



2022 ANNUAL USE OF FORCE REPORT

MULTNOMAH COUNTY SHERIFF'S OFFICE

Sheriff Nicole Morrisey O'Donnell

Authored by the Professional Standards Unit

Introduction

A fundamental value of the Multnomah County Sheriff's Office (MCSO) is to hold ourselves and each other accountable as we strive for continuous improvement. We approach all interactions with people as an opportunity to build trust, and we expect all members, no matter their role or responsibility, to serve everyone with dignity and respect.

At MCSO, we encourage our employees to make every effort to reach desired outcomes with cooperation. Though, we recognize that using force may be unavoidable in certain circumstances.

If force is necessary, employees are always guided to use less physical force than the maximum that may be allowed by law. Whenever possible and/or practical, our employees are encouraged to resolve confrontations using de-escalation techniques, such as using friendly and empathetic communication, creating space or distance, taking time, and building a rapport with the involved individual, to resolve conflict.

In some cases, higher levels of force, including deadly use of force, may be necessary to safeguard lives. The Sheriff's Office recognizes that the use of deadly physical force emotionally, physically, and psychologically affects the employee, anyone involved, and the families, friends, and community of both parties.

Regardless of the type of force used, and the circumstances of such events, we expect our employees to operate in adherence to the law, sheriff's office policies and procedures, and with the highest standards of professionalism and integrity.

MCSO believes accurate, transparent reporting of data and use of force incidents is vital to building trust and confidence within our communities. As such, in 2019, MCSO embarked on a process to develop a database to track and collect use of force reports and data. The database is called QuickREPORT and is used by all sworn members in the Law Enforcement and Corrections Divisions.

Process for reporting use of force incidents

After a use of force incident, member(s) will submit a use of force report to QuickREPORT, setting in motion an internal review process. The review process provides the level of internal accountability that the public should expect around such a responsibility bestowed on the employees.

The internal review process is as follows:

1. A member that uses force writes a report articulating their actions and decision making and submits the report to QuickREPORT.

2. A supervisor, who is not involved in the incident, conducts a review of the event. When their review is complete, the report is sent to the next level of supervision, a lieutenant.
3. The lieutenant conducts their review of all reports, as well as reviews the previous supervisor's review, and notifies the next level of supervision, a captain, when applicable.
4. The captain conducts a review of all reports, as well as reviews of all previous supervisors' reviews, and notifies the next level of supervision, a chief deputy, when applicable.
5. The chief deputy conducts a review of all reports, as well as reviews of all previous supervisors' reviews, and notifies the next level of supervision, the Use of Force Inspector in the Professional Standards Unit, when applicable.
6. The Use of Force Inspector reviews all reports to identify any trends, training issues, equipment issues, or policy issues.

When data from use of force reports became available through QuickREPORT, MCSO created the Control Event Statistics Quarterly Report. The report is published each quarter on our website, mcso.us. Also, publicly available on our website, are our policies related to use of force, use of force reporting and accountability.

The purpose of the 2022 Annual Use of Force Report is to provide transparency, accountability, and improvement to operations, policies and procedures, and training. The report analyzes data from the Law Enforcement and Corrections Divisions in calendar year 2022.

At the conclusion of this report, the Professional Standards Unit provides recommendations based on the findings of the data.

Policy

The Sheriff's Office adopts the constitutional standard for the use of force established by the United States Supreme Court, in *Graham v. Connor*, and subsequent case law. The "Graham standard" requires that members use objectively reasonable physical force under the totality of the circumstances presented. As such, in accordance with the primary factors set forth in *Graham*, members must also consider the feasibility of less intrusive methods or tactics when arresting or seizing an individual. Members are not required to avail themselves of the least intrusive means of responding to an exigent situation; they need to only act within that range of conduct that is reasonable. Any physical force that is not objectively reasonable under the circumstances is prohibited.

To calculate what objectively reasonable force is, means allowing for the fact that deputies are often forced to make split-second judgements about the amount of force that is necessary in a particular situation, in circumstances that are extremely tense,

uncertain, and rapidly evolving. Each particular situation must be judged from the perspective of a reasonable deputy on the scene, rather than with the benefit of hindsight.

Members are also not required to use the least amount of force, or the least intrusive alternative during a situation. Per case law and MCSO policy, members are required to consider other less intrusive methods or tactics, but they only need to act within a reasonable range of conduct.

MCSO policy also requires members to develop and display objectively reasonable confrontation and physical force management skills, in accordance with training.

Over the course of their careers, the Sheriff's Office expects members to develop and use skills that allow them to regularly resolve confrontations safely and effectively. The Sheriff's Office provides training in force techniques and tactics, as well as provides sufficient resources, to help members safely and effectively resolve confrontations.

Definitions

Duty to Intervene

A member's duty to intervene and report misconduct is rooted in MCSO's commitment to community service and treating members of the public fairly, respectfully and with every effort to preserve human life, value, and dignity in all situations.

The Sheriff's Office holds its members to the highest levels of accountability. All members are responsible for their actions related to use of force. Sworn members are required to intervene in any use of force that is unjustified, excessive or in violation of the use of force policy, unless the intervening member cannot do so safely. Failure to intervene and report as soon as practicable, consistent with any applicable collective bargaining agreement, but no later than seventy-two (72) hours as required by this section, is grounds for disciplinary action against the member. Law enforcement deputies may also be subject to suspension or revocation of their certifications by the Department of Public Safety Standards and Training, as provided in ORS 181A.630, 181A.640 and 181A.650.

De-escalation

Members are also trained on the use of de-escalation techniques. De-escalation is defined as the following in MCSO policy (605.00 Use of Force):

Techniques or tactics, that when time and circumstances reasonably permit, are intended to stabilize the situation, and reduce the immediacy of the threat so that more time, options, and resources can be called upon to resolve the situation without the use of force or with a reduction in the force necessary. During an encounter, it will require

the cooperation of the subject to provide members with the time and opportunity to employ these de-escalation techniques. Examples include verbal de-escalation, assessing the need for additional resources and waiting for those resources, use of cover or concealment and distance to communicate with the subject, or other techniques or methods that are reasonable, safe, and feasible under the circumstances.

Control Events

A use of force event is described as a control event. A control event is defined as follows:

An event where physical force is used against a person's resistance, to include the application of handheld chemical incapacitants, less-lethal devices or pointing of a firearm, less lethal munitions launcher or conducted electrical weapon.

Types of Force Used

There are a number of use of force types to control an individual, perform an arrest, or avoid higher levels of force. MCSO Policy 605.00 describes physical force as the exertion of physical strength against another person's resistance, which includes, but is not limited to, the application of aerosol agents and other less-lethal devices used against another person. Escort holds and handcuffing, without resistance by the person, do not constitute a reportable amount of force.

Below are the types and definitions of the force MCSO uses. The definitions are also publicly available on our website.

Control Techniques: Control techniques are applied to a part of the body in response to resistance, to gain compliance, and to avoid higher levels of force. This includes directional control, joint control, carry and slide. Control techniques are not intended to, nor reasonably likely to cause substantial pain or physical injury.

Takedowns: Techniques where the deputy physically takes the person to the floor or ground in response to resistance, to gain control, and to avoid higher levels of force. These include arm, hair, joint, leg, leg sweep, and tackle. There are dynamic takedowns and controlled takedowns where the risk of injury is very minimal.

Pressure Points: When pressure is physically applied to part of the body in response to resistance. Used to gain compliance, and to avoid higher levels of force or to restrict mobility.

Handheld Chemical Incapacitants (OC): Handheld Chemical Incapacitant means the following, together or separately: Handheld munitions and devices are specifically designed to cause temporary pain, temporary irritation, temporary disruption of vital

processes, temporary incapacitation, temporary disability or permanent harm through the toxic properties of toxic chemicals, or their precursors, that would be released as a result of the employment of the handheld munitions and devices; and any equipment specifically designed for use directly in connection with the employment of handheld munitions and devices as described above. "Handheld chemical incapacitant" does not include tear gas (HB 4008).

