

Voices from Inside in Support of SB 968

Enclosed are letters from individuals who are currently incarcerated in Oregon and are in support of SB 968.

To protect the individuals and their victims and victims' families, the OJRC advised the incarcerated individuals to not include their names or information that can be used to easily identify them or their cases.

March 25, 2019

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

RE: Senate Bill 968

Dear Chair Prozanski and Members:

I support passage of Senate Bill 968. I have been incarcerated more than 30 years for a homicide I committed 134 days after my 18th birthday. I am now 50, but have very little hope of ever being released. I was sentenced to life with the possibility of parole, but the Parole Board denied parole, telling me that I will die in prison.

I know that most people believe prisoners are irredeemably evil, or “irreparably corrupt,” to use the language of *Miller v. Alabama*, 132 S.Ct. 2455 (2012). But in reality, people who commit crimes – especially when they are young – are broken, not evil. As the *Miller* line of cases correctly recognizes, with help, our brokenness can be fixed.

I am a member of a large *community* of prisoners in Oregon and across America who committed violent crimes as teenagers, but who have worked very hard to fix our brokenness and “demonstrate the truth of *Miller’s* central intuition – that children who commit even heinous crimes are capable of change.” *Montgomery v. Louisiana*, 136 S.Ct. 718, 736 (2016). We owe that hard, lifelong, work – and so much more – to our victims, their loved ones, our loved ones, the community and ourselves. Like my peers, I have done everything I possibly can to change my life because that is the only meaningful way I can ever hope to say “I’m sorry!” I hope my victims would approve of the way I have tried to live my life. I also need to try to ease some of the shame and pain I have caused my own family.

I have not engaged in any prison violence or misconduct. I have completed all available rehabilitative programs, seeking to understand and overcome the issues that contributed to my teenage substance abuse, criminality and violence; to develop deepening insight and empathy that I obviously lacked as a teenager. I have tried very hard to become someone who eases suffering, rather than causes it. I have been blessed with *many* opportunities to do so, as I’ve served as a legal assistant, GED tutor, certified yoga instructor for developmentally disabled and severely mentally ill prisoners and as a hospice volunteer for 23 terminally ill prisoners. I have also had the privilege to work with, and learn from, countless people who have lost loved ones to homicide and impaired drivers. Importantly, however, I am not special or unique. Our prisons are full of men and women who have walked similar paths and who share similar stories.

“Life in prison without the possibility of parole gives no chance for fulfillment outside prison walls, no chance for reconciliation with society, no hope.” *Graham v. Florida*, 130 S.Ct. 2011, 2032 (2010). The importance of hope cannot be overstated. In abolishing life without parole sentences for juveniles and adults alike in all member nations in 2013, the European Court of Human Rights recognized that all prisoners should have the “right to hope” and required that

individuals who have transformed themselves in prison and have atoned for the harm they have caused should be considered for release at some point. *See*: Mauer, Mark & Nellis, Ashley, (2018). *The Meaning of Life, The Case for Abolishing Life Sentences*, (The Sentencing Project) at 86 (citing *Vinter & Others v. United Kingdom*). Passage of SB 968 would restore hope and recognize the fundamental humanity of those who were under 18 years old at the time of their crimes.

I urge you to also consider joining other jurisdictions in extending that hope to 18- and 19-year olds. On March 29, 2018, a Connecticut federal court joined several other courts in holding that the *Miller* rule applies to teenagers who committed homicide when they were 18- and 19-years old. *Cruz v. United States*, USDC No. 11-CV-787 (JCH)(D. Conn. 3/29/18). Significantly, that ruling was based largely upon the September 13, 2017 testimony of developmental psychologist Laurence Steinberg, PhD who “was the lead scientist for the American Psychological Association in drafting the amicus briefs filed with the” United States Supreme Court in *Roper v. Simmons, Graham, and Miller* (Doc 111, p. 5:17-22).¹ His “responsibility there was to make sure that the science of adolescent development was accurately represented in the briefs filed by [the] association.” (*Id.*, l. 23-25).

Dr. Steinberg testified that “adolescence” is “the period spanning ages 10 to up until 21.” (*Id.*, pp. 6:15-16 & 7:4-6). He explained: “The scientists who study adolescence would often divide the period into three phases: early adolescence, let’s say approximately from 10 to 13, middle adolescence, approximately 14 to 17, and late adolescence, approximately 18 to 21.” (*Id.*, p. 11:7-11). Noting that research into late adolescence brain development did not begin until the late 2000s “and as we moved into 2010 and beyond,” (*Id.*, p. 14:20-22), Dr. Steinberg testified that there is no “statistically significant difference between 17-year olds and 18-year olds” (*Id.*, p. 69:6-16) and that if asked by the Supreme Court he would say that the reasoning of *Graham* applies equally to 18-year olds. (*Id.*, p. 70:9-21). Dr. Steinberg’s colleague and leading youth violence expert and developmental psychologist, James Garbarino, PhD, agrees. *See*: Garbarino, James. (2018). *Miller’s Children, Why Giving Teenage Killers a Second Chance Matters for All of Us*, (Oakland, CA: University of California Press) at 154 & 164-66.

Finally, I urge you to apply the SB 968 amendments retroactively to prisoners who are currently serving life without parole in Oregon’s prisons. The truth of the developmental science underlying the *Miller* line of cases applies equally to those who committed crimes before and after the *Miller* rule was announced. The Supreme Court recognized as much in applying that rule retroactively in *Montgomery*. The Court recognized there that “*Miller’s* conclusion that the sentence of life without parole is disproportionate for the vast majority of juvenile offenders raises a grave risk that many are being held in violation of the Constitution.” 136 S.Ct. at 736. Retroactive application of SB 968 would ameliorate that risk.

