



# Multnomah County Charter Review

## Safety & Justice Subcommittee

March 28, 2022, 7:00 – 8:30 pm

### SUBCOMMITTEE MEETING 3

Purpose: To learn about the powers of the County Auditor in relation to issues of safety and justice.

#### Attendees

##### Committee Members Present

- Donovan Scribes (he/him)
- Nina Khanjan (she/her)
- Ana del Rocío (she/her)
- Salma Sheikh (she/her)
- Danica Leung (she/her)
- J'reyesha (Jay) Brannon (she/her)

##### Staff:

- Kali Odell (she/her), Charter Review Committee Program Coordinator

##### Invited Speaker:

- Jennifer McGuirk (she/her), Multnomah County Auditor

In addition, members of the public were welcome to observe the meeting as non-participatory attendees. There was one observer at this meeting.

#### Welcome

Kali Odell opened the meeting with a brief overview of Zoom logistics and the agenda.

#### Presentation from the Multnomah County Auditor

Auditor McGuirk thanked the subcommittee for their service. She explained that the office of the Auditor is elected countywide and makes her directly accountable to voters. The mission of the Auditor's Office is to ensure that Multnomah County government is efficient, effective, equitable, transparent, and fully accountable to everyone who lives in the county.

Auditor McGuirk described the way the Auditor's Office approaches its work, which she said was grounded in generally accepted government auditing standards. She said that they use an equity lens and trauma-informed approach in their work. She said they wanted to help people know how their government works, what was working well, and what needed to change. She said the office often gave voice to the problems other people

felt more comfortable ignoring. She clarified that she and her team also valued county programs and employees.

Auditor McGuirk explained that current Charter language about the Auditor was brief. It said that the Auditor was to conduct performance audits of all county operations and financial affairs. She explained that everything they audit reports to the County Chair, Sheriff, or District Attorney. Since she was speaking to the Safety & Justice Subcommittee, she noted that the Chair oversees the Department of Community Justice, which is responsible for probation, parole programs, and juvenile detention. She mentioned some of the other county operations her office is responsible for auditing and noted that, in addition to her, her office has a constituent relations specialist and seven staff auditors.

Auditor McGuirk gave an overview of what goes into an audit, including interviews with internal and external stakeholders; research into laws, regulations, and best practices; analysis of financial, performance, and survey data; on-site observation. The team examines a program, process or service and makes recommendations for improvement. She described it as an in-depth process that usually takes about a year per audit. She said her team pays particular attention for opportunities to improve accountability, transparency, and equity.

As an example, Auditor McGuirk gave a high level overview of an audit her team conducted into the county's pandemic response, which included how adult and juvenile detention settings in the county followed health requirements.

The subcommittee had asked the Auditor to share information about the county jail audit her office had been conducting. She said the report would be published the following month and she could not share the findings before then. She did give an overview of what steps the audit team took in conducting the audit, including interviews, jail tours, surveys, literature review, trainings, and data collection and analysis. She added that for each audit report, the auditee (the Sheriff for the jail audit) had an opportunity to review the draft report to provide feedback or correct errors. The responsible elected official for the audited area would also have the opportunity to provide a letter responding to the audit report and its recommendations. She said her office also followed up on the status of its recommendations to keep pressure on county management to implement them and address problems.

The Auditor explained that her office does not have enforcement powers. She said that with her Community Advisory Committee she had explored the addition of enforcement powers, but that it was counter to generally accepted government auditing standards. The Auditor's Office was meant to be independent from county management, and taking a role in enforcing management's access would bring the Auditor's Office into a management responsibility by directing the actions of other staff. She said her office did publish the results of follow-up reports to local news outlets and through the office's communications channels.

Auditor McGuirk told the subcommittee that she had proposed amendments that were being considered by the Government Accountability Subcommittee. One of these proposals would provide the Auditor's Office a stable allocation of 1% of the county's general fund expenditures budget, based on a five-year rolling average. She said this would enable her office to do more to support accountability, transparency, and equity. She would use

a higher budget to increase the number of staff auditors, so there could be dedicated subject-matter audit teams and double the amount of audits produced. She would use those resources to ensure that there was always an audit going in each of the county's key service areas, including public safety.

