

Multnomah County – Criminal Justice System Map:

The criminal justice system involves a complex series of decision points and processes across multiple intercepts. Defendants flow through this system in predictable ways and come into contact with a variety of public safety partners, expectations, and requirements. This process flow maps the various pathways and key points within the system. This system is best visually presented using the sequential intercept model rather than the 7 decision points outlined by the MacArthur Foundation:

Sequential Intercept Model:

- Intercept 1: Pre-Booking (Law Enforcement/ Emergency Services)
- Intercept 2: Booking (Initial Detention/ Court Hearings)
- Intercept 3: Jail/ Courts
- Intercept 4: Re-Entry
- Intercept 5: Community Corrections/ Support

MacArthur’s 7 Decision Points:

- | | |
|--------------------------|---|
| 1. Arrest | 6. Disposition/ Sentencing |
| 2. Charge | 7. Post Conviction Process/ Supervision |
| 3. Assignment of Counsel | |
| 4. Pretrial Release | |
| 5. Case Processing | |

Therefore, the criminal justice process flow is displayed across the 5 intercepts with the 7 decision points indicated. During the mapping process, Planning Teams indicated a gap in the GAINS Center’s Sequential Intercept Model that was critical to address for this process. As a result, “Intercept 0: Community/ Pre-Law Enforcement Involvement” has been added to the map.

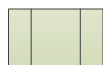
Map symbols are as follows:



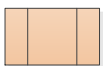
Process



Sub-Process



Indicates path out from jail



Indicates path toward continued/ deeper penetration



Jail



Decision/ Process highlighted by planning



MacArthur Decision Points



Addendum number corresponding to a more detailed break-out map of the process. (Please, note that Addenda 5-A and 5-B apply to the entire map and all decision points and therefore are not indicated by this symbol as Addenda 1-4.)



Connecting one process to another

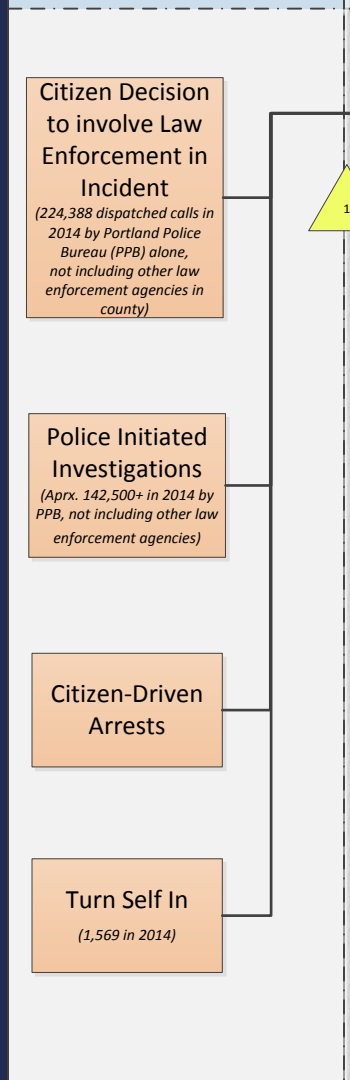


Denotes a two-way path from one process to another

Multnomah County – Criminal Justice System Map

Total Jail Population (June 30, 2014)		
N=1,182		
Pretrial		39%
Probation/Parole Violation		30%
Warrant hold		19%
Locally Sentenced		8%
Other		5%
	Felony	64%
	Misdemeanor	19%
	Unknown	18%

Intercept 0: Community/ Pre-Arrest (Pre-Law Enforcement Involvement)

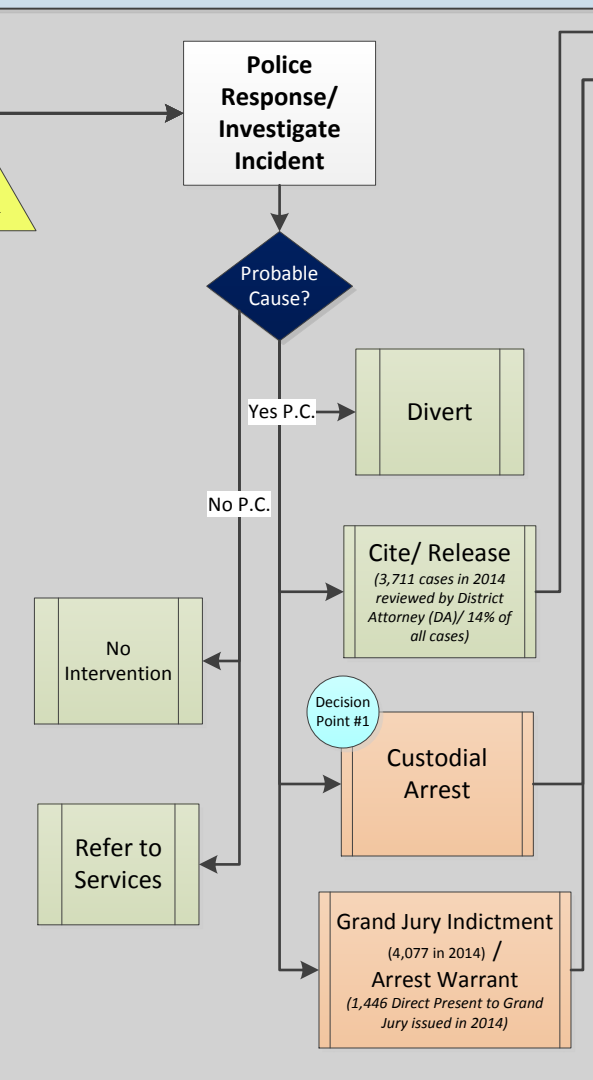


Notes/ Considerations:

Three Intercept 0 considerations surfaced by SJC discussions:

1. Public Safety education and outreach for citizens: alternatives/ options to calling the Police.
2. Increased data and RED Analysis of patterns in citizen-driven arrests.
3. What are the pre-arrest questions we need to ask as a system?

Intercept 1: Pre-Booking (Law Enforcement/ Emergency Services)



Notes/ Considerations:

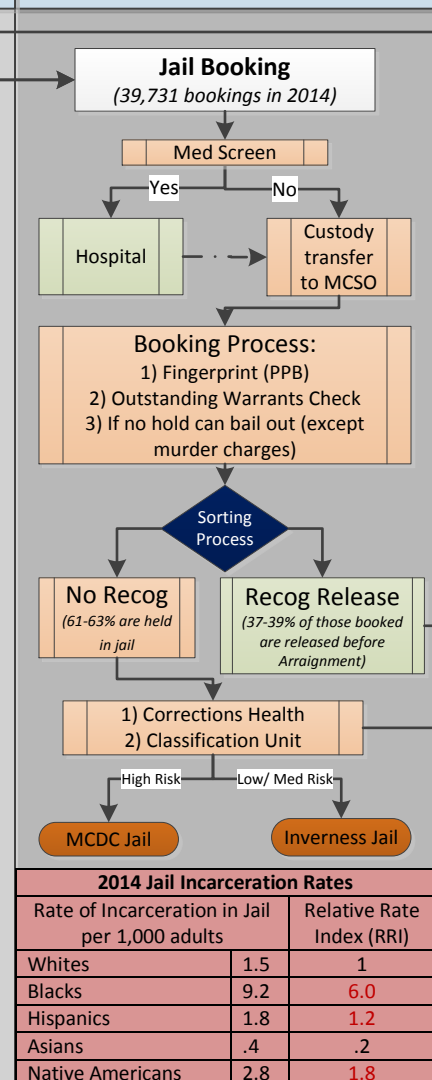
⚠️ Alternate Responses to Crisis: Project Respond, BHU, Mobile Crisis Unit, etc.

