



TAMI LITTLE
COUNTY ASSESSOR

DEPARTMENT OF ASSESSMENT AND TAXATION

November 29, 2018

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

**Board Order Approving the Cancellation of Delinquent
Manufactured Structure Personal Property Tax Accounts**

Purpose/Outcome	The attached Board Order authorizes the Tax Collector to write off delinquent manufactured structure personal property tax accounts deemed uncollectible.
Dollar Amount and Fiscal Impact	The total uncollectible taxes for delinquent accounts equals \$22,541.40.
Funding Source	The adjustment is to the unsegregated tax account shared by all taxing districts providing services in Clackamas County.
Duration	Delinquent taxes range from 1993-1994 through 2015-2016.
Previous Board Action	No previous Board Action on these accounts
Strategic Plan Alignment	Build public trust through good government
Contact Person	Tami Little, Clackamas County Assessor and Tax Collector

BACKGROUND:

This request is made in accordance with provisions of ORS 311.790 that provides when the Tax Collector deems that taxes on personal property delinquent for any reason are wholly uncollectible, the Tax Collector may request the taxes be cancelled. None of these manufactured structures are currently within the County; the majority has either been moved illegally or has been destroyed. All efforts to trace the legal owners have proven unsuccessful and there are no assets to attach. The amount deemed uncollectible remains relatively low due to persistent efforts to collect manufactured structure personal property taxes and existing statutory provisions canceling taxes on manufactured structures with a real market value less than \$17,000. The cancellation of these taxes allows the Tax Collector to more accurately report the balances that represent the unsegregated tax roll.

County Counsel, Kathleen Rastetter, has reviewed and approved this request as to form.

RECOMMENDATION:

Staff recommends the Board approve this request and authorizes Tami Little, County Assessor and Tax Collector, to cancel these taxes.

Respectfully submitted,

Tami Little, County Assessor

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of the Cancellation of
Delinquent Manufactured Structure
Property Tax Accounts



Order No. _____

This matter coming before the Board of County Commissioners, and it appearing that the Manufactured Structure Property Tax Accounts for the years as shown on the list attached and made a part of this Order, are delinquent and unpaid, and

Whereas, it further appearing to the Board that pursuant to ORS 311.790 a request for the cancellation of said taxes on the grounds that they are wholly uncollectible has been made by the Tax Collector and County Counsel of Clackamas County, and the Board being fully advised;

NOW THEREFORE, the Clackamas County Board of Commissioners do hereby order that the Manufactured Structure Personal Property tax accounts for years as shown on the attached list be one and same herby are canceled and the Tax Collector be authorized and directed to make the proper showing on the records.

DATED this 29th day of November, 2018

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

**2018 CANCELLATION OF DELINQUENT
MANUFACTURED STRUCTURE PERSONAL PROPERTY TAX ACCOUNTS**

2015-16

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01179049	Lafromboise Lawrence Lee	D,E	6.00
01184818	Conner Robert Earl II	D,E	6.00
01142356	Sherman Eugene Russell & Wilma Louise	D,E	6.00
	Total 2015-16		<u>18.00</u>

2014-15

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01232446	Gomez-Lopez Inez	D,E	444.54
01158026	Smith Clifford D	D,E	6.00
04000644	Thurneer Doris May	D,E	6.00
01165214	Heliodono Cruz A & Arzate Anita	D,E	6.00
01179049	Lafromboise Lawrence Lee		6.00
04000299	Fleetwood Retail Corp of Oregon	B,E	451.67
	Total 2014-15		<u>920.21</u>

2013-14

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01140982	Balasz Gail Diane	D,E	6.00
01157189	Toneys Berry Farm Inc	D,E	6.00
01158026	Smith Clifford D	D,E	6.00
01170039	Wickersham Anna R	D,E	6.00
01175025	Johnston Cody J	D,E	6.00
01181287	Steele James W & Keitra	D,E	6.00
01182749	Kinoshita Farms Inc	D,E	6.00
01183846	Markell Byron E & Linda M	D,E	6.00
01201602	Schmer Wayne Jr.	D,E	6.00
01232446	Gomez-Lopez Inez	D,E	434.05
01419913	Hull Joe Alfred	D,E	6.00
01506427	Kinoshita Farms Inc	D,E	6.00
01799058	Peterson Evelyn Alvina	D,E	6.00
04000644	Thurneer Doris May	D,E	6.00
01165214	Heliodono Cruz A & Arzate Anita	D,E	6.00
01179049	Lafromboise Lawrence Lee	D,E	6.00
04000299	Fleetwood Retail Corp of Oregon	B,E	437.66
	Total 2013-14		<u>961.71</u>

