

REPORT OF THE 2010 MULTNOMAH COUNTY

CORRECTIONS GRAND JURY:

Conditions and Management of

Correctional Facilities within Multnomah County

September 2010 - December 2010

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Statutory Background

The 2010 Multnomah County corrections grand jury was selected and impaneled on September 13, 2010. Oregon law requires each county in the state to convene a grand jury to inquire into the conditions and management of each correctional and detention facility in the county and to issue a report detailing their findings. In accordance with that statutory duty, this corrections grand jury visited all the detention facilities in this county, the Multnomah County Detention Center (MCDC), the Inverness Jail (MCIJ), the Multnomah County Courthouse Jail (MCCJ), the mothballed Wapato jail, the Columbia River Correctional Institute, and the Donald E. Long Juvenile Detention Center. To obtain a contrasting perspective, the grand jury visited the Washington County Jail. Including these jail visits, the grand jury met for a total of 21 days and heard the testimony of 108 witnesses during the months of September through December of this year. Hundreds of pages of documents were submitted by various agencies that operated these facilities and were reviewed by the grand jury. The conclusions and recommendations in the report that follows are based on the evidence obtained by the grand jury during this process.

Executive Summary

The corrections grand jury extensively reviewed the detention operations of three public agencies: the Multnomah County Sheriff's Office, which operates three county jail facilities in this county; the State Department of Corrections, which operates the Columbia River Correctional Institute, a state prison; and the county Department of Community Justice, which operates the Donald E. Long Juvenile Detention Center. The operations of the Multnomah County Health Department Corrections Health Division, which provides medical care in the county jails and the juvenile facility, were also reviewed.

The operations of the Sheriff's county jail system continue to show significant improvement. The Sheriff's Office appears to be committed to reviewing and analyzing their operation and implementing changes when appropriate. The conditions of the facilities are excellent, with the sole concern being the need to address suicide screening in the downtown MCDC jail. The management of the facilities has also shown marked improvement with significant progress made in areas of cost containment, where the Sheriff's Office has instituted a highly effective program to combat sick leave abuse and another program to effectively measure jail bed costs.

Responding to the concerns of prior grand juries, the Sheriff's Office has completely rebuilt the classification system it uses to ensure jail safety by evaluating inmates and assigning them to appropriate living quarters. There are concerns, however, that the functioning of this new classification system has not been effectively communicated to the entire corrections staff, resulting in some

confusion as it is implemented. The Sheriff's Office has recognized this and is exploring ways to optimize communication throughout the agency.

Regarding staffing issues, there are concerns that, while from top to bottom the Sheriff's staff is knowledgeable and professional, structural barriers impede too many of these very able officers from seeking promotion. The result is that the agency is missing an opportunity to utilize this significant leadership resource.

Perhaps more important than the listed areas of easily quantifiable improvement have been the less tangible advances in leadership atmosphere demonstrated by the current administration. Virtually all witnesses interviewed were optimistic about the leadership of the current Sheriff, and this seems to constitute a dramatic and positive change.

The operations of the Multnomah County Health Department Corrections Health Division have shown significant improvement. The costs of this division have been questioned for a number of years by previous corrections grand juries, to the point where privatization was recommended. It is extremely encouraging to note that this agency, whose actual medical services' quality has never been questioned, has managed to totally contain cost increases over the last two years, a substantial feat in the medical field, where costs annually rise by 5-10 percentage points. As a result, the Corrections Health Division has moved effectively toward closing the gap between the costs of its services and that of private providers. This has been achieved by re-evaluating systems and redesigning them to adopt the most current business practices in the field.

Regarding the operations of the Juvenile Detention Center, the corrections grand jury believes that the facility operates smoothly and effectively and provides the best service available under the circumstances. As noted in previous reports, costs remain a concern, but will not be addressed in this report.

Finally, regarding the operation of the Columbia River Correctional Institute, a state prison facility, there are no major concerns and the facility seems to operate effectively.

I. OBSERVATIONS OF THE COUNTY JAIL SYSTEM

A. Conditions

Safety: The corrections grand jury was impressed with the conditions of the county jail facilities, which greatly exceeded expectations. Bearing in mind that corrections deputies must deal with inmates who are often antisocial, manipulative and violent individuals, the deputies demonstrated remarkable respect and professionalism in their interactions with inmates. The corrections grand jury was present on two occasions when deputies responded to disciplinary emergencies and we witnessed well-coordinated and controlled

actions by the deputies. It appears that the conduct of the staff has fostered a level of respect on the part of the inmates in return. Inmates who were interviewed had no complaints about their treatment, so it is reasonable to conclude that the professional atmosphere in the facilities has generated a safer environment.

