

SPEAKERS COUNCIL ON PRISON WORKFORCE

May 19, 1997 Hearing Room F

5:30 PM Tapes 4 - 6

MEMBERS PRESENT:

Ken Guenther, Vice-Chair

Rep. Steve Harper

Rep. Judy Uherbelau (arrived at 5:39)

Mac Epley, Jr.

Deniece Humphries

David Hussey

Greg Merten

Jackie Winters

Ted Winters

Bob Prinslow

Terrol Johnson

MEMBER EXCUSED:

Chair Lundquist

Bill Isaacson

STAFF PRESENT:

John Hellen, Administrator

Steve Wermuth, Administrative Support

MEASURE/ISSUES HEARD:

Invited Testimony by:

Ted Winters

Deniece Humphries

Ben de Haan

Ken Guenther

Suzanne Townsend

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 4, A		
005	Vice-Chair Guenther	Calls meeting to order at 5:34 p.m.
015	Terrol Johnson	Corrections Counselor, Multnomah County Community Corrections.
017	Bob Prinslow	Sheriff, Marion County.
021	Vice-Chair Guenther	Says that because of time shortage from last meeting, council members Ted Winters and Deniece Humphries will be giving their personal perspectives and observations on work programs.
031	Mr. Winters	Industrial Prison Plan [EXHIBIT A] . Idea of this plan was to bring private industry inside of the penitentiary and operate just as it operates outside the prison and to pay prevailing wage for position held.
067	Mr. Winters	States that his primary interest to serve on this committee was to work toward this type of objective [EXHIBIT A] for the state of Oregon, being an ex-offender himself. Comments that unless you (prisoner) get offered a prospect of an ongoing job opportunity, then you're missing the boat.
095	Margie Hunt	Asks what happened to this [EXHIBIT A] .
096	Mr. Winters	Says that Governor Straub had a Correctional Committee and they had raised questions about labor at a previous meeting, and asked Mr. Winters to follow up on it.
119	Vice-Chair Guenther	Asks Bob Prinslow what is done with inmates at the county level.
120	Prinslow	Says that they have three work crews that go out daily and are more restricted than state facilities.
135	Vice-Chair Guenther	Asks how many inmates Marion County has on the average at any one time.
136	Prinslow	Answers about 500.
137	Vice-Chair Guenther	Asks of the three work crews, how many inmates would that be.

138	Prinslow	Says that there are about ten people per work crew, so therefore about thirty inmates.
142	Vice-Chair Guenther	Asks what the average time of incarceration for Prinslow's jurisdiction is.
146	Prinslow	States that there are two classifications of prisoners: free sentence-could be in for little as hours to days; sentenced prisoners average about 90 days.
153	Vice-Chair Guenther	Comments that there is currently a program where the state transfers inmates with under a year of time to the county.
156	Prinslow	Responds affirmatively. Says that any person sentenced to a year or less gets put into county facility.
159	Vice-Chair Guenther	Asks if that is mainly because the state does not have the facilities and the county does.
164	Prinslow	Comments that the state pays county facilities about 66% of total costs for inmates.
166	Vice-Chair Guenther	Asks if Prinslow tends to get mostly Marion County residents.
169	Prinslow	Says that he gets those convicted in Marion County, but that does not mean they have to live here, a lot of them don't.
173	Dave Hussey	Asks the progress of Marion County starting a work crew in Detroit.
175	Prinslow	Says that they are still under negotiations with the Forest Service on that.
177	Greg Merten	Asks how many inmates that would employ.
177	Prinslow	Answers about 40-45 people.
179	Merten	Asks total number of inmates in Oregon at county level.
180	Prinslow	Says he does not have that information at the moment.
183	Merten	Comments that if we have 500 just in Marion County, then it sounds like we're talking about population roughly equivalent to the state level.
186	Prinslow	Says that Marion County only has 500 inmates because that's what they're restricted to because of number of beds and such.
191	Merten	Says that there are only 8,000 inmates at state level, so it seems like problem needs to be solved at more than the state level.
194	Rep. Uherbelau	Comments that solving at county level is different than at state level. Says that county level has "revolving door."
204	Vice-Chair Guenther	Asks Deniece Humphries if she is ready to give her personal observation and prospective on prison work programs.
207	Deniece Humphries	Says that she is a former inmate and was incarcerated for 8 years and was involved in work/education program and worked at furniture sales office and DMV. Believes that work program is most important thing that can happen to an inmate, and is grateful that she had something to do while serving her sentence. Feels that benefits from work programs reach much further than just the inmates.

