

1 **Introduction:**

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3 The 2004 Clatsop County Grand Jury convened March 1, 2004 to conduct
4 standard indictment proceedings involving 79 felony cases. It also reviewed
5 the operation of the county jail and the Sheriff's Department. At the end of
6 the jail tour the Grand Jury was asked to sign a statement that the Jurors
7 were satisfied with the jail's functionality and operation. It was the Jurors'
8 understanding that they could either sign off on the statement or reject it.
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10 The Jurors chose not to sign the statement due to the concerns that are
11 outlined below. The current Grand Jury had gained significant knowledge of
12 the operation of the criminal justice system during its tenure. Given that and
13 the Jurors' concerns regarding the jail, the District Attorney supported the
14 current Grand Jury to conduct the jail study. The District Attorney's
15 rationale was that he had notified the County commission of his intent to
16 convene a special Grand Jury to study the jail following the budget process,
17 but a special Grand Jury would not be able to conduct the jail study with the
18 same level of operational and system background information.
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23 **Synopsis:**

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25 The Grand Jury generally found the jail to be well run although there are
26 specific and serious concerns regarding the safety and security of inmates,
27 staff and visitors, the adequacy of the facility, the adequacy of the Sheriff's
28 Department space available for victim/witness/suspect interviews, evidence
29 and property storage; and additional training needs of staff.
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32 **Overview:**

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34 The inspection of the jail and Sheriff's Department found them to be
35 generally well run and efficient given the fiscal and facility constraints in
36 place. The staff presents itself professionally and procedures
37 are in place. The food service is satisfactory and adequate medical attention
38 is given to inmates.

39 There are, however, several areas of specific concern.
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1 **Lack of Capacity**

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3 In 1978 Clatsop County built what was to become known as the “new jail”,
4 opposed to the “old jail” that stands near the court house. It was built to
5 accommodate 30 inmates. The original plan allowed for the addition of two
6 more floors when expansion became necessary. Several years ago the need
7 for more beds became a reality, but due to changes in the building codes the
8 additional floors could not be added. The option then was to find a way to
9 fit more people into the same amount of space. The jail staff has made it
10 possible to legally hold 64 inmates in a facility designed to hold thirty.

11
12 Today’s options include building a new jail, decreasing the amount of time
13 inmates stay in jail and by not prosecuting or enforcing the current laws.
14 This would disregard judge and jury sentences in favor of non-custodial
15 correction options like day reporting, electronic monitoring and work crew.
16 Our jail is always at capacity and the capacity is further reduced when
17 specific inmates cannot be housed together. Sentenced persons, pre-trial,
18 and parole violators make up the current jail population. Additionally,
19 crimes requiring incarceration occur almost daily. At this point inmates will
20 be forced released according to a formula called the matrix.

21
22 The Grand Jury is concerned that this is not enough jail capacity.
23 The 30,000 county residents find its population routinely expanded by
24 50% to 100% due to tourism. The population may even triple during
25 specific events. The County also has an international port on one of the
26 country’s major waterways which increases specific crimes more common to
27 such circumstance.

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29 **Safety and Security**

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31 The operators of a jail facility are responsible for the safety and security of
32 inmates, staff and visitors. Clatsop County has the liability which would
33 result from injuries occurring within the facility or damages/injuries caused
34 by inmates released due to limited beds (matrix releases). Jail violence
35 typically increases with overcrowding also resulting in increased liability.

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37 **Pre-Sentenced and Sentenced Housing**

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39 In this country, a person is innocent until proven guilty in a court of law.
40 Housing pre-sentenced (innocent) persons with sentenced (guilty) persons

1 exposes the county to increased financial liability should a pre-sentenced
2 inmate be injured, assaulted, harassed or intimidated by a sentenced inmate.

3 4 **Inmate Property**

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6 Once incarcerated, an inmate's property becomes the responsibility of the
7 jail. A storage system that does not provide for secure storage of the
8 property exposes the county to the liability of replacing any property which
9 cannot be located and returned to the inmate upon release.

10 11 **Interview Facilities**

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13 Interviews of victims, witnesses and suspects are a routine part of law
14 enforcement, both in corrections and patrol. Interviews are usually more
15 successful and less traumatic if conducted in an atmosphere free of
16 emotionally charged visual stimuli. Interview rooms should not be situated
17 so as to allow the conversations to be heard in other areas via air ducts or
18 other means. The Sheriff's Department currently does not have adequate
19 interview facilities that meet these criteria.

20 21 **Evidence Processing and Storage**

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23 Successful prosecution of criminal cases often results from physical
24 evidence being collected and processed by law enforcement. Evidence must
25 be stored in a secure manner to prevent possible theft or tampering or the
26 appearance of tampering. The current system often requires personnel to
27 store evidence in unsecured internal mail slots until the evidence room is
28 staffed to accept it.

29 30 **Training Needs**

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32 The Jurors found that the training room in the Sheriff's Department is
33 undersized and this hampers training efforts.

1 **Recommendations**

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3 The Grand Jury recommends the building of a new secure facility that
4 includes appropriate safety, housing and storage features. The facility would
5 also provide appropriate space for the Sheriff’s Department operations,
6 including adequate space for interviews, storage and training.

