

# Office of Multnomah County Auditor

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To: Chair Jeff Cogen  
Commissioners Kafoury, Smith, Shiprack, and McKeel  
Sheriff Dan Staton  
Director Scott Taylor  
District Attorney Michael Schrunk

From: Steve March, Auditor

Subject: Report to Management, Pretrial Release Services: An important part of  
Multnomah County's criminal justice system

The attached report to management covers our recent performance review of *Pretrial Release Services: An important part of Multnomah County's criminal justice system*. Pretrial Release Services (PRS) assess defendants, recommend non-custodial placements, and supervise defendants once they are released by the judicial officer. They create a balance between the need to limit the use of resource intensive jail space, ensure that the community is safe from defendant misconduct, and provide defendants with the appropriate least restrictive alternative to incarceration based on the presumption of innocence.

The primary goal of this report was to answer the question: Is the current PRS system effective? Generally we found, based on 2010 data and the implementation of prior recommendations for improvement, that PRS is effective and has made significant improvements. Limitations in the data available to managers do create some difficulty in making operational improvement decisions about how to maintain program success.

We would like to thank the managers and staff of the Close Street Supervision program and the Pretrial Supervision Program. Their willing participation in this collaborative process gave us essential insight into the good work they do every day to help keep our community safe. Special thanks to Department of Community Justice Director, Scott Taylor, and Multnomah County Sheriff, Dan Staton, for their willingness to explore opportunities for collaboration across their two departments.

This report is from work conducted by Shannon Grzybowski, and Shea Marshman, PhD, from the Multnomah County Auditor's Office.





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**Pretrial Release Services (PRS):  
An important part of Multnomah County's criminal justice system  
Report to Management October 2011**

## ***Summary***

The period between arrest and trial or other legal resolution of a case is called pretrial and during this period the courts have the option to hold defendants in custody, release them on their own recognizance, release them on financial bond, and/or release them with restrictive conditions. In Multnomah County, the restrictive conditions can mean referral to one of two programs; Close Street Supervision under the Sheriff's Office, or Pre-Trial Supervision, under the Department of Community Justice.

Pretrial release services (in conjunction with other members of the criminal justice system) assess the defendants and report their findings to the judicial officer; recommend non-custodial placements for defendants; and supervise the defendant once released. They help create an effective balance between the need to limit the use of resource intensive jail space, ensure that the community is safe from defendant misconduct, and provide the defendant with the least restrictive alternative to incarceration based on the presumption of innocence.

The primary goal of this work was to determine if the PRS system is effective. Generally we found that PRS is effective, based on the 2010 data that are available. Further, PRS has made significant improvements based on the recommendations of a 2001 report. However, managers still have difficulty accessing the totality of data they need to make operational improvement decisions about how to maintain the program's success over time.

### ***PRS in Multnomah County: Protecting the community and increasing court appearance rates***

Under the law, when a person is arrested, a judicial decision must be made about whether to release the defendant or hold him or her in custody pending a legal resolution of the case. The time period before a legal resolution is reached is referred to as "pretrial." During the pretrial period, the judicial officer has the option to hold the defendant in custody or release him or her

on personal recognizance; on a financial bond; and/or with restrictive conditions. “Pretrial justice policies and practices exist to provide due process to the accused, eliminate inappropriate detention, and maintain community safety” (Pretrial Justice Institute, 2001).

Oregon law (ORS 135.260) allows judges to release pretrial defendants to a person or organization that is responsible for supervising the defendants and assisting them in making court appearances. Through the combined work of the Department of Community Justice (DCJ) and the Multnomah County Sheriff's Office (MCSO), Multnomah County has supported a pretrial release function for approximately the past 27 years.

In 1986, DCJ initiated its Pretrial Services Program (PSP) with the goals of “[providing] eligible adults who are detained in correctional facilities pending disposition of legal proceedings with third-party, non-custodial supervision structured to ensure appearance in court and compliance with release conditions.” Services provided include substance abuse evaluations and employment counseling. With a budget of \$58,000, the program was staffed by contracted employees.

In 1987, MCSO began the Close Street Supervision (CSS) program to increase an existing program called Intensive Supervision. Intensive Supervision had been in place since at least 1984<sup>1</sup> with the goals of “[enabling] inmates committed to Multnomah County correctional facilities to be screened for early release from custody...[through] intensive levels of supervision and special service availability for releases in order to reduce the potential for repeat criminal activity.” The program was staffed by two people with a budget of \$99,308.

Since that time, both programs have gone through many changes. PRS, which was created in 2005, is now the umbrella structure under which PSP and CSS coordinate their services. Although each program operates under the independent authority of their parent departments, PRS allows for unified decision-making across differing programmatic functions. While maintaining their distinct differences through the years, both programs remain focused on providing services intended to protect the community and increase the likelihood that defendants will appear for their scheduled court appearances. Exhibit 1 below shows the program descriptions listed on the CSS and PSP websites. They illustrate Multnomah County's pretrial release services today.

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<sup>1</sup>Budget documents used to compile program information refer to the Intensive Supervision program prior to 1984, but do not provide sufficient information to conclude that services provided were comparable to subsequent programs

Exhibit 1: Multnomah County's Pretrial Release Services

**Close Street Supervision**

Close Street Supervision (CSS) has been managed by the Sheriff's Office for nearly thirty years. It was originally intended to provide the Court with an alternative to releasing "on their own recognizance" when the Court determined the detainee was a poor risk for appearing in court or perhaps reoffending before the pending case was resolved. At its inception, this innovative program was conducted at a small scale. Since that time, the program has grown becoming an essential part of pretrial services and, while release decisions are not based on population, the program is an element to system population control and efficient use of jail beds.

