

**2013 REPORT OF THE MULTNOMAH COUNTY  
CORRECTIONS GRAND JURY**



**CONDITIONS AND MANAGEMENT OF  
CORRECTIONAL FACILITIES WITHIN MULTNOMAH  
COUNTY, OREGON**

**October 2013 - December 2013**

## Table of Contents

Section I. Statutory Background	Page 1
Section II. Executive Summary	Page 1
Section III. Booking & Classification	Page 1
Section IV. Facilities	Page 3
Section V. Corrections Health	Page 8
Section VI. Constitutional Rights of Inmates	Page 10
Section VII. New Technology	Page 11
Section VIII. Personnel	Page 12
Section IX. Sustainability	Page 15
Section X. Jail Standards & Compliance	Page 16
Section XI. Budget	Page 16
Section XII. Emergency Population Releases	Page 16
Section XIII. Recommendations	Page 18
Appendix	Page 19
2013 Corrections Grand Jury Witnesses	Page 21

## **I. STATUTORY BACKGROUND**

Pursuant to Oregon Revised Statute 132.440, a Corrections Grand Jury convened on October 7, 2013. The purpose of convening a yearly Corrections Grand Jury is to "inquire into the conditions and management of every correctional facility and youth correction facility" in Multnomah County. The jurors were charged with the task of submitting a report after physically inspecting five separate correctional facilities and taking witness testimony from those who operate, are housed in, or are associated in some form with those facilities. In accordance with their statutory duty, this Corrections Grand Jury toured the following five correctional facilities:

1. Multnomah County Detention Center (MCDC)
2. Multnomah County Courthouse Jail (MCCJ)
3. Multnomah County Inverness Jail (MCIJ)
4. Donald E. Long Juvenile Detention Center (JDH)
5. Columbia River Correctional Institute (CRCI)

## **II. EXECUTIVE SUMMARY**

Over a period of ten weeks, the 2013 Corrections Grand Jury extensively reviewed the agencies responsible for the detention of inmates in Multnomah County. The public agencies responsible for the management and condition of the five correctional facilities include the Multnomah County Sheriff's Office (responsible for MCDC, MCIJ, MCCJ and JDH), the Department of Community Justice (also responsible for JDH) and the State Department of Corrections (responsible for CRCI). The operations of the Multnomah County Department of Corrections Health Division which provides medical care in the county jails and the juvenile facility were also reviewed.

## **III. BOOKING & CLASSIFICATION**

The Grand Jury toured the Multnomah County Detention Center facility which is one block from the county courthouse.

MCDC is the central facility where all adult inmates are booked and classified. The Sheriff uses an open booking environment to accomplish the successful entry into jail. Open booking allows inmates to sit in chairs and watch television until they are processed for entry into either MCDC or MCIJ. Corrections officers and the commander of MCDC testified that the open booking system has substantially reduced the number of altercations between individuals who, in the past, would sit in a holding tank with other inmates before completing the booking process. The success of the open booking process relies heavily on the communication skills of corrections officers. This strategy has proven to be successful. Individuals who do not follow the rules in the open booking area are immediately placed in a cell for the protection of other inmates and corrections officers. Inmates who arrive in an unsanitary condition may be placed in a cell until they shower and are given fresh clothing.

Prior to entering the booking area, officers from the arresting agency perform a search of each individual in order to prevent contraband or weapons from entering the facility. To ensure the safety of inmates, corrections officers, and staff, the inmates are searched again by corrections officers before their official entry into the facility. All persons arrested are fingerprinted and photographed for identification purposes. Each inmate is given a bracelet with their name and photograph so they can be readily identified if they remain in jail. Inmates are then directed to a sitting area where they can watch television and make phone calls.

Inmates remain in the waiting area until they are interviewed by a Department of Community Justice recognizance officer. The primary purpose of the interview is to determine whether the individual presents a danger to the victim or the public and whether the individual will appear in court the following day. In Multnomah County the recognizance process is driven by an objective risk assessment tool. The interview officer reviews a number of different objective factors including conviction history during the past three years, the current offense, the inmate's failure to appear history, and the offender status (e.g. age of the defendant, housing, ties to the community, and whether the defendant is employed or attending school). Inmates are either released on their own recognizance to report to court or held in custody pending their arraignment the following day. Inmates who are not released from custody are then referred to a classification officer who will determine where the inmate will be housed.

Proper classification relies on a commonly used objective system that evaluates charges, criminal history, and behavioral issues. From classification, the inmates can be assigned to MCDC or MCIJ. MCDC houses inmates charged with serious offenses, inmates who have acute mental health problems, inmates who have had serious disciplinary problems, and inmates who need to be separated. MCDC houses inmates in separate cells. Inmates charged with lower level crimes are housed at MCIJ where they are assigned to a dorm with up to 77 other inmates.

The final step before entry into MCDC or MCIJ involves an assessment of the inmate's physical and mental condition. This review is performed by a Multnomah County Corrections Health nurse. The nurse performs an intake assessment to determine the inmate's immediate health needs. Additionally, the nurse reviews electronic medical records when available. Finally, they verify whether an inmate requires prescription medication and obtain the medication as soon as possible.

