



# Oregon District Attorneys Association, Inc.

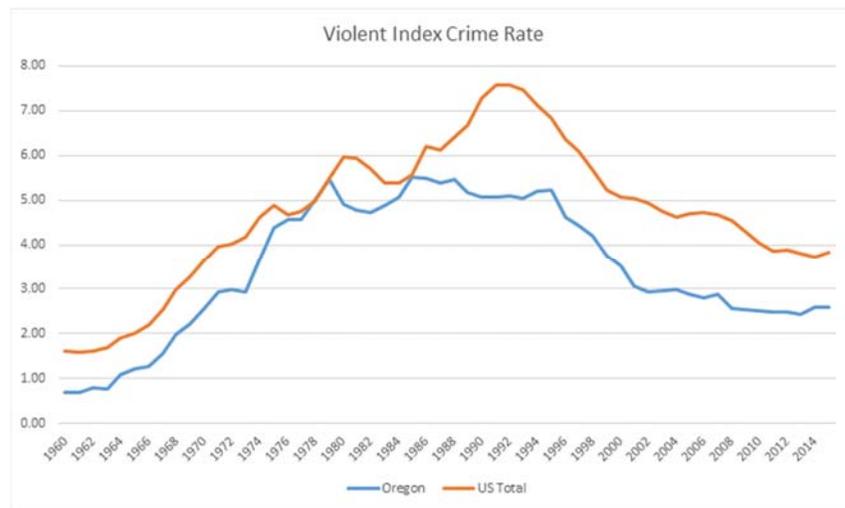
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### Introduction

Measure 11 was passed by the voters in 1994 when violent crime committed by both juveniles and adults was skyrocketing. Most citizens were extremely alarmed by the number of violent crimes committed in their communities and the lack of real consequences for those who committed these crimes. Since the passage of Measure 11, violent crime has dropped dramatically. According to the Oregon Legislative Fiscal Office, “from 1995 to 2009 Oregon’s violent crime rate dropped 51%, the second largest drop of all states”. (Budget Information Report, February 2011, page 7)



Source: Oregon Criminal Justice Commission (2016)

Measure 11 originally covered 20 violent crimes but has expanded slightly by the legislature since then. And in 1997, with the support of District Attorneys and victims of crime, the legislature passed Senate Bill (SB) 1049 which reduced the sentence for many second degree crimes.

Measure 11, particularly as it applies to juveniles, has been the subject of vigorous and spirited debate. There is much misunderstanding about the type of offenders, and crimes which are subject to the sentences under Measure 11. One of the most accurate way to assess its application and its effects is to examine the cases and defendants sentenced under Measure 11. It is to that end that this report has been prepared. We hope it is a continuous source of accurate and meaningful information to all policy makers who wish to educate themselves about Measure 11.

On March 1, 2016, the Oregon District Attorney’s Association submitted a written request to both the Oregon Youth Authority and the Oregon Department of Corrections for a current list of all juveniles in custody for Measure 11 crimes in Oregon. We received the list March 14, 2016 and distributed to the District Attorneys in all 36 Oregon counties. The District Attorneys gathered factual information about each defendant, and the crimes they committed, as well as information on charges filed, pleas entered, trials conducted and the sentences imposed. This list is a comprehensive compilation of the factual information and is available for review by one and all.

The 20 crimes originally included under Measure 11 were the most serious kinds of violent offenses including: Aggravated Murder, Murder, and Manslaughter, Rape, Sodomy, Unlawful Sexual Penetration with a Foreign Object, Robbery and Assault in the first and second degree, as well as Sex Abuse in the first degree. Measure 11 is applicable adults and juveniles between the ages of 15-17. Juveniles, 14 and younger, who commit these extremely violent crimes remain in the juvenile system unless a court determines otherwise, which rarely, if ever, occurs.

Measure 11 was specifically designed to apply to older juveniles who committed violent crimes and received punishments that were either extremely lenient or non-existent prior to the passage of the Measure. There were many famous cases illustrating this problem, including one of the most infamous involving a 17 year old named Michelle Gates who murdered two small children in her care. The court in her cases refused to “remand” her to adult court and she was “adjudicated” in juvenile court. She went virtually unpunished for her horrible crimes and entered adulthood a free person.

Today Measure 11 remains widely supported by the general public because it delivers consistent, proportional punishment for offenders and provides justice to victims of these terrible crimes and to the community at large.

