

February 18, 2014

Chairman Prozanski and Members of the Committee:

I am here today in support of HB 4026.

My name is Sally Penna, I am a resident of Polk County, where I have owned and operated a small business since 1981, as an ADES (alcohol and drug evaluation and screening specialist). I am designated by Polk County Circuit Court, and Dallas, Monmouth and Independence Municipal Courts. I am certified by OHA.

These two entities - our courts and OHA - provide us with oversight. Any court, which designates an ADES, can remove that designation at any time. OHA can also remove our certification if we are found to be in noncompliance following mandated site reviews.

The ADES position was created in 1981 to act primarily as a means of bridging a gap between the courts and treatment programs. When a defendant comes to court, rather than trying to ascertain to which treatment agency to send the client in the courtroom, the court sends the client to the ADES. Subsequently, the ADES then works collaboratively with the client to determine which treatment agency best meets the client's individual needs. We obtain signed releases to communicate with that agency on the defendant's status, and monitor the client for the Court. We advise the Court of the defendant's program completion, or failure to complete. We keep statistics for the state on a monthly basis. We do re-referrals for the clients referred back to us following a non-compliance report to the Court and we do transfers for clients who move. We also provide out of state treatment programs with the certificates required by DMV for conviction clients so defendants can obtain their drivers license after completing their treatment.

ADESs have a second, but similar, referral and monitoring role, working with marijuana diversion clients for the courts.

More recently, a potential third role for the ADES has now presented itself with regards to IID devices, in HB 4026.

All DUII diversion offenders in Oregon are required to have on their vehicles an ignition interlock device. Installers of these devices are required to provide status reports on the devices. Presently, the courts designate the recipient of the IID reports.

While in many jurisdictions, the courts have designated the ADES to act as recipient of the installers reports, that is not the case in all courts. Polk County Circuit Court, for example, has designated me as the report recipient. However, local Municipal courts have the IID reports come to the Court itself. So I am monitoring IID reports on some clients, but not on others. Treatment agencies get IID reports on some referred clients, but not all.

Equally problematic, current statutes do not clarify what the recipient of the IID reports is to do with the reports once we receive them. This bill acts to bring uniformity throughout the state both by clarifying the designee and clarifying the use of the reports.

For over three decades, the ADESS have quietly, frugally, and diligently worked to help make the DUII system work very well in Oregon. The courts have appreciated and supported our role.

We have developed good working relationships with our treatment agencies and regularly confer with them regarding client issues.

As ADESS, we receive no general fund monies. We look entirely to the defendant for payment for our services. We receive no medical benefits, no retirement from the State of any kind. We receive no grant money. We do not access indigent funding or OHA funding. We cover our own overhead - pay for our rent, insurance, supplies, equipment, utilities, etc. And sometimes, like now, we attempt "do it yourself" testifying at the legislature. We have no lobbyist.

Our fees are set by statute, and have not been increased in a very long time. The DUII fee has not been raised in over ten years. The marijuana diversion fee has not been raised in over 25 years.

HB 4026, effective January 15, 2015, does not seek to increase the fee for the ADES. However, the reality is that the ADES fee must be raised for the position to remain financially viable whether or not this particular bill passes. We look to you for support of a fee increase next session.

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