



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Meeting date: August 31, 2016

Department: Sheriff's Office - Institutions Division

Title of Agenda Item: Amendment to the Jail Capacity Management Plan

Agenda Planning Date: 8/25/16 ☐ Audio/Visual aids required Time required: 10 minutes

Contact: Sheriff Jason Myers Phone: 3233

Department Head Signature: 

Presenters: Sheriff Jason Myers, Bruce Armstrong

Description of Issue: Consider a resolution amending the Marion County Jail Capacity Management Plan.

Description of Background: The Jail Capacity Management Plan was last amended on December 17, 2014, and the maximum operational capacity was established at 415 inmates. Since that time, the male and female population levels have fluctuated significantly and this has created some operational difficulties at the Jail because if one population type is low (eg. males), it will prevent implementation of the capacity management plan even if the other population is very high (eg females). In these situations, it can become difficult to efficiently manage the inmate population that is at a high level. Pods within the jail must either be all-male or all-female so beds are not interchangeable and resources must be maintained at certain appropriate levels in each pod. The proposed changes to the plan will essentially establish three capacity limitations: the total population capacity at the jail will remain 415 inmates; the male capacity will be set at 350 male inmates; and the female capacity will be set at 65 female inmates. Under the proposed plan, the Sheriff is authorized to declare a population emergency if the male or female population level exceeds approximately 97% of that capacity limit. So, an emergency may be declared if the female inmate population exceeds 63 female inmates or if the male inmate population exceeds 340 male inmates. It is anticipated that this will allow for effective supervision of the inmate population.

Other minor changes were made to update the plan, incorporate new criminal charges and clarify certain procedures.

Financial Impacts: This revision to the Jail Capacity Management Plan will allow for increased flexibility so that the facility may be used more efficiently as male and female populations fluctuate.

Impacts: to departments and/or external entities Increased flexibility will benefit all law enforcement agencies in Marion County.

Options for Consideration: Approve the resolution establishing the revised capacity management plan; approve the resolution adopting a different plan; decline to amend the plan.

Recommendation: It is recommended that the Board approve the resolution adopting the amended capacity management plan.

List of attachments: Resolution, Proposed Capacity Management Plan



MARION COUNTY BOARD OF COMMISSIONERS

Board Session Agenda Review Form

Copies of completed paperwork to the following:

Name: Sheriff Jason Myers

E-mail: Jmyers@co.marion.or.us

Name: Commander Kevin Schultz

E-mail: kschultz@co.marion.or.us

Name: Bruce Armstrong

E-mail: barmstrong@co.marion.or.us

Name: Lt. Doug Cox

E-mail: dcox@co.marion.or.us

Name:

E-mail:

BEFORE THE BOARD OF COMMISSIONERS
FOR MARION COUNTY, OREGON

In the matter of adopting a resolution to amend)
the capacity management plan for inmates)
confined at the Marion County Jail.)

RESOLUTION NO. _____

This matter came before the Marion County Board of Commissioners at its regularly scheduled public meeting on August 31, 2016, to consider amending the capacity management plan to control the inmate population of the Marion County Jail adopted December 17, 2014, as part of Resolution No. 14R-44.

WHEREAS, the Presiding Judge, District Attorney and Sheriff support the proposed amendments to the capacity management plan, and

WHEREAS, the Sheriff has worked with law enforcement agencies in developing the proposed amendments; now, therefore,

BE IT RESOLVED that the capacity management plan attached hereto as Attachment A, and by this reference incorporated herein, shall take effect on September 7, 2016, and shall supersede prior capacity management plans; and

BE IT FURTHER RESOLVED that the capacity management plan adopted December 17, 2014, as part of Resolution No. 14R-44, is hereby superseded and of no further force or effect;

DATED at Salem, Oregon this ____ day of August 2016.

MARION COUNTY BOARD OF COMMISSIONERS

Chair

Commissioner

Commissioner

ATTACHMENT A

**MARION COUNTY JAIL
CAPACITY MANAGEMENT PLAN
EFFECTIVE SEPTEMBER 7, 2016**

Marion County Sheriff's Office
Capacity Management Plan
Pursuant to ORS 169.042 through 169.046
Effective September 7, 2016

The operational capacity of the Marion County Jail is established at 415 inmates. The capacity for females at the Marion County Jail is established at 65 female inmates. The capacity for males is established at 350 male inmates.

All individuals who are brought to the Marion County Jail after arrest for misdemeanors or felonies will be booked in and evaluated for release on personal recognizance or security release. Arrestees not released on personal recognizance or security release will be considered for lodging. Individuals sentenced or ordered to custody by the courts, or sanctioned for parole or probation violations will be considered for lodging. Individuals arrested or sentenced for a crime established by city ordinance may only be lodged if the crime is identified in Exhibit A.

The Jail's operational capacity is managed through the directives outlined in this plan, and through a process of reviewing and scoring inmates based on their risk to public safety. See the Marion County Jail Scoring Mechanism attached as Exhibit B.

Before declaring a population emergency, the Sheriff will implement strategies to manage the population and avoid releases pursuant to ORS 169.042 to 169.046. These strategies include reducing the custody level of inmates who are under the Supervisory Authority of Marion County in accordance with Oregon law and Sheriff's Office standing orders, general orders, policies and procedures.

