



## John D. Wentworth, Clackamas County District Attorney

807 Main Street, Oregon City, Oregon 97045  
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April 18, 2024

Board of County Commissioners  
Clackamas County

**Approval of a grant request with Oregon Criminal Justice Commission for Oregon Behavioral Health Deflection Program. Grant value is \$475,254.50 for 15 months. Funding through Oregon House Bill 4002. No County General Funds are involved.**

<b>Previous Board Action/Review</b>	February 23, 2024: Legislative Special Ops, approval to sign "letter of commitment" with Board of County Commissioners, District Attorney, Sheriff.		
<b>Performance Clackamas</b>	Ensure Safe, Healthy, and Secure Community		
<b>Counsel Review</b>	No	<b>Procurement Review</b>	No
<b>Contact Person</b>	John Wentworth	<b>Contact Phone</b>	503-655-8353

**EXECUTIVE SUMMARY:** The 2024 State Legislature passed HB 4002 creating a unique misdemeanor crime for drug possession, and creating allowances for counties to implement locally designed deflection programs to incentivize people charged with possession to move toward treatment and recovery. HB 5204 is a complementary bill that provides funding to allow counties to stand up these local programs. During the legislative session, Clackamas County signed a letter of commitment to participate in this work provided there is sufficient funding. In signing this commitment letter, the county is eligible to receive 50% of the funds within 60 days of the passage of HB 4002 and 5204, effectively before June 1.

The Criminal Justice Commission (CJC) approved the formula funding for this program, identifying that \$950,509 is available to Clackamas County to implement the deflection program, with eligible use of the funds occurring between April 1, 2024 and June 30, 2025. To receive the initial 50% of the funds, the CJC requests application by April 23, 2024, including a 500-word summary for the program aim, as well as the name of a coordinator. Notice of the funding and grant timeline was announced on April 11, 2024.

The Local Public Safety Coordinating Council (LPSCC) met on April 15, 2024 to discuss the initial concepts of how to apply funding toward this program. At this early stage, the



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intent for Clackamas will be to stand up a program coordinator in the District Attorney's Office, and establish a small team of navigators to assist law enforcement with drug possession interactions. The initial funding will help to solidify the details of the program, and inform how best to apply for the remaining funding.

**RECOMMENDATION:** Staff recommends the BCC approve the consent agenda item to advance submission for the initial 50% of the Oregon Behavioral Health Deflection Program funding.



Respectfully submitted,

A handwritten signature in blue ink, appearing to read "J. Wentworth", with a long horizontal flourish extending to the right.

John Wentworth  
District Attorney



Co-Chair Lieber  
Co-Chair Kropf  
900 Court St. NE  
Salem, OR 97301

February 23, 2024

Dear Co-Chairs Lieber and Kropf:

Clackamas County will participate in a deflection program of HB 4002-24, contingent upon sufficient funding provided by the Legislature. Clackamas County supports replacing Measure 110 with legislation that supports recovery, treatment and funding and restores law enforcement.

Sincerely,

Handwritten signature of Tootie Smith in black ink.

Tootie Smith, Chair  
Board of Commissioners

Handwritten signature of John Wentworth in black ink.

John Wentworth  
District Attorney

Handwritten signature of Angela Brandenburg in black ink.

