



Multnomah County Oregon

Board of Commissioners & Agenda

connecting citizens with information and services

REVISED

BOARD OF COMMISSIONERS

Ted Wheeler, Chair

501 SE Hawthorne Boulevard, Suite 600
Portland, Or 97214

Phone: (503) 988-3308 FAX (503) 988-3093

Email: mult.chair@co.multnomah.or.us

Maria Rojo de Steffey, Commission Dist. 1

501 SE Hawthorne Boulevard, Suite 600
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Email: district1@co.multnomah.or.us

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AUGUST 19 & 21, 2008 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

| | |
|---|---|
| Pg 2 | 9:00 a.m. Tuesday Executive Session |
| Pg 2 | 10:00 a.m. Tuesday Public Safety Briefing |
| Pg 3 | 9:30 a.m. Thursday Public Comment |
| Pg 4 | 9:55 a.m. Thursday Ordinance Amending Code Related to N. Interstate Corridor Plan |
| Pg 4 | 10:00 a.m. Thursday Ordinance Amending Code Related to Portion of Killingsworth St. |
| Pg 4 | 10:05 a.m. Thursday Ordinance Amending Code Relating to County Flood Hazard Regulations |
| Pg 4 | 10:20 a.m. Thursday Code Compliance Program Briefing |
| Please Note: August 28 Meeting Cancelled | |

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Tuesday, August 19, 2008 - 9:00 AM
Multnomah Building, Sixth Floor Commissioners Conference Room 635
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, August 19, 2008 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Public Safety Briefing on (1) Options for the Use of Current Jail Space and (2) Potential Impacts of Ballot Measures 61 and 57 on the County's Plan to Open the Wapato Jail. Presented by Deputy Chief Operating Officer for Public Safety Peter Ozanne, Sheriff Bob Skipper, Department of Community Justice Director Scott Taylor, District Attorney and Presiding Circuit Court Judge Jean Maurer. 2 HOURS REQUESTED.
-

Thursday, August 21, 2008 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **DEPARTMENT OF COMMUNITY JUSTICE**

- C-1 Budget Modification DCJ-04 Reclassifying a Research/Evaluation Analyst 2 to a Data Analyst Senior in the Employees, Community & Clinical Services Division, as Determined by the Class/Comp Unit of Central Human Resources

- C-2 Budget Modification DCJ-05 Reclassifying a Community Justice Manager to a Program Manager 1 in the Employee, Community & Clinical Services Division, as Determined by the Class/Comp Unit of Central Human Resources

REGULAR AGENDA

PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

DEPARTMENT OF COUNTY MANAGEMENT – 9:30 AM

- R-1 RESOLUTION Approving Reimbursement to the County for County Sponsored Projects from Title III Funding for Fiscal Year 2008 and Authorizing Expenditures for Fiscal Year 2009
- R-2 RESOLUTION Declaring a Portion of the Property Located at 10615 SE Cherry Blossom Drive, Portland, Oregon to be Surplus and Approving a Real Property Sublease with the Oregon College of Oriental Medicine

DEPARTMENT OF COUNTY HUMAN SERVICES – 9:40 AM

- R-3 Aging and Disabilities Services Division NOTICE OF INTENT to Apply for a Technology and Low-Income Subsidy Outreach One-time Supplemental Grant from the State of Oregon Senior Health Insurance Benefits Assistance (SHIBA) Program
- R-4 Budget Modification DCHS-02 Increasing Aging and Disability Services Division Appropriation by \$1,200 to Reflect a Grant Received from the American Society on Aging/MetLife Foundation to Host a One-day MindAlert Training for Older Adults and Aging Professionals
- R-5 Budget Modification DCHS-04 Appropriating \$200,000 of County General Fund Contingency to Fund Program Offer 25090: Addictions Detoxification and Post-Detoxification Housing

DEPARTMENT OF HEALTH – 9:50 AM

- R-6 NOTICE OF INTENT to Submit a Proposal to the National Association of County and City Health Officials (NACCHO) for \$5,000 to Support the Health Department's Volunteer Health Reserve Corps Program

DEPARTMENT OF COMMUNITY SERVICES – 9:55 AM

- R-7 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to the North Interstate Corridor Plan in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-8 First Reading and Possible Adoption of an ORDINANCE Amending County Land Use Code, Plans and Maps to Adopt Portland's Recent Land Use Code, Comprehensive Plan and Map Revisions Related to Killingsworth Street between NE 14th to 17th Avenues in Compliance with Metro's Functional Plan and Declaring an Emergency
- R-9 First Reading of a Proposed ORDINANCE Amending MCC Chapter 29, Relating to County Flood Hazard Regulations
- R-10 Land Use and Transportation Briefing on Code Compliance Program Progress. Presented by Michael Grimmett, Bill Gotzinger and Karen Schilling. 20 MINUTES REQUESTED.

DEPARTMENT OF COUNTY MANAGEMENT – 10:40 AM

- R-11 NOTICE OF INTENT to Submit a Proposal for a \$45,000 Grant to the Oregon Department of Environmental Quality's Solid Waste Grant Program

BOARD COMMENT

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



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BOARD COMMENT

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MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 08/19/08
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 08/13/08

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: August 19, 2008 **Amount of Time Needed:** 15-55 minutes
Department: Non-Departmental **Division:** County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 **Ext.** 83138 **I/O Address:** 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. What action are you requesting from the Board?

No final decision will be made in the Executive Session.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.

3. Explain the fiscal impact (current year and ongoing).

4. Explain any legal and/or policy issues involved.

ORS 192.660(2)(d),(e)and/or(h)

5. Explain any citizen and/or other government participation that has or will take place.

Required Signature

**Elected Official or
Department/
Agency Director:**

Date: 08/13/08



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 08/19/08
Agenda Item #: B-1
Est. Start Time: 10:00 AM
Date Submitted: 08/12/08

Agenda Title: **Public Safety Briefing on (1) Options for the Use of Current Jail Space and (2) Potential Impacts of Ballot Measures 61 and 57 on the County's Plan to Open the Wapato Jail**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: August 19, 2008 **Amount of Time Needed:** 2 hours
Department: Chair's Office **Division:** Chair's Office
Contact(s): Peter Ozanne
Phone: 503 988-5777 **Ext.** 85777 **I/O Address:** 503/600
Presenter(s): Presented by Deputy Chief Operating Officer for Public Safety Peter Ozanne, Sheriff Bob Skipper, Department of Community Justice Director Scott Taylor, District Attorney and Presiding Circuit Court Judge Jean Maurer

General Information

1. What action are you requesting from the Board?

Receive briefings from the County's public safety officials and engage in preliminary policy discussions with those officials.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

Current jail bed usage presents the Board and the County's public safety officials with potential opportunities to improve the administration of criminal justice and the cost-effectiveness of the public safety system. The passage of Ballot Measure 61 or 57 may impact the county's plans to open the Wapato Jail.

3. Explain the fiscal impact (current year and ongoing).

The current decline in jail usage may provide opportunities for cost savings or for new programs in available jail space or with available savings. The demand for prison beds resulting from the passage of Ballot Measure 61 or 57 may provide an opportunity to support the opening and

continued operation of the Wapato Jail.

4. Explain any legal and/or policy issues involved.

Current jail bed usage provides options to (a) end or reduce double bunking, (b) close a dorm in MCDC or MCIJ, (c) open a work release program in MCDC or MCIJ, (d) increase reentry efforts or (e) open a sub-acute mental health facility. The passage of Ballot Measures 61 or 57 may create a demand for prison space that the Wapato Jail can provide.

5. Explain any citizen and/or other government participation that has or will take place.

6. The Board Briefing Agenda is attached.

Required Signature

Elected Official or
Department/
Agency Director:

Bill Fawer

Date: August 12, 2008

Chief Operating Officer

BOARD OF COUNTY COMMISSIONERS BRIEFING

**August 19, 2008
10:00 a.m. to 12:00 p.m.
Commission Boardroom
501 S.E. Hawthorne Blvd., Main Floor**

AGENDA

1. Introductions;
Purpose of the Briefing
Ted Wheeler
Peter Ozanne

2. Recent Developments in Jail Usage:
Perspectives of the County's Public
Safety Leadership

The Sheriff Sheriff Bob Skipper
Department of Community Justice Scott Taylor
The District Attorney Mike Schrunk
The Circuit Court Judge Jean Maurer

3. Roundtable Discussion of Potential
Responses to Current Jail Usage
 - Temporarily close a dorm in MCDC or MCIJ
 - Reduce double bunking
 - A Work Release Program in MCDC or MCIJ
 - A Reentry Program in MCDC or MCIJ
 - A Sub-Acute Mental Health Facility

4. Potential Impact of Ballot Measures 61 and 57
on the County's Plans to Open the Wapato Jail Sheriff Skipper
Scott Taylor
Peter Ozanne

5. Roundtable Discussion of the Potential Impact
of Ballot Measures 61 and 57

Jail Capacity and Trends

Sheriff Bob Skipper, Board
Briefing August 19, 2008

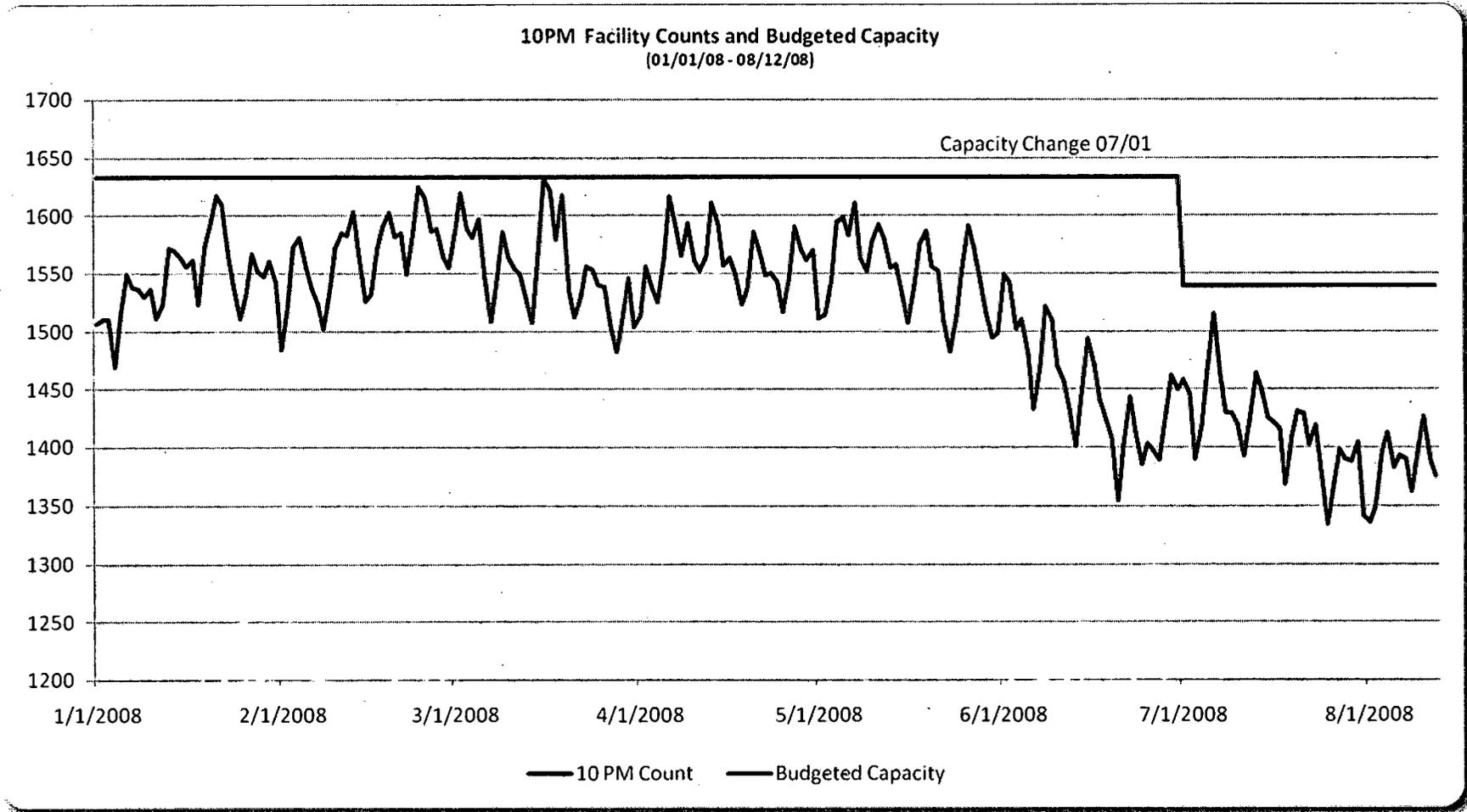
Overview of Presentation

- Provide an update since the last report on Capacity to the Board in May and Board Staff in June of 2008.
 - Percentage of capacity.
 - Benefits obtained from lower population levels.
 - Booking trends.
 - Release reasons.
 - Jail bed usage information.

Percentages of Capacity

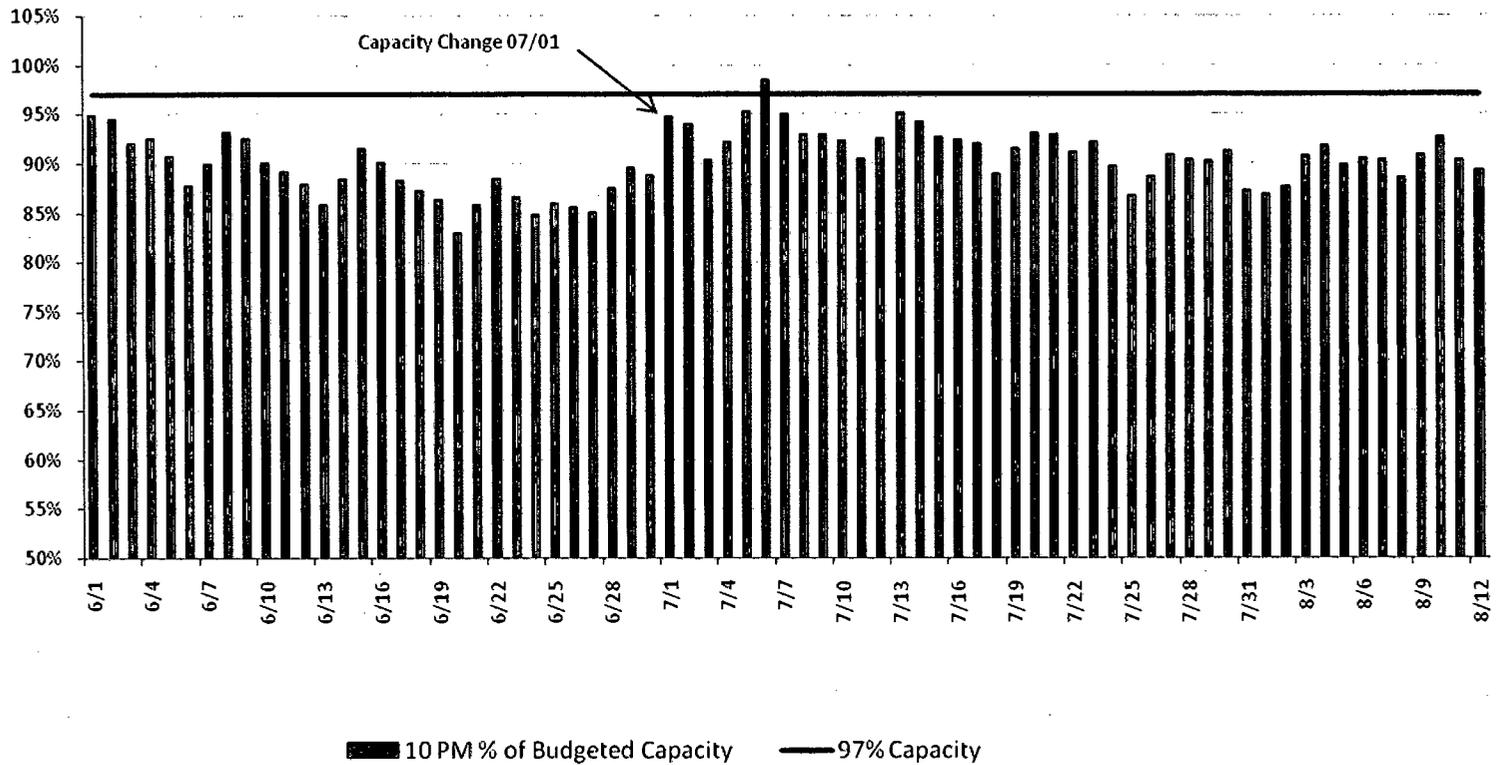
- Per Capacity Management Plan, 97% of 1539 beds is the emergency population level.
- This requires that 47 beds (3%) be empty to allow for new bookings and movement of offenders.
- 77 empty beds (5%) is the desired level for safe and effective management.

Population Data



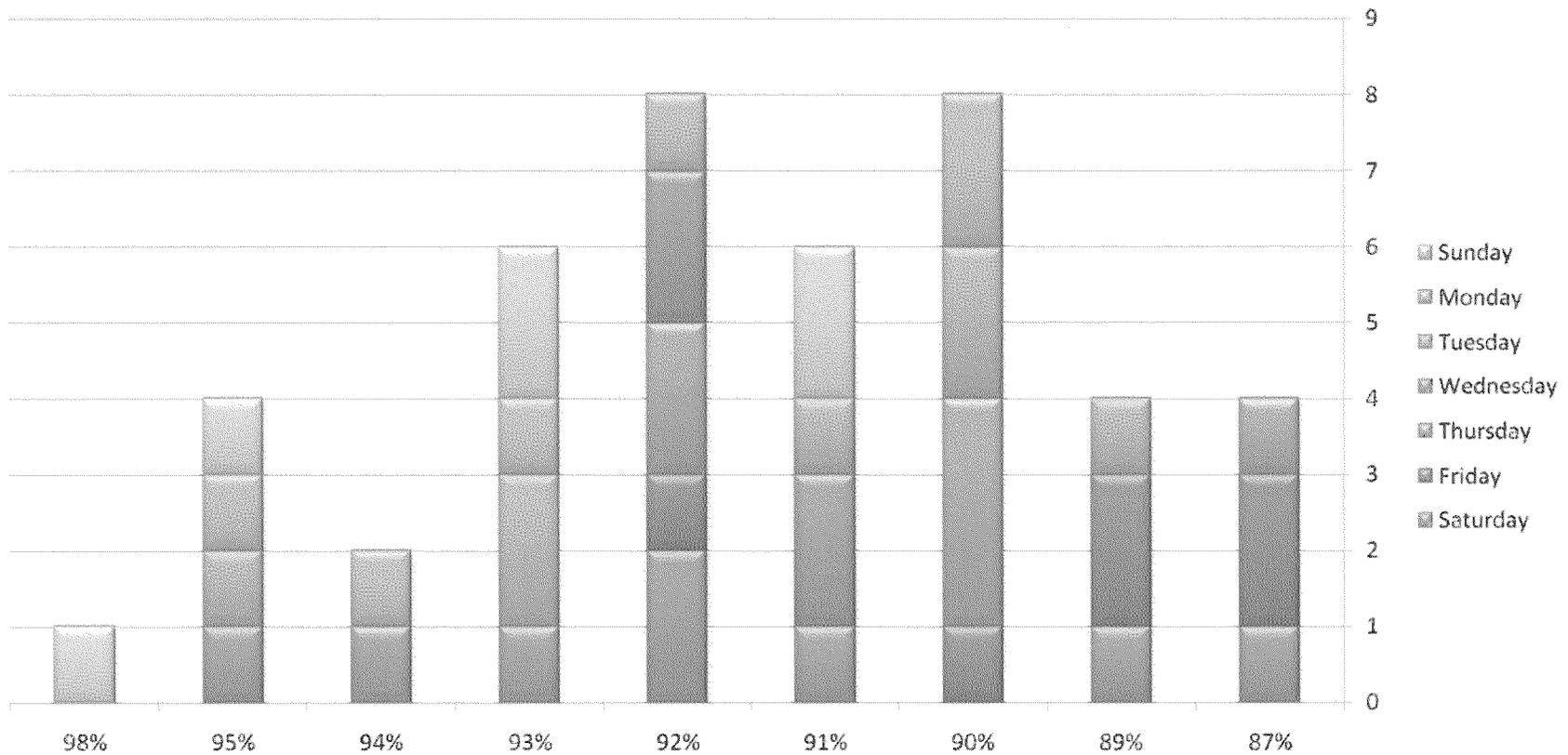
Population Data cont.,

Percent of Capacity In Use as of the 10 PM Count



Population Data cont.,

Percent of Capacity and Number of Occurences by day of the Week
(07/01/-08/12/2008)



