EMERGENCY COVID-19 JAIL REDUCTION STRATEGIES IN MULTNOMAH COUNTY

Implementation & Impact
Evaluation Report

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AUTHORS

Sarah Jensen, PhD/JD
Justice System Partners

Shannon Magnuson, PhD
Justice System Partners

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SAFETY+JUSTICE CHALLENGE

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THE IMPORTANCE OF STUDYING COVID-19 EMERGENCY JAIL REDUCTION STRATEGIES

Jails book and confine more than 10 million people every year in the United States. Even short stays – 72 hours or less – can have devastating consequences to individuals' physical and mental health, employment, income, housing, and access to government benefits.[i] Most individuals confined to jails are not convicted and are, instead, held in pretrial detention[ii] which can also impact case processing outcomes: pretrial detention increases the likelihood an individual experiences a conviction, a sentence to incarceration, and a longer sentence overall.[iii] This is especially true for Black, Latine, other historically racially minoritized groups, and individuals experiencing poverty. In response to the disproportionate impacts on these groups, practitioners and policymakers have pushed to reduce the size of US jails overall, reduce the population of people held in pretrial detention specifically, and decrease the footprint of the criminal legal system within communities.

The MacArthur Foundation launched the Safety and Justice Challenge (SJC) – a national initiative – in 2015 to reduce the over-reliance on jails across communities. The SJC provides funding and technical assistance to local sites to help them develop and implement strategies to safely reduce jail populations, address racial and ethnic disparities, and improve community safety. Since its inception, over 50 sites have engaged in the work.

> **COVID-19 posed a significant threat to the health and safety of staff and people incarcerated across US jails.**

As SJC sites continued to implement their jail reduction strategies in early 2020, the World Health Organization declared Coronavirus Disease 19 (COVID-19) a global pandemic.[iv] COVID-19 posed a significant threat to the health and safety of staff and people incarcerated across US jails. In response, SJC sites and non-SJC sites implemented emergency jail population reduction strategies to prevent the spread of COVID-19 in their jail system and to keep justice-involved people and staff safe. These national efforts led to significant reductions in jails across the country.

In fact, between June 2019 and June 2020, the national jail population decreased by 25 percent. Effectively, COVID-19 forced sites and their jails to do what they had previously said could not be done.

Recently published data from CUNY's Institute of State and Local Governance show implementing smart policy designed to decrease unnecessary incarceration does not lead to increases in crime or violence.[v] Therefore, returning to the over-reliance of jails seen pre-pandemic will not increase community safety. However, emerging jail data show a steadily rising jail population across SJC and non-SJC sites since pandemic safety concerns have waned. Policymakers must remain motivated beyond COVID-19 related concerns to minimize the reliance on jail – not doing so will continue to criminalize poverty and exacerbate racial and ethnic disparities.

Studying the implementation and impact of emergency COVID-19 related jail reduction strategies in one SJC site – Multnomah County, Oregon offers insights into the types of strategies used, the necessary components needed to rely on these strategies, and the impact to community safety. This research effectively provides proof of concept for reducing the size of jails and holds promise for both SJC and non-SJC sites to continue momentum to reduce the over-reliance and misuse of jails.

> **Policymakers must remain motivated beyond COVID-19 related concerns to minimize the reliance on their local jails.**

A NOTE ABOUT LANGUAGE CHOICES

At Justice System Partners (JSP), we recognize reporting on criminal legal systems requires a consistent and persistent evolution of language.

At JSP, we recognize that reporting on the criminal legal system requires a consistent and persistent evolution of language. This evolution of language reckons with the origins, implementation, and manifestations of power structures, and who benefits least from these power structures. JSP is a blend of scholars, practitioners, and technical assistance providers who hold responsibility in shaping this language evolution. With this responsibility, we pledge to use person-first language because it both prioritizes personhood over identity-labels while showing dignity and respect for all people. We also pledge to avoid coded language which refers to the process of substituting neutral terms to disguise explicit and implicit discrimination.

"Jail Reduction Strategies" versus "Decarceration"

We distinguish between **jail reduction strategies** and jail decarceration. Jail reduction strategies are a collection of discrete strategies that aim to reduce the number of people in jails. These strategies may or may not be part of a larger intentional philosophy to reduce the size of jails and the footprint of the criminal legal system on communities.

We consider **decarceration** as referring to the philosophy or larger approach to reducing the footprint of criminal legal

systems, especially the use of jails and prisons, in communities broadly and in historically racially minoritized communities, specifically. Decarceration as a philosophy is about dismantling the systematic and structural policies that rely on the carceral state as a foundational accountability measure.

Violence

At JSP, we recognize there is a need to discuss **violence** with sensitivity and specificity. We also believe the field uses the term to only characterize people and not systems as violent. This is particularly important to acknowledge when working with counties that have experienced social unrest related to police brutality. In this report, we define **violence** or **violent offenses** as a list of specific offenses developed by Multnomah County criminal legal system partners as part of their implementation of the Pretrial Safety Assessment (PSA, see Appendix A, pp 55 - 56). We recognize this is a local definition and may not be the way other counties and SJC sites refer to these offense types. This specific definition includes the charge of "assault of a public safety officer." We understand that in the context of social unrest and specifically during an elevated time of intense tension between the community and law enforcement, including this charge as "violent" may contribute to naming people/offense types as violent without naming the context or systems, too. We recognize that there is a growing need for discussion about what is and what is not violent.

As we continue to learn about language broadly and the use of language in the criminal legal system, the choices we have made today may change. We pledge to continue to check in with ourselves and potentially update our language.

We recognize there is a need to discuss **violence** with sensitivity and specificity.

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MULTNOMAH COUNTY, OREGON

Multnomah County is in northwestern Oregon. The county, which includes Portland, Oregon, the main city in Multnomah County, is home to more than 800,000 residents and is the most populous of Oregon's 36 counties. White people comprise the largest racial group in Multnomah County (78%). Black residents account for 6% of the population and Latine residents (of any race) constitute 13% of the population. Asian, Pacific Islander, Indigenous, and Multiracial residents account for 22% of the county's population, cumulatively.[vi] The median household income is approximately $84,000, and 12% of residents have incomes below the federal poverty line.

PRIOR SJC STRATEGIES TO REDUCE THE OVERRELIANCE OF JAILS & SOCIAL JUSTICE MOVEMENT

As a participating site in the Safety and Justice Challenge, Multnomah County began implementing several key strategies to reduce their jail population in 2017. This included restructuring their pretrial system to maximize the number of people released pretrial. Another strategy focused on addressing racial and ethnic disparities in the system and expanded the use of transitional housing for Black women. A third strategy reduced the reliance on jail sanctions in response to technical violations of community supervision conditions – probation and parole. These efforts led to a decline in jail bookings and average daily population in the local Multnomah County jail between 2017 and March 2020.

On March 8, 2020, Oregon declared a state of emergency due to the COVID-19 pandemic.[vii] This led to the implementation of lockdowns and social distancing measures. As the country grappled with these changes, in May 2020, the police killing of George Floyd led to widespread national protests against police brutality and systemic racism in the criminal legal system.

This was especially true in Portland, Oregon (Multnomah County's largest city). On May 26, 2023, Portland residents marched downtown following a peaceful vigil in one of the city's parks. For nights following, residents continued marching the same route downtown and peacefully gathering at the Multnomah County Justice Center, the county building which houses the Portland Police Bureau's Central Precinct and headquarters, the Multnomah County Detention Center (booking, release, and housing), and select courtrooms (i.e., arraignment hearings, probation violation hearings). On May 29, 2023, over 1,000 Portland residents gathered again outside the Multnomah County Justice Center, with some protestors breaking windows, gaining access to the closed government building, and setting fires to offices and cubicles.[viii] Reports indicate jail records staff were working inside the Justice Center when protesters began setting fires but were able to evacuate quickly and were not hurt. The next day, officials boarded up the broken windows of the Justice Center where the boards remain on the building as of summer 2024; staff were relocated to other, more secure spaces in the building.

Following the Justice Center fires, Portland Police Bureau (PPB) began using tear gas and other strategies to control the crowd and protests. However, on June 5, 2020, a federal judge issued a temporary restraining order against PPB for their use of tear gas against mostly non-violent protesters and limited their continued

use of tear gas to specific types of incidents. Later that month, the city expanded the restraining order against PPB to include crowd control strategies like pepper spray and rubber bullets.[ix] Protests continued each day and night outside of the Justice Center and nearby buildings and eventually led to the deployment of federal troops on July 1, 2020, following President Trump's executive order.

Tension in the city continued to rise as residents protested excessive use of force and police brutality and federal troops responded with force. Oregon lawmakers and advocates called for investigations into various federal agencies deployed to Portland and filed lawsuits.

In late July and early August, the Department of Homeland Security removed federal agents from Portland, Oregon, leaving local police agencies, including PPB, Multnomah County Sheriff's Office, and Oregon State Police troopers to manage a more agitated community generally, and a community more agitated by law enforcement specifically. These incredibly taxed law enforcement agencies continued to respond to protests and local business concerns about looting and property damage while also collaborating with local officials about how to reduce jail populations to keep individuals safe from COVID-19.

On August 11th, newly elected District Attorney Mike Schmidt (who stepped into the office five months early after being appointed by the Governor to fill the vacancy left when his predecessor resigned early) issued a policy of non-prosecution for low-level, nonviolent offenses related to the protests, such as disorderly conduct, interfering with a peace officer, and rioting (when not accompanied by other offenses).[x]

On September 16th, at 111 days of protests, a local news station reported that the "Portland protest streak ended" because of poor air quality from nearby wildfires.[xi] Despite this declaration, large protests continued just two days later. Additional smaller demonstrations and protests continued throughout the remainder of the year.

> In September 2020, after over 100 days of protests, large scale protests came to an end.

During these daily protests, Justice Center staff, including those from PPB, Multnomah County Sheriff's Office, Department of Community Justice, and Oregon Judicial Department continued to report to work in-person.

STATE PASSAGE OF MEASURE 110

During this same time, Oregon was experiencing another public health crisis related to substance use. In 2020, Oregon had the second-highest rate of substance use disorder in the county and had a 70% increase in opioid-overdose deaths from the year before but ranked almost last in access to treatment.[xii] In response, in November 2020, Oregonian voters passed a nationally historic new and alternative approach to the war on drugs – Ballot Measure 110.

Measure 110 took a health-based approach to substance use and overdose. It enhanced behavioral health assessments, increased harm reduction strategies, and improved access to drug treatment and housing. Importantly, it reduced the reliance of the criminal legal system as the mechanism to stop drug use. Legally, Measure 110 classified unlawful possession into two weight specific drug categories (e.g., 2 grams or less of methamphetamine and more than 2 grams of methamphetamine). For charges in the lower weight category, Measure 110 re-classified them to non-criminal Class E violations for which the penalty is usually no more than a $100 fine or a health assessment. For charges in the upper weight category, but not including possession for commercial distribution, Measure 110 re-classified them to a misdemeanor with the possibility of less than one year in jail, a $6,250 fine, or both.[xiii] Importantly, for most possession of a controlled substance charges, Measure 110 removed the possibility of both arrest and jail as a penalty. Measure 110 went into effect on February 1, 2021.

These legislative changes to arrest and book fewer people for substance use and possession corresponded well with Multnomah County's SJC-related strategies to reduce the over-reliance on their county jail.

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RESEARCH DESIGN & DATA

RESEARCH QUESTIONS

While Multnomah County made considerable strides in their jail reduction efforts through SJC, COVID-19 accelerated these efforts and likely the volume of reduction – which may not have been possible but for safety concerns related to the spread of the virus. Justice System Partners conducted a case study in Multnomah County, Oregon to learn about the emergency jail reduction strategies implemented, the impact of these strategies on the jail bookings, and to understand how these strategies impacted continued bookings for violent crime, specifically.

There were five primary research questions driving this study:

1. Which emergency strategies did Multnomah County select and implement to reduce the jail population at the onset of the COVID-19 pandemic?

2. How did jail reduction strategies impact trends in jail admissions? Did strategies impact the demographics or case characteristics of those booked?

3. How did jail reduction strategies impact jail bookings for violence -related charges?

4. For individuals with a history of jail bookings for violence-related charges, did they experience new bookings during the pandemic? If so, were these new bookings for violence-related charges?

5. How did staff stakeholders and community feel about emergency reduction strategies and what were their perceptions of safety during this time?

INTERVIEW DATA COLLECTION, SAMPLE PARTICIPANTS, AND ANALYSIS

Interview Data Collection

JSP researchers conducted interviews to understand the selection and implementation of jail reduction strategies, how staff stakeholders and community members felt about these changes, and perceptions of their safety during this time. JSP worked with Multnomah County's Local Public Safety Coordinating Council (LPSCC) staff to create a recruitment list of key criminal legal system and community member stakeholders. Once the list was finalized, a JSP researcher invited the full list of individuals to participate in a semi-structured interview via email.

> 50 criminal legal system stakeholders and community members agreed to an interview.

JSP researchers emailed a total of 92 stakeholders and community members for interviews. There was a 54% response rate, with a total of 50 people agreeing to participate in an interview. Among interview participants, 25 people were criminal legal system employees (e.g., judges, prosecutors, public defenders, probation officers, pretrial supervision officers, law enforcement officers, county health officials) and 25 people were community representatives (e.g., non-profit leaders, non-profit staff, individuals who experienced a jail booking during the pandemic). Among the 25 community representatives, 20 people experienced a jail booking during the pandemic and five people worked for local non-profit organizations.

Interviews included discussion of jail reduction policies, feelings of safety in the community, and social unrest during the pandemic. Four researchers from JSP conducted interviews over Zoom or phone. Prior to starting the interview, researchers asked participants if they consented to a recorded interview, and nearly all participants did. These interviews included a Zoom autogenerated transcript. If participants declined the recording, researchers took typed notes. Following the interview, the researcher filled in the typed notes to recreate an interview transcript as close as possible. At the end of every interview, researchers asked participants to self-report demographic information. Interviews lasted, on average, 31 minutes. Researchers uploaded all electronic documents to NVivo for coding.

Sample Participants

The interview participants included criminal legal system stakeholders and community members from several racially demographic backgrounds. Overall, 54% of interview participants identified as white, 20% of participants identified as Black, 10% identified as Latine, and 16% identified as multiracial or another race. The majority, 62%, of participants were men. Participants' average age was 45 years old, but ranged from 28 to 75 years old. The demographics of interview participants varied between the stakeholder and community member groups. Most system stakeholders were white while community member participants were Black. Overall, there were more men among community member participants and community member participants tended to be, on average, younger.

Analysis

JSP researchers imported all interview transcripts into NVivo and used a modified grounded theory (MGT) coding approach. MGT approaches interview data with no underlying theoretical framework and, instead, develops theoretical claims based upon the data. Based upon this coding approach, key themes emerged, including (1) the types of strategies stakeholders selected, (2) the timing of these strategies, (3) perceptions of implementation from staff, and (4) perceptions of safety throughout the study period.

45.1 YEARS OLD
AVERAGE PARTICIPANT AGE

28 - 70 YEARS OLD
PARTICIPANT AGE RANGE
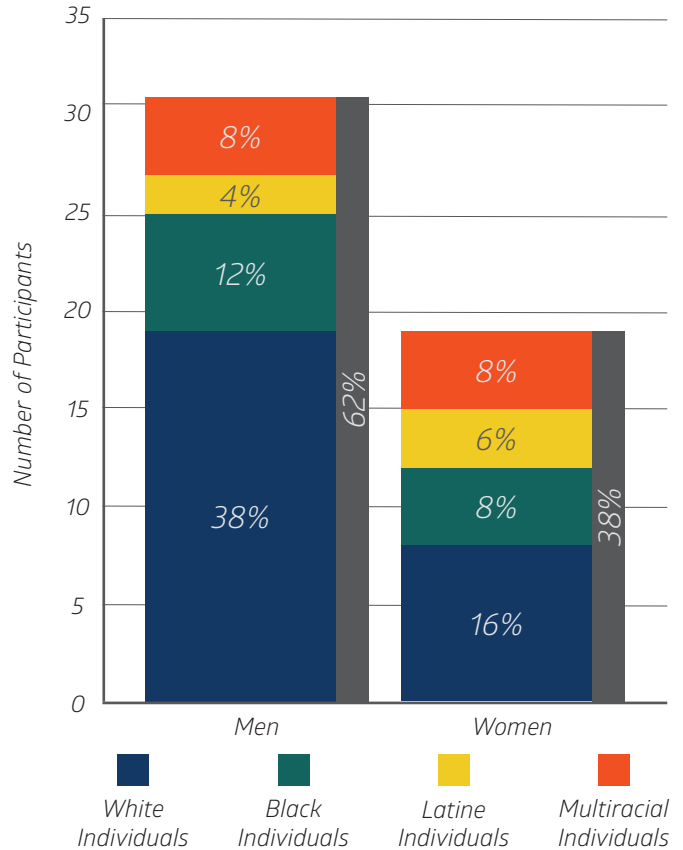
Table 1, Interview Study Participant Demographics (n=50)		
Participant Group	*n*	*%*
Staff Stakeholders	25	50
Community Members	25	50
Race x Sex		
Men	*31*	*62*
White Men	19	38
Black Men	6	12
Latine Men	2	4
Multiracial Men	4	8
Women	*19*	*38*
White Women	8	16
Black Women	4	8
Latine Women	3	6
Multiracial or Other Race Women	4	8
Average Age (range)	45.10	28 – 75

ADMINISTRATIVE DATA, VARIABLES, SAMPLE, AND ANALYSIS

Administrative Data

JSP relied on administrative jail records for people booked into the Multnomah County jail between March 1, 2018 and February 28, 2022. The records included jail booking dates, offense type, offense severity, release date, and demographic characteristics. We recognize that using jail data excludes crimes that went unreported or that were reported but not pursued by law enforcement. However, because this analysis centers jail population reduction strategies, we rely on jail booking data.

