

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

**RESOLUTION NO. 2025-013**

Adopting a Population Emergency Release Plan for the Multnomah County Sheriff's Office corrections facilities to be Implemented in Accordance with ORS § 169.044 (2) in the Event of a County Jail Population Emergency.

**The Multnomah County Board of Commissioners Finds:**

- a. The Board of County Commissioners and the Sheriff are committed to operating the county's jails in a manner consistent with prevailing constitutional standards and statutory provisions regarding conditions of confinement;
- b. The adoption of the Fiscal Year 2025 budget resulted in funding the Multnomah County jail system at 1130 beds;
- c. Based on the recommendations of the Sheriff, the Office of County Attorney, the Multnomah County District Attorney, and other public safety system partners it is desirable to amend the "forced release" criteria and scoring mechanisms used in resolving jail population emergencies in order to further public safety and ensure to the extent practicable that individuals subject to "forced release" appear at subsequent court proceedings as required.

**The Multnomah County Board of Commissioners Resolves:**

1. The population limit for the Multnomah County jail system consisting of the Multnomah County Detention center and the Multnomah County Inverness Jail is set at the annual adopted budget funding level;
2. If the number of adults in custody housed within the Multnomah County jail system reaches 95% of the population limit set by the annual adopted budget funding level, a county jail population emergency will exist; alternatively, if an emergency has been declared under the provisions of Multnomah County Code Section 25.440, and the physical condition of the jails is rendered unsafe as a result of such emergency, a county jail population emergency will exist whenever the annual adopted budget funding level minus the number of beds rendered unsafe by the declared emergency is reached.
3. The attached Capacity Management Plan (Plan) is adopted and will be implemented by the Sheriff or the Sheriff's designee in accordance with ORS §§ 169.044-046 in the event of a county jail population emergency;

4. If the number of inmates housed within the Multnomah County jail system exceeds 90% of the annual adopted budget funding level , and the Sheriff believes that the inmate population will remain at or above that threshold for more than a 24 hour period, the Sheriff's Office may provide an early warning to the entities set forth in ORS §§ 169.046 (1) that the system is approaching a population emergency;

5. The Board may issue additional orders or resolutions to carry out the functions and authority granted to Multnomah County under ORS §§ 169.042-046.

6. This resolution takes effect on March 13, 2025

**ADOPTED this 13th day of March, 2025.**

BOARD OF COUNTY COMMISSIONERS  
FOR MULTNOMAH COUNTY, OREGON



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Jessica Vega Pederson, Chair



REVIEWED:

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

By 

Carlos J. Calandriello, Assistant County Attorney

## CAPACITY MANAGEMENT PLAN

1. This Capacity Management Plan (“Plan”) is adopted pursuant to ORS § 169.044, to resolve a County jail population emergency. A jail population emergency exists when the total jail population exceeds ninety-five percent (95%) of the jail population capacity as established in Resolution No. 2025-013. In the event of a County jail population emergency, the Sheriff, or Sheriff’s designee, will implement this Plan.
2. The intent of this Plan is to resolve a jail population emergency consistent with state law and the best interests of the public, by holding in custody those who have been evaluated and found to represent the greatest threat to the 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, as well as the defendant’s later appearance in court consistent with pretrial release criteria under ORS § 135.245 (3); and
  - C. Comply with prevailing constitutional and Oregon Jail Standards, relating to conditions of incarceration.
3. Definitions:
  - A. Court Ordered Hold(s): Probation/parole holds, holds for other Counties, holds for the State, holds for other States, US Marshal Holds, Armed Forces Holds.
  - B. Criminal Charge(s): Charge(s) that resulted in the arrest and current booking of an individual into jail.
  - C. Criminal History: Prior arrests or convictions within ten (10) years of the current booking, unless otherwise specified within this Plan; performance while on supervised program, and history of making court appearances.
  - D. Emergency Population Release Tiers: A set of criminal charges and Public Safety Assessment (PSA) criteria delineating the order of release for eligible adults in custody.
  - E. Forced Release: Temporary freedom of an adult from lawful custody before judgment of conviction due to a County jail population emergency.
  - F. Mandatory Arrest: Criminal behaviors subject to mandatory arrest as per Oregon law.
  - G. Person-to-Person Crimes: Any criminal charges defined as Person Felonies or Person Class A misdemeanors as set forth in OAR 213-003-0001(14) and (15) respectively.

- H. Public Safety Assessment (PSA): Validated pretrial assessment tool that uses nine factors to predict three pretrial outcomes:
- Failure to Appear (FTA)
  - New Criminal Arrest (NCA)
  - New Violent Criminal Arrest (NVCA)
4. An Emergency Population Release mechanism, defined within Attachment A, shall be used to create the Emergency Population Release order of every adult in custody of the Sheriff, who is eligible for forced release pursuant to state law and this Plan.
  5. Attachment “A” illustrates the factors determining exclusions and population release tiers, to include the order of each eligible adult’s release, based on the following criteria:
    - A. A set of eligible and ineligible charges
    - B. A set of factors providing a release score.
  6. Persons whose current circumstances involve any of the following will be the latest category of adults in custody eligible for forced release.
    - A. Subject to periodic review, when specifically requested by a Judge, Parole/Probation Officer, Assistant District Attorney, Law Enforcement/Corrections.
  7. Adults 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.
  8. In the event multiple charges are pending against a single adult in custody, the most serious charge will determine the primary charge for Tier category on Attachment A.
  9. The Sheriff may release one gender on forced release, if releasing the other gender would only make available beds that would not be filled because there are no gender appropriate individuals waiting to be housed or classified for housing the available bed(s).
  10. Forced releases under the provisions of this Plan will occur in the following order:
    - A. Defendants who have been arraigned, per the outlined order in Attachment A;
    - B. Defendants who have not been arraigned, per the outlined order in Attachment A.
  11. Multnomah County Sheriff’s Office policies will ensure compliance with ORS § 169.046, regarding notice of a jail population emergency.