Auditor McGuirk acknowledged that the jails audit the subcommittee had asked her about had taken a long time. Part of this was related to pandemic delays and part of it due to the fact this was the first time her office had audited the topic and there was a learning curve. She said that if she was able to establish a public safety audit team with subject matter expertise and ongoing learning in safety and justice issues, future audits would likely take less time. She had requested addition positions for her office through this year's budget process.

Auditor McGuirk also said that the 1% allocation she was seeking through the Charter review process would enable her office to improve its follow up on audit recommendations. She said it would also enable them to bring on staff for communications and community engagement, which would help her office keep people better informed about the office's work and support keeping pressure on county leadership to implement recommendations.

At the subcommittee's request, Auditor McGuirk addressed how the county's auditing power intersect with oversight of the county's safety and justice system. She emphasized that unlike other oversight bodies that might evaluate the Sheriff's Office, for example, her office was independent of the programs and systems it audited, without ties to law enforcement or corrections.

Auditor McGuirk shared that as part of its audit process, her office read reviews issued by other oversight bodies to ensure it was not duplicating work done by others in this space. She said the robust combination and adherence to auditing standards made her office's work different from other kinds of oversight. She noted that her office's reports were all publicly available.

Danica asked what the public safety audit team would be auditing.

The Auditor said the team would maintain subject matter expertise in areas related to probation and parole, issues with the DA, and corrections and enforcement. She said that they have been talking about doing and audit into probation and parole. She also said that anybody can contact her office suggesting areas for an audit. Periodically the team reviewed suggestions to help decide what to prioritize.

Danica followed up to ask what a human services audit team would focus on.

Auditor McGuirk said they would look at all of the issues connected to that departments: aging and disability services, intellectual disability services, homeless services, and others. Her goal is to have six audit teams.

Donovan asked how often the Auditor's recommendations were followed. He also asked if the 2008 audit report on the Sheriff's Office he had seen was the last audit conducted around public safety.

Auditor McGuirk said this is the first audit her office had conducted of the county jails, which was one of the reasons she ran for office. Previously they had audited things like overtime spending in jails, food services in

juvenile detention. They had not audited living conditions in jails. She said in the pandemic response audit they made 20 recommendations across the county. She could not remember how many were for the Sheriff, but there was one that had not been implemented and her office would check back in on its status by the end of the year. She said that overall the county had an implementation rate somewhere in the 90<sup>th</sup> percentile. She said her office was doing more follow up than had been done previously.

Donovan said that police at any level were resistant to changes. He thought checks and balances were important and heard what she was saying about her office relying on public pressure to help with implementation of recommendations. He asked if she saw other mechanisms for enforcement.

She said that internally her office has discussed whether there should be some sort of Board level action taken. She said her office was getting better at communicating their follow-up publicly, but there was room for improvement. She said she was not sure what it would look like to add some kind of enforcement mechanism to the Charter.

Ana asked what work Auditor McGuirk's Office does to address implicit bias, and how much of that was a result of her leadership.

Auditor McGuirk said that when she took office she was focused on using an equity lens in their work. Her team looks at their positions as auditors and what it might be like for people from different communities to engage with them. She said they were trying to build more reciprocal relationships than there had been in the past. She added that they also look at who is impacted by an issue, who is at the table, and who has historically been left out so they can bring more voices into their processes, which helps them capture things that they as individuals might miss. Her office engaged around professional development. She said that the Association of Local Government Auditors (ALGA) had been looking at ways to make diversity, equity, and inclusion into more than just buzzwords and working on making these principles central to auditing. The generally accepted government auditing standards the Charter requires the Auditor to follow also include strong equity principles.

Danica asked how generally accepted auditing standards were determined.

Auditor McGuirk said that in the U.S. those were set by the U.S. Government Accountability Office. She said they were updated every five years. She said they included standards for conduct and how to approach the work.

Danica asked if this was why the Auditor's Office was focusing on DEI work.

Auditor McGuirk said to a certain extent, but it was also something that she had wanted to do in office that had not been happening previously. She said she thought it made audit work more interesting and meaningful, both for auditors and community members.

Nina asked if the audit teams the Auditor wanted to have would be hired by her or elected.

Auditor McGuirk said they would be staff auditors. She said that her office has been through a couple of hiring processes that have diversified her staff. She said with more hires, her office would continue to look more like the communities the county serves.

