

Multnomah County Sheriff's Office

The Relationship between Jail Capacity and Crime Trends

NOVEMBER 5, 2004



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Introduction: Types of Booking and Alternatives to Booking

This document reviews jail bed capacity in Multnomah County and consequences of having insufficient jail beds.

ORS 169.030 (1) Every county and city in this state shall provide, keep and maintain within or without the county or city, as the case may be, a local correctional facility for the reception and confinement of prisoners committed thereto.

The Multnomah County Sheriff has relatively little control over who is in jail. Other agencies largely determine who will be brought to jail, and when they may be released:

- Police, within the confines of the law, decide whether or not to issue a warning, arrest and write a citation (“cite in lieu” of custody), or arrest and bring a person to jail. Some people who are brought to jail are simply brought for what is called Cite and ID versus others who are booked and assigned to a jail bed. Persons who are brought to jail as a Cite and ID are not eligible for a jail bed, unless a warrant is found for that person. Cite and ID is used when there is no mug shot and fingerprint ID on file and the officer brings the arrestee to the booking center for positive identification before their release.
- The practice of Cite and ID, sometimes turns into what is referred to as cite and release. This is when a person has a current mug shot and fingerprint ID on file but the Sheriff’s Office and police agree that community safety requires the person must be temporarily removed from the community. Cite and release is included in Cite and ID counts.
- The one area the Sheriff does control is what crimes can be presented to be booked (lodged) into the jail. In most jurisdictions all persons suspected of committing a crime that is aailable offense are allowed to be booked into jail. The Sheriff, as is done in Multnomah County, can limit the crimes that can be booked into jail through a booking policy.
- Suspects booked into jail are interviewed by Recog to see if they are eligible for a jail bed. The Courts, through court order, define the offenders that are not eligible for a jail bed and to be released from jail either on their own recognizance, to a third party or to a limited supervision program called PRSP. Both Recog and PRSP are staffed by the Department of Community Justice and function under the authority of the Court. Determination on who can be housed and who is released is done by a risk assessment score. Those that meet or exceed a certain score are held; those that are below that score are released. The Recog staff, based on aggravating circumstances not captured in the score, are able to override the score and allow a person to be lodged even if the score is too low.
- Suspects are told of their bail amount, if any, and allowed to post bail at any time. Bail amounts can change upon seeing a judge.
- At first arraignment a judge can order a person to stay or to be released from custody. They can also send a person to PRSP or for review by the Multnomah County Sheriff’s office for eligibility into a pre-trial release program called Close Street Supervision.
- For those who are sentenced, the Courts determine when a convicted person may be released by setting a sentence.

- Finally, the Department of Community Justice, through its ability to impose short jail sanctions on offenders on probation or parole utilizes about 330 jail beds on any one day.

Only one of the prior decisions—booking policy—is within control of the Sheriff. The Sheriff’s role is limited to providing safe and humane incarceration. When faced with more demand for jail space than is available—a longstanding problem in Multnomah County—the Sheriff has only three remaining options:

- 1) Hold more people in the jail than can be legally housed in the facility. Multnomah County and others have done this, leading to law suits, a federal consent decree, and the monitoring of jail capacity and standards by the federal government.
- 2) Spend revenues beyond what the Sheriff is allocated by the Board of County Commissioners in order to house all offenders ordered to remain in jail by a judge.
- 3) Oregon Statute (ORS 169.044) allows the County Commissioners to set the population capacity in a Jail Emergency Release Plan. Through resolution this plan was created in Multnomah County allowing the federal consent decree to be lifted. The Emergency Population Plan, also known as early release or matrix release, allows:
 - a. Inmates ordered to remain in jail by a judge who are awaiting trial to be released into the community pending trial;
 - b. Sentenced inmates to be released into the community before their sentence is completed.

Matrix release operates by giving inmates scores and then releasing inmates with the least risk, until capacity is no longer exceeded.

When determining how the Sheriff should respond to crime, and faced with a shortage of jail beds, a choice must be made between two options:

1. Limiting the crimes that can be booked into jail, thereby increasing cite in lieu of custody and cite and release, versus
2. Releasing those already in jail through matrix release.

Increasing one of these options tends to decrease the other, and the balance between them has shifted over time in response to community need. Both options result in early release from jail, which potentially impacts the crime rate. Therefore, the total numbers of cite and releases and matrix releases is compared to the crime rate in the following analysis. Police data for increased use of cite in lieu of arrest is not available and cannot be shown, although it is another adverse impact of limited jail capacity and can affect crime rates.

