

**SPECIAL CORRECTIONS  
GRAND JURY REPORT  
October, 2009**

A Special Corrections Grand Jury was convened October 5, 2009, pursuant to ORS 132.440. The court randomly selected seven citizens from the jury pool to inquire into the condition and management of the adult and juvenile correctional facilities in the county. The grand jurors inspected each of the facilities currently in operation. Those facilities are the Clackamas County Jail, the Clackamas County Correctional Facility (CCCF) and the Juvenile Reception Center. Additionally, the grand jurors visited the Clackamas County Community Corrections Residential Center. At the time of the visit this facility had re-opened.

In preparation for the inspection of the correctional facilities the grand jurors were provided copies of past correction grand jury reports. The grand jurors found this information helpful in understanding the direction the county is headed. Of particular importance to the jurors is the current shortage of jail beds in Clackamas County and the aging facilities. They recognize this is a long term, persistent problem.

During the course of the grand jurors' service they heard from the following individuals:

Clackamas County Circuit Court Presiding Judge Steven L. Maurer  
Sheriff Craig Roberts  
Undersheriff David Kirby  
Undersheriff Matt Ellington  
Captain Mike Alexander (Jail command staff)  
Lieutenant Lee Eby (Jail command staff)  
Sergeant Kevin Thies  
Sergeant Robert Dunkle  
Phyllis Flowers (Nursing Supervisor)  
John Humphreys (Clackamas County Mental Health)  
Captain Chris Hoy (Director Clackamas County Community Corrections)  
Joy Thalman (Community Corrections Manager)  
Brian Imdieke (Residential Services Supervisor)  
Michelle Barrera (Juvenile Court Intake Center)  
Bekah Evans (Juvenile Court Intake Center)

**Clackamas County Jail – Conditions**

The grand jurors inspected the jail on October 28, 2009, accompanied by command staff from the Sheriff's Office. The inspection began with a tour of the kitchen facility. This included a lunch that was served to them. The food was of good quality. The lunch was of comparable quality and quantity to that provided to jail inmates. When the kitchen is regularly inspected by the State Board of Health Department for cleanliness and food handling, it receives high marks. Jurors found the kitchen to be in excellent condition, remarkably clean and well organized.

The jurors toured the housing units. When built in the 1960's, the jail was built on the linear design model. This model limits direct supervision of inmates. Jurors were allowed to walk the

interior “cat walks” used by staff to supervise the inmates. The condition of the housing units is clean and well maintained. They are stark, but provide for basic needs. The units are clean, safe and humane, without any comforts. There is no TV, video entertainment or expensive exercise equipment. It appears to be what most citizens think a jail should be. The aging of the facility presents some potential safety hazards to staff.

The jurors visited the jail’s booking area where all newly arrested suspects are photographed and fingerprinted before being housed in the jail or released with a date to appear in court. The Sheriff’s Office reports that the jail performed over 14,000 bookings during the calendar year 2008. 72% of those booked had previously been booked into jail. In 2008 there were 7 inmate to staff assaults.

Jurors also visited the holding area used for defendants who are sentenced to 12-hour blocks of jail time. A 12-hour sentence allows the defendant to receive credit for one day in jail, and allows the inmate to return to home or work after serving the 12-hour sentence. Commonly, judges use this sentencing option for minor offenders, allowing the defendant to be sanctioned without using a “hard” jail bed. This holding area is easily monitored by staff through large windows. This space allows the staff to maximize the limited space and resources of the otherwise overcrowded jail facility, and is a direct result of the chronic shortage of jail beds; however, it appears to be underutilized. The holding area has a capacity for 50 inmates, and the average number actually held is 8 per day. The holding area is clean, however it is stark and without any personal comforts.

