

CRIME VICTIMS UNITED

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Dear Candidate:

July 29, 2010

There is a disturbing amount of misleading information in the media these days about corrections in Oregon.

A recent Register-Guard op ed¹ repeated the dubious assertion that Oregon "now ranks No. 1 in the country in the percentage of general fund dollars spent on prisons." This is presented as evidence of "over-reliance on incarceration." According to the Bureau of Justice Statistics, in 2008 Oregon ranked 30th in incarceration rate.² **How can Oregon rank number 1 in spending when we rank number 30 in incarceration rate?**

A member of the Oregon Criminal Justice Commission (OCJC) wrote in a May 25th Oregonian op ed³:

*"Measure 11 specifies certain crimes – from murder to second-degree robbery – carry a mandatory sentence. It applies to all defendants over the age of 15, requiring juveniles over 15 charged with these crimes to be tried as adults. **The sentencing judge cannot give a lesser sentence than that prescribed by Measure 11.**"*

Pursuant to SB 1049 (1997) and HB 2379 (2001), bills supported by Crime Victims United, judges have discretion to depart from Measure 11 under certain circumstances.⁴ OCJC data shows that, **in 2007, 40 percent of adult criminals and 55 percent of juveniles convicted of second-degree Measure 11 crimes received sentences below the Measure 11 mandatory minimum.**^{5,6}

In his June 25th speech⁷ on resetting government, Governor Kulongoski said:

"Changes in sentencing policies since the mid-1990s, including the adoption of Measure 11, have doubled our prison population from 7,000 to more than 14,000 inmates. This has led to a 250-percent increase in the Department of Corrections budget . . ."

Measure 11 accounts for a roughly 66 percent increase in the prison population since 1995. **What accounts for the other 184 percent increase in the DOC budget?**

The "Report of the Reset Committee on Public Safety" says⁸:

*"Oregon went many years without expanding its state prison capacity. During this time the state continued to grow and **crime rates rose as a percentage of the population.**"*

From 1960 to 1985, Oregon's per-capita violent crime rate increased 690 percent!⁹ How is 690 percent growth rising "as a percentage of the population"?

"To promote a balanced criminal justice system through public awareness and legislative action"

A July 20th editorial in The Oregonian¹⁰ said that Oregon's prison population is "projected to grow by another 2,000 prisoners over the next few years." But according to the April, 2010 Corrections Population Forecast¹¹ from the Department of Administrative Services, it will take **10 years** for the prison population to increase by 2,000 prisoners. This is a rate of 1.4 percent per year - barely more than the rate of overall population growth.

In an October, 2008 editorial¹² endorsing John Kroger for Attorney General, the Oregonian wrote about Measure 11:

*"At some point, Kroger might be open to re-examining Measure 11 juvenile sentences and the inclusion of certain consensual sex acts. **There is no sense to a seven-year sentence for a 17-year old with a 15-year-old girlfriend.**"*

Consensual sex between a 17-year-old and a 15-year old is not a Measure 11 crime. In fact, it is not a crime at all.

When we brought this error to their attention, The Oregonian editors declined to print a correction.

Here are a few of the many other facts that you will not hear from the governor, from the Reset Committee on Public Safety, or from the media:

- According to OCJC, Oregon prevents 100,000 crimes every year because of increased incarceration since 1995.¹³
- In 2007, 77 percent of Oregon felony criminals received non-prison sentences.¹⁴
- Oregon's violent crime has decreased by 50 percent since 1995¹⁵ - a larger decrease than all but one other state over that period. We do not claim that this decrease is solely due to Measure 11 but we do believe that it made a substantial contribution.
- Oregon has a larger percentage of "person" criminals (70 percent) and a smaller percentage of drug criminals (10 percent) in prison than the vast majority of states.¹⁶
- Oregon spends \$84 per prisoner per day.¹⁷ Idaho spends \$58.¹⁸

For more information, please see:

<http://www.crimevictimsunited.org/measure11/kulongoski.htm>

Whether you agree with the positions of Crime Victims United or not, we think you will agree that voters should not be misled into believing that Oregon has gone off the deep end with incarceration when this is not the case. As the examples above show, you can not count on receiving a complete and accurate picture of corrections in Oregon from officials or from the media.

As the political season heats up, we ask you to seek, consider and present the whole story.

