

**2015 REPORT OF THE MULTNOMAH COUNTY
CORRECTIONS GRAND JURY**



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

October 2015 - December 2015

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2015 Corrections Grand Jury Report

I. STATUTORY BACKGROUND

Pursuant to Oregon Revised Statute 132.440, a Corrections Grand Jury convened on October 12, 2015. Under ORS 132.440:

(1) At least once yearly, a grand jury shall inquire into the condition and management of every correctional facility and youth correction facility as defined in ORS 162.135 in the county.

(2) The grand jury is entitled to free access at all reasonable times to such facilities and juvenile facilities, and, without charge, to all public records in the county pertaining thereto.

(3) Other than indictments presented under ORS 132.210 or presentments presented under ORS 132.370, the grand jury shall issue no report other than a report of an inquiry made under this section.

The grand jurors were charged with the task of submitting a written report after physically inspecting five separate correctional facilities and hearing witness testimony from those who operate, are housed within, or are associated in some form, with the operation and management of those facilities. In accordance with their statutory duty, the 2015 Multnomah County Corrections Grand Jury inspected the following facilities:

- (1) Multnomah County Detention Center (MCDC)
- (2) Multnomah County Courthouse Holding (MCCH)
- (3) Multnomah County Inverness Jail (MCIJ)
- (4) Donald E. Long Juvenile Detention Center (DEL)
- (5) Columbia River Correctional Institution (CRCI)

II. EXECUTIVE SUMMARY

After being summoned to jury duty on October 12, 2015 seven jurors were selected to serve as the 2015 Corrections Grand Jury. Over a period of seven weeks, the grand jurors extensively inspected facilities and the management of the five local correctional facilities. The Multnomah County Sheriff's Office (MCSO) is responsible for MCDC, MCCH, MCIJ, and DEL. The Multnomah County Department of Community Justice shares responsibility for the management of the youth housed at DEL. The Oregon Department of Corrections operates the Columbia River Correctional Institution. Finally, the grand jurors reviewed the operation of the Multnomah County Health Department Corrections Health which provides comprehensive medical care, mental health care, and behavioral health services in the county facilities and at the juvenile facility.

Columbia River Correctional Institution

CRCI, built in 1991, is a corrections facility run by the State of Oregon, located in Multnomah County. CRCI is a minimum security facility for low risk inmates with a maximum capacity of 597 beds. Inmates have four years or less left to serve and is getting ready for re-entry into society. Dormitories are used to house the general inmate population with a separate area 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. The area for visiting is open and not secure. There is an area where inmates and their visitors can be separated by glass if necessary.

The programs offered at CRCI are geared toward a successful re-entry into society. Each inmate works with a counselor to develop an individual re-entry/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. Inmates are tutors for the GED program, and do 90% of the maintenance of the facility.

Some of the programs offered at CRCI are:

- Parenting and life skills class
- Training programs including maintenance shop, Rose City Graphics, gardening, and cooking
- 50 bed alcohol treatment unit run by Turning Point
- 61 bed Alternative Incarceration Program (AIP) that provides cognitive therapy/restructuring skills run by WestCare
- Adult education classes, GED, or high school completion through Portland Community College

AIP is made part of inmate's sentence. One concept that AIP teaches is impulse control. One inmate expressed his understanding of this by saying "I tell myself that my first thought is wrong." There are 12-14 hours of activities per day including circles, reading, and classes. The inmates in this program have smaller dorms of 14. There is a dog named Baxter in the AIP dorm. Inmates are taught accountability, often from other peers. The inmate we spoke to mentioned that he wishes the rest of the facility was run like AIP, and referred to it as "Prisney-land." He was also given time off his sentence for completing this program.

CRCI provides nutritious food, a clean and humane environment, medical, dental, and vision care, a barber shop, and an ample recreation area. Inmates from all religions can worship, with the Chaplain accommodating a variety of needs. There is a sweat lodge on the premises. Inmate assistant kiosks, similar to those at MCDC are used at this facility.

There is a problem with drugs and alcohol making their way into the institution, but the officers there did not seem to be concerned about it. These issues have been looked at before, but it doesn't appear that anything has changed since last year.

Mutual respect is utilized as a means of population management at CRCI. The correction officer to inmate ratio at CRCI is 75 to 1.

Multnomah County Inverness Jail

MCIJ is a medium security facility, housing inmates in a dormitory setting. The facility is a flat design encompassing approximately 200,000 square feet. This layout makes for easier transportation of inmates and reduces maintenance issues that arise within the vertical layout of MCDC. MCIJ has an inmate capacity of 1,037 with a funded cap of 862. The population around the time of our visit varied from 794 to 829 inmates. There are 18 dorms in total, 17 of which are currently being used. Within each dorm there can be one deputy staffed per 59-78 inmates.

