

**Marion County  
Public Safety Coordinating Council  
Draft Minutes  
February 8, 2005**

**Council Members:**

Walt Beglau, Brent DeHart, Judge Tom Hart, Seantel Heisel, Ruth Hewett, Chief Rick Lewis, Commissioner Patti Milne, Pete McCallum, Ed McKenney, Jim Murchison, Dan Murphy, Chief Walt Myers, Larry Oglesby, Sheriff Raul Ramirez, Bob Royer, Judge Susan Tripp.

**Guests:**

Bill Adams, Cyndi Astley, Monty King, Kathy Pugh, Undersheriff Mike Wilkerson.

**Staff:**

Dan Estes, Hitesh Parekh.

Chair Commissioner Milne called the meeting to Order at 4.05 P.M.

Guests Kathy Pugh, Cyndi Astley, Bill Adams and Monty King introduced themselves. Kathy said that she represented the League of Women Voters, and that the League is doing a Marion/Polk county study of committees/meetings. It is a nonpartisan group interested in observing how the Open Meetings Laws are handled within these counties.

Cyndi Astley is the Program Director of the Community Action Drug Prevention Network, Mid-Willamette Valley Community Action Agency, Inc.

Bill Adams is the Director of the NO METH - Not In MY Neighborhood Program. Monty King is a member of the City of Salem Community Police Advisory Committee.

Commissioner Milne asked the Council to review the minutes from the MCPSCC January 11, 2005 meeting.

Besides a minor change, Dan Murphy moved to approve the January 11, 2005 MCPSCC minutes.

Ruth Hewett seconded the motion.  
Minutes approved unanimously.

Commissioner Milne gave an overview of the Agenda, and thanked all the MCPSCC members who had attended and made presentations at the three

## **Community Breakfast meetings**

Commissioner Milne also reminded council members to give Hitesh any notes they had taken at these meetings.

Commissioner Milne mentioned that if the MCPSCC were to put together a toolbox of meth resources for the community it should be linked to some of the websites that are already on-line such as the Marion county Children & Family's Department.

### **Commissioner Milne then asked if any of the Council members had any additional comments.**

Sheriff Ramirez mentioned that he had been working with Senator Winters, as she was drafting up a bill to add biometrics to Oregon Driver's licenses as ID theft statewide is directly linked to meth. The Sheriff added that on Tuesday Feb 15 he will be hosting a community discussion with Hardy Myers on the use of deadly force. After the discussion, they will solicit input, feedback, and concerns from the general public.

Sheriff Ramirez also mentioned that the Marion County Work Center has begun operating. The first wave of 30 offenders is already lodged there.

Dan Murphy mentioned that the Juvenile Enrichment through Mentoring, or JEM, in Marion County is a federal program, not restricted to youth returning from custody, but also for 9-13 year old at-risk youth, entering the criminal justice system.

Ruth Hewett mentioned that the second SAFE School summit will be held on Friday February 11. The FBI will be there. The summit was excellent last year. Chief Myers said that he had heard a powerful speaker at the state capitol who had spoken to the legislators about how drugs affect the brain.

Dan Murphy stated that this speaker is an expert in the country on early brain development and the State CFC helped to coordinate this presentation. The Council should try to get a videotape of this presentation.

Walt Beglau added that the District Attorney had worked with the Salem Hospital and Liberty House to bring this gentleman out and train hundreds of people with his material. Walt said his office will be purchasing the tapes so that they can get some momentum behind this concept for their frontline case workers and all the players in child neglect and abuse.

Walt said that he would look into the videotapes and report back to the council. Brent added that at a SEDCOR event last week DJ Drug Testing had a booth with a flyer advertising that they will test your teenager for \$10, and they would like to sell this kit to both children and parents. This takes the peer pressure off kids who can tell their friends that since their parents test them they cannot do drugs. Idea is in its infancy.

Cindi Astley mentioned that she met with DJ testing and asked what resources were available to the parents after a positive test? The Drug Prevention Coalition is providing the Substance Abuse and Mental Health Service Administration model programming for parents as well as tips for teens on three drugs, amphetamines, marijuana and cocaine. Seantel asked if there was information on prescriptions that interacted with drug testing.

Cindi stated that while the prescriptions will show on the drug test they will not register as a narcotic.

