

**Multnomah County Measure 26-233:  
Additional Inspection of County Jails Volunteer Report 2023**

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# **1. INTRODUCTION**

## **A. Before You Read**

On October 24, 2023, the authors of this report participated in an inspection of Multnomah County jail facilities, Multnomah County Detention Center (MCDC) and Multnomah County Inverness Jail (MCIJ), as a part of the Additional Inspection of County Jails Project 2023, along with County Commissioners, representatives from Multnomah County Sheriff's Office (MCSO) and the Multnomah County Health Department (MCHD), and other constituent volunteers. Our day started at MCDC and ended at MCIJ, taking around 6.5 hours total. MCSO employees led us through various areas of the jails (intake/classification, housing, medical, disciplinary, programming, and staff areas), presented information, and we were allowed to ask questions along the way. We were also offered some time for reflection in a separate meeting room at each facility either before or after each tour, where MCSO and MCHD employees answered some of our follow-up questions.

This report is a reflection based on the impressions gathered from information presented by Multnomah County Sheriff's Office and Multnomah County Health Department employees. Employing Multnomah County's Equity and Empowerment Lens, we acknowledge the inherent incompleteness of the information provided. The inspection, as outlined in the measure, appeared more like a tour, rehearsed and delivered by MCSO staff. Consequently, we the volunteers found ourselves constrained in our capacity to comprehensively engage with the subject matter, delve into pertinent questions, and fulfill the duties outlined in Measure 26-233.

This report incorporates information relayed to us, our observations, and subsequent recommendations. Our observations about the jail environment are limited in some sections due to the minimal amount of time we spent in certain areas of the jail and the fallibility of our memories in recounting information relayed to us by the employees leading the tour. We augment our findings with additional local data, public records, and scholarly articles sourced from MCSO and MCHD, as well as peer-reviewed journals. Notably, the narrative during the inspection was predominantly steered by Multnomah County jail staff, precluding a meaningful opportunity to interview or interact with individuals in custody to consider their perspectives.

It is essential to recognize that our report is inevitably shaped by our own biases and perspectives derived from our individual identities. The volunteer base involved in the process appeared to lack adequate representation of the broader community, highlighting a potential limitation in the breadth of viewpoints considered.

## **B. General Impressions**

The assertions we make in this report are based on a few hours of observation at MCDC and MCIJ. Based on the information we gleaned from our conversations with MCSO/MCHD staff

and our observation of the physical structures of the jails, we believe that Multnomah County fails to provide safety and dignity to people in custody. The most important evidence of this failure lies in the staggering number of in-custody deaths in Multnomah County custody since May 2022.

- Jess Rivas-Castillo, age 36, May 9, 2022. Accidental death from acute cocaine poisoning.
- Stephen Wayne Murphy, age 63, July 26, 2022. Liver disease. Concentrations of fentanyl found in his bloodstream.
- Kenneth L. Hurley, age 55, November 19, 2022. Pneumonia due to influenza and rhinovirus/enterovirus, with cardiovascular disease and obstructive pulmonary disease as contributing conditions.
- Donovan Anthony Wood, age 26, May 2, 2023. Suicide.
- George Allen Walker, age 31, May 13, 2023. Internal bleeding caused by an ulcer.
- Martin Todd Franklin, age 58, June 16, 2023. Suicide.
- Kashi Abram Harmon, age 53, June 22, 2023. *Investigation pending.*
- Josiah G. Pierce, age 31, July 19, 2023. *Investigation pending.*
- Clemente Pineda, age 36, August 1, 2023. *Investigation pending.*
- Tera Anne Harris, age 51, October 26, 2023. *Investigation pending.*

Our knowledge of these deaths prior to engaging in the inspection process, in addition to the news of the death that occurred just days after the inspection took place, contributed to our observations and the formation of our conclusions. Incarceration should not be a death sentence for people with acute mental health, medical, or substance use issues, nor should it be a way for the County to disappear people who otherwise cannot access the services and support they need in the community.

**Our primary impression from the inspection is that Multnomah County jails are currently incapable of safely housing people in their custody and that the conditions of confinement in Multnomah County jails are inhumane.**

In these ways, Multnomah County corrections is not unique. When considering possibilities for change, we must acknowledge that all carceral systems in the United States are constructed to reduce the people in their custody to “bare life”<sup>1</sup> – to subjects of the State who no longer have the right to self-determination or freedom. Multnomah County jails are inhospitable environments where people in custody must advocate to get their basic needs met. No solutions short of radically reconstructing our jail system will begin to address the dehumanization of

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<sup>1</sup> Natsu Taylor Saito, “Indefinite Detention, Colonialism, and Settler Prerogative in the United States,” *Social & Legal Studies*, 30(1), 47. Saito argues, “It is well documented that prolonged and indefinite incarceration in isolation units subjects human beings to a regime in which they are reduced [to] bare life, devoid of any meaningfully protected rights. But this is also true more generally for US prisoners who are routinely warehoused in overcrowded facilities; denied access to decent food, adequate medical care, or educational materials; and left at the mercy of guards.”

incarceration. We have attempted to outline the most urgent adjustments that need to be made to reduce the damage and harm of incarceration inflicted on our community members in custody, and in turn on their families, loved ones, and support systems.

