

PROJECT 57

CITY OF PORTLAND – MULTNOMAH COUNTY

JAIL BED AGREEMENT

THIRD SIX MONTHS

“QUICK FACTS”

REPORT

June, 2007

PROJECT 57 STEERING COMMITTEE

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WHAT IS IT?

An intergovernmental agreement between the City and County whereby the city has agreed to pay the County \$1.3 million per year to reserve 57 secure jail beds for the pre-arraignment lodging of arrestees designated by the city.

WHY DO IT?

Due to the shortage of jail beds in the county, a priority system was established to allocate available jail beds. Top priority was given to person crime offenders who pose the greatest threat to public safety.

Prior to Project 57, for jail bed allocation purposes, crimes such as drug dealing and possession, prostitution, commercial burglary, and auto theft were considered lower priority offenses. Persons arrested on these offenses were not customarily eligible to be booked and lodged in jail prior to their arraignment. For the most part, upon their arrest, arrestees were given citations-in-lieu of custody (not unlike a traffic ticket), released, and then expected to appear voluntarily for their scheduled court appearances.

While these “lower level” crimes may not pose an immediate threat to public safety, they are:

- usually committed on the streets,
- tend to create an environment conducive to the proliferation of other order maintenance and street related crime issues, and
- have a particularly destructive impact on neighborhood livability and have come to be known as “neighborhood livability crimes.”

In addition, research has shown that prior to Project 57, in excess of 40% of these “low level arrestees” failed to appear in court and entered a “Criminal Justice System Eddy,” “swirling” between:

- Arrest
- Failing to Appear in Court (FTA)
- Being subject of a Bench Warrant
- Re-Offending
- Re-arrest
- FTA once again – and seldom achieving adjudication of their charges and sentencing

RECOG: It needs to be noted that the Presiding Judge has required that P57 arrestees NOT be exempted from established “recog” policies. Therefore, although P57 eligible arrestees are booked into jail, approximately 30% of them have been determined to be eligible for “recog” and are released on their own

recognizance prior to arraignment. While this was disappointing at first, its turned out to be something we have been able to live with (See FTA discussion below).

WHAT ARE THE PREMISES BEHIND P57?

P57 was designed around three premises:

1. A disproportionate percentage of persons arrested on P57 type charges are likely to be chronic, repeat offenders with extensive histories of FTA
2. Arrestees who actually appear in Court for their arraignment have a greater likelihood of making subsequent appearances to complete adjudication of their charges and begin benefiting from whatever rehab services that may be available within the court system

AND

3. Immediate incarceration upon arrest, even for short periods of time, creates a disruption in an offender's criminal behavior that COULD deter the arrestee from future, P57-type criminal activity.

WHAT'S BEEN THE RESULT OF P57?

After 18 months of P57, here's what we have found:

Usage of Available Jail Beds

- During the first six months, P57 arrestees occupied a weekly average of **122 jail beds**
- During the second six months, P57 arrestees occupied a weekly average of **206 jail beds**
- During the third six months (Nov 06 thru May 07), P57 arrestees occupied a weekly average of **171 jail beds**. This compares favorably with the same, seasonally "low volume" period last year (Nov 05 thru May 06), when P57 arrestees occupied a weekly average of **135 jail beds**.
- The increase in jail bed usage during this period may be attributed in part to the fact that P57 status was recently extended to include persons arrested on Fail To Appear Warrants. This allows FTA arrestees to be held in jail until they appear in court, which normally takes 2-10 days, not the more customary 24 hours typical of other P57 arrestees.

Demographics of Arrestees

- 73% of P57 arrestees were male. Males comprised 80% of all Multnomah County Bookings in 2006.
- 27% of P57 arrestees were female. Females comprised 20% of all Multnomah County Bookings in 2006
- Most P57 arrestees are white (53%), compared to 61% among all Multnomah County bookings
- Black P57 arrestees (31%) are over represented when compared to regular jail bookings (24%) and Multnomah County's population (5.7%)

Bookings (since November '04)

- There have been **6,585 bookings**, involving **4,548 individuals**
- **69%** of the bookings were for **drug related charges**
- **8%** of the bookings were for **prostitution related charges**
- **10%** of the bookings were for **auto theft**
- **13%** of the bookings were for a wide variety of **other charges**

