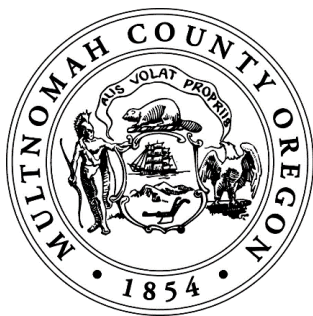


# Recommendation Status Evaluation

Sheriff's Office is in the process of implementing about half of the recommendations from the 2022 audit

December 2023



Multnomah County Auditor's Office

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Jennifer McGuirk, Multnomah County Auditor

## Table of Contents

Report Highlights.....	1
What We Found in the Original Audit .....	1
What We Found in this Review .....	1
What the Statuses Mean.....	2
Why We Did This Evaluation.....	2
Status of Recommendations .....	2
Implemented.....	2
In Process.....	3
Not Implemented .....	5
Objectives, Scope, & Methodology .....	7
Updating the Status of a Recommendation.....	7
Staff .....	8
Response Letter .....	9

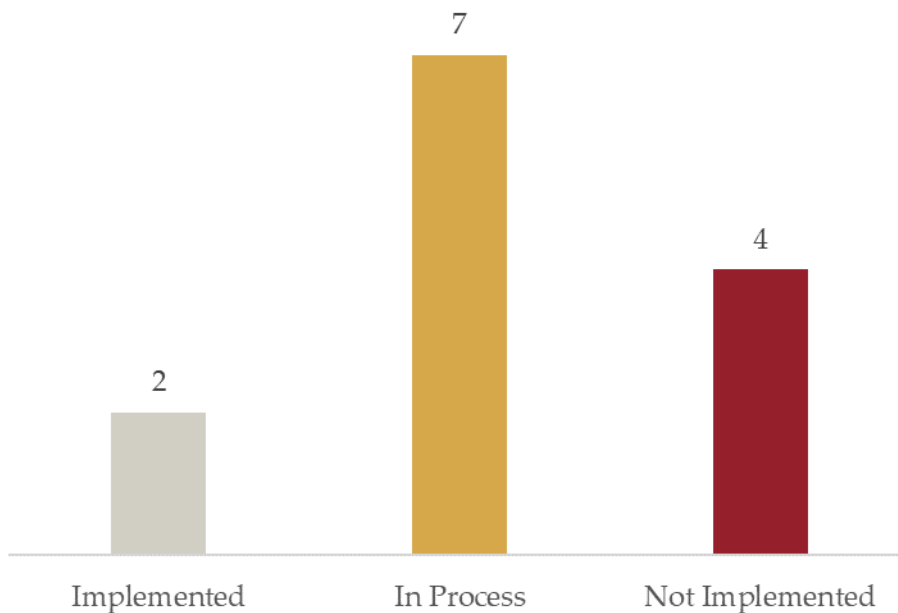
## Report Highlights

### What We Found in the Original Audit

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

### What We Found in this Review

The Multnomah County Sheriff’s Office (MCSO) has implemented two of the recommendations from our 2022 audit of jail conditions. Seven recommendations are in process, as the new use of force reporting and data system gets fully implemented, the new training programs continue to roll out, and the new classification and discipline system is procured and installed. The remaining four recommendations were not implemented.



Source: Auditor’s Office

## What the Statuses Mean

- Implemented – Auditee has fully implemented, or auditee has resolved the issue to meet the recommendation’s intent.
- In Process – Auditee has started implementation.
- Not Implemented – Auditee has not implemented, or does not intend to implement.

## Why We Did This Evaluation

The Auditor’s Office follows up on audit recommendations to support county government’s accountability. This evaluation focused on recommendations with the following deadlines:

- September 20, 2022
- March 30, 2023
- April 30, 2023

## Status of Recommendations

### Implemented

**Recommendation 10:** Expand the number of housing areas specifically for individuals with mental health conditions.

**Auditor’s note:** The MCSO created a mental health module in Dorm 15 at the Inverness Jail to increase capacity for adults in custody with mental health diagnoses by 73 beds.

**Recommendation 11:** Revise procedures for planned use of force activities involving individuals with mental health conditions to require participation of mental health staff.

