

# **PSCC Decision Point Population Analysis Task Force**

## **Members**

John Clague, Chair; Captain, Lane County Sheriff's Office, Adult Corrections  
Ron Chase, Executive Director, Sponsors, Inc.  
Linda Eaton, Manager, Lane County Health & Human Services, Supervision and Treatment Services Division  
David Factor, Court Administrator, State of Oregon Circuit Court, Lane County  
Alex Gardner, District Attorney, Lane County District Attorney's Office  
Doug Harclerod, District Attorney, Lane County District Attorney's Office  
Kent Mortimore, Deputy District Attorney, Lane County District Attorney's Office  
Ilisa Rooke-Ley, Attorney, Public Defenders Services of Lane County

## **Staff**

Susan Sowards, Principal Planner, Lane Council of Governments  
Sara Wasserman, Senior Data Specialist, Lane Council of Governments

This project was supported by Grant No. 41-60-02012 awarded by the Technology Opportunities Program, Telecommunications and Information Applications, in the National Telecommunications and Information Administration of the U.S. Department of Commerce. The opinions, findings, conclusions, and recommendations expressed in this report are those of the authors and do not necessarily reflect the views of the Department of Commerce.

**DPPA TASK FORCE REPORT – OCTOBER 2004**  
**TABLE OF CONTENTS**

**PAGE NUMBER**

<b>Executive Summary .....</b>	<b>1</b>
--------------------------------	----------

<b>Task Force Report .....</b>	<b>6</b>
--------------------------------	----------

Introduction .....	6
Lane County Adult Criminal Justice System Flowchart	
What Do We Know? Description of Lane County’s Strengths and Challenges..	8
The Funnel of Justice	
What Did We Learn? What the Data Tells Us .....	9
Decision Point/”Choke Point” Analysis .....	11
What Should We Do? Recommendations to the PSCC .....	17
Overarching Observations .....	17
Overarching Recommendations.....	17
Recommendations by Decision Point.....	18
Recommendations Grouped by Topic.....	20

<b><i>Appendix A – Data Analysis</i></b>
--

<b>1. Decision to Arrest Data Analysis .....</b>	<b>1-1</b>
Section Contents .....	1-1
Analysis .....	1-1
Recommendations .....	1-2
Data .....	1-4
A. <u>Number of Calls for Service</u> .....	1-4
Calls for Service .....	1-4
Counts of Incidents For Which at Least One Officer From the Agency	
Was Dispatched .....	1-4
Number of Dispatches per Officer for 2001 .....	1-4
B. <u>Victimization Rates</u> .....	1-5
Methodology .....	1-5
Victimization Rates of Survey Respondents.....	1-5
Survey Questions Asked of Eugene-Springfield Residents and Results .....	1-6
C. <u>Crime Rate</u> .....	1-7
Reported Crimes.....	1-7
Summary Crime Rates as Reported Offenses per 10,000 Population .....	1-8
D. <u>Arrest Rate</u> .....	1-9
Summary Crime Rates as Reported Arrests per 10,000 Population .....	1-9
Offenses and Arrests, by Crime Type and Year .....	1-11

E. <u>Citation in Lieu of Custody (CLC) Rate</u> .....	1-12
Number of Individuals (per Incident) Given Citations in Lieu of Custody by Agency.....	1-12
Number of Charges on Citations in Lieu of Custody, by Agency.....	1-13
Comparison of Arrest Rates and CLC Rates.....	1-14
F. <u>Number of Officers per 1,000 Population</u> .....	1-15
Number and Rate of Sworn Police Officers per 1,000 Population in Lane County.....	1-15
Population Estimates for Lane County Areas.....	1-15
G. <u>Bookings (Lodgings) by Agency</u> .....	1-16
Summary of Lodgings by Agency in 2001.....	1-16
H. <u>Number of Secret Indictments, by Crime</u> .....	1-17
Number of Secret Indictments Without Warrants Issued.....	1-17
I. <u>Number of Secret Indictments, Warrants by Crime</u> .....	1-20
Number of Secret Indictments With Warrants Issued.....	1-20
<b>2. Decision to Detain Data Analysis .....</b>	<b>2-1</b>
Section Contents.....	2-1
Analysis.....	2-1
Recommendations.....	2-2
Data.....	2-3
A. <u>Number of Bookings</u> .....	2-3
Number of Individuals Booked In, by Year.....	2-3
Number of Book-ins That Are Parole/Probation Violations.....	2-3
Number of Book-ins That Are Parole/Probation Violators.....	2-3
Number of Book-ins That Are Probation Sanctions.....	2-3
B. <u>Number of Matrix Releases</u> .....	2-4
Summary of Facility Beds and Matrix Releases Due to Overcrowding.....	2-4
2001 Jail Matrix Releases and Circuit Court Failure to Appear Rate.....	2-5
C. <u>Number of Custody Referee Interviews</u> .....	2-6
Custody Referee Interviews.....	2-6
D. <u>Custody Referee Releases</u> .....	2-7
Number of Custody Referee Releases, by Release Type - 2002.....	2-7
Release Interviews and Inmates Matrixed Prior to Release.....	2-7
Custody Referee Releases from Pretrial Detention.....	2-7
E. <u>Comparison of Book-ins and Releases</u> .....	2-8
Book-ins and Releases.....	2-8
<b>3. Decision to Prosecute Data Analysis .....</b>	<b>3-1</b>
Section Contents.....	3-1
Analysis.....	3-1
Recommendations.....	3-1
Data.....	3-1
A. <u>Number of Intakes</u> .....	3-2
Number of Intake Cases, by Penalty on Charge(s).....	3-2
Intake Cases, by Agency.....	3-3

Intake Charges .....	3-4
Intake Charges for Measure 11 Crimes .....	3-5
B. <u>Decision is No File</u> .....	3-6
Number of Cases With No Charge Filed, by Agency .....	3-6
Number of Charges Not Filed, by Charge .....	3-7
Number of Charges Not Filed, by Charge and Agency .....	3-8
Number of Cases With No Charges Filed by Penalty .....	3-9
C. <u>Alternative Resolution (Alternative Early Disposition)</u> .....	3-10
Charges Offered a Diversion Program for Each Case Received, by Offense in 2002 .....	3-10
Number of Cases Offered/Accepted/Rejected/Withdrawn, by Program for Cases Received in 2002 .....	3-12
Charges Offered/Accepted/Rejected/Withdrawn, by Offense for Cases Received in 2002 .....	3-13
Charges Offered/Accepted/Rejected/Withdrawn, by Program and Offense for Cases Received in 2002 .....	3-17
Outcome of Cases Received in 2002 That Accepted a Diversion Program .....	3-19
Outcome of Cases Received in 2002 and Offered a Diversion Program .....	3-20
<b>4. Adjudication – Sentencing Decision Data Analysis .....</b>	<b>4-1</b>
Section Contents .....	4-1
Analysis .....	4-1
Recommendations .....	4-2
Data .....	4-3
A. <u>Guilty Plea</u> .....	4-3
Age of Terminated Cases in 2001 .....	4-3
Time from Arraignment to Disposition in 2001 .....	4-5
Time from Arraignment to Disposition in 2002 .....	4-8
Number of Dispositions in 2001 and 2002, by Disposition Grouping .....	4-11
Time from Arraignment to Disposition for Guilty Pleas in 2001 .....	4-13
Time from Arraignment to Disposition for Guilty Pleas in 2002 .....	4-16
Time from Arraignment to Disposition for Dismissed Charges in 2001 .....	4-19
Time from Arraignment to Disposition for Dismissed Charges in 2002 .....	4-22
B. <u>Conviction</u> .....	4-25
Number of Convictions for Felony and Misdemeanor Person and Non-Person Crimes .....	4-25
Crime Group by Year for the Most Serious Crime of Conviction for Lane County .....	4-26
C. <u>Type of Sentences</u> .....	4-27
Sentencing for Felony Offenders Sentenced in 2001 .....	4-27
Sentencing for Felony Offenders Sentenced in 2002 .....	4-27
Average Length of Sentences by Crime Group and Sentence Type for Sentences Given in 2001 .....	4-30
Average Length of Sentences by Crime Group and Sentence Type for Sentences Given in 2002 .....	4-31

