

ANNOTATED MINUTES

Tuesday, June 2, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 *Presentation of the Report of the County's Task Force on County Ethics. Presented by Fred Neal and Task Force Members.*

BOARD DISCUSSION AND SUGGESTIONS TO TASKFORCE RECOMMENDATIONS PRESENTED BY FRED NEAL, LARRY AAB, GARY BLACKMER, MIKE DELMAN AND JOANNE FULLER. CHAIR McCOY DIRECTED STAFF TO PREPARE DOCUMENTATION TO IMPLEMENT PROPOSED RECOMMENDATIONS FOR BOARD CONSIDERATION WITHIN ONE MONTH.

- B-2 *Update on the Columbia River Gorge National Scenic Area and Introduction of the New Executive Director, Jonathan Doherty. Presented by Sharon Timko and Kris Olson Rogers.*

CHRIS OLSON ROGERS, JONATHAN DOHERTY AND SHARON TIMKO PRESENTATION AND RESPONSE TO BOARD QUESTIONS. PLANNING STAFF PREPARING MULTNOMAH COUNTY IMPLEMENTING ORDINANCES FOR ANTICIPATED FALL ADOPTION.

- B-3 *Presentation of the Detention Operations Committee Report. Presented by Harold Ogburn.*

HAROLD OGBURN AND JIM ANDERSON PRESENTATION AND RESPONSE TO BOARD QUESTIONS. JJD STAFF TO PREPARE MEMO IN RESPONSE TO SPECIFIC INFORMATION REQUESTS OF VICE-CHAIR KELLEY.

Tuesday, June 2, 1992 - 11:15 AM
Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-4 *Review of Agenda for Regular Meeting of June 4, 1992*

R-1 **VICE-CHAIR KELLEY SUGGESTED THAT A LETTER BE SENT REQUESTING THE HOUSING AUTHORITY OF PORTLAND TO CHANGE ITS NAME.**

R-5 **COUNTY COUNSEL, STAFF AND BOARD DISCUSSION OF PROPOSED SUBSTANTIVELY AMENDED ORDINANCE WHICH WOULD REQUIRE TWO READINGS. BOARD**

CONSENSUS TO PROCEED WITH SECOND READING OF PROPOSED ORDINANCE AS IS WITH FEE AMOUNT CORRECTIONS.

R-7 PROPOSED HEARING REQUESTED FOR THURSDAY, JUNE 18, 1992.

R-10 STAFF AND BOARD DISCUSSION. STAFF SUBMITTED A FACT SHEET, VARIOUS LETTERS OF SUPPORT AND THREE PROPOSED REVISIONS TO THE NATURAL AREAS PROTECTION AND MANAGEMENT PLAN. PUBLIC TESTIMONY ANTICIPATED ON THURSDAY.

IN RESPONSE TO QUESTIONS OF VICE-CHAIR KELLEY, CHAIR McCOY ADVISED THERE WILL BE A DEPARTMENT OF SOCIAL SERVICES BRIEFING BEFORE THE BOARD WITHIN ONE MONTH.

*Thursday, June 4, 1992 - 9:30 AM
Multnomah County Courthouse, Room 602*

REGULAR MEETING

Chair Gladys McCoy convened the meeting at 9:30 a.m., with Vice-Chair Sharron Kelley, Commissioners Pauline Anderson, Rick Bauman and Gary Hansen present.

CONSENT CALENDAR

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, THE CONSENT CALENDAR (ITEMS C-1 THROUGH C-2) WAS UNANIMOUSLY APPROVED.

JUSTICE SERVICES

SHERIFF'S OFFICE

C-1 *Ratification of an Intergovernmental Agreement, Contract #800013, between USPFO of Oregon and Multnomah County Sheriff's Office, Training Division for the Rental of the Firing Ranges Located on the Oregon National Guard Base at Camp Withycombe, Clackamas, Oregon for FY 93-93*

C-2 *Ratification of an Intergovernmental Agreement, Contract #800782, between Multnomah County Sheriff's Office, Corrections Division and the City of Portland to Provide Fingerprint and Photographs of Individuals Arrested for Crimes*

REGULAR AGENDA

NON-DEPARTMENTAL

R-1 *Ratification of an Intergovernmental Agreement, Contract #800862, between*

Multnomah County, the City of Portland, the City of Gresham and the Housing Authority of Portland (HAP) to Expand the Area of Operation of HAP to Encompass Gresham and the Unincorporated Areas of Multnomah County

COMMISSIONER ANDERSON MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF R-1. DENNY WEST EXPLANATION AND COMMENTS IN SUPPORT OF R-1 AND R-2. MR. WEST RESPONSE TO BOARD DISCUSSION CONCERNING POSSIBLE NAME CHANGE. BOARD COMMENTS. AGREEMENT UNANIMOUSLY APPROVED.

R-2 *Ratification of an Intergovernmental Agreement, Contract #800852, between the City of Portland, the City of Gresham and Multnomah County to Expand the Housing Authority of Portland (HAP) Board of Commissioner from Seven to Nine Members, Five from Portland, Two from Gresham and Two from Unincorporated Areas of Multnomah County*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER HANSEN, R-2 WAS UNANIMOUSLY APPROVED.

R-3 *RESOLUTION in the Matter of Reaffirming the Intent and Purpose of the Transient Lodging Tax (MCC 5.50.050(5))*

COMMISSIONER HANSEN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF R-3. PHIL PEACH TESTIMONY IN OPPOSITION. RON KAWAMOTO TESTIMONY IN SUPPORT. BOARD COMMENTS. RESOLUTION 92-100 APPROVED, WITH COMMISSIONERS ANDERSON, HANSEN AND McCOY VOTING AYE, COMMISSIONER BAUMAN VOTING NO, AND COMMISSIONER KELLEY ABSTAINING.

R-4 *Second Reading and Possible Adoption of an ORDINANCE in the Matter of Amending Multnomah County Code: Title 5 by Establishing Criteria for County Approval for Issuance of a Wrecker Certificate and Authorized by ORS 822.140*

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. COMMISSIONER HANSEN EXPLANATION FOR R-4 AND R-5. VICE-CHAIR KELLEY COMMENTS IN OPPOSITION TO R-4 AND R-5. ORDINANCE 723 APPROVED, WITH COMMISSIONERS ANDERSON, BAUMAN, HANSEN AND McCOY VOTING AYE, AND COMMISSIONER KELLEY VOTING NO.

R-5 *Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code 5.10.020(B) and (C) Requiring the Multnomah County Sheriff's Office to Check with the County Department of Assessment and Taxation to Determine Whether an Applicant for an OLCC License has Delinquent Personal or Real*

Property Taxes Due and Owing and to Recommend Denial of the Application for Such Delinquency

PROPOSED ORDINANCE READ BY TITLE ONLY. COPIES AVAILABLE. COMMISSIONER HANSEN MOVED AND COMMISSIONER ANDERSON SECONDED, APPROVAL OF THE SECOND READING AND ADOPTION. LAURENCE KRESSEL EXPLAINED TODAY IS ACTUALLY THE CONTINUED FIRST READING OF THE PROPOSED ORDINANCE, AND REPORTED THE BOARD PREVIOUSLY DISCUSSED A POSSIBLE AMENDMENT CONCERNING THE ISSUE OF FEES. MR. KRESSEL ADVISED THE PROPOSED AMENDMENT WOULD REDUCE THE ORIGINAL APPLICATION FEE FROM \$100.00 TO \$50.00; REDUCE A CHANGE IN PRIVILEGE FROM \$75.00 TO \$50; INCREASE A RENEWAL CHANGE FROM \$35.00 TO \$50.00; AND PROVIDE THAT A TEMPORARY APPLICATION IS FREE. UPON MOTION OF COMMISSIONER HANSEN, SECONDED BY COMMISSIONER ANDERSON SECONDED, THE ABOVE STATED AMENDMENT WAS UNANIMOUSLY APPROVED. AT THE REQUEST OF CHAIR McCOY, THE BOARD APPROVED THE CONTINUED FIRST READING OF THE PROPOSED ORDINANCE, AS AMENDED, WITH COMMISSIONERS ANDERSON, BAUMAN, HANSEN AND McCOY VOTING AYE, AND COMMISSIONER KELLEY VOTING NO. SECOND READING SCHEDULED FOR THURSDAY, JUNE 11, 1992.

DEPARTMENT OF ENVIRONMENTAL SERVICES

R-6 *Budget Modification DES #28 Requesting Authorization to Transfer \$12,000 from the Justice Center Utility Line Item to Repair & Maintenance for the Installation of a Fan System in the Medical Cells at the Justice Center; and Transfer \$4,000 from Facilities Management Utility Line Item to Professional Services to Cover Cost for Additional Custodian Services at the Donald E. Long Home*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-6 WAS UNANIMOUSLY APPROVED.

R-7 *ORDER in the Matter of Setting a Hearing Date to Consider Transfer of Tax Foreclosed Property to the City of Portland for Open Space Purposes*

COMMISSIONER BAUMAN MOVED AND COMMISSIONER SECONDED KELLEY, APPROVAL OF R-7. COMMISSIONER ANDERSON EXPLANATION AND RESPONSE TO BOARD COMMENTS. ORDER 92-101 SETTING HEARING DATE FOR THURSDAY, JUNE 18, 1992, UNANIMOUSLY APPROVED.

R-8 *Budget Modification DES #27 Requesting Authorization to Appropriate \$190,503 in Continuation Grant Funds to the Parks Services Division, \$115,503 for Final*

Construction Costs for Chinook Landing Marine Park and Amending Earlier Estimate on Previous Grant from \$850,000 to \$925,000 for a \$75,000 Difference

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-8 WAS UNANIMOUSLY APPROVED.

R-9 *Budget Modification DES #29 Request Authorization to Increase Expenditures in Various Line Items in Park Services, Oxbow Park Budget, which will be Offset by Increased Revenues from Educational Programs; and Accepting a \$5,300 Grant from the Pacific First Bank to Enhance the Blue Lake Concert Series*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-9 WAS UNANIMOUSLY APPROVED.

JUSTICE SERVICES

COMMUNITY CORRECTIONS

R-11 *NOTICE OF INTENT Requesting Approval to Apply for a Grant with the State of Oregon Criminal Justice Services Division/US Department of Justice for \$500,000 to Continue the Drug Diversion Program Operated in Cooperation with the Circuit Court of Oregon*

UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, R-11 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF SOCIAL SERVICES

R-12 *Budget Modification DSS #69 Requesting Authorization to Appropriate \$3,113 from State Mental Health Division FY 91/92 Contract Amendments #'s 1 to 13, to Social Services Division, Administration to Restore Two Fiscal Specialist 1 Positions*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-12 WAS UNANIMOUSLY APPROVED.

R-13 *Budget Modification DSS #70 Requesting Authorization to Appropriate \$2,213,424 from State Mental Health Division FY 91/92 Contract Amendments #'s 1 to 13, to the Social Services Division, DD Program to Adjust Allocation of Funds between Operations and Contracts Cost Centers to Reflect Actual Usage*

UPON MOTION OF COMMISSIONER KELLEY, SECONDED BY COMMISSIONER ANDERSON, R-13 WAS UNANIMOUSLY APPROVED.

DEPARTMENT OF ENVIRONMENTAL SERVICES

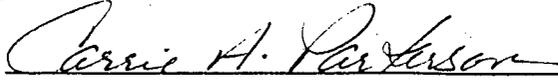
R-10 *RESOLUTION in the Matter of the Adoption of the Natural Area Protection and Management Plan for Multnomah County*

COMMISSIONER ANDERSON MOVED AND COMMISSIONER BAUMAN SECONDED, APPROVAL OF R-10. CHARLES CIECKO EXPLANATION AND DISCUSSION OF PROPOSED REVISIONS TO THE MANAGEMENT PLAN DOCUMENT. MR. CIECKO READ A NOTICE SENT BY "OREGONIANS IN ACTION" IN OPPOSITION TO THE PLAN, AND RESPONDED TO CERTAIN ASSERTIONS MADE IN SAID NOTICE. MR. CIECKO INTRODUCED NANCY CHASE, ESTHER LEV, SCOTT PEMBLE, JOHN DuBAY AND LARRY KRESSEL. CHAIR McCOY COMMENTS. AT THE REQUEST OF MR. CIECKO AND MR. DuBAY, AND UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER BAUMAN, THE AMENDMENTS INCLUDED IN THE 12TH DRAFT OF THE PLAN WERE UNANIMOUSLY APPROVED. ERNST LAEMMERT, CHUCK HARRISON, MARGARET ROGERS, SHAWN MURRAY, ANDY HUSERIK, REUBEN LENSKE, LORNA MURRAY, DAVE KOENNECKE, DON JOYCE, BOB CAMERON, STEPHEN BACH, BILL MOSHOFSKY, ED MINOGGIE, BERNARD GALITZKI AND DONALD ANDERSON TESTIMONY IN OPPOSITION. JACK BROOME, JEAN RIDINGS, JOHN SHERMAN, RICHARD MEYER, MICHAEL CARLSON, LARRY ESPEY, DOUGLAS COTTAM, ANDEE CARLSTROM, RON KLEIN, ARNOLD ROCHLIN, MEL HUIE, LINDA ROBINSON, MIKE HOUCK, DONNA MATRAZZO, JIM SJULIN AND ALICE BLATT TESTIMONY IN SUPPORT. MR. CIECKO AND MR. PEMBLE RESPONSE TO BOARD QUESTIONS REGARDING ISSUES RAISED WITHIN THE PUBLIC TESTIMONY. BOARD COMMENTS. COMMISSIONER KELLEY MOVED, SECONDED BY COMMISSIONER HANSEN, AMENDMENTS TO THE FINANCING OPTIONS ON PAGES 10 AND 18 OF THE PLAN. BOARD DISCUSSION. MR. DuBAY RESPONSE TO BOARD QUESTIONS. BOARD DISCUSSION AND COMMENTS. AMENDMENTS ADDING "REVENUE FROM GENERAL OBLIGATION BONDS MAY BE ALSO USED AS A FINANCING OPTION" TO PAGES 10 AND 18 OF THE PLAN WERE UNANIMOUSLY APPROVED. BOARD DISCUSSION. MR. CIECKO RESPONSE TO BOARD QUESTIONS. UPON MOTION OF COMMISSIONER ANDERSON, SECONDED BY COMMISSIONER KELLEY, IT WAS UNANIMOUSLY APPROVED THAT PAGE 11 OF THE PLAN BE AMENDED TO INCLUDE SECTION F, UNDER MANAGEMENT POLICY 3, STATING "IN THE ONGOING MANAGEMENT OF NATURAL AREAS, THE PARKS SERVICES DIVISION SHALL COOPERATE WITH THE OREGON DEPARTMENT OF FISH AND WILDLIFE AND OTHER APPROPRIATE AGENCIES." COMMISSIONER HANSEN MOVED AND COMMISSIONER KELLEY SECONDED AN AMENDMENT TO PAGE 8, POLICY 1, SECTION A, ADDING "THROUGH DONATION OR PURCHASE". MR. CIECKO RESPONSE TO BOARD DISCUSSION AND QUESTIONS. AMENDMENT

**UNANIMOUSLY APPROVED. RESOLUTION 92-102, AS
AMENDED, UNANIMOUSLY APPROVED.**

There being no further business, the meeting was adjourned at 12:12 p.m.

**OFFICE OF THE BOARD CLERK
for MULTNOMAH COUNTY, OREGON**



Carrie A. Parkerson



MULTNOMAH COUNTY OREGON

BOARD OF COUNTY COMMISSIONERS
ROOM 606, COUNTY COURTHOUSE
1021 S.W. FOURTH AVENUE
PORTLAND, OREGON 97204

GLADYS McCOY • CHAIR • 248-3308
PAULINE ANDERSON • DISTRICT 1 • 248-5220
GARY HANSEN • DISTRICT 2 • 248-5219
RICK BAUMAN • DISTRICT 3 • 248-5217
SHARRON KELLEY • DISTRICT 4 • 248-5213
CLERK'S OFFICE • 248-3277

AGENDA

MEETINGS OF THE MULTNOMAH COUNTY BOARD OF COMMISSIONERS

FOR THE WEEK OF

June 1 - 5, 1992

- Tuesday, June 2, 1992 - 9:30 AM - Board BriefingsPage 2
- Tuesday, June 2, 1992 - 11:15 AM - Agenda Review.Page 2
- Thursday, June 4, 1992 - 9:30 AM - Regular Meeting.Page 2

Thursday Meetings of the Multnomah County Board of Commissioners are taped and can be seen at the following times:

- Thursday, 10:00 PM, Channel 11 for East and West side subscribers
- Friday, 6:00 PM, Channel 22 for Paragon Cable (Multnomah East) subscribers
- Saturday 12:00 PM, Channel 21 for East Portland and East County subscribers

INDIVIDUALS WITH DISABILITIES MAY CALL THE OFFICE OF THE BOARD CLERK AT 248-3277 OR 248-5222 OR MULTNOMAH COUNTY TDD PHONE 248-5040 FOR INFORMATION ON AVAILABLE SERVICES AND ACCESSIBILITY.

Tuesday, June 2, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

BOARD BRIEFINGS

- B-1 Presentation of the Report of the County's Task Force on County Ethics. Presented by Fred Neal and Task Force Members. TIME CERTAIN 9:30 AM. 45 MINUTES REQUESTED.
- B-2 Update on the Columbia River Gorge National Scenic Area and Introduction of the New Executive Director, Jonathan Doherty. Presented by Sharon Timko and Kris Olson Rogers. TIME CERTAIN 10:15 AM. 30 MINUTES REQUESTED.
- B-3 Presentation of the Detention Operations Committee Report. Presented by Harold Ogburn. 10:45 AM - 20 MINUTES REQUESTED.

NO PUBLIC TESTIMONY

Tuesday, June 2, 1992 - 11:15 AM

Multnomah County Courthouse, Room 602

AGENDA REVIEW

- B-4 Review of Agenda for Regular Meeting of June 4, 1992

NO PUBLIC TESTIMONY

Thursday, June 4, 1992 - 9:30 AM

Multnomah County Courthouse, Room 602

REGULAR MEETING

CONSENT CALENDAR

JUSTICE SERVICES

SHERIFF'S OFFICE

- C-1 Ratification of an Intergovernmental Agreement, Contract #800013, between USPFO of Oregon and Multnomah County Sheriff's Office, Training Division for the Rental of the Firing Ranges Located on the Oregon National Guard Base at Camp Withycombe, Clackamas, Oregon for FY 93-93
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REGULAR AGENDA
NON-DEPARTMENTAL

- R-1 Ratification of an Intergovernmental Agreement, Contract #800862, between Multnomah County, the City of Portland, the City of Gresham and the Housing Authority of Portland (HAP) to Expand the Area of Operation of HAP to Encompass Gresham and the Unincorporated Areas of Multnomah County
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- R-3 RESOLUTION in the Matter of Reaffirming the Intent and Purpose of the Transient Lodging Tax (MCC 5.50.050(5))
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- R-5 Second Reading and Possible Adoption of an ORDINANCE Amending Multnomah County Code 5.10.020(B) and (C) Requiring the Multnomah County Sheriff's Office to Check with the County Department of Assessment and Taxation to Determine Whether an Applicant for an OLCC License has Delinquent Personal or Real Property Taxes Due and Owing and to Recommend Denial of the Application for Such Delinquency (CONTINUED FROM MAY 21, 1992)

DEPARTMENT OF ENVIRONMENTAL SERVICES

- R-6 Budget Modification DES #28 Requesting Authorization to Transfer \$12,000 from the Justice Center Utility Line Item to Repair & Maintenance for the Installation of a Fan System in the Medical Cells at the Justice Center; and Transfer \$4,000 from Facilities Management Utility Line Item to Professional Services to Cover Cost for Additional Custodian Services at the Donald E. Long Home
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DEPARTMENT OF SOCIAL SERVICES

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JUN 02 1992

Meeting Date: _____

Agenda No.: B-1

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AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: County Ethics Task Force

BCC Informal 6/2/92 BCC Formal _____
(date) (date)

DEPARTMENT Nond-Depart DIVISION Chair

CONTACT Fred Neal TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION Fred Neal & Task Force Members

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable)

Presentation of Report of County's Task Force on County Ethics. Fred Neal, Task Force Chair and Task Force members.

Time certain: 9:30

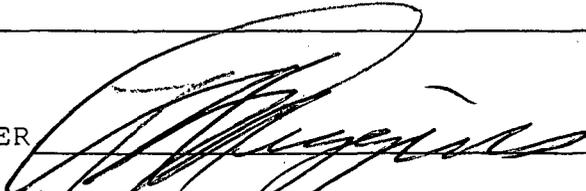
BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY
OREGON
1992 MAY 27 AM 9:00

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER  _____

(All accompanying documents must have required signatures)

Meeting Date: _____

Agenda No.: _____

(Above space for Clerk's Office Use)

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AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Ethics Task Force Briefing

BCC Informal June 2, 1992 BCC Formal _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION Chair's Office

CONTACT Fred Neal TELEPHONE X-3308

PERSON(S) MAKING PRESENTATION Fred Neal and Task Force members

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 45 Min.

