



Local Public Safety Coordinating Council
Chair Christina McMahan, Chair
Richard Swift, Vice-Chair

Local Public Safety Coordinating Council Meeting

November 2, 2020

12:00 – 1:30 pm

Zoom Webinar

Members present: Chief John Schmerber, Melissa Erlbaum, Emily Brault, Adam Freer, Seth Lyon, Christina McMahan, Malcolm McDonald, Judge Ann Lininger, Richard Swift, Bruce Tarbox, Eric Barrera, and District Attorney John Foote

Guests present: Elizabeth White, Garrett Teague, Truls Neal, Alice Perry, and Scott Anderson

Welcome/Introductions

Chair Christina McMahan welcomed members and guests and called the meeting to order at 12:05 p.m. The chair said she invited Alice Perry and Truls Neal to participate in the group's discussion on the LPSCC workgroup, Advancing Racial Equity in Public Safety. She then asked Alice and Truls to introduce themselves. Truls is the new Assistant Director of the Juvenile Department and replacing Mark McDonnell who is retiring January 15. The chair also thanked the Public and Government Affairs (PGA) team responsible for hosting the Zoom webinar and asked Garrett Teague and Scott Anderson (PGA) to introduce themselves.

Consent Agenda – approval of minutes from July 27, 2020

Melissa Erlbaum made a request to update the March minutes to reflect she was present at the meeting. Melissa's name was not included in the list of members present. Elizabeth White will update the March minutes accordingly.

Scott Anderson asked the chair to pause the meeting, so he could confirm meeting logistics and provide instructions regarding the submission of public comments. The meeting was paused to allow Scott time to present this information to meeting participants.

Seth Lyon requested revisions to a sentence in the July minutes. The sentence read: *Seth proposed starting a conversation on systemic racism and thought it would be a positive step forward to form a workgroup to look at what actions LPSCC could take to further equity in public safety in Clackamas County.* Seth said the broad statement about systemic racism didn't

accurately capture his remarks. He asked to revise the notes to align more closely with his idea of starting the process of assessing the extent to which the local public safety system is impacted by systemic racism instead of engaging in a general conversation. He said it was his recollection that at the July meeting, he was following up from the conversation that began at the March meeting with the presentation by Sonji Moore on Racial and Ethnic Disparities in Juvenile Justice and proposing the workgroup look at the extent systemic racism is showing up in public safety.

District Attorney (DA) John Foote stated he disagreed systemic racism is embedded in the local public safety system and wanted data to support this statement. DA Foote said he felt this discussion was a difficult but positive next step in the conversation about systemic racism. Chair McMahan said the goal of this discussion is to ensure the July meeting minutes are accurate. She asked the group to hold their thoughts on this subject and wait until we reach this topic on the agenda.

Emily Brault said based on her reflection of this discussion in July, Seth expressed the idea that we are looking at how our systems support equity and inclusion.

Chair McMahan suggested the modifying the sentence to read, *Seth proposed starting a conversation to look at how our systems support equity and inclusion in public safety in Clackamas County.* Seth agreed with this revision.

DA Foote said he agrees with asking the question: "is our system systemically racist?" Chief Schmerber said the question for members to examine is, are we delivering equitable, quality services for all Clackamas County residents and if not, what changes can we make based on what discipline we represent.

The Chair proposed the following to minutes: *Seth suggested it was important to look at how our systems support equity and inclusion in Clackamas County and thought it would be a positive step forward to form a workgroup to explore what actions LPSCC could take to advance this effort.*

Bruce Tarbox recommended inserting diversity into the sentence. Revised sentence: *Seth suggested it was important to look at how our systems support diversity, equity and inclusion in Clackamas County and thought it would be a positive step forward to form a workgroup to explore what actions LPSCC could take to advance this effort.* Chair McMahan appreciated the group's efforts to ensure the minutes are accurate.

Adam Freer requested minor adjustments in the section introducing him to the group. Elizabeth White said she was unable to locate this information and asked Adam to resend it via email.

Chair McMahan asked members for a motion to approve minutes with changes. Seth motioned to approve. Chief Schmerber seconded this motion. The Chair called for a vote by members present. Members voted to approve the minutes with changes and the motion passed unanimously.

Election of LPSCC Chair and Vice-Chair

Chair McMahan asked members to consider changing the order of the agenda to ensure there is a quorum to elect new officers. Judge Lininger indicated she needed to leave the meeting at 1:00 p.m. The chair asked members to indicate if they were opposed to this change. No members opposed this change.

Chair McMahan discussed LPSCC bylaws and provided details about term requirements and the role officers of the LPSCC. The chair said LPSCC members reviewed the bylaws and updated them in 2018 with the assistance of county counsel to include details about terms for officers. The previous bylaws did not include provisions concerning elections for officers and term requirements. The Board of County Commissioners approved the revised bylaws.