Work opportunities are designed to teach life and work skills that will aid in post-sentence employment. Only a fully sentenced inmate may work. A worker receives the rate of one dollar a day, as well as a system of days removed from their sentence. They are covered by worker's comp. Some of the job opportunities at MCIJ include:

Kitchen work crew

Laundry plant crew

Seeds to Supper gardening program crew

Outside work crew (trash pickup, landscaping, park maintenance)

Dorm crew

Floor crew

Aramark is contracted to provide meal services for inmates at MCIJ, and a team of nine is in charge of operations within the kitchen. They supervise the inmate work crews, teaching them how to bake, cook, and supply meals for the population. All food is prepared by inmates, and the workers are separated by gender. They cook 2,400 meals a day. The meals provided are nutritionally adequate and cost \$1.30 per plate. The MCIJ kitchen was clean, and appropriately equipped in regard to safety and sanitation.

The Corrections Grand Jury visited a number of dormitories. Most dorms hold either 59 beds or 75 beds, though there are a few smaller dorms to house those with more focused needs. All beds are in the same open space. Some are single beds; others are bunks. These dorms are under direct supervision. The incentive based program implemented within the dorms supports good behavior. Dorms have showers and toilets with door coverage for privacy. There are one to two televisions within the main areas of dorms and the deputy in charge has control over them. These televisions are relied upon as a way to control behavior within the inmate population. There is an outdoor recreational area for each dorm. Food and medication are delivered to inmates in their

dorms. Inmates with privileges to work are housed in a separate dorm from those without work privileges.

MCIJ has an adequate medical staff, including a fully employed doctor and a nurse practitioner. There are four exam rooms, a full dental room, and an x-ray room that is available three times per week. Medication is prescribed to inmates as necessary, and inmates can fill out medical request forms should they have any additional requests. These forms are reviewed by the staff, and a \$10 fee is applied to the requests that are granted. Flu shots are offered as well.

Within MCIJ, there is a law library available to inmates who need access to the courts. This library is fully digital and is equipped with touch screen monitors. Internet access is not available. The resources in the law library seemed difficult to use.

There are 17 courses available to inmates who wish to improve their skills. An inmate does not need to be convicted to access these courses. These courses include a high school completion course, a course for a National Career Readiness Certificate, and an Alcoholics Anonymous program. These courses are divided by gender and not all courses are available to all genders. They are typically full and in high demand.

Additionally, inmates are offered access to religious services provided by a chaplain, as well as a commissary that is available for purchase.

Donald E. Long Juvenile Detention Center

The DEL facility holds youth between the ages of 12 and 17, with one 19 year old. This attractive and brightly lit facility, adorned by murals created by youth with the guidance of a local artist, is clean and well maintained. On October 16, 2015 there were 68

youths in detention. On that day there were eight 14 year olds, thirteen 15 year olds, twenty-five 16 year olds, twenty-one 17 year olds, and one 19 year old. Of these, ten were female and the rest male.

According to the records for that day, of the 68 youth, 13 were identified as Hispanic (19%), 33 as White (49%), 14 as Black (21%), 1 as American Indian (1%), 6 as unknown (9%), one as Asian (1%). Of the total youth in detention on this day who are residents of Multnomah County, 41% were Ballot Measure 11 detainees while 56% were non Ballot Measure 11.

During the period between October 1, 2014 and September 30, 2015, the average number of beds used per day was 81.8. During the same 11 month period, among the Multnomah County youths, the average black population was 45%, white was 30%, Hispanic was 17%, American Indian/Alaskan Native 4%, Multi-cultural 3% , Asian 1%, and unknown 1%.

During the period between October 1, 2014 and September 30, 2015, the total population (all youths) from Clackamas, Multnomah, and Washington Counties, as well as federal detainees, averaged 40% White, 31% Black, 22% Hispanic, 2% American Indian/Alaskan Native, 1% Asian, 2% Multi-Cultural, 1% Asian, and 1% Unknown. Of the total population during this period, 33% were Ballot Measure 11 detainees and 67% were non-Ballot Measure 11. The average stay for non-Ballot Measure 11 detainees is ten days and is longer for Measure 11.

The DEL staff receives a significant amount of training about youth. Also, there are different adults interacting with the youth in detention. For example, the youth are seen

by the Juvenile Custody Service Specialists who are not correctional deputies and who are trained in-house. The youth who are held also see a judge every ten days to review alternatives to detention. Additionally, all staff is expected to interact with the youth in an appropriate, supportive way. There is a ratio of one juvenile detention worker for every eight youth during the day and one worker for every 16 youth at night. The philosophy is "if my child were living here, how would I expect it to be?"

Since 70% of the youth come with some level of trauma, the DEL staff tries to address this issue by trying to figure out what is the cause of the behavior and then, how they can help. There is a system in DEL called Trauma Informed Care Practices that is an education piece for juvenile court counselors to help them understand the detained youth in order to better help them. The court counselors are assigned to the released youth post adjudication. Seven percent of youth end up coming back to DEL. There is a 29% yearly recidivism rate.

All cases at DEL need to be reviewed within 15 days. The Juvenile Department works with the Department of Human Services. The system is designed for youth to not stay long. Some court cases are held at DEL, while others are held at the Multnomah County Courthouse.

