

MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL (MCPSCC)

Full Council Meeting Minutes

July 9, 2024, 4:00 p.m.

Commissioners Boardroom, Courthouse Square, Salem, Oregon

MCPSCC: Colm Willis, Nick Hunter, Paige Clarkson, Julie Hoy, Don Frederickson, Troy Gregg, Alison Kelley, Josh Lair, Tracy Prall, Chris Eppley, Douglas Cox, Elizabeth Infante, Todd McCaan, Frank Lonergan, Trevor Womack, Tim Murphy, Anna Jefferson, Rick Lewis, Shaney Starr, Scott Smith, Pete McCallum, Ryan Matthews, Michael Runyon, Jayne Downing, and Shannon Wilson.

Guests: Trevor Lane, and Gary White.

Commissioner Willis called the meeting to order at 4:00 p.m.

1. ADMINISTRATIVE (INFORMATION/ACTION)

-Commissioner Colm Willis

Announcements

- There are two new members who will be joining the council:
 - Soraida Cross and Johnathan Castro Monroy.

Marion County Gun Violence and Crime Study Update

- Currently being done and the preliminary results will be ready at the end of August.

Approve April 9, 2024, MCPSCC Meeting Minutes

MOTION: A motion was made to approve the April 9, 2024, MCPSCC meeting minutes. Seconded by Shaney Starr. Motion passed unanimously.

2. HB4002 UPDATE

-Sheriff Nick Hunter, District Attorney Paige Clarkson, Ryan Matthews, and Gary White

Summary of presentation:

- Townhall will take place on August 22, 2024, to discuss this in depth;
- Marion County being ahead allows it to refine and upgrade the existing deferral and diversion programs;
- A collaborative effort to submit the grant, to the state, a week early:
 - It will be reviewed in August.
- Many other counties are struggling as their funding allocation is small;
- Reporting parameters are unknown:
 - Oregon Criminal Justice Commission (CJC) is determining them.
- Marion County is often referred to as the standard;
- Recriminalization of drug possession comes into effect September 1, 2024;
- Deflection was the focus:
 - Some additional data will now need to be collected;

- Josh Wolf, Program Coordinator of Law Enforcement Assisted Diversion (LEAD) is navigating this.
- Funds and resources are needed for counties to establish programs;
- HB4002 had a two part process for funds:
 - Opting in and agreeing to do it in the future; and
 - Early adoption:
 - Marion County falls under both categories.
- Funding for the courts, defense attorneys are still being identified.
- Marion County recommended recriminalization at the felony level:
 - Legislature chose to make it an unclassified misdemeanor; and
 - Reengaging with individuals at a criminal level is a big difference.
- Statutory delivery of controlled substance fix:
 - Case law was making it impossible to charge and prove beyond a reasonable doubt; and
 - Legislature fixed this and recognized there are large amounts of drugs being delivered into Oregon, on the I5 corridor.
- Sentencing enhancements:
 - Drug dealers preying upon individuals in certain areas may increase criminal sentencing.
- Marion County's deflection program has been going for eight years:
 - Running a statewide model and a symposium for other counties.
- LEAD will be expanding as more resources come in;
- The LEAD team will have six navigators, and have hired four at this time:
 - Looking to add a deputy who does outreach, to the program;
 - Navigators are focused on case management; and
 - Deputy will be part of the outreach team:
 - Deputy;
 - LEAD navigator; and
 - Qualified Mental Health Professional (QMHP).
- The outreach team will go out and look for individuals that have needs:
 - This will be flexible and change depending on needs.
- Addiction resources, for same day help, are available;
- The mental health side is a challenge:
 - Do not always know where to place individuals; and
 - Mental health issues need to be addressed first.
- The outreach team is not a mental health response team:
 - They will be a resource for the outreach team.
- Required to record how the funds are being used:
 - Management Analyst will work with the team doing data work.
- There are individuals that do not qualify for LEAD:
 - Specific situations and crimes including those that require restitution:
- Creating RESTORE court for restitution and treatment on route to expungement;
- HB4002 requires expungement if individuals successfully complete deferral.

