

Prison use: District attorney downplayed the use of stats

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“The bottom line is, if they make it so difficult, the state — make it so difficult — then we’re not going to play their games,” he said.

Bergin, like District Attorney Josh Marquis, believes the felons who have been going to prison for drug and property crimes belong in prison, although he said probation officers could benefit from more discretion to sanction offenders locally.

Marquis faulted “Portland-area legislators” and administrators in Salem for a justice reinvestment philosophy he dubbed as: “Prison bad. Probation good. Jail almost as bad.”

Marquis doubted whether the state will make a long-term commitment to justice reinvestment and discouraged overly relying on state grants to finance local staff or programs.

Starker picture

After The Daily Astorian reported Friday on the county’s performance under justice reinvestment, the district attorney circulated data that he collected from the courts and the Oregon Criminal Justice Commission to put the issue into greater context.

Last year, for example, Clatsop County prosecuted 461 felony cases, substantially more than the 368 in nearby Columbia County and the 279 in Tillamook County, a volume related to Clatsop County’s tourism-fueled visitor industry. Lincoln County, which includes Newport and has a population and visitor industry similar to Clatsop County, had 581 felony cases last year.

Yet the other data Marquis released portrays an even starker picture of Clatsop County’s prison use than the newspaper’s report.

Clatsop County was second only to Josephine County

in prison use per 100,000 population last year for the drug and property crimes that are the focus of justice reinvestment. The county was third — behind Klamath and Marion counties — in prison use for the more serious and violent crimes against people. And the county was second, behind Klamath, in total prison use statewide.

Marquis has downplayed the use of statistics in criminal justice reform and has instead emphasized the importance of assessing crimes and sentences individually. “It’s not about statistics,” he said. “It’s about people.”

Downward departure

Drilling down, the county’s higher prison use for drug and property crimes appears to stem from sentencing orders known as downward departures, particularly for property crimes, where the terms of probation are restrictive

and put offenders on a path toward revocation and prison. The District Attorney’s Office does not agree to structured sanctions that enable probation officers to discipline offenders, so probation violations come back before judges for review.

Desperate to avoid prison, many defendants accept the conditions even though the odds are against them.

Kirk Wintermute, a defense attorney, said offenders with mental health or substance abuse problems will likely violate the terms and be vulnerable to probation revocation. He said he has at times advised clients not to take the deals “because, frankly, often it’s not in their interest. But they make decisions, and they do it.”

Judge Brownhill asked Marquis, if the standard is about people and not numbers, why the District Attorney’s Office takes a uniform stand against structured sanc-

tions in downward departure negotiations.

“Why not tailor each sentence to the individual?” the judge pressed.

Marquis responded that prosecutors would give up a measure of control over cases if probation officers had more discretion. “If we don’t say no structured sanctions, then essentially it’s ‘Goodbye, Lucille,’” he said, even though prosecutors get notice of any sanctions and can object.

Participants at the meeting recognized that overcrowding at the county’s 60-bed jail means less flexibility to manage felons who violate probation with short jail stays and other sanctions and avoid sending them to prison. Gaps in mental health and substance-abuse treatment are also obstacles to local supervision.

Balance

Brownhill urged Marquis to consider agreeing more

often to alternative incarceration programs, where felons who are sentenced to prison can receive treatment while in custody in return for early release. Prosecutors at times oppose the treatment programs to ensure felons will serve more of their sentences.

The work group will have to balance the interests of judges, prosecutors, probation officers and defense attorneys and the larger concerns about justice, victims’ rights and public safety. Brownhill, Marquis and Bergin are elected officials, and ultimately answer to voters, while the probation office is under Bergin’s domain at the Sheriff’s Office.

Brownhill said the work group would not make demands on the District Attorney’s Office. “Nobody is going to tell you how to run your office,” the judge assured Marquis.

“It sort of sounds like that,” the district attorney replied.



Danny Miller/The Daily Astorian

Philip Bales sits in his favorite chair inside his airport hanger and Man Cave, which includes a collection of donated furniture arrayed like theater seating under a large projection screen for watching movies.

