



# Multnomah County Charter Review

## Safety & Justice Subcommittee

April 11, 2022, 6:30 – 8:00 pm

### SUBCOMMITTEE MEETING 4

Purpose: To prioritize research topics.

#### Attendees

##### Committee Members Present

- Donovan Scribes (he/him)
- Nina Khanjan (she/her)
- Ana del Rocío (she/her)
- Salma Sheikh (she/her)
- J'reyesha (Jay) Brannon (she/her)

##### Absent:

- *Danica Leung (she/her)*

##### Staff:

- Dani Bernstein (they/them), Office of Community Involvement Director

In addition, members of the public were welcome to observe the meeting as non-participatory attendees. There were no observers at this meeting.

#### Welcome

Dani Bernstein opened the meeting with a brief overview of Zoom logistics and the agenda.

#### Public Comment

No one was signed up for verbal comment.

Dani summarized two written public comments. One comment advocated for including language in the Charter that required elected officials to annually inspect jail and detention facilities in the county. The commenter stated the purpose was to make officials aware of conditions in the jails.

The other comment, submitted by the same community member, advocated for the establishment of an elected public defender for Multnomah County. The commenter pointed to the current public defense crisis in the state and also said this would create a pipeline for more diversity in elected public officials.

Donovan said that he was interested in the idea of having elected officials visit the jails. He noted the commenter said this was a common requirement included in other jurisdictions' charters. Donovan said he was interested in making the required visits more frequent, perhaps quarterly.

Nina asked Dani to share the comment so they could read through it.

Nina asked if currently public defender was an elected or appointment position. Nina suggested the subcommittee put together a list of questions on this topic.

Returning to the topic of jail visits, Donovan said that the jails would likely be on their best behavior and cleaned up when they knew elected officials were coming.

Nina suggested surprise check-ins. She noted that the comment also included reference to in-patient psychiatric centers and she thought that was really important for people to see. She said that people in power often do not have experience with these sorts of things. As a special ed teacher, she said it was strange to her that people had no idea about the things her kids dealt with. Nina said she liked the list of facilities included in the comment.

## **Discussion of Potential Research Topics**

Nina noted that she had been watching what was happening in Seattle and wanted to avoid making recommendations in conflict with state law, since she felt that would be a waste of their hard work.

Nina said she had been looking at House Bill 4107, which would introduce a racial and ethnic impact statement similar to a revenue statement that would be required when a bill was introduced into law. She was thinking about that in terms of the generally accepted government auditing standards the Auditor followed and spoke to the subcommittee about at its last meeting. Nina was wondering if they could include some type of equity lens in the Charter, even something that the Auditor's Office already used in its work that could be codified in the Charter.

Donovan said he thought that was interesting. He said he thought the county already had an equity lens that it used.

Dani said that the County had its Office of Diversity and Equity, which had developed the county's Equity and Empowerment lens. They said that it was about due for an update and was something the office was likely to tackle soon. Dani said the equity lens had been incorporated into the county's workforce equity plan a few years ago, as well as incorporating a "leading with race" piece. Dani shared a link to the Equity and Empowerment Lens in the chat (Appendix A).

Donovan responded to Nina's point about making sure their recommendations do not conflict with any laws, noting that the committee's timeline was short, and that proposals to significantly change the Sheriff's Office would face major pushback. He said what he had seen across the country was that the Sheriff's Office would look for legal opportunities to remove changes to that office.

## **Round Robin Priorities**

Donovan said that the subcommittee would run through a list of topics they had brought up in their past couple of meetings, and subcommittee members would hold up fingers to indicate how much of a priority that topic was to them. He shared a list of topics in the chat:

- Funding for the auditor

- Sheriff oversight board

## Measure J

Sheriff involvement in evictions

Making the sheriff an appointed office

Remove/change sheriff's powers

DA contracting

Health in jails

Donovan explained that they would tally the numbers each subcommittee gave each topic and use totals to determine what the subcommittee's top priorities were. He acknowledged it was hard because all of the topics were important.

For funding for the Auditor's Office, Nina and Salma held up five fingers, Donovan held up four fingers, and Jay indicated three in the chat.

