

Voices from Inside in Support of SB 1008

Enclosed are letters from individuals who are currently incarcerated in Oregon and are in support of SB 1008.

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.

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support amendment and passage of Senate Bill 1008A.

Issued one day after passage on the Senate Floor of SB 1008A, the April 17, 2019 decision of the Oregon Court of Appeals in *State v. Link*, 297 Or App 126 (2019) underscores the *urgent* need for amendment of SB 1008A, to insert both a retroactivity clause and emergency clause into the legislation.

The Oregon Constitution prohibits retroactive alteration of judicially-imposed sentences, **except when those sentences violate the United States Constitution**. Article I, § 44(2). *Link* held that life imprisonment for Aggravated Murder violates the Eighth Amendment to the United States Constitution. Given that the 1999 Legislature inserted the Aggravated Murder sentencing provisions into the Murder statute and the only difference between the sentences for Murder and Aggravated Murder is when the offender becomes eligible for a rehabilitation hearing – after 25 years for Murder and 30 years for Aggravated Murder – (see Oregon Laws 1999, ch. 782, §§ 4 & 5), it appears that *all* Murder and Aggravated Murder sentences imposed upon 15-, 16-, and 17-year old offenders since the April 1, 1995 enactment of Measure 11 (ORS 137.707) violate the Eighth Amendment to the United States Constitution under *Link*. Of course, this means that *every* currently incarcerated offender serving life imprisonment for Murder or Aggravated Murder committed as a 15- 16- or 17-year old now must have their unconstitutional sentences vacated and be resentenced to a prison term that does not violate the Eighth Amendment.

This will result in *significant* costs associated with: (1) appeals and successive post-conviction relief proceedings; (2) resentencing proceedings; and (3) post-sentencing litigation concerning the available appropriate sentence for these offenders (as it is unclear after *Link* what sentences will legally apply to these individuals).

All of these costs can be avoided by simply making the parole provisions of Sections 25 through 29, of SB 1008A retroactive and effective on passage, so that every 15-, 16-, and 17-year old prisoner convicted of Murder and Aggravated Murder who is currently incarcerated will be eligible for a release hearing after serving 15 years. This approach was endorsed by the United States Supreme Court in *Montgomery v. Louisiana*, 577 U.S. ___, 136 S.Ct. 718 (2016) when the Court observed:

Giving *Miller [v. Alabama, 567 U.S. ___, 132 S.Ct. 2455 (2012)]* retroactive effect . . . does not require States to relitigate sentences, let alone convictions, in every case where a

juvenile offender received mandatory life without parole. A State may remedy a *Miller* violation by permitting juvenile homicide offenders to be considered for parole rather than resentencing them.

136 S.Ct. at 736.

I submit that Chair Williamson correctly recognizes that *Link*:

Makes it clear there is an issue [the Legislature] [has] to deal with: How we're going to deal with sentencing juveniles, instead of leaving the system intact as it is and letting the courts continue to find that it's unconstitutional and having the court send the case back for resentencing. That's unnecessary litigation when we could pass legislation to clarify it moving forward.

Wilson, Conrad. (4.17.9). "Oregon Appeals Court Rules Juvenile Sentencing Law Unconstitutional," *Oregon Public Broadcasting*.

I urge you to amend SB 1008A in response to *Link*, to insert: (1) a clause providing for retroactive application of the parole provisions of Sections 25-29; and (2) an emergency clause, making those provisions effective upon passage.

I also propose a technical amendment to Section 25(5)(a) of the dash-2 amendments as follows:

(a) For a person sentenced under ORS 163.105, 163.115 or 163.155, the board shall set a release date that is not more than 60 days from the date of the hearing and, notwithstanding section 28, chapter 790, Oregon Laws 1989, the person shall be released on [~~parole~~] ***post-prison supervision*** in accordance with ORS 144. 125, [~~144.260 and 144.270~~] ***144.096 and 144.098***.

p. 48, l. 30 to p. 49, l. 4. By law, offenders convicted of offenses committed on or after November 1, 1989 are subject to post-prison supervision rather than parole. This provision should reflect that fact.