The chair read the section in the bylaws pertaining to officers: *The officers of the LPSCC shall be the Chair and Vice-Chair and such other officers as the Council may determine to be necessary. Officers shall be elected by majority vote at the last regular meeting of the year and assume office at the first regular meeting of the fiscal year. Officers of the LPSCC shall serve for terms of two (2) years and are eligible for re-election.*

Chair McMahan said LPSCC members nominated her to serve as chair at April 2017 meeting. Christina said she has held this position for 3 ½ years and it was time to move on. She indicated Rich Swift has served as vice-chair for at least 2 years. The chair stated she will first ask for nominations for the position of chair and then vice-chair and plans to speak up and nominate a member for chair if no one issues a nomination. She then asked members to raise their hand to nominate a member for the position of chair.

Seth asked a question regarding eligibility requirements to serve as an officer. Chair McMahan clarified the eligibility requirement was LPSCC membership and confirmed there were no rules to preclude a member from nominating themselves. Per the bylaws: *Each member, including the Chair, but with the exception of the non-voting members, are entitled to vote at a meeting, regular or special.*

Chair McMahan called for nominations to fill the position of chair. The Chair paused for a response and then nominated Malcolm McDonald to be the next chair of LPSCC. DA Foote seconded this nomination.

Chair McMahan said Malcolm been involved in the group for over two years and thinks he would do a great job because he is detailed oriented. The chair asked Malcolm if he was willing to accept this nomination. Malcolm said he it would be an honor to serve in this position and accepted the nomination. The chair then asked members if they would like to discuss the nomination or had any thoughts to share before moving forward.

Seth asked the chair to clarify if Malcolm is required to recuse himself regarding conversations where he is the presenter. Seth wanted to know if this would be considered a conflict of interest. The chair said determining a conflict of interest is up to each member because there is a potential for every member to have a conflict of interest. She noted Malcolm has good track record regarding to his ability to discern if there is conflict of interest and was confident this would not pose an issue.

Chair McMahan asked members to cast a yes or no vote to elect Malcolm McDonald as chair for the next term. All members present voted yes (Chief Schmerber, Bruce, Seth, DA Foote, Judge Lininger, Melissa, Adam, Emily, Malcolm, and Christina) and the vote was unanimous. Elizabeth asked to clarify if Eric Barrera is a voting member. Chair McMahan said Eric e is a LPSCC member, but not a voting member.

Chair McMahan asked members in attendance to nominate a member to fill the position of vice-chair. DA Foote nominated Chief Schmerber to fill the position of vice-chair. Seth supported this nomination and said he agrees the chief is an amazing thinker, addresses needs of the community, and is a good leader. Seth also noted a strong connection with law enforcement important and seconded this nomination.

Chief Schmerber requested more information about the role of vice-chair before accepting the nomination. The chair referred to the bylaws: *During the absence, disability or disqualification of the Chair, the Vice--Chair shall exercise or perform all the duties and be subject to all the responsibilities of the Chair.* Chair McMahan indicated the primary duty of the vice-chair was to fill in for the chair if they were unable to perform their responsibilities.

The chair read the duties of the chair from the bylaws:

Except as otherwise provided herein, the Chair shall have the duties and power to:

Preside over all meetings of the LPSCC;

- Direct the preparation and distribution of agendas for all Council meetings;*
- Vote on all questions before the Council;*
- Call special meetings of the Council in accordance with these by-laws;*
- Appoint committees and chairs thereof;*

- Sign all resolutions or other documents arising from formal Council action;*
- Shall represent the Council in all conferences or activities involving inter-organizational or intra-organizational planning and coordinating, unless another Council member is so designated;*
- Shall function as the official spokesperson for the LPSCC in correspondence and with the media, unless another Council member is so designated;*
- Perform other such duties as may be directed by the LPSCC*

Chair McMahan said in the last four and half years, the vice-chair has only had to step in one time to conduct the meeting.

Chief Schmerber said it was an honor to receive this nomination and accepted it. DA Foote motioned for a vote. Chair McMahan asked members to raise their hand for nay vote or to abstain. All members present voted yes (Chief Schmerber, Bruce, Seth, DA Foote, Judge Lininger, Melissa, Adam, Emily, Malcolm, and Christina) and the vote was unanimous.

Advancing Racial Equity in Public Safety Workgroup – update on initial meeting

The Chair asked Seth to provide an update on the LPSCC workgroup, Advancing Racial Equity in Public Safety. Alice Perry is a member of the workgroup and invited by the chair to participate in this discussion. Truls Neal expressed interest in joining the workgroup and the chair invited him to participate.

