



## Marion County Public Safety Coordinating Council

**FINAL 2/6/17 3:00 PM**

### 2017 Legislative Agenda

#### COMMUNITY CORRECTIONS

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#### JUSTICE REINVESTMENT

***SUPPORT Justice Reinvestment grants*** at current service level. The Governor's 2017-19 budget reduces the justice reinvestment grants from \$39 million to \$32 million, with the understanding that counties will be funded at current service level in 2017-18 only. However, the Governor intends that the fund will become competitive in 2018-19. ***Marion County supports restoring the grant funding level for two full years of the upcoming biennium for all 36 counties.***

Marion County's Public Safety Coordinating Council spent 13 months in 2014-15 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 2015-17 justice reinvestment plan includes: Senate Bill 416 Prison Diversion (\$1.27 million), Jail Reentry (\$476,376), Marion County Adult Drug Court (\$40,000), Link Up treatment services for co-occurring disorders (\$223,822), Student Opportunity for Achieving Results or SOAR (\$461,646), De Muniz Reentry Resource Center (\$100,686), Transition Services/Housing (\$126,171), Substance Abuse Treatment (\$228,000), Data System Upgrade (\$3,750), and the Family Support Program (\$42,060). Victim Services funding (\$353,408) also provides a children's advocate at the Center for Hope and Safety and a mental health therapist at Liberty House for children facing abuse. The council invested an additional \$100,000 of Justice Reinvestment funds for a bilingual advocate at the Center for Hope & Safety.

Through an agreement with the Oregon Department of Corrections, Marion County is expanding its work release program in an effort to reduce the number of women at Coffee Creek, accepting up to 20 women to ease crowding at the women's prison.

Marion County community corrections officers manage 3,600 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.

## COMMUNITY CORRECTIONS BASELINE FUNDING

**SUPPORT baseline community corrections funding** which serves as the foundation for Marion County’s community corrections initiatives, including supervision and jail space for sanctions. The Governor’s 2017-19 budget recommends \$239 million for community corrections, triggering the “opt out” provision for Oregon counties. ***Marion County supports the continuing service level at \$272 million.***

In Marion County, baseline funding includes: supervision (\$11,064,568); substance abuse treatment (\$169,908); sex offender services (\$265,000); transition services, such as reach-ins, jail reentry and De Muniz Reentry Resource Center (\$862,225); mental health services and mental health court (\$408,376); electronic monitoring, motivation/cognitive programming and employment services (\$780,510); custodial/sanction beds in the Marion County jail and transition center (\$7,452,614); enforcement (\$46,770) and operations (\$1,727,460).

## JOINT TASK FORCE ON REENTRY, EMPLOYMENT AND HOUSING LEGISLATION

**SUPPORT Senate Bill 241.** Creates a Bill of Rights for children of incarcerated parents and establishes a Task Force on Children of Incarcerated Parents. The judicial system and state agencies do not adequately take into account the needs of the children of incarcerated parents when decisions are being made, nor are those children adequately allowed to advocate for themselves. A Bill of Rights will articulate in statute Oregon’s commitment to children of incarcerated parents.

**SUPPORT Senate Bill 360.** Directs the Oregon Department of Corrections to establish by rule a community service exchange program for a person to enter into an agreement with a community-based organization to perform community service in lieu of payment for delinquent fees or debts and supervision fees.

**SUPPORT Senate Bill 682.** Directs the Oregon Department of Justice to make changes to how they address child support modifications for people who are incarcerated at prison entry and upon release. The task force heard testimony about the difficulties encountered by incarcerated individuals when significant debt accrues because the individual did not provide the necessary legal paperwork to modify a child support order, based on the inability to pay child support while incarcerated.

**SUPPORT Senate Bill 689.** Reestablishes Task Force on Reentry, Employment and Housing. The Task Force accomplished some good work, but there are many more issues needing to be addressed.