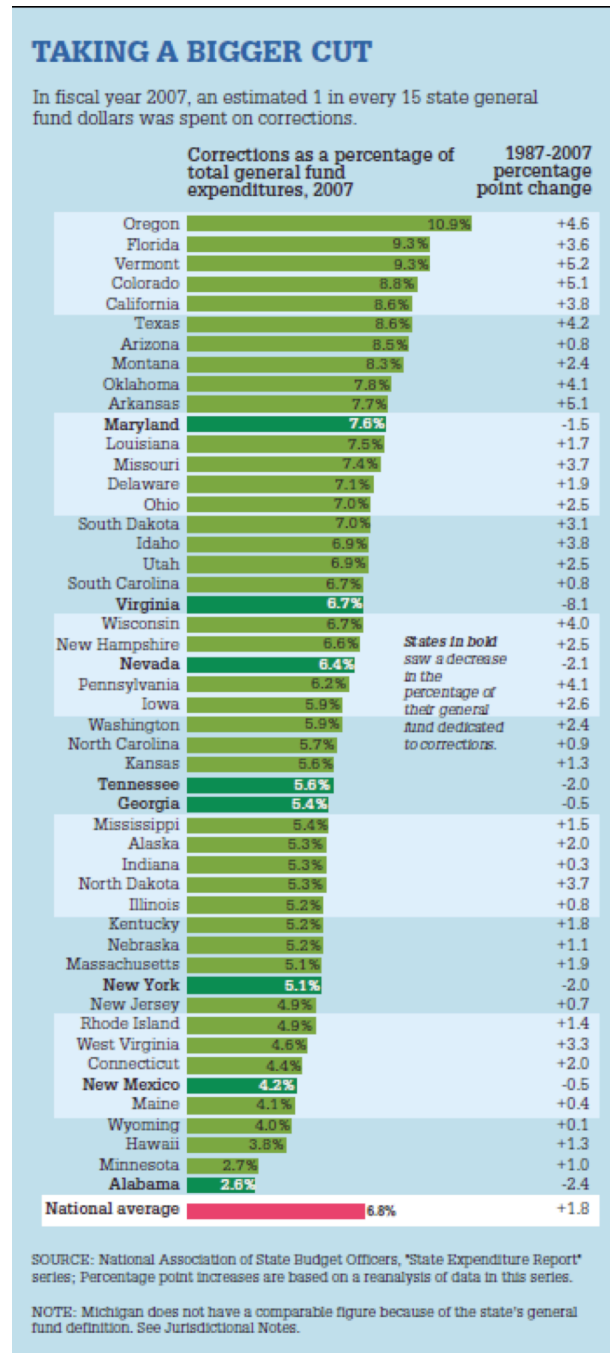
Sincerely,

Steve Doell
President

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- ¹ Register-Guard, July 11, 2010, "Guest Viewpoint"
<http://www.registerguard.com/csp/cms/sites/web/news/sevendays/24994230-35/crime-marquis-sponsors-state-criminal.csp>
 - ² Bureau of Justice Statistics, "Prisoners in 2008", page 30, Appendix Table 10
<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1763>
 - ³ The Oregonian, May 25, 2010, Guest Column
http://www.oregonlive.com/opinion/index.ssf/2010/05/its_not_the_funnies_the_measur.html
 - ⁴ SB 1049: <http://www.crimevictimsunited.org/measure11/crimes/sb1049.htm>
HB 2379: <http://www.crimevictimsunited.org/measure11/crimes/hb2379.htm>
 - ⁵ In 2007, 40 percent of adult criminals convicted of second-degree Measure 11 crimes received sentences below the Measure 11 mandatory minimum.
Source: Oregon Criminal Justice Commission
<http://www.crimevictimsunited.org/issues/corrections/doc/sb1049adult2007.pdf>
 - ⁶ In 2007, 55 percent of juvenile criminals convicted of second-degree Measure 11 crimes received sentences below the Measure 11 mandatory minimum.
Source: Oregon Criminal Justice Commission
<http://www.crimevictimsunited.org/issues/corrections/doc/sb1049juvenile2007.pdf>
 - ⁷ Governor Kulongoski's June 25, 2010 speech on resetting state government.
http://governor.oregon.gov/Gov/speech/2010_0625_resetreport.shtml
 - ⁸ Report of the Reset Committee on Public Safety, page 27.
http://governor.oregon.gov/Gov/docs/pubsafe_subcomreport_final.pdf
 - ⁹ From 1960 to 1985, Oregon's per-capita violent crime rate rose 690 percent.
Source: Bureau of Justice Statistics
http://www.crimevictimsunited.org/measure11/presentation/pdf/violent_crime_and_prisons.pdf
 - ¹⁰ The Oregonian, July 20th
http://www.oregonlive.com/opinion/index.ssf/2010/07/tough_on_crime_short_on_money.html
 - ¹¹ Oregon Corrections Population Forecast, April 2010
<http://egov.oregon.gov/DAS/OEA/docs/prison/DOCForecast201004.pdf>
 - ¹² The Oregonian, October 5, 2008
http://www.oregonlive.com/opinion/index.ssf/2008/10/kroger_for_attorney_general.html
