



BOARD OF COMMISSIONERS

BOARD OF COUNTY COMMISSIONERS MEETING

1:00 PM, MONDAY, AUGUST 23, 2021

Barnes Sawyer Rooms - Deschutes Services Bldg - 1300 NW Wall St – Bend

(541) 388-6570 | www.deschutes.org

AGENDA

MEETING FORMAT

In response to the COVID-19 public health emergency, Oregon Governor Kate Brown issued Executive Order 20-16 (later enacted as part of HB 4212) directing government entities to utilize virtual meetings whenever possible and to take necessary measures to facilitate public participation in these virtual meetings. Since May 4, 2020, meetings and hearings of the Deschutes County Board of Commissioners have been conducted primarily in a virtual format.

Attendance/Participation options include: A) In Person Attendance and B) Live Stream Video: Members of the public may still view the BOCC meetings/hearings in real time via the Public Meeting Portal at www.deschutes.org/meetings.

Citizen Input: Citizen Input is invited in order to provide the public with an opportunity to comment on any meeting topic that is not on the current agenda. Citizen Input is provided by submitting an email to: citizeninput@deschutes.org or by leaving a voice message at 541-385-1734. Citizen input received by 8:00 a.m. before the start of the meeting will be included in the meeting record.

Zoom Meeting Information: Staff and citizens that are presenting agenda items to the Board for consideration or who are planning to testify in a scheduled public hearing may participate via Zoom meeting. The Zoom meeting id and password will be included in either the public hearing materials or through a meeting invite once your agenda item has been included on the agenda. Upon entering the Zoom meeting, you will automatically be placed on hold and in the waiting room. Once you are ready to present your agenda item, you will be unmuted and placed in the spotlight for your presentation. If you are providing testimony during a hearing, you will be placed in the waiting room until the time of testimony, staff will announce your name and unmute your connection to be invited for testimony. Detailed instructions will be included in the public hearing materials and will be announced at the outset of the public hearing.

For Public Hearings, the link to the Zoom meeting will be posted in the Public Hearing Notice as well as posted on the Deschutes County website at <https://www.deschutes.org/bcc/page/public-hearing-notices>.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ACTION ITEMS

- [1.](#) **1:00 PM** Deschutes County Justice Reinvestment Formula Grant Application 21-23 Biennium
- [2.](#) **1:10 PM** Deschutes County Justice Reinvestment Supplemental Grant Application 21-23 Biennium
- [3.](#) **1:20 PM** American Rescue Plan Funding Update - NeighborImpact
- [4.](#) **2:05 PM** Consideration of Deschutes County Illegal Marijuana Market Enforcement (DCIMME) 2021-2023 Grant Application
- [5.](#) **2:15 PM** Complaint regarding La Pine RFPD Ambulance Service Area
- [6.](#) **2:35 PM** Discussion of Deschutes County College 2021 Program

OTHER ITEMS

These can be any items not included on the agenda that the Commissioners wish to discuss as part of the meeting, pursuant to ORS 192.640.

EXECUTIVE SESSION

At any time during the meeting, an executive session could be called to address issues relating to ORS 192.660(2)(e), real property negotiations; ORS 192.660(2)(h), litigation; ORS 192.660(2)(d), labor negotiations; ORS 192.660(2)(b), personnel issues; or other executive session categories.

Executive sessions are closed to the public; however, with few exceptions and under specific guidelines, are open to the media.

ADJOURN



Deschutes County encourages persons with disabilities to participate in all programs and activities. This event/location is accessible to people with disabilities. If you need accommodations to make participation possible, please call (541) 617-4747.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: 08/23/2021

SUBJECT: Deschutes County Justice Reinvestment Formula Grant Application 21-23
Biennium

RECOMMENDED MOTION:

Move approval of authorization for chair to sign letter providing the Board Of County Commissioner's support for the Local Public Safety Coordinating Council's (LPSCC) approved Deschutes County Justice Reinvestment Program for the Formula Grant.

BACKGROUND AND POLICY IMPLICATIONS:

House Bill 3194 was passed by the Oregon Legislature as a means to control ever increasing prison growth by investing in local criminal justice systems. The funding started in the 13-15 biennium and the Oregon Legislature has continued to fund this grant program. Deschutes County through collaboration with LPSCC agencies has applied for and received the grant funds every application cycle and is applying for funds for the 21-23 biennium. The grant this year consists of a formula grant that is based on criminal justice population percentage and a supplemental application that is competitive and awarded to programs that focus on Downward Departures and safe prison utilization reduction.

We are requesting board signature on a letter of support for the formula grant. The grant has been approved by the LPSCC.

Formula Grant Application: Funding will be used for the Department of Community Justice to sustain and continue to safely improve prison and recidivism reduction. Deschutes County Justice Reinvestment Program (DCJRP) is designed for clients who receive a Downward Departure sentence in lieu of prison or who release from prison early on Sort-Term Transitional Leave (STTL) or Alternative to Incarceration Program (AIP). The JRP program aims to safely and effectively supervise clients in the community based on the criminogenic risk and needs. In addition to supervision, clients receive risk and needs assessments, case management with an

emphasis on structured skill building, and support for cognitive-based and other treatment and basic needs such as housing and transportation. The program has been in full operation since September of 2016.

BUDGET IMPACTS:

Formula Grant: \$1,743,505 over 2 years (July 1, 2021 to June 30, 2023). Already accounted for in Adult Parole and Probation budget for FY21. Does not include any new FTE. Ten percent of the grant funds will go to CASA, KIDS Center, Mary's Place, and J bar J.

ATTENDANCE:

Trevor Stephens, Management Analyst (Adult Parole and Probation)

Tanner Wark, Deputy Director of Adult Parole and Probation

**Deschutes County Justice Reinvestment
Grant Application
Formula Grant
Due August 25th, 2021**

1. Cover Sheet

- a. LPSCC Chair Contact Information
- b. Applicant Contact Information
- c. Fiscal Contact Information

2. Eligibility Requirements

- a. **Which assessments do you use to determine which populations will be served by your county's JRI?**
 - i. PSC
 - ii. LSCMI
 - iii. URICA
 - iv. TCUDS
 - v. WRNA
 - vi. VPRAI
- b. **Briefly describe how the above assessments are used in your program.**
 - i. If the client starts in our pre-trial program they will have a VPRAI assessment and likely a Defendant Assessment Report which includes PSC, LSCMI/WRNA, URICA, and TCU. Along with some narratives about past supervision and other criminal history information.
 - ii. Once they enter supervision we utilize PSC and LSCMI/WRNA to determine caseload placement and level of supervision, as well as top criminogenic needs on which to focus case management
- c. **Does the proposed program serve offenders charged with or convicted of property, drug, or driving offenses?**
 - i. Yes
- d. **Does the county consider and accept short-term transitional leave candidates as appropriate?**
 - i. Yes
- e. **Does the county or county partners provide assistance to clients enrolling in the Oregon Health Plan?**
 - i. Yes

- f. Is the County working towards imbedding equity throughout the county's criminal justice system?
 - i. Yes
3. Budget Justification and Narrative
- a. Please list the programs that were funded by the 2019-21 Formula Justice Reinvestment Grant Funding.
 - i. Deschutes County Justice Reinvestment Program
 - b. Please list the programs that you are proposing to fund with the 2021-23 Formula Justice Reinvestment Grant Funding.
 - i. Deschutes County Justice Reinvestment Program (DCJRP)
 - c. What is the overall goal of this program? Goals should be specific and measurable. Example: The County Downward Departure Program goal is to reduce county prison usage by 5% over a one-year period. (500 words max)
 - i. Maintain prison utilization at least 10% below the county's rolling baseline through collaboration between court, prosecutor, parole & probation and the state. DCJRP aims to identify eligible program candidates, conduct high quality assessments, and provide effective community supervision in accordance with core correctional practices that incorporate the principles of risk, needs, responsivity and fidelity.
 - d. What is the Target Population of this program? Describe the target population for the program. Be as specific as possible. (500 words max)
 - i. The primary target population for DCJRP includes drug, property, and driving clients on community supervision in lieu of prison supervised through a downward departure, or clients that are released from prison early on Short Term Transitional Leave or the Alternative to Incarceration Program. In conjunction with the supplemental application, DCJRP seeks funding through this application to continue to support pre-trial services that focus on drug and property presumptive prison time defendants. The expansion is a collaborative effort between Deschutes County Parole and Probation, Sheriff, and District Attorney to increase the number of downward departures and reduce jail time of pre-trial defendants.
 - e. What metrics, variables, or data points will the county use to assess the program described above? Example: The Downward Departure Program will track the number of people that enter DOC custody; the number of participants in the downward departure program; success rate of the participants; treatment and other services offered to each client. (250 words max)

- i. Deschutes County Parole and Probation has focused on creating dashboards that draw data from various local and state information systems. These dashboards will provide much of the foundation data for DCJRP program output and outcome tracking.
 - 1. Defendant Assessment Report Completions.
 - 2. Number of Downward Departures
 - 3. STTL/AIP Acceptance Rates
 - 4. Average Daily DCJRP population
 - 5. LSCMI and WRNA Completion
 - 6. Case Plan and Behavioral Change Plan Creation/Modification
 - 7. Core Correctional Practices tracking
 - 8. Home Visits
 - 9. Office Visits
 - 10. Significant Contacts
 - 11. Sanction Numbers By Type
 - 12. Alcohol and Drug Treatment Referrals
 - 13. CBT Population and Counts
 - 14. CBT Completion Rates
 - 15. Sober Housing Counts
 - 16. Sober Housing Status at Closure
 - 17. Transitional Housing Counts
 - 18. Transitional Housing Status at Intake and Closure
 - 19. Employment Status at Intake and Closure for Transitional Housing
 - 20. Racial and ethnic disparity data.
 - 21. The administration team is also working with an ongoing Community Conversation group of diverse membership to identify and address implications of inequitable and antiquated data collection capacity within the state's DOC or OMS systems in terms of race, ethnicity, gender identity, and other social identity characteristics, information necessary for comprehensive responsiveness practices that insure all clients are equitably understood and served.

- f. **Please articulate how this program is related to the goals of Justice Reinvestment. Example: The County Downward Departure Program helps the county meet the JRI goal of reducing prison usage (by 5%) while holding offenders accountable and maintaining community safety (by reducing participants rate to reoffend by 5% from our valid assessment process and targeted services). Because we are expecting a recidivism reduction for the program participants we would then also expect a reduction for the county's overall recidivism rate (probationers and post-prison supervision). (500 words max)**

- i. The Deschutes County Justice Reinvestment Program has to date successfully reduced prison utilization. As of March 2021 the county's utilization is 47% under the original 2013 baseline, reductions underway even before the COVID pandemic further increased the pace of prison releases. Recidivism rates with identified JRP cohorts has remained steady or decreased slightly. This biennium the DCJRP will continue its successful prison reduction strategies and redouble its recidivism reduction strategies as follows.
 - ii. Increased focus on training, coaching and supporting Parole & Probation Officers to improve our existing use of core correctional practices with fidelity, in keeping with the risk, needs and responsivity principles. We recently piloted an initial structured decision-making case management model with three PPOs, including a JRP PPO, learning from which supported the entire PPO staff to be trained directly by the University of Cincinnati, with ongoing technical assistance to create structured fidelity monitoring, feedback and coaching.
 - iii. Investigation into structured decision-making in order to increase client referral, engagement and retention in in-house Cognitive-Behavioral Treatment.
 - iv. New analysis and assessment of the county's gender-specific program offerings. Due to some staffing and referral numbers, we do not currently have a gender specific CBT offering in house, but are working to find an alternative.
 - v. Continued support of JRP client basic needs such as housing resources, IDs, clothing, bus passes, etc. to reduce barriers and help them be successful on supervision.
 - vi. Continued use of accountability techniques such as random UAs, electronic monitoring, structured sanctions, etc. to ensure that accountability and public safety remain at the forefront.
 - vii. Increased efforts to support and institutionalize collaboration and relationship building with community members who represent the County's diverse client population, with special effort to engage partners in identifying and interrupting racial and ethnic disparities in outcomes.
- g. What evidence-based practices will be used in this program? Programs receiving Justice Reinvestment funding should be evidence-based. Counties are encouraged to consult the Adult Criminal Justice Section of the Benefit-**

Cost Results page by the Washington State Institute for Public Policy as a resource for evidence-based programs. While the list is not authoritative or comprehensive for each community, it does serve as a valuable resource.

- i. Moral Reconation Therapy (MRT): Increases participants use of higher level moral reasoning and behavior. (Przybylski, R. (2008). What Works: Effective Recidivism Reduction and Risk-Focused Prevention Programs. Colorado Division of Criminal Justice. pg. 61 and 62).
- ii. Carey Guides and Brief Intervention Tools: Structured skill building during 1x1 sessions between PPOs and clients. (Carey, M (2010). Coaching packet: Effective case management. Retrieved from the Center for Effective Public Policy.)
- iii. Motivational Interviewing (MI): Behavior change through drawing discrepancies between current behavior and long-term goals. (Madson, M. (2016). Motivational Interviewing for Substance Use: Mapping out the Next Generation of Research. Journal of Substance Abuse Treatment.)
- iv. Motivational Enhancement Therapy: Creating treatment-ready state of mind with pre-contemplative clients. (Belenko, S. et al. (2013). Treating Substance Use Disorders in the Criminal Justice System. Curr Psychiatry Rep.)
- v. Moving On Gender Specific Groups or some other gender specific curriculum: Trauma and relational theory of change. (Gehring, K., Van Voorhis, P., & Bell, V. (2009). "What Works" for Female Probationers? An Evaluation of the Moving On Program. Cincinnati, OH: University of Cincinnati.)
- vi. Core Correctional Practices: All of our POs and group facilitators have been trained by the University of Cincinnati in core correction practices and we are working through implementation with technical assistance provided by UCI. (Bahr, S. (2012). What Works in Substance Abuse Treatment Programs for Clients? The Prison Journal.)
- vii. University of Cincinnati Substance Abuse Curriculum: (Bahr, S. (2012). What Works in Substance Abuse Treatment Programs for Clients? The Prison Journal.)
- viii. Pre-trial. (Campbell, C. (2019). Effect of Pre-trial Detention in Oregon. Oregon Criminal Justice Commission. Department of Criminology and Criminal Justice at Portland State University.

- ix. Targeted Universalism planning, community engagement and problem-solving approach with an ongoing Community Conversation group to identify and address racial inequities in probation and supervision outcomes.

h. Has this program received a Corrections Program Checklist in the last 10 years? If so, when was the review conducted? Briefly describe the outcome and any steps to address the findings of the CPC. (500 words max)

- i. Our JRP program specifically has not received a CPC in the last 10 years.
- ii. However, our main contracted provider Pfeifer and Associates has been CPCd and received a passing score. We have other contracted providers all of whom are waiting for their first CPC or are working on an action plan to ensure they pass a follow up CPC.
- iii. Our internal CBT program MRT has been CPCd and received a passing score.

4. Program Narrative

- a. Responses must include all proposed grant-funded activities, as well as local policy changes or collaborative efforts that support the county's progress toward meeting the goals of justice reinvestment. The application must address the goals of justice reinvestment. In this section, it is required that the LPSCC review the county-specific data found on the CJC dashboards. Applications must reference the dashboards and clearly articulate the county's progress toward meeting the goals, as well as how the proposed program will assist in meeting those goals in the future.
- b. Describe efforts to reduce recidivism through evidence-based practices while increasing public safety and holding offenders accountable. Applicants are expected to use the CJC recidivism dashboards to contextualize the county's current recidivism rates and explain how the proposed program will decrease these rates while increasing public safety and holding offenders accountable. Describe efforts to reduce recidivism during the past biennia and how the proposed program will change or continue those efforts.

The statewide definition of recidivism includes new arrest, conviction, or incarceration within three years of a prior conviction or release from custody (ORS 423.557). CJC dashboards show statewide and county-specific recidivism data for both one and three years. Applicants are encouraged to address comparisons to the statewide rate.

Refer to CJC Dashboards to answer question.

Describe efforts during the previous biennia and how the proposed program will change or continue those efforts.

**Applicants are encouraged to address comparisons to the statewide rate.
(750 word max)**

- i. As we have explained in previous biennia, Deschutes County clients historically have higher recidivism rates when compared to state averages currently measured by the Criminal Justice Commission. Looking at the three-year recidivism data Deschutes County's recidivism rate hit a low point with the 2009 cohort, but has been slightly increasing.
- ii. For new arrest data, the low point was with first cohort of 2009 at 44.5% arrest rate. In 2015, the arrest recidivism rate hit a high point of 65%. With the 2016 and 2017 cohorts, we are seeing a decline with the arrest rate at about 60%. The 2016 and 2017 cohorts represent the first groups where there will be clients who went through our JRP program.
- iii. For new misdemeanor convictions, the low point in 2009 was 11% with a slight increase, but with 2016 and 2017 cohorts, we are right around 14%.
- iv. For new felony convictions, the low point in 2009 was 24% with it increasing over time with some fluctuation. Currently with 2016 and 2017 cohorts, we are right around 37%.
- v. For new incarceration, the low point in 2009 was around 11% we saw an increase up to about 28% but more recently with 2016 and 2017 we are around 20%.
- vi. The DCJRP program will supervise clients based on their risk and needs level, and from there will provide core correctional practices, which includes structured skill building. The JRP program will continue to refer to outside providers for treatment. We will continue basic need supports and barrier reduction resources such as housing, DMV Ids, transportation, and more. We plan to continue the success of our cognitive-based programing, which will include treatment readiness for pre-contemplative individuals, and gender-specific criminal thinking curricula.
- vii. We will continue to invest in small caseloads for those high-risk downward departure clients, which may include intensive supervision, sober housing, transitional housing, substance use disorder treatment support, and transportation assistance when applicable.