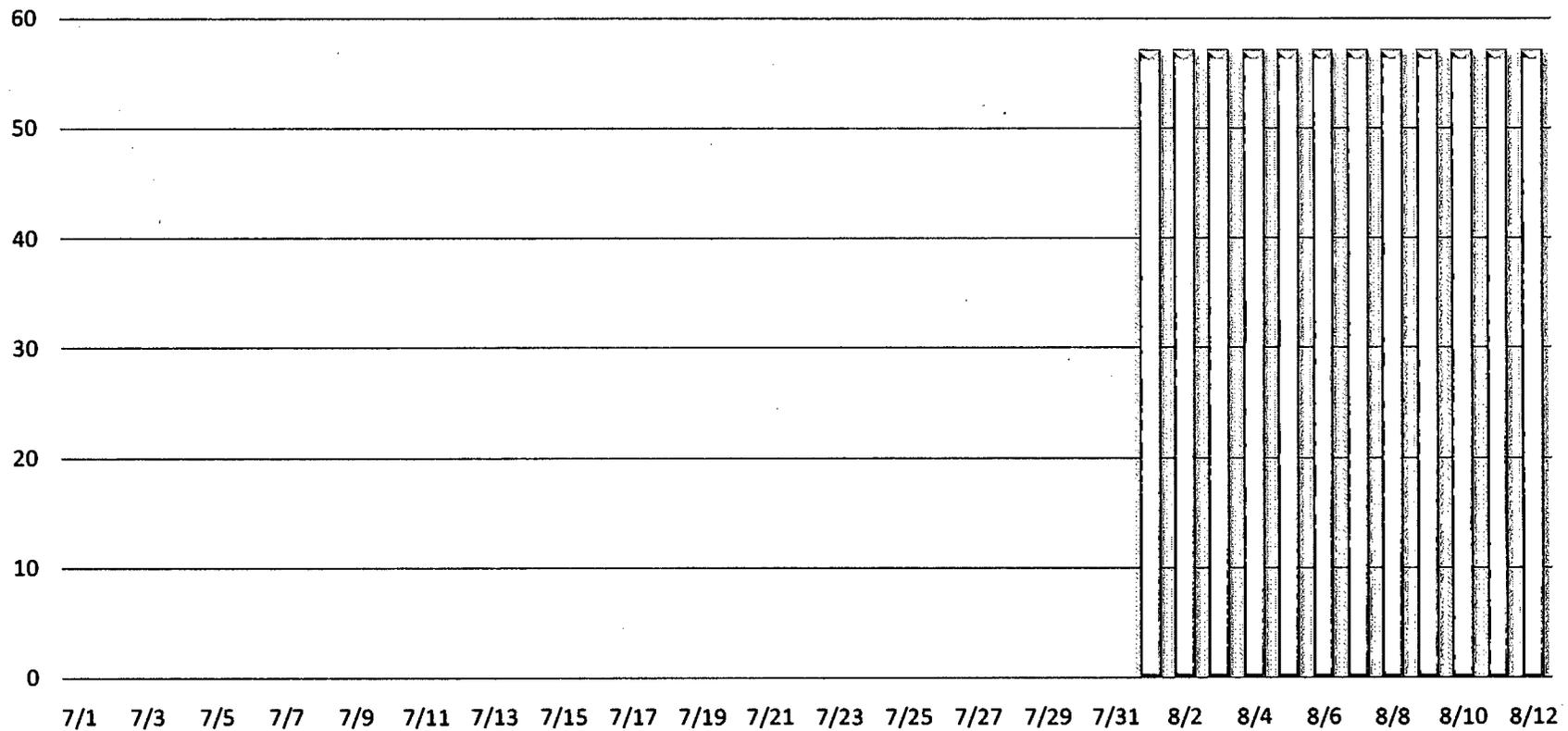
Benefits Obtained from Lower Population

- Less pressure increases safety within the institutions.
- Limit opportunities for overtime when population is low by closing posts (aggregating vacant beds and closing entire dorms or modules).
- No “1201 releases” or emergency population releases.

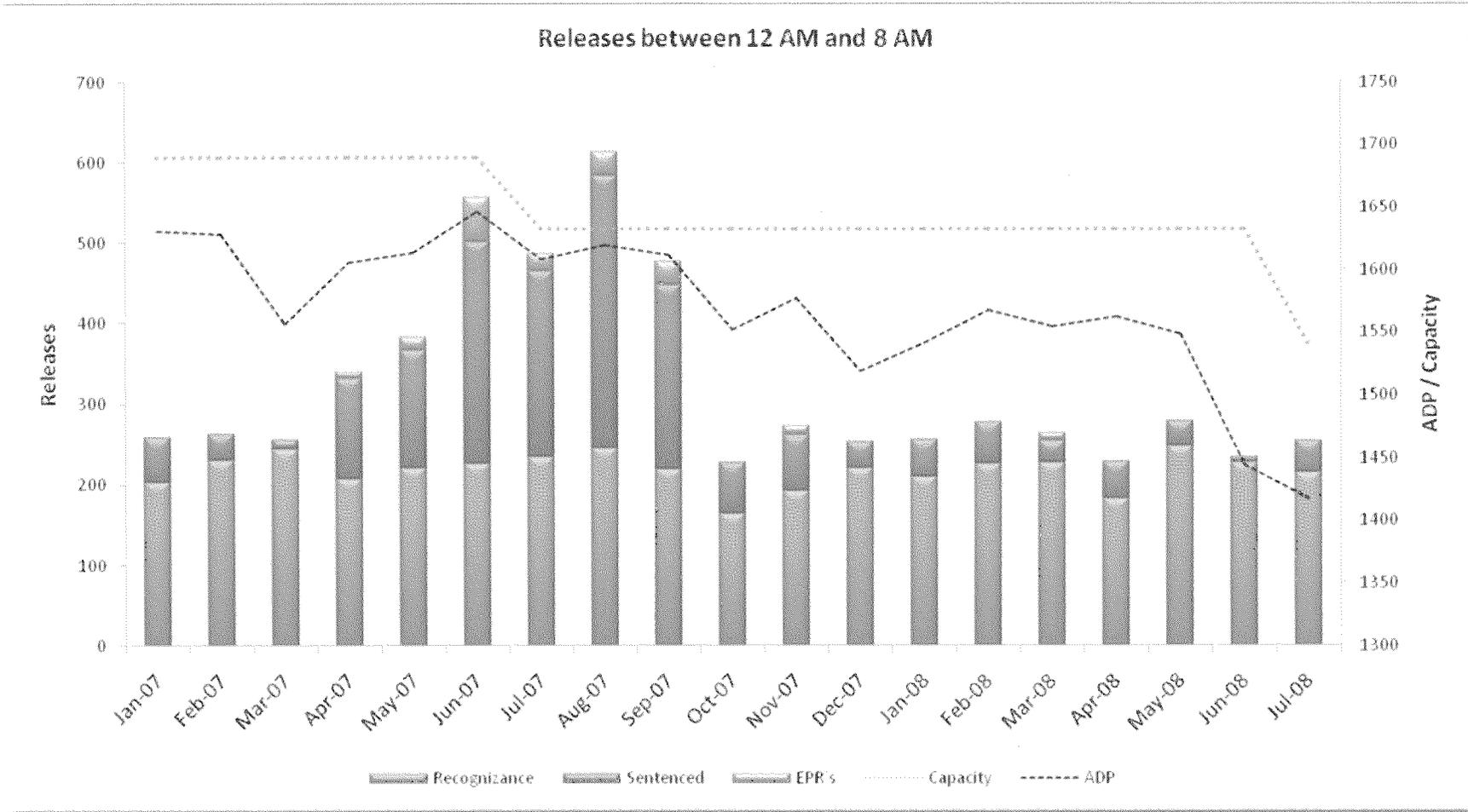
Temporary Bed Closures

Budgeted Beds Temporarily Closed

07/01 -08/12/2008

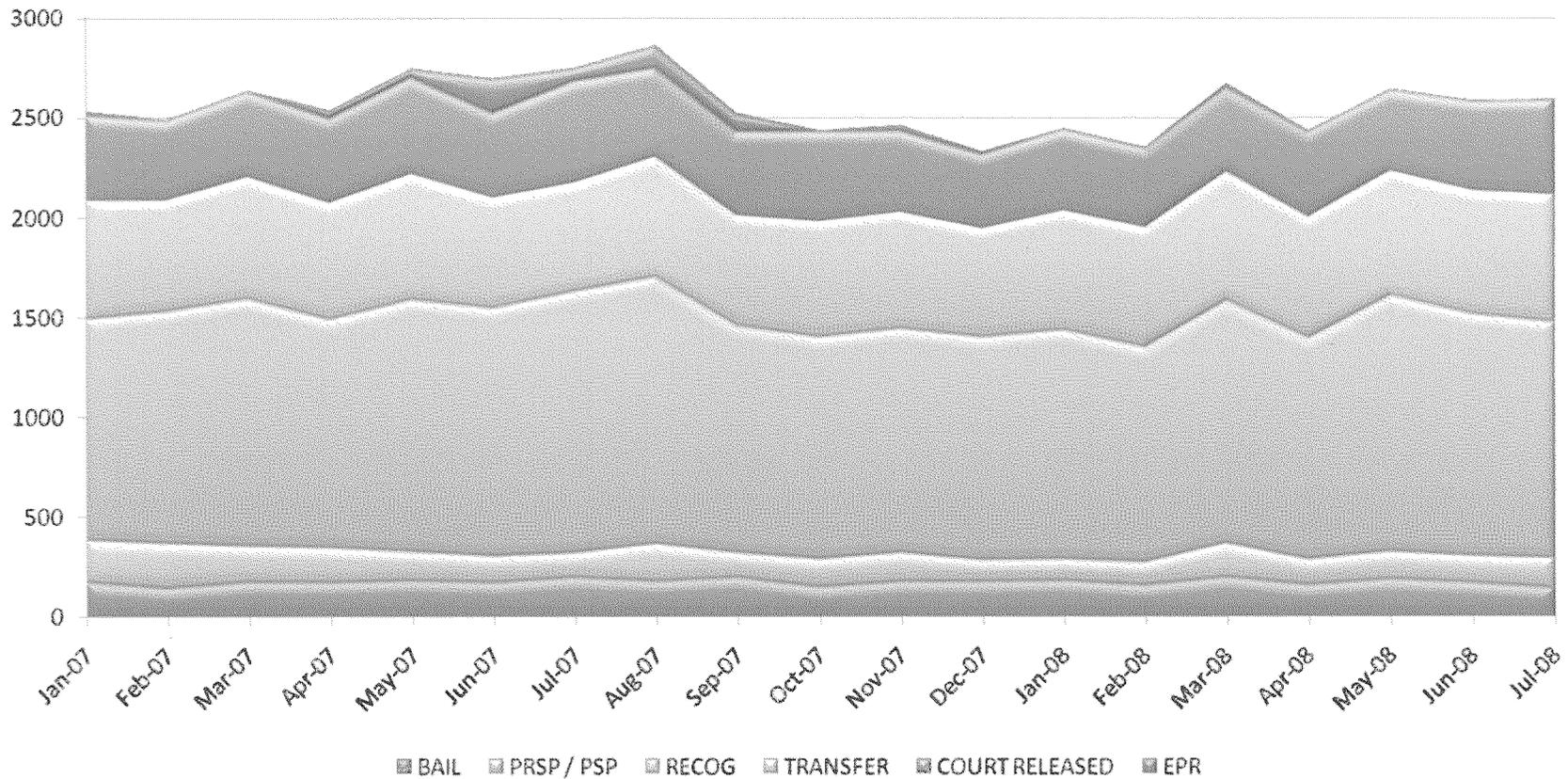


Early Morning Releases



Release Reasons

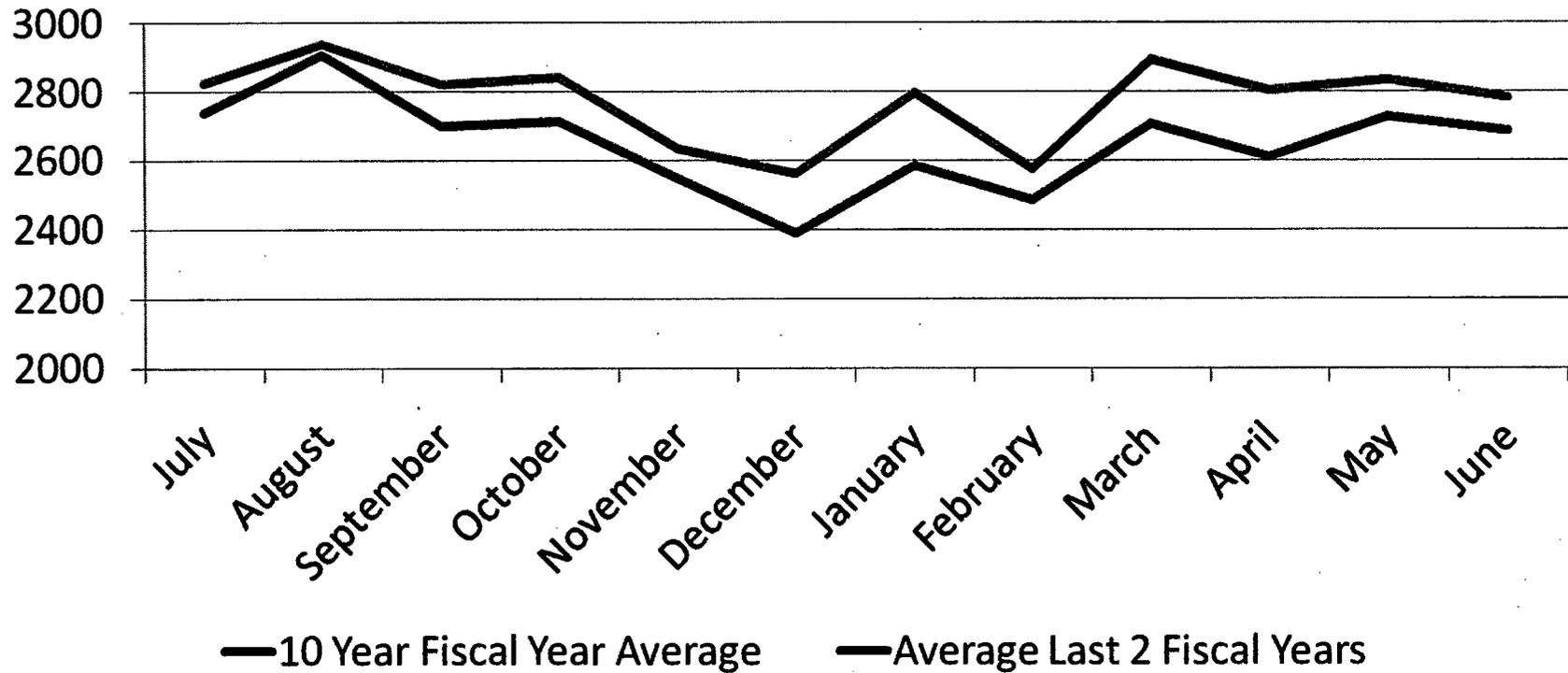
Top 6 reasons for Release



Booking Trends

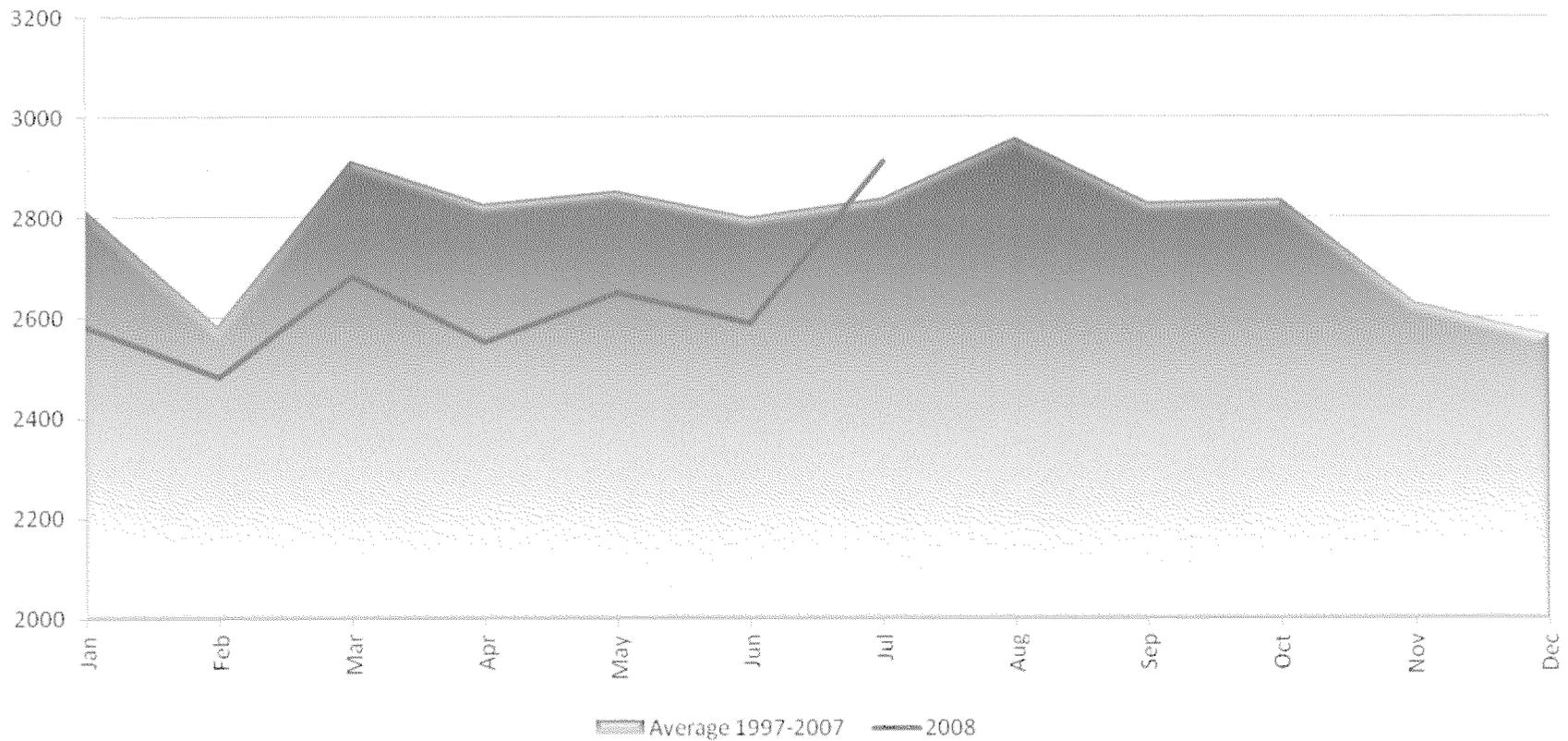
Comparison of Last 2 Fiscal Years (FY 06/07 and 07/08) Standard Bookings to 10 Year Average (FY 08/09 not included)

(Based on Fiscal Year)

