



Multnomah County Oregon

Board of Commissioners & Agenda

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BOARD OF COMMISSIONERS

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DECEMBER 11 & 13, 2007 BOARD MEETINGS FASTLOOK AGENDA ITEMS OF INTEREST

Pg 2	9:00 a.m. Tuesday Executive Session
Pg 2	10:00 a.m. Tuesday Options for Improving the Administration of Multnomah County Corrections Facilities
Pg 4	9:30 a.m. Thursday Public Comment
Pg 4	9:45 a.m. Thursday Siting New Library Branches in Troutdale and North Portland
Pg 5	10:20 a.m. Thursday Proposed Ordinance Amending Multnomah County Code, Chapter 12, Business Income Tax
Pg 5	10:40 a.m. Thursday County Green Team Annual Presentation
Pg 5	11:10 a.m. Thursday Briefing on Emerging Public Health Policy Issue: Fast Food and Chain Restaurant Menu Labeling

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Thursday, 9:30 AM, (LIVE) Channel 30
Saturday, 10:00 AM, Channel 29
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Tuesday, December 11, 2007 - 9:00 AM
Multnomah Building, First Floor Commissioners Conference Room 112
501 SE Hawthorne Boulevard, Portland

EXECUTIVE SESSION

- E-1 The Multnomah County Board of Commissioners will meet in Executive Session Pursuant to ORS 192.660(2)(d),(e) and/or (h). Only Representatives of the News Media and Designated Staff are allowed to attend. News Media and All Other Attendees are Specifically Directed Not to Disclose Information that is the Subject of the Session. No Final Decision will be made in the Session. Presented by County Attorney Agnes Sowle. 15-55 MINUTES REQUESTED.
-

Tuesday, December 11, 2007 - 10:00 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

BOARD BRIEFING

- B-1 Options for Improving the Administration of Multnomah County Corrections Facilities. Presented by Bill Farver, Chief Operating Officer; Agnes Sowle, County Attorney, Invited Others. 2 HOURS REQUESTED.
-

Thursday, December 13, 2007 - 9:30 AM
Multnomah Building, First Floor Commissioners Boardroom 100
501 SE Hawthorne Boulevard, Portland

REGULAR MEETING

CONSENT CALENDAR - 9:30 AM **NON-DEPARTMENTAL**

- C-1 ORDER Appointing Geoffrey Gullo, Pat Hellberg and Michael Sasolo as Commissioners to the RAMSEY-WALMAR SPECIAL ROAD DISTRICT
- C-2 Appointment of Patricia Martinez-Orozco to the Multnomah County COMMISSION ON CHILDREN, FAMILIES AND COMMUNITY

DEPARTMENT OF COMMUNITY JUSTICE

- C-3 Budget Modification DCJ-15 Reclassifying a Project Manager to a Program Coordinator in the Adult Services Division, as Determined by the Class/Comp Unit of Central Human Resources
- C-4 Budget Modification DCJ-17 Reclassifying a Finance Supervisor to a Community Justice Manager in the Employee, Community and Clinical Services Division, as Determined by the Class/Comp Unit of Central Human Resources

SHERIFF'S OFFICE

- C-5 Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for BIG BEAR'S CROWN POINT MARKET, 31815 E Columbia River Highway, Troutdale
- C-6 Full On-Premises Sales Liquor License Renewal for BOTTOMS UP TAVERN, 16900 NW St Helens Road, Portland
- C-7 Off-Premises Sales Liquor License Renewal for CRACKER BARREL GROCERY, 15005 NW Sauvie Island Road, Portland
- C-8 Off-Premises Sales Liquor License Renewal for FRED'S MARINA, 12800 NW Marina Way, Portland
- C-9 On-Premises Sales, Off-Premises Sales and Limited On-Premises Sales Liquor License Renewals for HISTORIC SPRINGDALE PUB AND EATERY, 32302 E. Crown Point Highway, Corbett
- C-10 Full On-Premises Sales Liquor License Renewal for MULTNOMAH FALLS LODGE, Scenic Highway and Columbia Gorge, Bridal Veil
- C-11 Off-Premises Sales Liquor License Renewal for ORIENT COUNTRY STORE, 29822 SE Orient Drive, Gresham
- C-12 Off-Premises Sales Liquor License Renewal for PLAINVIEW GROCERY, 11800 NW Cornelius Pass Road, Portland
- C-13 Full On-Premises Sales Liquor License Renewal for PLEASANT HOME SALOON, 31637 SE Dodge Park Boulevard, Gresham

- C-14 Off-Premises Sales Liquor License Renewal for ROCKY POINTE MARINA, 23586 NW St Helens Highway, Portland
- C-15 Off-Premises Sales Liquor License Renewal for TENLY'S JACKPOT FOODMART, 28210 SE Orient Drive, Gresham
- C-16 Off-Premises Sales Liquor License Renewal for WEECE'S MARKET, 7310 SE Pleasant Home Road, Gresham
- C-17 Limited On-Premises Sales Liquor License Renewal for WILDWOOD GOLF COURSE, 21881 NW St. Helens Road, Portland

REGULAR AGENDA
PUBLIC COMMENT - 9:30 AM

Opportunity for Public Comment on non-agenda matters. Testimony is limited to three minutes per person. Fill out a speaker form available in the Boardroom and turn it into the Board Clerk.

DEPARTMENT OF COMMUNITY JUSTICE – 9:30 AM

- R-1 Budget Modification DCJ-11 Adding Back a Full-Time Community Works Leader to the Adult Community Service Program
- R-2 Budget Modification DCJ-12 Decreasing the Fiscal Year 2008 Revenue from State of Oregon Department of Corrections for Adult Housing and Treatment Services to High-risk Offenders in the Amount of \$42,803

DEPARTMENT OF COMMUNITY SERVICES – 9:35 AM

- R-3 RESOLUTION Vacating Certain Portions of Public Roads, Situated in the Greenoe Heights Subdivisions, Located in Unincorporated Northwest Multnomah County, Pursuant to ORS 368.326 to 368.366

NON-DEPARTMENTAL - 9:40 AM

- R-4 Approval of Multnomah/Washington County Regional Investment Board Six Year Plan
- R-5 Siting a New Multnomah County Branch Library in Troutdale
- R-6 Siting a New Multnomah County Library Branch in North Portland

R-7 First Reading of a Proposed Ordinance Amending Multnomah County Code, Chapter 12, Business Income Tax

DEPARTMENT OF COUNTY MANAGEMENT – 10:30 AM

R-8 Approval of the 2007-2012 Labor Agreement between Multnomah County and International Brotherhood of Electrical Workers “IBEW” Local 48, AFL-CIO

R-9 Approval of the 2007-2012 Labor Agreement between Multnomah County and International Union of Painters and Allied Trades District Council 5, AFL-CIO Local Union 1094

R-10 Multnomah County Green Team Annual Presentation. Presented by Kat West, Terry Baxter, Steve Wright, Heidi Leibrandt, Stuart Farmer and Grant Swanson. 20 MINUTES REQUESTED.

DEPARTMENT OF HEALTH – 11:00 AM

R-11 NOTICE OF INTENT to Submit a Proposal to the National Institutes of Health/National Cancer Institute “Small Grants for Behavior Research in Cancer Control” Funding Opportunity Announcement (PAR-06-458)

R-12 NOTICE OF INTENT to Request a \$40,000 Grant from the Environmental Protection Agency to Support Environmental Health Education in Local Schools

R-13 Budget Modification HD-22 Appropriating \$9,072 from the National Association of County and City Health Officials for Addressing Health Equity through Social Justice in Public Health Preparedness

R-14 Briefing on Emerging Public Health Policy Issue: Fast Food and Chain Restaurant Menu Labeling. Presented by Lillian Shirley and Sonia Manhas. 25 MINUTES REQUESTED.

BOARD COMMENT

Opportunity (as time allows) for Commissioners to provide informational comments to Board and public on non-agenda items of interest or to discuss legislative issues.