Commissioner Milne added that kids who are taking some type of prescription drugs don't understand the effects of mixing these with illegal drugs, nor do their parents.

Sheriff Ramirez mentioned that besides meth they are starting to see an increase in heroin. He is tracking this and will report back to the Council.

### **Anti-Drug Publicity Kick Off Campaign- Brent DeHart**

Brent handed out a draft script for the launch of the MCPSCC anti-drug campaign on March 8, and explained the agenda and listed event speakers.

Cindi Astley added that she had been talking about drug free workplaces at the Keizer Chamber and Chair Brandon May is very interested in the drug free initiative as a whole. Brandon wants to take this initiative to the Keizer members and develop the comprehensive drug free work place protocols further. Commissioner Milne added that Elizabeth Vega of American Diagnostics has a monthly column in the Woodburn Chamber newsletter about drug testing, and that this is a subtle way of providing peer pressure.

Brent said that it would really help to get the Woodburn, Keizer and Salem chambers to embrace the ID theft issue. He added that Cindi Astley and he will be meeting with Kay Baker on Monday February 14, to ask for her commitment. Since a part of the 2005 Strategic Plan is asking for statutory change, there are guests from law enforcement, Children and Families, and school districts who have been invited to the March 8 meeting.

Brent added that the March 8, meeting would also highlight the positive. For example, City of Salem Manager Bob Wells made a commitment to train every employee in the city about meth activity and awareness. So we may want to recognize them.

Brent said that all of the speakers will be fast and to the point. He would like to get CCTV to tape the March 8, meeting and bring it out to all the city councils when we go and meet them.

Dan Murphy mentioned that Jackie Winters has started a series at the Capitol where everyday before a meeting; a snippet about meth is shared.

Brent said that he was unfamiliar with Representative Vickie Berger's bill. Dan Estes said that Representative Berger's bill deals with registering meth-manufacturing offenders.

Brent then asked the group how comfortable they were with an event such as this. He said that at the last Steering Committee of the MCPSCC the discussion had revolved around what the Council members had felt about holding an event such as the March 8, meeting.

Commissioner Milne then opened the conversation about drug testing at the March 8, meeting.

Comments from the members to Brent's March 8, meeting format:

- Mike Wilkerson asked if a connection with the faith community could be established. He said that he was not sure where this would fit in. Perhaps contact Sam Skillern?
- Sheriff Ramirez mentioned youth pastor Nathan Webber from Dynamic Life.
- Commissioner Milne stated that the Council should consider a breakfast meeting with the faith community, as well as other sectors in the community.
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Walt Beglau said that he approved of Brent's schedule of events for the March 8, meeting, adding that he felt that there should also be a visual starting point as it was also supposed to be March Meth Month at the Legislature. He also liked that we would acknowledge the efforts to tackle meth including what we are doing in Marion County.

As far as the drug testing goes, there are pros and cons both ways. One idea he had was for the police chiefs and the elected officials to take the test. Walt added that if the Council is interested, he would be happy to contact Senator Jackie Winters and invite her to the March 8, event.

Pete McCallum asked if DJ Testing was the only drug testing company available to perform the tests on March 8. "It seems as though by associating with them, they become the official drug testers," said Pete.

Brent stated that there are several drug testing companies in town and we should have a list of all of them for our March 8, meeting.

Pete McCallum asked if other drug testing companies had been invited to provide free testing.

Brent said that he did not feel it was appropriate to have a volunteer and then look for someone to compete against his volunteer.

Pete McCallum added that he just wanted to make sure that DJ Testing was not seen as being the only drug company that can do this.

Dan Estes asked how the Council would deal with false positives? "If we are holding a media event and an elected official receives a false positive, is the media going to portray it as such, " asked Dan.

Walt Myers said that experts should come and speak to the MCPSCC about how the testing is done, but if someone does test positive then that same sample can be retested.

Brent added that asking the drug testing company just to test for meth could also minimize this.

Dan Estes asked if there was any thing else that could give a false positive? Seantel stated that a drug tester will ask a series of questions about medications that the client may be taking before the test to rule out any compromises as far as the testing results go. For example, those taking ADHD medications always test positive for amphetamines. Many of the kids at the OYA are on ADHD medication and will test positive for drugs.

Hitesh asked if there were any HIPPA guidelines that the Council members needed to be aware of prior to taking the test.

