



PUBLIC SAFETY COORDINATING COUNCIL

Minutes of Meeting

Tuesday, July 2, 2024

A meeting of the Public Safety Coordinating Council was held at 3:30 p.m. on Tuesday, July 2, 2024 via Zoom virtual meeting platform

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| | Judge Wells Ashby (<i>Chair</i>) | X | Nick Lelack, <i>County Administrator (Vice Chair)</i> |
| X | Stephen Gunnels, <i>District Attorney</i> | | L. Shane Nelson, <i>Deschutes County Sheriff</i> |
| X | Mike Krantz, <i>Bend Police Chief</i> | | Anthony Broadman, <i>Bend City Councilor</i> |
| X | Devin Lewis, <i>Redmond Police Chief</i> | | Keith Witcosky, <i>Redmond City Manager</i> |
| X | Stephen Lopez, <i>Sunriver Police Chief</i> | | Thomas Spear, <i>Defense Attorney</i> |
| X | Sara Crosswhite, <i>Director 9-1-1 Operations</i> | X | Deevy Holcomb, <i>Director Community Justice</i> |
| X | Phil Chang, <i>County Commissioner</i> | | Janice Garceau, <i>Director Health Services</i> |
| | Angie Curtis, <i>Court Administrator</i> | X | Gil Levy, <i>Citizen Member and Director KIDS Center</i> |
| | Donna Mills, <i>Citizen Member</i> | X | Michael Shults, <i>DCSO Captain / Sheriff Nelson's Proxy</i> |
| X | Judge Beth Bagley (<i>Attending in Judge Ashby's absence</i>) | | |
| X | Joseph Mabonga (<i>non-voting</i>), <i>Juvenile P&P Supervisor Oregon Youth Authority</i> | | Brandon Smithers (<i>non-voting</i>), <i>Lieutenant Oregon State Police</i> |
| X | Jason Van Meter (<i>Interested Party</i>), <i>Black Butte Ranch Police Chief</i> | | Roger Olsen (<i>Interested Party</i>), <i>NAMI Central Oregon</i> |

Also present were: Erik Kropp, *Deputy County Administrator*; Trevor Stephens, *Business Manager Community Justice*; Angie Powers, *Administrative Assistant BOCC*; Lisa Valenta, *Attorney*; Sherrie Grief, *Citizen*.

Media present: Richard Coe, *Bend Bulletin*.

1. Call to Order and Introductions:

Vice Chair Lelack called the meeting to order at 3:32 p.m.

2. Approval of LPSCC Meeting Minutes:

Action: DA Gunnels moved approval of the May 7, 2024 minutes.

Second: Chief Lewis seconded the motion.

Votes: All Yes. Motion carried.

3. Public Comment:

None presented.

4. Pretrial Programming:

Updated Presiding Judge Order (PJO)

Judge Bagley attended the meeting in place of Judge Ashby. She reported that Judge Ashby recently issued a revised Presiding Judge Order, which was signed last month and included in the agenda packet. There were some changes from the previous PJO in language designed to keep fentanyl dealers held prior to arraignment.

Defense Crisis

Judge Bagley reported that Oregon courts continue to be in limbo related to represented defendants. Judge McShane's opinion was appealed in the Ninth Circuit Court and upheld. Our processes align with Judge McShane's original opinion. If a defendant is in custody for 7 days and representation hasn't been provided, the defendant is released. These defendants are showing up daily on Deschutes County's daily criminal court 2 rotation. These in-custody defendants go on an unrepresented list. They are given another court date (5 judicial days from their first appearance) to determine if an attorney is available. If no attorney is identified, they are released with conditions to appear at a later date in front of Judge Ashby. Judge Ashby has a standing Tuesday docket for these unrepresented defendants. Interim work is being handled by the judges on a regular rotation. There is a similar procedure for those not in custody. The public defense crisis is not getting any better. As local defense providers onboard new attorneys, the hope is that the situation will improve but time will tell.

DA Gunnels shared that he attends the Tuesday hearings, and he is not hopeful that the crisis will improve anytime soon. The Oregon Public Defense Commission (OPDC) out of Salem oversees the apportioning of defense attorneys for criminal defendants who are indigent. DA Gunnels stated that in his opinion OPDC's metrics don't meet the needs of the justice system. OPDC has proposed reducing the maximum caseload an attorney can take even further, which will worsen the situation. Once OPDC becomes part of the

Executive Branch under the Governor's Office, Governor Kotek's office will be responsible for any changes or improvements they identify. The Governor's Office and the Legislature are taking this problem seriously. Responding to Erik Kropp, DA Gunnels said that the Legislature shifted responsibility of OPDC from the Judicial branch to the Executive branch, effective January 2025. The Governor can replace the Board or direct the Board.

Responding to Deevy Holcomb, Judge Bagley said that defendants released due to lack of representation who reoffend are not necessarily flagged, nor is there any sort of alert for law enforcement. When these defendants are released, they have a conditional release agreement appropriate for their circumstances. There have been those who have been released, committed another offense, violated their conditional release agreement and have been brought back into custody.

Captain Shults shared that their pretrial release program has proven successful, with an 80% success rate for those appearing for their court date.

