

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

RESOLUTION NO. 04-135

Amending Resolutions 97-159 and 98-1 to Decrease the Maximum Number of Inmates at the Multnomah County Detention Center and Allow Daytime Initiation of the Capacity Management Action Plan

The Multnomah County Board of Commissioners Finds:

- a. On August 7, 1997, the Board of County Commissioners (Board) adopted Resolution 97-159, limiting the maximum number of inmates at MCDC to 476 and adopting a Capacity Management Action Plan.
- b. As a result of retrofitting designated cells at MCDC, an additional 254 beds became available effective January 1, 1998.
- c. On January 8, 1998, by Resolution 98-1, the Board increased the MCDC population limit to 676 and amended the Capacity Management Action Plan (Plan) incorporated in Resolution 97-159 as Exhibit A to change the population limit to 676.
- d. An upgrade to the detention electronics and fire suppression project requires the ongoing closure of floors at MCDC which decreases the population capacity by 156 beds until the project is completed in about 16-18 months.
- e. The Board wishes to revise the Capacity Management Action Plan to allow initiation of the Plan during the daytime instead of at 4:00 a.m.
- f. The Board wishes to have the Sheriff review the Capacity management Plan with the Local Public Safety Coordinating Council and seek their recommendations concerning any additional changes to the Plan.

The Multnomah County Board of Commissioners Resolves:

1. Pursuant to ORS 169.044 the population limit at MCDC shall be 520.
2. The Capacity Management Action Plan incorporated as Exhibit A in Resolution 97-159 and amended by Resolution 98-1, is further amended to change the population limit from 676 to 520 and allow daytime initiation of the Plan.
3. The Sheriff will review the Capacity Action Plan with the Local Public Safety Coordinating Council and will report to the Board recommendations for additional changes to the Plan by December 1, 2004.

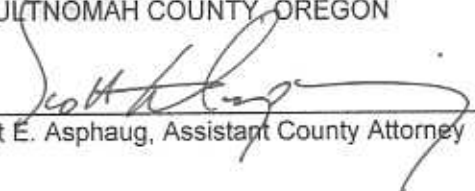
ADOPTED this 9th day of September, 2004.



REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By


Scott E. Asphaug, Assistant County Attorney

BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Diane M. Linn, Chair

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Establishment of a Jail Population)	RESOLUTION
Management Plan for the)	97-159
Multnomah County Detention Center)	

WHEREAS, SB 1145 requires that the county shall assume responsibility for community-based supervision, sanctions and services for offenders convicted of felonies who are on parole; on probation; on post-prison supervision, and sentenced or sanctioned on or after January 1, 1997, to 12 months or less incarceration; and

WHEREAS, as a result of SB 1145, the number of inmates sentenced to incarceration in Multnomah County jails has substantially increased since January 1, 1997, and is projected to continue to increase ; and

WHEREAS, MCDC is currently subject to a federal consent decree which limits the population of Multnomah County Detention Center (MCDC) to 476 inmates and allows for the release of inmates pursuant to a matrix release system to maintain the population of MCDC at its current capacity of 476 inmates; and

WHEREAS, the Sheriff will apply to the federal court to terminate or lift the consent decree as a first step in the implementation of a plan to increase the housing capacity of MCDC from 476 inmates to 676 inmates; and

WHEREAS, the Board of County Commissioners and the Sheriff are committed to jail facilities that are maintained and operated within the guidelines established by the Oregon and the Federal Constitutions; and

WHEREAS, the number of inmates at MCDC remains at or near 476 inmates, the current physical capacity of the facility; and

WHEREAS, the Board on May 15, 1997, requested a recommendation from the District Attorney, Sheriff and County Counsel regarding the maximum number of inmates that should be held in the correctional facility; and

WHEREAS, the District Attorney, Sheriff and County Counsel conducted a review of MCDC as requested by the Board. Based upon this review, the District Attorney, Sheriff and County Counsel have recommended a current population limit of 476 inmates at MCDC; and

WHEREAS, the Board of Commissioners having received and reviewed the recommendation, and having consulted with those elected or appointed officials identified in ORS 169.046, and having considered information provided by the Sheriff; now therefore

IT IS RESOLVED that the provisions of ORS 169.044 will apply at MCDC to limit the maximum number of inmates to 476; and

IT IS FURTHER RESOLVED that if the number of inmates housed at MCDC reaches the capacity limit, then a county jail population emergency will exist; and

IT IS FURTHER RESOLVED that the Capacity Management Action Plan attached and incorporated as Exhibit A will be implemented in accordance with ORS 169.046 in the event of a county jail population emergency; and

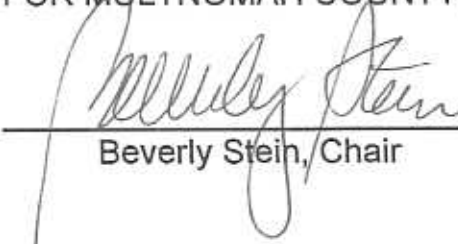
IT IS FURTHER RESOLVED that the Sheriff will implement the Capacity Management Action Plan in the event of a county jail population emergency. If the Sheriff is unable to implement the plan, then the Sheriff will designate the person or persons who will have the authority to act on the Sheriff's behalf; and

IT IS FURTHER RESOLVED that 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.

