

**MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL  
MINUTES**

**October 12, 2021, 4:00 PM  
Courthouse Square  
Salem, OR**

**MCPSCC:** Joe Budge, Mark Caillier, Kevin Cameron, Rob Carney, Paige Clarkson, Jayne Downing, Don Frederickson, Tamra Goettsch, Roland Herrera, Chris Hoy, Linda Hukari, Levi Herrera-Lopez; Joe Kast, Alison Kelley, Pete McCallum, Todd McCann, Ed McKenney, Tracy Prall, Dave Rash, and Hitesh Parekh (recorder).

**GUESTS:** Chad Ball, Angie Denning, Raquel Moore-Green, Kevin Karvandi, and Ron Williams

**1. ADMINISTRATIVE (INFORMATION/ACTION)**

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

Welcome and introductions

- Introductions were made.
- Commissioner Cameron welcomed new council members, Executive Director of Public Defender Inc. of Marion County Shannon Wilson, and Salem City Council member Chris Hoy to the council.
- Presiding Judge Tracy Prall, Judge Geyer, and Trial Court Administrator Linda Hukari have all been reappointed for another two-year term on the council.

Announcements & Upcoming Events

- Marion County Community Services Director Tamra Goettsch said CASA of Marion County will be holding a fundraiser in December. Those interested in attending should contact her.
- City of Salem Police Chief Trevor Womack asked for feedback from council members (who live in Salem) on the City Police Department’s three-year strategic plan.

Ratifications

Criminal Justice Commission 2021-23 Justice Reinvestment Initiative (JRI) grant application submission.

- At the July 27 council meeting, the council approved the 2021- 23 JRI Plan and supplemental grant programs for funding.
- Application was submitted to meet deadline on August 25.

MOTION: Don Frederickson made a motion to ratify Marion County Sheriff’s Office 2021-23 JRI grant application of \$4,186,797 and supplemental grant application of \$917,435. Mark Callier seconded. Motion passes unanimously.

Approval of July 27, 2021, MCPSCC Meeting Minutes

MOTION: Ed McKenney made a motion to approve the July 27, 2021, MCPSCC meeting minutes. Jayne Downing seconded. Motion passes unanimously.

**2. NOTABLE PUBLIC SAFETY LEGISLATION FROM 2021 LEGISLATIVE SESSION**

Marion County District Attorney Paige Clarkson reviewed and summarized some of the notable public safety legislation that passed (or failed) in the 2021 legislative session.

- SB 649- Baily’s Bill relating to sexual abuse in the second degree included the coach but not teacher-so bill fixed this.
- SB 48- Pre-trial release bill. Working closely with Sheriff’s Office and jail to determine how this will affect Marion County. Don’t want to change the pre-trial release process for Marion County. Creates chief justice advisory committee to set some standards for counties as to who can be released pre-trial and under what circumstances.

