Measure 11 Reduces Crime

by Kevin Mannix

Nichols

The Oregon Criminal Justice System took a significant turn in the direction of delivering actual justice when the voters of this state approved Measure 11.

There are 11,000 reasons why Measure 11 is a good idea: 11,000 Oregonians who were not victims of violent crime in 1996 and 1997, due to Measure 11.

Measure 11, on the ballot through a citizen initiative petition, imposes specific mandatory minimum sentences for certain violent crimes. The crimes include murder, manslaughter, assault, kidnapping, rape, sodomy, unlawful sexual penetration, sexual abuse and robbery. Each crime and its the mandatory minimum sentence is listed in the measure.

In certain categories, not all levels of violent crime are included. For example, assault, is broken down into four degrees. Only assault in the first degree and assault in the second degree, the two worst forms of assault, are included in Measure 11.

Juries can find one of these lesser included offenses where a mandatory minimum sentence does not apply if the facts of the case do not justify the more serious charge.

The key to Measure 11 is an absolute standard of justice based on the violent crime itself. The crime itself defines the appropriate minimum level of punishment.

There is an escape clause: the Governor has the constitutional power to pardon anyone convicted of a crime. If the Governor determines that a pardon is not appropriate he or she also has the constitutional power to issue a grant of clemency, and reduce a mandatory minimum sentence. This pardon and clemency power has existed since the Oregon Constitution was adopted in 1857. The whole idea is that tough criminal laws might, on rare occasions, lead to an aberration, and executive clemency is available to correct this.

Measure 11 also provides that young adults, ages 15, 16, or 17 years, are tried in adult court and receive the same sentences as adults, when they commit violent crimes.

One of the ripple effects of Measure 11 was the adoption of a complete reform of the juvenile code, and the establishment of the Oregon Youth Authority. Serious juvenile offenders can now be kept within the jurisdiction of the Oregon Youth Authority until the age of 25. In addition, juveniles who are convicted of violent crimes under Measure 11, in adult court, serve their sentences within the Oregon Youth Authority, not the adult prison system, until the age of 25.

The key to Measure 11 is an absolute standard of justice based on the violent crime itself.

There was a simple reason why 66 percent of the voters voted in favor of Measure 11 in November 1994: we are fed up with violent crime, and we want violent criminals pulled off the streets. Such violent criminals are not going to be "reformed" through a probation system nor through a few months in a juvenile facility. If they are to be rehabilitated at all, it is going to take years. During those years of incapacitation these violent criminals are not able to prey on innocent citizens.

The most significant impact of Measure 11 has been the reduction in violent crime in Oregon. Measure 11 went into effect April 1, 1995, so it did not affect crimes committed before that date. This meant there would be some delay in the impact of Measure 11.

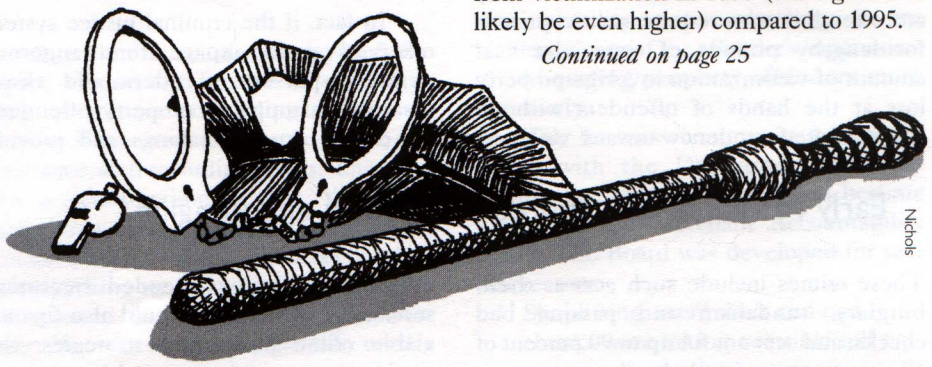
The impact was first felt in calendar year 1996. That year, the absolute number of violent crimes in Oregon went down from the 1995 level of 54,830 to the 1996 level 49,388. This 9.9 percent reduction in violent crime is largely attributable to the impact of Measure 11. By 1996, violent offenders, with their tendency to repeat crimes, were beginning to be put behind bars in increasing numbers and were no longer on the streets to victimize our citizens.

The change is more dramatic if seen in the context of crime rate per population. The violent crime rate per 10,000 persons in 1995, in Oregon was 175.1. This was reduced to 155.3 in 1996.

We do not yet have calendar year 1997 statistics. However, the partial statistics for the first nine months of 1997 indicate that the reduction in violent crime trend has continued.

We already know that the violent crime rate in 1997 will be somewhat better than the violent crime rate in 1996. This means that, compared to 1995, we will have at least a repeat of the good news from 1996. In 1996, at least 5,500 Oregonians were not murdered, raped, assaulted, or robbed, largely because of Measure 11. At least 5,500 citizens were also protected from victimization in 1997 (the figure will likely be even higher) compared to 1995.

