways of operating police departments that reduce crime and enhance security without harming civil liberties or community satisfaction. Measuring police performance solely by crime statistics simply ignores consequential values such as justice, integrity, fear reduction, citizen satisfaction, protection and help for those who cannot protect or help themselves, and many others.”

There are two primary problems with using “unadjusted” crime rates as performance measures for police. First, police are not the only factor that influences crime rates. Crime is the product of a complex array of social, economic, and political forces. Second, reported crime rates often have as much to do with how local police departments process the information they receive as they do with the “true” level of crime. Finally, not all crime is reported to the police, therefore it makes sense to supplement “official” crime data with victimization surveys that indicate the extent of unreported crime.

**Arrests and citations** are “output” measures. They demonstrate the extent to which organizations engage in certain activities, but they say nothing about whether these activities were effective in producing something of value for communities. In other words, they are not “outcomes.” When police departments cite the number of arrests they make or citations they issue, it is the equivalent of a carpenter boasting about how many board feet of lumber he cut, or how many nails he sank. Certainly these are some of the activities we expect of our police officers and our carpenters. These measures show clearly that the police officer and the carpenter were busy, but they do not demonstrate that the community is safer or happier, or that the home has been well built. This is not to say that arrest and citation data should not play any role in performance measurement. Rather, it is a challenge to police executives to think creatively about what these measures represent and how they might contribute to a more comprehensive performance measurement scheme.

**Arrests and Citations** Arrest represents one of the most visible measures of police output. Although this measure might appear on its face to be clear, research has shown that the legal definition of arrest varies widely across agencies. In addition to these measurement problems, arrests are also conceptually ambiguous.

Unlike arrests, there are no national data on citations issued by police agencies. Police departments traditionally maintain their own records on citations and have historically paid close attention to citation productivity. Citations are one of the basic outputs of police agencies, used

much more numerous than arrests. Citation data may be useful for individual police organizations to keep track of how officers are spending their time, or to ensure that the organization is producing outputs in the manner prescribed by the chief executive. But, because they are not available nationally, they cannot be used to compare police departments nationally.

Furthermore, arrests and citations are “output” measures. They demonstrate the extent to which organizations engage in certain activities, but they say nothing about whether these activities were effective in producing something of value for communities. In other words, they are not “outcomes.” When police departments cite the number of arrests they make or citations they issue, it is the equivalent of a carpenter boasting about how many board feet of lumber he cut, or how many nails he sank. Certainly these are some of the activities we expect of our police officers and our carpenters. These measures show clearly that the police officer and the carpenter were busy, but they do not demonstrate that the community is safer or happier, or that the home has been well built. This is not to say that arrest and citation data should not play any role in performance measurement. Rather, it is a challenge to police executives to think creatively about what these measures represent and how they might contribute to a more comprehensive performance measurement scheme.

**Clearances** Like the arrest rate, the clearance rate, which is the proportion of reported crimes solved by the police, is another measure of police output that is collected widely and frequently by police agencies around the nation. Despite numerous conceptual and technical problems with clearance rates, they are “the most common measure of investigative effectiveness” used by police. Despite these problems with the measurement of clearance rates, they are reported routinely by police departments, and they are used routinely by researchers. Clearance rates can be very useful measures. As with arrest and citation measures, important concerns have been raised about the quality of the data, particularly when they are used to compare different agencies.

**Response Time** The standard response to calls for service in most police departments has historically been to dispatch a sworn police officer, who responds quickly. Yet, research and experience have shown that not everybody who calls the police requires, or even necessarily expects, a rapid response. Police agencies facing resource shortages have often been able to streamline their existing resources and improve both efficiency and effectiveness by implementing some form of alternative response strategy. Collectively, these alternative responses have come to be known as “differential police response” (DPR) strategies. The development and diffusion of DPR strategies in American police agencies was informed by several influential research findings. First, several studies showed that rapid response to reports of serious crimes led to an arrest less than 5% of the time. Second, for offenses in which there are no witnesses and no evidence, citizens are often willing to file a police report over the telephone. Third, a series of studies showed that the single most important factor in citizen satisfaction with police response was whether the response time matched citizen expectations, even if the response time was lengthy. In other words, providing citizens with an accurate estimate of the response time is often more important than providing a rapid response.

What challenges do response rates raise as comparative performance measures? First, community standards vary widely. Some communities demand a different police response than others. Second, communities differ in geography, topography, traffic patterns, and other features that make it difficult to compare response rates. Third, rapid response can sometimes be a less efficient, less effective response strategy than alternative approaches. Rapid response to nuisance calls is sometimes wasteful and may detract from more important police priorities. It is possible to compute a comparative performance measure that is based on response times, but it would require careful thought. It would mean developing a uniform definition of calls requiring a rapid response, and measuring the response times for only those calls. Response time is important, but using it as a comparative performance measure invites several challenges. One more feasible alternative to using actual response times is to use customer satisfaction with response times as a performance measure.

Two worthwhile ideas are addressed: 1.toward a new conception of police performance, and 2. multi-dimensional nature of police performance.

The Committee feels strongly that there must be an identified MALPSS compliance methodology that addresses the following analysis process elements in a scientific, documented, public accessible way.

1. Affected Conditions – Description of Existing Conditions Being Compared to MALPSS Indicators and Standards.
2. Indicators.
3. Standards.
4. Significance.

## VI. BENEFITS OF PUBLIC UNDERSTANDING MALPSS STANDARDS

### A. Public Trust

#### 1. Josephine County Public Safety Trust Issue

The *Appendix A: Issues* document provides supporting material for the grant application as described in the draft document entitled *Justice System & Public Safety Services Study Design: 2015*. The *Study Design* project is itself part of a program to research the Josephine County (JO CO), Oregon Justice System & Public Safety Services issue (JS&PSS Issue; 2013 *Justice System & Public Safety Services Issue Scope Of Work*). It also includes a preliminary analysis of the JS&PSS Problems/Issues

- Hugo Justice System & Public Safety Services Exploratory Committee. *Appendix A: Issues*. In support of *Justice System & Public Safety Services Study Design: 2015*. HNAHS. Hugo, OR.
- Hugo Justice System & Public Safety Services Exploratory Committee. Draft 2015. *Justice System & Public Safety Services Study Design: 2015*. HNAHS. Hugo, OR.
- Hugo Justice System & Public Safety Services Exploratory Committee. Draft July 18, 2013. *Justice System & Public Safety Services Issue Scope Of Work*. HNAHS. Hugo, OR.

**a) Summary Preliminary July 15, 2015 Issues** The Committee believes the identification of the preliminary issues for why the levies failed has merit in its own right as a standalone summary of the problem as viewed by the majority of JO CO citizens (i.e., you can't find solutions that last if you don't know the specific problem(s)). The issues identified by the committee were supplemented primarily with information from a non-random set of informal interviews of JO CO citizens, and articles from The Grants Pass Daily Courier (e.g., citizen guest opinions and letters-to-the-editor (LTTE), reporter articles, etc.).

Eleven (11) issues were identified by the Committee based on 60 TTTE (i.e., 12 % of the 517 TTTE in archives at the time). The 11 issues that follow are not in any order of priority or importance. The two of importance to the MALPSS analysis are issues # 2 and # 3.

- Issue # 1. Public Safety Should Be Paid By Public.
- Issue # 2. Mistrust in Government Growing: Honesty, Transparency and Accountability.**
- Issue # 3. Citizens Feel Their Voices Are Not Being Heard. What Part Of "No" Don't They Understand?**
- Issue # 4. Rural Patrol Presence Has Not Changed From 2000 - 2015; I Don't Feel More Unsafe Or More Safe.
- Issue # 5. Not Fair That Only Property Owners Pay.
- Issue # 6. Opportunities Had Not Occurred To Inform Voters in a Comprehensive Non-Special Interest Fashion: Planning & Business Plan.
- Issue # 7. Cumulative Assessments Coordinated By JO CO Assessor Office Unaffordable to Many.
- Issue # 8. Promote Economic Development & Education.
- Issue # 9. Permanent 58 Cents Per 1,000 JO CO Tax & Current Taxes, Fees, Etc. As Identified By JO CO Assessor's Office.
- Issue # 10. Income & Opportunities Inequality Affects Ability To Pay Taxes, Fees, Etc.
- Issue # 11. City and County Residents Should Pay Their Usage Share.

**b) Update Of Public Safety Issues** The preliminary July 15, 2015 Issues are being updated at this time with vetted inventories of a much larger list of public input versus the original 60 LTTE sample.

On November 7, 2015 Nathan Davis, a 2<sup>nd</sup> year graduate student at Oregon State University (OSU), formally settled on tiering his Master's of Public Policy (MPP) Essay research paper to the Josephine County (JO CO) Justice System & Public Safety Services (JS&PSS) public safety issue (*JS&PSS Press Release 2015-1*). Nathan is in the OSU School of Public Policy which is part of the OSU Rural Studies Program (RSP).

- Justice System Exploratory Committee, Hugo Neighborhood Association & Historical Society. November 22, 2015. *JS&PSS Press Release 2015-1. What Do Josephine County Citizens Really Think About Public Safety?* For *Justice System & Public Safety Services Study Design: 2015*. Hugo, OR.

The *Study Design* approach relies on “people” citizens to provide insight about how to identify and manage problems, and formulate their own goals and solutions for the future (e.g., voting, writing letters to the editor and guest opinions in the TGPDC, writing arguments in voters’ pamphlets, etc.). “*The importance to citizens of knowing they are being heard, of being the decision-makers that decide their future, is critical.*” For example, the *Study’s* alternatives that will be analyzed are the range of potential solutions the public, as a group, identified.

The focus on citizens as the decision-makers will be the core of Nathan’s MPP paper, which is recording and analyzing the public’s opinions, pro and con, across their range of values, through a “Content Analysis” research method. The published vetted inventories being used for his data base for analyzing public opinions follow: 1. over 800 LTTE, 2. ten (10) guest opinions, and 3. five (5) voters pamphlets of citizen arguments.

Vetted *Study* Baseline Facts/Inventories. Understanding is made more difficult with all those noisy facts when truth isn't always something as clear and unquestionable as desired. It is believed that a step in the right direction is for different publics, that don’t trust each other to share vetted, or checked, information. This is one of the purposes – for citizens to speak a common language, to solve problems, not to spend valuable time and energy discussing potential conflicting facts. For that purpose, a web page of “*listening*” to baseline information, vetted facts, and disputed facts, has been started for consideration in *Study*: LTTE (over 800); guest opinions (10 and adding), media articles (over 650), voters pamphlets (5), and studies & information (24 - e.g., declining federal payments to counties, demographic & population, health, OR reports of criminal offenses and arrests, local crime information, budget, etc.).

Nathan Davis’ Master's of Public Policy Essay research paper on public opinion concerning the JO CO JS&PSS Problems/Issues is projected to be completed in the Spring of 2016. He will complete his masters program at OSU June 2016.

## c) Issues # 2 & #3

### **(1) Issue # 2 Mistrust in Government Growing: Honesty, Transparency and Accountability**

The following quotes are from a six page analyses in *Appendix A: Issues: Justice System & Public Safety Services Study Design: 2015*.

An issue, identified by public opinion, is mistrust of JO CO government, specifically the JO CO Board of County Commissioners. Is mistrust of local government a reflection of the national mood?

Could distrust in government be a good thing? For example, some believe that when you have lower trust in government, you tend to get fewer foreign wars, you tend to get fewer expensive government programs, and you also tend to get fewer abuses of civil liberties. In other words, public distrust might be an informal but much needed way of exercising checks and balances.

What do you think? Could distrust in government actually be a good thing?

The Hugo JS&PSS Exploratory Committee has been trying to understand this issue since 2013. In 2015 it was actively reaching out to citizens to brainstorm ideas. For example, some of the Exploratory Committee's core beliefs are that all citizens, voters, and votes are legitimate. Our 2015 JS&PSS Study Design project flows from this center. The results are a study to be researched and written from a neutral point of view, meaning representing fairly, proportionately, and, as far as possible, without bias, all public views that have been published by reliable sources on the safety topic.

Another important issue is *how to demonstrate trust and enhance communication between some of our neighbors and JO CO government*. The Study Design approach primarily relies on citizens to provide insight about how to identify and manage problems, and formulate their own goals and solutions for the future (web page on voting, writing letters to the editor and guest opinions in *The Grants Pass Daily Courier*, writing arguments in voters' pamphlets, etc.). It aspires to emphasize the importance to citizens of knowing they are being heard, of being the decision-makers that decide their future. As active participants, neighbors at the grassroots level can gain ownership of Study Design information processes and become "stakeholder" decision-makers in the range of potential solutions they, as a group, identified.

### **(2) Issue # 3 Citizens Feel Their Voices Are Not Being Heard. What Part Of "No" Don't They Understand?** The following quotes are from a two page analyses in *Appendix A: Issues: Justice System & Public Safety Services Study Design: 2015*.

An issue, identified by public opinion, is *how to demonstrate trust and enhance communication between some of our neighbors and JO CO government*. Many citizens obviously do not feel like they have an opportunity to engage in meaningful conversation with the local government, to make a difference through what one shares publically. Many others feel their views are excluded from an equal sharing, or other decision-making processes, or their voices are overlooked and ignored.

In summary, various methods of inclusive governance can give diverse members of the population a chance to be heard. Increasing meaningful public participation, particularly among those from marginalized groups or bystanders, is a powerful way to ensure that citizens have input into important planning process decisions.



**2. Public Trust In Oregon Government** The Committee does not yet have an opinion about public trust in Oregon government. Its research was ongoing as its accidental first search reference came across the Center for Public Integrity (CFPI). The CFPI ranked Oregon's integrity as 44<sup>th</sup> among the states, with a grade of "F." If true, that was an eye opener to the Committee.

**a) Preliminary Research** includes the following as of December 14, 2015.

**(1) Oregon State Integrity Rankings** The Center for Public Integrity released a report grading the 50 states on governance. The metrics used to measure integrity included the categories of "Public Access to Information," "Lobbying Disclosure," and "Ethics Agency Enforcement." (Appendix E).

Oregon was ranked 44th among the states, with a grade of "F."

Oregon's poor ranking was not a surprise given the nationwide coverage of the Kitzhaber-Hayes influence-peddling scandal. By any standard, the behavior of our former governor was unacceptable.

But this was only the headliner issue. Beneath the surface are many less-glamorous problems that will be difficult to address. For instance, there is virtually no meaningful oversight of state expenditures. Legislators spend tax money to promote their own agendas, and the budgeting process is deliberately opaque in order to keep citizens in the dark.

Also, the law allowing us access to public records is constantly abused. Agencies frequently play games of "20 questions" in order drag out the process; and when they do offer up the requested documents, they impose massive fees that most citizens cannot afford.

Unfortunately, no amount of "oversight" will solve the problem. Government is unable to police itself. Once a taxpayer sends money to the state, it's too late.

The best solution is to dramatically prune the weed patch of regulations and programs. A smaller government, focusing on a few core functions, will have more integrity than a larger one.

John A. Charles, Jr. is President and CEO at Cascade Policy Institute, Oregon's free market public policy research organization.

## **(2) Public Trust and Confidence, Resource Guide**

National Center For State Courts.

<http://www.ncsc.org/Topics/Court-Community/Public-Trust-and-Confidence/Resource-Guide.aspx>

Downloaded December 14, 2015

Because the judicial branch relies heavily on public support to perform its role in our system of government, public trust and confidence is a precious commodity for the courts. While most people have at least a moderate amount of trust in the courts, this is unequally distributed, as minority members tend to express less confidence due to their assessment of fairness within court procedures. Furthermore, contact with the courts appears to make very little difference in court perception, as most opinions about the courts appear to come from the media, including news reports and television dramas.

### **(3) Measuring Customer Satisfaction in Oregon State Government**

— Final report of the Customer Satisfaction Workgroup —

October 15, 2014

<https://www.portlandoregon.gov/oni/article/96648>

Downloaded December 14, 2015

Performance measures relating to customer satisfaction were incorporated in the Department of Administrative Services (DAS) 2003-05 budget instructions in response to the legislature and citizens' desire for greater accountability and results from government. In May 2003, Governor Kulongoski appointed a group of business leaders to advise him about improving government performance and accountability. In its final report, the Advisory Committee on Government Performance and Accountability (ACGPA) recommended "improving the process for developing and implementing performance measures across government, including promulgating preferred performance measures and methods of data collection for areas that are common to many agencies (e.g. customer satisfaction)". This report contributes to the effort to refine these performance measures.

### **(4) Trust in Government**

#### **Gallup Historical Trends - Gallup.Com**

<http://www.gallup.com/poll/5392/trust-government.aspx>

Downloaded December 14, 2015

### **(5) Handbook of State Government Administration**

<https://books.google.com/books?isbn=0824742036>

John J. Gargan - 1999 - Political Science information about trends in service demands or the allowing managers to ...

A well-known example is Oregon Benchmarks, which provides citizens with a ... also includes a measure of public trust in its government (State Legislatures, 1995).

### **(6) Using the Internet for Budget Transparency to Increase Accountability, Efficiency and Taxpayer Confidence**

Transparency.gov 2.0. Using the Internet for Budget Transparency to Increase Accountability, Efficiency and Taxpayer Confidence

Released By: OSPIRG Foundation Release Date: Wednesday, March 18, 2009

<http://www.ospirg.org/reports/orp/transparencygov-20>

Downloaded December 14, 2015

### **Oregon State Public Interest Research Group (OSPIRG)**

1536 SE 11th Ave., Suite A Portland, OR 97214 | (503) 231-4181

<http://www.ospirg.org/page/orp/about-ospirg#sthash.VyUcM04S.dpuf>

OSPIRG is a consumer group that stands up to powerful interests whenever they threaten our health and safety, our financial security or our right to fully participate in our democratic society. For decades, it has stood up for consumers, countering the influence of big banks, insurers, chemical manufacturers and other powerful special interests.

## **(7) Transparency.gov 2.0.**

Oregon State Public Interest Research Group (OSPIRG) Foundation

By Phineas Baxandall, Dave Rosenfeld and Benet Magnuson

March 2009

<http://www.ospirg.org/sites/pirg/files/reports/Transparency.gov%202.0%20March%202009.PDF>

The ability to see how government uses the public purse is fundamental to democracy. Budget transparency checks corruption, bolsters public confidence in government, and promotes fiscal responsibility.

Given Oregon's reputation as an innovator of ways to increase public participation in government, one might expect the state to be a leader in using the Internet for online budget transparency. And indeed, pockets of budget transparency are sprinkled throughout Oregon Government. But as more and more states upgrade their transparency systems, Oregon has fallen behind the emerging set of Transparency 2.0 best practices.

In light of both a staggering budget shortfall and an unprecedented windfall of federal stimulus funds, OSPIRG reviewed how Oregon could catch up to other states in using the Internet for public budget transparency to increase accountability, efficiency and improve taxpayer confidence. We found that Oregon is far behind many other states; but that significant benefits could be achieved through relatively easy to implement reforms that should cost little to no additional funds.

## **B. More Informed Public**

Is part of the JO CO JS&PSS Problem/Issue because JO CO citizens have never had to understand and debate needed levels and funding for public safety? The Committee believes this is part of the citizen involvement equation.

This situation is because historically the JO CO government made the decisions to pass through Federal O & C payments to be used mostly for public safety. The public was never really involved in these decisions. Should this aspect of the JS&PSS Problem/Issue be considered fresh through a public planning process decided de novo, meaning "from the beginning," "afresh," "anew," "beginning again?" (Section I.A.; *Public Outreach 1.1, What's The Problem?*). The Committee believes it should, and this is the *Study Design* idea.

*Do Voters Know Enough to Make Good Decisions on Important Issues?*

Reply to Sean Trende

By Ilya Somin

The Conversation

October 22, 2013

<http://www.cato-unbound.org/2013/10/22/ilya-somin/do-voters-know-enough-make-good-decisions-important-issues-reply-sean-trende>

Downloaded December 14, 2015

Sean offers three important criticisms of the argument advanced in Democracy and Political Ignorance: that voters know enough to make good decisions on really important issues, that they can make good choices between the two options on offer in major elections, and that the historical success of American democracy suggests that political ignorance may not be such a serious problem. Each of these points has some merit. But each is overstated. Political ignorance does not prevent voters from making good decisions in some important situations. But it does make the performance of democracy a lot worse than it would be otherwise.

*If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement?*

Citation: Hochschild JL. *If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement?*. *Election Law Journal: Rules, Politics, and Policy* [Internet]. 2010;9(2):111-123.

**1. Do Facts Matter?** The following is from Chapter IX, “Hoped For Benefits” of *Vetted Public Safety Facts*.

- Walker, Mike & Whalen, Jon, Members, Hugo JS&PSS Exploratory Committee, Hugo Neighborhood Association & Historical Society. Draft December 12, 2015. *Vetted Public Safety Facts*. Public Outreach 5.1, for *Justice System & Public Safety Services (JS&PSS) Study Design: 2015*. Hugo, OR.

A democracy falters when most of its citizens are uninformed or misinformed, when misinformation affects political decisions and actions, or when political actors foment misinformation – the state of affairs the United States faces today. We will start with Thomas Jefferson’s ideal citizen, who knows and uses correct information to make policy or political choices. What are the consequences if citizens are informed but do not act on their knowledge? More serious, what if they do act, but on incorrect information? (*Do Facts Matter?*).

- Hochschild, Jennifer & Einstein, Levine Katherine. 2015. *Do Facts Matter?: Information and Misinformation in American Politics*. Volume 13 in The Julian J. Rothbaum Distinguished Lecture Series. University of Oklahoma Press.

“Hochschild and Einstein argue persuasively that errors of commission (that is, acting on falsehoods) are even more troublesome than errors of omission. While citizens’ inability or unwillingness to use the facts they know in their political decision making may be frustrating, their acquisition and use of incorrect “knowledge” pose a far greater threat to a democratic political system.” (*Do Facts Matter?*).

*Do Facts Matter?* looks beyond individual citizens to the role that political elites play in informing, misinforming, and encouraging or discouraging the use of accurate or mistaken information or beliefs. It shows that if a well-informed electorate remains a crucial component of a successful democracy, the deliberate concealment of political facts poses its greatest threat. (*Do Facts Matter?*).

Political theorists and activists insist that the public must be knowledgeable for a democracy to succeed. However, many citizens are ignorant of relevant facts, hold correct information but do not make policy choices that accord with it, or – most importantly, we argue – hold misinformation that is associated with their policy preferences. We explore the dangers to the quality of democratic governance from those who are informed but disengaged and, especially, those who are engaged but use false “knowledge.” (*It Isn't What We Don't Know*).

- Hochschild, Jennifer L., Harvard University; Katherine Levine Einstein, Boston University. July 31, 2014. *It Isn't What We Don't Know that Gives Us Trouble, It's What We Know that Ain't So: Misinformation and Democratic Politics*. British Journal of Political Science.

## 2. Strategies To Combat Misinformation Are Worth Trying

The authors of *Study Design* believe a step in the right direction is for different groups that don't necessarily trust each other to share vetted information. Part of the purpose of *Study Design* is for citizens to speak, as much as possible, a common language. Let us break bread over common ideas.

- *The first step in solving our common problems is to discuss them together.*
- *Even people who strongly disagree can make sound decisions if they sit down and talk.*
- *Everyday people from different parties can have civil, respectful conversations about politics.*

In an independent neutral planning analysis, facts/inventories are gathered and vetted, or checked, to determine their accuracy and usefulness.

An important part of *Study Design* and *Study* is the strategy to combat misinformation. The strategies range from education, independent researchers, fact checkers, verifiability, expert advocacy, legal decisions, and vetted public safety facts. It appears none is fully effective and all may be weak in the face of a stable, gratifying intersection among false information, corresponding policy views, connection with like-minded others, and reinforcing politicians.