DEL School

The Corrections Grand Jury sampled the food served to inmates at each facility. The food was adequate and accommodations for dietary and religious practices are respected. The lunch served at DEL exceeded the quality of the other facilities.

Not only is education mandatory for youth under 18 years of age, but it is crucial for keeping them on the road to success. Consequently, at DEL they have developed an education system that is a school, the Donald E. Long School, under the Multnomah Education Service District, with core classes taught by certified teachers in the dormitories where the youth reside. Unfortunately, the classes are not accredited but students are issued credit and ask the schools to accept it.

Some important factors to consider when looking at this facility are the following:

- 1) The average stay of detainees is 10 days.
- 2) 70% of the youth come with some level of trauma. Two thirds of students who come into the DEL School are special education students.
- 3) According to Oregon's state statutes, youth are required to have education beginning the day after entry into DEL, however, the DEL School has to wait approximately ten days before students' records are released by school districts and they usually do not have access to the students' IEP's (Individual Education Plan). This creates a challenge for teachers in making their best effort to comply with all requirements of OAR Chapter 581, Division 22 (Secondary Standards) and OAR Chapter 581, Division 15 (Special Education). Since teachers and staff do not have access to school records, they need to ask the youth what classes they have completed and what their educational plan is.
- 4) Many of the students attended alternative schools and they may be returned to them upon release.

- 5) After having been in detention and having transitioned into alternative schools, those students may end up coming back to DEL.
- 6) There are currently four teachers at Donald E. Long School, all of whom are highly qualified certified teachers.
- 7) Classes are taught in individual dorms with teachers travelling to each dorm. Students stay at their dorms to receive instruction.
- 8) Instruction occurs between 8:30 am and 3:30 pm with the instruction to be supervised and/or developed by the teacher.
- 9) The unit instructors determine the pass or fail grade for the work completed and the credits earned by the students upon withdrawal from the school program. However, not all credit issued by DEL is accepted by the school to which they are returning. This may be due to DEL not being accredited by the state.

An exciting development in the pursuit of educating the detained youth is the Multnomah ESD Donald E. Long Garden Education and Project. It became a reality in late spring 2015 with the installation of eight garden boxes purchased through Growing Gardens. In addition to this project, MESD DEL School Program, DEL, and the Oregon Department of Education are partnering in investing in a greenhouse structure which will cost approximately \$12,000. This project will offer an additional opportunity and environment for students to expand their knowledge and education regarding conserving water, plantings, root systems and various other learnings thus increasing their vocational and health options upon release.

Another positive partnership is the one that Multnomah ESD has with Education Northwest to research and develop best practices for serving students within a juvenile justice environment. Through this partnership, Education Northwest has agreed to cover the entire \$54,000 cost of the literature review. This type of research will help support students through the entire process of entering the facility, their education while in the center, and the process of re-enrolling in public school. It will also impact several audiences: MESD administration and staff, the districts receiving the students and preventing student incarceration, and the students and families of incarcerated youth needing information and resources on how to navigate the system.

One of the main differences between DEL and the adult population facilities is that the DEL system in general is not designed to treat this juvenile population as little adults but instead, it is designed for kids. Their guiding principle is to put the juvenile on the pathway to success whether they remain in detention or are released to the community. An example of this philosophy is that the youth are referred to as youth or youth offenders, not using the word "guilty." There are adjudications, but no convictions and most of the work done with youth offenders is done by juvenile court counselors and in some cases the Department of Human Services.

DEL is a national site for the Juvenile Detention Alternative Initiative (JDAI) which was established by the Annie E. Casey Foundation. This foundation's mission is to deal with youth who come into contact with law enforcement. The objective is to keep the community safe and provide the youth with services in the community, if possible, with the skills to remain crime free. This collaborative work supports DEL's goal which is to

develop a plan with the youth that keeps the community safe and at the same time that they come up with a plan to keep youth on the road to success.

10) DEL is making efforts to establish a transition specialist for youth who are transitioning from DEL to traditional school. This planning will hopefully reduce the five meetings that students need to go through when entering back into the PPS system.

11) DEL school administrators should continue collaborative efforts with Portland Public Schools to maximize federal funding available to students who are involved with the delinquency system. It was reported to the Corrections Grand Jury that as much as \$250,000 may be available for this purpose.

Multnomah County Courthouse Holding

MCCH is a holding facility for defendants and is located on the seventh floor of the Multnomah County Courthouse. It is for day use only for court appearances Monday through Friday and weekend operations for the Turn Self In (TSI) program. The TSI program allows time to be served on weekends in lieu of overnight detainment in other correctional facilities. The holding facility consists of: the book and keep, holding cells, insolation cells, small conference rooms for legal purposes, and the control center. The control center is operated by corrections deputies who control the movement of inmates in and out of the facility as well as to and from courtrooms. An elevator, used exclusively for transporting inmates, connects the seventh floor holding facility to other floors within the courthouse. One witness testified that MCCH does not allow the quick and safe transfer of prisoners.

