

Audit of the Sheriff's Civil Process Function

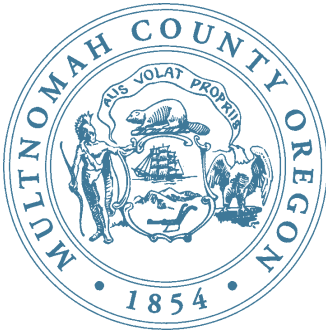
November 2008



LaVonne Griffin-Valade
Multnomah County Auditor

Audit Staff
Joanna Hixson
Craig Hunt
Kathryn Nichols

We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.



LaVonne Griffin-Valade

Multnomah County Auditor

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MEMORANDUM

Date: November 13, 2008

To: Bob Skipper, Multnomah County Sheriff
Ted Wheeler, Multnomah County Chair
Maria Rojo de Steffey, Commissioner, District 1
Jeff Cogen, Commissioner, District 2
Lisa Naito, Commissioner, District 3
Lonnie Roberts, Commissioner, District 4

From: LaVonne Griffin-Valade, County Auditor

Re: Audit of the Sheriff's Civil Process Function

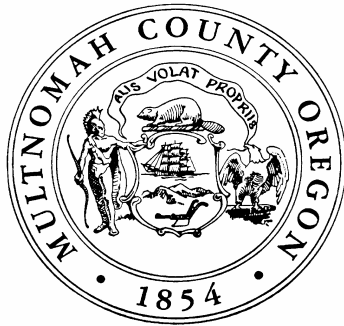
The attached report covers our audit of the Multnomah County Sheriff's Office civil process function. We reviewed the efficiency, effectiveness, and performance of the two units assigned to carry out civil process work, and we found a number of areas where improvements should be made. We recommend several changes to create savings, gain efficiencies, and promote productivity, while preserving the integrity of the county's public safety system.

This audit and our recommendations arrive at a time of fiscal crisis for the county, when departments, including the Sheriff's Office, have been asked to examine how to cut spending and still continue to provide essential services. Although difficult choices will likely be required of all departments, Multnomah County is fortunate to have entered a new era of leadership in the Sheriff's Office. We are encouraged by the Sheriff's commitment to working cooperatively with county decision makers and promise of greater accountability and stewardship of the public trust and tax dollars.

We want to thank Sheriff Skipper, Undersheriff Slyter, Chief Deputy Moore, and other members of the Sheriff's management team for their cooperation and assistance throughout the audit. In particular, we want to thank the deputies in the Civil Process unit and the Uniformed Patrol unit, as well as numerous other Sheriff's Office staff, who spent time with us out in the field, responded to our numerous inquiries, assisted us with retrieving data, and helped us obtain a thorough understanding of this complex function.

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Audit of the Sheriff's Civil Process Function

November 2008

Executive Summary

The Multnomah County Sheriff's Office (MCSO) civil process function is an important element of the public safety system, providing for the serving and execution of civil court documents and orders. This ensures that civil court operates as statutorily intended and that steps are taken to protect the rights, property, and safety of county residents. The Civil Process (Civil) unit and the Uniformed Patrol (Patrol) unit share responsibility for the civil process function. We analyzed the performance of both units in carrying out civil process work and assessed the impact of civil process duties on the Patrol unit's law enforcement efforts.

The audit found that civil process work created an imbalance in MCSO law enforcement efforts by taking Patrol unit deputies out of their assigned districts and into areas that frequently already had patrol coverage, such as Gresham or east Portland. As a result, at least one third of Patrol unit deputies' time was not spent in those areas of the county where MCSO had patrol service responsibility. This created a mismatch between the time patrol deputies spent on calls and the level of crime in assigned patrol districts.

We determined that Civil unit deputies cost much less than employing Patrol unit deputies to do civil process work, but at the same time, were more productive in performing that work. Further, Patrol unit deputies lacked consistent oversight on performance of civil process calls. Analyses also showed that the vast majority of civil process work did not require the expertise and training of the more expensive Patrol unit deputies.

We found that Civil unit annual program offers overstated civil process costs and were not transparent regarding the funding of Patrol unit activities. Finally, we identified some alternatives that could potentially increase efficiency and bring down the cost of lower-risk civil process duties.

We recommend that MCSO operate the Civil unit using civil deputies rather than patrol deputies in order to better match Patrol unit time in assigned districts, potentially increase response time to 911 calls, better match patrol time to crime incidence, hold down costs, and maintain optimum productivity. Further, civil process practices should be established in procedure and receive ongoing oversight. We also recommend that the Patrol unit bill the Civil unit annually for any civil process work in order to provide decision makers with accurate budget information. Finally, MCSO should study the feasibility of alternative methods to conducting lower-risk civil process activities.

Background

The Multnomah County Sheriff's Office (MCSO) is responsible for serving a variety of civil court documents and orders throughout the county, including all incorporated cities and unincorporated areas. These civil process duties are significant to protecting the public and to maintaining a well-functioning public safety system. For example, without the timely delivery of restraining orders, petitioners could risk being harmed or intimidated, since restraining orders are only valid after they have been served.

The three categories of civil process are briefly discussed below. For additional detail regarding the civil process categories and types, see the Appendix on page 18.

- **The notice process** informs an individual of an ongoing legal proceeding and through its service, the court gains jurisdiction over that individual. The notice process represents the bulk of civil process work. Some of the types of notice documents include: "protective order," such as restraining orders and stalking orders; "summons" issued by a plaintiff; "notice of claim" which notifies a defendant of a civil suit; and "notice of eviction" notifying a tenant of an impending eviction.
- **The enforcement order** allows sheriff officials to carry out an order of the court through the seizure and sale of property, seizure and delivery of personal property, and foreclosure of real property. Some of the types of enforcement orders include: "writ of assistance" to assist a private party in an action; "writ of execution," allowing the Sheriff to take and later sell property; "writ of garnishment" to turn over money due to a debtor, "writ of restitution," to return property to an owner, usually the act of eviction; and "claim and delivery" to recover personal property.
- **The Civil commitment process** includes the transport and custody of allegedly mentally ill persons during involuntary civil commitment hearings.

Deputies make several attempts to deliver notice documents, and depending on the type of notice, they follow specific guidelines regarding the delivery method. Their choices range from delivering legal papers in person to posting them on the door of the residence being served or leaving them with other people at the same address. In some cases the delivery is made to a person's work place. If deputies are unable to locate an individual or an address, the papers are returned to court to possibly be mailed to a last known address or posted in a newspaper. Deputies have to document the result of each service attempt and whether a case was sent back to civil court.

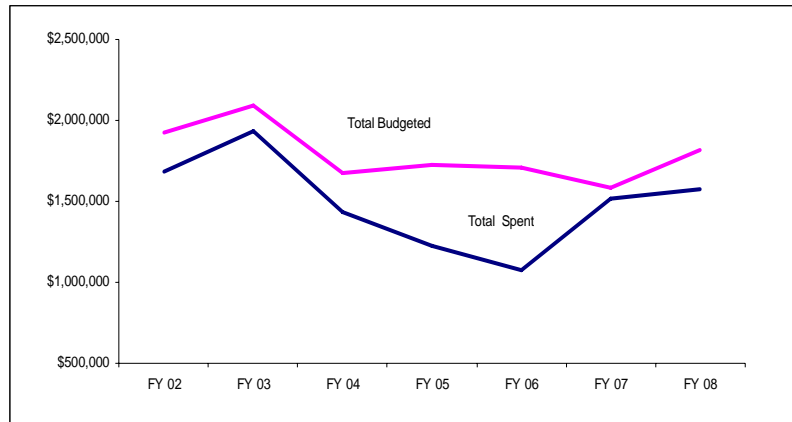
Funding and Spending The Civil Process (Civil) unit has primary responsibility for carrying out the civil process function in the county. The Civil unit's budget decreased by 18% between Fiscal Year 2002 (FY02) and FY07, going from \$1.9 million to \$1.6 million, when adjusted for inflation. This trend was reversed in FY08, when the budget increased by 15% over the prior year to \$1.8 million. MCSO included 19 full-time equivalent (FTE) deputies in the FY08 Civil unit budget, however only 11 of those FTE were civil deputies. These figures include one civil deputy position separately funded to focus solely on serving complaints from delinquent payment of the temporary income tax (ITAX) passed by county voters in 2003.