APPROVED this 7th day of August, 1997.



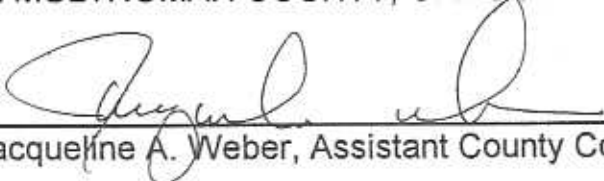
BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By


Jacqueline A. Weber, Assistant County Counsel

Capacity Management Action Plan

MCDC Facility Capacity *476

* The transfer area TH1-5 may be used to house up to 31 in-transit inmates (persons due to be released or transferred out the next day). The in-transit inmates housed in Transfer Holding area are not counted in the facility capacity.

General Statement

A county jail population emergency shall exist if the facility population exceeds the facility's designated capacity at the hourly counts beginning at 1900 hours on weekdays and 1400 hours on Saturday, Sunday, and court holidays. When a jail population emergency exists the Sheriff may initiate the Capacity Management Action Plan so that the facility's population would be reduced to between 95% and 100% of the capacity at 0400 hours. This action plan would implement the facility screening and scoring criteria, using the primary charge categories listed below, and the attached criteria on both new admissions and the existing inmate population. Screened inmates with the lowest scores (unless there is an override) may be released to bring the facility population down to between 95% and 100% of the capacity at the 0400 hour count. Persons released in this process may be conditionally released.

Primary Charge Categories and Scores

The categories 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 shall 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 based on efficient use of the county correctional system. Also, in the interests of efficient use of the county correctional system, 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.

***Charge Categories with Primary Scores**

- Group I: Ordinance / Violations (7 points)**
- Group II: Class C Misdemeanors (7 points)**
- Trespass II
- Group III: Class B Misdemeanors (Nonviolent) (7 points)**
- Group IV: Class B Misdemeanors (Violent) (7 points)**
- Carrying a Concealed weapon
 - Harassment
 - Discharge of a Firearm in the City (Ordinance)
- Group V: Major Traffic Misdemeanors (14 points)**
- (excluding DUI and Attempt to Elude)
- Group VI: Class A Misdemeanors (Nonviolent) (14 points)**
- Prostitution
 - Theft II
 - Trespass I
 - Contempt/Civil Warrants
- Group VII: Class C Felony (Nonviolent) (20 points)**
- Theft/Forgery I
 - Parole Violation Sanction
 - Failure to Appear I
 - Possession of a Controlled Substance I/II
 - Menacing
 - Felony Driving While Suspended
- Group VIII: Class A Misdemeanors (Violent) (25 points)**
- Resisting Arrest
 - Assault IV
 - Sex Abuse III
 - Criminal Mischief II
 - Attempting to Elude (Car or Boat)
 - Obscene Material to a Minor
 - Armor Piercing Bullets
- Group IX: Class B Felony (Nonviolent), Traffic Felonies, DUI (31 points)**
- (excluding Felony Driving While Suspended)
 - Attempted Delivery of a controlled Substance I/II

- Group X: Class C Felonies (Nonviolent) (35 points)**
- Unauthorized Use of a Motor Vehicle
 - Delivery of Controlled Substance I/II
 - Manufacturing of a Controlled Substance I/II
 - HB 3488 Offenses (if passed)

- Group XI: Class C Felonies (Violent) (50 points)**
- Burglary I
 - Escape II
 - Assault, Kidnap, Rape, Robbery III
 - Arson II
 - Coercion
 - Sex Abuse II
 - Promoting Prostitution
 - Ex-Convict in Possession of a Firearm

- Group XII: Class B Felonies (Violent) (80 points)**
- Negligent Homicide (Class C Felony)
 - Custodial Interference I
 - Child Neglect
 - Theft by Extortion
 - Compelling Prostitution

- Group XIII: Class A Felony (Violent) (135 points)**
- Arson I
 - Unlawful Racketeering
 - Escape I

- Group XIV: Measure 11 Charges (150 points)**
- Murder, Attempt, and Conspiracy
 - Manslaughter I/II
 - Assault I/II
 - Kidnap I/II
 - Rape I/II
 - Sodomy I/II
 - Unlawful Sexual Penetration I/II

- Group XV: Holds (300 points)**
- USM, USI, Armed Forces
 - Escape, Institutional Leave
 - Parole
 - Fugitive
 - Material Witness

*The offenses bulleted under categories are added as examples only.