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8 The Jurors further recommend looking into the feasibility of retrofitting the
9 current jail into the much needed transition center which would be a non-
10 secure facility.

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12 It is further recommended that the Sheriff’s Department immediately install
13 upgraded evidence security features.

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16 **Background Regarding Concerns**

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19 **Lack of Capacity**

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21 Clatsop County has funded three jail studies and all have come to the
22 conclusion that the jail should be 140 beds. Currently, inmates are routinely
23 released as their beds are needed for more serious offenders. The District
24 Attorney in Clatsop County prosecutes all offenders, but this is not the case
25 in all other counties. In some counties the decision has been made not to
26 prosecute a crime unless a certain threshold is reached. While this approach
27 may be appropriate for some crimes, it is not for all crimes. The result is the
28 harm of that crime being discounted and the crime itself being encouraged.
29 For example, a county that chooses not to prosecute possession of a
30 particular drug unless it is over one ounce sends the message that use is
31 acceptable. The deterrent of arrest and prosecution is not to using the drug,
32 but to carrying too much of it at any one time. The harm to the users, their
33 families and their victims is not diminished in any way.

34
35 The Grand Jury agrees that 140 jail beds are currently needed in Clatsop
36 County. At present, various inmate characteristics are charted and a
37 prioritized list is kept identifying the most serious offenders and the level of
38 risk they would pose to the public if they were released. This is known as
39 the matrix. The matrix is put into action when a forced release is needed.
40 The matrix is bad for the community and the offender who might even want

1 the help to become free of addictions. Our criminal justice system is in
2 failure. The orders of the judges are not being carried out.

3
4 Forced releases are caused by a variety of factors. The booking of a violent
5 female offender might require the release of two males to provide a cell to
6 house the female. The sentencing of a serious offender might require the
7 release of a less serious one to free up bed space. Some offenders who are
8 force released are given credit for having served their entire sentence. An
9 offender sentenced to 180 days who serves only one day before being force
10 released is considered to have served his entire sentence.

11
12 The Jurors believe having jail bed space available is a deterrent to potential
13 offenders. Even if housed only overnight, offenders involved in loud,
14 riotous behavior that is frightening to members of the public do not like to
15 be removed from their friends and their “fun”. Being released hours later
16 and having to find a ride or walk home often modifies their behavior the
17 next time. Their friends’ behavior can also be modified in order to avoid
18 joining the arrestee. This is an especially critical issue in Clatsop County
19 due to its destination resort attraction to young adults.

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21 Prior to SB1145 many felons served their sentences in state facilities. These
22 same felons, who were sentenced to less than one year, are now the
23 responsibility of the counties. An added burden is that the state has reduced
24 the amount of funding they provide to the county to pay for the incarceration
25 of the offenders.

26
27 The Jurors are concerned that the limited bed space is a deterrent to effective
28 police work. Officers who repeatedly see the suspects released early in their
29 sentence could easily develop a ‘why bother’ attitude.

30
31 Clatsop County currently houses 20 inmates in Tillamook Jail. While the
32 basic housing is less expensive than adding bed space here, Clatsop County
33 has to provide the transportation for the inmate to get to court and medical
34 attention as needed to Clatsop County. In addition, pre-trial inmates are
35 transported to meet with their attorney’s in Clatsop County.

36
37 Alcohol and/or drug use are often associated with crime and seem to be
38 factors in recidivism. A person who commits crimes and who is frequently
39 under the influence of either will generally keep using while out of custody.
40 While in custody the person can sober up and be better able to make choices

1 about whether or not to use again or to seek treatment. Also, while in
2 custody the person is not victimizing members of the public. Many of our
3 cases dealt with people who had to steal to support their habit.

4
5 The Jurors is very concerned about the increased use and manufacture of
6 methamphetamine in Clatsop County. It is currently a drug of choice, highly
7 addictive, and cheap to make and buy. To overcome this and other drug
8 addictions, addicts need to want to recover. The threat of an open jail bed
9 can assist them in deciding to seek treatment and to stay with it.

10
11 The Grand Jury believes that a transition center is needed. Offenders can
12 receive the treatment, services and life-skills training they need to reintegrate
13 successfully into society. The Jurors believe the current jail would be best
14 used for this purpose and a new jail facility should be built elsewhere.

15
16 The current jail site is easy to get to from those locations that are also
17 important to the transition center's clients. It is close to the Courts, Clatsop
18 Community College, the Corrections Department and various meeting sites
19 such as Narcotics Anonymous and Alcoholics Anonymous. It is within
20 walking distance of several low-income housing facilities.

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22 It is readily accessible via public and private transportation, including the
23 bus from Tongue Point Job Corps. It is only blocks from the new
24 Intermodal Transportation Center. As the transition center is also
25 anticipated to provide services to persons living outside the facility, the
26 transportation issue is critical. The more difficult the facility is to get to, the
27 fewer people will make the effort to get there.