Jay said she understood why the Auditor would not be responsible for enforcement. She said she understood the Auditor reported to the County Chair and wondered if there could be some kind of enforcement requirement in the Charter for the Chair to follow through on.

Auditor McGuirk clarified that she did not report to the Chair. She said most of the audits she conducted were in areas overseen by the Chair. She said it might make sense for the Chair to enforce implementation for audits related to the Sheriff's work, but did not think that would work for other audit areas under the Chair's management.

Jay asked about a layer of accountability or enforcement through a community group, referencing the Auditor's Community Advisory Committee.

Auditor McGuirk saw community oversight as a possibility, but was not sure what that would look like.

Jay asked how the Auditor's advisory was selected.

Auditor McGuirk said that there was an open application process; she thought there might have only been 10 applicants. She interviewed all of them and checked references, then selected five to serve. She said they do try to do outreach to community groups, but she thought there was opportunity to do more in the future. She said they offer stipends, support for transportation and childcare, to make it something that people feel like they can do without being unduly burdensome.

Jay noted that she thought there were capacity and funding limitations to community engagement at the county.

Kali said that she wanted to respect the Auditor's time and would send any additional questions for the Auditor to answer over email.

## **Public Comment**

No one gave verbal public comment.

## **Discussion about the Auditor's Office**

At the request of the subcommittee, Kali shared the document summarizing the Auditor's proposed Charter amendments on the screen. She summarized the proposals:

- 1) That the Auditor's Office receive at least 1% of the county's general expenditures fund, based on a five-year rolling average, for its budget. Kali noted this would be a significant increase from her current budget. Kali said that Auditor proposed that this would remove a conflict of interest that exists due to

the Chair's involvement in the budget process while also being the official to whom most audits were directed. The Auditor's concern was that it was possible for a Chair to cut an Auditor's budget in retaliation for their findings. Kali also highlighted that the Auditor said she wanted a higher budget to increase staffing.

- 2) Ensure the ongoing existing Good Government Hotline, to which people can report county government fraud, waste, or abuse, by adding it to the Charter.
- 3) Establish an ombuds office for the county under the Auditor. The ombudsperson would also conduct investigations, but for issues that did not rise to the level of an audit.
- 4) Ensure the Auditor's Office had access to timely information.

Salma said she was seeing similarities between the Auditor's recommendations and advisory boards in terms of the question of how they can ensure accountability.

Nina said that she thought the subcommittee seemed interested in learning more about the standards the Auditor was following.

Ana raised some ideas in the chat:

"1) Embedding the racial justice / DEI auditing standards into the charter so they remain binding regardless of changes to the generally accepted standards which we can't control 2) If a budget floor is established, can we also establish a BIPOC representation floor? As the Board of Commissioners is increasingly diverse, I worry about the white gaze (not as much of an issue for current Sheriff/DA). Can there be some sort of workforce development approach embedded into Community Budget Advisory Committees (CBACs) whereby BIPOC auditors/staff can receive necessary training, credentials, and compensation while creating a pipeline? 3) Can we formalize expected collaborations between the Elections Division and Auditors Office to fully inform voters of audited performance utilizing publications already distributed to voters? 4) Is it clear in the charter whether the auditor is accountable to electorate or all MultCo residents?"

Donovan said he thought the question of how to embed diversity in the Charter was a great one for the committee to explore. He said he was interested in knowing more about the Auditor's success rate. He thought having a community liaison to share about audit reports was valuable. He wondered whether there was much change when the Auditor had to report her findings to the Sheriff's Office. He also had questions about the standards used by the Auditor's Office, particularly inspired by the Auditor's slides, which said their office consulted with LAPD for training during their most recent audit. He said LAPD was notoriously one of the most corrupt police systems in the country. He had questions about that relationship.

Donovan said that given the number of questions still on the table, it might be valuable to do more research and invite the Auditor back to speak with the subcommittee.

Ana agreed in the chat with Donovan's point about LAPD.

Salma said she thought it could be a good idea for the Auditor to come back. She said she had not known much about the Auditor before her presentation. She agreed with subcommittee members' points.

Nina said she thought it was a good idea to talk to the Auditor again, but felt that they had a lot more research to do first.

Kali noted Danica's comment in the chat which said that the Auditor's request about access to timely information made Danica wonder how the Charter could be enforced so that the Auditor's Office gets the information it needs in a situation where there is not a lot of time before its report is published.

