



**MULTNOMAH COUNTY
CRIMINAL JUSTICE MANAGEMENT PROJECT**

Law Enforcement

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And, we would also like to thank Assistant Chief Drew Kirkland and the Officers and the staff of the DVRU, who took the time to meet with us and answer our many questions.

FOREWORD

This is the second in a series of reports, that is part of a two-year project to examine key decision points in the Multnomah County criminal justice system. The primary objective of the project is to implement data collection protocols that will assist the county in efficiently managing its jail and larger criminal justice resources.

Quantifiable information forms the basis for rational decision-making, and allows an organization to not just *react* to change, but to *influence* the very course of change. Good data allows systems to continuously make adjustments to better manage limited resources; and, it ensures that resources are allocated in a manner that reflects local priorities and ‘what works.’

Toward that end, the time invested in the first phase of this project has been heavily weighted toward the development of two data collection tools: 1) a Jail ‘Snapshot’ routine, and 2) a Cohort Tracking protocol.

The Jail ‘Snapshot’ is a critical part of an overall Jail Population Management Plan. It will give the County the tools it needs to better manage local Corrections resources within existing limits, by providing routine information about the distribution and characteristics of its inmates. While the factors that affect jail usage are complex, the efficient utilization of this resource depends upon understanding them. The first ‘Snapshot’ will be presented to LPSCC in December.

The DSS-J Cohort Tracking model (tracking cases from Book-in to Disposition) will allow Multnomah County to move to a level of system analysis that few jurisdictions in this country have realized. This is exciting. And, while the start-up has taken longer than anticipated, it speaks to the complexity of this ground-breaking effort.

To compliment the data collection effort, we are also conducting an examination of the policies and practices which impact the jail at key decision points. The first report — an examination of county pre-trial operations, recommended significant changes to all aspects of this crucial ‘gate-keeping’ function.

This paper focuses on the system’s front-line decision-makers: the Police.

INTRODUCTION

There are few enduring success stories in crime management. The effect of police attention to drunk-driving cases is one. Research collected over the last twenty years finds a positive correlation between arrest and drunk-driving rates. The linkage is clear. However, to fully explain this we must examine police activity in the context of the larger system response. Only then does the complete picture emerge.

Police efforts with respect to drunk-driving has been *proactive, targeted* and *sustained*. Today, a person who chooses to get behind the wheel of a car after drinking, uses a far different calculus of risk than someone did twenty years ago. This is due, in large part, to *community-based* efforts that have supported police efforts and worked toward a *comprehensive* approach for dealing with the problem. The value of this can't be understated. At the same time, prosecutors and the courts have been *consistent* in their response — the system has spoken with one voice.

Yet, a coordinated system response is too often the exception. The system sends out mixed messages when the police arrest and book-in to jail, persons who (depending on the charge) are always released; rarely tracked; or, can expect a low chance of prosecution. The integrity of the criminal justice system is compromised when it fails to follow through.

This jurisdiction is home to some progressive law enforcement. This report focuses primarily on the Portland Police Bureau, and compliments them on their creative efforts in the areas of domestic violence and crisis intervention with the mentally ill — to mention just two.

But the most progressive police work is undermined when there is no meaningful or consistent system response. In some instances this can be explained by a lack of system resources. In other instances it speaks to a lack of clarity in system priorities and policies. In all cases it sends the wrong message to defendants and the victims.

To take a page from the literature on police effectiveness: The system falls short when its efforts are simply reactive, random, and cast too wide a net. Without a tightly coordinated and consistent response the best efforts of the system are misspent.

In the end, a lack of system integrity can be measured in terms of added jail bed-days, high failure-to-appear rates, and the numbers of defendants who continuously cycle through the local system.

This paper focuses on the system's front-line decision-makers. It takes a look at the arrest decision which dictates who enters the system; the important role that officers play in successful prosecution; and the importance of meaningful options to arrest and book-in.

Three areas are explored:

Arrest Decision-making A study of local Cite-in-lieu data coupled with input from law enforcement personnel provides a look at the complex factors that influence arrest decision-making, as well as their dramatic effect on jail and criminal justice resources.

Alternatives to Arrest Research on the effectiveness of police activity is reviewed, along with recommendations about expanded options to arrest.

Police Investigations The initial investigation of criminal activity by law enforcement is discussed, with an eye toward better understanding the linkage between evidence collection and work with victims, with prosecution outcomes. The investigation of domestic violence offenses is chosen for this review.

Recommendations pertaining to law enforcement address three objectives:

- **Reduce the Impact on the Jail**
- **Support Prosecution**
- **Reduce Crime**

I. POLICE DECISION-MAKING: The Arrest

Arrests drive the rest of the system. Individual decisions by street officers dictate, in large part, the size of our jails and the scale of our system response. However, arrest decision-making not only determines system resource and workload needs, but how these decisions are made can influence case outcome and in some cases, individual change.

Arrest decision-making frustrates analysis because of the subjectivity inherent in its task, making research on officer discretion among the most challenging in the field. Nevertheless, any attempt to develop a criminal justice management plan must start, not at book-in to jail, but on the street corner and in the alleyway where the warning is given, the citation is written, or the arrest is made. Only then can we begin to understand, and ultimately manage, the effects of arrest decision-making.

Information for this section was derived from a number of sources. This included: a review of arrest data; a one-month collection of cite-in-lieu data; interviews with individual local law enforcement personnel; a 'ride-along' with a uniformed officer; a meeting with all Portland Police Bureau's Precinct Commanders; and a review of recent research on arrest decision-making.

Local Arrest Decision-Making

Cite and ID 'arrests' have risen 38% over the last five years in Multnomah County.

To understand arrest decision-making one must first appreciate the myriad factors that influence the officer.

In an October meeting with Portland Police Bureau's Precinct Commanders they were asked to speculate about the reasons behind a thirty-eight percent increase in Cite and Id 'arrests' over the last five years, while, during that same period, overall arrests increased at less than half that rate (16%).

To frame the discussion, one Commander cited three broad factors that affect decision-making: the seriousness of the crime, the attitude of the defendant, and the availability of a jail bed.

The Commanders noted that, in part, the increase in Cite and ID's could be attributed to a decrease in serious crime at the same time that there has been increased activity with 'Behavioral' crime. This includes increases in Identity Theft crimes and Trespass II cases.

It was suggested that the continued problem in obtaining positive identifications for defendants has led to an increased reluctance to hand out citations in lieu of custody, and, that this trend has been exacerbated by the rise in Identify Theft cases. And, while

mobile digital terminals will soon be available within the Bureau, and should relieve some pressure on booking, mobile automated fingerprint identification systems (AFIS) are not yet on the planning horizon.

Of course, as the Commanders pointed out, the increase in Trespass II arrests is directly linked to changes in local policy, with the formation of the ‘Drug-Rree’ zones. But other policy shifts have resulted in adjustments as well — a more recent one being the change in how drunk-driving cases are handled.

The Traffic Commander indicated that the prevailing policy has been to take Driving under the Influence of Intoxicant (DUII) cases to jail. But given resource constraints the policy is being changed, with a new focus on attempting to locate anyone who can take the person home or to a place for detoxification.

The Commanders expressed frustration about arrest decisions being too often shaped by the *failures* of the system — not necessarily by what is best for the defendant or the community. By example, they pointed to the fact that Trespass II cases are almost universally released from jail prior to their first appearance. One Commander made mention of a police pilot program that was implemented, in which those defendants with high failure-to-appear rates were booked into jail in an attempt to reduce FTA rates. But, even then, there was no corresponding adjustment in pre-trial release practices, and these cases continued to be automatically released from jail.

One Commander spoke of how a lack of jail space places officers in the untenable position of having to write citations on warrants for failure-to appear charges. Moreover, the current ‘hit-and-miss’ approach to serving warrants is not efficient, particularly when local policy dictates that warrants be dismissed after one year, absent at least three attempts to serve.

Another Commander noted the demoralizing affect on officers when they see that certain cases worked by law enforcement ultimately have little chance of being prosecuted by the district attorney. For example, as a result of budget problems that have forced staff reductions in the DA’s Drug Unit, officers have seen a sharp increase in ‘No Complaint’ rates for these crimes. Over time, the lack of prosecution resources impacts officer decision-making as they adjust their practices to reflect the expected case outcome. The question is always: Where is my time and effort best expended?

This reflexive ‘cost-benefit’ analysis is also at work when an officer makes a choice about citing a person or taking them into jail — based on how much time the officer can expect to spend in the book-in process. For example, in anticipation of new jail book-in procedures that will require a larger investment of officer time (to document defendant property, etc.) the decision has been made by PPB to shift the processing of some defendants and the collection of property to the precinct level.

Officers exercise broad discretion in the execution of their duties. And, when the only mandate for arrest is in domestic violence cases, the officer must base his or her decisions

on many factors. These factors include lengthy book-in times, high pre-trial release rates, and perceived low prosecution rates.

Yet, the integrity of a system is compromised when meaningful interventions (designed to reduce re-arrest, limit failure-to-appear, and protect the victim) are distorted by built-in system failures.

Factors cited that influence a local arrest include:

- *Increase in Certain Crimes*
- *Crime Seriousness*
- *Defendant attitude*
- *Jail bed availability*
- *Book-in time for officer*
- *Pre-Trial Release rates*
- *Policy on arrest*
- *Policy on Book-in*
- *Enforcement Priorities*
- *DA prosecution practices*
- *Availability of Technology*

National Research on Officer Discretion

To expand the discussion about police decision-making it is instructive to examine national literature on the subject. Although challenging to conduct, and sometimes inconsistent in outcome, these studies have value if taken as general, if not definitive indicators.