Angela Brandenburg  
Sheriff

CC: Senate President Wagner  
Speaker of the House Rayfield  
Clackamas Caucus

## 2023-25 Oregon Behavioral Health Deflection Program Formula Grant Disbursement

**TOTAL 2023-25 ALLOCATION: \$20,708,200**

2023-25 TRIBAL GOVERNMENT ALLOCATION: \$2,070,819

2023-25 EVALUATION ALLOCATION: \$150,000

2023-25 COUNTY ALLOCATION: \$18,487,381

County	Baseline Oversight and Accountability Council Formula for 2023-25*	Total Oregon Behavioral Health Deflection Program Formula Allocation**
BAKER	0.32%	\$150,000
BENTON	1.32%	\$231,548
CLACKAMAS	5.43%	\$950,509
CLATSOP	2.32%	\$406,676
COLUMBIA	1.35%	\$237,052
COOS	1.75%	\$306,725
CROOK	0.70%	\$150,000
CURRY	0.59%	\$150,000
DESCHUTES	4.32%	\$756,672
DOUGLAS	3.20%	\$560,443
GILLIAM	0.39%	\$150,000
GRANT	0.39%	\$150,000
HARNEY	0.32%	\$150,000
HOOD RIVER	0.49%	\$150,000
JACKSON	6.56%	\$1,148,016
JEFFERSON	0.75%	\$150,000
JOSEPHINE	4.04%	\$706,282
KLAMATH	2.11%	\$369,247
LAKE	0.46%	\$150,000
LANE	10.86%	\$1,899,953
LINCOLN	1.75%	\$305,759
LINN	2.72%	\$476,203
MALHEUR	0.69%	\$150,000
MARION	7.54%	\$1,319,529
MORROW	0.35%	\$150,000
MULTNOMAH	22.08%	\$3,865,152
POLK	1.23%	\$214,422
SHERMAN	0.39%	\$150,000
TILLAMOOK	0.84%	\$150,000
UMATILLA	2.00%	\$349,706
UNION	0.68%	\$150,000
WALLOWA	0.39%	\$150,000
WASCO	0.79%	\$150,000
WASHINGTON	7.70%	\$1,348,357
WHEELER	0.39%	\$150,000
YAMHILL	2.77%	\$485,130

\*This percentage formula is derived from the county formula share employed by the Oversight and Accountability Council established under ORS 430.388 for 2023-25 as mandated in statute, Section 76(6)(a) of HB 4002 (2024).

\*\*Per HB 4002 (2024), county applicants may not receive less than \$150,000, which will affect the *actual* percentage of funds distributed to counties.

## 2023-25 Oregon Behavioral Health Deflection Program Allocation Summary

<b>Total Breakdown of Funding for the Oregon Behavioral Health Deflection Program</b>		
<b>County Funding (89.21%)</b>	<b>Tribal Government Funding (10%)<sup>†</sup></b>	<b>Evaluation Funding (.72%)<sup>††</sup></b>
\$18,487,381	\$2,070,819	\$150,000

<sup>†</sup>Proportion of funds available to an applicant that is a federally recognized tribal government determined by the Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee on April 2, 2024, as instructed by HB 4002 (2024).

<sup>††</sup>Determined by the Improving People's Access to Community-based Treatment, Supports and Services Grant Review Committee on April 2, 2024. This committee may allocate up to three percent of program funds to support grantee data collection and analysis or evaluation of outcome measures on April 2, 2024, per HB 4002 (2024).

# Financial Assistance Application Lifecycle Form

Use this form to track your potential award from conception to submission.

Sections of this form are designed to be completed in collaboration between department program and fiscal staff.

If renewal or direct appropriation, complete sections I, II, IV & V only. Section III is not required.

If Disaster or Emergency Relief Funding, EOC will need to approve prior to being sent to the BCC

\*\*CONCEPTION\*\*

## Section I: Funding Opportunity Information - To Be Completed by Requester

Award type:  Direct Appropriation (no application)  Subrecipient Award  Direct Award

Award Renewal?  Yes  No

<b>Lead Fund # and Department:</b>	District Attorney
<b>Name of Funding Opportunity:</b>	Oregon Behavioral Health Deflection Program

Funding Source:  Federal – Direct  Federal – Pass through  State  Local

Requestor Information: (Name of staff initiating form)	John D. Wentworth
Requestor Contact Information:	807 Main St., Oregon City, OR 97045; 503-655-8353; jwentworth@clackamas.us
Department Fiscal Representative:	John D. Wentworth
Program Name & Prior Project #: (please specify)	Behavioral Health Deflection Program

### Brief Description of Project:

Newly invited opportunity for counties to develop and implement a deflection program to assist with newly created misdemeanor for drug possession. Counties are able to develop local programs specific to their communities with the money provided. This application is for the first half of the funding, with an opportunity to apply for the second half of the funding later in 2024.

