

HOUSE COMMITTEE ON JUDICIARY

SUBCOMMITTEE ON CRIMINAL LAW

February 6, 1997 Hearing Room 357

1:00 PM Tapes 20 - 21

MEMBERS PRESENT:

Rep. JOHN MINNIS, Chair

Rep. JO ANN BOWMAN, Vice-Chair

Rep. PETER COURTNEY

Rep. FLOYD PROZANSKI

Rep. LANE SHETTERLY

Rep. RON SUNSERI

Rep. LARRY WELLS

MEMBER EXCUSED:

STAFF PRESENT:

SCOTT LUMSDEN, Counsel

BRIAN HIGGINS, Administrative Support

MEASURE/ISSUES HEARD:

Informational meeting on Article 1, Section 41 of Oregon Constitution (Measure 17)

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 20, A		
<u>INFORMATIONAL MEETING</u>		
005	Chair Minnis	Opens informational meeting

<u>LEGISLATIVE FISCAL OFFICE</u>		
039	Larry Niswender	Budget Analyst, Legislative Fiscal Office >submits and summarizes written testimony, (EXHIBIT A)
091		>continues testimony >\$500,000 is available for development of public-private relationships that remains unscheduled
107	Chair Minnis	Is it is unscheduled because a plan has not yet been submitted?
109	Niswender	The \$1.5 million of the emergency fund could have been approved if the emergency board was approached.
113	Chair Minnis	It is unscheduled until Department of Administrative Services until plan is approved.
114	Niswender	That is correct.
115	Chair Minnis	So, not one dime was ever spent on new partnerships.
117	Niswender	Qualifies that funds were provided for the Snake River start-up >comments that expenditures have been slow during last biennium
137	Chair Minnis	Asks why risk management figure is so high
138	Niswender	The \$1.4 million includes legal and self-insurance fees for inmate work program.
		>\$7.2 of \$12 million has been spent on the work crews >outside work crews generally with public agencies >22% of workforce development funds spent
162	Chair Minnis	Asks about 22 million dollar appropriation being a specific appropriation specific to Measure 17
167	Niswender	The boot camp, Prison Industries, farm and prison blues would be part of the other funds expenditures authority the department has.
		>the expenditures largely internal
		>speaks about compliance program - only so many can be employed within the walls

		>current compliance is at 50%
211	Chair Minnis	Asks about 50% compliance level being based on partial days
217	Niswender	I have not reviewed this, but Audits division will be doing a post-audit review. >refers to charts on 2 different budget levels, handout 2, (EXHIBIT B)
267		>continues overview of chart
287	Chair Minnis	If we consider inflation, they would need 27 million and they would only use 14.6 million according to this budget.
292	Niswender	In 1995, under review, a budget note said that 22 million was to be the maximum amount to be expended for implementation of BM 17.
		>talks about how agency can move forward with less funds
358	Chair Minnis	Asks about relative assumptions of cost of inmate labor being made to agencies
368	Niswender	I don't have it, but I will look into it.
377	Chair Minnis	Expresses concern that Measure 17 doesn't allow a cash assumption to inmate
388	Niswender	Cites report from audits division about compliance plan
403	Chair Minnis	Does this document have implementation deadlines?
405	Niswender	There are tables that show what requirements are to meet 100% compliance.
		>An increase needs to occur in public-private relationships.
		>work crews reliant on general fund almost entirely
443	Chair Minnis	Asks about 1.28 million for literacy
TAPE 21, A		
023	Niswender	It is within the budgeted amount for workforce development.
025	Chair Sunseri	Is there money for counseling for sex offenders?
026	Niswender	No.
027	Rep. Sunseri	Does this mean there will be no counseling for sex offenders?
028	Niswender	Sex offender assessment services are required but not for counseling.

037	Chair Minnis	Do you have any numbers relevant to the capital construction budget?
040	Niswender	The 1997 budget contains other fund revenues for construction at Umatilla and expansion of existing facilities.
051	Rep. Sunseri	With longer terms for sex offenders, my concern is that without counseling they will end up on the streets exactly as they came in, so why is there no money for sex offenders?
060	Niswender	That decision is made in the development of the Governor's budget.
067	Chair Minnis	This seems to be a separate issue which we should probably look at in detail later.
071	Niswender	There is a need for funds to allow seed industries to grow. >no specific funds allowed for contract consultants for any expertise >concerned about lack of physical space to expand level of compliance
086	Vice Chair Bowman	How long is training before inmate can go out and participate in an inmate work program?
091	Niswender	It varies, depending on the inmate, but the DOC can probably answer this better.
<u>DEPARTMENT OF CORRECTIONS</u>		
102	David Cook	Director, Department of Corrections
		>introduces Benjamin de Haan, Deputy Director, DOC
		>would like the opportunity to address several issues
111	Chair Minnis	Let's stick to Measure 17 first.
112	Cook	They are relative to Measure 17. >introduces Frank Thompson, Oregon State Police >introduces Michael Taaffe, Administrator, OSP >would like to bring things up to date on the awards system
123	Chair Minnis	I would prefer not to discuss that at this time.
124	Cook	Also the Lipscomb decision

