

Auditor's Office & County Charter

Presentation to Safety & Justice Subcommittee
Multnomah County Charter Review Committee

March 2022



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Hi everyone. I'm Jennifer McGuirk, the Multnomah County Auditor. I use she/her pronouns. I really appreciate this opportunity to talk with you about my office. I want to thank each of you for your service to the county. Your work is extremely important, and I appreciate you stepping up to serve.

Subcommittee's requested agenda

- Some background on your office's power to audit,
 - what an audit entails, and
 - what enforcement power there is (or isn't) behind an audit report
- How your office's auditing power intersects with oversight of the Sheriff's Office, jails, and other aspects of Multnomah County's criminal justice system
- We saw on your website that an audit of the County's jails was initiated in 2019 and were wondering if there was additional information you could share about that

This slide goes over the items you asked me to discuss.

What the Auditor does

Auditor is directly accountable to voters & is elected on a countywide basis.

Our office's mission is to ensure that Multnomah County government is efficient, effective, equitable, transparent, and fully accountable to all who live in our county.

As shown on this slide, I'm directly accountable to voters and the Auditor is elected on a countywide basis.

My office's mission is to ensure that Multnomah County government is efficient, effective, equitable, transparent, and fully accountable to all who live in our county.

What the Auditor does our approach

- Serve the public interest
- Act in integrity
- Adhere to high ethical standards
- Use an equity lens
- Be trauma-informed

The way we approach all of our work is grounded in adherence to generally accepted government auditing standards. We prioritize our responsibility to serve the public interest. We act in integrity and adhere to high ethical standards. We use an equity lens and a trauma-informed approach in all of our work.

We want to help people know how their government works, what is working well, and what needs to change. We often give voice to problems that people may feel most comfortable ignoring. As we do so, we also acknowledge the value of county programs and employees.

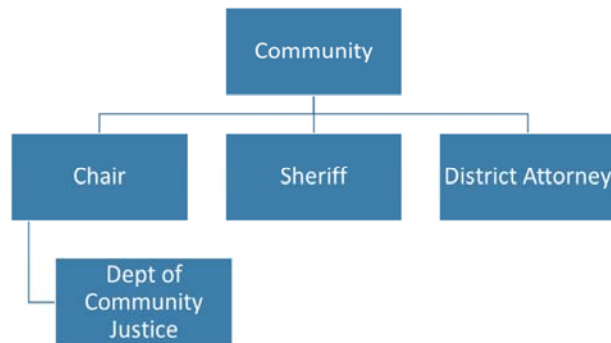
Power to Audit

County Charter 8.10. Auditor.

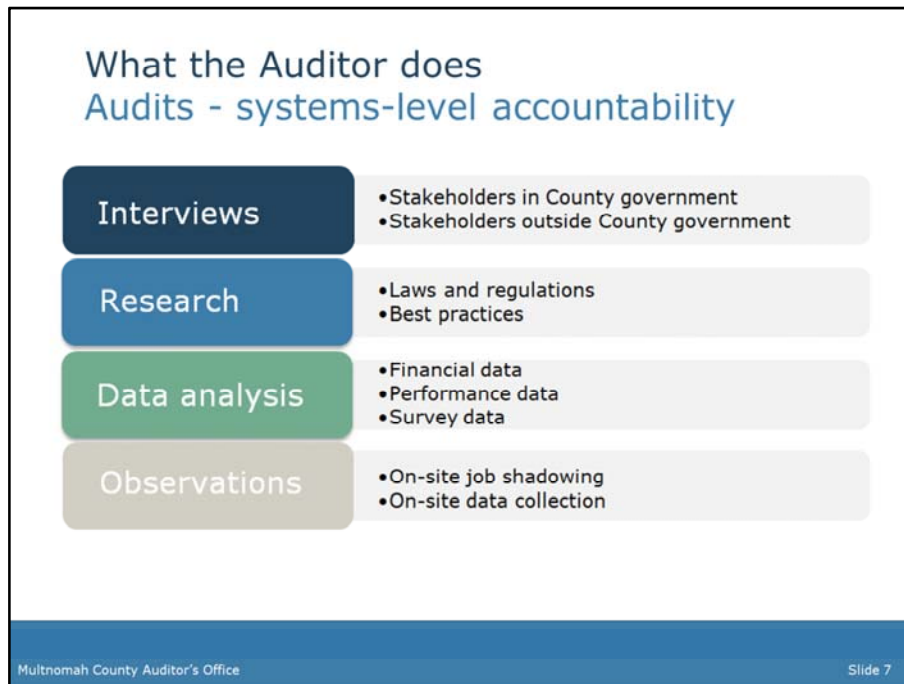
(3) The auditor shall conduct performance audits of all county operations and financial affairs and make reports thereof to the board of county commissioners according to generally accepted government auditing standards.

