

TAKING AIM AT MEASURE 11

Teens do better outside of detention, says attorney DeAnna Horne, who will participate in a panel exploring the impact of trying youths as adults, as well as reform efforts led by state lawmakers

DeAnna Horne, who co-chairs the Oregon Criminal Defense Lawyers Association's legislative committee, has worked at Metropolitan Public Defenders for 15 years.



PHOTO BY CELESTE NOCHE

BY EMILY GREEN
SENIOR STAFF REPORTER

Oregon's practice of automatically trying 15-, 16- and 17-year olds as adults when they're charged with a crime that carries a mandatory minimum sentence under Measure 11 may be challenged in this year's legislative session.

It's one of four broad areas of reform to how Measure 11 is applied to juveniles that is under review by stakeholder workgroups, including state corrections and county prosecutor groups, as well as justice reform advocates. Oregon Sens. Michael Dembro (D-Portland) and Floyd Prozanski (D-Eugene) are leading the effort.

While the details of the legislation are still being fleshed out, these workgroups are examining opportunities for granting early release to youths serving Measure 11 sentences and giving all people sentenced to life in prison for a crime they committed while they were a juvenile the possibility of parole.

"We're looking at making sure the court is considering the right factors when they're looking at a youth and looking at the way their brain has developed," said Kimberly McCullough, policy director at ACLU of Oregon and member of the legislative workgroups. "A youth at 16 can be, really, a very different person than they are later down the road," she said.

Oregon voters passed Measure 11 in 1994, dictating that juveniles age 15 and older be automatically tried in adult court

IF YOU GO

WHAT: Panel on the impacts of Measure 11 on juvenile justice, hosted by the League of Women Voters of Portland

WHEN: 7 p.m. Sept. 11

WHERE: Multnomah County Building, 501 SE Hawthorne Blvd.

COST: Free

and face a mandatory minimum sentence when charged with any one of 21 Measure 11 crimes. These crimes range from second-degree assault and robbery to rape and murder.

According to a report from the Oregon Council on Civil Rights earlier this year, Oregon has the nation's second-highest rate of sending youths to adult court, with nearly 4,000 juveniles tried as adults between 1994 and 2012.

The other category of reform under consideration would address the transfer of youth offenders from juvenile detention, run by the Oregon Health Authority, to adult prison, run by the Oregon Department of Corrections. This happens when they turn 25 and still have time left on their sentence. An inmate may only have a few months or a year or two remaining to be served when this happens. It may be good policy to review their case

again at that time to see if it's really necessary to make the transfer, McCullough said.

"When they're in Oregon Youth Authority facilities, they have really robust programs for teaching those young people life skills and really getting them prepared to be able to leave the facility and be successful, healthy members of our society," she said. "There is a lot of concern about those youth having all of the progress that they've made in an Oregon Youth Authority facility undone when they head to Department of Corrections and they spend time there."

The League of Women Voters of Portland is kicking off a series of civic education programs with a panel focused on the impacts of Measure 11 on juvenile justice. The panel, at 7 p.m. Sept. 11 at the Multnomah County Building, is free and open to the public.

At the event, McCullough will join Babak Zolfaghari of Community Healing Initiative and attorney DeAnna Horne in sharing stories about how Measure 11 has affected Oregon youths. The panelists will also talk through potential legislative fixes they think would better serve youths in the criminal justice system and then take questions from the audience.

Horne, who co-chairs the Oregon Criminal Defense Lawyers Association's legislative committee, recently sat down

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Oregon DOJ drops criminal prosecution of 'sanctuary' repeal signature gatherers

Its investigation concluded there was insufficient evidence supporting complaint alleging voters were misled into signing the petition

BY EMILY GREEN
SENIOR STAFF REPORTER

The Oregon Department of Justice said Wednesday it has insufficient evidence to move forward with the criminal prosecution of signature gatherers accused of lying to students at Portland State University in order to obtain signatures to put a controversial initiative on the ballot.

The initiative, which will give Oregon voters the option to repeal Oregon's 30-year-old sanctuary status limiting local law enforcement's ability to use resources to enforce federal immigration laws, is now headed for the November ballot as Measure 105.

Street Roots first reported on complaints alleging signature gatherers working for Ballot Access LLC were lying to Portland-area voters to get signatures in February.

That's when an incident at Portland State University prompted student Robin Fisher to file a formal complaint with the Oregon Secretary of State's Office. This complaint was referred to the Oregon Department of Justice for a criminal investigation.

Fisher told Street Roots a man working for Ballot Access LLC explained he was collecting signatures for "a ballot initiative to protect the sanctuary-state status of Oregon and stop Donald Trump from making decisions for Oregonians."

A video recording showing that the signature gatherer seemed to be misinformed about what the measure would do was deemed inadmissible because Fisher made the recording without the signature gatherer's knowledge.

According to a letter sent to the Secretary of State's Office from the Department of Justice, witnesses interviewed during the course of the investigation into Fisher's complaint gave "differing versions of the circulators' statements."

The complaint has been referred back to the Secretary of State's Office, which could pursue the complaint as a civil matter.

Fisher's was not the only formal complaint filed that related to signature gatherers working on the anti-sanctuary measure for Ballot Access LLC.

While several other similar complaints were filed with the Secretary of State's Office in relation to the anti-sanctuary status initiative, none are under criminal investigation with the Department of Justice. The Department of Justice is,

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