



# Legislators' Public Safety Briefing With Marion County Civic Leaders



Tuesday, January 29, 2019  
4:30 – 6:00 p.m.  
Refreshments will be served!

State Capitol ♦ Room 350 ♦ 900 Court St. ♦ Salem, OR 97301

# CONTENTS

## MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

### 2019 LEGISLATIVE PRIORITIES

What We Have Accomplished .....	3
Summary of Legislative Priorities.....	5
Detailed Legislative Priorities.....	9
Community Corrections .....	11
Juvenile Justice.....	15
Mental Health.....	17
Law Enforcement.....	21
Victim Services.....	25
Housing and Homelessness.....	27

### MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

Background.....	29
Public Safety Coordinating Council Membership List.....	33
Marion County Justice Reinvestment Council Membership List.....	37



## Marion County Public Safety Coordinating Council 2019 Legislative Agenda

### WHAT WE HAVE ACCOMPLISHED

**The problem.** Drug abuse, chronic health conditions, and homelessness are prevalent issues affecting the criminal justice system in Marion County (population 344,035 in 2018). Marion County continues to have one of the highest per capita rates of prison inmates of any Oregon county, with 600 inmates releasing to Marion County each year from state prisons and 3,300 people on parole or probation. Four of the 14 state correctional facilities are located in the county, along with the state juvenile corrections facility and the Oregon State Hospital for offenders with psychiatric diagnoses. The Marion County Sheriff's Office also operates the third largest jail in Oregon, with more than 16,000 annual bookings. More than 90% of prison inmates from Marion County will return to Marion County communities.

In a 2018 jail survey, 54% of Marion County inmates reported using methamphetamines or other stimulants and 32% abused opioids, with 45.8% diagnosed with a mental health condition. In Oregon, incarceration costs approximately \$84 per day, while intensive treatment programs cost \$39 per day. Marion County's public safety services provide hope and dignity to our clients. They also make financial sense.

**A new way of doing business.** Beginning in 2009, Marion County created a nationally-recognized Justice Reinvestment Initiative, with interwoven prison diversion and prisoner reentry strategies. Prior to this, parole and probation officers' assigned caseloads were overwhelming and compliance strategies were often based on trial and error, with sanctions commonly a long stay at the county jail. Treatment success rates were also dismal. After passage of Senate Bill 267 (2003) requiring evidence-based practices for Oregon's corrections programs, Marion County began implementing risk assessments and case planning, training staff in research-based practices, and assigning and managing officer caseloads by assessed risk. Under traditional parole and probation practices, Marion County's recidivism rates were as high as 40%. By 2014, the recidivism rate dropped to an all-time low of 14% and continues to hover around 20% in recent years.

In late 2009, the initiative was awarded two federal Second Chance Act grants. Parole and probation officers were trained in Effective Practices in Community Supervision, or EPICS in 2011, based on the work of Dr. Edward Latessa, University of Cincinnati. In 2012, the initiative was selected as one of seven projects across the nation to participate in a control group evaluation study by the U.S. Bureau of Justice Assistance. In 2013, Marion County was then one of nine locations in the nation to receive a Second Chance Act grant addressing co-occurring mental health and substance abuse disorders. In 2018, Marion County received two U.S. Bureau of Justice Assistance grants to expand Law Enforcement Assistance Diversion, or LEAD.

Marion County continues to change lives through the efforts of many people working together on cutting-edge community corrections programs. Justice Reinvestment Initiative key partner organizations include the Marion County Sheriff's Office Parole and Probation Division, Health and Human Services Department, Community Services Department, Housing Authority, and District Attorney's Office; Chemeketa Community College; Bridgeway Recovery Services; Union Gospel Mission; the Oregon Department of Corrections; Mid-Willamette Valley Community Action Agency; and Willamette Workforce Partnership. These agencies jointly execute a strategic plan under a collaborative governance structure, overseen by the Marion County Board of Commissioners and Sheriff, with engagement by civic, education, faith, and business leaders. More than 100 local employers open their doors to clients who are ready to work.

**Results.** Over the past decade, Marion County has achieved the following results.

## Governance

- Memorandum of Understanding signed by 13 partners.
- Public Safety Coordinating Council prioritized needed Justice Reinvestment programs.
- Marion County Justice Reinvestment Council was formed.

## Evidence-Based Practices

- Prison reach-ins reduced “no show” rates for clients immediately after release from 30% to 2%.
- Post-prison recidivism rates dropped to 14% in 2014, the lowest on record.
- More than half the highest risk clients are employed or in school, compared with the state benchmark of 39%.
- Jail Reentry graduates were 58.8% less likely to be arrested for a new offense and 38% less likely to have a new incarceration, compared with the general post-prison, high-risk population.
- Student Opportunity for Results, or SOAR, participants were 28.9% less likely to be arrested for a new offense and 20.9% less likely to be convicted of a new felony than other high-risk clients on supervision in Marion County. SOAR clients participate in an intensive 12-week treatment and employment program on the Chemeketa Community College campus.
- The De Muniz Resource Center, a one-stop reentry center operated by the Mid-Willamette Valley Community Action Agency, connected with nearly 6,000 clients since opening in 2011. Because of a 38% increase in caseloads, a second navigator joined the staff in April 2017.
- Marion County has led the state in reducing prison admissions for justice reinvestment offenses. The Senate Bill 416 Diversion Program has had the greatest impact on meeting state diversion targets, through client participation in evidence-based cognitive, motivation, and substance abuse treatment; case management; and mentoring services.
- Marion County recognized the importance of supporting victims through justice reinvestment, allocating not only the required ten percent designated for victim services, but also adding other funds that support a bilingual Court Support Advocate position housed at Center for Hope & Safety. The advocate assists victims at the Center for Hope & Safety and Victim Assistance offices with protection orders and is present in court during protection order hearings. Since the addition of this position, 1,675 victims have been assisted with crisis intervention, safety planning, and protection orders. This position has led to greater collaboration between the criminal justice system and the community-based advocacy program, increasing access to services and safety for victims in our community.

## Policy

In the 2017 and 2018 legislative sessions, thanks to Marion County’s legislative delegation, the following council priorities were accomplished.