Studies have most often examined the following factors with regard to arrest decision-making: agency structure, situational factors, officer characteristics and officer attitude.

It has been found that increased arrest rates are linked to a broad array of factors.

An examination of the structure and size of organizations is interesting, in that larger the organization and the more layered the bureaucracy, the higher arrest rate tends to be. The cautionary note here is that large agencies are found in large urban areas with higher density and increased crime rates; hence, the difficulty of interpretation.

Other factors that correlate with increased arrests have to do with characteristics of the victim and the suspect: the age of victim, the demeanor of the suspect, and the severity of the offense.

Moreover, the incidence of arrest is found to increase when the officer is working alone, when there are bystanders present, and when there is an expectation of harm.

The incidence of arrest is decreased by limiting officer rotation, by reducing the size of the workforce, and by making available more options to arrest.

Finally, while the size of the agency appears to affect the arrest decision, whether an agency is a public or private entity does not appear to have any influence on arrest rates. Nor does the gender of the officer, which is neutral for effect.

Mulnomah County Arrest Data

Jurisdictions should make full use of local and state crime data to inform policy discussions. To do so, the data should be collected on several different levels:

1. The number of Reported Offenses (Index crimes/All crimes)
2. The number of Reported Offenses (by charge category)
2. The number of Arrests (total/rate)
3. The number of Arrests (by charge category)
4. Arrests sorted by Adult/Juvenile
5. Trend analysis of Report and Arrest data
6. Trend analysis by charge category and type

The task of data analysis is helped by the statewide collection of law enforcement data that is published annually by the Oregon State Police: “Report of Criminal Offenses and Arrests.” This Report not only provides Reported Offense and Arrest data, but provides county specific information on charge categories, and agency specific information on arrests/clearance rates.

A review of data for Multnomah County reveals the following:

- ✓ Over the last decade, reported index crime rates has been on a downward trend.
- ✓ Although arrest rates are holding fairly constant, total arrests are on an upward trend.
- ✓ At the same time that Multnomah County has experienced a recent drop in Person and Property arrests, there is a continued upward trend in arrests (in both rate and total numbers) for Behavioral Crimes.

- Behavioral Crimes include the following offenses:

- Liquor Laws
- DUII
- Disorderly Conduct
- Gambling
- Weapon Laws
- Curfew
- Prostitution
- Crimes against Family*
- Runaway Juveniles
- Drug Laws

* Includes abandonment, neglect of children, custodial interference and non-support

- ✓ Arrests for Drug offenses have evidenced a dramatic and unabated upward trend since the mid-80's.

The increase in arrests in Multnomah County is being driven by a continued rise in activity associated with Drugs .

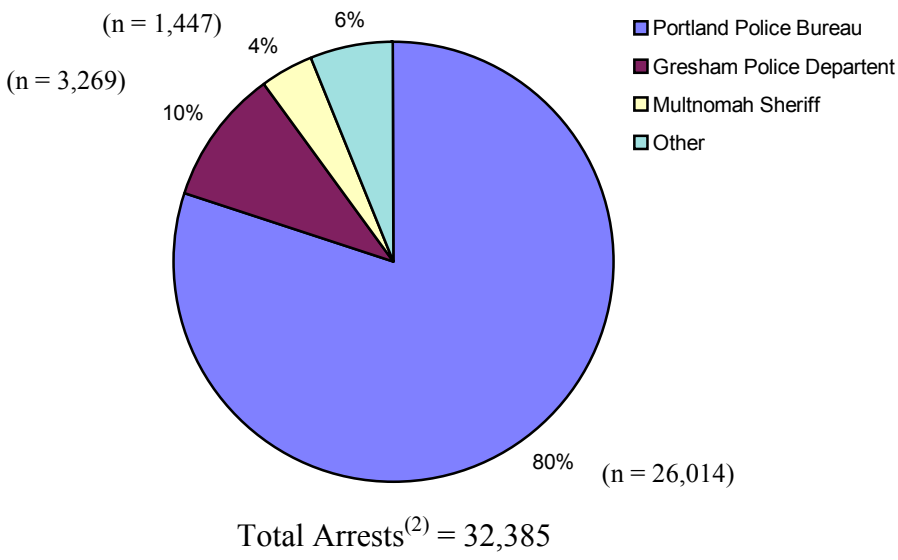
If population increase were the single most important factor driving increases in arrest, (and, subsequently book-in) we would expect to see a corresponding increase across crime categories. But, instead we see a decrease in Person and Property crimes (although sub-sets of those categories remain strong: such as Larceny and Fraud).

More than 80% of all arrests in Multnomah County originate with the Portland Police Bureau.

Multnomah County arrest data, as reported to the State Law Enforcement Data System (LEDS), represents the collective activities of the following Agencies:

- Portland PD
- Gresham PD
- Multnomah County Sheriff
- Troutdale PD
- Multnomah County OLCC
- Multnomah County OSP
- Portland Airport PD

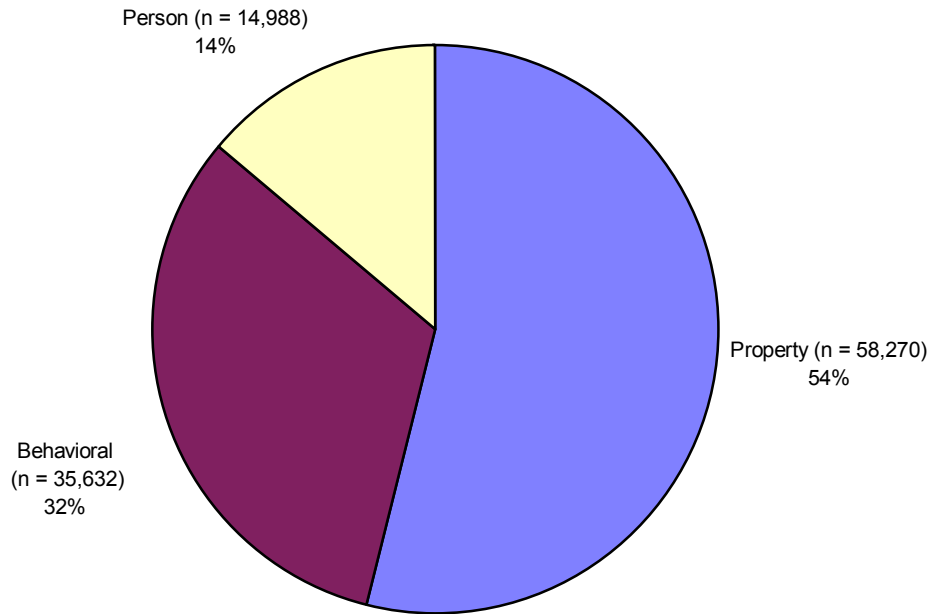
Arrests by Law Enforcement Agency ⁽¹⁾



⁽¹⁾ Report of Criminal Offenses and Arrests, 1999. Oregon State Police.
⁽²⁾ Arrests in LEDS do not include: Fugitive Arrests, warrants, and misc. Traffic.

More than half of all reported crime in Multnomah County is for Property offenses.

Multnomah County Reported Crime ⁽¹⁾



⁽¹⁾ Report of Criminal Offenses and Arrests, 1999. Oregon State Police.

Fifty-two percent (52%) of all Multnomah County arrests are for Behavioral crimes.

While the majority of offenses reported to police are for Property offenses (54%), the majority of arrests (32%) are for Behavioral crimes.

Eight percent (8%) of all Burglary calls result in an arrest. The clearance rate is six percent (6%).

Arrest and clearance rates cover a broad spectrum. The highest arrests rates can be found for DUII (91%) and Simple Assault (72%), while the lowest arrest rates are for crimes such as Burglary (8%), Fraud (5%), Kidnapping (2%) and Embezzlement (1%).

Clearance rates range from a high for Curfew (99%) , DUII (89%) and Stolen Property (59%) to a low for Motor Vehicle Theft (9%), Burglary (6%) and Arson (6%).

The rates are important to review because they make clear the intractability of some offenses and provide a kind of crude ‘cost-benefit’ analysis. Moreover, over time they can serve as one benchmark for measuring the effect of different police and community strategies for apprehending and prosecuting crime.

Multnomah County Arrest / Clearance Rate Ranking

Calls that Result in Arrests		Clearance Rate for Arrests	
DUII	91 %	DUII	89%
Simple Assault	72	Simple Assault	46
Motor Vehicle Theft	12	Motor Vehicle Theft	9
Burglary	8	Burglary	6

The Clearance rate for crimes in Multnomah County is lower than the statewide average for each category of offense.

Multnomah County Arrest / Clearance Rates Compared to State ⁽¹⁾

	Person		Property		Behavioral	
	Arrest	Clearance	Arrest	Clearance	Arrest	Clearance
Multnomah	40 %	39 %	17 %	14 %	47 %	55 %
State	51 %	52 %	18 %	19 %	62 %	59 %

⁽¹⁾ LEDS, 1999

* The data for the State is calculated after subtracting Multnomah County data.

