

Multnomah County Jail Conditions

Circumstances were Worse for Adults in Custody who are Black and/or Have Mental Health Conditions

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Multnomah County Auditor's Office
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Report Highlights

What We Found

- Sheriff's Office decisions on where individuals were housed were not as standardized and consistent as they could have been.
- Discipline procedures appeared consistent with standards, but misconduct citations were handed out disproportionately to Black adults in custody, and some deputies issued much higher rates of misconduct citations.
- Use of force procedures were consistent with standards, but deputies used force against Black adults in custody at a higher rate.
- Jail conditions were worse for people with mental health conditions.

Why We Did This Audit

We conducted this audit to provide an update on jail conditions. County leadership committed to make improvements based on a 2017 Disability Rights Oregon report which found improper conditions for individuals with mental health conditions. We also wanted to provide information to community members about who is in our jails and the conditions they experience when incarcerated. Our focus was on describing conditions with a data-rich approach that could inform the ongoing community discussions about the legal system.

What We Recommend

Classification:

- Delay full classification interviews for adults in custody moving into housing until 72 hours after booking, and expand supervisory review of classification decisions, with a focus on possible over-classification.

Discipline and Use of Force:

- Eliminate the use of disciplinary sanctions that involve isolation.
- Develop and implement a training program designed to reinforce the goal of informal solutions to discipline issues and to reduce the need for misconduct citations.
- Monitor deputies' use of misconduct citations.
- Contract with professionals in training on cultural competency as well as identifying and managing race-related implicit bias.

Mental health conditions:

- Expand training for deputies on how to work with adults in custody with mental health conditions.
- Expand the number of housing areas specifically for individuals with mental health conditions.
- Revise procedures for planned use of force activities involving individuals with mental health conditions to require participation of mental health staff.

Background

Multnomah County has maximum-security & medium-security jails

Oregon law requires counties to maintain a local correctional facility to receive and confine prisoners. The Multnomah County Sheriff's Office (Sheriff's Office) operates two jails in Multnomah County: the Multnomah County Detention Center (MCDC) and the Inverness Jail. Both jails hold men, women, and people with other gender identities.

About MCDC

MCDC is a maximum-security facility made up of individual cells that is located in downtown Portland. It houses county, state, and federal adults in custody involved in local court matters or being transferred to another jail or prison. MCDC can house 448 people and also serves as the primary booking facility for those who are arrested within Multnomah County.

The Multnomah County Detention Center is within the Multnomah County Justice Center building



Source: Multnomah County Sheriff's Office

About Inverness Jail

The Inverness Jail is a lower security facility primarily made up of open dormitories that is located near the Portland International Airport. The Inverness jail can house 1,037 people.

Multnomah County Inverness Jail



Source: Multnomah County Sheriff's Office

Jail Capacity

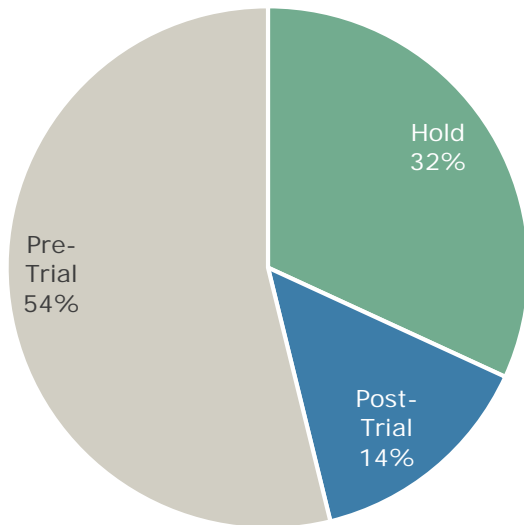
While the two jails have a combined capacity of 1,485 people, the county has funded the jails to house up to 1,117 people. We reviewed the Sheriff's Office monthly jail reports for the period of July 1, 2018 through June 30, 2021, so we could see how the jail operated before and during the pandemic (we considered the pandemic as starting in March 2020). Before the pandemic, there was an average daily population of 1,069 and during the pandemic it was 740.

Most people in jail were awaiting trial

Unlike prisons, which confine only sentenced offenders, jails are responsible for detaining:

- people charged with an offense and awaiting trial,
- suspects under investigation and awaiting charge,
- people convicted of a crime and awaiting sentencing,
- people sentenced to jail terms of less than one year and a day,
- offenders sanctioned for violating their probation or parole conditions,
- individuals involved in the justice system in another jurisdiction but who have no charges in Multnomah County, and
- sentenced offenders awaiting transfer to state prisons.

Most of those in jail have not yet been to trial



Source: Multnomah County Sheriff's Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor's Office staff. A person was placed on a hold when there was a warrant or required court appearance from another jurisdiction.

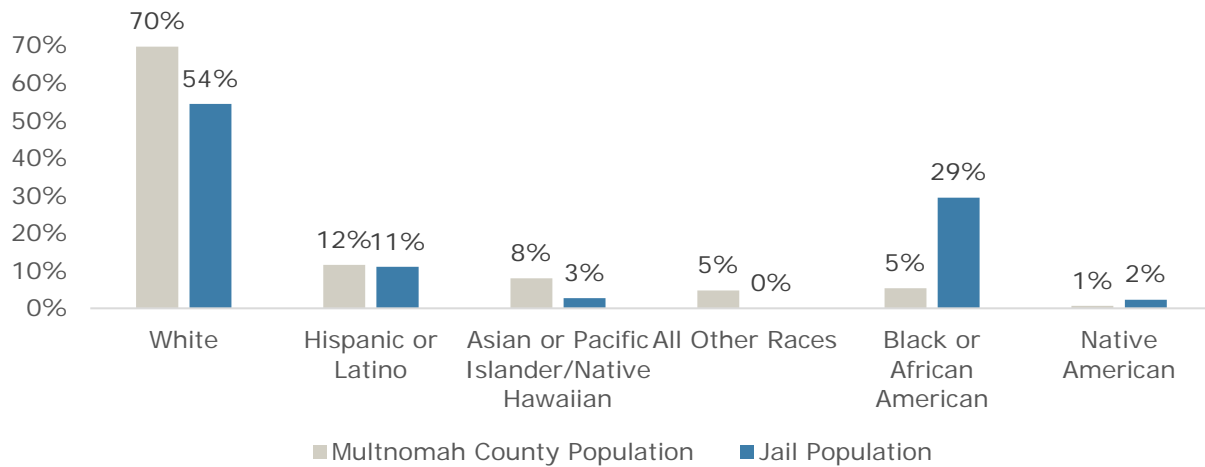
Most jail stays were short

The Multnomah County jails housed just over 20,000 people during a three-year time period (July 1, 2018 through June 30, 2021). This did not include people booked and released. On average, during this time, people were housed in jail 2.1 times. The median length of stay was 5 days.

Jail demographics vary greatly from the community at large

The jail population was predominately young and male and had a much higher percentage of Black and Native Americans than Multnomah County as a whole. Most of this is outside of the control of the Multnomah County Sheriff's Office since most decisions about who is in jail are made by the Multnomah County Department of Community Justice (DCJ), the Multnomah County District Attorney's Office, judges, and the Portland Police Bureau.

Black or African Americans and Native Americans were overrepresented in jail



Source: Multnomah County demographics from U.S. Census Bureau, 2019 ACS Demographic and Housing Estimates. Jail Population data from Multnomah County Sheriff’s Office for those housed July 1, 2018 through June 30, 2021. The U.S. Census Bureau classifies Hispanic or Latino as an ethnicity, and the Multnomah County Sheriff’s Office classifies it as a race. For all groups, except Hispanic or Latino, the Multnomah County chart uses the U.S. Census data for those who selected one race and Not Hispanic or Latino. Additionally, the U.S. Census Bureau includes “Two or More Races” and “Some Other Race” while the Multnomah County Sheriff’s Office does not offer this option.

How people typically move through the jail system

When law enforcement brings someone to jail, they first go to MCDC for the booking process. The booking process can be hectic and challenging for both staff and adults in custody, especially when individuals are agitated, have mental health conditions, and/or are under the influence of drugs or alcohol. During the three-year period we reviewed, the median amount of time in booking was 4.5 hours. In booking, the adult in custody will have their fingerprints taken and the Sheriff’s Office staff will look for any outstanding warrants. Staff from the Department of Community Justice (DCJ) will also review the situation and decide whether the person can be released. Occasionally, a judge will override this decision.

Those not released speak with staff at Corrections Health, a division of the Health Department, to determine if there are any physical health or mental health conditions staff need to know about. Some adults in custody choose to withhold information, potentially delaying their ability to get medication. Adults in custody also speak with classification staff who will decide if the person is low or high risk to themselves and others within the jail. Based on what staff determine, high-risk adults are sent to MCDC housing and low- to medium-risk adults are sent to Inverness Jail. The risk assessment looks at past behavior in jail and current behavior in booking.

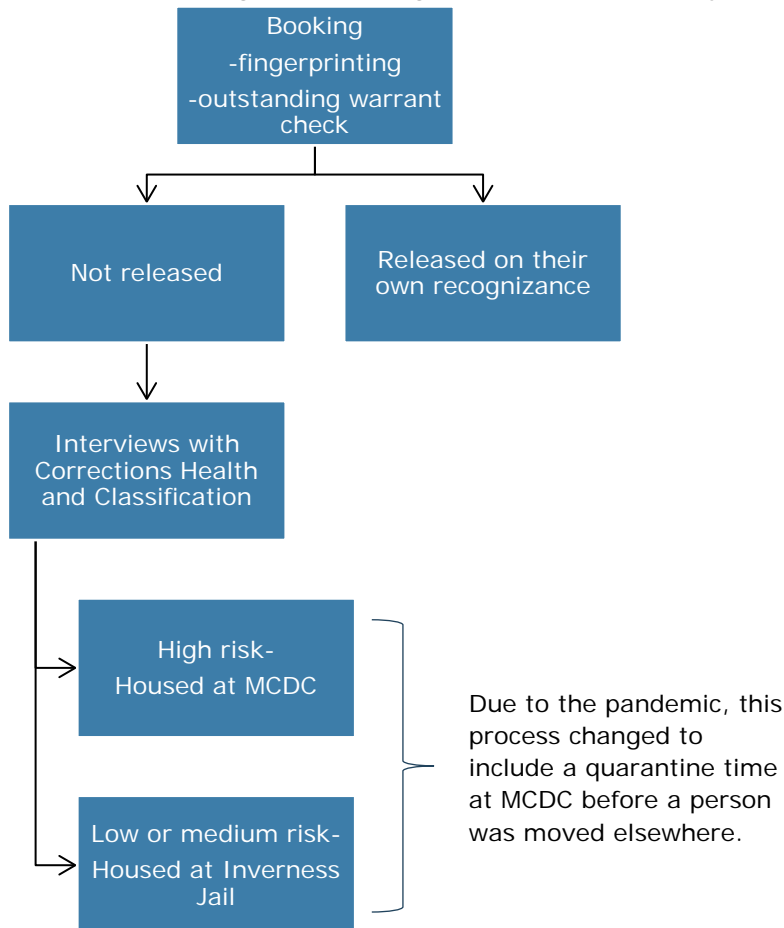
Both jails have specific areas for those with mental health conditions. However, staff said there was not sufficient housing for adults with mental health conditions who would benefit from it.

