

SENATE COMMITTEE ON JUDICIARY

April 21, 1999 Hearing Room 343

3:00 PM Tapes 139 - 141

MEMBERS PRESENT: Sen. Bryant, Chair

Sen. Courtney, Vice-Chair

Sen. Brown

Sen. Burdick

Sen. Nelson

Sen. Qutub

Sen. Tarno

STAFF PRESENT: Bill Taylor, Counsel

Kathy Courtney, Administrative Support

MEASURE/ISSUES HEARD: SB 23 Public Hearing

SB 1247 Public Hearing

SB 1229 Public Hearing

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 139, SIDE A		
004	Chair Bryant	Calls meeting to order at 3:17 PM.
<u>SB 1229 PUBLIC HEARING</u>		
023	John Reinfold	Clatsop County Sheriff, Oregon State Sheriffs Association

		Testifies in support of SB 1229 which establishes record keeping requirements for boat theft reports. Asserts that a central depository for boat theft reports would be more efficient to determine the status of a boat.
038	Bill Rydbloom	Oregon State Marine Board Testifies and submits written testimony in support of SB 1229. (EXHIBIT A) Discusses the difficulty in tracking boat status since law enforcement agencies receive reports on stolen boats and does not forward that data to the Oregon Marine Board. Explains that the Law Enforcement Data System (LEDS) does not have a data base of stolen boats.
072	Sen. Tarno	How does this bill differ from criminal law against filing a false report?
074	Reinhold	Criminal laws against filing a false report exist in the motor vehicle statutory references, but not in statute relating to boats and boat trailers.
082	Sen. Courtney	Is "boat" defined in state law? What is the definition?
085	Reinhold	Boats are non-motorized and motorized vessels.
085	Sen. Tarno	Must all boat owners register their boats with the State Marine Board?
085	Reinhold	We license all motorized and non-motorized boats that are 12 feet or longer.
089	Sen. Tarno	Does the State Marine Board list stolen boats on LEDS?
091	Reinhold	We may report boats that have identification numbers or unique monetary value for LEDS entry.
097	Sen. Tarno	Do you have access to LEDS?
100	Reinhold	Yes, directly through LEDS or our State Marine Board computer files.
104	Chair Bryant	Closes SB 1229 Public Hearing.
<u>SB 1229 WORK SESSION</u>		
104	Sen. Courtney	MOTION: Moves SB 1229 to the floor with a DO PASS recommendation.
		VOTE: 4-0-3

		EXCUSED: 3 - Sen. Burdick, Sen. Nelson, Sen. Qutub
	Chair Bryant	Hearing no objection, declares the motion CARRIED. SEN. DUKES will lead discussion on the floor.
114	Chair Bryant	Closes SB 1229 Work Session.
<u>SB 23 and SB 1247 PUBLIC HEARING</u>		
128	Chair Bryant	Discusses the legislative history and purpose of SB 1247 which creates the Correctional Privatization Commission. Discusses his interest in SB 1247: to compare costs of state-managed and privately managed correctional facilities, to introduce competition into the current prison system, and to compare outcomes.
189	Sen. Courtney	Explains that private prison operators acknowledge the Oregon Department of Corrections as remarkably efficient and well managed. Discusses private prison operators' refusal to address parole and probation issues. Laments the history of scandals associated with prison privatization.
248	Counsel Taylor	Discusses the Last Chance Ranch program, a private correctional facility in Florida. (EXHIBIT B)
283	Rich Peppers	Oregon Public Employees Union Testifies and submits written testimony in opposition of SB 23 which requires the Oregon Youth Authority (OYA) to contract with a private correctional facility provider. (EXHIBIT C) Discusses the OYA's longstanding relationship with the state and county juvenile justice system. Explains the constructive competition within the OYA system. Discusses the need for continuity within the justice system.
415	Lisa Codispoti	Oregon Public Employees Union Testifies and submits written testimony in opposition to SB 23. (EXHIBIT D) Discusses the difficulty in assessing costs and quality of prison privatization.
TAPE 140, SIDE A		
005	Codispoti	Continues discussion on structural problems inherent in private prison facilities.
177	Sen. Tarno	If states have a prisoner classification system, how could the private prison

