

IN THE CIRCUIT COURT FOR THE STATE OF OREGON

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2007 MAR 26 PM 4:06
COOS COUNTY COURT
COQUILLE, OREGON

FOR THE COUNTY OF COOS

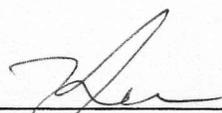
In The Matter Of)
Exceeding Jail Space) GENERAL ORDER
Limitations Set In) 07-01
OAR 253-05-013)

This matter having come before the Court on its own motion and the Court, having received the attached Coos County Board of Commissioner's Order 07-02-117L in the matter of Adopting Standards for Declaration of a Jail Population Emergency and Implementation of an Emergency Plan for the Coos County Jail Facility, finds that the Court's General Order dated 11/17/89 on this topic is no longer valid and that adequate jail space is not currently available.

THEREFORE, It is Hereby Ordered that the 1989 Order In The Matter of Exceeding Jail Space Limitation Set in OAR 253-05-13 is vacated.

It is hereby further Ordered that the court will review this order as the Coos County Board of Commissioners revisits its BOC Order 07-02-117L.

It is so ordered this 26th day of March, 2007.



Richard L. Barron
Presiding Judge

Class C Felony or drug offense with 5 days or less remaining on their sentence. (This includes felony probation violations)

- C. **Sentenced person misdemeanors.** Inmates serving a Sentence for a person misdemeanor with 5 days or less Remaining on their sentence.

APPLICATION OF EARLY RELEASE CRITERIA:

1. Male and female populations shall be calculated separately when considering the early release of inmates.
2. If it is necessary to prioritize inmates in any one category who are equal after applying release criteria the following guidelines should be adhered to in the order they are listed:
 - A. Inmates who present the least threat to public safety.
 - B. Inmates who have served the highest percentage of their Sentence.
 - C. Inmates who have the least number of documented behavioral problems while they are incarcerated.
 - D. Inmates who have been in jail the least number of times.
3. If the jail population emergency is not effectively addressed after applying the emergency release plan criteria, the process may be repeated in order taking five additional days off each sentence until an acceptable level is reached.

EXCEPTIONS TO EARLY RELEASE CRITERIA:

When deciding whether an inmate meets the criteria for early release the following rules must be followed:

1. No early release shall be granted for inmates serving a sentence under ORS 137.124 (Senate Bill 1145)
2. No early release shall be granted for inmates serving a sentence for a crime in *any* of the following categories:
 - A. Person Felonies (A,B or C)
 - B. Non-Person class A or B felonies (except drug offenses)

RELEASE CRITERIA CATEGORIES:

First priority will be given to inmates who are in the pre-trial phase of incarceration and fit the release criteria. The following guidelines should be adhered to in the order they are listed:

1. Probable cause arrest misdemeanors
 - A. Class C misdemeanors
 - B. Class B misdemeanors
 - C. Class A misdemeanors
2. Probable cause arrest felonies
 - A. Class C felonies only
 - B. Class A & B felonies for drug offenses only

Second priority will be given to inmates who are already sentenced and awaiting their release date. The following guidelines should be adhered to in the order they are listed:

- A. **Sentenced non-person misdemeanors.** Inmates serving a sentence for a non-person misdemeanor with 5 days or less remaining on their sentence. (This includes misd. probation violations)
- B. **Sentenced non-person class C Felonies & Drug Offenses.** Inmates serving a sentence for a non-person

PROCEDURE

The Coos County Jail will endeavor to hold everyone that is brought into the booking area until they have been arraigned. This will be the standard until the jail becomes so crowded that it places deputies in unnecessary danger, places the inmates in unacceptable living conditions, or places the Coos County Sheriff's Office in the position of possible lawsuits based on violations of constitutional and statutory jail standards. When the inmate population reaches a point where it must be reduced to address a jail population emergency, the following criteria will be followed:

1. Immediately contact all local law enforcement agencies and request the maximum usage of citations in lieu of arrests by peace officers pursuant to ORS 133.055 to 133.076 until further notice.
2. Notify the presiding Circuit Court Judge and the county counsel that the number of inmates in the Coos County Jail has exceeded capacity and a jail population emergency exists.
3. If the Board of Commissioners has set a capacity limit for the jail and a population emergency occurs, the Sheriff or his designee may carry out the steps of the emergency release plan according to policy.

COOS COUNTY JAIL WILL LODGE THE FOLLOWING:

1. person felonies
2. Domestic Abuse violators
3. Restraining/Stalking Order violators
4. probation violators with a sentence of 30 days or more
5. intoxicated persons charged with a crime who cannot get a ride from a sober person 18 years of age or older
6. out of control or hostile people who are a danger to the public and have been charged with a crime
7. mental holds or commitments with criminal charges that the hospital will not accept due to violence
8. warrants with "no bail" until jail capacity is reached and then based on the original charge

COOS COUNTY JAIL POPULATION EMERGENCY PLAN

PURPOSE

The purpose of this policy is to institute a plan for promptly responding to jail population emergencies when maximum allowable inmate population is exceeded, or reductions in funding or staff affect the ability of the facility to provide services at constitutionally or statutorily mandated levels.

POLICY

It shall be the policy of the Coos County Jail to implement the special release procedures set forth in this Plan in jail population emergencies.

