

Meeting Minutes

MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

Legislative Breakfast Meeting

December 15, 2020

7:30-9:00 AM

Senator Hearing Room

In Person/Zoom

ATTENDEES

Council Members: John Bauer, Mark Caillier, Paige Clarkson, Kevin Cameron, Rob Carney, Jayne Downing, Jim Ferraris, Tamra Goettsch, Courtland Geyer, Troy Gregg, Linda Hukari, Jessika Kampfe, Joe Kast, Rick Lewis, Todd McCann, Ed McKenney, Ryan Matthews, Ryan Murphy, Pete McCallum, Tracy Prall, Mike Runyon, Shaney Starr, Jeff Wood. Hitesh Parekh recorder.

GUESTS

Danielle Bethell, Audrey Broyles, Denyc Boles, Brian Clem, Alison Kelley, Dave Leith, Skip Miller, Raquel Moore-Green, Lindsay Partridge, Manuel Perez, Bill Post, and Dan Wren.

1. MCPSCC Meeting Called to Order 7:40 AM

Commissioner Cameron called the meeting to order.

- Welcomed state legislators and circuit court judges.
- Provided an overview of the Marion County Public Safety Coordinating Council (MCPSCC).
- Explained Part 1 of the meeting would be the council discussing some housekeeping issues and Part 2 would be a round table discussion with the state legislators and judges.

PART 1

MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL HOUSEKEEPING

Approval of July 14, 2020 council meeting minutes

MOTION: Ed McKenney made motion to approve the July 14, 2020 MCPSCC meeting minutes. Seconded by Sheriff Kast. A voice vote was unanimous. Motion passes.

Appointment of Additional Members to the MCPSCC

Commissioner Cameron said the Executive Committee of the MCPSCC met on November 16 and recommended adding Chris Baldrige, Safety and Risk Management Services Director from the Salem Keizer School District and John Bauer, Chief Legal Officer, Salem Health Hospitals and Clinics to the MCPSCC. Both have been formally appointed to the council.

City of Salem Police Chief Jerry Moore has retired and the council is working on selecting his replacement.

MOTION: Alison Kelley made a motion that the council affirm the appointments of Chris Baldrige and John Bauer to the MCPSCC. Seconded by Ed McKenney. A voice vote was unanimous. Motion passes.

PART 2:

Round Table Discussion With State Legislators

Marion County legislative delegation introduced themselves and Marion County Circuit Court Presiding Judge Tracy Prall introduced the circuit court judges in attendance.

A. Overview of the Marion County Criminal Justice System

Paige Clarkson, Marion County District Attorney, provided an overview of the criminal justice system.

Summary of presentation:

- Ms. Clarkson said she and Judge Prall were hoping for an actual breakfast meeting with the legislators.
 - County has risen to meet the challenges from the pandemic, economy, and social unrest.
 - Year has brought challenges but also opportunities.
- Very proud of the collaborative work of the public safety council.
 - Statewide, the local public safety coordinating councils are crucial to the functionality of the local criminal justice system.
 - Need to implement public safety policy on behalf of the state legislators.

- Without coordination this would not be possible.
- First line responders are on our public safety council.
 - Everything the first responders do comes through the District Attorney's office.
 - More than 10,000 criminal cases from a variety of agencies have passed through the District Attorney's office.
 - District attorney looks at every case individually and makes sure these meet the burden of proof to be successful in court.
- Ms. Clarkson explained who the primary players were in the criminal justice system.
- Once an individual was sentenced by the courts they were sanctioned.
 - Some offenders would be placed on probation and others on parole if they were returning from state prison.
 - These individuals are locally supervised by the county parole and probation division in the Marion County's Sheriff's Office.
 - Juveniles are the most vulnerable population.
 - Juveniles are adjudicated in a juvenile court.
 - Solving problems on the front end before juveniles can become enmeshed in the adult criminal justice system.
 - MCPSCC has a juvenile defense lawyer, Judge Manuel Pérez.
- Community service providers are also a large part of the criminal justice system.
 - Some are formal employees of the county like Ryan Matthews, head of Marion County's Health and Human Services Department.
 - Others like Jayne Downing, Alison Kelley, and Shaney Starr play a crucial role helping adult and child victims of abuse.
 - Defense bar is also included in the council represented by Jessica Kampfe.
 - Through her partnership, courts, district attorney, and Sheriff's Office have accomplished goals that other counties have not.

