

Multnomah County Sheriff's Office

Who Goes to Jail?  
A 7 Year Review of Booking Trends

MAY 13, 2005



**BERNIE GIUSTO  
SHERIFF**

**503 988-4300 PHONE  
503 988-4500 TTY  
[www.sheriff-mcso.org](http://www.sheriff-mcso.org)**

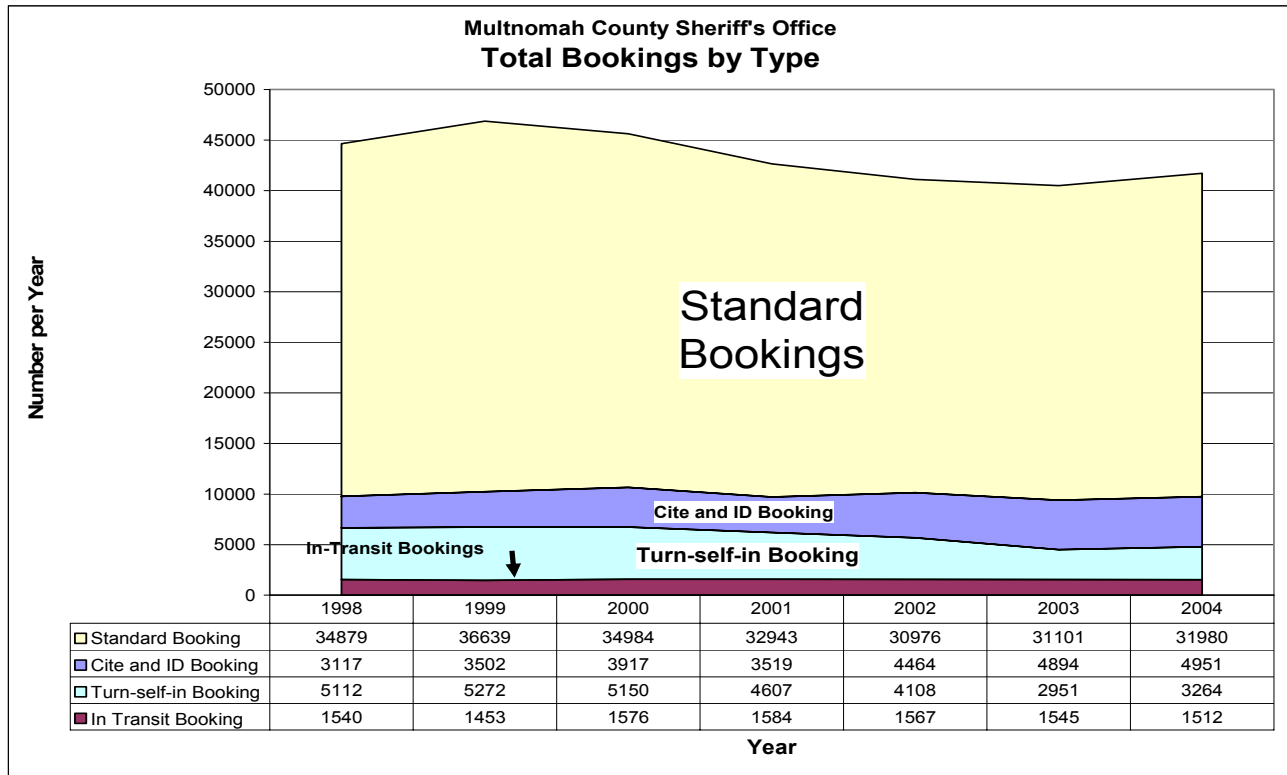
**501 SE HAWTHORNE BLVD., SUITE 350 • PORTLAND, OR 97214**

## Who Goes to Jail—A Seven Year Review of Booking Trends

There are four types of bookings.

1. Cite and ID bookings are brought to the jail for identification purposes. They are not eligible for a jail bed. All other booking types are eligible for a jail bed.
  