- Expanding on this for mid-level property offenders who's crime is addiction driven; and
- Getting attorneys together;
- Individuals are agreeing to the program to repay restitution through community service;
- Trying to fund this program and court through CJC funds; and
- Have a list of 500 individuals awaiting process, once complete will begin taking referrals.
- Restore Court goals:
 - Promoting public safety and reducing future victimization through accountability and treatment;
 - Must agree to repay restitution through voluntary community service:
 - Will earn money by community service that will go to the victim; and
 - Funding for the work crew will come from the HB 4002 Grant Fund.
 - Address the individual's underlying addiction and the root cause.
- There are two judges willing to work the restore court:
 - Judge Lindsay Partridge and Judge Jodie Bureta; and
 - Hiring a Court Coordinator.
- Restore Court will be the lighter version of Treatment Court:
 - Probation officers and providers come to court;
 - Need to have officer training on swift entry;
 - Oregon Public Defense Services (OPDS) has given the new regional trial team;
 - Able to take 40 to 60 clients;
 - Court would be every Monday:
 - Mornings are new entries; and
 - Afternoons is treatment court portion.
 - Judges will alternate duties.
- Crimes that will be expunged are low to mid-level property offenders:
 - Burglary in the second degree, thefts I and II, shoplifting, criminal mischief I, forgery, etc.;
 - If individuals are not engaged early enough, they are driven by addiction to commit crimes; and
 - Advocates will reach out to victims to ensure they are on board with the process.
- Most victims want offenders to receive help;
- May use Neighbor-to-Neighbor mediation to help some restorative justice;
- Restore Court can also help the victims where the crimes being committed were not driven by addictions;

Summary of discussion:

- There are business owners, downtown Salem, who are ready to hire private security:
 - It would be great for the Sheriff and Chief of Police to meet with them and explain the high level situation.
- There has been four years of legal drugs, damage, and the resulting backlog of cases:
 - The public needs to understand the issues will not be fixed in six months.
- Trying to help business owners see that changes are here:

- The owners of the previous Rite Aid building are tired.
- Josh Lair was the first LEAD navigator;
- Many involved in crimes have children:
 - A large incentive is reuniting with kids if treatment is completed and successful.
- Family reunification data was shared with the legislators:
 - LEAD Navigators love sharing the full circle of success.
- HB4002 has gaps:
 - Working on fixing child welfare protocols to better serve endangered children.
- Participants of Specialty Courts commit quite a bit of time;
- Restore Court will have some individualization per offenders:
 - Some have jobs and may pay restitution in that way.
- The preference for Restore Court is for a year but realistically it will be for 18 months;
- Community correction resources will be used;
- The defense is dedicating two layers and the number will not be part of their maximum allowable caseload;
- If Restore Court fails, they will go back to conviction;
- Restore Court will have sanctions through the court, and parole officers;
- Treatment court data shows that immediate responses are better;
- There is a limited number of safety resources and a rise in violent crime:
 - The resources are focused on violent crimes;
 - Livability crimes grow as they are unaddressed; and
 - Restore Court will provide justice.
- Balance of accountability and compassion;
- Marion County has a connection with the health system and law enforcement:
 - Mental health services in the jail;
 - Reentry services;
 - LEAD; and
 - Crisis Behavioral Health program.
- Health and Human Services has been building the increased capacity for substance use treatment since Measure 110:
 - Would like to use the increases in a meaningful way with various partners.
- Participating in LEAD team meetings to continue fostering relationships;
- Health and Human Services will have a 24/7 on-call number for LEAD navigators:
 - Deflection referral calls can be taken at any time;
 - Same day assessments will be done; and
 - Treatment can be done as soon as possible.
- Need to ensure that identified individuals are not seen by the health system several days later but as soon as possible;
- There are 24/7 community response teams that can be deployed in the community:
 - Peer support specialist and a QMHP; and
 - Respond to 988 calls.
- Health and Human Services is focusing on community outreach and trying to deflect individuals out of incarceration:

- Ensure that referrals pathways are in place; and
 - Community partners are aware of them.
- There are hiring challenges, but they are getting better;
- When individuals are ready to get assistance, you must be ready to receive them:
 - If there is time in between there is a higher chance of distractions and loss of motivation.
- Across the state law enforcement is setting up deflection programs without incorporating county mental health programs:
 - Marion County has been building these relationships for years.

