Q&A: Kevin Barton doesn't want to repeat 'Portland's mistakes'

Kelcie Grega October 25 2021

The incumbent calls the Washington County district attorney's race a 'referendum on public safety.'

PMG FILE PHOTO - Kevin Barton is nearing the end of his first term as Washington County district attorney. He is running for re-election in 2022.

Washington County District Attorney Kevin Barton is framing his re-election campaign as a "referendum on public safety," making it clear that he wants to ensure Washington County doesn't look anything like Multnomah County — especially Portland.

Before serving as district attorney, Barton served as a career prosecutor for 11 years. In 2018, Barton defeated Max Wall, earning 68.4% of the vote.

Barton told Pamplin Media Group that he believes Washington County has a "well-functioning" justice system, touting its safety and relatively low crime rates compared to Portland.

His challenger, Brian Decker, an attorney with Metropolitan Public Defender, is not as thrilled with the status quo.

Just as Decker is openly critical of Barton for blocking reforms on the criminal justice system, Barton calls his opponent "dangerous," accusing him of wanting to abolish the prison system.

Decker has gone on the record in public testimony in Washington County Board of Commissioners hearings, calling for cuts to the county's police and prosecution budget and to invest more into treating the root causes of crime such as poverty, mental illness and addiction. Decker was also affiliated with the Washington County Justice Initiative, which states it wants to defund police and prosecutors and abolish the prison system on its website. Documents from the Oregon Secretary of State's Office list him as the president organization, but Decker told The Oregonian in September that he left the organization to run for office.

Decker later told Pamplin Media Group that while he believes mass incarceration bleeds much-needed resources for the community, he does not consider himself an "abolitionist" and is not in favor of "divesting from anything for its own sake."

We spoke to Barton over the phone last week about what his barometer is for a "well-functioning" justice system, as well as what sort of reforms of the justice system he would prefer.

The following conversation was cut for clarity and brevity.

Pamplin Media: You wrote in a coulmn published by Pamplin Media Group in September that Washington County has a "well-functioning" justice system that strives to be better. You also wrote that Washington County is one of the safest places to live in the state. But is safety the only barometer for measuring a well-functioning justice system, or should we factor in other things like arrests/incarceration/recidivism rates as well?

Barton: Absolutely, I think that there are multiple factors that should be considered. At the end of the day, safety is one of the biggest factors, but really, safety means many, many things. It means physically being safe. It means being able to walk down the street, not being attacked. It means parking your car somewhere, knowing it's there when you get back dropping your kids off to school, and knowing that they're safe. But it also means feeling safe. And that means ensuring that everyone in our community has a sense of feeling as though the justice system is working, that they can access it when they need to, that they can trust that the justice system will respond to what their needs are, and that we can make sure that we're meeting the needs of everyone in our society, so it's more than just physical safety, although physical safety is a huge component of it.

Pamplin Media: You alluded to concerns among residents of Portland's suburbs about the rising crime rate in Portland. You made a point to mention that Washington County is not Portland. In what ways do you see Washington County as fundamentally different from Portland, and how can Washington County avoid "spillover" from crime in Portland?

Barton: Well, the first thing is crime does not stop at the county line, so I don't think that Washington County can avoid what you call the spillover of crime from Portland. But Washington County is fundamentally a different community than Portland for many reasons. First, we have the advantage, I think, of watching Portland's mistakes and not repeating them. One of those mistakes is the defunding of the police and public safety systems within Portland. We know that simply taking money

away and taking resources away from public safety is a dangerous road to go down. And I think Washington County residents have come to realize that that's a road that they should not follow. We also know in our Washington County community, I think we're fortunate to have many different actors that work together in a very collaborative way. So our mayors work together, our police chiefs work together, our systems within the county, work together.

Pamplin Media: Your opponent, Brian Decker, openly embraces restorative justice as an alternative to more punitive measures. What is your stance on restorative justice? How have principles of restorative justice been incorporated into Washington County's justice system?

Barton: ??It's not an either-or. It's an "and," in my opinion. So our public safety and our justice

system is not simply restorative justice, and it's not simply incarceration, but there's a time and a place, I think, for each. In Washington County, I think we've struck a very good balance at pursuing public safety, while also implementing responsible reforms, and many of those reforms take the place of treatment and specialty courts we have, which incorporate principles of restorative justice.

