



DRAFT

Legislators' Public Safety Briefing With Marion County Civic Leaders



Tuesday, January 29, 2019

4:30 – 6:00 p.m.

Refreshments will be served!

State Capitol ♦ Room 350♦ 900 Court St.♦ Salem, OR 97301

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MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

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MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

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Marion County Public Safety Coordinating Council 2019 Legislative Agenda

COMMUNITY CORRECTIONS

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JUSTICE REINVESTMENT

SUPPORT Justice Reinvestment grants at the current service level of \$41.6 million, and Supplemental funding at \$7.2 million. Marion County's Public Safety Coordinating Council spent months during the fall of 2017, reviewing and thoughtfully prioritizing strategies to divert appropriate property and drug offenders from prison to community supervision. Circuit Court judges, District Attorney trial team leaders, and Sheriff's Office Community Corrections Division officers have worked closely together to achieve the Oregon Criminal Justice Commission targets for prison use.

Marion County's 2017-2019 justice and supplemental reinvestment plan includes: Senate Bill 416 Prison Diversion (\$1.45 million), Jail Reentry (\$524,180), Marion County Specialty Court (\$20,000), Link Up treatment services for co-occurring disorders (\$431,004), Student Opportunity for Achieving Results or SOAR (\$513,842), De Muniz Reentry Resource Center (\$200,000), Transition Services/Housing (\$246,736), and Substance Abuse Treatment (\$78,090).

Through an agreement with the Oregon Department of Corrections, Marion County is expanding its transitional release program in an effort to reduce the number of men and women at state facilities, accepting up to 20 inmates due to release in Marion County.

Marion County community corrections deputies manage 3,200 people on post-prison supervision and probation. 600 adults are released annually from prison to Marion County custody. Under traditional parole and probation practices, Marion County's recidivism rates were as high as 36% in 2002. By 2014, this rate dropped to an all-time low of 14%. Today, persons released from prison participate in assessments to determine their motivation to change and risk to reoffend. Based on assessment scores, offenders are assigned supervision, mentors, substance abuse or mental health treatment, employment skill building, rental assistance, and even parenting classes. County officers connect with more than 100 local employers to open doors for clients who are ready to work.

The cumulative results of these collaborative efforts have resulted in an impressive decrease of over 10,000 prison months since 2014 as compared to our historical baseline.

COMMUNITY CORRECTIONS BASELINE FUNDING

SUPPORT the time study recommendation for baseline community corrections funding which serves as the foundation for Marion County's community corrections initiatives, including supervision and jail space for sanctions. As required by ORS 423.486(1), every six years the Oregon Department of Corrections, in collaboration with the Oregon Association of Community Corrections Directors, must submit an "Actual Cost Study" to the legislature. The purpose of this study is to determine the time and monies spent on the 30,000 people under some type of formal supervision, which then recalculates what the "daily rate" per client should be. This exhaustive and almost two-year process resulted in an increase in the daily client cost

calculation from \$11.69 to \$14.249, which increases the baseline funding to \$332 million for 2019-21. However, the Governor's Recommended Budget recommends a current service level in the community corrections budget of only \$279 million, based on an inflation factor. **Marion County supports the current service level at \$332 million, based on the time study calculation.**

JUVENILE JUSTICE

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SUPPORT Minors in Possession legislative language clean up. (Add a sentence or two explanation)

SUPPORT recommendations from the Measure 11 workgroups. Four workgroups are working on Measure 11 legislative recommendations for the 2019 session. [List legislative recommendations.]

SUPPORT recommendations from the workgroup on youth with specialized needs who require mental health resources. The workgroup recommended options to divert mentally youth from detention and the juvenile justice system. [List legislative recommendations.]

SUPPORT legislation on juvenile detention guidelines. This legislation came out of the report “Don’t Look Around: A Window Into Inhumane Conditions for Youth at NORCOR, where concerns were documented about lack of mental health and social development needs of youth placed in juvenile detention (<https://droregon.org/investigative-report-conditions-youth-norcor/>) (Add description here of proposed legislation provisions on juvenile detention.) In addition, the council supports legislative funding to help cover the cost of additional services for detention.

SUPPORT legislation clarifying charging of probation violations. The Oregon Juvenile Department Directors’ Association introduced legislation to clarify the ability to charge a youth involved with a parole violation of a new crime when the incidents occur within a short time frame of each other. (Add description here.)