Analysis of Jail Capacity, Early Release, and Crime Trends

Faced with a decrease in jail beds and rising matrix releases, booking policy was modified in May 2002 to no longer lodge into jail most Class C felony property crimes such as motor vehicle theft, Burglary II, or attempted delivery of a controlled substance (DCS II).¹ The effect of the booking policy change was immediate. Overall Class C felony bookings dropped from 67 in April 2002 to only 16 in May. Bookings for Unauthorized Use of a Motor Vehicle (UUMV) dropped from 25 in April to only 3 in May. This policy led to repeated complaints by police that

¹ Booking Facility Special Order 02 – 11, Charges Acceptable for Booking, May 2, 2002.

there was no way to interrupt the cycle of crime for offenders who break into cars, drive drunk, or commit petty theft. Officers changed their behavior to issue more citations in lieu of custody, essentially “writing a ticket” for offenses such as auto theft. Officers also made more use of cite and ID bookings to ensure that the arrestee was at least off the streets for the 4 hours it takes to be identified.

Booking policy was modified by Sheriff Giusto on April 3rd, 2003 to include the Class C Felony property crimes excluding drug crimes “. . . so that police and probation officers could interrupt criminal activity.”² Class C Felony bookings overall, and UUMV bookings specifically, quickly resumed their normal levels. This led to gradual downward slope in Cite and ID bookings. Due to more bookings into jail and continued cuts in jail beds the number of Matrix releases increased. These changes are shown in the graph on page 5.

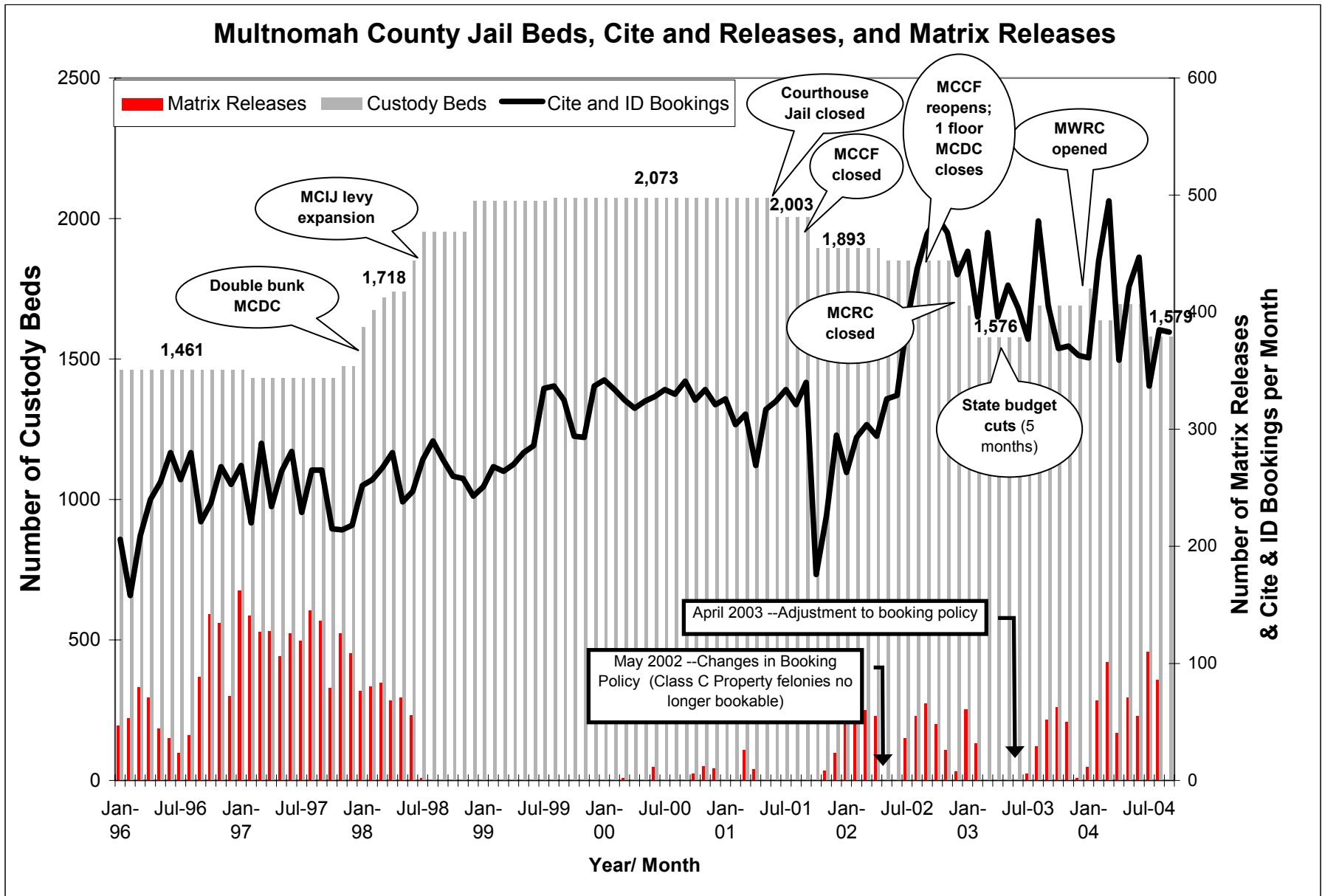
By policy, Matrix Releases seldom occur for persons accused of person-to-person crimes. Thus matrix releases have been comprised of persons accused of property crimes (33%), drug crimes (32%), and most of the remainder being traffic crimes (18%) or behavioral crimes (16%). Most of the property crime group is comprised of persons accused of theft, burglary, or UUMV.

