

# Stopping the Revolving Door

by Bob Kouns



The fundamental purpose of government is to protect its citizens. The social contract between government and its citizens is based on this premise. I, citizen, shall follow your laws if you, government, protect me. Indeed, if there were no loss of property, body or life, there would be no need for a criminal justice system. But since there are grievous losses, there is an urgent need for an effective system. Our lack of information about the effectiveness of the criminal justice system is a monumental impediment to achieving this goal.

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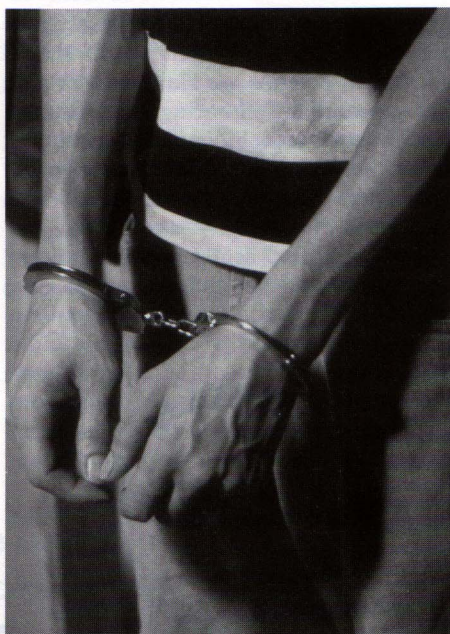
Article I, Section 15 of the Oregon Constitution was amended by a citizen vote in 1996 to read: "Laws for the punishment of crime shall be founded on these principles: protection of society, personal responsibility and accountability for one's actions and reformation." The article is clear. The people of Oregon expect their government to do its best to 1. protect them, 2. hold wrong-doers personally responsible and accountable, and 3. reform criminals.

The 1995 Oregon Legislature adopted as the purposes of the juvenile justice system (419C.001):

"... to protect the public and reduce juvenile delinquency ... The system is

founded on the principles of personal responsibility, accountability and reformation within the context of public safety ... Programs, policies, and services shall be regularly and independently audited as to their effectiveness in providing public safety and preventing a youth's return to criminal behavior."

Despite both constitutional and statutory mandates, the only thing we know about the effectiveness of our system is



that when criminals are in jail or prison they are not victimizing the public, except through the cost of their incarceration. We know nothing about whether reformatory programs, be they in or out of prison, juvenile or adult, meet the constitutional and statutory requirements of protecting the public and reforming the criminal. Where public money is spent, there should be an absolute right to know the effectiveness of the expenditure. This applies particularly to the criminal justice system, whether the expenditures are for prison cells or programs. Regrettably, it appears that the criminal justice system is violating both the spirit and the letter of the law.

It is appalling that our judges are sentencing offenders to programs without a clue as to their real effectiveness in preventing a return to crime. Because the vast majority of cases (over 90%) are pleas,

prosecutors and defense attorneys alike are hindered by their lack of knowledge. They find themselves recommending or agreeing to various treatment programs about which they know little or nothing as to their efficacy in preventing recidivism.

In this age of computers, the only thing that is lacking to track every single program and every single offender is the political will. Ultimately, the return on investment will be huge. Not just in money saved, but more importantly, in the protection of lives, homes and communities.

The collection, analysis and dissemination of criminal justice program data must be devoid of ideology. There is plenty of room for legitimate debate about what the data mean and how policy should be affected. But there must be an ironclad commitment that "the ends do not justify the means." If the numbers are suspected of being manipulated to achieve a predetermined outcome, the debate will be sterile and unacceptable. The entire process must be transparent to all interested parties, whatever their persuasion.

Because much surrounding the criminal justice system has to do with fundamental views about ourselves and our communities, there is a strong tendency to look for data supporting our positions. We need to suppress such inclinations. The result of ideologically driven studies, no matter how cleverly done, is the too high price of disbelief in government.

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It is important to add that the issues surrounding the criminal justice system cannot simply be reduced to what works best at the least cost. Of great concern to most citizens is the need for punishment that is roughly proportional to the cumulative injury done. Even if we know with

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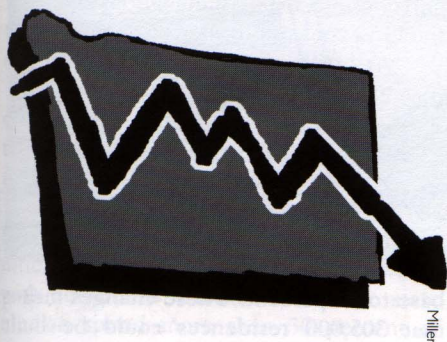
## Reduces Crime

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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



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.

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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: the 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

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- 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

**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.**

behavior that can be unlearned and unchosen, but better not to have been chosen and learned in the first place.

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.