The current Charter language about the Auditor is quite short. It spells out that the Auditor is to conduct performance audits of all county operations and financial affairs.

Power to audit operations & financial affairs reporting to Chair, Sheriff, DA
Areas related to safety & justice



On a practical level, everything we can audit reports to the Chair, Sheriff, or District Attorney. Related to safety and justice, the Chair oversees the Department of Community Justice, which is responsible for probation and parole programs and juvenile detention. My office is also responsible for auditing all other county operations – such as health, community services, and human services, including homeless services. To do this important work covering the entire county's operations, there's me, a constituent relations specialist, and seven staff auditors.



Our audits provide systems-level accountability to the public. As shown on this slide, during each audit, we conduct interviews, research, data analysis, and observations.

We examine a program, process, or service and make recommendations for improvement. This is really in-depth work. Each audit takes about a year.

Our audits are focused on describing how a program operates, and areas that need change. We pay particular attention for opportunities to improve accountability, transparency, and equity. For example, each audit includes at least one recommendation related to supporting racial equity.

What the Auditor does Pandemic response audit



Donald E. Long Juvenile Detention Facility
Source: Multnomah County Health Department



Inverness Jail
Source: Multnomah County Sheriff's Office

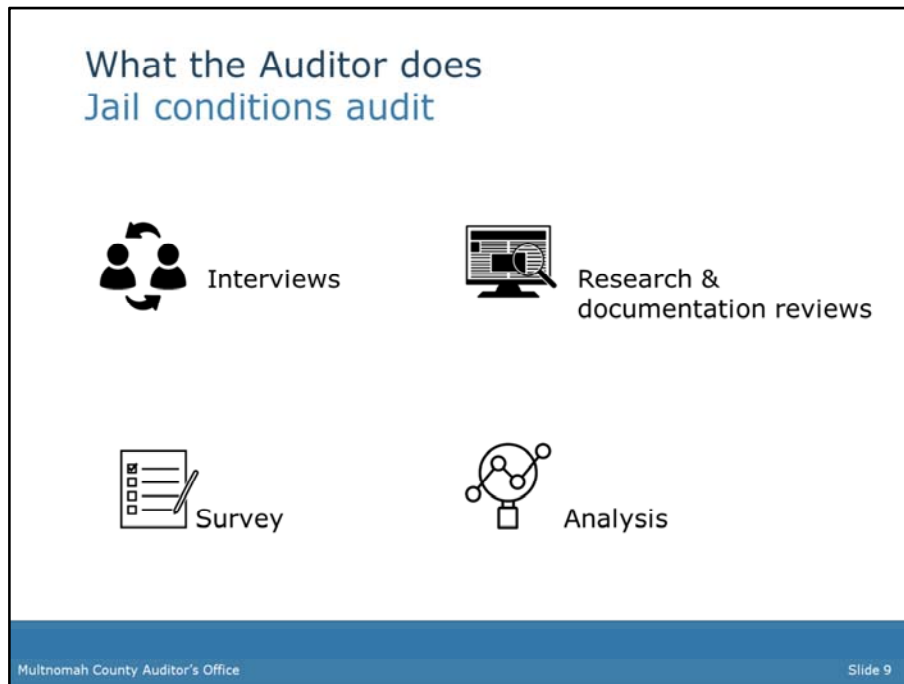
I thought it would be helpful to provide a couple of examples of what audit work looks like. In February 2021, my office published our audit report on the county's response to the pandemic.