A September 17, 2004 article in The Oregonian, “Burglars getting busier, bolder” cites “the methamphetamine boom and the Multnomah County jail system’s budget disaster” as two primary reasons for a 23% increase in home break-ins.³ The attached graphs demonstrate that not only burglary, but robbery, aggravated assault, larceny (theft), and auto theft are increasing. Burglary is the clearest trend, sustained now for 2 years, while robbery, theft and auto theft are on an upward trend in 2004. The last graph shows that the primary rise in auto theft is in Central District, where Matrix Releases occur.

While there are many causes for crime, the rise in methamphetamine use among them, the following graphs demonstrate that the lack of ability to house offenders appears to correlate with increases in burglary, aggravated assault, robbery, larceny and auto theft in 2004. As both Cite and ID and matrix release result in early return of drug and property crime offenders to the community, the total of these two forms of early release is used on the following graphs.

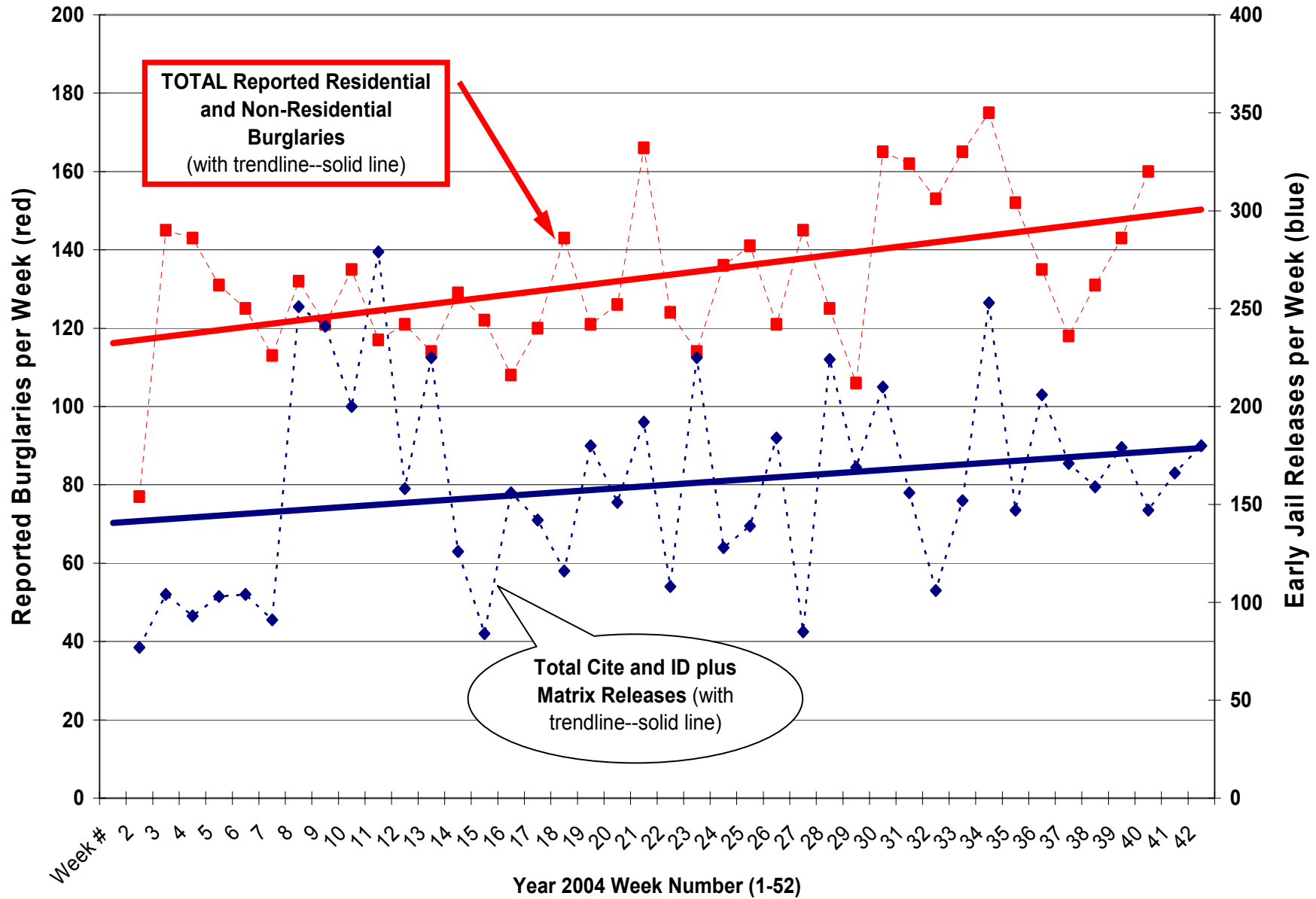
² Memorandum to MCSO Employees, “Change in Booking Policy, Effective April 3, 2003”