D. <u>Sentencing According to the Sentencing Grid for Lane County</u> .....	4-32
Lane County Felony Dispositions for the Most Serious Crime of Conviction, by Year.....	4-32
<b>5. Post Sentencing Management Data Analysis .....</b>	<b>5-1</b>
Section Contents .....	5-1
Analysis .....	5-1
Recommendations .....	5-2
Data.....	5-3
A. <u>Sanctions and Revocations</u> .....	5-3
Probation and Parole Sanctions and Revocations Summary Chart .....	5-3
Unduplicated Number of Inmates on Supervision .....	5-3
Number of Sanctions by Conditions Violated.....	5-4
Number of Revocations .....	5-4
Number of DOC Probation Case Closures .....	5-5
Analysis of Show Cause Motions for Probation Violations From December 26, 2003 to February 2, 2004.....	5-7
Average Number of Sanctions Prior to Revocation by Original Offense (Parole/Post Prison Supervision).....	5-11
Average Number of Sanctions Prior to Revocation by Original Offense (Probation).....	5-12
B. <u>Supervision</u> .....	5-13
Offender Population by Legal Status – Lane County .....	5-13
Offender Population by Legal Status as of January 1, 2001 – Lane County (By Offense Group) .....	5-14
Offender Population by Legal Status as of January 1, 2002 – Lane County (By Offense Group) .....	5-15
Review of Inmate Population Under Supervision on December 8, 2003 (by Housing Designation) .....	5-16

**APPENDIX A  
DATA ANALYSIS**

**APPENDIX B  
DEFINITIONS: CRIME CATEGORIES**

**APPENDIX C  
LAW ENFORCEMENT CITE & RELEASE POLICIES**

**APPENDIX D  
SQL STATEMENTS**

# EXECUTIVE SUMMARY

## Charge

The charge of the PSCC Decision Point Population Analysis (DPPA) Task Force is to recommend changes in the criminal justice system to improve its efficiency and effectiveness in reducing recidivism and increasing community safety. The DPPA Task Force has been working since 2001 to identify decision points in the criminal justice system which impact use of the Lane County Jail and Adult Corrections alternative programs, collect Lane County data on those decision points, use the data to identify “choke points” of greatest inefficiency in the system, and make recommendations to improve the system.

## History

Policy discussions regarding jail population and capacity have been ongoing for over two decades in Lane County. Jail overcrowding began in 1980 and by 1985 a federal court order mandated a cap on jail population, resulting in development of a “matrix” system to determine which offenders would be released from the Lane County Jail when that cap was exceeded. From the time of the PSCC’s initial appointment in 1995, jail capacity has remained an active topic of discussion and analysis:

- 1995 – Lane County’s application to the State for construction funds to build additional jail beds to house locally the SB 1145 offenders – felony offenders sentenced to less than one year who previously would have spent their time in state correctional facilities.
- 1996 – Dave Bennett, a nationally recognized criminal justice system consultant, completed a Jail Population Management Plan begun at the request of the Lane County Community Corrections Committee and presented it to the PSCC.
- 1998 – A PSCC Jail Population Analysis Committee was formed.
- 2001 – The PSCC Community Corrections Committee (CCC) formed a Decision Point Population Analysis (DPPA) Subcommittee to begin to look at the decision points in the Lane County criminal justice system, analyze data to better understand the system, and develop priority recommendations to improve the system.
- 2002 – Lane Council of Governments was awarded a grant from the Technology Opportunities Program of the US Department of Commerce for jail simulation modeling. The project, entitled “Innovative Decision Making Model” – IDM2 – was designed to develop a decision point simulation model as an interactive tool to help address issues relating to corrections system population management and effective use of facilities.
- 2003 – PSCC was reconstituted and the Subcommittee was reappointed as the PSCC DPPA Task Force.

The complexity and interdependence of the criminal justice agencies is a challenge, making coordination and collaboration both critical and difficult. The system’s strength is the commitment of agencies and elected officials to increase their level of collaboration and ability to meet common needs. They understand the value of working together on these issues which are so vital to the community.

## Key Lessons

Key lessons from the DPPA Task Force include:

- *Value of the Process* – People in positions of authority over expensive, system-wide resources worked to describe the system, decide what data to try to collect and analyze, and struggle to appreciate the complexities of each other’s agencies and responsibilities. Getting together regularly created opportunities for members to learn about each other’s work and inherent limitations and increased trust.
- *Data* – Not all the data is available to conduct a thorough analysis; data is not organized in a manner which allows analysis that is useful for policy decisions.
- *Drugs and Alcohol* – Drug and alcohol crimes are pervasive and problematic at all decision points.
- *Capacity* – Sufficient supply is not available to meet demand.
- *Failures to Appear* – Failures to Appear for court appearances remain an issue.
- *Evidence-Based Policies, Practices* – Lane County needs objective policies and evidence-based practices to achieve the goals of safety, reduce recidivism, and reduce dangerousness.

## Decision Point Model

The Task Force structured their work on a model used nationally as a system-wide approach to analyze jail overcrowding. It is “decision point analysis” and is based on the premise that “each player in the criminal justice system, acting unilaterally or in concert with others, can affect jail population size.”<sup>1</sup> Using this model and their own experience, the Task Force mapped the flow of cases through the Lane County criminal justice system. They identified five key decision points and the key players at each point. They then collected and analyzed data at each point to map the system. The data is included in full in Appendix A of this report. Analyzing the data at key points from arrest to post sentencing, the Task Force identified “choke points” within decision points where a change in policies and/or practices might create efficiencies to reduce jail crowding. They then developed recommended strategies to address the issues raised. The decision points with identified choke points bulleted under them are:

### 1. Decision to Arrest

- Crime rates in Lane County and in Oregon decreased between 1991 and 2001 and are considerably lower than their peak years of 1995-98 but, at the same time, arrest rates increased. Higher rates of arrest result in more arrestees being brought to the jail.

### 2. Decision to Detain

- The number of people matrix released without pretrial release interviews due to jail overcrowding has been an ongoing systems issue.

### 3. Decision to Prosecute

- The prevalence of drug charges as shown in data under this decision point and drug cases shown in the conviction and sentencing data in the next decision pint. Both clearly illustrate the impact of drug and alcohol abuse on our system and demonstrate the need

---

<sup>1</sup> *A Second Look at Alleviating Jail Crowding: A Systems Perspective*. US Department of Justice, Office of Justice Programs, Bureau of Justice Assistance. Monograph. 2000. Pg. 31.

to provide better intervention in this area. Furthermore, other crime categories are significantly effected by the prevalence of drug and alcohol abuse, particularly methamphetamine abuse.

#### **4. Adjudication/Sentencing**

- Drugs are the largest crime group by far among crimes of conviction.
- Time from arraignment to disposition could be improved.
- Insufficient options and capacity are available to meet conditions of sentencing.

