

Initiative Petitions 40 and 41 are Kissing Cousins

While initiative petitions 40 and 41 do not depend on each other for their existence or their usefulness, they do have a family connection in the sense that each was written with the other in mind. Each can stand on its own, but taken together they make a dynamic combination.

Initiative petition 40 establishes mandatory minimum prison sentences for street drug manufacturing and dealing, identity theft, burglary, forgery, and motor vehicle theft. It provides that the state (not counties) is responsible for the cost of pre-trial incarceration for anyone sentenced under initiative petition 40. As to incarceration, it allows the state some flexibility, and even specifically mentions work camps as the kind of incarceration facilities which may be used.

Initiative petition 41 is a constitutional amendment which dedicates 15% of lottery profits to public safety prevention, investigation, and prosecution. Based on 2007 lottery profits, this will amount to about one hundred million dollars per year. Out of this new public safety fund, 50% will be dedicated to provide full funding to the Oregon State Police Criminal Investigation, Forensic, and Crime Lab operations. The other 50% will go to counties, with 20% for crime prevention programs for young children at risk, 15% for sheriff field operations, and 15% for additional prosecution resources.

Petitions 40 and 41 fit together quite nicely because 40 empowers direct action to reduce crime and 41 provides critical funding.

The empowerment side comes from the opportunity to go after chronic criminals who are damaging our community. Most of the crimes covered by initiative petition 40 presently receive sentences of probation, so the perpetrators are left in the community to continue to commit crime. With petition 40, we have the opportunity to pull these criminals out of circulation and seek to rehabilitate them in a controlled process (prison or work camps for reforestation, etc.).

Petition 41 gives us the opportunity to make better use of petition 40. Sheriffs need the additional deputies and support staff to conduct adequate field operations and investigations. Counties need additional prosecutors to carry the cases. The state needs additional resources for the State Police so that they can do the necessary back-up work in complex cases, and provide the forensic and crime lab services which are vital in these modern times.

At the same time, counties will want to work with young children who are at risk, to help them avoid lives which lead to criminal activity. Counties will also likely identify more children who are at risk through enhanced drug crime investigations and prosecutions. Petition 41 will give counties additional resources to help these young children.

Petition 40 and 41 do not provide all the answers. However, they are two strong moves in the right direction to enhance safety in our communities. Beyond that, they are mutually reinforcing so that each petition makes the provisions of the other petition even more effective in protecting our communities.