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Ethics Committee Task Force Briefing

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL Gladys McCoy

Or

DEPARTMENT MANAGER _____

(All accompanying documents must have required signatures)

Report of Multnomah County's
Task Force on
Ethics Guidelines for
County Officials/Employees

Fred Neal, Chair

Larry Aab

Kelly Bacon

Gary Blackmer

Susan Clark

Mike Delman

Joanne Fuller

Steve Fulmer

June 2, 1992

BACKGROUND

On January 23 the Board of County Commissioners adopted Resolution #92-24, creating an ad hoc Task Force on Ethics Guidelines for County Officials and Employees. Appointments were made to the Task Force by the Board, the Sheriff, the District Attorney, the Auditor, the Department Managers, and the Citizen Involvement Committee. The County Chair appointed Fred Neal to Chair the Task Force. The charge to the Task Force was to "(R)eview existing state and local ethics policies and procedures and determine whether the existing mechanisms should be supplemented by a County-originated policy or process" and to report its findings and recommendations to the Board no later than May 1, 1992.

The Task Force met four times in March and April, reviewed existing Multnomah County standards of ethical conduct, including Personnel Rules #3 through 7 (attached), the Multnomah County Sheriff's Work Rules pertaining to Professional Conduct and Resonsibilities (attached), the professional codes of conduct relevant to several subgroups of County employees, e.g., social workers, nurses, assessors, auditors, the 1990-adopted City of Los Angeles Ethics Ordinance, NACo's "Code of Ethics for County Officials" (attached), "Power, Politics and Ethics: Ethical Obligations and Opportunities of Government Service" written and edited by Michael Josephson for the Government Ethics Center, Marina del Ray, California, the various Oregon Revised Statutes pertaining to criminal misconduct in public office, the Oregon State Code of Ethics, and "How to Keep Out of Trouble, Ethical Conduct for Federal Employees," 2d edition, by the United State Office of Government Ethics (attached).

In addition, the Task Force interviewed John Bradley, Chief Deputy District Attorney; Ken Upton, Labor Relations; Curtis Smith, Personnel; Patrick Hearn, Executive Director, Oregon Ethics Commission; and Larry Kressel, County Counsel.

FINDINGS

State Criminal Code

In reviewing the criminal statutes relating to public officials, the Task Force determined that such provisions are applicable in only the most extreme situations. For example, ORS 162.015 and ORS 162.025 Bribe Giving and Bribe Receiving relate only to instances where a direct quid pro quo between the "bribe" and the "official action" can be proven, a test prosecutor's find extremely difficult to meet. Although these statutes and others, such as ORS 162.405 and 162.415, Official Misconduct in the Second Degree and First Degree, are important sanctions against the most extreme of unethical activity injurious to the public good, they offer slight guidance to County officials and employees in the day-to-day situations which more commonly arise.

State Code of Ethics

ORS Chapter 244, Government Ethics, creates the Oregon Ethics Commission with its system of reporting of Statements of Financial Interest by elected officials, and lobbyist registration. ORS 244.040 sets forth the Oregon Code of Ethics, which primarily focuses on Conflicts of Interest pertaining to solicitation of gifts and campaign contributions and which flatly prohibits the soliciting or receiving of "(A)ny gift or gifts with an aggregate value in excess of \$100 from any single source who could reasonably be known to have a legislative or administrative interest in any government agency in which the official has" any official position or over which the official exercises any authority.

The Ethics Commission has promulgated a set of five "Guidelines for Outside Employment of Public Officials" that are somewhat similar to the County's Personnel Rules on Ethics and Outside Employment. They state:

1. "That private business not be conducted on public time."
2. "That public supplies, facilities, equipment, and personnel not be used to carry out private business."
3. "That no official action toward a third party be conditioned on a private business relationship with that third party."

4. "That no confidential information be used to obtain financial benefit for the employee."
5. "That employees will notify their appointing authority in writing of a potential conflict of interest if private endeavours could potentially be affected by public employment."

The Ethics Commission Director lauded Multnomah County's effort to reaffirm standards of ethical conduct for its elected officials and employees but cautioned that the County should use the State Ethics Code as a minimum standard and should the County elaborate on the State Code the County would be responsible for enforcement. In response to questions regarding education of public officials of ethics standards, Mr. Hearn said that the Ethics Commission is developing a handbook on ethics for Oregon public officials which will be made available sometime this Fall.

Mr. Hearn's final word of advice to Multnomah County is to not rely on County Counsel as arbiter of whether any specific conduct is in compliance with the State Ethics Code, as the Commission itself is the determining body.

County Ethics

Although only a few isolated instances of potential conflict of interest or otherwise ethically-suspect behavior came to the direct attention of the Task Force, it is widely held that many circumstances exist which give rise to potential conflicts. Consequently, the Committee agrees that dealing with potential conflicts should be a priority in any ethics training directed to County employees.

In general, it was felt that County employees understand and take seriously their charge of responsibility to the public trust, but lack "real-life" examples to aid them in applying standards in specific situations. Sensitivity to general rules can be enhanced by specific examples in areas which are often seen as "minor" such as the use of copiers, notepads or pens for personal ends. Examples can also help "rank and file" employees to clearly understand that Ethics Rules apply to all public employees and not just elected officials or key decision makers. The Task Force determined that county ethics concerns fall into three categories: standards, training, and enforcement.

A. Standards

As noted, Multnomah County's ethics standards are embodied in the Personnel Rules of the County, specifically Rule 4 Political Activity, Rule 5 Code of Ethics, Rule 6 Outside Employment and Rule 7 Nepotism. These Personnel Rules establish the minimum Countywide standards. The Sheriff's Office has specific and often more stringent Work Rules which apply to its members, and many county officials/employees have additional professional codes of conduct which apply to their specialized work activities, including tax appraisers, social workers, and parol and probation officers.

The Task Force determined that the County's Code of Ethics differs from but does not necessarily conflict with similar federal and state codes. For example, the federal code addresses not only apparent conflicts of interest but also admonishes employees to avoid even the appearance of a conflict of interest. The federal code also prohibits employee use of insider information, even if the information is not per se confidential. The federal code prohibits the acceptance of gifts regardless of amount, whereas the county and state codes only prohibit gifts in the aggregate of \$100 or more.

Although the Oregon Code of Ethics clearly prohibits a public official from using the official's office to the benefit of a private entity with which the official or the official's family and household members are associated with the exception of not-for-profit corporations under Section 501(c) of the Internal Revenue Code, Multnomah County as a service provider contracts with a considerable number of such nonprofit organizations. Consequently, serious objections have been cast regarding the appearance of less-than-impartial consideration of certain agencies with which County decision makers are involved. These objections are most accentuated when contract reviewers, evaluators, monitors, and even policy makers or their staff sit on a board of directors of the contractor agency. As these relationships can create an atmosphere of favoritism and less efficient allocation of public resources, it is a situation which should be addressed by the County even though direct personal gain is not involved.

The Task Force considered the circumstances under which individual employees have sought purchase of material items or contributions of charitable gifts from fellow employees. It was felt that County facilities and resources should not be utilized to solicit private business where the solicitation will cause disruption of the other employees' work. Moreover, no such solicitation should occur on that employee's work time. Because of the potentially coercive nature of seeking personal business or even charitable gifts from a subordinate, supervisors should be held to a higher standard and not solicit from their employees at any time.

B. Training

Little, if any, effort is now undertaken within the County to apprise newly-elected officials or new hires of the state and County ethics standards which apply to their new responsibilities, or to even educate them as to more general standards of conduct such as work hours, nondiscrimination, and nondisruptiveness. The Association of Oregon Counties does cover the topic extensively in its new-commissioner training sessions in November of each even-numbered year. New employees do receive a copy of the Personnel Rules but no specific attention is given to the issue of ethical conduct. The Task Force is unaware of any effort to train supervisors in the Ethics Code and in means to educate and affirm ethical conduct in their subordinates.

Furthermore, there is no programmatic effort for on-going reinforcement of ethical principles in the every-day work environment. Even if an official/employee is aware of Personnel Rule 5, the County Code of Ethics, that person may not be prepared to recognize what specific circumstances in their work may give rise to potentially unethical decisions. Employees need assurance that ethical behavior will be reinforced and ratified by peers and supervisors throughout the County structure, and conversely, that unethical behavior will be uniformly disciplined.

The Task Force found that some simple statement of underlying principles of ethics would be an instructive foundation for the actual code of ethics, such as the Government Ethics Center's "Honesty, integrity, promise keeping, loyalty, fairness, caring, and respect for others, law abidingness, the pursuit of excellence and accountability."

The Task Force feels strongly that a Handbook should be prepared for employees to answer the various questions that arise when public servants apply the actual ethics standards to their work. The U.S. Office of Government Ethics handbook is an example of an easily-read and related-to document, although the title itself, "How to Keep Out of Trouble," fails to reinforce positive ascription to ethical conduct. A handbook, alone, is insufficient unless accompanied by group discussion and periodically reinforced by other means, such as employee newsletters or "Messages from the Chair." A videotape should be considered as a training instrument to accompany and further reinforce the handbook and group discussions.

C. Enforcement

Enforcement of County Personnel Rules regarding ethical conduct is subject to the collective bargaining agreements for classified employees, supervisor discretion in regard to exempt employees, and peer pressure (and political consequence) in regard to elected officials themselves. The Task Force determined that no self-standing enforcement body is needed at the County level similar to and to some extent duplicative of the State Ethics Commission, considering the current availability of the State Commission's counsel and investigation and the lack of repeat or wide-spread allegation of unethical behavior by County officials/employees.

There is a clear perception by the Task Force, however, that there has not been a clear or consistent expression of commitment in the County to an even, County-wide, adherence to the County's standards of conduct, including the Code of Ethics. The Board and Chair should remedy this omission by both word and deed. General education and training of officials and employees needs to be reinforced by specific training of supervisors in the enforcement of the personnel rules which address ethical conduct. To be considered are such devices as maintaining complete personnel files, addressing ethical conduct in performance evaluations, and using unethical conduct as a criterion for disciplinary actions or even termination of employment.

Recommendations

In reviewing existant state and county ethics standards and proceedures and the County's mechanisms for ethics training and enforcement, the Task Force makes the following recommendations to the Board of County Commissioners:

1. The County's Code of Ethics (Personnel Rule 5) should be refined and added to as follows, after consultation and review by employee bargaining units:

"RULE 5 CODE OF ETHICS

"5.01 POLICY

"Employees shall conform to the code of ethics described in ORS 244.020 and 244.040.

"5.02 PROHIBITED CONDUCT

" No employee shall use his/her employment in any way to obtain financial gain for him/her household or any business with which he/she or a member of his/her household is associated.

" No employee shall use [confidential] information received because of his/her employment for private gain if that information is confidential or normally available to the general public only by special request or has not otherwise been dispersed by the county.

" No employee shall solicit or receive a promise of future employment with the understanding that the promise will influence his/her official action.

" No employee shall solicit or receive any gift in anticipation of official action to be taken by the employee in the course of employment.

" No employee shall solicit or receive during a calendar year gifts with an aggregate value of over \$100 from a source that has legislative or administrative interest in his/her office. Any gift in cash is presumed to be a donation to the County and shall be deposited with the County Treasurer.

- " No employee shall take any action on behalf of the County, the effect of which would be to his/her private financial gain or loss, without first notifying his/her appointing authority in writing of the potential conflict of interest.
- " Multnomah County officials and employees who are in a position to influence contract decisions affecting nonprofit organizations shall not serve on decision-making boards of, or be employed by, contractors who could benefit from such involvement.
- " No employee shall solicit private business from other employees for personal gain while on county time. Supervisors shall avoid soliciting private or charitable business from subordinates at all times, with the exception of a charitable effort organized Countywide or County agency-wide."
2. The County's ethics standards should be summarized in a one page document which can be posted in County work places and viewed by the public.
 3. A handbook and training program encompassing all standards of expected conduct for elected officials and employees should be developed. They should address ethics, work hours, political activity, and other relevant standards. Specific examples common among all employees should be included.
 4. Supervisors should receive additional and consistent County-wide training regarding enforcement of personnel rules.
 5. The tone of the training programs and handbook should serve to foster a pride in County employees and reinforce people's individual integrity and commitment to public service. Thus, the County's ethical standards and training programs should be framed in positive terms, not punitive.
 6. The Board should periodically appoint successor Ethics Task Forces to review and update if necessary the County's ethics standards, and training and enforcement efforts (five year intervals would be sufficient).

CONCLUSION

The Task Force found that the County has an existing Code of Ethics that is consonant with federal and state provisions, but which needs to be further tailored to the nature of the Public Records Law, the intensity of County contracting with nonprofit organizations, and the potential disruption to the workplace which private solicitations can incur.

The County needs to actively educate its employees and public as to its codes of conduct, especially in commonplace circumstances, while ensuring that supervisors are equipped to consistently and evenly apply them.

ATTACHMENTS

Multnomah County Personnel Rules 3-7
Multnomah County Sheriff's Work Rules
NACO's Code of Ethics for County Officials
"How to Keep Out of Trouble"

RULE 3 : EMPLOYEE RESPONSIBILITIES

3.01 PURPOSE

The orderly and efficient operation of the county government requires that employees accept certain responsibilities. Work rules covering personal standards of conduct as well as standard operating procedures are necessary to protect the health and safety of all employees, to maintain uninterrupted service, and to protect the county's property.

3.02 WORK RULES

The following work rules shall apply to all county employees. These rules are not intended to be all inclusive and the county shall, according to the provisions of applicable bargaining agreements, establish additional rules to insure the effective operation of county government.

- 1) Employees shall be at their designated work area on time and ready to work. Employees shall remain at their work area, at work, until the scheduled quitting time unless permission to leave is granted by the supervisor.
- 2) Where operations are continuous, employees shall not leave their position until replaced by the next shift employee or until relieved by the supervisor.
- 3) Employees shall follow all safety regulations to include the wearing of safety articles and the use of protective equipment. Employees shall immediately report safety hazards, accidents or injury to their supervisor.
- 4) Employees shall be responsible for and not misuse county property, records or other materials in their care, custody and control.
- 5) Employees shall deal with the public in a courteous and professional manner.
- 6) Employees shall immediately report to the supervisor any inability to work and the reason therefor.
- 7) Employees shall notify their supervisor whenever there is a change in their personal data affecting their personnel or payroll records.
- 8) Employees shall not restrict or interrupt work or interfere with the work of others.
- 9) Employees shall report for and remain at work only in a fit physical condition which will enable them to perform their regular duties.
- 10) Employees shall not neglect their duties and responsibilities or refuse to perform assigned work unless to perform such work will constitute a safety hazard.

- 11) Employees shall not engage in conduct that reflects discredit on the county while on duty or on county premises.
- 12) Employees shall not engage in unapproved soliciting or political activity while on duty or on county premises. (See Rule 4)
- 13) Employees shall not use their position for personal gain, to solicit or conduct personal business, or to coerce others. (See Rule 5)
- 14) Employees shall not possess unauthorized firearms, weapons, drugs or intoxicating beverages while on duty or on county premises.
- 15) All reports, records or claims completed by employees shall be true and accurate, to the best of their knowledge.
- 16) Employees shall not remove county property or the property of other employees without express approval of their supervisor or the owner of such property.
- 17) Employees shall not violate any of the laws, statutes, or ordinances of federal, state or local government while on duty or on county premises.

RULE 4 POLITICAL ACTIVITY

4.01 PROHIBITED CONDUCT

Employees cannot be required to give money or services to aid any political committee or any political campaign.

Employees cannot solicit money or services to aid any political committee or political campaign while on the job during working hours. This is not intended to restrict the right of county employees to express their personal political views.

Employees may not be disciplined or rewarded in any manner for either giving or withholding money or services for any political committee or campaign.

4.02 LEGAL CONDUCT

Employees may engage in political activity during other than working hours or while not on the job.

4.03 POSTING OF NOTICE

The following notice to public employees will be posted in each work unit to inform employees of the restrictions on their political activity.

ATTENTION ALL PUBLIC EMPLOYEES

The restrictions imposed by the law of the State of Oregon on your political activities are that "No public employee shall solicit any money, influence, service or other thing of value or otherwise aid or promote any political committee or the nomination or election of any person to public office while on the job during working hours. However, nothing in this section is intended to restrict the right of a public employee to express his personal political views."

It is therefore the policy of the state and of your public employer that you may engage in political activity except to the extent prohibited by state law when on the job during working hours.

4.04 FEDERAL LAW

County employees who perform duties in connection with an activity financed in whole or in part by federal loans or grants are subject to the federal laws, rules and regulations governing political activity.

RULE 5 CODE OF ETHICS

5.01 POLICY

Employees shall conform to the code of ethics described in ORS 244.020 and 244.040.

5.02 PROHIBITED CONDUCT

No employee shall use his/her employment in any way to obtain financial gain for him/herself, his/her household or any business with which he/she or a member of his/her household is associated.

No employee shall use confidential information received because of his/her employment for private gain.

No employee shall solicit or receive a promise of future employment with the understanding that the promise will influence his/her official action.

No employee shall solicit or receive during a calendar year gifts with an aggregate value of over \$100 from a source that has legislative or administrative interest in his/her office.

No employee shall take any action, the effect of which would be to his/her private financial gain or loss, without first notifying his/her appointing authority in writing of the potential conflict of interest.

RULE 6 OUTSIDE EMPLOYMENT

6.01 POLICY

No employee shall accept outside employment that is incompatible or in conflict with his/her position in the county service.

6.02 RULES

No employee shall accept outside employment that meets any of the following criteria:

- 1) Involves the use of county time, facilities, equipment and supplies, or the prestige or influence of the employee's county position.
- 2) Involves the performance of an act which may later be subject to control, inspection, review or audit by the employee's section.
- 3) Involves receipt of money or other consideration for performance of duties which the employee is required to perform in the regular course of his/her job.
- 4) Involves competing with the county in providing a service or product.

Employees are responsible for assuring that their outside employment does not conflict with these rules.

A hiring manager may require employees under his/her direction to report their outside employment.

RULE 7 NEPOTISM

Nepotism is the exercise of preferential treatment based upon familial relationship rather than merit.

For the purposes of this rule, family consists of the employee's spouse, children, stepchildren, parents, grandparents, grandchildren, brothers, sisters, father-in-law, mother-in-law, sisters-in-law, and brothers-in-law.

Appointments and promotions to positions in the county service shall be based on merit as determined by a comparison of job-related qualifications. Discrimination based on nepotism for or against applicants or employees is prohibited except as provided by these rules.

Two members of a family shall not be employed at the same time, if such employment will result in an employee directly supervising a member of his/her family. If violations occur due to marriage, steps shall be taken as soon as practical to correct the situation through transfer or other means.

WORK RULES

CHAPTER W1

W1.100.000 PROFESSIONAL CONDUCT AND RESPONSIBILITIES

W1.100.010 PURPOSE

Due to the responsibility of members of the Sheriff's Office and their visible position within society in both public and private lives, the following work rules shall be obeyed while a member is both on and off duty.

W1.100.020 APPROPRIATE ACTION REQUIRED

The demands of the Sheriff's Office service are many, varied and often extreme. Members, whether on or off duty, shall meet these challenges by responding in an appropriate manner to whatever situation they encounter by:

W1.100.020.01 Performing official acts in a lawful, restrained, dignified, impartial and reasonable manner;

W1.100.020.02 Whether on or off duty, sworn Deputy Sheriffs are specifically required to provide necessary services or perform lawful acts to prevent serious physical injury or death to a third party;

W1.100.020.03 Requesting the assistance of supervisors when the appropriate action required is either not clear or not possible under the circumstances;

W1.100.020.04 Taking action in each situation to provide the necessary services, complete all required reports and ensuring the notification of the proper superiors when indicated by the circumstances;

W1.100.020.05 Being considerate of the rights, feelings and interests of all persons.

W1.100.030 COOPERATION

Members shall promptly and effectively cooperate with other members of the Sheriff's Office and with the members of any other public agency toward the accomplishment of any public responsibility.

W1.100.040 TRUTHFULNESS

Members of the Sheriff's Office shall be truthful at all times, whether in their spoken or written word. Official reports and court testimony shall invariably be as factual and accurate as possible.

W1.100.050 CONDUCT

No member of the Sheriff's Office shall act in an official or private capacity in such a manner as to bring discredit upon the Sheriff's Office or upon themselves.

W1.100.060 OBEY THE LAW

No member shall violate any of the laws, statutes, or ordinances of federal, state or local government.

W1.100.070 CRITICISM

Members, except as officially required, shall not publicly criticize any member or any order, action or policy of the Sheriff's Office. Such criticism shall be directed through official channels to correct any deficiency, and not used to the disadvantage or the reputation or operation of the Sheriff's Office or any member.

W1.100.080 SUSPENDED MEMBERS

A suspended member shall surrender his badges and commission card to his section commander for the period of his suspension. The member under suspension shall not wear his uniform or any part thereof.