**Auditor’s note:** In the context of this report, use of force means the use of physical force -- the exertion of physical strength, weight, power, or energy against another person -- or pointing or discharging a less lethal munitions launcher, chemical incapacitant, or electronic control device at another person.

The MCSO procedures manual calls for deputies to take steps to de-escalate situations that are likely to lead to the use of force, including directing staff to coordinate de-escalation approaches when the adult in custody is believed to have a mental health condition. In the case of planned use of force, the procedures require staff to record resources deployed to de-escalate the situation, including any mental health resources used.

While the Sheriff directs staff to utilize mental health staff to help de-escalate situations that might lead to use of force, the procedures do not specifically require it. The extent to which the MCSO can involve mental health staff who work for the Health Department depends on these staff being available – something that is outside of the MCSO’s control. Moreover, situations involving use of force can change rapidly, making the required involvement of other mental health staff difficult to apply.

We reviewed use of force incidents involving adults in custody who were known to have mental health challenges to see how staff applied the procedures. There were no cases of planned use of force, as defined in the procedures. However, there was an instance where the report documented that there were no mental health staff available to assist in transferring an adult in custody out of their cell.

Expanding the mental health resources available to MCSO staff would help in this area as would reducing the potential for use of force incidents – such as reducing the need to move adults in custody to disciplinary housing as a result of major misconduct citations. The progress the MCSO is making in these areas are addressed in recommendations below.

## In Process

**Recommendation #1:** Delay full classification interviews for adults in custody moving into housing until 72 hours after booking.

**Auditor’s note:** In jails, classification describes a process jail managers use to decide where individuals will be housed and how much interaction they will be able to have with other people in the jails. Corrections administrators and researchers design classification systems to identify people who are more likely to be dangerous to themselves and other people in the jail or are more likely to attempt to escape so they can be assigned to housing with more restrictions.

The MCSO is in the process of purchasing a new classification system. According to the MCSO, they have maintained classification housing units within the Multnomah County Detention Center (MCDC), where adults in custody are held until their first court appearance. When the new system is in place, the MCSO said its goal is to hold all full classification interviews after individuals’ first court appearance and before being integrated into the general jail population. This may or may not be at least 72 hours after booking, but would likely both improve the information available to determine individuals’ housing while in custody and reduce the overall number of full interviews, reducing classification staff workload.

**Recommendation #2:** Expand supervisory review of classification decisions, with a focus on possible over-classification.

**Auditor's note:** According to the MCSO, the new classification system is designed to provide more consistent outcomes and reduce the degree to which subjectivity can affect the outcomes – an important consideration for overclassification. Moreover, with the new system, supervisors will review all overrides of system results, reducing the likelihood of overclassification.

**Recommendation #4:** Develop and implement a training program designed to reinforce the goal of informal solutions to discipline issues and to reduce the need for misconduct citations.

**Auditor's note:** The MCSO told us they are in the process of making significant changes to the classification and discipline systems. One change is significantly reducing the number of rule violations that qualify as major misconducts from 32 to 14 and encouraging the use of minor misconduct citations for rule violations. Minor misconducts have less severe penalties. They are developing training to go with these rule changes. The MCSO will fully implement the changes with the roll-out of the new classification/discipline system.

**Recommendation #5:** Monitor deputies's use of misconduct citations.

**Auditor's note:** In the context of the audit, misconduct citations are handed out to adults in custody who have allegedly broken a rule or rules. Once a deputy issues a citation, the case goes to a hearings officer to determine what, if any, punishment is warranted. Major misconduct citations are used for violations deputies determine to be serious. The MCSO is in the process of purchasing a new classification/discipline system that will allow for documenting, tracking, and monitoring the use of misconducts by deputies.

**Recommendation #6:** Implement a use of force data collection system that will facilitate analysis of use of force incidents to identify patterns and training priorities.

**Auditor's note:** The MCSO is in the process of implementing a new use of force data collection and analysis system. The new system will be a significant improvement in terms of collection and organization of individual data elements, making more comprehensive analysis possible.

**Recommendation #7:** Contract with professionals in training on cultural competency as well as identifying and managing race-related implicit bias.