Conducted Electrical Weapon (CEW/Taser): A less lethal system capable of delivering electrical energy designed to cause involuntary muscle contractions and overrides the subjects voluntary muscle responses. Used in response to resistance, to defend the member and/or the public and to avoid higher levels of force. Can be deployed through projected probes or pushing directly against the skin (drive stun).

Impact Weapon: Impact weapons are tools such as a baton, asp, and long bat or shield used in response to resistance, to defend the member and/or the public and to avoid higher levels of force.

Kinetic Impact Projectiles: All nonlethal, less lethal, or semi-lethal projectiles, including but not limited to rubber and plastic bullets, beanbag rounds, sponge rounds, and pellet rounds. Used in response to resistance, to defend the member and/or the public and to avoid higher levels of force.

Strikes (hands, elbows, knees, feet): A focused strike to the person's body. Strikes are used in response to resistance, to defend the member and/or the public, to gain compliance, and to avoid higher levels of force.

Deadly Physical Force: Any force, under the circumstances in which it is used, readily capable of causing serious physical injury or death. ORS 161.015 (3)

Other: Police canine (engagement), Pursuit Intervention Strategies (Dynamic Box-in)

Purposes when Force can be Used (605.00 Use of Force); [ORS 161.233](#); [ORS 161.267](#)

Purposes for which members may use the physical force authorized by this policy when members reasonably believe it is necessary, under the totality of the circumstances known to the member, to:

- Prevent or terminate the commission or attempted commission of an offense.
- Lawfully take a person into custody, make an arrest, or prevent an escape.
- Defend the member or other person from injury or the threat of injury or death.
- Maintain the safety and security of Multnomah County Sheriff's Office members, other Multnomah County employees, third parties, or the public in a Multnomah County facility.

- Maintain order and discipline of a Multnomah County facility.
- Accomplish an official purpose or perform a duty authorized by law or judicial decree.

Reporting

Whether on or off duty, agency policy requires a member to notify their supervisor and submit a Control Event Report as outlined above, after:

- Applying physical force against resistance, including passive resistance.
- Striking a person with any tool, weapon, object, body part, or munition.
- Applying an aerosol agent to a person.
- Firing a conducted electrical weapon at a person.
- Using a conducted electrical weapon in drive stun mode.
- Pointing a firearm, less lethal munitions launcher, or conducted electrical weapon at a person.

A supervisor who receives notice of an event listed above must ensure that the identities of any involved and witness members are listed, as well as the time and location of the event.

Escort holds or handcuffing performed without resistance from the subject do not constitute a reportable amount of force.

Control Event Reviews

Control Event Reports shall be reviewed by an uninvolved supervisor in the involved member's chain of command. Reports lacking enough content or clarity shall be returned to the author prior to completion of the review.

The Control Event Report and completed supervisory review shall be forwarded to the first uninvolved command member in the supervisor's chain of command.

Upon receipt of the Control Event Report from the reviewing supervisor, the receiving command member shall review the Control Event Report and the completed supervisory review and complete a Control Event Report Command Review to document their comments.

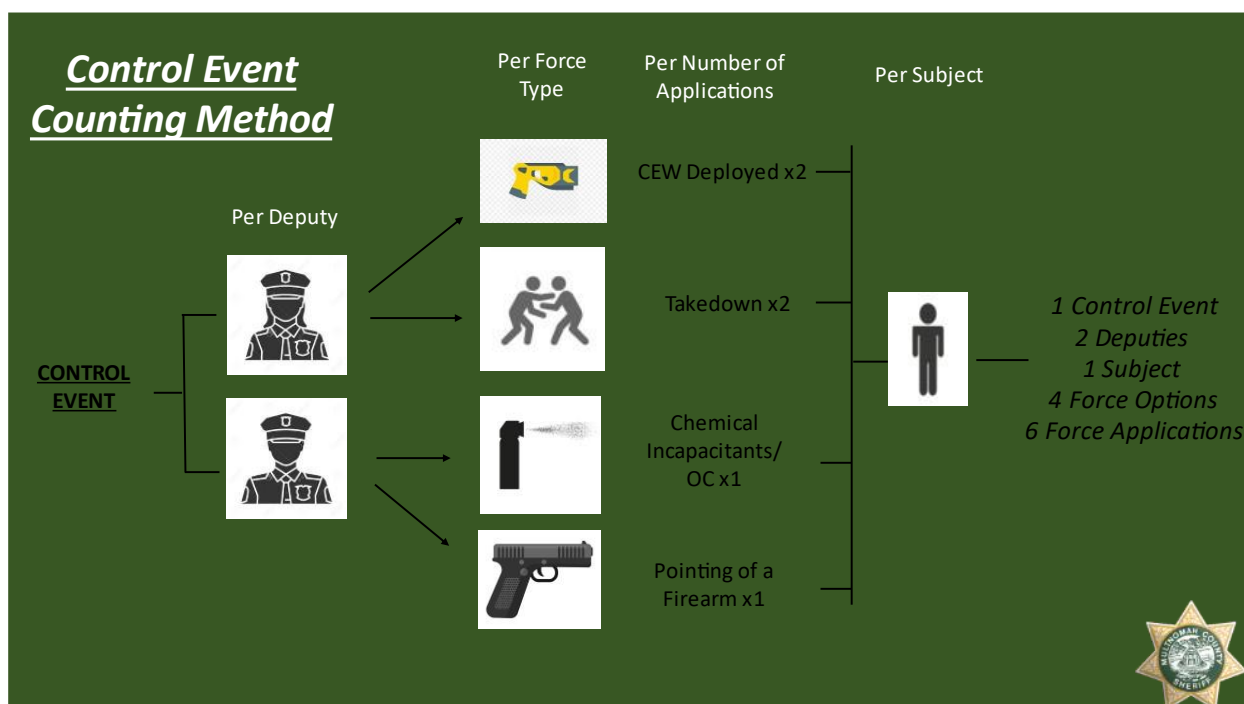
Upon completion, the first reviewing command member shall forward the Control Event Report, and associated reviews, to the next level of command review, up to the respective division chief deputy.

The use of force inspector then reviews and finalizes the control event reports and reviews.

Control Events Count

Control events are counted using the following:

- per event,
- per deputy,
- per subject,
- per force type used, and
- per the number of applications.



The implementation of the responsibility described above is necessary and dispersed across the efforts of the Multnomah County Sheriff's Office Law Enforcement and Corrections Divisions. Because the work efforts of each division are qualitatively different, the data and statistics from each division are covered in separate sections.