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/11/07
Agenda Item #: E-1
Est. Start Time: 9:00 AM
Date Submitted: 12/05/07

Agenda Title: Executive Session Pursuant to ORS 192.660(2)(d),(e)and/or(h)

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: December 11, 2007 **Amount of Time Needed:** 15-55 minutes
Department: Non-Departmental **Division:** County Attorney
Contact(s): Agnes Sowle
Phone: 503 988-3138 **Ext.** 83138 **I/O Address:** 503/500
Presenter(s): Agnes Sowle and Invited Others

General Information

1. **What action are you requesting from the Board?**
 No final decision will be made in the Executive Session.
2. **Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.**
 Only representatives of the news media and designated staff are allowed to attend. Representatives of the news media and all other attendees are specifically directed not to disclose information that is the subject of the Executive Session.
3. **Explain the fiscal impact (current year and ongoing).**
4. **Explain any legal and/or policy issues involved.**
 ORS 192.660(2)(d),(e)and/or(h)
5. **Explain any citizen and/or other government participation that has or will take place.**

Required Signature

**Elected Official or
 Department/
 Agency Director:**

Agnes Sowle

Date: 12/05/07

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Many eyes focus on jail

Strip-search lawsuit joins reports critical of Giusto's operation

BY NICK BUDNICK

The Portland Tribune, Dec 11, 2007 (7 Reader comments)

In the depths of the downtown Multnomah County Detention Center is a room that smells like body odor, only worse.

There, in the strip-search room in the jail's basement booking area, detainees are guided to stalls, told to strip and turn. Corrections deputies – using a flashlight if necessary – determine whether people have secreted weapons or drugs.

This most intimate of rooms now is the target of a class-action lawsuit filed last week, accusing Sheriff Bernie Giusto of violating the civil rights of an untold number of suspects and detainees.

Portland lawyer Leonard Berman, who has filed similar lawsuits in other Oregon counties, argues that subjecting those who've been accused of engaging in only minor crimes to a strip-search is "not only clearly illegal, but is degrading, insensitive and unnecessary."

A top Giusto aide said the jail recently modified its policies to ensure the law is followed, meaning that not everyone booked is strip-searched.

"For those who are going to be booked and released, they just get a pat-down search," Lt. Bruce McCain said.

In any event, the suit is a reminder that even as the sheriff defends himself against a moral-fitness probe that addresses his character on a



SARAH TOOR / PORTLAND TRIBUNE

Sgt. Andre Scott grabs a sanitary kit in the strip-search room. Portland lawyer Leonard Berman has filed a class-action lawsuit claiming that many strip-searches of people accused of minor crimes is a violation of their civil rights.

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THE SPOTLIGHT

THE SOUTHWEST CONNECTION

personal level – expected to reach the state Board on Public Safety Standards and Training in February – his job performance of managing the county jail system remains under scrutiny as well.

Berman's suit is based on the experience of a client, Riley Hinds, who he said repeatedly was searched last year after being booked on a mistaken parole violation charge.

The suit cites recent higher-court rulings that Berman said mean inmates cannot be strip-searched without "particularized suspicion that they possess weapons or contraband."

Lt. Drew Brosh, who oversees the booking area at the downtown jail, told the Portland Tribune that generally speaking, inmates can be searched based not just on the booking charge but on their criminal history as well.

If they show signs of intoxication, even just the odor of alcohol, it can be enough to provide reasonable suspicion for a strip-search, Brosh said.

Suit's not the only scrutiny

Although the lawsuit will have to be resolved in court, the jail is facing reviews on other issues as well.

A county-commissioned consultant's report issued last month criticized the lack of productivity at the jail.

And a county corrections grand jury is slated to release another report next week that is not expected to be any more flattering.

The consultant's report is of a type called a "post factor" report. That's jail lingo for studies that determine the appropriate level of staffing, or posts, for a jail.

Often, sheriffs use them to argue for more funding, and in that context the Multnomah post report is unusually critical and detailed.

County Chairman Ted Wheeler has used the report as another reason why he says the county commission should be given control over the jails in a measure probably headed for the May ballot.

The report does not take sides on Giusto, however.

In fact, it validates what Giusto has long said about one issue that has drawn criticism, that the county attorney's "liberal" interpretation of federal and state laws is partly at fault for his agency's excessive sick-time usage.

The report also validates what jail deputies and sergeants have long said,

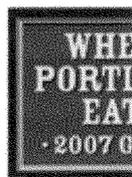
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The Times**West Linn & Tidings**

that all the focus on their overtime usage is unfair since the jail is grossly understaffed – by 88 deputies, the report said.

“We’ve been telling them for years,” said Sgt. Darcy Bjork of the Multnomah County Corrections Officers Association.

Training, sick leave at issue

The report gave jail managers credit for reducing overtime usage between 2004 and 2006 by 30 percent – which it called “an impressive trend.”

The report found other areas of concern, however.

For instance, corrections officers and sergeants are receiving only about half the training required by state and federal standards.

The report also said that jail management has failed to institute any oversight system to monitor deputies’ overtime and use of sick leave – which might seem odd, given the past negative scrutiny Giusto has received recent years on both sick time and overtime use.

And the issue of jail management is likely to be raised again this week with the expected release of a Multnomah County corrections grand jury report.

Last year, the equivalent report was released with a scathing critique of Giusto’s oversight authored by aides to Multnomah County District Attorney Michael Schrunk.

Despite the Schrunk report’s focus on apparent sick-time abuse, and Giusto’s vow to address the situation, not a single deputy has been disciplined for excessive sick time in the past year.

Schrunk’s office this year has threatened that if the jail does not show progress, the grand jury will start subpoenaing deputies who most frequently use sick time in suspicious patterns. That would place the deputies under oath, and therefore make them susceptible to criminal prosecution if they do not testify truthfully.

nickbudnick@portlandtribune.com

SPECIAL SI
PROMO



MULTNOMAH COUNTY
AGENDA PLACEMENT REQUEST (short form)

Board Clerk Use Only

Meeting Date: 12/11/07
Agenda Item #: B-1
Est. Start Time: 10:00 AM
Date Submitted: 12/05/07

Agenda Title: **Briefing on Options for Improving the Administration of Multnomah County
 Corrections Facilities**

Note: If Ordinance, Resolution, Order or Proclamation, provide exact title. For all other submissions, provide a clearly written title.

Requested Meeting Date: December 11, 2007 **Amount of Time Needed:** 120 Minutes
Department: Non-Departmental **Division:** Chair's Office
Contact(s): William M. Farver, Chief Operating Officer
Phone: 503-988-5066 **Ext.** 85066 **I/O Address:** 503/6
Presenter(s): Bill Farver, Chief Operating Officer; Agnes Sowle, County Attorney, Invited Others

General Information

1. What action are you requesting from the Board?

Discussion of concerns, legal aspects and options for administration of county corrections facilities.

2. Please provide sufficient background information for the Board and the public to understand this issue. Please note which Program Offer this action affects and how it impacts the results.

There has been increasing criticism and concern regarding the structure of jail administration under the Sheriff's authority. In 1998 a charter amendment was proposed by the County Auditor to make the Sheriff an appointed position in keeping with the changes brought by annexation and legislation that increased correction needs and responsibilities. During this past year the District Attorney's Report, the Grand Jury Report and the recent post factor study have been extremely critical of corrections fiscal policies and management. Currently, the Board has no authority to oversee jail administration. It is vital for the Board to explore options for changes to achieve a coordinated and focused corrections management and transparent fiscal accountability.

3. Explain the fiscal impact (current year and ongoing).

N/A

4. Explain any legal and/or policy issues involved.

County Home Rule Charter; State and County authority to administer jails.