Our focus on equitable service delivery led us to center our work on congregate settings, where people are housed together. People who work and live in these settings may face particular challenges with social distancing to prevent the spread of COVID-19. People living in congregate settings also tend to represent vulnerable populations in our county, including elders, people who have disabilities, people who are experiencing homelessness, and people who are in adult or juvenile custody.

We focused on whether detention settings (both adult and juvenile) followed requirements from the Center for Disease Control and Prevention and the Oregon Health Authority, as well as the county COVID-19 safety protocols. We also examined practices associated with county responsibilities in detention settings. We conducted interviews and read policies and procedures.

In addition, our office conducted a survey of all county employees about the county's pandemic response to learn about employee experiences during the pandemic and employee perceptions related to safety measures in worksite environments. More than 300 people who responded to the survey said they worked in the jails, and most of these people were Sheriff's Office employees. About 30 juvenile detention employees responded to the survey, giving us insight into the conditions within the county's detention settings.

We identified concerns related to frequency of cloth mask exchange in the jails, reduced no-cost visiting options, and consistently enforcing face covering policies in jails and in juvenile detention. In addition to the audit report, we published a report focused on the full survey results.



In addition to our pandemic response audit, my office conducted an audit of county jail conditions that we will publish next month. This is the audit you had asked about.

To conduct that audit, the audit team:

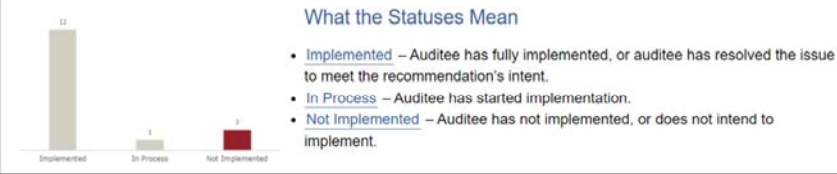
- Interviewed over 40 people, including Sheriff's Office staff, county staff, public defenders, and former adults in custody
- Toured the jails
- Surveyed adults in custody, with 567 adults in custody completing the survey (response rate of 74%)
- Conducted an in-depth literature review
- Reviewed the Sheriff's Office training materials
- Received training from the Los Angeles Police Department on how to audit law enforcement
- Attended the National Association for Civilian Oversight of Law Enforcement online conference
- Received data from Multnomah County Behavioral Health Decision Support Unit to determine which adults in custody had also received intensive mental health services from the county.
- Analyzed personnel and jail data from July 1, 2018 through June 30, 2021

In April, my office will issue our report on this audit. For each audit report, the auditee – in this case, the Sheriff's Office – gets an opportunity to review a draft of the report to provide feedback and correct any errors. The responsible elected official for the audited area, which in this case is a Sheriff, also gets to provide a letter responding to the audit and each of my office's recommendations.

What the Auditor does Follow up on recommendations

The Multnomah County Sheriff's Office did not implement our recommendation to expand the use of free-phone calls or modify lobby video visit operations to allow for safe use.

For Library locations, the county did not implement our recommendation to add COVID-19 specific cleaning and disinfecting requirements into its contracts with janitorial providers prior to adding substantial in-person capacity.



After an audit, my office follows up on the status of recommendations to keep pressure on county management to address problems and implement recommendations. This slide has an excerpt from one of our recent reports on the status of recommendations from our first audit of the county's pandemic response. You'll see that we found two recommendations were not implemented. One of these was a recommendation to the Sheriff's Office to expand the use of free phone calls or modify lobby video visit operations to support communications during the pandemic.

What the Auditor does Follow up, but not enforce



We publicize the results of our follow-up reports to local news outlets, through our website, email list, and newsletter, and through social media. On this slide is an example of media coverage for the follow-up described on the prior slide.

Outside of our ability to follow up on the status of audit recommendations, my office does not have enforcement power. I have submitted to the Government Accountability Subcommittee proposed amendments to the Auditor portion of the Charter. At the encouragement of my Community Advisory Committee, one amendment I proposed was that the Auditor be able to ensure the implementation of their office's recommendations as part of the Auditor's general duties. However, after discussion with experts in generally accepted government auditing standards, I do not think this language could be included in County Charter. This is because the standards say that my office needs to be independent from management, and if my office is enforcing management's actions, my office is taking on a level of management responsibility. In other words, we wouldn't only be making recommendations, we would be in more of a role directing their implementation.