Approximately 200 inmates are transported daily via county correction vehicles, from other correctional facilities to and from the courthouse. Transports occur twice a day, morning and afternoon, for court appearances. Coordinating inmates' movements is a complex operation with many conditions to control for, such as: the risk to the public, "keep separates" (inmates who, due to charges, co-defendants, or history, are not allowed to be in the presence of other specific inmates), keeping inmates away from jurors, etc. Inmates arriving from other locations by a transportation van are lead from the van directly into a transportation box located in the sidewalk on 5th Avenue. The inmates are escorted by corrections officers via the transportation box to 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.

When inmates reach the seventh floor, they are held there until a deputy escorts them to court. At times, more than one corrections deputy must escort an inmate. The corrections deputy(s) 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 due to the inmate's proximity to witnesses and victims. Inmates with morning court appearances are returned to the appropriate correctional facility and the inmates scheduled for afternoon court appearances are brought to MCCH. Inmates located at MCCH during the lunch hour receive the same lunch served at the Multnomah County Detention Center.

As in previous years, witnesses testified that court delays continue to be an issue. These delays are the result of a shortage of available deputies to escort inmates to their court proceedings on time. At this time there are nine deputies assigned to escort

inmates, an additional two or three deputies would impact the delays. Delays in court occur when deputies are not available for various reasons, for example: additional officers are required in another courtroom for murder trials and other trials that by their very nature require a heightened level of security. These delays impact judges, court staff, defendants' witnesses, victims' attorneys, and all others involved in court proceedings. Witnesses testified that the historical issues regarding court delays have been addressed and most likely will not be completely alleviated until the new courthouse is completed and in use.

Staffing issues continue to be a problem. Twenty-eight corrections deputies are assigned to the courthouse each day. Additional deputies are sometimes hired on overtime depending on the court schedule. On average, 3,000 people move through the courthouse each day. The corrections deputies do a commendable job of keeping the public in the courthouse safe.

The Multnomah County Courthouse has the following problems within the building itself. The building is not earthquake safe. The building does not meet other state and federal modern building code standards for earthquakes. MCCH lacks secured vehicle pick-up and drop-off areas for those in custody. Courtrooms in the downtown courthouse are not adequately designed to meet current demands for efficiency and services. The required security screening equipment and inadequate lobby size regularly create long lines that delay entry into the building. Also of concern is the periodic malfunction of the radios used by deputies to communicate with each other. Additionally, the building doesn't meet current Americans with Disabilities Act standards due to lack of entry

ramps and elevators. A new courthouse building is in the pre-construction phase with plans to begin building in 2017 and scheduled completion in mid-2020.

Multnomah County Detention Center

MCDC is a maximum security facility in downtown Portland. The facility is a vertical model with ten floors and capacity for 448 inmates. MCDC holds both men and women in single-bunk cells on separate floors. Amenities include both indoor and outdoor recreation areas. MCDC is impeccably clean, as were all the facilities this Grand Jury toured.

Intake is located in the MCDC basement. An open booking model is used, which allows for greater efficiency and flexibility throughout the process. This model has been in use for several years and has been a positive change for staff and arrestees. One witness testified that improved communication with Portland Police as they bring in arrestees is an unexpected positive outcome of the open booking process. The booking process is significantly faster and therefore less stressful for arrestees and staff. MCDC added a frosted-glass forest scene to a dividing wall in the Intake department as a way to bring in nature and ease stress among arrestees. Men and women wait in separate areas. The newly implemented Transgender Policy allows self-identified transgender arrestees to choose to wait where they are most comfortable. Arrestees who cannot maintain safe behavior during booking are housed in isolation cells until they can engage safely in the booking process. The Corrections Department has made a great effort to accurately

classify inmates for appropriate housing, security, and related needs. Arrestees who are eligible may be released on their own recognizance.

MCDC offers video kiosks in the lobby where family and friends can video chat with inmates. This service is free when using the kiosks at MCDC, and is fee-for-service when set up from an account on a home computer or smart phone. Kiosks can be used to call inmates at MCIJ as well as at MCDC. The jail encourages video visits because it reduces the burden on staff to monitor visitors and inmates. Kiosks can be used any day, while in-person visits are restricted to weekends. Families can video chat from home instead of traveling to MCIJ or MCDC. The video-chat service is provided through a third party, Securus. Similar to phone service fees, Securus' service fees to video-chat from home can be excessive and should be regularly evaluated by the county.

MCDC and all the facilities this Grand Jury toured were exceptionally clean.

