

Timothy P
Judge Alexander Interview
U.S. History Project

Riley Barr: How long have you lived in Hillsboro?

Judge Alexander: Since 1975.

RB: Describe your career and how it led to your position today?

JA: I started out as an assistant district attorney down in Houston, Texas, after law school. Then I moved up here and was a deputy district attorney in Multnomah County, even though I moved out here for about four years. Then I had my own law firm for about eleven years, and then I went on the bench. So, that's how I got to where I am.

RB: If you think about how Hillsboro has changed over twenty five years, which changes have had the biggest impact on crime and law enforcement?

JA: Well, basically what happens in any community is the growth, and we've had huge growth here. A large percentage of people have come in, more than we ever thought. I was on the committee that planned the new jail, and did some projections back then about how many people around live here, and years into the future. That was back in the '80s, so, really, the last twenty five years we thought that by this time we thought we would have more than enough jail beds for the number of people living in the county. We were completely wrong. All the projections were way off in terms of how many people would be in jail. So the biggest change is not only the number of people, who have moved in here unexpectedly, but also the meth epidemic and the methamphetamine problems. But the crime we have now that lands people in jail is much higher than in it was, and what we expected it to be. We've all been surprised by the meth epidemic, the number of car thieves, and identity theft that comes from the methamphetamine epidemic.

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RB: If you think Hillsboro has changed so much over twenty five years, which areas are the most affected?

JA: Population, and the methamphetamine addiction that we're facing with all these people.

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RB: Why do you think meth has become such an important drug?

JA: Because it is cheap, and it is easy to make. A lot of people are in the business of making meth. I remember many years ago the type of drug cases we had to deal with maybe heroin, cocaine, and a little bit of marijuana. That stuff, other than marijuana, is hard to get. They have to bring it from somewhere else, like the Far East and South America, where there's a lot of smuggling going on. With methamphetamine, they can make it in someone's garage. Right here down the street, it's fairly easy to distribute because there are so many small dealers around the place. Apparently, I hear that it keeps them up all night. For days at a time, it is just horrific, and then they crash early and feel

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just terrible not having slept in three days. You can imagine what that does to their body. The thing is, while they're up for those days, they're committing crimes like crazy. They have so much time and energy on their hands they're out committing crimes.

RB: So would you agree there has been an increase in drug trafficking since the 1980s?

JA: Oh yeah, definitely, a huge increase. There is a reason why there is a lot more drug trafficking and methamphetamine. Because of the higher percentage of people we have from South America and Mexico now in this country, there is a freer flow of drugs across the border than there used to be. There are a lot of people bringing them in their cars and stuff.

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RB: What do you think has spiked that change in that specific population growth? Why do you think people from Mexico or South America come to Hillsboro, why not anywhere else in the country?

JA: Well, there are jobs here. They like to work in the low level jobs in agriculture, businesses, and stores doing labor-type work, because those people can make ten or a hundred times what they make in their hometowns. Some of them come here and can get what you and I consider a minimum wage job, and they're supporting themselves and their families back in Mexico just on that money. There is such a difference, and I think it's just the opportunity they have here. They have a community, and what happens is when people live in a place from another area, other people find out about it and want to be with them. Not just because they know them, not just the Hispanics do that, people come from the West and the East. We have whole communities, like Russians, who have moved here because someone has a foothold here. Somebody tells someone else about it, and now we even have Texans here, my home state, because they heard about Oregon.

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RB: What do you believe is the biggest problem in Hillsboro law enforcement?

JA: In law enforcement? A lack of jail space, by far. We have a certain number of jail beds, for which the federal court has a limit on how many people you can put in the jails. You can't double or triple bunk like we used to. So federal judges have imposed orders on Washington County and they have to comply with those limits. So that means when someone comes in the front door, someone has to go out the back door if they are full. We actually are at a point where we are releasing a hundred people a week that otherwise wouldn't be released. We go through elaborate efforts to try and evaluate who should be released. Anyone who is a halfway decent risk to be released before trial gets released. They sign a release agreement or post a small bail, or someone else signs a third party form. All those people have already been released. It is the one's who are left in the jail that shouldn't be released. Then we're cutting another chunk of about one-hundred or more per week of those people who shouldn't be released. They go back on the street and go right back to committing crimes. So it is like this big vicious circle, literally a revolving door. Some of these guys get arrested four or five times on property crimes before they finally get held long enough for us to get them to court and to get them tried.

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RB: How do you feel that impacts public safety?

JA: It's a huge difference. If you have a credit card, make sure you are very careful with the number. You can't leave anything in your car without the risk of someone breaking in just to get small amounts of money that is on the seat, or anything they can steal. We have an increase in occupied dwelling burglaries, where people are actually at home and some burglar breaks in. They've got very brazen about it. They have started doing anything they need to get money, and we didn't use to see that in Hillsboro. It's a big difference.

