

Testimony Senate Bill 2008

Steve Doell, President Crime Victims United

April 24<sup>th</sup> 2019

House Judiciary Committee

My name is Steve Doell. I am the father of a murdered child Lisa, who was 12 years old when she was murdered by a known violent 16 year old who was a stranger to her.

For many years I have lead Crime Victims United, a group which was founded by Bob and Dee Dee Kouns in 1983, and have advocated for the rights of crime victims and worked to first pass Measure 11 in 1994 and then defended it from repeal in the form of Measure 94 in 2000

It is significant to note that Oregon voters approved Measure 11 by a 3 to 1 margin and when many of the same advocates who today seek passage of SB 1008 promoted Measure 94, Oregon voters rejected that by a nearly 4 to 1 margin. If supporters of SB 1008 are so confident that Oregonians have had a sea change of belief on the subject of violent crime sentences, then have the decency and courage to submit it to the voters.

This is NOT a question of "criminal justice reform," it is simply the repackaging of the "New boss, same as the old boss." SB 1008 would effectively cancel 24 years of truth in sentencing, returning the system to the 1970s, 1980s, and early 90's and not coincidentally to catastrophically high violent crime rates. There are those who refute the effect of Measure 11 on lowering crime rates using the worn saw that it had no effect. What they choose not to reveal is that the violent crime rates started to decline in most other states in 1989 and the early 90s. Why? Because 33 states increased time served for violent crimes. 23 states invoked 3 strike and your out laws, and by 1995 every state in the country had a mandatory minimum law on the books that addressed violent crimes. So you see this drop in crime didn't happen mysteriously or by osmosis. The people throughout the country used the initiative and their legislatures to take action.

By the turn of the millenium Oregon, with the major help of Measure 11, had the most pronounced reduction of violent crime than almost any other state. The proposal that we should reverse course, allow 15, 16, and 17 years olds who commit murder, rape and violent sexual assaults, and armed robbery to be treated like "children" makes no sense at all.

Using the medical analogy, it would be like seeing a patient with severe high blood pressure and diabetes, whose conditions are well controlled stop using high blood pressure medications and insulin.

SB 1008 is akin to that patient declaring to their doctor that since they no longer pass out from uncontrolled blood sugar or suffer high blood pressure they don't need their medication.

No doctor in their right mind would tell that patient to reverse the very course of treatment that brought them to health.

There's more. The overwhelming majority - the 99% plus of cases adjudicated in juvenile court will mean no permanent record exists of their crimes.

Make no mistake...that is what SB 1008 will do. It is no carefully titrated effort to find programs for which older teenagers victimize fewer people. No, it will return to a time many of you may have forgotten, when it was extremely rare for any 15, 16 or 17 year old to have to face adult consequences for a violent crime. This bill flips the burden from the criminal to the state by 180 degrees.

You need look no farther than Jamie Tinoco, currently on his third or fourth trip through the system. Tinoco was 17

when he was charged with murder. That came after he had been rewarded with a trip to Autzen stadium in 2014 when he was a ward of the Washington County Juvenile system, when he brutally raped a 29-year-old woman. He had been getting treated as a "low risk offender."

Lost in the discussion is that the current law does not treat 15, 16 or 17-year olds who commit statutory rape, unarmed robbery, even criminally negligent homicide to adult court. None of those crimes are considered serious enough to warrant remand to adult court.

If you think this is justice for law abiding citizens and the voters of Oregon, it is not.

If you think this is justice for crime victims, I feel sorry for you.

For most of you there may not be a political price to pay for voting yes on this bill, there will however be a moral price to pay.



By [Guest Columnist](#)

**By Steve Doell**

No one following local news recently could have missed the shocking story of 17-year-old criminal predator Jaime Tinoco. Formally adjudicated (the juvenile equivalent of adult conviction) last summer of burglary and harassment in Washington County juvenile court, he was assessed by the juvenile department of that county as a low risk to re-offend, based on a risk assessment questionnaire that is used throughout the state. That evaluation led to a low-key probation that resulted in Tinoco's savage rape of a 39-year-old woman in Eugene after he walked away from a juvenile department field trip to a Ducks football game. Now Tinoco has been indicted for the brutal stabbing murder of 29-year-old mother-of-four Nicole Laube in another vicious attempted sexual assault in Washington County -- also while being "supervised" on juvenile probation.

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It may be hard to get past the pain, anger and tears produced by these predatory crimes, and it is unlikely that the rape victim, her family and the surviving family members of the murder victim will ever do so.

But behind the grim headlines lies a bigger story. Oregon today has established itself as the national leader in "juvenile justice reform." Employing policies developed by East Coast anti-incarceration interest groups like the Annie E. Casey Foundation, our state casts itself as the future of cutting-edge juvenile justice policy. At taxpayer expense, Multnomah County juvenile authorities have even established their own juvenile justice reform institute, inviting authorities from around the nation to attend classes to promote our state's vision of juvenile justice reform.

The "reforms" advocated by the leaders of this movement, never advertised to the public at large, would leave most reasonable people at a loss for words.

The use of risk assessment tools, like the one that led to Tinoco's lax supervision and brutal crimes, is a case in point. Juvenile authorities throughout Oregon use a standardized questionnaire designed to predict an offender's future risk. The process is designed to replace the judgment of juvenile authorities such as judges and probation officers with a score generated by a risk assessment evaluation. The questionnaire, however, is dependent on the inherent truthfulness of the juvenile offender, a proposition that by itself should raise eyebrows when it involves criminal conduct.

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Scientific validity tests show the predictive ability of the risk assessment tool used to evaluate Tinoco is only 70 percent, considered "poor to fair" in statistical terms. In layman's terms, juvenile authorities in Washington County decided to design Tinoco's level of supervision on a tool that is wrong in predicting future dangerousness in three cases out of 10. As late as April 1, the Washington County Juvenile Department continued to attempt to absolve itself from blame by pointing to its use of risk evaluations that, "regrettably," are not perfect.

That must be cold comfort to the families of Tinoco's victims.

The treatment of Tinoco by the Washington County Juvenile Department is only a single example of a statewide juvenile policy that has run off the rails, and one that has been carefully hidden from the public. In Multnomah County, for instance, the use of the same risk assessment tool has led local authorities to quietly dismiss almost 60 percent of all juvenile criminal cases on the day they are submitted by police. The emerging theory is that the best response to a juvenile crime is usually to take no action at all. Unlike our juvenile authorities, however, it would be hard to find a parent who believes that serious antisocial conduct such as crime should be ignored in 60 percent of cases.

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And how have these brave new policies worked? In contrast to our adult system, which boasts some of the nation's lowest crime rates, Oregon's juvenile crime rates are among the highest in America. Perhaps it's time to conduct an open discussion with Oregonians about these policies.

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*Steve Doell is president of Crime Victims United of Oregon. His 12-year-old daughter, Lisa, was murdered in 1992 by a juvenile who was a stranger to her in Lake Oswego.*

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