Outcomes and Variables

We rely on key outcome variables, additional jail booking variables, jail booking offense characteristics, and individual demographic information, as defined below in *Table 2*.

JSP used Multnomah County jail administrative booking data for individuals booked between March 1, 2018 and February 28, 2022.

Table 2, Study Variable Definitions		
Outcomes		
Jail Booking		An intake and booking into the local Multnomah County jail following an arrest.
Jail Rebooking		At least one new subsequent jail booking between March 1, 2020 and February 28, 2022 for individuals who had a previous jail booking in the pre-pandemic study period (March 1, 2018 – February 29, 2020).
Additional Booking Variables		
Community Supervision Violations		Jail booking for a probation or parole violation.
Booking Offense Characteristics		
Offense Type	Person Offense	Offense against persons, such as assault, kidnapping, homicide, and reckless endangerment .
	Behavioral Offense	Offenses about personal conduct and public order, such as disorderly conduct, harassment, resisting arrest, and interfering with a peace officer.[xvi]
	Property Offense	Offenses against physical property, such as theft, burglary, robbery, and arson.[xvii]
	Substance offense	Offenses related to possession and delivery of controlled substance.
	Violent Offense	Derived from County's list of violent offenses developed for the Public Safety Assessment (see Appendix A, pp 55 – 56 for list of offenses). Violent offenses can occur across multiple offense types; for example, a person offense could be, but is not always, a violent offense.
	Offense Severity	Offense is a felony or misdemeanor.
Individual Variables		
Race		Administrative categories of American Indian or Alaskan Native, Asian, Black or African American, Latine, Native Hawaiian or Pacific Islander, white, and Unknown.[xviii]
Sex		Administrative categories: Man, Woman, and Unknown.[xix]

Administrative Sample

Across the four-year study period, there were 88,026 jail bookings across 35,866 individual people. Among these jail bookings, most were for new felony or misdemeanor arrests (80%).[xx] Men accounted for 78% of all bookings and specifically white men accounted for 48% of all total bookings, followed by Black men (17%), and white women (15%).

Table 3, Study Variables Descriptives			
Variables	**n (%)**		
Outcomes			
Total Number of Jail Bookings	88,026 (100%)		
Total Number of People Booked	35,866 (100%)		
Total Number of People Booked Multiple Times	15,212 (100%)		
New Booking Offense Characteristics			
Offense Type			
Person Offense	11,712 (13%)		
Behavioral Offense	10,944 (12%)		
Property Offense	19,300 (22%)		
Substance Offense	4,790 (5%)		
Violent Offense	11,894 (14%)		
Offense Severity			
Misdemeanor	36,915 (42%)		
Felony	33,346 (38%)		
Additional Booking Reasons			
Community Supervision Violations	9,758 (11%)		
External County Hold	12,251 (14%)		
Other Non-New Booking Reason	7,377 (8%)		
Individual Variables by Booking			
Race x Sex	*Total bookings*	*Percent within sex*	*Percent across all bookings*
Men	*68,761*	*100%*	*78%*
White Men	42,594	62%	48%
Black Men	15,329	22%	17%
Latine Men	7,471	11%	9%
Asian Men	1,688	3%	2%
Indigenous Men	1,280	2%	2%
Pacific Islander Men	372	0.5%	0.04%
Unknown Men	47	0.07%	0.05%
Women	*19,262*	*100%*	*22%*
White Women	13,485	70%	15%
Black Women	3,567	19%	4%
Latine Women	1,144	6%	1%
Indigenous Women	504	3%	0.6%
Asian Women	468	2%	0.5%
Pacific Islander Women	80	0.4%	0.09%
Unknown Women	14	0.07%	0.01%

Analysis

In May 2020, following the murder of George Floyd, the city experienced protests starting in late May and continuing through the end of December 2020, with policymakers reacting to both the pandemic and the social movement simultaneously. Based upon this local context and informed by interview data, it became clear to JSP researchers that analyzing impacts on jail populations in two periods – before and after COVID-19 – would not tell a complete story for Multnomah County. The interviews suggested there were four distinct periods experienced by people in the county. We present and repeat all analyses for four distinct time periods:
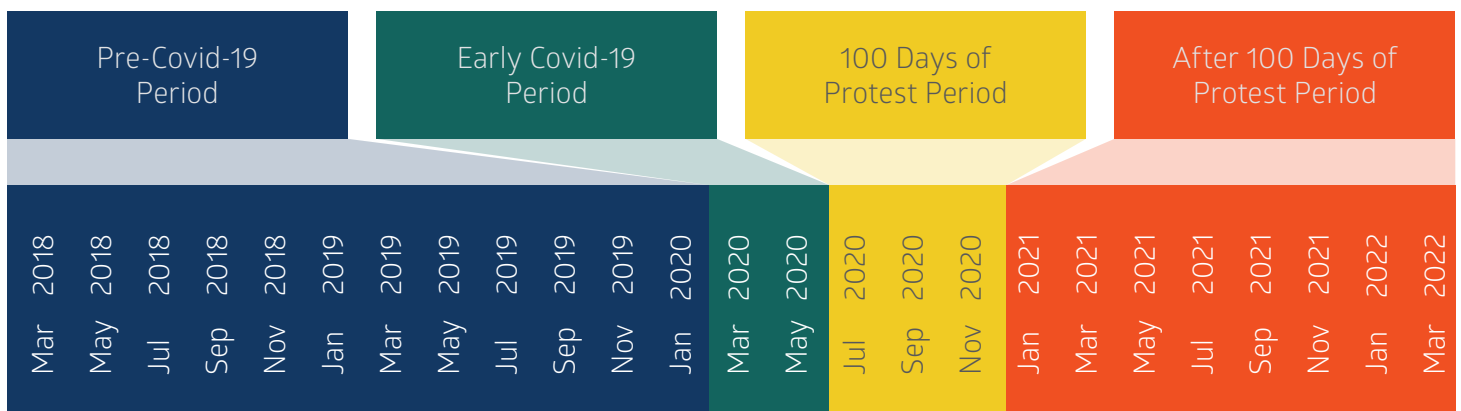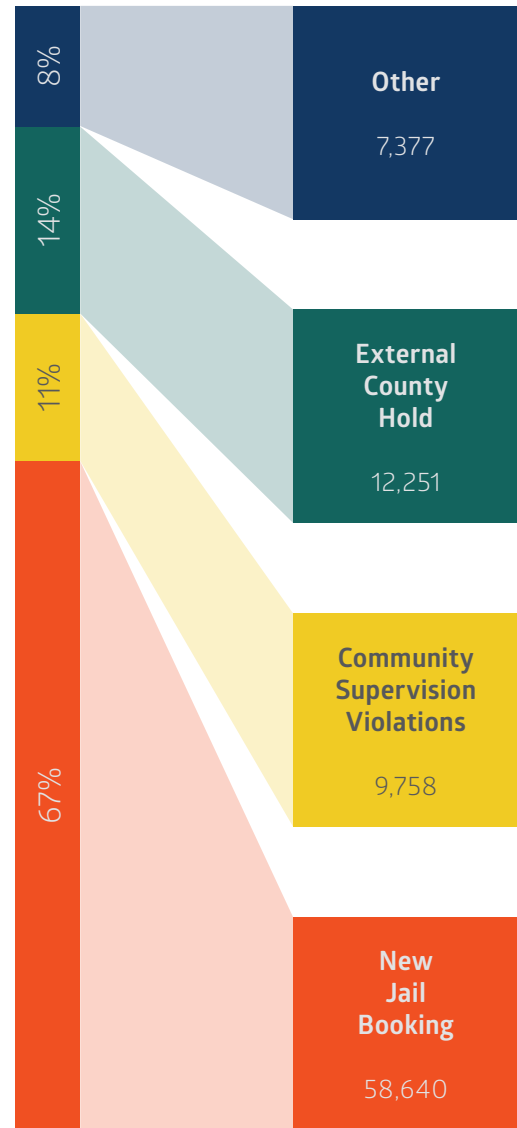
1. **Pre-COVID-19 Period**: From March 1, 2018 to February 29, 2020

2. **Early COVID-19 Period**: From March 1, 2020 to May 27, 2020

3. **100 Days of Protest Period**: From May 28, 2020 to December 31, 2020 (occurring during COVID-19 pandemic)

4. **After 100 Days of Protest Period**: From January 1, 2021 to February 28, 2022 (occurring during COVID-19 pandemic)

Throughout this report, we will refer to these discrete time periods. We may refer to the period of March 1, 2020 – February 28, 2022 in the aggregate. When we refer to this aggregate time, we use the language "emergency jail reduction period."

Within each of the time periods, we examine different trends and compare the time periods to each other. We analyze differences in demographics, offense severity, offense type, violence, and types of holds (e.g., community supervision violations). Then, we examined the relationship between violent offense bookings and jail reduction strategies throughout the full study period.

We also analyzed if individuals who were booked into jail prior to the pandemic experienced a subsequent re-booking in the emergency jail reduction period. We focused on understanding re-bookings among individuals who previously had a booking for a violent offense in the pre-COVID period.

TOTAL STUDY JAIL BOOKINGS
MARCH 1, 2018 – FEBRUARY 29, 2022

8%

14%

11%

67%

Other
7,377

External County Hold
12,251

Community Supervision Violations
9,758

New Jail Booking
58,640

Pre-Covid-19 Period

Early Covid-19 Period

100 Days of Protest Period

After 100 Days of Protest Period

Mar 2018 | May 2018 | Jul 2018 | Sep 2018 | Nov 2018 | Jan 2019 | Mar 2019 | May 2019 | Jul 2019 | Sep 2019 | Nov 2019 | Jan 2020 | Mar 2020 | May 2020 | Jul 2020 | Sep 2020 | Nov 2020 | Jan 2021 | Mar 2021 | May 2021 | Jul 2021 | Sep 2021 | Nov 2021 | Jan 2022 | Mar 2022

THE FULL STUDY PERIOD:
AN OVERVIEW

MARCH 1, 2018 TO FEBRUARY 28, 2022
(48 MONTHS)

THE FULL STUDY PERIOD: AN OVERVIEW

MARCH 1, 2018 TO FEBRUARY 28, 2022 (48 MONTHS)

During the two years prior to COVID-19, March 1, 2018 to February 29, 2020, Multnomah County implemented several jail reduction strategies as part of their participation in the Safety Justice Challenge. During this time, the jail averaged 2,587 bookings per month. In May 2020, following the World Health Organization declaring COVID-19 a global pandemic, Multnomah County staff stakeholders came together to address two primary issues: (1) how to prevent the spread of COVID-19 in the jail system and (2) how to keep justice-involved people and staff safe.
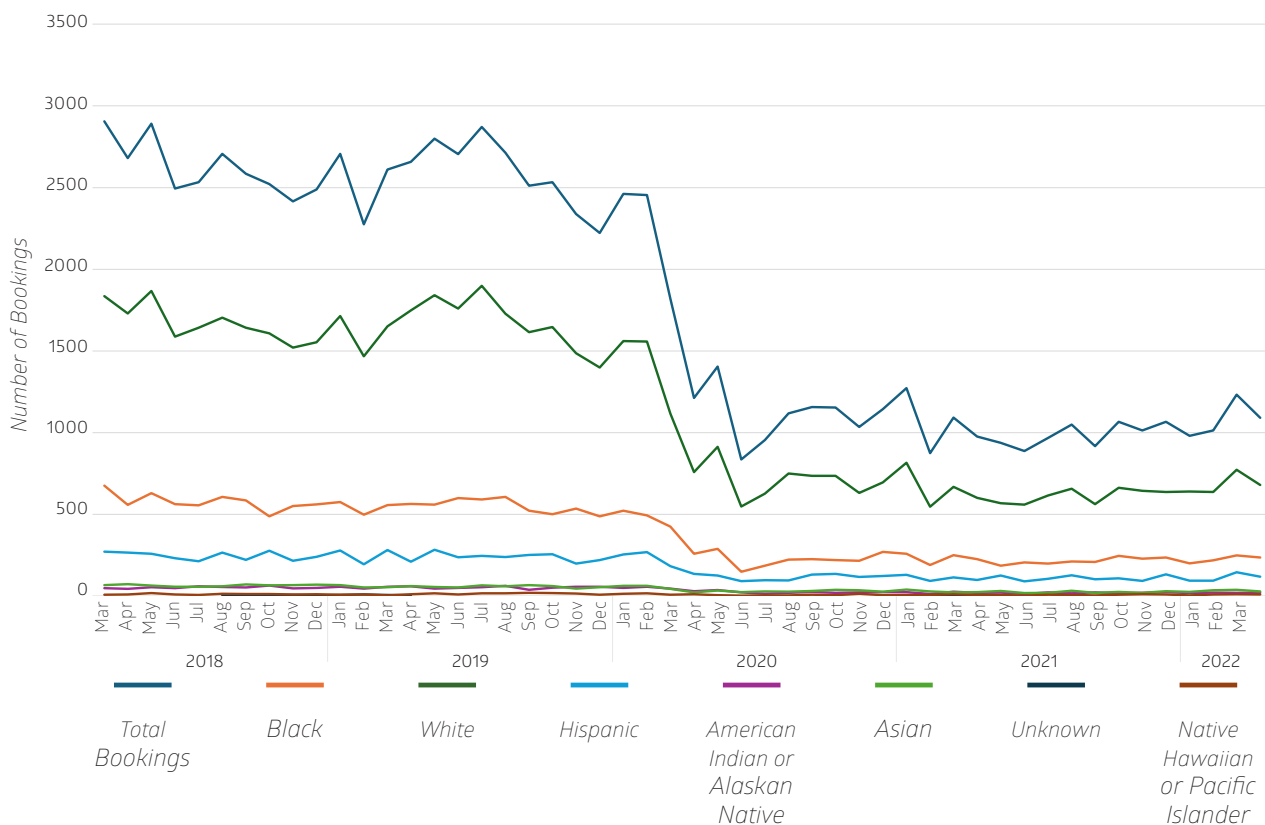
In the two years following the onset of the COVID-19 pandemic, Multnomah County steadily reduced the number of jail bookings, as shown in chart 1. By February 28, 2022, the end of the study period, the county halved the average number of monthly jail bookings, 1,540, from pre-COVID-19 numbers. While these efforts intended to significantly decrease the number of jail bookings to protect the health of all individuals, and they did, the strategies did not change the racial demographic rates of who entered jail.

By February 28, 2022, the end of the study period, Multnomah County nearly halved the average number of monthly jail bookings from pre-COVID-19 numbers.
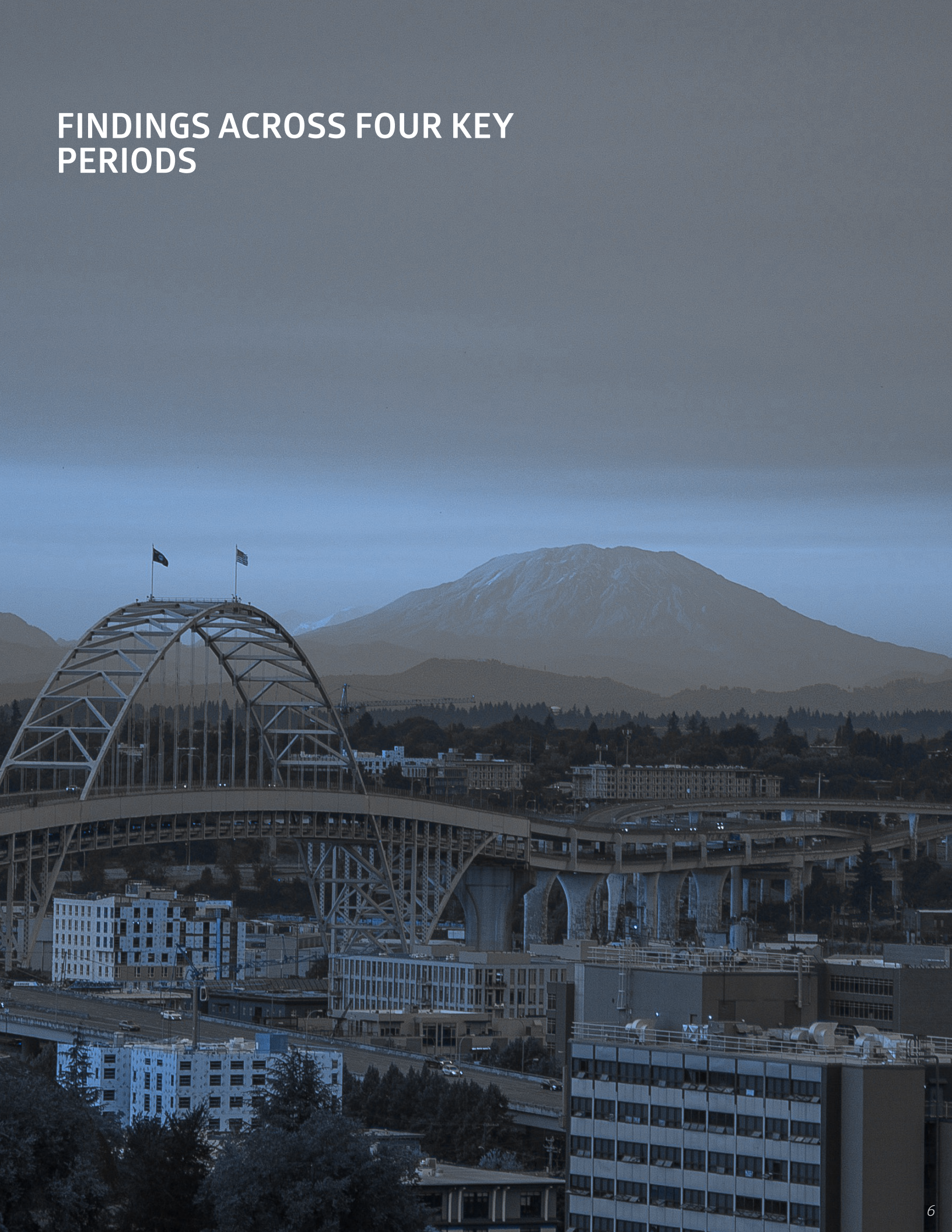
In the pages that follow, we provide the story of the selection, implementation, and unpack the impact of the County's emergency COVID-19 jail reduction strategies. We note when changes to racial demographic composition, or at the intersection of race and sex, did occur. We infuse the interview data throughout the jail booking data to contextualize findings, and specifically note when interview participant experiences differ from the statistical trends.