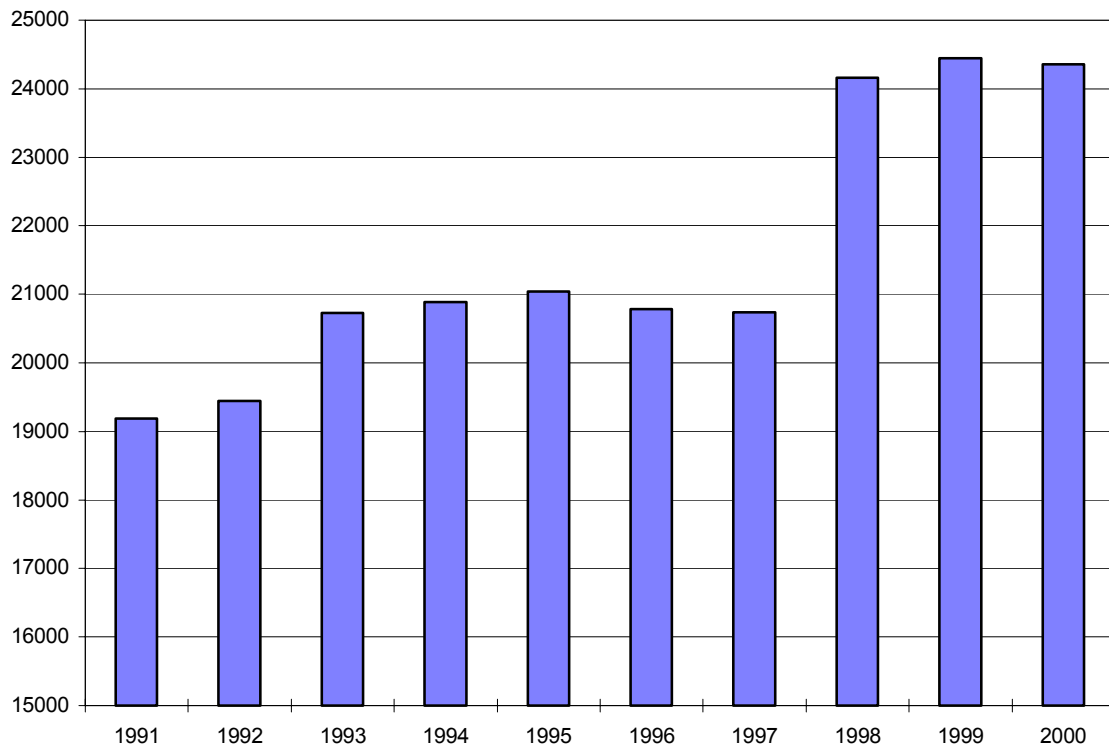
A comparison of clearance rates with the State must be approached with caution because of the unique problems that Multnomah faces by virtue of its size and density. Yet, it does provide another benchmark to monitor over time while tracking changes in county policies and practice.

Portland Police Bureau Arrest Data

Because the majority of arrests are made by the PPB, we took a closer look at the Bureau's arrest statistics, examining ten years worth of data. Findings include:

- ✓ PPB Arrests have increased 27% between 1991 and 2000
- ✓ Aggravated Assault is on a downward trend from a high in 1994
- ✓ Burglary has been on a downward trend over the last six years
- ✓ Robbery has been on a downward trend over the last ten years
- ✓ Motor Vehicle Theft experienced a recent drop the last several years, from a high in 1995
- ✓ DUII arrests peaked at the start of the 1990's thereafter fluctuating around a mean of approximately 2090 cases per year

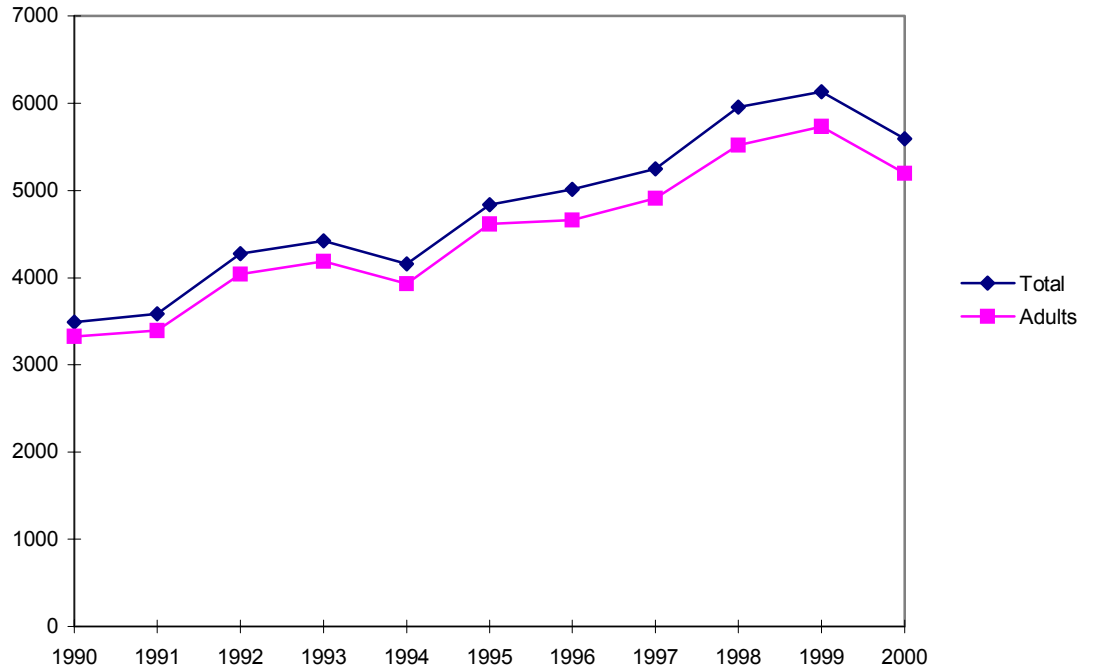
Portland Police Bureau
Ten-Year Arrest Data ⁽¹⁾



(1) PPB Data, as prepared for Offense Arrest Summary. Includes Part I and Part II crimes. Does not include Fugitive Arrests, Protective Custody, and Misc. Traffic.

There has been a 62% increase in Drug arrests by PPB over the last 10 years.

Drug Law Arrests (PPB)



- ✓ Adult drug arrests increased 64%
- ✓ Juvenile drug arrests increased 41 %

Comparing the distribution of drugs between 1990 and 2000, one sees a thirteen (13%) percent increase in arrests for Dangerous Drugs.

Distribution of Drug Arrests (PPB)

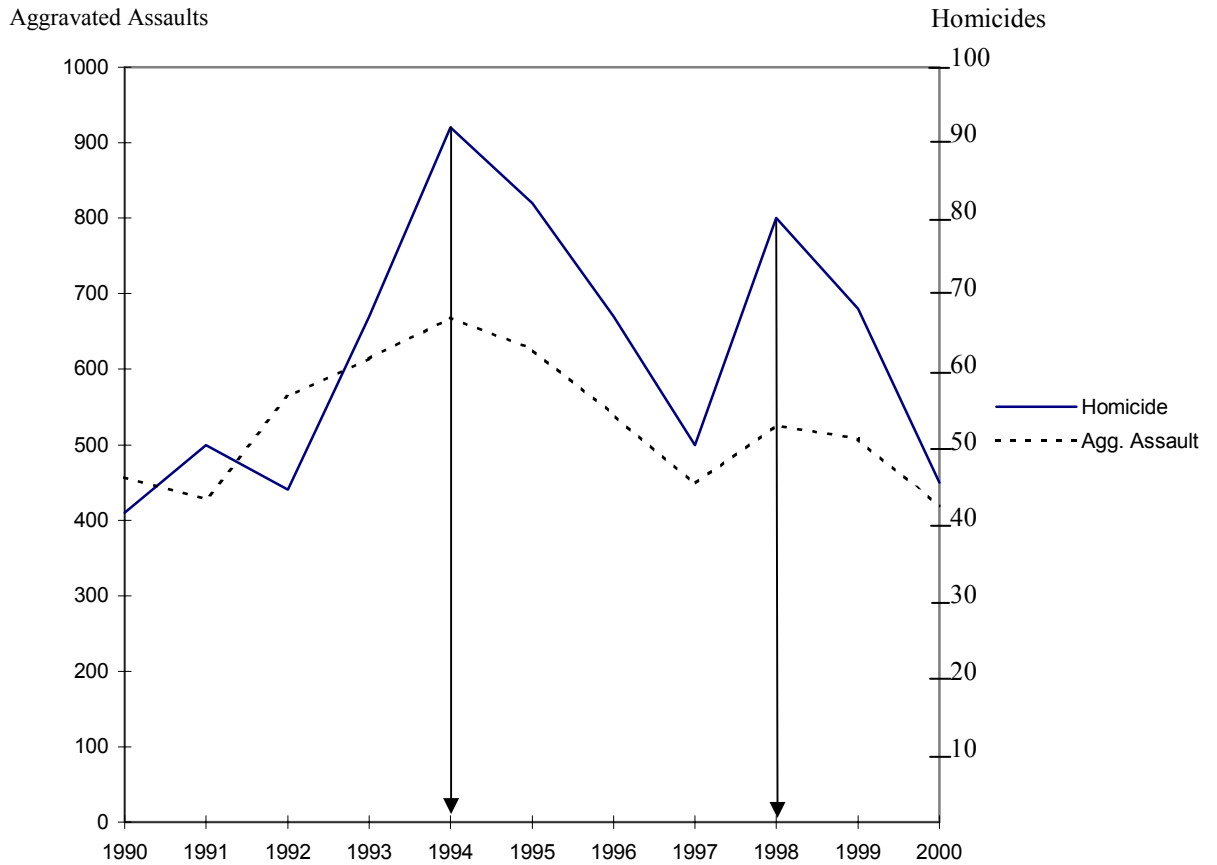
Adult Drug Arrests			
(Percentage of Arrests)			
Drug Class	1990	2000	Change
Cocaine	48 %	40 %	- 8 %
Heroin	27 %	18 %	- 9 %
Dangerous Drugs	7 %	20 %	+ 13 %
Marijuana	17 %	20 %	+ 3 %
Other	1 %	2 %	+ 1 %

Distribution of Drug Arrests - Continued (PPB)

Juvenile Drug Arrests			
(Percentage of Arrests)			
Drug Class	1990	2000	Change
Cocaine	51 %	33 %	- 18 %
Heroin	17 %	4 %	- 13 %
Dangerous Drugs	6 %	7 %	+ 1 %
Marijuana	26 %	56 %	+ 30%

Arrest rates for Homicide and Aggravated Assault follow the same pattern over the last ten years.

