

TO: Joint Committee on Public Safety

FR: Thaddeus Betz, Staff Attorney, Metropolitan Public Defender, Inc.

DA: April 5, 2013

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

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

My name is Thad Betz and I am a staff attorney at Metropolitan Public Defenders. Founded in 1970, MPD is the largest public defender organization in the state, serving Multnomah and Washington Counties. I currently represent clients charged with major felonies, including youth ages 15-17 charged under Measure 11.

Our organization supports the proposed public safety reforms in HB 3194 and the reforms to juvenile waivers in HB 3193. There is no question that individuals who commit felony offenses should be held accountable for their behavior, or that Oregonians deserve to be safe. But we currently have a system that relies too heavily upon expensive prison sentences at the expense of other approaches that are often more effective in serving the community, including community corrections, victims' services, and mental health and substance abuse treatment.

I want to focus my comments on youth who are charged as adults under Measure 11. Many of them are charged with Robbery in the Second Degree. The elements of this crime can encompass a wide range of behaviors, some that are far more serious than others. More of these youth should have the opportunity to remain in juvenile justice system which was created to hold youth accountable in ways that are most effective for young people. Whether they are adjudicated in juvenile or in adult court, judges should have more discretion to apply the appropriate level of punishment.

We all hear on the news about the most sensational cases, but those are not the cases I see most often in my practice. I want to tell you about one of my clients who I believe should have had his case handled in the juvenile court system. My client, who I will just call J., was 15 when he was arrested for Second Degree Robbery. He was accused of taking another kid's cell phone while a friend punched the kid. Between the two of them, and because they were together, their behavior allegedly met the elements of Second Degree Robbery.

I met J. the next day at his first court appearance. He was in custody. He asked me if he was going to get to go home to his grandmother. I had to ask this 15 year-old in response if he could come up with \$250,000 bail. He asked me how much his punishment could be. When I told him 70 months, he started crying. He had no idea that what he did could result in a nearly six-year sentence.

J. had a good case to take to trial, but the prosecutor offered him probation if he would plea to robbery in the third degree in adult court. Risking a 70 month sentence was too much for him, but by the time he was 16, he was a convicted felon with an adult record. Adult felony convictions are major barriers for

people to get decent jobs and stable housing. Youth should be appropriately held accountable in ways that also allow them to be successful in the future.

J. has done well on probation, but the adult system is not set up to meet the needs of youth. The juvenile system focuses on treatment, education and transition to adulthood. J.'s behavior is exactly the kind of behavior the juvenile court system was set up to address, but Measure 11 set up a one-size-fits all response. Most youth are charged under Measure 11 for second degree offenses. Adult prosecution and potential mandatory sentences rarely result in the appropriate level of treatment and accountability that would be most beneficial for the youth or that lead to the best outcomes to protect the community.

I encourage your support of both HB 3193 and 3194.