

Multnomah County Jails Inspection (2023)

A. The Inspections:

The Multnomah County Sheriff's Office (MCSO) operates two jails: the Multnomah County Detention Center (MCDC) and the Inverness Jail (MCIJ).

1. Inspection of Multnomah County Detention Center (Downtown location)

Community members started the tour at the MCDC, which is located on SW 2nd Ave in Downtown Portland. MCDC is a maximum security facility made up of individual cells, and it serves as **the primary initial booking facility for all people arrested within Multnomah County**. It houses adults in custody for the county, as well as adults in custody involved in state and federal court matters.

We started the inspection on the reception floor and moved through the following different areas: the transfer/holding area, the booking counter, the fingerprinting services area, the court release officer recognizance interviews' area, the intake medical screening process area, and the dress-in and body search/scanner. We were explained the intake/booking process, as well as the release process. We were handed the 3 main forms that constitute the basis for the medical screening system.

We walked through the medical housing module and the medical clinic, as well as a female housing module. Modules at MCDC can house up to 32 **Adults In Custody (AICs)**/1 Correction Deputy on duty. We were given a chance to talk to the county health personnel and asked questions at our discretion. We were explained the diverse classifications of AIC population: gender classified housing, mental health and close mental health supervision, medical supervision, sheltered population, disciplinary supervision, etc...

2. Inspection of Multnomah County Inverness Jail (NE Portland)

We started the inspection in the Inverness kitchen (which is run by an external contractor) and were offered samples of the meal provided to the AICs.

We were toured through Dorm 5 (which can accommodate an additional 50 people and is completely vacant). We got a look at the Law Library, and we had indirect access to the mental health dorm, the treatment readiness dorm, and another male dorm.

We witnessed a Registered Nurse administer medications in the presence of 1 Correction Deputy tasked with facilitating the dorm with 50 AICs. Many of the AICs were involved in a class offered by a regular volunteer teacher. They seemed very engaged by the work. We were viewing the dorm from an indirect area. I was curious about where Narcan was stored for easy access in case of emergency and easily found a large supply of Narcan inhalers at the disposal of the emergency

responders. In a study area, we had the opportunity to interact with young adults working on their GED/H.S. completion credentials, as well as college courses.

B. My Observations:

The AICs' basic needs seemed met to me: they eat nutritious food, live in clean and relatively spacious housing, have access to medical, clothing and hygiene services. The building per se, at MCDC, shows some very serious signs of aging. In light of the Corrections Grand Jury Report (2023), a very serious capital project seems necessary, given the fact that the building is not seismically retrofitted and functional elements (such as the elevators) sometimes fail.

I witnessed AICs involved in different activities: at the MCDC, some ladies were having some open module floor time to socialize and chat. At the MCIJ, I saw gentlemen involved in group classes, in personal social interactions playing board games, in independent learning (reading books), in educational settings (working on their academic coursework). It was comforting to see a Chaplain interacting with one of the AICs at MCDC in the female housing module and learn about the many volunteers who run programs for the AICs in both jails.

MCDC and IJ facilities appeared clean and maintained. The MCSO staff and the public health county staff were helpful and genuinely invested in their work. The atmosphere between the MCSO staff members felt comfortable in their interactions across ranks. It was great to see that management within county public health staff in the Multnomah County jail system promoted from the nursing staff. Everyone was willing to answer my questions or look for the answers, if they did not have them. I learned about the Prison Rape Elimination Act (2003) and the compliance criteria, which includes the elimination of a second bunk bed in the cells. I left with the feeling that both staff (MCSO and public health) are extremely dedicated, work under exceptionally difficult conditions and care very much about the AICs they are tasked to shelter, provide for and keep safe.

C. Follow-up questions:

- **Booking specific questions:**

Are all people being booked, strip searched for illicit drugs or are they only searched if there is an obvious cause to believe they are bringing illicit drugs (in regards to the minute amount of illicit fentanyl it takes to be lethal)? Yes, additionally anything found via strip search or body scanner is documented by an information report. Actual items seized, to include drugs, are confiscated and turned over to law enforcement for destruction.