That the facilities are operating safely is largely confirmed by litigation figures. Litigation, especially when successful, may be a good indicator of how safely and humanely a jail facility operates. When reviewing litigation results with a representative of the Multnomah County Attorney's Office, it was noted that successful litigation was rare and usually involved medical issues and not treatment by corrections deputies. Testimony from the defense bar indicated that county jail inmates have few complaints about their treatment by jail staff. Overall, the corrections grand jury is able to conclude that the corrections facilities operate in a safe manner and inmates are treated well.

Food: The corrections grand jury heard a number of complaints about the quality of jail food. While this is not of major concern in a facility where the average inmate stay is only 13 days, these complaints are probably accurate, based on the food that was served to the panel. The food, while nutritionally adequate, did not measure up in quality to the food in the other detention facilities we visited.

Medical care: The corrections grand jury concludes that inmates receive excellent medical care. The testimony indicates that jail inmates are among the least healthy individuals in our society, often poor and uninsured with a significant majority being substance abusers. The challenges of treating this population are enormous, but by all accounts, again seemingly confirmed by litigation figures, these challenges are effectively addressed by the Corrections Health staff. It is encouraging to note that the Corrections Health Division will again be submitting its operations to the certification process of the National Commission on Correctional Health Care. This process was dropped for budgetary reasons three years ago and will be resumed in 2011, ensuring that our county meets national standards on jail health care.

Facilities maintenance and improvement: The county jail facilities appear to be well maintained, safe and clean. Corrections officers indicated that because of the design of some of the facilities, blind spots may exist in some of the residential areas. The Sheriff recently retrofitted the downtown jail to reduce suicide and assault risks by replacing all the original wooden cell doors that had small windows with metal doors and large glass windows, a recommendation of a prior corrections grand jury. Bars have also been added on upper tiers to prevent suicide attempts.

Disciplinary process: The corrections grand jury heard testimony regarding the disciplinary appeal process afforded to inmates who have broken institutional rules. It appears well run and effective.

Suicide prevention: The major concern of the corrections grand jury regarding the conditions in the county jail system is suicide prevention in the downtown Multnomah County Detention Center. This is the county's maximum security facility where over 400 inmates are housed in individual single cells. In July 2009, this facility was converted from double-bunked cells to single-bunked cells, which was its original design when built in 1983. This change, according to testimony, was designed to reduce the risk of sexual assaults and fights, both by eliminating cellmates and reducing the general crowding of the jail. Although arguably this reduced the danger of violent crime¹, the trade-off, according to testimony from both Sheriff staff and Corrections Health staff, was an increased suicide risk, since suicides generally occur in private. Indeed, the evidence indicates that virtually all suicides in the county jail system have occurred in single cells. Adding over 200 single cells to the population mix, therefore, significantly increased the potential for suicides.

Testimony reveals that a robust suicide screening protocol is necessary to address suicide risk, especially where a large proportion of the inmate population is to be housed in privacy. Suicide screening will divert inmates with suicidal ideation into a suicide watch program, which is virtually always successful in preventing suicides.² Failure to properly screen and identify such individuals, especially when these inmates will be housed in a single cell, would increase the possibility of successful suicide attempts.

The evidence reveals that in the four years prior to single bunking at MCDL, only one suicide occurred in that facility (and this was in a single cell). A little over one year after the single-bunking of the facility, two suicides have occurred, both in single cells. Although this might simply be a statistical aberration, mental health staff are concerned that it is not, and that it represents a potential system flaw. The Sheriff is aware of this issue and indicates that his office, in conjunction with Corrections Health, is seriously studying the matter.

B. Management

The corrections grand jury noted a number of advances in the management of the Multnomah County jail system. Even more encouraging is the fact that these developments have occurred relatively recently and appear to be directed toward solving problems that have been detected from outside the Sheriff's office, in

¹ Statistics provided by the Sheriff's Office indicate that throughout the jail system, the number of total assaults has remained approximately the same, but the number of major assaults has decreased substantially.

² The corrections grand jury heard that only one inmate in recent history had committed suicide while on a suicide watch.

many instances from earlier corrections grand jury reports. This demonstrates an ability to analyze and accept criticism and act relatively flexibly and rapidly to address the problems detected there, when warranted. Observations of management are:

Classification system: In 2006 and 2007 the corrections grand juries noted that the classification system was potentially problematic. This prompted the Sheriff's Office to commission a 2008 study by the National Institute of Corrections which agreed with many of the grand juries' conclusions and recommended a total revamping in the classification system from a "behavior-based" system to an "objective" system. The process for that is now complete and the new classification system is now being implemented. It is a positive development, although it has proceeded erratically, and according to testimony has not been well explained to the staff, causing confusion among line staff members who do not understand the new system. In some instances, this has resulted in skepticism among the staff about the new system. This could have been avoided with better communication about what is essentially a completely new classification procedure. Presumably, this situation will be resolved as the new system is implemented.

