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## Mandatory Minimum Sentences and Youth

Reported by Children First  
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With the passage of the Ballot Measure 11, Oregon's policy toward youth has shifted toward severe punishment and away from rehabilitation. Ballot Measure 11 eliminates the discretion of the judge to impose a sentence based on the facts of the case and history of the offender. This law passed in 1995, requires a juvenile (15, 16 or 17 years old) who is charged with any crime covered by Measure 11 to be remanded to adult court and treated as an adult. At an age when these youth aren't able to vote, serve their country in the military, enter into a contract, and can't legally buy cigarettes, Measure 11 considers them old enough to be tried as adults and live in adult prisons.

Ballot Measure 11 eliminates a judge's ability to tailor the sentence to the individual case. Instead, sentencing power is transferred to the prosecutor which places a disproportionate amount of discretion and power in their hands to determine the sentence through plea-bargaining. Many defendants feel forced to plead guilty, even if innocent, rather than risk trial and the imposition of a mandatory sentence. This plea bargain is often contingent upon the defendant accepting a sentence determined by the prosecutor, effectively making him the judge. A plea offer will often contain other stipulations in which a defendant is forced to give up certain rights, such as an appeal or

other legal remedies or entitlements.

While most would agree that there are indeed juveniles who commit crime so heinous and offensive that they are more appropriately handled in the adult system, most would also agree that there are juveniles whose circumstances and crimes are most appropriately heard and sentenced in the juvenile system. Ballot Measure 11 makes no distinction between these two groups. (Children First for Oregon)

When a youth is convicted under Measure 11 in an adult court, he/she belongs in the legal custody of the Oregon Department of Corrections. Oregon law allows the youth to be housed with Oregon Youth authority until they reach the age of 25. However the youth still remains in the legal custody of the DOC and anyone over 16 can be returned at any time for disciplinary and/or security reasons for the remainder of their sentence.

Demographics: As of May 1, 2000 Measure 11 youth offenders are predominantly male, with only 7% of the population female. The population is also predominately Caucasian although African American youth are dramatically overrepresented in the Ballot 11 youth population. While African American youth comprise only 2% of the Oregon's youth population, they represent 12% of the Measure 11 youth population. Ballot Measure 11 youth who are Hispanic and Native American are also overrepresented, at twice the rate of representation of Oregon's total youth population.