



April 20, 2022

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

Dear Auditor McGuirk,

I would like to start by offering my gratitude to you and to your office for dedicating your time and focus to this important subject. The Multnomah County Sheriff's Office (MCSO) places the highest value on the compassionate care and safety of all persons in our custody. We believe rigorous ongoing review and analysis of our operations is critical to ensuring our practices reflect our values.

In the past five years, the MCSO Corrections Divisions have enthusiastically embraced a significant number of systemic and operational reforms supported by a wide range of stakeholders including the Oregon State Legislature, Disability Rights Oregon, the National Institute of Corrections, the Oregon State Sheriff's Association, and Multnomah County District Attorney's Corrections Grand Jury. Many of these reforms are highlighted in your report, and include:

- Updating our use of force policy and ensuring public involvement in the policy development process.
- The development of a new data collection system for use of force reporting.
- Developing a training on inter-personal communication, de-escalation techniques, understanding implicit and explicit bias, and trauma informed responses.
- Hiring a dedicated Use of Force Inspector to review use of force reports and video to actively monitor for consistent application of policy, training and best practices.
- Installing 335 new or upgraded video cameras at the Detention Center to increase transparency of corrections operations and enhance safety and security for our staff and the adults in our custody.
- Adopting new standards for planned events in which the need for use of force is anticipated. The new standards require the event to be video recorded by a hand-held device and to include an account of
 - Clear warning of the consequences of failing to comply with directives,
 - Length of the cool-down period provided to adults in custody to de-escalate without verbal or visual contact from staff,
 - Opportunities provided to comply,



- Additional resources employed, (i.e. medical, mental health, chaplain).

These efforts have resulted in a reduction in the use of physical force. Disability Rights Oregon (DRO) identified a number of positive improvements in uses of therapeutic restraint, force, and discipline at the Multnomah County Detention Center. Specifically, DRO credited MCSO with reducing the use of the therapeutic restraint chair for individuals with mental health conditions by half. DRO also noted downward trends in the use of force and the issuance of disciplinary sanctions.

I am proud of the flexibility and adaptability our Corrections Divisions staff has demonstrated in implementing these and other important reforms. Our agency is committed to continuous improvement, and we accept your report in that spirit of growth toward the best possible conditions and outcomes for those in our custody. As noted below, MCSO is already in progress toward a number of your recommendations, and we are pleased to initiate the process of implementing others.

In furtherance of this Audit Report's objective to provide information to community members about the conditions in Multnomah County jails, I will take this opportunity to provide some clarification regarding aspects of our jail operations.

- Classification
 - As noted in the Audit Report, one significant purpose of the classification system is to identify people who are more likely to be dangerous to themselves and other adults in custody. Additionally, we hold the responsibility of identifying vulnerable individuals and keeping them safe. The classification process is therefore foundational to MCSO's established standard of care for the safety and security of all the adults in our custody. Maintaining this standard of care will require that any modifications to the classification process must be undertaken with thoughtful consideration for the safety and security of adults in custody, staff, and the facility. MCSO stands ready to undertake this important analysis to modify the classification process to ensure the best possible outcomes for adults in custody.
- Misconduct and Disciplinary Sanctions
 - MCSO jails, like all secured correctional facilities, must have established standards for the conduct and behavior of the adults in our custody. As noted in the Audit Report, MCSO has procedures in place for a system of rules and discipline that follow state and national guidelines. These rules are applied through a continuum of interventions and diversions that typically begin with verbal warnings, citations, and de-escalation techniques to successfully address many negative behaviors before they progress to a formal misconduct report. Not all custodial misconducts result in a misconduct report from the sworn deputy, and not all misconduct reports issued by the deputy result in a disciplinary sanction imposed by the independent civilian Hearings Officer. The Disciplinary Sanction data reviewed and analyzed in this report, therefore, should not be



