

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the )  
Columbia County Jail Capacity ) Order No. 79-2011  
Management Plan and Adopting )  
A Jail Capacity Limit at the )  
Columbia County Jail )

WHEREAS, ORS 169.044 authorizes the Board of County Commissioners to issue an order establishing the maximum allowable number of inmates that may be held in the Columbia County Jail (the "Jail"), based on specific standards for determining a county jail population emergency and a specific plan for resolving the emergency; and

WHEREAS, the Board of County Commissioners has received a recommended Jail Capacity Management Plan from the Columbia County Sheriff, establishing a limit of 150 inmates, including 85 federal inmates; and

WHEREAS, the Sheriff's recommended Jail Capacity Management Plan is attached hereto as Attachment 1, and is incorporated herein by this reference; and

WHEREAS, the recommendation includes specific standards for determining a county jail population emergency and a specific plan for resolving the emergency; and

WHEREAS, the Sheriff's recommendation was based on consideration of the advice of the Columbia County District Attorney and County Counsel concerning prevailing constitutional standards relating to conditions of incarceration, the design capacity and physical condition of the Jail, and the programs provided for inmates of the Jail; and

WHEREAS, the Board of County Commissioners has consulted with local law enforcement agencies, judges, the District Attorney, and County Counsel, regarding the recommended Jail Capacity Management Plan; and

WHEREAS, the Board of County Commissioners and the Sheriff are committed to operating the Columbia County Jail in a manner consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement;

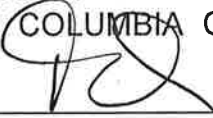
NOW, THEREFORE, it is hereby ordered as follows:

1. The maximum number of inmates to be housed within the Columbia County Jail is 150; reserving therefrom 85 jail beds for federal inmates.


2. The Capacity Management Action Plan which is attached hereto as Attachment 1, is adopted and will be implemented in accordance with ORS 169.046 in the event of a County Jail population emergency.

Dated this 9<sup>th</sup> day of November, 2011


BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Anthony Hyde, Chair

By:   
Earl Fisher, Commissioner

By:   
Henry Heimuller, Commission

Approved as to form

By:   
Office of County Counsel

ATTACHMENT 1

<b>COLUMBIA COUNTY SHERIFF'S OFFICE</b> <b>Jail Operations</b> <b>Jeff Dickerson, Sheriff</b>	<b>Effective: 10/31/2011</b>  Supersedes: NONE Revised: (New Policy)
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Procedure for Determining Jail Population Emergency and Plan for Resolving the Emergency Policy J111-R01 (10/31/11)	ORS 135.245, 169.005, 169.044, 169.046, OJS B1-A01, B4-B01, B4-C02, C1-A01, C1-C01, C1-E01
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Applies to all staff

**POLICY**

It is the policy of the Columbia County Sheriff's Office to provide a procedure for determining a jail population emergency and a plan for resolving the emergency. The following procedure and plan is subject to an Order of the Board of County Commissioners establishing the maximum allowable number of inmates that the jail may hold. The plan includes specific standards for determining a county jail population emergency and specific steps to be taken in resolving the emergency.

**PROCEDURES**

- I. A jail population emergency exists when the total jail population exceeds 95 percent of the jail population capacity as defined by Columbia County Board Of Commissioners Order. The funded operational capacity of the Columbia County Jail is 150 inmates.
- II. The intent of this Plan is to resolve a jail population emergency consistent with state statute and the best interests of the citizens of Columbia County by holding in jail those that have been evaluated and found to represent the greatest threat to the peace and 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 public and victim safety and later appearance in court consistent with pretrial release criteria (ORS 135.245 (3)); and
  - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration, namely:
    - 1) Prevailing constitutional standards relating to conditions of incarceration;
    - 2) The design capacity of the local correctional facility;
    - 3) The physical condition of the local correctional facility; and
    - 4) The programs provided for inmates of the local correctional facility