Violent Charges;

Examples of violent charges:

Person to person crimes (Assault, Robbery, Rape, etc.) Firearms,
Explosives, Arson, Sex Abuse, Harassment, Menacing, Resisting Arrest.

Other Considerations:

The Sheriff may alter the order of the above criteria on an individual basis by taking into account the following factors known to him concerning the inmate:

propensity for violence,
history of arrests or convictions,
parole or probation revocations,
other county holds,
failure to appear,
failure to comply with sentencing orders,
violation of release conditions,
institutional behavior or classification,
mental or physical condition that may result in danger to self or others,
and the inability to care for self or others.

Note: Inmates held for any of the following reasons receive special consideration in the above process:

- Domestic Violence: Initially excluded until individual consideration and victim contact.
- Sex Abuse: Excluded unless no past history, victim is known to the inmate, victim (guardian) does not object to release, and victim does not live with the inmate.
- Gang member with charges involving firearms: Excluded
- Burglary where household members are in home, or weapon is involved: Excluded

Notice and Action:

At the initial occasion that the population reaches 100% of the designated capacity during the designated count times the Sheriff will give notice in accordance with ORS 169.046.

AND

The Sheriff will initiate the Capacity Management Plan as noted above.

Capacity Management Plan

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Establishment of a Jail Population)	
Management Plan for the)	RESOLUTION
Multnomah County Detention Center)	98-1

WHEREAS, on November 7, 1997, Judge Redden terminated the federal consent decree which had limited population at MCDC to 476; and

WHEREAS, on August 7, 1997, the Board of County Commissioners adopted Resolution 97-159, which limited the maximum number of inmates at MCDC to 476 based upon what the physical plant could handle and house at that time; and

WHEREAS, as a result of retrofitting designated cells at MCDC, an additional 254 beds will be available at that facility effective January 1, 1998; and

WHEREAS, 24 hour classification will begin January 1, 1998 so inmates can be properly classified before they are placed in a facility; and

WHEREAS, additional staffing will address safety and security issues resulting from the addition of these beds; and

WHEREAS, the District Attorney, Sheriff and County Counsel are recommending that the maximum number of inmates housed at MCDC be increased; now therefore

IT IS RESOLVED that pursuant to ORS 169.044 the population limit at MCDC shall be 676, effective February 07, 1998; and

IT IS FURTHER RESOLVED that the population increase from 476 to 676 shall be phased in over six weeks according to the following schedule:

January 10, 1998 – a population limit of 546

January 24, 1998 – a population limit of 616

February 07, 1998 - a population limit of 676

IT IS FURTHER RESOLVED that if the number of inmates housed at MCDC exceeds the population limit in the schedule above then a county jail population emergency will exist; and

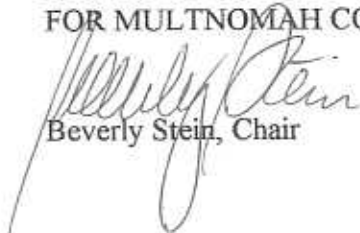
IT IS FURTHER RESOLVED that the Capacity Management Action Plan incorporated in Resolution 97-159 as Exhibit A be amended to change the population limit from 476 to 676; and

IT IS FURTHER RESOLVED that the Sheriff, or his designee, will implement the amended Capacity Management Action Plan in the event of a county jail population emergency.

APPROVED this 8 day of January 1998.




BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON


Beverly Stein, Chair

REVIEWED:

THOMAS SPONSLER, COUNTY COUNSEL
FOR MULTNOMAH COUNTY, OREGON

By 
Jacqueline A. Weber, Assistant County Counsel

Capacity Management Action Plan

MCDC Facility Capacity *676

* The transfer area TH1-5 may be used to house up to 31 in-transit inmates (persons due to be released or transferred out the next day). The in-transit inmates housed in Transfer Holding area are not counted in the facility capacity.