W1.100.090 SOLICITING GIFTS, GRATUITIES, FEES, LOANS, ETC.

Members shall not under any circumstances solicit any gift, gratuity, loan or fee where there is any direct or indirect connection between the solicitation and their membership in the Sheriff's Office.

W1.100.100 ACCEPTANCE OF GIFTS, GRATUITIES, FEES, LOANS, ETC.

W1.100.100.01 Members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee or any other thing of value arising from or offered because of, police employment without the permission of the Sheriff.

W1.100.100.02 Members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee or other thing of value, the acceptance of which might tend to improperly influence their actions, or that of any other member in any matter of police business.

W1.100.100.03 Members shall not accept, either directly or indirectly, any gift, gratuity, loan, fee or any other thing of value which might tend to cast an adverse reflection on the Sheriff's Office or any member thereof.

W1.100.110 ACTIVITIES LIMITED TO OFFICIAL BUSINESS

W1.100.110.01 Members shall not engage in any activity with any complainant, witness, suspect, defendant, prisoner, inmate, program client or ex-inmate that would jeopardize any investigation, prosecution or would reflect unfavorably upon the integrity of the member, the Sheriff's Office, or Sheriff. Members are expected to limit their activities to the official business of the Sheriff's Office, to recognize potential conflicts of interest and take appropriate action to avoid creating conflicts of interest both on and off duty.

W1.100.110.02 Members shall not engage in any activity with a family member or relative who is incarcerated in any Multnomah County correctional facility, or is a client in any Multnomah County correctional program.

W1.100.110.03 Members shall not engage in any activity with a family member or relative of any person who is involved with any criminal justice agency, or with any person who is currently on parole/probation or an ex-inmate when such a relationship presents a potential conflict of interest.

W1.100.110.03.1 Members have the responsibility to inquire about the status of any person suspected of being involved in the criminal justice system to include ex-inmates before pursuing any personal relationships with said person.

W1.100.110.03.2 When a member becomes aware that a relative or spouse is incarcerated in a Multnomah County correctional facility, a client of a Multnomah County correctional program, or an ex-inmate of the Criminal Justice System, the member shall forward a memorandum to the Inspector stating the name of the person and their relationship to the reporting member. Upon the Sheriff's direction the Inspector shall investigate to determine if a conflict of interest exists. Appropriate action shall be taken by the Sheriff to prevent or terminate any conflict of interest.

W1.100.110.03.3 When a member becomes aware that a relative or spouse is incarcerated in a correctional facility outside Multnomah County or is a client in a correctional program outside Multnomah County, the member shall notify the Inspector in writing.

W1.100.110.04 Any member who visits a relative, spouse or close personal acquaintance in any correctional facility shall not use his official position to bypass or attempt to bypass the official visiting policy of the institution.

W1.100.120 USING POSITION FOR PERSONAL GAIN

Members shall not use their official position or identification for any financial gain, benefit or advantage. The acceptance of any free or reduced price services or articles on the basis of official position is prohibited.

W1.100.130 SHERIFF'S OFFICE BUSINESS CONFIDENTIAL

All members shall treat as confidential the business, activities, files and reports of the Sheriff's Office. They must not impart knowledge of them except to those who have a "right to know."

W1.100.140 RIGHT TO KNOW

If a member is unable to determine the persons or organizations "right to know," he shall refer the matter to a higher authority.

W1.100.150 PERSONAL DEBT

Members shall not contract a debt under false or fraudulent pretenses. No member shall refuse without reasonable cause to discharge their lawful obligations.

W1.100.160 PERSONAL PROBLEMS

A member of the Sheriff's Office with personal problems may discuss his difficulties with any of the following personnel:

W1.100.160.01 His immediate supervisor.

W1.100.160.02 His unit or section commander.

W1.100.160.03 The Chaplain.

W1.100.160.04 The Manager of the Personnel Unit who is the agent of the Sheriff in matters involving personal problems of the members of the Sheriff's Office.

W1.100.160.05 The Sheriff.

W1.100.170 PROVIDE TELEPHONE NUMBER

* Members of the Sheriff's Office shall have telephone service, and shall provide the Personnel Unit and their commanding officer with the number of their residence. This number shall be kept confidential unless so requested. Clerical employees are not required to have phones, but are asked to provide a message phone number.

W1.100.180 REPORT CHANGE OF RESIDENCE

Every member shall keep the Sheriff's Office informed of his current place of residence. Any change of residence or telephone number shall be immediately reported in writing by the member to the Personnel Unit, and to the member's commanding officer.

W1.100.190 MASTER NAME, ADDRESS AND TELEPHONE LIST

The Personnel Unit shall publish periodically a master name, address and telephone list of all civilian and sworn members of the Sheriff's Office. This information shall be held as confidential by all members.

W1.100.200 THREAT OR VIOLENCE TO A MEMBER

No member shall threaten, strike or attempt to strike any other member, or draw or lift up any weapon or offer any violence to another member in violation of the law.

3280-ZOPERFIN

Revised: 1/91
Review: Annually

WORK RULES

CHAPTER W1

W1.102.000 CONDUCT RELATING TO JUDICIAL BODIES AND INVESTIGATIVE BOARDS

W1.102.010 CONDUCT AND APPEARANCE IN COURT

A member of the Sheriff's Office appearing in a court of law shall:

1. Be punctual.
2. Conform to the court's rules of conduct.
3. Appear in the uniform of the day or wear appropriate civilian attire according to the court's standards.
4. Obey all orders of the court.

W1.102.020 SUBPOENA AS DEFENSE WITNESS

W1.102.021 When a member of the Sheriff's Office is subpoenaed as a defense witness in a criminal case, he shall immediately notify the Sheriff, and the District Attorney by forwarding an information report, one copy to be addressed to each official.

W1.102.022 When a member is subpoenaed as a witness for any person or entity that is involved in a civil action against the Sheriff or Multnomah County, the member shall immediately notify the Sheriff and County Counsel by forwarding an information report, one copy to each official.

W1.102.030 ARRESTS OF OR COURT ACTIONS INVOLVING A MEMBER

A member who has been arrested or becomes involved in a court action in any capacity, other than as a witness for the prosecution, shall immediately notify the Sheriff.

W1.102.040 RECEIPT OF SERVICE OF PROCESS

A member who is served in his official capacity, or in his personal capacity, in a civil case in which liability attaches to the county shall immediately transmit same to the Office of County Counsel, via the Sheriff, together with a memo stating the time, place and date of service.

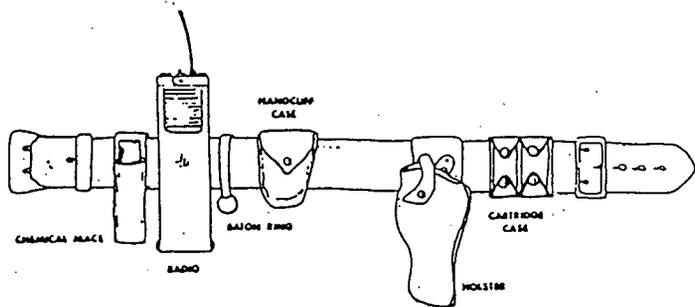
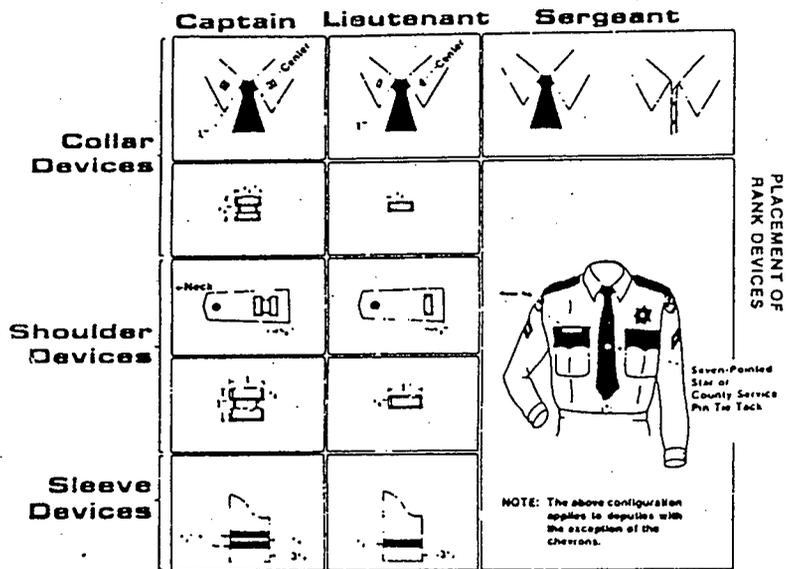
W1.102.050 CLAIMS FOR DAMAGE AND LEGAL COMPROMISE

In matters arising out of his position in the Sheriff's Office, a member shall not file claims for damages, or make any legal compromise without notification to the Sheriff.

2734-ZOPERFIN

ISSUED 4/81

W3.101.000
APPENDIX A



Revised 1/91
Review Annually

CHAPTER M2

WORK RULES

M2.100.000 GENERAL CONDUCT ON AND OFF DUTY

M2.100.010 PURPOSE

To establish general rules and guidelines to regulate a member's conduct while he is acting in an on-duty capacity. (As used herein, the term "supervisor" is interchangeable with "manager.")

M2.100.020 PUBLIC SERVICE

It is the principal responsibility of every member of the Multnomah County Sheriff's Office to promptly, courteously and effectively assist the public. The invariable policy of the Multnomah County Sheriff's Office is that the need for assistance by a citizen takes precedence over any activity except those of an emergency nature, or those of maintaining the safety and security of a correctional facility. It shall never be acceptable to place routine Sheriff's Office business ahead of providing service to a member of the public. Prompt assistance shall be rendered whether requested in person, by telephone or by letter. A basic principle is immediate attendance to the needs of any person without referral to any other member or agency unless this cannot be avoided.

M2.100.030 COURTESY

M2.100.031 Members of the Multnomah County Sheriff's Office shall be civil, orderly and courteous to the public and their co-workers, and shall not use coarse, violent or profane language.

M2.100.032 When in public, supervisory officers shall be referred to by rank.

M2.100.040 RESPONSIBILITIES OF SUPERVISORS

M2.100.041 Supervisory members shall enforce the rules of the Sheriff's Office and shall ensure the proper conformity to Sheriff's Office directives and procedures.

M2.100.042 Supervisory members shall take immediate corrective, and where appropriate, disciplinary action when the conduct of a Sheriff's Office member is contrary to the public interest or the good reputation or proper operation of the Sheriff's Office. The action shall be taken, even though the member is not assigned to their unit.

M2.100.050 MANNER OF ISSUING ORDERS

Orders from supervisors or command officers to members of the Sheriff's Office shall be clear and understandable and civil in tone.

M2.100.060 UNLAWFUL ORDERS

No command officer or supervisor shall issue any order which is in violation of any law or Sheriff's Office rule, regulation, directive or procedure.

M2.100.070 OBEDIENCE TO UNLAWFUL OR IMPROPER ORDERS

M2.100.071 Obedience to an unlawful or improper order is never a defense for an unlawful or improper action, and no member is required to obey an order which is improper or contrary to federal, state, local laws, Sheriff's Office rules, directives or procedures.

M2.100.072 Responsibility for refusal to obey an order rests with the refusing member, who shall be required to justify his actions. Failure to do so shall be considered a violation of M2.100.100.

M2.100.080 REPORTS AND APPEALS - UNLAWFUL OR IMPROPER ORDERS

A member receiving an unlawful or improper order shall, at the first opportunity, report in writing to the Sheriff through official channels. This report shall contain the facts of the incident, and the action taken.

M2.100.090 CONFLICTING ORDERS

M2.100.091 Upon receipt of an order from a supervisor conflicting with any previous order or instruction, the member affected shall advise the supervisor issuing the last order of this fact in writing.

M2.100.092 Responsibility for countermanning the original instruction then rests with the supervisor issuing the last order.

M2.100.093 If so directed by a supervisor, the latter command shall be obeyed first, unless the command is unlawful or improper.

M2.100.094 Orders shall be countermanned only when necessary for the proper accomplishment of Sheriff's Office responsibilities.

M2.100.100 OBEY SUPERVISORY MEMBERS

Members shall promptly obey the legitimate orders of supervisors, and other members assigned to act in a supervisory capacity.

M2.100.110 CHAIN OF COMMAND

Members, except under immediate emergency circumstances, shall conduct official non-routine business through channels, from superior to subordinate and vice versa. For routine daily activities, lateral communication is encouraged with the chain of command informed of significant matters by those involved.

M2.100.120 AUTHORITY AND RESPONSIBILITY

A member who is delegated responsibility for performance of a specific task, group of tasks, or function shall be granted the authority to perform the task or function. The responsible member shall be held accountable for the performance of the function, expenditure of resources, and results.

M2.100.130 DISCRIMINATION

A member of the Sheriff's Office shall not allow any of his actions or decisions to be affected by prejudice of sex, race, color, religion or political belief. The Sheriff's Office adheres to the Equal Employment Opportunity and Affirmative Action Program of Multnomah County. A copy may be obtained for review from the Personnel Unit.

M2.100.140 DISCRIMINATORY REFERENCES

Members of the Multnomah County Sheriff's Office shall not refer to any person in a derogatory manner because of his race, color, sex, religion or political preference.

M2.100.150 INTOXICANTS

M2.100.151 Members shall not consume intoxicants while on duty, nor shall they consume intoxicants to the extent that any evidence of such consumption is apparent when reporting for duty.

M2.100.152 The smell of intoxicants on the breath of the member reporting for duty is grounds for disciplinary action. The member shall be immediately relieved from duty.

M2.100.153 Members shall not drink alcoholic beverages while wearing a Sheriff's Office uniform or identifiable parts thereof, whether on duty or not.

M2.100.154 No intoxicants shall be kept for consumption or be consumed in any Sheriff's Office facility or vehicle.

M2.100.155 Members assigned special duties which may require the consumption of alcoholic beverages, may be exempted from the provisions of this section only when approved by a Branch Chief Deputy, or Undersheriff or the Sheriff.

M2.100.160 PHYSICAL FITNESS FOR DUTY

Members shall maintain such physical condition that they can fulfill the duties of their assignment.

W2.100.170 SLEEPING ON DUTY

W2.100.171 Members shall remain awake during the time they are on duty and they are responsible for reporting for work physically able to appropriately complete the tour of duty.

W2.100.172 If unable to do so, they shall report to their supervisor, who shall take appropriate action.

W2.100.180 MALINGERING

No member shall attempt to avoid his duties by feigning illness or giving a false impression that he is performing his duties.

W2.100.190 PUNCTUALITY

Every member shall be punctual when reporting for duty, attending court, responding to calls for service or reporting or performing any official act.

W2.100.200 AVAILABLE FOR SERVICE

While on duty, members shall keep themselves available for service unless they are on a specific assignment.

W2.100.210 ABSENCE FROM DUTY

An on-duty member shall not absent himself from his assignment and/or assigned place of duty without permission from a supervisor or until properly relieved.

W2.100.220 ATTENDANCE, ABSENCE WITHOUT LEAVE

Members who are scheduled to be on duty shall report for duty in accordance with their current schedule or upon orders of a supervisor. Members who are unable to report for duty as scheduled shall notify a supervisor in advance of the scheduled reporting time and shall provide the reason for the inability to report. The supervisor shall take appropriate action to determine if the reason for not reporting is valid and to determine appropriate adjustments to the members pay, vacation, sick time, etc. Members who are not present for duty and have not received prior authorization to be absent from their scheduled duty assignment, or made prior notification to their supervisor as required, will be considered Absent Without Leave (AWOL), and subject to the disciplinary process.

W2.100.230 KEEP UP TO DATE

Members reporting for duty shall acquaint themselves with events that have taken place since the end of their last tour of duty which pertain to their individual responsibilities.

W2.100.240 REPORTING

Members shall submit all reports which are required of them as promptly, correctly and completely as possible.

W2.100.250 GIVING IDENTIFICATION

Members shall identify themselves by name, rank and assignment upon request, unless otherwise directed by a supervisor.

W2.100.260 SENIOR MEMBER IN CHARGE

* When two or more members of equal rank are engaged in the same operation or performing duties in the same unit, and no supervisor is present or available; and no member has been designated as supervisor, the member with the longest service in the rank shall be in charge only when a job-related issue that requires action arises. When such an issue arises, the senior member shall take the appropriate action needed to resolve that issue.

W2.100.270 ASSIGNMENT AND USE OF SHERIFF'S OFFICE VEHICLES

Members shall use a county vehicle only in the course of official business. No person shall be transported in a county vehicle, except in the course of official business.

W2.100.271 County vehicles are personally assigned to individual members on the basis of their having a 24 hour a day official responsibility. Those to whom vehicles are personally assigned may use them while engaged in essential personal activities only when the need to maintain radio communications with the dispatcher requires them to use their official car.

W2.100.272 Those to whom a county vehicle is personally assigned may transport private persons only when in conjunction with the required use of the vehicle.

W2.100.273 When a unit does not have a vehicle available, one may be borrowed from another unit with the approval of the unit manager, or from the county motor pool.

W2.100.280 PRIVATE BUSINESS

Except for essential personal transactions, no member shall conduct private business while on duty. Lunch periods are excepted.

W2.100.290 PEDDLING AND SOLICITING IN MULTNOMAH COUNTY SHERIFF'S OFFICE AREAS PROHIBITED

Peddling or soliciting is prohibited in Multnomah County Sheriff's Office facilities, except by recognized charitable organizations. In all cases prior approval must be obtained from the Sheriff or the senior Sheriff's Office member present as his designate.

W2.100.300 LOITERING BY PUBLIC

Members shall not permit persons to remain in a Sheriff's Office facility or vehicle unless they are on official business.

W2.100.310 KNOW AND CONFORM TO SHERIFF'S OFFICE RULES, REGULATIONS, DIRECTIVES, AND PROCEDURES

Members of the Multnomah County Sheriff's Office shall familiarize themselves with and conform to the rules, regulations, directives and procedures of the Multnomah County Sheriff's Office.

W2.100.320 WHEN A DIRECTIVE OR PROCEDURE IS NOT UNDERSTOOD

A member who does not understand an official directive or procedure shall seek the advice of his supervisor.

W2.100.330 CONVERSION OF PROPERTY TO PERSONAL USE

Members shall not convert to their own use or have any claim on any found property, recovered property, property held as evidence or property purchased by the Multnomah County Sheriff's Office.

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Revised: 1/91
Review: Annually

WORK RULES

CHAPTER W1

W1.101.000 POLITICAL ACTIVITY

W1.101.010 No member of the Sheriff's Office shall solicit or receive any contribution or political service for any political purpose from anyone on the eligible list of the classified civil service of the county, or anyone holding any position under civil service during duty hours.

W1.101.020 No member having charge of any Sheriff's Office facility shall permit any person to solicit any type of political contribution on such premises.

W1.101.030 No member is under any obligation to contribute to any political fund or to enter any political service to any person or party, and shall not be penalized in any way for refusing to do so.

W1.101.040 No member shall use his authority or influence to coerce the political action of any person or body, or to interfere with any nomination, appointment, or election to public office of any person.

W1.101.050 No member shall take part in any political management or campaign, or engage in any political activity whatsoever, for or against any person, candidate or party while on the job during working hours.

W1.101.060 Every member has the right to vote as he pleases, and to privately express his opinion on all political subjects. Expressing opinions on political subjects is discouraged during the performance of official duties.

W1.101.070 A member may be a candidate for public office.

W1.101.080 Paragraph W1.101.010 through W1.101.050 above are more completely defined by Multnomah County Ordinance #89, which is binding on all members of the Sheriff's Office employed under civil service, or on an eligible list. The right to be a candidate for public office is established by *Minielly vs. State*, 242 or 490. The other provisions of the cited section of Ordinance 89 have not been passed on by Oregon courts, and are binding upon members of the Sheriff's Office.

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WORK RULES

CHAPTER M1

M1.102.000 CONDUCT RELATING TO JUDICIAL BODIES AND INVESTIGATIVE BOARDS

M1.102.010 CONDUCT AND APPEARANCE IN COURT

A member of the Sheriff's Office appearing in a court of law shall:

1. Be punctual.
2. Conform to the court's rules of conduct.
3. Appear in the uniform of the day or wear appropriate civilian attire according to the court's standards.
4. Obey all orders of the court.

M1.102.020 SUBPOENA AS DEFENSE WITNESS

M1.102.021 When a member of the Sheriff's Office is subpoenaed as a defense witness in a criminal case, he shall immediately notify the Sheriff, and the District Attorney by forwarding an information report, one copy to be addressed to each official.

M1.102.022 When a member is subpoenaed as a witness for any person or entity that is involved in a civil action against the Sheriff or Multnomah County, the member shall immediately notify the Sheriff and County Counsel by forwarding an information report, one copy to each official.

M1.102.030 ARRESTS OF OR COURT ACTIONS INVOLVING A MEMBER

A member who has been arrested or becomes involved in a court action in any capacity, other than as a witness for the prosecution, shall immediately notify the Sheriff.

