

Multnomah County
Corrections Grand Jury
2009 Report
December 14, 2009

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I. Executive Summary

Pursuant to Oregon law,¹ the Multnomah County corrections grand jury was selected randomly from the general jury pool on September 14, 2009 to examine and report on the conditions and management of all jails and detention facilities in this county. To fulfill this statutory obligation, the 2009 corrections grand jury toured all the jails, prisons and detention centers in Multnomah County. We also traveled to Washington County to compare that system with ours. We heard testimony from 105 witnesses, many on multiple occasions. We reviewed state statutes, regulations and standards, and received documentary evidence from numerous sources, including the work of previous corrections grand juries. Above all, we sought out opinions and suggestions from knowledgeable witnesses throughout the system.

We have arrived at certain definite conclusions and in this report we will submit a number of concrete recommendations for future action. We are mindful of the fact that this county, like many others throughout the nation, is in the midst of a severe economic crisis. These conditions, as bad as they may be, give us the opportunity to find better and more economic ways of doing business. Where a system has operated inefficiently, as we believe has happened in this county, good leadership can convert a crisis into an opportunity for a fundamental re-examination of the dynamics of a wasteful and inefficient system.

We do not mean to imply that the corrections system in this county is in all aspects poorly run. Inmates are treated and cared for with decency and dignity, for which the citizens of our county can be proud. The financial stewardship, however, leaves much to be desired. When Bob Skipper returned as Sheriff last year he took over a department that was in disarray and began to turn the office back in the direction of fiscal and managerial responsibility. However, there is still much to do. Few of our recommendations are new. Many have been made by prior grand juries. However, the climate may now be more receptive to some of these ideas. We believe, like other grand juries before, that this county can save many millions of dollars by adopting these recommendations, which are based upon what other jails do.

While many of these recommendations have been made before, this grand jury has sought to outline clearly the many millions of dollars in potential savings that could be achieved by making certain clearly defined changes. None of these changes are difficult to understand, and all would be considered prudent managerial decisions. All, however, will face entrenched institutional opposition, and will require unwavering will from our leadership. They are the work of not just this panel, but many others in the past. We hope that current conditions will finally give these recommendations the weight they deserve.

¹ ORS 132.440 requires that each year a grand jury inquire into the conditions and management of corrections facilities in each county of the state. This has been a statutory requirement since territorial times.

II. Highlights and Noted Improvements

While recent corrections grand jury reports have focused on criticism, there are clearly positive elements in our current county jail system.

The corrections grand jury toured the Multnomah County Detention Center (MCDC), Multnomah County Inverness Jail (MCIJ), Multnomah County Courthouse Jail (MCCJ), Donald E. Long Juvenile Detention Center, Wapato Jail, and the Columbia River Correctional Institute (CRCI state prison). The grand jury also toured the Washington County Jail as a regional comparison. The tours included visiting inmate cells/dorms, kitchens, recreation areas, program areas, booking area, transfer/holding units, property management area, and release/visitation. Overall, the corrections grand jury was impressed with the clean and orderly conditions of these facilities.

Inmate meals were sampled at each of the facilities with the exception of Wapato and the Courthouse Jail. Aramark Corporation currently handles food service at MCIJ and MCDC. Aramark appears to meet nutritional guidelines and run their service cost effectively. We were impressed with their ability to handle different dietary requirements and restrictions and the health and religious needs of the inmates. When possible, fresh produce from on-site gardens is incorporated into the meals. Inmate kitchen crews are used and the pride displayed by those who worked in the food service area is evident. Another notable effort on Aramark's part has been to implement a composting/recycling program; Aramark is currently working on eliminating Styrofoam.

While interviewing numerous deputies, sergeants, lieutenants, and captains, it was apparent they were in general very knowledgeable and professional. In particular, the facility commanders for MCDC and MCIJ, Captain Adgers and Captain Yankee, stood out as being extremely dedicated to and proud of the facility and staff. The two commanders were widely respected.

The corrections grand jury interviewed inmates at MCIJ, MCDC, DCJ juvenile facility, and CRCI from the "old-timers" to first time offenders. The consensus was that the inmates felt very safe and there were no complaints of harassment or unfair treatment. Lieutenant Lindstrand gave testimony about the Prison Rape Elimination Act (PREA) and the policies/procedures in place to ensure timely investigations of any accusations as well as appropriate disciplinary measures and facilities changes. We were impressed with the speed and rigor with which the corrections organization has implemented these changes.

One other area of notable improvement is the enforcement of sick time leave. This issue has been noted in previous grand jury reports and we have found that the command staff has recently implemented a system to track sick leave. We commend the Sheriff's Office on addressing this issue and utilizing the tracking

system since this can reinforce a culture of accountability and responsibility among staff as well as ease the burden on the Sheriff's budget in the process.

We found that the quality of medical services provided to inmates is generally good despite the lack of a National Commission on Correctional Health Care (NCCHC) certification. There are procedures to ensure a quick response to inmate complaints and the staff is attentive to inmate needs. They were prepared to deal with outbreaks and had a plan in place to handle the H1N1 flu virus.

III. Opportunities for Improvement

Overall Expense Reduction

The 2009 corrections grand jury agrees with previous grand juries in finding that the operating cost of the Multnomah County jails exceeds that of virtually every jail system in the country; significant opportunities exist for improvements in efficiency. Our findings are for the most part the same as those of previous years. In an effort to see more action on investigating and implementing cost reduction programs, this corrections grand jury has identified clear cost saving opportunities associated with changes in operations. We are troubled by a persistent lack of transparency in fiscal accounting throughout all the county agencies that we examined. By examining actual budgets, however, we were able to draw firm conclusions regarding estimated savings. We believe these savings estimates to be conservative. As noted, we are confident there will be resistance to these ideas, but strongly believe that independent, objective investigation into these areas would validate our assessment.