- viii. We will continue to support local treatment providers to ensure their service offerings are evidence based and directly work to help reduce recidivism. We worked closely with our largest contracted alcohol and drug provider to help them successfully pass the CPC and will expand this work to other providers as necessary. We will also be exploring options with our contracted providers as well as other providers to offer culturally responsive curricula.
 - ix. DCJRP will continue to address public safety concerns inherent in early release or downward departure supervision by emphasizing accurate and early assessment, ensuring basic needs are met, case management based on risk and needs, frequent contact to monitor for compliance and safety concerns, random urine analysis testing, and access to cognitive-based and other treatment needs.
 - x. CJC equity dashboards indicate that generally, males identified as Black and Native American are disproportionately represented in prison and probation intakes. Males identified as Latinx are disproportionately represented in probation intakes. Native American women are disproportionately represented in prison intakes. Local data (2016-2019) on jail sanctions for individuals on supervision indicates that individuals identified as Black are slightly over-represented and those identified as Native American are significantly over-represented. The county has created an ongoing Community Conversation group of diverse membership to continually analyze, identify solutions and support the Parole & Probation division to eradicate any subsequent disparities that occur once individuals begin community supervision.
- c. Describe efforts to reduce prison utilization for property, drug, and driving offenses while increasing public safety and holding offenders accountable. Applicants must identify how the proposed program will reduce county prison usage for property, drug, and driving offenses while increasing public safety and holding offenders accountable.**

Refer to CJC Dashboards to answer question.

Applicants are encouraged to incorporate data specific to the county's prison intakes, revocations, length of stay, and relationship to the statewide rates when discussing past, present, and projected prison usage.

(750 word max)

- i. Deschutes County Adult Parole and Probation created the DCJRP to address the major goals of the Justice Reinvestment Initiative. Our prison usage based on the Criminal Justice Commission's JRI dashboard for

property, drug, and driving clients demonstrates success in meeting the prison reduction goals. In FY21-23 we propose to continue the activities that have thus far served the county successfully and we will also look at modifications/refinements that will help ensure continued success.

- ii. Our prison usage on a per capita rate is below the state average and has been continually declining since September 2017 where we hit 1059 prison months per 100,000. The most recent numbers on the JRI snapshot have Deschutes County at 448 prison months per 100,000, which represents a 58% decrease.
 - iii. Prison utilization when compared to our baseline shows similar results. Starting in September of 2017, prison utilization began to decline each month when looking at male and female numbers combined. Our most recent three-year rolling average baseline is at 1727 prison months and the most recent figures from March of 2021 have us at 860 prison months. This is a 50% reduction from our baseline. We understand that COVID19 has affected these numbers, but even in January and February of 2020, we were at about 1170 prison months, which is still 32% below our baseline.
 - iv. Deschutes County male prison utilization demonstrates the most significant prison bed savings. Our most recent high point above our baseline (1484 months for males) was in September of 2017 at 1609 prison months. However, from that point, we started a decline and most recent numbers for March of 2021 have us at 744 prison months. This is 50% below our baseline. COVID 19 has impacted this as well, but even in February of 2020 our prison usage was at 970 month which is still 35% below our male baseline number.
 - v. We have been working in close collaboration with our District Attorney's Office and Sheriff's office to launch our pre-trial program funded by the supplemental grant. This includes a designated downward departure DA which has likely also contributed to the program's success. For programmatic changes and data tracking it is very nice to have one DA to reach out to and this individual also works very closely with our pre-trial supervision deputy to ensure clients are screened for our JRP program.
 - vi. The pre-trial supervision deputy (pre-trial program part of supplemental grant) has also been trained to complete defendant assessment reports in case capacity reaches a level, which our officers cannot keep up with.
- d. Female property, drug, and driving offenses. Applicants must identify how the proposed program will reduce county prison usage for property, drug,**

and driving offenses while increasing public safety and holding offenders accountable.

Refer to CJC Dashboards to answer question.

Address prison usage specific to female property, drug, and driving offenses, as well as describe local efforts to address this population.

(750 word max)

- i. Deschutes County efforts with our female population is also showing positive results. Our female prison population is quite small which leads to more dramatic ebb and flow.
 - ii. Our most recent high point above our baseline (242.2 months for females) was in December of 2019 at 259.3 prison months. However, from that point, we started a decline and most recent numbers for March of 2021 have us at 116.5 prison months. This is 52% below our baseline. COVID 19 has affected this as well, but even in February of 2020, our prison usage was at 220 month, which is still 10% below our female baseline number.
 - iii. Additionally, the county addressed some gender-specific components by bringing back Moving On. However, with COVID19 and staff changes we have temporarily had to place that on hold. We plan to reassess in the coming months and restart a CBT gender-specific curriculum.
 - iv. Deschutes County participates in the family sentencing alternative program and is working on specifically tailored supervision and services for our female clients.
 - v. All of our female clients are assessed using the WRNA risk assessment tool and all of our contracted providers are required to provider gender specific groups.
- e. If your county has prison-reduction efforts outside of property, drug, and driving offenses please briefly describe them. (150 words max)**
- i. Deschutes County has an active Adult Treatment Court, which has recently made the shift from a Family Drug Court. The priority remains on clients with children and dependency cases, but has also expanded services to all adults. Deschutes County Parole and Probation also operates Family Sentencing Alternative Pilot Program, which is aimed at prison reduction strategies for females and clients with children.
- f. Evidence of Collaboration in Planning and Implementation**

Describe the collaborative partnerships in place that will support the county's performance and progress toward the goals of justice reinvestment.

(300 words max)

- i. This program requires the work of Deschutes County Community Justice, the District Attorney's Office, the Courts, the Deschutes County Sheriff's Office, and community partners in Central Oregon. These organizations have been and will continue working collaboratively to manage specific client groups through the local system, which focuses on identifying the needs of the client and addressing those needs through evidence based services and programs.
- ii. The recent development of the pre-trial component of DCJRP requires extensive collaboration between the Sheriff's Office, Parole and Probation, and the District Attorney.
- iii. The pre-trial program has a workgroup that meets monthly and a larger group that meets quarterly which includes representation from the DA, Sheriff, Defense Bar, Circuit Court, The Bench, and Community Justice. Our Local Public Safety and County Officials remain strong supporters of the DCJRP initiative. Deschutes County's LPSCC is active and meets monthly to address current public safety concerns, provide feedback and suggest improvements or public safety needs. It reviews the DCJRP plan and application, listens to updates throughout the year and supports the joint JRI goals of reducing prison utilization and recidivism while maintaining public safety.
- iv. A "Community Conversation" workgroup comprised of citizen LPSCC members and community representatives from marginalized populations touched by community supervision, particularly historically underserved racial and ethnic identities, began in June 2021. The workgroup meets monthly to (1) Build relationships; (2) Reach common understanding about current Deschutes County community justice programming and outcomes; (3) Share known racial and ethnic disparities for Deschutes County residents in key criminal justice areas; and (4) Identify needs and gaps preventing success in order to inform future strategies and resource investment.

g. LPSCC Membership Roster

h. LPSCC Staff Roster

5. Cultural Responsiveness

- a. **Culturally responsive services are comprehensive processes that have been adjusted to consider and support the principles, practices, culture and needs**

of underserved populations within a community. Underserved populations are comprised of individuals who identify with specific cultural connections based on their ethnic or racial origin, place of birth, familial structure, gender identity, and language spoken in the home.

As a reminder, we have provided the following resources that may aide you in answering these questions:

Equity and Cultural Responsive Services page, which is includes definitions of terms and concepts that could aide them in answering some of the questions. The website also has a list of resources including the report developed by the Justice Reinvestment Equity Advisory Committee.

Race, Ethnicity, and Gender Demographic Dashboard, a new dashboard which show county-specific data for probation and local control intakes as well as prison intakes.

- b. **What underserved populations does your program serve? (250 word max)**
 - i. Based on the limited available racial and ethnic identifying data, Deschutes County Community Justice serves women of all identified racial and ethnic identities, and men who have been identified as Black, Latinx, Native American, Asian and Pacific Islander. Data collection methods or tools do not provide for self-identification, or collection on many other social identities that are important, such as gender identity, sexual orientation and socio-economic status (the latter is more understood through proxies such as need for housing or other basic needs assistance). The county believes that one of the negatively impactful ways these populations are underserved is the antiquated, inconsistent, unfair, and inaccurate data collection methods currently available. Without accurate identification that corresponds to how individuals see themselves the system will not be able to mount appropriate responsivity assessment and resources that can support individuals. This will likely be one the largest projects that our administrative team will be tackling during this next biennium just to ensure we have accurate data for our marginalized and underserved populations, which will lead to comprehensive and accurate responsivity case management techniques and systems.
- c. **What culturally responsive practices does the county use with justice-involved individuals? (400 word max)**
 - i. This will likely be our largest area for improvement during this next grant cycle. Currently the only limited culturally specific practices employed by Parole & Probation, the District Attorney's Office and the Courts are:
 1. Documentation and forms provided in Spanish

2. Limited Spanish-speaking staff

- ii. During this next grant cycle we plan to work with the Community Conversation workgroup to identify existing racial and ethnic disparities and inequities, identify needs and gaps, and begin to identify solutions in the areas of:
 - 1. Data collection definitions, methods and outcomes.
 - 2. Undertaking a Targeted Universalism approach to outcomes where we identify racial and ethnic disparities
 - 3. Providing culturally responsive training for all staff, which will include Community Justice, DA, and Sheriff as well as community treatment providers.
 - 4. Assessing and creating a trauma-informed, culturally responsive lobby and other public spaces in which we work with justice-involved individuals
 - 5. Work with local treatment providers to offer culturally responsive treatment options for our clients. Many of our providers do not have the resources to pay for intensive training and additional curriculums so we will work with them to ensure they have the financial resources to make these services available for the clients who need them.

d. How did you include the input of historically underserved communities, including, but not limited to, racial and ethnic minorities, women, lesbian, gay, bisexual, transgender, queer, and other minority gender identity communities?

Please describe all consultations or attempts at outreach. (300 word max)

- i. A “Community Conversation” workgroup comprised of citizen LPSCC members and representatives from the diverse population touched by community supervision, particularly historically underserved racial and ethnic identities began in June 2021. The workgroup meets monthly to (1) Build relationships; (2) Reach common understanding about current Deschutes County community justice programming and outcomes; (3) Share known racial and ethnic disparities for Deschutes County residents in key criminal justice areas; and (4) Identify needs and gaps preventing success in order to inform future strategies and resource investment.
- ii. The Parole & Probation division facilitates this group, having used existing community connections to develop a cohesive, restorative practice led process. As of time of writing this application, the community has met five times with scheduled monthly meetings moving forward.

- iii. Individuals participating are committed to their professions and communities, able to share and consider things from the perspectives of marginalized community members, interested in strengthening the criminal justice system's relationship with the community, and who want success for every person involved with or impacted by the criminal justice system.

e. How did you include the input of community partners in the implementation of the proposed services? Please identify community partners. (400 word max)

- i. While specific programmatic elements and strategies are still in development, the Community Conversation group members have identified the following priorities and needs applicable to and supportive of justice reinvestment goals:
 1. Reset and reconsider the method by which data is collected about individual's social identities: criminal justice data is observed, not self-reported. The system fails to share why data is collected, to gain consent, or to provide anything but a fraction of options for the way people identify themselves.
 2. Prioritize a humble, empathic and respectful ethic of customer service.
 3. Recognize and accept that some elements of the negative narrative about the criminal justice system that pervades many communities from which justice-involved individuals come are accurate, and that the criminal justice system must change not just justice-involved individuals.
 4. Increase the cultural awareness of those who work within the criminal justice system as well as ensuring they reflect the communities that they serve.
 5. We are still in the process of gathering this input, but will reserve some funds to address additional areas identified by the group.
- ii. We already understand that there is a general lack of training for staff and that has already been included in the application, but we anticipate things such as helping providers with culturally responsive curriculum, culturally specific office visit techniques, additional training, and possible consultation around an inclusion strategy.
- iii. We also anticipate many of the changes will be policy driven which will include a lot of time from the administrative team. This includes the changes needs to track this information in a more culturally responsive and accurate way as well as policy changes around a strategy towards inclusion.

iv. Individuals selected represent a diversity of communities, knowledge base and lived experience, including individuals from:

1. Restorative Justice & Equity, a non-profit dedicated to equity in educational outcomes for young people of color in Deschutes County.
2. The Father's Group, founded by several Black fathers who were concerned about the experiences their children were having in school and community.
3. Citizen members of the Local Public Safety Coordinating Council
4. Trauma, Resiliency and Adverse Childhood Experiences (TRACES), a regional collective impact effort dedicated to increasing resiliency in children and adults
5. Central Oregon Health Council, which works intersectionally to increase health and wellness.
6. Small business community,
7. Communities dedicated to strengthening health and wellness with Indigenous communities
8. Lived experience in the criminal justice system.

f. How do you intend to ensure that services funded by these grant dollars are used to promote social equity for historically underserved communities?

Detail what controls you will put in place or metrics you will use to track success. (500 word max)

- i. We anticipate using a targeted universalism approach with the help of our community stakeholder group. The idea being that we establish a universal goal for all clients in our system and then specifically target groups that are underserved or adversely impacted with respectful and community-led interventions to get everyone up to the goal.
- ii. We plan to design and utilize an internal tracking mechanism first to capture the information that is currently missed by Department of Corrections case management software.
- iii. We plan to monitor our Race, Ethnic, and Gender CJC dashboard and will use our internal data based on DOC data and our own tracking. For example.
 1. Community members involved in community supervision with Parole & Probation follow the same demographic trend as the county, however Black and Latinx men, and Native American women and men, have higher proportion of involvement than in the general population. Our goal is that we hope to begin to see improvements here, but understand this will not be a quick process.

- a. Individuals identified as Black are slightly *more likely* than those identified as white to receive a jail sanction once on community supervision. Those identified as Native American are *significantly more likely* than those identified as white are. Those identified as Asian/Pacific Islander and Latinx are slightly or significantly *less likely* than white counterparts.
- b. Individuals identified as Black and Latinx appear to be supervised more intensively either due to overrides or remaining at original risk levels than their counterparts. Those initially assessed as low risk are more likely to be overridden to a higher supervision level than their counterparts are, and those initially assessed as high risk are more likely to stay supervised at high-risk level than others are.
- c. We will continue with these measures and work to address areas for improvement based on the input from our stakeholder group.

6. Racial and Ethnic Impact Statement Form

a. Racial and Ethnic Impact Statement

Pursuant to Section 4, Chapter 600, Oregon Laws 2013, state grant applicants are required to complete this racial and ethnic impact statement. The statement provides information as to the disproportionate or unique impact of the proposed policies or programs on minority persons in the State of Oregon.

"Minority persons" includes individuals who are women, persons with disabilities, African-Americans, Hispanics, Asians or Pacific Islanders, American Indians and Alaskan Natives.

- b. The proposed grant policies or programs could have a disproportionate or unique positive impact on the following minority persons:
 - i. We anticipate a unique positive impact on populations that currently experience disproportionate use of jail sanctions, at this time individuals identified as Black and Native American.
- c. The proposed grant policies or programs could have a disproportionate or unique negative impact on the following minority persons:
 - i. No.
- d. The proposed grant policies or programs will have no disproportionate or unique impact on minority persons.

i. See letter b.

e. If you checked numbers 1 or 2 above, please provide below the rationale for the existence of policies or programs having a disproportionate or unique impact on minority persons in this state.

i. Community members involved in community supervision with Parole & Probation follow the same demographic trend as the county, however Black and Latinx men, and Native American women and men, have higher proportion of involvement than in the general population. Our goal is that we hope to begin to see improvements here, but understand this will not be a quick process.

1. Individuals identified as Black are slightly *more likely* than those identified as white to receive a jail sanction once on community supervision. Those identified as Native American are *significantly more likely* than those identified as white are. Those identified as Asian/Pacific Islander and Latinx are slightly or significantly *less likely* than white counterparts.
2. Individuals identified as Black and Latinx appear to be supervised more intensively either due to overrides or remaining at original risk levels than their counterparts. Those initially assessed as low risk are more likely to be overridden to a higher supervision level than their counterparts are, and those initially assessed as high risk are more likely to stay supervised at high-risk level than others are.

f. If you checked numbers 1 or 2 above, please provide evidence of consultation with representative(s) of the affected minority persons.

i. A “Community Conversation” workgroup comprised of citizen LPSCC members and representatives from the diverse population touched by community supervision, particularly historically underserved racial and ethnic identities began in June 2021. The workgroup meets monthly to (1) Build relationships; (2) Reach common understanding about current Deschutes County community justice programming and outcomes; (3) Share known racial and ethnic disparities for Deschutes County residents in key criminal justice areas; and (4) Identify needs and gaps preventing success in order to inform future strategies and resource investment.

ii. Agendas/materials from past meetings can be provided upon request.