Today, the program continues to provide supervision through visits to the home and work, and through use of technologies such as "Electronic Monitoring" and GPS. Close Street Supervision's primary objectives include ensuring:

- The client comes to all scheduled court appearances,
- The client does not re-offend while in the community,
- The client adheres to the conditions of their release,
- Victims are comfortable the release does not pose a risk to them personally.

The Sheriff's Office provides these services, in conjunction with the Department of Community Justice's Pretrial Supervision Program, under the joint program known as Pretrial Release Services (PRS). PRS is intended to balance the interests of the Court, the District Attorney's Office, and the Defense while providing an option of pretrial release to the Court.

Source: MCSO [http://www.mcso.us/public/close\\_street.htm](http://www.mcso.us/public/close_street.htm)

**Pre-Trial Supervision Programs**

The Pre-Trial Supervision Programs (PSP) conducts investigations to evaluate defendant eligibility for release from jail pending trial and provides supervision in the community for all defendants released by the court and referred for supervision. PSP supports the efficient use of limited public safety resources and protect the community by helping to ensure that local jail beds are available to hold the most dangerous offenders.

PSP case managers and officers supervise defendants released prior to their court hearings. PSP has two primary goals: to protect community safety and ensure that defendants attend all court hearings.

PSP supervision allows defendants an opportunity to remain employed, in school, continue healthcare services, (drug/alcohol/mental health treatment) and remain in their home while being monitored in the community. Defendants are monitored through a combination of phone contact, home visits, office appointments and (in some cases) electronic monitoring.

Defendants are referred to PSP by a judge. PSP evaluates each defendant's public safety and flight risk and then makes a recommendation to the court about whether the defendant is eligible for supervised pre-trial release. In some cases, judges may order that a defendant report to PSP directly in lieu of a formal evaluation.

PSP supervision ends after the defendant's criminal case is resolved.

Source: DCJ <http://web.multco.us/node/564/#ptsp>

Exhibit 2 below shows the anticipated budget, staffing levels, and caseload ratio for PRS.

Exhibit 2: PRS Budget, Staffing, and Caseload

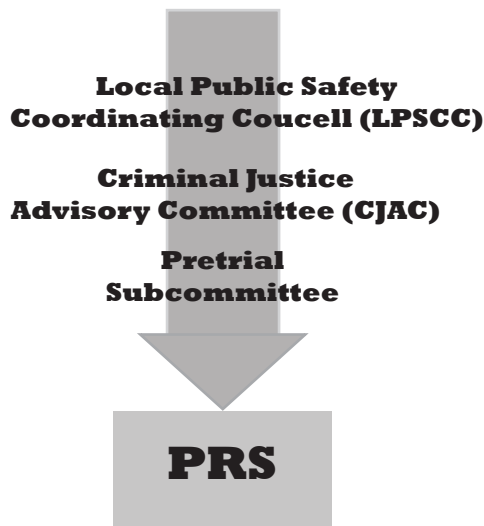
	PSP	CSS	PRS Total
2012 Anticipated staffing	13	9	22
2012 Adopted budget	\$1.5m	\$1.2m	\$2.7m
Average monthly case load	52:1	24:1	39:1

Source: Multnomah County Budget and Auditor’s Office data

PRS operates under a governing body that defines its administrative practices. Exhibit 3 illustrates how PRS functions are directly informed by the larger public safety system.

The Local Public Safety Coordinating Council (LPSCC) coordinates local criminal justice policy among local criminal justice entities and directs the work of several subcommittees, working groups, and affiliated committees. The Criminal Justice Advisory Committee (CJAC), a group affiliated with LPSCC, exists to consider and address methods of coordinating court, public defense, and related services and resources, in the most efficient and cost-effective manner that complies with the constitutional and statutory mandates and responsibilities of all participants. To promote the successful operations of all pretrial functions, CJAC regularly convenes a Pretrial Subcommittee made up of representatives from the Court, Office of the County Attorney, the Department of Community Justice, The District Attorney’s Office, Metropolitan Public Defenders, and the Multnomah County Sheriff’s Office.

Exhibit 3: The Governance Structure for PRS

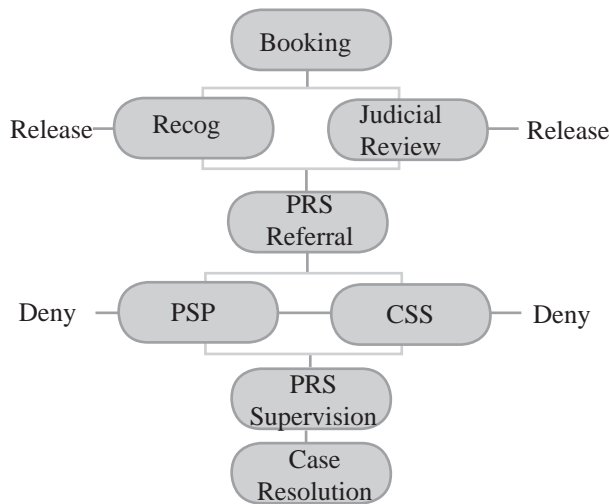


Source: Multnomah County Auditor’s Office

***How PRS works***

PRS is one small element of the much larger criminal justice system. When defendants are accused of a criminal offense, PRS plays an important role in the process. Exhibit 4 below shows how the system works.