**3. Analysis Of MALPSS Standards** What will an analysis of the MALPSs and/or the “Law Enforcement Staffing & Deployment (LES&D)” standards (Section III.C.1) provide to the citizens? These standards would be, in many ways, just like all the other pieces of information needed for an informed and understanding public. They are also keys because they focus directly on the JO CO JS&PSS safety issue. For example, the simple potential to provide a framework of understanding is significant in realizing where JO CO’s public safety program is in the scheme of things. Are we above an emergency level of services, or below? Are the JO CO’s JS&PSS adequate, or less than adequate? And, just as important, where is the science and/or facts supporting the professional opinions of adequacy?

**a) MALPSS Framework For Public Safety Services** The Committee’s opinion is that we need to go beyond the valuable work of the Lane County Public Safety Coordinating Council in defining a safety rating system, including the methodology or standards by which rating are categorized (Section III.C.2). Consider the following possible framework of understanding (Table IV-1. MALPSS Framework).

<b>Table VI-1. MALPSS Framework For Public Safety Services (PSS)</b>		
<b>Level of PSS<sup>1</sup></b>	<b>Acronym</b>	<b>Notes</b>
Optimal Level	OL PSS	best available outcomes; includes discretionary services
Normative Level	NL PSS	compromise between adequate and optimal; includes discretionary services (pre-2012 level of PSS?)
Adequate Level	AL PSS	LES&D? <sup>1</sup>
Minimally Adequate Level	MAL PSS	MALPSS
Less than Adequate Level	LTAL PSS	
Inadequate Level	IL PSS	
Emergency Level	EL PSS	Public Safety Fiscal Emergency (PSFE) <sup>2</sup>
Footnotes		
1. Public Safety Services Law Enforcement Staffing & Deployment (LES&D) standards.		
2. PSFE, Oregon House Bill 3453 (2013); Appendix A; much the same concept as Public Safety Services Emergency (PSSE), Oregon Senate Bill 77 (2009); Appendix B.		
Source: Walker, Mike and Whalen, Jon, Co-Authors <i>Study Design (Justice System &amp; Public Safety Services Study Design: 2015)</i> , The Hugo Justice System & Public Safety Services Exploratory Committee (Justice System Exploratory Committee). <a href="http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm">http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm</a> .		

What does the public think the difference is between an adequate and optimal PSS? The Committee is curious about is how far will the people go to get the best available outcomes. What will one sacrifice? The Committee believes that everything in life is relative and to achieve the best in one thing might mean giving something else up. That includes things like how it affects family members as well to how it affects individual citizens. The Committee

defines a normative level of PSS to be what is considered to be the normal or correct way of doing something (i.e., compromise between adequate and optimal?).

The Committee's opinion is that the one size "ratios per population" methodology has a limited value in understanding LES&D and MALPSSs. The analysis should move toward the concepts of analyzing actual, and/or needed, workloads with the use of zero-based-budgeting. For example, staffing decisions, particularly in patrol, should be made based upon actual workload, and/or needed, and then a determination can be made as to the amount of discretionary patrol time that should exist, *consistent with the community's ability and inclination to fund JS&PSS* (Section III.C. Policies On Public "Value" Safety Standards). The important difference is that this analysis is a professional scientific documented study versus a professional opinion without a documented study.

The idea of a community's ability to fund PSS seems straight forward (i.e., I have the money or I do not), but it is actually a complex job to define a community's ability. Inclination to fund PSS, at a recommended standard, is perhaps more complex because it has almost nothing to do with scientific standards independent of voter opinions. It is all about the values (e.g., political opinions, social values, behavior, etc.) of the voting citizens and recommended public safety standards, because, except for training and certification, there are few mandatory legal standards for JS&PSS.

The Committee believes that the most effective way to manage operations, including public safety, is to make decisions based upon the interpretation and analysis of data and information. To achieve this, a data analysis of the law enforcement department staffing and deployment should be conducted. By objectively analyzing the availability of deployed hours and comparing those to the hours necessary to conduct operations, staffing expansion and/or reductions can be determined and projected. Additionally the time necessary to conduct proactive police activities (e.g., directed patrol, community policing, selected traffic enforcement, etc.) would be reviewed to provide the law enforcement unit with a meaningful methodology to determine appropriate costing allocation models.

**b) Legal Versus Needed** The Committee continues to believe in the value of MALPSS standards regardless of whether there is a legal definition of the issue (i.e., 2013 Oregon House Bill 3453), or not. The background to the Committee's position is two-fold.

1. Part of the problem is because JO CO citizens have never had to really understand and debate needed levels and funding for public safety prior to 2012 (Section I.A). Now it is in that informal intense debate.
2. The public has not been provided a scientific rationale of the purported public safety problem (i.e., Section I.A.; judged by what standards?). A vetted scientific study of the standards to be used to proclaim a public safety fiscal emergency when fiscal conditions compromise JO CO's ability to provide a *minimally adequate level of public safety services* would help answer the, "*Is there a problem?*" question.



The analogy of zero-based budgeting comes to mind. Zero-based budgeting is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, managers justify only variances from past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved.

In this case, the Committee feels like the assumptions behind the four proposed levies and one sales tax from 2012 through 2015 were premised on traditional incremental budgeting, versus zero-based budgeting, and that the 2012 "baseline" was automatically assumed to be approved because it had been the defined public safety need.

Again, the bottom line, the public has not been provided a scientific vetted study of where we are at in terms of needed PSS, that is publically accessible in one location or synthesized document. Are we below the MALPSS, at it, or above it?

### **c) Initiative and Referendum**

- Blue Book. Downloaded December 12, 2015. *Initiative and Referendum*.  
<http://bluebook.state.or.us/state/elections/elections09.htm>

In 1902, Oregon voters overwhelmingly approved a legislatively referred ballot measure that created Oregon's initiative and referendum process. In 1904, voters enacted the direct primary. This system of empowering the people to propose new laws or change the Constitution of Oregon through a general election ballot measure became nationally known as "the Oregon System."

**Initiative** Registered voters may place on the ballot any issue that amends the Oregon Constitution or changes the Oregon Revised Statutes.

**Referral** The Legislature may refer any bill it passes to voters for approval. It must do so for any amendment to the Oregon Constitution. Since 1902, the people have passed 124 of the 363 initiative measures placed on the ballot and 23 of the 65 referenda on the ballot. During the same period, the Legislature has referred 430 measures to the people, of which 254 have passed.

To place an initiative or referendum on the ballot, supporters must obtain a specified number of signatures from registered voters. The number required is determined by a fixed percentage of the votes cast for all candidates for governor at the general election preceding the filing of the petition.

**d) Committee Recommendation For Initiatives And Referrals** In the last four years the citizens of JO CO and the City of Grants Pass have had three elections on the public safety issues referred to the people *from government*, and two elections by initiative petition from *the people* (Section I.C.1.c)).

1. Referred to the people by Josephine County Board of Commissioners.
2. Referred to the people by Josephine County Board of Commissioners.
3. Referred to the people by initiative petition (Securing Our Safety (SOS)).
4. Referred to the people by initiative petition (Community United For Safety (CUFS)).
5. Referred to the people by Grants Pass City Council.

The question, summary, and explanatory statement for referrals and voters' pamphlets are directed by the format required in the *County, City and District Referral Manual*.

***County, City and District Referral Manual*** (Appendix K)

Oregon Secretary of State, Elections Division

<http://sos.oregon.gov/elections/Documents/ReferralManual.pdf>

Downloaded December 13, 2015

- Brown, Kate, Oregon Secretary of State. 2014 Rev. 01/14. *County, City and District Referral Manual*. Oregon Elections Division. Salem, OR

**Getting Started** The “Referral” manual describes the procedures necessary for placing a county, city or district referral on the ballot. The procedures for filing a referral are explained in the following sections. It is very important to review the procedures thoroughly and follow the instructions completely.

Local charter or ordinance requirements do not supersede state statutes relating to **ballot title format** or the **statement of measures** filed under ORS 254.095, 254.103 and 255.085. Failure to follow the instructions contained in this manual may result in the removal of the referral from the ballot.

**Referrals** A referral is a resolution prepared by a county, city, or district governing body to place a measure on the ballot for voters of the jurisdiction to decide. In order for any referral to appear on the ballot all of the following must occur:

- Drafting of ballot title.
- Publication of notice of receipt of ballot title.
- Completion of ballot title challenge period and if challenged completion of the ballot title review by circuit court.
- Drafting of explanatory statement if county is producing a voters' pamphlet.

An explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect. See OAR 165-022-0040 available at [www.oregonvotes.gov](http://www.oregonvotes.gov) (Appendix K).

**County Referral Process** Once a county governing body adopts a resolution referring a measure for the voters to decide a ballot title must be drafted.

**Ballot Title** ORS 250.185 (Appendix K). A ballot title is a concise and impartial statement that will be printed on the ballot summarizing the measure and its major effect. The ballot title may be prepared by: 1. county governing body, or 2. district attorney.

**Recommendation** The Committee recommends that future legislative referrals and citizen initiatives on the JO CO JS&PSS Problem/Issue, include references to a completed MALPSS analysis and zero-based budgeting, in the ballot summaries for new funding requests.

**4. Hoped For Benefits** Its simple, belief that the benefits of common accurate facts to better explain and judge the JO CO JS&PSS Issue is worth the effort. For example, the authors believe strategies to combat misinformation are worth trying, within the framework that all citizens, voters, and votes are legitimate. Legitimacy has powerful hopes.

- A feeling of expectation and desire, and belief in citizens, for a certain thing to happen.
- *Study Design* may help to facilitate a consensus solution to the public safety issue.
- There are grounds for believing that something good may happen.
- Hope is belief that the glass is half-full rather than half-empty.

“Learn from yesterday, live for today, hope for tomorrow.  
The important thing is not to stop questioning.” Albert Einstein

*Key Outcomes Of Study, Including Information on MALPSS.* It is difficult when JO CO citizens are polarized over the public safety problem/issue and have not yet found a consensus solution, and its compelling that a significant minority of city and county citizens fear for their safety because of decreased number of jail beds, 911 call responses, JO CO rural patrol, etc. How will *Study Design and knowing the MALPSS system* change the way people live?

What will occur as a result of a successful *Study Design* and the development of the impact *Study*, a largely untried and fundamentally different approach to identifying a public safety solution? How will the situation improve? What the authors know is that *Study Design* is a potential alternative that has not been considered as a serious solution in JO CO. It is beyond the adversary model of pro and con arguments during the last four 2012 - 2015 JO CO public safety levies, and one City of Grants Pass proposed city sales tax.

The following possible key outcomes are hoped for from a successful *Study*. They are all about the idea of slow long-range incremental changes, and the confidence that there will be an increase in the number of citizens believing the following starting to show between 2016 - 2026.

- \* *More* People know they are being listened to.
- \* *More* People are better informed.
- \* *More* People trust the vetted baseline facts/inventories (i.e., affected conditions).

- \* *More* People understand that the range of public safety problems/issues and range of alternatives were identified by them, individually, for consideration by the collective public.
- \* *More* People better understand the concerns of their neighbors.
- \* *More* People speak a common language to solve problems.
- \* *More* People agree on a consensus public safety problem/issue.
- \* *More* People agree on a consensus public safety solution.
- \* *More* People have a consensus to also address the causes of problem/issue.

## C. Conclusion

Why is the title of Chapter VI, “*Benefits of Public Understanding MALPSS Standards?*” Its simple, belief that the benefits of common accurate facts to better explain the JO CO JS&PSS Issue is worth the effort. For example, the authors believe strategies to combat misinformation are worth trying, within the framework that all citizens, voters, and votes are legitimate. Legitimacy has powerful hopes.

- A feeling of expectation and desire, and belief in citizens, for a certain thing to happen.
- *Study Design* may help to facilitate a consensus solution to the public safety issue.
- There are grounds for believing that something good may happen.
- Hope is belief that the glass is half-full rather than half-empty.

“Learn from yesterday, live for today, hope for tomorrow.  
The important thing is not to stop questioning.” Albert Einstein

The potential benefits are in a context of a Josephine County Public Safety Trust Issue, including the State of Oregon, and government in general.

- Issue # 2 Mistrust in Government Growing: Honesty, Transparency and Accountability
- Issue # 3 Citizens Feel Their Voices Are Not Being Heard. What Part Of “No” Don’t They Understand?

The Committee feels that facts matter and strategies to combat misinformation are worth trying. This includes new facts with all accessible to the public.

What will an analysis of the MALPSSs and/or the “Law Enforcement Staffing & Deployment (LES&D)” standards provide to the citizens? These standards are in many ways just like all the other pieces of information needed for an informed and understanding public. They are also keys because they focus directly on the JO CO JS&PSS safety issue. For example, the simple potential to provide a framework of understanding is significant in realizing where JO CO’s public safety program is in the scheme of things. Are we above an emergency level of services, or below? Are the JO CO’s JS&PSS adequate, or less than adequate? And, just as important, where is the science and/or facts supporting the professional opinions of adequacy?

The Committee's opinion is that we need to go beyond the valuable work of the Lane County Public Safety Coordinating Council in defining a safety rating system, including the methodology or standards by which rating are categorized (Section III.C.2). Consider the following possible framework of understanding.

- Optimal Level of PSS (includes discretionary services)
- Adequate Level of PSS (LES&D - actual workload)
- Minimally Adequate Level of PSS (MALPSS)
- Less than Adequate Level of PSS
- Inadequate Level of PSS
- Emergency Level of PSS (Public Safety Services Emergency - PSSE)

*Hoped For Benefits.* What the authors know is that *Study Design* is a potential alternative that has not been considered as a serious solution in JO CO. It is beyond the adversary model of pro and con arguments during the last four 2012 - 2015 JO CO public safety levies, and one City of Grants Pass proposed city sales tax.

There are a range of possible key outcomes are hoped for from a successful *Study*. They are all about the idea of slow long-range incremental changes, and the confidence that there will be an increase in the number of citizens believing in vetted inventories and knowing they are being listened to, starting to show between 2016 - 2026 (Section VI.B.4).

- \* *More People* know they are being listened to.
- \* *More People* are better informed.
- \* *More People* trust the vetted baseline facts/inventories (i.e., affected conditions).
- \* *More People* understand that the range of public safety problems/issues and range of alternatives were identified by them, individually, for consideration by the collective public.
- \* *More People* better understand the concerns of their neighbors.
- \* *More People* speak a common language to solve problems.
- \* *More People* agree on a consensus public safety problem/issue.
- \* *More People* agree on a consensus public safety solution.
- \* *More People* have a consensus to also addresses the causes of problem/issue.

*Perseverance.* The authors will continue to serve a fresh source of accessible public safety facts, painstakingly researched and verified, to help citizens make better decisions and drive better conversations. The camaraderie of being part of a team, knowing defeat if it comes is O.K., as long as they show discipline and dedication with respect and sportsmanship in their drive for the facts. Independence, and perseverance, especially the value of endurance determination, are pleasure-pain genes that drives the authors forward.

## VII. POTENTIAL RESEARCH TOPICS

The following *Study Design* research topic goals are those that the Committee is promoting to be initiated or completed prior to the contracted Phase 3 *Study*. This chapter includes the highlights, and status of potential research projects. In some ways the coverage is brainstorming and preliminary. In other ways it is detailed and demanding. As always the volunteer(s) would decide on the details of their research projects.

### A. Introduction

After four failed public safety levies and one sales tax, in as many years, the public could be excused if it feels exhausted. What does the public really think about public safety? The Committee's present outreach at this phase of *Study Design* is to explain its idea.

The Committee was established by the HNA&HS in 2013 to research the public safety problem/issue. It asked the question, "*What can we do to shed some light on the public safety problem/issue?*" In 2015, two of its members, Mike Walker and Jon Whalen, decided to document "listening" which wouldn't be scientific in the sense of random sample public opinion surveys, and targeted populations; it was just listening to fellow citizens. The Committee's core value is neutrality toward the public safety problem/issue; its goal is a more informed public.

- All Citizens, Voters, Votes, & Values Are Legitimate, Pro & Con.
- Fair Representation of All Values.
- Neutral Point of View.
- Public Is Decision Maker.

*What is the JO CO's JS&PSS Problem/Issue?* First, what are the public safety services, and, second, what is the problem/issue? Or, is there a problem, and if so, judged by what standards? First, what are the PSS? The range of public safety service components identified for increased funding from 2012 - 2015, during four years of levies and the sales tax proposal, are locally considered to be the six major components of the JO CO public safety program (Section I.B.1; Table I-1; Section II.A.3.b), & Section V.A.2).

**Public Safety Services:** 1. Adult Jail Beds, 2. Juvenile Justice Center, 3. District Attorney's Office, 4. Rural Patrol Deputies, 5. Criminal Investigations & Related Sheriff's Office Support Services, and 6. Animal Protection.

"Why support or sponsor a socio-economic impact "*Study*" that purports to represent the citizens of JO CO, Oregon in their efforts to address the county's public safety problem/issue?" Why support a separate MALPSS research project (Chapter VI)?

The idea of *Josephine County's Minimally Adequate Level of Public Safety Services (MALPSS) Standards* is a major research need. *Is there a public safety problem, and if so, judged by what standards?*, is the research question to be addressed by the MALPSS study.

Appendix B4 was developed in support of the draft document entitled *Justice System & Public Safety Services Study Design: 2015*. The *Study Design* project is itself part of a 2013 challenge to research the Josephine County (JO CO), Oregon JS&PSS Problem/Issue (*Justice System & Public Safety Services Issue Scope Of Work*).

- Hugo Justice System & Public Safety Services Exploratory Committee. Draft 2015. *Justice System & Public Safety Services Study Design: 2015*. Hugo Neighborhood Association & Historical Society. Hugo, OR.
- Hugo Justice System & Public Safety Services Exploratory Committee. Draft July 18, 2013. *Justice System & Public Safety Services Issue Scope Of Work*. Hugo Neighborhood Association & Historical Society. Hugo, OR.
- Web Published: 2013 *Justice System & Public Safety Services Issue Scope Of Work*, and *Justice System & Public Safety Services Study Design: 2015*  
Justice System Exploratory Committee, Hugo Neighborhood Association & Historical Society  
<http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

The Committee has three summary responses to the questions: 1. Why support or sponsor a socio-economic impact “*Study*” that purports to represent the citizens of JO CO, Oregon in their efforts to address the county’s public safety problem/issue?, and 2. Why support a separate MALPSS research project?

Response 1: In a nut shell *Study Design* proposes an impact *Study*, including several other independent and chronologically proceeding studies, which will be based on formal vetted inventories and an impact methodology model which promotes informed decision-making through a unique decision process, where the citizens identify the problems and potential solutions, and are the decision-makers. A key concept is *how to demonstrate trust and enhance communication between neighbors with different values, and JO CO government*. The approach primarily relies on citizens to provide insight about how to identify problems, and formulate their own goals and solutions for the future (e.g., voting, writing letters to the editor and guest opinions in *The Grants Pass Daily Courier*, writing arguments in voters’ pamphlets, etc.).

Response 2: Vetted *Study* Baseline Facts/Inventories. Understanding is made more difficult with all those noisy facts when truth isn't always something as clear and unquestionable as desired. It is believed that a step in the right direction is for different publics, that don't trust each other to share vetted, or checked, information. This is one of the purposes – for citizens to speak a common language, to solve problems, not to spend valuable time and energy discussing potential conflicting facts. For that purpose, a web page of “*listening*” to baseline information, vetted facts, and disputed facts, has been started for consideration in *Study*: letters-to-the-editor (over 800); guest opinions (10 and adding), media articles (over 650), voters pamphlets (5), and studies & information (24 - e.g., declining federal payments to counties, demographic & population, health, OR reports of criminal offenses and arrests, local crime information, budget, etc.).

Response 3: Key Outcomes. It is difficult when JO CO citizens are polarized over the public safety problem/issue and have not yet found a consensus definition of either the public safety problem, or the solution; and its compelling that a significant number of city and county citizens fear for their family’s and community’s safety because of a decreased number of jail beds, lack of 911 call responses, JO CO rural patrol, etc. How will *Study Design* change the way people live?

At this stage the public outreach strategy is to explain *Study Design* with the goal of moving toward a consensus definition of the problem/issue. It is definitely not as simple as “Taxes” versus “Safety.”

**B. Observations** (*Public Outreach 7. Table Talk Discussion Script*)

- Levies. Four JO CO levy attempts from 2012 - 2015, and one City of Grants Pass sales tax, to fund JS&PSS using the property owners model of replacing lost Federal payments.
- Citizen Voting. A majority of citizens did not favor the levies while, averaging the four years, almost as large a number of citizens favored the levies. The one city vote was crushed by 15 points.
- No Observable Formal Planning: 1. to determine public values; 2. to determine *minimally adequate level of public safety services* (MALPSS); 3. to address public mistrust of government; and 4. other JS&PSS problems/issues.
- Strategies to listen to the public as decision-makers & partners are worth trying.
- Unique *Study Design* that proposes a *Study* which will be based on formal vetted inventories and an impact methodology, which promotes informed decision-making through a unique decision process, where the citizens are the decision-makers.



## C. Planning Phases

### 1. Products (*Public Outreach 7. Table Talk Discussion Script*)

- 1a. Final JS&PSS *Study Design*.
- 1b. Independent public safety research proposals.
2. *Study Grant Proposal*.
3. Request For Proposals (RFPs) for *Study* – often called grant announcements.
4. Award of Grant to Independent Third-Party *Study Team*.
5. Analysis of the Public Situation (APS).
6. Final JS&PSS *Study*.

### 2. Process The *Study Design* process will be completed in three phases (*Public Outreach 7. Table Talk Discussion Script*):

- Phase 1. *Study Design*,  
Phase 2. Grant Process, and  
Phase 3. *Study*.

### 3. Affected Condition Facts/Inventories One of the important steps is to understand the studies and information available, or to be researched, for the area of interest and to identify the affected conditions. This is a description of the existing conditions to be affected by the range of publicly identified alternatives.

1. Affected Conditions.
2. Available Studies and Information.
3. Analysis of Public Situation (APS).
4. *Study* by Independent *Study Contractor*.

Current Major Research Needs: 1. Content Analysis of Public Opinion Comments (Section VII.D.1), and 2. Study of the standards the Governor of Oregon would use to proclaim a public safety fiscal emergency when fiscal conditions compromise JO CO's ability to provide a *minimally adequate level of public safety services* (MALPSS; 2013 Oregon House Bill 3453).

## **D. Research Topics**

- Public Opinion Through Content Analysis
- MALPSS Standards
- Accessible Vetted Public Facts/Inventories
- Zero Based Budgeting and JS&PSS Staffing & Standards
- Law Enforcement Staffing Standards
- Others?

### **1. Public Opinion Through Content Analysis**

#### **Press Release about Public Safety?**

(JS&PSS Press Release 2015-1)

Justice System Exploratory Committee

Hugo Neighborhood Association & Historical Society

November 22, 2015

After four failed public safety levies and one sales tax, in as many years, the public could be excused if it feels exhausted. What does the public really think about public safety?

On November 7, 2015 Nathan Davis, a 2<sup>nd</sup> year graduate student at Oregon State University (OSU), formally settled on tiering his Master's of Public Policy (MPP) Essay research paper to the Josephine County (JO CO) Justice System & Public Safety Services (JS&PSS) public safety issue. Nathan is in the OSU School of Public Policy which is part of the OSU Rural Studies Program (RSP).

Davis stated, *“The importance of government hearing citizen voices is what attracted me to policy research and, inevitably, to this project in Josephine County.”* He grew up in a rural Illinois county in which citizens often felt overlooked by government. During Davis’ undergraduate studies and through his work with various policy institutions, he learned the importance of research in governmental action. At OSU he expanded his knowledge of policy research and the role it can play in making government action more effective and more democratic. *“This project not only affords me the chance to utilize this knowledge, but it also allows me to help create solutions for a practical policy problem,”* said Davis. His hope is that through this project, citizen values will be revealed, enabling JO CO to make more democratic decisions.