- *Justice Reinvestment Initiative budget* increased from a recommended \$32 million to \$41.2 million.
- *Baseline community corrections funding* was appropriated at \$272 million, not \$239 million as originally recommended.
- *Juvenile Crime Prevention, Basic, and Diversion funds* were appropriated at current service level, rather than reduced by 15% as originally recommended.
- *Marion County is a leader in behavioral health-public safety partnerships*, continuing to receive state grants for mobile crisis teams, jail diversion, and adults unable to “aid and assist” in their own defense.
- *\$250,000 was appropriated to create a sobering center* in the Salem area, diverting clients from the Salem Hospital and Marion County Jail, and connecting them to needed treatment services.
- *Senate Bill 682* changed how child support modifications for incarcerated persons are addressed.
- *Senate Bill 690* established Certificates of Good Standing to remove barriers to occupational licenses.
- *Senate Bill 26* was enacted, adding victim services providers to public safety coordinating councils.
- *Senate Bill 689* reestablishing the Task Force on Reentry, Employment, and Housing passed both chambers, but was vetoed. The body continued to meet as a work group.



## Marion County Public Safety Coordinating Council 2019 Legislative Agenda

### **SUMMARY OF LEGISLATIVE PRIORITIES**

#### **COMMUNITY CORRECTIONS**

**1. SUPPORT HB 5506 and Justice Reinvestment grants at the current service level of \$41.6 million**, and Supplemental funding at \$7.2 million. The Governor's Recommended Budget is \$46.2 million for both grants. Marion County's Public Safety Coordinating Council spent months during the fall of 2017, 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.

**2. SUPPORT the time study recommendation for baseline community corrections funding** which serves as the foundation for Marion County's community corrections initiatives, including supervision and jail space for sanctions. As required by ORS 423.486(1), every six years the Oregon Department of Corrections, in collaboration with the Oregon Association of Community Corrections Directors, must submit an "Actual Cost Study" to the legislature. The purpose of this study is to determine the time and monies spent on the 30,000 people under some type of formal supervision, which then recalculates what the "daily rate" per client should be. This exhaustive and almost two-year process resulted in an increase in the daily client cost calculation from \$11.69 to \$14.249, which increases the baseline funding to \$322 million for 2019-21. However, the Governor's Recommended Budget recommends only \$259 million, based on an inflation factor and a statutory change in Earned Discharge. **Marion County supports the current service level at \$322 million, based on the time study calculation.**

**3. WATCH recommendations from the Behavioral Health Justice Reinvestment Steering Committee.** Without access to effective community-based health care for substance addictions and mental illnesses, too many Oregonians wind up in crisis and then in emergency rooms or jail, leading to high costs and poor health and public safety outcomes.

#### **JUVENILE JUSTICE**

**1. SUPPORT Senate Bill (SB) 299 prohibiting denial of medical assistance on basis that individual under 18 years of age is in detention pending adjudication.** Requires Oregon Health Authority to seek federal approval for federal financial participation in costs of providing medical assistance to such individuals.

**2. SUPPORT House Bill (HB) 2502 Modifying juvenile jeopardy law to describe hearings and proceedings that trigger jeopardy.** Declares emergency, effective on passage.

**3. SUPPORT SB1 establishing Statewide System of Care Task Force.** Directs task force to make series of reports and recommend legislation to Legislative Assembly and Governor. Directs task force to make recommendations to Director of Oregon Health Authority, Director of Oregon Youth Authority and Director of Human Services regarding systems of care. Directs task force to create data dashboard regarding youths being served by Oregon Youth Authority, Oregon Health Authority and Department of Human Services. Appropriates moneys from General Fund to Oregon Health Authority for biennial expenses related to task force. Directs Oregon Health Authority, in consultation with Department of Human Services and Oregon Youth Authority, to prepare and publish requests for proposals for regional evaluation and care teams.

## MENTAL HEALTH

### **1. WATCH recommendations from the Behavioral Health Justice Reinvestment Steering Committee.**

Without access to effective community-based health care for substance addictions and mental illnesses, too many Oregonians wind up in crisis and then in emergency rooms or jail, leading to high costs and poor health and public safety outcomes.

### **2. SUPPORT HB 2266 that supports staff and technology at the Oregon Health Authority for CCO 2.0.**

The Oregon Health Authority is currently undertaking a significant advancement of the coordinated care model with a focus on the following four areas to further transform CCOs. Policy Option Package 416 provides \$1.9 million to support this effort.

1. Improving the behavioral health system,
2. Increasing the use of value-based payments,
3. Controlling costs, and
4. Addressing CCO members' social determinants of health.

### **3. SUPPORT SB 24 to fund intermediate placement options for "aid and assist" misdemeanor defendants by the Oregon Health Authority.**

More than 40 percent of Oregon State Hospital Aid and Assist (or ".370") patients have been charged with only misdemeanors. This .370 population continues to increase. Legislative Concept 383 would amend ORS 161.370 so that misdemeanant patients are evaluated and treated in the community, unless a certified evaluator determines that the misdemeanant needs a hospital level of care. A successful implementation of LC 383 requires more intermediate placement options; i.e., middle ground between the hospital and living independently in the community, consistent with the U.S. Department of Justice's expectations. Funding amount in the Governor's Recommended Budget is \$ 7.6 million.

## LAW ENFORCEMENT

### **1. SUPPORT HB 2476 requiring a Community Impact Fiscal Impact Statement that considers the statewide impacts of proposed public policy on the criminal justice system.**

Will require an analysis of all proposals changing Oregon's public safety system to determine whether the cost (to victims, taxpayers, law enforcement agencies, prosecutors, public defenders, supervising authorities, the Oregon Judicial Department, etc.) outweighs the benefits of the proposed change. The legislation is based on the experience of the State of Washington.

**2. SUPPORT HB 2328 strengthening prosecution of car thefts.** In 2018, the Oregon District Attorneys Association, Oregon Department of Justice, and Oregon Criminal Defense Lawyers Association negotiated language in House Bill 4161 that would have made it easier to prosecute motor vehicle thefts. The bill died in committee, because of disagreements about the costs of implementing the bill. This legislation moves the negotiated language forward for adoption in 2019.