Exhibit 4: Criminal Justice Process: booking to resolution



Defendants enter the criminal justice system when they are arrested and booked into custody. During 2010, the Multnomah County Jail booked 34,454 defendants approximately 35% of which would be eligible for pretrial services. After being booked into custody, the law requires that all defendants be considered for release pending the resolution of their case. Depending upon their charge type, they are either immediately screened for release or held pending a judicial review. Defendants eligible for immediate release are screened by the Recog Unit to determine whether they can safely be released on their own recognizance. Defendants not eligible for immediate release are held in custody pending review by a judge. Both the Recog Unit and the Court have the ability to refer defendants to PRS. If accepted by PRS the defendants will be released from custody, but will be subject to some form of supervision while awaiting the resolution of their case. In 2010, 2,182 individual defendants and 2,592 different cases<sup>2</sup> were referred to PRS for release investigations. A total of 4,175 defendants received pretrial services<sup>3</sup>.

<sup>2</sup> Some individual defendants were referred to PRS for more than one case.

<sup>3</sup> This total also includes defendants referred during 2009 who were still under supervision in 2010

The defendants are referred to either PSP or CSS based on their charge type. CSS receives cases with Measure 11 crimes, adults charged with person crimes, and domestic violence charges pending. PSP receives property and drug crimes, non-Measure 11 person crimes, and all juvenile cases. Exhibit 5 lists the charges that each program is presumptively assigned to review.

Exhibit 5: Charges and Supervision

Close Street Supervision (CSS)	Pretrial Supervision Program (PSP)	
<ul style="list-style-type: none"> <li>• Adult Measure 11 cases</li> <li>• Arson I &amp; II</li> <li>• Assault I, II &amp; III</li> <li>• Assault IV-Domestic Violence (DV)</li> <li>• Assault IV Felony-DV</li> <li>• Burglary I</li> <li>• Criminal Mistreatment I &amp; II</li> <li>• Encouraging Child Sex Abuse I &amp; II</li> <li>• Robbery I &amp; II</li> </ul>	<ul style="list-style-type: none"> <li>• All juvenile cases</li> <li>• Animal Abuse/Neglect</li> <li>• Assault IV</li> <li>• Assault of a Police Officer</li> <li>• Coercion/Coercion-DV</li> <li>• Concealed Weapon-Firearm</li> <li>• Concealed Weapon Non-firearm</li> <li>• Child Neglect</li> <li>• Criminal Mischief</li> <li>• Delivery of a Controlled Substance within 1000 feet of a school</li> <li>• Driving under the Influence of Intoxicants (DUII)- Felony</li> <li>• DUII</li> <li>• Endangering the Welfare of a Minor</li> <li>• Escape II</li> <li>• Ex Convict in Possession of a Weapon</li> <li>• Failure to Register as a Sex Offender</li> </ul>	<ul style="list-style-type: none"> <li>• Harassment/ Harassment-DV</li> <li>• Identity Theft</li> <li>• Indecent Exposure</li> <li>• Interfering with a Police Report-DV</li> <li>• Menacing/ Menacing-DV</li> <li>• Public Indecency</li> <li>• Reckless Endangerment</li> <li>• Resisting Arrest</li> <li>• Robbery III</li> <li>• Sex Abuse III</li> <li>• Strangulation</li> <li>• Tampering with Evidence</li> <li>• Theft</li> <li>• Unlawful Use of a Firearm</li> <li>• Unlawful Use of a Motor Vehicle</li> <li>• Violation of a Restraining Order, Violation of a Stalking Order</li> <li>• Any DV Weapon Charge</li> <li>• All Firearms Charges</li> </ul>

Source: PRS information

Defendants referred to PRS may be either in custody or out of custody when they are assessed for participation in the program. For some defendants, acceptance into one of the two PRS programs means that they will be allowed to return to the community under Court ordered conditions pending resolution of the case. This allows defendants an opportunity to remain employed, in school, continue healthcare services, (drug/alcohol/mental health treatment)



and remain in their home while being monitored in the community. For those who have been released on bail or their own recognizance, successful participation in PRS may be a requirement imposed by the Court in order for them to remain out of custody.

All defendants referred to PRS are assessed to determine the risks associated with their release. These include the likelihood that they will fail to appear (FTA) for scheduled Court events and the possibility that they may commit new crimes. The factors impacting these risks define the elements of their supervision. For example, defendants with a history of substance abuse may be required to call the caseworker to check in daily and report to the office for urinalysis or saliva testing to determine whether they have been using alcohol or illegal drugs. Defendants are monitored through a combination of phone contact, home visits, office appointments, testing for alcohol and illicit drug use, and, in some cases, electronic monitoring. If they fail to comply with the requirements of their supervision, they may be taken into custody.