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RB: Do you believe there is adequate funding in Hillsboro law enforcement?

JA: No, there is never enough money. Here we do a better job than some places. People did vote for that new jail, which was good. We built a ninety-five million dollar jail but unfortunately there is not enough money in the operating budget to staff it all the time. Multnomah County has a jail that is entirely empty. It's a brand new building and not operating because they can't staff it. They don't have the money in their on-going operation budget to staff it. So of those people in Multnomah County that ought to be in jail or not, many come here and commit crimes. So it is not just here in Washington County, the whole entire area is not funding the jails properly. They do a pretty good job in financing the police but there are a lot of police officers on the street. They are not doing anything about the jail part of it.

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RB: In what areas has law enforcement improved since the 1980s?

JA: Their use of non-lethal force has changed. We have tasers now and pepper spray, just different kinds of ways to subdue people without causing them serious injury. It used to be that if anyone pulled a weapon on a police officer they just got killed, and that just happened over and over again. Now the officers try really hard not to use lethal force unless they have to. We have new improvements in the scientific evidence that the police are able to gather. CSI is kind of a funny show, but there is a lot of truth to it. There are a lot of improvements in the technology that we use. The police are a lot better at that. I think the officers are more educated. The vast majority of the police officers have some college now, if not a college degree. The quality of the people we are getting in the police I think is much better.

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RB: Please describe your role in prosecuting criminals?

JA: My role now, or when I was a prosecutor?

RB: Right now. Just describe how things change from back in the 1980s when you were a district attorney and now you're a judge. How does that change?

JA: The biggest difference, when you are an attorney for either side, an attorney is obligated to represent that side of the dispute and to be an advocate for that side. You don't have any discretion really on what you are gonna charge as a DA. As a judge, you

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are not on any side. You are neutral. You are only making the determinations about guilt or innocence if you're asked to, and accepting pleas of guilty and then deciding what sentences are going to be. A judge doesn't prosecute people. That is not the correct term. A judge sentences people, and I think my role is to get as many people in programs or things that will rehabilitate them if possible. The ones that can't be rehabilitated should be locked up. I do that a lot. I send a lot of people to prison because they just can't make it in the community.

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RB: Have any recent or past laws hindered that ability?

JA: Yes. Measure eleven is our biggest problem. It is the mandatory prison sentencing law. It's a gridlock, and anyone who comes in for a felony fits anywhere on this grid. The sentencing from the least serious on level one all they way up to level eleven, and from the left (with no prior records) all they way to the right side, where there are cumulative convictions. So what you do is you get the crime seriousness and you come over to their prior record and it tells you what the presumptive sentence is. Everybody above the line in yellow goes to prison, and below the line (in the colors) someone gets some kind of local community probation or supervision. Measure eleven knocks all that out. The elaborate structure is just worthless as to measure eleven because all of these crimes (from the grid) under measure eleven require a mandatory sentence. The judge has no discretion. You have to impose, and you've got to see what this says (sentencing grid). Even though someone might get probation because it is the first offense, instead they get a mandatory seventy or seventy-five month prison term. There are other statues like that now for repeat property offenders, or people who steal multiple cars, that kind of thing. The legislature has started setting mandatory sentences of thirteen months or nineteen months for people depending on their prior history. This takes the discretion completely away from the judge. You have to impose that sentence, you have no choice.

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RB: How does that make you feel? Do you believe it takes away your freedom more?

JA: It's ridiculous. It should never have happened. Measure eleven is one of the worst laws that was ever passed. The judges are there to exercise discretion. That's the point; it's my job to make those designs. Before Measure eleven if I got somebody who committed a rape in the first degree I would send them to prison for a long time anyway, they don't need to tell me that. But, there is the occasional rare case where that sentence is not right, the judge should have the ability to do something different, and we don't.

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RB: Describe the effectiveness of the Patriot Act on criminal prosecution in Hillsboro?

JA: I don't think the Patriot Act has anything to do with it because it is a federal law. I don't think our local law enforcement people have relied on it very much. I sign a lot of search warrants, and there are very few references to that (Patriot Act). Maybe something on the federal side like the FBI or the DDA that you see are federal. They may use it out in the field but if they do they don't come to my court, they go to federal court.

RB: So you would agree it is more on a federal level?

JA: Yes, we never see it on a state or local level.

RB: Do you feel it should be renewed, the Patriot Act?

JA: You know, that is more of a political question. I'm not gonna answer that because judges don't express opinion on political things. I think that is entirely up to the federal people, they can deal with that.