³ “Burglars getting busier, bolder”, The Oregonian, September 17, 2004, page B1.

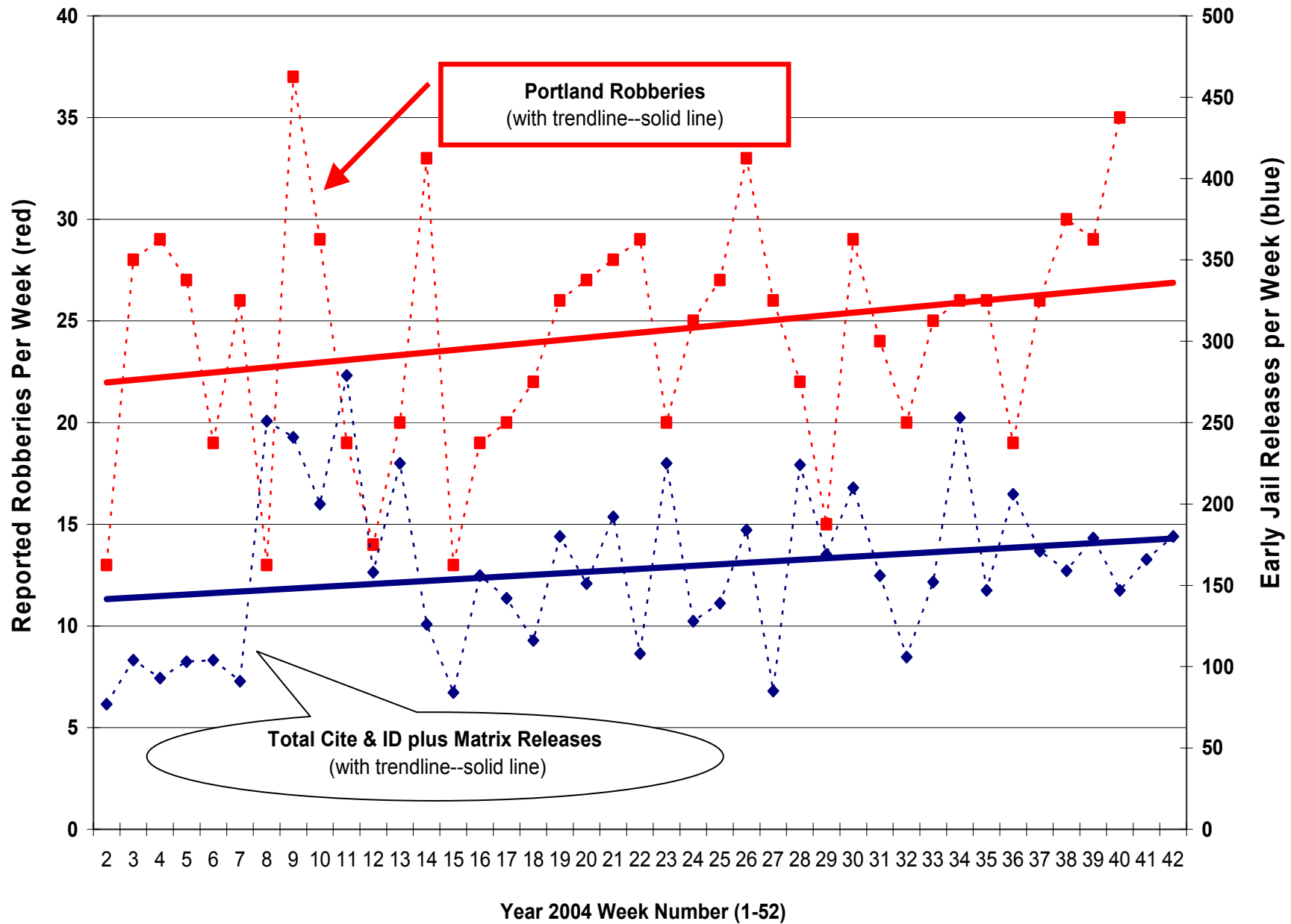


Matrix releases (red vertical bars) are clearly related to the shortage of jail beds. An increase in