

SENATE COMMITTEE ON JUDICIARY

January 19, 2005
1:00 p.m.

Hearing Room 343
Tapes 5 - 6

MEMBERS PRESENT: Sen. Ginny Burdick, Chair
Sen. Charles Starr, Vice-Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Charlie Ringo
Sen. Vicki Walker
Sen. Doug Whitsett

STAFF PRESENT: Joe O'Leary, Counsel
Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD & WITNESSES:

Current Status of Oregon Forfeiture Laws

Craig Prins, Executive Director, Oregon Criminal Justice Commission
Meredith (Bud) Bliss, Staff for Asset Forfeiture Oversight Advisory Committee

Prison Population Forecast

Sue Porter, Department of Administrative Services, Office of Economic Analysis

Department of Corrections Overview as it Relates to Prison Population

Max Williams, Director, Department of Corrections

Measure Introduction

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 5, A		
003	Chair Burdick	Calls the meeting to order at 1: 08 p.m. Announces the agenda for the day.
<u>FORFEITURE LAWS – INFORMATIONAL MEETING</u>		
016	Craig Prins	Executive Director, Oregon Criminal Justice Commission. Begins discussion of the current status of Oregon forfeiture laws. Submits packet of information as well as 2003 Asset Forfeiture Oversight Report (EXHIBITS A - C)
057	Prins	Describes the difference between civil forfeiture and criminal forfeiture. Talks about the forfeiture laws passed by Oregon in 1989. Describes the charge and makeup of the Asset Forfeiture Oversight Advisory Committee.
076	Prins	Gives statistics on annual average forfeitures before Ballot Measure 3.
077	Meredith (Bud) Bliss	Staff for Asset Forfeiture Oversight Advisory Committee. Discusses the difficulty in gleaning that information.
100	Prins	Summarizes where these laws are currently beginning in 1997. Notes information on Measure 3 in EXHIBIT A and explains the impact of Measure 3 on forfeitures. Cites HB 3642 and HB 2429

(2001).

145 Prins Points out that both bills have a sunset clause which means the legislation will “go away” if those sunset clauses are not removed. Notes that Measure 3 is before the Supreme Court for its constitutionality (single-subject rule) and should come out Spring 2005.

171 Prins Discusses choices to be made by the legislature if Measure 3 is found to be unconstitutional by the Oregon Supreme Court.

205 Prins Discusses where the proceeds coming from this should go towards; should it go to law enforcement, treatment, general fund, etc.

230 Sen. Prozanski Asks if taking the sunset clause off the criminal forfeiture is an option?

232 Prins Replies yes, and then discusses the options if Measure 3 is found unconstitutional.

245 Sen. Prozanski Asks that if we do nothing, what is the result?

250 Prins Responds that if you want Measure 3 to be statutory, you’d need to keep the sunset in place 24/7.

260 Sen. Prozanski Raises concerns on court’s decision on Measure 3, and the state’s response.

268 Prins Replies that with the meth problem, and other pressures, there needs to be pressure from the legislature to find a middle ground between the two sides. If measure 3 is found unconstitutional, another measure might be introduced.

289 Chair Burdick Asks how forfeiture could be used as a tool in the meth area.

295 Prins Replies that most local meth labs are small, there isn’t as much money in breaking down those labs. Mentions larger drug facilities (usually out of state) are higher money making operations under forfeiture for the state.

325 Chair Burdick Asks if current system of criminal forfeiture is a money loser with regards to meth?

332 Bliss Replies that large scale marijuana operations are the more common at the moment, and that forfeiture can bring some money in with that.

347 Sen. Prozanski Discusses the problems with seizing meth property, and the contamination of said property.

375 Prins States that there has been an increase in meth forfeitures.

378 Bliss States that crack-cocaine was the highest forfeiture revenue, then marijuana four years ago, and now in the past couple years, it has been meth.

PRISON POPULATION FORECAST – INFORMATIONAL MEETING

418 Sue Porter Department of Administrative Services, Office of Economic Analysis. Submits **EXHIBITS D – F** and begins discussion on prison population growth from graph on page 2 of **EXHIBIT E**.

