

**Association of Oregon Counties
Public Safety Committee
Minutes**

Note: Minutes are not final until approved. Approved: June 6, 2011

May 16, 2011
8:00 am.

Dale White Conference Room
Local Government Center, Salem

Present: Commissioners Jay Dixon and Jim Bernard (Co-Chairs) and Cheryl Hukill; Holly Russell (Oregon State Sheriffs Association - OSSA); Sheriff Diana Simpson; Elizabeth Cushwa (Oregon District Attorneys Association – ODAA); Alex Cuyler (Lane County Public Affairs) and Paul Snider. By phone: Mark Royal (Oregon Association of Community Corrections Directors - OACCD), Commissioner Ken Falgren and Christina McMahon (Oregon Juvenile Department Directors Association - OJDDA).

Commissioner Dixon presided today. Paul Snider gave updates on HB 2710 (court fees), HB 2712 (court fines), SBB 395 (modifying Measure 73, including county jail reimbursements) and SB 416 (sentencing). The committee discussed each.

HB 2710: Commissioner Bernard: Clackamas County loses about \$.5 Million. It's not revenue neutral. I think we should oppose it; or we could give authority back to counties to set fees. **Upon motion by Commissioner Bernard, seconded by Commissioner Hukill, it was unanimously resolved to recommend to the AOC Legislative Committee that AOC support HB 2710 with amendments that would strike the provision that removes county authority to set mediation and conciliation fees.**

HB 2712: Snider presented the results of a survey the Justices of the Peace Association had conducted on the likely effects of increasing sentencing discretion to 50% of the fine amount. They had nearly unanimously concluded that it would raise, not lower, statewide fine revenues. Members agreed that AOC should continue to advocate for an increase in discretion.

SB 395: Snider compared the -1 and -2 amendments. The -1 amendments would diminish the amount and likelihood of reimbursements by deleting pretrial costs, making it into a grant program that would have a cap (but no floor) and making all reimbursements subject to an appropriation. The cap would be the current reimbursement rate for local control populations under SB 1145 (scheduled to go to about \$92/day next biennium). The -2 amendments came from AOC and would simply substitute the Department of Corrections for the "state" in current language, so that none of the problems above would apply. The Department of Corrections

(DOC) would like the reimbursements to be set at the local control rate – and that might not be bad. The committee approved the AOC amendments. Sheriff Simpson added that \$92/day would be o.k. but it's not that hard to do actual cost, either – just submit an invoice. She also expressed concern about who would have to be released to house Measure 73 offenders.

SB 416: Mark Royal distributed the OACCD Legislative Update, updated on May 11, 2011. SB 416 with the -2 amendments) has sidebars i.e. certain offenders would not be eligible for high level supervision, even though their crime was one that would qualify. So the pool of offenders is not very big. It also reinstates Measure 57, further reducing the pool. OACCD doesn't support the current version. Sheriff Simpson said Ossa supports it with the -2 amendments. They would agree to further suspension of Measure 57, but not to eliminating the sidebars. Elizabeth Cushwa said ODAA supports it with the -2 amendments, but she can't see how it pencils out (to save the state money). Assume a pool of 1,500 offenders, and 500 are diverted. But two weeks ago, it was down to 350, after the meeting with large counties, and now with Lane saying "no", it's down to 310. Sheriff Simpson said they recognize they probably won't save money this biennium, but in future biennia, they will. This is a policy that'll be implemented over many years, and we're trying to figure it out in a very short time. Commissioner Hukill said that Klamath County has had an 84% success rate and, even so, they cut it out. That makes no sense. Paul Snider advised of amendments he had begun to shop around to require the court to make an additional finding before diverting an offender. The finding would be that the supervisory authority had adequate resources to provide high level supervision. Committee members approved of that amendment.

Affiliate and Associate Member Reports

OACCD: Mark Royal pointed out the other concepts than SB 416 that OACCD have recommended or supported. Some create savings, others improve practices. They include HB 2168 (county responsibility for offenders who have less than 12 months to serve at the time of sentencing), SB 761-2 (removing restrictions on alternative incarceration programs), SB 75 (inactive local control post prison supervision), SB 729 (continue inactive probation/compliance credit for probation), and SB 730 (continues 60 day cap on probation revocations for technical violations).

As to funding, the Governor's Recommended Budget would fund community corrections at \$191 million. We're currently at \$215 million for this biennium.

ODAA: Elizabeth Cushwa said ODAA has no proactive legislation. HB 2174A, involving possession of a controlled substance (PCS), bases the penalty on quantity rather than scheduled substance. That bill and the public safety budget are our main concerns now. SB 420 is about the Psychiatric Security Review Board. We're in conversation about that now.

OSSA: Sheriff Simpson: We haven't been able to get behind the PCS bills. SB 416, relating to tribal police powers outside the reservation, we adamantly oppose. We want reciprocity. We heard that HB 2168 and SB 728 were dead.

OJDDA: Christina McMahon: HB 3142 is important. It makes assault on a juvenile detention officer the same as an assault on an adult corrections officer. It was sponsored by OJDDA. It passed the House unanimously. HB 2707 changes the default on where a juvenile charged with a Measure 11 offense would stay. Now it's in jail unless the sheriff and juvenile director agree on the juvenile detention facility. This would make it a juvenile detention facility unless the two agree on the jail. OJDDA split on this bill so we're neutral, but it could have a big fiscal impact, especially in counties that don't have detention facilities. HB 3533 would move juvenile crime prevention (JCP) funding and federal funding to the Criminal Justice Commission from the Commission on Children and Families. It's also an OJDDA bill. Then the Governor created the Early Learning Council. See SB 909. They may create different work groups on funding. HB 3086 is from Rep. Kotek. She also suggested specialized work groups. Commissioner Dixon commented that there is also an effort to move the State Commission on Children and Families to the Department of Human Services and Court Appointed Special Advocates to Department of Administrative Services to determine where in the Judicial Department to put them.

Oregon Emergency Management Association: No report.

Oregon Justices of the Peace Association: No report. Alex Cuyler said that HB 2653 (Department of Revenue collection of JP court judgments) is awaiting a hearing in House Revenue.

There being no further business, the meeting was adjourned.