cite and ID bookings (heavy black line) can decrease, but not eliminate, matrix releases with the current bed shortage.

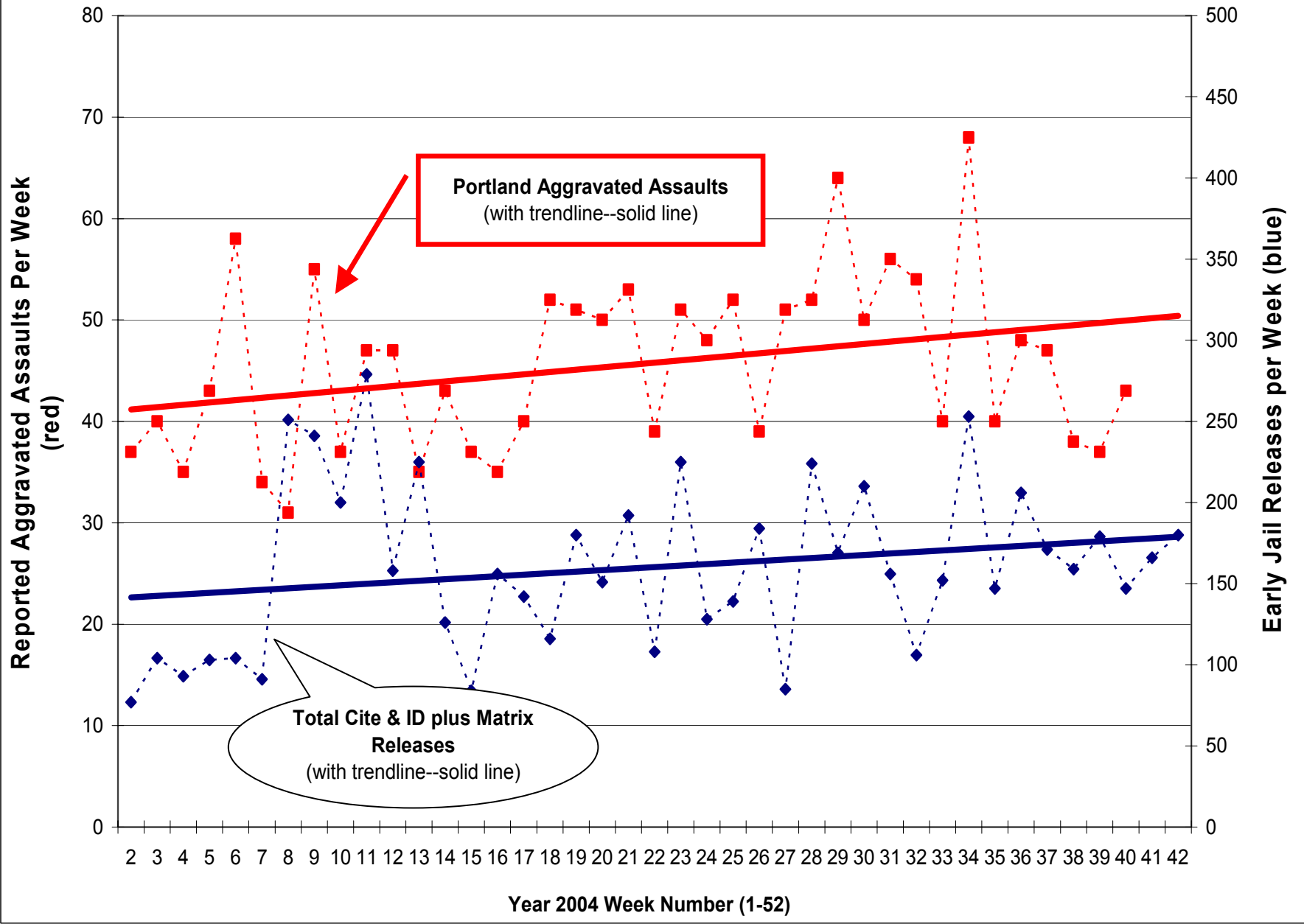
Portland Burglaries vs. Early Jail Releases Calendar Year 2004



