



# Public Safety Coordinating Council Executive Committee Meeting

*Tuesday, July 7, 2009*

*7:30 to 9:00 a.m.*

**Multnomah Building - Room 315  
501 S.E. Hawthorne Blvd.**

## Agenda

<b>Introductions, Announcements &amp; Approval of the June 2, 2009 Meeting Minutes</b> <i>Chair Dan Saltzman</i>	<b>5 minutes</b>
<b>Discussion of the Potential Impacts of the Final State Budget</b> <i>Chair Saltzman &amp; LPSCC Members</i>	<b>15 minutes</b>
<b>Report from the Public Safety Alignment Workgroup</b> <i>Workgroup Co-Chair Chief Rosie Sizer</i>	<b>5 minutes</b>
<b>Report from the Youth and Gang Violence Workgroup</b> <i>Workgroup Co-Chair Michael Ware &amp; Peter Ozanne</i>	<b>5 minutes</b>
<b>Report from the Public Safety Planning Workgroup</b> <i>Workgroup Co-Chairs Mike Schrunk &amp; Scott Taylor</i>	<b>5 minutes</b>
<b>Report from the Sheriff's Office on the Impending Change in Jail Booking Policy</b> <i>Chief Deputy Ron Bishop &amp; Larry Aab</i> <i>(See the accompanying "FAQ" handout)</i>	<b>15 minutes</b>
<b>Discussion of Emergency Jail Releases: Recent Causes and Potential Solutions</b> <i>Co- Chairs Saltzman &amp; Wheeler &amp; LPSCC Members</i> <i>(See the accompanying Board Resolution, Capacity Management Action Plan and Feb. 26, 2009 memo)</i>	<b>40 minutes</b>

**NO MEETING IN AUGUST**  
**NEXT MEETING – TUESDAY, SEPTEMBER 1, 2009**

July 1, 2009

**MEMORANDUM**

TO: Local Public Safety Coordinating Council Members

FR: Peter Ozanne

RE: Agenda for LPSCC's July 7, 2009 Meeting

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This memo describes some of the agenda items for LPSCC's July 7, 2009 meeting to assist Council members in preparing for the discussions of key issues.

**Discussion of the Potential Impacts of the State Budget.** We discussed the potential impacts of state budget reductions during our meetings in May and June. Since the state's public safety budget is likely to be finalized by the time of our July meeting, another discussion may serve to refine our initial assessments. Of course, it is likely to take weeks or months to accurately assess the full impact of the state's budget reductions; so this item will probably continue to appear on our agendas through this fall.

**Report from the Youth and Gang Violence Workgroup.** Michael Ware and I will report on the second meeting of this workgroup and the group's organization and process. The workgroup's members may update us on the progress of the group's subcommittees, depending on the subcommittees' meeting schedules.

**Report from the Public Safety Planning Workgroup.** Mike Schrunk and Scott Taylor will report on the first meeting of this workgroup and the likely approaches the workgroup will take to update last year's county-wide Public Safety Plan and determine what proposals in the plan are now feasible to implement.

**Report from the Sheriff's Office on the Impending Change in Jail Booking Policy.** Command staff from the Sheriff's Office will explain the Sheriff's new open or unrestricted jail booking policy and its implications for our local public safety system. The Sheriff's "FAQ Sheet", which provides details about the policy and its significance, accompanies this memo.

**Discussion of Emergency Jail Releases: Recent Causes and Potential Solutions.** During the week of June 14 and for the first time in 15 months, a significant number of inmates were released from jail under the Board of County Commissioner's "Capacity Management Action Plan" (aka "Emergency Release Plan"). Since this is an event that everyone in the public safety system wants to

avoid, the Co-Chairs would like to engage the members of LPSCC in a discussion about the likely causes of these emergency or forced releases and any actions that our members' respective agencies can take to avoid as many forced releases as possible and to reduce their impact on the community. County Chair Wheeler has also directed me, based on this discussion and in further consultation with the affected agencies, to collect and analyze data on the factors that result in emergency population releases and to report to the Board of County Commissioners in thirty days on the ways in which the Board's Emergency Release Plan can incorporate procedures to avoid or reduce the impact of emergency releases. The most recent Capacity Management Action Plan, Resolution 09-083 approving the Plan and the Sheriff's Office's February 26, 2009 memorandum regarding implementation of the Plan accompany this memo. ▲