M1.102.040 RECEIPT OF SERVICE OF PROCESS

A member who is served in his official capacity, or in his personal capacity, in a civil case in which liability attaches to the county shall immediately transmit same to the Office of County Counsel, via the Sheriff, together with a memo stating the time, place and date of service.

M1.102.050 CLAIMS FOR DAMAGE AND LEGAL COMPROMISE

In matters arising out of his position in the Sheriff's Office, a member shall not file claims for damages, or make any legal compromise without notification to the Sheriff.

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WORK RULES

CHAPTER W1

W1.103.000 PUBLIC ACTIVITIES

W1.103.010 ENDORSEMENTS AND TESTIMONIALS

Members shall not, without consent of the Sheriff, permit their names, photographs or identity as a member of the Sheriff's Office to be used to endorse any product or service.

W1.103.020 AUTHORIZING BOOKS, PAMPHLETS OR ARTICLES

Any written material for publication or distribution outside the Sheriff's Office, except personal correspondence, which draws on the writer's experience as a member of the Sheriff's Office, or identifies him as a member thereof, shall be submitted to the Sheriff for approval prior to submission for publication, for determination of the correctness of any reference to the Sheriff's Office operations or policy, and the appropriateness of making public information which might be prejudicial to the lawful interest or privacy of any person.

W1.103.030 IMPROPER ORGANIZATIONS

No member shall join, or in any way participate with, any organization which advocates the violation of any of the laws, statutes or ordinances of federal, state or local government, except in the line of duty, and then only by direction of the Sheriff.

W1.103.040 SOLICITING ADVERTISING

Members of the Sheriff's Office shall not solicit advertising which is to appear in any commercial publication, nor lend their support in any manner to such solicitation.

A2.110.000 OUTSIDE EMPLOYMENT

A2.110.010 PURPOSE

To establish policy and procedure for approval of outside employment by members of the Sheriff's Office

A2.110.020 POLICY

A2.110.021 No member of the Sheriff's Office shall engage in any employment outside the Sheriff's Office without written permission of the member's Chief Deputy. (The professional responsibility of each Deputy Sheriff and Corrections Officer demands continual education and dedication to professional growth.) The demands of law enforcement and Corrections shall not be encumbered by other activities and employment. (The same responsibilities are inherent in the demands placed upon civilian members of the agency). Employment is defined for this procedure as all activities that result in compensation to the member, and include, but are not limited to, the following categories:

1. Professional (example: instructors, writers, salesmen, accountants, consultants, investors).
2. Trade (example: plumbers, carpenters, electricians, contractors, drivers).
3. Business (example: all light and heavy industry, consumer product distribution, partnerships).

A2.110.022 Sheriff's Office members shall not engage in any outside employment which will adversely affect their ability to perform their duties, quality of their work, or which will discredit or create embarrassment for the Sheriff or County government.

A2.110.023 The primary duty, obligation and responsibility of a Sheriff's Office member is at all times to the Sheriff. Members who are directed to report for duty on their days off, or who are required to work overtime, shall do so regardless of the fact that outside employment is approved. Outside employment must not become additional full time employment.

A2.110.030 PROCEDURE

A2.110.031 Approval via an Outside Employment Request form (PS 258) must be obtained by members prior to engaging in any outside employment. An Outside Employment Request form must be submitted via the Shift or Unit Manager, then routed to the appropriate Chief Deputy. After signatures are obtained, the original shall be forwarded to the Office Automation Unit (for computer entry and suspense file). The Office Automation Unit shall forward the original to the Personnel Unit (to be included in the member's file) and a copy to the requesting member. The Sheriff reserves the authority to mediate decisions contested by the member. Members who engage in outside employment without approval are subject to disciplinary action.

A2.110.032 Approval of outside employment of short, temporary duration requiring immediate acceptance by a member may initially be granted verbally by the member's Unit or Shift Manager, however, verbal authority may not substitute for the process indicated above. In the event that approval of the written request is subsequently denied by the Chief Deputy, the member shall be required to immediately terminate the outside employment in question.

A2.110.033 An approved request authorizes only such work and conditions specifically designated in the request form, for a period not to exceed one year. Otherwise, approval shall terminate when the work is completed, when the member's status or nature of work changes, or when it is revoked by a Chief Deputy.

A2.110.034 When outside employment is terminated, or if approval has been revoked or expired, the member shall direct a memo to the Office Automation Unit indicating the total outside hours worked and the date of termination of employment or date of revocation or expiration.

A2.110.041 Members shall not engage in outside employment:

1. While they are off duty on sick or injured on status receiving full monetary compensation.
2. Which requires the wearing of the regulation Multnomah County Deputy uniform, Reserve uniform, or Corrections Officer uniform. (In a special circumstance, the Sheriff may grant the use of the uniform.)
3. Which requires the wearing of any special uniform such as a security guard, or in any activity relating to private security.
4. In excess of sixteen (16) hours during a work week (excluded from the 16 hours is vacation or holiday time a member takes off).
5. When private employment becomes so demanding of a member's time and energy that it renders him incapable of adequately performing his required duties.
6. Which will reduce a member's effectiveness in the Sheriff's Office.
7. Which has any connection with the towing of vehicles or ambulance service.
8. Which involves mixing or serving of any alcoholic beverages.
9. As a process server or bill collector, or in any private employment in which police power is used for private purposes of a civil nature.
10. On investigations or other work in which the member may gain access to police information, records files, correspondence or police services, except where the branch chief maintaining such information shall specifically and individually approve each use.
11. Which assists in any manner the case preparation of the defense in any criminal action or proceedings.

A2.110.050 Any Deputy Sheriff, while engaged in outside employment, shall at all times take proper police action on any offense or condition which requires immediate police action.

A2.110.060 No member may solicit outside employment for any other member of the Sheriff's Office. No member shall act as a work broker or employment agent for any other member of the Sheriff's Office. Any member accepting any fee, income, service, commission, or any other item of value, for obtaining a job of employment for a member of the Sheriff's Office shall be considered as a work broker or employment agent.

How to Keep Out of Trouble

...Ethical Conduct
for Federal Employees...

in Brief
2nd Edition



OFFICE OF GOVERNMENT ETHICS

OGE 6
Rev. July 1989

FOREWORD

This pamphlet explains the thrust and practical application of Federal ethics laws and regulations. It is not exhaustive of the various ethical restrictions placed on you, or the situations which may confront you. Moreover, you might be subject to other agency-specific restrictions. As such, this primer is designed to anticipate some of the more common issues facing Federal employees.

The Office of Government Ethics has a statutory responsibility to promote understanding of these standards in executive agencies. As government employees, we must recognize that the public service is, indeed, a public trust. You must have more than a knowledge of the *letter of the law* and so this pamphlet provides you with examples which produce an understanding of the *spirit of the law*.

In my September 12, 1988 memorandum to Designated Agency Ethics Officials it was stated that:

. . . simply avoiding criminal conduct is not the mark of public service. The duties imposed by non-criminal standards are far harder to discharge. They may even be strange and seem overly restrictive to some joining government for the first time . . . problems such as these [involving a few high government officials] are not widespread in the executive branch and the majority of officers and employees are hard working and loyal individuals who make every effort to adhere to the high ethical standards the public has a right to expect from them and that they expect from themselves.

Remember, you must keep informed of the rules and, if you have even a slight hesitation or questions about the propriety of proposed action, ask your ethics official about it first. *Don't be caught explaining what you did; explain what you propose to do.*



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PREFACE

At the time of publication of this second edition of the pamphlet, the body of ethics laws, regulations, and rules is in a state of flux. Specifically, on April 12, 1989, President Bush issued new Executive Order 12674, which replaced Executive Order 11222, and forwarded to Congress a proposed comprehensive revision of the various ethics laws in the form of the "Government-wide Ethics Act of 1989."

Under the savings provision of Executive Order 12674, regulations which were issued under Executive Order 11222 remain in force and effect until new implementing regulations are issued by the Office of Government Ethics. To this extent, the guidance and examples in the pamphlet have remained unchanged and are essentially accurate. However, Executive Order 12674 contains a new ban on the receipt of outside earned income by full-time noncareer Presidential appointees of the executive branch, including full-time employees in the White House Office and the Office of Policy Development. Notwithstanding this requirement, employees may carry out preexisting contractual obligations entered into before the April 12, 1989 effective date of the new Order.

A revised edition of this pamphlet will be forthcoming once the new regulations are approved implementing the Executive Order. Moreover, there may also be another revised edition depending on the proposed legislation eventually passed by Congress.

INTRODUCTION

As officers and employees of the Federal Government, we must all conform to high standards of ethical conduct. We are judged not only by our official actions and conduct, but also by our personal activities when they are related to our work for the Government. The Government relies on us as its representatives to perform Government business properly, to protect Government interests, and to meet the high ethical standards of public service.

The purpose of this pamphlet is to present the basic laws and regulations on ethical conduct in an easy-to-read, easy-to-understand format. This pamphlet condenses the regulations into a concise document that you can use as a ready reference for answering questions. The pamphlet does not replace existing laws and regulations which should be consulted for the precise requirements.

For the most part, the standards of conduct and conflict of interest laws apply to all Government officers and employees including special Government employees, such as experts, consultants, and advisory committee members. You are responsible for knowing these laws and regulations as well as the specific policies and procedures of your own agency.

Employees, supervisors, and management officials all share the responsibility for ensuring that high standards of ethical conduct are maintained within the Government. You are required to become familiar with the standards of conduct regulations and to exercise judgment to avoid any action that might result in or create the appearance of misconduct or conflict of interest. Supervisors and managers must become familiar with the standards of conduct regulations and apply the standards to the work they do and supervise.

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WHERE CAN YOU GET GUIDANCE ON THE ETHICS LAWS AND REGULATIONS?

You are encouraged to seek guidance whenever you are unsure whether your actions or planned actions are in accordance with the standards. There are several sources within the Government that you can rely on for guidance on ethical matters. Among them are:

- The Office of Government Ethics
- The Office of the General Counsel
- The Designated Agency Ethics Official
- The Personnel Office
- The Office of the Inspector General



WHAT ARE THE GENERAL STANDARDS OF CONDUCT?

An employee must avoid any action that might result in or create the appearance of:

- Using public office for private gain;
- Giving preferential treatment to anyone;
- Impeding Government efficiency or economy;
- Losing complete independence or impartiality;
- Making a Government decision outside official channels; or
- Affecting adversely the confidence of the public in the integrity of the Government.

Employees must be particularly careful that private interests and activities do not impact adversely on or conflict with their public duties. The following sections address specific questions that you may have.

ARE YOU ALLOWED TO USE GOVERNMENT PROPERTY FOR PERSONAL REASONS?

No. You have a positive duty to protect and conserve Federal property and to obey all rules and regulations regarding its use. You cannot directly or indirectly use or allow the use of Government property for other than officially approved activities. This includes property leased to the Government. (5 C.F.R. 735.205)

A few examples of the improper use of Government property include:

- Using Government envelopes to send payroll checks to the bank or for other personal matters.
- Using Government photocopy equipment for personal matters.
- Using a Government-owned, leased, or rented vehicle or aircraft for non-official purposes.
- Using Government telephones to make personal telephone calls. (This includes local and long distance calls over both commercial facilities and the Federal Telecommunications System.)
- Selling commercial products in a Government building.
- Using Government computers and word processors for personal matters.



WHAT IS THE GOVERNMENT'S POLICY ON THE ACCEPTANCE OF GIFTS, ENTERTAINMENT, AND FAVORS?

You may not solicit or accept anything of monetary value, including gifts, gratuities, favors, entertainment or loans from any person who:

- Has or is seeking to obtain contractual or other business or financial relations with your agency.

- Conducts operations or activities that are regulated by your agency; or
- Has interests that may be substantially affected by the performance or nonperformance of your official duties. (5 C.F.R. 735.202)

Your agency may have additional restrictions or may provide exceptions for the following:

- Gifts, gratuities, favors, entertainment, loans or similar favors of monetary value that stem from a family or personal relationship when the circumstances make it clear that it is that relationship rather than the business of the person concerned that motivates the gift;
- Loans from banks or other financial institutions on customary terms;
- Unsolicited advertising or promotional material of nominal value such as pens, note pads, and calendars;
- Food or refreshments of nominal value, served on infrequent occasions, in the ordinary course of a luncheon or dinner meeting and only if you are properly in attendance and there is not a reasonable opportunity to pay, or if the food is offered to all participants attending the meeting or convention.
- Travel and subsistence expenses in certain cases when authorized by your agency.

Listed below are examples of instances when you may be offered gifts or favors and the proper action to take in each case:

- You are on the premises of Company X participating in a meeting at lunchtime. A representative of Company X provides a meal for all meeting participants from a Company X facility and there is no established method for payment. You may accept the meal, unless your agency specifically prohibits it.
- You are on the premises of Company X and you go to a restaurant for lunch with a Company X salesperson. The salesperson offers to pay the bill. Since it is expected that employees pay for their own lunches, you may not accept the salesperson's offer to buy lunch.

You should be aware that there are criminal provisions relating to the acceptance of gifts, entertainment, and favors found in Title 18 of the United States Code.

One provision is Title 18 U.S.C. 209, which prohibits you from receiving any salary as compensation for services as an employee of the Government from any source other than the United States.

Example:

You are asked to give a speech in your official capacity. You may not accept a fee for a speech given as part of your Government duties.

This law does not prohibit you from continuing to participate in a *bona fide* employee welfare or benefit plan maintained by a former employer. It also does not prohibit you from receiving compensation from a state, county, or municipality, unless prohibited under your agency's Standards of Conduct.



Gifts to superiors:

You may not solicit a contribution from another employee for a gift to an official superior, or make a donation to a superior. Also, you may not accept a gift from an employee receiving less pay than you. (5 U.S.C. 7351)

Most agencies allow voluntary gifts of nominal value or donations in a nominal amount on a special occasion such as marriage, illness, or retirement.

Example:

Your office decides to take up a collection for your boss who is being promoted within the office. This would not qualify for the exception for special occasions because it involves a continuing workplace relationship.

WHAT ABOUT USING INFORMATION PICKED UP ON THE JOB?

You may not use, for furthering a private interest, information obtained through your Government job that has not been made available to the general public. (5 C.F.R. 735.206) For example, you would not be free to use information that has not been dispersed by the agency or is available to a member of the public only by special request.



WHAT HAPPENS IF YOU FAIL TO PAY YOUR DEBTS?

You should meet your just financial obligations in a proper and timely manner. Failure to do so reflects adversely on the Government and on your agency and is considered improper conduct. (5 C.F.R. 735.207)

CAN YOU GAMBLE WHILE ON DUTY?

No. You are not allowed to participate in any gambling activity while on Government-owned or leased property or while on duty for the Government. This includes the operation of a gambling device in conducting a lottery or pool, in a game for money or property, or in selling or purchasing a numbers slip or ticket. (5 C.F.R. 735.208)



CAN YOU HAVE A SECOND JOB OUTSIDE OF THE GOVERNMENT?

You may engage in outside employment, with or without compensation, but only if it will not affect adversely the performance of your official duties and will not conflict with your duties. Such work may include civic, charitable, religious, and community undertakings. You may not participate in outside employment which:

- Tends to impair your mental or physical capacity to perform Government duties and responsibilities in an acceptable manner;
- Is likely to result in criticism or cause embarrassment to your agency;
- Creates a real or apparent conflict of interest;
- Takes your time and attention during your official work hours. (5 C.F.R. 735.203)

If you are considering outside employment, you may be required to obtain advance administrative approval for certain activities as required by your agency.

There are other types of outside activity that you may be interested in pursuing such as teaching, lecturing, and writing. Advance approval may be required by your agency. A few of the most important restrictions on outside activities are as follows:

- You may not use Government-financed time or supplies;
- You may not use or allow the use of official information that has not been made available to the general public;
- You may not promote the use of your official title or affiliation with your agency, and allow no suggestion of official endorsement.

Title 18 U.S.C. 203 and 205 prohibit you from representing another person before an agency or court of the Federal or D.C. Governments, and from receiving payment for someone else's representation before an agency of the Federal or D.C. Governments. Your representation is prohibited even when uncompensated. For example:

- Unless specifically prohibited by your agency, you may prepare income tax returns for others in your free time, but you may not argue before the Internal Revenue Service on behalf of your client, if there is a dispute over the return.
- You may not represent a non-profit organization of which you are a member before a Federal agency in a request for a grant even though you would not be paid for the representation.

Exceptions:

Generally, you are allowed to represent your parents, your spouse or child, or anyone for whom you serve as a guardian.

You also may provide testimony under oath.

CAN YOU OBTAIN PERSONAL GAIN FROM YOUR OFFICIAL POSITION OR ACTIONS?

Generally speaking, you cannot participate personally and substantially as a Government employee in a matter in which you have a financial interest. There is no minimum amount of value or control that constitutes a financial interest. This prohibition also applies if any of the following individuals or organizations have a financial interest in the matter:

- Your spouse;
- Your minor child;

- Your partner;
- An organization in which you serve as an officer, director, trustee, partner or employee; or
- A person or organization with which you are negotiating for prospective employment or have an arrangement for prospective employment. (18 U.S.C. 208)

The standards of conduct regulations go further in prohibiting you from having a financial interest that conflicts or even appears to conflict with your Government duties and responsibilities. (5 C.F.R. 735.204)

The following cases are examples of conflict of interest situations:

- You own a single share of stock in a widely-held corporation. If the corporation is likely to be affected by a matter in which you will participate as a Government official, you may violate 18 U.S.C. 208.
- You have a paid part-time position with a non-Federal organization. If the organization is likely to be affected by a matter in which you will participate as a Government official, you would violate 18 U.S.C. 208.
- You are administering a Government contract with a firm owned by your brother-in-law. You probably would not violate 18 U.S.C. 208 because your brother-in-law's financial interests are not considered to be yours, but you would have the appearance of a conflict, which would violate the standards of conduct.
- You are conducting an audit of a private organization in the course of your Government job. The head of this private organization asks you to meet with her to discuss leaving Government to join her organization. Unless you immediately reject the offer, you would have to disqualify yourself from further participation in the audit in order not to violate 18 U.S.C. 208.

The head of your agency can grant you a waiver under 18 U.S.C. 208 if your financial interest is found to be not so substantial as to affect the integrity of your services. A general waiver can also be granted to a group of employees for certain interests found to be too remote or inconsequential to affect the integrity of the employees' services. The general waivers must be published in the Federal Register.



WHAT ARE POST-EMPLOYMENT RESTRICTIONS?

Post-employment restrictions can be found in Title 18 of the United States Code. Title 18 U.S.C. 207 prohibits former Government employees from "switching sides." For example, as a former employee you would be prohibited permanently from acting as another person's representative to the Government in certain matters in which you have been involved substantially while in Federal service.

Also, for two years you would be prohibited from representing another person to the Government in certain matters which were pending under your official responsibility during your last year of Government service.

Examples:

- As a former Government employee, you would be prohibited from representing another person on a contract you administered while with the Government, but you could work on the contract in the contractor's office.
- As a former supervisor with the Government, you would be prohibited for two years from representing another person before the Government on a case that was under your official responsibility during your last year of Government service even if you did not actually work on the case yourself.

There are additional restrictions, one of which imposes a one-year, agency specific cooling-off period, that apply to certain senior employees whose positions are listed in the Federal Register each year.

If you are planning to leave the Government, you should see your personnel office or your Designated Agency Ethics Official for more information about this law.

PERSONNEL
OFFICE



ARE EXPERTS, CONSULTANTS, AND ADVISORY COMMITTEE MEMBERS COVERED BY THE STANDARDS OF CONDUCT REGULATIONS AND THE CONFLICT OF INTEREST LAWS?

Yes. The standards of conduct regulations generally apply to those individuals, known as special Government employees who do not serve for more than 130 days in a year. If you are a special Government employee, you should read sections 203, 205, 207, and 208 of Title 18, United States Code, all of which carry criminal penalties related to conflicts of interest, and the standards of conduct regulations, where applicable.

WHAT IF YOU WANT TO REPORT A VIOLATION OF THE STANDARDS OF CONDUCT REGULATIONS OR THE CONFLICT OF INTEREST LAWS?

If you know of criminal violations or violations of the standards of conduct regulations committed by other employees of your agency or any outsider, or if you know of any misconduct or abuses of authority, you are responsible for reporting the violations to your supervisor, the Office of the Inspector General (where applicable), your Designated Agency Ethics Official, or your personnel office. Note, failure to report a criminal violation promptly could result in disciplinary action being taken against the employee having such knowledge. If you want to report violations to the Office of the Inspector General, use the IG "hotline," where one exists.

ARE YOU REQUIRED TO GIVE STATEMENTS TO INVESTIGATIVE OFFICIALS?

You are required to assist the Inspector General and other investigative officials. This requirement includes the giving of statements or evidence to investigators, auditors, or inspectors of the Inspector General's Office or to other investigators authorized to conduct investigations into potential violations. (NOTE: You always retain your constitutional rights, including the rights to counsel and against self-incrimination.)