Unfortunately the failure to act will result in the loss of millions of dollars to the county. We have seen this in the past. The 2006 corrections grand jury recommended the following: "In Multnomah County there are a number of cost savings measures that could be implemented. Currently, highly skilled and highly paid nurses are dispensing prepackaged medications to inmates when the use of medication aides would reduce labor costs." That advice was rejected, with the assertion that little savings could be realized by doing so and the services needed to be done by nurses. When faced with a true budget reduction this year, however, those changes were finally implemented and, according to the testimony, Multnomah County is now saving \$1.2 million each year. The missed opportunity to implement this program in a timely manner cost the county millions of dollars.

The following chart details savings that could be achieved with certain program adjustments. More detailed explanations follow the chart.

Table 1. Quantified Potential Savings*

Opportunity	Current Annual Costs	Potential Annual Savings	Comments
SB1145 opt out	\$4.5M	\$4.5M	County corrections is more expensive than state corrections, and has a higher recidivism rate. Additional millions could be saved
Outsource corrections health	\$13.8M	\$4.0M	Washington County has award-winning contracted corrections health care for 70% of Multnomah County's annual costs
US Marshal contract	\$3.4M	\$3.4M	Eliminate \$62/bed/day subsidy of US Marshal beds (\$125 reimbursement v. cost of \$187/bed/day)
Recent retirees for OT backfill	\$4.5M	\$1.4M	Replace 40,000 hours with part-time retirees making Step 3 pay v. Step 6 OT plus benefits
Civilian floor control	\$3.7M	\$1.4M	Use FSOs instead of deputies to staff floor controls
Lease Wapato	\$0.8M	\$0.8M	This savings only represents the county's mothball cost. Any revenue would constitute an additional benefit.
Civilian classification	\$1.1M	\$0.4M	Use FSOs instead of deputies for 12 of 20 classification positions
OT backfill scheduling	\$0.4M	\$0.2M	Use civilians to arrange for shift backfills
Total		\$16.1M	

*The figures presented in the above table represent either cost savings that could be achieved either by altering a programming or eliminating a program that loses money.

1. SB1145 opt out: \$4.5M annual savings for County Corrections.²

In 1995, Senate Bill 1145 became law. It allowed county governments to assume control, with state funding, of probation and parole supervision of felons, along with the local incarceration in the county jail of felons serving prison sentences of one year or less. Counties had the option of entering the program and accepting state funding for it or allowing the state to continue to fulfill these functions. All Oregon counties entered the SB 1145 program. 1145 created a complex funding distribution formula based upon case loads (probation, parole and local control of jail inmates) in each county. Currently the state pays the county approximately \$85 a day for each 1145 prisoner. The county loses about \$100 a day per prisoner. In effect, our county is subsidizing the state government for well over half

² The projected savings of \$4.5M was obtained from an April 2009 report by the Multnomah County District Attorney's office. In that report, the District Attorney's Office outlined additional cost savings that would result in millions of dollars in savings.

the cost of housing state prisoners in our jails. State law allows for counties to return this function back to the state by “opting out” of the program. This option should be considered.

2. Corrections health care: \$4.0M annual savings.³

The system of medical care in our jails, run by the county health department, costs substantially more than that in other jails, and does not provide superior care. If our current system is not replaced, we must adopt programs that will make our system better for the inmates and more efficient.

The Multnomah County Health Department currently runs the medical service in the jails and juvenile facility through their Corrections Health Division at a cost of \$25/day/inmate. By contrast, the Washington County jail system has contracted with a specialized private medical service for health care delivery at the cost of \$17/day/inmate. Not only is the medical service in that facility less expensive, but in our estimation, it is better, for a number of reasons.

- First, the Washington County contractor, under the terms of its contract, must be certified by the National Commission on Correctional Health Care (NCCHC). This body was formed to oversee, inspect, and certify health delivery services in correctional institutions. Its certification process represents the gold standard in the field. Three years ago, the Multnomah County system dropped its NCCHC certification process. To the extent that certification provides proof of excellence, and we believe it does by design, our jail health services fall below those of Washington County.
- Second, the Washington County jail system this year was awarded the NCCHC award for best program in the nation for the delivery of mental health services in jails. We believe that mental health care services are probably the most important health care services in a jail system.
- Third, the Washington County jail health care provider already operates a working system of computerized health records. Our health department has not implemented such a system. When we do, it will likely be expensive.

³ The Multnomah County Health Department provided us with an estimate of \$23 per inmate per day for medical costs without administrative expenses. If administrative costs are added the total cost is \$25/day. The current Washington County contract works out to \$16.74 per inmate per day. The \$3.99M projected savings assumes \$8 savings per inmate per day against 1,367 inmate capacity over 365 days. This figure does not include litigation payout, which has totaled \$89,000, plus the money it cost the county to defend these and other lawsuits. In addition part of the \$950,000 settlement of the James Chasse lawsuit should be added to this calculation.

