

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Declaring a Jail)	
Population Emergency, Establishing)	
the Maximum Number of Inmates)	Order No. 5-2025
That May Be Held in the Columbia)	
County Jail and Adopting a Plan for)	
Resolving the Emergency)	

WHEREAS, in 2014, due to fiscal and operational constraints, the Board of County Commissioners instituted examination of the Columbia County Jail pursuant to ORS 169.042 by Order No. 6-2014, for the purpose of obtaining a recommendation regarding the maximum number of adults in custody that should be held in the facility; and

WHEREAS, the examination considered each of the factors set forth in ORS 169.042 and recommended that due to funding constraints and changes in federal operations, it was not feasible to continue to house adults in custody in the Columbia County Jail in a manner that would be consistent with constitutional standards, be safe for employees, visitors and adults in custody, provide adequate programs and be efficient and effective; and

WHEREAS, the examiners recommended that the Board declare an emergency and establish the maximum number of adults in custody that may be held in the Columbia County Jail at "0" (zero); and

WHEREAS, a Jail operating tax levy was approved by the Columbia County voters in May, 2014; and

WHEREAS, the Jail operating tax levy allowed the Columbia County Sheriff to gradually staff the Jail to levels that made it possible to house adults in custody in a manner consistent with constitutional standards, and the safety and security of the Jail; and

WHEREAS, the operating levy was renewed for a term of four years at the November 2016, general election, and the November 2020, general election; and

WHEREAS, the Jail operating tax levy will end in Fiscal Year 2024-2025, significantly limiting the funding available to operate the Jail; and

WHEREAS, by Order No. 56-2024, due to the failure of the 2024 Jail Operating Tax Levy Ballot Measure, the Board of County Commissioners instituted an examination of the Columbia County Jail pursuant to ORS 169.042, for the purpose of obtaining an updated recommendation regarding the maximum number of adults in custody that should be held in the Jail; and

WHEREAS, by report dated January 22, 2025, the examiners considered each of the factors set forth in ORS 169.042 and recommended that, with the loss of the Jail tax levy revenue, it will be necessary to increase federal bed rentals and to limit the overall number of beds available to 185, and for local adults in custody to 25; and

WHEREAS, the examiners have recommended that this Board establish the maximum number of adults in custody that may be held in the Columbia County Jail at 185, 25 of which will be available for local adults in custody; and

WHEREAS, the Columbia County Sheriff has proposed a plan for identifying when a jail population emergency exists and to resolve such an emergency by modifying public safety operations; and

WHEREAS, the Board has previously made difficult policy decisions to balance competing policy objectives in response to the longstanding decline in revenues available to the County; and

WHEREAS, the Board has actively sought to reverse the decline in County revenues, including but not limited to urging federal action regarding O&C timber lands and the federal safety net, and placing local option levies for jail operations before the electors that were rejected two (2) times in 2024; and

WHEREAS the Board has carefully considered the public policy ramifications of the recommendation, including the competing priorities for scarce County fiscal, staff and other resources, as well as the health, safety and welfare of the residents of Columbia County;

NOW, THEREFORE, it is ordered as follows:

1. A jail population emergency exists.
2. Until such time as this Board declares that the jail population emergency has been resolved, the maximum number of adults in custody that may be housed in the Columbia County Jail shall be 185, including a maximum of 25 local adults in custody.
3. The examination report dated January 22, 2025, which is attached hereto, including its findings and recommendations is hereby adopted.
4. The plan prepared by the Columbia County Sheriff for providing jail beds and public safety services, dated January 22, 2025, included in the examination report is adopted as a reasonable and prudent approach considering fiscal and operational constraints. This includes the recommendations guiding arrest, booking and release; citation and release and the matrix guiding the decision on which persons shall be housed in the jail.

5. The Sheriff, as the elected law enforcement officer of the County, shall exercise such policy discretion as necessary to implement the maximum population limit and related public safety services within the fiscal constraints faced by the County and the terms of this Order. The Sheriff shall implement a reduction in local beds as US Marshal beds increase in response to this Order until local capacity reaches 25 adults in custody, or earlier based on other factors such as staffing, in the Sheriff's discretion.
6. The Board, Sheriff and staff shall continue to explore and evaluate additional options for resolving the jail population emergency in consultation with the District Attorney, Circuit Court judges, city and state officials and the public.