Sick leave management: Sick leave abuse has been one of the most controversial issues that the jail system has faced. Numerous corrections grand juries, independent consultants, and outside press accounts in the mid 2000's noted and criticized the persistent leave abuse that existed in the agency. Witnesses agreed that a culture which accepted this type of behavior was noted to be prevalent in the Sheriff's Office during that era. The issue was revisited repeatedly in the press with damaging results for staff morale.

During the last 18 months, the Sheriff's Office has moved aggressively and effectively to implement a system to control sick leave abuse by deputies. According to several knowledgeable witnesses from outside the Sheriff's Office, one of whom has worked for public agencies across the nation, these corrective actions constitute the most significant campaign against leave abuse they have ever witnessed. The system, which includes original leave tracking software, has been developed by the Multnomah County Sheriff's Office since no comparable system existed in the country for public agencies. Essentially, it is a management tool to track patterns of leave which might constitute abuse, to be followed by counseling from management for employees who appear to be taking questionable leave. Sick leave usage has been reduced by 38%. This has an enormous impact on costs since unplanned leave invariably drives up overtime usage.

Perhaps more important than the cost containment issue is the manner in which this process has changed employee culture. Deputy after deputy testified that not only were they now far more cognizant of their sick leave use, but also conceded that they now realize that the prior culture was perhaps not professional and

certainly did not reflect well on the office. What has evolved quite rapidly, therefore, has been a dramatic change in workplace attitude and professionalism.

Cost analysis: Cost analysis is another area of substantial improvement under the current Sheriff. For several years, corrections grand juries have noted the high costs of the Multnomah County jail system. Perhaps more problematic was the fact that the Sheriff's Office had been unable to present convincing figures that demonstrated their true jail bed costs with a break down of the components of those costs. Reasonable business practices should dictate that this basic information would be immediately available to any effective manager. One of the first actions of the current Sheriff was to resolve this situation. He formed a task force, which included the foreperson of the 2009 corrections grand jury, a member of the county auditor's office, a county commissioner, and representatives of other county agencies to develop a credible costing analysis. In relatively short order, the committee produced a process which accurately and transparently analyzed local jail costs and their components. This allows the public to get a good look at the composite costs of jail services in this county.

The results are not surprising. Multnomah County has a very expensive jail system with a fully loaded average daily jail bed cost of \$178.40. How this compares to other jail systems is the next step of the Sheriff's task force analysis. The Sheriff's Office plans to break down costs in other jail systems in a similar manner for the sake of comparison.

What is important to understand, and what this process has highlighted, is that the high costs of the jail system include certain factors over which the Sheriff has little or no control, such as:

Facilities: The Sheriff's Office has no control over the facilities in which they conduct their operations. In fact, the Sheriff's Office does not even own the jails; they are owned and controlled by the county government, which consists of elected officials who are entirely independent from the Sheriff, who is himself a separate, independently elected official. The cost efficiency of these facilities is therefore outside the scope of the Sheriff's control. One of the facilities, Inverness Jail, is a modern jail which operates in a cost efficient manner.

The other facility, the downtown Multnomah County Detention Center, by its construction and design, is not a cost effective jail, and can never be made to be one. It was built in a different era, under a design which has long been surpassed by more modern concepts. While it is safe and clean, it will never house inmates efficiently, especially under an original design which calls for single bunking of inmates. It is, in short, obsolete.

The MCDC facility is a high cost driver that does not fairly belong to the Sheriff's Office. This fact, however, has not been effectively communicated by the Sheriff's Office. The high cost of the facility is apparent, however, and the public and the county government should recognize that as long as the MCDC facility is the core of jail operations in Multnomah County, we cannot expect jail costs to moderate.³ While it is probably unrealistic to expect a new facility to be built at this time, the public should at least be aware that the cost differential between MCDC and a more modern jail is running at millions of dollars per year, and this cost is largely outside the control of the Sheriff's Office.

Labor costs: Labor costs make up 80% of the jail budget. These labor costs are largely driven by the labor contracts of two bargaining units: AFSCME Local 88, which represents civilian employees; and the Multnomah County Corrections Deputies Association, which represents sworn corrections deputies and sergeants. The Sheriff has stated that he feels he has no control over these costs because it is the county government leadership who are ultimately responsible to the County Chair, and not the Sheriff, who negotiates these contracts. The Sheriff is often left with contractual terms with which he disagrees. He believes that the interests of his command staff in obtaining cost-cutting terms are sometimes ignored. The corrections grand jury believes this problem should be easily resolved, at least in the current budget climate.

