

Multnomah County Conditions of Confinement Report July 26, 2006 (Heather Updike, MA Ed)

Introduction:

Since the construction of a new Juvenile Justice Complex in 1993, Multnomah County has continually sought to improve conditions for youth held in secure custody. Within the first few years of operations in the new facility, the Youth Law Center of San Francisco provided annual assessors to guide the county through establishing exemplary custody conditions and effective juvenile population management. Eventually, Multnomah County developed its own Conditions Assessment Team. Over the last several years, various assessment teams (comprised of professionals affiliated with such organizations as the Oregon Youth Authority, Corrections Health, Juvenile Rights Project Law Firm, and Oregon Crime Commission) have made recommendations on Custody Services' operational methods and environmental conditions. By applying national standards, best practices and a genuine desire to compassionately serve youth, this facility and its personnel has evolved into a nationally recognized Juvenile Detention Reform Initiative site.

Methodology:

Prior to the implementation of the June 2006 Juvenile Detention Alternative Initiative (JDAI) Self-Inspection, we obtained a substantially updated and comprehensive assessment instrument from the Youth Law Center. Identified within the instrument is a list of professional standards that reflect the values of JDAI. The instrument is organized into eight chapters that provide approximately 350 standards. Accompanying each *standard*, are three sections for evaluator input. One section allows for the cross reference of a relevant facility policy and/or practice, a second section allows for a notation of a facility's level of compliance, and a third section allows for comments and suggestions.

To begin, inspectors review and verify policies, facility paperwork, and conduct interviews with custody personnel and detained youth. After compiling information, the inspection teams discuss whether or not a facility complies with each *standard*. Their findings are then recorded in a designated section on the evaluation tool.

In order to implement Multnomah County's Self-Inspection as efficiently and effectively as possible, we chose to divide the 8 chapters among 4 teams of inspectors.

Team 1
*Classification Systems
*Access Issues

Team 2
*Programming
*Training & Supervision of Employees

Team 3
*Health Care
*Environmental Issues

Team 4
*Restraints, Isolation, Due Process & Grievances
*Safety

~ Team Members ~

Mike Kruger – Washington Co. Juvenile Department Manager
Shelley Flynn – Community Detention Supervisor
Ron Pitney – Retired Multnomah Co. Intake Supervisor
Don Lincoln – Juvenile Community Justice Manager
Charlene Rhyne – Research and Evaluation Supervisor
Mike Rodriguez – Juvenile Community Justice Manager
Rich Scott – Retired Multnomah Co. Juvenile Detention Manager
Heather Updike – Custody Services Specialist
Mark McDonnell – Clackamas Co. Intake Supervisor
Kim Pascual – Research Evaluation Analyst
Sonja Miller – Mental Health Program Development Specialist
Debbie Spicer – Corrections Health, RN
Tom Cleary – Multnomah Co. Deputy District Attorney
Andre Karam – *Give Us This Day* Program Director
Dawn Andrews – Metropolitan Public Defender Lawyer
Faye Fagel – Marion Co. Juvenile Director
Sylvia Montes – Multnomah Co. Juvenile Court Counselor
Mary Sullivan – Custody Services Specialist

We then invited all evaluating team members to attend a pre-assessment training provided by Sue Burrell of the Youth Law Center and John Rhoads from the Annie E. Casey Foundation. This forum allowed participating inspectors to become familiar with the philosophy and procedural layout of the instrument. Unfortunately, a gentleman from a local neighborhood association and two judges were unable to attend one of the four designated sessions.

On the first day of a team's arrival to Multnomah County Juvenile Detention, each group received basic instructions and was issued a lap top to record their findings. The members were encouraged to organize their three day visit in a manner most conducive to their team's style. All four teams appeared to take this assignment seriously and methodically investigated the facility accordingly.

Results:

***Strengths* >**

- The development of Individual Education Plans (IEP) and Individual Behavior Plans (IBP) by custody staff, education personnel, mental health consultants,

corrections health and management reflects consideration of a youth's individual circumstances.

