



COMMON SENSE FOR OREGON

[Home](#) | [About Us](#) | [Government Waste](#) | [Measures](#) | [Issues](#) | [News](#) | [Contribute](#) | [Contact](#)

Dear Friends:

I am pausing in our work to end the estate tax, to share the important message, below, from Senator Betsy Johnson regarding crime and the Governor's Commission on Public Safety. For me, the essential point is that we have a **SUCCESS STORY** regarding public safety. Violent crime in Oregon today is at a rate which is 52% **BELOW** the 1995 rate, when Measure 11 went into effect. Our overall crime rate is the lowest it has been since 1958.

Yes, we need to look at costs in public safety - just like everywhere else. But the 100-plus bills and 16 ballot measures (yes, 16 ballot measures!) we have passed relating to public safety since 1994 have made a big positive difference. Sadly, some people - including some on the Governor's Commission - have a goal of watering down those policy successes. We need to fight to protect those successful policies.

Best regards,

Kevin Mannix

~~~~~

State Senator Betsy Johnson, Democrat from Scapoose, gave the following speech to the Oregon District Attorneys Association on December 6, 2012. It is definitely worth reading.

Doug Harclerod  
Senior Policy Advisor

**If I could, I would've brought Christopher Franklin Weaver with me today. He is flesh-and-blood evidence of what happens when you make a mockery of justice.**

**You probably heard about Mr. Weaver or saw him on the news. He is the 33-year-old parole violator who was released from Lane County Jail last week. Within 55 minutes he was arrested for allegedly robbing a bank in Eugene. He already had a conviction for second-degree sexual abuse, and a failure to appear on a felony charge of unlawful use of a vehicle.**

**With guys like that, you'd think Gov. Kitzhaber would have a tough sell on his hands, trying to change sentencing laws. Not necessarily.**

**There are too many people, quoted too often by the media, who are convinced that Oregon's prisons are filled with pot-smokers and loving family men who got stopped once for drunk driving.**

**As District Attorneys, you cannot let ill-informed people set the agenda.**

**We all know the problems facing the state. Most of us want to feel like we can be part of the solution. Even tough prosecutors have soft spots. When the Governor reaches out, there is an instinctive desire to try and help. But this is the time to demand respect rather than be liked.**

**The Governor is hoping that the Legislature will sign off on his plans to cut prison spending. If you've read his budget preview, you know what he wants. He wants to save money by letting so-called "low-risk" offenders out of prison – or avoid prison entirely.**

**Saving money is how Christopher Franklin Weaver ended up being arrested an hour after being released from Lane County Jail. As Jail Commander Greg Fox explained it, Weaver was one of 32 inmates allowed to walk out of jail, even though there were empty beds available. Jail inmates were released as part of a budget-balancing plan by sheriff's officials.**

**"As we get smaller, the people we release get more dangerous," the Jail Commander said.**

**Three of the inmates freed with Weaver are awaiting trial on Measure 11 offenses, including first-degree sexual assault. I guess we should be glad that so far, at least as far as we know, only a bank robbery has been attributed to this cost savings.**

**It's hard to tell how Lane County's budget-balancing is any different from what the Governor is proposing. Of special concern is what is anticipated to be one of his proposals – to send more offenders to local corrections. Convicted offenders with sentences exceeding 12 months, perhaps up to 24 months, could be sent to community corrections. They would go to jails where they could be released at any time, with no regard for the crime or sentence.**

**When the Governor released his budget proposal for the next two years, he urged state lawmakers to change sentencing laws to keep the prison population flat for 10 years. Well, I am one of those lawmakers, and let me tell you: I am not Almighty God. I cannot control human behavior, and neither can my colleagues in either political party.**

**It is absurd, even dangerous, for the Governor to blindly fix the prison population at some wishful number. He does not know what the future holds. We do know what has worked in the past to control crime, because we now have one of the lowest crime rates we've had since our all-time high back in the mid-1980s.**

**What has worked is locking up violent and repeat offenders. This may seem vengeful to politicians and judges and college professors and social workers who can live in good neighborhoods. But it is morally wrong to sacrifice the safety of poor and working-class people who must live among thieves.**

**The Commission on Public Safety will soon be releasing its final report, which is supposed to recommend "creative ways," as the Governor puts it, to manage nonviolent offenders. A few months ago, we got a preview of how creative things can get.