

2020 OFFICIAL REPORT

CLACKAMAS COUNTY GRAND JURY



Condition and Management of Clackamas County Correctional Facilities

November, 2020

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 November 2nd and convened November 9, 2020 through November 13, 2020. 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:

- Jail (Virtual)
- Courthouse Holding Facilities

Additional facilities toured:

- Juvenile Intake and Assessment Center (JIAC) (Virtual)
- Clackamas County Courthouse
- Clackamas Substance Abuse Program (CSAP) (Virtual)

Witness testimony was received from:

- Sheriff Craig Roberts - CCSO
- Commander Lee Eby - CCSO
- Melanie Meaner, RN – NaphCare
- District Attorney – John Foote
- Honorable Judge Kathie Steele
- Assistant Juvenile Department Director (Outgoing) - Mark McDonnell
- Juvenile Department - Alice Perry
- Assistant Juvenile Department Director (Incoming) - Truls Neal
- County Administrator - Gary Schmidt
- Community Corrections Manager (Parole/Probation) Malcolm McDonald - CCSO

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 strive to create a rehabilitative environment for inmates and access to activities, education, transition, and wrap around services. Inmates have access to technology for communication to medical staff, deputies, and activities.

The following is the Grand Jury's observations of the County's Correctional Facilities and pertinent recommendations.

Clackamas County Jail

Based on information provided by Clackamas County Sherriff's Office, the Clackamas County Jail is a 491 bed facility that includes 26 beds that had been funded in FY19/20, but that was defunded due to budget cuts for FY20/21. Due to the FY budget cuts the 491 beds have been reduced to 465. The COVID mandates have further reduced the 465 number of beds to 248 as the cells are setup with double bunks.

The current aged facilities are run efficiently, well maintained, clean and orderly. On a noteworthy side, the interaction between inmates and staff seem largely positive. The ongoing training and policies put in place by the CCJ support that statement, as very few complaints were deemed legitimate. All complaints were formally documented and are overseen by an internal review board immediately upon receipt. In time a new jail will be required given county population growth, to provide for more modern design and for safety and security of inmates and staff. Current budgetary constraints do not provide for a project of this magnitude at this time.

The Clackamas County Jail has been faced with two very unique circumstances in 2020. One of which is COVID and the other being large scale fires that threatened the area of the prison facilities. Based on the discussions with Commander Eby, Clackamas County Jail's emergency preparedness program seems to be top notch and the immediate implementation of the COVID response measures that included multiple checks on intake has resulted in Clackamas County Jail not having any outbreaks of COVID among the inmates or staff.

Clackamas Community College has been providing GED education reporting an average completion rate of 20 GED's per school year. One of the main barriers to completion of the GED program is length of stay in the jail, but 2020 has seen a shutdown of those services due to COVID. There are plans to resume the services via a digital format by the end of the 2020 calendar year. Outcomes have been improved by communication between CCC and Jail staff. Instructors are looking into ways to improve on campus engagement with continuing education for successful GED graduates.

Forced Releases

An ongoing concern of previous Corrections Grand Jury Panels is the issue of forced releases. Testimony and information we received indicate forced releases are down from previous years. The reduction of forced releases is constant from the last quarter of 2019 to date, two possible contributing factors for the improvement are Pre-Trial Release and Early Resolution processes.

An important consideration is the improved communication and collaboration between agencies to determine criteria for release. The criteria and matrix used to determine who gets released is done with community safety as its primary focus. Forced release numbers were 52 for September of 2020 which was the approximate average over the last 12 months (not including April and May that were 1 and 3 respectively, likely a result of the COVID lockdown imposed during this timeframe).

Medical Service

NaphCare contracted medical services came on board January 1, 2019. Testimony indicates improved services to inmates, quality of care, improvement in treatment times as well as improved relations with jail staff and inmates have occurred into 2020. NaphCare reports they have received NCCHC medical accreditation this year and will have to go through the accreditation process every 3 years. NaphCare

has improved quality of care as well as proving to be a more fiscally responsible decision versus having a CCSO provided medical staff and utilizing local hospitals.

Improvements that NaphCare would like to see includes access to the same health systems as the county for improved medical referrals and prescription information for inmates as well as more coordination with the Mental Health Court Coordinator for services to inmates.

