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Reduce drug sentences to save money on prisons, Oregon prosecutors urge

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Oregon district attorneys Tuesday urged the state to reduce penalties for marijuana offenses, and presumptive prison sentences for other drug crimes as a way to reduce spending on prison beds while safeguarding sentences for violent and repeat property crime offenders.

Harney County District Attorney Timothy Colahan, president of the Oregon District Attorneys Association, stood with district attorneys from Multnomah, Washington, and Clackamas counties at the Clackamas County District Attorney's office to call for a new approach.

The prosecutors are responding to a reform package presented by Gov. John Kitzhaber and a state public safety commission reform package that would roll back Measure 11 and Measure 57 mandatory minimum prison sentences imposed by voters, in an effort to save the state \$600 million over the next 10 years in projected prison growth costs.

The governor's proposed changes to Measure 11 would remove mandatory sentences for such crimes as first-degree sex abuse, second-degree assault and second-degree robbery. Voters approved the tougher sentences in 1994. Measure 57 sentences are targeted at repeat property and drug offenders.

The state's prosecutors have vigorously fought the changes.

They presented their own package Tuesday, which goes somewhat beyond House Bill 3195 that was based on a minority report drafted by public safety commission member John Foote, Clackamas County district attorney.

No legislative package has been enacted yet, and most of the discussions have occurred behind closed doors.

The district attorneys recommend:

- reducing marijuana penalties to prevent most marijuana offenders from going to prison (save 164 prison beds over two years)
- removing marijuana, cocaine, heroin and ecstasy drug distribution offenses from Measure 57, and replacing that measure's minimum mandatory sentences with the sentencing guidelines in place in 2008. On average, they say the Measure 57 sentences are 5 months longer than the 2008 guidelines. (Save 175 beds over two years)
- reducing sentences for felony driving while suspended offenders to probation (save 52 prison beds over two years)

The association also calls on the Oregon Department of Corrections to reduce its projected 10 percent increase in the cost of housing inmates per day over the next biennium to a 5 percent increase, projected to save \$40 million over two years.

And lastly, the prosecutors want money from the reduced corrections costs to go towards programs that will keep inmates released from prison from reoffending or violating parole supervision and getting sent back to prison.

About 2,200 offenders who are on probation or parole violate their supervision conditions and return to prison each year.

"If as little as 20 of those inmates are not admitted each month, we will reduce the prison population by 405 beds over the next two years," said Bob Hermann, Washington County's District Attorney.

They estimate that their package of proposals would shrink the prison population by 796 beds over the next two years, and over 10 years, save about 1019 beds.

The district attorneys contend that the two-year suspension of Measure 57's harsher penalties for property crime offenders, as of February 2010, was a factor that drove up the state's property crime rate.

Oregon's largest cities, including Portland and Gresham, recorded bigger increases in property crime in the first six months of 2012, compared with other big cities nationwide, according to the latest FBI figures. The percentage increases in Salem and Eugene also were larger than in New York, Chicago or Detroit.

Multnomah County District Attorney Rod Underhill said prosecutors want to be fiscally responsible and engaged in a solution to the state's financial woes, but are not willing to see reduced sentences for violent or property crimes.

He said the association does not believe that the legislative proposal by the state's public safety commission makes sense when it comes to its to priority of keeping the public safe.

"That being said we want to participate. We want to be helpful to the situation, involved and engaged," he said.

He said that's what's led to Tuesday's package. Much of it has been offered to lawmakers but the state prosecutors have not made much traction at the state Capitol.

"Left to our own devices, we would not suggest taking drug offenses out of Measure 57, but that's not the environment we're facing," Underhill said.

The district attorneys said they strongly oppose the legalization of marijuana but recognize that Oregon voters might successfully press for it in the state's initiative process in the next few year.

"So we need to get ahead of this," the association said in a prepared statement.

Besides seeking probation instead of prison for marijuana offenses, the district attorneys also recommend a state commission be set up to study marijuana legalization and its potential harmful effects.

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