#### **5. Post-Sentencing Management**

- Parole and probation violators were 24.6% of total jail book-ins in 2003 and 52% of the Lane County Adult Corrections slots, including alternative programs, on December 8, 2001 with 46% of the jail beds filled by individuals on supervision.
- Data shows a low number of sanctions prior to revocations.
- Parole and Probation in Lane County does not have ready access to intermediate sanctions such as work release, etc., as alternatives to violations and revocations.
- Parole and Probation has limited ability to access sanctions.
- A January 1, 2001 snapshot of the 2,709 offenders on supervision on that day shows 866 (32%) are drug offenders and 794 (29%) are property crime offenders.

### **Recommendations**

The Task Force developed recommendations to address key choke points within each decision point. These recommendations are grouped below by topic to assist in work plan development.

#### **Recommendations Which Require Changes in Policies/Procedures**

- Develop, adopt, and implement a clear policy across the adult corrections system to determine strategically which offenders receive priority access to resources such as jail beds and treatment.
- Implement and monitor Phase I of the DOMC.
- Identify those individuals charged with drug or non-violent felony property offenses who are good candidates for alternative prosecution programs, including Drug Court, with effective treatment components. Phase I of the Defendant and Offender Management Center (DOMC) could complete the necessary assessment to help the DA determine who is eligible for alternatives and which alternatives are appropriate in each case.
- Create more exit points after first arraignment both before the 35-day call (about two weeks before) and after the point defendants are required to show up and the case comes to disposition in order to bring more cases to disposition earlier.
- Provide PO's with immediate access to a range of intermediate sanctions including jail and other Lane County Adult Corrections programs.

#### **Recommendations Which Require Additional Resources**

- Identify the gaps in services that need to be funded.
- Implement the Richard K. Sherman Defendant and Offender Management Center (DOMC) in all three phases to better deal with individuals brought to the jail as well as provide useful system management information concerning gaps and service needs.

- Develop a treatment or social service alternative to arrest and jail in order to divert the low-level criminal population who are intoxicated, medically compromised, mentally ill, etc.
- Provide sufficient system capacity to hold in custody, under supervision, or in an alternative program those who are high risk.
- Develop an Inmate Population Control Coordinator position to work with attorneys and the courts to expedite cases of defendants detained pretrial, checking their status regularly.
- Implement a system so the District Attorneys, defense attorneys, and courts can tell which resources are available at any given time and make the most appropriate decisions concerning dispositions.
- Create more early-disposition programs.

### **Data-Related Recommendations**

- Coordinate between agencies so key players can have better access to each other's data and share data and information.
- Analyze data at the arrest decision point in the system annually to help measure system volume.
- Change data tracking for calls for service to distinguish between law enforcement assistance in alleged crimes and other requests for service. This would provide at least some measure of comparison between victim reports, law enforcement response (officers dispatched to respond to crimes), and arrests.
- Implement a data system that will allow the DOMC to validate the uniform risk tool and use it to make placement, programming, and resource decisions for all who enter the criminal justice system and track where appropriate which resources or programs are not available when needed and at what level they are needed.
- Implement a system so the DOMC staff can tell which resources are available at any given time and to track availability over time to help plan future capacity needs.
- Collect data which can be easily reported and analyzed on the number of offenders successfully completing and failing to complete early disposition programs.
- Establish a system to provide readily available data for routine identification and analysis concerning who among those on supervision is in custody. The system should provide the ability for further analysis of offenders on supervision who are in custody and why they are in custody in order to determine:
  - Offender status – why are they in custody? New crime, violation, etc.?
  - What is the average sanction imposed and length of time served?

This information could aid in understanding the types of inmates released and in planning related to jail capacity issues, given the large percentage of people in custody of the jail who are also on supervision. It would also help P&P better manage its population of offenders.

### **Recommendations Which Require Further Study**

- Identify what it would take to create a balanced system – define the number of jail beds, alternative programs, parole/probation officers, attorneys for prosecution and defense, court staff, and treatment and other services which would be necessary to effectively serve Lane County given our particular community environment and type and level of crime.
- Utilize the Innovative Decision Making Model (IDM<sup>2</sup>), once development is complete, as a tool to analyze various policy options and their impact on the criminal justice system and community safety in Lane County.

- Provide further review of the policy implications of cite and release policies and practices and their impact on Failures to Appear (FTAs).
- Analyze the FTA rate before and after the implementation of the DOMC.
- Establish a target rate for FTAs.
- Examine the average minimum sentence and length of stay plus the number of felony dispositions of 12 months or less in prison which are served at the county level to help better understand impacts on jail capacity and determine who might be candidates for alternative disposition versus who really needs to be in a bed.
- Appoint a task force including representatives of the courts, District Attorney, and Public Defender to review Time to Disposition in more detail and develop recommendations for addressing this problem. The Task Force should review the recommendations included in the Bennett Study along with the viability of current and additional alternative disposition programs. They should map and review current system processes and timelines from arraignment to disposition, finding opportunities to reduce time to disposition. Solutions to be considered might include:
  - Requiring settlement conferences on Ballot Measure 11 cases as well as for misdemeanors.
  - Initial court arraignments held evenings, weekends.
  - Fast track courts to accept pleas at set times each week.
  - Sentence at the same time pleas are accepted.
  - Assign cases to judges when the cases are filed.
  - Examine what is happening in the fifth month under Time to Disposition, why the number of dispositions are suddenly escalated, and whether some key decisions could occur sooner in the process to expedite dispositions.
- Conduct an analysis to determine deficiencies in critical resources.

# DPPA REPORT

## INTRODUCTION

The charge of the PSCC Decision Point Population Analysis (DPPA) Task Force is to recommend changes in the criminal justice system to improve its efficiency and effectiveness in reducing recidivism and increasing community safety. The DPPA Task Force has been working since 2001 to identify decision points in the criminal justice system which impact use of the Lane County Jail and Adult Corrections alternative programs, collect Lane County data on those decision points, use the data to identify “choke points” of greatest inefficiency in the system, and make recommendations to improve the system.

Policy discussions regarding jail population and capacity have been ongoing for over two decades in Lane County. Jail overcrowding began in 1980 and by 1985 a federal court order mandated a cap on jail population, resulting in development of a “matrix” system to determine which offenders would be released from the Lane County Jail when that cap was exceeded.

By 1995, key players in Lane County were discussing the need to take a multi-agency, multi-jurisdictional approach to solving system challenges. A March 1995 “white paper” entitled “The Criminal Justice System in Lane County” was developed by Steve Carmichael, Director of Lane County Youth Services; Bill DeForrest, Chief of Springfield Police Department; Bob McManus, Lane County Sheriff; and Dave Whitlow, Director of Eugene Department of Public Safety; and was addressed to Mike Gleason, Eugene City Manager; Mike Kelly, Springfield City Manager; and William VanVactor, Lane County Administrator. The document focused on the interdependence of the criminal justice system. It included “a ‘causal feedback loop structure’ diagram. . .to show causal relationships which contribute to jail/prison overcrowding” and the following recommendation:

*The capacity of Lane County Adult Corrections must be increased to accommodate the incarceration of offenders who are now subject to release under the matrix, are issued citations in lieu of custody on charges for which s/he should have been lodged, or are placed on probation when the most appropriate consequence is incarceration. The ability of the courts to impose appropriate and meaningful sanctions has also been diluted to a great degree because of the state imposed sentencing guidelines. Judges often must impose sentences that are ineffectual from a punitive sense, or from the standpoint of changing behavior of the offender. Slightly fewer than 300 beds are available in the facility for all of Lane County.*

In August 1995, the Public Safety Coordinating Council (PSCC) was appointed by the Lane County Board of Commissioners as mandated by Senate Bill 1145. In addition to fulfilling their state mandated charge, they began to address some of the issues outlined in the “white paper”. From the time of the PSCC’s initial appointment, jail capacity has remained an active topic of discussion and analysis, beginning with development of the County’s application to the State for construction funds to build additional jail beds to house locally the SB 1145 offenders – felony offenders sentenced to less than one year who previously would have spent their time in state correctional facilities.