Thank you so much for your thoughtful consideration of this undeniably complex and difficult issue. Your willingness to entertain the passage of SB 968 has ignited a rare spark of hope in the hearts of many Oregon prisoners who are serving life for crimes they committed as teenagers.

Sincerely,
M1

¹ The *Cruz* opinion and transcript of Dr. Steinberg’s testimony are found in OJRC’s supplemental materials.

March 25, 2019

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

RE: Senate Bill 968

Dear Chair Prozanski and Members:

I support Senate Bill 968. Juvenile offenders are extremely malleable and can make unparalleled character improvements when actively engaged in treatment, community service, and vocational or post-secondary education during their incarceration. For this very reason, I believe that even the most serious juvenile offenders should at least have the possibility of parole after a 15-year minimum sentence if they meet the three criteria stated above.

At age 17, I was sentenced to life with the possibility of parole after 25 years and was sent to Maclaren Youth Correctional Facility. I was a very immature youth with delusional criminal ambitions, substance abuse issues, and bad mental hygiene skills. My lack of personal responsibility for controlling these issues led to the crime I committed. At age 19 after I made the decision to control my drug addiction, my conscience punished me for almost every single one of my violations to others and the general absurdity of my criminal ambitions. With those two hindrances out of my way, I was able to slowly improve my mental hygiene skills through counseling, community spirit, meditation, and exercise. The most important part of solving these three issues is that I stopped stifling my conscience for the sake of pursuing my delusional criminal ambitions and was rewarded with a peace of mind that allowed me to cope with toxic shame and focus on treatment, community service, and vocational and post-secondary education. Amongst my achievements, I'm most proud about visiting troubled youth in segregation twice a week to mentor and training and adopting out 13 previously abused shelter dogs that were rescued by my employer, Project POOCH.

In my encounters and personal experiences, I have found that many juvenile offenders naturally reunite with their conscience and develop their adult personality through treatment, community service, and vocational or post-secondary education. Against my previous biases, I have been shown that this can also be the case *even* when juveniles aren't allowed to stay in OYA, which is an obviously more pro-social environment than DOC. This resilience and inherent ability for juvenile offenders to develop community spirit is particularly important to recognize not only because they will never reoffend, but because they have become an invaluable resource to other struggling human beings as mentors, leaders, and simply a caring and positive influence to others in general. Helping keep other juveniles and emerging adults away from gangs, drugs, and violence becomes our primary focus both while incarcerated and upon release. Being involved with mentoring or other community service programs such as caring for neglected animals blesses us with a unique emotion produced by contribution and gratitude that bestows a sense of pride and conviction as an incarcerated civil servant.

I would like to close my testimony simply by extending my deepest appreciation to the entire Oregon legislature. At a certain point in our sentence many of us juveniles and emerging adults accepted the fact that due to the harm we've caused we would have to spend most of our lives in prison and rightfully so. However, because of our conversations with mentors and witnessing juvenile justice reforms across the nation, we've realized that because of our advancements in character, compassion, and community spirit we would be of much better use to others in the free world than in incarceration. This current team of Oregon legislators specifically has made us passionate about honoring your efforts and dedicating the rest of our lives to juvenile justice in our respective contexts, *even* if this bill isn't retroactive and doesn't apply to us.

Please Support SB 968. Thank you for your time, energy, and consideration.

Sincerely,
C

March 25, 2019

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

RE: Senate Bill 968

Dear Chair Prozanski and Members:

I am writing in support of Senate Bill 968. I was barely 19 years old when I and two other teens committed a robbery and homicide in 1994. I was a first time offender without an adult or juvenile criminal record. I was also the father of two infant daughters. I was sentenced to an indeterminate sentence of life imprisonment with a 30-year mandatory minimum, without the possibility of parole.

By 14 years old, I was placed in an in-patient drug and alcohol treatment center. The traumas of my childhood had left me so emotionally unable to connect with others that I had no way of processing emotions except through anger and methamphetamine abuse. I used drugs and alcohol to numb and disconnect from my emotional pain. Tragically, this misguided defense mechanism also deprived me of the ability to connect with the emotions and rights of others. This ultimately contributed to the shocking violent acts I committed as a teenager, and which will forever define me.

Because I was so young and had no real life experience when I first came to prison there were no meaningful programs available like there were for teens that had been sentenced as juveniles for similar crimes. As a result, I was deprived of the help I needed to develop values and character, which I lacked as a teenager early in my confinement in the adult system. As a result the first twelve years of my confinement I struggled tremendously to understand who I was and to grow from a boy into a man in a world that defined me as an adult even though I was physically and mentally still a boy. I fell into the adult prison culture and was quickly recruited and manipulated by older convicts who saw me as little more than a crash test dummy. I racked up years of solitary confinement as a result.

The turning point for me came 12 years into my sentence. I had gained enough maturity to see how broken I was and how desperately I needed help. I watched my children grow from infants to young ladies from behind bars as I grew from a boy to a man myself. It was then that I was hit with the reality of the life-altering pain I caused my victim, my family, and the community by my actions.

I am now in my 25th year of incarceration, during that time I have grown from a boy who could not grow hair on his face into a grown man. I believe true accountability requires emotional connections to others, a place to develop empathy, with the natural result being that one learns to feel connections to others, a place to develop a desire to repair that rupture. Young people can build those connections only through trusted relationships with adults who have invested in them personally. Sadly, this does not happen when teenagers are placed in the adult justice system. For

me, accountability is not something I owe the State of Oregon, it is something I owe myself, in the way I choose to live. I cannot give back my victim's life or erase the harm I have caused but I still have value and I'm capable of giving back to society. I can live in a way that helps people rather than hurts them. I can become a giver rather than a taker.

I have watched other teenagers and myself grow up, mature and change behind prison walls for decades. Despite being rehabilitated and having a great desire to become productive members of society, we may never be permitted to rejoin the community at a meaningful time. My incarceration has taught me that kids need to be treated like kids and given a chance to grow up and give back.