Except as provided below, both pretrial (after booking) and sentenced inmates will be considered for release under this plan. The following will not be considered for release under this plan:

- Pre-trial inmates who have not been arraigned if held on a charge identified in the Pre-Arrestment Charges "No-Go" List attached as Exhibit C.
- Pre-trial and pre-sentencing inmates held for an offense identified in Exhibit D.
- Inmates not eligible for leave, release or programs as determined by a sentencing court pursuant to ORS 137.750 (SB 936).
- Inmates who have not served their minimum sentence under ORS 813.011(3).
- Inmates held in disciplinary or administrative segregation.

The Marion County Jail must house inmates in a manner that maintains institutional safety and security, and that is responsive to health and welfare of inmates. Male and female inmates must be housed separately at the Marion County Jail and those two populations have historically fluctuated significantly. If one inmate category (male or female) is at its capacity limit but the other inmate category is significantly below its capacity limit, institutional inefficiencies can result and housing options can become limited. Therefore, the Sheriff may determine that a population emergency exists if the population of males exceeds 340 male inmates or if the population of females exceeds 63

female inmates. If the Sheriff determines that a population emergency exists in either instance, or both, the Sheriff is authorized to give the notice required by ORS 169.046(1), and the Sheriff may release inmates pursuant to ORS 169.042 to 169.046 until a non-emergency population level is reached:

- If a population emergency is based on the male population exceeding 340 male inmates, the procedures outlined below will be followed in relation to male inmates.
- If a population emergency is based on the female population exceeding 63 female inmates, the procedures outlined below will be followed in relation to female inmates.
- If both levels are exceeded, the sex of the inmate will not be considered when the procedures outlined below are followed.

In the event of a population emergency, inmates held in the Marion County Jail solely on the basis of having been arrested or sentenced for a crime established by city ordinance and identified in Exhibit A (“municipal inmate”) shall be released before any other inmate and in the following order:

- 1) Sentenced municipal inmate (lowest score first);
- 2) Municipal inmates held pre-trial, post arraignment (lowest score first); then
- 3) Municipal inmates held pre-trial, pre-arraignment (lowest score first).

Thereafter the lowest scoring pre-trial or sentenced inmate will be released using the scoring system as outlined in Exhibit B.

- In the event a sentenced inmate must be released for capacity management purposes, the release will be under the authority of the **Emergency Jail Population Control** under ORS 169.046.
- In the event a pretrial inmate must be released for capacity management purposes, the release will be under the authority of the **Emergency Jail Population Control** under ORS 169.046. A forced release agreement will be prepared and will include appropriate release conditions, court date, time and location.

At time of arrest and until arraignment, a Circuit Court Judge (“Judge”), district attorney, arresting agency or jail commander (or commander’s designee) may place an override on an inmate if that inmate represents a significant public safety risk. Unless placed by a Judge, overrides established prior to arraignment are only valid until arraignment. Upon arraignment, only a Judge or the jail commander (or designee) may place an override if a significant public safety risk exists. An inmate represents a significant public safety risk if that inmate is reasonably likely to cause serious physical harm if released, if that inmate represents a danger to a victim, self, or the public, or if that inmate has been convicted of a crime, is a flight risk and is awaiting sentencing.

The jail commander (or designee) may deny or remove any override other than an override that has been placed by a Judge. If an override is in effect, that inmate will not be considered for release if the operational capacity of the Jail is reached. In the event that an inmate subject to an override must be released, the lowest scoring inmate subject to an override will be released first.

Nothing stated herein shall be construed as limiting the authority of the Sheriff to hold or release inmates when in the Sheriff's judgment the safety and security of Marion County Jail and other custody programs so require.

Marion County Sheriff's Office
Capacity Management Plan
Exhibit A

Lodgeable crimes established by city ordinance:

Driving under the influence of intoxicants
Trespass
Reckless driving
Giving false information to a peace officer
Driving while suspended
Hit and run

Exhibit B

Marion County Jail

Marion County Jail Scoring Mechanism

This mechanism will be used to evaluate and score inmates for release eligibility under the capacity management plan. Inmates who have been arrested for a domestic violence offense or a Measure 11 offense identified in Exhibit D shall not be eligible for release before sentencing. This mechanism evaluates and scores inmates based on risk to public safety. This scoring mechanism utilizes the Public Safety Check List for Oregon (PSC) which was developed by the Oregon Department of Corrections and is currently maintained by the Oregon Criminal Justice Commission (CJC). The Public Safety Checklist is an actuarial risk assessment tool that uses offender characteristics to predict recidivism.

The Public Safety Checklist provides a quick, objective, validated assessment of the probability an offender will be re-arrested for a person or property offense based on the offender's following characteristics:

- Current Age
- Gender
- Current Crime
- Multiple Custody Cycles
- Domestic Violence
- Total number of statutory arrests
- Total number of property arrests
- Total number of person arrests
- Total number of statutory arrests in last 5 years
- Total number of property arrests in last 5 years
- Total number of person arrests in last 5 years
- Prior Incarceration
- Prior Theft conviction

An algorithm is used to weigh the offender's predictive factors and give a "score" for each offender. Inmates will be considered for release under the Marion County Sheriff's Office Capacity Management Plan by using this "score".

If an inmate has no Oregon criminal history other than current charges, that inmate's current arrest charge(s) and out-of-state criminal history will also be considered as a part of the scoring process. If an inmate has been incarcerated with the Oregon Department of Corrections within the previous five years, that inmate's score will be adjusted. The scoring adjustments in this paragraph will be according to a schedule established by Marion County Jail Commander.

EXHIBIT C

Pretrial Charges No Go List August 2016

EXHIBIT D
MARION COUNTY JAIL
PRETRIAL MEASURE 11 and Domestic Charges
No Release Before Sentencing

[illegible]