

SPEECH BY GOVERNOR VIC ATIYEH
CRIME PREVENTION ASSOCIATION OF OREGON
ANNUAL CONFERENCE, EUGENE
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PREPARED TEXT

NEXT TO THE ECONOMY, CRIME IS ONE OF THE MAJOR CONCERNS OF OREGONIANS THIS YEAR. EACH OF YOU IS AS CLOSE TO THAT CONCERN AS ANYONE IN OREGON.

I KNOW THE FIGURES AND SO DO YOU. THE SERIOUS CRIMES INDEXED BY THE FBI, THE SO-CALLED "INDEX CRIMES" OF LARCENY, BURGLARY, AUTO THEFT, ARSON, AGGRAVATED ASSAULT, ROBBERY, RAPE, AND MURDER; WENT UP 7% IN OREGON BETWEEN 1980 AND 1981.

BUT THERE IS A LONGER, SADDER STORY TO BE TOLD.

OVER THE LAST DECADE, THE GROWTH OF SERIOUS CRIME IN OUR STATE HAS BEEN APPALLING. INDEX CRIME IN OREGON HAS RISEN 78% COMPARED WITH OUR POPULATION INCREASE OF ONLY 25%.

OREGONIANS ARE UNDERSTANDABLY MORE FEARFUL OF CRIME. OUR SURVEYS IN OREGON INDICATE THAT FAR MORE PEOPLE THIS YEAR BELIEVE THAT CRIME IN THEIR NEIGHBORHOOD HAS INCREASED.

CITIZEN FEARS ARE JUSTIFIED BY THE FACTS. FEDERAL LAW ENFORCEMENT STATISTICS SHOW THAT ONE OF EVERY THREE OREGONIANS WILL SOMEHOW BE VICTIMIZED BY CRIME THIS YEAR.

THESE ARE TIMES WHEN RESOURCES OF GOVERNMENT TO PROVIDE PUBLIC SERVICES HAVE BEEN DIMINISHED BY A FALTERING ECONOMY. MANY GOVERNMENTAL SERVICES ARE BEING IMPAIRED. STILL, WHATEVER ELSE MAY BE IN ORDER, MY VIEW AS GOVERNOR IS THAT THE MOST ESSENTIAL FUNCTION OF GOVERNMENT IS TO PROTECT THE PEOPLE'S LIVES AND PROPERTY. THIS IS AN ABSOLUTE DUTY, WHICH CANNOT BE COMPROMISED.

LAST AUGUST, I RESPONDED WITH A SEVEN-POINT PROGRAM FOR LEGISLATIVE AND ADMINISTRATIVE ACTION BY STATE GOVERNMENT. I HAVE TAKEN EXECUTIVE ACTION AND MY BUDGET AND LEGISLATIVE RECOMMENDATIONS ARE NOW BEFORE THE OREGON LEGISLATURE.

LET ME DESCRIBE MY RECOMMENDATIONS TO YOU TODAY.

FIRST, I AM CALLING UPON THE 1983 LEGISLATURE TO SUBMIT TO THE PEOPLE A CONSTITUTIONAL AMENDMENT, REINSTATING CAPITAL PUNISHMENT. AS MOST OF YOU KNOW ALL TOO WELL, THE PEOPLE IN 1978 VOTED TO RESTORE CAPITAL PUNISHMENT, WHICH HAD BEEN ABOLISHED 14 YEARS EARLIER. THE STATE SUPREME COURT, HOWEVER, FOUND THIS MEASURE TO BE UNCONSTITUTIONAL BECAUSE OF PROCEDURAL DEFECTS. MY PROPOSAL IN HOUSE JOINT RESOLUTION 3 WOULD CORRECT THE TECHNICALITIES, SO THE PEOPLE'S WILL CAN BE CARRIED OUT.

IT IS NOT MY VIEW THAT THE CLOCK SHOULD BE TURNED BACK TO THOSE TIMES WHEN HORSE THIEVES WERE STRUNG UP IN EVERY COUNTY. IN FACT, IT WAS THE EXCESSIVE USE OF THE DEATH PENALTY MANY YEARS AGO THAT DISCREDITED IT. MY PROPOSAL WOULD APPLY THE PENALTY ONLY IN CASES OF AGGRAVATED MURDERS -- CRIMES THAT SHOCK THE CONSCIENCE OF SOCIETY, AND SHOW A DEPRAVED CRIMINAL MIND WHICH CANNOT EVER BE RETURNED TO THE COMMUNITY.

