



LPSCC Executive Committee Meeting

Summary Minutes for July 5, 2011

I. Introductions, Announcements, and Approval of Minutes

LPSCC Executive Committee Members In Attendance

Judy Shiprack, Multnomah County Commissioner, District #3
Joanne Fuller, Chief Operating Officer (by phone)
Dawn Andres for Lane Borg, Director, Metropolitan Public Defenders
Tim Moore for Dan Staton, Multnomah County Sheriff
Suzanne Bonamici, State Senator
Karl Brimner, Director, County Mental Health Services
Judge Julie Frantz, Chief Criminal Court Judge
Judy Hadley, Citizen Representative
Suzanne Hayden, Citizens' Crime Commission
Annie Neal, Domestic Violence Coordinator
Chief Mike Reese, Portland Police Bureau
Michael Schrunk, District Attorney
Judy Shiprack, Multnomah County Commissioner, District #3
Scott Taylor, Director, Department of Community Justice
Kathy Tinkle, Director, County Health Department
Judge Nan Waller, Chief Family Court Judge

LPSCC Staff

Matt O'Keefe, Analyst
Tom Bode, Research Associate
Mary-Margaret Wheeler-Weber, Executive Assistant

Other Attendees

Dave Braaksma, MCSO
Doug Bray, Circuit Court Administrator
Drew Brosh, MCSO
Gayle Burrow, Corrections Health
Lorena Campbell, Mental Health and Public Safety Subcommittee
Nancy Cozine, Oregon Judicial Department
Sharon Darcy, Pathfinders Oregon
Jean Dentinger, Mental Health and Public Safety Subcommittee, Manager, Diversion Courts
Antoinette Edwards, Mayor's Office
Chuck French, MCDA
Lisbeth Gerritsen, Portland Police Bureau
Carl Goodman, DCJ
Althea Gregory, Commissioner Smith's Office
Mark Guillianio, Bazelon Center for Mental Health
Jason Heilbrun, County IT - Public Safety
Neal Japport, Oregon Judicial Department
Drake Markley, MCSO
Greg Moawad, OHSU Department of Public Safety
Andrew Olsen, Multnomah County District 4
Charlene Rhyne, DCJ
Amreet Sandhu, Office of Sam Adams
Kathleen Treb, DCJ
Thuy Vanderlinde, Department of Community Justice
Sara Westbrook, Portland Police Bureau

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County**

Commissioner Shiprack called the meeting to order.

Announcements

Suzanne Hayden announced a dinner being sponsored by the Citizens Crime Commission and others for first responders on September 10, 2011 at the Oregon Convention Center. Organizations and individuals can support the dinner through table sponsorship and hosting first responders. Suzanne showed a short video promotion for the event. More information is available at: www.dinner.thankresponders.com/ .

Mark Guilliano of the Bazelon Center for Mental Health Law gave an overview of the Center's work and his professional experience. The Bazelon Center is an advocate for the rights of people with mental illnesses. Mark is providing technical assistance to Portland as part of the Bazelon Center's Performance Improvement Project. The Bazelon Center is coordinating the initiative with other partner sites around the country. A compilation of findings across sites will reveal structural obstacles faced by public sector providers as they attempt to meet the needs of the most vulnerable people with serious mental illnesses. Strategic outcomes will include local solutions and asking each of the four sites to recommend broader changes through Federal action.

Mental Health and Public Safety Sub-Committee Findings and Recommendations

Joanne Fuller and Judge Frantz reviewed the history of the Mental Health and Public Safety Subcommittee, which began with Mayor Tom Potter's task force. The committee has been working for several years to advance the recommendations of that group. Treatment for mental health issues in the community has been chronically under-funded by public agencies, leaving private health insurance to fill the gap. However, health insurance does not pay for housing, employment assistance, socialization and peer support needed by people with serious mental illnesses and those without health insurance may receive no treatment at all.

Over the past several years, the Subcommittee and others in the community have been working to improve support to people with significant mental illnesses who are in the public safety system. The Police and Project Respond created a response system to provide backup for police and follow-up on police calls to engage people who have a lot of police contact into treatment. Multnomah County has recently opened the Crisis Assessment and Treatment Center, which will provide a link between the crisis response system and people with serious mental illness. There have also been efforts to develop a tighter connection between 211, the Call Center, Project Respond and Portland Police to identify the best possible response to calls. The Mental Health Court has been successful and has enjoyed full participation of all major stakeholders, including the District Attorney's office, judges, and public defenders.

Chief Reese added that the Portland Police are also looking at the intersection between public safety and people in a mental health crisis and how they can avoid a police response when another response such as Project Respond or the Crisis Line might be more appropriate. The Subcommittee is focusing its work using the GAINES Center Report. The Report identified Intercept 1 (Law Enforcement), and Intercept 2 (Initial detention/Initial court hearings) as key to diverting people with mental illnesses away from the criminal justice system to more appropriate and effective services.