- interpreted by Audit Report users to reflect the totality of MCSO's approach to misconduct intervention.
- The corrections disciplinary process currently employs a range of sanctions that include imposed limitations of walk time outside the adult in custody's cell from 15 to 60 minutes per day. The Audit Report collectively refers to these various levels of restrictive housing under the umbrella term "isolation," as it is useful for objectives of the Audit Report. However, while the Audit Report uses this term, MCSO does not practice isolation, as it is commonly understood by the public nor as it is used in corrections vernacular, as a disciplinary sanction. The range of time-bound sanctions employed by MCSO is not comparable to "prolonged social isolation," which the National Commission on Corrections Healthcare describes as being "antithetical to the goals of rehabilitation and social integration."
 - Use of Force
 - The Multnomah County Sheriff's Office respects the value and sanctity of human life and recognizes the inherent dignity of every person. The Sheriff's Office understands that investing members with the authority to use physical force creates a solemn obligation to train and monitor members as they balance the important social and individual interests involved.
 - The Sheriff's Office places a high value on resolving confrontations without the use of physical force. When physical force is necessary, our expectation is for members to use the lowest possible level of force. MCSO maintains a rigorous system of accountability to ensure that every use of force is subject to multiple layers of supervisor review, is justified by legitimate safety and security needs, and is conducted in accordance with applicable policies, training and best practices. All use of force is additionally reviewed by the Use of Force Inspector. Supervisors are required to refer any use of force event that is either unnecessary or excessive to the Professional Standards Unit for review and implementation of appropriate corrective action.
 - The Audit Report's findings, regarding use of force, warrants careful review and consideration. As noted in the Audit Report, the use of force in Multnomah County jails is infrequent and that there is a one percent disparity in "Minor"¹ uses of force events involving Black adults in custody. MCSO is committed to inclusively leading with race. I have directed the MCSO Planning and Research Unit to conduct a more robust analysis of all the use of force data to better understand this finding so we may identify improvements to our policies, our training and our systems of accountability. My

¹ "Minor Events" occur when a member applies minimal force, including directional control, holding a person until they calm down, and when a member points but does not use a TASER device.



expectation is to be at the forefront of the recommendations of industry standard subject matter experts in this field, such as the National Institute of Corrections.

MCSO accepts the majority of the recommendations of the Audit Report with the following exceptions and comments on implementation of those Recommendations:

Recommendation 1

"Delay full classification interviews for adults in custody moving into housing until 72 hours after booking. Due: September 30, 2022"

MCSO accepts this recommendation in part to delay the classification housing interview. MCSO will carefully review the classification process to determine which portions of the classification interview must be conducted as an initial assessment to meet constitutional standards of care and compliance with the Prison Rape Elimination Act (PREA). The remainder of the Classification interview will be conducted after the first appearance, or 72 hours following the booking process in cases where a first appearance is not applicable. Responsibility for implementation of this recommendation will be assigned to the Chief Deputy of Corrections Services.

Recommendation 2

"Expand supervisory review of classification decisions, with a focus on possible over-classification. Due: September 30, 2022"

MCSO accepts this recommendation and will explore expanded supervisory oversight of classification decisions, with a focus on possible over-classification. Work has already begun to reimagine how MCSO will classify adults in our custody and where we can ensure systems of accountability will increase consistency and transparency. Augmented supervisory support is recognized as a critical component to ensuring our staff have the support they need to make reliable classification decisions that meet the needs of both the facility and the adults in our custody.

Recommendation 3

"Eliminate the use of isolation as a disciplinary sanction for individuals with mental health conditions. Due: September 30, 2022"

It should be noted that the Audit Report has redefined² "isolation" to suit Audit objectives. MCSO does not presently use "isolation," as that term is commonly understood by the public or used in corrections vernacular, as a disciplinary sanction.

MCSO is currently developing a revision of the disciplinary process for all adults in custody. MCSO acknowledges the need for a process of accountability for those in our custody with mental health conditions that provides an individualized, needs based approach to changing behavior. Along with a system-wide change in our disciplinary process, MCSO is exploring the use of the established multi-disciplinary mental health team as part of a

² "Isolation involves significantly reducing walk time outside the cell and a reduction of visitors.

There is a spectrum of isolation that ranges from 15 to 60 minutes outside of the cell. We

primarily refer to this range of types by using the word isolation as an umbrella term." Audit Report, Page 14.



sanctioning process when a misconduct is issued and the hearings officer has determined a sanction is appropriate. This process would be reliant upon the use of individual management plans in contrast to the use of universal disciplinary sanctions that rely more heavily on a reduction in walk-time.