SECOND, I AM SUPPORTING A BILL WHICH, IN EFFECT, WILL ABOLISH THE INSANITY PLEA IN CRIMINAL CASES.

UNDER EXISTING LAW, IF AN INDIVIDUAL IS FOUND TO LACK SUBSTANTIAL CAPACITY TO UNDERSTAND THE CRIMINALITY OF HIS ACTS, OR CONFORM HIS ACTS TO THE REQUIREMENTS OF LAW, HE MUST BE FOUND INNOCENT OF THE CRIME WITH WHICH HE IS CHARGED, NO MATTER HOW TERRIBLE IT MAY BE. WHILE IT IS CUSTOMARY TO SEND THAT INDIVIDUAL FOR TREATMENT TO A STATE MENTAL FACILITY, HE MUST BE RELEASED WHENEVER APPROPRIATE AUTHORITIES FIND HE HAS BEEN CURED -- AND HE HAS NO FURTHER CRIMINAL LIABILITY FOR WHAT HE DID.

THERE IS A GROWING BODY OF EVIDENCE THAT THERAPEUTIC TREATMENT OF THE MENTALLY ILL IS MADE EASIER IF THEY CAN BE CONVINCED THEY ARE RESPONSIBLE FOR THEIR SOCIALLY UNACCEPTABLE CONDUCT, AND ARE NOT TO BE EXCUSED. I BELIEVE VERY STRONGLY THAT INDIVIDUALS OUGHT ALWAYS TO BE HELD RESPONSIBLE FOR THEIR OWN ACTIONS.

SOME STATES HAVE ABOLISHED THE INSANITY DEFENSE ALTOGETHER. THIS IS NOT TO SAY THAT SOMEONE WHO IS FOUND TO BE MENTALLY ILL SHOULD NOT RECEIVE APPROPRIATE THERAPY. IT DOES MEAN, HOWEVER, THAT SOCIETY WILL TAKE A MUCH STRICTER VIEW OF THE CIRCUMSTANCES UNDER WHICH A PERSON IS EXCUSED, BECAUSE THAT PERSON'S MENTAL PROCESSES ARE NOT TYPICAL OF THE COMMUNITY.

THIRD, I HAVE PROPOSED IN MY BUDGET ADDITIONAL ANTI-CRIME FUNDING FOR THE ATTORNEY GENERAL'S OFFICE, FOR PROGRAMS THAT ASSIST LOCAL PROSECUTORS THROUGHOUT OREGON.

IT IS NOT ENOUGH SIMPLY TO ARREST WRONGDOERS. BEFORE THEY CAN BE BROUGHT TO ACCOUNT, THEY MUST STAND TRIAL AND THEIR GUILT MUST BE PROVEN BEYOND A REASONABLE DOUBT. THE TASK OF PROVING GUILT FALLS ON LOCAL PROSECUTORS -- DISTRICT ATTORNEYS AND THEIR DEPUTIES. WITHOUT THEIR EFFORTS, ALL THE TREMENDOUSLY DIFFICULT WORK DONE BY LAW-ENFORCEMENT OFFICERS WOULD BE MEANINGLESS.

TO BE A PROSECUTOR, ONE FIRST MUST HAVE A LEGAL EDUCATION. TO BE AN EFFECTIVE PROSECUTOR, ONE ADDITIONALLY MUST HAVE SPECIAL SKILLS IN PRESENTING CASES TO JUDGES AND JURIES, AND EXPERIENCE THAT COMES ONLY THROUGH YEARS OF ACTUAL PRACTICE. THE MOST EFFECTIVE PROSECUTORS COULD MAKE FAR MORE MONEY IN PRIVATE PRACTICE, BUT DEDICATION TO THEIR TASK ON BEHALF OF THE PUBLIC REFLECTS A WILLINGNESS TO ACCEPT SOME DEGREE OF PERSONAL SACRIFICE. THE PUBLIC CAN IMPOSE ONLY SO FAR ON THAT WILLINGNESS, HOWEVER -- THERE COMES A POINT WHEN ALMOST EVERYONE MUST RECOGNIZE A NEED TO PROVIDE APPROPRIATELY FOR HIS FAMILY.

