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MEMORANDUM

TO: Lieutenant Harry Smith
Sergeant Brent Ritchie

FROM: Shea Marshman, Director, Planning & Research
Amanda Lamb, Planning & Research

DATE: September 14, 2015

RE: Corrections Use of Force Audit (requested by Inspector)

Purpose

- Analyze current use of force trends for the Corrections Division
- Identify potential risks using DOJ criteria (example, disparate impact on racial minority groups, overuse of certain types of force, etc.)
- Identify gaps in data, reporting, and analysis and make recommendations for improvement

Background

Use of force reports are entered into EZwriter. Supervisory review also takes place within that system, and then the report is provided to the Internal Affairs Unit (IAU). Data for this report are from reports entered between 2012 and 2014.

Summary of Findings

1. From 2012-2014, the Corrections Division submitted an average of 1220 use of force reports each year through EZwriter for an average of 307 incidents.
2. The most common type of force used is physical control (e.g., holds).
3. There appears to be some disparity with regard to use of force on people of color versus other inmates. Within the jails, black inmates account for only 27% of the jail population, yet are involved in 40% of the use of force.
4. MCSO does not currently have a system to identify employees who are using force at a higher rate than others. For the Corrections division, of the employees that submitted use of force reports, 64 (out of 436, 15%) submitted more than ten reports in at least one year from 2012-2014 and are responsible for approximately 45% of force reports.

Note: The scope of this project does not include assessing individual force events to determine whether the force used was justified or excessive. Each force event goes through a thorough review process from Corrections Sergeants through Internal Affairs. The results of those reviews are not included in this analysis. The purpose of this analysis is only to report on use of force data in aggregate in order to understand how force is currently used in MCSO jails, set a baseline for future analysis, and identify any trends or potential concerns.

FINDINGS

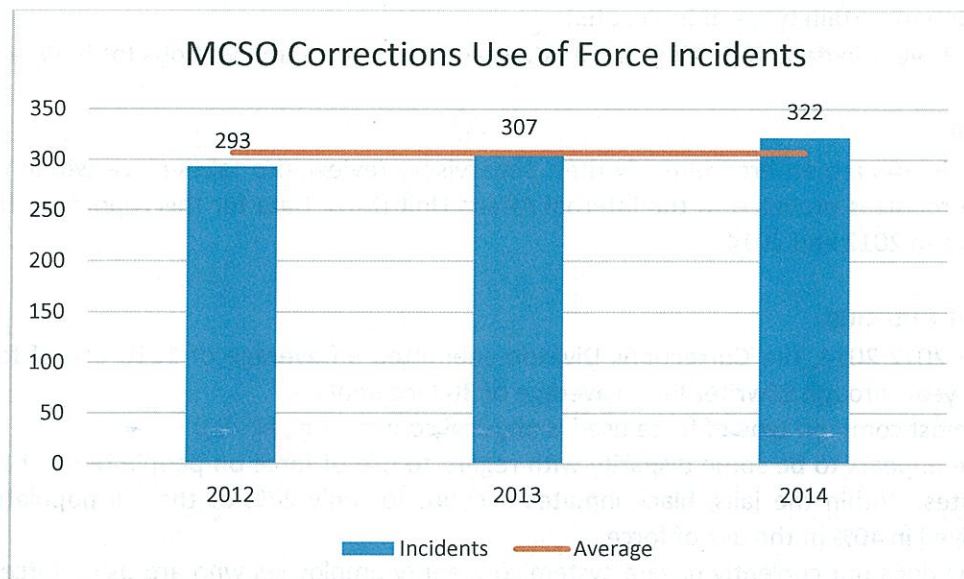
The results below are drawn from the EZwriter system for Corrections reporting. That analysis is done by report, by incident, and by uses of force. There might be several reports per use of force incident (multiple deputies involved in one event), and there are frequently multiple uses of force per incident.

Reports, Incidents, and Types of Force			
Year	Total Reports ¹	Total Incidents	Total Uses of Force ²
2012	1092	293	1380
2013	1272	307	1441
2014	1295	322	1584
Grand Total	3659	922	4405

How many use of force incidents are there per year?

A use of force incident is the unique event where force was used. There are often multiple deputies involved, and therefore can be several reports filed for one incident. An incident may also include multiple inmates and several different types of force.

There were an average of 307 use of force incidents each year from 2012-2014.



How many "contacts" result in a use of force event?

Use of force reports are not directly tied to "contacts" (e.g. individual bookings or in-jail contact). In other words, we cannot assess the number of bookings that included a use of force or the "rate" at

¹ Nearly 40% (1,407 reports) of these reports are witness reports. There may be errors in coding reports as witness reports or those who used force. P&R is currently investigating these potential errors.