As young as I was when I was arrested, and with the lack of maturity I had then, I think our justice system erred in giving me a life sentence as a teenager, who still had the ability to grow and develop. As a teenager I was still physically and mentally just a juvenile, who should have been treated as such.

I know that my own mother felt this way as well. After I was arrested my mom testified in front of the Oregon Legislature in support of Measure 11, allowing for mandatory minimums for juveniles. After she saw the consequences of statutes like Measure 11 and how negatively adult prison impacted me and other juveniles she withdrew her support and advocated for repeal. She never got to see that occur before she passed away.

Life sentences for teenagers ignore the fact that children are different than adults and are still maturing and developing humans. Youth sentencing should include restorative treatment and programming designed to help youth understand the impact of their actions and identify their thinking errors in a way that provides for a meaningful and reasonable opportunity for release to contribute to society again.

Our state has spent over two decades on a path of knee jerk penal philosophy and law adoption. I implore you to turn the course of our state around to be smart on crime and a model for the nation.

In addition, I urge you to apply SB 968 retroactively to prisoners who are currently serving life without parole sentences. It isn't reasonable or rational to recognize that a change needs to be made then leave behind those who rightfully should benefit from the application of the law. I also ask you to consider joining other states and extending the provisions of SB 968 to include teens that were 18-19 years old and were first time adult offenders when they committed their crimes.

Thank you for your time and consideration of this tough and complicated issue.

Sincerely,
J1

March 25, 2019

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

RE: Senate Bill 968

Dear Chair Prozanski and Members:

I support SB 968, which will protect minors from being punished more severely than some adults who commit the same offense.

Despite juvenile defendants' immaturity, they are vulnerable to actually being held *more* culpable for their actions than their adult counterparts. I know this to be true from my own experience.

I have been incarcerated for over 27 years for a homicide I committed when I was 16 years old. At that time, sentencing guidelines prescribed, for defendants with no prior criminal history like myself, a 10-year sentence. However, the prosecutor sought a 100-year sentence instead, arguing that being an adolescent actually made my crime "scariest," and that justified an extreme sentence. The judge imposed a sentence from which I could never be paroled.

Three years later, that sentence was overturned on appeal, resulting in a resentencing. Again, the prosecutor sought a 100-year sentence, rather than the 10-years imposed on most adults. The judge decided to impose a 116-year sentence – adding an extra 16 years as a reminder of my youth during the crime.

It did not matter how much I had grown in maturity and in accepting full responsibility for the harm I caused. Nobody cared that the state's misguided predictions that I would only "worsen with age" were not supported by the science and had not come true. My positive response to the treatment programs I took meant nothing. The State still wanted me to die in prison.

My family and I were terribly discouraged, but moved forward. Eventually, that 116-year sentence was overturned on appeal. Back then, Oregon law already prohibited life-without-parole sentences for juveniles, and 116 years was, effectively, just that.

In the years since, I have been resentenced four additional times, most recently to 40 years. Despite the many developments in understanding the limitations of adolescent brains, the resentencing court has dug its heels in; it steadfastly refuses to pay more than lip service to the mitigating characteristics of youth.

Which is precisely why the prohibition against life-without-parole sentences in SB 968 is so necessary. SB 968's prohibition against life-without-parole is the only way to ensure Oregon's youth are protected against such excessive punishment.

I would also point out that such a prohibition could hardly be considered radical or “progressive,” as it merely restores the juvenile protections Oregon had in place before 1995.

In the 27 years I have been incarcerated, I have come to know quite a few who, like myself, were minors when they committed their crimes. It is fair to say that I “grew up” in here with some of them. I have watched them develop into insightful, caring, mature men who bear little resemblance to the middle-schoolers and high-schoolers who made a devastating, terrible and poorly thought out decision. I can say, of the ones I grew up with, all have been out of prison for some time now, and none have come back. I am proud of them for proving the redeemability of youth.

It is, in many ways, too late for me in the sense that I have already been punished more severely than most adults who have committed the same offense as I did when I was 16. I urge you to support SB 968 so that today’s youth – should they end up in prison – will know you believe in their redeemability; the hope of an opportunity to live in society as healthy, mature adults will encourage the change they seek.

Thank you for considering this important issue.

Sincerely,
T1

March 25, 2019

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

RE: Senate Bill 968

Dear Chair Prozanski and Members:

I am writing to urge support of Senate Bill 968, which would eliminate the sentence of life imprisonment without possibility of release or parole for adolescents under the age of 18.

I have served more than 20 years of two life sentences. I understand and accept that I alone am responsible for my confinement. I fully accept responsibility for the horrific crimes I committed as a selfish, self-loathing 17-year old adolescent who shamed my family, my community, and myself.

In the last 20 years, I have not sat in mere idle acceptance of my fate. I have made every effort to rehabilitate myself in an effort to repent for the harm that I have caused. I have not engaged in any violence or other type of prison misconduct. I have earned a college degree. I have learned and excelled at valuable work skills in three different highly technical vocations. I have participated in, and graduated from, a treatment program tailored to adolescent violent offenders. In short, I have grown up to become a compassionate, caring, empathetic, insightful, thoughtful and responsible adult.

I am not an anomaly.

I grew up with, and live within, a community of men who as adolescents committed terrible acts but possess an insatiable desire to grow and mature, repent for our crimes and give back to the communities we have harmed. Many of these men, myself included, have made these changes in spite of the fact that our sentences afford us little to no meaningful hope of the opportunity for release back into society.

We are not anomalies.