130	Chair Minnis	The reason I do not want to get into the Lipscomb issue is because I would like members to have some pertinent documents in hand before that discussion.
135	Benjamin de Haan	Deputy Director, Department of Corrections >Measure 17 is not very simple on the surface. >affects everything DOC does (lists items)
		>uniqueness is that 100% of eligible workers must work >by year 2005, will need 14,000 new jobs
185		>comments that general skill levels of inmates is lower than general population
186	Chair Minnis	On point of skill level, how do you know that?
188	de Haan	Inmates go through series of assessments upon entering the facility
		>lists different types of jobs
203	Vice Chair Bowman	Is that the least number of skills involved?
207	de Haan	Responds there is more broom-pushing than electrical >1000 jobs have been added. >talks about prison industries programs >Strategy to implement Measure 17 involved many factors, primarily the security and safety of workers. >changes in architecture to accommodate on-site work >Revenue received must cover costs of doing business in future. >need to minimize competition with the private sector >Work programs are in pretty sorry shape. >Controls of expenditures have been sloppy.
295		>identifies key people as to who would be responsible for what >Expansion has come largely through public sector. >58% working full time; 18% working part time

		<ul style="list-style-type: none"> >attempted after audit to reshape full employment numbers >an inmate tracking system was in place by May 15 (before audit)
347		<ul style="list-style-type: none"> >created awards system in hopes to comply with the Constitution >strategic business plan which provides timelines and objectives for implementation
375	Chair Minnis	<p>Would like understanding of department's perspective on compliance with Measure 17 and to assess costs</p> <ul style="list-style-type: none"> >wonders about cost for 100% implementation
396	de Haan	A number of audits have been done in last year; talking specifically about performance audit.
TAPE 20, B		
020	de Haan	<p>Six-month follow-up audit should be taking place around March.</p> <ul style="list-style-type: none"> >Despite legal and operational challenges, we are behind measure. >Inmates with skills upon leaving the facility are less likely to come back.
041	Frank Thompson	Superintendent, Oregon State Penitentiary
		<ul style="list-style-type: none"> >Everyone within system is behind it. >Busier inmates are more productive and easier to manage. >have moved from 30% to 60% employment >Many employees are not allowed to work outside of the walls of the prison which limits ability to get involved in partnerships.
		<ul style="list-style-type: none"> >100% mandate is difficult to implement. >Other needs for security reasons mitigates against the ability to employ the inmates. >BM 17 also mandates a particular compensation package which causes dis-incentive for inmates to work.
		Comments he would like to save compensation discussion

102	Chair Minnis	for a later date
110	Rep. Shetterly	Asks for some differences between Arkansas and Oregon systems of inmate work programs
113	Thompson	The major difference is that Oregon has a pay system whereas Arkansas is based on an incentive system. >inmates work under arms on public projects >inmates work on salvage projects for items to be recycled >BM 17 may simply need more time and resources to implement it.
139	Rep. Prozanski	Comments on similarities of AR and TX programs which took years of evolution
154	Chair Minnis	Asks for description of what it is that takes decades to evolve that we don't have in Oregon
157	Thompson	Comments about inmates under arms in public is acceptable in Arkansas, but may be some concern in Oregon
175	Chair Minnis	What types of inmates were out being supervised on work crews?
178	Thompson	Minimum security = no arms >more security = more need for arms
181	Chair Minnis	Asks for clarification on whether work crews were out under arms >Does the state of Oregon do this?
183	Cook	Oregon has not operated a work crew under arms.
185	Chair Minnis	Recognizes distinguishable point about crews under arm guard
194	Cook	You are correct that this is an acculturation process.
197	Chair Minnis	Who are we acculturating?
197	Cook	You are acculturating the general public.
200	Chair Minnis	How much money has been spent about educating the public on Measure 17?
206	Cook	We have spent no money on armed guard presentation, but we have spent money educating the public about BM 17.
210	Rep. Shetterly	Comments he would like to explore the comparison of differences further
216	Thompson	There are significant similarities between the industries programs.