Aggravated Assault/Homicide Arrests (PPB)



✓ Cycles of homicide and aggravated assault are closely linked.

The comparable arrest patterns that one sees for Homicide and Assault would lead one to question whether this represents a correlation between the two, with Aggravated Assaults being committed by the same cohort who then escalate to Homicides. But, a broader analysis of crime trends shows that a similar arrest pattern is evident for other crimes as well: Burglary and Motor Vehicle Theft. One is left to ask what internal (police resources) or external (social/environmental) factors are affecting these fluctuations.

Routine analysis of crime trend data is encouraged. By mapping policy changes, population shifts, officer allocation changes, and other factors, one can over time begin to tease apart the complex factors that influence crime and arrest statistics.

Jail Book-In and PPB Arrest numbers conform to the same trend line.

The direct correlation between arrests and book-ins is not surprising, but again underscores the importance of taking a long-term, analytical approach to the study of offense and arrest data.

Portland Police Bureau Cite-in-Lieu Data

To better understand how police practices impact the jail, one must not only examine those decisions that result in a book-in, but also those that do not. As such, any such analysis would be incomplete without a look at the actions that police take that *do not* end with a transport to jail. These responses include: No Action, Service brokerage, Warnings, and the issuance of Citations in lieu of custody (Cite-in-lieu's).

However, of the 'non-arrest' options, only cite-in-lieu data is captured in a way that lends itself to analysis.

Methodology

Cite-in-Lieu data is not currently analyzed by most police agencies, and the local law enforcement is no exception. Therefore, this study was made possible by the support of PPB staff in the Records Division, Data Processing Division, and the Planning and Support Division. With their assistance, a data program was designed that allowed this data to be isolated and extracted. We appreciate their assistance.

After this effort was initiated it was learned that a Report format exists within DSS that also allows the extraction of Cite-in-lieu data. Yet, because the data available through the DSS routine had not been tested for accuracy, it was not relied upon for analysis. However, the collection of a one-month sample from both sources now provides the opportunity for a quality control check.

Because the quality control check of these two data-sets will entail further work (including a 'spot' check of individual records) the findings presented in this report are derived from the raw data in the PPB data-set.

The Data-Set

The data-set includes all 'Custody Reports' submitted by Portland Police officers during August, 2001, for a total of 3160 cases.

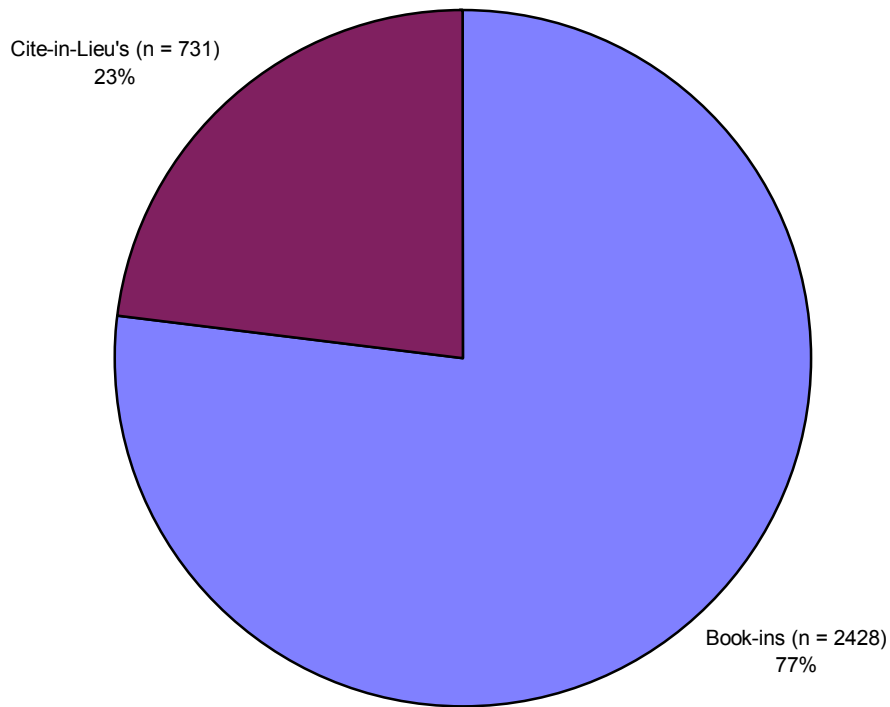
Types of police action coded on the PPB 'Custody Report' include: probable cause arrests, warrant arrests, citizen arrests, status offenses (which pertain to juveniles), protective custody, and cite-in-lieu's.

The data was divided into two categories: Citations and Book-ins. In this set, Book-ins include Cite and ID's (those cases in which a defendant is brought to jail for the sole purpose of identification, and then released).

Charges were ranked according to an established hierarchy of severity and coded with a PPB charge code. For each case, information was collected regarding the following: age, race, gender, charge, date of arrest, location of arrest (precinct), and type of police response (cite or book-in). In addition, various identifiers were coded for each entry (case number, PPB records number, and SID number) to facilitate any subsequent outcome tracking.

Twenty-three percent (23%) of all Custody Reports were Cite-in-lieu's.

Citations – Percentage of Book-ins



The Cite-in-lieu ‘arrest’ is addressed in Oregon statute:

“A peace officer may issue a criminal citation to a person if the peace officer has probable cause to believe that the person has committed a misdemeanor or has [under ORS 161.705.” (ORS.055)

The fact that cite-in-lieu’s constitute such a large percentage of police activity shows the importance of alternate responses in managing limited jail resources. Given a 28% cite rate, officers from this one police agency divert nearly 9,000 individuals per year from the county jail. With this volume, it is easy to see how even a small alteration in police practice would have a significant impact on corrections facilities.

PPB Cite-in-lieu’s are on an upward trend, with a 24% increase in the last ten years.

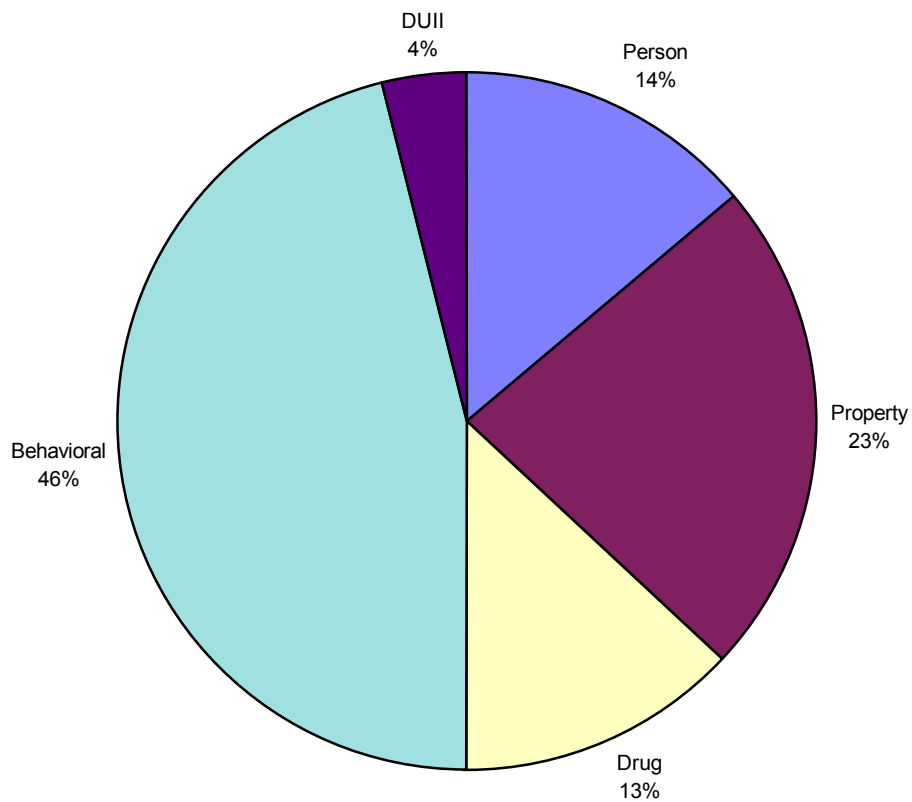
Citations evidence the same upward trend as Cite & Id’s.

Of all Person cases responded to during the month of August, eighty-four percent (84%) resulted in a Book-in.

Property cases are fairly evenly divided between cites and book-ins.

Arrests for Drug offenses were fifteen times (15 x) as likely to be booked into jail than issued a Citation.