OSU is Oregon’s land grant university, and it has focused on rural issues since 1868 through its academic programs, agricultural experiment stations, and extension service offices. In 2001, OSU created the RSP to serve the needs of rural people and places. Brent S. Steel, Director and Professor, Public Policy Graduate Program, School of Public Policy commented that, *“The RSP program is multi-disciplinary, teaches classes, conducts research, and provides extended education with faculty from many colleges at OSU. It is housed within the Department of Applied Economics.”*

What is the public safety issue? The issue is defined in many ways by the public and is directly related to the reduction of federal payments to JO CO since the 2000 Secure Rural Schools (SRS) and Community Self-Determination Act, especially after 2012 (see web page).

The JS&PSS Exploratory Committee (Committee) was established by the Hugo Neighborhood Association & Historical Society in 2013 to research the public safety issue. The Committee asked the question, “*What can we do to shed some light on the issues?*” Two of its members, Mike Walker and Jon Whalen, decided to document “listening” which wouldn’t be scientific in the sense of random sampling and targeted populations; it was just listening to fellow citizens. This strategy fit with one of their Committee’s core beliefs, “All Citizens, Voters, Votes, And Values, Are Legitimate, Pro & Con.” Their idea evolved and took the form of a “white paper” with the general purpose of informing readers, including the Committee’s philosophy on the matter. The paper is entitled, *Justice System & Public Safety Services Study Design: 2015 (Study Design)* with the specific purpose of assisting readers to understand our public safety issue. Whalen feels that the first step is to understand and define the problem/issue. He commented, *You can’t find solutions that last if you don’t know the specific problems.*

Why support *Study Design* ? Walker stated, “*In a nut shell it proposes a future Study which will be based on formal vetted inventories and an impact methodology model which promotes informed decision-making through a unique decision process, where the citizens identify the problems and potential solutions, and are the decision-makers,*” This definition of citizens is much narrower than the U.S. Supreme Court's decision in *Citizens United v. Federal Election Commission* with its ruling that corporations are persons. *Study Design*’s definition of the public does not include corporations and major non-local special interests, nor agencies, the government, or the media (e.g., reporter articles and editorial opinions in *The Grants Pass Daily Courier* (TGPDC), endorsements of the TGPDC Editorial Board, etc.). It does include news articles where the citizens’ opinions are quoted. The idea is a *Study* focused on people, per “*We the People*” by whom and for whom our Constitution was established.” ~ Supreme Court Justice Stevens, January 2010.

The *Study Design* approach relies on “people” citizens to provide insight about how to identify and manage problems, and formulate their own goals and solutions for the future (e.g., voting, writing letters to the editor and guest opinions in the TGPDC, writing arguments in voters’ pamphlets, etc.). Whalen emphasized, “*The importance to citizens of knowing they are being heard, of being the decision-makers that decide their future, is critical.*” For example, the *Study*’s alternatives that will be analyzed are the range of potential solutions the public, as a group, identified.

The focus on citizens as the decision-makers will be the core of Nathan’s MPP paper, which is recording and analyzing the public’s opinions, pro and con, across their range of values, through a “Content Analysis” research method. Bruce Weber, Director, Rural Studies Program, Oregon State University, concluded, “*The Rural Studies Program seeks to engage students and faculty at OSU in addressing problems and issues important to rural Oregonians. It is really good to see Nathan involved in this project. The resolution of this issue is critical to the well-being of the entire state.*”

**2. MALPSS Standards** The minimum acceptable level of public safety services (MALPSS) has little to do with law enforcement staffing standards. Although related, they are separate research projects.

The Committee will identify the specific MALPSS research project with growing interest. The various ideas identified in this appendix on the topic are numerous (Section I.E; Chapter II; Section III.C.2.a); Section IV.B; Section V.D; Section VI.B.3) for an independent public safety research proposal. For example, if the interested researcher is a graduate student it will be informally negotiated. If the interested researcher is an academic program or professor it could be informal, or it might involve a *Independent Research Study* grant proposal, or if funding is secured it would probably submit a request for proposals (RFPs).

The Committee definitely believes in the MALPSS rating system developed by the Lane County Public Safety Coordinating Council. Like Lane County, the MALPSS evaluation will be for the entire range of 16 PSS (Section V.A.1), including appropriate sub-components. The Committee's opinion is that we need to go beyond the valuable work of the Lane County PSCC in defining a safety rating system, including the methodology and standards by which ratings are categorized (Section III.C.2). Consider the following possible framework of understanding.

- **Optimal Level (OL) of PSS (includes discretionary services)**
- **Adequate Level (AL) of PSS (LES&D - actual workload)**
- **Minimally Adequate Level of PSS (MALPSS)**
- **Less than Adequate Level (LTAL) of PSS**
- **Inadequate Level (IL) of PSS**
- **Emergency Level (EL) of PSS (Public Safety Services Emergency - PSSE)**

The analysis should move toward the concepts of analyzing actual, and/or needed, workloads with the use of zero-based-budgeting. They all must be **consistent with the community's ability and inclination to fund JS&PSS** (Section III.C. Policies On Public "Value" Safety Standards). The important difference is that the MALPSS analysis would be a professional scientific documented study versus the tradition method of using professional opinion without a documented study.

The Committee also feels strongly that there must be an identified MALPSS compliance methodology that addresses the following analysis process elements in a scientific, documented, public accessible way (Section IV.D).

1. Affected Conditions – Description of Existing Conditions Being Compared to MALPSS Indicators and Standards.
2. Indicators.
3. Standards.
4. Significance.

**3. Accessible Vetted Public Facts/Inventories** Understanding is made more difficult with all those noisy facts when truth isn't always something as clear and unquestionable as desired. It is believed that a step in the right direction is for different publics, that don't trust each other to share vetted, or checked, information. This is one of the purposes of *Study Design* – for citizens to speak a common language, to solve problems, not to spend valuable time and energy discussing potential conflicting facts. For that purpose, a web page of “*listening*” to baseline information, vetted facts, and disputed facts, has been started for consideration in *Study*: letters-to-the-editor (over 800); guest opinions (10 and adding), media articles (over 650), voters pamphlets (5), and studies & information (24 - e.g., declining federal payments to counties, demographic & population, health, OR reports of criminal offenses and arrests, local crime information, budget, etc.).

The Committee's web page is actually much more comprehensive than public facts/inventories, and includes many other data elements felt applicable to the JS&PSS Problems/Issues.

Justice System & Public Safety Services Study Design: 2015  
Justice System Exploratory Committee  
Hugo Neighborhood Association & Historical Society  
<http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

- Justice System & Public Safety Services Study Design: 2015
- Public Outreach
- Appendices to Study Design
- Press Releases
- Letters-To-The-Editor
- Guest Opinions
- Media Articles
- Voters Pamphlets
- Studies & Information

**4. Zero Based Budgeting and Agency Staffing** (Appendix I) Law enforcement to population ratios and why they should not be used as a basis for staffing decisions. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions. Defining patrol staffing allocation and deployment requirements is a complex endeavor which requires consideration of an extensive series of factors and a sizable body of reliable, current data.

Zero-based budgeting is an approach to planning and decision-making that reverses the working process of traditional budgeting. In traditional incremental budgeting, departmental managers justify only variances versus past years based on the assumption that the "baseline" is automatically approved. By contrast, in zero-based budgeting, every line item of the budget, rather than only the changes, must be approved. Law enforcement staffing standards from a zero based workload analysis?

**5. Law Enforcement Staffing Standards** Staffing decisions, particularly in patrol, must be made based upon actual workload and very few police agencies have the capability of conducting that analysis. Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, consistent with the community's ability to fund (Appendix J).

Using the raw data on public telephone calls for service into services workload and then effectively graphs workload reflecting seasonally, weekday / weekend and time of day variables is a good start. Using this information law enforcement can contrast actual workload with deployment and identify the amount of discretionary patrol time available (as well as time commitments to other police activities).

Service workload differentiates from calls for service in that calls for service are a number reflecting the incidents recorded. Workload is a time measurement recording the actual amount of police time required to handle calls for service from inception to completion. Various types of police service calls require differing amounts of time (and thus affect staffing requirements). As such, call volume (number of calls) as a percentage of total number of calls could be significantly different than workload in a specific area as a percentage of total workload.

*Calls For Service Versus Workload.* The most effective way to manage operations, including public safety, is to decisions based upon the interpretation and analysis of data and information.

To achieve this, a data analysis of police department workload, staffing and deployment will be conducted. By objectively looking at the availability of deployed hours and comparing those to the hours necessary to conduct operations, staffing expansion and/or reductions can be determined and projected. Additionally the time necessary to conduct proactive police activities (such as directed patrol, community policing and selected traffic enforcement) will be reviewed to provide the city with a meaningful methodology to determine appropriate costing allocation models.

Further, we will review existing deployment, particularly of the patrol force, to determine appropriate staffing levels throughout the day with particular attention to the size and number of patrol zones or beats.

Understanding the difference between the various types of police department events and the staffing implications is critical to determining actual deployment needs.

*Data Analysis.* This portion of the study will look at the total deployed hours of the police department with a comparison to the time being spent to currently provide services. The analysis will review response times both cumulative as well as average for all services. In addition, a documentation request will be issued to the police department outlining information needed for a full operational review.

## E. Summary

The following *Study Design* research topic goals are those that the Committee is promoting to be initiated or completed prior to the contracted Phase 3 *Study*. This chapter includes the highlights, and status of potential research projects. In some ways the coverage is brainstorming and preliminary. In other ways it is detailed and demanding.

*What is the JO CO's JS&PSS Problem/Issue?* First, what are the public safety services, and, second, what is the problem/issue? Or, is there a problem, and if so, judged by what standards? First, what are the PSS? The range of public safety service components identified for increased funding from 2012 - 2015, during four years of levies and the sales tax proposal, are locally considered to be the six major components of the JO CO public safety program.

Public Safety Services: 1. Adult Jail Beds, 2. Juvenile Justice Center, 3. District Attorney's Office, 4. Rural Patrol Deputies, 5. Criminal Investigations & Related Sheriff's Office Support Services, and 6. Animal Protection.

“Why support or sponsor a socio-economic impact “*Study*” that purports to represent the citizens of JO CO, Oregon in their efforts to address the county’s public safety problem/issue?” Why support a separate MALPSS research project? The Committee has three summary responses to the questions.

Response 1: In a nut shell *Study Design* proposes an impact *Study*, including several other independent and chronologically proceeding studies, which will be based on formal vetted inventories and an impact methodology model which promotes informed decision-making through a unique decision process, where the citizens identify the problems and potential solutions, and are the decision-makers. A key concept is *how to demonstrate trust and enhance communication between neighbors with different values, and JO CO government*. The approach primarily relies on citizens to provide insight about how to identify problems, and formulate their own goals and solutions for the future (e.g., voting, writing letters to the editor and guest opinions in *The Grants Pass Daily Courier*, writing arguments in voters’ pamphlets, etc.).

Response 2: Vetted *Study* Baseline Facts/Inventories. Understanding is made more difficult with all those noisy facts when truth isn't always something as clear and unquestionable as desired. It is believed that a step in the right direction is for different publics, that don't trust each other to share vetted, or checked, information. This is one of the purposes – for citizens to speak a common language, to solve problems, not to spend valuable time and energy discussing potential conflicting facts. For that purpose, a web page of “*listening*” to baseline information, vetted facts, and disputed facts, has been started for consideration in *Study*: letters-to-the-editor (over 800); guest opinions (10 and adding), media articles (over 650), voters pamphlets (5), and studies & information (24 - e.g., declining federal payments to counties, demographic & population, health, OR reports of criminal offenses and arrests, local crime information, budget, etc.).

Response 3: Key Outcomes. It is difficult when JO CO citizens are polarized over the public safety problem/issue and have not yet found a consensus definition of either the public safety problem, or the solution; and its compelling that a significant number of city and county citizens fear for their family's and community's safety because of a decreased number of jail beds, lack of 911 call responses, JO CO rural patrol, etc. How will *Study Design* change the way people live? At this stage the public outreach strategy is to explain *Study Design* with the goal of moving toward a consensus definition of the problem/issue. It is definitely not as simple as "Taxes" versus "Safety."

Observations by the Committee are several.

- Levies. Four JO CO levy attempts from 2012 - 2015, and one City of Grants Pass sales tax, to fund JS&PSS using the property owners model of replacing lost Federal payments.
- Citizen Voting. A majority of citizens did not favor the levies while, averaging the four years, almost as large a number of citizens favored the levies. The one city vote was crushed by 15 points.
- No Observable Formal Planning: 1. to determine public values; 2. to determine *minimally adequate level of public safety services* (MALPSS); 3. to address public mistrust of government; and 4. other JS&PSS problems/issues.
- Strategies to listen to the public as decision-makers & partners are worth trying.
- Unique *Study Design* that proposes a *Study* which will be based on formal vetted inventories and an impact methodology, which promotes informed decision-making through a unique decision process, where the citizens are the decision-makers.

The *Study Design* process will be completed in three phases: Phase 1. *Study Design*, Phase 2. Grant Process, and Phase 3. *Study*. There are products of the Study Design planning phases.

- Product 1a. Final JS&PSS *Study Design*.
- Product 1b. Independent public safety research proposals.
- Product 2. *Study* Grant Proposal.
- Product 3. Request For Proposals (RFPs) for *Study* – often called grant announcements.
- Product 4. Award of Grant to Independent Third-Party *Study* Team.
- Product 5. Analysis of the Public Situation (APS).
- Product 6. Final JS&PSS *Study*.

Affected Condition Facts/Inventories One of the important steps is to understand the studies and information available, or to be researched, for the area of interest and to identify the affected conditions. This is a description of the existing conditions to be affected by the range of publicly identified alternatives.



Research topics that the Committee is promoting through *Study Design* follow.

1. Public Opinion Through Content Analysis
2. MALPSS Standards
3. Accessible Vetted Public Facts/Inventories
4. Zero Based Budgeting and JS&PSS Staffing & Standards
5. Law Enforcement Staffing Standards

1. The research topic, *Public Opinion Through Content Analysis*, is an unqualified success. On November 7, 2015 Nathan Davis, a 2<sup>nd</sup> year graduate student at Oregon State University (OSU), formally settled on tiering his Master's of Public Policy (MPP) Essay research paper to the JO CO JS&PSS public safety issue. Nathan is in the OSU School of Public Policy which is part of the OSU Rural Studies Program. The focus on citizens as the decision-makers will be the core of Nathan's MPP paper, which is recording and analyzing the public's opinions, pro and con, across their range of values, through a "Content Analysis" research method. He is scheduled for graduation in the Spring of 2016.

2. *MALPSS Standards Identification Is On-going*. The Committee definitely believes in the MALPSS rating system developed by the Lane County Public Safety Coordinating Council. Like Lane County, the MALPSS evaluation will be for the entire range of 16 PSS, including appropriate sub-components. The Committee's opinion is that we need to go beyond the valuable work of the Lane County PSCC in defining a safety rating system, including the methodology and standards by which rating are categorized. Consider the following possible framework of understanding.

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The analysis should move toward the concepts of analyzing actual, and/or needed, workloads with the use of zero-based-budgeting. They all must be consistent with the community's ability and inclination to fund JS&PSS. The important difference is that the MALPSS analysis would a professional scientific documented study versus the tradition method of using professional opinion without a documented study.

The Committee also feels strongly that there must be an identified MALPSS evaluation methodology that addresses the analysis process elements in a scientific, documented, public accessible way: 1. Affected Conditions – Conditions evaluated by MALPSS indicators and standards, 2. indicators, 3. standards, and 4. significance.

3. *Accessible Vetted Public Facts/Inventories Program Has A Good Beginning* in Committee's web publications. Understanding is made more difficult with all those noisy facts when truth isn't always something as clear and unquestionable as desired. It is believed that a step in the right direction is for different publics, that don't trust each other to share vetted, or checked, information. This is one of the purposes of *Study Design* – for citizens to speak a common language, to solve problems, not to spend valuable time and energy discussing potential conflicting facts. For that purpose, a web page of “*listening*” to baseline information, vetted facts, and disputed facts, has been started for consideration in *Study*: letters-to-the-editor (over 800); guest opinions (10 and adding), media articles (over 650), voters pamphlets (5), and studies & information (24 - e.g., declining federal payments to counties, demographic & population, health, OR reports of criminal offenses and arrests, local crime information, budget, etc.).

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## Appendices

- Appendix A. ORS 203.095; ORS 203.100; & ORS 203.105 and County Public Safety Fiscal Emergencies
- Appendix B. 2011 OAR 213-070-0000 Revoked
- Appendix C. Media Coverage Of Issue
- Appendix D. Oregon Public Safety Standards and Training
- Appendix E. Oregon's 10-Year Plan / Public Safety / Police presence
- Appendix F. Oregon Scraping Bottom in State Integrity Rankings
- Appendix G. Budget - Fighting Clear Cuts - DAs and County Counsel Share the Struggle To Protect What's Left Of Oregon Timber Counties
- Appendix H. If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement?
- Appendix I. Police Officer to Population Ratios
- Appendix J. Police Staffing Standards/Determining Police Staffing & Deployment
- Appendix K. County, City and District Referral Manual

## **Appendix A. ORS 203.095; ORS 203.100; & ORS 203.105 and COUNTY PUBLIC SAFETY FISCAL EMERGENCIES**

- ORS 203.095. County fiscal emergency with respect to state-required services; establishment of fiscal assistance board; recovery plan.
- ORS 203.100. Fiscal assistance board for county fiscal emergency; membership; termination.
- ORS 203.105. Program in Governor's office to assist counties in fiscal distress

### **ORS 203.095. County fiscal emergency with respect to state-required services; establishment of fiscal assistance board; recovery plan.**

**203.095 County fiscal emergency with respect to state-required services; establishment of fiscal assistance board; recovery plan.** (1)(a) **The governing body of a county may seek a declaration of a fiscal emergency by requesting in writing that the Governor review and analyze state-required services provided by the county if:**

(A) The governing body of the county believes that the county is in a **state of fiscal distress that compromises the county's ability to provide a minimally adequate level**, currently or within the next fiscal year, of any service that a county is required to provide by state law; and

(B) For the fiscal year beginning July 1, 2007, the county received federal payments pursuant to the Secure Rural Schools and Community Self-Determination Act of 2000 (P.L. 106-393) in an amount equal to at least 10 percent of the county's property tax revenues, excluding bonds.

(b) A county making a request under this subsection shall include with the request an estimated amount needed to fund the fiscal assistance board that would be established under subsection (4) of this section and the proposed sources of those funds.

(2) When a request for **review of state-required services** is made under subsection (1) of this section, the Governor shall:

(a) Consult with the governing body of the county and other appropriate county officials, with labor organizations representing county employees and with other stakeholders to gather information regarding the current level of state-required services provided by the county; and

(b) Review and analyze state-required services provided in the county to determine **whether the county is providing a minimally adequate level of state-required services.**

(3) If the Governor finds that the county is providing, or within the next fiscal year will be providing, a less than **minimally adequate level of state-required services**, the Governor shall declare a fiscal emergency for the county. The Governor shall provide notice of the declaration to the Legislative Assembly and the governing body of the fiscally distressed county.

(4) If the Governor issues the declaration of a fiscal emergency under subsection (3) of this section, the Governor shall establish a **fiscal assistance board**, as described in ORS 203.100, for the distressed county.

(5) The **fiscal assistance board** shall meet with appropriate county officials, including but not limited to members of the county governing body, the county assessor, clerk, tax collector, court administrator, district attorney and judges, with labor organizations representing county employees, with other stakeholders and with members of the public to gain a fuller understanding of the county's fiscal alternatives, service delivery alternatives and service needs and shortcomings. **The board shall consider and adopt a recovery plan designed to restore or sustain minimally adequate state-required services.** As part of the recovery plan, the board may:

- (a) Reallocate county funds;
- (b) Cut county services, lay off county employees or otherwise reduce county expenditures;
- (c) Sell or lease real or personal property of the county;
- (d) Issue bonds for the county;
- (e) Renegotiate payment terms of the county's legal and moral indebtedness;
- (f) Refer measures to the voters of the county;
- (g) Request an emergency election under ORS 203.085;
- (h) Enter into intergovernmental agreements or other service delivery structures involving other public entities;

or

(i) Authorize the state to take over services as authorized by law.

(6) The fiscal assistance board shall periodically update the Governor and the Legislative Assembly from the time the board begins its consideration of a recovery plan for the fiscally distressed county until the Governor

declares the fiscal emergency terminated pursuant to subsection (7) of this section. The update shall include a report on the costs of the fiscal assistance board, the revenues used by the board to pay those costs and the sources of the revenues so used. When the fiscal assistance board concludes that **minimally adequate state-required services** have been restored or sustained in the fiscally distressed county, the board shall recommend that the Governor terminate the fiscal emergency.

(7) The Governor shall declare the fiscal emergency terminated when the Governor concludes that the fiscally distressed county has restored or sustained **minimally adequate state-required services in the county**.

(8) Any actions of the fiscal assistance board must comply with a home rule charter adopted by the county under ORS 203.710 to 203.770. [2009 c.789 §1; 2012 c.76 §1]

**Note: 203.095 is repealed January 2, 2016. See section 5, chapter 76, Oregon Laws 2012, as amended by section 1, chapter 485, Oregon Laws 2013.** (emphasis added)

**Note: 203.095 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.** (emphasis added)

Note: Sections 3, 5 and 6, chapter 76, Oregon Laws 2012, provide:

Sec. 3. (1) At least one-half of the costs of administering a fiscal assistance board established under ORS 203.095 must be paid by the county that has been declared to be in fiscal distress. The county shall deposit the moneys necessary to pay the county's share in the fund established under subsection (2) of this section. The remainder of the costs of administering a fiscal assistance board established under ORS 203.095 shall be paid from moneys appropriated from the General Fund or allocated by the Emergency Board to the Oregon Department of Administrative Services.

(2) The Fiscally Distressed Counties Fund is established, separate and distinct from the General Fund. Interest earned by the Fiscally Distressed Counties Fund shall be credited to the fund. The Fiscally Distressed Counties Fund shall consist of moneys deposited by counties under subsection (1) of this section and moneys contributed to the fund from any other source, public or private. Moneys in the Fiscally Distressed Counties Fund are continuously appropriated to the Oregon Department of Administrative Services for the purpose of establishing and administering fiscal assistance boards for fiscally distressed counties under ORS 203.095.

(3) If more than one county has been declared by the Governor as being in fiscal distress, the Fiscally Distressed Counties Fund shall be divided into separate accounts holding moneys dedicated to the administration of the fiscal assistance board for each county.

(4) When the Governor declares that the fiscal emergency for a county has ended, all moneys remaining in the Fiscally Distressed Counties Fund that have been deposited for the purpose of administering the fiscal assistance board for that county must be returned, on a pro rata basis, to the county. [2012 c.76 §3]

Sec. 5. ORS 203.095 and 203.100 and sections 3 and 4, chapter 76, Oregon Laws 2012, are repealed on January 2, 2016. [2012 c.76 §5; 2013 c.485 §1]

Sec. 6. If ORS 203.095 and 203.100 and sections 3 and 4, chapter 76, Oregon Laws 2012, are repealed, any moneys remaining in the Fiscally Distressed Counties Fund on January 2, 2016, shall be returned as prescribed in section 3 (4), chapter 76, Oregon Laws 2012. [2012 c.76 §6; 2013 c.485 §2]

## **ORS 203.100. Fiscal assistance board for county fiscal emergency; membership; termination.**

**203.100 Fiscal assistance board for county fiscal emergency; membership; termination.** (1)(a) A fiscal assistance board established pursuant to ORS 203.095 consists of:

(A) Five members appointed by the Governor who have knowledge of and experience with county services and fiscal management;

(B) All members of the governing body of the county, who serve as ex officio members;

(C) The sheriff for the county, who serves as an ex officio member, and who:

(i) Is a voting member for matters concerning public safety services; and

(ii) Is a nonvoting member for all other matters;

(D) The Secretary of State, the State Treasurer and the Director of the Department of Revenue, who serve as nonvoting ex officio members;

(E) One nonvoting member appointed by the President of the Senate; and

(F) One nonvoting member appointed by the Speaker of the House of Representatives.