2012-13

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01140982	Balasz Gail Diane	D,E	6.00
01157189	Toneys Berry Farm Inc	D,E	6.00
01170039	Wickersham Anna R	D,E	6.00
01175025	Johnston Cody J	D,E	6.00
01181287	Steele James W & Keitra	D,E	6.00

**2018 CANCELLATION OF DELINQUENT
MANUFACTURED STRUCTURE PERSONAL PROPERTY TAX ACCOUNTS**

2009-10

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01157189	Toneys Berry Farm Inc	D,E	60.31
01170039	Wickersham Anna R	D,E	81.80
01182749	Kinoshita Farms Inc	D,E	94.92
01183846	Markell Byron E & Linda M	D,E	235.27
01201602	Schmer Wayne Jr.	D,E	355.88
01232446	Gomez-Lopez Inez	D,E	468.19
01419913	Hull Joe Alfred	D,E	311.39
01506427	Kinoshita Farms Inc	D,E	62.71
04000644	Thurneer Doris May	D,E	296.51
01165214	Heliodoro Cruz A & Arzate Anita	D,E	81.15
04000299	Fleetwood Retail Corp of Oregon	B,E	473.98
Total 2009-10			2,522.11

2008-09

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01157189	Toneys Berry Farm Inc	D,E	52.41
01170039	Wickersham Anna R	D,E	74.26
01182749	Kinoshita Farms Inc	D,E	82.78
01183846	Markell Byron E & Linda M	D,E	238.38
01201602	Schmer Wayne Jr.	D,E	129.70
01232446	Gomez-Lopez Inez	D,E	470.67
01419913	Hull Joe Alfred	D,E	313.97
01506427	Kinoshita Farms Inc	D,E	54.40
04000644	Thurneer Doris May	D,E	293.81
01165214	Heliodoro Cruz A & Arzate Anita	D,E	81.93
04000299	Fleetwood Retail Corp of Oregon	B,D	566.31
Total 2008-09			2,358.62

2007-08

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01157189	Toneys Berry Farm Inc	D,E	102.26
01170039	Wickersham Anna R	D,E	123.86
01182749	Kinoshita Farms Inc	D,E	132.77
01183846	Markell Byron E & Linda M	D,E	196.06
01208044	Clavell James Dixon & Linda K	D,E	105.31
01232446	Gomez-Lopez Inez	D,E	429.21
01419913	Hull Joe Alfred	D,E	264.49
01506427	Kinoshita Farms Inc	D,E	102.58
04000644	Thurneer Doris May	D,E	242.26
01165214	Heliodoro Cruz A & Arzate Anita	D,E	129.24
04000299	Fleetwood Retail Corp of Oregon	B,E	525.28
Total 2007-08			2,353.32

**2018 CANCELLATION OF DELINQUENT
MANUFACTURED STRUCTURE PERSONAL PROPERTY TAX ACCOUNTS**

2002-03

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01208044	Clavell James Dixon & Linda K	D,E	111.25
01419913	Hull Joe Alfred	D,E	260.85
04000299	Fleetwood Retail Corp of Oregon	B,E	<u>466.73</u>
Total 2002-03			<u>838.83</u>

2001-02

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01208044	Clavell James Dixon & Linda K	D,E	125.21
01419913	Hull Joe Alfred	D,E	<u>369.68</u>
Total 2001-02			<u>494.89</u>

2000-01

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01208044	Clavell James Dixon & Linda K	D,E	123.89
01419913	Hull Joe Alfred	D,E	<u>285.48</u>
Total 2000-01			<u>409.37</u>

1999-00

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01419913	Hull Joe Alfred	D,E	<u>249.50</u>
Total 1999-00			<u>249.50</u>

1998-99

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01419913	Hull Joe Alfred	D,E	<u>281.52</u>
Total 1998-99			<u>281.52</u>

1997-98

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01419913	Hull Joe Alfred	D,E	<u>271.31</u>
Total 1997-98			<u>271.31</u>

1996-97

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01419913	Hull Joe Alfred	D,E	<u>275.14</u>
Total 1996-97			<u>275.14</u>

1995-96

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01419913	Hull Joe Alfred	D,E	<u>240.18</u>
Total 1995-96			<u>240.18</u>

1994-95

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
01419913	Hull Joe Alfred	D,E	<u>281.68</u>
Total 1994-95			<u>281.68</u>