We present the most representative quotes with pseudonyms when describing emergent themes. We use pseudonyms for two main reasons. First, it allows us to protect the confidentiality of participants. Second, the use of pseudonyms, instead of "research participant" or "interviewee" humanizes the voices of all our participants – all of whom experienced extreme social unrest while also navigating a global pandemic.

CHART 1, OVERALL JAIL BOOKINGS & BOOKINGS BY RACE
MARCH 1, 2018 - FEBRUARY 28, 2022

Legend: Total Bookings, Black, White, Hispanic, American Indian or Alaskan Native, Asian, Unknown, Native Hawaiian or Pacific Islander

FINDINGS ACROSS FOUR KEY PERIODS

EARLY COVID-19 PERIOD

MARCH 1, 2020 TO MAY 27, 2020 (3 MONTHS)

JAIL REDUCTION STRATEGY IMPLEMENTATION

On March 11, 2020, after more than 118,000 cases in 114 countries and over 4,000 deaths, the World Health Organization declared COVID-19 a global pandemic.[xxi] The pandemic posed a significant threat to the health and safety of staff and people incarcerated in the Multnomah County jail. In response, the Multnomah County Local Public Safety Coordinating Council (LPSCC) organized more than 30 key stakeholders from a variety of criminal legal system and health agencies and named this group the "Criminal Justice COVID-19 Check-In group." The group included staff from the County's Health Department and its criminal legal system agencies – District Attorney's Office, Sheriff's Office, Department of Community Justice, Public Defender agencies, Portland Police Bureau, and the Multnomah County Circuit Court. The Criminal Justice COVID-19 Check-in meetings started in March 2020 and initially began with

conference calls every other day, allowing for open dialogue between key agency leaders. Over time, these calls shifted to weekly, and then monthly meetings.

> The Multnomah County COVID-19 Check-in group addressed two primary issues: how to prevent the spread of COVID-19 in the jail and how to keep justice-involved people and staff safe.

The group addressed two primary issues: (1) how to prevent the spread of COVID-19 in the jail system and (2) how to keep justice-involved people and staff safe. Stakeholders described a shared urgency that motivated collaboration, policy discussions, and quick implementation of jail reduction strategies, which leveraged the interagency partnerships built on years of collaboration, including work on the SJC. One stakeholder, Kim, said,

> *We're in a jurisdiction that recognizes the severity of the virus. I know some jurisdictions did not have such a robust recognition of that, but our jurisdiction did, and our government officials responded quickly, and so we were in line with that.*

During the initial meetings, the group discussed key health risks and identified vulnerable populations. Stakeholders often spoke of a vibrant, robust culture of collaboration among agency leaders. In these early meetings, stakeholders acted quickly to select and implement strategies to reduce the jail population. Participants describe several important factors facilitating the selection of strategies, including open dialogue, a culture of collaboration, weekly meetings, preexisting pretrial reforms, and changes to drug laws.[xxii] Stakeholder Brent explains how the pre-existing meeting structure and open dialogue allowed for quick collaboration,

> *What was very helpful is that we already had our weekly, and bi-weekly meeting structure on Friday mornings set up. So, that space created a natural space for us to come together and have those discussions. So, that was helpful. We had people who were familiar with each other, and had communicated with each other, and so we weren't having to navigate those kinds of hurdles.*

Another stakeholder, Kevin, said,

> *In terms of, you know, how decisions were made, it was mostly by consensus, and it was very rare that there were objections among the group. I think we treated the public health emergency, appropriately for what it was.*

Citation in Lieu of Arrest (Citation-in-lieu) for non-person misdemeanors (except for mandatory arrest crimes like domestic violence)

Citation-in-lieu of arrest includes police writing a citation in the field to an individual instead of arresting them and booking them into county jail. Prior to COVID-19, local police agencies were using this strategy in a limited way as part of Safety Justice Challenge (SJC) reforms, but only for low-level, non-person offenses (e.g., trespassing). At the onset of COVID-19, stakeholders identified other offense types suitable for citation-in-lieu of arrests and expanded the use of this strategy. Stakeholder Rachel shared,

The first strategy was just having all the stakeholders meeting. And specifically, we learned, 'Okay, the cops are only going to be doing this, that's good to know. Ah! We learned that the jail is going to boot you regardless because of X, Y, and Z. That's good to know. Ah! The parole board and the courts, they're open to maybe doing 'cite-in-lieu.' So, for that first issue if I asked for a warrant, maybe with certain crimes, they'll give us a phone call to see if we are fine with rather than take the person into custody, 'can we give them a court date in the future, and we show up at a later time?'

As stakeholders shared information about the success of this strategy in reducing the number of jail bookings and jail population, they continued to expand the strategy to more offense types including felony charges without a victim, ultimately relying on this strategy as their primary jail reduction strategy. Additionally, stakeholders entrusted law enforcement to use considerable discretion about the type and context of circumstances of the offense to determine whether a jail booking was appropriate.

At the onset of COVID-19, stakeholders expanded eligibility for citation-in-lieu of arrest.

Reduce Community Supervision Technical Violation Admissions

As part of their participation in SJC, Multnomah County had implemented strategies to reduce length of stay for community supervision technical violations (e.g., missing appointments, positive drug tests). As stakeholders convened for their weekly check-ins, stakeholders were familiar strategies reducing jail stays for technical violations and deeply understood the collateral consequences of returning to jail for this population. Additionally, many staff felt that these violation bookings unnecessarily increased the risk of spreading COVID-19.

In response, the Multnomah Department of Community Justice (DCJ) agreed to nearly eliminate the processing of all community supervision violations. DCJ only issued new warrants for violations against victims from the underlying offense (e.g., non-compliance with no-contact orders) or for new crimes with a victim. Stakeholder Marlin explains,

We were only going to make detainers on those individuals who were in current violation with an immediate, identifiable victim.

Limit Warrants for Recorded Court Absences[xxiii]

At the onset of COVID-19, the COVID-19 Check-in group, in collaboration with the presiding judge, elected to completely shut down the court until they better understood the scale of the public health issue. Following a short period of no court operations, the COVID-19 Check-in group re-opened court for case processing. However, the group understood individuals may be confused by the shut down and the timing of reopening and not attend court, choose not to attend court from fear of contracting COVID-19, or not be able to attend court because other public transportation services were extremely limited. Stakeholders recognized how limited public transportation may disproportionately affect Black and Latine individuals, or individuals living in historically disinvested neighborhoods. In response, stakeholders agreed to nearly eliminate warrants for missing court. For example, stakeholder Casey recalls how the group considered new policies,

We said, if you had a violation for not showing up [for court], how does that affect someone of color? It probably affects them more because of the distance they may have to travel. So, let's not ask for a warrant for people "failing to report", right?

The COVID-19 Check-in group agreed to nearly eliminate warrants for missing court.

Expedite Jail Releases with Manual Review

Stakeholders also had discussions to target who they could specifically release from jail. Stakeholders examined the jail population and decided to focus on the "lowest hanging fruit." A stakeholder explained that the District Attorney's Office coordinated with the Sheriff's office and local judges to conduct a manual review of people detained in the jail to identify individuals who could be released. From this manual review, the group released individuals serving jail sentences for non-person misdemeanors, people with sentences for 30 days or less, and people who had completed over half of their sentence.

FACTORS INFLUENCING SELECTION OF STRATEGIES

Stakeholders described several factors influencing their selection of jail reduction strategies. These factors included health and

safety (e.g., people at higher risk for COVID-19 complications) risks of contracting COVID-19, existing laws guiding who they could—and could not—release from jail, perceptions of violence, likelihood of reoffending against other people, availability of resources, and equity.

The primary factor stakeholders considered for both strategies and contingency plans was the health risks to staff working and individuals incarcerated in jail. As a result, county health officials played a key role in providing real-time assessments of whether a policy decision might increase the risk of an outbreak. One stakeholder, Candace discusses collaborating with health officials,

That was really key for us because we were able to say, 'is it realistic that an outbreak won't happen?' And it's these people who will say, 'No, you're going to have an outbreak.' All right. We haven't had one yet, but the doctor is telling us 'it's going to happen.' We can start planning now. 'How do we manage this? What are our plans?' So, not only did we, as high-level stakeholders, manage what our contribution to lowering the jail would be, we were also mindful of having a contingency plan for when an outbreak happened. Rather than doing it like, 'oh, we have an outbreak on Monday. On Tuesday, what are we going to do?' We kind of had a plan on how we would manage that.

The availability of resources – jail bed capacity, the number of people entering/exiting the jail – were also important considerations in the selection of strategies. Early into the pandemic, stakeholders had to grapple with these decisions while weighing health concerns. Stakeholder Anthony explains,

We examined concepts such as 'How many beds do we have? Who's occupying those beds?' On any given day, you can do a point-in-time inquiry tool who's in your jails, but it's a fluid thing, right? People are coming in and going out. Even absent COVID considerations, you have people who are being put into your jail and you have people that are leaving the jail for different reasons.

The limitations on available resources also impacted stakeholders' decision-making from a case-processing standpoint. For example, Jordan describes how COVID-19 and resource scarcity impacted decisions to prosecute low-level cases,

We knew that these cases would likely not be resolved for a long period of time. We used to have what you call a community court, which was a way for us to resolve a lot of these low-level cases, but that court got shut down and was no longer a resource available to us. So, knowing that, you know, yes, if we launched this prosecution for this low-level misdemeanor, it's likely not going to be resolved for a year or a year and a half. Is that going to have any positive impact on public safety at all? That was part of the thinking.

The limitations on available resources also impacted stakeholders' decision-making from a case-processing

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In addition to these formal strategies, law enforcement shifted their approach to also keep their staff safe from the spread of COVID-19. For example, law enforcement decreased self-initiated activity with individuals in the community.
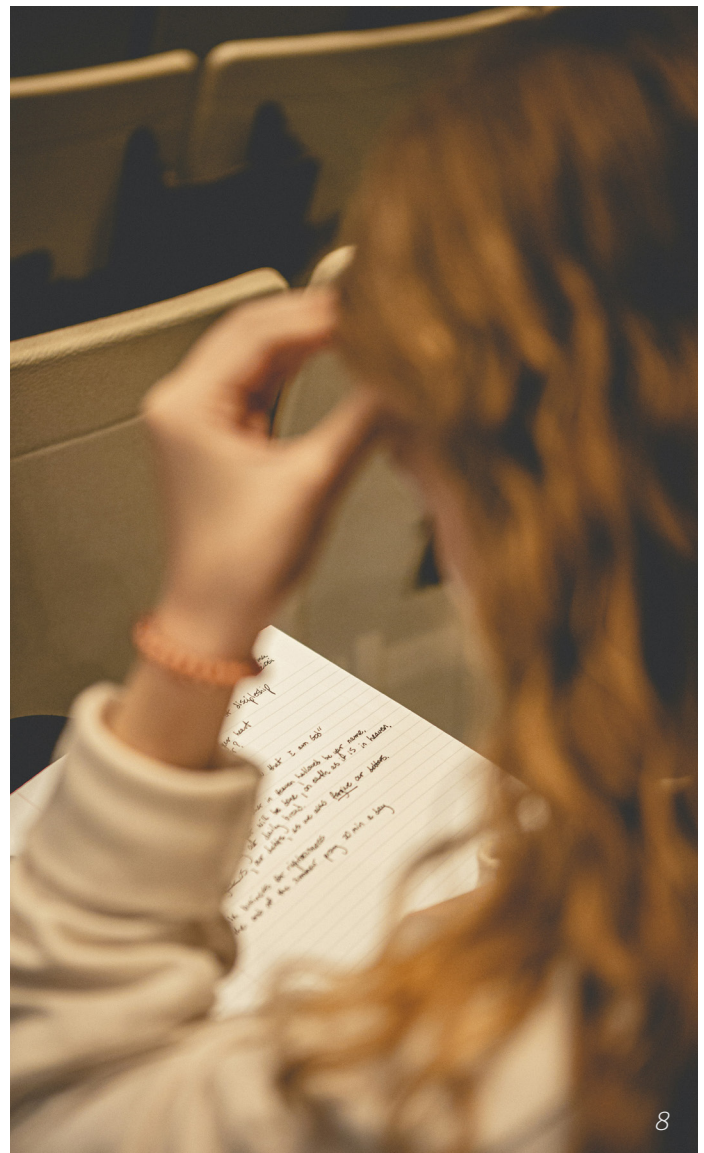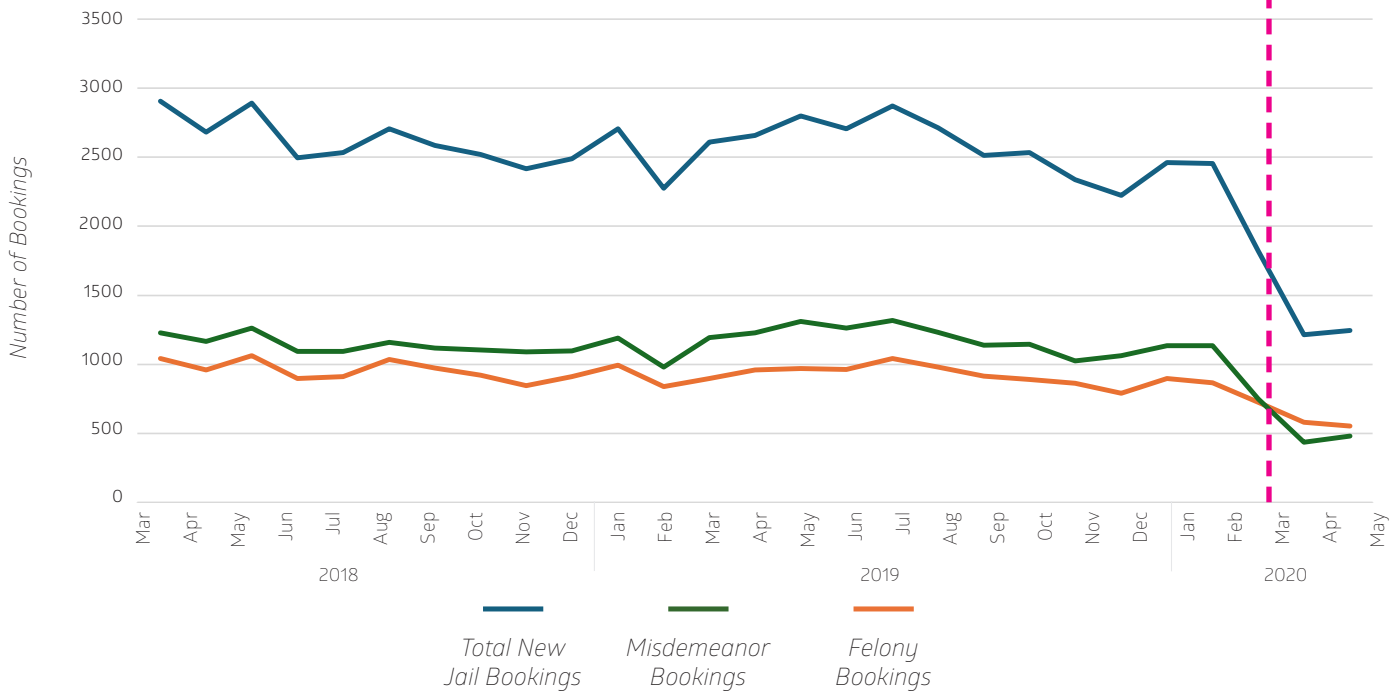

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CHART 2: OVERALL NEW JAIL BOOKINGS & FELONY AND MISDEMEANOR BOOKINGS
MARCH 1, 2018 – MAY 27, 2020

