

Measure 11's devastating effect on Oregon's next generation

BY IMRAN AHMAD
CONTRIBUTING WRITER

Imran Ahmad, Research and Policy Analyst Partnership for Safety and Justice, Partnership for Safety and Justice is an 11-year old statewide advocacy organization that promotes smart public safety policy by advocating for victims and survivors of crime, as well as for people convicted of crime, to create policies that create a more effective public safety system.

The passions raised at the mere mention of Measure 11 are well known to most Oregonians. Yet it is surprising how little is actually known about the law, particularly as it applies to youths. People may know that it requires mandatory minimums for certain violent offenses, but do they know that if youths are charged with any of those offenses, they are automatically transferred to the adult criminal justice system?

Very little is known about how Measure 11 is actually implemented, especially with regard to youths. There is little understanding of the real impacts of Oregon's mandatory minimum sentencing scheme and still, Measure 11 remains a policy that Oregonians, including politicians, have learned not to question.

Since Measure 11 passed 15 years ago, tough-on-crime advocates have dominated any conversation about it by maintaining that it only applies to juvenile offenders that have committed very serious crimes. However, by drawing attention to the most grievous cases, the public is distracted from how the law is implemented in a majority of Measure 11 cases.

In hopes of changing the conversation surrounding Measure 11, the Partnership for Safety and Justice, in collaboration with the Campaign for Youth Justice, undertook a comprehensive look at the consequence of charging youths as adults under Measure 11. The result of our study is "Misguided Measures: Impacts and Outcomes of Measure 11." "Misguided Measures" is the first report to bring attention to how Measure 11 uniquely effects Oregon's youths. While we outline many reasons why Measure 11 runs counter to what has been found to work best for juvenile justice, rehabilitation, accountability and public safety, there is one aspect of its implementation that is particularly troubling and that most Oregonians will find surprising given that it is not an explicit part of the law.

The main consequence for being indicted for a Measure 11 offense as an adult is a longer prison sentence, usually obtained by using the threat of mandatory minimums as leverage during the plea bargain process. However, the consequences for juveniles are

The Campaign for Youth Justice and Partnership for Safety and Justice embarked on a study to determine the impact that Measure 11 was having on youth in Oregon. The authors analyzed data on 3,274 young people indicted with Measure 11 offenses since 1995. The authors also looked at a subset of 759 cases handled between 2006 and 2008 to understand the current way Measure 11 is being implemented in the 36 Oregon counties.

Over the three-year period from 2006 to 2008, data from the 36 Oregon counties show no discernible pattern between the number of young people charged with a Measure 11 offense and the juvenile crime rate.

Six out of 10 youths charged with a Measure 11 crime that automatically requires adult court prosecution will not be convicted of a Measure 11 crime.

In Oregon, youth of color comprise 25 percent of the youth population but 36 percent of the youths indicted under Measure 11.

compounded because it also places them into the adult system. More importantly, it keeps them there whether or not they are eventually convicted of a Measure 11 offense. That is, even if a youth pleads to an offense that is not covered by Measure 11, they are usually still forced to remain in the adult system and receive a felony record. Our analysis found that this happens in 44 percent of juvenile Measure 11 cases. This clearly shows that, despite the exaggerated rhetoric surrounding Measure 11, the policy is not solely applied to the most serious offenders but that, in fact, a majority (if you include the 16 percent that end up dismissed or returned to the juvenile system) involve cases that seem more appropriate for the juvenile system.

This alarming statistic shows that a large number of youths are inappropriately being placed in the adult system through the Measure 11 indictment process. These

youths should be in the juvenile justice system that is designed for them. Instead, once they are in the adult system, they might be placed in an adult jail where they are at increased risk of violent assault and prevented from continuing their education. They will also be denied some age-appropriate programming and treatment designed to prevent recidivism and promote successful rehabilitation and accountability. Finally, they will receive a felony record that creates huge barriers to attaining an education, housing and employment. As a result, it is very difficult for them to become successful and productive members of society.

While most Oregonians pay little attention to Measure 11 unless they are themselves impacted by it, there is one community that is all too familiar with the impact of Measure 11 on their youths. African-American youths make up 4 percent of Oregon's population but consists of 19 percent of all Measure 11 indictments. The overrepresentation of African-American youths in the adult system is staggering and raises some serious questions and concerns. We need to be asking ourselves, given the severe and long-term consequences of a felony record, do these youths need to be in the adult system? What impact does this have on a community that is already marginalized and increasing displaced? Does this policy make sense for Oregon's public safety system?

Without a doubt, there are some very serious cases involving youths. Still, the decision to transfer a youth into the adult criminal justice system, should be made with deep consideration and the input of an impartial judge. Otherwise, we are preventing a large number of young adults from being held accountable and rehabilitated in a juvenile system that has been shown to work far better than the adult system.

Our continued acceptance of Measure 11, and its devastating effect on our youths, is a poor reflection on Oregon's values. Fortunately, armed with these new findings on how Measure 11 actually works, Oregonians are in a position to act on what we know for the safety of our youths and our communities.

Read the full report at www.safetyandjustice.org/misguided_measures

Passed by Oregon voters in 1994, Measure 11 created long mandatory prison terms for 16 violent and sex-related offenses, did away with "earned time," and provided for mandatory waiver of juveniles to adult court. Five more crimes were added by the State Legislature in the 1990s.

In general, Measure 11 penalties are longer than those imposed under sentencing guide lines and in nearly all cases cannot be reduced. The minimum sentences are the same for all offenders, regardless of the circumstances of the crime or criminal histories. Measure 11 also mandates that juveniles aged 15 years or older be tried as adults.

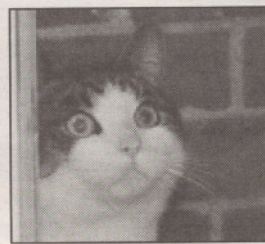
"Long Lost Friend"

by Shannon Andrews

Forgotten memories are all in a blur
How can you let this happen to our friendship
I used to enjoy your smile and company
All the things we have done
Are all erased in animosity.

I trusted you with every whim
You have reached out to me with your hand.

The lost time isn't our excuse
Or for our faults
I accepted you for who you are
But it doesn't explain why we grew apart.
If there's one day
I can explain
Then I know there's always a reason to complain
About losing my friend
I'll see you in heaven in the end.



Office Cat Rooty sends a warm thank you to Ted Jack, a vendor, volunteer and supporter of Street Roots for years. He's moving to Alaska to catch the big ones. Thank you, Ted, for all your years of support!

REGIONAL
GREEN BUILDING
HOTLINE
WWW.BUILDGREEN411.COM
503 823 5431
GREENHOTLINE@PORTLANDOREGON.GOV