If defendants are in custody at the time of referral, PRS caseworkers from either PSP or CSS conduct an initial interview to make release decisions based on criteria focused on community safety as well as the reasonable likelihood that those released will adhere to release conditions, follow Court orders, not engage in new criminal activity and will appear at scheduled Court hearings (PSP Policies and procedures). Release decisions are based on a combination of the statutory requirements for pre-sentence release imposed by the State of Oregon and a pretrial release risk assessment tool. Additionally, caseworkers use their professional judgment to take each defendant's individual circumstances into consideration when making release decisions. See Exhibit 6 for a list of criteria and risk factors staff use to assess defendants.

Exhibit 6: Statutory Criteria and Risk Factors

ORS 135.230 Release Criteria	Risk Assessment Factors
<ul style="list-style-type: none"> <li>•Reasonable protection of the victim or public</li> <li>•Nature of the charge</li> <li>•Prior criminal record if any, and if the defendant previously has been released pending trial, whether the defendant appeared as required: Any facts indicating the possibility of violations of law if the defendant is released without regulations Any other facts indicating that the defendant is likely to appear Defendant’s employment status and history and financial condition Nature and extent of family relationships of the defendant Past and present residences of the defendant Facts indicating defendant is likely to appear at required dates Names of persons who agree to assist the defendant in attending court at the proper time Any facts indicating strong community ties</li> </ul>	<ul style="list-style-type: none"> <li>•Primary charge is a drug, public order, or firearm offense</li> <li>•Prior criminal record, defendant has: Pending charges Warrants outstanding Prior felony or misdemeanor convictions Two or more failures to appear</li> <li>•Three or more address changes in the past 12 months</li> <li>•Employed, in school, or engaged as primary caregiver to a child less than 20 hours per week</li> <li>•History of drug abuse</li> </ul>

Source: PRS policies based on Oregon Revised Statutes

Of the 2,182 defendants assessed by PRS in 2010, management data shows that 1,709 were in custody at the time of their assessment for participation in PRS. Of those in custody, 34% (580) were accepted.

While PRS case managers assess the appropriateness of release and the techniques they will use to supervise defendants, the prosecuting attorneys, defense attorneys, and the Court proceed forward to resolve the criminal cases.

Ultimately all members of the pre-sentencing process (PRS, the Court, the prosecution, and the defense) play an essential role in ensuring that defendants receive fair treatment under the law while also minimizing risk to community safety.

## **Findings and Recommendations**

The primary goal of this report was to answer the question: Is the current PRS system effective? To that end, the objectives were: 1) to determine whether current practices adequately meet the identified goals of the programs; 2) to determine whether current measures of effectiveness adequately inform management decisions; and 3) to determine whether adequate controls are in place to ensure quality services are provided to the public and meet national standards where possible.

We found that:

Current practices in PRS meet the identified goals of the programs.

- PRS demonstrates successful program outcomes based on nationally recognized criteria.
- PRS has successfully implemented program improvements based on the recommendations included in prior evaluations.

Current measures of effectiveness do not adequately inform management decisions.

- PRS managers work hard to make use of current data collection tools that do not provide them with adequate information for broad-based operational benchmarking. Managers agree with our recommendation that they explore cost effective methods to gain access to the operations data they need.

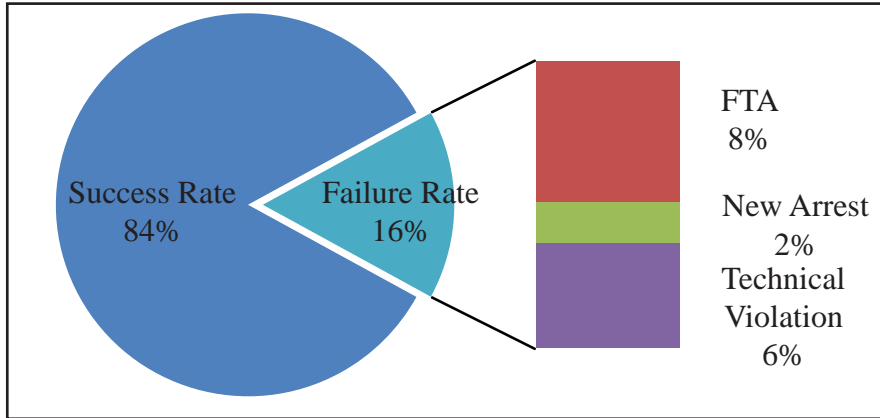
Current controls intended to ensure quality services to the public and to meet national standards are in place, but the associated data do not provide the level of information that PRS managers would like to have.

- PRS managers are working to enhance their existing controls by improving data collection and communication with stakeholders.
- PRS managers are exploring methods to improve collaboration among case managers.

### ***PRS demonstrates successful outcomes***

During 2010, PRS has been successful at ensuring that its participants appear for scheduled Court dates, do not commit new crimes, and comply with the conditions of their release. Of the 4,175 defendants supervised, more than 84% were successful. Only slightly more than 2% were arrested for a new crime while on PRS supervision. Eight percent failed to appear for their scheduled Court dates, and 6% failed PRS supervision due to a technical violation of the conditions of their release, such as testing positive for drugs, failing to call or check in on a regular basis, or contacting the crime victim. Defendants who fail PRS for technical violations are returned to custody.

Exhibit 7: PRS Outcomes



Source: Auditor’s Office

**Finding 1: PRS demonstrates successful outcomes.** Using measures developed by the National Institute of Corrections Pretrial Executives Network, we tested the primary outcomes related to program success. In all areas for which data were available, PRS demonstrated success. For a complete list of measures, see Appendix A.