**SUPPORT Senate Bill 690.** Establishes procedures for applying for a Certificate of Good Standing eligibility certification and for petitioning for and issuing Certificates of Good Standing. These certificates would remove barriers to occupational licenses for people who have successfully completed treatment and rehabilitation programs. The State of Washington recently developed Certificates of Restoration of Opportunity that restore access to employment licensure for individuals releasing from prison. In Oregon, former Chief Justice Paul De Muniz worked on a similar program in 2015 that was not adopted by the legislature. The task force is reintroducing this legislative measure.

**SUPPORT Senate Bill 691.** Eliminates certain driving privilege suspensions. One of the problems discovered by the Task Force on Reentry, Employment and Housing is the challenge faced by drivers who have had their licenses suspended for reasons unrelated to driving. Washington has enacted legislation to reduce the number of reasons that a license can be suspended. Legislation will limit the reasons to suspend driving privileges, based on Washington’s 2012 “Driving While Poor” bill and on the Association of Directors of State Departments of Motor Vehicles sample legislation.

**SUPPORT Senate Bill 692.** Appropriates moneys from the General Fund to the Public Defense Services Commission for a pre-entry pilot program. The Task Force on Reentry, Employment and Housing has identified “pre-entry” as a beneficial strategy for successful reentry, based on a program underway in Multnomah County.

**SUPPORT House Bill 2249.** Authorizes the Oregon Department of Corrections to enter into agreements or arrangements with counties to provide supplemental funding for reentry support and services for offenders released before attaining 25 years of age.

**SUPPORT House Bill 2650.** This bill prohibits landlords from evaluating an applicant for tenancy from considering the applicant’s criminal history prior to performing criminal background check.

## JUVENILE JUSTICE

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**SUPPORT Senate Bill 303.** This bill amends, clarifies and creates consistency in statutes related to minors possessing, purchasing, attempting to purchase or acquiring alcoholic beverages or marijuana items. During the 2015 legislative session, the MIP-marijuana statute was created. It was anticipated that it would be similar to the MIP-alcohol statute and that the two, both Class B violations, would have similar language and penalties. The two statutes lack similarity in a number of areas and Senate Bill 303 aligns these two approaches.

**SUPPORT Juvenile Crime Prevention funding.** The Juvenile Crime Prevention (JCP) program is a State of Oregon initiative that provides funds to Oregon counties and tribes to pay for services supporting youth and families, with the goal of preventing young people from engaging in criminal behavior. The Governor's budget reduces JCP by 17% or \$1,021,670 from current levels. JCP funding is allocated through the Oregon Department of Education's Youth Development Division.

JCP monies fund services and programs identified by each community to meet its specific needs and focus on identifying and intervening with youth at high risk to commit crimes. The enabling legislation identified youth eligible for JCP-funded programs and services as those who have a presenting problematic behavior, and have more than one of the following risk indicators: (1) school failure, (2) poor family functioning or poor family support, (3) substance abuse, (4) negative peer association, and (5) behavior issues.

Marion County's funding allocation for 2015-17 was \$413,822. The Governor's budget reduces that allocation by \$70,250. Marion County's Family Support Program offers critical juvenile crime prevention services to community youth, ages nine to thirteen, referred by schools, law enforcement, and families seeking assistance.

Last year, 50 youth were served by the program, with almost half of participant families of Hispanic or Latino origin. Family Support Program youth made significant improvements in school commitment and success, with major reductions in school suspensions and expulsions. Family supervision and communication were improved, resulting in fewer youth running away from home. Recidivism for youth who complete the program is about 5%, which is dramatically lower than rates for youth in the juvenile system. Overall, Marion County's recidivism for juvenile referrals is 30%.

**SUPPORT Basic and Diversion funding.** The Oregon Youth Authority administers basic and diversion funding to Oregon counties to serve youth safely in communities, diverting them from more expensive close custody and residential beds. The Governor's budget reduces the Basic and Diversion funds by 15%, or \$2,776,423. Marion County's 2017-19 allocation is \$1,806,900, which is a reduction of \$271,035 from current service level.