² Note that there are several reports where no force is listed. P&R is working on a tech solution to deal with that.

[..\\D - Data\\D - 03 Analysis\\ACL Results\\EZwriter\\EZwriter Reliability No Force Listed.xlsx](#)

which force is used during bookings (e.g., 1 in 100 bookings include a use of force). However, we can use the number of bookings per year as a proxy for contacts.

Using this proxy, it appears force is used very rarely compared to the number of "contacts", or situations that could potentially require force. On average, 1% of total bookings include a use of force incident by the Corrections Division.

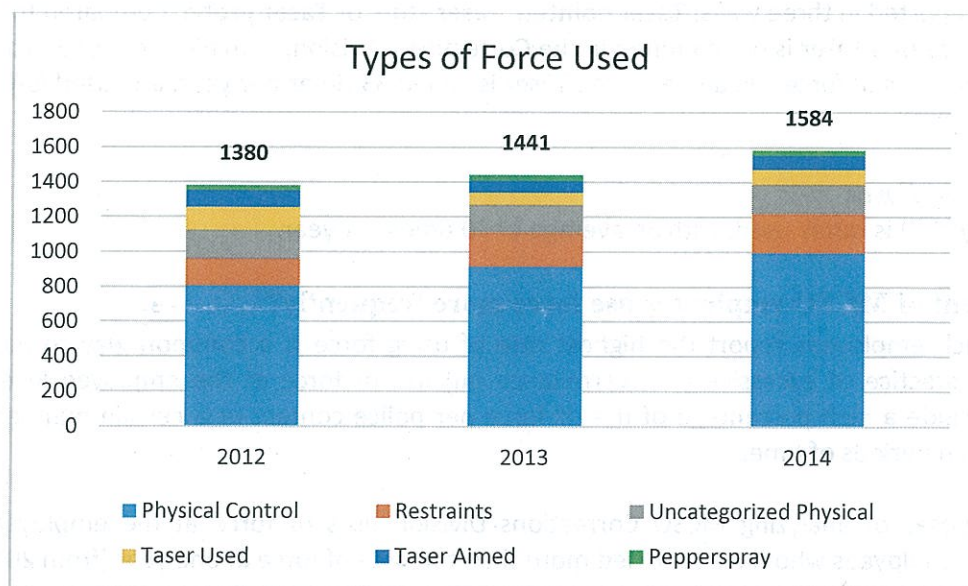
Force Incidents by Booking			
Year	Total Force ³	Total Bookings	Percentage
2012	357	38,129	1%
2013	374	40,042	1%
2014	382	37,480	1%
Average	1,113	115,651	1%

How many staff typically are involved in a use of force event?

On average, four Corrections Division employees submit reports for a single use of force incident. This is higher than in the Enforcement Division, where one to two employees submit reports on a single use of force incident (an average of 1.5 reports per incident).

What are the different types of use of force used?

From 2012-2014, there were approximately 4,405 unique uses of force listed in 922 incidents, or between four and five uses of force per incident. This is greater than in the Enforcement Division, where there are approximately two uses of force per incident.



Physical Control

³ Includes all individuals who had force used on them. Some "incidents" reported using force on multiple individuals.

Physical force, excluding restraints, is the most commonly used force, accounting for 73% of all reported force. The **Escort Hold** is the most common force used overall, comprising over 20% of all force. **Pressure Holds** and **Wristlocks** each account for about 10% of all force used, while 11% of force is "Uncategorized Physical Force".

All other type of physical force are used more infrequently. **Carrying** and **Takedowns** are both used on average approximately 80 times per year (about 5.5% of all force). However, the trends year-over-year for those categories show increased use between 2013 and 2014.

When all other force categories are combined, they account for less than 10% of all uses of force. These categories are typically used less than 60 times per year, and include **Digital Control**, **Hair Hold**, **Shoulder Lock**, and **Pressure Point**.

Restraints

Restraints account for over 13% of all uses of force. The restraint category includes the **Restraint Board**, **the Restraint Chair**, **Cross-leg Restraints**, **Hobble**, **Neck Restraints**, and **Spit Sock**. For this category, the force was counted only once per incident. So, for example, if five individuals were involved in applying a hobble and that force was recorded in five reports, it was only counted as one hobble. (If the restraint was applied multiple times in one incident, it may have been uncounted for the purposes of this analysis.)