		providers overcharge them?
182	Codispoti	Discusses the facility in Ohio which accepted improperly classified inmates from the District of Columbia.
201	Sen. Tarno	Is that incident the exception rather than the rule?
204	Codispoti	Not necessarily.
211	Sen. Tarno	Must youth and adult private prison facilities adhere to the American Correctional Accreditation (ACA) standards?
214	Codispoti	No.
227	Chair Bryant	Do you know of any success stories relating to the privatization of prisons?
229	Codispoti	No.
237	Sen. Brown	Discusses non-secure private correctional facilities. After prison facilities, some youth reside in non-secure private facilities. What is the distinction between managing a community facility and a prison?
251	Peppers	Explains that higher risk individuals are in prisons due to increased public safety risk. There is a higher degree of accountability in managing a prison.
277	Ronald Fruits	McLauren Youth Correctional Facility, Crisis Intervention Unit Testifies and submits written testimony in opposition of SB 1247. (EXHIBIT E) Discusses assessment for new arrivals and crisis management techniques. Asserts that in-depth assessment and services to youth are essential for addressing youth crime.
321	El Ray Samson	Oregon Youth Authority, McLauren Correctional Youth Facility Testifies and submits written testimony in opposition of SB 23. (EXHIBIT F) Relates his story as a juvenile offender in the Oregon juvenile justice system.
435	Rick Hill	Oregon Youth Authority (OYA), Director Testifies and submits written testimony in opposition to SB 23. (EXHIBIT G) Discusses the OYA mission of public safety, reformation, and accountability.
TAPE 139, SIDE B		

002	Hill	Continues discussion about privatization of correctional facilities and explains how profit as a motive contradicts OYA's mission.
037	Kathie Osborn	Juvenile Rights Project Testifies in opposition of SB 23. Discusses legislative history of the bill and alternative methods of addressing juvenile crime
053	Sen. Courtney	Submits the written testimony of Ron Wiggins into the public record. (EXHIBIT H)
056	Osborn	Discusses methods of handling juvenile misbehavior at Hillcrest.
092	Mary Botkin	American Federation of State, County, and Municipal Employees Testifies and submits written testimony in opposition to SB 23. (EXHIBIT I) Explains that private providers should only augment special services for incarcerated youth and adults.
109	Cam Birnie	Department of Administrative Services (DAS) Testifies in opposition to SB 23.
130	Diane Middle	Department of Public Safety Standards and Training (DPSST), Director Testifies in opposition to SB 23. Discusses the shortcomings of training standards for private correctional facility employees and the DPSST oversight as proposed by SB 23.
153	David Leora	30-year Salem Resident Testifies in opposition to SB 23. Explains that profit must not be the motive in the operation of correctional facilities. Asserts that the efficiency of experienced staff and the current organizational structure is essential to maintain a successful system.
188	Sen. Qutub	Asserts that the human service profession involves an innate profit motive.
205	Vice Chair Courtney	Closes SB 23 Public Hearing.
<u>SB 1247 PUBLIC HEARING</u>		
210	Sen. Eileen Qutub	Oregon State Senator, District 4 Testifies in support of SB 1247 which creates the Correctional Privatization Commission. Explains that the Department of Corrections does not relinquish its responsibility for ethical management of the facility and population by privatization.