- Fourth, we understand that 14-day screening physicals have been eliminated in the Multnomah County jails.⁴ These physical check-ups assess health conditions after an inmate has stabilized and possibly withdrawn from drugs or alcohol. As such, they are important medical evaluations. We believe it is a best practice in corrections health and that abandoning the process contributes to less effective health care. The practice is routine in the Washington County jail.
- Fifth, because the corporation that runs the Washington County jail health care system is national in scope, running health programs in over 200 facilities in the country, it has access to centralized feedback and training not only for medical issues, but for business management and cost containment. It has the immediate ability to compare its operational results to that of hundreds of facilities throughout the country and to ascertain the best practices in the field. It is instructional to compare this capacity, which as a comparative management tool has an enormous ability to manage costs and care, to the operations of our own Health Department.
- Sixth, the Washington County contract for health care in the jail requires the contractor to assume full legal liability for litigation costs and recoveries against the county in lawsuits arising from health care issues. This clause is significant.

Because we think that the Washington County model is so good, both from a corrections and corrections health prospective, we are asking Chair Ted Wheeler and all of the county commissioners to visit Washington County and look at their health care system first hand. We think they will get a better idea of what a more efficient system can look like.

The grand jury recommends submitting a request for proposal (RFP) to several private corrections health care providers. Even if the decision is made to continue using the Multnomah County Health Department, the RFPs will provide valuable cost and performance benchmarking information.

3. **Eliminate subsidizing U.S. Marshal inmate housing: \$3.4M annual savings.**⁵ The county loses money by providing corrections housing for

⁴ Corrections Health testified that a \$700,000 Tuberculosis and 14-day screening physical program were eliminated in 2006 for budgetary reasons. Both of these are included in Washington County Jail's health care contract, and are required for NCCHC accreditation.

⁵ The US Marshal Contract pays Multnomah County \$125 per inmate per day for housing. Using standard practices for calculating bed cost, Larry Aab provided a figure of \$187 per inmate per day for Multnomah County. While the county has the obligation under state law to house federal prisoners, the US Marshal has the obligation to pay the full cost. We heard testimony that the US Marshal refused to agree to a contract that would pay the full cost, and the Sheriff's office agreed to take a lesser sum, seemingly contrary to state law. This is a deficit of \$62 per inmate per day. The calculation assumes 75% occupancy against the 200 bed contract, projected over 365 days (consistent with historical average).

inmates who are not the responsibility of the county. The U.S. Marshal pays Multnomah County \$125/day for a bed that costs the county \$187/day. In addition, by maintaining the Marshal contract, we reduce the jail population for Multnomah County prisoners by 150 – 200 beds per day. This in turn results in fewer jail beds to house Multnomah County prisoners and more matrix releases. Unfortunately this increases the likelihood of the people being released committing more crimes against the citizens of Multnomah County.

The Sheriff's Office has consistently said that they make a profit on these beds. We disagree. Currently there are 1,367 beds in our jail system. From the Jail Bed Distribution chart, found in Exhibit 1 of this report following the addendum, it appears that currently we lose 400 beds to the federal government and 1145. In addition, there are another 200 beds that are used for post prison supervision, which has traditionally been a state function. Those 600 beds make up 44% our bed capacity. By giving our "cheapest" beds to the federal government and the state, it is costing Multnomah County more than \$200 a day to keep our own prisoners.

Finally, it is important to note that the law requires Multnomah County to house federal prisoners but in doing so, the law also requires that we recover the entire cost. This is not being done and the situation needs to immediately be corrected. Multnomah County citizens should not be paying to house federal prisoners.

4. **Use recent retirees to backfill overtime positions at the jails: \$1.8M annual savings.**⁶ Throughout the county and throughout the country governmental agencies rely on "on call" workers to fill posts. It is currently done at the juvenile facility and to some degree it is done in Washington County. In the next five years, approximately 25% of the corrections deputies will retire. This is a good time to explore using retirees for overtime. By using a retiree at straight time, without benefits, rather than a deputy at time and a half the savings are obvious. These retirees could fill overtime, mandatory overtime and vacation slots, thereby expanding the opportunity for deputies to take vacations at better times. This in turn would reduce some of the sick time now used. We were told that there may be problems with the current union contract using this approach. The county should look at this by first getting a good union attorney to look at the contract and deciding whether there really is an issue. If there is a problem then that needs to be negotiated.

⁶ This calculation uses the Step 6 hourly pay rate of \$30.49 for Corrections Deputies, a figure provided by Larry Aab in a November 17, 2009 report to the corrections grand jury. The actual cost for overtime was driven by a 1.44 benefits multiplier and a multiplier of 1.5 for overtime. (Note that this calculation does not include seventh day double time impacts). An additional charge of 6% for PERS and 6% for FICA were applied for an hourly cost of \$62.81. On the retiree side, a Step 3 hourly pay rate of \$26.36 was applied. Use of retirees in other jail organizations suggests widespread reduction in pay for retirees. A benefits multiplier of plus 6% FICA results in a final hourly cost of \$27.94. The annual figure of \$1.39M results from assumption of 40,000 overtime hours per year. The same Larry Aab report shows overtime at 80,000 hours/year or more for the past four fiscal years.

5. **Use civilians (Facility Security Officer (FSO)) to staff floor control at MCDC: \$1.4M annual savings.**⁷ Many jail systems throughout the country successfully use civilians in floor control positions. It is the Washington County experience that the training of civilians is crucial to their success. While there was testimony that Multnomah County uses floor control for people who have medical issues, we did not observe this in practice. There are other administrative functions that people with medical conditions could perform besides control.
6. **Leasing Wapato to the state: \$0.8M annual savings.**⁸ No assessment of the county jail system can ignore the Wapato Jail controversy. We understand that Multnomah County is in negotiations to lease that facility to the state Department of Corrections. We hope this endeavor will be successful, and that the returns from any lease arrangement will be utilized for the county jail system. Since voters approved the building of Wapato for public safety reasons, we believe that funds generated by the facility should be used for that purpose.
7. **Use civilians to staff classification unit at the jails: \$0.4M annual savings.**⁹ One of the most important functions in a jail is the classification of prisoners. In Multnomah County this is done exclusively by corrections deputies. However, there are many jails that use civilians in the classification function. Generally there is a combination of civilians and deputies. Multnomah County once had such a system and it worked well. We see no reason why the Sheriff should continue such an expensive system.

