

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.

Informational Mtg. Organizat'l Mtg.

SENATE COMMITTEE ON THE JUDICIARY

January 16, 1991Hearing Room C 1:00 p.m.Tapes 1 - 2

MEMBERS PRESENT:SEN. JOYCE COHEN, CHAIR SEN. PETER BROCKMAN SEN. JIM BUNN SEN. JEANNETTE HAMBY SEN. BOB SHOEMAKER SEN. DICK SPRINGER

MEMBER EXCUSED: SEN. JIM HILL, VICE CHAIR

HOUSE JUDICIARY MEMBERS PRESENT: REP. KELLY CLARK

STAFF PRESENT: INGRID SWENSON, COMMITTEE COUNSEL BILL TAYLOR, COMMITTEE COUNSEL MARK THORBURN, COMMITTEE ASSISTANT

WITNESSES: REP. MIKE BURTON MARCIA MORGAN, EXECUTIVE DIRECTOR, GOVERNOR'S TASK FORCE ON CORRECTIONS PLANNING FRED PEARCE, DIRECTOR OF CORRECTIONS

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TAPE 1, SIDE A

005 CHAIR COHEN: Calls the meeting to order at 1:10. Mentions that she has invited members of the House Judiciary Committee to attend today's meeting. Introduces committee staff. (Exhibit A) Notes that, in past, Committee members have left folders with committee staff at hearing room; inquiries welcomed from members whether another method more satisfactory; in meantime, staff will keep folders for committee members. Urges committee members to submit written materials in advance and to scan the testimony before committee hearings.

- As the bulk of bills printed, they'll be filed and members will see list of bills in committee and members asked to give Chair request for bills they think are priority. Chair will be visiting with members to accommodate their choices on helping to set committee agenda.

- Introduces Rep. Burton.

072 REPRESENTATIVE MIKE BURTON, MEMBER OF GOVERNOR'S TASK FORCE ON CORRECTIONS PLANNING, MEMBER OF THE CRIMINAL JUSTICE COUNCIL:

- Makes general introductory comments about the Task Force's report entitled "Promoting the Balance" which looks at specific items that the Governor wanted looked at.

- Recommends two pieces of legislation as result of report; LC 1396 and LC 1397; hope they'll be introduced as committee bills. (Exhibits C and D)

124 CHAIR COHEN: Bills will be introduced today and Burton to be notified when they're scheduled for hearing.

- Discusses committee rules. Same rules as last session with one minor change regarding introduction of bills. (Exhibit B)

149 SEN. BUNN: Wonders if Rule 12 allows committee to send bill to Senate floor during hearing.

154 CHAIR COHEN: Yes as long as it's been posted.

159 SEN. SPRINGER: Moves for adoption of rules as presented.

162 CHAIR COHEN: Hearing no objections, adoption so ordered. Takes motion at request of Task Force and Rep. Burton to introduce as committee bills LC 1396 and LC 1397; inquires whether there are objections; hearing none, so ordered.

170 MARCIA MORGAN, EXECUTIVE DIRECTOR, GOVERNOR'S TASK FORCE ON CORRECTIONS PLANNING: Identifies Task Force members and gives historical view on what has gone on in the area of corrections planning over the last two years. Task Force reconvened by Governor Goldschmidt last March and met for four months to do four tasks (Exhibit E):

- Look at 1988 Task Force report and the ten year plan for the state. Discusses some of the recommendations of the 1988 report.

- Look at prison population forecasting.

235 FRED PEARCE, DIRECTOR OF CORRECTIONS: Subcommittee will be meeting next week to look at the draft forecasts and the assumptions that will go into forecasts that the legislature can rely on for budgeting and staffing.

268 CHAIR COHEN: Interested in identity of members of the technical committee that is going to review the forecasts.

270 PEARCE: Will get that information to her.

295 MORGAN: Third area that Task Force looked at was what to do with the increase in number of women offenders in the state; 95% increase in last three years. Two recommendations:

- Break cycle of family disfunction.

- Aggressively treat the problem of drug and alcohol abuse.

- Also recommended new women's prison.

340 PEARCE: Have 355 women currently in the system; mostly in three institutions.

348 MORGAN: To develop any sort of meaningful programs, need a new

facility.

