

MEASURE 11

And Dumb

Measure 11. Juvenile crime decreased some 12 percent from 1995 to 1996. But crimes had already declined a remarkable 24 percent in 1995 from 1994. Proponents of Measure 11 can hardly take credit for these national numbers.

Further, the length of mandatory minimum sentences being imposed and the lack of a chance for reduction of time served in return for good behavior has led to the need to build numerous new prisons. These new prisons are being forced on communities around the state at a projected cost of over \$1 billion. This amount does not include maintenance and operations of the new prisons. Money spent on prisons would be better spent on schools and other badly underfunded programs. This is a trade-off we might tolerate if it were not for the fact that a large number of these warehoused individuals could be better served by participating in one of the proven alternative programs already in place in the state.

Groups and family and friends of those prosecuted under Measure 11 guidelines have sprung up around the state. Their concern is the unfair and unjust results which occur in an unacceptably large portion of the cases involving crimes which carry mandatory minimum sentences are being handed down for conduct as commonplace as a school yard fist fight or shoplifting. A more balanced approach is needed.

While not nearly as effective as has sometimes been suggested, Oregon's mandatory minimum sentencing laws have undoubtedly prevented a few crimes. Be that as it may, the law is still bad public policy in that it requires the same minimum sentence for everyone convicted of the same crime, regardless

of the facts of the case or the criminal history of the offender.

It is time we change our ideas about what works and does not work. We cannot prevent death by building more hospitals. Being smart on crime does not mean being soft on crime.

Michael Kelley is a Salem resident who works as a paralegal for a criminal defense attorney in the Portland area. This article has been reprinted by permission from *Oregon's Future*. *Oregon's Future* is a participatory public affairs magazine. For more on the publication, call 503/731-9938 or email at future@aracnet.com.



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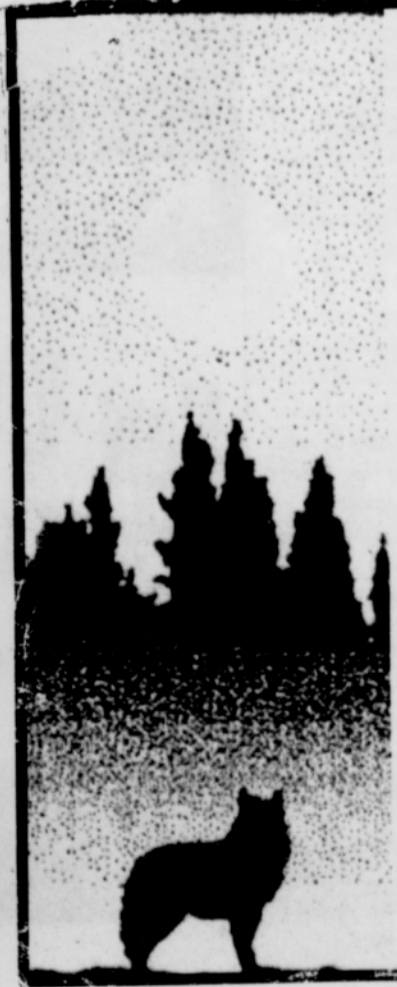
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