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. Due: March 30, 2023”

MCSO accepts this recommendation. As noted in the Audit Report, The Sheriff’s Office training program currently includes de-escalation training, training on the impact of implicit and explicit bias, and trauma informed responses. The Captain of the MCSO Training Unit will be assigned primary responsibility to partner with the MCSO Hearings Officer on the development and implementation of additional training content specifically focused on reducing misconduct citations by reinforcing the goal of implementing more informal resolutions.

Recommendation 5

“Monitor deputies’ use of misconduct citations. Due: March 30, 2023”

MCSO accepts this recommendation. MCSO is committed to modernizing our technology for documenting, tracking and monitoring misconducts issued by deputies. MCSO will carefully consider both internally sourced and externally vended options for technology solutions to ensure we have the right tools in place to implement this important recommendation. Primary responsibility for monitoring of misconduct citation data will be jointly assigned to the Chief Deputy of Corrections Services and the Director of Planning and Research.

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. Due: March 30, 2023”

MCSO accepts this recommendation. The MCSO Planning and Research Unit collaborates with the Professional Standards Unit to closely monitor use of force data trends. In order to further enhance and modernize our understanding of force incidents in our jails, the MCSO Use of Force Inspector, is currently leading a team of subject matter experts in a procurement process to purchase a new suite of data management software applications. Following a competitive Request for Proposal (RFP) process, MCSO has selected a vendor with robust and sophisticated analytic capabilities for use of force data. MCSO anticipates this recommendation will be completed by March 30, 2023. Primary responsibility for finalizing procurement of the data management software is assigned to the Use of Force Inspector. Thereafter, primary responsibility for the ongoing analysis of use of force data to identify patterns and training priorities will be jointly assigned to the Use of Force Inspector and the Director of Planning and Research.

Recommendation 7

“Contract with professionals in training on cultural competency as well as identifying and managing race-related implicit bias. Due: March 30, 2023”

MCSO accepts this recommendation, subject to budget outcomes.



On an agency-wide level, MCSO has recently prioritized enhancements to our training on cultural competency, as well as identifying and managing race-related implicit bias. Equity and Inclusion based trainings recently instituted or soon to be instituted by MCSO include:

- Monthly Introduction to Equity and Inclusion and culturally responsive leadership training for all newly promoted Lieutenants and Sergeants facilitated by MCSO Equity & Inclusion Director.
- Monthly New Manager Orientation – includes training on the Workforce Equity Strategic Plan, Racial Equity and Inclusion practices, Microaggressions, and Inclusively Leading with Race.
- 2-day Facility Security Unit (FSU) Inclusive Leadership Academy with focus on Equity, Diversity and Inclusion foundational concepts and leadership applications.
- Quarterly Equity training facilitated by [Training 4 Transformation](#) for all sworn managers and non-sworn staff.
- 12-week Equity, Diversity and Inclusion focused training program for the MCSO Transit Police Division team, led by [Training 4 Transformation](#).
- 4-hour training for the Executive Leadership Team on consistent and effectively use of the [Multnomah County Equity and Empowerment Lens](#), with an emphasis on application to policy development. Co-developed by MCSO Equity and Inclusion Director and Multnomah County's Office of Diversity and Equity Training Specialist.
- Disability and Leave Law Training for all MCSO Managers.

During the current budget process, MCSO has submitted program offers to specifically fund expansion of contracted training for all sworn staff on cultural competency and interrupting racial bias. Primary responsibility for this ongoing effort is jointly assigned to the Division Chief of Business Services and the MCSO Equity and Inclusion Manager.

Recommendation 8

"Eliminate the use of disciplinary sanctions that involve isolation. Due: March 30, 2023"

It should be noted that the Audit Report has redefined³ "isolation" to suit Audit objectives. MCSO does not presently use "isolation," as that term is commonly understood by the public or used in corrections vernacular, as a disciplinary sanction.

As noted previously within Recommendation 3, MCSO is currently developing a revision of the disciplinary process for all adults in custody. A new system will consider sanctions aimed at effective behavior modification over simply reducing walk-times. A prohibition on isolation, as it is defined in this report, may not be sufficient to protect adults in our custody and staff from those who have shown a propensity for extreme violence. However, it is recognized a system should not be centered on isolation and MCSO is reviewing other disciplinary systems that are more focused on an incentive-based model of encouraging behavior change.