Staff said they have had to prioritize housing in these specific areas for those with the most acute conditions.

Of note, the pandemic changed processes in the jails so that adults in custody were held for a quarantine period at MCDC before being moved elsewhere in the jails. Our audit about the impacts of the pandemic in the jail can be found [here](#). Because the previous audit evaluated the pandemic response, this audit focuses on other issues in the jails.

Similarly, because this audit focused on jail conditions for adults in custody, we did not focus on the jails as a workplace environment. Sheriff’s Office staff, Corrections Health staff, and other county employees who work in the jails work in a very challenging, stressful environment, one in which there is the potential to be physically harmed and to experience psychological stress on an ongoing basis. For information on relatively recent perspectives of employees who work in the jails, we encourage people to read the [report on our survey](#) of employees’ experiences of working during the pandemic.

Flowchart of Booking and Housing in Multnomah County Jails



Source: Information from Multnomah County Sheriff’s Office and the Multnomah County Local Public Safety Coordinating Council. Chart by the Multnomah County Auditor’s Office.

Changes in the classification process could yield benefits for adults in custody and the Sheriff’s Office

When jail managers decide where individuals will be housed and how much interaction they will be able to have with other people in the jails, they are using a process called classification. The National Institute of Corrections says a standardized, evidence-based classification process in jails is important to make sure people are safe, secure, and best able to reintegrate into the community. Some aspects of the Sheriff’s Office classification process were supported by research, but making changes could improve the consistency of the assessments and information gathered during the process.

The Sheriff’s Office has a variety of classification levels

The focus of this audit was on describing conditions in the jails; we did not audit the classification survey instrument or its underlying rationale. This information on classification levels is provided to inform community knowledge about jail operations.

Corrections administrators and researchers design classification systems to identify people who are more likely to be dangerous to themselves and other people in the jail or are more likely to attempt to escape so they can be assigned to housing with more restrictions. Jail administrators place individuals who they believe are less likely to cause problems or who are not likely to be at risk from other adults in custody into housing that offers more freedom and access to programming, such as work within or even outside the jails. Sheriff’s Office policies and procedures specified that individuals will be housed in the least restrictive “custody conditions reasonable to ensure the safety and security of inmates, staff, and the facility.”

Classification Type	Housing Type	Jail
Lowest risk	Open dorm housing specifically for those with a job in the jail	Inverness Jail
Low to medium risk	Mostly open dorm housing, but there is some single cell housing	
Low to medium risk with mental health conditions	Open dorm housing specifically for those with mental health conditions	
High risk	Single cell housing	MCDC
High risk with mental health conditions	Single cell housing specifically for those with mental health conditions	
Discipline	Single cell discipline areas where walk time and visitors may be greatly reduced	MCDC or Inverness Jail

Source: Information based on interviews with Multnomah County Sheriff’s Office staff. Table by the Multnomah County Auditor’s Office.

The Sheriff's Office makes initial housing assignments at booking

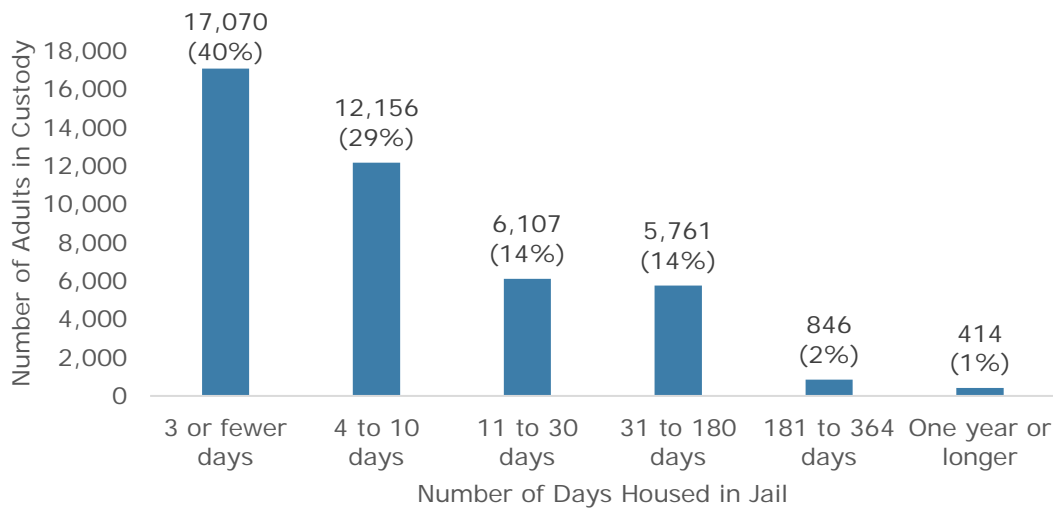
The Sheriff's Office conducts classification interviews during the booking process. Individuals are generally brought into booking immediately after arrest. The interview model is a decision-tree type survey, where Sheriff's Office classification staff ask people a series of standard questions that are answered yes or no and then follow-up questions are asked depending on their answers to the initial questions. The questions cover a variety of topics, including the individual's physical and mental health, as well as individual needs while in custody, such as protection from other adults in custody. Some questions, such as whether the individual believes they may be susceptible to being the victim of sexual abuse while in custody, are required by law.

The classification staff also have access to data systems with information about the individuals. For example, the staff can see how many times the individual has been in custody, what they were being charged with, past history of violence or discipline within the jails, and past behavior alerts. This information, along with classification staff's personal experiences with the individuals while they were in the jail previously, are all included in the assessment and housing decision.

After classification staff make their initial housing assignment, the staff periodically review the housing assignment – a process called reclassification – and may change an individual's housing assignment accordingly. Unlike initial classification, reclassification criteria are principally based on the individual's current behavior. The Sheriff's Office reviews individual housing decisions every 14 to 30 days or after a significant event, such as when an individual is moved to disciplinary housing for violating rules.

Prior to the COVID-19 pandemic, the Sheriff's Office housed individuals according to the classification decision as soon as the appropriate housing, as determined by classification staff, was available. When appropriate housing wasn't yet available, adults in custody were temporarily housed in MCDC. With the pandemic, every individual coming into the jail was housed at MCDC for a quarantine period; they were then moved to their appropriate housing. About 40% of individuals who were booked and moved into jail housing were released within 72 hours of their arrival. This means that these people were released before they were moved into appropriate housing – making the classification interview and decision moot.

About 40% of adults in custody were housed in jail for 3 or fewer days



Source: Multnomah County Sheriff's Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor's Office staff.

The Sheriff's Office classification procedures were generally consistent with national recommendations, but may be undercut

The National Institute of Corrections found that classification research suggests that properly applied classification systems improve safety and security by reducing rule breaking and violence. They also found research to show that the availability of and participation in programming for individuals housed in lower security units within the jail leads to improved community re-entry and transition, and less recidivism.

However, for a classification system to have these sorts of results, it must be consistently applied. Subjective models tend to rely on informal criteria that often lead to inconsistency and a tendency for classification staff to assign individuals to more restrictive housing than necessary. The National Institute of Corrections found that research shows that classification systems that place greater emphasis on fairness, consistency, and openness in the decision-making process use standard interviews and data to compute a score that translates into a classification decision.

The Sheriff's Office said they worked with the National Institute of Corrections and designed the classification survey to be standardized, data driven, and to assign people to housing based on their current circumstances. But the classification procedures allow for staff to override the survey-based scores based on their previous experience with individuals. Information from previous experience and the ability to override the classification interview can be useful, but it can also have the effect of turning the instrument into a subjective one – potentially defeating the purpose of the instrument in the first place.

Research evaluated for the National Institute of Corrections suggests that staff face incentives to over-classify individuals – putting individuals into higher levels of security than necessary – because staff perceived there were fewer risks in over-classifying. The Sheriff’s Office management agreed that this incentive to over-classify exists.

Having classification decisions reviewed by a supervisor would be one way to monitor for over-classification. The classification manager told us that currently the only classification decisions subject to supervisory review were those that involve the highest level of security and protective custody. He said that the volume of classification work precludes additional supervisory review.

Delaying the in-depth classification interview could yield a more appropriate housing decision as well as other benefits

Provided it can be done while meeting safety concerns and legal requirements, delaying the in-depth classification interview until at least 72 hours after booking would provide a number of benefits. Conducting an initial classification assessment at booking and delaying an in-depth interview would have resulted in more than 17,000 fewer in-depth classification interviews between July 1 of 2018 and June 30 of 2021, a reflection of the number of people who were released within 72 hours. Such a reduction would allow for expanding the jail’s use of supervisory review of housing decisions. This would add an important layer to monitor for inappropriate over-classification of adults in custody.

Delaying the in-depth classification interview could potentially improve other aspects of the booking and classification process.

- Removing an in-depth classification interview will speed up the booking process.
- The Sheriff’s Office can conduct the interviews with more privacy for the individual, increasing the likelihood that they will share important information about any vulnerabilities they have.
- Waiting for 2-3 days post booking allows for individuals that come into booking under the influence of substances to be better able to answer the classification survey questions.

The ability to make improvements in the classification process, such as delaying the classification interview, may depend on the Sheriff’s Office having flexibility in making housing decisions. There is less flexibility when the jails are at or near capacity, something that is out of the Sheriff’s Office control.



Picture from inside MDCJ. Source: Multnomah County Sheriff's Office

Examination of the discipline process found concerns about the use of isolation, disproportionate treatment of Black adults in custody, and inconsistent application of the rules by some deputies

The Sheriff's Office procedures establish written rules and a disciplinary system they said serves to protect the safety of staff, the public, and adults in custody. According to the National Institute of Corrections, adults in custody need to know and understand the rules, the rules must be applied consistently and fairly, and the process must be perceived as being fair – even when individuals disagree about specific incidents.

The Sheriff's Office has procedures in place for a system of rules and discipline that follow state and national guidelines, but the data show that deputies issued misconduct citations disproportionately and inconsistently. This is important because the penalty for breaking rules frequently involves some level of isolation that can be harmful to individuals and has been shown to have limited effectiveness.

The Sheriff's Office has a variety of sanction options, but primarily used isolation

Sheriff's Office hearings officers have a range of penalties for individuals who receive a misconduct citation, such as removal from a job in the jail, the loss of privileges, or fines. But during our three-year review period, 82% of the time adults who were sanctioned received an

isolation sanction. Additionally, isolation was the most common type of punishment for nearly every type of violation, from disruptive behavior to violence.

Isolation was the primary method of discipline



Source: Multnomah County Sheriff’s Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor’s Office staff. The “Other” violation category includes activities such as possessing contraband, being in an unauthorized area, giving false information, abusing medication, and stealing.

Isolation involves significantly reducing walk time outside the cell and a reduction of visitors. There is a spectrum of isolation that ranges from 15 to 60 minutes outside of the cell per day. We primarily refer to this range of types by using the word isolation as an umbrella term. We did this because each type of isolation involves isolating the adult in custody from others. About one out of every 10 people housed in jail spends time in isolation. The average isolation sanction was for 12 days, with some serving up to 60 days in a row. Additionally, a few people have multiple misconduct citations and frequently spend time in and out of isolation, with some spending more than six months in isolation in total.

