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**SENATE COMMITTEE ON CRIME & CORRECTIONS**

**February 24, 1997 Hearing Room B**

**1:00 P.M. Tapes 15 - 17**

**MEMBERS PRESENT:**

**Sen. Shirley Stull, Chair**

**Sen. Jeannette Hamby, Vice-Chair**

**Sen. Avel Gordly**

**Sen. Eileen Qutub**

**Sen. Veral Tarno**

**Sen. Cliff Trow**

**STAFF PRESENT:**

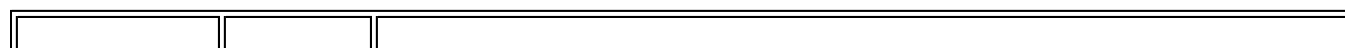
**Nickola Jones, Counsel**

**Julie Clemente, Administrative Support**

**MEASURE/ISSUES HEARD:**

**Public Hearing: SB 440**

**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.**



<b>Tape/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>Tape 15, A</b>		
002	Chair Stull	Opens meeting at 1:04 p.m.
<b><u>OPENS WORK SESSION ON SB 440</u></b>		
012	Sen. Qutub	Gives background on SB 440. Brought about by constituent, John Elms. Urges support to help protect all Oregonians from those stealing the mail and go virtually free of punishment. This crime continues to be a large problem.
020	John Elms	Postal Inspector assigned to the Portland office of the Postal Service submits written testimony in support of SB 440. <b>[Exhibit A]</b> Also submits US Attorney's prosecution guidelines <b>[Exhibit B]</b>
113	Elms	Continues
124	Chair Stull	Questions magnitude of mail theft in regards to our vote-by-mail procedure.
	Elms	No. Explains. > not a big problem
141	Elms	Continues testimony  >Fiscal '96 mail theft investigations resulted in 27 arrests and 28 convictions.  >refers to letter from U. S. Attorney Kristine Olson who supports the bill - <b>[Exhibit A]</b> - page 9
175	Chair Stull	Does this affect the Federal Express Mail?
	Elms	Federal Express is not US mail but wouldn't have a problem to include them in the bill. Continues.
183	Sen. Trow	Appears from your testimony that your ability to use the federal law to prosecute these crimes has been curtailed due to lack of resources.
	Elms	True to a certain extent. Explains.
200	Sen. Trow	Questions if the state can handle the additional case load given the fact that we are also lacking in resources.
	Elms	Would like to see a team effort. Cannot make everything a federal crime. Continues.
223	Sen. Trow	Continues - we are not prosecuting a lot of misdemeanors at the state level. Doesn't want to compound the problem by further burdening inadequate resources.
240	Chair Stull	Do you have any data on monetary losses; is it tracked?

254	Elms	For cases taken to the US Attorney, it's not unusual for the losses to be \$50,000 to \$150,000 to the banking institution or other businesses in Oregon. Continues.
280	Chair Stull	Agrees. Reality is that overall costs to society aren't considered.
293	Sen. Gordly	Questions staff regarding revenue impact.
	Nikola Jones	Committee Counsel. Fiscal was not able to produce an impact statement today. I do have some preliminary figures. Explains.
	Sen. Gordly	Is there a time frame for receiving that information?
	Jones	About a week.
332	Sen. Qutub	Refers to Sen. Gordly's question regarding numbers of complaints. Continues.
348	Jeanne Stevenson	Investigative Sergeant with Portland Police Bureau. Submits written testimony in support of SB 440. <b>[Exhibit C]</b> .
440	Chair Stull	Trying to get a sense of volume. Is that handled as one event or multiple events?
	Stevenson	Cluster mail boxes - just assumes no mail that day. Continues.
<b>TAPE 16, A</b>		
034	Stevenson	Continues - admitted stealing the mail >Theft 3 - C Misdemeanor - cannot make an arrest by probable cause
050	Sen. Trow	Why is this kind of crime skyrocketing?
	Stevenson	Most are supporting drug habits. Information gets around that it is easy to rob mail boxes. Continues. >know they won't be prosecuted unless over \$750
072	Sen. Trow	Generally due to a drug habit?
	Stevenson	Yes.
078	Sen. Gordly	Comments on map. <b>[Exhibit B]</b> - page 3
086	Stevenson	Encourages passage of bill to help local law enforcement deal with this out-of-control problem by making thieves more accountable for their actions and communities more livable
093	Sen. Trow	If the bill passes, good chance the district attorneys would prosecute?
	Stevenson	I believe so. Explains.
	Sen. Trow	Bed space available?
	Stevenson	That is a problem. Explains. >goes on their record as a felony >down the road will help the feds prosecute

