



***Ensuring Equitable Treatment in the Criminal Justice System:  
Addressing Over-Representation of Racial and Ethnic Minorities  
An Assessment and Action Plan***

By the Multnomah County Public Safety Coordinating Council  
Working Group on Minority Over-representation in the Criminal Justice System

Draft Report  
October 2000



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# *Ensuring Equitable Treatment in the Criminal Justice System: Addressing Over-Representation of Racial and Ethnic Minorities An Assessment and Action Plan*

## **Executive Summary**

This is the first report of the Multnomah County Public Safety Coordinating Council's Working Group on Minority Over-Representation in the Criminal Justice System. District Attorney Michael D. Schrunk chairs the Working Group. The Working Group focused its attention on the key decision points within Multnomah County's criminal justice system and its individual agencies that have the greatest potential for contributing to the over-representation of racial and ethnic minorities in the system.

The Working Group first considered the general social and economic conditions that may contribute to racial and ethnic inequality in this country. These conditions are matters of great concern, and are obviously important to the issue of minority over-representation. However, they are largely out of the control of the justice agencies in Multnomah County or the Public Safety Coordinating Council. In order to make a meaningful contribution to remedying any unfair causes of over-representation, the Working Group focused its attention on areas within the criminal justice system that are under the direct control of justice agencies.

In the course of its assignment, the Working Group adopted the following **definition of over-representation**, now used widely across the country:

*a greater percentage of a particular racial or ethnic group within a community's criminal justice population than that group's percentage within the community's general population.*

The statistical and demographic evidence compiled by the Working Group confirms that over-representation, as defined, clearly exists in Multnomah County. That fact alone calls for aggressive action. First steps must be taken to ensure that any discriminatory or unfair practices, which may be contributing to over-representation in Multnomah County, are detected and eliminated. This must be done in order to assure all of the County's citizens and communities that their criminal justice system is being administered fairly and equitably.

The existence of over-representation, by itself, does not necessarily mean that decisions, practices or policies within a criminal justice system are discriminatory or unfair. As already mentioned, economic and social conditions may contribute to over-representation. Rapid and effective police responses to reported crime and calls for service within communities of color will also contribute to the number of people of color in the system. On the other hand, if persons

of color who are accused of crime experience negative outcomes (such as pre-trial incarceration, imprisonment or probation revocations) in disproportionate numbers as they proceed through the criminal justice system, that circumstance would be cause for added concern and further investigation. And, if further investigation uncovered unfair practices or policies, then effective and lasting remedies should be developed and implemented without delay.

Because issues of over-representation are so important and complex, and because they raise deeply-held concerns by citizens and communities throughout the County, the Working Group adopted the following **Operating Principles** to express its shared values and commitment to this effort and to serve as guidelines on how to proceed with the challenging work before it:

- 1. The concept of “over-representation” must be clearly defined and understood.** Over-representation is a statistical fact that may or may not be evidence of unfairness or discrimination within the criminal justice system. The fact of over-representation alone does not establish its cause. But its existence necessitates further investigation.
- 2. The Working Group and the Council should focus on identifying areas of over-representation and addressing areas of unfair over-representation that are within their control.** There are many causes of over-representation. The Public Safety Coordinating Council should focus on those where its participating agencies do have control.
- 3. Both the perception and the reality of inequities in our criminal justice system are important.** The effectiveness of any justice system depends upon the community’s shared perception that it operates fairly and equitably.
- 4. There are no immediate, short-term solutions to the public perceptions and realities of over-representation.** The causes of over-representation are many and complex. Opinions and viewpoints about these causes are diverse and strongly held. Debates among scholars, professionals and citizens have gone on for decades. Action must begin now, as the Working Group is proposing.
- 5. Some data relevant to over-representation are not readily available or reliable.** The public safety system has not yet collected all of the data necessary to understand this problem. In order to address over-representation on a permanent basis, a comprehensive, automated data collection process must be established that collects and reconciles data from all of the criminal justice agencies in the County. Fortunately, the development and implementation of such a process, called the Decision Support System, is well under way.
- 6. Many public policies, within and outside of the criminal justice system, affect the extent of minority over-representation.** Policies such as federal enforcement of immigration and narcotics laws or the local enforcement of street crime, may contribute to over-representation. Each must be examined.



- 7. Any action plan adopted by the Council needs additional community input in order to be credible and effective.** The Working Group is not large enough or inclusive enough to reflect the diversity of background and perspective necessary to address a pressing community issue like over-representation. A community outreach process must be established that ensures a dialogue with citizens and communities across the County about all of the causes of over-representation and about the possible remedies.

**Recommendations:** There are issues of racial over-representation to address in Multnomah County. Decisions about appropriate and effective action will require the involvement of additional community leaders and the support of policy makers. While the data analyzed here demonstrate that racial over-representation does exist, the Working Group believes that the dynamics are complex and not fully understood. The causes and solutions for racial/ ethnic differences seen at key decision points are not yet clear. In accordance with the above Operating Principles, the Working Group makes two recommendations to begin taking action.

- 1. The Local Public Safety Coordinating Council should appoint a Task Force charged with developing an action plan that identifies effective, immediate, short-term and long-term strategies to address and reduce the trend of minority over-representation.** The Task Force will include some members of the current Working Group as well as minority community leaders and criminal justice professionals. This diverse Task Force will determine the most effective means to garner public input regarding over-representation.
- 2. Establish a permanent process of uniform data collection and analysis with systems for feedback and correction including:**
  - ✓ generate possible explanations for disparities in key decision points within the criminal justice system;
  - ✓ collect additional data that serve to support or reject those possible explanations;
  - ✓ where possible, use existing agency data sources to generate this data;
  - ✓ assess this data, review sample case files and interview decision makers to better understand the dynamics at work at key decision points;
  - ✓ if the foregoing information confirms unfair practices or decisions, design a strategy to address the resulting disparities.

**Overview of Data Findings:** The Working Group began its assessment by identifying and analyzing data from four key decision points in the justice system: arrest, prosecution, sentencing, and supervision.

**Arrests:** This analysis shows that over-representation of racial/ ethnic minorities permeates most crime categories. There are variances within some specific crimes but these do not account for the entire difference. For example, although African Americans have the highest degree of over-representation for drug crimes, they are over-represented in most other crime categories as well.

**Prosecution:** Rates of prosecution, dismissal, and guilty verdicts are fairly consistent across racial/ ethnic groups. Some crimes are prosecuted at higher rates than others and may impact over-representation. Data regarding court appointed attorneys and plea bargain results were unavailable but may also be relevant to equitable treatment in prosecution.

**Sentencing:** Harsher sentences are more often applied to people of color. Similarly, lenient options are more often granted to white offenders. Sentences are often negotiated as a plea bargain between prosecution and defense.

**Supervision:** African Americans are more often assessed at high risk to re-offend. Similarly white prisoners are more often assessed at limited risk to re-offend. The Risk Assessment Tool considers past criminal history, current conviction, substance abuse issues and behavior.

Unfortunately, information was not available or was inadequate in several areas that may be crucial for the dynamics of over-representation: victims, pre-trial holds, plea agreements, and publicly funded versus privately retained defense, among others. In the future, the Working Group anticipates analyzing additional data beyond what is included in this report. Specific areas that may increase over-representation can be difficult to analyze at the overall aggregate level, calling for detailed analysis of specific racial/ ethnic groups and certain types of crimes at each decision point in the criminal justice process.

**Additional Features of This Report:** In addition to the recommendation to set up a permanent monitoring process and the presentation of the data at each decision point, a number of local justice agencies offer additional and more detailed information. In the Arrest section, there is a description of non-racial factors that affect arrest. A closer look at arrests in the city of Gresham, where the racial composition differs from that of the larger city of Portland, also appears in the Arrest section. The Department of Community Justice presents data on the process of criminal supervision, where offenders on probation or post-prison supervision (formerly parole) are assigned different “risk scores” that influence their future handling by justice officials. The Sheriff’s Office, the District Attorney’s Office, and the Multnomah County Courts also contribute important data. Appendix materials include background information on the Public Safety Coordinating Council, the Over-Representation Working Group, justice system employee diversity, a glossary, Oregon Sentencing Guidelines, and a bibliography of the literature.

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## **I. Introduction**

### ***Charge to the Working Group, and Its Recommendations***

In June 1998, Multnomah County's Public Safety Coordinating Council identified the existence of any racial or ethnically-based disparities in decisions involving the administration of criminal justice as a priority issue for assessment and action by the Council.<sup>1</sup> Accordingly, **the Council formed a Working Group on Minority Over-representation in the Criminal Justice System,**<sup>2</sup> chaired by District Attorney Michael D. Schrunk. The goals of this Working Group were to:

- (a) Assess the operation of the justice system within the County** to determine if, and to what extent, racially or ethnically-based<sup>3</sup> decision-making and disparity exists in Multnomah County's criminal justice system; and
- (b) Report back to the Council with an Action Plan** that includes an assessment of this issue and recommendations to reduce any disparate practices and inequitable conditions that may exist in the system.<sup>4</sup>

**This report represents only the first of what the Working Group expects will be a series of Action Plans to respond to these goals.** Future reports will address why over-representation is found more in certain areas, and what strategies might reduce unfair over-representation. In the current report the Working Group focuses on identifying appropriate data for analyzing these issues.

The Working Group concludes that the issue of minority over-representation is far too complex to analyze or resolve in one report or in one set of recommendations. This report calls for the

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<sup>1</sup> Information about the Local Public Safety Coordinating Council, its purpose and its membership is included in the Appendix.

<sup>2</sup> A list of the Working Group's members is included in the Appendix.

<sup>3</sup> Following the example of the Census Bureau, we have examined racial / ethnic groups (White, African-American, Hispanic, Native American, Asian and Pacific Islanders).

<sup>4</sup> This report addresses goal (a) and begins to address goal (b). Additional efforts of the Local Public Safety Coordinating Council will work to meet goal (b).

establishment of a permanent, ongoing process to monitor, analyze and address any unfair decisions or practices, to ensure that everyone involved in Multnomah County's criminal justice system is treated equitably. In particular, **the Working Group recommends to the Council that:**

**Recommendation 1. A Task Force be created to engage the public in the coming year,** particularly within communities of color, to ensure a mutual understanding among citizens and policymakers about the issue of over-representation and about effective strategies to address it so that the Working Group's findings and recommendations and the Council's resulting actions will be informed, credible and effective;

**Recommendation 2. A permanent process of system-wide data collection and analysis be established,** possibly through the County's new Decision Support System and under the auspices of the Working Group or a permanent successor group, to ensure that any racially or ethnically disparate decisions or practices in Multnomah County's criminal justice system are identified and remedied;

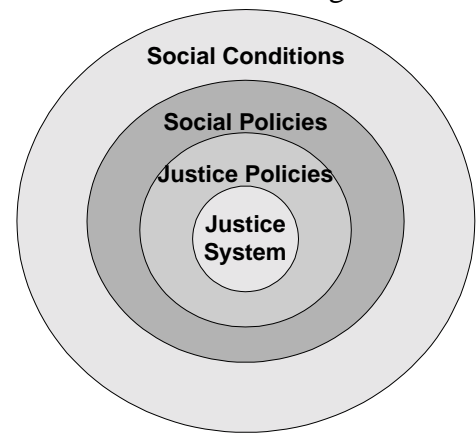
**Recommendation 3. An interim process be established to continue the efforts of the Working Group,** in order to further analyze the relevant data that has been collected thus far, and to investigate more thoroughly the key "decision points" that appear to be causing an increase in over-representation in the system.

### ***The Context for the Working Group's Deliberations***

The Working Group recognizes that many people believe that much of the social system in the United States, including the justice system, are in fact racially and ethnically biased. For example, issues of disparity in access to health and mental / behavioral health care have recurred both nationally and in Multnomah County. Certainly there are major concerns about equity in the public education system, most recently exemplified by the work of a "Crisis Team" in bringing racial and ethnic disparities in student performance levels to the attention of the Portland Public School System. Such differences may be reflected later in the likelihood of involvement in the justice system. Beyond social services, employment rates and salary levels also show differences by race and ethnicity. Such differences in both income and assets undoubtedly change the nature of the interactions that citizens have with the justice system.

The diagram below represents the impact of the environment in which the criminal justice system operates. The issues noted above, such as employment and economic disparities, health care access, and educational access form the surrounding social conditions and social policies within which justice policy and actions take place.

Justice policy examples at the local level are drug and prostitution free zones and a zero tolerance for domestic violence. At the state level it may be petitions or legislative initiatives such as sentencing guidelines that shape local justice. At the federal level the war on drugs has involved federal agencies in local law enforcement and has funded certain kinds of law enforcement, services or prosecution. Such policies represent reactions to larger community and political concerns such as drug crimes, prostitution, and domestic violence. The impact of changing policy at all levels is reflected in local crime statistics. For example, police initiatives in high drug activity areas will increase the number of drug arrests. Tracking crime data across the system for over-representation of people of color will increase our understanding of the impact of local and historical crime processes that exist in the community. In addition to justice agencies, a wide variety of private agencies contract with justice agencies for delivery of services.



Political and citizen advocacy groups play a role in shaping local policy and programs. All of these are affected by outside socio-cultural, economic, and political forces that influence the County, its communities and its inhabitants.

The justice system, represented by the innermost circle, operates within the other layers that have created multiple forms of disparity across racial and ethnic lines. There are major concerns throughout the country about “inner circle” issues such as the proportion of persons of color in prison settings, adequacy of representation in court processes, access to alternative methods of resolving cases, and transfer of juveniles to adult courts. In the local community the criminal justice system must be responsive to the perceptions of community members as to the fairness of the criminal justice system. The Working Group believes that public perceptions, whether based on accurate information or not, contribute to our community’s shared sense of equity and fairness upon which the credibility and effectiveness of the criminal justice system depends. The Working Group discussed possible perceptions at each decision point, which served to further the Group's interest in pursuing a community dialog.

“Racial profiling,” by which people of color are stopped, searched or arrested in disproportionate numbers, has recently become the focus of media and public attention. The fact that laws banning such practices have been passed across the country, and that local law enforcement agencies, including the Multnomah County Sheriff’s Office, the Portland Police Bureau and the Gresham Police Department, have declared “zero tolerance” for such practices, reflects a recognition that such practices are wrong. Additionally, policies of zero tolerance have

emphasized the commitment of the entire justice system to avoid using such biased practices.<sup>5</sup> “Racial profiling” is a “hot issue” because of its visibility in the community. However, the question of whether there is biased decision making, whether conscious or unconscious, needs to be explored at each justice system decision point.

The Working Group discussed other areas where there may be a perception of unfairness in the criminal justice system: pretrial holds (having a person stay in jail from arrest to hearing date), variation in plea offers, representation by a public defender versus a privately retained attorney, and other topics. The Working Group recognized the possibility that minorities may receive unfair sentences or fewer referrals to rehabilitative social programs. The Working Group considered the possibility that sentences and sanctions of offenders on supervision may be more constructive (treatment options, schooling, and employment options) versus more punitive, and that all offenders should be handled equitably in this respect as well.

The Working Group wanted to review data on a wide range of issues that might make a difference in the outcome of a case as it is processed through the justice system. Unfortunately, satisfactory data do not currently exist for important issues such as police stops, victimization, plea agreements, pretrial detention, and outcomes of cases handled by public versus private attorneys. In some areas such as variations in sentencing conditions, data could be collected laboriously, by pulling and reviewing paper files.

Information on police stops may be collected in the future. The Working Group supports current efforts by the state of Oregon to create a manageable process for collecting and analyzing data concerning police encounters with people of color. The Working Group also plans to utilize the County's innovative Decision Support System to explore areas where analysis was not possible before, and hopes to learn of other new technologies for better record keeping. Improved data and research methods need to be developed to further understand the dynamics and impact of plea offers, pretrial detention, drug crimes, sentencing outcomes, risk assessments in the supervision process, and other justice processes that may affect minority communities.

This report collects data from the Portland Police Bureau, the Gresham Police Department, the Multnomah County District Attorney's Office, the Multnomah County Sheriff's Office, the Department of Community Justice and the Multnomah County Court. All of these agencies contributed time and data for the report.

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<sup>5</sup> The issue of police encounters with citizens has raised perceptions of unfairness across the country. Among the materials later in this report, there are a number of explanations presented for why police stops may occur -- most notably, those arrests mandated by law, and the large number of arrests resulting from citizen complaints and calls for service. Reliable data to confirm or refute that some arrests, stops or other police detentions of minority persons may be racially or ethnically biased are currently unavailable. The reasons for the unavailability of such data are that traffic stops and other encounters between police and citizens are not ordinarily documented in police reports, police officers often do not record the race or ethnicity of suspects in police reports, and they frequently consider inquiries about such matters rude or inconsiderate to the citizen.

### ***The Working Group's Initial Work and Its Resulting Operating Principles***

The Working Group has been meeting on a monthly basis since June of 1998. During the first six months of meetings, the Working Group engaged in frank and exhaustive discussions regarding:

- (a) The concepts, issues and implications of minority over-representation in criminal justice systems across the country, including an analysis of leading commentary and research on the subject and current literature on best practices to identify and address racial or ethnic disparity and inequity;
- (b) The availability, location and nature of data relevant to demographics (race and ethnicity) throughout Multnomah County and within its criminal justice system; and
- (c) Cost-effective and reliable strategies for collecting and analyzing such data to determine if, and to what extent, race or ethnicity based decision-making and disparity exist in our system.

In the course of this initial work, **the Working Group arrived at the following operating principles** to guide its work:

**Operating Principle 1. An action plan and recommendations must have community input to be credible and effective.** Due to the practical need to reach consensus and produce results on a timely basis, no deliberative body such as this can be large enough to fully reflect the diversity in background or perspective necessary to ensure that its findings and recommendations will be credible or effective. There is no substitute for obtaining input from the community on these important issues. Therefore, **the Working Group or the Council should hold a series of public meetings throughout the County particularly in communities of color, to discuss issues of over-representation and the contents of this and any other report and action plan adopted by the Council.**

**Operating Principle 2. The Working Group and the Council should focus on problems and solutions to unfair over-representation that are within their control.** The Working Group identified numerous broad social and economic disparities based on race, ethnicity and wealth -- from variations in access to education and health services to blatant racial or ethnic discrimination -- that no doubt contribute to over-representation in the criminal justice system. While the members of the Working Group may deplore such unfair social conditions and practices, they have neither the expertise nor the authority to control them. On the other hand, assessments and recommended actions to reduce unfair conditions or practices within the criminal justice system over which the Council, its members, and participating agencies have control, can truly serve to advance our community's shared values of fairness and equity. The realization that many conditions are beyond the immediate influence of the criminal justice system should not deter us

from taking action in those areas where the system has the capacity to act on issues of fairness.

**Operating Principle 3. Both the perception and the reality of inequities in our criminal justice system are important.** Over-representation of minorities in the criminal justice system does not necessarily mean that decisions within that system are discriminatory or unfair. Plausible alternative explanations may exist; for example it may be that the justice system is aggressively responding to concerns for adequate service and “protection” raised by other members from communities of color. Nonetheless, the effective operation of the justice system fundamentally relies upon the general belief that it operates fairly. Significant threats to that belief will undermine the willingness of citizens to respect the law, use the justice system, cooperate with the system and abide by decisions rendered in the justice system.

**Operating Principle 4. There are no immediate, short-term solutions to the public perceptions and realities of over-representation.** The Working Group struggled with the development of effective approaches to unfair over-representation. It became increasingly clear that there would be no immediate short-term solutions to the perceptions of inequity arising from over-representation, or to the problem of determining if unfair treatment or decisions underlie over-representation in Multnomah County. **Instead, these problems will require continual vigilance through a permanent monitoring process** in which:

- (a) Relevant data regarding key decision points in the criminal justice system are collected and analyzed on a regular basis;
- (b) Those decision points that appear to be increasing over-representation in the system are identified and further scrutinized; and
- (c) When unfair conditions or practices are identified at any of these decision points, strategies are designed to remedy such unfairness.<sup>6</sup>

**Operating Principle 5. The concept of “over-representation” must be clearly defined and understood.** As used in research on the subject and in literature on best practices across the country, *“over-representation” has come to mean a greater percentage of a racial or ethnic group within a community’s criminal justice population than that group’s percentage within the community’s general population.* Variation

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<sup>6</sup> This is the process the Working Group has recommended to the Council above. Fortunately, the Working Group and the Council have a model for this process in the groundbreaking work of one of the Working Group’s members, Professor Bill Feyerherm, in collaboration with Multnomah County’s Department of Community Justice. Under the auspices of the Annie E. Casey Foundation Detention Reform Initiative, they collected and analyzed data relating to the over-representation of minority youth in the County’s juvenile detention facility. After confirming that Department decisions and practices governing detention were contributing to over-representation, they designed interventions and protocols that substantially reduced the problem. The experience of this project confirmed that continual vigilance is necessary to ensure that a problem of over-representation caused by criminal justice decisions or practices does not re-emerge at the original source, or somewhere else in the system.



between these percentages can mean, but does not necessarily mean that decisions involving the administration of criminal justice are unfairly race-based or ethnically discriminatory.

The Working Group concluded that substantial discrepancy between a group's proportion of the criminal justice population and that group's proportion of the general population creates a presumption that further inquiry and analysis are needed. Any major variation should require either a satisfactory explanation of why it is not the result of inequitable decisions or practices, or the identification and modification of inequitable decisions or practices.

**Operating Principle 6. Prevailing public policies and resource allocation directly affect the extent of minority over-representation.** A variety of public policies, some promulgated by local governments, most by state legislatures and the U.S. Congress, affect the level of minority over-representation in local criminal justice systems, and add fuel to perceptions of unfairness. From federal immigration laws, to state and federal laws governing the kinds and amounts of drugs to criminalize, to law enforcement responses to the public's concern over visible street crime, our nation's public policies often influence, however unwittingly, the racial and ethnic makeup of our criminal justice populations. In considering the impact of such policies, the Working Group believes that two points relating to over-representation still need to be kept in mind:

(1) However commendable, aggressive application of the laws by each justice system agency in minority communities increases over-representation in arrests and subsequently the rest of the criminal justice system. This complicates the task of sorting out and identifying unfair and inequitable causes of over-representation. In this report the Working Group is recommending to the Council a permanent process to monitor changes in over-representation.

(2) To minimize public perceptions of unfairness while pursuing such aggressive policies, the current commitment to principles of community justice by all local governments and public safety agencies in Multnomah County must continue. This commitment is exemplified by aggressive minority recruitment within justice agencies, community policing, neighborhood district attorney offices, community courts and increased access to treatment and social services within minority communities. Otherwise, too many citizens may see the full range of justice professionals (i.e. judges, defenders and prosecutors, as well as police officers, sheriff's deputies and probation officers) as an "occupying force" in our County's communities of color. As a consequence, our criminal justice system may lose the credibility essential for its effectiveness.

**Operating Principle 7. Data relevant to over-representation are not readily available or reliable.** Most of the Working Group's time and energy has been devoted to identifying, collecting and interpreting data relevant to over-representation. Cooperating justice agencies -- most notably, the District Attorney's Office, the Sheriff's Office, the Portland Police Bureau, the County Court, the Gresham Police Department

and the Community Justice Department -- have expended enormous amounts of staff time and expertise to produce this data. The Working Group discovered that variations in the coding, collection and presentation of this data from one agency to another made analysis extremely difficult. The Working Group concluded that **the establishment of a comprehensive data collection process that includes all local justice agencies, such as the Decision Support System currently under development, is needed to enable Multnomah County to monitor minority over-representation in the criminal justice system on an effective and ongoing basis.** This is an important first step in understanding, creating a dialog about and addressing over-representation.

### *The First Steps in Developing This Report*

By the end of 1998, following its initial work and agreement on a set of operating principles, the Working Group developed a "Proposal for an Action Plan," which outlined the first steps that needed to be accomplished.<sup>7</sup> As described below, three of the four steps have been accomplished. "Step 3" -- the collection and analysis of data represents an ongoing task requiring the establishment of a permanent process for collecting and analyzing relevant data under the auspices of the Public Safety Coordinating Council.

This section of the report describes an action plan process, methodology, and results.

**Step 1. Complete an assessment of the demographics relating to race and ethnicity in Multnomah County.** The credibility of this analysis of minority over-representation in the local criminal justice system depends upon an accurate count of all resident population groups in Multnomah County. Fortunately, Multnomah County has relatively current data through the 1998 American Community Survey. This information provides the necessary baseline for determining the extent of over-representation of each minority population in the criminal justice system. However, difficulties still remain in gathering ethnic data, data for under-counted populations, and residential versus daytime populations.

**Step 2. Identify those key decision points in the criminal justice system with the greatest potential to increase over-representation.** The analysis of 1998 data regarding the justice system resulted in identification of the following key decision points:

- (a) Arrest - Action of the law enforcement officer at the point of arrest;
- (b) Prosecution - Action of the prosecutor to charge a person with a specific crime;
- (c) Sentencing - Sentencing of a convicted defendant by a judge, to incarceration or other sanctions and conditions;

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<sup>7</sup>A copy of the Working Group's "Proposal for an Action Plan," in the form of a memorandum dated November 25, 1998, is included in the Appendix.

- (d) Supervision - Sanctioning of an offender by a parole or probation officer for violation of conditions of supervision.

**Step 3. Collect and analyze data regarding outcomes for each racial and ethnic group at each of these key decision points.** After the Working Group selected four key decision points as priorities for assessment, the next step was to collect data from agencies responsible for making decisions at each of those points. That data was analyzed to determine outcomes at each decision point for the members of those racial / ethnic groups for which data is collected. Significant variations between a minority group's percentage of the general population and its percentage of populations at key decision points raises a presumption that further inquiry is needed. Further inquiry is particularly warranted where some populations may experience more excessive outcomes in comparison to other races/ ethnic groups where especially there is a stronger likelihood of loss of liberty. The Working Group examined data at selected decision points in more detail, and gathered further information from the relevant agencies, to explore if certain variations appeared to be justifiable or the result of bias or discrimination.

The Working Group and cooperating agencies have devoted most of their time and energy to collect and analyze data regarding outcomes at key decision points. Due to the complexity of this task and the unavailability of reliable, comparable data, the task has only just begun. Because demographics, criminal laws and enforcement policies and practices change regularly, a monitoring process must become a permanent function of the Public Safety Coordinating Council.

**Step 4. Obtain outside technical assistance to support the Working Group's research efforts.** It became clear to the Working Group that the task of collecting and analyzing data relevant to minority over-representation in Multnomah County's criminal justice system was too large and complex for individual members and limited staff resources to undertake; further assistance was clearly necessary.

At nearly the same time the Working Group was established, the U.S. Department of Justice selected Portland as one of five cities across the country to receive federal support in implementing community-based approaches to law enforcement and crime prevention through a new partnership between local authorities and U.S. Attorney's Offices. The initiative is called Strategic Approaches to Community Safety, or "STACS," and has provided financial support for action-oriented research in Portland. Because the Public Safety Coordinating Council had already begun implementing an aggressive plan to reduce youth gun violence in Portland, STACS adopted that mission and became a Working Group of the Council.

As already discussed, justice policies can have a direct impact on the extent of minority over-representation in criminal justice systems. Both the Council and STACS' working groups recognized the potential for such impact as a result of efforts to combat youth gun violence in Portland. The use of guns is frequently associated with minority gang activity and the distribution of drugs by some of those gangs. The incidence of gunshot reports

and shootings is higher in communities of color in Portland. The STACS' project actively encourages police, prosecutors, and correctional officials to aggressively enforce state and federal gun laws. Such action may increase the number of minorities in Multnomah County's criminal justice system. For this reason, the Council and STACS agreed that federal research support must be provided to this Working Group to ensure fair and equitable treatment and the absence of biased or discriminatory practices for persons of color suspected or accused of a crime in Multnomah County. Federal support was used to assist in the data analysis effort described in Step 3 of this Plan.

### ***A Report on Steps Accomplished***

The following sections of this report show the Working Group's progress in accomplishing the Steps described above. Much work still remains to be done.

The Working Group has devoted most of its efforts to identifying, collecting and beginning to analyze data relevant to over-representation at four key decision points in Multnomah County's criminal justice system. The results of those efforts are set forth in the last part of this section -- largely in the form of charts and graphs. This work was possible through an enormous amount of time and energy expended by the leadership and staff of our local criminal justice agencies. The Working Group conveys special thanks to the leadership and staff of the Gresham Police Department, the Portland Police Bureau, Multnomah County's Sheriff's Office, District Attorney's Office, Department of Community Justice, and the County Court.

The charts, graphs and commentary at the end of this section are primarily the products of these cooperating agencies. Much work remains to be done by the Working Group to supplement and refine this information, reconcile available data from different agencies, and interpret the significance of findings for minority over-representation. Success will also require a community-driven action plan to implement long-term solutions to over-representation.

## II. Preliminary Findings From Available Data

The Working Group examined a great deal of data about the justice system, guided by these questions:

- What is the level of over-representation in the system?
- Are there any identified points where decisions are made (decision points) where over-representation is increased or worsened beyond any disproportionality of ethnic or racial groups entering the system?

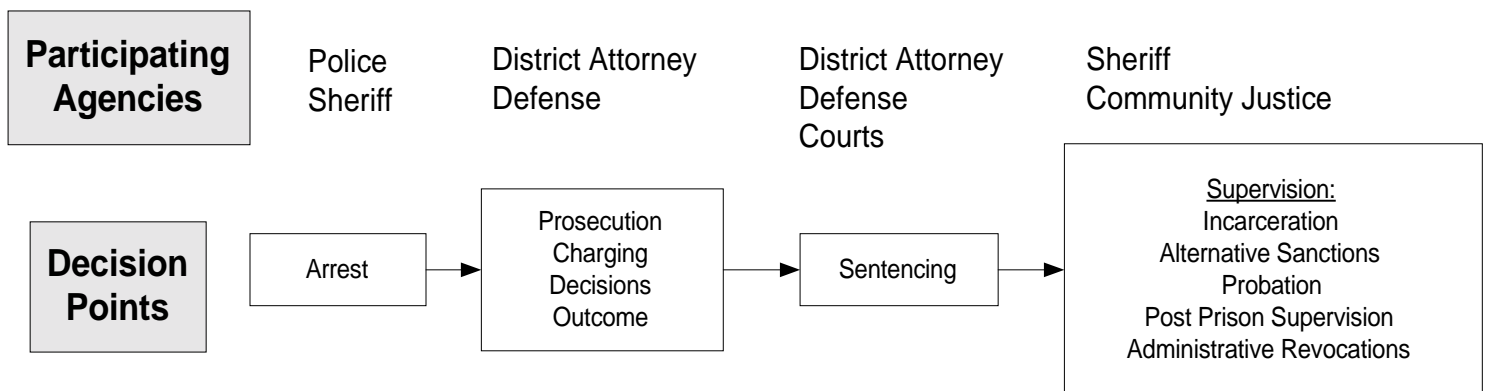
This section of the report is divided into three parts:

1. A portrait of cases entering the justice system. Cases received represent the combined effects of social conditions, behavior of individual offenders, justice policies, and the actions of law enforcement officials;
2. Analysis of the processing of individuals through the justice system, focusing on the four decision points; and
3. A detailed examination of the data relating to two selected decision points.

Please note that the population percentages throughout the report may not equal 100%. This is because the "unknown" racial and ethnic category was not included. Percentages were not forced to equal 100%.

### *Key Processing Decision Points in the System:*

The following diagram illustrates four key decision points for processing cases through the criminal justice system: arrest, prosecution, sentencing, and supervision. This report contains data on each decision point and further detail within that decision. It is in these decision details where analysis must occur.



## *A Portrait of Incoming Cases*

### **Arrest**

Arrest data from both the Portland Police Bureau and the Gresham Police Department confirm the existence of over-representation of certain racial/ethnic groups coming in the "front door" or entering the criminal justice system. The data differ across these communities and therefore are discussed separately.

As the following table shows for Portland, African-American, Hispanic and Native American persons all comprise a higher percentage of 1998 arrests than their proportions in the population. African Americans are reflected in arrests (25%) at a rate triple their size in the population (8%), while Hispanics arrests are 9% of arrests and 4% of the population, and Native Americans are 2% of arrests and 1% of the population. Asians are under-represented in arrests (6% of population and 2% of arrests).

### **Portrait of Incoming Cases: Portland**

Race/Ethnicity	Percent of Population	Percent of Arrests
Asian	6%	2%
African American	8%	25%
Hispanic	4%	9%
Native American	1%	2%
White	83%	62%

Data from the city of Gresham paint a slightly different picture. African Americans comprise a higher percentage of 1998 arrests (5%) than their proportions in the population (2%), but Hispanics are only slightly over-represented at arrest (11% versus 10%), and Native Americans are actually under-represented at arrest (1% versus 2%). However, the number of Native American individuals counted here is so small that it is unwise to draw firm conclusions from them.

### **Portrait of Incoming Cases: Gresham**

Race/Ethnicity	Percent of Population	Percent of Arrests
Asian	4%	2%
African American	2%	5%
Hispanic	10%	11%
Native American	2%	1%
White	82%	82%

### ***Processing Through the System***

After the point of arrest, the report draws a distinction between over-representation and inequitable treatment. The term over-representation is concerned with “front door” (intake or entry) data at each decision point (i.e. cases received by the prosecution, bookings in jail, or active adult caseload for community justice) in comparison with the County’s population. The term inequitable treatment is concerned with what happens after these entry points. Inequitable treatment, as used here, means disproportionate assignment of individuals to outcomes (e.g., guilty or not, sanctioned or not) depending on their race or ethnicity. Both over-representation and inequitable treatment are of concern to the Working Group. The following material departs from over-representation at the “front door”, and looks for inequitable treatment when action is taken to process cases as they flow through the system.

### **Prosecution**

Prosecution may be broadly thought of as consisting of two stages: the initial decision to charge or “issue” a case, and for those cases charged, the subsequent outcome (guilty, not guilty, dismissed). Of all cases received by the District Attorney’s office in 1998, 75% resulted in charges being issued. The following table presents variations in this rate for adults of different racial/ethnic background. The table also presents the guilty rates (combination of plea and trial).

Comparing these two processes shows that Hispanic adults are slightly more likely to have charges issued and to be found guilty, in comparison to the total. The total for all cases is that 75% are charged and 71% are found guilty. The greatest deviation from the total percentages is the Hispanic caseload. Cases with Hispanic defendants are charged 79% of the time and found guilty in 77% of the cases.

### **Prosecution Rates**

<b>Race/Ethnicity</b>	<b>% Charged</b>	<b>% Guilty (of charged)</b>
Asian	75%	71%
African American	76%	70%
Hispanic	79%	77%
Native American	76%	73%
White	73%	70%
Total:	75%	71%

Examinations of assignment to District Attorney’s Office units, and types of offenses (e.g., driving under the influence of intoxicants, domestic violence, violent offenses, etc.) do not

suggest that any particular type of offense category or processing unit creates these slight differences in processing (data not shown).<sup>8</sup>

### Sentencing

Sentencing options include a wide variety of possible requirements and conditions, including locations for supervision. For purposes of this analysis, the Working Group examined clusters of sentencing options that included probation, probation with jail time, jail alone, and prison. For the summary presented here, probation with jail time and jail alone have been condensed into the category called “jail.” (Jail refers to short-term local incarceration and prison to longer term incarceration in state facilities.)