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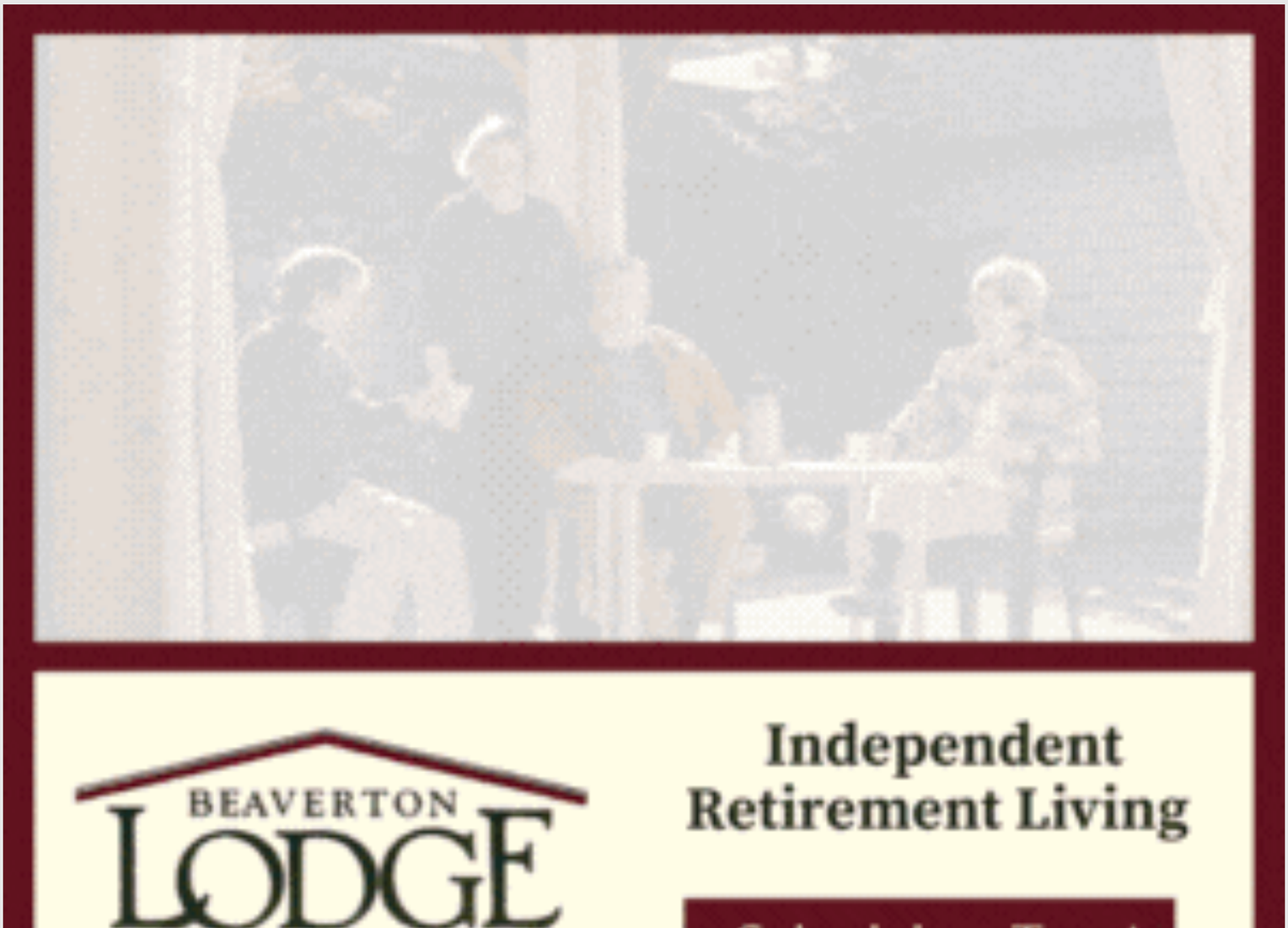

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Pamplin Media: You also mentioned in that same column that Washington County embraces "responsible reform measures," although you have opposed some high-profile reform efforts in the state relating to drug decriminalization and changes to Measure 11. What is your approach to reforms, and how do you determine when they would harm or hurt public safety? Can you give some examples of reforms you have implemented or would like to see?

Barton: Absolutely. I believe reforms can be and are appropriate in our system, but they must be responsible, and we shouldn't pursue reform for reform's sake.

For example, our specialty and treatment courts are great examples of reform efforts that address the root cause of crime, while holding people responsible for the decisions that they make.

Another huge reform that I've been pursuing now for many years is the establishment of a family peace center. That is a transformative criminal justice reform, which would provide more resources to children and young people who are experiencing trauma as a way to reduce their involvement in the criminal system later in life.

I do believe that some reforms though do go too far, and some of them frankly, I think, are deceptive and public. For example, Ballot Measure 110, which you mentioned, was passed with the promise of more treatment for people who are experiencing addiction. We know in Washington County, the numbers I've seen is not a single person that I'm aware of has received any treatment under Ballot Measure 110 in Washington County. And the system is struggling to really follow through on the

promises that were made to the voters, so I think reforms must be responsible, and they must always be done with public safety in mind.

Pamplin Media: Both you and your opponent have stated that protecting victims is a significant priority. In your view, what role should the DA play in ensuring victims' safety and interests are protected?

