REPORT OF TECHNICAL ASSISTANCE
IN ANALYSIS OF JAIL COMMITMENT
AND RELEASE DATA TO
LANE COUNTY (EUGENE), OREGON

AUGUST 1986

TECHNICAL ASSISTANCE REPORT

Bureau of Justice Assistance
CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
A Joint Program of the Bureau of Justice Assistance, U.S. Department of Justice, and
American University School of Public Affairs
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ADJUDICATION TECHNICAL ASSISTANCE PROJECT

Sacramento Project Office
2100 Northrop Ave., Bldg. 800
Sacramento, CA 95825
916/927-2244

Washington Project Office
3615 Wisconsin Ave., N.W.
Washington, D.C. 20016
202/362-4163

ADJUDICATION TECHNICAL ASSISTANCE PROJECT

JOSEPH A. TROTTER, JR., PROJECT DIRECTOR
3615 Wisconsin Ave., N.W.
Washington, D.C. 20016
(202) 362-4183

PROJECT STAFF
Evelyn Boehm Joeseph Phillips
Walter Busher Shirley Jones
Lynne Cannady Nancy Monroe
Caroline Cooper
Gary Reiner

GOVERNMENT PROGRAM MANAGER
Jay Marshall
U.S. Department of Justice
Bureau of Justice Assistance
633 Indiana Avenue, N.W.
Washington, D.C. 20531
(202) 272-4601
Adjudication Technical Assistance Project

TA No. 004

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CONSULTANTS

David M. Bennett
D. Alan Henry

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Lane County with a population approximating 280,000 is Oregon’s second largest county. The county, with its population largely concentrated in the Eugene-Springfield area, is the center of extensive lumbering, agricultural, and tourist industries. Eugene is the site of the University of Oregon.

For over ten years, Lane County officials have struggled with a jail population in excess of its facilities’ capacities. In 1978, Lane County was funded by LEAA’s Jail Overcrowding Program to do a problem analysis study. Although the study was completed, the methodology employed produced recommendations which lacked credibility with key officials, and no implementation action followed.

In July, 1984, the jail overcrowding problem became so acute that the Lane County Board of Commissioners created an ad hoc jail overcrowding task force and staffed it with a qualified person who served as the task force’s executive director.

During the last six months of 1984, the task force and its staff, assisted by consultants requested from and provided by the National Institute of Corrections, undertook a serious effort to understand and cope with the County’s jail problems. A comprehensive study and consensus building effort resulted in recommendations to the County Commission for the establishment on a permanent basis of a Jail Population Management Board appropriately staffed and supported by a competent data collection effort.
Once appointed by the County Commissioner, the Criminal Process Coordinating Council (CPCC), staffed by the Coordinator of Justice Services employed by the Board of Commissioners began an in depth analysis of every process which impacted jail intake and length of stay. The National Institute of Corrections supported the initial stages of this analysis with consultants who advised on data collection methodology and data analysis measures. Once this data collection and analysis was launched, it became apparent that the CPCC and its staff could profit from more extensive assistance than NIC was able to provide. The need was intensified by the facts that (1) the County accepted a consent decree in the federal court requiring the immediate reduction of the jail's capacity from 333 to 227 beds, and (2) the Commission's decision to place a bond issue on the November, 1986 ballot to implement construction recommendations to be made by the CPCC.

Discussions among representatives of the CPCC's staff, NIC's Technical Assistance Program and EMT Group's Adjudication Technical Assistance Project (ATAP) staff resulted in a decision for NIC to complete previously agreed to consultant assignments, and for Lane County and EMT Group to support the additional stages of data collection and analysis made imperative by the drastic operational changes resulting from the federal court action.

The Adjudication Technical Assistance Project (ATAP) authorized two consultants already familiar with the Lane County operation to examine in depth and report on pretrial service practices which local officials believed was a key to arriving at valid estimates of future institutional and noninstitutional program needs for the jail's unsentenced population. They were David M. Bennett, a private consultant with substantial national
experience in analyzing and addressing jail overcrowding problems; and D. Alan Henry, Director of the national-scope Pretrial Services Resource Center, a specialist in pretrial case processing and supervised release of defendants.