7. Budget \$1,743,505 (\$179,743 for Victims Services)

- a. Personnel \$920,976
 - i. 2 PO FTE
 - ii. 1 PO Specialist FTE
 - iii. 1 Administrative Specialist FTE

- b. Contractual \$424,320
 - i. Case Managed Beds
 - ii. Sober Housing Beds
 - iii. Enhanced Treatment
- c. Admin \$150,000
 - i. Administrative Support
- d. Other \$68,466.36
 - i. Training and Culturally Responsive Services

8. Letters of Support

- a. County Board of Commissioners: Pending
- b. Presiding Judge: Received
- c. LPSCC Chair: Received

9. Victims Services

- a. LPSCC selected four agencies to receive grant awards.
 - i. KIDS Center
 - ii. CASA of Central Oregon
 - iii. Mary's Place
 - iv. J Bar J

**BOARD OF COUNTY COMMISSIONERS**

August 23, 2021

Oregon Criminal Justice Commission

885 Summer St. NE

Salem, OR 97301

Oregon Criminal Justice Commission,

On behalf of the Deschutes County Board of County Commissioners, I would like to convey our support for the FY 21-23 Justice Reinvestment Supplemental Grant Application being submitted. The supplemental grant is the efforts of a close partnership between the District Attorney's Office, the Sheriff's Office, and Community Justice. We are excited to be a part of Deschutes County's pre-trial program that has played a role in helping Deschutes County meet the goals of Justice Reinvestment.

The supplemental grant provides key personnel, assessments, and resources that support the pre-trial program. It also allows Deschutes County to support the broader Justice Reinvestment Program (JRP) efforts which are increasing the downward departures numbers and helping to further prison reduction.

Sincerely,

Anthony DeBone

Chair

Deschutes County Board of County Commissioners

Justice Reinvestment Initiative FY2021-2023 Formula Grant Application

Action: Consideration and approval to for chair to sign letter of support.

Background: Outcomes-based Criminal Justice Commission-administered formula funding to counties to reduce prison population and recidivism while protecting public safety and holding individuals accountable. County is submitting its fourth application for the next two-year funding cycle.

- **Results: Reduced prison utilization by 47%; Held same or slightly reduced recidivism**
 - Since FY15, specialized supervision and services for individuals with drug, property or driving offenses who (1) receive a Downward Departure probation sentence in lieu of prison or (2) are incarcerated but released up to 180 days early.

FY2021-2023 Application:

- **\$1.74M to sustain and continue to improve prison and recidivism reduction:**
 - Victim Services Pass-through: \$179,000
 - Parole & Probation FTE (2.0 P&P Officer; 2.0 P&P Specialist): \$920,976
 - Client housing, treatment and basic needs services: \$424,320
 - Administrative (grant management, reporting, analysis): \$150,000
 - Training and Other Services \$68,466
- Work with individuals diverted from prison on a downward departure or released early from prison. Strategies to achieve goals include:
 - Increase use and outcome measurement of core correctional practices with target population
 - Improve understanding and provide culturally-specific services (housing, treatment, basic needs)
 - Increase collaboration with community stakeholders who represent our diverse JRI population in order to ensure that JRI success across all populations.

Component	Plan	LPSCC Review Needed
Phase 1 Application - COMPLETE	<ul style="list-style-type: none"> • Staff analysis of successes, gaps and needs • Focus group (x4) with Community Stakeholders 	<ul style="list-style-type: none"> • Approved May 2021
Provide Letters of Commitment – COMPLETE	<ul style="list-style-type: none"> • Community Justice; District Attorney; Presiding Judge; Sheriff 	<ul style="list-style-type: none"> • Completed May 2021
Final Application - PENDING	<ul style="list-style-type: none"> • Sustain and build on existing successful program model (downward departure and early release populations) • Continue prison reduction trend and maintain or improve recidivism • Understand, target and track outcomes for diverse population 	<ul style="list-style-type: none"> • LPSCC Approved August 3rd, 2021.
Provide Letters of Support - PENDING	<ul style="list-style-type: none"> • Community Justice • District Attorney • Presiding Judge • Sheriff • LPSCC • BOCC 	<ul style="list-style-type: none"> • Pending BOCC Approval.
Victim's Services pass-through funding - PENDING	<ul style="list-style-type: none"> • LPSCC Subcommittee issue and review applications; make recommendations - complete 	<ul style="list-style-type: none"> • LPSCC Approved August 3rd, 2021.



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: 08/23/2021

SUBJECT: Deschutes County Justice Reinvestment Supplemental Grant Application 21-23 Biennium

RECOMMENDED MOTION:

Move approval of authorization for chair to sign letter providing the Board Of County Commissioner's support for the Local Public Safety Coordinating Council's (LPSCC) approved Deschutes County Justice Reinvestment Program for the Supplemental Grant.

BACKGROUND AND POLICY IMPLICATIONS:

House Bill 3194 was passed by the Oregon Legislature as a means to control ever increasing prison growth by investing in local criminal justice systems. The funding started in the 13-15 biennium and the Oregon Legislature has continued to fund this grant program. Deschutes County through collaboration with LPSCC agencies has applied for and received the grant funds every application cycle and is applying for funds for the 21-23 biennium. The grant this year consists of a formula grant that is based on criminal justice population percentage and a supplemental application that is competitive and awarded to programs that focus on Downward Departures and safe prison utilization reduction.

We are requesting board signature a letter of support for the supplemental grant. The grant has been approved by the LPSCC.

Supplemental Grant Application: Deschutes County Sheriff and District Attorney's office propose to use Supplemental funds to continue with its efforts to expand the downward departure prison diversion program with the pre-trial program. This program has been in operation for a little over a year and is showing great success with the initial small group of individuals. Most recent numbers show a 100% safety rate meaning no one in the program committed a new offense while on pre-trial release and a 94% appearance rate. Supplemental funding will continue to support a pre-trial supervision deputy and a dedicated district attorney to review and prosecute

downward departures as well as some administrative and program support with .1FTE of a Management analyst, money for Automon tracking software, and funds to help pay for contractual rapid assessment services.

BUDGET IMPACTS:

Supplemental Grant: \$589,297.87 over 2 years (July 1, 2021 to June 30, 2023). Ten percent of the grant funds will go to CASA, KIDS Center, Mary's Place, J bar J.

ATTENDANCE:

Mary Anderson, Chief Deputy District Attorney

Kathleen Meehan Coop, Management Analyst (District Attorney's Office)

Trevor Stephens, Management Analyst (Adult Parole and Probation)

Tanner Wark, Deputy Director of Adult Parole and Probation

**Deschutes County Justice Reinvestment
Supplemental Grant
Due August 25th, 2021**

1. Supplemental Narrative & Budget

- a. **Target Population (200 words max):** Describe the target population eligible for the county's downward departure prison diversion program, including, but not limited to, crime types, criminal history factors, risk scores, and residency. Include factors that would result in automatic exclusion from the program.
 - i. Deschutes County Justice Reinvestment Program's (DCJRP) target population is prison eligible drug and property crime defendants. The disqualifiers for the downward departure program include non-prison eligible offenses and out of county residency. Eligibility is based on careful review of a defendant's Defendant Assessment Report (DAR). There is no specific score or criminal history factor that automatically eliminates someone -- our goal is to take a broad look at each defendant's individual situation to make a decision.
 - ii. For individuals not eligible for downward departure, we are continuing our pre-trial services program that does not require a prison eligible offense or county residency. Selection for pre-trial release is based on a VPRAI score. Defendants with a score of less than 9 are potentially eligible for release without security unless the crime is covered under ORS 135.242 or 135.240.
 - iii. Going forward to help increase the number of individuals eligible for diversion, we plan to implement rapid psychological evaluations each week. Our goal is to capture individuals that typically do not meet criteria for downward departure or pre-trial services due to mental health disorders and cognitive concerns, by decreasing the time to schedule an evaluation after an ORS 161.730 Order. DCJRP is also exploring expanding downward departure eligibility to include some driving offenses.
- b. **Presentencing Assessments: Which specific assessments will be used to inform downward departure sentencing?**
 - i. LSCMI
 - ii. WRNA
 - iii. URICA
 - iv. TCU
 - v. PSC
 - vi. Other: VPRAI, rapid ORS 161.370 evaluations

- c. **Referral Process (200 word max)** Describe the referral process by which participants are identified, assessed, and departed into the program. Include how presentencing sentences will inform sentencing decisions. How will victim input be considered in the decision to depart an individual to this program?
- i. The Pre-trial Supervision Deputy (PSD) is housed at the Deschutes County Sheriff's Office Adult Jail and reviews all daily arrests for prison eligible JRI offenses. The PSD conducts a VPRAI assessment on identified individuals and provides that information to the Downward Departure –Deputy District Attorney (DD-DDA). The DD-DDA then works with the PSD on pre-sentence release recommendations and determines if a full defendant Assessment Report (DAR) is needed. The victim is contacted by a victim advocate in the DA's Office and their views are considered by the DDA, who also often reaches out to directly to discuss the case. While that is occurring, Parole and Probation, and the PSD conduct the DAR for the DD-DDA, who uses it to make downward departure and release recommendations. If the recommendation is approved by the Court, then in accordance with the program MOU, the PSD arranges and provides for any services, referrals, or monitoring conditions recommended.
 - ii. For the 21-23 biennium the added rapid ORS 161.370 evaluation assessments will provide individuals the opportunity to be evaluated more quickly, decreasing pre-trial incarceration
- d. **Supervision (500 word max)** Explains the elements of supervision for this program and highlight differences from standard supervision in your county including, but not limited to, caseload ratios, contact standards, drug testing schedules, response to violations, and use of incentives.
- i. Pre-trial supervision – Prior to 2020, Deschutes County's pre-trial services were limited to electronic monitoring, which was primarily only for DUII defendants, but that has substantially expanded under the supplemental grant program and now supports multiple goals. These include reserving jail resources for the highest risk defendants and clients and reducing prison utilization. This is critical as research conducted in Oregon in 2019 indicates that detained defendants were more than twice as likely to be incarcerated as part of their sentence compared to those who were released prior to their disposition, and the longer one spends in pre-trial detention the greater the likelihood they received a sentence of incarceration (Campbell, C. 2019. Effect of Pre-trial Detention in Oregon). DCJRP team has also carefully analyzed our pre-trial supervision program parameters

and operations since launch and has made appropriate modifications to our original plan to work best in Deschutes County.

- ii. Downward departures (DD) – DD clients receive supervision based on their criminogenic risk which can include intensive supervision, increased office and home visits. Parole and probation officers (PPOs) provide creative and consistent responses to violations including effective use of disapproval, verbal/written reprimands, community services, increased reporting, electronic monitoring, work crew, increased UA's, and jail. PPOs were recently trained by the University of Cincinnati (UCI) in the use of Core Correction Practices (CCP) and have been undergoing technical assistance from UCI with the implementation of CCP into case planning and office visits. PPOs can also access a small, but flexible funding resource to provide basic needs assistance such as bus passes, DMV identification help, or other resources that will help the client in meeting their case plan and behavioral change plan goals. And medium or high-risk clients based on the LS/CMI or WRNA are enrolled in in house cognitive behavioral treatment (CBT) services. These programs are evidence-based and require a minimum of 16 weeks to complete.
 - iii. In addition, PPOs also utilize motivational interviewing, core correctional CBT tools such as Behavior Chains and Problem Solving, Carey Guides, and other evidence-based techniques during office visits. PPOs use a continuum of sanctions such as effective use of disapproval, work crew, written reprimand, verbal reprimand, increased urine analysis requirements, increased reporting, and jail. They also provide transportation assistance, treatment referrals, treatment funding, sober housing, transitional housing, mental health referrals, and other services to address public safety and client accountability. The goal is to maintain a high level of contact frequency, which has proven to help to reduce recidivism.
 - iv. The DCJRP supervision program differs from traditional supervision as there is more oversight due to smaller caseloads as well as specific funding and support of programs through the JRI formula grant that provide for basic needs assistance and critical resources and support.
- e. **Service Capacity (1000 words max) Describes your county's capacity to provide the necessary level of services appropriate to the target population. Examples include, but are not limited to, substance use treatment, housing, mentors, mental health, and cognitive treatment.**
- i. Through the funding provided by Deschutes County's formula grant, which supports staff and resources for specialized services, and the funds

through the supplemental grant that allow for dedicated staff and specific contracts, we have the resources needed to provide an appropriate level of service for our target populations. Under the supplemental grant that support specifically includes a PSDDD-DDA, a management analyst, and the financial resources for contracts with Automon for data tracking, and for new rapid psychological evaluations. These key elements will ensure we continue to have positive JRI results, as it will allow the PSD to continue to conduct all initial screenings and help manage DAR assessments and manage pre-trial release conditions and supervision. The DD-DDA will be able to continue to provide dedicated review and support of cases, creating consistency and efficiency recommendations for release and sentencing, and the new management analyst will ensure continued program coordination.

- ii. Parole and Probation will also be able to continue to monitor caseloads closely to ensure that capacity demands are met and will consider adding an additional PPOs to the program's caseload depending on program numbers. PPOs are dedicated to providing supervision, evidence-based practices and working with community partners to maintain prison usage targets, while also maintaining short-term public safety and reducing prison utilization.
- iii. The formula grant funds will continue to support DCJRP clients with priority access to sober/transitional housing through three community partners. The Bethlehem Inn is one of those providers, offering five contracted transitional housing beds with intensive case management that are focused on transitioning individuals to more permanent housing. Other housing partners offer managed sober housing beds each month for single adults or adults with children. Deschutes County is fortunate enough to have contracts in place for 12 sober housing beds on reserve each month and has access to additional sober housing beds and transitional housing beds depending on the demand.
- iv. In addition, Parole and Probation will also continue to support DCJRP clients with access to substance use disorder treatment through four community treatment providers. Contracts and staff levels with these current providers allow for the influx of clients as a result of the increased capacity of DCJRP.
- v. And starting in 2022, DCJRP will maximize screening and assessment for downward departure eligibility by using supplemental funds to contract with a regional provider that both the JRP team and the public defenders agree upon to provide the rapid psychological evaluations. We plan to

secure five evaluations per month that will provide critical reports and information on individuals that have significant and specialized needs that will be better served through other local services and/or diversion programs. Currently, individuals that have mental health challenges or cognitive issues have to wait for an extended period of time for an evaluation. By specifically contracting for these rapid psychological evaluation screenings each week, we will dramatically decrease the length of time these defendants spend in jail, which will also help to decrease the likelihood that they will receive an extended sentence due to the biases that arise from lengthy pre-trial jail stays, which were identified in the 2019 Oregon research study. DCJRP feels this addition is important now as we have noticed an increase in the number of defendants in our jail with mental health challenges and cognitive concerns. These individuals often can't properly complete the DAR to be eligible for downward departure. Making matters worse our current inability to quickly assess their needs keeps them in jail longer than necessary - average wait time is 3 weeks under the current evaluation system, and it also prevents them from engaging in other diversion programs and/or accessing the services they really need in a timely manner. These evaluations will offer a real opportunity to provide a humane and economical answer to solving the prolonged pre-trial incarceration of individuals with mental health disorders, who we have been unable to appropriately serve previously. Support through the grant for these contracted rapid evaluation services will provide us with the capacity we need to support these individuals

- vi. The Supplemental grant will ensure our contract with Automon for pre-trial data tracking continues. This system has been designed for pre-trial programs and is currently used widely across the state.
- vii. Finally, the support will also allow the DCJRP team to work closely with Portland State University (PSU) to support research efforts that are focused on validating the VPRAI for use in Oregon.

f. Local Sanctions (200 words max): Describes your county's capacity to provide the appropriate level of local sanctions necessary to manage the target population. Examples include, but are not limited to, jail-bed availability and community service.

- i. Deschutes County has the capacity to provide the appropriate level of local sanctions to manage the DCJRP clients. PPOs use a graduated sanction model based on the severity of the misconduct and the client's risk/needs. Sanctions include community service work crew, electronic monitoring, written reprimand, homework, increased reporting, random

urine analysis, and jail, which allows for a variety of options when addressing client misconduct.

- ii. The pre-trial program also has access to electronic monitoring and the Deschutes County jail has sufficient capacity to provide services. All of these methods can be used to address pre-trial client accountability and help to ensure they are meeting program expectations.
- iii. Finally, our contracted treatment providers provide feedback regarding client progress, which includes possible violations. PPOs are able to use all this information to swiftly respond.

g. Are structured sanctions used for every downward departure participant? (300 words max).