Responding to Joseph Mabonga, Holcomb said they haven't yet seen an impact of lack of representation on the juvenile side. Judge Bagley shared that this problem is specific to Oregon due to the way in which it delivers public defense. Gunnels added that this problem is having an impact statewide.

Updated Electronic Monitoring

Trevor Stephens shared that Community Justice manages an electronic monitoring contract for Deschutes County, providing services for juveniles and adults, pretrial and supervised. They subsidize the cost for the pretrial population. As they've seen an increase in the utilization and cost of these devices, some programmatic changes needed to be made. To help control costs, there will be maximums on the number of days in which an individual will use these devices: a maximum of 45 days for alcohol devices and 75 days for GPS devices. These changes have already gone into effect, and he wished to provide an update for the group.

5. HB 4002 Deflection Program Application and Updates:

Captain Shults provided an update on Deschutes County's deflection program. The purpose of deflection is to deflect substance users/abusers out of jail and into treatment and recovery. Funds are provided to counties to recriminalize the use of certain drugs. Possession of controlled substances eligible for deflection will be classified as a Misdemeanor U (Unclassified). Legislators want to help law enforcement deflect individuals into treatment. This provides an opportunity for those cited or arrested for Misdemeanor U to avoid prosecution if they successfully engage in treatment. This will provide individuals with a community-based pathway to treatment and recovery while holding them accountable. This will reduce community harm and deflection is to be fair, just and equitable to reduce demographic disparities.

Deschutes County's team, made up of law enforcement and behavioral health, made the determination that this program should reside in law enforcement (Deschutes County Sheriff's Office). With the funds that have already been awarded (\$350K), a Program Coordinator and Navigators will be hired to assist law enforcement in the field. They applied for the second part July 1. A Behavioral Health Specialist 2 was going to be hired to manage the program, but they have since decided to move a current DCSO employee into this role to begin implementation of the program. Captain Shults noted the law goes into effect in September. They will coordinate with Ideal Options and Best Care Navigators.

The deflection team will be made up of the Deflection Coordinator, the DA's office, law enforcement, community corrections, behavioral health, Best Care and Ideal Options Navigators. Navigators have lived experience and are eager to get started. The Program Coordinator will meet with law enforcement to determine how best to connect these individuals to treatment providers. Captain Shults said that Marion County has successfully operated under a similar model for years. Initially, a citation process will be utilized to identify individuals. The citation will be held in abeyance if they agree to a treatment pathway.

Vice Chair Lelack thanked the deflection team for taking on a leadership role at a local scale.

Chief Van Meter congratulated the Deschutes County team, including Captain Shults and Behavioral Health Director Holly Harris, as our county is ahead of many other Oregon counties. It's all about relationships and getting people into the correct program.

Noting that this program kicks off on September 1, Commissioner Chang asked Police Chiefs about their thoughts on preparedness. Chiefs Krantz expressed some concerns with the aggressive timeline and getting his officers appropriately trained. Training must be specific prior to delivery. Additionally, there are some unanswered questions related to funding. Chief Van Meter is pleased that the OHSU School of Addiction has stepped up to discuss advanced medical treatment and the prescribing of life-saving drugs. Medical professionals can be valuable partners and sometimes medical intervention is needed. Shults added that they are not giving up on diversion with the implementation of deflection and spoke about Medication Assisted Treatment (MAT) in the adult jail.

Chief Lopez echoed Chief Krantz's comments. Proper and comprehensive training is critical, and early success will be important. He wants his officers to understand the "why" and hopes that the program will experience success early on, adding that September 1 is an ambitious timeline. Chief Lewis agreed and applauded the deflection team for their efforts.

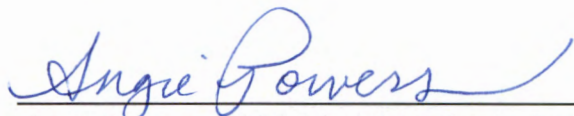
6. Agency Updates and Other Business:

Gil Levy, KIDS Center, shared victim services organizations are recipients of federal Victims of Crime Act (VOCA) funding. These funds are a result of federal prosecutions, and the federal government distributes these funds to the states for distribution to victim services providers. The pot of VOCA funding is significantly shrinking, and the next cycle of funding will see a 42% reduction. This will have a domino effect, as victim services organizations rely on this funding for their operations. The Oregon State Legislature may be able to backfill to some extent. Levy wished to bring awareness to this issue. He highlighted two promising bills in the Oregon legislature, and shared links in the chat: <https://www.congress.gov/bill/118th-congress/house-bill/8061/cosponsors?s=1&r=1&q=%7B%22search%22%3A%22HR8061%22%7D> and <https://www.congress.gov/bill/118th-congress/senate-bill/4514/cosponsors>.

Holcomb shared that everyone in the group has received an invitation to an event on August 7 relating to Implicit Bias in Law Enforcement and Legal Professions. She will follow up one-on-one with group members prior to the event to share where the event came from and group members' agency interest in the topic. Responding to Lelack, this event may be recorded for those who are unable to attend, and Continuing Education Units (CEUs) may be available.

ADJOURNMENT: Vice Chair Lelack adjourned the meeting at 4:24 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Angie Powers". The signature is written in a cursive style and is positioned above a horizontal line.

Angie Powers, BOCC Administrative Assistant