**Finding 2: PRS managers need better access to program data.** PRS collects program data using case management software called Caseload Explore. The primary purpose of the software is to allow case managers to effectively track defendant acceptance status and behavior during PRS supervision. The software was not designed for ad hoc data analysis. It provides managers with standardized report formats that allow them to review specific operational practices. They cannot consider variables or data relationships not included in the report.

Managers closely monitor staff supervision of defendants to ensure that standard operating procedures are followed. However, they have not been able to review annual success rates for the purposes of benchmarking or evaluating programmatic trends. For example, they can monitor the percentage of defendants accepted into the program by court referral type, but they cannot compare referral type to defendant success rates to determine whether operational changes are needed to improve defendant success.

**Recommendation: Work with analysts in DCJ, MSCO, and County IT to identify cost effective methods for drawing program outcome data on a regular basis.** A variety

<sup>4</sup> These totals indicate PRS assessment decisions. Denied cases may still be assigned to PRS for supervision by the Court.

of options may exist to resolve this issue. Managers will need to choose what data they realistically need and determine whether Caseload Explorer can meet that need in a cost effective manner. At the time this report was written, conversations had already begun to consider how best to resolve these concerns.

**PRS has made significant improvements**

In 2001, David Bennett and Donna Lattin evaluated Multnomah County’s prerelease services. Their report, Pretrial Release and Misconduct of Felony Defendants in Multnomah County (commonly known as The Bennett Report) identified nearly 30 recommendations for improving the combined functions of PSP and CSS. Largely the basis for the current PRS structure, a considerable number of changes have resulted from the Report’s recommendations.

In the last 10 years, PRS has fully implemented nearly half of the Bennett Report’s recommendations. Additionally, PRS has partially implemented or is in the process of implementing another six. Of the nine remaining recommendations: seven are outside of PRS’s control and would require action from another component of the criminal justice system; management has determined one is not practical at this time; and two may be implemented in the future.

Exhibit 8: Status of 2001 Recommendations

Implemented	14
Partial or in progress	6
Not implemented or outside PRS control	9
<b>Total</b>	<b>29</b>

Source: Auditor’s Office

**Finding 3: PRS has implemented improvements based on prior recommendations.** We compared current program practices to those recommended in the Bennett Report. The 2001 Bennett report made 29 recommendations categorized into five goal areas.

Goals included:

- Make appropriate release decisions
- Expedite release from jail
- Reduce failures to appear
- Deter criminal activity
- Maintain stable and professional operations

PRS has made improvement in all five goal areas. Fourteen of the 29 recommendations have been fully implemented and six are in process or can only be partially implemented at this time.

For example, PSP recently made changes to its pretrial assessment tool by conducting a validation study for the Multnomah County defendant population and implemented a risk-based

supervision matrix. CSS managers are exploring methods to more efficiently draw data from Caseload Explore and other internal databases to aid in analysis of operations.

For a complete list of the Bennett report recommendations and their implementation status, see Appendix B.

**Recommendation: Continue making program improvements where possible.** The Bennett report specifically recommends a “single continuum of services” as a method for improving PRS efficiency. Consider developing a single PRS policy manual in order to unify the policies and procedures of PSP and CSS.

**Finding 4: PRS managers are working to improve collaboration between CSS and PSP to ensure that both programs are optimally effective.** Differences between the organizational practices and caseloads of CSS and PSP have resulted in differing skill sets. For example, PSP staff have considerable skills in documentation and report writing while CSS staff are adept at building and maintaining courtroom rapport. This difference, while not necessarily demonstrating inadequacy for either program, appears to have negatively impacted stakeholder perceptions of program quality and inter-program communications.

**Recommendation: Pursue opportunities for information sharing, cross training, and collaboration between PSP and CSS staff.** The two programs overlap in form and function. They work with defendants facing different charge types, but both programs work toward common goals and use very similar tools. Further, it is not uncommon for defendants to have been supervised by both programs. Managers agree that both programs can benefit from opportunities to coordinate their efforts and are working to identify opportunities to do so.

### **Scope, and Methodology**

PRS has a particularly contentious and politically charged history. Even absent the need to coordinate overlapping programs, there are fundamental differences between the practices and philosophies of the two programs' parent departments that make seamless collaboration difficult. In addition, there was a long-standing contention about which department “should” control pretrial functions which pitted the programs against each other.

We determined that the most effective method to address these historical tensions and promote management buy-in would be one that allowed maximum participation and transparency. In essence, we needed the participants to help identify and address their own problems with our assistance rather than attempting to imposed recommendations on them without their support.

We held working meetings with PRS managers from CSS and PSP. The group met to define the measures of effectiveness that we would use, discuss where and how to obtain the information needed to test program effectiveness, and ensure that the findings informed program operations. For this reason, managers were able to benefit from the findings and act on recommendations prior to the release of the report. Additionally, we dedicated several weeks to job shadowing staff from both CSS and PSP. We observed CSS and PSP defendant supervisory functions and operations including: client intake and investigation, court release hearings, court ordered changes to conditions of supervision, arraignment, home and work visits in the field, jail interviews (in person and over the phone), pre-release meetings with defendants, defendant office visits, and other functions. We also reviewed general policies and procedures from both programs.