28
29 The Oregon Health Plan will not provide medical insurance for persons
30 residing in a secure facility. The current site could be retrofitted to a non
31 secure status. Locking the controlled sliding doors into the open position
32 and reframing with standard residential doors would convert the building to
33 non-secure status while retaining the ability to revert to secure status if that
34 were needed at sometime in the future. Similar modifications to housing
35 units would also be cost effective and relatively simple to accomplish. If
36 used as a transition center, some of the building's currently unused areas
37 (based upon security concerns) could be put back into use.

1 **Safety and Security**

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3 Many jail inmates are habitual users of alcohol and/or drugs. Withdrawal
4 from these can put inmates on edge. Many inmates have poor basic social
5 skills. Inmates who are temporarily housed and learn they are enroute to
6 state or federal prison may engage in assault behavior on other inmates or
7 staff. Inmates are also often less tolerant toward those from different
8 social/racial/ethnic/religious groups. All of these can result in inmate-on-
9 inmate assault or intimidation or inmate-on-staff assault.

10
11 Additional beds would allow for the appropriate housing classification of
12 inmates. In addition to gender and current charge information, other
13 characteristics could be taken into consideration. As an example, the present
14 housing situation might have two males housed together after each has been
15 arrested for DUII, (Driving under the Influence of Intoxicant). This housing
16 might result in assault and injury if one inmate has this as his only crime
17 ever but the other has this only as his current charge but has a lengthy
18 history of violent assaults while in and out of custody.

19
20 The Jurors learned that the ceiling panels in the kitchen area cover a non-
21 secure crawl area that has access to the public part of the building. Some
22 areas of the jail cannot be monitored by video camera. This has resulted in
23 the loss of use of those areas or in reduced security while they are being
24 used.

25
26 Portable beds called “boats” are in place in some of the housing areas.
27 These portable beds are quite heavy but are movable. They create a safety
28 hazard for staff when dealing with the inmate population.

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30 **Pre-Sentenced and Sentenced Housing**

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32 Inmates housed within the jail are not separated by their pre-sentenced or
33 sentenced status. While this is an aspect of inmate classification discussed
34 earlier, it is also a basic tenet of American jurisprudence. A person
35 presumed to be innocent who is housed with a convicted, and possibly
36 violent, criminal may be more apt to collect substantial damages from the
37 county in the event they are injured, intimidated or harassed while in
38 custody.

1 **Inmate Property**

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3 The Jurors noted that much inmate property was stored in the sallyport. This
4 is the secure area of vehicle access to the jail. The county is responsible for
5 property taken from the inmate at the time of booking unless it is returned to
6 the arresting agency for some reason. Having stacks of property in the area
7 may be an officer safety issue in the event of a fight between an arrestee and
8 an officer in the sallyport.

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10 **Interview Facilities**

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12 The interview rooms viewed by the Grand Jury were not sufficient. Stacks
13 of property including firearms were stored in one. Another was an office
14 which had to be evacuated when needed for interviews. The property and
15 office paraphernalia could distract a suspect or witness from the questioning
16 and would not be conducive to an appropriate interview. The acoustics were
17 also not appropriate for private conversations. No sound proofing was
18 apparent. One of the rooms had an air vent that led to a public men's
19 bathroom. Conversations in the interview room could be plainly heard in the
20 bathroom. This violates privacy concerns, and puts the interview at risk if
21 they are overheard giving law enforcement information.

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23 **Evidence Processing and Storage**

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25 While the Jurors did not get a clear picture of exactly how evidence
26 submitted for processing or storage is handled, it was clear that initial
27 storage space is not sufficient. If evidence is collected and brought in while
28 the property/evidence staff is off duty, that evidence may be placed in
29 unsecured areas like mail slots, pending retrieval by property/evidence
30 personnel. Lockers with individual keys would improve this situation.

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32 **Training Needs**

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34 The department's training room was not adequate due to it being used by a
35 variety of different county agencies. If a training session was scheduled and
36 a search and rescue operation needed to be initiated the training would have
37 to be rescheduled or moved to an off-site location due to the lack of space.
38 This would be at an additional expense.

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Conclusion

This Grand Jury has had its eyes opened to the large number of felony cases that came before it and were appalled at the number of felons, being released early due to jail overcrowding. The vast majority of the crimes involved drugs with methamphetamines being the primary problem. Obviously people will do anything to feed their habit and thus the large numbers of cases jam our courts and jail.

The county spends many tax dollars toward bringing felons to justice only to have the majority released into programs not involving actual jail time. This “catch and release” approach is very frustrating to law enforcement, prosecution, and judicial departments. It also sends the wrong message that criminals have nothing to lose by spending little or no time in forced detention at the jail. It was a great concern of the Jurors that the sentence imposed by a judge could be overridden by the supervisory authority violating Oregon State Law.

This revolving door policy is not only costly but presents an increasing threat to public safety as more felons are returned to the streets. Common sense and historical records tells us we need fewer costly professional studies year after year. What we really NEED is more jail space to help provide for a safer community.

This Grand Jury has had a unique opportunity to observe, study, and report on a problem that is of major importance to the citizens of Clatsop County. It is our desire to share this information with the general public, who generally has no idea of the severe jail overcrowding problem we are currently facing. We feel an informed public will fully support a much needed new jail facility.