The formation of the workgroup stemmed from the discussion at the March meeting and the intersection of recent events related to racial justice. Sonji Moore delivered a presentation on Racial and Ethnic Disparities in Juvenile Justice and discussed systemic racism at the meeting. Seth said he wanted to bring the topic to members to ask if this group would be willing to use this opportunity shine the light where things aren't working and commit to identify places where there isn't equity and bringing these findings back to members to take action as appropriate. He indicated Melissa, Bruce, and others were part of these discussions. Seth said he asked Chief to co-chair this group and stated the Chief's participation was powerful and helped frame up a formative goal statement on equity. Seth noted the workgroup couldn't fully articulate the goal of the without all key members in the room.

Judge Lininger stated she would like to participate in this workgroup.

Seth indicated factors related to the wildfires and pandemic hindered the workgroup's progress such as the ability to schedule follow-up meetings, include more participants and engage in larger discussion with members. Seth indicated the importance of including more members and others in this conversation and acknowledged the need to clarify bandwidth of the workgroup before adding new members and lay the foundation for this discussion.

Judge Lininger proposed addition of Pricilla Bunting to the workgroup. This initiated a conversation about expanded workgroup participation.

Chair McMahan agreed it was important to include the judge in the workgroup. She also discussed the value of including a diverse group of participants to engage in this conversation and importance of participation of all key members in the process of goal setting. Several members indicated it was important to include the District Attorney's Office and others in this conversation. Chair McMahan noted starting with large, diverse pool to populate the workgroup is an acceptable approach because it advances inclusivity and generates a platform to share unique perspectives.

Chief Schmerber indicated the workgroup agreed to narrow the scope of this effort to a county level discussion and address issues specific to the county. He said the workgroup plans to identify types of public safety services delivered, examine how these services are delivered, assess gaps and needs, and then make recommendations regarding service delivery. He noted this discussion is part of goal development. He also stressed the importance of including all perspectives in this discussion.

DA Foote discussed the importance of goal setting and data to drive and inform this conversation. He described a past example of a process he engaged in to support this discussion. Seth said the workgroup conversation focused on identifying disparities using local, not national data, and seeking root causes and places where we can do better locally.

Judge Lininger described efforts in the court system to advance inclusive and welcoming practices and services. She provided an example of an assessment tool that helps treatment court professionals identify and examine areas where racial and ethnic disparities may exist in their court programs (American University Justice Programs Office's Racial and Ethnic Disparities Assessment Tool for Courts). The tool provides a pathway to engage in this conversation and includes best practice recommendations. She indicated treatment court is looking at how programs and practices are representative of the community.

Melissa Erlbaum asked to join the workgroup moving forward.

Bruce questioned the scope of this effort beyond public safety systems and recommended the inclusion of issues related to mental health in this conversation and the voice of the community. This includes seeking community-focused solutions.

Chair McMahan said data and information are important to inform this conversation but acknowledged lived experienced and a better understanding and addressing root causes is equally valuable. She asked Alice to reflect on the workgroup's conversation. Alice said the

group discussed the scope of this effort related to LPSCC and how perception is key to moving the conversation forward. Alice indicated transparent and open conversations are necessary to find ways to improve equity in public safety.

Adam noted it was important to look for ways to set up this conversation for success. He indicated workgroup members discussed not all groups of people are experiencing equity in public safety and it was the group's aspiration to lift up individuals and communities so they achieve the same level of public safety. Adam said we should identify what we are doing well, strengthen what is working and build pathways for collaborative solutions. Adam noted the group didn't engage further in goal development because all key members were not present for this discussion.

Chair McMahan recapped the discussion, acknowledged Seth and Adam's remarks about inclusion and importance of diverse and representative participation and noted identification of new workgroup members. The chair recommended the workgroup develop a goal statement and purpose. She referred to the purpose of LPCC: *.... appropriately and effectively address the local adult and juvenile offender populations; to develop and recommend, a plan designed to prevent criminal involvement by youth; to coordinate local criminal justice policy among all criminal justice entities; to provide support for programs that strengthen and preserve families.* Chair McMahan said everything the group discussed fit into this statement.

Chair McMahan recommended the workgroup identify realistic, short-term goals, such as looking at data or community experiences and exploring how to do this in a coordinated way. The chair described the value of improved coordination around data collection is to paint the picture locally. She noted this could be a starting place for the workgroup and recommended the development of a goal-focused statement of work as an outcome of the next discussion. The chair also requested the workgroup report out their progress at the January meeting.

Seth agreed to pull the workgroup together and discussed the level of support required to convene monthly meetings. The chair asked Adam if Elizabeth could coordinate this effort and he agreed it was appropriate for the Children, Family and Community Connections (CFCC) Division to support this effort because it aligns with other CFCC initiatives.