Our sentences of life imprisonment are mandated by laws derived from the “tough-on-crime” era that incorrectly viewed adolescent criminal conduct as a sign of “permanent incorrigibility.” In other words, these are permanent sentences meant to permanently eliminate adolescents who have done terrible things and therefore are viewed as being incapable of maturity, rehabilitation and redemption. Adolescents convicted of more than one offense received stacked sentences, making release improbable if not altogether impossible.

These sentencing laws did not have the benefit of modern science or a crystal ball showing how adolescents like myself would mature. Modern science informs us that the “tough-on-crime” era got it wrong. Juvenile brains are plastic and the negative character traits that give rise to

adolescent crime are not permanent but transient. Even adolescents who commit the most heinous of acts can still develop into mature, compassionate and productive adults.

The reforms proposed in SB 968 would benefit public safety interests by providing adolescent offenders charged with the most serious offense a sense of hope and purpose while they serve the prison sentence as punishment for their crimes – to be accountable for their crimes, work hard to reform themselves and mature into healthy, responsible adults with a strong desire to give back to their communities – so that they may earn back the trust of the community and prove themselves worthy of life among society again.

Finally, I urge you to apply the SB 968 amendments retroactively to prisoners who are currently serving the equivalent of life without parole sentences in Oregon's prisons. The truth of the developmental science underlying the *Miller v. Alabama* line of cases applies equally to those who committed crimes before and after the *Miller* rule was announced. The Supreme Court recognized as much in applying that rule retroactively in *Montgomery v. Louisiana*. The Court recognized there that “*Miller's* conclusion that the sentence of life without parole is disproportionate for the vast majority of juvenile offenders raises a grave risk that many are being held in violation of the Constitution.” 136 S.Ct. at 736. Retroactive application of SB 968 would ameliorate that risk.

Thank you for your consideration of the important and much needed reforms to Oregon's juvenile sentencing laws proposed by SB 968.

Sincerely,
M2

March 25, 2019

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

Re: Senate Bill 968

Dear Chair Prozanski and Members,

I support SB 968. I am currently incarcerated at Oregon State Correctional Institution for a homicide offense I committed when I was 16 years old. As a first time offender I was sentenced to over 32 years in prison for shooting a man over an older woman I was dating. I am now 37 years old and have been incarcerated for 21 years.

I understand that SB 968 may not have a direct impact on me, and that is not why I am writing. I am writing this letter to you in hopes that my experience will help you make a better-informed decision about the treatment of youth who break the law.

In 21 years of incarceration I have found that it is nearly impossible for the court to determine from the onset who youth offenders will become as they mature. To determine at sentencing if a juvenile's crime reflects "irreparable corruption" or simply "the transient immaturity of youth" is not only asking the court to answer a question to which it has no answer, but also takes the position that rehabilitation is impossible.

I believe Walter Sisulu was quoted as saying, "Any law written in stone is bad law because it assumes things will never change." I can attest to the validity of this quote because I was sentenced under a law that assumed I would never change—and that assumption was wrong.

As a prisoner who has been incarcerated for all of my adult life, I have felt the pulse of a criminal justice system that has been sporadic, seeming to be in rhythm with those who see the justice system as a means to rehabilitate youth, while simultaneously marching to the beat of prolonged sentences as a means of keeping the community safe. This approach of treating youth as a risk needing to be managed is at odds with the principles of behavior modification.

SB 968 would remedy the need to settle for only one or the other by ensuring the community's need for safety is met, while also giving youth offenders the hope they need to change their lives. Without hope rehabilitation is nearly impossible.

I am friends with men who were sentenced to decades behind bars as teenagers with very little hope of ever being released. Nonetheless, they have still found the motivation and courage to take an honest assessment of themselves and make the changes needed to become healthy and caring human beings. I can only imagine what hope would provide to the hopeless and what that power could do to transform lives.

Science now tells us what I believe every adult inherently knows, that children are impulsive decision makers, with weak behavioral controls and highly sensitive to their peers. As an adult I am astonished by what I did to come to prison. However, the normal reflections that every person makes when transitioning into adulthood aside, what has held me accountable for my crimes and compelled me to change my life are not the punitive nature of policies that send youth to prison for decades without any hope of redemption, but instead my participation in Restorative Justice programs at MaClaren. The relationships I built there with staff facilitators who held me accountable and helped me communicate with my victim's family was what truly turned my life around and served as an integral part of my rehabilitation.

It was the communication I had with my victim's family through the help of dedicated facilitators that forever changed my life and ensured I could never commit another act like that again. I realized then that there are no justifications that could ever relieve me of the moral responsibility I have to other human beings, and it was *not* a 32-year prison sentence that led me to that conclusion.

I've made the changes I have despite being sentenced to over 3 decades in prison because I was fortunate enough to be in a program with trusting adults who cared enough about my wellbeing to invest in me while I was still a child.

Giving youth a meaningful opportunity for release is not a "get out of jail free card", nor should it be. Instead, it provides a mechanism that even adults in the justice system are afforded in order to show that they are worthy of consideration.

I support SB 968 because it will give youth offenders hope in their future, and hope is essential if they are to grow into themselves and become healthy and responsible adults.

Please pass SB 968 so that the generations of youth who come after me may get the opportunity to prove that they are worth investing in. I know from experience that they are.

As a community, we all have a responsibility to Oregon's youth and I appreciate the opportunity to give my input on how best to address the needs of some of our most vulnerable citizens.

Sincerely,

A1

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Committee on Judiciary

RE: Senate Bill 968

Dear Chair Prozanski and Members:

I was 17 years old when I committed a homicide in 2003. I am serving a life sentence with a minimum of 55 years before the possibility of parole. Were I to be released I would be 72. I am now 33 and am very different from the youth I was. I support this bill so that juveniles who commit even the most serious crimes will not be subject to receiving or taking plea bargains that leave them with no hope of having a meaningful chance of living in society.