Jurors visited the jail infirmary which is also well maintained. The medical staff information is found in Attachment #1. The staff provide 24-hour medical coverage. One nurse is available at all hours, and a second nurse is on duty Monday-Friday from 8:00 to 5:00. There were 14,827 medical visits during 2008. (*See Attachment #1 for details.*) The jail has two part-time physician positions. \$289,333.11 was spent on inmate medications during 2008. The wide variety of medical issues is a reflection of the medical problems the inmate population brings with them. Many of the problems are directly related to the inmates’ abuse of alcohol and illegal drugs. The abuse of alcohol and drugs are often connected to their criminal behavior and a cause of their medical problems.

Inmate mental health problems are a significant issue for the jail. It is estimated that 30% of booked offenders suffer from some type of mental illness. In 2008, 920 inmates received psychotropic medication costing \$133,487.49. Resources for inmates with mental illness are limited. There is a secure holding room for inmates that are a danger to themselves or others. Currently, the jail provides a psychiatrist only three hours per week. This is supplemented with a psychiatric nurse practitioner, who is present 12 hours per week. Clackamas County Mental Health provides 2 full time mental health counselors. The Sheriff’s Office continues to train the jail staff on ways to appropriately supervise inmates with mental health problems through the Crisis Intervention Team (CIT) program. The Grand Jury was informed that a planned Jail remodel will increase the capacity of the Jail medical and mental health unit.

The Grand Jury was advised of a series of incidents during the last year which resulted in a re-evaluation of procedures in the EHD (Electronic Home Detention Program) and in the Mental Health ward.

Two CCSO staff assigned to the EHD program were terminated for unauthorized contact with inmates. One has since been convicted of a criminal charge of Custodial Sexual Misconduct; the other matter has been charged and is still a pending criminal prosecution. CCSO representatives have advised that they take measures to address the hiring practices which contributed to the underlying incidents and strive to follow the best selection practices. CCSO representatives have also re-emphasized monitoring protocols for home visits by EHD staff. An “after-action” review conducted by CCSO regarding the first EHD staff member found that the protocols were sound, however the individual employee consciously violated policy and committed errors in judgment. CCSO Officials mentioned that if an “after-action” review reveals that there is a change needed (i.e. policy, procedure, hiring practices, monitoring practices), then a change will be initiated. An “after-action” review regarding the second EHD staff member had not been initiated at the time of this report; that individual is still pending criminal prosecution.

In the other matter a law enforcement officer inmate awaiting trial was able to obtain access to privileges in the Mental Health ward of the Jail that are not afforded other inmates. An internal affairs investigation is pending in that matter. CCSO Staff testified that new rules and protocols have been instituted to avoid any future breach. Visiting procedures have been modified to prevent unrestricted visits or access to inmates by outside law enforcement personnel. The Jail will also require all outside agency personnel to be on an inmate’s visiting list for anything other than official business on an active case.

### **Clackamas County Jail – Capacity**

The current capacity for the Clackamas County Jail is 434 inmates. This is an increase in capacity of 38 beds since last year. The increase in capacity is a direct result of the addition of staff positions assigned to the jail. The passage of the November 2006 public safety levy provided for new staff positions in the jail. While the addition of new staff has allowed for the re-opening of jail beds, the Sheriff reports ongoing difficulties in recruiting qualified trainees. The re-opening of these jail beds has been a positive step for the county. However, even with these additions, Clackamas County is far below the national and state averages for jail beds when considering the population of the county. Figures cited in the last three reports show that the county provided only 1 jail bed per 1,000 population. The national average is 2 beds per 1,000. Other Oregon county jails average 2.5 beds per 1,000 population. Even with the additional beds, Clackamas County is far below the state and national average.