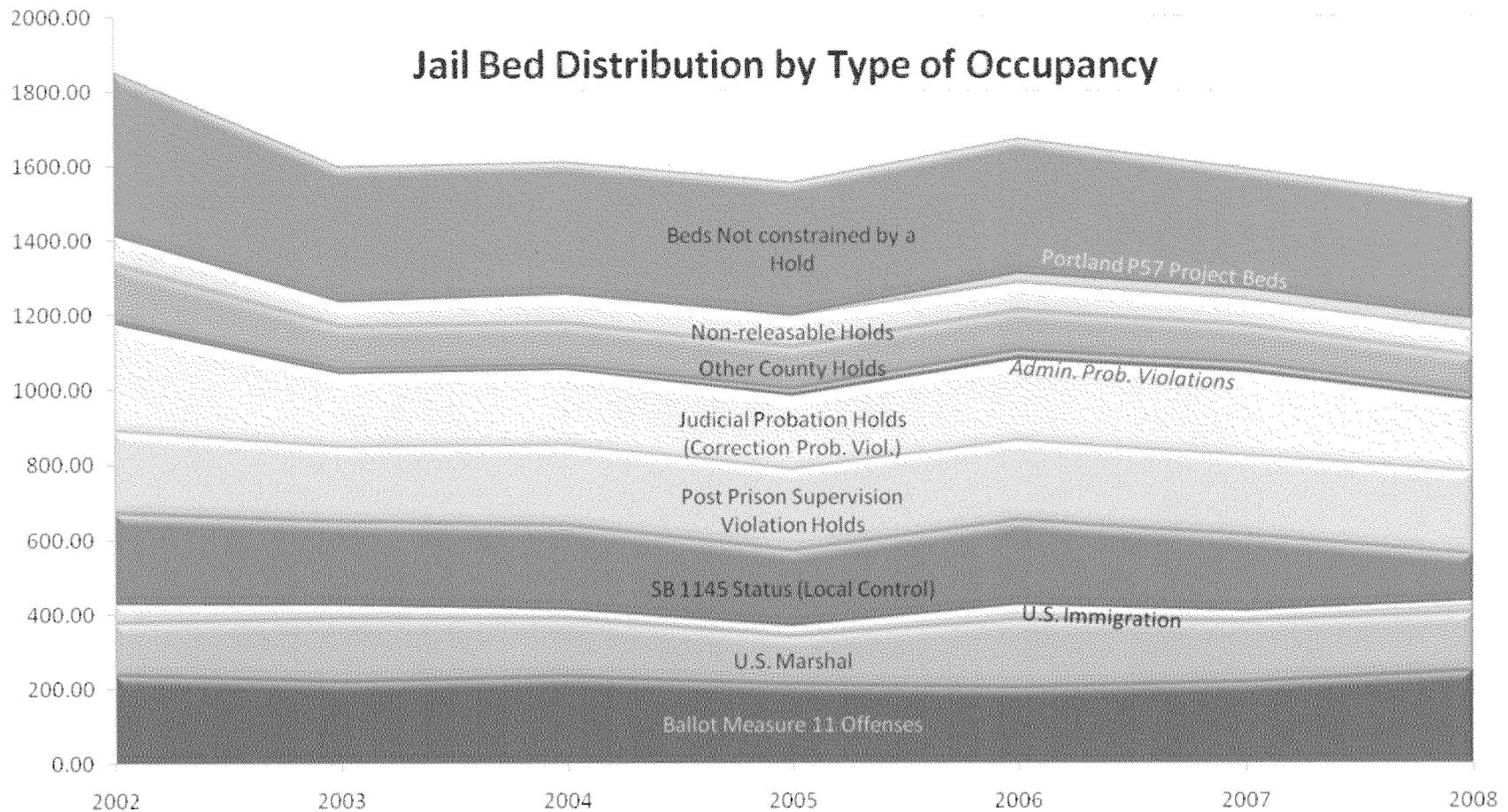


Booking Trends

2008 Standard Bookings vs. 10 Year Average
(Based on Calendar Year)

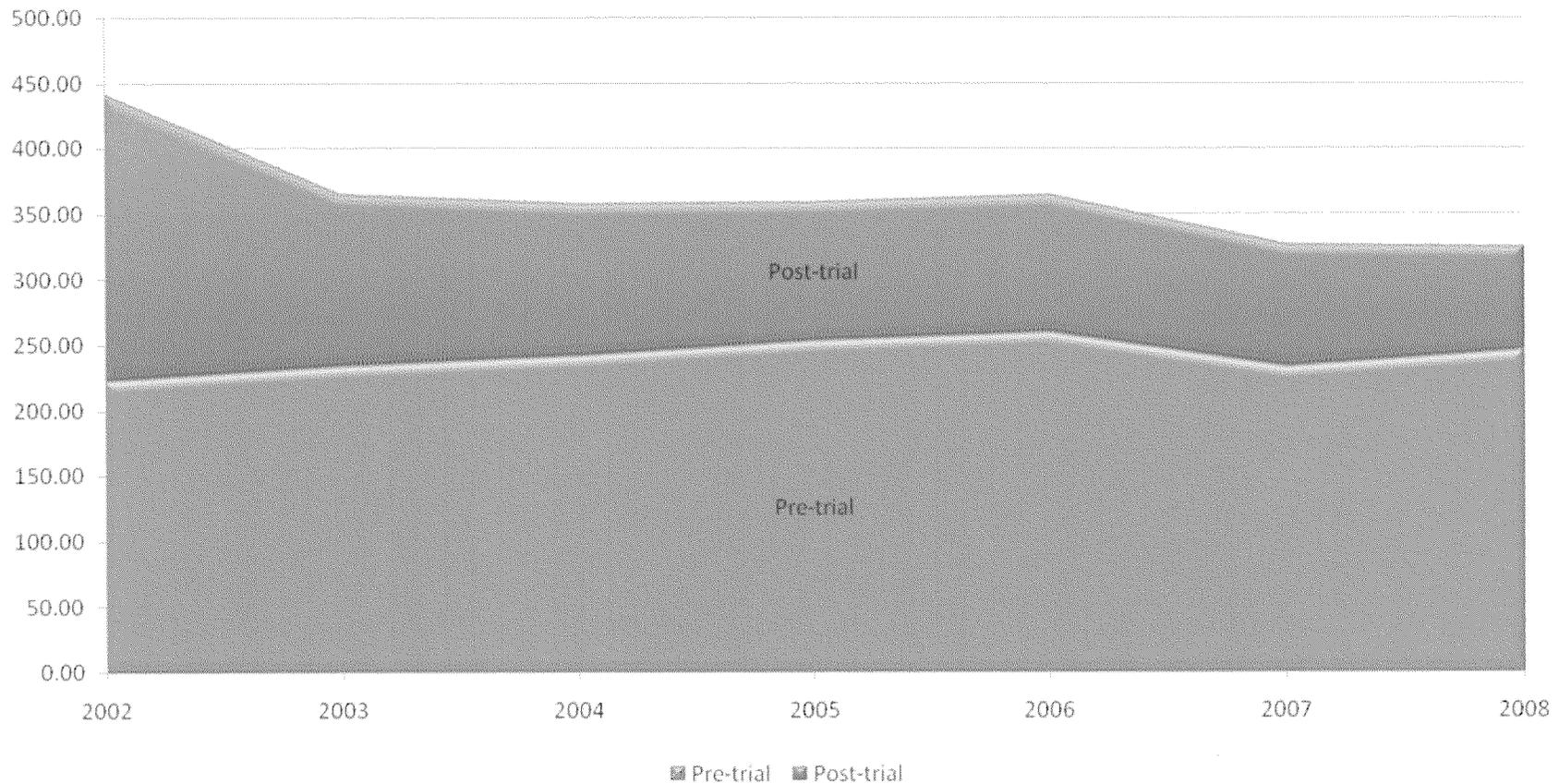


Jail Bed Usage Information



Jail Bed Usage Information cont.,

Unobligated Beds by Custody Type



Jail Bed Usage Information cont.,

- The largest change is occurring in the Local Control/SB 1145 population in jail.
 - In 2007 this category averaged 206 beds per day and this year the average to date is 128. This average includes data prior to DCJ's efforts to decrease their population.
- The current 2008 average for Ballot Measure 11 offenders is 248. Higher than any other year (205 in 2006, 235 in 2002).

Multnomah County Sheriff's Office

**Monthly Jail Statistics Report
July 2008**

AUGUST 11, 2008



**Robert Skipper
SHERIFF**

**503 988-4300 PHONE
503 988-4500 TTY**

www.mcso.us/public/

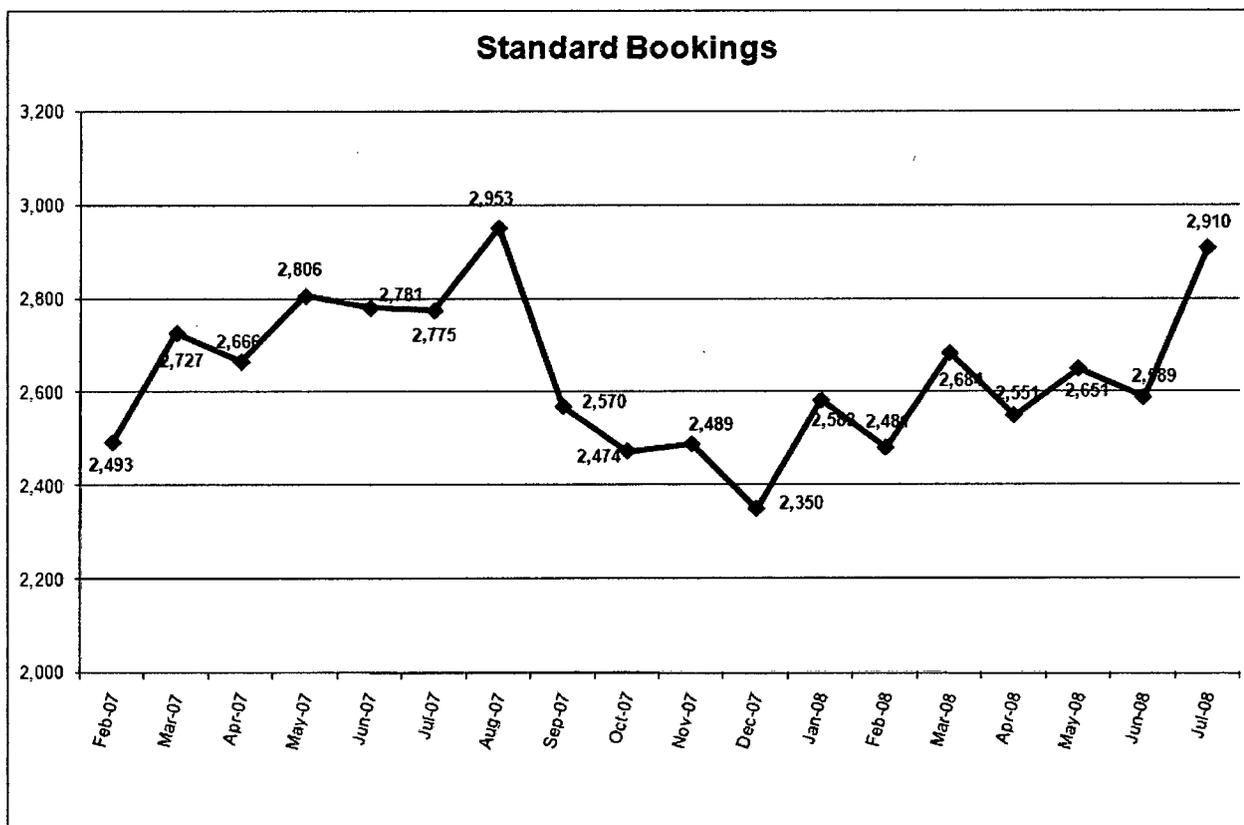
501 SE HAWTHORNE BLVD., Suite 350 • Portland, OR 97214

Multnomah County Monthly Jail Statistics July 2008

Standard bookings increased from less than 2600 in June to 2910 in July. However, TSI bookings dropped to their lowest level in 18 months, totaling just 226 for July. Cite & ID bookings also decreased, as did bookings under Portland Project 57 due to the change in contract with the City of Portland from 57 to 10 jail beds.

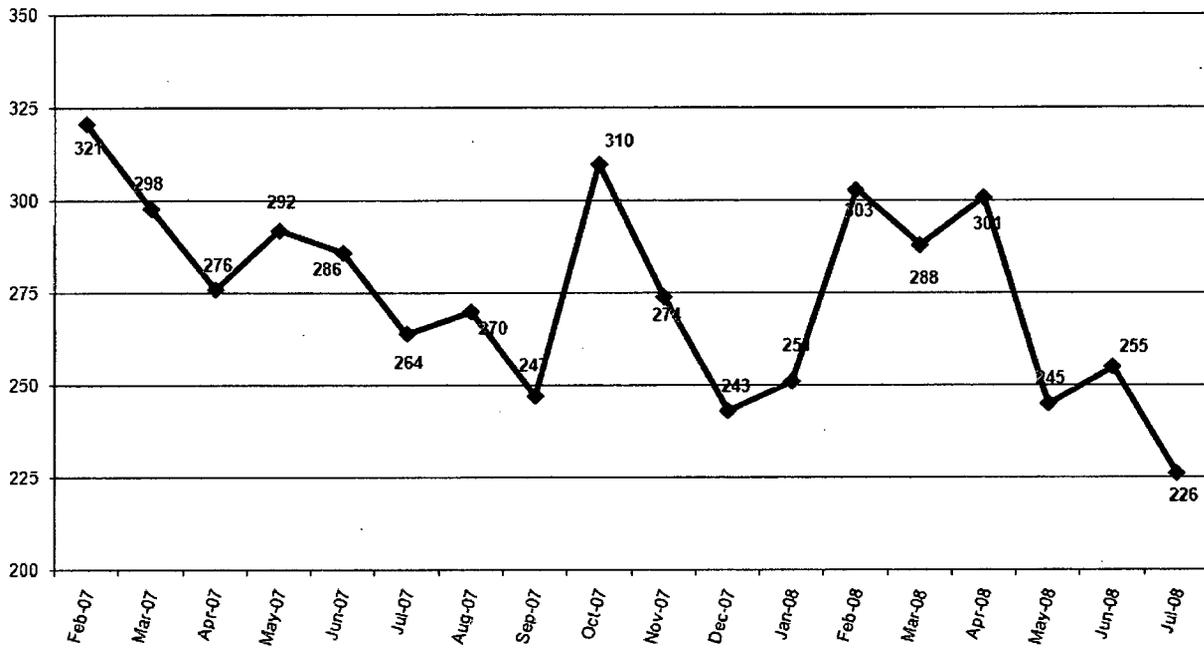
Total capacity was reduced from 1633 to 1539 on July 1 due to budget reductions. Multnomah County jails housed an average of 1418 inmates per day during July. Average length of stay dropped by more than a full day compared to June, declining from 17.9 days to 16.64 days.† There were no emergency population releases in July.

The number of inmates jailed pretrial, post trial and for holds remained relatively stable from July 1 to August 1. The count of inmates held pre-trial more than 150 days totaled 94, four fewer than the previous month. Inmates held pre-trial on murder-related charges remained at 57, with the number of those held two years or more totaling 6 on August 1.

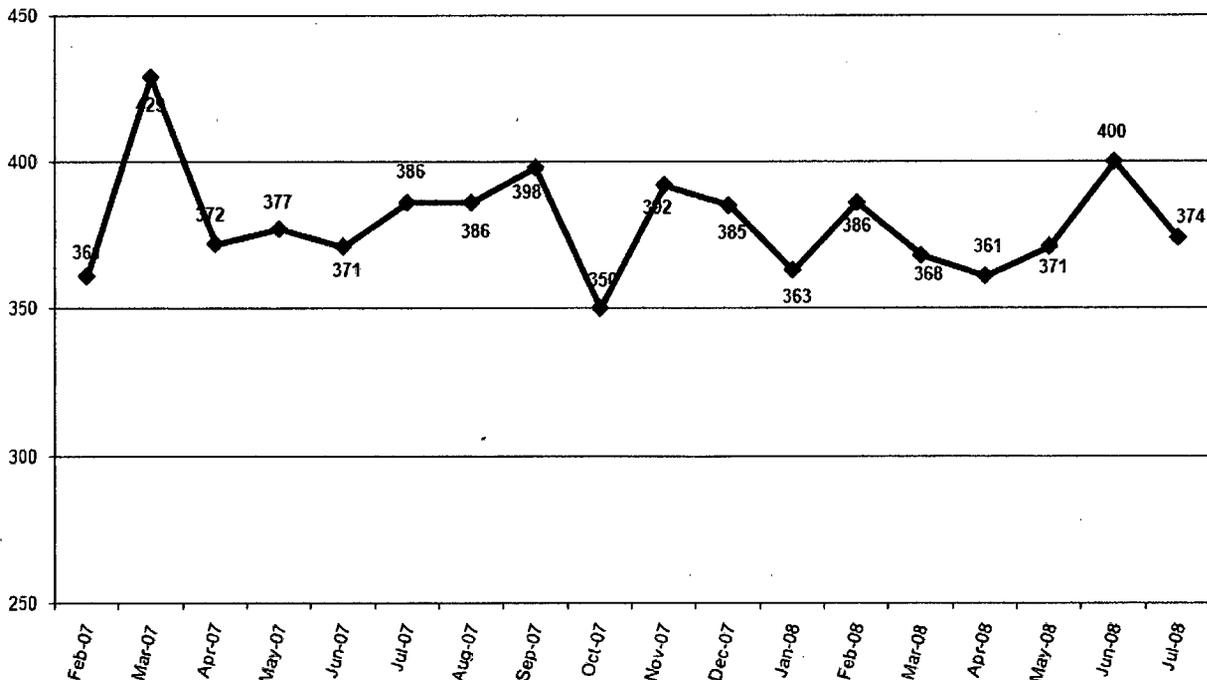


† For this month, booking, ADP, and ALS statistics are based on a sample of 26 of 31 days in July.

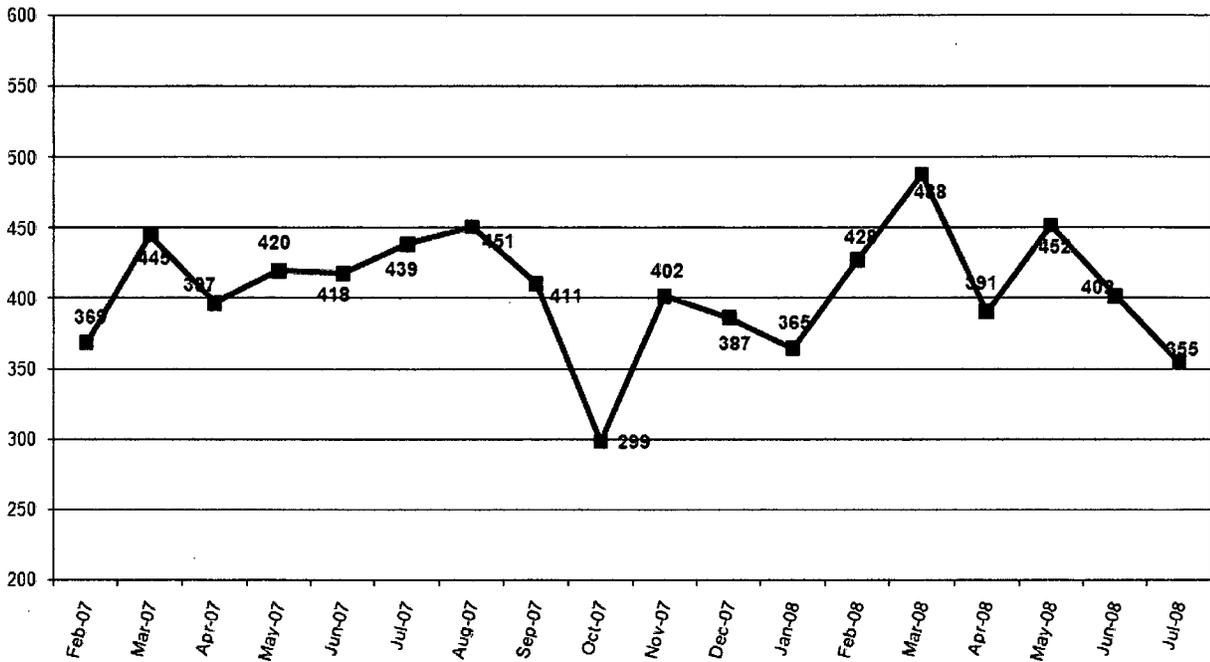
Turn-Self-In (TSI) Bookings



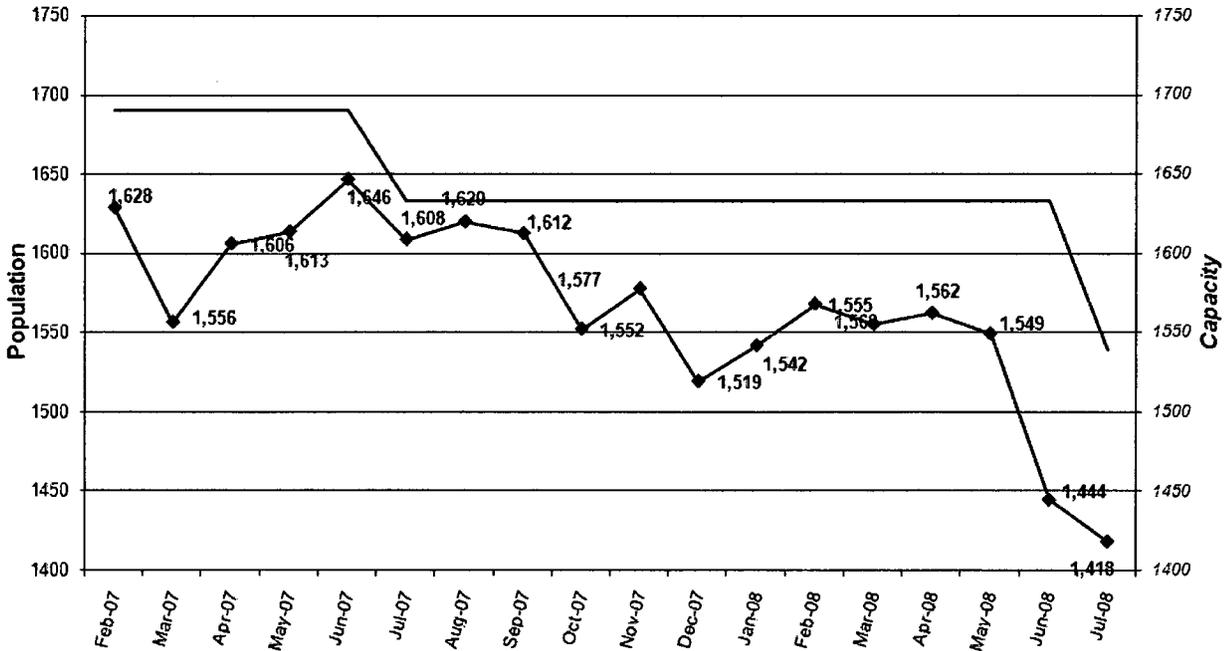
Cite & ID Bookings



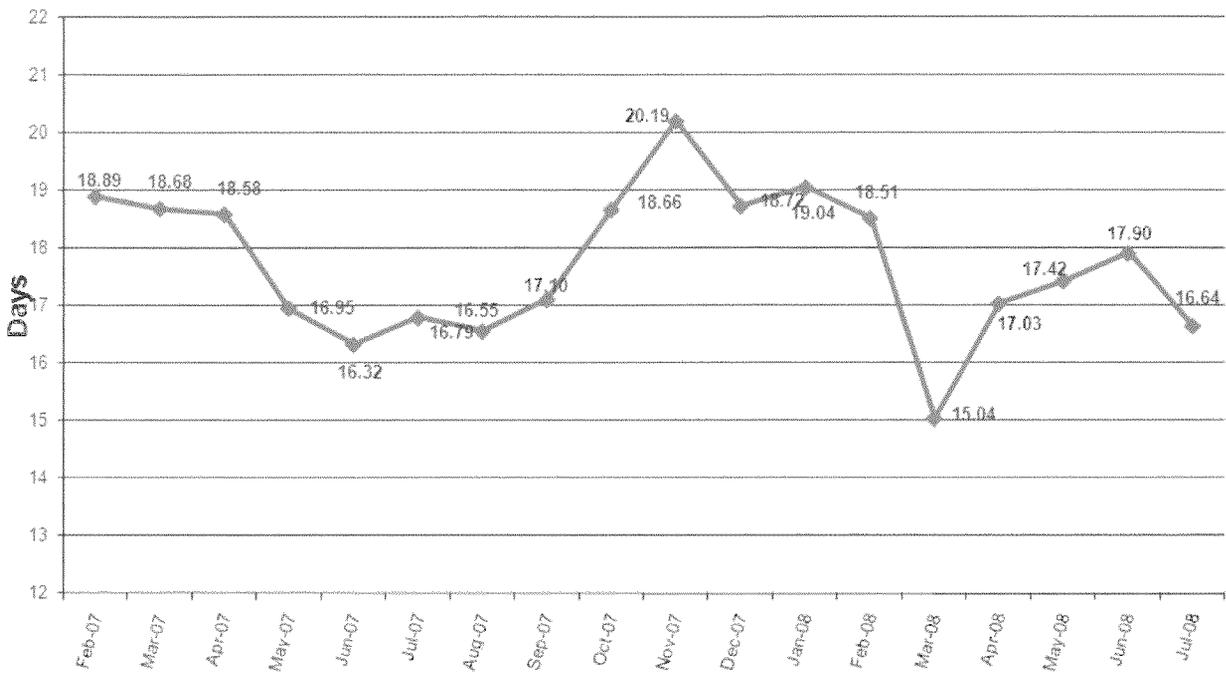
Portland 57 Project - Total Bookings by Month



