

PUBLIC DEFENDER SERVICES OF LANE COUNTY, INC.
1143 OAK STREET, EUGENE, OREGON 97401-3518
Phone: (541) 484-2611 Fax: (541) 484-5068

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February 5, 2021

Chair Bynum, Vice Chairs Noble and Power and the members of the House Judiciary Committee:

My name is Michael Hajarizadeh, I am the Director of the Veterans Defense Resource Center which is housed inside the Public Defender Services of Lane County, Inc. I am also an Army Combat Veteran and a Public Defender in Lane County. One of my roles as an attorney is participating in Lane County's Veterans Treatment Court as the Defense attorney, I have held that role since 2017.

This writing is a companion to my oral testimony I provided on February 4, 2021 to the House Judiciary Committee in support of HB 2239.

I support HB 2239, primarily because expanded access to Veterans Treatment Court ("VTC") and the opportunity for successful participants to get recognition for the substantial changes to their lives benefits all citizens of Oregon.

There are three points I feel compelled to address further; (1) charge appropriateness, (2) ability to discharge and dismiss, and (3) the potential cost.

1) First, from my understanding, HB2239 is about opening the door to more participants into VTCs across the state. By not having a window of charges that are excluded and/or eligible it allows for local discretion by the local team that would manage the servicemember participating in the program. HB2239 does not prevent a particular VTC from having their own entry requirements as each county does now.

2) Second, the ability for a judge to dismiss and discharge upon completion of the program provides extra incentive for those individuals who would otherwise leave the program with a conviction regardless of if they completed or failed the program. All of the services provided in a VTC can be accessed without the court; however, the structure and motivation to succeed can be unique. Providing the incentive does not guarantee someone will receive a dismissal or discharge, it does not limit what types of charges could enter into VTC. The judge, after weighing several factors (potentially those in ORS 135.886(2)) would determine if it was in the interest of justice to do so.

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3) Finally, the cost:

The Oregon DOC spends almost half a billion dollars on adults in custody (“AIC”) each year according to the Oregon Department of Corrections’ (DOC) Research and Evaluation division. (“DOC Fact Sheet”) (<https://www.oregon.gov/doc/Documents/agency-quick-facts.pdf>)

Of the twelve thousand plus AIC in Oregon, approximately 8.5% are reported as veterans. (<https://www.oregon.gov/odva/resources/pages/justice-involved-veterans.aspx>). Mr. Jess Barton reports that the DOC has underreported the number of veteran AIC, but for my purpose here even on the low estimate, at least 8.5% of the DOC population are veterans.

Taking the daily dollar value that the DOC Fact Sheet uses for a cost per inmate; justice-involved veterans who are AIC cost the state roughly 44 million dollars a year. Compare that to all treatment court Grants in the state which were funded at approximately 15 million for fiscal years 19-21 out of a nearly 27-million-dollar request. It would appear that treatment courts in Oregon could provide substantial savings to taxpayers over incarceration. (https://www.oregon.gov/cjc/sc/Documents/19-21_SC_CJCAwardDecisions.pdf)

The estimated number of AIC is expected to increase annually according to DOC’s Research and Evaluation division. It would stand to reason the cost incurred by the increased numbers is also likely to increase. (<https://www.oregon.gov/doc/Documents/agency-quick-facts.pdf>)

Of the individuals that get released from custody, 56% get arrested within 3 years, and 43% are convicted of a new misdemeanor or felony. (<https://www.oregon.gov/doc/Documents/agency-quick-facts.pdf>).

Whereas data shows that the recidivism rate for those who just participate in Treatment Courts are reduced, this reduction in recidivism occurs not just with our successful graduates. (<https://nij.ojp.gov/topics/articles/do-drug-courts-work-findings-drug-court-research>).

As over 50% of AIC population have either mental health needs and/or substance abuse issues, it would also stand to reason that they could benefit from the treatment a treatment court is specifically designed to provide. (<https://www.oregon.gov/doc/Documents/agency-quick-facts.pdf>)

Assuming arguendo if only 25% of the servicemember AIC would have been eligible for a treatment program, that would equate to \$11 million dollars annually in cost reduction for the DOC. That cost savings would be more than enough to fund additional treatment courts. If this were mirrored to other treatment courts the cost savings could be quite substantial.

Respectfully,

Michael Hajarizadeh