



PUBLIC SAFETY COORDINATING COUNCIL

Minutes of Meeting

Tuesday, May 7, 2024

A meeting of the Public Safety Coordinating Council was held at 3:30 p.m. on Tuesday, May 7, 2024 via Zoom virtual meeting platform

x	Judge Wells Ashby (<i>Chair</i>)	x	Nick Lelack, <i>County Administrator (Vice Chair)</i>
x	Stephen Gunnels, <i>District Attorney</i>		L. Shane Nelson, <i>Deschutes County Sheriff</i>
x	Mike Krantz, <i>Bend Police Chief</i>		Anthony Broadman, <i>Bend City Councilor</i>
	Devin Lewis, <i>Redmond Police Chief</i>	x	Keith Witcosky, <i>Redmond City Manager</i>
x	Stephen Lopez, <i>Sunriver Police Chief</i>		Thomas Spear, <i>Defense Attorney</i>
x	Sara Crosswhite, <i>Director 9-1-1 Operations</i>	x	Deevy Holcomb, <i>Director Community Justice</i>
x	Phil Chang, <i>County Commissioner</i>		Janice Garceau, <i>Director Health Services</i>
x	Angie Curtis, <i>Court Administrator</i>	x	Gil Levy, <i>Citizen Member and Director KIDS Center</i>
x	Donna Mills, <i>Citizen Member</i>		
x	Joseph Mabonga (<i>non-voting</i>), <i>Juvenile P&P Supervisor Oregon Youth Authority</i>		Brandon Smithers (<i>non-voting</i>), <i>Lieutenant Oregon State Police</i>
x	Jason Van Meter (<i>Interested Party</i>), <i>Black Butte Ranch Police Chief</i>		Roger Olsen (<i>Interested Party</i>), <i>NAMI Central Oregon</i>

Also present were: Holly Harris, *Director Behavioral Health*; Michael Gill, *Lieutenant Deschutes County Sheriff's Office*; Erik Kropp, *Deputy County Administrator*; Trevor Stephens, *Business Manager Community Justice*; Angie Powers, *Administrative Assistant BOCC*; Andrew Roberts, *Officer Black Butte Police*.

Media present: None

1. Call to Order and Introductions:

Chair Ashby called the meeting to order at 3:31 p.m.

2. Approval of LPSCC Meeting Minutes:

Action: Nick Lelack moved approval of the March 5, 2024 minutes. Deevy Holcomb seconded the motion. Votes: All Yes. Motion carried.

3. Public Comment:

None presented.

4. JRI Supplemental Grant Funds:

Trevor Stephens summarized Deschutes County’s Justice Reinvestment Program (JRP) Supplemental Grant Application for the 2023-2025 biennium. The intended purpose for the bulk of the supplemental grant funds will be to support an Administrative Analyst FTE who supports the program, particularly around housing support. The remainder of the grant funds will be used to support contract mentoring services for clients of the program, with a focus on gender responsiveness. Trevor shared that an organization referred to as “M Perfectly” provides reentry services for women struggling with addiction. They use a hands-on model focused on mentorship.

Action: Motion made by Donna Mills to approve the submission of the JRP Supplemental Grant Application

SECOND: Angie Curtis

VOTES: All yes. Motion carries.

5. HB 4002 Deflection Programs:

Holly Harris provided an overview of the Deschutes County Plan. 2024’s HB 4002 defines a deflection program as “a collaborative program between Law Enforcement (LE) agencies and Behavioral Health (BH) entities that assist individuals who may have substance use disorder, another behavioral health disorder or co-occurring disorders, to create community-based pathways to treatment, recovery support services, housing, case management or other services.” HB 4002 created a new Class U misdemeanor for possession of controlled substances, and offers pathways to expungement, dismissal or no charges filed with diversion of an individual to a deflection program in lieu of arrest or prosecution.

Holly quickly learned that BH has been doing deflection work for years but has been referring to it as “diversion”. Holly shared that the Oregon Criminal Justice Commission (CJC) will administer the Deflection Program grants through its IMPACTS program. Holly described what these grant funds may be used for. Deschutes County is an “early adopter”, as one of the first 50 counties to sign up to participate. This allowed

Deschutes County to receive 50% of the grant funds up-front, equating to \$378,336. This funding should be in place by June 1. The total amount for Deschutes County is \$756,672.

Holly provided an overview of the timeline. An initial planning meeting took place on April 5 with robust attendance, including: law enforcement, DA's Office, courts, public defenders, SUD treatment providers Best Care and Ideal Options, Behavioral Health, and Rep. Kropf in attendance. The outcome of the meeting was that goals are aligned, and a Law Enforcement Assisted Diversion Program (LEAD) model was selected, which can be tailored to align with community goals. It was determined that BH will be the coordinator and facilitator, noting this will be a highly collaborative process. BH will hire a position to be responsible for program development, grant requirements, and meeting facilitation.