2. Turn-Self-in bookings are sentenced offenders whom the court has ordered to present themselves to jail to serve a sentence. The sentence may be in one continuous episode or in segments, for example, weekends.
  
3. In-transit bookings are being held for other jurisdictions while they are being transported.
  
4. Standard bookings make up the majority. They consist of persons arrested on new charges, picked up on a warrant, or serving a sanction for violating terms of post-prison supervision or probation.

Graph 1



- Cite and ID Bookings have increased while Turn-Self-In bookings have decreased. As a group, Cite and ID Bookings, Turn-Self-In Bookings, and In-Transit bookings have remained relatively constant, at about a total of 10,000 per year for all three types combined.
  
- Standard Bookings constitute most bookings. They declined between 1999 and 2003 but rose again in 2004.

- **Cite and ID Bookings**

Because of overcrowding it has been necessary to limit the types of crimes that can be booked into jail a jail bed. On May 2<sup>nd</sup>, 2002, Sheriff Dan Noelle modified the booking policy to relieve crowded conditions in the jails and to limit the number of emergency population releases. The 2002 change curtailed the booking of arrestees charged with property crimes such as Unauthorized Use of a Motor Vehicle (UUMV), Burglary and Theft. Booking for Possession of a Controlled Substance (PCS) was also been restricted. In order to better interrupt criminal activity Sheriff Giusto modified this policy in April 2003 to allow booking of UUMV, Burglary II, Theft I, and Identity Theft. However, the policy of not booking PCS has remained.

Faced with arresting some offenders who can no longer be jailed, police officers make greater use of Cite and ID bookings. This ensures that at least offenders are properly identified. Table 1 shows the trends in use of Cite and ID Bookings. Some, of these trends are due to the above changes in booking policy while others are influenced by the changing behavior of police officers, who may be influenced by perceived shortages of jail space, perceived likelihood of emergency population release, as well as their agency's internal policies.

Table 1: Trends in Cite and ID Bookings

<b>Crime Type</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>	<b>2003</b>	<b>2004</b>	<b>Percent Change 1998 to 2004</b>
DUII-Auto	994	1296	1762	1718	1843	1971	2035	51%
Theft	563	635	663	625	832	836	769	27%
Controlled Substance	166	97	47	78	544	660	669	75%
Burglary & Criminal Trespass	125	174	203	149	104	158	277	55%
Resisting Arrest/ False info to an Officer/ Interfering with an Officer	77	71	115	123	160	259	178	57%
<b>ALL OTHER OFFENSES</b>	<b>1192</b>	<b>1229</b>	<b>1127</b>	<b>826</b>	<b>981</b>	<b>1010</b>	<b>1023</b>	<b>-17%</b>