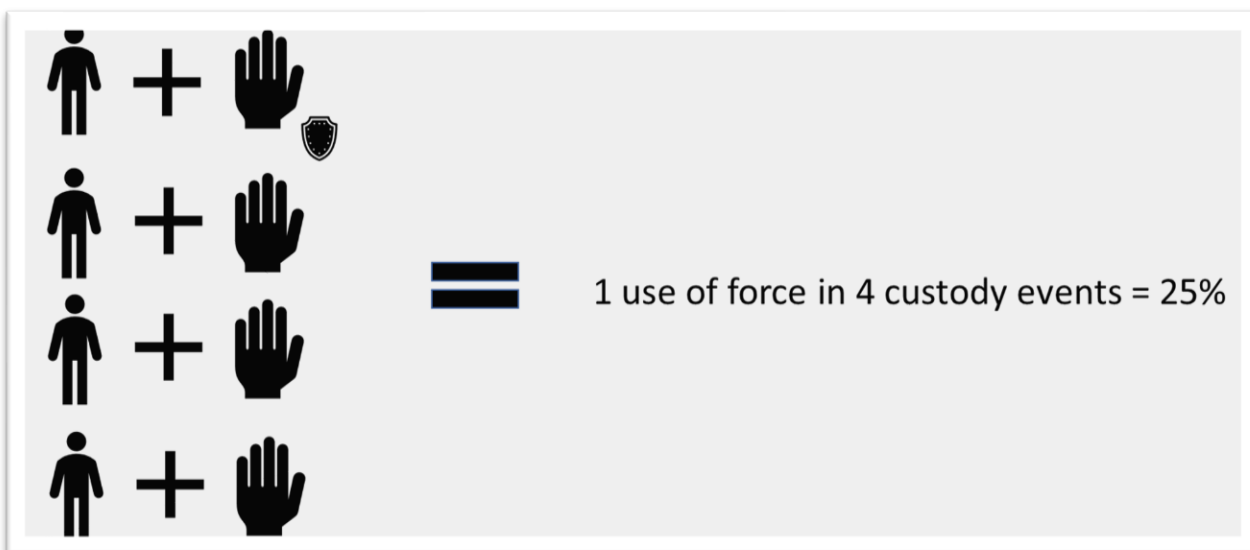
Analyzing Use of Force in Public Safety: Numerators and Denominators

Use of force may be necessary to gain compliance and prevent harm in public safety. Measuring and analyzing use of force is different in Law Enforcement and Corrections Divisions.

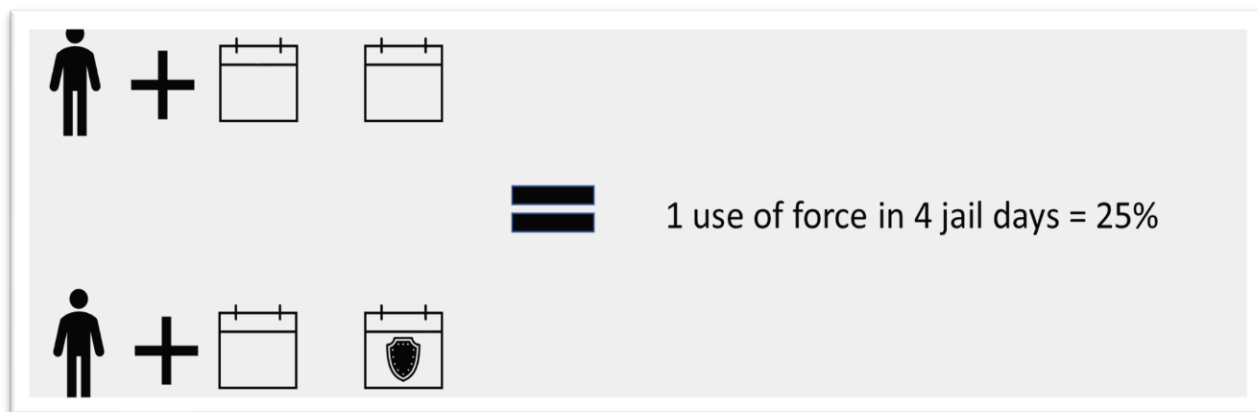
In Law Enforcement, deputy sheriffs may use force when they are affecting an arrest, also referred to as a custody event in this report. A custody event can be defined as placing a person under actual or constructive restraint for the purpose of charging that

person with an offense. In this regard, use of force can be measured as a percent of total custody events.

For example, if four people were arrested in four separate events, and force was used on one person, then force was used at a rate of 25% of instances. The following graphics provide a visualization of the analysis.



In Corrections, an individual is detained for a period of time, providing more instances in which force could become necessary. To simplify the analysis, one day of a person's detention period, (rounding up to the nearest day), can be thought of in the same way as an arrest event in Law Enforcement. For example, if one person was in jail for four days, and force was used one day, then force was used at a rate of 25% of instances. The report refers to these instances as Jail Bed Days. The following graphics provide a visualization of the analysis.



Law Enforcement Division

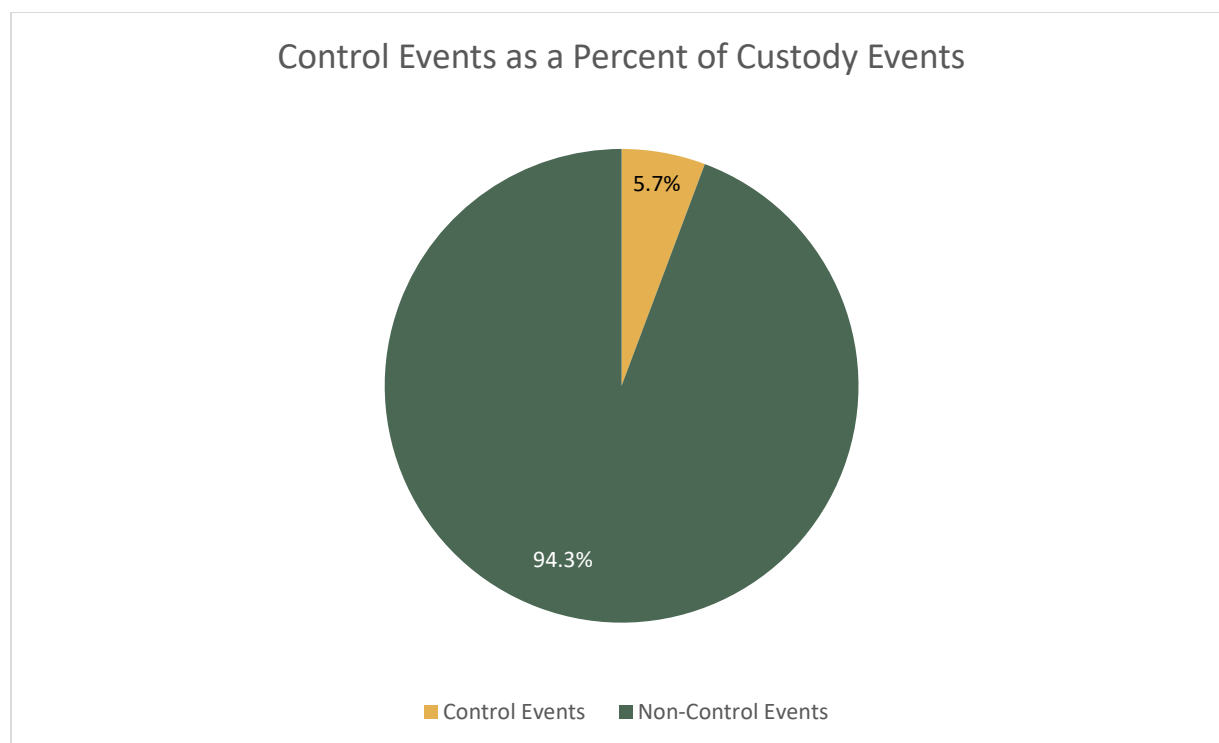
From Sauvie Island to the Columbia River Gorge, the Multnomah County Sheriff's Office patrols more than 280 square miles of urban and rural area and is responsible for approximately 110 miles of waterways. Our highly trained and dedicated members work around the clock to provide exceptional public safety services for the communities of unincorporated Multnomah County and our contract cities of Fairview, Maywood Park, Troutdale, and Wood Village. (see appendix I for maps)

Dispatched Events, Custodies and Control Events

Dispatched events are any event initiated by the Bureau of Emergency Communications (BOEC) or deputy-initiated activities. In 2022, deputy sheriffs were dispatched to 38,702 calls for service, ranging from traffic violations to violent crimes. Of these calls for service, 2,221 resulted in a custody. Further, 127 of these resulted in a control event, or approximately 5.72% of custodies. When compared to the total number of dispatched calls for service, control events occurred less than half of one percent.