Isolation of this type, where interactions with others were limited to one hour a day or less, has been proven to be harmful. Moreover, isolation as a disciplinary mechanism has been called into question. For example, the State of Washington recently ended the use of isolation as punishment because it has not been effective in stopping bad behavior. The National Commission on Corrections Healthcare called prolonged social isolation antithetical to the goals of rehabilitation and social integration and that even those without a prior history of mental health conditions may experience a deterioration in mental health.

Procedures were generally consistent with standards

We found that Sheriff's Office rules and discipline processes were generally consistent with those recommended by the Oregon State Sheriffs' Association and the National Institute of Corrections. The Sheriff's Office procedures state that they are intended to encourage staff to resolve minor violations informally. The Sheriff's Office also uses a research-supported direct supervision model in its jails where staff interact continuously with adults in custody within their housing units where they can identify problems at early stages.

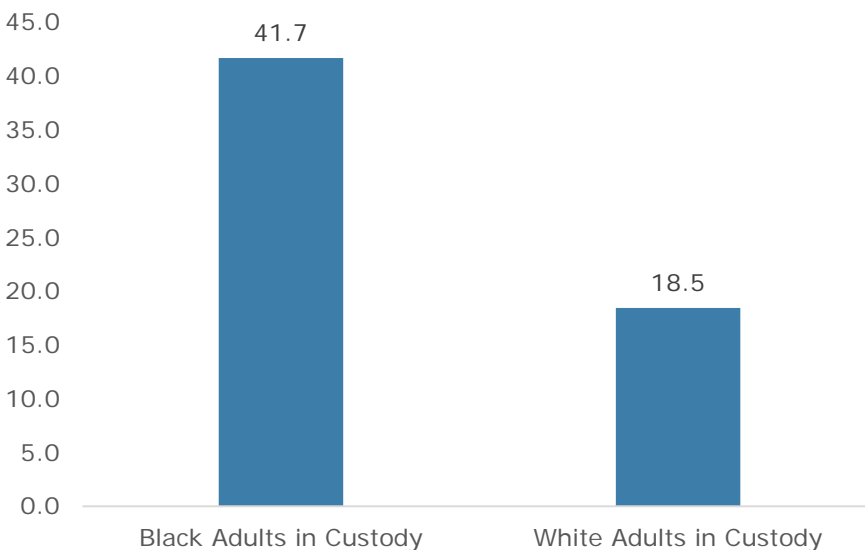
Application of procedures was disproportionate and inconsistent

It's in the application of these procedures that the Sheriff's Office diverges from what we would expect. In its 2016 review of the Sheriff's Office's use of force policies and training, the National Institute of Corrections reported that the number of misconduct citations and hearings at the Multnomah County jails appeared to be high for jails of their size, and suggested a review of discipline data and the discipline process. The Sheriff's Office has not done this review.

For our three-year review period, we conducted analyses of discipline data and found that misconduct citations were handed out disproportionately to Black adults in custody. We found the difference to be statistically significant, meaning they were not likely the result of chance. We accounted for individual differences such as length of time in jail, age, and gender. We did not assess for statistical differences based on the severity of the offense because the literature shows that this was not predictive of behavior in jail. We did not look at prior history of incarceration since we lacked access to this data for other jurisdictions. For all of our statistical analyses, we used the strictest standard for determining whether differences were statistically significant— in this case, only differences for Black adults in custody were statistically significant.

Corrections staff gave misconduct citations at a higher rate to Black adults in custody

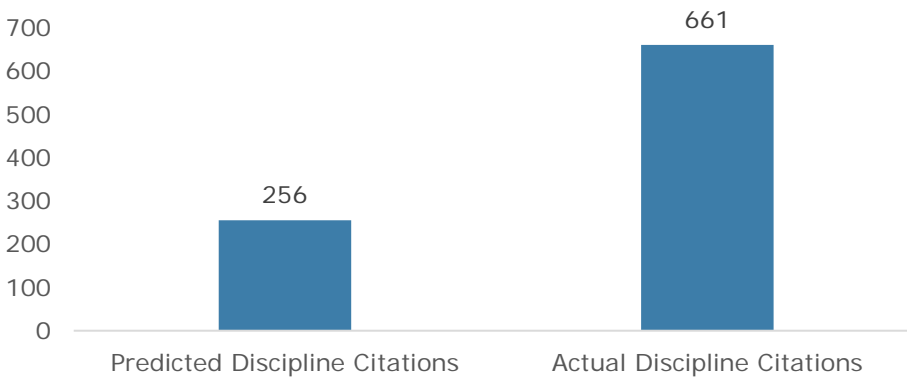
Number of misconduct citations per 100 people housed in jail



Source: Multnomah County Sheriff's Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor's Office staff. Differences for Black and African American adults in custody were statistically significant, but not for other races.

In another analysis, we found that most corrections staff followed procedures in deciding when to issue misconduct citations, but there were significant outliers. There was a small number of corrections staff members who issued misconduct citations at much higher rates than their peers. We calculated the average amount of misconduct citations per hour worked based on shift and location. Using this, we predicted the amount of citations that each corrections staff would issue based on their hours worked, shift, and location. Eleven staff (about 2% of the total) stood out because they issued far more misconduct citations than expected. Race did not appear to be a factor. For example, they did not issue misconduct citations to Black adults in custody at a higher rate than other deputies. We reported our findings to the Sheriff's Office to enable management to take any necessary training and disciplinary actions.

Eleven corrections staff issued 2.6 times more misconduct citations than predicted



Source: Data from Multnomah County Sheriff's Office and analyzed by the Multnomah County Auditor's Office. For each shift and location, we determined the average number of times staff issued misconduct citations per hour worked. Eleven employees issued far more misconduct citations than expected based on their hours worked, shift, and location.

We surveyed all adults in custody in June 2021. Data from our survey of adults in custody appeared to back up the discipline data. We found the Sheriff's Office had clear rules and made them accessible and available to adults in custody. When we surveyed individuals housed in the jails, about 80% reported that they knew the rules. We also asked individuals, "When people break the rules, do corrections deputies treat them fairly?" Only 28% of Black adults in custody said "most of the time," whereas 37% of all other adults in custody chose "most of the time."

Additional training could reduce use of misconduct citations or at least make them more consistently applied

Training can help reduce the need for misconduct citations and sanctions. The National Institute of Corrections also cited the value of interpersonal communication and/or cultural diversity training in diffusing difficult situations in jails. The Sheriff's Office training program includes de-escalation training, training on the impact of implicit and explicit bias, and trauma informed responses; however, the training was not specifically focused on race or cultural competency.

Sheriff's Office needs to address use of force, particularly against Black adults

Use of force is always an important issue in jails and prisons, and it came to the forefront with the Sheriff's Office in 2015, when an internal report suggested that Sheriff's Office staff were subjecting some racial and ethnic groups to a disproportionate use of force. The report concluded that the issue needed to be studied further, and the Sheriff's Office brought in the National Institute of Corrections to help start the review process. We found Sheriff's Office procedures to be consistent with standards, but also found racial disparity in use of force incidents as described in detail below.

Use of force describes a broad range of actions

Use of force includes a wide spectrum of actions. The Sheriff's Office categorizes uses of force as minor or general, with general being a higher level of force. During the three-year period we reviewed, there were 656 use of force incidents in the housing areas of the jails; deputies often used more than one use of force technique per incident. The following table shows the types of use of force and how often they occurred in the jails.

Force Types	Definition	Occurrences in Jail Housing in a 3-Year Period
General		
Control Technique	Control techniques applied to a part of the body to gain compliance. This includes carry, directional control, and joint control.	722
Restraint	Tools physically applied to partially or completely restrict mobility. These include arm restraint band, restraint chair, restraint board, and flex cuffs.	140
OC (pepper spray)	Oleoresin Capsicum (pepper spray) sprayed on a person to gain compliance.	100
Strikes	A focused strike to the person's body.	89
Takedowns	Techniques where the deputy physically takes the person down to the floor or ground. These include arm, hair, joint, leg, leg sweep, and tackle.	87
Taser	A device that provides temporary electrical stun control through the projected probes or pushing directly against the body without a probe cartridge.	75
Pressure Points	When pressure was physically applied to part of a body in an effort to gain compliance through pain or restrict mobility.	8
Impact	Impact weapons were tools such as a baton, asp, and long bat used to take a suspect into custody or to defend the public and themselves.	1
Minor		
Directional Control	Use physical strength to push someone in a direction to gain control of the subject in response to resistance from the subject.	104
Point Taser	When a Taser was pointed at an adult in custody, but not used.	100
Hold Against Surface	Hold someone against a surface.	96
Escort Hold	One of the deputy's hands was around the person's wrist and part of the hand, and the other hand was placed just above the elbow.	92
Handcuff Hold	When handcuffs were used on an adult in custody.	45

Source: Multnomah County Sheriff's Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor's Office staff. Definitions from Multnomah County Sheriff's Office and U.S. Department of Justice. Only includes use of force in the housing areas of the jails.

Procedures were consistent with standards

Like the discipline process, the Sheriff's Office use of force policies and procedures, as well as the process by which use of force incidents were reviewed, were consistent with standards set out by the Oregon State Sheriffs' Association. In addition, the Sheriff's Office has taken steps to implement many of the recommendations from the 2016 National Institute of Corrections review. These recommendations ranged from changes to jail facilities — with the installation of additional video cameras in MCDC — to new training on de-escalation strategies in potential use of force situations. Most recently, the Sheriff has hired a use of force inspector from outside the ranks of the corrections staff.

Uses of force were infrequent, but Black adults in custody were twice as likely to be subjected to them

We conducted an analysis of use of force incidents within the jails, rather than in the booking or release areas. The scope of this audit was on conditions within the housing portion of the jail.

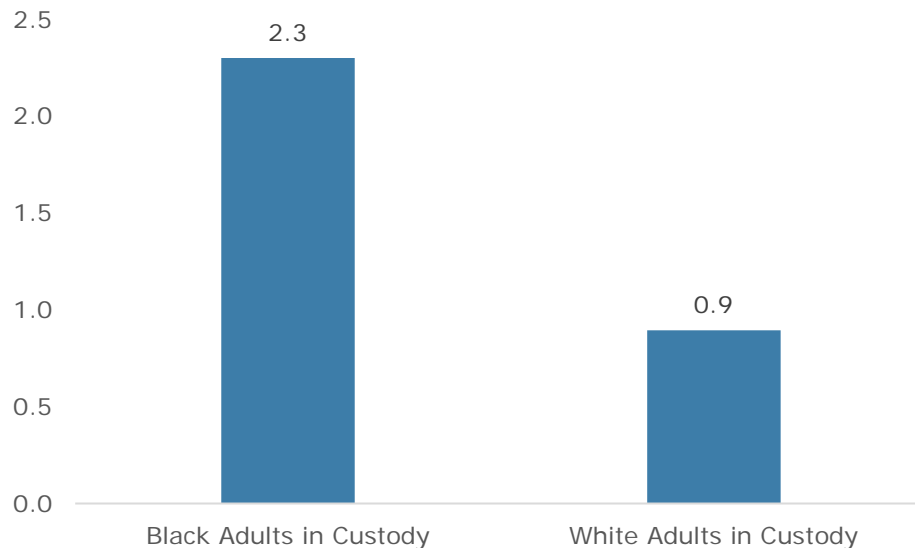
We analyzed the impact of race and adjusted for other factors, such as age, gender, the amount of time spent in jail, and the individual's mental health status. It was important to include many different demographics in our analysis because some demographic groups, such as younger people, may be more likely to be subjected to uses of force. A larger percentage of younger adults in custody are Black, so we wanted to know if the uses of force were related more to age or race. Using a multiple regression, we found that in every age group, deputies used more force against Black adults in custody, so it was not just an issue of age, but also one of race. No other race experienced this disparity across every age group.

