

House Committee on Agency Reorganization and Reform March 28, 1991 -
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proceedings, please refer to the tapes.

HOUSE COMMITTEE ON AGENCY REORGANIZATION AND REFORM

March 28, 1991Hearing Room D 3:30 p.m.Tapes 47 - 48

MEMBERS PRESENT:Rep. Clarno, Chair Rep. Hugo, Vice-Chair Rep. Brian
Rep. Derfler

MEMBER EXCUSED: Rep. Jones Rep. Clark Rep. Katz

STAFF PRESENT: Susan Browning, Committee Administrator Scott
Kaden, Committee Assistant

MEASURES CONSIDERED:None

INFORMATIONAL MEETING:Dennis Maloney, Director of Deschutes Community
Corrections Craig Christiansen, Member of the State Juvenile Justice
Advisory Committee Vern Fatz, Chairman - Board of Parole

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TAPE 47, SIDE A

005 CHAIRPERSON CLARNO: Calls the meeting to order at 3:40 p.m.. -
Introduction of Dennis Maloney and Craig Christiansen.

016 DENNIS MALONEY, DIRECTOR OF DESCHUTES COMMUNITY CORRECTIONS: - We
welcome the careful review and analysis of service systems. We want to
focus our attention on the "front line," to the service level. - General
overview. Reference to EXHIBIT A. - We must make local people
responsible for the children of the community. - This will allow for
better care for our children, and be more cost effective. - Reference to
page 1 and page 2, Exhibit A (levels of custody). - Reference to HB 3438
(EXHIBIT C). - Reference to page 3, Exhibit A. We should legislatively
mandate that the brunt of our resources are spent on direct services.

162 REP. BRIAN: Before you leave the levels of custody, could you
explain continuity of case management?

166 MALONEY: One of our problems is that we have set up a duplicatory

case management system. If the county has wardship over the child, then you must have a county case manager on that case. But if you transfer custody, then you have a state custody case manager, with two case managers for the same case. When kids get to the state level, they are not entitled to county services. - We have had examples of where two kids are picked up on the street. One kid was on parole, and was in state custody, who happened to be a very delinquent child. The other kid was on county custody, but was not quite so delinquent. When they were transported downtown, because the county kid was a county kid, he was admitted to the detention center. Because the parole kid was a state kid, he could not be housed at the detention center and the institution couldn't receive him at the time. So the more serious of the two offenders went back to the streets, while the less serious offender was detained.

201 REP. BRIAN: The difference in HB 3438 is that we propose that the county case manager maintain case management responsibility all the way through the system, including if the child ends up at MacLaren. Rather than being passed on to the next level, the child would have one case manager.

210 MALONEY: That is really the heart of this - one case manager. The county maintains responsibility forever. We need to be planning their return to the community the day that they enter the institution, instead of the last couple of weeks.

219 CHAIRPERSON CLARNO: Yesterday, I talked to some workers from MacLaren. Do you think that this system would stop MacLaren children from going to the adult system? Do you think that this system would prevent them from graduating to the adult system?

227 MALONEY: I think if the county knew that the responsibility would stay with them forever, they would pay more attention to the children, at an age where they are more malleable for treatment. The best people to predict who will end up in the adult system are kindergarten teachers. - Because of the lack of funding, we need to squeeze as many of the dollars that we have into programs at the local level. We have to take steps to limit the administrative overhead so that most of the money can be spent at the program level. - Introduction of Craig Christiansen.

255 CRAIG CHRISTIANSEN, MEMBER OF THE STATE JUVENILE JUSTICE ADVISORY COMMITTEE, MEMBER OF THE STATE CHILDREN & YOUTH SERVICES COMMISSION (BUDGET AND POLICY SUBCOMMITTEE), DIRECTOR OF J-BAR-J YOUTH SERVICES AT J-BAR-J BOYS RANCH (CENTRAL OREGON): - Resources must flow to a local level, in order for Denny's plan to work.

- Reference to the five principles for new program development (see Exhibit A, page 3).

347 CHAIRPERSON CLARNO: I have been involved with volunteerism for most of my life. In smaller communities, there are only so many people to sit on these advisory committees. If you can combine advisory committees, it will certainly be more worthwhile.

354 CHRISTIANSEN: Absolutely, and I think people will feel that their time is better spent.

356 MALONEY: We have put together some requests for the Committee to consider. (See EXHIBIT B.) - Could this state consider an

administrative overhead on agencies which deliver services to children and youth?

387 REP. HUGO: Who would establish this limit?

388 MALONEY: The Legislature could, through a study process, and in coordination with the state Children and Youth Services Commission. If you have an audit system, that might be appropriate.