MANUFACTURED STRUCTURE PERSONAL PROPERTY ACCOUNTS

REASONS TAXES ARE CONSIDERED UNCOLLECTIBLE

- A. Taxes prepaid, but underestimated. Owners billed at last known address, but collection attempts unsuccessful.
- B. Manufactured Structure illegally moved to unknown location. Inquiries directed to all available sources of information but proved fruitless.
- C. Manufactured Structure illegally moved out of County and ownership transferred one or more times since. Clackamas County can put issue in LOIS to prevent this if we know it left our county.
- D. Manufactured Structure or houseboat destroyed by fire, vandalism, etc. Unit has no value. Taxes accrued after unit was destroyed and Assessor had no notification of destruction.
- E. Titleholder owns no real property that can be liened.
- F. Tax correction after the fact. Manufactured Structure moved out of County prior to enactment of tax correction.
- G. No positive identification. Unit has temporary x-number in ascend and no vehicle identification number, making it impossible to determine legal ownership.
- H. Taxes were originally a lien on the real property; lien was missed and property has changed hands one or more times since.
- I. Manufactured Structure moved out of County without Permit and Release. Taxes were a lien, but not owed. New owners billed at last known address, but collection attempts unsuccessful.



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DEPARTMENT OF ASSESSMENT AND TAXATION

November 29, 2018

DEVELOPMENT SERVICES BUILDING
150 BEAVERCREEK ROAD | OREGON CITY, OR 97045

Board of County Commissioners
Clackamas County

Members of the Board:

**Board Order Approving the Cancellation of Delinquent
Business Personal Property Tax Accounts**

Purpose/Outcomes	The attached Board Order authorizes the Tax Collector to write off delinquent business personal property tax accounts deemed uncollectible.
Dollar Amount and Fiscal Impact	The total uncollectible taxes for delinquent accounts equals \$128,854.13.
Funding Source	The adjustment is to the unsegregated tax account shared by all taxing districts providing services in Clackamas County.
Duration	Delinquent taxes range from 1995-1996 through 2014-2015.
Previous Board Action	No previous Board action on these accounts
Strategic Plan Alignment	Build public trust through good government
Contact Person	Tami Little, Clackamas County Assessor and Tax Collector

BACKGROUND:

This request is made in accordance with provisions of ORS 311.790 that provides when the Tax Collector deems that taxes on business personal property delinquent for any reason are wholly uncollectible, the Tax Collector may request the taxes be cancelled. These uncollectible accounts are no longer in business with no assets remaining. Many filed bankruptcy which stays collection processes and no assets remain when the bankruptcy is dismissed or discharged. Others are corporations that have been dissolved and there is no corporate officer responsibility for tax payment and there is no real property against which a lien could be placed. The cancellation of these accounts allows the Tax Collector to more accurately report the balances that represent the unsegregated tax account.

County Counsel, Kathleen Rastetter, has reviewed and approved this request as to form.

RECOMMENDATION:

Staff recommends the Board approve this request and authorizes Tami Little, County Assessor and Tax Collector, to cancel these taxes.

Respectfully submitted,

Tami Little, County Assessor

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of the Cancellation of
Delinquent Business Personal
Property Tax Accounts



Order No. _____

This matter coming before the Board of County Commissioners, and it appearing that the Business Personal Property tax accounts for the years as shown on the list attached and made a part of this Order, are delinquent and unpaid, and

Whereas, it further appearing to the Board that pursuant to ORS 311.790 a request for the cancellation of said taxes on the grounds that they are wholly uncollectible has been made by the Tax Collector and County Counsel of Clackamas County, and the Board being fully advised;

NOW THEREFORE, the Clackamas County Board of Commissioners do hereby order that the Business Personal Property tax accounts for years as shown on the attached list be one and same herby are canceled and the Tax Collector be authorized and directed to make the proper showing on the records.

DATED this 29th day of November, 2018

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

2018 TAX WRITE OFF
BUSINESS PERSONAL PROPERTY ACCOUNTS

2014-15

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2230613	Taco Time JA & TE LLC	4,8	551.53
Total 2014-15			551.53

2013-14

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2097419	Bell Heating Inc	4,8	1,769.40
P2230613	Taco Time JA & TE LLC	4,8	423.50
P2253134	RBH Foods dba Taco Time	4,8	40.66
P2249610	Pacific Rim Mfg inc	4,8	10,278.48
Total 2013-14			12,512.04

2012-13

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2248785	Fulton Custom Concrete	4, 8	374.23
P2253149	Salzmann Motors Inc	4, 8	379.79
P2045933	Muno Bakery	4, 8	1,019.29
P2253075	Media Systems	4, 2	2,642.96
P2097419	Bell Heating Inc	4,8	1,884.28
P2229772	Mattress World	4,8	1,955.14
Total 2012-13			8,255.69