- SB 397- Made some changes to expungement where an offender can clear his/her record of arrest and conviction. Bill attempts to bring Oregon in line with what is being done in most other states. Allows judge to see if there is a public safety reason to deny individual expungement. If there is a denial -a hearing in front of a judge will take place.
- SB 751-Is about discovery. Marion County already meets many of these requirements but will work with defense bar to ensure county is following discovery rules.
- SB 755-Ballot Measure 110 implementation of the decriminalization of street drugs. There isn't much to implement but does give standards to courts and how to refer individuals for treatment.
- HB 3273-Governs the use of booking photos. After January 2022 booking photos will not be on any web sites or released by any public safety body unless individual is convicted-with a few exceptions.
- SB 803- Attempts to address catalytic converter theft. Rampant with electric vehicles. Bill requires scrap metal places to require proof of ownership of the convertor.
- SB 819- Conviction integrity bill championed by the Multnomah County District Attorney's Office. Attempt to allow defendants and district attorney (DA) offices to go forward and present to the court any case they believe should be resentenced or reviewed again. Vehicle by which DA's can look at the integrity of a conviction or sentence.
- All four Ballot Measure 11 repeal bills failed to pass. HB 2002 was a comprehensive bill that included the BM 11 repeals, and another version of this bill could resurface in the 2022 legislative session.
- Legislature also discussed an Oregon Judicial Department bill which proposed charging district attorneys a fee for filing criminal charges. Bill was defeated.
- Bill that sought to repeal certain prostitution measures was also defeated.
  - Although bill is well intentioned and trying to stop criminalization of human trafficking victims- a lot of preliminary work needs to be done first.
- In 2019 the legislature significantly narrowed aggravated murder and the types of cases the death penalty could apply to through SB 1013. At the time SB 1013 was passed, legislators said it would not be retroactive. Then a Marion County death penalty case involving an inmate-on-inmate offense in our county jail came up. Inmate attacked and killed another inmate. He was convicted and sentenced to death, but the Oregon Supreme Court found last week that the death penalty could not apply to him. This means that for those individuals sentenced to death in Oregon, SB 1013 is retroactive. Concerning for several reasons: Even though the legislature has it on record that SB 1013 is not to be retroactive, the supreme court (a separate branch of government) found that it can be retroactive. In essence, if the crime was committed today, it would not be eligible for the death penalty. Another example is SB 1008 which was the Ballot Measure 11 juvenile reform bill. SB 1008 would make most juvenile cases no longer eligible for automatic BM 11 sentences. Concern is the same argument could apply - if these BM 11 crimes were committed today - they would not fall under BM 11 crimes of the past. So, brings up issue of how all the different branches of government interplay with each other. Judicial branch is telling the legislative branch that what they meant and intended to do is in fact not what they did. Also sheds light on the clemency process. Here the executive branch of government or the governor can grant people clemency release, commutation, and pardon. Ms. Clarkson has seen more requests for clemency this last year and a half than her predecessors have seen over their entire careers. Concern that there are other branches of government weighing in and undoing the work on adjudicating cases where juries and judges have seen fit to pass a certain sentence and make certain findings. Ms. Clarkson is very concerned about what this means for the criminal justice system, victims, and fidelity of the criminal justice system. These are discussions we should have as a community – not something that the legislature decides. If our standards have changed then voters should weigh in on this.

#### Summary of discussion

Q: Death penalty returned to Oregon in 1984 by constitutional amendment?

A: The death penalty was voted in favorably twice by Oregonians, most recently in 1984. Constitutional provision that if you are convicted of aggravated murder and the jury makes certain findings you are eligible for the death penalty. The legislature took that aggravated murder statute and redefined it, which was a clever way of changing what was eligible for the death penalty. Killing a police officer was aggravated murder, but now it must be premeditated to constitute aggravated murder that was never required to be proven before. So

now this will call into question all cases where the officer might be the victim. Difficult for the prosecution to prove premeditation moving forward.

Q: In appellate law there has been a long tradition of statutory construction. Did the court not follow this methodology?

A: Not really.

Q: Prosecution of prostitution/victims of human trafficking.

A: The DA's Office is concerned that youth are being trafficked, but only way we can intervene is with law enforcement. Frankly, the DA doesn't even charge victims of human trafficking, but they do get arrested and we try to divert them from an actual criminal charge. Everyone is willing to say this isn't the best way to get these individuals services, but where are those services and who is offering them? Need to look at this since getting arrested is not the best way to get services. These are great conversations, and this venue is a good place to have them.

Q: When was last time Oregon carried out a death sentence?

A: 1997. In past a death sentence used to keep you separate in Oregon. Not anymore. Those sentenced to death can now be with the general population.

Jayne: As a FYI, working on not charging victims of human trafficking in Marion County. Good update to do at a future meeting and perfect example of how our county does things well.

Levi: I have heard the same comments about juvenile services. Need to bring Troy Gregg into this conversation and discuss at a future council meeting.

### **3. SHERIFF'S OFFICE FY 2021-23 BIENNIAL PLAN RATIFICATION**

Marion County Sheriff's Office Parole and Probation Division (P&P) Commander Kevin Karvandi Presented this item.