(b) Prior to making appointments under this section, the Governor shall consult with the President of the Senate and the Speaker of the House of Representatives for the purpose of receiving their recommendations for appointments.

(2) A fiscal assistance board shall perform the functions described in this section and ORS 203.095.

(3) A majority of the members of the fiscal assistance board who are appointed by the Governor and a majority of the county officials listed in subsection (1)(a)(B) and (C) of this section must be present to constitute a quorum for the transaction of business. A meeting of the board constitutes a meeting of both the board and the county governing body and requires appropriate meeting notices and adherence to public meeting laws under ORS 192.610 to 192.690.

(4) Official action by the fiscal assistance board requires the approval of:

(a) A majority of the members of the board who are appointed by the Governor; and

(b) A majority of the county officials listed in subsection (1)(a)(B) and (C) of this section.

(5) The fiscal assistance board shall elect one of its members to serve as chairperson.

(6) Appointed members of the fiscal assistance board serve at the pleasure of the appointing authority for a term of four years, subject to subsection (10) of this section.

(7) If there is a vacancy for any cause, the appointing authority shall make an appointment to become immediately effective.

(8) The fiscal assistance board shall use the services of permanent staff of the offices of the Governor, the Secretary of State and the State Treasurer, and the Department of Revenue to the greatest extent practicable. However, the Governor, the Secretary of State and the State Treasurer may agree to employ individuals to support the performance of the functions of the board, if necessary, and the employing state official shall fix the duties and amounts of compensation of these employees.

(9) All agencies of state government, as defined in ORS 174.111, are directed to assist the fiscal assistance board in the performance of its duties and, to the extent permitted by laws relating to confidentiality, to furnish information and advice as the members of the board consider necessary to perform their duties.

(10) A fiscal assistance board terminates when the Governor declares that the fiscal emergency declared under ORS 203.095 has ended. [2009 c.789 §2; 2012 c.76 §2]

Note: 203.100 is repealed January 2, 2016. See section 5, chapter 76, Oregon Laws 2012, as amended by section 1, chapter 485, Oregon Laws 2013.

Note: 203.100 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

## **ORS 203.105. Program in Governor's office to assist counties in fiscal distress**

203.105 Program in Governor's office to assist counties in fiscal distress. (1) For purposes of providing assistance to counties in fiscal distress, there is created in the Governor's office a service delivery technical assistance program.

(2) The service delivery technical assistance program shall:

(a) Award, to public bodies as defined in ORS 174.109, and administer grants for service delivery innovation.

(b) Enter into agreements with public and private entities to provide technical assistance to public bodies.

(c) Convene task forces and work groups as deemed necessary by the program to advance the purposes of this section. [2013 c.760 §1]

Note: 203.105 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 203 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

## COUNTY PUBLIC SAFETY FISCAL EMERGENCIES

Note: Sections 1 to 10, 14 and 15, chapter 753, Oregon Laws 2013, provide:

Sec. 1. The purposes of sections 2 to 10 of this 2013 Act are to reduce the loss of life, injury to persons or property and suffering that result from public safety fiscal emergencies and to provide for recovery and relief assistance. These public safety objectives are to be accomplished by creating cooperation among units of local government and granting the Governor the power to act on behalf of units of local government. The provisions of this section shall be liberally construed. [2013 c.753 §1]

Sec. 2. (1) If the Governor determines that **fiscal conditions exist or are imminent** in one or more counties that compromise the ability of the affected counties to provide a **minimally adequate level of public safety services**, the **Governor may proclaim a public safety fiscal emergency**.

(2) Prior to declaring a public safety fiscal emergency, the Governor shall consult with the Senate President, the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, each Senator and Representative whose district is wholly or partially within a county that is proposed to be subject to the public safety fiscal emergency and each sheriff of a county that is proposed to be subject to the public safety fiscal emergency.

(3) The Governor shall specify in a proclamation made pursuant to this section each county in which the public safety fiscal emergency has occurred or is imminent. The area specified in the proclamation shall be as small as necessary to allow for an effective response to the emergency, but may not be smaller than a single county.

(4) As used in sections 2 to 10 of this 2013 Act, "local government" means a county. [2013 c.753 §2]

Sec. 2a. Notwithstanding section 2 of this 2013 Act, the Governor may not proclaim a public safety fiscal emergency that affects more than two counties before July 15, 2014. [2013 c.753 §2a]

Sec. 3. (1) Whenever the Governor has proclaimed a public safety fiscal emergency pursuant to section 2 of this 2013 Act, the Governor may, on behalf of a unit of local government within the area covered by the proclamation and **only after obtaining written authorization signed by a majority of the governing body of each local government subject to the proclamation, enter into a written intergovernmental agreement with any other unit of local government**, whether inside or outside the area covered by the proclamation, for the performance of functions and activities related to public safety that a unit of local government that is party to the agreement or its officers or agencies have authority to perform. The Governor shall consult with each sheriff affected by the proclamation prior to executing the intergovernmental agreement.

(2) ORS 190.010 applies to the performance of a function or activity pursuant to an **intergovernmental agreement** entered into under subsection (1) of this section.

(3)(a) **The state shall bear 50 percent of the cost of public safety services** provided under the intergovernmental agreement entered into under subsection (1) of this section.

(b) The counties that are parties to the intergovernmental agreement entered into under subsection (1) of this section shall bear the remaining 50 percent, which may be funded through:

(A) **An income tax** as provided in section 7 of this 2013 Act;

(B) **A tax on telecommunications services** with access to the 9-1-1 emergency reporting system under section 8 of this 2013 Act;

(C) **Any assessment the county governing body is lawfully capable of imposing**, to the extent the governing body determines that the other assessment is necessary to satisfy the county's funding obligations;

(D) **Existing sources of county revenue**; or

(E) **Any combination of funding** described in this paragraph.

(4) For purposes of this section:

(a) The sheriff of a county affected by a public safety fiscal emergency shall be considered a nonvoting ex officio member of the governing body; and

(b) The sheriff must be given notice of any meeting of the governing body if the governing body is meeting for purposes of deliberating or making a decision on:

(A) Whether to enter into an intergovernmental agreement under this section;

(B) The terms and conditions of an intergovernmental agreement entered into under this section; or

(C) Any extension or modification of an intergovernmental agreement entered into under this section. [2013 c.753 §3]

Sec. 4. (1) An intergovernmental agreement entered into under section 3 of this 2013 Act must specify the functions or activities to be performed and by what means the functions or activities shall be performed.

(2) Where applicable and subject to section 3 of this 2013 Act, the intergovernmental agreement shall provide for:

(a) Apportionment among the parties to the agreement of the responsibility for providing funds to pay for expenses incurred in the performance of the functions or activities.

(b) Apportionment of fees or other revenue derived from the functions or activities and the manner of accounting for the fees or other revenue.

(c) The transfer of personnel and the preservation of their employment benefits. [2013 c.753 §4]

Sec. 5. (1) A unit of local government that is designated, in an intergovernmental agreement entered into under section 3 of this 2013 Act, to perform functions or activities is vested with all powers, rights and duties relating to those functions and activities that are vested by law in each party to the agreement and its officers and agencies.

(2) An officer designated in an intergovernmental agreement entered into under section 3 of this 2013 Act to perform duties, functions or activities of two or more public officers shall be considered to be holding one office. [2013 c.753 §5]

Sec. 6. (1) An intergovernmental entity created by an intergovernmental agreement entered into under section 3 of this 2013 Act may, according to the terms of the agreement, adopt all rules necessary to carry out the intergovernmental entity's powers and duties under the intergovernmental agreement.

(2) Except as provided in section 3 (3) of this 2013 Act, the debts, liabilities and obligations of an intergovernmental entity shall be, jointly and severally, the debts, liabilities and obligations of the parties to the intergovernmental agreement that created the intergovernmental entity, unless the agreement specifically provides otherwise.

(3) A party to an intergovernmental agreement creating an intergovernmental entity may assume responsibility for specific debts, liabilities or obligations of the intergovernmental entity.

(4)(a) Moneys collected by or credited to an intergovernmental entity may not inure to the benefit of any private person. Upon dissolution of the intergovernmental entity, title to all assets of the intergovernmental entity shall vest in the parties to the intergovernmental agreement that created the intergovernmental entity.

(b) The intergovernmental agreement creating the intergovernmental entity must provide a procedure for:

(A) The disposition, division and distribution of any assets acquired by the intergovernmental entity during the term of the intergovernmental agreement that created the intergovernmental entity; and

(B) The assumption of any outstanding indebtedness or other liabilities of the intergovernmental entity by the parties to the intergovernmental agreement that created the intergovernmental entity.

(5) ORS 190.110 applies to all parties to, and all intergovernmental entities created by, an intergovernmental agreement entered into under section 3 of this 2013 Act. [2013 c.753 §6]

Sec. 6a. (1) If an intergovernmental agreement is entered into under section 3 of this 2013 Act, the Governor shall report to the Legislative Assembly as provided in ORS 192.245. The report shall include a copy of the intergovernmental agreement.

(2)(a) If an intergovernmental agreement is entered into under section 3 of this 2013 Act during a regular session of the Legislative Assembly, the intergovernmental agreement may not take effect until after adjournment sine die of that regular session.

(b) If an intergovernmental agreement is entered into under section 3 of this 2013 Act during the interim, the intergovernmental agreement may not take effect until after adjournment sine die of the next regular session of the Legislative Assembly. [2013 c.753 §6a]

Sec. 7. (1) To carry out the purposes of sections 2 to 6 of this 2013 Act, counties within the area covered by the proclamation made pursuant to section 2 of this 2013 Act may impose a tax:

(a) Upon the entire taxable income of every resident of the area who is subject to tax under ORS chapter 316 and upon the taxable income of every nonresident that is derived from sources within the area which income is subject to tax under ORS chapter 316; or

(b) On or measured by the net income of a mercantile, manufacturing, business, financial, centrally assessed, investment, insurance or other corporation or entity taxable as a corporation doing business, located, or having a place of business or office or having income derived from sources, within the area which income is subject to tax under ORS chapter 317 or 318.

(2) A tax imposed pursuant to this section shall require the adoption of an ordinance by the governing body of each county authorizing a tax under this section. The Governor may not act on behalf of a county governing body in authorizing a tax under this section.

(3) The tax may be imposed and collected as a surtax upon the state personal income or corporate income or excise tax.



(4) Any tax imposed pursuant to this section shall require a nonresident, corporation or other entity taxable as a corporation having income from activity both within and without the area taxable under subsection (1) of this section to allocate and apportion such net income to the area in the manner required for allocation and apportionment of income under ORS 314.280 and 314.605 to 314.675.

(5) If a county governing body adopts an ordinance under this section, the ordinance shall be compatible with any state law establishing taxable income or relating to the administration, collection or enforcement of any tax law of this state, and with any rules adopted by the Department of Revenue under ORS 305.620 or otherwise.

(6) An ordinance adopted under this section may not declare an emergency.

(7) This section does not apply to a county that is subject to a charter that prohibits the imposition of county income taxes. [2013 c.753 §7]

Sec. 8. (1) To carry out the purposes of sections 2 to 6 of this 2013 Act, counties within the area covered by the proclamation made pursuant to section 2 of this 2013 Act may impose a tax on each paying retail subscriber who has telecommunication services with access to the 9-1-1 emergency reporting system, to the extent the governing body determines that the tax is necessary to satisfy the county's funding obligations under section 3 (3)(b) of this 2013 Act.

(2) A county governing body that elects to impose a tax under this section may do so by adopting an ordinance that establishes the rate and duration of the tax, but in all other respects the tax must be imposed in accordance with ORS 403.200 to 403.230, except that:

(a) For cellular, wireless or other radio common carriers, the tax applies on a per instrument basis and only if the subscriber's place of primary use, as defined under 4 U.S.C. 124, is within the county imposing the tax;

(b) For all other subscriber lines, the tax applies to lines designated for a particular subscriber located within the county imposing the tax; and

(c) Net revenues, after the payment of refunds, from the tax imposed under authority of this section shall be transferred from the suspense account described in ORS 403.235 as prescribed in section 8a of this 2013 Act.

(3) The Governor may not act on behalf of a county governing body in authorizing a tax under this section. [2013 c.753 §8]

Sec. 8a. Moneys in the suspense account described in ORS 403.235 that are attributable to a county tax imposed under section 8 of this 2013 Act, after the payment of refunds, are continuously appropriated to the Department of Revenue for distribution to the counties that imposed the tax. [2013 c.753 §8a]

Sec. 8b. To carry out the purposes of sections 2 to 6 of this 2013 Act, counties within the area covered by the proclamation made pursuant to section 2 of this 2013 Act may impose any other assessment the governing body is lawfully capable of imposing, to the extent the governing body determines that the assessment is necessary to satisfy the county's funding obligations under section 3 (3)(b) of this 2013 Act. The Governor may not act on behalf of a county governing body in authorizing an assessment under this section. [2013 c.753 §8b]

Sec. 9. (1) A public safety fiscal emergency proclaimed pursuant to section 2 of this 2013 Act terminates after 18 months unless the Governor extends the public safety fiscal emergency for a stated amount of time up to 18 additional months. The Governor shall consult with the Senate President, the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives and each Senator and Representative whose district is wholly or partially within a county that is subject to the public safety fiscal emergency.

(2) The Governor shall terminate a public safety fiscal emergency by proclamation when the emergency no longer exists or the threat of an emergency has passed.

(3) The public safety fiscal emergency proclaimed by the Governor may be terminated at any time by action of the Legislative Assembly.

(4) A termination of a public safety fiscal emergency shall apply to:

(a) Income and excise tax years beginning on or after January 1 following the termination; and

(b) Other tax or assessment reporting periods beginning on or after the first day of the first calendar quarter following the termination. [2013 c.753 §9]

Sec. 10. The Legislative Assembly finds and declares that providing a coordinated and comprehensive response to a local or regional public safety fiscal emergency is a matter of state concern. The Legislative Assembly also finds that the imposition of a tax or assessment described in section 7, 8 or 8b of this 2013 Act is an integral component of any coordinated and comprehensive response, but the Legislative Assembly further finds that an income tax imposed under section 7 of this 2013 Act may not be imposed if the imposition would contradict a county charter that expressly prohibits a county income tax under any circumstance. [2013 c.753 §10]

Sec. 14. Sections 1 to 10 of this 2013 Act are repealed on January 2, 2018. [2013 c.753 §14]

Sec. 15. Nothing in the repeal of sections 1 to 10 of this 2013 Act by section 14 of this 2013 Act affects the validity of any of the following entered into before the repeal of sections 1 to 10 of this 2013 Act:

- (1) A proclamation of a public safety fiscal emergency pursuant to section 2 of this 2013 Act;
- (2) An intergovernmental agreement entered into under section 3 of this 2013 Act;
- (3) A tax or assessment entered into under section 7, 8 or 8b of this 2013 Act; or
- (4) An extension of a proclamation made under section 9 of this 2013 Act. [2013 c.753 §15]

203.110 [Amended by 1971 c.88 §6; repealed by 1981 c.140 §2 (203.111 enacted in lieu of 203.110)]

**CHAPTER 753**  
**AN ACT HB 3453**

**(see web reference for full text)**

[https://www.oregonlegislature.gov/bills\\_laws/lawsstatutes/2013orLaw0753.pdf](https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2013orLaw0753.pdf)

Relating to public safety fiscal emergencies; creating new provisions; amending ORS 203.055; appropriating money; and prescribing an effective date.

Be It Enacted by the People of the State of Oregon:

SECTION 1. The purposes of sections 2 to 10 of this 2013 Act are to reduce the loss of life, injury to persons or property and suffering that result from public safety fiscal emergencies and to provide for recovery and relief assistance. These public safety objectives are to be accomplished by creating cooperation among units of local government and granting the Governor the power to act on behalf of units of local government. The provisions of this section shall be liberally construed.

SECTION 2. (1) If the Governor determines that fiscal conditions exist or are imminent in one or more counties that compromise the ability of the affected counties to provide a minimally adequate level of public safety services, the Governor may proclaim a public safety fiscal emergency.

(2) Prior to declaring a public safety fiscal emergency, the Governor shall consult with the Senate President, the Majority and Minority Leaders of the Senate, the Speaker of the House of Representatives, the Majority and Minority Leaders of the House of Representatives, each Senator and Representative whose district is wholly or partially within a county that is proposed to be subject to the public safety fiscal emergency and each sheriff of a county that is proposed to be subject to the public safety fiscal emergency.

(3) The Governor shall specify in a proclamation made pursuant to this section each county in which the public safety fiscal emergency has occurred or is imminent. The area specified in the proclamation shall be as small as necessary to allow for an effective response to the emergency, but may not be smaller than a single county.

(4) As used in sections 2 to 10 of this 2013 Act, “local government” means a county.

SECTION 2a. Notwithstanding section 2 of this 2013 Act, the Governor may not proclaim a public safety fiscal emergency that affects more than two counties before July 15, 2014.

SECTIONS 3 - 12 (need to add)

SECTION 13. The amendments to ORS 203.055 by section 12 of this 2013 Act become operative on January 2, 2018.

SECTION 14. Sections 1 to 10 of this 2013 Act are repealed on January 2, 2018.

SECTION 15. Nothing in the repeal of sections 1 to 10 of this 2013 Act by section 14 of this 2013 Act affects the validity of any of the following entered into before the repeal of sections 1 to 10 of this 2013 Act:

- (1) A proclamation of a public safety fiscal emergency pursuant to section 2 of this 2013 Act;
- (2) An intergovernmental agreement entered into under section 3 of this 2013 Act;
- (3) A tax or assessment entered into under section 7, 8 or 8b of this 2013 Act; or
- (4) An extension of a proclamation made under section 9 of this 2013 Act.

SECTION 16. This 2013 Act takes effect on the 91st day after the date on which the 2013 regular session of the Seventy-seventh Legislative Assembly adjourns sine die.

Approved by the Governor August 14, 2013  
Filed in the office of Secretary of State August 14, 2013  
Effective date October 7, 2013

**Appendix B. 2011 OAR 213-070-0000 (Revoked)**

**Oregon Administrative Rules (OARs) contain OARs filed through July 15, 2011.**

**OREGON CRIMINAL JUSTICE COMMISSION**

**DIVISION 70**

**MINIMALLY ADEQUATE LEVEL OF PUBLIC SAFETY SERVICES**

OAR 213-070-0000. Purpose

OAR 213-070-0005. Policy

OAR 213-070-0010. Definitions

OAR 213-070-0020. Current Level of Public Safety Services

OAR 213-070-0030. Historical Level of Public Safety Services

OAR 213-070-0040. Context Under Which Factors Are to Be Considered

OAR 213-070-0050. Findings and Recommendation

**OAR 213-070-0000. Purpose**

The purpose of these rules is to provide guidance about the process and procedures the Criminal Justice Commission (“Commission”) will employ if the governing body of any county or the Governor seeks a declaration of a Public Safety Services Emergency by requesting that the Commission review and analyze public safety services provided by that county.

Stat. Auth.: ORS 203.095

Stats. Implemented: ORS 203.095

Hist.: CJC 6-2010, f. 12-13-10, cert. ef. 1-1-11

**OAR 213-070-0005. Policy**

In developing the guidelines set forth in these rules, the Commission considered the population density, geographic characteristics, historical crime rates, and other relevant factors in Oregon counties. The Commission also sought broad input from the governing bodies of counties; sheriffs; district attorneys; judges; other appropriate county officials; labor organizations representing county employees; other public safety stakeholders; and members of the public. The Commission intends for the resulting guidelines to incorporate factors integral to a **reasonable and adequate operation of each area of public safety services under consideration**, in order to facilitate the Commission’s ability to evaluate each county’s current level of public safety services relative to its own historic standards of public safety services levels. The Commission recognizes that individual counties have differing priorities and methodologies of providing public safety services, and to that end the **Commission intends to compare a county’s current provision of public safety services to that same county’s historic level of services provision, rather than to compare a county’s provision of public safety services to that of other counties.**

Stat. Auth.: ORS 203.095

Stats. Implemented: ORS 203.095

Hist.: CJC 6-2010, f. 12-13-10, cert. ef. 1-1-11

## **OAR 213-070-0010. Definitions**

(1) “Capacity based release” is a procedure by which inmates awaiting trial are released pending trial, and sentenced inmates are released into the community before their sentence has ended, in order to ensure that jails do not exceed capacity. The inmates with the least perceived risk are those who should be released, until the requisite population level is reached.

(2) “Minimally Adequate Level of Public Safety Services” is that level of public safety services determined to be required to provide a **reasonable level of public safety** within the county. The Commission will determine the level of services that are minimally adequate in a particular county by following the process set forth in these rules, analyzing the contextual factors present in the county as well as the current and historical levels of public safety services provided by the county.

(3) “Public Safety Services Emergency” is a situation in which a county is in a state of fiscal distress that compromises the county’s ability to provide a Minimally Adequate Level of Public Safety Services.

Stat. Auth.: ORS 203.095

Stats. Implemented: ORS 203.095

Hist.: CJC 6-2010, f. 12-13-10, cert. ef. 1-1-11

## **OAR 213-070-0020. Current Level of Public Safety Services**

(1) Following receipt of a written **request from the Governor or the governing body of a county**, the Criminal Justice Commission shall send commissioners or commission staff to the county to consult with each of the following county representatives to gather information regarding the current level of public safety services provided by the county:

- (a) The governing body of the county;
- (b) The Sheriff;
- (c) The District Attorney;
- (d) Judges;
- (e) Other appropriate county officials;
- (f) Labor organizations representing county employees; and
- (g) Other public safety stakeholders.

(2) The Commission shall gather and analyze information regarding the county’s current level of public safety services in the following areas:

- (a) County jail operations;
- (b) Law enforcement, investigation and patrol;
- (c) Community corrections;
- (d) Juvenile justice;
- (e) Emergency operations and emergency response;
- (f) Search and rescue operations;
- (g) Criminal prosecution; and
- (h) Court facility operations.

- (3) Upon the Commission's request, the county shall send to the Commission:
- (a) A copy of the county's adopted budget for the most recent budget cycle; and
  - (b) A copy of the county's most recent annual risk management analysis, if available.

Stat. Auth.: ORS 203.095

Stats. Implemented: ORS 203.095

Hist.: CJC 6-2010, f. 12-13-10, cert. ef. 1-1-11

### **OAR 213-070-0030. Historical Level of Public Safety Services**

(1) The Commission shall conduct a review of the **public safety services historically provided** by the county over at least the five years immediately preceding the date of the request, to determine the historic baseline of public safety services provided by the county during that time. The Commission shall compare the historic baseline level of public safety services to the current level of public safety services provided by the county to assist in determining whether the county is providing a Minimally Adequate Level of Public Safety Services.

(2) The Commission shall compile and analyze the following objective data in determining the historic baseline of public safety services provided by the county:

**(a) County jail operations:**

- (A) Annual cost of operation;
- (B) Number of operable beds (number of beds for which staffing is currently available);
- (C) Number of available beds (number of operable beds plus the number of beds mothballed or otherwise not currently in use);
- (D) Number of capacity based releases;
- (E) Percentage of sentences fully served before release;
- (F) Number of beds available for post-prison supervision and probation violation sanctions;
- (G) Number of jail beds per capita;
- (H) Number slots available for alternate forms of custody (e.g., ankle bracelets for house arrest, work center beds, other quasi-custodial beds).

