



MOVING FORWARD

**Transforming Multnomah
County's Pretrial System into a
Support-Oriented Model**

September 2025

JSP
JUSTICE SYSTEM PARTNERS

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Lastly, we acknowledge the 25,287 individuals who are at the center of this report. Their lived experience with the Multnomah County pretrial period details current practices and offers insights into opportunities where court partners can provide greater support to their residents.

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Introduction

Between 2022 and 2024, there were, on average, 16,609 jail bookings per year in Multnomah County, Oregon.

Following arrest and booking, individuals must appear in arraignment court to hear the charges against them. While some individuals are eligible for pre-arraignment release, others will be held until arraignment and receive a release decision at this point. At arraignment, individuals can secure their release if the judge orders: (1) release on recognizance, (2) release by paying a security amount, (3) release to pretrial monitoring, or (4) release by paying a security amount and reporting to pretrial monitoring.

If the judge orders an individual to report to pretrial monitoring, they will then report to one of two pretrial agencies: the Pretrial Supervision Program (PSP) operated by the Department of Community Justice (DCJ), or the Close Street (CS) program, operated by the Multnomah County's Sheriff's Office (MCSO).

The original intention of this two-agency system allowed the agencies to specialize and focus their attention on different sub-populations: PSP supervises individuals less likely to miss court and/or experience a new arrest while on pretrial release, and CS supervises individuals more likely to miss court and/or experience a new arrest while on pretrial release.

However, changing demographics of the booking population, subsequent state policy changes, and shifts in courtroom practices have led judges to order individuals to report the Close Street program more often. This has resulted in an unsustainable volume of pretrial defendants on Close Street's caseload.

Multnomah County stakeholders have attributed the rising Close Street caseload to an increasing number of court absences and increasing use of opioids—in particular fentanyl—among defendants, and a population with significant housing instability. They recognize the current model of pretrial

monitoring in their county is not addressing these core challenges and is not designed to provide targeted services to address these concerns.

Multnomah County stakeholders have expressed a need for a fairer and support-oriented pretrial framework, with the goal of improving court attendance rates and reducing new arrests among people on pretrial release.

In response, Justice System Partners (JSP) assessed Multnomah County's current pretrial infrastructure, relying on on-site observations, written document analysis, and analysis of administrative data at the booking, pre-arraignment, arraignment, and pretrial monitoring stages.

Then, JSP researchers compared current county practices to those offered in the *First Step Forward* report, which details guiding principles and enhanced practices for a support-oriented pretrial framework.

The First Step Forward report details five guiding principles:

- 1** Release individuals exclusively on recognizance pre-arraignment as often and as soon as possible.
- 2** Create intentional access to defense attorneys pre-arraignment and at initial appearances.
- 3** Rely on the least expensive and least restrictive pretrial release conditions possible.
- 4** Create a pretrial supervision agency focusing on pretrial support services.
- 5** Create a support-oriented court ecosystem focused on enhancing fairness.

For each guiding principle, First Step Forward offers a series of "enhanced practices." These are research-informed practices currently operating in some U.S. jurisdictions with the goal of improving court attendance and enhancing fairness in pretrial practices.

Throughout this assessment, we offer insight into Multnomah County's alignment with these enhanced practices and recommendations for moving closer to their desired support-oriented pretrial framework.



Methods

JSP leveraged the strength of a multi-method research design to conduct a comprehensive assessment of the pretrial process in Multnomah County.

This included review of policy documents and other written material, a week-long site visit and in-person interviews with key personnel responsible for booking and arraignment procedures and pretrial supervision, and analyzing administrative jail, court, and pretrial supervision data.

Our assessment had multiple goals:

- Map the pretrial process from arrival at jail booking through placement and intake at either of the county's two pretrial supervision agencies.
- Understand how various policies and procedural changes (e.g., changes to Presiding Judge Orders) may have impacted pretrial monitoring placement trends.

- Identify options for Multnomah County to improve the efficiency and effectiveness of how the pretrial process provides support to individuals to improve court appearance and reduce re-arrests while on pretrial release.

This assessment focuses on the period from January 1, 2022 to March 31, 2025 (39 months).

This allows the assessment to avoid sudden and temporary trends which resulted from the COVID-19 pandemic while accounting for the impact of several major policy changes, including the implementation of the Public Safety Assessment (PSA) and other influential Presiding Judge Orders (PJOs) related to pretrial release.

Data Sources

Policy Documents

Over the course of our assessment, we collected more than 30 unique documents relating to the pretrial system. These included Presiding Judge Orders (PJOs) and other relevant judicial opinions, intake and needs assessments documents from each stage of the pretrial process, training materials and other instructions to agency employees relating to pretrial decision-making and monitoring, and compliance review and response guides.

Site Visit and In-Person Interviews

The JSP team conducted a week-long site visit to the Multnomah County Circuit Court in March 2025. Prior to our visit, we developed observation and interview guides to ensure that we captured information most relevant to understanding how the pretrial system currently operates and opportunities to grow into a more support-oriented model.

The site visit resulted in over 120 person-hours of interviews and observations of the Multnomah County Detention Center (MCDC), Circuit Court arraignment hearings, and the Pretrial Services Program (PSP) and Close Street Supervision (CS) offices. We attended a meeting facilitated by the Local Public Safety Coordinating Council (LPSCC) which included attendees from the Metropolitan Public Defender's office,

judges, deputy district attorneys, representatives from law enforcement and human services agencies discussing ideas for improving the pretrial system. We also attended a presentation by Close Street and PSP to court system stakeholders to explain their policies and practices.

Administrative Data

Multnomah County Sheriff's Office (MCSO)

We received administrative data from MCSO which included individuals' booking date, booking offense type, jail release date, release type, which pretrial monitoring agency they were ordered to report to (if applicable), and demographic information.

Department of Community Justice (DCJ)

We received administrative data from DCJ which primarily detailed an individual's scores on the Public Safety Assessment (PSA) and their recommended release category. We do not have PSA information for all individuals who have experienced a booking during the assessment period, only PSA information about individuals ordered to one of the two pretrial monitoring agencies.

Multnomah County Circuit Court (OJD)

The Oregon Judicial Department (OJD) provided case data covering criminal proceedings, including case demographics, hearing schedules and outcomes, charge dispositions, and warrant information. This dataset captured the full court process from case filing through disposition.

Analysis

Policy Documents, Observation Notes, and Interview Notes

All site visit notes and policy documents were imported into NVivo, a software program that assists with qualitative data organization and coding. Site visit notes were coded by key stages of the pretrial process (i.e., booking, pre-arraignment release, arraignment hearings, and pretrial monitoring) and analyzed to identify collectively observed themes relating to pretrial system processes, points of friction or frustration in the current system and, if offered, proposed solutions.

Administrative Data

We began the administrative analysis by combining the data sources into three specific data sets: (1) data set at the individual level (n=25,287); (2) data set at the booking level (n=54,497), and (3) data set at the charge level (n=221,680).

From observations and interviews, staff often explained that various policies and practices are applied to people differently based on their recent booking history and number of open cases. Therefore, individuals with a single booking during the assessment period and individuals with multiple bookings during the study period have systematically different experiences. For this reason, and throughout this report, we principally rely on the booking level data set for analysis.

Specifically, we separated individuals into two categories:

- Single Bookings (n=14,473 bookings, n=14,473 unique individuals).
- Repeat Bookings (n=40,024 bookings, n=10,814 unique individuals).

This separation allows us to provide more targeted guidance for Multnomah County, especially for individuals with repeat bookings.

It is important to note that individuals in the "single bookings" category may have had prior experience in the pretrial system, but this experience must have occurred before January 2022.

Since recidivism is typically measured within 36 months, or 3 years, the categorization of "single bookings" within the 39-month assessment period provides a strong indicator that individuals in this group, even if they had prior content, likely do not have significant challenges resulting in consistent and persistent contact with Multnomah County's court system.

Table 1

Demographic Profile of Individuals & Bookings
(January 1, 2022 - March 31, 2025)

<i>Demographic Characteristics</i>	<i>All Bookings % (n)</i>	<i>Single Bookings % (n)</i>	<i>Repeat Bookings % (n)</i>
INDIVIDUAL LEVEL			
Individuals	100% (25,287)	57.2% (14,473)	42.8% (10,814)
Race¹			
Asian Individuals	2.7% (675)	2.9% (422)	2.3% (253)
Black Individuals	19.9% (5,037)	18.8% (2,727)	21.4% (2,310)
Hispanic Individuals	14.7% (3,728)	16.6% (2,408)	12.2% (1,320)
Indigenous Individuals ²	2.8% (712)	2.6% (379)	3.1% (333)
White Individuals	59.9% (15,132)	59.0% (8,534)	61.05% (6,598)
Sex³			
Men	77.9% (19,771)	77.0% (11,138)	79.8% (8,633)
Women	21.8% (5,515)	23.0% (3,334)	20.2% (2,181)
BOOKING LEVEL			
Bookings	100% (54,497)	26.6% (14,473)	73.4% (40,024)
Offense Severity for Most Serious Charge			
Felony Booking	50.6% (27,577)	44.6% (6,452)	52.8% (21,125)
Misdemeanor Booking	49.4% (26,920)	55.4% (8,021)	47.2% (18,899)
Average Number of			
Charges per Booking	4	3	4
Bookings	2.35	1	3.7

Among the 25,287 unique individuals who experienced a booking between January 1, 2022 and March 31, 2022, 57.2% experienced only a single booking while 42.8% of the population experienced at least two bookings during the same period, as shown in **Table 1**. The 10,814 individuals with repeat bookings accounted for 73.4% of all the bookings during the assessment period,

averaging 3.7 bookings each. These individuals were mostly white (61%) and men (79.8%). There were slightly more Black individuals represented in the repeat bookings (21.4%) than single bookings (18.8%), and there were slightly less Hispanic individuals in the repeat bookings (12.2%) than single bookings (16.6%).

In the pages that follow, we provide descriptive analysis of pre-arraignment release, arraignment release, and pretrial supervision assignment for both single bookings and repeat bookings. When relevant, we also provide racial demographic trends at these specific stages.

Following each descriptive analysis, we provide staff perceptions of the stage and the stage's current alignment with enhanced practices.

Throughout this assessment, we provide insight into Multnomah County's alignment with enhanced practices and offer recommendations for moving closer to their desired support-oriented pretrial framework.



Overview of Key Policy Changes

Between January 2022 and March 2025 key policy changes to Multnomah County's pretrial system came by way of local Presiding Judge Orders, mainly operationalizing changes mandated by Senate Bill 48. In Multnomah County, the local Presiding Judge Order (PJO) operationalized these statute changes.

During the study period, there were four related PJOs that changed processes and trends across the system. These orders detailed procedures for pretrial release, including release guidelines for specific charges, the use of risk assessment instruments, and required release conditions for specific charge types or other case characteristics.

Importantly, the last of the four PJOs, Pretrial Release Order for Multnomah County, was initially implemented on August 1, 2024. However, parts of this order related to pre-arraignment release overrides were not implemented until January 2025.

The descriptive trend data suggests these override conditions made considerable changes to pre-arraignment release following its implementation. As a result, we plot the fourth PJO in two parts: PJO4a and PJO4b, with PJO4b specifically related to the pre-arraignment override implementation.

Therefore, the key policy changes we detail and plot in descriptive trends, include:

- PJO1: Order Regarding Pretrial Release Prior to Arraignment, PJO 2201-00002.
- PJO2: Order Re: Preventive Detention Hearing Procedures in Violent Felonies, PJO 2202-00003.
- PJO3: Order Regarding Pretrial Release Prior to Arraignment, 23PJO00003.
- PJO4a: Pretrial Release Order for Multnomah County, 24PJO00002.

- PJO4b: Pretrial Release Order for Multnomah County, Pre-arraignment Release Overrides, 24PJO00002

PJO1: Order Regarding Pretrial Release Prior to Arraignment

Implemented: July 1, 2022

PJO1 describes the procedures for pretrial release prior to arraignment, following the 2021 passage of Senate Bill 48 (SB 48). Prior to SB 48, Oregon relied on the use of security schedules to set money bail or “security” amounts for immediate pre-arraignment release. SB 48 included provisions to establish and implement statewide guidelines for pretrial release, increase the use of validated actuarial assessments to inform pretrial release decisions, and remove the use of security release for pre-arraignment release.

In lieu of a security schedule dictating pre-arraignment release, PJO1 created three levels of pre-arraignment release guidelines. The levels included:

- Release Guideline (1) release prior to arraignment on recognizance.
- Release Guideline (2) release prior to arraignment with conditions, which largely includes reporting to Pretrial Release Services, no contact with named victims or co-defendants (if relevant), no entry into locations where offenses

occurred (if relevant), and restrictions on operating motor vehicles or possessing certain weapons or chemicals (if relevant).

- Release Guideline (3) held until arraignment.

PJO1 outlines a two-step procedure for determining which pre-arraignment release guideline is most appropriate for the individual. This included first considering the offense(s) charged. If eligible for Release Guideline 1 or Release Guideline 2, the second step requires determining whether the defendant meets the criteria for any overriding circumstances that may move their release category from RG1 to RG2, affecting conditions, or RG2 to RG3, affecting the release decision.

PJO1 also indicates that individuals with the final placement of Release Guideline 2 and Release Guideline 3 will receive a formal actuarial assessment—the Modified Virginia Pretrial Risk Assessment Instrument (MVPRAI), which provides the court information on the individual’s likelihood of missing court or experiencing a re-arrest while released pretrial.

PJO2: Order Re: Preventive Detention Hearing Procedures in Violent Felonies

Implemented: July 1, 2022

PJO2 indicates that individuals with violent felonies must receive Release Guideline 3 and remain detained until arraignment. For these bookings, the Multnomah County District Attorney's office can request security as a release condition or seek preventive detention at arraignment. The guidelines also allowed for judicial flexibility to consider "overriding circumstances" that may apply to release determinations, which may include prior conviction history, outstanding warrants, threats of violence, or prior court absences.

PJO3: Order Regarding Pretrial Release Prior to Arraignment

Implemented: June 1, 2023

PJO3 updates PJO1 (PJO 2201-00002) to reflect the adoption of the Public Safety Assessment Instrument (PSA), a nationally validated risk assessment tool that uses nine items to predict three pretrial outcomes: Failure to Appear (FTA), New Criminal Arrest (NCA), and New Violent Criminal Arrest (NVCA). While the PSA predicts these three outcomes, Multnomah County stakeholders chose not to include an individual's NVCA score in the final release recommendation because the item showed inconsistent predictive

power in previous jurisdictions. Unlike the VPRAI, the PSA does not require individual interviews of defendants and staff can score the tool using administrative data alone.

