

# ASSOCIATION OF OREGON COUNTIES

## PUBLIC SAFETY COMMITTEE

April 11, 2011  
8:00 a.m.

Dale White Conference Room  
Local Government Center  
Salem, OR

*Note: Minutes are not official until approved.*

*Approved: October 10, 2011*

### **Present**

**Members:** Commissioners Jim Bernard and Jay Dixon (Co-Chairs), Earl Fisher, Mary Stern, Cheryl Hukill and Judy Shiprack; Sheriff Diana Simpson; Steve Berger for Community Corrections Directors; Justice of the Peace Jad Lemhouse; Participating by phone: Commissioner Ken Fahlgren; **Guest:** Elizabeth Cushwa, for the Oregon District Attorneys Association; **Staff:** Alex Cuyler, Public Affairs Director, Lane County; Jim McCauley, Washington County Public Affairs; Mike McArthur and Paul Snider, AOC.

Paul Snider described HB 3525. It would provide a funding stream for county court facilities through diversion of 10% of punitive damage awards. **Upon motion by Commissioner Shiprack, seconded by Commissioner Hukill, the committee voted to recommend that AOC support HB 3525. There were no abstentions and no votes in opposition.**

### **Affiliate and Associate Organization Reports**

**Oregon Juvenile Department Directors Association (OJDDA):** No report. Commissioner Dixon asked what happened to the effort to move the Juvenile Crime Prevention Advisory Committee and Juvenile Justice

Advisory Committee funding to the Oregon Criminal Justice Commission.

**Oregon State Sheriffs Association (OSSA):** Sheriff Simpson described efforts to enhance tribal police powers in SB 412. The Kurtz case was reversed by the Supreme Court, so tribes now have authority for fresh pursuits. But the bill goes further. OSSA opposes it. There is no reciprocity, records are not subject to public records laws and liability issues exist. It goes to the floor this week.

In community corrections, we are working with OACCD and others on SB 416. OSSA opposes reducing misdemeanors to violations. Many of these defendants need to be off the streets; this would make the arresting officer a prosecutor; and there would be no criminal history in the case of a violation conviction; and many of these offenders commit the crimes to get drugs. Steve Berger said that controlled substance offenders are currently funded in the community corrections formula – there was some discussion of creating incentives. He'd prefer a conversation about misdemeanors in general. Other related bills include SB 728 and HB 2168, both of which would expand the local control population. Commissioner Hukill raised concerns about passing costs to counties. Commissioner Shiprack said we need to rely on OSSA and OACCD to help avoid that. Sheriff Simpson said that the SB 416 work group has been pushing for a county option when it comes to participation. Also, there's no immediate savings to the Department of Corrections in that bill. Paul Snider said that Legislative Fiscal Office indicates there's a \$120 million gap in the public safety budgets. When HB 3508 was adopted last session, the gap that it was intended to address was only \$96 million. Steve Berger said that OACCD is assuming passage of SBs 729 and 730 to partly close the gap. Commissioner Shiprack said our committee principles provide that the state must pay the costs of counties picking up new responsibilities. Steve Berger said that jails are for short term stays – where's the

tipping point? Twenty-four months is too long. Commissioner Fisher said that considering medical costs, lawsuits, and additional costs of new offenders, he's not sure he'd go along with these concepts. And given what's happening to loss of mental health program funding, more mentally ill people will wind up in the public safety system. Commissioner Shiprack agreed – they should fund the human services system if they want to avoid higher downstream costs.

**Oregon Association of Community Corrections**

**Directors (OACCD):** Steve Berger advised that their issues have already been covered.

**Oregon Emergency Management Association:** No report.

**Oregon Justices of the Peace Association (OJPA):**

Judge Lemhouse said he's glad to see that HB 2653 (expanding services of Department of Revenue to collect justice court judgments) is scheduled for a work session.

Paul Snider described changes to HBs 2710 (court fees) and 2712 (court fines) that were developed by a workgroup of the House Judiciary Committee. HB 2710 would include an increase in filing fees in domestic relations cases from about \$200 to \$250 per case. Allocation of funds to counties would be increased over what we get now for conciliation and mediation and for law libraries. In addition, a third category of allowable expenditures would be added for court facilities. Allocation among those three categories would be at the discretion of the county governing body. Justice court filing fees would also be increased over what had previously been considered. Judge Lemhouse said that the justice court filing fee increase is definitely a positive development. Right now, counties finance justice courts on the civil side and make some money on the criminal side.

**Upon motion by Commissioner Shiprack, seconded by Commissioner Fisher, the committee unanimously (no abstentions, no votes in opposition) recommended that AOC support HBs 2710 and 2712.**

**Oregon District Attorneys Association (ODAA):**

Elizabeth Cushwa reported that ODAA is focused on budget issues. They are not pursuing any substantive legislation. The challenge is to prioritize where cuts should and shouldn't be made.

**Committee Work Plan.** The committee considered the draft work plan. Commissioner Dixon suggested we include funding of the public safety system; Alex Cuyler suggested adding collection of criminal judgments. With those additions, **upon motion by Commissioner Fisher, seconded by Commissioner Shiprack, the work plan was adopted** (with no abstentions and no votes in opposition).

There being no further business, the meeting was adjourned.