Below we address a non-exhaustive list of areas that we observed within the jails and outline some recommendations for improvement. Our conclusion focuses on areas for improvement in the inspection process, as well as general takeaways from our research about and observation of the Multnomah County jails.

## **2. INSPECTION DETAILS**

### **A. Note on Demographics of Adults in Custody**

MCSO outlined its goals around Diversity, Equity, and Inclusion in their most recent FY 2024 Budget Transmittal Letter, which states: “We continue to be committed to learning how systemic racism and implicit bias exist in our organizations and institutions, including criminal justice, health care, education, and housing.”<sup>2</sup> Unfortunately, jail population statistics indicate that vast disparities along racial lines still exist in policing and incarceration in Multnomah County. For example, 22.4% of the jail population self-identified as Black in September 2023 per MCSO’s monthly jail statistics (Pg. 6)<sup>3</sup>, while only 6.2% of the total population of Multnomah County identified as Black per the 2022 census<sup>4</sup>.

Discussions of diversity, equity, and inclusion often include the idea that the employees of companies and organizations should reflect the communities they serve. We should also demand that the populations of our jails, for as long as jails exist, mirror the demographics of our communities. Jails are a direct reflection of which people our society deems to be dangerous. The demographics of our jails indicate structural prejudice born out through racist and discriminatory policing and release decisions made by criminal judges, which leads to an increased probability of incarceration for BIPOC people and people experiencing financial instability in Multnomah County.

The Multnomah County Auditor’s Office has already pointed out a variety of racial discrepancies in the jail population per their April 2022 report entitled “Multnomah County Jail Conditions: Circumstances were Worse for Adults in Custody who are Black and/or Have Mental Health Conditions.”<sup>5</sup> The Auditor’s Office indicated that MCSO has little control over the demographics of the jail population. We agree that their control is limited, but MCSO is also an arresting agency.

**RECOMMENDATION: Work with independent parties and consultants to make structural and cultural changes within MCSO to cease the disproportionate policing and incarceration of BIPOC communities in Multnomah County.**

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<sup>2</sup> Nicole Morrissey O’Donnell, “FY 2024 Budget Submission Transmittal Letter,” 3, <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/FY%202024%20MCSO%20Transmittal%20Letter-%20Final.pdf>

<sup>3</sup> “Multnomah County Sheriff’s Office Monthly Jail Report, September 2023,” 6, *Multnomah County Sheriff’s Office*, [https://mcso.us/site/pdf/stats/09\\_Jail%20Report%20September%202023.pdf](https://mcso.us/site/pdf/stats/09_Jail%20Report%20September%202023.pdf)

<sup>4</sup> “QuickFacts: Multnomah County, Oregon,” United States Census Bureau, <https://www.census.gov/quickfacts/fact/table/multnomahcountyoregon/HSG495221#HSG495221>

<sup>5</sup> “Multnomah County Jail Conditions: Circumstances were Worse for Adults in Custody who are Black and/or Have Mental Health Conditions,” *Multnomah County Auditor’s Office*, <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/MultcoAuditorJailConditionsAuditReport.pdf>

MCSO produces monthly reports about the demographics of people booked into custody, however, it stands out to us that they do not track the percentage of houseless people, non-native English speakers/people requiring translators, people who are indigent, gender diverse individuals, and people with disabilities in their custody.

While MCSO does not keep track of the number of people who are considered indigent in their custody, they do have a system by which they identify people as indigent. To qualify as indigent within the Multnomah County jail system, a person must be without any funds for seven days once they are entered into the housing system (booking/classification time not included). People in custody with a job assignment would not be considered indigent even if they receive only five dollars per week for their labor. People in custody who qualify as indigent are offered the following items per the schedule below:

- Envelopes: 2 every 7 days
- Toothpaste: 1 every 7 days
- Toothbrush: 1 every 14 days
- Shampoo: 1 every 10 days
- Tums: 1 every 7 days
- Comb: 1 per visit
- Roll-on Deodorant: 1 every 30 days
- Notepad: 1 every 30 days
- Flex Pen: 1 every 30 days
- Hair Pick: 1 per visit

We do have information, albeit somewhat outdated, about the percentage of people appointed a public defender at their first assignment of counsel in a criminal case. In 2019, the Racial and Ethnic Disparities in Multnomah County report (“RED report”) indicated that 90% of all people charged with crimes in Multnomah County received court-appointed counsel at their first assignment of counsel, with BIPOC people receiving court-appointed counsel at higher rates than white people.<sup>6</sup>

It is impossible to know exactly how the percentage of people who received appointed counsel at their first assignment of counsel translates to the number of people in custody who are considered indigent by MCSO. People who qualify as indigent to receive court-appointed counsel may have income or assets outside of custody. Multnomah County jails house people not only awaiting trial (and therefore in need of an attorney), but also those serving time for parole/probation violations, those who have been sentenced to less than a year of incarceration, those being held in Multnomah County with either federal charges or charges from other counties, and a small number of medically vulnerable people whose charges/sentences are from

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<sup>6</sup> “Racial and Ethnic Disparities in Multnomah County: November 2019,” 24, The W. Haywood Burns Institute, <https://www.multco.us/lpscc/racial-and-ethnic-disparities-multnomah-county-report>

other counties. People in custody may also have money in their spending account in jail if someone out of custody has added money to it. However, the statistics from the RED report are staggering and indicate that most people charged with crimes in Multnomah County are either low-income or have no income. While the vast majority of people in custody are considered indigent by the county, MCSO's internal definition of indigence is significantly more restrictive, resulting in many people not being able to access the most basic necessities.

