



MULTNOMAH COUNTY SHERIFF'S OFFICE

501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214

Exemplary service for a safe, livable community

BOB SKIPPER

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MEMORANDUM

TO: Board of County Commissioners
Local Public Safety Coordinating Council, Executive Committee

FROM: Sheriff Skipper

DATE: Tuesday August 25, 2008

RE: Review of the Cite and Identification and Booking Criteria

The Sheriff's Office Cite and Identification and Booking Criteria define who police officers can bring to jail and are important policies in the criminal justice system. The criteria need to be legally sound, should represent the standards for behavior in our community and be cognitive of the resources expended and available to arrest offenders, house them in jail and within the Courts pretrial system. Another important component of the booking process is Court ordered Recog. Recog is the decision point which actually determines if someone who was booked into jail is eligible for a jail bed or if they should be immediately released. Together the Cite and Identification, Booking and Recog Criteria are tools which have the power to protect civil rights, confuse or assist police, and guard and/or coordinate public safety resources.

The Booking Criteria has been adjusted and refined through the P57 process since November of 2005. The Booking Criteria itself was last revised in April 2003 and the Cite and Identification criteria in April of 2008. The success of P57 and the almost three years of data make this a good time to review how the jail system can serve as a tool to police, the community and the criminal justice system. I believe that the development of P57 and its success in intervening early and proactively with an offender, indicate that the Cite and Identification and Booking Criteria do not match the standards for behavior expected in our community and also do not set forth the most coherent and effective policy for the use of criminal justice resources.

P57 allowed for three things: it expanded the booking criteria allowing certain quality of life crimes to be booked into jail, provided more jail beds for pre-arraignment offenders and it prevented certain crimes from being matrix released pre-arraignment. Data indicates P57 was successful. The results of P57 were successful. Attached is the cover letter to the P57 Performance Report (Nov 2005 – Apr 2008). It clearly summarizes the benefits – decreased bookings of chronic offenders, fewer Failure to Appear (FTAs) and fewer arrests after people have been booked into jail through P57.

Through P57 the jail door was more widely opened for quality of life crimes; as a result more offenders received sure and swift action from police and the courts. More offenders appeared at arraignment and were connected to the Court's various crime diversion and sentencing strategies. The result was decreased future demands on the jail and expense to the criminal justice system.

I have a unique opportunity to review the booking criteria and revise it based on the success of P57. I have asked my staff to review P57 data, cite and identification and booking data, impacts of the elimination of Drug Free and Prostitution Free Zones on bookings, booking trends and the current booking criteria. As part of this assessment, I will meet with the police agencies in Multnomah County to learn how the expanded booking criteria under P57 worked and ways in which the jails can better align with community needs and available public safety resources.

I believe that this assessment can occur in a short time frame. I look forward to working with you and sharing the results and expect to do so in October through the LPSCC Executive Committee and discussions with the Board.

Attachments:

- Cover letter to the P57 Performance Report (Nov 2005 – Apr 2008)
- Current Booking Criteria
- Current Cite-In-Lieu Criteria (which include Cite and Identification)
- Current P57 Criteria

June 1, 2008
9609 NW Henry Court
Portland, Oregon 97229

TO: Mayor Tom Potter
City of Portland

Chief Rosanne Sizer
Bureau of Police

SUBJECT: Project 57 Performance Report (Nov 2005 – Apr 2008)

Attached is a Performance Data Report for Project 57 (P57). This report covers the 30 month period since the program's inception in November 2005 through April 2008.

Among the most notable findings derived from the data contained in this report are the following:

- Police booked 10,997 arrestees into jail through P57. The arrests were for a variety of crimes ranging from Possession and Distribution of Controlled Substances to Commercial Burglary, Soliciting Prostitution and Interfering with Public Transportation. Prior to the inception of Project 57, individuals arrested for these crimes would not have been eligible to be booked into the county jail and would have been issued Citations-in-lieu of Custody and released.
- Prior to P57, 43% of cited arrestees failed to appear in court for arraignment. Over the past 30 months, we have found that only 9% of P57's arrestees failed to appear (FTA'd). Even those individuals who were released ("recoged") from jail prior to arraignment had a much higher likelihood of appearing in court than the "cite and release" arrestees. This means, those offenders whose criminal behavior has the greatest impact on street level livability and public safety are finally getting access to and benefit from whatever crime diversion services the courts have at their disposal.
- One of the principle objectives of P57 was to interdict chronic offenders and attempt to break their cycle of recidivism. As such, when we selected our list of "P57 bookable offenses," we focused on those crimes which not only had the greatest negative impact on public safety and neighborhood livability but also involved a disproportionate number of perpetrators who, for whatever reason, chronically re-offend. Therefore, we knew, or certainly expected, at the outset, that a large percentage of the offenders with whom we would be dealing would be chronic, repeat offenders. Indeed, we found that individuals who had two or more P57 arrests constituted 22% of all P57 arrestees and accounted for 48% of all bookings!

