

MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL
MINUTES

April 13, 2021 4:00 PM
Courthouse Square
Salem, OR

MCPSCC: Chris Baldrige, Joe Budge, Mark Caillier, Kevin Cameron, Rob Carney, Paige Clarkson, Jayne Downing, Don Frederickson, Courtland Geyer, Tamra Goettsch, Troy Gregg, Linda Hukari, Levi Herrera-Lopez; Joe Kast, Alison Kelley, Pastor Garland King, Pete McCallum, Todd McCann, Ed McKenney, Tracy Prall, Mike Runyon, Tom Sermak, Cari Sessums, Shaney Starr, Trevor Womack, Hitesh Parekh (recorder).

GUESTS: Chad Ball, Ian Davidson, Katie Ferguson, David Rash, and Chris Zohner

1. ADMINISTRATIVE (INFORMATION/ACTION)

Meeting called to order at 4:05 P.M. by Commissioner Kevin Cameron.

Welcome and introductions

- Introductions

Announcements and upcoming events

- Commissioner Cameron said the Executive Committee of the MCPSCC has been holding monthly combined meetings with the county's state legislative delegates.
- District Attorney Paige Clarkson and Government Relations Manager Barbara Young are keeping a watch on legislative bills for the county.
- County has also hired a lobbyist to help with fire recovery efforts in the Santiam Canyon.
- Will need to hold a full council meeting on April 28 as the Oregon Criminal Justice Commission has released the 2021-23 Justice Reinvestment Grant Application for counties.

Memberships

- Jim Ferraris, Michael Iwai, and Jessica Kampfe have resigned from the council.
- Newly appointed council members are Salem Police Chief Trevor Womack, Woodburn/Hubbard Fire Chief Joseph Budge, and Defense Bar Representative Tom Sermak.
- Also recommending Hubbard Police Chief Dave Rash and OSP Lieutenant Chris Zohner be selected as council members.

MOTION: Don Frederickson made a motion recommending the Board of Commissioners appoint Hubbard Police Chief Dave Rash and Oregon State Police Lieutenant Chris Zohner to the Marion County Public Safety Coordinating Council for a three-year term. Seconded by Ed McKenney. Motion passes.

Following memberships will expire on July 31, 2021: Rob Carney, Mike Runyon, Don Frederickson, Ed McKenney, Kim Doster, Cari Sessums and Todd McCann. Membership will be renewed for another three-year term.

Approve December 15, 2020 MCPSCC Meeting Minutes

MOTION: Ed McKenney made a motion to approve the December 15, 2020 meeting minutes. Seconded by Pete McCallum. A voice vote was unanimous.

Other

Mr. Ed McKenney asked what the allowance is for self-defense when rioters damage a vehicle and surround a driver as had happened during a recent demonstration/riot in Salem - and if the driver will be charged for a criminal offense?

- Mr McKenney asked if any of the rioters were taken into custody.
- Mr. McKenney said his definition of a demonstrator is the one that leaves when the riots start.
- Salem Police Chief Womack said the City had worked together with the Oregon State Police on the day the incident occurred.
 - Individual with the fire arm was not arrested or detained as he was determined to be a victim.
 - Several other individuals were arrested.
 - Mr. McKenney said he has a lot of respect for law enforcement and they always do a great job.

2. APPROVAL OF 2021-23 JUVENILE CRIME PREVENTION PLAN

Juvenile Department Director Troy Gregg presented this item. Summary of presentation:

- Juvenile Crime Prevention Funds from the Oregon Youth Authority have been used by the Marion County Juvenile Department for the Family Support Program (FSP) for the last decade.
 - FSP is designed to provide early intervention with the highest risk young children ages 9 to 13, already involved with the Juvenile Department or at risk of becoming involved.
 - Program reduces juvenile crime and helps families make positive changes in their lives.
 - FSP staff help the whole family in a community-based team approach working together with parents, children, school staff, and others of importance in the child's life.
 - Referrals come to the Juvenile Department from school counselors and juvenile probation officers.
 - Services are available for up to 9 months from the Family Support Specialists, Learning Specialists, and Youth & Family Counselors.
- Mr. Todd McCann said he was highly supportive of the program and program should be retained.
- Mr. Mike Runyon said this program acts as a barrier to prevent youth from moving further into the criminal justice system.