**RECOMMENDATIONS: Increase the dollar threshold for a person in custody to qualify as indigent. Additionally, identify and document individuals in custody who meet the criteria for indigence, and incorporate this information into point-in-time, monthly, and annual reports. Identify and document individuals experiencing houselessness, non-native English speakers/those requiring translators, gender diverse individuals, and people with disabilities.**

## **B. Intake**

### *Observations:*

#### Overview of Intake Areas:

Processing of people coming into custody and their release both occur at MCDC. In this section of the inspection, we viewed the transfer/holding area, the booking counter, the fingerprinting area, the location where court officers interview people for the purposes of determining release criteria, the medical screening area, the classification interview process, and the dress-in room and full body X-ray scanner.

Booking at MCDC occurs on a basement floor of the building. After arrest, law enforcement accompanies the person who has been arrested into the intake area through large doors, and the booking process begins at one of a cluster of desks. At those desks, officers pat each person down, remove and document all personal property aside from their clothes, and place the property in a secure locker. Visible from this desk area are a few individual holding cells lining the walls, as well as some officer desks shielded by plexi-glass.

Following the property search, the person who has been arrested is moved to the area where they are fingerprinted, photographed, and interviewed. This area is connected by a corridor to the area in which where people are searched initially. The corridor contains a small medical station and a cubicle-like area where fingerprints and mugshots are taken.

At any point during the booking process, a medical screening may occur based on the acuity of any potential medical/mental health need. Nurses examine every incoming person, and nurses can refuse to admit an individual who demonstrates signs of an urgent medical condition that needs treatment. **See Section C on Corrections Health.**

The main room in the intake area is a large, congregate waiting area. On one side of the room, there are desks occupied by correctional officers supervising the people in custody and officers conducting intake interviews. Intake interviews, otherwise known as recognizance interviews, determine a person's release criteria prior to their first appearance in front of a judge as well as a person's security level in the jail. This large intake area had music playing, softer light than the aggressive fluorescent lighting everywhere in the building, and TVs playing various channels at low volume with clusters of chairs in front of them that are bolted to the floor. There are single-stall bathrooms readily available, as well as phones for making calls out of the jail. One MCSO employee referred to the television as a "good babysitter." There are a few more individual holding cells in this area. Elsewhere on this floor, there are larger holding cells with locking doors that can house multiple people at the same time for those awaiting transport, booking, or release.

After someone has completed the above-described intake process, but before a person is placed into housing, they undergo a strip search and enter a full-body X-ray scanner that can locate small amounts of drugs on/within a person's body. Contraband found during the body scan process is confiscated but does not result in disciplinary action. Once contraband enters the housing unit, people in custody are subject to disciplinary action around the use and possession of any controlled substances. Corrections staff stated that the body scanning device was extremely accurate, but that small amounts of fentanyl may not be observed in the imaging. Strip searches were reimplemented in August of 2023, partially to account for trace amounts of fentanyl that may elude the X-ray images.

Notably, in response to our question about what measures they were taking to prevent the movement of controlled substances in and out of the jail through corrections staff, MCSO representatives referred only to their "clear bag policy" for any staff entering the facility as well as a range of official standards that employees are bound to follow.

#### Discipline and De-escalation in Booking:

MCSO staff noted if a person being booked is "behaving," they will have access to a phone, television, and open seating while they wait to be processed for intake or released. MCSO and Corrections Health representatives noted that this period allows them to observe people's behavior before the classification process.

If a person misbehaves or is disruptive, they are put in a single person holding cell indefinitely until MCSO determines that their behavior has resolved. Cells marked "ISO," short for isolation, are used for instances such as suicide watch, disruptive behavior, and detoxing from substances



(this list is non-exhaustive). The cells are roughly 6'x5'. Individual cells in the booking area are colder than in the main room. A representative of MCSO noted that an individual can be held in these small cells anywhere from 1-24 hours, and if the person will be in custody longer than 24 hours and moved to a housing unit, the deputies and corrections health collaborate on next steps. **See Section E on Jail Discipline for more on isolation.**

If a person is placed into an isolation cell before they have completed the booking process, the time they spend in that cell does not count towards their jail time credits calculated for the purposes of sentencing or serving a parole or probation sanction. The jail refers to this time as “dead time.”

Incarcerated workers are tasked with cleaning these isolation rooms after every use, as the deputy noted these cells get a “wear and tear.” The cell we observed appeared to be dusty or dirty.