### Likelihood of Sentencing Outcomes

Race/Ethnicity	All Sentences			Misdemeanor			Felony		
	Probation	‘Jail’	Prison	Probation	"Jail"	Prison	Probation	"Jail"	Prison
Asian	55%	27%	18%	70%	30%	0%	36%	23%	41%
African Amer.	32%	52%	16%	35%	65%	0%	29%	42%	30%
Hispanic	32%	50%	18%	45%	54%	0%	21%	46%	33%
Native Amer.	34%	55%	11%	38%	61%	1%	26%	56%	31%
White	40%	47%	13%	41%	59%	0%	38%	35%	27%
Total	37%	49%	14%	40%	59%	0%	34%	38%	28%

For all outcomes but to varying degrees, there is a higher probability of prison for Asian, African-American, and Hispanic defendants. There is a higher than average probability of “jail” for African-American, Hispanic, and Native American defendants, and a higher than average probability of probation for Asian and white defendants. It might seem that different offense levels could account for these patterns, but examining the felony and misdemeanor convictions fails to support this position. The data serves primarily to reinforce the patterns shown in the overall sentencing (with the exceptions that Hispanic defendants for misdemeanors do have a higher than average probation likelihood and lower than average likelihood of jail and Native American defendants for felonies have a higher likelihood of prison).

<sup>8</sup> Members of the Working Group have noted that the data available concerning prosecution does not include information about the types of plea agreements negotiated by prosecutors and defenders, and whether the nature of these offers may differ by race or ethnicity (e.g. in terms of the sanctions to be imposed). The Working Group is interested in pursuing options to collect such data.



### Supervision – Sheriff’s Office

Two measures that represent the supervision activity of the Sheriff’s Office are available: 1) **bookings**, which depict intake of defendants into the custody system and 2) **jail housing snapshots** that represent an average daily profile of the in-custody population. The total number of Standard and Turn-Self-In Bookings in 1998 and an average of 12 housing snapshots taken throughout the year (one day per month) are presented below. For a variety of reasons, the percentages of those booked and housed in jail by race may not be equal. Persons may be booked and released the same day to await arraignment or trial. Longer stays in jail that would keep someone in housing may reflect crime type, holds by other jurisdictions or agencies, and other factors.

The jail data are compared with arrest. The number of arrests is higher than the number of bookings primarily because the arrest data includes citations in lieu of arrest.

### Supervision: Sheriff’s Office

Race/Ethnicity	Bookings Standard and Turn- Self-In		Jail Housing Snapshots		Arrests* Portland + Gresham + Sheriff’s Office	
	Number	%	Number	%	Number	%
Asian	645	1.6%	38	2.2%	1,077	2.3%
African-Amer.	9,437	23.4%	414	23.8%	10,756	23.0%
Hispanic	3,696	9.2%	259	14.9%	4,446	9.5%
Native Amer.	588	1.5%	26	1.5%	965	2.1%
White	25,873	64.3%	1,000	57.5%	29,432	63.0%
Total:	40,239	100%	1,737	100%	46,676	100%

\* Arrests from Portland, Gresham, and the Sheriff’s Office comprise most of Multnomah County arrests.

Regarding jail intake, the number of Standard and Turn-Self-in bookings have roughly the same proportion of African Americans and Hispanics as the arrest data (23% arrests versus 23.4% bookings for African Americans and 9.5% arrests versus 9.2% bookings for Hispanics). The proportions of intake that are Asian and Native American are slightly lower than the proportions of each group in the arrest data (2.3% arrests versus 1.6% bookings for Asians and 2.1% arrests versus 1.5% bookings for Native Americans). This may be due to the types of offenses for which arrests are made (i.e. crimes that do not mandate or require booking). The proportion of whites increases slightly from arrest to booking (63% versus 64.3%).

The discrepancy between the percent at booking and percent at housing is greatest for Hispanics and whites (9.2% versus 14.9% for Hispanics and 64.3% versus 57.5% for whites). A likely reason for a higher proportion in housing than booking for Hispanics is that the data include

persons with U.S. Immigration holds, many of whom are Hispanic. Asians do show a bit more discrepancy between booking and housing than do African Americans and Native Americans (1.6% versus 2.2% for Asians, 23.4% versus 23.8% for African Americans and 1.5% at both booking and housing for Native Americans).

## Supervision – Community Justice

The Department of Community Justice provides supervision to adult offenders on probation as well as those released from custody on parole or post-prison supervision. Two indicators of over-representation are provided relative to the work of the Department of Community Justice. The first is the active caseload of persons released from custody as of December 1998. The second is a measure of the sanctions administratively imposed (rather than imposed by the judge or Board of Parole and Post-Prison Supervision) in response to an offender's violation of supervision conditions. Administrative sanctions may include a wide range of responses such as verbal and written reprimands, departmental programs, community service, referral to rehabilitative programs, or jail time (see Community Justice Department data in the following report). As with the custody and supervision data for the Sheriff's office, caseload data (the entry point at this step of the justice process) are compared to arrest data to look for any changes in over-representation.

### Supervision: Community Justice

Race/Ethnicity	Caseload		Administrative Sanctions		Arrests* Portland + Gresham + Sheriff's Office	
	Number	%	Number	%	Number	%
Asian	181	1.8%	30	0.7%	1,077	2.3%
Hispanic	494	4.9%	118	2.6%	4,446	9.5%
African-Amer.	2,229	22.0%	1,623	36.0%	10,756	23.0%
Native Amer.	117	1.2%	72	1.6%	965	2.1%
White	7,092	70.1%	2,663	59.1%	29,432	63.0%
Total:	10,113	100%	4,506	100%	46,676	100%

\* Arrests from Portland, Gresham, and the Sheriff's Office comprise most of Multnomah County arrests.

Regarding caseload, the adult probation and post-prison supervision caseload has roughly the same proportion of African-Americans as the arrest data (22% versus 23%). The proportions of the active caseload that are Asian, Native American or Hispanic are lower than the proportions of each group in the arrest data, much lower for Hispanics (1.8% vs. 2.3% for Asians; 1.2% vs. 2.1% for Native Americans; 4.9% vs. 9.5% for Hispanics). In analyzing sanction activity, the discrepancy between the percent of caseload and the percent receiving administrative sanctions is greatest for African-Americans (22.0% vs. 36.0%).

In order to manage the caseload more effectively, the Department of Community Justice assigns risk scores to offenders based on their prior record and other factors. There is a lower proportion of African Americans on the active caseload than appear on the “high risk to re-offend” caseload (22% vs. 35%) as shown in the table below. Greater detail appears in Figure 2 of the Supervision/ Community Justice section of the report.

### Supervision: High Risk Caseload

Race/Ethnicity	Total Caseload		High Risk Caseload	
	Number	%	Number	%
Asian	171	1.8	12	7
Hispanic	433	4.5	65	15
African-Amer.	2,108	22.0	737	35
Native Amer.	111	1.2	34	19
White	6,741	70.4	1,299	30.6
Total:	9,563	100.0	2,147	22.5

Placement on the high-risk caseload would tend to suggest that such offenders might receive “sanctions” or official response to misbehavior more often. Sanctions are most often imposed one at a time and less frequently in multiples. For example, offenders are often sanctioned with a short stay in jail or occasionally with a program referral. Less commonly an offender may receive more than one sanction at a time, such as a short stay in jail and a program referral. Sanctions for “solely imposed” sanctions are much more frequent, and data are readily available on these sanctions (see Figure 5 in the Community Justice section of the report). Racial proportions across “solely imposed” administrative sanctions are roughly consistent with the overall distribution of sole sanctions within the adult active caseload. For example, the proportion of African Americans who receive a jail sanction (79.9%) is only slightly higher than the proportion of offenders overall who receive a jail sanction (77.1%).

Looking at data in risk assessment and imposition of solely imposed sanctions suggests that the assignment of risk scores warrant additional study.

**Summary of “Front Door” Statistics**

The racial/ ethnic percentages observed at arrest indicate that certain minorities are over-represented at arrest (African American, Hispanics, and Native Americans), while others are under-represented (whites and Asians). As the table below indicates, roughly these same percentages for racial/ ethnic groups continue to appear at each of the subsequent justice agency entry points that follow arrest. This would seem to suggest that treatment of all racial/ ethnic groups is roughly equitable as cases process through justice agency entry points.

**Percent Minority at Multnomah County Justice Agency Entry Points**

Race/ Ethnicity	Population %	Arrests*	Jail: Offenders Booked %	Prosecution Cases Received %	Court: ** Guilty Sentence %	Post Prison Supervision & Probation %
Asian	6	2.3	1.6	2.0	2.1	1.8
Hispanic	4	9.5	9.2	9.9	9.9	4.9
African-Am.	8	23.0	23.4	22.2	23.5	22.0
Native Am.	1	2.1	1.5	1.3	1.3	1.2
White	83	63.0	64.3	64.5	63.2	70.1
Total:	100	100	100	100	100	100

Note: Only local justice agency data are included in these entry points. Prison housing data is not included although locally released state felons are included in the post prison supervision caseload.

\* Includes arrests from Portland, Gresham, and the Sheriff’s Office, the vast majority of Multnomah County arrests.

\*\* Includes negotiated pleas of guilty and findings of guilty at trial.

However, using aggregate numbers may provide too broad a view of the justice process to be able to find differences among sub-groups. Differences may cancel each other out when viewed together. Taking a closer look at case processing actions at various stages, or looking at offenders by crime category could reveal inequitable treatment not readily apparent at the aggregate level. It is important to “drill down” into the data to take a closer look at the stages beyond arrest, probing for possible inequitable treatment later on in the justice process.

## ***Drilling Down: Detailed Examination of Selected Data***

In drilling down to look at case processing decision options, the following focuses on justice actions at arrest and sentencing. Looking more closely at the arrest process involves examining certain kinds of offense specific arrests, and geographic specific arrests in certain places rather than others.

### **Arrests**

Geographic and offense-specific information provide different ways to examine arrest figures.

#### **Geographic:**

Several large differences were found for Portland's Central precinct, possibly due to its nature as the metropolitan center. This is an area that sees a great influx of adults who reside elsewhere in the community and who enter the area for special events, the downtown shopping area, the transit center, and a number of social service organizations.

At Central Precinct (Central Business District) Portland:

- African-Americans constitute 2% of the residential population of that precinct, but 25% of the arrests,
- Hispanics are 3% of the residential population but 10% of the arrested group, and
- Native Americans are 1% of the residential population but 4% of the arrested group.

#### **Offense-Specific:**

Examination of the PPB arrest data for all precincts in 1998 suggests that over-representation occurs in part as a result of generally higher arrest rates in specific offense categories. Categories that seem to amplify over-representation for each group include:

Asians: account for 2% of total arrests (total = 1017)  
Aggravated Assault (5.95%, 31 arrests)  
Simple Assault (3.44%, 140 arrests)  
Prostitution (6.08%, 41 arrests)

African-Americans account for 25% of arrests (total = 10,415 arrests)  
Robbery (36%, 171 arrests)  
Drugs (37%, 2221 arrests)  
Trespass<sup>9</sup>, Threats (39%, 1436 arrests)

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<sup>9</sup> Here, Portland Police Data System combines ORS provisions regarding threats, trespass, and escape from custody. The remaining discussion will refer to these crimes as "trespass" because this charge accounts for most of the arrests in this category.

Hispanics account for 9% of arrests (total = 3951):

Prostitution (prostitutes and clients) (27%, 182 arrests)

Drugs (11%, 688 arrests)

DUII (Driving under the influence of intoxicants) (14%, 334 arrests)

Alcohol laws (12%, 256 arrests)

Traffic (12%, 434 arrests)

Native Americans: account for 2% of total arrests (total = 909)

Alcohol laws (11%, 248 arrests)

Robbery (to pay for drugs) and trespass (into drug-free zones) are often considered part of the pattern of drug use. Drug-related arrests may contribute to the over-representation of African-Americans in the justice system. As shown above for Hispanics, arrests for drugs, alcohol and traffic-related situations, together with prostitution, amplify over-representation. For Native Americans, arrests for alcohol and arrests made for other agencies (fugitive status, data not shown) amplify over-representation as they account for over 1/3 of the total Native American arrests. Although Asian Americans are not over-represented in general, arrests for assault and prostitution are categories in which their representation is higher than their average of 2% of arrests.

### **Crimes of Greatest Disproportionality: Portland**

Another way to analyze arrest data for disproportionate impact across racial/ethnic categories is to take a closer look at the impact of crimes where the greatest disproportionality occurs, such as the impact of drug and trespass arrests for African Americans.

Total Arrests for 1998:

All arrests = 42,503 in 1998

Drug and trespass arrests = 9,652

Arrests for other offenses = 32,851

Total Arrests for African Americans:

24.5%, 10,415

37.9%, 3,657

20.6%, 6,758

8% = Population in Portland

These figures indicate that although the percentage of African Americans is much higher for drug and trespass arrests, African Americans are also over-represented among arrestees for crimes other than drugs and trespass. In other words, even if the crimes of drug and trespass, where African Americans are greatly over-represented in arrests, are not included in the total over-representation figures. African Americans are still greatly over-represented.

Taken together, these closer looks at arrest data demonstrate that over-representation of minorities is amplified for some kinds of crimes more than others. In the future, more detailed research could profitably focus on these differential arrest rates by crime category. For example, it may be useful to try to determine what accounts for the higher level of over representation in particular offense categories. However, given the general level of over representation that cuts across almost all offense categories, focusing exclusively on particular offenses is unlikely to tell the whole story of over-representation.

## The Sentencing Decision

The vast majority of cases that reach court are resolved by pleas of guilty. In most of those cases, the sentence imposed by the judge is the sentence that was negotiated between the prosecutor and the defense attorney as part of a plea bargain. (Data on plea bargains was not available). The Working Group took two approaches to further analyze sentences imposed by the judge that may not be guided by a plea bargain. The first approach was to focus on several specific offense groupings, particularly DUII and trespass. The second approach was to examine sentences from specific grid blocks of the sentencing guideline structure. The grid-blocks chosen were ones that allowed the judge more discretion from the presumed or legislated sentence. The idea in each of these approaches was to examine situations in which defendants are more similar to one another and to see if the racial/ethnic sentencing differences persist.

DUII and trespass represent two of the most common misdemeanor offenses. The table below reveals that for trespass, white defendants were substantially more likely to receive sentences of probation (36.7%), compared to African-American defendants (23.2%) or Hispanic defendants (22.5%). This is clear evidence of disproportionality. However, for DUII cases, the percent receiving probation was approximately equal for all groups. (Numbers for Asians and Native Americans are very small making any differences unreliable.) Examination of the sentence length for DUII also showed little systematic difference between treatment of racial/ ethnic groups (data shown in the Sentencing section of the report).

### Sentencing for Trespass and DUII

Race/Ethnicity	Trespass			DUII		
	Total Cases	Probation Only	% Probation	Total Cases	Probation Only	% Probation
Asian	1	1	100.0%	30	8	26.7%
African-American	453	105	23.2%	149	24	16.1%
Hispanic	40	9	22.5%	213	40	18.8%
Native American	17	5	29.4%	31	6	19.4%
White	436	160	36.7%	1452	226	15.6%
Total:	947	280	29.6%	1875	304	16.2%

## Felony Sentencing

For felony cases, (other than aggravated murder), the state of Oregon mandates use of a grid system to create sets of cases with similar backgrounds for consideration at sentencing. The grid uses crime seriousness on one axis and criminal history on the other. The seriousness rating of each crime is established by the legislature. There are 11 seriousness categories, numbered 1 through 11. "One" is the least serious and 11 is the most serious. There are nine criminal history categories, labeled A through I. Criminal history category "I" is for defendants with no prior



juvenile or adult felonies or class A misdemeanors. Category “A” is for defendants with three or more “person” (violent) felonies as either an adult or juvenile. The box at the intersection of each crime seriousness and criminal history category contains the “presumptive” sentence. The “presumptive sentence” is the one that the judge must impose unless there are “substantial and compelling reasons” for a different sentence. If a sentence other than the presumptive sentence is imposed, it is referred to as a “departure sentence.” A departure sentence may be either more lenient (“downward departure”) or more severe (“upward departure”) than the presumptive sentence.

Data from six sentencing “grid blocks” are presented in the report, and the two largest grid blocks are discussed in this section. Because the numbers are very small and therefore statistically unstable for Asians and Native Americans, only information for white, African American, and Hispanic defendants is discussed here.

Three grid blocks, 8-G, 8-H, and 8-I call for presumptive sentences of prison. These grid blocks are also designated “optional probation” and often referred to as “departure sentences.” Under this designation, probation may be imposed as the sentence if certain findings are made by the court regarding treatment for the defendant. These same findings will also suffice as “substantial and compelling reasons” for a departure sentence.

In Grid 8-I, where the presumptive sentence is prison, clear disproportionality appears. Only 21% of White defendants receive prison sentences, while more than double that proportion of African American (42.9%) and Hispanic (59.6%) defendants receive prison sentences. The remaining defendants receive jail, probation or a combination of the two.

In Grid 6-F, where the presumptive sentence is probation, disproportionality appears again. While 48% of white defendants receive probation, only 36.6% of African-American defendants and 11% of Hispanic defendants receive probation. The remainder receive sentences to prison.

### Percent with Presumptive Sentence (Felony)

Race/Ethnicity	Grid 8-I (Presumptive Prison)			Grid 6-F (Presumptive Probation)		
	Total Cases	Number with Prison	% Prison	Total Cases	Probation Only	% Probation
African-Amer.	28	12	42.9%	71	26	36.6%
Hispanic	57	34	59.6%	53	6	11.3%
White	209	43	20.6%	77	37	48.1%

In sum, the use of upward and downward departures from sentencing guidelines results in harsher treatment for minorities and more lenient treatment for whites. The percent of the three groups sentenced to prison and probation are markedly different. Hispanics are most likely to

receive prison sentences (59.6%) and least likely to receive probation sentences (11.3%). Whites are least likely to receive prison sentences (20.6%) and most likely to receive probation sentences (48.1%). African Americans fall in between these other two groups on both prison and probation. Regrettably, the sentencing data demonstrate that both Hispanics and African Americans are disproportionately assigned to harsher sentencing conditions. This over-representation cannot be explained away by reference to the offense category charged or to the prior record of the individuals involved because the particular groups analyzed here are similar with respect to offenses charged and criminal history.

### *Summary*

Examining data in detail shows that over-representation of persons of color at arrest occurs and is more pronounced for certain categories of crime, such as crimes related to drug use for African Americans. Although some crimes that cause measurable over-representation are readily identifiable, these high disproportionality crimes do not account for the greatest share of over-representation in arrests. Most disproportionality cannot be pinpointed to one or two specific areas. Future research should focus on specific crimes that show a significant pattern of over-representation, as well as pursuing over-representation that crosses crime categories. The Working Group has an interest in further analyzing both specific crimes and general circumstances or policies that may increase over-representation.

Despite the consistent appearance of “front door” statistics characterizing the caseload at key points of entry into justice agencies, the degree of over-representation of minorities is exacerbated after arrest for at least some groups of offenders at certain places in the system. A closer look at sentencing showed that where sentencing guidelines allow for departure from the presumptive sentence, harsher options are imposed more often on people of color and less often on white offenders.

In the future, the Working Group anticipates analyzing additional data beyond what is included in this report. Even where disproportionality is not worsened in the aggregate, a closer examination can reveal its presence. The evidence suggests that over-representation is worse for some crimes, groups, or at various points along the entire justice process.

### **III. Justice Agency Reports on Over-Representation of Minorities**

#### ***Data Collection***

The data in this report are expected to raise questions and point to areas where further research is needed. The report offers a baseline against which to judge future progress or deterioration in the experience of people of color subject to action by local justice agencies. It is hoped that beginning to track over-representation over time will lead to the elimination of any unfair or inequitable differences in justice handling of people of color. Any over-representation of an ethnic or racial group identifies itself as a potential problem area and cause for additional analysis. But although the data can alert us where over-representation occurs, data may not be able to tell us why an increase occurred.

This report concerns the over-representation of minorities throughout the system. However, it should be noted that not all minorities are over-represented at each decision step. Some racial or ethnic groups are over-represented at some decision points and not others. The Working Group chose to look at all racial/ethnic groups whether they appeared to be under or over-represented at any one point.

Because a number of justice agency data systems (local and state) were used to create this report, there is some variation in how ethnicity or race is reported. In some areas the Hispanic category is designated as an ethnic group that overlaps with other racial groups, while elsewhere the Hispanic category is mutually exclusive of other population categories. Greater consistency in data collection is needed in order to better measure and compare the Hispanic population data. Where needed for clarity, notes appear in the text to clarify this and other data points.

At the current time, there is no one cross-agency data collection system in the County that can collect data from each justice agency. Therefore, it is not always possible to link case documents or follow offenders as their cases progress through the system. Data are at various points analyzed from the point of view of the individual offender, the case, the charge(s), and the justice event (for example, sentencing).

In the near future, analyzing justice data will improve in Multnomah County. A data warehouse has been developed to support a user system called the Decision Support System for Justice (DSS). Updated on a daily basis, the DSS system already includes data from the Courts, Sheriff, Portland Police and District Attorney. During 2000, DSS management plans include adding data from the State Department of Corrections and the Gresham Police. When complete, the DSS will allow a user to follow the handling of a crime and/or an offender through the various agencies of the justice system more easily than is possible today. The ability of Multnomah County to collect and monitor the data concerning over-representation will be greatly enhanced by the completion and implementation of this system. It is hoped that a DSS application can be constructed using the DSS system to monitor over-representation data on a regular basis.

When justice information is collected, some categories may contain too few individuals to draw reliable conclusions based on the data. In some cases this prevented the Working Group from

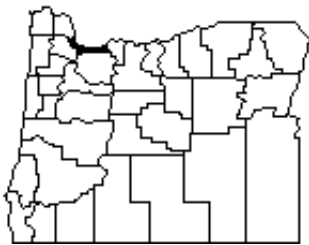
exploring areas of interest in greater detail. The data that are presented below do include all racial groups, no matter how few defendants may be in the data set. It is important to remember that very small numbers that comprise large percentages should be considered with caution to avoid drawing unwarranted conclusions.

Population figures for areas located outside of the cities of Portland and Gresham are not readily available. These areas include both smaller cities and unincorporated areas and make up the remainder of the County. It is possible to get a general estimate of population, but not an accurate racial and ethnic description for the area.

Population figures and arrest figures included in this report count juveniles as well as adults. (Juveniles comprise a very small proportion of all arrests.) However, other counts include only adults, for jail population, cases prosecuted and sentenced, and offenders supervised in the community. Possible over-representation in the juvenile justice system is not covered in this report.

The Working Group addressed the issue of statistical "significance" in judging the size of differences in the data analyzed here. For example, is a change from 5% to 10% significant? Answering this question depends largely on subjective criteria for what constitutes an important difference. The Working Group chose not to impose artificial criteria for judging importance, but to present data-based findings without statements of judgment at this time. Throughout the report the word "significant" does not appear, in order to avoid confusion with the concept of statistical significance, a technical term that applies to sampled data rather than population data.

### ***Multnomah County Demographics:***



Geographically, Multnomah County is the smallest of the 36 counties in Oregon, with only 465 square miles. However it is the largest populated county in Oregon with 617,853 people. It is bounded to the north by the Columbia River and Columbia County; Washington County on the west; Clackamas County on the south and Hood River County on the east. It is a geographically diverse area including the first and fourth largest cities, Portland and

Gresham, as well as the western portion of Mt. Hood, the Columbia Gorge, a large unincorporated area covered by timber, both the Columbia and Willamette Rivers, and rural agricultural lands. It also includes the cities of Fairview, Wood Village, Troutdale, and Maywood Park. Multnomah County contains a minority population of 19.7%.

Population statistics for Multnomah County and its cities were obtained primarily from the 1998 American Community Survey, an annual sample survey of population by the U.S. Census, supervised by Portland State University. Population and racial /ethnic breakdowns are given for the three largest jurisdictions, Portland, Gresham, and the County as a whole. The cities of Fairview, Wood Village, Troutdale, and Maywood Park are represented in the aggregate County figures. The following data are used as the base population numbers in this report. Please note

that that date figures and most of the racial and ethnic breakdowns do not equal 100% as "unknown" was not included as a group in this report.

### Population of Multnomah County by Race 1998

Race/Ethnicity	County	%	Portland	%	Gresham	%
Asian	38,212	6.2%	32,271	6.5%	2,999	3.5%
African American	44,032	7.1%	41,162	8.3%	8,436	10%
Hispanic	31,476	5.1%	21,555	4.4%	1,757	2.1%
Native American	8,109	1.3%	6,030	1.2%	1,552	1.8%
White	496,024	80.4%	393,634	79.7%	69,452	82.2%
Total	617,853		494,652		84,195	

Note: the Portland Police Bureau completed their arrest data using different data than above. The 1998 American Community Survey data does not contain information on specific precinct areas within Portland, while the 1997 survey does. Therefore, in order to compare Portland precinct figures, the Police Bureau chose to use the 1997 American Community Survey data with 1998 arrest data.

### Population of Portland by Race 1997 Used for PPB Figures

Race/Ethnicity	Population	%
Asian	34,622	7.1% %
African Amer.	39,931	8.1%
Hispanic	21,588	4.4%
Native Amer.	4,986	1%
White	388,587	79.3%
Total	489,714	



## Arrest

Within Multnomah County there are multiple jurisdictions and different agencies responsible for police services. The Multnomah County Sheriff's Office is responsible for the unincorporated parts of Multnomah County, Wood Village and Maywood Park. Data on Sheriff's Office arrests is included at the end of this section. The cities of Troutdale and Fairview have their own police forces. Fairview's arrest data is included in the Multnomah County Sheriff's Office arrest figures. Data for the city of Troutdale is not included. The two largest police jurisdictions are the city of Portland and the city of Gresham; data for both of these agencies are included.

As discussed in the Introduction, the Working Group considered police stops at some length among the many factors that lead to arrest. The Working Group concurred that this is an area in need of further analysis as well as other socio-economic factors that may contribute to criminality and arrests. Efforts were made for the Working Group to maintain its data driven focus and collect existing data on the selected decision points. At this time there is no data concerning police stops. The Working Group supports current efforts underway in the state of Oregon to develop a data collection mechanism as well as current task forces such as in the Portland Police Bureau to address the issues surrounding police stops.

### **Factors that Affect Arrest**

In order to arrest, an officer must have probable cause that the person committed the crime for which they are being arrested. This could be because the victim identified the suspect, the person matches a description of the suspect, officers observe the criminal behavior, etc. The following is a list of factors that can affect the decision to arrest. These factors affect overall arrest statistics.

Although these are identifiable factors that affect either the arrest statistics and/or the decision to detain and arrest, this report does not contain speculation as to which factors contribute to an over-representation or under-representation of minorities in the criminal justice system. Although the first few factors are considered the largest factors that drive arrest statistics, this report does not attempt to delineate which factors have a greater affect than others.

**Calls for service by 9-1-1 dispatch center.** Victims and complainants request police response for a crime that has just occurred or is in progress. For example, in 1998 Portland police responded to 246,567 dispatched calls for service. These are calls dispatched by the area's 9-1-1 center.

**Self-initiated activity.** Officers make arrests and resolve situations for offenses and suspicious behavior that they observe on patrol, and can be flagged down by community members. Officers conduct traffic stops to cite individuals for traffic violations and can arrest for an outstanding

warrant or observed violations. Officers conduct person stops looking for a wanted person and can arrest for an outstanding warrant or observed violations. For example in 1998, Portland officers handled 154,734 self-initiated calls; most of these are for stops and missions. (For missions, see community complaints, below.)

**Community complaints.** Community complaints about prostitution, street level drug dealing, speeding traffic, etc. lead to missions for increased enforcement. Complaints about gang activity led to the creation of the Gang Enforcement Teams and related efforts; complaints about auto theft led to the creation of the Auto Theft Task Force. Missions, focused, short term, problem solving events, are often a result of community complaints on the given crime.

**Legal mandates.** Officers arrest people for behavior that the community has determined is criminal. Changes in laws that either de-criminalize behaviors or criminalize additional offenses can affect the number of people arrested. Also, certain crimes, such as domestic violence, require that the violator(s) be taken into custody.

**Policies.** Policies that focus on certain types of offenses can lead to increased numbers of people arrested for that offense. Examples would be graffiti, car break-ins, drug dealing, and prostitution. In addition, there are seasonal crime problems that warrant increased attention: DUII enforcement during some holidays, car prowl enforcement during the winter holidays, etc.

**Policies/geographic boundaries.** Some policies or ordinances are enacted to cover defined geographic areas, such as prostitution-free zones or drug-free zones. Some types of offenses carry higher penalties if they occur near schools, such as drug sales within 1000 feet of a school.

**Security personnel initiatives.** Security personnel can detain individuals suspected of shoplifting or trespass until police arrive to make the arrest. The allocation of security personnel and their training can affect the overall arrest numbers for certain crime categories.

**Failure of the person to gain help for the original problem.** If an individual is either not able to access services, or the services are unable to help the person solve his/her problem that lead to an initial arrest, the person is likely to be re-arrested. For example, if a person does not have access to drug or alcohol treatment, the person stands more likely to be re-arrested for crimes associated with drug or alcohol abuse.

**Personal or community willingness to contact police.** Police cannot make an arrest for an offense that was not detected or reported. Police have specific resources dedicated to assisting Hispanic domestic violence victims and Asian elders who are crime victims in reporting these offenses in order to increase reporting in populations who historically under-report.

**Officers' own experience and discretion.** Officers have a history and knowledge of the communities and districts they serve. They may stop someone who exhibits behaviors that are out of place, someone they arrested before or someone they perceive as likely to have offended based on their behavior. They may also make stops based on knowledge of outstanding warrants. In addition, police are more likely to detain an individual who strongly resembles a



suspect in a reported crime or is driving a vehicle that matches the description of one used in a crime.

**Suspects' own behavior.** Suspects who exhibit behaviors often linked to more serious offenses, or are combative and a perceived risk to the community may warrant detainment or search.

**Geographic features.** Certain features in the urban landscape can attract crimes of opportunity. For example, wooded parks may see more public drinking or graffiti because it provides more privacy and large parking lots at shopping malls may see more thefts from autos because packages are visible to passersby. These types of features have typically warranted more police patrol presence.

**Crime rate of the area.** Police resources are allocated in part on the call load for a given area or district. In an area with higher calls for service, there will be more police on patrol and available to make arrests if they observe criminal activities.

**Community's definition of livability issues.** Each community or neighborhood makes unique requests for police services, in part based on crimes that they perceive more dramatically affect their quality of life (street level drug dealing, street prostitution, traffic speeding, etc.), rather than crimes that the community perceives as less important.

**Ability of others to detect and report crimes.** There can be higher rates of calls for service to apartment buildings rather than single family homes because neighbors may be more likely to see offenders and report them.

**Resources required for investigation.** Observable crimes such as street crimes require less investigative follow up resources than detailed fraud investigations that may require combing through thousands of bank and accounting statements. Crimes committed by members of corporations (employee theft or fraud, environmental violations, etc.) may be very difficult to detect since it requires corporations to disclose wrongdoing by their employees.

**Severity of the crime/impact on victim.** Person crimes, such as murder, rape and robbery, receive more focus in both law enforcement and the criminal justice system than property crimes, such as burglary, theft and vandalism. Considerable investigative resources were dedicated to the Forest Park murder suspect, for example, which represents one arrest.

**Activities of an advocacy group.** For crimes that are vastly under-reported, the presence of an advocacy group may serve to encourage more victims to come forward to report the crime, which leads to arrests. Examples could be child abuse, rape, domestic violence, bias crime, partner-to-partner crime within the sexual minority's communities, etc.

**Civil disorder.** Protests and demonstrations that lead to criminal activities can trigger arrests of large numbers of people at once. These could be protesting actions such as military actions or policies such as access to abortion facilities.





## **The Portland Police Bureau Mark Kroeker, Chief**

<http://www.portlandpolicebureau.com>

The Portland Police Bureau made more than 42,000 arrests in 1998, including both adults and juveniles. This number represents the number of arrests made, not the total number of people arrested (if a person is arrested twice for assault in 1998 that would count for two arrests). The Portland Police Bureau is the largest enforcement agency within the County. The Bureau is divided into five precincts. The 1997 American Community Survey allowed the Bureau to break down population figures into their precinct areas. Because of this the baseline demographics are from the 1997 not 1998 American Community Survey. The Bureau provided both data broken down into a geographic area and total arrests for the City.

The Portland Police Bureau is a national leader in community policing. The Bureau recognizes a shared responsibility and connection between the police and the community in making Portland safer and more livable. The Bureau works to create a joint problem solving process with citizens. Together community safety issues are identified, resources are determined, and innovative strategies are applied to create vital neighborhoods. In the Factors that Affect Arrest, *community complaints* and *community's definition of livability issues* are listed as two factors impacting arrest. Due to the Portland Police Bureau's strong community policing philosophy these factors have a great deal to do with the implementation of resources by the Bureau, particularly through the Neighborhood Response Teams, as well as interagency collaborations such as the Drug and Prostitution Free Zones and one time missions addressing drug offenses.

***The Data:***

**Demographic Data and Precinct Statistics**

Population figures from the American Community Survey, U.S. Census Bureau, for 1997, show Portland population was made up of 83 percent whites, 8 percent African Americans, 6 percent Asians, 4 percent Hispanic origin, 1 percent Native Americans and 2 percent of other races. It is important to note that survey respondents first choose a race, and then indicate if they are of Hispanic origin.

In Illustration 1, it is also important to note that the census surveys residents, and does not count people who may visit an area to work or attend events. For example, the residential population of Central Precinct shows 91 percent white but the make-up of the area on any given day could be more diverse because the downtown core area is located in Central Precinct and thousands of people visit Central to work or attend events every day.

**Illustration 1: 1997 Population Data Per Police Precinct**

<b>Ethnicity</b>	Central	East	North	NE	SE	City-wide
White	91%	87%	77%	61%	83%	83%
African American	2%	4%	11%	33%	8%	8%
Native American	1%	1%	2%	1%	1%	1%
Asian	5%	7%	7%	3%	8%	6%
Other race	1%	1%	2%	2%	2%	2%
Hispanic origin*	3%	4%	8%	5%	4%	4%

\* Please note that survey respondents first choose a race and then may indicate if they are of Hispanic origin.  
Data Source: American Community Survey, U.S. Census Bureau.

Illustration 2 takes a look at the information gathered and used to deploy police resources. In order to examine the statistics for the race of those arrested, it was important to address community perceptions about how officers are allocated and deployed. Officers are allocated to individual precincts based on that geographic area's percentage of high priority calls for service (CFS), and other factors such as community complaints. When a person calls 9-1-1 to request police services, those calls are categorized by the dispatchers according to the urgency of the request. Crimes in progress or situations where there is imminent threat to life or property are coded as Emergency, priority 1 or priority 2 (E, 1, 2). Crimes that are less urgent, such as reporting a stolen ladder, are given a lower priority.