Walt Beglau said that this was the same discussion that the MCPSCC Steering Committee had two weeks ago in trying to look at all the potential issues that may come up with drug testing. He said that one suggestion he had was for a core group to do a test in advance and work through those issues mentioned. Do the test a week before March 8, then announce it at the March 8, meeting.

Judge Hart said that he preferred that the entire council do the drug test. He would be happy to go a week before hand. Since he personally will be out of town on March 8, he would be happy to pre-test and have the results displayed. He added that he does not want to be excluded from the test.

Cindi Astley said that the only time a specimen will be viewed is if the specimen appears adulterated. Potentially the Council should have everyone pre-tested before or after the event. Then the event itself would be to show how simple it is to just have the test and how fast it is.

Commissioner Milne said that there were two issues that she had:

1. Was everyone comfortable with doing the test?
2. Do members want to do the test in private?

She added that she just wanted to be sure that everyone is 100% comfortable with this before moving ahead.

She also said that if something should go awry such as false positives, she did not want this to blow up in the Council's face. "Because something small going wrong will jeopardize everything that we're doing. I'm happy to participate. At our Steering Committee meeting everyone suggested we take a vote and staff has prepared paper ballots- no names- just a secret ballot. I'm nervous about this-that it will destroy our efforts that have so far been very good and on the right track. I will do whatever the group decides, but I do think that it needs to be a unanimous decision whatever we decide to do," Commissioner Milne said. Pete McCallum asked what would happen if the Council pre-tested, limited to meth and all members were involved? "So the first questions is," Pete said, "would everyone be willing to be tested?"

Sheriff Ramirez said, "I'll be testing, but in fairness to other committee members, it is a voluntary effort. Whatever that number is of those that volunteered, tested, and here's the result-that should be the product. It is a unified effort that should not pressure other members who don't want to participate. The other piece is HIPPA: you will be disclosing; they'll want to know your medical situation. People with medical issues are private and confidential. So, we need to ensure the membership here is protected and the results are safe. Since we (Sheriff's Office) work with a lot of testing companies, if we do it on site then they will have all the paperwork present and will have the result on the spot."

Commissioner Milne said that her concern was that ".if someone for some reason got a strange reading then the whole message that the Council is attempting to portray will get diverted from its original intent, and the headlines in the news are something totally different to where we want to be."

Ed Mckenney said that he thought the Sheriff had a good point and that testing should be voluntary. "So if someone has a medical problem they don't have to attend," he said.

Brent said that he agreed, and had the same concerns and didn't want to push someone into doing something that they don't want to do. "The problem is," said Brent, "if you make it voluntary, then people don't have to do it."

Seantel suggested that Council members test and then submit the results voluntarily. She also shared concerns about false reads and having something happen in public. She said, "taking the test voluntarily can avert this."

Dan Estes said that doing the pre testing may be a good idea since it eliminates the entire false positive issue. Also a person who has gone to the pre-testing and has been cleared, may also want to do this on the day of the event. "The point of this March 8, event is to show businesses and the community that drug testing is easy and great for businesses," said Dan, " something that we're pushing and what we want the businesses to adopt," he continued.

Cindi Astley said that if we're asking businesses to establish comprehensive drug place work policies that include drug testing, ".you cannot opt out if you have a medical condition. I need to walk in and say I'm insulin dependant diabetic, and I need to take this test. If you selectively opt out as a committee you're not sending the complete message to the business committee that everyone is in the pool. You could put all your names in a hat and pull out names for random testing, but will be sending a mixed message that some can opt in and some can opt out."

Chief Myers suggested that everyone on the council vote anonymously. Commissioner Milne distributed ballots for Council members to vote on. Chief Rick Lewis asked if Council members could go to Salem Occupational Health and have a drug test prior to March 8.

Brent added that in a lab if they receive a positive test they will typically resend it for retesting.

After reviewing the anonymous votes, Commissioner Milne said that there were 14 'yes' and 3 'no.'

Commissioner Milne said that she was looking at this as a reporter, and just the fact that some Council members were doing the testing and not others would raise some questions.

Brent said that he didn't think this was a two-faced issue. "If we're lucky enough to get on the TV camera, the whole emphasis is on the actual drug test; Is this the message we want to send? Will other aspects of what we're trying to do get lost in this, " he asked.