5. Explain any citizen and/or other government participation that has or will take place.

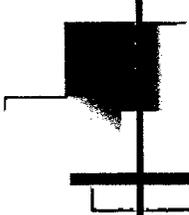
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Required Signature

Elected Official or
Department/
Agency Director:

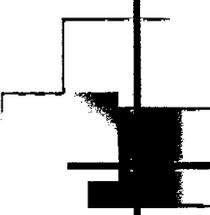
TED WHEELER

Date: 12/05/2007



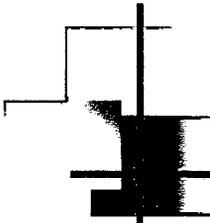
Administration of County Corrections - DRAFT

December 11, 2007
Board Work session



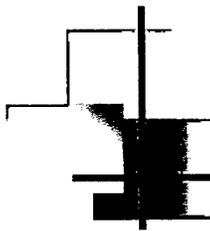
Question - Chair Wheeler

- Is the current administrative structure the best in terms of providing accountable, coordinated, and transparent management of Multnomah County jails?
- What is the appropriate role for the Board in addressing this question?



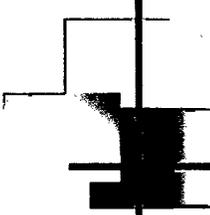
Process for Worksession

- Ground rules: no decisions; no public testimony; decide next steps in process
- Present Current Situation
- Present Identified Options with Pros and Cons
- Present Legal Considerations
- Gather questions; concerns for further research



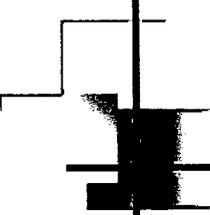
History of Sheriff Position

- Before 1966, Sheriff was elected by County Ordinance
- 1967 by Ordinance, Board created a Department of Public Safety that operated both corrections and law enforcement and was called Sheriff of Multnomah County



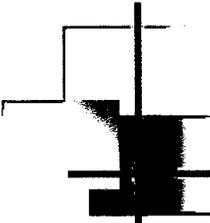
History of Sheriff

- May, 1982, by Charter Amendment, Sheriff became an elected position
- This was part of a larger voter initiated charter change
- Passed by 6,000 votes out of 125,000 cast



Blackmer /Noelle memos

- Concerns with Position of Elected Sheriff – Blackmer memo and Noelle Response – 1998
 - Mismatch of representation and law enforcement responsibilities
 - Limited candidate pool
 - Elected office undermines coordination of services
 - Possible Influence of interest groups

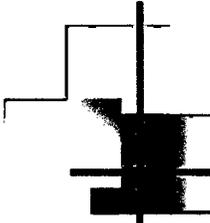


Current Situation

Concerns rising from widely publicized:

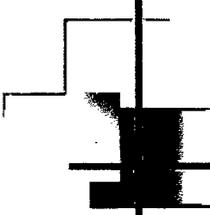
- Grand Jury reports
- District Attorney report and follow up
Permanent Work Group
- Post Factor Study

Concerns fall into several areas:



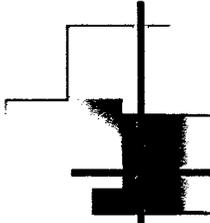
1. Cost

- Largest "County" Corrections system in Oregon – In 2005 Multnomah County had 29.42% of the Average Daily Population in the State
- \$84 million in General Fund ~23% of total General Fund (+\$13 million non General Fund)
- Public Safety spending is 49% of general fund
 - Sheriff's Office 28%
 - Community Justice 15%
 - District Attorney's Office 6%
- Costs increasing; how to best manage and use this expensive tool?



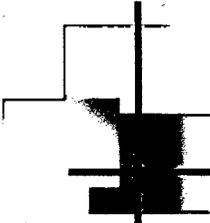
2. Accountability

- How to better align budget authority and management authority?
- How to increase daily accountability?
(Elected Sheriff accountable to voters every four years v. professional Corrections manager accountable to elected Chair and Board every day)



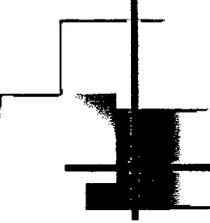
3. Alignment

- How closely aligned are current corrections policies and practices (administration) with Community Justice and Human and Health Services?



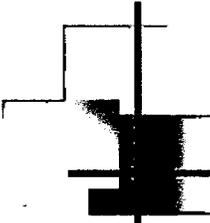
4. Fiscal management

- How can we aggressively manage sick leave and comp time that drive overtime costs?
- What is the proper balance of positions (posts) and overtime use
- Who is gathering data and tracking (e.g. time management) within the jails? (e.g. assignment of overtime)



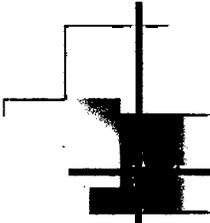
5. Contract management

- How aggressive are we in enforcing our current contract?
- Have we been consistent in our collective bargaining?



6. Safety

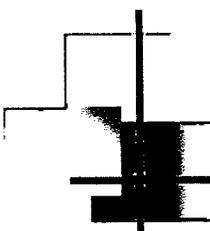
- Based on the post factor study, what steps need to be taken to increase employee and inmate safety?



- **IMPLICATIONS FOR
OVERALL COUNTY
OPERATIONS**

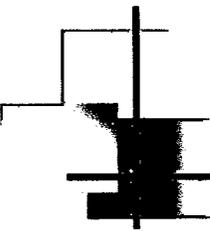
Why must the Board address these issues?

- Growing impact on general fund
- Share in responsibility to open Wapato and make best use of our facilities
- Issues impact other agencies and services
- Impacts County credibility
- Impacts potential of public safety levy



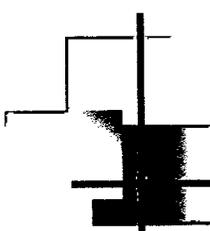
- **FOUR POSSIBLE CHANGES
IN ADMINISTRATIVE
AUTHORITY AND
STRUCTURE**

- Presented by Chief Operating Officer,
Bill Farver



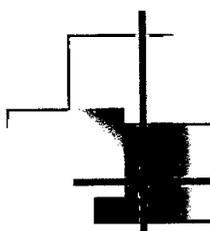
Option A; County Dept. of Corrections

- Seventh department
- Appointed director by Chair, confirmed by Board
- Part of Chair's Management Team
- Elected Sheriff runs law enforcement for County



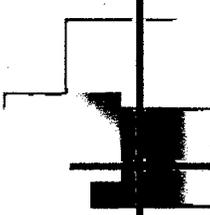
Pros

- Director selected from national pool of experienced corrections managers
- Aligns budget and management authority
- Increased opportunity for collaboration around vision emphasizing best practices
- Minimizes political influence in direct operation of jail; especially if done in combination with County Manager (C)
- Can be implemented by the summer of 2008 if legal changes made



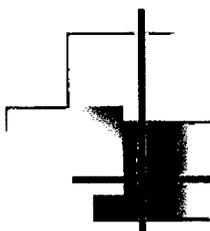
Cons

- Requires charter change removing corrections from Elected Sheriff's responsibilities (unless Sheriff delegates authority)
- Requires other legal changes
- Creates potential for instability and conflict in the short term
- May be perceived as layer of bureaucracy



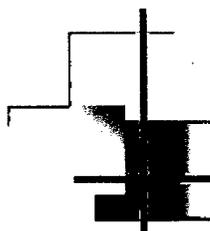
Option B: Appointed Sheriff

- Charter Change would allow Chair to appoint Sheriff as of January, 2011
- Sheriff would be a part of Chair's management team with authority over jails and law enforcement



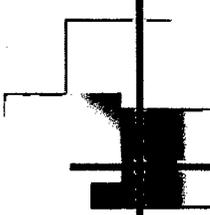
Pros

- Director selected from national pool of experienced corrections managers
- Aligns budget and management authority through entire agency
- Increased opportunity for collaboration around vision emphasizing best practices
- Dilutes political influences in direct operation of jail and law enforcement
- Offers potential to seek efficiencies in law enforcement services county wide
- Maintains corrections and law enforcement under single management.