FAILURE TO PROVIDE ADEQUATE COMPENSATION FOR PROSECUTORS MAY "SAVE MONEY" IN THIS YEAR'S BUDGET. BUT IN THE LONG RUN, IT MEANS THERE WILL BE NO INCENTIVE FOR COMPETENT ATTORNEYS TO PURSUE A CAREER OF PROSECUTION. THAT MEANS ALL OF US LOSE -- CITIZENS, GOVERNMENT OFFICIALS, AND RESPONSIBLE LAW ENFORCEMENT OFFICERS.

RECOGNIZING THE VARYING SIZES AND FINANCIAL ABILITIES OF THE COUNTIES IN OREGON, INCREASED TECHNICAL ASSISTANCE TO DISTRICT ATTORNEYS FROM THE OREGON DEPARTMENT OF JUSTICE IS A TOP PRIORITY. SMALL COUNTIES CANNOT BE EXPECTED TO MAINTAIN THE KIND OF PROSECUTIONS STAFF NECESSARY TO HANDLE UNUSUAL AND COMPLICATED CASES. MY PROPOSAL RECOGNIZES A RESPONSIBILITY OF THE STATE TO MAKE AVAILABLE TEMPORARY ASSISTANCE IN THE FORM OF EXPERIENCED ATTORNEYS AND INVESTIGATORS, WHO CAN ASSIST LOCAL PROSECUTORS AS THE NEED ARISES.

FOURTH, MORE JAIL SPACE MUST BE PROVIDED FOR CRIMINALS WHO ARE A MENACE TO SOCIETY. NO ADULT PRISONS HAVE BEEN BUILT IN OREGON FOR MORE THAN 20 YEARS. DURING THAT TIME, THE POPULATION OF OUR STATE HAS GROWN BY ONE MILLION. CRIME CONTINUES TO INCREASE, WHILE LONGER PRISON TERMS RESULT FROM STRICTER SENTENCING PROCEDURES AND MORE CONSERVATIVE PAROLE POLICIES.

THERE IS A COMMON MISCONCEPTION THAT A GREAT NUMBER OF PRISONERS ARE DOING TIME FOR MINOR CRIMES, AND COULD BE MOVED OUT TO MAKE ROOM FOR VIOLENT OFFENDERS. TWENTY YEARS AGO, ABOUT ONE-THIRD OF THE INMATES WERE DOING TIME FOR WRITING BAD CHECKS. BUT TODAY, OUT OF 3,000 MEN AND WOMEN IN OREGON'S PRISONS, ONLY 50 ARE FORGERS. OF THOSE WHO ARE CROWDING OUR PRISONS, MORE THAN TWO-THIRDS ARE THERE BECAUSE THEY COMMITTED CRIMES OF VIOLENCE.

AND LET ME ADD THAT I THINK IT IS PREPOSTEROUS TO DESCRIBE CONDITIONS IN OREGON'S PRISONS AS "CRUEL AND UNUSUAL PUNISHMENT." NEVERTHELESS, CONSTRUCTION OF NEW CELLS MUST BE A TOP PRIORITY TO INCREASE THE CERTAINTY OF PUNISHMENT AND CONFINEMENT FOR CRIMINALS.

AS MANY OF YOU KNOW, I HAVE INCLUDED MONEY TO BUILD MORE JAIL CELLS IN MY 1983 BUDGET RECOMMENDATIONS. THAT RECOMMENDATION NOW AWAITS ACTION BY THE OREGON LEGISLATURE. IF THE LEGISLATURE REJECTS THAT RECOMMENDATION, THEN I MUST ASK -- AS ALL OF US MUST ASK -- WHAT IS YOUR SOLUTION? WHAT IS THE ALTERNATIVE TO MORE JAIL CELLS OTHER THAN SERIOUSLY JEOPARDIZING THE PUBLIC SAFETY OF THE PEOPLE OF THIS STATE? ALL THE LAWS IN THE WORLD ARE NO DETERRENT TO CRIME IF THERE IS NOT ROOM TO LOCK UP THOSE WHO ARE CONVICTED.