General Statement

A county jail population emergency shall exist if the facility population exceeds the facility's designated capacity at the hourly counts beginning at 1900 hours on weekdays and 1400 hours on Saturday, Sunday, and court holidays. When a jail population emergency exists the Sheriff may initiate the Capacity Management Action Plan so that the facility's population would be reduced to between 95% and 100% of the capacity at 0400 hours. This action plan would implement the facility screening and scoring criteria, using the primary charge categories listed below, and the attached criteria on both new admissions and the existing inmate population. Screened inmates with the lowest scores (unless there is an override) may be released to bring the facility population down to between 95% and 100% of the capacity at the 0400 hour count. Persons released in this process may be conditionally released.

Primary Charge Categories and Scores

The categories 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 shall 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 based on efficient use of the county correctional system. Also, in the interests of efficient use of the county correctional system, 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.

***Charge Categories with Primary Scores**

- Group I: Ordinance / Violations (7 points)**
- Group II: Class C Misdemeanors (7 points)**
- Trespass II
- Group III: Class B Misdemeanors (Nonviolent) (7 points)**
- Group IV: Class B Misdemeanors (Violent) (7 points)**
- Carrying a Concealed weapon
 - Harassment
 - Discharge of a Firearm in the City (Ordinance)
- Group V: Major Traffic Misdemeanors (14 points)**
- (excluding DUl and Attempt to Elude)
- Group VI: Class A Misdemeanors (Nonviolent) (14 points)**
- Prostitution
 - Theft II
 - Trespass I
 - Contempt/Civil Warrants
- Group VII: Class C Felony (Nonviolent) (20 points)**
- Theft/Forgery I
 - Parole Violation Sanction
 - Failure to Appear I
 - Possession of a Controlled Substance I/II
 - Menacing
 - Felony Driving While Suspended
- Group VIII: Class A Misdemeanors (Violent) (25 points)**
- Resisting Arrest
 - Assault IV
 - Sex Abuse III
 - Criminal Mischief II
 - Attempting to Elude (Car or Boat)
 - Obscene Material to a Minor
 - Armor Piercing Bullets
- Group IX: Class B Felony (Nonviolent), Traffic Felonies, DUl (31 points)**
- (excluding Felony Driving While Suspended)
 - Attempted Delivery of a controlled Substance I/II

- Group X: Class C Felonies (Nonviolent) (35 points)**
- Unauthorized Use of a Motor Vehicle
 - Delivery of Controlled Substance I/II
 - Manufacturing of a Controlled Substance I/II
 - HB 3488 Offenses (if passed)

- Group XI: Class C Felonies (Violent) (50 points)**
- Burglary I
 - Escape II
 - Assault, Kidnap, Rape, Robbery III
 - Arson II
 - Coercion
 - Sex Abuse II
 - Promoting Prostitution
 - Ex-Convict in Possession of a Firearm

- Group XII: Class B Felonies (Violent) (80 points)**
- Negligent Homicide (Class C Felony)
 - Custodial Interference I
 - Child Neglect
 - Theft by Extortion
 - Compelling Prostitution

- Group XIII: Class A Felony (Violent) (135 points)**
- Arson I
 - Unlawful Racketeering
 - Escape I

- Group XIV: Measure 11 Charges (150 points)**
- Murder, Attempt, and Conspiracy
 - Manslaughter I/II
 - Assault I/II
 - Kidnap I/II
 - Rape I/II
 - Sodomy I/II
 - Unlawful Sexual Penetration I/II

- Group XV: Holds (300 points)**
- USM, USI, Armed Forces
 - Escape, Institutional Leave
 - Parole
 - Fugitive
 - Material Witness

*The offenses bulleted under categories are added as examples only.

Violent Charges;

Examples of violent charges:

Person to person crimes (Assault, Robbery, Rape, etc.) Firearms,
Explosives, Arson, Sex Abuse, Harassment, Menacing, Resisting Arrest.

Other Considerations:

The Sheriff may alter the order of the above criteria on an individual basis by taking into account the following factors known to him concerning the inmate:

propensity for violence,
history of arrests or convictions,
parole or probation revocations,
other county holds,
failure to appear,
failure to comply with sentencing orders,
violation of release conditions,
institutional behavior or classification,
mental or physical condition that may result in danger to self or others,
and the inability to care for self or others.

Note: Inmates held for any of the following reasons receive special consideration in the above process:

- Domestic Violence: Initially excluded until individual consideration and victim contact.
- Sex Abuse: Excluded unless no past history, victim is known to the inmate, victim (guardian) does not object to release, and victim does not live with the inmate.
- Gang member with charges involving firearms: Excluded
- Burglary where household members are in home, or weapon is involved: Excluded

Notice and Action:

At the initial occasion that the population reaches 100% of the designated capacity during the designated count times the Sheriff will give notice in accordance with ORS 169.046.

AND

The Sheriff will initiate the Capacity Management Plan as noted above.

Capacity Management Plan