While it is true that the central county government is responsible for negotiating labor contracts, both the County Chair and the Sheriff are committed to aggressively controlling costs in the current fiscal atmosphere. After hearing testimony from the County Chair that he will entertain any idea that will improve budget prospects, the corrections grand jury believes that if the Sheriff's Office can present a bargaining stance that will actually save the county money, it will be adopted. Because both the Sheriff and the County Chair appear to be in complete agreement on the issue of cost containment, any negotiation team confusion appears to be merely a communication problem. Sheriff's Office command staff members sit with county negotiators at all contract bargaining sessions. They must be prepared to effectively communicate to county negotiators their management cost containment strategies. If those strategies actually pencil out, the county negotiators should adopt them as bargaining strategies. In fact, the corrections grand jury took testimony regarding the county's bargaining strategies and it certainly appears that they intend to take a

³ Base operating costs for the MCDC facility are approximately \$49/day/inmate greater than those for Inverness Jail, according to the recent jail bed costs study by the Sheriff's Office.

firm and aggressive negotiating posture on behalf of the Sheriff's Office. Hopefully, both offices can effectively determine the best way to present that posture.

Labor practices: Many management policies relating to labor are governed by operational practices that, when adopted by memoranda of understanding or by continual practice, achieve the legal force of contractual provisions. While the Sheriff usually has complete control over many of these policies, once they are established, he is stuck with them, subject to contractual bargaining. Unfortunately, the current Sheriff is saddled with many of these provisions from previous administrations. Altering high cost provisions is difficult because it requires aggressive policy changes or bargaining. The Sheriff's Office has demonstrated its willingness to do this by taking a particularly costly agreement on comp time to arbitration in 2009 and winning.

The Sheriff's Office should also address this problem by closely examining future changes in labor practices before they are implemented.

Service level agreements: The corrections grand jury has observed that while the central county government provides a great deal of services to the Sheriff's Office, such as facilities management, human resources, fleet management and information and technology, the service agreements between the agencies are often ill-defined and in some instances seem to be inefficient. For example, the cost to the Sheriff's Office of routine vehicle maintenance is many times the market cost.

The corrections grand jury has noted that certain areas of the Sheriff's Office, such as the warehouse and commissary functions, have been very effectively managed to reduce costs. Similar measures to examine costs throughout the agency could reduce total costs in the areas of purchasing and contracting for services.

Performance measures: Previous corrections grand jury reports have suggested that annual performance evaluations for the entire staff would benefit the overall work quality of the organization. Most of the staff agrees and has sought feedback on their job performance. The current Sheriff agrees with the concept of performance evaluations and is in the final stages of developing a performance evaluation process.

Management tools: The corrections grand jury notes that the Sheriff's Office has begun a process to implement data-driven management tools to assist managers in efficiently doing their jobs. These tools are based on current business practices and include a study in the use of activity-based costing

systems that can be used to analyze staffing patterns to most effectively assign staff and reduce overtime. The Sheriff's Office intends to begin a pilot project to test the use of this process to track personnel utilization.

Additionally, the Sheriff's Office has recently designed the Corrections Inmate Management System (CIMS) to integrate all internal computer systems relating to inmate data. This is a software program designed within the Sheriff's Office that will provide instantaneous information regarding inmates throughout the system. In conjunction with a new effort to equip all housing areas with computer access to this system for use by corrections officers, this advance promises to greatly enhance the ability of officers to effectively supervise inmates and conduct jail operations.

The corrections grand jury was presented with testimony relating to management tools and data reports used in other jail systems to enhance productivity. They include "report card" type data compilation snapshots that are computer generated and always immediately available for management use. The Sheriff's Office is currently reviewing some of these tools to determine if something similar might be applied to the jail system.

Suicide watch: Suicide watches are standard features in jail systems where many of the inmates suffer from mental health problems, are often withdrawing from narcotics addiction and extreme alcohol abuse, and may be significantly depressed by their criminal charges and the uncertainty of the future. Suicide watches are implemented when an inmate is determined to be potentially suicidal. In Multnomah County there are two levels of suicide watch, with the most extreme, designated "constant watch," requiring constant monitoring by a deputy dedicated to the sole function of observing the inmate. On an operational level, these watches are extremely effective but extremely costly, usually requiring a corrections deputy's services on overtime. Last year the Sheriff's Office spent \$1.2 million in overtime on suicide watches alone.

Testimony revealed that there may be far more cost effective ways to run suicide watches and that such practices are used in other jail systems. Currently in Multnomah County, a constant suicide watch can take place with an inmate in any part of the MCDC facility. Other systems place potentially suicidal inmates in one module with clear visibility by a single corrections deputy. In this way, one deputy can supervise multiple constant watch inmates simultaneously and drastically reduce operating costs. The Sheriff's Office is currently studying a system redesign to adopt this type of suicide watch practice, with two potential plans for modifications. While these plans may require some modest capital expenditures to retrofit facilities, those expenditures would be rapidly recouped by savings on suicide watch overtime expenses. The corrections grand jury believes that a more frequent evaluation of inmates on suicide watch, for example from every eight hours to every four hours, might lead to lesser costs if

those inmates can be moved more expeditiously from watch status to general residential housing.