The Sheriff's Office has made some improvements in the booking process since the 2012 Corrections Grand Jury toured the facility. First, they have added a barrier to separate male and female inmates while they wait for the various stages of their intake. Additionally, they have added large stop signs to prevent inmates from entering staff only areas. Future plans for the intake process include adding a privacy barrier in the medical intake area. In addition, the Sheriff's Office intends to modify their current classification system to allow for more flexibility in initial classification and reclassification based on whether an inmate's behavior is improving or deteriorating while in custody.

#### IV. FACILITIES

##### **Multnomah County Detention Center (MCDC)**

MCDC houses the highest risk inmate population. The center is based on a vertical jail model. The center has a 448 inmate capacity with no opportunity for expansion due to location and architectural limitations. The jail consists mostly of modules containing single bunk cells with common areas that allow inmates to interact. The tenth floor includes an open air recreation area. Male and female inmates are housed on separate floors. These areas are monitored by one deputy with an escort deputy for backup. Additionally, a floor control deputy monitors and controls access to areas and remains alert for signs of distress through video monitoring. However, due to budget cuts, the seventh and eighth floor share one floor control officer.

The fourth floor houses the administrative segregation unit as well as the medical and mental health units. These units are reserved for the most volatile inmates and those with the most acute physical and mental health issues. The fourth floor also includes an infirmary which operates as the primary medical site for the inmates. The inmates have limited walk time on this floor based on their risk classification and/or medical condition.

During our visit, the Grand Jury observed two corrections officers assigned to suicide watch. We learned there are two types of suicide watches: constant (24/7) and intermittent (every 15 minutes). The corrections budget allows for only one suicide watch post. Therefore, additional suicide watch posts are considered overtime positions.

Corrections deputies rely on strong communication skills to maintain order in all areas of the jail. The fourth floor corrections officers must be especially adept in communicating with inmates due to the unpredictable behavior of inmates. Deputies have tasers and pepper spray available, if needed. According to one corrections officer, there have been few instances requiring the use of a taser. The Grand Jury was alerted to a recent instance of an inmate attack where a taser was deployed by a corrections officer. Two officers were injured with one of them being seriously injured and requiring a five day hospital stay. The security measures put in place provided a swift response by all available corrections staff.

Inmate meals are prepared on-site by contracted employees and served to inmates in their cell by corrections staff. All meals meet required nutritional standards. A recent move to a vegan/vegetarian menu accommodates all religious dietary restrictions and has proved to be cost effective. The Grand Jury was served a typical inmate lunch. We found it to be adequate.

Inmates are currently permitted non-contact visits with family, friends, and attorneys. Visiting booths have a plexi-glass divider that separates inmates from visitors and requires a telephone handset to communicate. One witness testified that the phone cords were too short on the visitor's side, causing discomfort and making communication difficult.

During the tour, the Grand Jury spoke with two inmates; one male and one female. Both inmates had achieved the status of "trustee" which provides additional privileges in exchange for work performed. Both inmates stated that they were satisfied with the conditions. The female inmate spoke highly of one of the corrections officers and appreciated the services provided by the mental health counselors and the medical staff. Both inmates stated that they preferred to be housed at MCDC rather than MCIJ, listing privacy as the main reason. Overall, we found that MCDC was clean and well maintained, demonstrating the highest level of security of all facilities visited.

### **Multnomah County Inverness Jail (MCIJ)**

MCIJ is a medium security facility, housing those inmates whose classification allows them to be kept in an open dormitory setting. The facility was built using a horizontal design that encompasses 179,000 square feet. The horizontal design offers ease in moving inmates, easier access and fewer maintenance issues than MCDC. MCIJ has an inmate capacity of 1,014, with 862 beds budgeted and three dorms currently closed. The open dorm setting allows for a higher inmate to officer ratio, making it more cost effective to operate than MCDC. One officer is assigned to each dorm. The inmate population in a single dorm ranges from 59-78 inmates. Good communication skills are critical to maintain order, given the inmate to officer ratio. If needed, additional staff is available to respond to emergency situations within ten seconds.

The lower-risk classification of the inmate population and the layout of the facility allows for greater availability of work programs that are designed to help inmates gain work and life skills. Examples of work programs include:

- Kitchen work crew
- Laundry plant crew
- Seeds to Supper gardening program crew
- Outside work crews.

Examples of programs directed at improving life skills include:

- Drug and Alcohol classes

- Anger management classes
- Domestic violence awareness classes
- Literacy classes
- Resource awareness classes
- Thinking matters classes
- Chaplain services

Group programming for the first quarter of fiscal year 2014 involved 245 group sessions with 1,978 inmate participants. Many of the above listed groups and programs rely on community volunteers who dedicate their services for free. Programs eliminated due to budget constraints and/or the lack of volunteers were:

- GED program
- Domestic Violence Intervention program
- Parenting classes
- Wellness Recovery Action program
- Books without Barriers program

Work programs and other programs are beneficial for the inmates; however, the average length of stay of a Multnomah County jail inmate is approximately 12 days.

The Grand Jury toured two open dorms (one female, one male) and one disciplinary dorm consisting of single occupancy cells. Each of the open dorms include an attached outdoor recreation area. Meals are prepared by inmates working alongside contract food service staff. The Grand Jury was served an inmate lunch and found it to be adequate. The Grand Jury found the facility to be extremely clean and well maintained.

We interviewed two inmates; one male and one female. The male inmate was participating in a program offered by Volunteers of America. He felt that MCIJ offered better programs than facilities outside Multnomah County. In addition, he reported that corrections officers were prompt in responding to written requests. Both inmates agreed that they were treated fairly by the officers.