12. All persons released pursuant to this plan shall be required to execute a “forced release agreement” containing, at minimum, the requirements set forth in ORS 169.046(4)(a)-(c).
13. The Sheriff may adopt, amend, and/or rescind Multnomah County Sheriff’s Office policies and procedures as necessary to implement this Plan.

#### POPULATION MITIGATION STRATEGIES

1. Before declaration of a population emergency, the Sheriff may implement appropriate strategies to mitigate the population. These strategies will be established by Special Order, issued by the Sheriff, and will be modified as necessary. Strategies to mitigate the jail population level prior to declaring a population emergency may include, but are not limited to:
  - A. Housing all appropriate adults in custody scheduled for transport the following day in processing at Multnomah County Inverness Jail, removing these individuals from the facility population, and filling behind any beds created by the process.
  - B. Releasing adults in custody who are scheduled to be released that day from their sentences, sometime after midnight on that day.
  - C. When a weekend population emergency can be reasonably anticipated for the coming weekend, work in cooperation with the Department of Community Justice, to arrange for release of local control adults in custody in advance of their previously scheduled release dates.
  - D. When the jail’s population has surpassed 90% and there are anticipated ongoing aggravating factors such as but not limited to, a court closure, inclement weather, or facilities emergency resulting in impacted jail beds; the Sheriff may limit bookable criminal charges as follows:

The “bookable offenses” list shall be limited as follows:

1. Any Class A, B, and C felonies;
2. Any “Person Class A Misdemeanor” as set forth in OAR 213-003-0001(15);
3. Any offense subject to mandatory arrest under Oregon law;
4. Any warrant arrest.

MCSO Deputies and members of our partnering agencies shall not book any individual charged with an offense that is not specified above.

“Person Class A misdemeanors” are, in numerical statutory order: ORS 162.315 Resisting Arrest; ORS 163.160 Assault IV; ORS 163.187 Strangulation; ORS 163.190 Menacing; ORS 163.195 Recklessly Endanger Another; ORS 163.200 Criminal Mistreatment II; ORS 163.212 Use of Stun Gun, Tear Gas, Mace II; ORS 163.415 Sexual Abuse III; ORS 163.454 Custodial Sexual Misconduct in the Second Degree; ORS 163.465 Public Indecency; ORS 163.467 Private Indecency; ORS

163.472 Unlawful Dissemination of Intimate Image; ORS 163.476 Unlawfully Being in a Location Where Children Regularly Congregate; ORS 163.545 Child Neglect II; ORS 163.575 Endanger Welfare of Minor; ORS 163.687 Encouraging Child Sex Abuse III; ORS 163.700 Invasion of Personal Privacy II; ORS 163.709 Unlawfully Directing a Laser Pointer; ORS 163.732(1) Stalking; ORS 163.750(1) Violating Court's Stalking Order; ORS 165.572 Interfering with Making a Police Report; ORS 165.815 Criminal Impersonation; ORS 166.065(4) Harassment/Offensive Sexual Contact; ORS 166.155 Bias Crime II; ORS 166.385(2) Misdemeanor Possession of a Hoax Destructive Device; ORS 167.054 Furnishing Sexually Explicit Material to a Child; ORS 475.910(4) Unlawful Administration of a Controlled Substance; ORS 609.990(3)(a) Maintaining Dangerous Dog; ORS 811.060 Vehicular Assault; ORS 813.010, Driving Under the Influence of Intoxicants (as provided in OAR 213-004-0009); ORS 837.374(2) and (3) Unlawful Interference with Aircraft (if aircraft manned at time of offense); and attempts or solicitations to commit any Class C person felonies as defined in section (14) of this rule.

## ATTACHMENT A – CAPACITY MANAGEMENT PLAN

Emergency Population Release Exclusions
- Adults in custody with any of the following are <i>not</i> eligible for release
<ul style="list-style-type: none"> <li>• Hold</li> <li>• Measure 11 crime</li> <li>• Individuals subject to mandatory arrest under Oregon law</li> <li>• Person to Person crimes/<sup>1</sup>Conspiracy to commit a person to person crime</li> <li>• Domestic violence related charge</li> </ul>
Tier I
- Adults in custody are eligible for release in Tier I if they have:
<ul style="list-style-type: none"> <li>• No Class A, B, or C Felony charges</li> <li>• No firearms/weapons charges</li> </ul>
Tier II
- Adults in custody who were not eligible in Tier I are eligible for release in Tier II if they have:
<ul style="list-style-type: none"> <li>• No firearms/weapons charges</li> </ul>
Tier III
- Adults in custody who were not eligible in Tier II are eligible for release in Tier III if they have:
<ul style="list-style-type: none"> <li>• Firearms/weapons charges</li> </ul>
Within each Tier, the release order is determined by:
<ol style="list-style-type: none"> <li>1. Total New Criminal Arrest (NCA) points as determined by the Public Safety Assessment (lowest score released first)</li> <li>2. If two or more adults in custody have the same NCA points, Total Failure to Appear (FTA) points as determined by the Public Safety Assessment is used to determine release order (lowest score released first)</li> <li>3. If two or more adults in custody have the same FTA points, length of stay is used to determined release order (shortest stay released first)</li> </ol>

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<sup>1</sup> Person to Person Crimes Means “Person Felonies” as defined in OAR 213-003-0001(14) and “Person Class A Misdemeanors as defined in OAR 213-003-0001(15).