A small portion of the Civil unit budget is generated by reimbursement fees for specific civil process actions as set by the Oregon State Legislature, but the vast majority of funding comes from the General Fund.

Exhibit 1

**Civil Process
Funding and Spending
(adjusted for inflation)**

FY02 through FY08



Source: Auditor's Office analysis based on MCSO data

Staffing In Calendar Year 2004 (CY04), MCSO management assigned five Uniform Patrol (Patrol) unit deputies to the Civil unit to assist with serving and enforcing civil process documents. Civil and patrol deputies worked side-by-side and reported to the senior civil deputies supervising the unit. Deputies were assigned a unique geographic area and had responsibility for the civil process function in that area.

In CY05, MCSO management removed the patrol deputies from the Civil unit to accommodate the Patrol unit's work schedule change from five 8-hour days to four 10-hour days. The change to the Patrol unit schedule required more patrol deputies than were previously utilized in that unit, which some research has shown can result when such a schedule configuration is used by law enforcement agencies.

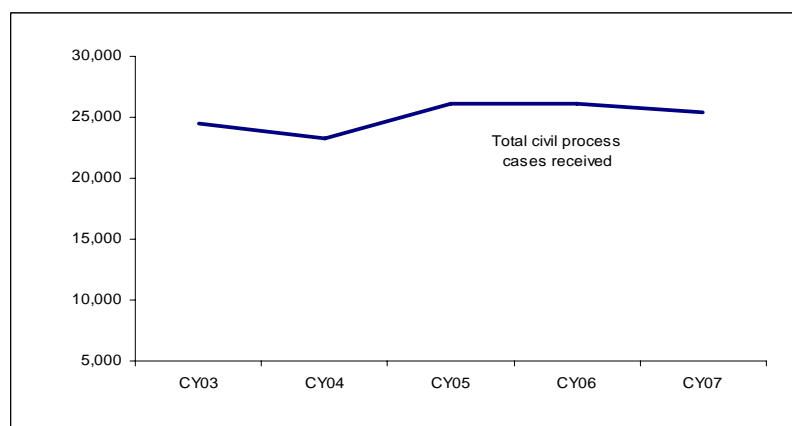
There were nine civil deputies and two senior civil deputies in the Civil unit through the end of FY08. Five civil deputies and one senior civil deputy focused solely on civil notice and enforcement activities. Three civil deputies and the second senior civil deputy were responsible for the unit's civil commitment work. But when not involved in civil commitment transport and hearings, they were expected to perform other civil process duties. Civil commitment hearing schedules are known a day in advance, usually take place on Mondays or Fridays, and the times for hearings are not negotiable, but are subject to change.

Workload Trends As shown in Exhibit 2, the total number of civil process cases remained generally steady between CY03 and CY07, with an average of about 25,000 cases received a year. Between CY03 and CY06, the average backlog at the end of each month was more than 500 cases. However, in CY07, the monthly backlog was over 800 per month.

Exhibit 2

Civil Process Workload

CY03 through CY07



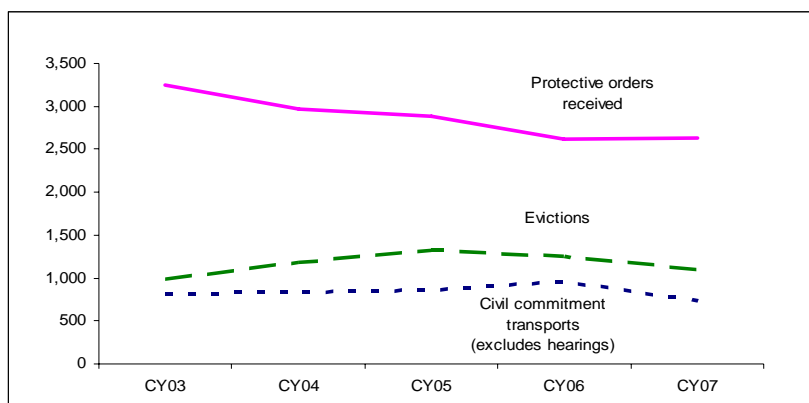
Source: Auditor's Office analysis based on Civil unit data

The Civil unit received 25,405 civil process cases in CY07, and of these, protective orders – including restraining orders – accounted for about 10% of all cases. Evictions accounted for 4%, and civil commitment transports accounted for 3% of all cases in CY07. About 80% of civil process cases were lower priority notice and enforcement order activities.

Trends for the higher priority cases are shown in Exhibit 3. The number of protective orders served per year declined 19% over those five years, going from 3,252 in CY03 to 2,628 in CY07. Total evictions increased by 11%, from 985 in CY03 to 1,096 in CY07. Civil commitment transports fluctuated from year to year, with an overall decrease of 10%, going from 806 in CY03 to 729 in CY07.

Exhibit 3

Higher Priority Civil Process Cases CY03 through CY07



Source: Auditor's Office analysis based on Civil unit data

Since the last quarter of the CY05, Civil unit deputies have been responsible for serving about 400 delinquent ITAX complaints a month. The County Attorney's Office forwards ITAX complaints to MCSO and also jointly funds one FTE in the Civil unit. MCSO expects to be involved with delinquent ITAX complaints through the end of CY08. In addition, the Oregon Department of Justice (DOJ) sent child support papers to the Civil unit during CY07. Those had previously been served by a private contractor. The influx of additional documents contributed to the monthly backlog, which grew rapidly over most of CY07. DOJ recently resumed contracting with a private server and now sends only a portion of the child support documents to the Civil unit.

Civil and Patrol Unit Organization and Training The Civil and Patrol units share responsibility for the civil process function, but each unit has their own set of priorities, procedures, level of oversight, duties, workforce, as well as assigned geographic area. Both units are under the command of the MCSO Enforcement Division, but senior civil deputies in the Civil unit have no supervisory authority over the civil process duties performed by Patrol unit deputies.

Civil and patrol deputies have different education and training requirements. Civil deputies resemble patrol deputies in uniform and regalia, but their primary charge is serving notice process and enforcement orders in the areas of the county where coverage is designated to the Civil unit. The civil deputies' expertise is in civil law, which is very prescriptive regarding how, when, and by whom civil notice actions must be served and enforcement orders carried out. Civil deputies must have knowledge of court and civil procedures and be familiar with basic medical and mental health issues related to civil commitment custody and transport. Civil deputies are trained to operate firearms and use restraints, and they are trained to defuse conflict and call for backup if a situation has the potential to escalate into violence. Civil deputies also participate with patrol deputies in some MCSO trainings.