‘Man Cave’: Fulton called for staff to investigate club’s history

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Facing a challenge for his seat from former Clatsop County Commissioner Dirk Rohne, Fulton chose to file against fellow Port Commissioner James Campbell. In announcing his candidacy, Fulton accused Campbell of condoning an exclusive club serving alcohol at the airport. He later called the hangar an “unlicensed speakeasy” in a letter submitted to the Port Commission explaining his concerns.

‘Nothing illegal’

During a tour of the hangar, Bales showed off what he said is a collection of donated items from supporters of the Man Cave, from neon beer advertisements and artwork to couches and a grill. In a back bathroom, he showed off the kegerator that supplies the bar, complete with the permits he obtains from the Oregon Liquor Control Commission.

“I have an issue with ‘speakeasy,’ because that implies ille-

gal activity,” he said. “There’s nothing illegal going on here.”

Bales, who owns the hangar and leases the land it sits on from the Port, said he’s made a significant investment in the hangar and hosted retirements, birthday parties and other social functions over the years for friends, family and local dignitaries.

“He’s been here before,” Bales said of Fulton.

Port Executive Director Jim Knight said the Man Cave is well-known and not prohibited by Bales’ lease.

Warrenton Police Chief Mathew Workman said he has never heard of the Man Cave, received any complaints or noticed any charges for impaired driving originating at the airport. He echoed Bales’ comments that the term “speakeasy” implies illegal activity.

“Whoever made the comment would have to back up the comment with some type of information,” Workman said. “I always ask: If something is really bothering somebody, how come they don’t report it to the

proper authorities, or the authorities at all?”

Port discussion

At the Port Commission meeting Tuesday, Fulton called for the staff to investigate the club’s history, any violations of rules and the Port’s potential liability. He said the omission of the club could complicate the Port’s \$1.96 million bond measure in the May 16 election to develop a southern portion of the airport for Life Flight Network’s new hangar and future development. He said the Port should notify both its auditors and bond counsel.

“The real liability here is ... in light of what the (Federal Aviation Administration) and our insurance companies say, not what Dr. Bales says,” Fulton said.

“The FAA teaches classes in there, so they’re aware of it,” Commissioner John Raichl responded.

Knight said he’s already researched FAA’s position and the Port’s lease language.

“There’s no prohibitions by either the FAA or our own leases. The insurance issue, I haven’t had a chance to take a look at that.”

Port Commission Chairman Robert Mushen said he is concerned the issue of the hangar might cause a stir regarding the bond, which has been backed by most cities and hospitals in the region and championed by former Astoria Mayor Willis Van Dusen.

Man Cave Day

On Saturday is Bales’ seventh-annual International Man Cave Day at the airport. Bales said the event is not exclusive, but is geared toward men.

“We invite everybody, you know,” he said. “You’ll look around, and you’ll see there’s a right-wing bent if you want to talk politics. We like John Wayne. We like Ronald Reagan. We like (Donald) Trump. If you’re a hardcore left-wing, you might not be that comfortable here ... but we invite everybody.”

Bill: ‘We’ve made more progress today than we made in the last decade’

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impending ... earthquake it would be helpful to understand the needs of every school district,” Parrish said.

Some schools with enrollment of less than 200 were omitted from the 2007 survey to save time and money. Thirty-nine school districts had no buildings assessed in the survey, but some of those districts have since paid for seismic evaluations, largely with technical assistance grant money from the Oregon Department of Education. Neither the Department of Education nor DOGMI have a comprehensive list of schools that still need assessments.

Locally, only the Knappa School District has not had a seismic needs assessment, according to DOGMI.

Parrish’s bill includes a tally of 27 school districts, but that number could not be verified Tuesday.

The catalyst for her bill were students at Alsea School District who questioned Superintendent Marc Thielman about why their school was excluded from DOGMI’s study.

“I was surprised to see the school that has given me so much ... was not included in the assessment,” said Samuel Littlefield, a senior at Alsea High School.