We found that Sheriff's employees used force on Black individuals more than those of other racial backgrounds. For uses of force listed as general in the table above, the differences among racial groups were not statistically significant, meaning that differences in the data may be due to chance. Again, for all of our statistical analyses, we used the strictest standard for determining whether differences were statistically significant. General uses of force on Black individuals occurred at a rate outside this strict standard.

For uses of force that the Sheriff's Office defines as minor, differences in use of force were statistically significant. While the increased use of force for minor events for Black adults in custody was small (about a one percentage point increase in the likelihood), the statistical significance means there was a very low probability that the differences were due to chance.

Minor uses of force were infrequent, but Black adults in custody were more than twice as likely to be subjected to them

Number of minor uses of force per 100 people housed in jail



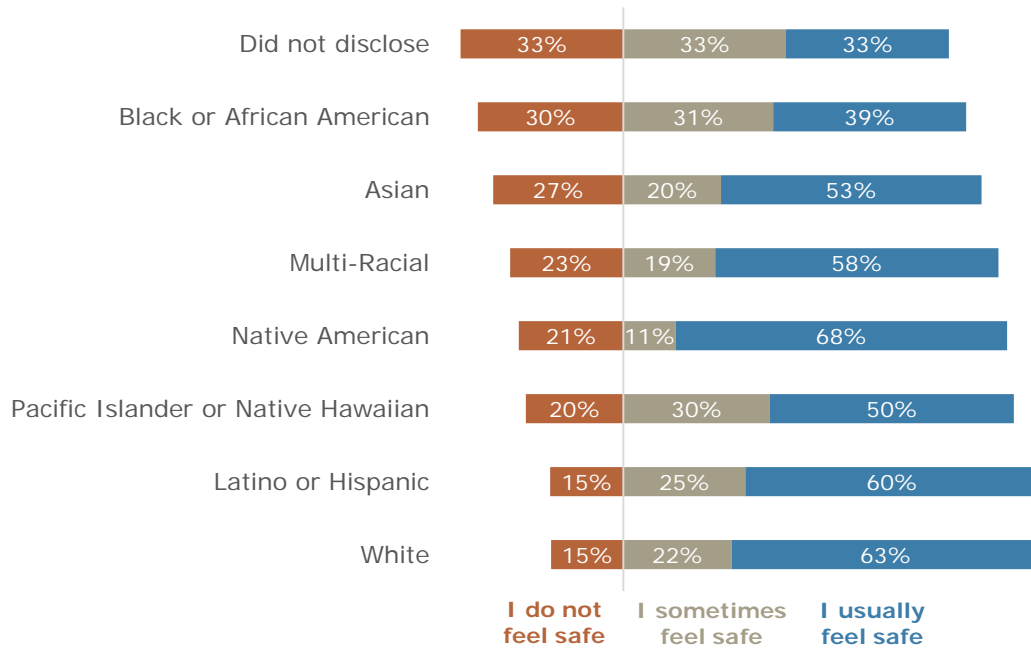
Source: Multnomah County Sheriff's Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor's Office staff. Only includes uses of force in the housing portion of jail, not the reception area. Differences for Black and African American adults in custody were statistically significant, but differences were not significant for other races.

We did not assess for statistical differences based on the severity of the offense because the literature shows that this was not predictive of behavior in jail. We did not look at prior history of incarceration since we lacked access to this data for other jurisdictions.

We followed our data analysis with our survey of adults in custody to obtain an understanding of their perceptions of how Sheriff's Office staff use force in the jails. The results of the survey were consistent with the analysis of use of force data, with Black or African American individuals feeling less safe from deputies and that force was more likely to be used as punishment.

Black adults in custody and those who did not disclose their race said they felt the least safe with corrections deputies

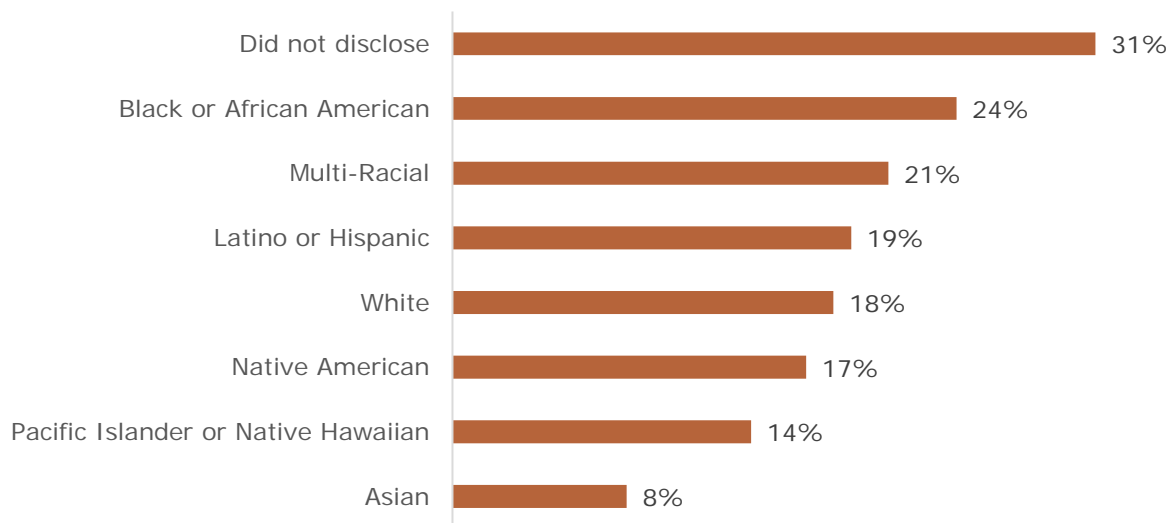
Survey question: Do you feel safe from corrections deputies while you were in jail?



Source: Survey by Multnomah County Auditor’s Office of adults in custody in Multnomah County jails, June 2021. Paper surveys were distributed to all adults in custody. The response rate was 73%, with 567 adults in custody completing the survey.

Black adults in custody and those who did not disclose their race were more likely to say that corrections deputies use force to punish people

Survey question: When corrections deputies use physical force, was it to: (percent selecting “punish people”)



Source: Survey by Multnomah County Auditor’s Office of adults in custody in Multnomah County jails, June 2021. Paper surveys were distributed to all adults in custody. The response rate was 73%, with 567 adults in custody completing the survey. For the question, “When corrections deputies use physical force, was it to:” the choices were: I have never seen corrections deputies use physical force; Stop a person from hurting themselves; Stop a person from hurting jail staff; Stop people from breaking the rules; and Punish people.

The National Institute of Corrections report on use of force in the Multnomah County jails pointed out some significant shortcomings in the Sheriff's Office's ability to use data to better understand use of force in its facilities. The report stressed the importance of being able to use data to monitor and audit use of force activities, but that the current system did not include the detail necessary to do this sort of work.

Our review of the available data led to similar conclusions. For example, we weren't able to easily identify which staff members were involved in use of force incidents, so we couldn't identify which staff members warranted closer scrutiny in the way we could with misconduct citations. The Sheriff's Office Use of Force Inspector told us that they were in the process of purchasing a new data system for recording and monitoring use of force incidents that will address the shortcomings of the previous system.

Jail conditions were worse for people with mental health conditions

The state did not establish jails to serve as facilities for housing people with mental health conditions, nor are jails an ideal place to treat mental health conditions. However, the reality is that many people in jail need mental health treatment, or at a minimum, need help to keep their conditions from deteriorating. And, where we found shortcomings in the Sheriff's Office's operation of the jails, in terms of classification, discipline, and use of force, the effect was most pronounced for those who have mental health conditions.

Insufficient specific housing for people with mental health conditions

Specific housing for people with mental health conditions was very limited, meaning that even if an individual was classified properly as having these challenges, they may not get housing and attention that are more appropriate for their condition. The mental health specialists within the jails told us that they have 10 cells within the psych dorm and 16 additional cells in the acute mental health unit. The closer the jails are to their maximum capacity, the greater the challenge for the Sheriff's Office to address housing needs.

Mental health specialists told us they could easily use twice as much specialty housing for these people. On average, 44% of adults in custody have a known mental health condition; these are individuals who have a known history of mental health issues from previous jail stays. People who classification staff have identified as having mental health conditions have the letters "MH" on their dorm card outside of their housing, and because of this, deputies should know which adults in custody have known mental health conditions. During our three-year review period, this was anywhere between 300 and 500 people each day.

Since the Sheriff's Office data only reflected individuals who had been housed in the jails previously, this was likely an undercount of the actual number of individuals with mental health conditions. We compared the Sheriff's Office data to data on individuals enrolled in programs for people needing intensive mental health services provided by the county's behavioral health division to see if these people were included in the Sheriff's data. We identified 117 people who were not included in the Sheriff's data, accounting for about 2% percent of the total. We then included these people in our analysis.

With the reduced jail population during the COVID-19 pandemic, the Sheriff's Office had more flexibility in where they housed individuals. As a result, they added a dormitory in the Inverness Jail specifically for individuals with mental health conditions who would benefit from an environment with fewer restrictions than found in MCDC. While they added housing, the number of budgeted staff at the Sheriff's Office and the Corrections Health unit that specialize in working with this population did not increase.

The discipline system was challenging for those with mental health conditions

The discipline system was also particularly problematic for people with mental health conditions during the three-year period we reviewed. Mental health and corrections experts have found that it is common for people with mental health conditions to find it very difficult to follow strict rules and to be likely to break rules when stressed. During the three-year period we reviewed, we found that when Sheriff's staff determined these individuals had broken rules, they were then frequently placed in isolation. This has been shown to be harmful even for people without mental health conditions and was particularly harmful for those who do.

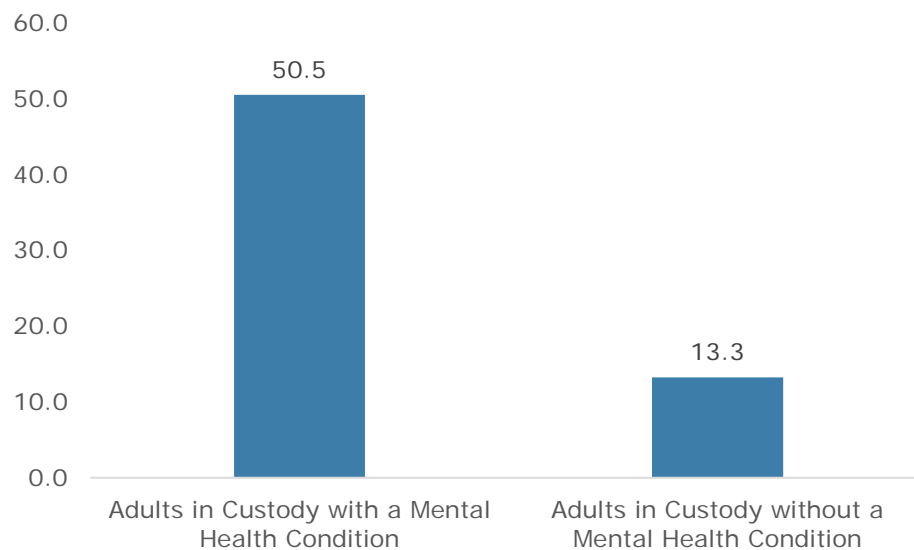
The National Commission on Corrections Health stated that it was well established that people with serious mental health conditions were particularly vulnerable to the harms of being deprived on meaningful contact with others. As a result, federal courts have repeatedly found the most restrictive levels of isolation of people with serious mental health conditions to be unconstitutional. The Commission recommended that individuals with serious mental health conditions be excluded from the most restrictive levels of isolation for any duration.