I was tried and convicted as an adult and was placed in county jail. In the 20 months I spent in county I learned from my "peers" that I would be going to prison for a life time and that I needed to start acting out aggressively. I did exactly that and I am ashamed of my behavior. In that place I was separated from my family except through glass and I was always in chains, that made me feel like I wasn't wanted and that I was forever going to be separated from my family. When I took a plea bargain for 55 years I didn't realize just what that meant, all I knew was that I didn't want to put my victim's family and my family through a trial.

After doing 9 years of constantly getting in trouble and making bad choices, I knew I wasn't living a life I wanted. I was in prison being angry, blaming the system, and not taking any accountability for my crime. I figured that was what I had to do to fit in, to get along in a world in which I was totally out of place, and to be not taken advantage of.

In early 2012, I was given a chance by a staff member to be part of a pilot program in which I could learn to cut hair. I took the class and it taught me that I could in fact be productive. And yet during that time I was still not always doing the right things. I knew that I wanted to be who I knew I could be but I was locked into the prison culture and had no way to get out of that cycle.

In November 2012 days after Thanksgiving I was thinking late that night and this wave of realization came over me and I could only think how I wasn't doing any justice to my victims, to my family and definitely not to myself. I started thinking of all the hurt I had caused and just what it is I had done. I took a man's life while breaking into his house, high on drugs and for what? So here I am in prison doing the same stuff trying to fit in and not just being myself. So with all the guilt and shame that just washed over me I felt that the world would be better if I weren't in it. I decided to take my life. I failed at that also and today I am grateful. My mother made me promise her that I would never do that again and that I had to learn to live with what I did and to do what I could to be a better person.

Since then I have changed in so many ways that people around me have noticed. I have a sentence in which I have no real hope of ever seeing the community outside of prison and yet I

do what I can to always be a man who is everything that is opposite of who I was when I committed my crime. I have got my GED; I have taken courses on addiction, and have recently begun taking college courses.

When I honestly faced what I did, that is when I took responsibility for my actions. It took me years to grow and be able to process the seriousness of my crimes. As a 17 year old and with no help I didn't fully realize what I had done. The guilt of knowing all the pain and loss I had caused and no way to pay back the life I had took. Every day I think how a young boy had to grow up without his father because of my poor decision. Today I feel that the only thing I can do is to be a more responsible adult and not waste my life.

I fully believe in punishment and accountability and yet a child no matter what they have done should be given a reasonable chance to show that they are worth repairing and that they can show they are mature and rehabilitated. I am a prime example and I have seen so many other youth who have struggled as I have and shown they too could act as responsible adults as they mature and learn from what they have done.

A life without hope is dark and desolate and every child should be given hope and live in a world that they can belong to and show they can be productive members of society.

Thank you all, for looking into all of the studies showing how different the youthful mind is compared to those of an adult. Children are different, we do make mistakes and some of those are awful. But I believe and I hope you will agree that we should be able to prove whether or not we have changed, and if we have shown that we have been able to overcome both our pasts and the harms we've caused then we hopefully should be able to have a chance of living within society again.

Sincerely,
A2

March 25, 2019

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

Re: Senate Bill 968

Dear Chair Prozanski and Members,

I support passage of the thoughtful legislation pending in Senate Bill 968. It is my belief that Oregon should categorically ban the sentence of Life Without the Possibility of Parole for all youth. All children who commit crimes are broken, and the ones who commit the worst crimes are often the most broken of them all. However, as children, they are also the most likely to change. Sometimes this happens naturally as they grow up, but it usually happens because they put tremendous effort into repairing the broken parts of their souls and trying to understand and be accountable for the harms they committed.

18 years ago, when I was 15 years old I murdered a woman whose name I will not mention due to the public nature of these hearings. For this horrible crime I was sentenced to life without the possibility of parole. I was a broken child when I committed an act that can never be forgiven. In my pain I selfishly tore a person from their loving family. I created more harm than I will ever know, and every day I think about the pain I have caused and wish I could take it back. I know that I can never atone for what I've done, but I will never stop trying. I have a never-ending obligation to my victim, her family, and the society that I violently harmed. I will continue to better myself and try to help others better understand the harms they have committed. Hopefully I can help others turn from a path that will lead to more suffering.

The sentence of life without parole is more than punishment. It is akin to a death sentence. First it kills hope. Then decades later it kills your body. This sentence is reserved for the worst of the worst. It is reserved for the worst crimes. It is reserved for those who are totally beyond any hope of redemption. However, due to their age and inherent capacity for change, teenagers are never beyond the hope of redemption. It is my belief that they can always be saved. I was a hurt child who perpetrated an act of evil that can never be forgiven. Yet in the nearly two decades that have passed since I committed this horrible act I have undergone tremendous change. I have striven to understand the harms I committed and to try and find ways to atone for them. I have done this with no expectation that it will help me be released from prison. Furthermore I have seen many others like myself put in a tremendous amount of work to better themselves and become healthy, positive adults.

Destroying hope doesn't help people try to become better people. It often drives them further into the despair that caused them to commit these harms in the first place. Often, undeserved mercy is what prompts people to try and change. They do everything to try and be worthy of the mercy that they have been given. Accountability can only come with understanding of the harms that have been committed, and I think it should be the goal of the justice system to engender that accountability in those who commit crimes. I wanted to understand the harms I committed and

try to find a way to pay back the endless debt I have to society. I hope to someday have a chance to prove that I am worthy of another chance at life.

Removing the option of life without parole will not open the doors to prisons. What it does is give teenagers the incentive and the chance to try and prove they have done the work necessary to change their lives and become healthy, whole members of the community. Life with parole gives people hope. Hope gives people the incentive to change. Real change forces people to take accountability for their actions. The most painful time in my life was when I realized the harms I had caused with my actions. Because of this pain I have taken many steps to try and better myself. But these changes happened in spite of my sentence, not because of it. It should be the goal of the justice system to help people take accountability.