Littlefield, 18, spoke during a hearing on Parrish’s bill in the House Committee on Veterans and Emergency Preparedness Tuesday. He wrote about the situation and appeared in front of the committee as part of his senior project.

Built in 1942, the high school serves as an emergency shelter for the community and is equipped with

power generators.

Having a seismic assessment “would be critical as a political motivator in the community,” Thielman said. “It would drive everything we do. It is absolutely paramount.”

Gov. Kate Brown included \$200 million in her 2017-19 proposed budget to seismically upgrade schools, at the request of Senate President Peter Courtney, D-Salem, who has been a champion of addressing seismic shortcomings in the state.

The state Legislature approved \$175 million in grants to seismically upgrade schools for 2015-17, which is projected to provide seismic retrofits to 124 schools, said Ed Tabor, program services manager at Business Oregon. The business agency administers the grant program.

Another 118 schools received \$108 million in grant money for retrofits before the last round, Tabor said.

Many of Oregon’s schools were built prior to the 1990s before geologists considered Oregon at high risk for major earthquake activity and are not constructed to withstand a seismic catastrophe. The discovery of the Cascadia Subduction Zone off the Oregon Coast revealed the potential hazards for the state’s older schools.

The last major quake on the Oregon Coast took place in January 1700, according to geologists.

“We’ve made more progress today than we made in the last decade, but we’re on borrowed time,” Senate President Courtney said in April 2016, when recipients of the seismic grants were announced. “We can’t lose our momentum.”



Julie Parrish



Marc Thielman

Pot taxes: Administering the tax requires special equipment, staff

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bringing in more than \$60 million in revenue in 2016. But it has also created complications for the state’s tax-collecting agency.

Special equipment

Administering the tax, the department says, requires special equipment and staff to count money and guard against funny business — all of which costs money.

In early 2016, for example, the department estimated that it would cost \$5,699 to buy air purifiers to mitigate the odor of marijuana that officials say emanates from some

cash payments.

The costs to the department of administering the tax is paid for by marijuana tax revenues.

A request for proposals from contractors to renovate the Department of Revenue’s building in Salem closes today, the second bid for the project. An initial bid was put out earlier this year, but the bids received didn’t meet the department’s criteria, a spokeswoman said.

Because the project was still out for bid today, it was not known what the final costs will be, according to department officials.

In October 2015, the department estimated the

five-station payment area would cost anywhere between \$480,000 and \$1.07 million to build, state records show. In 2016, department officials said they expected the project would land somewhere in the middle of that range, at about \$787,000.

Costs rise

The administrator of the department’s administrative division, Shawn Waite, told lawmakers during budget hearings last week that the cost of construction of the payment center was expected to exceed initial estimates in 2015 due to inflationary construction costs, but could not provide an esti-

mate of the increase as the project was still out for bid.

The bulk of the work is expected to be finished in October, and complete in November, according to the request for bid proposals; department officials initially expected it would be complete by June 30, Waite said.

Waite said the department initially struggled with the complexity of the construction project and the building’s existing architecture. But Waite also told lawmakers she believed the department hired a private third party to provide counsel on the project, and that the Department of Revenue worked with the Depart-

ment of Administrative Services’ building management officials.

A Department of Revenue spokeswoman said the October date has been the expected completion date for a year and a half, and that it took longer than expected for the department to decide on a location. Waite said that they had considered building a structure off-site.

The project is forging ahead despite the uncertainty around whether state recreational marijuana laws will face enforcement from the administration of President Donald Trump. Jeff Sessions, Trump’s attorney general, has vocally

opposed legalizing marijuana, which under federal law is considered a Schedule-I controlled substance.

Waite told lawmakers last week that there have been no problems or security incidents with the so-called “temporary” arrangement thus far — begging the question of why a new payment center is necessary if the current method has worked without apparent incident.

Asked that question, a spokeswoman for the department said in an email that the size and location of the current arrangement wasn’t “ideal long-term” for safety, security, convenience and “effectively handling cash payments.”