245	Jackie Winters	Asks if she was paid while working at DMV.
246	Humphries	Answers yes, \$.50 per hour starting wage and \$.83 per hour when she left, but not prevailing wage.
252	Merten	Asks Deniece Humphries to speak about recidivism.
253	Humphries	Says that of inmates she knew that were part of the program, when they left prison, never came back. States that program provided skills and confidence necessary to compete in the business world once she was released. Says she had opportunity to work in office setting and deal with regular people and got a job with DMV upon her release. Says that she does not know information about recidivism.
279	Vice-Chair Guenther	Suggests that a personal overview of work programs be addressed to Terrol Johnson.
283	Johnson	Says he is currently a drug and alcohol consultant inside Oregon State Penitentiary and Oregon State Correctional Institution, is ex-offender and has been out for 12 years. Says some work programs just kill time and give no kind of self-esteem. Says that when talking with prospective employers upon release, inmates don't know how to explain their incarceration.
329	Johnson	Explains that newly-released inmates show concern of people on the outside who have not been incarcerated that will have a problem with those who have been, and are now competing with them. Comments that he currently has a caseload of 90 people and that younger people are being incarcerated and don't even know how to approach an employer. Says he does not know what the numbers of recidivism would be, but believes it would be lower than what it is now. Explains that he took a business machine repair course while in prison and he learned how to repair manual typewriters.
376	Johnson	Says that he could hold conversation about business machine repair, but was not taught skills to compete for a job. Comments that newly-released prisoners are asked to be responsible but do not learn those skills while in prison.
419	Rep. Uherbelau	Describes how in 1980, she spent six months working on two prison reform cases in West Virginia. Comments that prisoners are told when and how to do things and they soon forget how to make decisions. Then, when released, they are expected to be responsible decision-makers and they have forgotten how to.
TAPE 5, A		
015	Rep. Uherbelau	Comments that there was a ten year follow-up study on the work element program and found that it was very successful, but then they ran out of money.
021	Vice-Chair Guenther	States that there are similarities to the military, in that it is very regimented.
026	Prinslow	Expresses his support of Industrial Prison Plan [EXHIBIT A] . Comments on San Francisco program called "The Delaney Street Project" that puts inmates with skill and occupational training out into community and recidivism rate is very low.
040	Vice-Chair	Asks if we can find out more about that program.

	Guenther	
040	Prinslow	States that he gave it away, but will try and get it.
045	Rep. Uherbelau	Says that she has more recent information of "The Delaney Street Project" in which she attended a seminar back east last year, and was very impressed.
054	Mrs. Winters	States that focus is life skills and preparing the inmates to work into some responsibility. During imprisonment, we take away inmates' ability to think and be responsible.
075	Vice-Chair Guenther	Asks if we can assign that responsibility to Representative Uherbelau.
076	Rep. Uherbelau	Says that she will look for her information and states that it is in her office in Ashland.
079	Hunt	Tape inaudible.
086	Mr. Winters	States that he was released from prison three times. The first two times, he came directly out and was lost. The first time, within 30 days he had a pistol and was out robbing people. The last time he had been on work release for 20 months and had responsibility and an ongoing job. Stresses his support of work release program.
100	Merten	Comments that industry in Oregon is getting more technical and workers will have to have more than a high school diploma to successfully compete for jobs. Expresses need for technical workers.
121	Vice-Chair Guenther	Says that if Oregon does not have those technical workers, then businesses here will not be able to do the business they want.
130	Merten	Suggests tailoring capability of having inmates fill those needed positions.
146	Ben de Haan	Deputy Director, Oregon Department of Corrections [EXHIBIT B] . Introduces Michael Taaffe, Administrator, Inmate Work Program; and Rick Wallace, Finance Manager, Inmate Work Program.
183	Michael Taaffe	Explains written material [EXHIBIT B] . Reviews questions asked by members from last meeting (4/9/97) and gives the individual responses [EXHIBIT B] .
224	Rep. Uherbelau	Comments that the list is not very exhaustive [EXHIBIT B, pp. 6-7] . Suggests that "Other Work" category should be designated.
238	de Haan	Says that the intake process is undergoing revisions and intake material is gathered in a short period of time, around 11 days or so.
258	Mrs. Winters	Asks if there is another form that deals with education of individual inmates.
260	de Haan	Answers yes, but not with them today.
263	Hunt	Tape inaudible.
271	Vice-Chair Guenther	Clarifies Margie Hunt's question of being realistic about doing the intake information of remaining 7,200 inmates by July when it has taken from February until now just to do the 800 new inmates.
284	Taaffe	Says that's correct. Explains that there is a broader, bigger program being developed for the department and that they are currently doing it manually and will be available around the end of this year.