Based on witness testimony, the Grand Jury recommends:

- Reinstatement of the GED Program

- Consider request for funding for previous programs that provided inmates with knowledge and skills necessary to successfully return to the community.

### **Multnomah County Courthouse Jail (MCCJ)**

The courthouse jail is located on the seventh floor of the Multnomah County courthouse. This jail is for day use only and is used on weekends for defendants who serve sentences on weekend days, in lieu of being detained overnight in other facilities. The jail consists of a number of holding cells, isolation cells, and small conference rooms for attorneys to meet with their clients. The jail has a control center operated by a corrections officer that controls movement of inmates in and out of the jail and movement to and from courtrooms. An elevator, used exclusively for transporting inmates, connects the seventh floor jail with other floors in the courthouse.

The transfer of inmates from other jails to the courthouse jail for court appearances is a complex operation. The standard operating procedure for MCCJ is to bring two groups of inmates to the courthouse daily, one for morning court appearances and the other for afternoon court appearances. In both cases, inmates are transported from other facilities via county correction vehicles. The inmates are escorted by corrections officers into the basement of the courthouse. An elevator (restricted on all floors) transports the inmates to the seventh floor where they are lodged in holding cells.

Once inmates reach the seventh floor, they are held there until an officer escorts them to court. At times, more than one corrections officer must escort an inmate. The corrections officer stays with the inmate during the court proceeding and then returns the inmate to the holding area. Inmates are escorted through public hallways presenting a challenge to public safety. Inmates with morning court appearances are returned to the appropriate jail facility and the inmates scheduled for afternoon court proceedings are brought to MCCJ. Inmates located at MCCJ during the lunch hour receive the same hot lunch served at MCDC.

Inmates can only be taken to court on time if a corrections officer is available to escort that inmate. Delays in moving inmates occur when additional officers are required in another courtroom for murder trials and other trials that by their very nature require a heightened level of security. Several witnesses expressed concern about the delays in court proceedings caused by the shortage of available officers to transport inmates to their court appearances. Delays impact judges, court staff, defendants, witnesses, victims, attorneys and all others involved in court proceedings. Delays are not attributable to the corrections officers, but rather are a consequence of staffing cuts. The corrections officers do a commendable job given the staffing shortages.



One other concern we have relating to MCCJ is the overall condition of the Multnomah County Courthouse. The Sheriff and other community leaders know that the courthouse is not earthquake safe. This concern has been raised by previous juries. We were told that recent progress has been made in the search for a site on which to build a new courthouse.

### **Columbia River Correctional Institute (CRCI)**

CRCI is a corrections facility run by the State of Oregon and located in Multnomah County. CRCI is a minimum security facility for low risk inmates with a maximum capacity of 575 beds. Dormitories are used to house the general inmate population with separate areas dedicated to inmates who demonstrate good behavior and a willingness to engage in programs designed to assist them in transitioning back to the community. Other units are dedicated to drug and alcohol rehabilitation. Staff to inmate ratio is 1 to 78 respectively.

The programs offered at CRCI are geared toward a successful reentry into society. Each inmate works with a counselor to develop an individual reentry/transition plan during the last six months of their incarceration. The plan consists of future work plans, housing options, and a connection with post-prison supervision officers in order to make a seamless entry into the community.

Some of the programs offered at CRCI are:

- Parenting and life skills classes
- Training programs in shoe repair, mattress refurbishing, gardening, laundry, and cooking
- Alcohol and drug treatment as well as cognitive therapy programs are provided by Cascadia Health Care, Westcare and Turning Point
- Adult education classes

CRCI also provides nutritious food, a clean and humane environment, medical and dental care, and an ample recreation area. Inmate assistant kiosks, similar to those being installed at MCDC and MCIJ, are already in use at this facility. No concerns were observed while visiting the facility.

### **Donald E. Long Juvenile Detention Home**

The Juvenile Detention Home provides housing for juvenile offenders aged 12 – 18. The facility has a capacity of 191 beds with 64 beds currently funded. Youth offenders are housed in individual cells within a module. Each module contains an open communal

area for meals and activities, a classroom, and private shower rooms. Upon intake, youth are immediately engaged in activities to prevent negative behavior and suicide attempts.

The Grand Jury toured the facility and found it to be clean, well-maintained, and age appropriate. Artwork and murals make for a relaxed environment throughout the modules, hallways, and entry areas. The facility includes the Senderos program that houses undocumented juveniles awaiting residence status clarification. A residential drug and alcohol treatment program run by the Morrison Family and the Oregon Department of Human Services is also housed within the facility.

Dorms are managed by certified corrections officers from the Department of Community Justice. There is an 8:1 ratio of youth to officers during daytime hours. Visiting hours are liberal and contact visits with family members are allowed. Youth have access to counselors and mentors throughout the week.

Youth are required to attend 5.5 hours of classroom instruction per day, with options to complete their GED or take college level classes if they are eligible. The facility has a well-stocked literacy center that was recently remodeled with the help of students from the Oregon College of Arts and Crafts. Youth also receive at least one hour per day for recreation. There is an indoor gymnasium and an outdoor recreation area, which includes a vegetable garden.

Food is prepared on-site using fresh ingredients. Youth have access to fresh fruit in the modules throughout the day. The food cost per youth is \$8 per day and meets the requirements of the Federal School Lunch Program. The food is delivered in kiosks by kitchen staff to the modules. Youth are encouraged to choose from the available menu items. The "offer versus serve" model has reduced food waste and cut costs. Staff monitors food choices to ensure that nutrition needs are being met. The Grand Jury was offered the lunch option for the day and found it to be delicious.