Dispatched Events	38,702
Dispatched Events resulting in a Control Event	127
Percent Dispatched Events resulting in a Control Event	0.33%
Custodies	2,221
Percent Custodies resulting in a Control Event	5.72%

This also means, deputy sheriffs did not use any force in 94.3% of all dispatched calls for service that ended with an arrest.

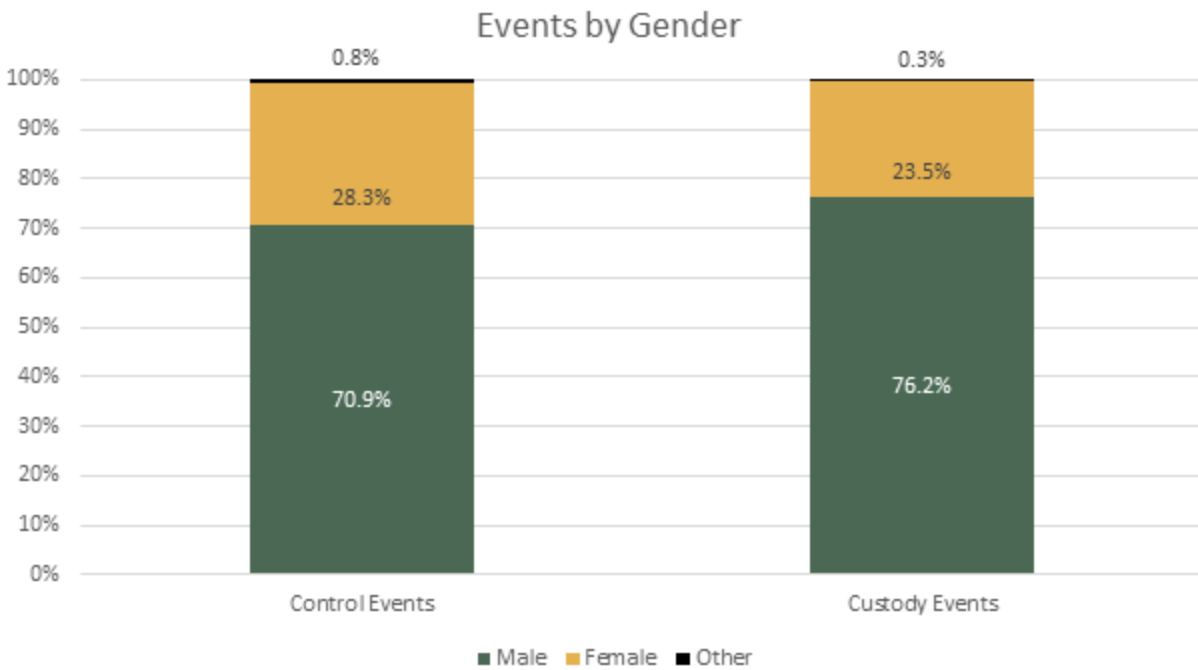


Demographics

The Multnomah County Sheriff’s Office tracks gender, race, and age demographics of people involved in control events. The below figures compare 2022 custody events (2,221) and control events (127).

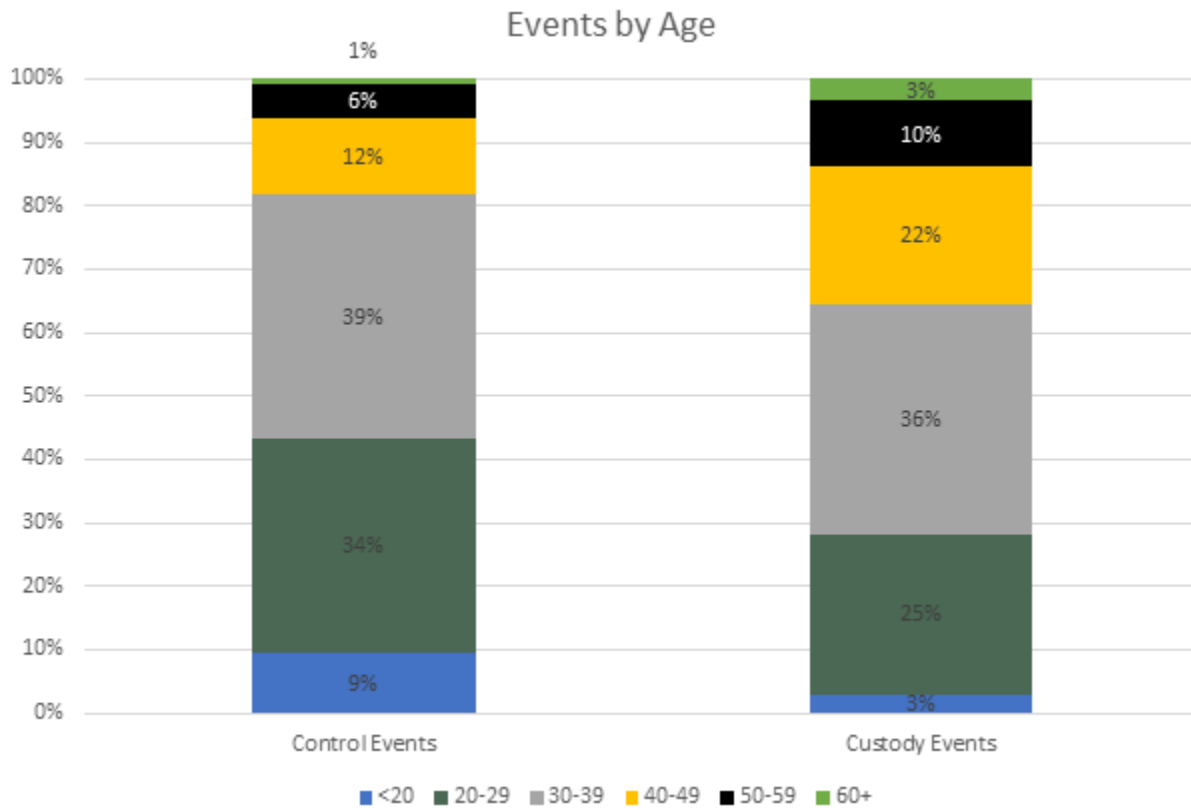
Gender

	Control Events	Custody Events
Male	90	1,692
Female	36	523
Other	1	6
Total	127	2,221