Repeat Offenders (since November '04)

- Of the **6,585 bookings**, **45%** (2,959) involved **repeat offenders** (persons who had been arrested on P57 charges two or more times in the 18 month period)
- Of the **4,548 individuals** arrested and booked, **20% (922)** were **repeat arrestees**
- **THUS: 20%** of the **individuals arrested** accounted for **45% of the bookings** - *THIS WAS NOT UNEXPECTED* NOTE: during the first fourteen months of P57, 18% of the individuals arrested accounted for 35% of the bookings
- **80%** of Repeat Offenders were arrested on drug related charges, whereas **60%** of One-time Offenders were arrested on drug related charges

Recidivism

- Notwithstanding the fact that most of the P57 arrestees are heavily impacted by drug and other substance abuses - **80% of the arrestees have not been re-apprehended on a P57 type charge since their participation in Project 57**
- Of those offenders who have been arrested 2-5 times since the inception of P57, 12% have gone 12 months or more without another P57 arrest.

- Among the 95 “chronic offenders” (6 or more arrests since the inception of P57) 17% have gone 12 months without another P57 arrest.

Failure To Appear (FTA)

- Research has shown that **prior to Project 57, persons arrested for P57 type charges and issued citations-in-lieu of custody Failed to Appear or FTA’d 40% of the time.**
- Even with existing “recog” policies (where about 1/3 of P57 arrestees are being released prior to arraignment), FTA rates have been improved dramatically under P57:

<u>PERIOD</u>	<u>PERCENT APPEARING FOR ARRAIGNMENT</u>	<u>PERCENT FTA</u>
4/06 – 10/06	91%	9%
11/06 – 4/06	94%	6%

Impact On Reported Crime

- Although P57 impacts areas city-wide, the primary impact area is thought to be:

On the West Side: Between the Willamette and I-405 and With SW Main being the southern most border

On the East Side: Between Broadway on the north to Hawthorne on the south and SE 12th Avenue to the Willamette River

- Uniform Crime Reporting (UCR) System’s ***Part Two Crimes*** (those most closely associated with P57 offenses) continue to decrease in the impact areas while increasing in East Precinct overall:

<u>COMPARISON PERIOD</u>	<u>IMPACT AREA</u>	<u>PERCENT CHANGE</u>
2005 – 2006	West & East	- 9.0%
-	City Wide	- 3.0%
11/05 – 4/06	Westside	-18.0%
And	Eastside	- .3%

11/06 – 4/07	Central Precinct	- 15.0%
	East Precinct	+ 5.0%
	City Wide	- 8.0%

- The Part II Crime reduction shown for the Westside impact area continues a trend noted in 2006 when reported Part II crimes in the patrol districts which straddle West Burnside from the Willamette River to I-405, ***dropped 16% compared to the city wide 3%***.
- In comparison with the same period in 05-06, Part I crime rates actually decreased during 12/06 thru 4/07, by 3% on the Westside and 1% on the Eastside. This was in contrast with an overall 15% increase in Part One Crimes in East Precinct as a whole.

WHAT CAN WE CONCLUDE?

I. FAILURE TO APPEAR RATES:

- Project 57 appears to continue to have a significant effect in reducing FTA rates.
- There is a strong indication that arrestees who participate in P57 booking procedures are far more likely to appear in Court for their arraignment than are those who are issued Citations-in-lieu of Custody. Folks who are booked into jail are given arraignment dates within 24 hours or the next business day. People who are issued citations are given court dates 30 days in the future.
- While we need more data to evaluate this trend, it appears that individuals who are heavily drug and alcohol impacted, as are most P57 arrestees, are more likely to be able to make their court appearances if the date of appearance is within close proximity to the occurrence of the arrest.

II. RECIDIVISM:

- It continues to appear that participation in Project 57's arrest and booking procedures may have a positive effect in reducing an arrestee's likelihood of re-offending, particularly within the criminal charges identified for this project.
- It may be that when drug and alcohol impacted individuals are able to quickly access whatever rehabilitative and related services that are available through the court system, they are less likely to re-offend. It is particularly noteworthy that 80% of P57 offenders have not experienced a second P57 arrest during the 18 months of the program. It is also significant that 17% of our most chronic offenders (6 or more arrests since the program began) have

experienced a 12 month or longer hiatus from the criminal justice system “swirl.”