In its research, the Subcommittee examined data on twenty people who had been frequently booked in the first six months of 2010 and who had a mental health alert while in custody. The Subcommittee found that the majority of these twenty people had a dual diagnosis, suffered from

serious and chronic physical illnesses, and had a long history of contact with many or all of the agencies providing data.

The Subcommittee recommended:

- 1) Providing intensive case management at the Bud Clark Commons. Case management models include: Community-based services, in which professional and paraprofessionals identify and engage people who had been booked multiple times; and Forensic Assertive Case Management Teams, in which professional mental health workers do intensive case management with individuals deeply involved in the criminal justice system.
- 2) Providing secure transit. Portland Police currently transport people with mental illnesses to hospitals, which is potentially a very volatile moment. It is also an expensive service and, when faced with a choice between services at the Bud Clark Commons or secure transit, the group may prefer to devote resources to services at the Bud Clark Commons.

Funding these recommendations will a challenge.

In addition to the recommendations, Joanne reminded the LPSCC members that they should continue to attend to implementation of the Oregon Health Care Plan recently passed by legislature. The legislation will move mental health funding from the County to Coordinated Care Organizations. These organizations will be created out of existing Managed Care Organizations, perhaps with county and hospitals as partners. Joanne encouraged the group to ensure that people with serious mental illnesses receive comprehensive psycho-social connected care with this change.

Commissioner Shiprack asked for clarification on how the group can track implementation of the new care system. Joanne responded that communities have been given until July 2012 to implement the change to Coordinated Care Organizations. This process will include formal agreements that will need to specify services provided to people with serious mental illnesses to avoid shifting even more people with serious mental illnesses into the criminal justice system. The funds to be shifted total approximately \$45 million.

Thuy Vanderlinde asked whether the committee had addressed adolescents and youth in the juvenile justice system. Joanne responded that the committee had been focused on jails, which relate predominantly to adult populations. LPSCC's Juvenile Justice Committee, chaired by Judge Nan Waller, is the forum for conversations around youth. Judge Waller added that the county has implemented the Wraparound program with the intent of providing facilitated care coordination that will minimize the number of placements and time in detention.

Commissioner Shiprack asked the Mental Health and Public Safety Committee to return in September with specific next steps for their work.

Longitudinal Analysis of Measure 11

Related materials: Longitudinal Study of the Application of Measure 11 and Mandatory Minimums in Oregon

Craig Prins introduced the Criminal Justice Commission's *Longitudinal Study of the Application of Measure 11 and Mandatory Minimums in Oregon*, which looks at how sentencing laws have been enacted in Oregon. Using OJIN data from state courts and the Department of Corrections, the study tracks defendants as they pass from indictment to conviction and sentencing. By including indictments, the study captures the population of defendants who were indicted on charges with mandatory sentences but were convicted on lesser charges because of plea bargains.

The report concluded that the enactment of mandatory minimum sentencing laws had shifted sentencing decisions from judges to prosecutors. The report states:

Usually, the executive branch discretion is controlled by adherence to objective criteria that are the basis of discretion. The judicial branch is normally given broader discretion. M11 flipped this dynamic for sentencing on Oregon's most serious offenses. M11 did not take away the difficult decisions, it simply moved the decision making power from the judge to the prosecutor.

The report included other significant findings:

- Defendants with private attorneys are less likely to plea down.
- Multnomah County convicted those indicted on Measure 11 offenses at a lower rate than Washington, Marion, Lane or Clackamas counties.
- The five biggest counties had a higher disposition rate for a Measure 11 offense and higher imprisonment rates than the rest of the state.

Judge Frantz commented that in Multnomah County, more so than other counties, an individual is apt to have multiple charges arising from multiple incidents and have their case settled in such a way that the sentencing may appear less severe than in other counties, but in fact appropriate sentences are given. She added that Multnomah County does many global settlements that incorporate charges for other counties.

Mike Schrunk commented that in spite of not supporting the measure initially, he has found it successful. Prior to its implementation, sentencing was inconsistent. Since its passage, his office has shared statistics and analysis with LPSCC members and workgroups to support a thoughtful process for sentencing that takes into account the needs of victims, potential harm to the community, and fiscal impact.

Commissioner Shiprack commented that one of the purposes of sentencing guidelines was to reduce disparities between counties by distributing limited resources such as prison space more evenly around the state. The Measure 11 report challenges the assumption that rural counties used more prison capacity because they have less jail capacity.

Scott Taylor asked about differences in Measure 11 dispositions in Multnomah County on the juvenile and adult side. Craig responded that the differences were not as great as they had initially anticipated, but that the state is more likely to plea down with juveniles. Juveniles are predominately tried for sexual offenses under Measure 11.

Topics for the Next Meeting

- Analysis of public safety data and trends
- A report from the Communications Subcommittee
- Budget and legislative roundtable

Next LPSCC Meeting: September 13, 7:30-9:00 am

Questions, comments or suggestions?

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