Promotion: The corrections grand jury heard testimony from numerous corrections officers within all levels of the organization. Virtually all were articulate, intelligent and seemingly dedicated public servants in positions of great responsibility involving the safety of staff and inmates. It was troubling that many of these officers stated quite clearly that they had no desire for promotion to higher levels of responsibility. There are many reasons for this, but primarily they seem to involve contractual rules and work procedures that deter promotion. Often, promotion will not result in a significant pay increase⁴, but will almost always result in less favorable shift assignments and days off. As a result, only three of the almost 40 highly qualified sergeants applied for promotion to lieutenant when the promotion was last offered. This is a serious concern for the Sheriff's Office, since a significant number of its leadership staff will be retiring in the next few years and will need to be replaced.

Succession planning: Testimony presented to the corrections grand jury clearly outlined a looming staffing problem for the Sheriff's Office. One third of the uniformed work force will be eligible to retire in the next four years. This bulge in the demographics of the agency is the result of many years where the agency's work force has shrunk, thereby limiting new hiring, and now leaving a disproportionate percentage of the uniformed staff at the upper brackets of seniority. When this cohort begins to retire, the agency will be faced with significant challenges and opportunities. The opportunities arise in the area of cost management, as productivity and cost benefits can be obtained from replacing higher paid retiring officers with large leave accruals with lower paid deputies with smaller vacation accruals. The challenges will come in replacing the experience that will be lost both at the manager and line staff levels. Additionally, because of the changing demographics of the Corrections Division in the near future, this will provide an ideal opportunity to further the department's efforts to promote a more diverse workforce. It will also provide flexibility for the department to encourage the dual certification of sworn enforcement and corrections officers.

Communication: The 2010 corrections grand jury and prior grand juries have noted that many corrections deputies feel that insufficient communication exists between officers at their level and the management team, primarily meaning their lieutenants. Many believe this lack of communication has deterred them from passing along information and potentially useful suggestions. This was discussed with the Sheriff, who recognizes the need to address the issue of communication throughout the ranks of the agency. He is amenable to instituting management practices like "skip-level meetings," where managers formally meet regularly with

⁴ In fact, promotion from sergeant to lieutenant can actually result in a pay decrease, since sergeants are entitled to earn overtime pay, which may be significant, and lieutenants, who are exempt employees, are not.

employees two levels below them to discuss prevailing issues. The corrections grand jury noted in the testimony of two newly promoted lieutenants that they are personally meeting with each corrections deputy for similar reasons, so the issue is currently beginning to be addressed, at least in certain segments of management.

Strategic plan: Because of the multiple changes in the Sheriff's Office administration over the last three years, the jail administration is not operating under a current strategic plan designed to outline the goals and benchmarks it expects to achieve in the near future and over a longer period of time. The last time the Sheriff's Office developed such a detailed document was in 1996. The corrections grand jury believes that this has hampered the Sheriff's Office in advancing its goals due to the lack of a clear document that outlines those goals. In his testimony, the Sheriff agrees, and has indicated that he is currently developing a detailed document that will describe his vision for the future of the agency. This document is scheduled to be completed in early 2011. This should represent a substantial advance in the office's ability to explain its positions and priorities to the employees of the agency, to community leaders and to the public in general.

Information and technology systems: The corrections grand jury reviewed potential areas where technology could be used by the agency in day to day operations. Specifically, we heard testimony about the use of laptops in the direct supervision residence areas. This would allow the officers to manage questions from the inmates and serve as a way to track inmate administration by updating an electronic version of inmate log books. One recently promoted lieutenant testified that he is actively looking at ways to use technology to streamline the operation of the agency.

The Sheriff believes that technology is an important tool for use in his long range planning and is reviewing recommendations from his staff. The Sheriff is also interested in using technology to unify and streamline multi-agency law enforcement data usage. The Sheriff's Office is actively involved in discussions to foster this goal.

Employee health issues: The corrections grand jury was dismayed by what appeared to be significant health concerns among corrections officers, who repeatedly described the stress factors of their jobs. The testimony revealed an alarmingly low life expectancy for corrections deputies across the nation due to the inherent stress levels of the job.⁵ The Sheriff himself indicated that he would like to address the issue of the psychological stress and lack of physical fitness of some of the staff. Physical fitness requirements have been eliminated from officer requirements after initial hiring, and this has presented an obstacle to employee health.

⁵ Testimony demonstrated that the average life expectancy of a corrections officer was only three years after retirement.

Re-entry: The corrections grand jury observed that the re-entry process for inmates released from custody could be more effective, and does not address a significant community safety concern, since it often leaves inmates released from jail with no community support, sometimes in the middle of the night.

Medical services: As noted earlier, the medical services in the Multnomah County jail system are not provided by the Sheriff's Office. That function is performed by the Multnomah County Health Department Corrections Health Division. Testimony from all sources revealed that the medical services were excellent. Previous corrections grand jury reports have questioned the cost of the services when compared to the services available from private contractors who specialize in jail and prison health care service. It is apparent that the Corrections Health Division has worked diligently to reduce or stabilize its costs over the last two years and they have been successful in doing so.