³ "Isolation involves significantly reducing walk time outside the cell and a reduction of visitors.

There is a spectrum of isolation that ranges from 15 to 60 minutes outside of the cell. We

primarily refer to this range of types by using the word isolation as an umbrella term." Audit Report, Page 14.



Recommendation 9

“Expand training for deputies on how to work with adults in custody with mental health conditions. Due: March 30, 2023”

MCSO accepts this recommendation. The MCSO Training Unit currently provides Annual Inservice Training (AIT) on de-escalation communication and techniques that includes a mental health focus. In consultation with Mental Health experts, the Captain of the MCSO Training Unit will have primary responsibility for expanding the Corrections Division training emphasis on how to better work with adults in custody with mental health conditions. The MCSO Training Unit will consult with subject matter experts such as the National Alliance on Mental Illness (NAMI) and Multnomah County Corrections Health Division to ensure continued and expanded training is informed by the needs of adults in custody with mental health conditions.

Recommendation 10

“Expand the number of housing areas specifically for individuals with mental health conditions. Due: March 30, 2023”

MCSO conditionally accepts this recommendation and supports the expanded use of mental health housing. It is important to note that while MCSO can designate housing units differently and provide training opportunities for staff working in these areas, partnership with Corrections Health to provide mental health services is essential to any successful expansion of mental health housing. Primary responsibility for implementation of this recommendation will be assigned to the Chief Deputy of Corrections Facilities.

Recommendation 11

“Revise procedures for planned use of force activities involving individuals with mental health conditions to require participation of mental health staff. Due: March 30, 2023”

MCSO conditionally accepts this recommendation subject to constraints on time, feasibility and availability of mental health staff. Current MCSO Special Order 024.21 governs controlled/planned use of force events in MCSO jails. The Special Order identifies Mental Health services among the various de-escalation measures and resources that must be accounted for by the Supervising Sergeant in a hand-held video recording prior to the planned event. Staff have been instructed to utilize Mental Health Consultants (MHCs) and/or medical staff as a resource to aide in the verbal de-escalation process in addition to a cooling off period and basic verbal de-escalation. Supervisors will be directed to utilize the presence and participation of Mental Health Consultants, as appropriate under the circumstances. Primary responsibility for implementation of this recommendation will be assigned to the Chief Deputy of Corrections Facilities.

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. Due: March 30, 2023”

MCSO accepts the recommendation to review survey results and conditionally accepts the recommendation to implement changes to address areas of concern. MCSO will undertake a careful review of the adult in custody survey results with the objective of identifying areas of improvement to conditions for adults in our custody. Implementation of proposed changes will be dependent on feasibility and compatibility with the mission, values



and resources of the MCSO Corrections Division. Primary responsibility for implementation of this recommendation will be assigned to the Chief of Staff in partnership with the Professional Standards Unit and Planning and Research Unit.

Recommendation 13

"Explore an independent review function for jail operations, such as discipline and use of force incidents. Due: April 30, 2023"

MCSO conditionally accepts the recommendation to explore an independent review function for jail operations, such as discipline and use of force incidents. The Sheriff's Office is committed to transparency and continual growth through systems of accountability and within professional industry associations. We will review models guided by best practice and industry standards developed by the National Institute of Corrections, Major County Sheriffs of America, and the Oregon State Sheriff's Association. Additionally, the current oversight provided by the Board of County Commissioners, our annual Corrections Grand Jury process, facilitated by the District Attorney's Office and conducted independently by Multnomah County residents, and other organizations that have oversight authority such as Disability Right Oregon will continue to guide our policies and practices. Primary responsibility for exploring this recommendation will be assigned to Professional Standards.

The work of our collective Corrections Divisions to operate and manage Multnomah County's adult custody settings is extremely complex and challenging. I am proud of the work that MCSO members engage in each day. They are accountable 24 hours a day and 7 days a week for the health, wellbeing, and safety of those in our custody. I am committed to evaluating our policies and practices to ensure we uphold our values and the community's expectations. I'd like to thank the Auditor and her team once again for their time and professionalism in conducting the jail conditions audit.

A handwritten signature in black ink that reads "Michael Reese". The signature is written in a cursive, flowing style.

Michael Reese

Sheriff