

SENATE COMMITTEE ON  
JUDICIARY  
SUBCOMMITTEE ON JUVENILE JUSTICE

Hearing Room  
Tapes - 6

MEMBERS PRESENT:  
SEN. JEANNETTE HAMBY, Chair  
SEN. DICK SPRINGER  
SEN. SHIRLEY STULL

STAFF PRESENT:  
BILL TAYLOR, Committee Counsel  
JULIE CLEMENTE, Committee Assistant

MEASURES HEARD: Public Hearing on SB 1  
Establishes Department of Youth Authority

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 , SIDE A

04 CHAIR HAMBY: Brings the committee to order.  
- Announcements  
- Possible Portland Metro area - Saturday meeting 2/25/95

14 Opens PUBLIC HEARING on SB 1

Witnesses: Ingrid Swenson, Oregon Criminal Defense Attorneys Association  
James Arneson, Oregon Criminal Defense Attorneys Association  
Timothy M. Travis, Juvenile Rights Project, Inc.

20 TIMOTHY M. TRAVIS, Juvenile Rights Project, Inc.: Presents testimony in  
opposition to SB 1 [EXHIBIT B].  
- Longer incarceration  
- Lower age of adult responsibility  
- Abandonment of principles of rehabilitation  
- Dominance of the District Attorney in Juvenile Court  
- Lack of prevention in early intervention emphasis  
- All serious mistakes

81 TRAVIS: Continues testimony.  
- We have failed the system - Funds should have been put years ago  
- Specific right to treatment should be in SB 1  
- Second look should apply to all juveniles

135 SEN. SPRINGER: Was your organization invited to participate in the  
building of SB 1?

160: TRAVIS: Yes.

190 INGRID SWENSON, Oregon Defense Lawyers Association: Offers testimony  
in opposition to SB 1.  
- Share Tim Travis's concerns - agree there are some good aspects and  
other directions for committee's consideration.

202 CHAIR HAMBY: Calls additional witnesses

Witnesses: Landon Thompson, Advanced Training Institute, Portland ,  
Oregon  
Jim Botwinis, President of the Oregon State Police Officers Association,  
Board Member of the Oregon Council of Police Associations  
Bill Cross, Government Affairs Representative, Oregon Council of Police  
Associations  
Mary Botkin, AFSCME  
Muriel Goldman, Legislative Chair for Children First for Oregon  
Rich Peppers, Political Director, Oregon Public Employees Union/Local 503  
Nancy Miller, Administrator, Citizen Board Review Program  
Larry OgleSB y, Director, Family Court, Marion County

212: LANDON THOMPSON, Advanced Training Institute International: Invites the  
committee to extend a formal invitation to Bill Gothard, head of the  
Institute to establish a training center in Oregon at no cost to the State  
of Oregon .  
- Program is succeeding Privately funded

262 THOMPSON: Continues his testimony

- Program is working in other areas. (Virginia Beach, VA)
- Oregon should be aware of this program.
- Governors, legislators in East are using this program.
- Will provide additional information to Counsel

295 BILL CROSS, Government Affairs Representative, Oregon Council of Police Associations: Presents written testimony in favor of SB 1 [EXHIBIT C] and introduces Jim Botwinis, President of the Oregon State Police Officers Association and member of Board of Oregon Council of Police Associations.

330 JIM BOTWINIS, President of the Oregon State Police Officers Association:

Presents testimony in favor of SB 1.

- Has the ability to deal with an inadequate juvenile justice system where juveniles are getting away with murder.
- Society tired of system that doesn't work
- Shortfall in area of parental responsibility

345 CHAIR HAMBY: If the association has any thoughts as to language regarding parental responsibility, Committee would be happy to receive it.

Members of Senate Chamber are considering drafting amendments to SB 1.

361 SEN. SPRINGER: Disturbs me to hear from Mr. Botwinis that juveniles are literally getting away with murder. Please comment.

377 BOTWINIS: From personal experiences on the road - juveniles have an extreme indifference to law. Really feel that police officers cannot do anything to them as well as the criminal justice system.

390 MARY BOTKIN, AFSCME: Presents amendments to SB 1 [EXHIBIT D]

- Represents the people who work in the juvenile justice system.
- Will provide more written testimony later.
- Have technical concerns/ how is Bill going to work and function within the system

- Concerned about random movement without regard to employees working within the system.