### *Reflections:*

Multnomah County’s intake procedures and facilities uphold a lack of care for individuals in custody. Health conditions such as PTSD are common among people in custody.<sup>7</sup> The physical structures, policies, and practices of the MCDCC booking process do not appear to be trauma-informed and could easily activate symptoms of PTSD, other mental illness, and/or past trauma. Tactics such as isolation and using cold temperatures in isolation cells to de-escalate individuals in custody serve to traumatize and retraumatize individuals, which may contribute to a high recidivism rate. The language Multnomah County uses to refer to people in custody, exemplified in the comment that television is a “good babysitter,” infantilizes incarcerated people and demonstrates the harmful disposition of some MCSO employees towards those in its care. Cold temperature, social isolation, and cramped living spaces do not reflect Multnomah County’s assertion that it “places the highest value on the compassionate care and safety of all persons in our custody.”<sup>8</sup>

To better serve and compassionately care for the individuals MCSO holds in its custody, there must be objective and measurable ways to reflect on behaviors, practices, and cultural stereotypes inflicted on individuals in custody. Additionally, further data should be captured regarding the individuals detained.

## **RECOMMENDATIONS:**

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<sup>7</sup> Illinois Criminal Justice Information Authority. "Trauma-Informed and Evidence-Based Practices and Programs to Address Trauma in Correctional Settings," (July 2017), <https://icjia.illinois.gov/researchhub/articles/trauma-informed-and-evidence-based-practices-and-programs-to-address-trauma-in-correctional-settings>.

<sup>8</sup> Michael Reese, “Sheriff’s response to the jail conditions audit report,” *Multnomah County Sheriff’s Office*, 1 <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/SheriffResponseToJailConditionsAudit.pdf>

- **Collaborate with trained folks who specialize in trauma-informed and restorative practices that would decrease retraumatization from an inherently traumatizing atmosphere.**
- **Eliminate the practice of isolation as a method of surveillance or de-escalation for an individual. Should the individual need an environment that would facilitate lower levels of agitation and activation, create environments that are trauma-informed and aim not to reintroduce new trauma or activate past trauma.**

## **C. Corrections Health**

### *Observations:*

#### MCDC - Multnomah County Detention Center:

- Anyone who stays the night must undergo a medical interview.
- Once people are placed in jail housing, medical care plans can be comprehensive to include treatment, medications, and other services.
- Dental services are available onsite. Dental services in MCDC have received significant investment.
- Multnomah County Detention Center follows a detox assessment protocol for benzodiazepine, alcohol, and other addictions. The process includes observation and assessment. If a person qualifies after observation and assessment, they may receive assistance in the detox process. Assistance includes suboxone and COWS. COWS is an opiate withdrawal scale that helps people receive different treatments for detox.
- During intake, should an individual need additional comprehensive scans, labs, and other tests, the corrections health medical professional will advise the arresting officer about the need for the additional medical assessment. The final decision is delegated to the arresting officer and therefore depends on the arresting officer's individual judgment about the necessity of such care and whether the officer has the time and energy to facilitate the person's medical treatment. Though people must receive approval from three stages of medical professionals when requesting medical evaluations in emergency departments, final say in granting these medical evaluations ultimately rests with the arresting officer.

#### MCIJ - Multnomah County Inverness Jail:

- MCIJ contains two mental health housing options that provide different levels of mental health support and services depending on the acuity of such conditions.
  - Dorm 6 focuses more on peer support and is demonstrated through the open style dormitory. It is cohort housing for folks with shared lived experiences.

- Dorm 15 is an extension of the mental health dorm that includes single-cell housing. It accommodates more acute mental health conditions and provides more opportunity for mental health management.
- MCIJ also has a medical area with exam rooms.

### *Reflections:*

Despite the robust information on corrections health and the status of health in these facilities, COVID-19 remains a very real threat to health and safety in MCDC and MCIJ. The reality is that congregate settings that house medically vulnerable populations pose a breeding ground for contracting viruses like COVID. There have been numerous reports of outbreaks with both staff and individuals in custody.<sup>9</sup> The situation escalated in Inverness Jail when inmates protested the COVID conditions.<sup>10</sup> Reports of apathetic staff and lax procedures led to hundreds of documented cases of COVID.<sup>11</sup> In response to the dire circumstances, inmates have taken legal action against Multnomah County, filing a lawsuit over the county's handling of the COVID-19 pandemic within correctional settings.<sup>12</sup> The convergence of outbreaks, protests, and legal challenges underscores the urgent need for effective measures to mitigate the spread of COVID-19.

Funneling more people into Multnomah County jails by returning to pre-COVID booking criteria will not deter crime. In fact, research suggests that punitive programs yield higher rates of recidivism than their rehabilitative services counterpart.<sup>13</sup>

According to anecdotal information provided by MCSO during the inspection, Narcan has been administered 79 times since July 2022. However, according to MCSO, they do not independently track all uses of Narcan in their written response to our follow up questions. Access to controlled substances within the jail demonstrates the desperate need for more robust support for substance use and mental health conditions.

## **RECOMMENDATIONS:**

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<sup>9</sup> The Oregonian, "COVID-19 Cases Surging Again at Multnomah County Jails," January 20, 2022, <https://www.oregonlive.com/coronavirus/2022/01/covid-19-cases-surging-again-at-multnomah-county-jails.html>.

<sup>10</sup> The Oregonian, "Deputies Trapped During Inmate Protest Over COVID in Inverness Jail," February 18, 2021, <https://www.oregonlive.com/portland/2021/02/deputies-trapped-during-inmate-protest-over-covid-in-inverness-jail.html>.

<sup>11</sup> The Oregonian, "Lax Procedures, Staff Apathy Led to Widespread COVID-19 Outbreak at Portland Jail, Inmates Say," February 23, 2021, <https://www.oregonlive.com/portland/2021/02/lax-procedures-staff-apaty-led-to-widespread-covid-19-outbreak-at-portland-jail-inmates-say.html>.