222	Rep. Shetterly	I wouldn't mind hearing more on how Arkansas does it.
224	Thompson	Arkansas does not have an incentive-based compensation system
		>week leave for good behavior, preferred housing, increased canteen privileges, recreation >in order for incentives to work, must have all inmates working in order for incentive program to work >Oregon does not have capacity as of yet to put all inmates to work.
250	Vice Chair Bowman	Asks about ratio of prison guards to prisoners
256	Thompson	350 security professionals with inmate population of 2000, 3 shifts per day
		>indicates this is a poor ratio >In Oregon, management is focus not control.
276	Cook	46th or 47th in country with respect to staffing ratio
280	Chair Minnis	Asks about education in the Arkansas system
276	Thompson	Responds that education and behavior modification programming and some vocational training is in place
292	Chair Minnis	Measure 17 allows that a portion of work can be education.
295	Cook	20 of the 40 hours of compliance can be in workforce development
298	Chair Minnis	Is that different than Measure 17's education component?
300	de Haan	20 hours per week may be under rubric of workforce development
303	Chair Minnis	Does Arkansas do anything similar?
304	Thompson	Responds that inmates have these needs can be assigned to less than full-time work capacities
309	Chair Minnis	Is the system cruel to inmates?
316	Thompson	It is not a cruel system; Arkansas has some of the most progressive programs due to court scrutiny and injunctions.
325	Chair Minnis	But it still does include armed guards?
326	Cook	Cites trip to San Quentin in CA where guns are prevalent

336	Chair Minnis	Comments he raises the issue because of mindset when guns are involved with work crews
344	Cook	We agree with you, but in attempt to implement Measure 17, we have kept security and safety of community foremost in our mind. >Under gun workgroups have been discussed.
354	Chair Minnis	How many citizens have been lost due to these inmates under guard in Arkansas?
365	Thompson	I don't have the statistics, but my impression is that it was not a threat.
370	Chair Minnis	We should look at it nationally to assess the risk.
372	Cook	We need those statistics, but we need to define acceptable risk.
387	Rep. Prozanski	Arkansas and Texas have extensive workfarms in which states have put in capital to develop them. >We haven't have had time to develop agency relationships.
425	Chair Minnis	Talking about budget here is relevant. >need to be creative under budget levels in order to implement measure
TAPE 21, B		
022	Cook	With Measure 47 environment, there may be less money purchase work crews. >Previously, industries program had some serious customer service issues.
035	Chair Minnis	Need to define what culture we're talking about
040	Vice Chair Bowman	Are there mandatory minimum sentences in Arkansas?
042	Thompson	Responds they were enacted in 1994
046	Chair Minnis	Are they similar to the sentencing guidelines in Oregon?
047	Thompson	They would be similar.
048	Vice Chair Bowman	How long has this been in effect in Arkansas?
049	Thompson	The work program? At least 15 years

054	Vice Chair Bowman	In your budget request, did you request less money or were you directed to request less money?
057	Cook	We looked at other ways to fund the program other than general funds.
067	Vice Chair Bowman	In previous year and before BM 17, cities and counties could always get work crews, is this correct?
072	Cook	Department of Corrections has lengthy history of work crews.
084	Vice Chair Bowman	How many years has this process been taking place?
085	Cook	Estimates 75-100 years, but notes they have come and gone
094	de Haan	Money in the Corrections budget is not totally general funds.
107	Michael Taaffe	Program Administrator, Inmate Work Programs, Department of Corrections >submits strategic plan on Inmate Work Programs, (EXHIBIT C) >refers to timeline for compliance on page 18 of strategic plan
157		Continues testimony
169	Chair Minnis	Comments he has problem with Constitutional mandate parts >wonders why full cost of implementation has never been laid out
		>appears to be lack of commitment on behalf of Governor's office
		>It is not a priority unless you fund it.
197	Cook	Comments that Mannix suggested in previous testimony that the date for full implementation is not really set in stone
202	Chair Minnis	With respect to the date in implementation per the Constitution, there appears to be a conflict in rationale of thinking. >priorities are reflected by funding
217	Taaffe	The meat of plan is on page 18 (chart) as well as the narrative before and right after.
229	Rep. Courtney	If we were to meet the deadline right now, how much would it cost?
233	Cook	The number is contested, but 14 months ago it was in the

		neighborhood of 70-80 million dollars.
237	Chair Minnis	Is that all?
239	Taaffe	It is reflected in the Dave White [DAS] study in his analysis of that in which number was 150 million dollars.
243	Rep. Courtney	Suggests that chair meet with Governor and chair of Ways and Means to find a way to fund the implementation of the program
253	Committee	General discussion
266	Chair Minnis	Adjourns meeting at 2:44 pm.

Submitted by, Reviewed by,
 BRIAN HIGGINS, SCOTT LUMSDEN,
 Administrative Support Counsel

EXHIBIT SUMMARY

- A - Measure 17, Written testimony, Larry Niswender, Legislative Fiscal Office, 4 pp.**
- B - Measure 17, Informational charts on Corrections Budget, Larry Niswender, Legislative Fiscal Office, 3 pp.**
- C - Measure 17, Inmate Work Programs Report to the Governor, Michael Taaffe, Program Administrator, Inmate Work Program, Department of Corrections, 75 pp.**