When we looked at discipline data for the three-year period, we found that deputies disproportionately gave misconduct citations to people with mental health conditions. Most discipline sanctions resulted in an isolation sanction. This resulted in 19% of those with mental health conditions spending time in isolation, compared with 7% of those without mental health conditions.

19% of those with mental conditions spent time in isolation.

Corrections staff gave misconduct citations at a higher rate to adults in custody who have mental health conditions

Number of misconduct citations per 100 people housed in jail



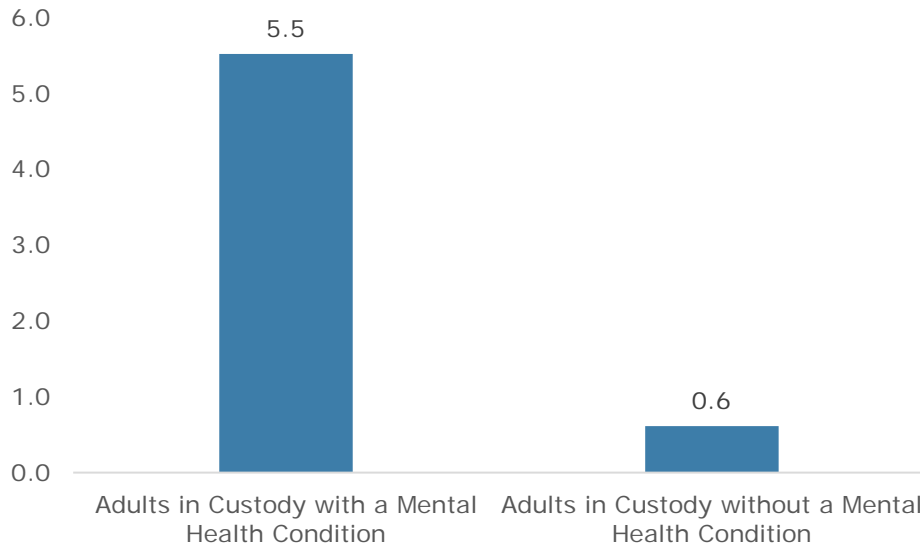
Source: Multnomah County Sheriff's Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor's Office staff. Differences for adults in custody with mental health conditions were statistically significant.

Corrections staff used force more often on adults in custody who have mental health conditions

Being subjected to misconduct citations can also lead to use of force, something that people with mental health conditions were also disproportionately subjected to. Receiving a misconduct citation frequently involves being moved into a different cell in disciplinary housing. When individuals resist the move, Sheriff's Office staff use force to move the individual – in some cases, staff used pepper spray or Tasers to gain compliance. The move to disciplinary housing also involves a strip search when brought into the new cell. Individuals who resist the search are held while their clothing is cut off. The trauma of the move, followed by isolation is particularly harmful for people with mental health conditions.

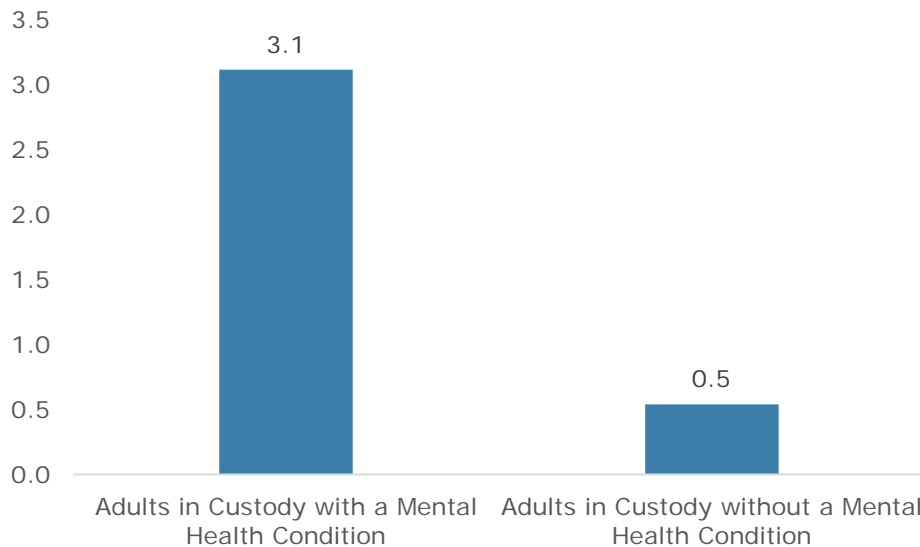
We found that deputies used force on individuals with mental health conditions more than on those without mental health conditions, for both general and minor uses of force. The differences in use of force were statistically significant, which means that there was a very low likelihood that the differences were due to chance.

General uses of force were infrequent, but adults in custody with mental health conditions were about nine times more likely to be subjected to them
Number of general uses of force per 100 people housed in jail



Source: Multnomah County Sheriff's Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor's Office staff. Differences for adults in custody with mental health conditions were statistically significant.

Minor uses of force were infrequent, but adults in custody with mental health conditions were about six times more likely to be subjected to them
Number of minor uses of force per 100 people housed in jail



Source: Multnomah County Sheriff's Office data for July 1, 2018 through June 30, 2021. Data analyzed by Multnomah County Auditor's Office staff. Differences for adults in custody with mental health conditions were statistically significant.

The National Institute of Corrections addressed the issue of planned use of force (for example, when someone needs to be moved to a different dorm against their will) on individuals with mental health conditions, recommending that these events be recorded on video. It included

that prohibitions against the use of pepper spray and Tasers for adults with mental health conditions in custody were becoming more common. The Sheriff's Office implemented the recommendation for video recording of planned use of force events in October 2021. The implementation also requires staff to document all de-escalation efforts as well as any participation by medical staff. In terms of use of force on individuals who have mental health conditions, the Sheriff's Office policies do not prohibit the use of pepper spray or Tasers.

Independent Review

A number of outside organizations currently review the jails, such as the Corrections Grand Jury, Disability Rights Oregon, and the Oregon State Sheriffs' Association. While these provide useful looks at the operations, they typically include a few days of visiting the jails each year and are not meant to be continuous monitoring.

Adults in custody would benefit from an ongoing independent review board, particularly for discipline and use of force incidents. These particular matters must be dealt with quickly and cannot be easily addressed by outside agencies that generally do annual reviews. The following reasons demonstrate the need for an outside review.

- Hearings Officers run discipline hearings. While hearings officers are not part of the facility chain of command, they are still employees of the Sheriff's Office, which suggests an inherent conflict of interest (even if it was just the perception). According to the National Institute of Corrections, the process must be perceived as being fair – even when individuals disagree about specific incidents. Some quotes from our survey of adults in custody conveyed concerns about fairness:
 - “The hearings process was completely biased”
 - “We dont get a fair trial or hearing when we get accused of disciplinary.”
- Sheriff's Office staff conduct use of force investigations that include interviews with the staff involved, but not with the adults in custody who were involved. This implies a potential conflict of interest because the investigations fail to hear the concerns of adults in custody.
- Our survey contained comments with concerns about the grievance program, including:
 - “Our grievences do not get looked into or acted upon. If we try to address a problem we get stonewalled or isolated.”
 - “if you put too many grievinces theres reprocussions”
 - “retaliated against if grievances were filed”

We were pleased to see that the Sheriff's Office has moved toward a more independent inspector function by hiring a non-sworn inspector. This, however, does not replace the need for an independent review board.

There are many advantages to an independent review board to help ensure the perception of fairness that the National Institute of Corrections recommends. The National Association for Civilian Oversight of Law Enforcement lists some of the following benefits:

- Complainants are given a place to voice concerns outside of the law enforcement agency.
- Oversight can help hold the department accountable for employees' actions.
- The community at large can be reassured of fair processes in the jails.
- When the oversight agency confirms a complainant's allegation(s), complainants may feel validated.
- Similarly, when the oversight agency exonerates the jail staff, they may feel vindicated.

Our survey of adults in custody found issues that the Sheriff's Office should examine

The Auditor's Office created a survey for adults in custody and we had it translated into six different languages in addition to English (Arabic, Simplified Chinese, Russian, Somali, Spanish, and Vietnamese). Mental health consultants who work in the jails distributed paper surveys to all adults in custody. Corrections deputies did not have access to the surveys. We did not collect names on the surveys, but we did ask for demographic information.



Picture from inside Inverness Jail. Source: Multnomah County Sheriff's Office

The response rate was 74%, with 567 adults in custody completing the survey. This gives us a high degree of accuracy (95% confidence interval and a 2.1% error level). In previous sections of this report, we discussed the results of the survey as they relate to safety, fairness, and use of force. Other themes that appeared in the survey included food concerns, access to medication,

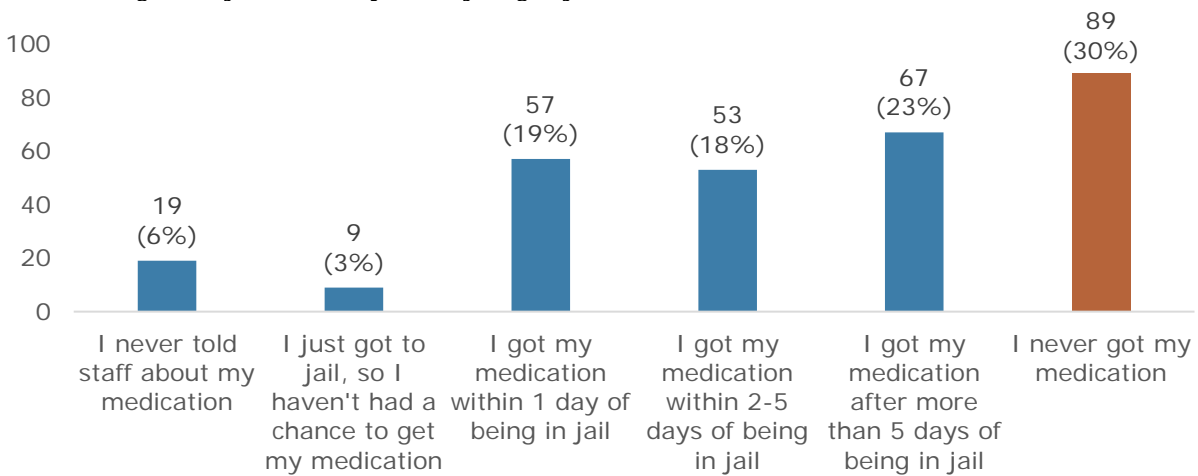
and assistance with drug or alcohol dependency. We are reporting the survey results to give a voice to those who took the survey. However, due to COVID-19, we were unable to go into the jails to verify claims.

