



Support Youth Sentencing Reform

SB 1008

Allows judges to decide whether youth “aging out” of OYA custody at 25 who will complete their sentence by their 27th birthday should serve the rest of their sentence under community supervision rather than in adult prison.

Ends life without parole sentences for youth with a meaningful opportunity for release after 15 years.

Gives power back to judges to decide whether under-18s should be tried as youth or adults. Ends automatic waiver into adult court of 15-17-year-olds charged with Measure 11 crimes.

Offers youth convicted in adult court a “second look” hearing halfway through their sentences so judges can determine whether they have been rehabilitated and should serve the rest of their sentence under community supervision.

QUESTIONS?

Bobbin Singh

Executive Director
bsingh@ojrc.info

Trevor Walraven

Director, Public Education and Outreach, Youth Justice Project
twalraven@ojrc.info

Oregon Justice Resource Center
503.944.2270

THE ISSUE

Oregon’s youth justice system needs reform. We must put more emphasis on preventing crime and rehabilitating youth than on harsh punishments and lengthy and costly prison sentences. Accountability is key, but justice needs to come with healing. The more we help our young people to understand the harm that crime causes and orient them toward being a force for good in our community, the safer and happier we will all be.

Oregon is behind the curve on how we treat youth in our justice system. A 2013 study showed that we incarcerate young people at a higher rate than almost every other state in the country. We also try children as adults at the second highest rate of any state except Florida. By updating sentencing laws, we can take proper account of current understanding of brain development and the evolving legal landscape nationally.

Doctors and the scientific community have understood for some time that adolescent and emerging adult brains are different from those of children and adults. Research shows young people’s brains aren’t fully developed until they reach their mid-to-late twenties. While everyone is responsible for their actions, prosecuting teenagers as though they had the culpability of adults is not in line with the best brain development science.

A series of U.S. Supreme Court decisions has prompted many states to overhaul youth sentencing laws. More than half have changed sentencing laws to respond to the evolution in the Court’s views. Oregon has not. Our state still allows sentencing of children to life without parole or extremely lengthy sentences.

We now have 25 years of data on how Measure 11 has affected our youth. Research shows it has had a disproportionate impact on youth of color. Racial disparities between black and white youth being indicted for Measure 11 offenses grew between 1995 and 2012. Black youth are nearly nine times more likely to be indicted on a Measure 11 charge than would be expected based on their relative share of the population.



FREQUENTLY ASKED QUESTIONS

Q. How many youth are being affected by Measure 11?

Data provided by the Oregon Criminal Justice Commission show there were 3,976 cases of under-18s prosecuted under Measure 11 from when it began in 1995 through to 2012. The number of cases per year remained fairly consistent over time, with an average of 221 per year. Significant racial disparities have been seen since Measure 11 was adopted and these disparities have also been shown to be increasing over time.

Q. What impact does prosecuting youth as adults have?

There are numerous harmful impacts of prosecuting youth as adults including:

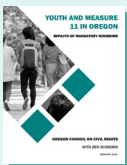
- Higher bail amounts (minimum \$50,000 with rare exceptions) that may result in youth remaining in custody while their cases are resolved because they and their families cannot pay;
- Inability to seal an adult criminal record creating barriers to housing, jobs, and education;
- Loss of anonymity;
- Increased risk of recidivism through exposure to the adult criminal justice system;
- Disruption to education.

Q. What has the U.S. Supreme Court said about harsh sentences for youth?

Over the last 15 years, the Court has found that under-18s cannot be sentenced to death and that mandatory life without parole sentences for youth are unconstitutional regardless of their crime. The key concepts that these decisions reflect are that youth have a unique capacity for reform and that youth are fundamentally different from – and less culpable than – adults. The Court has also found that youth should get the chance to show they have changed and a meaningful opportunity to gain release. Lengthy sentences that do not take into account the mitigating qualities of youth violate their constitutional rights.

Q. How does keeping young people out of prison promote public safety?

At present, young people may remain in Oregon Youth Authority custody until they are 25. Those who still have time left to serve on their sentences will be transferred to DOC custody. Research by the Oregon Youth Authority shows that “many youth sent to youth correctional facilities are more likely to recidivate than if placed in residential or community settings.” In addition, “youth who transfer from youth correctional facilities to adult corrections are predicted to have a 20 percent higher risk of recidivism.”



In 2018, the Oregon Justice Resource Center published the report “Youth and Measure 11 in Oregon: Impacts of Mandatory Minimums” in collaboration with the Oregon Council on Civil Rights. Much more information about youth and Measure 11 is available in the report which is online at www.ojrc.info/youth-and-measure-11-in-oregon.

Support youth sentencing reform: Vote YES on SB 1008.