Ruth Hewett suggested that "...the Council select a time where people could go take the test if they want to, then the Council could pick one or two people to say that the council members have been tested, the results are available, and that we want to show how fast this is. In that way it's all done. If you have enough time slots people that want to go can get pre-tested and we can still have the show."

Bob Royer said that from the newspaper's perspective they will ask if all members of the Council took the test and if not why not.

Commissioner Milne said that she didn't want someone who chose not to be contacted by a reporter to be asked why they declined to take the test. "If this happens," she said, "then the story takes on a different meaning to what we are trying to do."

Dan Estes said, "When we first started the discussion about drug testing several months ago, it was establishing the credibility of the MCPSCC and it's leading this effort. To be honest with you, I think this goal has been accomplished with or without drug testing. On a statewide level, Marion County is far beyond what other counties are doing. People are seeking us out. I think our credibility has been established. Next goal is talking about the drug testing and how easy it is. We don't have to set the expectations that high. We don't have to say this is a drug test for all our Council members; we can just get one or two volunteers to take drug tests. If the newspapers ask why all the MCPSCC members didn't test then we can address this issue when we come to it. We should also set up a process saying that we'll be following up with this making sure that we're meeting HIPPA regulations etc. If we set the expectation too high, we'll fail." Jim Murchison, agreed, adding that he didn't think that the Council needed this issue to get the media's attention. "I think that the MCPSCC talked about this as a gimmick for the media six months ago, and it sounds like from the discussion here we aren't going to get there. We don't have a unanimous decision here. We may be better off putting this on a back burner. If push comes to shove we can do it later or talk about HIPPA and confidentiality issues that make this difficult. The message is getting out and we don't need to stumble on this hurdle," he said.

Commissioner Milne added that Brent put together a great outline for the press conference and that she did want to hold the press conference on March 8.

Motion made by Ed McKenny that the MCPSCC hold a press conference on March 8, with or without the drug testing.

Chief Walt Myers seconded.

Judge Hart said, "All of the grown-ups need to act like grown-ups first, I think. If you want my two cents worth, then, this is what we decided to do as a committee and if we can't see what's going on in our community by this meth and if we're not all doing this together, I don't want to be on the committee anymore. That's just the way it is. You ought to accept whoever's resignation they want to tender before the test. That's my position."

Brent said, "I don't think there's any negativity surrounding those that don't test. If asked why, its because we're asking the five elected officials to test . I don't think that these alone are enough for a newsworthy article, so unless you bring Ted Kulongowski with you . . ."

Bob Royer, "Here's another approach, that there are limited number of free tests that are offered. If you're interested in seeing how quick and easy it is, sign up. No results. 10 spots."

Commissioner Milne said that there was a motion on the table, and although she had mixed feelings about (this), she would like to keep moving on it.

Ed Mckenney, " The drug testing could be done later, giving us a second shot with the press. So we go ahead without drug testing with a high level person at the press conference. Then do drug testing just as a back up. So the motion does not address drug testing, just the date of March 8."

Commissioner Milne, "We will continue to plan for the press conference. We have a good outline from Brent here. Anyone want to volunteer to work with Brent to finalize the script?"

Sheriff Ramirez said that he would work with Brent. He added that to have volunteer drug testing on this day could possibly make the media go in a different direction from the one the Council intended.

Ed stated that the media would not care about those that are in the public eye.

Judge Hart said that the Council could invite someone from the Chambers since there are some businesses that already have drug policies in place. If the Council can get these different policies as examples of options, then we could have them available on March 8, as a resource.

Larry Oglesby said that when the County was building the Juvenile detention center, the first thing that happened when a construction employee showed up to work was that he/she would go off to Lancaster Street and get a drug test. This was impressive. Larry added that having someone from the business community say this is how business is done sends an important message. Secondly, regardless of whether the press will come or not, if we are talking about public education, showing how easy the test is, then DJ Testing can use apple juice just to show how easy it is to be tested.

Seantel asked what was the significance of showing how easy it is for the business community to test employees since the business community would not be doing the test themselves, and would be sending the specimen off to a lab? Brent responded that this new technology is designed for the HR person in the company, and this was why it is so cheap. "You can buy a case of these samples, and the HR director does not need rubber gloves. Just give a cup to the employee and the employee does it all. Happens instantly in the work place: pre-employment screening. No Labs no experts. It is revolutionary."