Cite and Lieu Policy: Law Enforcement Officer (LEO) must take every case to jail, unless: (a) it falls under an Exception (City Code Violations), or (b) Supervisory Approval granted to Cite/Release.

LEO Discretion with Supervisor Permission: drug use, mutual combat, mental illness, physical health issue, and all felony cases in order to not take individual to jail.

*No Assessment currently conducted at Arrest Decision Point.

Intercept 2: Booking (A) Initial Detention

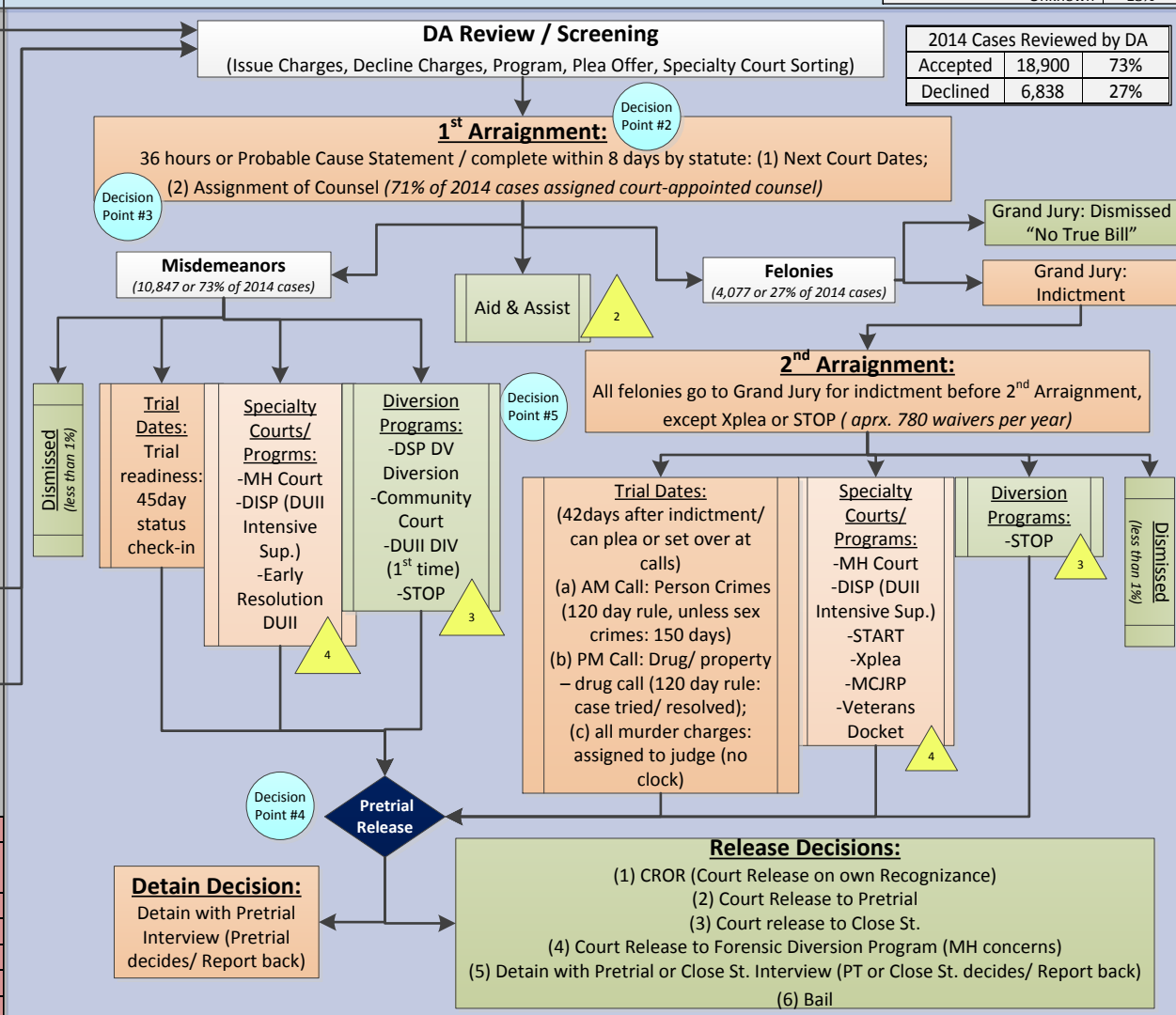


Notes/ Considerations:

Recog Sorting Process (based on policy):

- (1) Expedited Release: B or C misdemeanants identified and automatically released.
- (2) Judicial Override/ Presiding Judge Order (PJO): 11 policy holds that automatically stay in jail based on charges.
- (3) Modified Virginia Risk Assessment: Remaining population screened for Recog Release. An Assessment score of 6/ higher or Officer override holds an individual in jail.

Intercept 2: Arraignment (B) Initial Court Hearings



Notes/ Considerations:

District Attorney (DA) Review: Next day after arrest or on Monday if weekend: (1) Cite – 30days to issue decision; (2) Arrest Warrant – statute of limitation to issue decision; (3) Grand Jury indictment – arrest warrant; (4) Misdemeanor – decision to maintain or reduce to violation; (5) Specialty Court Sorting to determine eligibility based on charge and/or individual case basis.

Aid & Assist: (a) Counsel initiates/ hires doctor, (b) Judge orders .365 evaluation: 1 day trip to Oregon State Hospital (OSH), (c) or Judge decides to engage in .370 process. (See, Addendum #2 for detailed process).

Ongoing Release: (1) 60 day rule: waive or good cause/ released if no trial; (2) Counsel initiated: BMII, DCS heroin/ meth, Hold (county, USM, etc.); (3) Hearing at courthouse; (4) Probation Offers: when in custody unable to be released/ judge decision to detain.

Diversion: Defined as defendants get criminal conviction dismissed or withdrawn with successful program completion. (See, Addendum #3-4).