<sup>12</sup> Oregon Public Broadcasting, "Inmates Sue Multnomah County Over Jail's Response to COVID-19," April 9, 2021, <https://www.opb.org/article/2021/04/09/inmates-sue-multnomah-county-over-jail-response-to-covid-19/>. As of December 20, 2023, this lawsuit is still pending in federal court.

<sup>13</sup> JSTOR Daily. "Rethinking Prison as a Deterrent to Future Crime," <https://daily.jstor.org/rethinking-prison-as-a-deterrent-to-future-crime/>.

- Arresting officers should be removed from the process of approving additional treatment and examination.
- For MCSO & MCHD: Create a system for tracking administered uses of Narcan.
- Incarceration should be a last resort; physical, behavioral, and mental health should be considered when deciding whether to arrest or redirect people to further services.
- Per the Multnomah County Auditor's Report: Eliminate the use of isolation as a disciplinary sanction for individuals with mental health conditions.
- Shorten MCSO's response timeline for medical/mental health grievances.
- Reduce jail population immediately to ensure that people in custody are given adequate physical and mental health care.

## **D. Housing**

### *Observations:*

#### Single Cell Dorms:

At MCDC, we visited a unit that houses women in custody. Dorms at MCDC are single cell and two stories. Cells line the outer wall and appear to be about 8'x8' with locking doors that have an exterior window. Beds consist of a thin mattress placed on a concrete bench. The officer desk and control room are in the center of the dorm. The bathrooms are next to the officer desk. The non-recorded attorney phone line is within arm's reach of the officer desk. One cell with its door open appeared to be dusty or dirty. Outside facing windows in cells are very small.

People are allowed outside recreation (in a concrete open-air gymnasium without plants or grass) at most twice per week, although they may not be allowed outdoor time due to inclement weather or disciplinary status. The most time a person can spend out of their single person cell in the dorm is 4 hours a day if they are not working or engaging in other programming. Programming opportunities are minimal at MCDC.

#### Open Dorms:

At MCIJ, we visited an empty dorm. Approximately 50-70 people are housed in each dorm. Bunks appeared to be inches apart from one another and clustered in groups of five or six (see appendix for drawing of dormitory). A half wall separates groups of beds from one another. The center of the dorm has several tables with chairs, bookshelves, and an exercise device. The bathrooms are opposite the outdoor area. The officer desk and control room are next to the bathrooms, and the control room is sandwiched between two dorms so that one deputy can oversee two dorms during periods of lockdown. The non-recorded phone dedicated to receiving attorney calls is on the outside bathroom wall, slightly more removed from the officer's desk than at MCDC but is still in the middle of the open dorm area.

When dorms are locked down, people must be on their 28"x76" mattresses for as long as the lockdown lasts unless they are going to the bathroom (which they are only allowed to do one at a time). Staffing issues at MCIJ add to the amount of time dorms are on lockdown. The "yard" is a concrete enclosure with 10-15' walls enclosed at the top by a grate covered in mesh that obscures the sky. The yard does not have any foliage. The bathrooms in the empty dorm we visited appeared dirty.

Miscellaneous: Individuals are provided a clean change of clothes including underwear twice a week. Meals are eaten in dormitories at both MCIJ and MCDC.

### *Reflections:*

Housing conditions at both facilities reflect an institutional practice of dehumanization. From prolonged mental isolation in tiny cells at MCDC to overcrowded dormitories that allow for no privacy at MCIJ, jail housing areas are breeding grounds for mental/physical illness and violence.

### **RECOMMENDATIONS:**

- **Ensure access to the outdoors daily for people at MCDC and for people in isolation, medical, and disciplinary housing at both facilities, including access to green spaces.<sup>14</sup>**
- **Allow people in custody at MCDC at all possible classification levels the option to spend more time outside of their cells and socialize with other people in custody.<sup>15</sup>**
- **Allow women, men, and gender diverse people in custody to socialize with one another.**
- **Create areas that allow privacy for people who live in open dorm settings at MCIJ.**
- **Create private phone booths for people in custody to receive incoming attorney calls and make outgoing calls to report complaints (PREA or otherwise) in both facilities.**
- **Hire professionals to conduct regular deep cleaning in living areas.**
- **Provide clean undergarments to people in custody daily.**
- **Offer halal and kosher meals. Ensure that people can receive medically necessary diets. Feed men and women the same number of calories daily.**
- **Allow people to decorate their dormitories and cells with their art.**

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<sup>14</sup> Nejade RM, Grace D, Bowman LR, "What is the impact of nature on human health? A scoping review of the literature," *J Glob Health* (2022), <https://doi.org/10.7189/jogh.12.04099>. Access to nature is critical to positive physical and mental health outcomes. People incarcerated in Multnomah County jail facilities are completely deprived of access to green spaces in housing areas. Access to green spaces via specific work assignments and programming appear to be extremely limited.

<sup>15</sup> See section on Jail Discipline and the effects of isolation.

