



Office of Community Involvement

Multnomah County Charter Review Subcommittee Recommendation Form

 Subcommittee name:	Safety & Justice Subcommittee
Summary of recommendation:	<ul style="list-style-type: none">● Commissioners/Chair will increase frequency of their jail inspections.● Along with Commissioners/Chair, Constituents shall be part of conducting jail review to ensure transparency in Multnomah County corrections oversight. Constituents conducting this jail review will<ul style="list-style-type: none">○ be independent of the Auditor's office;○ be independent of the jail(s) being reviewed; and○ have golden key access to visit any part of the facility at any time without prior notice; and○ have the ability to talk to anyone confidentially, including interviewing current or released adults in custody with the individuals' permission and to review records; and○ issue publicly available reports on findings with recommendations; and○ may follow other practices to ensure transparency as recommended by directly impacted advocacy groups and trusted messengers● No more than one year nor one budget cycle shall pass between constituent-led inspections of corrections facilities.● Constituents will be chosen through an application process and reasonably compensated for their time in this oversight process, and shall be adequately staffed.
What section(s) of the Charter is this recommendation likely to impact?	This would be a new provision in the Charter and is not expected to change existing Charter provisions. This recommendation would establish broad guidelines in the charter for a structure of constituent-led oversight of county corrections, that can be further detailed and implemented in board policy.

What does this recommendation aim to accomplish?

More transparency in the jails. This is an incremental pathway for the County's decision makers to have greater contact with one of the most hidden parts of society, the jails, which are its largest operating investment.

State law currently requires the board of commissioners to inspect local correctional facilities. The board adopted a resolution that it will inspect each county correctional facility annually.

This recommendation will ensure the County is making more than their required once a year inspection and add more accountability by having some of their constituents join in the oversight process. By making final reports about the jail conditions that are public, constituents will hold the County to a higher standard for the jail conditions while providing the public with more information about the regular workings of the jails.

The jails are also one of the County's biggest sources of inequity:

While Black folks are 5% of the County's population, they make up about one third of the County jail's population.

Portland, both the state and county's largest city, has the fifth worst racial arrest disparities in the nation.

"Total jail disparities increased for Black adults by five percent, Latino adults by 24 percent, Asian and Pacific Islander adults by 29 percent, and Native American adults by 73 percent. Arrest proxy disparities increased for Black adults by 17 percent, Latino adults by nine percent and Native American adults by 350 percent." via Racial and Ethnic Disparities in Multnomah County Nov. 2019 report:

https://multco-web7-psh-files-usw2.s3-us-west-2.amazonaws.com/s3fs-public/Multnomah_R.E.D.%20Analysis%202019_Final%20November%2019%202019_0.pdf

"The share of Portland arrests made of homeless people has remained above 50% in the ensuing years. And jail bookings for homeless people have skyrocketed. Homeless people represented about 15% of jail bookings in 2017 but represented nearly 40% in 2019, the analysis found. Portland police arrest about 2/3 of the people booked into Multnomah County Jail. Gresham police, the sheriff's office and federal agencies that make arrests in the county also book arrestees in the jail."

<https://www.oregonlive.com/crime/2020/10/booking-homeless-portlanders-into-jail-is-endless-expensive-cycle-that-arrests-dont-curb-but-housing-does.html?outputType=amp>

These disparities are continuations of policies at the state, county and city levels across Oregon which have been perpetuated intentionally and subversively for 150+ years.

<p>What MCCRC values is this recommendation grounded in?</p>	<p>Justice:</p> <ul style="list-style-type: none"> • Healing and justice are central to Multnomah County’s government • Justice extends to all people, and especially people who have been historically marginalized. • Leading with race is important because of the inequities embedded in governance, with the understanding that it will help create an intersectional approach to this work. <p>Inclusive democracy:</p> <ul style="list-style-type: none"> • Multnomah County’s government depends on active participation and representation of the communities people live in. <p>Access and belonging:</p> <ul style="list-style-type: none"> • People know how to access their leaders and decision-makers. • People feel that they (and their communities) are a part of decision-making. <p>Transparency:</p> <ul style="list-style-type: none"> • People understand how their county government works. • People are able to be heard by their government, and influence decision-making. • Communication with the public by the government is clear, and communities are sought out for their input.
<p>What are the potential fiscal impacts of this recommendation?</p>	<p>“Reasonable compensation” for the constituents joining the commissioners during visits has not been fiscally defined.</p>
<p>What potential negative impacts could result from this recommendation? What are potential obstacles to implementation?</p>	<p>The method in which constituents are chosen is important. Because county officials would select constituents conducting visits, it is possible that they could choose people who are not invested in improving jail conditions.</p>

	<p>Scheduling for multiple calendars is always an obstacle and the same constituents may not be available for all of the jail visits in a year.</p> <p>Constituents who visit jails may encounter administrative requirements, like the passage of a background check, which they may or may not be able to meet.</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

What resources did the subcommittee rely on in making this recommendation ?