## Illustration 2 - Portland Police Bureau Calls for Service by Precinct

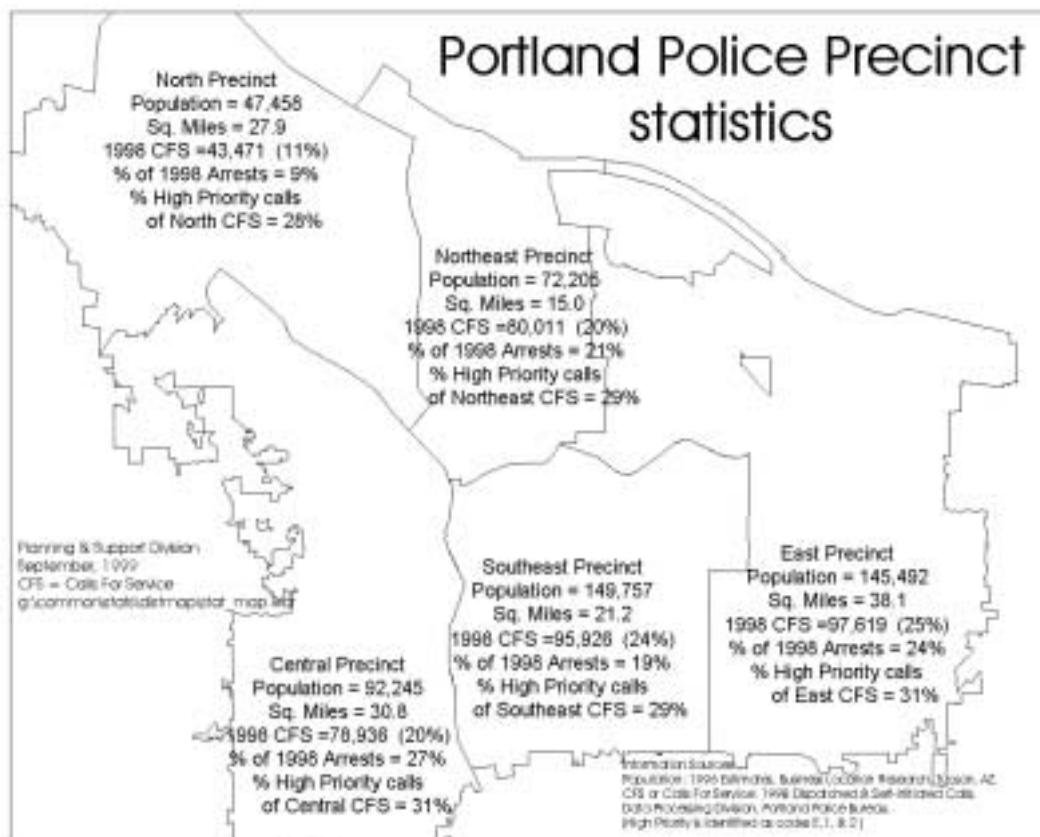
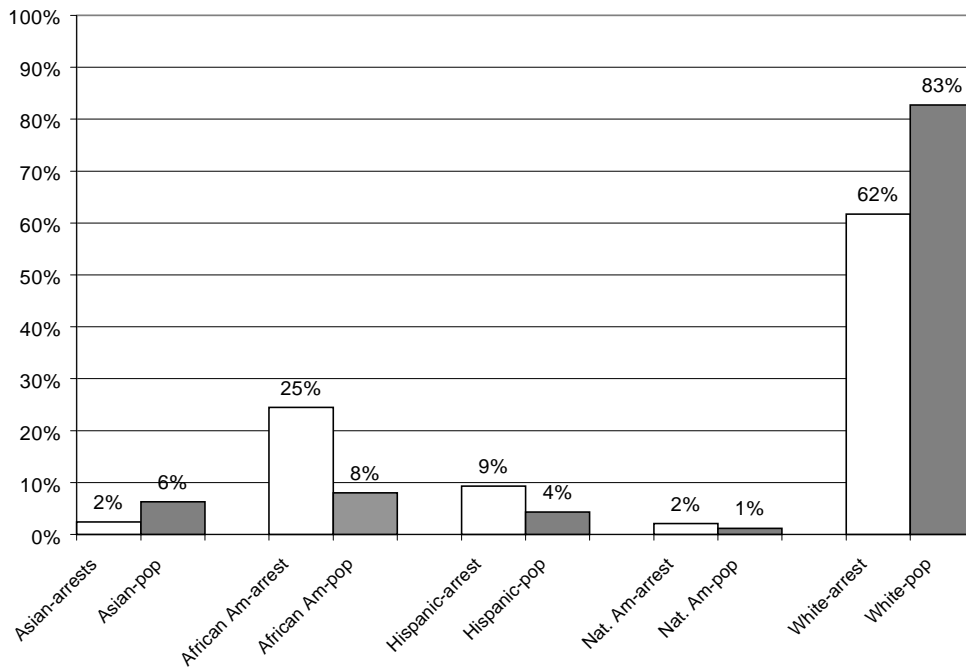


Illustration 2 shows data on calls for service, by the five Portland Police Bureau precincts, which cover five geographic areas of the City. By precinct, it shows the total residential population, the total number of square miles, the number of calls for service the precinct responded to (and the percentage of the citywide total), the percentage of calls received that were high priority calls and the number of arrests the precinct made (and the percentage of the citywide total).

To illustrate, East Precinct responded to 97,619 calls for service, which was 25 percent of the total citywide calls for service. East Precinct officers also made 24 percent of the total citywide arrests. In all five precincts, about 30 percent of all calls for service are high priority calls. In East Precinct, 31 percent of their calls for service were high priority calls.

In North, Northeast and East, the percentage of calls for service and the percentage of arrests closely correspond. In Southeast, the percentage of arrests is lower than the percentage of calls for service. In Central, the percentage of arrests is higher than the percentage of calls for service. This is attributed to the large number of special events and demonstrations that occur in Central Precinct. Crowd control issues and demonstrations that include criminal behavior can generate a higher number of arrests without generating calls for service.

### Illustration 3: Ethnicity of Arrest and Population



Data Sources:

1998 Arrest Data: Portland Police Data System.

Population Data: 1997 American Community Survey, U.S. Census Bureau.

#### Demographics and Arrests

Illustration 3 shows the demographic percentage by race and percentage of arrests by race. In 1998, Asians made up 6 percent of the population of Portland and 2 percent of those arrested; African Americans made up 8 percent of the population and 25 percent of those arrested; Hispanics made up 4 percent of the population and 9 percent of those arrested; Native Americans made up 1 percent of the population and 2 percent of those arrested; whites made up 83 percent of the population and 62 percent of those arrested.

Illustration 4 shows the arrest statistics by race for each of the five precincts, and shows the citywide totals used in Illustration 3. Illustration 7 contains definitions of Part I, Part II, and Part III crimes.

### Illustration 4: 1998 Arrests per Police Precinct All Arrests: Part I, Part II, and Part III

Ethnicity of Person Arrested	Central	East	North	NE	SE	City-wide
Asian	1%	4%	3%	2%	3%	2%
African-American	26%	10%	25%	55%	9%	25%
Hispanic	10%	11%	11%	7%	9%	9%
Native-American	4%	1%	2%	1%	2%	2%
White	59%	74%	60%	36%	77%	62%
Unknown	0%	<0.5%	0%	<0.5%	<0.5%	<0.5%

1998 Arrests: Portland Police Data System, count of people by most serious (highest) charge. See crime definitions.

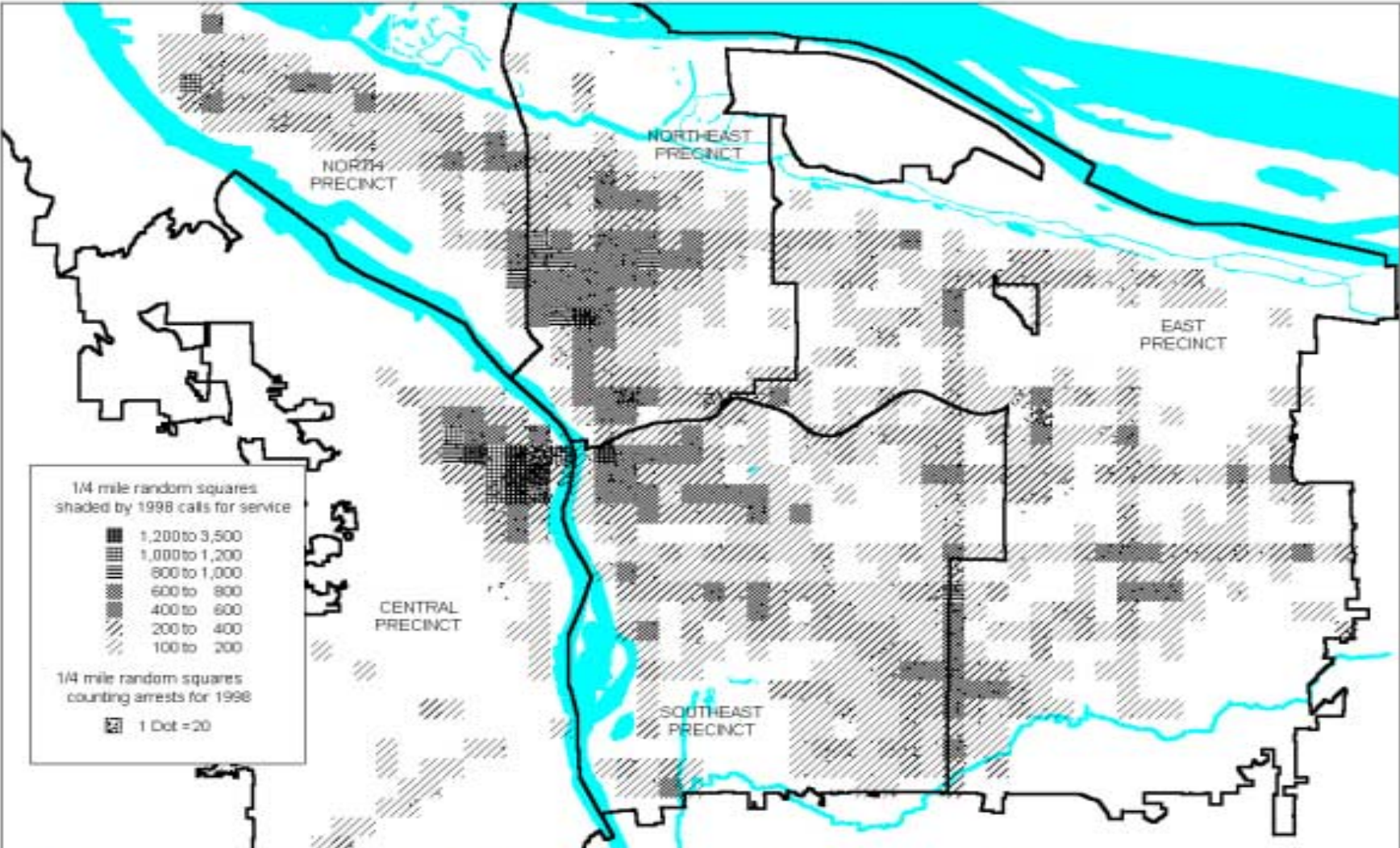
#### **Arrests and Calls for Service**

In the factors that affect arrest summary, the top three factors that have the greatest affect on arrests are: calls for service (police are called to a home or business and make an arrest to resolve the situation), self-initiated activity (traffic stops and looking for a suspect in a crime) and community complaints (precincts organize missions to arrest suspects for crimes such as prostitution or drug dealing).

Illustration 5 shows the correlation of calls for service to arrests. This thematic map shows the geographic areas that generate the most calls for service are also the areas where the most number of arrests are made. In these 1998 statistics, one dot equals 20 arrests and the thematic shadings represent calls for service from 100 to 3,500 per year. The map clearly highlights major arterial streets and commercial hubs where large numbers of people gather on a regular basis (shopping centers, theatres, business districts, areas with a concentration of liquor outlets, etc.). Precinct boundaries are also displayed on the map.

# Illustration 5: Arrests and Calls for Service

Demographic data by criminal charges



Arrests data from Portland Police Data System (queried Oct 1999)  
Calls for service excludes calls without verifiable addresses (geocoded, Oct 1999)

Planning & Support Division Oct, 1999

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The demographic data by arrest shows various amounts of over-representation or under-representation within different racial categories. Illustration 6 shows the racial categories for Portland Police arrests broken down by type of criminal charge (within Part I, Part II, and Part III) crimes. It is important to note that this chart counts only the highest charge; a person arrested for burglary and possession of stolen property would be counted as one arrest for burglary. It is also important to note that this counts every single arrest, not every individual person arrested; if a person was arrested six times for simple assault in 1998 it would be counted as six assault arrests.

This data shows, for example, that there were 66 arrests for homicide in 1998. Of the people arrested for homicide, 4 were Asian, or 6.06 percent; 21 were African American, or 31.82 percent; 8 were Hispanic, or 12.12 percent; 3 were Native American, or 4.55 percent; and 30 were white, or 45.45 percent. (Illustration 7 offers definitions for arrest categories and other terms. There is also a glossary in the Appendix)

Certain crime categories warrant analysis: Domestic violence related charges because they represent crimes where officers make mandatory arrests and have little discretion and drug- and alcohol-related crimes warrant analysis because they represent crimes that have high recidivism potential if there is a lack of resources for treatment.

Domestic violence related charges: Aggravated assault arrests (not all arrests for aggravated assault are domestic violence related, but many are) show a breakdown of 5.95 % Asian, 26.49% African American, 11.32% Hispanic, 1.15% Native American and 55.09 % white. When an officer responds to domestic violence, in most cases circumstances require that the violator(s) be taken into custody, and there is little room for officer discretion except in cases where a violent situation has been reported and the officer sees no evidence of it at the scene. Also, in violations of a restraining order, there is little room for officer discretion and these arrests statistics show 3.04 percent Asian, 24.03 percent African American, 4.42 percent Hispanic, 1.38 percent Native American and 67.13 percent white.

Drug- and alcohol-related crimes: Arrests for drugs and arrests for threat/trespass, which is frequently related to violations of the drug and prostitution free zones, show the following racial breakdowns. Drugs: .90% Asian, 36.97 % African American, 11.45% Hispanic, 1.25% Native American and 49.43% white. Trespass: 1.15% Asian, 39.40% African American, 5.82 % Hispanic, 2.41% Native American and 51.22% white. Driving Under the Influence of Intoxicants (DUI) and alcohol law arrests show the following breakdowns. DUI: 2.69% Asian, 8.33% African American, 14.49% Hispanic, .87% Native American and 73.62% white. Alcohol laws: 3.74% Asian, 11.54% African American, 11.54% Hispanic, 11.18% Native American and 62.01% white.

Since these categories represent some of the largest categories for arrest (drugs 6,007 arrests, trespass/threats 3,645 arrests, DUI 2,305 arrests and alcohol laws 2,219 arrests) this brings to light the need for appropriate and effective treatment programs.

## City of Portland Part I Arrests

OFFENSE Frequency Row Pct	RACE						Total
	ASIAN	AFRICAN AMERICAN	HISPANIC	NATIVE AMERICAN	UNKNOWN	WHITE	
HOMICIDE	4 6.06	21 31.82	8 12.12	3 4.55	0 0.00	30 45.45	66
RAPE	2 2.47	21 25.93	17 20.99	0 0.00	0 0.00	41 50.62	81
ROBBERY	10 2.11	171 36.08	38 8.02	8 1.69	0 0.00	247 52.11	474
AGGRAVAT ASSAULT	31 5.95	138 26.49	59 11.32	6 1.15	0 0.00	287 55.09	521
BURGLARY	8 1.41	113 19.89	24 4.23	6 1.06	0 0.00	417 73.42	568
THEFT	161 2.78	1301 22.49	563 9.73	73 1.26	2 0.03	3686 63.71	5786
AUTO THEFT	33 3.03	213 19.58	56 5.15	19 1.75	1 0.09	766 70.40	1088
ARSON	0 0.00	4 5.71	6 8.57	0 0.00	0 0.00	60 85.71	70
<b>Total</b>	<b>249</b>	<b>1982</b>	<b>771</b>	<b>115</b>	<b>3</b>	<b>5534</b>	<b>8654</b>

Illustration 6

1998 Arrests: Portland Police Data System, count of people by most serious (highest) charge. See crime definitions.

## City of Portland Part II Arrests

Frequency Row Pct	ASIAN	AFRICAN AMERICAN	HISPANIC	NATIVE AMERICAN	WHITE	Total
SIMPLE ASSAULT	140 3.44	993 24.39	327 8.03	80 1.97	2531 62.17	4071
FORGERY/COUNTFT	21 2.26	124 13.32	67 7.20	7 0.75	712 76.48	931
FRAUD	1 0.71	27 19.15	1 0.71	3 2.13	109 77.30	141
POSS.STOLN PROP	8 10.13	11 13.92	4 5.06	1 1.27	55 69.62	79
VANDALISM	18 2.33	127 16.41	61 7.88	14 1.81	554 71.58	774
WEAPONS	18 2.89	158 25.40	51 8.20	11 1.77	384 61.74	622
PROSTITUTION	41 6.08	95 14.09	182 27.00	9 1.34	347 51.48	674
SEX OFFENSES	3 1.55	30 15.46	17 8.76	7 3.61	137 70.62	194
DRUGS	54 0.90	2221 36.97	688 11.45	75 1.25	2969 49.43	6007
GAMBLING	1 7.69	12 92.31	0 0.00	0 0.00	0 0.00	13
Total (Continued)	620	6263	2404	623	14272	24182

Illustration 6  
continued

1998 Arrests: Portland Police Data System, count of people by most serious (highest) charge. See crime definitions.

## City of Portland Part II Arrests (continued)

OFFENSE Frequency Row Pct	RACE					Total
	ASIAN	AFRICAN AMERICAN	HISPANIC	NATIVE AMERICAN	WHITE	
CHILD NEGL, ETC	1 3.70	2 7.41	4 14.81	0 0.00	20 74.07	27
DUII	62 2.69	192 8.33	334 14.49	20 0.87	1697 73.62	2305
ALCOHOL LAWS	83 3.74	256 11.54	256 11.54	248 11.18	1376 62.01	2219
DISORDLY CONDUCT	10 1.85	133 24.54	49 9.04	16 2.95	334 61.62	542
KIDNAP	1 14.29	0 0.00	1 14.29	0 0.00	5 71.43	7
THREAT/TRSPS ETC	42 1.15	1436 39.40	212 5.82	88 2.41	1867 51.22	3645
IMPERSON POLICE	0 0.00	0 0.00	0 0.00	0 0.00	1 100.00	1
CURFEW	64 6.13	248 23.75	94 9.00	24 2.30	614 58.81	1044
RUNAWAY	52 5.87	198 22.35	56 6.32	20 2.26	560 63.21	886
<b>Total</b>	<b>620</b>	<b>6263</b>	<b>2404</b>	<b>623</b>	<b>14272</b>	<b>24182</b>

Illustration 6  
continued

1998 Arrests: Portland Police Data System, count of people by most serious (highest) charge. See crime definitions.

### City of Portland Part III Arrests

OFFENSE Frequency Row Pct	RACE						Total
	ASIAN	AFRICAN AMERICAN	HISPANIC	NATIVE AMERICAN	UNKNOWN	WHITE	
TRAFFIC	48 1.37	936 26.70	434 12.38	31 0.88	1 0.03	2055 58.63	3505
PERJURY	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	1 100.00	1
FALSIFICATION	0 0.00	1 100.00	0 0.00	0 0.00	0 0.00	0 0.00	1
OFF PHYS CONTCT	0 0.00	2 9.09	0 0.00	4 18.18	0 0.00	16 72.73	22
PARK VIOLATION	3 3.53	4 4.71	2 2.35	0 0.00	0 0.00	76 89.41	85
ILLEGAL ALIEN	0 0.00	0 0.00	16 100.00	0 0.00	0 0.00	0 0.00	16
PROTECTIV CUSTDY	19 2.90	139 21.22	45 6.87	20 3.05	1 0.15	431 65.80	655
BENCH WARRANT	0 0.00	2 28.57	0 0.00	0 0.00	0 0.00	5 71.43	7
PROB VIOLATION	0 0.00	14 48.28	1 3.45	0 0.00	0 0.00	14 48.28	29
CONTEMPT COURT	0 0.00	1 16.67	0 0.00	0 0.00	0 0.00	5 83.33	6
FUGITIVE	67 1.38	971 20.01	244 5.03	107 2.21	0 0.00	3463 71.37	4852
Total (Continued)	148	2170	776	171	2	6400	9667

Illustration 6  
continued

1998 Arrests: Portland Police Data System, count of people by most serious (highest) charge. See crime definitions.

### City of Portland Part III Arrests (continued)

OFFENSE Frequency Row Pct	RACE						Total
	ASIAN	AFRICAN AMERICAN	HISPANIC	NATIVE AMERICAN	UNKNOWN	WHITE	
VIOL RSTRN ORDR	11 3.04	87 24.03	16 4.42	5 1.38	0 0.00	243 67.13	362
VIOL NOISE ORDR	0 0.00	4 23.53	2 11.76	0 0.00	0 0.00	11 64.71	17
COMMICATNS VIOL	0 0.00	1 9.09	0 0.00	1 9.09	0 0.00	9 81.82	11
TRI MET ORDINCE	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	1 100.00	1
CREATING HAZZRD	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	12 100.00	12
PAWN RECORD VIOL	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	6 100.00	6
GAME/CONCSN VIOL	0 0.00	7 10.29	15 22.06	3 4.41	0 0.00	43 63.24	68
FIREWORKS VIOL	0 0.00	0 0.00	1 20.00	0 0.00	0 0.00	4 80.00	5
FAIL TO APPEAR	0 0.00	1 20.00	0 0.00	0 0.00	0 0.00	4 80.00	5
OTHER	0 0.00	0 0.00	0 0.00	0 0.00	0 0.00	1 100.00	1
<b>Total</b>	<b>148</b>	<b>2170</b>	<b>776</b>	<b>171</b>	<b>2</b>	<b>6400</b>	<b>9667</b>

Illustration 6  
continued

1998 Arrests: Portland Police Data System, count of people by most serious (highest) charge. See crime definitions.

## **Illustration 7: Crime Definitions**

**Aggravated Assault:** An attack by one person upon another for the purpose of inflicting severe injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or injury.

**All Other Offenses:** Except Traffic - Includes trespass, blackmail, bomb threat, animal ordinances, and littering.

**Arrest:** The actual number of persons arrested (both booked and taken into custody, and cited and released) for committing criminal acts.

**Arson:** Any willful burning or attempt to burn a building, motor vehicle, aircraft, or personal property of another.

**Burglary:** The unlawful entry of a structure (both residential and non-residential) with intent to commit a theft.

**Crimes Against Persons:** Criminal offenses where the victim is present and the act is violent, threatening or has the potential of being physically harmful.

**Crimes Against Property:** Offenses that involve taking something of value by theft or deception or the destruction of property.

**Disorderly Conduct:** All offenses of committing a breach of the peace are placed in this classification.

**Drug Laws:** Included are all violations of state and local laws, specifically those related to the unlawful possession, sale, use, growing, manufacturing, and making of illegal drugs.

**Driving Under the Influence of Intoxicants (D.U.I.):** Driving or operating any vehicle while under the influence of liquor or drugs.

**Embezzlement:** Misappropriation of money or property entrusted to one's care.

**Extortion:** The use of fear of death, injury, property loss, reputation, etc. to induce or compel another to deliver property or perform some act or omission.

**Family Offenses:** Included here are offenses such as abandonment, neglect of children, custodial interference and non-support. (Physical abuse would be reported as an assault).

**Forgery also Forgery/Counterfeiting:** Forgery and counterfeiting are treated as allied offenses. In this classification are placed all offenses dealing with the making, altering, or possessing, with intent to defraud, anything false in the semblance of that which is true.

**Fraud:** Fraudulent conversion and obtaining money or property by false pretenses.

**Fugitives:** This category covers arrests made for other agencies and may be for: Parole/Probation violation, AWOL (absence without leave) from a penal institution, etc.

**Gambling:** All offenses that relate to promoting, permitting, or engaging in gambling are included in this category.

**Homicide:** Includes willful murder and aggravated murder.

**Kidnapping:** The interference with another person's liberty without consent or legal authority.

**Larceny:** The unlawful taking of property from the possession of another; includes pickpocket, pursesnatch, shoplift, bike theft, and theft from motor vehicle (car prowl).

**Liquor Laws:** With the exception of Driving Under the Influence all liquor law violations, state or local, are placed in this classification.

**Miscellaneous Traffic Crimes:** Serious traffic offenses that are classified as a misdemeanor or felony as defined by the Oregon Motor Vehicle Code.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle; includes motorcycles.

**Murder:** The willful (non-negligent) killing of one human being by another.

**Negligent Homicide:** The killing of another person through gross negligence.

Offenses - Excludes motor vehicle traffic death.

Arrests - Includes persons arrested for motor vehicle traffic death.

**Offense:** The criminal act, the number of criminal acts.

**Part I Crimes:** A group of crimes which are reported and tracked nationally: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.

**Part II Crimes:** A group of crimes which are reported and tracked nationally: simple assault, forgery, fraud, stolen property, vandalism, weapon laws, prostitution, sex crimes, drug laws, gambling, family offenses, D.U.I.I., liquor laws, disorderly conduct, kidnapping, curfew, runaway, and other offenses (see All Other Offenses above).

**Part III Crimes:** A group of crimes which are reported and tracked within the State of Oregon: includes traffic, warrants, protective custody, fugitives, officer assaults, and property and vehicles recovered for other jurisdictions.



**Protective Custody:** The custody of persons for detoxification, mental holds, material witness, or protective custody. Examples: transport of an intoxicated subject to the local detoxification center; taking a child into protective custody pending further investigation of the child's care and welfare.

**Prostitution:** Included in this classification are the sex offenses of a commercialized nature.

**Pursesnatch:** To snatch a purse from the physical control of another. (If force is directed or used against the victim the matter becomes a robbery).

**Rape:** The carnal knowledge of a female, forcibly and against her will.

**Robbery:** The taking or attempting to take anything of value from a person or persons by force or threat of force.

**Runaway:** When a juvenile has departed from some location within Multnomah County and the juvenile's parents or guardians have reported them as a runaway.

**Sex Crimes:** Covers offenses such as statutory rape, contributing to the sexual delinquency of a minor, non-forcible rape, incest, molest, indecent exposure, forcible and non-forcible sodomy, obscene phone calls. (Does not include forcible rape or prostitution).

**Simple Assault:** Assaults that are limited to the use of physical force and result in little or no injury to the victim.

**Stolen Property Offenses:** Included in this classification are all offenses of buying, receiving and possessing stolen property, as well as all attempts to commit any of these offenses.

**Threat/Trespass, Etc.:** This includes the crimes of trespass, escape, blackmail/extortion, bomb threat, other threat, shooting in a prohibited area, animal ordinances, garbage/littering, stalking, other offense.

**Vandalism:** Consists of the willful destruction, or defacement of property.

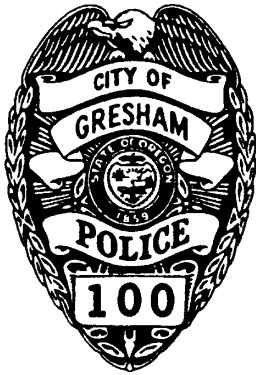
**Warrants:** Includes service of warrants of arrest and related papers for Multnomah County, as well as all other jurisdictions within the United States.

**Weapons Regulation Laws:** Deals with weapon offenses which are regulatory in nature, such as: furnishing a deadly weapon to a minor; excon or alien in possession of a firearm.

**Willful Murder and Non Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

Source: Oregon Law Enforcement Data System (LEDS); Portland Police Data System. These definitions are not intended to serve as legal definition





## The Gresham Police Department Bernie Giusto, Chief

<http://www.ci.gresham.or.us/departments/pd/>

The Gresham Police Department (GPD) provides police services for the citizens of Gresham (population approximately 84,196). Originally regarded as a suburb of Portland, Gresham has grown rapidly into an autonomous regional center for eastern Multnomah County residents. Demographics for Gresham differ from Portland's. Gresham is home to a much larger Hispanic population and a smaller African American population. As the fourth largest city in Oregon, Gresham, like all cities, presents a distinctive criminal profile. However, criminal activity that begins in one area of the county may end in another area, since offenders may cross boundaries to pursue criminal activities and to avoid detection. The GPD fosters inter-agency and regional cooperation to optimize efficiency and effectiveness in fighting crime. Examples of such collaboration are the Special Investigations Unit, Child Abuse Team, Regional Organized Crime & Narcotics, and the Major Crimes Team. These collaborations have an impact on crime data for Gresham. For example, GPD does not have its own drug unit. It combines forces with other agencies. Some arrests within its jurisdiction are not recorded as Gresham arrests, but as having been made by another law enforcement agency.

### *The Data*

#### **Gresham Arrests, 1998**

The data starts at the aggregate level with the racial/ ethnic breakdown of arrests, for comparison to the racial/ ethnic group percentages in the population. The arrest percentages displayed in this chart are accompanied by the actual numbers of arrests in the table beneath the chart. Greater detail about arrests appears in the following charts.

#### **Gresham Part I Arrests, 1998**

Part I arrests are displayed in order to provide data that is comparable with Portland's. At the time of the release of this report, Part II and Part III arrests divided by race were not available.

#### **Gresham Violent Crime Arrests, 1998**

While the arrest figures show that racial/ ethnic groups are over-represented in violent offenses, the number of events and individuals represented by these percentages is very low. Percentages based on very low numbers of people may change readily and should be viewed as unstable over time. Few conclusions can be drawn from such minimal information.

#### **Gresham Property Crime Arrests, 1998**

In this category too, the number of property crime events and individuals represented by these percentages is very low. Few conclusions can be drawn from such minimal information.

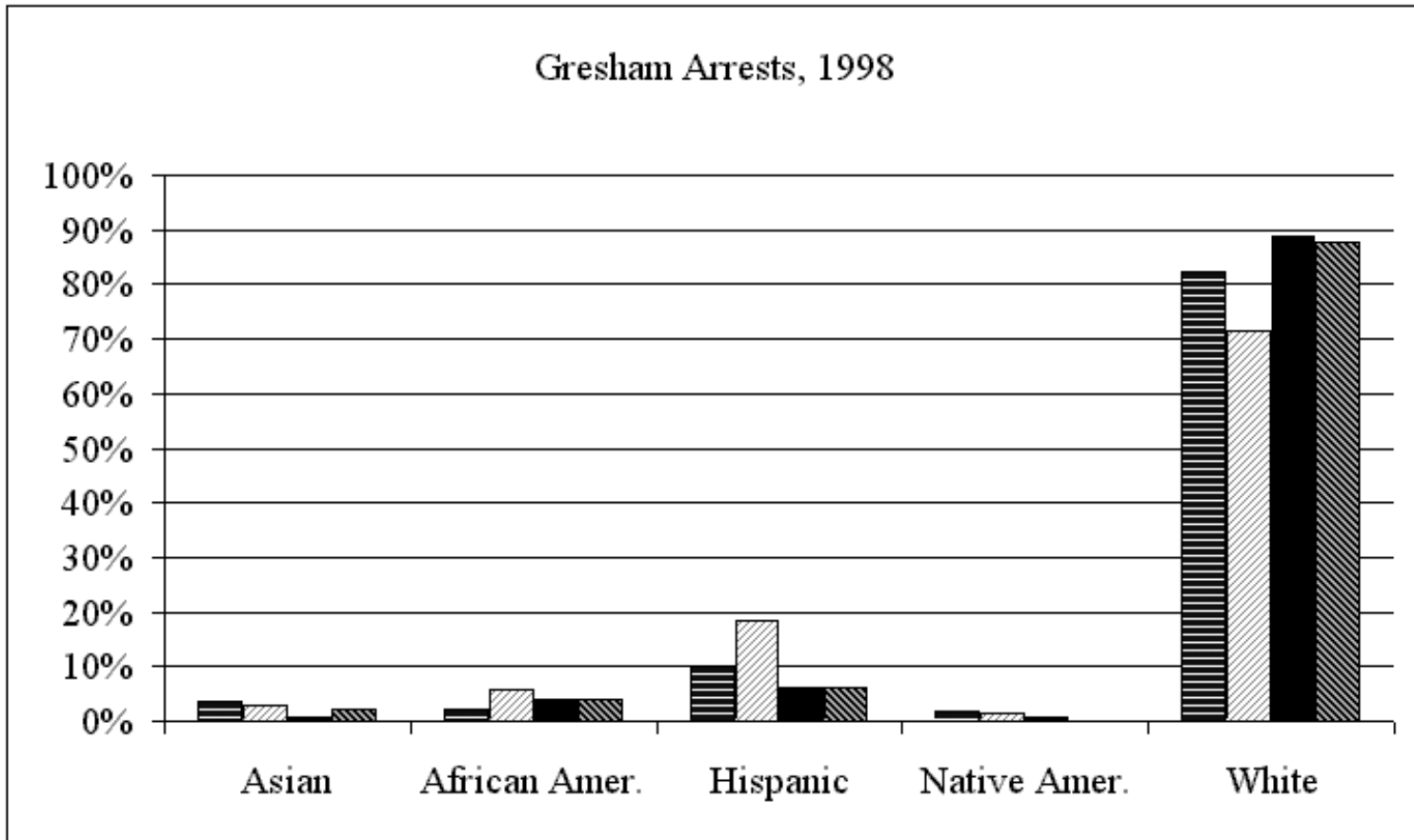
### **Gresham Behavioral Crime Arrests, 1998**

Behavioral data is displayed as a key indicator because of the perception that officers may have more discretion in making arrests for weapon laws, drug laws, and disorderly conduct. Again, few conclusions can be drawn for such low numbers of arrests.

### **Gresham DUII Arrests, 1998**

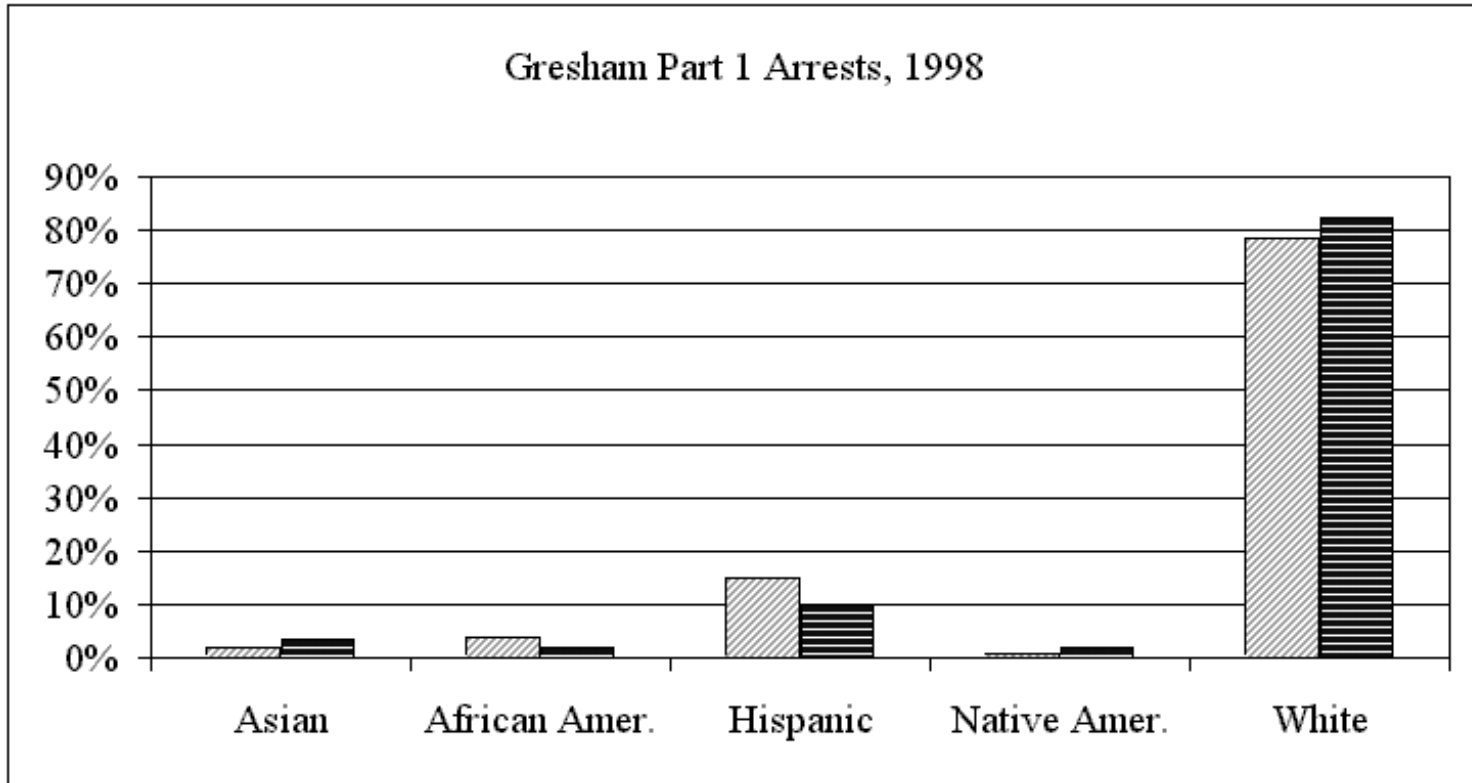
DUII arrests can result either from a traffic stop or as a result of an accident. At a traffic stop, the officer identifies and pulls over the vehicle. At an accident, the officer arrives on the scene after the accident has already occurred and upon the finding of intoxication arrests the driver for DUII. The DUII chart shows both arrests from traffic stops and accidents. The chart has three bars for each racial/ethnic group. The first bar is the estimated population for that race/ethnicity in Gresham. The second bar is the number of arrests resulting from DUII traffic stops and the third is the number of DUII arrests resulting from accidents. DUII arrest as a result of stops represents an area where police discretion is used in identifying and stopping drivers. Arrests after accidents represent an area with little discretion as the officer arrives after the accident has occurred and reacts to the circumstances of the accident. The similarity in the percentages in arrests after stops and accidents indicates equitable treatment.