⁷ This calculation replaces a Step 6 Corrections Deputy at \$30.49 hourly wage rate with a \$19.20 hourly wage rate FSO. The current FSO wage range is \$17.21 to \$21.19 per hour, and we are using the midpoint of this range plus benefits of 44% as provided by Larry Aab. For both numbers the final number assumes seven posts, a 1.82 post factor, 3 shifts, and 365 days per year and a benefits multiplier of 1.44. Total deputy cost for floor control is then \$3.67M against FSO cost of \$2.31M per year, for an annual savings of \$1.36M.

⁸ This represents the annual cost of mothballing Wapato as provided by Larry Aab. Mark Gustafson, Multnomah County Facilities Manager, provided a higher figure of \$1.1M, but we have specified the more conservative estimate. Any revenue from the lease would provide an additional benefit.

⁹ The calculation of savings for civilian classification is similar to civilian floor control, but it was assumed that 12 of the 20 positions would be staffed by FSO civilians at a midpoint of \$19.20/hr plus benefits. We did not assume a post factor for these positions, since we calculated 1 for 1 substitutions. Total cost for all-deputy staffed classification is then \$1.83M against deputy/FSO-staffed cost of \$1.42M per year, for an annual savings of \$0.41M.

8. **Open post backfill scheduling: \$0.2M annual savings.**¹⁰ Sergeants and lieutenants spend a significant amount of their time calling deputies to backfill open posts from sick or vacation time. It is not only expensive to have these highly skilled people doing a clerical function, but also keeps them from providing leadership and communicating with the deputies and inmates. There was almost universal agreement that they should not be doing this kind of work.

IV. Specific concerns of the grand jury

In addition to the cost efficiency issues, listed above, the 2009 corrections grand jury wishes to comment on other potential changes that should be considered. Some of these changes would have less easily quantifiable fiscal impact, but they would improve jail operational efficiency.

Restitution/Work Release

We have heard a great deal of evidence from different sources about the need for a restitution or work release center in the county jail system. Everyone who testified agreed that such a system should be a vital component of our overall jail system. Not only does it provide a valuable resource to change the behavior of offenders and instill in them the value of a work ethic, but it serves as an incentive in the overall system. Such a system provides a “carrot” to certain inmates, and helps to enforce institutional discipline.¹¹ When the county had a work release program it was good for discipline and rehabilitation as well as being one of the cheapest facilities to run in the system. This is because not only do the inmates represent the lowest level of security, requiring lower ratios of staff to inmates, but the inmates who are working contribute to their bed costs. Inmate jobs also enable them to pay restitution and child support providing further social benefit.

¹⁰ Testimony suggests that the scheduling of overtime consumes at least nine hours of time per day, shared between sergeants' and lieutenants' positions. The breakdown for this time is six hours during day shift, 2.5 hours during evening shift and 0.5 hours for night shift calling. These were expressed to be minimums for time spent on a daily basis. The calculation assumes this activity is equally shared between sergeants and lieutenants. For sergeants an hourly wage of \$37.76 was used; this is the Step 6 wage received after six years of service. The majority of sergeants within Multnomah County receive this wage rate. For lieutenants, the midpoint semi-monthly salary of \$3,854.21 was used, for an hourly rate of \$44.81. Both of these wage rates were provided by Larry Aab in a November 17, 2009 report to the corrections grand jury. A benefits multiplier of 1.44 was applied against this wage and the result extrapolated for two facilities. On the civilian side, an hourly wage range of \$14.42 to \$17.73 was provided and the median wage of \$16.08 was used. This is the pay range of an Office Assistant 2. This number was extrapolated against nine hours per day of calling, 365 days per year over two facilities. The same 1.44 benefits multiplier was used. The difference between both calculations is \$237,389.

A further option would be to incorporate the Telestaff software to complete the scheduling via computer. Adding this feature to the software was stated to cost \$40,000 in annual licensing, a number provided by the Telestaff administrator. As this is even a cheaper alternative than an OA2, that savings would be a projected \$349,519. However as there was some testimony that the future of Telestaff use was in question, realizing this figure may become difficult.

¹¹ As the Multnomah County jail system has contracted, the two facilities that have provided positive incentives to enforce good behavior, MCCF and the Restitution Center, have been closed. These closures have removed the most “desirable” facilities from the system, from an inmate point of view. Without these incentives for good behavior, it is much more difficult to enforce inmate discipline, as many have testified.

The 2008 corrections grand jury recommended bringing back the work release center, and suggested locating it within MCDC. We understand that the MCDC facility could still be adapted for this purpose. Inmates in the program who would be out working during the day could be double-bunked during the hours they were returned to custody. A restitution center could operate the least expensive beds in the system.

We are mindful that reinstating the work release program should not come at the expense of housing inmates who are currently in custody. The current inmates represent a very dangerous population that must be detained for community safety purposes. A work release center should be an addition to the current jail capacity. We have been convinced that no progressive corrections system can operate without a work release component.