111	Kathy Mick	Victim, submits written testimony in support of SB 440. <b>[Exhibit D]</b> >bank statement and paychecks stolen >hours on phone >has tried to track thief down - even if caught nothing will be done >lives day to day - needs access to her money
143	Sen. Tarno	Do you know this person?
	Mick	Son was able to give a personal description as well as a description of the car and license number information
	Sen. Tarno	Refers to <b>[Exhibit D]</b> where Ms. Mick suggests that DMV keep duplicate picture in file.
	Stevenson	Not familiar with new photo system at DMV. Does know that the agency only requires something with the person's name and address on it - a couple pieces of mail - for a new license.
165	Sen. Tarno	Have you had occasion to ask DMV for a duplicate copy of the victim's driver's license to verify a photograph?
	Stevenson	We request copies from DMV routinely. Continues.
174	Sen. Hamby	Would Multnomah County prosecute a Class B misdemeanor?
	Stevenson	Cannot make an arrest on probable cause with either a B or C misdemeanor. Continues.
	Anderson	I believe that the District Attorney has some information on the sentencing part.
200	Elms	Refers to Sen. Tarno's question. Routine practice for postal inspectors to request photos from DMV. Not uncommon to get 5 or 6 pictures in other names. >common to misuse the driver's license >new system should be better
213	Sen. Trow	What do you do with the phony I.D.?
	Elms	Becomes evidence in the case. Explains.
224	Sen. Trow	When prosecuted under federal law and found guilty, punished in the federal system?
	Elms	Yes. Average of 18 months federal time - no credit for good time >3 - 5 years tightly supervised probation
277	Chuck Warren	Police Officer, Beaverton Police Department, submits written testimony in support of SB 440. <b>[Exhibit E]</b>
		Continues.

360	Warren	<p>&gt;adds another tool</p> <p>&gt;more concerned about what probation officer would do</p> <p>&gt;shows pictures of individuals using as many as 14 different names These individuals are responsible for \$1 million loss to financial institutions, retail markets, you and I.</p> <p>&gt;continues.</p>
411	Warren	>discusses "Check Print"
<b>TAPE 15, B</b>		
019	Warren	This bill will not eliminate all of this fraud, but could stop some of it.
034	Sen. Gordly	Please explain tighter restrictions on parole and probation.
	Warren	Through the felony process - continues
	Sen. Gordly	Do we have anyone signed up from parole and probations?
	Chair Stull	I don't believe so.
	Sen. Gordly	My understanding that parole and probation folks are already maxed out. Continues.
063	Sen. Trow	Questions Warren regarding his confidence in the bill's preventative effect.
	Warren	Based on my experience in talking to these individuals, they are concerned about felony convictions.
086	Chair Stull	Already in drug and alcohol treatment?
	Warren	Haven't kept a record. Continues
	Chair Stull	Is participation in a program condition of supervision?
	Warren	Conditions would be based on the felonies. Explains.
110	Steven Smith	<p>Detective, Salem Police Department testifies in support of SB 440.</p> <p>&gt;Relates a story of "Michael" during a six-month time period: July through November when he was finally arrested with multiple warrants sentenced to 9 months in jail.</p> <p>&gt;prime example of an individual who makes his living as a mail thief - charged with Theft 3 which is the same as stealing a pack of gum - nothing more can be done</p> <p>&gt;need some type of "hammer" to slow them down or stop them</p>
172	Chair Stull	Refers to article regarding the impact of Measure 11 where various Salem Police Officers were interviewed. Were you part of that?
189	Smith	<p>Replies.</p> <p>&gt;this type of crime very easy to commit</p>