WHAT ACTION MAY BE TAKEN IF YOU VIOLATE THE STANDARDS OF CONDUCT REGULATIONS OR THE CONFLICT OF INTEREST LAWS?

You may be subject to disciplinary action if you violate any of the standards of conduct regulations. This includes supplemental standards published by your agency. The type of action to be taken must be determined in relation to the specific violation. Some types of disciplinary action that may be considered are: admonishment, written reprimand, reassignment, suspension, demotion and removal. When such actions are taken, applicable laws, regulations, and procedures must be followed. In addition, violations of Federal criminal statutes may subject the violator to criminal prosecution. If you have questions concerning disciplinary action, discuss your concerns with your supervisor or your personnel office.

What Are The Political Do's & Don'ts For Federal Employees?

-----Covered Employees-----

With very few exceptions, all employees in the executive branch of the Federal Government are subject to the political activity provisions of the Hatch Act. Employees of the U.S. Postal Service and the District of Columbia government are also subject to this law.

- | | |
|--|--|
| <ul style="list-style-type: none"> o May register and vote as they choose o May assist in voter registration drives o May express opinions about candidates and issues o May participate in campaigns where none of the candidates represent a political party o May contribute money to political organizations or attend political fund-raising functions o May wear or display political badges, buttons, or stickers o May attend political rallies and meetings o May join political clubs or parties o May sign nominating petitions o May campaign for or against referendum questions, constitutional amendments, and municipal ordinances | <ul style="list-style-type: none"> o May not be candidates for public office in partisan elections o May not campaign for or against a candidate or slate of candidates in partisan elections o May not make campaign speeches or engage in other campaign activities to elect partisan candidates o May not collect contributions or sell tickets to political fund-raising functions o May not distribute campaign material in partisan elections o May not organize or manage political rallies or meetings o May not hold office in political clubs or parties o May not circulate nominating petitions o May not work to register voters for one party only |
|--|--|

An election is partisan if any candidate for an elected public office is running as a representative of a political party whose presidential candidate received electoral votes in the last presidential election.

Provided Courtesy of the Office of the Special Counsel, U.S. Merit Systems Protection Board.

APPENDIX

Reference Chart to Laws and Regulations

Title in Handbook	Page Number	Citation to Law or Regulation
What are the General Standards of Conduct	1	5 C.F.R. 735.201a
Are You Allowed to Use Government Property for Personal Reasons?	2	5 C.F.R. 735.205
What is the Government's Policy on the Acceptance of Gifts, Entertainment, and Favors?	2	5 C.F.R. 735.202 & 18 U.S.C. 201 & 209
What about Using Information Picked up on the Job?	5	5 C.F.R. 735.206
What Happens if You Fail to Pay Your Debts?	5	5 C.F.R. 735.207
Can You Gamble while on Duty?	6	5 C.F.R. 735.208
Can You Have a Second Job Outside Government?	6	5 C.F.R. 735.203, .205, .206, & .201a(a); & 18 U.S.C. 203 & 205
Can You Obtain Personal Gain from Your Official Position or Actions?	7	5 C.F.R. 735.204 & 18 U.S.C. 208
What are Post-Employment Restrictions?	9	18 U.S.C. 207
Are Experts, Consultants, and Advisory Committee Members Covered by the Standards of Conduct and the Conflict of Interest Laws?	10	5 C.F.R. 735 Subpart C, 18 U.S.C. 203, 205, 207, & 208

Code of Ethics for County Officials

Preamble

The National Association of Counties (NACo) is committed to the highest standards of conduct by and among county officials in the performance of their public duties. Individual and collective adherence to high ethical standards by public officials is central to the maintenance of public trust and confidence in government.

While county officials agree on the need for proper conduct, they may experience personal conflict or deferring views of values or loyalties.

In such cases the principles contained in this Code of Ethics provide valuable guidance in reaching decisions which are governed, ultimately, by the dictates of the individual conscience of the public official and his or her commitment to the public good.

Certain of these ethical principles are best expressed as positive statements: actions which should be taken; courses which should be followed; goals which should permeate both public and private conduct. Other principles are expressed as negative statements: actions to be avoided and conduct to be condemned.

The Code of Ethics for County Officials has been created by and for elected county officials. However, these principles apply to the day to day conduct of both elected and appointed officials and employees of county government.

NACo recognizes that this Code of Ethics should serve as a valuable reference guide for all those in whom the public has placed its trust.

Ethical Principles

The ethical county official should:

- *Properly administer the affairs of the county.*
- *Promote decisions which only benefit the public interest.*
- *Actively promote public confidence in county government.*
- *Keep safe all funds and other properties of the county.*
- *Conduct and perform the duties of the office diligently and promptly dispose of the business of the county.*
- *Maintain a positive image to pass constant public scrutiny.*
- *Evaluate all decisions so that the best service or product is obtained at a minimal cost without sacrificing quality fiscal responsibility.*
- *Inject the prestige of the office into everyday dealings with the public employees and associates.*
- *Maintain a respectful attitude toward employees, other public officials, colleagues and associates.*
- *Effectively and efficiently work with governmental agencies, political subdivisions and other organizations in order to further the interest of the county.*
- *Faithfully comply with all laws and regulations applicable to the county and impartially apply them to everyone.*

The ethical county official should not:

- *Engage in outside interests that are not compatible with the impartial and objective performance of his or her duties.*
- *Improperly influence or attempt to influence other officials to act in his or her own benefit.*
- *Accept anything of value from any source which is offered to influence his or her action as a public official.*

The ethical county official accepts the responsibility that his or her mission is that of servant and steward to the public.



MULTNOMAH COUNTY OREGON

OFFICE OF COUNTY COUNSEL
1120 S.W. FIFTH AVENUE, SUITE 1530
P.O. BOX 849
PORTLAND, OREGON 97207-0849
(503) 248-3138
FAX 248-3377

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY, CHAIR
PAULINE ANDERSON
RICK BAUMAN
GARY HANSEN
SHARRON KELLEY

M E M O R A N D U M

TO: Fred Neal (106/1400)
Office of the Chair

FROM: Laurence Kressel (106/1530) *LK*
County Counsel

DATE: May 11, 1992

RE: Outside Employment, Comparison of State
and County Guidelines

COUNTY COUNSEL
LAURENCE KRESSEL
CHIEF ASSISTANT
JOHN L. DU BAY
ASSISTANTS
J. MICHAEL DOYLE
SANDRA N. DUFFY
GERALD H. ITKIN
H.H. LAZENBY, JR.
MATTHEW O. RYAN
JACQUELINE A. WEBER
MARK B. WILLIAMS

Some time ago, you asked me to compare the state and county guidelines for outside employment (copies attached). 1/ I am sorry that I have not been able to respond more quickly.

Private Business On Public Time

State guideline #1 County rule #6.02(1)

The state says that private business should not "be conducted on" public time. The county says that outside employment should not "involve the use of" county time. The county statement includes all activities ancillary to the actual conduct of private business on public time.

Public Supplies, Facilities, Equipment, Personnel

State guideline #2 County rule #6.02(1)

County rule 6.02(1) combines points made in state guidelines 1 and 2. The county rule does not mention use of personnel. On the other hand, the county rule includes use of the prestige or influence of the employee's county position, nowhere mentioned in the state guidelines. The state says that public supplies, facilities, equipment, and personnel should not "be used to carry out" private business. The county says that no outside employment should "involve the use of" county time, facilities, equipment and supplies, or the prestige and influence of the employee's county position. These phrases appear to be similar in the breadth of activities they cover.

Official Action Conditioned
On Private Business Relationship

State guideline #3 No county equivalent

The wording of the state guideline is odd. It provides guidance for the behavior of a public employee as public employee, but not for the public employee who needs to know what outside employment is acceptable.

Perhaps the evil which this state guideline is meant to preclude is that set forth in county rule 6.02(2): no outside employment should involve the performance of an act which may later be subject to control, inspection, review or audit by the employee's section. See also county rule 5 (code of ethics), which provides that no employee shall take any action, the effect of which would be to his/her private financial gain or loss, without first notifying his/her appointing authority in writing of the potential conflict of interest.

Confidential Information

State guideline #4 No county equivalent

See, however, county rule 5 (code of ethics), which provides that no employee shall use confidential information received because of his/her employment for private gain. Again, the state guideline is oddly worded. If the intent is to help public employees know what outside employment is acceptable, the guideline might better be worded: that private business not involve the use of confidential information gained by virtue of the employee's public position. Also, the phrase "confidential information" is of uncertain scope.

Notice To Appointing Authority

State guideline #5 No county equivalent

See, however, county rule 5 (code of ethics), which provides that no employee shall take any action, the effect of which would be to his/her private financial gain or loss, without first notifying his/her appointing authority in writing of the potential conflict of interest. The county rules on outside employment provide (1) that employees are responsible for assuring that their outside employment does not conflict with the county rules and (2) that a hiring manager may require employees under his/her direction to report their outside employment.

The emphasis of the state guideline is, once more, peculiar. The public employee notifies the appointing authority if private endeavors could potentially be affected by public employment. Shouldn't the notice be given when public employment may be affected by private endeavors?

Policy Statement

The county rules include a policy statement for outside employment. The state enunciates no policy.

Receipt Of Money

The county prohibits outside employment that involves receipt of money or other consideration for performance of duties which the employee is required to perform in the regular course of his/her job. I see no state equivalent.

Competition

The county prohibits outside employment which involves competition with the county in providing a service or product. I see no state equivalent.

1/ I believe the sheriff's office has guidelines in addition to those spelled out in the county's personnel rules. This memo only compares the state's guidelines with the county's personnel rules.

OREGON GOVERNMENT ETHICS COMMISSION

GUIDELINES FOR OUTSIDE EMPLOYMENT OF PUBLIC OFFICIALS

1. That private business not be conducted on public time.
2. That public supplies, facilities, equipment, and personnel not be used to carry out private business.
3. That no official action toward a third party be conditioned on a private business relationship with that third party.
4. That no confidential information be used to obtain financial benefit for the employee.
5. That employees will notify their appointing authority in writing of a potential conflict of interest if private endeavors could potentially be affected by public employment.

0019si
3/20/92

5.01 POLICY

Employees shall conform to the code of ethics described in ORS 244.020 and 244.040.

5.02 PROHIBITED CONDUCT

No employee shall use his/her employment in any way to obtain financial gain for him/herself, his/her household or any business with which he/she or a member of his/her household is associated.

No employee shall use confidential information received because of his/her employment for private gain.

No employee shall solicit or receive a promise of future employment with the understanding that the promise will influence his/her official action.

No employee shall solicit or receive during a calendar year gifts with an aggregate value of over \$100 from a source that has legislative or administrative interest in his/her office.

No employee shall take any action, the effect of which would be to his/her private financial gain or loss, without first notifying his/her appointing authority in writing of the potential conflict of interest.

OUTSIDE EMPLOYMENT

6.01

POLICY

No employee shall accept outside employment that is incompatible or in conflict with his/her position in the county service.

6.02

RULES

No employee shall accept outside employment that meets any of the following criteria:

- 1) Involves the use of county time, facilities, equipment and supplies, or the prestige or influence of the employee's county position.
- 2) Involves the performance of an act which may later be subject to control, inspection, review or audit by the employee's section.
- 3) Involves receipt of money or other consideration for performance of duties which the employee is required to perform in the regular course of his/her job.
- 4) Involves competing with the county in providing a service or product.

Employees are responsible for assuring that their outside employment does not conflict with these rules.

A hiring manager may require employees under his/her direction to report their outside employment.

Meeting Date: JUN 0 2 1992

Agenda No.: B-2

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Columbia River Gorge National Scenic Area
[Time Certain Requested]
BCC Informal June 2, 1992 BCC Formal _____
(date) (date)

DEPARTMENT Nondepartmental DIVISION Chair's Office

CONTACT Sharon Timko TELEPHONE 248-3308

PERSON(S) MAKING PRESENTATION Sharon Timko & Kris Olson Rogers

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 30 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Update on Gorge; introduce new Executive Director, Jonathan Doherty.

BOARD OF
COUNTY COMMISSIONERS
1992 MAY 18 PM 2:19
MULTNOMAH COUNTY
OREGON

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER 

(All accompanying documents must have required signatures)

Meeting Date: JUN 02 1992

Agenda No.: B-3

(Above space for Clerk's Office Use)

AGENDA PLACEMENT FORM
(For Non-Budgetary Items)

SUBJECT: Juvenile Detention Operations Committee Report

BCC Informal June 2, 1992 BCC Formal [REDACTED]
(date) (date)

DEPARTMENT Social Services DIVISION Juvenile Justice

CONTACT Harold Ogburn TELEPHONE 248-3460

PERSON(S) MAKING PRESENTATION Harold Ogburn

ACTION REQUESTED:

INFORMATIONAL ONLY POLICY DIRECTION APPROVAL

ESTIMATED TIME NEEDED ON BOARD AGENDA: 20 minutes

CHECK IF YOU REQUIRE OFFICIAL WRITTEN NOTICE OF ACTION TAKEN: _____

BRIEF SUMMARY (include statement of rationale for action requested, as well as personnel and fiscal/budgetary impacts, if applicable):

Presentation of Detention Operations Committee Report. Detention Operations Committee is a county wide intra-division and department committee formed pursuant to Board and Chair guidance to address issues within the Juvenile Detention facility.

(If space is inadequate, please use other side)

SIGNATURES:

ELECTED OFFICIAL _____

Or

DEPARTMENT MANAGER Andy Coghead (40)

(All accompanying documents must have required signatures)

CLERK OF COUNTY COMMISSIONERS
1992 MAY 21 AM 11:42
MULTNOMAH COUNTY OREGON



MULTNOMAH COUNTY OREGON

DEPARTMENT OF SOCIAL SERVICES
JUVENILE JUSTICE DIVISION
1401 N.E. 68TH
PORTLAND, OREGON 97213
(503) 248-3460

BOARD OF COUNTY COMMISSIONERS
GLADYS McCOY • CHAIR OF THE BOARD
PAULINE ANDERSON • DISTRICT 1 COMMISSIONER
GARY HANSEN • DISTRICT 2 COMMISSIONER
RICK BAUMAN • DISTRICT 3 COMMISSIONER
SHARRON KELLEY • DISTRICT 4 COMMISSIONER

TO: Gladys McCoy
Multnomah County Chair

VIA: Ardys Craghead, *Ardys Craghead (9/8)*
Interim Director, Department of Social Services

FROM: Harold Ogburn, *Harold Ogburn*
Director, Juvenile Justice Division DM

DATE: May 20, 1992

SUBJECT: Presentation of Detention Operations Committee Report

RECOMMENDATION:

The Juvenile Justice Division recommends the County Chair and Board's review and acceptance of the report of the Detention Operations Committee.

BACKGROUND/ANALYSIS:

Responsibility for juvenile detention operations is shared among several divisions and departments of Multnomah County government. Divided management was cited by the Gable and DeMuro report as a structural explanation for some of the issues facing the detention facility.

In recognition of the divided responsibilities for detention operations, DeMuro recommended that the County convene a county-wide work group comprised of high ranking county officials having responsibility for each component of the detention operation. Subsequently, the County Chair's office convened an interdepartmental managers' group and requested that a coordinated plan be developed to resolve operational issues in detention.

The Detention Operations Committee was formed in response to that directive and was charged with the responsibility to coordinate interdepartmental services with the juvenile detention facility.

This report is the culmination of the Committee's work since December 1991.

**Multnomah County
Juvenile Justice Division**

Detention Operations Committee

Report

May 20, 1992

**Multnomah County
Juvenile Justice Division**

Detention Operations Committee

Report

May 20, 1992

May 20, 1992

Gladys McCoy, Chair
Multnomah County Board of Commissioners
1120 SW 5th, Room 1410
Portland, OR 97204

Dear Chair McCoy and Commissioners:

On behalf of the Detention Operations Committee, I am pleased to submit the attached report to you for your consideration. The Committee has been meeting since December of 1991 to address recent issues and concerns regarding the conditions and programs in the juvenile detention Facility. The Division believes that this effort has made a significant contribution to the resolution of problems facing the detention facility. I'd also like to extend my thanks and gratitude to Committee members for their time and commitment to the success of this effort.

The Committee met several times, toured the facility, and sampled food, and divided into sub-committees in pursuit of its charge. The following report chronicles our efforts and describes a series of immediate accomplishments and additional recommendations to further address each area of concern.

The forum provided by this committee has proved to be a useful management tool for the Division as it oversees and coordinates multiple County Divisions' responsibilities in the juvenile detention facility. The Committee and the Division agree that a smaller version of this committee should be retained on an on-going basis to assist the Division to coordinate management of detention operations and to oversee the logistics of the transition to the new facility as it is phased in.

Thank you once again for your support and guidance in the development of this committee. I welcome the opportunity to increase effective management of the detention facility and look forward to the enhanced operations that will inevitably result from our efforts.

Sincerely,



Harold Ogburn, Director
Multnomah County Juvenile Justice Division

Detention Operations Committee Membership Roster

Jim Anderson, Detention Superintendent
Juvenile Justice Division

Linda Bergman, Judge
Multnomah County Juvenile Court

Wayne George, Director
Facilities Management

Norma Jaeger, Manager
Alcohol and Drug Program Office

Lieutenant Jeanie King, Manager
Food Service
Sheriff's Office

William McFarlane, Director
Alternative Program
Education Services District

Dwayne McNannay, Assistant Director
Juvenile Justice Division

Harold Ogburn, Director
Juvenile Justice Division

Kathy Page, Director
Corrections Health

Helen Richardson, Director
Mainstream Youth Program, Inc.

Gary Smith, Director
Social Services Division

Staff: Cherie Lingelbach

Acknowledgements

Special thanks to the following guests who assisted the Committee in its deliberations:

Rich Scott, Detention Program Manager

Dayle Anderson, Multnomah Education Service District

John Cornyn, The Cornyn Fasano Group

Detention Operations Committee Report

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Background

In September, 1991, a program review of the Detention Facility and Practices of the Multnomah County Juvenile Justice Division was conducted by Richard Gable and Paul DeMuro at the request of the Multnomah County Counsel's Office. This review was conducted in the midst of a law suit alleging unconstitutional conditions in the Detention Facility and two years of substantive recommendations from the annual Grand Jury review process.

Responsibility for Detention operations is shared among several Divisions of Multnomah County government. Divided management was cited by DeMuro as a structural explanation for some of the issues currently facing the Facility. Below is a description of the shared obligations:

- Group supervision and daily living is managed by the Juvenile Justice Division.
- Facility maintenance is managed by the Facilities and Property Management Division.
- Food service is managed by the Sheriff's Office.
- Education services are provided by Multnomah County Educational Service District (ESD).
- Medical services are managed by the Correction Health Division.
- Alcohol and Drug services are provided on-site by Mainstream Youth Programs, Inc.

In recognition of the County's interdepartmental responsibilities for services in detention, DeMuro recommended that the County convene a county-wide work group comprised of high ranking officials responsible for all the program elements in the juvenile detention facility.

Subsequently, the County Chair's Office convened an interdepartmental Managers' group, representing Juvenile Justice, Facilities Management, and Health Divisions and requested that a coordinated plan be developed and initiated to resolve operational issues in detention. The Detention Operations Committee was formed in response to that directive and was given the following charge:

coordinate interdepartmental services within the juvenile detention facility and provide on-going leadership for coordinated oversight of detention operations in order to assure the provision of quality operations and services.

Membership was designed to be inclusive of each county division having responsibility for any component of detention operations.

Committee Planning Process

The Committee met five times as a full group between December 1991 and April 1992. During that time the group:

- studied existing juvenile detention services and operations;
- reviewed recommendations from 1990 and 1991 Grand Juries;
- reviewed recommendations the Gable/DeMuro Program Review of Detention Facility and Practice of the Multnomah County Juvenile Justice Division; and
- formed the following five sub-committees to propose both short and long term recommendations to address each area of concern:
 - Health/Mental Health/Alcohol and Drug
 - Food Service
 - Education
 - Facility Maintenance
 - Probation and Counseling

During its deliberations, the Committee also toured the detention facility, sampled detention food, and participated in a process to assist Facilities Management prioritize recommended repairs to the detention facility.

Discussion

Detention is, by definition, a planned short term experience, and until the winter of 1992, the philosophy of detention has been to provide a safe and secure environment which meets the basic needs of children while they are housed in the facility and to channel long term counseling, skill building and treatment strategies to the post dispositional experience.

The Board of County Commissioners, in its recent decision to provide funding for enhanced detention programming, acknowledged and facilitated a shift in detention philosophy. This new program component allows the Division to optimize a juvenile's time while in detention by utilizing detention as an opportunity to initiate linkages with longer term services. The Detention Operations Committee also recognized that detention operations and services must shift to reflect this reality.

Discussion - continued

As the Committee progressed with its work, it realized that three specific strategies needed to be pursued to address the array of concerns about detention:

- a. address immediate concerns;
- b. make recommendations to address long range concerns; and
- c. transitional logistics.