Double Bunking at MCDC

During this last year, Sheriff Skipper made a unilateral decision to stop double bunking at MCDC for operational convenience. As a result the bed capacity of MCDC went from 520 (funded)/676 (bed capacity) in 2004 to 389 (funded) today, substantially increasing the cost of housing an inmate at that facility. While the overwhelming opinion of the deputies and command staff was favorable to single bunking, we question both the decision and the manner in which it was announced.

We were told that double bunking creates a greater risk to both the staff and the inmates, it is harder on the physical facility, and that the building was not designed for double bunking. This policy was instituted by former Sheriff Dan Noelle and from the beginning, was met with great resistance from both the deputies and command staff.

Double bunking is the norm in jails throughout this country because it is a cost effective method of housing prisoners. It is constitutionally permissible and there has never been a serious challenge that it violates any provision of either the state or federal constitution. Most of the concerns raised by the deputies are problems that almost every facility must deal with. Several witnesses said that we tried to replicate at MCDC the model that was adopted from Contra Costa California, which was a single cell model. We contacted Contra Costa and found that they double bunk most of their prisoners in the facilities that were built for single bunking.

We heard from witnesses that one of the most important factors to successful double bunking is a good classification scheme. The past three corrections grand juries have all recommended the implementation of an objective classification scheme similar to the system Multnomah County used in the past. We are still unclear about the status of the classification scheme. We recommend to the new Sheriff that this be one of his first priorities.

Finally, when the Sheriff eliminated double bunking the Multnomah County Board of County Commissioners was not notified of the actual change. The commissioners believe they are more than “bankers” and some thought they should have been told of any change which would have dramatically raised the cost of a jail bed at MCDC. We agree.

We talked to Sheriff Dan Staton who told us that he would be willing to reconsider the entire issue of double bunking. We would recommend he go to other jails that double bunk, learn from their experience and then decide the best course. Unfortunately, most of his command staff and deputies do not like double bunking. It would be prudent to consider a mixed bunking scheme, which is done throughout the country.

Transporting inmates

We heard testimony that six to twelve jail beds each week could be more effectively utilized by simply transporting inmates who have been sentenced to the state prison in Wilsonville on Fridays rather than Mondays. Since weekends are the most likely time for emergency population releases, clearing jail space during that time is vital. We understand that the Sheriff is looking into this process.

Expediting court proceedings

One of the most effective ways to maximize the use of local jail beds is to expedite legal proceedings for inmates as much as possible. Delaying the resolution of criminal cases means that defendants who will be sentenced to state prison (and who are required by law to be credited for the time they served in custody in the county jail system before going to prison) actually serve a substantial amount of their prison sentence time in a county jail before their cases are resolved. Multnomah County is not reimbursed for this expense. Based on a 2002 report by the Bureau of Justice Statistics for the largest 75 counties in the United States, Multnomah County is far below the national average for processing cases of inmates in custody.¹² Reducing the processing time would result in more effective use of jail beds. We urge the parties involved, the court system, prosecutors, and defense attorneys, to recognize the importance of working on this problem. Bringing our county in line with national standards in this area would greatly improve jail efficiency.

¹² Bureau of Justice Statistics, Felony Defendants in Large Urban Counties, 2002, p 23.

The lack of jail beds

Since 2002 there has been a substantial decrease in the number of jail beds funded by the Multnomah County Board. The following are the number of funded beds for the listed years:

2002	2,040
2003	1,680
2004	1,579
2005	1,690
2006	1,690
2007	1,633
2008	1,539
2009	1,367

The numbers for the last year may actually underestimate our current capacity to hold Multnomah County prisoners in light of the increased Marshal beds and immigration beds.

In the past year we have once again seen the number of forced “matrix” releases increase. These numbers would have been much greater except for the fact that the Department of Community Justice has shortened the sentences that probation and parole violators spend in our local jails.

We heard evidence that within the last year there have been over 100 new police officers hired by various police agencies in the county. We would expect that as these officers come into the system our jails will not be able to accommodate the added arrests. Consequently, we would expect to see more people released into the community because there will be simply no place to house them.

V. Conditions for Change

Institutional change is difficult to achieve. The corrections grand jury observed instances of attempted organizational changes which were thwarted by unreceptive conditions. Here we will identify key factors promoting organizational change and provide some suggestions on creating an environment conducive to change.

Vision

First and foremost, in order Multnomah County corrections to make meaningful improvements its leaders must develop clear goals. At present we feel that the vision for the county is unclear. It is important that the new Sheriff instills his aspirations throughout corrections. By providing a concise and compelling vision for the future of the jail system, the Sheriff and the management team can fully

engage the hearts and minds of their employees at all levels. There are a number of strategic issues which could be included in such a vision:

1. What are existing best practices within corrections nationwide? What lessons can be learned from peers to become successful by any measure? By looking outside its local purview, the management team must be able to identify and implement the best successes of others.
2. What is the long-term plan for MCDC? The current facility is considered a Tier 2 building, which means it will not receive any money for structural improvements by the county. Given the importance of the sustained long-term operation of MCDC, it should be given Tier 1 status. The current construction of this jail does not meet required seismic standards. An earthquake could be devastating for all building inhabitants including the 386 inmates and their caretakers. A projected \$18M - \$20M¹³ is required to make necessary seismic improvements to the building. As long as there is no feasible alternative to a downtown jail and booking facility, there needs to be a long-term plan to realize these improvements.
3. What is the plan for pending retirements throughout the workforce? Over the next five years, 25% of the workforce becomes eligible for retirement, including a large portion of the executive staff. There needs to be a plan for hiring, training, and developing the future workforce.
4. What is the plan for modifying the labor agreement as the workforce demographics change?

