



## FORCED RELEASE

### POLICY.

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to release inmates with the lowest matrix score to maintain population control and assure community safety. Forced release will be applied to both pre-trial and sentenced inmates.

### PURPOSE.

The purpose of this policy is to ensure the AJ population does not exceed the facility's bed space capacity when all other forms of release are exhausted.

### OREGON JAIL STANDARDS:

- C-101 Housing Plan

### REFERENCES:

- ORS 169.042, Maximum Facility Population; Recommendation
- ORS 169.044, Action on Recommendation
- ORS 169.046, Notice of County Jail Population Emergency; Action to be Taken; Notification of Release of Inmates Likely

### DEFINITIONS.

**Base Matrix Number.** Inmate release score for pre-trial detainees, and for sentenced inmates before the time served percent calculation.

**Computerized Criminal History (CCH).** A chronological record of an individual's criminal arrest, judicial dispositions, and dates of confinement or other corrections supervision, established and based on positive fingerprint identification.

**Early Release.** Release of sentenced inmates for time served and release of pre-trial detainees on conditional release.

**Escape Risk.** Inmate arrested for Escape I; inmate arrested for Escape II from a maximum or medium security institution; inmate has an institutional violation for possessing escape tools or attempting to escape from a medium or maximum-security institution. Severity of charge or combination of charges leads members to believe inmate may attempt to escape.

**Exceptional Danger Hold.** The Sheriff, Corrections Captain or lieutenant will determine whether an inmate will be placed on an exceptional danger hold based on information received by members that raises a substantial likelihood the inmate will either fail to appear at a subsequent hearing or endanger the physical safety of themselves or another. Information may be in the form of statements made by the inmate to members, Law Enforcement Officers (LEOs), or relayed to members by parole and probation officers or prosecuting attorneys. An inmate's disciplinary action or behavior during incarceration may be considered.

**Final Matrix Number.** Inmate release score for pretrial detainees, and for sentenced inmates after calculation for time served. Final matrix number determines priority for early release.

**Ineligible Inmates.** Those inmates not eligible for forced release.

**Matrix Calculation Screen.** Information entered into the computer by a member to determine inmate matrix scores.

**Matrix List.** Numerical list of all inmates by the final matrix number that are lodged in the AJ. The list includes both pre-trial and sentenced inmates.

## **PROCEDURES.**

### ***SECTION A: FACILITY CAPACITY***

- A-1.** The capacity of the AJ is three hundred and sixty-two (362) and is broken down as follows:
- a. Capacity for inmates in the North secured area of the facility is one hundred and fifty-four (154) in housing areas 100, 200, 300, 400, 500, 600, 700, 800, 900, 1000, and 1100. Each security cell in units 100, 500, 700, 900, and 1100 can house two inmates. Security cells in unit 300 are single occupant cells.
  - b. Capacity for inmates in the Central minimum-security area of the facility is fifty-eight (58) in housing areas 1200, 1300, and 1400. Each unit is a dorm setting.
  - c. Capacity for inmates in the South secured area of the facility is one hundred and forty-four (144) in housing areas 1500, 1600, 1700, 1800, 1900 and 2000. Each unit is made of twelve (12) security cells that can house two (2) inmates each.
  - d. Capacity for inmates in the Medical/Mental Health Special Housing area is six (6). Cells in the Medical/Mental Health Special Housing area are single occupant cells.
- A-2.** The capacity of the WC is ninety (90) inmates and is broken down as follows:
- a. Capacity for inmates in housing area dorm A is twenty (20).
  - b. Capacity for inmates in housing area dorm B is twenty two (22).
  - c. Capacity for inmates in housing area dorm C is twenty four (24).
  - d. Capacity for inmates in housing area dorm D is twenty four (24).

***SECTION B: MATRIX COMPUTATION***

- B-1.** When a housing area or the total jail population reaches capacity, or within twenty-four hours will reach capacity, the Sheriff, Corrections Captain or lieutenant may authorize the early release of inmates in the AJ based on their matrix score. The number of inmates released will be determined by the shift supervisor in order to achieve or maintain capacity.
- B-2.** The shift supervisor will be responsible to input the required data, maintain accurate records and update information as required. When an inmate is lodged in a housing unit at the AJ, the Matrix Calculation Screen in the computerized Jail Management System (JMS) will be completed to determine the base matrix number assigned to the inmate.
- B-3.** Matrix scores will be assigned by using the formula in the Matrix Calculation Screen.
- B-4.** Matrix scores will be recomputed whenever any of the following occurs:
- a. Criminal charges are added, reduced, or dismissed.
  - b. The inmate becomes assaultive, disruptive, unstable, unpredictable or an escape risk.
  - c. The inmate exhibits psychological problems.
  - d. Members become aware of any information (Computerized Criminal History (CCH), alias names, etc.), which was unknown when the original matrix score was assigned.
  - e. Inmate receives a local or state sentence.
  - f. Percentage of time inmate served on sentence changes.
  - g. The ineligible factor changes.