They have managed to contain costs by reviewing and adopting many of the same management practices employed by private jail health contractors. Specifically, they have contracted out their pharmacy services to a specialized nationwide mail order pharmacy, and have reclassified the function of medication delivery from highly paid nurses to certified medical aides. This has resulted in millions of dollars in savings. The Corrections Health Division continues to review their business practices to see if more efficiency can be achieved.

Savings from these measures have enabled the Corrections Health Division to again seek certification from the National Committee on Corrections Health Care (NCCHC). This agency is a federally funded national auditing service for jails and prisons and it inspects these facilities' health care services using standards that define the best practices in the field. Multnomah County withdrew from that service three years ago for budgetary reasons. The corrections grand jury was told that because of money saved from recent cost containment measures, the certification process will be instituted again in 2011. Since the certification process is designed to assure high quality medical services, it is reasonable to assume that this certification process will improve the quality of medical services.

The costs of the Corrections Health Division have remained stable for the last two years. In nominal dollars, the cost of health care delivery, per inmate, per day, is exactly the same as it was two years ago. This is no insignificant feat in the medical field, where substantial yearly cost increases are the norm. While jail medical services in Multnomah County are still more expensive than jail medical services provided by the private sector,⁶ the gap has been closed. Whereas four

⁶ The corrections grand jury compared the Multnomah County jail health care system with that in Washington County, which is provided by a private contractor. Because there have been no cost increases in Multnomah County, the daily jail bed costs have remained the same, at \$25/day/inmate. According to testimony taken in Washington County, their medical costs have increased from last year's figure of \$16.84/day/inmate to \$20/day/inmate, a 17% increase.

years ago county jail health care services were approximately twice as expensive in Multnomah County as services that could be provided by a private contractor, that gap has now been reduced to approximately 20%. It is conceivable that this 20% gap may simply reflect a more difficult medical population in an urban county. This has occurred with no detectable decrease in the quality of health care, and with the renewed NCCHC certification process, the services may in fact be better. In short, the Corrections Health Division has done a laudable job of containing costs while maintaining the same level of service.

II. OBSERVATIONS OF COURT PROCESSES THAT AFFECT JAIL USAGE

The corrections grand jury noted that a number of court processing issues affect jail usage. Among them is the processing of cases regarding inmates who are being held on warrants from other counties. Expediting these cases would mean that inmates would spend less time in Multnomah County jails. While there is a procedure in place to expedite some of these cases, there is an opportunity to expand this process. The testimony indicates that the process of revising the court processing system for misdemeanors, the increased use of video arraignments, and the revision of electronic record keeping is underway. Mental health courts are also effectively diverting some mentally ill inmates from jail by treating their behavior out of custody.

III. RECOMMENDATIONS FOR THE MULTNOMAH COUNTY SHERIFF'S OFFICE

The corrections grand jury will make a number of specific recommendations. We believe that it is important for the agencies involved and for future corrections grand juries to track the progress of these recommendations. For that purpose, the recommendations have been specifically numbered for future reference. Additionally, an attempt was made to track the recommendations of former grand juries and to assess the progress made on those recommendations. This is recorded in Appendix I.⁷

The specific recommendations of the 2010 corrections grand jury are:

1. Suicide prevention: The corrections grand jury is concerned about the effectiveness of the current suicide screening procedure at the MCDC facility. The corrections grand jury recommends that the Sheriff's Office and the Corrections Health Division reevaluate the current suicide assessment process at that facility, including staff training, and arrive at a joint determination as to

⁷ Additionally, the grand jury reviewed the 2008 National Institute of Corrections study of the county jails which focused on the classification system. The study was a comprehensive and informative look at the jail system, which included many recommendations. While the Sheriff's Office has moved to implement the major recommendation of that report, objective classification of inmates, the corrections grand jury did not have enough information to track the Sheriff's Office's response to the remainder of the recommendations. The corrections grand jury believes that it would be beneficial for the Sheriff's Office to analyze all the recommendations of this document to determine if implementation of recommendations is warranted.

whether the current procedure is adequate to address the suicide risks in a jail where all inmates are housed in private cells.

2. Suicide watch: The corrections grand jury recommends that the Sheriff's Office and the Corrections Health Division establish a new suicide watch procedure that groups most inmates on suicide watch in one housing area. It appears that this process, which is used in other jail systems, would also work in Multnomah County where overtime costs for suicide watch is currently \$1.2 million annually. By congregating these inmates in one unit, the Sheriff's Office would save significant staffing costs. Any capital improvement expenditures needed to implement the change would be rapidly recouped. The corrections grand jury recommends that the county government approve funding for these changes.

3. Encouraging advancement in the ranks: The corrections grand jury recommends that the Sheriff address the concern that many accomplished corrections deputies and sergeants have chosen not to seek promotion within the organization. The Sheriff's Office should identify structural problems that cause this situation and should develop a plan to counteract them. Renegotiation of contract terms and changing office practices should be considered if it is determined that these are presenting impediments to seeking promotion.