### **Clackamas County Jail – Matrix**

Previous Grand Jury reports have documented the Matrix system for forced release of inmates. Simply stated, there are more inmates than there are jail beds. As a result, inmates that would otherwise be held in custody are released because there is nowhere to house them. The Matrix is the tool used by jail staff to determine who is released. Anyone charged with a Measure 11 crime is held in custody. Many others are released pending their next court date. The number of forced releases for the most recent fiscal year will total approximately 1800; the number of forced releases for 2007 was 5,156. The reason for this reduction is due in large part to an

additional 84 jail beds opening since January 1, 2007. Additionally, the Electronic Home Detention program has been expanded, so that more persons who should physically remain in jail do so. Since January 2007 the weekly forced release average has fallen from 64 forced inmate releases per week to 4 forced inmate releases per week as of October 2009. This has had a positive impact on the administration of justice in Clackamas County Circuit Court by reducing the number of defendants who fail to appear for court. CCSO Management cautions that the loss of additional jail beds will result in an increase in forced releases. The Sheriff is hopeful that a planned jail remodel will add an additional 40 to 50 beds as the result of expanding the jail medical wing and mental health unit. The jail remodel is scheduled to begin in February of 2010 and should be completed in the fall of 2010.

### **Clackamas County Juvenile Intake and Assessment Center**

The Grand Jurors inspected the Juvenile Intake and Assessment Center on October 28, 2009. The facility is physically connected to the Juvenile Department and is designed to temporarily hold a juvenile while a safety assessment is made. It does not serve as a custodial facility. All Clackamas County juveniles that are held in custody are housed at the Donald E. Long Juvenile facility in Portland. The Juvenile Intake and Assessment Center is clean, organized and well maintained. The holding rooms are well lighted and easily supervised. The Center provides quick access for law enforcement and provides a safe holding facility while an assessment of the youth can be made. It was obvious that the staff is staying current on the use of assessment tools to identify those juveniles that represent a threat to themselves or others. The evaluation and response system involves close communication with the home, school, and other law enforcement agencies. During 2008, 1470 youth were brought to the Assessment Center; of those 163 were repeat youth. The efficiencies of the Center facilities and the intake staff allows police officers to more quickly return to the street, thereby benefiting public safety.

### **Clackamas County Correctional Facility (CCCF)**

The Grand Jurors inspected the Clackamas County Correctional Facility (commonly referred to as the Work Release Program) on October 19, 2009. This facility houses 80 sentenced inmates. There is space for 60 men and 20 women. The facility was in excellent condition. The jurors toured the main meeting room which contains numerous chairs and sofas. There were a handful of inmates that were casually talking in small groups. The inmates were dressed in civilian clothes. The area was clean and well maintained. Jurors also toured the sleeping areas. These were bunk room style areas with beds for 10 to 12 inmates. These areas were clean and well kept. The facility is not designed to be a lock down, secure jail. It is designed to allow the inmates to secure employment, pay restitution and participate in treatment and educational programs. Jurors met and talked with staff who described the general philosophy of the program. There was a clear emphasis on accountability and personal responsibility. Inmates are subject to unscheduled drug and alcohol screening. The jurors also learned about the Corrections Substance Abuse Program (CSAP). The Corrections Substance Abuse Program is a residential alcohol and drug treatment program targeting those individuals with a high risk to re-offend. The CSAP program treats both men and women for the dual issues of alcohol or drug use and criminal conduct. The primary goals of treatment are that offenders will be at low risk to relapse and re-offend. The program is approximately one (1) year in length, including approximately six (6) months residential (Phases 1-111) and approximately six (6) months community continuing care (Phase IV).

In September, 2009, CCCF opened the Women's Corrections Substance Abuse Program. The women's treatment program is housed at CCCF and the men's treatment program is housed at CCRC.

### **Clackamas County Community Corrections Residential Center**

The Grand Jurors were also given a tour of the Clackamas County Community Corrections Residential Center on October 19, 2009. The Center reopened in February 2008. The Residential Center is located only about a block from CCCF. This facility adds 34 beds to the total available through Community Corrections. As previously mentioned, the male CSAP inmates will be housed in this facility. It is reported that with the restoration of these beds, the total available beds are now 114. This equals the total available in 2003.

