PUBLIC SAFETY COORDINATING COUNCIL OF MULTNOMAH COUNTY

Local Public Safety Coordinating Council
Executive Committee

Tuesday, September 7, 2010
7:30 to 9:00 a.m.
Multnomah Building - Room 315
501 S.E. Hawthorne Blvd.

Introductions, Announcements & Approval Of July 6, 2010 Meeting Minutes *Co-Chairs Judy Shiprack and Sam Adams*	5 minutes
Mayor's Proposed Gun Laws *Mayor Sam Adams*	10 minutes
Recommendations for Improvements in Intersection Of Mental Health & Public Safety *Joanne Fuller & Judge Frantz*	25 minutes
Report from the Reentry Council *Scott Taylor & Sheriff Dan Staton*	15 minutes
Bail Bondsmen *Nancy Bennett*	30 minutes
Statewide Juvenile Justice Symposium *Debbie Hansen*	5 minutes

Serving Public Safety Agencies in Multnomah County

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LPSCC
Executive Committee Meeting

Summary Minutes for September 7, 2010

I. Introductions, Announcements, and Approval of Minutes

LPSCC Executive Committee Members *In Attendance*

Sam Adams, Mayor of Portland, LPSCC Co-chair
Judy Shiprack, Multnomah County Commissioner, District #3, LPSCC Co-Chair
Chief Scott Anderson, Troutdale Police
Suzanne Bonamici, State Senator
Lane Borg, Director, Metropolitan Public Defenders
Karl Brimner, Director, County Mental Health Services
Gayle Burrow for Lillian Shirley, Director, County Health Department
Joanne Fuller, Director, Department of County Human Services
Karen Gray, Superintendent, Parkrose School District
Judy Hadley, Citizen Representative
Deborah Hansen, Regional Director, Oregon Youth Authority
Chief Craig Junginger, Gresham Police
Chief Phillip Klahn, Port of Portland Police
Diane McKeel, Multnomah County Commissioner, District #4
Larry O'Dea, Assistant Chief, for Chief Mike Reese, Portland Police Bureau
Chiquita Rollins, Domestic Violence Coordinator
Michael Schrunk, District Attorney
Dan Staton, Multnomah County Sheriff
Scott Taylor, Director, Department of Community Justice
Judge Nan Waller, Chief Family Court Judge

LPSCC Staff

Peter Ozanne, Executive Director
Elizabeth Davies, Analyst
Tom Bode, Research Associate

Other Attendees

Larry Aab, MCSO
David Barenberg, City of Portland
Kim Bernard, DCJ
Nancy Bennett, Government Relations Manager, Multnomah County Chair Cogen's Office
Drew Brosh, MCSO
Jann Brown, DCJ
Sharon Darcy, Pathfinders Oregon
Markley Drake, MCSO
Jim Gardner, Aladdin Bail Bonds
Carl Goodman, DCJ
Joyce Griffin, MCSO
Tim Hartnett, CODA
Jason Heilbrun, County IT - Public Safety
Neal Japport, Oregon Judicial Department
Warren Jimenez, Mayor's Office
Nancy Klein, Recovery Association Project
Dave Koch, DCJ
Matthew Lashua, Commissioner Shiprack's Office
Bobbi Luna, MCSO
Gail McKeel, County IT
Tim Moore, MCSO
Elise Nicholson, County IT
Matt O'Keefe, DCJ-CANS
Roberta Phillip, Chair Cogen's Office
Maureen Raczko, MCSO
Monte Reiser, MCSO
Karen Rhein, DCJ
Robin Springer, Mayor Adams' Office
Kathleen Treb, DCJ
Pat Walsh, PPB
Carol Wessinger, Citizen
Corie Wiren, Commissioner McKeel's Office

Questions, comments or suggestions?
Contact Elizabeth Davies at elizabeth.davies@co.multnomah.or.us or 503.988.5002

Serving Public Safety Agencies in Multnomah County

Announcements
Co-chair Judy Shiprack welcomed LPSCC's newest member, Karen Gray, Superintendent of the Parkrose School District.

LPSCC is hosting a "What Works" conference on December 10, 2010. The legislature and elected officials from around the county will be invited as special guests.

Chiquita Rollins announced that October is Domestic Violence Awareness Month. She encouraged LPSCC members to attend events and support the effort to increase awareness. Domestic violence fatalities are up in 2010 from the past several years.