Finally, I strongly urge the Committee and House to vote "Yes!" on SB 1008.

Thank you so much for your thoughtful consideration of this complex issue and important legislation.

Sincerely,
M1

Senate Bill 1008A

(Formerly Senate Bill 968)

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support passage of Senate Bill 1008A. 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 1008A 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 1008A 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 1008A 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 1008A 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 is found in OJRC’s supplemental materials.

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support Senate Bill 1008A. 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 legislatures 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 1008A. Thank you for your time, energy, and consideration.

Sincerely,
C

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing in support of Senate Bill 1008A. 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 impact 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 1008A 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 1008A 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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support SB 1008A, 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 "scarier," and that justified an extreme sentence. The judgment 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 to the judge how much I had grown in maturity and in accepting full responsibility for the harm I caused. He did not care that the state's misguided predictions that I would only "worsen with age" had not come true. My positive response to the treatment programs I took meant nothing. He 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 1008A is so necessary. My own experience with the justice system illustrates the naiveté in believing that all judges, when provided with sufficient evidence, and given sufficient discretion, will sentence

youth appropriately.

SB 1008A'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 1008A 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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing to urge support of Senate Bill 1008A, 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 1008A 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 thoughtfully consider whether section 25 of SB 1008 must be retroactively applied to prisoners who are currently serving terms of life imprisonment in Oregon in light of US Supreme Court precedent and recent rulings from Oregon’s Court of Appeals. 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. The Oregon Court of Appeals last week ruled in *State v. Link*, 297 Or App 126 (4.17.19) that the Oregon’s sentencing laws for the most serious offenses, like the Aggravated Murder sentence in that case, are unconstitutional under the Eight Amendment for all of the same reasons in *Miller*. This means that, absent any retroactive application of the provisions of this bill, Oregon will continue to have juvenile offenders serving unconstitutional sentences within her borders until and unless future court decisions reverse each individual sentence. Retroactive application of the SB 1008, § 25 would provide a meaningful and cost-effective remedy to existing unconstitutional juvenile life sentences without unnecessarily draining valuable state and county judicial resources to achieve the same, inevitable result.

Thank you for your consideration of the important and much needed reforms to Oregon’s juvenile sentencing laws proposed by SB 1008A.

Sincerely,
M2

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support SB 1008A. 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 1008A 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 juveniles 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 1008A 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 victims 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 victims 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 lead 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 1008A 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 1008A 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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson 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 by of 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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support passage of the thoughtful legislation pending in Senate Bill 1008A. 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 with out 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 hope 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 them and become healthy, positive adults.

Killing 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 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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support Senate bill 1008A. 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 Bill 1008A's criteria to have the opportunity to provides will allows for this to happen and

benefit us all.

Thank you fro the opportunity to support Senate Bill 1008A and the benefits it will provide for all Oregonians.

Sincerely
-M3

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing in support of Senate Bill 1008A.

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 feelings 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 was no programs for me, I'd "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 1008A 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 where, 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 1008A 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 restorative side of their offenses and become productive members of our communities as soon as possible. Please support Senate Bill 1008A.

Thank you for your time and considerations.

Sincerely,
T2

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing concerning the *courageous* legislation pending in SB 1008A. 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 1008A *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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing in support of Senate Bill 1008A. 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 months 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 1008A. 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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support Senate Bill 1008A. 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 1008A, 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 1008A. 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

Senate Bill 1008A

(formerly Senate Bill 969)

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support Senate Bill 1008A because I have seen the effects of automatic remand on many people over the years, myself among them. First off, I would like to thank you for taking the time to read this testimony. It really means a lot. I am 27 years old. I was incarcerated at the age of 19 for a crime I committed when I was 15 years old. Fortunately, because I was a minor when I committed my crime I was able to go to OYA until I turned 25, at which point I was transferred to a state prison for the remainder of my 12-year sentence.