- Community Court has been particularly effective in expediting arrestees through the judicial process and into constructive sentencing alternatives. Offenders find Community Court to be an attractive option in that they can appear in court, select a social service or community service sentencing package and complete their case within 17 days. There also is a built-in incentive for the offenders to successfully complete their sentencing packages in that failure to complete their program will result in mandatory incarceration in jail for up to 30 days.
- On the other hand, the percentage of Repeat Offenders continues to increase. This may be indicative of the fact that as we divert one-time P57 arrestees from re-offending, we continue to deal with a hard core group of very chronic offenders (The 45% of Repeat Offenders who were arrested three or more times in 18 months). These individuals are well known to Corrections staff as being, for the most part, heavily impacted by drug and alcohol abuse AND suffering from longstanding mental health issues.
- We continue to believe these individuals require special intervention to curtail their chronic criminal behavior.
- To test this theory, last Spring the P57 Steering Committee recommended a Chronic Offender Strategic Intervention Program (COSIP), see appendix ‘D,’ to deal, initially at least, with the Top Fifteen Chronic Offenders at a cost of \$88,000. The Steering Committee continues to advocate for adoption of this program.

III. CRIME RATES:

- Although reported crime continues to decrease in the P57 impact areas, too many factors influence the occurrence of crime and, and we still believe that without more research, it would be inappropriate and misleading to attribute the decrease in reported crime either entirely or in part to Project 57.
- However, it is particularly interesting to note that the largest decrease continues to be realized among Part Two crimes, those crimes most closely associated with Project 57’s designated offenses.
- This fact, together with the possible link between Project 57 and the apparent reduction in repeat offenses among P57 arrestees, certainly warrants further investigation.

P57
DEMOGRAPHIC ANALYSIS OF ARRESTEES
November, 2005 thru May, 2007

<u>RACE</u>	<u>ONE TIME ARRESTEES</u>		<u>REPEAT ARRESTEES</u>		<u>TOTAL ARRESTEES</u>		<u>MULT. CO. BOOKINGS</u>
White	2027	56%	389	42.0 %	2416	53%	61%
Black	951	26%	446	48.0 %	1397	31%	24%
Hispanic	514	14%	39	4.0 %	553	12%	11%
Asian	92	3%	6	.6%	98	2%	2%
Indian	<u>42</u>	1%	<u>42</u>	5.0%	<u>84</u>	2%	2%
TOTAL	3626	100%	922	100%	4548	100%	100%

GENDER

Male	2826	77%	670	73%	3496	77%	80%
Female	<u>800</u>	23%	<u>252</u>	27%	<u>1052</u>	23%	20%
TOTAL	3626	100%	922	100%	4548	100%	100%

AGE

Teen	222	6%	49	5%
20-29	1284	35%	239	26%
30-39	997	28%	286	31%
40-49	793	22%	255	28%
50+	<u>330</u>	9%	<u>93</u>	10%
TOTAL	3626	100%	922	100%

BOOKINGS BY CHARGE

Drugs	2172	60%	2381	81%
Prostitution	341	10%	192	6%
Auto Theft	445	12%	195	7%
Other	<u>668</u>	18%	<u>191</u>	6%
TOTAL	3626	100%	2959	100%

**REPORTED CRIMES
P57 IMPACT AREAS AND CITY WIDE**

PART TWO CRIMES

<u>IMPACT PATROL DISTRICTS</u>	<u>JAN-JUN '06</u>	<u>JAN-JUN '07</u>	<u>PERCENT CHANGE</u>
820-830-840	3659	3019	- 18.0%
690-711	1103	1099	- .3%
Central Precinct	5905	5040	- 15.0%
East Precinct	5458	5754	+ 5.0%
City Wide	22799	21272	- 7.0%

PART ONE CRIMES

<u>IMPACT PATROL DISTRICTS</u>	<u>JAN-JUN '06</u>	<u>JAN-JUN '07</u>	<u>PERCENT CHANGE</u>
820-830-840	1253	1222	- 3.0%
690- 711	1134	1126	- 1.0%
Central Precinct	3566	3437	- 4.0%
East Precinct	5005	5754	+ 15.0%
City Wide	17762	18510	+ 4.0%