304	Rep. Uherbelau	Asks if it is realistic to finish remaining 7,200 inmates intake information by the end of July.
312	Taaffe	Says he believes it is. Says it will be a relatively easy exercise to accomplish.
319	de Haan	Says that the inertia principal works both for and against someone.
334	Epley	Asks that by saying the end of July, does that mean everything will be compiled and ready to go.
339	Taaffe	Explains that the information will be collected by the end of July and October is the target date for assembly.
346	Taaffe	Refers to question #3 about educational opportunities available to all inmates [EXHIBIT B, p. 12].
359	Rep. Uherbelau	Asks if Department of Corrections has worked with universities and colleges as far as distance learning.
370	de Haan	States that Department of Corrections is not as interested in education other than basic skills as they were in the past. Says there isn't tremendous support for giving inmates greater access to educational experiences, more than the general public has.
395	Rep. Uherbelau	Believes that there are many inmates who need GEDs and basic education. Explains importance of video distance learning.
406	de Haan	States that is an excellent direction that we're moving into. Says that education up to GED is paid for inmates.
TAPE 4, B		
001	Vice-Chair Guenther	Asks about student loans.
005	de Haan	Says that he does not know the answer to that but assumes inmates would be eligible although an uphill struggle.
012	Vice-Chair Guenther	Talks about how his dentist got his education paid for.
029	Merten	Says that he has "tech-apprenticeship" programs.
036	Vice-Chair Guenther	Asks what the obligation is.
037	Merten	Says none.
037	Vice-Chair Guenther	Confirms that if obligation was required, it would be a more stable "investment."
040	Merten	Says that from industry standpoint, probably would not want a tie on that because it binds both ways and money is relatively small.
047	Vice-Chair Guenther	Asks for suggestions on how to get it done.
050	Merten	Offers to bring arrangement that was made locally.
060	Rep. Uherbelau	Asks if industry makes economic investments in students.

064	Merten	Says yes, if they are our employees. Asks if we would be willing to do that from a community standpoint.
078	Vice-Chair Guenther	Talks about when he first got out of school.
086	Rep. Uherbelau	States that John [Hellen] is researching Pell Grants. Says that there is money out there for those who want to enter health care field and commit to working in rural areas.
095	Vice-Chair Guenther	Says that he is confident there is private money around.
098	Merten	States that there are a lot of industry associations also available.
110	Rep. Harper	Asks about courses offered to inmates [EXHIBIT B, pp. 14-15] .
116	de Haan	Says that they have a number of contractors and a large contract with community colleges as well as some private contractors.
119	Rep. Harper	Asks how which courses are offered at which institutions is determined.
125	Taaffe	Says that there are lots of factors such as geographical location.
144	Rep. Harper	Asks if they are tied to specific work programs.
147	Taaffe	Says that yes, they are tied to specific work programs.
153	Rep. Harper	Asks if we are maximizing use of training dollars.
160	de Haan	States that it is a tough question to answer. Answers yes, but not like we could not make improvements. Comments on systematizing.
193	Merten	Asks if they link to what is going on in the outside world.
194	Rep. Uherbelau	Asks if Department of Corrections is following available information, such as labor trends.
200	de Haan	Says DOC is concerned about competition. Says that there are lots of things to be done that would not represent a threat. Explains.
222	Hunt	Asks the percentage of inmates involved in second and third programs [EXHIBIT B, pp. 14-15] .
237	de Haan	Says that he does not know. Says that getting program people to do a brief overview may be helpful.
255	Taaffe	States that question #4 dealt with work release program.
259	de Haan	Says that he understands that the demise came about of work release programs because of recession of the 1980's. Says that in 1979-81 biennium, the Department of Corrections closed nine work release centers, budget-cutting measures. Says that last year, there were four work release programs in operation and those were ended as result of Attorney General's decision which told DOC that they could not compensate, so if people were renting rooms in YWCA for example, and they were working, that they couldn't get cash to pay their rent and so obviously transition programs would not work and were ended.