FIFTH, I HAVE CALLED ON THE SUPERINTENDENT OF PUBLIC INSTRUCTION TO LAUNCH AN EDUCATIONAL PROGRAM ON CRIME IN THE PUBLIC SCHOOLS OF OREGON, INCLUDING SPECIAL INSTRUCTION ON WAYS THAT YOUNG PEOPLE CAN AVOID BECOMING THE VICTIMS OF CRIME. THE SUPERINTENDENT ALREADY HAS RESPONDED AND HAS PREPARED THE DETAILS OF AN INSTRUCTIONAL PROGRAM FOR STUDENTS IN THE PUBLIC SCHOOLS.

YOUNG PEOPLE ARE AMONG THE MOST VULNERABLE OF ALL POTENTIAL VICTIMS OF A CRIMINAL. THEY ARE PHYSICALLY WEAKER, AND ALL TOO FREQUENTLY THEIR PARENTS DO NOT INFORM THEM OF THE DARKER SIDE OF HUMAN NATURE WHICH COMES TO THE FOREFRONT IN SOME ADULTS. THERE ARE AMPLE STATISTICS TO DEMONSTRATE THE EXTENT TO WHICH CHILDREN AND YOUTH ARE VICTIMIZED -- SOMETIMES BY THE PEDDLERS OF ILLEGAL NARCOTICS, SOMETIMES BY THOSE WITH PERVERTED SEXUAL APPETITES. THEIR INNOCENCE NOT ONLY MAKES THEM MORE SUSCEPTIBLE TO BEING VICTIMS, BUT LEAVES DEEPER SCARS.

WHILE EFFORTS WILL BE REDOUBLED TO APPREHEND AND PUNISH THOSE WHO ABUSE CHILDREN, IT IS EVEN MORE IMPORTANT TO PREVENT THESE CRIMES.

THE PROGRAMS BEING IMPLEMENTED IN THE PUBLIC SCHOOLS ARE COMPREHENSIVE EFFORTS TO ADVISE STUDENTS NOT ONLY OF THE PERILS OF DRUG ABUSE, BUT OF MEANS OF RECOGNIZING AND THWARTING POTENTIAL MOLESTERS. THEY WILL TEACH THE NEED TO REPORT WITH ACCURACY AND DETAIL THE IDENTITY OF WRONGDOERS, FIRST TO PARENTS BUT ULTIMATELY TO LAW-ENFORCEMENT OFFICERS.

SIXTH, I HAVE RECOMMENDED THAT WE DOUBLE THE CURRENT LEVEL OF FUNDING FOR THE CRIMINAL INVESTIGATION UNIT OF THE OREGON STATE POLICE.

REVENUE SHORTFALLS HAVE CUT DEEPLY INTO THE CAPACITY OF STATE AGENCIES TO CARRY OUT THEIR DUTIES. FOR EXAMPLE, THERE ARE ABOUT 100 FEWER STATE POLICEMEN NOW THAN THERE WERE SEVERAL YEARS AGO, YET WE MUST COPE WITH A LARGER POPULATION AND EVER MORE SERIOUS CRIME PROBLEMS. AT THE LOCAL LEVEL, BUDGET ELECTION DEFEATS HAVE JEOPARDIZED THE RESOURCES OF SHERIFF'S DEPARTMENTS, AND MANY CITY POLICE FORCES.

THERE ARE THOSE WHO SAY, WHEN THE TIME COMES TO MAKE BUDGET CUTS, THAT POLICE AGENCIES OUGHT TO "TAKE THEIR FAIR SHARE ALONG WITH OTHER AGENCIES." THIS IS A MISTAKEN NOTION OF "FAIRNESS." WHAT MIGHT APPEAR MATHEMATICALLY FAIR AMONG AGENCIES IN TERMS OF DOLLAR REDUCTIONS IS ANYTHING BUT "FAIR" TO THOSE WHOSE LIVES AND PROPERTY ARE PLACED IN GREATER DANGER BECAUSE OF REDUCED LAW ENFORCEMENT. I BELIEVE STRONGLY THAT SOME GOVERNMENTAL FUNCTIONS REALLY ARE MORE IMPORTANT THAN OTHERS -- AND NOTHING IS MORE IMPORTANT THAN THE PROTECTION OF THE PUBLIC PEACE, HEALTH AND SAFETY.

