

April Rains
7215 Meadowwood St. NE
Keizer, OR 97303

To: Joint Committee on Public Safety

From: April Rains

Date: April 5, 2013

RE: Support for HB 3194 Public Safety Package and HB 3193 (Juvenile Waiver)

Co-chairs, member of the committee, thank you for the opportunity to testify before you today. My name is April Rains and I work as a Marketing Executive for a medical company as well as a board member of Partnership for Safety and Justice. I am the mother of two children and an active member in my community. I come to you as someone who has seen the criminal and juvenile justice system from all sides. From 2005 to 2008 I volunteered for the Marion County District Attorney's office as a victim advocate. As a young girl I received great help from a victim advocate who helped me rebuild my life after being victimized. I wanted to give back the same kind of help that meant so much to me. The victim advocate helped me see that there really was more to life than being a victim.

Then, in 2009 my son hurt someone in our family and was convicted of a Measure 11 sex offense and sentenced to over 6 years of incarceration. At the time of his conviction, I was working as a *victim advocate with the district attorney's office* so I knew that he needed to be held accountable for what he did. As a mother and an advocate for victims, I wanted to work towards rebuilding our family and making sure my son would not make such poor choices in the future.

Before my son committed this crime he was a good kid, was involved with our church and loved learning about and taking care of animals. He made an awful choice, but that did not define all of who he is. Once he was charged with this crime, it was like none of that mattered. His victim was another family member so I was really seeing the situation from all sides but we couldn't get the DA's to listen to what was best for our family. Our voices were not listened to and we never were in front of judge to make our case. Because of how Measure 11 works a judge is not involved at any stage of the process. We had no one to make our case to except the DA.

Judges need to have their authority restored to them so that they can determine whether the youth should be tried in the adult criminal justice system and sent to adult jail, or tried in the youth justice system and sent to a youth facility and have some say in how much time they get. That's why I am here testifying before you today. I want other Oregonians to know what's happening to our youth and help be a part of change.

My son is now in the 4th year of his 6 year sentence. The Oregon Youth Authority has done great work with him to help him understand the consequences of his bad choices and taught him how to make better ones. We are thankful for the good programming he has received at OYA. But because he was convicted of a Measure 11 offense he is not eligible for a Second Look hearing. He has successfully completed all of his programming and graduated high school and is currently enrolled at Chemeketa. Staff tell us he is ready to go home and we know it's time for him to move to the next phase of his life which involves the independent responsibility he needs to take outside of a facility. Under Measure 11 there is no room to evaluate my son or the countless other youth I meet up there that are ready for the next phase. Don't get me wrong, some of those kids need some more time in OYA but others deserve a chance to at least have their progress reviewed in front of a judge.

When my son does get out he will have an adult felony conviction on his record and will have to register as a sex offender. These barriers to successful employment and his own housing will be massive. He

needed the treatment OYA offered but could have and would have received it if he had been convicted in the juvenile system.

I know the reforms in HB 3194, including Second Look, will not be retroactive so I am not here advocating for policies that will impact my son and our family. I am here because I know Oregon can and should do better when it comes to youth.

Further, from my perspective from both sides of the system I support HB 3194 for its balanced approach to public safety and also support HB 3193 that would allow wavier hearing for youth charged with Measure 11 crimes.

Thank you for your time.