

SENATE COMMITTEE ON  
JUDICIARY  
SUBCOMMITTEE ON JUVENILE JUSTICE

Hearing Room  
Tapes - 17

MEMBERS PRESENT:

SEN. JEANNETTE HAMBY, Chair  
SEN. DICK SPRINGER  
SEN. SHIRLEY STULL

VISITING MEMBERS: SEN. NEIL BRYANT

STAFF PRESENT:

BILL TAYLOR, Committee Counsel  
JULIE CLEMENTE, Committee Assistant

MEASURES HEARD: Work Session - SB 1

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

05 CHAIR HAMBY: Calls committee to order at 3:00 p.m.

OPENS WORK SESSION ON SB 1

Witnesses: Senator Gene Timms, District 30  
Dennis Maloney, Director, Deschutes Community Corrections  
Dennis J. Kenna, Director, Clatsop County Juvenile Department  
Brad Mulvihill, Division Manager, Community Corrections Juvenile Division  
Mike Livingston, Department of Justice

32 SEN. GENE TIMMS, State Senator for District #30: Presents testimony for  
a proposed juvenile corrections site (Malheur Field Station) located in  
Burns. Hands out map of subject site. [EXHIBIT D]. Is a former Job Corps  
site currently leased by The Hi Desert Association. Houses approximately  
200 and is fully equipped with a gym, dining hall and weight room.  
Everything is operative.

83 SEN. STULL: Curious as to level of security that would be available in  
current state.

103 SEN. TIMMS: Continues testimony - refers to [EXHIBIT F] which contains  
everything Committee needs to know about Harney County, also gives rundown  
of other building sites that would be donated by the County throughout the  
Burns city limits.

110 DENNIS MALONEY, Director, Deschutes Community Corrections: Proceeds  
with testimony giving a brief overview. Panels will give testimony: a  
picture of what can happen when communities step forward. Continues with  
testimony using charts as visual aids.

154 Continues testimony giving steps to accomplish task. Budget only allows

for inadequate number of beds. Panel will present testimony about citizens

who step forward, forming partnerships to develop steps working with  
youths. Citizens actually developing alternative steps.

Panel Witnesses: John Larkin, NBC affiliate, Bend; Chairman of Central  
Oregon  
Major General Fred Reese, Adjutant General of the State of Oregon, Head of  
Oregon's National Guard  
Lt. Colonel Mark Hines, Director, Oregon National Guard Youth  
Corps  
Marissa Meyer, graduate of program  
David A. Summer, Team Leader for Eco-System Management on the  
National Forest  
Judge Stephen Tiktin, Circuit Court Judge and Presiding Judge of the 11th  
Judicial District

195 JOHN LARKIN, Vice President/General Manager of KTVZ Channel 21, NBC  
Affiliate in Bend, Chairman of Central Oregon's Strategic Training and  
Education Partnership (CO-STEP) [EXHIBIT I] Begins testimony explaining  
Co-Step which is a partnership of many originations as well as the business

community. They were brought together with common goals and a lack of  
funding. Governed by a 15-member board comprised of members of the  
business community.

211 LARKIN: Continues testimony regarding a COTEF site. An available  
structure to be used for educational purposes serving at risk young people  
located in central Oregon by way of the informational super hiway.

Information will be transmitted to schools in area. via television, microwave and fiber optic technology.

258 MAJOR GENERAL FRED REESE, Adjutant General of the State of Oregon, Head of the National Guard. Makes reference to the Youth Conservation Corps which is a pilot program adapted for Central Oregon. Not going to be continued, but has been very enlightening as far as possibilities. Have achieved attitudinal changes by using a highly structured, work skills training method with follow up with mentor program after graduation.

318 LTC. MARCUS R. HINES, Director, Oregon National Guard Youth Conversation Corps Program, Bend: Begins testimony - Is responsible for day-to-day management of program. Refers to [EXHIBIT E] and charts/pictures on easel. Program enhances respect and discipline while incorporating physical training. Continues by explaining a typical day's activities.

399 HINES: Continues [EXHIBIT E]. Sunday is a light day. Weekends are for community service projects.

435 SEN. STULL: Is program co-educational?

REESE: Last class graduated 23 students, 6 female. This ratio is pretty typical.

TAPE 16, SIDE A

39 SEN. STULL: What is the level of security?

45 REESE: Students are watched 100% of time. Students are volunteers so they are free to go at any time. There is an elaborate process to gain release.

