



PARTNERSHIP FOR SAFETY & JUSTICE

Thursday, March 28, 2019

Chair Prozanski, Vice Chair Thatcher, and members of the Senate Judiciary Committee,

Partnership for Safety and Justice (PSJ) urges your support of the package of bills being heard today and are prioritizing our testimony in support for SB 969.

SB 969 creates the presumption that youth are prosecuted and held accountable within the juvenile justice system. This bill would impact all youth facing prosecution within the adult system and provide the kind of meaningful opportunities youth need to turn their lives around. The prosecution can request a waiver hearing in cases where they believe adult prosecution is warranted. This is the right presumption of our system given what we know about youth development and what creates safer and stronger communities.

In fact, this approach is consistent with legislation brought by PSJ and passed by the legislature to make juvenile detention rather than adult jail the default placement for youth charged as adults. That legislation, like this, leaves room to transfer youth to the adult system but keeps them in the juvenile system most of the time.

As you will see with the range of people testifying today, trying youth as adults is recognized as a practice that should be used sparingly. Our youth justice system is well-equipped to do the important work of both holding youth accountable and providing the services necessary to help them make better choices in the future and to be successful in our communities.

The adult system is ill-equipped to do this work. While many youth charged as adults don't see the inside of an adult prison due to their length of sentence, the consequences of that conviction can persist for a lifetime. Youth prosecuted in the adult system have what is often a permanent adult felony conviction that causes significant barriers to meaningful employment and stable housing, which are two of the most important factors in youth not committing future crimes.

Importantly, youth prosecuted in the juvenile system are afforded age-appropriate protections regarding the confidentiality of their records that adults are not; newspapers usually don't publish their names, and therefore these youth are more able to build a successful life after completing a sentence. These may sound like small differences, but having your record follow you forever is much longer than any mandatory sentence and has devastating impacts for that youth's adult life.

Our youth and our communities will be safer and stronger when the juvenile system is the default place of prosecution for these youth. It's worth noting that the Multnomah County DA's office has already started moving some cases into the juvenile system, because they recognize that sometimes the juvenile system is more appropriate. This approach also responds to sharp racial disparities in who is being prosecuted as an adult, which is an issue that we must better address in our public safety system.

PSJ is committed to best practices for both youth and victims of crime. For that reason, we are proposing an amendment that would ensure that victims in these cases would receive trauma-informed notification of the waiver and a referral to community-based services should they need them. This amendment would also apply to the Second Look and Transfer proposals, and it is based on work done by the Sexual Assault Task Force to create best practices in victim notification at a time when our state is working to clear the untested sexual assault kits. We hope to work with them and DOJ to share these practices in juvenile cases.

PSJ respectfully asks for your support on these bills to create safer and stronger youth, communities, and approaches to healing for people harmed by crime.