

HOUSE JUDICIARY
SUBCOMMITTEE ON
JUVENILE JUSTICE

Hearing Room
Tapes 24 - 25

MEMBERS PRESENT:

Rep. Del Parks, Chair
Rep. Lisa Naito, Vice-Chair
Rep. Floyd Prozanski
Rep. Eileen Qutub
Rep. Veral Tarno

MEMBER EXCUSED:

Rep. Kate Brown

STAFF PRESENT:

Holly Robinson, Committee Counsel
Sarah Watson, Committee Assistant

MEASURES HEARD:

SB 1 - Public Hearing and Possible Work Session

These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.

TAPE 24, SIDE A

004 CHAIR PARKS: Calls meeting to order at 4:05 P.M.

PUBLIC HEARING ON SB 1

Witnesses:

Rep. John Meek, District 5
Rick Hill, Juvenile Corrections
Michael Livingston, Department of Justice & Governors Task Force
Larry Ogalsby, Oregon Juvenile Directories Association

030 REP. JOHN MEEK, DISTRICT 5: Testifies and submits proposed amendments in support of SB 1. Cites conceptual amendments to bill. (EXHIBIT A)

076 CHAIR PARKS: Why is it a concern?

078 REP. MEEK: Explains what happens when a new department is created. Continues with testimony.

106 CHAIR PARKS: We have totally changed how we deal with juvenile corrections by passing Measure 11. I don't know what we gain by delaying the implementation for two years.

116 REP. MEEK: I agree. This needs to be phased in for the impact of the youth that will be served. Continues with testimony and cites changes to be made in SB 1 from EXHIBIT A.

233 REP. TARNO: Asks if pg. 3 of bill will answer some of Rep. Meek's

questions.

239 REP. MEEK: We were concerned about the practical implementation of this bill. By leaving this under the Department of Human Resources (DHR) for two years, we felt that there would be a greater opportunity to coordinate it's development and it's plan of how the juvenile authority will operate for the duration of it's existence. Discusses how the local commission will help deal with the juveniles. Once the agency is up and running, there will be a good transition after the two year period, to set up the new department.

257 REP. QUTUB: Discusses the transition from the DHR to the new Youth Authority department. Discusses four regional centers. There are some people who think that the ties need to be cut from the DHR, can you respond to that?

282 REP. MEEK: We did not oppose that aspect of the transition phase. We need to make a tight and clean public policy so that there is no question about what the division will do.

321 RICK HILL, JUVENILE CORRECTIONS: Testifies in concern to Rep. Meek's conceptual amendments. Discusses how their department is run.

372 CHAIR PARKS: He suggested that the peace officers should have the same qualification as the guards at the penitentiary, does that make sense to you?

380 HILL: Discusses what the "Group Life Staff" or guards, at the institutions can and can't do. They receive the equivalent amount of training that the prison guards get, but is specific to juvenile corrections. We do not use weapons, have guard towers, or fences. We have to deal with a difficult population, but we deal with them in a different way than they do in adult corrections, discusses why.

406 CHAIR PARKS: Are the guards in a penitentiary considered "peace officers"?

409 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses definition of "peace officer", what their job is, and how it will effect this bill. Discusses what would happen in the instance of an escape. Current guards are not peace officers, explains.

422 CHAIR PARKS: Discusses what he thought peace officers could do. We are going away from a system of taking care of kids. They are convicted as criminals under Measure 11, yet you still don't want to put a fence around them. You are trained in the treatment end of the system, but the system is going towards incarceration. That is why the "peace officer" definition makes more sense to me. Fifteen percent of the people you deal with are institutionalized, and the rest are not?

TAPE 25, SIDE A

017 HILL: Of the 2,800 youth in our jurisdiction right now, 600 are in the institutions. That will change as we get into Measure 11.

019 CHAIR PARKS: How much will that change in five years?

021 HILL: That depends on what the DA's do with the charging practices concerning Measure 11. We are projecting that we will need 322 more beds by the end of the next biennium. We propose that the age range still begin at age 12, but there will still be a percentage in the system that will not be under Measure 11.

029 REP. TARNO: You will be housing a 17 year old in maximum security that has committed murder. You will need trained staff to deal with a person like that. Discusses the possibilities of a riot.

036 HILL: Discusses young men at MacLaren and that they have never had to use physical restraints. We have been able to control them on the factor that if they behave themselves, they may get out early. Discusses that with Measure 11, we will have to change how we manage the institutions. Without the Second Look, we will have to get tougher. Until that policy decision is made by this body, we are not sure how to set-up the programs.

We don't want all of the correctional institutions to be armed, but it may be necessary with the Measure 11 youth.

053 CHAIR PARKS: Discuss the 21-25 year old concept.

055 HILL: The recommendation from the Governor's Task Force is that the age go up. How high it goes up, and for which offenses is up for discussion. For those youth who are not remanded, they are released at 21 years old.