Legend:
- Total New Jail Bookings
- Misdemeanor Bookings
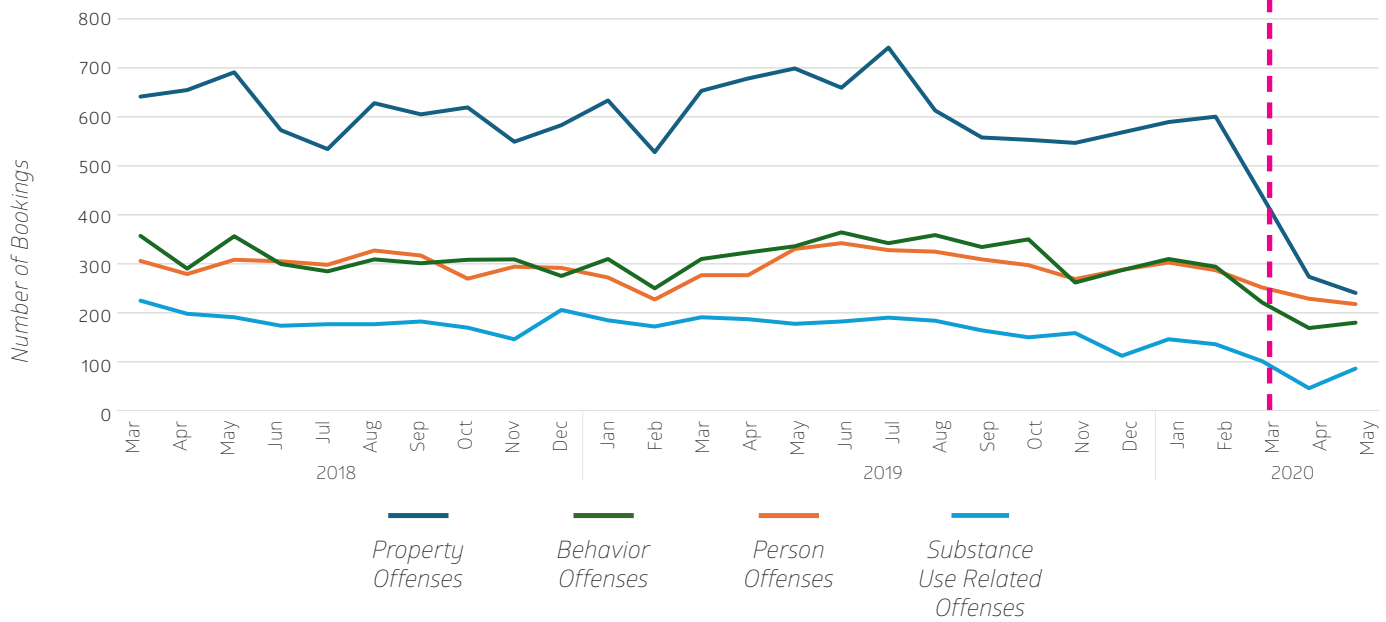- Felony Bookings

JAIL REDUCTION STRATEGY IMPACT

During the pre-COVID-19 period, Multnomah County jail averaged 2,092 bookings per month. Immediately following the implementation of several emergency jail reduction strategies in March 2020, the jail experienced a 40% monthly reduction in jail bookings to an average of 1,218 bookings per month, as shown in Chart 2.

In the pre-COVID-19 period, misdemeanor bookings, on average, accounted for more monthly bookings than felony bookings. Specifically, in the pre-covid-19 period, misdemeanor bookings accounted for 55% of monthly bookings compared to a monthly average of 45% of felony bookings. However, following the implementation of emergency jail reduction strategies, felony bookings accounted for more monthly bookings, on average, than misdemeanor bookings – increasing from 45% to 53%. This suggests that while the total number of bookings decreased significantly, the implemented strategies – particularly strategies reducing the reliance of jail on low-level offense types – changed the composition of the severity of offense types booked into the Multnomah County jail during this time.

> During the Early COVID-19 period, felony bookings accounted for more monthly bookings than misdemeanors – a change from the pre-COVID-19 period.

CHART 3: NEW JAIL BOOKINGS OFFENSE TYPES
MARCH 1, 2018 – MAY 27, 2020

Legend: Property Offenses · Behavior Offenses · Person Offenses · Substance Use Related Offenses

10

Throughout the pre-COVID-19 period, the Multnomah County jail received bookings for bench warrants, county holds, community supervision violations, and new jail bookings. Among new jail bookings, property offense types were the leading offense type (monthly average among all booking types, 24%). During the 24-month period, new jail bookings for person-related offenses (monthly average, 11%) and behavior offenses (monthly average, 13%) shared similar trends while substance-related offenses routinely accounted for the least number of new jail bookings (monthly average, 7%). Following the implementation of emergency jail reduction strategies, property offense types continued to lead new jail bookings, although at a significantly lower rate. Behavior and substance-related offense types decreased while new jail bookings for person-related offense types remained consistent in number but accounted for a larger overall percentage of the new jail bookings.

Early COVID-19 period Review

Overall, stakeholders implemented a myriad of jail reduction strategies during the early COVID period, and the number of jail bookings plummeted. The rapid response to implement several strategies at once means the data cannot tease out the influence or statistical effect of any one strategy on the reduction. However, the data do suggest that while there was a significant decrease, there was also a considerable shift in the composition of offense types in the early COVID period, including a greater proportion of felony offense types and person offense types. The change in the severity and type of offenses booked reflects the strategies selected by the COVID-19 Check-in team such as citations-in-lieu of arrest for less serious offenses and a commitment to continue booking person- and gun-related offenses.

100 DAYS OF PROTEST PERIOD

MAY 28, 2020 TO DECEMBER 31, 2020 (7 months)

JAIL REDUCTION STRATEGY IMPLEMENTATION

After the murder of George Floyd on May 25, 2020, protests began in Portland on May 28, 2020, with hundreds gathering downtown and in north Portland.[xxiv] Protests escalated over the summer, with instances of protestors setting fire in criminal legal system buildings and law enforcement using crowd control measures such as rubber bullets, tear gas, and pepper spray.[xxv]

At the same time, COVID-19 cases surpassed 3 million and the US had over 100,000 recorded deaths.[xxvi] In response, many states, including Oregon, postponed any reopening plans as numbers rose. The COVID-19 Check-in team continued to meet weekly for status updates from the health department, jail, and law enforcement agencies. During this period, they maintained citation-in-lieu of arrests for almost all misdemeanor offense types and some felony offense types. The team also began conferring about how best to proceed with case processing given the mounting concerns about the court's backlog from the shut down and slowed pace since reopening. Stakeholder AJ explains how they began to move to virtual case processing,

> So, there were constant discussions about how we were going to [go virtual], and do it fairly, and do it so that people would have access to the system. As things developed, the system continued to change…It took several months, and then when the Judicial Department launched the video conference capability statewide, we were able to do more things remotely. You know, usually, if you do something by telephone, there's not so much of a concern about access, because people have phones. Or even the [Department of Community Justice], I think, was at that time providing some cell phones for people to use. So, we had systems in place to address that aspect. But if you do it by remote video conference, not everybody has that access. So, we came up with ways [to help those individuals]. I know we had to designate particular rooms, so that if you don't have access, you could come into a safe area in the courthouse, or a safe area outside the courthouse, so that you could "remote in" to the proceeding. There was that. We also worked with the sheriff to set up the video capability of doing arraignments from the jail, so that they wouldn't have to transport someone into the courthouse. That was also a challenge. The sheriff had to develop the technology to be able to make it happen.

As detailed by AJ, the county installed plexiglass throughout each of the courtrooms to help with social distancing and the spread of COVID-19. They also upgraded all the courtrooms with Webex technology and large screens, to allow people to virtually call into their hearings. As the jail released individuals after booking, jail staff educated individuals that they could use the Webex technology or arrive in-person but in a designated area distanced from the court itself for their arraignment hearings. Following an arraignment hearing, judges and defense counsel would continue to provide guidance to individuals about how to use the Webex technology throughout their case processing.

As the COVID-19 Check-in group worked with various stakeholders to set up virtual capabilities across all courtrooms, judges continued not issuing warrants for missing court. Instead, these individuals received a citation-in-lieu of arrest.

Protests in Multnomah continued throughout July, when former Multnomah County District Attorney Rod Underhill announced his resignation. Newly elected District Attorney (DA) Mike Schmidt assumed office (under appointment of the Governor) five months early on August 1, 2020. As protests continued, taxed police departments lacked the capacity to respond to low-level non-violent offenses. Later that month, on August 11, 2020, DA Schmidt announced that he would not prosecute low-level offenses related to the protests.[xxvii] Combined, police stakeholders suggested they made fewer arrests but continued to focus their limited resources on violent and serious crime.

As nightly protests continued in downtown Portland, they attracted more extremist groups, including the far-right white-nationalist group the Proud Boys. The group is known for regularly organizing rallies and engaging in violence at protests. In September 2020, in anticipation of a rally they organized in downtown Portland, the Governor declared a state of emergency.[xxviii]
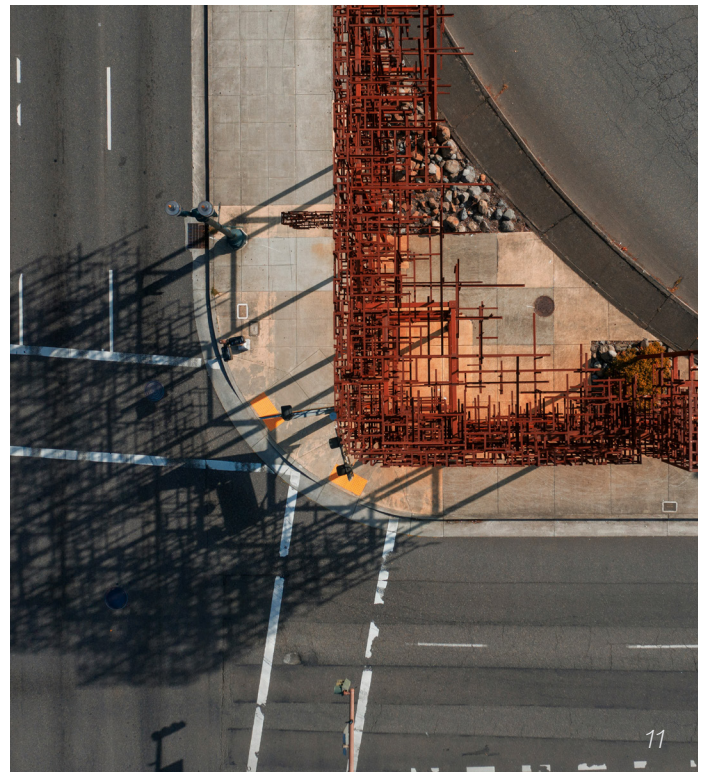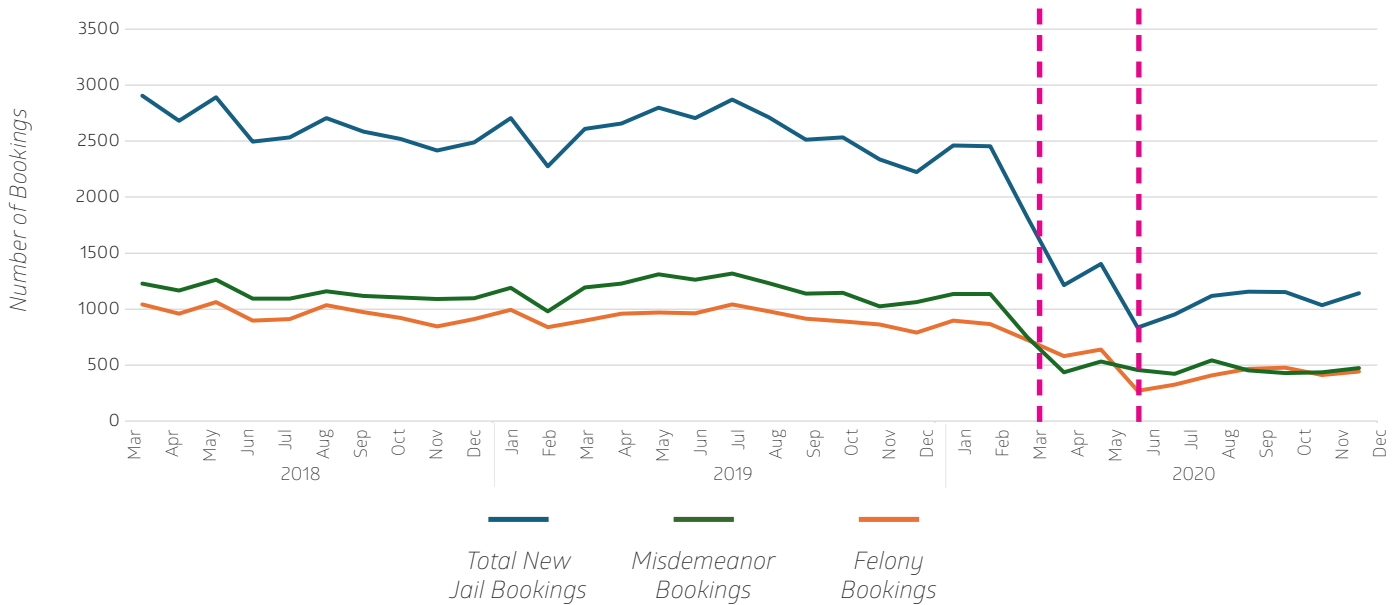
CHART 4: OVERALL NEW JAIL BOOKINGS & FELONY AND MISDEMEANOR BOOKINGS
MARCH 1, 2018 – DECEMBER 1, 2020

Legend:
- Total New Jail Bookings
- Misdemeanor Bookings
- Felony Bookings

In November 2020, Oregon voters passed Measure 110, which decriminalized possession of most controlled substances. The passage of Measure 110 demonstrated a shift in community sentiment about the role of jail and punishment related to chronic health conditions like substance use disorder.

Additionally, as in the early COVID-19 period, law enforcement decreased self-initiated contact. While this approach originally began as a response to decreasing the spread of COVID-19, it later became a response to limited staffing capacity related to the protests.
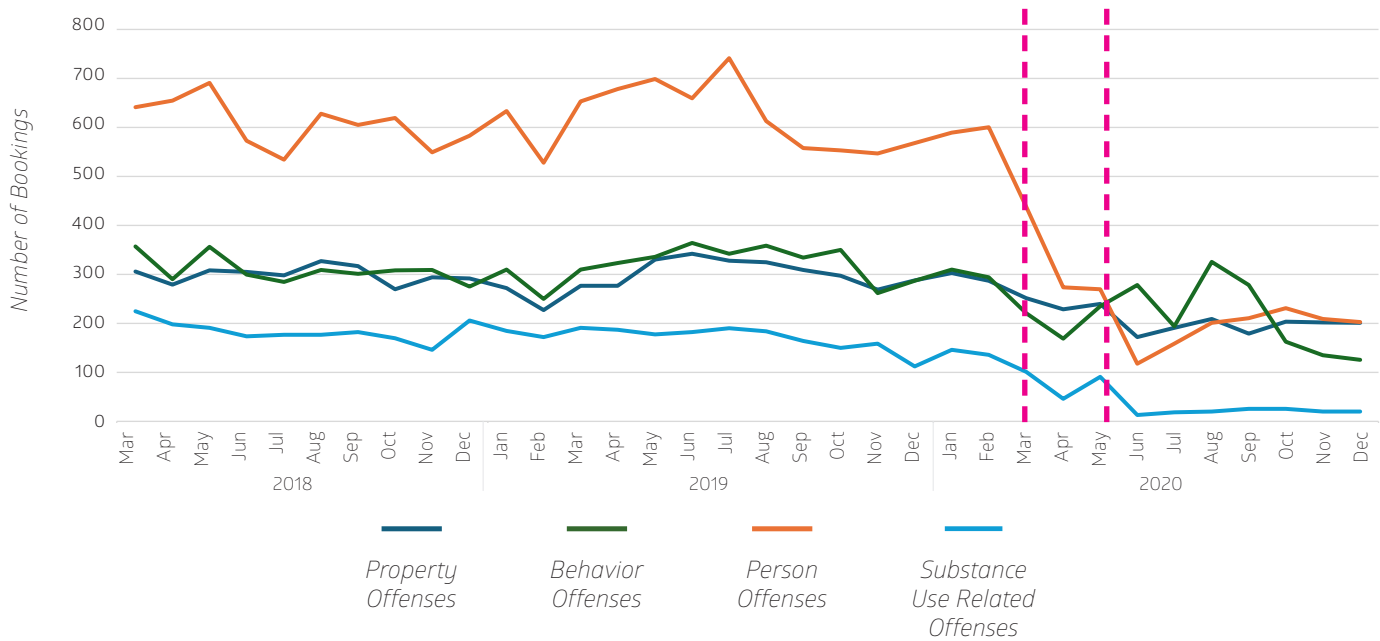
JAIL REDUCTION STRATEGY IMPACT

The early COVID-19 period experienced a sharp decline in jail bookings following the implementation of several emergency jail reduction strategies. These declines persisted into the 100 Days of Protest period. In this period, the Multnomah County jail, on average, experienced 1,064 monthly bookings compared to the prior period's monthly average of 1,218 bookings.

While in the early COVID-19 period monthly felony bookings, on average, outpaced misdemeanor bookings, in this period, misdemeanor bookings accounted for more jail bookings – 43% compared to 38% felony bookings.