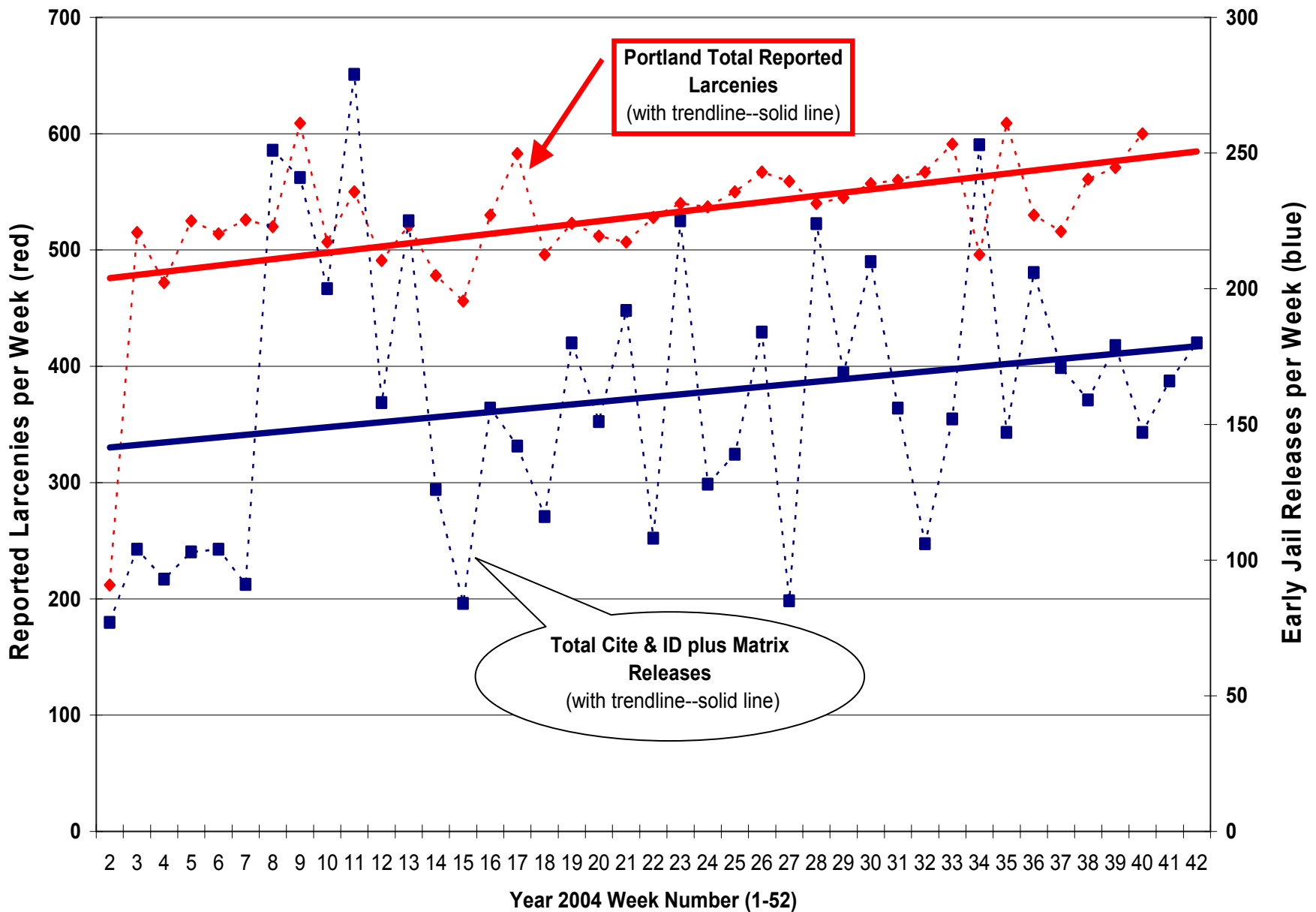
Portland Robberies vs. Early Jail Releases Calendar Year 2004