- Special programming utilizes creativity and volunteers to generate youth participation in educational groups/activities. (D&A group, cooking, arts and crafts, Native American group, computer lab, music production, etc.).
- The Positive Behavior Management System incorporates a graduated scale of incentives with a strength-based focus.
- Custody Services recognizes and celebrates diversity by providing culturally themed assemblies, small group discussions, and the posting of multi-cultural posters, historical quotes and multiple language reference materials.
- Custody personnel provide professional and appropriate implementation of physical and/or mechanical restraints. Current practices utilize extensive verbal de-escalation techniques that promote youth and staff safety.
- Custody staff recognize and accommodate specific needs of individual youth (diet, hygiene, health care needs, etc.).
- Custody staff diligently adhere to safety and security protocols.
- Custody staff communicate with parents/guardians in a professional, thorough, and supportive manner.

Opportunities for Improvement >

INTAKE

- Multnomah County Juvenile Detention's legal basis for *holding* youth does not include a charge of Disorderly Conduct – 1st Degree. The Inspection team has identified the Legislature's recent action to have this offense as a necessary *hold* charge, and therefore suggests custody services adds Disorderly Conduct – 1st Degree to their *hold* criteria.
- There are a significant number of RAI overrides without any clear documented reasons or statistics. It is recommended that explicit guidelines for RAI overrides become solidified in writing.
- JDAI standards require youth to have a private setting to discuss Intake Interview matters and to make 2 phone calls. The inspection team recommends Intake's use of the two private intake offices for interviews and youth phone calls.
- Due to the occasional necessity of accessing an interpreter via the Language Line, inspectors recommend that both Intake and the Orientation Unit have speaker phones.
- Inspectors are concerned with the current practice of housing 18 and older youth in general population units. Implementing split programming for adults and youth within the same living space is an inadequate operations standard. Inspectors recommend a separate housing unit for those 18 and older.

FAMILY CONTACT

- JDAI's visiting standards require visits to last 1 hour. Visits currently last 30 minutes. Inspectors advise increasing visiting time to at least 45 minutes per visit, or expanding visiting opportunities to 6 days a week.

- JDAI Inspectors recommend providing a family forum suggestion box - to be placed in the visiting lobby. This will allow for parents/guardians to provide anonymous feedback/comments to detention management.

EDUCATION

- There are minimal Spanish testing and general study materials. The team recommends substantially increasing this resource.
- Multnomah County Juvenile Detention is not an accredited school. The team recommends that DELH runs its own accredited school (separate from MESD).
- Current education program has access to GED study materials and testing, but discourages and denies youth under 17 ½ years from pursuing a GED within detention. The inspectors recommend allowing youth access to GED services for those 16 and older.
- Youth on disciplinary programs (such as In & Out) currently do not have access to school curriculum and teacher interactions. The team recommends devising a policy/plan that allows educational outlets under these circumstances.

EXERCISE / RECREATION

- Youth on disciplinary status (In & Out or room lock) are not provided 1 hour of large muscle exercise each day. Inspector's recommend incorporating evening "make-up" sessions or providing gym class two times a day.
- Increased use of outdoor recreation zones is recommended.
- A standard ratio of unit staff to youth during sleeping hours is 1:16. DELH currently operates at 1:30 (on average). Recommendation is to increase overnight staff to fit standard, or at minimum – provide both a male and female staff on co-ed units, at all times.
- Required, annual staff trainings are significantly behind schedule and therefore, out of compliance with JDAI standards. Inspectors recommend the adherence to annual training time-lines with the addition of such training curriculum as: Sexual Orientation, Gender Identity and Mandatory Reporting.

HEALTH CARE

- All policy affiliated with Health Care needs updating for Quality Assurance purposes.
- Team recommends full range of dental services including: cleaning, fluoride treatment, and fillings.
- Psychiatric care is inadequate. Inspector's recommend the presence of a psychiatrist 1 day a week and psychiatric nurse every day. **On average, 75% of female clients and 60% of male clients have mental health diagnosis- excluding Conduct Disorder, (Mental Health and Offenders in OYA Custody, April 2002).*
- Inspectors are concerned over the lack of 24 hour nursing care within custody. Team recommends 24 hour on-site nursing staff.