Going through the adult court system at the age of 19 was a horrible experience. Physically I was 19, but mentally, I was 15 or 16 at best. I did not understand the legal process or my legal options and I had very little help understanding what I was going through. If I had been able to go through juvenile court, I believe things would have been taken into account that weren't in adult court. Things such as my mental state, drug problems, upbringing and my household environment. Instead, I was viewed as a mentally mature adult rather than the drug-addicted, antisocial, physically, sexually and mentally abused 15-year old kid I was back then.

I will always be grateful for my time in OYA because it gave me the education and skills to become a good person, which in turn allowed me to mentor and teach others to prevent harming more people in the future. In OYA, there are DOC custody youth and OYA custody youth. OYA youth are given an opportunity to change their lives for the better, and even their way back into the community. DOC youth do not. I often wondered why I was under the DOC category and no matter how much work I did to change myself, educate myself, or to help others, I could never receive a second chance at life until my sentence is up. Without automatic remand, I could have been given that chance along with many others.

Without automatic remand, many juveniles and young adults would have a better chance at being fairly judged and helped to become whole, good people who can help make our community a better place. I believe either removing automatic remand or at least making it option would give juveniles and young adults a chance to be seen for who they were at the time of their offense and the circumstances that led to the crime, as well as the true mental state of the individual at the time of conviction rather than what the law assumes them to be. I really think this could help many, many people in the future. I really want to thank you again for taking the time to read this it really matters.

Sincerely,
J3

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am in support of Senate Bill 1008A. I am writing this because not only am I a person who was subject to automatic remand to adult court for a crime I committed when I was 15 years old, I have been incarcerated with dozens of other teenagers who were subject to this as well.

Subjecting children to an auto remand process takes away the ability for the court system to take into account any mitigating factors that may have been in play in this child's life. Myself and many of the people I have been incarcerated with were subjected to mental, physical, and/or sexual abuse. In many cases children were subjected to a combination of all these abuses. By taking away the court's capacity to look at these children as broken human beings who, lacking the sophistication and maturity of adults who undergo this kind of abuse, lash out and hurt other people. There is no excuse for the crimes these children committed, but there is room for compassion and mercy.

I have seen many other teenagers who were charged as adults and given mandatory minimum sentences who nevertheless put great effort into changing their lives. In addition to the work these teens did in treatment groups and school, they were given the opportunity to grow up in a more stable environment than their homes. Often towards the end of their sentences they had made such changes that you would never be able to equate the broken child with the whole, healthy man they had become. Unfortunately once they were released they were adult felons and had very little in the way of opportunity or help, even after they had served their debt to society. Financial aid, jobs, and in many cases even a stable living environment were close to impossible to come by because of the stigma of a felony.

Luckily this was not always the case. I had the privilege to help mentor a young man who had undergone tremendous abuse before he was incarcerated. Fortunately for him the crime that he committed when he was a teenager wasn't serious enough to get him charged as an adult. However during his incarceration in Maclaren Youth Correctional Facility he was still acting out, and ended up seriously injuring a staff member. He stayed in the facility and was moved to the violent offender unit where I met him. He applied himself to the treatment provided there and was able to mature and move past the abuse in his past. It was decided to not charge him as an adult and he was released a few years later. I kept in contact with him for the next 2 or 3 years. The last I heard from him, he had just finished training as a combat medic in the U.S. Army and was getting ready to deploy to the middle east. There is no way for me to know what he did during his time in the military as we fell out of contact, but just his making it into the military was far from where he thought he would be in life.

I believe that no child should ever be charged as an adult. No child has the same mental facilities as an adult, and they surely don't have the life experience to draw on that an adult does. At the very least there should be a chance for the court to take into account every child's life experience, and their inherent capacity for change.

Thank you for taking the brave step in introducing this legislation. Oregon is amazing and progressive in so many ways, it is heartening to see that there are people such as you that are taking the time to examine our laws and see if they are in line with the compassionate beliefs that many of us hold.