Donna asked if this deflection program will apply to youth, or if it only applies to adults. The juvenile system is unique and complicated in its own way. Deevy responded that it is undetermined, but there is some flexibility in determining how the funds will be used in our region.

When appropriate, LE will offer those individuals charged with deflection-eligible Misdemeanor U crimes deflection as an option. Best Care and Ideal Options will have providers who can respond 24/7 to those offered deflection. There are a lot of unanswered questions about what this will look like after the initial steps of offering deflection as an alternative pathway. BH will pass through the dollars to treatment providers, Best Care and Ideal Options, enabling them to step up their coverage to 24/7 responsibility. BH will submit the grant application in May.

The next steps are to obtain the Board of Commissioners' approval to receive the grant funds and hire the Deflection Coordinator. Additionally, weekly attendance at OHSU's Extension for Community Healthcare Outcomes (ECHO) Program will continue. On May 9, there is a HB 4002 Implementation and Training Symposium, and the next planning group meets on May 21. The Deflection Program will roll out in Fall 2024. Holly stated the biggest challenge is how to incorporate the deflection and diversion work that's already being done and how to get individuals into the proper care pathways.

Commissioner Chang asked about the M110 funding formula being used to determine Deschutes County's allocation. Holly responded that the legislature did not remove initial funding from M110. The funding related to HB4002 is additional funding.

Chief Krantz added that a big unknown is how much this will all cost and how it will be funded, acknowledging that law enforcement is expensive and \$756,672 is not a lot of money. The goal is to get people into recovery. Chief Van Meter thanked Holly for the work being done by BH and based on statewide conversations Deschutes County is ahead of the rest of the state.

6. Courthouse Expansion Update:

Chair Ashby provided a brief update on the courthouse expansion project. The general contractor has removed the AJ Tucker building. A temporary entrance to the courthouse will be on the west side of the building, to the north of the current entrance, and will be in use for up to 18 months.

Commissioner Chang shared that on Monday, May 13 at 1:00 p.m. there will be a formal ground-breaking ceremony for the courthouse expansion. He invited those in attendance to the ceremony. This will be an opportunity to commemorate this exciting expansion project. Judge Ashby thanked the Board of Commissioners for their support in acknowledging that Deschutes County needs additional judges and courtrooms. Commissioner Chang thanked the taxpayers of Deschutes County for servicing the debt for this project.

7. Unrepresented Persons Update:

Following U.S. District Judge Michael McShane's order, criminal defendants must be released from custody if they're not appointed a lawyer within 7 days of their initial court appearance amid a public defense crisis. Judge Ashby stated that Judge McShane's decision is largely sound.

Chair Ashby noted this is a serious and sobering topic for the justice community and provided some background. This situation creates a public safety risk to the community. Finding adequate indigent defense counsel has been a statewide and nationwide challenge. The DA's Office has three main providers of indigent criminal defense services: Deschutes Defenders, Bend Attorney Group, and Atlas Law Group. They've been meeting collaboratively for 18 months, acknowledging that there's no additional bandwidth for criminal defense. These individuals are in criminal jeopardy and facing consequences and are presumed innocent until proven guilty. As they await their hearing before a judge, they complete their application and there has been a lack of attorneys to appoint to them. It is a constitutional requirement that these individuals be assigned an attorney. Every Tuesday at 11:00, a weekly sentencing docket has been created.

Judge Ashby stressed that we cannot have these individuals languish in custody, and it places the court in a difficult situation. Due process needs to be consistent with each individual and the hearings must be transparent. The responsibility for appointing attorneys is with the Oregon Public Defense Commission (OPDC). Judge Ashby views this as a public defense crisis, a prosecution crisis, and a constitutional crisis.

Judge Ashby commended Rep. Kropf and others for stepping up to take on cases for unrepresented individuals, noting that collaboration is a force multiplier. DA Gunnels noted that today, Attorney Angie Lee stepped up to represent two individuals preventing any further untimely releases. He noted that hiring new public defenders has been challenging to the three providers due to the high cost and low availability of housing.

Responding to Deevy, Judge Ashby stated there has been an increase in dependency work, but he hasn't seen this issue yet affecting juvenile delinquency.

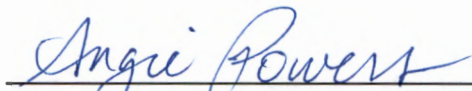
Responding to Commissioner Chang, Judge Ashby stated that should deflection takes place before the individual comes into court, it could reduce the demand of public defenders.

8. Agency Updates and Other Business:

No additional updates.

ADJOURNMENT: Chair Ashby adjourned the meeting at 4:27 p.m.

Respectfully submitted,

A handwritten signature in blue ink that reads "Angie Powers". The signature is written in a cursive style and is positioned above a horizontal line.

Angie Powers, BOCC Administrative Assistant