

IN BRIEF

State reports dozens of virus cases for county

The Oregon Health Authority reported dozens of new coronavirus cases for Clatsop County over the past several days.

The health authority reported 18 new virus cases on Tuesday and 63 new cases over the weekend.

Since the pandemic began, the county had recorded 4,311 virus cases and 38 deaths as of Tuesday.

County saw \$22.9 million in state forest timber revenue last fiscal year

Clatsop County and agencies that provide local services received \$22.9 million in revenue from timber sales in fiscal year 2021, a recent Oregon Department of Forestry report said.

Among the recipients were Clatsop Care Health District, Clatsop Community College, Jewell School District, Rural Law Enforcement District and Port of Astoria, the state forestry department said.

Clatsop is one of 15 counties with forestland managed by the state forestry department and that benefits from the sale of timber harvests.

At 147,000 acres, the Clatsop State Forest is among the largest forests managed by the state.

Land conservancy adopts Cape Falcon program

The North Coast Land Conservancy has adopted the Cape Falcon Marine Reserve program, adding a 20-square mile marine research site off of Oswald West State Park to its conserved areas.

This is the land conservancy's first marine site. The nonprofit, established in 1985, acquires land throughout the coast for conservation and habitat stewardship. Recently, it purchased 3,500 acres of forest adjacent to Oswald West State Park.

"Bringing on Cape Falcon Marine Reserve as a new program is a natural next step for our work in the Coastal Edge and in cultivating a land-to-sea conservation corridor," said Katie Voelke, the executive director of the land conservancy, in a statement.

The site was previously stewarded by the Friends of Cape Falcon Marine Reserve, a coalition of nonprofit organizations and volunteers. The group will act as an advisory committee within the land conservancy.

Weber to host update on legislative session

State Rep. Suzanne Weber, the Tillamook Republican who represents House District 32, will provide an update on the legislative session and take questions during a Facebook Live event held on her Facebook page at 6:30 p.m. Thursday.

Weber will be presenting from the Oregon State Capitol. She will be joined by former state Rep. Bill Post, the Keizer Republican who represented state House District 25.

— *The Astorian*

MEMORIAL

Saturday, Feb. 12

GROTHER, Rev. Alvin Joseph — Memorial at 11 a.m., Bethany Free Lutheran Church, 451 34th St., Astoria

ON THE RECORD

Assaulting a public safety officer

• Tyler Lane MacDicken, 23, of Astoria, was arrested on Sunday for assaulting a public safety officer, two counts of theft in the second degree, robbery in the third degree, criminal mischief in the third degree, escape in the second degree and resisting arrest.

Assault

• Cheyenna Dawn Etier, 30, of Portland, was arraigned on Monday on charges of assault in the fourth degree, interference with making a report and disorderly conduct in the second degree. The crimes are alleged to have occurred in Clatsop County earlier this month.

Theft

• Jonathan Blake Lambert, 35, of Sparks, Nevada, was arraigned on Monday on charges of theft in the first degree. The crime is alleged to have occurred in Clatsop County in November.

• Nicholas Steven Shelton, 27, of Longview, Washington, was arrested on Saturday at Walmart in Warrenton for theft in the second degree and criminal mischief in the third degree.

DUI

• Glenn Day, 58, of Milwaukie, was arrested on Jan. 30 near U.S. Highway 30 and Nicolai Road for driving under the influence of intoxicants. He was involved in a single-vehicle accident.

PUBLIC MEETINGS

THURSDAY

Seaside Civic and Convention Center Commission,

5 p.m., 415 First Ave.

Gearhart Planning Commission, 6 p.m., (electronic meeting).

the Astorian

Established July 1, 1873
(USPS 035-000)

Published Tuesday, Thursday and Saturday by EO Media Group, 949 Exchange St., PO Box 210, Astoria, OR 97103 Telephone 503-325-3211, 800-781-3211 or Fax 503-325-6573. POSTMASTER: Send address changes to The Astorian, PO Box 210, Astoria, OR 97103-0210

DailyAstorian.com

MEMBER OF THE ASSOCIATED PRESS

MEMBER CERTIFIED AUDIT OF CIRCULATIONS, INC.

Circulation phone number:
800-781-3214

Periodicals postage paid at Astoria, OR

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Beth Nakamura/The Oregonian

Gov. Kate Brown has surpassed her predecessors, John Kitzhaber and Ted Kulongoski, in using her broad clemency authority.

Gov. Brown makes historic push to release prisoners

Crime victims, families feel blindsided

By NOELLE CROMBIE
The Oregonian

Kate Brown in her final two years in office has become the busiest governor in modern Oregon history — and among the busiest in the country — to use her power to grant mercy to criminal defendants, offering clemency to 1,204 people so far.