PPB Arrest ⁽¹⁾ Sample – by Charge Type
(August, 2001)



n = 2966⁽²⁾

⁽¹⁾ All 'Custody' Reports submitted in August, 2001.

⁽²⁾ Excluded Traffic cases from data.

Of the 271 Trespass cases, 43% resulted in a Citation and 57% in a Book-in.

The fact that Trespass cases are roughly divided between cite-in-lieu's and book-ins provides a natural opportunity to track the outcomes for these two populations. What is the failure-to-appear rate for each group; what is the case outcome; and what is the process time between 'arrest' and disposition? These questions, and more, will be addressed through the cohort tracking study, the methodology for which is now being finalized in DSS-J. Nevertheless, an examination of the distribution of cases between these two options provides a starting point for this analysis.

PPB Cites and Book-ins
(By Trespass Charge)

Type	Book-ins	Cites	N
Trespass I	4 %	6 %	9
Trespass II	57 %	43 %	262

Cites and Book-ins – by Charge Type*

Type	Book-ins	Cites
Person	84 %	16 %
Property	54 %	46 %
Drug	94 %	6 %
Behavioral	80 %	20 %
DUII	77 %	23 %

There is no dramatic difference in racial distribution between Cite-in-lieu responses and arrests that result in Book-in.

Cites and Book-ins
(By Race)

Type	Book-ins	Cites	N
Caucasian	77 %	23 %	1972
African American	80 %	20 %	724
Hispanic	72 %	28 %	272
Native American	70 %	30 %	110
Asian ⁽¹⁾	74 %	26 %	82

⁽¹⁾ Collapsed PPDS categories of other Asian/Pacific Islands, Japanese, and Vietnamese/Cambodian/Laotian/Thai

An examination of the type of police response by race does not reveal any dramatic differences between groups; however, the rate of book-in for African Americans is slightly elevated.

Recommendations

➤ Create a Forum for Policy Debate

The diverse agencies and offices of the criminal justice system cannot effectively operate as a 'system' until they find a mechanism for joint policy discussion. This is clear at all levels of the system.

It has become the norm for law enforcement officers and jail staff, deputy district attorneys and probation officers, to operate in a *reactive* mode to system change. Of course, to a certain degree this must be accepted in any system where independently functioning agencies operate.

However, the strength of each component is undermined when there is scant opportunity to anticipate (or have input into) policy shifts. Just as budget cuts in one segment of the system affect all others, so do changes in policy. This is made clear in any study of law enforcement, where we see an adjustment in officer behavior based on external policy shifts. And, because the policy changes are not always overt, changes in practice are often delayed while officers gauge the costs and benefits of their efforts in terms of pre-trial release practices, jail bed prioritization, and prosecution rates.

Too often the officer is left to make a hard decision that does not necessarily reflect system priorities or lead to the best long-term outcome, but is the logical choice given the officer's knowledge of the system.

Hence, we see citations being served on warrants for failure-to-appear; we see drunk drivers increasingly diverted from jail; and we see an ambivalence in the handling of Trespass II offenses — with high cite-in-lieu numbers as a response to automatic pre-trial release for the vast majority of cases.

The LPSCC provides a ready forum to announce proposed policy changes, to discuss and refine their application, and to monitor their effect.

Because policies represent the prioritization of system resources, key system players should be party to the debate. The LPSCC membership (with law enforcement involvement) provides that membership. It should become the expectation that policy changes not only be announced, but *debated* around the LPSCC table.

This body represents an unrealized potential as a tool for coordinated system planning.

➤ **Track the Effects of Different Interventions**

The decision to arrest is a complex calculus. It is a reflexive risk assessment. Yet, rarely do officers have access to information that would provide insight into the expected *outcome* of any given intervention. However, this can be invaluable when deciding between the many options available for response.

What is the failure-to-appear rate for Citations vs. Book-ins for specific categories of offense? What is the difference in outcome for Trespass II cases by type of police response? What kind of intervention results in the longest periods of stability for the mentally ill defendant?

The answers to these and other questions are indispensable for any problem-oriented policing, and in the end can help target and refine the overall police response.

The cohort tracking methodology being designed in DSS-J will allow much of this analysis to occur. However, DSS-J is set-up to track defendants only from the point of Book-in, and does not capture the more nuanced decision-making that occurs prior to this

point. Because of this, it is recommended that the cohort tracking efforts be supplemented by an effort to also track outcomes for a select non-booked population (i.e. Trespass II cases) so that this kind of comparative analysis can be initiated.

Studying the effects of our interventions can, over time, assist law enforcement officials in focusing scarce resources and in fine-tuning responses.

➤ **Collect Cite-in-Lieu Data**

The cite-in-lieu data collected for this report initiates an effort that should become a routine element of arrest analysis. Collected over time, this data will provide an index of police activity that will allow a more detailed examination of police decision-making.

The numbers presented in this report are from raw data extracted by the Portland Police Bureau. But, now that this data can be accessed through DSS-J, the opportunities exist for a broader analysis, incorporating other local law enforcement agencies, and taking a more detailed look at additional defendant and crime characteristics.

Once the quality control test of the DSS-J Report is complete this data should become a standard feature of arrest reporting.

➤ **Explore the Costs and Benefits of Mobile AFIS Units**

The Portland Police Bureau has invested in important new technology in the form of mobile information access units. Apparently, the introduction of these units is, “just around the corner.”

Given the pressure on book-in resources from increasing Cite & ID’s, this jurisdiction should collectively consider the cost of mobile Automated Fingerprint Identification Systems (AFIS).

II. ALTERNATIVES TO BOOK-IN /ARREST

The officer on the street needs a full array of alternatives to arrest and book-in. Ensuring that a full continuum of options exist is one of the best investments toward reducing jail impact and encouraging lasting change.

A local example of the effect that alternatives can have on the jail is seen in the change in arrests and book-ins for Disorderly Conduct offenses. The arrest rate for Disorderly Conduct offenses dropped from close to 2,000 (per 100,000 population) in 1968 to 200 (per 100,000) in 1974; a ten-fold reduction over six years. And, the drop can be explained by the opening of the Hooper Detox Center. (Carlson, April,2000)

This example dramatizes the impact that alternatives can have on the jail, the system, and the individual who makes its acquaintance.

Options that reduce jail crowding and promote constructive change should be the goal.

National Research on Arrest Effectiveness

The last twenty-five years has seen bold new experiments in police crime prevention practices that are just now yielding a body of reliable research.

Taken as a whole, the research supports the argument that crime reductions are correlated with highly *focused* policing that is informed by a clear understanding of crime *risk factors*.

“ The connection of policing to risk factors is the most powerful conclusion reached from three decades of research. Hiring more police to provide rapid 911 responses, unfocused random patrols, and reactive arrests does not prevent serious crime. Community policy without a clear focus on crime risk factors generally shows no effect on crime. But directed patrols, proactive arrests and problem-solving at high-crime “hot spots” has shown substantial evidence of crime prevention....” (Sherman, 2001)

The addition of police officers has a prevention benefit only in urban areas with concentrated crime.

Although a recent review of 36 studies offered little evidence that increasing the number of police officers in itself reduced crime, an analysis of 56 cities over 250,000 population produced a different outcome. In this analysis, conducted across 49 states, there was

consistent evidence that the addition of police officers to urban areas with concentrated crime resulted in a crime reduction one-year later (Marvell & Moody, 1996). The crime prevention benefit appears to only be realized in areas of dense criminal activity.

There is no correlation between police response time and the probability of arrest once response time exceeds nine minutes.

Although some early studies of response time suggested a relationship between response time and arrest, subsequent analyses have found no relationship between the probability of arrest and response time, once the response time exceeds nine minutes.

In a study of victim reporting that involved 4,000 interviews, it was shown that seventy-five percent (75%) of crime was discovered by the victim long after the crime had occurred. Of the twenty-five percent (25%) of crime in which there was victim involvement — half of the victims reported five minutes or more after the crime was completed (Spelman & Brown, 1981).

There is no statistically significant crime prevention effect gained by increases in random patrols.

Although studies on this topic are reported to have some methodological problems, the cumulative evidence negates any argument for a crime prevention benefit from increasing the number of cars deployed or foot patrols assigned, if they are randomly dispersed (Trojanowitz, 1986).

There is a strong relationship between police time spent in a “hot spot” and the time the area remains crime free.

Studies have shown a direct positive relationship between police time in an area and the time to the next criminal or disorderly event — up to fifteen minutes. In other words, police presence in an area appears to suppress misconduct for a fifteen - minute period, beyond which the relationship is reversed. This finding, now termed ‘Koper’s Curve,’ (Koper, 1995) has been replicated (Sherman & Weisburd, 1995).

The relationship between police arrests and secondary crime suppression has room for more analysis.

Trying to pinpoint a causal relationship between arrests for one type of crime and reductions in another crime, is challenging. Clear linkages are not always evident. One exception to this is the unlikely finding from one recent study that the higher the per capita traffic arrests, the lower the rates of robbery (Weiss and McGarrell, 1996).

There is no consistent evidence that drug crackdowns result in sustained reductions in violent crime, either during or after the crackdown is in effect.

The best evidence for this conclusion comes from a recent randomized study in which it was found that although crime dropped dramatically after a raid, this effect was not maintained for more than seven days (Sherman & Rogan, 1995). Of course, there may be other less well measured but longer-term benefit from the confiscation of weapons and the removal of at-risk children to justify these labor intensive approaches.