3. TRANSITION CENTER RE-PURPOSING

Summary of presentation:

-Sheriff Nick Hunter

- SB48 controls who goes in and stays in jail with the judges having some say;
- The population in the jail has changed significantly:
 - Less female offenders; and
 - More violent offender.
- Capacity management is causing individuals to be released on the streets;
- Have not utilized G Pod and it was funded a few years ago:
 - Staffing issues have not been resolved.
- The transition center has 12 positions that are corrections deputies:
 - There are 10 that are filled;
 - They will be transferred to the jail, reducing jail vacancies to four;
 - This will provide relief for those already working at the jail;
 - Currently close to not meeting working standards;
 - Jail closed down as there is minimum staff to run the jail; and
 - Will increase by 55 beds.
- Transition Center is being underutilized:
 - There are 144 beds and about 30 to 50 are used;
 - A majority are sentenced work crew individuals;
 - There are not enough sentenced individuals to keep the center full; and
 - The work crew is being moved and not eliminated.
- The Stable Group:
 - This will help create change in individuals;
 - Stability through treatment and accountability;
 - Better livability through engagement:
 - Wraparound services.
- Currently there is a limited number of individuals that can be in the transition center:
 - Expand to include multiple levels of custody in the center.
- Looking at changing staffing models:
 - Need treatment focused and certified staff; and
 - Jeff Wood will be working on the staffing model of the future stabilization center.
- Stabilization Center:
 - Want to see a plan in 90 days;

- In 180 days to begin hiring individuals; and
- In nine months to a year reopening the center.
- The transition center will close August 9, 2024;
- Some boarders leave during the day and come in at night:
 - The transition center will be open for them for this.
- The sergeant and lieutenant will stay and run pre-trial functions.

Summary of discussion:

- Part of the 55 beds will be for the restore docket;
- More discussion is needed on custody and boarding environments;
- The goal is to separate the jail from the stabilization center:
 - The stabilization center to be run by non-sworn individuals.
- Washington County has boarders and pre-trial detainees in their center:
 - Trying to implement some of this.
- Trying for low-level offenders being actively engaged in treatment and in the community;
- The aid and assist issue is a separate issue:
 - This will be added onto the agenda for the next meeting.
- Add the juvenile issue to the agenda for the next meeting;
- All these issues are related to one another but at times, statutorily, must be addressed individually; and
- Veterans would be sent to Veteran's Court as they would be better served there instead of Restore Court.

4. CRIMINAL JUSTICE ADVISORY COUNCIL (CJAC)

Summary of presentation:

-Judge Tracy Prall

Summary of presentation:

- MCPSCC is also the CJAC of Marion County:
 - Required to meet quarterly.
- Unrepresented crisis has been made worse:
 - Federal court is involved as Oregon is not using its public defenders.
- Federal judge directed that all Oregon sheriff's release anyone held in custody for more than seven days from their initial appearance and is without a lawyer:
 - There are several exceptions; and
 - This is a US district court decision.
- The federal circuit court reviewed, agreed and it came into effect June 1, 2024;
- The sheriff's office and court analyst discuss three times a week about individuals in custody:
 - Ensuring that no individual goes over the seven day mark.
- Historically Marion County has not had any individual without a lawyer for any days:
 - Until recently, when attorney capacity ran out under the Oregon Public Defense Services contract;
 - They can have 300 points of cases per year, by the end of the year the limits are reached;
 - Appointing OPDS as the lawyer:

- Technically makes an individual in custody without a lawyer.
 - Within six days lawyers were given by OPDS state trial division.
- Overflow cases are handled by OPDS:
 - There is a better partnership; and
 - Given a regional office.
- Violation of rights in the paper about being held in custody without representation:
 - This is an important right and should not be violated; and
 - Media does not mention the community safety aspect.
- Will be at the settlement conference regarding federal matter:
 - Invited to represent circuit judges of the state; and
 - Suggest solutions for the shortages.
- Out-of-custody there are over 750 individuals without lawyers:
 - Property offenses, drug offenses and driving crimes; and
 - These are far down the list for representation.
- Lawyers are given in a priority order:
 - Domestic violence cases;
 - Non-domestic violence person crimes; and
 - DUI's.
- The top priorities are given lawyer representation;
- The longest wait for an individual to get a lawyer is 303 days:
 - The over 750 individuals waiting for a lawyer get one based on their waiting time.
- Individuals must call in to court analyst by the fifth of every month:
 - This system has 97 percent compliance;
 - Analysts also call individuals if they do not call; and
 - Analyst let's them know if they have a lawyer or not.
- Hope to get some individuals off the list with the deflection program:
 - Prior to September 1, 2024, possession of a controlled substance is not a crime;
 - If it was a crime they would qualify for the program;
 - The program will start day one;
 - Law enforcement will cite individuals out thirty days; and
 - Brendan Murphy of the District Attorney's Office is working on training for law enforcement.
- The Program Manager will be hired for this program;
- Limited by the defense attorney capacity and the probation officer capacity;
- Defense attorneys will be able to handle 60 cases;
- Most of Marion County Association of Defenders (MCAD) have over 250 case points:
 - The number began at 200 and quickly was changed to 250; and
 - About a third of the defenders are almost 300.
- There has been turnover at OPDS, and many cases have gone to MCAD:
 - MCAD is maxed out at this time.

Summary of discussion:

- Attorney's assigned to the Restore Court will take everyone in the court;
- The Veterans Court has traditionally had lower numbers than other courts because it requires self-identification:

- Some do not want to identify has having served.

5. JUSTICE REINVESTMENT PROGRAM UPDATE

-Lieutenant Anna Jefferson, Mike Hartford

Summary of presentation:

- Required to provide a progress report on Justice Reinvestment every six months to the CJC:
 - Applies to the formula and supplemental grants?.
 - This must be reviewed and approved by the council.
- The progress report includes the following:
 - Implementation of the program;
 - Progress;
 - Number of program participants;
 - Person use;
 - Recidivisms;
 - Number of services provided; and
 - Types of services provided.
- Worked on several areas noted in previous quarters;
- Implemented motivation groups for male and female prisoners To address low treatment.
- Worked to increase the number of transition plans.
- No major changes in person usage or recidivism numbers;
-

Summary of discussion:

- None.

MOTION: A motion was made to approve the report. Seconded by Paige Clarkson. Motion passed unanimously.

6. EMERGING ISSUES/OTHER BUSINESS

- Bridgeway to open a sobering service to support law enforcement:
 - Have a property and began a permitting process with the city;
 - The building is designed;
 - Have 34 detox beds and seven sobering beds;
 - Received a cease and desist order from the city of Salem:
 - Because of the location and the potential for historical artifacts
 - Hired a company to dig and may have found evidence of pre-colonization:
 - A new permitting process begins with the city; and
 - The archeology department can delay things for 40 days.
 - Whatever is found needs to be taken to the local tribal council:
 - The tribal councils support needs to be given.
 - A monitor may be needed to oversee while digging is done;
 - Not able to proceed with building until September:
 - Project completion date is now 2025; and

- Initial completion date was December 2023.
- Many other new buildings had to go through the same process.

Discussion:

Paige Clarkson

- A sobering service has been discussed for years;
- Being close to making it a reality needs to be recognized; and
- This will be a great addition to the community as currently there is not a place for individuals to go.

Troy Gregg

- The juvenile department has been busy;
- Making connections with community partners:
 - Restorative services; and
 - Early intervention.
- Detention numbers are up;
- There is a good partnership with the Salem Police Department:
 - Getting out to high risk areas; and
 - Doing house check on high risk youth.
- Probation officers and Oregon State Police will be a presence at the state fair.

Chief Trevor Womack

- Community Reduction Initiative. Summer plan while school was out of session:
 - Focused on northeast Salem;
 - Worked with the sheriff's office;
 - Extra presence in the area;
 - Weekends, and the swing shift;
 - Partner with probation and parole for checking in on individuals;
 - Community engagement will take place;
 - The report will be completed in November;
 - Community input will be gathered;
 - Future work session with Marion County's board of commissioners, sheriff, city of Salem police chief, and mayor elect:
 - Look at new data and discuss community engagement and direction.
 - Shootings of 18-year olds killing 16-year olds are continuing:
 - The problem is not going away; and
 - Nationally violence and homicide is going down but not here.

Commissioner Willis adjourned the meeting.