Kali also told the subcommittee that the Government Accountability Subcommittee was already exploring the Auditor's proposed amendments. She said if members thought these proposals were important ones to support, they should touch base with the other subcommittee about it to make sure their work was not duplicative.

In response to Danica's question, Kali said that while she is not a legal expert and they might like to direct more detailed questions to the County Attorney's Office, if something was included in the Charter it would be the law. She said that while there would likely always be some flexibility in determining what "timely" meant, not taking steps to provide the Auditor with information in a timely manner would be a violation of the law. She said she did not know what the specific penalties would be.

Danica said she thought it would be good to follow up on that with Katherine Thomas, Assistant County Attorney, to learn more about enforcement.

## **Discussion of the County Sheriff's Budget**

Donovan reminded the subcommittee that their homework has been to review the Sheriff's recent budget and note what stood out to them as potential inspiration for what issues they might be interested in addressing in the Charter.

Danica noted that the Homeless Outreach Programs and Engagement Team's budget was less than \$340,000, but that School and Community Resource Officers' (SROs) budget was \$1.3 million, which she found astounding given how significant homelessness was in Multnomah County. Her experience was that people of color felt less safe with SROs.

Donovan said that 2020 protests had led to the removal of SROs from Portland Public Schools.

Nina said she remembered reading about a Planning and Research Unit and she thought maybe it would be beneficial to have someone from that unit speak to the subcommittee. She was also curious about the audit of Gresham temporary holding, which was a jail, but was not included in the County Auditor's jail audit since it was run by a contracted group. She also expressed interest in increasing the budget for the Communications Unit, which included community outreach. She had an idea about creating more community-based review committees.

Donovan spoke about Portland's independent citizen review committee that looked at officers' conduct, which was controversial but ended up passing. He said it had a lot of community support. He said he was not in favor of expanding communications budget for police since he thought they already had a hold on media and that media took on the narrative put out by police without reviewing what they had said. He said he thought police narrative was the dominant narrative at the 5:00 and 10:00 o'clock news.

Nina acknowledged the difference between the intent of a group and what it actually did. She said that maybe there could be some revision and changes to the organization.

Donovan said that something that stood out to him was that the largest part of the Sheriff's budget went toward jail management. He said he was thinking about the resources being put toward corporal punishment as

opposed to the underfunding of other things like homeless services. He noted that they could not specifically dictate how the Sheriff's budget was allocated, but that they should consider how they could use the Charter review process to impact issues of concern that they saw.

Donovan also noted that \$500,000 had been allocated for new radios, \$9 million toward booking and releasing people. Donovan spoke about how after the 2020 protests Portland disbanded its gang unit, which had been keeping a "gang list" that had the names of Black people on it without any information about why they were included on the list. He noted that a wave of violent crime in the U.S. after that led the unit to be reestablished under a different name. He noted Multnomah County had its own unit like this, which collaborated with the Portland Police Bureau. He said he had done research and found some unique ways other communities were addressing these kind of disparities in where funding was going. Donovan noted that Danica had previously raised Measure J from LA County, which dedicated 10% of its budget to more community focused initiatives.

Danica said she thought perhaps one of the subcommittee members had previously said that Multnomah County could not do something similar to Measure J because of conflicts with state law.

Kali said that would be a question for Katherine Thomas, if the subcommittee agreed this was something it wanted to explore. She noted that with the Auditor asking for a percentage of the County budget, as well, she thought it would be important to ask where that funding would come from because it might take away from other departments or services or parts of the government that the subcommittee valued. She said they might include language about where the funding does not go (the Sheriff's Office), but probably could not control where it came from. She emphasized for the subcommittee that this was not her area of expertise, but that she could find some people who were experts if the subcommittee wanted to explore this idea further.

Donovan said he was interested in those things.

Nina pointed to Ana's comment in the chat:

"All this, to me, points to the need for greater oversight of MCSO (because as a committee my understanding is we don't get to have a say in line/by-line MCSO budget as long as they are an independently elected office) — One mechanism for that is transitioning to an appointed office, at least that's what I understand our current scope allows. We could create advisory committees or commissions but they wouldn't have teeth ... <https://www.npr.org/2020/07/25/895423249/elected-sheriffs-have-outsized-power-in-the-u-s>"

Donovan said he was also interested in whether there was more accountability for MCSO if the Sheriff were not an elected position.