1. Marion County Circuit Court Judges

Marion County Circuit Court Presiding Judge Tracy Prall provided an overview of how the circuit court judges were able to continue their operations in light of the new COVID-protocols. Summary of presentation:

- Marion County has a vibrant public safety coordinating council.
 - When pandemic hit, defense attorneys, judges and sheriff met to problem solve.
 - Wanted to ensure criminal justice system will continue to move along in Marion County.
 - Court closed on March 17, 2020 and opened March 18 in a new, socially distanced, sanitized operation.
 - Spaced out the jury seating, everyone had cleaning solutions, county provided extra cleaning.
- Needed to focus on "in-custody" defendant jury trials that weighed heavily on the jail.
 - Due to COVID-19 jail had to single cell inmates
 - Luckily county had already started the pre-trial release program.
- Because of Covid, many counties used a statutory provision allowing an individual to be kept in custody for up to 60 days which could then be extended for good cause for up to 180 days.
 - On top of this, legislature authorized holding someone in custody for 240 days before trial.
 - Marion County has never used its authority to extend trials beyond 60 days- not even once.
 - Marion County needed a plan to do jury trials for out of custody cases.
 - For the defense bar, cases were exponentially increasing.
 - This is a problem because defendants have a right to counsel.
 - In some counties, public defender's office had to stop taking cases.
 - Counties in Oregon are responsible for court facilities.
 - Took a lot of coordination from different county departments to move cases to trial.
 - County rented the Grand Theater on High Street and processed more than 600 cases between March and December 2020.
 - 73% of these cases resulted in changes of pleas.
 - 11% were set for trial and preceded to trial at the Grand Theater.
- Judge Prall then asked each of the specialty court judges to speak about their work.

Judge David Leith - Drug Court

Summary of presentation by Judge Leith:

- Judge Leith said one of the most satisfying jobs he has is working with the drug court.
 - Court has continued to do business during the pandemic.
 - Court sessions and treatment are by video conference.
- Drug court model is evidence-based to reduce recidivism and promote lasting sobriety and recovery for participants.
 - Participants are otherwise prison bound meth and/or heroin addicts.
 - Show up high at their first appearance - many close to dying.
 - Not motivated by a desire to get clean, just the opportunity to avoid prison.

- Initially many believe they can keep getting high while on the program.
- Drug court provides true accountability through frequent, random drug tests.
- Tests are essential and make it impossible for someone to pass through the court without being clean.
- Court also provides evidence-based drug treatment, counseling, mentors, housing support, and mental health services - wrap around program.
 - Participant's initial motivation is prison avoidance, but there is a switch within a few months.
 - Participants will start developing self-esteem and start thinking about their future.
- Judge Leith invited legislators to attend a future meeting by video conference.

Judge Audrey Broyles - Mental Health Court

Summary of Judge Audrey Broyles presentation:

- The Marion County Mental Health Court was created to give individuals with mental health challenges an opportunity to address those challenges as well as any misdemeanor or felony charges/convictions in a structured environment.
- Defendants participate in court ordered treatment plans, and those who have successful participation may result in dismissed charges, early case closure, or reduced sentencing.
- Court has a mental health court coordinator, designated probation officer, representatives from the defense bar and the district attorney's office.
- Many participants have a co-occurring disorder, so a mental health or drug and alcohol provider and someone from vocational rehabilitation assists with cases.
- Court meets regularly three times a month to review client progress and evaluates others for court appearances.
- Have criminal cases that result in a reduction to a misdemeanor from a felony, to dismissal, and in many cases, prison avoidance.
- Depending on progress, criminal cases for mental health probation are between 12 to 18 months.
- During the past 22 months there were 80 referrals of which 21 are in court and fourteen have graduated.
- Court also has a rapid "aid and assist" and community restoration docket.
 - Designed for individuals in custody facing charges that cannot aid and assist in their defense.
 - This docket started approximately two years ago and meets weekly.
 - Came about as a request from the District Attorney's Office and Marion County defense bar.
- Court expedites tier evaluations so client either goes to state hospital for restoration or enters a community restoration program other than just languishing in jail.
- Evaluations done by the district attorney, a public defender representative, psychiatric crisis center staff, and a physician.
 - In the past someone was stuck in jail for at least 79 days without an evaluation.
 - Now, from the time an individual meets the criteria to the time they are referred takes only thirteen days.
 - Partnership is key to the success of this program and the help of the Psychiatric Crisis Center.
- For those individuals unable to aid and assist the purpose is to keep them in the community and give them services until they can be restored.
- Previously people on community restoration got lost in the system with no accountability. Now they check in twice a month so we can see how they are doing in their restoration services and keep them on track. After being sent to community restoration for 3-8 months, clients will go onto our mental health court.
- Once they are able to aid and assist and plead guilty, they are put on probation and "graduate".
- That is the real success story there.
- Marion County is on the forefront of mental health services in the criminal justice system, and fortunate to have such collaborative partners.
- State does look at us as a model.
- Welcome anyone who wants to attend mental health court. Commissioners and state legislators have attended.

Judge Wren: Veteran's Treatment Court

Summary of presentation:

- Privilege to serve veterans in Marion County.
- Mission to aid those veterans within the criminal justice system.
- Honor their service by providing a judicially supervised treatment program.
- Ultimate goal to enhance public safety state wide, reintegrate veteran's dependence free, transition them to the community without a lengthy prison or jail sentence.
- Offer eligible veterans the opportunity to enter the alternative treatment program which addresses their underlying substance abuse or mental health concerns.
- Understand these concerns may be directly related to their service.
 - Use a collaborative team approach to assist those willing to make these necessary changes in their lives.
 - Best practices and evidence-based approaches.
 - Program is a minimum of 12 months.
 - Veterans must be willing to voluntarily agree and abide by the conditions of the program.
 - Success of the court directly relates to the team supplying collaborative support.

- Veteran team consists of a coordinator, a deputy district attorney, two defense attorneys, a veteran's justice outreach specialist, dedicated parole and probation officer, a veteran mentor coordinator a Marion county drug and alcohol specialist, and also connect with Veteran Affairs individuals.
 - Scheduled court hearings help veterans be accountable to the program requirements and the judge.
- 2020 has been a challenging year, but the court has adapted.
 - Hearings are now done over a video system.
 - Initially hearings were scaled back, but are back to three court sessions per month.
 - Over past 18 months 45 vets have been served.
 - Program allows for only 30 vets at a time.
 - Currently have 14-15 active participants. Hard year for recruitment.
 - Nine vets graduated successfully from the court in past 18 months.
- Welcome anyone who wants to visit virtually.

Juvenile Court- Judge Manuel Perez

- Two juvenile treatment courts: Fostering Attachment Treatment Court, and STAR Court.
- Circuit Court's Fostering Attachment Treatment Court (FATC), is a strength-based program available for parents who may be on probation and are involved in the child welfare system.
- Management team consists of partners from Oregon Department of Health and Human Services, case workers, a health and drug provider. An administrator runs both courts.
- Qualifications include:
 - Parents who have children between the ages of 0 - 9;
 - Marion County Circuit Court has taken jurisdiction of the children;
 - The parent(s) have a drug/alcohol addiction issue; and
 - The parent has not been convicted of a violent crime.
- No criminal penalty for this court.
- Want to put parents back in homes where the parents are stabilized and don't need the Oregon Department of Human Services to get involved again, ever.
 - Different to other courts in that children are also involved.
- Very rewarding job to get families back together again, transition back from making bad decisions to good, this is what we're aiming for.
- Some choose to not complete the program and graduate, but if they have brought their children back, have a full-time job, are clean, and are paying their expenses, can tell that they are making some good decisions.
- Juvenile STAR court is for juveniles on probation in a juvenile drug rehabilitation program
 - Rigorous accountability requirements: regular court visits, weekly meetings with a drug and alcohol counselor, and youth are randomly selected for urinalysis on a daily basis.
 - Probation officers works closely with the circuit court judge to respond to youth referred by police agencies for criminal law violations.
 - Court has a mental health and alcohol and drug treatment provider
 - Probation officers are assigned to conduct intake assessments.
 - Oregon Youth Authority also participate in these programs, but these youth require more attention as some have not been adequately parented.
 - Provide youth with opportunities for skill development leading to a crime free future. Very satisfying to be a judge in a juvenile court. Takes a while for youth to listen
- Welcome people to attend court.