Clearly defining the organization's goals, how success will be measured and establishing feedback mechanisms at each level of the organization engages the entire workforce in a unified plan for the future. Without this type of long-range plan, the corrections department will continue reacting to the most current pressing issues, which makes long-term success difficult, if even possible.

Communication

Clear communication and transparency are also necessary to make significant organizational changes. The 2009 corrections grand jury observed several instances where improved organizational communication could have generated better results:

¹³ Figure provided by Mark Gustafson, Multnomah County Facilities Manager

- Of the five county board members, only the county chair references corrections on his website, and that is about plans for Wapato. The testimony from each of the commissioners emphasized the importance of corrections, particularly in regard to cost effectiveness. We hope this interest will translate to a more effective relationship between the board and the Sheriff's office.
- The move to a single bunking cell configuration at MDCD was not well-communicated from the Sheriff's office to the county board, despite taking place at the start of the fiscal year. Budgetary reviews immediately prior provided ample opportunity to communicate this major housing modification. Doing so would have contributed to a culture of openness and trust between these two management parties.
- There needs to be more transparency in the budgeting process. No matter what system is used it is important that people be open. We heard testimony about line item and priority based budgeting. While both have certain advantages, to be effective both need good communication to and from the board.
- On the health care front, the county health system does not provide access between jail records and community health information. Such networking of medical assessment and treatment planning would provide obvious benefits. Additionally, major changes to mental health strategy were poorly communicated to corrections personnel, both at the officer and executive levels. This resulted in lingering uncertainty and management distrust, particularly for corrections officers in MCIJ Dorms 13/14.
- Memoranda of Understanding (MOU) are issued electronically to the executive team and corrections officers. There is limited explanation of new MOUs to those who must enforce the policy changes. As a direct result, often there is a lack of understanding behind why the policy has been adjusted or created. Furthermore, there is no central access point to previously issued MOUs so that corrections personnel can validate details of these changes.
- At the corrections officer level, there is no access to classification information or recent behavioral issues within the dorms. In other jails, the officers have immediate computer access to this information. While information security is a valid concern the officers can effectively manage and establish security around their workstations.

These examples reveal communication gaps throughout the county government. Clearly articulating the intent behind changes, as well as relevant details, would serve to positively engage the corrections team in successful implementation. It

is difficult to underestimate the value of face-to-face explanation of changes and addressing of questions prior to enacting the change itself. Whether this exchange involves sheriff and county commissioner or lieutenant and corrections sergeant, the value of communication and corresponding improved result is the same. Apart from the facility commanders, there exists a void between executive management and the corrections officers. Establishing a regular practice of managers going to the “front lines” would establish linkages of upward and downward organizational communication. Additionally line staff morale would be improved and the command staff would gain direct insight into emerging issues facing the corrections officers.

VI. Conclusion

Over the past 90 days, we assessed the corrections system against statutory requirements as well as guidelines from corrections professional organizations. Conditions in our jails and prisons generally met or exceeded requirements and guidelines, with inmates kept safe and secure and treated humanely.

We have made several recommendations necessary for change, while emphasizing systemic barriers to communication and effective county management that need to be addressed. The current fiscal crisis demands that the suggestions outlined in this report be taken seriously and changes implemented quickly.

VII. Appendix / Addendum

There were a number of areas that the 2009 corrections grand jury thought were important but thought either the Sheriff or future grand juries might address further. They are included here for the sake of completeness.

1. Command structure at MCDC

MCDC currently has a captain in charge of booking, a captain in charge of classification, and a captain as the facility commander. The corrections grand jury heard testimony regarding chain of command confusion caused by this structure. The grand jury recommends that the captain positions in booking and classification be changed to lieutenant positions. Making this change will leave one captain position (facility commander) thereby creating a clear chain of command.

2. Donald E. Long Juvenile Detention Center

The corrections grand jury was very impressed with the food services department at the Donald E. Long Juvenile Detention Center. Staff demonstrated innovation in launching the cart system which reduced the time needed to prepare trays, gave youth more options, and reduced waste significantly. The number one complaint among the youth is not enough outdoor time. We recommend more time outside when possible.

3. Future grand jury topics

This year the majority of the mental health population was moved from a dorm setting at MCIJ to a single cell setting at MCDC. The corrections grand jury has some concerns as to whether this housing arrangement is ideal for mentally ill inmates. We suggest that the 2010 corrections grand jury examine this issue.

4. CRCI honor units and gardening

The 2009 corrections grand jury would like to acknowledge the Department of Corrections and CRCI for their inmate gardens and honor pods. The inmate gardens yield over 10,000 pounds of produce annually, providing cost effective, healthy inmate meals. Their honor pods are an innovative and efficient incentive for promoting good inmate behavior.

5. Training

MCSO deputies are not currently meeting the Oregon Jail Standards of 40 hours training per year. Deputies currently receive 24 hours of training per year. Training is an important part of professional development resulting in higher efficiency and less exposure to litigation. The corrections grand jury recommends using small blocks of computer-based training to supplement the current training program.

6. Courthouse delay and use of video

It has been brought to our attention that there are delays in the courthouse as a result of detainee movement, primarily regarding the delivery and transportation of inmates for arraignment and trial. Since the courthouse design is restricted to one-way access, jury members must be present well in advance of a detainee to maintain impartial and fair decisions. Often due to availability and or scheduling, an inmate may not appear in a timely manner to his or her trial, preventing a smooth and efficient operation. The corrections grand jury concluded that in some cases, video could be used at MCDC or MCIJ to increase the turn-over process and eliminate the transportation back-up seen in the current system. Video conferencing may not be applicable for all cases, but can and should be used more.

