



CIRCUIT COURT OF THE STATE OF OREGON

FOURTH JUDICIAL DISTRICT  
MULTNOMAH COUNTY COURTHOUSE  
1021 S.W. FOURTH AVENUE  
PORTLAND, OR 97204-1123

JUDITH H. MATARAZZO  
JUDGE

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February 12, 2015

Senator Floyd Prozanski  
Oregon State Legislature  
Chair, Judiciary Committee  
900 Court Street NE  
Salem, Oregon 97301

Dear Senator Prozanski and members of the Judiciary Committee:

I am a judge in Multnomah County and currently supervise the DUII treatment court. The program is known as DISP (DUII intensive supervision program). It has been in existence for 18 years and is one of the oldest DUII treatment courts in the nation. The program is intended for high risk individuals who are likely to be a danger to our communities. We require the following:

- Three years of Supervised Probation
- At least 90 days of continuous electronic monitoring
- Participation in alcohol and/or drug treatment for a minimum of one year
- Participate in random Urinalysis (call in daily)
- Documented AA or 12-step program attendance at least twice a week
- Must be employed or actively engaged in an employment search and/or in school
- May not own a car and may not have more than one vehicle at residence per licensed driver
- Frequent meeting with DISP Case Manager and the Court
- On all felony cases, meet with DISP assigned Probation Officer and submit to home visits
- Attend Court hearings on a regular basis for discussion with the Judge
- May not leave primary residence for more than 48 hours without Court approval
- Must have the ability to pay for treatment or insurance that will cover the costs

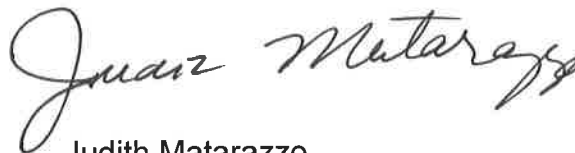
DISP is an intensive program for a reason-it verifiably works. Currently, 88.4% of the participants who graduate from the program have not been convicted of another DUII within five years of probation completion. Since 1998 (17 years) 82.4% of the graduates have not had a new DUII conviction. Our graduates have learned to turn their lives around and effectively protect our communities from DUII recidivism. 75% of the people, who start the program, finish the program. If one is unable to comply with the program requirements and learn to live in recovery, their probation will be revoked.

They will be sentenced to serve the maximum of one year in jail if the case is a misdemeanor and sentenced to their statutory prison grid block if the case is a felony.

Ballot measure 73 requires judges to impose a mandatory 90 day jail sanction for those charged under ORS 137.717. Since Ballot Measure 73 was passed, our practice was to impose the 90 days and suspend execution as long as someone was successful in the program. This allowed a participant to keep their job and insurance, and begin treatment immediately. The Multnomah County District Attorney filed an appeal arguing the court did not have authority under the current law to reduce the sentence or suspend the sentence. On December 31, 2014 the Court of Appeals indicated the wording of the current statute does not allow the court to suspend the 90 days. Thus we now have defendants deciding not to participate in an intensive program when a defendant can serve their 90 days, do limited treatment with very little supervision and be done in most cases in less than 18 months. National studies indicate they will likely recidivate.

There are now two bills currently before the legislature to help solve the problem, Senate Bills 356 and 357. These bills would allow a defendant to serve 90 days on a continuous alcohol monitoring device **ONLY IF** the person is participating in a treatment court. There are less than 10 DUII courts in the State of Oregon. The bills allow a judge to determine whether to impose 90 days or to allow for continuous electronic monitoring. I strongly encourage your support of these bills. If you have any questions, please let me know, as I hope we can work together to promote long term community safety by teaching people to live responsibly in recovery and thereby reducing the human and financial costs of Driving while under the influence of intoxicants.

Sincerely,

A handwritten signature in cursive script that reads "Judith Matarazzo". The signature is written in black ink and is positioned above the printed name.

Judith Matarazzo

JM:jm