4. Succession planning: The corrections grand jury recommends that the Sheriff establish a task force within the agency to study the issue of the retirement and replacement of a disproportionate segment of the agency's labor force that will occur over the next five years. The study should focus on:

- the pressing problems of recruiting and training new deputies and those in leadership positions,
- saving overtime costs by hiring new deputies to fill currently vacant positions,
- the goal of dual certification of officers,
- an analysis of how the changed employment cost structure of a younger workforce would affect jail budgets and services.

5. Developing a strategic plan: The corrections grand jury recommends that the Sheriff continue with his stated priority of developing and implementing a strategic plan that outlines the goals, expectations, and priorities of the agency in the future. To be most effective in practice, this strategic plan should document the performance measures, constraints and assumptions upon which it is based.

6. Information and technology: The corrections grand jury recommends that the Sheriff's Office implement measures to use technology to more effectively and efficiently drive the organization. It is recommended that technology goals be added to the strategic plan so that changes can be tracked and managed as needed. The corrections grand jury believes that many of these technological improvements could be achieved rapidly. This would include the installation of

computers for use by deputies in all residence dorms and modules, the implementation of the Corrections Inmate Management System, and working in conjunction with other county law enforcement agencies to implement the RJNet system throughout the county.

7. Formation of a cost containment task force: The corrections grand jury recommends that the Sheriff form a cost containment task force with the participation of employees at all levels of the agency to examine how costs might be contained or reduced. This should include:

- procurement costs of goods and services
- use and consumption of supplies
- utilization and useful life of assets
- optimization of staffing patterns
- use of independent contractors, including consultants

IV. RECOMMENDATIONS FOR THE CORRECTIONS HEALTH DIVISION

8. Continued efforts to reduce costs: As noted, the corrections grand jury was impressed with the cost containment measures adopted by the Corrections Health Division. In order to determine if it is possible to continue to reduce costs, it is recommended that the Corrections Health Division form a cost containment task force to examine business practices and staffing patterns, in a manner similar to **Recommendation 7**.

V. RECOMMENDATIONS FOR COUNTY GOVERNMENT

9. Service level agreement clarification: The Sheriff's Office uses service agreements with the central county government to obtain services in areas such as fleet management, technology and human resources. The corrections grand jury recommends that the Sheriff's Office and county government establish formal, documented service level agreements that will clearly define the rights, obligations, costs and performance of each party in such agreements. Such agreements need to clearly specify what services will be provided at what level, and at what cost, so that the agency and the public can ascertain whether these agreements are fiscally sound.

10. Labor negotiating strategy: The corrections grand jury urges the county government and the Sheriff's Office to adopt a unified and firm bargaining strategy to present a cohesive position on behalf of management in labor negotiations.

VI. SUMMARY

The corrections grand jury believes that the Multnomah County Sheriff's Office and the Corrections Health Division have moved effectively to address many of the concerns raised in previous corrections grand jury reports. The

recommendations made by this corrections grand jury are mostly new, although some have been discussed by earlier panels. It is apparent that the Sheriff is committed to establishing a positive direction for the office and has demonstrated the ability to motivate the agency to accomplish that goal. The recommendations in this report represent concerns that, if addressed, will improve the quality of service in the jails. The Sheriff has indicated to the corrections grand jury that he will seriously consider all the recommendations in the report.

Dated and signed this 30th day of December 2010.

Erica Frymire

Erica Frymire, Foreperson

APPENDIX I

Status of prior Corrections Grand Jury recommendations, 2005-2009

Recommendation	Primary Agency or Agencies Involved	Date of recommendation in grand jury report	Explanation	Status
Address overtime, sick time, comp time problems	MCSO	2005, 2006, 2007	- Sick time management program established - Arbitration successful in capping comp time - Overtime reduced	In progress
Re-evaluate opt out of SB1145	County government	2005, 2009	- County is not currently in opt out posture, County government will consider opt out when legally feasible, perhaps 2011	Under study
Re-evaluate staffing patterns in county jails	MCSO	2005, 2006	- Outside consultant hired in 2007 to evaluate staffing, insufficient funding available to implement all consultants' recommendations	Completed
Re-establish work release program	County govt./MCSO	2005, 2007, 2008, 2009	-Many different plans considered. New plan is under study and is envisioned to use MCIJ for work release in 2011.	Under study
Establish plan to open Wapato Jail	County government	2005, 2006, 2008, 2009	All plans have failed, County still considering options	Under study
Re-evaluate release programs to determine if MCSO Close Street program should be reinstated	County government	2005	Close Street program reinstated in 2008 due to labor arbitration	Completed
Earthquake/fire readiness concerns. Conduct evacuation drills in jails	MCSO	2005	Fire department indicates that MCSO is current and up to code on all earthquake and fire issues, although not fully tested by full evacuation drills	Completed
Establish jail oversight committees	County government/MCSO	2006	Committee established by County Chair and Sheriff in 2007, disbanded 2008	Completed
Re-evaluate US Marshal contract at county jails and Clackamas Co./Washington Co. contract to house detained youth at JDH to recoup actual bed costs	MCSO/DCJ	2006	USM contract renegotiated 2008, JDH contract renegotiated 2007, contract reimbursement now closer to actual daily costs, but still falls short of full costs	Completed
Establish system to ensure inmates are correctly identified before release	MCSO	2006	Completed 2008 with newly available national fingerprint technology	Completed