Use of the **Restraint Board** has increased from 4 uses in 2012 to 16 in 2014, though it remained the least frequently used type of force. The use of the **Restraint Chair** has remained relatively steady, averaging at around 30 uses per year.⁴

Tasers

Taser use is reported in three ways: **Taser pointed**, **Taser stun**, or **Taser probe**. Compared to other types of force, the use of a Taser is not common in the Corrections Division, with all three types accounting for only 12% of all uses of force. On average, the Taser is aimed 83 times per year, and used (stun or probe) 94 times per year.

Other Types of Force

Pepper spray (OC) is rarely used, with an average of 30 times per year.

What percent of MCSO employees use force more frequently?

Tracking which employees report the highest rate of using force is a common way to monitor for a pattern and practice of excessive (or overreliance on) use of force at the employee level. Common measures include a high percentage of use of force per police contact or a certain number of uses of force in certain periods of time.

For the purposes of analyzing MCSO Corrections Division uses of force at the employee level, we identified all employees who have reported more than ten uses of force in one year (from 2012-2014).

- A total of 436 employees submitted a use of force report in the past three years, for a total of 3655 reports.

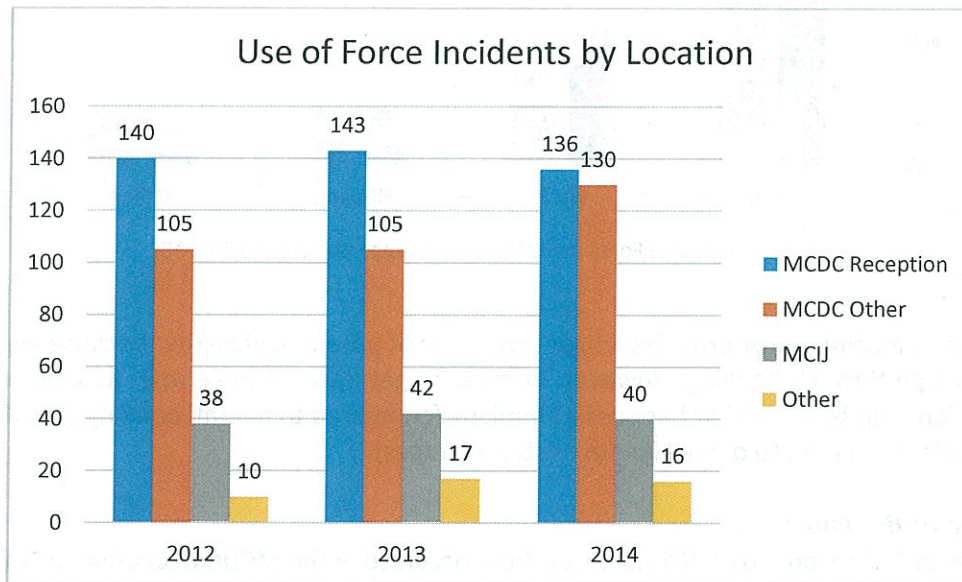
⁴ The restraint chair is unique because it may be requested by inmates, but voluntary use is not reported differently than involuntary use.

- Of those 436, 64 (15%) were flagged for reporting more than ten uses of force in at least one year.
- Those 15% of employees are responsible for submitting 1628 reports, or 45% of reports.

Submitting more use of force reports than other employees does not necessarily indicate an issue with overuse or misuse of force. Many of these employees work in locations expected to have higher than average use of force, such as the booking counter.

Do different locations see more use of force events?

Of all the use of force events from 2012-2014, the majority occur at MCDC (average of 83%). Most of those incidents occur during booking at MCDC's Reception desk, which accounts for 45% all use of force incidents.



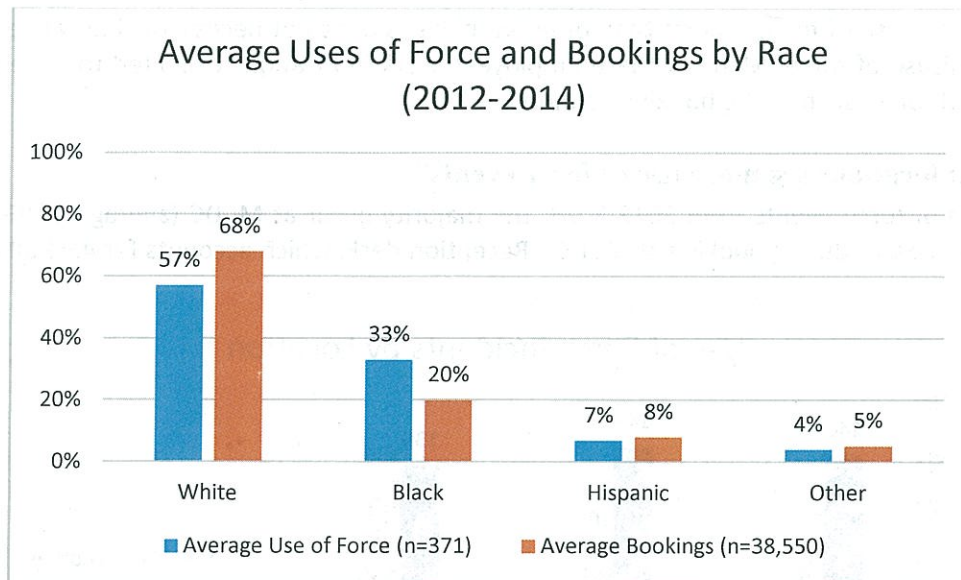
Is there a disproportional use of force on people of color?