* Management at all facilities was welcoming and eager to show off their facilities, programs, and staff. There is clear camaraderie, pride, and respect among staff and leadership. Staff discussed quality improvement projects and initiatives such as the Prison Rape Elimination Act (PREA), the transgender policy, a project to replace the old vents and vent covers, suicide prevention, ongoing training, and emergency preparedness. Staff is willing to engage in ongoing quality improvement, seeking best practices, and increased efficiency in their work. Comments about processes, services, and staff were most often positive and consistent among leadership and staff. This Grand Jury was impressed with the professionalism and positive workplace culture found among all levels of staff, and even among inmate workers. The Grand Jury Commends the county's commitment to major improvements and innovations such as

PREA, open booking, video kiosk visits, the transgender policy, and accommodating dietary preferences shows respect and fairness toward inmates.

Excessive Use of Force

The topic of excessive use of force by both police and corrections staff around the country has been a national conversation this year. The Grand Jury asked questions of many witnesses about excessive use of force in our Multnomah County jails. Over the * past six years, leadership has focused on reducing use of force in the jails. This culture change was made through training, consistent messaging, discipline, and support. Every inmate and staff complaint regarding excessive use of force is investigated. Staff speaks to alternatives to use of force such as communication strategies and good-behavior incentives. Systems such as classification, open dorms, and alternative incarceration programs ease stress for inmates and lessen the conflicts that can result in use of force. Deputies spoke of “command presence” and verbal de-escalation as ways to influence inmate behavior without using force. All of the inmates we interviewed assured us that they felt safe and were treated fairly in the jail. Witnesses, including the Sheriff and the District Attorney, supported additional video monitoring in the jail. The impediment to this improvement is budgetary in nature.

Transgender Booking

* The 2015 Corrections Grand Jury is impressed with the sensitivity shown to the transgender inmates and arrestees. The current MCSO policy was designed in consultation with appropriate community groups and is serving as an example for other

jurisdictions nationwide. All staff receives ongoing training regarding transgender policy and expectations. Inmates are given multiple opportunities to self-identify during the booking process. Deputies consult with the inmate to make an appropriate decision relative to housing. Housing decisions are first reviewed 72 hours after booking and periodically thereafter. In cases of threats to safety from one inmate to another, previous practice was to relocate the transgender inmate. Now the policy is to relocate the * person creating the threat. According to witness testimony, approximately 100 self-identified transgender individuals were booked in the jail over the last year. There is a zero tolerance policy to harassment of transgender individuals by staff. Although staff at JDH is not governed by MCSO policy, the Corrections Grand Jury is pleased to note that they follow similar practices.

Corrections Management

1. Staffing

The jails are organized as post-driven workplaces. What that means is that ordinarily, there are certain posts that must be filled. Management uses overtime to ensure that sufficient staff is available to fill each post. That approach is becoming less effective. * Management sees a trend of younger Deputies preferring to focus on their lives outside of work, rather than taking voluntary overtime shifts to earn more money.

When necessary, management uses mandatory overtime. Deputies already on duty can be required to remain on duty for a maximum of four extra hours to fill a particular post, after which the post must be closed if no other staffing option becomes available.

Adding full-time employees would alleviate staffing difficulties, like the need to resort to overtime to fill posts. However, in doing so management should ensure that the hiring process remains highly selective.

Management does not use a staffing pool model like that used in similar hospital settings. A staffing pool is a pool of generally qualified staff who have no preset assignment on a given day, but who are available to fill posts on an as needed basis. Management should consider whether using an alternative system to address its staffing needs would be beneficial.

The grand jury is particularly concerned about staffing problems at the courthouse jail. * That unit has the special role of moving inmates from the courthouse jail to courtrooms as required by the courts.

The courts' needs in that regard are unpredictable, and the court docket for a given day is not available until the end of the previous business day. For those reasons, the courthouse jail has difficulty anticipating its staffing needs. When the courthouse jail is understaffed, significant courtroom delays can occur. Judges, judicial staff, prosecutors, and defense attorneys will often sit idle for lengthy periods awaiting the delivery of an inmate to the courtroom, and a delay in one case causes corresponding delays in every subsequent case on the court's docket.

The cost of those lost work hours to the state would likely exceed the cost of any solution to the courthouse jail's staffing difficulties, whether that solution involves more liberal use of overtime assignments, additional full-time employees, or some

combination thereof. Nevertheless, management admits it is not currently studying the problem.

The planned new courthouse will have architectural features that are expected to reduce courtroom delays, but that courthouse will not open for at least five years. The grand jury encourages management to address the problem in the interim.

Management is encouraged to continue their efforts and strategies to deal with employee attrition due to retirement.

2. Hiring and training

Management faces significant staffing problems, but it does not appear that those problems result from a shortage of applicants. On the contrary, the hiring process is highly selective. The strong supply of applicants contributes to the high-quality workforce. The hiring process is slowed down by the lack of background investigators. *

MCSO is doing a good job of maintaining a diverse work force which makes managing a diverse inmate population easier. MCSO is encouraged to continue this process.

Although the hiring process is selective, the specialized nature of the work requires extensive training. The grand jury strongly approves of management's placement of new hires with a field-training officer for 11 weeks of full-time one-on-one training.