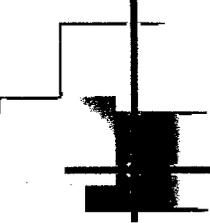
Cons

- Eliminates consistent elected voice on behalf of “public safety”
- Requires charter change
- Creates potential for instability and conflict in the short term
- Cannot be implemented until January, 2011
- May be perceived as layer of bureaucracy



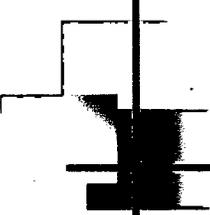
Option C: County Manager

- If desired, do in conjunction with A, B or D
- County Manager responsible for daily operations of County with administrative authority over all departments (Health, Human Services, Community Justice, Corrections; Library, Community Services, County Management); regular reporting to Board
- Hired by Chair, with approval by Board
- Clarifies Chair's focus on legislative, policy, and intergovernmental issues



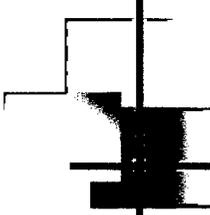
Pros – 1 Continuity

- Greater administrative continuity and consistency during political transitions
- Some administrative buffering from political arena (e.g. “DMZ” for policy)
- Increases likelihood for consistent approach in labor negotiations over time
- Focuses Chair and Board on policy making/ citizen engagement/ intergovernmental roles



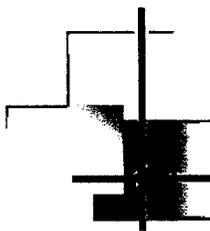
Pros – 2 Policy Collaboration

- Increases likelihood of experienced management
- Promotes long term internal collaboration among Department and Agency managers
- May strengthen public safety issues by increasing Board's confidence in management



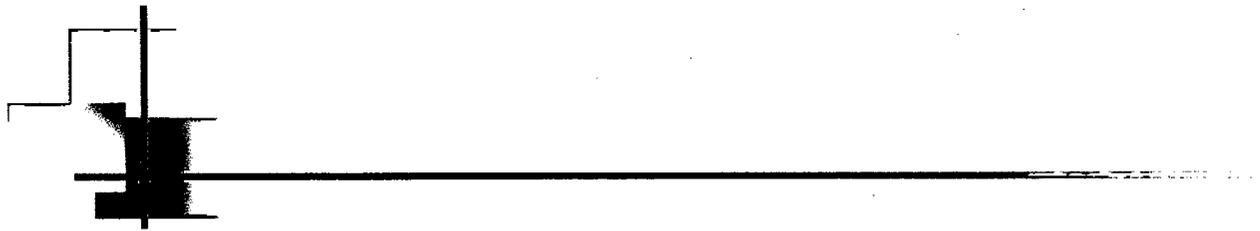
Pros – 3 Works Elsewhere

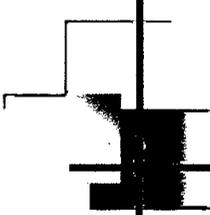
- Proven model in other jurisdictions
- Addresses perception of political aspect of Chair's office staff
- Model works well in Washington County and Clackamas County
- Likely to promote regional solutions
- Managers have national organization, ICMA



Cons

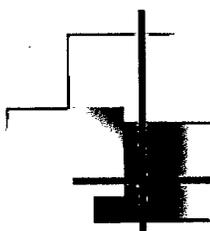
- Requires charter change to institutionalize
- Short term disruption
- May be perceived as layer of bureaucracy and additional expense

- 
- **OPTION D**
 - **POTENTIAL PILOT**
 - **BASED ON PRELIMINARY DISCUSSIONS
BETWEEN CHAIR, DISTRICT
ATTORNEY, AND SHERIFF**
 - **NO AGREEMENT**



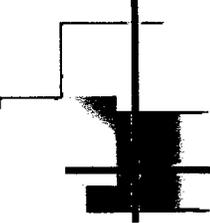
Option D: Corrections Director w. Policy Advisory Board

- Corrections Director heads new County Department and reports to Chair
- Policy Advisory Board advises Chair and County Board of Commissioners



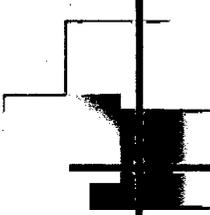
Role of Policy Advisory Board

- Forces a broader look at corrections policy
- Invites two way communication about impact of changes in existing systems
- Institutionalizes and elevates a CJAC type discussion
- Staffed by Director of Corrections



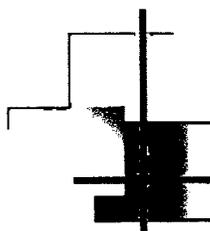
Policy Advisory Board

- Composition
 - Sheriff
 - District Attorney
 - Chief Judge
 - Directors of Health, Human Services,
Community Justice
 - Police Chiefs of Portland and Gresham
 - County Chair



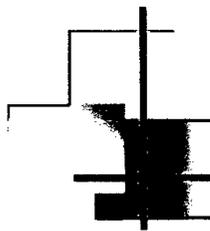
Role of Director of Corrections

- Manages jail policy and operations
- Line authority over the Jail Manager and related corrections functions currently in the Sheriff's office
- Regular interactions with Policy Advisory Board



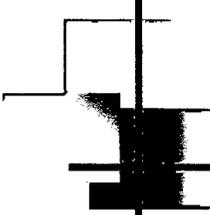
Pros

- Promotes greater openness and accountability through multiple elected public safety stakeholder involvement
- Promotes greater coordination and collaboration among public safety stakeholders
- Single organizational philosophy governing management of county jails
- Greater link between budget and accountability



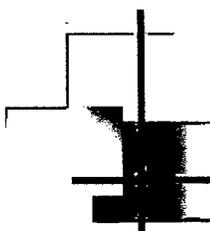
Cons

- Risk of role confusion between Board of Commissioners/ Policy Advisory Board/ Chair or County Manager
- Potentially time consuming “bureaucratic” layer of oversight
- Without charter change will require active, positive leadership from elected Sheriff

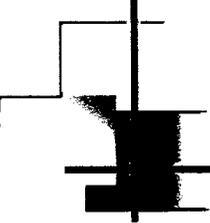


Implementation of Pilot – D

- Hire an “informed facilitator” to negotiate the details of agreements that would be necessary to implement
- Hire an Interim Department of Corrections Manager as soon as possible.
- Assess what charter changes to send to voters to institutionalize the changes

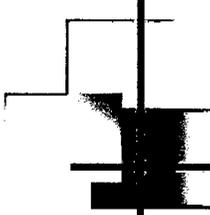


Option E – Status Quo



Pros

- Least disruptive
- Emphasizes short and long term need for cooperation and collaboration
- Avoids political debate and potential divisiveness



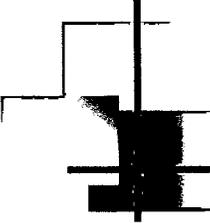
Cons

- Budget and management not aligned
- Corrections (and law enforcement) not strongly linked with other departments
- Structure can work against unified County collective bargaining positions.
- Cost and fiscal management issues left to Sheriff to address.



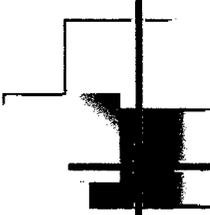
- **LEGAL CONSIDERATIONS
AND POLITICAL PROCESS**

- Presented by County Attorney, Agnes
Sowle



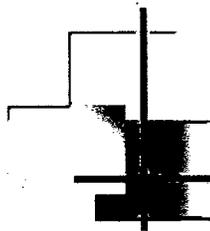
Legal Issues

- Current Authority Over Jails
- Potential Charter Amendments
- Timeline for Amendments
- Home Rule Charter Authority
- Application of Home Rule with State Statutes



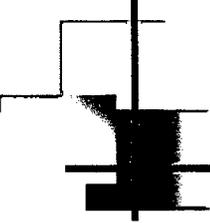
Current Authority Over Jails

- The people of Multnomah County shall elect “[a] county sheriff for the function of said office as prescribed by state law and he or she shall have sole administration of all county jails and correctional institutions located in Multnomah County.”