- Surprisingly, we have seen that 78% of the people booked into jail as P57 offenders have NOT been rearrested in Multnomah County after participating in the P57 booking process. While much research needs to be done on this trend, we speculate that the significant reduction in recidivism is due in large measure to the fact that P57 has made it possible for greater numbers of offenders to get into the Court system and benefit from the Court's various crime diversion and sentencing strategies.
- According to the Multnomah County Sheriff's Office's recent "Frequently Booked Report," between 2002 and 2005 there was a 171% INCREASE in bookings of persons who had been previously booked into jail ten or more times. Between 2005, the year P57 was initiated, and 2006, there was a 37% DECREASE in bookings of persons with 10 or more prior bookings. In 2007, the number DECREASED by another 19.4% - 205 chronic repeaters in 2005, 67 in 2006, and 54 in 2007! We can only speculate as to the extent of P57's role in contributing to this startling reduction in chronic offender bookings. The amount of resources saved by the City and County police, prosecutorial, corrections, court, and parole/probation agencies must be substantial.
- P57 used a weekly average of 176 Bed Days during this 30 month period. Although this is significantly less than the 57 bed capacity provided for in the City-County Intergovernmental Agreement, we are satisfied that the "surplus" beds were put to good use by the Sheriff's Office. While overall Standard Bookings remained fairly stable (decreasing an average of 3% per year), the monthly average of prisoner Early Releases decreased by 98% between 2005 and the first four months of 2008 (a monthly average of 359 early releases in the last half of 2005 to only 27 releases in the four months since January, 2008). In addition, during the same period, the monthly average Matrix Score of early released offenders decreased by 30% (from 39 to 27). It is likely that the "surplus" P57 beds contributed significantly to community public safety by giving the Sheriff the jail resources needed to avoid early release of the more serious offenders.

It has been a pleasure to be associated with this hugely successful program. As a resident of both the City of Portland and Multnomah County, I am hopeful the city can find a way to continue this program in the future.

Sincerely,

Charles F. Makinney, Chair
Project 57 Oversight Committee

CC: District Attorney Michael D. Schrunk, County
Chair Ted Wheeler, Multnomah County
Sheriff Bernie Giusto, Multnomah County



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SPECIAL ORDER

03-08

April 3, 2003

SUBJECT: CHARGES ACCEPTABLE FOR BOOKING

EFFECTIVE: IMMEDIATELY

REVIEW: REVIEW ANNUALLY

- I. This order supercedes Special Order 02-11, *Charges Acceptable for Booking*.
- II. Arresting officers may, at their discretion, cite all crimes allowed by ORS and their individual agency policy. Section III of this order outlines the MCSO acceptance policy, but does not require booking of all listed charges.
- III. Persons arrested on the following charges may be admitted into custody. If there is a question on acceptance, contact the Intake Sergeant before admitting the prisoner.

Class A Felonies	All
Class B Felonies	All, except PCS I
Class C Felonies	All, except PCS II
Parole Violations	All, except PCS I, PCS II
Post-Prison Violations	All, except PCS I, PCS II
Probation Violations	All, except PCS I, PCS II
Warrant Arrests	All, except those identified as citable
Court Commits/Contempt	All
Misdemeanors	All "person" crimes as listed in Appendix A
Federal Prisoners	All (U.S. Marshals, FBI, BATF, Immigration, Military, etc.)
Program Violations	All MCSO
Courtesy Holds	All, upon approval from the Intake Manager or Facility Commander
Community Safety Exemptions	All, upon approval from the Intake Sergeant
Mass Arrest Emergency	All, as provided in section V
Special Target Operations	All, as provided in section VI

- IV. A Community Safety Exemption (CSE) is an exemption to MCSO's booking policy for a person who, although their charges do not meet the booking criteria outlined in Section III, needs to be admitted into MCDC to ensure community safety.

An arresting officer who has a subject they believe is a CSE shall request their direct supervisor to approve the action. The supervisor shall then call the Intake Sergeant and notify him or her of the request to lodge the person as a CSE.

The Intake Sergeant shall have the authority to accept or reject all CSE bookings. In order to track use of CSE, the arresting officer shall complete a copy of the CSE admittance form and give it to the Intake Control Deputy. The Intake Sergeant shall review the form, sign it and forward it to the Intake Manager.

- V. For purposes of temporarily modifying MCSO booking policy only, a "mass arrest emergency" exists when a law enforcement agency arrests, or anticipates arresting, five or more persons at a public event, whether lawfully or unlawfully assembled, and such arrests are necessary to maintain or restore public safety at such event.