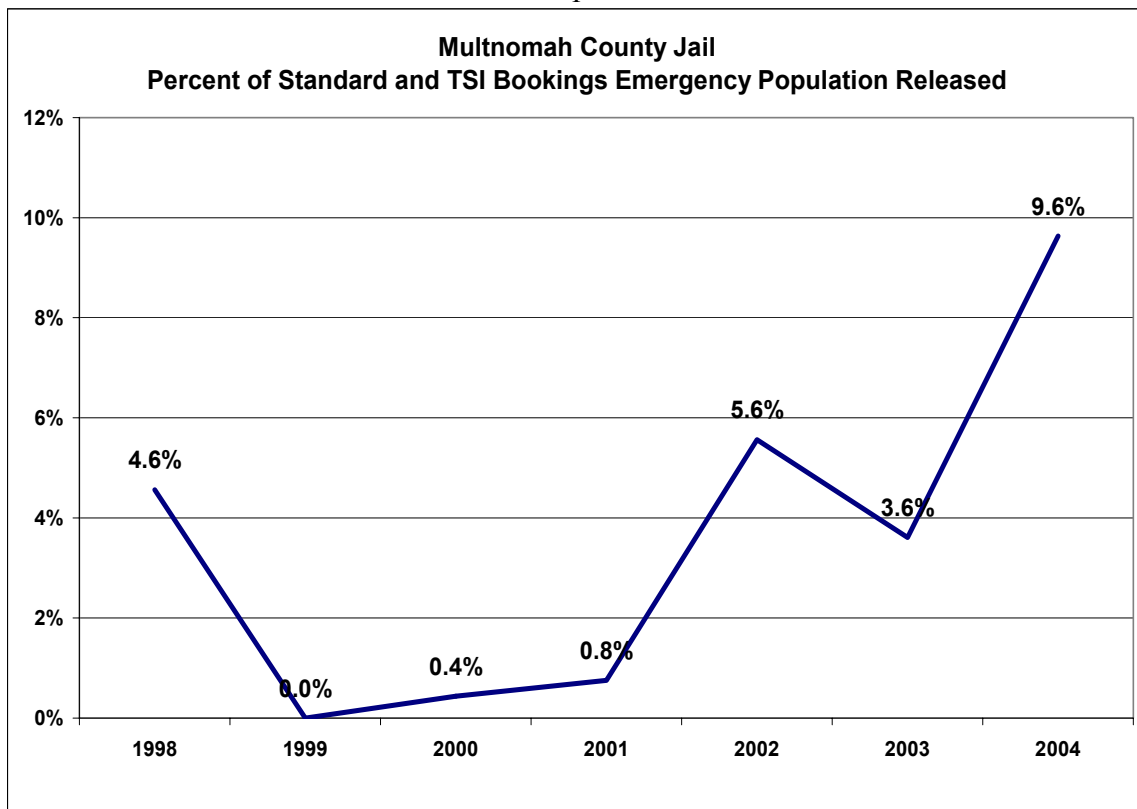
- From 1998-2004 there was a 51% increase in Cite and ID bookings for persons arrested for Driving Under the Influence of Intoxicants (DUII).
- There also has been increased used of Cite and ID booking for persons arrested for Theft (+27%), Controlled Substance Charges (+75%), Burglary and Criminal Trespass (+55%), and Resisting Arrest/ Providing False Information to an Officer/ Interfering with an Officer (+57%).
- All Other Offenses, in combination, show a downward trend for Cite and ID bookings.

These trends show that persons charged with DUII, some Controlled Substance charges (PCS), Burglary charges, and Resisting Arrest/False Info, etc. are increasingly likely to be cited and ID'd rather than being lodged into jail.

### **Emergency Population Releases**

A second method of controlling jail population is use of emergency population release. This involves giving offenders a score based on the seriousness of their crime, and when the jail is over-capacity, releasing those with the lowest scores. Generally, property crimes and most drug crimes score lower than person to person crimes and are therefore more likely to be released. Graph 2 displays the increasing use of emergency population release for Standard and Turn-Self-In (TSI) bookings. In-Transit bookings are not eligible for emergency population release. In 2004 9.6% of Standard and TSI bookings were emergency population released. This is the highest percentage recorded since 1998. The rise in emergency population releases parallels the decline in the number of jail beds.

Graph 2



There are different “streams” of inmates with varying combinations of charges and legal status. Emergency population release affects these streams differently.

For example:

- The Department of Community Justice (DCJ) supervises almost 10,000 offenders in the community. When terms of post-prison supervision or probation are violated, these offenders may be returned to the jails, sometimes to serve the remainder of their sentence or for a short-term jail sanction. Releasing these individuals to alleviate jail overcrowding undermines efforts of probation/parole officers to manage these offenders safely in the community. Emergency population release has not yet reached a level where substantial numbers of probation/parole violators are released; those currently released tend to be serving short-term sanctions. It should be noted that, given current jail capacity

limitations, Parole, Post-Prison Supervision, and Probation Violators charged with PCS I and PCS II are Cite and ID'd; they are not booked into a jail bed.