**(b) Law enforcement, investigation and patrol:**

- (A) Number of sworn and non-sworn officers (including city, county and state);
- (B) Number of investigators (including city, county and state).

**(c) Community corrections:**

- (A) Number parole/probation officers;
- (B) Number felons supervised;
- (C) Crime of supervision (each offender's most serious crime of supervision as categorized by the Oregon Department of Corrections);
- (D) Percentage of high-risk offenders as determined by Oregon Department of Corrections risk analysis tool;
- (E) Dollars spent per felon supervised (expenditures out of county funds that are not a part of state community corrections grants);
- (F) Expenditures for programs to reduce recidivism (education, treatment etc).

**(d) Juvenile justice:**

- (A) Number of felony referrals to juvenile department;
- (B) Number of beds available for placement of delinquent youth;
- (C) Number of juvenile department employees supervising youth on county probation;
- (D) Number juvenile offenders released from county juvenile detention facilities due to capacity.

**(e) Emergency operations and emergency response including search & rescue operations:**

- (A) Number of 911 dispatchers or call takers;
- (B) Response time for 911 dispatchers or call takers to answer telephone call;
- (C) Response time for emergency response personnel to arrive at scene;
- (D) Current updated disaster plan in place;
- (E) Ability to execute disaster plan (resources and equipment available to execute plan if necessary).

**(f) Criminal prosecution:**

- (A) Number of prosecutors in District Attorney's office;
- (B) Number of support staff in District Attorney's office;
- (C) Number of felony and misdemeanor cases charged per prosecutor;
- (D) List of crimes for which District Attorney's office ordinarily does not file charges absent special circumstances, due to funding or staffing issues (e.g., Criminal Trespass II, or all property crime misdemeanors, etc.);
- (E) Number and types of cases resolved through early disposition or early resolution programs (e.g., District Attorney diversion).

**(g) Court facility operations:**

- (A) Hours of courthouse operation;
- (B) Number of security officers on duty in courthouse;
- (C) Portion of courthouse operating budget provided by county;
- (D) Average time from arraignment to final resolution of criminal cases.

**(h) The county's annual budget for each of 213-070-0030(a)-(g) above.**

Stat. Auth.: ORS 203.095

Stats. Implemented: ORS 203.095

Hist.: CJC 6-2010, f. 12-13-10, cert. ef. 1-1-11

**OAR 213-070-0040. Context Under Which Factors Are to Be Considered**

(1) When evaluating the factors set forth in these rules to determine whether the county is providing a Minimally Adequate Level of Public Safety Services, the Commission shall take into consideration the county's:

- (a) Population density;
- (b) Geographic characteristics;
- (c) Historical crime rates; and
- (d) Other relevant factors.

(2) The Commission shall **evaluate the crime rate statistics in the county as most recently available and compare and contrast them to historical crime rate statistics in the county over at least the five years** immediately preceding the date of the request. Crime rates shall be determined by reference to the Oregon Uniform Crime Reports. The crime rate statistics considered

shall include the violent crime index, property crime index, crime rates for Driving Under the Influence of Intoxicants under ORS 813.010, and crime rates for Assault IV under ORS 163.160.

(3) The Commission may also consider the **median level of public safety services** provided in any or all other counties in one or more of the areas required to be analyzed under OAR 213-070-0020(2).

Stat. Auth.: ORS 203.095

Stats. Implemented: ORS 203.095

Hist.: CJC 6-2010, f. 12-13-10, cert. ef. 1-1-11

### **OAR 213-070-0050. Findings and Recommendation**

(1) After the Commission has obtained the above information and completed its analysis, the Commission shall make findings as to whether the county is providing a Minimally Adequate Level of Public Safety Services. The Commission shall accomplish this by **comparing the current level of public safety services (as determined under OAR 213-070-0020) with the historical level of public safety services** (as determined under OAR 213-070-0040), analyzed in the context set forth in OAR 213-070-0030. In developing its findings, the Commission may consider whether public safety services are efficiently and effectively used in the county, the county's provision of services in each of the designated areas set forth in OAR 213-070-0020, and the extent to which changes in best practices policies, procedures or organizational operations would be likely to be conducive toward maximizing public safety in that county. The Commission may include findings and recommendations in these areas in its report to the Governor.

(2) Taking those findings as a whole, the Commission shall develop a recommendation to the Governor as to whether to declare a Public Safety Services Emergency for that county. If the Commission finds that the county is providing a less than Minimally Adequate Level of Public Safety Services, the Commission shall recommend that the Governor declare a Public Safety Services Emergency.

(3) Within 14 days after the request for review is made, the Commission shall provide its findings and recommendation to the Governor. The Commission shall send copies of the findings and recommendation to the Legislative Assembly and to the governing body of the county.

Stat. Auth.: ORS 203.095

Stats. Implemented: ORS 203.095

Hist.: CJC 6-2010, f. 12-13-10, cert. ef. 1-1-11

The official copy of an Oregon Administrative Rule is contained in the Administrative Order filed at the Archives Division, 800 Summer St. NE, Salem, Oregon 97310. Any discrepancies with the published version are satisfied in favor of the Administrative Order. The Oregon Administrative Rules and the Oregon Bulletin are copyrighted by the Oregon Secretary of State..



## Appendix C. Media Coverage Of Issue

- Mar. 1, 2013. By Jeff Barnard, Associated Press in TGPDC, FRONT PAGE NEWS. *Legislature explores county help*
- May 26, 2013. By Stacy D. Stumbo of the Daily Courier, FRONT PAGE NEWS. *Glaring fiscal woes for Josephine County - Legislature casts eye on timber regions*
- Jun. 2, 2013. By Stacy D. Stumbo of the Daily Courier, FRONT PAGE NEWS. *State representatives working on fiscal crisis*

State Rep. Wally Hicks, R-Grants Pass, and Sen. Herman Baertschiger, R-Grants Pass, fielded questions about House Bill 3453. It could allow Gov. John Kitzhaber and other legislative leaders to declare a “public safety fiscal emergency,” merge local governments and impose an income tax assessment on county residents to force them to pay for criminal justice services.

On May 21, voters rejected a three-year property tax that would have generated about \$9.1 million annually for the criminal justice system by a 51-49 percent margin. This leaves the county with \$3.965 million for public safety operations in fiscal year 2013-14, down from about \$12 million just two years ago.

Hicks said he doesn’t believe the governor will be able to impose an income tax -- that it might be forbidden by the Oregon Constitution and that Josephine County’s Home Rule Charter may also prevent it.

- Jun. 4, 2013. By Lauren Gambino, Associated Press, TGPDC, FRONT PAGE NEWS. *Lawmakers weighting options for state’s timber counties*

SALEM — Unprecedented action is needed to tackle unprecedented circumstances facing the state's timber counties that are on the brink of insolvency, Gov. John Kitzhaber told a legislative committee Monday. Kitzhaber urged members of the House Rules Committee to support a plan that would allow him to take emergency actions in Oregon counties that have been devastated by the loss of federal timber subsidies. "This is certainly not my first choice, and nothing that I am looking forward to having to do," Kitzhaber told the committee. "On the other hand, if these counties reach the point where life and property are truly in danger, the only tools that I have available now are pretty much mobilizing the National Guard, which is an equally unpalatable option. This at least allows us to have a conversation."

"We cannot support it because it does not remedy the problem that we're dealing with," said Josephine County Commissioner Cheryl Walker. Walker said the tax would hurt county residents, many of whom are elderly, unemployed and living on fixed incomes. She said this is why the county has repeatedly voted down levies that would have funded public safety. "People cannot vote for taxes when they do not have the income to provide an adequate standard of living," she said.

Josephine County Budget Committee Chairman Pat Fahey said he fears state intervention might make the situation even worse for the counties. "A heavy-handed, top-down solution in all probability would exacerbate the existing public frustration with government, confirming the worst opinions of the naysayers," Fahey said.

In contrast, the Oregon State Sheriffs' Association supported the measure, and asked that they be included in ongoing discussions.

Lawmakers are considering another bill that would allow the state to take over county government functions including tax collection, elections administration and building inspection and charge a fee to cover the costs. Other measures include loosening restrictions on how counties can spend funds earmarked for certain purposes.

Jun. 18, 2013.

Albany Democrat-Herald, EDITOR'S OPINION, TGPDC. *State needs a real plan for broke counties*

The legislative proposal that finally starts to spell out how the state should respond in the (increasingly likely) event that an Oregon county financially fails isn't much better than a stopgap. But it's still better than what we had in place before. Plan A, as Gov. John Kitzhaber explained to legislators last week, boiled down to this: calling out the National Guard. Plan B takes the form of House Bill 3453, which helps to shore up law enforcement services in counties teetering on the brink of fiscal insolvency.

"While we struggle with a long-term solution," Kitzhaber told legislators during his appearance to boost the case for HB 3453, "we cannot sit idly by and watch these counties slip into a potentially grave situation in regards to public safety." Without the bill, the governor said, his only other option would be to mobilize the National Guard. He called that an "unpalatable option," and it's certainly true that it has a certain blunt-force feel to it. (It's also true that, under questioning, he did admit to having another option: Asking legislators to approve more money for increased State Patrol presences in those counties.)

In the crosshairs are counties such as Josephine and Curry, which have been hit hard by the loss of federal payments meant to help cover the financial losses incurred when timber cuts dropped dramatically on national forest lands. The counties, which relied on the payments to help pay for local operations, now have been forced to make deep cuts in law-enforcement services.

Last month, voters in the two counties rejected property-tax levies which would have paid for law enforcement, pushing those counties a step toward the fiscal brink and prompting legislative interest in HB 3453.

The bill allows the governor, with the approval of legislative leaders and county commissioners, to impose a temporary income tax on residents of the affected counties. That money would be matched with an equal amount of money from state taxpayers.

The bill leaves all sorts of questions unanswered. And it doesn't offer any long-term solutions for these counties, even though we've known about these issues for years. The long-term answer, as we've noted before, involves reshaping the economies of these timber counties. Timber needs to be part of the solution.

Granted, that economic work is difficult -- and it must also involve not just state and local officials, but the federal government as well. But it still is disappointing that we're not farther along in crafting a long-term answer for these struggling counties.

Jun. 19, 2013.

Dennis Roler, EDITOR'S OPINION, TGPDC. *State takeover of Jo County, other bills taking backseat to PERS disagreements*

With adjournment looming, many bills are near death in the Oregon Legislature, including one that would allow the state to tax Josephine County residents to pay for public safety.

That bill, House Bill 3453, was worked on by the House Rules Committee Monday, but legislators are aiming to adjourn by June 30. It was dormant from its introduction, March 13, until June 3, when a public hearing on it was held. Apparently, the defeat of public safety funding measures in Josephine and Curry counties May 21 has provided some sense of urgency.

Under HB3453, the governor and legislative leaders could agree a state of fiscal emergency had occurred. After declaring an emergency, the governor could sign an agreement with a county's government to take over all or some services, depending on its needs.

To pay for services, the state could levy a surtax on income tax paid by residents of that county. The cutoff of many millions of dollars in longtime federal payments to Josephine and other Oregon counties, based on huge tracts of federal

land in them, prompted HB3453. It would be a serious move for the state to step directly into a county's affairs, but chances of it happening increase the more county residents refuse to deal with the problems.

July 07, 2012. Stacy D. Stumbo of the Daily Courier. *Josephine County Sheriff Gil Gilbertson has had enough of friction with Grants Pass police officials.* Front Page News,

What are the minimum standards for public safety services provided by JO CO?

**In 2012 the City of Grants Pass Public Safety Chief, Joe Henner, sent a memorandum to City Manager Aaron Cubic.** The memo related discussions about consolidating law enforcement services in the city and the county after the failure of a property tax levy to support the criminal justice system. "Consolidation of law enforcement services under the umbrella of the Josephine County Sheriff's Office is a bad idea," Henner wrote.

"**For elected Sheriffs in Oregon, very few minimum standards exist,**" [emphasis added] Henner wrote. "This is not meant to reflect negatively on any current or former sheriff but you really never know who will be providing leadership at the sheriff's office. That is because elected sheriffs can come and go with every election. At a recent meeting, the current Sheriff stated he 'answers to no one,' with respect to decision making about law enforcement in the county."

- Stacy D. Stumbo of the Daily Courier. July 07, 2012. *Josephine County Sheriff Gil Gilbertson has had enough of friction with Grants Pass police officials.* Front Page News, The Grants Pass Daily Courier (TGPDC) [http://www.thedailycourier.com/articles/2012/07/07/front\\_page\\_news/news02.txt](http://www.thedailycourier.com/articles/2012/07/07/front_page_news/news02.txt)

July 9, 2013. By Jeff Duewel of the Daily Courier, FRONT PAGE NEWS. *State gives JoCo emergency option*

Josephine County can decide whether it's in a public safety emergency and receive matching funds from the state to pay for law enforcement, following passage of House Bill 3453 on Monday, the last day of the Legislature's 2013 session. HB 3453 passed the House 49-10 and the Senate 22-7 on Monday, and is expected to be signed by Gov. John Kitzhaber.

The bill allows financially troubled counties such as Josephine and Curry to impose other taxes or fees, which the state would match dollar-for-dollar. Those two counties are in the worst financial shape after the end of federal subsidies that replaced dwindling timber receipts.

Josephine County's charter wouldn't allow an income tax, but the bill would allow more tax on 911 services or some other fees for services, said Cheryl Walker, county commissioner. It would also allow for matching of existing sources of county revenue.

"People may see this as an option, in which to make a decision. Do you want to vote for a district, do you want to vote for a levy, or do you prefer we go with the governor's plan?"

The state match would require an emergency declaration by Kitzhaber, but only after consultation with county commissioners and state legislators from the county. "We need their agreement before we can make that declaration," said Greg Wolf, the governor's director of intergovernmental affairs.

"There's no way the governor can come here and impose some sort of situation on the county," added Rep. Wally Hicks, R-Grants Pass, who voted for the bill. "It comes down to a two-way agreement between county commissioners and governor. "In my mind, this bill advances the search for a solution. It takes the discussion back to the county level. It's up to the commissioners."

## Appendix D. Oregon Public Safety Standards and Training

Oregon Blue Book: 2000

[http://bluebook.state.or.us/state/executive/Public\\_Safety/public\\_safety\\_history.htm](http://bluebook.state.or.us/state/executive/Public_Safety/public_safety_history.htm)

Downloaded December 8, 2015

### Dept of Public Safety Standards and Training: Agency History

#### Written 2000

**Introduction** The Department of Public Safety Standards and Training (DPSST) is responsible for public safety training and certification programs for the state of Oregon. Its mission is "to promote excellence in public safety through the development of professional standards and the delivery of quality training."

DPSST's constituency includes more than 32,000 public safety providers in many different public safety specialties within law enforcement, corrections, parole and probation, telecommunications, fire services, private security, and polygraph examination. The agency is currently headquartered in Monmouth, Oregon although a bid for proposal has been issued to find the agency another home to accommodate the growth in the diverse services they provide.

**History** In 1958, the **Oregon-Washington Lawman's Association** (emphasis added; an ad-hoc coalition of police professionals) began work to elevate the status and requirements for Oregon law enforcement officers. Three years later, the **Advisory Board on Police Standards and Training** (emphasis added; BPST) was created by the Oregon Legislative Assembly and signed into law by Governor Hatfield. Nine board members were appointed by the Governor to a four year term and the Deputy Superintendent of State Police was designated as the Executive Director (1961 Oregon Law 721).

Initially BPST worked to set **minimum standards for "physical, emotional, intellectual, and moral fitness"** (emphasis added) for peace officers in Oregon (except for State Police). The first basic police officer training was conducted in October of 1961 for two weeks at Camp Withycombe in Clackamas County.

From fall 1961 through 1967, BPST focused on training city and county law enforcement officers. Basic police training was extended to three weeks in 1964, and again in 1967 to four weeks in length.

In 1968, the Legislative Assembly made two significant changes to the Board. The Board lost its advisory status and police officer training and certification became mandatory. The law (1968 Oregon Law, Chapter 305) also stipulated that all **city and county police officers could not serve for more than one year without BPST certification** (emphasis added). In late 1968 and early 1969 there was a dramatic expansion of the curriculum offered by the Board. Courses in Management, Supervision, and Command/Executive were all introduced at this time, each being one week in length.

1969 also brought more legislative changes that granted the Board the ability to revoke officer certification for reasons including the violation of any of the standards outlined in ORS 181.610 to 181.705 (1969 Oregon Law, Chapter 609). BPST was also given the authority to assess law enforcement agencies and provide administrative advice in order to improve the quality of law enforcement service statewide.

In the early 1970's, BPST saw some significant advancements in the curriculum and required courses as well as disciplines served. The Supervision course became mandatory and three levels of certification were introduced for officer certification. The Basic Police Course was increased to five weeks in length and in 1971, BPST assumed direct operational control of the Oregon Police Academy at Camp Withycombe (Clackamas County). A one week Advanced Criminology course was added to the training schedule. 1971 was also the year that the **qualifications for Sheriff** (emphasis added) became effective through an act of the Legislative Assembly (1971 Oregon Law, Chapter 299). In 1971, BPST began reimbursing agencies for lost wages of officers attending BPST training.

1972 to 1974 brought change to BPST as training classes lasted longer, facilities changed, and women became involved in training provided by BPST. In July of 1972, the first female police officer completed the Basic Police Course. The next year the Basic Police Course was increased to seven weeks and the first Advanced Officer course was introduced. In June 1974, the BPST Board voted to move the Oregon Police Academy to Monmouth's College of Education campus. The move from Camp Withycombe to Monmouth was completed by August of that year.

1975 brought an increase to the technologies utilized by BPST. That year, the polygraph licensing law took effect mandating certification standards for all individuals performing polygraph (lie detector) examinations in Oregon (1975 Oregon Law, Chapter 608). 1975 also brought a technological advancement for record keeping. Computerized officer files were merged into the **Law Enforcement Data System** (emphasis added; LEDS), a proprietary database owned by the Oregon State Police.

Once again the types of law enforcement officers trained and certified by the board expanded. In 1975, **city and county corrections officers, school district, and mass transit police** (emphasis added) all were brought under the jurisdiction of BPST (1975 Oregon Law, Chapters 290, 392, 606, and 608). In the late 1970's there were more "firsts" in the groups trained by the Board. In 1977, Indian police, railroad police, port police, and state parole and probation officers came under BPST authority (1977 Oregon Law, Chapters 382 and 737). 1978 was the year that two management courses were mandated (Middle Management Course and the Supervision Course). The first Basic Dispatcher and Basic Parole and Probation Courses were also offered that year. The late 1970's also brought the introduction of courses for the specialized aspects of law enforcement now under the jurisdiction of BPST such as dispatching and investigative hypnosis.

In 1979, BPST had a few housekeeping changes enacted by the Legislative Assembly. The law provided for **local law enforcement agencies** (emphasis added) to be reimbursed when they sent appropriate staff to the Academy. Another provision in the same law authorized BPST to train support personnel and to provide career assistance to all levels of personnel from basic to executive positions (1979 Oregon Law, Chapter 410).

The 1980's were a challenging time at BPST as revenues plummeted and the Board faced some hard decisions about how to carry out their mandate. 1980 brought a change in the Board composition as two citizen members were added, bringing the Board to fourteen members. In July of that year, salary reimbursement to agencies ceased due to decreased revenues by BPST. Due to the decreased revenues, the training schedule was modified. In August of 1984, the first BPST Research Questionnaire was distributed to elicit statewide feedback on past and current programs. Through these two re-engineering processes, BPST emerged with a re-organization plan during the summer of 1985, just months before the sunset review of the Board was to begin. In June of the following year, BPST emerged from the Sunset Review that was signed by Governor Goldschmidt. The successful review effectively allowed for the continuation of BPST. 1987 was also the year that the bid was opened for the construction of a new Oregon Police Academy facility in Monmouth, Oregon.

In March of 1988, BPST moved into the completed Oregon Police Academy facility on the grounds of Western Oregon University at Monmouth. In the later months of that year, the staff first wore their new uniforms at the Academy and took delivery of a new fleet of police vehicles. The BPST/Academy facility was formally dedicated with an open house on August 19, 1988.

The 1990's began with a familiar pattern as more disciplines were added to the agency's scope of responsibility. In 1991, legislation added **telecommunicators and emergency medical dispatchers to the Board's constituency** (emphasis added). That year, the agency's name was changed to the **Board of Public Safety Standards and Training** (emphasis added) and was informally known as BPSST (1991 Oregon Law, Chapter 380).

1993 brought the incorporation of **fire service professionals** (emphasis added) to the Department when the Legislative Assembly abolished the Fire Standards and Accreditation Board and the State Fire Marshal's Office, Fire Training section was transferred BPSST. The same legislation created a new board for BPSST to encompass the many professions covered by the agency, including fire (1993 Oregon Law, Chapter 185). Other significant changes in 1993 included the inclusion of **Oregon State Police** (emphasis added) employees and **special district employees** (emphasis added) in BPSST certification and the transfer of the Community Crime Prevention Institute from the Oregon Department of Justice.

In 1995, BPSST's role expanded even further into the realm of **private security providers** (emphasis added). The Legislative Assembly passed legislation which required private security professionals and companies to be certified and established standards for revocation of such certification. The law also provided for a nine-member, Governor appointed, advisory committee to be established to make recommendations on proposed policies and procedures affecting this industry (1995 Oregon Law, Chapter 510).

By 1997, the agency had grown significantly as the certification and training agency for over 32,000 Oregon professionals who were employed in the public safety field. That year the Legislative Assembly granted the agency 'full agency' status and renamed it the **Department of Public Safety Standards and Training (DPSST)** (emphasis added), while retaining the services of the Governor appointed Board of Public Safety Standards and Training (BPSST).

In the late 1990's, new programs and trainings were developed for the constituents of DPSST. The Loaned Officer program began in 1998 enabling agencies to share knowledge and expertise by allowing staff to work with DPSST and other agencies. A year later, the Public Safety Memorial Fund was established to provide benefits to officers disabled in the line of duty as well as benefits to the families of officers killed in the line of duty.

In the year 2000, the Department issued a Bid for proposal for a new Public Safety Academy complex to accommodate the growing and diverse needs of the agency in training Oregon's fire and public safety officers.

**Organization** The Department of Public Safety Standards and Training is comprised of three divisions, two offices, the Board, and discipline based advisory committees.

**Director's Office** The Executive Director, who oversees agency staff, reports to a Governor-appointed board. The Director confers with the Governor in the appointment of a Deputy Director who assists with the overall leadership and management of the Department.

**Human Resources Office** The Human Resources Office is responsible for the hiring of, benefits for, and the personnel issues of the 85 paid agency staff.

**Business Services Division** The Business Services Division coordinates many of the support functions of the agency. Sections of this division include Finance, Information Systems, and Operations.

**Standards and Certifications Division** The Standards and Certification Division implements the physical, emotional, moral, intellectual and fitness standards for all public safety disciplines, as established by the Board. This division certifies all public safety officers, evaluates and certifies training programs and instructors, and insures compliance with standards and training as defined in ORS 181.610-690. The division examines eligibility and training requirements for sheriff candidates as defined in ORS 206.015 and administers polygraph examiners licensing as defined in ORS 703.010-090. These programs affect over 600 state and local public safety agencies.

Basic certification must be completed within one year from the date of hire (except fire services and private security personnel) and higher levels of certification may be achieved by an accumulation of training, education, and experience.