Mental health medication

One theme that came up in the survey was that about half of those needing mental health medication said that they did not get it in a timely fashion or at all. Of those who said they needed mental health medication, 23% said it took more than 5 days to get their medication, and 30% said they never got their medication. When we spoke with Corrections Health staff, they said that they try to get adults in custody their medication within a day whenever possible.

Many adults in custody said they did not get their mental health medication

Survey question: "If you were taking medication for a mental health condition when you came to the jail, how long after you were in jail did you get your medication?"



Source: Survey by Multnomah County Auditor’s Office of adults in custody in Multnomah County jails, June 2021. Paper surveys were distributed to all adults in custody. The response rate was 73%, with 567 adults in custody completing the survey. Some people skipped particular questions, so not all answers total 567. This chart focuses on those who said they needed mental health medication and does not contain the 254 people who responded, "I was not taking any medication when I came to jail" or those who skipped this question.

Our survey also asked adults in custody if they know how to access mental health care in jail, and 76% said that they do.

Some representative examples of written comments from the survey related to mental health medication include:

“it took way to long to get mental health meds, like a month and I'm severly mentally ill”

“It takes to long to recieve help for mental health issues. If you mention that you were having these, they always cuff you up and take you immediately to suicide watch. This makes it hard to want to seek out help if you were having problems.”

“Mental Health was a very slow process in jail. I have observed MANY inmates (AICs) reach their breaking point while in quarantine and actually yell out "HELP" in their cells until being sent to disciplinary or being verbally or physically attacked by staff or other inmates (AICs) Last time I was here it took me 2+ months to get my PTSD meds!”

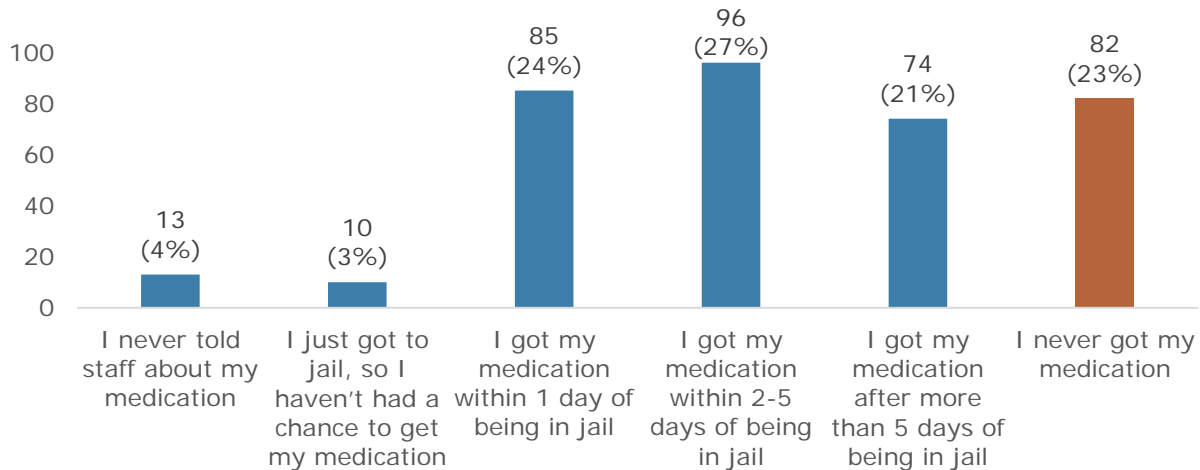
“I’ve got mental health issues and am on certain medications for nightmares and have not received my medication. My nightmares cause thoughts of suicide and I dont feel its fair that I have to go through that”

Physical health medication

The survey results showed that 43% of those needing physical health medication said that they did not get it in a timely fashion or at all. Of those who said they needed physical health medication, 21% said it took more than 5 days to get their medication, and 23% said they never got their medication. Corrections Health staff said that they do decline to fill some prescriptions, such as opioids.

Some adults in custody said they did not get their physical health medication

Survey question: “If you were taking medication for a physical health condition when you came to the jail, how long after you were in jail did you get your medication?”



Source: Survey by Multnomah County Auditor’s Office of adults in custody in Multnomah County jails, June 2021. Paper surveys were distributed to all adults in custody. This chart focuses on those who said they needed physical health medication and does not contain the 204 people who responded, “I was not taking any medication when I came to jail” or those who skipped this question.

Our survey also asked adults in custody if they know how to access physical health care in jail, and 78% said that they do.

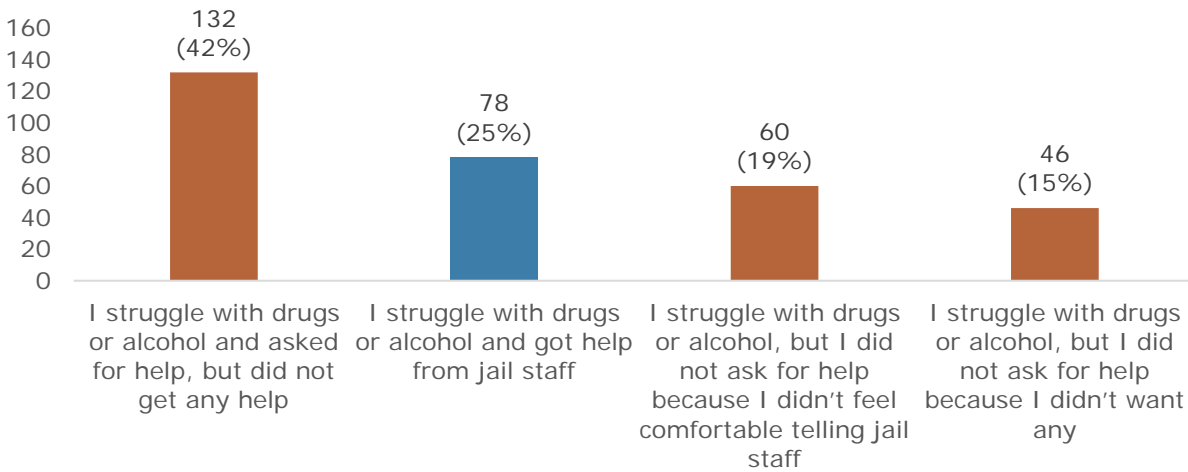
Drug and alcohol support

Our survey found that 58% of adults in custody felt that they struggle with drugs or alcohol. Of those, 25% found help with their addiction while in jail. The remainder either did not get help

or never asked for help. Part of this may be due to the short duration of many people’s stay in jail.

Only 25% of those struggling with drug or alcohol addiction said they **got help** while in jail

Survey question: “How do people who work in the jail respond to drug or alcohol struggles?”



Source: Survey by Multnomah County Auditor’s Office of adults in custody in Multnomah County jails, June 2021. Paper surveys were distributed to all adults in custody. This chart focuses on those who struggle with drugs or alcohol and does not contain the 225 people who responded, “I do not struggle with drugs or alcohol” or those who skipped this question.

Some representative examples of written comments from the survey related to drugs and alcohol include:

“Need to be more concerned with alcoholics and addicts and their well-being during 1st 30 days”

“Need to help heroin addicts get on suboxin or something to help with detox, cravings, and keep them from using heroin in the jail.”

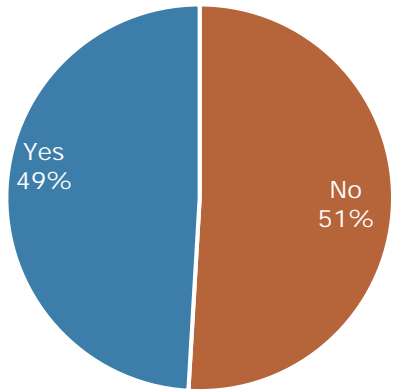
“Although conditions were better for opiate addicts coming to jail, there was still much more that can be done besides a very aggressive taper off suboxone/bupenorphone - and that was if you can score high enough to be lucky enough to get it. Usually its just a cold turkey miserable experience. Just because we struggle with addiction doest make us less.”

Ability to report safety issues and wrong-doing

We asked two questions about the availability of staff to talk to. In the first question, adults in custody were nearly evenly split in feeling like they have someone to talk to if they feel unsafe. In the second question, more than half of adults in custody feel that they do not know who to talk to for reporting wrong-doing.

About half of adults in custody said they do not know who to talk to if they feel unsafe

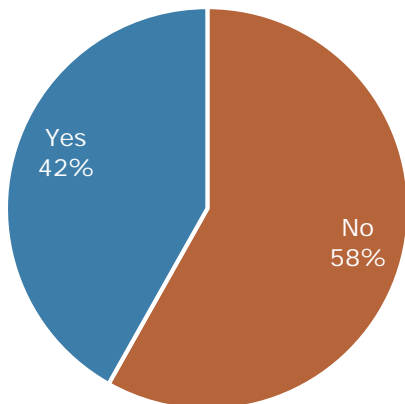
Survey question: "Do you know of any people who work in the jail you can talk to if you do not feel safe?"



Source: Survey by Multnomah County Auditor's Office of adults in custody in Multnomah County jails, June 2021.

More than half of adults in custody said they do not know where to report wrongdoing by deputies

Survey question: "Are there any people who work in the jail you can talk to if you see corrections deputies doing something wrong?"



Source: Survey by Multnomah County Auditor's Office of adults in custody in Multnomah County jails, June 2021.

Additional comments

Food concerns

We did not ask any questions about food in the survey, but several people specifically mentioned concerns about food. In the last question of the survey we asked, "Is there anything you want to tell us about health care, mental health care, addictions support, safety, rules, solitary confinement, or physical force in jail?"

Of those who answered this question, 9% of the comments were related to food. These are examples of food related comments:

"We were constantly underfed & fed rotten potatoes, burnt patties & chicken nuggets, over boiled vegetables, raw & freezer burnt rolls, cold food & half portions of food, many times if something was missing off your tray the deputy will refuse to get a replacement from the kitchen."

"The food here was terrible. The Oregon State Constitution says prisoners will be provided with wholesome food, the inmate handbook says "nutritionally adequate." This was a big difference. We never get fresh fruit."

"They (aramark) served us no fresh fruits or vegetables 99.9% of the time"

Praise for staff

Some survey respondents praised jail staff. Some representative examples of written comments from the survey related to positive staff interactions include:

"Most of the staff here were pretty good - professional and show a normal and decent concern for people regardless of being in trouble with the courts and in jail. Medical was very good"

"I have literally seen an officer be calm when slapped/swung at. the counselors here were awesome & the nurses were super kind. I like how they offer the homeless shelter cards & food & talk to them before they leave, & its a really amazing thing."

"Health care overall does a great job"

Denied attorney calls

A few adults in custody said it was challenging to get in touch with their attorneys. The following were survey quotes related to this:

"I have been denied my incoming attorney phone calls multiple time. It take sometimes a week for Attorney's to get in contact with their clients."

"Attorney phone calls being denied due to lack of staff members. that shouldn't be handled like that and attorneys were being told we're locked down because of an incident. that needs to stop our well being was on the line we need those calls."

