

Lane County Public Safety on the Ballot

Long before statehood, during provisional government and territorial days, Oregon counties were responsible for jails and law enforcement. That duty continues to this day. In Lane County, however, a combination of revenue losses and a reluctant electorate have created what many term a public safety crisis.

INTRODUCTION: The Lane County Board of Commissioners (BCC) on February 12 voted 4-1 for a resolution placing a public safety property tax levy on the May primary ballot. The text of the ballot measure and the resolution are attached. The proposal sent to voters is a local option levy of \$.55 per \$1,000 of assessed value, imposed for five years and used to restore funding for jail beds and youth services. For a home with the median Lane County assessed value of \$154,809, the tax would be \$85 annually. If passed, funds raised by the levy would allow the county to increase the capacity of the jail from its present 135 beds for local offenders to at least 255 beds. (The term “beds” is shorthand for the cost of supervising and maintaining a prisoner during the period of incarceration.) The levy would allow the county to hire 35 corrections officers to work in the jail, thus adding 120 jail beds. The levy also would provide additional services for youth offenders, doubling the funded juvenile slots to 16 detention beds and 16 treatments beds

BACKGROUND: Lane County does not levy a sales tax or an income tax. The county’s permanent property tax rate is only \$1.27 per thousand, much lower than that of counties without significant timber resources on federal lands . For example, the permanent tax rate of Washington County (Beaverton) is \$2.25 and of Marion County (Salem) is \$3.02. For many years county governments were significantly funded by income from the Oregon & California Railroad timberlands, mostly owned by the federal government and managed by the U.S. Bureau of Land Management. Logging on O&C lands provided jobs and federal payments to 18 rural counties, including Lane, and that income has dropped as logging declined. In Lane County, according to analysis prepared for the BCC, the revenue went to the General Fund.

The most recent decline in revenue is attributed to the end of the Secure Rural Schools (SRS) funding. That revenue is a replacement for the national forest and O&C timber revenue that the county historically received. The SRS was originally passed by Congress in 2000 and was expected to sunset in 2011. The FY2012-13 budget process made drastic cuts to the sheriff’s office, resulting in jail bed closures and reduction in patrols. Cuts also affected the remaining elements of the public safety system. Several days before the budget was adopted, Congress reauthorized the SRS Act for one additional year at a reduced amount from that in 2011. The funding shortfall is significant. In 2008, Lane County received Secure Rural Schools Act payments of \$42.6M, which it distributed to its General, Road, and County School funds. In 2013, the same payment was \$13M. In 2014, Lane County will revert to actual timber harvest revenue sharing, which is anticipated to be \$2.3M, distributed to the same three funds.

With such drastic declines in revenue to the General Fund, the hardest hit services are to the public safety structure because these programs amount to 66% of the discretionary General Fund. The well publicized impacts include:

- Closing jail beds due to staff layoffs within the Corrections Division of the Lane County Sheriffs Office (LCSO).
- Reducing patrols due to staff layoffs within the Police Services Division of the LCSO.
- The “no-file” rate increasing to 25% due to staff layoffs within the Office of the District Attorney.
- Severe constriction of pass-through funding (Community Corrections Act and federal sources) that Lane County provides to a broad range of non-profit service treatment providers, including Womenspace, Buckley House, Sponsors, Emergence, and other private, community-based providers.
- The closing of 32 secure detention and treatment juvenile justice beds, including all beds that were allocated for young women.

CURRENT SITUATION: The Lane County jail can legally incarcerate 472 men and women prisoners, both pretrial defendants and those sentenced to less than one year. However, lack of funding for corrections staff and other costs has limited to 135 the jail beds supported by the county. It is anticipated that there will be funding available for only 83 such beds next year and 29 beds the following year. (There are also beds at the Lane County jail operated under contracts with the federal government and the city of Eugene.)

This lack of capacity means that large numbers of defendants and offenders are released before trial or before completing their sentences. Stories in the media have reported the impact of these early releases including the release of a woman one day after she was sentenced to 15 months for two drunken driving wrecks and the re-arrest in November of an inmate for a bank robbery committed less than one hour after his release. On that same November day, three of the inmates released pretrial were accused of Measure 11 offenses that carry mandatory minimum prison sentences upon conviction. These capacity-based releases, as they are called, are posted daily on the sheriff's office web page.