In 1996, Dave Bennett, a national consultant, completed a Jail Population Management Plan begun at the request of the Lane County Community Corrections Committee and he presented it to the PSCC.

A PSCC Jail Population Analysis Committee was formed in 1998, Chaired by Ken Tollenaar, PSCC member and Eugene City Councilor. Their work resulted in two products:

- An updated jail forecast by Clair VanBloem, LCOG, using Bennett’s methodology; and
- A report by Carl Hosticka, Marcia Morgan, and Terry Drake of Public Policy Associates, Inc., entitled “Jail Population Planning and Management”.

In March 2001, the PSCC Community Corrections Committee (CCC) began to discuss development of a community corrections continuum to graphically represent the system in Lane County. That same month, PSCC sponsored a local airing of a national video conference entitled “Alleviating Jail Crowding: A Systematic Approach”. By July 2001, the CCC was examining how decision point analysis of jail population works and whether to commit member and staff resources to such an analysis. As a result of this discussion, they formed a Decision Point Population Analysis (DPPA) Subcommittee with Ilisa Rooke-Ley as Chair. They were charged with defining the data needed for a population analysis, examining possible policies and practices to produce system efficiencies, and developing a list of priority issues to recommend to the CCC for further consideration.

In August 2001, the subcommittee presented to the CCC a document entitled “Alternatives for Reducing Jail Crowding – Key Decision Point Analysis”. It contained a summary of suggestions generated by the subcommittee for strategies to reduce jail crowding. By September 2001, the subcommittee and CCC had identified initial priority strategies which could be undertaken immediately with no new resources. Individual members took responsibility for these items and began to implement those which were feasible. By October 2001, the CCC had outlined suggested data to be collected and analyzed.

The subcommittee developed criteria for recommended actions and how to apply data to the analysis seeking to reduce jail crowding. In December, the subcommittee brought to the CCC a worksheet they had used to prioritize decision points and by January 2002, the CCC had refined these priorities and asked the subcommittee to work on data collection and analysis. At this same meeting, the CCC approved LCOG applying for a grant from the Technology Opportunities Program (TOP) of the US Department of Commerce for jail simulation modeling. The project, entitled “Innovative Decision Making Model” – IDM<sup>2</sup> – was designed to develop a decision point simulation model as an interactive tool to help address issues relating to corrections system population management and effective use of facilities.

The DPPA Subcommittee continued its work, bringing back issues to the CCC for discussion. In July 2002, Ms. Rooke-Ley stepped down as Chair but remained a member of the subcommittee and Gretchen Pierce, Chair of CCC, appointed John Clague Chair of the DPPA Subcommittee. The Subcommittee began to refine the Lane County Adult Criminal Justice System Flow Chart (next page) to visually display how defendants and offenders move through the local criminal justice system and at what key points decisions are made. They used this chart to further refine the decision points to be studied. Although the subcommittee initially determined there were seven key decision points, they decided to consolidate them to five decision points to be consistent with the 1985 National US Department of Justice (DOJ) report “Alleviating Jail Crowding: A Systems Perspective<sup>2</sup>” (updated in 2000) and other studies. They collected data, adapting their data collection plan to reflect data

---

<sup>2</sup> Hall, Andy; Henry, D. Alan; Perlstein, Jolanta J.; Smith, Walter F. *Alleviating Jail Crowding: A Systems Perspective*. US Department of Justice, National Institute of Justice, Office of Development, Training, and Dissemination. 1985.

availability and quality.

In October 2002, the IDM<sup>2</sup> Project was funded by TOP and the DPPA subcommittee became the oversight committee for the project. As the modeling simulation was developed, updates were provided to the subcommittee and their input was sought to ensure the model accurately reflected the system. The grant began to fund the staff support for the subcommittee's work since the process mapping and data collected were critical to development of the IDM<sup>2</sup> model.

In July 2003, the PSCC was reconstituted and the DPPA subcommittee was reappointed as the DPPA Task Force. By now, the majority of the data had been collected and Task Force members began to analyze the data, using it to paint a clearer picture of how the system is working, the role of each key player in the decisions being made, the impact of those decisions on the jail population, and what might be changed to reduce jail crowding and create a more efficient, effective system. In particular, they used the data to help determine “choke points” within the decision points – points where a change in policies and/or practices might create efficiencies to reduce jail overcrowding. The Task Force also used the data to design the “Funnel of Justice Flow Chart” (next page) to demonstrate the relative numbers of people and workload at different points in the system, showing 42,871 reported offenses in Lane County in the year 2001 and 20,879 arrests.

This report is the culmination of work of the DPPA Task Force and the Subcommittee which preceded it. Data for the year 2001 was used whenever available to be consistent throughout the report. The recommendations contained in the report, if adopted by the PSCC, will require workplans to be developed which include tasks, responsible parties, milestones, and timelines for completion. The Task Force believes these recommendations, if implemented, will help improve the functioning of the criminal justice system in Lane County and begin to reduce jail overcrowding.

## WHAT DO WE KNOW? DESCRIPTION OF LANE COUNTY'S STRENGTHS AND CHALLENGES.

**Geography** – Lane County, Oregon is an urban/rural county of 4,610 square miles, roughly the size of the state of Connecticut, with 328,150 people. It stretches from the Pacific Ocean to the Cascade Mountains. Approximately 60% of the county's residents live in Eugene/Springfield, the second largest urban area in Oregon, and 40% live in the other ten incorporated cities within our borders and unincorporated areas scattered throughout.

These geographic factors and other environmental factors strongly influence how the criminal justice



system is structured. The sheer size of it all, with small cities out near the borders, create barriers for service delivery and access by agencies and citizens to critical justice system resources. System-wide resources such as the State Courts, the District Attorney's Office, Adult Corrections including the jail, and the Parole and Probation Office are all in the center of the county in Eugene. The county is divided by Interstate 5, the sole north/south Interstate on the West Coast, which serves as the eastern border of Eugene and the western border of Springfield.

A total of nine law enforcement agencies provide services in Lane County. They vary in critical ways in their approach to policing, reflecting the unique cultures of their communities and the expectations of their citizenry. The county is served by five 9-1-1 Public Safety Answering Points.

**Complexity** – The Flow Chart, simplified to show critical decision points and the choices at each branch, demonstrates some of the interdependence of the agencies in the system on each other. This interdependence makes coordination and collaboration both critical and difficult. Separate and disparate tax bases and funding streams, information systems which cannot communicate with each other, and jurisdictions with their own distinct elected policy bodies with separate and collective personalities and priorities make efforts to coordinate and collaborate challenging. At the same time, through the PSCC and its committees as well as an array of agreements such as mutual aid agreements and the Supervisory Authority Team, the agencies and elected officials are working on increasing their level of collaboration and ability to meet common needs. They understand the value of working together on these issues which are so vital to the community.

## **WHAT DID WE LEARN? WHAT THE DATA TELLS US.**

**The Value of the Process** – Some of the key lessons from the DPPA Task Force came not from the data but from the process itself. As people in positions of authority over expensive, system-wide resources, Task Force members worked as a team to describe the system and decide what data to try to collect and analyze. They went through each batch of data individually and several times, struggling to decipher and analyze what the data might show. In the process, they came to a better appreciation of the complexities of each other's agencies and responsibilities. They also saw more clearly than ever how a single agency which fails to consider the impact of its policy decisions on the rest of the system can do more harm than good. They were reminded how dynamic the system is and how hard to pin down long enough to study it. Just opening communications and getting together regularly created opportunities to learn about each other's work and inherent limitations. They acknowledged that each key player comes to the table over and over, truly wanting and trying to figure out how to make this system work better – everyone is here with good intentions. Despite those intentions, even positive change is difficult. Perhaps most important, the Task Force agrees change is inextricably linked to politics and the will to make change. Even the cleanest data, the most thorough analysis, and the most logical recommendations do not always result in changes being made to the system. As a county, we need to continue to provide a mechanism to ensure we have the data, analyses, and recommendations coupled with a forum to encourage change.