Continued on page 25


Nichols

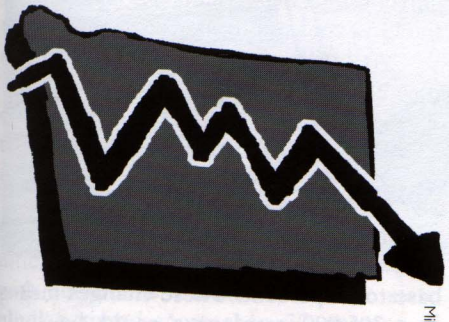
Reduces Crime

Continued from page 15

Think of it in terms of elevens. Because of Measure 11, more than 11,000 Oregonians were not violently attacked or killed in 1996 and 1997.

The cost of fighting crime cannot just be gauged in terms of the actual cost of police, prosecutors and prisons. We also must incorporate an understanding of the cost to our society if we fail to fight such crime, or if our fight is too weak. Violent crime wreaks a horrific impact upon victims and their families, and they never are fully compensated for these non-economic damages. Citizens also have to adopt increasingly expensive and complicated measures to ensure their own safety when government fails to sanction violent criminals.

We have more to do to improve the criminal justice system in Oregon. Prevention and early intervention programs certainly need to be expanded. Police and prosecution resources are insufficient. The courts need additional resources to address both their criminal and civil caseload. Measure 17's implementation needs to continue so as to put



Miller

prisoners to work. Post-prison supervision programs need to be enhanced so we can keep a better eye on offenders after they are released.

The good news is that we have made substantial progress in the last few years and Measure 11 has been a key element in this.

With Measure 11 as a key component, our criminal justice system is on the road to progress and improvement. Repeal of Measure 11 would be a detour back to the road to ruin.

Kevin Mannix served four terms as State Representative from District 32. In 1994 he successfully sponsored three anti-crime initiatives on the general election ballot. Mannix is an attorney in private practice.

Revolving Door

Continued from page 9

certainty that a particular offender would never do crime again, the punishment mandated must be generally equivalent to the harm done. The recent case of Katherine Ann Power illustrates this point. She is currently serving time in prison for her role in a bank robbery in which a police officer was killed. She spent 30 years in the community crime-free before turning herself in and most people would predict that she will never commit a crime again. The question is, when will she have paid for the crime she did commit.

Over the past 40 years or so, there has been a strong movement to identify, expand and solidify the rights of a person accused or convicted of crime. Some would argue, "Rightly so." More recently, there has been a countervailing effort to extend rights to victims of crime. Again, some argue, "Rightly so." But we all will have profited little if our criminal justice system is perceived as either unfair in procedure, unjust in findings or ineffective in purpose.

Knowing what works and what doesn't will be a major step in meeting the mandate for public safety.

DeeDee and Bob Kouns have been studying criminal justice issues since the murder of their daughter in 1980. Bob Kouns was one of the founders of Crime Victims United, its first president, and most recently legislative liaison.

Tips for Victims of Domestic Violence

If you are a victim of domestic violence, the Multnomah County Department of Community and Family Services offers these tips:

- Remain calm: by clearly describing the situation in detail, including the presence of children at the time of the assault, the location of weapons on the premises, and any history of violence, you will increase the likelihood of an arrest.
- Call the jail: you can arrange for them to call you before the perpetrator is released on bail.
- Get witnesses: help the police in identifying anyone who might have seen the event.
- Document injuries: request that the police or health care provider take pictures of any injuries you received. Bruises are best photographed 2-3 days after an assault.
- Give explicit statements to the police: he more descriptive you are, the better case the District Attorney can make, whether you participate in the prosecution or not.
- Call the DA as early as possible.

Domestic Violence

Continued from page 23

- programs to strengthen community organizations, social networks and families;
- stronger community policing programs to improve police responsiveness and reinforcement of pro-social values; and
- public awareness programs that articulate community values against domestic violence. October has been designated as Domestic Violence Awareness month.

The enlightened approach to domestic violence is to bring it out of the darkness of the family closet and into the light of healthy community values. Domestic violence is a learned and chosen behavior that can be unlearned and unchosen, but better not to have been chosen and learned in the first place.

Batterers should be arrested, prosecuted, and punished or forced into treatment. If they repeat their offense, they should be charged with felony assault, not just a misdemeanor.

To make prevention a prime priority in the war against domestic violence will take all the resources we can muster—public and private, religious, sports, media, business and industry, schools, police, district attorneys, judges, health care professionals, social service providers and the person in the street.

If we know what needs to be done to reduce domestic violence and if we know that Oregon has hundreds of dedicated people working in the domestic violence vineyards, why have we not been able to do what needs to be done? Because "all it takes for evil to prevail is for good people to be silent," and for those good people to elect legislators and other public officials who will not stick their necks out to fight an epidemic. Good people, it is time to make your voices heard. We must make the proper noise.

Pauline Anderson has been an active member of the City Club of Portland since the 1970s. She was elected the first woman President of the Club in 1975-6. She also served two terms as a Multnomah County Commissioner, 1986-94.