**3. SUPPORT SB 480 clarifying endangering welfare of minor language.** In *State of Oregon v. Hobbs*, the court found that possession and use of illicit drugs in a home where children reside is not enough to prove beyond a reasonable doubt that the defendant's home was a place where "unlawful activity involving controlled substances is maintained or conducted." Thus, drug use around minor children is not sufficient to prove a crime. This legislation would add the word "exposed" to an "unlawful controlled substance" in ORS 163.575 to allow for a charge when a person uses or possesses illegal drugs around children.

## VICTIM SERVICES

**1. SUPPORT legislation that funds victim services.** This includes adding \$10 million to the Oregon Domestic and Sexual Violence Services Fund; HB 2570 that adds \$8.3 million for Court Appointed Special Advocates (CASA); and adding \$6 million to the Oregon Network of Child Abuse Intervention Centers budget.

**2. SUPPORT HB 2244 establishing a CourtCare Fund** and appropriating moneys in fund to Department of Education for distribution to counties to operate CourtCare program.

**3. SUPPORT legislation limiting the access to examine child exploitation material to a safe and controlled environment.** Current law requires prosecutors to copy and distribute images of child sexual abuse to defense counsel as required discovery material in any criminal case involving child pornography. This legislation would mirror federal law allowing access to and examination of the alleged illegal child exploitation material at a law enforcement agency, so that copies need not be made or distributed in any way.

## HOUSING AND HOMELESSNESS

STILL UNDER DISCUSSION





**THE  
MARION COUNTY  
PUBLIC SAFETY COORDINATING  
COUNCIL**

**2019 Legislative Agenda**

**DETAILED**





## Marion County Public Safety Coordinating Council 2019 Legislative Agenda

### COMMUNITY CORRECTIONS

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### JUSTICE REINVESTMENT

**SUPPORT HB 5506 and Justice Reinvestment grants at the current service level of \$41.6 million**, and Supplemental funding at \$7.2 million. The Governor’s Recommended Budget is \$46.2 million for both grants. Marion County’s Public Safety Coordinating Council spent months during the fall of 2017, 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 2017-2019 justice and supplemental reinvestment plan includes: Senate Bill 416 Prison Diversion (\$1.45 million), Jail Reentry (\$524,180), Marion County Specialty Court (\$20,000), Link Up treatment services for co-occurring disorders (\$431,004), Student Opportunity for Achieving Results or SOAR (\$513,842), De Muniz Reentry Resource Center (\$200,000), Transition Services/Housing (\$246,736), and Substance Abuse Treatment (\$78,090).

Through an agreement with the Oregon Department of Corrections, Marion County is expanding its transitional release program in an effort to reduce the number of men and women at state facilities, accepting up to 20 inmates due to release in Marion County.

Marion County community corrections deputies manage 3,200 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.

The cumulative results of these collaborative efforts have resulted in an impressive decrease of over 10,000 prison months since 2014 as compared to our historical baseline.

### COMMUNITY CORRECTIONS BASELINE FUNDING

**SUPPORT the time study recommendation for baseline community corrections funding** which serves as the foundation for Marion County’s community corrections initiatives, including supervision and jail space for sanctions. As required by ORS 423.486(1), every six years the Oregon Department of Corrections, in collaboration with the Oregon Association of Community Corrections Directors, must submit an “Actual Cost Study” to the legislature. The purpose of this study is to determine the time and monies spent on the 30,000 people under some type of formal supervision, which then recalculates what the “daily rate” per client should

be. This exhaustive and almost two-year process resulted in an increase in the daily client cost calculation from \$11.69 to \$14.249, which increases the baseline funding to \$322 million for 2019-21. However, the Governor's Recommended Budget recommends only \$259 million, based on an inflation factor and a statutory change in Earned Discharge. **Marion County supports the current service level at \$322 million, based on the time study calculation.**

**SUPPORT HB 2283 which provides state funding for misdemeanor assault IV, menacing, and harassment convictions.** Baseline community corrections funding from the Oregon Department of Corrections provides for only the supervision of felony probation cases, local control sentences, and post-prison supervision. Absent misdemeanor funding, county community corrections agencies must manage domestic assault and harassment cases without the level of financial support necessary for this high-risk population. Providing state funding through the community corrections formula for misdemeanor assault IV, menacing and harassment convictions will supplement House Bill 4145 (2018), which closed the "boyfriend" loophole, keeping guns away from domestic abusers and stalkers.

## MEASURE 57 FUNDING

**SUPPORT Measure 57 funding.** Oregon Ballot Measure 57 (2008) or Senate Bill (SB) 1087 was a legislatively-referred state statute that prohibits courts from imposing less than a presumptive sentence for persons convicted of specified drug and property crimes under certain circumstances, and requires the Oregon Department of Corrections to provide supplemental funding to local governments for addiction treatment purposes. The Governor's Recommended Budget is \$ 11.2 million. Marion County supports \$11.2 million for Measure 57 funding.

## WORKGROUP ON REENTRY, EMPLOYMENT AND HOUSING LEGISLATION

**WATCH the following bills endorsed by the workgroup on Reentry, Employment and Housing:**

**SB 773 requiring each professional licensing board to study criminal background criteria** and character standards for licensure, certification or other authorization to provide occupational or professional service regulated by board. This bill addresses the barriers ex-offenders face when trying to get an occupational or professional license resulting from their criminal background or other rules or policies around character.

**LC 960 creating a holistic criminal defense pilot program** providing pre and post-conviction services in one urban and one rural county.

**SB 774 adopting the America Bar Association's Model Act Governing Confidentiality and Expungement of Juvenile Delinquency Records.** Oregon's current expungement statutes lack clarity in language around which records can be expunged and require lengthy waiting periods. This bill would amend Oregon expungement statutes to more closely align with recent American Bar Association model legislation on confidentiality and expungement of juvenile delinquency records.

**SB 775 requiring all public entities to use Oregon State Police for background checks** and incentivize private employers to use Oregon State Police by limiting liability with such use.