MOTION: Pete McCullum made a motion to approve the 2021-23 Juvenile Crime Prevention Plan. Seconded by Don Frederickson. A voice vote was unanimous.

3. JUSTICE REINVESTMENT INITIATIVE (JRI) QUARTERLY UPDATE

Oregon Criminal Justice Commission, (CJC) Justice Reinvestment Initiative (JRI) Program Manager Ian Davidson provided an overview of the 2021-23 JRI Grant Application. Summary of presentation:

- The Accountability and Equity Act (or House Bill 3064, 2019) changed the grant application process for the 2021-23 biennium.
 - Act expanded membership of the grant review committee.
 - A justice reinvestment equity advisory group was created and asked to evaluate the JRI grant program, how program funds are distributed, and then make recommendations for legislative and agency administrative changes.
 - Their recommended changes have been incorporated in the 2021-23 grant application.
 - One suggestion was to lengthen out the grant application timeline.
 - The 2021-23 application process will start much earlier and is in two phases.
 - The preliminary application is due May 14 and the final - August 25.
 - The CJC can then give feedback to counties before the actual application.
 - Thinking behind this is don't want counties to go through the entire grant process and then discover that county came up with an erroneous application.
 - Legislature still needs to designate an amount for the grant, and after this happens, the CJC will be able to finalize and release the second part of the application.

- Mr. Davidson said a lot of thought had been put into the questions for the counties.
 - Goal was for counties to discuss amongst themselves what is best for criminal justice and develop a thoughtful application.
 - The preliminary application asks each county where the gaps are in their respective criminal justice systems.
 - Could be the need for more judges or mobile crisis response teams.
 - Marion County is doing well on reducing prison bed use but may want to look at length of stays in prison.
- CJC has put together a race, ethnicity, and gender demographic dashboard.
 - Wholly interactive. Breaks down racial, and gender demographics by counties so can select a county and zoom in and see population disparities.
- Application also asks about historically underserved communities and community partners.
 - CJC is previewing questions it will ask during the final application phase.
- For the first time application will require a statement of commitment to reduce recidivism while protecting public.
 - Required by statute.
- Commissioner Cameron asked Mr. Davidson to return at a future date to give a report on Marion County's quarterly prison intakes.
 - Concerned that baseline funding for parole and probation has not increased and may decrease even though county is doing a great job of diverting people from state prison.
 - MCPSCC holding a special meeting on April 28 to go through the preliminary JRI grant application.

4. CRIMINAL JUSTICE ADVISORY COUNCIL (CJAC) UPDATE

MCPSCC switched roles and became the Criminal Justice Advisory Council chaired by Marion County Circuit Court Presiding Judge Tracy Prall.

Summary of presentation by Judge Prall:

- A smaller group of the criminal justice advisory council members includes Marion County Jail Commander Tad Larson, District Attorney Paige Clarkson, Marion County Circuit Court Trial Court Administrator Linda Hukari, and defense bar representatives Tom Sermak and Olcott Thompson.
 - This smaller group met every Wednesday morning during COVID-19 emergency without fail.
 - Relationships forged prior to the pandemic allowed group to work together and move criminal cases through the courts.
 - Group worked on pre-trial release, access to attorneys by adults in custody, managing the court dockets for all the partners, and even security during the riots when the courts had to be shut.
 - Currently, there is a new judge order from the Oregon State Courts regarding which matters can proceed in the court in person.
 - County has been able to expand in person appearances in the court, including out of custody trials.
 - The Grand Theatre is being used by the county for settlement contracts and out of custody trials. Will now also be doing civil trials there.
 - Ms. Clarkson said Marion County Circuit Court has been one of the most successfully operating courts in the state during the COVID-19, fires, riots, and ice storms. Successful because other counties don't have a similar structure and partnership.
 - Commissioner Cameron said all public safety agencies in the county should be proud of what they have accomplished through careful planning and continually adapting their operations to streamline services during the emergencies.