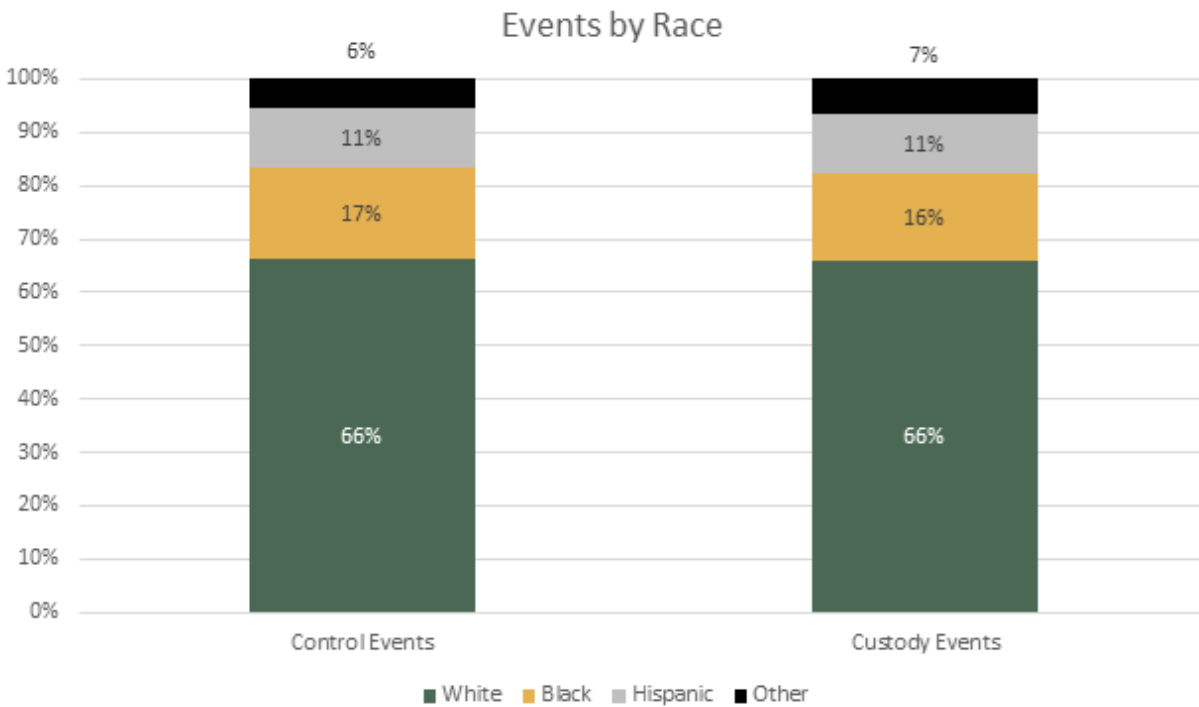
Age

	Control Events	Custody Events
<20	12	64
20-29	43	564
30-39	49	807
40-49	15	478
50-59	7	231
60+	1	77
Total	127	2,221



Race

	Control Events	Custody Events
White	84	1,472
Black	22	367
Hispanic	14	239
Other	7	143
Total	127	2,221



Force Types

Of the 127 control events that occurred in 2022, there were 172 types of force used. Below is a breakdown of the types of force used during control events.

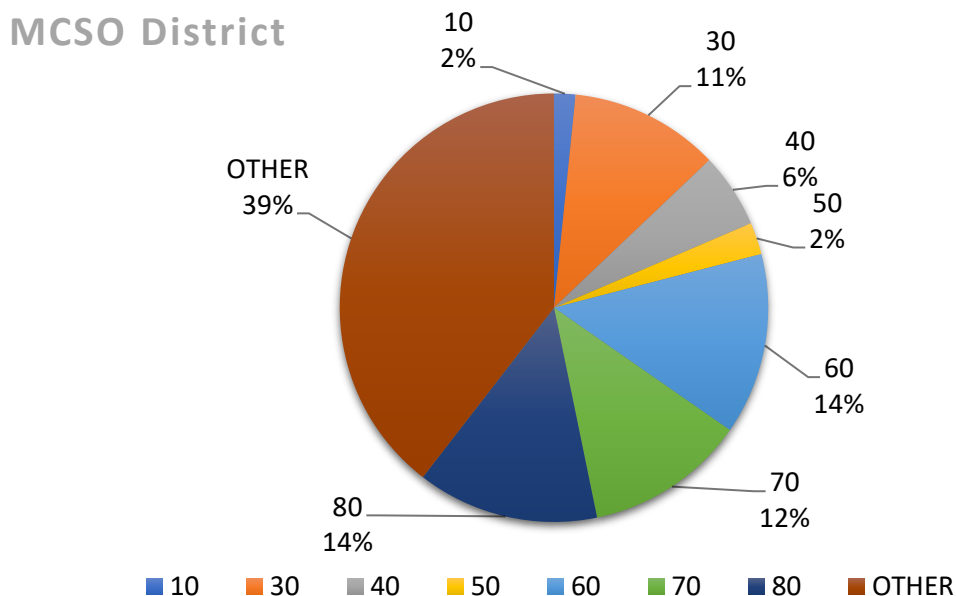
Type	Count	Percent
Control Techniques	104	60.4%
Takedowns	16	9.3%
Pointing of Firearm	13	7.5%

CEW Deployment	10	6.1%
Pointing of a CEW	7	4.0%
Physical Strikes	7	4.0%
Restraints	5	2.9%
Pressure Points	4	2.3%
K9	3	1.7%
Kinetic Impact Projectiles	1	0.6%
Impact Tools	1	0.6%
Pursuit Intervention Technique	1	0.6%
Total	172	100%

As the data shows, control techniques are the most common type of force used. As defined, a control technique is force that is not intended to, nor reasonably likely to, cause substantial pain or physical injury. Control techniques are applied to a part of the body in response to resistance, to gain compliance, and to avoid higher levels of force. Techniques include directional control, joint control, carry and slide.

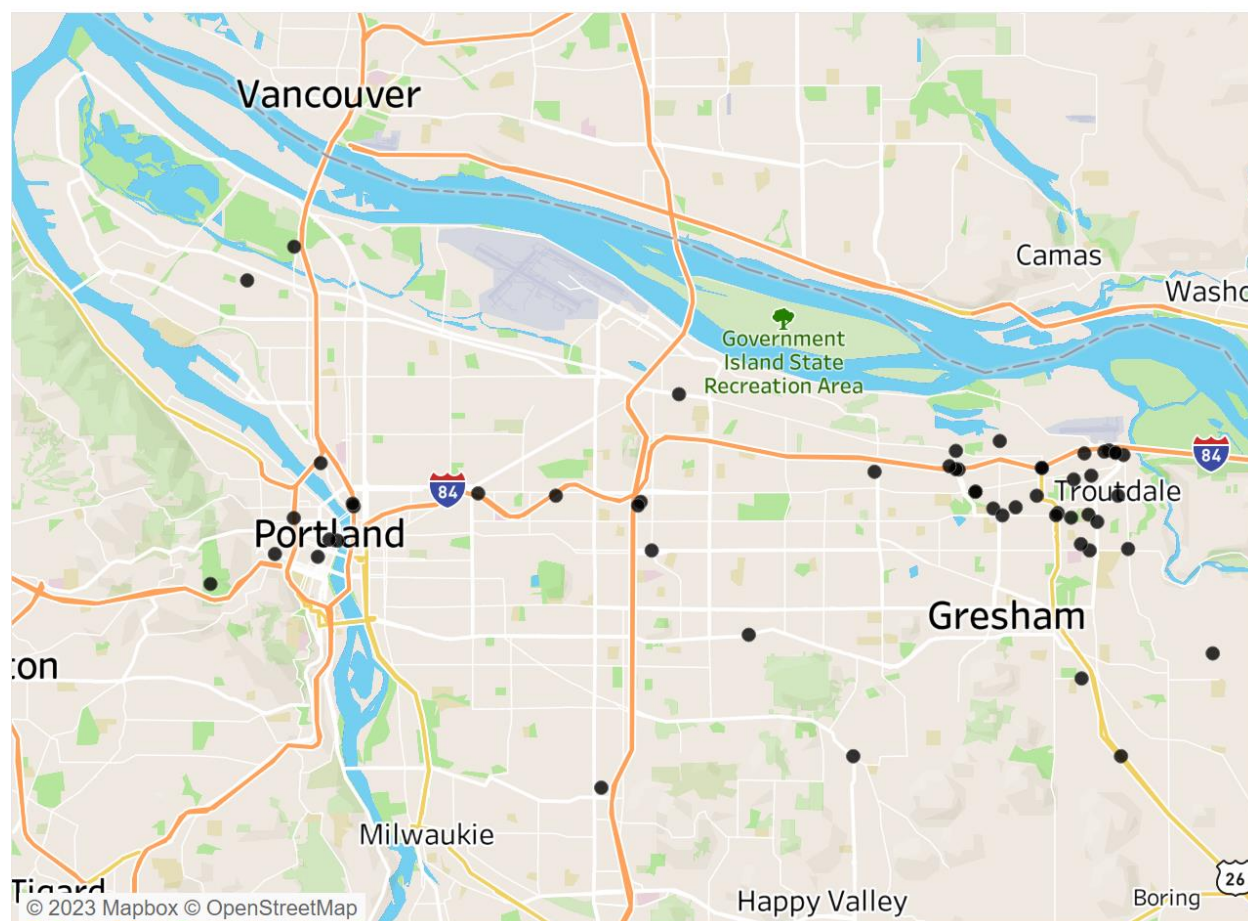
Location of Control Events

The Sheriff's Office jurisdiction is divided into seven patrol districts. Additionally, the Sheriff's Office provides transit police services to TriMet across Multnomah County, including the cities of Portland and Gresham. Distribution of the 127 control events shows the events are distributed relatively evenly across the MCSO patrol districts. Control events that occur outside of an MCSO patrol district is captured in the section labeled "OTHER" in the previous graphic.