2011-12

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2219284	DiVincis Italiano Ristorante	4,5	1,057.15
P2250983	Crown Hospitality Inc	4, 8	355.91
P2248785	Fulton Custom Concrete	4, 8	424.46
P2251188	Paris Café LLC	4, 8	326.95
P2237477	Oregon Chiropractic Center	1, 4	1,186.07
P2045933	Muno Bakery	4, 8	554.23
P2252835	Sandy River Brewery & Pub House	4, 8	363.05
P2000064	Willamette General Store	4, 8	896.63
P2252672	D & C Coffee LLC	4, 8	1,261.69
P2252352	Ern Restaurants LLS	4, 8	1,242.36
P2250465	Pee Vee Ent., Auto Repair	4, 8	494.13
P2252932	Yo Top It LLC	4, 8	417.90
P2251203	Mattress World Inc	1, 4	94.59
P2246661	Premier Mortgage Group	4, 8	515.29
P2228835	Backus & Sons Concrete Construction	4, 8	389.75
P2097419	Bell Heating Inc	4,8	2,018.46
P2221844	Earl H Conner Painting	1,4	498.36
P2228734	Anchor Blue	4,8	1,324.62
P2229772	Mattress World Inc	4,8	970.35
P2249179	Bayha & Associates Inc	4,8	542.79
P2252910	Crystal Springs Landscaping Inc	4,8	11,937.28
Total 2011-12			26,872.02

2018 TAX WRITE OFF
BUSINESS PERSONAL PROPERTY ACCOUNTS

2009-10 (continued)

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2221844	Earl H Conner Painting	1,4	406.05
P2242797	First Portland Corp	1,4	635.61
P2245955	First Portland Corp	1,4	341.26
P2245958	First Portland Corp	1,4	35.71
P2245959	First Portland Corp	1,4	24.67
P2247380	First Portland Corp	1,4	215.39
P2251100	First Portland Corp	1,4	56.38
P2251101	First Portland Corp	1,4	69.22
P2251105	First Portland Corp	1,4	215.36
P2250947	Beaver State Roofing	1,4	407.60
Total 2009-10			31,737.51

2008-09

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2234784	North River Marine-Oregon Inc	4, 8	992.36
P2244694	North River Marine-Oregon Inc	4, 8	323.94
P2251173	Archer Land Title LLC	4, 8	356.69
P2251599	Acero Corp- el Amigo Mex Restaurant	4, 8	8.06
P2229096	Lees Service Plus	4, 8	2,463.38
P2248603	Willamette Mortgage Services	4, 8	346.49
P2221844	Earl H Conner Painting	1,4	470.96
Total 2008-09			4,961.88

2007-08

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2248603	Willamette Mortgage Services	4, 8	299.46
Total 2007-08			299.46

2006-07

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2244835	TRA Management Inc	4, 8	267.45
Total 2006-07			267.45

2005-06

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
P2244835	TRA Management Inc	4, 8	86.30
Total 2005-06			86.30

2002-03

<u>Account Number</u>	<u>Name of Account</u>	<u>Reasons</u>	<u>Total Due</u>
U1820042	Winstar Wireless Inc	1, 4	722.96
U1820051	Winstar Wireless Inc	1, 4	398.15
Total 2002-03			1,121.11

**2018 TAX WRITE OFF
BUSINESS PERSONAL PROPERTY ACCOUNTS**

Delinquent Tax Years

2014-15	551.53
2013-14	12,512.04
2012-13	8,255.69
2011-12	26,872.02
2010-11	30,736.13
2009-10	31,737.51
2008-09	4,961.88
2007-08	299.46
2006-07	267.45
2005-06	86.30
2002-03	1,121.11
2001-02	4,172.88
2000-01	36.08
1996-97	2,429.67
1995-96	4,814.38
Total:	128,854.13

BUSINESS PERSONAL PROPERTY TAX ACCOUNTS

REASONS TAXES ARE CONSIDERED UNCOLLECTIBLE

1. Bankruptcy filed which stays aggressive collections. No assets remaining when bankruptcy is dismissed or discharged, or trustee objects to claim.
2. Property in county at filing time, but moved before tax statements were mailed. Property gone and no real property against which lien can be placed.
3. The real property on which lien is placed is foreclosed on by a bank. The bank pays the real property tax, but will not pay personal property tax since it has no interest in the personal property.
4. Multiple tax statements returned marked "No Forwarding Address", etc. Check with Corporation Division, State of Oregon, reveals corporation dissolved, property gone, nothing to seize.
5. Field inspection by sheriff's deputy or tax department in the process of collection shows nothing at location. Company has moved and left no forwarding address, nothing on site to seize.
6. Small business administration seizes and sells before we are notified.
7. IRS or FIC seizures.
8. No longer in business. Cannot locate an individual on which to have warrant served, or county has warrant served and docketed but individual has left area and cannot be located.
9. Business owner does not own any real property to secure a lien, and personal property cannot be found to seize and sell.
10. Corporation is dissolved, either voluntarily or involuntarily, property cannot be located, and there is no corporate officer responsibility for tax payment.