If a law enforcement agency determines a mass arrest emergency exists or is likely to exist, an authorized representative of the agency shall notify the MCDC Officer-in-Charge (OIC) that a mass emergency exists or is likely to exist.

In addition to the bookable charges listed in this order, during a mass arrest emergency, a law enforcement officer responding to the event may book a person charged with a crime. The agency shall notify the Intake Sergeant that the emergency no longer exists.

- VI. For purposes of temporarily modifying MCSO booking policy only, a "special target operation" is a strategic law enforcement operation of limited duration in which specific criminal offenses are targeted for enhanced enforcement. A law enforcement agency intending to implement a special target operation shall notify the MCDC Facility Commander prior to commencing the operation. In addition to the bookable charges listed in this order, a law enforcement officer working as part of a special target operation may book a person on crimes directly arising from the special target operation.

- VII. The foregoing policies regarding CSE, mass arrest emergency or special target operation only provide for booking of a person charged with a crime under specific circumstances. These policies do not necessarily affect the person's eligibility for bail or pre-trial release.

BERNIE GIUSTO
SHERIFF

DISTRIBUTION: All Units

APPENDIX A

"Person" Misdemeanors Acceptable for Booking

<u>ORS Section</u>	<u>Description of Offense</u>	<u>Misdemeanor Type</u>
163.160(2)	Assault IV * (see note below)	A
811.540(1)(b)(B)	Attempt to Elude Police on Foot	A
166.240	Carry Concealed Weapon	B
163.545	Child Neglect II	A
163.435	Contrib. Sexual Delinq. Minor	A
163.200	Criminal Mistreatment II	A
813.010	DUII	A
163.687	Encouraging Child Sex Abuse III	A
163.575	Endangering Welfare of Minor	A
162.145	Escape III	A
181.599(2)	Failure to Reg. Sex Offender	A
166.270(2)	Felon Poss. Restricted Weapon	A
166.065(1)	Harassment	B
166.065(4)	Harassment – Touching Intimate Part	A
165.572	Interfering with Making a Report	A
166.155	Intimidation II	A
163.700	Invasion of Privacy	A
163.190	Menacing	A
166.385(2)	Poss. Of Hoax Destructive Device	A
163.467	Private Indecency	A
163.465(2)(a)	Public Indecency	A
811.140	Reckless Driving	A
811.231	Reckless Endanger Hiway Worker	A
163.195	Reckless Endanger Another	A
162.315	Resist Arrest	A
163.415	Sexual Abuse III	A
163.732(2)(a)	Stalking - Misdemeanor	A
166.090	Telephonic Harassment	B
475.986(1)(d)	Unlaw Admin Cont Substance	A
163.709	Unlaw Direct Light/Laser Pointer	A
163.212	Unlawful ESG, T Gas, Mace	A
166.250	Unlawful Poss. Firearm	A
163.750(2)(a)	Viol. Ct Stalking Order – Mis	A

*Note: all domestic violent charges are acceptable for booking



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SPECIAL ORDER

08-04

APRIL 11, 2008

SUBJECT: IDENTIFICATION PROCESSING OF CITE-IN-LIEU CUSTODY PRISONER.

EFFECTIVE: IMMEDIATELY

REVIEW: ANNUALLY

ADMISSIONS OF CITE-IN-LIEU ARRESTS

- I. No person will be accepted for identity processing on any non-jailable offense, City code violation, and/or offense classified as a violation or infraction.
- II. Arresting officers may, at their discretion, issue citation(s) in-lieu-custody for bookable crimes allowed by ORS and their individual agency policy. If the officer decides to issue citation(s) in-lieu-custody for charges acceptable for booking, the arrestee will be accepted for identification processing.
- III. Arrestees issued citation(s) in-lieu-custody on non-bookable charges will be acceptable for ID processing if their identification is not know to the arresting officer and the arrested person is not in the CRIMES/SWIS Identification System.
- IV. Persons cited on the below listed charges will be admitted into custody for identification processing each time they are arrested.
 - A. All Class C Felony property crimes
 - B. PCS I and PCSII
 - C. Any misdemeanor, which, involves a violation of the Uniform Controlled Substance act
 - D. Resisting Arrest
 - E. Intimidation II
 - F. Prostitution
 - G. Public Indecency
- V. Persons whose charges do not meet the booking or identification process criteria may be booked into custody as outlined in Sheriff's Office Special Order 02-11, Charges Acceptable for Booking, Section IV., Community Safety Exemptions.