Accreditation is a voluntary program for professional development of fire service personnel. Certificates are issued to fire fighters, fire prevention officers, fire investigators, public education officers, fire service instructors, fire apparatus drivers and operators, hazardous materials responders, fire officers and managers. Certification is based on completion of performance objectives and job experience. Some certificates require skills testing.

**Training Division** The Training Division provides basic training both at a core facility located on the campus of the Western Oregon University, and through partnerships and pilot academies hosted on a limited basis by local agencies and community colleges. Advanced and specialized training is provided both at the core facility and throughout the state.

Officers (with the exception of the Fire Service and Private Security Professionals) come to the Academy from agencies throughout Oregon for basic, supervision, management, and specialized training. Fire service training is conducted regionally and as local, in-service class deliveries. Fire training programs are available to authorized personnel through

a resource library at DPSST, and are developed based on the DPSST competencies, the National Fire Academy programs, and other professionally developed curricula. Training is also offered through regional training networks, throughout the state.

Private Security professionals train from a certified training curriculum. This training is administered by Certified Private Security Instructors and may be obtained through the private business or community colleges.

To attend the Academy, individuals must be employed by an Oregon public safety agency as a full-time public safety officer. Basic training, field training, and a probationary service period are required for certification (except the Fire Service and Private Security services), and must be completed within one year of employment. Field training is conducted at the individual agencies, under the supervision of a field training officer.

**The Board of Public Safety Standards and Training (BPSST)** The Board of Public Safety Standards and Training consists of a 23 Governor-appointed members. Board members are selected from BPSST constituency, with one member being a citizen without affiliation to public safety. The Board meets quarterly to make decisions on agency concerns. Discipline-specific advisory committees work with constituents to make informed recommendations to the Board for action. The Governor also appoints a 23-member Board on Public Safety Standards and Training (BPSST) that represents the broad constituencies DPSST serves. The Board sets the minimum standards for physical, emotional, intellectual, and moral fitness to serve as a public safety provider in Oregon. In addition, the Board sets reasonable minimum training standards for all levels of professional development from basic training to executive leadership. The Board advises the Director, the Governor, and the Legislative Assembly of the needs of Oregon's public safety community.

**Advisory Committees** The Department and the Board receive support from advisory committees for corrections, parole and probation, fire services, law enforcement, private security, and telecommunications. The advisory committees serve as the initial and primary providers of constituent input in the Board's decision-making responsibilities. The advisory committees are the communication link between the Department, Board and local public safety constituents, and their various representative associations.

The committees include the Police Advisory Committee (PAC), the Corrections Advisory Committee (CAC), and the Fire Advisory Committee (FAC). the Telecommunications Advisory Committee (TAC), the Private Security Advisory Committee (PSAC), the Polygraph Licensing Advisory Committee (PLAC), and many subcommittees on issues such as accreditation.

**Chronology** 1958 The Oregon-Washington Lawman's Association (OWLA) is formed with one of the primary objectives being the attainment of professional status of law enforcement at a regional level.

1960 First meeting of the OWLA Training and Professionalism Committee to discuss a course of action to be taken. Members represented large and small agencies from both rural and urban Oregon communities.

1961 House Bill 1590 is signed into law by Governor Hatfield. The Advisory Board on Police Standards and Training is established and takes effect August 1, 1961. First Basic Police Course is held at Camp Withycombe in Clackamas lasting two weeks.

1968 First Management Course is held in September.

1969 First Supervision and Instructor courses held in February. First Command/Executive Course held in March. First Supervision Course was held in August. BPST headquarters moves from Commerce Building to Public Service Building (Salem) in October.

1970 First Instructor Course was held in November.

1971 Salary reimbursements to agencies begin for officers attending BPST training. BPST assumed operational control of the Oregon Police Academy in August. Sheriff's qualification law goes into effect in September. First Advanced Criminology Course is offered in November.

1972 BPST headquarters moved from Public Service Building to Executive House in March. First female officer completed Police Basic Course in July.

1973 - First Advanced Officer Course offered (Police).

1974 BPST Board voted to move the Oregon Police Academy to the Oregon College of Education campus in Monmouth on June 28th . The move occurs in August.

1975 Adair Firing Range is completed. Polygraph licensing law became effective in July. Computerized officer files added to the Law Enforcement Data System (LEDS) computer system in December.

1976 First Basic Corrections Course was held in January.

1977 First Investigative Hypnosis Course was held in May. Indian police, railroad police, port police, and state parole and probation officers fall under BPST jurisdiction in September.

1978 First Basic Dispatcher Course was held in April. First Parole and Probation Basic Course is held in July.

1979 Beginning this year, officer certificates can be revoked for a felony conviction. Department of Justice investigators fall under BPST jurisdiction as of September.

1980 Salary reimbursements to local agencies are discontinued. Newly hired police officers are required to enroll in basic training within 90 days of hire by law.

1981 **Sheriff Qualification Law** (emphasis added) is revised. Community parole and probation officers fall under BPST jurisdiction, without mandatory provisions in September.

1982 The Board adopts an Administrative Rule on June 30 that requires individuals out of law enforcement for specific time spans to complete training to recertify.

1983 First Advanced Criminal Investigations Course is offered at the Academy in October.

1985 BPST headquarters staff moved into the Executive House in June. New IBM System 36 computers installed in the Salem office in July and the computerized test grading begins.

1986 Legislative Assembly authorizes a new Academy facility in May. BPST Salem staff moved to Monmouth in August, consolidating all BPST staff under one roof in time for BPST's 25th Anniversary celebration and ground breaking for the new Academy.

1987 First Campus Security Basic Course is conducted in August.

1988 Move to the new Academy facility begins on March 7. Open House and Dedication of the new BPST Academy facility occurs on August 19th.

1989 Department of Corrections added to the agency's constituency. Maaske Hall becomes part of the Oregon Police Academy facility in July.

1991 Name of the Board changes to "Board on Public Safety Standards and Training" (BPSST). Police Memorial at the Academy is dedicated with 135 names on the wall.

1992 Staff from the Oregon State Fire Marshal's office move to Monmouth and training and Fire Standards Advisory Board functions operate from the Academy.



1993 Fire Standards and Accreditation Board is merged with BPSST by legislation and responsibilities are transferred to BPSST. Two special districts (Sunriver and Black Butte) and the Oregon State Police are added to BPSST constituency. The Crime Prevention Resource Center moves from the Executive Department to BPSST.

1995 Legislative Assembly approves regulations for the private security industry, including licensure and certification through DPSST. Youth corrections are also added to the agency's scope of responsibility.

1996 Private Security is added to the Board with two seats created for the discipline.

1997 Legislation establishes the Department of Public Safety Standards and Training and responsibilities are divided between the Board and the Department.

1998 The Loaned Officer program began.

1999 DPSST instructors are required to be certified. Job Task Analysis training implemented for Parole and Probation Officers. Public Safety Memorial Fund is established.

2000 Bid for proposal is issued for a new Public Safety Academy complex and many municipalities statewide respond.

### **Oregon Laws**

Oregon Revised Statute (ORS) Chapters:

ORS 181.610 - 181.705 - Public Safety Standards and Training Act

ORS 181.750 - 703.990 - Oregon Community Crime Prevention Information Center

ORS 206.015 - Sheriff's Qualifications Act

ORS 703.010 - Polygraph Examiners Act

Oregon Administrative Rule (OAR) Chapter: OAR 259 - grants authority to Board and agency to set standards and qualifications

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Department of Public Safety Standards and Training Proposed Budget Narrative, 2001-2003

DPSST history, 1958-1996

DPSST website, <http://www.oregon.gov/DPSST/index.shtml>

## **Appendix E. Oregon's 10-Year Plan / Public Safety / Police presence**

<http://www.oregon.gov/10yearplan/Pages/index.aspx>

Downloaded December 10, 2015

Oregon is a recognized national leader for its proven record of envisioning a prosperous future for its residents and establishing firm benchmarks to stay on track. Today, Oregon's 10-Year Plan improves upon that legacy, adding firm standards to our benchmarks to ensure we become the state we want to be. State agencies worked together to develop policy-specific data to evaluate our policy and budget decisions. These metrics will be updated annually and are specifically tied to our highest priorities, or Outcome Areas. Integrating Oregon's long-term vision with specific data and comprehensive measures ensures that our common vision will be realized for all residents.?

Oregonians don't reside in programs, agency offices or organizational charts, and we don't live by two year cycles. To address this dynamic, Oregon's 10-Year Plan establishes goals for the next decade and outlines how we will achieve them.

### **Oregon's 10-Year Plan: Public Safety (2014 Update)**

Vision: Oregonians are safe and secure wherever they live, work and play. Key Strategies—

- Invest in youth and families
- Prioritize proven prevention strategies
- Improve coordination with local communities and citizens

Every Oregonian, regardless of social status or economic condition, deserves the security of knowing that their individual safety and that of their community and family is protected. FBI data indicates that crime rates are at record lows in Oregon as well as across the country. However, public safety cannot be measured solely by these numbers. For example, abuse and neglect are not always prosecuted as crimes but are also important indicators of a community's safety and security. We must move beyond traditional measures, such as crime or prison statistics, in ensuring public safety in a just and equitable manner, especially for our most vulnerable populations—children, senior citizens, people of color and the disabled.

Oregon's public safety leaders recognize our collective responsibility to keep people and communities safe and secure. This responsibility includes police, courts and prisons, but also includes areas such transportation safety, civil rights, and consumer protections.

Despite some improving trends, we face major challenges. The rate of prison expansion that has occurred over the past decades (from 3,120 beds thirty years ago to 14,300 today) is unsustainable. Police, fire and emergency services are deteriorating and in need of restoration. At the same time, intervention and rehabilitation programs are scattered and under-funded.

This safety policy plan is designed to maximize the value of spending to reduce risk to citizens and to refocus strategic investments over the next 10 years. Oregon cannot afford to simply build more prison beds, as in the past. This plan aims to avoid the need for more prisons by

using incarceration facilities for offenders who commit violent and sexual crimes, while focusing on crime prevention and treatment of non-violent offenders.

We must target our state’s policies and resources on proven strategies that prevent abuse, neglect and crime. Combined with preventative services provided at the community level—for example, early childhood services, drug treatment, stronger supervision of non-violent offenders—we will be able to provide more safety for the dollar. The money we save in prison costs can help support further investments in programs aimed at the root causes of crime.

State government must take the lead in providing not just money, but the tools, education, and technical assistance needed to improve outcomes in every area. The state also must do its part to streamline practices to reduce duplication, maximize effectiveness and improve efficiency. Oregonians must also commit to working together to solve this multi-faceted challenge. State government, courts, police, social services, health professionals, and other stakeholders must commit to integrating and coordinating their work toward a common agenda and goals.

Going forward, Oregon has reached a critical point where we must redefine how policy and funding choices can best protect and reduce risk to all citizens.

The safety policy vision consists of three central strategies that focus on the social factors that contribute to crime while targeting resources on improving outcomes over the long term.

Oregonians are safe and secure wherever they live, work and play

Public Safety Vision:

- Invest in Youth and Families
- Prioritize Proven Prevention Programs
- Improve Coordination with Local Communities and Citizens

**Strategy 1: Invest in Youth and Families** Improving family stability and prosperity is the most important thing we as a society can do to improve public safety. By taking a holistic approach toward expanding educational and economic opportunities, as well as improving delivery of health care and social services to families who need them, we will directly impact the safety and security of our communities. Tactics to achieve this strategy include:

- Rebuild the “front end” of the child welfare and foster care systems to provide support and services that have been rigorously evaluated for effectiveness.
- Adopt a comprehensive approach to serving Oregon families by strengthening integration and coordination of social services, such as mental health and addiction, housing, employment, and other systems promoting stability and self-sufficiency.
- Provide judges and youth corrections officials with information and tools to better determine placements in the juvenile justice system. (Pilot project: Oregon Youth Authority’s Youth Reformation System).

- Expand educational and vocational opportunities for youth in state facilities to increase rates of success in school and employment upon transition to community.
- Coordinate systems to improve continuity of health and behavioral health treatment for youth upon release into the community from foster care or the justice system.
- Partner with industry to increase employment opportunities for youth, and work more closely with the non-profit and faith groups to improve community relationships.

**Strategy 2: Prioritize Proven Prevention Programs** Making smart investments in rigorously evaluated prevention programs is not just a more effective strategy for improving public safety, it is also more cost-efficient to taxpayers. The costs associated with rehabilitation are much lower, especially in the long term, than incarceration.

While sure and swift punishment is key to deterring crime, a more proactive emphasis on crime prevention will reduce recidivism and help offenders reintegrate into the community.

Tactics to achieve this strategy include:

- Support the Justice Reinvestment Initiative, a statewide effort that focuses on innovative strategies and tools to improve county management and supervision of felony offenders not currently in prison. These strategies help reduce recidivism and save prison costs.
- Incentivize sheriffs, corrections officials, district attorneys and judges to change the system of sentencing and supervision to increase compliance and reduce the need for long-term sentences. Provide support and data when courts have discretion.
- Invest in robust community alcohol, drug, and mental health services. Expand the capacity of Oregon’s drug courts, a proven, cost-effective strategy.
- Modernize court facilities in order to utilize advancements in communication technology.
- Increase Oregon State Police presence on highways and in communities. By integrating state and local standards, provide 24/7 patrols to deter crime by increasing visibility.

**Strategy 3: Improve Coordination with Local Communities and Citizens** An integrated approach is essential to improving public safety. Oregonians must embrace systems and strategies that enhance partnerships between federal, state and local agencies.

Whether the issue is transportation safety, disaster preparedness or consumer protection, state government must take the initiative in sharing data and resources and coordinating action.

Tactics to achieve this strategy include:

- Upgrade to a modern, coordinated communications infrastructure and protocols that allow for sharing of real-time information across federal, state and local entities.
- Adopt service standards for availability and response time of crime analysis services such as DNA testing and forensic analysis to enhance investigations.
- Facilitate coordination among state, local and federal agencies for emergency preparedness. Improve community awareness about natural hazards.
- Target public and private investments to ensure that that buildings, especially schools, are retrofitted and constructed to meet best-practice seismic standards.

- Invest strategically to build, operate and maintain transportation systems to improve safety for all users (operators, passengers, pedestrians, property owners), and to ensure preservation and restoration of the system in the event of a disaster.
- Improve safety inspection of railroad tracks, equipment, and hazardous materials, and regulation of all aspects of highway-rail grade crossings to ensure safety.
- Improve access to consumer protections, especially for those most vulnerable to unfair or deceptive practices, such as senior citizens and people with disabilities.
- Prioritize a statewide commitment to equity and to improving Oregonians' access to their civil rights, regardless of race, gender, income, or geography.
- Enforce crime victims' rights and expand support services to victims.

### **10-Year Outcomes**

- Violent and property crime rates are reduced or at least maintained at current historic lows.
- Fewer Oregon children enter the correction system.
- Former inmates are less likely to reoffend.
- Corrections spending requires a smaller slice of the general fund, with resources redirected to community crime prevention programs.
- Incidents of child and elderly abuse or neglect are reduced.
- Overall, fewer Oregon children enter the foster care and child welfare system. The over representation of children of color in the foster care system is reduced.
- Fewer Oregon children and adults are using and/or abusing drugs.
- The over-representation of minorities in victimization, arrest, and incarceration rates is reduced.
- Oregon roads are safer.
- More state-owned facilities meet safety standards. Oregon's schools and critical public safety response facilities meet standards.
- Federal disaster preparedness, response and recovery standards are met or exceeded.

### **Police Presence**

- **VIOLENT CRIME** The rate of violent index crimes (willful murder, forcible rape, robbery and aggravated assault) per 10,000 population
- **PROPERTY CRIME** This measure is the rate of property index crimes (burglary, larceny, motor vehicle theft and arson) per 10,000 population
- **CHILD ABUSE** The child abuse rate represents the number of children who were victims of child abuse or neglect per 1,000 population under age 18
- **ADULT ABUSE** The adult abuse rate represents the number of vulnerable adults who were victims of abuse or neglect per 1,000 vulnerable population
- **YOUTHS IN THE JUVENILE JUSTICE SYSTEM** The January average daily count of the number of non-discretionary close-custody youths in Oregon's juvenile corrections facilities

- **JUVENILE RECIDIVISM** The percentage of juveniles subject to any felony adjudication (in juvenile court) or felony conviction (in adult court) with a disposition of formal supervision (e.g., probation, Oregon Youth Authority commitment, Department of Corrections prison sentence or local control jail sentence) following a youth's probation, parole or release to post-prison supervision
- **ADULT PRISON POPULATION** The number of Department of Corrections prisoners per 10,000 population age 18 or older
- **ADULT RECIDIVISM** The percentage of adults released from prison or local control or are on probation, who are arrested, convicted or incarcerated for a new felony crime within the first 36 months of being released or starting probation
- **POLICE PRESENCE** The number of certified police officers per 1,000 population

## **Public Safety**

VISION: Oregonians are safe and secure wherever they live, work and play

Every Oregonian, regardless of social status or economic condition, deserves the security of knowing that their individual safety and that of their community and family is protected.

FBI data indicate that crime rates are at record lows in Oregon as well as across the country; however, public safety cannot be measured solely by FBI numbers. For example, abuse and neglect are not always prosecuted as crimes but are also important indicators of a community's safety and security. We must move beyond traditional measures, such as crime or prison statistics, in ensuring public safety in a just and equitable manner, especially for our most vulnerable populations — children, senior citizens, people of color and the disabled.

## Appendix F. Oregon Scraping Bottom in State Integrity Rankings

Oregon Scraping Bottom in State Integrity Rankings

Mon, 2015-11-16 05:00

By John A. Charles, Jr.

Cascade Policy Institute

Based On the Center for Public Integrity Report

<http://oregoncatalyst.com/32149-oregon-scraping-bottom-state-integrity-rankings.html>

Last week the **Center for Public Integrity** released a report grading the 50 states on governance. The metrics used to measure integrity included the categories of “Public Access to Information,” “Lobbying Disclosure,” and “Ethics Agency Enforcement.”

Oregon was ranked 44th among the states, with a grade of “F.”

Oregon’s poor ranking was not a surprise given the nationwide coverage of the Kitzhaber-Hayes influence-peddling scandal. By any standard, the behavior of our former governor was unacceptable.

But this was only the headliner issue. Beneath the surface are many less-glamorous problems that will be difficult to address. For instance, there is virtually no meaningful oversight of state expenditures. Legislators spend tax money to promote their own agendas, and the budgeting process is deliberately opaque in order to keep citizens in the dark.

Also, the law allowing us access to public records is constantly abused. Agencies frequently play games of “20 questions” in order drag out the process; and when they do offer up the requested documents, they impose massive fees that most citizens cannot afford.

Unfortunately, no amount of “oversight” will solve the problem. Government is unable to police itself. Once a taxpayer sends money to the state, it’s too late.

The best solution is to dramatically prune the weed patch of regulations and programs. A smaller government, focusing on a few core functions, will have more integrity than a larger one.

John A. Charles, Jr. is President and CEO at Cascade Policy Institute, Oregon’s free market public policy research organization.

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Oregon gets F grade in 2015 State Integrity Investigation

Land of ethics, manners hurt by rare scandal

By Lee van der Voo 12:01 am, November 9, 2015 Updated: 5:37 pm, November 20, 2015

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Not sure about Center for Public Integrity as the authors could not get beyond their PR web pages (i.e., could not access original reports). Bad omen.



## **Appendix G. Budget - Fighting Clear Cuts - DAs and County Counsel Share the Struggle To Protect What's Left Of Oregon Timber Counties**

- McGlone, Karen. July 2013. *Budget - Fighting Clear Cuts - DAs and County Counsel Share the Struggle To Protect What's Left Of Oregon Timber Counties*. Oregon State Bar Bulletin, Oregon State Bar.

Budget - Fighting Clear Cuts - DAs and County Counsel Share the Struggle To Protect What's Left Of Oregon Timber Counties

Oregon State Bar Bulletin — JULY 2013

Oregon State Bar

<https://www.osbar.org/publications/bulletin/13jul/clearcuts.html>

Downloaded December 13, 2015

Lane County Counsel Stephen Dingle remembers the first time he worked for Lane County: He was a law student helping with prosecutorial work after budget cuts had forced the district attorney's office to lay off assistant DAs. The same year, the Lane County sheriff protested inadequate funding of his department by parking county patrol cars in downtown Eugene and leaving the headlights on until the batteries went dead.

That was in the early 1980s, the "first time Lane County was gutted," Dingle says.

Today, Lane, Josephine and Curry counties are among the struggling Oregon timber counties referred to by some as zombie counties — the walking dead. The three counties in southwestern Oregon, lush with timber and once thriving thanks to federal payments from the 1937 O&C Act, have had their economic foundations chewed to sawdust as logging on federal lands has plummeted and voters refuse to raise property taxes. Douglas and Coos counties, along with other Oregon timber counties, are struggling in varying degrees as well.

**Lost in a Sea of Need** County counsel and district attorneys, along with virtually every other county service provider in the most severely affected timber counties, are trying to **maintain at least the minimum of mandated service** (emphasis added), protect their employees and the county from growing liability, and determine whether it's possible to somehow work smarter and harder to achieve more with what's left of their splintered departments.

"We're lost in a sea of need," says Alex Gardner, Lane County district attorney, who has been in the DA's office since 2001 and has served as district attorney since 2004. "Curry and Josephine County are in terrible distress. All these systems are in extremis."

Hefty timber receipts once allowed many counties to provide ample services while keeping property taxes artificially low. Josephine County homeowners have the lowest property tax rate in Oregon, paying 58 cents per \$1,000 of assessed value, followed by Curry County, where residents pay 60 cents per \$1,000. Lane County's rate is \$1.28. Multnomah County residents, in comparison, pay \$4.34 per \$1,000.

Voters in the timber counties have become accustomed to the low tax rates and now resist raising them. Meanwhile state Ballot Measures 5, 47 and 50, implemented in the 1990s, limit the amount property taxes can be increased. Compression holds in check the amount of any increases that do pass.

**Current Woes Began 30 Years Ago** Gardner pinpoints the start of Oregon’s timber county crisis as 1981. The U.S. was mired in a recession that hit resource-dependent communities particularly hard. Between 1979 and 1982, the bottom fell out of the wood-products market and lumber prices dropped more than 48 percent, according to the Oregon Historical Society. By the mid-1980s, 48,000 jobs in the Pacific Northwest lumber industry were gone.

On the recession’s heels came legal battles over protecting the spotted owls’ habitat and other environmental aspects of harvesting Oregon’s old-growth forests, resulting in timber sales being halted or dragged out by appeals and law suits.

Meanwhile, federal stop-gap measures—implemented and extended since 1993 to help compensate counties for loss of timber revenue—are expiring. Timber counties now face severe financial crisis to pay for county services, including law enforcement, justice and corrections systems, election services, social services and road maintenance.

**“It’s Not an FBI Agent... It’s a County Deputy.”** Everett Dial, district attorney in Curry County where voters on May 21 turned down a tax levy to fund law enforcement, lists the looming effects of the recently defeated levy. “There’s talk of the jail closing, dispatch shutting down. Once the jail shuts down, that shuts down the courts for practical purposes as far as criminal cases. We can still file charges, but what happens if criminals don’t show up in court? Nothing. No one gets arrested if there’s no jail to put them in.”

Closing the jail may hold additional financial implications for Curry County. Once closed, the jail may not be able to reopen because the building **does not meet several state and federal mandates** (emphasis added). (It has been grandfathered in due to age as long as it stays open.) The Curry County sheriff estimates it could cost up to \$30 million to build a new jail.