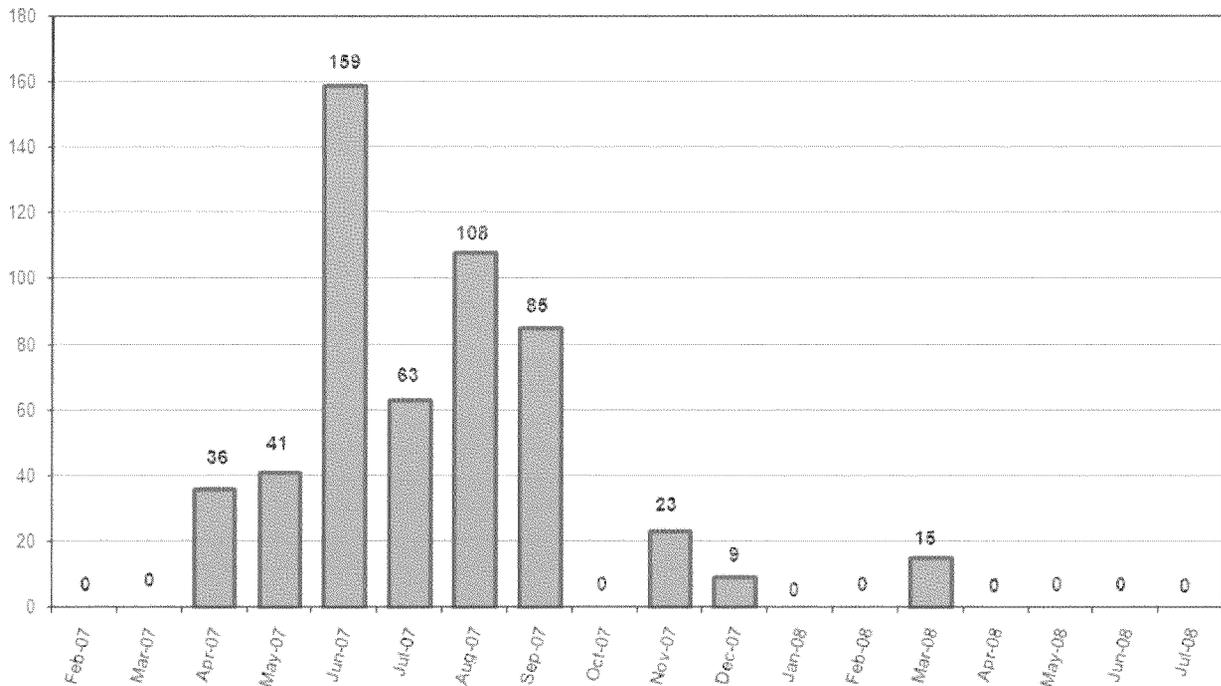
Average Daily Population



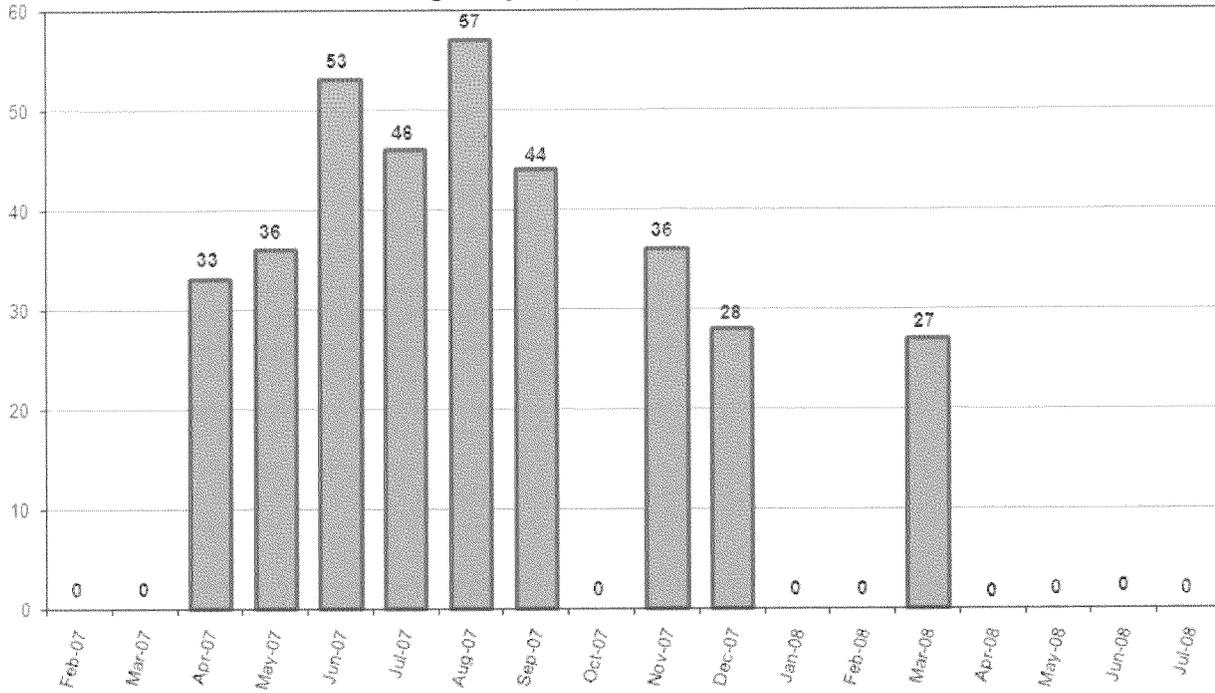
Average Length of Stay (in days)



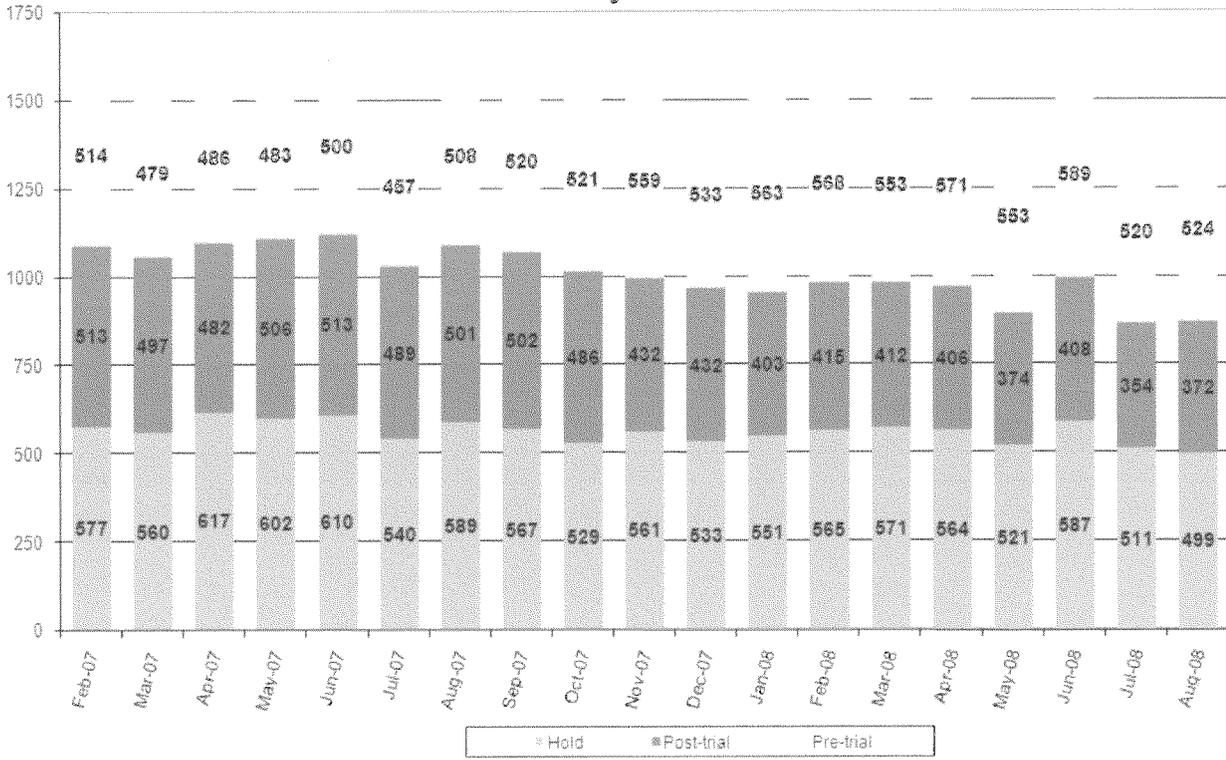
Emergency Population Releases by Month



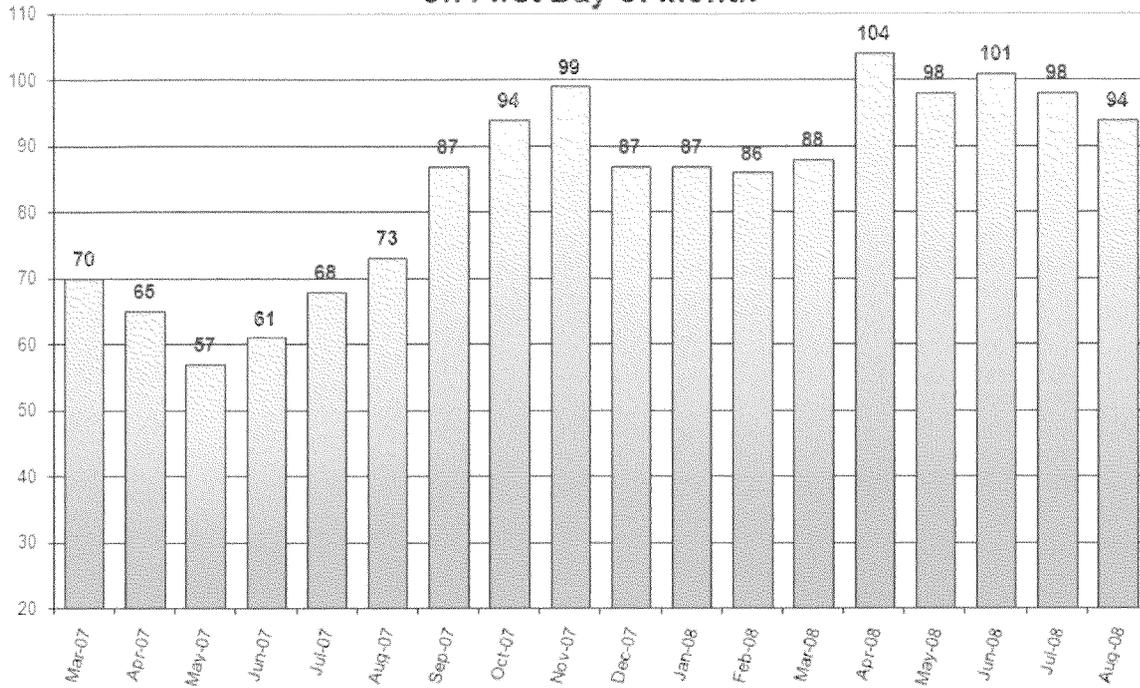
Monthly Average Score of Emergency Population Releases



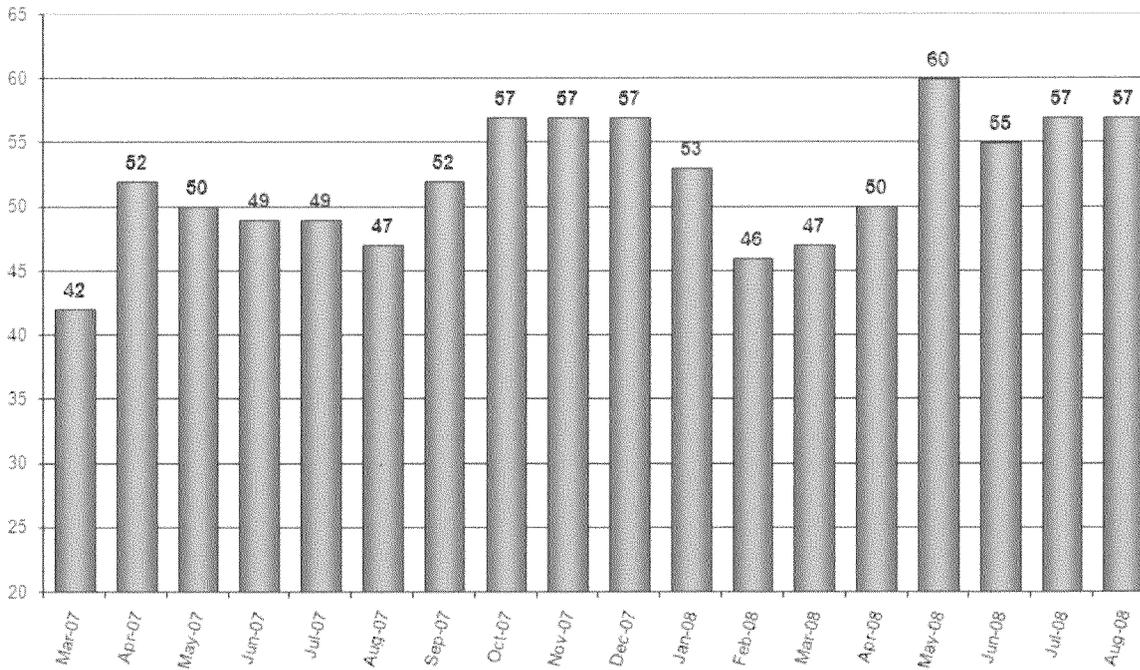
Pre-Trial vs. Post-Trial vs. Holds in Custody on First Day of Month



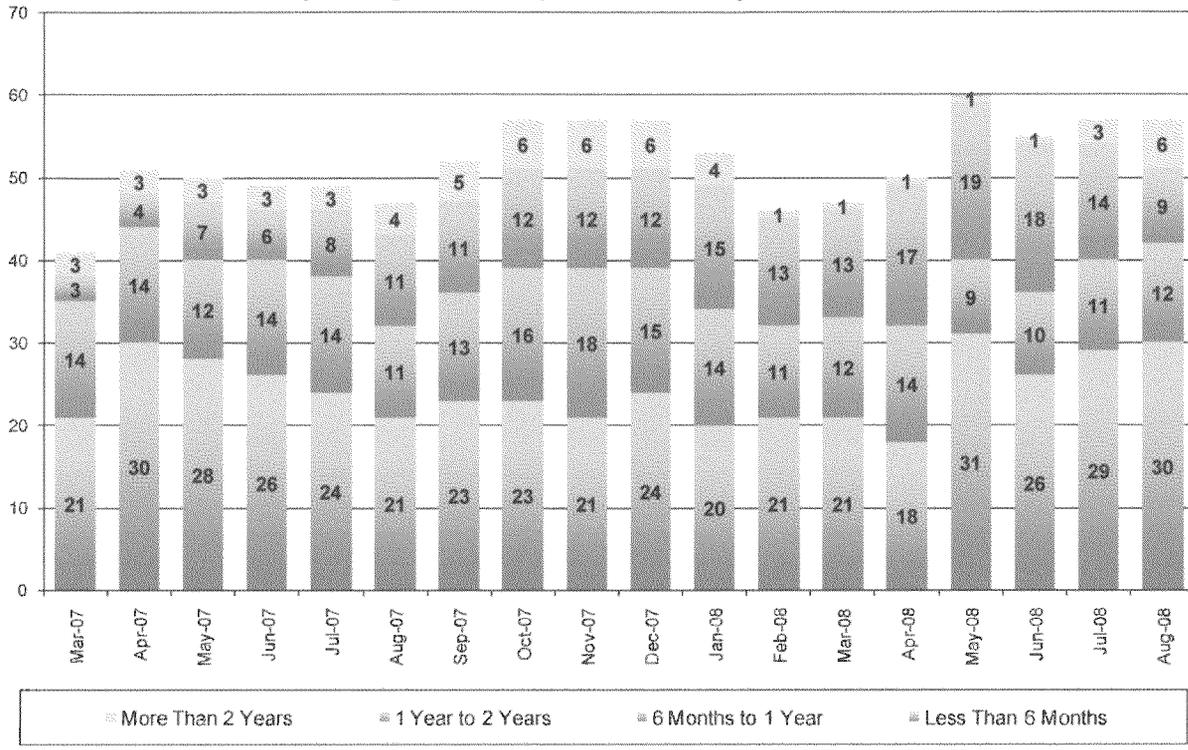
Count of Persons Held Pre-trial more than 150 Days on First Day of Month