"Deputies deny us attorney phones call that were coming-in to this facility."

Recommendations

To implement some of our recommendations, the Sheriff's Office and Board of County Commissioners, with its budget authority, may need to provide financial resources and support keeping jails below maximum capacity.

We recommend that the Multnomah County Sheriff's Office, no later than September 30, 2022:

1. Delay full classification interviews for adults in custody moving into housing until 72 hours after booking.
2. Expand supervisory review of classification decisions, with a focus on possible over-classification.
3. Eliminate the use of isolation as a disciplinary sanction for individuals with mental health conditions.

We recommend that the Multnomah County Sheriff's Office, no later than March 30, 2023:

4. Develop and implement a training program designed to reinforce the goal of informal solutions to discipline issues and to reduce the need for misconduct citations.
5. Monitor deputies' use of misconduct citations.
6. Implement a use of force data collection system that will facilitate analysis of use of force incidents to identify patterns and training priorities.
7. Contract with professionals in training on cultural competency as well as identifying and managing race-related implicit bias.
8. Eliminate the use of disciplinary sanctions that involve isolation.
9. Expand training for deputies on how to work with adults in custody with mental health conditions.
10. Expand the number of housing areas specifically for individuals with mental health conditions.
11. Revise procedures for planned use of force activities involving individuals with mental health conditions to require participation of mental health staff.
12. Review the results of our survey of adults in custody to examine the areas of concern that adults in custody identified and implement changes to address those areas of concern.

We recommend that the Multnomah County Sheriff's Office and the Board of County Commissioners, no later than April 30, 2023:

13. Explore an independent review function for jail operations, such as discipline and use of force incidents.

Objectives, Scope, & Methodology

The objectives of this audit were to provide information to county community members:

- about the conditions people experience when they were incarcerated in county jails
- who was in our county jails

To accomplish these objectives we:

- 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 from the Multnomah County Sheriff's Office.

For this audit, we analyzed personnel and jail data from July 1, 2018 through June 30, 2021 from the Multnomah County Sheriff's Office. By using extensive completeness checks and data verification, our office has determined that the data were sufficiently reliable for the purposes of this report.

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 objective. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Audit Staff

Nicole Dewees, CIA, Principal Auditor

Mark Ulanowicz, CIA, Principal Auditor

Appendix- Survey of Adults in Custody

This survey is for the Multnomah County Auditor's Office, which is not part of the Sheriff's Office or the Portland Police. We are doing an audit of jail conditions. Your answers will help us try to make it better for people in jail. Corrections counselors will collect the surveys and give them to the Auditor's Office. No other jail staff will see your answers. You do not have to take this survey. You can skip any question.

Safety

1. Do you feel safe from other **adults in custody** while you were in jail?
 - I usually feel safe
 - I sometimes feel safe
 - I do not feel safe
2. Do you feel safe from **corrections deputies** while you were in jail?
 - I usually feel safe
 - I sometimes feel safe
 - I do not feel safe
3. Do you know of any people who work in the jail you can talk to if you do not feel safe?
 - Yes
 - No

Rules

1. Do you know the rules in jail?
 - Yes
 - No
2. When people break the rules, do corrections deputies treat them fairly?
 - Most of the time
 - Some of the time
 - Almost never
3. Do corrections deputies try other ways to get people to follow rules before using physical force?
 - I have never seen corrections deputies use physical force
 - Most of the time
 - Some of the time
 - Almost never
4. When corrections deputies use physical force, it was to: (check as many as you like)
 - I have never seen corrections deputies use physical force
 - Stop people from breaking the rules
 - Stop a person from hurting another adult in custody
 - Stop a person from hurting jail staff
 - Stop a person from hurting themselves
 - Punish people
5. Are there any people who work in the jail you can talk to if you see corrections deputies doing something wrong?
 - Yes
 - No

Health Care

1. Do you know how to get **physical health care** in the jail?
 Yes
 No
2. Do you know how to get **mental health care** in the jail?
 Yes
 No
3. If you were taking medication for a **physical condition** when you came to the jail, how long after you were in jail did you get your medication?
 I was not taking any medication when I came to jail
 I never told staff about my medication
 I just got to jail, so I haven't had a chance to get my medication
 I got my medication within 1 day of being in jail
 I got my medication within 2-5 days of being in jail
 I got my medication after more than 5 days of being in jail
 I never got my medication
4. If you were taking medication for a **mental health condition** when you came to the jail, how long after you were in jail did you get your medication?
 I was not taking any medication when I came to jail
 I never told staff about my medication
 I just got to jail, so I haven't had a chance to get my medication
 I got my medication within 1 day of being in jail
 I got my medication within 2-5 days of being in jail
 I got my medication after more than 5 days of being in jail
 I never got my medication
5. How do people who work in the jail respond to drug or alcohol struggles?
 I do not struggle with drugs or alcohol
 I struggle with drugs or alcohol, but I did not ask for help because I didn't want any
 I struggle with drugs or alcohol, but I did not ask for help because I didn't feel comfortable telling jail staff
 I struggle with drugs or alcohol and asked for help, but did not get any help
 I struggle with drugs or alcohol and got help from jail staff

Demographics

1. What is your race? (check all that apply)
 Asian
 Black or African American
 Latino or Hispanic
 Native American
 Pacific Islander or Native Hawaiian
 White
2. Is this your first time in jail?
 Yes
 No

Is there anything you want to tell us about health care, mental health care, addictions support, safety, rules, solitary confinement, or physical force in jail?

Response Letter



April 20, 2022

Jennifer McGuirk, MPA, CIA
Multnomah County Auditor
501 SE Hawthorne Blvd., Room 601
Portland, OR 97214

Dear Auditor McGuirk,

I would like to start by offering my gratitude to you and to your office for dedicating your time and focus to this important subject. The Multnomah County Sheriff's Office (MCSO) places the highest value on the compassionate care and safety of all persons in our custody. We believe rigorous ongoing review and analysis of our operations is critical to ensuring our practices reflect our values.

In the past five years, the MCSO Corrections Divisions have enthusiastically embraced a significant number of systemic and operational reforms supported by a wide range of stakeholders including the Oregon State Legislature, Disability Rights Oregon, the National Institute of Corrections, the Oregon State Sheriff's Association, and Multnomah County District Attorney's Corrections Grand Jury. Many of these reforms are highlighted in your report, and include:

- Updating our use of force policy and ensuring public involvement in the policy development process.
- The development of a new data collection system for use of force reporting.
- Developing a training on inter-personal communication, de-escalation techniques, understanding implicit and explicit bias, and trauma informed responses.
- Hiring a dedicated Use of Force Inspector to review use of force reports and video to actively monitor for consistent application of policy, training and best practices.
- Installing 335 new or upgraded video cameras at the Detention Center to increase transparency of corrections operations and enhance safety and security for our staff and the adults in our custody.
- Adopting new standards for planned events in which the need for use of force is anticipated. The new standards require the event to be video recorded by a hand-held device and to include an account of
 - Clear warning of the consequences of failing to comply with directives,
 - Length of the cool-down period provided to adults in custody to de-escalate without verbal or visual contact from staff,
 - Opportunities provided to comply,



- Additional resources employed, (i.e. medical, mental health, chaplain).

These efforts have resulted in a reduction in the use of physical force. Disability Rights Oregon (DRO) identified a number of positive improvements in uses of therapeutic restraint, force, and discipline at the Multnomah County Detention Center. Specifically, DRO credited MCSO with reducing the use of the therapeutic restraint chair for individuals with mental health conditions by half. DRO also noted downward trends in the use of force and the issuance of disciplinary sanctions.

I am proud of the flexibility and adaptability our Corrections Divisions staff has demonstrated in implementing these and other important reforms. Our agency is committed to continuous improvement, and we accept your report in that spirit of growth toward the best possible conditions and outcomes for those in our custody. As noted below, MCSO is already in progress toward a number of your recommendations, and we are pleased to initiate the process of implementing others.

In furtherance of this Audit Report's objective to provide information to community members about the conditions in Multnomah County jails, I will take this opportunity to provide some clarification regarding aspects of our jail operations.

- Classification
 - As noted in the Audit Report, one significant purpose of the classification system is to identify people who are more likely to be dangerous to themselves and other adults in custody. Additionally, we hold the responsibility of identifying vulnerable individuals and keeping them safe. The classification process is therefore foundational to MCSO's established standard of care for the safety and security of all the adults in our custody. Maintaining this standard of care will require that any modifications to the classification process must be undertaken with thoughtful consideration for the safety and security of adults in custody, staff, and the facility. MCSO stands ready to undertake this important analysis to modify the classification process to ensure the best possible outcomes for adults in custody.
- Misconduct and Disciplinary Sanctions
 - MCSO jails, like all secured correctional facilities, must have established standards for the conduct and behavior of the adults in our custody. As noted in the Audit Report, MCSO has procedures in place for a system of rules and discipline that follow state and national guidelines. These rules are applied through a continuum of interventions and diversions that typically begin with verbal warnings, citations, and de-escalation techniques to successfully address many negative behaviors before they progress to a formal misconduct report. Not all custodial misconducts result in a misconduct report from the sworn deputy, and not all misconduct reports issued by the deputy result in a disciplinary sanction imposed by the independent civilian Hearings Officer. The Disciplinary Sanction data reviewed and analyzed in this report, therefore, should not be



- interpreted by Audit Report users to reflect the totality of MCSO's approach to misconduct intervention.
- The corrections disciplinary process currently employs a range of sanctions that include imposed limitations of walk time outside the adult in custody's cell from 15 to 60 minutes per day. The Audit Report collectively refers to these various levels of restrictive housing under the umbrella term "isolation," as it is useful for objectives of the Audit Report. However, while the Audit Report uses this term, MCSO does not practice isolation, as it is commonly understood by the public nor as it is used in corrections vernacular, as a disciplinary sanction. The range of time-bound sanctions employed by MCSO is not comparable to "prolonged social isolation," which the National Commission on Corrections Healthcare describes as being "antithetical to the goals of rehabilitation and social integration."
 - Use of Force
 - The Multnomah County Sheriff's Office respects the value and sanctity of human life and recognizes the inherent dignity of every person. The Sheriff's Office understands that investing members with the authority to use physical force creates a solemn obligation to train and monitor members as they balance the important social and individual interests involved.
 - The Sheriff's Office places a high value on resolving confrontations without the use of physical force. When physical force is necessary, our expectation is for members to use the lowest possible level of force. MCSO maintains a rigorous system of accountability to ensure that every use of force is subject to multiple layers of supervisor review, is justified by legitimate safety and security needs, and is conducted in accordance with applicable policies, training and best practices. All use of force is additionally reviewed by the Use of Force Inspector. Supervisors are required to refer any use of force event that is either unnecessary or excessive to the Professional Standards Unit for review and implementation of appropriate corrective action.
 - The Audit Report's findings, regarding use of force, warrants careful review and consideration. As noted in the Audit Report, the use of force in Multnomah County jails is infrequent and that there is a one percent disparity in "Minor"¹ uses of force events involving Black adults in custody. MCSO is committed to inclusively leading with race. I have directed the MCSO Planning and Research Unit to conduct a more robust analysis of all the use of force data to better understand this finding so we may identify improvements to our policies, our training and our systems of accountability. My

¹ "Minor Events" occur when a member applies minimal force, including directional control, holding a person until they calm down, and when a member points but does not use a TASER device.



expectation is to be at the forefront of the recommendations of industry standard subject matter experts in this field, such as the National Institute of Corrections.

