

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 05-023

Establishing the Population Capacity at Multnomah County Detention Center, Adopting a Revised Capacity Management Action Plan and Repealing Resolutions 97-159, 98-1, and 04-135

The Multnomah County Board of Commissioners Finds:

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner that is consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- b. The maximum population capacity of the Multnomah County Detention Center (MCDC) has changed over time as a result of design changes, temporary construction and capital improvement projects.
- c. Resolutions 97-159, 98-1, and 04-135 established and amended the maximum jail population and capacity management plan, in response to jail over-crowding.
- d. On September 9, 2004, by Resolution 04-135, the Board instituted an examination of MCDC for the purpose of obtaining a capacity recommendation in accordance with ORS 169.042.
- e. The Sheriff, in partnership with the members of the Local Public Safety Coordinating Council, reviewed the Capacity Management Plan as revised in 04-135 and recommends changes to the Plan to ensure compliance with current law, operational practices and policy direction.
- f. The primary changes to the Plan include adopting the Oregon Criminal Justice Commission's definition of "person" crimes, ensuring the Plan's policy focuses on crimes and acts that are considered to be of greatest risk to persons, and eliminating unnecessary and confusing language.
- g. The Board has reviewed and considered the recommendations and consulted with the elected and appointed officials identified in ORS 169.046.

The Multnomah County Board of Commissioners Resolves:

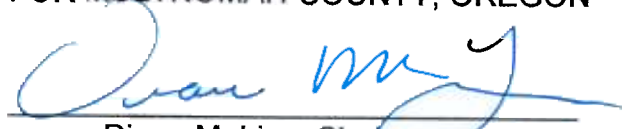
1. Pursuant to ORS 169.042 and 169.044 the population limit at MCDC shall be 520.
2. If the number of inmates housed at MCDC reaches the capacity limit, a county jail population emergency will exist.

3. The attached Capacity Management Action Plan (Plan) is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency.
4. The Sheriff or designee, in the event the Sheriff is unable to act, will implement the Plan in the event of a county jail population emergency.
5. The Board, the Local Public Safety Coordinating Council, or the Sheriff may request a review of the Population Capacity at MCDC and/or the Capacity Management Plan.
6. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS 169.042, 169.044 and 169.046.
7. This resolution takes effect and Resolutions 97-159, 98-1 and 04-135 are repealed on February 28, 2005.

ADOPTED this 27th day of January 2005.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By 
Scott E. Asphaug, Assistant County Attorney

CAPACITY MANAGEMENT ACTION PLAN

This Capacity Management Action Plan ("Plan") is adopted pursuant to ORS 169.044 to resolve a county jail population emergency. A jail population emergency exists when the MCDC population exceeds 95 percent of its population limit. In the event of a county jail population emergency, the Sheriff or his designee will implement this Plan.

- II. The intent of this Plan is to resolve a jail population emergency by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk. Such evaluations will be based on objective criteria reasonably calculated to:
 - A. Resolve the jail population emergency;
 - B. Ensure community safety; and
 - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.
- III. The Sheriff or his designee will develop and implement policies and procedures in which every person in custody of the Sheriff, and eligible under the Sheriff's authority to release, is evaluated using the following criteria:
 - A. Risk to self or other persons;
 - B. Propensity for violence;
 - C. Criminal Charges (person vs. non person);
 - D. Prior failures to follow court orders;
 - E. Parole, probation, or post-prison revocations; and
 - F. Institutional behavior or classification.
- IV. Persons whose current charge relates to or who have a criminal history involving the following shall receive special consideration:
 - A. Domestic violence;
 - B. Sex abuse;
 - C. Child abuse or crimes relating to children;
 - D. Risk to a known victim;

- E. Gang violence;
 - F. Crimes involving a weapon;
 - G. A history of an inability to comply with release conditions or sentencing orders (including Failure to Appear);
 - H. A history of Driving Under the Influence of an Intoxicants; or
A history of property crimes.
- V. A numerical score will be assigned to each person in custody and will rank the inmate population from highest to lowest score as indicated in Attachment A. The lowest score will represent the least threat to community safety.
- VI. The categories in this Plan apply equally to sentenced offenders, unsentenced offenders, and offenders held pursuant to warrants. The event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category. However, unsentenced offenders may be released for population reasons before sentenced offenders with a lower score until an unsentenced inmate reaches a predetermined score set by the Sheriff. Also, the Sheriff may release one gender with higher scores, if releasing the other gender with lower scores would only make available beds that would not be filled because there are no gender appropriate inmates waiting to be housed or no gender appropriate inmates classified for housing at the available bed.
- VII. The Plan shall ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- VIII. The Sheriff may adopt, amend, and rescind MCSO policies and procedures as necessary to ensure compliance with the intent of section II of this Plan.

Attachment A - Capacity Management Plan

CHARGE LEVEL	PERSON ^{1, 2}	NON PERSON ²
Measure 11	150	150
Class A Felony	135	100
Exemption	100 points: Burglary 1	35 points: MCS I and all DCS I related charges, with the exception of DCS to a Minor or Using a Minor in a Drug Offense
Class B Felony	80	35
Exemption	Escape I is 135 points.	50 points: MCS II, Possession of Precursor 20 points: PCS I
Class C Felony	50	20
Exemption	80 points: - Attempted Escape I - Negligent Homicide - Stalking - Violation of a Court Protective Order - Unlawful use of a Weapon - Felony DUII	35 points: - Identity Theft - Forgery - UUMV 50 points: - Tampering with a Witness - Riot - Attempted Theft by Extortion
Class A Misd.	25	14
Exemption	50 points: - DUII 80 points: - Stalking - Violation of a Court Protective Order	35 points: - Mail Theft 50 points: - Strangulation
Class B Misd.	14	7
Class C Misd	NA	7
Unclassified Misd/Ordinances	7	7
		170 points: - Restraining Order Violation
Violation	NA	7

Attachment A - Capacity Management Plan

1. Person crimes are those defined by the Oregon Criminal Justice Commission, all child abuse and crimes relating to children, including delivering controlled substances to a child, using a child in a drug offense, all sex abuse, firearms related crimes, escape and any conspiring to commit those crimes defined here as person crimes.
2. The charge of Conspiring to Commit a Crime is treated the same the charge for the crime (example Conspiring to Commit a Burglary I is the same score as Burglary I).