The next graphic uses a map to visualize the control event data. The main concentration of events can be seen in east county. These locations are MCSO's most dense patrol districts. There is also a scattering of events throughout the rest of the county, as to be expected. MCSO patrol areas stretch to all corners of the county's boundary, they provide police services to TriMet, and/or deputy sheriffs may be dispatched to support officers or deputies from other law enforcement agencies.

MCSO Control Event Locations, 2022



Use of Force Training

The Multnomah County Sheriff's Office is committed to exceeding use of force training requirements. The Department of Public Safety Standards and Training (DPSST) requires eight hours of use of force/firearms training each year.

During 2022, deputy sheriffs received 12 hours of use of force/firearms training. Topics included duty to intervene, de-escalation, use of warnings, report writing, firearms training, firearms qualification, updates to use of force case law and Oregon Revised Statutes, and Taser recertification.

Corrections Division

The Multnomah County Sheriff's Office operates two corrections facilities, the Multnomah County Detention Center (MCDC), located inside the Justice Center in downtown Portland, and the Multnomah County Inverness Jail (MCIJ), located in Northeast Portland.

MCDC serves as the county's booking and release center. It features single cell housing for adults in custody (AIC) requiring the highest level of security need in the county. MCIJ is a medium security jail, featuring open dormitory-style housing.

More than 400 sworn and civilian staff support the Corrections Facilities Division. Staff provide much more than safety and security to AICs. Corrections deputies provide direct supervision in housing modules and actively engage with adults in custody, providing direction and serving as a resource for those with questions and concerns. The jail facilities operate 24 hours a day, seven days a week, 365 days a year.

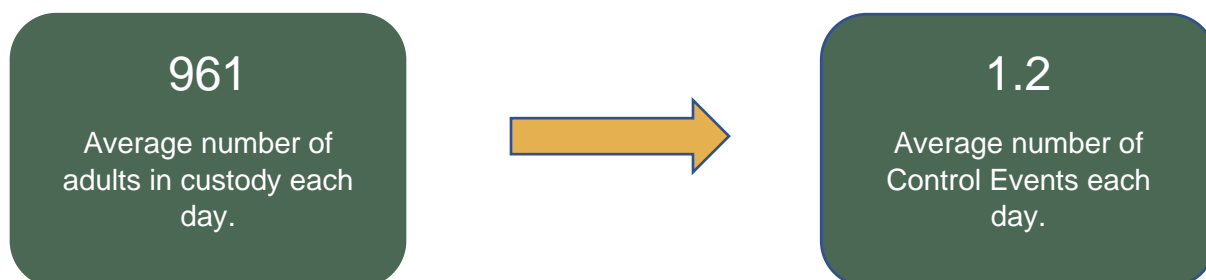
Corrections serves a critical role in public safety, ensuring adults in custody are secure and safe as they serve sanctions and sentences and work through the adjudication process. Those in custody are members of the larger Multnomah County community. The Sheriff's Office approaches every interaction with professionalism and respect, and as an opportunity to help every person prepare for a successful reentry into the community upon release.

Bookings, Average Daily Population and Control, Events

In 2022, based on the custody snapshot, there were a total of 8,823 individuals booked into the MCDC. These individuals represent 13,953 total booking events as some individuals are booked multiple times during the year.

By agency practice, a snapshot count of adults in custody is taken at 10:00 p.m. nightly. On average, 961 individuals are in custody each day.

Corrections deputies were involved in a total of 473 control events in 2022. On average, a control event occurs in the county jail system 1.2 times per day. Further, data shows force was used on one out of every 800 adults in custody, per day.



Demographics

As with the Law Enforcement Division, the Corrections Division captures gender, race, and age demographic data in control events. Demographic data is recorded per event, meaning an adult in custody could be represented more than once in the numbers if they were involved in more than one control event.

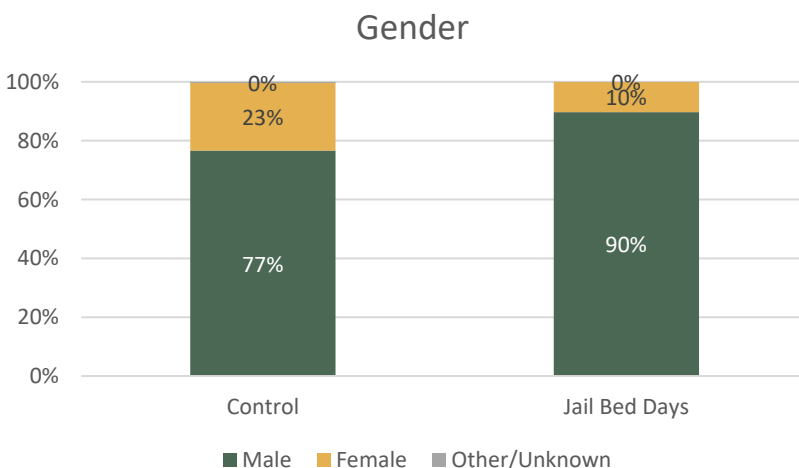
To get an accurate comparison to the jail population as a whole, the jail bed days (JBD) variable is used. JBD considers the length of time an adult is in custody. One JBD is calculated as a unique day that a unique individual was in custody. For example, if five people were in custody for five days that is 25 jail bed days. The percent breakdown of the population or jail bed days are placed side-by-side with the demographics of the control events for context.

Gender

The following breakdown is of gender.

	Control Events
Male	363
Female	108
Other/Unknown	2
Total	473

The following graphic provides a percentage comparison between gender in control events and overall jail population as measured by jail bed days.

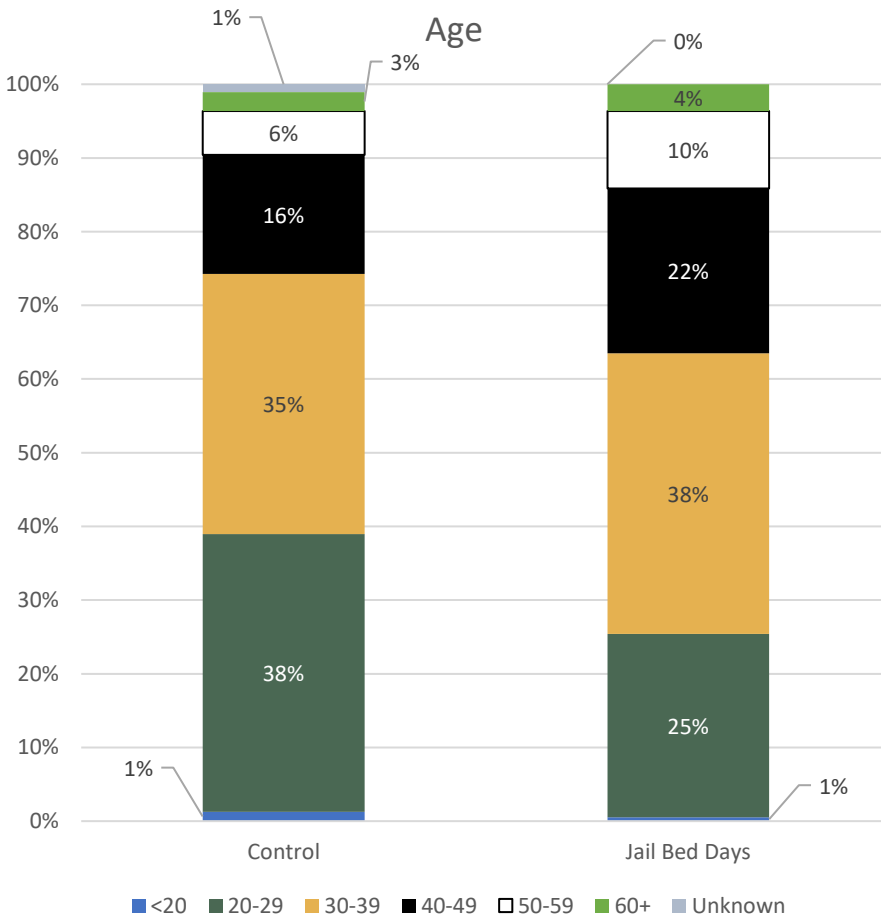


Age

The following breakdown is of age ranges.