Importantly, the transition to a non-interview-based tool meant Multnomah County could implement universal screening for all adults booked into the jail.

PJO3 outlines a process for the Department of Community Justice's Recognizance Unit to complete the PSA and use the score to determine the individual's pre-arraignment release guideline category. Steps I and II of the process, outlined in PJO1, remain the same: identifying each offense charged to determine Release Guideline 1, 2, or 3, then considering if there are any overriding circumstances.

DCJ's Recognizance officers are directed to administer the PSA for all defendants and generate the PSA Defendant Report, which includes the PSA score and Pretrial Monitoring Level Matrix placement, see **Table 2**. The PSA score may override offense-specific release guidelines for conditional release.

PJO3 also directs OJD Release Assistance Officers (RAOs) to interview all individuals under Release Guideline 3 (individuals held until arraignment). The PJO or the relevant statute (ORS 135.235) does not detail the exact content of the RAO interview or report although it does

Table 2
Pretrial Monitoring Matrix Level

Pretrial Monitoring Matrix Level	Reporting Agency	Reporting Condition
Level 0	None, release on recognizance	None
Level 1	DCJ's Pretrial Services Program (PSP)	Once per month by phone
Level 2	Close Street (CS) Program	Once every other week by phone
Level 3	Close Street (CS) Program	Once per week by phone
Level 3+	Close Street (CS) Program	Weekly by phone and potentially one in-person report per month

specify RAOs should attempt to contact any victim to learn their position on pretrial release. However, in practice, the RAO interview asks individuals about their employment status, housing and transportation, relationships, ties to the community, alcohol and drug use, and behavioral health history.

PJO4a: Pretrial Release Order for Multnomah County

Implemented: August 1, 2024

PJO4a (24PJO00002) updates the PJO3 by requiring individuals charged with the delivery or manufacture of controlled substances, particularly hydrocodone, fentanyl, and methamphetamine, be held until arraignment.

PJO4a also lays out the specific circumstances for overriding the presumptive release criteria or imposing special conditions of release. The responsibility for documenting these circumstances falls to the arresting agency. These circumstances include the quantity of the controlled substance or the presence of commercial drug offense factors, whether the individual was in possession of a firearm while committing the offense, and whether the offense involved the manufacture or delivery of fentanyl.

Thus, newly included in Release Guideline 3 (remain in custody until arraignment) are several Class B felony-controlled substance offenses, as well as felony- and misdemeanor-controlled substance offenses involving minors.

PJO4b: Pretrial Release Order for Multnomah County, Pre-arraignment Release Overrides

Implemented: January 1, 2025

PJO4b provisions override criteria that largely move individuals from Release Guidelines 1 and 2 to Release Guideline 3, increasing the number of people held until arraignment. Among other stated overrides, the expansion in this provision of PJO4 includes:

- Person booked into custody on a new offense and has more than five historical failures to appear within the last three years on any filed case on separate dates, whether pending or closed.
- Person is booked into custody on a failure to appear warrant on a pending felony or misdemeanor offense.
- An unrepresented person is booked into custody on a failure to appear warrant on a felony or person misdemeanor offense, having failed to appear two or more times on separate dates in the pending case.
- Person is booked into custody on a failure to appear warrant for a non-person misdemeanor offense, having had two or more prior failures to appear on separate dates in the pending case.

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Other Critical Context

Challenges with Indigent Defense and Potential Impact on Court Attendance

Across the country, jurisdictions are grappling with a limited indigent defense workforce; however, these challenges are especially prevalent in Oregon.

A report from the American Bar Association found the state could only provide about one-third of the lawyers needed to represent individuals who qualify for indigent defense.⁴ In Multnomah County, the most populous Oregon county, the crisis is particularly acute.

In response, the Multnomah County Circuit Court—with rare exceptions—will release release on recognizance (ROR) all individuals for whom the court cannot assign an attorney. Then, the court will schedule a new hearing for 12 weeks from the original arraignment to

revisit the availability of an attorney assignment.

Without proper assistance from their attorney to remind them of this new court date, some individuals do not appear in court for an update on their attorney assignment—creating even more challenges to case processing delays and an increase in bench warrants for missed court dates.

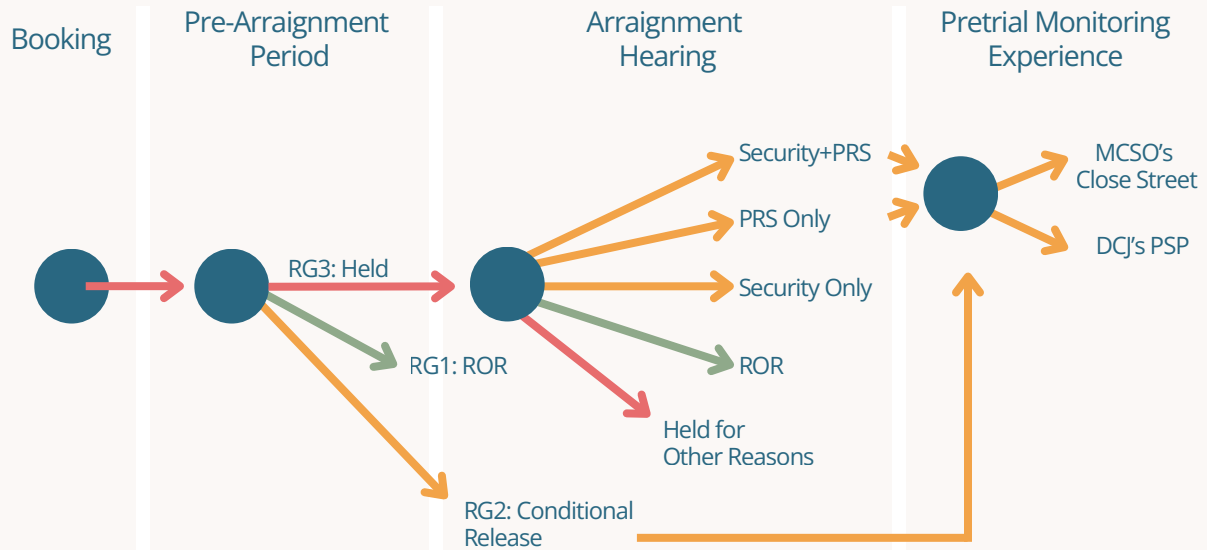
Multnomah County judges and other court partners have expressed concern for this population's court attendance and a sincere interest in helping this population attend court.

However, they are also conscious that any court order assigning pretrial conditions for this population would be problematic without an attorney to help them navigate the conditions.

FINDINGS



Figure 1
Multnomah County's Pretrial Process



Overview of Multnomah County's Pretrial Process

Figure 1 above provides an overview of the pretrial process flow. This begins with an individual arriving at the Multnomah County Detention Center (MCDC) and staff leading the individual through the intake booking procedures: fingerprints, photo, health assessments. Subsequently, DCJ's recognizance officers conduct the actuarial assessment and determine if the individual is eligible for pre-arraignment release or must remain in custody until arraignment.

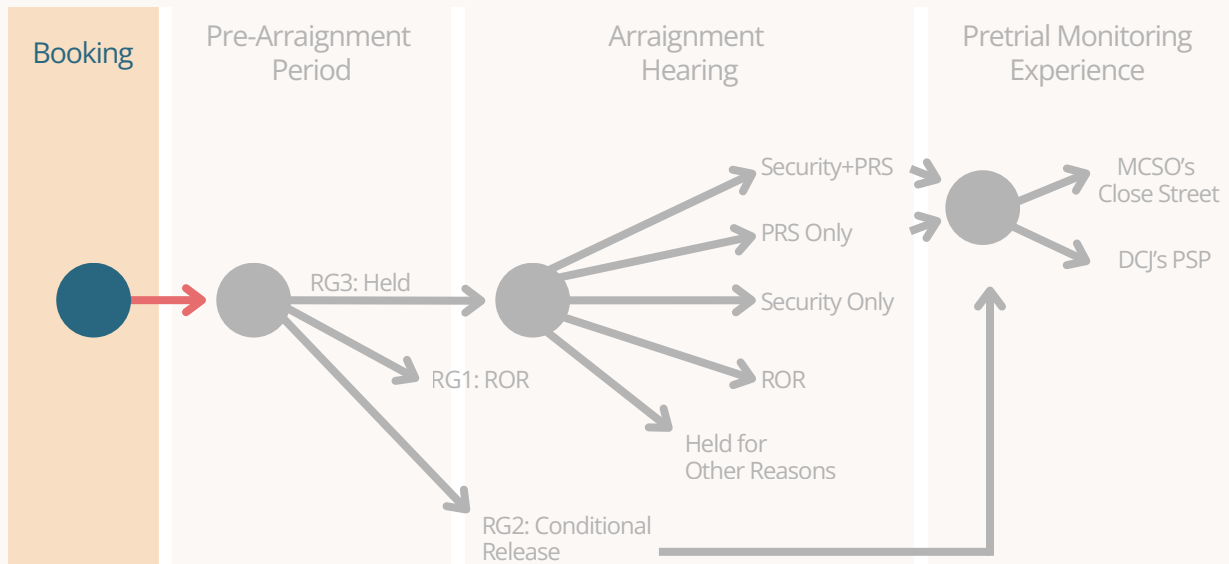
All individuals, regardless of their pre-arraignment release guideline category, appear in court for their arraignment typically within eight to 72 hours of their booking. At this arraignment hearing, the

judge also makes a pretrial release decision, which could include maintaining their pre-arraignment release status for individuals in release guideline 1 (ROR) and 2 (report to PRS). For individuals in custody, the judge will determine if it is appropriate to release the individual: (1) ROR, (2) report to pretrial monitoring or other conditions, (3) pay a security amount, or (4) pay a security amount and report to pretrial monitoring.

If the judge assigns pretrial monitoring, they are to report within 24 hours for their intake assessment and learn more about the expectations and requirements of pretrial monitoring and court attendance.

Figure 2

Jail Intake & Initial Booking Procedures



Pretrial Stage: Booking

The Booking Process

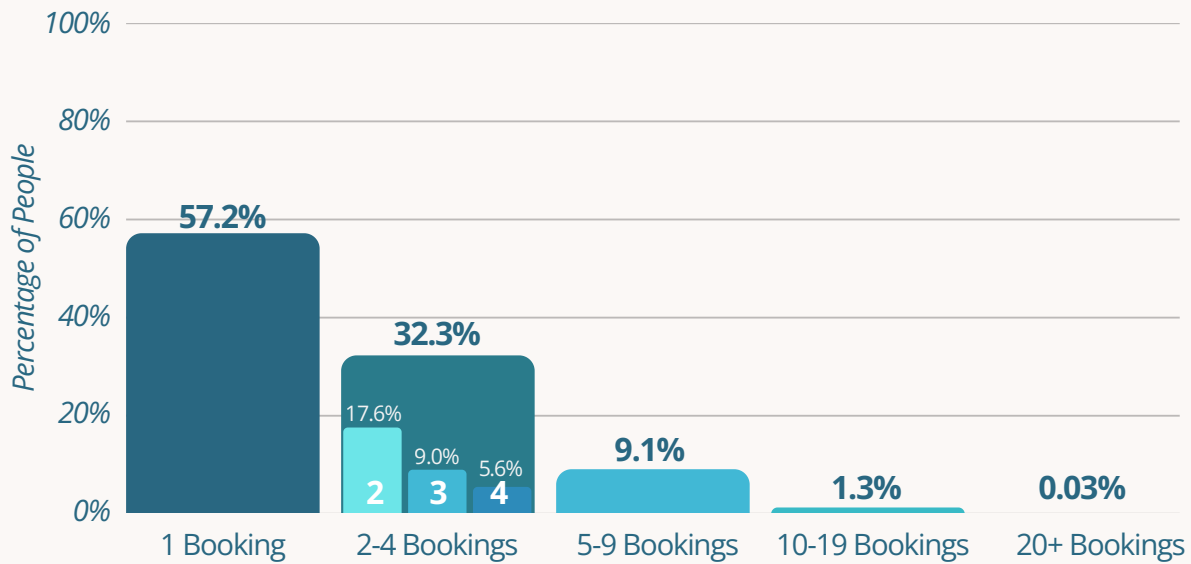
Upon arrival at the Multnomah County Detention Center, the arresting officer must complete a jail intake questionnaire that, once completed, is distributed to the records technician, medical unit, and used by jail staff for classification purposes. While this process currently relies on paper forms and handwritten responses, the jail is transitioning to collecting the information on tablets, allowing for easier digital dissemination.

Under typical conditions the booking process is estimated to take 10-20 minutes per person. However, processing times may increase if there is disruption or on days when the detention center receives transfers from other facilities.

After booking is complete, individuals in custody will move from the booking area through a large set of doors into the main intake area, where there are separate areas for identification (photographs and digital fingerprinting), medical processing, and classification.

The booking process takes 10 to 20 minutes per person.

Figure 3
Frequency of Bookings by Individuals



Booking Trends

Figure 3 categorizes the entire booking population (single and repeated bookings) into five distinct frequency levels:

- 1 Booking: 57.2% of all individuals (n=14,473)
- 2 - 4 Bookings: 32.3% of all individuals (n=8,176)
- 5 - 9 Bookings: 9.1% of all individuals (n=2,299)
- 10 - 19 Bookings: 1.3% of all individuals (n=330)
- 20+ Bookings: 0.03% of all individuals (n=9)

These findings reveal a highly concentrated pattern where 89.5% of all individuals fall into the single-booking or low-frequency categories, indicating that most people had four or fewer bookings within the 39-month assessment period. Specifically, among individuals with repeat bookings, 17.6% of individuals typically had two bookings. Within individuals with 2-4 bookings, most (17.6%) had 2 bookings.

While there are individuals with extremely high numbers of bookings in the study period, only 10.4% of individuals (n=2,638) had more than four recorded bookings. This includes only 1.3% (n=330) reaching high-frequency status and 0.03% (n=9) individuals reaching chronic levels during the study period.

Observations or Perceptions by Staff on the Booking Process

The booking stage provides minimal accommodation for people with physical or mental health requirements or substance use disorders. The staff noted that they have ADA-compliant holding cells with accessible beds and that people who come into the booking area with medical aids (e.g., walkers, crutches) may have them replaced with jail-approved versions.