- i. Deschutes County follows Oregon Administrative Rule in regards to the application of sanctions for downward departures (DOC Rule 58) and uses the sanctioning matrix to steer sanctioning practices.
- ii. While implementing these standards, the DCJRP team also carefully reviews and considers the structured sanctions for each violation on a downward departure case to ensure the totality of the case is considered, which includes violation severity and victim impact, prior supervision participation (abscond history, supervision history, treatment progress and compliance) and the client's stage of change and motivation, supports in the community and criminogenic needs. The goal of our DCJRP is to provide the clients the necessary structure and support to be successful on community supervision. We want to ensure that this can happen safely with appropriate opportunities for accountability.
- iii. This is also another opportunity that the collaboration between the DA's Office, the Sheriff's Office and Parole and Probation comes into play as the key team members reach out, as necessary to discuss the case and proposed sanctions.

h. Revocations: Describe the process for determining revocation of program participants. (200 word max)

- i. Much like the sanctioning process described above, multiple factors are considered when determining whether to make a recommendation of revocation to the court. This includes, but is not limited to the number of sanctions received, the type of category of the sanction, severity and victim impact of any new crimes, treatment and supervision compliance and progress, housing transitions, behavior change plan progress, cognitive behavioral therapy progress, and other relevant factors.

- ii. The DD-DDA reviews all JRP case revocation recommendations from Parole and Probation. The DD-DDA also contacts the PO to discuss the recommendation in detail. This added level of collaboration between the District Attorney's Office, Parole and Probation and the Sheriff's Office through the pre-trial program has resulted in improved consistency after sentencing.

i. Monitoring: Explain how the program will be monitored, evaluated, and adapted. Describes what body will oversee implementation and track program outcomes. (400 word max)

- i. Deschutes County Parole and Probation will continue to coordinate all monitoring, reporting, and evaluation activities in partnership with the District Attorney Office and Sheriff's Office. A data sharing MOU helps guide each agency's role and responsibilities, including use of an interagency project dashboard and individual agency data.
- ii. Monitoring – Parole and Probation has developed and is continuing to develop and maintain the project dashboard's monitoring capabilities. Monitoring activities include: monthly Oregon Criminal Justice Commission prison intake data collection and review; Criminal Justice Commission recidivism tracking and the Uniform Crime Report data.
- iii. The DA's Office also tracks all potential cases that are entered through intake to determine which ones are appropriate for downward departure and/or pre-trial release. The DA's Office is looking into methods to refine our tracking system to be easier for the DD-DDA to use and manage and to share with the management analyst and Parole and Probation.
- iv. Reporting – Using the dashboard and case management systems Parole and Probation, the Sheriff's Office, and the DA's Office will continue to track and report on downward departure outcomes, pre-trial tracking and performance, and the impact of the rapid psychological evaluations.
- v. DCJRP will also report on the work with the PSU researchers on validating VPRAI. Current data will be shared with the research team and they will provide us with a report and recommendations on using the VPRAI in Oregon. The team anticipates using recommendations from that report to improve the accuracy of the VPRAI for our community.

j. Prison Intakes Describe the county's total prison intakes for the program's target population during the 2019-21 biennium. (500 word max)

- i. During the 2019-2021 biennium Deschutes County had 138 prison intakes for drug, property, and driving offenses; this is compared to 194 from the previous biennium. Of those 138 intakes, 98 were considered first sentence and 40 were probation revocations.
- ii. Within the pre-trial – first sentence group, the average prison sentence was 16.3 months -- 10 were female and 88 male. These are significant improvements over the last biennium, which had 151 in the pre-trial first sentence group (35% drop), 20 females and 131 males.
- iii. Deschutes County had 40 probation revocations for drug, property, and driving offenses. Of these 9 were female and 31 were male. Looking at the 40 individuals, 28 or 70% were on a DCJRP caseload at some point prior to their prison revocation.

k. Anticipated Decreases: Explain how many fewer intakes are anticipated for the target population during the 2021-23 biennium given full program implementation. Describe how the estimate was calculated through anticipated decreased in first sentences, revocations, or both. (500 word max)

- i. Based on the past biennium's 148 intakes, the DCJRP program will aim to curb first sentence and revocations by at least 5%, resulting in roughly 125 prison months' savings. This estimate is based on a reduction of about 7-10 first sentence intakes per month, given r current average numbers.
- ii. P&P in concert with the DD-DDA will continue to work to reduce probation revocations, also with a target of an addition5% reduction when it is possible to do it safely. To achieve this we will need a reduction of about four probation revocations per month.
- iii. Combining the prison bed savings estimate, Deschutes County will strive to continue to improve our prison bed savings over the biennium. This reduction will continue to have a positive impact on those numbers and keep us well below our current baseline. Project partners will also continue to pay close attention to female numbers and work collaboratively to maintain below-baseline averages for that population, as well.
- iv. In addition, with implementing the rapid psychological evaluations, we anticipate that we will impact these numbers even more, by directly getting these individuals that need specialized services into the correct programs. We anticipate that on average one individual a week will be reassigned, which will result in additional prison month and jail day savings.

I. New or Existing Program: Explain whether funding is being requested to support a new or existing (prior to August 25, 2021) program and if new, describes when the program is expected to be operational. (500 word max)

- i. DCJRP will to continue to use Supplemental funds to expand our current downward departure prison diversion and pre-trial services program, which currently assesses all prison eligible drug and property offenders.
- ii. The continued formula grant supports two dedicated DCJRP staff, administrative support, program/specialist support, and program resources that have resulted in positive JRI outcomes over the past four years. Through the supplemental grant we are requesting to continue the support for the PSD and the DD-DDA, which was supported in the 2019-21 grant and are needed to continue to provide an appropriate level of service during 2021-2023.
- iii. For this biennium; however, we are adjusting our request slightly, as we have discovered that we need a full-time PSD (1 FTE), a half-time DD-DDA (0.5 FTE), and a part-time management analyst (0.1 FTE) to provide administrative support. During the last cycle we learned that given the size and scope of the program a half time dedicated DDA is appropriate, but specific administrative support is needed to alleviate some of the project's program management aspects that continued to fall on both the PSD and DD-DDA. The administrative support under the supplemental grant will include, but is not limited to assisting with case tracking, data analysis and reporting, coordination of our role in assisting with the validation of the VPRAI with PSU, managing the contracts with Automon and a regional rapid assist evaluator, and coordinating the bi-weekly inter-agency workgroup meetings. The analyst will be housed at the DA's Office, and is currently a 0.3 FTE Deschutes County employee, who will be able to add on the additional hours as soon as the grant request is approved.
- iv. Supplemental grant funding will as also be used to cover the cost for the contracts for Automon and the rapid assist evaluations. The Automon contract was an existing expense from the original launch of the program. The contract for an evaluator to implement the scheduled weekly rapid psychological evaluations is new. We plan for that contract to be initiated no later than January 2022. We will selected the contracted agency in partnership with defense to ensure that the identified agency will provide results that everyone is comfortable accepting.
- v. Our goal with these costs centers is to continue the impact we have achieved to date and enhance our efforts in order to expand the number of

individuals and services offered. Our numbers to date show the program has maintained a 100% safety rate (no new offenses during pre-trial period) and a 94% appearance rate with the pre-trial JRI population.

m. Supplemental Budget \$589,297.87 (\$53,572.53 for Victims Services)

- i. Personnel \$478,397.04
 - 1. Downward Departure Deputy District Attorney (.5 FTE)
 - 2. Pre-trial Service Deputy (1 FTE)
 - 3. Management Analyst (.10 FTE)
- ii. Contractual \$57,328.30
 - 1. Aid and Assist Contract Evaluator

n. Victims Services 10% of Supplemental

- i. LPSCC selected four agencies to receive grant awards.
- ii. KIDS Center
- iii. CASA of Central Oregon
- iv. Mary's Place
- v. J Bar J

o. Letters of Support for Supplemental

- i. county board of commissioners;
- ii. the director of community corrections;
- iii. the district attorney;
- iv. the defense attorney serving on the LPSCC;
- v. the presiding judge of the local circuit court;
- vi. and the LPSCC chair.

p. Letters of Commitment

- i. District Attorney
- ii. Received
- iii. Presiding Judge
- iv. Community Corrections
- v. Sheriff



Grant Application Request

Date:

- 1. Name of Grant: Justice Reinvestment Supplemental Grant
- 2. Deschutes County contact: Trevor Stephens
- 3. Funding Agency: Community Justice, Sheriff, and District Attorney
- 4. Grant Amount: \$589,297.87 (2 years)
- 5. Does the grant require matching funds? ☐ Yes ☒ No

If yes, how much are the required matching funds and what funds does the department plan to use for matching funds?

- 6. Grant duration: 2 years
- 7. Grant application deadline: August 25th, 2021
- 8. Grant description: Oregon Criminal Justice Commission JRI Funds Supplemental Grant
- 9. Requested budget (please provide additional line item details under the broad categories listed below):

	Amount Requested
Personnel Services	\$478,397.04
Materials and Services	\$110,900.83
Capital	
Total	\$589,297.87

10. If the grant request includes FTEs, please fill out the table below.

Position Title	Limited duration or regular position?	FTEs	Notes
Deputy District Attorney	Limited Duration	.5	Grant Funded Posting
Pre-trial Supervision Deputy	Regular Position	1	See below
Management Analyst	Limited Duration	.10	Grant Funded Posting

11. Other information:

Deschutes County Community Justice is the grant holder as they handle the JRI's formula-based county allocation. They will pass-through any supplemental funding awarded to the appropriate agencies.

The Analyst FTE request for 0.1 FTE will be added to a currently occupied 0.3 FTE, creating a total .4 FTE position. The DDA .5 FTE request will be an entirely new FTE request.

The pre-trial supervision Deputy FTE is a regular, currently occupied FTE supported for the past two years by the county's previous JRI supplemental grant award. The position will not be limited duration, however, as the Sheriff's Office would absorb this position back into their staff based on deputy vacancies.

**Justice Reinvestment Initiative FY2021-2023
Supplemental Grant Application**

08/23/2021 Item #2.

Action: Consideration and approval to for chair to sign letter of support.

Background: This grant is in addition to formula funding and has been used to support our JRI pre-trial program which includes Downward Departure district attorney and Pre-trial services for prison-eligible individuals with drug and property offenses.

- **Results:**
 - 100% safety rate (percent defendants without a new offense while on pretrial release)
 - 94% appearance rate (percent defendants without FTA while on pretrial release)

FY2021-2023 Application:

- **\$589,297.87 to sustain and continue prison reduction and recidivism for prison eligible individuals with drug and property offenses (November 1, 2021 – June 30, 2023):**
 - 10% to Victim's Services: \$ 53,572.53
 - Downward Departure Alternatives to Incarceration DDA: \$144,256.08 (new 0.5 FTE)
 - Pre-trial Supervision Deputy: \$283,574.64 (new FTE)
 - JRI Management Analyst: \$50,566.32 (0.1 FTE – expanded hours to existing part-time FTE)
 - Aid & Assist Contract Evaluator: \$47,328.30 (5 evaluations a month)
 - Automon \$10,000.00 (Pretrial software licensing)
- Continue and expand the pre-trial release and downward departure programs to reduce the number of incarcerated individuals. Strategies to achieve goals include:
 - Downward Departure/Special Programs/Aid and Assist/Alternatives to Incarceration DDA
 - Pre-trial Supervision Deputy
 - JRI Management Analyst
 - Contract with Aid & Assist Contract Evaluator
 - Work with a research team at PSU to validate the VPRI to increase court confidence in the reliability of the evaluation tool as an objective assessment.
 - Maintain and broaden collaboration with community stakeholders who represent our diverse JRI population in order to ensure JRI success across all populations.

Component	Plan	LPSCC Review Needed
Final Application - PENDING	Approval to: <ul style="list-style-type: none"> • Hire staff • Establish evaluation contract • Expand eligibility criteria for pre-trial release based on final OSU report. • Validate the VPRI. • Collaborate with community stakeholders. 	<ul style="list-style-type: none"> • <i>LPSCC Approved August 3rd, 2021.</i>
Provide Letters of Support - PENDING	<ul style="list-style-type: none"> • Community Justice • District Attorney • Defense Bar • Presiding Judge • Sheriff • LPSCC • BOCC 	<ul style="list-style-type: none"> • Pending BOCC Approval.

**BOARD OF COUNTY COMMISSIONERS**

August 25, 2021

Oregon Criminal Justice Commission

885 Summer St. NE

Salem, OR 97301

Oregon Criminal Justice Commission,

On behalf of the Deschutes County Board of County Commissioners, I would like to convey our support for the FY 21-23 Justice Reinvestment Supplemental Grant Application being submitted. The supplemental grant is the efforts of a close partnership between the District Attorney's Office, the Sheriff's Office, and Community Justice. We are excited to be a part of Deschutes County's pre-trial program that has played a role in helping Deschutes County meet the goals of Justice Reinvestment.

The supplemental grant provides key personnel, assessments, and resources that support the pre-trial program. It also allows Deschutes County to support the broader Justice Reinvestment Program (JRP) efforts which are increasing the downward departures numbers and helping to further prison reduction.

Sincerely,

Anthony DeBone
Chair
Deschutes County Board of County Commissioners



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: August 23, 2021

SUBJECT: American Rescue Plan Funding Update

RECOMMENDED MOTION:

A to-be-determined motion will be required if they Board choses to fund additional projects from ARPA funds.

BACKGROUND AND POLICY IMPLICATIONS:

This is a recurring agenda item to provide the Board of County Commissioners updates on the status of ARPA funds and the opportunity to review eligible project requests for funding consideration.

Discussion items for today's update:

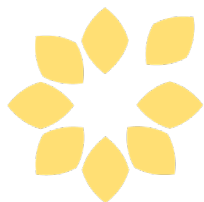
1. NeighborImpact Food Warehouse Expansion Proposal.
2. Review ARPA funding requests.

BUDGET IMPACTS:

None. Budget appropriations for the entire \$38 million ARPA funding award are included in the FY 2021-22 Adopted Budget.

ATTENDANCE:

Greg Munn, County Treasurer and Chief Financial Officer
Dan Emerson, Budget Manager
Scott Cooper, Executive Director, NeighborImpact



NeighborImpact

08/23/2021 Item #3.

DID YOU KNOW?



Last year, NeighborImpact and 55 partner agencies **moved**

4.6 MILLION POUNDS OF FOOD

AND PROVIDED

5.75 MILLION meals in Central Oregon.



FOOD BANK RECIPIENTS

48%

are children.

Majority are seniors, veterans, persons with disabilities and children.

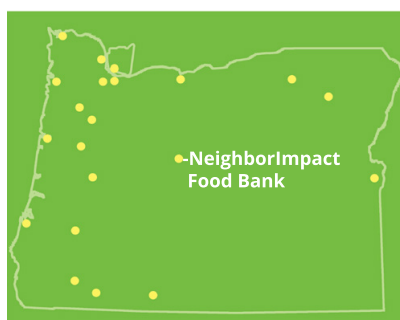
The Food Program

launched in 1985. By 1988 the program budget was \$27,842. In 1991, a 2,200 square foot warehouse was constructed. Now, the 2020-2022 Food Program expenditures are \$4,104,999. **However, the warehouse is still only 2,200 square feet.**



Food is increasingly a support for housing. Once rent is paid, there isn't enough money left for food. NeighborImpact helps fill that gap.

SNAP does not replace food banking. SNAP benefits do not cover 20 days worth of food. The recent increase in SNAP will offset the expiring pandemic bonus.



PARTNER WITH US & HELP MAKE A DIFFERENCE.

THE FOOD BANK EXPANSION PROJECT is \$5 million.

The project includes a 10,000 square foot warehouse plus a classroom. The existing building would be repurposed for emergency distribution.

NeighborImpact has **RAISED \$255,000** in private funds.

Rep. Jack Zika has earmarked \$800,000 of ARPA funding.