359 PEARCE: 100 beds at Columbia River are women's beds, 50 of which are for drug and alcohol treatment. At last legislative session, had total of 55 beds, all at Cornerstone, for intensive therapeutic drug treatment. Right now, we have 310 beds, 50 of which are for women. We realize that there is a greater need.

370 SEN. SPRINGER: Is there a similar increase in the number of females incarcerated on the local level or on probation or parole?

380 PEARCE: There is an increase.

395 MORGAN: Other states seeing increase in women's population when using sentencing guidelines.

400 CHAIR COHEN: The guidelines disallow the judge from giving special treatment to female criminals.

415 PEARCE: The increase has not been any greater since the sentencing guidelines were implemented.

417 MORGAN: The Task Force tried to get profile of the female offenders, their family situation, alcohol abuse, and type of crimes committed. Have sense that more hard core, traditional male, crimes are being committed, many related to alcohol and drug abuse. But for the most part, nationally, female offenders are still committing the same type of crimes; i.e., those that are economically based (e.g., forgery), possibly because of need to support a family. Have developed strategies that:

- Target community treatment programs or community daycare centers for parole or probation females with two components:

a) Alcohol and drug treatment

b) Daycare facility for children of the offenders modeled after the relief nursery in Eugene

- Enhance educational and instructional programs in traditional and nontraditional job skills in the facilities.

- Provide training to parole and probation officers on some of the unique needs of women offenders; not one specialized person in probation office, but a number trained to identify child-related and other issues.

- Wants to mention that there was a ten-member work group that assisted Task Force whose membership was consistent with the fact that women in this society are the caretakers and that when women come out of the correctional system, there is no one to care take for them and are, thus, very likely to recidivate back into the system. Therefore, essential to help with these women through the transition time.

496 REP. CLARK: What about the job training programs specifically for women?

TAPE 2, SIDE A

(Tape unintelligible)

048 MORGAN: The last area the Task Force looked at was what to do with the increasing population of adult sex offenders.

- Currently, there are 2400 sex offenders on parole and probation. Another 1200 in the prison system whose primary offense are sex offenses and different theories as to how many there whose secondary offenses are sex offenses. Recidivism rate also very high.

- Looked at three primary things that needed to be addressed.

- The most serious and dangerous sex offenders needed to be incarcerated. There will probably be a lot of bills this session dealing with sex offenses and we recommend that Oregon Criminal Justice Council make impact statement on all

of those recommendations that would involve more prison space on how they will impact the grid and sentencing guidelines.

- Intervention programs. Should not be talking about treatment, but behavioral control programs. Can change behavior, but not permanently. State has a model program, but it has only 31 beds; very small fraction of total need. State needs to put resources into long term evaluation studies. Do not think that behavioral control programs should be tossed out window, but need to be cautious in the growth in these programs.

- Also recommended that four dormitories be built at the prison at Ontario that would specifically be for sex offenders for intervention, evaluation, and to provide more bed space for this increasing population.

104 PEARCE: Nothing in budget for expansion at Ontario.

107 SEN. SPRINGER: What's the pathology here? At what point do people become truly a danger to others? Are we accepting premise that there is nothing to be done to reverse whatever pathology may exist by the time the person reaches the adult system? Or was that outside the scope of your study?

117 MORGAN: It was outside the scope of our charge. However, we were in close contact with other task force and the sense is that it much easier to change behavior in children than adults and a lot emphasis should be put on that. Most sex offenders exhibited behavior at 9 - 12 years old and there are various estimates of how many victims an offender has before he is caught ranging from 12 to 60. We need to start looking at this issues at very young age.

132 PEARCE: Consensus of experts on subcommittee is that we're not going to cure anybody whose an adult, but that they are manageable. It takes long term management. Recommendations are that we have long term probation and post-prison supervision up to 20 years for Class A and B felony sex offenders, up to 10 years for Class C, and 5 years for misdemeanors. Take will take more parole and probation staff, polygraph operators; periodic polygraph testing is one of best tools to tell if their staying on straight and narrow. Polygraph not now in current budget, but there is recommendation to extend that control in the much distant future.