482 Porter Discusses effect of Measure 11 on prison population.

500 Porter Discusses the impact of Senate Bill 1145, relating to offenders with 12 months left on their sentence.

TAPE 6, A

056 Porter Discusses Table 2, reporting prison population “snapshot” comparison, and current Measure 11 effects.

081 Chair Burdick Asks to restate earlier statistical information concerning inmate demographics.

083 Porter Reiterates statistics.

089 Chair Burdick Asks if they break the information down by health status or by

		disabilities.
091	Porter	Replies that they haven't been asked to do this yet, but can produce some numbers.
094	Chair Burdick	Conveys she wishes to get a clear definition of disabilities in the prison system, and the number associated.
095	Sen. Prozanski	Asks for a list of inmates with injuries or disabilities, because when under our care we pay their health care costs, but when released, the federal government provides money for their care.
111	Sen. Walker	Asks why the statistics show higher older offenders.
117	Porter	Replies that part of it is Measure 11, and part is due to the aging population. These particular individuals are overwhelmingly sex-offenders. Insists that they can find out the information relating to age and incarceration.
135	Sen. Prozanski	States that because Measure 11 placed many of these offenders in prison, causing the higher age population in prison.
143	Sen. Walker	States that, since Measure 11 was enacted in 1995, they should have been around 40 when convicted, and so shouldn't the inmate, at that age, "be an upstanding citizen" and not be committing crimes.
150	Chair Burdick	Asks how much it costs to hold these people, discusses redirecting resources to where critical problems really are.
161	Porter	Gives cost figures.
172	Porter	Discusses the definitions of Measure 11 terms.
210	Porter	Discusses Figure 3 on page 3 of EXHIBIT E .
255	Porter	Discusses Table 4 on page 4 of EXHIBIT E .
280	Porter	Discusses Table 5 on page 5 of EXHIBIT E and it's accuracy as a forecasting litmus test. Mentions other reports they have done, and their website.

DEPARTMENT OF CORRECTIONS OVERVIEW – INFORMATIONAL MEETING

316	Max Williams	Max Williams, Director Oregon Department of Corrections (DOC). Submits testimony (EXHIBIT G). Discusses a transitional plan to organize incoming prison population. Mentions actions already taken, and limitations with adding more beds in different facilities. Notes they are using rental beds in some counties.
369	Williams	Describes new construction of Warren Creek facility, set to open September 2005.
377	Chair Burdick	Recesses the meeting for the fire alarm.
382	Chair Burdick	Reconvenes meeting at 2:12 p.m.
437	Williams	Discusses medical care and services for inmates, and increase in cost of incarceration.
453	Williams	Details that many of these inmates come in with severe or harsh medical needs. Stresses that many are drug related, especially in regards to meth.
480	Williams	Discusses the Managing the Mental Ill Taskforce he created to address this issue.
512	Chair Burdick	Asks if there have been more management difficulties since Measure 11 has been adopted.

TAPE 5, B

037	Williams	Responds to the status of administrative duties, and dictates the challenges administrators face and how they deal with them.
060	Williams	Talks about recidivism issue, the other important aspect of DOC; making sure inmates do not come back into the system. States dollar cost relating to a returning inmate.