## E. Jail Discipline

### *Observations:*

Disciplinary Housing Unit: During our tour of MCDC we visited the disciplinary housing unit. The unit looked smaller than a regular housing unit and there was no common area. We do not recall spending a significant amount of time in the disciplinary housing unit at either MCDC or MCIJ. People in custody on the disciplinary unit are on various levels of lockdown, but in general receive less time outside of their cells than those with lower security classifications. Our observations in this section are based more on follow up questions to MCSO and independent research than what we immediately observed at MCDC or MCIJ.

Mental Illness & Discipline: The Multnomah County Auditor's Office report referred to earlier outlines the ways in which Black people and people with mental illness are disproportionately impacted by disciplinary measures at Multnomah County jails. Due process functions differently for people in custody who are accused of misconduct. For disciplinary violations that do not rise to the level of a crime that is referred to the Multnomah County District Attorney's Office, people are not provided representation in disciplinary hearings. The auditor's report indicated that certain deputies issued misconduct reports at higher rates than others.

Disciplinary Interactions: In October 2023 alone, MCDC and MCIJ held 138 misconduct hearings. Discipline may lead to loss of privileges for people in custody, such as restrictions on out-of-cell time, fines, and/or being removed from a work assignment, among other punishments. Any of these forms of discipline lead to harsher conditions of confinement. There were also twenty-seven use of force reports opened in October 2023. Use of force can range from physical restraint to deployment of tasers and OC spray to physical strikes and takedowns.

Isolation: In this section, we adopt the term "isolation" as it was used in the Multnomah County Auditor's report.<sup>16</sup> Isolation, used as a disciplinary sanction, is an umbrella term that captures the process and practices that isolate an individual from others.

- *Intake ISO cells:* Doors are labeled "ISO" – short for isolation. These small rooms include a bench roughly 3 ft in length and 1 foot wide. There are no cushions, blankets, or pillows. All surfaces are hard. There is no way to fully lie down unless one chooses to do so on the ground shorter than 6 ft. These cells include a toilet connected to a small sink. There is a privacy cover on the window outside of the door that deputies use and control. Officers can open the window and look inside while an individual is using the restroom, sleeping, sitting. These cells are colder than the rest of the booking area to facilitate the sobering process of individuals in booking.
- *Disciplinary Practice:* The Multnomah County's Auditor Report found that isolation was

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<sup>16</sup> McGuirk, Jennifer. *Multnomah County Jail Conditions: Circumstances were Worse for Adults in Custody who are Black and/or Have Mental Health Conditions*. Portland, Oregon: Multnomah County Auditor's Office. 2022.

a primary disciplinary practice for violations which include disruptive behavior, failure to do as ordered, disrespecting others, assault/fight/threaten inmates/staff, and misuse of equipment or property. Isolation extends not to just segregated housing, but also reduced time outside of their cell and visiting hours.<sup>17</sup>

### *Reflections:*

The lack of due process rights afforded to people accused of misconduct in jail allows subconscious biases to affect every step of the disciplinary process and gives jail staff issuing misconduct citations unchecked power over people in custody. Deputy uses of force, except under the most extreme circumstances, seem counterintuitive to any reasonable penological interest. Exposure to violence during incarceration can lead to aggressive and antisocial behaviors.<sup>18</sup>

Even a minimal loss of privileges for people in Multnomah County custody can be devastating given that they have limited opportunities for work, education, and programming – and at MCDC – socialization as well. Importantly, loss of opportunity to work while in custody translates to a lost opportunity to earn a sentence reduction for those serving a jail sentence. People in custody may also be fined for a disciplinary violation, which, factoring in the paltry wages offered to people working in custody and the number of criminal defendants who qualify for court appointed counsel due to their income, places an undue financial burden on people in custody who are already experiencing the marginalization and dehumanization of confinement.

Though the auditor’s report acknowledged the usage of isolation as an umbrella term, the MCSO response from Michael Reese deflected accepting recommendations pertaining to the elimination of disciplinary sanctions involving isolation in total by March 2023. The response also included a separate, more immediate recommendation for the elimination of isolation as a disciplinary sanction for individuals with mental health conditions by September 2022.<sup>19</sup> Solitary confinement in any capacity is mutually exclusive with a carceral system that values “compassionate care.”<sup>20</sup> People in custody are more likely than the general population to experience trauma or PTSD. Any form of isolation has the potential to traumatize and retraumatize which is wholly at odds with “serving everyone with dignity and respect.”<sup>21 22</sup>

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<sup>17</sup> Ibid.

<sup>18</sup> Paul Boxer, Keesha Middlemass, Tahlia Delorenzo, “Exposure to Violent Crime During Incarceration,” *Criminal Justice and Behavior* 36(8) (July 2009), <https://doi.org/10.1177/0093854809336453>

<sup>19</sup> Michael Reese, “Sheriff’s response to the jail conditions audit report,” Portland, Oregon: Multnomah County Sheriff’s Office, (2022)

<sup>20</sup> Ibid.

<sup>21</sup> Illinois Criminal Justice Information Authority. “Trauma-Informed and Evidence-Based Practices and Programs to Address Trauma in Correctional Settings,” (July 2017), <https://icjia.illinois.gov/researchhub/articles/trauma-informed-and-evidence-based-practices-and-programs-to-address-trauma-in-correctional-settings>.

