

Putting our Public Safety Professionals on the Spot: *How an Oregon law designed to protect the most vulnerable, could be almost impossible for our police officers and deputies to enforce.*

Story and photo by RANDY SANDERS

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s Oregon counties pull themselves to their feet -- dazed from the severe pummeling received from the Great American Recession of 2007-- many still feel pain. Tomorrow Columbia County voters will decide the fate of its jail due to budget shortfalls. If the levy fails, the Columbia County Jail will be off-line for the foreseeable future. There have been arguments made for and against, talking points

debated and decisions made. Chances are by the time you read this, you've already sent in your ballot or have learned the fate of the jail.

In 1845, Oregon City built the first jail west of the Rockies, which also became the first public building in Oregon. Public safety has evolved since then, making police agencies better trained and the science of solving crimes more



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sophisticated. Should the levy fail, that jail 169-years ago back in Oregon City would have provided greater public safety than what we'll be left with.

Curious to hear from the people who prosecute and sentence the criminals who plague our community, I spoke with Columbia County District Attorney Steve Atchinson. Looking back at me over mounds of work folders piled on his desk, Mr. Atchinson explains the frustrations and challenges without a jail.

“Once a defendant fails to appear in court, a bench warrant is issued. Without the threat of jail time, many have little motivation to appear in court. Another warrant is issued again for missing the date of their first ‘failure to appear,’ and again another bench warrant is issued. This goes on and on. I’ve already seen some defendants with four ‘failures to appear’ just from our current problem of limited jail space.” I asked him if house arrest is a possible alternative.

“The ankle bracelets used for house arrests requires an additional phone line, which would also require a deposit. Then there’s the cost of a program like this, around \$15 a day. Many defendants can’t pay these costs and the County can’t absorb them.”

Mr. Atchison points to a program called Drug Court and makes the case that it has been effective. The system is set up so once drug offenders are evaluated, first time or low level offenders receive education and could also seek employment. There’s support groups, probation and for offenders who qualify, intensive treatment. Mr. Atchison agrees that these programs enjoy success because people don’t want to go to jail. This is a winning solution for all concerned. Prosecutors and judges would rather have offenders in a drug program learning how to contribute to society instead of Columbia County paying the bill to lock them up in jail. Once incarcerated, the community is responsible for feeding and clothing prisoners and providing them health care. In many instances, this health care is better than what lawful citizens can afford.

“Losing the jail will impact how Drug Courts work,” Mr. Atchison continues. “Drug addicts steal because they are drug-dependent. Without rehabilitation, they go right back to using drugs. They can’t hold a job, and so they steal from the community to get those drugs. Drug courts have been successful. People aren’t motivated to go into a rehabilitation program if the alternative of going to jail is removed. Other tools such as ‘work crews’ have also worked well. But without a jail, it makes things almost impossible.”

Before leaving his office, he introduces me to one particular Oregon law designed to shield the most vulnerable: those abused in domestic situations. He grabs a book on his desk and retreats to the copy machine. Once he returns, he hands me the copy. The Oregon law he circles requires police officers to take into custody any person they feel has caused injury to another. The officer must take any abuser into custody even if they have reason to believe a person will cause physical harm once they leave. Here is how Criminal Citation 133.450 (2)(a) reads: “... when a peace officer responds to an incident of domestic disturbance and has probable cause to believe that an assault has occurred between family or household members, as defined in ORS 107.705 or to believe that one such person has placed the other in fear of imminent serious physical injury, the officer shall arrest and take into custody the alleged assailant or potential assailant.”

But how exactly does an officer comply with the law if there is no jail? Here are two likely scenarios. If severe physical violence has taken place, the officer or deputy can take the abuser to a county rented jail facility near The Dalles. This would require a transporting process of about four hours round trip, including the booking procedure. Columbia County has access to just ten rented beds at this facility; two of them are currently being used by alleged murderers awaiting trial. This solution is reserved for the arresting officer or deputy’s determination that situation is extreme. Should a deputy have to transport a prisoner, it would leave just one available to patrol the County’s 688-square miles. For the second scenario, Mr. Atchison suggested I speak with Sheriff Dickerson.

I caught up with Sheriff Jeff Dickerson in the hall just outside the Commissioner's public meeting room after a Wednesday meeting. He's a man whose job grows more complicated and challenging with each passing week. I proposed the question to him.

"If the jail closes, we cannot hold anyone there. There will no longer be any guards employed there. All we can do is detain them while we're booking them. That usually takes about an hour."

Studies show that severe spikes occur in domestic violence calls during several times of the year, such as Super Bowl Sunday and Fourth of July. Imagine a situation where an enraged man -- who has been drinking or using drugs -- assaults his wife in front of their children. The Oregon law is designed to give the victim and children some protection -- and the ability to seek temporary shelter -- while the abuser is held in jail. In many cases, the abuser can become more enraged once the police are called into the situation. Should the jail close, this means that the abuser will spend about an hour total away from their home while getting booked. Once the process has been completed, they are free to leave.

We as humans evolve in many ways as time moves on: technology, science and public safety. Early settlers had decided that it was a good idea to separate people who break laws from people who wish to work well within society. The 200-square-foot, stick-built jail was constructed to serve this purpose. Simply put, this was a community whose public safety measures evolved. On Tuesday, May 20th, we'll discover if our community will also continue to evolve our public safety standards, or will we retreat back to the days prior to 1845.