II. Mayor's Proposed Gun Laws[1]

*Materials: Copy of proposals; 8/29/10 Oregonian article "*Mayor Sam Adams' Plan for new Portland gun laws could face stiff opposition"

Mayor Sam Adams spoke about his proposals to suppress illegal guns in Portland. A review of city gun policy indicates that the city has done little to tackle the issue of illegal gun use over the last few decades. Reported illegal gun use in Portland has doubled in the last year. In the last six years, the number of "hot spots" where people are shot and injured has gone from four to nine. The proposals were formed from discussions with the Police Bureau and the DA's Office about what policy changes, subject to the constraints imposed by state law, would support their efforts to reduce illegal gun use.

The first proposal adjusts curfew to an earlier time for juveniles who have been adjudicated for gun crimes, giving police the ability to remove those juveniles from sporting events, hot spots, and areas in which gun violence may occur. The second proposal would create a requirement to report the theft or loss of a gun in order to ensure that gun owners keep records of the serial numbers of their guns. The third proposal would enact penalties for a failure to control children's access to guns. The fourth proposal would increase the penalties for possessing a loaded gun in a public place. The last proposal would create exclusion zones in up to nine of the city's "hot spots." A person could only be excluded from these areas if he is on probation resulting from a conviction for a gun crime. The Mayor expressed concern about displacement but also noted that many gang members do not live in the traditional territory of the gang to which they belong.

The Mayor remarked that if the city's gun regulations are challenged in court, as he thinks they will be, he is prepared to defend them vigorously. Even if the city loses the court case, the process will provide motivation to the state legislature to enact laws to address gun control and gun access.

Senator Bonamici remarked that there are two gun safety laws being drafted for the next legislative session. The first is a child access prevention bill, which overlaps with one of the mayor's proposals. The second is a chamber-load indication bill that would require firearms manufactured in Oregon to contain a chamber load indicator[2]. Senator Bonamici invited input regarding the two bills.

[1] Due to scheduling issues, the Mayor's presentation of his gun proposals occurred after the Report from the Reentry Council (agenda item IV).
[2] Guns manufactured with chamber load indicators have a button or rod that sticks up when the gun is loaded, allowing the status of the firearm to be quickly determined by sight or feel.

Mike Schrunk thanked the Mayor for his efforts and stressed the importance of changing the culture regarding guns. He urged the police chiefs in the room to talk to their cities about the importance of laws such as those proposed by Mayor Adams. Changing the culture about guns will be difficult and take time, but it is important because police and laws require public support to be effective.

Peter Ozanne asked about the estimated impact on city and county public safety resources. Mayor Adams responded that most of the proposals were drafted to require no additional resources; the exception is the curfew proposal. The city's enforcement of the current curfew law is limited because, among other reasons, there is often nothing an officer can do once he or she picks up a juvenile other than attempt to call home and let the juvenile go. The exact procedure of the new curfew proposal is still being developed, but it will probably include some detention component that does not currently exist and that will require additional resources.

Chiquita Rollins suggested that the curfew violation could be something like a secondary offense, so that officers don't pick up adjudicated juveniles who were not doing anything dangerous or illegal, other than violating curfew. Mayor Adams responded that the special units that deal with gang issues know the adjudicated youth on sight and have identified this curfew proposal as a useful legal tool.

The proposals are currently finishing a two week period of public comment; the Mayor would like to have the proposals in front of Portland's City Council before the end of September.

III. Recommendations for Improvements in Intersection of Mental Health and Public Safety

Materials: Executive Summary "Transforming Services for Persons with Mental Illness in Contact with the Criminal Justice System in Multnomah County"

Joanne Fuller presented a summary of a report of the Mental Health Public Safety Subcommittee entitled "Transforming Services for Persons with Mental Illness in Contact with the Criminal Justice System: Sequential Intercept Mapping and Taking Action for Change." Judge Frantz, the sub-committee's other co-chair, was not able to attend the meeting. The report presents the proceedings and recommendations from a two day GAINS Center planning forum that brought together stakeholders from the Public Safety and Mental Health systems to look at intercept points in the system. Discussions at the forum revealed that stakeholders in the different systems had different and sometimes conflicting goals and ethical obligations to clients and communities. It also reaffirmed the importance of communicating and coordinating across programs.

