

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.

HOUSE COMMITTEE ON JUDICIARY FAMILY JUSTICE

March 6, 1991Hearing Room 357 3:55 p.m.Tapes 48 - 49

MEMBERS PRESENT:Rep. Kelly Clark, Chair Rep. Judy Bauman Rep. Marie Bell Rep. Jim Edmunson Rep. Kevin Mannix Rep. Del Parks Rep. Ron Sunseri
MEMBER EXCUSED: Rep. Tom Mason VISITING MEMBER:Rep. Tom Brian

STAFF PRESENT: Holly Robinson, Committee Counsel Kathy Neely, Committee Assistant

MEASURES INFORMATIONAL HEARING
CONSIDERED: LC 1401/HB 3438 (Juvenile Justice)

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TAPE 48, SIDE A

003 CHAIR CLARK: Calls meeting to order at 3:55 p.m.

INFORMATION HEARING: LC 1401/HB 3438

Witnesses: Representative Tom Brian, District 9 Jim Francesconi, Francisconi & Associates Dennis Maloney, Deschutes County Community Correction Jim Seymour, Catholic Community Services Donald Costello, Chief Judge, Tribal Court Iris Bell, House of Umoja Virginia Henson, Directors of Community Relations, NIKE Jim Mosier, Juvenile Court Resources, Inc. Bill Frey, Frey's Thriftway Nancy Jones, Citizen Hall Ogburn, Multnomah County Howard Click, Multnomah County

029 REPRESENTATIVE TOM BRIAN, DISTRICT 9: Support bill. Co-chief sponsor. Comments on the Juvenile Justice Act and Community Corrections Act, and Juvenile Services Act. Juvenile Services Act has not brought about integration of services as hoped.

052 JIM FRANCESCONI, DIRECTOR: Comments on testimony that will be heard today on this act. Relationships with children and families will help solve this. This bill allows one person the family and child can relate to at the local level. This allows more opportunity for private business being involved. *Describes panel members and what they will be testifying.

111 DENNIS MALONEY, DIRECTOR, DESCHUTES COUNTY COMMUNITY CORRECTIONS: Discusses organization. Comments on limited funding. Here to discuss taking on more responsibility at the local level. If going to stop the flood in the adult corrections system, have to be more effective with juveniles. Comments on Great Start Program. 56% of kids in juvenile institutions will go on to adult prisons and do adult time. If county

could reduce from 29% to 25%, 4% reduction of kids on probation, could save \$80 million a year in cost of operating an adult prison. Need to become more effective on the juvenile level which is the purpose of this legislation. *Discusses who is in best position to take on responsibility. Family remains central level of support. If not, extended family resources, then neighborhood and community. If not successful there, bring in county, then region, then state. Exhaust support system closes to family. *Observes exciting things happening in working with extending families and neighborhoods. Comments on House of Umoja as a good example. *Comments on Deschutes County area. Juvenile Court Resources Inc. as a regional responsibility. *Discusses what is currently happening in state in responding to delinquency where the County Juvenile System is the first line of defense. Custody is then transferred to the State of Oregon, CSD. Observes an incentive set up to put kids in state custody because they will receive and will raise them while under 18. *Act proposes to put in place a local case management system and to allow counties to work through levels of support and responsibility to work with kids. *Involves shift in resources from state to local level. Proposing a carefully thought out pilot project.

229 JIM SEYMOUR, EXECUTIVE DIRECTOR, CATHOLIC COMMUNITY SERVICE: (EXHIBIT B) Discusses people involved with bill. Comments on the Oregon Juvenile Justice Coalition. It is a self commissioned group of individuals concerned with youth. *Discusses agenda at planning meeting in January, 1990 in Bend. 1) Wanted to create a vision statement and 2) prioritizing key issues for that goal. *Comments on the Vision Statement set out in written testimony. *Number 1 priority issue to be addressed is the fragmentation of the system. Discusses analysis of that issue as set out in written testimony. *Solution for fragmentation is simply in theory and involved significant and complicated systems change. 1) Consolidated coordinate case management for juvenile offenders at county level; 2) allow county case managers to place youth; and 3) encourage counties to strength local continuum of services and thereby prevent nonserious and nonviolent offenders from being confined in training school.

359 REP. BAUMAN: Excited about this legislation. Comments on concerns regarding opposition to bill. What areas are going to pick up bulk of new case load? Is there a flow chart that indicates where the big movements will be?

385 JIM SEYMOUR: Transfer of supervision of current case managers working for CSD to counties participating in pilot. Will not cost any more money. Eventually, after initial double funding, would see a dramatic reduction in the number of kids placed in the training schools.

416 CHAIR CLARK: What is the experience of other states on this issue? Other states must be doing something with the community approach.

432 STEVE CARMICHAEL, DIRECTOR, LAND COUNTY DEPARTMENT OF YOUTH SERVICES: All over the map. Each state is different. Believes there is no research to validate one over the other. Comments on Washington State's system.

