

Senate Bill 158

Sponsored by Senator MONNES ANDERSON (Presession filed.)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Authorizes Oregon Youth Authority to contract with cities to administer juvenile corrections programs and services.

A BILL FOR AN ACT

1
2 Relating to contract authority of the Oregon Youth Authority; amending ORS 420.017, 420.019,
3 420A.010, 420A.145 and 420A.155.

4 **Be It Enacted by the People of the State of Oregon:**

5 **SECTION 1.** ORS 420A.010 is amended to read:

6 420A.010. (1) The Oregon Youth Authority is established. The youth authority shall:

7 (a) Supervise the management and administration of youth correction facilities, state parole and
8 probation services, community out-of-home placement for youth offenders committed to its legal
9 custody and other functions related to state programs for youth corrections;

10 (b) Provide capital improvements and capital construction necessary for the implementation of
11 all youth correction facilities;

12 (c) Carry out dispositions of youth offenders committed to its legal custody;

13 (d) Exercise custody and supervision over those youth offenders committed to the youth au-
14 thority by order of the juvenile court and persons placed in the physical custody of the youth au-
15 thority under ORS 137.124 or other statute until the time that a lawful release authority authorizes
16 release or terminates the commitment or placement;

17 (e) Provide adequate food, clothing, health and medical care, sanitation and security for confined
18 youth offenders and others in youth authority custody;

19 (f) Provide youth offenders and others in youth authority custody with opportunities for self-
20 improvement and work; and

21 (g) Conduct investigations and prepare reports for release authorities.

22 (2) To meet the individual circumstances of each person committed to its custody, the youth
23 authority shall:

24 (a) Develop a flexible fee-for-service provider system that can respond quickly to each person's
25 identified and changing circumstances; and

26 (b) Develop a process for joint state, *[and]* county **and city** review of contracts entered into
27 under subsection (6)(b) of this section and paragraph (a) of this subsection based on:

28 (A) Measurable outcomes, which must include in dominant part the reduction of future criminal
29 or antisocial conduct and which also must include:

30 (i) Academic progress;

31 (ii) Social adjustments;

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

- 1 (iii) Behavioral improvements;
2 (iv) Rearrests; and
3 (v) Other measurements as determined by the youth authority;
4 (B) Performance measurements including:
5 (i) Fiscal accountability;
6 (ii) Compliance with state and federal regulations;
7 (iii) Record keeping, including data collection and management; and
8 (iv) Reporting; and
9 (C) Provision of services identified under the reformation plan.

10 (3) In order to measure performance as required in subsection (2) of this section, the youth au-
11 thority shall require parties to the contracts to compile, manage and exchange data to the extent
12 of available information systems resources to facilitate the measurement of outcomes including, but
13 not limited to, reduction in future criminal or antisocial conduct.

14 (4) The youth authority may administer a program of state assistance to counties for the con-
15 struction and operation of local youth detention facilities or to purchase detention services.

16 (5) The youth authority shall accept and exercise legal or physical custody of youth offenders
17 and others 12 years of age and over and under 25 years of age who are committed to, or placed with,
18 the youth authority pursuant to:

- 19 (a) A juvenile court adjudication and disposition under ORS chapter 419C; or
20 (b) ORS 137.124.

21 (6)(a) The youth authority shall cooperate with and assist [*county governments*] **cities, counties**
22 and juvenile departments in carrying out the principles and purposes of the juvenile justice system
23 as provided in ORS 419C.001.

24 (b) The youth authority is authorized to contract with **cities, counties, groups of counties or**
25 private providers to administer juvenile corrections programs and services as provided in ORS
26 420.017, 420.019, 420A.145 and 420A.155 (1) to (4).

27 (c) The youth authority may provide consultation services related to the juvenile justice system
28 to local or statewide public or private agencies, groups and individuals or may initiate such con-
29 sultation services. Consultation services include, but are not limited to, conducting studies and
30 surveys, sponsoring or participating in educational programs and providing advice and assistance.
31 Nothing in ORS 419C.001 and 420A.005 to 420A.155 is intended to diminish the state's efforts to plan,
32 evaluate and deliver effective human services programs to youth offenders, either in a youth cor-
33 rection facility or on probation or parole. Therefore, the Oregon Youth Authority and the Depart-
34 ment of Human Services shall jointly develop and implement needed social and rehabilitative
35 services.

36 (7) The youth authority is the recipient of all federal funds paid or to be paid to the state to
37 enable the state to provide youth correction programs and services assigned to the Department of
38 Human Services prior to January 1, 1996.

39 (8) The youth authority shall report its progress in implementing the provisions of chapter 422,
40 Oregon Laws 1995, to the Legislative Assembly at each odd-numbered year regular session.

41 (9) The equal access provisions of ORS 417.270 apply to the youth authority's development and
42 administration of youth correction facilities, programs and services, including the development and
43 implementation of the statewide diversion plan described in ORS 420.017.

44 (10) The youth authority shall:

- 45 (a) Be cognizant of and sensitive to the issue of overrepresentation of minority youth offenders

1 in youth correction facilities;

2 (b) Endeavor to develop and operate, and require its subcontractors to develop and operate,
 3 culturally appropriate programs for youth offenders; and

4 (c) Keep data reflecting the ethnicity and gender of all youth offenders committed to its care.