“Folks don’t realize the services the county provides and the organizations that rely on those services,” Dial says of voters. For instance, cities in Curry County—Gold Beach, Port Orford and Brookings—do not have jails; they rely on the county jail to house criminals. The cities don’t have prosecutors’ offices; they rely on the district attorney’s office to prosecute offenders. “When they dial 911, it’s not an FBI agent who shows up at the door; it’s a county deputy or city officer.” He notes that the sheriff is concerned about liability if they can’t provide service.

**Funding Cuts Increase Liability** Jerry Herbage, Curry County counsel since the mid-1980s, is reportedly the longest serving county counsel in Oregon. He has served twice as the president of the Oregon County Counsel Association, is on the local school board, the library board and the school foundation. He too worries about county liability over everything from proper back-up for the sheriff’s deputies to workplace safety for employees.

“There are major infrastructure problems,” he points out. “The county courthouse and the jail are nearly 60 years old. There’s no sprinkler system in the jail. We need a new roof on the annex, the court house, the sheriff’s office and the Colvin Street property. We have had a lot of leaking. With 80 inches of rain a year, the roofs get put to the test.” He recalls an incident in 2011, when water was flooding the basement of the courthouse where the building’s electrical components are housed, creating a potential safety hazard.

Likewise in Lane County, Dingle worries about liability. Surveys on road conditions used to be conducted annually and now are done every three years. Vegetation maintenance has been cut back. Dust abatement on gravel roads has been mostly discontinued. Vandalized road signs are overlooked because staff doesn’t exist to report them.

Yet people complain. “The county is being forced to make changes. Our managers now ask what has to be done. Departments are very focused and very specific on determining what needs to be done rather than what would be nice to do.”

**Other Duties as Assigned** Herbage’s job is constantly reshaped by the county’s financial situation. In addition to the typical counsel responsibilities of advising county commissioners and department managers, and representing the county in civil matters, he serves as the risk manager because the county no longer has one. He runs department head meetings because there’s no county manager. He used to have an assistant county counsel, but she left for a job in Portland last year because Curry County’s tenuous financial situation scared her and her prosecutor husband.

Herbage reports that, according to Curry County’s HR director, 27 of 167 FTE resigned or retired in 2012. The Curry County undersheriff left recently and the county elections person left for a job in Marion County. Curry County’s public service department, which includes planning, building and sanitation, has been reduced repeatedly, shrinking from three full-time planners a few years ago to one part-time planner who has been called back from retirement and has to work fewer than 20 hours a week to retain his retirement benefits. The assessor’s office has been reduced from 12.6 FTE in 2007 to seven FTE today, limiting the county’s ability to collect the taxes it desperately needs to provide services.

All of this adds to Herbage’s load. “When services are cut, there’s a greater chance of lawsuits, especially when employees are laid off,” he says. “You have to gear up and make sure you do things right.”

**Laws the Same, Regardless of Money** In hard-hit Josephine County, another timber county where voters recently defeated a public safety levy, assistant county counsel Leah Harper finds her job changing too. As funding is cut, staffing is cut and the county counsel’s office fields more calls from department managers about procedures, documentation and mandated services. The office also conducts more research for the board of commissioners as commissioners explore new funding sources and ideas. She notes her days are getting longer and longer.

“Our county has faced a lot of cuts. We’ve cut to the bone and there’s nowhere else to cut,” Harper says. **Still, the county has to carry out its mandates. “Laws regarding liability are the same, regardless of whether you have money or not.”** (emphasis added)

**A Teeter-Totter of Risk** The loss of staff expertise and supervision also affect quality of service and increase liability according to Lane County D.A. Gardner. He brings the unique perspective of a district attorney who has also served as the county’s acting county counsel. He has been a guest presenter in a public policy and management course at the University of Oregon.

“A best practices operation requires adequate staffing,” Gardner says. “When you eliminate management to the point where the worker-to-supervisor ratio is 10-to-1, you increase risk. Lane County is hovering on a teeter-totter, balancing workload, overtime costs and risk. We’re well into the red zone in all three areas.”

Lane County counsel Dingle agrees. “When people are asked to do more with fewer people, there’s a chance things will fall through the cracks. In the rush to get day-to-day business done, things fall to the wayside because managers just need to get the job done.”

Dingle is struck by the contrast between how Lane County could function during what he refers to as the halcyon days of timber receipts and now. “When the public service building was built in the late 1970s, the county just wrote a check! They didn’t fund it through a bond measure. They were able to write a check!” The new building was filled with staff for county programs, many of which today have been eliminated or spun off to nonprofit contractors. “If you walk through the building now, huge portions are empty,” he says. “It’s very visual.” Some of the excess space is being leased to the city of Eugene.

**Trends Show Disparity in County Funding** Gardner, who notes he’s not a CPA, has analyzed county funding and staffing between 1979 and 2013. He looks at general fund trends in Oregon to put the magnitude of the budget disparity in perspective. Gardner points out that the city of Eugene’s and city of Springfield’s general funds are more than four times what they were in 1979. The state of Oregon’s general fund is more than five times what it was. By comparison, Lane County’s general fund is less than 1.5 times what it was. “It’s an imprecise measure,” he admits. “I just don’t know a better one.”

It’s also a measure that raises his ire. “When state legislators say they feel our pain, they really don’t. If they lost about two-thirds of their general fund or more, they’d be facing challenges on a timber county scale. If they lost half of their general fund, they’d be in better shape than we are today,” Gardner says.

Yet Lane County is considered fortunate by some because its public safety levy passed on May 21. The levy covers the staffing costs to expand the jail’s diminished capacity by 120 beds and add 16 beds to the juvenile justice center.

**“There’s Always Going to be Government.”** Gardner is grateful the levy passed, but his perspective is colored by recognition of the scope of the county’s funding crisis. “This will boost our corrections capacity up to one-third of the Oregon average, so we’ll be able to hold the most violent offenders pending trial,” he says.

In Eugene, Lane County Sheriff Tom Turner and county commissioners Jay Bozievich and Pat Farr all described the levy as only “a first step” in rebuilding the county’s public safety system. “It does nothing for the D.A.’s office, police investigations or patrol deputies,” Gardner notes. It also does nothing for other county services.

**“People get the government they pay for,”** (emphasis added) says District Attorney Dial of Curry County. “The issue isn’t whether you want government. There’s always going to be government. The question is whether the public wants a democratic one or not. Humans living in a society always have some form of government. It may be a Mexican drug cartel or your neighbors. Even in a family, there’s going to be a structure governing who can do what. If there’s a vacuum, something will fill it.”

**County district attorneys and county counsel are hoping their efforts will stave off the vacuum until the state and federal governments sort out the issues related to inadequate property taxes and timber revenue.** (emphasis added) “It can be frustrating,” says Dingle, “but people have sat down and rolled up their sleeves and said, okay, how are we going to do this? And along the way, we might discover some new ways of doing things. The ultimate solution is beyond our control. We can make our small adjustments, but the real solution lies in Washington, D.C.”

**About the Author** Karen McGlone is a freelance writer who writes frequently about the legal industry. © 2013 Karen McGlone

## **Appendix H. If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement?**

If Democracies Need Informed Voters, How Can They Thrive While Expanding Enfranchisement?

JENNIFER L. HOCHSCHILD\*

Election Law Journal: Rules, Politics, and Policy

9 (2), June 2010: 111-123

<http://scholar.harvard.edu/jlhochschild/publications/if-democracies-need-informed-voters-how-can-they-thrive-while-expanding-en>

Downloaded December 14, 2015

**ABSTRACT:** Three uncontroversial points sum to a paradox: 1) Almost every democratic theorist or democratic political actor sees an informed electorate as essential to good democratic practice. Citizens need to know who or what they are choosing and why – hence urgent calls for expansive and publicly funded education, and rights to free speech, assembly, press, and movement. 2) In most if not all democratic polities, the proportion of the population granted the suffrage has consistently expanded, and seldom contracted, over the past two centuries. Most observers, and I, agree that expanding enfranchisement makes a state more democratic. 3) Most expansions of the suffrage bring in, on average, people who are less politically informed or less broadly educated than those already eligible to vote.

Putting these three uncontroversial points together leads to the conclusion that as democracies become more democratic, their decision-making processes become of lower quality in terms of cognitive processing of issues and candidate choice. The paradox is both historical – why have democracies expanded the franchise to include relatively ignorant voters? – and normative – why should democracies expand the franchise to include relatively ignorant voters?

The article addresses both questions. First, I review the historical trajectory of democratization in the United States (although the argument is not specific to that country). I then describe plausible empirical explanations for the paradox: voters are not really that ignorant; the United States is not and never has been really a democracy; and institutions or electoral rules have been developed to substitute for voters' knowledge. I also analyze plausible normative explanations for the paradox: democracy does not, or does not primarily, need cognitively sophisticated citizens; and democracy offers benefits that outweigh the deficits of citizens' lack of knowledge. I offer a few reflections on both sets of explanations, but cannot genuinely dissolve the paradox.

In a democracy, knowledge is power. -- (Jerit et al. 2006): 266

The two simplest truths I know about the distribution of political information in modern electorates are that the mean is low and the variance high. -- (Converse 1990): 372

If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be. -- Thomas Jefferson, letter to Charles Yancey, 1816 in (Jefferson 1903-04): v. 14, p. 384

Ever since the idea of democracy became an aspiration rather than a fear or threat, political actors have argued that citizens must be knowledgeable for it to function well. Aristotle sought to avoid democracy, largely on the grounds of popular ignorance: “What are the matters over which... the general body of citizens... should properly exercise sovereignty? It... is dangerous for men of this sort to share in the highest offices, as injustice may lead them into wrongdoing, and thoughtlessness into error” (Aristotle 1946: 124). Several millennia later, American radicals agreed with the diagnosis, but proposed a

different solution. Thomas Jefferson prescribed “two great measures,... without which no republic can maintain itself in strength: 1. That of general education, to enable every man to judge for himself what will secure or endanger his freedom. 2. To divide every county ... [so] that all the children of each will be within reach of a central school in it" (Thomas Jefferson to John Tyler, 1810, in (Jefferson 1903-04), v. 12, p. 393). Benjamin Franklin agreed: “Nothing can more effectually contribute to the Cultivation and Improvement of a Country, the Wisdom, Riches, and Strength, Virtue and Piety, the Welfare and Happiness of a People, than a proper Education of youth” (Franklin 1962 [1749]: 152-153).

Political scientists concur that a knowledgeable citizenry is necessary for effective and gratifying democratic governance. As Michael Delli Carpini and Scott Keeter put it in the most authoritative study of the subject,

Factual knowledge about politics is a critical component of citizenship, one that is essential if citizens are to discern their real interests and take effective advantage of the civic opportunities afforded them.... Knowledge is a keystone to other civic requisites. In the absence of adequate information neither passion nor reason is likely to lead to decisions that reflect the real interests of the public. And democratic principles must be understood to be accepted and acted on in any meaningful way (Delli Carpini and Keeter 1996): 3, 5).

I agree, at least in principle, and so do most others who have thought about this issue.[1] Political scientists have, however, made it painfully clear just how much knowledge citizens lack. Fewer than one third of high school students know that the Civil War occurred in the half-century of 1850 to 1900, and only two-thirds can find France on a map (Ravitch and Finn 1988). “In a random telephone survey of more than 2,000 adults, conducted by the Public Opinion Laboratory at Northern Illinois University, 21 percent of the respondents said they believed that the sun revolved around the earth; an additional 7 percent said they did not know which revolved around which” (Halpern 1997). A long list of studies shows that Americans in the 1950s thought the Bill of Rights was written recently by Communists, that 40 percent do not know the name of the vice president, that few can name their own Representative in Congress, that many believe that more of the federal budget goes to foreign aid than to social security, and so on.[2] Many roads lead to the same conclusion, that we are a “dunce-cap nation,” as Newsweek put it in 2007 (Braiker 2007).

I do not challenge the aspiration for a knowledgeable citizenry in a democracy – after all, I (like many readers) am a teacher of politics, and I want students in my classes to learn facts, concepts, and strategies for acquiring more information. Nor do I challenge the claim that Americans are ignorant of politically salient information, although the parlor game of “dunce-cap nation” can be exaggerated and mean-spirited.[3] My purpose, in fact, is to dwell on and indeed emphasize the discrepancy between the aspiration for an educated citizenry in a democracy and the actual facts of democratic governance, at least in the United States. I do so by focusing on the paradox that every expansion of the franchise throughout American history has been understood to enhance democracy despite arguably reducing the politically-relevant knowledge of the median voter. I cannot explain the paradox away, but I conclude by offering some plausible reasons why Americans have maintained or even deepened it over the past two centuries.[4]

## Appendix I. Police Officer to Population Ratios

### *Police Officer to Population Ratios*

Bureau of Justice Statistics Data

International Association of Chiefs of Police (IACP)

Research Center Directorate

<http://www.theiacp.org/Portals/0/pdfs/Officer-to-Population-Ratios.pdf>

Downloaded December 16, 2015

**Introduction** The IACP Perspectives series is intended to help local agency decision-making by providing useful information gleaned from our network of information sources. The Perspectives series does not present IACP positions on the topic being addressed, nor does it replace long-term research. Perspectives publications raise thoughtful issues regarding complex policy topics- in this case, police officer to population ratios to inform the debate at the local level.

**Ratio Data and Agency Staffing** Before presenting BJS data, it is first important to clarify IACP's position on police to population ratios and why they should not be used as a basis for agency staffing decisions. The following is a quote from IACP's *Patrol Staffing and Deployment Study* brochure: Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions. Accordingly, they have no place in the IACP methodology. Defining patrol staffing allocation and deployment requirements is a complex endeavor which requires consideration of an extensive series of factors and a sizable body of reliable, current data.

BJS ratio data presented here can be useful to local agencies in other ways, including historic perspective on staffing trends across all US law enforcement, and in conducting long term staffing trend analysis, locally, regionally and nationally.

**BJS Ratio Data** The Bureau of Justice Statistics (BJS), within the Office of Justice Programs (OJP), within the United States Department of Justice (DOJ) publishes Local Police Departments report every three to four years. This report contains excellent and highly reliable data on state and local police personnel throughout the U.S. One aspect of this report is the average ratio of full time officers per 1,000 residents. The most recent BJS data on this topic (2003), by size of population served follows:

<u>Population Served</u>	<u>*FT Officers Per 1,000 Residents</u>	<u>Population Served</u>	<u>*FT Officers Per 1,000 Residents</u>
250,000 or more	2.5	10,000 to 24,999	2.0
100,000 to 249,999	1.9	2,500 to 9,999	2.2
50,000 to 99,999	1.8	1,000 to 2,499	2.6
25,000 to 49,999	1.8	All Sizes	2.5

\*Average Ratio



In addition to the Local Police Departments publication, BJS also publishes a more comprehensive report intermittently entitled **Law Enforcement Management and Administrative Statistics** (year): Data for Individual State and Local Agencies with 100 or More Officers. Both reports can be valuable to local law enforcement agencies. To learn more about the **Bureau of Justice Statistics (BJS)** and their statistical reports on law enforcement, visit their website: [www.ojp.usdoj.gov/bjs](http://www.ojp.usdoj.gov/bjs).

**Bureau of Justice Statistics**

Office of Justice Programs

U.S. Department of Justice.

<http://www.bjs.gov/>

Downloaded December 16, 2015

**The Bureau of Justice Statistics (BJS)** - the United States' primary source for criminal justice statistics.

**BJS mission:**

To collect, analyze, publish, and disseminate information on crime, criminal offenders, victims of crime, and the operation of justice systems at all levels of government. These data are critical to federal, state, and local policymakers in combating crime and ensuring that justice is both efficient and evenhanded.

**Authorizing legislation:**

The Bureau of Justice Statistics was first established on December 27, 1979 under the Justice Systems Improvement Act of 1979, Public Law 96-157 (the 1979 Amendment to the Omnibus Crime Control and Safe Streets Act of 1968, Public Law 90-351).

The Bureau of Justice Statistics (BJS) is a component of the Office of Justice Programs in the U.S. Department of Justice.

## Appendix J. Police Staffing Standards/Determining Police Staffing & Deployment

- Wiczorek, Thomas. December 1, 2010. Police Staffing Standards. International City/County Manager Association. [http://icma.org/en/icma/knowledge\\_network/questions/kn/question/20623](http://icma.org/en/icma/knowledge_network/questions/kn/question/20623). Downloaded December 16, 2015.

The use of officers per thousand for police or fire deployment is an ineffective performance measure. Instead, the determination should be made by what time is required to perform the given tasks on a daily, monthly, and seasonal basis and deploying the appropriate resources to manage the workload.

Many chiefs will state that the officers per thousand is a "national standard." Police agencies routinely speak about:

- Recommended officers per 1,000 population or
- National Standard” for staffing or
- Comparisons to other municipalities

There are no such standards. Nor are there “recommended numbers of officer per thousand”. It is not useful to make comparisons with other communities.

The International Association of Chiefs of Police (IACP) states; “Ready-made, universally applicable patrol staffing standards do not exist. Ratios, such as officers-per-thousand population, are totally inappropriate as a basis for staffing decisions.”

Joseph Brann, the first Director of the Community Oriented Police Service (COPS) Office and retired chief of police in Haywood, California wrote in “Officer’s per Thousand and other Urban Myths” appearing in ICMA’s PM Magazine, “A key resource is discretionary patrol time, or the time available for officers to make self-initiated stops, advise a victim in how to prevent the next crime, or call property owners, neighbors, or local agencies to report problems or request assistance. Understanding discretionary time, and how it is used, is vital. Yet most departments do not compile such data effectively. To be sure, this is not easy to do and, in some departments’ may require improvements in management information systems.”

Staffing decisions, particularly in patrol, must be made based upon actual workload and very few police agencies have the capability of conducting that analysis. Once an analysis of the actual workload is made, then a determination can be made as to the amount of discretionary patrol time should exist, consistent with the community’s ability to fund.

ICMA’s team of doctoral level experts in Operations Research in Public Safety have created in "The ICMA Patrol Workload & Deployment Analysis System ©" the ability to produce detailed information on workload even in those agencies without sophisticated management information systems. Using the raw data extracted from the police department’s CAD system our team converts calls for service into police services workload and then effectively graphs workload reflecting seasonally, weekday / weekend and time of day variables. Using this information the

police department can contrast actual workload with deployment and identify the amount of discretionary patrol time available (as well as time commitments to other police activities). Police service workload differentiates from calls for service in that calls for service are a number reflecting the incidents recorded. Workload is a time measurement recording the actual amount of police time required to handle calls for service from inception to completion. Various types of police service calls require differing amounts of time (and thus affect staffing requirements). As such, call volume (number of calls) as a percentage of total number of calls could be significantly different than workload in a specific area as a percentage of total workload.

### **Determining Police Staffing & Deployment**

- Matarese, Leonard, Director of Research & Project Development, ICMA Center for Public Safety Management, International City/County Management Association. Downloaded December 16, 2015. *Determining Police Staffing & Deployment*.  
file:///C:/Users/Mike/Downloads/Determining%20Police%20Staffing%20&%20Deployment.pdf

Police agencies routinely speak about “recommended officers per 1,000 population” or a “National Standard” for staffing, or comparisons to other municipalities.

There are no such standards. Nor are there “recommended numbers of “officer per thousand”. Nor is it useful to make comparisons with other communities.

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“A key resource is discretionary patrol time, or the time available for officers to make self-initiated stops, advise a victim in how to prevent the next crime, or call property owners, neighbors, or local agencies to report problems or request assistance. Understanding discretionary time, and how it is used, is vital. Yet most departments do not compile such data effectively. To be sure, this is not easy to do and, in some departments’ may require improvements in management information systems.”

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Police service workload differentiates from calls for service in that calls for service are a number reflecting the incidents recorded. Workload is a time measurement recording the actual amount of police time required to handle calls for service from inception to completion. Various types of police service calls require differing amounts of time (and thus affect staffing requirements). As such, call volume (number of calls) as a percentage of total number of calls could be significantly different than workload in a specific area as a percentage of total workload. The graph following sample graph demonstrates this difference in units

**Calls For Service Versus Workload** ICMA has found that the most effective way to manage operations, including public safety, is to decisions based upon the interpretation and analysis of data and information.

To achieve this, a data analysis of police department workload, staffing and deployment will be conducted. By objectively looking at the availability of deployed hours and comparing those to the hours necessary to conduct operations, staffing expansion and/or reductions can be determined and projected. Additionally the time necessary to conduct proactive police activities (such as directed patrol, community policing and selected traffic enforcement) will be reviewed to provide the city with a meaningful methodology to determine appropriate costing allocation models.

Further, we will review existing deployment, particularly of the patrol force, to determine appropriate staffing levels throughout the day with particular attention to the size and number of patrol zones or beats.

Understanding the difference between the various types of police department events and the staffing implications is critical to determining actual deployment needs.

**Data Analysis** This portion of the study will look at the total deployed hours of the police department with a comparison to the time being spent to currently provide services. The analysis will review response times both cumulative as well as average for all services. In addition, a documentation request will be issued to the police department outlining information needed for a full operational review.

The ICMA has assembled a team of experts that are uniquely qualified to extract raw data from Computer Aided Dispatch Systems and conduct comprehensive analysis. The Team will utilize operations research methods in conducting the analysis. This approach is unique in the consulting field and was developed specifically by ICMA.

**Workload Vs. Deployment Analysis Sample** This is one of the ways we show the amount of available, non-committed patrol time compared to workload. As you can see we break out the various activities, convert them to time and then compare to available manpower. The deployment is based upon actual hours worked.

So in this example, at noon there are approximately 17 hours of work (including citizen initiated & officer initiated calls for services, including traffic) and administrative activities (meals, vehicle, reports, etc.). There are approximately 30 man hours of available resources meaning that at that hour, on average, of the 30 officers on duty 16 are busy on activities.

The area shown in green and brown is uncommitted time. This is the area where staffing decisions impact – it becomes a policy issue as to how much uncommitted time a city wants, and is willing to pay for.

For more information contact Leonard Matarese, Director of Research & Project Development, ICMA Center for Public Safety Management:  
Lmatarese@icma.org or 716-969-1360

*Figures for Determining Police Staffing & Deployment*

- Figure 1. Calls for Service vs. Workload
- Figure 2. Total Reported Events
- Figure 3. Workload Vs. Deployment Analysis Sample

## Appendix K. County, City and District Referral Manual

The question, summary, and explanatory statement in Oregon voters' pamphlets are directed by the format required in the *County, City and District Referral Manual*.

*County, City and District Referral Manual*

Oregon Secretary of State, Elections Division

<http://sos.oregon.gov/elections/Documents/ReferralManual.pdf>

Downloaded December 13, 2015

- Brown, Kate, Oregon Secretary of State. 2014 Rev. 01/14. *County, City and District Referral Manual*. Oregon Elections Division. Salem, OR

**Getting Started** This manual describes the procedures necessary for placing a county, city or district referral on the ballot. The procedures for filing a referral are explained in the following sections. It is very important to review the procedures thoroughly and follow the instructions completely.

Local charter or ordinance requirements do not supersede state statutes relating to **ballot title format** or the **statement of measures** filed under ORS 254.095, 254.103 and 255.085. Failure to follow the instructions contained in this manual may result in the removal of the referral from the ballot.

**Referrals** A referral is a resolution prepared by a county, city, or district governing body to place a measure on the ballot for voters of the jurisdiction to decide. In order for any referral to appear on the ballot all of the following must occur:

- Drafting of ballot title.
- Publication of notice of receipt of ballot title.
- Completion of ballot title challenge period and if challenged completion of the ballot title review by circuit court.
- Drafting of explanatory statement if county is producing a voters' pamphlet.

An explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect. See OAR 165-022-0040 available at [www.oregonvotes.gov](http://www.oregonvotes.gov)

**County Referral Process** Once a county governing body adopts a resolution referring a measure for the voters to decide a ballot title must be drafted.