		>very little fear of punishment
204	Brent Collier	<p>Chief, Milwaukie Police testifies in support of SB 440. Relates a story that he agreed to do as a public service announcement. Was discussing the issue of mail theft and the dramatic increase in this type of crime in the Milwaukie and Portland metropolitan areas with a friend, Chuck Whitlock, who works for the television show, Hard Copy. Both agreed these crimes could become a significant national issue. In order to show what could happen when mail is stolen, Chief Collier allowed Mr. Whitlock to steal one piece of mail. With that one piece of mail in a 24-hour period Mr. Whitlock was able to:</p> <ul style="list-style-type: none"> <li>&gt;obtained an Oregon drivers license; Whitlock's photo - Collier's name</li> <li>&gt;rent an apartment</li> <li>&gt;obtain a checking account, Collier's name - Whitlock's new address</li> <li>&gt;obtain a Visa card, Collier's name - new address</li> <li>&gt;obtained Collier's credit bureau report</li> </ul>
237	Collier	<p>Did not allow him to get a traffic citation using his new driver's license. Explains.</p> <ul style="list-style-type: none"> <li>&gt;Charged \$24,000 in 24 hours and victim doesn't have a clue</li> <li>&gt;since the story aired, received inquiries on a nation-wide basis from people whose lives have become nightmares</li> <li>&gt;takes years to resolve these issues</li> </ul>
262	Chair Stull	With all of those strikes against you, how do you instruct your officers?
	Collier	<p>I've been there. Explains.</p> <ul style="list-style-type: none"> <li>&gt;we need the felony charge</li> </ul>
285	Sen. Qutub	For us to turn a deaf ear to Oregonians and to law enforcement who need this help is irresponsible.
308	Mike Gallagher	<p>Officer, Portland Police Bureau presents written testimony in support of SB 44. <b>[Exhibit F]</b> Works the Gateway-Mall 205 Corridor which encompasses a large retail and residential area.</p> <ul style="list-style-type: none"> <li>&gt;crime of opportunity</li> <li>&gt;how it occurs</li> <li>&gt;the victim</li> </ul>
		Relates information regarding 2 cases submitting examples of found property <b>[Exhibits G &amp; H]</b>

354	Gallagher	<p>&gt;relates information received from Parole and Probation regarding the sentencing of this type of case</p> <p>&gt;supervision is unsupervised, mail-in report</p>
<b>TAPE 16, B</b>		
023	David Lesh	<p>Deputy District Attorney, Multnomah County submits written testimony in support of SB 440. <b>[Exhibit I]</b></p> <p>Submits proposed amendments to SB 440 <b>[Exhibit I, pgs 2 &amp; 3]</b> Calls attention to engrossed version of bill prepared for easier reference - <b>[Exhibit I, pgs 4 &amp; 5]</b></p> <p>Discusses amendments.</p>
085	Sen. Qutub	Relates her amazement at the criminal mind. Continues.
	Lesh	<p>Continues - moving to Section 4</p> <p>&gt;agrees with all law enforcement testimony regarding the relationship to drug related problems</p>
145		<p>Refers to Sen. Gordly's questions regarding drug treatment for people on probation.</p> <p>&gt;state wide, it is a standard condition of probation for everyone to be referred to drug evaluation and treatment - no exceptions</p> <p>&gt;give the tool to the judges if they are a repeat offender</p>
175	Lesh	>continues to answer questions previously asked by the Committee of other witnesses
186	Sen. Hamby	Comments on testimony.
	Lesh	<p>Absolutely. References Sentencing Guidelines chart</p> <p>&gt;mentions alternatives that all counties will have to explore</p>
226	Sen. Trow	<p>Recalls testimony that referenced Measure 11 crimes and effect of diminishing criminal activity due to the penalties and that people bent on criminal activity look for other levels.</p> <p>&gt;up the penalties for this type of crime, would they go someplace else</p>
242	Lesh	<p>Always a possibility. Explains.</p> <p>&gt;with a problem this severe, we cannot throw up our hands because it will cause other problems</p> <p>&gt;agrees it will cost money</p>