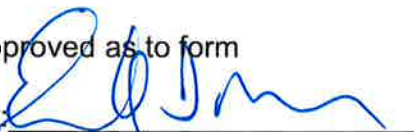
Dated this 19 day of February, 2025.

BOARD OF COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Kellie Jo Smith, Chair

By: 
Casey Garrett, Commissioner

By: 
Margaret Magruder, Commissioner

Approved as to form
By: 
Office of County Counsel

Recommendation to Columbia County
Board of Commissioners

Dated January 22, 2025

As recommended by:

Josh Pond
District Attorney

Sarah Hanson
County Counsel

Brian Pixley
County Sheriff

BACKGROUND

The Board of County Commissioners instituted an examination of the County Jail for the purpose of obtaining an updated recommendation regarding the maximum number of adults in custody that should be held in the facility by Board Order No. 56-2024 on December 4, 2024. The recommendation was directed to be based on the advice of the District Attorney, County Counsel, and Sheriff concerning prevailing constitutional standards relating to conditions of incarceration; design capacity of the Jail; physical conditions of the Jail; and the programs provided to adults in custody. Finally, the Board directed that the recommendation be prepared and provided to the Board of County Commissioners by January 30, 2025. The following is the recommendation of the District Attorney, County Counsel, and Sheriff.

RECOMMENDATION

With the loss of the Jail Levy revenue following the 2024 elections, it will be necessary to make significant changes to the number of Jail beds available for local adults in custody.

We have examined the factors set forth in ORS 169.042 in light of the fiscal status of Columbia County. Having met to consider the documentation contained herein, we agree there is ample evidence to recommend that the Board of Commissioners issue an order establishing the maximum allowable number of adults in custody that may be held in the Columbia County Jail at 185 adults in custody. The reasoning behind this recommendation acknowledges the soundness of a policy that would identify the maximum number of adults in custody should hold, and that Columbia County ought to have such an order in place to insure that a jail population emergency is addressed in the most equitable and logical fashion, according to a sound capacity management plan. We recognize that operational capacity is significantly diminished due to the loss of the Jail levy, the Jail's largest revenue source, and that given general fund limitations, the only additional revenue source is to increase bed rental revenue, by making more beds available to the US Marshals Service, which in turn limits the number of beds available to local adults-in-custody. By bringing the local adult in custody population down to 25 beds, together with the additional bed rental revenue, that the Jail will be able to remain open and meet all constitutional requirements.

ORS 169.044 requires that the Board consider this recommendation and either:

- (1) Reject the recommendation and decline to adopt a limit on the number of adults in custody that may be held in the local correctional facility; or
- (2) After consultation with the presiding circuit judge, each municipal court judge, the district attorney, county counsel, and the chief law enforcement officer for each city, issue an order adopting the recommendation and establishing the maximum allowable number of adults in custody that may be held in the jail. You also must adopt a plan for "resolving the emergency".

Attached to this report is the Sheriff's proposed plan for resolving the emergency. In summary, the Sheriff proposes using the authority provided under ORS 169.030 and 169.053 to increase contracted bed rentals to the U.S. Marshals Office to offset costs to local taxpayers in an effort to keep the Columbia County Jail open to hold a limited number of local adults in custody.

HISTORY and FINANCIAL STATUS: In 1998, county voters approved a bond levy to construct a 255 bed jail. No additional operational funding was sought. Rather,

revenue from federal bed rentals and an increase in general fund support was used to meet the increased cost of operating the jail.

The Jail opened in 2001. Since then, operating cost increases have exceeded inflation due to personnel related costs, including health care and pensions, unfunded mandates relating to inmate care and management and a worldwide pandemic. In Fiscal Year 2025, employee costs were \$5.1M and fixed operating costs \$3.65M (including \$1.5M for medical costs and \$500,000 for inmate food services). This represents a 150 % increase in operating costs for the Jail since FY 19/20. Furthermore general fund resources available to support Jail operations have remained stagnant at \$1,000,000 per year over the last 10 years.

For fiscal year 2024/25, the general fund contribution was raised to \$1,441,945, allowing the Jail to maintain the current levels of operation for the year. However, we do not foresee that the general support will be over 1 million dollars in future years given a forecast budget short fall in Fiscal Year 2026.