**Auditor's note:** The MCSO has taken several steps toward implementing this recommendation. First, they hired a workplace equity and training specialist who has been working on both diversity and equity efforts within the Sheriff's Office, and also on how the workforce interacts with adults in custody. The MCSO entered into a new training contract which provides access to more training material. They said they are currently working through these options to see which fit best in moving forward in this area.

**Recommendation #9:** Expand training for deputies on how to work with adults in custody with mental health conditions.

**Auditor's note:** The MCSO has contracted with the National Alliance on Mental Illness (NAMI) to provide additional training to all MCSO staff to specifically address working with those in custody and the community who may be experiencing a mental health crisis. This training is facilitated by NAMI instructors and individuals who will share their lived experience. This course is part of their spring annual in-service training curriculum.

## Not Implemented

**Recommendation #3:** Eliminate the use of isolation as a disciplinary sanction for individuals with mental health conditions.

**Auditor's note:** In the context of this audit, isolation involves significantly reducing walk time outside the cell and a reduction of visitors. While the MCSO is making considerable changes in the discipline process, including involving the Mental Health Team in a limited way in disciplinary hearings and exploring the idea of alternative sanctions, the basic disciplinary sanctions involving isolation and a reduction in time outside the cell remain unchanged.

**Recommendation #8:** Eliminate the use of disciplinary sanctions that involve isolation.

**Auditor's note:** See Recommendation #3 above.

**Recommendation #12:** Review the results of our survey of adults in custody to examine the areas of concern that adults in custody identified and implement changes to address those areas of concern.

**Auditor's note:** The MCSO responded by saying that survey comments were either outside the scope of their responsibilities (in the case of issues related to the Corrections Health unit that is under the direction of the Health Department) or were already adequately addressed.

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

**Auditor's note:** The MCSO cited existing reviews of jail operations, such as the state mandated review by the Corrections Grand Jury and the review by the Oregon Sheriff's Office Association for compliance with its jail standards, as well as work done with Disability Rights Oregon regarding issues related to individuals in custody who have disabilities. Recently passed Measure 26-233 adds a required inspection by Multnomah County Commissioners. While important, none of these reviews address the recommendation.



## Objectives, Scope, & Methodology

The objectives of this evaluation were to determine the status of recommendations from the jail conditions audit that had the following due dates:

- September 20, 2022
- March 30, 2023
- April 30, 2023

Auditors evaluated the status of recommendations based on interviews, documentation, and other available evidence.

## Updating the Status of a Recommendation

During each audit our office conducts, we develop recommendations intended to improve government operations, particularly with regard to effectiveness, transparency, accountability, and equity. Our goal for evaluating the status of recommendations is to help ensure management implements these recommendations for improvement.

We recognize that after we publish an evaluation on the status of recommendations, management may fully implement a recommendation that we reported was in process or not implemented. Management can then provide evidence to the Auditor demonstrating why the recommendation's status should be changed in the Auditor's future reporting. The final decision on whether to change any recommendation's status rests with the Auditor.

## Staff

Mark Ulanowicz, CIA, Principal Management Auditor

## Response Letter



## MULTNOMAH COUNTY SHERIFF'S OFFICE

*Sheriff Nicole Morrisey O'Donnell*

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December 20, 2023

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

Dear Auditor McGuirk,

Thank you for another opportunity to provide a response to your Recommendations Status Evaluation for the 2022 Jail Conditions Audit.

As Sheriff, I am encouraged that our office has implemented, or is in the process of implementing, 9 of the 13 recommendations. As a public safety organization, we are committed to transparent processes of evaluation and recommendations for maintaining industry standards and evolving best practices. It is through local audits, such as this, state inspection and accreditation processes, as well as federal mandates that our Corrections Division and, more specifically, our facilities are able to remain in compliance. In addition, the charter update to a bi-annual county commissioners' inspection to include volunteer members, now offers a level of public participation in oversight and accountability.

The Multnomah County Sheriff's Office has appreciated this opportunity to incorporate recommendations from the Audit Report into the development of our agency policies, operational improvements, and procurement priorities. We look forward to continuing our work together on future audit projects.

Sincerely,

*Nicole Morrisey O'Donnell*

Nicole Morrisey O'Donnell  
Multnomah County Sheriff