

Youth, Rights & Justice

ATTORNEYS AT LAW

TO: Joint Committee on Public Safety
FR: Mark McKechnie, Executive Director, Youth, Rights & Justice
DA: April 5, 2013
RE: Support for HB 3194 Public Safety Package and HB 3193 (Juvenile Waiver)

Co-Chairs Winters, Prozanski, Olson and Garrett, and Members of the Committee:

Youth, Rights & Justice has represented 50,000 children, youth and parents in the juvenile court system since 1975. Approximately 20% of our cases each year involve youth in delinquency matters. Unfortunately, some of these cases involve youth who “cross over” from Oregon’s foster care system. National estimates indicate that 9% to 29% of foster youth also have juvenile justice system involvement at some point.

Because of Measure 11, some of these youth in Oregon go from the foster care system, which is designed to protect them from the abuse and trauma they have suffered, directly to the Department of Corrections. Whether the law deems them adults or juveniles, we know that the teenagers in our justice system share many common risk factors, from childhood traumas, including early exposure to violence or substance abuse, to mental illness, to school failure and dropout. Automatic waiver to adult court and mandatory minimum sentences are a very poor and ineffective responses to these underlying problems. We know that youth sentenced as adults are more likely to reoffend, not less. (see next page)

There are many ways we can make our communities safer. Long-term incarceration is the most expensive. Every dollar we spend on prisons is a dollar we choose not to spend on education, on healthcare, on community supervision, or on other evidence-based treatment and intervention programs.

For several years after Measure 11 passed, our organization represented youth charged as adults. They were the same clients we had served for 20 years before Measure 11 passed – immature and impulsive youth, often with exceptional needs. We ultimately stopped taking Measure 11 cases, however, finishing the last one in 2007. Our clients charged as adults no longer had access to the services and resources that youth in the juvenile system receive. Our skills and experience no longer fit the kind of legal representation they needed in the adult system.

Improving the public safety system by emphasizing lower cost and more effective policies will allow for reinvestment of public safety dollars to improve services for victims, increase community corrections and other public safety efforts and invest in rehabilitation through increased access to services such as drug treatment.

We should provide more support for victims. They deserve it. Most of the people we serve are victims or have been victims. The question now is whether we will invest our precious resources more wisely and break the cycle of victimization. HB 3194 and 3193 offer a better way.

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**Excerpt from “Juvenile Transfer Laws: An Effective Deterrent to Delinquency?”
by Richard E. Redding
OJJDP Juvenile Justice Bulletin, June 2010**

“Transfer Found To Increase Recidivism In sum, to date, six large-scale studies have been conducted on the specific deterrent effects of transfer. These studies used large sample sizes (between 494 and 5,476 participants), different methodologies (natural experiment across two jurisdictions, matched groups within the same jurisdictions, or statistical controls), multiple measures of recidivism, and were conducted in five jurisdictions (Florida, New Jersey, New York, Minnesota, Pennsylvania) having different types of transfer laws (automatic, prosecutorial, or judicial). The strong consistency in results across the studies is all the more compelling given that they used different samples and methodologies, thereby providing a degree of convergent validity for the findings. ***All of the studies found higher recidivism rates among offenders who had been transferred to criminal court, compared with those who were retained in the juvenile system. This held true even for offenders who only received a sentence of probation from the criminal court.*** Thus, the extant research provides sound evidence that transferring juvenile offenders to the criminal court does not engender community protection by reducing recidivism. ***On the contrary, transfer substantially increases recidivism.*** [Emphasis added]

[Note: “Transfer,” is used in this article and has the same meaning as Oregon’s term, “waiver.”]