

2010 CORRECTIONS GRAND JURY REPORT

The 2010 Clackamas County Corrections Grand Jury was convened November 22, 2010, pursuant to ORS 132.440, which provides that ‘once yearly a grand jury shall inquire into the condition and management of every correctional facility and youth correctional facility ... in the county’. The grand jurors inspected the Clackamas County Jail, the court house holding cells, the Clackamas County Correctional Facility (CCCF), the Clackamas County Residential Center and the Juvenile Reception Center.

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 are the aging, inadequate facilities and the treatment afforded to inmates who are mentally ill or who have significant mental health issues. The jurors recognize these are a long term, persistent problems, but believe that the time to address them is now.

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

Clackamas County Circuit Court Presiding Judge Steven L. Maurer
Clackamas County Circuit Court Judge Kathy Steele
Sheriff Craig Roberts
Undersheriff David Kirby
Captain Mike Alexander (Jail Commander)
Corrections Deputy Jeff Manley
Phyllis Flowers (Nursing Supervisor)
Glen McArthur (Clackamas County Behavioral Health Services)
Captain Chris Hoy (Director, Clackamas County Community Corrections)
Joy Thalman (Community Corrections Manager)
Brian Imdieke (Residential Services Supervisor)
Michelle Barrera (Juvenile Court Intake Center)

Clackamas County Jail – Conditions

The grand jurors inspected the jail on November 30, 2010, and were briefed by the jail command staff. The inspection included the entire facility, including booking, control room, cell blocks, visiting area and medical. Overall, the jail was very clean. Despite its age, it appears to be largely well maintained and, from a physical standpoint, well run. There is a remodeling project in progress which will add additional cells to the medical unit, new security control equipment, a remodeled visiting area and a roof over the outside recreation area.

The grand jury views this remodel as, although necessary, a band aid approach. Originally built in 1959, with major expansions in 1981 and 1990, the jail was built on the linear design model, which limits direct supervision of inmates. Inmates are housed in cell blocks and observed and supervised by the use of interior “cat walks”. Modern correction theory recommends a “podular” system, in which corrections officers are in the same room as the inmates. This system is seen as

safer, more effective and humane, and less costly. It is not possible to convert a linear jail to a podular one.

Jurors visited the jail infirmary which appeared well maintained and very busy. Medically staffing is little changed from last year. While significant cost savings have been realized through a pharmaceutical contract, medical expenses have continued to climb rapidly. The jail has recently contracted with an outside private agency to provide all medical services which is expected to provide significant savings. The cost issue is exacerbated by the cessation of health benefits by many public agencies, including the Oregon Health Plan, when clients are incarcerated.

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, and many others suffer other mental health issues and/or substance abuse problems. The cost of psychotropic medication continues to increase. Resources for inmates with mental illness are very limited. There is a secure holding room for inmates that are a danger to themselves or others. There are several medical isolation cells that can be used to house the mentally ill who cannot be placed in the general population. Completion of the remodel will add six cells which can be so used. There is no dedicated mental health cell block. The grand jury was advised of plans for Clackamas County Behavioral Health Services to open a new residential facility for the mentally ill. Because a number of mentally ill inmates are in custody only because they have no place to live, this facility has the potential to somewhat reduce the number of mentally ill inmates. The services of a psychiatrist are available only three hours per week, and a psychiatric nurse practitioner for 12. Clackamas County Behavioral Services provides 2 full time mental health counselors, although one position is vacant. Crisis Intervention training is provided to all newly hired corrections deputies, and efforts are ongoing to train the rest of the deputies as space is available in the training classes. There is no additional special training for dealing with mentally ill inmates.

The grand jury received information regarding educational programs at the jail. In collaboration with Clackamas Community college, the jail offers programs primarily directed at getting inmates working towards completing the GED test. The jail also provides opportunities for AA and NA meetings.

Since the opening of 84 "mothballed" beds in 2008, capacity for the Clackamas County Jail is 434 inmates. Clackamas County, at 1.1 jail beds per 1,000 population, is far below the national and state averages for jail beds when considering the population of the county. The national average is 2.1 beds per 1,000. Other Oregon county jails average 2.5 beds per 1,000 population. With a population of 386,000, Clackamas County would need 810 beds to be at the national average and 965 to be at the state average.

Previous Grand Jury reports have documented the forced release of inmates. Because there are more inmates than there are jail beds, inmates that would otherwise be held in custody are released. The situation has little changed from last year. The number of forced releases for the year will likely total approximately 1800. Many of the forced releases occur when a defendant in a criminal case is arrested on a warrant in another jurisdiction. Rather than holding the defendant until he can be transported to Clackamas County, he is released with an order to

appear in Clackamas County court. In addition to freeing up bed space, this also saves transport costs. Forced release of sentenced inmates, which is done only with permission of the presiding judge, has been nearly eliminated.

The grand jury was briefed on the Electronic Home Detention program, wherein inmates who meet certain criteria are released on an “electronic bracelet.” The program is effective at reducing the jail population in appropriate cases.

Succinctly put, the jail is too small for the needs of the county. It is an aging facility that is expensive to maintain and modernize. Its linear design is discredited and impossible to change. The role of mental health hospital of last resort, which has been thrust upon the jail by society cannot be adequately fulfilled with the space, arrangement and personnel available.

Clackamas County Courthouse Holding Cells

This facility was inspected by the grand jury for the first time in at least several years. It is located on the third floor of the courthouse, and consists of one large holding cell and one small one, the latter usually used for female inmates. The facility is used for the temporary holding of inmates brought to the court house for court, and for initial intake of persons taken into custody at the court house. Operationally, the facility is not part of the Sheriff’s Office Correction Division, but is run by the Civil Section. It is entirely inadequate to keep inmates separate who have conflicting interests. The space is cramped, poorly ventilated, poorly laid out, unsafe and in general entirely inadequate. The transfer of inmates from the jail involves unloading them from vans in a public parking lot and walking them upstairs to the holding cells, which is also unsafe.