The success of police action in reducing drunk-driving is undisputed.

As one researcher noted, “ The ability of the police to control drunk driving appears to be a direct and linear function of the amount of effort they put into it “ (Homel, 1990).

The success of the mission to reduce drunk-driving over the last twenty years shows the potential of initiatives that involve the police in a holistic and community-based approach to crime prevention.

Alternatives to Book-in/Arrest

If there are lessons to be learned from the literature on arrest effectiveness it is that interventions should be targeted, and part of a larger, more comprehensive approach.

These lessons come from the literature on risk-based policing, on the concentration of resources on “hot spots” and repeat offenders, and on the successful outcomes of proactive and systemic approaches to crimes such as drunk-driving.

Broadly applying this research, we should ensure that local officers are not put in a position in which they cast too wide a net because of a lack of policy direction.

Nor should we watch while police actions, though well-targeted, are rendered ineffective because of a lack of follow-up by the rest of the system. The repeated arrest, book-in and release of Trespass II cases provides such an example.

When the system does not work together to set priorities and ensure that they are reflected at all levels of the system then the best-intentioned police efforts are wasted or rendered ineffective. Furthermore, the integrity of the system is undermined when defendants receive a mixed message by a system that does not provide a consistent response.

Furthermore, while local police efforts are frustrated by a system that does not always consistently follow-through on arrests, they also note that they are hampered by the lack of a full continuum of alternatives to arrest.

Not every call for service or police encounter requires an arrest, and as this report has shown, a substantial number of interventions do end with either a cite-in-lieu or a cite &

id (in addition to a large, undocumented number that result in only a warning or no action at all). But there are also a substantial number of cases for which the most appropriate response would be something more than a warning, but short of a citation. To be effective, the police need access to a broader continuum of alternatives to arrest.

An alternative model to arrest exists in Multnomah County in the ‘New Avenues for Youth’ Program. This assessment center is designed to handle juveniles with status offenses, for whom a transport to Detention can provide little more than a stop-gap measure.

This alternative to arrest and detention is spoken of highly by the police because it allows a ‘win-win’ situation for all involved. The intake facility (which accepts youth 24 hours a day) allows the officer to avoid the more time-consuming book-in process, while offering a meaningful response.

Recommendations

➤ Consider Guidelines for Alternatives to Arrest

An exploration of alternatives to arrest must occur within a policy framework. The ‘New Avenues for Youth’ alternative works because there is clarity in state law and local policy regarding the limits on formal processing of juveniles.

To make use of non-jail options, officers must operate with the assurance that a decision to seek an alternative solution is supported by local priorities and system policies. At the same time, any policy guidelines that pertain to arrest decision-making must be construed in a manner that retains officer discretion and flexibility. Police work does not lend itself to a rigid matrix. Neither the detailed guidelines that structure sentencing, nor the complex grids that direct sanctioning can be models for real-time decision making.

The topic of officer guidelines should follow the lead of discussions begun by the Court Workgroup on Pre-Trial Reform (The Chicago Group). As part of a discussion, which involved line officers, the issue of general officer guidelines was explored.

As part of a ‘brain-storming’ effort three general categories of offenses were identified, for which different responses could be devised. These were:

- ◆ Violent offenses or self-destructive behavior = Book-in
- ◆ Non-violent offenses = Cite
- ◆ Non-violent offenses with associated mental health issues = Alternative ‘Intake’

This kind of dialogue should be continued. And, soon it will be informed by cohort tracking data, that will advance our understanding about case outcomes for specific defendant cohorts.

➤ **Develop Non- Arrest Options**

In many instances, the book-in to jail is nothing more than a ‘stop-gap’ measure.

Chronic, repeat offenders who commit low-level offenses and who have a history of complex issues, are often brought to jail because there is nowhere else to take them. Indeed, for many populations, such as the mentally ill, the jail has become the ‘social service agency of last resort.’

The failure of this approach is made clear in recent statistics, that show the disproportionate impact on jail resources of a small number of repeat offenders (MCSO, 2001). This population, fifty-seven percent (57%) of whom were charged with a Trespass offense as their most serious crime, represent a much larger population for whom jail is not necessarily the best option.

Officers should have access to a continuum of community-based options that allow for meaningful responses to low- level offenses. Until this is in place the jail will continue to serve as little more than a revolving door for many defendants.

The Mental Health Re-design offers an opportunity to test different approaches. A comprehensive approach can realize long-term benefits in jail costs alone.

The Trespass II population also provides an ideal test population for implementing an alternative to a standard book-in approach. Given that this study showed that approximately half of this group are cited, consideration should be given to the kind of service which, if available, would assist the officer— with a goal of reducing repeat misconduct.

And community-based efforts must be mirrored in the larger system through services that support meaningful interventions at all levels. These include:

- ✓ Expanded pre-trial supervision for repeat offenders
- ✓ Specialized services and processing for the mentally ill
- ✓ Enhanced service linkages through community courts

The local criminal justice system cannot be everything to everyone. It must decide who it will target for scarce jail resources and who it will handle through alternate means. In both cases it needs a continuum of resources to make meaningful interventions.

III. INVESTIGATIONS : Domestic Violence

The Portland Police Bureau has helped lead the way in progressive responses to Domestic Abuse with the formation of its Domestic Violence Reduction Unit (DVRU).

This Unit, started in 1993, joins victim advocates and police officers in the task of investigating select cases and assisting victims of misdemeanor crimes, toward the goal of interrupting cycles of family violence. With the inclusion of a Deputy DA (until recently, stationed at the PPB offices) the Unit represents a model program.

It is reported that before the start of the DVRU, the prosecution rate for misdemeanor domestic violence cases was seven percent (7%). That rate is now at a thirty-two percent (32%). The question now becomes how that rate can be further increased.

A 1995 study of the DVUR found that it appeared to result in increased victim restraining orders and prosecution rates, and lowered recidivism. And, victims served by DVRU, expressed greater satisfaction with police services and appeared more likely to take protective measures for themselves and their children (Jolin, Annette & Maria Clavadetscher, 1995).

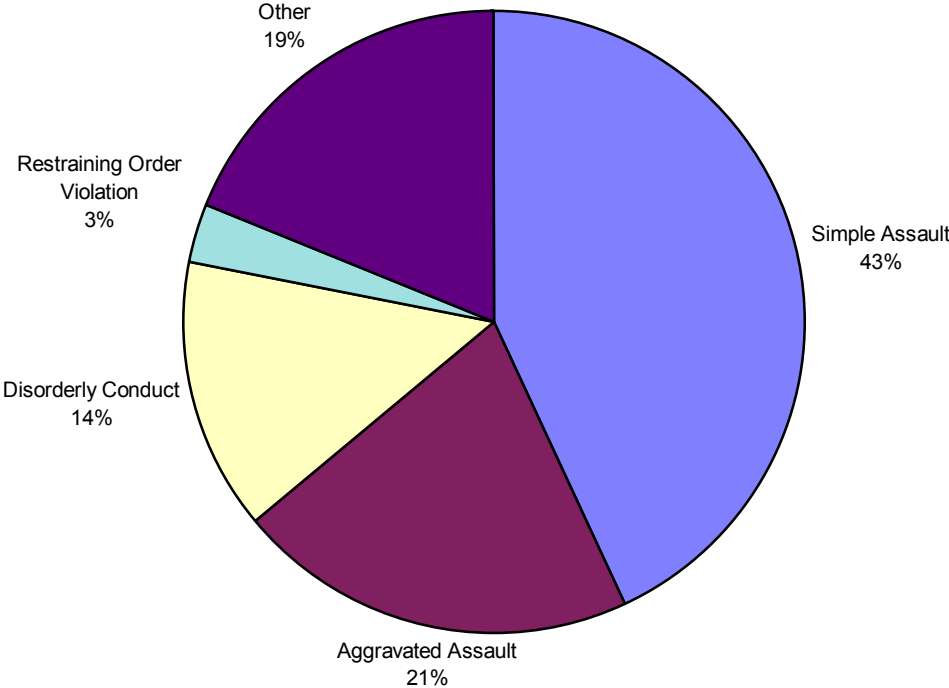
National data shows that over the last ten years the likelihood of an arrest for Aggravated Assault leading to a conviction has almost doubled (BJS, 1998). The cumulative efforts of police, prosecutors, the courts and community advocates has yielded positive results. It is important to continue to build upon these efforts to keep this trend on track.

The recommendations advanced in this report speak to this goal.

Domestic Violence Arrest Data

Twenty-one percent (21%) of the Domestic Disturbance Incidents reported in Multnomah County were for Aggravated Assault.

