

Public safety and sentencing reform: Why overhaul a justice system that's working?



By [Guest Columnist](#)

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By Michael D. Schrunk and Rod Underhill

Recently Gov. John Kitzhaber was forced to present a difficult budget proposal. Some members of the current Commission on Public Safety apparently feel this calls for a significant redesign of the criminal justice system, including "comprehensive sentencing reform." Many members of the law enforcement community, however, are puzzled about the need to redesign one of the most progressive and successful systems in the nation.

Only a quarter of convicted felons in this state go to prison, compared with a national average of 40 percent, producing one of America's lower incarceration rates. We nonetheless have been a national leader in the reduction of violent crime since the passage of mandatory sentencing for some violent crimes. Oregon was the first state whose laws require evidence-based practices for those on probation and parole. Prisons here have a lower percentage of property and drug offenders than in any other state. We have decided on a policy to reserve prison space for violent offenders while we attempt to help those who commit drug and property offenses turn their lives around. We have dramatically reduced our recidivism rate in the past five years. The list goes on.

Soon the [Commission on Public Safety](#) will report on sentencing reform, and the question remains: Why drastically overhaul one of the most successful justice systems in the country? The answer proposed by some is that current sentencing laws will produce "unsustainable" prison growth over the next 10 years -- requiring more than 2,000 new prison beds. This is a questionable proposition.

First, prison population forecasting in this state has had an uneven history at best. Every 10-year forecast since 1995 has predicted greater prison growth than actually occurred, with some fully 47 percent high. These past overpredictions are invariably used by critics to advocate for wide-ranging changes in sentencing policy, as is being done now.

Second, none of the currently predicted prison growth is a result of mandatory sentences for violent crimes. Violent crime policy in this state has been so successful that the prison population of offenders serving mandatory sentences is stable.

Third, more than 60 percent of predicted prison growth in the next decade will simply result from state population growth. Additional public services required by population growth are inherently sustainable, because population growth produces proportionally increased tax revenue. Indeed, while the state economist predicts a 16 percent increase in prison beds in the next decade, he also predicts a 48 percent increase in state government revenues in that same period. This should provide a solution in itself.

We understand through experience the need to scrutinize government operations for savings. No one should believe, however, that cutting prison spending, which constitutes only 9 percent of general fund expenditures, can contribute much to other areas.

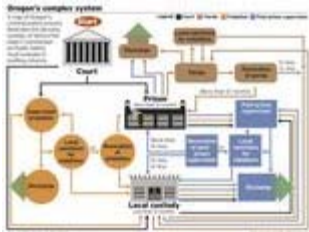
Indeed, the one negative in the overall bright picture in Oregon's justice system has come when incarceration has been reduced in several counties. Here in Multnomah County, for example, more than 35 percent of jail beds have been cut since 2001, contributing, we believe, to Portland's increasing property crime rate. Further, a recent look at county and emergency inmate releases reveals that about 75 percent of released inmates commit new offenses on release. That's food for thought as we examine what we should do statewide.

That said, we also have ideas about how sentencing policy can be reformed safely to improve current practices. Law enforcement representation on the current commission has proposed comprehensive measures that would save money without sacrificing the integrity and effectiveness of a justice system produced in no small part by voter participation. We hope the commission will take these proposals seriously and not press forward unwisely based on questionable perceptions regarding public safety policy.

Michael D. Schrunk has been Multnomah County district attorney since 1981 and is retiring this month. Rod Underhill is Multnomah County district attorney-elect.

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