This report reflects the major findings of the EMT-supported consultants, findings reported to the CPCC and reflected in that body's recommendations's to the Lane County Board of Commissioners on August 7, 1986.

A second phase of ATAP technical assistance, in which ATAP arranged for a specialist in corrections facility planning to review, off-site, documents relating to the court's planning for present and future jail capacity needs, is underway during August - October 1986.
II. INTRODUCTION

The Lane County Jail has been under Federal District Court order to maintain its population at a maximum of 207 since 26 March 86. Prior to the implementation of the court order, the population was as high as 348. The County is in the final stages of preparing a plan to go to the voters in November which will fund the construction of additional bed space.

The development of the plan has occurred simultaneously with a review of the flow of defendants through the criminal justice system. The purpose of the review has been to determine if there are any changes in the processing of defendants which would impact the jail population. A sample of defendants was taken from jail bookings and tracked through the system. The results of the analysis, which previously has been reported and presented to the Criminal Justice Coordinating Council, was that the system was operating efficiently. There was not a problem with police or prosecutor overcharging, court delay, or delay in completion of pre-sentence reports. However, the one portion of the analysis that has not been completed is to examine the pre-trial release system—how defendants are released from jail prior to trial, how long it takes for the release to occur and the failure to appear and rearrest rates for the released population.
Lane County has a unique pre-trial release system. The judiciary has delegated all release decisions to a Custody Referee. The referee, appointed by the court, interviews all newly arrested defendants. Defendants who qualify can be released on recognizance or allowed to post bail or security. The specific amounts of bail are also determined by the referee whose office also has the responsibility to receive any monies posted by the defendant.

In previous reports, recommendations have been made to increase the staff of the program. The program is not staffed twenty-four hours a day. There is no monitoring and tracking unit which keeps track of persons released and their next court date. Consequently, there are no statistics available about the failure to appear or rearrest rates.

The earlier data collection effort failed to properly identify all persons booked into custody and it was therefore not possible to accurately determine the release rate and corresponding times to release, failure to appear rates, and rearrest rates.

Lane County has a sophisticated criminal justice information system (AIRS). The system, however, was developed to allow each individual agency to process information. The major weakness is that it wasn't designed to provide system-wide management reports. Consequently, it has proved extremely difficult to develop the necessary information to analyze the pre-trial release system. Fred Wilson, a computer programmer with the city of Eugene's Public Safety Department, has written several programs and made numerous computer runs to provide the necessary information.
We are getting closer--hopefully one more program will provide the needed data.

In the interim, we examined the records of the custody referee. We obtained the names of all the bookings for the first week in May and determined the type of booking. We then went to the custody referee and attempted to pull the corresponding files for all pre-trial bookings. Their records were not complete--all files are purged every three months, so many of the needed files had already been destroyed. The available files were difficult to work with as they were organized by individuals, not cases and contained multiple booking and release forms. The problem was more difficult by the lack of formalized summary sheets. While all available files were examined, no definite conclusions could be reached until the complete data is available.

Recommendations were made to the custody referee about possible improvements in the record keeping system. A meeting was also held with the presiding judge of the circuit court and the judge with the responsibility for overseeing the custody referee operation. The lack of success of the sheriff operated supervised release program was discussed. The program currently supervises four persons and yet the sheriff weekly releases a number of prisoners without any supervision due to the court order. The judges were not receptive to expanding the program; however, they will examine the data generated from the pre-trial release program.

The Director of Justice Services, Larry Salmony, provided data showing the uses of the jail for several specific days following the implementation of the court order. The data was analyzed and graphics prepared prior to this on-site visit.
Upon arriving in Eugene, data was provided on the first eighty persons released from jail because they were refused admittance (RTA) due to the court order, and the first eighty persons who were released from jail on the court approved matrix when the jail exceeded capacity. The data was analyzed and graphics prepared for presentation to the Criminal Justice Coordinating Council.