<sup>22</sup> Nicole Morrissey O’Donnell. “FY 2024 Budget Submission Transmittal Letter,” 2, <https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/FY%202024%20MCSO%20Transmittal%20Letter-%20Final.pdf>

### RECOMMENDATIONS:

- “Develop and implement a training program designed to reinforce the goal of informal solutions to discipline issues and to reduce the need for misconduct citations.
- Monitor deputies’ use of misconduct citations.
- Implement a use of force data collection system that will facilitate analysis of use of force incidents to identify patterns and training priorities.
- Contract with professionals in training on cultural competency as well as identifying and managing race-related implicit bias.
- Eliminate the use of disciplinary sanctions that involve isolation.
- Expand training for deputies on how to work with adults in custody with mental health conditions.
- Expand the number of housing areas specifically for individuals with mental health conditions.
- Revise procedures for planned use of force activities involving individuals with mental health conditions to require participation of mental health staff.<sup>23</sup>
- Ensure that there is an accessible appeal process for misconduct citations.
- Allow people in custody representation through an attorney or peer support in misconduct appeal hearings and the opportunity to call witnesses and present evidence in their defense.
- Require that findings of misconduct meet a clear and convincing standard in disciplinary hearings.
- Eliminate fines and loss of job assignments for disciplinary violations.

### F. In-Custody Work Opportunities

#### *Observations:*

In-Custody Labor/Compensation: Oregon voters approved Measure 112 in 2022. The measure removed slavery language from the Oregon Constitution, and in turn, all jobs for people in custody in MCSO facilities are now considered volunteer positions. Incarcerated workers receive \$1.00 in compensation per day of labor. Work time credit is also no longer automatically granted to people in custody due to the changes in the Oregon Constitution, although judges may grant work time credit during sentencing at their discretion.

Work & Programming Hours: According to MCSO, most in-custody jobs run Monday through Friday during daytime hours. Sometimes work may interfere with programming, but MCSO states that they offer programming at various times to minimize overlap.

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<sup>23</sup> The following recommendations are taken from the auditor’s office report. McGuirk, “Multnomah County Jail Conditions,” 31



Janitorial Work: During our inspection, we did have the opportunity to ask about some specific incarcerated worker job assignments, including the janitorial position. Janitors are responsible for cleaning cells, dormitories, and bathrooms. This job sometimes requires people in custody to clean up biohazardous materials. Professional outside cleaning crews do not work within the housing units. When a person refuses to complete a certain job assigned to them, another person in custody may be selected from a waitlist for the job. According to MCSO, PPE is provided to people who perform cleaning tasks and OSHA training for incarcerated workers is in the process of being implemented.

*Reflections:*

Addressing the state and federal laws and county ordinances that dictate how much people in jail are compensated for their labor is beyond the scope of this inspection, but Multnomah County Commissioners should prioritize looking into the benefits of paying people in custody a meaningful amount for their labor. The current wages for individuals in custody are insufficient to cover the costs of basic commissary items, making it an almost impossible challenge to save for release.

**RECOMMENDATIONS:**

- **Ensure that people do not have to choose between working and going to school/treatment or engaging in desired programming.**
- **Pay people in custody a meaningful amount for their labor that would allow them to save for release and pay for basic items that increase their quality of life.**
- **Ensure that people do not get disciplined, punished, or retaliated against for taking days off from work or refusing to complete a task.**
- **Allow people incarcerated workers days off from their work duties without forfeiting their work opportunities.**

**G. Staffing**

*Observations:*

Corrections Vacancies: Representatives from MCSO and MCHD both expressed challenges with staffing. According to MCSO, they have had around 30 funded corrections deputy vacancies over the past two years that have been difficult to fill. We observed every post to be sparsely staffed from public-facing to housing areas.

Nursing Vacancies: MCHD recently received increased funding for additional corrections nurse positions. Representatives from MCHD during the inspection stressed the acuity of medical/mental health needs of the jail population and the desire for more staff who can bridge the gap in meeting those needs.

### *Reflections:*

Understaffing is an enormous issue that affects everyone in the jail environment. Undoubtedly corrections deputies experience burnout from increased responsibilities and overtime, and people in custody also suffer the consequences of understaffing.

Jail policy dictates that one correctional officer needs to be present for people to congregate in common areas of a housing unit. Where there is not sufficient staffing to support that, MCSO's policy is to place dorms on lockdown, which means that people must stay in their cells or on their beds (in open dormitories) for as long as the lockdown continues. Fewer deputies means longer and more frequent periods of lockdown where people in single cell housing are subject to isolation and people in open dormitory housing must remain on 28"x76" beds for as long as the lockdown lasts.

Low staffing levels can also escalate conflict between staff and people in custody, and "[use of] force is... more likely where custody staff are too few in number relative to the number of prisoners, are poorly paid, are poorly trained in inter-personal skills and conflict resolution, or are poorly supervised."<sup>24</sup> Understaffing within MCHD also creates dangerous roadblocks to people in custody's ability to access timely medical care and mental health support.

One solution to low staffing is to incarcerate fewer people. During the first three years of the pandemic, MCSO changed booking criteria to minimize the amount of people moved in and out of Multnomah County jails. Policing agencies in Multnomah County issued citations to people charged with low-level and non-violent misdemeanors in lieu of booking them into custody. The jail population dropped dramatically during that time.