5. 2021 LEGISLATIVE SESSION UPDATES

Summary of legislative bills discussed:

House Bill 2002. Moved to House Rules Committee. Bill is an omnibus bill covering law enforcement stops, arrests, sentencing, probationary issues, and repeals certain mandatory sentences. Ms. Clarkson said there had been a lot of public testimony in opposition to it. Bill did not carry any stakeholder input prior to it being written - and no experts were at the table for policy making discussions. So all stakeholders testified and provided written testimony in opposition to it. Bad policy making in this regard. Concerned about BM 11 issues and Justice Reinvestment Initiative funding. When someone is sentenced in Marion County, they have to receive the proper services to be successful. This will not be possible if the legislature reduces JRI funding. Marion County defense bar representative Tom Sermak said the defense bar's view is that Measure 11 should be repealed so that discretion to impose lengthy prison sentences falls on elected officials in the court instead of deputy district attorneys who charge the defendant.

BM 110. There is a workgroup dealing with BM 110. This measure supported making personal, non-commercial, possession of a controlled substance no more than a Class E violation (max fine of \$100 fine) and establishing a drug addiction treatment and recovery program funded in part by the state's marijuana tax revenue and state prison savings.

HB 2177- Authorizes Chief Justice of Supreme Court to collect filing fees from District Attorney Offices across the state and use proceeds to fund certain state court technology services.

Senate Bill 48 - Eliminates requirement that defendants post security for bail prior to release except in certain circumstances. Directs the presiding judge of a judicial district to enter a standing pretrial release order specifying persons and offenses subject to release on recognizance, conditional release, and those not eligible for release until arraignment. Directs the Chief Justice of the Supreme Court to establish release guidelines for the pretrial release orders described in this section. Modifies findings required for certain pre-trial release decisions. Eliminates requirement that a defendant deposit 10 percent of security imposed prior to release on security except in certain cases. Establishes procedures for issuance of orders to forfeit security or pay on a promissory note if a defendant violates a condition of release.

SB 397- Is a collaborative stakeholder effort to simplify the expunction statute in Oregon which is currently very dense and hard to understand.

SB 214 - Is a victim restitution bill. Creates rebuttable presumption that a charge, expense, or cost is reasonable if a record, bill, estimate, or invoice is produced by a third party and introduced by the district attorney as part of presentation on economic damages suffered by victim. Restitution is hard to get, want to fix statute but getting a lot of push back from the defense bar. Right now standard is difficult to establish. Mr. Sermak said the restitution bill is moving forward and some amendments have been offered, optimistic it will improve the cjc system and community at same time.

SB 48 – If this bill passes, it will have an impact on pre-trial releases. Courts will have to collaborate with partners to figure out guidelines.

HB 2539 Prohibits juror from being identified by name during a court proceeding open to the public. Requires the names of jurors be made available to the parties to a proceeding.

Summary of discussions

- Hopeful that SB 497 A will pass. Requires counties assume responsibility for community-based supervision for designated domestic violence misdemeanors *as well as* offenders convicted of felonies or designated drug-related misdemeanors. It is a funding bill for community corrections that includes the domestic violence and sex offender population.