Five intercept points were explored by the committee: 1) Law enforcement/Emergency Services; 2) Initial Detention/Initial Court Hearing; 3) Jail/Courts; 4) Reentry; and 5) Community Corrections/Community Support. An analysis of potential improvements was made for each intercept point; for example, the report recommended greater coordination and information sharing among the 911 call center and the other hotlines and warm lines in the county. From the discussion of the five intercept points, several priorities were identified. The subcommittee has since decided to focus its efforts on two issues: (1) increasing communication and (2) increasing diversion opportunities. Many logistical and legal barriers prevent complete and timely sharing of information about people involved in the system; incomplete information often prevents caseworkers from making informed decisions that are

best for the client. Diversion programs provide alternatives to jail which better serve the needs of the mentally ill. Diverting individuals with mental health issues away from jail means better service, better outcomes, and reduced costs to the county. In Multnomah County, the crisis treatment center that is being built will provide police with an alternative to jail, but it does not offer a complete solution for addressing the needs of this population.

Scott Anderson applauded the work of the committee but expressed concern that efforts to send out mental health response teams rather than police may limit the knowledge that officers have of neighborhood livability issues.

Judge Nan Waller expressed support on behalf of the courts. She and other judges see the amount of resources used by police, courts, hospitals and jails when processing the cases of individuals with mental health issues. She added that despite the effort and resources expended in these efforts, they sometimes have minimal impact on public safety.

Fuller concluded her presentation by explaining that the problem faced by the mental health and the public safety systems is fundamentally a structural problem: while the public safety system must serve everyone, the majority of mental health care is provided by health insurance (either private or Medicaid). People who are not covered by insurance must be served by the public safety system. As a permanent solution to this structural problem is likely in the current budget environment, Fuller suggested that efforts be directed at making discrete improvements in the system.

A link to the full GAINS report will be posted to LPSCC's website on 9/29/10:
http://web.multco.us/lpscc/mental-health-and-public-safety-subcommittee

IV. Report from the Reentry Council

Scott Taylor provided an update on the work of the County's Reentry Council. Recently the council has focused its planning on two populations: female offenders and drug offenders. Both populations encounter unique challenges to successful reentry; female offenders often have dependent children while drug offenders experience some of the lowest rates of success under local control. The council is also pursuing an initiative to automate the Recog tool, which helps court-appointed Recog officers determine if a defendant can be safely released into the community and trusted to attend his next court appearance. County IT has prepared estimates of the time and resources needed to create an electronic system that would replace the current paper-based, NCR system. The Department of Community Justice and the Multnomah County Sheriff's Office have agreed to use a potion of the grant money won with the help of Senator Merkley to automate the Recog tool. The Reentry Council will also be working to improve links with the Veterans Administration and the state.

V. Bail Bondsmen

Materials: handout from Nancy Bennett "Issue Brief: Bail Bonds"; handout from Jim Gardner: "The Case for Authorizing Commercial Surety Bail in Oregon"; powerpoint printout.

Nancy Bennett facilitated a conversation about whether the legislature should allow the re-introduction of the commercial surety bail in Oregon. Commercial bonding for profit was outlawed in 1973. Since then, there have been a number of failed legislative attempts to return it. In 2009, the legislature created a working group to explore the issue of bail bonds and explore potential impacts on public safety, court revenue, and jail usage. Bennett

suggested the following frame for thinking about this issue: 1) identifying the problem that bail bonds attempts to solve; 2) examining the overall impact of bail bonding on the entire public safety system; and 3) considering how bail bonds would exist alongside the current system.

Jim Gardner, a lawyer and lobbyist represented Aladdin Bail Bonds, argued for the return of bail bonds to Oregon. Under the current system, a person may be released from jail on a bond by putting up ten percent of the total amount. If that person attends all of their court dates, they are returned the ten percent of the bond amount, minus about 15 percent in fees; if they fail to appear (FTA), the courts keep the ten percent of the bond that was posted but may not recover other funds. Under the bail bond system, the ten percent turns into a premium to the bail bond company. If the person doesn't show up at their next court appearance and the bondsmen are not able to retrieve that person within a certain number of months, the courts are paid the full sum of the bond. Gardner provided calculations that suggest that the state will collect more from forfeitures under a bail bond system than under the current system.