(Link or cite documents)

The subcommittee was interested in pursuing ideas for improving county jail conditions. These reports informed that interest:

An Accreditor Has Placed the Downtown Multnomah County Jail on Probation, Willamette Week, Jan 19, 2022:

<https://www.wweek.com/news/2022/01/19/an-accreditor-has-placed-the-downtown-multnomah-county-jail-on-probation/>

Multnomah County jails fail to establish recommended communication for people in custody, OPB, Oct 5, 2021:

<https://www.opb.org/article/2021/10/05/multnomah-county-audit-jails-covid-19-communication-isolation/?outputType=amp>

Blacks overrepresented in every part of Multnomah County's criminal justice system, report finds: Oregonlive, Feb 10, 2016:

https://www.oregonlive.com/portland/2016/02/blacks_overrepresented_in_ever.html

Philadelphia's troubled jails would get independent oversight in proposed ballot measure, The Philadelphia Inquirer, Jun 23, 2022:

<https://www.inquirer.com/news/philadelphia-prison-oversight-board-jail-violence-20220623.html>

The Landscape of Recent State and County Correction Oversight Efforts, Brennan Center for Justice, Mar 15, 2022:

<https://www.brennancenter.org/our-work/research-reports/landscape-recent-state-and-county-correctional-oversight-efforts>

Independent Oversight is Essential for a Safe and Healthy Prison System, Brennan Center for Justice, Nov 3, 2021:

<https://www.brennancenter.org/our-work/analysis-opinion/independent-oversight-essential-safe-and-healthy-prison-system>

Correctional Oversight Models from Other States, IncarcerationTransparency.Org:

<https://www.incarcerationtransparency.org/wp-content/uploads/2020/03/CORRECTIONAL-OVERSIGHT-MODELS-1.pdf>

But Who Oversees the Overseers?: The Status of Prison and Jail Oversight in the United States, American Journal of Criminal Justice, 2020:

<https://law.utexas.edu/faculty/publications/2020-but-who-oversees-the-overseers--the-status-of-prison-and-jail-oversight-in-the-united-stat/download>

The Failed Regulation and Oversight of American Prisons, Annual Review of Criminology, 2021/22:

<https://www.annualreviews.org/doi/abs/10.1146/annurev-criminol-011518-024445>

Santa Clara County oversight agency to use subpoena power on sheriff's office, Kron4 Bay Area, Sep. 14, 2021:

<https://www.kron4.com/news/bay-area/santa-clara-county-oversight-agency-to-use-subpoena-power-on-sheriffs-office/>

A [written public comment](#) was submitted by Thomas Busse that led the subcommittee to explore the idea of mandated jail visits by the board of commissioners.

The subcommittee learned from Katherine Thomas that [state law](#) requires the board of commissioners to inspect local correctional facilities (169.040). The Multnomah County board of commissioners [passed a resolution](#) to inspect local correctional facilities annually.

The subcommittee learned from Espousal Strategies that BIPOC focus group participants rated criminal justice oversight as their second-highest priority; that the ways BIPOC focus group members least tend to access the county is through their Commissioners' offices or through public comment; and that no member of the BIPOC focus group does not wish to be involved with the county.

The subcommittee received feedback from some committee members and from some Commissioner offices in opposition to increased Commissioner-led jail visits.

The subcommittee received feedback from some committee members and from some Commissioner offices in support of increasing constituent involvement in jail oversight.

The subcommittee considered the Multnomah County Auditor recommendations for independent oversight, and the subcommittee weighed those recommendations against its observation of the recent [implementation challenges](#) stemming from the City of Portland's auditor-managed oversight body.

The subcommittee considered the American Bar Association-published [Key Requirements for the Effective Monitoring of Correctional and Detention Facilities](#), supported by researchers of the Prison and Jail Innovation Lab at the University of Texas, Austin.

--	--

Multnomah County Charter Review Committee

Shared Values

Justice:

- Healing and justice are central to Multnomah County's government
- Justice extends to all people, and especially people who have been historically marginalized. • Leading with race is important because of the inequities embedded in governance, with the understanding that it will help create an intersectional approach to this work.

Inclusive democracy:

- Multnomah County's government depends on active participation and representation of the communities people live in.
- People can access and participate in government using their preferred language.
- Outreach is a key value of democracy:
 - Decisions are informed by culturally-specific research and outreach.
 - Relationships should be an authentic, long lasting partnership; they should not be transactional in nature.

Access and belonging:

- People know how to access their leaders and decision-makers.
- People feel that they (and their communities) are a part of decision-making.
- Government reflects the communities it represents.

Transparency:

- People understand how their county government works.
- People are able to be heard by their government, and influence decision-making. • Communication with the public by the government is clear, and communities are sought out for their input.

Innovation:

- Government is able to change and adapt to address historic and persistent problems. •
- Change is embraced as a way to better serve communities.