Taking a progressive approach to justice takes a tremendous amount of courage. I thank all of you for all of the work that you have done throughout this process. Thank you for taking the time to look at this issue from many different angles, not just the traditional viewpoints. I think that you are working to make this state a better, safer place.

Even if this bill ends up not affecting me and the other people in my circumstance, you are still doing something that will help future children make the effort to change and take accountability for their actions. You are not dooming other teens to a life of hopelessness.

Thank you for taking up this complex and important issue.

Sincerely

-S1

March 25, 2019

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

Re: Senate Bill 968

Dear Chair Prozanski and Members,

I support Senate bill 968. I am writing this because I have been incarcerated for almost 17 years, during which I have had the experience of working with numerous young men who entered the prison system when they were 17 years old or younger.

I was 32 when I was convicted and sentenced for the crimes I committed. By that time I had spent over a decade in the military, been married, gone to college, and had children. I write this to make it clear that I was an adult, with 30 years of life experience to draw upon when I made the choices that led me to prison.

The same could not be said of the young men I wrote about earlier; they were children when they committed the same types of decisions I did. And as children they lacked my life experience. Without that experience how they honestly have been expected to understand the reality and consequences of their actions, or the effects those action would have? Yet they still received sentences, which carried the severity, if examined honestly, should only be intended for adults like myself. Such sentences are plainly far too callous to be set upon on children.

I've watched these young men come up from OYA, many already showing positive changes gained through the programs they were involved with at OYA. Here at OSCI I have seen them continue on that path, as they explore the programs we have available, gaining new skills and experiences, expanding their world views, while also expanding their capacity for compassion and empathy towards the people they share the world with.

I have laughed with them. I have cried with them. And sometimes I have mourned with them. I know them.

While I cannot attest to the children they were, I can attest to the men they have become. Men, I believe, are deserving of a chance to have their incarceration reviewed by the Parole Board. I truly believe that this is the right and decent decision to be made regarding this issue.

No child should ever be judged as beyond the hope of redemption, as all children have the capacity for physical, mental, and spiritual growth. And no child should ever be as severely punished as an adult, even if they have committed the same crime.

There is a time to evenly temper a punishment with reason and with mercy. Allowing those who meet SB 968's criteria to have the opportunity it provides will allow for this to happen and benefit us all.

Thank you for the opportunity to support Senate Bill 968 and the benefits it will provide for all Oregonians.

Sincerely
-M3

March 25, 2019

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

Re: Senate Bill 968

Dear Chair Prozanski and Members

I am writing in support of senate bill 968.

I have been incarcerated since 2003 for a drug related homicide I committed when I was 17 years old. Sitting in county jail was the most uncertain, confusing and isolating experience I'd been through. Unlike an adult, as a kid I didn't understand the legal world, nor was I grasping the gravity of the situation I had created. I eventually took the case to trial under the recommendations of my attorneys after they convinced me not to take the 75-120 month plea deal the D.A. was offering. In 2004 I was found guilty of Murder and sentenced to a term of Life with the possibility of parole after serving 25 years in prison. I was terrified and selfishly thought my life was over, that I would never have the opportunity to make things right for my past actions.

I began my prison term that winter at OSP. I remember the day I was led into the penitentiary like it was yesterday, a tangible feeling of foreboding, rage, despair, confusion, hopelessness, and shame permeated the atmosphere. These feeling were also my own accompanied with abandonment and fear, hiding behind the mask I wear. I was alone in a hostile world full of adult criminals. Worst of all I was young, dumb, and susceptible to the plethora of negative influences that awaited me hiding behind smiles and false promises of quasi-camaraderie.

My counselor told me a few days later that there were no programs for me, I had "too much time" to participate in cognitive, drug and alcohol classes etc., and to just "get comfortable". I was soon approached by my new peers whom told me the "ropes," "prison politics and rules," which were enforced via intimidation and violence. I quickly found myself getting into situations I wasn't comfortable with but was scared to show any weakness. I focused on survival, peer approval, and figuring out how to acclimate as a teenager alone inside an adult prison as best as I could. I found myself spending time in disciplinary segregation often, trying to fit into this new world. I mindlessly followed this path for 5-6 years before I began to mature and look around. I recognized how meaningless my existence had become, entrenched in fabricated drama to fill the void of time instead of focusing on growing and becoming a better me. I was stagnate and hadn't been taking accountability for why I was even in prison.

I eventually hit a pivot point in my life. There wasn't anything substantial that happened, I was just ready for change, a positive change. I was 25 years old and I missed my community and I wanted to make amends, to stop being so stubborn and honestly invariably harming my victims by continually making poor decisions. I took initiative and found how difficult it is to get help i.e. programs, counseling, post-secondary education etc, in our prison system, especially for

inmates who have lengthy sentences, low ACRS and no capital. I found some refuge in NA and working the 12 steps. I got clean and sober and began to slowly evolve away from the negative influences in my circle. Then I started to sign up for every program I was eligible to participate in which were mostly religious based, volunteer, and community outreach classes.

Today, almost 16 years after the homicide I senselessly committed I am 33 years old, I still have “character defects” to work on but I’m very far from the drug addicted juvenile delinquent I was when I committed my crime. The changes I made I did on my own volition without encouragement and against the grain of my peers. From my experience, I believe youthful offenders should be treated differently because they are different. It doesn’t take neuroscience to show that youth have a greater capacity for change (we watch it in our own children) and that they’re more susceptible to environmental influences, which will effect them throughout the rest of their lives. But even with that said, they can grow and flourish as good, productive members of our society. The evolution of my life can hold testament to it. I like to believe I am genuinely a good person who just made some bad decisions, like many kids before and after me have done.