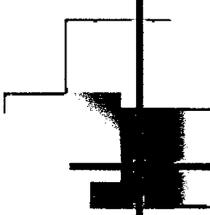
Potential Charter Amendments

- Reduce authority of Sheriff over administration of Jails (Option A)
- Eliminate 18 month residency requirement (Option A1)
- Change elected Sheriff to appointed Sheriff (Option B)



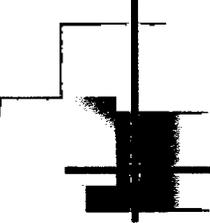
Process and Timeline

- Board Ordinance to place amendment on the ballot at any regular election
- 60 days before the election
- For primary, first reading February 14, 2008; second reading and adoption Feb. 21, 2008
- For general, first reading August 21, 2008; second reading and adoption August 28, 2008



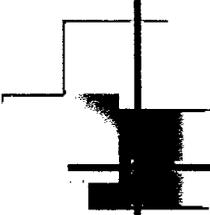
Home Rule Charter Authority

- Authority over matters of county concern
- State preemption of authority



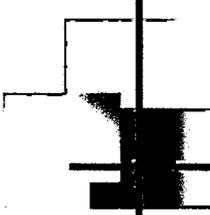
Authority for Jail Admin.

- Sole administration by County preempted by current statutes; Sheriff may delegate authority
- Joint administration by County and Sheriff allowed
- Sole authority to operate custodial facility for local control (1145) prisoners allowed (Sheriff or DCJ)



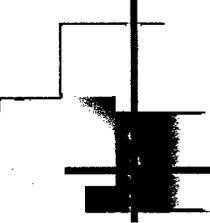
General comments

- No options deal directly with changes in union contract
- All options ultimately depend upon good hiring decisions and willingness to work cooperatively in partnership.
- Structural question: Which option is most likely to achieve favorable outcomes over the long haul?



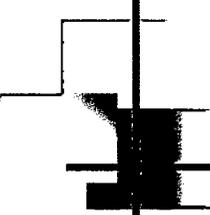
Next six months

- Chair and Sheriff pledge to work cooperatively to develop and implement:
 - Staged response to post factor study
 - Responsible budget that reflects Board's priorities
 - Single approach to labor negotiations
 - Mult Stat (with DCJ and DA)



Areas for additional research

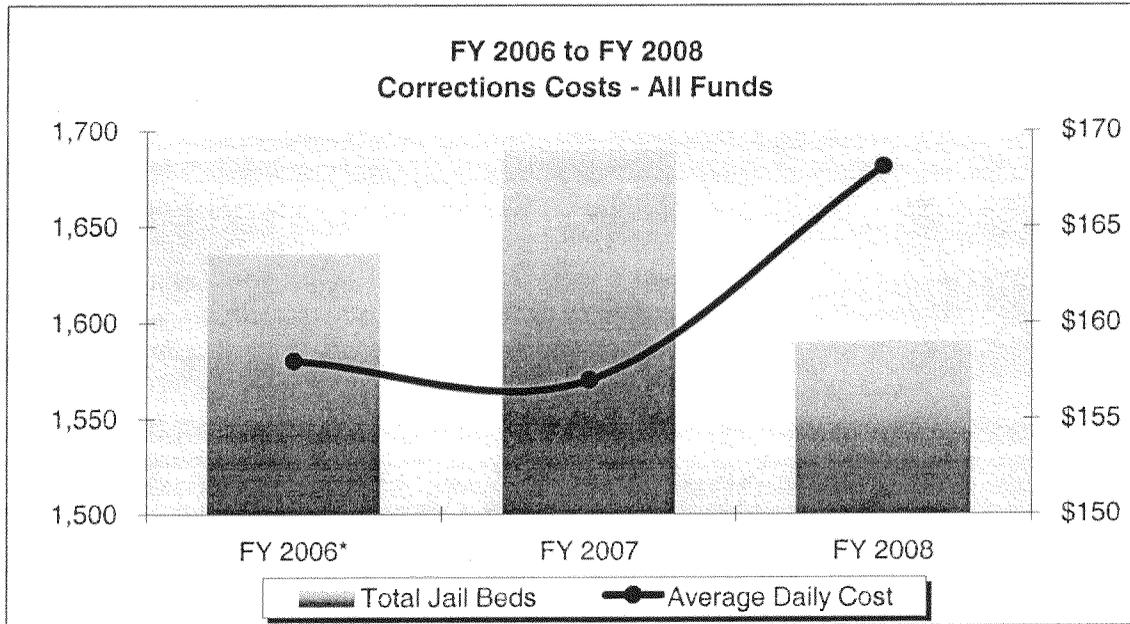
- Where has Department of Corrections model been used?
- Where has County Manager model been used?
- Others.....



Next Steps in Process

**Corrections Costs
Multnomah County
FY 2006 - FY 2008 Adopted**

<i>All Funds</i>	FY 2006*	FY 2007	FY 2008	FY06 to FY08 % Incr./Dcr.
Total Corrections	\$94,367,032	\$96,869,705	\$97,841,277	3.7%
Total Jail Beds	1,636	1,690	1,590	-2.8%
Average Daily Cost	\$158.0	\$157.0	\$168.1	6.4%



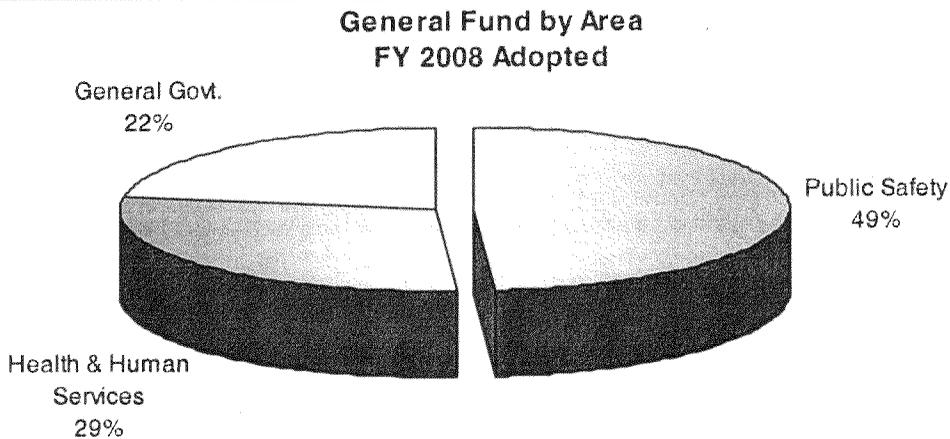
Notes:

*It is important to note that the BCC cut \$1m in OT from the Sheriff's Office prior and the adopted does not include it; however, adjustments were made to \$756k for the MCCDA settlement and \$710k for MCIJ. in the GF to be more realistic.