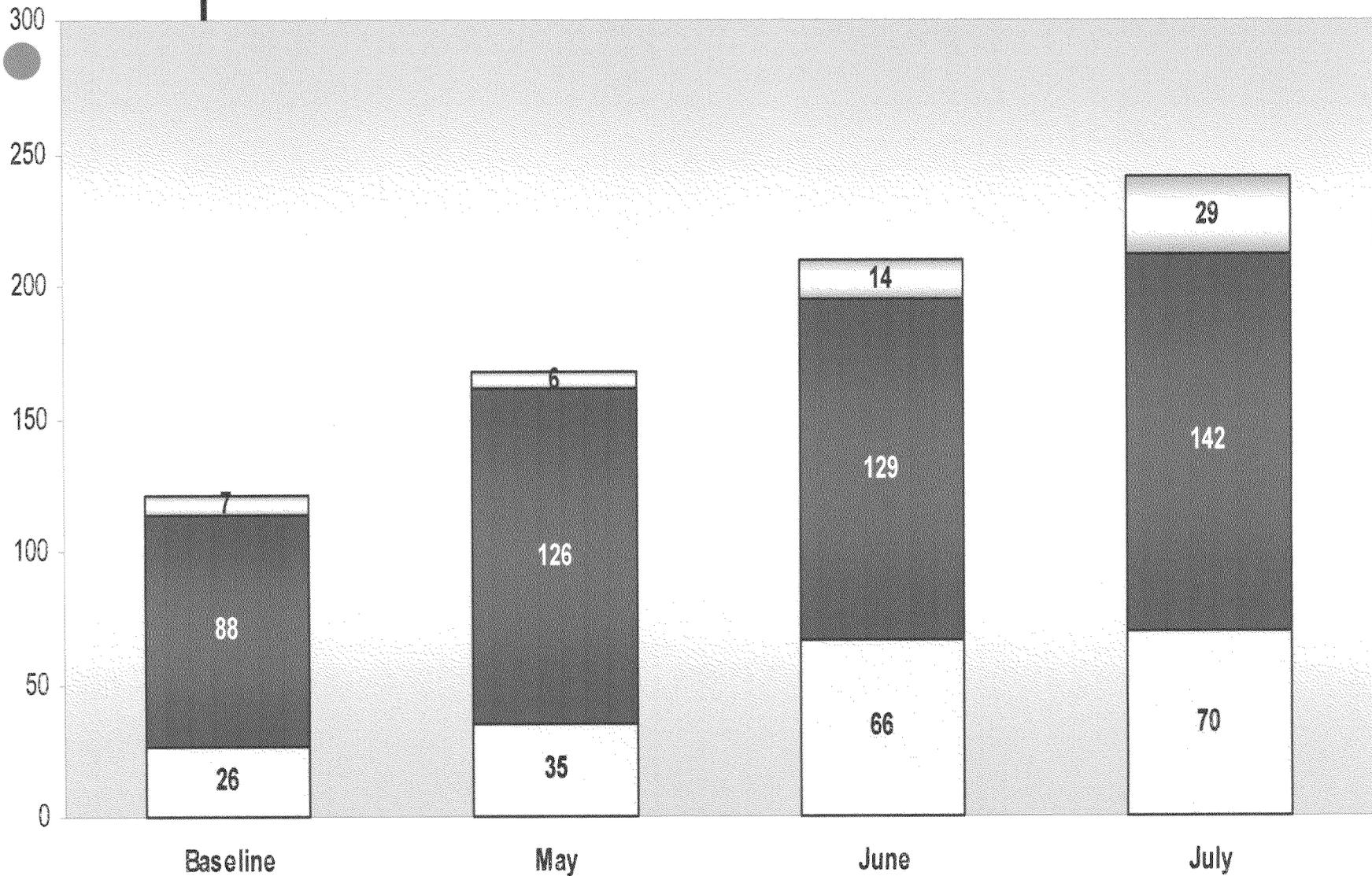
Count of Persons Held Pre-trial on Murder Related Charges on First Day of Month



**Count of Pre-trial persons with Murder Related Charges
by Length of Stay on First Day of Month**

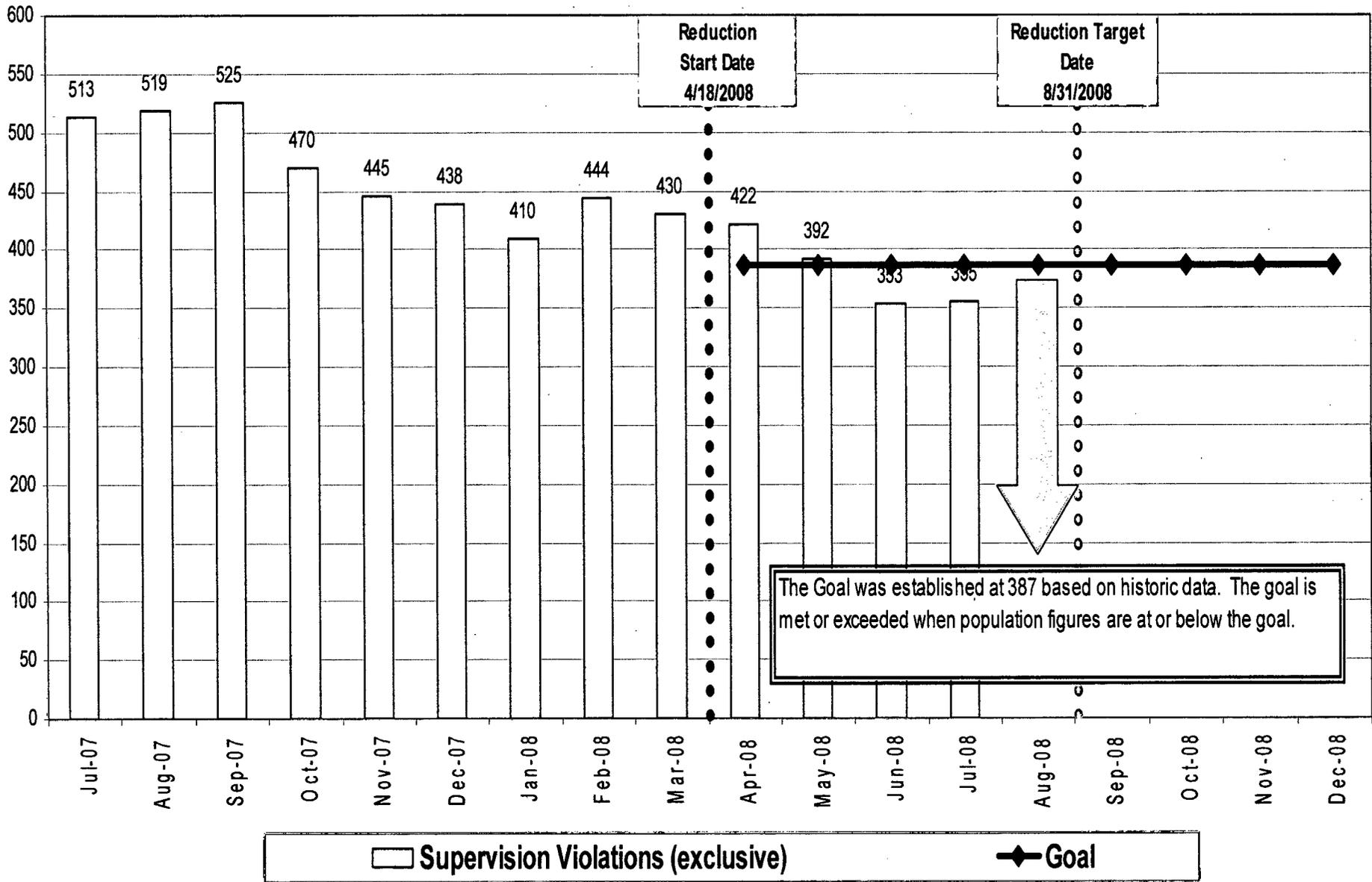


INCREASING USE OF NON-CUSTODIAL SANCTIONS



□ Community Service ■ Day Reporting Center □ Electronic Monitoring

Total DCJ Average Daily Population by Month excluding Local Control



GOALS OF THE COURTS

Reducing Recidivism

Promoting Community Safety

Preventing Re-victimization

Crime Categories

- Misdemeanors
- Felonies
 - Cases under Mandatory Minimum Sentences (BM 11)
 - Cases Under Sentencing Guidelines
 - Presumptive Prison
 - Presumptive Probation: Sanction units can be “non-jail” or “jail”; courts need both, especially for work release

Needs of The Courts

- Jail (pre-trial and post-conviction)
- Prison
- Probation: Close monitoring
- Work Release
- Treatment
- Fines/Fees/Restitution
- Forest Project
- Community Service

Jail: Pre-trial Detention (Offenses Requiring Court Review for Release)

- Murder/AggMurder/Treason
- Measure 11
- FAPA Restraining Order Violation
- Offense involving Domestic Violence (ORS 135.230)
- Person Crime with prior person offense pending disposition or on supervision for person offense

- DUI with two prior DUI convictions
- Offense of Possession of a firearm by a person with a conviction for Felon in Possession of a firearm
- Convicted Person serving a sentence
- Offense of Failure to Register/Report as Sex Offender
- PC arrest for violation of No Contact Order

Post-Conviction (Sentencing)

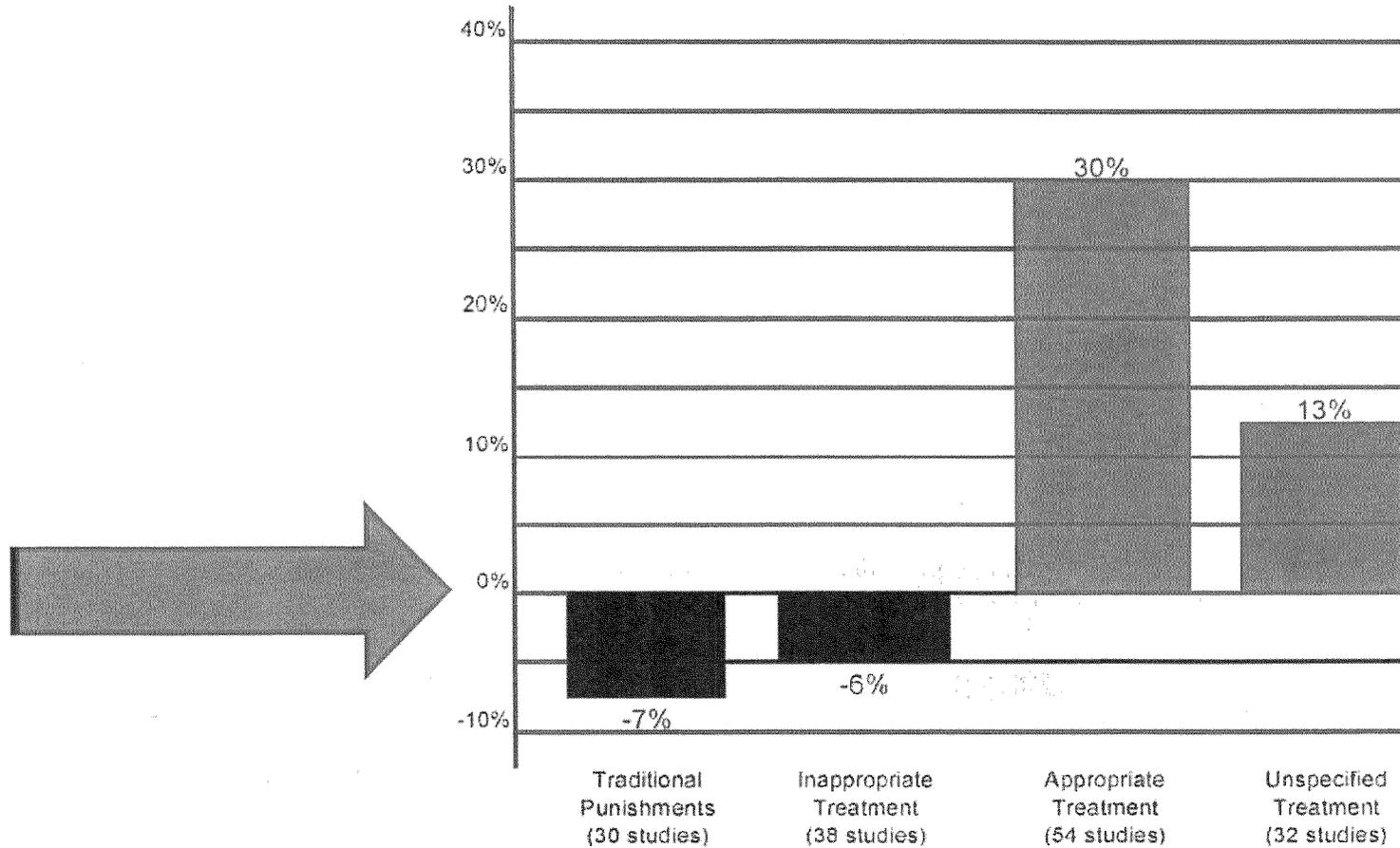
- Jail and Prison: most dependable crime reduction
 - But only during period of incarceration
 - For some offenders recidivism increases after release
 - Best used for high risk offenders
- Probation with Treatment
 - 30% reduction in recidivism for some offenders
- Crime Prevention
 - H.S. education, parenting education/ early multi-systemic intervention

What Courts Need in addition to Jail and Prison

- Formal Probation (DCJ)
 - Full menu of options:
 - Treatment: substance abuse, mental health, sex offender, anger management, domestic violence, parenting, etc.
 - Work release
 - Community service
 - Forest camp
 - Fines/ restitution

What Studies Show

TREATMENT EFFECTIVENESS
Percentage Reduction in Recidivism
in 154 Controlled Studies



Source: An Overview of Treatment Effectiveness. D.A. Andrews, 1994

Why Appropriate Sentencing Matters

- Multnomah County's "Frequent flyers"
 - 4% of our offenders accounted for 22% of standard bookings between 1997 and 2001
- US Bureau of Justice Statistics
 - 7 of 10 in jail had prior incarceration
 - 62.5% released from prison rearrested within 3 years

When Sentencing Ignores What Works

- Re-victimization in the community
- Squandered correctional resources
- Diminished respect for the judicial process
- Costs of criminal justice:
 - multiply with persistent offenders
 - unfairly compete with funding for social programs that do reduce crime
 - result in costs to victims of crimes

Length-of-Stay Factors

– Caseload Issues

- High volume caseloads for DA's and Defense Attys
- Scarcity and scheduling conflicts of experts
- DA's and Defense Attorneys change
- Charges change/Laws change

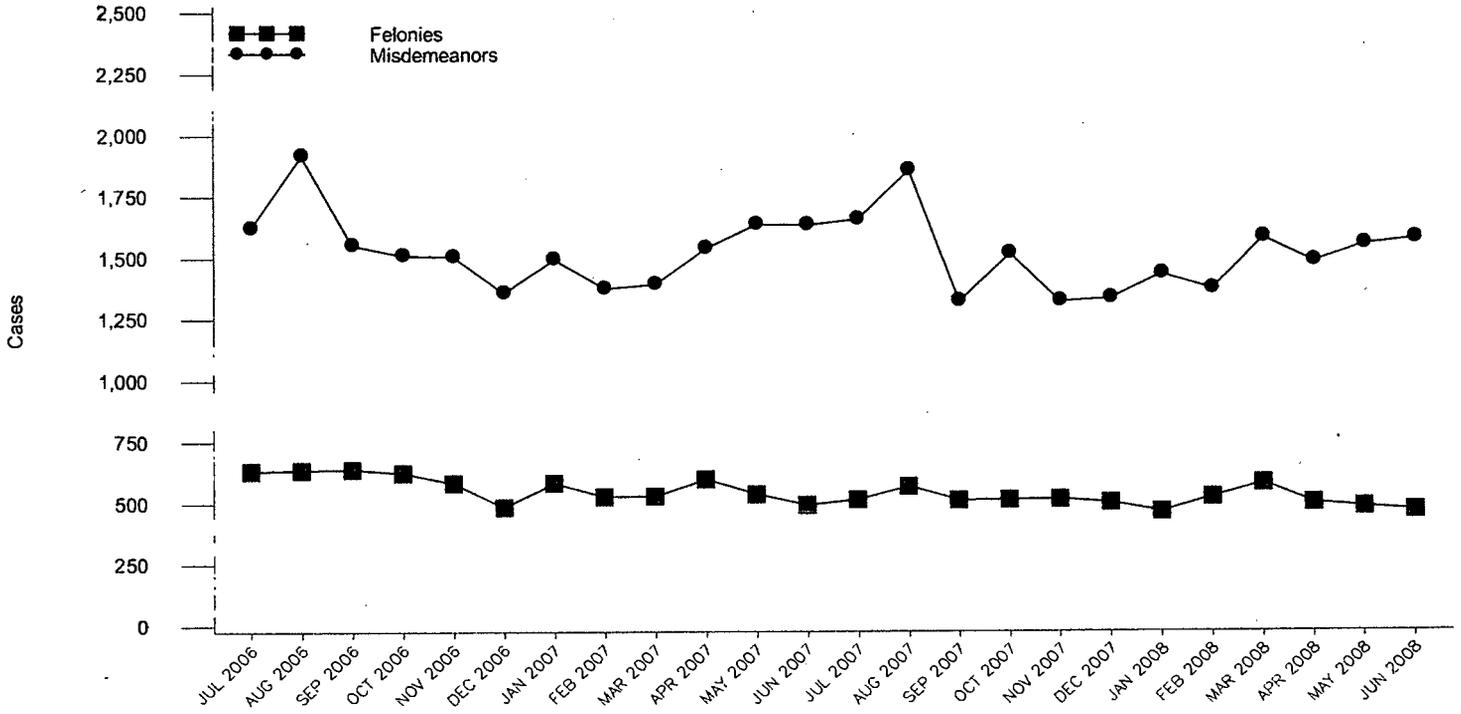
– Mental Health Concerns

- Aid and Assist Issues
- Guilty except for Insanity Issues

Multnomah County Circuit Court - Court Performance Analyst

Case Activity Report - Filed Offense Cases

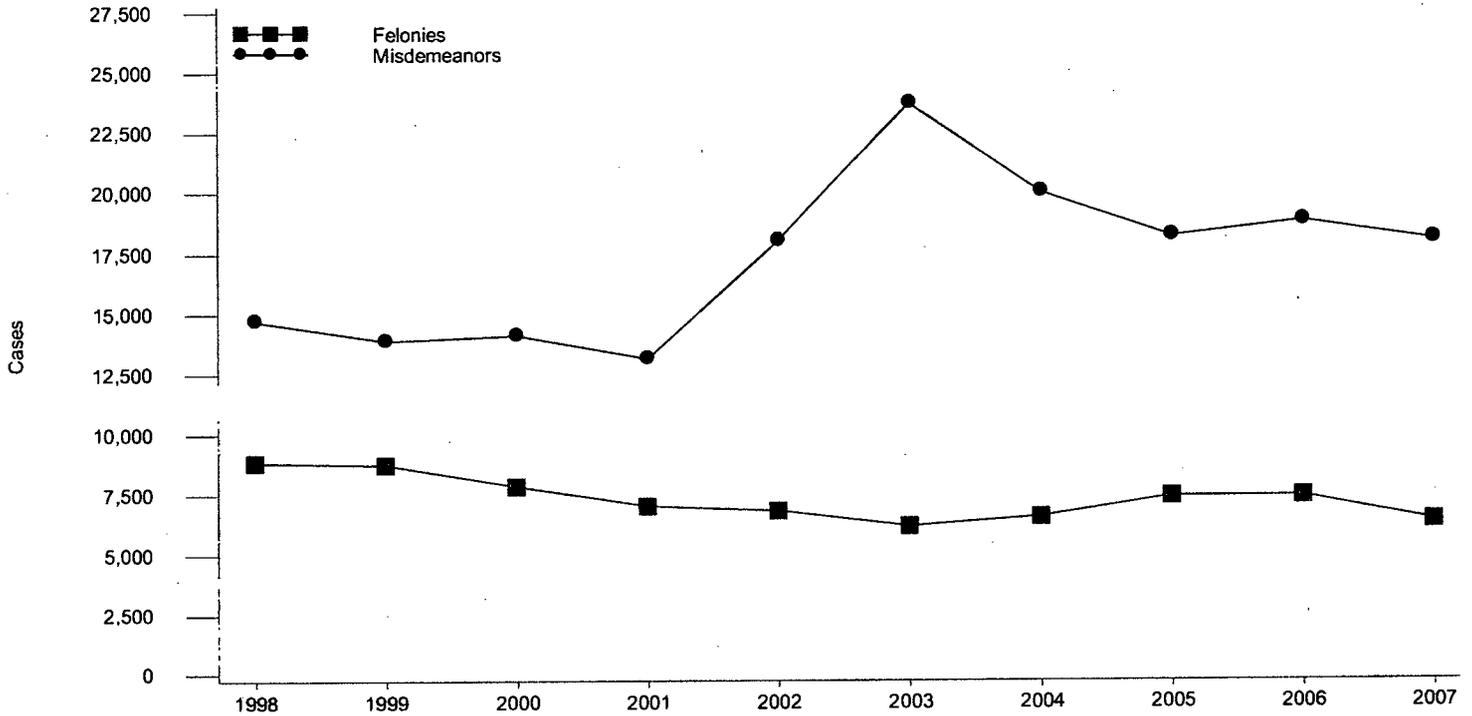
Felonies and Misdemeanors



| | Felonies | Misdemeanors | Total |
|----------|----------|--------------|-------|
| JUL 2006 | 631 | 1,621 | 2,252 |
| AUG 2006 | 635 | 1,916 | 2,551 |
| SEP 2006 | 638 | 1,553 | 2,191 |
| OCT 2006 | 623 | 1,511 | 2,134 |
| NOV 2006 | 583 | 1,507 | 2,090 |
| DEC 2006 | 485 | 1,357 | 1,842 |
| JAN 2007 | 582 | 1,494 | 2,076 |
| FEB 2007 | 526 | 1,375 | 1,901 |
| MAR 2007 | 528 | 1,393 | 1,921 |
| APR 2007 | 598 | 1,539 | 2,137 |
| MAY 2007 | 536 | 1,634 | 2,170 |
| JUN 2007 | 492 | 1,630 | 2,122 |
| JUL 2007 | 514 | 1,654 | 2,168 |
| AUG 2007 | 567 | 1,852 | 2,419 |
| SEP 2007 | 512 | 1,322 | 1,834 |
| OCT 2007 | 514 | 1,516 | 2,030 |
| NOV 2007 | 516 | 1,322 | 1,838 |
| DEC 2007 | 502 | 1,333 | 1,835 |
| JAN 2008 | 466 | 1,434 | 1,900 |
| FEB 2008 | 525 | 1,372 | 1,897 |
| MAR 2008 | 579 | 1,580 | 2,159 |
| APR 2008 | 500 | 1,485 | 1,985 |
| MAY 2008 | 483 | 1,554 | 2,037 |
| JUN 2008 | 468 | 1,575 | 2,043 |

