

2 Oregon measures offer differing approach on drug, property crimes

by Ashbel S. Green, The Oregonian

Saturday October 11, 2008, 8:48 PM



Stephanie Yao/The Oregonian

Sindy Finch shops for a Halloween costume for her daughter, Alaska. Finch took advantage of treatment programs when she was in prison for drugs, and she's now working and going to school.

Voters face a stark choice in November between two competing ballot measures that target property and drug crime and would dramatically reshape the way Oregon punishes nonviolent criminals.

Measure 61 would impose mandatory prison sentences for identity thieves, drug dealers and burglars -- no matter their criminal record. It is estimated it would increase the state's 13,673 prison population by at least 30 percent.

Measure 57 would send repeat offenders to prison but would offer probation and drug treatment for first-time criminals. It's expected that the impact on the prison system would be less costly, increasing the inmate population by 12 percent.

How the ballot measures differ

If both measures pass, the one with the most votes wins.

Measure 57: Referred by the Legislature, would increase penalties for burglary, identity theft, drug dealing and other nonviolent felonies. First-time convicts receive probation and drug treatment. Would add about 1,600 inmates, increasing the state's 13,700 prison population by 12 percent. Estimated cost: \$411 million in the first five years. Requires the state to borrow \$314 million for new prisons.

Measure 61: Sponsored by Kevin Mannix, would impose mandatory prison sentences for burglary, identity theft, drug dealing and other nonviolent crimes. Would add 4,000 to 6,000 inmates, increasing the prison population by at least 30 percent. Estimated to cost between \$522 million and \$797 million during the first five years and require the state to borrow \$1.1 billion to \$1.3 billion for new prisons.

For voters, a fundamental question is whether it makes sense to divert millions of dollars from other state programs to lock up more criminals when the economy is in turmoil and Oregon's property crime rate is at its lowest point in four decades.

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It's estimated Measure 61 would cost between \$522 million and \$797 million over the first five years and require the state to borrow \$1.1 billion to \$1.3 billion for new prisons.

Neither measure details how to pay for prison expansion, leaving it to the Legislature to decide whether to take money from other programs or raise taxes.

If voters want to lock up more car thieves and drug dealers, then the question becomes: Which measure will do a better job reducing crime?

Locking up burglars and drug dealers in prison lowers the crime rate. It's pretty simple: When criminals are behind bars, they cannot steal cars and credit cards. But it's expensive. And studies show that drug treatment is a much cheaper crime-fighting alternative.

Multnomah County District Attorney Mike Schrunk says voters tell him they want to cut property crime, but they don't want to spend too much money, either.

"I think 57 is a better answer. It allows us to put the focus on the people who really need to be locked up," Schrunk says. "And it doesn't break the bank."

Most prosecutors and law enforcement officials agree and have endorsed Measure 57.

Kevin Mannix, the former Republican lawmaker who wrote Measure 61, says he supports drug treatment, but Measure 57 provides too many exceptions to effectively reduce crime.

"Measure 61 is designed to be an aggressive assault on drug dealing, identity theft, burglary and auto theft," Mannix says. "We want a dramatic shift in the fight against these types of crime."

Prison vs. treatment



Fredrick D. Joe/The Oregonian

Jerome Gilgan says a treatment program helped him break a long cycle of drugs and crime. Gilgan is now a drug and alcohol counselor.

Jerome Gilgan, 45, was heavily involved in drugs and crime for three decades. His first stretch in prison didn't slow him down.

"What I did learn is how to do some crimes better," Gilgan says. "It's like a camp for crime."

Gilgan finally turned his life around after he went through a Volunteers of America drug treatment program in Northeast Portland a few years ago.

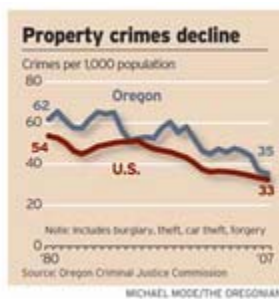
Gilgan, now a drug and alcohol counselor, said treatment is crucial to any effort to reduce crime.