For a Sheriff oversight board, Nina, Donovan, and Salma all held up three fingers.

Jay told the subcommittee she was driving while joining the meeting, which impacted her involvement.

Ana joined the meeting and Donovan explained what their assessment process.

For Measure J, a reference to a Charter ballot measure from LA County that the subcommittee could use as a model, Nina, Donovan, Ana, and Jay gave three fingers.

For the Sheriff's involvement in evictions, Jay, Donovan, Salma and Ana gave five fingers, Nina gave four fingers.

Donovan explained that currently county voters elect the Sheriff. Having an appointed Sheriff would make that position more accountable to the Board of County Commissioners. For making the Sheriff an appointed office, Ana gave four fingers, Salma gave two and a half fingers, Nina gave two fingers, Donovan gave one finger.

Donovan said he was a little confused by the topic of "remove or change the Sheriff's powers" since he felt that was an overarching theme. He said Kali Odell, the committee's program coordinator, had provided the list to the co-chairs. Since it was not immediately clear to the subcommittee what this one was referring to specifically, they chose to move on to other items on the list.

Donovan recapped that the MCCRC had received a public comment about the District Attorney's (DA's) contract with Clean and Safe, which the commenter felt was a conflict of interest.

For addressing DA contracting, Donovan gave five fingers, Salma gave four and a half, Nina and Jay gave four. Ana said she did not know enough about that and chose to abstain.

For health in jails, Donovan, Nina, Salma, and Jay gave five fingers. Ana gave it four, adding that she was not sure how much would be possible without adding oversight to the Sheriff.

Donovan added the issues raised earlier by public comment to the list: elected county officials' required jail visits and an elected public defender.

For the elected officials' required jail visits, Ana gave five fingers; Nina, Donovan, Salma and Jay gave four.

For the elected public defender, Nina, Jay and Salma gave five fingers; Donovan and Ana gave four.

Jay said she did not know if the Charter allowed for a public defender, but she was interested in that as a possible path for improving community engagement.

Dani summarized the topics that scored above an average of four, from highest to lowest: health in jails, Sheriff's involvement in evictions, elected public defender, DA contracting, Auditor funding, and requiring elected officials to inspect jails.

Donovan asked if the subcommittee felt comfortable moving forward with the top three as its research priorities. He said he did, although it hurt him to leave DA contracting on the table.

Ana said she thought it made sense to start where there was the most overlap and common ground.

Donovan addressed the subcommittee's timeline for remaining meetings. He said the subcommittee was aiming to wrap up meetings in May, so they probably could not devote a full meeting to each topic. He suggested they could break into smaller groups to do research to bring back to the subcommittee.

Subcommittee members supported Donovan's proposal.

Donovan said he preferred to focus on the Sheriff's role in evictions.

Salma said she was interested in health in jails.

Donovan noted there had been a lot of interest, if not a lot of knowledge, about an elected public defender.

Nina said that she was most interested in researching the elected public defender topic.

Salma changed her mind and said she would also prefer to focus on the elected public defender.

Jay said she was interested in the Sheriff's removal from the evictions process, but was happy to fill the gap and research health in jails.

Ana said she did not have the capacity to work in an additional group.

Donovan would check in with Danica, who was absent, about her interest.

## **Focus within Subcommittee Topics**

Donovan shared that his goal for the Sheriff's role in evictions was to remove an army-like force from coming in when people were at their lowest, making it possible for people to be killed or put in jail. He would not want to see the Sheriff replaced by private armed security guards. He asked subcommittee members if there were lanes within the other topics they wanted to focus on. He asked about health in jails first.

Nina raised the possibility of nutrition standards for food in jails.

Ana said that one area she had seen research on was a lack of proper training for dealing with mental help in jails. She also pointed to maternal health. She said that the focus would be on harm reduction since she did not think these could be safely resolved in jails. She raised the possibility of diversion.

Nina referenced the audit which she said noted that adults in custody who were given jobs were trained by people who lacked training. She said this was around cleaning up messes that involved toxic substances, and the adults in custody were not taught how to deal with those situations.