392 REP. HUGO: We have a system called Ways and Means, which tears budgets apart. If you get down there, you might want to take a look at Higher Education. They have an administrative budget of 4% (of the overall budget) and are getting criticized very strongly for being over-administered. The question about a certain percentage figure is delicate. Higher Education is talking about 4% of \$700 million, and you are talking about 8% of \$22 million. The idea is to be efficient and to get the resources to the level where they can do the most good. Your first suggestion is to limit the amount of money which can be used on administration. That solution is very simple, but I doubt seriously if it is workable.

424 MALONEY: We are saying that it may have to vary according to agency type. I think it would be very interesting to study our DHR system and compare it to the 50 states, or at least the states that carry out very similar systems. Has anybody looked at Oregon to see how they compare with regard to administrative levels?

437 REP. HUGO: That data is available from DHR, DMV, and Higher Education. We always look at these figures and take them into consideration relative to other states. I am not interested in that information. I am interested in absolute numbers - are we efficient? If you have relative information, then you have to wonder about the efficiency of those other states. The question is, are we providing the correct services for the dollar? I am not interested in setting limits, I am interested in knowing if we are getting "the best bang for the buck".

457 CHRISTIANSEN: I think our attempt was to lend it some tangible nature. I realize you are looking for efficiencies, and sometimes those are hard to define. This was not intended to be some finite threshold. This limit would be very flexible. If the agency didn't meet the limit, they would only have to provide rationale for why they were over the limit.

475 REP. HUGO: I appreciate that. As an editorial comment, I have been here for a number of years and we love to vote on bills that set limits, that we really don't know are appropriate. The point is, we want the best management. If the Chairperson could write a bill that says all managers will be efficient, we would write it. But we cannot do that. This is a political trap which gets votes, but not necessarily results.

TAPE 48, SIDE A

031 MALONEY: Reference to Exhibit B (requests of the committee). - Coordinate planning committees to prevent volunteer burnout.

040 CHRISTIANSEN: Reference to Exhibit B. - Require a "demonstrated utility report" to verify the need for certain data collection - especially with regard to utilization and the 90% goal requirement.

054 REP. HUGO: Mr. Christiansen, you have just made my point. Some agency has created a 90% utilization figure as a target. Why 90%? We all use numbers to pigeon hole programs as being good or bad. I want to give you as much latitude as possible. I don't like agencies telling you to do this or that. There are many utilization studies that are being ignored.

065 MALONEY: There is almost an instinct to spend more and more time and money on administration. In my experience, young administrations work better than old administrations. They have their mission and purpose well in view. Over time, when they find out about all these data requirement mandates, the directors begin to collect data (even though it may not be used) and focus on the running of the agency. If somebody can't tell me how they use the information that we are collecting, I don't think we should be collecting it.

079 REP. HUGO: In the armed services, I worked for a colonel who ordered us to stop doing reports. Our whole administrative units stopped doing reports. No one ever noticed. So we didn't do reports any more. I don't recommend you do that, but some day you might want to consider that.

084 CHRISTIANSEN: Reference to Exhibit B. - Streamline local advisory committee requirements by requesting a review of all existing local committees.

094 CHAIRPERSON CLARNO: I certainly appreciate your bringing suggestions to this committee. I am very pleased with them, and some accomplish exactly what I desire. I concur with Rep. Hugo and understand his frustration. I realize that we cannot be managers from this Committee. But this Committee has also been distressed over how we can measure output or services. We have to be able to measure. We have reports and benchmarks, but does anyone do anything with that information? I appreciate your testimony, your suggestions, and your travelling from Central Oregon. - I especially agree with your comments on the local level and the desire for decreased amounts of state and federal mandates. - Rep. Brian, would you like to comment on HB 3438?

132 REP. BRIAN: Mr. Maloney had outlined the concept for this bill. Essentially HB 3438 sets up a pilot program to integrate the variety of services available, and combine them under one case manager. Given a fair opportunity, I think it will prove to be very efficient and more effective. There are two funding options. We will be talking to Ways and Means about a relatively small amount of "seed money", around \$100,000. We are also actively pursuing money from foundations, etc.

162 REP. HUGO: I wonder if you could ask the Chair of Judiciary, Rep. Miller, if we could borrow the bill and have a informational hearing on the bill? I am sure they have a presentation prepared for the bill.

165 REP. BRIAN: Yes, you have heard the opening volley in terms of rationale. I think walking through the bill, as to what it does, might be the last part of the presentation. I would be happy to request the bill. Or perhaps it should be more formally requested by Chairperson Clarno.