Clackamas County Sheriff's Office

CRAIG ROBERTS, Sheriff

DATE: November 29th, 2018

Board of County Commissioners
Clackamas County

Members of the Board:

Approval of the Clackamas County Jail Population Control Plan

Purpose/Outcomes	We are requesting the Board adopt an updated Capacity Management Plan amending the prior plan under Board Order #2005-184 for the Clackamas County Sheriff's Office Jail to be implemented in Accordance with ORS 169.044 in the event of a County Jail Population Emergency.
Dollar Amount and Fiscal Impact	N/A
Funding Source	N/A
Duration	Until updated
Previous Board Action	This plan is an updated version of a plan approved by the board on June 30th, 2005 (Board Order #2005-184). October 30, 2018 Policy Session.
Strategic Plan Alignment	Ensure safe, healthy and secure communities by establishing inmate population limits and emergency procedures.
Contact Person	Captain Lee Eby, Jail Commander
Contract No.	503-722-6760

BACKGROUND:

Oregon Revised Statute requires the Board of County Commissioners to reject or adopt a maximum facility population recommendation to establish the maximum allowable number of inmates held in the local jail and the specific standards for determining a county jail population emergency and the specific plan for resolving the emergency. A county jail population emergency occurs when the number of inmates in the jail exceeds the capacity limit. When such an emergency exists the plan gives guidance to reduce the number of inmates held in jail to be in compliance with State and Constitutional Standards. This procedure to release those incarcerated in the local jail under a release agreement is commonly referred to as forced release.

The current capacity of the local jail is not sufficient to keep pace with the number of those incarcerated both pretrial and sentenced in Clackamas County. As such, the number of inmates routinely exceed the maximum allowable number of the facility population in the jail.

Since November of 2014 a Forced Release Task Force consisting of Clackamas County Court representatives (judicial staff), District Attorney, Parole and Probation Office, County Administration and Sheriff's Office have met to examine and problem solve the need to reduce

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forced releases in the County Jail through population management strategies. In the course of these meetings, justice system mapping (LEAN process) occurred to better understand the jail population. This examination included review of the maximum number of inmates that may be held in the facility and the population control plan to address a population emergency.

Oregon Revised Statute 169.044 requires the County Board of Commissioners when receiving a recommendation of maximum facility population in accordance with ORS 169.042 to either reject the recommendation and decline to adopt a limit on the number of inmates that may be held in the local correctional facility; or adopt the recommendation issue an order establishing the maximum allowable number of inmates that may be held in the Clackamas County Jail and the specific standards for determining a county jail population emergency and the plan for resolving the emergency.

The review has produced the recommend Clackamas County Jail Population Control Plan for the Board to review. This plan is an updated version of a plan approved by the board on June 30th, 2005 (Board Order #2005-184).

RECOMMENDATION:

The Clackamas County Sheriff's Office recommends the Board of County Commissioners adopt a Capacity Management Plan for the Clackamas County Sheriff's Office Jail to be implemented in accordance with ORS 169.044 in the event of a County Jail Population Emergency. Formal board action will be by adopting the attached board order at a board business meeting.

No anticipated problems are predicted to be encountered if adopted.

If the recommendation is not implemented then the Clackamas County Jail is not in compliance with Oregon Revised Statue and a Capacity Management Plan is not available to be enacted if the number of inmates exceeds housing capacity. This could result in litigation for violation of conditions of confinement in the treatment of inmates housed at the Clackamas County Jail.

Respectfully submitted,



Captain Lee Eby
Jail Commander
Clackamas County Jail

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF CLACKAMAS COUNTY, STATE OF OREGON**

In the Matter of Establishing the
Maximum Allowable Numbers of Inmates
That May Be Held at the Clackamas
County Jail and Adopting a Plan for
Resolving Jail Population Emergencies



Board Order No. _____
Page 1 of 1

Whereas, this matter comes before the Board of County Commissioners pursuant to ORS 169.042 to .046 because potential overpopulation at the Clackamas County Jail continues to make it necessary for the Board to establish a maximum number of inmates that may be held at the Clackamas County Jail; and

Whereas, the Clackamas County Sheriff's Office has worked collaboratively with representatives from the Circuit Court, the District Attorney's Office, Community Corrections, County Administration, and County Counsel to establish a recommendation as to the maximum capacity of the Clackamas County Jail as well as a plan for resolving jail population emergencies; and