- Undersheriff Wood said he is very concerned about the legislature reducing base line funding for community corrections as these funds are the foundation for everything the Marion County Sheriff's Office Parole and Probation Division does. Current baseline funding is \$278 M for the 2019-21 biennium statewide and will decrease to \$230 m for the 2021-23 biennium. This will impact the Community Corrections Division's ability to carry out basic supervision. Hope that through the Ways and Means Committee, there will be an infusion of \$25 m that was previously agreed upon in the past two sessions.
- Jayne Downing, executive director, Center for Hope and Safety said Senate Bill 271-1 and House Bill 3327 are victim services bills. Bills extend sunset for authorization to Oregon Department of Justice to assist victims of domestic violence and sexual assault with housing needs until January 2, 2024. Appropriates an additional \$5,000,000 out of the General Fund to assist victims of domestic violence and sexual assault with housing needs.
 - Legislators have requested \$7.5 m in American Recovery Act funds for Hope Plaza.
 - This is in addition to the \$2.5 m that was received last spring.
 - The \$7.5 m will allow the Center for Hope and Safety to start building this fall.
 - Ms. Downing asked that the MCPSCC support these bills.
- Alison Kelley, executive director, Liberty House said HB 2826 passed unanimously out of the House Committee on Human Services and was sent out to the Joint Committee on Ways and Means. Bill requires the Child Abuse Multidisciplinary Intervention Program within the Department of Justice (DOJ) to allocate funds to support local and regional child advocacy centers. Appropriates \$6,000,000 to DOJ for this purpose. Funds will help support 21 Child Advocacy Centers serving all of Oregon's 36 counties and approximately 8,000 kids annually. Although referrals are supposed to have decreased with COVID-19, in 2020 Liberty House saw more than 700 youth in the clinic, the most they have ever seen. With youth restarting school, Liberty House is expecting to see even more youth needing services.
- Ms. Shaney Starr, executive director, Marion County Court Appointed Special Advocates (CASA) said HB 2738 is a statewide CASA bill which appropriates to the CASA Fund: \$5,670,000 for the CASA Volunteer Program, and \$250,000 for the Oregon CASA Network for a statewide distance training and learning program. For Marion County, this would mean an additional \$100,000 per year. These are two bills combined into one.
- Marion County Health and Human Services Administrator Ryan Matthews said his office was watching the aid and assist bills. A large number of behavioral health bills are in play which could impact funding and what the courts are able to do.
- County trying to free up hospital beds so that these are only reserved for those truly in need. Concerned that all the investments state made in past to improve systems are now unravelling, for example, with the passage of Measure 110. County has been innovative in making improvements, for example, using funds technically earmarked for mental health services for paying the salary of a district attorney in the county District Attorney's Office to help with aid and assists. Very creative and only done in Marion County. If funding is reduced concerned what would happen to those aid and assists who cannot get treatment and will end up on the public safety side instead of the health and human services side where they can be treated.
- Commissioner Cameron said Tim Murphy was unable to attend the meeting today but wanted to bring up HB 2417. Bill requires Department of Human Services to administer a program to provide matching grants to cities or counties to operate mobile crisis intervention teams. Marion County has four crisis intervention teams operating in the county, and these are different from the CAHOOTs model out of Eugene. Each county team is comprised of a law enforcement officer and a qualified mental health team worker. HB 2417 would pair a nurse with a Diagnostic and Statistical Manual of Mental Disorders

provider. It is challenging for counties to find the staff to do this, so concerned about how viable this model will be. Also unclear what types of medical interventions the Cahoots team is doing out in the field right now. A lot of requirements need to be met before this type of proposed program can start.

6. OVERVIEW OF PUBLIC SAFETY DURING 3 EMERGENCIES

- Mr. Troy Gregg said he was very proud of his employees who helped out at the state fairgrounds during the wildfire evacuation and during the ice storm.
 - The Juvenile Department distributed wood to those in need and did a lot of clean up around town with work crews.
 - Because of COVID-19 the department has seen fewer referrals.
 - Frustrating that staff have been unable to meet with families and youth.
 - Racial issues and disparities has impacted the Juvenile Department and it will be reaching out internally and externally to work with others.
- Salem Police Chief Trevor Womack said as new resources become available there are gaps that need to be filled such as the need for sobering centers.
- For Salem this topic has come up in the past.
- Mr. Tim Murphy may have wanted to bring this up personally at the meeting today. Renewed interest in this center. Chief Womack said that while this may benefit the community there are challenges around creating mobile crisis response teams.
- He has always been about not sending out officers on calls for service that officers don't really need to attend to.
- City of Hubbard Police Chief David Rash said the city was not prepared for some things during the emergencies, but, on the other hand, there was no uptick in crime and officers were able to check the city's vulnerable population.
- Chief Daniel said many smaller communities were not as well prepared. So learnt a lot and doing some work to better plan ahead.
- Woodburn Hubbard Fire Chief Joe Budge said a countywide communications initiative will benefit all the fire agencies in the county.
- Sheriff Kast said the relationships his office has been building for years enabled his department (and the county) to successfully continue providing services during the three emergencies. At night of the fire other agencies entrusted the Sheriff's Office to take charge.
- Commissioner Cameron said this has been a long year for all. Today everyone has a better understanding of what the Marion County Health and Human Services Department Public Health Services Division does. County and representatives of the BIPOC community are also meeting on a weekly basis as a result of these emergencies.
- Rob Carney, councilor, City of Woodburn said the city's emergency plan is 12 years old. Plan was underwritten to a large extent but city was able to upgrade it in real life during the three emergencies. Had great working relationship with health care providers police, public works, fire departments and Pacific Gas and Electricity. Paid off in the end. A lot of damage. Encourage all the cities to work with police and fire departments to develop an emergency management plan that is effective.

6. EMERGING ISSUES/OTHER BUSINESS

None

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