- Offenders who are serving a sentence of one year or less for a felony conviction are governed by Senate Bill 1145, which allows them to serve their sentence in a local jail rather than state prison. The State of Oregon funded 330 beds for these inmates. Emergency population release has not yet released a level where substantial numbers of 1145 inmates are released; the few currently released are generally serving short-term sanctions.
- Offenders who have committed serious crimes defined by Ballot Measure 11 routinely occupy over 200 beds. Their crimes are usually serious enough to prevent emergency population release.
- Most of the other inmates have some type of hold. This means that another criminal justice agency has an interest in the offender. Holds issued by the Courts or Other Counties may be released by the Sheriff when overcrowding mandates. Holds that are eligible for emergency population release have to qualify by having a low enough score that they are judged less dangerous to the community. Holds not eligible for early population release include: Material Witnesses; holds issued by the Oregon Department of Corrections; parole violations if associated with a detainer or warrant; holds governed by Interstate Compact; holds from other states; and holds by the Armed Forces Police, U.S. Immigration or U.S. Marshal.

Table 2 shows the percent of calendar year 2004 emergency population releases that came from each legal status. Legal status includes the presence of holds as well as other special legal conditions that affect inmate disposition, such as SB1145 status, or commission of Ballot Measure 11 crimes.

Table 2: Calendar Year 2004  
Emergency Population Releases by Inmate Legal Status

No-Hold	70%
Other County Holds	23%
Probation Violations	3%
Parole and Post-Prison Supervision Violations	2%
All Other Legal Statuses	2%

Table 2 shows that 70% of emergency population releases in 2004 were inmates who did not have a hold. Nearly all remaining emergency population releases were inmates wanted by other counties or subject to a hold issued by the Courts. All other legal statuses account for only 7% of matrix releases in calendar year 2004. These legal statuses include probation violations, post-prison supervision violations, the non-releasable holds cited above, SB1145 inmates and BM11 inmates. Attempts have been made to broaden eligibility for emergency population release to some of these categories, but inmates' history, the type of crimes they commit, and other legal ties have limited success of those efforts.

**Use of Jail Beds for Emergency Population Control**

In 2005 Multnomah County has 1,579 funded jail beds, down from 2,073 in 2001. However, only 27% of inmates, as shown in Table 3, do not have some type of hold or other complicating legal status such as SB1145 or BM11.

Table 3: Jail Beds in 2004 by Inmate Legal Status

	2001	2002	2003	2004	Percent of Jail Beds Used in 2004
Beds that are not constrained by a Hold	529	574	450	432	27%
Potentially Releasable Holds (Other County & Judicial)	158	136	116	118	7%
Probation Violation Holds	273	245	178	186	12%
Post Prison Supervision Violation Holds	221	185	170	187	12%
Non-releasable holds (* See Note below.)	63	49	42	53	3%
SB 1145 Status	258	246	226	229	14%
U.S. IMMIGRATION HOLD plus Other Local Charges	33	46	34	24	1%
U.S. MARSHAL	121	135	160	149	9%
Ballot Measure 11 Offenses	239	238	221	233	14%
<b>Grand Total</b>	<b>1,895</b>	<b>1,853</b>	<b>1,599</b>	<b>1,611</b>	<b>100%</b>