There appears to be some disparity with regard to the use of force on inmates of color versus other inmates. The sections below assess potential disparity using two different methodologies:

1. Uses of force compared to overall bookings
2. Use of force by location
 - a. MCDC reception (the booking counter) compared to overall bookings
 - b. Use of force within the jails by average daily population percentages
 - c. Use of force outside of the jails (e.g., transport, courtroom, etc.)

Use of Force Rate by Booking Rate

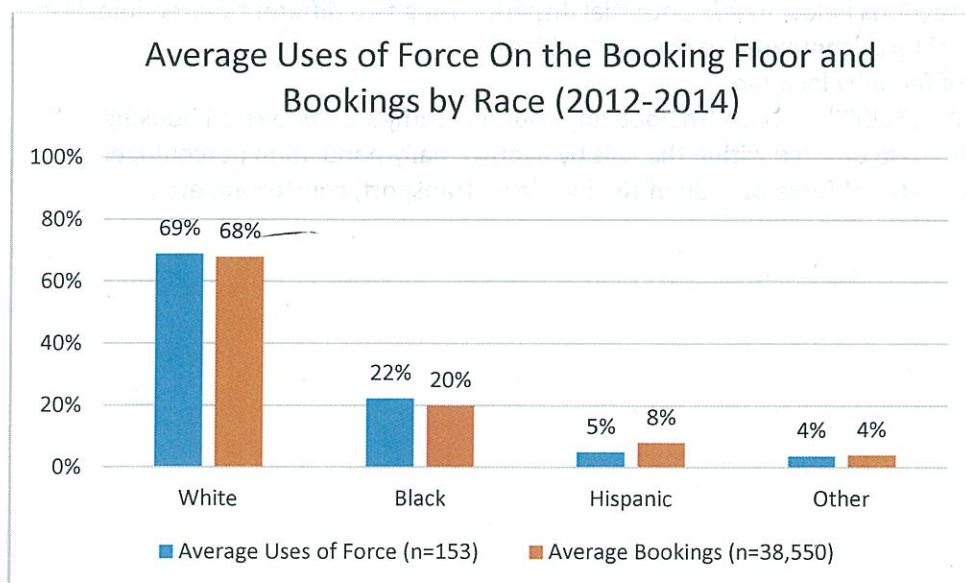
Though only 20% of all individuals booked into the jails are black, black individuals account for 33% of all uses of force.



Using booking as a comparator provides a high-level view of potential disparity, because each individual in the jail must go through booking. However, in order to get a use of force *rate*, it is more accurate to break use of force up by force that happens at booking (compared to overall bookings), and then use of force in the jails (compared to overall length of stay averages).