Age	Control Events
<20	6
20-29	178
30-39	168
40-49	76
50-59	28
60+	12
Unknown	5
Total	473

The following graphic provides a percentage comparison between age in control events and overall jail population as measured by jail bed days.

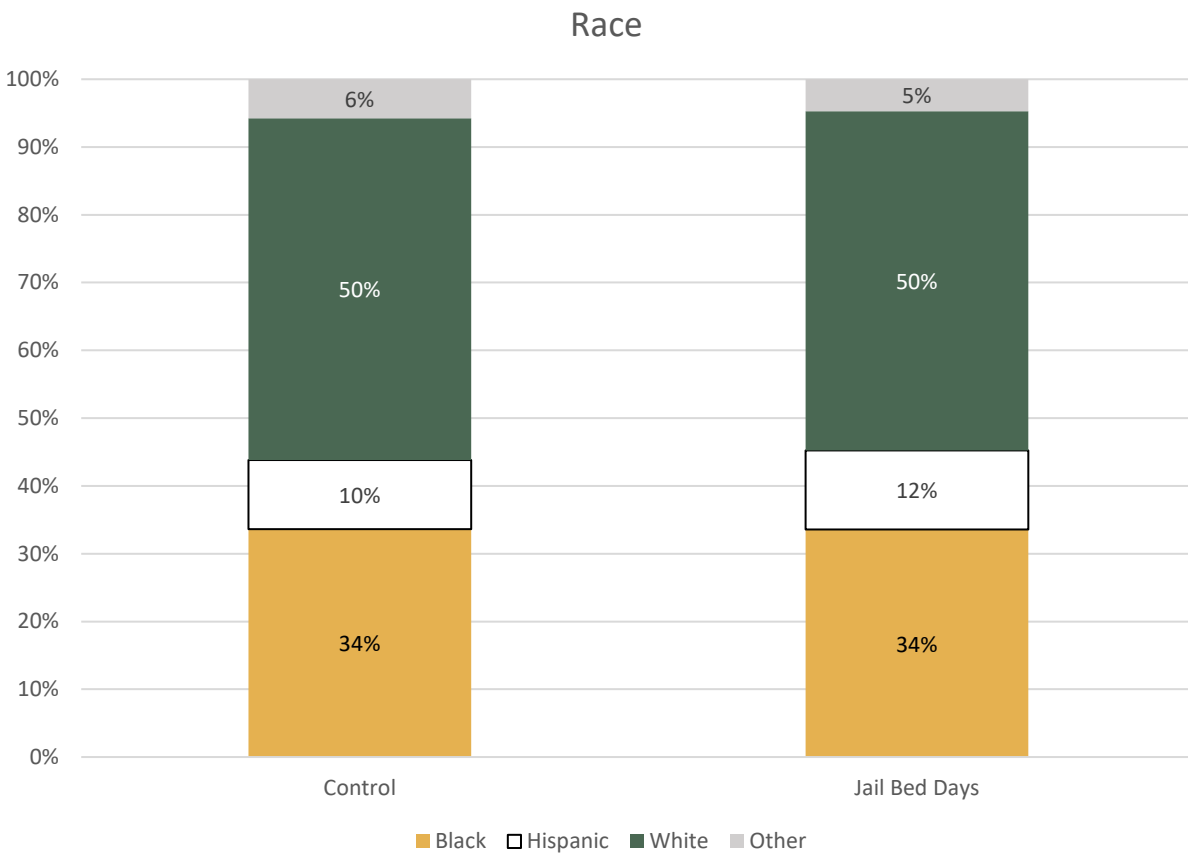


Race

The following breakdown is of race.

Race	Control Events
Black	159
Hispanic	49
White	238
Other	27
Total	473

The following graphic provides a percentage comparison between race in control events and overall jail population as measured by jail bed days.



Force Types

Of the 473 control events that occurred in 2022, there were 721 types of force used. Below is a breakdown of the types of force used during control events.

	Count	Percent
Control Techniques	368	51.0%
Takedowns	125	17.3%
OC	61	8.4%
Restraints	57	7.9%
Pointing of a CEW	44	6.1%
Physical Strikes	32	4.4%
CEW Deployment	24	3.3%
Pressure Points	8	1.1%
Impact Tools	1	0.1%
Kinetic Impact Projectiles	1	0.1%
Total	721	100%

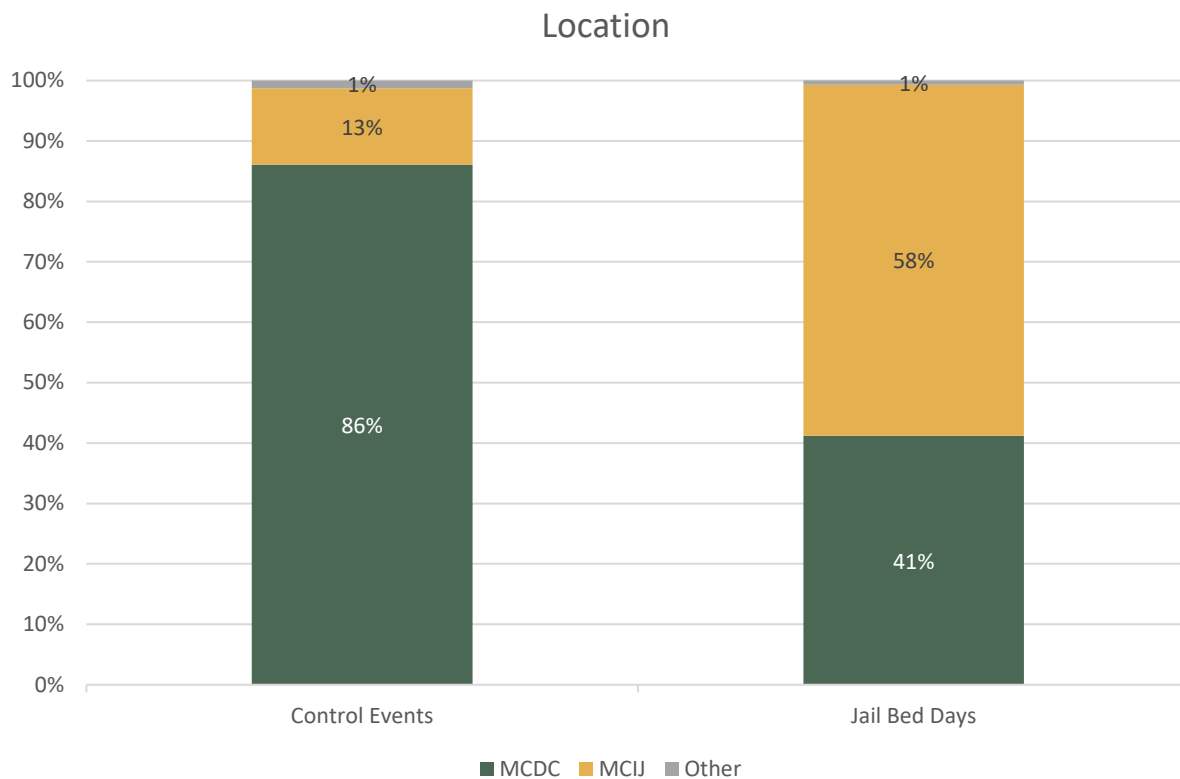
Similar to the Law Enforcement Division, control techniques represented the majority of use of force types used.