The current fiscal year budget relies on 3 funding sources: General Fund (typically fixed at \$1,000,000), current property tax levy (expiring in June 2025- \$3.56M), and Federal bed rentals (\$3.4M). The remaining budget revenue needed to balance the budget came from operating contingency which has now been depleted. With the expiration of the local property tax levy and the depletion of operating contingency funds, the jail is not able to operate at current levels without additional sources of revenue.

A key strategy in funding jail operations over the years has been renting jail beds to the U.S. Marshals Office, generating revenue which has exceeded general fund revenues for the past several years.

More importantly, as discussed below, this level of funding is inadequate to pay for sufficient staff to ensure proper operations and inmate and staff safety at our current funding level.

EXAMINATION

ORS 169.042 provides that an examination of the maximum number of adults in custody that should be held in the jail shall be based on consideration of the following factors:

- (1) Prevailing constitutional standards relating to conditions of incarceration;
- (2) The design capacity of the local correctional facility;
- (3) The physical condition of the local correctional facility; and
- (4) The programs provided for adults in custody.

Prevailing constitutional standards

Columbia County Jail Policies are based on the Oregon Jail Standards promulgated by the Oregon State Sheriff's Association. The model standards are regularly updated. Although not legally binding, these guidelines are widely recognized as important tools to guide the operation of correctional facilities in accordance with constitutional standards. In 2012, the US Department of Justice adopted the Prison Rape Elimination Act standards that impact staffing and workloads and may require physical modifications to the existing facility. Judicial decisions continue to impose additional requirements relating to supervising and managing adults in custody. Implementation of best practices to address evolving prevailing constitutional standards requires significant on-going training, operational modifications, likely physical modifications to the Jail and other efforts.

As discussed in the 2011 examination adopted by the Board of Commissioners, having the proper number of staff assigned to specific tasks is the key to effectively meeting prevailing constitutional standards. The jail is a 24/7 facility. This means there are 168 work hours per week.

All adults in custody must be observed at least hourly. Adults in custody on suicide watch or with special needs require much more frequent observation. There must be backup personnel to deal with a dangerous events or evacuations. It is well documented that the number of persons with mental health conditions in jail populations is increasing and often require more active management. Relief coverage must be provided for staff meals and breaks. In addition to actively supervising adults in custody, corrections staff booked 1,935 persons last year. Persons placed in the Jail must be searched, classified pursuant to detailed criteria and risk factors, and provided orientation. For safe operation, staff needs to be available to monitor inmate phone calls, review mail and search cells for contraband.

Historically, revenues from renting beds for federal detainees have subsidized jail operations. As noted above, at this point those revenues are just sufficient to cover fixed costs with minimal staffing. This creates a “Catch-22”. Eliminating the federal detainee program means that there are insufficient revenues to pay for fixed costs, even at current staffing levels. But adding detainees increases the need for more staff, at additional expense.

Jail personnel need significant training updates to ensure that they are complying with constitutional standards for jail operation and safe practices. This requires time away from on-going jail duties.

Finally, it is well-established that even a fully funded, optimal jail operation presents a stressful work environment. The Sheriff reports that the added stress of operating with minimum levels of staff under adverse conditions over a long period is significantly impacting employee morale. Mistakes in this environment are inevitable and, of course, could have both significant safety consequences for staff and adults in custody, as well as potential liability to the County.

Design Capacity of Columbia County Jail

The jail is designed as an indirect custody facility with 255 beds. Extra bunking is possible and has been used in the past. The design accommodates segregation of adults in custody for various reasons and gender separation.

The design impacts operational costs, including the minimum number of staff necessary to effectively manage adults in custody. Inmate movements are directed primarily through the control room. This puts additional burdens on the control room staff, while also reducing the number of roving posts needed in the jail. Clearly, the control room must be manned at all times. The control room, however, cannot physically manage or interact with adults in custody.

The design capacity determines the kind of positions necessary to operate the facility. At a bare minimum, the jail needs:

- A control room post manned 24/7, including during breaks;
- A booking/classification post. It is possible that very temporary lapses (a minute or two) may not pose an immediate risk to inmate, visitor or employee safety. This post, however, serves as the gateway to the

jail. Detained persons awaiting disposition of their custody must be monitored. Persons brought to the jail are “handed-off” from patrol deputies or police officers to the booking post. Classification must be done properly to ensure safety and appropriate lodging.