### **Treatment Courts**

The Grand Jurors heard from Judge Steven Maurer. He explained the current operation of some Treatment Courts in Clackamas County. Specifically, the Grand Jurors learned about Mental Health Court and Drug Court. Both courts provide an alternative approach to handling defendants who have committed criminal acts and have significant mental health and/or addiction problems. In addition, the Grand Jurors were informed that there is also available a DUII Court, a Juvenile Drug Court and a Family Drug Court. The operation of these treatment courts helps to conserve county jail beds. While the jail beds are used as sanctions for those in treatment courts, these courts generally relieve some of the population pressure on the Jail. Judge Maurer also discussed the impact that forced inmate releases have on the administration of justice in Circuit Court.

### **Grand Jurors Observation and Recommendations:**

1. The Grand Jurors found the correction facilities in the county to be well maintained.  
The physical condition of the buildings is good. The facilities were clean and well kept. Considering the age of the buildings, they are in remarkable condition. The jail is outdated and the oldest sections have outlasted their useful life.
2. The Grand Jurors believe that the work by the staff in each of the facilities is of high quality.  
The jurors believe each of the facilities is safe and provides a humane setting. Given the limitations of the facilities, the staff is running each operation efficiently. The jurors recognize the efforts of the staff to utilize each of the facilities to its maximum potential. Electronic Home Detention, 12-hour jail blocks and work release are examples of alternatives to the use of "hard" jail beds. The Grand Jurors recommend the continued use of these alternatives. The Grand Jurors specifically recognize staff for their innovative efforts to reduce costs and utilize the facilities to maximum potential.
3. The Grand Jury believes that specialized training for dealing with inmates with mental health issues should continue and that the Mental Health Court continue to be utilized.  
The Grand Jury believes that specialized training for dealing with inmates with mental health issues should continue. The Mental Health Court should continue to function as a

positive avenue for treatment and to relieve the pressure for use of jail beds. The Grand Jury recognizes the role that specialized courts serve to also relieve the pressure on jail overcrowding and recommends that the County continue to utilize those courts, including the DUII court, and the Juvenile and Adult drug courts.

4. The Grand Jury recommends that an emphasis on funding Community Corrections continue; this should include an expansion of the work release program.

During the last year an expansion/remodel of the CCCF allowed the CSAP program to be made available to female inmates. A remodel of CCCRC provided for the housing of 34 additional male inmates. The Grand Jury would like to see the Community Corrections work release programs further expand. The Grand Jury recommends that the County initiate a study to determine if the women's work release program could be expanded to allow more female inmates to participate.

5. The Grand Jury recognizes the efforts of the Juvenile Department and it is their belief that an emphasis on early intervention with juvenile offenders may reduce the number of individuals entering the adult correctional system.

The Grand Jury strongly believes that the County needs a Juvenile Detention Center and recommends that the County commission a study into the feasibility of constructing a shared facility with Washington County.

6. The Grand Jury recommends that as the County proceeds with plans for a remodel of the existing County Jail that they prioritize the expansion of the medical facility to accommodate the number of inmates entering the system with medical and mental health needs; the Jail surveillance and video monitoring system is outdated and must be replaced.

The Grand Jury also finds that the intake area of the jail needs to be expanded or remodeled to alleviate the potential for inmate assaults on staff in those areas. The Grand Jury recommends that the surveillance and video monitoring systems at the jail be upgraded. It was the judgment of the grand jurors that the system was antiquated and problematic. The Grand Jury recommends that any new technology purchases be of equipment that is capable of being integrated or transferred to any future jail facility construction.

7. The Grand Jury concludes that the construction of a new jail facility is one of the highest priorities for Clackamas County.

This report has been reviewed and unanimously endorsed by the seven members of the Corrections Grand Jury.

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R. Bruce LeBaron (foreperson)  
on behalf of the Corrections Grand Jury

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Date