The report contained herein summarizes the concerns for each area and describes the Committee's recommendations. **In addition to the recommendations made for each area, the Committee recommends that a modified group be retained to monitor Detention operations and programs on an on-going basis, implement revised strategies as appropriate, and coordinate the logistics of the transition from the current facility to the new facility.**

Recommendations

HEALTH/MENTAL HEALTH/ALCOHOL AND DRUG

A. SUMMARY OF ISSUES

1. Medical

- Inconsistent and incomplete medical screening and review at intake;
- No routine dental care;
- Limited nursing services;
- Physician should be available on a routine basis;

2. Mental Health

- Inadequate Mental Health screening at intake;
- Little consistent or appropriate screening done for suicide risk;
- No suicide prevention program except close supervision on the unit;
- Inadequate on-going mental health services;
- Lack of availability of individual and/or group counseling on the units;
- Little case consultation available for youth with special treatment needs;
- Little knowledge available about out of county referrals to detention.

HEALTH/MENTAL HEALTH/ALCOHOL AND DRUG - continued

A. SUMMARY OF ISSUES - continued

3. Alcohol and Drug

- Need to provide alcohol and drug screening for all children held in detention for seventy-two hours or more;
- Current alcohol and drug screening service schedule do not always meet the needs of the clients or the Juvenile Justice Division;
- More services being requested by counselors (special testing, assessment, alcohol tests); group workers (consultation and training); by Program Administrator (alcohol and drug groups in units); and by Probation Alternative Weekend (weekend groups);
- Services for Spanish speaking clients are currently limited to the alcohol and drug pre-screen and need to be expanded to include an alcohol and drug curriculum and groups;
- Many of the detainees practice behaviors at high risk for HIV infection.

HEALTH/MENTAL HEALTH/ALCOHOL AND DRUG - continued

B. ACCOMPLISHMENTS AND RECOMMENDATIONS

1. Medical

- A new Intake Form has been developed to provide more consistent and complete medical screening at Intake. Training has been provided to all admission staff.
- Nursing services are now available daily from 7:30 A.M. to 10:30 P.M. In addition a Nurse Practitioner is conducting clinics alternating two and three days each week. This will be expanded to daily clinics when a current vacancy is filled.
- The Sub-Committee supports an earlier decision to not provide a physician because children are in detention for only a short time and since access to a nurse practitioner decreases the need for on-site access to a physician. A physician is available by phone 24 hours a day for consultation. If a child needs a physician, s/he is transported to the hospital and care is obtained. X-Rays and other equipment are not available at the detention facility and in the event of an emergency which requires such procedures, a child would be transported to the appropriate facility.
- The Sub-Committee supports an earlier decision to not provide routine dental care because of the short average length of stay. Emergency dental care is referred to the SE Health Center for appointments the next day, other non-emergency care is referred to either the child's regular dentist or to the mid-county or NE Health center for appointments.
- A daily list of which children are released, to whom the child is released, and to what address should be distributed to all service providers in detention to assist in providing follow up services after a child is released from detention.

HEALTH/MENTAL HEALTH/ALCOHOL AND DRUG - continued

B. ACCOMPLISHMENTS AND RECOMMENDATIONS - continued

2. Mental Health

- The Board provided the Juvenile Justice Division with a Mental Health Specialist and a Detention Program Manager position in its recent effort to provide funding for enhanced detention programming. Both these positions will be responsible for developing programming in this area.
- The Board provided the Corrections Health Division with a Psychiatric Nurse to serve the juvenile detention facility. This position will work closely with detention program and mental health staff to develop and coordinate appropriate mental health services, including the use of medication.
- Each of the aforementioned positions are supported and now mandated by the Consent Decree which settles the current law suit. The activities of these positions will be coordinated through the on-going Detention Operation Committee process and as a result, mental health screening and services offered in the juvenile detention facility will continue to be refined.
- The Detention Operation Committee's sub-committee for this area was unable to reach consensus regarding mental health Services. There is lack of agreement over which county agency should provide the services as well as the scope of services which should be provided. The Social Services Division proposal for mental health services in detention is included in the Appendix of this report.

3. Alcohol and Drug

- Add one full time and one part time alcohol and drug staff person to increase services in afternoon and on weekends;
- Effective March 26, 1992, Mainstream will have a bilingual, bicultural staff person on duty from 12:00 - 8:00 P.M. to conduct screening and perform program development;
- Add HIV education to the current detention health programs.

FOOD SERVICE

A. SUMMARY OF ISSUES

- Food is not appetizing;
- Insufficient quantity;

B. ACCOMPLISHMENTS AND RECOMMENDATIONS

- The rebuilding of the juvenile justice facility places the food service program at a crossroads. The sub-committee for this area studied several options for the resolution of food service issues including:
 1. Operate the program with the current system, as a pre-plated cold transport/rethermalize on-site satellite of the Justice Center (MCDC) food service program;
 2. Build and operate an on-site kitchen to provide meals in a similar fashion to the current system. Labor for this operation would be exclusively from paid county employees;
 3. Build and operate an on-site facility as in Model 2, but include the use of youth labor in some aspects of the operation;
 4. Contract with an outside management company, institution or agency to provide meal service in a manner generally consistent with the current operation;
 5. Provide an expanded kitchen operation to feed not only detainees, but also a limited, open to the public dining room. This option would provide a culinary training program for youth on probation. Staffing would include county instructors and culinary staff as well as the program participants. Placement of the kitchen and restaurant facilities must be considered.
- The sub-committee believes that a self operated kitchen offers an opportunity to not only offer a culinary training program for juveniles who are on probation but also addresses the quality and variety of food, including the opportunity to prepare culturally diverse meals.

FOOD SERVICE - continued

B. ACCOMPLISHMENTS AND RECOMMENDATIONS - continued

- The kitchen is proposed to be added in 1994-95. In the interim, the committee has concluded that the Juvenile Justice Division should continue to contract with the Sheriff's office food service provider and continue the improvements recently negotiated with that contractor. Those improvements are in the Consent Decree and include:
 1. Providing evening snacks;
 2. Offering second helpings during meals;
 3. Altering the menu to appeal to juveniles without sacrificing nutritional quality;
 4. Alter the serving tray design and improve the meal presentation.

- The Food Service Consultant's full report can be found in the Appendices of this report.

EDUCATION

A. SUMMARY OF ISSUES

- Access to program for all children;
- Need to integrate educational program and staff into life of the facility;
- Need to increase communication between educational program staff, unit staff, and counselors;
- Some youth routinely excluded from all educational programs, (youth on roomlock and youth having hearings that day);
- Bi-lingual education for Hispanic youth;
- No summer program;

B. ACCOMPLISHMENTS AND RECOMMENDATIONS

1. Immediate Plan

State statute mandates that an educational program be provided to any juvenile detained in excess of five days. Currently, most juveniles begin attending school immediately following the Preliminary Hearing which is the first working day following admission to detention.

The student/teacher ratio is held at a maximum of 12:1. In order to increase access to the educational program in detention to as many juveniles as possible, the sub-committee supports continuation of a new model of educational programming based on the AITP integrated model. In this model, 1/2 of a unit's population attend 2.5 hours of academic programming hours in the morning and 1.25 hours of arts and crafts programming in the afternoon. The other half of the unit's population attend the reverse schedule of 1.25 hours of arts and crafts in the morning and 2.5 hours of academics in the afternoon.

On a space available basis, juveniles who need more academics may join the classroom at the completion of the arts and crafts activity for the balance of the time. The same is true for juveniles returning from hearings.

The educational staff have already seen benefits from this scheduling and look forward to the benefits from the increased programming component which was recently added to detention.

EDUCATION - continued

B. ACCOMPLISHMENTS AND RECOMMENDATIONS - continued

1. Education: Immediate Plan - continued

The Division has clarified the difference between Room Time and Roomlock through its Policy Manual; juveniles on Room Time attend school while those on Roomlock do not. Roomlock is a disciplinary procedure and does effect a juvenile's opportunity to attend school. Bi-lingual experiences are provided by bi-lingual teachers.

- * One sub-committee member expressed concern with the above model, questioning the value of a classroom experience for most youth in detention. This member would prefer to utilize the short time in detention as a time to conduct educational assessments and planning and as an opportunity to link youth with community educational and vocational programs.

Additional recommendations are:

- In order to increase communication between the educational staff and the Juvenile Court Counselors, teachers should be provided with a copy of the detention lists which indicate counselor assignments.
- A formal forum whereby the educational staff and the Counseling and Unit staff meet and discuss issues should be held periodically.
- Teachers should be notified when a juvenile is leaving detention so that they can prepare comments relating to education that should be incorporated into a release plan. This may include recommendations regarding the optimal setting for that child's on-going education. (An instrument to accomplish this may need to be developed).
- When the Detention Handbook is revised, the educational staff should help develop the sections relating to school. In the interim, a supplementary page should be developed to define "behave in school" and this page should also be translated into Spanish.
- The educational staff should have authority over school points and points should not be changed by unit staff.

EDUCATION - continued

B. ACCOMPLISHMENTS AND RECOMMENDATIONS - continued

2. Education: Summer Program

The Sub-Committee recommends that there should be a summer educational program. These will need to be purchased via a contract. Below is ESD's budget estimate for a full-day program, 30-day session (six weeks of school) with the same scope as the regular school year.

5 teachers @ \$218/day x 30 days (includes salaries and benefits)	\$32,831
1 secretary @ \$104/day x 30 days (includes salaries and benefits)	3,120
Supplies	<u>500</u>
TOTAL	\$36,451

3. Long Range Plan - New Facility

Detention can be used as an opportunity to formally evaluate the degree to which a child is behind educationally as well as an occasion to develop a plan to address the deficiency. The Committee developed the following educational goals:

- a. Contact juvenile's last school and/or conduct educational achievement test to determine educational progress;
- b. Provide an individualized educational program based on juvenile's level of achievement and ability;
- c. Provide experiences in reading, writing, and word processing through content areas like math, science, history, geography, etc.;
- d. Provide daily arts and crafts opportunities;
- e. Provide GED preparation when appropriate;
- f. Provide English instruction for non-English speaking detainees;
- g. Recommend an educational plan to pursue upon release. Educational assessment tests should follow the child to next educational placement;
- h. Computers are needed in each classroom, an achievement testing instrument needs to be developed, and the development of interagency relationships needs to be continued.

FACILITY MAINTENANCE

A. SUMMARY OF ISSUES

- Facility dirty, physically chaotic;
- Inadequate storage for youth's possessions;
- Rooms stuffy; poor ventilation;
- Smell of urine;
- Heat in summer and cold in Winter;
- Problems with Automatic Locks;
- General maintenance "shoddy:";

B. ACCOMPLISHMENTS AND RECOMMENDATIONS

- New custodial contracts have been developed and implemented with an emphasis on the juvenile detention facility. Included in the new contracts are routine professional cleaning of the detention units. Showers, baths, kitchen and toilet areas are cleaned and sanitized weekly; floors are cleaned monthly. All monthly cleaning is performed when juveniles are not in the wing. All offices, classrooms, counselor rooms, public and private rest rooms and common spaces are cleaned nightly.
- Painting projects have been on-going. All but two units have had recent paint jobs. The Girl's Unit and Boys I have most recently been completed. The juveniles in Boys I vandalized the new paint job almost immediately so further aesthetic paint jobs have been halted pending the construction of the new facility. Facilities Maintenance will however continue to spot paint and repair units as needed.
- Carpet repairs are made as needed in areas where delamination has created tripping hazards.
- Electronic locks are currently being installed.
- The facility has been re-lamped and all maintenance items from the Fire Marshall's reports have been completed. Capital improvement items should be completed by May 1st.
- Exhaust fans have been installed in each unit's laundry and bathrooms to address stuffiness and poor ventilation, resulting in approximately 1,000 cubic feet of air per minute air exchange rate for each unit.

FACILITY MAINTENANCE - continued

B. ACCOMPLISHMENTS AND RECOMMENDATIONS - continued

- There is no way to improve inside air temperature without doing extensive and expensive retrofit. Reduction of inside space temperatures below that of the outside air is impossible without adding air conditioning. An engineering study has been completed to address difficulty in maintaining temperatures in two of the detention wings. The study revealed that the steam distribution system was in good working condition and could handle the load. It also revealed that the radiators in the individual sleeping rooms would be too small to keep up with the heat losses through the windows during extremely cold weather. Windows had large heat losses due to such severe corrosion that they would not close properly. All detention windows have been refurbished as a result and now close properly.
- Regular maintenance had decreased in anticipation of moving to a new facility but has been increased to acceptable levels and a greater emphasis is being placed on keeping the units looking neat and clean.
- Several soft plastic baskets have been purchased for storage of youth's possessions. These baskets are placed in the hallway at night.
- Due to the anticipated short time frame for replacing the detention facility plus exorbitant cost considerations, no thought has been given to providing individual toilets for each room.
- In summary, all issues raised by the Gable/DeMuro and the last two Grand Juries have been addressed in some fashion. Systems have been put into place to monitor maintenance and cleanliness on a daily basis. These systems will continue.

PROBATION AND COUNSELING

A. SUMMARY OF ISSUES

- Establish standards for juvenile court counselors' contact with juveniles in detention;
- Increase the amount of contact and level of interaction between juvenile court counselors, detention staff, and juveniles in detention;
- Combine Day and Night Intake.

B. ACCOMPLISHMENTS AND RECOMMENDATIONS

- The Juvenile Justice Division has established a new procedure whereby juvenile court counselors are expected to read, review, and initial daily detention logs and reports pertaining to any juvenile on their case load who is in detention.
- The Juvenile Justice Division has assigned specific juvenile court counselors to serve as liaisons with each of the detention units. Juvenile court counselor liaisons will attend and participate in their assigned detention unit staff meetings and will facilitate cross communication between the counseling and detention staffs. These assignments will be rotated periodically to increase the contact and exposure among staff members.
- The counseling staff recently provided staff coverage for the entire detention staff to enable that staff to attend a variety of training opportunities. Practices such as this are expected to continue under the leadership of the new Program Manager position.
- The concept of combining Day and Night Intake as recommended by Gable and DeMuro was rejected by the committee. It was believed that the current practice of integrating Night and Weekend Intake with the detention staff best serves the needs of detained juveniles and more appropriately facilitates a detainee's orientation into detention.

Appendices

New Medical Intake Form

Cornyn Fasano Report

Social Services Division Mental Health Proposal



**MULTNOMAH COUNTY
HEALTH DEPARTMENT
CORRECTIONS HEALTH
ADMISSION MEDICAL SCREEN**

NAME _____ DOB _____ INS _____ PMD _____

Level Of Consciousness	Mental Status	Behavior	Appearance	Skin Condition
<input type="checkbox"/> Alert	<input type="checkbox"/> Oriented	<input type="checkbox"/> Cooperative	<input type="checkbox"/> Relaxed	<input type="checkbox"/> Unremarkable
<input type="checkbox"/> Confused	<input type="checkbox"/> A O X 3	<input type="checkbox"/> Passive	<input type="checkbox"/> Clean/Neat	<input type="checkbox"/> Bruises
<input type="checkbox"/> Agitated	<input type="checkbox"/> Normal Affect	<input type="checkbox"/> Evasive	<input type="checkbox"/> Disheveled	<input type="checkbox"/> Breaks in skin
<input type="checkbox"/> Odor of ETOH	<input type="checkbox"/> Flat Affect	<input type="checkbox"/> Demanding	<input type="checkbox"/> Dirty	<input type="checkbox"/> Rash
<input type="checkbox"/> Like Beverage	<input type="checkbox"/> Elated	<input type="checkbox"/> Angry	<input type="checkbox"/> Body odor	<input type="checkbox"/> Diaphoretic
<input type="checkbox"/> Gait	<input type="checkbox"/> Fearful	<input type="checkbox"/> Bizarre dress	<input type="checkbox"/> Needle Mark	<input type="checkbox"/> Infestation
<input type="checkbox"/> Normal	<input type="checkbox"/> Hypervigilant	<input type="checkbox"/> Poor Dentition	<input type="checkbox"/> Jaundice	<input type="checkbox"/> Needle Marks
<input type="checkbox"/> Limps	<input type="checkbox"/> Hallucinating	<input type="checkbox"/> Threatening	<input type="checkbox"/> Tremulous	<input type="checkbox"/> Other lesions
<input type="checkbox"/> Staggering	<input type="checkbox"/> Delusional	<input type="checkbox"/> Combative	<input type="checkbox"/> Body deformity	
<input type="checkbox"/> Other	<input type="checkbox"/> Incoherent	<input type="checkbox"/> Appears in pain	<input type="checkbox"/> Prosthetics	

Do you have any health related complaint(s), illness or injury? Y N

Explain _____

Are you taking any prescribed medications? Y N list _____

Do you have any communicable diseases? Y N

Do you have any dental problems? Y N

Do you use alcohol? Y N

Are you currently using street drugs? Y N

Can we expect any problems with alcohol/drug withdrawal? _____

Have you ever been hospitalized or treated for a mental illness? Y N

Have you ever attempted suicide? Y N

Are you suicidal now? Y N

ALLERGIES: _____

FOR FEMALES ONLY

Any female problem? Y N

Are you pregnant? Y N

Refer for Follow-up Y N

Instructed in accessing the health care system Y N

Referred to Hosp Y N

Date _____ Time _____

UNIT: BOYS III FACILITY: _____
BOYS II _____
GIRLS _____
AITP _____
OTHER _____

INTERVIEWER: _____ DATE/TIME _____

DATE TIME	ENTRY PROGRESS NOTES	PLAN

RN SIGNATURE _____ DATE/TIME SCREENED/REVIEWED _____ TRANSFERRED TO: _____
RELEASED TO: _____



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
SOCIAL AND FAMILY SERVICES DIVISION
OFFICE OF CHILD AND ADOLESCENT MENTAL HEALTH SERVICES
426 S.W. STARK, 7TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3999

GLADYS McCOY
COUNTY CHAIR

MEMORANDUM

TO: Gary Smith, Director
Social Services Division

FROM: James Edmondson, Program Manager
Children's Mental Health

DATE: April 17, 1992

SUBJECT: Demuro Report and Recommendations on Mental Health

* Demuro Finding: Inadequate Mental Health Screening at Intake;

In 1990, the Office of Child and Adolescent Mental Health Services (OCAMHS) made a recommendation to Donald E. Long (see attached) to provide mental health services to children in the Juvenile Justice Division's system. There are unavailable funding in Juvenile Justice Division's (JJD) budget to contract with OCAMHS to staff up to provide service.

OCAMHS Recommendation: In order to adequately provide mental health screens at intake, OCAMHS staffing needs to be increased with appropriate clinical and M.D. consultation, sign off and support.

* Demuro Finding: Little consistency or appropriate screening done for suicide risk;

OCAMHS Recommendation: Currently OCAMHS has a staff person providing EPSDT screening; J.J.D. staff consistently requests OCAMHS staff person to assess suicide risk, clearly pointing to the need for additional OCAMHS staff to provide clinical assessment and intervention.

* Demuro Finding: Little knowledge available about out of county referrals to detention;

* Demuro Finding: Inadequate on-going mental health service;

OCAMHS Recommendations: OCAMHS is the Mental Health authority for children's mental health in Multnomah County under the direction of the County Commissioners, and given that directive, we will take on the responsibility of clinical program development, hiring of mental health staff, and delivery of services. J.J.D. has taken on the responsibility of developing and hiring Mental Health staff, and assuming Mental health authority.

These services should occur at intake with follow-up upon release or as a part of probation.

* Demuro Finding: Lack of availability of individual and/or group counseling in the units.

OCAMHS Recommendation: J.J.D. currently offers a behavior modification model based on rewards for completion. OCAMHS recommends, for some children, a more clinically based treatment model. The National Prevalence rate indicates 11% of youth incarcerated have serious mental illness.

* Demuro Finding: Little individual case consultation available for youth with special treatment needs;

OCAMHS Recommendation: OCAMHS would design a system with appropriate clinical support, medical back-up and meeting all medicaid guidelines as well as M.E.D. O.A.R.S.

* Demuro Finding: No suicide prevention program except close supervision on the unit;

OCAMHS Recommendation: A more clinically based model of suicide prevention. Clinical intervention, psychiatric assessment for possible medication, crisis contacts until suicide ideation is resolved.

Comment:

The Office of Child and Adolescent Mental Health Services ask for priority consideration, when the Commissioners are planning child and family mental health services, either in other county programs, funding sub-contractors, or considering new program development.

3272x



MULTNOMAH COUNTY OREGON

DEPARTMENT OF HUMAN SERVICES
SOCIAL AND FAMILY SERVICES DIVISION
OFFICE OF CHILD AND ADOLESCENT MENTAL HEALTH SERVICES
426 S.W. STARK, 7TH FLOOR
PORTLAND, OREGON 97204
(503) 248-3999

GLADYS McCOY
COUNTY CHAIR

MEMORANDUM

TO: James Edmondson, Program Manager

FROM: Janice Gratton, Program Supervisor *Janice*

RE: Juvenile Justice Division Mental Health Consultation

DATE: 12/3/90

As per your instructions, I contacted JJD on 11/28/90 regarding a possible referral. I spoke with a Juvenile Court Counselor who told me that Ryan Pingo, a 17 year old male who had been at JJD since June on accusation of murder, was in need of mental health treatment and that they had no resources to meet his needs. She also told me that the family and the client was very cooperative and that the judge had written a court order allowing our office to provide treatment without fear of later having to break confidentiality by being ordered to testify in any legal proceedings.