158 SEN. SPRINGER: Is there some indication that that approach in other jurisdictions have achieved goal or that there's some progress?

162 PEARCE: Yes: more effective than current system of putting them on probation or parole for three or five years and not keeping track of them and monitoring their behavior from that point on.

171 SEN. HAMBY: Requests list of consultants.

181 PEARCE: We'll get the list to you. My judgment would have been, if I had not heard results from the experts, that we could treat the offenders, but the experts did not say that, but that there are ways of managing. When I became to Corrections two years ago, I was told that they can be cured, but that is just not true.

194 MORGAN: The list is in the report.

- On long term supervision, there is a model called relapse prevention. It is the best treatment in the field. Used that as model in supervision recommendation.

- The other recommendation along with that was the bill that Rep. Burton mentioned about mandatory pre-sentence investigations.

- Third recommendation was that there be teams for more training for parole and probation officers throughout the state to enhance the number of such officers who could work with this population. While manageable, there is high rate of recidivism in this population.

230 CHAIR COHEN: During the legislative interim, you were developing cost estimates. Has that moved forward? Frequency of contacts, etc., will affect budget.

254 PEARCE: Did work on that and turned into the Governor's office. Don't have the information with me today, but will get you the information. Essentially, we took recommendation of the Task Force and submitted that as a separate budget; some of the things that were recommended were included in our budget initiative to begin with and others we had to develop.

273 MORGAN: Appendix K of report (Exhibit E) has list of model supervision program, who many contacts to make and that kind of thing.

284 CHAIR COHEN: Thanks Pearce and Morgan. The committee will look at the report.

Excuses Morgan. Introduces Pearce with respect to Corrections.

294 PEARCE: As to facilities, have 2200 employees, operate 31 field offices of parole and probation, and have 13 prison facilities; soon to be 14. They include one maximum security prison with 1709 beds, talking about extended capacity beds, not the number of inmates who happen to be in there; we have 220 more in there today. We have 5 medium security prisons that have 2918 beds, 7 minimum security prisons with 1631 beds, and our corrections treatment program at the state hospital with 120 beds, all of which provides, today, 6370 beds, and that's 2370 beds more than we started with four years ago. Since last legislative session, opened Powder River in Baker City with 158 beds, Shutter Creek Corrections in Coos County with 200 beds, the Columbia River Correctional Institution in Portland with 400 beds including 100 alcohol and drug beds, Oregon Corrections Intake Center with 200 beds, and the Eastern Oregon Correctional that has been expanded to 1600 beds. The Intensive Management Unit at the Oregon State Penitentiary is a 196 bed maximum security control unit currently under construction and will be completed May, 1991 and that will be the control unit for the entire department. The Snake River Correctional Institution in Ontario will be open in July of this year and includes 578 medium beds and 72 minimum security beds. So by July, 1991, we'll have 7214 beds.

348 SEN. SHOEMAKER: How do we stack up with the other states?

351 PEARCE: Difficult to answer. Difficult to compare one state with another. We're about in the middle. We have about 207 per 100,000 population in prison. We are ahead of the game in that we have more beds today than prisoners, but their not all in the right places. Don't quite have enough medium and more minimum, but the

minimums are done and the mediums are on line. Practically every state in some stage of building and catch-up.

388 SEN. SPRINGER: Probably relying on double celling in medium and maximum security settings?

395 PEARCE: We're double celling some places where I don't want to double cell and their not included in that number. We currently double celling at drug and alcohol. Inmates are outside a lot of the time, so we're probably constitutional. The problem just gets to be management of that many people in that much space. Dormitories next to exercise building in center of yard have been closed and that required double up of some small cells, but that's maximum security prison that requires management of the toughest inmates and it's scary out at that building. Still have an industries dorm which I and Superintendent are comfortable with, but that's the only dorm left at penitentiary. We have dorms at other medium security prisons that were meant to be dorms; OSCI down to 868. The reason their not spread all over because we've closed down one wing and in process of complete relocking at that facility, so there will be complete cell block shut down as we move through the prison. But 860 is the management level for that and we were up to 1100 last year. At Eastern Oregon, we have both planned dorms and mostly double cells that are built as double cells with adequate space. The prison built at Ontario is built as a double cell facility except for segregation. The decision made last year in sex offender dorms was change in our master plan because sex offenders are fairly easily manageable individuals, but we're not going to put them in minimum security, so to save money and congregate group for behavior management training was to build the 375 bed dorm and that's still in the plan when funds become available to expand the prison at Ontario.