Additionally, this stage provides limited and unstructured accommodation for individuals with translation needs. While there is a language hotline and translation tablet services available once formally in custody, they are not typically available in the booking area. Translation is provided by some bilingual staff (mostly Spanish, but also Russian, Romanian, and Chinese), but there are some languages spoken by large populations in Portland that are not covered by staff, like Chuukese. In these situations, staff say communication is largely accomplished by “gestures.”

Booking Stage Alignment with the *First Step Forward* Report

Opportunity to Improve Support-Oriented Model at Booking:

Staff discussed their ability to provide some translation services to individuals during the booking process but indicated that this is only available once the individual is formally in-custody. Multnomah County Sheriff's Office can enhance a support-oriented model by also allowing individuals access to the translation service prior to their formal custody status, and by increasing their access to a greater selection of languages.

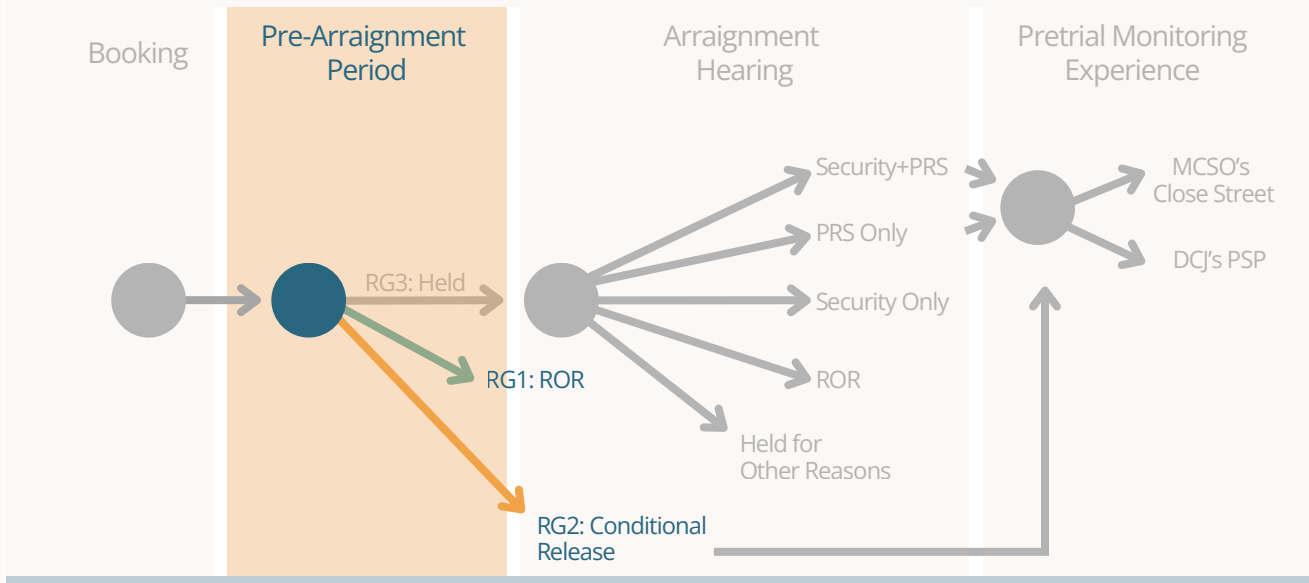
Further, OJD could leverage the role of Release Assistance Officers (RAOs) to identify individuals with translation needs ahead of arraignment proceedings.

Opportunity to Improve Support-Oriented Model at Booking:

Among all bookings during the observation period, most individuals (57.2%) had only a single booking. However, 32.3% of individuals experienced between two to four bookings during this same period. While these individuals may not qualify as individuals with "consistent and persistent" contact, they nonetheless had multiple bookings within a 39-month period. This signals an opportunity for early intervention with a sub-population who may otherwise transition to high or chronic contact if not provided with additional support. However, there is no current process to identify these individuals. OJD could consider leveraging the role of RAOs, in collaboration with MCSO data, to identify and flag individuals who have between two to four bookings within a 12-month period.

Some jurisdictions currently rely on a similar process. For example, Charleston County, SC identifies individuals entering jail four or more times within a 12-month period. Once identified, the Charleston County Sheriff's Office makes a referral to their Most Visible Persons (MVP) program, managed by their local coordinating council. Once identified for the program, members of the MVP team begin creating a coordinated service plan for the individual.

Figure 4
Pre-Arraignment Release



Pretrial Stage: Pre-Arraignment Release

The Pre-Arraignment Release Process

Prior to June 1, 2023, DCJ's Recognizance Unit completed the actuarial tool, MVPRAI, which required a 3-question interview.

Since June 1, 2023, the unit relies on the Public Safety Assessment (PSA). Recognizance Unit officers complete a PSA for each booked individual. While the PSA exclusively relies on administrative data, the Recognizance officer must still verify the information. Verifying the information usually takes one to two hours per individual, but sometimes more if the individual has an extensive conviction history or if it is during shift change or break times.

Once the PSA is complete, the Recognizance officer uses the PJO to determine if the individual is eligible for pre-arraignment release and relies on the result of the PSA to guide the conditions of release, if any. If someone is eligible for pre-arraignment release the individual is instructed to go upstairs to the 2nd floor release area to begin the release process.

The MCSO release officer will conduct a final verification, ensuring no other warrants or administrative holds on the person before they are released. Although rare, release officers do sometimes identify outstanding warrants that were missed at earlier stages.

If the individual clears all remaining warrant checks, the release officer will review the release conditions, ask the individual to sign the release order, provide information about their next court date, and provide any property seized at booking.

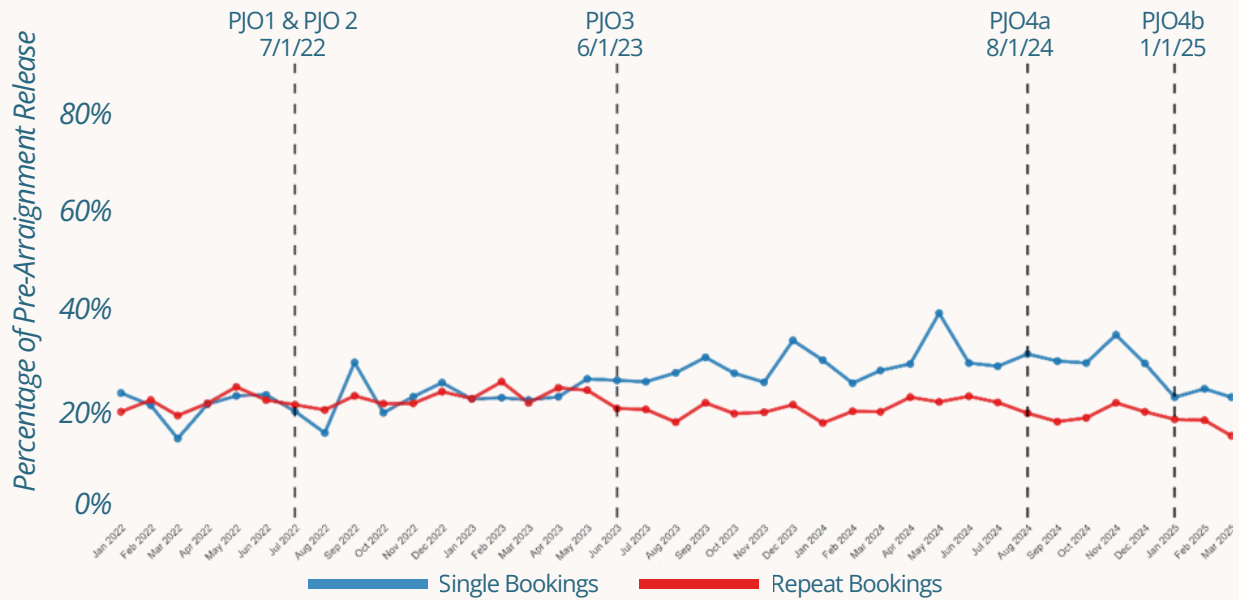
While individuals who experience a release at this stage may have a court order to report to pretrial monitoring, there is no warm handoff to either agency or any other discussion about how to report to pretrial at this stage.

There is no warm handoff to pretrial services following jail release.

While this pre-arraignment release process with the release office can happen quickly, a 4-hour block of time in the middle of the day (10:00am to 2:00pm) halts in-custody movement (including these releases) due to staff lunch breaks, mandatory jail headcounts, and other procedures that reduce availability of staff to expedite an individual's pre-arraignment release.

Figure 5

Pre-Arraignment Release: Single Bookings v Repeat Bookings



Pre-Arraignment Release Trends

Figure 5 shows monthly pre-arraignment release rates between January 1, 2022 through March 31, 2025, comparing single bookings to repeat bookings. Overall, individuals with single bookings experienced a 27.4% pre-arraignment release rate compared to the 21.5% pre-arraignment release rate for individuals with repeat bookings.

Between January 1, 2022 and June 1, 2023, specifically, individuals with single bookings and individuals with repeat bookings experienced similar rates of pretrial release—approximately 25%. This likely reflects the release guidelines established in PJO1 which authorized pre-arraignment release related to qualifying charges of the current booking, not necessarily conviction or court absence history.

However, pre-arraignment release rates begin to diverge following the implementation of PJO2 and the PSA.

After implementation, single bookings began experiencing higher rates of pre-arraignment release, growing 5-8 percentage points by late 2024. At the same time, repeat bookings were less likely to be released prior to arraignment. This is likely from the reliance on the PSA's scoring to determine type of release which favors ROR for individuals with limited or non-existent conviction/court absence histories—more likely among individuals with a single booking in the observation period.

In January 2025, single-booking and repeat-booking pre-arraignment release rates begin to return to more similar

rates and decrease, overall. These trends are the result of PJO4b which specified pre-arraignment release override criteria including holding more individuals in-custody until arraignment based upon their court absence history.

Pre-arraignment release rates begin to diverge following implementation of PJO2 and the PSA.

While individuals with a single booking in the observation period are likely to have a limited court absence history, one of the override conditions specifies, "Person is booked into a custody on a failure to appear warrant on a nonperson misdemeanor offense, having had two or more prior failures to appear on separate dates in the pending case." This was the most used override condition of the four new override criteria specified in PJO4b. It is likely the "single bookings" occurring between January 2025 and March 2025 are for individuals experiencing their first booking since their failure to appear warrant. That is, they had two or more court absences between January 1, 2022 and January 1, 2025 and are only now experiencing the warrant booking.

The data shows no consistent pattern of systematic disparities at the intersection of race and sex in pre-arraignment release rates for individuals with a single booking or for individuals with repeat bookings. Asian, Black, Hispanic, Indigenous, and white men and women

all experience pre-arraignment release types within similar ranges, regardless of their number of bookings during the study period.

Perceptions by Staff of the Pre-Arraignment Release Process

When asked about how well the current pre-arraignment release processes are working, overall DCJ's Recognizance Unit staff indicated that the process works well, and appreciated that the PSA release matrix clarifies their pre-arraignment release decision-making.

The locations from which individuals are released pre-arraignment and where they must report to their arraignment hearing are in the same building. However, individuals may experience a pre-arraignment release early in the morning but scheduled to appear later in the afternoon, or they may be released on the weekend and have their next appearance on the Monday docket.

Judges, defense and prosecuting attorneys, and pretrial staff commented that some of these individuals do not appear at their arraignment or initial appearance. Staff emphasize the importance of individuals appearing for this hearing because they can apply for indigent defense, learn about the availability of an attorney for their case, and get connected to other accommodation services, if needed.

Pre-Arraignment Release Alignment with the *First Step Forward* Report

Guiding Principle: Release individuals exclusively on recognizance pre-arraignment as often and as soon as possible.

Alignment: Mostly Aligned.

Reason for Alignment: Our analysis shows, on average, a 24.5% pre-arraignment release rate across the observation period. Across all PJO override conditions holding individuals until arraignment, individuals whose PSA score places them at Level 1, 2, or 3 on the Pretrial Monitoring Level Matrix was the most used override condition. The second most used override condition resulted from individuals booked with outstanding warrants or holds from other jurisdictions—an override criterion that cannot be avoided.

Opportunity to Improve Support-Oriented Model at Pre-Arraignment Release: Increasing the pre-arraignment release rate may require Multnomah County stakeholders to consider revising a part of an override condition which states individuals scoring Level 1 in the PSA must remain held until arraignment. Removing this small element of the override condition could help Multnomah County maximize their efforts to release individuals as soon as possible. However, absent revisiting this part of the override condition, Multnomah County is mostly aligned with this guiding principle.

Enhanced Practice 1: Release individuals exclusively on recognizance pre-arraignment as often and as soon as possible.

Alignment: Partially Aligned.

Reason for Alignment: Our analysis shows no systemic disparity at the intersection of race and sex for pre-arraignment release; however, we could not measure financial circumstances of individuals in our sample. Therefore, it is possible economic disparity may exist, although perhaps less so since the removal of the security schedule for pre-arraignment release. Multnomah County does not regularly collect or analyze these data to monitor for disparate impact following key policy changes.

Opportunity to Improve Support-Oriented Model at Pre-Arraignment Release: Multnomah County should implement quarterly review of pre-arraignment release, at the intersection of race and sex, to understand if pre-release populations change over time. This review should always occur after the implementation of new PJOs or assessment tools.

Enhanced Practice 2: At pre-arraignment release, enroll individuals in an automated court reminder system (ACRS).

Alignment: Partially Aligned.

Reason for Alignment: An automated court reminder system exists, but staff report that individuals are not automatically enrolled, do not experience this enrollment at pre-arraignment release, and, at times, the service is not always accurate (e.g., reminding defendants of court dates that were already rescheduled).

Opportunity to Improve Support-Oriented Model at Pre-Arraignment Release: Improving alignment to this enhanced practice would require implementing an opt-out policy and ensuring all defendants experience enrollment at jail release.

Enhanced Practice 3: Implement peer navigators between pre-arraignment release and initial appearance to improve initial appearance attendance.