I contacted Kathy Page, Corrections Health, to determine if they could assist if medications were deemed appropriate. She referred me to Gayle Burrows, Supervisor, who told that they had no Nurse Practitioner sited at JJD but would dispense any medication which our consulting psychiatrist might prescribe; their preference is that this prescription be written on County stationary.

I assigned Judy DeCourcy, Mental Health Consultant, and Dr. Richard Angell to interview the client today in order to assess how we might treat this client. The time investment in this process is substantial at this point. We are most appreciative of the opportunity to serve this needy population; especially within the constraints of limited resources.

The following are some of the questions this process is raising for our office at this time. It is my hope that we can resolve some of these areas by inter-departmental agreement.

- If medications are prescribed how will they be administered?
By whom? Who will monitor the side effects? Who will safeguard the client from the potential to stockpile the medicine in order to overdose?
- As medication may be only a portion of a treatment plan, what

- facility is there for psycho-therapy to take place? The current clinic setting is handy because it is attached to the nursing staff, however it is extremely noisy and a difficult setting in which to do psycho-therapy. How will our staff communicate the plan to the JJD staff?
- What safeguards are in place for clients on "suicide watch"? This young man has access to items which he might use to hang himself.
 - If medication is considered, how will any needed medical tests be accomplished? In this client's case, he will probably need an EKG, lab work (blood tests), and a physical prior any prescribing of psychotropic medication.
 - How may the treatment team gain information from the family in a timely manner? There are questions in this young man's family history which could greatly change the working diagnosis as well as the treatment approach.
 - In the case of all minors, we need permission to treat granted by the guardian and the client and all pertinent evaluative reports; what releases are necessary? In this situation it was very helpful to have this provided. However, working procedures have to be developed.

It is my hope that we can meet with representatives of JJD and Health to formulate inter-divisional and inter-departmental agreements as quickly as possible. It is imperative that this activity be viewed as distinct of any "EPSDT" screen; this is treatment to a vulnerable population. The current lack of availability of health and mental health services to these youngsters is of great concern. We are aware that services, to be adequate and competent, will be with significant cost, not withstanding all efforts to be frugal.

ISSUE STATEMENT: Mental Health Services to Youth in the Juvenile Justice System

AGENCY	ORGANIZATION	PREPARED BY	DATE
DHS	OCAMHS/MED	JAMES EDMONDSON	5/2/90

PROGRAM TITLE: Continuum of Care for Mentally Ill Juvenile Offenders

ISSUE: Milton F. Shore, Ph.D. Clinical Psychologist for NIMH in Adelphi, Maryland states that estimates indicate that ten percent of the currently institutionalized youth population have a clear psychosis, borderline condition, or severe neurotic problem. Many others of these youth have personality disorders and conduct disorders that are also psychiatric diagnoses.

The correctional system defines deviance more in terms of overt behavior and the regulation of action. Although overt behavior is not ignored in the Mental Health System, efforts are made to go beyond overt behavior to understand issues of etiology, motivation and personality structure.

Presently, youth involved in the Juvenile Justice/Probation System are at greater risk than non-offending counterparts for developing serious mental disorders and having that disorder diagnosed and treated.

BACKGROUND: Mentally ill juvenile offenders "belong" to both the Mental Health System and Juvenile Justice System. The analogy to a marriage between the service systems seems particularly appropriate here. A model that would incorporate:

- o assessments, evaluation;
- o case-consultation;
- o training individuals in both the disciplines of law mental health, such as psychology-law and social work law programs;
- o treatment (primarily short-term);
- o referral and follow-up (upon release);
- o Juvenile Justice and Mental Health personnel working in conjunction to change institutions and other settings through consultation;
- o mandatory treatment for this population through legal action (i.e., court).

Timing is crucial to the effectiveness of both corrections interventions and mental health treatment; and tandem delivery of these services is most effective with incarcerated youth who have clinical symptoms. It can help to pave the way for a better adjustment back into society than if the two interventions are split.

RECOMMENDATION:

That Juvenile Justice and M.E.D. Office of Child and Adolescent Mental Health Services enter in a working agreement to develop and provide a continuum of mental health service, on-site at Donald E. Long and field offices.

That Juvenile Justice will reimburse M.E.D. for services rendered for the fiscal year 90/91:

- o 4 Mental Health Consultants at the rate of \$41,000 per position (including base, fringe, insurance, and revenue impact for mileage, training, supplies, etc.);
 - o 1/2 Child Psychiatrist at the rate of \$41,000 per year (includes fringe calculation for exempt position).
-

ISSUE STATEMENT: mental health assessment services to Medicaid-eligible children referred through EPSDT screenings.

AGENCY	ORGANIZATION	PREPARED BY	DATE
SSD	DHS	Butler/Gratton	6/8/90

PROGRAM TITLE: Office of Child & Adolescent Mental Health Services
Family and School Mental Health Programs

ISSUE Due to recent congressionally-mandated changes in the Medicaid program, significant increases are anticipated in numbers of children referred for mental health assessments through EPSDT screenings. As the public mental health authority, Multnomah County has responsibility to identify these children, assess their needs, and refer them to appropriate services.

Under this proposal child and adolescent mental health consultants would be sited within three service areas in which Medicaid-eligible children are likely to be seen and identified as needing mental health assessments. The three sites are: teen health clinics, primary care health clinics, and juvenile justice programs. The consultants would provide mental health assessments for referred children, and carry out treatment readiness and referral activities for those children in need of further treatment.

BACKGROUND The County Office of Child and Adolescent Mental Health Services is currently pursuing becoming a performing provider for Medicaid billing purposes. This will allow for EPSDT-referred mental health assessments to be billed to Medicaid. Also, negotiations are underway to allow OCAMHS mental health consultants to bill through the County Health Division, allowing for 100% reimbursement. Therefore, the services described here may generate revenue for the County. In addition, OCAMHS and the Juvenile Justice Division plan to utilize monies recently allocated to the Juvenile Justice Division by the State E-Board to provide mental health consultants at Juvenile Justice sites. These funds will pay for 2 of the proposed 4 F.T.E. to be sited in Juvenile Justice programs.

Currently, the County's child mental health system does not have the capacity to serve large numbers of children assessed and identified as needing mental health treatment. The waiting lists at County-contracted child mental health providers are very long. As a result, children assessed as needing further mental health treatment are unlikely to gain timely access to services. Therefore, as County general funds are released through generation of Medicaid monies--by billing for evaluation services--released funds would be distributed to contracted child mental health providers for delivery of treatment services. This would help to assure a balanced system of services, and offset loss of services to non-Medicaid eligible children.

RECOMMENDATION:

For fiscal year 90/91 increase the Family and School Mental Health budget by \$531,143 to add 11.5 child and adolescent mental health consultants, 1 OA II, and other supports. The consultants would be sited as follows:

- 4.5 added F.T.E. to supplement the current mental health consultant staffing at school-based health clinics, for a total of 9 F.T.E. at the clinics;
- 3 F.T.E. sited at 6 primary care clinics;
- 4 F.T.E. sited at the Juvenile Justice Division field offices and

*Still need to add
in cost for psychiatrist
and clinical psychologist
(about \$50-75,000 more)*

ISSUE STATEMENT

Mental health services to children and families in Albina Ministerial Alliance Head Start Programs

AGENCY

ORGANIZATION

PREPARED BY

DATE

PROGRAM TITLE:

Children's Clinical Service/School Mental Health

ISSUE

Albina Ministerial Alliance Head Start children and families are a highly vulnerable population; due to poverty, environmental stresses, minority status, family disorganization, and parents' personal problems. While their need for mental health and related services is high, their utilization of existing services is quite low. Mental Health services at AMA Head Start would be readily available, improve access and improve family utilization of existing services

BACKGROUND

Over the past several weeks, Children's Clinical Services has conducted an extensive study of the mental health needs of the AMA Head Start Program's clients, at the request of one of the County Commissioners. The findings include the following: many of the families suffer from severe and chronic problems related to the many stressors affecting their daily lives; parenting skills are often poor, bordering on neglect or abuse; many parents experience low self-esteem, social isolation, substance abuse, and chaotic relationships; the children have a high incidence of behavior, emotional, social, academic, and health problems. The families knowledge of and ability to utilize available resources is remarkably low; AMA Head Start Program personnel felt unable to intervene effectively to promote good mental hygiene in their clients, either because of limited contact with the parents or because of a lack of information and training regarding appropriate interventions. Very significant is the fact that this program is the only one in the State which offers full-day care, so that parents can pursue their full-time work, job training, or education commitments. The drawback is that staff and parents are not available to each other during the day.

Interventions with children this young can effectively attempt to reduce the development of later serious mental illness, school failure, and anti-social behaviors, including gang affiliation. By targeting these 220 high-risk families for early, on-site and home-based mental health and case management services, not only can future severe problems be prevented, but also the program can serve as a model for the development of like programming in other Head Start systems.

RECOMMENDATION

For Fiscal Year 89/90, increased the School Mental Health Program budget by \$34,500 to add one mental health consultant for the 11 AMA Head Start sites. Duties will include the following: on-site mental health assessment, mental health case management of identified children, development of mental health programming for the training of AMA Head Start staff and families, resource development, linkage and coordination.

05864
revised 1990

ISSUE STATEMENT Mental health services to children and families of Headstart eligible families in Multnomah County.

AGENCY	ORGANIZATION	PREPARED BY	DATE
SSD	DHS	Gratton/Cohen	4/90

PROGRAM TITLE: Office of Child & Adolescent Mental Health
Family and School Mental Health Programs

ISSUE Head Start children and families are a highly vulnerable population due to poverty, environmental stresses, minority status, language barriers, family disorganization and parents' personal problems. While their need for mental health and related services is high, their utilization of existing services is quite low. Through this proposal, mental health services for Headstart would be readily available, access would be improved as well as family utilization of existing services. The positions requested would provide guidance and training to caretakers who have great need for information and support in working with this highly vulnerable population. This would continue the County's responsibility to serve those populations highly impacted by poverty.

BACKGROUND At the request of the County Commissioners in response to the community one position was established the 1989/90 fiscal year. The experience has documented both the need and the benefit of consultative mental health services. Families involved in the Headstart program suffer from severe and chronic problems related to the many stressors affecting their daily lives exacerbated by poverty; parenting skills are often poor, bordering on neglect or abuse; many parents experience low self-esteem, social isolation, substance abuse and chaotic relationships which generally result in problems for their children. The children have a high incidence of behavioral, emotional, social, academic and health problems. While these problems may be manageable in the Headstart setting, once the children enter the public schools and the support systems are no longer available, the problems tend to intensify and magnify.

Interventions with children at this young age can effectively reduce the development of later serious mental illness, school failure, and anti-social behaviors, including gang affiliation. Additionally, through the provision of continuity of care throughout their public school experience the benefits of the Headstart experience can be maintained.

RECOMMENDATION:

For fiscal year 90/91 increase the Family and School Mental Health budget by \$82,000 to add two mental health consultants (two positions at 1.0 f.t.e. each, plus needed supports) to serve:

First priority: major target Mt. Hood Headstart and other identified east county day care providers. (Headstart alone serves over 200 children and their families.)

Second priority: major target, a shared position serving Portland Public Schools Headstart and Parent Child Services Headstart. (These programs serve over 500 children and their families.)



THE CORNYN
FASANO
GROUP

May 11, 1992

To: Jim Anderson VIA FAX
Wayne George/Bob Nilsen
Lt. Jeanie King
Sue Larson

From: John Cornyn *Jch*

Subject: Donald E. Long Home Food Services Discussion Paper

Enclosed is an extensively revised draft copy of the above referenced discussion paper. Please note that Model #3 now reflects the proposed use of MCIJ inmate labor. Model #5 includes the architect's construction estimates for the two possible culinary training options considered feasible. Please read and call with any comments prior to our formal submission of the final document.

Thanks for your help.

JEC/ss

Enclosure

PROJECT OVERVIEW

The rebuilding of the Donald E. Long Home (DELH) facility places the food service program at a crossroads. It provides a unique opportunity to assess its positive and negative aspects and the opportunities to restructure. In preparing this discussion paper, we have identified five potential operational/program models which could be implemented as part of the new DELH facility. These are:

Model # 1 - Operate the program with the current system, as a pre-plated cold transport/rethermalize on-site satellite of the Justice Center (MCDC) food service program.

Model # 2 - Build and operate an on-site kitchen to provide meals in a similar fashion to the current system. Labor for this operation would be exclusively from paid county employees.

Model # 3 - Build and operate an on-site facility as in Model # 2, but include the use of youth labor in some aspects of the operation.

Model # 4 - Contract with an outside management company, institution (school district, hospital) or agency (Loaves & Fishes) to provide meal service in a manner generally consistent with the current operation.

Model # 5 - Provide an expanded kitchen operation to feed not only DELH residents, but also a limited, open to the public dining room. This option would provide a culinary training program for youth on probation. Staffing would include county instructors and culinary staff as well as the program participants.

Two specific options within model #5 concern placement of the kitchen and restaurant facilities within the DELH compound.

This discussion paper is an informal review of these options and the positive and negative impacts of each. It is intended to elicit discussion, comments and questions as to the probable operational and financial impact of each option or model. If necessary, more research can be conducted on one or more of the models.

Reality - However desirable, some options may not be realistically possible.

Scope of Donald E. Long Home Mission - This factor is not included directly in this discussion paper. Mission is the realm of the County Commission and the Juvenile Justice Division. Never the less, the overall objectives of these departments and the DELH will greatly impact the decision making process. In fact, it should be recognized that the need to achieve mission may outweigh other factors described and become the single most critical factor in defining the future food service program at this facility.

costs at the DELH in isolation. COSTS are low and would likely remain so if they are tied to a larger operation which covers a major portion of the overhead costs. This is a big plus of Model # 1...the costs are low.

Another reason that the costs are as low as they are, is that there is no need for either the contractor or the County to employ an on-site food service worker to supervise the final assembly, preparation and service of each meal. With the cook-chill-retherm and plated meal delivery system specified for the MCDC, there is no need to hire specialized personnel for these functions. In

MODEL # 1

Model # 1 is the current system of meal preparation and delivery. Meals are prepared and placed in separate hot and cold food trays, transported cold via a contractor truck to the DELH. The carts are placed in a walk-in refrigerator where they remain until DELH staff persons come down to retrieve them and take them back to their housing units approximately one-half hour prior to the scheduled meal period. As with each model, there are positive and negative aspects to this system.

Since the opening of the MCDC and the simultaneous closing of what was then known as the Claire Argow Kitchen, the meals served to the juveniles are basically the same as those served to the adult inmates. In the case of the DELH, modifications have been made to the menu to accommodate food preferences. Recently, the daily caloric intake for juveniles was increased from 3,200 to 4,000. To the best of our knowledge, there were very few complaints about the food served at the DELH until the recent Grand Jury report was released and a class action lawsuit filed over DELH living conditions in general.

Since this is the current system, the variables of this plan are known. Staffing levels, costs, food quality, delivery times, and even system problems have all been identified. Consequently the down side risks are understood. When evaluated against the reality criteria, this system works.

Costs for this option are established through the County's contract with Szabo Food Services. This rate is currently \$1.746 per meal. Costs are subsidized through reimbursement to the County from the USDA Child Nutrition Program. At 324 meals per day, the daily cost of this option is \$565.70. These costs are very low given the scale and nature of the system. It is likely however, that actual costs are somewhat above the amount charged to the County and the County is receiving a bargain for meals delivered to the DELH. This would occur as costs truly associated with these meals are charged off to the contractor's larger operation at the MCDC. This maybe an intended pricing strategy of the contractor which aims to provide service to both facilities as a total package. If this is the case, the County benefits when viewing the costs at the DELH in isolation. Costs are low and would likely remain so if they are tied to a larger operation which covers a major portion of the overhead costs. This is a big plus of Model # 1...the costs are low.

Another reason that the costs are as low as they are, is that there is no need for either the contractor or the County to employ an on-site food service worker to supervise the final assembly, preparation and service of each meal. With the cook-chill-retherm and plated meal delivery system specified for the MCDC, there is no need to hire specialized personnel for these functions. In

addition, the system gives DELH personnel operational flexibility to adjust the meal serving time when circumstances dictate.

As there is a discrete advantage here, it should also be noted that there is a potential disadvantage. If the operation at DELH is disconnected from the MCDC, the fixed costs there would be born by fewer meals. This could mean that the per meals costs at the MCDC could eventually increase. As a point-of-reference, the DELH represents approximately 20 percent of the contractor's revenues generated from the MCDC. The point is this, meal delivery systems and their related costs must be viewed in the larger context of the total system.

As indicated earlier, the factors associated with this option are known. If the current levels of meal quality and service are high, that should be considered as a plus for this option. If they are low, this is a negative for Model #1. It should be stated that any other system is an unknown and, however well designed, will present the risk of not fulfilling expectations.

On an annualized basis, the current DELH food service program costs approximately \$206,500 (without recognition for School Meal Program reimbursements).

If, as indicated by the Grand Jury, the menu and/or food quality do not meet the appropriate standards, improvements can be made within the framework of the existing contract with Szabo. Additional County funds could be allocated for improvements at DELH. Specifications within the contract with Szabo could be altered to provide any level of quality desired. If, in the extreme example, these improvements add 50% to the \$.75 - \$.80 currently expended for food at each meal, the additional cost, based on 324 meals per day, would be \$ 129.60 per day. The annualized total cost for the modified(improved) program under the current system would be \$ 253,800. (Again, without recognition for School Meal Program reimbursement).

Note:

In considering the remaining options, all concerned should take note. The potential exists to move the operation ahead, but it is also possible to take a step or two backwards. There are risks involved in any change. These risks are only reasonable if the current system is not meeting needs in terms of costs, quality, or service, and if there is reasonable promise that an alternate system will improve these factors or provide expanded benefits to the County.

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MODEL # 2

Model # 2 defines a system with an on-site kitchen. With this plan, a kitchen of sufficient size would be constructed at the DELH to prepare and serve meals to residents and staff. Meals would still be delivered to the housing units, probably using an insulated tray (Aladdin) system.

Food prepared on-site generally has a better chance for optimal quality. Many of the disadvantages of any transport system (cold or dehydrated food, late delivery and inaccurate meal counts) can be eliminated or reduced with a properly managed on-site kitchen. There are the additional advantages of reduced transportation costs and perhaps greater attention to the individual needs of youth and staff. Many administrators feel that an on-site kitchen contributes to the feeling of a complete and self sufficient facility which is better equipped to meet it's objectives.

If a training program in culinary trades is an option for some point in the future (even if not in the immediate future as discussed in Model # 5), it may be prudent to provide at least space for a production kitchen and classroom space at this time. In other words, the construction of a complete kitchen leaves the door open for a training program. Choosing to not provide space for a training program kitchen would probably close that door for the foreseeable future.

The option of on-site meal preparation is not without problems. With a transport system, capital investment at the receiving site is minimal. Production facilities, however, require a significantly increased investment for equipment. Additional space for storage and an office would also need to be identified. Small kitchens are by their very nature less efficient and more costly to operate on a per meal basis. In short, it may be hard to justify the cost of building a complete production kitchen to produce so few meals each day.

Currently, the satellite food service at the DELH operates as part of the larger Sheriff's Department contract with Szabo Food Service. The costs for labor and all administrative overhead are included within the contracted price. In all, this is a fairly efficient structure. It is projected that Szabo would be able to reduce its labor force by no more than 1.5 FTE's at the MCDC if the DELH food preparation was removed from its responsibility. However, additional County or contractor staff would need to be added at the DELH. Given the anticipated size, approximately 324 meals per day, seven days per week would be required. Even with minimal staff (see Appendix A), there would be a requirement for 4.4 FTE's at the DELH (this does not include relief personnel for vacations and holidays). Given mid-range salary costs, a variable

benefits rate of 33.37%, and fixed medical benefit of approximately \$3,966 per FTE, the costs to provide on-site production far outweigh the current cost of providing meals to the facility. For the purposes of this discussion paper, we have projected that labor costs will be a minimum of 15 percent more to cover overtime and on-call staff. This option is clearly not a good option if evaluated on cost alone.

There is an additional consideration related to staff. Production kitchens require an elevated level of skill as compared to satellite operations. In general, all the positives that might result from an on-site kitchen would be lost if skilled staff could not be employed and retained. The DELH also would be faced with the additional management/administrative responsibilities of supervising the food service personnel/program, retaining a registered dietitian to prepare and/or review the menu and all changes made to it throughout the year and handling all of the USDA/National School Lunch reimbursement paper work. Dependent upon the anticipated security arrangements for the new facility, there could be additional costs associated with having to supervise numerous vendor deliveries throughout the week.