- Two “rover” positions per shift to manage the adults in custody. These positions have direct face-to-face contact with detainees and adults in custody.
- One Deputy to conduct transports of adults in custody to and from court, and other correctional facilities Monday – Friday.
- One Deputy to provide for Court security Monday – Friday.
- One Supervisor available to coordinate the daily operations of the Jail.

As is evident, this bare minimum staffing leaves no margin for error. There is no immediate backup in case of an emergency, instead we rely on waiting for Patrol Deputies or other Police Officers to respond to the Jail as back up. There is no “cover” as unexpected circumstances arise that impact workload.

In short, although the Jail has the *design* capacity to house more adults in custody, its design dictates a certain level of staffing that cannot be maintained at current funding levels without increasing our Federal Inmate population while lowering the local inmate population. It is not designed to operate safely, effectively or within constitutional standards without adequate staffing and related resources.

Physical Condition of the Columbia County Jail

The Jail is approximately 23 years old. The capital improvement budget is currently budgeted at \$73,093 and has decreased each year in an effort to save money for jail operations.

Some of the projects that have been deferred due to the cost are as follows:

Roof Replacement - \$750,000

Freezer / Cooler Replacement - \$60,000

Correctional Grade Glass Replacement - \$75,000

Other less costly improvements have also been deferred.

The Jail depends on staff and adults in custody to keep it clean and in good working order. This, in turn, demands more time by staff, including supervising inmate work. The only personnel available for such tasks are roving deputies. A deputy performing work on the facility or supervising inmate work cannot focus on observing other adults in custody or other high-priority tasks.

Programs for Adults in custody

Adequate programs for adults in custody are essential for at least three reasons. Some, such as exercise are constitutionally mandated. Others, such as a library and recreational options are essential to maintaining good order and security. Finally, counseling, recovery groups and educational opportunities are important to promote rehabilitation and reduce recidivism.

Programs are staff intensive. Although volunteers can help, they must be screened, trained and monitored to ensure safety and security.

CONCLUSION

With the loss of the tax levy renewal, a substantial increase of rental beds is now required to keep our jail operational. Without the additional federal bed rental revenue, the \$1,000,000 received from the General Fund will be insufficient to keep the jail operational.

Cutting staff costs is not a solution because staff reductions require a corresponding reduction in the number of beds, available to rent. The reduction in federal beds leads to the need to reduce staff further. What will remain is an insufficient amount to house, feed and medicate adults in custody in the current jail facility, ultimately leading to a full closure of the Jail. Local adults in custody would then need to be housed at an outside facility while awaiting sentencing. After an assessment of the staffing levels and forecast of federal bed rentals, we recommend that the overall Jail capacity be set at 185 with the expectation that the Sheriff will be able to rent a sufficient number of Jail beds to also house a minimal number of local adults in custody.

**STANDARDS FOR DETERMINING
JAIL POPULATION EMERGENCY**
and
**PLAN FOR RESOLVING A
JAIL POPULATION EMERGENCY**

The following is our recommendation for establishing standards to determine a jail population emergency. We are forwarding for your consideration the Sheriff's recommendation of a blend of the various statewide policies that will work best for the Columbia County Jail.¹