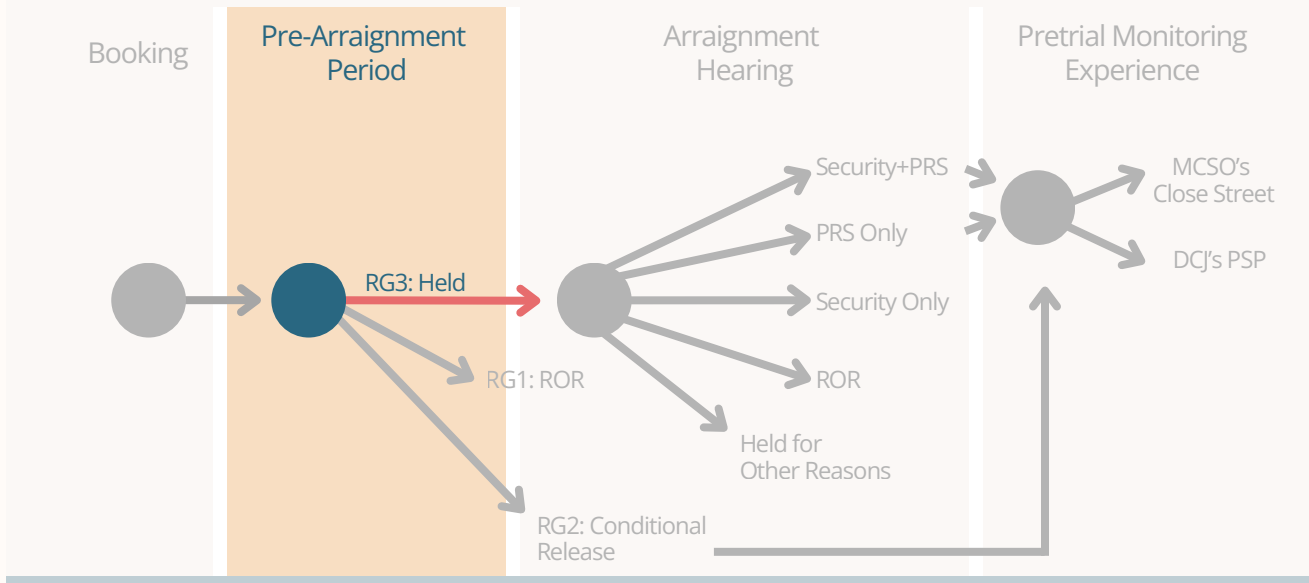
Alignment: Not Aligned

Reason for Alignment: A peer navigator system does not exist.

Opportunity to Improve Support-Oriented Model at Pre-Arraignment Release: Multnomah County stakeholders could vastly improve the support they provide individuals and decrease court absence among initial appearances by providing peer navigators to help during this transition time.

Figure 6

Remain In-Custody until Arraignment



Pretrial Stage: Remain In-Custody until Arraignment

Remain In-Custody until Arraignment Process

After people complete the booking and Recognizance process, MCSO jail staff move individuals ineligible for pre-arraignment release to the classification waiting area. The classification officer runs another conviction history check and conducts a classification interview. This process looks at the individual's previous in custody behavior, if any, asks about mental health and thoughts of suicide, and checks for gang affiliations. Intelligence deputies and the Multnomah County District Attorney's office can access the information collected in this process.

After classification, individuals are brought into a room to exchange their personal clothing for jail clothing. They are scanned and strip-searched, and their items are collected and sent to the property room.

People are then moved to the housing units on floors 4-8:

- Floor 4 holds units for administrative segregation, psychiatric and medical infirmary units, and the highest disciplinary housing unit.

- Floor 5 holds men in disciplinary segregation, special management, and close custody who are either awaiting trial, transport to another county, or are sentenced.
- Floor 6 holds the general population, men awaiting trial, transport to another county, or are sentenced, and acute mental close custody for men.
- In April 2024, MCSO named one of the units on Floor 7 the “Classification Unit” specifically for men awaiting arraignment. This floor also includes the transitional mental health unit and housing for transgender individuals until they are assessed for correct housing placement.
- Floor 8 includes the women’s housing unit including women awaiting arraignment and trial, the women’s disciplinary and administrative segregation unit, and protective/suicide watch for men.

Two additional interview processes occur on Floor 7: the OJD release assistance officer (RAO) interview and a meeting with a Metropolitan Public Defender (MPD) defense attorney.

The RAO interview is voluntary and, according to the RAO supervisor, approximately 40% of individuals decline to participate. Staff indicated individuals

declined because they were asleep, experiencing withdrawal symptoms, or for other reasons. However, individuals are incentivized to participate in the interview because the RAO can assist with filling out the paperwork for a court-appointed defense attorney.

The introductory script read to individuals explains that the RAO is “not affiliated with the prosecutor or the defense” and that the purpose of the interview is to collect “information that will be shared with all parties of the court to determine your pretrial release conditions.” The interview takes about 15 minutes and RAOs stick closely to the provided script and ask no probing or follow-up questions.

Whether an individual chooses to participate in the interview or not, the RAO will contact any victims to include their perspectives in the report. The supervisor estimated RAOs speak with a named victim in the case 50% of the time.

The RAO will also collect conviction history to complete some parts of the interview form and do so manually—effectively duplicating the work of the DCJ Recognizance officers, who complete a conviction history for the PSA defendant report. RAOs compile all information into a final written report and enter it into the local case management system, Odyssey, for access by the judge and prosecuting and defense attorneys.

At the same time, men charged with a new felony offense housed in the classification dorm are eligible to meet with a defense attorney from MPD in a confidential room on the unit.

During this meeting, the defense attorney explains the charges against the individual, describes the likelihood of an attorney assignment, explains what it means for the individual if they do not receive an attorney assignment, and collects information from the individual related to their support networks, housing and employment status, and if they are enrolled in school or treatment programs.

The intention of this interview is to allow the defense attorneys to prepare the defendant for what they may experience at arraignment and collect information—in a private and confidential space—to inform a more comprehensive pretrial release argument at arraignment.

Following these interviews, and typically around 1:00pm, an MCSO deputy begins moving individuals attending the afternoon arraignment docket from their housing cells across the various floors to the holding cells behind the arraignment courtrooms—Justice Center Court Room 3 and Justice Center Court Room 4.

Perceptions by Staff of the Remain In-Custody until Arraignment Process

Throughout the site visit, staff from various agencies provided feedback

specifically related to the RAO interview and the MPD defense attorney meeting.

Judges reported struggling to make use of the RAO report because of the format and timeliness. One judge shared that the RAO report is “hit or miss” because the RAOs are not always able to secure an interview prior to the arraignment hearing.

Judges report struggling to use the RAO report because of the clunky format and lack of timeliness.

Further, judges shared that the RAO report does not show the individual’s conviction or court absence history—factors they indicated as needed for a pretrial release decision—on the first page of the report, making it more difficult to make decisions in real-time.

Other judges shared similar frustrations with the RAO report, noting that “the RAO report is often incomplete or entirely missing from the court record at the time of arraignment,” and “the RAO form is difficult to read.”

Importantly, judges explained it is cumbersome to review two separate documents, the RAO report and PSA Defendant Report, in the few minutes they have during the individual’s arraignment proceedings.

MPD attorneys also shared frustrations and concerns related to the RAO process.

First, they felt RAOs interviews were given priority over attorney meetings, reducing the number of individuals they can prepare for their arraignment hearing.

Second, many MPD attorneys felt RAOs collected sensitive and, more importantly, potentially incriminating information about defendants without counsel present. Defense attorneys suggested that the individuals who participate in these interviews may be unknowingly sharing information reported to the court that could be used against them later.

Finally, MPD attorneys felt the incentive of receiving help to complete the indigent defense paperwork may lead individuals to believe that if they do not participate, they will be less likely to receive an attorney—despite attorney appointments made by a clear rubric set by Multnomah County leadership.

In contrast, Multnomah County's District Attorney (MCDA) attorneys found the report very useful, but only for case preparation, as they often did not access it prior to the arraignment hearing.

They described that while much of the information contained in the RAO report is separately available to them, it is more convenient and efficient for them to review the RAO report.

***Defense attorneys
feel the RAO
interview collects
sensitive and
potentially
incriminating
information without
an attorney present.***

Remain In Custody Until Arraignment Alignment with the *First Step Forward Report*

Guiding Principle: Create intentional access to defense attorneys pre-arraignment [and at initial appearance].

Alignment: Partially Aligned.

Reason for Alignment: Multnomah County has made progress in facilitating pre-arraignment attorney-client meetings for individuals with felony charges, but defense attorneys report that jail staffing issues and RAO interviews limit their access to clients. Pre-arraignment meetings with women defendants are also more complicated as they must be moved in and out of interview rooms, and this happens rarely due to limited jail staff availability.

Opportunity to Improve Support-Oriented Model while Remaining In-Custody Until Arraignment: Multnomah County can substantially improve alignment with the guiding principle by allowing jail staff to prioritize MPD meetings. Further, a more fortified collaboration between the county's main defense firms—MPD and Multnomah Defenders, Inc (MDI)—could allow for additional staffing to expand interviews to individuals charged with misdemeanor offenses.

While the PJO requires RAOs to contact victims, the PJO does not describe the content of interviews or the extent to which RAOs must interview defendants. These interviews create opportunities for self-incrimination, duplicate other booking efforts, and are routinely used by judges.

Severely limiting what RAOs collect during interviews could allow them to focus efforts on contacting more victims.

Doing so could allow the court to leverage their role to identify individuals with four or more bookings within a 12 month period and potentially implement a corresponding policy that mandates automatic placement with the pretrial agency. While these individuals may be identified through other processes (release guidelines and PSA assessments), a distinct process that identifies this population may create systematic opportunities to intervene faster than current processes.

Enhanced Practice 1: Create structures between prosecutors and defense attorneys to share information about cases not proceeding with charges, when possible.

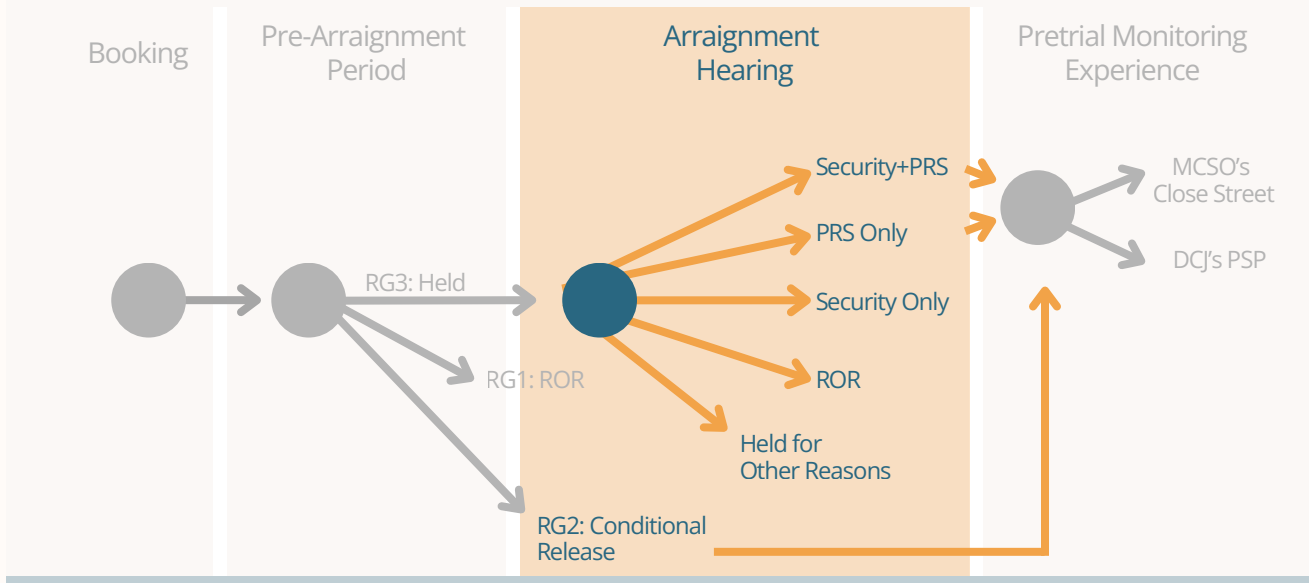
Alignment: Minimally Aligned; however, insufficient information to assess.

Reason for Alignment: Defense attorneys described receiving limited information about defendants prior to arraignment. However, court staff explained they are in the process of implementing a digital direct file process which should provide greater access to information for all court partners.

Opportunity to Improve Support-Oriented Model while Remaining In-Custody Until Arraignment: Following the implementation of the digital process, court partners should convene to discuss workflow and access challenges, if relevant.

Figure 7

Arraignment Hearing, Pretrial Release Decision & Monitoring Placement



Pretrial Stage: Arraignment Hearing & Pretrial Release Decision

Arraignment Hearing & Pretrial Release Decision Process

Individuals arrive at their arraignment hearing either in-custody or out-of-custody.

The Multnomah County Circuit Court has exclusively appointed Metropolitan Public Defenders (MPD) to represent all individuals at their felony arraignment hearing (JC3), and has appointed both MPD and Multnomah Defenders, Inc (MDI) to represent individuals at misdemeanor hearings (JC4).

If an individual is in-custody, they will enter through a door in the back of either JC3 or JC4 and step into a secure

box with small openings to allow the individual to communicate with an attorney and to address the court.

In either JC3 or JC4, the attorney representing the individual will spend a few minutes speaking to them if they have not met them previously. There is very little privacy afforded to defendants during this exchange. While there is a working agreement among court partners that they treat this conversation as private, it is functionally heard across the court room. If the defendant needs translation services, then there is no confidentiality at all, as the translator

service is broadcast to the entire courtroom by phone or Webex.

Following the conversation with the individual on the felony arraignment docket, the court will identify an attorney to represent the individual for the entirety of their case. For felony attorney assignments, MPD's Docket Team manages the triaging of attorney assignments and indicates to the presiding judge for the day if there is an attorney to appoint to the case. For misdemeanor arraignments, the presiding judge triages attorney assignments.

When making attorney assignment decisions, both the MPD Docket Team and the misdemeanor arraignment presiding judge typically prioritize assignments for person-based offenses, and secondly prioritize Class A, B, and C offenses (in that order).

If there is no attorney to appoint to the felony or misdemeanor case, the representing arraignment defense attorney will arraign the individual and the judge will, generally, release the individual on recognizance and provide an explanation about scheduling a new hearing to determine if an attorney assignment can be made at that time.

If an attorney can be appointed, the representing defense attorney will arraign the individual and the individual will enter a plea of not guilty. The Deputy District Attorney (DDA)

will then make a pretrial release recommendation to the court.

In observations, DDAs never mentioned the individual's PSA score but often mentioned conviction or court appearance history to support their recommendation. The representing defense attorney may offer the court a different release recommendation with supporting information.