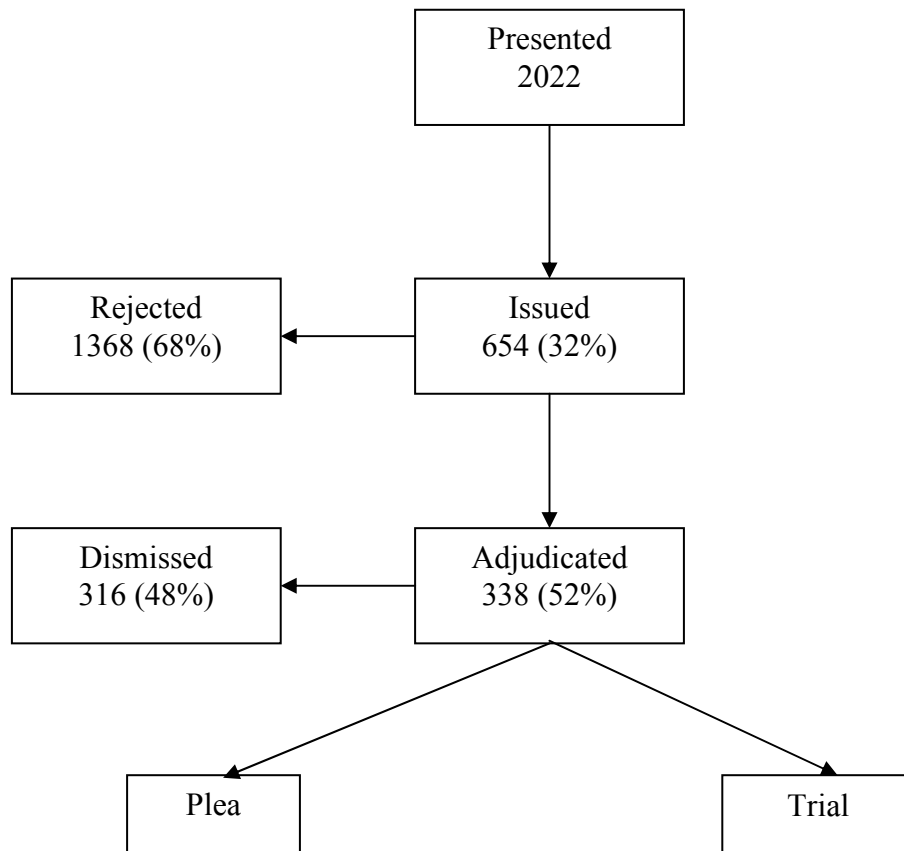
Multnomah County
Reported Domestic Disturbance Incidents ⁽¹⁾
(n = 7,256)



⁽¹⁾ LEDS

Of the domestic violence cases presented to the District Court DV Unit in the District Attorney's Office (January to September, 2001) 32% were Issued.

DA Data on Domestic Violence (District Court)



- ✓ 2022 cases presented.
- ✓ 32 % of presented cases were issued (Jan. – Sept. 2000), up from 23 % in 1999.
- ✓ 52 % of issued cases were adjudicated through plea or trial, up from 48 % in 1999.
- ✓ Main reasons for ‘case not issued’ were:
 - Victim issues - 73 %
 - Insufficient evidence - 23 %
 - Follow-up required - 4 %

Of the domestic violence cases presented to the Circuit Court DV Unit in the District Attorney's Office(January to September, 2001) 48% were issued.

In more than (20%) of Domestic Incidents that the DVRU reviewed, children were present.

DVRU*
(Jan. - Oct., 2001)

	Yes	No	Unknown
Children present n = 1,812	22 %	54 %	24 %
Weapons involved n = 1,812	9 %	54 %	37 %
Victim – alcohol involved	11 %	56 %	33 %
Victim – drugs involved n = 1829	2 %	43 %	55 %
Suspect – alcohol involved	21 %	47 %	32 %
Suspect – drugs involved n = 1854	5 %	39 %	56 %
Prior DV involvement	67 %	23 %	10 %

* Assigned cases

Review of National Research on DV Arrests

Research findings on the relationship between arrest and domestic violence recidivism have in turns provided clarity and confusion.

After a study conducted in Minneapolis in the 1980's concluded that the arrest of a DV suspect reduced subsequent recidivism by half, police departments adjusted their practices and mandatory arrest laws were put in place across the country. However, a five-site replication study found either weak or conflicting proof of the assertion that arrest suppresses future violence in domestic incidents.

But a new review of the replication site studies (Maxwell, 2001) has just been completed. This re-evaluation pooled data (over 7,000 incidents) from the sites, standardized data elements and applied uniform tests. The results are in.

Arrest is associated with reduced repeat offending.

This finding was consistent across the five sites. There was no evidence to support past findings that suggested that, in some instances, arrest actually increased defendant aggression.

The size of the reduction between arrest and repeat offending is modest.

Although the direction of the relationship between arrest and subsequent violence is positive, its predictive power is only modest compared to other factors such as the defendant's criminal history and age.

Review of National Research on DV Risk Assessment

The research on the prediction of violence has been frustrated by weak findings. Recent research (Heckert & Gondolf, 2001) studied the power of various factors for predicting domestic violence recidivism, and examined the validity of risk assessment inventories (such as the SARA assessment instrument).

Factors that have some predictive power (younger age, living with partner, heavy drinking, etc.) also have high rates of false negatives.

Risk inventories (SARA, DAS, K-SID) provide only modest predictive power, but are strengthened when combined with a women's perceptions of risk. Only the DAS was more predictive than the women's perceptions by themselves.

Finally, these researchers note the difficulty inherent in protecting victims and securing prosecutions in these cases.

“ The partners of the men who repeatedly re-assaulted were less likely to resist the violence during an attack and less likely to seek help in response to the violence...[and] when action was taken against the men who repeatedly re-assaulted, they were less likely than the one-time re-assaulters to be sanctioned or contained. Police did not arrest, courts did not jail, and social services did not refer them. In short, these men continue to get away with being violent.”

(Heckert & Gondolf, 2001)

In a recent national survey, eighty percent (80%) of prosecutors, judges and public defenders, indicated that victim behavior was an obstacle to conviction of batterers (Belknap, 2000).

Recommendations

➤ Consolidate the Domestic Violence Investigation Function

The investigation of domestic violence cases is too important to be bifurcated into two units within one agency. Yet, at this time cases that come to PPB are distributed between Detectives, who handle felony, and the Domestic Violence Reduction Unit, which works misdemeanors.

Of all criminal offenses, the etiology of this crime (with repeat and escalating behavior) does not lend itself to an artificial division along felony/misdemeanor lines.

Unfortunately, not only does this dichotomy decrease effectiveness, but the detectives working the more serious offenses do not have the benefit of victim advocates nor the close working relationship with a larger team of support personnel.

As a result, we support any effort within the Portland Police Bureau to consolidate the investigation of domestic violence cases.

➤ Establish Information Sharing with Pre-Trial

To be effective, police officers need the benefit of all available information when they respond to a domestic violence incident. This should include access to information that the Pre-Trial Program keeps regarding the conditions of release (including ‘No Contact’ provisions) and the name and contact number of the pre-trial supervision staff.

A mechanism should be established that would allow officers electronic access to this information, similar to the EPR system in use with probation and parole.

In turn, Pre-Trial Intake staff should have the full benefit of police input for making release decisions. A discussion between the two staff should include a review of the information that police report and how it is presented (i.e. mental health and alcohol and drug information is often embedded in narratives).

Consideration might also be given to capturing police input about the perceived severity/risk of the case. Given the weak power of any one variable to predict violence, the addition of the officer’s ‘opinion’ about risk provides another yet another piece of information that might be included in a validation study.

At present, Pre-Trial Intake staff only consult a victim in making their release decision if the defendant gives their name as a reference. This should be an issue of policy discussion. One approach would be for the police to indicate whether the victim would like to be contacted for input.

* We attempted to organize a joint meeting of the DVRU and Pre-Trial Intake staff as part of our efforts for this report. This meeting should be scheduled to discuss these and other coordination and information sharing issues.

➤ **Provide Cross-Training for DVRU and DA's Victim Advocates**

Routine communication between advocates in the DVRU and the DA's office should become the norm. While there appears to be an effort on the part of individual advocates to touch-base on certain cases, it is also true that the DVRU officers interviewed for this report, were not able to describe the function of DA's advocates. They expressed a lack of knowledge about their role.

After some basic education for both units about each others role, coordination could be facilitated by protocols for information sharing, perhaps including the development of some form of electronic communication that would allow both offices to share information. This information might include a listing of services each has provided to individual victims, and notation of outstanding needs. This could be done while honoring the confidentiality agreements inherent in the DVRU advocate/victim relationship.

There should also be a discussion between Pre-Trial staff, the DA's advocates and the DVRU advocates about how best to work together to keep the victim (and each other) informed about such things as: defendant release from jail; copies of pre-trial conditions, and up-coming court dates. The more information that each of these players has about a case, the better they can reinforce each other and support the victim toward case resolution.

Advocates in both units would also benefit from cross-training.

To some degree, both sets of advocates are involved in providing emotional support, safety planning, and crisis intervention. This effort is too important to be fragmented.

* It should be noted that the DA Victim Services was not reviewed as part of this report, but will be visited as part of the next report on DA Operations.

➤ **Review Protocols for Victim Follow-up on 'No-Issue' Cases**

That data that we collected showed that in seventy-three percent (73%) of 'No-Issue' domestic violence (district court) cases, the principal reason the Deputy DA rejected a case was: 'Victim Issues.' For circuit court cases, 'Victim Issues' was the main reason for rejection in fifty-three percent (54%) of the cases. (DA, Jan.-Sept. 2001)

This should be examined. Such a high rate suggests that the current practice (in which victims are given with written directions to call the DA's office by the next day) may be insufficient to the goal of prosecution without more immediate victim follow-up.

High case rejection rates are discouraging to police officers and send a confusing signal to victims.

* DA practices will be reviewed as part of the next report.