 - ¹³ Oregon prevents 100,000 crimes per year because of increased incarceration since 1995.
Source: Oregon Criminal Justice System
<http://www.crimevictimsunited.org/issues/corrections/doc/crimesprevented.pdf>
 - ¹⁴ In 2007, 77 percent of Oregon felony criminals received non-prison sentences.
 - ¹⁵ Oregon's violent crime rate has decreased nearly 50 percent since 1995.
<http://www.crimevictimsunited.org/issues/corrections/violentcrimedecrease1995-2008.pdf>
 - ¹⁶ Oregon has a larger percentage of "person" criminals and a smaller percentage of drug criminals in prison than most states.
Source: Oregon DOC, www.oregon.gov/DOC/RESRCH/docs/POPREP.pdf
Source: Jake Horowitz, Pew, Senate Judiciary Hearing, Feb. 15, 2010
 - ¹⁷ Oregon spends \$84 per prisoner per day.
http://governor.oregon.gov/Gov/docs/pubsafe_subcomreport_final.pdf, page 49
 - ¹⁸ Idaho spends \$58 per prisoner per day.
<http://www.idoc.idaho.gov/facts/annual/AnnualReportFY09.pdf>, page 4

How can Oregon rank number one in corrections spending when we rank 30th in incarceration rate?

Pew 2008 Report: "One in 100", page 14
http://www.pewcenteronthestates.org/report_detail.aspx?id=35904



Bureau of Justice Statistics: "Prisoners in 2008", page 30, Appendix Table 10
<http://bjs.ojp.usdoj.gov/index.cfm?ty=pbdetail&iid=1763>

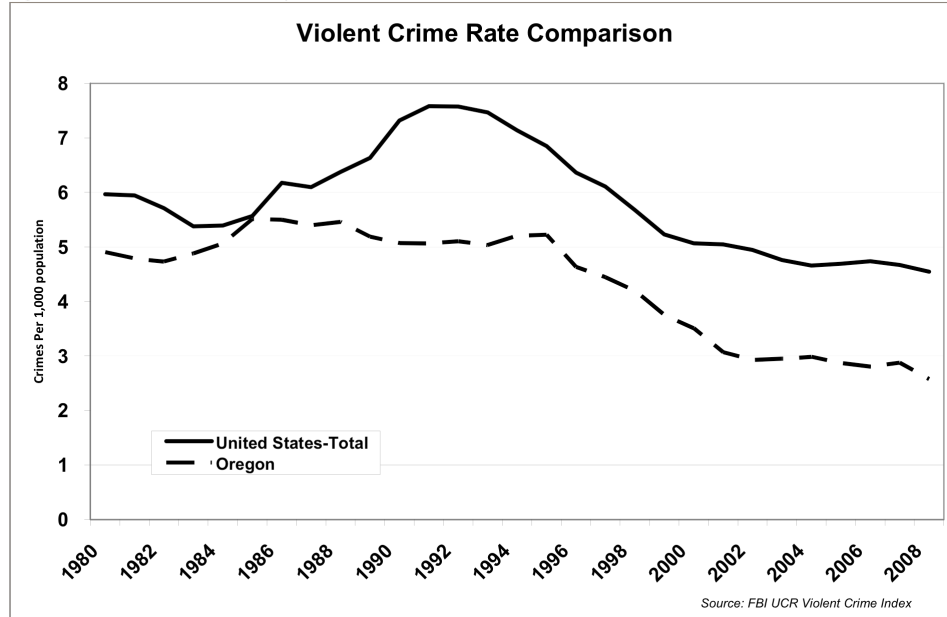
Rank	State	2008 Imprisonment Rate
50	Maine	151
49	Minnesota	179
48	Massachusetts	218
47	New Hampshire	220
46	North Dakota	225
45	Utah	232
44	Rhode Island	240
43	Nebraska	247
42	Vermont	260
41	Washington	272
40	Iowa	291
39	New Jersey	298
38	Kansas	303
37	New York	307
36	New Mexico	316
35	West Virginia	331
34	Hawaii	332
33	Illinois	351
32	Montana	368
31	North Carolina	368
30	Oregon	371
29	Wisconsin	374
28	Wyoming	387
27	Pennsylvania	393
26	Maryland	403
25	Connecticut	407
24	South Dakota	412
23	Alaska	430
22	Tennessee	436
21	Indiana	442
20	Ohio	449
19	Delaware	463
18	Colorado	467
17	California	467
16	Idaho	474
15	Nevada	486
14	Michigan	488
13	Virginia	489
12	Kentucky	492
11	Missouri	509
10	Arkansas	511
9	South Carolina	519
8	Georgia	540
7	Florida	557
6	Arizona	567
5	Alabama	634
4	Texas	639
3	Oklahoma	661
2	Mississippi	735
1	Louisiana	853

