

Why are the district attorneys opposing public safety reform?

BY DAVID ROGERS
CONTRIBUTING COLUMNIST

Gov. John Kitzhaber convened a diverse set of public safety system stakeholders to examine ways Oregon could improve public safety while also reducing prison spending. The governor's Commission on Public Safety examined an immense amount of data and research to understand what was and wasn't working within Oregon's approach to crime as well as what national best practices are. They released their recommendations in December of 2012 and received a wide range of support, but District Attorneys are staunch and vocal opponents.

The media has devoted significant attention to the district attorneys' (D.A.s) opposition to reform efforts but done a poor job scrutinizing the D.A.s' claims or questioning the underlying reasons for their aggressive opposition. Let's briefly examine the validity of opposition arguments as well as exploring the generally unspoken motivation for district attorneys' opposition to sentencing reform.

First let's examine the very premise of why reforms are needed. The state projects that in the next decade, our prison system will need to bring online another 2,200 prison beds at a cost of at least \$600 million. The governor and many others believe we can't afford to grow our prison system at that rate and doing so would weaken Oregon's ability to invest in more cost effective public safety strategies. This is the context for reform.

The district attorneys, on the other hand, are questioning whether these prison projections are legitimate. They suggest that there is no impending threat of the prison system growing out of control and that the state's 10 year prison population forecasts are consistently higher than they should be,

PARTNERSHIP FOR SAFETY and JUSTICE

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ranging from 7 percent to 14 percent. They also argue that Oregon's incarceration rate is lower than the national average. In short, the D.A.s suggest that there really is nothing for people to be concerned about.

Here is what the District Attorneys choose not to talk about. Oregon's prison population has grown by almost 50 percent since 2000, and we are rapidly trending in the wrong direction. Our incarceration rate has grown three times faster than the national average since 2000. Despite long term prison population forecasts trending high, the last twenty short term (two-year) forecasts have, on average, been accurate to within one percentage point. Oregon's prison growth is not being imagined.

Second, the D.A.s are asking why we would try and fix something that "isn't broken." This is not a new argument for them. They argue that crime rates are low because the system is working.

Let's just play along with the D.A.s' arguments. Just for a minute, let's assume the current level at which we rely on our prison system as the primary public safety strategy was "working." Is there a reason why Oregon shouldn't ask the question: can we do better? Partnership for Safety and

Justice believes that there is a lot about Oregon's approach to public safety that works well. But why can't we aspire to get better?

The Commission on Public Safety created a set of recommendations focused on getting resources to the programs that are best equipped to prevent crime, support the people who have been harmed by crime, and give formerly incarcerated people a chance to succeed when they come home. We can't get there without some safe and sensible sentencing reforms that reduce prison growth and spending. Even if elements of our system are working, increased investments in front-end crime prevention such as addiction treatment, mental health services and life-saving victims services would be an improvement.

Despite exaggerated claims by district attorneys, the commission's recommendations are modest. The commission didn't propose an overhaul to the way Oregon addresses crime. Rather this is about modest changes that strengthen the areas of our system that work the best and getting resources to the right places.

So why are district attorneys really so opposed?

In the early 2000s, the state of Oregon contracted with the Rand Corporation to provide an extensive report on the impact of Measure 11, Oregon's mandatory minimum law. The 154 page report was released in 2004. The following quote is taken from the report's section entitled "Effect on Balance of Courtroom Power."

Traditionally, there has been a system of checks and balances within the courtroom wherein each of the parties involved in the adjudication process — the judge, district attorney, and defense — wield a certain amount of power and are able to exert

influence over the outcome of each case. It is widely understood, however, that adoption of mandatory sentencing policies has shifted this balance, providing the district attorney's office with far greater authority over case outcome than is provided to other system actors.

The Rand study highlighted the unspoken dynamic that is the foundation of DA resistance to even modest reforms to mandatory sentencing schemes. Mandatory minimum sentences take power out of the hands of judges, preventing them from weighing the individual circumstances of each case, and puts that power in the hands of prosecutors. This created a huge shift in control and influence within Oregon's criminal justice system. The D.A.s have a clear self-interest in holding on to the policies that have given them a tremendous, and some might say inappropriate, level of power within the system.

Mandatory minimum sentences provide a heavy-duty prosecutorial tool used to encourage plea agreements on the D.A.s' terms. D.A.s have no interest in giving that up. It would be nice if there was more transparency about this self-interest so the public could have some filter for understanding the manufactured arguments against public safety reform efforts.

The governor and the Legislature are working on fine-tuning Oregon's approach to public safety. They are not starting with the premise that we have a broken system. But they are working with the assumption that Oregon cannot continue on a path where prison spending overwhelms and under-resources the most cost effective approaches to building safe and healthy communities. It's unfortunate that the district attorneys have taken such an unyielding opposition to being smart on crime. In this case, it seems like their own

The Life

By Brianna DeFaunt

We have strife and
We all have a life, but
To live life whether houseless
Or having a family, being single
Or engaged.

To have oneself pure in spirit
And being there to enjoy it.
A lotto winner isn't truly happy,
Money can't buy happiness,
Nor fame bring you wealth.

Have to know a man,
Yet a man that knows your deepest
Thoughts and secrets.

A man that walked this earth
No home, no one to call his own,
And only to give his life for
All mankind.
I truly say is love and the life.

The Words of a Mad Man

By Rebecca Moran

Insanity.
Who is truly insane?
Is it you or me.
Who is sane
In this insane world
We see?
Reality is insanity
To the sane,
But sane to the insane.
So what is truly insane?

Untitled

By Barbara Richards

Talking to the walls sure was former,
formations freak out with more than a stolen
sound that takes the night over
from what it was to what it is now.

The independence that entwines worlds and webs
takes over minds
and gives you something to do
in times of peril and strife.

Does the rain spin down spiral, or is it washed away simply at bay
turning clocks hands over. There is no sign to tell us why.
The journey ends with a destination in mind
when motion is the fight of time.

Enjoy life in it's golden rays
stained with enjoyment enough.