I am supportive of Senate Bill 968 because our children need to be shown compassion and not abandoned and deemed incorrigible for their trials and errors. I believe that kids, no matter what their transgressions were, should have the opportunity for a meaningful second chance in the world if they show that they have grown and are no longer deemed a threat or danger to society. Senate bill 968 gives kids who are sentenced to lengthy prison terms the possibility to see a viable future, and a big motivating incentive to grow into a better person. Plus, why hold somebody, a kid nonetheless, in prison for \$40,000 of taxpayers’ money a year after they have been rehabilitated? Let them come back home so they can work on the restorative side of their offenses and become productive members of our communities as soon as possible. Please support Senate bill 968.

Thank you for your time and considerations.

Sincerely,
T2

March 25, 2019

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

RE: Senate Bill 968

Dear Chair Prozanski and Members:

I am writing concerning the *courageous* legislation pending in SB 968. I am asking that Oregon **ban** the sentence of *Life without the Possibility of Parole for all youth*. As developmental science and the *Miller v. Alabama* line of Supreme Court cases establish, no kid is *ever* beyond moral and spiritual redemption and Oregon's laws should reflect that the state of Oregon believes in *all* her kids – even those who make the most awful choices and cause the most harm.

At the age of 15, I committed a horrific crime and have been locked up for well over 2 decades. As a 15-year-old I was a thoroughly broken and dangerous person who was a risk to others and myself. I absolutely deserved (and needed) to be locked up – because I needed to be held accountable for what I had done, the public needed to be protected, and I needed to receive help – so I could fix the parts of myself that allowed my humanity to break down in the way I had allowed it to. (And I did receive that help thanks to a lot of incredible people, including my family members, volunteers, and some really wonderful doctors and staff members at OYA).

I really hurt other people because of my selfish and horrific criminal actions. There is not a day that goes by that I don't think of those I impacted. I *so badly* wish that I could undo what I did, and as an adult it couldn't be clearer to me that I am *fully responsible* for all the harm I caused.

At 15, I was sentenced to die in prison and with no chance for parole. When I was a broken kid I didn't understand this sentence, but today, as a healthy, *safe*, whole, and thoughtful adult I understand what it could look like for me to die in prison with no chance. I have been condemned to a life of *hopelessness*.

People who commit crimes need to be held accountable. But kids who do commit even the most awful crimes *deserve* hope too. Punishment without hope is not accountability – it is annihilation. *True accountability* is taking the guilt you feel for harming someone and using it to better yourself so you will never harm someone again. True accountability is about taking responsibility for your actions. Not living a life of raw misery and suffering until you die. With a life sentence with parole, a man or woman who committed an awful crime as a kid will have the chance to prove that they have taken *true* accountability for their actions during their *many years* of incarceration.

SB 968 *will not* open the prison doors to the unworthy. It *will* create a system that tells young people that if they work hard, take accountability, and prove that they are safe for *years and years* – they can have hope. If a man or woman has done the work on themselves to be *truly accountable*, then they will have a chance to prove that they are healthy and safe adults at some

point. If they have not done that work – they won't get parole.

I have seen the Oregon parole board operate for over 2 decades. (I invite you to look at their incredibly high parole *denial* rate). They are tough, really tough. Being granted parole is *not an easy thing* and anyone who thinks it is has not been paying attention or is being less than honest about how this process actually works.

I firmly believe that while a kid is being punished they also deserve a chance to prove that they are not the worst thing they have ever done. Because *no child is a piece of garbage* to be thrown away. I know this is true because I am not a piece of garbage. And if I'm not garbage – then no kid ever is or could be. No kid should *ever* be condemned to a sentence of hopelessness. There is always hope that a kid will change into a healthy and safe adult as they grow up.

The evidence that violent kids can, and often do, become safe adults as they grow up is clear. But the pain people like myself have caused others is also *very real*. So this vote will likely take tremendous thought and courage. As you decide, please remember that real Justice is about *safety and balance*, not solely about retribution.

I believe that Oregonians are intrinsically good and that most Oregonians would say that *all kids* deserve hope and a meaningful opportunity to change and return to society as productive, law abiding, and tax paying citizens. So I implore you to **ban** this archaic, harsh, unconstitutional, and *hopeless* sentence and to please make this ban retroactive so that we don't leave any kid behind.

Please don't leave my peers and me behind. If we have one kid who still has this sentence, then Oregon will still have youth serving an unconstitutional and hopeless sentence.

I am *deeply grateful* that you are considering reforming our juvenile system with *smart and science-based* legislation that will make Oregon a leader when it comes to the *Rights of Children* in our nation.

Even if this bill is not retroactive, and does not impact me, I will still be *deeply grateful* that you took this important step because I don't want to see any more kids be sentenced to hopelessness.

Thank you for your time and thoughtful consideration.

Sincerely,
-K1

March 25th, 2019

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

Re: Senate Bill 968

Dear Chair Prozanski and Members

I am writing in support of Senate Bill 968. I was incarcerated in 1998, for murder. I was 17 years old when I committed the crime and was charged as an adult, I later received a 300-month minimum sentence and after spending 18 months in County jail was sent to prison at the Oregon State Correctional Facility.

I had a lot of trouble dealing with my new life in prison. I was angry at what I saw as a “great injustice” done to me and as unlikely as it may seem, I saw myself as the victim in this situation. I have difficulty believing sometimes just how truly deluded I was back then. I continued getting in trouble and was charged with two additional felonies by the time I had been incarcerated for 2 years.

I am not sure of the exact moment when I began to shift my perspective, but I do remember that at some point during that second year of incarceration I began to believe that I couldn't live my life the way I had been living it so far. I was very lucky at the time to have a cousin housed at the same institution. This man had done his time in a completely different way than I had. To put it simply, He stayed out of trouble. He had also been incarcerated at a young age for murder and yet he carried himself like a “normal person” and people both respected and liked him.