SUPPORT legislation requiring schools accepting credits earned by youth in short term detention stays. Schools have been reluctant to accept credits earned by youth in short-term detention. (Add description here.)

SUPPORT legislation allowing county juvenile departments to hold youth in detention under the Interstate Compact on Juveniles for probation violations. (Add description here.)

MENTAL HEALTH

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CRIMINAL JUSTICE-BEHAVIORAL HEALTH PARTNERSHIP

SUPPORT state funds for mental health programs. The Governor’s Recommended Budget includes \$16 million to continue community mental health services, which were funded through marijuana tax revenues in 2017-19 (Policy Option Package 408). In addition, there is a \$9 million shortfall in behavioral health funding financed by tobacco tax revenues in 2017-19. The council supports the Policy Option Package 413, which covers the shortfall. The \$9 million in funding pays for rental assistance, mobile crisis services and outpatient substance use disorder services.

SUPPORT the following Policy Option Packages for new services in the Governor’s Recommended Budget.

402 – Expand Behavioral Health Services, including suicide intervention and prevention, in schools for children and youth; develop adult suicide prevention, intervention and post-intervention plan: \$13,103,059

403 – Intensive In-Home Behavioral Health Services: \$6,575,316 This policy package seeks to create and expand intensive community-based behavioral health care for Oregon children. Due to a lack of intensive community-based services, many Medicaid-eligible youth are referred to residential care instead of receiving treatment in their home community. Creating and funding new intensive care opportunities in the community would increase diversity of services available to Oregon’s Medicaid-eligible youth and provide alternatives to residential services.

409 – Develop opioid alternate pain education modules and expand resources for Substance Use Disorder analysis: \$312,700

OREGON HEALTH AUTHORITY “370” AID AND ASSIST POPULATION

SUPPORT LC 383 to fund intermediate placement options for “aid and assist” misdemeanor defendants by the Oregon Health Authority. More than 40 percent of Oregon State Hospital (OSH) Aid and Assist (or “.370”) patients have been charged with only misdemeanors. This population has a large effect on the OSH as the .370 population continues to increase. Legislative Concept 383 would amend ORS 161.370 so that misdemeanant patients will be evaluated and treated in the community, unless a certified evaluator determines that the misdemeanant needs a hospital level of care. A successful implementation of LC 383 requires more intermediate (i.e., middle ground between the hospital and living independently in the community) placement options. The middle ground placement options are sought by communities and consistent with the U.S. Department of Justice’s expectations. Funding amount in the Governor’s Recommended Budget is \$ 7.6 million.

SUPPORT LC 371 that supports staff and technology at the Oregon Health Authority for CCO 2.0.

The Oregon Health Authority is currently undertaking a significant advancement of the coordinated care model with a focus on the following four areas to further transform CCOs:

1. Improving the behavioral health system,
2. Increasing the use of value-based payments,
3. Controlling costs, and
4. Addressing CCO members' social determinants of health.

Policy Option Package 416 provides \$1 million to support this effort.

LAW ENFORCEMENT

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PROSECUTION

SUPPORT legislation amending the felony sex crimes statute. In State v. Carlton, 361 Or 29 (2017), the Oregon Supreme Court reversed a life sentence imposed pursuant to ORS 137.719 (third strike for felony sex offense), because one of the defendant’s felony sex offense convictions in California was not “comparable” to a felony sex offense in Oregon. The court looked at the defendant’s felony conviction in California for “lewd and lascivious conduct upon a child” which did not specifically require proof that the defendant had contact with a “sexual or intimate part” of the child, as Oregon’s Sex Abuse I standards would require. Thus the two offenses were not “comparable” and the defendant’s California felony sex abuse conviction could not count as a predicate for purposes of ORS 137.719. The Carlton court commented on the “sparse” legislative history of ORS 137.719. (Add description here – what does the bill do?)

SUPPORT legislation modifying qualified interpreter hearsay rules so that they can be admissible in court. Case law makes it nearly impossible to use competently interpreted statements for victims and defendants in court. Counties with large Hispanic populations are significantly impacted by these limitations. (Add description here – what does the bill do?)

SUPPORT legislation requiring testimony by defendants to be sworn. ORS 135.095 allows a defendant to make an unsworn statement at a preliminary hearing at the close of the state’s evidence, while victims are required to give sworn testimony. (Add description here – what does the bill do?)