While the demographic composition of both felony and misdemeanor bookings remained relatively similar as the earlier two periods, white women accounted for a 5% increase in misdemeanor bookings during this time while Black men accounted for a 5% decrease in misdemeanor bookings. Notably, this is the only time, throughout the full study period, white women account for a higher proportion of misdemeanor bookings compared to Black

CHART 5: NEW JAIL BOOKINGS OFFENSE TYPES
MARCH 1, 2018 – DECEMBER 1, 2020

Number of Bookings (Y-axis: 0–800)

X-axis months: Mar Apr May Jun Jul Aug Sep Oct Nov Dec (2018) | Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec (2019) | Jan Feb Mar Apr May Jun Jul Aug Sep Oct Nov Dec (2020)

Legend:
— Property Offenses
— Behavior Offenses
— Person Offenses
— Substance Use Related Offenses

men. The changes in racial demographic composition of misdemeanor offenses likely reflects the change in offense types booked into jail during this period.

In the preceding two time periods – pre-COVID-19 and early-COVID-19 – property offense types led new jail bookings. However, during the 100 Days of Protest period, behavior offenses bookings outpaced all other booking offense types and accounted for, on average, 21% of all monthly new jail bookings. This category includes offense types more likely during protests such as interfering with a peace officer (33%), harassment (16%), unlawful possession of a firearm by an individual convicted of a felony (13%), rioting (12%), disorderly conduct (10%), resisting arrest, (7%), and other offense types (9%; See Appendix A, pp 55 – 56, the full list of charges and their frequencies).

Prior to the 100 Days of Protest period, rioting charges were exceptionally rare; in fact, not one white, Black, or Latine woman experienced a jail booking in the study period for this offense charge until the 100 Days of Protest period. Among all men, prior to this period, they averaged less than one booking for rioting per month.

During the 100 Days of Protest period white men, specifically, accounted for 50% of bookings for rioting while white women accounted for 21% -- explaining the increase of booking of misdemeanors for white women specifically.
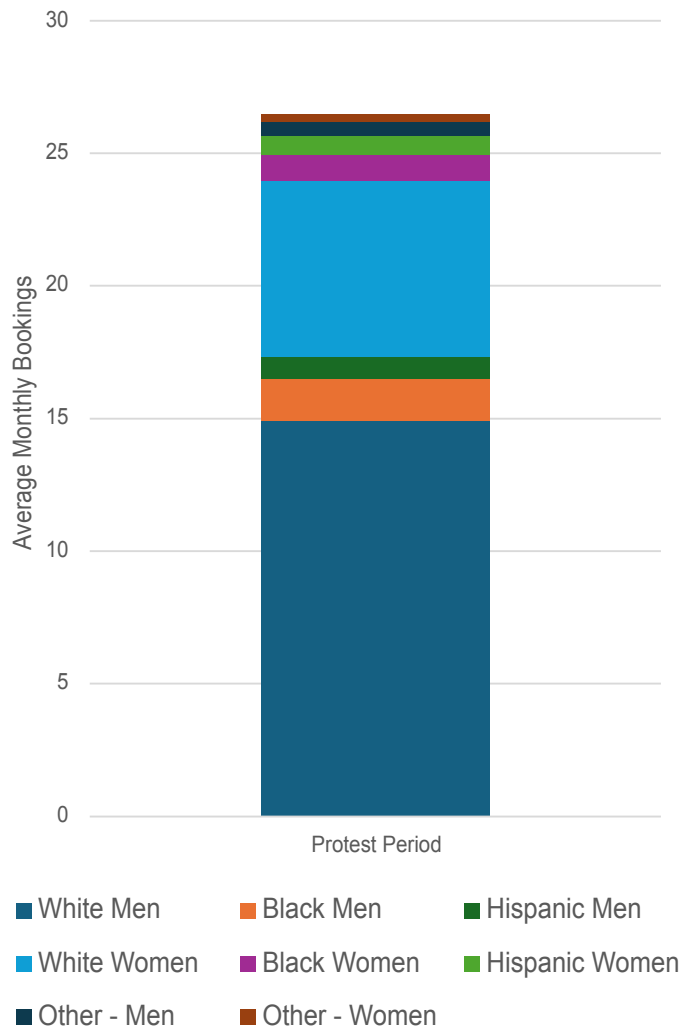

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100 Days of Protest period Review

The 100 Days of Protest period continued to see an overall decrease in bookings, with an increase in behavioral offenses, mainly for interfering with a peace officer and other charges associated with protesting behavior. Importantly, though, the number of behavior-related offenses declines in the last month of the period, reflecting the end of large-scale protests for the county. Racial demographics of individuals booked into jail remained consistent with previous periods, although white men and white women accounted for more bookings related to behavior offenses and rioting specifically. While the exact reason for these demographic trends requires more research, we speculate that white individuals participated more in protests than they had in years past.

Lastly, during this period, substance-related bookings accounted for very few of all bookings. While Measure 110 had only passed in November – the end of the period – and had not taken effect, the lack of bookings for this offense type likely reflects the interaction effect of several influences, including: strategies to reduce booking of non-serious misdemeanor offense types, police reserving their taxed resources for more serious and violent incidents, a movement to not rely on police for these offense types, and an understanding by law enforcement agencies these cases would likely experience a dismissal once the law took effect in February 2021.

CHART 6, NEW JAIL BOOKINGS FOR RIOTING OFFENSES BY SEX & RACE
DURING 100 DAYS OF PROTEST PERIOD

Legend:
- White Men
- Black Men
- Hispanic Men
- White Women
- Black Women
- Hispanic Women
- Other - Men
- Other - Women

14

15

AFTER 100 DAYS OF PROTEST PERIOD

JANUARY 1, 2021 TO FEBRUARY 28, 2022 (14 months)

JAIL REDUCTION STRATEGY IMPLEMENTATION

By January 2021, the protests related to racial injustice had decreased, leaving a less charged political atmosphere surrounding the criminal legal system. The courts opened business everyday but continued to operate under the Chief Justice's order to limit in-person proceedings. The COVID-19 Check-in group began meeting monthly and updated each other on the rollout of vaccinations for court staff, judges, lawyers, and individuals who were incarcerated. On February 1, 2021, Measure 110 took effect, decriminalizing many substance use-related offenses.

Soon into 2021, health officials in Minnesota identified a new variant "Gamma" that would later spread across the country.[xxix] In March 2021, the jail experienced a COVID outbreak creating concern about any policies that would increase jail bookings or the population overall. As a result, the COVID-19 Check-in group met monthly to discuss updates to vaccinations for staff, and understand outbreaks in the jail. Local police agencies continued to issue citation-in-lieu of arrest for many low-level offenses and the court continued to issue citation-in-lieu of arrest for missing court.

> In March 2021, the jail experienced a COVID-19 outbreak creating concern about policies increasing the jail population.

In June 2021, health officials identify the variant "Delta" in the US and became the dominant variant in the US, bringing a third wave of infections during the summer of 2021.[xxx] By July 2021, there was an overwhelming concern among the COVID-19 Check-in group about the backlog of court cases. The stakeholders began prioritizing criminal cases with a priority on those cases with individuals in-custody and out-of-custody facing speedy trial deadlines. The COVID-19 Check-in group was set to fully open the court in September 2021; however, COVID-19 concerns from the third wave of infections postponed courts reopening to November 2021. This was also true of nearby counties including Washington and Clackamas counties. In lieu of fully opening, the court began hosting jury selection for criminal and civil trials remotely and addressed new procedures for increasing all hearing virtually.

In November 2021, the court fully reopened in-person activities but maintained most of the virtual technology options amid concerns for an upcoming variant "Omicron" surge. Delta and Omicron continued to spread into early 2022.

CHART 7: OVERALL NEW JAIL BOOKINGS & FELONY AND MISDEMEANOR BOOKINGS
MARCH 1, 2018 – FEBRUARY 28, 2022

Legend:
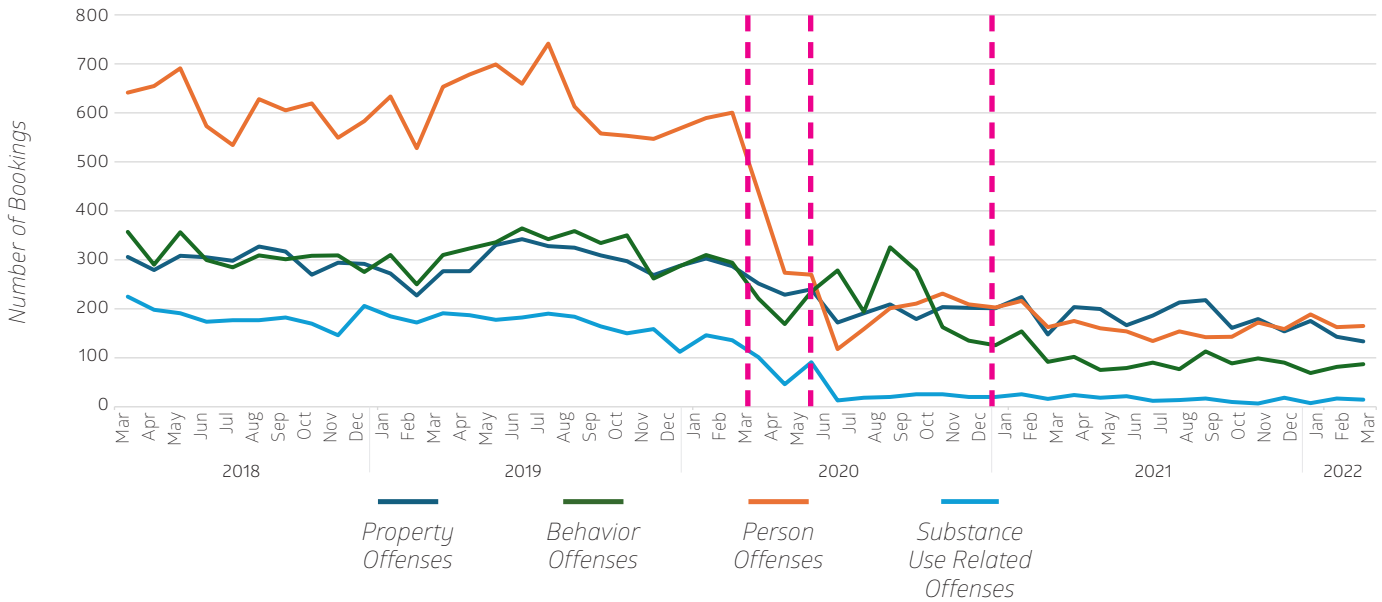— Total New Jail Bookings
— Misdemeanor Bookings
— Felony Bookings
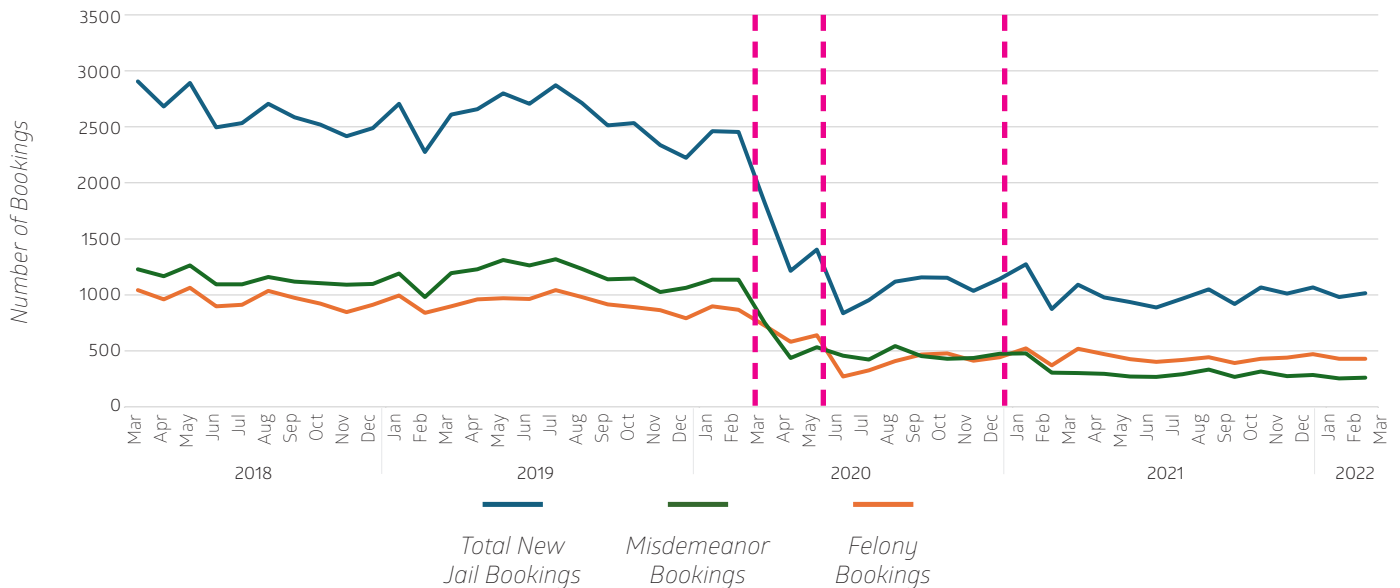
While protests declined to smaller demonstrations in 2021, the COVID-19 outbreak in the jail created continued concern about the health of safety of staff and incarcerated individuals. As a result, during the after 100 days of protest period, the jail bookings continued to decrease to a historic low – 1,008 average monthly bookings. Like the early COVID-19 period, felony bookings accounted for almost half, 44%, of monthly bookings while misdemeanor bookings accounted for only 30% of average monthly booking – a decline from any other period, as shown in chart 7.

> In the after 100 days of protest period, jail bookings decreased to a historic low – 1,008 average monthly bookings.

CHART 8: NEW JAIL BOOKINGS OFFENSE TYPES
### MARCH 1, 2018 – FEBRUARY 28, 2022

During this period, property offenses accounted for most new jail bookings, followed by person offense types. Behavior offenses accounted for a small percentage, 9%, of monthly new bookings, reflecting a decline in offense types that were likely associated with protests. Lastly, substance related offenses accounted for less than 2% of monthly bookings, a large reduction from pre-COVID and early-COVID periods, reflecting the changes associated with Measure 110, but consistent with the 100 days of protest period.

Substance related offenses accounted for less than 2% of monthly bookings, reflecting changes associated with Measure 110.

CHART 9: JAIL BOOKINGS FOR COMMUNITY SUPERVISION VIOLATIONS
MARCH 1, 2018 – FEBRUARY 28, 2022
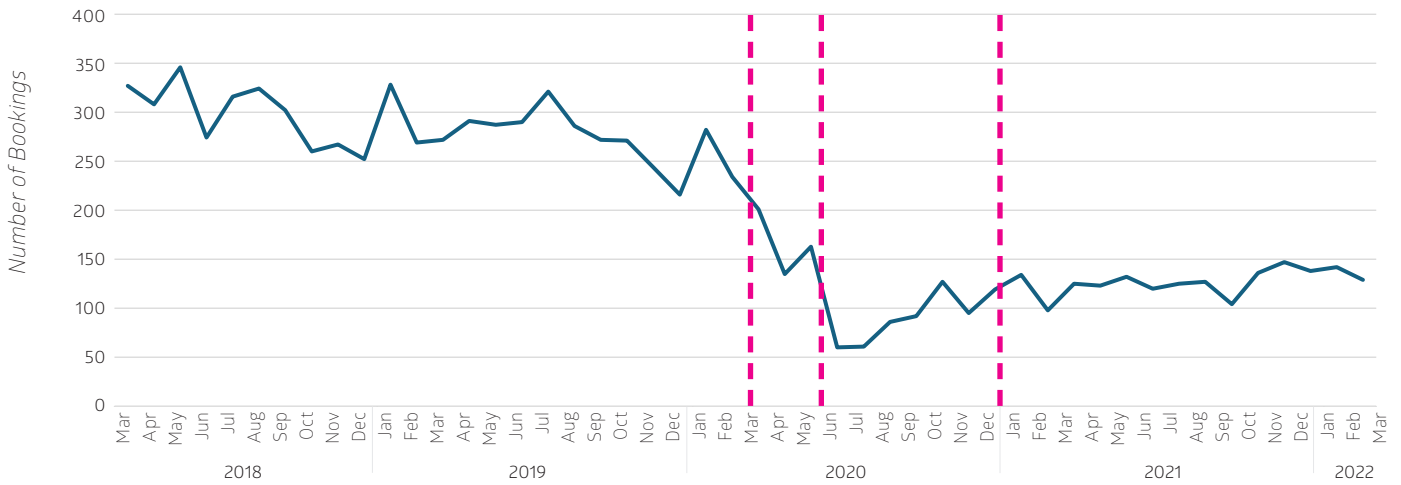
Each month, the Multnomah County jail books individuals for several reasons, including new jail bookings – which account for most of all jail bookings, warrants/hold for intra and interstate counties, and for community supervision violations.

During the pre-COVID-19 period, as part of Safety Justice Challenge reforms, Multnomah County implemented a strategy to both reduce jail as a sanction for community supervision violations and length of stay for sanctions they approved. As a result, the county experienced a decline in jail bookings for this reason.