067 MICHAEL LIVINGSTON, DEPARTMENT OF JUSTICE & GOVERNORS TASK FORCE: Testifies in regards to Rep. Meek's conceptual amendments.

091 CHAIR PARKS: Doesn't it make more sense to see how the kids fit into the system? Gives examples of how age limits and sentences could differ. There are different factors that should be considered when deciding if they should be transferred out or not.

100 LIVINGSTON: That is correct for both juvenile conviction and for adult court convictions. Discusses youths that are remanded. Discusses how a youth case would work concerning where they house them.

112 HILL: I agree that there is nothing special about an age change. There are many issue that need to be considered as to when an individuals release date should be.

118 REP. PROZANSKI: Asks if there is a possibility of someone who is above the age of 21 and is in the custody of OSB , still be under the jurisdiction of the Youth Authority?

124 HILL: I can't think of a scenario that would work that way.

126 REP. PROZANSKI: If someone has been remanded and are in the custody of the Youth Authority, would we see a situation where under the Second Look, a judge would look at a case and decide that a person should stay under the Youth Authority, but because of their age they would be physically housed in an adult facility?

134 HILL: No, the bill prohibits that.

137 REP. TARNO: What does a "secured facility" mean?

145 HILL: That describes the secure regional facilities. Explains that it would be the equivalent of a maximum security in the adult system.

152 REP. TARNO: There would be one perimeter fence?

154 HILL: We are just beginning to look at the architects of these buildings. Discusses design features. Continues discussion of 1st conceptual amendment by Rep. Meek.

186 REP. MEEK: Cites concern of age requirements and sentencing guidelines. Gives example of minimum sentencing. These people have been convicted of adult crimes. We don't have a real track record of rehabilitation.

232 REP. PROZANSKI: Was the age of 25 was arrived at, with the Second Look program in mind?

241 HILL: Yes. Discusses the "Second Look" program.

248 LIVINGSTON: Discusses two different groups that are incarcerated into the Youth Authority. There is a provision in the adult system that no one after the age of 25 stay in the Youth Authority. Discusses what happens to

those people who won't serve their sentence by the age of 25. Discusses the Second Look custody program.

284 HILL: Continues discussing conceptual amendments by Rep. Meek.

318 LIVINGSTON: Cites and discusses that some sections of the bill are the result of work they did with Dennis Maloney, explains. The SB 1106 amendments wouldn't change anything, but make the language better, which is

something that we would look at.

342 CHAIR PARKS: Can you address the issue of probation officers and whether they should be under the county rather than the state?

346 HILL: Discusses why and how a probation officer would be used. When a juvenile is released and put in the custody of CSD, they have someone assigned to them who are called parole/probation officers. We mean the state and not the county probation officer.

384 CHAIR PARKS: Can you discuss the 10th amendment on EXHIBIT A?

388 HILL: Discusses the 10th amendment by Rep. Meek concerning the juvenile justice councils.

405 LARRY OGALSB Y, OREGON JUVENILE DIRECTORIES ASSOCIATION: Discusses advisory boards for the Juvenile Justice Councils. We do have, in the form

of SB 1145, juvenile directors being a part of the adult system with the responsibility of dealing with juvenile issues. This portion of SB 1 is duplicated of other efforts.

443 LIVINGSTON: The advisory council was not part of SB 1 as originally drafted.

458 CHAIR PARKS: Discusses the last amendment by Rep. Meek.

463 HOLLY ROBINSON, COMMITTEE COUNSEL: Given the relating clause of that amendment, it would be very difficult to incorporate it into this bill.

467 REP. MEEK: It has been cleared.

470 HOLLY ROBINSON, COMMITTEE COUNSEL: Discusses the possibility of the family court being applied only to juvenile delinquency cases.

TAPE 24, SIDE B

004 HILL: This is a concept of having one judge in each county doing juvenile work consistently, which is something that we would like. It is difficult for us when judges rotate every month.

014 CHAIR PARKS: Judges find this work pretty depressing. Legislature can write all the rules we want, but judges are going to run their courts how they want.

032 LIVINGSTON: Discusses the implementations of Measure 11. Submits testimony. (EXHIBIT B)

062 CHAIR PARKS: If there is more than one crime, there is more than one issue?

063 LIVINGSTON: Explains how Measure 11 and the Second Look program would work.

098 HILL: The salaries are based upon four administrative positions, not 3.

(EXHIBIT C)

120 CHAIR PARKS: Adjourns the hearing at 5:15 pm.

Submitted by, Reviewed by,

Sarah Watson Debra Johnson
Committee Assistant Committee Coordinator

EXHIBIT SUMMARY:

- A. Proposed Amendments to SB 1 - Rep. John Meek - 1 page
- B. Testimony on SB 1 - Mike Livingston - 13 pages
- C. Testimony on SB 1 - Rick Hill - 1 page