

March 28, 2019

**TO:** The Honorable Floyd Prozanski, Chair  
The Honorable Kim Thatcher, Vice-Chair  
Members of the Senate Judiciary Committee

**FR:** Deborah Smith Arthur, M.A., J.D., Associate Professor, University Studies  
(Interdisciplinary General Education) Program, Portland State University

**RE:** Support for youth justice reform SB 969, SB 966, SB 1008, SB 968

I offer my comments on these youth justice reform bills as a person with over 25 years of experience in youth justice issues in Oregon. I am a former criminal defense and juvenile attorney, and for ten years I represented many young people in both juvenile court and in adult criminal court. I practiced law in Oregon from 1994-2004, and I remember all too well the many painful conversations with young clients and their parents or caregivers explaining the severe consequences they were now facing under the new Ballot Measure 11, and helping families to grapple with the fact that the state now considered these young people to be adults for this one purpose of the criminal law only. I remember sitting with young clients in adult criminal court where their fate hung in the balance, as they doodled aimlessly on a note pad at counsel table, seemingly having little to no understanding of the gravity of the legal machinery of which they were now the focus. I keep a collection of pictures and cards and other mementos made for me by the young people I represented in adult criminal court, most of which are painfully incongruous with the reality that they were made by “adults” facing adult criminal convictions.

Since 2004, I have been teaching about juvenile justice issues at Portland State University. My courses are interdisciplinary community based learning courses, which means that I create educational experiences through which PSU students from various disciplines learn inside juvenile detention and youth correctional facilities, together with youth who are

incarcerated in those facilities. I have a 16 year partnership with the Multnomah County Department of Community Justice, Juvenile Services Division. A short video about this course made by Multnomah County can be seen here:

[https://www.youtube.com/watch?reload=9&reload=9&v=E4EHZ50y\\_98&feature=youtu.be](https://www.youtube.com/watch?reload=9&reload=9&v=E4EHZ50y_98&feature=youtu.be)

Our current project through this partnership involves individualized learning with the youth. PSU students work one-on-one with long-term youth- Measure 11 youth - to determine areas of academic interest, and to assist them in writing academic papers for which they receive high school credit. I also have been teaching an interdisciplinary course at MacLaren Youth Correctional Facility since 2014. This seminar provides an opportunity for a small group of students from PSU and a small group of students incarcerated at MacLaren to work together in a structured peer and collaborative learning environment.

Research shows that these collaborative critical service-learning experiences have powerful impacts for both incarcerated students and university students.<sup>i</sup> University students quickly come to the realization that the young people they are engaged with in this academic setting are not “monsters” as the media may have portrayed them. Instead, they are bright and talented young people who have made very poor decisions, acted out on their own trauma, and caused harm- but they are human beings who deserve every chance to become successful and to become the good neighbors we all desire. Simultaneously, incarcerated students who participate in these seminars are hungry for education, and are eager for healing and growth and for self-actualization. They are so much more than their one bad act. They want to act in ways that are positive and meaningful and will do so when give the opportunity. The positive relationships, the pro-social skill development, and the access to higher education and critical thinking and community engagement skills are factors that make all the difference for these young people, and contribute to greater community safety, providing motivational capital toward positive change. On the contrary, automatic treatment of youth as adults, harsh mandatory minimum sentences, and life without parole only serve to undermine motivations for positive change.

In the words of one PSU student:

“During our last meeting of the term, we all sat together and listened to each other share our experience over the last ten weeks. Some of the kids were so honest in their reflections, they were so sincere. I felt that we had all taken part in something so important, not simply because we PSU students helped these brilliant young boys and girls write an academic paper and earn high school credit, but because of a reason much deeper than that. These young boys and girls helped us understand that we are all human.”

Ending automatic waiver of juveniles to adult criminal court would allow for the fate of each individual young person, each human being, to be determined in light of their full experience- not through a “one size fits all” approach. Further, allowing young people a “second look” and a review before transfer to DOC would prevent the absurd cycle of pouring resources into rehabilitation of youth - only to then pour more resources into potentially *undoing* everything we as taxpayers have just payed to do for them. Finally, every young person deserves an opportunity for parole if their crime was committed as a juvenile.

I respectfully and strenuously request that this Committee move forward all four of these youth justice reform bills. Ultimately these proposed opportunities for young people to demonstrate their growth and advancement, to be given the chance to make real reparations and meaningful, positive contributions to society, and to be treated as fully human, makes all of us safer.

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<sup>i</sup> (Arthur, D. S., & Valentine, J. (2018). In Service Together: University Students and Incarcerated Youth Collaborate for Change. *The Prison Journal*, 98(4), 427–448. <https://doi.org/10.1177/0032885518776377>)