The judge will listen to arguments and make a release decision. Judges report weighing the individual's conviction history, history of missed court appearances, where defendants will live and if they have transportation, and victim impact statements when making their release decision. They may also consult the probable cause statement and other relevant documents to assess if the individual's release may be harmful to the community at large, and if the individual has a known history of mental health disorders and/or substance use disorders.

Based upon their determination, the judge may:

- Release the individual on recognizance.
- Order the individual to report to PRS,
- Order the individual to pay a security amount for their release.

- Order the individual to report to PRS and pay security.

At times, judges may also order additional conditions such as no-contact orders when there is a victim or co-defendant or assign GPS or alcohol monitoring devices.

While a judge may make a pretrial release decision on the case before them, individuals may not functionally experience a pretrial release because they are unable to pay the security amount or the court is holding them for some other reason (e.g., out-of-county/state transfer hold, community supervision violation hold) on another pending case.

In observations, judges typically agreed to the initial recommendation by the prosecuting attorney and rarely made any changes.

From the individual entering the courtroom to the release decision, this initial appearance typically occurs in five minutes.

If the judge orders a security amount, the detained individual is required to pay 10% of the total security amount to secure release. The individual can post the 10% themselves or there is a kiosk in the Justice Center lobby where someone outside of the jail (i.e., a family member or friend) must pay a vendor's processing fee in addition to 10% of the security amount. If the individual cannot afford 10% of the security amount, they will

remain detained until they can post security, or until their case is processed by the court. At this time, defense attorneys do not meet with individuals remanded on security.

Table 3
Pretrial Monitoring Matrix Level

Pretrial Monitoring Matrix Level	Reporting Agency	Reporting Condition
Level 0	None, release on recognizance	None
Level 1	DCJ's Pretrial Services Program (PSP)	Once per month by phone
Level 2	Close Street (CS) Program	Once every other week by phone
Level 3	Close Street (CS) Program	Once per week by phone
Level 3+	Close Street (CS) Program	Weekly by phone and potentially one in-person report per month

Pretrial Monitoring Assignment Process

If a defendant is ordered to pretrial monitoring, they may be sent to one of two agencies: DCJ's Pretrial Supervision Program (PSP) or MSCO's Close Street (CS) program.

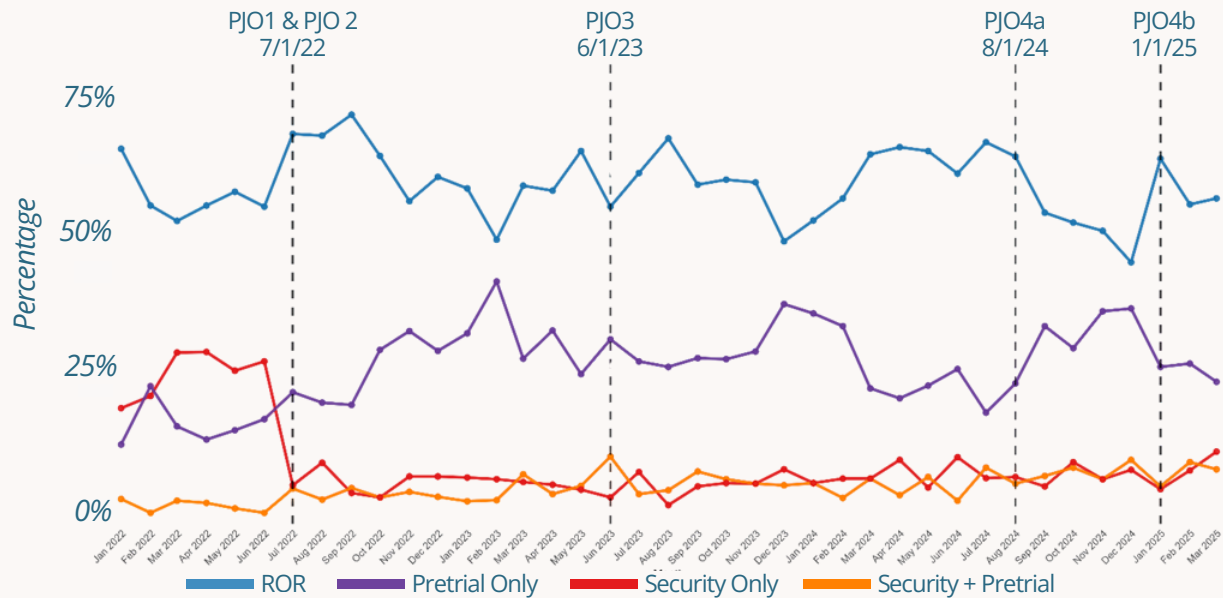
That is, judges may make decisions aligned with the PSA but must always defer to the PJO requirements for final placement.

The placement decision results from the combination of the individual's PSA score and the PJO. The PSA score places an individual in one of 5 categories (i.e., Level 0, Level 1, Level 2, Level 3, Level 3+), as shown in **Table 3** above.

From there, an individual may experience an increase in their matrix monitoring level per the PJO's override conditions.

Figure 8

Arraignment Release Types: Single Bookings (n=5,632)



Arraignment Release Trends for Single Bookings Receiving Pretrial Release at Arraignment

Among the 10,508 single bookings which appeared in custody at arraignment, 46% remained held for administrative reasons (e.g., transfer holds, community supervision violation holds). We removed these cases to understand pretrial release trends among the bookings which receive release (n=5,632). **Figure 8** above displays the pretrial release outcomes for individuals with a single booking between January 2022 through March 2025.

On average, 59.6% of single bookings that are released at arraignment are released on recognizance (blue line), although this ranges from 45% to 65%. Although Multnomah Circuit Court traditionally relies on the presumption of

pretrial release, it is likely the lack of attorney assignments driving the reliance on this specific release type at the arraignment hearing. As previously noted, as a general practice, judges do not assign conditional release to individuals without an attorney assignment.

The second most frequent release type included an order to report to PRS only (purple line). Judges relied on this release type less often between January 2022 and June 2022. However, judges increasingly rely on ordering PRS after July 2022. This is a direct result of PJO1 which explicitly removed the pre-arraignment security schedule and generally discouraged judges from using

security at arraignment proceedings. Instead, the PJO1 encouraged judges to consider recognizance or conditional release at arraignment.

Among individuals who receive an arraignment release, 59.6% of single bookings experience release on recognizance.

To this end, the third most frequent pretrial release type included ordering security only (red line). Throughout the study period, judges relied on security, on average, 8.8% of the time. While judges did use it more often between January 2022 and June 2022, PJO1 discouraged security at arraignment except for violent felony cases or when the court finds ROR or conditional release unwarranted.

The data suggests that judges rely on security discerningly, and more often rely on less expensive pretrial release types for individuals with single bookings.

Lastly, judges relied on the most expensive and restrictive release condition, security and PRS (orange line), minimally. Although judges relied on this slightly more often following July 2022, this release type was used, on average, less than 5% of the time.

Overall, judges ordered, on average, any pretrial monitoring for 31.6% of single

bookings over the study period, compared to any use of security (13.7% of single bookings). The implementation of PJO1 resulted in a nearly 65% reduction in security and increased reliance on pretrial monitoring beyond July 2022.

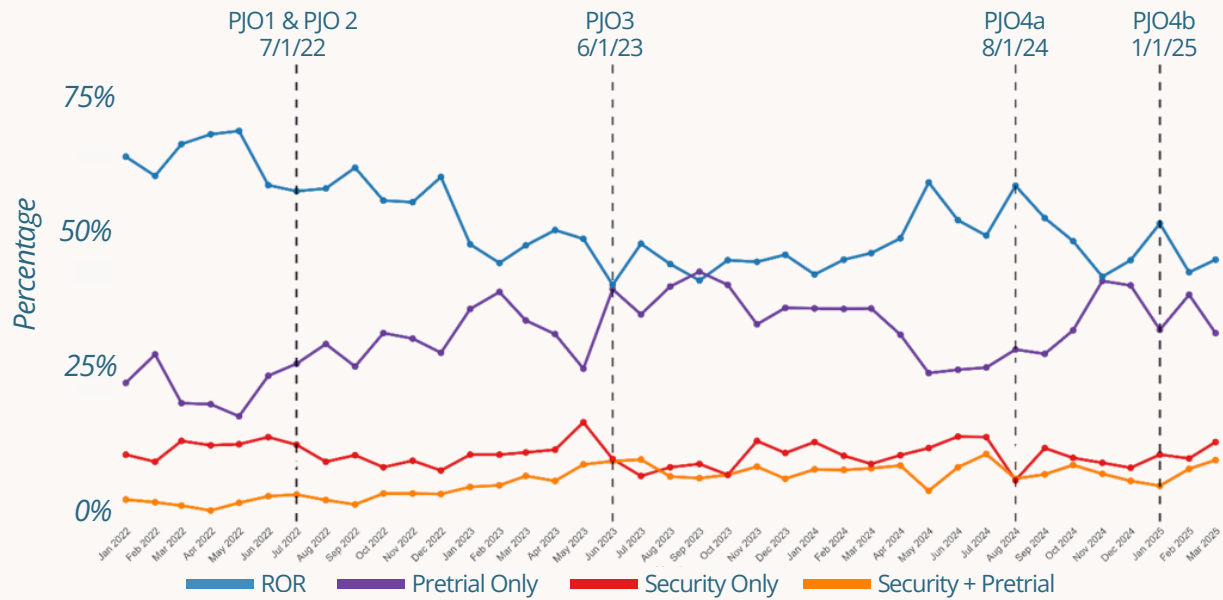
Following the implementation of PJO4b on January 2025, there is an emerging trend of slightly reduced orders to pretrial monitoring and slightly elevated reliance on some security. Although the data in this assessment if trends continue throughout 2025, it is possible they do. These emerging trends likely represent a reaction to the increasing number of individuals who remain held in custody until arraignment for their court absence history.

For individuals with a single booking between January 2025 and March 2025, it is most often a warrant booking—indicating the first time, in approximately three years, the individual has returned to court for their pending case. Judges may believe ordering a security amount for these individuals will incentivize them to continue appearing in court, despite research suggesting security, in any amount, does not increase court attendance.^{5 6}

Combined, the data suggests a strong preference among Multnomah County Circuit Court judges to rely on the least expensive and least restrictive pretrial release types for individuals with single bookings, when possible.

Figure 9

Arraignment Release Types: Repeat Bookings (n=12,804)



Arraignment Release Trends for Repeat Bookings Receiving Pretrial Release at Arraignment

Among the 31,403 repeat bookings which appeared in custody at arraignment, 59.2% remained held for administrative reasons (e.g., transfer holds, community supervision violation holds). We removed these cases to understand pretrial release trends among the bookings which receive release (n=12,804). **Figure 9** above displays the pretrial release outcomes for individuals with repeat bookings between January 2022 through March 2025.

Like single bookings, judges principally relied on release on recognizance (blue line)—on average, 52.5%. However, trends show a gradual decline from approximately 65% in June 2022 to 50% by March 2025. First, the lower ROR use

for repeat bookings is likely, in part, from these individuals more often receiving attorney assignments. Second, the implementation of PJO2 and the PSA provided judges with more structured information about an individual's likelihood to appear in court and experience a new arrest while on pretrial release based on their most recent histories. Given that this population has a history of repeat bookings, their PSA scores likely recommend release to pretrial monitoring more often than release on recognizance. This explains the rise in ordering pretrial monitoring only (purple line) following June 2023.

Judges rarely used security only, on average 10.2%, and rarely used security

and pretrial monitoring (orange line, 5.4%) throughout the study period.

These trends reinforce Multnomah County Circuit Court's commitment to using the least expensive and least restrictive release, unless unwarranted in select cases.

Similar to single bookings, there is an emerging trend following PJObs on January 2025 of using pretrial monitoring slightly less often and some security amount slightly more often, such as in response to court absence history.

Interestingly, there is a sharp increase in the use of ROR in January 2025; this is a direct result of unrepresented individuals remaining in custody until arraignment due to court absence history on their pending case. They are likely still receiving an ROR at arraignment because they remain without an appointed attorney at this hearing.

Pretrial Monitoring Assignment Trends

We limit the analysis from June 2023 through March 2025 to understand the alignment between PSA recommendations and the final monitoring placement.

Among individuals ultimately assigned to pretrial monitoring, judges deviate from suggested PSA placement 42% of the time.

Judges are more likely to agree with the PSA recommendation when it is the individual's first booking, indicating an understanding that the individual does not have a concerning court absence or conviction history to warrant increased monitoring.

However, as the individual has more bookings, judges are less likely to agree with the Level 0 (ROR) or Level 1 (PSP) placement.

Judges are likely to agree with the PSA's recommendation when the PSA recommends Close Street, especially when the individual has more bookings.

Overall, regardless of the number of bookings an individual has, judges almost always assign the individual to Close Street.

***Among individuals
judges order to
pretrial monitoring,
judges deviate from
the suggested PSA
recommendation
monitoring level
42% of the time.***

Table 4

PSA Monitoring Recommendation v Actual Monitoring Placement for Individuals with Bookings between June 1, 2023 - March 31, 2025

Booking Event Release Guideline	PSA Recommendation	Actual Monitoring Placement		% Deviation
		DCJ's PSP % (n)	MCSO's CS % (n)	
Alignment on Individuals' First/Only Booking between 6/1/23 - 3/31/2025 (n=4,098 bookings)				
ROR	1,215	39.3% (477)	60.7% (738)	100% ↑
Level 1 (PSP)	940	74.3% (698)	25.7% (242)	25.7% ↑
Level 2 (CS)	600	26.2% (157)	73.8% (443)	26.2% ↓
Level 3 (CS)	774	26.2% (203)	73.8% (571)	26.2% ↓
Level 3+ (CS)	569	25.7% (145)	74.3% (423)	25.7% ↓
Alignment on Individuals' Second Booking between 6/1/23 - 3/31/2025 (n=721 bookings)				
ROR	38	23.7% (9)	76.3% (29)	100% ↑
Level 1 (PSP)	87	40.2% (35)	59.8% (52)	59.8% ↑
Level 2 (CS)	147	20.4% (30)	79.6% (117)	20.4% ↓
Level 3 (CS)	238	17.2% (41)	82.8% (197)	17.2% ↓
Level 3+ (CS)	211	15.6% (33)	84.4% (178)	15.6% ↓
Alignment on Individuals' Third+Booking between 6/1/23 - 3/31/2025 (n=231 bookings)				
ROR	2	0.0% (0)	100% (2)	100% ↑
Level 1 (PSP)	12	33.3% (4)	66.7% (8)	66.7% ↑
Level 2 (CS)	54	13.0% (7)	87.0% (47)	13.0% ↓
Level 3 (CS)	73	19.2% (14)	80.8% (59)	19.2% ↓
Level 3+ (CS)	90	15.6% (14)	84.4% (76)	15.6% ↓

Perceptions by Staff of the Remain In-Custody until Arraignment Process

Throughout observations and interviews, staff predominantly discussed their concerns with the PSA.