Management's goal is for every officer to complete 40 hours of additional training per year. Management acknowledges that it is not close to meeting that goal, due to staffing shortfalls. The grand jury encourages management to make any appropriate changes in staffing policy that would allow officers to complete the necessary training.

3. Labor relations

Labor relations appear to be largely constructive. Multnomah County Corrections Deputies Association (MCCDA) encourages management to use additional full-time employees, rather than continuing to try to meet staffing needs using overtime. The grand jury agrees with that approach, and encourages management to adopt it.

MCCDA has resisted management's tightening of its use-of-force policies. As discussed * below, the grand jury emphatically endorses those changes, and encourages MCCDA to accommodate them to the extent possible, while continuing to protect its members' interests in individual cases.

In that regard, the grand jury did not hear complaints from MCCDA about employee * disciplinary matters, and takes that as an indication that the system for handling employee discipline is working well overall.

4. Inmate fees

The grand jury encourages management to keep the fees it charges inmates and their families as low as possible, recognizing that inmates typically have very limited financial resources. The fees for making medical requests, for making video calls, and for placing money on an inmate's account seem especially high and should be reduced to the extent that is reasonably possible.

5. Criminal investigations in jails

The jails have the ability to determine which inmates reside in proximity to one another. That ability allows the state to house an inmate who is an informant in proximity to an inmate who is suspected of being involved in another crime.

The grand jury recognizes that in many circumstances, the use of jailhouse informants is an appropriate and valuable investigative tool. At the same time, the placement of an informant with an inmate for the purpose of obtaining information can potentially be a violation of the inmate's right to counsel.



For his part, the District Attorney testified that his office has a written protocol governing the use of *unsolicited* informants, but that the placement of a known informant with an inmate for an investigative purpose is very rare. Due to professional ethical concerns and concerns about the right to counsel this is done only with judicial authorization. In particular, the District Attorney testified that his office has not and would not approve the placement of a known informant with a represented inmate for the purpose of learning information relating to the representation.

The Sheriff testified that the Special Investigations Unit has policies regarding the placement of informants with inmates in the jails. The corrections division has an intelligence officer who acts as a liaison with outside law enforcement agencies.

Lt. Walls, head of the investigation division, testified that his unit has a written policy governing the placement of informants in jail. He testified that his unit does not use informants to investigate pending charges by placing an informant with the inmate who is the subject of the charge. They only use informants in the jails to investigate new crimes committed in the jail.

The grand jury believes that it is important for the jail to ensure that investigations using jailhouse informants do not result in violations of inmates' right to counsel. The grand jury encourages the District Attorney's office to continue work with the Corrections Division to refine policies to prevent inadvertent violations.

Mental Health Services in Multnomah County Corrections Department

This grand jury would like to emphasize a point made by the 2014 Corrections Grand Jury, and by almost every witness interviewed: "The corrections system has  unintentionally become the community's main resource to treat mental illness, although the system is not funded or resourced accordingly". Despite the investments that the county has made in Corrections Health's mental health resources, staffing, and programs, the jails fall short of providing adequate services for all 43% of inmates affected by mental health issues. The impact of such a high percentage of inmates and arrestees with mental health needs on jail staffing, training, and housing is significant. This grand jury, based on consistent testimony from witnesses, recommends that the  county and the local health care community prioritize mental health services and treatment in order to remove this significant burden from the Corrections Department and place it with the health care sector where it belongs.


Corrections Health in each facility provides mental health services to inmates. Arrestees and inmates are continually assessed for mental health issues during their stay.

* Inmates may request services at any time. Health care and counseling staff engages inmates one-on-one, in an informal manner, to provide a safe and low-stakes way for inmates to ask for help or to disclose mental health needs. A variety of corrections staff is able to assist with providing mental health services to inmates: corrections counselors and mental health counselors, community health workers, psychiatric nurse practitioners, registered nurses, and forensic fellows are available within the jails.

Corrections deputies are trained in communication and de-escalation techniques so they can better manage this challenging population. At JDH, all staff is trained in * trauma-informed care because the majority of youths in the facility have experienced significant trauma. Medications can be prescribed and managed by psychiatric nurse practitioners, nurse practitioners, and medical doctors. Designated single-cell housing is available for those with symptoms that prevent them from functioning within the dorm environment. Although Corrections recognizes that this type of housing may pose additional challenges to inmates suffering from symptomatic mental health issues, there are often no better options. MCDC reduced the need for suicide watches, which are extremely costly, by adding more mental health staff that can intervene with inmates sooner and more effectively.

Despite the services offered and Corrections' willingness to address this issue, the fact remains that jail is a sub-optimal system within which to treat mental health issues. Many inmates are in custody for a short time; release dates are unpredictable; jail is inherently stressful; and there is little support in the community after release.

Recognizing that community safety requires members of this population to be held in custody, continuing to invest in mental health staff, supportive programs, and training is critical to keeping our jails and community safe.