2014 Cases Reviewed by DA		
Accepted	18,900	73%
Declined	6,838	27%

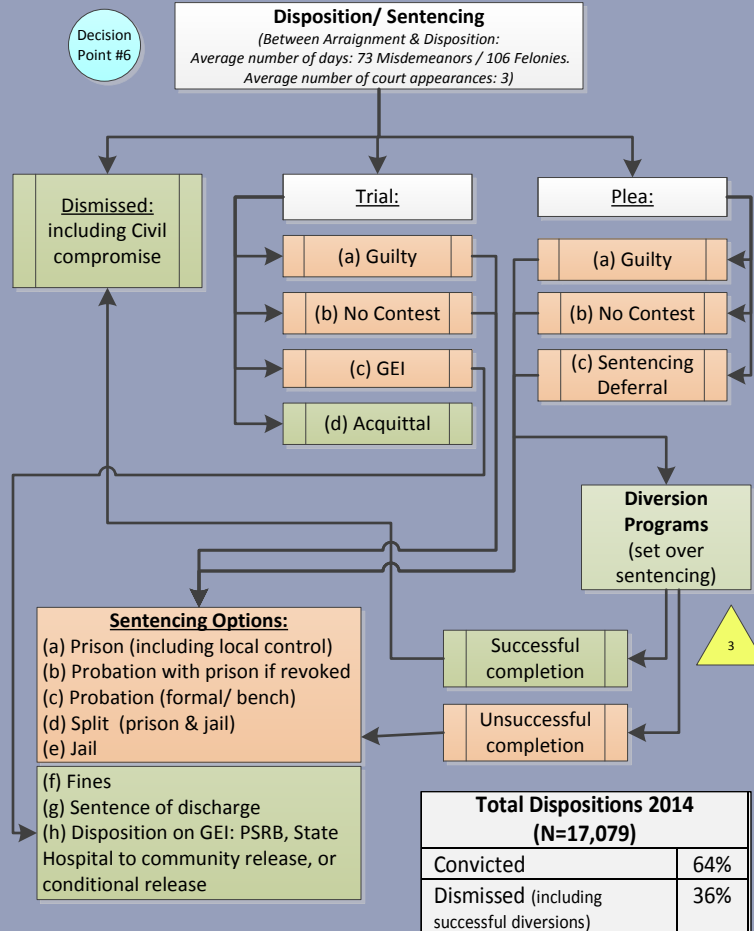
2014 Jail Incarceration Rates		
	Rate of Incarceration in Jail per 1,000 adults	Relative Rate Index (RRI)
Whites	1.5	1
Blacks	9.2	6.0
Hispanics	1.8	1.2
Asians	.4	.2
Native Americans	2.8	1.8

Process Flow:

Notes/ Considerations:

Multnomah County – Criminal Justice System Map

Intercept 3: Jail/ Courts



Mandatory Minimums – Jail:
State of Oregon Sentencing Grid

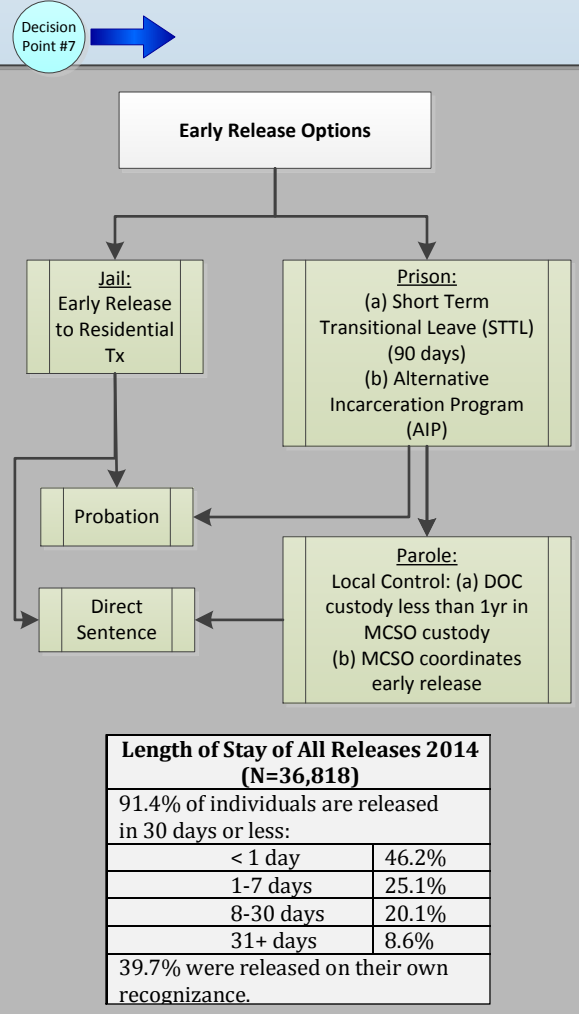
Measure 73: Third conviction DUII within 10yrs = mandatory 90 days jail

Any DUII conviction = mandatory 2 days jail (except for third conviction in 10 yrs)

Diversion: See, Addendum #3-4 for details

GEI: Guilty Except for Insanity
PSRB: Psychiatric Security Review Board

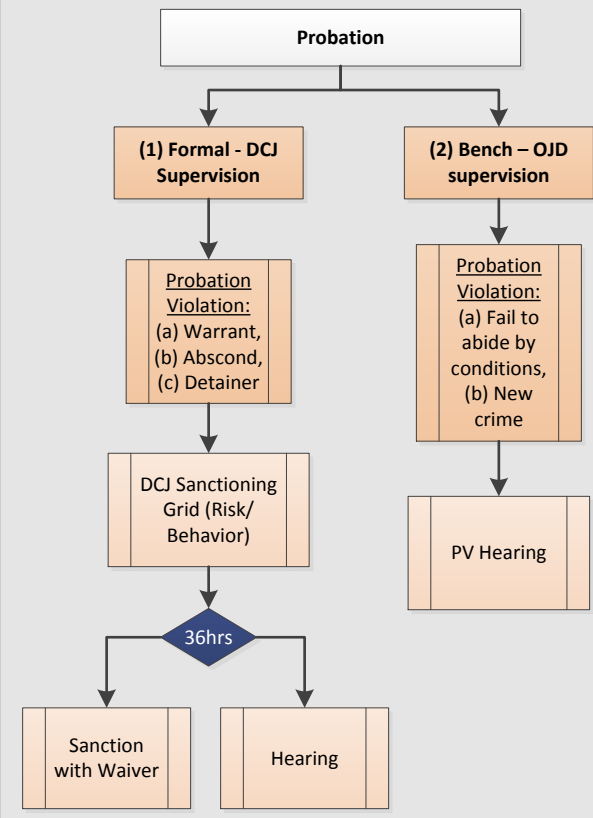
Intercept 4: Re-Entry



Issues with release to treatment:

- Sherriff's Office completes a referral to treatment based on a court order; however, Sherriff's Office does not:
 - own dedicated treatment beds,
 - have supplemental funding to pay for treatment beds,
 - have control over community providers' priority of offender placement or individual acceptance/denial of policies.
- General lack of treatment options/ capacity in community (two month waitlist for inpatient A/D treatment, individuals may sit in jail for that time waiting for an opening).
- Disparities present in family advocacy
- Lack of housing, wraparound, and other supportive services