Judges predominantly indicated they did not like to rely on the PSA score because it does not provide a clear indication of an individual's entire court absence history.

Similarly, prosecutors felt the tool's inability to account for case characteristics render it ineffective in offering careful and thoughtful recommendations that consider victim and community safety.

Lastly, while defense attorneys did not comment on the technical aspects of the tool, like other court partners, they perceived that the judges' and prosecutors' mistrust of the tool has led to an increased ordering of individuals to Close Street supervision—the more restrictive monitoring agency—even when the PSA recommends a different monitoring level.

Judges' Perceptions

Judges find the PSA unhelpful because they feel it is too “limited” for meaningful decision-making, particularly in its consideration of conviction and court absence history. Judges expressed a preference for the tool to explicitly consider and evaluate “lifetime” court

absence. Judges explained that if the tool considered this longer period, it would help them understand if defendants have never been able to show up to court. Interestingly, judges also admitted not considering court absence prior to 2000 but felt understanding this contemporary history (within five to ten years) would vastly improve their decision-making.

The PSA considers prior misdemeanor and felony convictions, prior sentences to incarceration (from any time), and prior failure to appear in the past two years and older than two years. That is, the tool does consider what judges term “lifetime” court absence—“prior failure to appear older than 2 years.”

However, the PSA weighs this item in its final score less than “prior failure to appear in the past 2 years” because absences within the past two years are statistically more likely to predict future absence. Conceptually, this is likely because individual challenges remain stable within a two-year period.

Thus, the PSA does consider lifetime incidence of court absence but weighs recent behavior (past two years) more heavily than more distant behavior (older than two years). While some judges do understand this technical nuance, many still want to know the exact number and timing of all court absences, rather than simply having a composite score.

Specifically, judges argued defendants with “only” 3 court absences would be

“doing well,” as judges have seen people with 25-50 court absences in their records. For this reason, they worry that the PSA is not valid for their population.

In response, judges describe assigning more intensive supervision when they believe there is a concerning court appearance history but feel it is inappropriate to remand someone to custody.

Deputy District Attorneys' Perceptions

DDAs were emphatic about their dislike for the PSA. They see it as “completely useless” and do not mention the PSA in court, even if favorable to their argument. They identified four core issues with the tool:

- Does not consider nature of risk.
- It intentionally excludes what they perceive as relevant information.
- It does not “recommend” secured release.
- There is no consideration of case-specific facts.

Instead of relying on the PSA score to inform their release recommendations, DDAs report relying on information collated from their own Failure to Appear Report, court operated case management systems, and probation reports, as relevant.

When asked why not adjust the PSA to make it work better for them, DDAs explained that their position is to not carve out exceptions when they disagree with the premise of the tool itself.

They reported that their mistrust in the tool encourages them to rely on their own professional discretion and, specifically, recommend security amounts for individuals and cases they believe are more serious.

In our observations of arraignment dockets, security amounts were requested by prosecutors and typically agreed to by the judge without adjustment.

Defense Attorneys' Perceptions

Defense attorneys did not offer feedback about the technical components of the tool and reported understanding why the PSA weighs items differently. However, they noted that the mistrust in the PSA has become a scapegoat for judges and prosecutors to deviate from its recommendations—a perception aligned with narratives from these court partners.

Defense attorneys specifically offer that they feel like this mistrust has not only led to more assignments to CS generally, supported by the data above, but specifically for defendants who would typically be monitored by PSP or perhaps not placed on pretrial monitoring at all.

Pretrial Release at Arraignment Alignment with the *First Step Forward* Report

Guiding Principle: Create intentional access to defense attorneys [pre-arraignment] and at initial appearance].

Alignment: Completely Aligned.

Reason for Alignment: The Multnomah County Circuit Court has assigned Multnomah Public Defenders (MPD) to all felony arraignment proceedings and MDI and MPD to all misdemeanor arraignment proceedings. This ensures that individuals have immediate access to legal representation at their initial appearance, providing essential guidance during the critical early stages of the pretrial process.

Opportunity to Improve Support-Oriented Model at Arraignment: While individuals do have representation at their initial appearance, they must consult with the defense attorney in a public and open forum. Improving the quality of defense at initial appearances would require Multnomah County to create more intentional spaces and opportunities for private conversations.

Guiding Principle: Rely on the least expensive and least restrictive pretrial release conditions possible.

Alignment: Mostly Aligned.

Reason for Alignment: Multnomah County demonstrates strong use of pretrial monitoring instead of security, showing meaningful progress toward less expensive conditions. While our data cannot distinguish between individuals with and without attorney representation, those with attorney assignments who still receive ROR would be strong candidates for pre-arraignment ROR release.

Multnomah County judges have made significant progress in reducing the use of security; however, the data suggests a preference for security in 10% of cases. In most cases, we observed that judges agreed to the security amount proposed by the DDA. However, research shows security orders do not impact court appearance rates, new arrests rates, or overall compliance with pretrial supervision.²

Judges and prosecutors report a mistrust in the PSA, resulting in more recommendations and orders to higher levels of pretrial supervision. While this substantial preference is aligned with using the “least expensive” pretrial release condition possible, it is misaligned from relying on the “least restrictive” pretrial release condition possible.

Opportunity to Improve Support-Oriented Model at Arraignment: The assignment of security for individuals with concerning court appearance or conviction histories neither improves court attendance nor prevents pretrial rearrest. Eliminating the use of security altogether would improve alignment with using the “least expensive” release conditions possible.

Judges and prosecutors report a need for more intensive monitoring for individuals with extensive court absence histories. However, without material support for this population, higher monitoring levels alone will not improve court attendance. This requires critically reconsidering what “higher monitoring” should entail. There is a need to focus on support services that address the root causes of court absence.

Enhanced Practice 1: Eliminate court order urinalysis testing conditions and severely restrict monitoring device conditions.

Alignment: Mostly Aligned.

Reason for Alignment: Multnomah County judges do not order urinalysis testing for their pretrial population, offering direct alignment with the enhanced practice. They order monitoring devices (e.g., GPS, SCRAM); however, do so in select cases.

Multnomah County’s existing pretrial agencies do use urinalysis and can place an individual on electronic monitoring, even without a court order. However, observations indicate pretrial agencies also limit the use of the conditions for select cases.

Opportunity to Improve Support-Oriented Model at Arraignment: Research indicates urinalysis testing during pretrial release does not prevent pretrial rearrest. Importantly, research indicates that UA testing for this population may duplicate efforts of treatment providers, is costly for defendants, and among individuals with substance use histories can increase court absence, ultimately undermining the goal to improve court appearance. Eliminating the use of required UA testing for the pretrial population would significantly improve alignment with this practice.

Our analysis also suggests room for improvement in policies allowing for “stepping down” from electronic monitoring if individuals are meeting pretrial requirements and attending court as scheduled.

Enhanced Practice 2: Create a global waiver of appearance process and encourage individuals at initial appearance to complete and submit the form to the court.

Alignment: Not Aligned.

Reason for Alignment: The option for a global waiver of appearance does exist but is not well-advertised or facilitated in the current system.

Opportunity to Improve Support-Oriented Model at Arraignment: Improving alignment to this enhanced practice would require defense attorneys assigned to felony and misdemeanor arraignments to more actively advertise this form and encourage individuals to complete it on the day of their arraignment.

Enhanced Practice 3: At post-arraignment release, enroll individuals in the local automated court reminder system if not using automatic enrollment.

Alignment: Partially Aligned.

Reason for Alignment: A court reminder system exists but pretrial stakeholders report that defendants sometimes receive reminders for appointments that have already been canceled or rescheduled.

Opportunity to Improve Support-Oriented Model at Arraignment: Improving alignment to this enhanced practice would require implementing an opt-out policy and ensuring all defendants experience enrollment at jail release. However, if an opt-out system is not possible, defense attorneys and court partners should create a systematic process of enrolling individuals at initial appearance.

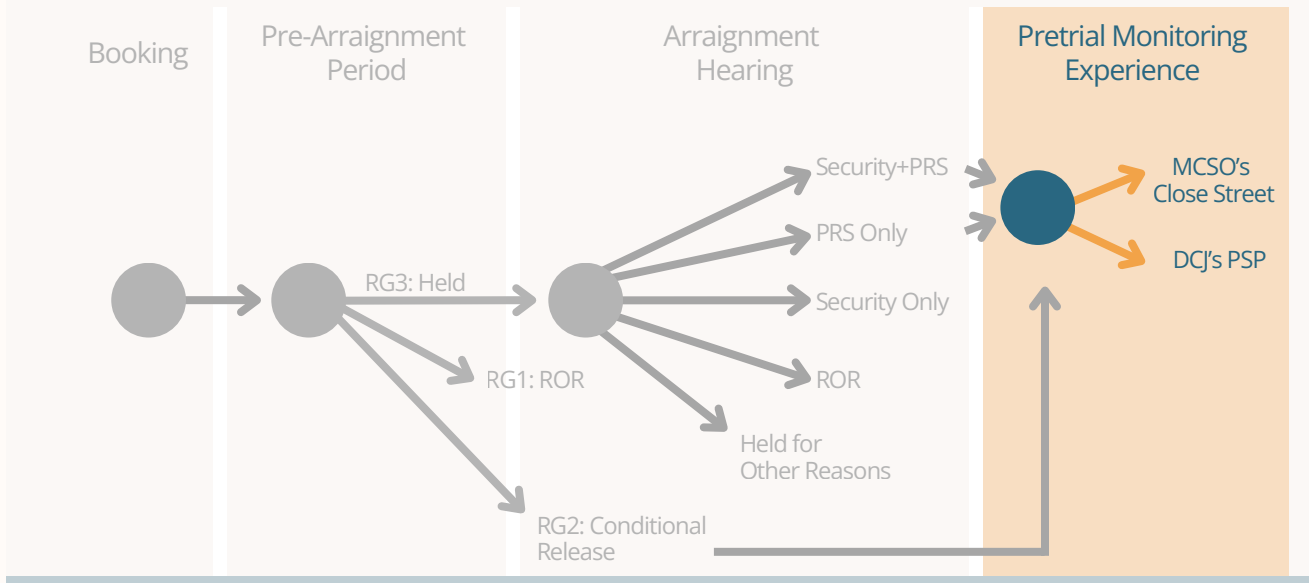
Enhanced Practice 4: Create clear and transparent processes for how individuals can secure accessibility and translation services during the entirety of case processing.

Alignment: Partially Aligned.

Reason for Alignment: Translation services exist but are not well-integrated into the court system. In the courtroom, translators working over the phone or via teleconference are broadcast to the entire room, removing any ability for defendant and attorney to communicate privately. It is not clear how translation services are provided at other stages of case processing.

Opportunity to Improve Support-Oriented Model at Arraignment: Identifying individuals in need of translation services earlier in the booking process can expedite how quickly they receive translation services at arraignment, especially for individuals who speak indigenous languages or languages not often represented by in-person translators.

Figure 10
Pretrial Monitoring Experience



Pretrial Stage: Pretrial Monitoring Experience

Pretrial Monitoring Process

When judges order defendants to one of the two pretrial monitoring agencies (PSP or CS), they must report to their pretrial monitoring agency within 24 hours. If they are released from jail during the day, they may walk directly to the agency. If they experience a release outside of business hours, they will need to return the next day.

Intake

DCJ's Pretrial Supervision Program (PSP)

Once individuals arrive at PSP, they must use one of several red phones on the wall to reach a PSP employee to begin the intake process. Prior to the COVID-19 pandemic, intake interviews were conducted face-to-face, but were moved

to the telephone for social distancing, and the practice has remained. This means individuals must provide intake responses in a public area where other defendants and staff can hear their responses.

PSP does not use a standardized needs assessment instrument. Staff describe tailoring the interview to “vibes of the situation.” Staff explained that if someone is short-tempered, tired, or behaving erratically, they will move through the interview quickly. If someone is more talkative, they may ask more probing or follow-up questions to collect more information.

MCSO's Close Street (CS) program

When an individual ordered to CS supervision first appears at their front desk, they receive an intake reminder form (on paper), a text message reminder, and reporting instructions. Typically, the intake appointment is scheduled for a later date, but Close Street reported trying to do more same-day intakes to reduce missed intake appointments.

In contrast to PSP, the CS's intake process happens in person, but like PSP, they also do not use a structured needs assessment. Staff described offering individuals a more formal needs assessment if, during their intake interview, the individual expresses having unmet needs. Our data does not indicate how often these needs assessments occur or for whom.

The intake form Close Street uses requires deputies to check if any of the following items are present for the individual: housing plan, special needs (limited to mental illness and disability, then specific offense types), medical diagnoses, receipt of public benefits, employment history and ability to work, education, substance use, and support system. The assessment form allows for very limited recording of information the individual offers and contains outdated language referring to behavioral health challenges.

Missed Intake Appointments

Both PSP and CS staff report individuals missing this intake appointment, and PSP staff reported they request non-compliance warrants most often for not appearing for intake. PSP staff shared that from October 2024 to February 2025, they had supervised about 870 individuals and written 210 warrants, 85% of those for missing the first intake appointment—or one in every four individuals assigned to their caseload.

When individuals assigned to PSP miss this appointment, PSP staff described leveraging the RAO report for the most up-to-date information to contact the individual. They also described reaching out to the individual's defense attorney or relying on the case management system to contact their community supervision officer, if applicable, who might be able to reach them.

PSP staff describe offering up to a week grace period and exhausting all options before requesting a non-compliance warrant from the court. However, PSP staff detailed they will immediately contact the court if they learn the individual attempted to approach or contact a named victim in the case.

Like PSP, CS staff also report experiencing high rates of non-compliance with the first intake appointment, approximating that nearly 50% of new cases do not appear for this appointment.

CS officers will also attempt to contact the individual's defense attorney or community supervision officer to encourage the individual to appear for intake. CS staff estimate that their efforts encourage 30% of individuals to return for their intake interview. However, staff describe that because of their rising case load, they must deprioritize these efforts over other responsibilities.