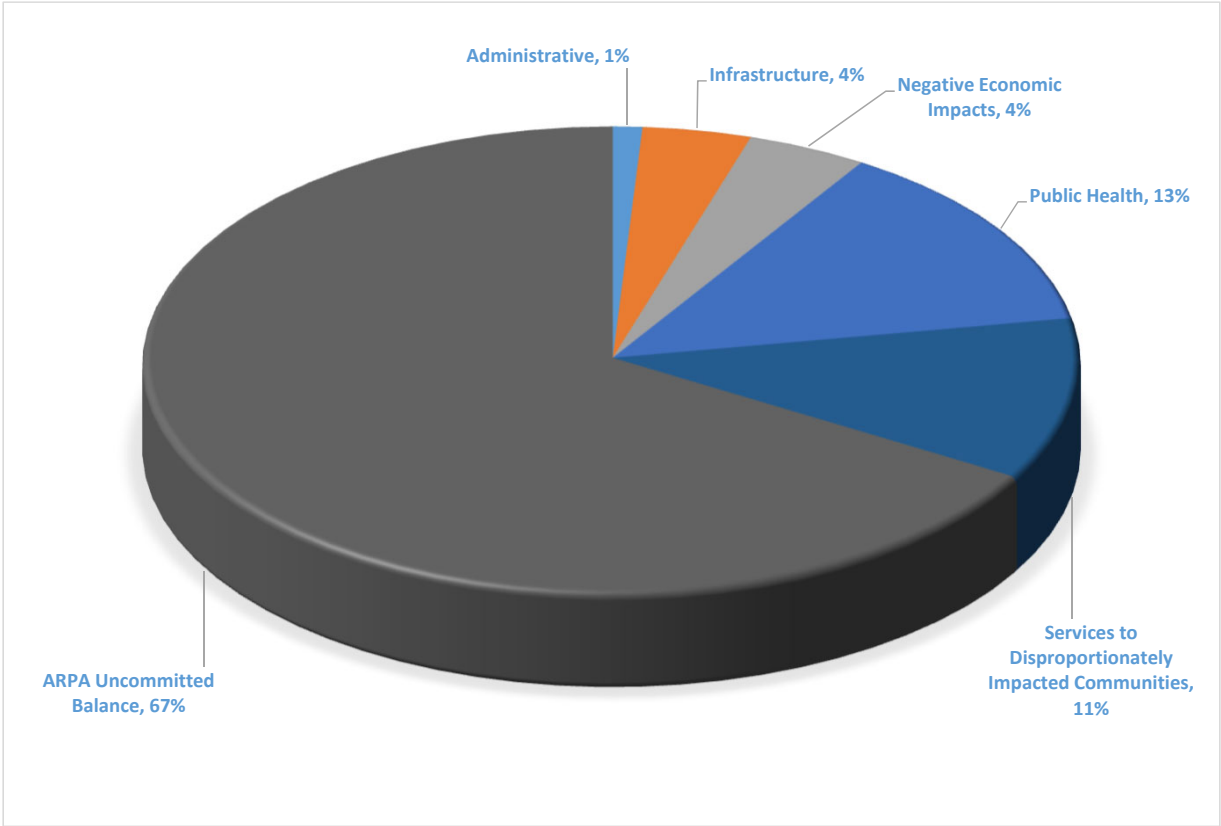
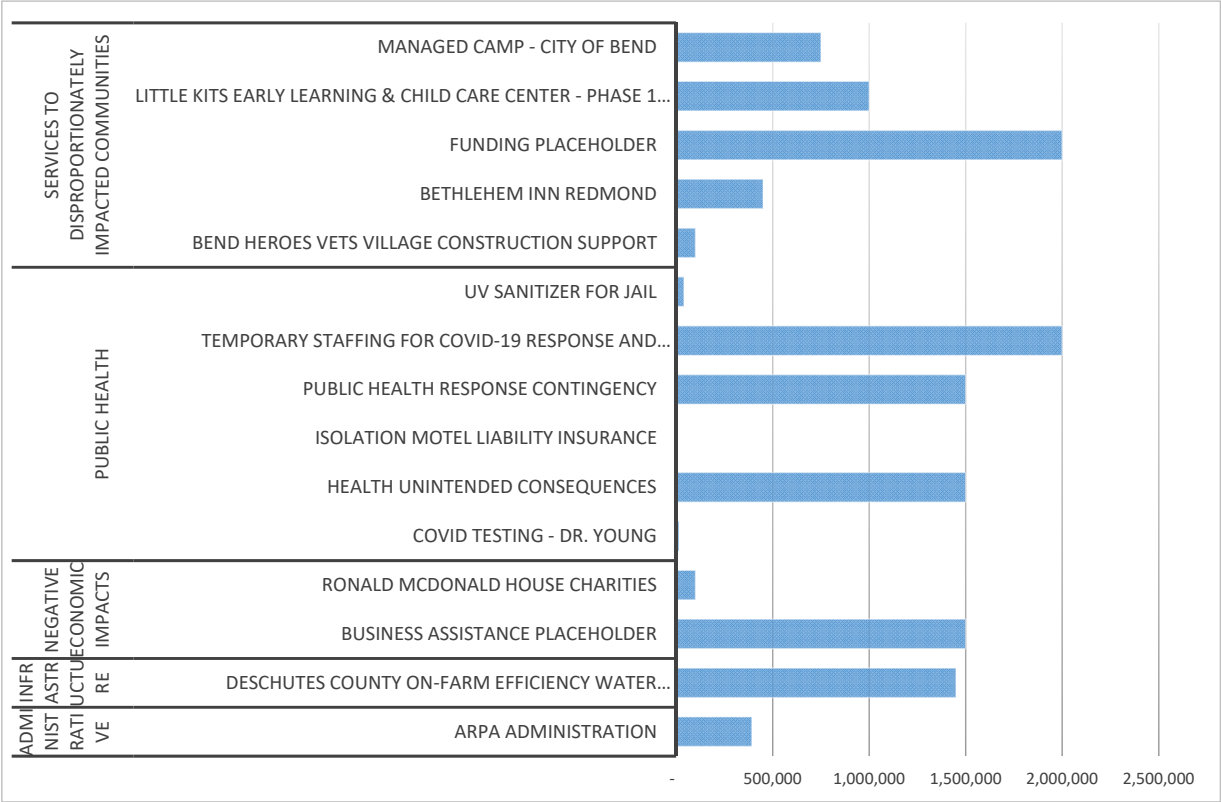
A \$3.8 million contribution from Deschutes County ARPA will close the budget gap.

We will ask Crook & Jefferson Counties for the remaining \$145,000.

Construction can start in spring 2022. Pinnacle Architecture and the City of Redmond are engaged in the planning process

Deschutes County ARPA Commitments

Revised 08.18.21



Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

Eligible Requests

Project/Funding Request	Est. Cost	BOCC Approved
Public Health	9,976,300	5,063,184
Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency		
Higher rated HVAC filters for County facilities		
Annual		
North county health facility-acquisition and remodel		
Expansion of health services in north county.	8,300,000	
North county health facility-furniture, fixtures and equipment		
To accommodate expansion of health services in north county.	897,700	
COVID-19 Contact Tracing		
Temporary Staffing for COVID-19 Response and Outreach (Contact Tracers, Case Investigators, and Call Center staff)		
Outbreak Investigation, containment, and future pediatric needs. Temporary staffing will be used to support activities, such as staffing the call center, conducting investigations, outreaching and engaging with the community, and various other activities that support the ongoing COVID-19 response and recovery efforts. 23 CI/CT staff as of July 2021; 16 Call Center staff. Estimate is \$30K from 7.1.21 - 6.30.23. Represents phased-down approach at: * 100% July 1 - Sept 2021 * 75% October 1 - December 2021 * 50% January - June 2022 * 25% July 2022 - June 2023 On 08.11.21 the BOCC approved \$700,000 to be spent of original \$2M request with balance of \$1.3M to be placed in a reserve appropriation.		700,000
On 08.11.21 the BOCC approved \$700K of original \$2M request to be spent on project with balance of \$1.3M to be reserved for possible future allocations.		1,300,000
Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)		
Isolation motel liability insurance		
Paid approx 05.13.21 to extend to 07.01.22 out of ARPA funds ahead of BOCC approval. Move to CW if not approved. BOCC approved 07.14.21.		8,184
Outreach Van		
Outreach and support for preventive and clinical services, meeting community where they are at.. One-time capital investment (multi-program van).	85,000	
Personal Protective Equipment		
UV sanitizer for jail		
BOCC approved 07.14.21.		40,000
(blank)		
Health Unintended Consequences		
Funding placeholder		1,500,000
Public Health Response Contingency		

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

Eligible Requests

Project/Funding Request	Est. Cost	BOCC Approved
Funding placeholder		1,500,000
Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)		
Additional County cleaning supplies and labor (annual)		
	168,000	
Additional County cleaning supplies and labor FY21		
March 11-June 30, 2021	49,000	
Mobile technology upgrade for the Clerk		
A mobile training cart would allow training of new and existing employees while accommodating social distancing. It will also be used for virtual appellant sessions for Board of Property Tax Appeals instead of meeting in person. The entire setup will include a cart, TV, camera, microphone, wireless keyboard and mouse. Virtual meeting rooms such as Zoom, Webex or MS Teams will be utilized and accessed through a laptop the office already owns. The flexibility of having the setup on a cart allows for multiple training configurations within the Clerk's office.	6,600	
Clear Access, and its related peripherals, is a portable accessible ballot marking device that allows voters with disabilities to mark their ballot independently. Using this device on their own limits the close proximity voters would otherwise need to have with staff if the technology was not available. It could be used in the office or in the field.		
Mental Health Services		
Technology enhancements for telemedicine and collaboration		
Cameras, microphones, and additional technology in large conference rooms to facilitate telemedicine and group work.	200,000	
The Shield free counseling to Veterans		
THE SHIELD's mission is to remove all barriers to our local Veterans accessing mental health services. Our primary activity is providing specialized, evidence-based mental health counseling/therapy at no cost to our Veterans. We eliminate the long wait-times for appointments; no co-pays; no deductibles; no red-tape & no bureaucracy. Our clients only need to make one contact to see a therapist. One call or one email and they have an expedited appointment to meet with a counselor without waiting. THE SHIELD is pursuing funding for our CY2021-2022 program to provide free specialized counseling to Central Oregon Veterans. We are requesting \$20,000 in ARPA funding which will provide 200 hours of specialized counseling to local Veterans. 100% of grants & donations go directly toward providing services to clients. All fundraising and administrative costs are covered through our unpaid volunteer board members and other volunteers of THE SHIELD.	20,000	
COVID-19 Testing		
Covid Testing		
Increase access to reliable and rapid covid tests. Estimate through FY23.	250,000	
COVID testing - Dr. Young		
Amount to fully fund contract that isn't covered by CARES. BOCC approved 07.14.21.		15,000
Negative Economic Impacts	7,733,249	1,600,000
Household Assistance: Food Programs		
Food Insecurity for Older Adults -- Partnership with Council on Aging & Redmond Senior Center		

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

Eligible Requests

Project/Funding Request	Est. Cost	BOCC Approved
COHC recommended project. Includes Council on Aging -- \$500K (Include an ask to share with LaPine/Sisters); Redmond Senior Center -- \$300K	800,000	
NeighborImpact warehouse expansion		
We increased our numbers served during the pandemic by 54%. The volume of food being distributed does not appear to be receding because we had inadequate food pre-pandemic and people are continuing to utilize our system. The food warehouse is also part of the disaster recovery plan for Deschutes County. We currently have the smallest warehouse in the state (among the 21 food pantries) based on volume of food moved per square foot. The warehouse was last upgraded in 1992. Since then, Deschutes County has grown 239%. The warehouse is the same size. Funds would be used to extend the warehouse and to make improvements to HVAC, unloading area (including installation of a much-dreamed of unloading docks, plumbing and electrical systems, security and other construction needed to improve the facility. The \$5 million is probably high. Engineering is underway. Full cost but looking for partners.	5,000,000	
Nutritional assistance		
Nutritional assistance to local families who are financially struggling through purchase of fresh produce from Deschutes County farmers (coordinate through a food bank of the Veggie Rx program)		
The Giving Plate		
The Giving Plate's story is our own family's story and was birthed out of a season of our own loss after the 2008 recession. With little to give beyond our time, heart, and passion, we entered in to this venture of feeding our neighbors in need with a lot of faith. Yet, we never could have imagined the growth that was ahead for this little "mom and pop" food pantry. We are now the largest food pantry in Central Oregon, still run by the family that founded it, and one of the only pantries in Oregon with a kid's food pantry. We have a special focus on childhood hunger, with 60% of individuals we serve as an organization falling under the age of 18. Since 2017, The Giving Plate has been on a steady trajectory of growth as an organization given the need for our services, expanding our programs, and community awareness and support. In 2020, the need for our services rose to a whole new level with a 40% increase in the number of families we helped in our food-box program alone. In 2021, we have watched the need stabilize with some of the stimulus that the government has infused into our communities. Currently, we are helping an average of 550 families each month in our food-box program, and nearly 750 bags of food each month are going into the hands of children in need through our Kid's Korner program. For at least three years, the need for space has been an issue and are planning to consolidate operations into one location this year. We are capital campaigning to help raise funds for the remodeling work to make the location usable for our operations. Depending on the level of remodeling needed we are estimating a cost of \$500,000 to \$700,000. We have meetings set to get the numbers finalized and should have more clarity on the exact amount needed in the next couple months.	700,000	
Aid to Nonprofit Organizations		
La Pine Chamber of Commerce		
Help community recover from loss of events revenue.	250,000	
NeighborImpact rental assistance float loan		

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

Eligible Requests

Project/Funding Request	Est. Cost	BOCC Approved
08.09.21 this item has been removed, no longer needed. \$1.5 million 1% interest cash flow line of credit or deposit. We will need this for the duration of distribution of pandemic-related relief. (American Rescue and Recovery Plan has some programs that go through 2027.) We will use the funds to manage cash flow needs while we wait for reimbursement to avoid turning off and turning back on rental assistance and to avoid delaying childcare center support payments. We can return the full \$1.5 to the county as soon as the volumes subside.		
Redmond Chamber - lost revenue		
The Redmond Chamber of Commerce & CVB remained active, helping all businesses in Redmond and surrounding area during the COVID year of 2020. The Redmond Chamber assisted all business, not just our 820+ members navigate the challenges of COVID. Many of our members struggled and some were closed under Executive Orders. These members lost the ability to pay their membership. As a Chamber, we made the decision to not drop any member for the inability to pay. This was when our members needed us the most. The Redmond Chamber of Commerce became a lifeline for information, PPP, PPE and other valuable information and grant programs as they became available. We would like to ask for funds to bring the outstanding 2020 membership current and the uncollected outstanding ad sales from the 2020-2021 Visitor Guide.	53,249	
Redmond Rotary		
Fundraiser cancellations	90,000	
Ronald McDonald House Charities		
Capital Campaign Project, local family foundation \$100K match. These past 13 months have been devastating for many individuals, businesses and non-profits in our community. With the cancellation of events due to a worldwide pandemic, it has greatly impacted the ability for us to fundraise to support our mission and the work that we do for families in need. BOCC approved 07.14.21.		100,000
Sisters Rodeo Association		
The Sisters Rodeo Association has suffered significant economic losses as a result of the COVID-19 pandemic. This last year, with no Rodeo event revenue, we have tapped into our reserves to maintain our facilities and meet our monthly expenses. Fortunately for an all-volunteer Association, no one was laid off or furloughed. Sisters Rodeo respectfully requests ARPA grant funds of \$100,000. Our intended use of the grant funds would include: student college scholarships; community and student club/organization grants; capital improvements for arena lighting and completion of previously commenced renovations of our storage facilities and other necessary repairs. Except for our pre-committed scholarships, we have been unable to meet these Association and community needs the last two years.	100,000	
Small business grants - Sisters COC		
These funds would be used for grants to businesses with the largest negative impacts due to COVID-19 and administrative and operational costs directly to the Sisters Area Chamber of Commerce. It is my request that you also consider supporting the other Chambers in Deschutes County with a portion of the Rescue funds.	350,000	
Sunriver Area Small Business Assistance Grant Program and Hiring Campaign		
With these critical funds, the Chamber would provide direct financial relief to those small businesses that have suffered from significant economic hardship from the COVID pandemic. The Chamber would also launch a new campaign to attract much needed employees for our local businesses.	350,000	
Small Business Economic Assistance (General)		

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

Eligible Requests

Project/Funding Request	Est. Cost	BOCC Approved
Business Assistance Placeholder		
		1,500,000
Redmond Chamber - Redmond Parklet		
The City has a permit process for Redmond area businesses to apply for a temporary Parklet in the street in front of their business. The cost of permits, materials and construction make Parklets almost cost prohibitive - estimated at around \$10,000. The Redmond Chamber would like to offer four grants to cover costs to the first 4 businesses who request assistance with a Parklet.	40,000	
Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)		
(blank)		
Work training for adults with disabilities		
Services to Disproportionately Impacted Communities	18,966,116	4,300,000
Healthy Childhood Environments: Child Care		
Childcare Facility and/or start up costs		
*County builds		
Funding Placeholder		
		2,000,000
Little Kits Early Learning & Child Care Center - Phase 1 Bend		
\$1M Deschutes County investment + \$1M Match Senator Knopp + \$300K City of Bend. Build modular center, Little Kits to operate center, Launch incremental workforce development programming on site. BOCC approved 07.14.21.		1,000,000
Little Kits Early Learning & Child Care Center - Phase 2 La Pine		
\$500K Deschutes County investment. Select home based providers or find location for center, Construction or building improvements as necessary, Build operational capacity.	500,000	
Little Kits Early Learning & Child Care Center - Phase 2 Redmond		
\$1.3M Deschutes County investment + \$200K Match Representative Zika. Develop partnership between REACH + Early Learning Center, Complete tenant improvements for childcare in existing physical centers, Local provider to operate center, Expand Little Kits workforce development programming at center.	1,300,000	
Little Kits Early Learning & Child Care Center - Phase 2 Sisters		
\$500K Deschutes County investment, Select home based providers or regional Early Childhood Center as operator(s), Construction or building improvements as necessary, Build operational capacity.	500,000	
ReVillage Childcare Proposal		
4 childcare centers, purchase materials, administration	350,000	
Manzanita Preschool & Daycare		
Lost business during COVID-19		
Housing Support: Affordable Housing		
Affordable housing project		
Habitat for Humanity-Bend 12 Townhomes		