288	Rep. Uherbelau	Asks if it is because of Measure 17 language that the Department of Corrections cannot compensate.
289	de Haan	Says that is correct and that there will be an election tomorrow to decide the fate of Measure 49.
292	Rep. Uherbelau	Says that will only be on a federal level.
294	de Haan	States that this question should be addressed to Suzanne [Townsend].
301	Rep. Uherbelau	Asks if we get back to work release programs, could they be done collaboratively with local jurisdictions.
310	Mrs. Winters	States that part of it had to do with the political human cry and believes that had a bigger impact.
314	de Haan	Says that was going to be his next statement. Says that a larger concern was a couple of poor releases, and that's why work release programs were labeled a threat.
322	Prinslow	Says that most state inmates that come back to county are involved in work release programs.
332	Vice-Chair Guenther	Believes that voters are going to get a "snoot-full" of the costs of incarceration and will be receptive to alternates that we can come up with that will relieve that and yet speak to the corrections issue.
340	de Haan	Says that he is only speaking of state-run facilities.
361	Taaffe	States that question #5 has to do with budget overview and a breakdown of income from work programs.
369	Rick Wallace	Finance Manager, Inmate Work Program. Explains figures for General Fund and Other Funds [EXHIBIT B, pp. 19-20] .
378	Rep. Uherbelau	Asks to explain the numbers in red.
383	Wallace	Says they used some of the savings that was generated in risk management area on limited duration positions and other expenditures.
405	Mrs. Winters	Asks who the partnerships are.
409	Taaffe	Says they have two partnerships. One is a pallet manufacturer, and other is with construction of Snake River facility.
430	Mrs. Winters	Asks about the estimated \$500,000 expenditure under "partnerships" [EXHIBIT B, p. 19] and assumes since this is for private industry that there would be an income. Asks where that income is.
TAPE 5, B		
002	Taaffe	Says that dollar amount asked about was general fund appropriation given to establish new partnerships with private industry. Initial amount was \$2 million. \$1.5 million of that \$2 million had a phase out date. The remaining \$539,000 was in reserve.
024	Mrs.	Says that she is unclear.

	Winters	
025	Taaffe	States that the \$15,000 expenditure has been spent directly on consultants to develop partnerships, and rest of money will go directly into actual partnerships.
031	Vice-Chair Guenther	Asks if partnerships are subsidized.
032	Taaffe	Says that they are in that these are state dollars going into establishment of partnership arrangements.
034	Rep. Uherbelau	Says that if you don't understand the budget, you're not going to understand the program. Says that this is not clear enough, and asks for a breakdown of figures.
046	de Haan	Says yes, that the department can provide any level of detail needed.
050	Rep. Uherbelau	Asks if Department of Corrections has been audited in the past few years.
053	de Haan	Says yes, nine times in the past biennium.
053	Rep. Uherbelau	Asks if it has anything to do with the Measure 17 money.
054	de Haan	Says yes, everything. Says they were a financial audit and performance audit related to Measure 17.
060	Merten	Says he is unclear about finances and wonders how to create change to move forward and does not know how that would help.
067	Rep. Uherbelau	States that it would help in partnerships, making it possible for inmates to work.
075	Merten	Says that part of what needs to be distinguished is "how much time are we going to spend reviewing performance" versus "how do we change what we're doing." Says that he is not confident in deciding that in the first place.
087	Mr. Winters	Asks what the approach is for developing partnerships.
090	Taaffe	Says that there is a multi-faceted approach to developing partnerships. Solicitation of partners is the last step in a well-organized program. Says he is confident that they are developing an appropriate infrastructure that is encouraging people to come forward.
121	Merten	Confirms that an agreement has been made to giving a better understanding of how education process works. Asks what Department of Correction's approach is to creating partnerships.
130	de Haan	Asks if it would help to go through specifics of the three current partnerships.
137	Merten	Asks what other opportunities we see and how we see this developing.
141	de Haan	Suggests talking about what the impediments are, what happened to money, and long-term definition.
144	Merten	Asks what their request on industry is.
151	Taaffe	Asks if members would like a summary of "other fund" money.
	Vice-Chair	