Recommendation	Primary Agency or Agencies Involved	Date of recommendation in grand jury report	Explanation	Status
Work with Governor's office to improve data sharing on inmates with neighboring states	County govt./MCSO	2006	Not completed	Not completed
Privatize health care system to reduce costs in jails	County government	2006, 2009	System not privatized. Corrections Health has, however, responded to recommendation by effectively controlling costs	Under study
Hire professional jail manager to manage jail system	MCSO	2007	Not completed	Rejected
Establish annual performance measures for MCSO corrections officers	MCSO	2007, 2008	Currently in process of implementation	In progress
Reconfigure classification system to objective classification system	MCSO	2007, 2008	NIC study completed 2008. Classification system revision in process of implementation	In progress
Fund a countywide information data sharing technology program	County government	2008	Currently under study	Under study
Eliminate U.S. Marshal contract	MCSO	2009	Not completed	Rejected
Establish program to allow retirees to staff overtime posts	MCSO	2009	Not completed, may require contract re-negotiation	Under study
Consider re-instituting double-bunking at MCDC	MCSO	2009	Not completed	Rejected
Re-evaluate jail business practices	MCSO	2009	Currently under study by MCSO Business Services Division	Initiated
Expedite court processes to maximize jail usage	State court system	2009	Currently under consideration	Under study

Witnesses in order of appearance

1. Chad Gaidos
2. Ronald Bishop
3. Barbara Seiler
4. David Fife
5. Joyce Griffin
6. Rebecca Child
7. Erika Murray
8. Brooks Dloudin
9. Gayle Burrow
10. Vera Pool
11. Thomas Jacobs
12. Courtney Langley
13. Rebecca Landis
14. Chester Lee
15. Joyce Hall
16. Dennis Bryant
17. Derrick Peterson
18. John Mathews
19. Jeanie Chesney
20. Jay Heidenrich
21. David Flowers
22. Edward Climer
23. William Drake
24. Herman Graham
25. Robert Millican
26. Fahad Abdullah
27. Rashad Jackson
28. Raimond Adgers
29. Phillip Farrell
30. Erich Perkins
31. Drew Brosh
32. Craig Hunt
33. David Conway
34. Brad Paynter
35. Richard O'Brien
36. Greg Ross
37. Jeff Boyer
38. Frank Hernandez
39. Troy Mitchell
40. Jeff Beagley
41. Jennifer Ott
42. Andy Potter
43. Bobbi Luna
44. David Koch
45. Craig Buchman
46. Rick Jensen
47. Kevin Hunking
48. Nan Waller
49. John Jones
50. Scott Marcy
51. Jeffrey Cogen
52. Jacqueline Weber
53. Bric Martin
54. Stefan Streight
55. Michael Schults
56. Timothy Moore
57. Richard Baldwin
58. Jeffrey Wheeler
59. Linda Yankee
60. Sherry Swackhamer
61. David Rader
62. Eric Smith
63. T.J. Milashouskas
64. Karyne Kieta
65. Christian Elkin
66. Lewis Kyle
67. Larry Wenzel
68. Molly McDade Hood
69. Judy Shiprack
70. Maureen Raczko
71. Kevin Kernan
72. Wanda Yantis
73. Markley Drake
74. Larry Aab
75. Shannon Lien
76. John Granger
77. Stevens Hyppolite
78. Deborah Burdick
79. Joseph Loftgen
80. Jonelle Olzewski
81. Alice Blair
82. Barbara Topor
83. Vanetta Abdellatif
84. Annette Gilliam
85. Steve Sutton
86. Noel Pol
87. Melanie Parker
88. Todd Cross
89. Janice Beeghly
90. Gary Glaze
91. Kurtiss Morrison
92. Stephanie Engelsman
93. Blaise Lamphier
94. Mikal Shabazz
95. Derek Rasheed
96. John Tillinghast
97. The Honorable Jean Maurer
98. Michael Schrunk
99. Michael Reese
100. Clifford Collins
101. Kathleen Treb
102. Charlene Rhyne
103. Steven Alexander
104. Stephen Pina
105. Phil Anderchuk
106. Shawn Skeels
107. The Honorable Julie Frantz
108. Daniel Staton