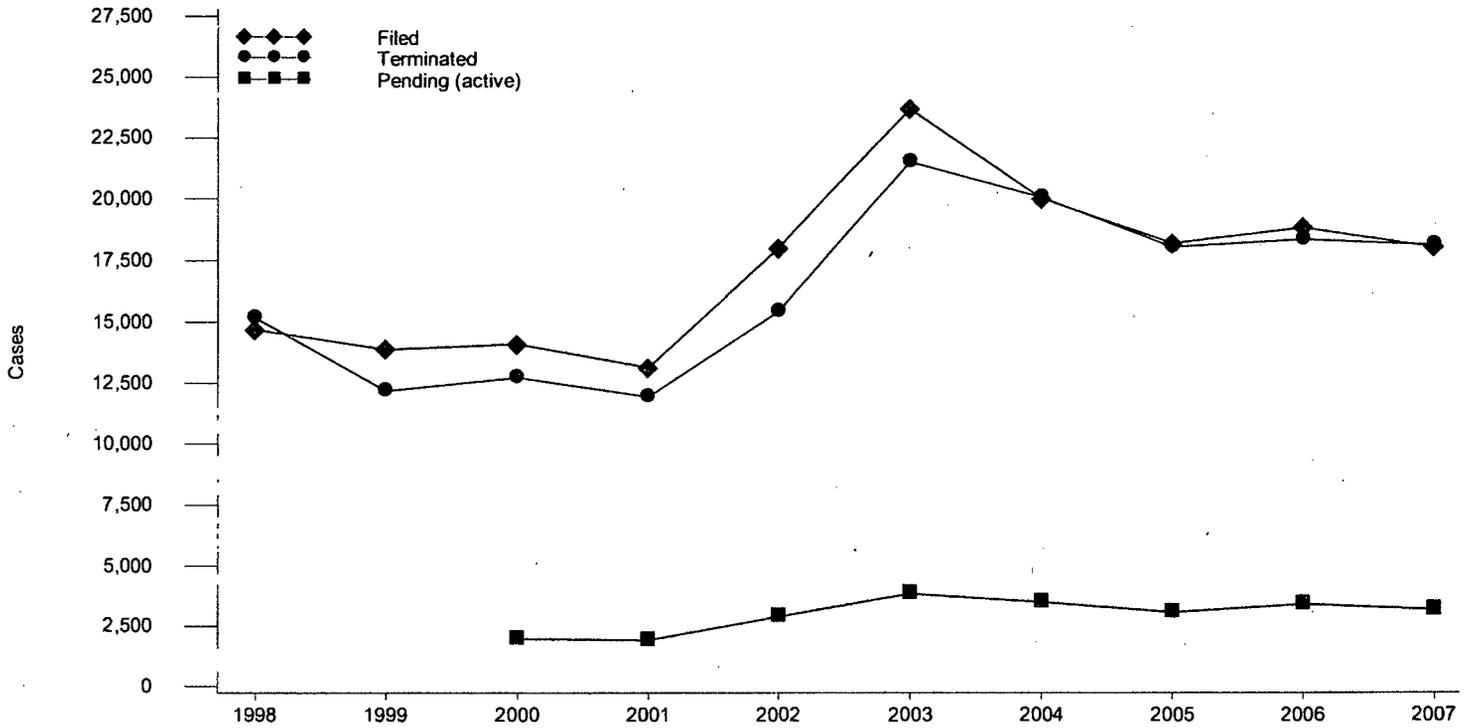
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**Multnomah County Circuit Court - Court Performance Analyst
Case Activity Report - Filed Offense Cases
Felonies and Misdemeanors**



| | Felonies | Misdemeanors | Total |
|------|----------|--------------|--------|
| 1998 | 8,822 | 14,697 | 23,519 |
| 1999 | 8,732 | 13,896 | 22,628 |
| 2000 | 7,833 | 14,109 | 21,942 |
| 2001 | 7,024 | 13,143 | 20,167 |
| 2002 | 6,831 | 18,019 | 24,850 |
| 2003 | 6,180 | 23,712 | 29,892 |
| 2004 | 6,581 | 20,026 | 26,607 |
| 2005 | 7,409 | 18,224 | 25,633 |
| 2006 | 7,414 | 18,848 | 26,262 |
| 2007 | 6,387 | 18,064 | 24,451 |

Multnomah County Circuit Court - Court Performance Analyst Case Activity Report - Offense Cases Misdemeanors Combined

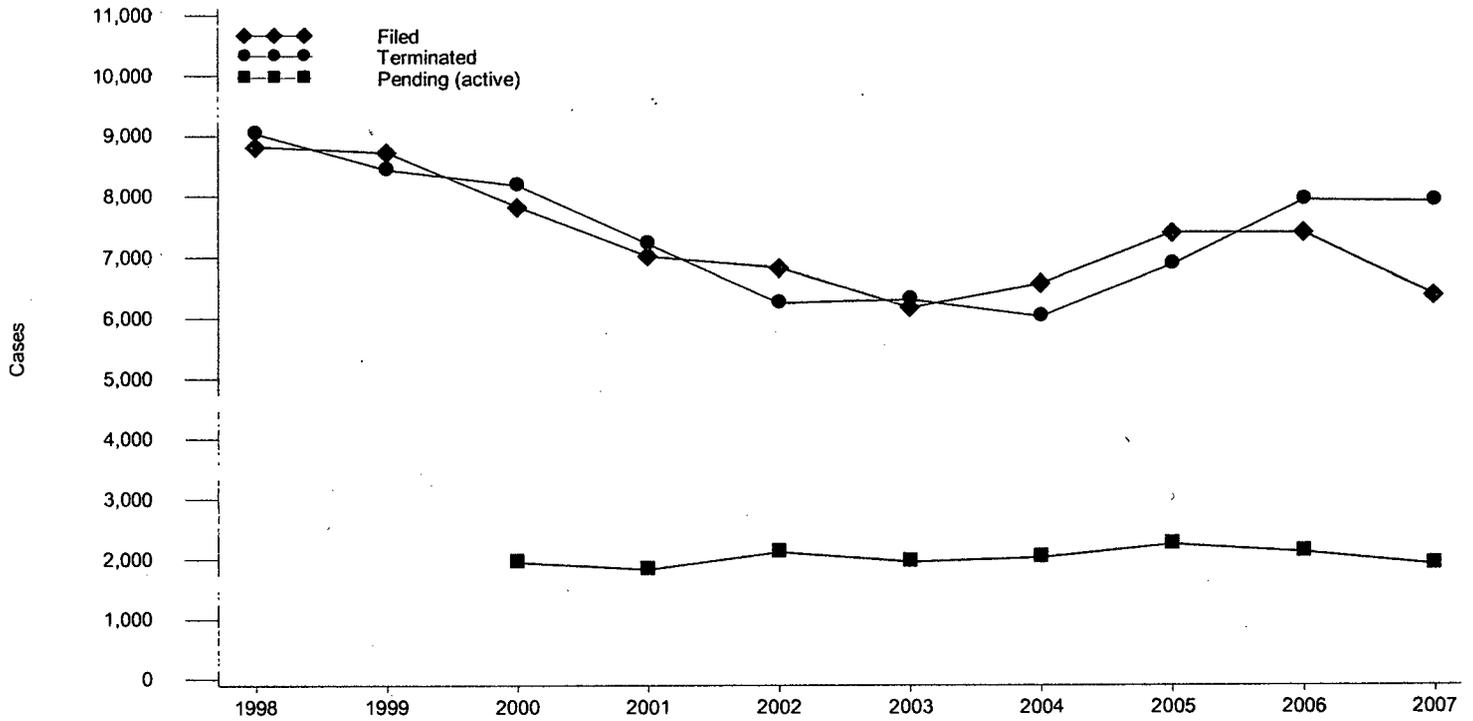


| | Filed Cases | Terminated Cases | Pending Cases | | Total |
|------|-------------|------------------|---------------|----------|--------|
| | | | Active | Inactive | |
| 1998 | 14,697 | 15,189 | | | |
| 1999 | 13,896 | 12,167 | | | |
| 2000 | 14,109 | 12,716 | 1,976 | 7,867 | 9,843 |
| 2001 | 13,143 | 11,931 | 1,914 | 8,240 | 10,154 |
| 2002 | 18,019 | 15,448 | 2,891 | 9,318 | 12,209 |
| 2003 | 23,712 | 21,510 | 3,835 | 10,644 | 14,479 |
| 2004 | 20,026 | 20,094 | 3,479 | 11,118 | 14,597 |
| 2005 | 18,224 | 18,082 | 3,055 | 10,996 | 14,051 |
| 2006 | 18,848 | 18,362 | 3,380 | 10,941 | 14,321 |
| 2007 | 18,064 | 18,155 | 3,161 | 11,075 | 14,236 |

Note: Data for case filings and case terminations represent accumulated counts of new filings and terminations during the selected reporting period (month, quarter, or year). Data for active pending and inactive pending cases represent the count of such cases on the last day of the selected reporting period.

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**Multnomah County Circuit Court - Court Performance Analyst
Case Activity Report - Offense Cases
Felonies Combined**



| | Filed Cases | Terminated Cases | Pending Cases | | Total |
|------|-------------|------------------|---------------|----------|-------|
| | | | Active | Inactive | |
| 1998 | 8,822 | 9,033 | | | |
| 1999 | 8,732 | 8,438 | | | |
| 2000 | 7,833 | 8,183 | 1,950 | 5,285 | 7,235 |
| 2001 | 7,024 | 7,222 | 1,830 | 5,239 | 7,069 |
| 2002 | 6,831 | 6,245 | 2,112 | 5,492 | 7,604 |
| 2003 | 6,180 | 6,304 | 1,957 | 5,458 | 7,415 |
| 2004 | 6,581 | 6,029 | 2,024 | 6,050 | 8,074 |
| 2005 | 7,409 | 6,886 | 2,242 | 6,438 | 8,680 |
| 2006 | 7,414 | 7,940 | 2,112 | 6,079 | 8,191 |
| 2007 | 6,387 | 7,910 | 1,906 | 4,764 | 6,670 |

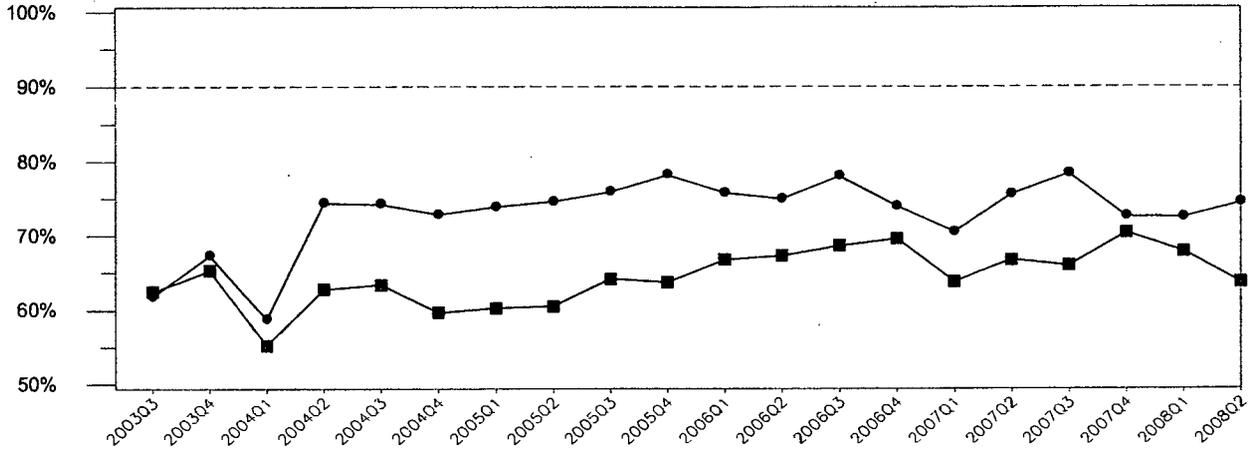
Note: Data for case filings and case terminations represent accumulated counts of new filings and terminations during the selected reporting period (month, quarter, or year). Data for active pending and inactive pending cases represent the count of such cases on the last day of the selected reporting period.

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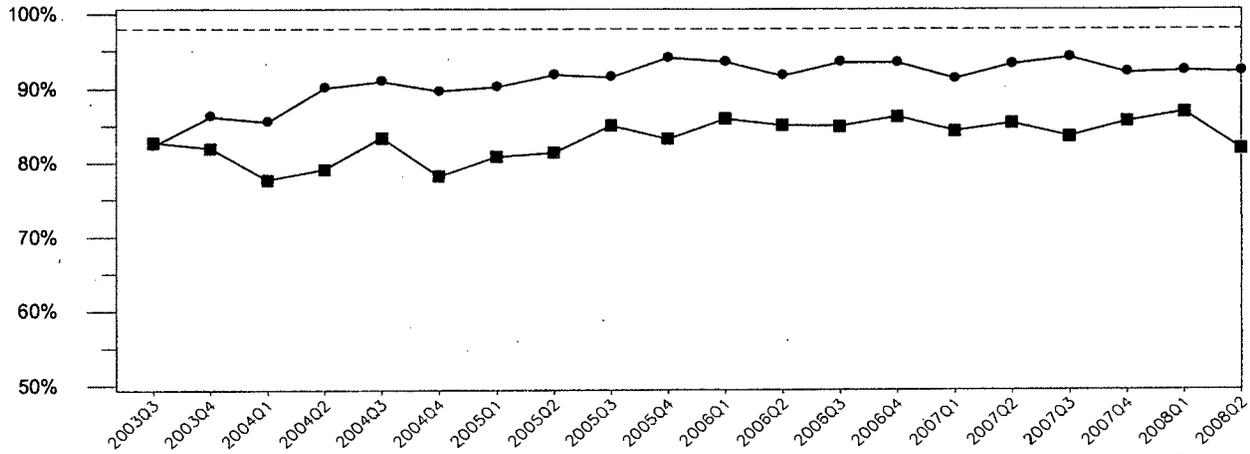
Multnomah County Circuit Court - Court Performance Analyst Case Completion Timeliness Report - Terminated Offense Cases

All Offense

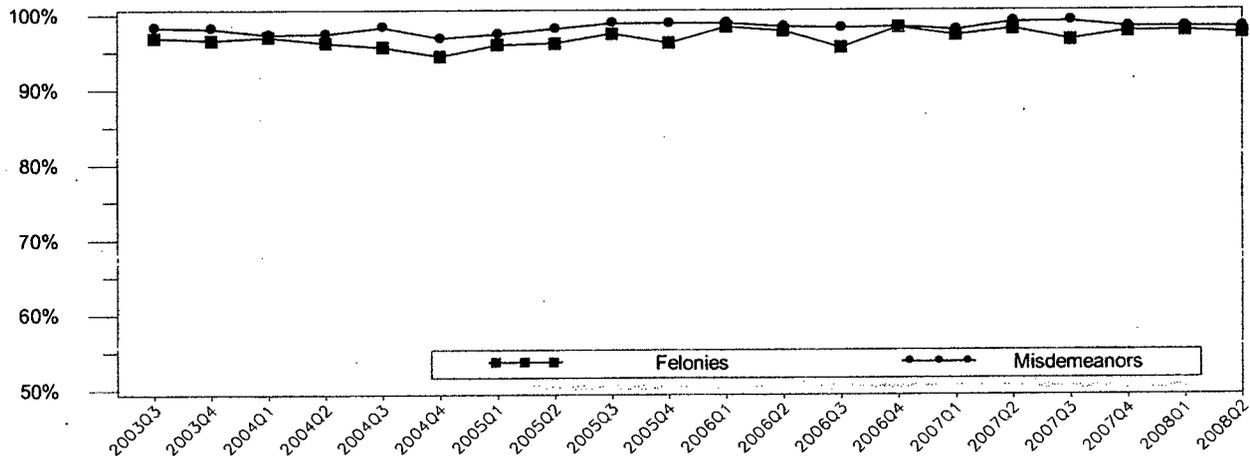
Goal = 90%



Goal = 98%



Goal = 100%



Offense cases include: Felonies and Misdemeanors

Goals are based on the percent of cases terminated within a certain time period:

90% Goal: Misdemeanors - terminated within 90 days; Felonies - terminated within 120 days

98% Goal: All case types - terminated within 180 days

100% Goal: All case types - terminated within 12 months

Multnomah County Circuit Court - Court Performance Analyst Case Completion Timeliness Report - Offense Cases

Felonies

| | Total | 90% Goal | | 98% Goal | | 100% Goal | | Beyond 100% Goal | |
|--------|-------|----------|-----|----------|-----|-----------|-----|------------------|----|
| | | N | % | N | % | N | % | N | % |
| 2003Q3 | 1,326 | 828 | 62% | 1,097 | 83% | 1,285 | 97% | 41 | 3% |
| 2003Q4 | 1,462 | 954 | 65% | 1,198 | 82% | 1,412 | 97% | 50 | 3% |
| 2004Q1 | 1,407 | 777 | 55% | 1,092 | 78% | 1,365 | 97% | 42 | 3% |
| 2004Q2 | 1,375 | 863 | 63% | 1,087 | 79% | 1,323 | 96% | 52 | 4% |
| 2004Q3 | 1,455 | 922 | 63% | 1,213 | 83% | 1,392 | 96% | 63 | 4% |
| 2004Q4 | 1,542 | 920 | 60% | 1,205 | 78% | 1,456 | 94% | 86 | 6% |
| 2005Q1 | 1,567 | 944 | 60% | 1,266 | 81% | 1,504 | 96% | 63 | 4% |
| 2005Q2 | 1,582 | 957 | 60% | 1,287 | 81% | 1,522 | 96% | 60 | 4% |
| 2005Q3 | 1,701 | 1,092 | 64% | 1,446 | 85% | 1,658 | 97% | 43 | 3% |
| 2005Q4 | 1,772 | 1,129 | 64% | 1,474 | 83% | 1,705 | 96% | 67 | 4% |
| 2006Q1 | 1,924 | 1,283 | 67% | 1,653 | 86% | 1,892 | 98% | 32 | 2% |
| 2006Q2 | 2,150 | 1,446 | 67% | 1,828 | 85% | 2,103 | 98% | 47 | 2% |
| 2006Q3 | 1,992 | 1,367 | 69% | 1,691 | 85% | 1,904 | 96% | 88 | 4% |
| 2006Q4 | 1,663 | 1,157 | 70% | 1,433 | 86% | 1,635 | 98% | 28 | 2% |
| 2007Q1 | 1,793 | 1,144 | 64% | 1,511 | 84% | 1,744 | 97% | 49 | 3% |
| 2007Q2 | 1,761 | 1,175 | 67% | 1,503 | 85% | 1,728 | 98% | 33 | 2% |
| 2007Q3 | 1,779 | 1,174 | 66% | 1,486 | 84% | 1,720 | 97% | 59 | 3% |
| 2007Q4 | 1,930 | 1,360 | 70% | 1,652 | 86% | 1,887 | 98% | 43 | 2% |
| 2008Q1 | 1,845 | 1,253 | 68% | 1,602 | 87% | 1,806 | 98% | 39 | 2% |
| 2008Q2 | 1,650 | 1,052 | 64% | 1,350 | 82% | 1,609 | 98% | 41 | 2% |

Goals are based on the percent of cases terminated within a certain time period:

90% Goal: Misdemeanors - terminated within 90 days; Felonies - terminated within 120 days

98% Goal: All case types - terminated within 180 days

100% Goal: All case types - terminated within 12 months

Beyond 100% Goal: All case types - terminated after 12 months

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Multnomah County Circuit Court - Court Performance Analyst Case Completion Timeliness Report - Offense Cases

Misdemeanors

| | Total | 90% Goal | | 98% Goal | | 100% Goal | | Beyond 100% Goal | |
|--------|-------|----------|-----|----------|-----|-----------|-----|------------------|----|
| | | N | % | N | % | N | % | N | % |
| 2003Q3 | 3,329 | 2,057 | 62% | 2,738 | 82% | 3,271 | 98% | 58 | 2% |
| 2003Q4 | 3,700 | 2,488 | 67% | 3,191 | 86% | 3,631 | 98% | 69 | 2% |
| 2004Q1 | 3,777 | 2,218 | 59% | 3,229 | 85% | 3,675 | 97% | 102 | 3% |
| 2004Q2 | 3,800 | 2,826 | 74% | 3,423 | 90% | 3,700 | 97% | 100 | 3% |
| 2004Q3 | 3,682 | 2,733 | 74% | 3,349 | 91% | 3,619 | 98% | 63 | 2% |
| 2004Q4 | 3,524 | 2,566 | 73% | 3,159 | 90% | 3,412 | 97% | 112 | 3% |
| 2005Q1 | 3,931 | 2,903 | 74% | 3,545 | 90% | 3,828 | 97% | 103 | 3% |
| 2005Q2 | 4,217 | 3,146 | 75% | 3,871 | 92% | 4,138 | 98% | 79 | 2% |
| 2005Q3 | 4,316 | 3,276 | 76% | 3,950 | 92% | 4,268 | 99% | 48 | 1% |
| 2005Q4 | 3,911 | 3,056 | 78% | 3,677 | 94% | 3,865 | 99% | 46 | 1% |
| 2006Q1 | 3,862 | 2,924 | 76% | 3,610 | 93% | 3,818 | 99% | 44 | 1% |
| 2006Q2 | 3,891 | 2,914 | 75% | 3,566 | 92% | 3,826 | 98% | 65 | 2% |
| 2006Q3 | 4,217 | 3,289 | 78% | 3,939 | 93% | 4,140 | 98% | 77 | 2% |
| 2006Q4 | 3,835 | 2,835 | 74% | 3,582 | 93% | 3,772 | 98% | 63 | 2% |
| 2007Q1 | 4,023 | 2,837 | 71% | 3,673 | 91% | 3,941 | 98% | 82 | 2% |
| 2007Q2 | 3,919 | 2,961 | 76% | 3,653 | 93% | 3,881 | 99% | 38 | 1% |
| 2007Q3 | 4,370 | 3,424 | 78% | 4,112 | 94% | 4,331 | 99% | 39 | 1% |
| 2007Q4 | 3,724 | 2,705 | 73% | 3,431 | 92% | 3,663 | 98% | 61 | 2% |
| 2008Q1 | 3,627 | 2,629 | 72% | 3,350 | 92% | 3,567 | 98% | 60 | 2% |
| 2008Q2 | 4,173 | 3,107 | 74% | 3,849 | 92% | 4,100 | 98% | 73 | 2% |

Goals are based on the percent of cases terminated within a certain time period:

90% Goal: Misdemeanors - terminated within 90 days; Felonies - terminated within 120 days

98% Goal: All case types - terminated within 180 days

100% Goal: All case types - terminated within 12 months

Beyond 100% Goal: All case types - terminated after 12 months

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Michael D. Schrunk, District Attorney

1021 SW Fourth Avenue, Room 600

Portland, OR 97204-1193

Phone: 503-988-3162 Fax: 503-988-3643

www.mcda.us

August 18, 2008

Ted Wheeler, County Chair
Multnomah County Commissioners
501 S. E. Hawthorne Blvd., Suite 600
Portland, OR 97214

Dear Chair Wheeler:

As we begin a review of future policies for our local jail system and operating strategies of law enforcement in general, I believe that it is prudent to analyze the situation from all angles and with caution.