SUPPORT legislation adding “contempt” to eligible offenses. [Insert description of what problem this legislation is trying to fix.] The legislation adds “contempt” to the search warrant statute and also adds “criminal contempt violence restraining order” to the definition of “offense” in ORS 161.505.

SUPPORT legislation that strengthens prosecution of car thefts. [Insert description of what problem this legislation is trying to fix.] In 2018, [list groups that worked on the bill] negotiated language in House Bill 4161 that would [describe what the bill would do.] The bill was not enacted, because [ran out of time? Other reason?] This legislation moves the negotiated language forward for adoption in 2019.

SUPPORT legislation requiring reasonable and timely notice in guilty except insanity defenses. [Insert description of what problem this legislation is trying to fix.] In State v. Robinson, 288 Or App 194 (2017), the Court of Appeals noted a fix for this situation “would not be difficult for the legislature to remedy” and further offered the opinion that the court was “mindful of the realities of current criminal practice, and of the practical effect of this decision. Although the notice provisions of ORS 161.309 may have been consonant with Oregon criminal practice 80 years ago when the 1937 legislature adopted them, or 46 years ago when the 1971 legislature decided to continue them, they are not today.” (Add description here – what does the bill do?)

POLICE EVIDENCE

SUPPORT legislation expediting Oregon testing for DUI blood evidence. The Oregon State Police and law enforcement partners to are working under an expiring grant that funded blood testing in driving under the influence cases and current testing backlog. [Insert sentence that describes the original backlog and progress made under the grant.] (Add description here – what does the bill do?)

GUN SAFETY

SUPPORT legislation requiring LEDS entry for prohibited purchasers of firearms. Someone who has been found unfit to proceed [explain this in layman's language] is disqualified from purchasing a firearm. However, that information is not always entered into Law Enforcement Data System (LEDS). (Add description here – what does the bill do?)

COST OF CRIME IMPACT STATEMENTS

SUPPORT legislation requiring a Community Impact Fiscal Impact Statement that considers the statewide impacts of proposed public policy on the criminal justice system. The cost-benefit analysis would consider costs of incarceration, savings of prison beds, and avoided victim and taxpayer costs. The legislation is based on the experience of the State of Washington.

VICTIM SERVICES

SUPPORT adding \$10 million to the Oregon Domestic and Sexual Violence Services Fund. The Oregon Domestic and Sexual Violence Services Fund was created in 2001 and is managed by the Oregon Department of Justice. **[Is it general fund or do the dollars come from an assessment or fee?]** This is the most flexible source of funding available for victims of domestic violence and sexual assault shelter programs. Marion County’s domestic violence programs received **[how much money?]** in 2017-19 from the fund and used the proceeds for activities, such as **[list several examples of what the funds are used for]**. This legislative proposal would dedicate additional dollars to in this fund for prevention, allowing increased staffing, shelter space, services to survivors in crisis, and trauma-informed training for law enforcement responders. The proposal is to add \$10 million to the fund, bringing the total amount for 2017-19 to \$[insert amount].

SUPPORT legislation prioritizing housing funds for survivors of domestic violence and protecting tenants from unfair evictions and extreme rent increases. **[Insert description of what problem this legislation is trying to fix.]** (Add description here – what does the bill do?)

SUPPORT legislation allowing digital hearsay/private audio recordings to be admissible as evidence. Many victims of crimes, such as domestic violence, sexual assault, child abuse, and sexual harassment, are now secretly recording crimes and confessions to crimes by perpetrators on their phones. These recordings are not currently admissible as evidence. **(Add description here – what does the bill do?)**

SUPPORT legislation allowing for multiple jurisdiction/same crime victim cases. When a defendant is charged in multiple jurisdictions for crimes against the same victim, and the victim is vulnerable, **[Insert description of what problem this legislation is trying to fix.]** This legislation would require that cases in these circumstances be tried in one county, so that **[insert why this legislation would benefit victims]**.

SUPPORT legislation clarifying endangering welfare of minor language. In State of Oregon v. Ryan Evan Hobbs, the court found that the state could not conclude beyond a reasonable doubt that the defendant's home was a place where "unlawful activity involving controlled substances is maintained or conducted," even when the facts presented included evidence of personal use and possession of methamphetamine in the home shared with a minor daughter. This legislation would amend **[ORS ???]** to add the word “exposed” to ‘unlawful controlled substance.’ **[Explain this a bit more.]**

SUPPORT legislation increasing the crime classification for assault of a toddler. Several recent court cases have highlighted a gap in sentencing under the current crime categories for Assault I of a child under the age of six years. This legislation would direct the Oregon Criminal Justice Commission to classify Assault I of a child under six to be a crime category 11. Through this legislation, the state would provide discretion to a judge when the facts merit a lengthier prison sentence for toddler assault.