## III. DEFINITIONS:

- A. Criminal Charges: The charge or charges that resulted in the arrest and current booking of an inmate into jail.
- B. Criminal History: Prior arrests or convictions within 10 years unless otherwise specified within this Plan, performance while on a supervised program, and history of failure to appear.
- C. Forced Release: Temporary freedom of an inmate from lawful custody before judgment of conviction due to a county jail population emergency (ORS 169.005).
- D. Forced Release Form: CCSO form notifying inmate of forced release and providing information relevant to such forced release.
- E. Special Consideration: A designation placed upon an inmate based upon criminal history or behaviors listed in Section V below that indicate the inmate poses a special risk to community safety or significant short-term conditions exist whereby it is in the community's best interest for the inmate to be ineligible for forced release despite having a Emergency Population Release Score pursuant to Exhibit A of less than 100.
- F. Emergency Population Release (EPR) Score: A numerical score (based on matrix found in Attachments A & B) assigned to each inmate based upon their criminal charge, criminal history, housing classification, and other relevant factors as listed in Sections IV and V below.
- G. Capacity Management Plan Review Committee: the Sheriff, County Counsel and the District Attorney convened to make a recommendation to the Board on specific standards for determining a county jail population emergency and a specific plan for resolving the emergency. (ORS169.044)

IV. The Capacity Management Plan Review Committee has agreed to an Emergency Population Release scoring mechanism (Refer to Attachments A & B) that shall be used to create an EPR score for every person in custody of the Sheriff who is eligible for forced release pursuant to state statute and this Plan. The EPR scoring mechanism evaluates each eligible inmate using the criteria set forth below, with input from the Jail Commander (or designees) based upon their interviews with the inmates, and automatic updates based on the inmate's classification. Added factors affecting the population score will be based on the following criteria:

- A. Risk to self or other persons;
- B. Propensity for violence as documented or illustrated in Criminal History;
- C. Initial Criminal Charge score;
- D. Prior failures to appear;
- E. Parole, probation, or post-prison violations history; and
- F. Institutional behavior or Classification.

V. Persons whose current charge relates to or who have a criminal history involving any of the following will be identified for special consideration and will be the last category

of inmates eligible for forced release:

- A. A sex crime, or failure to register as a sex offender charge AND if defendant is identified as a "predatory sex offender" as defined in ORS 181.585;
  - B. Child abuse or crimes relating to children;
  - C. Risk to a known victim;
  - D. Exceptional danger to the community;
  - E. Pretrial Release Program Failure in state or county courts;
  - F. Violation of Stalking Order;
  - G. Subject to periodic review, when specifically ordered by a judge, or as requested in writing for compelling reasons by a Parole/Probation Supervisor, Senior Deputy District Attorney or City Attorney, Law Enforcement or Corrections Supervisor, or County Health Officer;
  - H. A sentence related to Treatment Court sanctions;
  - I. A history of Driving Under the Influence of Intoxicants as follows: three or more DUIL charges in the last two years, including the current charge, or two or more convictions for DUIL in the last five years; or
  - J. Any Class A Misdemeanor or higher Domestic Violence charge.
- VI. Inmates who are identified by Medical or Mental Health Staff as being at a substantial risk if released due to serious medical or mental health condition shall be excluded from forced release, but may be released via furlough if the county is unable to bear the cost of the medical or mental health condition.
- VII. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category on the initial EPR, all other charges will be considered under the "added factors" that will affect the initial population score.
- VIII. The Sheriff may institute gender specific forced releases on occasions in which gender-neutral releases will not alleviate the population emergency.
- IX. Forced releases under the provisions of this Plan will occur in the following order:
- A. Inmates who have been arraigned, when none of the special considerations listed in
  - B. Section IV are present, until a release score over 100 is reached;
  - C. Inmates who have not been arraigned, when none of the special considerations listed in Section IV are present, until a release score over 100 is reached; then,
  - D. Post or Pre-Arrest inmates regardless of whether special considerations are present, excepting those inmates with a judicial order specifying no forced release.
  - E. CCSO policies will ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.

- X. Once an inmate is selected for forced release, the Forced Release Form will be completed as follows:
  - A. All pre-trial releases, Community Corrections clients, and others requiring either a next-appearance court date or post-release appointment with their Parole & Probation Officer will have that those dates/times entered on the Forced Release Form.
  - B. Prior to release, inmates will be briefed that failure to appear as directed on the Forced Release Form will subject the inmate to prosecution under ORS 162.195 and ORS 162.205
  - C. Any other conditions of release will be filled out on the Forced Release Form.
  - D. Prior to release, Jail Staff will perform any victim/witness notifications that are required.
  - E. The Forced Release Form will be signed by the Inmate, the Sheriff (or designee), and the Jail Staff member executing the form.
  - F. Copies of the form will be distributed to the Circuit Court, Community Corrections, or otherwise as necessary.
  - G. The Sheriff may adopt, amend, and rescind CCSO policies and procedures as necessary to ensure compliance with the intent of this Plan.