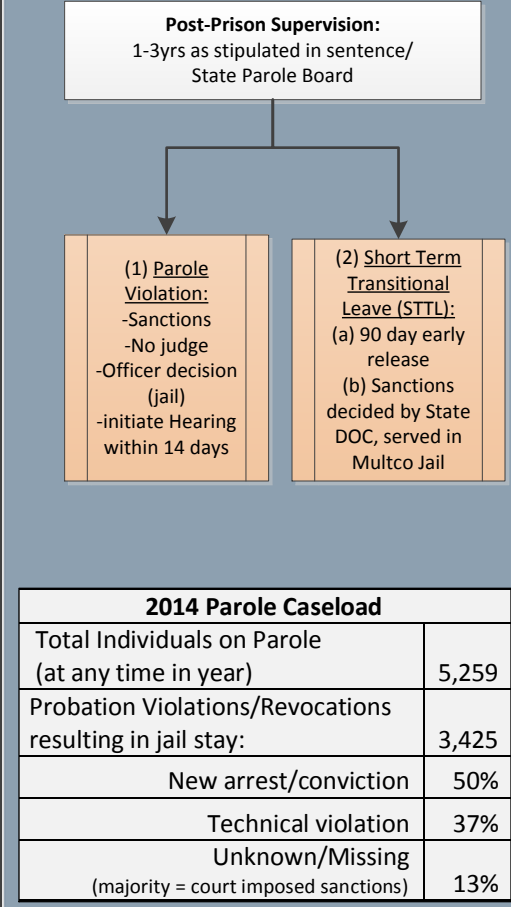
Intercept 5: Community Corrections/ Support (A) Probation



Department of Community Justice (DCJ) prefers quick sanction and resolution.

Probation – up to 30 days in custody
PPS – 31-60 days with supervisor approval/ 61-90 days with HRGS OFC Parole Board approval

Intercept 5: Community Corrections/ Support (B) Post-Prison Supervision



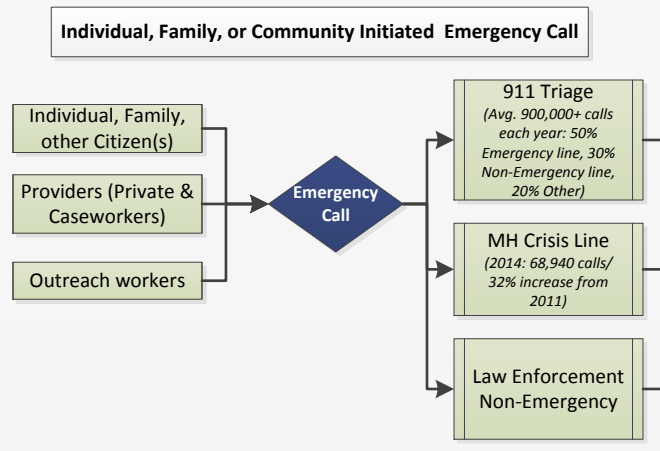
Support Supervision includes: Probation supervision, post prison supervision, treatment, sanctions, mentoring, employment assistance, community service and other services and supports individualized.

DCJ utilizes a Graduated Sentencing Grid, which is a tool for Probation/Parole Officers to help determine level/ severity of sanction based on behavior/ violation.

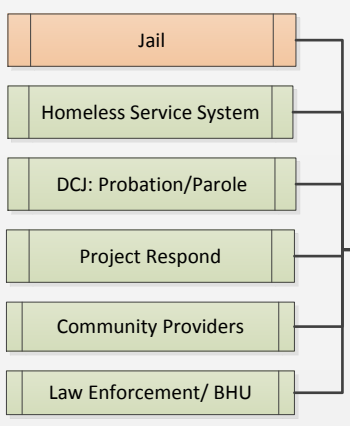
Process Flow:

Notes/ Considerations

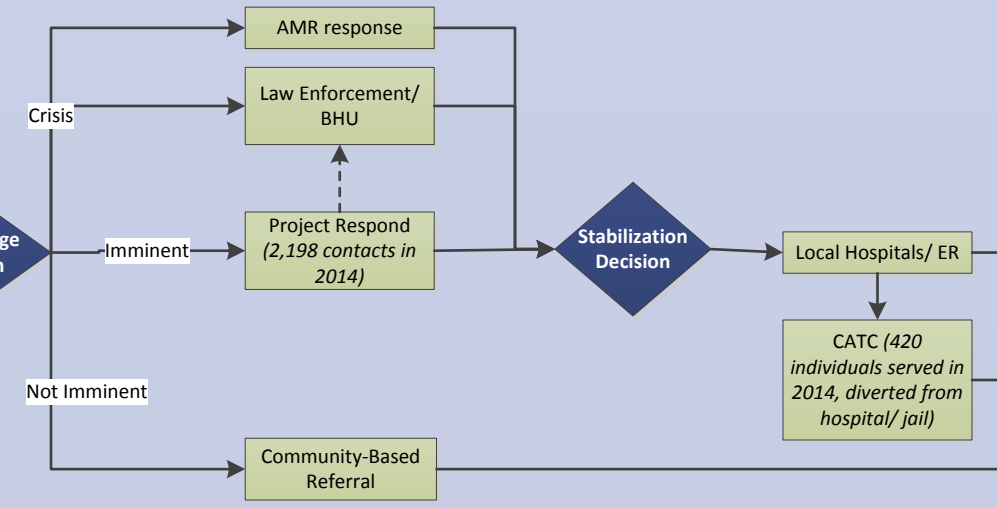
Intercept 0:
Community/ Pre-Arrest
(Pre-Law Enforcement Involvement)



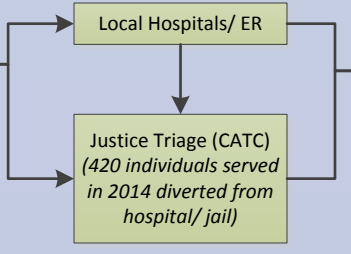
System Initiated



Intercept 1:
Pre-Booking
(A: Law Enforcement/ Emergency Services)

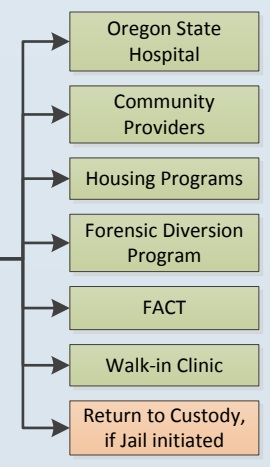
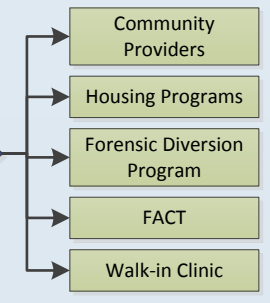


Stabilization Decision



Intercept 1:
Pre-Booking
(B: Referrals)

Referrals and Post-Crisis Follow Up



Process Flow:

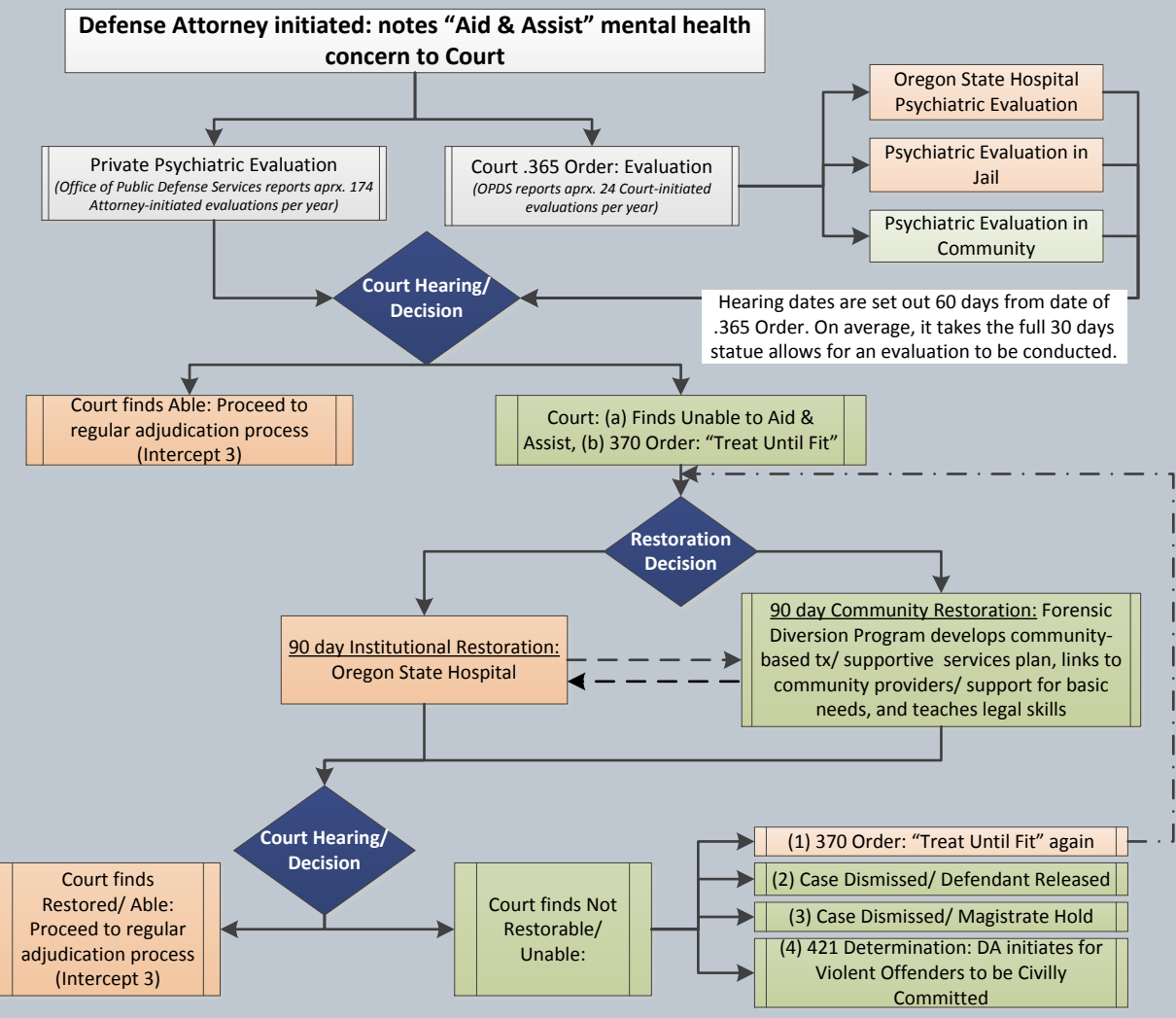
Notes/ Considerations:

2014 Total Crisis System Contacts (including MH Crisis Line, Project Respond, and Urgent Walk In Clinic contacts): 75,820.
Project Respond: 24/7 mobile outreach team
Portland Police Bureau: (a) Behavioral Health Unit (BHU)
 (b) Mobile Crisis Unit
Crisis Assessment and Treatment Center (CATC)/ Justice Triage Center: 16 bed facility that is often used as a step-down from the local hospital before referral to another community provider for treatment. 420 individuals (216 uninsured) served in 2014.

Planned System Improvement: Unity Center will be a new resource at the Stabilization Decision point for Crisis/ Imminent threat to self or others situations. Unity will become the primary location for acute mental health crises and will provide stabilization beds (23 hours). Target opening date: Spring-Summer 2016.
Director Custody: Is placed on individuals for involuntary transport to the hospital for evaluation when Imminent threat to self or others is present. (Project Respond utilizes this and also often works with the Behavioral Health Unit (BHU) during imminent or crises situations.)

For additional details on mental health partnerships and key crisis/stabilization providers, see Mental Health Jail Diversion Feasibility Study: <https://multco.us/lpsc/mental-health-jail-diversion-feasibility-study>.

**Intercept 2:
Arraignment
(B) Initial Court Hearings**



**Additional Notes:
Aid & Assist Process**

Aid & Assist is a legal process created by the Oregon Legislature by House Bill (HB) 150.55 that protects the civil rights and ensures of individuals with mental health concerns.

When a person is accused of a crime, sometimes they are not able to participate in their trial because of a mental illness. In these cases, the court may issue an order under ORS 161.370 for the defendant to be sent for mental health treatment, most often at the Oregon State Hospital (OSH), so they can become well enough to "aid and assist" in their own defense.

ORS 161.365: A ".365 order" is filed if the court finds there is reason to doubt a defendant's fitness to proceed by reason of incapacity defined in ORS 161.360(2). The order calls for a psychiatric evaluation within 30 days by a certified evaluator. The results of this evaluation are considered by the court at a hearing.

ORS 161.370: This order is filed if the court finds a defendant lacks the "fitness to proceed" with the adjudication process and is in danger to self/ others or supervision and services is necessary to restore fitness.

Restoration is either conducted: (a) at Oregon State Hospital (OSH) or (b) within the community ("community restoration") through the Forensic Diversion Program. The Sheriff's Office has 7 days from the date of the order to transport a defendant to OSH.

The primary treatment goals for patients under a .370 order are stabilization and achieving a level of legal competency so that they can cooperate with attorneys and participate in their own defense. All patients under a .370 order are enrolled in a legal skills group, where they learn basic legal terminology and ideas that will help most of the patients become able to "aid and assist." During this time, clinicians work with individuals to teach them legal skills, get them stable on medications, etc. Individuals can go back and forth from Community to OSH and visa versa during this period.

Within 90 days, a written report is due to the court that states: (a) whether the defendant has present capacity to stand trial or; (b) there is a substantial probability in the foreseeable future the defendant will gain or regain the capacity to stand trial with an estimate of time; (c) there is no substantial probability the defendant will gain or regain capacity to stand trial.

At least once every 180 days during a restoration period, a written progress report must be submitted to the court. The court can file multiple .370 orders for subsequent 90 day restoration periods for the same defendant.

If a defendant is found permanently unable or lacking fitness to proceed, a GEI (guilty expect for insanity) plea may be entered and a defendant may be committed to OSH.

A defendant commitment to OSH shall be equal to the maximum sentence the court could have imposed if the defendant had been convicted or three years, whichever is less.