**SB 381 creating a civil right to an attorney (still being developed).**

**SB 776 ending debt-based driver's license suspension.** Over the past decade, 334,338 Oregonians have had their driving privileges suspended. These suspensions were not for traffic safety incidents, but because individuals could not pay fines associated with non-criminal traffic violations. Proponents of the legislation

assert that suspending a driver's license deprives people of transportation necessary to get to work, take children to school, keep medical appointments, and care for ill and disabled family members.

**LC 777 creating a task force on education and training opportunities** within the Oregon Department of Corrections and requesting funding.

**LC 778 expanding certificates of good standing** and prohibiting the denial of an occupational license based on criminal history for those holding a certificate



## JUVENILE JUSTICE

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### **WATCH recommendations from the Measure 11 workgroups:**

**LC 1039 provides that person in custody of Oregon Youth Authority for offense** committed while person was under 18 years of age, for which person was sentenced to term of imprisonment with projected release date that falls after person attains 25 years of age but before person attains 27 years of age, is eligible for conditional release hearing.

**LC 1040 requires court to include in judgement document age of defendant at time of committing offense** if defendant sentenced to term of incarceration and physical custody of defendant is related to age of defendant at time of committing crime. Directs Department of Corrections to transfer person sentenced to term of incarceration for offense committed when person was under 18 years of age to physical custody of Oregon Youth Authority even if criminal proceedings were initiated after person attained 18 years of age.

**LC 1405 prohibits person who was under 18 years of age at time of committing offense from being sentenced to life imprisonment without possibility of release or parole.** Requires court to consider certain factors as mitigation when sentencing person who was under 18 years of age at time of committing offense.

**SB 549 authorizes juvenile offender charged with offense subject to mandatory minimum sentence,** who receives mandatory minimum sentence or other sentence of imprisonment, to be eligible for conditional release after serving at least one-half of sentence imposed.

**HB 2295 establishes process of earned review for certain young offenders serving terms of imprisonment** in custody of Oregon Youth Authority. Specifies eligibility benchmarks. Directs authority to establish Public Safety Panel to consider circumstances of offender and make recommendation to court. Authorizes court to conditionally release young offender upon making certain findings.

**SUPPORT Juvenile Crime Prevention in the Governor's Recommended Budget** to maintain and add a cost of living adjustment to the Juvenile Crime Prevention diversion funds.

**SUPPORT SB 1** Establishing a Statewide System of Care Task Force. Directs task force to make series of reports and recommend legislation to Legislative Assembly and Governor. Directs task force to make recommendations to Director of Oregon Health Authority, Director of Oregon Youth Authority and Director of Human Services regarding systems of care.

**SUPPORT SB 299** Prohibiting denial of medical assistance on basis that individual under 18 years of age is in detention pending adjudication. Requires Oregon Health Authority to seek federal approval for federal financial participation in costs of providing medical assistance to such individuals.

**SUPPORT HB 2502 clarifying charging of probation violations.** The Oregon Court of Appeals made a ruling in 2018 affecting the concept of "double jeopardy" with juveniles. The ruling has created confusion around how to approach a juvenile that is held in detention on a probation or parole violation, versus a new charge, when multiple incidents occur at the same time or shortly together. The Oregon Department of Justice, Oregon District Attorneys Association, and Oregon Juvenile Department Directors Association are forming a workgroup that may result in clarifying the court's ruling. The workgroup may also recommend legislation.

**WATCH legislation on juvenile detention guidelines.** These concerns came out of the report “Don’t Look Around: A Window Into Inhumane Conditions for Youth at NORCOR,” where concerns were documented about lack of mental health and social development needs of youth placed in juvenile detention (<https://droregon.org/investigative-report-conditions-youth-norcor/>). The Oregon Juvenile Department Directors Association and Disability Rights Oregon are working together to re-evaluate current detention guidelines to maintain best practices and a consistent approach to working with youth in detention.

## MENTAL HEALTH

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## BEHAVIORAL HEALTH JUSTICE REINVESTMENT STEERING COMMITTEE

**WATCH recommendations from the Behavioral Health Justice Reinvestment Steering Committee.** Without access to effective community-based health care for substance addictions and mental illnesses, too many Oregonians wind up in crisis and then in emergency rooms or jail, leading to high costs and poor health and public safety outcomes.

During the summer of 2018, state and county leadership requested and received support for a behavioral health justice reinvestment approach from the public-private partners in the federal Justice Reinvestment Initiative, the U.S. Department of Justice's Bureau of Justice Assistance, and the Pew Charitable Trusts. This approach will focus on developing a statewide policy framework to help support tribal government, county, and local systems in improving recidivism and health outcomes for the small, but important, group of people who repeatedly cycle through both the public safety and health systems.

State leaders have established a Behavioral Health Justice Reinvestment Steering Committee, co-chaired by Oregon Health Authority Director Pat Allen and Sheriff Jason Myers. The 28-member committee includes designees from all three branches of government, as well as state, tribal nation, and county criminal justice and health stakeholders. Additionally the Council of State Governments Justice Center will provide analytical support and health and justice system expertise.

The committee will likely propose policy recommendations to the 2019 legislature.

## CRIMINAL JUSTICE-BEHAVIORAL HEALTH PARTNERSHIP

**SUPPORT state funds for mental health programs.** The Governor's Recommended Budget includes \$16 million to continue community mental health services, previously funded through marijuana tax revenues in 2017-19 (Policy Option Package 408). The council also supports Policy Option Package 413, covering a \$9 million shortfall financed by tobacco tax revenues in 2017-19, that pays for rental assistance, mobile crisis services, and outpatient substance use disorder services.

**SUPPORT the following Policy Option Packages in the Governor's Recommended Budget.**

**402** – Expand Behavioral Health Services, including suicide intervention and prevention, in schools for children and youth; develop adult suicide prevention, intervention and post-intervention plan (\$13,103,059).

**403** – Create and expand Intensive Community-Based In-Home Behavioral Health Services for Oregon children (\$6,575,316). Due to a lack of intensive community-based services, many Medicaid-eligible youth are referred to residential care instead of receiving treatment in their home community. Creating and funding new community-based intensive care opportunities would increase diversity of services and provide alternatives available to Medicaid-eligible youth.