But her decisions to commute sentences or pardon people altogether have often left out crime victims and their families, creating a backlash that leaves an indelible mark on her legacy.

Brown, like other governors of both parties, released hundreds of prisoners in response to the pandemic and followed up by commuting the sentences of 41 men and women who fought Oregon's historic wildfires in 2020.

She has also commuted or pardoned dozens of others who made personal pleas for release, some of them serving decades for crimes that include murder.

But her controversial call last year to grant clemency to 72 people convicted of crimes as juveniles — and consider release for about 140 others — blindsided many still-grieving families and left to prosecutors the task of informing them of Brown's decision.

The governor's efforts have played out amid a national discussion about incarceration and criminal justice reform. That debate comes in response to the legal system's disparate treatment of marginalized communities and what some see as an overemphasis on punishment versus rehabilitation.

People familiar with the governor's thinking but not authorized to speak on her behalf said her office first quietly floated the idea of juvenile commutations early last year. In the following months, the governor's advisers sought to keep those discussions confidential. Prosecutors and victims were not part — or even aware — of those discussions.

Now two district attorneys and the relatives of three people killed by teenagers have filed a lawsuit alleging Brown failed to follow the clemency process as outlined in state law, which requires the notification of the district attorney and victims.

The suit also claims the governor improperly delegated her clemency authority to the Oregon Department of Corrections by asking for lists of prisoners and that she failed to make case-by-case determinations as the suit contends she is required to do.

For Gladys Camber and many loved ones of those hurt or killed by the prisoners walking free, revisiting the sentences has resurfaced their grief and stoked outrage over what they say is the governor's disregard for justice meted out long ago.

Camber's daughter, Bridget, and her fiancé, Ian Dahl, were abducted at gunpoint in Salem in 1994. They were tied up, forced into a ditch and shot to death in rural Benton County.

Sterling Cunio, then 16, and an adult accomplice were convicted of aggravated murder and sentenced to life in prison.

Last fall, the governor commuted Cunio's sentence.

strategy at the Vera Institute of Justice, a national nonprofit focused on eliminating mass incarceration.

"As long as the chief executive has a political future in front of them, they tend not to do it," she said. "There is no real upside. The people who thank them for it are the family members of the people who are released and criminal justice reform people who also say thank you but you should do X, Y and Z."

Brown, a Democrat, is not eligible to run for governor when her term ends at the end of this year.

In recent years, criminal justice reform advocates like Aliza Kaplan, a professor at Lewis & Clark Law School, and the American Civil Liberties Union have pressed governors to use their clemency authority to significantly reduce prison populations, reexamine cases of teenagers prosecuted as adults and correct racial disparities in the prison system.

dons and commutations in 2020 and 2021 related to changes in drug laws, according to one study.

Robert Ehrlich, a Republican who served as governor of Maryland from 2003 through 2007, said he saw clemency as part of the job. He reviewed cases on a regular basis; no offense was off limits, he said.

He said his decisions didn't generate much pushback, likely because he said he "made victims part of the process from the jump."

Ehrlich, a lawyer by training, looked for "things that didn't smell right" — maybe a lousy defense lawyer, racial bias, something off at the trial level or during the appeals process.

"To the extent that you have this extraordinary power as chief executive," he said, "you can get justice done. You can actually achieve justice."

Two years ago, Kaplan, arguably among the most influential voices on criminal justice reform in Oregon, called on Brown to use her clemency power to blunt the impact of Measure 11's mandatory minimum sentences.

Clemency is a broad term that includes commutations, which represent a reduction in a person's sentence. A commutation can mean the immediate release of a prisoner or it can make someone eligible to pursue release.

Clemency also applies to pardons, an act of forgiveness for the crime the person committed. A law passed in 2019, an effort championed by Kaplan, ensures that those who receive pardons have their convictions sealed.

Under the Oregon Constitution, the governor can grant clemency for any crime except treason.

Kaplan, previously a national leader in the innocence movement, came to Portland in 2011 and has successfully lobbied to restrict which crimes are eligible for the death penalty and pressed for a law that creates a legal path for defendants to revisit their convictions and sentences even after their cases are closed.

"The pardon power," Kaplan wrote in an academic paper, "has a far more substantial role to play in Oregon's criminal justice system."

In 2020, according to data provided by the governor's office, Brown significantly stepped up her pace, a pattern accelerated in part by the pandemic.

Kaplan's clemency clinic, based out of Lewis & Clark, has served as a pipeline of sorts for clemency appeals to Brown, who in an interview with *The Oregonian* said Kaplan has helped shape her view of the criminal justice system in Oregon.

Colorado Gov. Jared Polis granted more than 4,000 par-

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