Members discussed requirements of workgroup membership. Chair McMahan indicated workgroups in the past included a majority of LPSCC members (70%) but this requirement is not included in the bylaws. The chair's recommendation is to convene a workgroup with a majority of LPSCC members. Bruce asked to the chair to clarify if efforts outreach efforts to gather input from community members aligns with this understanding and the chair confirmed this was an acceptable approach. Chair McMahan suggested that Melissa could assist with the coordination to include the voice of survivors into this effort. Seth affirmed the goal for the

January LPSCC meeting is to develop a goal statements and initial scope of work.

After the chair verified the discussion was conclude, she moved forward with the next agenda item.

Agency – Roundtable / Updates / Announcements

Chair McMahan asked members to provide updates or announcements and indicated Adam and Melissa might have updates to share with the group. Seth and DA Foote asked for time on the agenda to present updates.

Adam Freer provided an overview of a new funding award from the Bureau of Justice Assistance (BJA)-Supported Comprehensive Opioid, Stimulant, and Substance Abuse Program (COSSAP). This 3-year grant award provides Clackamas County \$900,000 to support the Law Enforcement Assisted Diversion (LEAD) Plus project. LEAD provides case management to houseless program participants struggling with substance abuse disorders to divert them from the criminal justice system. The primary goals of LEAD Plus are to continue and enhance the implementation of the LEAD program and add a new layer of coordination that connects the many opioid and substance abuse efforts in the County into a truly comprehensive and integrated approach. Elizabeth White will be the program manager for this project.

Melissa announced three funding awards. The first grant award is from the Office for Victims of Crime (OVC). Safety Compass, Village for One and NWFS will use funds to support transitional housing for victims of human trafficking. The second OVC award support youth services for mobile advocates. Melissa said her agency also wrote a collaborative grant with the Juvenile Department, Sheriff's Department, DA's Office, Children's Center, to address vicarious trauma in public safety systems. Melissa noted they were one of 12 sites nationally to receive this award of \$50K. The full award supports training and consultation services. She said they are hoping to bring along more law enforcement jurisdictions and others but noted an existing, great cross-section of partners. Melissa will send out more information to the group. Melissa addressed Bruce's clarifying question and said funds support mitigation of vicarious trauma in public safety systems through a wellness perspective. She provided a link that describes the grant from OVC and International Chiefs of Police: <https://www.theiacp.org/projects/vicarious-trauma-response-initiative>

Seth asked members for their help and partnership to communicate information through available networks about reporting child fatalities to the DHS hotline under any circumstances that are suspicious. He said DHS is responsible for exploring child fatalities where there is suspected neglect or abuse. Seth noted there is a fantastic multidisciplinary team in place to review these cases and said a number of questions arose during case reviews regarding child fatalities not reported to hotline. To address these questions, DHS was required to interview

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families several months after the fatality occurred and work with diminished evidence. Seth indicated there was a lack of resources to meet with families and other challenges to conducting a thorough assessment months after a death. He also said DHS data show increased deaths to unsafe sleeping practices and is working with Adam and other partners to implement prevention strategies. Seth noted launching a response to a suspicious death is more expedient if there was a call made to the hotline. Seth encouraged use of the DHS hotline for all under any circumstances that are suspicious.

DA Foote announced he was retiring in December and said he enjoyed working with everyone. Chair McMahan affirmed this was the last meeting of the year and thanked DA Foote for his service.

Public Comment

Scott Anderson checked in to ask if there was any public comments. There were no comments submitted to Scott. He then asked attendees if they had any questions.

Emily was interested in learning more about the impact of Covid-19 on the public safety system and its effect on justice-involved individuals. It is her understanding that the number of individuals remaining in jail before trial is lower than prior to pandemic. She was also interested in exploring lessons learned that could be applied after the pandemic.

DA Foote and Bruce described the challenges posed by the pandemic such as a large backlog of cases, a large number of postponed cases and added stress on attorneys, clients and victims. DA Foote indicated this problem is getting worse. Christina noted this is an ongoing issue and she will work with the new chair to put together the agenda to address this topic at future meeting

Next steps:

- Elizabeth will revise the March and July meeting minutes to reflect revisions requested by members.
- Elizabeth will work with Seth to reconvene the Advancing Racial Equity in Public Safety Workgroup and add new members Truls Neal, Melissa Erlbaum, Judge Ann Lininger, and a representative from the District Attorney's Office. Workgroup members will report progress at the January meeting.
- Chair McMahan will meet with the new chair, Malcolm McDonald, to consider including a discussion on the pandemic impact on justice-involved individuals and public safety systems.