076	Chair Burdick	Asks about these numbers, is this a yearly cost for their incarceration.
081	Williams	Speaks about costs for recidivating inmates. States that revenue available to curbing recidivism has lessened of late.
110	Vice-Chair Starr	Asks about the Oregon Accountability Model.
117	Williams	Replies that his predecessor created this model; details its use and makeup. Also talks about how his staff uses it to move inmates back into the community.
145	Williams	Mentions SB 267 which relates to using evidence-based practices, and his Department's responsibilities relating to its use. Discusses an intense alcohol and drug rehabilitation program in several facilities.
168	Chair Burdick	Asks if DOC is seeing more meth perpetrators in these programs.
171	Williams	States that most people with these problems are in prison for another, relating crime, not the actual use of drugs. Says they're trying to ascertain and quantify which drugs each inmate had problems with.
200	Williams	Details meth addiction information. Goes on to talk about the population in prison with a drug or alcohol addiction, and the DOC's capability to deal with this problem.
223	Sen. Whitsett	Asks what percentage of increase in inmates, after Measure 11 was put in place, is related to meth.
235	Williams	Responds that usually those inmates are in prison due to different crimes, not for the actual use of drugs, therefore it's almost impossible to detail solid facts.
255	Sen. Whitsett	Asks if possible to find numbers for relationship between meth and Measure 11 inmates.
266	Williams	Responds that they are trying their hardest to quantify meth addiction.
275	Vice-Chair Starr	States that encouraging community involvement and outreach reduces recidivism, would like to see more of it.
294	Williams	Answers affirmatively, and that many organizations, state agencies and communities are sponsoring a panel to decrease recidivism.
317	Sen. Walker	Asks how Oregon compares with national average of recidivism, and what the profile is of those inmates who do return.
330	Williams	Using a standardized definition, we do not have an abnormal recidivism rate. Reiterates the definition needs to be the same across the board, and details his idea of recidivism.
380	Williams	States that recidivism has increased, and lists his criteria of why and his categories of those inmates. Details sex offenders as an age-defying crime class.
405	Sen. Walker	Asks about sex offenders and the treatment for them.
408	Williams	Details another program, not tailored to sex offenders, used on them (cognitive restructuring).
413	Sen. Walker	Asks if, after release into the community, do they wait to start this program or do they start it during their last few months of incarceration.
432	Williams	Answers that roughly 90 days before release, this program begins. Discusses reconnection with community for inmate, and the process DOC goes about to place inmates back into the community. Says sex offenders are higher risk and require higher amounts of resources.
467	Sen. Prozanski	Believes there is a higher percentage of a drug and alcohol

		problem with inmates. Discusses programs for placing inmates back into communities. Details new developments of California DOC.
511	Williams	States his understanding of California's DOC and discusses transitional services.
TAPE 6, B		
050	Williams	Details public safety message of transition and discusses desire of DOC to focus on decreasing repeat offenders.
075	Sen. Whitsett	Asks about resource problems with DOC and the counties.
090	Williams	Responds that there is always a resource problem among the DOC and the different communities, details the situation some communities go about to get criminals out of their jurisdiction, to decrease the strain on their own resources.
110	Chair Burdick	Closes informational meeting. Opens a work session for the purpose of introducing committee bills.
<u>WORK SESSION – INTRODUCTION OF COMMITTEE BILLS</u>		
113	Joe O'Leary	Committee Counsel. Reads LC drafts for introduction (EXHIBITS H & I).
111	Vice-Chair Starr	MOTION: Moves LC's: 1603, 1604 BE INTRODUCED as committee bills. VOTE: 6-0-1 EXCUSED: 1 - Beyer
122	Chair Burdick	Hearing no objection, declares the motion CARRIED.
123	Chair Burdick	The motion CARRIES.
125	Chair Burdick	Closes the work session and adjourns the meeting at 2:51 p.m.

EXHIBIT SUMMARY

- A. **Background Information on the current state of forfeiture law in Oregon, and issues likely to face the 73rd Legislature Assembly, Craig Prins, 7pp**
- B. **Packet of Materials on forfeiture, Craig Prins, 147pp**
- C. **Annual Report of the Asset Forfeiture Oversight Advisory Committee, Craig Prins, 21pp**
- D. **Inmate Population Profile, Sue Porter, 4pp**
- E. **Prison Population Growth 1995 through 2014, Sue Porter, 6pp**
- F. **Oregon Corrections Population Forecast, Sue Porter, 11pp**
- G. **DOC overview, written testimony, Max Williams, 5pp**
- H. **Introductions, LC 1603, staff, 3pp**
- I. **Introductions, LC 1604, staff, 3pp**