Paige Clarkson: District Attorney Role

- Available to speak with legislators on any issues that they have questions about.
 - District Attorney's (DA) primary role is public safety.
 - Ms. Clarkson is also president of the Oregon DA association for the second year.
 - Challenge and privilege to represent them.
 - Welcomes calls from state legislators on any criminal justice issue.
- Her opinions are based on what she thinks are in the best interests of public safety in Marion County based upon her 20 years as a prosecutor.
- Concerned that BM 110 has not been thoroughly thought through.
 - Very concerned about dismantling a system without replacing it with one that has been thoroughly vetted for our community.
 - Courts will be affected.
- Concerned about long term funding for the Criminal Justice Commission and federal grants.
- A lot of diverse demonstrations in front of the state capital building in the past few months.
 - The DA's Office reviews every single case that comes to them from law enforcement.
 - DA priority is to support law enforcement and their effort to support everyone's constitutional right under the first amendment.
 - Challenge - because everyone may not be agreeable with some of these messages.
 - DA works in tandem with the Oregon State Police and the Salem Police Department.

- Will get involved when there is assaultive behavior or a danger to public safety.
- Ms. Clarkson said her commitment to the legislators was that that if she could share information with them regarding public safety she would.
- The District Attorney's Office is also responsible for prosecutions in state facilities.
- Rep Post said the legislature will definitely need help from public safety practitioners in 2021 when the session starts.

Jeff Wood Undersheriff Marion County

Summary of presentation:

- Senate Bill (SB) 1145 created a unique relationship between the legislature and counties.
- Counties took on community corrections functions for those on parole and probation in Oregon.
 - Community corrections is run by the counties, but with a few exceptions, entirely funded by the legislatively approved budget process.
 - County relies on these funds to run community corrections program.
- Marion County Parole and Probation Division supervises approximately 3,000 people annually.
 - Of these 50% are on probation and 50% on post-prison supervision.
- Sheriff's Office also has a transition center that provides services outlined in SB 1145.
 - Supervision and services are based on an individual's criminal activity.
 - Services rendered could be addiction treatment, housing referrals, mental health services, specialty courts or even reentry programs county has had since 2007.
 - What started as a small pilot program in 2007 in Marion County for people returning from the Department of Corrections (DOC), expanded to those diverted from prison sentences.
 - County has an array of prison diversion, supervision, and reentry programs to offer.
 - One such program is the Student Opportunity for Achieving Results delivered at Chemeketa Community College in conjunction with county's Health and Human Services Department.
 - Other programs include a transition program from jail to community,
 - SB 416 prison diversion program run in conjunction with the District Attorney's Office and defense consortium
 - Family Sentencing program which is for those who have custody of minor children. Program is run in conjunction with Oregon Department of Human Services.
 - Coordinated care is provided to these individuals so that their children don't have to be in foster care and parents can eventually reunite with their kids.
- Criminal justice is a team sport.
 - Do things better in Marion County and successful due to our partnerships with state agencies, county departments and non-profits.
 - Whatever definition of recidivism used, county recidivism has decreased significantly.
- Within the community corrections funding formula, everything comes down to the "capitated" or "per-diem" rate.
 - In 2021 that rate was \$12 per day. Multiply this by 30,000 people on supervision in the state and double it for the biennium and it totals approximately \$268 million statewide for the community corrections budget.
 - For the coming biennium, although the daily rate is supposed to increase somewhat, we are seeing that the total community caseload statewide is decreasing.
 - BM 110 specifies that addiction services are not to be curtailed, but baseline community corrections funding will be reduced by \$ 24.5 m for the next biennium primarily due to the passage of BM 110.
 - Decrease will be a substantial impact to us. This baseline funding helps us operate our jail and transition centers.
 - State justice reinvestment grant funding will decrease by 10% which will impact collaboration programs and victim services programs.
 - Priority is to shore up community corrections funding with legislators. Welcome any legislator who wants to do a tour of the county jail and facilities.