SUPPORT legislation limiting the access to examine child exploitation material to a safe and controlled environment. Current law requires prosecutors to copy and distribute images of child sexual abuse when **[insert under what circumstances does this occur and how frequently?]**. This legislation would make Oregon law mirror federal law, limiting the access **[of who? Legal counsel? Others?]** to examine child exploitation material that is the subject of the charge to a safe and controlled environment.

SUPPORT legislation staying civil proceedings against victims during a criminal case. Ancillary civil proceedings against victims can be used to force victims to testify before or during a criminal proceeding. This legislation mirrors Michigan law that prohibits a defendant in a criminal action for criminal sexual conduct from commencing or maintaining a civil action against a victim of the crime for which the defendant is charged, if the criminal action is pending and is based on statements or reports that pertain to the criminal action.

SUPPORT legislation establishing victim rights to be notified of release decisions. , [Insert description of what problem this legislation is trying to fix.] This legislation would require [who?] provide notice to victims of certain crimes, including information on bail reduction and [what about?] release decisions.

HOUSING AND HOMELESSNESS

SUPPORT the Oregon Housing Stability Council's 2019 legislative agenda.

Strategies include:

- Acquisition of multi-family housing (\$20 million in Lottery Revenue Bonds)
- Creating a capital gains tax exemption for owners who sell properties to an affordable housing provider
- Dedicating funding to address child homelessness (\$8 million General Fund)
- Raising the Current Service Level for Emergency Housing Assistance (\$21.2 million General Fund) and State Homeless Assistance Program (\$8.8 million General Fund)
- Increasing the annual Individual Development Account (IDA) tax credit from \$7.5 million to \$15 million
- Dedicating new funds for the Local Innovation and Fast Track Housing (LIFT) program (\$80 million in XI-Q bond proceeds)
- Allowing LIFT funds to be used for low-subsidy housing or service-enriched housing
- Establishing permanent supportive housing through a fund that allows for rental assistance, services, and operations (\$18.7 million in Lottery Revenue Bonds)
- Allowing local governments to access resources to develop multifamily housing serving low and moderate income renters and homebuyers
- Modifying statutory provisions surrounding the Housing Development Guarantee account to allow interest to be used for administration, increasing income limits for clients served, and allowing the program to be used for single family purposes
- Dedicating funds to support preservation of existing, publicly-supported affordable housing (\$20 million in Lottery Revenue Bonds)
- Dedicating funding for “Ready to Rent” and “Rentwell” classes for low income Oregonians (\$5 million General Fund)
- Allowing qualified affordable housing developers and individual property owners to replace pre-1976 or pre-HUD code mobile or manufactured homes

SUPPORT the Oregon Housing Alliance legislative recommendations.

Proposals include:

- Funding for emergency rent assistance, emergency shelter, and rapid rehousing (\$50 million General Fund)
- Increasing supply of supported housing (\$18.7 million in Lottery Revenue Bonds)
- Amending statutes to remove ability of landlords to exercise “no cause” evictions
- Creating protections from economic evictions through unlimited rent increases
- Increasing funds to develop affordable housing through the Local Innovation and Fast Track (LIFT) program (\$200 million in general obligation bonds)
- Increasing resources to preserve existing affordable housing
- Expanding Oregon Individual Development Accounts



MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

Background & Membership

MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL BACKGROUND

MEASURE 11 AND SENATE BILL 1145

In 1995, Oregon voters passed Measure 11 to increase prison time for violent crimes, sending more people to state prisons for longer sentences. To ease the overcrowding of state prisons and manage offenders more effectively, the Legislative Assembly also enacted Senate Bill 1145 (1995) and House Bill 3489 (1996 Special Session), which transferred responsibility for the incarceration of people committing felony offenses sentenced to less than one year from the Oregon Department of Corrections to counties. In the past, the penalty for committing a felony was the possibility of incarceration in excess of a year in a state penitentiary, while people committing misdemeanors could get a jail sentence of one year or less in the county jail. Under Senate Bill 1145, counties assumed responsibility for people on parole, probation, post-prison supervision, sentenced to twelve months or less incarceration, or sanctioned by a court or the state Board of Parole and Post-Prison Supervision to twelve months or less for violating a condition of parole or post-prison supervision.

