

EVALUATION SERVICES

Alcohol and Drug Evaluation

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To : Oregon House of Representatives

House Judiciary Committee

Attn: Representative Jeff Barker, Chairman

RE: SB 397

I am an ADES and the director of Evaluation Service in Washington county and employ 2 full time ADES, 2 part time ADES and 3 office staff employees. My agency not only provides the screening assessments for DUII offenders but also supervises first and second time DUII convicted offenders for Washington County Court. I am here to testify today because I am extremely concerned about the recommended proposals in SB 397 and how this will negatively impact my agency's ability to provide the comprehensive services my agency has been working diligently to provide since 1986.

At the risk of repeating concerns already noted by others I would like to note that the role my agency performs in Washington County is so much more than just conducting screening assessments. During the assessment the conditions of Diversion or probation are carefully reviewed answering all questions the individual may have regarding their legal obligations. From your point of view this may seem redundant or unimportant since the Judge has outlined all requirements at the time the defendant enters Diversion or is convicted of the offense . What I can tell you is the legal process is an overwhelming and intimidating experience for most defendants and although they acknowledge their requirements at the time they enter Diversion or are sentenced by the time they report for their assessment appointment they have many questions regarding their legal obligations and are quite confused as to what exactly they are required to do.

As ADES we also assist the defendant in finding an appropriate treatment agency to meet their needs. Once enrolled we monitor compliance with treatment obligations. If the defendant fails to report or has difficulties complying with the requirements of the program contact is made with the individual and attempts are made to resolve these issues .We make every effort to get the person to comply with what has been required by the treatment program in order to be in compliance with their Court conditions as well. This can be an arduous process in some cases and requires a great deal of time and effort.

decrease our ability to be financially stable but still expect full services. I am very concerned about the fiscal impact on my agency.

I would also like to address my concerns regarding the proposed changes to the Section of the bill related to the Ignition Interlock Device. Although Diversion is the "first" arrest for Driving Under the Influence of intoxicants in a fifteen year period of time it does not necessarily indicate it is the first time the individual has operated a motor vehicle after consuming use of alcohol in that same period of time. Certainly defendants have admitted to drinking and driving previously but were not "caught". Clearly the statistics indicate the offense of driving under the influence of intoxicants has a significant, detrimental impact on society and I believe it is important to focus on what we already know to be a serious offense rather than "lighten" the restrictions on those who have been charged with that offense

In Section 4. Motion to vacate requirement to install and use ignition interlock device, Section 2 (a) would allow the defendant to petition the court to have their IID removed if they can demonstrate for at least six consecutive months the device has not recorded a negative report. I have serious concerns regarding this recommendation. During the first six months of the Diversion year the defendant is involved in the screening assessment/treatment process and can demonstrate compliance. It is frequently after the treatment program has been completed a violation report appears on the IID report. The defendant is less cautious about their use of alcohol because they are no longer involved in the treatment program and will not be required to submit to urinalysis testing. I have had defendants fail the test in the last month of their Diversion program (11th month!) and when contacted admit to a relapse. Had it not been for the IID installed in their vehicle they would have repeated the offense of driving under the influence of intoxicants. I have also seen reports in which the individual has failed three or four or more times in a calibration period of time shortly after completing their treatment obligations. Simply because an individual has completed a treatment program and not had violations in the first six months of Diversion does not mean that person will not violate their conditions in the last six months of the program. Let us remember the defendant was arrested for Driving Under the Influence of Intoxicants and I do not believe leniency is an appropriate response to the seriousness of the offense.

I respectfully request you give this bill careful consideration before allowing it to advance. The clear, negative consequences will have a detrimental ripple effect on all components of the DUII system including courts, prosecutors, treatment agencies, defendants and ADEs.

Thank You.



Margaret Gorciak

ADES/Washington County

There are phone calls between the defendant and this agency, between the treatment provider and this agency, letters and emails. If the person is on formal probation on another case there are consultation calls and emails to work together so everyone is on "the same page" to avoid conflicting instructions to the defendant regarding treatment obligations. If there are medical issues then additional time is necessary to coordinate authorization with the primary care doctor or other physician or psychiatrist/psychologist to ascertain if medical conditions/mental health issues may complicate the ability of the individual to comply with court ordered conditions. We also address medication issues especially when the case is related to prescription drug use to ascertain whether or not there have been concerns related to the defendant's medication history, has there been a medication contract, violations of the contract, resolutions etc.

If a person has an open case with the Department of Human Services/Child Protective Agency there is also communication with the caseworker to discuss their requirements and again facilitate working together to ensure success for the defendant. I have also consulted with the District Attorney's Office, the juvenile probation department, various police departments, and school counselors. I believe it is also important to note that family members or other concerned individuals contact this office frequently to ask for assistance in how to support their loved one in dealing with the person's addiction. This often results in "counseling" the concerned individuals and facilitating referrals to residential treatment programs. All of this community liaison work is far more than just conducting the screening assessment. I believe it is important to understand this is a GLOBAL approach to our job and not as simple as completing the screening process and making a referral to treatment.

If the person remains uncooperative a violation report must be sent to the Court informing the Judge of the particulars of each case. An ADES from this agency attends court hearings every week to address these violations. The court has come to rely on our participation at these hearings and values our input and recommendations. If the ADES' does not testify in court then it would be necessary for a representative from the treatment agency or the IID agency to report to court. This would certainly complicate the court process. There would be less continuity in the process and I believe prove to be disruptive to the court proceedings.

In the past when changes have been proposed to eliminate the ADES role, treatment providers have strongly lobbied against it because they value our role as mediators between the client and the provider but also **DO NOT WISH** to take on the role of attending court violation hearings. This would require a burden on their demands and the cost of one of their staff having to report to court would be passed on to the defendant.

The screening assessment fee has not been increased for ten plus years but the cost of business has continued to increase. When the court approved a "no show" fee the percentage of defendants who failed to attend their appointments decreased dramatically which allowed my staff to more productively and efficiently utilize their time. When a defendant is allowed the extension in the Diversion program that requires six additional months of monitoring the case. Is it not fair an additional fee be required for additional work? All ADESs are already required to do more with less as rent, utilities, office expenses, salaries and general business costs have escalated. Now the legislature is attempting to further