Patrol deputies must have a Bachelor's degree, and they must graduate from a police academy, complete a three-week orientation program, and participate in lengthy, on-the-job field training. Patrol deputies' expertise is in criminal law, and their primary focus is the arrest and proper disposition of individuals engaged in criminal behavior, as well as peacekeeping and the patrol of unincorporated areas in the county. This includes responding to calls for service, traffic enforcement, and accident investigation. When not performing these tasks, patrol deputies are expected to attend to civil notice and enforcement order responsibilities within the Patrol unit's assigned civil process areas.

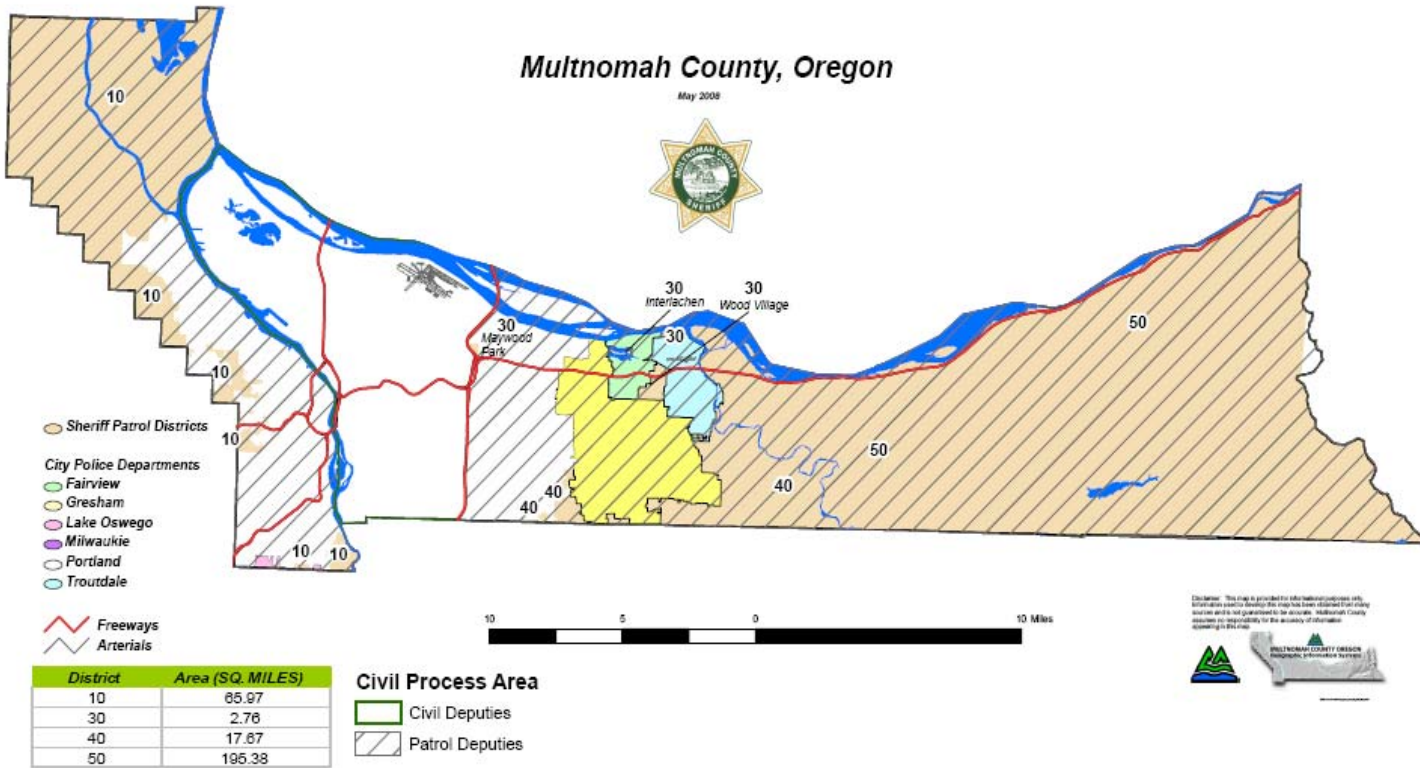
MCSO management intends to eventually replace civil deputies in the Civil unit with patrol deputies. Management views the civil function as increasingly more dangerous and complex and one that should be the responsibility of the better trained patrol deputies. Currently, only civil deputies participate in civil commitment actions and proceedings. Management has not yet determined future responsibility for the civil commitment portion of the civil process function.

District Boundaries Since CY05, civil deputies have been responsible for notice and enforcement processes in the area between the Willamette River and Interstate-205 (I-205), while patrol deputies have been responsible for the area west of Willamette River and the area east of I-205 (see the map that follows in Exhibit 4 on page 6). Patrol deputies are expected to serve and enforce civil notice and enforcement orders in addition to their district patrolling duties, but they have a good deal of discretion in whether and how they do so.

The primary responsibility of patrol deputies is to provide law enforcement services in three districts in the unincorporated areas of the county (districts 10, 40, and 50), as well as in Wood Village and Maywood Park (district 30). These patrol districts comprise about 60% of the county's land area but contain only 2% of the county's population. Services in patrol districts include emergency situations that must be dealt with immediately, responses to traffic-related calls, and activities where patrol deputies can use more discretion over the priority of responding to calls, including civil process calls.

Exhibit 4

Sheriff's Civil Process Areas by Enforcement Unit



Source: Multnomah County GIS Office

Audit Results

The purpose of this audit was to review the efficiency and effectiveness of the Multnomah County Sheriff's Office (MCSO) civil process function, which involves the county-wide serving and execution of civil court documents and orders. Two MCSO units – Civil Process (Civil) and Uniformed Patrol (Patrol) – are responsible for a variety of civil process activities, including the delivery and enforcement of protective orders, summonses, evictions, writs of garnishment, and repossession orders. Civil process responsibilities also include the transport and custody of allegedly mentally ill persons during involuntary civil commitment hearings.

The audit assessed the impact of dividing the civil process function between two units, compared the performance of civil and patrol deputies in carrying out civil process duties, and analyzed the effect of civil process calls on the Patrol unit's calls for service. We identified the following major themes and issues:

- Civil process calls took patrol deputies out of their assigned districts, which led to an imbalance in law enforcement efforts.
- Civil deputies cost less and were more productive than patrol deputies in carrying out civil process work.
- Patrol deputy expertise was not needed for most civil process activities.
- Patrol deputies lacked consistent oversight on civil process calls.
- The Civil unit budget overstated civil process costs.
- Alternatives could potentially increase efficiency in and/or lower the cost of carrying out lower-risk civil process duties.

Civil process work created an imbalance in law enforcement efforts

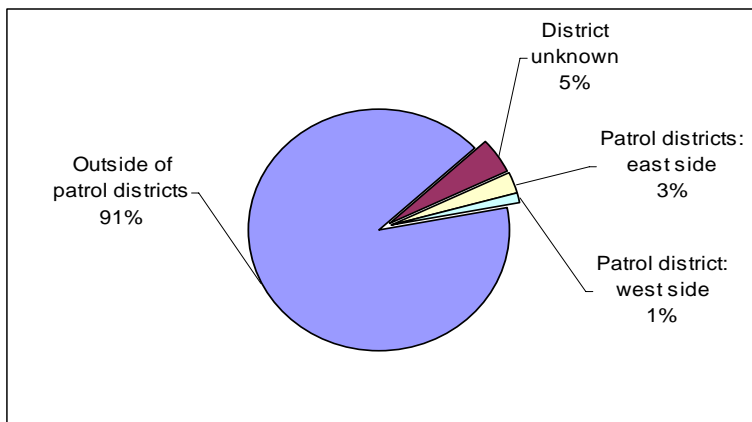
We used Bureau of Emergency Communication (BOEC) data to analyze Patrol unit activities, including the dispatched 911 calls for service to which patrol deputies respond and the discretionary calls initiated by patrol deputies that they entered into the BOEC system. We found that civil process work frequently took patrol deputies out of their assigned patrol districts where they also engaged in other law enforcement activities, such as traffic stops.