However, at the start of COVID-19, the COVID-19 the Multnomah County Department of Community Justice (CJD) agreed to nearly eliminate the processing of all community supervision violations. As a result, they experienced steep declines in the early COVID-19 period and maintained these declines during the 100 days of protest period. With the court and DCJ returning to full operations during the after 100 days of protest period, the county experienced a small increase in the total number of bookings for community supervision violations – accounting for 12.5% of all monthly jail bookings, as shown in chart 9. However, these numbers remained substantially lower than the pre-COVID-19 period.

*After 100 Days of Protest period Review*

Overall, Multnomah County in the after 100 days of protest period continued to see a decrease in bookings from all earlier periods, although a small rise in bookings for community supervision violation bookings. Although

it is impossible to disentangle exactly which strategies accounted for the largest decrease in jail bookings, citation-in-lieu of arrest undoubtedly limited the reliance on arrest and jail booking for many non-person, misdemeanor offenses. This reflects the continued jail bookings for felony and person-based offenses reflected in this period.

By February 28, 2022, nearly two years after the start of COVID-19, the county had nearly halved their jail bookings to numbers that seemed nearly impossible prior to COVID-19.

> By February 28, 2022, the county had nearly halved their jail bookings to numbers that seemed nearly impossible prior to COVID-19.

PART 2: JAIL BOOKINGS FOR VIOLENT OFFENSES
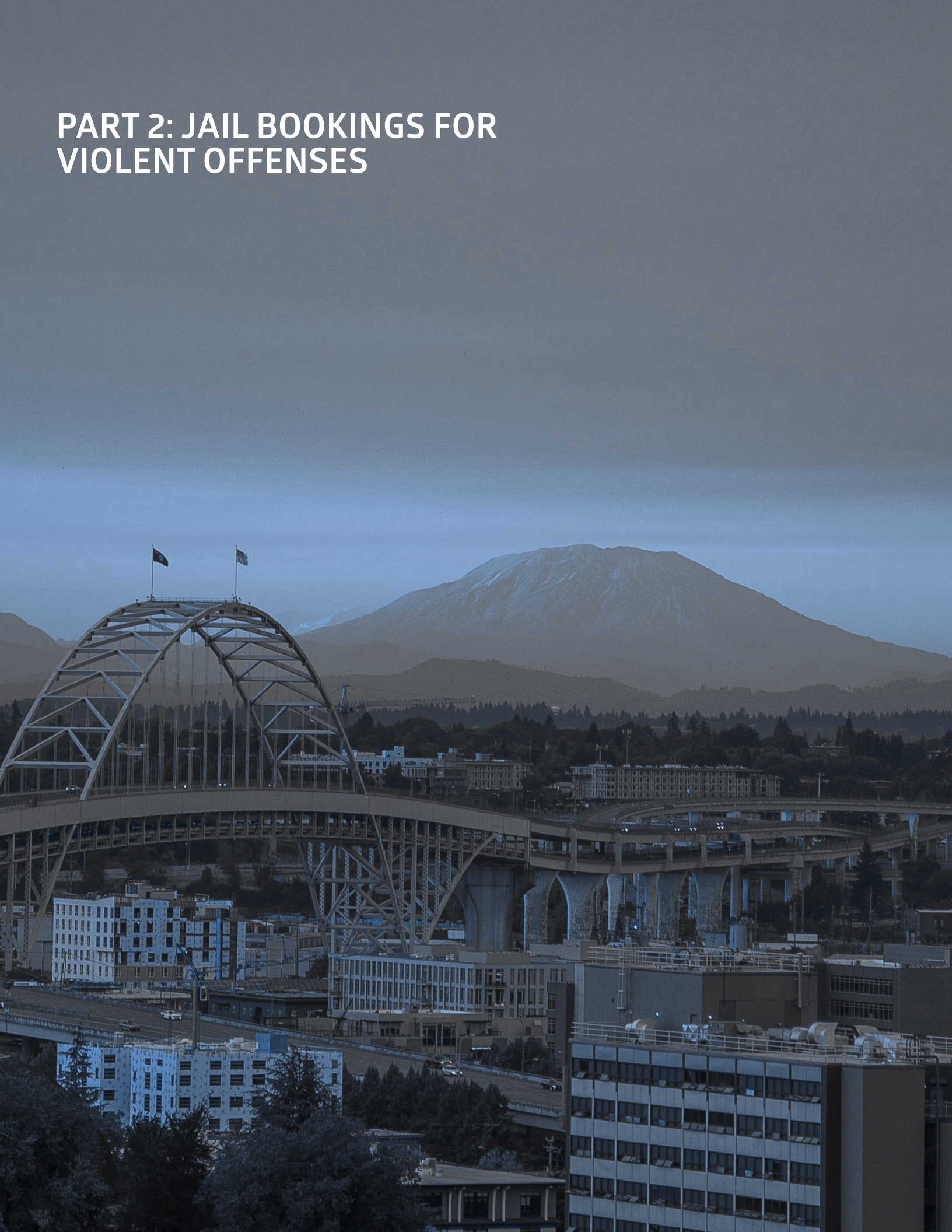
JAIL BOOKINGS FOR VIOLENT OFFENSES DURING THE PANDEMIC

JAIL REDUCTION STRATEGY IMPLEMENTATION

During the pandemic Multnomah County continued to book for violent offenses and maintained its pre-COVID-19 policies and practices pertaining to violence. Prior to the pandemic, there was a grounding presumption nationally that local jurisdictions cannot significantly reduce the use of jails because jails serve as a critical deterrent to crime. That is, without the presence and known consequence of going to jail, individuals will not only engage in law breaking behavior but will escalate to more serious and violent forms of crime. If this presumption were true, SJC sites, and Multnomah County specifically, implementing reforms to reduce the size of and over-reliance on their jails would see an increase in jail booking for more serious and violent crimes. In Multnomah County, there was a concern that their reliance on issuing citation-in-lieu of arrest or law enforcement simply not responding to some offense types at all could encourage people to commit violent offenses.

JAIL REDUCTION STRATEGY IMPACT

Overall, the number of bookings related to violent offenses did not increase during the pandemic; in fact, the number of bookings associated with violence decreased significantly during the pandemic. In the 24 months prior to the COVID-19 pandemic, Multnomah County had a total of 7,252 bookings associated with violent offenses, or a monthly average of 302 bookings. In the 24 months following, Multnomah had a total of 4,642 bookings associated with violence, for an average of 193 bookings per month.

> There is a prevailing presumption that without the presence and known consequence of going to jail, individuals will engage in law breaking behavior and escalate to more serious and violent forms of crime.

CHART 10: OVERALL NEW JAIL BOOKINGS & NEW JAIL BOOKINGS FOR VIOLENCE
MARCH 1, 2018 – FEBRUARY 28, 2022

Overall New Jail Bookings
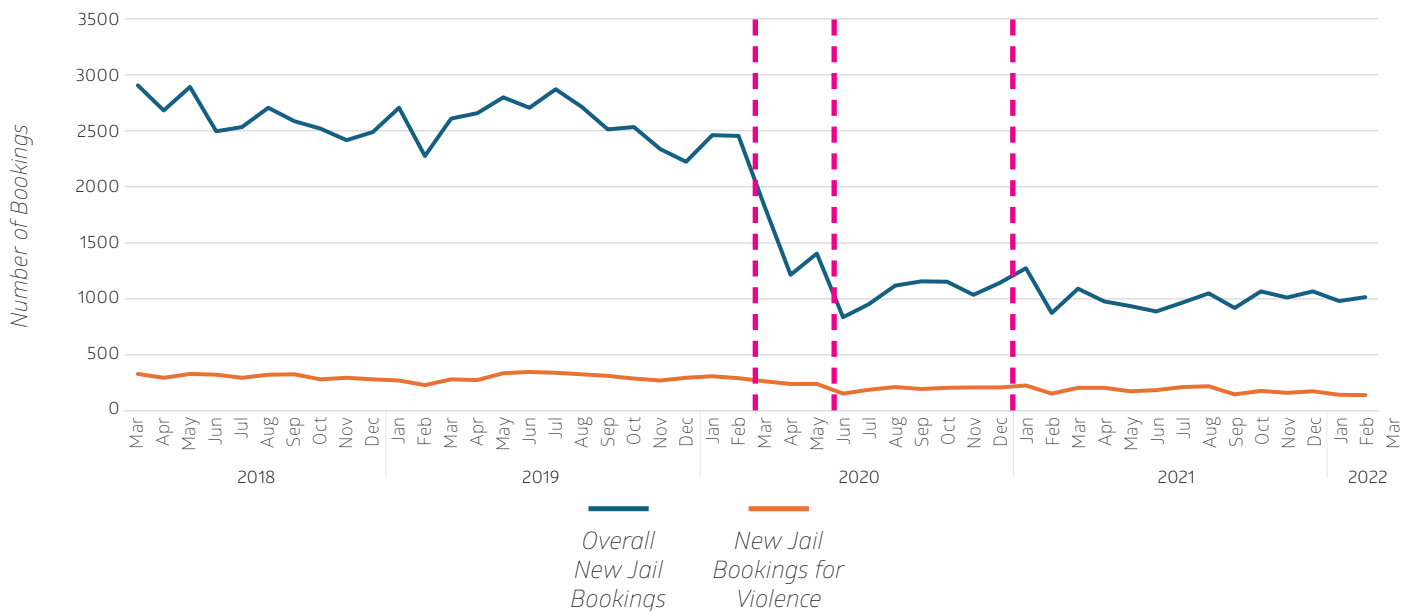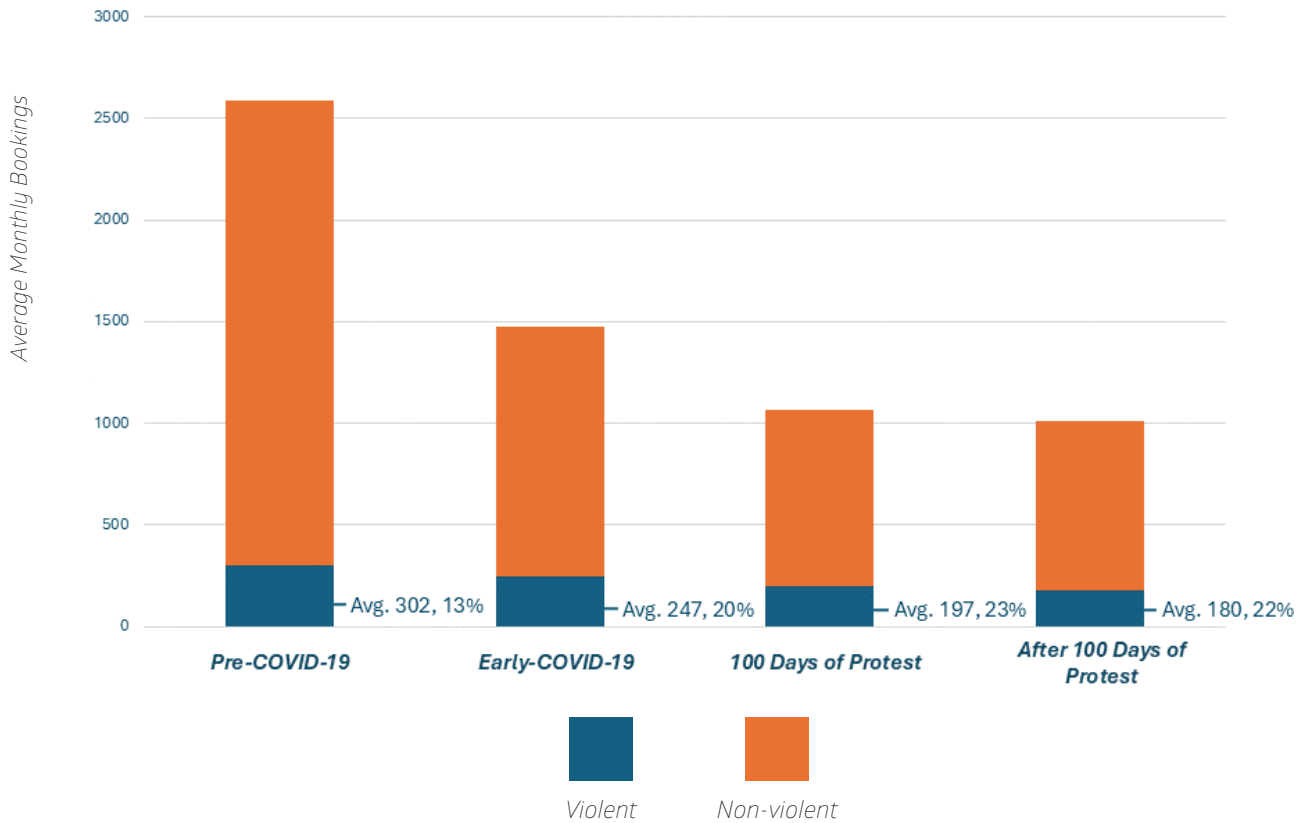
New Jail Bookings for Violence

CHART 11: AVERAGE MONTHLY JAIL BOOKINGS FOR NON-VIOLENT AND VIOLENT OFFENSES BY PERIOD
MARCH 1, 2018 – FEBRUARY 28, 2022

Stakeholders participating in jail population reduction efforts reported that keeping people safe from violence was a key factor when adopting jail reduction strategies. For many stakeholders, concerns about violence primarily focused on crimes involving a victim and gun-related offenses. One stakeholder Diane explained,
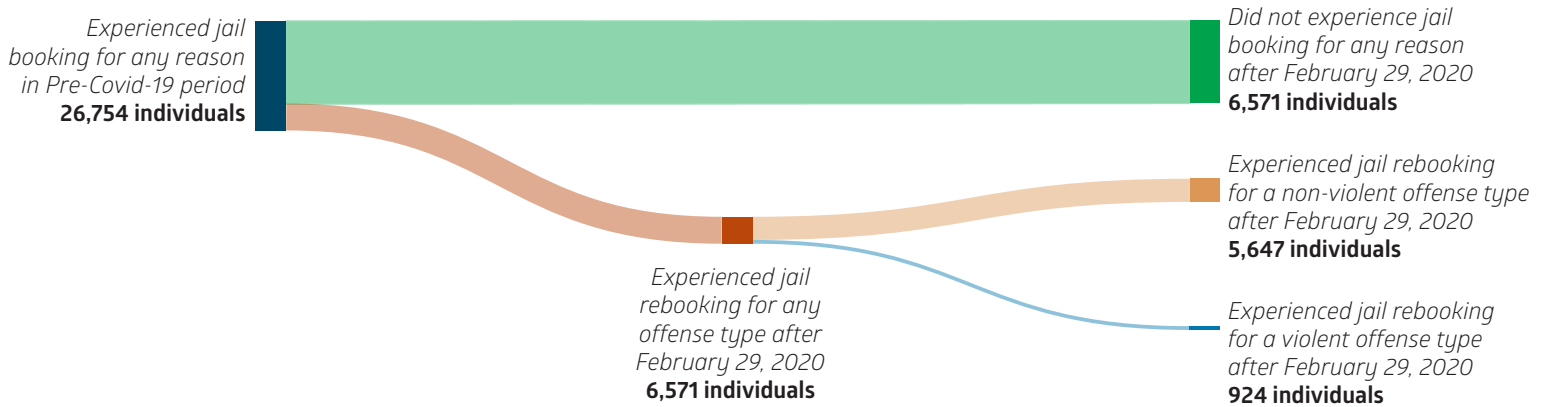
> We were mindful of public safety. We didn't just take a big hatchet to it. We came together to mold policies so that we could keep people in custody safe. So, while we were trying to keep people in custody safe, we were also trying to keep ourselves safe. So, pretty much everybody.

Although the total number of bookings for violent offense types decreased throughout the emergency jail reduction period, the proportion of total bookings for these offense types increased overall from 13% to 22%.

This increase is expected and reflects the essence of jail reduction strategies which creates a more specific role for jails in communities – for serious and violent offenses, rather than non-violent offenses. Stakeholders, therefore, prioritized jail bookings for more serious offenses, while reducing incarceration for low-level, non-violent charges.

> Stakeholders prioritized jail bookings for more serious offenses while reducing incarceration for low-level, non-violent charges, creating a more specific role for the jail in their community.