475 SEN. SPRINGER: Answer helpful; especially the breakdown of the different institutions and how that affects who goes where, the security, and the interaction between the two. Mentions safety questions that existed two years ago before Pearce became Director of Corrections.

490 PEARCE: Have done a number of things at the penitentiary and committee invited to tour it. Have put in remote control on the control floor. Describes how remote control works. Now have ability to put down disturbance should it occur.

TAPE 1, SIDE B

026 PEARCE: Control floor most dangerous place at the penitentiary with 190 0 people pass over 18 hours a day.

037 SEN. HAMBY: What has happen to counties assuming stronger Community Corrections Act's? Has the concept grown?

043 PEARCE: Not a lot of movement; between option one and option three, in the last year, we've had two go to option one and one go from option one to option three. It's generally a dollar and cents issue.

055 SEN. HAMBY: Are we falling behind the national trend?

056 PEARCE: No. We're still a leader in community corrections. Currently have 6370 beds. The inmate population is 6300 in prison. 34,000 on parole and probation. During the last year and a half, have began a new classification system and further separation for high risk classification with intensive supervision with some. There's been no new parole and probation staff during in last two legislative sessions while population has skyrocketed.

080 CHAIR COHEN: Had 28,000 in the last session?

081 PEARCE: About 27 - 28. About 6000 since that time. It grew from October, 1989 to October, 1990, by over 5000. To manage the population, have been forced, by classification, to case bank 17,000 of those cases and with the Governor's budget we'll be required to do even more.

- The base budget (Exhibit G) provides for all of our current prison facilities and has another fund recommendation of \$27.5 million to operate Snake River. It's proposed that of the 650 beds we rent out, about 500 to federal government and other states to provide the \$27.5 million. Governor's budget recommends reducing community corrections enhancement funding by 10%; that's \$2.3 million. Eliminates 75% of misdemeanor probation funding; that's \$4.4 million and 46 positions in the field. Reduce parole supervision funding by 20%; that's \$1.8 million and about 18 positions. That's about \$8.5 million and with the \$27.5 million, that's \$36 million and that's our portion of the budget reduction.

122 CHAIR COHEN: The recommended is the new Governor's budget plus the cut?

124 PEARCE: That's correct. Thing that is important is that we are not going to take a position here and a position some place else and continue to try to run our present institutions. My recommendation was that we take whole programs and do something with them. In this case, we're talking about renting out most of the beds in order to operate the prison, but the other prisons are fully funded.

135 CHAIR COHEN: You can maintain your management crew?

136 PEARCE: Yes. And the Governor also recommends that our central office be funded. Believe that the department can operate with our current budget; the question is how much can we do in the field when we talk about the cuts we're doing in parole and probation. But as to the other institutions are concerned, we'll be all right. The question is what our population is going to be; should have better picture in about 60 days. We've seen, for variety of reasons, a reduction in the net increase per month.

161 CHAIR COHEN: But you were way out of line on that for nine - ten months.

162 PEARCE: That's correct. During 1989, we were increasing by 93 a month.

166 CHAIR COHEN: Somebody's giving them passes to come here.

167 PEARCE: I think so. But during the past 12 months, it has reduced to about 40 a month. Does not mean reduction in the intake, but there has been more releases than there were before. About 3000 of our 6300 are within a year of parole. 580 0 inmates entered system last year. There were periods during last year when there was some large releases. Temporary leaves are now gone; the only thing we have left is the 30 day transitional leave under the sentencing guidelines statute. Not

prepared yet to say sentencing guidelines causing reduction.

189 SEN. HAMBY: Isn't there a corollary between prison population and tough economic times?

192 PEARCE: Not going to contribute any cause and effect to the tough times. Discusses personal impact on the personnel and directional change of the department. Discusses situation at prisons that existed when he took over department 21 months ago and improvements made. Changes in prisoners' clothing. Improved internal affairs procedures. Reduced drug use in the institutions. Use of audits to improve how business is conducted. New controls over purchasing of capitol equipment. But it's been difficult because we're operating on a shoestring.