Whereas, the Board has considered the recommendations made to it and desires to avoid Jail population emergencies and also to ensure a plan is in place to respond to such emergencies when they arise; and

Whereas, this matter came before the Board on Oct., 30, 2018 at a policy session, where the Board agreed to move forward for final approval of this Order at the Nov. 29, 2018 Business Meeting;

NOW THEREFORE, IT IS HEREBY ORDERED:

1. Pursuant to ORS 169.044, the maximum allowable number of inmates that may be held at the Clackamas County Jail at any one time is 465;
2. The maximum number of inmates that may be held in any specific Jail housing classification is adopted and set forth as shown in Appendix B of Exhibit 1 attached hereto;
3. If the number of inmates housed in the Clackamas County Jail exceeds ninety percent (90%) of the maximum capacity at the Jail, or if the number of inmates in any specific housing classification exceeds ninety percent (90%) of the maximum capacity for that classification, then a jail population emergency exists;
4. The Clackamas County Jail Population Control Plan, attached hereto as Exhibit 1, is adopted and will be implemented in accordance with ORS 169.044 in the event of a county jail population emergency;
5. The Sheriff or his designee shall implement the Clackamas County Jail Population Control Plan in the event of a jail population emergency.

DATED this 29th day of November, 2018.

BOARD OF COUNTY COMMISSIONERS

Chair

Recording Secretary

CLACKAMAS COUNTY JAIL POPULATION CONTROL PLAN

I. This Jail Population Control Action Plan (“Plan”) is adopted by Board of County Commissioners for Clackamas County (the “BCC”) by way of Board Order [insert board order number] and pursuant to ORS 169.044 to resolve county jail population emergencies which may arise in Clackamas County. This Plan shall remain in effect until and unless amended in writing with approval of the BCC.

A jail population emergency exists in Clackamas County when the total jail inmate population exceeds ninety percent (90%) of the jail population capacity limit, which in light of the criteria set forth in ORS 169.042(1) – (4) has been determined by the BCC to be 465. Alternatively a jail population emergency exists in Clackamas County when an inmate jail population exceeds ninety percent (90%) of capacity for a specific classification of housing within the jail population as set in *Appendix B* to this Plan and adopted by the BCC after consideration of the same statutory criteria.

By approval of this Plan the BCC delegates to the Sheriff of Clackamas County or his/her designee the authority to implement and carry out this Plan in the event that a jail population emergency occurs in Clackamas County. In carrying out this Plan, the Sheriff or his/her designee may institute forced releases of inmates from the Clackamas County Jail, consistent with the parameters of this Plan, in order to resolve the jail population emergency.

II. The intent of this Plan is to resolve a jail population emergency consistent with ORS 169.042 to .046, and in the best interests of the citizens of Clackamas County by holding in jail those that have been evaluated and found to represent the greatest threat to the safety of the community and releasing those that pose the least risk, while releasing a sufficient number of jail inmates in order to resolve a population emergency that exists.

This Plan is based on objective, evidence-based criteria reasonably calculated to:

- A. Resolve the jail population emergency by force releasing certain inmates from the jail;
- B. Ensure public and victim safety and later appearance in court consistent with pretrial release criteria (ORS 135.245 (3)); and
- C. Comply with prevailing constitutional and Oregon jail standards relating to conditions of incarceration.

III. DEFINITIONS:

- A. Criminal Charges:** The charge or charges that resulted in the arrest and current booking of an inmate into jail.
- B. Criminal History:** Prior arrests or convictions within 10 years unless otherwise specified within this Plan, performance while on a supervised program, and history of failure to appear.
- C. Forced Release:** Temporary release of an inmate from lawful custody before judgment of conviction due to a county jail population emergency (ORS 169.005(2)).

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D. Dangerous Circumstances: A designation placed upon an inmate based upon criminal history or behaviors listed in *Section V* indicating the inmate poses a special risk to community safety or significant short-term conditions exist whereby it is in the community's best interest for the inmate to be last for forced release eligibility despite having an Population Control Plan Risk Assessment Score pursuant to *Attachment A*.

E. Population Control Plan Risk Assessment Score: A numerical score assigned to each inmate based upon their criminal charge, criminal history, housing classification, and other relevant factors as listed in *Sections IV* and *V* below.

F. Forced Release Task Force: A group consisting of employees of the Clackamas County Courts, Community Corrections, the Sheriff's Office, County Counsel's Office, and the District Attorney's Office, convened to study and review the use of forced releases in Clackamas County and make a recommendation to the Clackamas County Board of Commissioners on specific standards for determining a county jail population emergency and a specific plan for resolving the emergency (ORS 169.044).