AT THE STATE LEVEL, I AM ASKING FOR \$2.4 MILLION TO BEEF UP THE STATE POLICE CRIMINAL INVESTIGATION DIVISION. I AM NOT ASKING -- NOR DO I INTEND -- THAT THIS DIVISION TAKE OVER FUNCTIONS NOW BEING PERFORMED BY COUNTY AND CITY AGENCIES. INSTEAD, I WANT THE DIVISION TO BACK UP LOCAL AGENCIES IN A JOINT FIGHT AGAINST VIOLENT CRIME. IF THE LEGISLATURE ACTS SOON AND FAVORABLY, WE CAN PROVIDE FAR MORE EFFECTIVE SUPPORT IN FINGERPRINT TECHNOLOGY, POLYGRAPH AND HANDWRITING ANALYSIS, AND ARSON AND NARCOTICS INVESTIGATIONS.

SEVENTH, AND FINALLY, I HAVE BY EXECUTIVE ORDER CREATED A SPECIAL COMMISSION AGAINST VIOLENT CRIME, MADE UP OF STATE AND LOCAL OFFICIALS INVOLVED IN THE CRIMINAL JUSTICE SYSTEM. THIS COMMISSION -- WHICH HAS ALREADY MADE A SERIES OF EXCELLENT RECOMMENDATIONS -- IS CHAIRED BY THE ATTORNEY GENERAL OF OREGON.

THE COMMISSION HAS BEEN INVESTIGATING FURTHER LAW ENFORCEMENT AREAS THAT NEED URGENT ATTENTION. SOME OF THESE INCLUDE THE PAROLE AND PROBATION PROCESSES -- WHETHER THEY OUGHT TO BE RETAINED, MODIFIED, OR OBOLISHED; THE ADEQUACY OF PROCEDURES TO DEAL WITH INDIVIDUALS UNDER 18 -- JUVENILES -- WHO COMMIT VIOLENT CRIMES; THE ADEQUACY OF EXISTING PROGRAMS DESIGNED TO SUPPRESS THE NARCOTICS TRAFFIC; RECONSIDERATION OF PROCEDURES FOR APPEAL AND REVIEW OF SENTENCES; MEANS OF ASSURING COMPENSATION FOR VICTIMS OF CRIME; TAX INCENTIVES FOR INSTALLATION OF ANTI-CRIME DEVICES, SUCH AS BURGLAR ALARMS; AND MEANS OF ENCOURAGING A HIGHER LEVEL OF VOLUNTEER CITIZEN ORGANIZATION AND INVOLVEMENT IN THE LAW-ENFORCEMENT PROCESS. THE WORK OF THIS COMMISSION, AS REFLECTED IN ITS FINDINGS AND RECOMMENDATIONS, IS ALREADY PLAYING A MAJOR ROLE IN SHAPING THE LAW ENFORCEMENT PROGRAMS UNDER CONSIDERATION BY THE 1983 LEGISLATURE.

BOTH AS CITIZENS AND AS MEMBERS OF AN ORGANIZATION DEDICATED TO PREVENTING CRIME, I KNOW YOU SHARE THE CONCERN OF ALL OTHER CITIZENS IN BRINGING IMPROVEMENT TO THE CRIMINAL JUSTICE SYSTEM GENERALLY. I WANT YOU TO KNOW THAT I AM DETERMINED TO MEET THE LAW ENFORCEMENT NEEDS OF OREGON HEAD ON. I INTEND TO CONTINUE TO TAKE A STRONG LEADERSHIP ROLE IN MAINTAINING LAW AND ORDER THROUGHOUT THIS STATE. IT WOULD BE NAIVE TO SUPPOSE THAT ALL THE PROGRAMS I HAVE OUTLINED THIS MORNING WILL STOP VIOLENT CRIME. THERE IS REASON TO BELIEVE, HOWEVER, THAT VIGOROUS IMPLEMENTATION OF THESE PROGRAMS CAN TURN THE STATISTICS AROUND AND MAKE OREGON A SAFER PLACE FOR ALL CITIZENS.

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