

1998 County Jail Study

Executive Summary

In the Spring of 1998, the Criminal Justice Foundation surveyed every county in Oregon regarding the inmate populations of each county's jail.¹ The survey requested that the counties provide figures regarding five different jail population figures taken on May 1, 1998.² The requested figures were: total jail population; number of inmates who are alleged felons awaiting trial; number of inmates who have been convicted of a felony but are awaiting formal sentencing; number of felons who are actually serving their sentence in county jail; and the number of misdemeanants who are serving their sentence in county jail. To follow up these survey results, each county jail was contacted in early August to determine their jail capacity and to determine what the counties did when the jail was over capacity.

The survey provides distinctive data, with clear implications. County jails are overcrowded because of the large number of state felons who occupy jail space. Due to overcrowding, individuals who should be in jail are released, or individuals currently in jail are released early, in order to free up jail space. Additionally, a substantial majority of inmates housed in county jails (67%) are state felons. If state felons were housed in state prisons rather than county jails, sufficient space would exist to hold misdemeanants

¹ Harney and Polk counties did not participate in this study. Furthermore, Gilliam, Morrow, Sherman, Wallowa, and Wheeler counties do not currently have county jails.

² Some counties reported on dates other than May 1, 1998. This is indicated on the chart summarizing the data.

accountable for their actions, rather than releasing them due to a lack of jail space. A more detailed analysis of this study follows.

Findings of the Study

Before beginning an analysis of the jail study, it is important to first discuss what constitutes a felony and a misdemeanor. Furthermore, it is also important to discuss what SB 1145, passed in the 1995 legislative session, included and the effects that this has on county jails.

There are two designations for crime in Oregon: felonies and misdemeanors. Under ORS 161.525, a felony is defined as a crime that is designated by statute as one that carries a sentence of a maximum term of imprisonment of greater than one year. There are three classes of felonies. A Class C felony carries a sentence of up to 5 years, a Class B felony carries a sentence of up to 10 years, and a Class A felony carries a sentence of up to 20 years. Furthermore, for aggravated murder, up to life imprisonment or the death penalty are applicable sentences. Felonies are more serious crimes and the sentences imposed have been traditionally served in state prisons.

Under ORS 161.545, a crime is a misdemeanor if it is designated in a statute or if the person can be sentenced to a maximum term of imprisonment of one year or less. There are three classes of misdemeanors. A Class C misdemeanor carries a sentence of up to 30 days, a Class B misdemeanor carries a sentence of up to six months, and a Class A misdemeanor carries a sentence of up to one year. Misdemeanors are lesser crimes and sentences imposed are traditionally served in county jail.

In the 1995 legislative session, SB 1145 passed both the House and the Senate and was signed into law by the Governor. SB 1145 attempted to set up a partnership between each county and the state. This partnership included a relationship between the state and each county that called for state felons to serve sentences of 12 months or less in county jails. Additionally, the partnership provided that the state would help fund county jail construction and operations.

There are two aspects of SB 1145 which have proven troublesome. First, it costs more to build and operate county jail space rather than state prison space, and programs under SB 1145 do not have enough funding to pay for all of the new construction of facilities needed in the counties.³ Second, due to the large numbers of felons housed in county jails, misdemeanants are not serving their jail sentences, or are released early, in an effort to free up jail space. Thus, individuals who should spend time in county jail for punishment and rehabilitation are turned loose due to the “No Vacancy” sign at the county jails. Overall, as a result of SB 1145, the distinction between the traditional use of county jails and state prisons has been weakened.