Civil process duties represented a very small portion of Patrol unit activities actually undertaken out of assigned districts. Patrol deputies were not available to respond to emergency calls in their own districts while they were delivering civil process documents or patrolling outside of those districts. Additionally, the patrol coverage they provided when out of district was frequently in areas that already had coverage, such as Gresham or east Portland. As shown in Exhibit 5, at least 91% of the civil process calls performed by patrol deputies were outside of their assigned districts where other law enforcement agencies had primary responsibility for providing patrol services.

Exhibit 5

**Patrol Deputies:
Civil Process Calls**

1/05 through 7/07



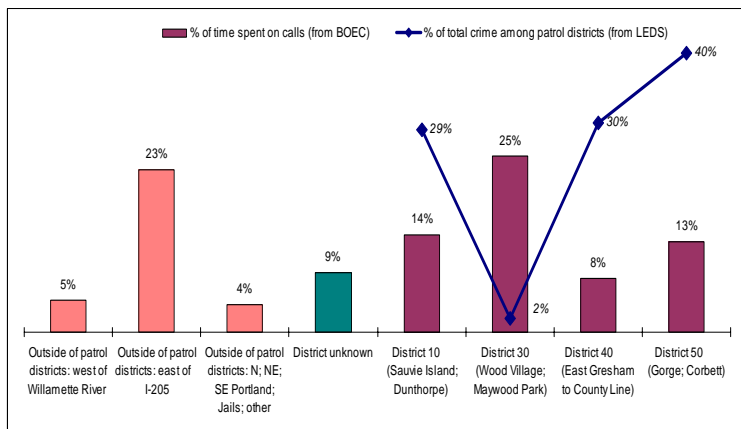
Source: Auditor's Office analysis based on BOEC data

We found that the amount of time patrol deputies spent patrolling an area did not match the relative crime rate. Exhibit 6 depicts all calls logged by patrol deputies from January 2005 through July 2007. Patrol deputies spent at least one third of their time outside of their assigned patrol districts. As a result, patrol service was not always available in those areas for which MCSO was responsible for law enforcement. Exhibit 6 also shows the existing mismatch between time spent on calls and the level of crime in assigned patrol districts as captured in the state's Law Enforcement Data System (LEDS). The fact that the Patrol unit performed civil calls outside of assigned patrol districts was a likely contributor to this mismatch.

Exhibit 6

**Patrol Deputies:
Percent of Time on Calls
Compared to
Percent of Total Crime
Among Patrol Districts**

1/05 through 7/07



Source: Auditor's Office analysis of BOEC and LEDS data
 Number of call hours (county-wide) from BOEC: 36,637 hours
 Number of offenses (all crime in the four patrol districts) from LEDS: 2,501 offenses
 Note: due to rounding, percentages of time spent on calls total slightly more than 100%.

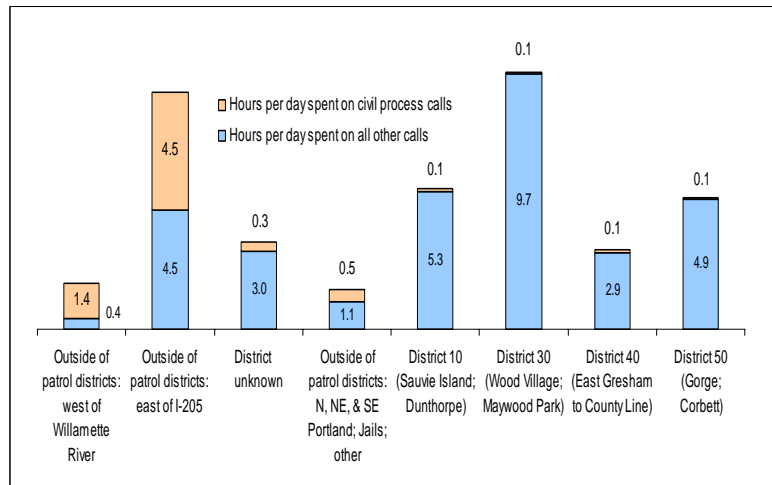
In addition, if the Patrol unit had not performed civil calls outside of assigned patrol districts, there would likely have been better response times to 911 calls and a better match between patrol presence and crime incidence.

Exhibit 7 illustrates where all patrol deputies collectively spent their time by type of call. For example, only half of the hours spent on out-of-district calls in east Multnomah County were spent on civil process calls, while a higher proportion of time spent on out-of-district calls on the west side of the county was for civil process calls. The remainder of time spent on all out-of-district calls was for other types of calls, such as traffic-related, regular patrol, and small city patrol calls.

Exhibit 7

**Patrol Deputies:
Hours on Civil Process Calls
and
Hours on Other Calls
by Location**

1/05 through 7/07



Source: Auditor's Office analysis of BOEC call data

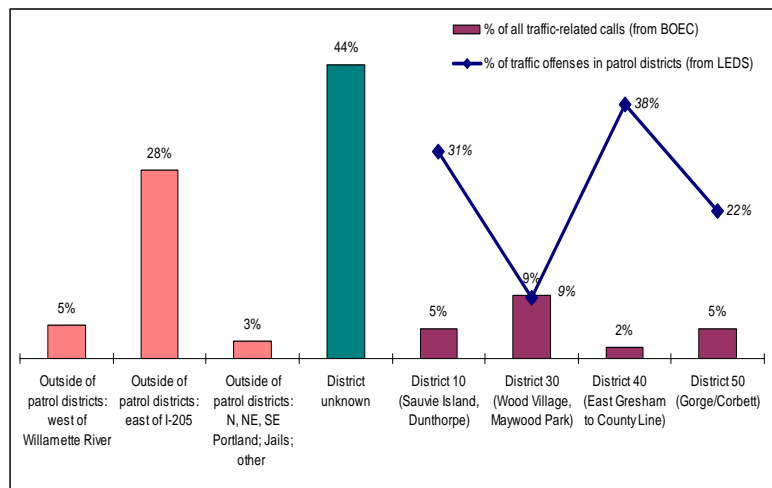
To further illustrate the time that patrol deputies spent away from assigned districts on activities that may have been incidental to civil process calls, we examined traffic-related call data. Traffic-related calls made up 23% of all calls for the Patrol unit, or 12% of total call time. Traffic-related calls are nearly always discretionary and are entered into the BOEC system by patrol deputies as emergencies.

Exhibit 8 shows that at least 36% of all traffic-related calls that patrol deputies responded to were outside of assigned patrol districts. Exhibit 8 also suggests that by spending so much time responding to traffic-related incidents in other districts, patrol deputies may have neglected traffic needs in their assigned districts. Only district 30 (Wood Village and Maywood Park) appeared to have a match between the percentage of traffic-related calls captured in the BOEC system and the percentage of traffic offenses captured in the state's LEDS system. District 40, with the highest percent of traffic offences reported in LEDS, had a low percentage of traffic-related calls documented in the BOEC system. It is worth noting that no district was designated in 44% of the traffic-related calls reported to BOEC.

Exhibit 8

**Patrol Unit:
Traffic-related Calls**

1/05 through 7/07



Source: Auditor's Office analysis of BOEC and LEDS data

Number of traffic-related calls from BOEC: 20,330 calls

Number of traffic offenses (in the four patrol districts) from LEDS: 245 offenses

Note: due to rounding, total of county-wide traffic-related calls is slightly more than 100%.