Clackamas County Transition Center

The Transition Center (TC) opened in February 2016 in the Sheriff's Office South Station building. The TC was open Monday-Friday from 8am-5pm. The goal of the TC was to reduce utilization of jail beds for low-level offenses and help to slow the "revolving door" at the jail. The focus of the TC was on custody releases and anyone who comes in contact with the criminal justice system. However, services were available to anyone in Clackamas County.

In March of 2020, the TC was temporarily closed as a part of COVID, but was subsequently closed altogether due to FY20/21 state budget cuts and was not toured by this Grand Jury.

This Grand Jury recommends that if the TC reopens, that there be monitoring in place to be able to measure effectiveness. In addition, this Grand Jury recommends that if TC reopens that considerations to include having it operated by a nonprofit versus being funded as a part of the CCSO annual budget to avoid future funding challenges.

Clackamas Substance Abuse Program (CSAP)

The Grand Jury did not have an opportunity to tour the CSAP Center due to COVID, but still found the programs to be valuable to the individuals, the community and overall public safety.

CSAP is an 84 bed residential program that houses 50 men, 34 women. This has been reduced due to COVID mandates and is currently consolidated to one building and the total headcount is approximately 20. CSAP has evolved over the years by incorporating a more holistic treatment plan rather than only addressing Alcohol and Drug treatment. This includes Medically Assisted Treatment (MAT) to help clients improve outcomes in overall addiction treatments, MAT is an expensive option but proves to be very effective. CSAP has altered their programs to adapt to the impacts and mandates of COVID to more of an outpatient program with additional monitoring.

The Grand Jury recommends a continued longitudinal study and data gathering on the success of CSAP overall and the MAT program specifically as well as providing costs of CSAP in comparison to the cost of housing in the Jail for future Grand Juries.

Among the CSAP staff concerns are that the facilities locations are aging and are in separate locations which increases staffing costs as well as that they are currently located along Johnson Creek which is vulnerable to flooding. In addition, the leases are expiring in approximately a year which puts the program in a bit of limbo as well as putting improvements on hold pending a new lease agreement. Unstable funding also remains a concern as it impacts ability to plan for future demands on the program.

Juvenile Intake and Assessment Center (JIAC)

As stated in the 2019 Grand Jury report, we also commend the JIAC staff in their administration of the facility which during our virtual tour appeared clean and well maintained. It is apparent that the staff has the safety of the youth and the community in mind in administering the JIAC.

The Grand Jury recommends continued education for local law enforcement on the resources of the JIAC and more extensive training for law enforcement and schools on identifying juveniles at risk for and involvement in human trafficking to allow for a better partnership with JIAC. The Grand Jury also recognizes the need of school resource officers as a critical partner in identifying at risk youth.

Clackamas County Courthouse

Following our tour of the Courthouse, testimony of the Presiding Judge, and Clackamas County Sheriff Jail personnel which aided with our tour, the Grand Jury agrees with the assessment that the building is unsafe, outdated and needs to be replaced. The status of the new courthouse is currently in Phase 1 of the plan with the expectation that it will open in 2024 or 2025.

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 considering the design constraints of the original Courthouse building.

Summary

Due to COVID, only one physical tour of the Courthouse and Courthouse holding cells was possible, the Grand Jury still found this experience to be extremely educational and enlightening. The Grand Jury also found a common thread of passion and across department collaboration for a rehabilitative justice system in all the witnesses we met with. There is a strong system of communication between agencies to enhance delivery of services for improved outcomes.

While the Grand Jury heard testimony that included budgeting and results-based documentation from the Jail, we would like to see this type of results-based reporting from all of the programs referenced above as this appears to be the future direction for county budgeting.

One thing that stood out to this Grand Jury and that we felt compelled to comment on was Commander Eby’s passion, dedication and stewardship in the management of the Jail through budget cuts and aging facilities even in the midst of a global pandemic and unprecedented wildfire season.

In closing the Grand Jury recommends that the county take steps to inform the citizens of the good work that is being done and of the financial challenges to enhancing infrastructure and continuing services as Clackamas County’s population increases.

The Corrections Grand Jury of 2020 respectfully submits this report.

Foreperson (on behalf of the Corrections Grand Jury)

Date