What determined the county's return to pre-covid booking criteria? Throughout the last three years, as a response to public safety agency requests and criminal behavior, various criminal charges have been added back into the allowable booking criteria.

[Multnomah County Sheriff's Office returning to "open booking" policy - 08/15/23]

In coordination with local leaders and our public safety partners, effective August 15, 2023, at the direction of Multnomah County Sheriff Nicole Morrissey O'Donnell, the Multnomah County Sheriff's Office is returning to an "open booking" policy. This means any

person arrested in Multnomah County for any felony or misdemeanor offense codified in the Oregon Revised Statutes can be booked into jail.

In 2020, the Sheriff's Office narrowed booking criteria to proactively manage through COVID-19 outbreaks in our jails. During 2021 and 2022, our agency worked with partners to evaluate public safety needs and responded by adjusting booking criteria as needed. At the same time, we had the opportunity to rethink how we house adults in custody, how we utilize space within our jails and how we provide services and programming to adults in custody.

Two bills recently signed by Oregon Governor Tina Kotek, House Bill 2645, which allows law enforcement to charge offenders for carrying a gram or more of fentanyl with a Class A misdemeanor, and House Bill 2005, which outlaw's firearms without a documented serial number, are also included in the booking criteria.

We will continue working with our agency partners to approach and manage our jail's population while balancing the public safety needs in communities across the county.

All pretrial release orders remain a decision of the Multnomah County Courts, in accordance with the Presiding Judge Orders and Senate Bill 48.]

- **Housing related questions:**

How are various religious practices accommodated in the jail facilities? For example, prayer practices in Islam, Communion, Passover, etc. We have 25 volunteers – three of which are Stipend Chaplains (they are responsible to help all faiths). We have one Buddhist volunteer. The rest of our volunteers are from various churches around the city. We hold three generic chapel services at MCDC. We hold seven generic chapel services at MCIJ. Because the Buddhist volunteer cannot hold the service in the evening, they have been coming every week to walk around and talk to many who are seeking more information or direction.

We also have Service Providers from the community. We have folks representing Native American, Jehovah Witness, and Buddhist Monk faiths with room for others who would like to volunteer their time. This group is governed by request from the AIC population.

We have clergy/religious leaders from all faiths who visit their individual AIC. When someone of a different faith needs to make contact with their religious group, we offer to make contact for them to assist their clergy in the process of access. Some spiritual leaders do not make jail calls. In a case, such as this, we let the AIC know and gave them the address where they could write.

Are AICs allowed to walk around their bed area when their dorm is shut down [dorms being “shut down” means there are more restrictions in movement due to the lack of staff available to supervise open wide access to all the dorm areas]? Are AICs required to lay or sit on their beds for hours at a time during the day? What are the dimensions of the beds? During the limited periods of time listed below, AIC's are expected to remain on their bunks, however bathrooms remain accessible. AIC's are required to be on their bunks for short periods of time before/after meal periods while meal prep and clean-up is taking place, during the afternoon shift change 2:30 - 4:00p, and during the evening sleep period 10:00p – 7:30a. Bed size is: 82”x35” Mattress size: 28” x 76” x 6”

Are all trans people in Multnomah County custody in sheltered housing [aka individual cell]? No, individuals are housed on an individual basis and that includes taking into account their

personal preference as it relates to sheltered housing locations.

How often do AICs get new undergarments? Females can have two pairs. They get traded out twice a week. Males have one pair and get traded out twice a week as well. They can hand wash them as needed in the sink. Also if there is a need for more underwear, AICs can submit a medical request form, talk to a nurse and any of the staff to do a QMED. It will show to the staff, if they have a special diet, can/need extra underwear, blankets etc. Moreover, if people are going through substance detox, the staff do all they can to get them out to shower and trade out clothing, so the AIC's clothing remains clean.