Nearly every witness that testified to this Grand Jury indicated that one of the biggest challenges and issues facing Corrections is the impact of the mentally ill in the jails. The Sheriff's Office, the District Attorney's Office, the County Health department, and Circuit Court judges all agree that this is an issue that Corrections cannot and should not be addressing or solving on its own. With an average rate of incarceration about half of the national average, Multnomah County has been a leader in decreasing jail populations  while maintaining a safe community. Witnesses stressed that community expansion of mental health services, including more treatment beds, service providers, and cross-system collaboration, will have a positive impact on further decreasing our jail population and will provide more appropriate and effective treatment options for those suffering from symptomatic mental health disorders. This Grand Jury shares our witnesses' hope that Unity Center for Behavioral Health, a joint venture of local health systems and community service providers, including about 100 inpatient beds and an emergency department dedicated to people in mental health crisis, will fill some of the current gap in access to mental health care.

Corrections Health

It is the mission of Corrections Health to provide care and prepare the inmate for reintegration back into the community. Corrections Health staff report that medical acuity is high. Even with an average inmate age of mid-thirties, Corrections Health sees

a significant number of inmates with chronic health conditions made worse by a lack of ongoing care. Because many inmates reside in MCDC and MCIJ for a fairly short time, managing and providing adequate care is a challenge. Corrections Health aims to provide services in such a way that inmates *want* to receive health and medical services.

* Corrections Health registered nurses are present during intake and through the booking process. RNs assess arrestees for injuries and signs of deterioration upon presentation at MCDC and throughout booking. When an arrestee is confined to an isolation cell, an RN assesses that person every 30 minutes. At any time, the RN can refuse to accept an arrestee into MCDC due to their physical condition. The arrestee is then transferred to a hospital for evaluation and treatment if necessary.

* This Grand Jury found that the care provided to inmates is sufficient, comprehensive, and accessible. The dedication and commitment to a high level of care by the staff is commendable, especially in the face of limited resources and a very challenging patient population. All inmates are seen by nursing staff for assessment and development of a care plan. Inmates have access to services such as dental and mental health that they may not access on the outside. Corrections health can address just about any problem that arises, or access resources to do so. Inmates' access to care for urgent needs is quite good, but access to care for mental health needs or medical care that is not urgent is not as good. * Mental health staff stated there is often a 30-day wait for services. This can be a major barrier to care for inmates. * The county's electronic medical record is networked with other care providers and health systems in the community so that medical information can be easily shared and accessed. This is critical to inmate health

(for example, if the inmate can't remember the name of an important medication, an RN may be able to find it quickly and easily in the patient's past medical record) and for transition planning. Unfortunately, JDH and MCIJ have not yet moved to an electronic health record and are still using paper charts. This makes it far more difficult for health staff to access medical records and to connect with care providers. ?

When questioned about access to care by this Grand Jury, inmates complained that the \$10 fee for services was a barrier. This Grand Jury finds that the fee is reasonable, but the inmates' concerns need to be addressed through better communication of how the \$10 fee works, and under what circumstances it can be waived. Corrections Health is hoping to address this by improving messaging through video content and posters.

One inmate expressed concern that written grievances might be "crumpled up and tossed away" by staff. While this Grand Jury found no evidence of this, we did notice that inmate-generated written grievances, "MRFs" (medical request forms) and "Kytes" (forms requesting any service, complaint, etc.) are submitted on paper and then logged by a deputy. Once logged, all follow-up is documented. However, if a form were to be "crumpled up and tossed away", there is no way for the inmate to prove this. The inmate retains no record of what forms they have submitted. The Corrections Department may want to look at minor changes to this process to improve accountability and tracking. *

Prison Rape Elimination Act

The Prison Rape Elimination Act is a federal law signed by President George W. Bush in 2003. The law establishes zero tolerance for sexual abuse while in confinement. PREA creates a framework for the monitoring and reporting of instances of sexual


abuse while in confinement. Recommendations and guidelines for eliminating instances of sexual abuse were also established. PREA consists of approximately 50 primary requirements, most of which have their own sub-requirements. In total, 100% PREA compliance will require approximately 250-300 updates to Multnomah County jail practices and procedures. Failure to comply with PREA guidelines range from termination of employment to loss of federal funding for a facility. Multnomah County began implementing PREA guidelines in 2006.

There were 155 PREA cases reported in Multnomah County in the past year. Cases can be reported in many ways, including through interviews at booking, written grievance or kyte, or direct verbal communication with any sheriff's office staff. Complaints can also be made by other inmates or family members outside of the jail system. Of the 155 cases reported in the past year, roughly half were reported to have ✱ occurred either outside of Multnomah County or over one a year ago. Complaints involve a variety of circumstances. Regardless of the method of reporting or reported location or time of the event, all allegations involving PREA are reviewed by the investigating detective and the PREA compliance officer. All PREA investigations are entered and tracked in a national PREA database.