## **V. CORRECTIONS HEALTH**

### **General Information**

The Multnomah County Health Department provides healthcare for all housed in detention facilities within Multnomah County, with the exception of the Columbia River Corrections Institution. Corrections Health operates with a budget of \$14,072,579. Corrections Health has managed their resources well despite the rising cost of health care.

Medical staff is available on-site 24-hours a day at both MCDC and MCIJ and from 7:00 am to 11:00 pm at JDH. MCDC houses the most acutely ill inmates. Both MCDC and

MCIJ provide medical services including a pharmacy stocked with common medications. Maintaining a stocked pharmacy on site saves time and has saved approximately \$44,000. Other cost saving measures include an on-site dialysis chair, whirlpool, and an x-ray machine that eliminates the need for corrections officers to escort some inmates to outside medical treatment facilities. Negative airflow rooms are available at both MCDC and MCIJ and are used to isolate inmates with communicable airborne diseases.

### **Mental Health**

Based on the testimony of many witnesses, there has been a large increase in the number of mentally ill inmates. Some inmates present both mental health issues and substance abuse problems. MCDC has ten beds designated for inmates with acute mental health issues. However, witnesses have indicated that mentally ill inmates are housed throughout MCDC and MCIJ, making supervision more challenging.

The Corrections Health staff understands that continuity of care is important in treating mental illness. Inmate medical records are tracked electronically by the Multnomah County Corrections Health Department using Epic. Epic allows the medical staff to communicate with community providers whenever possible. Additionally, a weekly list of inmates presenting mental health issues is sent out to designated mental health providers in the community that may not have access to Epic. Every effort is made to provide the inmate with their medication within a 24 hour period. One witness testified that there are delays in providing some inmates with the medications that they have been taking while out of custody. The Grand Jury did learn that there are limitations in what the health staff can do if they cannot find the inmate's medical provider who prescribed the medication or the pharmacy where the inmate received the prescription. The medical staff does what they can to provide the inmate with prescriptions as fast as possible. A Corrections Health physician or nurse practitioner can prescribe medications if the agency cannot find medical or prescription information.

### **Suicide Watch**

The Grand Jury was made aware of an increased need for suicide watches. This is driven in part by an increase in mentally ill inmates. It can also be attributed to a heightened awareness by corrections officers who receive annual suicide prevention training. This has a direct impact on staffing given the number of inmates requiring suicide watch. Based on witness testimony and overtime documentation, there is a need for additional resources to address the significant increase of inmates threatening suicide.

During the first quarter of the 2014 fiscal budget, the Sheriff had already applied 6,596 hours to suicide prevention. Most of the hours utilized required a corrections deputy to

look through a cell window 24 hours a day to ensure that an inmate did not commit suicide.

### **Other Inmate Health Issues**

In 2013, an inmate died as a result of an overdose of heroin. Testimony also revealed that a group of female inmates at MCIJ tested positive for illicit drugs or refused to participate in drug testing while in custody. The presence of illicit drugs in jails and penitentiaries is a problem throughout the United States. Efforts are ongoing to prevent illegal drugs from entering the facilities.

### **VI. Constitutional Rights of Inmates**

Inmates in all Multnomah County correctional facilities are afforded basic constitutional rights. These rights include but are not limited to:

- An opportunity to reasonably practice one's religion
- Access to legal counsel, legal material, and the court system
- The right to be free from cruel and unusual punishment
- Access to medical treatment
- A safe, secure, clean, and functional environment
- A process for complaints to be heard and addressed
- Meals meeting caloric and religious standards
- A hearing before being disciplined

Each inmate receives an Inmate Manual when housed in MCDC and MCIJ. The manual explains the rules and guidelines used to keep the Multnomah County jails, safe, orderly and clean.

Inmates can file a grievance about a jail policy, practice, rule, or condition that directly affects them. If the complaint has merit, the Sheriff's Office tries to address the complaint expeditiously.

Inmates charged with committing violations within the county jail system have the right to a hearing within 96 hours of the violation. A hearings officer conducts a hearing where the inmate is allowed to make a statement and to present evidence. Inmates may also request that the hearings officer interview specific witnesses. Inmates may ask a staff member to assist them with translation, reading, or explaining the hearings process.

Inmates found in violation of the inmate rules can lose privileges including the reduction of good time, loss of dayroom privileges, and other sanctions depending on the severity

of the violation. Inmates have a right to appeal a guilty finding by submitting a service request form to the facility commander.

## **VII. NEW TECHNOLOGY**

In 2013 the Sheriff began installation of a web-based video visitation service that will allow families and friends to communicate with inmates through the Internet. The vendor, Securus Technologies, provides similar software services to jails and correctional facilities throughout the United States. The automated information system will allow video visits over the internet at a cost of 65 cents a minute. Outside callers can open and fund a prepaid inmate telephone account, make deposits in an inmate's bank account and schedule future visitation by accessing the system from the Internet.

The Securus video visitation system will replace current on-site visits that are limited to two days a week. The new system will eventually expand existing visitation hours by allowing inmates to communicate with friends and family seven days a week.