We reviewed professional and scholarly literature related to pretrial supervision programs as well as professional standards from organizations such as the: National Association of Pretrial Supervision Agencies (NAPSA), the Pretrial Justice Institute (PJI), American Bar Association (ABA), and National District Attorneys Association (NDAA). In addition, we reviewed previous reports and audits of pretrial functions including Multnomah County, Bennett Report, Orange County, Florida, and the U.S. General Accounting Office.

All management data were collected and analyzed from PRS's Caseload Explorer (CE) case management data system. CE data were used to evaluate the programs' outcome rates. Specific criteria for the outcome analysis were based on Measuring What Matters: Outcome and Performance Measures for the Pretrial Release Field. This document was produced in 2011 by the National Institute of Corrections Pretrial Executives Network Outcome and Performance Measures Working Group. One of the members of the PSP management team had worked on the document committee that developed the document and was familiar with its scope and intent. The auditors and management team members agreed that it is a good set of criteria and closely mirrors the NAPSA pretrial standards.

We assessed program improvement over the last ten years by comparing current program practices with the recommendations made in the 2001 report, Pretrial Release and Misconduct of Felony Defendants in Multnomah County (aka The Bennett Report). We created a matrix of recommendations made in the report, separated the recommendations by category to allow for instances in which PRS management had either determined that it was not appropriate to take action on the recommendation or was not in direct control of the functions necessary to take action.

PRS managers suggested that stakeholder satisfaction (in conjunction with outcome data) is an important element in program effectiveness. With input from the PRS management team, the auditors created an on-line survey, with respondents to include judges, defense attorneys, and prosecuting attorneys who currently work with the PRS programs. This was provided directly to management for their use in improving the programs.





# Appendix

Appendix A

	Measuring What Matters criteria	Data available	Program	Outcomes (% successful)
Outcome Measures	<b>1. Appearance Rate:</b> The percent of supervised defendants who make all scheduled court appearances. (p.5)	Y	PSP	89.46%
			CSS	98.21%
			PRS Total	92.14%
	<b>2. Safety Rate:</b> The percent of supervised defendants who are not charged with a new offense during pretrial stage. (p.5)	Y	PSP	97.10%
			CSS	99.14%
			PRS Total	97.72%
	<b>3. Judicial Acceptance Rate (formerly Effectiveness Rate):</b> The ratio of released and detained defendants to the pretrial agency's release and detention recommendations (p. 6)	?	PSP	Need data
			CSS	Need data
			PRS Total	Need data
	<b>4 Success Rate:</b> The percent of released defendants who are 1) not revoked for technical violations 2) appear for all scheduled court appearances and 3) remain arrest free during pretrial supervision (p.6)	Y	PSP	80.37%
CSS			98.43%	
PRS Total			84.07%	
<b>5. Pretrial Detainee Length of Stay:</b> Average lengths of jail stay for pretrial detainees who are eligible by statute for pretrial release. (p.7)	N	Data not available through Caseload Explorer. May not be within the control of PRS until it is based solely on assessment time with no other system delays		
Performance Measures	<b>6. Universal Screening:</b> The percent of defendants eligible for release by statute whom the program assesses for release eligibility. (p.8)	N	Data not available	
	<b>7. Recommendation Rate:</b> The percent of time program follows its risk assessment criteria when recommending release or detention. (p. 8)	N	Data not available	
	<b>8. Response to Defendant Conduct:</b> Measures how often case managers respond appropriately (by recognized agency policy and procedure) to compliance and noncompliance or court-ordered release condition. (p. 8)	N	Data not available	

	<b>9. Pretrial Intervention Rate:</b> The pretrial agency's effectiveness at resolving outstanding bench warrants, arrest warrants (p. 9)	<b>N</b>	Data not available	
<b>Mission Critical Data: Workload</b>	<b>10. Number of Defendants Released by Release Type and Condition:</b> the number of release types ordered during a specific time frame (p. 10)	<b>?</b>	PSP	Need data
			CSS	Need data
			PRS Total	Need data
	<b>11. Caseload Ratio:</b> The number of supervised defendants divided by the number of case managers. (p.10)	<b>Y</b>	PSP	52:1
			CSS	21:1
			PRS Total	38:1
	<b>12. Time from Referral (Nonfinancial Release) order to Start of Pretrial Supervision:</b> Time between a court's order of release and the pretrial agency's assumption of supervision. (p.10)	<b>?</b>	PSP	Need data
			CSS	Need data
			PRS Total	Need data
	<b>13. Time on Pretrial Supervision:</b> Time between pretrial agency's assumption of supervision and the end of program supervision. (p.10)	<b>Y</b>	PSP	DATA NOT AVAILABLE???
			CSS	
			PRS Total	
	<b>14. Pretrial Detention Rate:</b> Ratio of pretrial defendants who are detained throughout pretrial case processing. (p.11)	<b>N</b>	Data not available	
	<b>15. Acceptance Rate:</b> Ratio of eligible defendants who are accepted for pretrial release. (Not included)	<b>?</b>	PSP	Need data
CSS			Need data	
PRS Total			Need data	