Monitoring Practices

DCJ's Pretrial Supervision Program (PSP)

PSP predominately supervises Level 1 cases but also supervises specialized caseloads including caseloads for individuals charged with domestic violence, an aid-and-assist caseload for individuals with competency concerns, and a low-limited caseload for compliant individuals who have earned significant monitoring reductions while on pretrial release. At the time of our site visit, PSP supervised 431 individuals.

In March 2025, PSP supervised 431 individuals.

While PSP may collect some information about individuals and their unmet needs during the intake assessment, staff do not systematically rely on this information to inform how they approach monitoring the individual. Instead, PSP's monitoring approach varies by its caseload type but typically requires

individuals to check-in once per month by phone.

Staff may provide individuals with a resource guide or sometimes provide direct connection to services, although staff describe this as more ad hoc than intentional. Defendants are largely responsible for requesting the support they feel they need.

Additionally, PSP staff do receive occasional trauma training and PSP staff overseeing the domestic violence caseload also receive specific training; however, they are not mental health professionals and, at times, may not be equipped to help individuals on their caseload navigate many of their challenges.

Overall, PSP staff expressed an interest in having a designated staff member responsible for outreach and connecting defendants to services such as Pathfinders and the Center for Family Success but explained that without a dedicated staff person it is unmanageable for them to do this work with current caseload volumes.

MCSO's Close Street (CS) program

Close Street supervises Level 2, Level 3, and Level 3+ cases, or cases requiring the most intense level of pretrial monitoring. However, as judges have increasingly used their discretion to place individuals onto their caseload, CS also supervises Level 1 individuals. At the time of our site

visit, CS supervised over 700 individuals, with extremely limited staffing, this means each Close Street deputy carries a caseload of 100 to 120 defendants.

In March 2025, CS supervised over 700 individuals.

If an individual is in Level 1, but assigned to Close Street, they still only need to report once per month by phone (the same as PSP). For individuals placed in Level 2, they must report to Close Street every other week by phone. For individuals placed in Level 3, they must report to Close Street once per week by phone. Lastly, for individuals in Level 3+, they must report to Close Street weekly by phone. They may also be required to complete one in-person meeting monthly.

Although one of the only requirements of individuals is to report to their supervising deputy by phone, Close Street staff described that they do not have an administrative assistant to answer the agency's primary line to triage and connect calls. As a result, staff described that often the agency phone does not get answered and acknowledged that defendants worry that their attempt to check-in will not be formally recorded. Deputies stated they do try to formally record check-ins by later listening to voice messages. Importantly, deputies acknowledged that the inability to answer the phone meant

they could not answer individuals' questions, could not connect them to services, or learn about serious challenges that may get in the way of their court appearance.

There are two major differences between Close Street's monitoring and PSP. First, CS deputies can order electronic monitoring. CS deputies reported reviewing case characteristics and lethality factors within a domestic violence incident when assessing if EM/GPS is appropriate. Staff described relying on EM/GPS predominately for domestic violence cases and estimated they supervised about 100 people on EM/GPS. When defendants present to the EM/GPS company to be fitted with a monitoring device, the company asks for a payment plan. However, CS deputies said that if defendants cannot pay or do not pay their fees, Close Street covers these costs.

Secondly, CS's classification of their deputies allows them to "go into the field" to find people or conduct home visits. However, at current caseload volumes, deputies report minimally conducting home visits and an inability to devote time to finding people who are not checking-in or attending court as scheduled.

However, at current caseload volumes, deputies report minimally conducting home visits and an inability to devote time to finding people who are not checking-in or attending court

as scheduled.

While prosecutors prefer to recommend CS supervision and judges tend to prefer this placement, in practice, the overwhelming volume of cases means CS deputies cannot offer intensive and meaningful supervision. In fact, CS deputies candidly offered that individuals on their caseload receive no more intensive supervision than defendants who report to PSP.

CS deputies report that individuals on their caseload receive no more intensive supervision than defendants who report to PSP.

Responses to Compliance and Non-Compliance DCJ's Pretrial Supervision Program (PSP)

PSP staff emphasized that they monitor compliance with check-in and other court ordered conditions through careful record keeping.

When individuals are non-compliant with check-ins, they respond via a structured matrix. This largely includes attempting to re-engage with individuals through contacts with their defense attorney or community supervision officer.

Staff described endorsing a support-oriented approach to understand why

individuals did not check-in according to policy prior to submitting a non-compliance warrant to the court.

MCSO's Close Street (CS) program

In contrast, Close Street deputies describe the sheer volume of individuals on their caseload makes structured record keeping challenging. While they report prioritizing record keeping for EM/GPS compliance, they offer that the inability to answer the agency's phone complicates how well they can document these reporting requirements. They note that they will submit non-compliance warrants to the court for non-compliance with EM/GPS, contact with victims, and consistent non-compliance to the reporting schedule.

Importantly, for individuals who have extended periods of compliance with CS, and who may be suitable candidates for "stepping down" to a lower level of monitoring with PSP, the lack of record keeping complicates how often this can realistically occur.

PSP staff report a "constant struggle" to accept these cases because the documentation they require is not available from CS. CS deputies explained that the PSP documentation requirements "are not germane" to how they supervise defendants, and they have difficulty accessing documents PSP requires for these transfers.

CS deputies reported that even among defendants they believe could transfer to PSP, PSP will likely not accept them. They perceive PSP to have a zero-tolerance approach to any non-compliance in their acceptance of transfers, even if only one incident.

At the time of our visit, CS estimated they had 100 people on their caseload who are likely eligible for a transfer to PSP, but the transfer process is too burdensome and “it’s easier to just keep them.” As a result, compliant individuals with CS rarely experience movement to PSP.

Deputies note that during periods of compliance, and when they believe it is appropriate, they can remove individuals from EM/GPS if they specifically ordered the condition. However, there is not a clearly defined structure for this process.

However, CS described that when they notify the District Attorney’s office that they are removing EM/GPS as a condition for the defendant, it sometimes triggers an objection and they will receive a call from MCDA’s victim advocate division expressing concern about the removal of the condition.

Close Street deputies expressed frustration that they have the authority to authorize the condition, even when MCDA did not recommend the condition, but lack the ability to remove this condition for defendants.

Pretrial Monitoring Experience Alignment with the *First Step Forward* Report

Guiding Principle: Operate the pretrial agency as a pretrial support agency with an exclusive focus on providing resources and support to individuals.

Alignment: Not Aligned.

Reason for Alignment: While PSP and Close Street staff believe strongly in helping individuals access services to improve their circumstances and help them attend court, their current caseload sizes preclude their ability to provide structured and intensive support.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: Both agencies describe an orientation towards compliance-monitoring which consumes their time and restricts their ability to help individuals. Multnomah County should entirely remove reporting requirements, which would remove the need to document these check-ins, allowing staff to redirect their time to understanding and addressing the needs of individuals on their caseload.

Enhanced Practice 1: Reserve referrals to a pretrial support service agency for individuals least likely to appear in court without support and most likely to experience a new arrest while on pretrial release.

Alignment: Somewhat Aligned.

Reason for Alignment: Prosecutors describe recommending pretrial monitoring, and specifically Close Street, as a pretrial condition when they believe the individual has a concerning court attendance history. Judges report generally agreeing with these recommendations for similar reasons. While these intentions are well-meaning, the trend data reveal that at times nearly 50% of the eligible release population is receiving a placement in pretrial monitoring. Additionally, the PSA data reveal that among these individuals, several individuals may be suitable for less intensive monitoring or no monitoring at all. Ordering these individuals to report to pretrial monitoring, and specifically to Close Street, drastically limits the amount of support these agencies can provide to those individuals the court is most concerned about.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: Multnomah County must revisit how they assign individuals to pretrial. This could include creating new and more narrow eligibility requirements, such as assigning individuals with 4+ bookings within a 12-month period.

Judges could also continue to rely on the PSA assessment but instead repurpose how they use it. For example, court partners could agree that if an individual met an identified PSA score threshold they must report to a pretrial services agency, at which point pretrial staff could determine what the individual needs by way of a more structured needs assessment. This would allow the pretrial agency to triage how they interact with individuals on their caseload and make the best determination for how to support them given their proximity to them.

Enhanced Practice 2: Allow a new pretrial support services agency to operate as either a structurally or operationally independent agency, treat engagement with this agency as voluntary, and report compliance to the court in rare and select cases.

Alignment: Partially Aligned.

Reason for Alignment: Close Street and PSP are not operated by the court and are under the purview of the Sheriff's Office and the Department of Community Justice, respectively. As a result, they do currently operate as independent agencies.

However, reporting to either of these agencies at a pre-determined frequency is mandatory and both agencies must report non-compliance with any condition, including reporting standards, with the court.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: Multnomah County might consider consolidating CS and PSP into a singular Pretrial Support Services (PSS) agency that continues to operate independently from the court. Additionally, once court partners identify a new approach to assigning defendants to the pretrial support agency, involvement beyond the initial intake visit should be voluntary. This will allow PSS staff to engage with individuals most in need of services.

At times, it may be appropriate to assign EM/GPS monitoring for some defendants. However, only the court should assign EM/GPS monitoring. While monitoring compliance with EM/GPS can remain a responsibility of the pretrial agency, non-compliance to this condition should be the only non-compliance reported to the court.

Enhanced Practice 3: Implement immediate and effective warm handoffs following release from jail.

Alignment: Not Aligned.

Reason for Alignment: Multnomah County does not currently have a warm handoff system in place to ensure that people immediately engage with either pretrial monitoring agency or service providers.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: Both PSP and CS staff report that a significant portion of their assigned caseloads miss their intake appointment, resulting in a near immediate non-compliance warrant.

Staff of both agencies noted that improved signage to help people move from the jail release or the arraignment courtroom to the appropriate pretrial agency (PSP or CS) could improve intake attendance. Additionally, they have described an interest in embedding peer navigators at jail release/court room to accompany individuals directly to the agencies.

Enhanced Practice 4: Rely on needs-based assessments to provide targeted services to individuals, focused on court attendance during the pretrial period.

Alignment: Not Aligned.

Reason for Alignment: The pretrial agencies try to assess some defendant needs at intake, but neither agency relies on a systematic needs assessment, directly asks individuals what challenges they may experience attending court, or explores whether defendants perceive these challenges as situational or consistent. The information staff do collect is not used to provide structured supports.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: There is a significant need for a more robust behavioral health and needs assessment which not only documents individuals' challenges but actively understands the pervasiveness of these challenges for defendants. With a more comprehensive assessment process, staff in a consolidated agency could then use this information to develop support plans with individuals which provide more targeted and direct guidance, improving their likelihood to attend court as scheduled and avoid re-arrest while on pretrial release.

Enhanced Practice 5: Establish a release of information process allowing pretrial staff to share individual challenges with defense attorneys to improve court scheduling and appearance.

Alignment: Not Aligned.

Reason for Alignment: While PSP and CS staff, at times, contact defense attorneys to help locate an individual, there does not appear to be a systematic sharing of important information between the two parties, particularly related to challenges defendants are experiencing.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: In a model where the consolidated pretrial agency is conducting a comprehensive needs assessment, this information could help defense attorneys understand considerably more about their clients and the challenges they are experiencing. With a release of information agreement, defense attorneys can receive more real-time data allowing them to more effectively work with their client and schedule court hearings to accommodate their client.

Enhanced Practice 6: Establish targeted services which explicitly help individuals struggling with basic needs, transportation challenges, disability, houselessness, substance use disorder, caregiving, and other barriers to court appearance.

Alignment: Not Aligned.

Reason for Alignment: Currently, Multnomah County court does provide on-site childcare. However, neither the court nor either pretrial agency provides any other substantive support to defendants. PRS services are limited to periodic check-ins, home visits (CS only), some court reminders, and limited referrals to community resources.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: Improving support for defendants during the pretrial phase must first begin with a comprehensive needs assessment to understand the supports needed. Then, a newly consolidated pretrial agency could provide several services related to key challenges the population experiences. This could include providing individuals:

- Direct assistance with completing applications for public assistance programs like SNAP, WIC, Medicaid, and Medicare.
- Survival kits stocked with snacks, toiletries, socks, underwear, and first aid kit.
- Rideshare vouchers.

- Phones for receiving automated court reminders.
- Connections to community organizations providing transportation for individuals with disabilities.
- Hotel vouchers and access to designated contract beds in local shelters.
- Direct referrals to community substance use treatment providers to access a continuum of contracted treatment slots.
- Peer navigators with direct experience with substance use and the justice system.

In addition to these these individual services, court partners could draw inspiration from jurisdictions operating shelter court dockets. These dockets allow defense attorneys to meet their clients at their shelter and virtually attend their hearing with a judge and prosecutor.

Enhanced Practice 7: Train pretrial agency staff to engage with individuals with a coach-orientation rather than a compliance-monitoring approach.

Alignment: Partially Aligned.

Reason for Alignment: Pretrial staff express an interest in providing coach-like support for people on their caseload, but current overburdening of their agencies means that there is little time for anything other than compliance monitoring.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: With a newly developed pretrial agency that does not require compliance with a reporting structure as its central model, staff have the time to build relationships with defendants and identify challenges. Specifically, staff can still provide accountability to court attendance by coaching individuals through how best to plan for attending a singular hearing and navigating competing obligations.

Enhanced Practice 8: Evaluate effectiveness of the pretrial agencies through court appearance rates rather than blunt measures of court absence.

Alignment: Not Aligned.

Reason for Alignment: Both PSP and CS track metrics via Failure to Comply warrants, and do not use any other measures of effectiveness.

Opportunity to Improve Support-Oriented Model via a Pretrial Agency: Reliance on “failure to comply” warrants as a central metric for effectiveness means pretrial agencies are currently measuring their own success based upon the “failure” of individuals on their caseload. Instead, a newly consolidated pretrial agency should take a more strength-based perspective, measuring their ability to support individuals. This could include:

- Number of individuals assessed.
- Number and types of referrals provided.
- Number of individuals who enroll in programming.
- Number of individuals who completed programming during the pretrial period.
- Number of individuals who secured stable housing during the pretrial period.
- Number of individuals who secured employment during the pretrial period.
- Court attendance rates for individuals.
- New arrest rates.

Pretrial Stage: Court Ecosystem

Among court partners, especially judges and prosecutors, there is overwhelming concern about the degree to which individuals do not appear in court as scheduled.

For individuals who consistently and persistently miss court, their absence is often not willful. In fact, research shows individuals who regularly miss court are often prioritizing other needs (e.g., employment, shelter) over their court appearance.⁸

Individuals who experience chronic instability must then navigate these challenges not once, but for each scheduled court hearing, making persistent absence more likely for individuals with co-occurring concerns and limited resources.