***SECTION C: MATRIX INELIGIBLES***

- C-1.** Inmates in this category will not be included when considering forced release until they no longer have a condition requiring ineligibility and are removed from this category. Ineligible inmates may still be released by posting bail, if the ineligible charge(s) is aailable offense. The classification specialist will review ineligible inmates daily for accuracy if forced release procedures are implemented and approved by the Sheriff. Reasons for inclusion in this category include, but are not limited to, those factors set out in the matrix calculation system as stated below:
- a. Inmates whose ability to comprehend is impaired by the influence of alcohol and/or drugs. In these instances, release calculation will be conducted when the inmate is able to comprehend.
  - b. Inmates who are pending a disciplinary hearing or adjudication will be reviewed on a case-by-case basis. Inmates pending a disciplinary hearing for violent and/or multiple violations may be designated as ineligible until the hearing or adjudication has taken place.
  - c. Inmates sanctioned to disciplinary segregation will be ineligible for the duration of the disciplinary segregation.

- d. Inmates charged with or serving a sentence for direct contempt of court will be ineligible for early release.
- e. Inmates held in the AJ under contract with other agencies (including state inmates) will be ineligible for release.
- f. Inmates initially arrested on a parole violation will be scored as ineligible. If the parole board sanctions the inmate, or parole revoked, the inmate will remain ineligible for their entire sentence.
- g. If the parole officer sanctions the inmate, the ineligible designator will be dropped, except for Family Drug Court sanctions.
- h. If the inmate receives a sanction designating "Family Drug Court" they will remain ineligible for the duration of the Family Drug Court sanction sentence.
- i. Inmates charged with *Violation of Restraining Order* (VRO) will be scored as ineligible. The ineligible designator will be removed when the inmate is sentenced on the charge or the VRO is dropped.
- j. Inmates' charges with *Violation of a Release Agreement* (VRA) will be scored as ineligible. The ineligible designator will be removed when the inmate is sentenced on the charge, or the VRA is dropped.
- k. When the Sheriff, Corrections Captain or lieutenant determines an inmate to be an exceptional danger (as defined under definitions - exceptional danger hold), the inmate will remain ineligible for their entire incarceration or until the inmate no longer meets the criteria for exceptional danger hold.
- l. When an inmate is on a release for domestic violence and is rearrested for domestic violence involving the same victim, the inmate will be ineligible for release their entire incarceration.
- m. Fugitive inmates pending extradition, or who were extradited to Oregon, federal holds, state and federal rental bed inmates, in-transit holds or inmates pending transport to the state hospital for evaluation will be scored as ineligible. If an extradited inmate is sentenced locally, the ineligible designator will be removed.
- n. Inmates with no bail or inmates with a high bail, as determined by the courts with the intent of keeping the inmate in custody, will be scored as ineligible as long as the high bail or no bail is in effect.
- o. Inmates held in the AJ as material witnesses will be scored ineligible until the Court determines the inmate is no longer a material witness.
- p. Inmates sentenced to the Department of Corrections (DOC) will be ineligible for the duration of their stay.
- q. Inmates sentenced as a Measure 73/SB395 inmate will be ineligible until the minimum sentence is met.
- r. Inmates charged with Ballot Measure 11 (BM-11) offenses are not eligible for release until sentenced to the custody of AJ, or charges reduced or dropped. BM-11 offenses are:

1. Arson 1 - 164.325, where the offense represented a threat of serious physical injury
2. Attempt/Conspiracy to Commit Murder-163.115
3. Assault 1 – 163.185
4. Assault 2 – 163.175
5. Att./Conspiracy Aggravated Murder – 163.095
6. Attempted Murder – 161.405 – 163.115
7. Kidnapping 1 – 163.235, except as provided in paragraph (b) (g)
8. Kidnapping 2 – 163.225
9. Manslaughter 1 – 163.118
10. Manslaughter 2 – 163.125
11. Murder – 163.115
12. Rape 1 – 163.375, as defined in (1)(a),(c) or (d)
13. Rape 2 – 163.365
14. Robbery 1 – 164.415
15. Robbery 2 – 164.405, as defined in (b)(A)-threat of serious physical injury
16. Sexual Abuse 1 – 163.427
17. Sexual Penetration 1 – 163.411, as defined in (1)(a) or (c)
18. Sexual Penetration 2 – 163.408
19. Sodomy 1 – 163.405, as defined in (1) (a), (c) or (d)
20. Sodomy 2 – 163.395
21. Use Child Display Sexual Act – 163.670
22. Prostitution Compelling – 167.017
23. Aggravated Vehicular Homicide- 163.149
24. Rape 1 -163-775, as defined in (1) (b)
25. Sodomy 1- 163.405, as defined in (1)(b)

