

MEASURE 11

Mandatory Minimums Make Justice Blind

By Michael Kelly

April 1st marked the fourth anniversary for Oregon's mandatory minimum sentencing laws created by 1994's Ballot Measure 11.

Passed by 67 percent of Oregon voters, Measure 11 mandated minimum sentences for 16 crimes, and removed any chance for parole, time off for good behavior, or any other form of early release for those sentenced under it. It also mandated adult prosecution for juveniles as young as 15 when charged with a crime which carried a mandatory minimum sentence. Since that time, the law has been expanded to include seven additional crimes, including crimes not traditionally considered "person crimes," such as arson.

With limited exceptions, only recently enacted, a judge has no choice but to impose the minimum mandatory sentence called for under the law. Consequently, most judges despise the law. It has taken away the ability to tailor a sentence to fit the circumstances of the crime and the characteristics of the offender. Prosecutors, however, love the law. It gives them a big chip in the plea bargaining process and removes the burden to justify a particular sentence.

Some county prosecutors will charge an offender with a mandatory minimum sentence crime primarily for the purpose of exacting a guilty plea to a lesser crime. Other county prosecutors refuse to bargain at all. Defense attorneys find Measure 11 skews the attorney-client relationship by focusing attention on the consequences of a trial rather than the merits of the case.

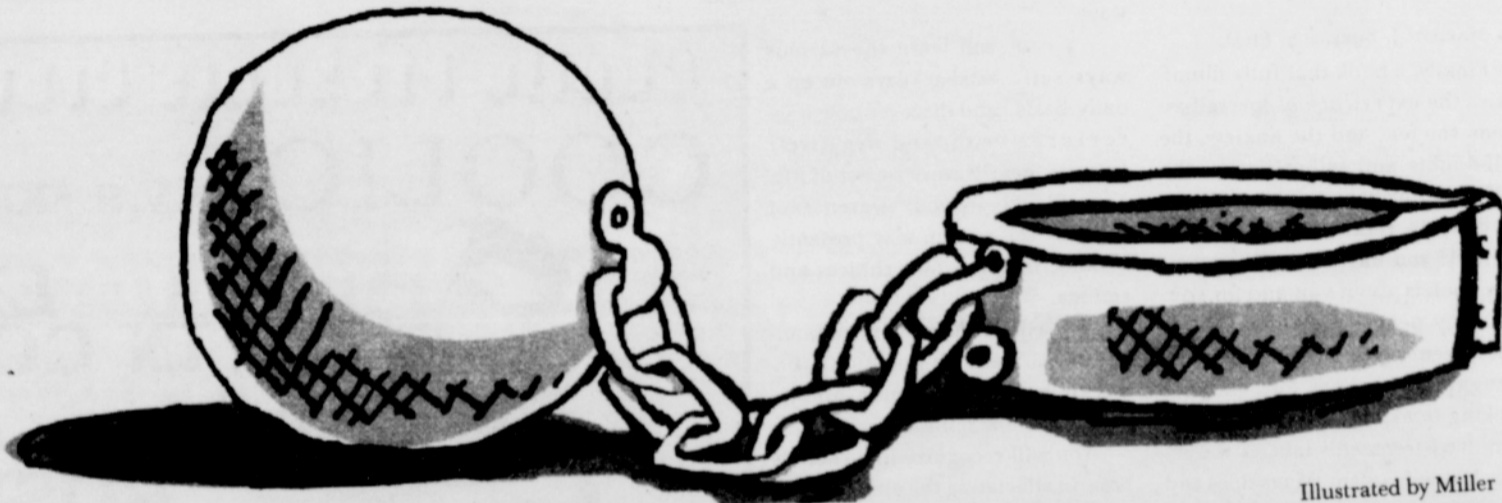
Proponents of the mandatory minimum sentencing law insist that it has brought accountability and

real consequences back to the judicial system. These individuals, mostly prosecutors and politicians (such as Kevin Mannix, Measure 11's author), would insist that it is difficult to get charged with a crime that carries a mandatory minimum sentence. Supporters of Measure 11 are crediting the law with reduction in crime rates. Specifically, they say, Measure 11 resulted in a 9.9 percent reduction in "Crimes Against Persons" committed in 1996 as compared to 1995.

Facts show otherwise. Statistics from the Department of Corrections (DOC) show that as of March 1998, 60 percent of inmates admitted with mandatory minimum sentencing had no prior criminal history. The numbers reveal that of the 5,442 fewer offenses reported in 1996, over 3,300 of these were crimes not covered by Measure 11. For example, in 1996 there was a 10.4 percent reduction in simple assault cases (as opposed to aggravated assaults which are covered

under Measure 11), and a 16.2 percent drop in the number of obscene phone calls.

That crimes other than those covered by Measure 11 are decreasing suggests that the reduction is not due to the law. The reductions are part of an overall decline in violent crime being experienced across the nation. Statistics from the National Center for Juvenile Justice in Pittsburgh indicate that nationally, juvenile crime, like all crime, began to decline four years ago, prior to the enactment of



Illustrated by Miller

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- 1 **BITTERSWEET**
Danielle Steel, Delacorte, \$26.95
- 2 **THE TESTAMENT**
John Grisham, Doubleday, \$27.95
- 3 **VITTORIO THE VAMPIRE**
Anne Rice, Knopf, \$19.95
- 4 **TARA ROAD**
Maeve Binchy, Delacorte \$24.95
- 5 **RIVER'S END**
Nora Roberts, Putnam \$23.95
- 6 **ASHES TO ASHES**
Tami Hoag, Bantam, \$24.95
- 7 **SINGLE & SINGLE**
John le Carre, Scribner \$26
- 8 **ABIDE WITH ME**
E. Lynn Harris, Doubleday, \$24.95
- 9 **HUSH MONEY**
Robert B. Parker, Putnam, \$22.95
- 10 **THE POISONWOOD BIBLE**
Barbara Kingsolver, HarperFlamingo, \$27.50

ROSELAND THEATER CONCERT CALENDAR

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|---|---|
| GWAR
Godhead and Ass X | Monday, May 17th - 8PM
ALL AGES |
| Hands on Portland Benefit
Pepe & The Bottle Blondes
Jamey Hampton & The Essentials | Thursday, May 20th - 8PM
21 & OVER |
| Wilco Monqui Presents | Friday, May 21st - 9PM |
| H.R. (Human Rights) of Bad Brains
Hungry Mob, Signified Monkey | Saturday, May 22nd - 9PM
ALL AGES |
| Vanilla Ice | Sunday, May 23rd - 8PM
ALL AGES |
| Frontline Assembly
Switchblade Symphony | Tuesday, May 25th - 8PM
21 & OVER |