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Barton: Well, the DA fundamentally must ensure a safe community. My opponent has publicly called for the defunding of Washington County public safety, including the Washington County Sheriff's

Office and the DA's Office, and he's publicly called for the abolishment of the prison system in Oregon. I believe that both of those things are dangerous moves for our community. They're irresponsible. They're not reform, they are something that would regress our criminal justice system and move us closer in the direction of Portland.

I think when crime victims come into the DA's office, and we see approximately 12,000 crime victims every year, they're seeking some sense of justice, and it's up to the DA and the public safety system to ensure that we can provide that for our crime victims so that people can live, work and raise a family and safety.

Pamplin Media: As you told Pamplin Media Group earlier this month, there are nearly 100 cases still in the appellate process that were impacted by the

Ramos decision on non-unanimous juries. Some of your critics say the problem was self-inflicted and that your office could have avoided litigating cases for non-unanimous convictions ahead of the decision. You mentioned you are awaiting clarity from the state on the best way to review these cases, but what else would your office do to undo unjust non-unanimous convictions?

Barton: It could have been avoided sooner had the Legislature followed the recommendation from district attorneys and referred the matter back to voters. All district attorneys throughout the state actually follow the legal advice from the Multnomah County DA's Office, who authored a memo which concluded that district attorneys did not have the authority to ignore the law, which was the law of the land at the time.

I think the fundamental difference between my opponent and myself is that I recognize the DA's role is not to create new law, but rather to follow the law on the books, and the law on the books at the time called for non-unanimous jury verdicts, even though DAs were asking for that law to be changed.

Now going forward, I do think the responsibility of the DA is to ensure that we're always looking at the results of our cases and ensuring that a just outcome occurred. For many years now, we've had a criminal conviction integrity unit, which examines outcomes in cases and addresses issues that come to our attention so that we can always ensure that we have confidence in the outcome that did occur. If we ever come across something that raises concerns, we always follow through and address that.

Pamplin Media: You state in one of your priorities on your campaign website that you want to keep politics out of the courthouse. Can you expand a little more on that position?

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Barton: District attorney in Oregon is actually a

relatively unique position around the nation. Not all DA's offices are nonpartisan. So in other states, the DA runs as a Republican or a Democrat or whatever the party you feel your affiliation might be. In Oregon, the DA, like judges, is a nonpartisan elected official, and I believe that's an important distinction because you should not, in my opinion, be able to look at a district attorney, and determine whether that person is a Republican or a Democrat, because those partisan politics have no business in a courthouse.

Pamplin Media: In your view, what can or should the DA's Office do to bridge divides and give groups that have historically been marginalized or felt disaffected, such as the homeless community, communities of color and religious minority communities, confidence in Washington County's justice system?

Barton: Well, I think first of all, there are a number of people who are confident in Washington County's justice system.

My opponent has publicly said that the Washington County system doesn't work for anybody. I think that's just a flat falsehood. He may be speaking of his clients as a criminal defense attorney. It has certainly, I think, been frustrating for criminals in Washington County, but I don't believe that the regular residents in Washington County believe our system isn't working. Quite the opposite. I think they believe it is.

That's not to say that we don't have more work to do, and I think community outreach, especially in our diverse communities, is a key component of that. And as DA, that's really what I've made a point of doing over my first term.

So, engaging and speaking opportunities, outreach on the internet with social media and different web-based platforms. We have an annual event called Building Bridges of Understanding in our communities, which we've done now for six years in a row. I'm proud to be a founding member of that. In fact, we established last year the Oregon Diversity Legal Job Fair, which is a first-of-its-kind event in Oregon, which is to promote diverse hiring in law offices, including DA's offices because we realized that there was a gap there that existed and there was a need that needed to be filled.

I think it was important to understand that there are parts in our system that do work well, and I think residents in Washington County do believe that and they see it every day, especially as we look to Portland.

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But I think there's also areas where we need to do better. But I want to say, and I'll emphasize it again, defunding police and abolishing the prison system as my opponent has called for, I think is reckless and irresponsible.

Pamplin Media: Is there anything else the

community should know about you and what you intend to accomplish if elected?

Barton: I think that this race is an important race. I think this is a referendum on public safety, not just in Washington County, but throughout Oregon.

I think we are witnessing the slow collapse of the public safety system in Portland. And I think that this race is an opportunity for voters in Washington County to make a decision.

Unlike many other races where it can be a hypothetical what would happen if I voted for this person or that person, this is not a hypothetical race.

If voters choose to keep me as their district attorney, they know exactly what they're getting because I've been transparent and clear during my entire time as DA saying what I think, and being very public and open about it.

You get more of the same if you vote for me. If someone were to choose from my opponent, you get someone who has publicly called for defunding our Washington County Public Safety System and abolishing prisons, which I think will be a reckless move for Washington County.

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