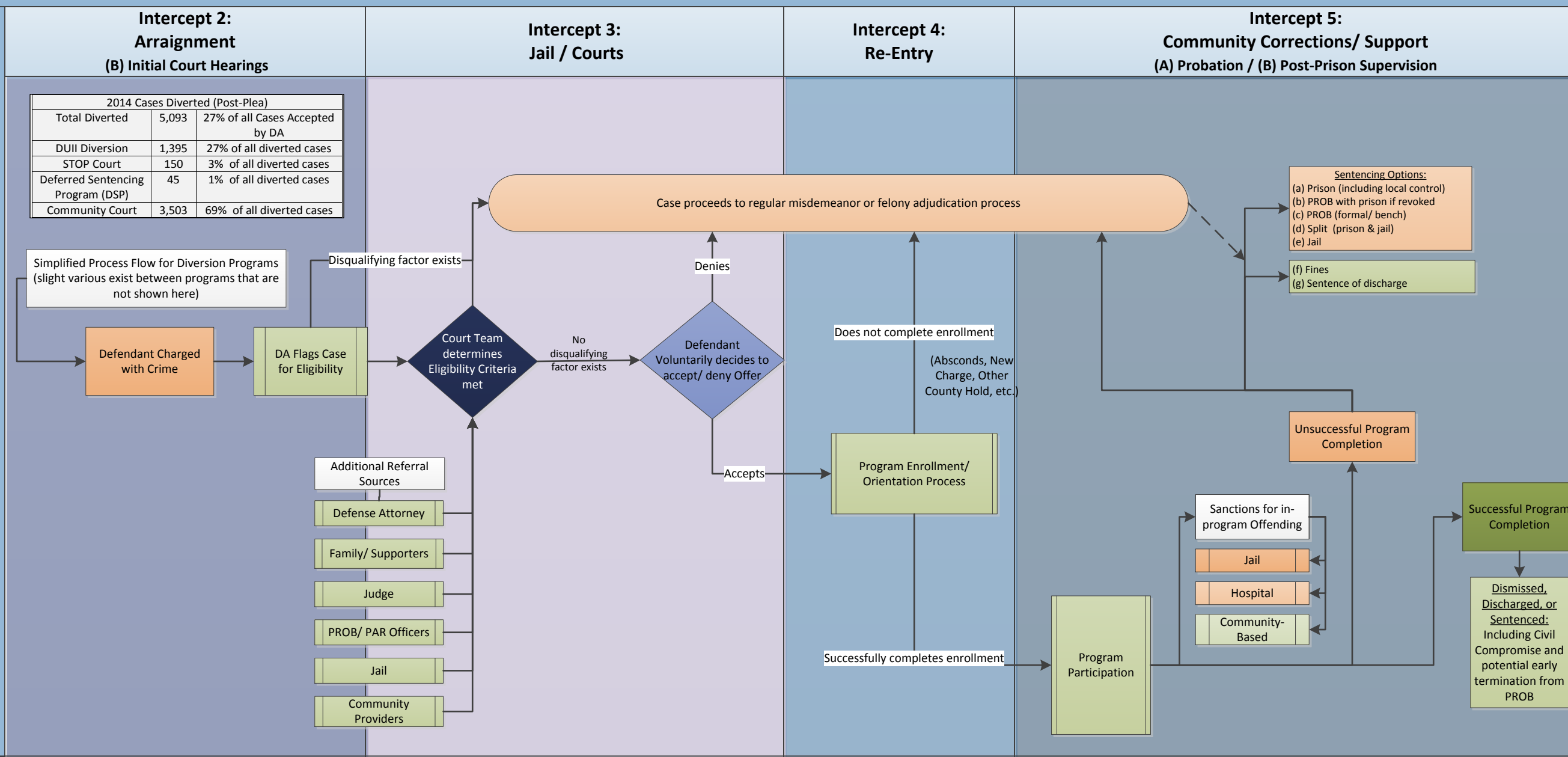
OSH statistics 2013: 410 unique patients with 425 episodes of care. 311 were found "able" at some point in the process and 57 were found "never able." Average length of hospital stay under this order was 107 days (mean) or 72 days (median).

Process Flow:

Notes/ Considerations:

2014 Estimated Jail Days of Aid & Assist Population (N= 120)	
Total estimated jail days (not including hospital days)	16,477
Total average jail days	137
Total median jail days	98
Individuals with 1 booking	52%
Individuals with 2-6 bookings	48%

2014 Racial Breakdown (N=120)	
African American	29%
Asian	3%
Hispanic	6%
Native American	0%
White	57%
Unknown	5%



Process Flow:

Notes/ Considerations:

DA routinely flags cases for eligibility into all Diversion Programs, except for the Veteran's Docket.

The DA does refer potentially eligible individuals to Specialty Courts; however, eligibility is determined by the court teams and professionals including: DA, Defense Attorney, Judge, Probation/ Parole, Court Staff, Program Staff, and community partners.

Diversion programs allow defendants to avoid criminal convictions/ court penalties, if they complete the program requirements imposed.

Program Eligibility: Each Diversion Program has a specific set of criteria that the DA and the Court Teams determine whether/ not cases qualify.

Voluntary Participation: a key aspect of Specialty Court and Diversion programs as they often involve higher levels of community supervision than the normal adjudication process since they involve set over sentencing and sometimes include early release from jail.

Set Over Sentencing: occurs at Program Enrollment for all Diversion programs meaning the sentencing decision is put on hold, until the program outcome is determined.

Enrollment/ Orientation Process: differs slightly depending on the specific Diversion Program.

Program Participation: Each Diversion Program has its own unique program components, phases, requirements, expectations, and timeframes specific to its intended outcomes.

Sanctions/ Incentives: Are developed by each program individually and decided upon by the court team based on in-program behavior.