TAPE 29, SIDE A

024 STEVE CARMICHAEL: (EXHIBIT C) Gives a section by section summary of substantive issues. *A sunset period in 1995 after 3 year pilot operation. *Section 1: encourages counties to develop a local case management system for delinquent youth. *Section 2: Allows counties that

decision to parole youth from training schools and specifies program targeted at delinquent youth. *Section 3: CSD administrator will develop rules of implementation and standards that are consistent with Oregon Community Children and Youth Services Commission. *Section 4: Describes the components of a comprehensive plan for services to be developed at the county level.

069 REP. EDMUNSON: Asks about over representation of youth. Does that mean comparing the percentage population within facility?

STEVE CARMICHAEL: Correct.

093 REP. EDMUNSON: Back to representation of girls. How does this plan deal the gangs and girls role in structure?

STEVE CARMICHAEL: Each plan would be developed by local community. Design own.

107 REP. EDMUNSON: Strength of proposal is the communities creating own plan.

STEVE CARMICHAEL: Exactly. A community based program.

112 CHAIR CLARK: Stops there and recesses the meeting at 4:30 p.m. Reconvenes at 4:50 p.m.

128 STEVE CARMICHAEL: Section 6: The local plan for services is developed by the juvenile department with required input from a variety of groups. The plan is submitted by the Board of County Commissioners to CSD. *Section 8 CSD remains responsible for licensing and funding out of home placements. *Section 9: Counties are provided and equitable share of out of home placements and may place children in those resources. *Section 10: Counties have responsibility to parole youth back to community. *Section 12: CSD may suspend funding if county is out of compliance with their plan.

148 CHAIR CLARK: CSD makes the determination based on some sort of review or what?

STEVE CARMICHAEL: Yes, ongoing review. If out of compliance, can suspend the funding. Give 120 day notice. There is a process.

DENNIS MALONEY: Have that mechanism in the Adult Community Corrections where Dept of Corrections can cease funding.

STEVE CARMICHAEL: Section 13 is the funding section. County may enter either or both: 1) transfer of existing funds, or 2) current training school costs are transferred to the county for youth supervised in community programs rather than state training schools. Here new funds would be required for the first few years.

188 CHAIR CLARK: Double funding would only be until the community program is effective.

STEVE CARMICHAEL: Correct. Looking for start up costs. There is difficulty on funding and would not like to see bill die if second funding alternative does not occur.

DENNIS MALONEY: Have been in contact with Richard Gable, Director of Research and Evaluation for National Center of Juvenile Justice. Views

as model piece of legislation. Made commitment they will help seek foundation funding.

209 STEVE CARMICHAEL: Section 14: A county funded under alternative 2 needs to repay the funds to the state for nonperformance. *Section 15: state employees are transferred to the county for supervision and job function, but remain state employees for period of pilot.

221 CHAIR CLARK: If pilot was continued permanently, might propose allowing them to choose to remain.

STEVE CARMICHAEL: Correct. Confusing to get into employment issue for period of the pilot. *Section 16: A county may withdraw from the program with 6 months notice or 60 days notice if funds are reduced by more than 10% or use of state training schools beds are reduced by 10%. *Section 17: a progress report will be made to next legislative assembly. *Section 18: Funds from other sources may be matched with state funds allowing for use of federal or foundation funding.

243 JIM FRANCESCONI: There is also federal sources.

CHAIR CLARK: With private foundation money and federal money, the state might get by with what figure for funding alternative 2?

DENNIS MALONEY: \$100,000 per year. Must demonstrate some commitment by the state for foundations to be cooperative.

257 CHAIR CLARK: Does the Governor support finding the funding? May need to be done. Recess the hearing at 5:02 p.m., reconvenes at 5:10 p.m. Brings up second panel.

295 DAN COSTELLO, CHIEF JUDGE, TRIBAL COURT OF THE CONFEDERATED TRIBES OF WARM SPRINGS: Gives a judicial perspective. Discusses judicial background. *If this were enacted, there would be a message delivered that the Government believes that responsibility and ownership are important. *Discusses mediation in tribal court and aspects of a tribal court. Comments on tribal community experience. Problems are being solved. *Comments on experience in state judicial court system. *Bias with this bill is to keep the children in local area. *Legislation would send a good message. *Would not have immediate effect on tribal community.

TAPE 48, SIDE B

013 HOWARD CLINK, PUBLIC AFFAIRS DIRECTOR, MULTNOMAH COUNTY HUMAN SERVICES: County is in strong support of the LC draft. *Multnomah County has most recent experience in state regarding expanding local control. Discusses gang youth in the county.

040 HALL OGBURN, DIRECTOR OF MULTNOMAH COUNTY JUVENILE JUSTICE DIVISION: Discusses county programs. (EXHIBIT D) 1) Gang Resource Intervention Team. 2) 30-Day Residential Detention. 3) Service fund. 4) Community based programs like House of Umoja. *From July, 1990 to December, 1990, committed 23 youth to secured custody system. Estimates only 46 in a year. *Over representation of minority youth in the system. 53 to 56% of those sent to secured custody system.