In addition to staffing and administrative costs, there are additional operational considerations. Szabo (which has access to numerous national purchasing contracts) estimates that it is costing approximately \$.75-\$.80 for the food served at each meal. It has been our experience that food and supply costs are more difficult to control in County operated smaller, cook-to-serve kitchens. Therefore, the per meal food costs could be as high as \$1.00.

With reference to Appendix A, the minimum per meal costs for Model #2 will be:

Labor	\$1.66
Food	1.00
Supplies and Other	<u>.25</u>
Total ¹	\$2.91

On an annualized basis, this model would cost the County approximately \$344,137 or \$137,640 more than the current program.

¹ Does not include County overhead costs for purchasing, payroll, human relations, contract administration, etc. Dependent upon the cost assignment system in use by the County, this could add an additional 45-55 percent to the cost. The adjusted per meal cost would then be as much as \$4.37.

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MODEL # 3

Model # 3 describes a system identical to Model # 2 except that inmate labor from the Multnomah County Inverness Jail (MCIJ) would be used in the kitchen to assist in food serving and clean up activities. The advantages described in the previous section (food quality and service improvements) and the disadvantages (inefficiency of size, capital construction costs, the need for quality staff, and inventory investment) all apply here. Whenever inmates are expected to work in the kitchen, it is prudent to specify stronger construction materials (walls, floors, doors, bumper guards, etc.) and equipment due to the anticipated increased level of abuse. Along the same lines, facility and equipment repairs and maintenance/capital replacement costs will increase. Likewise, the potential for using a fully functional production kitchen as a training facility at some future date is also retained.

The central advantage of this plan is that it opens the possibility that paid staff and related expenses could be reduced by using inmate labor and that these savings might provide a method to afford the option of on-site food preparation. A secondary advantage would be that inmates working at the DELH will be kept more productively occupied during their sentence or awaiting trial.

Cost savings with this plan appear obvious on the surface. Food preparation for a facility this size is not terribly complex. In Model # 2, a staff of two persons working 8 hours per day in the AM shift and two additional persons working 4.5 hours in the afternoon shift was anticipated. The primary function of the second person in each shift was to assist in dishing food to trays and to assist with dishwashing after the meals. A single person should be able to handle the actual food preparation for the 88 youth and 20 staff anticipated at each meal. If inmate labor was used to assist with serving and clean up activities, the possibility of reducing paid staff by half is real. Obviously the long term savings would be sufficient to give this plan greater consideration if on-site production is desired, but not affordable, with all paid employees (see Appendix B).

As indicated however, these may only be surface savings. In a detention facility, it would be unrealistic to expect adult inmates working in the kitchen (perhaps 5-6 per shift) to be supervised solely by a single food service employee who is also expected to produce all the meals for the facility and perform many administrative (purchasing, etc.) tasks. Such a plan would ignore security considerations. As there is a requirement that MCIJ inmates be supervised by a corrections officer, the savings generated by this move begin to evaporate. This is especially true when the pay rates of security personnel are compared with those of kitchen stewards. Current county costs for security personnel are estimated at \$ 51,900 per correction officer. Even if inmate labor

in the kitchen could be isolated to a single shift, the additional cost for 1.4 FTE of correction officer time (8 hours per day, 7 days per week) would be \$72,660. This reduces the annualized savings projected in Model #2 to only \$11,279 (without the 15 percent factor for relief personnel included). Please refer to Appendices B and C.

With the foregoing as a basis and without the add back in corrections time, the projected per meal costs for Model #3 would be:

Labor	\$.85
Food	1.00
Supplies and Other	<u>.25</u>
Total ²	\$2.10

On an annualized basis and on the assumption that only 2.2 FTE's would be required, this model would cost the County approximately \$248,346 or \$41,846 more than the current program.

With the expected add back in correction officer time to supervise inmate workers in kitchen activities (from Appendix C), The projected per meal costs for Model #3 would be:

Labor	\$1.55
Food	1.00
Supplies and Other	<u>.25</u>
Total ³	\$2.80

On an annualized basis, and assuming a 1.4 FTE add back in corrections time, this model would cost the County approximately \$331,128, or \$124,628 more than the current system. We have not added the cost of a vehicle or any other related expenses involved with the use and/or transport of inmate workers. On this basis, the County has tentatively rejected this model as infeasible.

² The comments for Model #2 also apply here. The adjusted per meal cost would then be as much as \$3.15.

³ The comments for Model #2 also apply here. The adjusted per meal cost would then be as much as \$4.20.

MODEL # 4

Currently the County has contracted with Szabo Food Services to manage the operations at four Sheriff's Department facilities and the DELH. Model # 4 would be a new version of providing food services thorough an alternative contractual arrangement. In this option, the food would be prepared by an outside agency or institution and transported to DELH by that contractor. The meals would still be delivered to the individual housing units in the present or comparable format.

As outlined earlier, the motivation for a change of this nature would be to save money or to provide an increase in the quality of food and/or service. Under this option, meals would be ordered by DELH personnel, the contractor would provide those meals and would charge the County a set price per meal. As with the current contract, the exact cost per meal would be known up front, and any element of surprise in the food service budget would be minimized. Since all aspects of the program would be in the hands of the contractor, the County would not have any hidden costs such as transportation or registered dietitian consulting for menu review. Any administrative costs for claiming meal service for USDA reimbursement would be the responsibility of the contractor. The contractor would also claim these meals for reimbursement and would probably keep any reimbursement revenue received.

If the meals were provided by a school district, it is likely that the menus would be more in line with the preference of the juveniles at DELH and fewer special accommodations for that group would need to be made in the program at the MCDC.

As described under Model # 2, any plan that removes a volume of meals from the production at the MCDC would leave that operation marginally less efficient. Any savings gained at the DELH, might be lost at the MCDC. The unknown here is the degree that efficiency could be increased by not having to specially prepare, package and transport meals to DELH.

The major issue here is the question of reality. As desirable as it might be from the County's perspective to have meals provided from an outside contractor, a willing contractor must also be found and provided with sufficient incentive to enter into a contract of this nature. The incentive here is probably money!

In order to explore this issue more thoroughly, the Cornyn Fasano Group contacted Bob Honson, Director of Nutrition Services with the Portland Public School District (PPSD). PPSD currently operates a central kitchen/satellite operation feeding 92 schools within the District and also provides food on a contract basis to approximately 40 additional sites. These include Headstart Programs, alternative, private, parochial schools and day care providers. Mr. Honson provided an interesting perspective of the

desirability of the DELH as a potential client. His viewpoint would probably be shared by other food service providers.

Currently the PPSD kitchen operates a five day per week, two meal per day operation. Service corresponds with the school calendar which includes summer vacation, winter and spring breaks. Current clients share a similar schedule. For the District to provide evening meals and service during weekends and break periods would require finding staff willing to work during these cherished down times. It is also likely that at times the District would need to operate it's physical plant specifically to provide service to the DELH. At this point, the efficiencies of size are lost.

At present, the PPSD offers three styles of service to it's clients. These are: Cold Prepackaged/Unitized meals, Hot Bulk Service and Cook-Chilled meals. Of these options, only the cold prepackaged meals would be suitable at the DELH facility without the investment of on-site food service staff to provide preparation or service functions. At this point, the District is not equipped to provide meals in either the Hot Pack/Cold Pack or thermal tray formats commonly used in corrections.

Currently, PPSD is charging between \$2.00-\$2.50 for meals delivered on a contract basis. Mr. Honson indicated that it is likely that the District would need to charge in the range of \$3.00-3.50 per meal to meet the County's caloric requirement and to provide service on a year around basis. The per meal cost would be higher if on-site cooks were to be required. Given the current cost of \$1.75 per meal, this option does not appear to compare well on the cost or reality scales.

In addition to the PPSD, The Cornyn Fasano Group informally contacted Loaves & Fishes (L&F) and a local hospital. The representative at L&F noted many of the same concerns as Mr. Honson relative to the additional hours of operation, caloric content and the potential need for on-site staff to handle the final preparation, portioning and meal delivery tasks. In addition, there was some concern expressed as to the comparability of L&F's menu to that which would be desirable at the DELH. L&F specifically expressed a concern as to whether it could undertake such an assignment without jeopardizing its nonprofit status as well as creating a potentially negative public relations problem with the for profit companies which provide this type of service. With all of the foregoing as a foundation, L&F suggested that it would need to charge from \$4 to \$5 per meal at the DELH.

The local hospital representative we contacted had similar concerns about its nonprofit status as well as its ability to provide food delivery service. All else being equal, it was projected that the per meal cost to the DELH would range from \$3.50 to \$3.75 without delivery and on-site staffing costs included.

The last option within the scenario for this model would be to have the County establish a separate contract with a qualified food service management company. It either could be the same contractor as used by the Sheriff's Department or a different one. If the Sheriff's Department contractor was used, there would still be certain economies of scale which would apply such as shared area management and combined purchasing agreements. We also assume that the same wage scale (approximately 40-50 percent less than County wages and benefits) as is now offered would be in place. We estimate that the Sheriff's Department contractor would charge from \$2.25 to \$2.50 per meal for an on-site food production and meal delivery program.

If a different contractor were to be selected and, dependent upon how many other accounts it had in the local area, the per meal costs could be the same as the Sheriff's Department contractor or somewhat higher. For the purposes of this discussion paper, we project that an outside contractor would charge from \$2.50 - \$2.75 per meal.

Finally, it should be noted that a contract with an outside institution or agency leaves the County at the mercy of that contractor. It does not seem to provide the long term security and control offered by self operation.

MODEL # 5

The final option, Model # 5, is unique among the plans identified because it would provide a training program in culinary arts in addition to an on-site food service operation. Food prepared in this program would be used to feed youth at the DELH and also be offered in a public dining room. Since juveniles at the DELH average only a five day detention period, this program would be available to only those youths placed into the program as a condition of probation. Preliminary planning anticipates that the County would provide a nine month training experience, that the program would offer both classroom and kitchen experience and that students would be trained in both preparation and service. The dining room would be a five day per week, lunch only operation.

Obviously, the single most significant advantage of this option is that it would provide program enhancements beyond anything offered in the other choices. This program cannot be evaluated on a comparable basis with the other models/options. This program will offer more, will cost more, and will have it's own set of challenges.

As an option to simply provide food to the youth at the DELH, this model is probably not a good idea. Since this program is currently designed to prepare food on a five days per week, it would leave about 30% of the production to conventional operation. This would fracture production leaving it less efficient and less consistent than it might otherwise be. Staffing for this kind of "off again, on again" type of operation would be difficult at best. Menus that would meet the DELH requirements and, at the same time, provide a diverse learning experience which would be difficult to plan.

The costs associated with this program would come from two directions; capital construction and operational staffing costs for both teaching and production personnel. Capital costs for this program should be expected to be far greater than the cost to construct a conventional kitchen such as that anticipated for Models #2 and #3. As a learning laboratory, this kitchen must be equipped to provide students with exposure and experience on equipment commonly found within the culinary industry. Ill prepared students would have little hope of successful placement. Beyond the additional expense of equipment, a training facility would require space for a classroom, larger production areas to accommodate class projects, and even expanded space for locker rooms. All parts of this kitchen would need to be upscaled to provide this option. The costs of providing space and furnishings for a dining room add to the front end costs of this option.

One very important consideration toward offering a public dining facility would be its location. If the kitchen and proposed dining room were to be located within the security perimeter, it

would be operationally difficult and possibly expensive to screen other County staff and general public customers. At a minimum, the dining room would have to have 50 - 55 seats which would dictate the need for 1,000 - 1,200 square feet of space for this function.

Currently two options have been identified for consideration under this general plan. Option A would develop architectural and operational plans to move the kitchen and restaurant dining room outside the DELH security perimeter. Under this plan, this single kitchen would provide food services to the youth incarcerated at DELH and also to the open to the public restaurant. Kaplan, McLaughlin, Diaz (KMD) the facility architects have provided the County with a rough estimate that such a location change and enlargement of the facility would add approximately \$520,000 to the overall project cost.

Option B would provide two kitchens at DELH. The first would provide meal service behind the security perimeter for residents of DELH. The second, a smaller restaurant/deli style kitchen (possibly located on the second floor of the administration wing) would be used solely to provide meals to the restaurant operation. Training activities would be provided at both locations to provide a broader training experience. KMD has estimated that this option would cost the County an additional \$575,000.

Option B has been conceived specifically to address concerns that security might be compromised by traffic from a training program and public restaurant near a secure area. It is, however, a more expensive alternative in terms of both of both capital construction and staffing costs.

Staff costs for teaching personnel would be an ongoing expense over and above the costs normally associated with providing meals to a detention facility. Using kitchen production personnel as instructors is an option only if there are sufficient personnel available to handle other critical kitchen related tasks. It is unlikely that staff currently anticipated under any other option would be eliminated as the result of a training program. Production, serving and cleanup activities would continue in a routine fashion with or without this program. If training is to be meaningful, students can not be tied too closely to this routine. It would simply not provide the experience that will yield employable students.

In terms of preliminary cost projections, there would be a need for two additional cooks and/or instructors. It is highly doubtful that public dining room revenues would be sufficient to cover all of the County's costs for this program. Since the precise parameters of the program have not been defined, it is impossible for us to prepare food and other direct costs projections. The daily labor costs for Option A are estimated to be \$412.48 and \$686.46 for Option B.

The advantages of offering a training program as a condition of probation must be weighed separately. Assessing the opportunities and challenges of this concept is beyond the scope of this discussion paper. Nevertheless, some comment seems appropriate. While on the surface the mission appears noble enough, reality may limit its success. Most youth do not find careers within the culinary profession attractive. Assigning youth to a career path as an alternative to prison will probably not provide motivated students who are anxious to please their clientele. In the end, many potential employers will hesitate hiring youth with criminal records regardless of their training. In addition, many employers would question the effectiveness of such a limited training program (i.e., small size of population base, limited menu and lunch only service). In order for such a program to be fully effective, it would be necessary to network it to the one offered by Portland Community and/or Western Culinary Institute so that the training process can be continued in a more conventional setting.

Young people on probation may not be able to afford to give up other employment in order to pursue an educational opportunity, especially one that can not promise a quick financial payback at the end of the program. Similar opportunities are already available at Portland Community College, and that program has struggled since its inception. Quality instructors might be difficult to find and more difficult to keep. Security issues will complicate all phases of this program.

APPENDIX A

MODEL #2
Staffing Plan and Cost Analysis

General Staffing Outline

<u>Position</u>	<u>#</u>	<u>Hours per day</u>	<u>Mid-Range Rate</u>	<u>Cost</u>
Lead Steward	1	8	\$13.19	\$ 105.52
Kitchen Steward	3	17	12.36	210.12
Daily Totals	4	25		\$ 315.64

25 hours per day equals 4.4 FTE
(25 x 7 days / 40 hours per week)

Variable Benefits Cost

Daily Salary Costs	\$ 315.64
x Variable Fringe Rate	.3337
Daily Var. Fringe Cost	\$ 105.33

Fixed Rate Medical Benefit Costs

FTE's	4.4
x Cost per FTE	\$ 3,996.00
Yearly Cost	17,450.40
/ 365 Days	
Daily Fixed Medical Benefits Cost	\$ 47.81

Total Daily Staffing Costs

Salaries	\$ 315.64
Variable Benefits	105.33
Fixed Benefits	47.81
Subtotal	\$ 468.78
15% Relief Factor	70.32
Total Daily Costs	\$ 539.10
Cost per meal	\$ 1.66

NOTE:

Current (1992) daily cost for meal through the Szabo contract at 324 meals per day equals \$ 565.70. In order for Model #2 to be less expensive, less than \$ 26.60 (.08 per meal) would remain for food and supplies.

APPENDIX B

MODEL #3⁴
Staffing Plan and Cost Analysis

General Staffing Outline

<u>Position</u>	<u>#</u>	<u>Hours per day</u>	<u>Mid-Range Rate</u>	<u>Cost</u>
Lead Steward	1	8	\$13.19	\$ 105.52
Kitchen Steward	1	4.5	12.36	55.62
Daily Totals	2	12.5		\$ 161.14

12.5 hours per day equals 2.2 FTE
(12.5 x 7 days / 40 hours per week)

Variable Benefits Cost

Daily Salary Costs \$ 161.14
x Variable Fringe Rate .3337

Daily Var. Fringe Cost \$ 53.77

Fixed Rate Medical Benefit Costs

FTE's 2.2
x Cost per FTE \$ 3,996.00
Yearly Cost 8,725.00
/ 365 Days

Daily Fixed Medical Benefits Cost \$ 23.90

Total Daily Staffing Costs

Salaries \$ 161.14
Variable Benefits 53.77
Fixed Benefits 23.90
Subtotal \$ 238.81
15% Relief Factor 35.82

Total Daily Costs \$ 274.63
Cost per meal \$.85

⁴ This model, as presented previously, was rejected because it dictated the use of youth detainees for kitchen work.

APPENDIX C

MODEL #3
Staffing Plan and Cost Analysis
Including Correction Officer Time

General Staffing Outline

<u>Position</u>	<u>#</u>	<u>Hours per day</u>	<u>Mid-Range Rate</u>	<u>Cost</u>
Lead Steward	1	8	\$13.19	\$ 105.52
Kitchen Steward	1	4.5	12.36	55.62
Daily Totals	2	12.5		\$ 161.14

12.5 hours per day equals 2.2 FTE
(12.5 x 7 days / 40 hours per week)

Variable Benefits Cost

Daily Salary Costs	\$ 161.14
x Variable Fringe Rate	.3337
Daily Var. Fringe Cost	\$ 53.77

Fixed Rate Medical Benefit Costs

FTE's	2.2
x Cost per FTE	\$ 3,996.00
Yearly Cost	8,725.00
/ 365 Days	
Daily Fixed Medical Benefits Cost	\$ 23.90

Total Daily Staffing Costs

Kitchen - Salaries	\$ 161.14
Variable Benefits	53.77
Fixed Benefits	23.90
Correction Officers - 1.4 FTE	<u>199.07</u>
Subtotal	\$ 437.88
Relief Factor	63.68
Total Daily Costs	\$ 501.56
Cost per meal	\$ 1.55

NOTE:

This cost analysis includes the off set for the cost of security personnel to supervise adult inmates doing kitchen work, but does not include vehicle and other related expenses.

APPENDIX D

Note: The costs in this table do compare directly with those in Appendices A, B, or C.

**MODEL # 5A - Single Kitchen
Staffing Plan and Cost Analysis**

General Staffing Outline - Weekly

<u>Position</u>	<u>FTE</u>	<u>Hours Weekly</u>	<u>Mid-Range Rate</u>	<u>Cost</u>
Instructor	1.0	40	\$16.00	\$ 640.00
Lead Steward	.4	16	13.19	211.04
Kitchen Steward	1.7	69	12.36	852.84
Students	<u>15.0</u>	<u>600</u>	0.00	<u>0.00</u>
Daily Paid Totals	3.1	125		\$ 1,703.88
		Daily Average Cost		\$ 243.41

Variable Benefits Cost

Daily Salary Costs	\$ 243.74
x Variable Fringe Rate	.3337
Daily Var. Fringe Cost	\$ 81.34

Fixed Rate Medical Benefit Costs

FTE's	3.1
x Cost per FTE	\$ 3,996.00
Yearly Cost	\$ 12,387.60
/ 365 Days	

Daily Fixed Medical Benefits Cost \$ 33.93

Total Daily Staffing Costs

Kitchen - Salaries	\$ 243.41
Variable Benefits	81.34
Fixed Benefits	<u>33.93</u>
Subtotal	\$ 358.68
15% Relief Factor	53.80
Total Daily Costs	\$ 412.48

APPENDIX E

Note: The costs in this table do compare directly with those in Appendices A, B, or C.

**MODEL # 5B - Two Kitchen Plan
Staffing Plan and Cost Analysis**

General Staffing Outline - Weekly

<u>Position</u>	<u>FTE</u>	<u>Hours Weekly</u>	<u>Mid-Range Rate</u>	<u>Cost</u>
Instructor	2.0	80	\$16.00	\$ 1,280.00
Lead Steward	.4	16	13.19	211.04
Kitchen Steward	2.73	109	12.36	1,347.24
Students	15.0	600	0.00	0.00
Daily Paid Totals	5.13	205		\$ 2,838.28
		Daily Average Cost		\$ 405.46

Variable Benefits Cost

Daily Salary Costs	\$ 405.46
x Variable Fringe Rate	.3337
Daily Var. Fringe Cost	\$ 135.30

Fixed Rate Medical Benefit Costs

FTE's	5.13
x Cost per FTE	\$ 3,996.00
Yearly Cost	\$ 20,499.00
/ 365 Days	

Daily Fixed Medical Benefits Cost \$ 56.16

Total Daily Staffing Costs

Kitchen - Salaries	\$ 405.46
Variable Benefits	135.30
Fixed Benefits	56.16
Subtotal	\$ 596.92
15% Relief Factor	89.54
Total Daily Costs	\$ 686.46