**CHART 12: JAIL RE-BOOKINGS FOR INDIVIDUALS WITH A JAIL BOOKING
IN PRE-COVID-19 PERIOD**
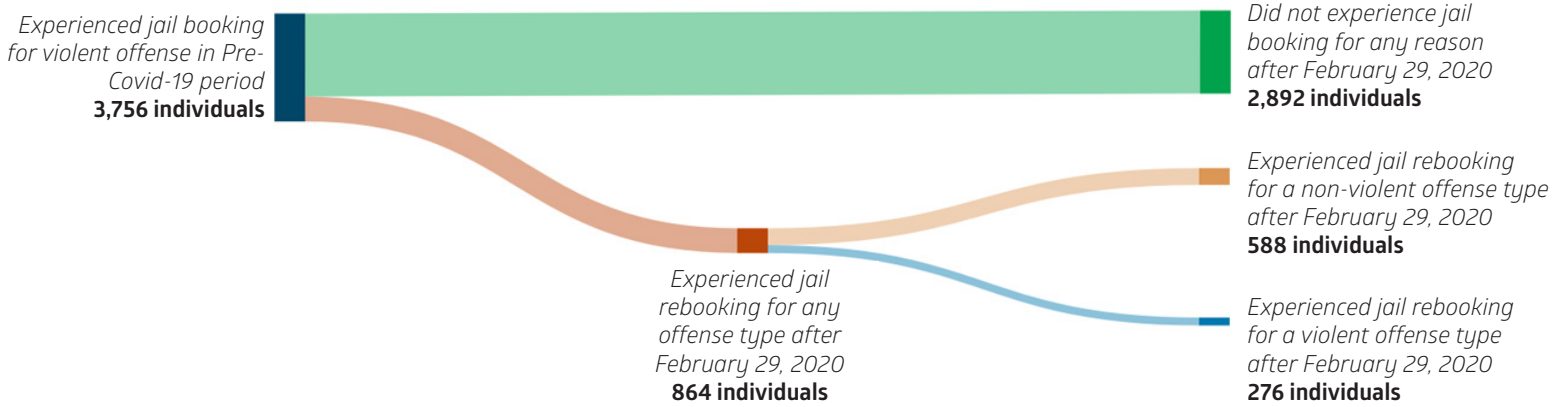MARCH 1, 2018 – FEBRUARY 28, 2020

Experienced jail booking for any reason in Pre-Covid-19 period
26,754 individuals

Did not experience jail booking for any reason after February 29, 2020
6,571 individuals

Experienced jail rebooking for a non-violent offense type after February 29, 2020
5,647 individuals

Experienced jail rebooking for any offense type after February 29, 2020
6,571 individuals

Experienced jail rebooking for a violent offense type after February 29, 2020
924 individuals

Individual Bookings

During the pre-COVID-19 period, March 1, 2018 through February 29, 2020, there were 26,754 individuals who experienced a new jail booking any reason – either violent or non-violent offenses. Of the 26,754 individuals booked in the pre-COVID-19 period, 75% (n=20,065) of individuals did not experience any new booking for any reason during the COVID-19 pandemic. Among the 26,754 individuals with a history of booking, 25% (n=6,571) of individuals experienced a new booking for any reason.

Among the 6,571 individuals who experienced a new booking between March 1, 2018 and February 28, 2022, 86% (n=5,647 individuals) experienced a booking for a non-violent offense and 14% (n=924) experienced a new booking for at least one violent offense type. Combined, the data show that among all individuals with a jail booking for any reason in the pre-COVID-19 period, only 4% experienced a subsequent jail booking for violence. This suggests that a package of jail reduction strategies, and specifically strategies like citation-in-lieu of arrest, does not lead to the likelihood that individuals with a history of jail bookings will escalate to violence.

CHART 13: JAIL REBOOKING AFTER MARCH 2020 FOR INDIVIDUALS WITH AT LEAST ONE JAIL BOOKING FOR A VIOLENT OFFENSE IN PRE-COVID-19 PERIOD
MARCH 1, 2018 – FEBRUARY 28, 2020

Experienced jail booking for violent offense in Pre-Covid-19 period
3,756 individuals

Did not experience jail booking for any reason after February 29, 2020
2,892 individuals

Experienced jail rebooking for a non-violent offense type after February 29, 2020
588 individuals

Experienced jail rebooking for any offense type after February 29, 2020
864 individuals

Experienced jail rebooking for a violent offense type after February 29, 2020
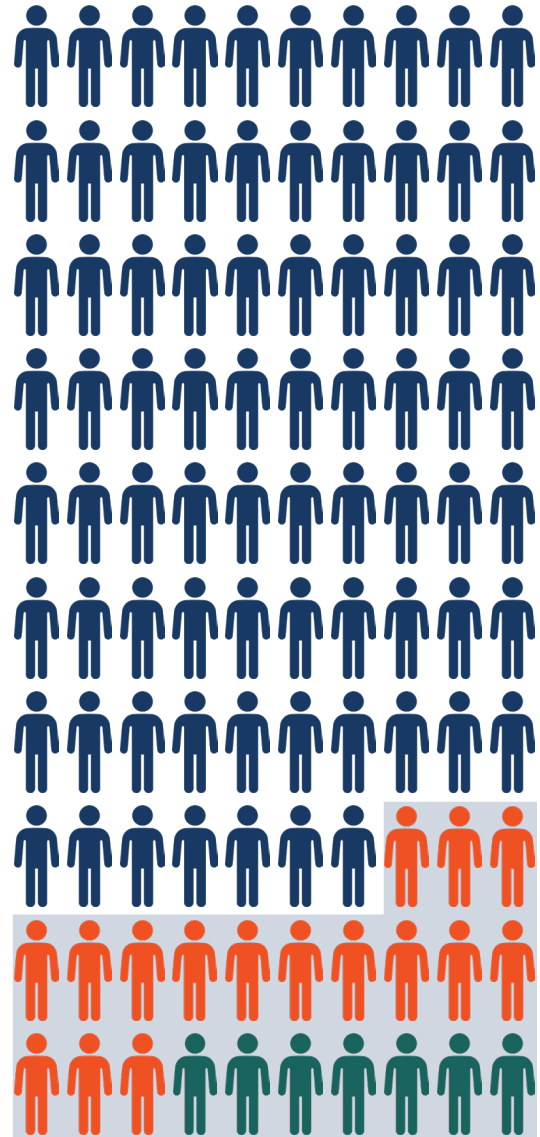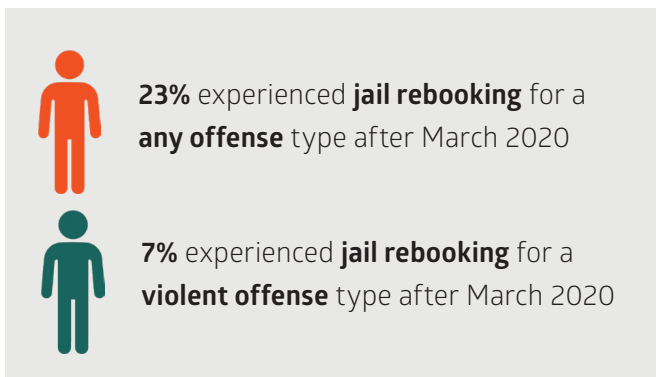**276 individuals**

During the pre-COVID period, March 1, 2018 through February 29, 2020, there were 3,756 individuals who were booked for a violent offense. Of these individuals, 2,892, or 77%, did not experience a jail rebooking or any reason from March 1, 2020 through February 28, 2022.

Among the 3,756 individuals, 864 individuals, 23%, experienced a jail rebooking for any reason – either violent or non-violent – between March 2020 and February 2022. Of these 864 individuals, 588 individuals experienced a jail rebooking for a non-violent offense type and 276 individuals – 7% – experienced a jail rebooking for a violent offense type.

These findings are consistent with ISLG's review of SJC sites where they found no correlation between jail reduction efforts and increases in violent crime.[xxxi] This suggests that even among people with a history of violence, jail reduction strategies do not lead to increases in violence.

Even among people with a history of violence, jail reduction strategies do not lead to increases in violence.

23% experienced **jail rebooking** for a **any offense** type after March 2020

7% experienced **jail rebooking** for a **violent offense** type after March 2020

Proportion of Individuals with Violent Booking in Pre-COVID-19 with Subsequent Booking and Violent Booking after March 2020.

PART 3: COMMUNITY & STAFF PERCEPTIONS OF SAFETY AND WELLBEING BETWEEN MARCH 2020 AND FEBRUARY 2022

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COMMUNITY MEMBER & STAFF PERCEPTIONS OF SAFETY AND WELLBEING

BETWEEN MARCH 2020 AND FEBRUARY 2022

In the modern era, the global COVID-19 pandemic was historically unprecedented with devastating and fatal consequences to many communities, particularly Black, Latine, Indigenous communities and individuals living in historically disinvested neighborhoods. It forced big and small companies and governments to lean into new and adaptive technologies. It brought virtual workplaces to the forefront and set new standards about the effectiveness of a virtual workforce. Collectively, in both workplaces and in people's personal lives, it created a collective consciousness about physical and mental health. It also forced jails across the country to do what they always said was impossible – release hundreds of thousands of people.

In Multnomah County, stakeholders implemented several strategies to keep jail populations low to stop the spread of COVID-19 and protect the health and safety of staff and incarcerated individuals. This included releasing vulnerable populations from the jail while also working to limit booking new individuals.

At the same time, law enforcement and criminal legal system stakeholders were managing historic protests of systemic racism and police brutality. While many protests were peaceful demonstrations, at times, the community experienced destruction of government buildings, such as the fires set at the Justice Center and destruction of small, locally-owned businesses. The continuous presence of protesters forced the Governor to declare a state emergency and led to the deployment of federal military police. Tensions remained high between agitated community members, frustrated business owners, taxed police departments, and a system of criminal legal staff actively working to limit the use of jails broadly, but in response to COVID-19 specifically.

Among community members interviewed, many described the time as "trying," "complicated," "stressful," and one participant recalling, "2020 was a shit show." Other participants described it as "traumatic," and almost all participants detailed the various ways they felt unsafe. Four drivers emerged as affecting individual's perceptions of safety between March 2020 and February 2022: (1) threats to their physical safety; (2) concern about negative police response; (3) emotional exhaustion; and (4) a general sense of lawlessness.

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Physical Safety

Although researchers asked participants about their general feelings of safety during the time, some participants described their feelings in context to protests. Community member Ryan says, "I think we were all impacted more by social injustice by George Floyd and COVID then letting go some small-time criminals." However, for other participants they did feel as though jail reduction strategies and law enforcement arrest changes did affect them. One community member, George, reported that the lack of police presence and arrests made him feel physically unsafe,

> *People needed to be off the street and [law enforcement] just let them slide and they kept doing it. [...] I used to live in a homeless camp. it just went off the wall with the criminality, ripping off people in the camp. You know what I mean? It just got scary. You know, when you're sleeping at night out there, among 40 other people and all the crime. I mean, there was stabbings, there were armed robberies, there was people getting shot all the time around me. And they had it curbed for a little while. But once the pandemic hit, right before the pandemic hit, during the pandemic, they [law enforcement] just let everything slide. There were no more police [on patrols]. They cut down to nothing. People were getting scared to come out of their tent or leave your property behind. Anytime we went out, I made sure I had a backpack full of my personal belongings and stuff that I didn't want to lose. But then I was always worried about getting robbed. And believe it or not, I'm 5'11 240 pounds, and I have a lot of fear rolling through me at*

> *that time. You know what I mean? That people, mostly the police not coming around and doing their duty. They just let everybody run rampant. You know what I mean?*

George explained that with fewer police patrols near the houseless encampments and fewer arrests, he feared for his physical safety, despite his size and physicality. Like George, other community member participants who experienced houselessness during this time commented about concerns about their physical property and how that impacted their physical safety. As George described above, he felt the lack of arrests and police presence put what he had at risk – often carrying it with him for safekeeping but making him a perceived target for robbery. System staff also described fearing for their physical safety and being a target of harassment. Agency staff member Kate recounted,

> *When the protests happened, the first firebomb went through the window of the building many of us work at. So, just from a hazard issue, I had to deal with that. [People in the building] evacuated to the jail where it was safer...we didn't know when the mob would leave. It was a mess. This lasted for a good year – not the firebomb, but the protests. People had to move offices to feel safer, we rearranged where staff parked, and their shift hours. Protests seemed to happen at 5:00pm and many of the shifts in the building ended then. We had to change that...Even though [staff that work in the Justice Center] are not all police. But if you were seen wearing [something that seemed to have government symbol or words], you could get harassed. Someone could come up to you and say, 'Hey, eff you, pig!' and throw a bottle at you. We were no different than police.*

Kate described feeling unsafe over an extended period from the combination of working for the criminal legal system and in a building near the protests. Non-police staff working in the Justice Center often echoed Candace's statements, but routinely offered that they understood the need for the protests. For both community members and system staff, the lack of law enforcement, minimal arrests, and protests cumulatively created perceptions of physical safety risks.

Concerns About Negative Police Responses

Community members, especially participants who experienced houselessness during this time, recalled the noticeable lack of police patrol. However, some participants felt the absence of police was more intentional than reducing arrests to keep jail populations low. Community member Austin explained,

During the pandemic, my feelings of safety changed drastically. I didn't feel safe. I don't know a lot of people that did feel safe, because again, the lack of response from the law enforcement agencies. I felt like it was more vindictive, you know, from defunding police. You know, we were saying, 'Defund the police.' And then they were like, 'Well, we won't help you then.' And, so, the response was pretty vindictive...It seemed like it was more of a, you know, a pathway to you know, more violence. I don't know...White supremacists were able to like, you know, lodge several assaults on people in our community...and it did not have responses in those circumstances where you know, children or elders or people were being harmed, or threatened with harm. That was hard, you know?

Stakeholders from the COVID-19 Check-in reported that the police relied on citation-in-lieu of arrest, but then did take a step back from responding to non-emergent calls-for-service. This was, in large part, a decision to allow police departments the personnel resources to respond to protest-related concerns. However, for Austin, he felt that the lack of the presence or lack of response to white supremacy groups at protests was intentional and, specifically, in response to some of the anti-police rhetoric in the protests. A few other participants agreed they felt the police did not respond or were absent in times of need, but among these participants they did not discuss if they felt this was intentional.

For participants who experienced a jail booking during this time, they feared what protests might mean for them during their time incarcerated and any future jail stays. Mikhail explained,

Seeing the militarization of the police really was like, 'Is that going to influence the way they treat us here in the prison?' It was always that mentality. Fortunately, none of that happened. But it was always that background fear watching the news, seeing the way that they treated the riots and the protests, and wondering when that behavior would trickle into [the jail/prison] aspect of the justice system. Fortunately, it never did, but that thought was always in the back of your head when you're watching the news. Especially when they were telling you not to watch the news.

Emotional Exhaustion

Mikhail's fears while incarcerated and after his jail stay speak to a lingering emotional weight or exhaustion by the context. However, staff more often recalled a consistent and unrelenting exhaustion from the protests and COVID-19. Staff member Curtis said, "Staff had to come and go from the jail, and people had to come in and out of work [at the Justice Center]. It was a safety issue and people were protesting around the jail constantly." Another staff member, Frances said,

So, here's what I witnessed. So, there was the social justice protests that happened and this place got militarized, like, there was fences everywhere and like guards, and it was crazy, like coming to work. I was like showing my badge and people were yelling stuff at me. If you [were working] until about 11 o'clock at night, you had protesters protesting and then they that group would subside, and this different group would show up. And it did not stop.

Frances' commentary speaks not only to potential risks of physical safety, but the consistent risks to physical safety. Similarly, staff member Kosean discusses how staff navigated this while also navigating their own personal safety risks,

Most [staff] were extremely professional and dedicated to making a humane response to the system which we work in – the criminal justice system – and addressing all of these, what felt like, appropriate needs. But it should be recognized that simultaneously, every one of us was dealing with our own daily lives, whether that's responsibility for not just yourself but your loved ones, right? Many people had childcare responsibility, or elderly parents, or people with compromised immune systems. You know, people whose daily lives were simultaneously being dramatically impacted, some more than others.

Kosean's statements bring together how staff experienced navigating the risks of working in buildings that were the target of protesters, staff feeling unsafe to leave the building during peak protest times while navigating the backdrop of a pandemic potentially impacting their personal lives. Staff member Peter, made this point more directly,

So we're in the old courthouse, there are protests literally across the street, in the park, on a daily basis, and at night, and there's vandalism, and people were upset, you know? ... But we are human beings, and so you can't help but be affected by what's going on in our society – and we all were. I was working at the courthouse every day, and so I would come in, and I would see the damage to the courthouse itself. Most of it superficial damage, some of it not. We had windows broken, we had a lot of... Some of it was, frankly, disgusting. And it was disheartening to come to work in that environment and have to see... You know, we're trying to keep the court system functioning and to be fair, and do our mission, to serve the public, and to see spray painted on the side of the building where we go to work that, 'courts are corrupt,' you know? 'Cops are bad,' and all this stuff. 'There is no justice' and stuff. I get it, I get

the frustration. I'm trying to make things better, you know? Don't take it out on me! We're the court system, we're trying to do things the right way. And I do understand the frustration, I do understand the need to have kind of a "valve" to allow some of that community tension to happen. But it was a very difficult time to just go to work on a daily basis, and do your best, and not get disheartened and depressed in some ways by what was happening in our community. And sometimes [we were] inspired… some of it was both inspiring and disheartening, so that it was an emotional time to be at work on a daily basis in the court system.

Peter's comment crystallizes the narratives of staff throughout interviews. Overwhelmingly, staff discussed that they were doing their best, but it was challenging to stay well and committed when they felt exhausted by community tension.

General Sense of Lawlessness

Peter's comments also address how the physical destruction of the workplace served as a consistent reminder and another source of burden. His comments that it was 'disheartening' speak to this emotional weight. Interestingly, most of the community members also spoke about physical destruction and the emphasis on not arresting people and how this contributed to feelings that that they were living amongst lawlessness. Community member Tameka said,

I saw so much crime going on like was stealing and just like crazy stuff, you know, but not enough to get them arrested. So, there was a lot going on. And I was pretty surprised like, 'Whoa, they're getting away with all this stuff.' Because of COVID, and I'm like, 'That is not cool.' You know, it felt kind of unsafe.

