

Mandatory Minimums Make Justice Blind And Dumb

by Michael Kelly

brought accountability and real consequences back to the judicial system. These individuals, mostly prosecutors and politicians (such as Kevin Mannix, Measure 11's author), would insist that it is difficult to get charged with a crime that carries a mandatory minimum sentence. Supporters of Measure 11 are crediting the law with reduction in crime rates. Specifically, they say, Measure 11 resulted in a 9.9 percent reduction in "Crimes Against Persons" committed in 1996 as compared to 1995.

Facts show otherwise. Statistics from the Department of Corrections (DOC) show that as of March 1998, 60 percent of inmates admitted with mandatory minimum sentencing had no prior criminal

National Center for Juvenile Justice in Pittsburgh indicate that nationally, juvenile crime, like all crime, began to decline four years ago, prior to the enactment of Measure 11. Juvenile crime decreased some 12 percent from 1995 to 1996. But crimes had already declined a remarkable 24 percent in 1995 from 1994. Proponents of Measure 11 can hardly take credit for these national numbers.

Further, the length of mandatory minimum sentences being imposed and the lack of a chance for reduction of time served in return for good behavior has led to the need to build numerous new prisons. These new prisons are being forced on communities around the state at a projected cost of over \$1 billion. This amount does not include maintenance and operations of the new prisons. Money spent on prisons would be better spent on schools and other badly underfunded programs. This is a trade-off we might tolerate if it were not for the fact that a large number of these warehoused individuals could be better served by participating in one of the proven alternative programs already in place in the state.

Recent suicides of four juveniles at Hillcrest Youth Correctional Facility in Salem have brought about criticism of Oregon's mandatory minimum sentencing laws. Those who work with youthful offenders in the system feel there has been too much emphasis on punishment while treatment and prevention have fallen by the wayside. State Legislators charged with dealing with the impact of Measure 11 will admit that in planning for the law's impact, all the money went toward building prisons, while prevention and treatment went unfunded.

Groups of family and friends of those prosecuted under Measure 11 guidelines

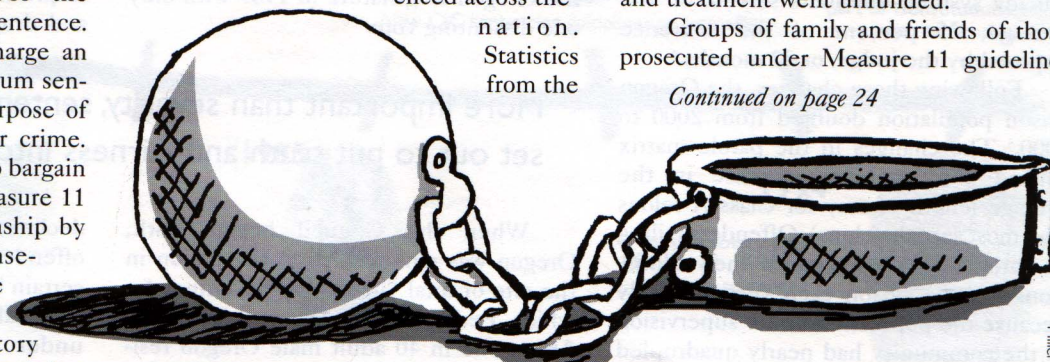
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history. The numbers reveal that of the 5,442 fewer offenses reported in 1996, over 3,300 of these were crimes not covered by Measure 11. For example, in 1996 there was a 10.4 percent reduction in simple assault cases (as opposed to aggravated assaults which are covered under Measure 11), and a 16.2 percent drop in the number of obscene phone calls.

That crimes other than those covered by Measure 11 are decreasing suggests that the reduction is not due to the law. The reductions are part of an overall decline in violent crime being experi-

enced across the
nation.
Statistics
from the



Miller

Nichols



April 1st marked the third anniversary for Oregon's mandatory minimum sentencing laws created

by 1994's Ballot Measure 11.

Passed by 67 percent of Oregon voters, Measure 11 mandated minimum sentences for 16 crimes, and removed any chance for parole, time off for good behavior, or any other form of early release for those sentenced under it. It also mandated adult prosecution for juveniles as young as 15 when charged with a crime which carried a mandatory minimum sentence. Since that time, the law has been expanded to include seven additional crimes, including crimes not traditionally considered "person crimes," such as arson.

With limited exceptions, only recently enacted, a judge has no choice but to impose the minimum mandatory sentence called for under the law. Consequently, most judges despise the law. It has taken away the ability to tailor a sentence to fit the circumstances of the crime and the characteristics of the offender. Prosecutors, however, love the law. It gives them a big chip in the plea bargaining process and removes the burden to justify a particular sentence. Some county prosecutors will charge an offender with a mandatory minimum sentence crime primarily for the purpose of exacting a guilty plea to a lesser crime. Other county prosecutors refuse to bargain at all. Defense attorneys find Measure 11 skews the attorney-client relationship by focusing attention on the consequences of a trial rather than the merits of the case.

Proponents of the mandatory minimum sentencing law insist that it has