Police Chief Jim Ferraris, City of Woodburn

Spoke on behalf of the Oregon State Sheriffs' Association and Oregon Association Chiefs of Police.

Summary of presentation:

- Grateful to legislative elected officials for ability to work together.
- Have some great concerns about Measure 110.
 - Problematic, undoes a lot of what was done successfully.
 - Can't imagine law enforcement will have their folks invest much in terms of enforcing this measure.
- With regard to police reform, police chiefs and Marion County Sheriff are committed to procedural justice.
 - Support the reform efforts coming forward but have some concerns.
 - Starting to see issues on bill surface that were already settled during the previous session.
 - Another issue is that Portland is the epicenter of what happens in our state.
 - What happens there has a ripple effect throughout the state. This triggers legislative laws that affects us all.
 - We may not have the Portland based problems in the Valley.
 - Do want to see reform and support these efforts.
 - But hope legislation comes from Salem to help keep community safe without unintended consequences.

- Chief Ferraris said he is available to meet with the state legislators at any time should they have any questions.

Troy Gregg Juvenile Department Director

Summary of presentation:

2021 will be Mr. Gregg's 30th year in juvenile justice.

- Working with juveniles is one of the most significant jobs when it comes to criminal justice.
 - Work changes the lives of kids.
 - Concerned BM 110 will have a tremendous impact on juveniles.
- Juvenile education programs.
 - Schooling kids returning from the juvenile justice system is a huge challenge.
 - When kids are in detention need to ensure strong educational programs for them.
 - Big challenge for smaller counties to have qualified teachers and funding resources to teach youth.
 - Need these resources to keep them from falling further behind once they reenter the community.
 - A Bill will make automatic expunction records for juveniles.
 - Very likely bill will pass, but it will create a workload.
 - Governor's budget indicates a 10% funding cut to juvenile crime prevention funding.
 - This will impact the Juvenile Department's Guaranteed Attendance Program which prevents youth from getting further into the criminal justice system.

State Representative Rick Lewis

Summary of presentation:

- Bills passed in the first 2020 special session may not be completely put to rest.
- During second special session a bill passed bringing Oregon into alignment with the 1985 *Tennessee vs Garner* Supreme Court case.
 - The Supreme Court ruled in 1985 that state law authorizing police use of deadly force to apprehend fleeing, unarmed, non-violent felony suspects violates the Fourth Amendment. States should eliminate them. Will not change how law enforcement operates in Oregon.
- HB 4201 created the Joint Committee on Transparent Policing and Use of Force Reform.
 - Committee dissolves at the end of December 2020 and is co-chaired by a Senate and House democrat who are members of the People of Color caucus.
 - Workgroups have been working on 12 goals from the second special session.
 - Appears that some of these may feature in the 2021 legislative session.
 - Unsure what the process will be. Committee may dissolve early, and two judiciary committees will make recommendations to the legislature.

Concerned with:

- A bill to restrict or potentially eliminate the use of intermediate tools used by law enforcement including when subjects have barricaded themselves.
 - Without these intermediate tools, likelihood of using deadly force increases.
- Further attempt to deal with discipline and arbitration issues, collective bargaining related to police: Currently more than 700 bills introduced, amended, and pre-filed nationally that deal with police reform. Roughly 90 bills have passed in 36 states.
 - A lot are duplicates of what other states have done.
 - Guessing the judiciary committees will probably move forward on some recommendations.
- Were able to eliminate the number of unintended consequences for public safety in the first and second special sessions.
- Will be more contentious going forward.
- Representative Lewis will co-chair the Council of State Governments Western Division of Public Safety.
- Wants to continue looking at police accountability- but also alternative options dealing with the mentally ill, bail reform issue, reduction in recidivism rates and the roles that organizational culture plays across the U.S.
- Oregon is advanced in de-escalation training – has been for years.
- So will be careful going forward to not create unintended consequences on remaining issues being considered by the legislature.

