



Local Public Safety Coordinating Council Meeting
March 6th, 2023
12:00 – 1:00 pm
Zoom Webinar

Members present: Malcolm McDonald, , Christina McMahan, Mary Rumbaugh, Adam Freer, Judge Ann Lining, Seth Lyon, Emiy Brault, Bruce Tarbox, Chief Luke Strait, District Attorney John Wentworth, and Melissa Erlbaum.

Guests present: Capain Lee Eby, Elizabeth White, Valerie Adrian, and Scott Clemans.

Scott Clemans, Public & Government Affairs, hosted the webinar and initiated the meeting. He introduced Malcolm McDonald, Clackamas County Community Corrections Director and LPSCC Chair, and stated the Chair will facilitate the meeting. Scott provided online meeting logistics and instructions about the submission process for public comments. Members of the public were instructed to send comments by sending an email to ClackCoNews@clackamas.us. He said public comments would be held at 12:55 p.m. and asked members of the public to limit comments to 3 minutes.

Welcome/Introductions

Chair Malcolm McDonald called the meeting to order at 12:05 p.m. The Chair welcomed members and guests and said Chief Luke Straight from the Milwaukee Police Department is the new representative for the Clackamas County Chiefs of Police, replacing Chief John Schmerber from Gladstone. He also mentioned Commissioner Ben West will now represent the Board of County Commissioners.

Consent Agenda – Approval of Minutes from October 31st, 2022 & December 1st, 2022

Chair McDonald asked for a motion to approve the minutes for October 31st, 2022, and December 1st, 2022, which were done individually.

Chair McDonald first asked for a motion to approve the October 31st, 2022 minutes. Mary Rumbaugh motioned to approve and Adam Freer seconded the motion. The Chair called for a vote and no voting members present issued a “nay” vote.

Chair McDonald then asked for another a motion to approve the December 1st, 2022 minutes. Adam motioned to approve and Bruce Tarbox seconded the motion. The Chair called for a vote and no voting members present issued a “nay” vote. The motioned passed unanimously.

Action Item – Discussion and Approval of the Clackamas County Justice Reinvestment (JRI) Semi-Annual Report

The Chair introduced the action item: LPSCC discussion and approval of the Clackamas County Justice Reinvestment semi-annual report for July-December 2022. The report highlights the return to pre-pandemic operations for programs, the addition of a therapist to the Clackamas Substance Abuse program (CSAP) program, and the creation of a jail component to the program. A significant difference since the pandemic is the increased number of individuals on oral Medication-Assisted Treatment (MAT) in jail.

The Chair indicated CSAP is running near capacity and pre-pandemic operations and said an additional therapist has been hired, bringing the number of therapists to 5. Community Corrections is working with the jail to connect clients to services prior to release. The Chair noted in 1997, CSAP included a jail component to facilitate the transition to inpatient treatment. He said this approach was successful and is now being used again for individuals released from jail.

Chair McDonald noted more individuals are receiving an oral form of medication assisted treatment (MAT) started in the jail than prior to the pandemic. He mentioned Community Corrections will use Justice Reinvestment (JRI) grant funds to purchase Sublocade®, an injectable form of MAT to individuals transitioning to CSAP or the community. The injectable form will reduce MAT dosing barriers and address other challenges associated with the transition from jail to the community.

The Chair provided other report highlights. He said the number of individuals on short-term transitional leave from the Department of Corrections is returning to pre-pandemic levels. He mentioned a stair step approach into supportive housing, such as linking clients to Bridges to Change, builds accountability into this process. The Chair discussed the significant drop in the prison population and how this affected program participation.

Chair McDonald discussed report feedback from reviewers, including the recommendation to examine 3-year recidivism rate and contextualize the data to increase understanding of the impact of the pandemic on program outcomes. He said the report also describes the impact of implementation of Senate Bill 48 (SB48) on pre-trial programs and asked Jail Commander, Capt. Lee Eby to provide an overview of these changes. He said Capt. Eby was involved in working on the presiding judicial order in the District Attorney's Office.

Before Capt. Eby launched into his presentation, the Chair discussed the last component of the report – home confinement. He indicated the addition of electronic monitoring took some time to complete. The Pretrial Intensive Supervision with Electronic Monitoring program (PRISEM) is a collaboration between Pretrial Services and the Jail's Electronic Home Detention (EHD) program.