## Appendix B

Bennett Report Recommendations (2001)	Status	Discussion
<b>Goal: Appropriate Release Decisions</b>		
<p><b>Validate the Release Criteria:</b> Ensure that criteria guiding release decisions are based on factors demonstrated to correlate with success or failure while on pretrial release.</p>	Implemented	Both CSS and PSP use a combination of the validated Virginia Risk Assessment tool, Oregon statute, and caseworker discretion when making release decisions.
<p><b>Establish a Standing Pretrial Committee:</b> Committee should meet regularly to review pretrial policies, set benchmarks, and monitor program data.</p>	Implemented	Although out of PRS's immediate control, this committee has been formed and meets regularly.
<b>Goal: Expedite Release from Jail</b>		
<p><b>Establish a Single Screening Mechanism:</b> Ensure that the initial pretrial case screening process eliminates system redundancies and delays through a centralized function with rigid time limits and (if appropriate) recommended supervision services.</p>	Implemented	PRS cases are assigned by charge. All cases are sorted by staff located in PSP and sent to the appropriate program. Occasionally, courts override the charge-list matrix and assign a case to the program of their choice.
<p><b>Pretrial Staff Should Make Recommendations on All Cases:</b></p>		
<p>a) Pretrial intake staff should submit recommendations to the court on all cases they interview.</p>	Implemented	PRS staff submit recommendations to the courts on all cases requiring a report.
<p>b) Develop a comprehensive domestic violence policy relating to screening, release and supervision of domestic violence defendants</p>	Implemented	Domestic violence policies and procedures exist. DV cases are flagged for specific types of supervision.
<p><b>Establish Benchmark for Time from Booking to Release:</b> Goal should be to complete the release assessment within 48-hour. Consider having clinical staff available to the intake unit</p>	Outside of PRS Control	PRS does not have control over release assessments that occur by the Recog Unit prior to referring cases to PRS.
<p><b>Stop Postponing Assessment Until After Grand Jury:</b> Do not wait until the case has been indicted to initiate the assessment process</p>	Implemented	PRS policies require assessments within 7-10 days dependant on referral type. PRS staff do not wait until after Grand Jury for assessments.
<p><b>Have Pretrial Staff Assist with Diversion Screening:</b> Pretrial intake staff may be able to screen for Drug Court or other diversion programs</p>	Outside of PRS Control	Diversion Screening and referral occurs in courts and is outside the scope of PRS.
<p><b>Have Pretrial staff Assist with Indigent Screening:</b> Pretrial intake staff collect information that may assist the Court in making indigence decisions</p>	Outside of PRS Control	Indigent Screening and referral occurs in courts and is outside the scope of PRS.

<p><b>Consider Having Pretrial Staff Available in Courtroom:</b> Staff stationed in the courtroom to respond to questions from the bench or expand on information provided</p>	<p>Implemented</p>	<p>PRS has staff stationed in the court during arraignment and regularly attend release hearings in order to respond to questions or provide additional information.</p>
<p><b>Limit Time Detained to No Longer than Possible Sentence Duration:</b> Develop policy limiting time in jail on pretrial status to the maximum for which clients could be sentenced (holds awaiting stable housing notwithstanding)</p>	<p>Outside of PRS Control</p>	<p>Recommendation is outside the scope of PRS. Would require coordination with the courts.</p>
<p><b>Automate the Intake Interview:</b> Use electronic rather than paper format for intake interviews.</p>	<p>Implemented</p>	<p>Recog unit has automated its intake interview and PRS staff have full electronic access to each others' court reports. The PRS process is capable of full automation.</p>
<p><b>Gain 24-Hour Access to OJIN:</b> Assure that OJIN is available in the evenings and on weekends. This may be a State-level issue.</p>	<p>Outside of PRS Control</p>	<p>24-hour OJIN access is more necessary for the Recog Unit than for PRS staff, who conduct their work during business hours.</p>
<p><b>Have Six Work Stations in Intake Unit:</b> Provide back up work stations in case a computer is down or there is high volume operation.</p>	<p>Implemented</p>	<p>This appears to have applied to the Recog Unit more than PRS, however work stations and staffing are adequate at this time.</p>
<p><b>Goal: Reduce Failure-to-Appears</b></p>		
<p><b>Court Date Notification:</b> Written and telephone reminder notification for all defendants release - including ROR cases.</p>	<p>Partially Implemented</p>	<p>Defendants receive reminders about court dates when they call to check in, but do not receive written notifications or additional reminder calls.</p>
<p><b>Expand Use of Electronic Monitoring:</b> Explore options for increasing EM options by making it available to defendants who cannot afford the cost.</p>	<p>Implemented</p>	<p>PRS has 2 electronic monitoring options available, one of which is subsidized.</p>
<p><b>Have Release Agreements in Spanish:</b> Print release agreement in Spanish and other languages frequently encountered.</p>	<p>Outside of PRS Control</p>	<p>Release agreements are court documents over which PRS has no control. However, PRS has begun offering Additional Conditions of Release, an internal document, in Spanish to clients who need it.</p>
<p><b>Goal: Deter Criminal Activity</b></p>		
<p><b>A Single Continuum of Supervision:</b> Structure PRS such that defendants can move from relaxed (i.e. primarily phone contact via PSP) to more intensive supervision (i.e. increase office visits via PSP or increased home visits via CSS) and back as defined by defendant behavior without having to take the case before the Court.</p>	<p>Partially Implemented</p>	<p>At the time the Bennett Report was released, there was no umbrella organization (PRS) coordinating the work of CSS and PSP. Although the programs remain separate under two agencies, today there is more cohesion and a unified governing structure.</p>