Part One Crimes:

Murder
Rape
Robbery
Aggravated Assault
Burglary
Larceny-Theft
Motor Vehicle Theft
Arson

Part Two Crimes:

Drug Offenses
Misdemeanor Assault
Vandalism
Prostitution
Child Abuse
Criminal Trespass
Embezzlement
Forgery

CHRONIC OFFENDER STRATEGIC INTERVENTION PROGRAM (COSIP)

Overview:

The creation of the P57 program through the City's funding of jail beds has helped increase the rate at which defendants appear for arraignment. This is due to the fact that the defendants are booked into jail rather than being cited and allows for the defendant to be arraigned the following business day. There remains a small group of defendants who are frequently arrested and have a number of pending charges. This group primarily commits livability crimes and tends to be brought into custody on charges that are eligible for pre-trial release. Many individuals in this group are also on some form of community supervision. The general nature of their criminal activity creates a situation where these offenders receive less attention than other offenders who have been convicted of more serious property and person-to-person crimes.

Individuals caught in this cycle of arrest, failure to appear, warrants and re-arrest use a great deal of the resources available to the criminal justice system. In order to interrupt this cycle, a comprehensive supervision plan that addresses the crime causing needs of the offender has to be developed and enacted. This specialized supervision and case management would begin at booking, continue through arraignment and the pre-trial period, and then through Probation if the defendant is convicted.

Implementation:

Many of the individuals who are chronically arrested for P57 type criminal offenses and related bench warrants are usually eligible for release by Recog. Under this COSIP proposal, the City would provide the Recog staff with a list of those individuals, who are chronically arrested for P57 offenses during a specified, agreed upon time period. The staff at Recog would then override any allowable release of the defendant and recommend entering the defendant in the Pre-Trial Services Program (PSP) after arraignment. The criteria for this list will be developed and recommended by the P57 oversight committee for approval by the Multnomah County Criminal Justice Advisory Committee.

In order to create a continuous line of supervision and case management from the time of arraignment through a Court ordered period of post-conviction supervision, one Parole/Probation Officer will manage the individual arrestee's case. This Officer will act as a Pre-trial Service Officer (PO) after arraignment, through the Court proceedings and until conviction or acquittal. During the pre-trial period, the PO will work with the DA's

office and the Court to determine if Formal Probation is an option available for the defendant if convicted. It should be noted that due to budget limitations, Formal Probation is not usually available as an option for most Project 57 type offenses. Upon conviction of the defendant, the PO will then supervise the case as the Probation/Parole Officer (PO). During the course of the supervision the PO will work with the individual to identify the issues (i.e., substance abuse, mental health issues etc.) which cause their recurring criminal behavior. A plan to address their issues and needs would be developed and access to resources would be facilitated.

A review of the case histories of many of the chronic offenders reveals that, in the past, they repeatedly have been offered resources and services to help them with their needs but they ultimately decline or terminate their participation in these services. In order to impact the behavior of the identified individuals, the PO will need to correctly identify the services that will most appropriately address the individual's needs and then closely supervise, monitor, and motivate the individual to ensure that they make their Court hearings and continue their participation in rehabilitative programs and services. This level of intense monitoring, intervention, and individualized attention will require that the PO have a much smaller than customary caseload. .

In addition, a team consisting of the PO, a PPB representative, and representatives from identified treatment and service agencies will meet regularly to staff the cases, develop and modify the treatment and supervision plans, and coordinate access to services for the individual. This team approach to supervising and rehabilitating the individual will allow for the most integrated, effective and efficient use of resources for the individual. It will also provide a forum to develop a plan to address the barriers faced by each individual and to develop new ways of addressing the individual's chronic use of the criminal justice system.

The PO position would be assigned to Multnomah County Department of Community Justice and funded by the City of Portland.

Current service levels and contracts would be reviewed by DCJ and the City of Portland to determine if the currently funded services would be able to meet the needs of the individuals in this program.

Total cost of this proposal will be \$88,096. This includes personnel costs, phone, office supplies, and related materials and services.