MCSO accepts the majority of the recommendations of the Audit Report with the following exceptions and comments on implementation of those Recommendations:

Recommendation 1

"Delay full classification interviews for adults in custody moving into housing until 72 hours after booking. Due: September 30, 2022"

MCSO accepts this recommendation in part to delay the classification housing interview. MCSO will carefully review the classification process to determine which portions of the classification interview must be conducted as an initial assessment to meet constitutional standards of care and compliance with the Prison Rape Elimination Act (PREA). The remainder of the Classification interview will be conducted after the first appearance, or 72 hours following the booking process in cases where a first appearance is not applicable. Responsibility for implementation of this recommendation will be assigned to the Chief Deputy of Corrections Services.

Recommendation 2

"Expand supervisory review of classification decisions, with a focus on possible over-classification. Due: September 30, 2022"

MCSO accepts this recommendation and will explore expanded supervisory oversight of classification decisions, with a focus on possible over-classification. Work has already begun to reimagine how MCSO will classify adults in our custody and where we can ensure systems of accountability will increase consistency and transparency. Augmented supervisory support is recognized as a critical component to ensuring our staff have the support they need to make reliable classification decisions that meet the needs of both the facility and the adults in our custody.

Recommendation 3

"Eliminate the use of isolation as a disciplinary sanction for individuals with mental health conditions. Due: September 30, 2022"

It should be noted that the Audit Report has redefined² "isolation" to suit Audit objectives. MCSO does not presently use "isolation," as that term is commonly understood by the public or used in corrections vernacular, as a disciplinary sanction.

MCSO is currently developing a revision of the disciplinary process for all adults in custody. MCSO acknowledges the need for a process of accountability for those in our custody with mental health conditions that provides an individualized, needs based approach to changing behavior. Along with a system-wide change in our disciplinary process, MCSO is exploring the use of the established multi-disciplinary mental health team as part of a

² "Isolation involves significantly reducing walk time outside the cell and a reduction of visitors.

There is a spectrum of isolation that ranges from 15 to 60 minutes outside of the cell. We

primarily refer to this range of types by using the word isolation as an umbrella term." Audit Report, Page 14.



sanctioning process when a misconduct is issued and the hearings officer has determined a sanction is appropriate. This process would be reliant upon the use of individual management plans in contrast to the use of universal disciplinary sanctions that rely more heavily on a reduction in walk-time.

Recommendation 4

“Develop and implement a training program designed to reinforce the goal of informal solutions to discipline issues and to reduce the need for misconduct citations. Due: March 30, 2023”

MCSO accepts this recommendation. As noted in the Audit Report, The Sheriff’s Office training program currently includes de-escalation training, training on the impact of implicit and explicit bias, and trauma informed responses. The Captain of the MCSO Training Unit will be assigned primary responsibility to partner with the MCSO Hearings Officer on the development and implementation of additional training content specifically focused on reducing misconduct citations by reinforcing the goal of implementing more informal resolutions.

Recommendation 5

“Monitor deputies’ use of misconduct citations. Due: March 30, 2023”

MCSO accepts this recommendation. MCSO is committed to modernizing our technology for documenting, tracking and monitoring misconducts issued by deputies. MCSO will carefully consider both internally sourced and externally vended options for technology solutions to ensure we have the right tools in place to implement this important recommendation. Primary responsibility for monitoring of misconduct citation data will be jointly assigned to the Chief Deputy of Corrections Services and the Director of Planning and Research.

Recommendation 6

“Implement a use of force data collection system that will facilitate analysis of use of force incidents to identify patterns and training priorities. Due: March 30, 2023”

MCSO accepts this recommendation. The MCSO Planning and Research Unit collaborates with the Professional Standards Unit to closely monitor use of force data trends. In order to further enhance and modernize our understanding of force incidents in our jails, the MCSO Use of Force Inspector, is currently leading a team of subject matter experts in a procurement process to purchase a new suite of data management software applications. Following a competitive Request for Proposal (RFP) process, MCSO has selected a vendor with robust and sophisticated analytic capabilities for use of force data. MCSO anticipates this recommendation will be completed by March 30, 2023. Primary responsibility for finalizing procurement of the data management software is assigned to the Use of Force Inspector. Thereafter, primary responsibility for the ongoing analysis of use of force data to identify patterns and training priorities will be jointly assigned to the Use of Force Inspector and the Director of Planning and Research.

Recommendation 7

“Contract with professionals in training on cultural competency as well as identifying and managing race-related implicit bias. Due: March 30, 2023”

MCSO accepts this recommendation, subject to budget outcomes.



On an agency-wide level, MCSO has recently prioritized enhancements to our training on cultural competency, as well as identifying and managing race-related implicit bias. Equity and Inclusion based trainings recently instituted or soon to be instituted by MCSO include:

- Monthly Introduction to Equity and Inclusion and culturally responsive leadership training for all newly promoted Lieutenants and Sergeants facilitated by MCSO Equity & Inclusion Director.
- Monthly New Manager Orientation – includes training on the Workforce Equity Strategic Plan, Racial Equity and Inclusion practices, Microaggressions, and Inclusively Leading with Race.
- 2-day Facility Security Unit (FSU) Inclusive Leadership Academy with focus on Equity, Diversity and Inclusion foundational concepts and leadership applications.
- Quarterly Equity training facilitated by [Training 4 Transformation](#) for all sworn managers and non-sworn staff.
- 12-week Equity, Diversity and Inclusion focused training program for the MCSO Transit Police Division team, led by [Training 4 Transformation](#).
- 4-hour training for the Executive Leadership Team on consistent and effectively use of the [Multnomah County Equity and Empowerment Lens](#), with an emphasis on application to policy development. Co-developed by MCSO Equity and Inclusion Director and Multnomah County's Office of Diversity and Equity Training Specialist.
- Disability and Leave Law Training for all MCSO Managers.

During the current budget process, MCSO has submitted program offers to specifically fund expansion of contracted training for all sworn staff on cultural competency and interrupting racial bias. Primary responsibility for this ongoing effort is jointly assigned to the Division Chief of Business Services and the MCSO Equity and Inclusion Manager.

Recommendation 8

"Eliminate the use of disciplinary sanctions that involve isolation. Due: March 30, 2023"

It should be noted that the Audit Report has redefined³ "isolation" to suit Audit objectives. MCSO does not presently use "isolation," as that term is commonly understood by the public or used in corrections vernacular, as a disciplinary sanction.

As noted previously within Recommendation 3, MCSO is currently developing a revision of the disciplinary process for all adults in custody. A new system will consider sanctions aimed at effective behavior modification over simply reducing walk-times. A prohibition on isolation, as it is defined in this report, may not be sufficient to protect adults in our custody and staff from those who have shown a propensity for extreme violence. However, it is recognized a system should not be centered on isolation and MCSO is reviewing other disciplinary systems that are more focused on an incentive-based model of encouraging behavior change.

³ "Isolation involves significantly reducing walk time outside the cell and a reduction of visitors.

There is a spectrum of isolation that ranges from 15 to 60 minutes outside of the cell. We

primarily refer to this range of types by using the word isolation as an umbrella term." Audit Report, Page 14.



Recommendation 9

“Expand training for deputies on how to work with adults in custody with mental health conditions. Due: March 30, 2023”

MCSO accepts this recommendation. The MCSO Training Unit currently provides Annual Inservice Training (AIT) on de-escalation communication and techniques that includes a mental health focus. In consultation with Mental Health experts, the Captain of the MCSO Training Unit will have primary responsibility for expanding the Corrections Division training emphasis on how to better work with adults in custody with mental health conditions. The MCSO Training Unit will consult with subject matter experts such as the National Alliance on Mental Illness (NAMI) and Multnomah County Corrections Health Division to ensure continued and expanded training is informed by the needs of adults in custody with mental health conditions.

Recommendation 10

“Expand the number of housing areas specifically for individuals with mental health conditions. Due: March 30, 2023”

MCSO conditionally accepts this recommendation and supports the expanded use of mental health housing. It is important to note that while MCSO can designate housing units differently and provide training opportunities for staff working in these areas, partnership with Corrections Health to provide mental health services is essential to any successful expansion of mental health housing. Primary responsibility for implementation of this recommendation will be assigned to the Chief Deputy of Corrections Facilities.

Recommendation 11

“Revise procedures for planned use of force activities involving individuals with mental health conditions to require participation of mental health staff. Due: March 30, 2023”

MCSO conditionally accepts this recommendation subject to constraints on time, feasibility and availability of mental health staff. Current MCSO Special Order 024.21 governs controlled/planned use of force events in MCSO jails. The Special Order identifies Mental Health services among the various de-escalation measures and resources that must be accounted for by the Supervising Sergeant in a hand-held video recording prior to the planned event. Staff have been instructed to utilize Mental Health Consultants (MHCs) and/or medical staff as a resource to aide in the verbal de-escalation process in addition to a cooling off period and basic verbal de-escalation. Supervisors will be directed to utilize the presence and participation of Mental Health Consultants, as appropriate under the circumstances. Primary responsibility for implementation of this recommendation will be assigned to the Chief Deputy of Corrections Facilities.

Recommendation 12

“Review the results of our survey of adults in custody to examine the areas of concern that adults in custody identified and implement changes to address those areas of concern. Due: March 30, 2023”

MCSO accepts the recommendation to review survey results and conditionally accepts the recommendation to implement changes to address areas of concern. MCSO will undertake a careful review of the adult in custody survey results with the objective of identifying areas of improvement to conditions for adults in our custody. Implementation of proposed changes will be dependent on feasibility and compatibility with the mission, values



and resources of the MCSO Corrections Division. Primary responsibility for implementation of this recommendation will be assigned to the Chief of Staff in partnership with the Professional Standards Unit and Planning and Research Unit.

Recommendation 13

“Explore an independent review function for jail operations, such as discipline and use of force incidents. Due: April 30, 2023”

MCSO conditionally accepts the recommendation to explore an independent review function for jail operations, such as discipline and use of force incidents. The Sheriff’s Office is committed to transparency and continual growth through systems of accountability and within professional industry associations. We will review models guided by best practice and industry standards developed by the National Institute of Corrections, Major County Sheriffs of America, and the Oregon State Sheriff’s Association. Additionally, the current oversight provided by the Board of County Commissioners, our annual Corrections Grand Jury process, facilitated by the District Attorney’s Office and conducted independently by Multnomah County residents, and other organizations that have oversight authority such as Disability Right Oregon will continue to guide our policies and practices. Primary responsibility for exploring this recommendation will be assigned to Professional Standards.

The work of our collective Corrections Divisions to operate and manage Multnomah County’s adult custody settings is extremely complex and challenging. I am proud of the work that MCSO members engage in each day. They are accountable 24 hours a day and 7 days a week for the health, wellbeing, and safety of those in our custody. I am committed to evaluating our policies and practices to ensure we uphold our values and the community’s expectations. I’d like to thank the Auditor and her team once again for their time and professionalism in conducting the jail conditions audit.

A handwritten signature in black ink that reads "Michael Reese".

Michael Reese

Sheriff