Budget-driven early releases for the last few county fiscal years have been as follows: 2008-09: 4,579 inmates; 2009-10: 3,216 inmates; 2010-11: 2,595 inmates; 2011-12: 4,095 inmates. For 2012-13, the early releases are on track to reach 5,000. The dip in early releases in the 2009-10 and 2010-11 resulted from temporary restoration of funds for jail beds. For every inmate released, local law enforcement officials (police, sheriff, and/or district attorney) have spent time and money securing that inmate's arrest and booking or conviction, resources that are largely wasted when the defendant or offender is freed and often re-arrested for another crime. Lane County District Attorney Alex Gardener supported the levy before the Board of Commissioners even though his department will receive none of the proceeds. He provided the following comparative statistics on the level of jail resources. If the levy is approved, the county would have 18 jail beds per 1,000 reported crimes, far less than the Oregon average of 54 jail beds and national average of 84 jail beds per 1,000 reported crimes.

The Lane County Department of Youth Services (DYS) operates the Juvenile Justice Center on the John Serbu Campus. The DYS provides assessment, probation, training, counseling and detention services for youth, ages 12-17, referred by local law enforcement be-

cause of criminal behavior. Although the Juvenile Justice Center has the capacity to house 96 juveniles for detention or treatment, the latest round of budget cuts has left the latest round of budget cuts has left only 16 slots open, 8 for detention and 8 for treatment.

Lane County officials and community members, including the League, recognize that incarceration is vital for public safety but only one aspect of a balanced system, which should also address some of the root causes of criminal behavior such as mental illness and drug and alcohol addictions. However, voters have refused to support such measures in the past. Commissioners will soon consider a staff-prepared draft of a 2023 Public Safety Rebuild Plan, which is expected to outline specific steps the county will need to undertake if it is to return the public safety structure to adequacy. The title of the plan suggests that it will take years to implement.

A BCC initiative currently in progress is the strategic plan, Property Crime Reduction by 2017. Some elements of the plan are already in place. However, a recent update on the plan's progress noted that the "closure of the jail beds and the reduction in patrol services will likely result in an increase in property crime." It also discussed the challenges of maintaining accurate data on property crime because of decreases in funding to the LCSO.

EFFECTS OF COMPRESSION: The property taxes collected from the proposed local option levy are expected to be limited as a result of an arcane feature of the Oregon property tax system known as compression. Compression restrictions result from two Oregon constitutional amendments adopted by the voters: Measure 5 in 1990 and Measure 50 in 1996.

The following explanation of compression and its potential effects on local governments appeared in a November 28, 2012 article by Greg Bolt in *The Register-Guard*: "Compression occurs when property taxes for a given property exceed a cap set in the state constitution that limits the amount of taxes imposed in two categories, education and everything else. If one of the two caps is exceeded, tax collections in that category must be held down, or compressed, to keep them under the cap, and that reduces the amount of money raised by tax levies. Local option levies are the first to be reduced by compression. That means that a new levy could push more properties into compression, lowering the amount collected by fire districts, cities or other local governments that already have local option levies in place."

Because of compression and declines in property fair market values, many local governments throughout the state cannot collect all the property taxes approved by their voters. According to the League of Oregon Cities, all 36 counties, half of the state's cities and 90% of school districts face compression. In 2011-12 counties lost \$34 million, cities lost \$28 million, and school districts lost \$74.5 million in property taxes.

-- by Pat Hocken and Sue Boyd

DISCUSSION QUESTIONS

1. A fully-functioning jail is the foundation of an adequate public safety system. Agree or disagree?
2. What should be included in a plan to rebuild Lane County's public safety system? What components should be given the highest priority?
3. What revenue sources in addition to property taxes should the county consider/pursue for funding public safety?
4. Do you expect that the establishment of a special revenue fund, the audit requirements, and the assurances of a consistent operation of 255 adult jail beds and 32 juvenile beds will encourage voters to support the levy? Why or why not?

The following was approved by the Board of Commissioners February 12, 2013:

BEFORE THE BOARD OF COMMISSIONERS OF LANE COUNTY, OREGON ORDER
NO: 13-02-12-06

IN THE MATTER OF REFERRING A FIVE-YEAR LOCAL OPTION LEVY TO THE VOTERS OF LANE COUNTY TO RESTORE JAIL BEDS AND CRITICAL YOUTH TREATMENT SERVICES

WHEREAS, jail operations and youth services are currently funded by the discretionary general fund, as well as federal and state revenues, local fees, and grants, through the annual budget process which appropriates these multiple revenue sources; and

WHEREAS, Lane County's federal revenue from public lands has declined from annual payments of \$42M to \$2.5M during the past six years; and