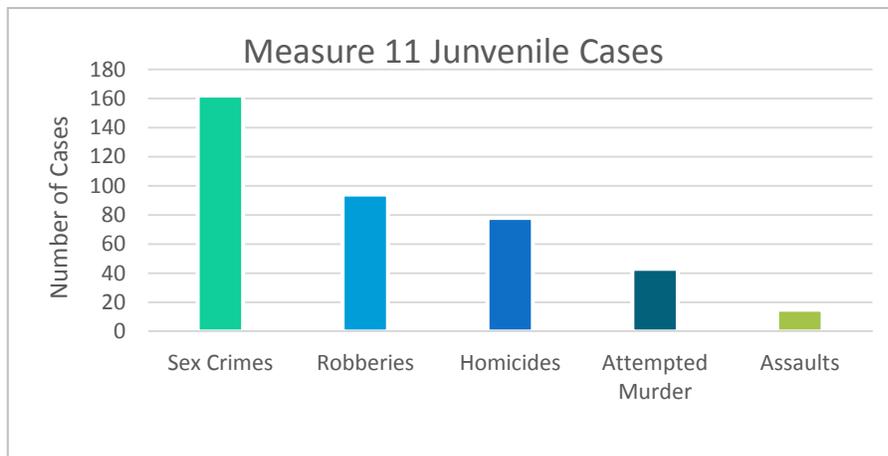
The rest of this report outlines some of the general information in this list. But we encourage interested readers to view the whole list.

I. Summary of Cases by Type

The Oregon Youth Authority (OYA) and the Oregon Department of Corrections (DOC) reported that there were 423 named juveniles in custody with OYA on March 1, 2016. However, upon closer examination we discovered there were 28 names erroneously included on the list. Some had not been prosecuted as juveniles, while others were simply not Measure 11 cases. Those 28 cases remain on the list for complete transparency, but they are not included in this analysis.

There are 395 juveniles on the list who are included in this narrative and subject to this analysis. The cases on the list are listed alphabetically by county for ease of review. However, the analysis provided herein is statewide.

Of the 395 cases, they break down as follows:



Cases	162	94	78	43	15
Percentage	41.0%	23.7%	19.7%	10.9%	4.6%

Figure 1: Measure 11 Juvenile Cases as reported by OYA and DOC

There were two cases that were not clearly defined on the list and one case of Kidnapping in the First Degree. Further analysis of each crime type will be discussed below.

## II. Profile of Case Types

78 cases in which the charged offense was Homicide, of which more than 82% were charged with murder:

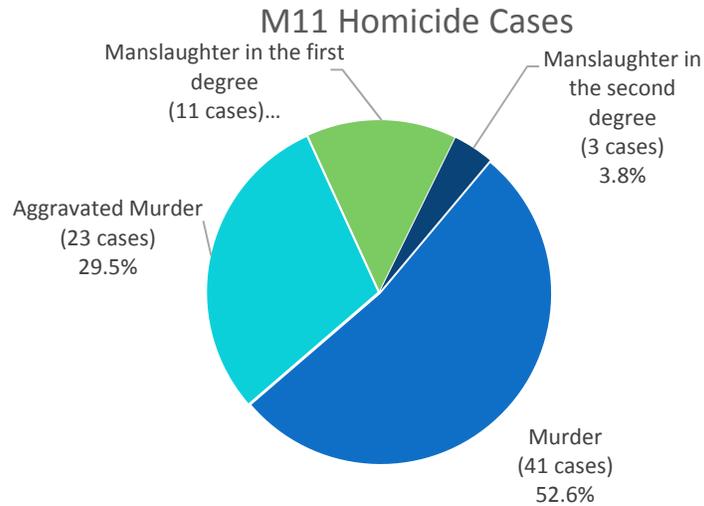


Figure 2: M11 Homicide cases by specific charge

43 cases in which the charged offense was Attempted Murder, 30 of which were charged with Attempted Aggravated Murder:

### M11 Attempted Murder Cases

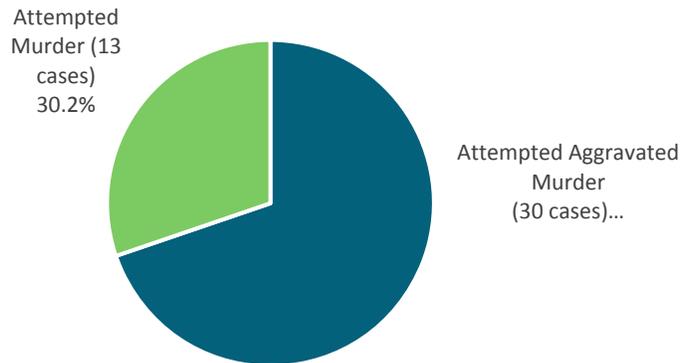


Figure 3: M11 Attempted Murder cases by specific charge

162 cases in which the charged offenses were Sex Crimes, of which more than 92% were charged with a first degree crime:

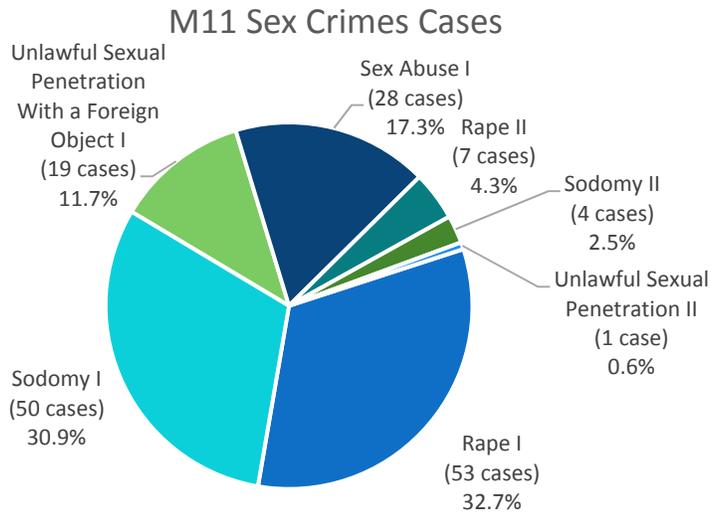


Figure 4: M11 Sex Crime cases by specific charge

94 cases in which the charged offense was Robbery, of which more than 77% were charged with the first degree crime:

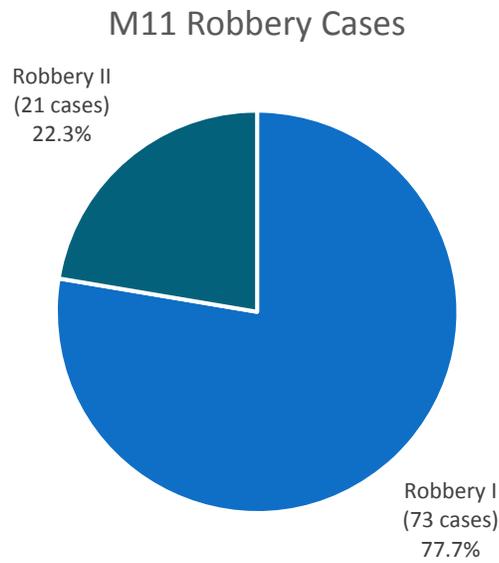


Figure 5: M11 Robbery cases by specific charge

Finally, there were 15 cases in which the charged offense was Assault. Of these 15 Assault cases, in five cases, the juvenile was in custody when the crime was committed. Four of the cases involved gang activity.

## M11 Assault Cases

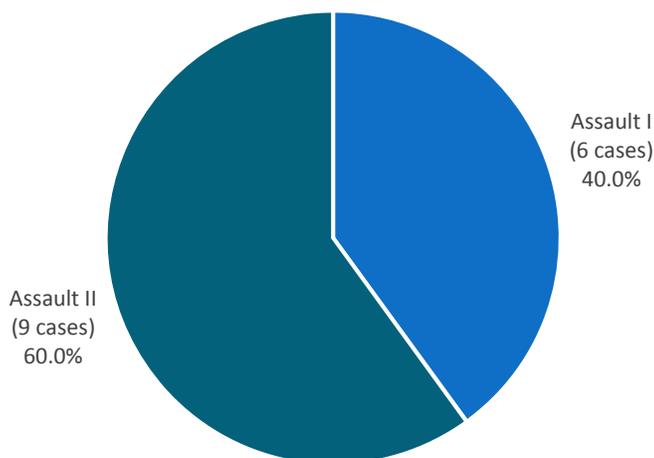


Figure 6: M11 Assault cases by specific charge

### III. Criminal Case Resolutions

Cases were resolved through plea negotiations or trial. This list only contains juveniles who were convicted of a Measure 11 crime. If a defendant's charge or charges were reduced to a lesser charge outside of Measure 11, their name would not appear on this list. There is no feasible way to determine how many of these kinds of cases there were since they are not included in the list from OYA/DOC.