Traditionally, county jails were used to house misdemeanants while state prisons were used to house felons. Oregon no longer fully recognizes this distinction between county jails and state prisons. Instead, in all counties surveyed, the county jails had felons that were serving their sentences at the county jails rather than at a state prison. Furthermore, of the 29 counties that participated in this survey, 24 county jails housed

³ In fact, in Grant county, a new facility was just built. The county passed a bond levy for \$2.8 million dollars and the State of Oregon contributed \$100,000. Thus the State contributed 3.6% to the construction of this facility.

more felons than misdemeanants. All in all, in early May, only 24% of the prisoners in county jail were misdemeanants while 67% of the prisoners were felons.⁴

What does this mean? According to subjective comments from officials in a majority of the counties, this means that prisoners are released back into society because there is not enough space to house everyone. For example, as noted in an article in the *Statesman Journal* on August 13, 1998, Jackson County released 4,200 prisoners in 1997 and, in July of 1998, released 272 prisoners. Furthermore, in counties such as Lincoln, Douglas, Washington, and Wasco, matrix lists are created in which the counties use a formula to determine who will be released if more space at the county jail is needed. Additionally, other counties such as Umatilla, Jackson, Baker, and Curry, conditionally release those inmates who the release officers believe are the least dangerous. The bottom line is that individuals who should be in jail are released due to a lack of space.

The specific data from the survey is presented in the attached table.

⁴ The percentages do not total 100% because some jails also held persons on INS detainers, or on probation or parole revocation.

Summary of County Jail Populations, May 1998
Prepared by the Criminal Justice Foundation

County	Total Jail Population	Jail Capacity	Misdemeanants	Felons Serving Sentences	Felons Awaiting Trial	Felons Awaiting Sentencing	Misd. % ¹	Fel. % ²	Date
Baker	33	35	8	17	3	2	24%	67%	5/01/98
Benton	47	40	9	13	25	0	19%	81%	5/01/98
Clackamas	277	306	89	54	72	7	32%	48%	5/01/98
Clatsop	83	68	10	26	36	-	12%	75%	5/01/98
Columbia	47	39	20	19	8	0	43%	57%	5/01/98
Coos	216	237	65	80	44	-	30%	57%	5/01/98
Crook	27	24	11	10	1	1	41%	44%	5/01/98
Curry	39	45	23	7	5	4	59%	41%	5/01/98
Deschutes	149	210	25	71	53	0	17%	83%	5/01/98
Douglas	130	220	13	50	65	2	10%	90%	5/01/98
Grant	41	41	4	25	10	0	10%	85%	5/01/98
Hood River	27	24	12	3	6	2	44%	41%	5/01/98
Jackson	246	190	52	65	96	8	21%	69%	5/01/98
Jefferson	29	25	10	6	11	2	34%	66%	5/01/98
Josephine	63	64	3	16	27	10	5%	84%	5/01/98
Klamath	133	136	28	52	53	-	21%	79%	5/05/98
Lake	5	11	1	1	3	-	20%	80%	5/01/98
Lane	313	271	78	51	153	31	25%	75%	5/04/98
Lincoln	106	101	29	42	30	-	27%	68%	5/10/98
Linn	222	230	125	97	0	0	56%	44%	5/01/98
Malheur	96	105	49	34	2	11	51%	49%	5/01/98
Marion	502	530	138	208	147	9	27%	73%	7/01/98 ³
Multnomah	1679	1912	299	369	793	-	18%	69%	5/02/98
Tillamook	60	96	31	15	12	2	52%	48%	5/01/98
Umatilla	70	60	3	32	34	1	4%	96%	5/01/98
Union	25	56	1	7	12	5	4%	96%	5/01/98
Wasco	16	6	0	5	5	6	0%	100%	5/01/98
Washington	454	484	110	79	257	8	24%	76%	5/05/98
Yamhill	247	250	47	28	41	1	19%	28%	5/26/98
Totals	5382	5816	1293	1482	2004	112	24% ⁴	67%	

¹ This column represents the percentage of misdemeanants housed in county jails in May.

² This column represents the percentage of felons housed in county jails in May.

³ Although this date is not in May, it reflects typical data for the county. Thus, it was included in the survey results.

⁴ When this column and the felony percentage column are added together, they do not equal 100% because some jails also held persons for reasons such as INS detainees, or on probation or parole revocation.