Name of Funding Agency: Oregon Criminal Justice Commission

Notification of Funding Opportunity Web Address: [https://cjc-grants.smapply.io/prog/oregon\\_behavioral\\_health\\_deflection\\_program\\_23-25/](https://cjc-grants.smapply.io/prog/oregon_behavioral_health_deflection_program_23-25/)

**OR**

Application Packet Attached:  Yes  No

Completed By: John D. Wentworth Date: April 18, 2024

\*\* NOW READY FOR SUBMISSION TO DEPARTMENT FISCAL REPRESENTATIVE \*\*

## Section II: Funding Opportunity Information - To Be Completed by Department Fiscal Rep

Competitive Application  Non-Competing Application  Other

Assistance Listing Number (ALN), if applicable:		Funding Agency Award Notification Date:	
Announcement Date:		Announcement/Opportunity #:	
Grant Category/Title	Oregon Behavioral Health Deflection Pro.	Funding Amount Requested:	\$475,254.50
Allows Indirect/Rate:	Yes	Match Requirement:	No
Application Deadline:	April 23, 2024	Total Project Cost:	\$475,254.50/\$950,509
Award Start Date:	April 1, 2024	Other Deadlines and Description:	
Award End Date	June 30, 2025		
Completed By:	John D. Wentworth	Program Income Requirements:	None
Pre-Application Meeting Schedule:			

Additional funding sources available to fund this program? Please describe:  
This is new funding provided by the 2024 state legislature, eligible for use from April 1, 2024 to June 30, 2025.

How much General Fund will be used to cover costs in this program, including indirect expenses?  
No general fund anticipated.

How much Fund Balance will be used to cover costs in this program, including indirect expenses?  
No fund balance anticipated.

## In the next section, limit answers to space available.

### Section III: Funding Opportunity Information - To Be Completed at Pre-Application Meeting by Dept Program and Fiscal Staff

#### Mission/Purpose:

1. *How does the grant/funding opportunity support the Department and/or Division's Mission/Purpose/Goals?*

New law HB 4002 establishes a misdemeanor crime for possession that would incur a maximum penalty of 6 months in jail, and promotes pathways for substance abusers to be deflected away from jail and into treatment support for substance use disorder. The District Attorney's Office is facilitating the program, and will work with the County Behavioral Health Division to establish a navigation team to stand up an early phase of the deflection program.

2. *Who, if any, are the community partners who might be better suited to perform this work?*

Because of the possession charge, these individuals will naturally have touchpoints with law enforcement and the District Attorney Office, necessitating the District Attorney Office coordinating role to support this work. There will be touchpoints beyond initial encounter with these clients to work with behavioral health professions, and providers in the Behavioral Health Resource Network (BHRN).

3. *What are the objectives of this funding opportunity? How will we meet these objectives?*

Initial funding is a planning grant to stand up and create a locally designed program. The Local Public Safety Coordinating Council (LPSCC) will meet to design and confirm the implementation of what Clackamas County designs for its community with the funding provided. The objective is to create treatment options for those who suffer from substance addiction and would otherwise immediately enter the criminal justice system.

4. *Does the grant/financial assistance fund an existing program? If yes, which program? If no, what is the purpose of the program?*

No.

#### Organizational Capacity:

1. *Does the organization have adequate and qualified staff? If no, can staff be hired within the grant/financial assistance funding opportunity timeframe?*

While the District Attorney's Office has qualified to execute this work, these funds will be used to hire additional and appropriate level staffing to implement this program to include a deputy district attorney and deflection program coordinator. Receiving funds through this initial planning grant should provide sufficient timing to hire staff ahead of the implementation of the new misdemeanor charge which begins on September 1, 2024.

2. *Are there partnership efforts required? If yes, who are we partnering with and what are their roles and responsibilities?*

Yes. There are coordinating partnerships required with providers in the Behavioral Health Resource Network, law enforcement, and the courts. The funding from these grants help to support this work.

3. *If this is a pilot project, what is the plan for sun setting the project and/or staff if it does not continue (e.g. making staff positions temporary or limited duration, etc.)?*

While this is not exactly a "pilot project" as the District Attorney's Office has implemented a similar program (Law Enforcement Assisted Diversion), this program will be an upscale of that effort. The legislative plan is to continue this funding (and, perhaps increase it) into the future.