69 Continues by stating that where programs are based, they are widely supported. There is a high likelihood these programs will be funded again. They have a \$660,000 budget for program to date - 6 months

10/1 through 3/31. Current program has graduated 57 students.

110 SEN. SPRINGER: Do you recruit state-wide or only in Deschutes County?

116 MALONEY: Central Eastern Oregon - if there is space, will recruit state wide.

121 REESE/HINES: Answers various questions regarding their testimony. Kids are tracked through various ways: school counselors, probation officers, parents and employers.

172 MALONEY: National Guard requires that no current pending charge - gave the ability to take someone who had a background in the juvenile justice system,

216 MARISSA MEYER, graduate of class #2: Gives testimony regarding her experiences in this program. One traditional school doesn't fit all. OICC

Program gives a variation in the system - a different chance. Attended program as high school was unchallenging/boring. She graduated program with new outlook on school and a better idea of self and goals. Currently is attending Bend High.

247 DAVID A. SUMMER, Team Leader for Eco-System Management on the Deschutes National Forest: Begins testimony by referring to [EXHIBIT G]. Forest service has several responsibilities. Currently in a partnership with Deschutes County Corrections. We need to look at new and innovative ways to solve issues that State faces and we need to take care of youth.

288 SUMMER: Continues with testimony. Future is unlimited. Able to contribute people, time and money in the development of future leaders. The Forest Service wants to be part of the solution.

300 JUDGE STEPHEN TIKTIN, Circuit Court Judge and Presiding Judge of the 11th Judicial District Court: Begins testimony by saying he is glad the State is now exercising leadership and responsibility for dealing with the most serious juvenile offenders. Consider the cooperative relationship between the State and counties in dealing with the overall problem. Feels that the ultimate responsibility of dealing with juvenile justice remains with the community.

351 There is a misperception that local communities do not have will to deal with criminals. The State needs to encourage and assist counties.

452 Continues by asking the committee to allow locally elected judges to use discretion in determining the sanctions on offenders and their placement within the system. Also, to encourage creation of family courts and adequately support them.

TAPE 15, SIDE B

59 SEN. SPRINGER: Asks for written outline of testimony for committee.

67 TIKTIN: Continues his testimony.

85 MALONEY: Has noticed a real increase in the number of mental health patients that have been inappropriately moved to the juvenile justice system. We are having as many mentally ill people as criminals landing in juvenile justice system. Feels that sex offenders can be handled and

treated in other institutions.

136 TIKTIN: Continues with testimony.

167 MALONEY: Refers to drafted amendments, explaining each as listed. [EXHIBIT H]. There are two locations in the state that are prepared to take responsibility: Clatsop County and the collection of Eastern Oregon Counties. Is here to express a willingness to Committee to take on this responsibility.

213 SEN. SPRINGER: Regarding section 2 of amendments, how do we evaluate if these individual groups are ready to assume additional responsibility?

MALONEY: Amendment would call for the State Commission to help with establishing standards. Would be completely voluntary on the county and not mandatory across the state.

305 DENNIS KENNA, Director, Clatsop County Juvenile Department: Begins his testimony regarding Clatsop County and the possibility of locating one of the facilities and programs that have been described by previous speakers there. [EXHIBIT K]. Further explains that there is a virtual lack of any kind of resources in Clatsop, Columbia and Tillamook counties. Counties have great enthusiasm.

376 Continues his testimony. Opportunity to develop a resource such as the ones being discussed comes at a time when the tri-county area is feeling worst of the lack of resources.

406 SEN. STULL: Are there other sites available for consideration?

422 KENNA: Absolutely. There is a wide variety of different locations and undeveloped land sites.

TAPE 16, SIDE B

68 KENNA: Continues his testimony.

116 CHAIR HAMBY: Do I understand that your region is not willing to look at a secure bed facility?

KENNA: We have a keen interest in that type of a facility. Continues with testimony.

177 BRAD MULVIHILL, Division Manager, Community Corrections Juvenile Division. Chair of the Central and Eastern Oregon Juvenile Justice Consortium (COJAC) [EXHIBIT L]: Begins testimony explaining that COJAC is a body of 17 counties banded together over past 12 years to develop and share resources in those 17 counties. Have been able to develop many resources that could not have been accomplished by the individual counties.

