

Federal Regional Council - State Legislative Work Session

Group Session on Judiciary

October 9, 1973

Minutes

Members Present: Senator Elizabeth W. Browne, Senate Chairman,
Judiciary Committee
Representative George F. Cole, House Chairman,
Judiciary Committee

Staff Present: Mr. Donald L. Paillette, Project Director
Mrs. Marion B. Embick, Research Counsel

Others Present: Mr. Amos Reed, Administrator, Corrections
Division
Mr. Harold Alabaster, LEAA
Mr. Michael J. Dalich, LEAA
Ms. Vinita Howard, Department of Motor
Vehicles
Mr. David L. Head, LEAA
Mr. Ed Cooper, Oregon Law Enforcement Council
Mr. J. H. Moran, NHTSA

Agenda: Discussion of work programs of federal and
state agencies related to Judiciary Committee
work.

Representative George F. Cole, presiding Chairman, called the
meeting to order at 2:30 p.m. in Room 14, State Capitol.

There was first a general discussion of Corrections Division's Jail Feasibility Study and the new jail standards enacted by the 1973 Legislature.

In response to a question by Senator Browne regarding regional correctional facilities, Mr. Cooper stated that the Law Enforcement Council is extremely interested in Corrections and the type of services Oregon can deliver. He said he thought it was important to explore new ideas and programs for Corrections.

Each committee with the Council will work up an analysis on each area and come up with alternatives. This would be arrived at with input from the Advisory Committee, and Judiciary Committee reports will be submitted. Each committee would form ad hoc committees of people at local levels and the findings will be acted on by the Council.

The question was asked if the Judiciary Committee decided to instigate an administrative adjudication program for the handling of minor traffic offenses, would federal funds be available for the financing of such a program. The answer given was that if traffic related programs are put in force, and if the Judiciary Committee will develop programs that will improve court processes, such activities would be funded under LEAA.

Mr. Moran stated that his agency, for example, can fund an ambulance or put in a facility.

Ms. Vinita Howard asked if it would be possible to fund through the NHTSA and wondered what her department could do to help meet qualifications. Mr. Moran stated that his agency is interested in the input of traffic records, which is the basis of a good traffic program.

Senator Browne asked about the relationship of the Peterson Report and was told that after a LEAA meeting held in January, each state represented held a caucus and issued a report. The reports were forwarded to various courts, etc., and the findings were considered.

Mr. Paillette mentioned it was important to keep in mind implementation of changes in substantive laws and to provide for some sort of followup for enactment of the changes. The Criminal Law Revision Commission went out of existence on June 30, but the new code becomes effective the following January. It would be highly desirable to have a way to follow through. This is something to keep in mind for future changes in the vehicle code.

Federal money coming to Oregon is in a block grant, and the final allocation is not known--probably about \$5,000,000. Impact on city programs may possibly run up to about \$20,000,000. There are other specialized programs--for example, comprehensive data

systems. Oregon has already been approved for an award of \$50,000 for the beginning of the study. Certain specialized activities can qualify. Matching funds are available through regional allocations. In previous years, Oregon received a good share of \$2,000,000.

Mr. David L. Head mentioned that in the next year the amount of money allowed to the regions for discretion is reduced. Total amount, primarily of ongoing LEAA projects, will be 1.2 million. Mr. Head emphasized that this money should be thought of as money that wouldn't ordinarily be counted on. He further stated that there is competition for this money. Oregon has been aggressive and has received a good portion. In order to interest states in implementing goals and standards, there will be some restrictions on the discretionary money this year. It is a reasonable, limited amount of money that is available for major kinds of construction. The total amount of the regional money available is 1.2 million dollars.

Representative Cole mentioned that one of the impacts of the city programs would be to drive crime from the cities to the suburbs. During the summer months, when large numbers of people visited the coast, the robberies and burglaries increased substantially. It is difficult to impress this type of situation on the Council and that funds for law enforcement should be taken into consideration.

Mr. Head stated that many dollars have been directed toward burglary programs. Rep. Cole answered that he didn't know what a burglary program was and that the coast has been experiencing a very definite problem, and officials don't seem to have the input to get the message across to the Law Enforcement Council. Mr. Head said that there isn't necessarily any evidence to show how the Impact Program would drive crime to the coast. All of the crime statistics nationally have shown that urban center crime tends to move into the suburban areas and would not be because of the Impact Program. Rep. Cole replied that he was concerned that the Council would wait too long to do something to correct the situation.

Mr. Head said that most states have been slow to develop a good understanding of the use of crime statistics. He stated that he is reasonably confident that the area or locality that can show clearly, through statistics, that crime is on the rise will have better results for allocations.

The Council does allocate money to regions for crime in relation to population. Statistics are submitted to the Council, and the Council acts accordingly. One community had a program that dealt with preventing burglaries and received funds to operate that program. Reports of projects and statistics will be presented to the Council in November, and, hopefully, from that type of information, money could be allocated.