- VI. A total of 28 persons may be accepted for identification processing at one time. Intake Sergeants may increase or decrease the limit on a situational basis determined by levels of activity, i.e. numbers on the booking floor, transports and releases. The Sergeant shall submit an Information Report to the Booking Manger whenever he/she increases or decreases the number of persons accepted for identification processing.
- VII. Cited persons shall go through the same booking and release processes as arrestees.
- VIII. Cited persons will not be included as part of the facility count.
- IX. Cited persons shall not be held in custody for more than four hours, unless a FBI file search is necessary. The four-hour time limit will start when the ID technician has received a copy of the citation and custody report. The end time will be when the person has been released from custody.

CONVERSIONS OF CITES TO STANDARD BOOKINGS

- I. In the event that the identification process and records clearance is not completed within the four hours, the Intake Sergeant shall contact the ID Technician and Records Supervisor to determine the reason(s) for the delay. If information is not received, the Intake Sergeant shall arrange for the release of that person.
- II. The Intake Sergeant shall submit an information report to the Booking Manger outlining the reasons for the delay and release of the cited person.
- III. Inmates who are non-compliant while in the identification process, i.e. violent/aggressive behavior or intoxicated and unwilling to complete the process in four hours of their admission, shall be converted to a standard booking.
- IV. The Intake Sergeant shall immediately notify the Records Technician, Recog, and Classification Unit that the cited person has been converted to a standard booking.
- V. Any cited person who is converted to a standard booking for reasons outlined in section III above shall be charged with the crime of "Obstructing Governmental or Judicial Administration" ORS 162.235. The crime investigation and charge will be completed by the Intake Sergeant. An incident report and new custody report will be forwarded to the Records Technician to convert the cite-in-lieu of arrest to a standard booking. Copies of the report package shall be distributed to ID technician, Classification Unit, Recog, the Booking Manager and the Corrections Facilities Detective for follow-up.

UTILITY DEPUTY RESPONSIBILITIES

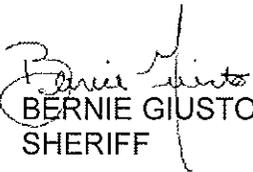
- I. The Utility Deputy shall:
 - A. Review custody reports for completeness and accuracy.
 - B. Make copies of custody report and citations.
 - C. Distribute copies of custody reports and citation.

CONTROL DEPUTY RESPONSIBILITIES

- I. The Control Deputy shall:
 - A. Receive copies of cites and custody reports from the Utility Deputy.
 - B. Enter the date, time, persons name, arresting agency and time out on the cite-in-lieu log.
 - C. Indicate on the log, person's who have been converted to a standard booking.
 - D. Place persons converted to a standard booking on the reception count.
 - E. Notify the Intake Sergeant of when the person is thirty minutes from the four-hour time limit.

SERGEANT RESPONSIBILITIES

- I. The Intake Sergeant shall:
 - A. Monitor bookings, transports and release activities to determine availability to process persons taken into custody as citations.
 - B. Monitor time limits for processing of persons in custody for ID processing.
 - C. Ensure persons are converted to a standard booking when the person(s) is found to have warrants and/or does not comply with the identification process.
 - D. Submit an information report for the release of persons prior to true identification being discovered.
 - E. Submit incident report packets for person(s) who have been converted to a standard booking charged with Obstructing Governmental or Judicial Administration.
 - F. Charge persons who refuse to comply with the identification process.


BERNIE GIUSTO
SHERIFF

Distribution: All MCSO Employees



PROJECT 57

Addendum "K"

Corrections Division Special Order 05-27



Revised – July 15, 2008

In accordance with the current "Project 57" agreement between the City of Portland and Multnomah County, the following charges shall be booked and placed on the "Y" list exempting them from population release until arraignment. This criteria will apply to all jurisdictions in Multnomah County.

Parole and Probation Violation Detainers for any PCS crime when subject can be identified on the "PPB NLCEP List" held in Intake Floor Control. Custodies should be labeled "NLCEP – PCS-Only Detainer"

PROBABLE CAUSE ARRESTS:

- ▶ Burglary II
- ▶ Unauthorized Use of a Motor Vehicle (UUMV)
- ▶ All PCS or Attempt PCS
- ▶ Trespass II from "Operation Pier Park" and/or "New Columbia"
- ▶ Prostitution or Attempted Prostitution
- ▶ Unlawful Entry into a Motor Vehicle
- ▶ Criminal Mischief I and II Involving Graffiti
- ▶ Interfering with Public Transportation
- ▶ Unlawful Possession of a Firearm
- ▶ Any ORS crime charged to any person on the "PPB NLCEP" list held in Intake Floor Control. Custodies under this category should be labeled "NLCEP." All other custodies, excepting PV Detainers for PCS crimes under NLCEP as described above, should continue to be labeled "P57."
- ▶ Any custody with a charge specified above that additionally lists a warrant, excluding an ICE hold, will also be designated as P57.

Subsequent addenda shall be published as needed during the term of this agreement.