#### ***SECTION D: MATRIX SCORING***

**D-1.** The base matrix number will be factored as follows:

- a. **Highest ranking charge.** Most serious offense charged. Score will be computed in designated matrix screen field.
- b. **Additional charges.** Each additional offense charged will be documented and added to the screen following the highest charge.
- c. **Prior criminal record (juvenile and adult).** The inmate's prior criminal convictions will be documented on the matrix screen.
  - 1) Previously convicted of BM-11 crime or statutory counterpart in Oregon or any other state.
  - 2) Previously convicted of felony escape.
  - 3) Previously convicted of any person felony in Oregon or any other state, other than aggravated murder, murder, or BM-11 crimes.

- 4) Previously convicted of any property felony or felony drug charge in Oregon or any state.
  - 5) Previously convicted of misdemeanor crimes or convicted of felony Driving While Suspended/Revoked (DWS/DWR) in Oregon or any state.
  - 6) Previous parole or probation violations (does not require a convicted disposition).
- d. **Time served.** Inmates sentenced to the AJ will receive points based on the percentage of time served on the sentence. The points will be added to the base matrix number to determine the final matrix number for sentences inmates.

<u>Time Served</u>			<u>Points</u>
0%	- 25%	=	15 points
26%	- 50%	=	10 points
51%	- 75%	=	5 points
76%	- 100%	=	0 points
Pending		=	0 points

**SECTION E: RELEASE PROCEDURES**

- E-1.** Forced release will be considered only after other release options have been eliminated. These options include normal recognizance releases as outlined in [Policy CD-5-6, Release](#); releases after security or bail has been posted; and releases approved by the Courts.
- E-2.** Inmates arrested on charges for another Oregon jurisdiction, without Deschutes County charges shall be released to the jurisdiction for which the hold/detainer is lodged. The jurisdiction(s) for which the hold/detainer has been lodged shall immediately be contacted and arrangements shall be made for the inmate to be transferred to such jurisdiction.
- E-3.** Shift supervisors will compute the matrix scores and print the Inmate Matrix Report daily. The Inmate Matrix Report will be maintained at the shift supervisor’s workstation. Any person assigned a matrix score following completion of the Inmate Matrix Report will be added to the list.
- E-4.** If capacity is reached in the male housing units, the male with the lowest final matrix score will be released first. If capacity is reached in the female housing units, the female with the lowest final matrix score will be released. All same sex inmates with the same lowest final matrix score will be released.
- E-5.** Pre-trial inmates released as a result of matrix will be processed using a Court Release Order and Agreement form. On the release screen in the JMS, the release should be clearly noted as a matrix release. The authorizing supervisor shall also be listed at the

bottom of the recognizance form. The booking deputy will assure the correct court date and inmate's signature is on the *Release Order and Agreement*.

- E-6.** Eligible sentenced inmates will be considered for matrix release if their final matrix score is the lowest. Sentenced inmates released by matrix shall be considered to have completed their sentence.
- E-7.** The Inmate Matrix Report will be provided to the Sheriff, District Attorney's Office, and Courts when it is necessary to force release inmates. The District Attorney may request in writing a 24-hour postponement on the release of any inmate on the Inmate Matrix Report. The request shall be date stamped when received by the AJ. Inmates with a 24-hour postponement will not be considered for release during that 24-hour period. If the District Attorney files new charges within the 24-hour period, the inmate's matrix score will be recomputed. If new charges have not been filed, the 24-hour postponement will be dropped, and the inmate will be released according to the policy.
- E-8.** If the force release of inmates is implemented, each working weekday, the Sheriff, Corrections Captain, and Courts will be given a list of the inmates released due to overcrowding.
- E-9.** Inmates may appeal their matrix score when they believe it to be inaccurate by filing an inmate grievance in accordance with [\*Inmate Grievances Policy No. CD-6-15\*](#).

**FORMS USED:**

- Release Order and Agreement (JMS)
- Matrix Computation Form No. 110
- Classification Charge List