



Local Public Safety Coordinating Council  
Director Malcolm McDonald, Chair  
Vacant, Vice-Chair

## Local Public Safety Coordinating Council Meeting

August 5<sup>th</sup>, 2024

12:00 – 1:30 pm

Development Services Building, Rm 119/120, 150 Beaver Creek Rd, Oregon City, OR 97045

**Members present:** Malcolm McDonald, Chief Shaun Davis, Mary Rumbaugh, Christina McMahan, District Attorney John Wentworth, Judge Ann Lininger, Rod Cook, and Commissioner Ben West.

**Guests present:** Elizabeth White, Bill Stewart, Trent Wilson, Kristin Gibson, Undersheriff Jenna Morrison, Meggie Kirchner, Alice Perry, Kevin Leik, and Manual Padilla

### Welcome and Introduction

- Chair Malcolm McDonald welcomed attendees, announced the meeting's focus on deflection, and noted there would be an opportunity for public testimony following the discussion.
- The previous agenda item—a discussion on HB 4002 and the Juvenile Justice System, presented by Christina McMahan, Juvenile Department Director—was postponed to address the decision by the IMPACT grant review committee to deny Clackamas County's application for deflection program funding. Other agenda items related to deflection program planning and implementation were also postponed.
- The Chair introduced the first action item for discussion: the submission of the Justice Reinvestment Program (JRP) progress report covering January to June 2024. The report was distributed to LPSCC members for review prior to the meeting.

### Discussion and Approval of the Clackamas County Justice Reinvestment (JRP) Semi-Annual Report

- Chair McDonald said the most significant update in the report was the transition of the pretrial program to the courts and mentioned the application for second-year funding, which focused on expanding the jail treatment component of the Comprehensive Substance Abuse Program (CSAP), was approved by the Criminal Justice Commission (CJC) Grant Review Committee.
- The Chair highlighted ongoing collaboration with the District Attorney's office and reported CSAP is performing well, with an increasing number of participants, indicating recovery from the pandemic's impact on the justice system with promising outcomes.
- The Chair requested a motion to approve the JRP progress report. DA John Wentworth motioned to approve, and Rod Cook seconded the motion. With no "nay" votes from any members present, the vote was unanimous. No objections or further discussions were raised, and the motion was passed.

## Discussion: Clackamas County's Deflection Program Funding

- DA John Wentworth provided further details about the status of Clackamas County's grant application for deflection program funding.
- DA Wentworth said the IMPACT grant review committee denied the application and discussed plans to engage legislators and local leadership. He indicated more clarity is expected after meetings with legislators and other leaders.
- Chair McDonald shared Wentworth's optimism and noted that, even if the denial stands, there is a 14-day appeal window. He suggested the review committee may have misapplied the legal framework governing the deflection program and missed opportunities for clarification during the review process. He also indicated the committee's decision may not reflect the full Commission's stance and expressed confidence that unresolved issues could be addressed in future applications or appeals.
- DA Wentworth discussed the deflection program's importance in managing attorney workloads. With 31 attorneys working at maximum capacity for six months, the office secured permission to appoint private attorneys to handle overflow cases, but these attorneys are also reaching their limits. He noted without deflection program funding, maintaining current capacity will be difficult.
- Bill Stewart added the situation is becoming more challenging and preparations are underway for two scenarios: one with the deflection program in place and one without it. He noted the deflection program was set to start before September 1<sup>st</sup> and expressed readiness to address either scenario.
- Manuel Padilla inquired how the appeal process might affect the timeline. Bill explained they are pursuing parallel tracks: one for implementing the deflection program and one for traditional case processing, depending on the appeal's outcome.
- The group discussed the availability of technical assistance for program implementation. Mary Rumbaugh suggested enhancing technical support and clarifying workflows for social referrals and diversion efforts.
- Chair McDonald talked about the importance of historical knowledge of community courts, noting that framing the initiative as a pilot project could gather relevant data to inform future proposals and demonstrate the program's effectiveness.
- Judge Ann Liningner agreed, stating that a pilot project approach would allow for data collection to refine future applications and demonstrate the model's impact.
- Bill noted that discussions with Behavioral Health Resource Network (BHRN) members are ongoing and stressed that collaboration with partners is an importance component of advancing the project despite obstacles.
- Kevin Leik expressed concern that without the deflection program, the legal system may lack the capacity to manage additional cases, as the ability to appoint private attorneys for overflow cases is limited.
- Commissioner Ben West discussed the decision to deny funding. He noted Clackamas County has outperformed other counties and supported an appeal, indicating the denial was due to a misapplication of the law, particularly regarding the definition of deflection.

- Mary discussed the need for refined workflows and a program navigator to coordinate efforts. She also highlighted the challenges of conditional approvals and importance of securing long-term funding to execute contracts effectively.
- Christina McMahan underscored the urgency of the situation and called for improved technical assistance and more responsive processes to prevent similar issues in the future. She advocated for a collaborative approach aligned with community values and supportive of local initiatives.
- Rod highlighted the complexities of integrating public health initiatives with the criminal justice system. He discussed the importance of maintaining clear program definitions and processes to align efforts with public health goals while ensuring the necessary funding is secured.
- DA Wentworth reiterated that the review committee referred to the program as diversion rather than deflection, reaffirming that deflection is the correct term, as it aims to direct individuals away from the traditional legal system and minimize justice involvement.
- Chair McDonald concluded the discussion by reaffirming the commitment to appeal the grant decision and engage with stakeholders to address concerns. He emphasized the need for clear communication and adaptability to meet evolving requirements and secure program success.