- I. A jail population emergency exists when the total jail population exceeds 95 percent of the jail population capacity as defined by Board Order. The funded operational capacity of the Columbia County Jail is 185 inmates, including 25 local adults in custody.
- II. The intent of this Plan is to resolve a jail population emergency consistent with state statute and the best interests of the citizens of Columbia County by holding in jail those that have been evaluated and found to represent the greatest threat to the peace and safety of the community and releasing those that pose the least risk. Such evaluations will be based on objective criteria reasonably calculated to:
 - A. Resolve the jail population emergency;
 - B. Ensure public and victim safety and later appearance in court consistent with pretrial release criteria (ORS 135.245 (3)); and
 - C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration, namely:
 - (1) Prevailing constitutional standards relating to conditions of incarceration;
 - (2) The design capacity of the local correctional facility;
 - (3) The physical condition of the local correctional facility; and
 - (4) The programs provided for inmates of the local correctional facility.
- III. DEFINITIONS:
 - A. Criminal Charges: The charge or charges that resulted in the arrest and current booking of an inmate into jail.
 - B. Criminal History: Prior arrests or convictions within 10 years unless otherwise specified within this Plan, performance while on a supervised program, and history of failure to appear.
 - C. Forced Release: Temporary freedom of an inmate from lawful custody before judgment of conviction due to a county jail population emergency (ORS 169.005).
 - D. Special Consideration: A designation placed upon an inmate based upon criminal history or behaviors listed in Section V below that indicate the inmate poses a special risk to community safety or significant short-term conditions exist whereby it is in the community's best interest for the inmate to be ineligible for forced release despite having a Emergency Population Release Score pursuant to Exhibit A of less than 100.
 - E. Emergency Population Release (EPR) Score: A numerical score assigned to each inmate based upon their criminal charge, criminal history, housing classification, and other relevant factors as listed in Sections IV and V below.

- F. Capacity Management Plan Review Committee: The presiding circuit court judge, the Sheriff's Office, County Counsel's Office, and the District Attorney's Office convened to make a recommendation to the Board on specific standards for determining a county jail population emergency and a specific plan for resolving the emergency. (ORS169.044)
- IV. The Capacity Management Plan Review Committee has agreed to an Emergency Population Release scoring mechanism that shall be used to create an EPR score for every person in custody of the Sheriff who is eligible for forced release pursuant to state statute and this Plan. The EPR scoring mechanism evaluates each eligible inmate using the criteria set forth below, with input from the Jail Commander (or designees) based upon their interviews with the inmates, and automatic updates based on the inmate's classification. Added factors affecting the population score will be based on the following criteria:
- A. Risk to self or other persons;
 - B. Propensity for violence as documented or illustrated in Criminal History;
 - C. Initial Criminal Charge score;
 - D. Prior failures to appear;
 - E. Parole, probation, or post-prison violations history; and
 - F. Institutional behavior or Classification.
- V. Persons whose current charge relates to or who have a criminal history involving any of the following will be identified for special consideration and will be the last category of inmates eligible for forced release:
- A. A sex crime, or failure to register as a sex offender charge AND if defendant is identified as a "predatory sex offender" as defined in ORS 181.585;
 - B. Child abuse or crimes relating to children;
 - C. Risk to a known victim;
 - D. Exceptional danger to the community;
 - E. Pretrial Release Program Failure in state or county courts;
 - F. Violation of Stalking Order;
 - G. Subject to periodic review, when specifically ordered by a state or county judge, or as requested in writing for compelling reasons by a Parole/Probation Supervisor, Senior Deputy District Attorney, Law Enforcement or Corrections Supervisor, or County Health Officer;
 - H. A history of Driving Under the Influence of Intoxicants as follows: three or more DUIL charges in the last two years, including the current charge, or two or more convictions for DUIL in the last five years; or
 - I. Any Class A Misdemeanor or higher Domestic Violence charge.
- VI. Inmates who are identified by Medical Staff as being at a substantial risk if released due to serious medical condition shall be excluded from forced release.
- VII. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category on the initial EPR, all other charges will be considered under the "added factors" that will affect the initial population score.
- VIII. The Sheriff may institute gender specific forced releases on occasions in which gender-neutral releases will not alleviate the population emergency.
- IX. Forced releases under the provisions of this Plan will occur in the following order:

- A. Inmates who have been arraigned, when none of the special considerations listed in Section IV are present, until a release score over 100 is reached;
 - B. Inmates who have not been arraigned, when none of the special considerations listed in Section IV are present, until a release score over 100 is reached; then,
 - C. Post or Pre-Arrestment inmates regardless of whether special considerations are present, excepting those inmates with a judicial order specifying no forced release.
 - D. CCSO policies will ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.
- X. The Sheriff may adopt, amend, and rescind CCSO policies and procedures as necessary to ensure compliance with the intent of this Plan.