**409** – Develop Opioid Alternate Pain Education modules and expand resources for Substance Use Disorder analysis (\$312,700).

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

**SUPPORT SB 24 to fund intermediate placement options for “aid and assist” misdemeanor defendants by the Oregon Health Authority.** More than 40 percent of Oregon State Hospital Aid and Assist (or “.370”) patients have been charged with only misdemeanors. This .370 population continues to increase. Legislative Concept 383 would amend ORS 161.370 so that misdemeanant patients are evaluated and treated in the community, unless a certified evaluator determines that the misdemeanant needs a hospital level of care. A successful implementation of LC 383 requires more intermediate placement options; i.e., middle ground between the hospital and living independently in the community, consistent with the U.S. Department of Justice’s expectations. Funding amount in the Governor’s Recommended Budget is \$ 7.6 million.

## CIVIL COMMITMENTS

**WATCH SB 762 mental health holds.** Proponents of this legislation maintain pre-commitment staff have five court days from the time a hold is placed on an individual up until the time the person needs to be in court. This is insufficient time for staff to evaluate whether the client should be sent to community diversion or the Oregon State Hospital. This legislation would allow an emergency certification or petition for the immediate hold of an individual for up to fifteen days, or holding an individual for ten or more days, if probable cause for an involuntary emergency hold is found. Opponents of this legislation maintain that increasing the hold time is costly, placing a significant demand on the number of psychiatric beds available in the community. An individual may be unnecessarily placed in a secure setting and have his or her civil liberties suspended.

**SUPPORT LC [number] establishing community commitment and alternative outpatient treatment** for civil commitments discharged from a hospital or a treatment facility.

- Upon discharge from a hospital or treatment facility (following stabilization), a client must appear at court within two weeks and as frequently as the court requires thereafter;
- Community commitment would be mandatory for at least three months following initial commitment, unless treating psychiatrist ends earlier;
- Psychiatrist can request initial commitment period of more than 3 months but less than 24 months;
- Diagnosis and treatment remain with psychiatrist, including ending commitment;
- Extensions beyond three months are at the recommendation of the psychiatrist and have a specific court hearing, both patient and psychiatrist must appear;
- Client expends no more than 24 months on community commitment;
- Model includes robust and coordinated case management, along with robust and coordinated communication among all partners, including psychiatrist service providers, housing providers, and courts.

## OREGON HEALTH PLAN/MEDICAID

**SUPPORT HB 2266 that supports staff and technology at the Oregon Health Authority for CCO 2.0.** The Oregon Health Authority is currently undertaking a significant advancement of the coordinated care model with a focus on the following four areas to further transform CCOs. Policy Option Package 416 provides \$1.9 million to support this effort.

1. Improving the behavioral health system,
2. Increasing the use of value-based payments,
3. Controlling costs, and
4. Addressing CCO members’ social determinants of health.

## DRUG DISPOSAL BILL

**SUPPORT HB 2065** Directing each manufacturer of covered drugs that are sold within Oregon to participate in drug take-back program for purpose of collecting from certain persons those drugs for disposal.



## LAW ENFORCEMENT

### CONTACTS:

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Marion County District Attorney Paige Clarkson	503-588-5485	pclarkson@co.marion.or.us
Salem Police Chief Jerry Moore	503-588-6308	gmoore@cityofsalem.net
Woodburn Police Chief Jim Ferraris	503-982-2350	jim.ferraris@ci.woodburn.or.us
Oregon State Police Lt. Michael Iwai	503-569-5379	michael.iwai@state.or.us

## PROSECUTION

**SUPPORT legislation amending the felony sex crimes statute.** In *State v. Carlton*, 361 Or 29 (2017), the Oregon Supreme Court reversed a life sentence imposed pursuant to ORS 137.719 (third strike for felony sex offense), because one of the defendant’s felony sex offense convictions in California was not “comparable” to a felony sex offense in Oregon. The court looked at the defendant’s felony conviction in California for “lewd and lascivious conduct upon a child” which did not specifically require proof that the defendant had contact with a “sexual or intimate part” of the child, as Oregon’s Sex Abuse I standards would require. Thus the two offenses were not “comparable” and the defendant’s California felony sex abuse conviction could not count as a predicate for purposes of ORS 137.719. The Carlton court commented on the “sparse” legislative history of ORS 137.719. This change in law will allow an Oregon court to consider all felony sex crimes that occur outside of the state.

**SUPPORT legislation modifying qualified interpreter hearsay rules so that they can be admissible in court.** Case law makes it nearly impossible to use competently interpreted statements for victims and defendants in court. Counties with large Hispanic populations are significantly impacted by these limitations. This bill will make otherwise inadmissible qualified interpreted statements admissible in court.

**SUPPORT legislation requiring testimony by defendants to be sworn.** ORS 135.095 allows a defendant to make an unsworn statement at a preliminary hearing at the close of the state’s evidence, while victims are required to give sworn testimony. This bill would require a defendant’s voluntary statement to be under oath and thus potentially subject to the penalty of perjury or used for impeachment purposes in future hearings.

**SUPPORT SB 377 adding “contempt” to eligible offenses.** Currently police officers cannot apply for a search warrant for “contempt” as it is not defined as a “crime.” Thus, charges resulting from conduct like the violation of a restraining order often lack proper investigation. The legislation adds “contempt” to the search warrant statute and also adds “criminal contempt violence restraining order” to the definition of “offense” in ORS 161.505.

**SUPPORT HB 2328 strengthening prosecution of car thefts.** In 2018, the Oregon District Attorneys Association, Oregon Department of Justice, and Oregon Criminal Defense Lawyers Association negotiated language in House Bill 4161 that would have made it easier to prosecute motor vehicle thefts. The bill died in committee, because of disagreements about the costs of implementing the bill. This legislation moves the negotiated language forward for adoption in 2019.