### Gresham Arrests, 1998



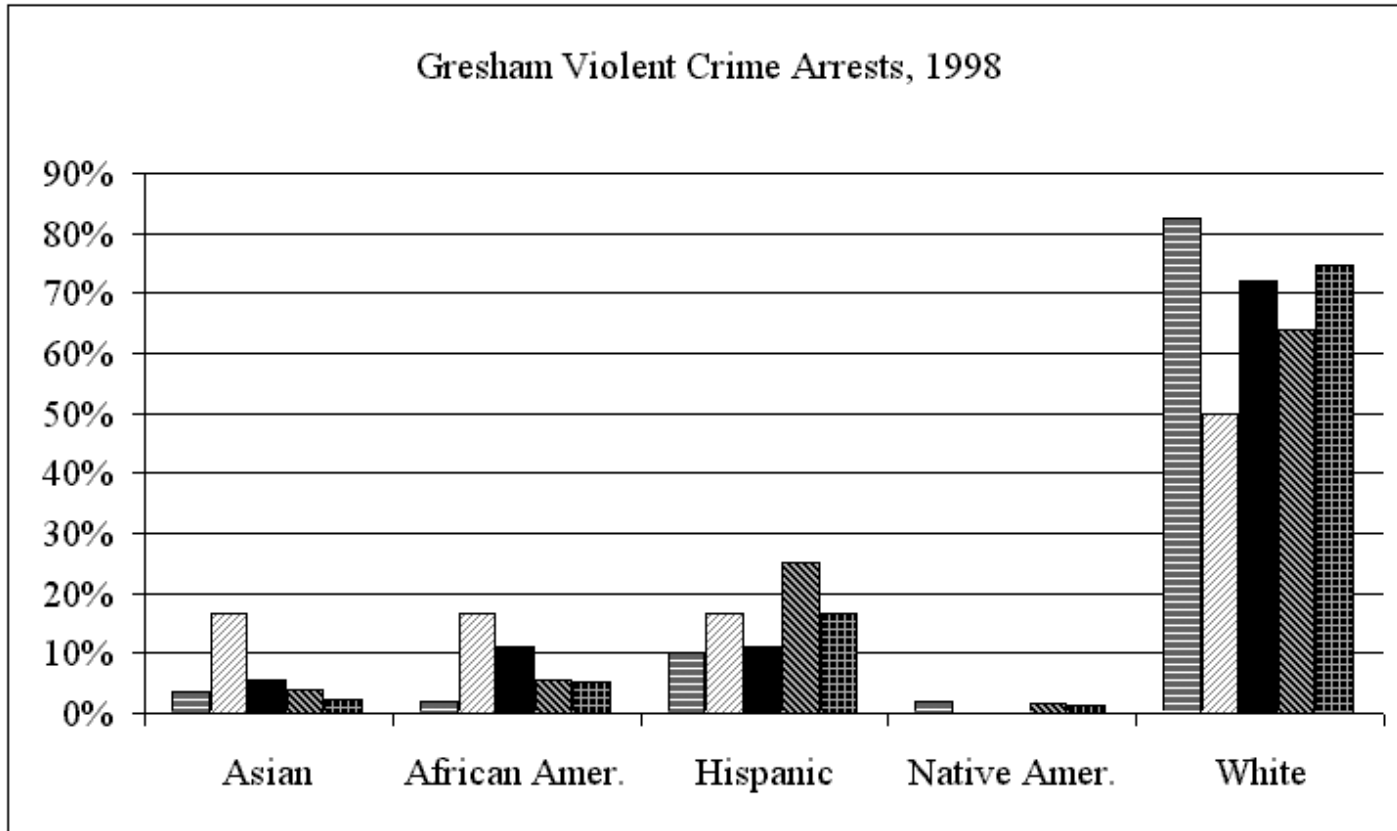
	Asian	African Amer.	Hispanic	Native Amer.	White	TOTAL
Population	2,999 4%	1,757 2%	8,436 10%	1,552 2%	69,452 82%	84,196
Violent Crimes	16 3%	32 6%	99 18%	7 1%	388 72%	542
Behavioral Crimes	4 1%	28 4%	43 6%	4 1%	635 89%	714
Property Crimes	4 2%	8 4%	12 6%	- 0%	174 88%	198
Total Crimes	24 2%	68 5%	154 11%	11 1%	1,197 82%	1,454

Gresham Part 1 Arrests, 1998



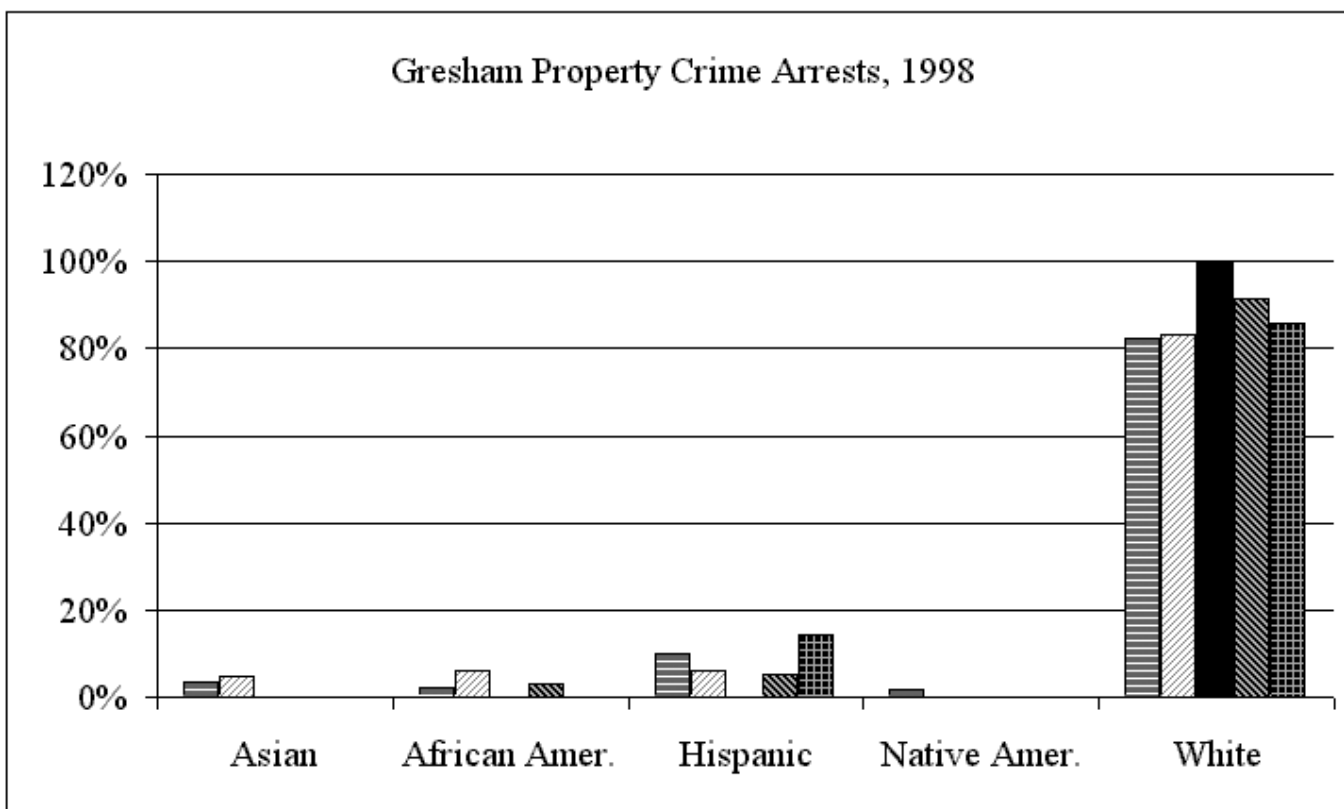
	Asian	African Amer.	Hispanic	Native Amer.	White	TOTAL
Population	2,999 4%	1,757 2%	8,436 10%	1,552 2%	69,452 82%	84,196
Part 1 Arrests	50 2%	98 4%	381 15%	24 1%	1,999 78%	2,552

Gresham Violent Crime Arrests, 1998



	Asian	African Amer.	Hispanic	Native Amer.	White	TOTAL
Population	2,999 4%	1,757 2%	8,436 10%	1,552 2%	69,452 82%	84,196
Rape	1 17%	1 17%	1 17%	- 0%	3 50%	6
Robbery	2 6%	4 11%	4 11%	- 0%	26 72%	36
Agg Assault	5 4%	7 6%	32 25%	2 2%	81 64%	127
Simple Assault	8 2%	20 5%	62 17%	5 1%	278 75%	373
Total	16 3%	32 6%	99 18%	7 1%	388 72%	542

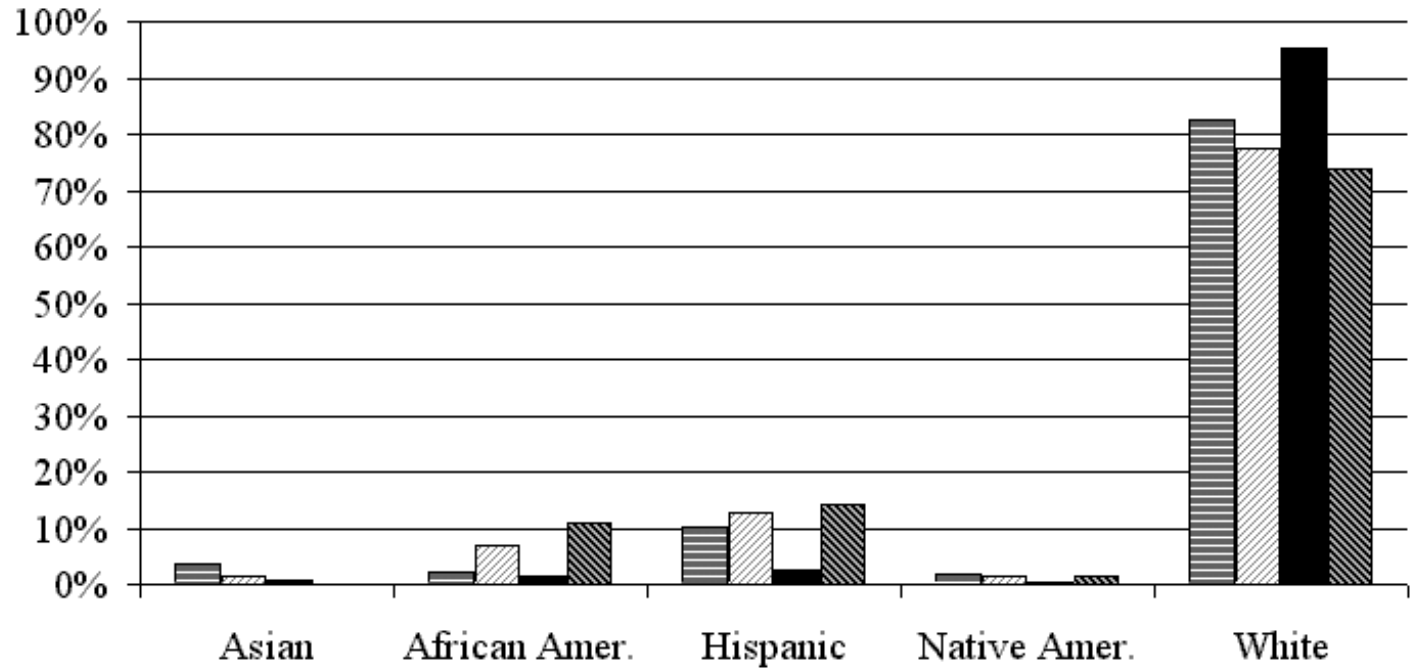
Gresham Property Crime Arrests, 1998



	Asian	Black	Hispanic	Indian	White	TOTAL
Population	2,999 4%	1,757 2%	8,436 10%	1,552 2%	69,452 82%	84,196
Burglary	4 5%	5 6%	5 6%	- 0%	69 83%	83
Embezzlement	- 0%	- 0%	- 0%	- 0%	6 100%	6
Forgery	- 0%	3 3%	5 5%	- 0%	87 92%	95
Fraud	0 0%	0 0%	2 14%	0 0%	12 86%	14
<b>Total</b>	<b>4 2%</b>	<b>8 4%</b>	<b>12 6%</b>	<b>- 0%</b>	<b>174 88%</b>	<b>198</b>

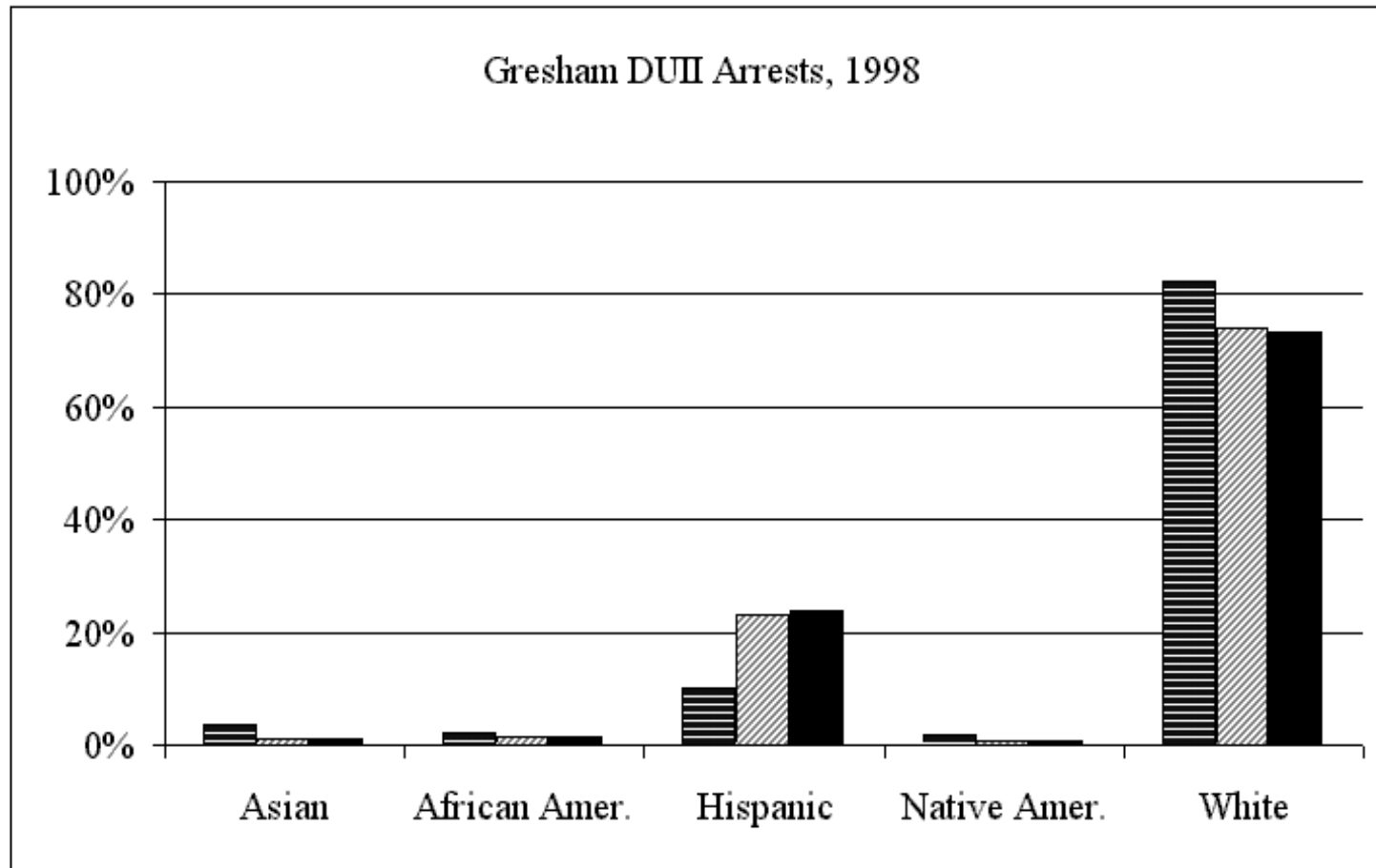


Gresham Behavioral Crime Arrests, 1998



	Asian	Black	Hispanic	Indian	White	TOTAL
Population	2,999 4%	1,757 2%	8,436 10%	1,552 2%	69,452 82%	84,196
Weapon Laws	1 1%	5 7%	9 13%	1 1%	55 77%	71
Drug Laws	3 1%	7 1%	13 3%	1 0%	471 95%	495
Disorderly Conduct	- 0%	16 11%	21 14%	2 1%	109 74%	148
Total	4 1%	28 4%	43 6%	4 1%	635 89%	714

Gresham DUI Arrests, 1998



	Asian	Black	Hispanic	Indian	White	TOTAL
Population	2,999 4%	1,757 2%	8,436 10%	1,552 2%	69,452 82%	84,196
Traffic Stop	4 1%	6 1%	95 23%	3 1%	306 74%	414
Accident	5 1%	6 1%	111 24%	3 1%	341 73%	466



## **Multnomah County Sheriff's Office**

### **Dan Noelle, Sheriff**

<http://www.sheriff-mcso.org>

The Enforcement Division of the Sheriff's Office provides a wide variety of services including uniform and marine patrol, investigative services, narcotics enforcement and participation in various multi-agency task forces. The Sheriff's Office Law Enforcement patrol is specifically responsible for service to the 28,250 people (Portland State University, Center for Population Research, certified 7/1/99) who live in the unincorporated areas of Multnomah County and the cities of Maywood Park and Wood Village.

The exact racial composition of the Sheriff's service area is unknown, hence cannot be compared with population figures. The largest section of the service area is in East Multnomah County, which has a different racial make-up compared to the city of. It is believed that there are larger proportions of whites and Hispanics in East Multnomah County and fewer African Americans than in the city of Portland. The Sheriff's Office also provides services to those who visit and recreate in the Columbia Gorge, Sauvie Island and on the rivers. The river system is 95 miles long with a large number of boaters and resident house and boat moorages.

Arrests are the largest area in which the Sheriff's Office has some discretion regarding race. As discussed later in this report, the Sheriff's Office has only minor control, hence little discretion over who is booked into jail. The arrest data in the tables that follow include both Adults and Juveniles arrested or cited for Part I, Part II or Part III crimes based on the most serious (highest) charge at arrest. Fairview Police Department arrests are also reported in this data. The data is from Portland Police Data System (PPDS) through the Portland Police Bureau Planning and Support Division.

## Multnomah County Sheriff's Office Total Arrests, 1998

Type of Crime	Asian	African American	Hispanic	Native American	Unk.	White	Total Arrests
Total Part I	5	11	20	5	0	111	152
	3.3%	7.2%	13.2%	3.3%		73%	
Total Part II	16	53	147	17	3	816	1,052
	1.5%	5%	14%	1.6%	0.3%	77.6%	
Total Part III	15	209	174	23	2	1102	1,525
	1%	13.7%	11.4%	1.5%	0.1%	72.3%	
Total Parts I, II, III	36	273	341	45	5	2,029	2,729
	1.3%	10%	12.5%	1.6%	0.2%	74.3%	

Total arrests for Part I, II and III crimes in 1998 are shown above. There were 2,729 total arrests. Considering the most serious (highest) charge at arrest there were 152 Part I crimes (5.6% of total), 1,052 Part II crimes (38.5% of total) and 1,525 Part III crimes (55.9% of total).

Out of the 2,729 total arrests, 1.3% were Asian, 10% African American, 12.5% Hispanic, 1.6% Native American and 74.3% white in 1998. As seen in certain sections of this entire report, caution is noted regarding the smaller figures and percentages of such. Sometimes small numbers can represent large percentages.

Whites are the obvious majority in arrests (73% Part I crimes, 77.6% Part II crimes, and 72.3% for Part III crimes). For Part I and Part II crimes, Hispanics are the next largest percentage 13.2% and 14% respectively. African Americans are the second largest percentage at 13.7% of the Part III category. Detail by crime type is seen in the tables below.

## Multnomah County Sheriff's Office Part I Arrests, 1998

Part I Crimes	Asian	African American	Hispanic	Native American	White	Total Arrests
Homicide	0	0	0	0	1	1
					100%	
Rape	1	0	1	0	2	4
	25%		25%		50%	
Robbery	0	0	0	0	5	5
					100%	
Agg. Assault	2	2	7	1	18	30
	6.7%	6.7%	23.3%	3.3%	60%	
Burglary	0	1	0	1	15	17
		5.9%		5.9%	88.2%	
Theft	0	2	7	2	39	50
		4%	14%	4%	78%	
Auto Theft	2	6	5	1	29	43
	4.7%	14%	11.6%	2.3%	67.4%	
Arson	0	0	0	0	2	2
					100%	
Total Part I	5	11	20	5	111	152
	3.3%	7.2%	13.2%	3.3%	73%	

The table above lists arrests by Part I crimes only. There were a total of 152 in 1998, hence the 5 Asian or 5 Native American arrests are both 3.3% of the total, and whites at 111 arrests represent 73% of the total. In the first table, African Americans account for 10% of the arrests for all crime categories, however they represent only 7.2% of the Part I total (as above).

## Multnomah County Sheriff's Office Part II Arrests, 1998

Part II Crimes	%	Asian	African American	Hispanic	Native American	Unk.	White	Total Arrests
Simple Assault		0	14	15	3	2	131	165
			8.5%	9.1%	1.8%	1.2%	79.4%	
Forgery/Countft		0	0	1	1	0	5	7
				14.3%	14.3%		71.4%	
Poss. Stolen Prop.		0	0	2	0	0	0	2
				100%				
Vandalism		1	2	0	1	0	23	27
		3.7%	7.4%		3.7%		85.2%	
Weapons		0	5	5	0	0	26	36
			13.9%	13.9%			72.2%	
Prostitution		0	0	0	1	0	3	4
					25%		75%	
Sex Offenses		0	0	0	0	0	2	2
							100%	
Drugs		5	6	37	3	1	151	203
		2.5%	3%	18.2%	1.5%	0.5%	74.4%	
DUII		8	11	74	6	0	374	473
		1.7%	2.3%	15.6%	1.3%		79.1%	
Alcohol Laws		0	0	4	0	0	32	36
				11.1%			88.9%	
Disorderly Conduct		1	3	0	1	0	16	21
		4.8%	14.3%		4.8%		76.2%	
Kidnap		0	0	1	0	0	1	2
				50%			50%	
Threat/Trsps etc.		1	11	7	1	0	38	58
		1.7%	19%	12.1%	1.7%		65.5%	
Curfew		0	1	0	0	0	8	9
			11.1%				88.9%	
Runaway		0	0	1	0	0	6	7
				14.3%			85.7%	
Total Part II		16	53	147	17	3	816	1052
		1.5%	5%	14%	1.6%	0.3%	77.6%	

In the table above, only arrests for Part II crimes are shown. There were a total of 1,052 arrests in this category, the most being Drugs (203, 19.3% of total) and DUII (473, 45% of total). As a percentage of the total, there were fewer African American arrests for Part II crimes (5%) and more Hispanic (14%) and white (77.6%) arrests when compared to both arrest totals for all

crimes and only Part I crimes. Both Hispanics and Whites had large percentages for Drugs and DUII crime types.

### Multnomah County Sheriff's Office Part III Arrests, 1998

Part III Crimes	Asian	African American	Hispanic	Native American	Unk.	White	Total Arrests
Traffic	4	22	54	4	1	152	237
	1.7%	9.3%	22.8%	1.7%	0.4%	64.1%	
Marine Violation	0	1	0	1	0	7	9
		11.1%		11.1%		77.8%	
Illegal Alien	0	0	1	0	0	0	1
			100%				
Protect. Custody	0	1	0	0	0	2	3
		33.3%				66.7%	
Bench Warrant	0	8	14	2	0	63	87
		9.2%	16.1%	2.3%		72.4%	
Prob. Violation	0	1	0	0	0	3	4
		25%				75%	
Contempt Court	0	0	0	0	0	4	4
						100%	
Fugitive	11	174	104	16	1	852	1158
	1%	15%	9%	1.4%	0.1%	73.6%	
Viol. Restrain. Order	0	2	1	0	0	14	17
		11.8%	5.9%			82.4%	
Viol. Noise Order	0	0	0	0	0	1	1
						100%	
Fail to Appear	0	0	0	0	0	4	4
						100%	
Total Part III	15	209	174	23	2	1102	1525
	1%	13.7%	11.4%	1.5%	0.1%	72.3%	

In the above table, only arrests for Part III crimes are shown. Hispanic and white arrest percentages are below the overall arrest totals for all crimes, however African American arrests for Part III crimes are up (13.7%) compared with overall totals (10% seen in first table). Most of the African American arrests are "Fugitive" arrests. Fugitive represents any warrant issued by an agency outside of Multnomah County (not just outside the State of Oregon). Hispanics accounted for 54 or 22.8% of the Traffic arrests out of 237 total, but overall were 11.4% of total arrests for Part III crimes.





# Prosecution



## **Multnomah Co. District Attorney's Office Michael D. Schrunk, District Attorney**

<http://www.multnomah.lib.or.us/da/>

The data collected here is from the District Attorney Case Tracking System (DACTS). The District Attorney's office represents the State of Oregon and the victims of crime, while a defense attorney represents the defendants.

Employees of the Metropolitan Public Defenders (MPD) participated in the Working Group and represented the viewpoint of defense attorneys. MPD is the largest but not the only contractor for indigent defense services in Multnomah County. Assignment of indigent defense is of interest to the Working Group because it indicates that the client has low income, a factor that may be related to over-representation in the justice system. However, at this time data concerning the assignment of public defenders is not readily available for analysis, and it is not possible to track these cases through the system. It may be possible in the future to gain information about the race/ ethnicity of clients with court appointed attorneys and those who hire legal counsel. It may also be possible to compare outcomes of clients represented by either court appointed or hired defenders.

### *The Data*

After cases are received by the District Attorney's Office they are either issued for prosecution or rejected from further action. Those cases issued for prosecution result in one of four outcomes: a case found guilty at trial, cases found not guilty at trial, a case that pleads guilty in advance of trial, or cases dismissed.

Each of the following charts reports on defendant representation and includes:

- the number of cases **received** by defendant race
- the number of cases **rejected** by defendant race
- the number of cases **issued** by defendant race
- the number of cases resolved by a plea agreement - **cases guilty-plea** by defendant race
- the number of cases resolved in trial with a guilty verdict - **cases guilty-trial** by defendant race
- the number of cases resolved in trial with a not guilty verdict - **cases not guilty-trial** by defendant race
- and the number of **cases dismissed** after the point of issuing by defendant race.

### **Defendant Representation for All Cases 1998**

This chart is the aggregate data from all cases seen by the District Attorney's Office in 1998. The level of over-representation (cases coming in the "front door") is found by comparing racial/ ethnic percentages in the Multnomah County population with the racial/ ethnic percentages

among cases received by the District Attorney. African Americans are over-represented relative to the population (7.1% versus 22%). Asians and whites are under-represented in the caseload. Hispanics are over-represented (5.1% of the population versus 10% of the caseload), and Native American offenders and population are both at about 1%.

Analyzing the other figures in this chart (rejected, issued, guilty plea . . .) for equity in treatment across races does not require referring back to the base population. After the Cases Received box, percentages at a given outcome should be compared for similarity across races within that outcome. Similarity would mean that each racial/ ethnic group is moving through the system similarly, i.e., no race rejected more than the other, issued more, pleading guilty more, nor sent to trial at a higher rate.

In the Cases Rejected box, the percentages vary from 21% of Hispanic cases being rejected, 27% of white cases being rejected and all other races falling in between. At the Cases issued box similar percentages would represent similar treatment. Issuing is simply the inverse percentage of the cases rejected. White cases are issued at 73% and Hispanic at 79% and all other races are in between.

The four boxes on the right display outcomes of cases after being issued. In each box, similar percentages indicate similar treatment. In the Cases Guilty-Plea box, the percentages vary from 40% of Hispanic cases being resolved by a guilty plea to 43% of African Americans. In the Cases Guilty-Trial box the percentages vary from 6% of white defendants found guilty at trial to 8% of African Americans found guilty. The next box, Cases Not Guilty –Trial, contains so few cases that little confidence should be placed in the small differences in racial/ ethnic percentages that do appear. The Cases Dismissed box shows the greatest differences in percentages. Here the percentages vary from 14% of Hispanic cases dismissed to 21% cases dismissed for African Americans.

### **Defendant Representation for Person Crimes 1998 (Unit D)**

The District Attorney's Office tracks cases by unit, and Unit D handles the most serious violent crimes against persons. This breakdown of person crimes may be different than shown by other jurisdictions. See the Appendix for a Glossary that includes a definition of Unit D crimes. This data was chosen because of the seriousness of offense category. This chart can be read in the same manner as the previous chart. Interestingly, although African Americans made up 22% of all cases received for prosecution, African Americans made up only 7% of the Unit D cases; equal to their percentage in the general population.

### **Defendant Representation for DUII Cases 1998**

This chart shows how all DUII cases were handled by the District Attorney for 1998. DUIIs are analyzed because 1) there is concern in Gresham about the percentage of Hispanic DUII arrests, 2) nationally there is a perception that more white people commit and are arrested for DUIIs, and 3) DUIIs generate a great deal of community concern everywhere. While African Americans comprise 22% of all cases received, they are only 7% of DUII defendants. There are 5% more Hispanics and 10% more whites (15% and 75% respectively) in the DUII caseload than are represented in all cases received by the District Attorney for prosecution. For Cases Dismissed,

the greatest reliable racial/ ethnic difference is that 21% of Hispanic cases are dismissed and 32% of white cases are dismissed.

### **Defendant Representation for Drug Crimes 1998**

This data was chosen because of the high number of policies and targeted programs that affect enforcement and prosecution of drug crimes. Also, there is a great deal of discussion and literature that the “War on Drugs” impacts minorities disproportionately. Comparing cases received to the County population figures, African Americans represent 7.1% of the County population, 22% of all cases received, and 32% of the drug crimes received for prosecution. Whites represent 80% of the County population, 65% of all cases received by the DA’s Office, and 55% of the drug cases received. There are very few Asian and Native American drug cases, making these numbers too small to be reliable.

### **Defendant Representation for Domestic Violence Cases 1998**

This data was chosen because of its high level of importance to the community and the perception that domestic violence is an issue that crosses racial lines. The racial/ ethnic breakdown for domestic violence cases is similar to the breakdown for all cases received by the District Attorney’s office. The greatest difference in the percentages is found in the Cases Guilty-Plea box with 29% of the Asians cases having an outcome of Guilty-Plea and 18% of the white, Native American, and African American cases having a Guilty-Plea outcome.

## Defendant Representation For All Cases 1998

Multnomah County Population		
	Cases	%
Asian	38,212	6.2%
African American	44,032	7.1%
Hispanic	31,476	5.1%
Native American	8,109	1.3%
White	496,024	80.4%
<b>Total</b>	<b>617,853</b>	<b>100.0%</b>

Cases Received		
	Cases	%
Asian	662	2%
African American	7,442	22%
Hispanic	3,316	10%
Native American	441	1%
White	21,580	65%
<b>Total</b>	<b>33,441</b>	<b>100%</b>

Cases Rejected		
	Cases	%
Asian	167	25%
African American	1,757	24%
Hispanic	703	21%
Native American	108	24%
White	5,770	27%
<b>Total</b>	<b>8,505</b>	<b>25%</b>

The break-out boxes are designed to assist in reading the chart.

Of the cases closed by the District Attorney's Office with a Black defendant, 8% resulted in a Guilty verdict at Trial.

Cases Issued		
	Cases	%
Asian	495	75%
African American	5,685	76%
Hispanic	2,613	79%
Native American	333	76%
White	15,810	73%
<b>Total</b>	<b>24,936</b>	<b>75%</b>

Of the cases received by the District Attorney's Office with an Asian defendant, 25% were rejected.