Hiding What Led To Measure 11

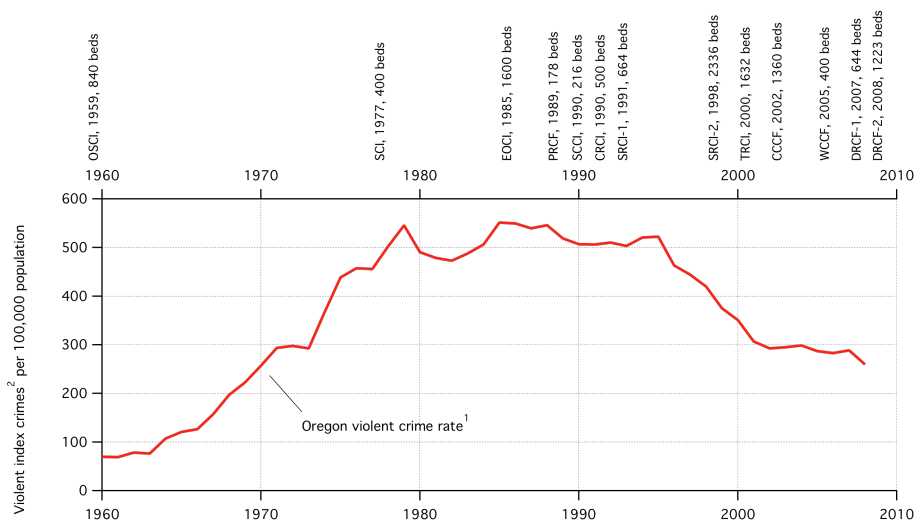
By restricting the time range in their graph of Oregon's violent crime rate, the authors of the Report of the Reset Subcommittee on Public Safety conceal the motivation for Oregon's tough-on-crime movement of the 1990's.

This is how the governor's report¹ shows the history of violent crime in Oregon (dashed line):

Figure 2: Violent Crime Rate Comparison, US & OR



Now the rest of the story.² From 1960 to 1985, Oregon's violent crime rate increased 690 percent:



1. Source: Bureau of Justice Statistics (<http://bjsdata.ojp.usdoj.gov/dataonline>)
2. Violent index crimes are robbery, aggravated assault, forcible rape, and non-negligent homicide.
3. From 1960 through 1985, one new prison with 400 beds was built while Oregon's violent crime rate rose 7.9 times.
4. From 1995 through 2002, Oregon's violent crime rate dropped 44% while the national rate dropped 28%.
5. From 1995 through 2008, Oregon's violent crime rate dropped 50% while the national rate dropped 33%.
6. In 1994, Oregon ranked 42nd among states in prison incarceration rate. In 2008 Oregon ranked 30th.

¹ "Report of the Reset Subcommittee on Public Safety", page 12.
http://governor.oregon.gov/Gov/docs/rc_fullreport.pdf

² Crime Victims United Presentation based on Bureau of Justice Statistics Data
http://www.crimevictimsunited.org/measure11/presentation/pdf/violent_crime_and_prisons.pdf