**The Data Itself is a Problem** – The Task Force was not surprised to find that not all the data are available which are needed to conduct a thorough analysis. Furthermore, the data which are available are not organized in a manner which allows analysis that is useful for policy decisions.

- Information systems currently in place were designed to assist with operational flow, not as

management tools.

- Data fields in the different criminal justice information systems sometimes have the same name but may not have the same meaning.
- Data on the “decision to arrest” is largely reported by Law Enforcement Data System (LEDS) categories determined by Oregon Uniform Crime Reporting (OUCR) categories (based on federal UCR categories) whereas much of the rest of the data uses crime categories related to the Oregon Sentencing Guidelines. LEDS/OUCR data are organized into Crimes Against Persons, Crimes Against Property, Behavioral Crimes, and All Other Offenses. The Sentencing Guidelines are taken from the Oregon Revised Statutes and Oregon Administrative Rules and are organized into Person Felonies, Person Class A Misdemeanors, and Non-Person Felonies. The difference in categories makes data comparison in some areas difficult.

Although the layout of the decision points and the analysis of the data appear linear, the system itself is not truly linear. Instead it is overlapping or even circular with 25% of the people booked into jail in 2003 being part of the probation or post-prison management group. A large percent were already arrested and booked once, released, then failed to appear, were arrested again, and are now reentering the system again on an FTA warrant, the initial charge, and frequently a new charge as well.

All of this creates challenges in trying to capture a clear picture of who is using what resource, why, and based on what decision made by whom. The analysis and resulting recommendations, therefore, combine the best data available to the Task Force along with the members’ individual experience and intuition concerning needed system improvements.

***Drug and alcohol crimes are pervasive at all decision points.*** At the Prosecution decision point, an analysis of Intake Charges from 2000-2002 shows that out of 34 charge categories with at least 150 charges in the year shown, the only charges numbering over 1,000 in any of the three years are Assault-4, Manufacture, Delivery, and Possession of a Controlled Substance, and Driving Under the Influence of Intoxicants, with the prevalence of both the drug and alcohol related charges far exceeding assault charges. Collectively, they constitute 38-40% of these cases.

At the Adjudication and Sentencing decision point, an analysis of Most Serious Crime of Conviction from 1991-2002 shows a significant increase occurred over the years in Assaults, Drugs, and Thefts with the largest crime group by far being Drugs. Drug convictions tripled from 1991-2002. The increase in Assaults convictions also may be related to Drug arrests since the crimes are categorized only by most serious crime of conviction. Experience from all the agencies represented on the Task Force confirms drug and alcohol abuse, particularly methamphetamine abuse, are common in violent crimes and that this problem is becoming more widespread.

***Insufficient capacity is available to prevent and respond to crime.*** Several resources used throughout Lane County have insufficient capacity due to budget reductions across the years including: sanction resources through Lane County Adult Corrections; supervision resources through Lane County Parole and Probation; Circuit Court staffing, District Attorneys, and Public Defenders to keep justice moving forward from the point when charges are filed to the point of

sentencing; and treatment and other resources for indigent offenders to prevent recidivism and maintain public safety. Increased capacity is needed at all levels to ensure swift and certain response and increase the ability to protect the community.

The most visible capacity issue is the lack of jail beds. At a minimum, staffing needs to be increased to be able to utilize the full physical capacity of the current jail. This is not the only critical lack of capacity, however. The caseload of Lane County Parole and Probation Officers has been steadily increasing over the years due to budget reductions coupled with mandatory sentencing including terms of supervision. Currently, the average caseload is 100 per PO whereas national standards suggest optimum to be 60. State budget reductions have impacted the State Courts, forcing their closure on Fridays for a four month period in 2002. Indigent defense budgets have been reduced, resulting in cases being put on hold for lack of defense counsel through the Public Defender of Lane County's Office. County budget reductions resulted in a reduction in the number of attorneys available to the District Attorney to prosecute cases. At its staffing peak in 1981, the DA's Office had 37 FTE Deputy DAs, 11 FTE Investigators, and 1 FTE Law Clerk. The present caseload is twice what it was then. For the 2004-05 fiscal year, the Office has 26 FTE DAs, 2.0 FTE Investigators, and no Law Clerk. Alcohol and drug treatment, sex offender treatment, transitional housing for prisoners returning to the community, and other support services have faced critical budget reductions leaving them cash-strapped and resulting in people not receiving the treatment and support they need to stay crime free and maintain public safety.

***Failures to Appear remain an issue.*** FTAs start a frequently repeating cycle from arrest and release to FTA to warrant and back to arrest to start the entire expensive process over again. The defendants who FTA are touched at many decision points by an array of agencies yet they continue to slip through, wasting time and money. The DPPA Task Force did not spend a tremendous amount of time on this issue because the PSCC has an FTA Task Force studying it and looking for solutions, but this needs to be flagged as a critical system-wide issue in this report, too.

***We need an objective policy based on evidence-based research.*** This would enable us to be smart on crime and punishment, to punish the offender, protect individual rights of defendants and victims, and apply resources in a manner which will achieve the goals of safety, reduce recidivism, and reduce dangerousness. We want to make the most effective, efficient, appropriate use of resources including diversion programs, graduated sanctions, custody, and supervision. Populations currently utilizing the jail, for instance, include those who are pre-trial, post-sentence, failed to appear, and were re-arrested, sanctioned for probation or parole violations, and so on. We need to be able to determine and use the most effective response to each of these populations.

## **DECISION POINT/"CHOKE POINT" ANALYSIS.**

***1. Decision to Arrest*** – Reflecting national trends, person, property, behavior, and index crime rates in Lane County and in Oregon decreased between 1991 and 2001 and are considerably lower than their peak years of 1995-98. At the same time, arrest rates increased. Higher rates of arrest result in more people being brought to the jail.

Because arrests are recorded once per person per arrest (custody or citation or referral to juvenile) for only the most serious charge on the arrest, an arrest rate cannot be accurately determined for a

given crime.

### CRIME REPORT AND ARREST RATES PER 10,000 POPULATION

	Total Reported Crime	Report Rate	Total Arrests	Arrest Rate
1991	38,753	1,344	17,286	599
2001	17,727	1,315	20,879	641

Generally, the arresting officer determines the classification of the arrest. Some Oregon Revised Statutes do not convert easily to Uniform Crime Report (UCR) definitions. In those cases, whoever makes the record entry for UCR (the officer, supervisor, records clerk, dispatcher) may have to change the title of the arrest to force it into the UCR definition. Throughout this report, different sources of crime data were used. Because they are collected for different purposes and are divided into different types of categories, they cannot always easily be compared. Still, much comparable data is available and even when different crime categories are used, the volume of events at each decision point can be analyzed.

While the arrest rate was increasing, the number of officers per 1,000 decreased in all areas of the county except Coburg. The number of officers per 1,000 population varies greatly by community with the smallest rate per 1,000 in 2001 being Oregon State Police at .53 per 1,000 followed closely by the Lane County Sheriff at .59. In the middle is Cottage Grove at 1.85 and at the far end of the continuum is Coburg with 6.19 officers per 1,000 people in the jurisdiction.