**SUPPORT SB 362 requiring reasonable and timely notice in guilty except insanity defenses.** Prosecutors need proper notice to meet this complicated defense requiring expert testimony. Current statutes allow a defendant to raise this defense as late as the morning of trial. In *State v. Robinson*, 288 Or App 194 (2017), the Court of Appeals noted a fix for this situation “would not be difficult for the legislature to remedy” and further offered the opinion that the court was “mindful of the realities of current criminal practice, and of the practical effect of this decision. Although ORS 161.309 notice provisions may have been consonant with Oregon criminal

practice 80 years ago when the 1937 legislature adopted them, or 46 years ago when the 1971 legislature decided to continue them, they are not today.” This bill would require defense counsel to provide timely and reasonable notice to prosecutors when they intend to pursue a Guilty Except Insanity Defense.

**SUPPORT SB 480 clarifying endangering welfare of minor language.** In *State of Oregon v. Hobbs*, the court found that possession and use of illicit drugs in a home where children reside is not enough to prove beyond a reasonable doubt that the defendant's home was a place where "unlawful activity involving controlled substances is maintained or conducted." Thus, drug use around minor children is not sufficient to prove a crime. This legislation would add the word “exposed” to an “unlawful controlled substance” in ORS 163.575 to allow for a charge when a person uses or possesses illegal drugs around children.

**SUPPORT HB 2239** which increases the number of circuit court judges in certain judicial districts including the Marion County Circuit Court.

## POLICE EVIDENCE

**SUPPORT legislation expediting Oregon testing for DUI evidence.** The Oregon State Police and law enforcement partners are working under an expiring grant that funded blood testing in driving under the influence cases and current testing backlog. The current urine sample backlog is more than 2,200 samples. Locally, we are experiencing a backlog wait time for lab results of 12-18 months. This is a significant problem for both provability of these cases and the safety of our roads, as the backlog even includes cases of Felony DUII and circumstances in which victims are killed or suffer serious injury. The expiring grant expedited testing, so that prosecutors could expedite charging decisions. This bill eliminates the need to rely on a grant to test necessary evidence, allows prosecutors to make timely charging decisions, and thus keeps untreated, impaired drivers off the roads. Defendants will benefit from a lessened time of uncertainty in knowing whether charges will be filed.

**SUPPORT legislation requiring LEDS entry for prohibited purchasers of firearms.** Someone who has been found unfit to proceed in a court proceeding because of a mental illness is disqualified under current statutes from purchasing a firearm. However, that information is not always entered into Law Enforcement Data System (LEDS). This bill would require these findings to be reported by the courts to LEDS and would therefore be evident as a disqualifier during the attempted purchase of a firearm, thus keeping guns out of the hands of mentally unstable individuals.

## COST OF CRIME IMPACT STATEMENTS

**SUPPORT HB 2476 requiring a Community Impact Fiscal Impact Statement** that considers the statewide impacts of proposed public policy on the criminal justice system. Will require an analysis of all proposals changing Oregon’s public safety system to determine whether the cost (to victims, taxpayers, law enforcement agencies, prosecutors, public defenders, supervising authorities, the Oregon Judicial Department, etc.) outweighs the benefits of the proposed change. The legislation is based on the experience of the State of Washington.

## ENFORCEMENT

**SUPPORT HB 2046, expanding Oregon State Police patrols.** This legislation would provide that the Oregon State Police patrol maintain a patrol trooper staffing level of at least 15 troopers per 100,000 residents. The Oregon State Police has eight troopers per 100,000 population and ranks 48th out of the 49 states with highway patrols in the United States.

**SUPPORT SB 576 reforming campus public safety (Kaylee's Law).** Kaylee Sawyer was murdered by a campus security officer whom she mistook for a police officer. This legislation provides that campus public safety officers and private security professionals do not have stop and frisk authority. The legislation also creates restrictions on the types of vehicles, uniforms, and equipment campus security officers can use. It exempts retired members of the Public Employees Retirement System from limitations on reemployment, if the member is reemployed by a public university as a special campus security officer.

**SUPPORT HB 2327 Oregon Schools Safe to Learn Act.** This measure establishes a statewide school safety and prevention system, based on Marion County's threat assessment team model.

**SUPPORT HB 2477 reforming redemption rights.** This measure addresses unscrupulous individuals and companies that aggressively persuade judgment debtors or their heirs to sell their property and/or redemption rights by taking advantage of the debtors' lack of knowledge or understanding of those rights. These same aggressive individuals and companies may also obtain excess funds, due to the debtor after foreclosure sale, without debtors knowing they may have been entitled to those funds. These individuals and companies are acting as foreclosure consultants without being subject to the Mortgage Rescue Fraud Protection Act under ORS 646A.700 et seq.

**SUPPORT HB 2479 concealed handgun license FBI fingerprint background check fee.** This measure increases from \$50 to \$65 the sheriff's concealed handgun license background check fee. The \$50 fee has been the same since 1994. The measure also allows sheriffs to collect the fee.

**SUPPORT LC 2121 augmenting Search and Rescue funding.** A coalition including sheriffs, outdoor recreation organizations, Mt. Hood Meadows, Oregon Parks and Recreation Office of Outdoor Recreation, Oregon Emergency Management, Oregon Restaurant and Lodging Association, and Travel Oregon are developing legislation to create an Oregon Outdoor Recreation Search and Rescue Fund through voluntary donations by individuals purchasing recreation passes.

**SUPPORT LC [number] addressing "zombie house" nuisance properties.** This legislation is patterned after a similar law in the state of Washington that addresses vacant or unoccupied properties where squatters create a neighborhood nuisance.

**SUPPORT legislation criminalizing the threat of a mass casualty event.** Oregon Revised Statutes do not make it a crime to threaten a mass shooting or similar mass casualty event, if the individual is actually intending to follow through. This legislation would make it a crime to threaten a mass shooting or similar mass casualty event, if the individual intends to follow through.

**WATCH SB 7** which provides that person commits offense of driving while under influence of intoxicants or offense of operating boat while under influence of intoxicants if person drives vehicle or boat and has 0.05 percent or more by weight of alcohol in person's blood.

**WATCH HB 2339** which requires Oregon Health Authority to administer program to provide matching grants to registered sobering facilities. Appropriates moneys from General Fund to authority for grants.