Cases Guilty - Plea		
	Cases	%
Asian	279	42%
African American	3,167	43%
Hispanic	1,319	40%
Native American	180	41%
White	8,625	40%
<b>Total</b>	<b>13,570</b>	<b>41%</b>

Cases Guilty - Trial		
	Cases	%
Asian	47	7%
African American	566	8%
Hispanic	248	7%
Native American	33	7%
White	1,392	6%
<b>Total</b>	<b>2,286</b>	<b>7%</b>

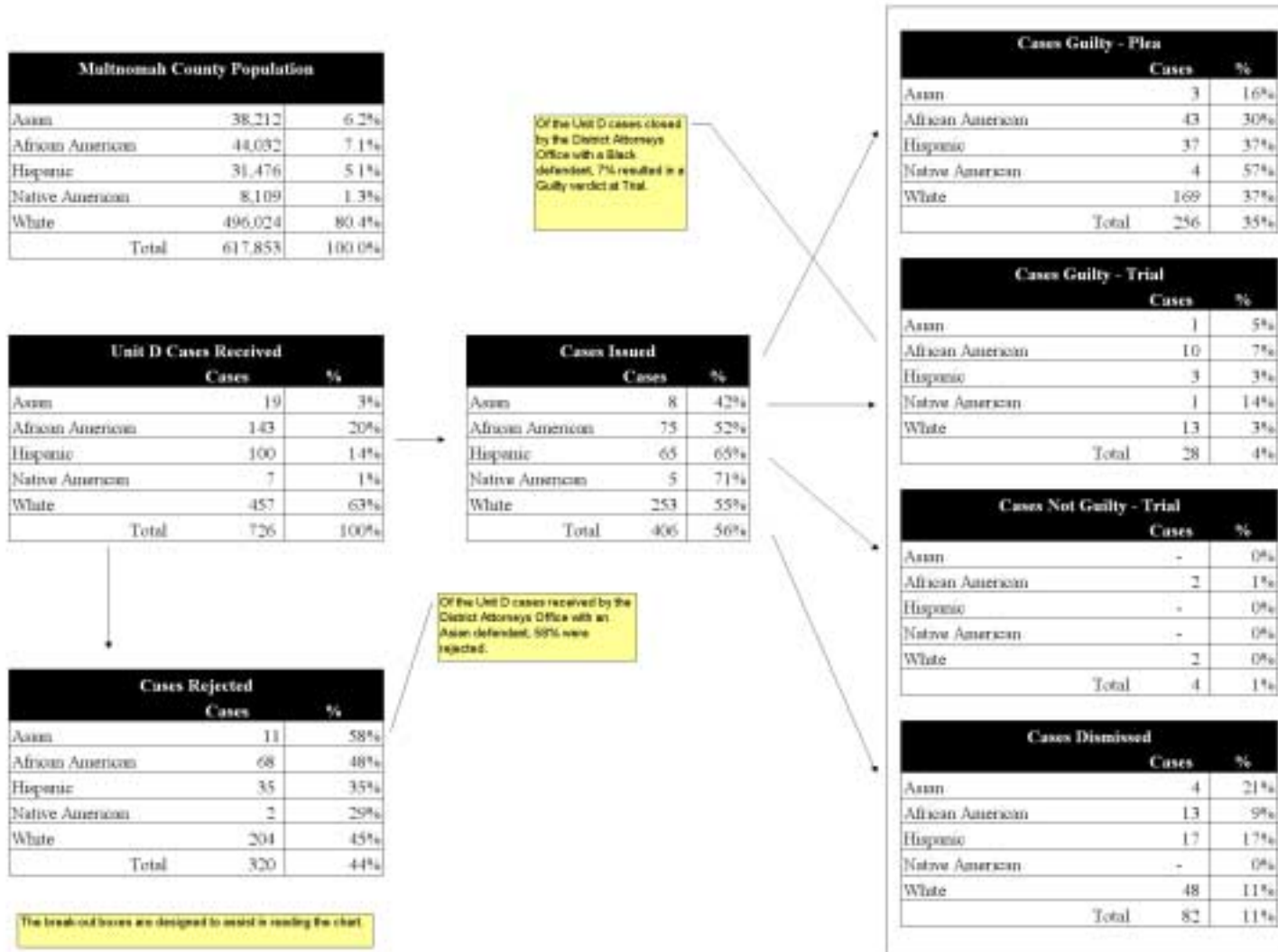
  

Cases Not Guilty - Trial		
	Cases	%
Asian	10	2%
African American	61	1%
Hispanic	14	0%
Native American	1	0%
White	161	1%
<b>Total</b>	<b>247</b>	<b>1%</b>

Cases Dismissed		
	Cases	%
Asian	126	19%
African American	1,574	21%
Hispanic	463	14%
Native American	77	17%
White	4,037	19%
<b>Total</b>	<b>6,277</b>	<b>19%</b>

## Defendant Representation For Person Crimes 1998 (Unit D)



## Defendant Representation For DUII Cases 1998

Multnomah County Population		
	Cases	%
Asian	38,212	6.2%
African American	44,032	7.1%
Hispanic	31,476	5.1%
Native American	8,109	1.3%
White	496,024	80.4%
<b>Total</b>	<b>617,853</b>	<b>100.0%</b>

DUII Cases Received		
	Cases	%
Asian	94	2%
African American	249	7%
Hispanic	582	15%
Native American	39	1%
White	2,862	75%
<b>Total</b>	<b>3,826</b>	<b>100%</b>

Cases Rejected		
	Cases	%
Asian	1	1%
African American	7	3%
Hispanic	10	2%
Native American	1	3%
White	59	2%
<b>Total</b>	<b>78</b>	<b>2%</b>

The break-out boxes are designed to assist in reading the chart.

Cases Issued		
	Cases	%
Asian	93	99%
African American	242	97%
Hispanic	572	98%
Native American	38	97%
White	2,803	98%
<b>Total</b>	<b>3,748</b>	<b>98%</b>

Of the DUII cases closed by the District Attorneys Office with a Black defendant, 4% resulted in a Guilty verdict at Trial.

Of the DUII cases received by the District Attorneys Office with an Asian defendant, 1% were rejected.

Cases Guilty - Plea		
	Cases	%
Asian	39	41%
African American	111	45%
Hispanic	180	31%
Native American	18	46%
White	1,184	41%
<b>Total</b>	<b>1,532</b>	<b>40%</b>

Cases Guilty - Trial		
	Cases	%
Asian	2	2%
African American	10	4%
Hispanic	6	1%
Native American	-	0%
White	77	3%
<b>Total</b>	<b>95</b>	<b>2%</b>

Cases Not Guilty - Trial		
	Cases	%
Asian	2	2%
African American	4	2%
Hispanic	2	0%
Native American	-	0%
White	39	1%
<b>Total</b>	<b>47</b>	<b>1%</b>

Cases Dismissed		
	Cases	%
Asian	37	39%
African American	61	24%
Hispanic	124	21%
Native American	8	21%
White	929	32%
<b>Total</b>	<b>1,159</b>	<b>30%</b>

## Defendant Representation For Drug Crimes 1998

Multnomah County Population		
	Cases	%
Asian	38,212	6.2%
African American	44,032	7.1%
Hispanic	31,476	5.1%
Native American	8,109	1.3%
White	496,024	80.4%
<b>Total</b>	<b>617,853</b>	<b>100.0%</b>

Drug Cases Received		
	Cases	%
Asian	43	1%
African American	1,761	32%
Hispanic	642	12%
Native American	55	1%
White	3,043	55%
<b>Total</b>	<b>5,544</b>	<b>100%</b>

Cases Rejected		
	Cases	%
Asian	9	21%
African American	207	12%
Hispanic	78	12%
Native American	8	15%
White	335	11%
<b>Total</b>	<b>637</b>	<b>11%</b>

Cases Issued		
	Cases	%
Asian	34	70%
African American	1,554	88%
Hispanic	564	88%
Native American	47	85%
White	2,708	89%
<b>Total</b>	<b>4,907</b>	<b>89%</b>

Cases Guilty - Plea		
	Cases	%
Asian	12	28%
African American	1,049	60%
Hispanic	418	65%
Native American	34	62%
White	1,692	56%
<b>Total</b>	<b>3,205</b>	<b>58%</b>

Cases Guilty - Trial		
	Cases	%
Asian	7	16%
African American	111	6%
Hispanic	14	2%
Native American	3	5%
White	256	8%
<b>Total</b>	<b>391</b>	<b>7%</b>

Cases Not Guilty - Trial		
	Cases	%
Asian	-	0%
African American	4	0%
Hispanic	2	0%
Native American	-	0%
White	4	0%
<b>Total</b>	<b>10</b>	<b>0%</b>

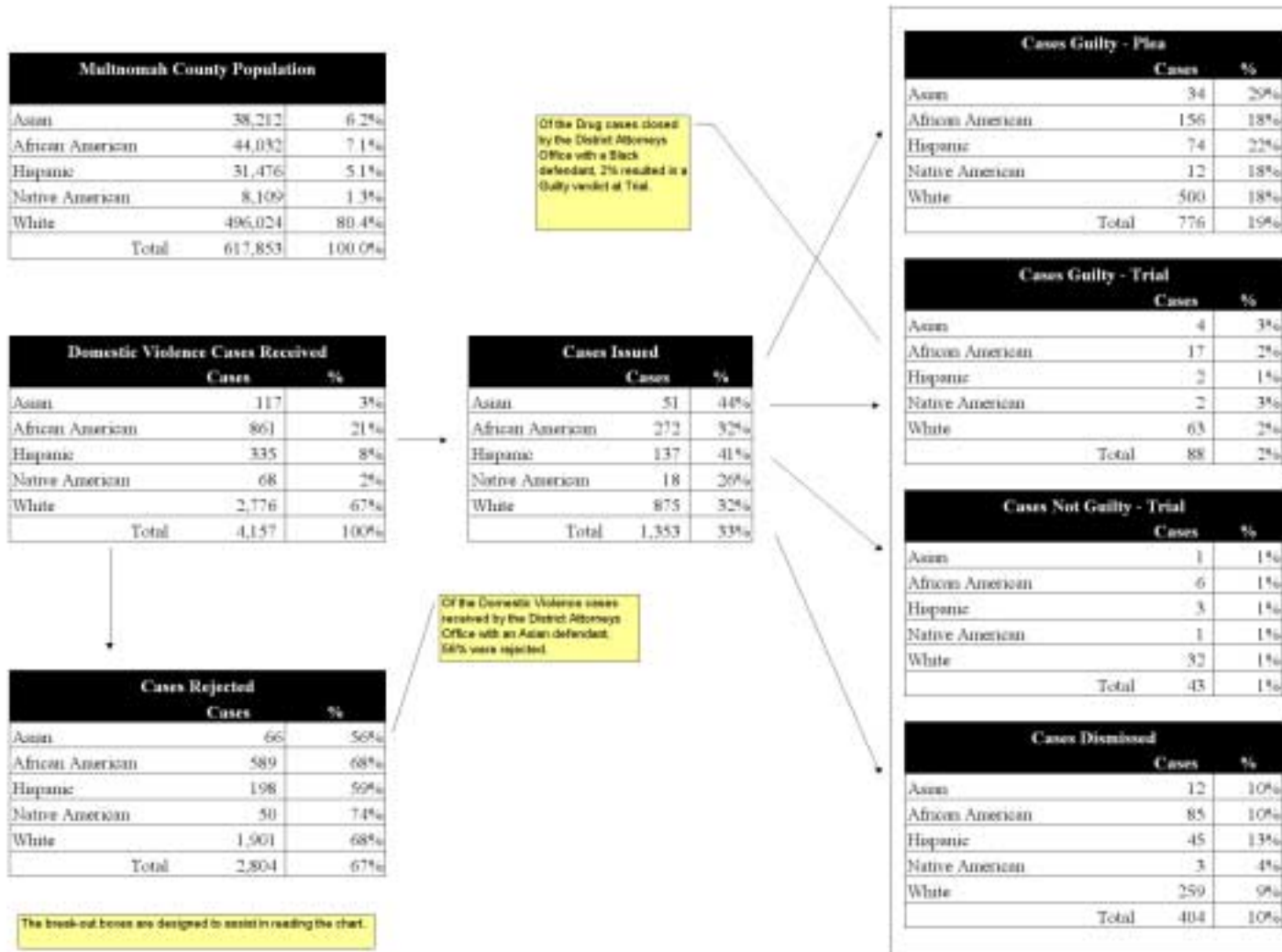
Cases Dismissed		
	Cases	%
Asian	12	28%
African American	335	19%
Hispanic	58	9%
Native American	3	5%
White	517	17%
<b>Total</b>	<b>925</b>	<b>17%</b>

Of the Drug cases closed by the District Attorney's Office with a Black defendant, 8% resulted in a Guilty verdict at Trial.

Of the Drug cases received by the District Attorney's Office with an Asian defendant, 21% were rejected.

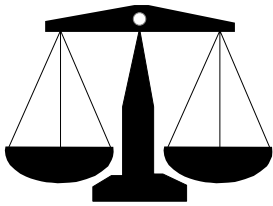
The break-out boxes are designed to assist in reading the chart.

## Defendant Representation For Domestic Violence Cases 1998





# Sentencing



## **State of Oregon Circuit Court, Multnomah County James Ellis, Presiding Judge**

<http://www.ojd.state.or.us/courts>

Oregon has 26 judicial districts, each with a circuit court financed by the State. The circuit court is Oregon's trial court of general jurisdiction. It hears adult cases regardless of the subject matter, amount of money involved, or the severity of the alleged crime. In criminal cases, the circuit court conducts trials, imposes sentences to Oregon's corrections system (including jail, prison, and community supervision on probation), and imposes the death penalty in certain capital murder cases. Many counties contain district courts as well as circuit courts. In Multnomah County, the circuit and district courts were merged into one circuit court in 1998.

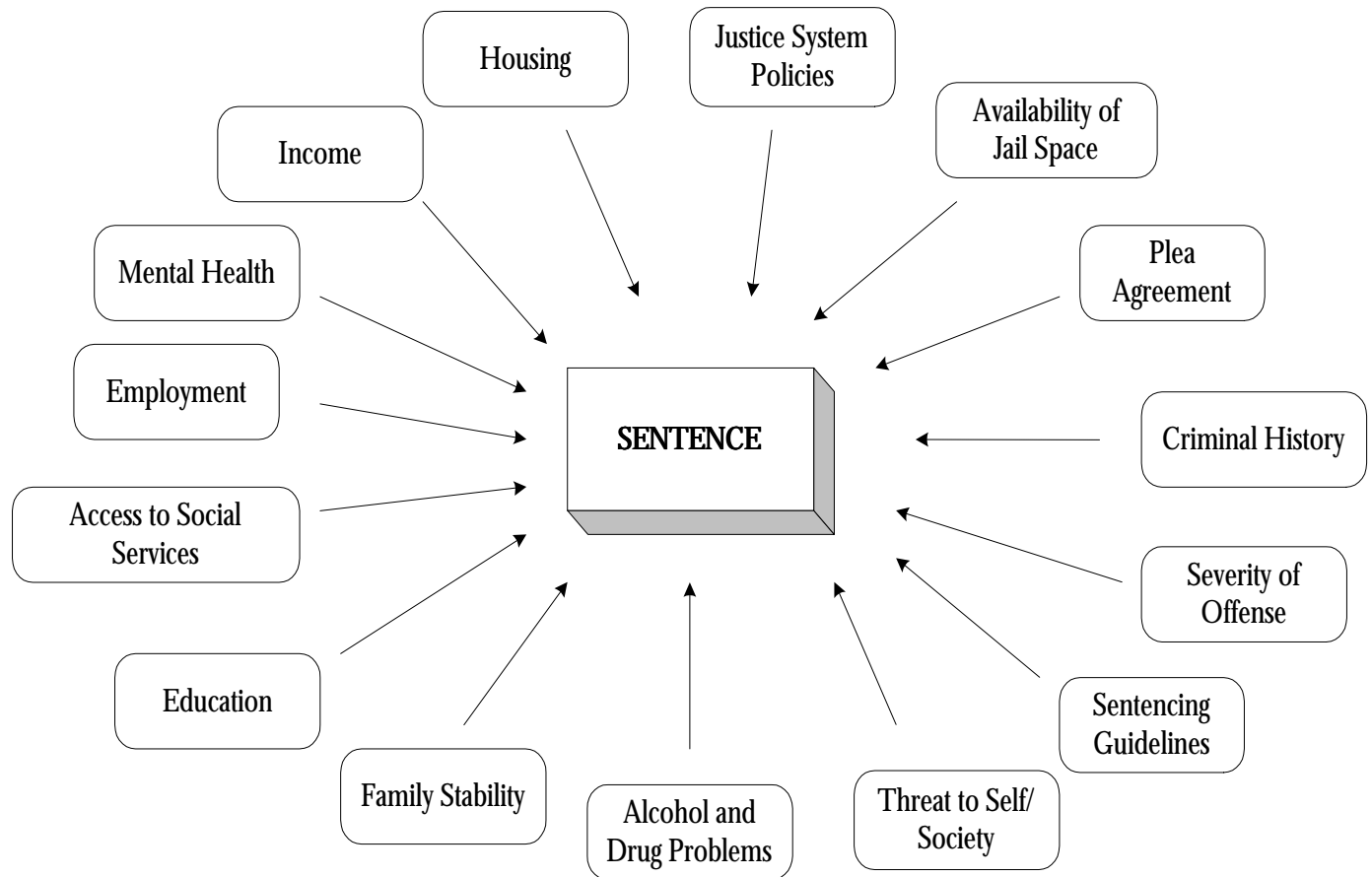
The role of judges in sentencing greatly changed with the advent of the Oregon Sentencing Guidelines in 1989. Sentences for felony crimes are now defined by statute based on severity of offense and criminal history of the defendant. Implementation of Ballot Measure 11 in the spring of 1995 superseded the Guidelines in the area of violent offenses by imposing higher mandatory prison terms for anyone 15 years of age or older who is found guilty of certain violent crimes. Further information on the revised Sentencing Guidelines appears in the Appendix.

With sentencing guidelines and Measure 11 serving to standardize judicial decisions, sentencing data might reveal whether people with similar criminal histories and accused of similar crimes do receive similar sentences. Sentencing Guidelines and Measure 11 penalties are summarized on a single sheet called a "grid" used by judges for handy reference in the courtroom. The sentencing grid is subdivided into shaded sections called "blocks" that correspond to sub-categories of offenders with similar crimes and criminal histories. Data for specific "grid blocks" should reveal similar sentences for people similar on criminal history and nature of crime. The following charts display aggregate sentencing data and data for specific grid blocks.

### ***Factors Influencing Sentencing***

As discussed in the Introduction, the justice system operates within the larger context of judicial and social policies. The figure below illustrates some of the most important factors affecting sentencing. Factors such as Measure 11, diversion programs, available social services, and jail space all directly or indirectly affect how people flow through the system and how they are eventually sentenced.

## Factors Influencing Sentencing



## Grid Blocks

As stated earlier, felony sentencing in Oregon law is based on a structured system. This system sets a sentence based on the seriousness of the crime and the offender's criminal history.

The sentence is graphically captured in an easy-to-use two-dimensional grid, which is pictured to the right. The vertical axis captures crime seriousness (ranked 1, for least serious, to 11, for most serious) and the horizontal axis captures the offender's criminal history (ranked alphabetically - I, for least serious, to A, for most serious). Although the grid score sets the sentence (called the presumptive sentence) for most cases, deviation is possible. In some cases, for example Ballot Measure 11 offenses, the grid block is superseded by a mandatory minimum prison term.

	A	B	C	D	E	F	G	H	I
11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121
10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60
9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36
8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18
7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90
6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90
5	15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60
4	10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60
3	120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30
2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30
1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30

In other cases, the judge may impose a sentence outside the grid block presumptive range if the judge finds substantial and compelling reasons to do so. Law further limits the magnitude of departure. The dark black line that crosses the grid diagonally separates the lower region's presumptive probation sentences from the upper region's presumptive prison sentences. Grid blocks 8-G, 8-H and 8-I carry prison sentences, but have probation "option" for cases meeting certain criteria.

The simple structure of the sentencing grid allows statisticians to compare sentences by grid block and determine whether persons under substantially similar circumstances (defined as crime seriousness and criminal history) are sentenced similarly. The "optional probation" blocks, 8-G, 8-H, and 8-I, were chosen because they allow for significant sentencing deviations, from prison to probation, in a less formal process than other grids. Grid blocks 6-E and 6-F were chosen because they border each other, but their respective presumptive sentences differ significantly. Grid block 6-E is a presumptive prison grid block and requires a finding of mitigation to sentence to probation. Conversely, grid block 6-F is a presumptive probation grid block and requires a finding of aggravation to sentence to prison. In some cases, sentencing data within certain grid blocks is so sparse as to make it statistically unreliable.

For further information on the Oregon Sentencing Guidelines please refer to the Appendix: Oregon Sentencing Guidelines, 1994.

## *The Data*

### **Charge Level: All**

This chart shows the breakdown of sentences for all races and crimes in 1998. At this point, the data does not allow for criminal histories and severity of crimes to be held constant. Such differences may impact sentencing outcomes. This aggregate data cannot convey equality in treatment because all factors are not held constant. This graph represents the aggregate data or the starting point for looking at sentencing. Although the number of cases for racial/ ethnic groups at each sentencing outcome significantly differ, there are some noticeable differences in case outcomes by race. Asian defendants receive a sentence of probation of 55% of the cases whereas African Americans and Hispanics receive probation 32% of the time. Conversely, Asians get probation/jail in 23% of the cases and Hispanics 42% of the time.

### **Charge Level: Misdemeanor**

This chart shows the breakdown for the sentences for all races and all misdemeanor crimes in 1998. While the bars do vary within each racial group, this chart did not lead the Working Group to any data that provided explanations of disparities. The variables of criminal history and severity of crime are not held constant in the measurement. Guidelines and grid blocks do not govern misdemeanor sentences as felonies are, so criminal histories and severity of offense cannot be held constant. This means that in drilling down into the data is needed. Misdemeanor Trespass and DUII were chosen as the areas to drill down; these charts follow. In looking at just this Misdemeanor chart, the data tells us that African American's got to jail in 34% of the cases and get probation 35% of the time. Whites go to jail less often the African Americans and Hispanics, with 17% of the cases resulting in jail. White defendants receive a probation sentence in 41% of the cases, and probation jail 42% of the cases. These numbers do show a disparity in treatment. However, at the aggregate level it is difficult to understand what is causing disparity in the numbers. This caused more interest in drilling down further.

### **Charge Level: Misdemeanor Trespass II**

Trespass is one of the most common misdemeanor crimes in Multnomah County. This may be due to the fact that in the city of Portland there is a connection between drug crimes and trespass. People who have been excluded from Drug Free Zones commit the crime of Trespass II if they return to the Drug Free Zones. For Trespass II, there are almost equal numbers of African American (453) and white (436) defendants. However given that there are significantly more whites in the population, the trespass caseload shows an over-representation of African Americans. Plus African Americans receive a jail sentence in 66% of the cases whereas whites went to jail in only 43% of the cases. This is further cause for the Working Group to look into the connection of drugs and race. The over-representation of African Americans in trespass with a jail sentence may be correlated to drug arrests. Some of the observed disparity in the Misdemeanor chart can be traced to the crime of trespass.

### **Charge Level: Misdemeanor DUII**

DUIIs are also a common misdemeanor crime. Most of the sentences for all races were probation/jail. There is little variance in this data, which indicates equitable treatment in the sentencing of DUII defendants. DUII cases are not the underlying cause of the disparities in

Misdemeanor sentencing. Other crimes should be chosen to drill down to in order to learn of potential areas for sentencing disparity.

### **DUII: Days of Probation/Jail**

The Working Group thought it would be of interest to look one step past the above chart. This DUII chart shows the breakdown of sentencing outcomes for DUII. This chart shows the length of the probation jail sentence to see if there are disparities in the length of the sentence. There is little variation in this data also, showing equity in treatment.

### **The Data for Felony Crimes**

The next six charts concern felony crimes: one chart is of the aggregate level of sentencing outcomes for all felony crimes and the others are outcomes in specific grid blocks. The felony charts on five of the grid blocks (8-G, 8-H, 8-I, 6-E and 6-F) display equity in treatment, because the data are comparing defendants with similar criminal histories and similar crime severity. Equitable treatment would result in bars at about the same height (percentage). However, many of the numbers of people sentenced to a given outcome are very small, making the data unreliable. It is important to refer to the tables because of the small number of cases that fall into some grid blocks. The tables display the numbers associated with each percentage. When numbers are small, percentages are unreliable.

### **Charge Level: Felony**

This chart shows the breakdown of sentences for all races and all felony crimes in 1998. In this aggregate data, it is not possible to see if similar people are being treated equitably because criminal histories and severity of crimes are not held constant. However there are some variations in the data that were cause interest. Asian defendants are sent to prison in 41% of the cases; the percentage is only 27% for whites. Also, 21% of Hispanics are sentenced to probation while 38% of white cases are sentenced to probation.

### **The Grid Blocks 8-G, 8-H, and 8-I:**

Grid blocks 8-G, 8-H and 8-I are presumptive prison blocks with optional probation for cases meeting certain criteria. These were chosen for analysis because significant sentencing deviations are allowed in a less formal process than other grids, which may allow for disparities in sentencing. The majority of level "8" offenses for which offenders were sentenced were: Delivery of a Controlled Substance (DCS) within 1000 feet of a school, DCS I, DCS II, Burglary I, DCS Marijuana, Manufacturing of a Controlled Substance (MCS) I, Encouraging Child Sex Abuse I, Conspiracy, Sex Abuse I, and Criminal Negligent Homicide. Level 8 DCS and MCS crimes deal with a substantial quantity of drugs or commercial drug offenses.

There were too few cases to render the data statistically reliable in two of the grid blocks. These blocks were 8-G and 8-H. Defendants placed in the 8-G grid block had a criminal record of "4+ adult 'A' misdemeanors or one adult non-person felony or 3+ juvenile non-person felonies." Defendants placed in the 8-H grid block had a criminal record of "No more than 3 adult 'A' misdemeanors or two juvenile non-person felonies."

Defendants placed in the 8-I grid block had a criminal record of "No Juvenile Felonies or Adult A Misdemeanors." These are first time offenders. Much of the data here contain small numbers,

but there are some areas that have enough numbers and should be mentioned. For cases that fall into the 8-I grid block, 60% of Hispanics receive a sentence of prison and 21% of whites go to prison. This represents an area where treatment is not equitable. African Americans were given a harsher sentence than whites even though they had similar criminal histories and committed similarly rated crimes.

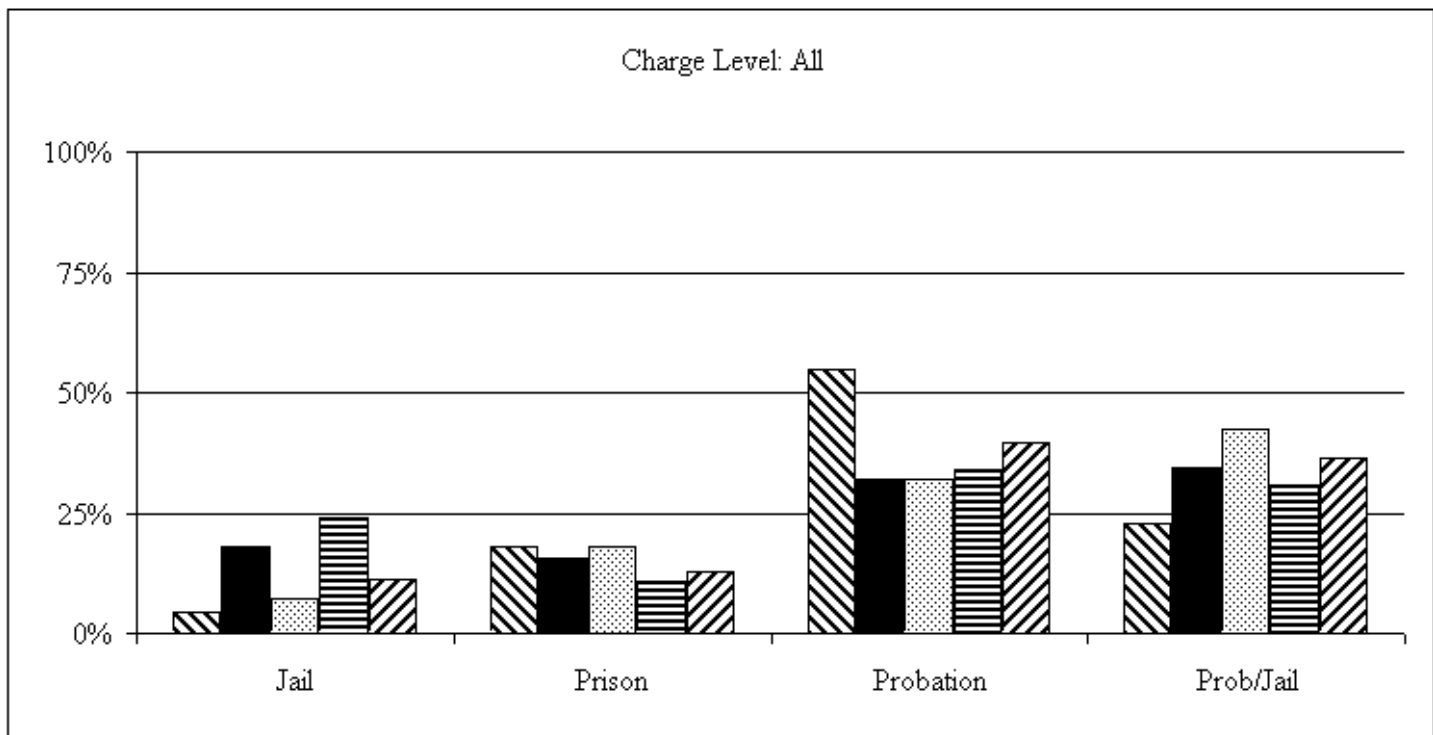
### **Grid Blocks 6-E and 6-F**

Grid block 6-E is a presumptive prison block where through a formal process the defendant can be sentenced (downward departed) to probation. The ability to downward depart to a different less severe sentencing allowed the Working Group to review equity in treatment by seeing how many people were getting probation instead of prison. Grid block 6-F is a presumptive probation block where through a formal process the judge can impose a sentence of prison (an upward departure). The majority of the crimes that fell into 6-E and 6-F were: Delivery of a Controlled Substance (DCS) I, DCS II, Assault III, Felon in Possession of a Firearm, and Unlawful Use of a Weapon.

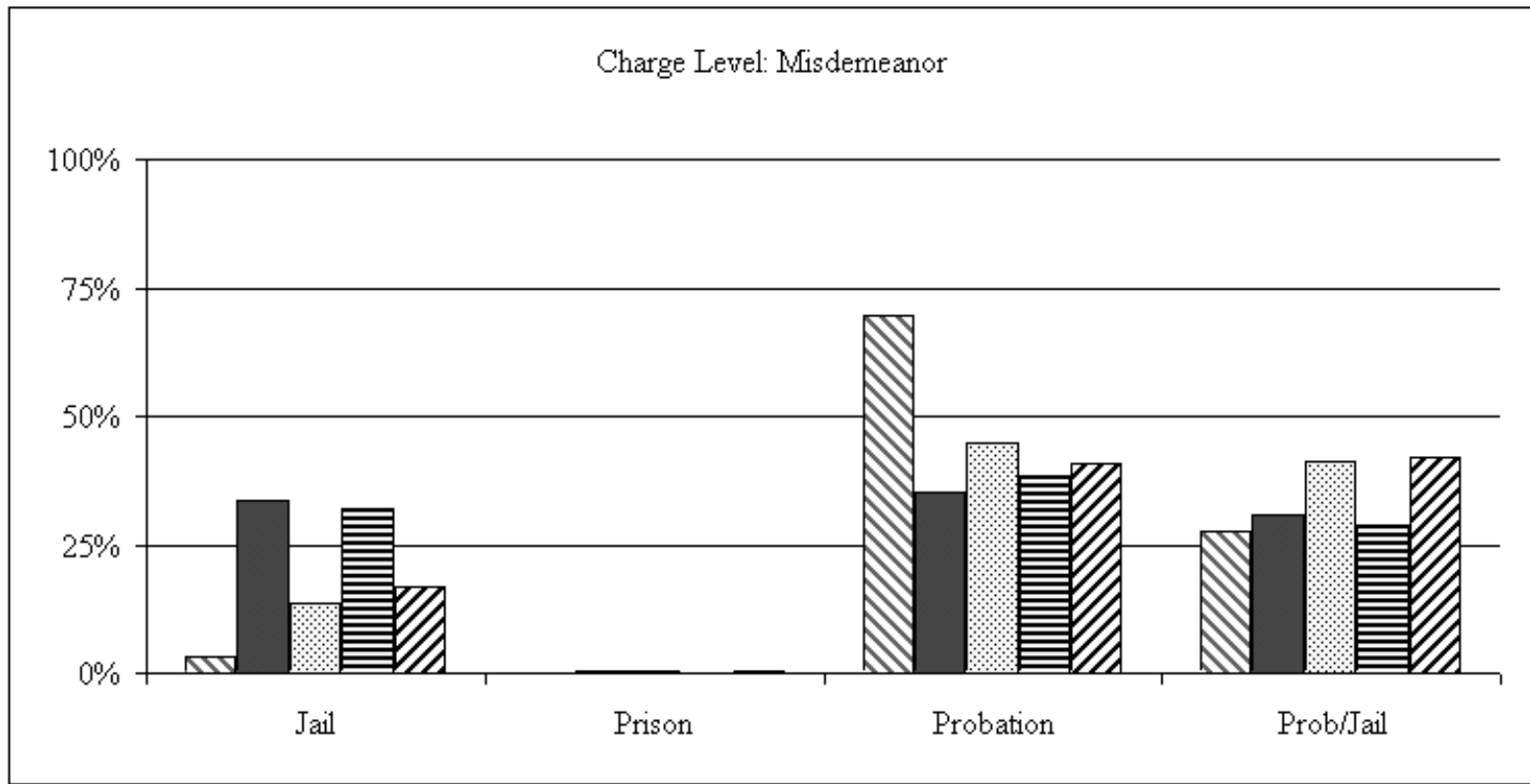
Defendants placed in the 6-E grid block had a criminal record of "Four or more adult non-person felonies." In this grid block 77% of African Americans and 64% of whites went to prison, which is the presumptive sentence. This indicates that more whites were departed to probation than were African Americans. African Americans were not departed as often meaning they were given a harsher sentence. This margin is not as wide as that found in grid block 8-I

Defendants placed in the 6-F grid block had a criminal record of "Two or three adult non-person felonies." There are very few cases in this grid block making conclusions from the data unreliable.

Although in many cases the analysis of the grid blocks produced too few cases for reliability, there is a pattern of differing sentencing outcomes, particularly for African Americans, needs further analysis. The Working Group is interested in analyzing ("drilling down") into this issue further to learn of other factors that may contribute to sentencing in order to understand this decision point better and find out why such disparities occur.