7. Programs

- a. While there are a variety of programs offered, a domestic violence (DV) offender program for men has been dropped. Due to the gravity and violent nature of domestic violence charges, it is important to have a program in place for these inmates and anger management classes are a poor substitute. DV offenders and those with anger management problems are different in nature from the general inmate population. DV offenders often do not have problems controlling their anger,

- b. Testimony from other witnesses also mentioned the need for a food-handlers card program and a GED program to be implemented at MCDC. These two programs would be very beneficial to inmates once they re-enter the community and could help break the cycle of recidivism into the corrections system by increasing chances for future employment.

8. FMLA/OFLA Leave

The 2009 corrections grand jury heard testimony from the Sheriff's Human Resources department and came to the conclusion that more active measures should be taken to prevent FMLA/OFLA leave abuse.

- a. Below are some suggestions from the US Department of Labor website:

http://www.dol.gov/whd/opinion/FMLA/2005/2005_09_14_2A_FMLA.htm Medical certification issued by a health care provider may be requested for FMLA leave for a serious health condition of the employee or the employee's spouse, child, or parent. See 29 U.S.C. § 2613 and 29 C.F.R. § 825.305. The purpose of the medical certification is to allow employers to obtain information from a health care provider to verify that an employee, or the employee's ill family member, has a serious health condition, the likely periods of absences, and general information regarding the regimen of treatment. When requested, medical certification is a basic qualification for FMLA-qualifying leave for a serious health condition, and the employee is responsible for providing such certification to his or her employer. If an employee fails to submit a requested certification, the leave is not FMLA-protected leave. See 29 C.F.R. § 825.312(b). Where the employer has reason to doubt the validity of the medical certification, the employer, at its own expense, may require the employee to obtain a second opinion and, if the employee's health care provider's certification and the second opinion certification conflict, a third opinion certification. See 29 C.F.R. § 825.307.

- b. The corrections grand jury heard testimony that medical conditions do not have to be stated in the medical certification documentation, making it difficult to ascertain and confirm the medical condition can be covered under FMLA laws. As stated above, according to the FMLA laws, medical certification should be used to verify that the requestor's condition is eligible for

FMLA leave. We also heard testimony that sometimes medical certifications are not submitted in a timely manner, at times after the leave has already been taken. The Sheriff's office should not tolerate this behavior and needs to send a clear message to all employees stating the appropriate use of FMLA/OFLA leave and the requestor's responsibility to provide documentation. By not aggressively pursuing FMLA/OFLA abusers, the HR department is contributing to the culture of abuse and in the process, allowing taxpayers dollars to be wasted. HR should also take advantage of the special investigator available to check on suspected abusers in addition to getting an opinion from an independent third party health care provider.

9. Racial Over-representation

Racial over-representation in jails was raised as a concern by one of the county commissioners. We felt this was a criminal justice system concern, and outside the scope of this report unless we observed any prejudicial treatment in booking, classification, or treatment of inmates, which we did not.

10. Performance Evaluations

Implementing performance evaluations as a communication tool between command and line staff is highly recommended. We heard testimony from virtually all line staff and many command staff members that they have not had feedback on their job performance since their probationary period or promotion. While some witnesses defined their own measures to use in order to know if they have been successful in their jobs, it would undoubtedly be helpful for all employees to know from an independent party whether or not they are performing adequately in their job. Implementing evaluations could only be a benefit; it would help boost employee morale to know when they are doing a good job and point out areas for improvement, which will strengthen the organization.

Acknowledgements

We want to thank all of the corrections professionals who testified in this process. We were impressed with their professionalism and dedication. In addition, we would like to acknowledge a few individuals who exemplify excellence throughout the Multnomah County corrections system and impressed us with their dedicated service. These individuals form the heart and soul of county corrections. We thank them for their service to the community.

Captain Rai Adgers
Sergeant Phil Anderchuk
Deputy Chad Gaidos
Lieutenant Mary Lindstrand
Davia Nemkevich
Deputy Brenda Skinner
Retired Sheriff Robert Skipper
Captain Linda Yankee