## Wrap-Up

As the subcommittee wrapped up for the evening, Donovan suggested members review the public comment submitted by Kevin Machiz about decoupling the powers from where the District Attorney could contract out. He thought perhaps they could discuss that more at their next meeting.

Salma asked is the group could meet a little earlier, perhaps starting at 6:30, in the future.

Donovan, Jay, Nina, and Danica said that would work for them. Ana said she could join at 7:00.

Salma said it would just be for their next two meetings.

## APPENDIX A: ZOOM CHAT

- 00:55:25 Donovan Scribes (he/him): I don't want to take away from the three other hands, but is the rubric you all use to assess what audits you might take on published publicly? Can we access them? You can answer this after the rest of the people in the cue answer, or Kali can direct us later to this answer — thanks
- 00:58:22 Salma Sheikh: Have there been other efforts by your team to connect more with the community directly and seek input from them? - this is another question if we have time or for later
- 00:59:17 Danica Leung (she/her): In the same vein as Donovan - how does the auditing office determine if an audit's recommendations have been implemented?
- 01:02:52 Salma Sheikh: Thank you so much for coming and sharing
- 01:12:47 Ana del Rocío (she/her): So many ideas! Rattling them off in no particular order: 1) Embedding the racial justice / DEI auditing standards into the charter so they remain binding regardless of changes to the generally accepted standards which we can't control 2) If a budget floor is established, can we also establish a BIPOC representation floor? As the BoC is increasingly diverse, I worry about the white gaze (not as much of an issue for current Sheriff/DA). Can there be some sort of workforce development approach embedded into CBACs whereby BIPOC auditors/staff can receive necessary training, credentials, and compensation while creating a pipeline? 3) Can we formalize expected collaborations between the Elections Division and Auditors Office to fully inform voters of audited performance utilizing publications already distributed to voters? 4) Is it clear in the charter whether the auditor is accountable to electorate or all MultCo residents?
- 01:13:41 Danica Leung (she/her): Just so we're on the same page, what do you mean by BoC and CBACs?
- 01:14:16 Ana del Rocío (she/her): BoC = board of commissioners CBAC = community budget advisory committee
- 01:14:22 Danica Leung (she/her): Gotcha, thank you!
- 01:15:31 Ana del Rocío (she/her): Thx for reading!
- 01:18:33 Ana del Rocío (she/her): Agreed re: LAPD
- 01:20:17 Danica Leung (she/her): The auditor's recommendation for including timely info makes me wonder realistically how the charter can be enforced to make sure their office gets the information needs in a situation where there's not a lot of time before the report is set to be published
- 01:20:50 J'reyesha Brannon - she/her: Also sounds like the county needs some more community outreach support.
- 01:22:21 Donovan Scribes (he/him): Sorry I missed your comment Danica!
- 01:34:00 Danica Leung (she/her): Looks like the program contact is Jon Harms Mahlandt - that seems like the person we should reach out to

01:38:26 Danica Leung (she/her): "The FY 2021 budget funds \$577,625 for the replacement of hand held jail radios (60302) used by Corrections Division members. The current radios have become obsolete and are no longer supported by the vendor."

01:41:56 Danica Leung (she/her): Thanks, Kali!

01:43:13 Ana del Rocío (she/her): All this, to me, points to the need for greater oversight of MCSO (because as a committee my understanding is we don't get to have a say in line/by-line MCSO budget as long as they are an independently elected office) — One mechanism for that is transitioning to an appointed office, at least that's what I understand our current scope allows. We could create advisory committees or commissions but they wouldn't have teeth ...  
<https://www.npr.org/2020/07/25/895423249/do-elected-sheriffs-have-outsized-power-in-the-u-s>

01:46:47 Danica Leung (she/her): If I'm understanding this article correctly, it's that elected sheriffs should be checked by police chief appointed and accountable to the city? I'm a little wary about that idea

01:47:34 Ana del Rocío (she/her): I don't think so? I think the Reflective Democracy report talked about embedding within county, so in our case the chair would appoint

01:51:02 Danica Leung (she/her): It would work for me!

01:51:16 Ana del Rocío (she/her): I could join at 7

01:51:58 Salma Sheikh: Thank you