263 Continues testimony. Resources need to be located as close to the kid's home as possible.

283 SEN. SPRINGER: Some counties become very nervous when you talk about allocation issues. Maintenance effort; how do we at the state level know this isn't just an excuse for a county to walk away from a funding responsibility?

304 MULVIHILL: Looking at the budgets, how do we make a dollar stretch to cover the cost of ten? Only way is to make people more responsible. Then, look at outcomes; if there, meet our goals. People should feel good about it. The roll of the commission is setting policy, not managing resources.

372 MULVIHILL: Continues testimony. Have been fighting the issue of equity in Central/Eastern Oregon for a number of years.

439 BILL TAYLOR: Amendments - page 17 subsection 3a, line 25 after "adults"

insert (b) "notwithstanding subsection (a) of this section the sheriff and the director of the county juvenile department may agree to detain persons charged in a place other than the county jail".

MOTION: CHAIR HAMBY: Moves to ADOPT the amendment to insert on page 17 subsection 3a, line 25 after "adults" insert "(b) notwithstanding subsection (a) of this section the sheriff and the director of the county juvenile department may agree to detain persons charged in a place other than the county jail".

VOTE: CHAIR HAMBY: Hearing no objection the amendment is ADOPTED. All members present vote AYE.

TAPE 17, SIDE A

BILL TAYLOR: Asks that Mike Livingston come up regarding section 23, subsection 2. That's the issue Ingrid Swensen, Oregon Criminal Defense Lawyers raised concerning the problem of being able to bring someone back from the Department of Youth Authority where they had been determined to be

a danger to self and others. The concern is that language is so similar to

the Civil Commitment Statute it may have some overbreadth problems constitutionally.

54 MIKE LIVINGSTON, Department of Justice: Proposes that the language about having reasonable grounds to believe the person is a danger to self or others be deleted.

Further explanation about amendment language: Basically deletes the sub section 2 - and leaves in the requirement that within a reasonable time after taking a person into custody under this subsection the department shall hold a hearing to determine whether probable cause exists to continue the detention.

SEN. SPRINGER: What is reasonable time?

LIVINGSTON: As soon as it is reasonable to bring the people who are going to make that decision.

SEN. SPRINGER: Who makes the decision? A department or a court?

97 LIVINGSTON: It would be a department decision because the department in this case would be the release authority. Reasonable time is not spelled out in SB 1.

125 SEN. SPRINGER: What happens next?

127 LIVINGSTON: It says the department "may" suspend. This is an authorization rather than spelling out exact details of the rule.

144 CHAIR HAMBY: This takes care of Ingrid's concern.

MOTION: CHAIR HAMBY: Moves to ADOPT Mr. Livingston's amendment to delete language regarding reasonable grounds contained in Section 23 subsection 2.

VOTE: CHAIR HAMBY: Hearing no objection the amendment is ADOPTED. All members present vote AYE.

154 BILL TAYLOR: Makes reference to the Department of Justice's amendment to remove The Second Look of juveniles as it relates to 15 and 18 year old age groups. Start at our next meeting on Monday.

CLOSES WORK SESSION ON SB 1

158 CHAIR HAMBY: Adjourns at 5:10 p.m.

Submitted by:

Reviewed by:

Julie Clemente  
Committee Assistant

Bill Taylor  
Committee Administrator/Counsel

#### EXHIBIT LOG:

A -- Testimony on SB 1 -- Dan Dubach -- 1 page  
B -- Considerations Regarding SB 1 -- Virginia Newby -- 4 pages  
C -- Testimony on SB 1 -- Muriel Goldman -- 5 pages  
D -- Map of Malheur Field Station -- Gene Timms -- 2 pages  
E -- Cadet Training Schedule -- M. R. Hines -- 2 pages  
F -- Harley County Regional Proposal -- Gene Timms -- Binder  
G -- Summary of the Work Completed by the Cadets -- David Summer -- 1 page  
H -- Proposed Amendments SB 1 -- Dennis Maloney -- 1 page  
I -- Co-Step, Inc. brochure -- John Larkin -- 6 pages  
J -- Co-Step Video -- Dennis Maloney  
K -- Letter & Attachments -- Dennis Kenna -- 5 pages  
L -- Toward a Self-sufficient Juvenile Justice System -- Brad Mulvihill  
-- 41 pages