

Youth, Rights & Justice

ATTORNEYS AT LAW

To: House Committee on Judiciary, 2015 Oregon Legislature

From: Mark McKechnie, Executive Director, Youth, Rights & Justice

Date: March 9, 2015

Re: Opposition to HB 2907

Chair Barker and Members of the Committee:

Youth, Rights & Justice (YRJ) was founded 40 years ago and has been dedicated to providing legal representation and advocacy to over 50,000 children and youth involved in the juvenile court system, including children in foster care and youth in the juvenile justice system.

YRJ is opposed to HB 2907 and to the changes to the Oregon's definition of juvenile recidivism. This change would corrupt state data and erroneously inflate Oregon's juvenile recidivism statistics. The data would also be skewed by disproportionate police contacts and arrests of racial minority youth who are not subsequently found to have committed an offense by a juvenile or criminal court.

The proposed redefinition is inaccurate, misleading and would be in conflict with the Constitutional presumption of innocence. It would count the following events in the state's re-offense rates:

- Youth who have **never been adjudicated** of a delinquent offense. Instead, a youth who had two arrests or referrals to juvenile court would be counted as "re-offending" without ever being found to have committed an offense by the juvenile court.
- Youth who have been **adjudicated one time**, but never adjudicated of a new offense or even a probation violation, would be counted as recidivating if they simply had a subsequent arrest or juvenile court referral that was never adjudicated.
- Youth who were prosecuted and **exonerated (found not guilty)** would be counted in recidivism statistics if they had any previous or subsequent arrest or referral to juvenile court.

Again, in all three of the scenarios above, racial profiling and disproportionate law enforcement contact with youth of color, combined with this redefinition of recidivism, would grossly distort and overstate official recidivism statistics.

In addition, substantially changing the definition of recidivism when it is not necessary or warranted would needlessly hamper the state by making future recidivism statistics incomparable to historical data.

HB 2907 is unnecessary and unwise.

An independent, not-for-profit law firm, Est. 1975

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