On-site visitation will be conveniently available by computers in kiosks that will be placed both in the waiting area of MCDC and MCIJ. Use of these on-site kiosks for video visitation will be available at each facility at no cost to users. Additional kiosks will be inside each housing unit for inmate access. Attorneys will continue to utilize the existing booths and conference rooms to communicate with their clients.

The Securus system has additional features that will be helpful to both inmates and the Sheriff's Office. As an example, a paperless accounting feature to track inmate funds will take the place of employees who perform accounting functions. Additionally, escorts will no longer be required to move inmates and visitors to the current visitation booths, with the exception of attorneys. These innovations will alleviate some job duties from jail staff and allow them to be assigned to other tasks.

The system is expected to be fully functional in 18 to 24 months. Income generated will pay the vendor and add additional money to the inmate welfare fund.

The Multnomah County Sheriff's Office also implemented new software for the purpose of streamlining the budget process. Questica's TeamBudget Software is set to launch December 13, 2013 and it will be used in developing the FY 2015 budget. The software has a number of improved features compared to the systems it will replace. Most notably, it is a comprehensive integrated system, replacing several applications and shadow systems. TeamBudget has improved reporting capabilities, and implements position control for the first time in the county. It will generate and publish budget

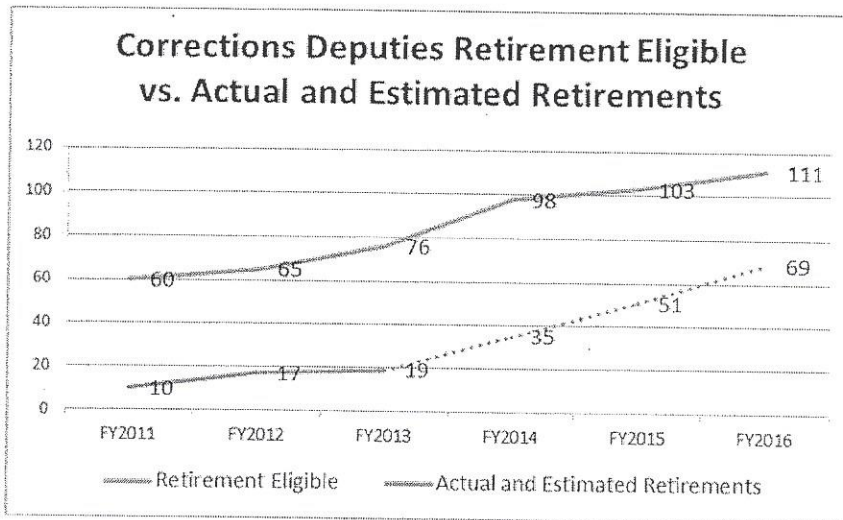
documents and provide better reporting within departments and full program offer tracking throughout the budget process, including budget modifications in the current budget year.

## VIII. PERSONNEL

### Hiring

The 2011 and 2012 Multnomah County Corrections Grand Juries expressed concern about the number of vacant corrections officer positions. Currently, there are approximately 26 unfilled corrections deputy positions. The 2013 Grand Jury continues to be concerned about the number of corrections officer vacancies. These concerns are not only based on current data, but also on projected attrition in the Sheriff's Office.

On May 22, 2013 the Sheriff's Office provided the county commissioners a report with the number of officers eligible for retirement vs. actual and projected retirements. (see graph). According to this report, in Fiscal Year 2013, 17% (76) of corrections officers and sergeants were eligible to retire, and by Fiscal Year 2016 the number will increase to 25% (111) as is shown in the graph below.<sup>1</sup> These statistics also indicate that the number of corrections officers eligible for retirement is rising at an alarming rate. Based on the barriers to hiring new officers as testified to by the Sheriff's Office management team, the Grand Jury has strong concerns that the organization will not be able to meet the staffing needs that are projected without requiring mandatory overtime.



In the past year the Sheriff hired 24 corrections officers, however, 22 corrections officers retired resulting in a net gain of two corrections officers. The Grand Jury recognizes that

<sup>1</sup> Although it is unlikely that all eligible employees will retire at the same time, changes in retirement entitlements could spark a rapid departure of the corrections workforce.

hiring new deputies is no small feat. The hiring process is time consuming. For instance, the background check alone can take approximately two weeks for each applicant and there can be as many as 600 applicants. Many of these applicants do not meet the basic qualifications. One witness testified that a large number of applicants could be disqualified at the outset by adding a prescreening tool to the website. We are concerned with the inadequate number of qualified background investigators. Hiring additional background investigators and filling vacancies has been a recurring recommendation by previous Corrections Grand Juries. It is disappointing that the Sheriff has failed to increase the number of investigators given the need to fill current vacancies and projected vacancies (see graph on page 12).

We would like to point out that many of the seasoned officers and management staff testified that corrections officers hired in the last year are exceptional employees.

Recommendations:

- Hire at least two additional background checkers
- Expand recruitment efforts
- Improve application process to include more automatic disqualifiers
- Add a web-based questionnaire that automates pre-screening, to prevent unqualified candidates from moving forward

### **Overtime**

During the 2014 fiscal year budget process, the Multnomah County Board of Commissioners adopted a budget note pertaining to overtime expenditures by the Sheriff's Office. The commissioners expressed concern about the cost of overtime expenditures in previous years. According to the 2014 Budget Work Session Report in FY12, \$2,659,599 was allocated to overtime costs. The actual cost of overtime in 2012 was \$5,728,207, which was \$3.1 million over budget.

