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Roadblocks at the Courthouse

Report on DAs is push for criminal justice reform

BY MICHAEL LEIGHTON

PORTLAND OBSERVER EDITOR

As Oregon votes in next week's Primary Election most of the candidates overseeing criminal justice in the state won't face any opposition and that's a roadblock to reforming laws that disproportionately impact minorities, according to a new report by the American Civil Liberties Union of Oregon.

District attorneys (DAs) in Oregon are rarely challenged even though they have a powerful role in our criminal justice system and that locks in the status quo, said David Rogers, the nonprofit group's state executive director.

He said the resulting number of unopposed races, including Multnomah County which covers Portland, leads to less voter engagement on criminal justice reform issues and continues a pattern where state district attorneys have blocked a bipartisan push for "smart" justice.

"Given the recent high-profile stories about racial disparity in Multnomah County, it is important to show one of the reasons we aren't making progress," Rogers said.

Earlier this year, a MacArthur Foundation Safety and Justice report made in conjunction with the Oregon Justice Resource Center, other justice groups and government officials found that at every stage of the criminal justice system in Portland and across Oregon you are punished more severely if you are black, Latino or Native American.

"District attorneys determine whether someone gets access to treatment or put in jail or prison, whether a youth is charged as an adult, and DAs largely influence the extent of racial disparity in the system" said Rogers. "Voters deserve to know where their elected DAs stand on all of these issues."

Between 2004 and 2014, 78



PHOTO BY MICHAEL LEIGHTON/THE PORTLAND OBSERVER

Outside the Multnomah County Courthouse, David Rogers, executive director of the American Civil Liberties Union of Oregon, gives attention to a new ACLU Oregon report showing how uncontested district attorney races are a factor in tapping down criminal justice reform.

percent of Oregon district attorney races were uncontested, and over 1 million Oregonians did not cast votes in their DA race, according to the ACLU investigation.

The ACLU Oregon investigation finds that district attorneys are in the best position to implement new policies to curtail state prison growth and spending, but points to the Oregon District Attorneys Association for blocking proposed legislative reforms.

"Instead of being the leaders in criminal justice reform, DAs have largely been roadblocks. Even as crime rates have significantly decreased, prosecutors have increased the rate at which they charge people with felonies, Rogers said. "Oregon's goal should be to reduce the prison population, a goal DAs don't seem to share."

When Michael Schrunk retired four years ago as district attorney for Multnomah County after 32 years in office in which he drew an opponent just one time, his chief deputy Rod Underhill ran for the office unopposed. On the ballot for re-election on Tuesday, he again faces no challenger.

Rogers says it's possible Underhill can be a leader on justice reform issues, but being part of the solution won't happen without a public that's more engaged and one that's demands accountability.

He cites the Portland Police Bureau's union-contracted 48 hour rule, which allows officers to delay talking to investigators for 48 hours after an officer-involved shooting, as an example of an issue that justice activists have sought to eliminate, but has gone nowhere for years.

Reforming the grand jury process over the decision to indict police officers around misconduct or officer-involved shootings is

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