EMERGENCY DECLARATION STANDARDS

The County jail is physically structured into four blocks, with a potential capacity of 48-50 inmates each. To operate all four blocks 24/7 without excess overtime expenditure a minimum of 42 security staff is required; operation of three blocks requires a minimum of 37 security staff; operation of two blocks requires a minimum of 28 staff; operation of only one block requires a minimum of 23 security staff. In the current physical structure, the jail cannot operate in compliance with statutory and constitutional safety standards with less than 23 security staff. Therefore, inmate population must be limited by the number of security staff available.

Pursuant to the standards for determining a jail population emergency below, and the implementation plan adopted by the Board of Commissioners, the Sheriff has the authority to implement the emergency release procedures contained herein under the following circumstances:

- (A) If the number of jail security staff falls below 42, the jail population shall be reduced to 147;
- (B) If the number of jail security staff falls below 37, the jail population shall be reduced to 97;
- (C) If the number of jail security staff falls below 28, the jail population shall be reduced to 49.

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BOARD OF COMMISSIONERS
COUNTY OF COOS
STATE OF OREGON

In the Matter of Adopting Standards for Declaration of a Jail Population Emergency and Implementation of an Emergency Plan for the Coos County Jail Facility) ORDER
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)
)
) 07-02-117L

WHEREAS, pursuant to ORS 169.044, the Coos County Board of Commissioners has received a recommendation pursuant to ORS 169.042 from the Coos County Sheriff and District Attorney, dated February 7, 2007 (original attached hereto) regarding setting a maximum number of inmates to be held in the Coos County Jail Facility under emergency conditions caused by budget limitations and staff reductions; and,

WHEREAS, ORS 169.044 requires that the Board adopt specific standards for determining a county jail population emergency, and a specific plan for resolving the emergency; and,

WHEREAS, immediate action is necessary to deal with ongoing emergency conditions based on fluctuating staffing levels;

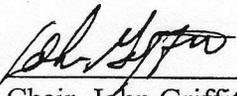
NOW, THEREFORE, the Coos County Board of Commissioners, based on consideration of the design capacity of the jail facility, the physical condition of the facility, and programs provided for the inmates, ORDERS as follows:

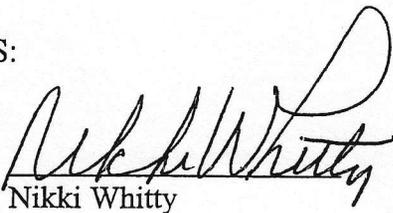
1. A jail population emergency is declared to exist in Coos County based on the current 2006-2007 and 2007-08 FY revenue shortfall, and ongoing budget and staff reductions in the county jail facility, which necessitates the adoption of a limit on the number of inmates that may be held at the jail.
2. The Board ADOPTS the recommendation made by the Coos County Sheriff and District Attorney attached hereto.

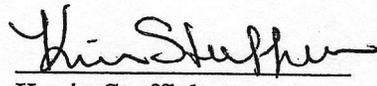
- 1 3. The Board ADOPTS and APPROVES the emergency standards and release plan
2 attached hereto as the Coos County Jail Population Emergency Plan ["Emergency
3 Plan"].
- 4 4. The Coos County Sheriff shall have the authority to implement emergency reductions
5 in the jail population according to the standards and procedures set forth in the
6 attached Emergency Plan.
- 7 5. Upon the implementation of the Emergency Plan, the Coos County Sheriff shall
8 notify the following offices pursuant to ORS 169.046:
9
- a. the presiding circuit court judge;
 - b. each municipal court judge and justice of the peace in the county;
 - c. the district attorney for the county;
 - d. the county counsel;
 - e. the chief law enforcement officer for each city located in the county;
 - f. the county Board of Commissioners.
- 10 6. The Sheriff shall comply with all other requirements of ORS 169.046(3) and (4).

11 Dated this 21st day of February, 2007.

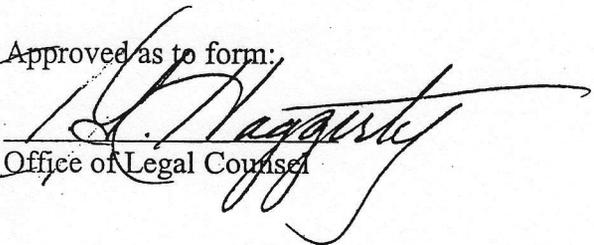
12 BOARD OF COMMISSIONERS:

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Chair, John Griffith

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Nikki Whitty

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Kevin Stufflebean

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16 Approved as to form:

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Office of Legal Counsel



COOS COUNTY SHERIFF'S OFFICE

RECEIVED

February 6, 2007

FEB 9 0 2007

Board of Commissioners
Coos County, Oregon

BOARD OF COMMISSIONERS

Board of Commissioners,

Pursuant to **ORS 169.042, 169.044 and 169.046** regarding maximum facility population, I request the Board of Commissioners set a maximum facility population for the Coos County corrections facility at 97 inmates.

The recent reduction in facility security staff does not allow for the adequate number of staff to operate and supervise the Coos County jail at its current capacity of 186 inmates.

I request that the Board of Commissioners issue an order establishing the maximum allowable number of inmates that are held in the Coos County jail at 97.

Adoption of this recommendation has been considered by the following based on the jail's inability to house and maintain security with the reduced amount of available security staff.


Andrew R. Jackson, Sheriff

2/7/07
Date


Paul R. Burgett, District Attorney

2/7/07
Date

Jacqueline Haggerty, County Counsel

Date