<b>Maintain Acceptable Caseload Size:</b> The recommended caseload size for this case is 50-75 defendants.	Implemented	Both CSS and PSP are maintaining acceptable caseloads for the type of supervision they do.
<b>Make Restitution Center Available for Appropriate Candidates:</b> Make use of Restitution Center type housing stabilization options.	Outside of PRS Control	The Restitution Center no longer exists, however PRS staff make use of other community resources, when available.
<b>Explore the Use of Juris Monitor Technology for Select DV Cases:</b> Explore technologies designed to respond to restraining order violations through proximity alerts and recording of conversations.	Implemented	Although this exact technology is not in place, GPS tracking is available through Electronic Monitoring. Further, PRS staff coordinate with Domestic Violence Emergency Response Team (DVERT) to offer a variety of victims' services.
<b>Goal: Maintain Stable &amp; Professional Operation</b>		
<b>Review ACJ Staff Classification:</b> Review staff classification to ensure that PRS staff are comparable in level to Probation and Parole Officers.	Implemented	Corrections Technicians working in PSP are trained to work as case managers rather than PO assistants.
<b>Provide Staff Training in Domestic Violence Issues:</b> Make sure staff are able to respond appropriately to DV issues by providing adequate training.	Partially Implemented	Staff receive limited DV training. Management is working to ensure staff training is ongoing and adequate.
<b>Create a Single Policy Manual:</b> Review and unify policies and procedures for PSP and CSS so that PRS operates under a single continuum of services.	Not Implemented	PSP and CSS each have a policy manual, but to date, but PRS, as a whole, has not developed an umbrella manual. Management is open to developing this in the future.
<b>Implement Quality Control and Review Procedures:</b> Put a chain of command for reviewing staff decisions in both PSP and CSS to facilitate a single continuum of services.	Partially Implemented	PSP and CSS each have a chain of command in place for reviewing decisions, however because there is no over-arching PRS review procedures, they do not facilitate a single continuum of services.
<b>Comprehensive Data Collection:</b> Ensure that data collection is both standardized and complete	Partially Implemented	Although PRS collects data for several measures, retrieving and analyzing the data is problematic due to software capabilities.
<b>Develop Performance Benchmarks:</b> Establish operational standards	Not Implemented	At this time, PRS has not developed performance benchmarks in the areas recommended. Management has expressed interest in doing so.
<b>Automated Information System:</b> Develop an automated case management system that promotes effective case monitoring and simplifies analysis of data.	Partially Implemented	PRS staff use Caseload Explorer, a case management database, and not designed for data analysis. In addition, there are some concerns that staff do not use it uniformly.

**Membership in National Association of Pretrial Agencies (NAPSA):** Stay current with national standards and practices.

Implemented

PRS management are members of NAPSA which enables them to stay current with national standards.





# Response to Audit





**Multnomah County Sheriff's Office**  
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DANIEL STATON  
SHERIFF

*Exemplary service for a safe, livable community*

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Steve March, Multnomah County Auditor  
501 SE Hawthorne Room 601  
Portland, OR 97214

October 28, 2011

Dear Auditor March,

I have received and reviewed the "Report to Management" from your office regarding Pretrial Services in Multnomah County. I appreciate the thoughtful, collaborative approach your office took in the completion of this report. I am pleased that you found the current Pretrial Services system was effective, and that it has made significant improvements in recent years. I also appreciate the attention your office gave to historical context for both pretrial programs, and your analysis of previous reports as they compare with current practices. In short, I agree with your assessment that current practices in Pretrial Services meet our goals for the program.

I also agree with you that while there are many areas where Pretrial Services is performing well generally, there is still work to do with regard to our ability to effectively gather and use data to inform our practices and decisions as we move forward with pretrial work in Multnomah County. Specific attention should be given to collaboration with our Public Safety partners around the methodology for measuring program outcomes, so that our managers will have the data they need to build upon improvements already made. Additionally, the concept of creating a single-source procedure guide for both the Close Street Supervision and Pretrial Supervision Programs is worthy of further exploration.

Finally, I appreciate the in-depth look your office took at the recommendations of the 2001 "Bennett Report," and am pleased that your findings indicated Pretrial Services has been able to address the majority of the recommendations contained in that report with current practices and future planning, and has essentially put issues from that report to rest.

Thanks again for your work on this report.

Sincerely,

Daniel Staton  
Multnomah County Sheriff





Department of Community Justice

**MULTNOMAH COUNTY OREGON**

Office of the Director

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October 31, 2011

Steve March, PhD  
Certified Internal Auditor  
Multnomah County Auditor  
501 SE Hawthorne, #601  
Portland, OR 97214

Dr. March,

On behalf of the Multnomah County Department of Community Justice (DCJ), I would like to thank you and your staff for developing a high-quality process for examining the efficacy of our Pretrial Supervision Program. DCJ has made a long-term commitment to directing our resources to delivering cost-effective services. We value and applaud your efforts to look at resource management in Multnomah County.

This report tackles a challenging area for review given the large number of policies and partners involved in pre-trial release. This report will be highly valued by DCJ and others in the County for providing clarity throughout this complexity.

I also wish to thank you and your staff for the professional manner in which the review was handled. We appreciate the way your staff approached this assignment and their efforts to seek and consider input from the key staff and supervisors of my Department.

Sincerely,

Scott Taylor  
Director  
Department of Community Justice