➤ **Provide Feedback to Officers on ‘No-Issue’ Reasons**

Of ‘No Issue’ domestic violence (district court) cases, twenty-three percent (23%) were rejected by the Deputy DA for reasons of ‘Insufficient Evidence.’ For circuit court cases, ‘Insufficient Evidence’ was cited in twenty-nine percent (29%) of the cases. (DA, Jan.-Sept. 2001)

The data that the DA’s office compiles provides a monthly break-down listing the reasons that cases were Rejected, or Dismissed. This information, linked to either a police case number or defendant name, should be provided as feedback to officers working domestic violence cases.

Cases in which a rejection due to ‘Insufficient Evidence’ is tied to police evidence collection, should be routinely followed-up by a conversation between the DDA and the DV Unit. This kind of information sharing is essential to improving efforts at all levels and to increasing prosecution rates.

➤ **Coordinate Child Abuse and DV Investigations**

Child abuse is often associated with partner violence. It is at once a crime of domestic violence and a risk factor for future criminality.

As such, we support the expressed interest of PPB management to more tightly coordinate child abuse and DV investigations. Co-locating officers from these two units is a good beginning.

The relationship between child abuse and future criminality has been validated over the last twenty years. Yet, this has been further dramatized by a recent update on a longitudinal study — “The Cycles of Violence” (Widom, 2001).

The 30-year tracking of matched samples of children is now reporting that almost half (49%) of the individuals who were abused or neglected as children have been subsequently arrested for a non-traffic offense. And, it appears that physical abuse and neglect hold a similar destructive influence when it comes to predicting later criminality.

A call to a domestic violence incident is often the time when child abuse is discovered. It is reported that thirteen percent (13%) of the incidents of parental assault against a child

that are brought to police attention are associated with an assault against a current or former spouse (OJJDP, 2001).

The data speaks to the need for police to be trained to recognize the signs of abuse and neglect and to aggressively follow-up on cases involving children. This supports the interests of child safety, crime prevention, and, through a more comprehensive approach — higher prosecution rates.

In the interest of detecting child abuse and coordinating system work, one DVUR advocate recommended cross-training DV advocates and Family Services staff.

We support and encourage any efforts to better integrate these efforts.

➤ **Refine DV Data Collection**

The data collected by the PPB on both the ‘Incident’ and ‘Family Abuse Supplemental Report’ forms is fairly comprehensive. We would make only a few observations.

Uniformity

While the DVRU has a computerized data program to collect case information, it is our understanding that it does not necessarily include felony DV cases. Police work on domestic violence cases must be joined — at both the organizational and data level. The bifurcation of effort on these cases is counter-productive.

Data Elements

Although the DV Reports capture vital data on suspects and victims, consideration should be given to adding the following:

- ✓ A severity index for injury based on officer observation
- ✓ A scale (1-10) of victim fear
- ✓ Whether child in home witnessed the abuse
- ✓ Whether child was also assaulted/threatened
- ✓ Alcohol and Drug: visibly intoxicated or drug affected (yes/no)

Database

Data entry is a time-consuming task. PPB might want to explore what some other jurisdictions have done in setting up systems that make use of scan-able reporting forms that are then captured in a relational database.

Routine Reports

The wealth of data contained in officer reports cannot serve management unless it is extracted in a manner that is both clear and meaningful.

For ease of interpreting the data, it would help to devise a crime severity index for the cases. This would rank cases based on a few objective indicators such as: prior DV involvement, children present, and weapon used. Ideally, the index should reflect the manner in which cases are prioritized.

It is recommended that a monthly report be generated that breaks out cases by:

Number of reported incidents

Number of arrests

- . By charge
- . By case severity
- . By relationship of victim and suspect*

Number of Unit Cases (new)

- A. Number Assigned, and (Charge, Severity Rating, Relationship between victim and suspect, and Case referred to Child Abuse Unit (yes/no))
- B. Number Not –Assigned and (Charge, Severity Rating, Relationship, and Case assigned to Child Abuse Unit (yes/no))

Case Status

- . Number of open cases (assigned)
- . Number of pending cases (not-assigned)

Case Outcomes

- . Number Victims request Restraining Order
- . Number Victims who disclose new information
- . Number cases closed/Arrests

Other information that would be useful would includes: the average time between case receipt/assignment and arrest; number of victim contacts per case by advocate/officer; and system case outcome (DA issue/eject).

* For management purposes, the multiple categories that are now in place might be collapsed to three or four: 1. Current or former intimate (spouse, intimate, etc.) 2. Current or former Co-habitant, 3. Guardian or Caretaker 4. Parent

➤ **Review Bail Policy**

In a one-month data collection for this project, Multnomah County Pre-Trial staff tracked the number of defendants with domestic violence charges who posted bail.

During the month of August, 2001, eighty-nine individuals with DV charges posted bail. Of these, a total of eight defendants— or nine percent (9%) of the sample, exited jail on bail before their First Appearance Hearing.

Oregon has expansive bail statutes, with an automatic right to bail for all charges, except for Murder and Treason. Nevertheless, in cases of alleged crimes of violence, the right to bail should not provide a mechanism for escaping judicial review and the imposition of pre-trial conditions. The issue becomes one of determining whether the statute can be read to support a policy that would require that for certain offenses, the posting of bail occur *after* an appearance before a magistrate.

One reading of the statute might allow one to conclude that a timely appearance before a magistrate (during which a security release can be requested) satisfies the right to prompt release.

(1) Except as provided in ORS.135.240, a person in custody shall have the immediate right to a security release *or shall be taken before a magistrate without undue delay. [italics added]* If the person is not released under ORS.270, or otherwise released before arraignment, the magistrate shall advise the person of the right to a security release as provided in ORS. 135.265.

(2) If a person in custody does not request a security release at the time of arraignment, the magistrate shall make a release decision regarding the person within 48 hours after the arraignment.

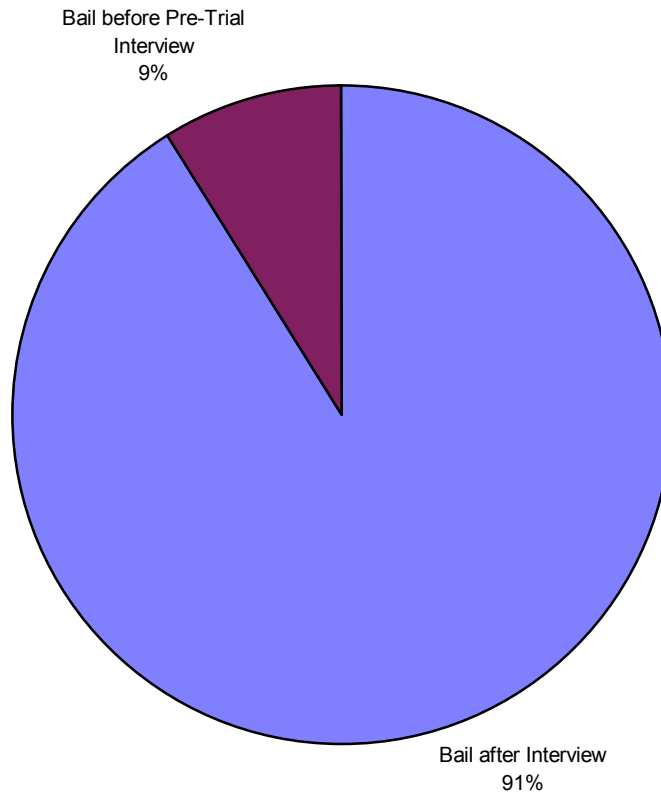
(ORS 135.245)

Bail laws increase pre-trial release rates at the same time that they confound practices based on risk. As long as the over-riding determinant for exiting jail after book-in is the financial status of the defendant, risk assessments will too often be applied only to those left behind. This results in increased disparities based on the financial health of the defendants. It may also frustrate prosecution if those who bail without supervision or pre-trial conditions have higher failure-to-appear rates. And, last but most importantly are considerations for victim safety.

The goal should be that every defendant booked into jail on a Domestic Violence charge leave that facility with a judicial order outlining conditions of release, an assigned pre-trial supervisor, and a date for the next court appearance.

Bail laws and local policies should be reviewed.

Bail – Domestic Violence Cases
(August, 2001)



n = 89 cases bailed

➤ **Conduct Outcome Research**

Outcome data is a prerequisite to informed program change. Only by tracking the outcomes of cases can we gain the knowledge needed to refine our practices.

The DVRU has assembled a good pool of data that could be tested. Studying the outcomes of matched samples of defendants who are in either the 'assigned' or 'non-assigned' groups could help illuminate whether certain practices are associated with improved outcomes, and assist in the on-going work of trying to identify what offers the most promise.

SUMMARY

The recommendations advanced in this report, organized around three central goals, can be summarized as follows:

➤ **Reduce Jail Impact**

- * Establish LPSCC as a forum to announce/debate policy changes
- * Bring issue of change in DUII arrest policy to LPSCC
- * Explore investing in mobile Automatic Fingerprint Information System (AFIS)
- * Discuss concept of Guided Arrest Decision-Making
- * Expand officer options to Arrest/Book-in

➤ **Strengthen Prosecution**

- * Consolidate Police DV investigation functions
- * Provide officers with feedback on case outcome
- * Provide cross-training of police and DA victim advocates
- * Tightly coordinate Child Abuse and DV investigations
- * Review Bail law and policy on release prior to Interview/First Appearance
- * Conduct outcome study on DV cases

➤ **Reduce Crime**

- * Create a Continuum of Meaningful Interventions for officers
- * Explore Meaningful Non-Arrest/Book-in options for Trespass II cases
- * Establish Mechanism for Information Sharing between Pre-Trial and Officers to Refine arrest response and Release decision-making

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