**Ballot Title** ORS 250.185. A ballot title is a concise and impartial statement that will be printed on the ballot summarizing the measure and its major effect. The ballot title may be prepared by: 1. county governing body, or 2. district attorney.

Similar for cities and districts.

**Ballot Title Process** A ballot title is a concise and impartial statement that will be printed on the ballot summarizing the referral. The ballot title is prepared by the appropriate governing body, district attorney or city attorney and filed with the local elections official for publication. Any voter may challenge the ballot title and the referral may only appear on the ballot once this process is complete.

See County Referral Steps on page 7, City Referral Steps on page 9 or District Referral Steps on page 11 for the appropriate timeline of the ballot title process.

**Ballot Title Preparation:** ORS 250.035, 250.185, 250.285 and 255.085

Any ballot title prepared for a county, city or district referral must contain all of the following elements:

- A caption that does not exceed 10 words describing the subject of the referral.
- A question that does not exceed 20 words plainly phrasing the main purpose of the referral so that an affirmative response to the question corresponds to a yes vote on the referral.
- A summary that does not exceed 175 words describing the major effect of the referral.
- A explanatory statement of 500 words that impartially explains the measure and its effect, if required attach to this form (Notice of Measure Election, County. SEL 801, rev 01/14: ORS 250.035, 250.041, 250.175, 254.103, 254.465; cities and districts have their own forms).

If the county is producing a voters' pamphlet an explanatory statement must be submitted for any measure referred by the county governing body and if required by local ordinance, for any initiative or referendum.

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## **LAWS GOVERNING THE INITIATIVE PROCESS IN OREGON**

### **BallotPedia, the Encyclopedia of American Politics**

[https://ballotpedia.org/Laws\\_governing\\_the\\_initiative\\_process\\_in\\_Oregon](https://ballotpedia.org/Laws_governing_the_initiative_process_in_Oregon)

Downloaded December 10, 2015

### **Ballot title and Summary/See also: Ballot Title**

In addition to a generic title (e.g. Measure 70, Measure 71, Measure 72), each Oregon ballot measure also receives a ballot title prior to circulation. This title contains a 15-word caption, two 25-word statements explaining the effects of a "yes" vote and a "no" vote, and an impartial 125-word summary of the measure. In addition, the measure receives a fiscal estimate for the ballot and a section in the Oregon Voters' Pamphlet. In addition to the text of the measure and fiscal information, this section contains an explanatory statement and arguments for and against the initiative. This explanation and one set of arguments for and against an initiative are created by the Oregon Citizens' Initiative Review Commission.

Any person may submit a short argument for or against a ballot measure to be included in the pamphlet. To submit an argument, an individual must either pay a \$1,200 fee or collect 500 signatures. A panel of citizens prepares the explanatory statement.

Oregon Revised Statutes, Chapter 251.185 - 251.235 and Chapter 250.035 - 250.085 and 250.115 - 250.125

**Fiscal review/See also: Fiscal impact statement**

In Oregon, each measure that affects revenue, expenditure, or indebtedness by more than \$100,000 receives an estimate of financial impact. This estimate is included in the voters' pamphlet and on the ballot. If necessary, a longer "statement of financial impact" can also be written explaining the estimate in the voters' pamphlet. The financial estimate committee is responsible for creating these estimates. The committee includes the secretary of state, the state treasurer, the director of the Oregon Department of Administrative Services, the director of the Oregon Department of Revenue, and a local representative with expertise in local government finance, who is selected by the other members.

An example of a financial estimate can be found here.  
Oregon Revised Statutes, Chapter 250.125 – 250.131

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Local charter or ordinance requirements do not supersede state statutes relating to **ballot title format** or the **statement of measures** filed under ORS 254.095, 254.103 and 255.085.



**Chapter 250.035 - 250.085 and 250.115 - 250.125**

**INITIATIVE AND REFERENDUM, ELECTIONS, GENERAL PROVISIONS**

**GENERAL PROVISIONS: Chapter 250.035 - 250.085**

**250.035 Form of ballot titles for state and local measures**

- 250.036 Form of ballot title for measure subject to section 11 (8), Article XI of Oregon Constitution; exception
- 250.037 Form of ballot title for measure requesting approval of certain bonds
- 250.038 Form of ballot title for measure authorizing imposition or renewal of local option taxes or establishing permanent rate limitation
- 250.041 Applicability of ORS 250.005 to 250.038 to counties and cities
- 250.042 Effect of failure of petition circulator to certify signature sheet
- 250.043 Acceptance of initiative or referendum petition without original signatures
- 250.044 When actions challenging constitutionality of state measure must be filed in Marion County Circuit Court

**ORS 250.185. Preparation of ballot titles by county governing body**

**ORS 250.035' Form of ballot titles for state and local measures**

- (1) The ballot title of any measure, other than a state measure, to be initiated or referred shall consist of:
- (a) A caption of not more than 10 words which reasonably identifies the subject of the measure;
  - (b) A question of not more than 20 words which plainly phrases the chief purpose of the measure so that an affirmative response to the question corresponds to an affirmative vote on the measure; and
  - (c) A concise and impartial statement of not more than 175 words summarizing the measure and its major effect.
- (2) The ballot title of any state measure to be initiated or referred shall consist of:
- (a) A caption of not more than 15 words that reasonably identifies the subject matter of the state measure. The caption of an initiative or referendum amendment to the Constitution shall begin with the phrase, Amends Constitution, which shall not be counted for purposes of the 15-word caption limit;
  - (b) A simple and understandable statement of not more than 25 words that describes the result if the state measure is approved. The statement required by this paragraph shall include either the phrase, I vote or vote yes, or a substantially similar phrase, which may be placed at any point within the statement;
  - (c) A simple and understandable statement of not more than 25 words that describes the result if the state measure is rejected. The statement required by this paragraph shall not describe existing statutory or constitutional provisions in a way that would lead an average elector to believe incorrectly that one of those provisions would be repealed by approval of the state measure, if approval would not have that result. Any thing or action described both in the statement required by paragraph (b) of this subsection and in the statement required by this paragraph shall be described using the same terms in both statements, to the extent practical. Any different terms must be terms that an average elector would understand to refer to the same thing or action. The statement shall include either the phrase, I vote or vote no, or a substantially similar phrase, which may be placed at any point within the statement; and
  - (d) A concise and impartial statement of not more than 125 words summarizing the state measure and its major effect.
- (3) The statements required by subsection (2)(b) and (c) of this section shall be written so that, to the extent practicable, the language of the two statements is parallel.
- (4) The statement required by subsection (2)(b) of this section shall be written so that an affirmative response to the statement corresponds to an affirmative vote on the state measure.
- (5) The statement required by subsection (2)(c) of this section shall be written so that an affirmative response to the statement corresponds to a negative vote on the state measure.
- (6) In the statements required by subsection (2)(b), (c) and (d) of this section, reasonable discretion shall be allowed in the use of articles and conjunctions, but the statements shall not omit articles and conjunctions that are necessary to avoid confusion to or misunderstanding by an average elector. [1979 c.190 §143; 1979 c.675 §1; 1985 c.405 §1; 1987 c.556 §1; 1987 c.875 §1; 1995 c.534 §1; 1997 c.541 §312; 1999 c.793 §1; 2001 c.104 §78; 2009 c.566 §3]

**ORS 250.185. Preparation of ballot titles by county governing body**

(1) When the county governing body refers a measure to the people, a ballot title for the measure may be prepared by the body. The measure and the ballot title prepared under this subsection shall be filed at the same time with the county clerk.

(2) If the title is not prepared under subsection (1) of this section, when the measure is filed with the county clerk, the clerk shall send two copies to the district attorney. Not later than the fifth business day after receiving the copies the district attorney shall provide a ballot title for the measure and send a copy of it to the county governing body and the county clerk. [1979 c.190 §156; 1983 c.15 §3; 1985 c.808 §27]

**STATE MEASURES**

250.045	Prospective petition; signature requirement; cover and signature sheet requirements; rules
250.048	Registration and training for paid petition circulators; requirements; effect of failure to register; criminal records check; registration of organizations that pay petition circulators; rules
250.052	Official templates of cover and signature sheets; electronic template; rules
250.062	Identical draft ballot titles required for certain state measures
250.065	Preparation of ballot titles for certain state measures
250.067	Notice of draft ballot title; written comments; certification of title; correction of clerical errors; rules
250.075	Preparation of ballot titles by Legislative Assembly
250.085	Procedure for elector dissatisfied with ballot title of state measure; Supreme Court review of title

**Oregon Revised Statutes, Chapter 250.125 – 250.131**

**INITIATIVE AND REFERENDUM, ELECTIONS, GENERAL PROVISIONS**

**STATE MEASURES**

250.125	Estimate of financial impact of state measures; financial estimate committee; application to Native American or American Indian tribal governments
250.127	Preparation and filing of estimates and statements of financial impact of state measure
250.131	Court review of procedures under which estimates and statements of financial impact of state measure were prepared

**Oregon Revised Statutes, Chapter 251.185 - 251.295 & 251.305 - 251.435**

**STATE INITIATIVE AND REFERENDUM PAMPHLET**

251.185	Measures, estimates, statements and arguments included in voters' pamphlet; county and metropolitan service district measures
251.195	Form for printing proposed constitutional amendment
251.205	Appointment of committee to draft explanatory statement of measure proposed by initiative or referendum
251.215	Preparation and filing of explanatory statement of measure
251.225	Preparation and filing of explanatory statement by Legislative Counsel Committee; when explanatory statement of committee used
251.230	Effect if explanatory statement not filed
251.235	Supreme Court review of explanatory statement; service requirements
251.245	Committee to prepare and file argument in support of measure referred by legislature
251.255	Filing arguments for or against measure; fee or petition; size of argument space; rules
251.260	Secretary of State review of arguments for error in identification of measure number or designation of support or opposition to measure; changes allowed
251.265	Author of argument, author's organization and disclaimer to be included in voters' pamphlet
251.285	Inclusion of county measure or metropolitan service district measure in voters' pamphlet

251.295 Radio and television broadcasts to supplement pamphlet

#### **COUNTY VOTERS' PAMPHLET**

251.305 County voters' pamphlet  
251.315 Information required to be included in voters' pamphlet; deadline for distribution  
251.325 Schedule and procedures for producing and distributing pamphlet; fees; rules  
251.335 Filing portrait and statement by or for candidate; disclaimer  
251.345 Explanatory statement  
251.355 Filing arguments for or against measure  
251.358 Omission from voters' pamphlet of ballot titles, explanatory statements and arguments for certain measures  
251.365 Cost of pamphlet preparation; allocation of revenue  
251.375 Exception to ORS 251.365 for certain districts  
251.385 "Electoral district" defined for ORS 251.345 to 251.375  
251.395 Content of statements and arguments; notice of material that may be excluded  
251.405 Names or titles of persons or names of organizations excluded from arguments and statements; exceptions; prohibitions  
251.415 Type of material to be excluded from pamphlet; liability for libel; procedure if material excluded  
251.425 Format of candidate's statement  
251.430 Exemption from public records law  
251.435 Statements and arguments inadmissible in action to enjoin publication of pamphlet

#### **Ballot Title Format And Statement of Measures**

Local charter or ordinance requirements do not supersede state statutes relating to **ballot title format** or the **statement of measures** filed under ORS 254.095, 254.103 and 255.085.

#### **Chapter 254 — Conduct of Elections**

ORS 254.095. City elections officers statements of offices, candidates and measures  
ORS 254.103. Filing of measures referred by county governing body  
ORS 255.085 Special District Elections

**ORS 254.103 Filing of measures referred by county governing body.** (1) Except as provided in subsection (2) of this section, the governing body of a county shall file with the county clerk each measure referred by the county governing body, including the ballot title for each measure, not later than the 61st day before the date of the election. (2) If a measure to be submitted to the electors of a county at an election held on the first Tuesday after the first Monday in November was submitted on the election date in ORS 203.085 (1) immediately preceding the first Tuesday after the first Monday in November, the county governing body shall file the measure with the county clerk not later than the 47th day before an election held on the first Tuesday after the first Monday in November. [1983 c.15 §2; 1985 c.808 §35; 1987 c.707 §18; 1989 c.923 §12; 1991 c.71 §9; 1993 c.713 §58; 1995 c.712 §119; 2011 c.607 §9]

#### **Chapter 255 — Special District Elections**

ORS 255.085

## OREGON ADMINISTRATIVE RULES

### Explanatory Statement

An explanatory statement is an impartial, simple and understandable statement explaining the measure and its effect. See OAR 165-022-0040 available at [www.oregonvotes.gov](http://www.oregonvotes.gov)

### DIVISION 22. COUNTY VOTERS' PAMPHLET

OAR 165-022-0000	Purpose and Definitions
OAR 165-022-0010	Filing Officer and Schedule for Filing Explanatory Statements, Measure Arguments and Candidate Statements
OAR 165-022-0030	Filing Candidate Statement and Portrait
<b>OAR 165-022-0040</b>	<b>Filing Explanatory Statements</b>
OAR 165-022-0050	Filing Measure Arguments
OAR 165-022-0060	Printing and Distributing the County Voter's Pamphlet
OAR 165-022-0070	Notification Between Electoral Jurisdictions
OAR 165-022-0080	Billing Electoral Jurisdictions for County Voters' Pamphlet

### OAR 165-022-0040. Filing Explanatory Statements

(1) The governing body for any local government which has referred a measure to the voters, shall submit an impartial, simple and understandable statement explaining the measure and its effect.

(2) For any initiative or referendum by petition, an impartial, simple and understandable statement explaining the measure and its effect shall be submitted by the governing body of the local government only if the local government has an ordinance requiring the submission of such a statement.

(3) Explanatory statements shall be limited to 500 words.

(4) The county clerk shall reject any referred measure submitted without an explanatory statement.

Stat. Auth.: ORS 246.150, 251.305 & 251.325

Stats. Implemented: ORS 251.345

Hist.: ELECT 19-1989, f. & cert. ef. 10-16-89; ELECT 6-1991(Temp), f. & cert. ef. 7-2-91; ELECT 8-1991, f. 8-16-91, cert. ef. 9-1-91; ELECT 16-1993, f. & cert. ef. 4-29-93, Renumbered from 165-060-3040; ELECT 6-1994, f. & cert. ef. 3-31-94; ELECT 7-2006, f. & cert. ef. 4-18-06



## REFERENCES

The references for this publication, *Appendix B4. JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS) Standards*, are composed of two sections.

1. Web Published Information.
2. Bibliography.

### WEB PUBLISHED INFORMATION

- ***Justice System & Public Safety Services Study Design: 2015 (Study Design)***  
**Justice System Exploratory Committee**  
Web Page: <http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>

### PUBLIC OUTREACH DOCUMENTS

- Outreach 1.1 What's the Problem?
- Outreach 1.2 Arguments For Supporting Study Design
- Outreach 1.3 Summary Highlights: Arguments For Supporting Study Design
- Outreach 1.4 Introduction To Justice System Exploratory Committee's Web Page
- Outreach 2. Interested In Becoming Involved?
- Outreach 3.1 Publicly Identified Problems/Issues
- Outreach 3.2 Summary Highlights: Publicly Identified Problems/Issues
- Outreach 4.1 Publicly Identified Range of Alternative Solutions
- Outreach 4.2 Summary Highlights: Publicly Identified Range of Alternative Solutions
- Outreach 5.1 Vetted Public Safety Facts
- Outreach 5.2 Summary Highlights: Vetted Public Safety Facts
- Outreach 5.3 Content Analysis Of JO CO's Recorded Public Safety Values
- Outreach 5.4 Summary Highlights: Content Analysis Of JO CO's Recorded Public Safety Values
- Outreach 5.5 JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS)
- Outreach 5.6 Summary Highlights: JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS)
- Outreach 6.1 Study Design's Planning Horizon Is Flexible
- Outreach 6.2 Summary Highlights: Study Design's Planning Horizon Is Flexible
- Outreach 7. Table Talk Discussion Script
- Outreach 8. How To Communicate In Plain Language
- Outreach 9. JS&PSS Issue Overview Educational Brochure
- Outreach 10. Aspiration Letter From Authors Of Study Design
- Outreach 11. Enquiry Stakeholder Letters/Emails

## APPENDICES TO STUDY DESIGN

- **Appendix A. Issues**
- Appendix A1. Being Heard
- Appendix A2. All Values Are Legitimate
- Appendix A3. Measures Representing Public Opinion
- Appendix A3.1. Letters To The Editor As A Measure of Crime Salience
- Appendix A3.2. Content Analysis For Public Opinion
- Appendix A4. Letters-To-Editor (LTTE) To *The Grants Pass Daily Courier* (626 LTTE in Archives November 15, 2015)
- Appendix A5. Guest Opinions To TGPDC
- Appendix A6. Voters' Pamphlets
  
- **Other Information Appendices**
- Appendix B. Affected
- Appendix B1. Potential Affected Conditions
- Appendix B2. Studies & Information
- Appendix B3. Analysis of Public Situation
- Appendix B4. JO CO's Minimally Adequate Level Of Public Safety Services (MALPSS) Standards
  
- Appendix C. Alternatives
- Appendix D. Procedural Requirements, NEPA Design Group's Comments on the Hellgate RAMP/DEIS
  
- Appendix DD1. Appendix A. Selected Parts Of BLM's National Environmental Policy Act Handbook: H-1790-1
- Appendix DD2. Appendix B. Selected CEQ Regulations For Implementing The Procedural Provisions of The National Environmental Policy Act
- Appendix DD3. Appendix C. Selected Portions Of CEQ's 40 Questions
- Appendix DD4. Appendix D. Evaluation Of Significant Impacts Model And Recommended Impact Methodology
  
- Appendix DD5. Appendix C. NEPA's Significantly, Scoping Rogue River's Outstandingly Remarkable Values
  
- Appendix D1. Impact Methodology Model
- Appendix D2. Conditions, Indicators & Standards
- Appendix E. Impacts
- Appendix F. Public
- Appendix F1. Interest Groups
- Appendix F2. Potential Funders, Sponsors, & Sources
- Appendix G. How To Write A Grant Proposal
- Appendix I. Public Study

## 2013 SCOPE OF WORK

- **Justice System & Public Safety Services Issue Scope Of Work (2013 Authority)**

## SUB-WEB PAGES

- **Justice System & Public Safety Services Study Design: 2015** (previous)
- **Public Outreach Documents** (previous)
- **Appendices to Study Design** (previous)
- **Press Releases** (1 in Committee Archives as of November 15, 2015)
- **Letters-To-The-Editor (LTTE) To *The Grants Pass Daily Courier*** (832 LTTE in Committee Archives as of November 7, 2015)
- **Guest Opinions To *The Grants Pass Daily Courier*** (10 in Committee Archives as of September 13, 2015)
- **Media Articles In *The Grants Pass Daily Courier*** (687 in Committee Archives as of November 7, 2015)
- **Voters Pamphlets for Josephine County, Oregon** (5 in Committee Archives as of November 3, 2015)
- **Studies & Information** (over 24 as of December 2015; topics range from declining federal payments to counties, demographic & population, health, Oregon reports of criminal offenses and arrests, local crime information, budget, etc.).



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<http://www.hugoneighborhood.org/justicesystemexploratorycommittee.htm>
  - Br. III.E.1.4 Oregon Constitution
  - Br. III.E.1.5 Josephine County Home Rule Charter
  - Br. III.E.1.6 Oregon Agencies & Public Safety Services
    - Br. III.E.1.6.1 Oregon Attorney General
    - Br. III.E.1.6.2 Oregon Legislative Counsel
    - Br. III.E.1.6.3 Oregon Criminal Justice Commission
      - Br. III.E.1.6.3.1 OR Criminal Justice Commission & 2009 OR Governor's Reset Cabinet
      - Br. III.E.1.6.3.2 OR Criminal Justice Commission's Public Safety Subcommittee Report
      - Br. III.E.1.6.3.3 OR Criminal Justice Commission's & OR Senate Bill 77
      - Br. III.E.1.6.3.3 OR Criminal Justice Commission's & OR Senate Bill 77 (Section III.A)
  - Br. III.E.1.7 OR'S Minimally Adequate Public Safety Services Standards
    - Br. III.E.1.7.1 Oregon Senate Bill (SB) 77: 2009
    - Br. III.E.1.7.2 Oregon House Bill 4176 (2012)
    - Br. III.E.1.7.3.1 Enrolled Oregon House Bill 3453: 2013 (1 of 2)
    - Br. III.E.1.7.3.2 Oregon House Bill 3453 (2 of 2)
  - Br. III.E.1.8.1 Oregon Administrative Rules (OAR) 213-070-000: 2011
  - Br. III.H.4.1 OR Sec. of State Financial Condition Review of OR Counties: 2012
  - Br. III.H.4.2 OR COs: 2012 Review of Fiscal Indicators (FI) 1 Local Support & 2 Timber Payment Dependence
    - Br. III.H.4.3 OR COs: 2012 Review of FI 3 Debt Burden & 4 Liquidity
    - Br. III.H.4.4 OR COs: 2012 Review of FI 5 Fund Balance & 6 Retirement Benefit Obligation
    - Br. III.H.4.5 OR COs: 2012 Review of FI 7 Public Safety & 8 Personal Income
    - Br. III.H.4.6 OR COs: 2012 Review of FI 9 Population Trends & 10 Unemployment

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- Josephine County, Oregon Voters' Pamphlet Official Primary Election: May 15, 2012 Referred to the People by Josephine County Board of Commissioners. May 15, 2012 JO CO-wide Primary Election Measure 17 - 43, Criminal Justice System Operations Four Year Local Option Tax (i.e., \$1.99 per \$1,000 of assessed value).
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## Lane County Public Safety Coordinating Council

- Lane County Public Safety Coordinating Council. December 1, 2011 *Status of the Public Safety System in Lane County as per Senate Bill 77*. Report to the Board of County Commissioners. Eugene, OR.

### Human Services: Service Area (Table: Human Services 1990 - 2012)

- The percentage of people in Lane County who are below the federal poverty level
  - Number of people in Lane County who are below the federal poverty level
  - Number of clients receiving Developmental Disabilities case management services
  - Adults receiving Behavioral Health outpatient services from Lane County Behavioral Health
  - Number of mental health managed care (LaneCare) clients
  - Number of treatment slots in the Methadone Program
  - Number of FQHC clients
  - Number of FQHC encounters
  - Number of Cahoots contacts (Eugene)
  - Number of sobering admissions (Buckley House)
  - Number of households receiving bill paying assistance
  - Lane County one night homeless count
  - Pounds of food distributed by Food for Lane County
  - Number of Lane County households that received food boxes of emergency food assistance
  - Number of individuals served at Community Service Centers for basic needs
  - Sex Offender Treatment - Number served
6. A Look at Crime in Lane County - The Public Safety Coordinating Council (PSCC), in completing the January 2011 Criminal Justice System Report Card for Lane County, noted several negative trends in key indicators (pps. 13 - 16):
- o Rate of Reported Serious Violent Crime per 10,000 Population exceeds Oregon's rate.
  - o Juvenile Violent Crime Arrest Rate per 10,000 Youth exceeds or is equal to the US and exceeds Oregon
  - o Adult and Juvenile Drug Arrest Rates per 10,000 exceed both Oregon and the US
  - o Three Year Re-offense Rates for Felony Offenders on Supervision exceeds Oregon's rate
  - o Child Abuse Victimization Rate per 10,000 Children Under Age 18 are increasing and exceed both Oregon and the US.
  - o Releases Triggered By Overcrowding as a Percent of Lodgings
7. Costs of Crime (pps. 16 - 17).  
The CJC in July 2011 released a study entitled Cost-Benefit Methodology by Michael Wilson, Economist with the CJC Statistical Analysis Center. The full study can be downloaded from their website at <http://www.oregon.gov/CJC/JCP/JCP.shtml>. (p. 18)