The Sheriff added that they were distributing a parent aid drug testing kit at \$2.95 per kit. He said that they could mention that this kit was available to parents at the conference.

Ed said that the Council could get more press from just a single demonstration of how this sampling would work.

Walt Beglau said that he thought the Council needed some resolution to this drug testing issue and that he sensed some polarization around it. He added that one idea he had was to have someone from the press select at random an elected official be tested. Volunteers and elected officials will show how simple this is. Demonstrate to the business community how easy the process is.

Judge Hart said that (reluctance to take the test) may have to do with understanding how the process works. He knew how these tests were done. He added that the Council made a commitment from the top down to move forward on this and that it was incumbent upon the individual to find out what the risks are.

A motion was then made by Chief Walt Myers: "Everyone that comes to the March 8 meeting that is a member of the MCPSCC will take the test. If unable to, then take test prior to the meeting."

Judge Hart: I call the question on that motion.

Commissioner Milne: If you are calling the question this means that there's no discussion.

Judge Hart: We've talked through this thing considerably.

Commissioner Milne: Those in favor of the motion say 'aye.'  
'Ayes' heard.

Commissioner Milne: Those opposed say 'nay.'

One 'nay' heard: Brent DeHart

Commissioner Milne: There were no parameters around our vote, but in secret ballot there were some dissenting votes.

Ed: I've been against drug testing, but if we say that someone's machine shop should be drug tested and we're unwilling to be drug tested, this is a difficult position to be in.

Brent: Also, we're going to put this on the table with unions when it comes to negotiations. I would be happy to reconsider my vote.

Patti: Any objections to Brent reconsidering?

Judge Susan Tripp: I have a question. I've had situations where you end up with the preliminary test being wrong. How will you handle these?

Sheriff Ramirez explained that in this situation the specimen would go to the lab.

Judge Tripp: So then you'll be explaining that everyone else's is fine, but Patti Milne's will be going to a lab? False positives happen. We need to be prepared for this. We'll be using the instant results test.

Commissioner Milne: So just to reiterate, everyone who comes to the March 8 meeting will be tested on this day, or before.

Commissioner Milne: My concern is that if a member doesn't show up and does not want to be pre-tested I don't want the media looking at this one person. I want to be sure we've thought everything through and double-checked everything.

Judge Tripp: My question is if there is a way to protect those members that are concerned. If they are a public official and they don't want someone to know what their medical history is, then I think that this is a valid point. So maybe if

you limit what you're testing for and what happens to this information, then maybe people will be less concerned.

Commissioner Milne: If we only test for meth, is that going to be able to accomplish what we want?

Judge Hart: Just focus on meth. Can say that there are other panels for which other drugs can be tested, but for now just meth.

Brent: I'm not concerned about the privacy issue, it should never leave (the tester), as well as the sample. We tell them what results we want. Typically three-panel screen, five panel screen.

Bob Royer: Just make sure that the people not here understand what will be taking place on March 8.

Walt Beglau: Also want to state that Council members are not compelled or mandated to take the test.

Judge Tripp: Is there going to be an announcement of the results at this event ?  
Commissioner Milne: Yes.

Judge Hart: The motion carried unanimously.

Sheriff: Send out e-mail for those that want to pre-test, dates, locations, etc.

Hitesh: We may also want to consult Legal Counsel about this process before we send out further instructions to the MCPSCC. All steps need to be verified.  
Signed.

Ruth: Should HIPPA rules and regulations also be mailed out to the Council members?

Walt Beglau: I think this kind of presentation takes courage.

Pete: While I'm happy with results, but for the 3 dissenters, I think things will work out. Also let legislators and participants know that they can volunteer to be tested too!

Commissioner Milne said that all Council members are encouraged to attend the Feb 22, Steering Committee meeting. Any further suggestions about the March 8 meeting should be e-mailed to Brent, and Hitesh be copied.

Sheriff added that the drug testing company should be invited to attend the February 22, Steering Committee meeting, so they can inform the Council of the process. The drug testing company should bring their questions, waivers etc. to this meeting.

The April MCPSCC meeting will be held at the Coffee Creek Correctional Facility, Wilsonville. The Sheriff will organize this meeting.

Adjourned.