While this assessment predominantly focuses on how Multnomah County can provide greater support to residents at initial stages of pretrial and while reporting to pretrial monitoring agencies specifically, we detail other court practices and policies which may be equally ripe for change.

These suggestions provide a court ecosystem which reduces barriers to court appearance and directly enhances the opportunities for growth mentioned in the previous pages.

Required Hearings

Currently, defendants must attend numerous hearings including arraignment, status/continuance and discovery hearings, plea hearings, trial hearings, and sentencing. However, in practice, there are several hearings that may not legally necessitate attendance and do not require substantive involvement from defendants.

Virtual Attendance

During COVID-19, Multnomah County principally relied on virtual attendance via WebEx for many court appearances. This practice has continued throughout many dockets with felony arraignments as the primary exception. However, some judges have expressed frustration with the system and a preference to see defendants in-person.

Considering Defendant Availability when Scheduling Court Hearings

Although there is no formal policy or directive to consider defendant availability, judges do, at times, consider defendant availability when scheduling subsequent hearings. Observations indicate that judges are likely to consider availability specifically for individuals without attorney assignments when scheduling follow-up hearings. Although, the degree to which judges consider defendants is largely judge-specific.

Automated Court Reminder System Notifications for Missed Court Appearances

Multnomah County does rely on an automated court reminder system to notify individuals of their upcoming court hearings. However, staff indicated that at times, the notification system may provide inaccurate or outdated information about their hearing. Additionally, the current process does not provide notifications to individuals who miss their court hearing nor does it provide instructions on how to reschedule a new hearing.

While this practice was largely discontinued at the end of the pandemic and judges returned to issuing bench warrants for court absence, judges did still rely on this tool for individuals without attorney assignments. However, within the last two years, the overwhelming concern for court absence has led judges to increasingly and nearly exclusively rely on bench warrants regardless of attorney assignment.

Open Dockets

Multnomah County does regularly operate an open docket; however, this is not currently used as a make-up docket for defendants.

Reliance on Citation-In-Lieu of Arrest and Bench Warrants

During COVID-19, the Multnomah County court regularly relied on citation-in-lieu of arrest warrants for individuals who missed their court hearing.

When individuals with these warrants has subsequent contact with police, police were directed to provide the individual with a summons detailing how they could schedule a new hearing.

Court Ecosystem Alignment with the *First Step Forward Report*

Enhanced Practice 1: Reduce the number of required hearings.

Alignment: Not Aligned.

Reason for Alignment: Multnomah County defendants must attend all hearings.

Opportunity to Improve Support-Oriented Model via Court Ecosystem: Multnomah Court partners should review the hearings which require an individual's appearance and otherwise rely on the global waiver of appearance for non-essential hearings. Required hearings could include arraignment, plea and trial hearings, and sentencing.

Enhanced Practice 2: For court hearings which require attendance, allow virtual attendance as much as possible.

Alignment: Mostly Aligned.

Reason for Alignment: Multnomah County allows virtual attendance for many scheduled hearings; although, the extent to which this is advertised to defendants varies.

Opportunity to Improve Support-Oriented Model via Court Ecosystem: While Multnomah County has a robust virtual hearing system, defense attorneys have explained that it can be cumbersome and complicated to navigate. Improving defendants' use of virtual appearance requires explicit explanations that the system is available and detailed instructions on how to access it.

Judges must also treat attendance via WebEx equal to in-person attendance and provide equal consideration to individuals who use this platform.

Enhanced Practice 3: Consider individual availability.

Alignment: Partially Aligned.

Reason for Alignment: There are not explicit policies or directives which require judges to consider defendant availability and the extent this occurs is often judge specific.

Opportunity to Improve Support-Oriented Model via Court Ecosystem: When judges only consider or prioritize the availability of attorneys, it ignores the reality that many defendants have obligations or responsibilities that require substantial navigation. Importantly, stability factors like employment or treatment engagement may become threatened when judges do not consider defendant availability. Improving how often individuals attend court requires all judges to take an active approach in scheduling subsequent hearings which meet the needs of all parties.

Enhanced Practice 4: Rely on an automated court reminder system (ACRS) for missed court appearances.

Alignment: Not Aligned.

Reason for Alignment: The current notification system does not provide defendants information on their missed hearing or instructions for how to reschedule.

Opportunity to Improve Support-Oriented Model via Court Ecosystem: Significant research details the effectiveness of an ACRS for improving court attendance. However, emerging research also details that notifications alerting an individual they missed their court appearance significantly improved individuals returning to court within 30 days. The study found the most success post-messages detailed both the consequence for missing the court appearance and instructions for rescheduling (e.g., “Since you missed court on [date], a warrant was issued. You won’t be arrested for it if you clear it at [location] by [date].”).⁹

Multnomah County court partners could enhance their current ACRS system by including post-hearing notifications when defendants are absent.

Enhanced Practice 5: Implement graduated response procedures for missed court appearances.

Alignment: Not Aligned.

Reason for Alignment: Judges principally rely on bench warrants for missed court appearances, regardless of attorney assignment.

Opportunity to Improve Support-Oriented Model via Court Ecosystem: Rather than defaulting immediately to bench warrants, judges can rely on several other responses that may be equally effective. First, automatic (opt-out) enrollment into an ACRS, even among individuals without attorney assignments could vastly improve attendance. Additionally, pretrial agency staff can more actively leverage the defense attorney's relationship with the defendant to improve court attendance. Additionally, the court has previously used citation-in-lieu summons with success. Reinstating this approach can still bring individuals back to court while avoiding both the financial and collateral costs of incarcerating the individual, even if temporarily.

MOVING FORWARD



An abstract graphic in the top left corner of the page, featuring overlapping organic shapes in various shades of teal and blue. The shapes flow from the top left towards the center, creating a sense of movement and depth. The colors range from a deep navy blue to a lighter, muted teal.

Moving Forward

Transforming Multnomah County's Pretrial System into a Support-Oriented Model

While Multnomah County has made considerable efforts improving their pretrial practices to enhance fairness and support individuals, recently court partners have identified a significant challenge: a rising pretrial population with considerable and unmet needs resulting in substantial missed court appearances and significant delays in case processing.

In response, judges have leveraged the role of their Pretrial Release Services—DCJ's Pretrial Services Program and MCSO's Close Street—assigning more cases to these agencies hoping monitoring will improve court appearance rates. However, the sheer volume of cases has undermined these efforts. Instead, both agencies describe an unsustainable environment where they provide neither meaningful monitoring nor support to individuals.

Multnomah County stakeholders have expressed an imminent need to approach their changing pretrial population in a new, more effective way.

The goal of this assessment was to map Multnomah County's current system, understand how various policies and procedural changes have impacted pretrial monitoring placements, and identify more thoughtful approaches to supporting individuals to improve court appearance rates and reduce new arrests while on pretrial release.

This assessment identified several practices aligned with emerging research and innovative practices. It also identified several opportunities where the county can transform how they currently provide support to defendants.

Below, we summarize several successful practices and collate opportunities that, if adopted, could have the largest impact on removing barriers to court appearances and establishing a support-oriented approach to the pretrial period.

Areas of Strong Alignment: Where Multnomah County is Succeeding

- Reliance on pre-arraignment release.
- Consistent presence of defense attorneys at all arraignment hearings.
- Limited use of security for pretrial release.
- Restricted and specific use of monitoring devices in pretrial release conditions.
- Use of virtual appearances across various hearing types.

Areas of Misalignment: Opportunities to Enhance the Support-Oriented Framework

Opportunity: Update automated court reminder system by creating an opt-out approach and inclusion of post-hearing notifications for missed hearings.

Resource Requirement: Significant direct costs and time intensive; Creating a more robust ACRS will likely require court partners to push the state to financially invest in a new system which provides more frequent and up-to-date notifications. Further, it will require court partners to push for a system which creates automatic enrollment, allows for easy contact-information changes, and identifies individuals who miss their court appearances.

Potential Impact: Substantial; Opt-out ACRS with behavior-management messaging coupled with post-notification messages are the most well researched and effective tools improving court appearance.

Opportunity: Identify court hearings necessitating in-person appearance and implement a global waiver of appearance for all other hearings.

Resource Requirement: Limited direct costs and minimally time intensive; A global waiver of appearance form and process already exists within the county. Adopting this improvement would require collaboration between partners and establishing a more formal approach to advertising the form and processing it quickly.

Potential Impact: Substantial; Individuals must navigate several court hearings within a singular case. The data here suggests that individuals in Multnomah County are, on average, navigating three open cases at any one time. While the court does a remarkable job consolidating cases to limit the number of hearings an individual must attend, sometimes tracking cases together is not possible. This means individuals must continuously navigate appearances for several cases while managing their own personal obligations with, typically, limited resources. Significantly limiting the number of appearances necessitating attendance will allow defendants a greater ability to prioritize those hearings while avoiding depleting their resources.

Opportunity: Establish a singular but structurally or operationally independent pretrial agency, with a nearly exclusive focus on providing individuals with resources and community referrals.

Resource Requirement: Significant direct costs and time intensive; Creating a unified system will not only require significant financial resources but also considerable time and collaboration among court partners, and between other county offices and community providers.

Potential Impact: Substantial; A unified system can maximize personnel resources and create more effective step-down structures. Importantly, a consolidated pretrial agency which exclusively focuses on providing targeted resources, community referrals, and court attendance coaching will directly impact defendants' ability to attend court. This is especially true for individuals who have extensive unmet needs who have consistent and persistent court absences.

Opportunity: Reconsider eligibility requirements for court ordered reporting to the pretrial agency. Remove mandatory pretrial agency reporting and have the pretrial agency only report non-compliance to EM/GPS and no-contact orders to the court.

Resource Requirement: Limited direct costs but time intensive; Court partners can rely on the existing PSA tool to inform a new approach to placement or develop a new set of criteria, neither of which requires substantial direct costs. Additionally, allowing voluntary engagement with the pretrial agency does not require a financial investment. Selecting a suite of behavioral health and needs assessment tools may require some direct costs.

Potential Impact: Substantial; There is currently no systematic assessment of individuals' needs or identification of specific challenges to court attendance. Narrowing the focus on a smaller population of individuals and creating a robust assessment system will allow the a pretrial support services agency to provide targeted and intentional supports, directly improving court appearance.

Conclusion

The original intention of the two-agency pretrial monitoring model allowed each of the agencies to specialize and focus their attention on different sub-populations.

However, overtime, agency practices have morphed to be substantially more similar than different. Importantly, in their current form, neither agency believes they are providing any meaningful monitoring or creating any measurable impact on court attendance.

In this report, we assessed Multnomah County's initial pretrial period in context of the country's most innovative and support-oriented practices. We have identified several areas of alignment with these practices and offered opportunities for improvement.

Multnomah County stakeholders have expressed a need for a fairer and support-oriented pretrial framework, improving court attendance rates and reducing new arrests among people on pretrial release.

We have identified several key enhancements and acknowledge adopting most of these practices requires substantial costs. We believe these approaches will transform the county's pretrial system, and considering any one of them is a powerful first step towards moving forward.

Considering any of these approaches is a powerful first step towards moving forward.



Endnotes

- 1 We report race as the mutually exclusive categories captured by Multnomah County Sheriff's Office data. We cannot determine individuals in the sample who identify as bi- or multiracial, or who identify in other ways than what is captured by the agency. We recognize self-reported racial identity is critical for accurately reporting the true demographic profile of the sample, the individual's experience, and disparities, if any. In this document, we refer to "Black" as anyone belonging to the African diaspora and "Brown" as persons racialized as Latine, Middle Eastern, Asian, Indigenous, Pacific Islander, and/or multiracial. Additionally, in line with Crenshaw (1988:1332), we capitalize "Black" as Black individuals constitute a specific cultural group and, as such, require denotation as a proper noun. Those of the African diaspora have a set of shared cultures and experiences. We do not capitalize white, as white people are not a single cultural group. Crenshaw, Kimberlé (1988). Race, Reform and Retrenchment: Transformation and Legitimation in Anti-Discrimination Law. Harvard Law Review.
- 2 This is a composite of two categories provided in Multnomah County Sheriff's Office data, and includes: Native American or Alaskan and Native Hawaiian or Pacific Island.
- 3 We use the term 'sex' to present the sex binary categorization as captured by Multnomah County Sheriff's Office data and not self-reported gender identity. The Multnomah County data used for this analysis currently does not include gender identity. We recognize the demographic representation of our sample may be different when considering gender identity and could include representation from individuals who identify as non-binary, gender non-conforming, and/or transgender. We believe it is important for administrative data to consider the full spectrum of identity to understand the individual experience and disparate outcomes more adequately. Given Multnomah County's inclusive approach to housing transgender individual at MCDC and other inclusive policies, we encourage the Multnomah County's Sheriff's office to consider collecting demographic information to include: 'transgender men' and 'transgender women.'
- 4 Oregon Public Defense Commission (March 15, 2024) Six-Year Plan to Reduce Representation Deficiency.
- 5 Monaghan, J., Joseph van Holm, E. & Surprenant, C. W. (2020). Get jailed, Jump Bail? The impacts of Cash Bail on Failure to Appear and re-Arrest in Orleans Parish. American Journal of Criminal Justice. 47, 56-74.

endnotes continued

- 6 Ouss, A. & Stevenson, M. (2023). Does Cash Bail Deter Misconduct? American Economic Journal: Applied Economics. 15(3), 150-182.
- 7 Ouss, A. & Stevenson, M. (2023). Does Cash Bail Deter Misconduct? American Economic Journal: Applied Economics. 15(3), 150-182.
- 8 Magnuson, S., Dezember, A., Kuehmeier, K., Green, C. & Gautschi, D. (2023). Understanding Absence and Reframing “Failure to Appear” in Lake County, IL. Justice System Partners. [\[Retrieved here\]](#).
- 9 Cooke, B. Diop, B.Z., Fishbane, A., Hayes, J., Ouss, J. & Shah, A. (2018). Using behavioral science to improve criminal justice outcomes. University of Chicago Crime Lab Report. [\[Retrieved here\]](#).

An illustration of a person in a teal kayak with orange accents, paddling on a blue body of water. The kayak is positioned diagonally across the center of the page.

MOVING FORWARD

Transforming Multnomah County's Pretrial System

Large, flowing abstract shapes in orange and blue that sweep across the bottom and left side of the page, creating a sense of movement and depth.

JSP

JUSTICE SYSTEM PARTNERS