In August 2023, MCSO returned to their pre-COVID "open booking" policy, meaning "any person arrested in Multnomah County for any felony or misdemeanor offense codified in the Oregon Revised Statutes can be booked into jail,"<sup>25</sup> including people charged with minor, non-violent offenses. In the end, the arresting agency decides whether to transport an arrested person to a jail or cite and release them at the location of the arrest. However, MCSO's decision to return to a policy that will inevitably result in a higher jail population seems irresponsible given current staffing deficits and the negative repercussions those deficits have on people in custody and those working in the facility.

### **RECOMMENDATIONS:**

- **Immediately return to COVID-19 emergency booking criteria to reduce jail population.**

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<sup>24</sup> "Callous and Cruel: Use of Force Against Inmates with Mental Disabilities in US Jails and Prisons," Human Rights Watch, <https://www.hrw.org/report/2015/05/12/callous-and-cruel/use-force-against-inmates-mental-disabilities-us-jails-and>

<sup>25</sup> "Multnomah County Sheriff's Office Returning to 'Open Booking' Policy," Multnomah County Sheriff's Office, <https://flashalert.net/id/MCSO/165751>

- **Work with MCSO community partners (judges, defense attorneys, parole/probation officers, shelters, treatment facilities, etc.) to release people from custody on their own recognizance or via the matrixing/emergency release system to ensure adequate staffing in Multnomah County jails.**

### **3. CONCLUSION**

On the tail end of our tour at MCIJ, we walked through a hall accessible only to staff where various announcements and union information was posted. The union board displayed a Thin Blue Line flag. Next to the union postings was a board that displayed contraband confiscated from people in custody. Some items appeared to be improvised drug paraphernalia, flip phones, and items that are not available to people in custody. But notably, most items were art projects made from unconventional materials, such as roses and other small sculptures constructed from toilet paper. The Thin Blue Line flag juxtaposed against the wall of confiscated art perfectly encapsulated the reality of the carceral project; that the very creativity and humanity of people incarcerated is understood as an existential threat to those that police them.

Overburdened and understaffed jails lead to devastating consequences for people in custody.<sup>26</sup> Premature death is the gravest consequence, but for the 800-plus people who are in custody on any given day in Multnomah County, we must acknowledge the myriad daily consequences of incarceration as well. Some of the impacts of incarceration in Multnomah County are exposure to violence, punishment in the form of loss of privileges, inability to seek privacy or conversely deprivation of opportunities for socialization, barriers to communication with families and loved ones, limited access to medical and mental health treatment, limited access to education and work opportunities, inability to save money for release, structural and individual-level discrimination against minority groups, and censorship.

We appreciate that Measure 26-233 aims to gather community input regarding the county's correctional facilities, and we are grateful for the opportunity to contribute our perspectives. However, we believe that Multnomah County would be better served by asking people in custody directly about their experiences and their priorities for change. In addition to finding avenues for people in custody to share their experiences, Multnomah County leadership should continue to utilize the auditor's office to perform regular investigations into the conditions at MCDC and MCIJ.

The carceral system is not broken. It is highly functional insofar as it reflects who and what our society deems to be valuable, and the measures those in power will take to protect the interests of the valued. But in terms of minimizing harm and reducing the trauma of violence and serious conflict in our communities, incarceration fails. Funneling more money and bodies into our jail system will not stop crime because incarceration cannot solve the root causes of crime – such as poverty, mental illness, substance use, and lack of affordable housing. Our governing bodies and agencies determine what human behaviors to identify as criminal, which neighborhoods to

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<sup>26</sup> Jeff Thompson, "Two Multnomah County deputies charged with misconduct connected to jail deaths," *Oregon Public Broadcasting*, December 7, 2023, <https://www.opb.org/article/2023/12/07/multnomah-county-jail-death-crime-misconduct-investigation-oregon/#:~:text=Corrections%20deputies%20James%20Brauckmiller%20and,of%20first%2Ddegree%20official%20misconduct>.

police, and which people to disappear into cages, but they also control the extent of and people's access to desperately needed social services within the community.

We hope that Multnomah County leadership can recognize the damage that incarceration has on people in custody, and the ripple effects that damage has on all people in Multnomah County. Based on our observations and research, the authors of this report feel strongly that people housed in Multnomah County correctional facilities live in inhumane and unsafe conditions that are partially responsible for the acuity of medical, mental health, and behavioral issues among the jail population. Multnomah County's primary objective should be to reduce our jail population immediately and focus on what steps need to be taken to ensure that people in custody have access to the support they need to survive, advocate for themselves, and live healthy, fulfilling lives.

#### **4. AUTHOR BIOS**

**Carleene Houk** (they/them) moved to Portland in 2013 to attend Lewis & Clark College. Carleene was a legal assistant at the Metropolitan Public Defender from 2018 to 2022 and is now the Operations Manager for the Civil Rights Project at the Oregon Justice Resource Center. They currently live in Multnomah County District 1.

**Sarah Foreman** (she/her) is currently an MSW student at Portland State University's School of Social Work and an MPH student at the PSU-OHSU School of Public Health. She received her bachelor's degree in economics from Boston University in 2018. A board member of Portland's Books Through Bars, Sarah has been involved in providing literature to incarcerated individuals since moving to Portland in 2021. She currently lives in Multnomah County District 2.