Includes Corrections Health

Based on the DA Jail Investigation Model

Public Safety Costs



FY 2008 - Corrections Adopted Budget

	General Fund	Other Funds	Total
Dormitory Costs (MCDC/MCIJ)	\$ 54,486,280	\$ 9,682,797	\$ 64,169,077
Transport	2,600,531	0	2,600,531
Booking/Release	12,843,825	0	12,843,825
Gresham Temp Hold	129,961	0	129,961
Inmate Welfare and Commissary	0	2,470,421	2,470,421
Corrections Work Crews	1,202,265	814,502	2,016,767
Subtotal MCSO Corrections	\$ 71,262,862	\$ 12,967,720	\$ 84,230,582
Corrections Health	13,534,130	76,565	13,610,695
Totals	\$ 84,796,992	\$ 13,044,285	\$ 97,841,277
<i>Corrections as % of MCSO Budget</i>	<i>74.2%</i>	<i>82.2%</i>	<i>75.3%</i>
<i>Corrections Health as % of Health Budget</i>	<i>25.4%</i>	<i>0.1%</i>	<i>10.3%</i>

FY 2007 - Corrections Adopted Budget

	General Fund	Other Funds	Total
Dormitory Costs (MCDC/MCIJ)	\$ 61,481,689	\$ 8,144,974	\$ 69,626,663
Transport	2,601,539	0	2,601,539
Booking/Release	7,530,369	0	7,530,369
Gresham Temp Hold	147,447	0	147,447
Inmate Welfare and Commissary	70,413	2,388,499	2,458,912
Corrections Work Crews	1,454,761	864,252	2,319,013
Subtotal MCSO Corrections	\$ 73,286,218	\$ 11,397,725	\$ 84,683,943
Corrections Health	12,120,136	65,626	12,185,762
Totals	\$ 85,406,354	\$ 11,463,351	\$ 96,869,705
<i>Corrections as % of MCSO Budget</i>	<i>79.8%</i>	<i>80.6%</i>	<i>79.9%</i>
<i>Corrections Health as % of Health Budget</i>	<i>24.7%</i>	<i>0.1%</i>	<i>9.8%</i>

FY 2006 - Corrections Adopted Budget

	General Fund	Other Funds	Total
Dormitory Costs (MCDC/MCIJ)	\$ 56,339,208	\$ 8,020,565	\$ 64,359,773
Transport	2,422,508	0	2,422,508
Booking/Release	6,339,314	0	6,339,314
Gresham Temp Hold	1,473,810	0	1,473,810
Inmate Welfare and Commissary	0	2,828,340	2,828,340
Corrections Work Crews	1,490,544	863,500	2,354,044
Subtotal MCSO Corrections	\$ 68,065,384	\$ 11,712,405	\$ 79,777,789
Corrections Health	12,981,788	141,455	13,123,243
Totals	\$ 81,047,172	\$ 11,853,860	\$ 92,901,032
<i>Corrections as % of MCSO Budget</i>	<i>80.4%</i>	<i>80.3%</i>	<i>80.4%</i>
<i>Corrections Health as % of Health Budget</i>	<i>28.9%</i>	<i>0.2%</i>	<i>11.3%</i>

FY 2006 includes \$756k in the MCCDA settlement and \$710k for MCIJ adjustment after adoption

Corrections Model based on the corrections categories included in the District Attorneys 2007 Jail Investigation Report

BOGSTAD Deborah L

From: KIRK Christine A
Sent: Monday, December 10, 2007 3:47 PM
To: BOGSTAD Deborah L; FARVER Bill; MARTINEZ David; MADRIGAL Marissa D; NAITO Terri W; WEST Kristen
Subject: Historical Documents in Response to the Auditor and Charter Review

Attached are historical documents from Sheriff Noelle relating to the questions or appointed v elected.

Christine

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12/12/2007



GARY BLACKMER, Multnomah County Auditor

1120 SW 5th Avenue, Room 1410

Portland, Oregon 97204

Telephone (503) 248-3320

Telefax 248-3019

www.multnomah.lib.or.us/aud

MEMORANDUM

DATE: January 6, 1998

TO: Multnomah County Charter Review Commission
Multnomah County Board of Commissioners
Dan Noelle, Multnomah County Sheriff
Michael Schruck, Multnomah County District Attorney

FROM: Gary Blackmer, County Auditor

SUBJECT: Appointed Sheriff

I encourage you to deliberate on the issue of whether Multnomah County should have an appointed rather than elected sheriff. My knowledge and background in this area is unique: before my twelve years as an auditor, I worked in the Multnomah County Sheriff's Office for nearly six years — three years under an appointed sheriff and three years under an elected sheriff. My position in Planning and Research put me in regular direct contact with Edgar E Martin and, later, Fred Pearce for budget preparation, special studies, and other administrative projects. As County Auditor I have conducted several audits of law enforcement and corrections issues in the Sheriff's Office, working with Robert Skipper, John Bunnell, and Dan Noelle.

My views about the position of sheriff do not reflect in any way on the qualities or personalities of any individuals who have occupied the office. It is an important distinction that we do not confuse the person with the position when considering how to best govern ourselves. Nor do I imply any less value for the critical services provided by the staff in the Sheriff's Office. The public depends upon the dedication of these employees and being managed by an appointed or elected official does not in any way diminish their importance.

Some history on elected and appointed sheriffs

Some history of the elected / appointed / elected office might be beneficial. Only through Sheriff's Office folklore do I know about the conversion of the position to appointed sheriff, led by Don Clark, the county chair who had previously been an elected sheriff. To professionalize the office in the mid-60s he separated jails from law enforcement, required college degrees of deputy applicants, and campaigned for a charter change to convert to an appointed sheriff. After it was approved in the late

60s, several appointed sheriffs served, including Lee P. Brown who went on to be police chief of Atlanta, Houston, New York City, federal "Drug Czar," and the recently elected mayor of Houston.

In May, 1982 an initiative was approved by voters which required a long list of changes to the charter such as:

- requiring voter approval to increase the salaries of elected officials
- prohibiting a county lobbyist
- setting term limits
- forcing county elected officials to resign when filing for another office
- creating an elected assessor, clerk, district court clerk, sheriff
- making the sheriff responsible for the jails.

Ed Martin had accepted a police chief position in another jurisdiction several weeks prior to the May vote and Fred Pearce, the Undersheriff, was appointed acting sheriff by the Board until an election could be held. He was elected in the fall of that year and served until he accepted a position in the Oregon Department of Corrections in the late 80s. (I left in 1985 to become an auditor with the City of Portland.) Robert Skipper was elected and completed that term and was elected to two more four-year terms, but resigned in 1994 before beginning the last term. John Bunnell was appointed acting sheriff until Dan Noelle defeated him in the election to complete the term that ends on December 31, 1998.

Over this same time period the role of the Sheriff's Office has changed. In 1979 when I began working in the Sheriff's Office there were 224 sworn law enforcement positions with an average of about 14 or 15 patrol cars on duty, serving about 155,000 residents of unincorporated Multnomah County. (There were also about 70 "non-sworn" personnel providing administrative and support activities to law enforcement.) There were no corrections responsibilities until 1982 when about 230 corrections personnel were merged into the Sheriff's Office as a result of the citizen initiative.

In 1983 Portland, Gresham, and other cities began aggressively annexing the unincorporated areas of mid-Multnomah County. At that time the economy was also very sluggish, with revenues falling despite high inflation rates. Annexations and financial troubles required law enforcement personnel to be transferred to the Portland Police Bureau, transferred to fill corrections needs, or laid off, all over the strident objections of the elected sheriff. Meanwhile, jail construction and expansion began in the mid-80s with the downtown Justice Center, Restitution Center, and the several construction phases of Inverness Jail. As a result of all these changes, patrol staffing is now averaging only 4 to 5 patrol cars, with total law enforcement deputies projected next year to be about 93. However, the Sheriff's Office has more than 600 corrections personnel budgeted this year. Additional corrections personnel will have to be hired in future years due to SB1145, which assigns responsibility to counties for many sentenced felons which had previously been held in state prisons.

Arguments for an appointed sheriff

Mismatch of representation and responsibilities

Citizens have a strong interest in the quality of their policing services, and an elected sheriff is probably an important official in counties with large numbers of citizens

living outside cities who depend upon the sheriff for those services. However, of the 620,000 persons living in Multnomah County, only about 32,000 live outside cities. As a result, the unincorporated voters have very little influence in choosing their law enforcement official, and the voters living in cities generally receive only jail services from the sheriff.