During the 2014 budget process, the Board of County Commissioners approved an amendment that required the Sheriff to report quarterly overtime expenditures prior to the release of overtime funds. The amount budgeted for overtime in the first quarter of the 2014 budget was \$748,014. The overtime budget actuals for the first quarter of FY14 was \$1,710,561.

According to a document presented to the Board of County Commissioners on October 31, 2013, there were 31,181 overtime hours worked in Q1 FY14. The Sheriff's Office noted the following reasons for some of the overtime hours:

- Suicide watch – 6,596 hours
- Hospital watch/medical transport – 1,809 hours
- Mental health dorm – 999 hours
- Facility escort posts – 949 hours
- Holding posts – 210 hours

These account for 10,563 hours (approximately 33%) of the total overtime hours worked.

The Grand Jury understands that there will always be a need for overtime in a 24 hour operation. However, overtime is also driven by the number of unfilled corrections officer positions. We viewed the October 31, 2013 County Commissioners' meeting when the Sheriff, Chief Deputy Drew Brosh, and the county auditor advised the Board that there was no significant difference between the cost of hiring new deputies and filling posts with existing officers receiving overtime. The Sheriff uses the money from the officer vacancies to pay for a portion of overtime expenditures. At the time we wrote this report the county auditor's final report was not available. We sincerely hope that the methodology used in reaching this conclusion be included in detail in the final report.

In addition to the costs of overtime, as discussed above, there are unintended costs associated with empty positions. We learned that one lieutenant could spend up to six hours a day backfilling overtime posts for the next shift. We do not feel that this is a good use of a lieutenant's time. There are also various work-life balance consequences, related to overtime as discussed in the next section.

### **Work Life Balance**

Corrections officers work in a highly stressful environment. Many corrections officers spend their shifts working among inmates who have behavioral, mental health, and substance abuse issues that can make them especially challenging to supervise and control. At any time, a normal interaction with an inmate can escalate. Additionally, as a result of staffing levels and facility design, corrections officers are often faced with a high ratio of inmates to officers. For example, at MCIJ one corrections officer can supervise up to 78 inmates at a time. In the event of an attack or situation where an officer would need assistance from colleagues it could take reinforcements several seconds to arrive.

Long working hours are commonplace within jails across the country. As with any 24-hour operation, voluntary or mandatory overtime is necessary to maintain appropriate staffing levels. In Multnomah County corrections officers are able to negotiate Time Exchanges (TXing), which is a formal contract to swap shifts with another corrections officer. This can result in a 16-hour shift. Overtime obligations and TXing result in corrections officers spending long periods of time within the jails, and therefore, long hours exposed to stressors inherent in the jail environment. This leaves little time left in the day for healthy activities (exercise, sleep, social engagements) that counteract the effects of stress.

Throughout the Grand Jury investigation officers testified that the job has changed them. Witnesses cited personal struggles such as an inability to participate fully in family activities and hyper-vigilance, both on and off the job. These are consequences of the stress associated with a career in corrections which may negatively affect work-life



balance. We understand that the Sheriff's Office has a limited budget to address a variety of pressing issues and that many of the above noted stressors are inherent to not only the organization but jails systems everywhere.

Related to work-life balance, the Grand Jury makes the following recommendations:

- **Fill existing vacancies:** We urge administrators to consider the human costs of overtime. Corrections officers have families and lives outside of work, and hiring new officers would help to alleviate the burden of overtime on the organization and its officers.
- **Obtain and analyze occupational health data:** Develop a metric or methodology to track overtime and time exchanging (TXing) with employee performance (sick time, accidents, on the job injury, and anonymous reporting), which could be used to proactively alert management if/when an employee is demonstrating signs of burnout.

### **Corrections Officers**

Many officers who were interviewed during the Grand Jury's evaluation remarked on what a rewarding career they have working with the Multnomah County Corrections Department.

The corrections officers we observed and interviewed were dedicated to their careers. They work to maintain the objectives set forth in the Criminal Justice Code of Ethics and the Multnomah County Sheriff's Office Mission Statement. Some witnesses expressed their desire for more formal mentoring opportunities within the organization. The corrections officers spoke frequently of the need to respect and show inmates compassion through humane treatment. Judges, attorneys and other witnesses uniformly stated that corrections officers are professional and understand the sensitive nature of the job and do their best to protect the integrity of the criminal justice system.

## **IX. SUSTAINABILITY**

The Sheriff continues to do an excellent job in the area of sustainability in the workplace. The 2012 Grand Jury cites numerous measures employed by the Sheriff to avoid waste and to save money. In the past year the Sheriff's implemented a "Seed to Supper" class offered in the jail. The curriculum is provided by the Oregon Food Bank to promote healthier, active lifestyles through gardening. The crops grown by the inmates are donated to the Oregon Food Bank. This Grand Jury commends the Sheriff's Office on their continuing efforts to adopt sustainability practices.

## **X. JAIL STANDARDS & COMPLIANCE**

The most recent Oregon Inspection Reports from OSSA for MCDCC and MCIJ indicate that the Sheriff's Office is substantially in compliance with statewide jail standards. However, these audits revealed that staff training hours did not meet the suggested 40 hour standard. Multnomah County corrections officers get an average of 20-24 hours of training a year. Using new web-based training applications will hopefully afford officers more training opportunities so they can get closer to meeting these standards. The Grand Jury commends the Sheriff's Office for their exemplary performance in meeting statewide jail standards.