Sincerely,

-S1

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing to support Senate Bill 1008A. I have been incarcerated since 2003 for a drug related homicide I committed when I was 17 years old. I was automatically remanded and I went straight to county jail and was processed and treated as an adult. Sitting in county jail was the most frightening, confusing and uncertain experiences I'd been through. I was a scared and confused kid but treated like a chronically violent adult. I didn't get any help, explanations, or treatment I needed while I was in their custody for the next 15 months. Contrarily, instead of detoxing I was immediately administered psychotropic medications to deal with my intoxicated mind. These medications merely sedated, numbed, and kept me disconnected from the gravity of the process I was facing. During this time I was at the mercy of the adult offender system, which isn't set up to deal with juvenile delinquents. I ended up taking my case to trial after my attorneys recommended me not to sign a 75-120 month plea deal the DA 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. I was sent straight to prison with the worst of Oregon adult criminals. This experience was horrifying. I was alone in a hostile foreign world. I focused on trying to survive, get peer approval, and how to acclimate as best as I could as a teenager inside an adult prison which eventually led me to disciplinary segregation often. I seen my counselor a few days after my arrival and was told that there was no treatment nor programs for me, that I had "too much time" and to just "get comfortable". The reason for my barring to the very limited cognitive programs, drug & alcohol classes etc. has remained the same over the last 16 years of my incarceration, that I "have too much time". Ironically, I will always have too much time because I have a life sentence even though I'm up for parole in 9 years.

I support senate bill 1008A because adult prison system seem to be merely a gross setup for human warehousing. It's not a place of restoration or reformation for our children if the focus of the incarceration is to make the offenders more fit to be a functioning member of our communities. Prisons seem focused on retribution. There's an alarming lack of programs and/or treatment offered in our prison systems today. I have seen lots of youth come through and not get any assistance on their journey to grow and become better individuals, then they become bitter and slip into the "prison politics and drama" just to fill the void of time. The youth are susceptible to the environmental influences around them be it negative or positive which will inevitably effect them throughout their lives. I think it would be for the benefit of the youth and our communities if our youth offenders were protected from going straight into the adult system and to a place focused on and offers an abundance of restoration programs etc, such as a youth center that cultivates and atmosphere of course correcting such as OYA.

Please support senate bill 1008A and help protect our children. Thank you for your time and considerations.

Sincerely,
T2

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing to support passage of Senate Bill 1008A, which would eliminate the automatic prosecution of adolescents under 18 years old in adult criminal court.

When I was 17 years old I faced automatic prosecution as an adult in adult criminal court. At the time, I had no experience with or understanding of adult criminal court, and I felt helpless in how to assist my defense counsel. I felt like all I could do was trust the adults; this was their process and they would know best what to do with me.

The auto-remand laws that SB 1008A would reform are impersonal. They do not allow judges to consider a juvenile's circumstances or character, only the nature of the alleged crimes. In contrast, juvenile remand proceedings require judges to consider what is in the best interests of public safety by weighing the traits of the offender, nature of the offense, and the amenability to available treatment. In other words, *who* is the juvenile offender, *why* did he or she commit this crime, *what* is the nature of the offense alleged, and *who* do we want this person to become *when* he or she returns to society?

This is a careful and deliberative process that is intended to ensure that the needs of all involved are weighed equally. This would not put undue pressure on the juvenile court system, either. According to the Oregon District Attorney's Association, *Examination of Juvenile Measure 11 in Oregon Today*, there were 10,146 referrals to the juvenile criminal court in 2016, but only 359 juveniles serving Measure 11 offenses combined in OYA and DOC facilities who were automatically prosecuted as adults. That would be only a .4% increase to current referrals to the juvenile court system.

The auto-remand shortcut of prosecuting adolescents as adults should be reformed to avoid unnecessarily deeming all adolescents unworthy of the age-appropriate treatment and services available in the juvenile court system. Oregon should be asking more questions when our children commit serious offenses, not fewer.

Thank you for your consideration of SB 1008A.