Capt. Eby discussed how the implementation of Senate Bill 48 has led to changes in the release of individuals in Clackamas County. They are now seeing a larger number of individuals being placed on pre-trial due to the effects of the bill. Capt. Eby indicated SB48 precipitated an increase in the number of people held in custody and noted the aim of the bill was to increase the number of people released. He said one change related to the presiding order is the number of people placed on pre-trial who would have been released after arraignment or forced released due to overcrowding. Capt. Eby presented data pre and post implementation of SB48 and reviewed data spanning July 1st (start date of implementation) – December 31, 2022 and 2019 for comparison of pandemic data.

Capt. Eby presented a data table that included different release categories based on the presiding judge's order and SB48. He said there were approximately 12 intakes brought in and released based on that order. He noted category 3 pertains to individuals released based on overcrowding and this was a small number. He indicated the most significant change is the number of court releases. About 33% are being released by the court compared to 2019 (48%). This represents a dramatic decrease in number of court releases. He said there could be a number of reasons for this decrease; however the impact of the implementation of SB48 indicated the number of individuals released wasn't solely based on the presiding judge's order.

Capt. Eby remarked the number of complaints from the DA's office remained consistent in 2019 and 2022 based on total numbers reported. He said the number of security releases decreased and this was expected because SB48 removed bail prior to arraignment. He said an examination of repeat offenders indicates 30% of new crimes within the 12 months were perpetrated by previously jailed individuals. He said 10% of the total individuals booked included probable cause for repeat new crimes. He said if you examine from July - December 2019 and July -December of 2022, the percentage of repeat new crimes is not significantly different (9.34 and 10.05%). There was a higher percentage of repeat offenders in

2019 (52%).

Bruce asked what percentage of booked individuals were released prior to a hearing. Capt. Eby said 33% were released by the court, 46% after arraignment and about 12-13% prior to arraignment, not including forced release which is a different process.

DA John Wentworth noted the significant decrease in the number of people booked between both periods. He wondered if it was possible the number of criminal offences has decreased or if there is another explanation for example a larger number of people being cited to appear opposed to the number of arrested in 2019. Or if there is another explanation?

Capt. Eby cautioned against drawing premature conclusions or making conclusions based on limited data. He emphasized the importance of analyzing both short-term and long-term trends, especially as more data becomes available over the next year. He noted that there has been a noticeable increase in the number of people being held, which is contributing to an uptick in forced release numbers. Currently, these trends can be attributed to the Senate Bill and the presiding judge's order. He also acknowledged the potential impact of Measure 110 but stressed that it would take at least another year to assess fully. In light of this, Capt. Eby indicated that any additional questions or inquiries regarding the JRI progress report would require further observation and analysis over the coming year. Capt. Eby said it is challenging to have the full picture prior to March 2022 because of the involvement of other agencies outside of the Sheriff's Office. He said the total number of those cited was higher in 2019. Between 2019 and 2022, there is a marked difference in the total number of individuals cited; however, compared to the percentage of the total population analyzed, there is not a significant difference. He indicated Measure 110 played a role in changing the landscape. There continue to be crimes perpetrated related to drug use and have been changes in the number of people arrested due to probable cause for possession.

Chair McDonald mentioned that one contributing factor to the difference in the number of people being booked is the number of individuals on supervision for controlled substance possession and the short-term utilization of jail space. Capt. Eby added that before the implementation of Measure 110, the number of parole violations for controlled substance possession was linked to shorter-term use of custody beds, which may have affected the total booking numbers. He presented data that showed a significant drop in the number of individuals on probation or post-prison supervision from 2019 to 2022, a trend that is now starting to increase statewide.

Capt. Eby also provided an update on the bed space situation and intakes in the Metro region's jails. While they have lower numbers compared to neighboring jails in Washington, Multnomah, and Marion counties, direct comparisons are challenging as they have had different COVID policies in effect. The number of individuals on probation or post-prison supervision has significantly decreased from 1764 in November 2019 to 1296 in November 2022. While there has been a slight increase in the number of individuals on supervision locally, it's not significant, and it seems to have hit bottom and is starting to increase. The numbers of intakes across the board have been down in the region, but there are other effects of COVID and other factors that have affected the past couple of years. It's too early to draw any conclusions from the data, and long-term trends will be more interesting to see in the next year when they have a full year of data. They know that they're seeing more people held, causing more forced release numbers to go up, and there's also the effect of Measure 110, but it's too early to draw any additional conclusions.