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**LPSCC**  
**Executive Committee Meeting**  
***Summary Minutes for July 7, 2009***

**LPSCC Executive Committee Members**

**In Attendance**

Multnomah County Chair Ted Wheeler,  
LPSCC Co-Chair  
Portland City Commissioner Dan Saltzman,  
LPSCC Co-Chair  
District Attorney Michael Schrunk  
Judge Jean Maurer  
Senator Suzanne Bonamici  
Judge Nan Waller  
Troutdale Police Chief Scott Anderson  
Fairview Police Chief Ken Johnson  
Rob Milesnick, Citizen's Crime Commission  
Lane Borg, Metropolitan Public Defenders  
Joanne Fuller, County Human Services  
Karl Brimner, County Human Services -  
Mental Health  
Michael Ware, Self Enhancement Inc.  
Dave Koch, Department of Community  
Justice Juvenile Services  
Portland Police Chief Rosie Sizer  
Judy Shiprack, District 3 County  
Commissioner  
Troutdale Mayor Jim Kight  
Chiquita Rollins, County Human Services –  
Domestic Violence  
Scott Taylor, Department of Community  
Justice  
Diane McKeel, District 4 County  
Commissioner  
Lillian Shirley, County Health Department  
Karin Immergut, U.S. Attorney's Office  
Portland of Portland Police Chief Philip  
Klahn  
Judge Julie Frantz  
Judy Hadley, Citizen Representative

**Other Attendees**

Larry Aab, MCSO  
Ilena Allen, Commissioner McKeel's Office  
Art Ballizan, FBI  
Ron Bishop, MCSO  
Drew Brosh, MCSO  
Jann Brown, DCJ  
Caleb Langsam, LPSCC Youth and Gang  
Violence Workgroup  
Shannon Callahan, Commissioner  
Saltzman's Office  
Tom Cleary, MCDA  
Carl Goodman, DCJ  
Eric Hall, Oregon Judicial Department  
Glenna Hayes, Center for Family Success  
Rob Ingram, Office of Youth Violence  
Prevention  
Christine Kirk, MCSO  
Dave Koch, DCJ  
Matthew Lashua, Commissioner Shiprack's  
Office  
Beckie Lee, Commissioner Kafoury's Office  
Bobbi Luna, MCSO  
Shea Marshman, County Auditor's Office  
Gail McKeel, County IT  
Jana McLellan, Chair's Office  
Charlene Rhyne, DCJ  
Rhys Scholes, Chair's Office  
Undersheriff Tom Slyter  
Jacquie Weber, County Attorney's Office  
Corie Wiren, Commissioner McKeel's Office  
Wanda Yantis, MCSO  
Jason Ziedenberg, DCJ

**LPSCC Staff**

Peter Ozanne, Executive Director  
Elizabeth Davies, Public Safety System  
Analyst

The meeting began with introductions and approval of the June 2, 2009 minutes.

**Announcements**

Council members greeted Art Balizan, the newly appointed Special Agent in Charge (SAC) of the FBI's Portland Division. Mr. Balizan comes to the area with 32 years of experience in law enforcement, with positions ranging from police officer to DOJ Training Coordinator in Columbia, which he feels gives him a unique understanding of the interaction between city, county, state, and federal government.

## **Discussion of the Potential Impacts of the Final State Budget**

Department of Community Justice: Scott Taylor reported that the State Budget will impact the number of clients that his staff manages by altering their length of stay at different points in the system. The budget allows for reductions in the length of probation sentences for good behavior, leading to fewer clients under DCJ supervision and an expected \$5-6 million less for the department. At the same time, an allowance for reduced prison sentences for good behavior may *increase* the number of clients under post-prison supervision. Statewide, an additional \$9 million will be cut due to legislation that reduces length of stay for certain non-criminal probation violations.

