



HOUSE OF REPRESENTATIVES

May 24, 2019

Dear Chief Clerk Sekerak,

I wish to submit the following vote explanation for SB 1008-A.

I voted for SB 1008 for a number of reasons—but most importantly, because Oregon should be a leader in progressive criminal justice policies that hold people accountable for wrongs against society, yet are also fair and structurally equitable.

When Measure 11 was approved by voters in 1994, it was at the height of America's "tough on crime" paradigm, and many people felt that adult mandatory minimums being applied to youths was an important part of ensuring both justice and closure for the victims of crimes and their families, as well as serving as a deterrent for future crime. In hindsight, Measure 11 has not worked as intended--and that is why the legislature is working towards changing aspects of it, per the authority *also* bestowed upon them by voters in Measure 10 of the same year.

The authority to charge a youth with a Measure 11 crime, which automatically throws a youth into the adult criminal justice system, rests solely with prosecutors. Upon sentencing of a Measure 11 crime, a youth is first remanded to the Oregon Youth Authority. There is a chasm of different approaches and treatment of youths at OYA when compared to the services offered in prison. OYA does valuable work to help incarcerated youth take accountability for their actions, and strives to rehabilitate youth in a way that can help them turn their lives around and become successful members of society upon release.

Under Measure 11, when incarcerated youths serving sentences turn 25, they are immediately transferred into the adult system and lose access to all the services and support provided by OYA. All of that work, the public resources that are spent, and the future of those young people gets tossed out of the window when we automatically transfer youth to adult prison. Additionally, according to a 2007 Centers for Disease Control study, young people are 34% more likely to commit crimes and recidivate if they are treated like adults in the justice system. Consequently, not only do the policies under the status quo squander public dollars used to rehabilitate kids who will never get the opportunity to use those skills, but it actually makes society *more dangerous* when youth beaten down by the adult system are released at the end of their adult sentences and recommit crimes.

SB 1008 is a small, but important change in criminal justice that has the potential to make a big impact. Firstly, it shifts the ability to try youths as adults to a judge, rather than prosecutors. This is a necessary change because, even though some district attorneys do try to resolve crimes outside of Measure 11, the status quo preserves a system in which district attorneys retain unfair leverage against youths when negotiating their pleas. By shifting this responsibility to a judge, discretion can be given based on the circumstances of the youth's crimes and history. It doesn't mean that a youth wouldn't be charged as an adult, but that a judge has the ability to discern





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between a kid that just made a bad choice, and a kid who has committed a heinous act that warrants a harsher punishment.

Most importantly, SB 1008 had imbedded within it the value of second chances denied to so many in our criminal justice system. Before being immediately shifted into the adult system at the age of 25, SB 1008 allows for youths still at OYA to have a “second look” hearing. This second judicial review gives incarcerated persons who have gone through various services and therapies at OYA an opportunity to demonstrate how they have changed and been rehabilitated. A judge will then have the discretion to release them to community-based supervision, rather than to adult prison where all the progress they may have made would be entirely negated.

The benefit of time is wisdom and growth. Unfortunately, time also reveals that our actions sometimes do not always yield the desired outcomes. What we know now about brain development in youths far exceeds what we knew then. We always knew that kids make impulsive decisions, but now we know that sometimes, especially when trauma is present or a youth lacks direction and mentorship, underdeveloped brains express themselves in ways many of us never would. SB 1008 holds at its core that while we should hold everyone accountable for their actions, our criminal justice policies should also reflect the values so many of us hold: an opportunity at redemption.

Sincerely,

A handwritten signature in blue ink that reads "Tiffany Mitchell". The signature is fluid and cursive, with the first name and last name clearly distinguishable.

Representative Tiffany Mitchell