063 REP. MANNIX: Where are the youth that have not been committed? How are they doing?

HALL OGBURN: Qualifies answer with factors such as public safety, accountability and skill development. The youth are being placed in homes such as Umoja.

HOWARD CLINK: Final comment on the funding issue. Governor's budget proposed a 50% reduction to funds available to these programs. Will eliminate 3 of the 4 components.

083 IRIS BELL, TREATMENT DIRECTOR OF THE HOUSE OF UMOJA: (EXHIBIT E and F) Discusses what a collaborative effort can do and fact House of Umoja is result of effort with local government, private sector, citizens, and community based organizations coming together to address gang violence and activity. *Comments on the House of Umoja from Philadelphia, PA. and how the Portland House began. *Explains the program of Umoja. It links family with these young people. Uses a nontraditional family model. Recreates positive role model. *Read the Mission of the House of Umoja. *Ability to work with local government officials closely. *If youth do not go to state custody, they come to places like this.

159 VIRGINIA HENSON, DIRECTOR OF COMMUNITY RELATIONS, NIKE, INC.: *Describes NIKE. *Reviews 4 to 5,000 proposes per year for cash or product contributions. Have to be returns generated even in service projects. Desires impacts. *Describes goodwill from charity activities. *Looking for national program and decided on House of Umoja. Invested \$100,000 seed money initially. Have a board position. *Comments on the Board of House of Umoja. *NIKE has contributed marketing resources and skills to obtain contributions. Helped with legal, secretary, word processing, travel planning, bookkeeping services, and employment opportunities. *The investment was worth it for NIKE.

270 JIM MOSIER, EXECUTIVE DIRECTOR, JUVENILE COURT RESOURCES, INC. AND CENTRAL AND EASTERN OREGON JUVENILE JUSTICE CONSORTIUM: (EXHIBIT G) Discusses Central and Easter Oregon Juvenile Justice Consortium. *17 eastern Oregon Counties. Have 1.1167% of population in Oregon. *This bill is next generation of the Juvenile Corrections Improvement Act of 1985. *Discusses the Act of 1985. *Discusses new diversion plan for region. *Participating in this bill because serving children at community level is the best way. Believes in coordinating resources to achieve the best economy of scale *Process requires careful planning with regard to long term funding, resolving liability for local government, coordinating with treatment providers and state government staff.

376 CHAIR CLARK: Likes eastern counties taking part in pilot.

382 REP. MANNIX: What types of criticisms should the committee anticipate about taking this approach?

JIM MOSIER: Assumes there will be controversy because it disengages a process that has been around for many years. Employment will be a big issue.

413 REP. MANNIX: This legislation deals with the troubled young people first rather than the program.

JIM MOSIER: Yes. Comments on an eastern Oregon program called "Client Specific". A Juvenile Department worker coordinates with others interested in well being of child to develop plan that is funded, up to \$4,000, by the program.

TAPE 49, SIDE B

027 NANCY JONES, PARENT, PRIVATE CITIZEN: Discusses personal experience. All three children, 2 boys and 1 girl, have been placed into foster care, residential treatment programs, and the state training schools. *Discusses foster home experience of older son and CSD caseworker. *Comments on Outward Bound program and fact that since son was in state custody, could not get into county program. *No place in community could be found for son. *Urges support of HB 3438. It would have provided for a better relationship with the caseworker and ability to get into county programs that would have been better than state treatment.

074 BILL FREY, OWNER, FREY'S THRIFTWAY STORES: Discusses programs of Catholic Community Services Foundation. *Learned a lot of good can be done for children. Environment needs to be changed *The system can be harder to work with than the kids. *This bill challenges the community to start taking care of their own rather than the state. *When state takes responsibility for a community's delinquent youth, the community is taking a chance that the child will need a state institution as an adult. *Bill makes system easier to understand. Makes sense to have one place a child and family can go to get help. *Urges support of this bill.

107 CHAIR CLARK: Will come back to the this bill in one week to hear the remaining invited witnesses. Adjourns the hearing at 5:55 p.m.

Submitted by: Reviewed by:

Kathy Neely, Assistant David Harrell, Office Manager

EXHIBIT LOG:

A	-	Agenda for LC 1401/HB 3438 - Community Services Comm. - 1 page
B	-	Testimony on HB 3438 - James Seymour - 5 pages
C	-	Section Highlights of HB 3438 - Steve Carmichael - 2 pages
D	-	Testimony on HB 3438 - Hall Ogburn - 2 pages
E	-	Testimony on HB 3438 - Iris Bell - 13 pages
F	-	Testimony on HB 3438 - Iris Bell - 14 pages
G	-	Testimony on HB 3438 - Jim Mosier - 1 page