Civil deputies cost less and were more productive than patrol deputies

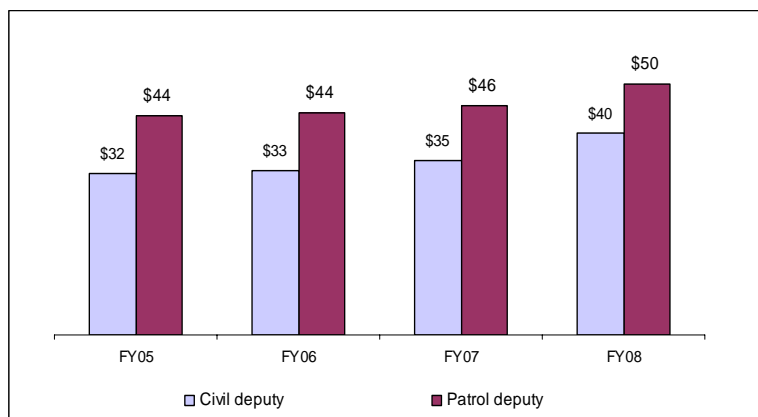
When we compared personnel costs (salaries and benefits only) for FY05 through FY08, we found that a civil deputy cost \$11 per hour less on average than a patrol deputy. Exhibit 9 compares the average civil deputy and patrol deputy personnel costs for FY05 through FY08 and shows the higher cost of using patrol deputies to carry out the civil process function, despite a recent reduction in the pay rate difference between civil and patrol deputies.

Exhibit 9

Personnel Costs Comparison

Average Rate Per Hour

FY05 through FY08



Source: Auditor's Office analysis

Note: Personnel costs, expressed as an average rate per hour, include benefits.

When considering expenses outside of personnel costs, patrol deputies were even more costly than civil deputies. For example, patrol deputies received about three times more professional training than civil deputies. Factoring in the extra, on-going training required for patrol deputies, it becomes apparent that, hour-for-hour, having patrol deputies perform the civil process function was considerably more costly than when that same function was carried out by civil deputies.

Civil deputies were also more productive than patrol deputies when performing civil process work. As a group, we found that civil deputies completed civil process activities more promptly than patrol deputies. Altogether, patrol and civil deputies made 16,343 calls to serve civil process notice documents and enforcement orders during the first seven months of 2007. Civil deputies made 63% of those calls, while patrol deputies made 37%. Excluding travel time, it took a patrol deputy about 13 minutes on average to serve civil process documents while it took a civil deputy about 10 minutes. Overall, civil deputies served civil process documents 28% faster than patrol deputies.

We found that some patrol deputies were as productive as civil deputies in carrying out civil process activities. However, performance of civil process work was inconsistent among patrol deputies. There were 32 individual patrol deputies who made civil process calls in the first seven months of CY07. Of these 32, six deputies or 19% accounted for 58% of the civil process calls made by the Patrol unit. And, even though the civil process workload remained relatively constant, patrol deputies spent 28% less time on civil calls in CY06 than in CY05.

We also evaluated the response time of patrol deputies in carrying out self-initiated civil process calls. Overall in the first seven months of CY07, patrol deputies spent about 24% of their shift time – or less than three hours – responding to or initiating calls, while the rest of their time was spent on other activities. On average, patrol deputies spent 7% or less than one hour of their shift time on civil process calls. This amounted to about 30% of their total call time.

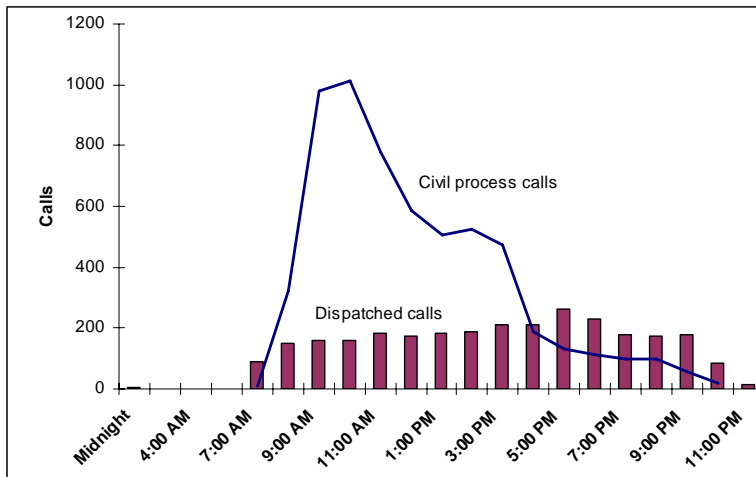
To control for any effect on the timing of dispatched calls on an individual deputy's performance, we compared average dispatched calls throughout the day to the times civil process calls were made by patrol deputies. Exhibit 10 shows that there were a lower number of civil process calls made in the afternoon even though there was only a slight increase in dispatched patrol calls. Additionally, more patrol deputies were available to perform civil process calls between 2 p.m. and 5 p.m., the time period in which the morning and afternoon shifts overlapped. Although the overlap of schedules increased capacity for conducting civil process work during that time period, it did not result in more civil process calls being made. MCSO management indicated that several factors may have contributed to this, including swing shift roll call, equipment servicing, end-of-shift report filing, etc.

Exhibit 10

**Patrol Deputies:
Time of Dispatched Calls
Compared to
Time of Civil Process Calls**

Morning & Afternoon Shifts

1/07 through 7/07



Source: Auditor's Office analysis based on BOEC call data

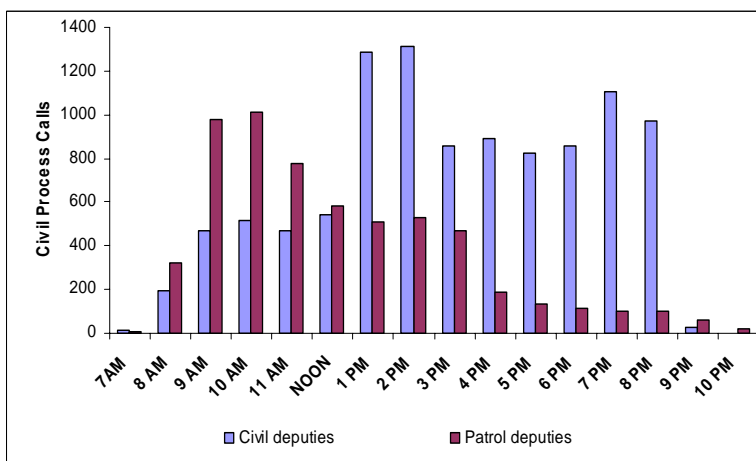
We also compared the hours of the day that patrol deputies and civil deputies performed civil process calls, as shown in Exhibit 11. As a group, civil deputies performed fewer calls in the morning hours when they were also responsible for civil commitment work. Exhibit 11 also shows that civil process calls were performed during the evening.

Exhibit 11

**Timing of Civil Process Calls
by Civil and Patrol Deputies**

Morning & Afternoon Shifts

1/07 through 7/07



Source: Auditor's Office analysis based on BOEC call data

Shared management of civil process work compromised oversight

The arrangement to have the Civil and Patrol units share responsibility for the civil process function led to disjointed authority and accountability. The primary responsibility of civil deputies did not change, but the senior civil deputies who had once supervised the civil process function no longer supervised the civil work of patrol deputies. Senior civil deputies only supervised that portion of the civil process work that was performed by civil deputies. Conversely, patrol deputies who performed civil process work were supervised by each shift's Patrol unit sergeant who had discretion over work assignments.