**2. Decision to Detain** – The number of matrix releases without pretrial release interviews due to jail overcrowding have been an ongoing systems issue. The ability to assess the risk of individuals at the front end of the system, both their potential risk to public safety and risk of failure to appear for hearings, is critical. The system for matrix releases does not use a risk assessment but rather a points-based system with points being assigned based on prior criminal history, FTAs, and other factors. The point system has not been validated. Several issues are clear from looking at the high number of matrix releases and from a careful review of the best practice information on corrections.

1. Agencies need the ability to apply a uniform, validated risk assessment tool using a centralized, robust, automated data system universally for all who enter the system.
2. The system does not have sufficient capacity, using the current risk tool, to hold all who should be held in custody. The current tool does not provide information sufficient to judge who should be released versus who should be held in custody; it only provides a priority order for who should be released first.
3. The system currently has an insufficient number of interviewers to interview everyone to determine whether they should be held in custody or released.
4. Further analysis needs to be conducted comparing the pre-trial and sentenced population to determine who should have priority for jail beds.
5. In 2002, parole and probation violators were 16.6% of total jail book-ins and in 2003 this percentage rose to almost one-quarter – 24.6%.

6. Additional policy discussions which are needed include:
  - o What resources does objective analysis of the system indicate we need in order to manage the system?
  - o How do we best manage the system with our current resources?

Some of these issues will be addressed appropriately and effectively with the implementation of the new Defendant and Offender Management Center. The DOMC Phase I pretrial release staff are using a new Risk Assessment Tool (RAT) on all arrestees brought to the jail. The projections for staffing the DOMC to conduct needs and risk assessments and develop case plans for people brought to the DOMC were based on current arrest and cite and release patterns. If the improvements in processing time lead officers to arrest in cases where they are currently using citations in lieu of custody, the facility will not have the capacity to process all arrests and Jail intake again will become a choke point. Even so, the DOMC only begins to address the first of the issues listed above. Other critical issues such as how much capacity is sufficient, which mix of resources is optimal, who should have priority for resources which are scarce and expensive, and how to make the best use of existing resources in the present time remain to be resolved.

**3. Decision to Prosecute** – The striking issue which rises to the surface at this decision point is the prevalence of drug charges as shown here and drug cases shown in the conviction and sentencing data at the Adjudication/Sentencing Decision. Both clearly illustrate the impact of drug and alcohol abuse on our system and demonstrate the need to provide better intervention. Data from the Intake Charges table shows that charges numbering over 1,000 cases in any of the years 2000, 2001, and 2002 are: Assault-4; Manufacture, Delivery, and Possession of a Controlled Substance; and Driving Under the Influence of Intoxicants.

### INTAKE CHARGES

Crime	2000	% of Total	2001	% of Total	2002	% of Total
<b>Total of all charges in categories of at least 150 charges (34 categories total)</b>	<b>14,572</b>	<b>100%</b>	<b>14,478</b>	<b>100%</b>	<b>13,117</b>	<b>100%</b>
Assault-4	1,312	9%	1,263	9%	929	7%
Manufacture, Delivery, and Possession of a Controlled Substance	3,301	23%	3,026	21%	2,875	22%
Driving Under the Influence of Intoxicants	1,204	8%	1,158	8%	1,247	10%
<b>Total</b>	<b>5,817</b>	<b>40%</b>	<b>5,447</b>	<b>38%</b>	<b>5,051</b>	<b>39%</b>

Alternative resolutions are used for some of these cases when it is determined to be appropriate. Unfortunately, this is one of the areas of weakness in the data system. The available data does not clearly show whether a participant in one of these programs successfully completes the program. Currently only failures to complete are recorded in DA-CMS. Determining success means subtracting failures from acceptances, or looking at the desired disposition of a case. This still may not provide accurate data on the percent who are successfully completing.

***4. Adjudication/Sentencing Decisions*** – An analysis of most serious crime of conviction by crime group for felony offenders 1991-2002 shows drugs to be the largest crime group by far. This echoes the findings from an analysis of charge data under Decision to Prosecute.

### INTAKE CHARGES

Crime Group	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002
Arson	7	1	4	3	3	5	2	7	4	7	6	7
<b>Assault</b>	<b>41</b>	<b>40</b>	<b>36</b>	<b>23</b>	<b>28</b>	<b>47</b>	<b>51</b>	<b>81</b>	<b>88</b>	<b>75</b>	<b>103</b>	<b>145</b>
Burglary	161	156	147	119	102	101	101	103	145	108	150	138
Driving	237	191	117	124	89	118	93	90	157	81	55	72
<b>Drugs</b>	<b>373</b>	<b>414</b>	<b>398</b>	<b>406</b>	<b>468</b>	<b>482</b>	<b>493</b>	<b>485</b>	<b>538</b>	<b>565</b>	<b>798</b>	<b>998</b>
Forgery/Fraud	96	106	95	83	58	64	49	51	51	49	82	119
Homicide	5	6	9	8	9	15	9	15	12	10	20	11
Other	96	99	111	110	157	137	108	115	113	100	98	125
Other Person	23	15	22	30	15	28	43	44	55	54	53	40
Other Property	10	14	11	13	8	6	16	18	16	12	20	24
Other Sex	34	35	35	36	28	31	26	41	31	31	41	26
Rape/Sodomy	45	39	37	21	28	30	29	32	29	25	34	31
Robbery	57	43	56	39	37	59	52	69	37	36	61	36
<b>Theft/MV Theft</b>	<b>189</b>	<b>189</b>	<b>192</b>	<b>198</b>	<b>195</b>	<b>187</b>	<b>173</b>	<b>189</b>	<b>226</b>	<b>216</b>	<b>259</b>	<b>282</b>

Time from arraignment to disposition could be improved. Data from the District Attorney Case Management System (DA-CMS) and the Oregon Judicial Information System (OJIN) are not consistent nor comparable. DA-CMS data shows 984 (8%) of the 11,704 cases in 2001 taking over one year to move to disposition. Of those cases taking over a year, 226 (23%) are for drug crimes – charges of Manufacture, Delivery, and Possession of a Controlled Substance. A total of 4,947 (42%) have a disposition prior to 50 days from arraignment.

The Oregon Judicial Conference set the Oregon Goals for Timely Disposition based on American Bar Association guidelines as modified for Oregon. According to OJIN data, with a goal at 90% of felony cases terminated within 120 days, Lane County has 70% terminated. Resolving more cases earlier, in this 120 day range, could reduce the number of defendants waiting in jail pretrial. The goal is 98% for 180 days and Lane is at 88%. By one year, however, the goal is 100% and Lane has achieved 98%. This is clearly a high rate of completion, yet the remaining 2%, even using OJIN data, represent 80 defendants. Loss of witnesses and even defendants occurs over time. One possible reason for time passing in cases is defendants who are out of custody and fail to appear for hearings. Still, programmatic or procedural changes at this decision point could reduce the length of stay of people in the jail.

***5. Post-Sentencing Management*** – As we noted under Decision to Detain, in 2002, parole and probation violators were 16.6% of total jail book-ins and in 2003 this percentage rose to almost one-quarter – 24.6%. A December 8, 2003 snapshot of the Adult Corrections inmate population shows that 52% of the Lane County Adult Corrections slots, including 46% of the jail beds, were filled by individuals on supervision by P&P, although how many for new crimes or related charges versus how many as sanctions for violations is unclear.

Data at this decision point show that many of the sanctions appear to be for violations of conditions of supervision such as failing drug tests, absconding, contacting victims, not showing up for meetings or treatment, failing to pay restitution, and other behavior. Allegations are reported based on violations of specific conditions and may not provide the complete picture regarding other behaviors or risk factors indicating the offender may be a threat to public safety. The data show a low number of sanctions prior to revocations. Also, people under Post Prison Supervision were issued a much higher number of sanctions than people on Probation. It is unclear whether these are true issues of practice or an inaccurate picture due to lack of complete and accurate data entry.