In Marion County, Basic and Diversion funds support a shelter care program that serves youth on probation at risk of being placed out of their homes and into Oregon Youth Authority custody. The GAP program housed 93 youth in 2015, 70% male and 51% Hispanic. 70% of youth enrolled in GAP remain in the community after program completion, while about 30% escalate to OYA custody.

**SUPPORT Senate Bill 82.** This bill prohibits the use of isolation as punishment for an offender who commits a rule violation in a youth correctional facility. OYA currently prohibits the use of isolation as punishment and has eliminated areas of ambiguity in administrative rule which led to inconsistent implementation.

## MENTAL HEALTH

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### CRIMINAL JUSTICE-BEHAVIORAL HEALTH PARTNERSHIP

**SUPPORT mental health grant funds.** In 2013, Senator Peter Courtney championed additional funding for community-based mental health services. As a result, the Oregon Health Authority was appropriated funding to expand services. Marion County applied for ten grants and received eight. Two of the grants were for criminal justice-behavioral health partnership programs, with continuing funding in 2015-17:

- ***Mobile Crisis Teams*** (\$1,602,145). In 2014, Marion County launched two mobile crisis teams – one in Salem and the other working throughout Marion County. Each team has a qualified mental health professional and a law enforcement partner. In 2016, the teams responded to more than 500 crisis calls 3.4% of those contacted being sent to jail. Instead, clients were treated through the Psychiatric Crisis Center, hospital, or appropriate outpatient services. These funds will add a team in Woodburn by April 2017.
- ***Jail Diversion*** (\$452,506). A jail diversion case manager helps people referred by mobile crisis teams or reentering the community from jail access community mental health services, housing, benefits, and other resources.

### OREGON HEALTH AUTHORITY “370” AID AND ASSIST POPULATION

**SUPPORT grants for adults who are unable to “aid and assist” in their own defense.** Oregon Health Authority was appropriated mental health funding to better manage the growing population sent to the Oregon State Hospital who are unable to aid and assist in their own defense. In 2015-17, Marion County received \$937,972 for Project 370, Aid and Assist. This grant provides restorative services to individuals in alternative settings, diverting them from the Oregon State Hospital to the community. Funds pay for two aid and assist case managers, a mental health worker, a deputy district attorney specifically assigned to aid and assist, and transitional housing. In 2016, of 95 people found unable to aid and assist in their own defense from Marion County, twelve were treated in the community and diverted from the state hospital. Between June 2014 and June 2016, the number of individuals charged with a misdemeanor being sent to the state hospital from Marion County dropped by 47.2%. During the same period the total 370 population at the state hospital grew by 30.6%. Marion County was able to contain that growth to 6.7%.

**SUPPORT Juvenile Services for youth who cannot “aid and assist” in their own defense.** The Juvenile Fitness to Proceed (Aid and Assist) legislative concept would change Oregon Revised Statutes would provide behavioral health services in community-based, non-residential settings to youth with the aim of restoring their fitness to assist with their legal defense. These services would reduce burden on the youth mental health residential system and decrease inappropriate use of residential treatment for these youth.

## OREGON HEALTH PLAN/MEDICAID

***SUPPORT state funds to continue Medicaid expansion.*** In 2016, Oregon's request to continue its Medicaid waiver was approved. The 1115 waiver has been a catalyst for Oregon's health care reforms. Under the waiver and through Medicaid expansion, Oregon's uninsured rate has dropped from 15 percent to 5 percent in the past five years. The Governor's 2017-19 budget preserves eligibility and benefits for vulnerable Oregonians and low-income working families who have gained health coverage through the Affordable Care Act.