We have been presented with a set of statistics that seem to herald a significant drop in the crime rate of certain sectors. These statistics appear to show a 13% decrease over a similar period last year. I do not believe that a single set of statistics should become the basis for a change of direction in county policies unless those statistics not only prove to be well founded, but also reasonably reflect a lasting change in circumstances. To examine this situation, I have asked John Bradley and Chuck French to briefly assess the current public safety statistics in this county to determine whether the figures presented support the contention that Multnomah County has entered a period where crime is truly on the wane. As you know, these two deputy district attorneys have worked extensively with the jail system and with local law enforcement and are familiar with many of the statistics at issue here. Their memorandum and supporting documents are attached. Please consider it as a sober analysis of a wide range of statistics regarding the entire spectrum of law enforcement measures in this county. Because different statistics come from different sources and often reflect different public safety measures, it is necessary to proceed with caution before relying on any single set of statistics.

While it is encouraging that some statistics seem to signal an improvement in our public safety outlook, there remains much room for pause and reflection before major policy decisions are made. As you will see, we can discern many disturbing crime trends that detract from and at times directly contradict some of the figures already presented.

Among the trends as reflected in Mr. French's and Mr. Bradley's report are:

- Arrests, especially for property crimes, were up by 14% in the first half of 2008. This is a significant increase.
- Jail bookings, based on arrests, increased by almost 600 bookings per month in the same period.
- Court sentencing of convicted defendants were also up dramatically.
- More violent Measure 11 offenders are currently being housed in the county jail system than at any time in the last six years.

We have looked at our own statistics and see that cases submitted for prosecution to the District Attorney's office, although down by about 3%, do not support the contention that crime has decreased by 13%.

I hope you have the opportunity to review the conclusions of Mr. Bradley and Mr. French. I believe that a broad and reasoned analysis of public safety issues is necessary before major policy decisions are made, and I hope that this report can further that goal.

Very truly yours,



MICHAEL D. SCHRUNK
District Attorney

MDS:plc

Attachments

c: Commissioner Maria Rojo de Steffey
Commissioner Jeff Cogen
Commissioner Lisa Naito
Commissioner Lonnie Roberts
Sheriff Bob Skipper
Peter Ozanne
Scott Taylor



Michael D. Schrunk, District Attorney

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Portland, OR 97204-1193
Phone: 503-988-3162 Fax: 503-988-3643
www.mcda.us

MEMORANDUM

To: Mike Schrunk
From: Chuck French and John Bradley
Date: August 15, 2008
Subject: Jail space underutilization

We are writing this memo to address what appears to be a serious misconception regarding the underutilization of jail space in this county. As you know, we have been involved in jail issues for many years, in the corrections grand jury, in the extensive 2006 independent review of jail management, and as advisors to the Board of County Commissioners' jail panel. We have extensively reviewed the numbers that have been generated by the Portland Police Bureau, Gresham, the State of Oregon, numerous Multnomah County departments and agencies, and our office.

It is a mistake to look at any one statistic and set policies without comparing those numbers to all the statistical data available. The county is suggesting that the reason we have vacant jail space is that there has been a 13% drop in the crime rate between the first six months of 2007 and the first six months of 2008. These numbers appear to be based on preliminary crime report statistics provided by the Portland Police Bureau. We believe that these preliminary, partial statistics do not fully reflect the actual crime rate in this county. In fact, Multnomah County's own Budget Office analysts constantly monitor crime statistics in this county, and these analysts have come to a completely different conclusion. From December 2007 to the present, Budget Office analysts, in their monthly Safety Priority Briefs have concluded that Index Crime arrests are up 14%, from a daily average of 88 in December to 101 in June. Additionally, the briefs demonstrate that court sentencings have also risen by 20% over that period.¹ Sheriff's Office statistics also demonstrate that jail bookings have increased from 2,350 in December to 2,910 last month.² All these significant increases in arrests, bookings and sentencings should logically produce a dramatic increase in jail utilization. Instead they have accompanied a significant reduction in jail bed utilization, a clear indication that the underutilization of jail space is unconnected to actual crime figures, but is the result of artificial mechanisms designed to reduce jail use.

It would appear that most if not all of this underutilization has been caused by specific policy decisions, both past and recent. We believe that the two major contributors to the reduction in jail beds being utilized have been the intentional reduction in sanctions for probation

¹ See attached Multnomah County Budget Office Safety Priority Brief Summaries.

² Multnomah County Sheriff's Office Monthly Statistics Report for July 2008 (August 11, 2008).

and parole violations and the reduction in the jail budget. This is highlighted in the Monthly Jail Statistics Report by the Sheriff's Office, showing that the average length of stay of an inmate has declined from 20.19 days last November to 16.64 days today. This represents an almost 20% reduction in the time people are serving. The number of inmates with holds (many are for probation and parole violations) has decreased between June and August of this year by 15% from 587 to 499 as DCJ has reduced the jail sanction time for probation violation offenders. None of this has anything to do with the local crime rate, but rather with the conscious decision to reduce the jail population.³

These artificial constraints were recognized by the Multnomah County Budget Office's June 2008 Multnomah County Safety Priority Briefing itself:

"Average Daily Arrests leveled after a sharp increase from April to May; remaining at 101 per day. This happened in both the Other and Property categories. Average Daily Population changed significantly from 1545 in May to 1445 in June as the Sheriff Office was preparing for a system reduction of jail capacity starting in July. Multnomah County budgeted jail capacity changed from 1633 in FY 2008 to 1539 in FY 2009. The June decrease is also a result of the bed reduction strategy adopted by the Department of Community Justice three months ago. The number of beds used by DCJ detainees or supervision violation sanctions has declined consistently over the past months." (Emphasis added)

We worked on this issue extensively last spring, and conducted a survey of west coast jail systems in similarly sized counties. The survey's memos and statistical analysis are attached. They demonstrate that, even before the significant July cut in county jail space, Multnomah County had the least *per capita* local jail space of similarly sized Northwest and northern California counties. Multnomah County also had the highest property crime rates of all those counties. We believe that one fact may be linked to the other.

In addition to the policy decisions identified by the June Safety Priority Briefing, there are other historical policy decisions that for some time have had the effect of artificially constraining the local jail population particularly for non-violent offenses. They are:

- Recognizance release by release officers that seems to ignore statutory release criteria and releases offenders who should remain in custody pending trial. A recent DCJ study shows that 42% of these released offenders fail on release either by committing new crimes or by failing to appear for court.
- Booking restrictions that prohibit officers from booking non-violent offenders in jail. Officers are required to issue citations for defendants rather than taking them to jail. This

³ The Sheriff in his Jail Capacity and Trends outline (August 19, 2008) notes:

"The largest change is occurring in the Local Control/SB 1145 population in jail.

– In 2007 this category averaged 206 beds per day and this year the average to date is 128. This average includes data prior to DCJ's efforts to decrease their population."

has not only artificially reduced bookings (and therefore jail usage), but has probably reduced the incentive of police officers to investigate some crimes in the first place.

- Field Based Work Release has allowed furloughs for some convicted offenders, and has essentially transformed jail time into house arrest for these inmates. Currently, 29 jail beds are not being utilized because of this furlough program.
- The United States Marshal Service is underutilizing the county jail system, occupying, at last count, 13 less jail beds than it has contracted for with the county.
- Judges, after years of being told that there is no room in the county jail for offenders, have become reluctant to sentence defendants to jail, especially for non-violent felonies and misdemeanor offenses.

The constraints listed above have had, by design, the effect of reducing the jail population of this county. This designed effect, however, would appear to have no actual relationship to a reduced crime rate. In fact, we believe these policies are a part of the reason that this county, which has one of the lowest violent crime rates of any large city in the nation (in 2006, for U.S. cities over 100,000 population, Portland was ranked 58th of 72 in overall violent crime rate, and 65th of 72 in murder rate), has *one of the highest property crime rates in the nation*. For example, in 2006, Portland's property crime rate was 21st of 72 for cities over 100,000, and the theft rate was 12th of 72. Between 2006 and 2007 the auto theft rate in Portland rose 6.5%, *this at a time when cities the same size saw an 11.2% decline in that category*. Note that overall property crime rate comparisons between 2006 and 2007 for Multnomah County do not appear to be available yet, but the overall property crime rate for Portland remained flat (31,999 vs. 31,586) and the countywide arrest statistics cited above raises substantial questions about whether it has increased countywide.

In short, while there is ample evidence that the ready availability of jail beds in this community for violent offenders has dramatically reduced the violent crime rate⁴, there is also ample evidence that the lack of jail space for property crime offenders has had the opposite effect.

⁴ "The current 2008 average for Ballot Measure 11 offenders is 248. Higher than any other year." Sheriff's Jail Capacity and Trends document (August 19, 2008).

2008 Safety Priority Brief summaries

January

Average Daily Reported Index Offenses experienced a 33% increase in the Auto Theft Category (from 9 in December to 12 in January) with no significant change in other categories. Average Daily Standard Bookings rebounded from the December low driven by an increase in the Other category. The jail bed utilization rate also increased from its December low. This was driven by an increase in Misdemeanor charges.

February

Average Daily Reported Index Offenses increased 14.8% from 88 last month to 101 per day. This increase was due to a 16% increase in Thefts (from 55 to 64) and a 40% increase in Assaults (from 5 to 7). Average Daily Arrests experienced a significant increase in the Drugs category with 13 arrests per day; the highest number since June 2007. The jail bed utilization rate (95.5%) continued increasing from its December low. This increase was due to a rise in holds for felonies.

March

In February Average Daily Reported Index Offenses experienced a spike in Thefts and Assaults which drove the total average to 101 per day. Thefts and Assaults decreased to more normal levels in March resulting in 95 average daily reported offenses. The total Average Daily Arrests changed little from February; of note though is a 3% shift from Misdemeanors to Felonies. Average Daily Bookings totals also changed little from February to March but experienced an increase in A&D and property crimes with a corresponding decrease in Behavioral and Local charges.

April.

The 4 week period that ended on 5/10/08 experienced a 4.1% increase in Reported Index Offenses from the previous four week period. This increase was primarily due to an increase in Larceny from Auto reports and Property Crime reports. This coincides with a record number of arrests with a Property primary crime type (31/day compared to an average of 27 since Jan. 2004). This increase was somewhat offset by a decrease in most other categories; most notably in the Drug category.

May

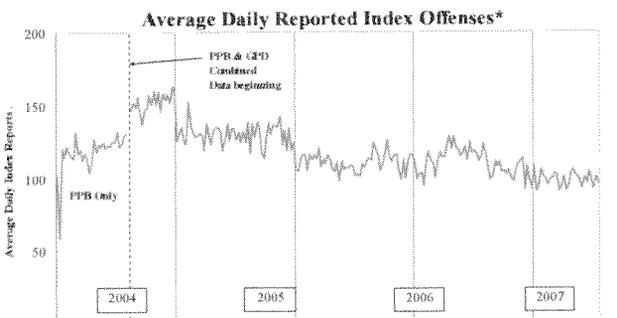
Average Daily Arrests increased from 97 per day in April to 101 per day in May. This increase can be attributed to a large increase in the Other category (33 to 40 per day), the Drug category (10 to 11 per day), and the Behavioral category (8 to 11 per day). This increase was offset by the spike in Property arrests in April returning to a more normal level; the cause of which is not yet known. The increase in the Other category is from a cyclical trend with arrests increasing in the spring and decreasing in the fall and winter.

June

Average Daily Arrests leveled after a sharp increase from April to May; remaining at 101 per day. This happened in both the Other and Property categories. Average Daily Population changed significantly from 1545 in May to 1445 in June as the Sheriff Office was preparing for a system reduction of jail capacity starting in July. Multnomah County budgeted jail capacity changed from 1633 in FY 2008 to 1539 in FY 2009. The June decrease is also a result of the bed reduction strategy adopted by the Department of Community Justice three months ago. The number of beds used by DCJ detainees or supervision violation sanctions has declined consistently over the past months

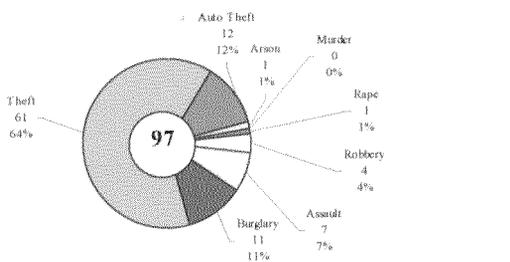
SAFETY PRIORITY BRIEF: JUNE 2008

Multnomah County: Reported Index Offenses



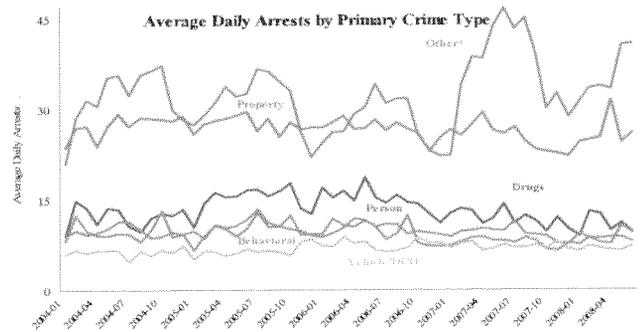
*The graph reflects the combined weekly index offenses data from Portland Police Bureau (PPB) and Gresham Police Dept (GPD), beginning 8/2004 (line in blue). According to LEADS (2005) data PPB and GPD account for 95% of all offenses county-wide. Index offenses account for about half of all reported offenses.

Average Daily Reported Index Offenses*



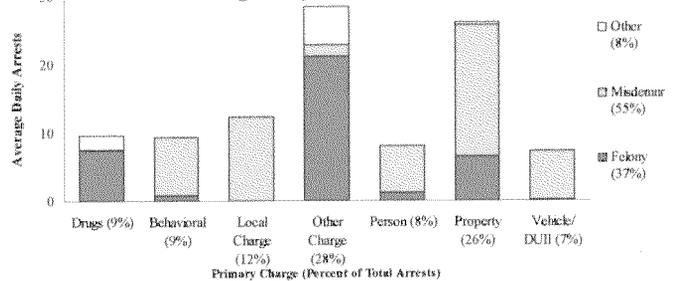
*Portland and Gresham, combined 4-week moving average for the week ending 7-5-08.

Multnomah County: Portland Arrests



*Other largely reflects fugitive/warrant charges and local ordinances (DFZ/PFZ). PPB data only, downloaded 7/16/08.

Average Daily Arrests*: June (n=101)



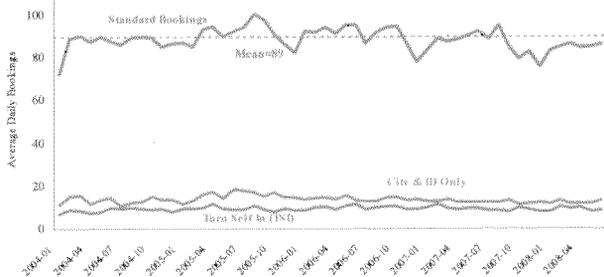
Local charges include drug- and prostitution-free zone violations.

*There were 3836 arrests in June.

From now on, warrants previously categorized as 'other' will be listed under felony arrests.

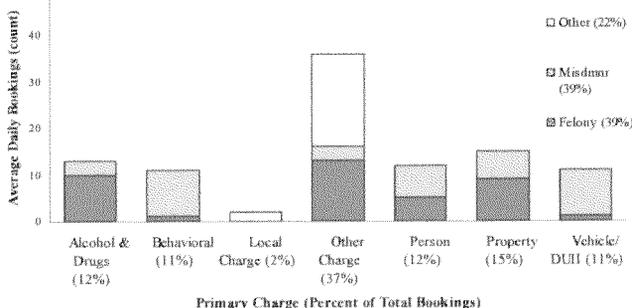
Sheriff: Bookings

Average Daily Bookings by Type



*In-transit bookings are not reported herein and account for ~4% of all bookings. June's average length of stay (ALS) per booking was 17.9 days.

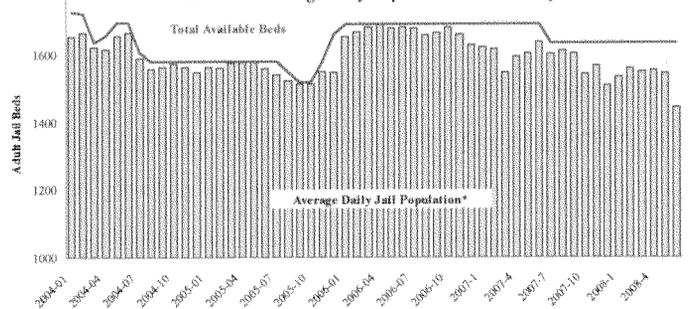
Average Daily Bookings by Severity*: June (n=98)



*Excludes Cite & ID. Total of 2937 bookings (979/day) through 6/30/08. Corrections Health reported 494 psych-alerts (16.5/day) for the entire month of June.

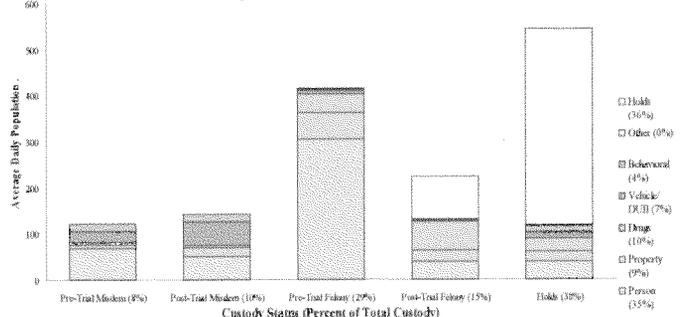
Sheriff: Custody- Adult Jail Beds

Adult Jail Average Daily Population & Availability



*Excludes in-transit custody classifications. The MCSO reported 0 matrix releases for June 2008.

Average Daily Bed Use: June (n=1445)



Average Daily Jail System Capacity=1539 Average Daily Population (ADP)=1445, there were 94 available beds on any given day.

Notes: Average Daily Arrests leveled after a sharp increase from April to May; remaining at 101 per day. This happened in both the Other and Property categories. Average Daily Population changed significantly from 1545 in May to 1445 in June as the Sheriff Office was preparing for a system reduction of jail capacity starting in July. Multnomah County budgeted jail capacity changed from 1633 in FY 2008 to 1539 in FY 2009. The June decrease is also a result of the bed reduction strategy adopted by the Department of Community Justice three months ago. The number of beds used by DCJ detainees or supervision violation sanctions has declined consistently over the past months.