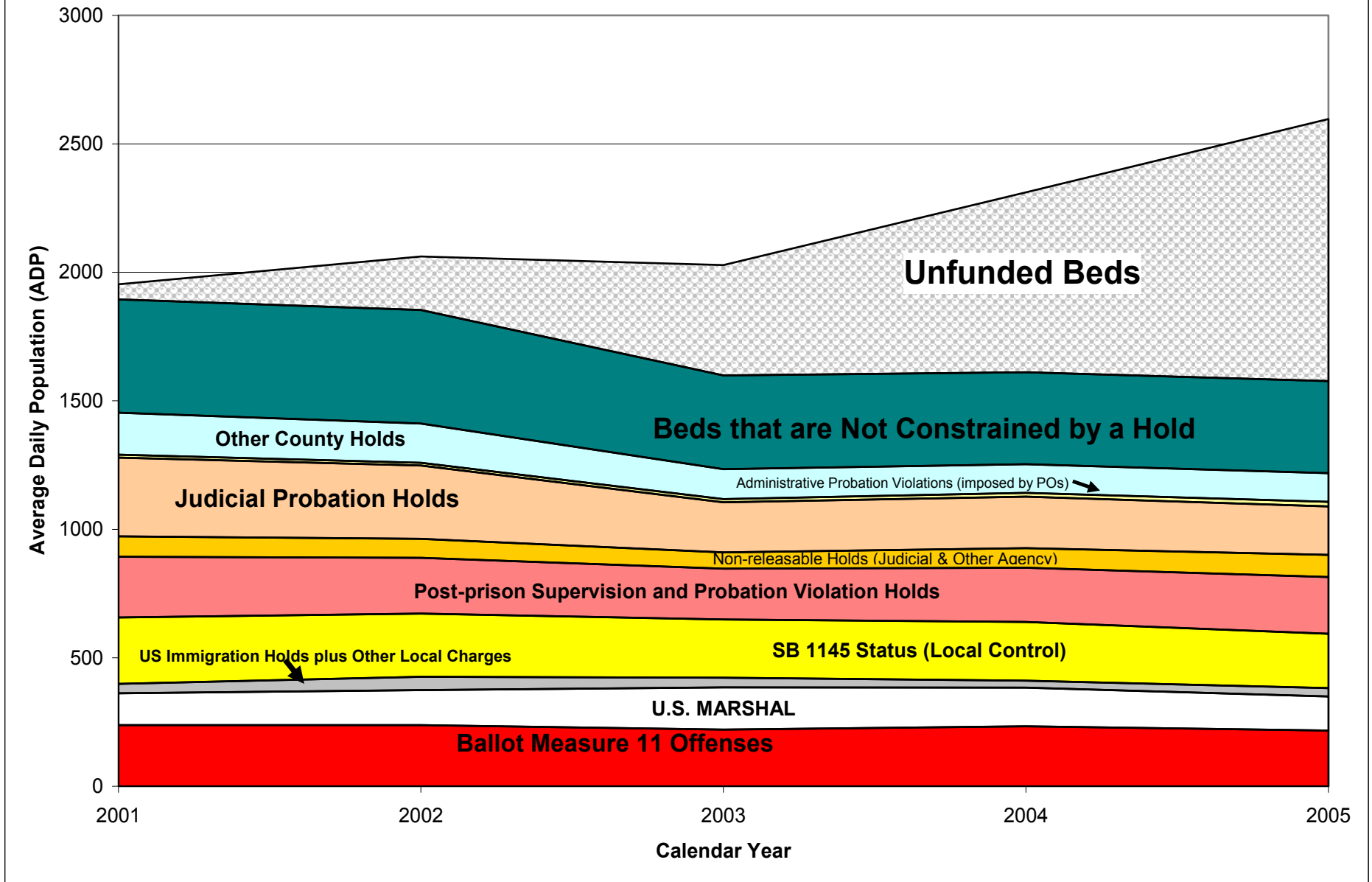
\* Note: Non-releasable holds include: Material Witnesses; holds issued by the Oregon Department of Corrections; parole violations if associated with a detainer or warrant; holds governed by Interstate Compact; holds from other states; and holds by the Armed Forces Police. U.S. Immigration or U.S. Marshal Holds are also non-releasable but are shown separately.