The standards do allow my office to follow up on the status of recommendations, which is an important practice for keeping government accountable and supporting ongoing public conversation about the issues my office raises.

Opportunity to improve safety & justice auditing

- Double the number of audits
- Always auditing in core service areas:
 1. General government services
 2. Public safety
 3. Internal operations & financial affairs
 4. Infrastructure & capital projects
 5. Health
 6. Human services
- Maintain subject matter expertise to help audits move more quickly

Part of my office's proposed amendments is to provide a stable allocation to my office of 1% of the general fund expenditures budget, as based on a five-year rolling average. This would enable my office to do more to support accountability, transparency, and equity.

With a higher budget allocation, we can have dedicated subject-matter audit teams. We'd double the number of audits we are doing at any one time. That means we would always have an audit going in each of the county's key service areas, including public safety. The jail conditions audit I've mentioned is the audit you had asked about. I issued the start letter for that audit at the end of 2019, and we started working on it in 2020.

The jail conditions audit has taken a long time, much longer than usual. We had to modify some of our expected methodology for the jail conditions audit due to the pandemic. And we had to audit the county's pandemic response. As part of that audit, the team that worked on the jail conditions audit also evaluated jail and juvenile detention. The extended time line was also a result of this being the first time my office had audited this topic. We had an intense learning curve to deal with.

If I'm able to establish a public safety team with subject matter expertise and ongoing learning in safety and justice issues, future audits will likely take less time.

In addition to my office's Charter-related proposals, I am also requesting four additional positions for my office through the county's annual budget process to launch public safety and human services audit teams starting in July of this year. I do not know yet if I will receive any funding toward that proposal.

Opportunity to improve safety & justice auditing

- Timely follow up on the status of audit recommendations
- Better communications with the public

The 1% allocation my office is seeking through the Charter review process would enable my office to improve our follow up on audit recommendations. Right now, we have to fit this in as best we can between audits, which means we aren't necessarily able to follow up right after our recommended implementation deadline.

And the allocation would enable us to bring on staff for communications and community engagement. I believe that engagement piece will also help my office keep people better informed of our work and support keeping pressure on county leadership to implement recommendations.

How auditing power intersects with other oversight of safety & justice system

- Follow generally accepted government auditing standards
- Independent from the programs we audit

I appreciated this question of how auditing power intersects with other oversight that exists for safety and justice programs. As I talked about earlier, our audits are conducted in accordance with generally accepted government auditing standards that emphasize working in the public interest and professional skepticism.

One way the work my office does can be different than that of other oversight bodies is that my team and I are independent from the programs and systems we audit. For example, the Sheriff's Office might request an evaluation from the National Institute of Corrections or the Oregon State Sheriff's Association. Both organizations have ties to law enforcement and corrections. My office does not.

How auditing power intersects with other oversight of safety & justice system

- Robust information gathering
- Learn from and build on other evaluations
- Public reporting
- Public follow up on recommendations

My office's adherence to generally accepted government auditing standards means that part of our audit process is to take a deep dive into existing laws and regulations, established practices for programs, and the reviews of other oversight bodies. Using the jail conditions audit as an example, for that audit we reviewed reports on the county jails from Disability Rights Oregon, the annual Corrections Grand Jury, the National Institute of Corrections, and the Oregon State Sheriff's Association. We use this information to help ground us in the issues and to build off of the existing work. This helps prevent us from duplicating what others have done and enables us to contribute to the ongoing conversation about safety and justice. Our audit work typically includes a robust combination of methods. That approach, along with the standards we follow, makes our work different from other kinds of oversight.

Also, all reports that my office creates are public, as are our reports on the status of audit recommendations.

Our independence from the programs we audit is extremely important. Our independence means that we answer to people who live in the county rather than to other elected officials or county management. We use a fact-based approach to ensure that reasonable people can trust our opinions, findings, conclusions, judgments, and recommendations. We strive every day to maintain the public's trust. An independent auditor's focus on transparency, equity, and accountability provide benefits to the public when we review safety and justice issues.

Questions?

I appreciate this opportunity to talk with you, and am happy to answer any questions.