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

Eligible Requests

Project/Funding Request	Est. Cost	BOCC Approved
This is to complete the land development and construction of 12 townhomes on SE 27th Ave in Bend (total cost is \$3.5 million).	2,000,000	
Habitat for Humanity-Bend 8 Townhomes		
This is to complete the land development and construction of 8 townhomes on Watercress Way in Bend (total cost is \$2.5 million).	1,500,000	
Habitat for Humanity-Sisters Woodland Project		
Sisters Habitat for Humanity has successfully negotiated with the developers of Sisters Woodlands to purchase 10 to 15 residential lots at a price significantly below market value.	1,500,000	
Permanent Supportive Housing		
HOUSING PRIORITY #1. Staffing for DCHS to support efforts working with FUSE as well as other projects that are forthcoming. Of the DCHS projects proposed related to housing, this is most important as it will have the biggest impact.	2,099,777	
Habitat for Humanity La Pine Sunriver		
subsidize homebuilding costs	200,000	
Affordable Home Ownership		
Kor Community Land Trust respectfully requests \$600,000 of funds from Deschutes County to acquire land for two properties to advance the number of affordable housing it can develop for the area's workforce. This grant funding would stay in the land and be used to bring down the price of the homeownership units to make them affordable for households earning between 30-80% AMI.	600,000	
Housing Support: Services for Unhoused Persons		
Bend Heroes Vets Village construction support		
On 5/18/21 the County contributed an additional \$100K (for a total of \$250K) for the development of the Veterans Village project. This amount was funded out of the General Fund until a decision was made to use ARPA dollars. BOCC approved 07.14.21.		100,000
Bethlehem Inn Redmond		
Request \$450K of \$1.2M to complete conversion of 1960s motel into a year-round shelter with the capacity of up to 88 individuals per night. BOCC approved 07.14.21.		450,000
Construction of Cleveland Avenue Project		
Housing Impact LLP, a partnership between Housing Works, the regional housing authority, and Neighbor Impact, the regional Community Action Agency, is requesting approximately \$4.2 million in ARPA funds to support the construction of a 36 unit Permanent Supportive Housing apartment complex in the City of Bend to house the chronically homeless population which has grown considerably during the COVID-19 pandemic. The \$4.2 million dollar request reflects the amount of capital need to gap the total cost of the facility (\$8.5 million) and the funds that the partnership can deliver to the project through other non-competitive funding sources. A commitment of these funds would permit the partnership to begin construction of the project at the beginning of 2022. I have attached a number of documents which detail the request and the project.	4,200,000	
Managed Camp - City of Bend		
\$1.5M match to City funds. The initial estimates indicate that this level of funding would allow us to create safe camping spaces for approximately 60 households for a year. BOCC approved \$750K on 07.14.21.	750,000	750,000
Navigation Center		

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

Eligible Requests

Project/Funding Request	Est. Cost	BOCC Approved
HOUSING PRIORITY #2 (time sensitive). City of Bend has \$2.5 million for the building/acquisition of a site. Question remains on who and how this will be run. City of Bend just closed RFQ for entities able to provide services. Per Molly, not many options. DCHS requested to be considered. Would not have the bandwidth to support this with current staff. Request is to increase Colleen's team in order to coordinate projects, which will inevitably be coming to DCHS anyways. Included truck and M&S for supplies in this request, and is part of minimum ask.	774,117	
New facility in Redmond		
(blank)		
Redmond Oasis Village Project		
Jericho Road is presenting this request for American Rescue Fund support in the amount of \$367,500. The funds will be used to secure and prepare the living facilities and support units necessary for ten initial units with a goal of increasing the capacity to 40 units over a period of three years. Attached to this application is our Pro Forma Capital Budget for the Redmond Oasis Village Project.	367,500	
Sisters Cold Weather Shelter		
We are writing on behalf of the Sisters Cold Weather Shelter to request American Rescue Plan Act (ARPA) funding to purchase an existing building that is ready to function as a transitional and permanent shelter for at least six houseless guests and has an apartment for the full time resident staff. We are also requesting funding for start-up costs and staffing over three years. The facility would serve as a navigation and resource center for community members experiencing homelessness plus replace our system of host churches as our emergency warming shelter in the winter months. When you consider the opportunity, I am sure you will agree that this is a compelling all-inclusive solution. It is a perfect fit for a town the size of Sisters to begin addressing the daunting need of our community members who are currently forced to live in the national forest. We understand that the City of Sisters will also receive ARPA funding. We intend to work with them and other partners to help with this important project.	1,000,000	
Transitional Housing		
Managed Camp Support	359,951	
HOUSING PRIORITY #3. City of Bend putting \$1.5 million of their ARPA funds towards this project; requested Dechutes County to match. At present, BOCC awarded \$750K. City of Redmond intention to request funds to support structured camp next Wednesday (7.21.21). Staffing to support all structured camps.	964,771	
Housing Support: Other Housing Assistance		
Workforce Housing Project		
You can help address the workforce housing crisis by using the federal funds at your disposal to reduce the cost and delay the city and county cause in the process of constructing workforce housing. City and county planning and building permit processes adds tens of thousands of dollars to the cost of a house or apartment that someone working in Bend could afford. This increases the price of that housing for working families, and leads developers to create less workforce housing. The city and county should subsidize permitting fees and system development charges charged to workforce housing projects with the federal funds for those projects that lead to housing that working people in Bend can afford.		
Infrastructure	6,000,000	1,450,000

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

Eligible Requests

Project/Funding Request	Est. Cost	BOCC Approved
Clean Water: Other Sewer Infrastructure		
NeighborImpact south county septic replacement program		
We currently operate a modest septic replacement program for south county, mostly in La Pine area. This was put together to respond to concerns from DEQ about potential groundwater contamination. However, we are getting 2-3 calls per week inquiring about septic replacement and funding for well replacement as water tales. These calls appear to reflect a general dropping of the water table probably related to long-term drought. We turn most of these calls away but with the funding from the county, could extend the existing program to more residents ensuring continuation of quality water supply and accelerating septic replacement. Funds would be lent on an amortizing basis and returned to the lending fund as loans are repaid. We would approach Crook and Jefferson about their interest in making smaller investments to serve residents of their two counties.	1,000,000	
Terrebonne Sewer System		
The estimated cost for the first phase (commercial area) is approx \$5M. Portions of the first phase that could be funded piecemeal include installation of the dry-line piping that will need to be placed in the reconstructed roads (11th, B, C, Central, US 97) with the US 97 Project; this is approximately \$750,000. An additional piecemeal investment opportunity may include purchasing capacity for Terrebonne in the City of Redmond's Wastewater Treatment Plant (expansion project currently under design); this may equate to around \$500,000 to \$1M.	5,000,000	
Wastewater investments in South County		
Clean Water: Water Conservation		
Deschutes County On-Farm Efficiency Water Conservation Investment		
\$1.45M of a total \$4.75M project presented to and approved by the BOCC on 08.04.21.		1,450,000
Administrative	10,935	392,000
Administrative Expenses		
ARPA Administration		
Provides for 1 FTE and associated costs for term of ARPA funding (12.31.24). BOCC approved 07.14.21.		392,000
COIC grant distribution contract		
Administrative costs for "extreme risk" emergency business assistance grant funds distribution.	10,935	
Grand Total	42,686,600	12,805,184

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

All Requests

Project/Funding Request	Eligibility		
	Yes	TBD	No
Public Health	9,976,300	7,180,860	15,691
Capital Investments or Physical Plant Changes to Public Facilities that respond to the COVID-19 public health emergency			
Higher rated HVAC filters for County facilities			
North county health facility-acquisition and remodel	8,300,000		
North county health facility-furniture, fixtures and equipment	897,700		
COVID-19 Contact Tracing			
Temporary Staffing for COVID-19 Response and Outreach (Contact Tracers, Case Investigators, and Call Center staff)			
Other COVID-19 Public Health Expenses (including Communications, Enforcement, Isolation/Quarantine)			
Isolation motel liability insurance			
Outreach Van	85,000		
Regional Resilience Coordinator position		90,000	
Personal Protective Equipment			
UV sanitizer for jail			
(blank)			
Health Unintended Consequences			
Public Health Response Contingency			
Prevention in Congregate Settings (Nursing Homes, Prisons/Jails, Dense Work Sites, Schools, etc.)			
Additional County cleaning supplies and labor (annual)	168,000		
Additional County cleaning supplies and labor FY21	49,000		
Circuit court facility rental at F&E		60,860	
Circuit court facility set up costs		30,000	
Expansion of the Jail Booking and Visitation Areas		7,000,000	
Mobile technology upgrade for the Clerk	6,600		
Mental Health Services			
Technology enhancements for telemedicine and collaboration	200,000		
The Shield free counseling to Veterans	20,000		
COVID-19 Testing			
Covid Testing	250,000		
COVID testing - Dr. Young			
COVID-19 Vaccination			
Vaccine Center rent Jan 18-20			15,691
Negative Economic Impacts	7,733,249	167,000	
Aid to Tourism, Travel, or Hospitality			

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

All Requests

Project/Funding Request	Eligibility		
	Yes	TBD	No
Fairgrounds capital improvements			
La Pine Frontier Days		75,000	
Smith Rock parking lot			
Household Assistance: Food Programs			
Food Insecurity for Older Adults -- Partnership with Council on Aging & Redmond Senior Center	800,000		
NeighborImpact warehouse expansion	5,000,000		
Nutritional assistance			
The Giving Plate	700,000		
Aid to Nonprofit Organizations			
Deschutes Cultural Coalition support		35,000	
La Pine Chamber of Commerce	250,000		
NeighborImpact rental assistance float loan			
Redmond Chamber - lost revenue	53,249		
Redmond Chamber - Sam Johnson Park Upgrade		54,000	
Redmond Rotary	90,000		
Ronald McDonald House Charities			
Sisters Rodeo Association	100,000		
Small business grants - Sisters COC	350,000		
Sunriver Area Small Business Assistance Grant Program and Hiring Campaign	350,000		
Small Business Economic Assistance (General)			
Business Assistance Placeholder			
Performing arts support			
Redmond Chamber - Redmond Parklet	40,000		
Dan Elingson farm		3,000	
Job Training Assistance (e.g., Sectoral job-training, Subsidized Employment, Employment Supports or Incentives)			
(blank)			
Services to Disproportionately Impacted Communities	18,966,116	1,059,880	5,000,000
Education Assistance: Early Learning			
School of Enrichment support		1,059,880	
Healthy Childhood Environments: Services to Foster Youth or Families Involved in Child Welfare System			
CASA of Central Oregon			
Healthy Childhood Environments: Child Care			
Childcare Facility and/or start up costs			

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

All Requests

Project/Funding Request	Eligibility		
	Yes	TBD	No
Funding Placeholder			
Little Kits Early Learning & Child Care Center - Phase 1 Bend			
Little Kits Early Learning & Child Care Center - Phase 2 La Pine	500,000		
Little Kits Early Learning & Child Care Center - Phase 2 Redmond	1,300,000		
Little Kits Early Learning & Child Care Center - Phase 2 Sisters	500,000		
ReVillage Childcare Proposal	350,000		
Manzanita Preschool & Daycare			
Housing Support: Affordable Housing			
Affordable housing project			
Habitat for Humanity-Bend 12 Townhomes	2,000,000		
Habitat for Humanity-Bend 8 Townhomes	1,500,000		
Habitat for Humanity-Land for Future Affordable Housing			5,000,000
Habitat for Humanity-Sisters Woodland Project	1,500,000		
Permanent Supportive Housing	2,099,777		
Habitat for Humanity La Pine Sunriver	200,000		
Affordable Home Ownership	600,000		
Housing Support: Services for Unhoused Persons			
Bend Heroes Vets Village construction support			
Bethlehem Inn Redmond			
Construction of Cleveland Avenue Project	4,200,000		
Managed Camp - City of Bend	750,000		
Navigation Center	774,117		
New facility in Redmond			
Redmond Oasis Village Project	367,500		
Sisters Cold Weather Shelter	1,000,000		
Transitional Housing	359,951		
Managed Camp Support	964,771		
Housing Support: Other Housing Assistance			
Workforce Housing Project			
Infrastructure	6,000,000	200,000	
Broadband: Other projects			
Broadband infrastructure in Sunriver area and greater Sisters area			
Sunriver Broadband		200,000	

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

All Requests

Project/Funding Request	Eligibility		
	Yes	TBD	No
Clean Water: Other Sewer Infrastructure			
NeighborImpact south county septic replacement program	1,000,000		
Terrebonne Sewer System	5,000,000		
Wastewater investments in South County			
Clean Water: Water Conservation			
Deschutes County On-Farm Efficiency Water Conservation Investment			
Angelina Swanson Farm irrigation			
Revenue Replacement		915,061	
Provision of Government Services			
Clerk - Marriage licenses			
Clerk - Passport			
County Fair		150,000	
Fair and Expo		600,000	
Justice Court		165,061	
Room tax last three months of FY20			
RV Park			
Video lottery			
Administrative		10,935	
Administrative Expenses			
ARPA Administration			
COIC grant distribution contract	10,935		
Not Applicable		43,706,562	
Not Applicable			
Biomass project			1,000,000
Courthouse expansion			24,800,000
Deschutes County Wildfire Community Resilience Project			350,000
Land for Future County Services			3,500,000
Mass Vaccination Center wrap up costs-volunteer appreciation			56,562
Negus Transfer Station			14,000,000
To Be Determined		44,756,467	
To Be Determined			
Community Organizations Active and Disaster			
Deschutes SWCD irrigation modernization FTE		2,000,000	

Deschutes County American Recovery Plan Act

Project Planning List - revised 08.18.21

All Requests

Project/Funding Request	Eligibility		
	Yes	TBD	No
Irrigation system modernization		10,000,000	
Public Safety Campus		7,500,000	
Regional Emergency Services Training and Coordination Center		24,706,467	
Saving Grace Infrastructure			
Habitat for Humanity La Pine Sunriver		550,000	
Increase Public Transportation hours			
Grand Total	42,686,600	54,279,268	48,722,253



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday, August 23, 2021

SUBJECT: Deschutes County Illegal Marijuana Market Enforcement (DCIMME) 2021-2023 Grant Application

RECOMMENDED MOTION:

Move approval of submitting a grant proposal to the Criminal Justice Commission for the 2021-2023 Illegal Marijuana Market Enforcement grant program.

BACKGROUND AND POLICY IMPLICATIONS:

Apply for grant funding to support Deschutes County's effort to address illegal marijuana market activities through enhanced enforcement and prosecution. This will be the third round of funding for this project that address SB 1544. It is a partnership between the Sheriff's Office, Bend Police Department and DA's Office.

Attached is a comprehensive draft of the grant application, budget and MOU between the agencies.

We are proposing to use the grant funds from this office to continue the work that has been accomplished through this partnership over the last three years. Our collaborative work has not only identified and prosecuted illegal marijuana activity in our county, but we have been able to assist other counties and our research reports have and will continue to be disseminated.

BUDGET IMPACTS:

We are requesting approximately \$478,800. Funding for the FY21-23 biennium (July 1, 2021-June 30, 2023) will be used cover overtime for the detectives (2 FTE DCSO and 0.5 FTE BPD) at Central Oregon Drug Enforcement (CODE) working on the DCIMME project, two part-time management analysts (DCSO & DCDA), supplies, trainings, research, and equipment.

With this grant there will be approximately \$100,000 in roll-over funds from the 2019-2021 grant period. These funds will be used to primarily cover a continuation of contractual agreements with two evaluation researchers, website developers and environmental consultants from our last grant period, along with printing costs for informational pamphlets and some training.

ATTENDANCE:

Mary Anderson, Chief District Attorney, District Attorney's Office
Kathleen Meehan Coop, Management Analyst, District Attorney's Office



Grant Application Request

Date:

- 1. Name of Grant: Illegal Marijuana Market Enforcement Grant
- 2. Deschutes County contact: Kathleen Meehan Coop
- 3. Funding Agency: Criminal Justice Commission
- 4. Grant Amount: \$478,832
- 5. Does the grant require matching funds? ☐ Yes ☒ No

If yes, how much are the required matching funds and what funds does the department plan to use for matching funds?

- 6. Grant duration: 2 years
- 7. Grant application deadline: August 27, 2021
- 8. Grant description: Address illegal marijuana through enhanced enforcement and prosecut
- 9. Requested budget (please provide additional line item details under the broad categories listed below):

	Amount Requested
Personnel Services	\$346,766
Materials and Services	\$132,066
Capital	
Total	\$478.832

10. If the grant request includes FTEs, please fill out the table below.

Position Title	Limited duration or regular position?	FTEs	Notes
Management Analyst - DCSO	Limited Duration	0.75	Grant Funded Posting
Management Analyst - DCDA	Limited Duration	0.10	Grant Funded Posting

11. Other information:

The Sheriff's Office is the grant holder and will pass-through any appropriate funding to the DA's Office and Bend Police Department

The Management Analyst position at DCSO is currently occupied by a 0.75 FTE and this position will continue at that level with this grant funding. This is a grant funded limited duration position.

The Management Analyst position at DCDA is currently occupied by a permanent 0.3 FTE. This grant funding will bring that FTE up to a 0.4. This increase of hours is grant funded and limited duration.

Overtime has been requested for the two DCSO DCIMME detectives at approximately \$1,500 per month each and at \$750 per month for the half-time Bend PD CODE/DCIMME detective.