Persons in the top two rows (‘Beds not constrained by a Hold’ plus ‘Other County and Judicial holds’) comprise 34% of jail population (27% + 7%), a total of 550 beds (432 + 118). This is a 20% drop from the 687 beds (529 + 158) that were available for these inmates in 2001. As Table 2 shows, these persons may go to jail but constitute most emergency population releases. The remaining inmates, comprising 66% of jail population are much less likely to be subject to emergency population release.

The concentration of emergency population release in the top two rows of Table 3 means that hold status, rather than the seriousness of the crime, may determine whether an inmate is eligible for emergency population release. For example, persons who violate terms of their parole currently get a score of 300, which effectively prevents their release; that score is not dependent upon the seriousness of the violation. Likewise, post prison supervision violators currently get a score of 135; persons with this high a score are seldom released in a population emergency.

However, as Table 3, and the graph on the next page show, as jail capacity has declined, inmates who have some type of holds status that makes them ineligible for emergency population release, or with inmates with SB1145 or BM11 status occupy a progressively larger proportion of beds. Emergency releases have been increasingly forced into a declining number of beds—“Beds that are not constrained by a Hold” and “Other County & Judicial Holds.”

# Multnomah County Sheriff's Office Average Yearly Jail Beds



In 2005, the pool of flexible beds is smaller, with only 1,579 funded beds versus an average total inmate population of 1,611 in 2004. The total of Ballot Measure 11 Offenses, U.S. Marshal Holds, U.S. Immigration Holds and SB1145 beds is consistently over 600 beds. These inmates are seldom, if ever, emergency population released and, therefore, the beds they occupy cannot be used to manage jail overcrowding. The number of beds used for post-prison supervision or probation violations has declined from almost 500 in 2001 to 375 in 2004, a 48% reduction. These inmates are seldom emergency population released and, therefore, of limited availability to manage jail overcrowding. Increasing emergency release of these inmates could undermine efforts by parole/probation officers to supervise them in the community. Beds not constrained by a hold dropped by 18% and now represent only 432 beds. Emergency population releases have been concentrated on these beds, and must be extended to releasing other county holds and judicial holds to effectively prevent jail overcrowding.

In 2004 the Sheriff's ability to control jail overcrowding was mostly limited to decisions that affected 550 beds—the 432 beds not affected by a hold and the 118 beds constrained only by a county or judicial hold. Of the 432 beds about 300 are persons on pre-trial status; the remaining 132 beds were occupied by persons who have been sentenced, and who in a normally functioning criminal justice system would never be considered for early release. Due to the concentration of emergency population release in these two categories, **in 2004 11% of persons without a hold or with other county and judicial holds were emergency population released, whether or not they had been convicted and were serving a sentence.**

#### What Crimes Do Go to Jail?

The previous analysis has shown that it is often an inmate's legal status, and/or presence of a hold, strongly influences if they are held in jail. Therefore, an analysis of which crimes do go to jail and are held there must be done by inmate "stream" defined by their legal status. The first group to be examined is those inmates whose jail stay is not constrained by a hold. This makes these beds the most flexible for managing jail overpopulation.

- **Beds Not Constrained by a Hold**

Table 4 confirms the pattern seen in Table 1 that under overcrowded jail conditions Controlled Substance, Property crime and Vehicular charges are less likely to be booked into jail. There has been a 47% reduction in Controlled Substance bookings, a 49% reduction in Burglary and Criminal Trespass bookings, and a 20% reduction in Forgery bookings. There has also been a 43% reduction in bookings for Violating Rules of the Road and a 25% reduction in Driving Under the Influence of Intoxicants (DUI). In most cases bookings have not dropped as significantly for crimes that directly endanger persons, such as domestic violence, robbery, resisting arrest/providing false information to an officer. There has been a 21% reduction in bookings for assault, but this is not due to a policy of restricting bookings for person to person crimes; nor are these persons emergency population released.

