



ASSOCIATION OF COMMUNITY CORRECTIONS DIRECTORS

Community Corrections: What Triggers an “Opt-Out” Situation for Community Corrections Services?

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ORS 423.483 provides answer for the above question and is described as “Baseline funding; basis on which county can discontinue participation.” As articulated in this ORS counties may discontinue Community Corrections services if the funding falls below the baseline (defined as the “current service level”) as determined through the budget building, formula calculation, and a capitated rate. Essentially the capitated rate per offender in each county determines each county’s biennial share based on predetermined variables and calculation. If the statewide funding falls below this current service level then any county may discontinue participation and return services back to the State of Oregon. This process as outlined within ORS 423.483, allows a 6 month window of transition and the monies available for community corrections operations revert to the Department of Corrections. To put this in context, we could realize a decrease or increase in funding based on decline or growth of the statewide supervised population. In other words, if we were expected to provide services to another identified group of offenders the budget would grow accordingly. Otherwise, counties could choose to opt-out.

- **History of the Opt-Out:** During the budget crisis of the 2003-2005 biennium funding fell below the current service level. As a result, two counties elected to opt-out of their community corrections services and the Department of Corrections took responsibility. Douglas and Linn counties are still under the responsibility of the Department of Corrections. It should also be noted that during the final months of the 2007-2009 biennium, there was another opportunity for counties to opt-out as the funding level during the last quarter was below the current service level. There were no counties who elected to take the opt-out during this period.
- **HB 3508:** This House Bill reduced the work load to Community Corrections through several changes in the law. Measure 57 will have a period of suspension, limits of 60 days of incarceration for probation revocation, reduced terms of active post prison supervision for supervisory authority cases, the possibility to earn inactive supervision status for probationers, and a potential increase from 20% to 30% earned time credit for eligible inmates. These reductions in work load are consistent with the level of funding identified for this biennium and, as a result, the opt-out is not a possibility. The current funding level is equal to the current service level, or workload.
- **Changes in Workload will require Funding Adjustments:** Under ORS 423.483, to avoid the opt-out, changes in the workload will require a change in the funding level. If an increased number of offenders are served as a result of legislative changes, the funding level should increase. If the funding is not equal to the “current service level” as described earlier, counties have the choice to discontinue participation as described in ORS