270	Marvin Weibe	<p>Cornell Corrections, Senior Vice-President</p> <p>Testifies and submits written testimony in support of SB 1247. (EXHIBITS J and K) Asserts that the treatment regimen and the hope for reformation determine successful outcome in correctional facilities. Discusses the funding and cost of corrections.</p>
TAPE 140, SIDE B		
002	Weibe	Continues discussion about the need for competition within the corrections system.
036	Paul Raney	<p>Portland Attorney</p> <p>Submits written testimony on behalf of Wackenhut Correctional Corporation in support of SB 1247. (EXHIBIT L)</p>
049	Dave Cook	<p>Department of Corrections (DOC), Director</p> <p>Testifies and submits written testimony in opposition to SB 1247. (EXHIBIT M) Discusses the multi-faceted nature of managing a correctional facility. Explains that SB 1247 fails to address performance criteria, outcomes and compliance standards for private facility providers. Discusses the inter-disciplinary competition which is inherent in the DOC.</p>
237	Chair Bryant	Asserts that the purpose of SB 1247 is to provide a basis of comparison between private and public correctional facility providers.
239	Wiebe	Discusses administrative and legal standards for private facility providers. Explains the inter-dependent relationship between state and private providers.
335	Sen. Qutub	Explains the role of the proponents as envisioned in SB 1247.
348	Cook	Explains how the proponents of SB 1247 create an antagonistic environment in the DOC.
392	Sen. Qutub	Discusses the Florida Department of Corrections system and its privatization model.
420	Cook	We already have a criminal justice commission. Cautions committee members against replicating the Florida model.
TAPE 141, SIDE A		
004	Sen. Tarno	An independent group could do a recidivism study, correct?

009	Sen. Qutub	Only the state of Florida has done a recidivism study.
011	Cook	Discusses the shortcomings of recidivism studies.
022	Sen. Qutub	Asserts that recidivism is a still a valid measure of outcome.
028	Cook	Explains how to increase inmate recidivism rates.
085	Diane Middle	Department of Public Safety Standards and Training, Director Testifies in opposition of SB 1247. Discusses the budgetary requirement for providers to work with the Department of Administrative Services. Expresses concern about academic and proficiency standards of private correctional facility providers.
139	Brian DeLashmutt	Association of Oregon Correctional Employees, Oregon Council of Police Associations Testifies and submits written testimony in opposition to SB 1247. (EXHIBIT J) Discusses important omissions of SB 1247 including training standards for facility employees, inmate selection, state access to private facilities, and commission member composition.
186	Mary Botkin	American Federation of State, County, and Municipal Employees Testifies in opposition to SB 1247. Discusses the omissions including standards for inmate lawsuits, monitoring by outside agencies, and labor negotiations.
292	Cam Bernie	Department of Administrative Services Testifies in opposition to SB 1247. Contends that public agency contracting law should apply to the selection of a private correctional facility provider.
317	Sen. Tarno	Ms. Botkin, would you provide the committee with information regarding states changing from privatization of prison facilities to state managed facilities?
320	Botkin	Yes.
322	Sen. Qutub	Asserts that private prison facility licenses can be revoked if a facility operates improperly.
355	Sen. Tarno	Ms. Middle, would you telephone your counterparts in other states to determine their training standards for private prison institutions, please?
367	Sen. Courtney	Closes SB 1247 Public Hearing. Adjourns hearing at 5:33 PM.

Submitted By, Reviewed By,

Kathy Courtney, Sarah Watson

Administrative Support Office Coordinator

EXHIBIT SUMMARY

- A. Written testimony in support of SB 1229, Paul Donheffner, 1p
- B. Associated Marine Institutes, Bill Taylor, 23pp
- C. Written testimony in opposition to SB 23, Rich Peppers, 4pp
- D. Written testimony in opposition to SB 23, Lisa Codispoti, 9pp
- E. Written testimony in opposition to SB 23, Ronald Fruits, 2pp
- F. Written testimony in opposition to SB 23, El Ray Samson, 2pp
- G. Written testimony in opposition to SB 23, Rick Hill, 2pp
- H. Written testimony in opposition to SB 23, Ron Wiggins, 2pp
- I. Prison Privatization: Prisons For Profit Failure, Mary Botkin, 3pp
- J. Quietly Going About the Business of Public Safety, Marvin Weibe, 2pp
- K. Cornell Corrections, Marvin Weibe, packet/10 inserts
- L. Written testimony in opposition to SB 1247, Clويد Shuler, 1p
- M. Written testimony in opposition to SB 1247, Dave Cook, 5pp
- N. Written testimony in opposition to SB 1247, Brian DeLashmutt, 2pp
- O. Investing in Criminal Research, Bill Taylor, 23pp
- P. Written testimony in opposition to SB 23, Sylvia Caley, 1p