District Attorney's Office: Mike Schrunk reported that the DA's Association has been working closely with the Defense Bar and other associated agencies to determine how plea offers and trial "set-over's" (i.e., rescheduling) should be handled in anticipation of the February 2010 suspension of Ballot Measure 57. Although there was initially worry over the funding for the County's STOP Court, Mr. Schrunk feels confident that the court will remain open.

Oregon Judicial Department: The Courts took a 9.8 percent cut in the final state budget, and the status of court referees remains unknown. Presiding Judge Jean Maurer indicated that she will have more information at the next LPSCC meeting.

Department of County Human Services: Joanne Fuller reported good news coming out of the final state budget: an almost complete restoration of adult alcohol and drug treatment; restoration to the safety net for mental health services; and additional funding to Project Independence and domestic violence programming.

Metropolitan Public Defenders: Lane Borg reported a six percent cut to Indigent Defense.

Health Department: Lillian Shirley has been able to add additional support to Corrections Health by making improvements to the way that medications are tracked.

State: Susan Bonamici, Oregon State Senator, hopes that the legislature will not have to make additional cuts in February 2010.

## **Report from the LPSCC Workgroups**

1. Public Safety Alignment Workgroup: The group continues to meet and has focused its recent efforts on a shared loss in training capacity. Portland Police Chief Rosie Sizer reported that agency heads are discussing ways to share resources and training capacity between police departments.
2. Youth and Gang Violence Workgroup: The group has decided to use a public health perspective to better understand this issue and is working on a collaborative approach to youth violence and gang activity that encompasses prevention, intervention and enforcement strategies. Lillian Shirley commented that there is national recognition of the work that the County is doing to examine the connection between crime and health. Peter Ozanne introduced Caleb

Langsam, a former research analyst for the Health Department, who will be helping the workgroup with data collection and presentation. The group will meet again later this month.

3. **Public Safety Plan Workgroup:** The group had its first meeting in mid June and is in the process of reviewing the proposals that were identified as short-term or long-term priorities in the 2008 Plan. Lane Borg, one of the group's members, commented that he was encouraged by the amount of movement on some of the proposals. The group will meet again in August.

### **Report from the Sheriff's Office on the Impending Change in Jail Booking Policy**

This discussion centered on a recent policy decision by the Sheriff's Office to expand booking criteria to permit the booking of any individual charged with an ORS crime or with a limited number of ordinance violations.

Captain Drew Brosh and Chief Deputy Ron Bishop discussed the rationale for this policy change, citing their expectation that "Open Booking" will mirror the success of the Project 57<sup>1</sup> initiative in reducing Failures-to-Appear (FTAs)<sup>2</sup> and recidivism; in theory, an open booking policy provides a more "swift and certain" response to criminal behavior by physically removing a person from an illegal activity (an individual is taken into custody in lieu of receiving a citation) and by providing more immediate follow-up and consequences (individuals booked into custody must appear in court within 48 hours, versus the 30 days typical of a citation).

The policy change is expected to generate 15 new bookings per day, which the Sheriff's Office expects will not increase the number of jail beds because all of the new bookings are eligible for an expedited Recog release. Captain Brosh noted that the policy may lead to an increase in pre-arraignment detention of individuals with a history of failing to appear in court, but expects that this increase in jail beds will be offset by the reduction in future failures to appear for this population.

The Sheriff's Office plans to track the outcomes of people who were once cited and are now booked. Scott Taylor will also be tracking the impact of this policy change on Recog Officer workload. Judy Shiprack requested additional information on how Court Appearance Notification System (CANS) calls impacted the FTA rate of the P57 program and might impact the FTAs for individuals charged with crimes now allowable under the new booking policy.