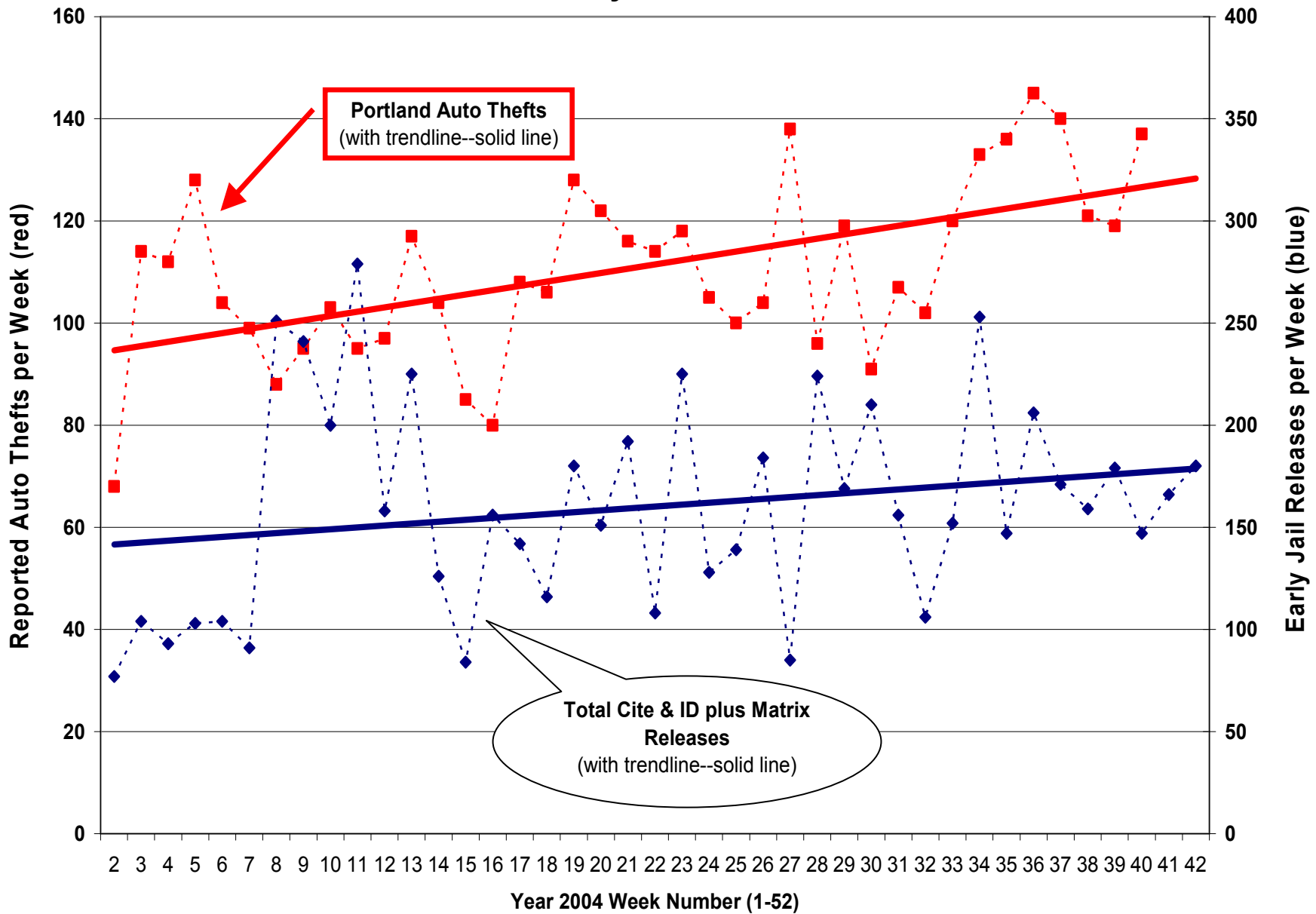
Portland Aggravated Assaults vs. Early Jail Releases Calendar Year 2004



