

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

RESOLUTION NO. 2026-049

Adopting a Population Emergency Release Plan for the Department of Community Justice's Juvenile Services Division (JSD) facilities to be implemented in accordance with ORS § 419A.055 in the event that the maximum capacity of the juvenile detention facility is exceeded.

The Multnomah County Board of Commissioners Finds:

- A. The Board of County Commissioners and the Department of Community Justice (DCJ) are committed to operating the juvenile detention facilities in a manner consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement.
- B. The adoption of the Fiscal Year 2027 budget resulted in funding the Multnomah County juvenile detention system at a total of 36 beds; 29 beds for Multnomah County youth and an additional 7 beds. The 7 additional beds accommodate out-of-state runaways, Oregon Youth Authority youth, and those involved in the interstate compact.
- C. Pursuant to recommendations from the Department of Community Justice and the Office of County Attorney, it is necessary to adopt an order establishing the maximum capacity of the county's juvenile detention facility to ensure administrative clarity and public safety.

The Multnomah County Board of Commissioners Resolves:

- 1. The population limit for the Multnomah County juvenile detention system consisting of the Donald E. Long Juvenile Detention Center, is hereby set at the annual adopted budget funding level.
- 2. A Youth in Detention Population Emergency shall be deemed to exist if the number of youth in custody exceeds or is anticipated to exceed within 24 hours, the established Multnomah County capacity. Additionally, if an emergency is declared under Multnomah County Code § 25.440 that renders portions of the facility unsafe or uninhabitable, an emergency exists when the population reaches the adjusted capacity (total funded beds minus beds rendered unavailable by the emergency).
- 3. The attached Capacity Management Plan (Plan) and Addendum are adopted and will be implemented by the Department of Community Justice Juvenile Services Division Director in accordance with ORS § 419A.055 in the event of a youth in detention population emergency.

4. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS § 419A.055.
5. This resolution takes effect on July 2nd, 2026.

ADOPTED this 2nd day of July, 2026.



BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON

Jessica Vega Pederson, Chair

REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON

By

Jon Strauhull, Assistant County Attorney

SUBMITTED BY: Denise Peña, Director, Department of Community
Justice

CAPACITY MANAGEMENT PLAN

1. This Capacity Management Plan ("Plan") is adopted pursuant to ORS § 419A.055, to address circumstances where the number of youth and/or adjudicated youth in detention exceeds the capacity of the detention facilities. The Multnomah County Juvenile Services Division Director or the Division Director's designee, will implement this Plan.
2. The intent of this Plan is to ensure that juvenile detention facilities do not exceed capacity consistent with state law, and maintain facility safety and constitutional standards by prioritizing bed space for youth who pose the highest risk to public safety or are at high risk for non-appearance. Prioritization of bed space shall be determined by evaluations for release based on objective criteria reasonably calculated to:
 - a. Ensure that the population remains at or below capacity for the detention facility;
 - b. Ensure public and victim safety, as well as the youth or youth's later appearance in court and best interests of the youth consistent with preadjudication detention grounds under ORS § 419C.145; and
 - c. Comply with prevailing constitutional and Oregon Juvenile Detention Facility Guidelines, relating to conditions of detention.
3. Definitions:
 - a. Forced Release: The temporary release of a youth or adjudicated youth from lawful custody specifically necessitated by a detention population emergency.
 - b. Maximum Operational Capacity: The maximum number of youth that can be safely housed based on the lower of: (a) physical bed space, (b) budgeted capacity, or (c) the number of youth manageable under the staffing ratios mandated by the Oregon Juvenile Detention Facility Guidelines and Prison Rape Elimination Act (PREA).
4. In determining release priority, the JSD Director or their Designee shall consider:
 - The nature of the current allegation (prioritizing the retention of youth charged with **ORS § 137.707** offenses or violent felonies);
 - The youth's score on the **Detention Screening Instrument (DSI)**;
 - The youth's history of failure to appear (FTA) or escapes; and
 - Statutory requirements under **ORS § 419C.145**.

5. Youth in custody who are identified by Corrections Health as being at a substantial risk of harm if released to the community as a result of their medical needs, shall be transferred to the appropriate level of clinical care at a local hospital or care facility.
6. The JSD Director or designee, may authorize a forced release for youth of one gender if the available beds cannot be safely or appropriately utilized by the other gender due to classification or housing constraints.
7. The JSD shall comply with all notice requirements under ORS 419A.055, ensuring the Presiding Court, District Attorney, and Defense Counsel are notified of the emergency and any youths forced release pursuant to this Plan.
8. The JSD Director or their designee, in coordination with the District Attorney's Office, shall ensure that victims are notified of a youth's forced release in accordance with Oregon Constitution Art. I, § 42 and applicable statutes.
9. Every youth released under this Plan must complete a "Forced Release Agreement."
10. The JSD Director or their designee may adopt, amend, and/or rescind Multnomah County Department of Community Justice Juvenile Services Division policies and procedures as necessary to implement this Plan.