Jayne Downing, Executive Director; Center for Hope and Safety

Summary of Presentation:

- Lucky to have a strong network of victim's services including non-profits and systems advocates working with adults and child victims of crime.
 - Work every day with victims of domestic violence, sexual assault, human trafficking and elder abuse.
 - Victim assistance programs are in the District Attorney's Office, there is a domestic violence response team in the Salem Police Department, as well as a victim services individual in the Marion County Parole and Probation division.
 - Also have Marion County CASA, Liberty House- Child Abuse Assessment Center, and the Center for Hope and Safety.
 - Together these entities form a critical safety net for vulnerable individuals and families in Marion County.
- Net has been stretched but not broken during the pandemics and wildfires of 2020.

- Even before COVID-19, all victim services organizations were busy.
- CASA and Liberty House saw a 15-40% decrease in the number of referrals primarily due to schools closing.
- Worried about not having eyes on children, and the inevitable increase in reports once things begin to open up again.
- The “stay at home” order escalated the calls for help from victims of domestic violence tremendously. Demand continues.
 - Research shows increase will continue for more than a year after the crisis passes.
 - All programs have continued supporting victims throughout this time to protect children and adults.
- As legislators - victim services need your support now more than ever to keep the community safe. Budgets will be tight but supporting victim services helps generations.
- Ms. Downing asked that the legislators reach out if they had any questions.

Ryan Matthews, Marion County Health and Human Services Administrator

Summary of presentation:

- Acknowledged Ann Marie Bandfield, Program Manager Acute & Forensic Behavioral Health at the Marion County Health Department who supervises the Psychiatric Crisis Center.
- Public safety and the health care system have a shared goal of reducing recidivism.
 - Want to support those with mental health, addiction challenges.
 - When come into contact with law enforcement want to get a positive outcome.
 - Often times this comes down to treatment and not incarceration.
- Have four mobile crisis response teams.
 - Two are with the Salem Police Department, one with Woodburn Police Department and the other with the Sheriff’s Office.
 - Each team has a qualified mental health professional in a squad car who responds to 911 calls. Last fiscal year had 550 encounters.
- Mobile crisis response teams also make referrals to the jail diversion program where mental health case managers manage those in contact with the criminal justice system.
 - Working to connect them to resources, get them set up on Medicaid, shelter, housing options, with access to services and medications as needed.
 - Focus on short and long term stabilization
 - Get them connected to community resources for on-going stability.
 - We also have mental health teams in the county jail.
 - Provide mental health services in the jail seven days a week funded entirely by county general funds.
 - Long standing issue in the community, people get incarcerated and lose their health care coverage. Mental health team assists with connecting individuals to short term needs and providers so don’t return to the public safety system.
 - In 2015 our jail mental health team recidivism rate was 69%. Today it is at 52%. In 2019 our Aid and Assist program was 52%. In 2015 it was down to 15%. This fiscal year it is just 7%. In 2015 our jail diversion case managers were at 78%. In 1918 they were at 7%. Today at 35% in 2019. Program works because of multi-agency coordination and integration of our mental health services with law enforcement services partners. Has made a huge difference in our community here.

Questions

- Commissioner Cameron thanked all the council members and legislators. Have more than 30 council members want to keep voices diverse.
- Representative Post thanked council members and judges.
- Representative Denyc Boles said it had been a great presentation.
 - She has had conversations with colleges across the state and one of the biggest battles she faced was realizing that most people don’t do it the way Marion County does it.
 - A lot of the things presented in the legislature are problematic to our community and designed to solve problems in other parts of the state.

Commissioner Kevin Cameron thanked everyone for attending.

ADJOURNED