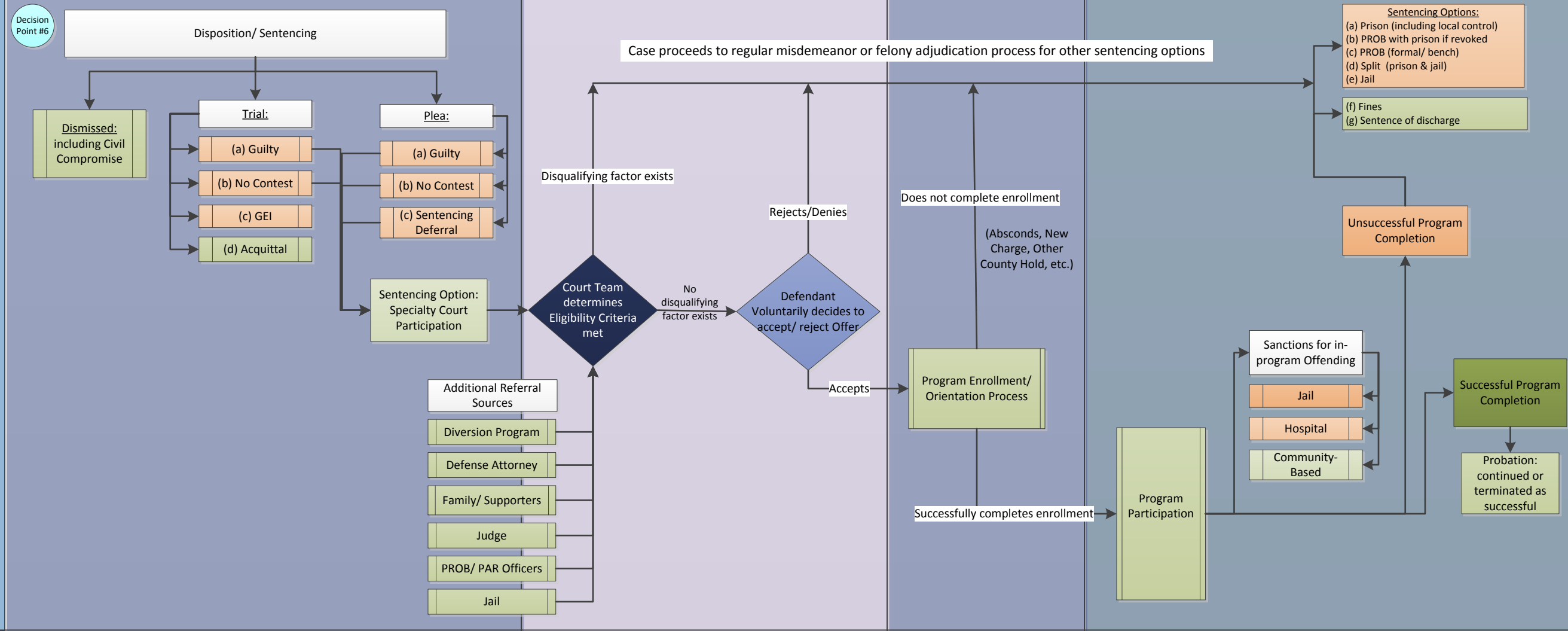
Successful/ Unsuccessful Completion: This is a simplification of the process that most programs follow, although there is slight difference among the various Specialty Courts and Diversion Programs. Generally, unsuccessful completion can trigger the original sentence.

Intercept 3: Jail/ Courts

Intercept 3: Jail/ Courts (Specialty Court Review)

Intercept 4: Re-Entry

Intercept 5: Community Corrections/ Support (A) Probation / (B) Post-Prison Supervision



Process Flow:

Notes/ Considerations:

Process Note: Most often, individuals are sentenced before they enter a Specialty Court; however, there are occasions when an individual may enter a Specialty Court from a Diversion Program, in which case they may have had a deferred/ set over sentence.
(e.g.: An individual enters STOP Court and their sentence is deferred until program completion. During program participation, Mental Health concerns surface and they are not able to comply well with STOP Court requirements. The individual could be referred to Mental Health Court and the case transferred to that judge.)

Program Eligibility: Each Specialty Court Program has a specific set of criteria that the Court Teams (Judge, DA, Defense Counsel, Probation Officer, Program Staff) use to determine whether/ not cases qualify.
Voluntary Participation: a key aspect of Specialty Court and Diversion programs as they often involve higher levels of community supervision than the normal adjudication process since they involve set over sentencing and sometimes include early release from jail.

Enrollment/ Orientation Process: Each Specialty Court Program has a specific orientation process after an individual petitions in/ enrolls.

Program Participation: Each Specialty Court Program has its own unique program components, phases, requirements, expectations, and timeframes specific to its intended outcomes.
Sanctions/ Incentives: Are developed by each program individually and are decided upon by the court team based on in-program behavior.
Successful/ Unsuccessful Completion: This is a simplification of the process that most programs follow, although there is slight difference among the various Specialty Courts Programs.

ADDENDUM 5-A: Racial and Ethnic Disparities (RED) as indicated throughout the Criminal Justice System using Relative Rate Index (RRI) calculations

Multnomah County Safety & Justice Challenge planning partners (policy leaders, operations-level staff, data analysts, and expert consultants) performed a preliminary data analysis to begin to investigate and understand disparities within the system. Results of this analysis were developed into a RED Relative Rate Index Report utilizing available 2014 criminal justice system data, U.S. Census population data, and calculating the Relative Rate Index (RRI) as the primary framework for analysis and comparison.

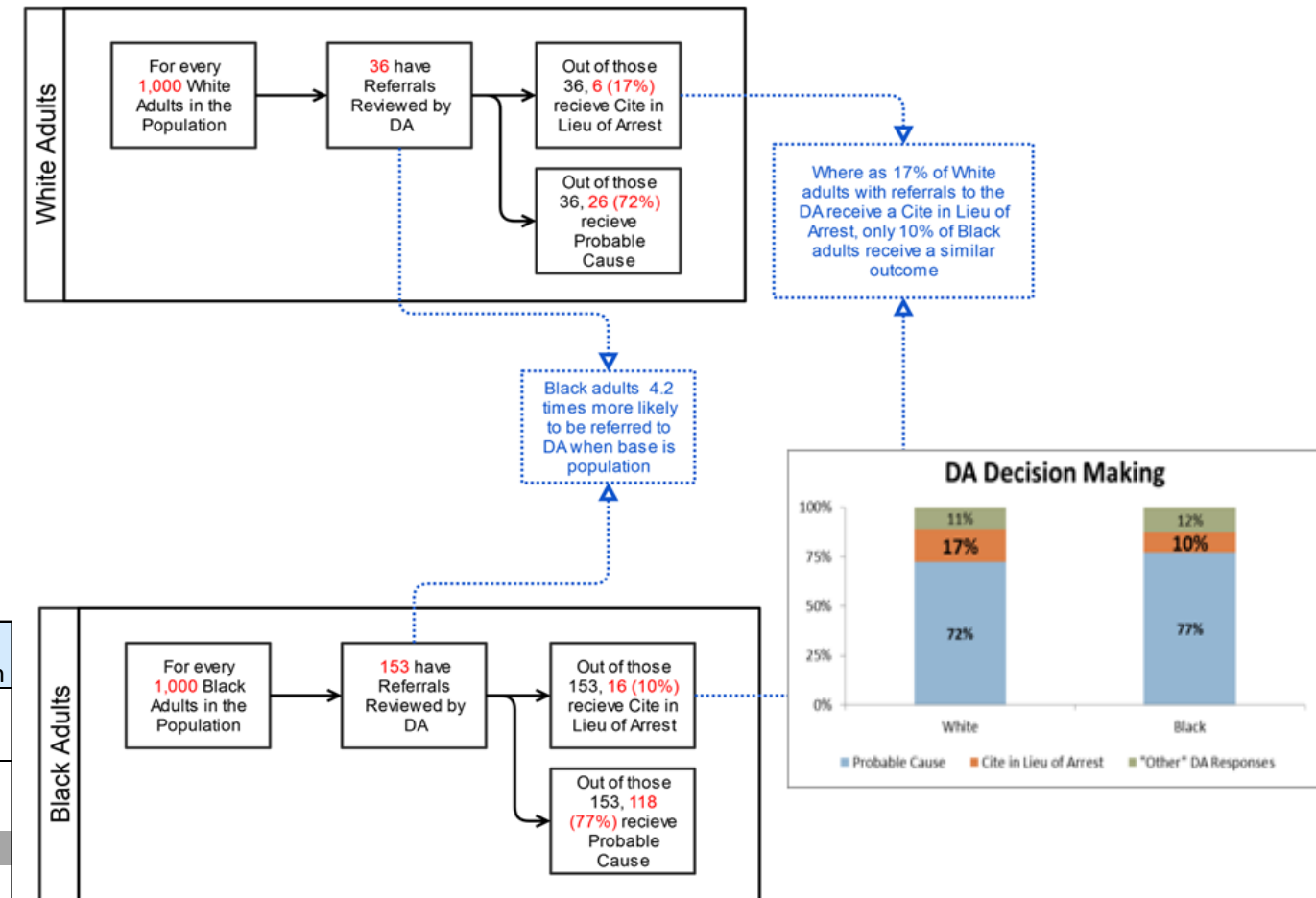
Overall, this report helped to shape three primary realizations:

- (1) Racial and ethnic disparities begin at the front door of the system with the arrest point and continue through every major decision point within the system;
- (2) More than other populations of color, the African American/Black community is consistently more likely to endure a disparate experience compared to the Caucasian/White community from Arrest to Community Supervision;
- (3) Immediate attention is necessary to further investigate why disparities exist and the action(s) needed to decrease/ eliminate them.

Below and on the following page are summary tables of some of the key information discussed in the full report. It is important to note that throughout the tables included, comparisons are made between criminal justice system data and the overall Multnomah County population only. The full report also provides comparisons to the prior decision point to illustrate RED as individuals move through the criminal justice system. For a more complete understanding of RED and the relative rate index, the full report should be reviewed. Disparities are highlighted in red throughout the tables:

Decision Point 1: Arrest/ Intercept 1: Pre-Booking

	White	Black	Hispanic	Asian/Pacific Islander	Native American
Total Adult Population (18+) in Multnomah County	475,446	34,161	56,765	50,892	6,041
Number Referrals Received and Reviewed by DA (DA referrals used as proxy for unavailable arrest data)	17,160	5,231	2,208	1,003	36
Rate of referrals per 1000	36.1	153.1	38.9	19.7	6.0
RRI		4.2	1.1	.5	.2
Number of citations in lieu of arrest	2,707	545	281	166	2
Rate of citations per 1000	5.7	16.0	5.0	3.3	.3
RRI		2.8	.9	.6	.1
Probable Cause	12,576	4,020	1,686	750	27
Rate of probable cause per 1000	26.5	117.7	29.7	14.7	4.5
RRI		4.4	1.1	.6	.2



Decision Points 2 and 3: Prosecutorial Charging and Assignment of Counsel/ Intercept 2(A): Booking and Arraignment

	White	Black	Hispanic	Asian/Pacific Islander	Native American
Total Adult Population (18+) in Multnomah County	475,446	34,161	56,765	50,892	6,041
Number cases accepted for prosecution	12,713	3,761	1,641	731	19
Rate of cases accepted, per 1000	26.7	110.1	28.9	14.4	3.1
RRI		4.1	1.1	.5	.1
Cases assigned court appointed counsel	8,972	2,847	1,084	508	16
Rate of cases assigned court appointed counsel, per 1000	18.9	83.3	19.1	10.0	2.6
RRI		4.4	1.0	.5	.1

ADDENDUM 5-B: Racial and Ethnic Disparities (RED) as indicated throughout the Criminal Justice System using Relative Rate Index (RRI) calculations

Decision Point 4: Pretrial Release/ Intercept 2(B): Arraignment

	White	Black	Hispanic	Asian/Pacific Islander	Native American
Total Releases	25,077	7,273	2,881	857	709
Number of people released ROR	10,188	2,713	1,108	337	260
Rate released ROR per 1000 releases	406.3	373.0	384.6	393.2	366.7
RRI		.92	.95	.97	.90
Number of people released to pretrial	1,400	495	165	53	35
Rate released to pretrial supervision per 1000	55.8	68.1	57.3	61.8	49.4
RRI		1.2	1.03	1.1	.9

Decision Point 6: Disposition and Sentencing/ Intercept 3: Jail/Courts

	White	Black	Hispanic	Asian/Pacific Islander	Native American
Total Adult Population (18+) in Multnomah County	475,446	34,161	56,765	50,892	6,041
Number of cases dismissed	4,155	1,225	524	250	2
Rate of cases dismissed per 1000	8.7	35.9	9.2	4.9	.3
RRI		4.1	1.1	.6	.04
Number of cases convicted	7,284	2,283	912	401	16
Rate of cases convicted per 1000	15.3	66.8	16.1	7.9	2.6
RRI		4.4	1.0	.5	.2
Number of cases sentenced to prison	394	199	115	20	2
Rate of cases sentenced to prison per 1000	.8	5.8	2.0	.4	.3
RRI		7.0	2.4	.5	.4
Number of cases sentenced to jail	1,900	588	237	109	5
Rate of cases sentenced to jail per 1000	4.0	17.2	4.2	2.1	.8
RRI		4.3	1.0	.5	.2
Number of cases sentenced to probation	2,369	772	301	116	6
Rate of cases sentenced to probation per 1000	5.0	22.6	5.3	2.3	1.0
RRI		3.7	.7	.6	.05
Number of cases sentenced to conditional discharge	1,444	389	128	86	1
Rate of cases sentenced to conditional discharge per 1000	3.0	11.4	2.3	1.7	.2
RRI		3.7	.7	.6	.05
Number of cases sentenced to monetary judgment	1,041	299	113	62.	2
Rate of cases sentenced to monetary judgment per 1000	2.2	8.8	2.0	1.2	.3
RRI		4.0	.9	.6	.2

Decision Point 5: Case Processing/ Intercept 2(B): Arraignment

	White	Black	Hispanic	Asian/Pacific Islander	Native American
Total Adult Population (18+) in Multnomah County	475,446	34,161	56,765	50,892	6,041
Number of cases continued	9,835	2,931	1,298	568	10
Rate of cases continued per 1000	20.7	85.8	22.9	11.1	1.7
RRI		4.1	1.1	.5	.08

Decision Point 7: Post-Conviction Supervision/ Intercept 5: Community Corrections Support (Probation and Parole)

	White	Black	Hispanic	Asian/Pacific Islander	Native American
Total Adult Population (18+) in Multnomah County	475,446	34,161	56,765	50,892	6,041
Number of probation violations resulting in jail stay	2,955	868	219	95	66
Rate of probation violations resulting in a jail stay per 1000	6.2	25.4	3.9	1.9	10.9
RRI		4.1	.6	.3	1.8
Number of parole violations resulting in a jail stay	2,056	1,106	151	43	69
Rate of parole violations resulting in a jail stay per 1000	4.3	32.4	2.7	.8	11.4
RRI		7.5	.6	.2	2.6