Witness List

1. Chad M. Gaidos
2. Raymond Rai Adgers
3. Vera Pool
4. Thomas Jacobs
5. Ronald Bishop
6. Tom Slyter
7. Bobbie Luna
8. Barbara Topor
9. Byron Moore
10. Maureen Rauzko
11. Mark Gustafson
12. John Mathews
13. Scott Johnson
14. Jesse Luna
15. Barrett Taylor
16. Steven DeJongh
17. Douglas Hewitt
18. Uwe Pemberton
19. Ryan Estes
20. Sondra Magnuson
21. Kyla Harm
22. Melanie Parker
23. Christina Barnes
24. James Allison
25. Linda Yankee
26. Steve Pina
27. Anne Peters
28. Gayle Burrow
29. Randy McPherson
30. Eugene Haddock
31. Merton Kendall
32. Molly McDade-Hood
33. Tina Breiton
34. Ron Bishop
35. Dave Rader
36. Rachel Getman
37. Dennis Bryant
38. David Conway
39. Robert Honey
40. Rhonda Gee
41. Dale Ahlstrom
42. Karen Ireland
43. Francisco Hernandez
44. Scott Sanetel
45. Paula Myers
46. Jerry Kavina
47. James Sodaro
48. Daniel Ray
49. Oscar Rodriguez
50. Margie Cleo Tisdale
51. Robert Haney
52. Daniel Hilts
53. Katherine Feller
54. Andre Scott
55. Roderick Calvin Lightner
56. Kirk Freiermuth
57. Robert Miller
58. Wayne Gramlich
59. Brenda Skinner
60. Robert G. Skipper
61. Larry Aab
62. Craig Bachman
63. David Koch
64. Kevin Hunking
65. Nan Waller
66. Rick Jensen
67. Jason Ziedenber
68. Andrew Brosh
69. Phillip Anderchuk
70. Brett Elliott
71. Jay Heidenrich
72. Mary Lindstrand
73. Jeffrey Wheeler
74. Daniel Staton
75. Jacqueline Webber
76. Peter Ozanne
77. Jennifer Ott
78. Jean Kerr Maurer
79. Lester Walker
80. Gayle Burrow
81. Steven Sutton
82. Barbara Seiler
83. Jeannie Chesney
84. Lillian Shirley
85. Diane Marie McKeel
86. Corie Nicole Wiren
87. Deborah Kafoury
88. Julie Elizabeth Frantz
89. Muhamad Ra'oof
90. Michael Reese
91. Bruce McCain
92. Carol Hagler
93. Jeffrey Scott Cogen
94. Judy Shiprack
95. Joseph Hagedorn
96. Peter Moseler
97. Patricia Brown
98. Stevens Hyppolite
99. Janell Steffl
100. Jeffrey Zeigler
101. Jana McCallum
102. Arvie Smith
103. Davia Nemkevich
104. Debra Ceglie Evans
105. Noah Schultz

Dated and signed this 14th day of December 2009.

Chester Lee – Foreperson

Evan Patton – Alternative Foreperson

Karla Ksenzulak – Clerk

Falina Elia

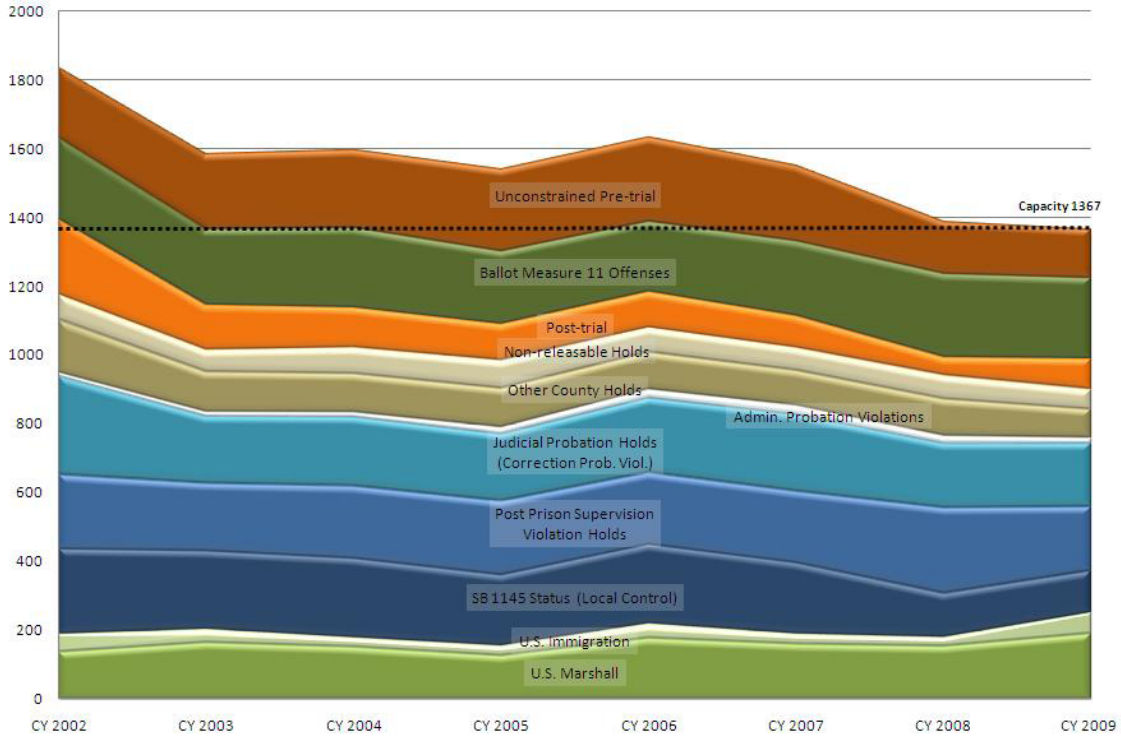
Laurel Vallarta

Ryan Stell

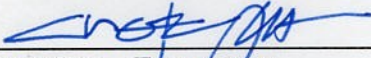
Ted Silbernagel

Exhibit 1

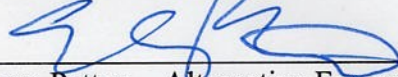
Jail Bed Distribution by Major Types of Occupancy 2003 - 2009
Yearly ADP



Dated and signed this 14th day of December 2009.



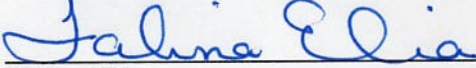
Chester Lee – Foreperson



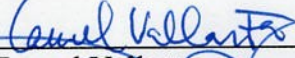
Evan Patton – Alternative Foreperson



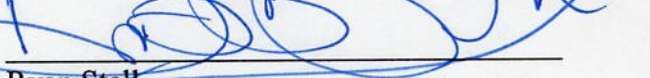
Karla Ksenzulak – Clerk




Falina Elia



Laurel Vallarta



Ryan Stell



Ted Silbernagel