Patrol deputies fell short of meeting performance objectives set for civil process work. It was initially anticipated that the Patrol unit would make 13-15 stops per shift when they began making civil calls in January 2005. Management reported in May 2005 that the backlog of civil calls decreased as a result of this change. However, after those first months, management did not consistently monitor patrol deputies' performance in making civil calls, and the number of stops per shift vacillated, averaging between two to four civil process calls per shift.

When all patrol deputies took on civil process responsibilities in CY05, several routines were established to facilitate a smooth transition to this new assignment. However, those routines were not consistently maintained nor were they formalized in procedures. Procedures and their enforcement serve as accountability controls, but without such controls, patrol deputies may neglect civil process responsibilities. Our review suggests that a lack of consistent oversight contributed to the substantial backlog in civil notices and delay in serving restraining orders. For example, we found that some patrol deputies made few attempts to serve restraining orders.

Typically, there was at least one patrol deputy assigned to each district per shift. When more than four deputies were available on a shift, the extra deputy was expected to perform civil process duties only, but that did not necessarily happen. At the same time, all patrol deputies on morning and afternoon shifts were expected to handle civil process work in addition to taking care of their patrol district responsibilities. We were told that civil process calls were the lowest priority activity for patrol deputies, and they worked on those calls when not busy with other calls. We found that the Patrol unit spent less than an hour on average during each shift on civil calls, excluding driving time.

Patrol deputy expertise was not utilized or needed for most civil process calls

Patrol deputies receive more training than civil deputies because of required standards and assigned duties. Based on the training hours recorded from CY05 through CY07, a patrol deputy spends about 100 hours per year on training, while a civil deputy spends 30 hours per year on training. Patrol officers also receive training that emphasizes more specialized, higher-risk law enforcement activities than civil process activities generally require. In contrast, the majority of civil deputy training focuses on more routine and lower-risk activities, although civil deputies are also trained in the use of fire arms and defensive techniques.

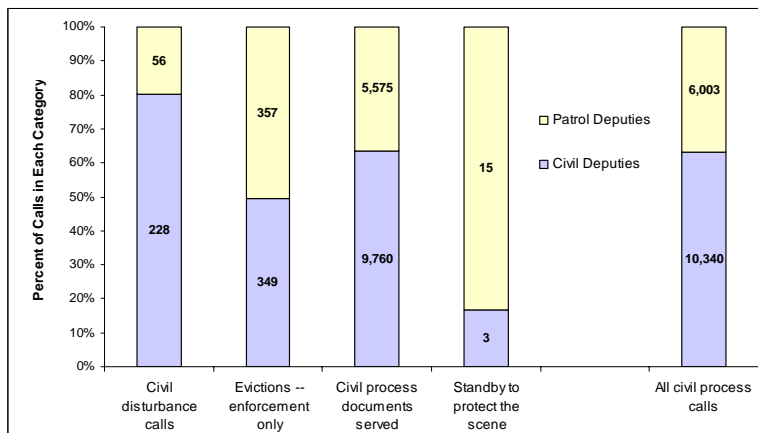
Patrol deputies follow professional training standards, while civil deputies do not have particular training standards they are required to meet. All deputies receive training tailored to their specific job needs. Patrol deputies' training in criminal law prepares them for a different role in public safety (such as crime prevention and community policing) than civil deputies whose training provides expertise in civil law (serving papers, carrying out enforcement orders, and providing civil commitment custody and transport).

Further, Patrol unit managers we interviewed acknowledged the importance of the civil process function. But, several staff in both units characterized patrol deputies as generally not viewing civil process work as an effective use of their time or their skills. We compared the work carried out by each unit for the major categories of civil process activities captured in the BOEC system. As shown in Exhibit 12, we found that civil deputies made 63% of all civil process calls during the first seven months of 2007, including 80% of civil disturbance calls (e.g. tenant/landlord disputes) and nearly 50% of evictions.

Exhibit 12

Comparison of Civil Process Calls by Category

1/07 through 7/07



Source: Auditor Office's analysis based on BOEC data

Civil deputies conducted civil process work for a number of years without the present level of involvement from patrol deputies. Management asserts higher trained patrol officers are needed to perform civil process activities because the risk level of civil calls has increased. We found no evidence of increased injuries or use of force related to civil process work, and based on our interviews and our analyses of BOEC data, there are only a small percentage of higher-risk civil process calls.

During the audit, we observed that some accepted and routine practices had been established in the Civil unit to address riskier civil process calls. For example, when the Civil unit executes eviction enforcement orders, two civil deputies are assigned, and patrol deputies are called to make arrests if people being evicted turn out to have an outstanding warrant. In addition, civil deputies thoroughly research calls they suspect might pose a safety risk, and they review civil process documents for any information that could indicate such a risk. They check the names from eviction and restraining order documents against data in the state's LEDS system for outstanding warrants, as well. When civil deputies determine that a particular call may be of higher risk, they request backup from the Patrol unit or other law enforcement agencies. But, for the vast majority of civil process calls, civil deputies are well trained to respond without support from patrol deputies.

Civil unit costs were overstated in annual program offers

A primary purpose of the budgeting process is to provide clear and accurate information to decision makers about programs and funds needed to maintain operations. Management is responsible for providing this information and for ultimately achieving the purposes for which resources are appropriated. However, we found that funding for Patrol unit activities was commingled with Civil unit funds in such a way as to not be transparent and potentially misled decision makers about the actual resources needed to support the Civil unit.

Patrol unit time actually spent on civil process work was significantly below the amount of funds included in the Civil unit program offer submitted for budget purposes. Using BOEC data, we estimated that the Patrol unit spent about 2,110 hours on civil process calls during all of FY07. For the purposes of our analysis, we tripled this figure to 6,330 hours to account for travel time to carry out civil process calls. This 6,330 hours translates to 3.8 full time equivalent (FTE) patrol deputy positions once estimated leave is taken into account. But, the Civil unit program offer for FY08 included eight patrol deputy FTE. Based on our analysis, Patrol unit personnel costs included in the Civil unit FY08 program offer exceeded the amount of work actually performed by 4.2 FTE or \$433,467. If administrative costs associated with these 4.2 FTE were included, the difference would be even higher.

Further, the Civil unit program offer did not explain that Patrol unit deputies participate in civil process work. From the information reported in the FY08 program offer, a decision maker could reasonably have assumed that \$1,698,537 was needed for Civil unit personnel costs. Once patrol deputy FTE actually spent on Civil unit work is considered, only \$1,265,070 was needed. Effectively, Civil unit funding augmented Patrol unit funding.

As an alternative, the Patrol unit could bill the Civil unit annually at a minimum and be separately reimbursed for the actual time spent on civil process calls in their assigned districts. At the very least, any Patrol unit funding included in the Civil unit budget should be based on a reliable estimate of the actual time spent on civil process calls and be clearly disclosed.

The Civil unit could potentially improve efficiency with alternative methods

As noted throughout the report, the civil process function is an important and statutorily required element in the county's public safety system. MCSO management has determined that the function should not be contracted out due to liability concerns. Previous audits of county contracting have pointed out that risk increases when services are contracted out, and in this case, the risk could possibly range from disruption of the civil court system to real harm to county residents. However, there are alternatives to how some civil process work is handled that have potential for creating savings and efficiencies.