"It doesn't work for everybody," he says. "But if you don't give them a shot at it, it's definitely not going to work."

Prison does reduce crime. Studies show that a 10 percent increase in the prison population reduces the crime rate by 2 to 4 percent.

But it's costly. Locking an inmate in an Oregon prison costs an estimated \$28,390 a year. That and new prison construction explain the two measures' hefty price tags.

Studies show that drug treatment also reduces crime. That is particularly true of property crimes, 80 percent of which are committed by addicts or people involved with drugs.



The Washington State Institute for Public Policy reviewed dozens of studies and concluded in a 2006 report that drug treatment in prison reduces the likelihood of committing new crimes by 5.7 percent.

Community drug treatment has a better payoff: a 9.3 percent reduction in crime committed by criminals who receive it.

Drug treatment, because it is so much less expensive than prison, is cost-effective. Washington's policy institute, an arm of the state Legislature, estimates there is a savings of reduced crime and victim losses of \$7,835 per inmate who receives treatment in prison.

Providing drug treatment in the community produced better savings: \$10,054 per criminal. The analysis is based on the savings to society and victims because of a lower crime rate.

The institute also found that incarceration saves money, but less so.

Every \$1 spent incarcerating property offenders in Washington saves \$1.10 elsewhere in the criminal justice system and to victims.

But incarcerating drug offenders costs more money than it saves, studies show.



Stephanie Yao/The Oregonian

In January 2007, Sindy Finch greets daughter Ashley at a Girl Scouts meeting in Coffee Creek Correctional Facility. Finch spent more than a year in prison for drug manufacturing and child neglect but earned an early release last year after successfully completing treatment and parenting classes.

"I had to change"

Sindy Finch, 35, started using methamphetamine when she was 15. She started selling meth to support her habit. She said she first went to jail when she was 18.

Finch says she managed to stay clean at times -- usually when she was pregnant -- but inevitably slipped back into drugs and crime.

It wasn't until a judge sent Finch to prison in 2005 that she accepted the need to change.

"I realized that I had to change or my kids were going to follow in my footsteps," she says.

In prison, Finch took advantage of drug treatment programs and parenting classes, earning her an early release in February 2007. She now works for a flower shop in Southeast Portland, raises her six children with her ex-husband and recently got accepted to school to become a tattoo artist.

"The reason I have come as far as I have is I have a phenomenal support network," she says, referring to family, friends and her probation officer.

But not everyone is sold on the effectiveness of drug treatment.

David Farabee, a research scientist at the UCLA Neuropsychiatric Institute's Integrated Substance Abuse Programs, found that nonviolent drug offenders who were diverted to rehabilitation programs under a 2000 California ballot measure were more likely to be rearrested than those who remained in the criminal justice system.

Farabee says the problem with most studies is that they do not use the same rigorous scientific methods that are used in prescription drug trials. Most studies, he said, "dramatically overstate the effectiveness of drug treatment and pretty much the whole panoply of offender programs."

Which is not to say that Farabee believes prison reduces crime beyond taking criminals out of circulation for a while.

"There is no evidence that long prison terms in any great way reduce recidivism once the folks are released," he says.

Dan Larson's six-count guilty plea in February boosted his career total to 37 convictions of ID theft, burglary, car theft and other charges.

The prosecutor recommended prison, but the judge gave him probation.

Larson would be in prison under either anti-crime measure. Nothing in the current law prevented the judge from sending Larson to prison given his criminal record. But both 57 and 61 would have removed the discretion to give him probation.

Under Measure 61, a conviction of ID theft carries a mandatory minimum sentence of three years. Under Measure 57, someone with Larson's criminal record also would have gone to prison, but inmates sentenced under the measure would be eligible for early release by completing drug treatment.

Mannix complains that Measure 57 is ultimately an empty promise because no money is set aside for treatment in the measure.

"It's window dressing," Mannix said.

However, Gov. Ted Kulongoski's budget for the next two years is expected to include an estimated \$40 million for drug treatment if Measure 57 passes.

"We will fund the \$40 million in drug treatment," says Rep. Chip Shields, D-Portland. "No question."

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