358 SEN. SPRINGER: In the past, the institutions seem to get disproportionate share of attention within the department. Almost seems the leadership there are intractable, running their own programs immune from direction from anyone, including the director of corrections. What can be done to get some cross-training between community programs or field services and the institutions to brake down the barriers, either perceived or actually existed?

378 PEARCE: First, we don't have that intractability anymore due to new personnel appointments and direction given. Second, all of the rules are now being rewritten so that everything is being done in the same way in all institutions except for classification levels (minimum, medium, and maximum) and the physical plants.

416 CHAIR COHEN: What about inmate accounts?

418 PEARCE: In past, each inmate's account number was his institutional number which did not follow prisoner when transferred to another institution. Now have one number that is used that follows prisoner wherever they are. Now computerized and each inmate has an identification card with bar code on it that will be used for variety of things, including canteen and work assignments.

TAPE 2, SIDE B

009 PEARCE: All capitol equipment will also have a bar code on it and use it for inventories.

- Interface between field and the institutions now better than its ever been. Release planning now done in concert.

- Also have a couple of programs that were funded under federal grants, one in Washington County and one in north east Portland, in which the parole officers come into the institution and begin working with the person who is going to be paroled before they're even released.

037 CHAIR COHEN: Why were those kind of things discouraged in the past?

042 PEARCE: I don't know other than the institutions did their thing and the field did their thing. Communication now better than two years ago.

050 CHAIR COHEN: Let's go over the budget scenario. Concerned that we have so many people on string and that we're about ripe for another horrendous that will make the public sort of say that this is . . .

065 PEARCE: And that's certainly a possibility if we had someone on intensive supervision because you don't hold their hand all day and

night. The exposure is greater as you case bank people. Just developed the instrument and that's how we have been able to identify the cases officially; before that, by seat of the pants. It will also be used as basis for funding of various offices in various counties for both option one and field service offices. Have done time study to identify how much time should be required in contact standards in various levels of risk. This will all be coming before Ways and Means for funding. We have done all that we can to minimize risk within our resources.

099 CHAIR COHEN: Are you satisfied with the way the intake center is working?

100 PEARCE: Yes. Have 94 inmates there and already had some come in and out. Lot of bugs, but comfortable the problems are minor and are being worked out effectively. All males will be going through that process and will include classification process and the assessment of medical, mental, educational, and vocational needs so we can assign to the proper institution based on their classification and their needs before they leave.

121 CHAIR COHEN: Congratulations to Pearce for progress made.

134 PEARCE: Introduces latest annual report that has been distributed to committee members. (Exhibit F)

137 CHAIR COHEN: It will be put into committee file.

138 PEARCE: It's effective June 30th of the last fiscal year and some of the things there are a little bit different now.

141 CHAIR COHEN: Congratulates and thanks Pearce.

- We have two bills

144 BILL TAYLOR, COMMITTEE COUNSEL: The first one is LC 1868 from Clackamas County Clerk. (Exhibit H) The other is LC 247 which is the revisor's bill to correct grammatical mistakes, etc., that were overlooked last session. (Exhibit I)

158 CHAIR COHEN: Any objections to introduction. Hearing none, so ordered.

- Adjourns hearing at 2:50 PM

Submitted by:

Reviewed by:

Mark Thorburn
Committee Counsel

Ingrid Swenson Committee Assistant

EXHIBIT LOG

A - Biographies of Senate Judiciary Committee Staff - 1 page
B - Rules for the Senate Judiciary Committee - 2 pages
C - LC 1396 - 2 pages
D - LC 1397 - 17 pages
E - Special Report to the Governor and the Legislature: Promoting Balance in Oregon's Corrections System by the Governor's Task Force on Corrections Planning, July, 1990

- 70 pages plus appendixes F - Oregon Department of Corrections Annual Report, July 1, 1989 - June 30, 199 0 - 49 pages G - Department of Corrections General Fund Appropriation Request - 4 pages H - LC 1868 - 1 page I - LC 247 - 249 pages