

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

**RESOLUTION NO. 07-141**

Establishing the Population Capacity and Adopting a Revised Capacity Management Action Plan for the Multnomah County Sheriff's Office Jail Facilities and Repealing Resolution 06-014

**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. Resolution 06-014 established and amended the maximum jail population and capacity management plan for MCDC.
- d. The Sheriff, District Attorney and the County Attorney have reviewed the maximum population capacity as established in Resolution 06-014 and recommends the maximum MCDC capacity remain 676, consistent with the current design capacity, physical condition and program capabilities, prevailing constitutional standards, statutory provisions regarding conditions of confinement.
- e. Multnomah County Inverness Jail (MCIJ) is an integral part of the County jail system. The population capacity at MCIJ is dictated by land use regulations and cannot exceed 1068.
- f. The jail system in Multnomah County has changed significantly since the Board passed Resolution 06-014 and currently consists of MCIJ, a medium security facility, and MCDC a maximum security facility. The Sheriff, District Attorney and the County Attorney have determined that the county jail population is best managed with a system population capacity, taking into account the individual facility capacities as specified above.
- g. The Sheriff, District Attorney, and County Attorney have reviewed the Capacity Management Plan as revised in 06-014 and recommends changes to the Plan to ensure compliance with current law, operational best practices and policy direction. The primary changes to the Plan include revisions to Section VI consistent with the definition of forced release in ORS 169.005, and reference to the role of Multnomah County Inverness Jail in managing the population capacity at MCDC.

- h. 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 for the Multnomah County jail system consisting of MCDC and MCIJ is set at 1633.
2. If the number of inmates housed within the Multnomah County Jail System reaches 97% of the population 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 Resolution 06.014 is repealed on August 16, 2007.

ADOPTED this 16th day of August, 2007.

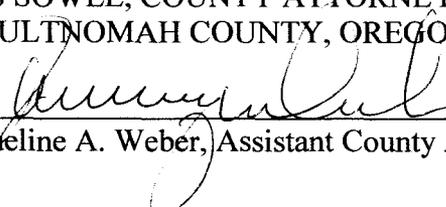


BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON

  
Ted Wheeler, Chair

REVIEWED:

AGNES SOWLE, COUNTY ATTORNEY  
FOR MULTNOMAH COUNTY, OREGON

By   
Jacqueline A. Weber, Assistant County Attorney

SUBMITTED BY:  
Bernie Giusto, Multnomah County Sheriff

# 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 total jail population exceeds 97 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. As defined in ORS 169.005, the categories in this Plan apply to only to unsentenced offenders. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category. Only unsentenced offenders may be released for population reasons. Releases for population reasons will be made based upon the lowest score. 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. In addition to the numerical score described herein, both sentenced and unsentenced inmates with a classification status consistent with confinement in a medium security facility will be transferred to MCIJ for housing as the population at MCIJ permits and as needed to reduce the population at MCDC.
- VIII. The Plan shall ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- IV. 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: <ul style="list-style-type: none"> <li>• Attempted Escape I</li> <li>• Negligent Homicide</li> <li>• Stalking - Violation of a Court Protective Order</li> <li>• Unlawful use of a Weapon</li> <li>• - Felony DUII</li> </ul>	35 points: <ul style="list-style-type: none"> <li>• Identity Theft</li> <li>• Forgery</li> <li>• UUMV</li> </ul> 50 points: <ul style="list-style-type: none"> <li>• Tampering with a Witness</li> <li>• Riot</li> <li>• Attempted Theft by Extortion</li> </ul>
Class A Misd.	25	14
Exemption	50 points: DUII 80 points: <ul style="list-style-type: none"> <li>• Stalking</li> <li>• Violation of a Court Protective Order</li> </ul>	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

<sup>1</sup> 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.

<sup>2</sup> 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).