171 CHAIRPERSON CLARNO: We will do that.

172 REP. BRIAN: It is in Family Justice Subcommittee, chaired by Rep. Clark, who is also a co- chief sponsor. If the committee is interested

in having it, I am sure we could get that bill in this Committee.

175 REP. DERFLER: I understand what you are saying. I have worked on children's services here in Marion County. Tons and tons of reports were required which were glanced at and then discarded. On a local level, you get dedicated people who are interested in helping kids, as opposed to agencies that have a desire to keep themselves going.

192 REP. BRIAN: That philosophy is very much part of this bill. This bill involves shifting funds, from the outer levels of the custody diagram to the inner levels.

210 REP. DERFLER: The case worker problem was really serious. It seemed like every time we saw a child, he or she had a different case worker. And then the child would switch from the county to state. A child raised by the state is a real disaster.

214 REP. BRIAN: Once you go the state level, then you have several levels before an institution like MacLaren. They may get more than one case worker while at the facility and then they are paroled and they have another state case manager.

221 REP. DERFLER: I think each county has a set of problems that are unique to only them. I think counties do a better job with more control and direction for the children.

225 REP. BRIAN: I totally agree. The resources are there (church, extended family) but they need to be allowed to participate.

233 REP. DERFLER: I think Marion County is one of the leaders. We developed the Youth Service Team organizations which have pretty much gone state-wide.

236 CHAIRPERSON CLARNO: If I were a youngster going through the system and I knew that I was going to have the same caseworker all the time, that person would be like a part of my extended family.

239 DERFLER: I have mentioned a judge's role before. In Marion County, we used to have a juvenile judge who really knew the kids. When the kids came back to him, they knew he knew them and that really makes a difference.

243 MALONEY: We have a good model out there. The adult community corrections program is a state-wide program which has a really small staff. I don't want to make this look like the local counties are trying to get the money and run. I want a smaller, tougher state agency that isn't caught with one foot in administration and one in direct service. I want tough state agencies that hold our feet to the fire.

261 REP. BRIAN: To reflect back on the SB 1018 Report that we received early on in the session, I felt that with that report we had another inventory of state programs. Unfortunately, it had two major flaws. First, it did not make one recommendation to us. Second, it only concentrated on the services provided by the state and not the private sector. That is a big problem.

286 CHAIRPERSON CLARNO: If we could send money to the local levels with the least amount of restrictions, that would be preferred. Those people in the community know what is most important to the community, be that teen pregnancy or some other issue.

294 REP. DERFLER: I think if you judge by how many kids you have in the system, rather than by all the figures you put together, you would do better. If information doesn't really cause you to change your direction, then it really isn't worthwhile. I think you develop your priorities by looking at the community.

302 MALONEY: There will be a public hearing and work session on Wednesday, April 3rd, in Rm. 357 at 3:00 on the bill HB 3438. The House committee will be accepting amendments and taking a vote on approval.

310 REP. BRIAN: If you would contact Rep. Miller and notify us of the timing, I would be happy to work with Mr. Maloney and others with regard to discussion on the bill.

318 CHAIRPERSON CLARNO: Mr. Maloney, you mentioned earlier that Mr. Christiansen was involved in a volunteer parent program. I have received much information on this topic. Could you explain that a bit further?

323 CHRISTIANSEN: Volunteer Host Home (for sheltering kids) is a model that exists nation wide. Most people who provide shelter under this system are a bit more intensive than foster care. The training is a little more extensive and the certification process is a little more demanding. Most people who provide care under this program are quite offended when we try to provide stipends for their participation. Most are in the system because they want to volunteer and care for kids. The difference between the two systems is the duration of the programs. Most systems provide care on a short-term basis, for 14 days or less. There are systems which provide for care up to 2 years.

347 CHAIRPERSON CLARNO: We will definitely be hearing more on this topic when addressing other issues with regard to children's programs. - Thank you for your time and testimony. - Introduction of Vern Fatz.

363 VERN FATZ, CHAIRMAN OF THE BOARD OF PAROLE - General overview of the program. - Discusses the Oregon Parole Matrix System.

TAPE 47, SIDE B

162 FATZ: Submits and summarizes EXHIBIT D (Board of Parole and Post Prison Supervision). Reference to Table I - Total Hearings, Table II - Arrest Warrants, Table III - Morrissey Hearings.

209 REP. BRIAN: With reference to arrest warrants, how do you account for such a large increase in the issuance of arrest warrants, given the high caseloads faced by our parole officers? Are they primarily the ones triggering the information which causes the warrant?

214 FATZ: The parole officer provides the information which causes the warrant to be issued.

216 REP. BRIAN: I am just wondering with regard to their caseloads, what is happening to the warrant conditions?

217 FATZ: You have doubled the number of people under supervision. Basically, that is what it comes down to. In 1988, there were 2,200 people under supervision. Now there are 6,000 people under parole supervision.