I began taking classes and participating in groups. It was in a session of a “*Restorative Justice*” (IDG) that I began to reevaluate what I saw as a victim. It was with a fair amount of shame that I began to realize just how many victims I truly had made. My victim, his family and of course my own family as well as my community. These people, many whom I didn't even know, were all victims of my actions. I was also a victim of my own creation but not in the way that I had always believed.

I will not say that I am perfect now, nor am I naïve enough to believe that perfection is even possible. But I have had only one disciplinary problem in 19 years and I do my best to live my life in a way that I can be proud of and also in a way that I hope illustrates the fact that, 21 years later I am not the same person I was at 17. Fundamentally I am the same, but my values and the way I wish others to view me have radically changed, perhaps that is just part of growing up.

I hope that you will support Senate Bill 968. Young adults are capable of immense things both good and terrible. I have met so many people in here with greatness in them and I have to believe that they deserve the opportunity to prove that they merit a chance at a real life where they can contribute.

Hope is an interesting thing. It can sometimes be the only thing that gets us through the dark moments in life. But it is with understanding that people can and do change that a person sees that a single action, no matter how good or terrible does not define a whole life.

Sincerely,

J2

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice Chair
Members of the Senate Committee on Judiciary

Re: Senate Bill 968

Dear Chair Prozanski and Members,

I support Senate Bill 968. My name is Joey and I have been in the adult prison system since I was 16 years old. I am currently 39 and I'd like to tell you a little about my own experiences as a teenager, before and after my entry into the adult system and why I believe this bill is so important for the State of Oregon.

As a kid I was the victim of a lot of trauma, most of it sexual in nature. I was molested and raped over an extended period of time while I was growing up and my home life was such that I felt I couldn't tell anyone about what was being done to me. Still I needed an escape. Unfortunately I lacked any understanding of how to make good decisions so I chose to find that escape in drugs. What I needed was help. I needed somebody to recognize what I wasn't mentally prepared to tell the world. Instead I chose to hide from my problems and I committed my crimes at the age of 16.

Being arrested was a mix of emotions, but I suppose some small part of me hoped I'd get help from the system. Unfortunately the juvenile detention center refused to house me, my county refused to house me, so the state sent me to another county for holding. There I would spend the next 9 months in a dimly lit cell beside the detox chamber, this is a place where those coming down off of meth, heroin, or other drugs are housed. For months and months all I heard were the screams and moans of the adults coming down off of drugs and it felt as if the cries never stopped. When it was silent enough, my mind only seemed to focus on the abuse I had suffered and the horrible things I had done replaying in my mind over and over again as I sat there alone. Day in and day out I was there, pleading for help. The response of the system was my being sentenced to 30 to life. To me that brought with it a sense of finality that the world was through with me and I had been thrown away.

At 17 years old I was sent to the Oregon State Correctional Institution, a prison for adults. All I could think was what had been done to me for so many years as a child was going to be done to me again as a teenager. Everyone and everything had given up on me. I begged my counselors to let me in programs, but because I did not have a release date they were not available to me then. This went on for some time and eventually I found more teenagers like me at the institution. Teenagers who had been thrown away. We knew we had committed horrible crimes, but we also knew we were not lifelong criminals, we had just made horrible decisions.

Slowly we got jobs, to learn skills. Then we began to help other kids coming into the system to get jobs. We wrote letters to volunteer programs to see if they would give us some help through the chapel. We strove to do what the system was not doing. We talked to each other, helped each other, and we grew up. I believe, we were trying to prove to ourselves that we were not garbage

and that no kid should be thrown away.

Senate Bill 968, in my opinion, is the system taking steps to recognize it cannot throw away its children. It's an important step in conveying a message to the state's children who need it that help is coming. The system never asked at my trial about my past trauma, the prison never asked why I did what I did, and while it was horrible, I don't believe just throwing me away was the right answer. A punishment was necessary, but help should have been part of the mandatory sentence.

This bill will not directly affect my sentence. Still I support it because I know the reality faced by many of the kids coming through these doors today. I know they are suffering and need help. I know what it's like to cry for help and have those cries fall on deaf ears and I believe this bill tells the next Joey's who enter the system, that the state hears them and is working to help. That it won't throw them away. It's hope for tomorrow and a big step in the right direction for the state.

I hope you will support Senate Bill 968. Thank you for engaging in these difficult discussions and I hope you all continue to work towards a better tomorrow for us all.

Sincerely,
Joey

March 25, 2019

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

RE: Senate Bill 1008

Dear Chair Prozanski and Members:

I'm writing this testimony in support of SB 1008. I was 16 years old when I committed a crime that led to my 200-month prison term. I was very lucky to have spent half of my sentence in OYA. But now I am in DOC after aging out of OYA. I've been happily engaging in treatment and education programs so that when my release date comes I will have the best chance of success. I have over ten years of clear conduct and have never been placed in solitary or disciplinary units. I am still very hopeful that one day sooner than my release date juvenile justice reform might become retroactive.

I support SB 1008 because there has been tons of research in brain science that supports that youth are not as capable at making decisions that have long term affects on their lives and the lives of others. Seeing the full consequences of their actions comes with maturity well into their twenties. So I believe that youth offenders should be given a second look in order to prove themselves responsible after being given the chance to mentally mature.

Second looks aren't a guarantee. You have to prove that you are not a threat to anyone and that you have shown that you have a drive to do the right thing and be a productive member of society. Given this chance I believe that these youth that are aging out of OYA will have hope that they may not become institutionalized from doing a long sentence, but may be given the chance to give their families and their communities a look at who they really are as grown men and women, instead of immature children making mistakes in life. A second look gives this chance.

I greatly thank you for your time reading this testimony and I hope that you will give this great thought and will support SB 1008.

Sincerely,
K2