Donovan transitioned the subcommittee to talk about the public defender topic.

Salma said she would want to know about public defenders' caseloads in Multnomah County. She would like to know how many public defenders the county had and how many people they had to defend.

Nina said that the public comment noted that public defense was contracted out, so the county did not have an elected public defender at all. She suggested putting together a list of questions for the County Attorney's Office to learn more about how state law was playing a role in public defense and might impact the subcommittee's ability to take action. She felt an elected public defender could provide some oversight that had been lacking.

## Wrap-Up

Donovan asked the subcommittee if there were other speakers that members were interested in hearing from in their meetings.

Donovan said he was potentially interested in having the Auditor back, even though her proposals had not made it into their top priorities. He wanted to know more about the audits, especially since it appeared that the last time there was an audit of some aspect of the Sheriff's Office, prior to the Auditor's recently released report on the county's COVID response, was 2008. The 2008 audit, he said, looked at the civil process side of their work. He wanted to know if the Auditor's Office had given more thought to that role and if they had suggestions about another county department that could handle eviction processes. He wondered if there was a way to let county departments know the subcommittee was considering this so that if departments were interested in taking on evictions, they could speak to the subcommittee about that.

Jay liked that idea. She said she was interested in statistics about how effective the current eviction process was, whether they wanted it to be effective in those ways, who was harmed in the eviction process. She said it might be biased to get those statistics from the Sheriff's Office since it carried out the evictions, but she felt that having more background would help when it came time for voters to weigh in.

Donovan said he had reached out to Dr. Linda Bates at Portland State University to highlight some of this information. He also referred back to the Sheriff's budget, which he said dedicated about \$1 million to the civil process and the breakdown for that funding said the Sheriff's Office needed it to deal with people who came at them with guns. Donovan said that when he looked at the Auditor's report from 2008, it said how infrequently that happened. He said he thought there could be a discrepancy as there often was with Sheriff-reported information.

Donovan also reminded the subcommittee that they could hear from people outside of the Safety & Justice Subcommittee meetings. He also recommended looking at other jurisdictions as a resource, to see what they were doing on these topics. He also said that now that they had zeroed in a little more on topics Katherine Thomas, Assistant County Attorney, might be able to be more of a resource for legal questions.

Dani said that Katherine and her office would likely not be able to answer general questions like what can be done around x topic, but that the more specific subcommittee members were with their questions, the more likely Katherine could provide helpful information around the current state of affairs and the laws the impact it.

Jay asked if they could develop potential verbiage for what to put in the Charter.

## APPENDIX A: ZOOM CHAT

- 00:40:44 Dani Bernstein (they/them): <https://www.multco.us/diversity-equity/equity-and-empowerment-lens>
- 00:45:55 Donovan Scribes (he/him): funding for the auditor, sheriff oversight board, Measure J, sheriff involvement in evictions, making the sheriff an appointed office, remove/change sheriff's powers, DA contracting
- 00:46:10 Donovan Scribes (he/him): Health in jails
- 00:49:14 J'reyesha Brannon: Sorry for being late everyone!
- 00:49:47 Donovan Scribes (he/him): funding for the auditor, sheriff oversight board, Measure J, sheriff involvement in evictions, making the sheriff an appointed office, remove/change sheriff's powers, DA contracting, Health in jails
- 00:50:21 J'reyesha Brannon: 3
- 00:51:36 Donovan Scribes (he/him): funding for the auditor, sheriff oversight board, Measure J, sheriff involvement in evictions, making the sheriff an appointed office, remove/change sheriff's powers, DA contracting, Health in jails
- 00:55:25 Ana del Rocio: They can also appoint from national Pool vs elected is just within county
- 01:03:26 Nina Khanjan she/her: A top 3 would be great
- 01:04:46 Dani Bernstein (they/them): Health & Jails, Evictions, Public Defender were top 3
- 01:05:08 Dani Bernstein (they/them): followed by DA contracting, auditor funding, mandated inspections
- 01:11:04 Nina Khanjan she/her: Yes
- 01:13:24 Nina Khanjan she/her: I'm interested in doing the public defender research