223 REP. BRIAN: That is why I am surprised that they can still offer coverage to detect the various parole violations.

225 FATZ: They know when the person doesn't report. When an offender goes out into the community, they are told to report. If he fails to report, many parole officers go looking for them. I am amazed at how parole officers work. They must put in a 36 hour day. If they cannot find the parolee, they come to us and ask for a warrant. - Returns to Exhibit D. Reference to Table IV. INTERESTING NOTE: 40% of the parole population fails when they return to society. 60% do succeed and no one ever discusses this sector. We don't understand why one succeeds and one fails.

274 REP. DERFLER: Looking at the ups and downs, January appears to be a bad month.

275 FATZ: I wish I could explain why you have that sort of fluctuation. Hearings drop in the month of December because the hearings officers are taking time off for the holidays. That doesn't really explain why you have such a jump.

283 REP. BRIAN: In the juvenile world, incidents of runaways and suicides are very high during this period. A lot of people have attributed this to the emotions of the holidays. If you don't have a family, the holidays just add to your problems.

291 CHAIRPERSON CLARNO: Mr. Fatz, I have to leave for a meeting with the Rules Committee. Rep. Hugo will administer this meeting from this point on.

295 FATZ: Are there any specific questions that you might have, that I could answer quickly?

297 CHAIRPERSON CLARNO: If there is anything that we can do, please let us know.

299 FATZ: O.K. We shall do that.

300 REP. DERFLER: If you have the opportunity to sit through a parole hearing, it is an interesting process and you should do so.

302 CHAIRPERSON CLARNO: I would like to do that. Would this take an afternoon . . . how long would one want to plan for?

304 REP. DERFLER: You have to know someone to get in, and then you have to know somebody to get out once you get in.

309 FATZ: Returns to Exhibit D (Table V, VI, VII and other enclosures).

367 REP. HUGO: Thank you Mr. Fatz. Are there any questions?

368 REP. BRIAN: I have a budget question (See Exhibit D). Your FTEs decrease and your budget increases in the next biennium. Why?

378 FATZ: We have asked for several budget packages. We are doing computer upgrades. That is one big item, for our system was quite pathetic. Another item (almost \$700,000) is the increase for hearings officers. All the hearings officers who do the due process hearings are Department of Corrections employees. I think in certain cases, this amounts to a conflict of interest. We feel we ought to have our own

hearings officers. This is basically an unfunded function, as it exists today.

407 REP. HUGO: Have you been through Ways and Means yet?

408 FATZ: No, we are going to Ways and Means on the 4th of April.

409 REP. HUGO: How do experimental programs (house arrest, and other forms of incarceration) affect you, or do they?

411 FATZ: It does affect us. HB 2604 allows us to use those programs in ways that we haven't been able to use them before. Currently, when an offender violates in a serious way, he either stays in the community, or he comes back to the penitentiary. Under this new system, we can use house arrest instead of bringing him all the way back to the system. We can let him know that he has violated parole, even though it might not warrant re-incarceration at this level.

432 REP. HUGO: Any other comments? A few years ago, wasn't there a proposed Ballot Measure that would allow no parole and no possibility for parole? What this would have done would be to put people back on the streets with no supervision at all. I think that would have been disastrous.

441 FATZ: Yes.

442 REP. BRIAN: From your overview of the system, what would you categorize as your single greatest concern with regard to the criminal justice system?

451 FATZ: There are two things I would like to address. First is the criminal justice system information system. This is a system which lacks integration. We are not able to get the information we need, and it is very frustrating. You have bits and pieces that are out there and none of them are connected. The other thing is transition planning for the offender. Many failures occur because people are dumped in the street after they have been locked up for long periods of time. We are working on this with the Department of Corrections.

483 REP. BRIAN: And sometimes they are returned to the streets with very little advanced notice.

485 FATZ: That is correct.

486 REP. HUGO: Is the information transfer problem with the Department of Justice, the Department of Corrections, or the Board of Parole?

488 FATZ: It is the Department of Justice, the Department of Corrections, the Board of Parole and the local sheriffs and county systems. We cannot share information because we are not connected with each other.

TAPE 48, SIDE B

033 REP. HUGO: This committee meeting is adjourned.

EXHIBIT LOG Exhibit A - Dennis Maloney - 7 pages Exhibit B - Dennis Maloney - 1 page Exhibit C - Dennis Maloney - 6 pages Exhibit D - Vern Fatz - 20 pages

Submitted by:

Scott Kaden

Reviewed by:

Susan M. Browning