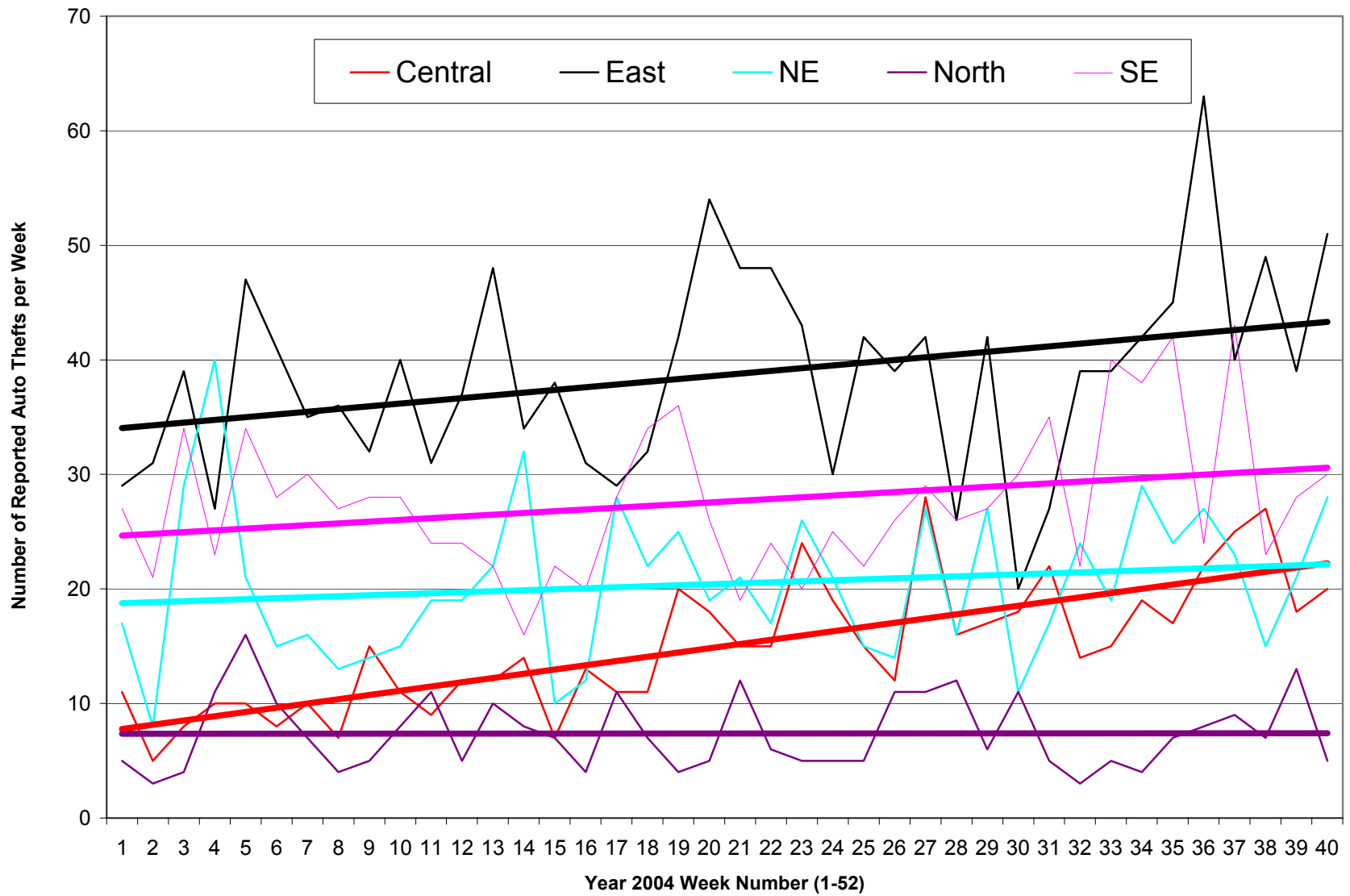
Portland Reported Larcenies vs. Early Jail Releases Calendar Year 2004



Portland Auto Theft vs. Early Jail Releases Calendar Year 2004



Portland Year 2004 Auto Thefts by Precinct



Auto theft is up sharply in the Central Precinct (red line), which is where Matrix releases occur.