Summary of presentation:

- Executive Committee of the MCPSCC has already heard this presentation.
- Every biennium the State Department of Corrections (DOC) requires community corrections plans from all community corrections agencies in the state.
  - Plan describes how the DOC administered money will be spent on community corrections programs.
  - Plan is the foundation for core services and must align with the state's legislatively approved budget.
  - The Marion County Public Safety Coordinating Council must recommend that the board of commissioners approve the plan.
- Commander Karvandi described the criminal justice system in Marion County and how funding to each county was determined by the state.
- Marion County's allocation of state funds increased from 9.11% in 2019-21 to 9.69% for this next biennium (2021-23) to \$27.5 M.
- Funding for other comparable counties (Clackamas, Washington, Jackson, and Lane) decreased slightly.
- Senate Bill 620 reduced revenues to the county by \$1.7 M due to an abolishment of community corrections supervision fees.
  - Marion county used to charge \$40 per month per offender.
- SB 497 passed and allows counties to receive funding for certain misdemeanor crimes, domestic violence, and sex offenders.
  - Prior to this legislation, county only received funding on felony cases.
- Other funding sources for community corrections programs in the county include Justice Reinvestment, Measure 57, and Family Sentencing Alternative Program.
- Personnel costs are the largest budget increases for the P&P Division.
  - Average caseload per officer has decreased from 75 to 55.
  - In 2008 caseloads totaled 4,400. Today they are at 2,800.
- Marion County avoided 20,261 prison days because of employing prison reduction programs such as SB 416.
- The county's new arrests, convictions, new incarcerations, are also decreasing.
- Transition from jail to community program is a new program that started in 2019-21.
  - Everyone in custody is given a plan before they leave the jail.
- SOAR graduates' new arrest rate was 52% compared to 82.5% for the general population.

- Future goals of the Sheriff's Office Parole and Probation Division are to reduce recidivism, increase offender accountability, reduce the prison population, expand program capacity for prison diversion and reentry.

Commissioner Cameron said at the last meeting of the council, the council approved the JRI grant.

Q: I noticed your share of caseloads has increased to be second in the state. Usually Marion County is at number 3. What is driving this change?

A: We've been second for several biennium now. If looking at allocation history - the lowest being 9.11% and the highest 9.69% - a declining trend in populations is good. Pandemic has been challenging to counties to move cases - we've been more progressive, but some counties have been slower in moving their cases through the system. Multnomah, Clackamas, Washington counties probation cases have decreased, while Marion and Jackson counties increased. (Marion County Circuit Courts did a great presentation in December 2020 on how the county kept moving cases during the pandemic.)

MOTION: Tamra Goettsch made a motion to ratify the 2021-23 CJC plan. Seconded by Ed McKenney. Motion passes unanimously.

#### **4. CRIMINAL JUSTICE ADVISORY COUNCIL (CJAC) UPDATE**

Marion County Circuit Court Presiding Judge Tracy Prall presented this item. Summary of presentation:

- Criminal Justice Advisory Council (CJAC) has been very proactive since the start of the pandemic.
- County stepped up and rented the Grand Theater in Salem so that cases can continue to be tried.
- In June the Delta variant created another emergency, and the chief justice of the supreme court ordered counties to return to social distancing.
- This created space problems and county rented the Grand Theater again for the courts.
- District Attorney's Office has more than 24 murder cases
- Public defender overwhelmed with too many Ballot Measure 11 offenses, and unable to take on any additional cases.
- So courts rented out G-Pod at the jail, and after a week of conferences, 56 cases settled - a 64% settlement rate.
- Jail is back to housing 300 inmates for several weeks now.
- Goal was to get jail back where they were not releasing the worst of the worst.
- Defense attorney cases are now slowly decreasing.
- 28 Ballot Measure 11 cases went out to probationary sentences or institutions and are out of Marion County's jurisdiction.
- 50% of these individuals had been in our jail for 180 days, two for more than a year, and one for 405 days.
- So processed individuals that had been there for a long time and dealt with some very complicated cases.
- Appreciated Sheriff's offer to use G-Pod. May need to do another week of settlements in mid-December or January to keep the caseloads manageable.
- For out of custody clients will do another round of settlements in the Grand Theater.
- 180 cases being processed there on a weekly basis. Will keep caseloads more manageable.
- Very concerned that jail was having to turn away some individuals since ensuring the safety of the community is a priority. Important for businesses to know that the court is open and accessible to them and trying civil cases unlike other. Most counties are not. Employment issues, elderly abuse cases etc. Just impactful that we got grant and can use other resources. Chief Justice controls whether we social distance or not.

