

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 06-014**

Adopting a Revised Capacity Management Action Plan and Repealing Resolution 05-186

**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, 04-135, 05-023, 05-186 established and amended the maximum jail population and capacity management plan, in response to jail overcrowding.
- d. On October 20, 2005 the Multnomah County Commissioners agreed to rent 57 jail beds to the City of Portland through Government Revenue Contract 0405136 and an Intergovernmental Agreement that reserved the beds and established the protocols for use of these jail beds for pre-arraignment lodging of arrestees designated by Portland as Project 57 (or P57) arrestees.
- e. Section 2.B.3 of the Intergovernmental Agreement Government within Revenue Contract 0405136 states specific language as to how P57 arrestees will be managed within the Population Release Plan. This Resolution integrates the agreed upon language into Section VI of the Capacity Management Action Plan.
- f. The Fire Safety and Detention Electronics Project was completed in all of the housing areas of MCDC. This allowed for the floor at MCDC to be reopened in January of 2006 bringing MCDC from a total capacity of 520 beds to 676 beds.

**The Multnomah County Board of Commissioners Resolves:**

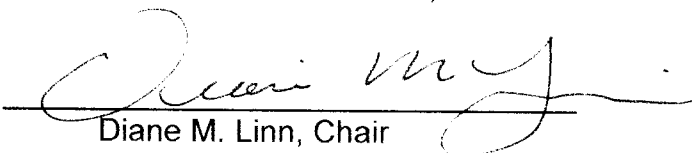
1. Pursuant to ORS 169.042 and 169.044 the population limit at MCDC is at its full capacity of 676.
2. If the number of inmates housed at MCDC reaches the capacity limit, a county jail population emergency will exist.

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 immediately and Resolution 05-186 is repealed.

ADOPTED this 2nd day of February, 2006.

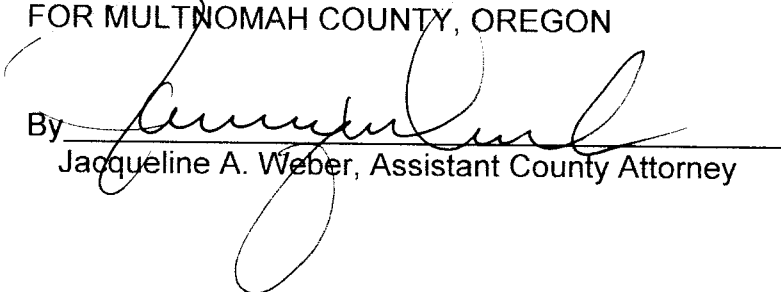
BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



  
Diane M. Linn, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Jacqueline A. Weber, Assistant County Attorney

## **CAPACITY MANAGEMENT ACTION PLAN**

- I. 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
  - I. 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. In 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.
- a. Each person in custody and designated as a Project 57 arrestee in accordance with Government Revenue Contract 0405136 with the City of Portland for the Rental of 57 Jail Beds will be exempted from Emergency Population Release until arraignment unless Project 57 capacity is exceeded and population releases are necessary.
  - b. In the event that an Emergency Population Release is required the number of Project 57 detainees in excess of 57 may be considered for release consistent with the Matrix scoring range under consideration at the time consistent with their charges.
- 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 <sup>1,2</sup>	NON PERSON <sup>2</sup>
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).