IV. The Forced Released Task Force has agreed to an emergency population release scoring mechanism which shall be used to create a Population Control Plan Risk Assessment score for every person in custody of the Sheriff who is eligible for forced release pursuant to state statute and this Plan. The scoring mechanism evaluates each eligible inmate using the criteria set forth below, with input from the jail staff based upon their interviews with the inmates, and updates based on the inmate's classification. *Section V* is added factors affecting the population score based on the following criteria:

- A. Risk to self or other persons;
- B. Propensity for violence as documented or illustrated in Criminal History;
- C. Risk Assessment score as specified by the *Population Control Plan Formula* in *Attachment A*;
- D. Prior failures to appear;
- E. Parole, probation, or post-prison violations history; and
- F. Institutional behavior or Classification.

V. Persons whose current charge relates to or who have a criminal history involving any of the following will be identified for dangerous circumstances and will be the last category of inmates eligible for forced release:

- A. A sex crime, or failure to register as a sex offender charge or if defendant is identified as a "level three sex offender" as defined in ORS 163A.100;
- B. Child abuse or crimes relating to children;
- C. Ineligible release criteria (out of state address, extradition, transport order or court recognizance revoke);

- D. Danger to the community (to include Measure 11 cases);
- E. Domestic violence cases;
- F. Violation of Stalking or Restraining Order;
- G. When specifically ordered by a Judge; or
- H. As requested in orally or in writing for compelling reasons to protect the safety of the public by a Parole/Probation Supervisor, Senior Deputy District Attorney, Law Enforcement Supervisor, Jail Supervisor, or County Health Officer and approved by a Jail Administrator.

VI. Inmates who are identified by Public Health as being at a substantial risk to the public if released due to serious, communicable medical condition shall be excluded from forced release.

VII. In the event of multiple charges pending against a single inmate, the most serious charge will determine the inmate's primary charge category for the risk assessment.

VIII. The Sheriff may institute gender specific forced releases on occasions in which gender specific housing is necessary to alleviate the population emergency.

IX. Forced releases under the provisions of this Plan will occur in the following order:

- A. Inmates who have been arraigned, when none of the special considerations listed in *Section V* are present; and then
- B. Inmates who have not been arraigned, when none of the special considerations listed in *Section V* are present.

X. The Sheriff may during a population emergency institute specific forced releases, when none of the special considerations listed in *Section V* are present, based on medical needs when the medical needs of the individual would not be otherwise available while in custody or the cost of such care would be prohibitive for the County.

XI. Clackamas County Sheriffs' Office will ensure compliance with ORS 169.046 regarding notice of a county jail population emergency.

XII. The Sheriff may temporarily or permanently adopt, amend, and rescind CCSO policies and procedures and housing classification designations for inmate bed allocation as necessary to ensure compliance with the intent of this Plan and the adopted jail population capacity total.

XIII. POPULATION MANAGEMENT STRATEGIES

Before declaring a jail population emergency the Sheriff may implement strategies to manage the jail population to avoid forced releases. These strategies may be modified as necessary to meet the immediate need of the jail population emergency.

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Strategies to manage population prior to declaring a population emergency may include, but are not limited to:

- A. Housing all appropriate inmates scheduled for transport the following day in intake, removing these inmates from the facility population, and filling behind any beds created by this process.
- B. When feasible, releasing inmates, who are scheduled to be released that day from their sentences, sometime after midnight on that day or rehousing to intake, removing those inmates from the facility population, and filling behind any beds created by this process.
- C. For those inmates eligible, the jail will utilize day reporting within the jail for sentenced individuals to serve their court ordered incarceration in twelve (12) hour blocks. These inmates will be housing in the intake area, removing these inmates from the facility population, and creating open bed space.
- D. When eligible, the jail shall use the Electronic Home Detention program is an alternative custody tool to full incarceration for inmates at the Clackamas County Jail (CCJ) by providing sophisticated electronic monitoring, voice verification, and remote alcohol-testing on inmates who pose a lower risk to the community, yet require supervision. EHD participants may be eligible as pre-trial inmates or sentenced inmates and are considered a low risk to the community based on established criteria from the Sheriff.
- E. When Clackamas County Sheriff's Office has information of law enforcement activities or other circumstances from which it can be reasonably anticipated that a population emergency will occur, the Sheriff shall notify all police agencies in the county to make maximum use of citations in lieu of custody pursuant to ORS 133.055 and 133.076.