Table 4: Top 12 Crime Categories for Bookings into Beds Not Affected by a Hold

1998-2004 No-Hold Standard and TSI Bookings								% Change 1998- 2004
	1998	1999	2000	2001	2002	2003	2004	
Controlled Substance	7,688	7,367	6,567	5,627	4,522	3,929	4,109	-47%
DUII--Auto	4,034	4,431	4,073	3,705	3,262	2,885	3,007	-25%
Domestic Violence	2,306	2,717	3,003	2,921	2,822	2,693	2,712	18%
Theft	2,878	2,618	2,718	2,367	2,558	2,218	2,872	0%
Burglary & Criminal Trespass	2,428	2,622	2,405	2,286	1,298	1,033	1,245	-49%
Assault	1,295	1,226	1,184	998	957	955	1,021	-21%
Rules of the Road	902	1,012	691	645	563	498	517	-43%
Weapons Charges	590	607	478	427	456	456	554	-6%
Forgery	565	523	432	503	516	347	452	-20%
Resisting Arrest/ False Info to Officer	385	420	382	345	408	613	512	33%
Criminal Mischief	339	363	296	343	275	246	354	4%
Robbery	275	273	246	236	261	253	276	0%
All Other Charges	2,153	2,137	2,355	2,478	2,829	3,275	3,355	56%
<b>TOTAL</b>	<b>25,838</b>	<b>26,316</b>	<b>24,830</b>	<b>22,881</b>	<b>20,727</b>	<b>19,401</b>	<b>20,986</b>	

Overall, Table 4 shows that in 2004 offenders that were not subject to a hold were less likely to go to jail for controlled substance, property and vehicle crimes.

- **Ballot Measure 11 Offenses**

There were no significant changes in bed use for Ballot Measure 11 crimes between 1998 and 2004. There were about 840 BM11 bookings per year (5,890 / 7 years) resulting in 200 constantly occupied jail beds. The primary charges are shown in Table 5.

Table 5: Ballot Measure 11 Bookings 1998-2004

	# of Bookings	% of BM11 Bookings
Assault I or II	1803	31%
Robbery I or II	1513	26%
Sexual Offenses	1302	22%
Kidnapping	619	11%
Homicide	492	8%
Arson	161	3%
<b>BM 11 TOTAL</b>	<b>5,890</b>	<b>100%</b>

- **SB 1145 Inmates**

These are inmates who formerly would have been housed in state prison, but due to a change in state law are now housed locally. The State funds 330 beds for these inmates. This is a complex group united only by the fact that they have convicted of a felony with a sentence of one year or less.

Table 5: SB1145 Bookings 1998-2004

	# of Bookings	% of SB1145 Bookings
Parole Violation	5755	31%
Post Prison Supervision Violation	2782	15%
Controlled Substance Charges	2695	14%
Possession / Use of a Weapon	726	4%
Theft	673	4%
Burglary & Criminal Trespass	491	3%
Fugitive Hold	489	3%
County Hold	1426	8%
State Hold	196	1%
Federal Hold	591	3%
All Other Charges	3001	16%

The high percentages who are jailed for parole or post prison supervision violations suggest that this is a group of offenders with high involvement in the criminal justice system. This is underscored by fully 15% having some type of hold from another jurisdiction. This criminal history makes these unlikely candidates for emergency population release.

**Conclusion**

It is clear that the 1,579 currently funded jail beds are not all alike. County jail beds are occupied by many different streams of offenders, whose status is complicated by various types of holds that prevent the Sheriff from releasing them to limit overcrowding. As jail beds have declined, the number of beds over which the Sheriff has some flexibility to control jail overcrowding has grown alarmingly small. In 2004 the Sheriff's ability to control jail overcrowding was primarily limited to decisions over 650 beds--432 beds not affected by a hold plus an additional 118 beds if release of court ordered holds or other county holds is considered; this includes about 130 beds occupied by sentenced inmates. Flexible jail space for local property, drug and vehicular offenders, as well as to respond to other pressing community needs, is not 1,579. It is 650 and rapidly dwindling with budget cuts.