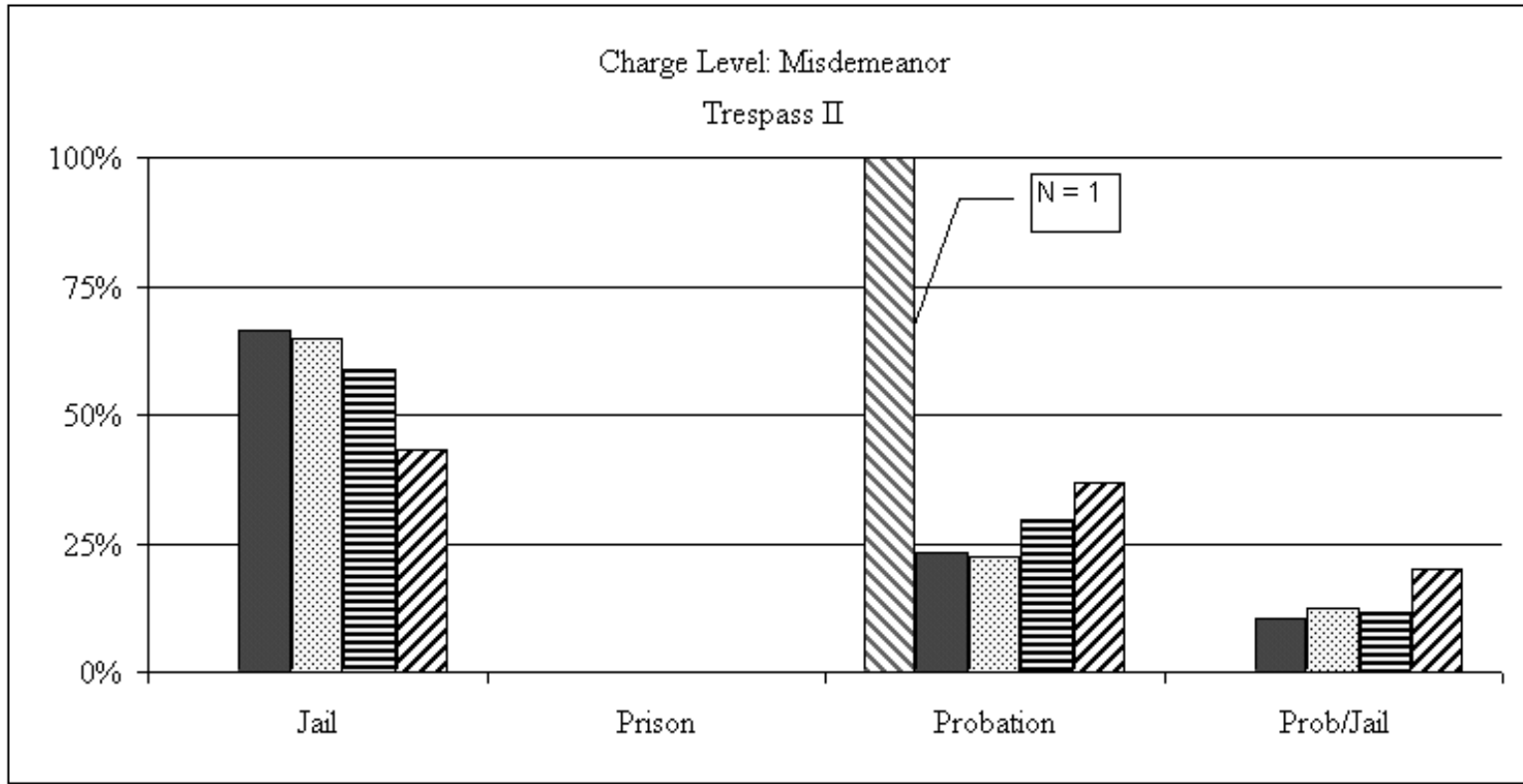


CASES	Jail		Prison		Probation		Prob/Jail		TOTAL
Asian	13	4%	53	18%	161	55%	67	23%	294
African Amer.	790	18%	685	16%	1384	32%	1489	34%	4348
Hispanic	114	7%	283	18%	503	32%	664	42%	1564
Native Amer.	58	24%	26	11%	82	34%	74	31%	240
White	1293	11%	1473	13%	4609	40%	4206	36%	11581
<b>TOTAL</b>	<b>2268</b>	<b>13%</b>	<b>2520</b>	<b>14%</b>	<b>6739</b>	<b>37%</b>	<b>6500</b>	<b>36%</b>	<b>18027</b>

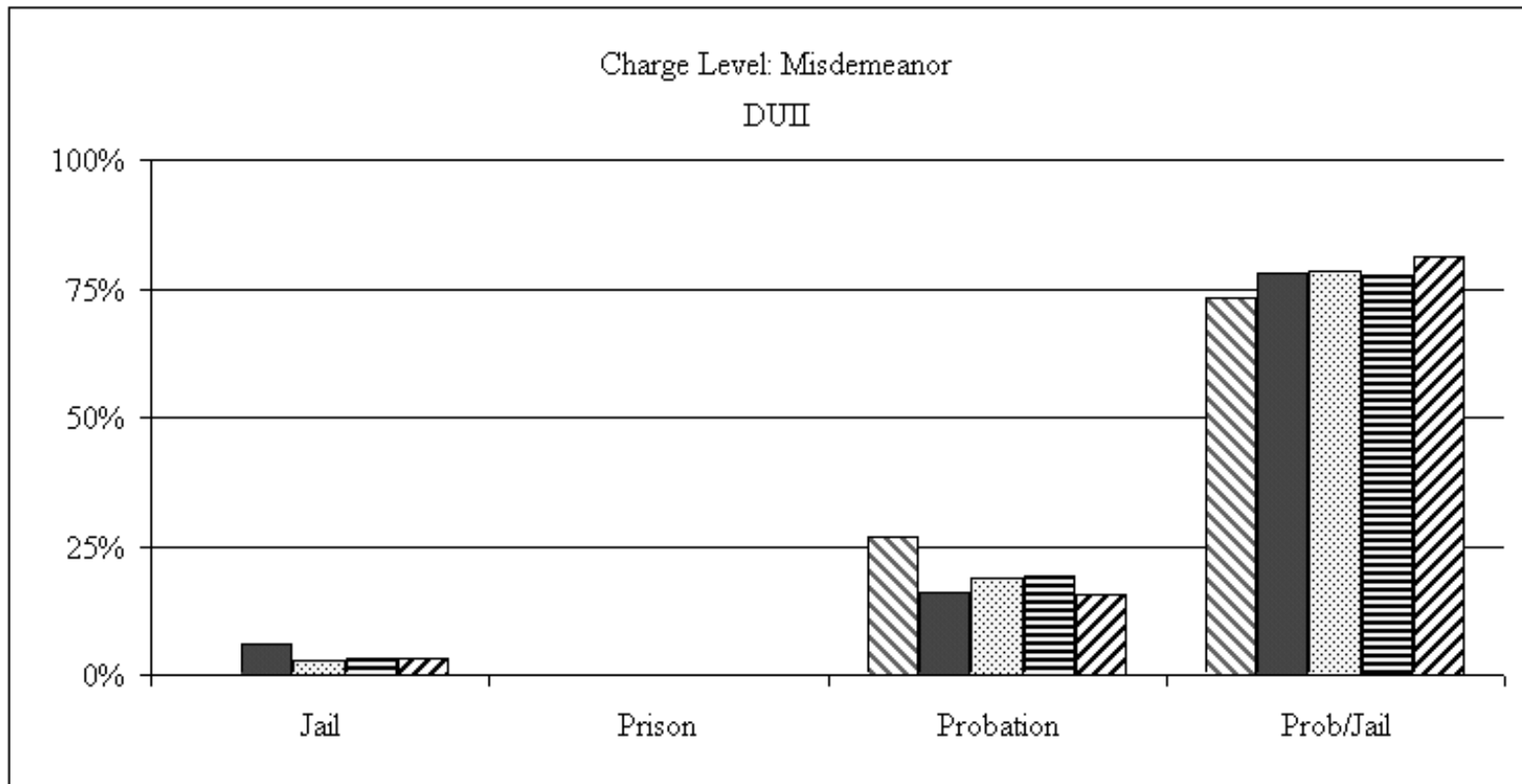


CASES	Jail	Prison	Probation	Prob/Jail	TOTAL
Asian	5	0	114	45	164
African Amer.	691	0	724	633	2048
Hispanic	96	0	317	290	703
Native Amer.	50	0	60	45	155
White	1025	0	2497	2551	6073
<b>TOTAL</b>	<b>1867</b>	<b>0</b>	<b>3712</b>	<b>3564</b>	<b>9143</b>

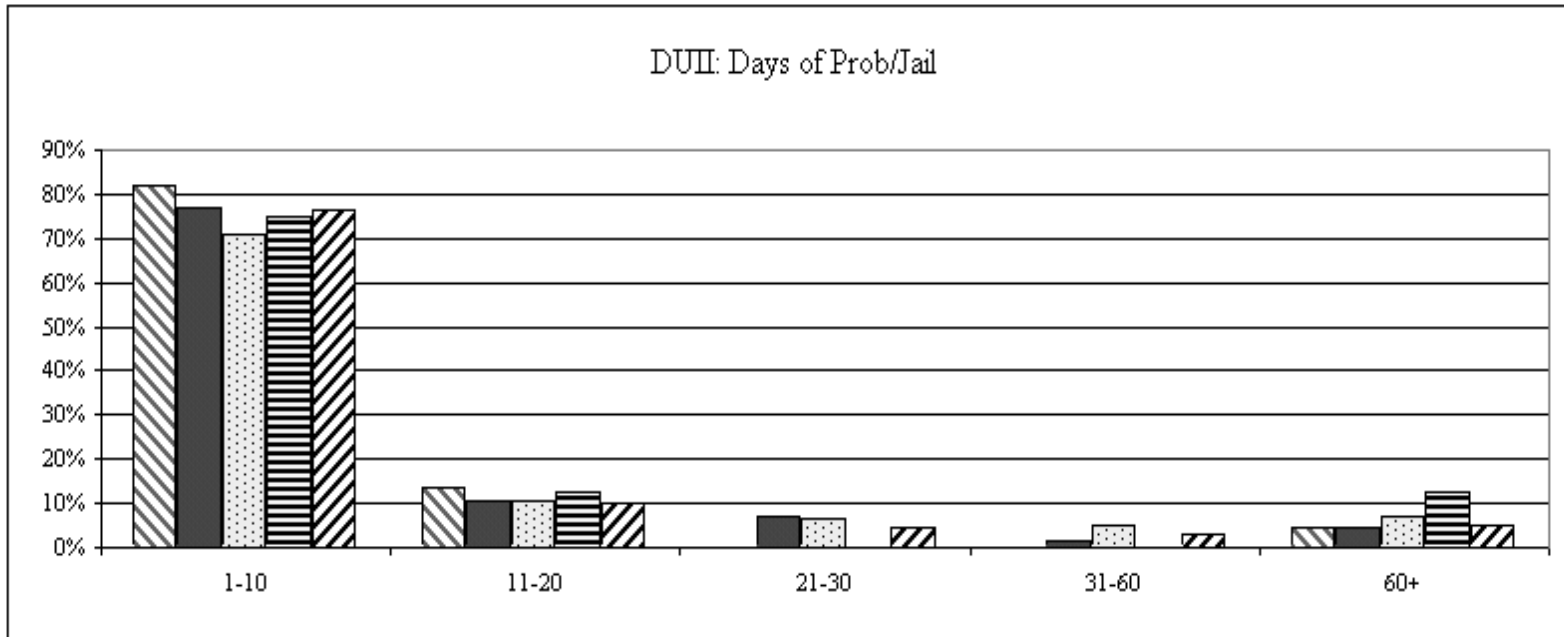




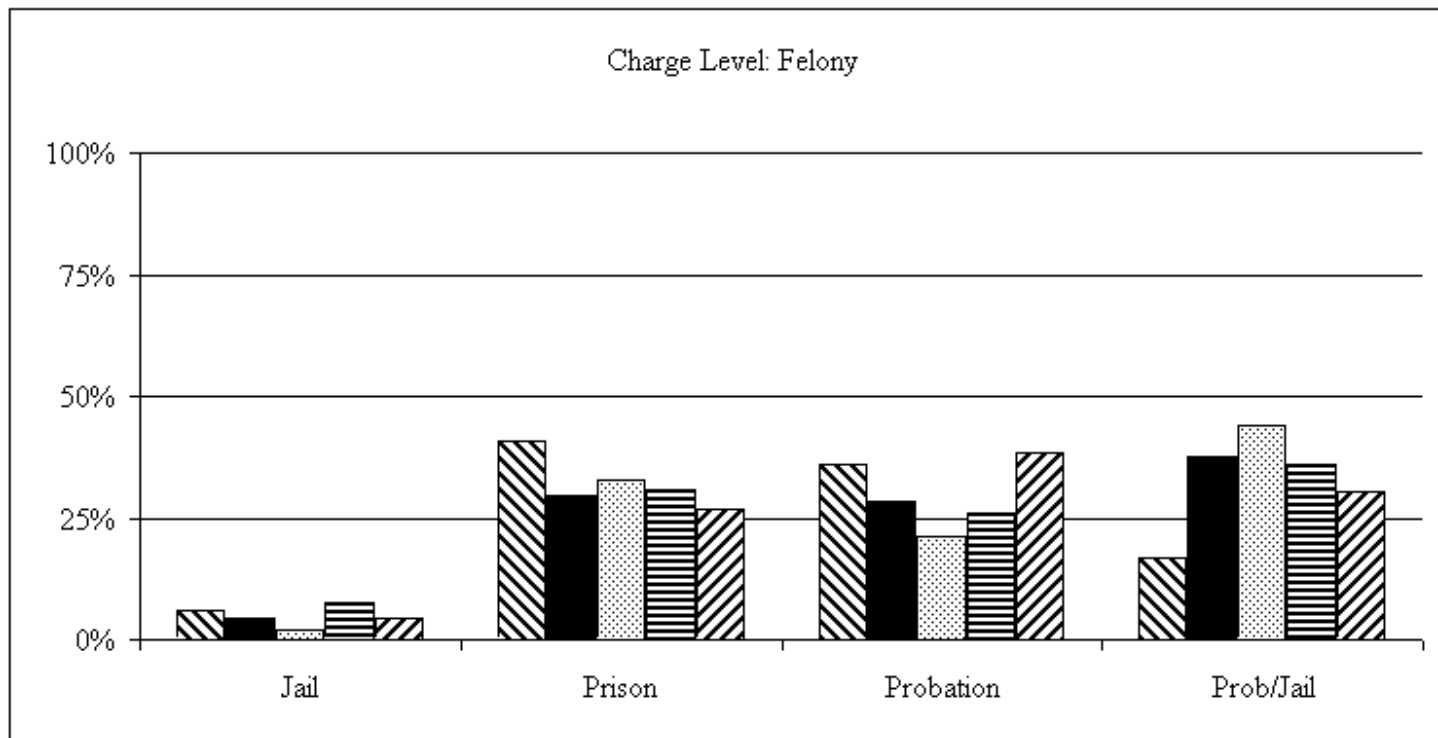
CASES	Jail		Prison		Probation		Prob/Jail		TOTAL
Asian	0	0%	0	0%	1	100%	0	0%	1
African Amer.	300	66%	0	0%	105	23%	48	11%	453
Hispanic	26	65%	0	0%	9	23%	5	13%	40
Native Amer.	10	59%	0	0%	5	29%	2	12%	17
White	189	43%	0	0%	160	37%	87	20%	436
<b>TOTAL</b>	<b>525</b>	<b>55%</b>	<b>0</b>	<b>0%</b>	<b>280</b>	<b>30%</b>	<b>142</b>	<b>15%</b>	<b>947</b>



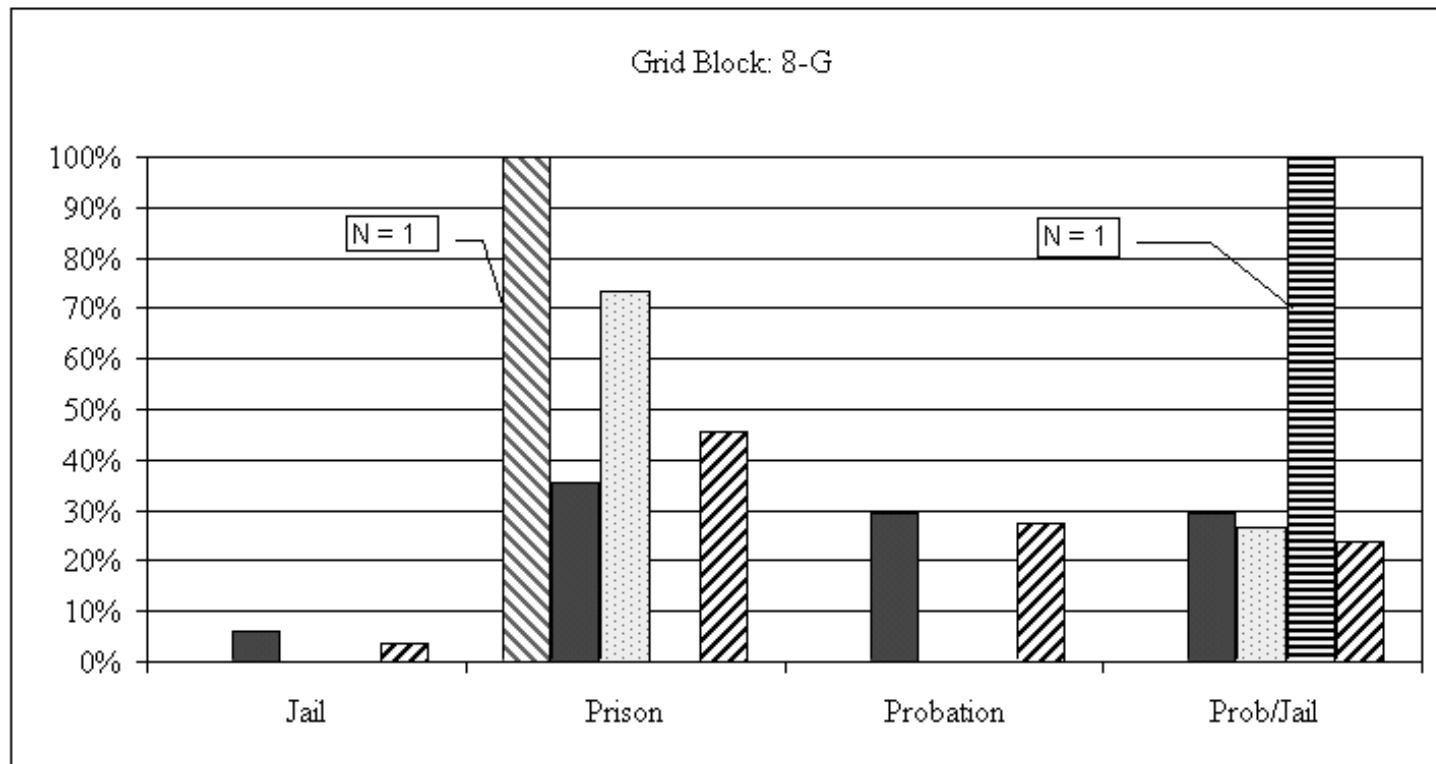
CASES	Jail		Prison		Probation		Prob/Jail		TOTAL
Asian	0	0%	0	0%	8	27%	22	73%	30
African Amer.	9	6%	0	0%	24	16%	116	78%	149
Hispanic	6	3%	0	0%	40	19%	167	78%	213
Native Amer.	1	3%	0	0%	6	19%	24	77%	31
White	47	3%	0	0%	226	16%	1179	81%	1452
<b>TOTAL</b>	<b>63</b>	<b>3%</b>	<b>0</b>	<b>0%</b>	<b>304</b>	<b>16%</b>	<b>1508</b>	<b>80%</b>	<b>1875</b>



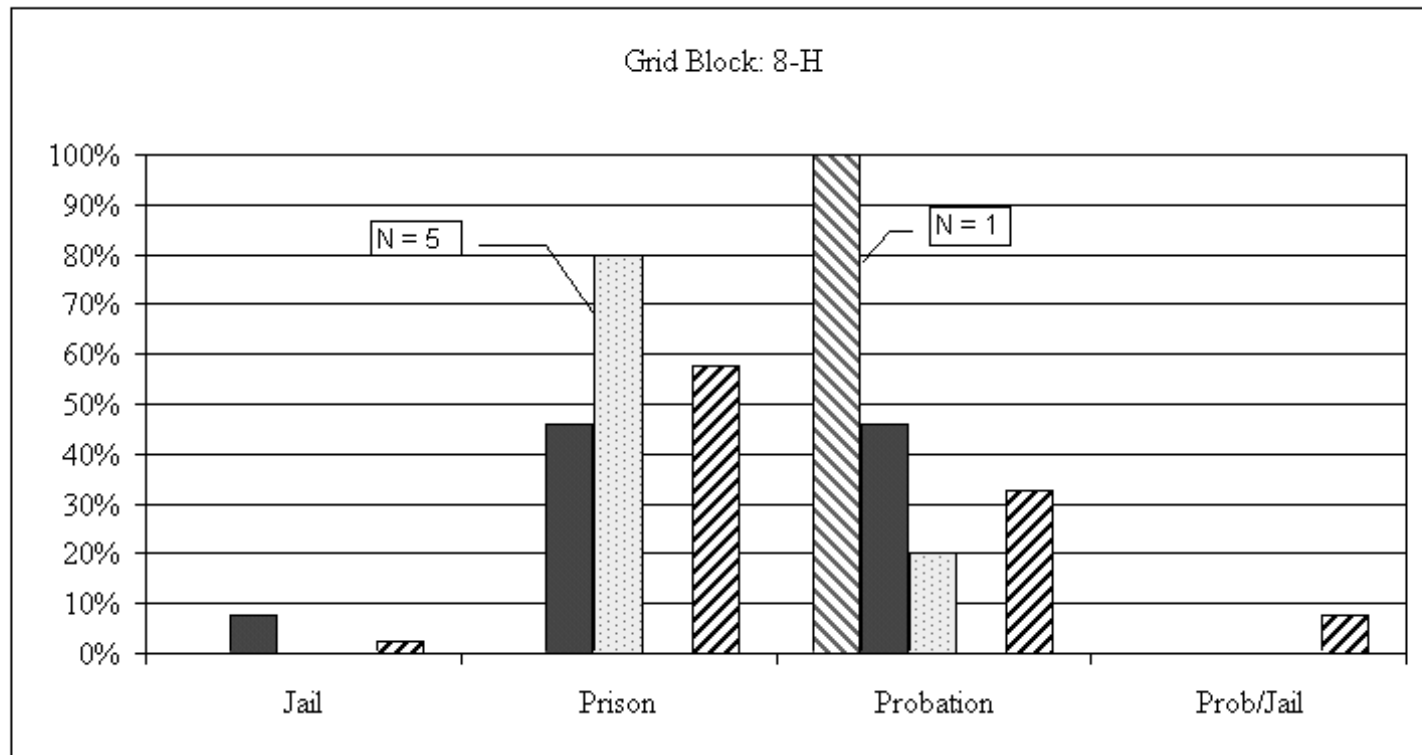
CASES	1-10		11-20		21-30		31-60		60+		TOTAL	
Asian	18	2%	3	2%	0	0%	0	0%	1	1%	22	1%
African Amer.	89	8%	12	8%	8	11%	2	4%	5	6%	116	8%
Hispanic	118	10%	18	11%	11	15%	8	17%	12	14%	167	11%
Native Amer.	18	2%	3	2%	0	0%	0	0%	3	4%	24	2%
White	903	79%	121	77%	56	75%	37	79%	62	75%	1179	78%
TOTAL	1146		157		75		47		83		1508	



CASES	Jail		Prison		Probation		Prob/Jail		TOTAL
Asian	8	6%	53	41%	47	36%	22	17%	130
African Amer.	98	4%	675	30%	647	29%	849	37%	2269
Hispanic	16	2%	280	33%	182	21%	374	44%	852
Native Amer.	6	7%	25	31%	21	26%	29	36%	81
White	246	5%	1443	27%	2054	38%	1621	30%	5364
<b>TOTAL</b>	<b>374</b>	<b>4%</b>	<b>2476</b>	<b>28%</b>	<b>2951</b>	<b>34%</b>	<b>2895</b>	<b>33%</b>	<b>8696</b>

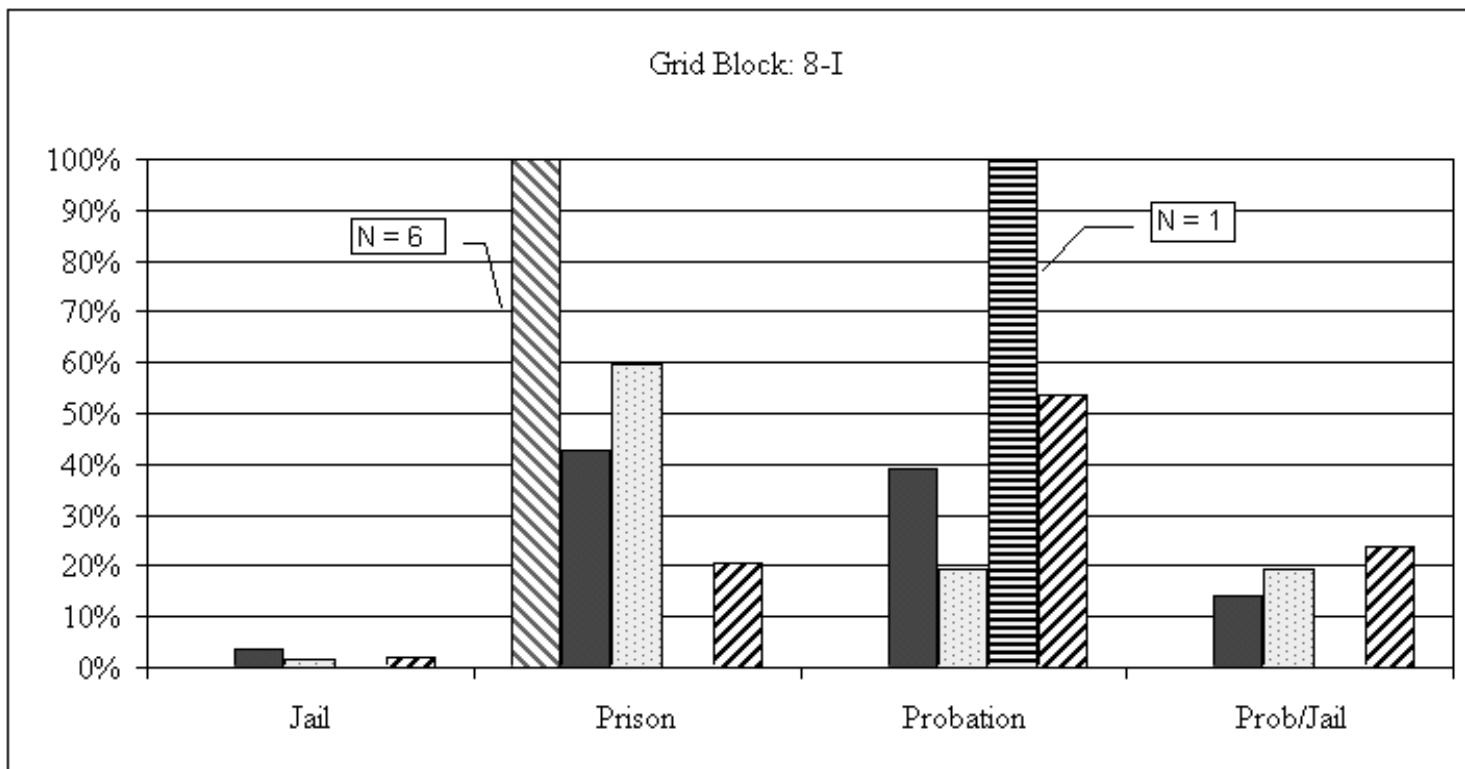


CASES	Jail		Prison		Probation		Prob/Jail		TOTAL
Asian	-	0%	1	100%	-	0%	-	0%	1
African Amer.	1	6%	6	35%	5	29%	5	29%	17
Hispanic	-	0%	11	73%	-	0%	4	27%	15
Native Amer.	-	0%	-	0%	-	0%	1	100%	1
White	2	4%	25	45%	15	27%	13	24%	55
<b>TOTAL</b>	<b>3</b>	<b>3%</b>	<b>43</b>	<b>48%</b>	<b>20</b>	<b>22%</b>	<b>23</b>	<b>26%</b>	<b>89</b>

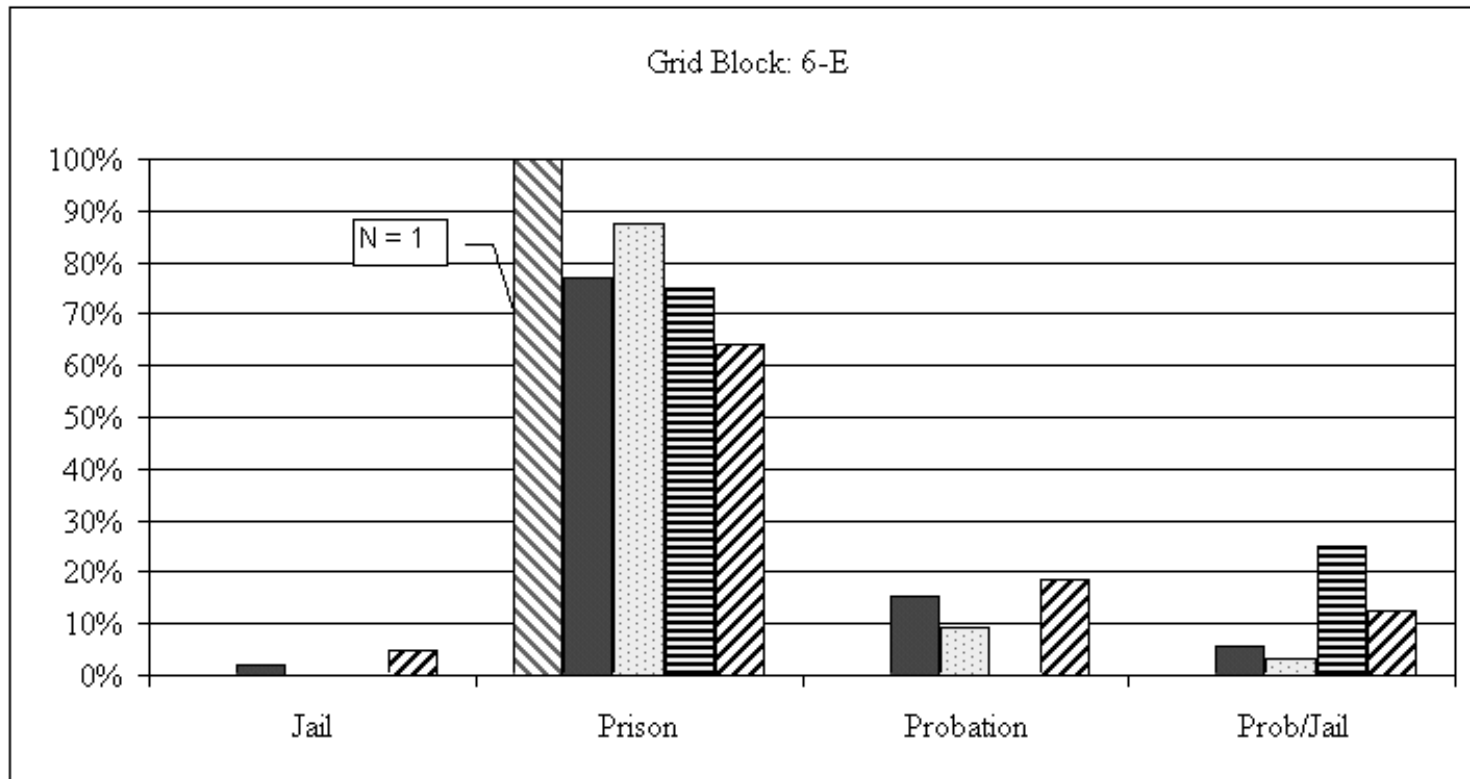


<b>CASES</b>	Jail		Prison		Probation		Prob/Jail		TOTAL
Asian	-	0%	-	0%	1	100%	-	0%	1
African Amer.	1	8%	6	46%	6	46%	-	0%	13
Hispanic	-	0%	4	80%	1	20%	-	0%	5
Native Amer.	-	0%	-	0%	-	0%	-	0%	-
White	2	3%	46	58%	26	33%	6	8%	80
<b>TOTAL</b>	<b>3</b>	<b>3%</b>	<b>56</b>	<b>57%</b>	<b>34</b>	<b>34%</b>	<b>6</b>	<b>6%</b>	<b>99</b>

Grid Block: 8-I



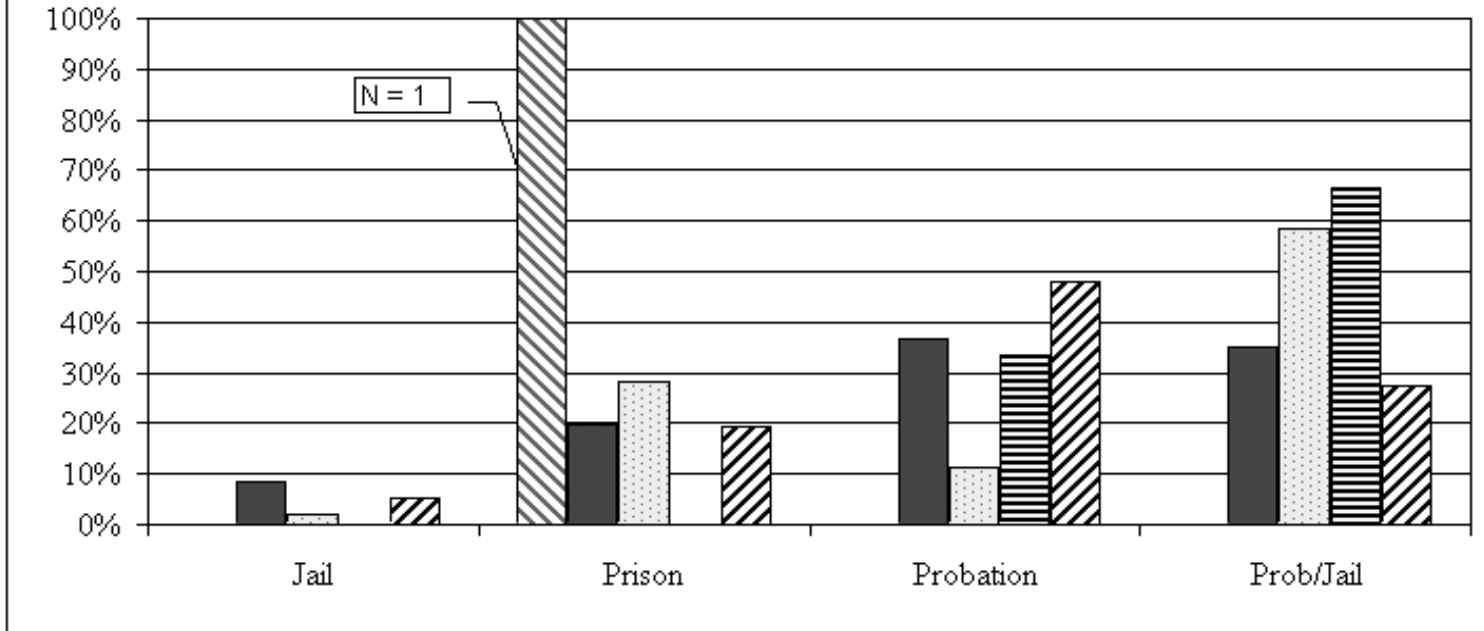
CASES	Jail		Prison		Probation		Prob/Jail		TOTAL
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	
Asian	-	0%	6	100%	-	0%	-	0%	6
African Amer.	1	4%	12	43%	11	39%	4	14%	28
Hispanic	1	2%	34	60%	11	19%	11	19%	57
Native Amer.	-	0%	-	0%	1	100%	-	0%	1
White	4	2%	43	21%	112	54%	50	24%	209
<b>TOTAL</b>	<b>6</b>	<b>2%</b>	<b>95</b>	<b>32%</b>	<b>135</b>	<b>45%</b>	<b>65</b>	<b>22%</b>	<b>301</b>



CASES	Jail		Prison		Probation		Prob/Jail		TOTAL
	Count	Percentage	Count	Percentage	Count	Percentage	Count	Percentage	
Asian	-	0%	1	100%	-	0%	-	0%	1
African Amer.	1	2%	40	77%	8	15%	3	6%	52
Hispanic	-	0%	28	88%	3	9%	1	3%	32
Native Amer.	-	0%	3	75%	-	0%	1	25%	4
White	3	5%	41	64%	12	19%	8	13%	64
<b>TOTAL</b>	<b>4</b>	<b>3%</b>	<b>113</b>	<b>74%</b>	<b>23</b>	<b>15%</b>	<b>13</b>	<b>8%</b>	<b>153</b>



Grid Block: 6-F



CASES	Jail		Prison		Probation		Prob/Jail		TOTAL
Asian	-	0%	1	100%	-	0%	-	0%	1
African Amer.	6	8%	14	20%	26	37%	25	35%	71
Hispanic	1	2%	15	28%	6	11%	31	58%	53
Native Amer.	-	0%	-	0%	1	33%	2	67%	3
White	4	5%	15	19%	37	48%	21	27%	77
<b>TOTAL</b>	<b>11</b>	<b>5%</b>	<b>45</b>	<b>22%</b>	<b>70</b>	<b>34%</b>	<b>79</b>	<b>39%</b>	<b>205</b>



## Supervision



### **Multnomah County Sheriff's Office Dan Noelle, Sheriff**

<http://www.sheriff-mcso.org>

The Multnomah County Sheriff's Office (MCSO) has a wide range of responsibilities and roles in and around the county including law enforcement and jail operations. All jails in Multnomah County are operated by the Sheriff's Office. However, police agencies, the courts and adult Community Justice (parole and probation officers) have primary control over who enters jail. In some instances, such as court-ordered Turn-Self-In bookings, the Sheriff's Office does have some discretion over when these sentenced persons will serve their time in jail, but not who will serve. The Sheriff's Office also has a contract with the U.S. Marshals who pay to house their arrestees in jail. Under these contracts, the Sheriff's Office is responsible only for the number of inmates, not who is brought to jail.