Do you allow people extra blankets/clothing if they are cold? Yes, additional clothing, such as sweatshirts are provided once weather begins to get cold, which is generally during the months of Nov. - March. This year, that notice went out on Oct. 27th for Inverness Jail, and Nov. 3rd for the Detention Center. The standard temperature of the facilities range between 68-72 degrees. Medical staff are also able to authorize additional clothing or blankets as needed.

- **Disciplinary questions:**

What steps is MCSO taking to ensure that contraband is not coming in through jail employees? MCSO has a clear bag policy for any person entering into the secure corrections facilities. We utilize our Professional Standards Unit and measures of accountability related to laws, certification standards, and policy to uphold the high standards required for MCSO members. We provide many points of access for members, the public, and AIC's to share any concerns related to compliance or safety issues via our public website, third party good government line, professional standards reports, etc.

Are the criteria of Use of Force the same for all Oregon county jails or are they different from other jail settings (e.g. Wa and Clack. counties) or LEAs (such as PPB or Washington county patrol, etc...)? [The criteria for Use of Force are not the same in all Oregon county jails] Each agency sets forth their own policies and procedures. Generally speaking and for MCSO, use of force is governed by the following:

Graham v. Connor, 490 U.S. 386 (1989), ORS § 161.015 (3), ORS §161.015 (8), HB 2929 (2021) - Duty to Intervene and Report Misconduct, HB 4301 (2020) - Use of Force Reform – Generally, Oregon Jail Standards E-501-503, Use of Force

- **Medical questions:**

If/When the Medicaid 1115 waiver goes into place, is the jail already Medicaid certified to ease the transition? If they are not Medicaid certified, what are the steps being undertaken to get to that point? The County is working with regional and state partners to continue to prepare for implementation of Medicaid 1115 Waiver. [More information about the Medicaid 1115 waiver can be found here: <https://www.oregon.gov/oha/hsd/medicaid-policy/pages/waiver-renewal.aspx>]

If a medical incident (ODs or other life threatening incident) happens during court

transport/appearances, are those life saving measures tracked as well? MCSO does not independently track all uses of Narcan. For all medical incidents that an MCSO member is involved in, the life saving measures will be noted within the information report. Those details are not freely available without a public records request specific to the adult in custody and are likely confidential due to the medical nature of the information.

Do you keep track of all prevented lethal ODs by the Jail Deputies, count the use of Narcan while in custody, as well as other unrelated life saving measures that jail deputies undertake? If so, is that information freely available? MCSO does not independently track all uses of Narcan. For all medical incidents that an MCSO member is involved in, the life saving measures will be noted within the information report. Those details are not freely available without a public records request specific to the adult in custody and are likely confidential due to the medical nature of the information

- **Staffing/budget questions:**

How many more deputies/Sgts would need to come onboard for the jail to be fully staffed? What about the necessary funding? Is there a firm plan to get an FTE full study done? When was the last study done? Over the last 2-3 years MCSO has had around 30 funded corrections deputy vacancies that we've struggled to fill due to retirements and a change in the employment landscape. We have not seen the same challenge related to sergeant promotions. The FY25 budget process begins in Dec. 2023. All ongoing and/or one time only funding requests for MCSO are identified by the Sheriff and submitted by the Sheriff through this government budget process for approval. MCSO budget priorities and/or any County required budget reduction has not been identified or communicated yet.

