



Lt. Richard Bittick at the Polk County Jail in Dallas, Oregon on May 1. The jail inmate population is down 75% because of restrictions needed to prevent the spread of COVID-19. MADELEINE COOK/STATESMAN JOURNAL



Inmates are assigned fabric masks at the Polk County Jail.



Dorm-style, communal facilities are no longer in use at the Polk County Jail amid the COVID-19 pandemic in Dallas, Oregon on May 1. Staff have had more time to dedicate to projects like painting interiors. MADELEINE COOK/STATESMAN JOURNAL

Jails

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tenance and deep cleaning. The jail upgraded showers in the dorm units and added carpeting and new furniture.

“I’ve been very cognizant to...keep my staff up and moving around,” Bittick said.

On the patrol side, deputies have increased cite-and-release efforts, and are encouraging other local law enforcement agencies to follow suit.

Officials are focused on Measure 11 offenders and other mandatory arrests including domestic violence suspects and restraining order violations.

Still, suspects involved in low-level misdemeanor crimes are not off the hook.

“If there’s a repeat offender who keeps breaking into houses or things like that, we have the ability to make exceptions for those kinds of things to make the community safer,” Garton said.

Domestic violence calls and mental health-related calls have increased, though many other crimes have fallen, he said.

Garton said the process of holding versus releasing individuals requires constant communication with the courts and the district attorney’s office.

“We don’t want to jump ahead and arrest people for them to basically get turned around and released again,” he said. “We’re at a point where we have to do it together (with the court and district attorney’s office) otherwise there’s going to be too much of a decrease on one end and one of us isn’t going to be able to handle the rate.”

Police have the ability to make an arrest, bring the individual to the jail and hold a hearing to determine if the person eligible for conditional release.

Marion County jail population cut by one-third

Unlike other counties that resorted to more drastic measures like early release, Sheriff Kast said Marion County was able to reduce its population without changing much.

“We didn’t have to reduce anything, we just had fewer people coming into the jail,” he said.

Per recommendation from Oregon leaders, police are opting to cite-and-release many offenders on a case-by-case basis instead of taking them to jail.

Jail staff book about 15,000 people a

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Polk County district attorney

year, which averages 40 people a day. Kast said the number of daily bookings is less than half that number.

And with the court system still working to send people to prison or allow for release, the jail soon had more people leaving than it had coming in.

“From about March 12 until the end of March, we dropped from around 415 to under 300 custodies in the facility,” Kast said.

He added that Marion County, unlike many other Oregon jails, was fortunate to have a vacant wing ready to help them spread out inmates and house them one to a cell.

The wing was previously closed due to staffing, but the reduction in inmates allows staff to safely monitor the wing and maintain social distancing.

Fewer people in the pods mean fewer people are out during recreation time, Kast said.

“We do monitor for the same social distancing of 6 feet that we talk about out here in Salem,” he said.

In late March, two Marion County jail deputies tested positive for COVID-19. Kast said no inmates have tested positive for the virus.

If the virus does spread in the jail, Kast said, they have isolation cells in their medical unit.

On the patrol side, sheriff’s deputies are citing instead of jailing on a case-by-case basis.

Dangerous offenders, Measure 11 offenders and domestic violence offenders are still being taken to jail, Kast said.

The reduction in arrests leading to jail may have resulted in some unintended consequences.

“The reality is that all of this over the last month and a half has caused some problems for us with accountability on some of the low-level offenses and ever some middle-level offenses,” Kast said. “To some degree, it’s emboldening some folks to think they are not going to have

to go to jail and that’s not necessarily the case.

“We are definitely watching to see if we have any repeat offenses.”

‘Ray of sunshine during this storm’

Many of those in jail are there because they cannot afford bail, often due to homelessness or behavioral health concerns, said Disability Rights Oregon officials.

They lauded the cuts in jail populations.

“This major reduction in incarceration at our jails is a ray of sunshine during this storm,” said Jake Cornett, Executive Director of Disability Rights Oregon. “Oregon’s Sheriffs and District Attorneys should be proud of slashing jail populations in response to COVID-19.”

But he said the reductions raised a serious question — why were these inmates locked up in the first place if they didn’t pose a threat to public safety?

“When Oregon re-opens, we must leave over-incarceration behind,” Cornett said.

Disability Rights Oregon called on state leaders to demand that once COVID-19 passes, jails continue to filter out people who don’t pose a public safety risk.

“Incarceration causes incalculable harm to the thousands of individuals, many with mental illness, who are placed behind bars at a steep economic cost to our state,” Cornett said.

Oregon District Attorneys Association officials said they support the work being done on the local level by sheriffs and jail commanders.

“All stakeholders, including law enforcement, DAs and the courts, have been thoughtful and responsible about reducing local jail levels by carefully scrutinizing the number of custody arrests being brought into local facilities, evaluating criminal prosecutions in light of public safety and further monitoring the movement of these cases through the criminal justice system,” said Marion County District Attorney and ODAA president Paige Clarkson.

She said the Disability Rights Oregon’s findings highlight the careful steps taken to manage the impact of COVID-19 on jails while keeping communities safe.

In Polk County, prosecutors are working to keep both inmates and victims safe.

“We’ve really been able to maintain sort of a virtual courthouse,” said Polk County District Attorney Aaron Felton. “We’re able to have hearings and get a

judge on the phone very fast to make or pitch of whether (an individual) should stay or not.

“Ultimately, it’s about balancing all the interests in this extraordinary time — the safety of persons serving sentence under lodge in the jail and community safety as well,” Felton said. “So it required us to make some difficult choices.”

Felton said the district attorney’s office continues to work closely with victims’ advocates to inform victims of potential releases and hearings.

Felton added he hasn’t heard of individual victims who’ve had a problem with an inmate’s release.

“I think just the dynamics of it has caused our victim’s advocates to be especially mindful in working with their assigned victims in terms of information,” he said.

Jason Myers, former Marion County Sheriff and current executive director of the Oregon State Sheriffs’ Association, said the sheriffs’ association has been hosting a weekly conference call for sheriffs and jail commanders to discuss best practices, emerging trends and information on how to best protect vulnerable individuals in their custody.

He said efforts were already underway to protect inmates when several organizations, including Disability Rights Oregon and the ACLU of Oregon, penned a letter to OSSA calling for a reduction in jail populations and increased safety measures.

No inmates in Oregon’s jails have tested positive for COVID-19.

Meanwhile, in Oregon’s prisons, 31 inmates and 15 staff members have tested positive for the coronavirus.

On April 13, Gov. Kate Brown received a list of 2,836 prison inmates meeting criteria outlined by the Oregon Department of Corrections, including those over 60, medically vulnerable or with less than 12 months left in their sentence.

Some victims expressed fear over their abusers being released early due to the pandemic.

The next day, Brown said she was not considering a mass release of inmates in response to COVID-19.

Instead, she is taking a case-by-case approach to the early release of vulnerable inmates and those nearing the end of their incarceration.

For questions, comments and news tips, email reporter Whitney Woodworth at wwoodworth@statesman-journal.com, call 503-910-6616 or follow on Twitter @wwoodworth