463 BOTKIN: Continues her testimony.

- Considers this bill one of the most exciting pieces of legislation this session.
- Provides for a new way of doing business within juvenile corrections
  - Make employees partners
  - Amendments they are offering will make employees partners rather than victims
- Looking forward to working with Committee

477 SEN. SPRINGER: Concerned with civil liberties of minority kids

TAPE 5, SIDE A

47 BOTKIN: Serious problem in minority community. Appears that they are treated differently.

- Problem is bigger than SB 1.
- Social problem - minorities have big problem - requires a 20 year investment at front end. - Until we make long-term commitment, faced with dealing with the problems that lack of investment has created.
- Committed to finding long-term solutions

90 SEN. SPRINGER: Build more jail cells or finance healthy or head start? Jail cells are going to win.

97 BOTKIN: Continues testimony. Frustrated at seeing funds being put into programs and then stopping before a difference is made.

121 SEN. STULL: Balance testimony with regard to the number of people who have lived with poverty and risen above that. We owe the kids who have not chosen violence the right to go to school without violence.

137 MURIEL GOLDMAN, Legislative Chair for Children First for Oregon: presents testimony against SB 1. [EXHIBITS E, F & H]

- Speaking as a lay-person, comments briefly on the overall thrust of SB 1
- Reducing violence is high priority

213 GOLDMAN: Continues her testimony

- Thought Governor's task force would deal with entire continuum of services
- Recommends three-tier system that is very costly
- Put funds into the community - small group homes with high ratio of staff to youth
- No mention of screening when first enters system as to psychological, educational, alcohol and drug problems

304: GOLDMAN: Continues to read her testimony.

- Medicare will not pay for mental health needs in institutions
- State hospitals are already over burdened/

- Crisis services will be impacted
- No funds

402 GOLDMAN: Continues to read her written testimony.

- Support Separation of Juvenile Corrections from CSD
- Oppose lowering remand age
- Oppose youth who may be tried as adults
- Support second look concept

467 SEN. SPRINGER: Lack to services for women, please elaborate.

449 GOLDMAN: One of the major focuses of Children First.

TAPE 4, SIDE B

53 RICH PEPPERS, Political Director, Oregon Public Employees Union/Local  
503: Presents testimony [EXHIBIT G] in general support of SB 1.

- Support SB 1 as it deals effectively with the implementation of Measure 11
  - Needs to be more, not fewer hard beds
- Needs to be strengthened in Section 4
  - Sub section /spelled out more clearly
- Keep juvenile parole system as a state-wide, state-level system
- Supports the amendments brought in by witness Botkin/similar of employee's

rights

101 CHAIR HAMBY: Have we done a performance audit on MacLaren and other institutions?

105 PEPPERS: Not aware of a recent audit.

109 SEN. STULL: Inquires as to success percentage figures and time frames.

110 PEPPERS: Didn't come prepared with statistics. Would defer to DST for that type of information.

129: NANCY MILLER, Administrator, Citizen Review Board Program, Division of the Oregon Judicial Department, under supervision of State Court Administrator: Presents testimony [NO EXHIBIT] in opposition to SB 1. Will

prepare written testimony and forward at later date.

- Need to be very careful in how SB 1 is looked at
  - Goes way beyond mandate of Measure 11
    - Entire populations of kids that are not covered by Measure 11.

158 LARRY OGELSB Y, Director of Marion County Juvenile Department, representing The Oregon Juvenile Department Association: Presents testimony in support of SB 1. [NO EXHIBIT]

- Generally supports this bill as an appropriate response to trends in the juvenile system
  - Follows general direction of what people over the state have previously said.
- Working with a technical group on fine turning of bill
- Over-burdened system both at state and local levels
  - Support to training schools, etc.
  - Kids should know there will be a consequence when they violate the law.
- Accountability camp/not traditional military style
- Support the additional residential resources needed which are not covered in SB 1
  - Partnership/local detention
  - Families

229 SEN. SPRINGER: Are there any documents that tell what resources are available at the county level aimed at prevention?

250 OGLESB Y: Not doing enough at prevention level.

- Getting local people to work - groups of local citizens who take responsibility to work with Government for the betterment of communities
- Community is demanding level of protection we have not afforded.

301 OPENS PUBLIC TESTIMONY

Witnesses: Stephen Caphoria, Government Relations

310 STEPHEN CAPHORIA, representing Committee on Oregon Children, Groups of Residential Facilities in Portland, Or.: Presents testimony on SB 1. [NO EXHIBIT]

- We do know what works. We have lots of programs for different kinds of kids in communities.
- Kids don't understand consequences
- Start on strict time schedule
- Make sure there are consequences for both good and bad

379 CAPHORIA: Continues testimony. It is a lack of consequences - put consequences on front end
 

- Concerned about SB 1 creating two different structures

427 SEN. SPRINGER: Appreciates witness's prospective. What happens when child is labeled delinquent but problem is much greater than that.