MULTNOMAH COUNTY JAIL STATISTICS: JUNE 2008

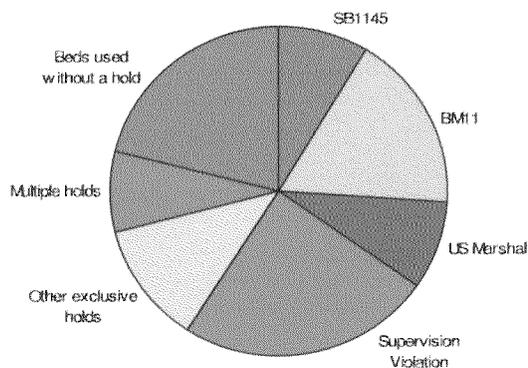
Key Statistics¹:

- The total number of average daily filled jail beds: **1,445²**
- The average daily jail beds filled exclusively under the contract with U.S. Marshal's Office³: **123**
The number of billed jail beds⁴ under USM contract: **136**
- The average daily jail beds filled under SB1145 (Local Control population): **126**
- The average daily jail beds filled exclusively by Parole or Probation violations⁵: **353**
- The number of Emergency Population Releases: **0**
- The number of field-based work release (FBWR) program participants⁶: **46**
The number of jail bed days saved due to FBWR: **872** (equivalent to **29** jail beds).
- The number of inmates referred to treatments: **26**. The number of inmates placed into treatments: **14**. Average number of inmates on the treatment waiting list in July: **34**
- CANS made a total of **2,869** hearing notifications with **80%** call success rate. Of those who received a successful reminder, about **93%** appeared to hearings⁷.

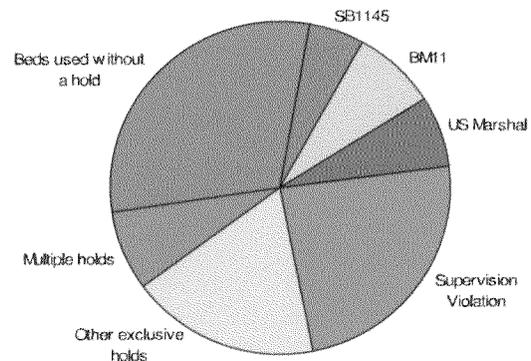
Adult Average Daily Jail Bed Use Breakdown: June 2008

| Type of Occupancy ⁸ | # of bed days | # of beds | % of beds | # of inmates | % of inmates |
|------------------------------------|---------------|-------------|---------------|--------------|---------------|
| SB1145 (Local Control) | 3774 | 126 | 8.7% | 205 | 5.2% |
| BM11 | 7541 | 251 | 17.4% | 316 | 8.1% |
| US Marshal (exclusive) | 3704 | 123 | 8.5% | 271 | 6.9% |
| Supervision Violations (exclusive) | 10598 | 353 | 24.4% | 931 | 23.8% |
| Other exclusive holds | 5154 | 172 | 11.9% | 710 | 18.2% |
| Other Multiple holds | 3415 | 114 | 7.9% | 305 | 7.8% |
| Beds used without a hold | 9157 | 305 | 21.1% | 1170 | 29.9% |
| Total | 43343 | 1445 | 100.0% | 3908 | 100.0% |

Jail Bed Distribution by Type of Occupancy, June 2008 (Total beds filled=1,445)



Inmate Distribution by Type of Bed Occupancy, June 2008 (Total inmates housed=3,908)



¹ This data sheet is provided mainly to meet the reporting requirements as specified in one of the FY 2008 Budget Notes.

² This represents 88.5% of total County operational jail bed capacity (N=1633). Capacity at 97% or higher is considered a Population Emergency. In-transit bookings were excluded from the total bed use calculation.

³ This number does not include 35 non-exclusive USM beds that were reported in other categories.

⁴ The number of billed USM beds is a result of negotiation and data reconciliation between the County and US Marshal's office. It may not be the same number as pulled out from the DSS-J system.

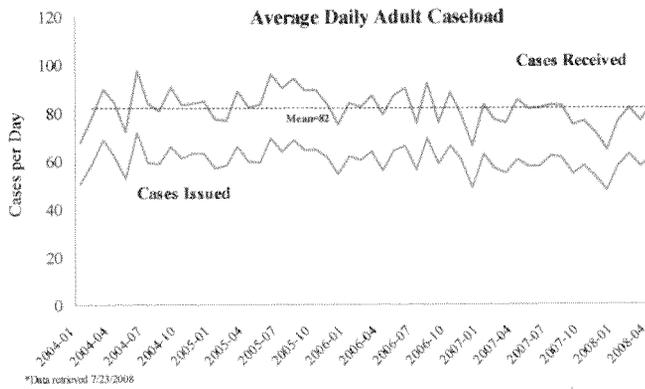
⁵ Started in May 2008, this number also includes any combinations of post-prison, parole, or probation supervision violation holds that were previously grouped in the 'Multiple Holds' category.

⁶ FBWR participants include new admission, new termination, or admitted previously but still active by the end of month.

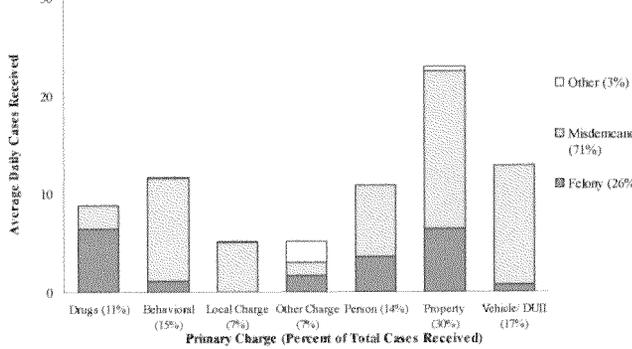
⁷ DSSJ and OJIN data were used to calculate CANS FTA outcomes. Persons in custody at time of hearing were excluded.

⁸ Beds used for SB1145 (based on primary offenses) and BM11 (based on primary offenses) were counted first regardless other types of holding an inmate might also have.

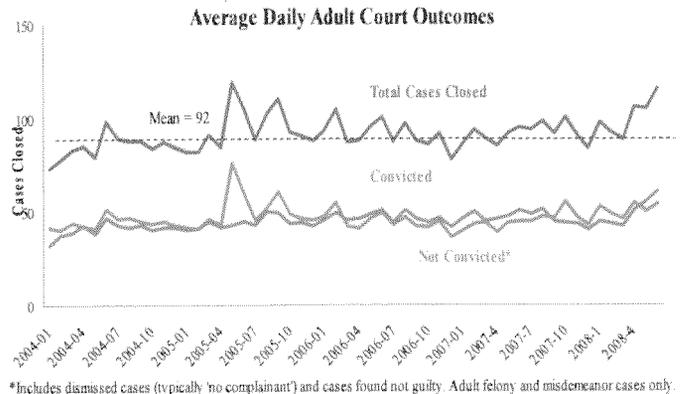
District Attorney: Adult Caseload



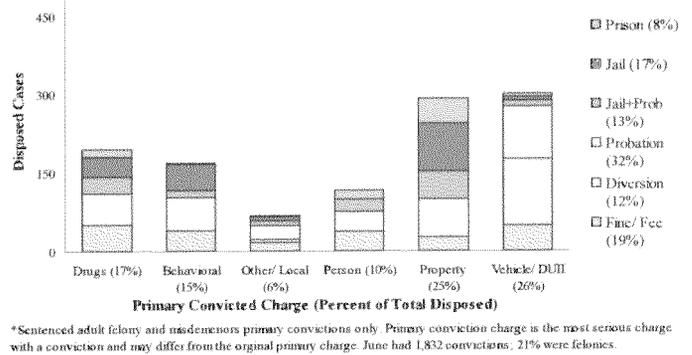
Average Daily Received Cases*: June (n=78)



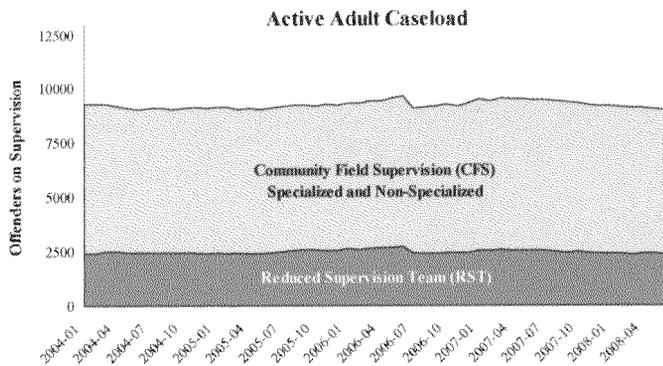
Court Processes: Sentencing Outcomes



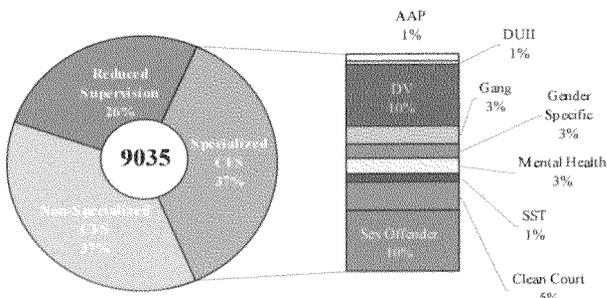
Disposition Type by Primary Conviction*: June 2008



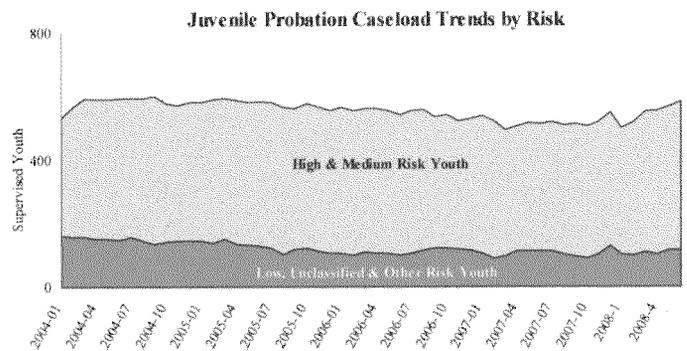
Adult Community Supervision: Caseloads



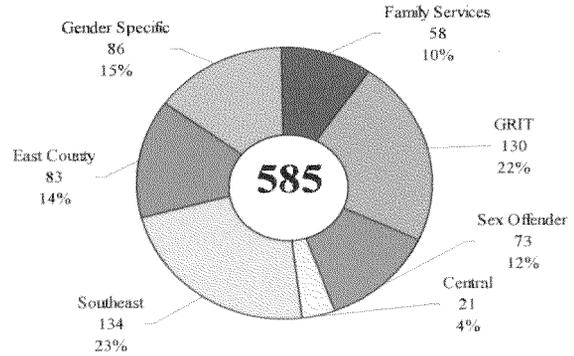
Adult Active Caseload by Type*: June 2008



Juvenile Community Supervision: Caseloads



Juvenile Justice Caseload by Unit*: June 2008



Notes: Average Daily Adult Received cases experienced a 6.8% increase from May to June. The majority of this increase came from Cases Issued from misdemeanor Local Charge and Person cases. Total Average Daily Adult Court Cases Closed increased from May to June. This was due to increases of Misdemeanor convictions and Felony Dismissals and Misdemeanor Not Guilty cases closed. Cases ending in a conviction continued to increase in June with the highest average daily level (61) since January 2004.

| | Socioeconomic Factors | | | | | | Local Jail Statistics | | | | | | | | | |
|---|-----------------------|---------------|--------------------------|----------------------------|----------------------|---------------------|-----------------------|---------------------------|--|------------------|--|-----------------------|--|----------------------------|---|---------------------------|
| | Population | Poverty Level | % of population under 18 | % of High School graduates | Bachelor Degree rate | Home ownership rate | Electronic Monitoring | Secure Drug Treatment | Work Release | County Jail Beds | Municipal jail Beds | Total Count Jail Beds | beds used for state sentences & parole | United States Marshal Beds | Total jail beds available for "local" sentences | Jail bed/Population ratio |
| Multnomah County | 681,454 | 14.2% | 22.8% | 85.6% | 30.7% | 56.9% | yes | 0 | beds 0 Furlough 45 | 1,633 | 0 | 1,633 | 390 | 160 | 1,083 | 629:1 |
| Multnomah County (with proposed constraint cut) | 681,454 | 14.2% | 22.8% | 85.6% | 30.7% | 56.9% | yes | 50 | no | 1,508 | 0 | 1,508 | 390 | 160 | 958 | 711:1 |
| King County | 1,826,732 | 10.0% | 21.9% | 90.3% | 40.0% | 59.8% | yes (100) | 0 | beds 185 Furlough 0 | 2,913 | Kent-160 Renton-50 consortium-440 total 650 | 3,563 | 220 | 5 | 3,338 | 547:1 |
| Sacramento County | 1,374,724 | 13.6% | 26.3% | 83.3% | 24.8% | 58.2% | yes (308) | 0 | beds 0 furlough & workcrew 1701 | 4,570 | 0 | 4,570 | 294 | 418 | 3,858 | 356:1 |
| San Francisco County | 744,041 | 11.6% | 14.8% | 81.2% | 45.0% | 35.0% | yes (262) | up to 120 (in custody) | no | 2,146 | 0 | 2,146 | 0 | 0 | 2,146 | 347:1 |
| Salt Lake County | 978,701 | 10.2% | 29.6% | 86.8% | 27.4% | 69.0% | yes (125) | up to 96 (in custody) | no | 2,098 | 0 | 2,098 | 0 | 50-75 | 2,023 | 483:1 |
| Ada County | 359,035 | 9.1% | 25.9% | 90.8% | 31.2% | 70.7% | yes | up to 83 (in custody) | yes 108 | 1,215 | 0 | 1,215 | 40 | 86-90 | 1,075 | 334:1 |

| Comparable Crime Rates | |
|------------------------|--------------------------|
| County | Total Index Crime Rate * |
| Multnomah | 6,180 |
| San Francisco | 5,568 |
| King | 5,560 |
| Salt Lake | 5,359 |
| Sacramento | 5,262 |
| Ada (Idaho) | 3,066 |

* Crimes per 100,000 thousand residents



Michael D. Schrunk, District Attorney

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Portland, OR 97204-1193
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MEMORANDUM

To: Mike Schrunk
From: Chuck French
cc: John Bradley
Date: May 28, 2008
Subject: Crime statistics per county

In response to your follow-up request regarding our survey of jails in large counties of the Northwest and northern California, I have assembled data on reported index crime rates for the counties we surveyed. The following represents the 2006 FBI index crime rates for the counties we surveyed. The rates are expressed in FBI index crimes per 100,000 population.

| | |
|----------------------------------|------|
| Multnomah County | 6180 |
| San Francisco County, California | 5568 |
| King County, Washington | 5560 |
| Salt Lake County, Utah | 5359 |
| Sacramento County, California | 5262 |
| Ada County, Idaho | 3066 |

These figures demonstrate that crime rates are between 10-50% lower in counties with greater local jail capacity.



Michael D. Schrunk, District Attorney

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MEMORANDUM

To: Mike Schrunk
From: John Bradley, Chuck French
Date: May 15, 2008
Subject: Jail Comparison

Recent statistics generated by the Multnomah County Sheriff's Office have provided insight into the utilization of jail resources in this county. The attached graph demonstrates how the jail population in this county has declined. This graph demonstrates just how little jail space is available to sentence local offenders who have committed "quality-of-life" offenses such as misdemeanor thefts, some driving offenses and vandalism, because what little space there is must be used for driving offenses that endanger the public, such as driving under the influence, misdemeanor domestic violence cases, misdemeanor assaults and aggressive, threatening behavior, such as menacing and recklessly endangering the life of another. That figure of jail space available for local sanctions is indicated by the orange band labeled "Post-trial," second from the top. The number of jail beds that judges have to sentence the over 8,000 misdemeanor offenders who are convicted a year has steadily contracted from approximately 200 in 2002 to about 50 currently. We believe that this lack of jail space is one of the key contributing factors to Portland's distressingly high non-violent crime rates. In short, there is simply no space available for the local justice system to use to sanction these types of offenders.

These MCSO statistics point to a problem which has evolved as local jail systems have become more complex. Historically and traditionally, local jail systems were designed to hold defendants awaiting trial and offenders sentenced to modest jail terms on misdemeanor charges, by law, usually less than one year. Additionally, local jails served the minor function of briefly holding locally arrested inmates for transfer to other jurisdictions for crimes committed there. With a relatively simple mission, it was also relatively simple to ascertain the number of jail beds that were available to enforce local laws, because the entire jail was essentially dedicated to the mission.

As our local jail system has evolved over the last generation, however, it has taken on a number of new functions, including holding inmates in treatment facilities, holding inmates for federal and state agencies on a contractual basis, taking all inmates

sentenced to the penitentiary for a year or less, and numerous forms of release and furlough. Instead of merely detaining inmates for trial and misdemeanor sentences, our jails must now use jail space for a variety of other services apart from the traditional function of jails.

We have seen a trend in the last 20 years of the county assuming state functions and ultimately the county abandoning its primary historic local responsibility in favor of fulfilling functions that are traditionally responsibilities of state government. No where could that be clearer than in the area of supervised probation. Historically the county handled misdemeanor probation. When it assumed the responsibility for felony probations, the county was told that there would be no additional costs. Today the county loses many millions of dollars handling felony probation supervision and it has almost entirely abandoned its historical responsibility for supervising misdemeanor probation.

While no one doubts the utility of these new jail programs and policies, the trend to diversify the local jail's mission has made it difficult to evaluate a local jail system's ability to confront the traditional law enforcement challenges of pretrial detention and misdemeanor sentencing. In the past, a jail system's bed capacity was a fairly reliable indicator of its ability to enforce local laws, since the systems beds were largely used for pretrial detention and local sentences. That yardstick now has significantly less value, as local jail beds are increasingly used for new purposes beyond these goals. A meaningful assessment of how effectively a local jail can serve local needs now requires an analysis not of the total number of beds in a jail system, but of the total number of beds dedicated to pretrial detention and local sentences.

Unfortunately, that has not been done in this county, and the debate over jail space has centered on total MCSO jail capacity, which has dropped from 2079 in 2000 to only 1633 today, without an appreciation of the significance of that decline. In effect, because of state and federal commitments for jail beds which cannot be altered, most of the reduction in county jail capacity has come at the expense of space available for traditional county jail functions, as the MCSO graph demonstrates. The result, in our opinion, has been the inability of the local justice system to impose meaningful sanctions for quality-of-life offenses, let alone violent or threatening misdemeanors.

Crime rates in the city of Portland support this conclusion and allow for an interesting contrast. At 3.7 per 100,000, the homicide rate in Portland is one of the lowest in the nation for a large city (ranked 66 of 72 of cities over 250,000 population), and in fact is well below the overall national average, which encompasses rural, suburban and urban settings. With an extremely low rate of violent crime, one might expect a correspondingly low rate of criminality in general and a low rate of property crimes. This is decidedly not the case, however. The property crime rate for Portland is

one of the highest of all large cities in the United States – ranked 21 out of 72. Alarming, the theft rate in Portland is number 12 out of 72.

Furthermore, socioeconomic factors that often point to crime provide no explanation for the extreme property crime rates in Portland. County residents are highly educated, with a comparatively high level of adults 25 or older having a high school diploma, or its equivalent and a high percentage who have graduated from college. Home ownership is substantial and the poverty rate is modest. Furthermore, in comparison to other large cities Multnomah County has a relatively low percentage of juveniles, who are historically more active in criminal activity, especially property offenses.

Specifically, with an estimated current population of 681,454, Multnomah County is virtually entirely urban and the poverty level of county residents is 14.2%. 22.8% of the county population is under 18 years of age. The homeownership rate is 56.9%. The high school graduation rate for persons 25 or older is 85.6% and 30.7% of those over 25 have bachelor's degrees or above. Socioeconomic conditions such as these cannot explain the property crime rates that exist in this county, especially in comparison to the remarkably low violent crime rate. A reasonable conclusion for the property crime rate is the lack of jail capacity to sanction this type of offender. With only approximately 50 jail beds available for misdemeanor sentences in a county of almost 700,000 residents, there is virtually no jail space available for local judges to enforce misdemeanor laws.

With this in mind, we have analyzed a number of other Western U.S. county jail systems to ascertain how our system compares in terms of jail space available for local property offenders. In doing so, we have attempted to compare the appropriate numbers of differing systems. Because county jails in the United States have traditionally served to house felony defendants awaiting trial and to sanction misdemeanor offenders after their cases are resolved, we have attempted to isolate those numbers to compare the jail beds available for local enforcement from system to system. We have eliminated "contract" jails beds (such as state prison and federal contracts) from jail totals. We have also attempted to list alternative incarceration programs, such as work release, furlough, and drug treatment, where they exist. We believe this provides accurate comparisons between counties of the ability of local law enforcement to respond to criminal behavior. The attached spreadsheet presents those figures.