The eighty persons who were in the refused to admit category (RTA) were booked between 26 March and the 28 April. The releases that occurred due to the matrix were released between the 26 March and the 10 April. All of the releases were examined until the 11 July.
III. DATA ANALYSIS

A. Status at Release

1. Totals

All of the persons in the sample were examined for their court status at the time they were released from jail.

**STATUS AT RELEASE**

![Pie chart showing status at release]

63.75% 31.25% 5.00%

N=160

Sixty-four percent of the 160 prisoners who were released were awaiting trial. Thirty one percent or 50 prisoners had already been sentenced and eight persons (5%) were being held in jail on holds, primarily probation and parole.
1. RTA

The eighty persons who were in the refused to admit status are shown below:

**STATUS AT RELEASE**

Seventy-nine percent or 63 persons in the RTA portion of the sample were pre-trial defendants. Twenty percent or sixteen persons had been sentenced at the time they were denied admittance and one person had a hold.
2. Matrix Releases

The eighty persons who were released from jail on the matrix are shown below by their status at the time of release:

**STATUS AT RELEASE**

![Matrix Pie Chart]

- **Pre-Trial**: 8.75% (n=7)
- **Sentenced**: 48.75% (n=39)
- **Holds**: 42.50% (n=34)

N=80

A smaller percentage of persons released by the matrix were awaiting trial than were released because of RTA. Forty-nine percent of the persons (39) were in the pre-trial status, forty-three percent had been sentenced and seven persons (9%) were being held on holds.
B. Charge at Release

1. Pre-Trial
   a. Totals

   The 102 persons in the sample who were in the pre-trial status at the time of released are examined by the type of charge for which they were awaiting adjudication.

   **CHARGE AT RELEASE**

   ![Pie Chart]

   A third of the prisoners (34) had been charged with automobile offenses, primarily driving while suspended. Twenty-one percent were charged with misdemeanor theft violation, primarily petty larceny. Ten persons had been charged with alcohol or drug related offenses. Twenty-two percent had been charged with
other misdemeanors and fifteen percent had been charged with felonies.

b. RTA

The sixty-three prisoners who were awaiting trial and refused admittance to the jail are broken down by the type of charge for which they were awaiting adjudication.

**CHARGE AT RELEASE**

<table>
<thead>
<tr>
<th>Charge Type</th>
<th>Percentage</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto</td>
<td>4.76%</td>
<td>3</td>
</tr>
<tr>
<td>Theft</td>
<td>30.16%</td>
<td>18</td>
</tr>
<tr>
<td>Alcohol/Drug</td>
<td>22.22%</td>
<td>14</td>
</tr>
<tr>
<td>Other Misdemeanor</td>
<td>28.57%</td>
<td>10</td>
</tr>
<tr>
<td>Felony</td>
<td>14.29%</td>
<td>9</td>
</tr>
</tbody>
</table>

Thirty percent or nineteen persons were charged with automobile offenses. Twenty-two percent (14) were charged with misdemeanor theft charges. Fourteen percent or nine persons were awaiting trial on alcohol or drug offenses. Twenty-nine percent, or eighteen persons, were charged with other misdemeanor offenses and the remaining three persons (5%) were charged with felonies.
c. Matrix Releases

The thirty-nine persons who were released from jail due to the matrix are broken down by the type of offense they were awaiting trial for.

**CHARGE AT RELEASE**

Fifty-one percent of the pre-trial prisoners released by the matrix were charged with automobile offenses. Nineteen percent (7) were charged with misdemeanor theft charges. Eight percent (10) were charged with other misdemeanors and the remaining three persons (22%) were charged with felonies.
2. Sentenced
   a. Totals

The fifty sentenced prisoners who were released from jail are examined by the type of charge at the time of release.