At present, 95 percent of Oregon adults and 98 percent of children have health coverage. This has been of particular importance to Marion County's justice reinvestment initiative, as single, low-income individuals who were not eligible for health care benefits prior to Medicaid expansion are now covered for physical health care, mental health care, dental care, and other health-related services. Prior to expansion, the vast majority of people reentering the community from incarceration, along with many people experiencing chronic homelessness, were not eligible for health care benefits because Medicaid was limited to defined populations, such as people with disabilities and parents with children.

## LAW ENFORCEMENT

### CONTACTS:

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Salem Police Chief Jerry Moore	503-588-6308	<a href="mailto:gmoore@cityofsalem.net">gmoore@cityofsalem.net</a>
Woodburn Police Chief Jim Ferraris	503-982-2350	<a href="mailto:jim.ferraris@ci.woodburn.or.us">jim.ferraris@ci.woodburn.or.us</a>

## MARIJUANA

### ***[INSERT POSITIONS on selected marijuana bills related to public safety]***

- SB 302 – Removes marijuana offenses from Uniform Controlled Substances Act and adjusts criminal penalties for offenses in the Control and Regulation of Marijuana Act. (AOC crafted, in part.)
- SB 303 - Amends, clarifies and creates consistency in statutes setting forth prohibitions and procedures related to minors possessing, purchasing, attempting to purchase or acquiring alcoholic beverages or marijuana items.
- SB 305 - For purposes of laws regulating cannabis-related businesses, standardizes language with respect to issuing, renewing, suspending, revoking or refusing to issue or renew licenses.
- SB 306 - Provides for regulation by Oregon Liquor Control Commission of consumption and sale of marijuana items at temporary events, including licensure of premises on which temporary events are held. Provides for regulation by commission of consumption of marijuana items at cannabis lounges, including licensure of premises where cannabis lounges are located. Prohibits licensing temporary events or cannabis lounges in cities or counties that have not adopted ordinances allowing for the consumption of marijuana items at temporary events or cannabis lounges. Excepts from prohibitions on public use, including restrictions set forth in Oregon Indoor Clean Air Act, consumption of marijuana items in designated areas of premises for which temporary event or cannabis lounge license has been issued. Applies current law regulating licensed marijuana producers, processors, wholesalers and retailers to new types of licensees.
- SB 319 - Authorizes local governments to allow medical marijuana dispensaries and marijuana retailers licensed by Oregon Liquor Control Commission to be located within certain distance of schools.
- SB 323 - Provides that person commits crime of arson in the second degree if person manufactures controlled substance and causes fire or explosion that damages building or damages property in amount exceeding \$750. Punishes by maximum of five years' imprisonment, \$125,000 fine, or both. Provides that person commits crime of arson in the first degree if person manufactures controlled substance and causes fire or explosion that damages protected property or damages property and creates risk to persons or protected property. Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both.