WHEREAS, the General Fund portion of that revenue has declined from \$15M to \$1.5M during that same time period; and

WHEREAS, sixty-six percent of the discretionary general fund pays for services considered part of the Lane County public safety structure; and

WHEREAS, this precipitous decline has led to staffing cuts to all services that utilize General Fund, but has hit the public safety departments more severely, including the Office of the District Attorney, Sheriff's Office, and Department of Youth Services; and

WHEREAS, Lane County has reduced expenditures in part by reducing county paid health care benefits to all employees and reorganizing/combining departments to ensure the efficient use of taxpayer dollars; and

WHEREAS, a multitude of Lane County residents have testified to the Board of Commissioners that they expect the first priority of their local government is to ensure public safety; and

WHEREAS, Oregon tax policies limit temporary property tax increases from occurring without a vote of the local electorate; and

WHEREAS, individual Commissioners, the Lane County Sheriff, and the District Attorney have held extensive community meetings and information sessions about the public safety situation; and

WHEREAS, it is unlikely that Lane County's federal revenue from public lands will increase at any point in the foreseeable future because the United States Congress is unlikely to agree upon policies and/or appropriations that fulfill the promises made when perpetual public land ownership was initially proposed; and

WHEREAS, Lane County voters have consistently rejected attempts to provide revenue for broad sets of service programs related to public safety;

NOW, THEREFORE, IT IS HEREBY ORDERED that the Lane County Board of Commissioners directs the Administrator to forward the proposed ballot language for a five year local option levy, attached hereto as Exhibit A, the contents of which are incorporated herein, to the County Clerk for review and placement on the May 2013 election for the purposes of funding jail and youth services; and,

BIT IS FURTHER ORDERED, that if this measure passes, the Administrator shall direct appropriate staff to create a special revenue fund to account for all revenue collected in order to ensure the use of such revenue for the specific purposes described herein and in the ballot measure; and

IT IS FURTHER ORDERED, that if this measure passes, the Board of County Commissioners shall continue to appropriate Discretionary General Funds to fund jail services which together with the new revenue from the levy will provide for the consistent operation of at least 255 local adult jail beds, 8 youth detention beds and 8 youth treatment beds* for critical youth services for the duration of the temporary levy; and

IT IS FURTHER ORDERED, that the Board of County Commissioners shall strive to act consistently with the Board's approved motion at its regularly convened Board meeting on February 12, 2013, suggesting jail operations shall receive approximately 91% the amount collected from the levy, and critical youth services shall receive approximately 9% of the amount collected from the levy; and

IT IS FURTHER ORDERED, that the Board of County Commissioners shall receive external audit reports which will include analysis of annual revenues collected and expenses incurred for the provision of the minimum 255 local jail beds and critical youth services throughout the duration of the levy. The first audit report shall be received no later than June 2014 to report on the first six months of operations, followed by annual audits each year beginning December 2014 and ending December 2018.

*This statement is in error, based on earlier information. The actual number of juvenile slots to be supported by the proposed levy and existing general fund revenues is 16 detention beds and 16 treatments for a total of 32 beds. This was correctly reported by *The Register Guard* and the *Eugene Weekly* and confirmed with a Lane County source.

Lane County Jail Levy Ballot Measure

Caption: Restores jail and critical youth services, a five-year levy

Question: Shall Lane County restore jail beds and critical youth treatment services by levying \$0.55 per \$1,000 assessed valuation, commencing 2013. This measure may cause property taxes to increase more than three percent.

Summary: Passage of this measure will allow Lane County Sheriff Tom Turner to: Maintain a minimum of 255 local jail beds for the five year period. Increased jail capacity will substantially improve the Sheriff's ability to hold those accused or convicted of violent crimes until their cases are resolved. Provide additional counseling, secure treatment and detention services for Lane County youth offenders. This will ensure that more community offenders will receive treatment services.

The funds generated by the this tax must be placed into a restricted special revenue fund specifically earmarked for jail and youth services. An external auditor will annually present in a public forum an independent audit report to the Sheriff and the Lane County Board of Commissioners to ensure accountability.

After five years, this tax rate automatically sunsets, unless re-approved by Lane County voters. This measure generates revenue for five years beginning in 21013 and for the median home in Lane County, valued at \$154,809, the annual tax payment will increase by \$85.

The estimated tax which would be raised by this levy are 2013/14 fiscal year, \$15.3 million; 2014/15, \$15.6 million; 2015/16, \$15.9 million; 2016/17, \$16.2 million; 2017/18, \$16.5 million; five-year total of \$79.5 million.