Location of Control Events

As described in prior sections, MCSO operates two corrections facilities: the Multnomah County Detention Center and the Multnomah County Inverness Jail. The two facilities serve different functions. MCDC serves as the booking, intake and release center, and houses adults with the highest risks or needs. MCIJ provides housing to medium and lower-risk individuals.

As such, the prevalence and type of control events varies between the facilities, as shown in the following table. Other represents locations, such as hospital, courthouse, or any space outside of MCDC or MCIJ. Control events are calculated as a percent of jail bed days to make comparisons with consistency.

Location	Control Events
MCDC	407
MCIJ	60
Other	6
Total	473

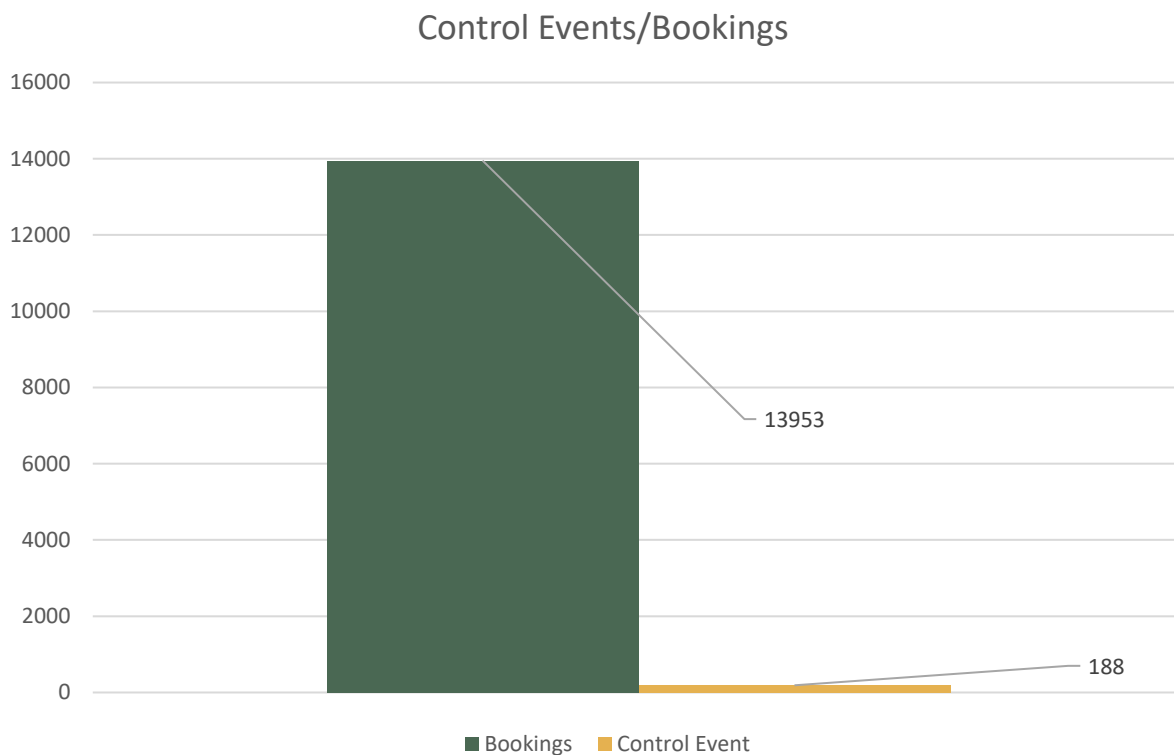


Booking Process

All individuals taken to jail in Multnomah County are booked into MCDC. Multnomah County uses an open booking model, meaning that handcuffs are removed from a person who is acting cooperatively. The person walks themselves through the booking process with supervision from corrections deputies. During the booking process, a person is searched when they enter the facility, and they submit fingerprints, take booking photographs, and meet with a recognizance officer and medical staff. If the person is required to remain in jail, they meet with a Classification Unit deputy for their housing assignments and dress-in.

In 2022, there was a total of 188 use of force incidents during the booking process. This is 40% of the total control events in corrections.

Of the 13,953 bookings in 2022, force was used 188 times, or 1.3% of the time. No force was used by MCSO deputies 98.7% of the time someone was brought into the MCDC for booking purposes.



Training

The Multnomah County Sheriff's Office is committed to exceeding use of force training requirements. The Department of Public Safety Standards and Training (DPSST) requires eight hours of use of force/firearms training each year.

During 2022, each corrections deputy received 20.5 hours of use of force/firearms training. Topics included duty to intervene, de-escalation, use of warnings, report writing, firearms training, firearms qualification, updates to use of force case law and Oregon Revised Statutes, and Taser recertification.

Recommendations

In an effort to continually improve our performance, processes, data collection and be transparent and accountable to our community, the below recommendations are made.

Recommendation #1

Implement a modernized use of force data collection system to facilitate analysis of use of force incidents, identifying patterns and training priorities. This system must expand the breadth of data points collected to enhance analytical capabilities and enable continuous organizational improvement.

Completed: Effective June 1, 2023, MCSO moved forward with Benchmark Analytics, creating a new Control Event Report that captures additional data points that will assist in identifying trends, training priorities and will enhance analytical capabilities. This will also meet the requirement by the Oregon Accreditation Alliance to have a stand-alone use of force reporting form.

Recommendation #2

Update the use of force sections in both the Law Enforcement Manual and Corrections Manual to require all deputies who use force to complete a Control Event Report. This will ensure comprehensive tracking, accountability, and continuous improvement.

Completed: Effective June 1, 2023, as part of the rewritten and updated Use of Force chapters, in both the Law Enforcement Division and Corrections Division manuals, it requires any deputy who used force to complete a Control Event Report documenting their decision making and actions throughout the event.

Recommendation #3

Update the use of force sections in both the Law Enforcement and Corrections Manual to be consistent with federal and state case law, state law, and MCSO policy. This will ensure internal consistency and compliance with required legal and governmental standards.

Completed: Effective June 1, 2023, all sworn members were required to read and acknowledge the rewritten and updated Use of Force sections in their perspective manuals. The updates included language to make them consistent with state case law, federal case law, state law, and MCSO policy.

Recommendation #4

Provide additional training to members regarding current use of force issues. Specifically, training must be expanded in the following areas:

- Duty to intervene
- The use of the new reporting system
- Newly implemented policies and how those effect their daily work.

Completed: Effective February 2023, an Annual In-service Training began for all sworn members and the Use of Force Inspector provided a 3.5-hour course that included the following topics: Duty to intervene; the new Use of Force Reporting system; and upcoming updates to the use of force chapters in the Law Enforcement and Corrections Division Manuals.

Recommendation #5

Standardize, refine, and expand annual, quarterly and ad hoc use of force analysis and report distribution. This will promote transparency and provide analytical insight to key stakeholders to ensure continuous improvement. It will allow the Multnomah County Sheriff's Office to be an industry leader in an essential area of responsibility required for a Public Safety organization.

Ongoing: MCSO will continuously work with Benchmark Analytics to improve, refine, and expand the analysis of all use of force events. MCSO will also continue to report quarterly use of force statistics and annual use of force reports to promote transparency and build community trust. The Sherriff will also continue to meet with the Use of Force Inspector quarterly to receive updates on identified trends and to ensure compliance with reporting, supervisory reviews of use of force events, and public reporting.