And, while jails are an important element of the criminal justice system, the manager of the jails must be primarily responsive to the needs of the other elements, rather than setting his or her own direction as an elected official. Community priorities about arrest, prosecution, and sentencing policies – carried out by other public officials – are most significant to citizens. Jails should carry out the decisions and policies of these other officials, not determine them. Further, a good case can be made that jail standards, court directives, and civil law determine how persons are held more than an elected sheriff's preferences. Oregon's prison superintendent is appointed, as are jail managers in many other jurisdictions, as well as directors of juvenile detention and adult parole and probation programs.

There is a limited candidate pool of candidates for elected sheriff

Candidates for elected sheriff should be experienced jail professionals since it represents over 80% of the staff in the organization. They should also have some capabilities in law enforcement. Further, candidates should be experienced managers able to deal with a wide range of complex issues. We can hope that voters will be motivated to favor the candidate who can best show evidence of professional and managerial accomplishments in these two fields, but the better campaigner will probably have an advantage, regardless of qualifications.

In contrast, the pool for an appointed sheriff is not limited to the metropolitan area, but could include a state or a nationwide search, because competition is based upon professional experience. Previous residency in Multnomah County is not required as in the case of an elected official.

Elected office undermines coordination of services

The criminal justice "system" is not designed to be well-coordinated. To protect the rights of the accused, it is built upon checks, balances, and independent judgment. With over 40 elected judges and an elected district attorney, making the sheriff elected does not add any significant independence to the system. Another elected official may increase the possibility of poor coordination, "turf" protection, and other consequences of too much independence.

Within the county, an elected sheriff undermines coordination as well. The reason we have general purpose governments is to balance the various needs of the community in making decisions about the allocation of resources. During budget time, every department manager is an advocate for sufficient resources to accomplish department objectives. We have elected the Board of Commissioners to balance all the needs of the community in allocating resources. However, an elected sheriff, who can appeal directly to the public, makes it even more difficult for the chair and commissioners to match resources to community needs. In addition, an independently elected executive with a department as large as the Sheriff's Office establishes a second authority in the county with duplicative policies and operations,

and a tendency to wall off its activities from the rest of the county, reducing communication and cooperation.

Possible influence of interest groups

I can't think of another elected office that could be as dominated by one interest group as the election of a sheriff could. Support from the Multnomah County Corrections Officers Association can have a large influence on the candidate pool and outcome of the election. The group can contribute large amounts of time as well as money for fundraising and campaigning. With membership continuing to swell, the influence could be even larger in the future. The Multnomah County Deputy Sheriff's Association also has some influence but its resources are significantly less than those of the corrections officers.

This degree of influence poses some risk to the public interest by discouraging qualified candidates from running because they might not get the support of the corrections officers. Further, management policies and wage bargaining could be affected by a candidate's desire to be elected. As a result, the public may have to pay for less efficient, more costly jails.

Timing

The term of office for elected sheriff ends on December 31, 1998 and campaign efforts are already underway for the May 1998 primary, with the possibility of a November runoff. If the Charter Review Committee decided to submit this change to the voters it may actually be decided at the same time or after a sheriff is elected for another four years. To avoid confusion, the charter change could take effect on January 1, 2003 - following the end of the next four-year term.

Other viewpoints

As I mentioned, there are arguments for an elected sheriff and I encourage you to seek out the current and past sheriffs to obtain their perspective on the office. All those sheriffs I've named are still in the area, and Lee Brown occasionally visits. Don Clark can give you a better history of the office and the changes than I am able to give. Current and past commissioners and chairs may also provide views on the office and its fit in the county. As I recall, Clyde Brummell was one of the vocal proponents of the 1982 initiative and is still a very active member of the community.

I understand that the purpose of the Charter Review Committee is to determine whether the form of government in Multnomah County continues to meet the changing needs of our community. Except for the sheriff, all the other elected positions that were created by the 1982 citizen initiative have been re-submitted for a vote and eliminated. The sheriff is an elected office that has undergone significant changes in responsibilities since then, and since the last Charter Review Commission, and would be an appropriate topic for you to examine.

MEMORANDUM

TO: BRUCE BROUSSARD
MULTNOMAH COUNTY CHARTER REVIEW COMMISSION

FROM: Dan Noelle, Multnomah County Sheriff

DATE:

SUBJECT: Elected Vs Appointed Sheriff in Multnomah County

As you are aware Gary Blackmer, the Multnomah County Auditor, has asked the Commission to consider the issue of an elected versus appointed Sheriff in the current charter review. This is not the first time a charter review Commission has studied this issue. Prior to 1967, the Office of Sheriff was an elected position, but on referral by a review Commission and vote of the people, it became an appointed department position under a newly created County Executive. This same action separated the jails from the Sheriff's control where they were administered under a new Corrections Department. This situation persisted until 1982 when a new Charter Review Commission recommended returning to an elected Sheriff, eliminating the County Executive position, and placing jails once again under the Office of the Sheriff.

I am looking forward to meeting with you on this issue. I believe that we must always be open to looking at the best ways of fulfilling the public trust, and airing this issue should lay doubts to rest. I believe the elected nature of the Office has served the citizens of Multnomah County well. It allows for a strong advocate for the public safety of our community. The attached memorandum to Auditor Blackmer outlines my position on this issue.

TO: GARY BLACKMER, County Auditor

CC: Multnomah County Charter Review Commission
Multnomah County Board of Commissioners
Michael Schrunk, Multnomah County District Attorney

FROM: DAN NOELLE, Multnomah County Sheriff

DATE: April 6, 1998

SUBJECT: Response to Auditor's "Appointed Sheriff" Memorandum

In January, your office issued a memorandum proposing that the Sheriff's Office be returned to a department under the County's Chair with an appointed Sheriff. You invited me to deliberate on the issue; this is my response after some research and consideration of the issue.

Multnomah County has made the transition from elected sheriff to appointed sheriff and back to elected sheriff again 3 times in the span of 3 decades. The topic is discussed at nearly every charter review commission that is convened. In my background, I was part of the leadership of the largest law enforcement agency in the region under an appointed Chief and now am the elected Sheriff. I will respond to the issues you have raised from this perspective. The headings that follow are headings from your memorandum with my responses under each.

Mismatch of Representation and Responsibilities

You feel that since the urban proportion of the county has grown and the rural law enforcement functions have shrunk, a large urban population votes on a Sheriff who controls only a small rural responsibility. This might be true if law enforcement was the Sheriff's only responsibility, as was the case in the 1970's and early 80's under an appointed Sheriff. However, when voters restored the Office of Sheriff in 1982, they restored the traditional duties of Sheriff. Nationally and across this state, the Office of Sheriff is responsible for 3 major areas of criminal justice: the Courts, Law Enforcement, and the Jails. Besides keeping the peace and enforcing security in state courts under his jurisdiction, the Multnomah County Sheriff is empowered to seize and sell property, evict persons and enforce all judicial decrees within the most populous county in Oregon. Today, managing and operating over 1700 jail beds in five facilities is a major part of the Sheriff's responsibility. After voters of the whole county returned jail responsibilities to an elected Sheriff they had an advocate whose mission is community safety. Under an elected Sheriff 1,086 jail beds have been added to the system. Although there has been a reduction in law enforcement responsibility, the Sheriff's role

has increased in judicial support and the incarceration aspects of the Office. The Sheriff's overall responsibilities have increased, and the Office represents not only the unincorporated areas of Multnomah County but also the expanding urban population.

You assert that "the manager of the jails must be primarily responsive to the needs of other elements, rather than setting his or her own direction as an elected official." I believe we have a basic disagreement over this. Balancing jail space with other criminal justice components really determines the effectiveness of the whole system. An elected Sheriff can actively lobby for political issues such as levies to build more jail beds, can determine who will be released when beds are short (a decision for which the Office should be held politically accountable to the electorate), and can support or lobby against legislation that affects jails, courts and law enforcement. In 1986, an elected Sheriff, responding to a lack of jail space and serious overcrowding problems, made decisions about who he would allow to be booked into jail, who would be turned away at the door, and what rights, privileges and programs those incarcerated would receive. This was a proactive decision that had overwhelming effects on the community and the criminal justice system. In 1997 as elected Sheriff, I acted on what I interpreted to be a mandate of the voters in challenging our system of incarceration and the federal court order that restricted it. As a result of that action we have reduced the per diem cost of housing inmates, and increased the capacity of MCDC by 200 inmates. I also lobbied the State of Oregon about SB1145 and gained several million dollars of resources for Multnomah County. These are political decisions that profoundly affect the electorate's sense of safety in their community, and should be made by someone held accountable by that electorate. An appointed Sheriff, under Oregon law, would be prohibited from this type of political activity.

