

June 26, 2010

Sentencing reform plans draw criticism

By Alan Gustafson
Statesman Journal

"The time is now to find more effective and sustainable ways to use the hundreds of millions of dollars we spend on incarceration," Gov. Ted Kulongoski said Friday as he called for modifying Measure 11, Oregon's strict voter-approved sentencing law for violent offenders.

Video: <http://www.statesmanjournal.com/live>">Watch a replay of Gov. Kulongoski's speech at the Portland City Club

Read the report: <http://www.statesmanjournal.com/assets/pdf/J0160072625.PDF>">Reset Cabinet's recommendations

Speech: <http://www.statesmanjournal.com/assets/pdf/J0160074625.PDF>"> Read Gov. Kulongoski's speech as prepared for delivery

Website: http://governor.oregon.gov/Gov/governor_reset_cabinet/reset_state_govt.shtml">Governor Kulongoski's Reset Cabinet website

"This does not mean that we stop holding criminals accountable, or shorten sentences of violent offenders. I won't tolerate that, and neither will the citizens of Oregon. But there are actions we can take to reduce some sentences for some offenders without sacrificing public safety, and ways to divert offenders from prison. These options must be explored."

He also called for a continuing freeze on Measure 57, a voter-approved ballot measure that imposed tougher sentences on repeat property offenders.

To rein in prison spending, Kulongoski and his Reset Cabinet recommend:

-Selectively adjusting Measure 11 sentences "to provide sufficient protection for the public, but lower the overall impact on prison beds."

-Creating "a modern system of uniform, transparent and proportional sentencing guideline practices that optimizes use of the most expensive resource — prison."

-Placing an indefinite freeze on prison construction and opening of new prison beds.

-Adopting the federal prison system's policy of granting 15 percent earned-time sentence reductions for inmates. As proposed, all prison inmates except those serving life sentences would be eligible for these sentence reductions.

-Giving the Department of Corrections temporary authority to allow some offenders to serve the final year of their sentence in home detention.

The proposals were assailed by Measure 11 proponents and crime-victim advocates.

"This governor is a lame duck. He makes this big pronouncement, rolls out this big study, then he's going to walk away from it," said Steve Doell, president of Crime Victims United. "The bottom line is, I'm not going to stand for it, nor do I believe a lot of people are going to stand for it."

"Let's remember what the vote was on Measure 11 to start with: 67 percent in 1994 and 75 percent against repealing it in 2000. I'm not going to stand for balancing the budget on the backs of victims of violent crimes or on innocent citizens who may be the next victims."

Kevin Mannix, a former Salem Republican lawmaker who sponsored Measure 11, said it has played a big part in reducing Oregon's crime rate.

"We have definitive proof of the success of our public safety policies and it's called the crime rate; we moved from eighth worst to tenth best in the nation in terms of violent crime," said Mannix, now president of the Oregon Anti-Crime Alliance. "Measure 11 wasn't the only part of it, but it was a key component. To trash the key component of a successful program for a seeming short-term benefit doesn't make sense."

Tara Lawrence, executive director of the Oregon Anti-Crime Alliance, said putting the governor's proposals into action would jeopardize public safety.

"By defunding public safety, it is going to be a mistake," she said. "Public safety is going to go down and crime is going to go up. The public safety community is not going to stand for these nonsensical proposals."

In his speech, Kulongoski played down the purported link between Measure 11 and falling crime rates.

"Public safety interest groups will argue that Oregon's falling crime rate is due solely to mandatory sentencing," he said. "But other states have reduced their crime rates at less cost, using different sentencing programs. So this is a debate we must have. But there is no debating that if we change nothing, Oregon's prison population will continue to increase substantially over the next 10 years."

Since Measure 11 took effect in 1995, Oregon's prison population has doubled to 14,000 inmates, Kulongoski said. And prison spending for the 14-institution corrections system has mushroomed.

"This has led to a 250 percent increase in the Department of Corrections budget — a number that is expected to grow at an unsustainable rate if we continue the policies in place today," Kulongoski said. "Now let me ask you this: Have we more than doubled our investment in students over that same time period? Not even close."

"So we have a real dichotomy, which I would summarize as: Locking up more people versus providing our children with a better education. There is a great imbalance between how we invest in incarceration and how we invest in education. And right now children are trapped on the losing end of that imbalance. It's not right. It's not fair. And most of all, it's not smart."

Oregon corrections director Max Williams, chairman of the public safety subcommittee of the Governor's Reset Cabinet, said the panel's job was to present a batch of options for consideration as the state grapples with massive budget woes.

"There's no way to talk about it without talking about sentencing reform at some level," he said. "Prison beds, as the governor pointed out in his speech, are the most expensive tool in the public safety tool box."

Additional anti-crime measures could come before Oregon voters in November. One initiative would increase sentences for repeat sex criminals and repeat drunken drivers.

agustafs@StatesmanJournal.com or (503) 399-6709