Judge Lininger expressed interest in data related to the release rates and found it to be counter-intuitive to what legislators might have anticipated. She also expressed support for the idea of shifting the focus towards early stages of Medication Addiction Treatment and notes her involvement with the Opioid Settlement Prevention Treatment Recovery Board. She said the board has approved 13 million dollars to go towards Oregon Safe, a procurer of Narcan (naloxone) with an anticipation to expand access to entities beyond those that previously had access. Judge Lininger believes this money could also be helpful for other treatment options within the county, including life-saving treatment aids in the jail. Overall, she was supportive of the ideas being discussed and interested in the data presented.

Chair McDonald asked for a a motion to approve the report. Seth Lyon motioned to approve and Christina seconded the motion. The Chair called for a vote and no voting members present issued a “nay” vote. The motioned passed unanimously.

Discussion Item – Election for Vice-Chair

Chair McDonald raised the discussion item about the need for a new Vice Chair. Chief Strait had recently joined, but he did not automatically become Vice Chair and declined the position. The Chair welcomed anyone interested in becoming the Vice Chair or having ideas about it to reach out to him. While Chair McDonald has always been present for meetings, having a Vice Chair would be helpful in case they are unavailable to run the meeting. He is open to suggestions and comments on this matter and provided space for anyone to bring it up during the meeting.

Chair McDonald raised a discussion item about the need for a new Vice Chair since their previous one had left. Chief Strait has recently joined, but he did not automatically become Vice Chair and declined the position. The Chair welcomed anyone interested in becoming the Vice Chair or having ideas about it to reach out to him. While Chair McDonald has always been present for meetings, having a vice chair would be helpful in case they are unavailable to run the meeting. He is open to suggestions and comments on this matter and provided space for anyone to bring it up during the meeting.

Advancing Racial Equity in Public Safety Workgroup – Update

Chair McDonald provided an overview of equity planning. He said the capacity building grant received from the Criminal Justice Commission provides funding to continue equity action plan development over the course of the year and noted the National Policy Consensus Center (NPCC) will support this work again through another contract. He said in order to advance this work, members will need to examine LPSCC’s purpose and long-term vision. He noted the importance of getting clarity and shared understanding on the foundational elements of the group’s structure to support the addition of new members. He said next steps include creating space to discuss LPSCC’s structure. He noted the primary focus on LPSCC has been meeting statutory requirements and discussing items that require LPSCC approval from Community Corrections and the Juvenile Department. He said it was important to discuss what more can be done as public safety coordinating council and support data-driven discussions to improve outcomes. He said the ability to come together and examine high level data and identify areas of intersection will help the group determine areas for improvement across the public safety system.

He said NPCC has been part of these discussions and is gathering information to inform a facilitated discussion with members to keep this work moving forward.

He said the concept is to gather in-person, not as a LPSCC, but in a learning session format. This would include examining other LPSCCs in the state and different models to determine if the group wants to seek additional funding to increase the level of staffing support. He emphasized the need to set aside additional time to discuss the NPCC recommendations. This includes a focused discussion on what the group wants to accomplish and how they want to come together to make this happen. The next step of this process would include building off of this discussion to address the data component.

Chair McDonald invited members interested in discussing this process to connect with him directly. He proposes to meet in person to do this work. He said a discussion focused on capacity building would be more efficient if held in person. He said this discussion provides an exciting opportunity to learn about what other LPSCC’s in Oregon are doing to enhance public safety through collaboration, including how they are resourced. CJC has compiled information on the role and function of LPSCCs locally and nationally. NPCC will pull this information together and structure a learning session. Emily Brault stated she looked forward to participating in this group discussion because it would be held in-person. She was excited for the opportunity to connect in-person with members.

Christina McMahan asked Malcolm how much time that he anticipated for setting aside for this discussion. Malcolm said he was envisioning a half-day retreat because he thought it would take longer than an hour and half to dive into this work. He said NPCC has expertise in working with LPSCCs and would facilitate this discussion. He acknowledged the challenge of scheduling a meeting spanning more than half the day and would provide ample time to calendar this meeting.

Public Comment

- No public comments.

APPROVED