

2023 Official Report

Clackamas County Grand Jury



Conditions and Management of Clackamas County Correctional Facilities

October 12, 2023

Introduction

Per Oregon Revised Statute ORS 132.440 “once yearly a Grand Jury shall inquire into the condition and management of every correctional facility and youth correctional facility... in the county.” A seven-member Grand Jury addressing this issue in Clackamas County was empaneled on October 2nd and convened October 9th, 2023 through October 12th, 2023. The Grand Jury, comprised of Clackamas County citizens of varying backgrounds and experiences, was tasked with reviewing the operations, conditions, and management of correctional facilities in Clackamas County.

The Grand Jurors inspected the County’s Correctional Facilities:

- Clackamas County Jail
- Courthouse Holding Facilities
- Clackamas County Courthouse
- Clackamas Substance Abuse Program (CSAP)

Witness testimony was received from:

- Chief Deputy District Attorney Chris Owen, CCDA
- Captain Lee Eby, CCSO
- Melanie Menear, Jail Health Care Administrative Manager, CCSO
- Clackamas County District Attorney John Wentworth
- Lt. Brian Imdieke, CSAP Supervisor, CCSO
- Clackamas County Presiding Judge Michael Wetzel
- Clackamas County Sheriff Angela Brandenburg
- Captain Malcolm McDonald, CCSO
- County Administrator Gary Schmidt

In speaking to the witnesses, it was clear to the Grand Jury that this County is served by dedicated and hardworking, well-trained public servants and contractors who provide a high level of service. In particular, the Clackamas County Jail leadership and staff strive to create a supportive and relationship-based environment for deputies, contractors, and inmates. Additionally, Clackamas County Jail leadership and staff also create a rehabilitative environment for inmates and access to various activities, education, transitional, and wrap around services. Inmates also have consistent and reliable access to technology for communication to medical staff, deputies, and activities.

The following is the 2023 Clackamas County Corrections Grand Jury observations and recommendations regarding Clackamas County Correctional Facilities:

Clackamas County Jail

Based on information provided by the Clackamas County Sheriff's Office, the Clackamas County Jail is a funded 491-bed facility that is currently operating at a 398-bed capacity because of staffing issues. The Sheriff's Office is currently working hard to hire qualified candidates to become fully staffed and make all 491 beds available as soon as possible. The goal is to be adequately staffed by June of 2024. COVID policies at the jail are consistent with the Center for Disease Control (CDC) guidelines, and do not currently affect the number of beds available.

The inmates and staff have a largely positive stream of communication. Inmates are given electronic tablets that they can use to send communications (kites) to staff if they have a request. This is also a strong method to communicate complaints, questions, medical needs, and join addiction programs.

The Clackamas County Jail is still faced with handling COVID, but unlike the previous three years, this circumstance no longer has a large impact on the operations of the jail. The jail follows the CDC guidelines for COVID. As a result, they offer COVID vaccines and have testing protocols as recommended by the CDC. If an inmate or staff person tests positive for COVID, they are quarantined for the requisite timeframe established by the CDC. The current COVID protocols do not affect capacity or staffing levels in the jail.

Clackamas County Jail offers several programs not offered in other counties such as the GED program, Medical Assisted Treatment program (MAT), NAMI program, Alcoholics Anonymous, Narcotics Anonymous, Church Services, and more recently the Jail Substance Abuse Program (JSAP). Clackamas Community College has continued to provide in person GED education again since 2021, when this program was paused due to COVID. Prior to COVID, the Jail saw more GED graduates than Clackamas Community College, and the number of current graduates continues to grow larger. Trends show a reduction in recidivism for GED graduates.

This Grand Jury recognizes the Jail's effort to include and offer various programs such as the Rapid Forensic Evaluation Assessment Program and Opioid Treatment Program. The rapid forensic evaluations are for individuals who are in custody and their fitness to proceed in a criminal prosecution is in question due to mental health concerns. This program targets defendants who are involved with law enforcement solely due to mental health reasons and seeks to reduce recidivism through the availability of alternative community-based services, programs, or treatments. These types of programs are at the forefront of a modern approach to corrections.

The Clackamas County Jail is one of two jails in the nation with an accreditation from the National Commission on Correctional Health Care (NCCHC). That accreditation process involved a detailed external peer review, including a site survey, to ensure that the Clackamas County Jail meets national standards for the provision of health services, as set by the health, legal and corrections professions. This panel recognizes the importance of these programs in addition to the GED program, especially the JSAP program. The Grand Jury would like to see an effort to secure long-term, independent, sustainable funding for the JSAP program, and an expansion to include female inmates.

This panel recognizes the need to plan for replacement of the Jail. The current jail is aging and has high maintenance costs, has an isolated structure for the inmates, has an undersized capacity, and can no longer be updated. After interviewing jail and support staff, we believe there is a need for a newer, larger facility to meet the growing population and needs of the County. As of this year there is currently no money in the budget to execute a replacement of the current jail. The County has begun working towards this goal with a 10-year plan in mind.

The County is two years into the stated 10-year plan since 2021, however that timeframe is still the goal. Once the new courthouse is completed in May of 2025, the next priority will be to build a new jail within five to six years. There is more than one funding option to accomplish this project, however a public/private partnership, similar to the one established to build the new courthouse, is likely the most viable.

Clackamas County does not have a correctional facility for juveniles. There is an intake center for booking and then juveniles are transported to a correctional facility in Multnomah County to be housed. Therefore, this Grand Jury was not able to inspect a Juvenile Correctional Facility. However, the panel feels a juvenile facility should be incorporated into the new Clackamas County Jail design. This would reduce the financial burden on the County, improve safety, decrease transit costs, and keep juvenile offenders in their local community to start rehabilitation sooner. Secondly, after learning about the Adverse Childhood Experiences (ACES) philosophy during this process, this panel recognizes the need of school resource officers and other mentors for youth intervention and behavior modification.