Mail notification for some civil process documents

We found that some other jurisdictions have successfully implemented a mail notification procedure for certain civil process activities. These other jurisdictions notify citizens by mail regarding the impending service of civil process documents/orders. Citizens are asked to come to the sheriff's office within a certain period of time. If the recipient does not appear by the end of the given period of time, the civil process document is assigned to a civil deputy to serve at either the person's home or work place. Only civil process documents without specific time limits set by statute are part of the mail notification process – restraining orders and eviction notices are excluded, while civil summons and regular notice documents are included.

One jurisdiction reported the following:

- Citizens would rather pick up civil process documents than have a sheriff's vehicle drive up to their home or place of employment.
- This alternative allowed citizens some privacy with regard to their personal business.

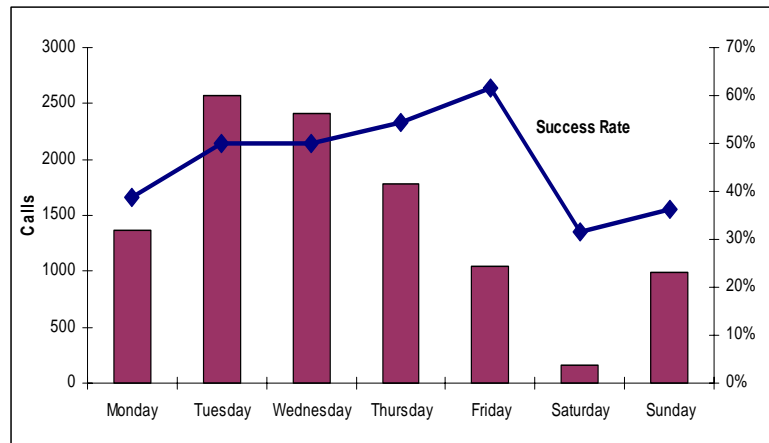
- Approximately 50% of all civil process documents received by the jurisdiction were served at a sheriff's office location rather than at a citizen's residence or work place.
- The procedure saved tax dollars and allowed the sheriff to find other ways to serve citizens.

Modify work schedules to accommodate higher success rates

As illustrated in the Exhibit 13, the Civil unit could try to increase civil deputies' coverage for Thursdays and Fridays. These days of the week correspond with higher success rates in serving civil process documents and orders. Civil unit coverage could be lowered on other days when the success rates for completion of civil process calls are lower.

Exhibit 13

**Civil Unit:
Civil Process Success Rate
Compared with
Weekday of Calls**



Source: Auditor's Office analysis of BOEC data

Recommendations

In order to improve the efficiency and effectiveness of the civil process function, we make the following recommendations:

- 1) MCSO management should operate the civil process unit using civil deputies rather than patrol deputies. Doing so will hold down costs, maintain optimum productivity, better match patrol time in assigned districts, potentially increase response times to 911 calls, and better match patrol time to crime incidence.
 - The Civil unit plays an important role in the public safety system, but the staff carrying out that work do not need to be more expensive sworn patrol deputies.
 - However, patrol deputies should conduct the very few civil process calls that occur in unincorporated areas of the county.
- 2) Civil process practices should be established in procedure and receive ongoing oversight and review.
 - Performance expectations should be clear and consistent.
 - Activities should be tracked and analyzed to assess performance and results.
 - Management's recently implemented monitoring practices should continue.
- 3) The Patrol unit should bill the Civil unit at least annually for the actual civil process work completed by the Patrol unit. Doing so will provide decision makers with clear and transparent information.
 - The Civil unit budget should include only civil deputies' FTE and any projected costs for civil process work performed by the Patrol unit.
- 4) MCSO should implement alternative methods of conducting lower-risk civil process activities whenever possible.
 - These methods could potentially create efficiencies and save costs, as well as allow MCSO to focus on higher priority civil process work. At the very least, MCSO should study their feasibility and/or test these methods through a pilot project.

Scope and Methodology

The purpose of our audit was to determine whether the Multnomah County Sheriff's Office (MCSO) civil process function is performed in an efficient and effective manner. Our specific objectives were: 1) assess the impact of MCSO's policy of dividing the civil process function between the Civil Process unit and the Uniformed Patrol unit; 2) compare the civil and patrol deputies' performance on civil process calls; and 3) analyze the Patrol unit's performance of civil process calls and the impact of those calls on the Patrol unit's calls for service.

We reviewed state laws and civil process rules, as well as MCSO policies and procedures governing civil process services. We examined MCSO law enforcement procedures as they pertain to civil process duties and the logging of calls to the Bureau of Emergency Communications (BOEC) system. We reviewed collective bargaining contracts, internal reports and reviews of the Patrol unit's role in the civil process function. We analyzed program offers, personnel expenditures, internal reports, and data collection methods for the civil process function. In order to calculate the personnel cost of civil and patrol deputies, we reviewed personnel expenditures for FY05 through FY08.

We interviewed MCSO managers, civil deputies, and patrol deputies. We participated in ride-alongs and roll calls with civil and patrol deputies. We also observed civil commitment transport and hearings, and toured the waiting facility in the Multnomah County district court.

We reviewed the Patrol unit's internal data collection of its performance of the civil process function. We examined Patrol unit calendars showing staff deployment and assignments to those cars designated for use in civil process work. We analyzed the Civil unit's internal data collection and pertinent trends.

We used various statistical tests and SPSS software to perform our analyses. Specifically, we carried out these analytical steps and tests:

- We tested BOEC data for accuracy and reliability.
- We reviewed the volume of dispatched-emergency and non-emergency calls and self-initiated-emergency and non-emergency calls, and time amount spent on each type of calls per district, per shift, and per day.
- We analyzed patrol deputies' use of time, including discretionary time spent on serving civil process documents; overall call volume and time on the civil process function; and time and call volume outside of assigned districts.
- We analyzed the volume and type of calls on the west side and east side of the unincorporated area of the county, as well as the cities of Maywood Park and Wood Village where contracted patrol services are provided.
- We reviewed the extent to which patrol deputies and supervisors adhere to MCSO internal practices.
- We analyzed the location and extent of civil process call backlog, including the temporary income tax (ITAX) delinquency complaints and child support documents.
- We assessed the performance and workload of civil and patrol deputies.
- We reviewed population rates.
- We reviewed crime trends and arrests for Multnomah County's unincorporated areas and small cities that contract for MCSO using data from the state's Law Enforcement Database System (LEDS).

This audit was included in our FY09 audit schedule. We conducted this performance audit in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Appendix – The Three Categories of Civil Process Work

The three categories of civil process work and examples are discussed here in further detail:

- **The notice process** informs an individual of an ongoing legal proceeding and through its service, the court gains jurisdiction over that individual. The notice process represents the bulk of civil process work. Some of the types of notice documents include:
 - ⇒ *Protective order*, such as restraining orders, elderly abuse orders, and stalking orders have the highest priority of served notices.
 - ⇒ *Summons* – legal documents not issued by the court but by a plaintiff (a person filing a lawsuit) informing another party that they are being sued and have a right to respond in court.
 - ⇒ *Notice of claim* – informs a person that s/he is being sued in a small claims court and has 14 days to respond at a hearing.
 - ⇒ *Notice of eviction* – is either handed to a tenant or posted on a household door. The notice informs the tenant that s/he has a right to attend an eviction hearing scheduled 7-10 days from the notice.
 - ⇒ *Notice of restitution* – informs the tenant how and when they will be evicted from an owner's property, and it is served at least four days prior to an eviction.