RB: If you could change or create your own law that would help limit violence, what would it be?

JA: Limit violence? I would try to structure a way to try and take the guns away from people. Right now there are too many people that have too many guns. There is too much opportunity to use the guns, too much opportunity to have people steal guns in burglaries, and then the criminals use guns against them. There are a lot of law abiding citizens who have guns that don't know how to take care of them, and they end up in the hands of the wrong people. I would try and do something more like Britain, or other civilized nations, or Canada. You can't have handguns in Canada and it would help this community a lot if we could reduce the number of firearms people have.

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RB: So you agree that gun control would help limit violence?

JA: I guarantee it. The national rifle association will never permit, and they will block it at every step when you try and legislate. There is no question about the huge number of crimes guns are causing that other countries don't have.

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RB: How have courts addressed gang related issues over the last twenty-five years?

JA: We try very hard to not hold that against people that happen to be in a gang. We don't discriminate against somebody because they are in a gang. I ruled in one case that went all the way to the Oregon Supreme Court where I ruled because a police officer knew about a certain eighteenth-street gang (and that they often carried weapons), that gave the police officer probable cause to search eighteenth street where they were hanging out. Sure enough, they all had guns on them. That ruling was upheld in the Supreme Court but we try really hard not to make the distinction on the gangs. It shouldn't be against the law to associate with other people, but it should be against the law to commit crimes.

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RB: How serious have gangs become?

JA: I don't think they are any more serious now than they've ever been. I think there is more of them with more names but I don't believe there are more gangs committing crimes than there used to.

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RB: Do you believe that the media has influenced gang involvement?

JA: Maybe to some extent. They tend to glamorize it a little bit and they probably shouldn't but really we don't have a big gang issue in this community, not like some places I've been. There's no biker gangs, and Hispanic gangs are not that dangerous, so it is a pretty low-key gang community.

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RB: Have gangs grown larger the past twenty-five years?

JA: No, there is just more people here so you are gonna have more people in gangs with the population increase. I don't think the percentage of people in gangs has gotten any bigger.

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RB: Why is that so?

JA: Well, the gangs feel a need. They fill a place where people don't have a strong family or group at school, when they don't belong to anything. The gangs are there as a sort of their family. As long as we're gonna have dysfunctional families in the community, we're always gonna have gangs. They're gonna step in and be the family.

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RB: Describe the ethnicity in gang participation and the changes in involvement since the 1980s?

JA: Probably in the '80s we mainly had Hispanic gangs. We might have had Asian gangs, but that's pretty much it. Now we have gangs of every type. Every group sort of forms their own gang. The Russians have one, now the Asians, the Thais, and it spreads through the community. Again, it's just people grouping. It's not anything all that serious, frankly.

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RB: What changes in law enforcement need to limit these occurrences, such as crime with gangs?

JA: Well, we have a gang enforcement team at almost every agency, and they mainly provide intelligence. It's worthwhile because the gang kids will work with you to solve crimes because they don't like the people committing the crimes either. So as long as the law enforcement finances a special unit to work with the gangs, I think that is all we need to do.

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RB: What type of drugs have been the most prevalent? You touched on meth earlier, so how has drugs changed since the 1980s with the use of cocaine and now meth?

JA: Yeah, meth is the biggest change. A large number of people have shifted from cocaine and heroin to using methamphetamine. There are very few heroin addicts now, but it used to be seen very often. Now it is mostly methamphetamine. I think there has been a large increase in marijuana, largely because it is legalized for some people. So now there are a lot of marijuana growers that didn't exist before, and those people end up selling illegally, so there is a bigger problem with marijuana. Now, it doesn't have the same effects on the community that the stronger drugs do, so it's not a big issue.

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RB: Do you see a trend in ethnic groups and drug association? Has this really changed since the 1980s?

JA: No. If anything, I think methamphetamine cuts across everybody. You see everybody on meth, it doesn't matter what their ethnic background is. I think it is less; it's multiplying more than in the 1980s.

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RB: Has law enforcement in Hillsboro done an adequate job in prosecuting drug cases?

JA: Oh yeah. They spend a lot of time and resources on drugs. It doesn't do them much good if they can arrest them but they can't lock them up, so what's the point? We have one in-house treatment program in our jail with very limited bed space. Once we get past that number of people nobody either in the jail or outside can get treatment. Law enforcement has done everything they can.

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RB: Have age groups using drugs lowered since 1980? Have drugs become more acceptable?

JA: I wouldn't say more acceptable only because people are more sophisticated than they were in 1980. Society has bombarded kids with so much stuff that we used to never see when we were that age. It is just a natural evolution kind of thing.

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