154	Guenther	Says we should pass over that for now.
159	de Haan	Asks if it would be helpful to send out specific information to the Representative.
161	Rep. Uherbelau	Says no, just wants to see how programs are working.
163	Vice-Chair Guenther	Says to send it to John [Hellen].
166	Taaffe	Explains that the department has made a breakdown of the number of inmates in the various security levels for question #6 [EXHIBIT B, pp. 22-25] .
181	Merten	Asks if there is a definition to security levels.
184	Rep. Uherbelau	Confirms that for medium and minimum security inmates, almost everyone is eligible for work, but for maximum, only 10% are eligible.
193	Taaffe	Says close, not everybody, but percentage would be considerably different from maximum security, yes. Says that question #7 is a breakdown of how much product was sold within DOC and outside of DOC. Says that question #8 explains tracking of compliance for Measure 17.
214	Vice-Chair Guenther	Asks if the chart [EXHIBIT B, p. 29] fits in.
215	Taaffe	Says yes, that it is dated on the bottom and gives compliance level for that week.
225	Rep. Uherbelau	Asks if restricted means not available on chart for question #8.
232	Taaffe	Says that is correct, restricted cannot work.
234	Vice-Chair Guenther	Suggests filtering specific questions through John [Hellen] and talks about a prospective partnership with DOC and a telemarketing company. Asks if "gift certificate" program would have any merit.
273	de Haan	Says that it has so much merit that it is included already, limited by how much cash is available.
278	Vice-Chair Guenther	Asks if it is the department's cash.
279	de Haan	Says yes.
286	Rep. Uherbelau	Asks if "gift certificates" are set up to either use in designated governmental offices only or you lose it.
291	de Haan	Says he is not sure what would happen to money if Parks, for example, did not spend it.
304	Rep. Uherbelau	Comments that the department needs a little flexibility beyond use it or lose it.
316	de Haan	Says that in concept, we are in agreement.
333	Vice-Chair Guenther	Says that concept was that through a co-op, we can adjust our compensation level within that co-op and can draw monies out and keep monies in. Says that as a co-op there is no need to deal with minimum wage, and says that if inmates were a co-op members, it would enhance their economic status and cash in

		shares when released. Says community would get benefit from efforts of co-op.
371	Suzanne Townsend	Assistant Attorney General, Attorney in charge of Government Services Section of the Department of Justice. Introduces Assistant Attorney General Mardi Saathoff. Says that DOC director has broad general authority under Measure 17 to develop inmate work programs.
411	Townsend	Says that one of the gains to be gotten from the co-op is that members would be unregulated by requirements tied to wages paid in the free marketplace. Comments that Measure 17 does not require any compensation be paid to inmates unless DOC director determines to pay the compensation.
TAPE 6, A		
005	Townsend	States that the problem with respect to prevailing wage payment is known as the Ashurst-Sumner Act. Says that what we would have to do if the Ashurst-Sumner Act is triggered, is to get the program certified under the federal Prison Industries Enhancement program by the Bureau of Justice Assistance. States that federal guidelines require that there be no free worker displacement, and even with co-op situation, we still have to deal with certification requirements.
042	Rep. Uherbelau	Says that Measure 17 states there does not have to be compensation, but if there is, it has to be used for specific purposes.
052	Vice-Chair Guenther	Comments that federal government distinguishes between ordinary income and capital gain.
055	Rep. Uherbelau	Says that is why a legal opinion is needed as to what compensation means.
061	Townsend	Says one provision of Measure 50 [Measure 49] may give state legislature more flexibility to deal with issues like this. Says that she meant Measure 49, not Measure 50.
072	Rep. Harper	States that it would be helpful to have a brief synopsis of all the rules, laws, and federal interstate issues of testimony just mentioned.
076	Merten	Adds that including clarification of percentage of employees working at a private company would be helpful also.
080	Mardi Saathoff	Explains that there is some interpretation by Bureau of Justice that allows a percentage, and what you end up having to track are the actual goods produced by inmates. If you can track the percentage of inmates in your workforce and hide that somehow to percentage of goods, you have some leeway for transporting some of the goods out of state.
086	Townsend	Says that is not very appetizing for private companies, particularly if they look at the statute and guess wrong, it is a Class-C felony.
090	Vice-Chair Guenther	Asks about Unicorp.
102	Townsend	Says she would be happy to put together a synopsis of what the federal laws provide.
106	Vice-Chair	Confirms that she will do more research on co-op aspect.

	Guenther	
107	Townsend	Says it would be helpful to give specific questions.
108	Vice-Chair Guenther	Says they will do that.
110	Rep. Uherbelau	Comments that when people, even legislators ask for legal advice, it costs money. Says that we have no money for official Attorney General opinion.
117	Townsend	States that the Legislature has an agreement with Department of Justice whereby they cannot provide advice unless requested directly by the Speaker of the House, otherwise they would have to answer at the request of the Prison Industries Board or the Department of Corrections.
124	Rep. Uherbelau	Comments that there is a difference between giving information and giving an opinion, and just wants to clarify that.
126	Vice-Chair Guenther	Thanks everyone for coming and adjourns at 7:33 p.m.

Submitted By, Reviewed By,

Steve Wermuth, John Hellen,

Administrative Support Administrator

EXHIBIT SUMMARY

A - Written material, Ted Winters, 2 pp.

B - Written material, Ben de Haan, 36 pp.