Gardner said that unlike the system of commercial bail that existed previously in Oregon, the next incarnation of bail bonds would fund a "robust regulatory regime" to license and police the bail bond companies and bondsmen. Fees and taxes would be set up to provide funding for this regime at a level recommended by the Department of Consumer and Business Services. Gardner suggested that the abuses that existed under the previous bail bond system would be minimized by this regulation.

Scott Taylor expressed a number of concerns about this proposal. The Department of Community Justice has been in touch with the National Pretrial Association and the American Pretrial Association, both of which are not in favor of bail bond systems. Taylor is concerned about the disproportionate effect the introduction of bail bonds would have on minority jail populations, as someone's ability to leave becomes more dependent on his ability to pay. Second, he is concerned about who will have the option to purchase a bail bond. Third, he is concerned about an increase in the number of agencies who are responsible for pre-trial defendants in the community; currently two entities, DCJ Pre-trial Supervision Program and the Sheriff's Office Close Street Supervision program, provide this function. Fourth, he is concerned about changes in the number of people in jail as a result of bail bonding and the effect of increased jail incarceration rates on community resources.

Gardner responded to Taylor's concerns. First, he said that in other states his company coordinates very closely with law enforcement and that bail bondsmen are viewed as a "force multiplier." Second, he said that commercial bond surety offers "greater inclusivity" because the industry standard is to allow people to pay the ten percent premium over time without interest – as opposed to paying the full ten percent right away, as the current system requires. Bail bond companies are able to provide this service because they effectively "secure" the premium by obtaining indemnification agreements from friends and family of the defendant. This ability to pay over time makes bail bonds more inclusive than the current system. Gardner asserted that a system of commercial bail bonds furthers the goal of decreasing minority over-representation in jails.

Chiquita Rollins had several comments. First, she asked about studies showing the impact of bail bonds on recidivism. Gardner said he knew of none. Second, she expressed concern that a system of bail bonds might create a situation in which, for example, a domestic

violence victim would be held financially responsible if her husband failed to show up to court. Gardner responded that spousal financial obligations could be a problem in domestic violence cases, but he also contended that the "it takes a village" approach of the bail bond system is effective at motivating defendants to show up to court. Family members or friends must first sign an indemnification agreement and become a guarantor of the defendant before they can be held financially responsible by bail bond companies.

Tim Moore commented that the national statistics used by Gardner are out of date and not reflective of the situation in Multnomah County, which is better than the national average. [Note: Please see the analysis of Multnomah County's Felony Failure to Appear (FTA) rate, available online at http://web.multco.us/lpscc/reports-publications].

Lane Borg offered several comments. First, he expressed concern about creating a system that brings a for-profit industry into a non-profit arena. There are very slim margins in the bail bond business, and he thinks that the profit motive will drive companies to act in a predatory manner to the detriment of the community. In the past, Oregon had a for-profit diversion system that trapped clients with high debt and had to be ended by the legislature. Second, he expressed concern about the practice of allowing future payments on bonds. He said that some people in jail are so desperate that they will sign anything to get out of jail, no matter the future consequences. Perhaps it is better if some people remain in jail if they do not have the resources to get out on bail. Gardner responded that bail bonds will be an option, not a requirement, for people in jail. In some ways, it is a matter of personal liberty to allow people to have the option to buy a bail bond. He suggested the most important question is what the net effect on county bail revenue is, and he felt that bail bond companies would allow more bail money to be collected by the county.

Bannett concluded with two final points. First, this discussion omitted the issue of managing jail populations based on risk. Second, it is important to examine how financial realities of a bail bond system might differ from projections.

As a follow-up to this discussion, Captain Bobbi Luna suggested that people interested in the issue look at the fact and position paper prepared by the National Association of Pretrial Service Agencies, available at http://www.napsa.org/publications/napsafandp1.pdf.

VI. Statewide Juvenile Justice Symposium

Materials: flyer

Debbie Hansen announced that the Oregon Juvenile Justice Symposium will take place October 11 and 12. It is the culmination of a year's worth of efforts that have included the judiciary, district attorney's offices, victims, victim advocates, juvenile departments, and law enforcement. The symposium will reflect on whether the juvenile justice system is functioning appropriately and if it should be changed in light of the current and upcoming financial difficulties. More information about this event be found at http://www.oregon.gov/OYA/jjs/jjsummit_home.htm