The Sheriff's Office makes decisions regarding inmate program participation; race is not one of the criteria for participation. MCSO operates the Multnomah County Restitution Center (MCRC); a 160-bed work release facility with eligibility criteria that sentenced inmates must meet before program acceptance. Even though race is not discussed at the time of the decision, if a member of a racial or ethnic minority is not selected for work release by the courts (as a condition of their sentence), he or she is not likely to be screened for the Restitution Center.

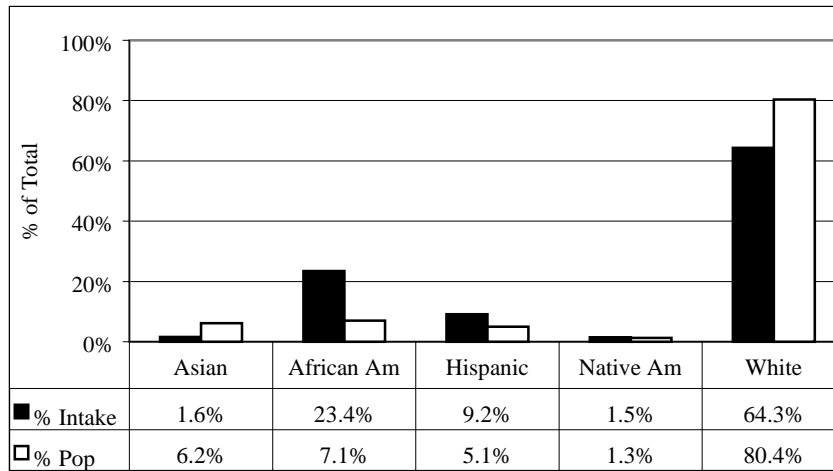
The Sheriff's Office operates Close Street Supervision (CSS) and Electronic Monitoring (EM), two non-custody release programs. Race is not one of the eligibility criteria for these programs, but CSS and EM do consider socio-economic factors, such as housing and access to a telephone, to determine participation in these programs. CSS receives most of its referrals from the courts; therefore if the courts do not refer minority individuals, CSS staff do not have the opportunity to select them for its program. Reliable CSS data regarding race was not available, and only monthly snapshot data was available on EM.

Staff employed by other agencies make the majority of jail release decisions that affect inmates. For example, the Multnomah County Department of Community Justice employs recognizance ("recog") staff and the State of Oregon employs judges. If jail overcrowding occurs, MCSO decides whom to release through an objective, points-based classification system called a "matrix" that summarizes factors such as sentencing status and crime charged.

Because SWIS (Sheriff's Warrant and Inmate System) considers "Hispanic" one category among racial groups, the race/ethnicity figures presented on the following pages total to 100%. The numbers in the tables are averages and have been rounded.

There are four types of bookings. The term "intake" is used in reference to the Standard and Turn-Self-In forms of booking. There were a total of 40,267 Standard and Turn-Self-In (TSI) bookings in 1998. The Intake percentages shown in Illustration I are similar to the County arrest figures shown in the Introduction of this report as well as the cases received for prosecution by the District Attorney.

**Illustration I**  
**Intake (Standard and Turn-Self-In Bookings) vs. County Population, 1998**

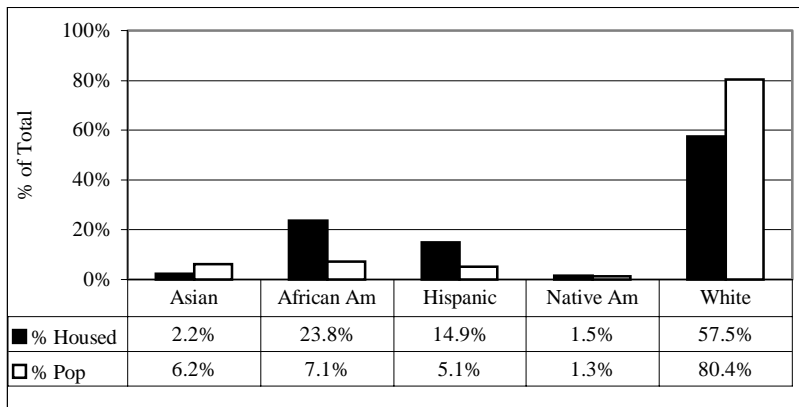


Intake	1998	
	#	%
Race/Ethnicity		
Asian	645	<b>1.6%</b>
African American	9,437	<b>23.4%</b>
Hispanic	3,696	<b>9.2%</b>
Native American	588	<b>1.5%</b>
White	25,873	<b>64.3%</b>
Unknown	28	<b>0.1%</b>
<b>Total:</b>	40,267	<b>100%</b>

Standard bookings include all of those arrested by law enforcement in the County, sentenced to immediate incarceration by the courts, or detained or sanctioned by Parole or Probation Officers. Standard booking also includes those brought to the jail by the U.S. Marshals and other agencies. Turn-Self-In (TSI) bookings are those that the court sentences to serve jail time, although not necessarily immediately. These persons turn themselves in on dates that either the courts or the MCSO schedules. A TSI booking is counted only once even though a person's schedule might include non-consecutive days in jail.

(Two other types of bookings, In-Transit and Cite & ID, are not included in this data. Persons in transit to other locations by jurisdictions using MCSO as a transportation hub, and persons booked briefly for identification purposes and released, represent less use of resources than regular jail inmates.)

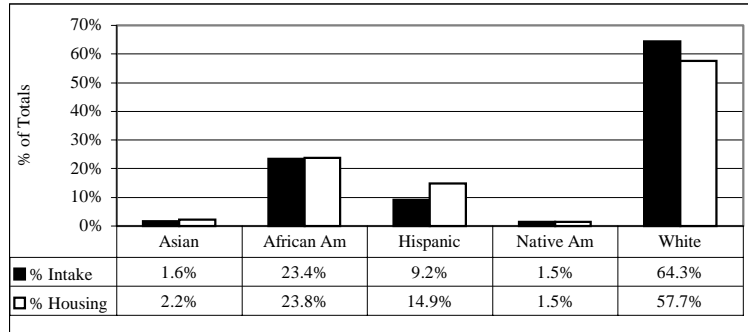
**Illustration II**  
**Jail Housing Snapshot Average vs. County Population, 1998**



<b>Jail Housing</b>	<b>1998</b>	
Race/Ethnicity	#	%
Asian	38	<b>2.2%</b>
African American	414	<b>23.8%</b>
Hispanic	259	<b>14.9%</b>
Native American	26	<b>1.5%</b>
White	1,000	<b>57.5%</b>
Unknown	1	<b>0%</b>
<b>Average Daily Population</b>	1,738	<b>100%</b>

In Illustration II, the jail housing snapshot represents an average of the 12 snapshots taken on one day of each month throughout 1998. This data includes all five jail facilities including Multnomah County Restitution Center (MCRC), which has a different racial composition (see Illustration IV). Since 1998, the total jail capacity has grown to 2,073 beds and the average daily population (ADP) has also increased. Jail populations can vary for a variety of reasons including crime and arrest rates, court activity, population or policy changes, etc.

**Illustration III  
Intake vs. Jail Housing Snapshot by Race, 1998**



Race/Ethnicity	Intake		Housing Snapshot	
	#	%	#	%
Asian	645	<b>1.6%</b>	38	<b>2.2%</b>
African American	9,437	<b>23.4%</b>	414	<b>23.8%</b>
Hispanic	3,696	<b>9.2%</b>	259	<b>14.9%</b>
Native American	588	<b>1.5%</b>	26	<b>1.5%</b>
White	25,873	<b>64.3%</b>	1,000	<b>57.7%</b>
Unknown	28	<b>0.1%</b>	1	<b>0%</b>
<b>Total:</b>	<b>40,267</b>	<b>100%</b>	<b>1,738</b>	<b>100%</b>

In Illustration III, Intake (Standard and TSI bookings) and Jail Housing Snapshots are compared to display any possible differences between the percentages of minorities who are booked and the percentage who are housed in jail. Those who are housed in jail and not released stay for a variety of legal and/or socio-economic reasons, such as not being able to post bail or being held for another county (e.g., pending action) or federal agency (e.g., U.S. Marshal).

With the exception of Hispanics and whites, the other percentages of racial/ ethnic groups are similar across booking and housing. Hispanics represent 9.2% at intake and 14.9% of the housed population, while whites comprise 64.3% at intake and 57.7% housed. The percentage Hispanic housed may be higher because many of the inmates with exclusive U.S. Immigration holds in 1998 were Hispanic. Now that the U.S. Immigration service no longer uses Multnomah County jails, the percentage of Hispanics housed in jail has dropped and is closer to the percentage booked.

**Illustration IV**  
**MCRC Housing Snapshot by Race, 1998**

Race/Ethnicity	#	%
White	98.5	<b>79.5%</b>
African American	17.3	<b>13.9%</b>
Asian	3.6	<b>2.9%</b>
Native American	1.2	<b>0.9%</b>
Hispanic	3	<b>2.4%</b>
<b>Average Daily Population</b>	<b>124</b>	<b>100%</b>

As shown in Illustration IV above, the Multnomah County Restitution Center (MCRC) had an average daily population (ADP) of 124 inmates per day in 1998. The 1998 ADP housing snapshot is an average of 12 snapshots taken on one day each month throughout the year. Comparing data in Illustration IV with Illustration II (the Jail Housing Snapshot Averages) reveals that with the exception of Asians and Native Americans, the MCRC profile is different than the jail housing profile. Whites comprise 57.5% of the housed population, and 79.5% at MCRC. African Americans comprise 23.8% of the housed population and 13.9% at the MCRC. Hispanics comprise 14.9% of the housed population and 2.4% at MCRC.

**Illustration V**  
**MCSO Electronic Monitoring Snapshots by Race\***  
**September 1999 – January 2000**

Race/ Ethnicity	9/99	10/99	11/99	12/99	1/00	Avg. #	Avg. %
White	38	29	43	52	42	40.8	<b>73.1%</b>
African American	5	8	14	14	13	10.8	<b>19.4%</b>
Asian	1	0	2	2	2	1.4	<b>2.5%</b>
Native American	0	0	0	0	0	0.0	<b>0%</b>
Hispanic	2	2	3	3	2	2.4	<b>4.3%</b>
Other	0	0	0	1	1	0.4	<b>0.7%</b>
	<b>46</b>	<b>39</b>	<b>62</b>	<b>72</b>	<b>60</b>	<b>55.8</b>	<b>100%</b>

Note: This table uses 1999 data.

Illustration V displays snapshots of the Sheriff's Office Electronic Monitoring (EM) program taken on the first day of each month during September 1999 through January 2000. This table shows the number of offenders who are released from jail and monitored at home using an electronic device. The average number and percentage of each group monitored is shown at the far right of the table. About 56 offenders were electronically monitored per day during the five months presented here. Of this number an average of 11 (19.4%) were African American and 41 (73.1%) were white. Comparing EM offenders to the total number of inmates housed in jail (Illustration II) reveals that whites represent 57.5% of the housed population and 73.1% of the EM population. African Americans are 23.8% of the housed population and 19.4% of those electronically monitored. Because the number of persons electronically monitored is small, caution should be used in drawing conclusions from these figures.





**MULTNOMAH  
COUNTY**

## **Department of Community Justice Elyse Clawson, Director**

<http://www.co.multnomah.or.us/dcj/>

The Department of Community Justice promotes public safety by striving to reduce repeat offense behavior (recidivism) among offenders who have been placed on probation as a consequence of their criminal activity, or who have returned from prison after serving the time required by the state for their crimes. Supervision assures that individuals who represent some degree of possible threat to the community receive legally mandated guidance in abiding by the law.

Adult Community Justice is responsible for providing a balance of supervision, sanctions and services to over 10,000 adult offenders sentenced to probation or released from custody on post-prison supervision (formerly known as parole).

### **The Data:**

The data provided here start with the racial/ ethnic breakdown of the Community Justice caseload, compared with the percentage of each racial/ ethnic group in the County. Subsequent data looks more closely at key administrative actions by Community Justice officials that might cause an increase or decrease in over-representation of minorities at later points. Just as the Sheriff's Office does not control the selection of offenders booked into jail, the Department of Community Justice does not control the selection of offenders that are referred for supervision. But probation and post-prison supervision officers (PO's) do take some administrative actions that are mandated by law but require professional judgment. Using a protocol given by the State, PO's assign scores to offenders describing their apparent risk to re-offend. PO's can also override risk assessments under specified circumstances. When offenders violate the conditions of their supervision, the PO must administer a sanction, an officially prescribed consequence for the misbehavior. Most of these sanctions are imposed one at a time ("solely imposed"), while a few are imposed simultaneously. Data on solely imposed sanctions are more readily available, and are reported below.

### **Figure 1 - Multnomah County Population by Race as Compared to Adult Offenders Under Active Supervision by Race**

The data in this diagram portrays the population at the "front door" to the Department of Community Justice, the entire caseload of people on supervision, broken down by racial/ ethnic groups. Data in Figures 2-5 take closer looks at this broad picture.

### **Figure 2 - Risk Scores of the Adult Offenders by Race**

All offenders on supervision must be assessed by Community Justice to determine the risk that the offender will reoffend. PO's use the Oregon Initial Risk Assessment Instrument when an offender first enters Community Justice to determine his or her risk level. A Reassessment is conducted each six months thereafter. The Initial Risk Assessment taps such issues as past

criminal history, current conviction, and substance abuse issues. The Reassessment adds consideration of behavior while under supervision. Using either instrument yields a numeric score that can be grouped into high, medium, low, or limited (less risk than low) categories.

### **Figure 3 - Risk Assessment Overrides of the Adult Offenders by Race:**

As specified by law, the PO may choose to increase or decrease an offender's risk level based on information not tapped by the Assessment. The override process may influence the representation of minorities by introducing professional judgement about the offender.

### **Figure 4 - Active Caseload by Race as Compared to Administratively-Imposed Sanction Events by Race**

Offenders on supervision must abide by certain conditions imposed by a judge at the time of their sentencing. An "administratively imposed sanction" is action that may be taken by a PO in response to an offender's violation of their supervision conditions. Administratively imposed sanctions are not imposed by a judge. The power to impose sanctions is prescribed by law and allows professional judgment by PO's in the course of supervision.

### **Figure 5 - Adult Offenders' Solely-Imposed Administrative Sanctions by Race**

This figure is a further breakdown of Administratively Imposed Sanctions shown in the previous figure. Most sanctions are imposed individually ("solely imposed") -- jail, revocation of parole or post-prison supervision with return to prison, participation in programs, and drug and alcohol counseling. In this figure, racial/ ethnic break down is given for the four sanctions. Two sanction alternatives, jail and program referral, are further broken down.

## **How to Read the Diagrams:**

### **Figures 1 & 4**

**Strategy for Analysis:** To determine if there is over- or under-representation, compare the percentage for each racial/ ethnic group in the box on the right to the percentage for that group in the box on the left. If there were no over- or under-representation of racial/ ethnic groups, the population and caseload percentages would be equal.

**Example Figure I:** In Multnomah County, 7.1% of the population are African-American. Comparing the actual proportion of African-Americans in the overall population (7.1%) to their population in the adult caseload (22.0%) reveals an over-representation of African-Americans on the DCJ caseload. This comparison can be repeated for each racial group. The differences in these percentages are similar to other "front door" data such as arrests, cases received for prosecution, and jail bookings.

### **Figures 2, 3, & 5**

**Strategy for Analysis:** These figures take a closer look at internal actions that have different possible outcomes. To determine whether or not a racial/ ethnic group is treated equitably at each point compared to other groups, a percentage must be compared with the percentages for the other groups. This determination of equitable/ inequitable treatment is found by comparing the paired boxes in the figure ("Jail" and the racial breakdown for jail). The percentage in each right box of the pair should resemble the percentage in each left box of the pair.

Analyzing for equitable treatment differs from analyzing over-representation that occurs “at the door” for DCJ. “Front door” data appear as “active caseload” in Figures 2 and 3. The racial breakdown of the active caseload is beyond the control of DCJ. Analyzing for equitable treatment reveals the outcomes at decision points where DCJ does have a measure of control.

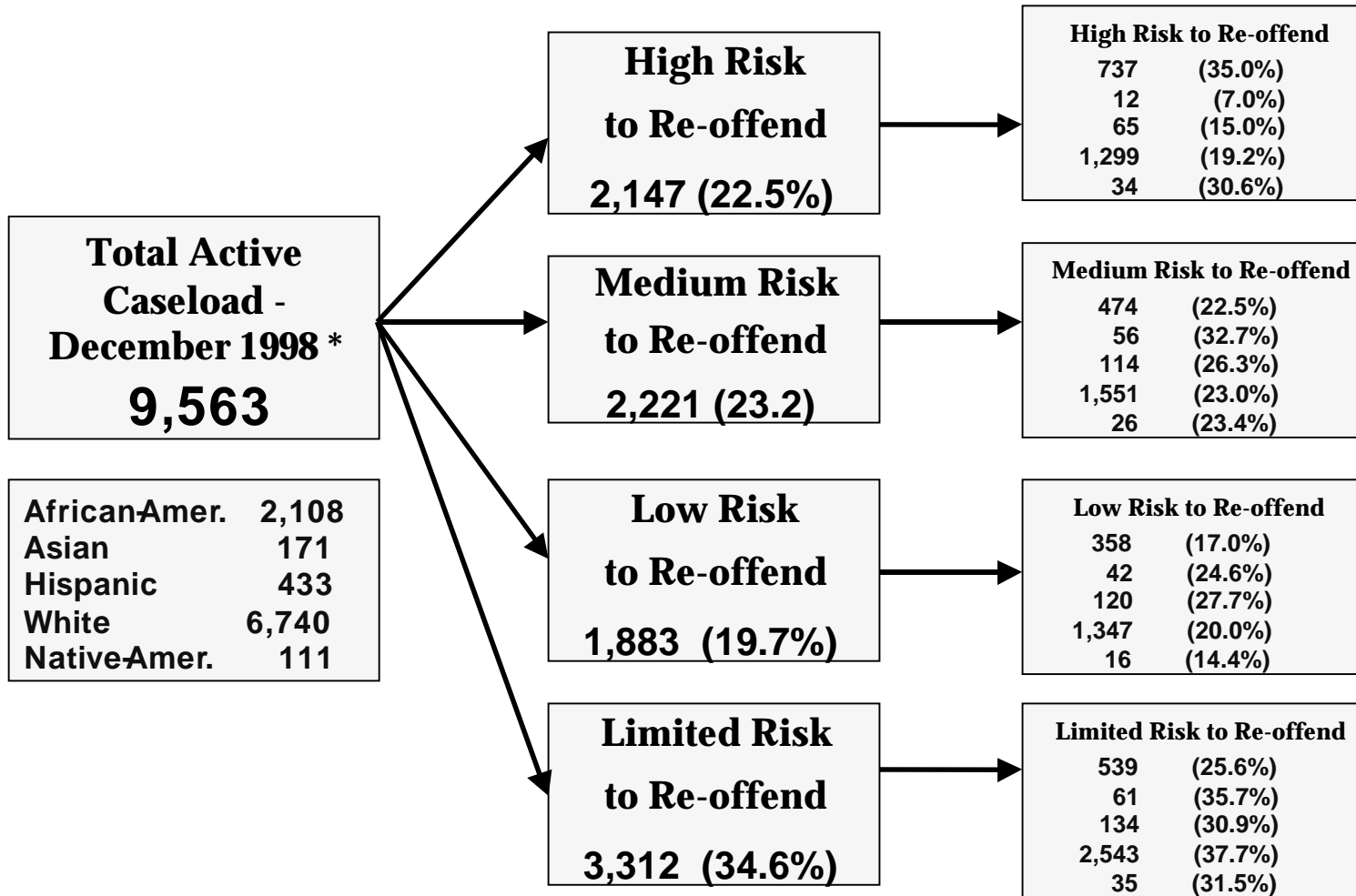
**Example Figure 2:** For all adults on the caseload in December of 1998, 22.5% were classified as high risk. For African Americans, 35.0% were classified as high risk. This means that 13% more African-American adults are classified as high risk than among the general adult caseload. The question of why African Americans fall into the high risk category more often than other racial/ethnic groups, especially when objective criteria are used to make risk assessments, is of interest to the Working Group.

**Figure 1 - Multnomah County Population by Race as Compared to Adult Offenders Under Active Supervision by Race: December 1998**

<b>Population by Race in Multnomah County, 1998 American Community Survey Pop. ests.:</b>			<b>December 1998 Active Adult Caseload *</b>		
<b>African-Amer.</b>	<b>44,032</b>	<b>(7.1%)</b>	<b>African-Amer.</b>	<b>2,229</b>	<b>(22.0%)</b>
<b>Asian</b>	<b>38,212</b>	<b>(6.2%)</b>	<b>Asian</b>	<b>181</b>	<b>(1.8%)</b>
<b>Hispanic</b>	<b>31,476</b>	<b>(5.1%)</b>	<b>Hispanic</b>	<b>494</b>	<b>(4.9%)</b>
<b>White</b>	<b>496,024</b>	<b>(80.4%)</b>	<b>White</b>	<b>7092</b>	<b>(70.1%)</b>
<b>Native-Amer.</b>	<b>8,109</b>	<b>(1.3%)</b>	<b>Native-Amer.</b>	<b>117</b>	<b>(1.2%)</b>
<b>Total</b>	<b>617,853</b>	<b>(100%)</b>	<b>Total</b>	<b>10,113</b>	<b>(100%)</b>

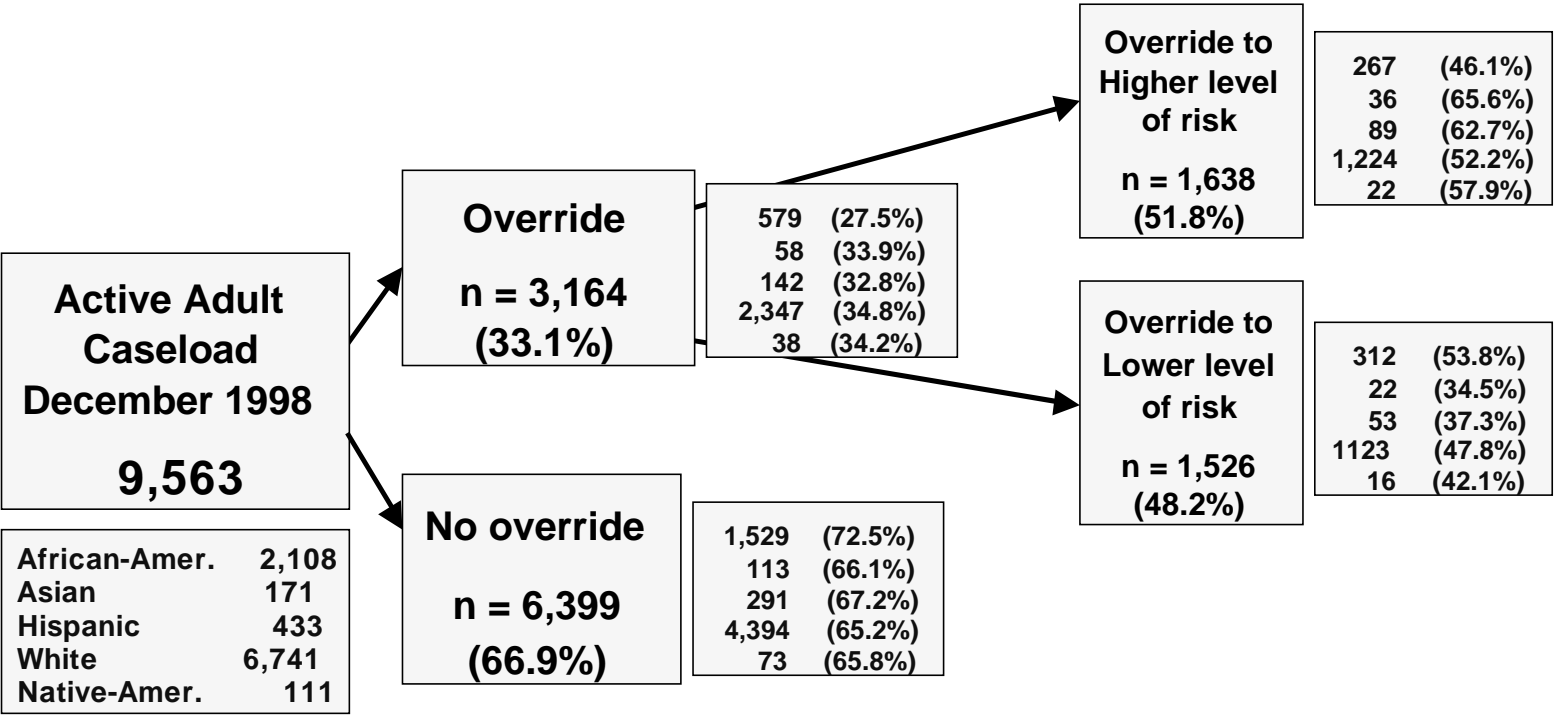
\* - Unduplicated count of adult offenders.

**Figure 2 - Risk Assessment Scores of the Adult Offenders by Race:  
December 1998**



\* - 550 cases were pending at the time of the data download and are not included in this figure.

**Figure 3 - Risk Assessment Overrides\* of Adult Offenders by Race  
December 1998**



\* - The override reflects the increase or decrease in the level of supervision as determined by information not tapped by the risk.

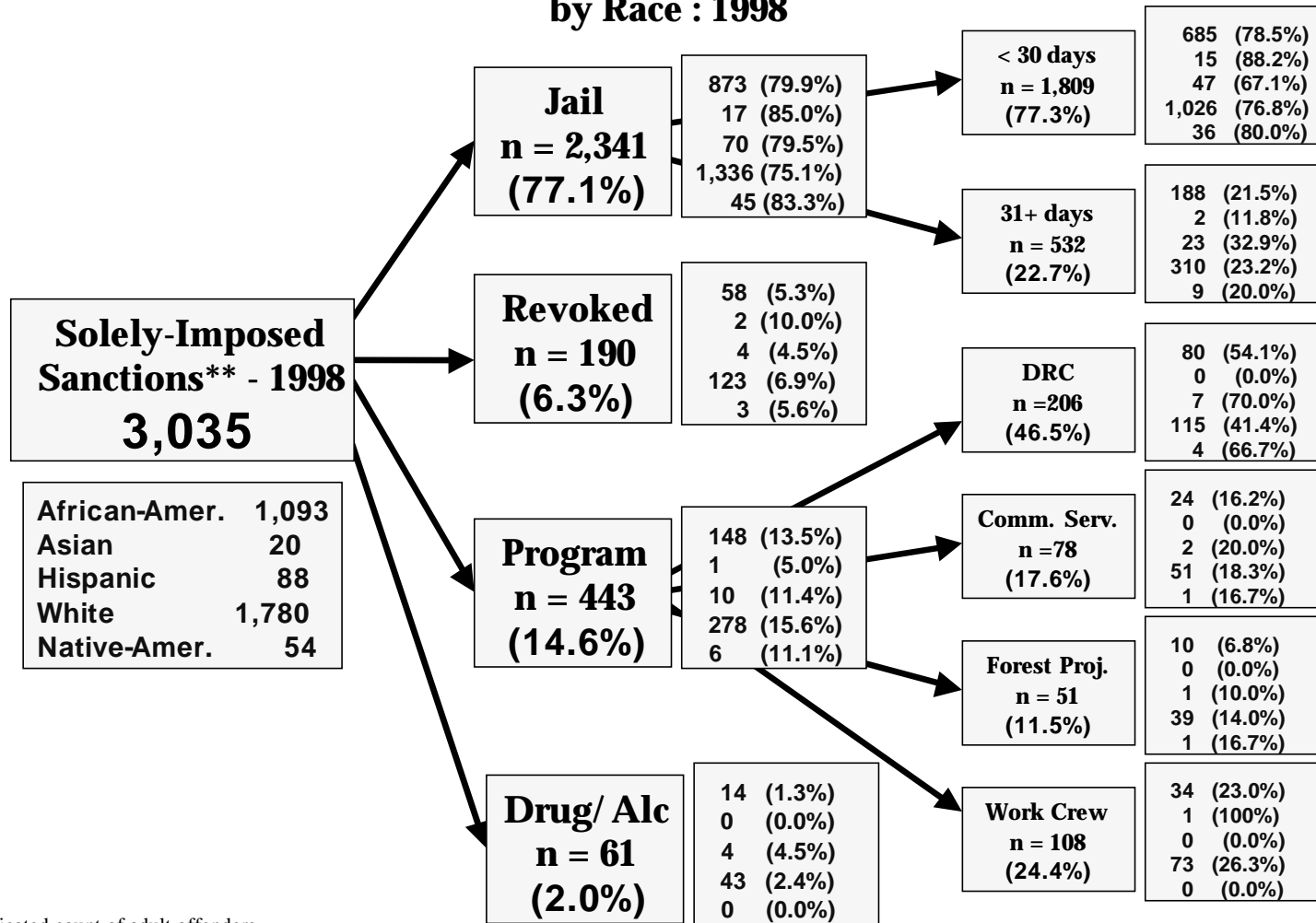
**Figure 4 - Active Caseload by Race as Compared to Administratively-Imposed Sanctions by Race: December 1998**

<b>December 1998 Active Adult Caseload *</b>			<b>Administratively Imposed Sanctions:** (Jan. 1 - Dec. 31, 1998)</b>		
<b>African-Amer.</b>	<b>2,229</b>	<b>(22.0%)</b>	<b>1,623</b>	<b>(36.0%)</b>	
<b>Asian</b>	<b>181</b>	<b>(1.8%)</b>	<b>30</b>	<b>(.7%)</b>	
<b>Hispanic</b>	<b>494</b>	<b>(4.9%)</b>	<b>118</b>	<b>(2.6%)</b>	
<b>White</b>	<b>7,092</b>	<b>(70.1%)</b>	<b>2,663</b>	<b>(59.1%)</b>	
<b>Native-Amer.</b>	<b>117</b>	<b>(1.2%)</b>	<b>72</b>	<b>(1.6%)</b>	
<b>Total*</b>	<b>10,113</b>	<b>(100%)</b>	<b>4,506</b>	<b>100%</b>	

\* - 657 cases were classified as "other" race and not included in this figure.

\*\* -These sanctioned events represent 2,858 offenders. Of these 2,858 offenders 63% (1,082) had only one sanction imposed in the calendar year. The range for the remaining 37% (1,056) had from 2 to 7 events imposed.

**Figure 5 - Adult Offenders' Solely-Imposed Administrative Sanctions\* by Race : 1998**



\* - Duplicated count of adult offenders

\*\* - Of the 4,506 events shown in Figure 4, 1,471 are not included in this figure because these events were either:

- a) "multiple sanctions" imposed [i.e., jail and program(s)] or
- b) other "Programs" which had numbers too small to allow for a racial breakdown.



# **Appendix**

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# **Appendix I**

## **The Multnomah County Local Public Safety Coordinating Council**

<http://www.multnomah.lib.or.us/lpscc/index.html>



Oregon Senate Bill 1145 established the Local Public Safety Coordinating Council (LPSCC) in 1995, mandating that counties coordinate local criminal justice system policy. The goals of the LPSCC reveal a broad view of public safety:

- To protect, in order of priority, life, personal safety and property;
- To reduce all crime to the maximum extent possible;
- To protect and respect the victims of crime;
- To protect constitutional principles of fairness, equity and due process;
- To increase the sense of safety, quality of life and opportunity; and
- To change the future behavior of offenders by providing opportunities for them to return to their communities as productive citizens.

The Public Safety Council consists of a broad and diverse membership. Local elected officials, department leaders, judges, various criminal justice agency heads, survivors of crime, community members, service providers, and educators serve as Public Safety Council members. The Minority Over-representation Work Group is one of a number of Working Groups that focus on specific safety issues. Other Working Groups include:

- Alcohol & Drug Abuse Intervention Working Group
- Bond Technology Program
- Courts and Local Control Offenders Working Group
- Domestic Violence Working Group
- Decision Support System Policy Committee
- Evaluation Committee
- Strategic Approaches to Community Safety Initiative

## **Appendix II**

### **Working Group on Over-representation of Minorities in the Criminal Justice System**

The Working Group was formed in the spring of 1998 to address possible over-representation of citizens of color in the criminal justice system. It sought to obtain diverse representation in perspectives, both in terms of system viewpoints and ethnicity. The Working Group includes representatives from the justice agencies that provided data for this report, and representatives of local criminal justice interest groups, citizens, and social service providers. Following is a list of the members.

- Lynnae Berg, Assistant Chief, Portland Police Bureau
- Jane Braaten, Planning and Support, Portland Police Bureau
- Elyse Clawson, Director, Community Justice
- Serena Cruz, Multnomah County Commissioner
- Bill Feyerherm, Vice Provost, Portland State
- Bernie Giusto, Chief, Gresham Police
- Art Hendricks, Cultural Competency Coordinator, Oregon Commission on Children & Families
- Marty Hammonds, Data Analyst, Gresham Police Department
- Linda Jaramillo, Violence Prevention Coordinator, Health Dpt.
- Scott Keir, Principle Evaluation Specialist, Community Justice
- Christine Kirk, Staff Assistant, District Attorney's Office
- Mark Kroeker, Chief, Portland Police Bureau
- Judy-Ellen Low, Community Member
- Ray Mathis, Citizens Crime Commission
- Thach Nguyen, Program Evaluation Specialist, Community Justice
- Dan Noelle, Sheriff, Multnomah County Sheriff's Office
- Peter Ozanne, Director, Local Public Safety Coordinating Council
- Charlene Rhyne, Program Evaluation, Community Justice
- Suzanne Riles, Director of Research, Local Public Safety Coordinating Council
- Michael D. Schrunk, District Attorney, District Attorney's Office
- Steven J. Sherlag, Public Defender, Metropolitan Public Defenders
- Thomas Simpson, Management Assistant, District Attorney's Office
- Ingrid Swenson, Public Defender, Metropolitan Public Defenders
- Michael Ware, Executive Director, Out Front House
- Janice Wilson, Judge, State of Oregon
- Bethany Wurtz, Multnomah County Sheriff's Office

# Appendix III

## November 1998 Proposal for an Action Plan

### Memorandum



Subject	Date
Proposal for an Action Plan	November 25, 1998
To	From
Working Group on Minority Over-Representation Public Safety Coordinating Council	Peter Ozanne

At our last meeting on October 13, 1998, you approved a draft of the following proposal for how to proceed with the Working Group's Action Plan, subject to the comments and proposed revisions discussed at that meeting. I have incorporated those comments and revisions. This memorandum now represents the Working Group's agreed approach to developing an Action Plan for eventual submission to the Public Safety Coordinating Council.

### **First Steps for an Action Plan**

**Introduction.** In June 1998, Multnomah County's Public Safety Coordinating Council identified "minority over-representation in the criminal justice system," including most particularly race-based disparities in decisions involving the administration of criminal justice, as a priority issue for investigation and action by the Council. Accordingly, the Council formed a Working Group on Minority Over-Representation in the Criminal Justice System, chaired by District Attorney Mike Schrunk, to (a) conduct investigations to determine if, and to what extent, race-based decision-making and racial disparity exists in Multnomah County's criminal justice system and (b) report back to the Council with an Action Plan that includes an assessment of the problem and recommendations of specific actions to take to reduce any disparate practices and inequitable conditions in the County.