Looking ahead at staffing: What is the rate of attrition like? Is there a retirement cliff coming soon? What could be done from a labor agreement standpoint to ease staffing constraints? Do you encourage a direct conversation between the Correction Deputies' union and the county commissioners to work out suitable work conditions that would foster the highest level of care possible for AICs? Over the past three years we saw the agency wide attrition rate increase from 7.1% in 2020 up to 11.2% in each of 2021 and 2022. This trend is largely driven by separations in the Corrections division. These recent trends aside, the main driver of attrition continues to be retirements. MCSO had a hiring boom in the mid-late 1990s, and many of those employees are reaching or reached their 25- or 30-year service marks in 2022, 2023, and 2024. While we can't predict who will retire at scale, we do track retirement eligibility. Currently, 71 of our employees are retirement eligible, (49 of which are Corrections Deputies or Corrections Sergeants), with another 29 (20 Corrections Deputies or Sergeants) becoming eligible within a year. MCSO has explored different shift models, special assignment configurations, civilian roles, etc. with the labor groups. Yes, the Sheriff supports a direct conversation between the correction deputy union and the county commissioners.

What is funded vs. total jail capacity and what has been the average number of inmates over the past 12 months? MCSO's corrections system was built to house a total capacity of 1,560 people. We currently have several dorms at Inverness Jail that are closed because they are not funded in the County Budget. Those dorms equal 250 beds, leaving a funded capacity of 1130. The past

12-Month ADP (11/01/2022 – 10/31/2023) is 859.

D. My Recommendations:

1. a. The community needs to start a conversation about a capital project at MCDC. It is very concerning that Correction Deputies and AICs are in a building that is not seismically retrofitted, with failing elevators, etc..(Per the Corrections Grand Jury report-2023)
b. To that effect, the owners of the Justice Center, which is co-jointly owned by the City of Portland and Multnomah County, should encourage delegates from both groups of building occupants (MCSO and PPB labor unions, not simply County Facilities and OMF) to be all present when discussing issues pertaining to the building and conducting business relating to the Commercial Condo Association Agreement.
2. The last Post Factor Study, a study to determine the total number of staff needed to optimally run the jail facilities, was done in 2007 (Per the Corrections Grand Jury report-2023). A Post Factor Study should be an immediate priority to be able to assess, allocate and disburse funding adequately.
3. a. It would be very helpful to have a mix of MCSO staff involved during the tour, as Command staff have an invaluable insight in policy, staffing, and budgeting matters. Having Correction Deputies lead the physical inspection would bring a different perspective in my opinion, as they are used to the daily ongoing in the dorms and various settings.
b. The amount of diverse County staff traveling along the 4 community members should be reduced during the jail inspections, as it was quite embarrassing to have a large delegation (of 20+ people) observe 1 Correction Deputy trying to perform their duties serving 50 AICs.
4. Creating a Community Advisory Group specific to the Multnomah County jails might be of great benefit to the community, as well as to the MCSO staff.
5. Increasing community outreach by MCSO Correction Deputies would support the staffing effort. Creating a “Cadet” program (ages 16-21) for Correction careers could be a great tool to increase interest in law enforcement careers.
6. Keep consistent track of Narcan use within the Jail facilities/transport/etc... so the public understands the amount of lifesaving efforts Deputies engage in daily.
7. Create more visibility to the services rendered in the jail/work performed at the jail, by encouraging more public tours. Similarly to ride-alongs, it is important for the public to witness a profession and a work environment first hand, rather than through the perception of social media, tv and other forms of fictional depictions.
8. Establishing a clear, ongoing, uninterrupted process of communication between Arresting Agencies, the Multnomah County jails, and County Public Health, in matters relating to evolving booking criteria (including specific medical criteria stipulated by County Health), and sudden halting in booking (due to jail staffing), would be very helpful. The communication/information process seems to change depending on leadership and might better be entrusted to a specific consistent position on all ends.

Gratitude

I would like to extend much gratitude to Nicole Buscher, (Multnomah County Corrections Deputies Association President), Myque Obiero, (Director of Multnomah County Corrections Health), and Katie Burgard (Chief of Staff for Multnomah County Sheriff's Office), who were willing to graciously answer my many questions.

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Foreign minority non-native English speaking woman (she/her). Portland resident for 2+ decades. Mother, Educator, and Volunteer.