4. *If funded, would this grant/financial assistance create a new program, does the department intend for the program to continue after initial funding is exhausted? If yes, how will the department ensure funding (e.g. request new funding during the budget process, supplanted by a different program, etc.)?*

This is a new program. The early implementation of this program will require adequate data collection and advocacy with the 2025 state legislature to ensure adequate funding can continue for this work. Funding should be budgeted in the same way all programs are funded which include state authorized funding that are approved in a biennium.

**Collaboration**

1. List County departments that will collaborate on this award, if any.

District Attorney; Clackamas County Sheriff Office; Health, Housing and Human Services (H3S) Behavioral Health Division, and the Juvenile Department.

**Reporting Requirements**

1. What are the program reporting requirements for this grant/funding opportunity?

To be determined. The Criminal Justice Commission has not established that yet.

2. How will performance be evaluated? Are we using existing data sources? If yes, what are they and where are they housed? If not, is it feasible to develop a data source within the grant timeframe?

The grant will help fund initial planning of this work. A key and early question will be "what defines success?" The new program coordinator will be tasked with data collection that will help to inform how the program evolves.

3. What are the fiscal reporting requirements for this funding?

No reporting requirements are yet identified by the Criminal Justice Commission. To be evaluated September 2024.

**Fiscal**

1. Are there other revenue sources required, available, or will be used to fund the program? Have they already been secured? Please list all funding sources and amounts.

No. This is new funding for a new program established by the state legislature.

2. For applications with a match requirement, how much is required (in dollars) and what type of funding will be used to meet it (CGF, in-kind, local grant, etc.)?

No matching requirement for these funds.

3. Does this grant/financial assistance cover indirect costs? If yes, is there a rate cap? If no, can additional funds be obtained to support indirect expenses and what are those sources?

Initial funding for this work are for planning purposes. Indirect costs may be better known closer to application of the second half of funding later in 2024.

Other information necessary to understand this award, if any.

HB 4002 creates an allowance for counties to initiate this work. This work is not a mandate. The funding provided will inform the program that is built, and help to determine if there should be advocacy to the state legislature in 2025 for increased program funding.

Program Approval:

John D. Wentworth

April 18, 2024



Name (Typed/Printed)

Date

Signature

**\*\* NOW READY FOR PROGRAM MANAGER SUBMISSION TO DIVISION DIRECTOR \*\***  
**\*\*ATTACH ANY CERTIFICATIONS REQUIRED BY THE FUNDING AGENCY, COUNTY FINANCE OR ADMIN WILL SIGN\*\***



Section IV: Approvals

DIVISION DIRECTOR (or designee, if applicable)

Name (Typed/Printed) Date Signature

DEPARTMENT DIRECTOR (or designee, if applicable)

John D. Wentworth

April 18, 2024

*[Handwritten Signature]*

Name (Typed/Printed)

Date

Signature

FINANCE ADMINISTRATION

Elizabeth Comfort

4.18.2024

*Elizabeth Comfort*

Name (Typed/Printed)

Date

Signature

EOC COMMAND APPROVAL (WHEN NEEDED FOR DISASTER OR EMERGENCY RELIEF APPLICATIONS ONLY)

Name (Typed/Printed) Date Signature

Section V: Board of County Commissioners/County Administration

(Required for all grant applications. If your grant is awarded, all grant awards must be approved by the Board on their weekly consent agenda regardless of amount per local budget law 294.338.)

For applications \$150,000 and below:

COUNTY ADMINISTRATOR	Approved: <input type="checkbox"/>	Denied: <input type="checkbox"/>
Name (Typed/Printed)	Date	Signature

For applications up to and including \$150,000 email form to BCC staff at [CA-Financialteam@clackamas.us](mailto:CA-Financialteam@clackamas.us) for Gary Schmidt's approval.

For applications \$150,000.01 and above, email form with Staff Report to the Clerk to the Board at [ClerktotheBoard@clackamas.us](mailto:ClerktotheBoard@clackamas.us) to be brought to the consent agenda.

BCC Agenda Item #:  Date:

OR

Policy Session Date:

County Administration Attestation

County Administration: re-route to department at

and

Grants Manager at [financegrants@clackamas.us](mailto:financegrants@clackamas.us)

when fully approved.

Department: keep original with your grant file.