The remaining funds requested for the FY2021-23 biennium will be used for:

Contractual - \$18,992

Equipment - \$49,860

Training & Travel - \$13,170

Rent & Utilities- \$40,644

Other (software & lab testing) - \$6,000

DRAFT- DCIMME Application 2021

Grant Applicants

Deschutes County Sheriff's Office

Primary Contact: Shane Nelson

Phone: 541-388-6659

Email: shane.nelson@deschutes.org

Bend Police Department

Primary Contact: Paul Kansky

Phone: 541-322-2960

Email: pkansky@bendoregon.gov

Deschutes County District Attorney's Office

Primary Contact: Mary Anderson

Phone: 541-385-3242

Email: mary.anderson@dcda.us

Grant Applicant Contact

Name of single person who will be primary contact for grant application purposes.

Kathleen Meehan Coop

541-317-3175

Kathleen.meehancoop@dcda.us

Existing Enforcement Team

Is the applicants are part of an enforcement team (i.e. CODE, MADGE, BINET, SCINT)? If yes, please identify the enforcement team's name.

Deschutes County Illegal Marijuana Market Enforcement (DCIMME) team is housed t the Central Oregon Drug Enforcement (CODE) office

Direct Deposit

Does your team prefer ACH payment processing (direct deposit)?

YES

Felony Enforcement Prioritization

This grant program prioritizes applications that support enforcement against illegal marijuana-related felony criminal operations. Descriptions of related non-criminal and non-felony illegal marijuana problems in your community are welcome in this application to provide an understanding of your local context and any ancillary impacts of the illegal marijuana a market where you hopers. **However, funding decisions will prioritize applications that target illegal marijuana market-related felonies. Please acknowledge that your team has taken notice of this agency priority.**

YES

Community impacts of illegal marijuana markets

Rate the following illegal marijuana market problems as they exist in your community.

- Violent crime - moderate
- Property crime - moderate
- Civil/code violations - high
- Environmental degradation - moderate
- Explosions/Fires - moderate
- Trafficking/Diversion - moderate
- Misdemeanors - moderate
- Financial crimes - high
- Increased calls for Service - high
- Organized crime - high
- DUII - moderate
- Juvenile Use - high

Optional; briefly list any other illegal marijuana problems not named above and note the problem’s intensity level (extreme, high, etc.) **(50 word limit – 40 words)**

Two challenges we believe are related to our illegal marijuana problem. Quality of life -- smell and increased traffic. Unsafe housing - Growing number of temporary deplorable units housing workers (documented and undocumented) to work on marijuana and hemp grows.

Illegal marijuana market community problems narrative

Describe your community's **primary illegal marijuana market problems**. Consider barriers to investigation, prosecution, or other interdiction efforts, local resource shortages, and circumstances unique to your jurisdiction (geographic, socioeconomic, etc.). **(200 word limit – 196 words)**

DCIMME investigations indicate the primarily illegal market is associated with trafficking, distribution and financial crimes. The barriers that impede our ability to investigate and prosecute illegal marijuana include:

- 1) Geography – large rural square mileage allows for illegal activity to be easily missed and cross state lines with few officers patrolling;
- 2) Rural grows - large acreage with limited visibility and access from public roads;
- 3) Hidden in sight - legal marijuana and hemp can hide illegal marijuana grows and indoor growing operations;
- 4) Enforcement resources – staffing shortages at OLCC, OMMP and ODA prevent full testing of THC levels and disposal of waste products, creating opportunity for illegal market activity;
- 5) Training needs - the complexity of legal issues requests continuous law enforcement training on the investigation of illegal marijuana, search & seizure law, and admissible methods for evidence collection;
- 6) Public education - citizens and businesses don't know the differences between legal and illegal activity, how to identify or report an issue related to illegal marijuana; and
- 7) Case complexity - large scale investigations require prosecutors with specialized knowledge and involvement in the case from investigation stage to assisting law enforcement with legal and jurisdictional issues.

Illegal marijuana existing enforcement operations and priorities

Describe your community's existing illegal marijuana interdiction, investigation, and prosecution **operations and priorities**. **(200 word limit)**

OPERATIONS: DCIMME investigators and an analyst focused on financial analysis will investigate illegal marijuana grows, sales, shipments out of state and organized crime. Investigations are based on referrals from other law enforcement personnel, government entities, citizens and informants. Investigative team will prioritize illegal marijuana cases that have the most actionable information. The Deschutes County District Attorney's Office (DCDA) has assigned one dedicated DDA will continue to be the point of contact for the illegal marijuana team; the assigned DDA has drug prosecution experience as an Assistant United States Attorney and as a state level prosecutor.

PRIORITIES: 1) Cases that have the most impact on the quality of life for Deschutes County residents, but cases in surrounding jurisdictions are investigated to ensure cooperation and the overall reduction in illegal marijuana. 2) Large scale grows as they generate a lot of money, support criminal networks, and a few cases have been tied to cartels. 3) BHO labs due to the safety issues – ideally catching them before any explosions. 4) Cases that also have evidence of environmental degradation.

Grant Program Proposal

Describe how the grant-funded program (your plan for grant funds) requested through this application will support your community in addressing illegal marijuana market problems locally. Include how grant funds will allow you **to increase capacity and/or efficacy** of existing illegal marijuana interdiction efforts. **(200 word limit – 189 words)**

FY21-23 grant funds will provide overtime for the 2.5 FTE DCIMME investigators, two part-time analysts, consultants (evaluator and financial analyst), training, and new investigation equipment. Funding will specifically support enhanced enforcement and prosecution with an emphasis on illegal financial and environmental activity. Investigator overtime will help support sharing of expertise and man-power with neighboring counties. Analyst funding will allow dedicated staff to assess initial financial and environmental activities and assist the investigators in working with the appropriate state agencies. PSU research efforts studying the effect of illegal marijuana on our community will continue and will be shared with other counties and state agencies.

Rollover funds from the FY19-21 grant will be used to complete our community education program on the laws and regulations surrounding cannabis to increase leads on illegal marijuana submitted by community members. Rollover funds will allow the PSU researchers to complete the evaluation of our last biennium's impact, will enable us to run a brief pilot during to assess whether or not illegal marijuana sites are also engaging in illegal environmental activity and funds will be used for FY21 travel and supporting a forensic financial analyst.

Four Grant Goals Questions

10 Rural areas

Is a jurisdiction for which you are applying a county with fewer than 250,000 people?

Yes

Is a jurisdiction for which you are applying located at least 25 miles away from any city with a population of 30,000 persons or less?

Yes

Large-Scale Operations

Rate the following issues as they related to large scale illegal marijuana problem in your community.

1. # of illegal grows - high
2. Illegal grows over large geographic areas - high
3. Illegal activities involve significant monetary values - high
4. Not enough law enforcement to investigate - Extreme

Describe any other circumstances that make the illegal marijuana market problem a largescale problem in your community. (150 word limit – 137 words)

The estimated population in Deschutes County as of 2019 was 197,692 and covers 3,055 square miles. However, as with many large rural counties, patrol and enforcement are generally spent in areas with the highest population densities such as the cities/communities of Bend, Redmond, La Pine, Sisters, Sunriver, Black Butte. The rest of the county, which has a heavy agricultural focus is sparsely populated and patrolled. Illegal grows are easy to operate with little notice in these isolated areas. Many of these rural areas also have legal marijuana and hemp production sites which makes it harder for citizens and law enforcement to know what is illegal. In addition, most calls received regarding illegal operation locations don't provide an exact location making it difficult to investigate, and even when they do the locations are remote and on large parcels.

Describe any other circumstances that link the illegal marijuana market to organized crime in your community. (150 word limit – 133 words)

Deschutes County does not have an organized street gang crime problem and very little crime from outlaw motorcycle gangs is present at this time. However, organized crime related to illegal marijuana is still present and appears to be focused on money laundering, racketeering and cartel affiliation. Although we know drug sales are often used to fund terrorism, illegal gun sales and human trafficking, we struggle to fully investigate these type of cases as they require a tremendous amount of time, effort and resources to investigate and dismantle. We have; however, had some success in connecting one case with a California company and hope to use what we learned from that case on future ones. We still have two larger ongoing cases underway with federal implications that could lead to much bigger crime organizations.

Organized Crime Problem Rating

Rate the following issues with illegal marijuana-related organized crime problem in your community.

1. Criminal gang involvement - moderate
2. Conspiracies to commit property felonies - moderate
3. Conspiracies to commit person felonies - low
4. Conspiracies to commit financial crimes/money laundering - high
5. Racketeering - high

Describe any other circumstances that link the illegal marijuana market to organized crime in your community. (150 words – 71 words)

We currently have a case that we confident that involves the Mexican cartel, and we are also working two cases that involves Chinese nationals. One appears, at this point to be connected to an organized crime syndicate, and the other involves the California mentioned in the previous question. We also have several large grows (bigger than normal) that the DCIMME team is working that could also lead us in that direction.

Diversion of Marijuana Outside of the State

Rate the following sources of illegal marijuana diversion in your community.

1. Unlicensed grows - Extreme
2. Licensed retail grows - low
3. Licensed medical grows - high
4. marijuana misconstrued as hemp - extreme

Rate the following components of illegal marijuana diversion in your community.

1. Car/SUV/truck transport - high
2. Shipments via mail/couriers – high
3. Airports - moderate
4. Boats/waterways - NA
5. Proximity to highways/interstates – high
6. Proximity to other states/borders - high

In your community, are there any unique circumstances that lead to the diversion of marijuana outside of the state? (150 word limit – 145 words)

Deschutes County is seeing that the highest profit margins are connected with out of state shipments verses producing a product to sell in state where businesses have to pay taxes and deal with a litany of regulations. These environment leads to an increased likelihood of illegal activity. In addition, Deschutes County is listed as a designated HIDTA because our geographic location and low population supports increased traffic flows that aid in the transport of product moving more easily across state lines.

In addition, we have also seen the number of hemp licenses within Deschutes County increased significantly in the last two years, while the price for hemp has simultaneously declined. Three large illegal operations in the last year that the DCIMME team investigated were licensed hemp locations. Although OLCC is testing more and working with ODA to address this issue it is a monumental task.

Grant Data Tracking

Describe how data will be tracked for the purposes of demonstrating how grant funds are adding capacity and/or increasing efficacy of existing interdiction, investigation, and prosecution efforts, such as illegal marijuana-related:

- Asset forfeitures;
- Felony arrests;
- Felony prosecutions; and
- Any other data your jurisdiction will track to demonstrate local impacts of grant funds.

(200 word limit – 196 words)

The DCIMME analyst tracks all cases in a database to include asset forfeiture, arrests and prosecution information. The analyst helps investigators gather more leads and complete deeper analysis of evidence, particularly with regards to financial data (information on businesses, money transactions and potential conspirators, allowing DCIMME to pursue more charges and seizures. Funds allocated for an external financial analyst will be used for cases that require a deeper dive into financial records that go beyond the resources and software currently available to the internal analyst.

The inclusion of environmental experts, who will conduct tests of the soil, air and water at illegal sites using roll over funds will help our enforcement and prosecution to improve our ability to identify and hold suspects accountable for all their crimes. Using both internal and external expertise to collect evidence for prosecution cases enhances our ability to ensure suspects/arrestees are appropriately charged and sentenced.

Under the ‘Other’ data category, we will track the impact of our education program through google analytics from the website - numbers of visits, length of stay by page, how many online submissions are received and how many visits result in leads on illegal marijuana activity.

Budget Overview

Budget Priority Ranking

Please rate your budget priorities from highest to lowest.

1. Personnel
2. Contractual services
3. Equipment
4. Travel/Training
5. Rent/Utilities
6. Other
7. Supplies

Personnel

Brief Personnel Narrative

Please describe how funding personnel and/or paying for additional overtime will assist your jurisdiction's illegal marijuana interdiction efforts. **(150 word limit – 150 words)**

DCSO has assigned one detective to DCIMME and is currently re-hiring for the second detective position to work marijuana cases fulltime. BPD is hiring a new detective to work split his/her time on the DCIMME team and the other drug enforcement CODE team. This shared workload between the two agencies and the existing CODE team has worked well over the last few years. Overtime hours will provide additional resources needed to respond to time sensitive and complex investigations and will allow the team the ability to easily assist neighboring communities.

The data analyst provides essential research and investigative support to the DCIMME detectives and assists the PSU research team. The other analyst oversees the community education program on improving the quality and quantity of illegal marijuana leads submitted by community members, and will work closely with the environmental consultants to track the impact and share critical information with other agencies.

New Hire Open Positions

If hiring new staff with grant funds, do you agree to notify CJC when grant-funded positions are posted?

Yes

New-hire position timeline

If hiring new staff with grant funds, do you agree to post open positions within 45 days of notification of the grant award?

Yes

New-Hire positions filled

If hiring new staff with grant funds, do you agree to notify CJC staff when those positions are filled?

Yes

Budget Detail Instructions

See attached spreadsheet that matches their format.

Budget Narratives

- Personnel
 - New-Hire Open Positions
 - New-hire timeline
 - New-hire positions filled
 - Financial Analysts / Forensic Accountants
- Administrative Costs

Grant Operations

Describe how your jurisdiction collaborates with other law enforcement agencies local, regionally, and/or on a statewide or interstate basis. (150 word limit – 46 words) – this section could be improved a lot.

DCIMME team has partnered with other local counties to assist with their illegal marijuana cases. We also recently began attending the Cross Agency Cannabis Enforcement meetings and look forward to sharing the results of our pilot assessment of environmental impacts that occur at illegal marijuana sites.

Reporting Responsibilities

Staff that will perform reporting duties

Joe Brundage - financial
Danielle Martell – crime data

Complete Budget Summary

Direct Cost summary

Total Direct Request

Total Indirect Request

Budget Projection

By month for FY2022

MOU

Optional Supporting Documentation

- Letter of support from BOCC and/or LPSCC
- Plus up to two (2) additional documents, possible options include
 - Info on the website – current status and plans for going forward
 - Law Enforcement Survey Report
 - News articles or other info related to local illegal marijuana issues

DCIMME Grant Proposal Budget FY2021-2023

Personnel						
<i>Personnel Category</i>	<i>Position Type</i>	<i>Monthly wages (Salary & fringe)</i>	<i>Employed 2021-23 (months)</i>	<i>% time/month</i>	<i>Employing Agency</i>	<i>IMMEGP funded 2019-21</i>
part-time hours	Analyst	8591.65	24	100%	DCSO	yes
part-time hours	Analyst	2106.93	24	10%	DCDA	yes
overtime hours	Detective	1500	24		DCSO	no
overtime hours	Detective	1500	24		DCSO	no
overtime hours	Detective	750	24		BPD	no
Personnel total			\$ 346,765.92			

Contractual Services				
<i>Contract Category</i>	<i>Contract Purpose</i>	<i># Units/Hours</i>	<i>\$ Per Unit/Hour</i>	<i>Agency Served</i>
Henning	Research	80	100	
Stewart	Research	80	100	
Electrician	Electrical	16	187	DCSO & BPD
Contractual Total			\$ 18,992.00	

Equipment				
	<i>Description</i>	<i># of units</i>	<i>\$ per unit</i>	<i>Agency Served</i>
Dump trailer	7'x16' hydraulic ramp	1	9200	DCSO & BPD
Flight/Ground Communication headsets		1	2500	DCSO & BPD
Light Lab Cannabis Analyzers	analyzer machines, hemp compliance module, terpene module, minor module, warranty and calibration service	2	19080	DCSO & BPD
Equipment Total			\$ 49,860.00	

Supplies				
	<i>Description</i>	<i># of units</i>	<i>\$ per unit</i>	<i>Agency Served</i>
	NIK Tests	200	2.5	DCSO & BPD
	Parts of electrical work	1	2000	
Supplies Total			\$ 2,500.00	

Travel & Training				
<i>Training title</i>	<i># of Registrations</i>	<i>Registration Fee (total)</i>	<i>Travel Expenses</i>	<i>Agency Served</i>
ONEA FY 22 (local)	4	1800		DCSO, BPD & DCDA
CNOA FY22	2	1170	2800	DCSO & BPD
TBD - Environmental Prosecution Training	2	900	2800	DCDA
TBD - MJ training for new hires	2	900	2800	DCSO & BPD
Travel & Training			\$ 13,170.00	

Rent & Utilities				
	<i>Description</i>	<i>Price per month</i>	<i>months needed</i>	<i>Agency Served</i>
Rent CODE facility	FY21	\$ 1,617.00	12	DCSO
Rent CODE facility	FY22	\$ 1,666.00	12	DCSO
Cell phone	Danielle's phone	\$ 52.00	24	DCSO
Rent/Utilities Total			\$ 40,644.00	

Other				
	<i>Description</i>	<i># of Units</i>	<i>Price per unit</i>	<i>Agency Served</i>
ArcGIS	Software	1	\$ 400.00	DCSO
Banksan	Software	1	\$ 2,500.00	DCSO
Marijuana Testing	Private Lab testing	16	\$ 250.00	DCSO
Other Total			\$ 6,900.00	

Administrative		
	<i>Description</i>	<i>Amount</i>
		0
Admin Total		\$ -

Personnel total	\$ 346,765.92
Contractual Total	\$ 18,992.00
Equipment Total	\$ 49,860.00
Supplies Total	\$ 2,500.00
Travel & Training	\$ 13,170.00
Rent/Utilities Total	\$ 40,644.00
Other Total	\$ 6,900.00
Admin Total	\$ -
Grant Total	\$ 478,831.92

MEMORANDUM OF UNDERSTANDING (MOU) FOR FY2021-2023:

Deschutes County Sheriff's Office, Deschutes County District Attorney, and City of Bend Police Department

The Deschutes County Sheriff's Office (DCSO) is the lead applicant for the Illegal Marijuana Market Enforcement grant program (IMME). The Deschutes County District Attorney's Office (DCDA) and the City of Bend Police Department (BPD) are collaborating with DCSO on the IMME application. The application supports the Deschutes County Illegal Marijuana Market Enforcement (DCIMME) Project. The focus of the FY2021-2023 is:

1. Continue and enhance the investigative and enforcement work of the DCIMME Team;
2. Continue partnerships with researchers from Portland State University (PSU) and the Central Oregon Drug Enforcement (CODE) Team;
3. Continue to increase enforcement of illegal marijuana production and distribution crimes;
4. Continue to collect and evaluate local illegal marijuana enforcement data with the partnership with the researchers from PSU;
5. Provide investigative support to DCIMME Project by contracting with a financial analyst;
6. Provide investigative support and enhance the efficacy of the DCIMME Project by including an environmental investigation consultant component to our team.
7. Collaborate with researchers from Portland State University, the Deschutes County Illegal Marijuana Team and an analyst to develop a comprehensive community outreach initiative, to inform the public on the issue of illegal marijuana activity;
8. Educate local business stakeholders who are likely to be utilized by illegal marijuana operations to identify and report illegal marijuana activity;
9. Continue work to increase arrests, seizures, and prosecutions for illegal marijuana operations, exporting drugs to other states, and those with connections to other criminal activity; and
10. Complete an end-of-program evaluation by the researchers from Portland State University.