## VICTIM SERVICES

### CONTACTS:

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**SUPPORT adding \$10 million to the Oregon Domestic and Sexual Violence Services Fund.** The Oregon Domestic and Sexual Violence Services Fund was created in 2001 and is managed by the Oregon Department of Justice. This is the most flexible source of funding available for victims of domestic violence and sexual assault shelter programs. Marion County's domestic violence programs received \$485,948 in 2017-19 from the fund and used the proceeds for activities, such as 24-hour crisis line in English and Spanish, emergency confidential shelter, support groups, walk-in advocacy services, and culturally-specific services to the Latino/Hispanic community. This legislative proposal would dedicate additional dollars to this fund for prevention, allowing increased staffing, shelter space, services to survivors in crisis, and trauma-informed training for law enforcement responders. The proposal is to add \$10 million to the fund, bringing the total amount for 2019-21 to \$20.16 million.

**WATCH legislation prioritizing housing funds for survivors of domestic violence and protecting tenants from unfair evictions and extreme rent increases.** Four in ten Oregonians rent their homes and are at risk of displacement from rent spikes or unfair eviction at any time. Renters who pay rent on time and comply with the rules are still at risk of displacement with 30 to 90 days' notice of no-cause eviction or extreme rent increase. Available, affordable units are increasingly hard to find, which means many families and even whole communities are being displaced.

**WATCH SB 608 creating a just-cause eviction standard,** requiring a legitimate reason for termination, (such as a tenant violating a lease or a landlord's business or family necessity) and protect tenants from extreme rent spikes during a tenancy by limiting increases to 7% plus the CPI per year, with certain exceptions.

**WATCH funding for housing navigation services at domestic violence shelters to help survivors navigate the rental market and find safe, stable, affordable housing.**

**SUPPORT SB 296 and HB 2480 allowing digital hearsay/private audio recordings to be admissible as evidence.** Many victims of crimes, such as domestic violence, sexual assault, child abuse, and sexual harassment, are now secretly recording crimes and confessions to crimes by perpetrators on their phones. These recordings are not currently admissible as evidence. This bill would allow certain recordings to be admissible as evidence in trial.

**SUPPORT legislation allowing for multiple jurisdiction/same crime victim cases.** When a defendant is charged in multiple jurisdictions for crimes against the same victim, and the victim is vulnerable (a child or an elderly person), this legislation would allow all incidents to be tried in one county, so that the victim is protected from the trauma of multiple trials in different jurisdictions. Currently, victims must face the rigors of trial and the trauma of confronting their abusers multiple times in order to obtain a full measure of justice.

**SUPPORT legislation limiting the access to examine child exploitation material to a safe and controlled environment.** Current law requires prosecutors to copy and distribute images of child sexual abuse to defense

counsel as required discovery material in any criminal case involving child pornography. This legislation would mirror federal law allowing access to and examination of the alleged illegal child exploitation material at a law enforcement agency, so that copies need not be made or distributed in any way.

**SUPPORT legislation increasing the crime classification for assault of a toddler.** Several recent court cases have highlighted a gap in sentencing under the current crime categories for Assault I of a child under the age of six years. This legislation would direct the Oregon Criminal Justice Commission to classify Assault I of a child under six to be a crime category 11. Through this legislation, the state would provide discretion to a judge when the facts merit a lengthier prison sentence for toddler assault.

**SUPPORT legislation staying civil proceedings against victims during a criminal case.** Ancillary civil proceedings against victims can be used to force victims to testify before or during a criminal proceeding. This legislation mirrors Michigan law that prohibits a defendant in a criminal action for criminal sexual conduct from commencing or maintaining a civil action against a victim of the crime for which the defendant is charged, if the criminal action is pending and is based on statements or reports that pertain to the criminal action.

**SUPPORT legislation establishing victim rights to be notified of release decisions.** While a victim has a constitutional right to be present at a release hearing, this right does not extend to administrative release decisions made by jails outside of a court process. Further, the presence of the victim at a release hearing does not ensure that court is required to weigh victim and public safety when making a release decision. This legislation would require notice to victims, and a meaningful court hearing, before release could be granted or a reduction in bail be set in cases of certain person crimes.

**SUPPORT HB 2570 adding \$8.3 million for Court Appointed Special Advocates (CASA).** CASA received \$2.67 million in the 2017-19 biennium to support trained volunteers who advocate in court for the best interests of children involved in the child welfare system. The Governor's Recommended Budget adds \$3 million, totaling \$5.67 million for 2019-21. The additional funding would recruit, train, and supervise new CASA's to serve more than 6,000 Oregon children in foster care, providing \$237,000 to Marion County's CASA program.

**SUPPORT adding \$6 million to the Oregon Network of Child Abuse Intervention Centers budget.** There are a number of mandates and state laws requesting child abuse intervention centers provide assessments for children. The current level of state funding covers 17% of the cost to run these centers. An additional \$6 million will increase the funding level to 30% of the cost.

**SUPPORT HB 2244** establishing a CourtCare Fund and appropriating moneys in fund to Department of Education for distribution to counties to operate CourtCare program.

## HOUSING AND HOMELESSNESS

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Oregon Governor's Office

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### **WATCH the Oregon Housing Stability Council's 2019 legislative agenda.**

Strategies include:

- Acquisition of multi-family housing (\$20 million in Lottery Revenue Bonds)
- Creating a capital gains tax exemption for owners who sell properties to an affordable housing provider
- Dedicating funding to address child homelessness (\$8 million General Fund)
- Raising the Current Service Level for Emergency Housing Assistance (\$21.2 million General Fund) and State Homeless Assistance Program (\$8.8 million General Fund)
- Increasing the annual Individual Development Account (IDA) tax credit from \$7.5 million to \$15 million
- Dedicating new funds for the Local Innovation and Fast Track Housing (LIFT) program (\$80 million in XI-Q bond proceeds)
- Allowing LIFT funds to be used for low-subsidy housing or service-enriched housing
- Establishing permanent supportive housing through a fund that allows for rental assistance, services, and operations (\$18.7 million in Lottery Revenue Bonds)
- Allowing local governments to access resources to develop multifamily housing serving low and moderate income renters and homebuyers
- Modifying statutory provisions surrounding the Housing Development Guarantee account to allow interest to be used for administration, increasing income limits for clients served, and allowing the program to be used for single family purposes
- Dedicating funds to support preservation of existing, publicly-supported affordable housing (\$20 million in Lottery Revenue Bonds)
- Dedicating funding for "Ready to Rent" and "Rentwell" classes for low income Oregonians (\$5 million General Fund)
- Allowing qualified affordable housing developers and individual property owners to replace pre-1976 or pre-HUD code mobile or manufactured homes