Though Multnomah County is not yet 100% PREA compliant, significant strides towards ✱ compliance have been made in recent years. Steps taken by Multnomah County include requiring new hires to receive PREA training, placing digital signage throughout jail areas to notify inmates about PREA issues and how to report harassment or abuse, use of the national PREA database, and creation of a transgender review committee for assisting with PREA cases that involve transgender individuals. Multnomah County's

compliance officer is now a fully certified PREA audit officer. PREA audits are scheduled to occur at each Multnomah County facility every three years. Audits will involve a review of each facility with respect to PREA compliance standards. Around 20% of the compliance officer's time is currently being spent on revising Multnomah County's jail policies to ensure compliance with PREA requirements. Multnomah County appears to be taking PREA issues very seriously and is dedicating resources to ensure compliance.

Response to 2014 Corrections Grand Jury Recommendations

1. Lt. Diamond is certified as a PREA Auditor. Additional cameras have not yet been installed due to budgetary restraints.
2. Training hours have increased but still do not meet the goal of forty hours a year.
3. The Sheriff expressed a preference for the county to provide health care in the facilities; this Corrections Grand Jury agrees. We did not receive additional information regarding the recoument of insurance funds for treatment of inmates. This grand jury agrees with the need for investing in community mental health resources and has put forth our own recommendations. Suicide watch has not been built into the budget; however, labor and management have resolved  the presenting conflict on this issue.
4. At MCIJ the mail room operations have been reassigned to counselors. CRCI has not undergone an environmental redesign to reduce the introduction of contraband. MCSO has filled vacant positions without hiring an outside human resources firm.

Recommendations of the 2015 Corrections Grand Jury

In addition to the recommendations contained in the individual sections of this report we recommend the following:

1. CRCI should continue, indeed increase, efforts to address the presence of drugs and alcohol in the institution.
2. Courses designed to improve inmates' skills should be similarly made available to both men and women. Additionally, it is recommended that more course offerings be provided to keep up with demand.
3. MCSO should examine the immediate and long term consequences of deputies working extended shifts (e.g. 16 hours) on a number of consecutive days.
4. All facilities are encouraged to evaluate and update their policies relative to emergency preparedness.
5. Continue to prioritize a minimum of 40 hours of training for each corrections deputy annually.
6. Work to reduce the current ten day waiting period for JDH to obtain a youth's school records.
7. Continue to be innovative in the development and implementation of programs designed to aid reintegration of inmates into society.

2015 Corrections Grand Jury Master Witness List

1. Commander Raimond Adgers
2. Jeffrey Howes, First Assistant to the District Attorney
3. Thomas Cleary, Senior Deputy District Attorney
4. Lt. Kurtiss Morrison
5. Lt. Stephen Pina
6. William Brady
7. Mark Gustafson
8. Sgt. Mindy De Armond
9. Lt. Denise Diamond
10. Capt. Derrick Peterson
11. Nancy Griffith
12. Mary Anna Gordon
13. Steven Hunter
14. Sgt Kraig Anspach
15. Lt. Nick Jarmer
16. Elizabeth Daily
17. Rebecca Child
18. Dalene Felix

19. Duane McKinney
20. William Krasner
21. Marc Swanson
22. Sgt. Daniel Brown
23. Capt. Jose Martinez
24. Lt. Vera Pool
25. Andrew Freitas
26. Eddie Klamer
27. Charlotte Hasson
28. Jon Matthews
29. Andy Potter
30. Sgt. Dennis Bryant
31. Sherryl Gallagher
32. Caroline Wallace
33. Deray Robinson
34. Larissa Danilevski, RN
35. Anna Cox, PNP
36. Timothy Jones
37. Andy Schneider
38. Sgt. Barrett Taylor
39. Craig Bachman
40. Christina McMahan
41. Lori Fellows, Senior Deputy District Attorney
42. Roger Livengood, RN
43. Sondra Magnuson

44. Tracy Hiebert
45. Kimberly Pidcoke
46. Jennifer Carsner
47. Joshua Bundy
48. Dillon Jackson
49. Promise Parker
50. Ernest Warren Jr., ESQ
51. Michael Shults, MCSO Chief Deputy
52. Katy Burgard
53. Lt. Steve Alexander
54. Dr. Michael Seale
55. Capt. Jeff Wheeler
56. Chief Deputy Linda Yankee
57. Wanda Yantis
58. Michelle Radar
59. Jennifer Ott
60. Sgt. Catherine Gorton
61. Dr. Shea Marshman
62. Erika Murray
63. Eric Feldman
64. Rod Underhill, District Attorney
65. Daniel Staton, Sheriff
66. Lt. Edward Walls
67. The Honorable Amy Holmes Hehn
68. The Honorable Nan Waller

2015 Corrections Grand Jurors

Sharon Bennett

Sharon Bennett, Foreperson

Marisa Bevington

Marisa Bevington, Alternate Foreperson

Tedra

Tedra Demitriou, Clerk

Leslie Goodenough

Leslie Goodenough, Juror

Daniel Lyons

Daniel Lyons, Juror

Andrew Robinson

Andrew Robinson, Juror

Daniel Young

Daniel Young, Juror

Dated this 8TH day of December 2015.