There has been a decrease in Portland in this type of crime, but the belief was expressed that it was not due to the Impact Program. For one thing, school enrollments are declining. Reporting, fluctuations, etc. could make a substantial difference. An initial study was done on victimization, and an effort is being made to try to reach unreported crime. Victims of such crimes as rape are reluctant to report. If a victim can be interviewed in a reasonable way with some safeguards, it might be easier to get to know what has happened.

The question was asked if LEAA is involved in pretrial diversion, and the answer was that nothing has been done in that area. It was mentioned that Portland District Attorney Harl Haas didn't continue that program. It wasn't known if any were in effect around the country, but there might be some programs that are funded nationally. Rep. Cole mentioned that a diversion program would help the problem of corrections. It would provide better diagnostic services to the courts, which could be utilized for sentencing. Portland has been placing about 85 percent of those convicted on probation, and that is considered a goal around the country. Also, a report on Impact is about to be approved that will be dealing with experimental work on misdemeanors.

Grants Pass has been operating a diversion program with alcoholics but not so much with drugs. The larger cities--Portland, Medford, Klamath Falls and Grants Pass--could be put in the position of appropriating general funds for these programs. For example, a facility could be incorporated in this program for individuals to go to for two or three days for medical attention instead of being turned out on the streets.

Some programs could include dealing with alcohol, juvenile delinquency and drugs. It is important to determine what is an ideal package, to list services available for corrections and list how programs should be funded.

Rep. Cole asked if the Judiciary Interim Committee study results in handling traffic offenses administratively, would there be funds to help pay for the implementation of these programs. He was told that if the Judiciary Committee is successful in making recommendations that will cause legislation to be enacted to change the legal processes, Impact should be informed so it can be considered part of that process. In answer to another question by Rep. Cole, Mr. Head replied that funds are not continuing and that four years would be the duration of a financial commitment--75 percent the first two years, then 66 percent and on down. The policy will probably have to be modified.

Mr. Paillette asked if it is possible for one state program to involve more than one federal fund. The answer given was that there is no barrier to multiple agency funding of programs. If it is possible, on the state level, to solve multi-agency problems that can be approved for federal funding, pressure can be applied for funds.

It is helpful to have a program all packaged and to be geared to serve more than one purpose. Aggressiveness is encouraged in requesting funds.

Senator Browne asked if there are funds that can come out of regional allocations, or is it a question of both guidelines and legislation. She was told that a multi regional effort would be supported, although there are none at this time.

The Western Council of State Governments consists of thirteen states and is a branch of a national organization. It is interested in a good and effective regional effort. Sen. Browne asked if definite information could be provided as to what the best approach might be when approaching Impact, and Mr. Head said that he would see that it is provided.

Mr. Paillette made the statement that a state like Oregon should rank very well in trying to bring about standards from the standpoint of the interest of LEAA. Oregon's recent legislation such as plea bargaining and jail reform are all moves in the right direction. The question was asked if there is any interest to see how changes are working. Except for the state of Illinois, Oregon is the only state to go into bail reform, on a statewide basis, next January 1. Some of the courts are already preparing for the program. The question was asked if there is any way to secure assistance for the counties to help develop programs. One of the conditions would be to support those projects that work toward achieving standards and not take on projects that do not have the endorsement of law enforcement agencies. The Council has encouraged local districts to look into this and has encouraged the use of study reports rather than approaching something head on.

LEAA has a problem in that it needs an information system to reach programs that need help and to know which programs have failed. With a file of reports on successes and information on new types of programs, information could be forwarded to other states for encouragement.

Mr. Paillette stated that there has been a great deal of interest in trying to evaluate city courts as to crimes and to determine which crimes are city crimes and which are duplications of state statutes. Although this may not be a problem, more could be done in this area. This possibility has been discussed.

Mr. Amos Reed reported that last year the large prison experienced a 20 percent decrease in population. Parole, work release, probation and working with those discharged are some of the programs that have been effective in reducing the prison population. About 90 percent of those preparing to leave the prison are involved in a prerelease program. These programs have the support of LEAA.

The possibility of sending people into institutions to discuss drivers' licenses was mentioned, and this was pointed out as an example of coordination of programs.

Mr. Moran stated that NHTSA has a great interest in what the Oregon Traffic Safety Commission does. The fact was mentioned that a project being undertaken by a legislative committee can definitely be funded. Rep. Cole mentioned that many members of the Legislature are interested in the program undertaken by the Judiciary Committee.

The concensus was that the major changes in the laws of the state criminal code are important to many people, but the Oregon motor vehicle code affects almost everyone in the state. It is an important program, and the potential impact to the state is tremendous.

Alcohol programs, law enforcement and increased number of arrests are some of the reasons why an administrative adjudication program is needed to decrease court loads and cases.

The meeting was adjourned at 4:00 p.m.

Respectfully submitted,

Anna McNeil, Clerk