- **The enforcement order** allows sheriff officials to carry out an order of the court through the seizure and sale of property, seizure and delivery of personal property, and foreclosure of real property. Some of the types of enforcement orders include:
 - ⇒ *Writ of assistance* – a form of a helping order to assist a private party in accomplishing an action regarding another individual, such as removing a person from a house or removing children from a non-custodial parent.
 - ⇒ *Writ of execution* – a helping order requiring a sheriff official to take real or personal property and later sell that property to provide funds for an unpaid judgment.
 - ⇒ *Writ of garnishments* – the court directs a third party to turn over what is due to a debtor. This action is often in the form of a wage garnishment.
 - ⇒ *Writ of restitution* – returning to a proper owner the property or the monetary value of the loss of that property. This action is often in the form of an eviction.
 - ⇒ *Claim and delivery* – a pre-judgment process to recover specific personal property, for example, repossession of an automobile.

- **The Civil commitment process** includes transport and custody of allegedly mentally ill persons (AMIP) during involuntary civil commitment hearings. This activity is generally more of a time commitment than other civil process responsibilities, usually requiring deputies to attend the hearings, as well as serve notice and transport.

Response to the Audit



MULTNOMAH COUNTY SHERIFF'S OFFICE

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November 3, 2008

LaVonne Griffin-Valade
County Auditor
501 SE Hawthorne
Portland OR 97214

Dear Madam Auditor:

I would first like to express my appreciation to you and your staff for completing the Audit of the Sheriff's Civil Process Function. This audit has proven very valuable in charting the future of how we manage this function and is consistent with some of my observations since becoming Sheriff in July. I appreciate the ongoing communication between our involved staff as this audit moved through the necessary steps to completion.

Immediately upon my return to the agency, I directed management staff to plan for a return to separate primary job functions for patrol and civil sections. Separate from the audit findings, I know that patrol staff who are expected to be out of their assigned districts completing civil functions do not serve the public well. I believe this key step will address multiple points of the audit recommendations.

I agree that the civil process function is an important element of the public safety system, by serving process and execution of civil court documents and orders. The importance of sustaining a viable civil process function cannot be overstated especially in the current national economic crisis impacting Multnomah County residents. An unfortunate outcome of a poor economy is an increase in the court processes that impact people in financial crisis.

Over the last four years, the Civil and Patrol units have operated with a significant overlap of operations, supervision, budgeting and management. Prior to 2005, civil work was assigned to a discrete unit of civil and law enforcement deputies tasked with serving and enforcing process issued from the courts. Work within the unit was distributed based on level of risk and the skill sets possessed by the civil and law enforcement deputies. Resource consumption and work outputs were relatively easy to track as they were confined within a single work unit. On occasion additional resources were deployed to manage the infrequent resource intensive service or to reduce backloads.

In 2005, as a result of difficult budget challenges and in an effort to become more efficient in utilizing our human resources, the Sheriff's Office reconfigured the service of civil process to better leverage the skill levels of our law enforcement deputies. Our purpose was to have greater coverage, match the skill set of the civil or law enforcement deputy to the work needed done, and create a greater awareness among all of our law enforcement deputies in the complex rules of civil procedure. Unfortunately this well intended effort created an imbalance in MCSO law enforcement efforts and

routinely pulled patrol resources out of their assigned districts creating significant discrepancies between civil process service locations and district patrol responsibilities. Your finding that patrol deputies are performing civil work within incorporated cities is correct. However, the majority of all civil work in Multnomah County is a Sheriff's statutory duty that occurs primarily in cities irrespective of political subdivision. I must agree that expecting patrol staff to routinely complete tasks out of their assigned districts has compromised our ability to provide effective patrol services and this practice will be changed.

The combining of functions has also led to a difficult audit because of limited accurate data to rely upon regarding the completion of civil functions. My staff has communicated their concern, during the course of the audit, that reliance on BOEC dispatch records do not accurately reflect the work being completed nor the time spent on distinct functions. The BOEC police dispatch system is designed primarily as a call response and dispatching system for police activities, not as a time tracking system. While we recognize this is one of the few data sources available, we believe reliance upon this data led to some conclusions which are not supported by accurate data. I have directed my staff to examine alternate methods of tracking the work of civil unit staff to avoid this issue in the future.

The issue of BOEC data and its limited usefulness led to an audit finding that "The Civil unit budget overstated civil process costs." I question the accuracy of this finding because of the limited analytical data available. In order to gain a better understanding of resource use and deployment I have directed the Law Enforcement Division to develop a refined distribution of work plan which will be implemented in January 2009. This plan will clearly delineate the funding used for civil functions and will be an important tool for analysis of the civil function in subsequent years. Past budget years have shown a dedication of eight FTE to the civil component in the shared civil/patrol workload. Due to a budget reduction in FY 2008, our current year budget contains only four law enforcement deputy FTE deployed to complete civil work. This is more likely an understatement of time spent than an overstatement. By assigning the four law enforcement deputy FTE to the civil unit supervision and focusing their efforts solely on civil process functions, we will be able to determine how much time is being spent on dedicated civil functions. We remain concerned that the civil process function, when divided away from patrol, will not be funded adequately as a stand-alone unit and may have to borrow resources from other areas of the Division.

As indicated above, effective January 2009, Patrol and Civil Process duties will be separated into two distinct units of work, with staff assigned primary responsibility for completing a single set of priorities. The staff assigned to civil process will be responsible for notice process, enforcement order process and civil commitments. The staff assigned to this function will be a combination of civil deputies and enforcement deputies, supervised by a Sergeant and a Senior Civil Deputy. Management of the unit will remain within the Patrol-Civil command configuration currently in place. Patrol section staff will continue to serve the civil process duties that take place within their assigned patrol districts and will periodically assist in high risk civil functions.

I believe staffing the civil unit with law enforcement and civil deputies better matches appropriate skill sets to the level of risk associated with the work. Tasks such as evictions, restraining order move-outs, and removing children from custodial parents are all potentially very violent and best completed by a fully trained police officer. Notice process and civil commitment process are generally moderate risk level and can be completed by either job classification.

Civil unit work remains a very dangerous function within the Sheriff's Office. A series of critical events within the last 12 months has reaffirmed our agency belief that civil work is equal to and sometimes more dangerous than police work. We believe that our current risk assessment model wherein tasks are split between job classifications based upon risk and best utilization of staff ensures work is assigned in the safest way possible. The increased training of an enforcement deputy, when

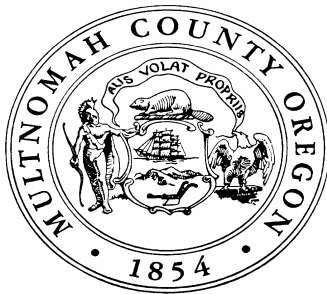
balanced to the risk inherent in many civil unit functions, makes sense for the community. I have directed my staff to analyze the training of the job classifications within the civil unit to assess whether gaps exist in training and professional requirements and how best to address any gaps that may exist.

We are in the process of researching the service alternatives brought forth in the audit that could potentially increase efficiency or lower the cost of civil process activities. This research will encompass both a legal analysis of the concepts as well as an operational assessment of the alternatives. I expect this analysis to be completed by the end of the fiscal year.

In closing, I would like to thank you and your staff for the Civil Process Audit. As I took office in July, I recognized the current civil and patrol work combination is not effective. Having your audit to study as we fundamentally change how these services are delivered is very valuable. My thanks again for your dedication as we strive to serve the community better.

Sincerely

Bob Skipper
SHERIFF



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Audit Report: *Sheriff's Civil Process Function*
Report #08-08, November 2008
Audit Team: Joanna Hixson, Craig Hunt, and
Kathryn Nichols

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