The two charts below display this data for offenders on Parole/Post Prison Supervision and for those on Probation.

**AVERAGE NUMBER OF SANCTIONS PRIOR TO REVOCATION  
BY ORIGINAL OFFENSE**

<b><u>Parole/Post Prison Supervision</u> Revocations &amp; Prior Sanctions 2001 – 2002 Combined</b>			
<b>Original Offense</b>	<b>Revocations</b>	<b>Prior Sanctions<sup>3</sup></b>	<b>Average Sanctions per Revocation</b>
Arson	5	4	0.80
Assault	53	23	0.43
Burglary	141	85	0.60
Driving Offenses	13	9	0.69
Drugs	229	87	0.38
Escape	8	4	0.50
Forgery	2		
Homicide	9	1	0.11
Kidnapping	11	2	0.18
Rape	23	8	0.35
Robbery	32	15	0.47
Sex Abuse	26	8	0.31
Sodomy	13	2	0.15
Theft	21	4	0.19
Vehicle Theft	16	7	0.44
~Other	60	21	0.35
<b>Total</b>	<b>662</b>	<b>280</b>	<b>0.42</b>

<sup>3</sup> The count of sanctions includes only those given to offenders who were subsequently revoked.

<b><u>Probation Revocations &amp; Prior Sanctions</u></b>			
<b>2001 – 2002 Combined</b>			
<b>Original Offense</b>	<b>Revocations</b>	<b>Prior Sanctions</b>	<b>Average Sanctions per Revocation</b>
Arson	2		
Assault	54	8	0.15
Burglary	78	5	0.06
Driving Offenses	34	4	0.12
Drugs	395	71	0.18
Escape	2	1	0.50
Forgery	10	1	0.10
Homicide	1		
Rape	8	2	0.25
Robbery	12		
Sex Abuse	15	3	0.20
Sodomy	4	1	0.25
Theft	69	11	0.16
Vehicle Theft	25	1	0.04
~Other	68	5	0.07
<b>Total</b>	<b>777</b>	<b>113</b>	<b>0.15</b>

Parole and Probation in Lane County differs from other counties because Lane County P&P does not have ready access to intermediate sanctions such as work release, etc., as alternatives to violations and revocations. Because the population of supervised offenders competes with other populations for sanction resources, POs cannot guarantee follow-through with offenders committing violations. Again, the implementation of the DOMC may improve this situation because referral to corrections resources will be completed at the intake desk after assessment.

It is also important to note that as of July 1, 2004, the District Attorney implemented a new policy regarding processing of probation revocations. The DA will not file a Motion to Show Cause to revoke a probation unless the probation officer has exhausted all other sanctions/remedies before involving the DA's Office or the PO tells them that revocation is necessary for other reasons. If the PO is not recommending revocation, the DA will not return the case to court. If the defendant is found in violation and the court elects to return the person back to probation, the DA's Office generally will have no further involvement with the case to avoid processing the case over and over again.

Consistent with the data on drug related crimes highlighted under other decision points, the January 1, 2001 snapshot of the 2,709 offenders on supervision shows 866 (32%) are drug offenders and 794 (29%) are property crime offenders – burglary, forgery, theft, and vehicle theft.

### OFFENDER POPULATION BY LEGAL STATUS AS OF JANUARY 1, 2001

OFFENSE GROUP	PROBATION	POST PRISON	LOCAL CONTROL	TOTAL
ARSON	5	9	2	16
ASSAULT	147	76	6	229
<b>BURGLARY</b>	<b>106</b>	<b>141</b>	<b>28</b>	<b>275</b>
DRIVING	81	53	14	148
<b>DRUGS</b>	<b>591</b>	<b>207</b>	<b>68</b>	<b>866</b>
ESCAPE	1	3	0	4
<b>FORGERY</b>	<b>39</b>	<b>19</b>	<b>6</b>	<b>64</b>
HOMICIDE	4	16	1	21
KIDNAPPING	5	9	0	14
OTHER	176	74	12	262
RAPE	15	51	3	69
ROBBERY	28	56	8	92
SEX ABUSE	66	59	4	129
SODOMY	16	45	3	64
<b>THEFT</b>	<b>223</b>	<b>94</b>	<b>30</b>	<b>347</b>
<b>VEHICLE THEFT</b>	<b>54</b>	<b>42</b>	<b>12</b>	<b>108</b>
OTHER	1	0	0	1
<b>TOTAL</b>	<b>1,558</b>	<b>954</b>	<b>197</b>	<b>2,709</b>

## WHAT SHOULD WE DO? RECOMMENDATIONS TO THE PSCC

### Overarching Observations

- Drug and alcohol crimes are pervasive at all decision points and in all crime types and offender categories. Even when other categories of crime go down, drug crimes continue to increase.
- The Task Force recognizes that obtaining and interpreting even the best data is not enough. Lack of capacity in all parts of the system remains a problem and the Task Force urges the utilization of data information to make management and policy decisions related to corrections and the use of resources.

### Overarching Recommendations

- a. Develop, adopt, and implement a clear policy across the adult corrections system to determine strategically which offenders receive priority access to resources such as jail beds and treatment.
- b. Identify the gaps in services that need to be funded.

- c. Implement the Richard K. Sherman Defendant and Offender Management Center in all three phases to better deal with individuals brought to the jail as well as provide useful system management information concerning gaps and service needs.
- d. Identify what it would take to create a balanced system – define the number of jail beds, alternative programs, parole/probation officers, attorneys for prosecution and defense, court staff, and treatment and other services which would be necessary to effectively serve Lane County given our particular community environment and type and level of crime.
- e. Coordinate between agencies so key players can have better access to each other’s data and share data and information.
- f. Utilize the Innovative Decision Making Model (IDM<sup>2</sup>), once development is complete, as a tool to analyze various policy options and their impact on the criminal justice system and community safety in Lane County.

## **Recommendations by Decision Point**

Recommendations are grouped below by decision point so the link to the data analysis and choke points is clear.

### ***1. Decision to Arrest***

- a. Analyze data at this entry decision point in the system annually to help measure system volume.
- b. Change data tracking for calls for service to distinguish between law enforcement assistance in alleged crimes and other requests for service. This would provide at least some measure of comparison between victim reports, law enforcement response (officers dispatched to respond to crimes), and arrests.
- c. Develop a treatment or social service alternative to arrest and jail in order to divert the low level criminal population who are intoxicated, medically compromised, mentally ill, etc.

### ***2. Decision to Detain***

- a. Implement and monitor Phase I of the DOMC.
- b. Implement a data system that will allow the DOMC to validate the uniform risk tool and use it to make placement, programming, and resource decisions for all who enter the criminal justice system and track where appropriate which resources or programs are not available when needed and at what level they are needed.
- c. Implement a system so the DOMC staff can tell which resources are available at any given time and to track availability over time to help plan future capacity needs.
- d. Provide sufficient system capacity to hold in custody, under supervision, or in an alternative program those who are high risk.
- e. Provide further review of the policy implications of cite and release policies and practices and their impact on Failures to Appear (FTAs).
- f. Analyze the FTA rate before and after the implementation of the DOMC.
- g. Establish a target rate for FTAs.
- h. Develop an Inmate Population Control Coordinator position to work with attorneys and the courts to expedite cases of defendants detained pretrial, checking their status regularly.

### ***3. Decision to Prosecute***

- a. Identify those individuals charged with drug or non-violent felony property offenses who

are good candidates for alternative prosecution programs, including Drug Court, with effective treatment components. Phase I DOMC could complete the necessary assessment to help the DA determine who is eligible for alternatives and which alternatives are appropriate in each case.