### **WATCH the Oregon Housing Alliance legislative recommendations.**

Proposals include:

- Funding for emergency rent assistance, emergency shelter, and rapid rehousing (\$50 million General Fund)
- Increasing supply of supported housing (\$18.7 million in Lottery Revenue Bonds)
- Amending statutes to remove ability of landlords to exercise "no cause" evictions
- Creating protections from economic evictions through unlimited rent increases
- Increasing funds to develop affordable housing through the Local Innovation and Fast Track (LIFT) program (\$200 million in general obligation bonds)
- Increasing resources to preserve existing affordable housing
- Expanding Oregon Individual Development Accounts





**THE  
MARION COUNTY  
PUBLIC SAFETY COORDINATING  
COUNCIL**

**2019 Legislative Agenda**

**BACKGROUND**





# MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL BACKGROUND

## MEASURE 11 AND SENATE BILL 1145

In 1995, Oregon voters passed Measure 11 to increase prison time for violent crimes, sending more people to state prisons for longer sentences. To ease the overcrowding of state prisons and manage offenders more effectively, the Legislative Assembly also enacted Senate Bill 1145 (1995) and House Bill 3489 (1996 Special Session), which transferred responsibility for the incarceration of people committing felony offenses sentenced to less than one year from the Oregon Department of Corrections to counties. In the past, the penalty for committing a felony was the possibility of incarceration in excess of a year in a state penitentiary, while people committing misdemeanors could get a jail sentence of one year or less in the county jail. Under Senate Bill 1145, counties assumed responsibility for people on parole, probation, post-prison supervision, sentenced to twelve months or less incarceration, or sanctioned by a court or the state Board of Parole and Post-Prison Supervision to twelve months or less for violating a condition of parole or post-prison supervision.

Counties now became responsible for increasing access to community-based corrections and treatment services, and enhancing supervision and accountability in communities. The distinction between state and county responsibility for an inmate now came to be based upon the length of a sentence, not if the individual had committed a misdemeanor or a felony.

Senate Bill 1145 allowed counties to impose sanctions other than incarceration, so that counties could design treatment programs for people released back into the community, since studies showed these types of reentry programs make it less likely that individuals will reoffend.

## LOCAL PUBLIC SAFETY COORDINATING COUNCILS

Senate Bill 1145 also required all counties in Oregon to form local public safety coordinating councils. Oregon Revised Statutes 423.560 defines the roles and responsibilities of local public safety coordinating councils which are advisory councils to county boards of commissioners. These include:

1. Developing and recommending to the county board of commissioners:
  - (A) Plans for the use of state resources to serve the local adult offender population;
  - (B) Plans for the use of state and local resources to serve local offenders 15-18 years old: Plan must coordinate community-wide services involving prevention, treatment, education, employment resources and intervention strategies;
  - (C) A plan designed to prevent criminal involvement by youth. Plan must include coordination of community wide services involving treatment, education, employment and intervention strategies aimed at crime prevention; and
2. Coordinate local criminal justice policy for both adults and juveniles among the appropriate criminal justice entities.

The *Marion County Public Safety Coordinating Council* was formed in 1997. Today there are 32 members on the council. Membership includes public safety, education, social services, civic and business leaders, and practitioners representing law enforcement, prosecution, community corrections, public defense, judiciary, domestic violence, public and mental health, substance abuse, veterans, and juvenile justice. The group meets monthly to carry out its responsibilities. In addition to the mandated requirements, the council works to forge

long-term partnerships in the public safety system through an environment of collaboration, leadership, data-driven policy, transparency, and accountability.

## **JUSTICE REINVESTMENT INITIATIVE**

The passage of House Bill 3194 in 2013 transformed the level of engagement that local public safety councils have with the State of Oregon. Justice Reinvestment invests in community public safety by controlling the growth of Oregon’s prison population. Beyond “baseline” community corrections funding based upon caseloads and workload, local public safety councils now receive state Justice Reinvestment grants that reward success through evidence-based corrections program strategies that deter recidivism and crime and increase community safety.

Marion County, through the exemplary groundwork laid by the Marion County Justice Reinvestment Council, effectively targeted these Justice Reinvestment funds. Since 2009, the Marion County Reentry Initiative has built and refined a continuum of services to address the criminogenic needs of the adult reentry population. The initiative has targeted high to medium risk offenders—who are the most likely to recidivate—transitioning back to the county.

Annually more than 600 adults are released from prison to Marion County custody. Under traditional parole and probation practices, Marion County’s recidivism rates were as high as 36% in 2002. Through the reentry initiative, the recidivism rate declined to an all-time county low of 14% in 2014. Recidivism reduction strategies include: Link Up for co-occurring disorders; Student Opportunity for Achieving Results (SOAR), a cohort-based, intensive program on the Chemeketa Community College campus; and the De Muniz Reentry Resource Center, a one-stop center for employment, housing, and other resources.

Through justice reinvestment, certain non-violent property and drug offenders are no longer sent to prison. Prison diversion strategies include: Senate Bill 416 Prison Diversion Program; Jail Reentry program; specialty courts; and other enhancements, such as the Family Sentencing Alternative Program. Through an agreement with the Oregon Department of Corrections, Marion County is expanding its work release program in an effort to reduce the overall number of inmates in prison, accepting up to 25 inmates to ease crowding in state prisons.



# MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

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# MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

## 2019 Membership Roster and Contact Information

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## MARION COUNTY PUBLIC SAFETY COORDINATING COUNCIL

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\* NON-VOTING MEMBER





**MARION COUNTY**  
**JUSTICE REINVESTMENT INITIATIVE COUNCIL**  
 2019 Membership Roster and Contact Information

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**MARION COUNTY**  
**JUSTICE REINVESTMENT INITIATIVE COUNCIL**  
 2019 Membership Roster and Contact Information

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