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<sup>1</sup> Project 57 was an inter-governmental agreement between the City of Portland and Multnomah County whereby the city paid the County \$1.3 million per year to reserve 57 secure jail beds for the pre-arraignment lodging of certain arrestees designated by the city (typically individuals charged with lower level crimes such as drug dealing and possession, prostitution, commercial burglary, and auto-theft). The city has discontinued funding for this project.

<sup>2</sup> According to 2007 and 2008 memos, 43% of persons arrested for P57-type charges failed to appear at arraignment prior to implementation of this policy; under the new policy, 9% of P57-arrestees failed to appear at arraignment. However, two-thirds of P57 arrestees were detained in custody prior to arraignment, rendering them incapable of failing to appear at arraignment and making comparisons between this population and those brought into the jail under the open booking policy difficult.

Judge Frantz expressed concern over the expected influx of cases at a time when the courts are already coping with reduced resources. District Attorney Mike Schrunk agreed that the policy will likely cause workload issues in the beginning, but added that his office is working on electronic case processing to reduce the burden. He said that this policy will ultimately provide additional opportunities for individuals to connect with Recog, Law Enforcement, and Public Defenders, all of which may help reduce failures to appear. He also believes the policy will help individuals connect with critical services. Lillian Shirley agreed that the policy will bring in additional high-risk people in need of services, but worried about the impact on Corrections Health staff members, who may have reduced ability to perform a full health assessment.

Other council members expressed concern about the implementation of this policy in the field. A representative of Portland Police said that officers have been instructed to book all eligible arrestees, except at times when there is a heavy call load or rush hour traffic (through an override of the policy by the Supervising Sergeant). Chiquita Rollins commented that we need to ensure that officer discretion and sergeant overrides do not have a disproportionate impact on certain populations. Several solutions to implementation barriers were proposed, including the development of a mobile booking facility where individuals could be booked on the street and the delegation of booking powers to Portland Police. Representatives of the Sheriff's Office who were present responded that neither suggestion was feasible.

### **Discussion of Emergency Jail Releases: Recent Causes and Potential Solutions**

This discussion focused on the Board of County Commissioners' Capacity Management Action Plan, which allows for the "forced release" of pre-trial inmates if the jail population reaches or exceeds 97 percent of capacity. Chief Deputy Bishop clarified that the 97 percent level does not automatically trigger emergency releases, but rather alerts the Release Sergeant to begin reviewing the Matrix Release scores of the jail population.

Lane Borg suggested a warning be sent out to the Courts and other interested agencies when the jails reach a certain "pre-crisis" level, such as 92% of capacity. Scott Taylor agreed, noting that if his staff had an early warning, they could release local control inmates onto supervision and reduce the length of stay for inmates being held for a probation violation. DCJ's Recog staff could also be instructed to make different release decisions if they knew that emergency releases were imminent. Ted Wheeler also supported an advanced warning system to provide increased accountability to the public.

Other suggestions raised for avoiding forced releases included returning to single bunking, contracting with other counties to temporarily hold inmates, and shifting the US Marshal population depending on the season (i.e., taking in fewer USM prisoners during the peak summer months). In response to concerns about the connection between emergency release and the recently expanded US Marshal program, Chief Deputy Bishop reported that his office can call the US Marshal program and move out prisoners if emergency releases are expected.

Several council members expressed concern about emergency releases that occur between midnight and 8 a.m., when most services (and transportation options) are not available. Chief Deputy Bishop confirmed that releases typically occur at 2 a.m, although some individuals are released at 12:01 a.m. if they are eligible for release for time-served on a sentence. Council members worried about the impact of this policy on individuals with mental health issues, though Judge Frantz noted that no person with a diagnosed mental illness can be released during the night-time hours. Judy Shiprack requested more information on the total number of releases that occur between midnight and 8am to get a better sense of the population impacted by this policy.

Moving forward, the Sheriff's Office plans to immediately convene a "Capacity Management Review Team" to address some of the concerns brought up at the July LPSCC meeting. Peter Ozanne also suggested that we begin to track FTAs and pre-trial re-arrests of emergency released inmates.