APPENDIX “A”—Population Control Plan Formula

POPULATION CONTROL PLAN. The population control release schedule is for overcrowding and shall go into effect only when the jail has achieved ninety (90) percent or greater of its housing capacity or ninety (90) percent of capacity for a specific category of housing classification. When the classification deputy has determined that the jail population has reached or exceeded ninety (90) percent of capacity for the specific category of housing classification, the classification deputy shall generate a population control plan list and select those inmates who are eligible, in numeric sequence, for population control plan release. The classification deputy shall notify the Jail Service Technician of the release and have a Jail Sergeant approve the file. The release list shall be submitted for the electronic archive at the end of the day.

Population Control Plan Formula. The population control plan formula uses a four-digit number system. The first digit is the classification indicator.

- a. 1000 is for male probable cause or warrant arrests with no other holds.
- b. 2000 is for male probation violation holds.
- c. 3000 is for male sentenced inmates.
- d. 4000 is for female probable cause or warrant arrests with no other holds.
- e. 5000 is for female probation violation holds.
- f. 6000 is for female sentenced inmates.
- g. 7000 is for parole holds, fugitives, INS holds, and U.S. Marshal holds.
- h. 8000 is for abuse prevention cases.
- i. 9000 is for Measure 11 case (ORS137.700) out of state addresses, extraditions, and judge recognizance revokes.

Population Control Plan Risk Assessment. After booking an inmate, and the inmate is identified by State Identification Number (SID) classification staff will complete a Risk Assessment on the inmate through the jail management system (The Risk Assessment is in the Jail/Classification module of the custody management system).

The population control plan consists of two components. The first component is a numerical, 4 digit score based on current charges for a classification indicator. The digits indicate the risk score. For example, a four-digit sequence of 1000 shows the classification as PC or warrant.

The second component is comprised of (1) the Public Safety Checklist (PSC) and/or (2) the Virginia Pretrial Risk Assessment Instrument (VPRAI). These verified tools measure and predict the recidivism risk of a person committing a future crime if released. The scale for the PSC is percentage score (1-100%) for three categories: (1) New Felony Conviction; (2) New Person Crime Arrest; and (3) New Property Crime Arrest. Forced Release risk will be based on percentage score for the greatest risk to public safety captured as a new person crime arrest. The scale for the VPRAI is scored based on single category risk factors that produce a similar coded percentage score (10-90%).

Release. All intended releases should be generated sequentially beginning with (1000 and 4000) series inmates. The PSC and/or VPRAI scores will also be considered when calculating the risk of recidivism. When eligible releases from that series have been completed, the next series (2000 and 5000) should be used. Deviation from this procedure and releases from 7000, 8000, and 9000 inmates shall require notification of the population control plan supervisor, or the Jail Commander or his/her designee. As a general rule, staff will release inmates with the least negative public safety scores before those with more negative scores unless authorized by the Jail Commander or his/her designee for the best interest of public safety.

APPENDIX “B”—Jail Operation Capacity

CLASSIFICATION	UNIT	OPERATION CAPACITY	IN-USE TOTAL
Inmate Worker Custody—Male	C	10	10
Inmate Worker Custody—Male	D	10	10
Inmate Worker Custody—Male	Y	20	20
Inmate Worker Custody - Female	H	14	8
	Sub-Total	54	48
Transitional Population	A	8	8
Disciplinary Segregation—Male	M	20	20
Administrative Detention—Male	O	20	20
Protective Custody/Administration Detention	ISO	5	5
	Sub-Total	53	53
Protective Custody—Male	L	26	26
Protective Custody—Male	N	22	22
Protective Custody—Male	P	22	22
	Sub-Total	70	70
Maximum Custody—Male	J	26	26
Maximum Custody—Male	Q	20	20
	Sub-Total	46	46
General Population(Medium/Minimum)—Male	K	16	16
General Population(Medium/Minimum)—Male	R	26	26
General Population(Medium/Minimum)—Male	T	26	26
General Population(Medium/Minimum)—Male	U	20	20
General Population(Medium/Minimum)—Male	V	22	22
General Population(Medium/Minimum)—Male	W	20	20
General Population(Medium/Minimum)—Male	X	22	22
	Sub-Total	152	152
General Population(Medium/Minimum)—Female	Z	18	18
General Population(Medium/Minimum)—Female	E	26	26
Maximum/High Medium Custody—Female	F	24	24
Administrative/Disciplinary Detention—Female	S	16	16
	Sub-Total	90	90
Medical/Mental Health Segregation	Medical(old)	8	8
Medical/Mental Health Segregation	Medical(new)	12	0
	Sub-Total	20	8
CLACKAMAS COUNTY JAIL TOTAL BEDS		491	465