EMERGENCY PREPAREDNESS

- The Incident Command Manual is outdated and incomplete. An immediate update of Incident Command Procedures is recommended, along with appropriate personnel training.

- JDAI standards request that youth's room lights are turned out at night. Team recommends researching alternative light color, to minimize sleep disruption.

RESTRAINTS, SECLUSION, DUE PROCESS and GREIVANCES

- If medical is required to be involved during restraint and seclusion use, how is this addressed when medical personnel is not here at night? Team recommends updating policies to fit current protocol.
- Unclear system of retaining incident reports for administrative review purposes. Team recommends reassessing current practice.
- Team recommends immediate policy and practice implementation in regards to the Seclusion and Physical Force notification mandate.
- JDAI standards advise Due Process availability PRIOR to implementing imposed consequences. Inspectors recommend reviewing, updating and appropriately practicing the current Grievance protocol.
- Team recommends creating a Spanish version of the Juvenile Detention Handbook and creating a system of introducing handbooks to all youth.
- JDAI standards recommend a 4 hour limit to room confinement (only to be extended with facility manager approval). In & Out programming not in compliance with this Standard.
- Team recommends upholding policy and practice regarding 15 minute checks on youth who are in their rooms for any extended period of time.
- Inspectors recommend adding a Safety section to the current Policy and Procedures Manual, specifically addressing PREA (Prison Rape Elimination Act).
- Inspectors recommend an Incident Command/Safety Committee, as well as a Restraint Review Committee practice regular, organized meetings.
- Team recommends retaining nursing staff who are QMHP qualified.
- Inspectors recommend line-staff training in adolescent mental health issues, and having an evening QMHP on-duty to help support an increase of volatile mental health youth within detention.

Summary:

Literally hundreds of Juvenile Justice Professionals from around the nation visit Portland each year to evaluate our measurable success regarding youth accountability, reduced reliance on detention, and effective stewardship of tax payer's money. As visitors tour the Multnomah Juvenile Custody Facility, they soon learn that our secure housing is multi-faceted. In addition to housing youth from neighboring counties, Multnomah Custody Services provide two residential treatment programs, a Gender Specific unit, and a ballot Measure 11 unit. Individually and together, these units promote healthy skill development and help youth prepare for their futures.

Through this year's annual survey of our facility's surroundings, population management, and humane conditions, we have become aware of policies, practices and programming that require modification and updating. In order to efficiently initiate immediate improvements we have begun organizing a four part plan-of-action. First, the Juvenile Leadership Team is inviting our system partners (Corrections Health,

Multnomah Educational Services District and Aramark food services) to meet, problem solve and prioritize the list of recommendations we have received. Next, the Juvenile and Detention Leadership Teams will create and implement a work plan. Once the plan has been incorporated into current practices, the Custody Services Manager will conduct an interim evaluation and report his findings to the Juvenile Justice Council. Finally, by July 2007 the results of another JDAI facility assessment will allow Multnomah Custody Services to compare its overall growth with the 2006 JDAI Inspection.

In addition to addressing the inspection teams' suggestions for improvement, Multnomah County has also considered further enhancements in regards to *how* the inspection tool is administered. As a department, Multnomah Custody Services values diversity and believes that broadening our team representation of minority inspectors is beneficial to expanding our continuum of services. Furthermore, valuing diversity has helped us address the long standing disproportionate detainment of minority youth within detention. By advocating for culturally competent programming and by educating personnel and community partners, we continue to make progress towards eliminating this nationally recognized bias in the juvenile justice system.

Within the next several months, Multnomah Custody Services will rely on its competent and diligent staff to tackle the challenges placed before them. At the end of this journey, the Detention Leadership Team is confident Custody Services will have evolved into a facility that not only meets national standards, but exceeds them.