Addendum Submitted to the BOCC regarding Board Agenda Item Adopting a Population Emergency Release Plan for the Department of Community Justice Juvenile Services Division (JSD) - June 25 and July 2, 2026

Submitted by the Department of Community Justice to the BOCC on June 30, 2026

1. Operational Plan

The plan defines Maximum Operational Capacity as the maximum number of youth that can be safely housed based on the lower of: (a) physical bed space, (b) budgeted capacity, or (c) the number of youth manageable under the staffing ratios mandated by the Oregon Juvenile Detention Facility Guidelines and Prison Rape Elimination Act (PREA), and additionally authorizes a forced release for youth of one gender if the available beds cannot be safely or appropriately utilized by the other gender due to classification or housing constraints.

This takes into account the required separation due to co-defendant status, gang affiliation, gender identity, age and medical necessity.

A capacity emergency occurs when the number of youth in detention exceeds the Maximum Operational Capacity. Oregon law requires the following tiers to be used in such an emergency:

Tier 1: Sanctions/Violations

This tier applies to youth who are currently detained on lower-level, non-criminal matters such as technical violations of their supervision or short-term sanctions.

Governing Statute: ORS 419C.145 (Preadjudication Detention Grounds) and **ORS 419A.055**.

Statutory Criteria: Release is legally permitted and prioritized for youth admitted solely on a technical probation violation petition or short-term sanctions.



Releasing Authority: DCJ's JSD or the Oregon Youth Authority

Tier 2: Eligible for Release with Social Safety Holds

This tier applies to youth facing preadjudication charges who are evaluated through validated screening instruments but may face external placement barriers.

Governing Statute: ORS 419C.145 and ORS 419A.055.

Statutory Criteria: Release consideration is strictly governed by the youth's score on the Detention Screening Instrument (DSI), failure to appear (FTA) records, and individual escape history to ensure public and victim safety.

The "Social Preclusion" Safeguard: Under ORS 419C.145, if a screening shows a youth is low-risk, but their parent/guardian actively refuses to assume custody or there are zero available shelter beds, a mandatory 36-hour hold override is triggered. Statute dictates that release cannot occur if it results in unsafe community conditions or immediate youth homelessness.

Releasing Authority: DCJ's JSD

Tier 3: Mandatory Detention / Judicial Override (Go to Court)

This tier establishes a strict statutory firewall. Youth cannot be released under any capacity management protocol and **can only be released by going directly before a judge.**

Governing Statute: ORS 137.707 (Mandatory Minimum Sentences for Certain

Youth Offenses / Measure 11 / SB 1008) and ORS 166.250.

Statutory Criteria: The Capacity Management Plan strictly prioritizes bed space to retain youth charged with violent felonies or ORS 137.707 offenses.

Firearm Override: Any charge involving an operable firearm under ORS 166.250 triggers an automatic, non-negotiable statutory hold override. No emergency release can occur for youth in this tier without a signed judge's order. They must remain securely detained until they go to court.



Releasing Authority: Oregon Judicial Department/Presiding Court

If all steps are exhausted, DCJ/JSD may review short-term overflow viability and the Oregon Juvenile Department Directors Association (OJDDA) Mutual Aid Agreement, as necessary.

2. Census Report

The aggregated daily census report is included below, including occupancy details broken down by pod layout and utilization, and by gender identity. DCJ can provide updates to board members as requested.

Youth Custody Counts

Location			Female	Male	Total
Multnomah County Detention	A1	Currently in Facility	0	11	11
	A2	Currently in Facility	0	1	1
	B1	Currently in Facility	0	9	9
	B2	Currently in Facility	2	0	2
Multnomah County Detention		Total Youth	2	21	23
		All Locations Total Youth	2	21	23

3. Victim Notification Requirements

- Oregon's constitution codifies rights for victims including the right to be informed of constitutional rights, and to receive notifications at critical stages of the justice process.
- DCJ provides these services, along with additional advocacy, for all victims who have been harmed by someone on supervision with DCJ.



- This is outlined in the Intergovernmental Agreement between the District Attorney and DCJ, with the District Attorney responsible for all victim services pre-adjudication, and DCJ responsible for all victim services post-adjudication.
- All notifications of release from detention are completed by DCJ staff, referring the victim to the District Attorney for additional advocacy if pre-adjudication, and DCJ if post-adjudication.

4. DCJ/JSD will notify the Board of County Commissioners if this plan is activated