- SB 570 - Creates crime of intentionally administering marijuana item to body of person who is under 18 years of age. Punishes by maximum of 20 years' imprisonment, \$375,000 fine, or both. Creates crime of knowingly administering marijuana item to body of person who is under 18 years of age. Punishes by maximum of 1 year's imprisonment, \$6,250 fine, or both.
- SB 662 - Creates crime of causing an animal to ingest marijuana. Punishes by maximum of six months' imprisonment, \$6,500 fine, or both.
- HB 2198 - Changes name of Oregon Liquor Control Commission to Oregon Liquor and Cannabis Commission. Changes composition of Oregon Liquor and Cannabis Commission by adding commissioners from cannabis retail industry. Specifies that Oregon Health Authority may not register marijuana grow sites, marijuana processing sites and medical marijuana dispensaries. Creates within authority, for purposes of purpose of administering Oregon Medical Marijuana Act, Medical Use of Cannabis Board. Becomes operative June 30, 2018. Repeals provisions regulating marijuana grow sites, marijuana processing sites and medical marijuana dispensaries on June 30, 2018. Updates and creates provisions providing for licensing of marijuana grow sites, marijuana processing sites and medical marijuana dispensaries by Oregon Liquor Control Commission. Makes other technical changes to laws regulating cannabis. Creates alternate registry system administered by State Department of Agriculture for growers that produce marijuana for registry identification of registry identification cardholders.
- HB 2200 - Changes name of Oregon Liquor Control Commission to Oregon Liquor and Cannabis Commission. Changes composition of Oregon Liquor and Cannabis Commission by adding commissioners from cannabis retail industry. Directs commission to coordinate with State Department of Agriculture for purpose of regulating marijuana producers. Makes other technical changes to laws regulating cannabis. Specifies that Oregon Health Authority may not register marijuana grow sites, marijuana processing sites and medical marijuana dispensaries. Repeals provisions regulating marijuana grow sites, marijuana processing sites and medical marijuana dispensaries on June 30, 2018. Updates and creates provisions providing for licensing of marijuana grow sites, marijuana processing sites and medical marijuana dispensaries by Oregon Liquor and Cannabis Commission.
- HB 2204 - Changes statutory limitation on local government's authority to impose local tax or fee on retail sale of marijuana items. Specifies that if electors of city or county approve ordinance imposing tax or fee, governing body of city or county may amend ordinance, without referring amendment to electors, to adjust rate of tax or fee.
- HB 2556 - Restricts sale and delivery of marijuana paraphernalia. Creates violation for unlawful sale or delivery of marijuana paraphernalia. Punishes by maximum of \$2,000 fine.

## CERTIFICATION AND TRAINING

**SUPPORT continued funding for the Center for Policing Excellence** at the Oregon Department of Public Safety Standards and Training , which provides resources and certification programs that public safety officers and local public safety organizations need to maintain the highest professional skill standards, stewardship and service to Oregon's communities and citizens.

## PROFILING

**SUPPORT House Bill 2355.** Bill expands officer education and training to include profiling prevention and overcoming implicit bias. The proposed legislation would set up a statewide process to collect traffic and pedestrian stop data and improve police accountability by requiring data collection and publication. Publication will help policy makers and the public to better understand the nature of interactions between law enforcement and Oregonians and will help address any evidence of bias. The draft legislation also includes a strong statement that Oregon’s drug sentencing laws need to be reformed. Law enforcement, the ACLU of Oregon, and defense attorneys will continue to work on expanding the proposal, which has as its goal to minimize the consequences to non-criminal drug users.

## DRIVING SAFETY

**OPPOSE Senate Bill 2.** Bill increases penalties for using a mobile communications device while driving to equal penalties for driving under the influence: one year in prison, \$6,250 fine, or both. The legislation also increases the penalty to up to five years in prison and a \$125,000 fine for multiple violations within ten years. “Using a mobile electronic device” includes using a mobile electronic device for text messaging, voice communication, entertainment, navigation, accessing the Internet or producing electronic mail.

**SUPPORT a transportation safety plan for North Marion County.** Marion County supports a plan for additional road construction funding to provide infrastructure relief to county roads and improve traffic safety issues in the Donald/Aurora I-5 interchange. Traffic counts have grown much faster than the population of the north county area. Growth in the Metro area continues to impact residents and businesses in the rural areas of north Marion County. Oregon Department of Transportation is coordinating a safety project at the intersection of Ehlen Road and OR-551 to address the traffic and safety concerns.

## CRIME LABS, POLYGRAPH, OTHER POLICE TECHNOLOGY

**SUPPORT the Oregon State Police’s budget,** especially as it impacts crime labs and high-throughput DNA (property-crime DNA) testing. [add explanation]

**SUPPORT Senate Bill 519.** The bill authorizes police agencies to use polygraph as a pre-employment hiring tool before a person’s initial full-time employment as a peace officer.