- b. Implement a system so the District Attorneys, Defense Attorneys, and courts can tell which resources are available at any given time and make the most appropriate decisions concerning dispositions.
- c. Create more early-disposition programs.
- d. Collect data which can be easily reported and analyzed on the number of offenders successfully completing and failing to complete these programs.

#### ***4. Adjudication Outcome – Sentencing Decision***

- a. Create more exit points after first arraignment both before the 35-day call (about two weeks before) and after the point defendants are required to show up and the case comes to disposition in order to bring more cases to disposition earlier.
- b. Examine the average minimum sentence and length of stay plus the number of felony dispositions of 12 months or less in prison which are served at the county level to help better understand impacts on jail capacity and determine who might be candidates for alternative disposition versus who really needs to be in a bed.
- c. Appoint a task force including representatives of the Courts, District Attorney, and Public Defender to review Time to Disposition in more detail and develop recommendations for addressing this problem. The Task Force should review the recommendations included in the Bennett Study along with the viability of current and additional alternative disposition programs. They should map and review current system processes and timelines from arraignment to disposition, finding opportunities to reduce time to disposition. Solutions to be considered might include:
  - o Requiring settlement conferences on Ballot Measure 11 cases as well as for misdemeanors.
  - o Initial court arraignments held evenings, weekends.
  - o Fast track courts to accept pleas at set times each week.
  - o Sentence at the same time pleas are accepted.
  - o Assign cases to judges when the cases are filed.
  - o Examine what is happening in the fifth month under Time to Disposition, why the number of dispositions are suddenly escalated, and whether some key decisions could occur sooner in the process to expedite dispositions.

#### ***5. Post-Sentencing Management***

- a. Conduct an analysis to determine deficiencies in critical resources.
- b. Provide POs with immediate access to a range of intermediate sanctions including jail and other Lane County Adult Corrections programs.
- c. Establish a system to provide readily available data for routine identification and analysis concerning who among those on supervision is in custody. The system should provide the ability for further analysis of offenders on supervision who are in custody and why they are in custody in order to determine:
  - o Offender status – why are they in custody? New crime, violation, etc.?
  - o What is the average sanction imposed and length of time served?

This information could aid in understanding the types of inmates released and in planning related to Jail capacity issues, given the large percentage of people in custody of the jail who

are also on supervision. It would also help P&P better manage its population of offenders.

## **Recommendations Grouped by Topic**

The Task Force developed recommendations to address key choke points within each decision point. These recommendations are grouped below by topic to assist in work plan development. The numbers following each recommendation link it back to the list above organized by decision point.

### **Recommendations Which Require Changes in Policies/Procedures**

- Develop, adopt, and implement a clear policy across the adult corrections system to determine strategically which offenders receive priority access to resources such as jail beds and treatment. (Overarching – a)
- Implement and monitor Phase I of the DOMC. (2a)
- Identify those individuals charged with drug or non-violent felony property offenses who are good candidates for alternative prosecution programs, including Drug Court, with effective treatment components. Phase I of the Defendant and Offender Management Center (DOMC) could complete the necessary assessment to help the DA determine who is eligible for alternatives and which alternatives are appropriate in each case. (3a)
- Create more exit points after first arraignment both before the 35-day call (about two weeks before) and after the point defendants are required to show up and the case comes to disposition in order to bring more cases to disposition earlier. (4a)
- Provide POs with immediate access to a range of intermediate sanctions including jail and other Lane County Adult Corrections programs. (5b)

### **Recommendations Which Require Additional Resources**

- Identify the gaps in services that need to be funded. (Overarching – b)
- Implement the Richard K. Sherman Defendant and Offender Management Center (DOMC) in all three phases to better deal with individuals brought to the jail as well as provide useful system management information concerning gaps and service needs. (Overarching – c)
- Develop a treatment or social service alternative to arrest and jail in order to divert the low level criminal population who are intoxicated, medically compromised, mentally ill, etc. (1c)
- Provide sufficient system capacity to hold in custody, under supervision, or in an alternative program those who are high risk. (2d)
- Develop an Inmate Population Control Coordinator position to work with attorneys and the courts to expedite cases of defendants detained pretrial, checking their status regularly. (2h)
- Implement a system so the District Attorneys, Defense Attorneys, and courts can tell which resources are available at any given time and make the most appropriate decisions concerning dispositions. (3b)
- Create more early-disposition programs. (3c)

### **Data-Related Recommendations**

- Coordinate between agencies so key players can have better access to each other's data and share data and information. (Overarching – e)
- Analyze data at the Arrest decision point in the system annually to help measure system volume. (1a)

- Change data tracking for calls for service to distinguish between law enforcement assistance in alleged crimes and other requests for service. This would provide at least some measure of comparison between victim reports, law enforcement response (officers dispatched to respond to crimes), and arrests. (1b)
- Implement a data system that will allow the DOMC to validate the uniform risk tool and use it to make placement, programming, and resource decisions for all who enter the criminal justice system and track where appropriate which resources or programs are not available when needed and at what level they are needed. (2b)
- Implement a system so the DOMC staff can tell which resources are available at any given time and to track availability over time to help plan future capacity needs. (2c)
- Collect data which can be easily reported and analyzed on the number of offenders successfully completing and failing to complete early disposition programs. (3d)
- Establish a system to provide readily available data for routine identification and analysis concerning who among those on supervision is in custody. The system should provide the ability for further analysis of offenders on supervision who are in custody and why they are in custody in order to determine:
  - Offender status – why are they in custody? New crime, violation, etc.?
  - What is the average sanction imposed and length of time served?
 This information could aid in understanding the types of inmates released and in planning related to Jail capacity issues, given the large percentage of people in custody of the jail who are also on supervision. It would also help P&P better manage its population of offenders. (5c)

**Recommendations Which Require Further Study**

- Identify what it would take to create a balanced system – define the number of jail beds, alternative programs, parole/probation officers, attorneys for prosecution and defense, court staff, and treatment and other services which would be necessary to effectively serve Lane County given our particular community environment and type and level of crime. (Overarching – d)
- Utilize the Innovative Decision Making Model (IDM<sup>2</sup>), once development is complete, as a tool to analyze various policy options and their impact on the criminal justice system and community safety in Lane County. (Overarching – f)
- Provide further review of the policy implications of cite and release policies and practices and their impact on Failures to Appear (FTAs). (2e)
- Analyze the FTA rate before and after the implementation of the DOMC. (2f)
- Establish a target rate for FTAs. (2g)
- Examine the average minimum sentence and length of stay plus the number of felony dispositions of 12 months or less in prison which are served at the county level to help better understand impacts on jail capacity and determine who might be candidates for alternative disposition versus who really needs to be in a bed. (4b)
- Appoint a task force including representatives of the Courts, District Attorney, and Public Defender to review Time to Disposition in more detail and develop recommendations for addressing this problem. The Task Force should review the recommendations included in the Bennett Study along with the viability of current and additional alternative disposition programs. They should map and review current system processes and timelines from arraignment to disposition, finding opportunities to reduce time to disposition. Solutions to

be considered might include:

- Requiring settlement conferences on Ballot Measure 11 cases as well as for misdemeanors.
- Initial court arraignments held evenings, weekends.
- Fast track courts to accept pleas at set times each week.
- Sentence at the same time pleas are accepted.
- Assign cases to judges when the cases are filed.
- Examine what is happening in the fifth month under Time to Disposition, why the number of dispositions are suddenly escalated, and whether some key decisions could occur sooner in the process to expedite dispositions. (4c)
- Conduct an analysis to determine deficiencies in critical resources. (5a)