#### POPULATION MANAGEMENT STRATEGIES

- I. Before declaring a population emergency the Sheriff will implement strategies to manage the population and avoid forced releases. These strategies will be set in place by Special Order issued by the Sheriff and will be modified as necessary. Strategies to manage population prior to declaring a population emergency will include, but are not limited to:
  - A. Evaluate projected court releases and booking recognizance releases;
  - B. Move or stage for movement all suitable inmates scheduled for out of county transport (In-Transit). If these actions are not sufficient in mitigating the population, then;

- C. Identify any sentenced inmates eligible for movement to a lesser level of custody. Such inmates shall be placed under the authority of the Columbia County Supervisory Authority;
- D. Release or stage for release all 48-hour releases;
- E. Filling behind any beds created by this process;
- F. When feasible, releasing inmates, who are scheduled to be released that day from their sentences, sometime after midnight on that day; and
- G. When CCSO has information of law enforcement activities or other circumstances from which it can be reasonably anticipated that a population emergency will occur for the coming weekend, work in cooperation with the Department of Community Corrections to arrange for release of local control inmates in advance of their previously scheduled release date.

ATTACHMENT A: INITIAL EPR SCORING MECHANISM

	<b>** PERSON CRIMES</b>	<b>Non-PERSON CRIMES</b>
• Restrain Order Violation • DV Charges - "A" Misd and above • DV Att Assault 4 • DV Att Strangulation • DV Att Sex Abuse 3	170	
<b>Measure 11</b>	<b>150</b>	<b>150</b>
<b>Class A Felony</b>	<b>135</b>	<b>100</b>
Exceptions	100 Burglary I	80 • All MCS I and DCS 1 charges, excluding DCS to a minor or Using a Minor in a Drug Offense • Burglary II
<b>Class B Felony</b>	<b>80</b>	<b>35</b>
Exceptions	135 • Escape I	50 • MCS II, Possession of Precursor 20 • PCS I
<b>Class C Felony</b>	<b>50</b>	<b>20</b>
Exceptions	80 • Attempt Escape I • Negligent Homicide • Stalking • Violations of Court Protective Order • Unlawful Use of a Weapon • Robbery III	35 • Identity Theft • Forgery • UUMV 50 • Tampering with a Witness • Riot • Attempted Theft by Extortion • FTA I
<b>Class A Misdemeanor</b>	<b>25</b>	<b>20</b>
Exceptions	50 • DUII • Strangulation 80 • Stalking • Violation of a Court Protective Order	35 • Mail Theft
<b>Class B Misdemeanor</b>	<b>14</b>	<b>7</b>
<b>Class C Misdemeanor</b>	<b>N.A.</b>	<b>7</b>
<b>Unclassified Misdemeanor</b>	<b>7</b>	<b>7</b>

\* The charge of Conspiracy to Commit a crime is scored the same as the charge itself (i.e., "Conspiracy to Commit Burglary I" is the same score as "Burglary I").

\*\* Person crimes are those defined by the Oregon Revised Statute (ORS 163) plus all burglary, all robbery, 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 are defined here as person crimes.



ATTACHMENT B: ADDITIONAL, SECONDARY SCORING MECHANISM

**EMERGENCY POPULATION RELEASE (EPR) SCORING MECHANICS** (potential cumulative elements)

Scoring Element	Value	SCORE
Current Primary Charge Score	Attachment "A"	
<u>Other Current Charge(s) in Addition to Primary Charge</u>		
• Person Misdemeanor	2	
• Non-Person Misdemeanor	1	
• Person Felony	5	
• Non-Person Felony	3	
<u>Charge "Modifiers"</u>		
• Current Charge is an FTA	2	
• Current Charge is a "Revoked Release"	2	
<u>Arrest/Conviction &amp; Superfision History (within 10 years)</u>		
• Person Misdemeanor Arrest	2	
• Person Misdemeanor Conviction	5	
• Person Felony Arrest	4	
• Person Felony Conviction	10	
• Probation Violations	3	
• Parole Violations	5	
• Failure to Appear (FTA)	3	
<u>Classification</u>		
• Administrative Segregation	20	
• Transitional Housing	0	
• General Housing	0	
• Acute Medical/Mental Health	20	
• Assault on Staff or Inmate within 5 years	50	
• Escape or attempt escape from secure custody (10 yrs)	50	
• Currently on Disciplinary Lockdown in Jail	50	