## **XI. BUDGET**

The Sheriff's Office has been facing budget constraints for nearly a decade. These constraints have resulted in a loss of at least 100 full-time employees. Inmate programs and training for officers has been reduced as a consequence of budget constraints. The number of jail beds has decreased by 540 beds. The Sheriff's Office adheres to a policy that caps the number of inmates at 95% capacity. Emergency Population Releases (EPR) are frequently used to maintain this capacity within the jails (see section below). EPRs are meant to ensure the population does not exceed 95% of the 1,310 beds funded by the current fiscal year's budget.

Recent legislation, known as HB3194, will likely result in an increase in the number of inmates housed in local jails. One million dollars in funding has been received by the Sheriff's Office to help with the implementation of HB3194 within Multnomah County. This money could be used to fund additional beds to accommodate the projected increase in the local inmate population.

## **XII. EMERGENCY POPULATION RELEASES**

Emergency population releases continue to present a problem for the Sheriff and for the community at large. Inmates are released when the jail population reaches 95% of capacity. We agree with the 2012 Grand Jury's assessment that the increase in the number of EPRs should not be viewed as simply an anomaly, but as a continuing trend requiring a budget modification aimed at funding additional beds.

The Grand Jury learned that a subcommittee of the Local Public Safety Coordinating Council (LPSCC) has been meeting regularly in an effort to address this on-going problem. Between November 1, 2011 and October 30, 2012, there were 727 inmates

released early from local facilities due to declared population emergencies. Between November 1, 2012 and October 30, 2013 that number declined to 720 (a reduction of seven inmates, or less than 1%).

The Grand Jury also learned that the LPSCC-EPR subcommittee has determined that the two largest groups of inmates who are driving the daily population in the jails are those awaiting disposition of felony charges and those sentenced by a judge for misdemeanor crimes (both initial sentences and probation violations and revocations).

It is important to note that unsentenced inmates, released because of a population emergency generally have multiple opportunities to seek release while pending adjudication. Unsentenced felony-charged inmates who are released due to a population emergency are those that have been: (1) unable to convince a recognizance officer to grant release, (2) unable to convince a judge presiding over the initial appearance to grant release, (3) unable to convince a pre-trial supervision agency to agree to supervise the defendant in the community while awaiting trial, (4) unable to convince a judge using the statutory release criteria to grant release (SEE APPENDIX for release criteria), and (5) unable to secure release by posting 10% of the bail necessary to secure release. Emergency population releases present an on-going public safety issue. The Grand Jury heard testimony that 52 – 75% of those inmates released due to population emergencies engage in some form of pre-trial misconduct, with 30% being arrested for a new charge. In addition, 59% fail to appear for a court-ordered hearing necessitating re-arrest and all of the attendant procedural considerations (re-booking, re-evaluation by recognizance officers, reclassification for appropriate housing while in custody, additional court appearances, re-appointment of defense counsel, etc).

The Grand Jury heard that several proposals have been discussed by the LPSCC-EPR subcommittee to address this issue. Among those proposals are: (1) assessment of individuals by recognizance officers or Pretrial Services of those inmates whose release is not possible due to a county, fugitive, or US Marshall hold, (2) convene a group to review misdemeanor bench probation sanctioning practices, and (3) continued monitoring of indicators that drive emergency population releases. The Grand Jury is puzzled by these recommendations, or more accurately by the lack of a fourth recommendation. The Grand Jury respectfully recommends a fourth proposal to add capacity to the current 1,310 beds. We believe that adding beds should be strongly considered, if not implemented outright. The question of whether adding capacity would mitigate or solve this problem was answered with varying degrees of confidence. Some witnesses testified to their belief that additional capacity would stop emergency releases. One witness in particular testified that opening an additional dorm at MCIJ would reduce the number of EPRs by up to 88%. Others testified that the problem was too complex to be fixed by adding capacity alone. While this may be the case, it is the

opinion of the Grand Jury that, at a minimum, the option of adding capacity should be vigorously debated among the key public safety partners, particularly in light of the fact that there will be additional inmates resulting from the implementation of HB3194. (and that HB3194 included nearly \$1,000,000 for the Multnomah County Sheriff to use for implementation).

### **XIII. RECOMMENDATIONS**

- Improve succession planning by filling corrections officer vacancies, particularly in light of the projected retirements in the next few years
- Hire at least 2 full time background investigators
- Resolve EPR issues by opening an additional dorm at MCIJ - Utilize the HB3194 \$1,000,000 allocated by the state to the Sheriff's Office to accomplish this recommendation
- Incorporate suicide watch hours into the Sheriff's general budget by requesting additional funding from the Board of County Commissioners to address the large increase in the amount of mentally ill inmates within the jails
- Add additional corrections officers to the courthouse to address the delays caused by understaffing
- Increase the number of hours devoted to training officers
- Provide mentoring opportunities for new corrections officers
- Add back the GED program at MCIJ
- Promote work-life balance within the organization
- Continue to be a model for sustainability among county departments
- Continue to work with county partners to replace the courthouse as expeditiously as possible

## APPENDIX

After booking and before being lodged in jail each inmate is interviewed and screened for possible release by employees of the Department of Community Justice recognizance officers. The officers use a multi-page screening tool, considering factors such as history of failing to appear for court dates, criminal history, lack of local ties to the community, or the nature of the charge on which they are being held. There are several categories of crimes for which release by a recognizance officer is automatically denied – murder, domestic violence, failure to register as a sex offender.