I. Development of Application

The grant application was developed by members of the Deschutes County Illegal

Marijuana Project as a continuation of the successful work of team as documented in the *Illegal Marijuana Markets Enforcement Grant Program: Deschutes County*, submitted as a final report for the FY2018-2019 grant. The initial grant was developed after two new detective positions dedicated to illegal marijuana enforcement were funded by Deschutes County and the City of Bend in FY18-19 and assigned to work in partnership with the Central Oregon Drug Enforcement Team (CODE). In FY19-20, Deschutes County added a second detective position dedicated to illegal marijuana enforcement to expand the work of the program.

DCIMME detectives work in partnership with the existing CODE team, working marijuana cases full time. Overtime hours provide resources to respond to time sensitive and complex investigations. The data analyst provides essential research and investigative support to the DCIMME detectives and assists the research team from PSU. The community outreach manager was identified as a need, as documented in the FY 2018-2019 final report (p32), based on the review of community reporting data and identification of community businesses utilized by individuals involved in illegal marijuana activity. These part-time positions enable data collection and community engagement.

The previous grant activity and continued discussions between all the partner agencies led the team to submit a follow-up collaborative grant application and drafting a new MOU to memorialize the agreements entered into between the Deschutes County Sheriff's Office, the Deschutes County District Attorney's Office and the City of Bend Police Department.

As part of this MOU and to further the partnerships integral to the DCIMME team, the agency heads, or their appointed representative will meet with DCIMME team on a quarterly basis to further goal setting and collaboration.

II. Roles and Responsibilities

A. DCSO; BPD and DCDA

- a. Each agency will maintain ultimate authority and supervision over their personnel assigned to DCIMME; and
- b. DCIMME team members will work in partnership with CODE; and
- c. The Sheriff's designee and BPD Lieutenant (or the assigned CODE Lieutenant), will work closely together; daily the CODE Lieutenant coordinates with the DCIMME; and
- d. DCIMME agency heads will meet with DCIMME team on a quarterly basis to further goal setting and collaboration.

B. Deschutes County Sheriff's Office

- a. Support for grant-related activities and management will be provided by the full organization of Deschutes County Sheriff's Office, including grant administration, administrative support, financial management, risk management for Sheriff's Office employees and technological system assistance.
- b. A Deschutes County Sheriff's Office Captain or other designee identified by the Deschutes County Sheriff will provide administrative oversight regarding the program budget, finances, and grant reporting. Day to day grant management questions should be directed toward the Deschutes County Sheriff's Office Business Manager.

- c. The Deschutes County Sheriff's Office will direct and provide operational oversight for the Deschutes County Sheriff's Office detectives and Data Analyst assigned to the marijuana team. The Sheriff's designee and BPD Lieutenant (or the assigned CODE Lieutenant) will work closely together; daily the CODE Lieutenant coordinates with the DCIMME team.
- d. The Deschutes County Sheriff's Office in partnership with the CODE Team will:
 - i. Review the work and provide work space at the CODE office for the analyst position;
 - ii. Review and, if appropriate, approve eligible overtime for the Sheriff's Office detectives assigned to illegal marijuana enforcement, coordinating with CODE Lieutenant;
 - iii. Pool resources and share data to complete grant program goals including technical assistance and IT support;
 - iv. Coordinate the selection and contract for the financial analyst and will include DCDA and the CODE Lieutenant in the process; and
 - v. Assist the DA's office with subject matter knowledge and expertise and attendance at meetings and training workshops related to the outreach component; and
 - vi. Agree to regularly communicate and coordinate with program partners.

C. Deschutes County District Attorney's Office

- a. Deschutes County District Attorney's Office will:
- i. Assist in providing training and prosecution support to the partners related to grant activities;
 - ii. Provide support and training to the DCIMME team, including providing a Deputy District Attorney as a single point of contact to the detectives and analyst;
 - iii. Provide support and training, including technical assistance and IT support to the Community Education and Outreach Program;
 - iv. Work directly with and coordinate the work of the Portland State University Research team;
 - v. Pool resources and share data to complete grant program goals;
 - vi. Manage the contract for the environmental expertise and work with CODE to coordinate their assessments at search warrant sites.
 - vii. Manage the contract, provide space as needed for the PSU researchers to evaluate the program and complete an end of cycle report;
 - viii. Create and implement a community outreach component focused on illegal marijuana, which will include selecting and managing the contract for a web and graphic designer, overseeing engagement of local stakeholders and conducting training workshops,
 - ix. Determine the best solution for hosting the website and submission portal;
 - x. Participate in the selection of the financial analyst;
 - xi. Agree to regularly communicate and coordinate with program partners;

- xii. DCDA will act as project co-director; drafting the contract for the researcher and the web and marketing development consultants, and facilitate meetings as necessary to complete the program goals including the completion of the end-of-program evaluation.

D. The City of Bend Police Department

- a. The Central Oregon Drug Enforcement team is supervised by a Lieutenant from the Bend Police Department.
- b. The CODE lieutenant and DCSO Captain (or the Sheriff's designee) will work closely together; daily the CODE Lieutenant coordinates with the DCIMME;
- c. The City of Bend Police Department will:
 - i. Review and, if appropriate, approve eligible overtime for the Bend Police Department detective assigned to illegal marijuana enforcement, coordinating with the CODE Lieutenant;
 - ii. Provide support and training to the analyst and program evaluator;
 - iii. Pool resources and share data to complete grant program goals;
 - iv. Participate in the selection of the financial analyst;
 - v. Assist the DA's office with subject matter knowledge and expertise and attendance at meetings and training workshops related to the outreach component; and
 - vi. Agree to regularly communicate and coordinate with program partners.

III. Timeline

The roles and responsibilities described above are contingent on the County receiving the funds requested for this project. The beginning and end dates of this implementation effort would coincide with the grant period when funds are released through June 30, 2023.

Our detailed efforts that add to our baseline data, and the implementation of new tools and processes that refine our investigation strategies to combat the illegal market that are part of our rollover funds from the 2019-2021 IMME grant, which includes but is not limited to the work of the data analyst supporting the investigators , the completion of the CannaFacts website and the pilot study on environmental degradation at illegal sites and our final research project will continue.

Upon notification of the new grant award the next phase of our plan will be put into action, including the Deschutes County District Attorney's Office updating the contract s with Kris Henning and Gregory Stewart the program evaluators, purchasing of new equipment and registering for critical training opportunities.. .

. Overall program results will be analyzed and evaluated for reporting to the CJC on an annual basis in June 2022, if requested and again in 2023.

IV. Commitment to Partnership

The partners are committed to sustaining the work of the Deschutes County Illegal Marijuana Project, expanding the focus of DCIMME to investigate the environmental impact, provide meaningful education content on illegal marijuana activity to the community and research analysis to support future enforcement and prosecution efforts in Deschutes County and

the state of Oregon. Currently, both BPD and DCSO are facing staffing shortages that have impacted the DCIMME, but both agencies are committed to fully staffing when trained personnel are available and positions may be filled. These positions are already funded through their respective agencies. During this time, the Analyst position has proven to be an important part of the investigation, prosecution and data collection process. The Sheriff's Analyst, and the DCDA Community Outreach Manager are valued additions to DCIMME.

We, the undersigned have read and agree with this MOU. Further, we have reviewed the portion of the proposed project budget pertaining to the collaborative effort described herein, and approve it. We have reviewed the grant application. Any of the parties may request modification or terminate their participation in this MOU upon 30-days written notice to the other parties. Termination under this section shall not affect any obligations accrued prior to termination. This agreement will be effective until June 30, 2023.

V. Signature Pages

Each agency is provided the MOU with a separate signature page.

I have reviewed pages 1-8 of the Illegal Marijuana Market Enforcement Grant Program and agree to the MEMORANDUM OF UNDERSTANDING (MOU) FOR FY2021-2023: Deschutes County Sheriff’s Office, Deschutes County District Attorney, and City of Bend Police Department

By _____ Date _____
L. Shane Nelson, Sheriff
Deschutes County Sheriff’s Office

I have reviewed pages 1-8 of the Illegal Marijuana Market Enforcement Grant Program and agree to the MEMORANDUM OF UNDERSTANDING (MOU) FOR FY2021-2023::
Deschutes County Sheriff's Office, Deschutes County District Attorney, and City of Bend Police Department

By _____ Date _____
Jim Porter, Chief
City of Bend Police Department

I have reviewed pages 1-8 of the Illegal Marijuana Market Enforcement Grant Program and agree to the MEMORANDUM OF UNDERSTANDING (MOU) FOR FY2021-2023::
Deschutes County Sheriff's Office, Deschutes County District Attorney, and City of Bend Police Department

By _____ Date _____
John Hummel, District Attorney
Deschutes County District Attorney's Office



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: 8/23/21

SUBJECT: Complaint regarding La Pine RFPD Ambulance Service Area

RECOMMENDED MOTION:

Consider and assign complaint to Deschutes ASA Committee.

BACKGROUND AND POLICY IMPLICATIONS:

On 7/6/21 St. Charles Medical Center submitted a complaint pursuant to Section 8.2 of the Deschutes County Ambulance Service Area Plan ("ASA"). Specifically the complaint involves plan franchisee La Pine Rural Fire Protection District. ASA administrator Tom Kuhn acknowledged the complaint on 7/6/21. The Board of County Commissioners oversees the ASA and is required to assign the complaint to the ASA Committee for investigation.

BUDGET IMPACTS:

None

ATTENDANCE:

Chris Bell, Legal

**HART
WAGNER**^{LLP}
TRIAL ATTORNEYS

Clark R. Horner

crh@hartwagner.com

Admitted in Oregon and Washington

Twentieth Floor
1000 S.W. Broadway
Portland, Oregon 97205
Telephone (503) 222-4499
Fax (503) 222-2301

July 6, 2021

Thomas Kuhn
Program Manager PH Community Health
Health Services Building
2577 NE Courtney Drive
Bend, OR 97701
Thomas.Kuhn@deschutes.org

RE: *St. Charles Health System, Inc. v. La Pine Rural Fire Protection District*

Dear Administrator Kuhn,

I have enclosed a copy of a letter the Centers for Medicare and Medicaid Services (CMS) sent to Congressman Bentz. As you will see, this letter raises concerns about the practices of La Pine Rural Fire Protection District.

On behalf of my clients La Pine Community Health Center (LCHC) and St. Charles La Pine Clinic, we respectfully request that the ASA Committee investigate whether the La Pine Rural Fire Protection District is improperly billing my clients in violation of federal law, and if appropriate, ensure your franchisee ceases such practices.

Very truly yours,

Clark R. Horner

Clark R Horner

CRH:ard
Enclosures

DEPARTMENT OF HEALTH & HUMAN SERVICES
Centers for Medicare & Medicaid Services
701 Fifth Avenue, Suite 1600
M/S 300
Seattle, WA 98104



INNOVATION & FINANCIAL MANAGEMENT GROUP

June 21, 2021

The Honorable Cliff Bentz
Member, House of Representatives
14 N. Central Avenue, Suite 112
Medford, OR 97501
Sent via electronic message: risa.wonsyld@mail.house.gov

Dear Congressman Bentz:

This is in response to the inquiry received from Congressman Cliff Bentz' office regarding ambulance transports. We appreciate the opportunity to research and respond.

The inquiry from Congressman Bentz office states that LaPine Fire and Ambulance service is billing LaPine Community Health Center and St. Charles LaPine clinic for emergency ambulance transports of Medicare patients to St. Charles Hospital. It goes on to state that directors of medical facilities and for-profit ambulance services believe this is against Medicare rules, and they are seeking clarification.

We requested that Noridian Healthcare Solutions, LLC (Noridian) Provider Outreach and Education (POE) team review the inquiry. Unfortunately, the POE indicated there is not enough information to understand the situation and provide a complete response. However, the following information may be helpful depending on the situation.

If the patient is seen at the clinic and then transported to the hospital, they should not bill the facilities. Either Medicare or the patient (if the transport does not meet Medicare coverage criteria) should be billed. If the patient was taken from a Community Mental Health Facility (as the point of pick-up), and a provider clinic was the end destination, that location would not be covered, and the patient would be responsible for the service. If the clinic was a stop-over because the patient was in dire need of professional attention, this may be covered as stated in Internet Only Manual (IOM) 100-02, Chapter 10, Section 10.3.8. The service should be billed to Medicare and the contractor would review the claim for payment. The only time a facility could be billed is if it was by contract with the provider/supplier and it was part of consolidated billing (usually a non-emergent situation).

The patient should be notified of any financial obligations that may result from the transport via an Advanced Beneficiary Notice (ABN) if they meet the criteria for an ABN. The ABN cannot be supplied to a patient during an emergent situation (or after the fact). It should only be used for non-emergency transports. Noridian's website has the following information published regarding ABNs for ambulance transports:

- **Use only for non-emergency transport. See examples (not all inclusive):**
 - Air ambulance transport instead of ground ambulance transport
 - Level of care downgrade (example: Advanced Life Support (ALS) to Basic Life Support (BLS)), when lower level transport meets patient's medical necessity
 - Skilled Nursing Facility (SNF) patient transported to another SNF or hospital when service can be performed more economically in first SNF
- **Never use when patient under duress or emergency**
- **Do not use in the following denial situations:**
 - When patient could be transported safely by other means
 - When based on not meeting an origin or destination requirement
 - When mileage is beyond nearest appropriate facility
 - Where Physician Certification Statement or accepted alternative (e.g., certified mail) is not obtained
 - When it's a convenience discharge, e.g., where patient is an inpatient at one hospital that can care for his/her needs, but wants to be transferred to a second hospital to be closer to family

This can be found at <https://med.noridianmedicare.com/web/jfb/topics/abn>.

IOM 100-02, Chapter 10, Section 20.1 states the following:

“When an ambulance provider/supplier, or a third party under contract with the provider/supplier, furnishes a Medicare-covered ambulance service to a Medicare beneficiary and the service is not statutorily excluded under the particular circumstances, the provider/supplier must submit a claim to Medicare and accept assignment of the beneficiary's right to payment from Medicare.”

This regulation explains that when a medically necessary transport from an eligible location such as a physician's office, home, SNF, for example, the ambulance supplier/provider must submit a claim to Medicare for adjudication. When they enroll in the Medicare program, they accept the terms of the regulations to participate within the program.

If an ambulance is called to a location, such as a Community Mental Health Center, to transport a patient to the hospital for higher level of care, this would be considered for payment. If the ambulance is called to take a patient to a physician's clinic to stabilize a patient that could also be considered for payment if the stabilization is short and an intermittent stop on the way to a hospital.

Section 20 of the above-mentioned IOM also gives conditions for when payment can be made by Medicare for ambulance services. This can be found at <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/bp102c10.pdf>.

If clarification is provided or if the inquirer has specific situations they would like reviewed, they may call the Provider Contact Center at 1-877-908-8431, or you may send the information directly to this office for further review. They may also want to submit a request to Noridian's POE team for additional education. Information on requesting education can be found at <https://med.noridianmedicare.com/web/jfb/education>.

Thank you for the opportunity to assist you with this matter. If you have additional questions or if additional information is received please contact Delcenia Slade at (206) 615-2378.

Sincerely,



Rebecca A. Chapman

Director

Seattle Division of Innovation & Operations



BOARD OF COMMISSIONERS

AGENDA REQUEST & STAFF REPORT

MEETING DATE: Monday, August 23, 2021

SUBJECT: Discussion of Deschutes County College 2021 Program

The Deschutes County College program begins on Tuesday, August 31. During the Board's meeting on August 23, Staff will review a draft presentation with the commissioners and seek feedback on both the presentation and the agenda for the program's opening session.

ATTENDANCE:

Communications Director Whitney Hale