POPULATION MANAGEMENT STRATEGIES

- I. Before declaring a population emergency the Sheriff will implement strategies to manage the population and avoid forced releases. These strategies will be set in place by Special Order issued by the Sheriff and will be modified as necessary. Strategies to manage population prior to declaring a population emergency will include, but are not limited to:
- A. Evaluate projected court releases and booking recognizance releases;
 - B. Move or stage for movement all suitable inmates scheduled for out of county transport (In-Transit). If these actions are not sufficient in mitigating the population, then;
 - C. Identify any sentenced inmates eligible for movement to a lesser level of custody. Such inmates shall be placed under the authority of the Columbia County Supervisory Authority;
 - D. Release or stage for release all 48-hour releases;
 - E. Filling behind any beds created by this process;
 - F. When feasible, releasing inmates, who are scheduled to be released that day from their sentences, sometime after midnight on that day; and
 - G. When CCSO has information of law enforcement activities or other circumstances from which it can be reasonably anticipated that a population emergency will occur for the coming weekend, work in cooperation with the Department of Community Corrections to arrange for release of local control inmates in advance of their previously scheduled release date.

RECOMMENDED INITIAL EPR SCORING MECHANISM

The Chart below is based on successful methodology from other Oregon counties.

	** PERSON CRIMES	Non-PERSON CRIMES
<ul style="list-style-type: none"> • Restrain Order Violation • DV Charges - "A" Misd and above • DV Att Assault 4 • DV Att Strangulation • DV Att Sex Abuse 3 	170	
Measure 11	150	150
Class A Felony	135	100
Exceptions	100 Burglary I	80 <ul style="list-style-type: none"> • All MCS I and DCS 1 charges, excluding DCS to a minor or Using a Minor in a Drug Offense • Burglary II
Class B Felony	80	35
Exceptions	135 <ul style="list-style-type: none"> • Escape I 	50 <ul style="list-style-type: none"> • MCS II, Possession of Precursor • PCS I
Class C Felony	50	20
Exceptions	80 <ul style="list-style-type: none"> • Attempt Escape I • Negligent Homicide • Stalking • Violations of Court Protective Order • Unlawful Use of a Weapon • Robbery III 	35 <ul style="list-style-type: none"> • Identity Theft • Forgery • UUMV
Class A Misdemeanor	25	20
Exceptions	50 <ul style="list-style-type: none"> • DUIL • Strangulation 	35 <ul style="list-style-type: none"> • Mail Theft
Class B Misdemeanor	14	7
Class C Misdemeanor	N.A.	7
Unclassified Misdemeanor	7	7

* The charge of Conspiracy to Commit a crime is scored the same as the charge itself (i.e., "Conspiracy to Commit Burglary I" is the same score as "Burglary I").

** Person crimes are those defined by the Oregon Revised Statute (ORS 163) plus all burglary, all robbery, all child abuse and crimes relating to children, including delivering controlled substances to a child, using a child in a drug offense, all sex abuse, firearms related crimes, escape and any conspiring to commit those crimes are defined here as person crimes.

RECOMMENDED ADDITIONAL, SECONDARY SCORING MECHANISM

EMERGENCY POPULATION RELEASE (EPR) SCORING MECHANICS (potential cumulative elements)

Scoring Element	Value	SCORE
<u>Current Primary Charge Score</u>	<u>From Page 11</u>	
<u>Other Current Charge(s) in Addition to Primary Charge</u>		
• Person Misdemeanor	2	
• Non-Person Misdemeanor	1	
• Person Felony	5	
• Non-Person Felony	3	
<u>Charge "Modifiers"</u>		
• Current Charge is an FTA	2	
• Current Charge is a "Revoked Release"	2	
<u>Arrest/Conviction & Supervision History (within 10 years)</u>		
• Person Misdemeanor Arrest	2	
• Person Misdemeanor Conviction	5	
• Person Felony Arrest	4	
• Person Felony Conviction	10	
• Probation Violations	3	
• Parole Violations	5	
<u>Classification</u>		
• Administrative Segregation	20	
• Transitional Housing	0	
• General Housing	0	
• Acute Medical/Mental Health	20	
• Assault on Staff or Inmate within 5 years	50	
• Escape or attempt escape from secure custody (10 yrs)	50	
• Currently on Disciplinary Lockdown in Jail	50	

Based on the information in these two charts and the proposed capacity management plan, a decision tree will be established for employees to guarantee adherence to the plan.