CHARGE AT RELEASE

Forty percent of the prisoners (20) had been sentenced on automobile offenses, primarily driving while suspended. Twenty-two percent (11) had been convicted of misdemeanor theft charges, primarily petty larceny. Six percent or three persons had alcohol or drug charges. Twelve percent (6 prisoners) had been convicted of other misdemeanors and the remaining twenty percent (10) had been convicted of felonies.
The sixteen sentenced prisoners who were in the RTA category are examined by the type of charge at the time of release.

**CHARGE AT RELEASE**

Forty-four percent had been convicted of automobile offenses. Thirty-one percent (5) had been sentenced on misdemeanor theft charges. Thirteen percent (2) had been convicted of other misdemeanors and the remaining thirteen percent had been convicted of felonies.
c. Matrix Releases

The thirty-three sentenced prisoners who were released due to the matrix are broken down by the type of offense at the time of release.

**CHARGE AT RELEASE**

<table>
<thead>
<tr>
<th>Offense</th>
<th>Number</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auto</td>
<td>7</td>
<td>21.21%</td>
</tr>
<tr>
<td>Theft</td>
<td>13</td>
<td>39.39%</td>
</tr>
<tr>
<td>Alcohol/Drug</td>
<td>4</td>
<td>12.12%</td>
</tr>
<tr>
<td>Other Misd</td>
<td>5</td>
<td>15.15%</td>
</tr>
<tr>
<td>Felony</td>
<td>1</td>
<td>3.03%</td>
</tr>
</tbody>
</table>

Thirty-nine percent had been convicted of automobile offenses. Eighteen percent or six prisoners had been sentenced on theft charges. Nine percent (3 prisoners) were in custody on alcohol or drug offenses. Twelve percent had been convicted of other misdemeanors and the remaining 7 persons (21%) had been sentenced on felony offenses.
3. Holds

There were eight persons in the entire sample who were in custody on holds, primarily probation violations.

**CHARGE AT RELEASE**

Twenty-five percent of the prisoners in this category had been convicted of automobile offenses, primarily driving while suspended. An additional twenty-five percent had been convicted of misdemeanor theft. The remaining four persons had been convicted of felony offenses.
C. Prior Lodgings

The prior records of the 160 defendants in the sample were examined for the number of previous lodgings in the Lane County Jail. Each occurrence reflects a separate booking into the facility. It does not reflect charges or convictions.

1. RTA

The eighty persons who were refused admittance are examined below:

PRIOR LODGINGS

Thirty-five percent had never been booked into the jail. Forty-three percent (34 prisoners) had been in the facility between 1 and 4 times. Eighteen percent had been in custody between five and nine different occasions, and four persons had been in the
facility ten or more times.

2. Matrix Releases

The persons released on the matrix are examined for prior lodgings below:

PRIOR JAIL LODGINGS

The number of persons who had never been in the facility before drops by half compared with those released RTA. Eighteen percent had no prior lodgings. The largest group of persons in this category (46) had been in custody between one and four times. Fifteen percent had been in custody between 5 and 9 occasions and the remaining eight persons had been in jail over ten different times.
D. Subsequent Activity

The 160 prisoners who were released from custody were followed up until 11 July. The defendants were examined for whether they failed to appear for a subsequent court appearance or were rearrested.

1. Failure to Appear

There were 102 persons in the sample who were released while awaiting trial. It was expected that they would have a very high failure to appear rate as they were released without any monitoring, tracking and supervision. Furthermore, they were not provided a court date in every instance. The following exhibit portrays the surprisingly low failure to appear rate.

**FAILURE TO APPEAR**

Eighty-seven percent of the pre-trial defendants who were released made all of their court appearances without a failure to appear warrant being issued. Warrants were only issued on 13 defendants or thirteen percent of the sample.
2. Type of subsequent activity

The criminal justice information system in Lane County records every contact made by law enforcement with an individual who has a prior record. The data analyzed post release activity, however the following categories were eliminated: contacts by law enforcement, instances where the released defendant was a victim of a crime and field investigations. The data does include instances where citations were issued, even if the citation was for a non-jailable offense.