#### **5. HEALTH JUSTICE RECOVERY ALLIANCE PRESENTATION ON MEASURE 110**

Ron Williams, outreach director, Health Justice Recovery Alliance made this presentation. Summary of presentation:

- In 2021 the Oregon Legislature passed Senate bill 755 which decriminalizes possession of small amount of drugs and treats people with a substance use disorder through a healthcare approach.
- Health Justice Recovery Alliance was formed after this bill passed.
- Bill established Behavioral Health Resource Networks in all 36 Oregon counties for services to stabilize people on their path to recovery; that youth be referred to the juvenile system in lieu of adult courts; and requiring

that law enforcement provide information on how to obtain screening when issuing Class E violations to individuals in possession of a small amount of drugs.

- Between February 1 to August 31, 2021 there were 1,208 Class E violation cases while 566 individuals did not appear for treatment.
- Most of the citations were for possession of meth (67%) and heroin (23%). The citation process involves scheduling a confidential screening. If the individual completes the screening, he or she can avoid paying the \$100 fine.
- More than \$30 million has been invested so far in 2021 from Measure 110 in Oregon's communities.
  - 70 organizations have been funded with grants/amended contracts - some of which have hired peer support specialists and expanded access to treatment services for the indigent and uninsured.
  - Other added recovery, supportive, and transitional housing to their services.
  - In June 2021, the state legislature approved \$302 M in funding for measure 110 services over the next two years.

Summary of discussion

Q: How do you measure success?

A: Secretary of State's Office will be doing an audit in 2023 and there are very specific measurements that must be made as specified in SB 755. Additionally, the Oregon Health Authority has convened an evaluation stakeholder advisory group that's developing the measurements by which we can evaluate the program. Will take some time to see results. Have to be patient.

## **6. CAHOOTS IN SALEM**

- Commissioner Camron presented this item. Summary of presentation:
- Marion County is working with the City of Salem and just toured the newly proposed Navigation Center.
- County also wants a sobering center, but additional contributions are needed to fund it.
  - Need to establish low-barrier access treatment services such as detox for these individuals.
  - Councilor Hoy added that this is an ongoing conversation about providing the best continuum of services for our community.
  - All committed to providing the right service for the right situation. In a lot of cases do need a robust law enforcement response but want to complement and not duplicate services.

## **7. LIBERTY HOUSE IRESPECT& PROTECT CAMPAIGN PRESENTATION**

Ms. Alison Kelley, executive director, Liberty House made this presentation.

Summary of presentation:

- Liberty House is the Child Abuse Assessment Center serving Marion and Polk Counties and serves up to 1,200 children annually.
  - Medical providers and family support specialists diagnose for abuse and neglect concerns.
  - Ms. Kelley co-chairs the Marion County Child Abuse Multi-Disciplinary Team along with Brandon Murphy from the Marion County District Attorney's Office.
- Ms. Kelly described the problem of children being solicited for nude photos at an early age on cell phones and then thinking this was normal when entering school.
- Liberty House facilitated 18 months of community focus groups with parents, teachers, youth, district attorneys, and law enforcement to discuss this and develop a robust program to educate community.
- Team developed a curriculum which is now being piloted throughout the 6<sup>th</sup> grade level at the Salem Keizer School district.
  - Ms. Kelley is very excited about this.
  - Wants a deeper community collaboration focusing on child sexual abuse and digital abuse, both of which are preventable. Website at [iRespectandProtect.com](http://iRespectandProtect.com) has more information.
  - Cell phones are not bad, but kids need to be guided in their use.
  - So, visit website and spread the word.
  - Any child with a cell phone is at risk.
- Kevin, we can get in front of other city councils too.

Our next meeting is in January 2022.

**8. EMERGING ISSUES/OTHER BUSINESS**

Woodburn Fire Chief Joe Budge said Murray, Smith and Associates, Inc (MSA) is providing professional consultant services to the City of Woodburn in developing a Water Master Plan Update. Will impact public safety. Item will be brought before the MCPSCC when a project manager is hired with an implementation timeline.

**ADJOURNED**