

AIP series prompts crackdown call

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SALEM - State Rep. Kim Thatcher, a Republican representing Keizer, Newberg and St. Paul, unveiled a comprehensive legislative package Monday aimed at tightening regulations governing Oregon's Alternative Incarceration Program or AIP.

AIP was created to promote drug and alcohol rehabilitation amongst Oregon inmates, offering early release as an inducement for agreeing to undergo voluntary treatment. A major expansion sailed through the 2003 Legislature without a dissenting vote.

However, a News-Register investigation conducted last year - and widely distributed around the state by The Associated Press - showed felons convicted in high-profile cases were serving as little as 15 percent of their allotted time, with virtually no notice to prosecutors, victims or the public. It showed prosecutors were growing increasingly angry over what they saw as abuses in a system giving the state Department of Correction virtually unfettered control, all below the public's radar.

Flanked by fellow Reps. Jeff Barker, D-Aloha, and Andy Olsen, R-Albany, Thatcher proposed a package consisting of eight bills. She said six would have their first reading on the House floor today, and the other two would be introduced as soon as the legislative staff completes its drafting work.

The bills are designed to establish considerably stricter guidelines with considerably greater accountability to victims and the public. Under Thatcher's proposal:

- n Repeat offenders who'd gotten an early AIP out once would not be eligible again.
- n Inmates with prior felony convictions would be excluded from consideration, as would those convicted of sex crimes or crimes in which the victim was seriously or fatally injured.
- n Inmates would have to serve at least 13 months in all and have at least 24 months remaining on their terms upon entering drug rehab under AIP.
- n Any further expansion of AIP diversion would require specific legislative approval.



The bills still undergoing drafting would require AIP participants to waive any privacy or confidentiality claims based on medical grounds, making them subject to the same public records laws applying to everyone else in Oregon. They also would require the Department of Corrections to submit annual reports on the program to the Legislature.

Thatcher acknowledged that the legislative push was triggered by the two-part News-Register investigative series "Free to Go," the wave of ensuring state publicity and a sharply worded lead editorial in The Oregonian demanding action. She cited both the series and editorial specifically during her Monday press conference, saying they helped draw needed attention to an important public issue.

That was seconded in highly emotional terms Monday by Ron Jensen of Corvallis, who lost a daughter to a hit and run driver who got a quick and quiet early out via AIP. His daughter's case was one of several detailed in the News-Register series.

Jensen's 18-year-old daughter, Robin, died in 2004 at the hands of 27-year-old Amy Stack. Stack fled the scene, leaving Jensen to die in a roadside ditch, but turned herself in several days later under the glare of intense publicity.

Circumstantial evidence suggested she had been drinking, but was not conclusive.

A jury voted unanimously to convict her for hit and run, and a judge sentenced her to 24 months in prison. But by admitted a substance abuse problem, and agreeing to undergo treatment under AIP, she got out in nine months and returned to her home state of Oklahoma.

Ron Jensen, struggling to compose himself, said the initial 24-month sentence didn't nearly reflect the magnitude of Stack's crime. To see her walk free after just nine months was nearly unbearable, he said.

A framed photo of his smiling daughter occupied a chair beside the podium as he expressed both his anger over what happened and his ardent support of Thatcher's attempt to prevent a repeat in like cases.

"For our family, this was an outrage and insult," he said. He said his daughter had fallen victim to Stack's reckless disregard and her surviving family members had fallen victim to the state Department of Corrections' overly generous AIP program.

Yamhill County District Attorney Brad Berry, who has been leading an effort by the Oregon District Attorneys Association to develop a comprehensive reform package, expressed mixed views on the package promoted by Thatcher.

He credited it with addressing the key issues raising hackles with prosecutors and the public. But he said he would prefer a negotiated package acceptable to the governor's office and Department of Corrections serve as the reform vehicle, rather than see one imposed from outside.

Berry said a work group with representatives of the governor, department and association had been meeting for some time. He said the talks have been showing good progress, and described both the governor and department as "receptive" to prosecutor concerns.

Perrin Damon, spokeswoman for the Department of Corrections, echoed Berry's sentiment.

She said the DOC respects the proposals put forth by Thatcher, but said the three-way work group is "very close to agreement" after months of talks. She said it will be producing its own set of reform measures, which may or may not run parallel those of Thatcher.

But Thatcher was flanked by a bevy of key supporters at the press conference, including Yamhill County Sheriff Jack Crabtree and Crime Victims United President Steve Doell.

They said the enabling legislation gives the department so much discretion, it virtually invites abuse. They said the department is authorizing cuts so drastic they serve to undercut Oregon's longstanding commitment to truth in sentencing and undermine the public's faith in its criminal justice system.

Crabtree said he supports rehabilitation, "but not at the cost of a just sentence."

In the 1980s, he said, Oregon had a horrible revolving door problem. He said it was frustrating and alarming to see convicted felons, some guilty of what would now be Measure 11 offenses, back on the street committing new crimes.

Despite the best of intentions, he said, AIP in its current form is a step backward, a step backward toward the old revolving door of the 1980s. He said he supports new restrictions to rein it in.

Doell said Crime Victims United worked closely with Thatcher on the legislation and it has his full support. He took the occasion to highlighted another AIP horror story detailed in the News-Register series - that of former Eugene cop Juan Lara.

Lara was convicted in 2004 of forcing women to have oral sex with him while on duty. He was sentenced to five years and eight months in prison, but through AIP, got out more than three years early.

He said cases like that show that Oregon is "sliding back in the wrong direction."

Thatcher said the plain fact is this: AIP is sending the wrong message. It is weakening deterrents against crime set in place by the public through the ballot box.

"This is really about truth in sentencing," she said. "Oregonians have supported that time and again."