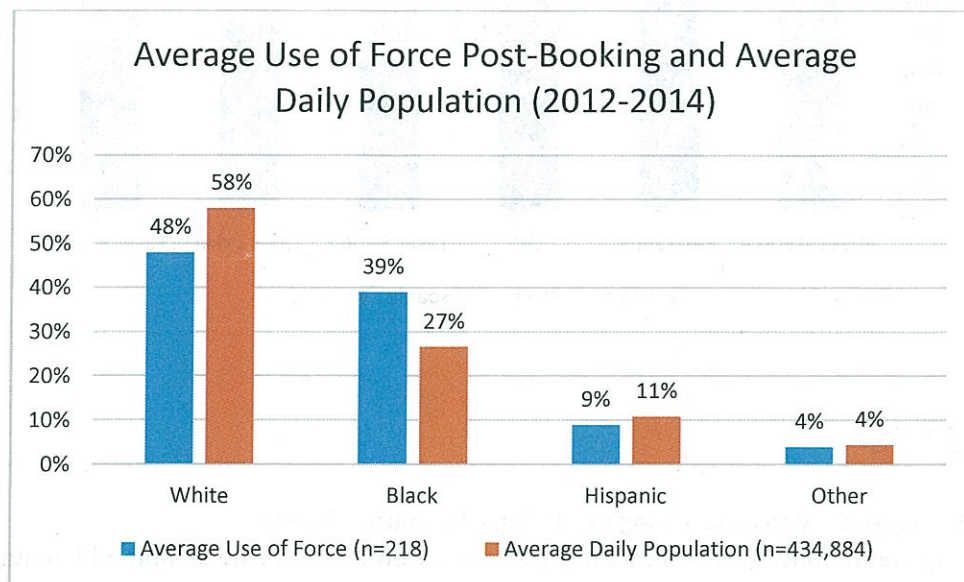
Use of Force at Booking

Of all the uses of force from 2012-2014, 40% of them occurred in the MCDC Reception area (booking). In this area, there is some disparate use of force on black individuals, who are on average 20% of bookings but 22% of force used. However, the overall numbers are so low (an average of 34 black inmates per year), disparity may be due to random variation.



Use of Force in the Jails

Nearly 56% of all uses of force occur in either MCIJ or MCDC (outside booking). Those incidents appear to involve a disproportionate number of black inmates, when compared to an average daily population. Though black individuals only comprise 27% of the jail population, they experience 39% of all uses of force. Though this could be due to random variation in the data, the extent of the disparity is such that it may indicate that people of color are more likely to experience a use of force while in jail.



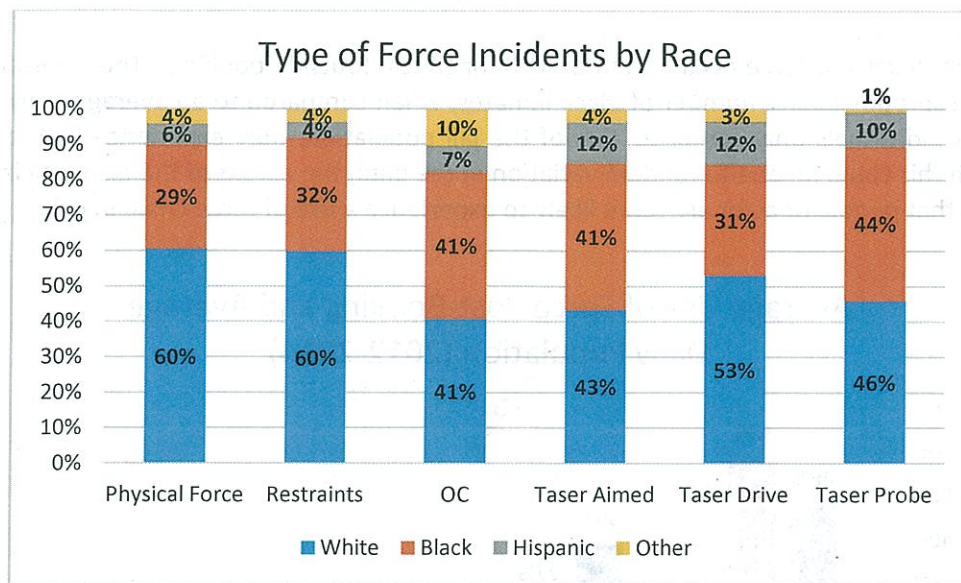
Use of Force Outside the Jails

Sometimes, Corrections Deputies use force outside the jail in the course of transporting an inmate, for example to the hospital or for a court date. These incidents comprise only 3% of uses of force involving only 33 individuals. While the numbers are small, most (55%) of the force is used on people of color.

Types of Force Used by Race

There also appears to be some disparity with regard to the types of force used on people of color. It is important to note that force reports do not include specifics on who the force was used on. For instance, if an incident involved multiple inmates, and a Taser was used on one of them, that data does not identify which inmate had a Taser used on him. Therefore, we can only determine how many *incidents* an inmate is involved in and what types of force were used during that incident. Hence, some force may be over counted.

However, it appears as though black inmates are involved in use of force incidents where OC and Tasers are used at a higher rate than other inmates.



NEXT STEPS

1. Develop a strategy for addressing racial disparity in use of force.
2. Develop and monitoring and reporting process for employees who submit a high number of use of force reports.
3. Tie use of force reporting to other sources to assess the risk of underreporting.
4. Evaluate complaints of excessive use of force, determine the risk of excessive use of force.
5. Assess current use of force reporting process to gain reporting efficiencies and improve data reliability. Add requirements to EZwriter to improve data completeness (e.g., making certain fields "mandatory" for users to complete).