**

**As you know, most nonviolent offenders in Oregon never see the inside of a prison. So where is the state going to find all these non-violent offenders it can save money on? Easy. Have an expert from a think tank cook up new definition of "non-violent."**

**You've already seen how this works, courtesy of your colleague John Foote.**

**John once worked for the Department of Corrections. He understands that its focus, naturally, is on the defendants. As he explained it in a letter to the Governor, the corrections department is "very isolated from the facts of each case and their impacts on victims and the communities in which the crimes were committed."**

**People in corrections don't have to care about the reasons behind the original sentence. They move numbers on a spreadsheet.**

**When the PEW Center on States appeared before the commission and offered a proposal to release low-risk offenders from Oregon prisons, John insisted on**

knowing more about each of these offenders. He pushed, and finally got their SID numbers. Then he passed these numbers onto you, and you uncovered the truth.

You came up with a 72-page spreadsheet of your own, detailing who these 850 low-risk inmates were. This is where it gets personal for me. Crime is always personal for someone.

On Page Five of this list of low-risk offenders, the kind of people Governor Kitzhaber's advisors want to cut loose to save money, are the three men who robbed and tried to kidnap Gert Boyle. One of them bloodied her face and tried to kidnap her.

Gert Boyle is my friend.

*She's a remarkable person and fortunately she brought those characteristics to bear which helped her fight back.*

Not every victim has the strength or wherewithal to be "one tough mother" like Gert. She was fortunate in some respects. She had a security system and a cool head. She tricked her kidnapper. She is well-known and much-admired, and the public followed her case.

Many of the victims on that 72-page spreadsheet are forgotten footnotes. Some of them are murder victims.

It's revealing, that last year when Gov. Kitzhaber first appointed the Commission on Public Safety, there was not a single District Attorney on it. Don't forget that. The Governor was forced to expand the commission and give it another year. Were it not for John Foote's inclusion on that commission, we would have never seen the true faces of those low-risk offenders.

Don't let anyone tell you that District Attorneys have to make concessions to protect Measure 11. You do not have to acquiesce on earned time or transitional leave or Alternative Incarceration Programs to save Measure 11. These are nothing less than back-door sentence reductions. The legislature does not have the votes to touch Measure 11 or Measure 57. There are those in the Senate, and I am one, who will never sit quietly if the voters are treated with contempt.

When the Governor speaks of cost savings, you must remind your constituents – and my colleagues – that there will be costs to any so-called cost savings: costs in pain and suffering, costs in loss of property. Even costs in life.

The Oregon Criminal Justice Commission estimated that the state prevents 100,000 crimes of all types every year because of increased incarceration dating to 1995. You have to bring these costs to life – and not with the usual lobbying, unless you

want doors slammed in your face.

Last weekend, The Oregonian let Gov. Kitzhaber have his say in an op-ed. If you didn't read it, track it down and dissect it.

In his op-ed, the Governor said that Oregon is on the right economic track. He believes the state should move from fixing problems after they develop to preventing them in the first place. Excellent idea. That's exactly what prosecutors do when you seek a sentence for certain crimes. You are trying to prevent future problems.

Go to any county in this state, and you'll find that people want to raise their families in safe neighborhoods. The governor acknowledges this. You do not make neighborhoods safer by saying "All is forgiven" to burglars. Nor do you help businesses thrive by putting out a welcome mat that tells thieves, "We won't prosecute."

Don't let your opponents claim the high road that belongs to you. If the Governor gets his way and substantially changes Oregon's sentencing practices, it won't be a matter of IF, it will be a matter of WHEN an ordinary man, woman or child is victimized by someone who should have been in prison.

Should it turn into a highly publicized case, your opponents will resort to blaming those prosecutors who didn't prosecute. Those prosecutors who let one slip through the cracks.

*Don't let them blame you for mistakes caused by their weak policies. If District Attorneys won't fight for truth in sentencing, who will?*

2007 State Street  
Salem, Oregon 97301  
[info@commonsensefororegon.org](mailto:info@commonsensefororegon.org)

[Update My Profile](#) - [Unsubscribe](#) - [Privacy Policy](#)