		>we can't give up
274	Sen. Trow	What is in the economy that is causing this?
	Lesh	Agrees - end drug use in the State of Oregon, crimes would decrease by 90%  >unfortunately, so many people will not take advantage of treatment
319	Sen. Hamby	Are you satisfied that the treatments work?
	Lesh	I am satisfied they do work for people who truly and sincerely want to get off drugs.
350	Chris Miller	Fraud Investigator, U. S. Bank submits written testimony in support of SB 440. <b>[Exhibit J]</b> Discusses types of fraud that can be committed with just one piece of stolen mail.  >things are stolen that people don't know are coming to them  >multiple people creating multiple crimes  >financial information - 1996 worked 6179 cases and recorded losses of \$4,867,853 due to financial crime. Of this, at least 50% or \$2.5 million can be directly linked to mail theft.
436	Miller	Not only banks taking losses, local merchants are hard hit by these crimes.  >direct impact on all of us
<b>TAPE 17, A</b>		
038	Mark Tinsley	Special Agent responsible for supervising US Secret Service activities. Submits written testimony in support of SB 440. <b>[Exhibit K]</b> Discusses mail theft as the one single act that often starts a campaign of financial pilferage.  >much talk about how much will it cost and difficulty of the investigation.  >stop early or stop later  >loss to community is considerable  >may have had a chance to stop the person, but no tool to do it
079	Tinsey	Have to have a tool to take these people off the street - this bill is that tool.  >exercise great deal of discretion in what cases are assigned - felony convictions  >easier to prove the crime early on
095	Sen. Gordly	Asks if another hearing is being scheduled. She has no problem with the bill but wants to hear from the parole and probation department and their



		probable impact.
100	Vic Mann	<p>Lieutenant, City of Eugene and Eugene Department of Public Safety testifies in support of SB 440. The bill is also supported by a subcommittee of the Eugene City Council.</p> <p>Responds to previous comments:</p> <ul style="list-style-type: none"> <li>&gt;this is a situation that cannot be ignored</li> <li>&gt;matter of what you can do right now</li> <li>&gt;really doesn't know how big the problem is</li> </ul>
169	Mann	<p>Continues:</p> <ul style="list-style-type: none"> <li>&gt;rural communities are a favorite target</li> <li>&gt;recycling through system repeatedly has a hidden cost</li> <li>&gt;drug issue - if you cannot stop them, set them aside in the jail system long enough for assessment</li> <li>&gt;supports mandatory treatment</li> <li>&gt;this is a life style</li> <li>&gt;supports amendments - bill does not distinguish between vandalism of a mail box where there is no intent for a theft - needs clarification</li> </ul>
180	Galen J. Tercek	<p>Gresham Police Department - testifies in support of SB 440. <b>[Exhibit L]</b></p> <ul style="list-style-type: none"> <li>&gt;speaks of "John"</li> <li>&gt;problem throughout the state</li> </ul>
183	Sen. Hamby	Comments on the story of "John"
200	Chair Stull	Appreciates Sen. Hamby's comments. Continues.
	Tercek	Literally not afraid of what we can do to them.
	Chair Stull	Continues to comment on "John"
	Tercek	Many of these people are very organized. Continues.
	Sen. Hamby	Do you support the testimony of the amendment of a presumptive sentence?
	Tercek	Yes
255	Elms	Supports amendments. Not sure about Lt. Mann's suggestions, but the other, yes.

**CLOSES**  
**PUBLIC**  
**HEARING**  
**ON SB 440**

Chair Stull Declares meeting adjourned at 3:07 p.m.

**Submitted by, Reviewed by,**

**Julie Clemente, Nikola Jones,**

**Administrative Support Counsel**

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**EXHIBIT SUMMARY**

**A - Testimony in Support of SB 440 - John Elms - 20 pgs**

**B - US Attorney's Prosecution Guidelines - John Elms - 4 pgs**

**C - Testimony in Support of SB 440 - Jeanne Stevenson - 3 pgs**

**D - Testimony in Support of SB 440 - Kathy Mick - 2 pgs**

**E - Testimony in Support of SB 440 - Chuck Warren - 2 pgs**

**F - Testimony in Support of SB 440 - Mike Gallagher - 3 pgs**

**G - Examples Referencing Support of SB 440 - Mike Gallagher - 33 pgs**

**H - Examples Referencing SB 440 - Mike Gallagher - 60 pgs**

**I - Testimony in Support of SB 440 - David N. Lesh - 6 pgs**

**J - Testimony in Support of SB 440 - Chris Miller - 2 pgs**

**K - Testimony in Support of SB 440 - Mark Tinsley - 2 pgs**

**L - Testimony in support of SB 440 - Galen J. Tercek - 3 pgs**

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