#### Second Degree Crimes and First Degree Sex Abuse:

*Second degree charges (and sex abuse I) that were not reduced out of Measure 11*

Charges	Cases
Rape II	7
Sodomy II	4
Unlawful Sexual Penetration II	1
Sex Abuse I	28
Robbery II	21
Manslaughter II	3
Assault II	9

#### First Degree Charges Reduced:

There were 319 first degree charges that were resolved through plea or trial within Measure 11. Of these, 45.5% (145 cases) were reduced through plea negotiation or trial.

#### Homicides

More than half (57.3%) of the charged homicide cases were reduced through plea negotiations or trial.

*M11 Homicide cases*

Charge	Cases Reduced	Percentage Reduced
Aggravated Murder	14 out of 23	60.9% of the aggravated murder cases
Murder	24 out of 41	58.5% of the murder cases
Manslaughter I	5 out of 11	45.5% of the manslaughter I cases
Manslaughter II	0 out of 3	00.0% of the manslaughter II cases

Sex Crimes

Of all the sex crime cases (other than those second degree and sex crime cases that were not reduced out of measure 11 as noted in Table 1), 34.4% were reduced via plea or trial.

*M11 Sex Crime cases*

Charge	Cases Reduced	Percentage Reduced
Rape I	20 out of 53	37.7% of charged Rape I cases
Sodomy I	17 out of 50	34.0% of charged Sodomy I cases
Unlawful Sexual Penetration I With a Foreign Object	5 out of 19	26.3% of charged Sex. Pen. I cases

Robbery

Of the 73 charged Robbery I cases, 36 were reduced through plea or trial. That is approximately 49.3% of all charged Robbery I cases.

Assault

Of the 6 Assault I cases charged, half were reduced via plea or trial.

Attempted Murder

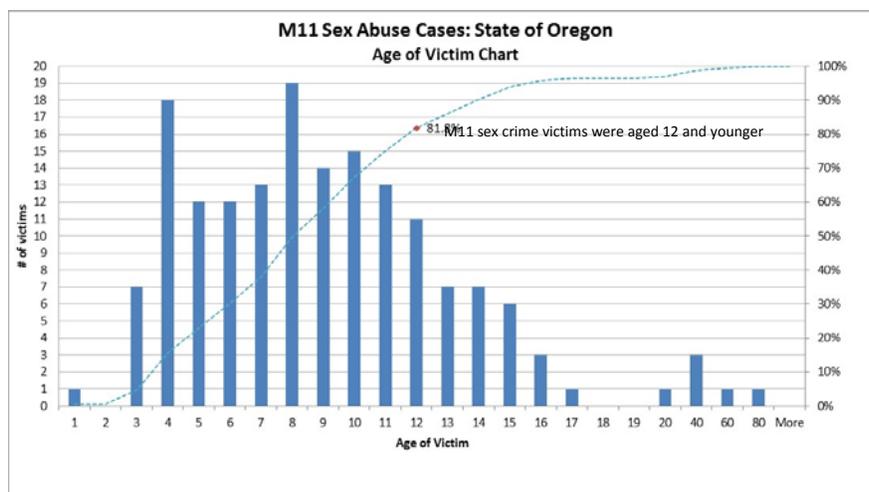
Finally, there were 43 cases in which the lead charge was either Attempted Aggravated Murder or Attempted Murder. Approximately half of those (48.8%) were reduced through plea or trial.

*M11 Attempted Murder cases*

Charge	Cases Reduced	Percentage Reduced
Attempted Aggravated Murder	6 out of 13	46.2% of charged Att. Agg. Murder
Attempted Murder	15 out of 30	50.0% of charged Att. Murder

IV. Victims

While the advocates for reducing sentences in Measure 11 often focus on the age of the offenders (15-17), there is virtually nothing mentioned about the age or vulnerability of the victims who suffered as a result of the offenders' violent crimes. For example, nearly 82% of all sex crime victims of these crimes were 12 years or younger at the time the crime was committed and more than 50 victims were 6 years or younger.



Source: Case information provided by county District Attorney offices. Analysis provided for only those cases that listed age of the victim(s)

### Conclusion

The information on this list clearly demonstrates the seriousness of the crimes committed, as well as the thoughtful and moderate manner in which prosecutors in Oregon have applied the law to the facts in each of these cases. We encourage all readers to carefully review the factual summaries of these cases and criminal histories of these offenders.

It is important to remember that without Measure 11 and prior to 1995, virtually all of these offenders would have remained in the juvenile system with no significant consequences for their behavior. Measure 11 continues to provide consistent, proportionate consequences for serious criminal behavior and a measure of justice for the victims of these terrible crimes.