On a positive note, the Court, through the efforts of Presiding Judge Steven L. Maurer, has managed to obtain resources, primarily from the Courthouse Security Fund, to build a sally port and a new holding cell on the north side of the courthouse. Planning is underway with an expected completion date of late 2011.

Clackamas County Juvenile Intake and Assessment Center

The Grand Jurors inspected the Juvenile Intake and Assessment Center on November 30, 2010. The facility is physically connected to the Juvenile Department and is designed to temporarily hold a juvenile while a safety assessment is made and not serve as a custodial facility. All Clackamas County juveniles who are held in custody are housed at the Donald E. Long Juvenile facility in Portland, under contract. The Juvenile Intake and Assessment Center appears to be adequate and well run. The Center provides convenient access for law enforcement and works with them to minimize police time. The staff is performing thorough assessments to identify those youths who may have substance abuse problems, or those who may represent a threat to themselves or others. The Center has seen a significant increase in intake since the opening of the Clackamas light rail “Green” line, but up to this point the facility and staff have been able to handle this influx.

Clackamas County Correctional Facility (CCCF) and Residential Center

The Grand Jurors inspected the Clackamas County Correctional Facility (commonly referred to as the Work Release Program) and the Residential Center on December 8, 2010. The facilities are adjacent to each other and are jointly managed by the Community Corrections division of the

Sheriff's Office. The Correctional Facility houses 80 sentenced inmates, up to 60 men and 20 women. The Residential Center houses up to 34 men, mostly involved in CSAP. Besides a presentation by management staff, the grand jury heard from a recent graduate of the women's CSAP and a current participant in men's CSAP. The Corrections Substance Abuse Program (CSAP) is a residential, alcohol and drug treatment program targeting those individuals with a high risk to re-offend. The CSAP programs separately treat up to 24 men and 16 women for the dual issues of alcohol or drug abuse 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 and approximately six (6) months community continuing care

The facilities were clean, orderly and appeared to be well run. The emphasis is to reintegrate offenders back into the community in a manner that reduces recidivism. The grand jury reviewed evaluations of both CSAP programs which resulted in overall program ratings of "very satisfactory" and no major discrepancies. The grand jury noted that the two facilities share a single LCSW, who is the alcohol and drug counselor. The grand jury also heard from staff and a former inmate of the difficulties inherent in running the women's CSAP in a sexually integrated facility.

Treatment Courts

The Grand Jurors heard from Judge Kathy Steele who presides over Clackamas County Drug Court and Mental Health Court. Both courts provide an alternative approach to handling defendants who have committed criminal acts and have significant mental health and/or addiction problems. 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. CSAP is a very important tool for drug court. In addition, the Grand Jurors were informed that Clackamas County also has a DUII Court, a Juvenile Drug Court and a Family Drug Court.

Grand Jurors Observation and Recommendations:

1. Previous grand juries have found the correction facilities in the county to be well maintained and that the work by the staff in each of the facilities is of high quality. This grand jury finds that these high standards continue.
2. The grand jury believes that facilities at the jail for dealing with mentally ill inmates are totally inadequate. The physical facilities are inadequate in size and design and there is an insufficient number of mental health professionals. The 2008 corrections grand jury recommended that "The CIT training received by the jail staff must continue and should be seen as a baseline from which further training may be added", and the 2009 grand jury recommended similarly. The CIT training has not been completed for corrections deputies, with no completion date set, and there are no plans for additional training in dealing with the mentally ill. The completion of the new medical cells will mitigate somewhat the capacity issue, but not the design issue.
3. The grand jury concludes that the rapid increase in medical and psychiatric costs is due in part to the loss of health benefits, such as the Oregon Health Plan, when the recipients are

incarcerated. The grand jury recommends that the Sheriff and the County Commissioners work with the legislators representing the county to change this policy.

4. The grand jury recognizes that the Electronic Home Detention program is an effective and efficient method of reducing jail bed use. Its funding should be continued. If eligible inmates begin to exceed capacity, funding should be increased.
5. The Grand Jury recognizes that the specialized treatment courts are effective in reducing the use of jail beds and recommends that the programs continue, and be expanded as necessary. The Grand Jury recognizes the centrality of the judge presiding over these programs in their success, and commends Judge Steele for her work in these courts.
6. The Grand Jury recommends that an emphasis on funding Community Corrections continue; this should include an expansion of the programs. 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, and to search for a way to house women's CSAP participants separately. The Grand Jury also recommends that an additional LCSW or master's level therapist be assigned to the Correctional Facility and Residential Center.
7. The Grand Jury recognizes the Juvenile Intake and Assessment Center is well run and adequate for the current needs.
8. The Grand Jury finds that holding cells at the Court House are entirely inadequate and unsafe. The Grand Jury recommends that the plan to construct a new sally port and holding cells be executed as soon as reasonable possible, with completion no later than the end of next year.
9. The Grand Jury concludes that the construction of a new jail facility is the number one priority for Clackamas County. The current jail is inadequate in capacity, unsafe and insufficient in design, expensive to operate and worn out. More than once the grand jury heard that the jail has reached "critical mass". It cannot be further expanded and no more efficiency can be wrung out of it. There appears no end in sight to the jail being a mental hospital of last resort, and current facilities are inadequate for that purpose.

The grand jury recognizes that this recommendation is not new; it goes back to at least 2006. Those recommendations have not been followed. This grand jury feels very strongly that the time to build the jail is now.

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

(foreperson)
on behalf of the Corrections Grand Jury

Date