Since June of this year, the Working Group has met on a monthly basis to discuss the following topics: (1) the issues and implications relating to minority over-representation in the criminal justice system, including the leading commentary and research on the

subject and literature on best practices to address issues of disparity and inequity; (2) the availability, location and nature of data relevant to ethnicity and diversity in the Multnomah County and in its criminal justice system; and (3) cost-effective strategies and reliable approaches to collecting and analyzing this data to determine if and to what extent race-based decision-making and racial disparity exist in that system.

This memorandum outlines the the Working Group's First Steps for an Action Plan by focusing on the last of the foregoing three topics: i.e., strategies and approaches to investigating the nature and extent of the problem of minority over-representation in the County's criminal justice system. With respect to the first topic, Exhibit A to this proposal sets forth a bibliography of leading commentary and research and literature on best practices that the Working Group has collected thus far. With respect to the second topic, Exhibit B contains preliminary data collected from the District Attorney's Office, the Circuit Court, the Portland Police Bureau, the Gresham Police Department and the County's Department of Juvenile Community Justice which appears to the Working Group to be relevant to the issues assigned to it.

### **Strategies to Collect and Analyze Relevant Data.**

**1. A Comprehensive Assessment of County Demographics, Socioeconomics and Ethnicity Relevant to the Administration of Criminal Justice.** The Working Group reached agreement early in its deliberations over the first step in its approach to the problems of minority over-representation in the County's criminal justice system. The Working Group agreed that its assessments, analyses and recommendations with respect to particular agencies or decision-makers in the system will not be accepted as valid or credible by key stakeholders and constituencies unless the Working Group begins its work with a comprehensive investigation and assessment of ethnic demographics and socioeconomic conditions relating to the administration of criminal justice in Multnomah County.

For example, based upon a total population of 636,000 in 1996, Portland State University's Center for Population Research reported the ethnicity of Multnomah County's residents that year as follows: 535,951 White; 37,774 Black; 33,925 Asians, Pacific Islanders, Native Americans, Eskimōs and Aleuts; and 23,425 Hispanic (of any race). This demographic information, which must be updated and refined for inclusion in an Action Plan, will serve as the Working Group's preliminary "base line" to begin to measure the nature and extent of any ethnic over-representation in the criminal justice system. More specific and discreet demographic data, such as victimization and arrest rates and socioeconomic information reported by race, will also be essential in completing this first step.

**2. Identify Key Decision Points in the Criminal Justice System.** In order to investigate

and determine the extent of any race-based decision-making and inequity in the County's criminal justice system, the Working Group also agreed to analyze both the adult and juvenile justice systems in their entirety and to identify key decision points where outcomes have significant consequences for offenders, defendants and suspects. Examples of such decision points include arrest, release, charging, diversion, sentencing, program placement and probation violation and revocation.

Fortunately, Portland State Professor Bill Feyerherm, a nationally-recognized expert on issues of systemic over-representation and disparity who has already assisted the County in eliminating ethnic disparities in juvenile detention decisions, is a member of the Working Group. As a consequence, the Working Group has the benefit of the work Professor Feyerherm and his associates have already done to analyze Multnomah County's juvenile justice system and abstract and identify its key decision points in the course of addressing juvenile detention decisions. Diagrams and outlines of that work is contained in Exhibit C to this proposal.

The Working Group recognizes that Professor Feyerherm's work must be updated. Moreover, the Working Group needs to duplicate this process with respect the County's adult criminal justice system.

**3. Analyze Outcomes by Ethnicity at Each of the Key Decision Points in the Criminal Justice System.** After Professor Feyerherm and his associates analyzed the juvenile justice system in its entirety and identified key decision points for the purposes of their juvenile detention study, they collected and analyzed data regarding outcomes by ethnicity at each of those decision points. These outcomes were then compared with data regarding the proportion of discreet ethnic groups (a) in the population, (b) at entry into the justice system and (c) at other key decision points in the system. As a result of those comparisons, the County's detention system was identified as having the highest potential for ethnic disparity and amenable to remedial action. Exhibit C also contains a description of this analytical process.

The Department of Juvenile Community Justice's October 1998 Final Report on over-representation, included in Exhibit B, indicates that this analytic process has led to a significant reduction in ethnic disparities at key decision points in the juvenile justice system. That report also reflects one County justice agency's outstanding commitment to the critical process of regular monitoring and reevaluation of its potentially disparate treatment and outcomes based on race.

The Working Group has decided to adopt this process in its investigation of Multnomah County's entire criminal justice system. Again, however, Professor Feyerherm's work needs to be updated, and expanded to include the adult system.

A detailed diagram of the adult criminal justice system is contained in Exhibit D to this proposal. That diagram clearly depicts the complexity of the adult system, as well as the need to analyze and simplify that depiction in order to identify the key decision points worthy of further investigation by the Working Group.

**4. Secure Technical Assistance.** The Working Group recognizes that its membership has neither the time nor expertise to undertake the technical data collection and analysis described above in Steps 1 and 2. Fortunately, because the Public Safety Coordinating Council's and U.S. Attorney's new joint project--Strategic Approaches to Community Safety (STACS)--shares the Working Group's concern about the potential impact STACS' strategies could have on ethnic disparity in Multnomah County's criminal justice system, the Working Group will receive the technical assistance it requires through the STACS research effort.

**5. Develop an Action Plan.** Once the foregoing four steps are completed, the Working Group expects to be able to determine the nature and extent of any race-based decision-making and racial disparities in the administration of criminal justice in Multnomah County. Only then will the Working Group be in a position to focus on particular problems, and develop and propose strategies to the Public Safety Coordinating Council to address those problems.



# Appendix IV

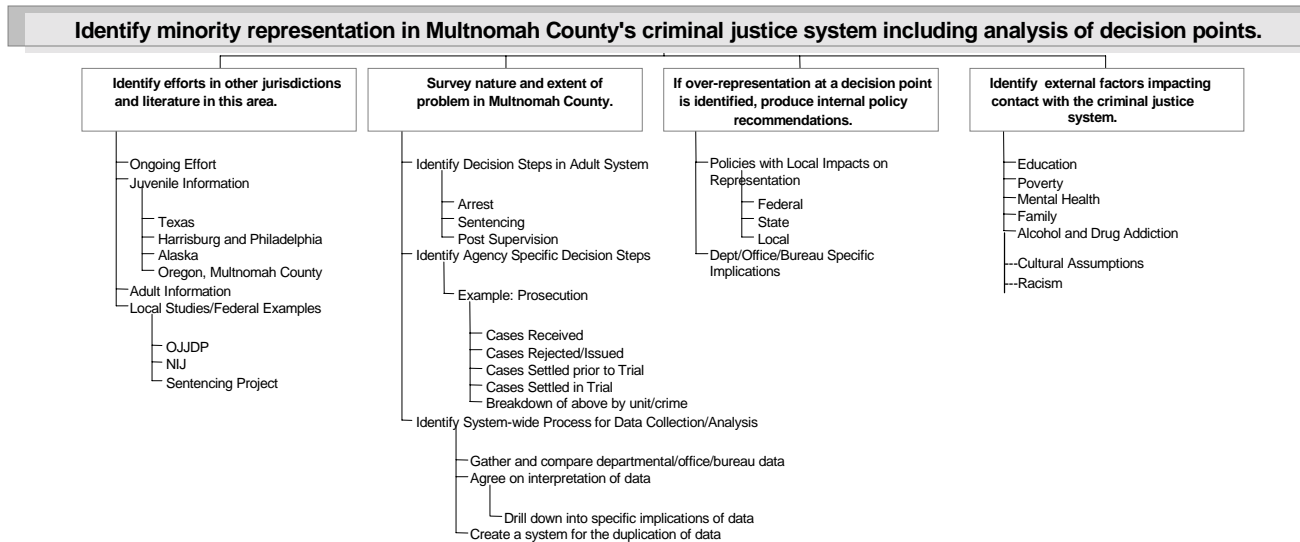
## Chart of Working Group Purpose and Actions

# Over-Representation of Minorities in the Criminal Justice System Work Group

## Multnomah County

### 1999

Purpose and Actions of the Work Group





## **Appendix V**

### **Employee Diversity**

This section includes breakdowns of employees for the Gresham Police Department, Portland Police Bureau, Multnomah County Sheriff's Office, District Attorney's Office, Metro Public Defenders, Department of Community Justice, and Multnomah County Circuit Courts. Each agency collects the data in a slightly different manner. Also, the date of collection differs across each agency; the date of collection is indicated on the top of each chart.

#### ***Gresham Police Department:***

<b>Gresham PD Employees By Gender And Race December 1999</b>				
Gender	Sworn	Non-Sworn	Total	Percent of total Employees
Men	107	7	114	74.4%
Women	10	38	48	29.6%
<b><i>Total</i></b>	117	45	162	
Race/Ethnicity				
Asian	4	0	4	2.5%
African American	1	0	1	0.6%
Hispanic	4	1	5	3.0%
Native American	2	1	3	1.8%
White	106	44	150	92.0%

**Portland Police Bureau:**

<b>Portland Police Non-Sworn Employees by Race</b>		
<b>April, 2000</b>		
Race/Ethnicity	Employees	%
Asian	15	4.5%
African American	9	2.7%
Hispanic	7	2.1%
Native American	2	0.6%
White	302	90.1%
<b>Total</b>	<b>335</b>	

<b>Portland Police Sworn Employees by Race</b>		
<b>April, 2000</b>		
Race/Ethnicity	Employees	%
Asian	41	3.9%
African American	33	3.1%
Hispanic	25	2.4%
Native American	7	0.7%
White	945	89.9%
<b>Total</b>	<b>1,051</b>	

*Multnomah County Sheriff's Office:*

<b>Multnomah County Sheriff's Office Employees By Race February, 2000</b>		
Race/Ethnicity	Employees	%
Asian	27	2.8%
African American	66	6.9%
Hispanic	31	3.2%
Native American	12	1.2%
White	820	85.8%
<b><i>Total</i></b>	<b>956</b>	

*District Attorney's Office:*

<b>District Attorney's Office Employees 1998</b>						
	Attorneys	Clerical	Management	Other	Total	Percentage
Asian	2	1		1	1	0.4%
African American	4	7		3	3	
Hispanic	1	1			2	0.8%
Native American					0	
White	87	72	8	36	203	91%
<b><i>Total</i></b>	<b>94</b>	<b>81</b>	<b>8</b>	<b>40</b>	<b>223</b>	

**Metropolitan Public Defenders Office:**

<b>Metropolitan Public Defenders Employees By Gender And Race February 1999</b>								
	Mng/Sr. Attys	Staff Attys	Summer of 1999 Interns	Para- legals	Other Prof.	Support	Total	%
Men	9	22	3	18	4	1	57	39.0%
Women	3	24	4	34	4	20	89	61.0%
Total	12	46	7	52	8	21	146	
Asian		1		1			2	1.0%
African American		1		6		1	8	5.5%
Hispanic				4		2	6	4.1%
Native American						1	1	0.7%
White	24	90	14	93	16	38	275	

**Department of Community Justice:**

<b>Department of Community Justice Employees 1998 - 1999 Fiscal Year</b>									
	Un- classified	Officials/ Admin.	Pro- fessionals	Tech- nicians	Protective Services	Para Professional	Admin. Support	Total	%
Asian		2	10		11	4	4	31	5.2%
African American		11	24		27	15	7	84	14.0%
Hispanic		0	4	1	12	2	2	21	3.5%
Native American		1	1		1	3	3	9	1.5%
White	1	48	96	6	164	69	70	454	75.8%
<b>Total</b>	1	62	135	7	215	93	86	599	

**Multnomah County Court Employees:**

<b>Table #1 – All Employees Including Judges and Referees</b>		
<b>Race/Ethnicity</b>	<b>Employees</b>	<b>%</b>
White	335	87.5%
Asian	18	4.7%
African American	15	3.9%
Hispanic	13	3.4%
Native American	2	0.5%
<b><i>Total</i></b>	<b>383</b>	

<b>Table #2 – Employees Excluding Judges and Referees</b>		
<b>Race/Ethnicity</b>	<b>Employees</b>	<b>%</b>
White	287	86.4%
Asian	17	5.1%
African American	13	3.9%
Hispanic	13	3.9%
Native American	2	0.6%
<b><i>Total</i></b>	<b>332</b>	

<b>Table #3 – Judges and Referees</b>		
Race/Ethnicity	Employees	%
White	48	94.1%
Asian	1	2%
African American	2	3.9%
Hispanic	0	0%
Native American	0	0%
<b>Total</b>	51	

<b>Table #4 – Judges (Elected or Appointed) Only</b>		
Race/Ethnicity	Employees	%
White	34	91.9%
Asian	1	2.7%
African American	2	5.4%
Hispanic	0	0%
Native American	0	0%
<b>Total</b>	37	

<b>Table #5 – Referees (Selected by the Court)</b>		
Race/Ethnicity	Employees	%
White	14	100%
Asian	0	0%
African American	0	0%
Hispanic	0	0%
Native American	0	0%
<b>Total</b>	14	



# **Appendix VI**

## **Oregon Sentencing Guidelines**

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### Appendices

## **Appendix B: Sentencing Guidelines Overview**

by Tracey Cordes, J.D., Program Manager

### **History of Oregon's Felony Sentencing Guidelines**

The call for a new sentencing system for Oregon arose in the late 1980's after many years of dissatisfaction with the old system of indeterminate sentencing. Under that system, the Parole Board determined release dates through use of a matrix based on offense severity and an offender's criminal history. The system was criticized as lacking truth in sentencing due to the frequent disparity between the term imposed by the sentencing court and the actual term served under the matrix. By 1986, offenders were serving an average of only 24 percent of the judicial sentence imposed. In 1985 the Parole Board reduced 65 percent of the mandatory minimum sentences imposed by sentencing judges on offenders committed to state prisons.

In addition, between 1975 and 1987 Oregon's prison population doubled. The overcrowding was dealt with at the "back end" through adjustments in the parole matrix and through early release mechanisms administered by the Department of Corrections. Decisions about incarceration and release were made on a crisis basis.

These concerns prompted the 1987 Legislative Assembly to direct the Criminal Justice Council (the Council) to develop sentencing guidelines for felony crimes. Immediately following the session, the Council formed a working committee comprised of judges, legislators, a prosecutor, defense attorneys, the chairperson of the Parole Board, the director of the Department of Corrections and the state Attorney General.

With the existing problems in mind, the guidelines were developed to achieve four specific goals:

- ◆ Establish proportional and just punishment, so that offenders convicted of the most serious violent crimes and those with the most extensive criminal histories receive the most severe sanctions.
- ◆ Create truth in sentencing, whereby the sentence imposed by the court is the sentence served, subject only to limited earned time credit reductions for appropriate institution conduct and participation in work programs, vocational training, education, self improvement or treatment programs.
- ◆ Establish sentencing uniformity, so that offenders who commit similar crimes and have similar criminal histories receive similar sentences.
- ◆ Maintain a sentencing policy consistent with correctional capacity. This allows for "front end" management of the prison population by the Legislature.

Oregon modeled its guidelines after well-established systems in Minnesota and Washington. Oregon thus was able to enjoy the wisdom gained by policy planners in other states without repeating their mistakes. In addition, the guidelines development committee (the committee) added significant innovations to the Oregon guidelines that later were used as models by other states.

For example, the committee established articulable principles for use in ranking crimes. These principles provided an objectively defensible, rational system for ranking offenses. They also provided a mechanism by which newly created crimes could be ranked in the future. An additional innovation lies in the criminal history scale. The committee wanted a scale that was simpler than the Washington and Minnesota systems, and one that would reduce disputes at sentencing. The criminal history classifications in use in Oregon are responsive to those concerns. They are also more sensitive in that the type of prior conviction (misdemeanor/felony, person/non-person) is factored in.

## Appendices

Oregon's guidelines were approved by the state Sentencing Guidelines Board in November 1988. The guidelines were amended by the 1989 Legislative Assembly and made effective for felony crimes committed on or after November 1, 1989.

There have been at least three key changes in sentencing policy for felony offenses in the past six years. First, sentencing guidelines were approved by the 1989 Legislative Assembly to apply to offenses committed on or after November 1, 1989. Second, ORS 137.635 was approved by the voters in 1988 as Ballot Measure 4. The measure provided that offenders sentenced for any of 11 specified offenses committed on or after January 1, 1990, would receive no probation, parole, temporary leave or reductions in terms of incarceration if the offender previously had been convicted of any of the 11 offenses.

Finally, the voters approved Ballot Measure 11 in 1994. The measure provided for lengthy, mandatory-minimum sentences for 16 offenses committed on or after April 1, 1995. Four additional offenses were added during the 1995 legislative session, bringing to 20 the number of offenses subject to these mandatory minimum sentences. These offenders are not eligible for release on post-prison supervision, temporary leave or any reductions in sentence. The measure also provided that persons who are 15, 16 or 17-years of age at the time charges are filed shall be tried as adults.

## How Sentencing Guidelines Work

The existing sentencing guidelines set presumptive sentences for convicted felons based on the seriousness of the crime of conviction and the offender's criminal history. Crime seriousness levels range from one to 11, with murder ranked highest at crime seriousness category 11.

Some offenses may be ranked in more than one crime seriousness category based on specific elements of the crime. A few felony offenses are unranked; the sentencing judge sets the crime category based on the facts of the particular case. Attempts and solicitations are ranked at two crime seriousness categories below the completed offense. Sentencing courts may impose sentences other than the presumptive guidelines sentence through departures or optional probation.

An offender's criminal history classification is based on the number and severity of prior adult felony and Class A misdemeanor convictions and juvenile felony adjudications. Guidelines distinguish between person and non-person convictions, between adult and juvenile convictions, and between felony and misdemeanor convictions. There are nine criminal history categories, ranging from "A" for an offender with three or more prior convictions for person-to-person felony offenses, to "I" for an offender with no prior felony or adult Class A misdemeanor convictions.

Guidelines presumptive sentences are presented graphically in an easy-to-use two-dimensional grid. (A copy of the grid is included at the end of Appendix B.) The vertical axis is the crime seriousness scale and the horizontal axis is the criminal history scale. The solid black, diagonal line is the dispositional line. For grid blocks above the line, the presumptive sentence is imprisonment for a term within the range of months indicated in the grid block. Prison sentences are followed by a term of post-prison supervision. For most offenses, these terms range from one to three years, depending upon the crime seriousness category of the offense of conviction.

For grid blocks below the dispositional line, the presumptive sentence is probation. For most offenses, the presumptive length of probation supervision is determined by the crime seriousness category of the offense of conviction. Each grid block below the dispositional line includes a maximum jail term and a maximum number of sanction units that can be imposed.

The presumptive guidelines sentences are intended to apply to most offenders. Judges retain the discretion, however, to depart from the presumptive guidelines sentence in cases that are not typical. Judges may impose sentences that are more or less severe by stating on the record the "substantial and compelling" reasons for the departure. The guidelines rules provide non-exclusive lists of aggravating and mitigating factors judges may cite.

### **Crime Seriousness Categories**

The relative seriousness of the offense of conviction is a primary determinant of an offender's sentence under the sentencing guidelines. During guidelines development in the late 1980's, three principles were agreed upon and served as guides in ranking offenses:

- ◆ The primary determinant of crime severity was to be the harm or threat of harm produced by the criminal conduct.
- ◆ Factors indicating the individual blameworthiness of the offender were to be considered when assessing aggravating and mitigating circumstances in individual cases.
- ◆ Different societal interests were considered to have different weights with respect to assessing offense seriousness: society's greatest interest was determined to be protection of the individual from personal assaults; the next most important societal interest was determined to be protection of the individual's right to property; and the third was protection of the integrity of governmental institutions.

The crime seriousness scheme ultimately developed placed felony offenses on a scale ranging from one to eleven. An example of an offense in the least serious felony crime category is possession of a controlled substance. Murder is the highest ranked offense and alone occupies crime category 11. All ranked offenses are listed according to crime category in Appendix 2 of the sentencing guidelines administrative rules. The following table provides examples of offenses in each crime category:

<b>Crime Category</b>	<b>Offense</b>	<b>ORS</b>
1	Possession of Controlled Substance	475.992
2	Unlawfully Obtaining Public Assistance	411.630
3	Unauthorized Use of a Vehicle (if the vehicle is valued at more than \$1000 but less than \$10,000 and is used primarily for personal rather than commercial transportation)	164.135
4	Failure to Appear	162.205
5	Robbery in the Third Degree	164.395
6	Felon in Possession of a Firearm	166.270
7	Sexual Abuse in the Second Degree	163.425
8	Assault in the Second Degree	163.175
9	Robbery in the First Degree	164.415
10	Kidnapping in the First Degree	163.235
11	Murder	163.115

Some offenses are "subcategorized", meaning they are ranked in more than one crime seriousness category. Subcategorized offenses are those in which the statutory definition captures a wide spectrum of criminal conduct. Burglary in the First Degree, for example, may be ranked as a crime category 7, 8 or 9 offense, depending upon the presence or absence of weapons, injury or threat of injury to the victim, or whether the dwelling was occupied. Property offenses such as Theft in the First Degree are ranked in crime categories 2 through 6 depending upon the value of the property stolen. All subcategorized offenses appear in Appendix 3 of the sentencing guidelines rules.

## Appendices

Drug offenses also are subcategorized. These offenses fall in crime categories 1, 4, 6 or 8, depending upon the offense of conviction and the presence or absence of certain aggravating factors. To illustrate, possession of less than 10 grams of cocaine is ranked at crime category 1. If a person possesses 10 grams – an amount considered to be a “substantial quantity” – the offense is elevated to crime category 6. If a person possesses the 10 grams of cocaine and also possesses more than \$300 in cash and packaging materials the offense is ranked at crime category 8. Drug offense subcategories are described in Appendix 4 of the sentencing guidelines administrative rules.

A few felony offenses have not been ranked and do not appear on the crime seriousness scale. The sentencing judge determines the appropriate crime category for such “unranked offenses” and states on the record the reason for the assigned classification. Conspiracy is an example of an unranked offense. See OAR 213-04-004.

Attempts and solicitations are ranked on the crime seriousness scale at two crime categories below the category for the completed crime. Murder, for example, is ranked as a crime category 11 offense. Attempted murder, therefore, is ranked at crime category 9. See OAR 213-04-005.

## Glossary of Sentencing Guidelines Terminology

This glossary provides definitions of some, though not all, guidelines terms. Additional definitions may be found at Oregon Administrative Rule 213-03-00.

**Aggravating Factor** – Circumstance which may be considered in determining whether a substantial and compelling reason exists for a sentence which is longer or different in character (prison instead of probation) than the presumptive guidelines sentence. Examples include that the offender has had persistent involvement in similar offenses or repetitive assaults, or that the offense resulted in a permanent injury to the victim. See also Mitigating Factor.

**Completed Offense** – Conduct which comprises all material elements of an offense. Most convictions are for completed offenses. See also Inchoate Crime.

**Criminal History Scale** – A scale which includes nine mutually exclusive categories to classify an offender's criminal history. Juvenile felony convictions are counted, as well as adult felony convictions and adult Class A misdemeanor convictions. Person convictions have a greater effect on the criminal history classification than non-person convictions.

**Crime Seriousness Scale** – A scale consisting of 11 categories of crimes, each category representing felony crimes of relatively equal seriousness. A few felony offenses are not ranked because they are charged infrequently or because they cover a broad range of criminal behavior. Some offenses are ranked in more than one crime seriousness category based on specific elements of the crime. See also Subcategorized Offenses.

**Departure** – A sentence which is inconsistent with the presumptive sentence for an offender. These may be dispositional or durational, upward or downward. See terms which follow.

**Dispositional Departure** -- A sentence which imposes probation when the presumptive sentence is prison, or prison when the presumptive sentence is probation.

**Dispositional Line** -- The solid black line on the sentencing guidelines grid which separates the grid blocks in which the presumptive sentence is a prison term from the grid blocks in which the presumptive sentence is probation.

**Durational Departure** -- A sentence which maintains the disposition (prison or probation) of the presumptive sentence, but which is inconsistent with the presumptive sentence as to term of incarceration, term of supervised probation or number of sanction units which may be imposed as a condition of probation.

**Felony** – A crime that is designated as a felony by statute and/or where the maximum term of incarceration exceeds one year. Examples include all levels of robbery, most sexual offenses and unauthorized use of a motor vehicle (car theft). Most felony offenses are subject to the sentencing guidelines. Felonies are classified A through C, with A being the most serious.

**Inchoate Crime** – Includes attempted crimes, as well as solicitations and conspiracies.

Attempt – Intentionally engaging in conduct which constitutes a substantial step toward commission of the crime.

Solicitation – Commanding or requesting another person to engage in conduct which constitutes a crime punishable as a felony or Class A misdemeanor or an attempt to commit a felony or Class A misdemeanor.

Conspiracy – Agreeing with one or more persons to engage in or cause the performance of a crime punishable as a felony or Class A misdemeanor.

**Juvenile Adjudication** – A formal adjudication or finding by a court that the juvenile has committed an act which, if committed by an adult, would be punishable as a felony.

## Appendices

**Misdemeanor** -- A crime that is designated as a misdemeanor by statute and/or where the maximum term of incarceration is not more than one year. Examples include driving under the influence of intoxicants, menacing and lower-level thefts. Misdemeanors are classified A through C, with A being the most serious.

**Mitigating Factor** -- Circumstance which may be considered in determining whether a substantial and compelling reason exists for a sentence which is shorter or different in character (probation instead of prison) than the presumptive guidelines sentence. Examples include that the offender cooperated with the state, or had lived conviction-free in the community for a significant period of time preceding the current crime of conviction. See also Aggravating Factor.

**Non-Person Offense** -- Any felonies not defined as "person offenses". Examples include forgery, possession of controlled substances, and unauthorized use of a vehicle.

**Optional Probation** -- An opportunity for offenders in grid blocks 8-I, 8-H and 8-G to receive a probation sentence without a departure. A sentencing judge must make findings regarding the availability and likely effectiveness of a treatment program and that community safety interests will be served. Optional probation is not available for offenders who used a firearm in the commission of the crime or who were on probation or post-prison supervision for a felony conviction at the time of the offense.

**Person Offense** -- A crime committed against a person, as opposed to property, that often includes actual or threatened physical harm to the victim. Examples include robbery, assault, rape and manslaughter. Person crimes generally receive longer sentences under the sentencing guidelines than non-person crimes. See also Non-Person Offense.

**Post-Prison Supervision** -- A term of supervision which follows a term of incarceration in prison. The duration of supervision depends upon the crime seriousness category of the most serious current crime of conviction.

**Presumptive Sentence** -- The sentence provided in a grid block for an offender by the combined effect of the crime seriousness ranking of the current crime of conviction and the offender's criminal history.

**Probation** -- A term of supervision in the community imposed instead of a prison term. Conditions of probation can include a jail term, as well as treatment and/or community service. An offender who fails to abide by probation conditions may be revoked and required to serve a term of incarceration.

**Sanction Units** -- Units used to establish durations of conditions of probation. Sanction units may be imposed as jail, a residential treatment facility, any of a variety of release programs, house arrest and/or community service. The number of units available depends upon the grid block classification.

**Subcategorized Offenses** -- Offenses which are ranked at more than one crime category because of the range of criminal conduct possible under the statutory offense. Examples include drug offenses (crime categories 8, 6, 4 or 2), Arson in the First Degree (crime categories 10, 9, 8 or 7) and certain property offenses (crime categories 2 - 6, depending on value of property).

**Appendices**

**Sentencing Guidelines Grid**

The following graphic is the sentencing guidelines grid, as described above. It shows the presumptive sentence type and length for each combination of criminal history and crime seriousness.

POST PRISON SUPERVISION	CRIMINAL HISTORY									DISPOSITIONAL DEPARTURE MAXIMUM SENTENCE			
	A	B	C	D	E	F	G	H	I				
3 years	11	225-269	196-224	178-194	164-177	149-163	135-148	129-134	122-128	120-121	60 months		
	10	121-130	116-120	111-115	91-110	81-90	71-80	66-70	61-65	58-60			
	9	66-72	61-65	56-60	51-55	46-50	41-45	39-40	37-38	34-36			
	2 years	8	41-45	35-40	29-34	27-28	25-26	23-24	21-22	19-20	16-18	38 months	
		7	31-36	25-30	21-24	19-20	16-18	180-90	180-90	180-90	180-90		7 F-I, 5F 18 months
		6	25-30	19-24	15-18	13-14	10-12	180-90	180-90	180-90	180-90		
5		15-16	13-14	11-12	9-10	6-8	180-90	120-60	120-60	120-60	5 G-I, 4 C-I, 3 A-F 12 months		
4		10-11	8-9	120-60	120-60	120-60	120-60	120-60	120-60	120-60		24 months	
3		120-60	120-60	120-60	120-60	120-60	120-60	90-30	90-30	90-30			
1 year	2	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	18 months		
	1	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30	90-30		3 G-I, 2 A-I, 1 A-I 6 months	

In white blocks, numbers are presumptive prison sentences expressed as a range of months.  
In gray blocks, upper number is the maximum number of custody units which may be imposed; lower number is the maximum number of jail days which may be imposed.



# **Appendix VII**

## **Glossary**

### **Administrative Imposed Sanctions:**

These are sanctions imposed through the Community Justice supervision process by using the Sanction Report Form. The Form is used by the parole/probation officer and is not a judicially imposed sanction.

### **Arrest:**

The actual number of persons arrested (both booked and taken into custody or cited and released) for committing criminal acts.

### **Cases Dismissed:**

A case was closed with no finding of guilt at any stage of the process after issuing.

### **Cases Guilty-Trial:**

Cases that went to trial and the defendant was found guilty.

### **Cases Issued:**

Cases accepted and filed with the Court by the District Attorney's Office.

### **Cases Not-Guilty:**

A case that went to trial and the defendant was found not guilty.

### **Cases Guilty-Plea:**

Cases resulted in the defendant being guilty by virtue of a plea agreement (agreement between the defense and the prosecution on what the crime was and the sentence will be.)

### **Cases Rejected:**

No complaint was filed (the case was not accepted and issued) by the District Attorney's Office.

### **Crimes Against Persons:**

Criminal offenses where the victim is present and the act is violent, threatening, or has the potential of being physically harmful.

### **Crimes Against Property:**

Criminal offenses that involve taking something of value by theft or deception or the destruction of property.

### **Criminal Justice System:**

Refers to police, sheriff, jail, attorneys, court, prison, and community corrections: all parts of the government organizations set up to maintain public safety.

**Driving Under the Influence of Intoxicants (D.U.I.I.):**

Driving or operating any vehicle while under the influence of liquor or drugs.

**Drug Free Zone:**

A geographic area of the city of Portland with significantly higher incidence of drug crimes than other areas in the City that has been designated as a special zone for enforcement purposes. Persons arrested for drug crimes in the designated area may be excluded by the police from returning to the area for a designated period of time. People who return may be arrested for trespass.

**Felony:**

Serious crimes that can result in a sentence of incarceration in jail or prison.

**Incarceration:**

Offenders are locked up, either for one year or less (jail) or for more than one year (prison).

**Jail:**

An incarceration facility run by Multnomah County for: those who are detained before trial, those serving sentences for up to one year, those being sanctioned for noncompliance of conditions of community supervision, or held for criminal justice agencies outside the county (Federal, other counties, etc.).

**Index crime:**

Those crimes used by the FBI as an index, or summary, of the overall crime rate. They include homicide, aggravated assault, rape, robbery, burglary, larceny, motor vehicle theft, and arson.

**Mandatory Minimum Sentence:**

A statutory requirement that an offender convicted of a specified crime be incarcerated for a minimum amount of time established for the particular offense.

**Misdemeanor:**

A criminal offense less serious than a felony for which the maximum penalty is one year in a county jail.

**Overrides of the Adult Offender:**

This is an action made by the parole or probation officer within the Department of Community Justice. It is when an officer either increases or decreases an offender's Risk Assessment score based on professional judgement and offender behavior while on supervision.

**Part I Crimes:**

A group of crimes that are reported and tracked nationally: murder, rape, robbery, aggravated assault, burglary, larceny, motor vehicle theft, and arson.

**Part II Crimes:**

A group of crimes which are reported and tracked nationally: simple assault, forgery, fraud, stolen property, vandalism, weapon laws, prostitution, sex crimes, drug laws, gambling, family offenses, DUII, liquor laws, disorderly conduct, kidnapping, curfew, runaway, and other offenses.

**Part III Crimes:**

A group of crimes that are reported and tracked within the State of Oregon: includes traffic, warrants, protective custody, fugitives, officer assaults, and property and vehicles recovered for other jurisdictions.

**Person Crimes (Unit D):**

Data collected on Person Crimes in the District Attorney's Office is collected by the crimes dealt with by the Person Crime Unit, which is Unit D. The crimes dealt with by Unit D are: Abandonment of a Child; Assault I, II, II; Attempted Murder; Bigamy; Child Pornography crimes; Coercion; Compelling Prostitution; Contribution to the Delinquency of a Minor; Criminal Mistreatment - non DV; Incest; Intimidation; Kidnap I, II; Obscenity crimes; Rape I, II, III; Sexual Abuse, I, II, II; Sexual Penetration with a Foreign Object I, II; Sodomy I, II, III; Stalking - non DV; and Violating a Protective Order - non DV.

**Prison:**

For people convicted of felonies, prison is where they are incarcerated when sentenced to more than one year, in a facility run by the State or federal government.

**Prostitution Free Zone:**

A geographic area of the city of Portland with significantly higher incidence of prostitution than other areas in the City that has been designated as a special zone for enforcement purposes. Persons arrested for prostitution in the designated area may be excluded by the police from returning to the area for a designated period of time. People who return may be arrested for trespass.

**Risk Assessment:**

Each offender entering the Department of Community Justice supervision system is administered the Oregon initial Risk Assessment Instrument when first coming into the system and every six months thereafter. This Assessment results in a score for each offender that is based on criminal history, severity of current conviction, and substance abuse issues. The score is converted into the high, medium, low, or limited risk to reoffend category.

**Sentencing Guidelines:**

Rules established by the State in 1989 so that offenders are more likely to receive the same sentence for similar crimes.

[http://arcweb.sos.state.or.us/rules/OARS\\_200/OAR\\_213/213\\_004.html](http://arcweb.sos.state.or.us/rules/OARS_200/OAR_213/213_004.html)

**Sheriff's Office:**

The County law enforcement branch that is responsible for running the jails, enforcing civil process (non criminal mentally ill, serving court orders, etc.) and for patrolling unincorporated areas of the County and smaller cities on contract with Multnomah County.

**Simple Assault:**

Assaults that are limited to the use of physical force and result in little or no injury to the victim.

**Sole Sanctions:**

These are sanctions given to offenders through the Department of Community Justice supervision process. Solely as opposed to Multiple Sanctions, is simply one sanction imposed on an offender such as jail, revoking back to prison, participation in a program, or drug and alcohol counseling. Multiple Sanctions would include more than one sanction being imposed.

**Standard Bookings:**

A type of jail booking, specifically those arrested by law enforcement in the county, sentenced to immediate incarceration by the courts or detained or sanctioned by Parole or Probation Officers.

**Turn-Self-In Bookings:**

A type of jail booking, specifically those that the court sentences to serve jail time, but not necessarily immediately. In Multnomah County, these persons turn themselves in on dates that either the courts or the Sheriff's Office schedules (e.g. weekends).

## **Appendix VIII**

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