## OTHER

***[Insert Position] Grand Jury Recordation (concept pending)***. The concept of Grand Jury Recordation has been part of a legislative effort for several sessions. In the most recent full session, SB 822 memorialized a comprehensive effort to record Grand Jury proceedings on all felony cases in Oregon. The key provisions discussed whether hearsay would be allowed in Grand Jury proceedings and the scope of protection for witnesses and victims testifying before Grand Juries. A final discussion point centered on the resources necessary to effectively implement Grand Jury recordation statewide. SB 822 did not become law.

## VICTIM SERVICES

**ADDRESS towing fees (concept pending).** Victims of vehicle theft often forfeit vehicles because of their inability to pay towing and related fees on the recovered vehicle. Insurance companies typically do not cover towing and related recovery fees. These fees disproportionately affect low-income people.

**SUPPORT Senate Bill 26.** The bill adds a community-based victim services provider to the list of statutory members of local public safety coordinating councils.

**SUPPORT Senate Bill 232.** Last session, SB 525 was passed, bringing Oregon in line with federal laws prohibiting gun possession by domestic violence offenders who have been convicted of a misdemeanor crime of domestic violence, or who are subject to certain restraining orders. Oregon previously did not have such a law, hindering effective implementation of these provisions for Oregon survivors. This session, Governor Brown is proposing legislation to include dating relationships in the category of victims covered under SB 525 provisions.

**SUPPORT [Insert Bill #####].** The bill upgrades first time strangulation from misdemeanor to Class C felony; upgrades the heightened category of offense from Class C to Class B felony; and adds domestic violence relationship to heightened category.

**SUPPORT Senate Bill 318.** The bill directs the Oregon Department of Education to provide technical assistance and support to school districts and community colleges to prevent and respond to interpersonal violence.

## HOUSING AND HOMELESSNESS

**SUPPORT LC 3297 and LC 3298 allowing Accessory Dwelling Units in rural areas.** Homelessness is an epidemic across the nation. Oregon is experiencing a crisis in homelessness. In Salem, for example, there are 10,000 families on the waiting list for Section 8 vouchers. Even those who rise to the top of the list and receive a voucher have a tremendously difficult time finding an available apartment with rents in a low-income price range. Vacancy rates for multi-family units have been less than 1% in most areas of Marion County.

Homelessness is a complex issue. Effective strategies vary for different populations – whether it be a homeless veteran, a person with chronic mental illness, a family living in a car because of loss of income, or a victim of domestic violence fleeing a dangerous situation. Adding to the housing supply helps solve one part of this vast problem.

While Oregon statutes are silent on this issue, Oregon Department of Land Conservation and Development (DLCD) administrative rules limit housing in rural residential areas to “one single-family dwelling on a lot or parcel.” This rule precludes counties from allowing Accessory Dwelling Units (ADUs), including Recreational Vehicles, in rural residential or exclusive farm use areas. The U.S. Department of Housing and Urban Development identifies ADUs as a strategy that helps increase the housing supply, since ADUs cost less than a new single-family home on a separate lot. They are thus an affordable housing option for many low-and moderate-income residents.

**SUPPORT funding to create a sobering center** in the Salem area. Salem Health operates the busiest emergency room between the Canadian border and Los Angeles. There are an average of ten people in the emergency room every night who need detox services, creating safety concerns at the hospital. In 2015, the Oregon Legislative Assembly enacted House Bill 2936 which defined sobering centers and created a registry system in the Oregon Health Authority. The legislature also appropriated funding for three new sobering centers in Douglas County, Medford, and Grants Pass. The Salem area is in dire need of sobering facilities.

**SUPPORT the Housing Alliance and Association of Oregon Counties Housing Subcommittee recommendations to expand affordable housing and homeless services, including:**

- **Increase the Oregon Affordable Housing Tax Credit** cap to \$34 million. This doubles the existing cap. Housing tax credits are an important tool to incentivize affordable housing development.
- **Increase the Emergency Housing Account and State Homeless Assistance Program to \$30 million** per biennium statewide. This fund would provide local communities with critical programs to prevent homelessness and offer emergency shelter.