Community member Charlie said, "Oh yeah, Like, when they steal from stores and stuff. Well, because [criminal legal system actors] said it was like, 'If they don't [steal] a certain amount that they can just go. They weren't having any consequences." Community member James added this same feeling and specifically cited the looting and destruction to businesses,

I am not against my city. I'm a builder. I created a business, I helped make factories, and homes, and all the violence, all the broken windows. Breaking windows is an act of violence to me, all the damage to local businesses, and commercial and government buildings, the takeover of the whole entire Burnside Bridge, where there were thousands of people protesting not only together with masks on for the George Floyd thing but it made me feel really uneasy. It made me feel like isolating, and I'm a very social person.

James' commentary, 'breaking windows is an act of violence to me' speaks to an emergent concern amongst interviewees that physical disorder felt personal and represented something broader, bigger, and more impactful than property damage. Community member Lauren added,

I just knew the riots were kind of crazy. I didn't know what to make sense of them. Once I'd seen the George Floyd stuff. I was like, 'Okay, well, this kind of makes sense.' But why is it like, they're literally throwing bombs at Black police officers and breaking into businesses—minority-owned businesses, nonetheless.

Lauren and other community members consistently commented that the destruction was "crazy" or "useless" and largely felt the reduction in arrests contributed to some of these challenges. Like Lauren, community member Steven specifically commented on how it felt counterproductive generally but specifically within Black communities and against Black-owned businesses,

The bottom line is that all the time I saw on TV when I was incarcerated, it was a neighborhood that I lived there, or I'm going to go back to or, you know, other minorities and people live in, you know. And, I just didn't see how that was accomplishing anything, kind of our own neighborhood, wrong is wrong…Why do it where it is going to affect you in the long run negatively at the end of the day? So, I don't like the idea of the rioting. But MLK [Street] where, you know, I'm, you know, that's an example of, well it ain't no more because whatever they call it, systems, they moved all the brothers out of there. But anyway, prior to that, it was the Black neighborhood, and they tore it up.…But I thought–that was my feeling when I was seeing it on TV. But those are Black owned businesses that you know, finally got a chance to have a business and then they do it like that.

Among all interviewees, they reported generally feeling personally unsafe during this time or feeling more broadly unwell by the combination of protests, COVID-19, limited local police presence, and the addition of military police presence. Among the emergent drivers impacting community and staff wellbeing, community members exclusively cited concerns about negative police responses and more often discussed a feeling of lawlessness. Staff also discussed lawlessness, but exclusively discussed emotional exhaustion. Both community members and staff equally discussed threats to their physical safety but in the context of protests.

RECOMMENDATIONS TO MAINTAIN JAIL REDUCTION EFFORTS

This case study suggests that COVID-19 accelerated jail reduction efforts in Multnomah County and likely the volume of the reduction – which may not have been possible but for safety concerns related to the spread of the virus. However, since February 2022, concerns for the spread of COVID-19 within jails have waned within Multnomah County, as well as in other SJC and non-SJC sites. With fewer COVID-19 safety concerns, it is possible many sites including Multnomah County may return to pre-COVID-19 jail population numbers.

However, based on the results of this study, criminal legal system stakeholders in Multnomah County and elsewhere should be cautious about allowing jail populations to increase. Based upon the findings from this case study, we suggest several recommendations to maintain momentum to reduce the over-reliance of jails.

EXPAND ELIGIBILITY REQUIREMENTS OF EXISTING STRATEGIES

Multnomah County stakeholders shared an urgency to protect staff and justice-involved individuals from the spread of COVID-19. They did so by expanding eligibility requirements across various strategies that immediately reduced the number of individuals booked into jail for new charges and increased the number of individuals released from pretrial detention.

As a result of these strategies, their jail population declined significantly without any increases in jail bookings for violent charges broadly or among individuals with a history of violence. Expanding eligibility criteria for strategies that directly reduce the scale of individuals coming into or returning to jail will immediately reduce the harms of jail on individuals and the collateral consequences on communities.

RELY ON JAIL FOR SERIOUS AND VIOLENT CHARGES

Early in the pandemic and throughout the subsequent periods, stakeholders suggested police use more discretion to issue a citation-in-lieu of arrest or arrest on rare occasions and for serious charges. These policies mitigate the collateral consequences of jail incarceration on individuals and communities. Over time, Multnomah County experienced declines in their local jail population without an increase in the number of bookings for violence. However, more of the charges booked into jail were for serious and violent charges. This creates a more specific role for jail in communities without over relying on it as the primary mechanism for community quality of life concerns.

FRAME CONVERSATIONS AROUND COMMUNITY SAFETY

Community stakeholders discussed their perceptions of safety differently than system stakeholders, echoing earlier Safety and Justice Challenge research on the multifaceted concepts of "safety" . This suggests system stakeholders should aim to frame conversations around "community safety" instead of "public safety."

EXPLORE CONCEPTS OF VIOLENCE WITH COMMUNITY MEMBERS

In the summer of 2020, community members protested police brutality and the role of the criminal legal system in communities. Interviews with community members indicate that there is a need for conversations about the term violence, including which individuals and what charges should be characterized as violent. Researchers and practitioners must begin to grapple with how people who commit violence and community systems that are violent may be interconnected.

INVEST IN CRIMINAL LEGAL STAFF WELLBEING TO SUSTAIN REFORMS

COVID-19 brought an emphasis and renewed interest in physical and emotional wellbeing and health. At the same time, Multnomah County staff experienced threats to their physical and psychological safety across 100 days of social unrest in their community. Many staff who continue to work for their respective agencies remain committed to pretrial reform efforts but do so emotionally exhausted by the pandemic. As Multnomah County agencies work to enhance existing SJC efforts and continue reforms, they must invest in programs and practices that acknowledge staff trauma, allow staff time to heal, and support staff in reclaiming their wellbeing.

CONCLUSION

The administrative data tells a clear and convincing story that COVID-19 prompted an unprecedented reduction in the county's jail population – the result of stakeholders carefully and intentionally selecting key strategies that also prevented the spread of COVID-19 in the local jail. The data also show that their continued efforts through *early COVID-19*, the *100 Days of protests*, and *after 100 days of protest period* maintained these historically low booking rates **without increasing violent offense bookings**. Most importantly, they did this at a time in which there was a general assumption that crime might increase.

While the data do not show any increases of violence from these jail reduction efforts during this time broadly, or specifically from people with history of violent offenses, it nonetheless did present other concerns to community safety. The drivers or moderators of wellbeing described by participants echo other Safety and Justice Challenge research about perceptions of community safety.

> The drivers of wellbeing described by participants echo other Safety and Justice Challenge research about perceptions of community safety.

In their work across Missoula, Montana; St. Louis County, Missouri; and Mecklenburg County, North Carolina, researchers found that media coverage of "public safety" often featured the perspectives of government officials and mostly discussed drug-related crimes and homicides.[xxxiii] However, researchers state that survey responses from 1,254 people found "community safety a multifaceted concept and reflects the diversity of the community".[xxxiv] Their analysis revealed 11 key components to community safety, including three echoed by this study's participants: personal safety and security; systems for preventing and addressing harm, and; responsive government and public safety agencies. However, these community safety concerns may be more byproducts of the interactive effect of sustained protests and COVID-19 rather than jail reduction strategies, specifically.

Multnomah County, Oregon experienced the coalescing of many serious events in ways no other U.S. jurisdiction did during this time. As a case study, it is not generalizable and the events that occurred are unlikely to present all at once again. It may seem as though the lessons here only apply to the county itself, and only to a rare time in history. However, if during this unbelievably contentious time between community members and the justice system, reducing the jail population did not lead to increases in violent bookings, then it is reasonable to conclude that in better times, this would be true, too.

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APPENDIX A
Multnomah County PSA Violent Offense List

Statute	Name of Statute
163.535	Abandon Child
166.07	Aggravated Harassment
163.095.	Aggravated Murder
163.149.	Aggravated Vehicular Homicide
164.325.	Arson in the First Degree
163.185.	Assault in the First Degree
163.160.	Assault in the Fourth Degree (M) - DV ONLY
163.175.	Assault in the Second Degree
163.165.	Assault in the Third Degree
163.208.	Assaulting a Public Safety Officer
161.405.	Attempt
166.165	Bias Crime in the First Degree
164.225.	Burglary in the First Degree
475.908	Causing Another to Ingest a Controlled Substance
161.455.	Co-Conspirator Conspiracy with Third Party
167.017.	Compelling Prostitution
161.450.	Conspiracy
163.435.	Contributing to the Sexual Delinquency of a Minor
163.005.	Criminal Homicide
163.205.	Criminal Mistreatment in the First Degree
163.145.	Criminally Negligent Homicide
163.684	Encouraging child sexual abuse in the first degree
163.686	Encouraging child sexual abuse in the second degree
163.687	Encouraging child sexual abuse in the third degree
163.575	Endanger Welfare of Minor
163.160(3)	Felony Assault in the Fourth Degree
163.207.	Female Genital Mutilation
163.118.	First Degree Manslaughter
167.054	Furnishing Sexually Explicit Material to a Child
163.197.	Hazing

END NOTES

i Nam-Sonenstein, B. (2024). Research roundup: Evidence that a single day in jail causes immediate and long-lasting harms. Prison Policy Initiative. https://www.prisonpolicy.org/blog/2024/08/06/short_jail_stays/

ii Sawyer, W., & Wagner, P. (2024). Mass Incarceration: The Whole Pie 2024. Prison Policy Initiative. https://www.prisonpolicy.org/reports/pie2024.html.

iii Lowenkamp, C.T., VanNostrand M., & Holsinger, A., M. (2013). The hidden costs of pretrial detention. Laura and John A. Arnold Foundation.https://cjcc.doj.wi.gov/sites/default/files/subcommittee/The%20Hidden%20Costs%20of%20Pretrial%20Detention.pdf.

iv Centers for Disease Control and Prevention. (2023). CDC Museum COVID-19 Timeline. Retrieved from: https://www.cdc.gov/museum/timeline/covid19.html

v Khan, S., West, E., & Rosoff, S. (2023). Jail Populations, Violent Crime, and COVID-19: Findings from the Safety and Justice Challenge. CUNY Institute for State & Local Governance. https://safetyandjusticechallenge.org/wp-content/uploads/2023/03/Jail-Populations-Violent-Crime-and-COVID-19-full-report-March-23-revised.pdf

vi U.S. Census Bureau (2023). Quick Facts, Multnomah County, Oregon

vii Office of the Governor, State of Oregon (2020). Executive Order No. 20-03: Declaration of Emergency due to Coronavirus (COVID-19) Outbreak in Oregon. https://www.oregon.gov/gov/eo/eo_20-03.pdf

viii Levinson, Jonathan. (2020 May 30). Portland Justice Center Broken Into, Set On Fire Following Peaceful Vigil. Oregon Public Broadcasting. https://www.opb.org/news/article/george-floyd-protest-portland-fire-justice-center/

ix Levinson, J., Wilson, C., & Haas, R. (2020, July 19). 50 days of protest in Portland. A violent police response. This is how we got here. Oregon Public Broadcasting. https://www.opb.org/news/article/police-violence-portland-protest-federal-officers/

x Multnomah County District Attorney. (2020 August 11) District Attorney Mike Schmidt announces policy regarding protest-related cases. Multnomah County District Attorney. Retrieved from: https://www.mcda.us/index.php/news/district-attorney-mike-schmidt-announces-policy-regarding-protest-related-cases . The full list of offenses and their statute numbers include: (1) Interfering with a peace officer or parole and probation officer (ORS 162.247); (2) Disorderly conduct in the second degree (ORS 166.025; (3) Criminal trespass in the first and second degree (ORS 164.245 & ORS 164.255; (4) Escape in the third degree (ORS 162.145); (5) Harassment (ORS 166.065), and; (6) Riot (166.015) – Unless accompanied by a charge outside of this list.

xi Lambert, H. (2020 September 16) DA Pursues riot, laser charges against more Portland protesters. KOIN 6 News. https://www.koin.com/news/protests/da-pursues-riot-laser-charges-against-more-portland-protesters/

xii Kim, E. Tammy (2024 January 15). A Drug-Decriminalization Fight Erupts in Oregon. The New Yorker https://www.newyorker.com/magazine/2024/01/22/a-new-drug-war-in-oregon

xiii https://www.courts.oregon.gov/about/Documents/BM110Statistics.pdf

xiv JSP relied on the 30 violent offense types per the local "violent offense list" developed for the Public Safety Assessment.

xv Criminal Justice Services Division Uniform Crime Reporting National Incident-Based Reporting System User Manual. (2019) ONIBRS System Specifical Manual v3. https://www.oregon.gov/osp/Docs/ABBREVIATED%20CRIME%20REPORTING%20DEFINITIONS.pdf

xvi Ibid

xvii Oregon Administrative Rules. (1971). Chapter 164. https://oregon.public.law/statutes/ors_chapter_164

xviii We report race as the mutually exclusive categories captured by the agency. 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 "historically racially minoritized" 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.

xix We use the term 'sex' to present the sex binary categorization as captured by the agency 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.

xx This includes bookings for additional case/charges added after initial booking; booking for individual taken into custody from courtroom; booking for individual court required to have fingerprints and mugshot processing; booking for case/charges added from previous booking, booking from a transport order, bookings based upon a Teletype message. Additionally, community supervision violations could be coded as both felony bookings as well as community supervision violations at the same time.

xxi Centers for Disease Control and Prevention. (2023). CDC Museum COVID-19 Timeline. Retrieved from: https://www.cdc.gov/museum/timeline/covid19.html

xxii Behavioral Health Services. (2024) Drug Addiction Treatment and Recovery Act (Measure 110). Oregon Health Authority. Retrieved from: https://www.oregon.gov/oha/hsd/amh/pages/measure110.aspx

xxiii Researchers and practitioners use the term "failure to appear." The term describes any situation where a person does not attend court. In practice though, court actors and researchers often infer from this behavior an intentionality to not come to court, abscond, avoid accountability, or evade justice. Importantly, the term "failing" in its description minimizes the structural obstacles individuals report facing when trying to get to court (See Magnuson et al., 2023) In response, we use the terms: recorded court absence, or getting to court as scheduled.
Magnuson, S., Dezember, A., Kuehmeier, K., Green, C. & Gautschi, D. (2023) Understanding Court Absence and Reframing "Failure to Appear" in Lake County, IL. Justice System Partners. https://justicesystempartners.org/wp-content/uploads/2023/05/SJC-Lake-County-Getting-to-Court-as-Scheduled-Reframing-Failure-to-Appear.pdf

xxiv Riski, T. (2020 May 29) Portland Commissioner Jo Ann Hardesty Responds to the Death of George Floyd: 'This is the reality of being black in America." Willamette Week. Retrieved from: https://www.wweek.com/news/city/2020/05/29/portland-commissioner-jo-ann-hardesty-responds-to-the-death-of-george-floyd-this-is-the-reality-of-being-black-in-america/

xxv Mesh, A. & Wittwer, A. (2020 May 29). Portland Protesters Set Justice Center on Fire; Police Deploy Flas Bangs, Tear Gas. Willamette Week. Retrieved from: https://www.wweek.com/news/2020/05/29/portland-protesters-set-justice-center-on-fire-police-deploy-flash-bangs-tear-gas/

xxvi Centers for Disease Control and Prevention. (2023). CDC Museum COVID-19 Timeline. Retrieved from: https://www.cdc.gov/museum/timeline/covid19.html

xxvii Multnomah County District Attorney. (2020 August 11). District Attorney Mike Schmidt announces policy regarding protest-related cases. Multnomah County District Attorney. Retrieved from: https://www.mcda.us/index.php/news/district-attorney-mike-schmidt-announces-policy-regarding-protest-related-cases

xxviii VanderHart, D. & Ellis, R. (2020 September 25). Oregon Governor Kate Brown declares emergency in Portland as Proud Boys rally approaches. Oregon Public Broadcasting. Retrieved from: https://www.opb.org/article/2020/09/25/oregon-gov-kate-brown-declares-emergency-in-portland-as-proud-boys-rally-approaches/

xxiv Centers for Disease Control and Prevention. (2023). CDC Museum COVID-19 Timeline. Retrieved from: https://www.cdc.gov/museum/timeline/covid19.html

xxx Ibid

xxxi Khan, S., West, E., & Rosoff, S. (2023). Jail Populations, Violent Crime, and COVID-19: Findings from the Safety and Justice Challenge. CUNY Institute for State & Local Governance. https://safetyandjusticechallenge.org/wp-content/uploads/2023/03/Jail-Populations-Violent-Crime-and-COVID-19-full-report-March-23-revised.pdf

xxxii Slocum, L., Greene, C., Huebner, B., Bednar, K., Udani, A., Boxerman, R., Kirk, S., Spanoudakis, K., Steingruby, H., Lyne, E., & Lane, E. (2023). Redefining Community Safety in Three US Counties. University of Missouri-St. Louis.

xxxiii Slocum, L., Greene, C., Huebner, B., Bednar, K., Udani, A., Boxerman, R., Kirk, S. Spanoudakis, K., Steingruby, H., Lyne, E. & Lane, E. (2023). Redefining Community Safety in Three US Counties. University of Missouri-St. Louis. Retrieved from: https://safetyandjusticechallenge.org/wp-content/uploads/2023/12/RedefiningCommunitySafetyFinalReport.pdf

xxxiv Ibid.

PHOTO CREDITS

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More information is available at **www.SafetyandJusticeChallenge.org.**

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