5 (11) The youth authority is a designated agency as defined in ORS 181.010.

6 **SECTION 2.** ORS 420.017 is amended to read:

7 420.017. (1) The Oregon Youth Authority shall develop annually a plan for diversion of delin-
 8 quent youth from commitment to the youth correction facilities to alternative community services.

9 (2) The juvenile departments shall develop a plan for services needed to divert the commitment
 10 of youth from the youth correction facilities, and how these services are to be administered if funds
 11 are provided. The plan must be approved in the form of a resolution by the governing body of the
 12 appropriate **city or** county and of a letter of concurrence from the presiding judge for the judicial
 13 district in which the juvenile court is located.

14 (3) The youth authority shall develop and implement a statewide diversion plan after taking the
 15 local juvenile departments' plans into consideration and after consulting with affected service pro-
 16 viders.

17 **SECTION 3.** ORS 420.019 is amended to read:

18 420.019. (1)(a) The Oregon Youth Authority may contract with the governing body of a **city or**
 19 county, or **the governing bodies of** two or more **cities or** counties[,] if the **cities or** counties have
 20 joined together as a consortium or region, for implementing the statewide diversion plan, which may
 21 include juvenile parole and probation services or out-of-home placement.

22 (b) [A] **Any city or** county [*or counties that contract*] **that contracts** with the Oregon Youth
 23 Authority under this section shall have access to a continuum of out-of-home placement options in-
 24 cluding, but not limited to, youth correction facilities, youth care centers, foster care and private
 25 placements. Participating **cities and** counties shall be ensured access to an equitable share of out-
 26 of-home placements.

27 (c) [A] **Any city or** county [*or counties that contract*] **that contracts** with the Oregon Youth
 28 Authority under this section [*have*] **has** the responsibility for parole decisions regarding youths from
 29 the **city or** county [*or counties*] committed to youth correction facilities. In the event that a **city**
 30 **or** county [*or counties are*] **is** operating over the allocated youth correction facility cap, the youth
 31 authority may assume parole authority until the **city or** county population is at the cap.

32 (d) The state and **any city or** county may agree that the governing body of the **city or** county
 33 [*or counties*] may subcontract for services or that the state will provide services or that the **city**
 34 **or** county [*or counties*] may subcontract for some services and the state provide other services as
 35 stipulated in the contract with the youth authority.

36 (e) When services previously provided by the Oregon Youth Authority [*transfer*] **are trans-**
 37 **ferred** to a **city or** county [*or counties*], terms of the contract must include, but need not be limited
 38 to, the actual cost of employee salaries, benefits and other payroll expenses, plus support costs
 39 necessary for the transferred positions.

40 (f) The youth authority is responsible for performance auditing of contracts and subcontracts.

41 (g) The youth authority shall contract directly with service providers in those **cities or** counties
 42 where the governing body of the **city or** county [*or counties*] chooses not to contract with the youth
 43 authority.

44 (h) The funds provided to implement the diversion plan or provide for out-of-home placement or
 45 parole and probation services [*shall*] **may** not be used by a **city or** county to supplant moneys oth-

erwise provided to the county juvenile department for services to delinquent youth.

(2)(a) Unless otherwise provided in the contract, a **city or** county that is contracting with the youth authority under subsection (1) of this section shall supervise state employees providing parole and probation services within the **city or** county.

(b) Subject to a collective bargaining agreement, supervision under this subsection includes discipline, performance evaluation, training and all other functions previously carried out by state employed supervisors.

SECTION 4. ORS 420A.145 is amended to read:

420A.145. (1) The Oregon Youth Authority may establish up to eight regional youth accountability camps.

(2) A regional youth accountability camp shall:

(a) Be based on a military basic training model that includes discipline, physical work, physical exercise and military drill;

(b) Provide for cognitive restructuring in conformance with generally accepted rehabilitative standards; and

(c) Include a drug and alcohol treatment component that meets the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357.

(3) The youth authority may contract with all of the governing bodies of the **cities or** counties in a region to administer cooperatively a regional youth accountability camp subject to the provisions of ORS 420.011, 420.014, 420A.108 and 420A.111 (5).

(4) The youth authority may contract with any private agency to administer a regional youth accountability camp subject to the provisions of ORS 420A.108 and 420A.111 (5).

SECTION 5. ORS 420A.155 is amended to read:

420A.155. (1) The Oregon Youth Authority may establish up to four regional residential academies.

(2) A regional residential academy shall:

(a) Provide a secure, closed residential campus;

(b) Provide year-round education, job and life skills training, vocational training and apprenticeship programs; and

(c) Include a drug and alcohol treatment component that meets the standards promulgated by the Oregon Health Authority pursuant to ORS 430.357.

(3) The youth authority may contract with all of the governing bodies of the **cities or** counties in a region to administer cooperatively a regional residential academy subject to the provisions of ORS 420.011, 420.014, 420A.108 and 420A.111 (5).

(4) The youth authority may contract with any private agency to administer a regional residential academy subject to the provisions of ORS 420A.108 and 420A.111 (5).

(5) The Director of the Oregon Youth Authority is solely responsible for determining which persons committed to, or placed in the physical custody of, the youth authority are eligible to participate in, and are accepted for, a regional residential academy. The juvenile court may recommend to the Oregon Youth Authority that a youth offender be placed in a regional residential academy, but the recommendation is not binding on the youth authority.