466 CAPHORIA: Have some good people all over the state working both in our juvenile justice programs and in our youth welfare programs that understand youth's needs.

476 CHAIR HAMBY: Calls for witnesses: Craig Campbell and Mike Livingston

Witnesses: Craig Campbell, Department of Justice  
Mike Livingston, Department of Justice

479 BILL TAYLOR, Committee Counsel

TAPE 5, SIDE B

- Mr. Livingston and Mr. Campbell are appearing to address technical corrections to Sections 1 through 52.

65 LIVINGSTON: SB 1 makes needed reformation to the juvenile system. Bill does not dismiss the need for early intervention and consequences. Measure

11 puts budget and other restraints on the legislature.

97 LIVINGSTON: Continues:  
- Four amendments to be made - Sections 1 through 52

103 CAMPBELL: Hi-light overview of major sections of the bill  
- Definitions Sections  
- Section 1 - Cognitive Restructuring -  
contract for - Charges Department of Youth Authority to try and change the way we services to a more fee for service oriented system.  
residential - Task force didn't have opportunity for in-depth discussion with providers.  
- Important that we set aside a specific department

145 LIVINGSTON: First of technical amendments to Sec 2 Sub 3, recommended change - the department is authorized

162 CAMPBELL: Expanding the jurisdiction to extend to age 25  
- Section 9 /problem with current system/  
- Authorities don't have powers of a peace officer. Section 9 does extend to juvenile corrections employees to have a peace officers authority until other law enforcement people arrive.

188 SEN. STULL: Section 2, subsection 3, line 45 on page 2. Why was the age changed to 25?/

194 CAMPBELL: Regarding waiver and remand. If a judge had any doubts, he would have to decide if the juvenile was reformable by the age of 21 or the are not.  
- Keep longer time/ peaks about age 21/drops around 24-25

215 SEN. STULL: In light of Measure 11, has the task force revisited that?

226 CAMPBELL: To some extent - - make sure there is adequate treatment -  
-

230 LIVINGSTON: Age 25 should be reassessed - -

251 CAMPBELL: Questions about the Youth Authority?

255 CAMPBELL: Section 14 - Youth Defender Review Panel - provides a review of movement. -  
- Makes decision if can return to community  
- Function is most critical/ not make up of panel  
- Administrators of facilities are acting in that capacity now.

311 CHAIR HAMBY: Discussion in panel as to mere numbers; take an alternative approach and allow those kind of decisions to move a youngster, could it be done by institutional people themselves?

337 CAMPBELL: Option would allow for some accountability/expertise  
- Refers committee to page 6  
- section 18 - grants authority of movement  
- section 20 - provides power to release youth offender on parole

363 LIVINGSTON: Second of technical amendments - section 16, subsection 3  
- Changing for clarification the word jurisdiction to authority

2380 CAMPBELL: Task force /necessary system propose a series of levels of other incarceration. No matter what level of incarceration, their rules of conduct, etc. are consistent. - Critical element  
- Other important element - page 8 section 26  
- When young person enters system - need to have some sort of intake assessment  
- Services provided really are meeting the behaviors that person has exhibited.  
- Intake process has two functions:  
- Rules of conduct  
- Series of evaluations/psychological/level of drugs alcohol use, etc.

437 CAMPBELL: Continues - once in system/ three different types of facilities

TAPE 6, SIDE A

58 CAMPBELL: Last level of facility - regional academies - last stop before return to community  
- Provide them with tools to make them - meaningful jobs

79 CHAIR HAMBY: Do they have current beds in State that might fall under this definition?

83 CAMPBELL: Really can be flexible. Currently two - residential providers/  
- number of jobs (job corps)  
- Some discussion about programs being privately managed  
- Great amount of potential

103 CHAIR HAMBY: Adjourns Committee - 5:00 p.m.  
- Re-adjourn on Wednesday - additional meeting scheduled on Thursday

Submitted by:

Reviewed by:

JULIE CLEMENTE  
Committee Assistant

BILL TAYLOR  
Committee Administrator/Counsel

EXHIBIT LOG:

A -- 1993 Oregon Revised Statutes -- Staff -- 74 pages  
B -- Testimony on SB 1 -- Tim Travis -- 6 pages  
C -- Testimony on SB 1 -- Bill Cross -- 2 pages  
D -- AFSCME Amendments for SB 1 -- Mary Botkin -- 2 pages  
E -- Testimony on SB 1 -- Muriel Goldman -- 4 pages  
F -- Legislative Priorities -- Muriel Goldman -- 4 pages  
G -- Family Preservation Using Multisystemic Treatment: -- Muriel Goldman -- 16 pages  
H -- Testimony on SB 1 -- Rich Peppers -- 2 pages