There is a Limited Pool of Candidates for Elected Sheriff

There is a large, well-educated contingent of law enforcement and corrections professionals in this community. I believe you underestimate the talent that exists among the over 2,000 staff in the metropolitan area, many with diverse backgrounds and advanced degrees, who are engaged in this work. Indeed, the rest of the United States looks to Portland and Multnomah County for innovation and leadership in both Law Enforcement and Corrections. The last 3 elections for Sheriff in Multnomah County have all been contested races. The winner was a competent command officer with a long career in the field. All were residents of Multnomah County, as is currently required, who understood the community's needs, and the unique criminal justice components that are different in communities throughout the country. On the other hand, the kind of state or national search for a Sheriff that you espouse may locate someone with the skills to rise to the top of a system in New York City, but they may be ill equipped to understand and lead in the Oregon environment. Of the seven appointed Sheriffs, only one came from outside our community.

Elected Office Undermines Coordination of Services

Politics and turf battles exist in any organization among non-elected managers at all levels. They existed in 1981 in this community between criminal justice agencies when a commissioner brought the District Attorney, Director of Justice Services, Sheriff, Director of Corrections, and Chief of Portland Police together in an attempt to have them stop working against each other over the issue of jail space. This occurred after 14 years of appointed Sheriffs who did not have the autonomy to forge true criminal

justice alliances. These same agency heads now meet regularly to collaborate on unifying efforts and on legislation to improve the criminal justice system. As an elected Sheriff, I currently meet monthly with the Chiefs of all law enforcement agencies. I attend Judge Bearden's brown bag forum with the District Attorney and the head of JACJ, and have helped organize the East County Major Crimes Team, an effort that was recently lauded in the Oregonian as an effective cooperative pooling of interagency resources. I am also a member of the Local Public Safety Coordinating Council.

In reality, an elected Sheriff brings a focus on law enforcement and corrections to the county that is impossible with an appointed position. Traditionally, citizens elected to the Board of County Commissioners have little or no background in law enforcement or corrections. During the time Multnomah County had an appointed Sheriff, the number of jail beds in the County was reduced. Since then, elected Sheriffs have used their ability to "appeal directly to the public" to convince the commissioners and the voters to fund an additional 1,100 beds, with another 850 beds under construction. As an independent elected official, the Sheriff has been able to disagree with the Board, winning workable compromises on issues without fear of offending "the boss". This independence has allowed the Office to forge alliances and partnerships with other agencies and department heads to the benefit of the citizens of this county.

During the 15 years of an appointed Sheriff, there were seven Sheriffs in office. Their average tenure was approximately 27 months. Since the return to an elected Office in 1982, there have been four Sheriffs with an average tenure of 46 months. This stability is vital to an organization's well being. And stable leadership is necessary for the development of coordination and commitment to other agencies that increases efficiency and cooperation within the criminal justice system.

Possible Influence of Interest Groups

When I ran for sheriff, I received no campaign contributions from any Multnomah County associations, and won the election against an interim appointed Sheriff. In today's political climate, there is always danger of any elected official from the Chair to the Auditor, District Attorney or the Sheriff to fall into the trap of accepting campaign contributions and feeling some obligation to their benefactor. The issue of campaign reform is in the public spotlight nationally and at the state level. It should be handled as a separate issue that potentially cuts across the lines of all elected officials.

In conclusion I reiterate that, although I do not agree with your position, I welcome the opportunity to discuss the issues with the Charter Review Committee. Opening issues of concern to public discussion is basic to a free and effective government.

ISSUE HIGHLIGHTS: ELECTED VS APPOINTED SHERIFF

Historical

- ✓ Elected Sheriffs date back 300 years in English law. An event recorded in 1682 describes the City of London's concern that the Crown might deprive them of their right to elect a Sheriff.
- ✓ Since then there have been experiments in this country with appointed Sheriffs, but the office has generally reverted back to an elected position. King County, Washington is a recent example.

National Trends and Practices

- ✓ Only 11 of 3,096 counties nationwide have appointed Sheriffs.

Checks and Balances

- ✓ This nation's government is built on the principle of separation of powers, based on a distrust of too much power in any branch of government. While the County Commission retains control of budget and overall county policy as enacted into Ordinance, an independent elected Sheriff can publicly challenge County Commission directions and policies related to public safety or criminal justice in general. Cooperation between agencies is good, but some dynamic tension creates compromise and balance.

Stability

- ✓ Under an appointed Sheriff, Multnomah County had 7 different Sheriffs in 15 years.
- ✓ In the first 14 years after a reversion back to elected Sheriff, there have been 4 Sheriffs.
- ✓ More turnovers create less continuity of command and policy, and a lower overall quality of performance for the agency.

More Politicking

- ✓ An elected Sheriff sets policy based on his/her professional beliefs and his/her understanding of the mandate of the voters. Under an appointment, these policies are continually up for debate by a board of diverse politicians who are unlikely to have a professional background in Law enforcement or Corrections.
- ✓ An elected Sheriff can engage in political activity where an appointed Sheriff cannot. This enabled the Sheriff to actively seek voter approval of the jail expansion levy, and to influence legislation in Salem that impacted compensation to the county for state prison inmates housed in local facilities.

Scope of Duties and Operations

- ✓ The Sheriff, along with the District Attorney, must be able to perform investigative actions that might involve government.
- ✓ The Sheriff is the Chief peace officer of the county. Besides law enforcement, the sheriff and his deputies can evict citizens from their homes, seize and sell property, and enforce all judicial decrees, both criminal and civil.

- ✓ The Sheriff incarcerates inmates, establishes inmate work crews, and must constitutionally house, clothe and feed these inmates while providing for their safety, yet insuring the safety of the citizens of the community.

Cost Not a Factor

- ✓ A comparison of jurisdictions with elected Vs appointed Sheriff show no difference in cost of operations.

Policy Making

- ✓ Because of the diversity of functions and the power yielded by the Sheriff, the only viable check on this power is the electorate. "In the context of a constitutional democracy, the inherent and statutory powers of the Sheriff's office are far too great to be insulated from popular vote."¹

Public Opinion

3 In 1993, a task force known as "Public Safety 2000" was formed by the Citizen's Crime Commission to study the future of police services in Multnomah County. A survey conducted for this task force asked "Suppose a decision were made to consolidate all police departments in Multnomah County...should the Chief of Police be elected directly by Multnomah County voters, or chosen by elected officials from Multnomah County." The results:

Elected by voters	66%
Chosen by elected officials	27%
Don't know	7%

SHERIFF TENURE in MULTNOMAH COUNTY

<u>Appointed</u>	<u>Dates</u>	<u>Months</u>
Byron Shields	1/67-9/67	8
James Holzman	9/67-70	33*
J. Bard Purcell	1970-74	49*
Louis Reinhart	1974-75	7 *
Lee P. Brown	1/75-6/76	17
Ed Martin	6/76-6/82	73
Fred Pearce	6/82-11/82	5

Average Appointed 27.3 months

<u>Elected</u>	<u>Dates</u>	<u>Months</u>
Fred Pearce	11/82-89	79 *
Bob Skipper	1989-94	65 *
John Bunnell	11/94-6/95	8
Dan Noelle	6/95-current	33

(Interim appointee pending election)

Average Elected 46.25

¹ "Sheriff" magazine; Mar-Apr 93, p 11

* Months in Italics are approximations.