Counties now became responsible for increasing access to community-based corrections and treatment services, and enhancing supervision and accountability in communities. The distinction between state and county responsibility for an inmate now came to be based upon the length of a sentence, not if the individual had committed a misdemeanor or a felony.

Senate Bill 1145 allowed counties to impose sanctions other than incarceration, so that counties could design treatment programs for people released back into the community, since studies showed these types of reentry programs make it less likely that individuals will reoffend.

LOCAL PUBLIC SAFETY COORDINATING COUNCILS

Senate Bill 1145 also required all counties in Oregon to form local public safety coordinating councils. Oregon Revised Statutes 423.560 defines the roles and responsibilities of local public safety coordinating councils which are advisory councils to county boards of commissioners. These include:

1. Developing and recommending to the county board of commissioners:
 - (A) Plans for the use of state resources to serve the local adult offender population;
 - (B) Plans for the use of state and local resources to serve local offenders 15-18 years old: Plan must coordinate community-wide services involving prevention, treatment, education, employment resources and intervention strategies;
 - (C) A plan designed to prevent criminal involvement by youth. Plan must include coordination of community wide services involving treatment, education, employment and intervention strategies aimed at crime prevention; and
2. Coordinate local criminal justice policy for both adults and juveniles among the appropriate criminal justice entities.

The *Marion County Public Safety Coordinating Council* was formed in 1997. Today there are 32 members on the council. Membership includes public safety, education, social services, civic and business leaders, and practitioners representing law enforcement, prosecution, community corrections, public defense, judiciary, domestic violence, public and mental health, substance abuse, veterans, and juvenile justice. The group meets monthly to carry out its responsibilities. In addition to the mandated requirements, the council

works to forge long-term partnerships in the public safety system through an environment of collaboration, leadership, data-driven policy, transparency, and accountability.

JUSTICE REINVESTMENT INITIATIVE

The passage of House Bill 3194 in 2013 transformed the level of engagement that local public safety councils have with the State of Oregon. Justice Reinvestment invests in community public safety by controlling the growth of Oregon’s prison population. Beyond “baseline” community corrections funding based upon caseloads and workload, local public safety councils now receive state Justice Reinvestment grants that reward success through evidence-based corrections program strategies that deter recidivism and crime and increase community safety.

Marion County, through the exemplary groundwork laid by the Marion County Justice Reinvestment Council, effectively targeted these Justice Reinvestment funds. Since 2009, the Marion County Reentry Initiative has built and refined a continuum of services to address the criminogenic needs of the adult reentry population. The initiative has targeted high to medium risk offenders—who are the most likely to recidivate—transitioning back to the county.

Annually more than 600 adults are released from prison to Marion County custody. Under traditional parole and probation practices, Marion County’s recidivism rates were as high as 36% in 2002. Through the reentry initiative, the recidivism rate declined to an all-time county low of 14% in 2014. Recidivism reduction strategies include: Link Up for co-occurring disorders; Student Opportunity for Achieving Results (SOAR), a cohort-based, intensive program on the Chemeketa Community College campus; and the De Muniz Reentry Resource Center, a one-stop center for employment, housing, and other resources.

Through justice reinvestment, certain non-violent property and drug offenders are no longer sent to prison. Prison diversion strategies include: Senate Bill 416 Prison Diversion Program; Jail Reentry program; specialty courts; and other enhancements, such as the Family Sentencing Alternative Program. Through an agreement with the Oregon Department of Corrections, Marion County is expanding its work release program in an effort to reduce the overall number of inmates prison, accepting up to 25 inmates to ease crowding in state prisons.



MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

2019 Membership Roster and Contact Information

NAME	AFFILIATION/ADDRESS	WORK PHONE	EMAIL
Mark Caillier	Citizen Member	503-930-7481	markcaillier@comcast.net
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MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

2019 Membership Roster and Contact Information

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MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

2019 Membership Roster and Contact Information

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John Van Dreal	Director Safety and Risk Management Services Salem-Keizer School District 2450 Lancaster Drive NE Salem, OR 97305	503-881-1915	vandreal_john@salkeiz.k12.or.us
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* NON-VOTING MEMBER



MARION COUNTY
JUSTICE REINVESTMENT INITIATIVE COUNCIL
 2019 Membership Roster and Contact Information

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