- At the initial appearance on a new felony charge, the defense attorney may request release of the defendant, or may request review by one of two pretrial supervision programs – Pretrial Release Services or Close Street Supervision.
- After indictment on a felony charge nearly every felony defendant may request a hearing before a judge in order to request release by the court – under Oregon Revised Statute 135.245. At such a hearing, the court will consider the following:
  - Primary release criteria:
    - The reasonable protection of the victim or public
    - The nature of the current charge
    - The defendant's prior criminal history, including failure to appear as directed
    - Any facts indicating the possibility of violations of law if the defendant is released without regulations
    - Any other facts tending to indicate that the defendant is likely to appear
  - Secondary release criteria:
    - The defendant's employment status and history and financial condition
    - The nature and extent of family relationships of the defendant
    - The past and present residences of the defendant
    - Names of persons who agree to assist the defendant in attending court at the proper time
    - Any facts indicating that the defendant has strong ties to the community.
- Except for those charged with murder, aggravated murder, or treason, every criminal defendant has a right to reasonable bail, 10% of which must be posted to secure release.

We would like to recognize and thank the numerous witnesses who provided valuable time and testimony to the 2013 Corrections Grand Jury. We commend Sheriff Dan Staton for his commitment to providing a safe jail environment for inmates, staff and the citizens of Multnomah County. We would also like to extend our appreciation to the corrections officers, sergeants, and command staff that we encountered during our tours of MCDC, MCIJ and MCCJ. Each of these corrections officers, sergeants and command staff displayed professional excellence both in their work environment and during their testimony. We would also like to commend Multnomah County Corrections Health for their dedication and the compassion they display toward inmates.

In addition we would like to acknowledge a few individuals who exemplify the highest degree of professionalism and unwavering commitment to their respective organizations:

Lieutenant Derrick Peterson  
Captain Rai Adgers  
Captain Mary Lindstrand  
Captain Linda Yankee  
Captain Dave Rader  
Craig Bachman  
Nancy Griffith  
The Honorable Julie E. Frantz  
The Honorable Nan Waller

## 2013 Corrections Grand Jury Witnesses

Lt. Chad Gaidos  
Sgt. Tina Breiten  
Captain David Rader  
Captain Mary Lindstrand  
Lt. Bobbi Luna  
Barbara Topor  
Steve Sutton  
Nancy Griffith  
Gordon Arnott, MD  
Lt. Derrick Peterson  
Captain Jose Martinez  
Kurtiss Morrison  
Lt. Denise Diamond  
Erika Murray  
Mark Gustafson  
Byron Moore  
Lt. Steve Pina  
Israel Laureles  
Jamar Hurse  
Officer John Lenzi  
Amy Wood  
Captain Raimond Adgers  
Sgt. Barrett Taylor  
Officer Timothy Jones  
Officer Dwight Richey  
Officer Joe Sullivan  
Officer Stephen Reardon  
Captain Linda Yankee  
Jeannie Chesney  
William Schwarz  
Steve Alexander  
Sgt. Shawn Skeels  
Eddie Climer  
Sgt. Jon Mathews  
Lt. Vera Pool

Alonzo Colbert  
Stephanie Pierce  
Elizabeth LaCarney  
Garrett Laney  
Len Blix  
Terrence King  
Satoya Johnson  
Stephanie Gaidosh  
Julian Garcia Henderson  
Kirt Woodruff  
Lt. Nicole Morrissey O'Donnell  
Joyce Griffin  
Officer Charles Morgan  
Officer John Plock  
Officer Luis Zebede  
Sgt. Merton Kendall  
Sgt. John Mellight  
Sgt. Cathy Gorton  
Officer Alice Blair  
Officer Mindy Dearmond  
Officer Latu Moala  
Craig Bachman  
Senior Deputy District Attorney Lori Fellows  
Christina McMahan  
Kevin Junking  
Dania Nemkevich  
Andrew Freitas  
Ty Hilliker  
Sandra Rorick  
Shea Marshman  
Wanda Yantis  
Wendy Lin-Kelly  
Chaplain Lewis Kyle  
Katie Burgard  
Maureen Raczko  
Andy Potter  
Jack Diamond  
Tena Spears  
Chief Deputy Michael Shults  
Chief Deputy Drew Brosh



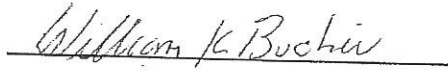
Honorable Judge Nan Waller  
Sheriff Daniel Staton  
Honorable Judge Julie Elizabeth Frantz  
Interim County Chair Marissa Madrigal  
District Attorney Rod Underhill  
County Commissioner Judy Shiprack  
Kathleen Dunn  
First Assistant to the District Attorney Jeff Howes  
Senior Deputy District Attorney Stacy Heyworth

2013 Corrections Grand Jurors



Sandra Hess

Foreperson of the Grand Jury



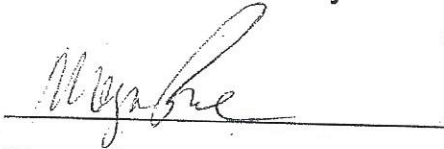
William Bucher

Grand Juror



Darcee Maloney

Clerk of the Grand Jury



Megan Parish

Grand Juror



Michael Raghianti

Grand Juror

DATED this 11<sup>th</sup> day of December, 2013