The analysis divides the defendants into the following categories:

1. Defendants who did not have any subsequent activity;
2. Defendants who had a warrant of arrest issued for an offense other than failure to appear;
3. Defendants who were either cited or arrested for activity determined to be in the same category as the type of crime that they were released from jail; and
4. Defendants who were either cited or arrested for activity determined to be in a different category than the type of crime that they were released from jail.

Finally, several defendants had subsequent activity in more than one category. For the purposes of this analysis, each defendant is placed into one category, the most serious type of activity, using the above numbering system. The lower numbered categories were considered to be the more significant activity. The data, as shown on the following pages, reflects a very high subsequent activity rate.
a. Totals

The 160 persons in the sample are examined for their subsequent activity with the system.

SUBSEQUENT ACTIVITY

There was only fifty-eight percent of the sample who did not have subsequent activity with the system. Ten percent of the total sample had a warrant of arrest issued. An additional twenty-one percent were charged with the same type of activity for which they were released from jail and eleven percent were charged with a different type of activity.
b. RTA

The persons released RTA are shown below for their subsequent activity.

**SUBSEQUENT ACTIVITY**

Forty-eight percent did not have any further contact with the system. Eleven percent had a warrant of arrest issued. Twenty-four percent were charged with the same type of activity and sixteen percent were charged with other type of activity.
c. Matrix Releases

The eighty people who were released by the matrix are shown below by their subsequent activity.

**SUBSEQUENT ACTIVITY**

![Pie Chart]

The matrix releases had a slightly higher success rate. Sixty-six percent were not rearrested during the sample period. Nine percent had a warrant issued. An additional nineteen percent were charged with the same type of activity. The remaining five defendants were charged with other type of activity.
3. Prior Charges by Subsequent Activity

The final graphs show the number of prior charges (not lodgings) on the X axis and the number of prisoners who were released and charged with subsequent activity on the Y axis.

a. Totals

The first graph examines the entire released population.

**SUBSEQUENT ACTIVITY**

There were thirty one persons arrested for the first time who were released from jail. Sixteen of those persons were charged with subsequent activity. Defendants who had been charged with eleven or more offenses had almost a 100% instance where they were charged with subsequent activity. Persons with less than ten prior charges
had a much lower subsequent activity rate.

b. RTA

The persons released RTA are examined on the next exhibit.

**SUBSEQUENT ACTIVITY--RTA**

There were 23 persons released from jail who had been arrested for the first time. Thirteen of those persons had subsequent activity. The point at which the two lines begin merging is much lower for the RTA population. At charge 7 and beyond, there is a high rate of subsequent activity. At each point the numbers are low, usually less than five defendants; however, the majority of the persons who had seven or more charges in their prior record are rearrested.
c. Matrix Releases

The persons who were released on the matrix are examined for their subsequent activity.

**SUBSEQUENT ACTIVITY**

There were eight persons released who had been booked into the jail for the first time. Three of those persons were rearrested on subsequent activity. At charge ten and beyond there is a high incidence of persons being charged with subsequent activity. Once again, the number of persons in each charge category ten and above is quite low; however, the majority of them are charged with subsequent activity.
IV. CONCLUSION

There is a need to negotiate with the judiciary an improved system for releasing those persons who must be discharged from the jail due to the federal court order. The sheriff has no choice but to discharge certain persons, either refusing to admit or releasing by the matrix. The current matrix system appears to be providing an adequate objective system for determining who gets released. The data indicates that additional points should be awarded to persons who have greater than ten prior charges so as to prohibit their release from custody by the matrix without supervision.

The sheriff has an employee designated to supervise high risk cases. The custody referee must approve who gets released from jail. Since certain prisoners who currently do not qualify for a release on recognizance have to be released, a system needs to be established, with the support of the local judiciary, which would allow for the monitoring, tracking, and if necessary, supervision of inmates released due to the federal court order. The custody referee in conjunction with the supervised release staff person is the natural team to oversee this process.

The passage of the bond issue will allow for the construction of additional beds which will hopefully negate the need for a matrix release system. In the interim, it is necessary for the entire criminal justice system to work together so as to maintain the integrity of the system.