Forced Releases

An ongoing concern of previous Corrections Grand Jury Panels is the issue of forced releases. A forced release occurs when the number of inmates to be lodged exceeds the number of available jail beds, so the jail must release those individuals that pose the least risk to the public. Testimony and information we received indicated a spike in forced releases post COVID shutdowns. COVID created a backlog of cases and sentencing that continue to be an issue the jail must deal with. COVID also reduced the number of available beds which directly contributed to an increase in forced releases in 2020, 2021, and to some degree in 2022. There is a work group in place that includes multiple agencies to continue work on the issue of forced releases. Possible contributing factors to improve forced release metrics are Pre-Trial Release, Early Resolution processes, alternative sentencing options, and the availability of all 491 beds once the jail becomes fully staffed.

The criteria and matrix used by the CCSO Jail for forced releases has community safety as the primary focus. Forced release numbers for 2023 were 3,191 so far. This is approximately 300 less from the same timeframe in 2021. This is likely because the jail has become more efficient in processing people through the facility and a change in COVID protocols that are less onerous. The panel recognizes forced releases will also likely be less of an issue with the completion of the new Jail.

Medical Services

NaphCare contracted medical services, which came on board in 2019, are still in use at the jail. Medical staff indicated that this program is now 100% implemented and staff are very happy with the process and results. Previous Grand Jury Panels from 2020 and 2021 noted that NaphCare was seeking improvements to access the same data logging healthcare systems as other County agencies. In other words, jail staff is not always able to access a patient's medical and mental health records outside of the jail system or communicate with their primary care provider through the current system.

The goal of the Clackamas County Jail medical team is to provide a level of care at or above what the inmate would receive out of custody. However, there is difficulty with communication between the jail medical staff and healthcare providers and mental healthcare providers outside of the jail. This is largely due to the various data logging systems used by each agency and patient privacy laws. Improvements that NaphCare would like to see include access to the same health care communication systems for improved medical referrals, prescription information for inmates, as well as more coordination with the Mental Health Court Coordinator for services to inmates. The access and communication have become better with some systems but needs to be an ongoing project toward further improvement with other medical and mental health care partners. This panel would like to commend the medical staff for demonstrating a great level of care given the resource and logistical constraints on their department.

Clackamas Substance Abuse Program (CSAP)

The Grand Jury took an extensive tour of CSAP and found the program to be very valuable to the individuals, the community, and overall public safety.

CSAP is an 80-bed residential program that houses approximately 60 men and 20 women. This is a reduction from the 2020 Grand Jury report indicating the availability of 84 beds in CSAP. In 2021, CSAP had reduced capacity because of stricter COVID protocols. All beds and resources at CSAP are now completely available after a shift in less strict COVID protocols established by the CDC. CSAP is the only residential program of its kind in Oregon.

CSAP incorporates a holistic treatment plan that addresses Alcohol and Drug treatment as well as Medically Assisted Treatment (MAT). This program is less costly than incarceration for Clackamas County taxpayers. In FY22/23, the program had an 88 to 92% success rate, meaning graduates were not arrested again within one year of completion.

CSAP is still a single facility and operating as a co-ed program. One concern of the CSAP staff is that the facility is aging and currently located in a flood zone along Johnson Creek. The lease is also expiring soon and CSAP is in negotiations with OLCC to take over the property ownership. This panel recommends permanent funding for the CSAP program and given the high success rate of this program we recommend this model be adopted across the state.

Probation and Parole

Parole and Probation provides community supervision for nearly 2,000 individuals in Clackamas County. In 2022, the Parole and Probation department merged with the Clackamas County Sheriff's Office. This reorganization has created new efficiencies in operations and collaboration across many of the public safety partners in the Clackamas County Criminal Justice System.

Clackamas County Courthouse

The new Clackamas County Courthouse is currently under construction and is supposed to be move-in ready by May of 2025. The Courthouse is expected to serve the increasing demands of our fast-growing County.

The Courthouse will be built closer to the Jail which will help reduce costs associated with transportation and other things. This will also reduce the security risk created by the distance and length of time between destinations. The Jail currently does multiple daily transports to and from the Courthouse.

The Grand Jury commends the Clackamas County Sheriff's Office on the safe and efficient running of the Courthouse holding facility and efficient transportation of inmates into the Courthouse. Their daily work is very impressive considering the design constraints of the original building and the tight quarters they must navigate with inmates among the employees and citizens at the Courthouse on a daily basis.

Summary

The Grand Jury went on comprehensive tours of the Clackamas County Jail, the Clackamas County Courthouse, the Courthouse holding cells, and the CSAP Program. The Grand Jury found this experience to be extremely educational and enlightening. We recognize the passion and efforts of the Sheriff's Office, Circuit Court, County Administrator, and District Attorney's Office. There is a strong system of communication between agencies to enhance the delivery of services for the improvement of the County as a whole.

This Grand Jury recognizes the benefits of the various programs within the Clackamas County Jail to the community at large. We believe these programs should be prioritized as an investment for the future.

This Grand Jury recommends that the County focus on planning and development for a new jail. This includes educating the community on the benefits and needs for the construction of a new jail. These benefits include fewer forced releases, increased public safety, increased operational efficiency and safety within the jail, and greater opportunities for inmates to reform within the jail.

The Grand Jury of 2023 respectfully submits this report.



Foreperson (on behalf of the Corrections Grand Jury)



Date