Sincerely,
M2

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support SB 1008A. 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 1008A will 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.

As you know, Oregon's justice system became tough on kids during the "tough on crime" era of the 1990's when the nation enacted mandatory minimum laws such as Oregon's Measure 11. When harsh mandatory sentences were adopted for juvenile offenders in the mid-90's it was in part because of three politicians, William Bennett, John Dilulio Jr. and John Walters. They wrote a book in 1996 named *Body Count*, where they coined the term "Super Predators" in reference to juvenile lawbreakers. The media sensationalized their findings, and they convinced lawmakers that children who commit serious crimes are nothing more than young Hannibal Lectors, more dangerous even than adults and could not be treated. Their book claimed that, "America is now home to thickening ranks of juvenile *Super Predators*, radically impulsive, brutally remorseless youngsters, including ever more preteen age boys . . ." (Bennett, Dilulio and Walters 27). Fast Forward twenty years and neuroscience has now proven that kids who commit crimes typically do so because of underdeveloped frontal lobes that affect executive brain functioning and contribute to decision making abilities, impulse control and emotional regulation. Research has proven that the majority of juvenile lawbreakers simply "age out" of crime as they mature as long as they are not placed in environments that continue to inflict harm. Two of those politicians now admit their "super predator" rhetoric was false and baseless, with at least one of them regretting the impact their theory had on criminal justice policies. The super predator myth was completely refuted as hyperbolic and inflammatory rhetoric with no basis in fact, but by that time it was too late, and laws such as Measure 11 were put in place in response to a manufactured crisis that never materialized.

Having come to prison during the "super predator" era, I have found that rehabilitation becomes challenging if not nearly impossible when punitive consequences of negative behavior such as Measure 11 are used to hold children accountable. Being tossed into a cage for decades sends a strong message of worthlessness, and only serves to further isolate traumatized children who already feel alone in the world. Juvenile justice should recognize that the use of punitive

measures to address youth law breaking does nothing to change behaviors because it does nothing to address the cause of those behaviors. Currently, the justice system uses punitive policies that compound the problem by inflicting even greater harm on children who are often victims of violence themselves and in need of help. Traumatized kids need a safe and stable environment to heal and learn how to become productive citizens, and placing them in adult prison sends a strong message that they are worthless and intensifies the trauma of previous violence. As a result, I've seen young offenders adopt an "I don't care" mentality where rehabilitation becomes doubtful, and both child and community suffer tremendously as a consequence.

For the purpose of rehabilitation, sentencing children as adults and then isolating them in a prison setting is counter productive when expecting the child to recognize the humanity of those who mete out punishment. Prison, by its very nature, is rehabilitation repellent when applied to children who are struggling desperately to find their place in the world. In the book *Burning Down The House*, author Neil Bernstein illustrates this point perfectly.

Prison dehumanizes, not as a side effect but as a central function. A child who is forcibly removed from home and society and placed inside a cage receives a powerful message about herself and her place in the world (33).

As someone who has experienced prisons *central function* I can attest to the feeling of worthlessness and despair that many young people experience when trying desperately to navigate an environment that reduces them to a prison identification number.

The Oregon legislature has recently recognized that children are different and increased the legal smoking age to 21 after concluding that youth are simply unable to make a rational informed decision to smoke even at the age of 18. This was a bold and courageous decision by Oregon lawmakers and is in step with national trends that have rolled back archaic policies in favor of progressive science based solutions for adolescents who break the law. Nevertheless, Oregon still continues to sentence children as adults even as the legislature recognizes their diminished capacity to reason. To recognize children are different in some situations, but refuse to recognize this fact when a child becomes involved with the justice system, is not only harmful to youth and the community, but is not justice. A child is still a child with an inherent diminished culpability regardless of rather that child makes the unfortunate decision to smoke cigarettes or commit a crime. Their actions do not negate science. As a community we all have a responsibility to Oregon's youth, and policies that treat children as adults do not meet the obligations we have to our most vulnerable citizens. As someone who has experienced being labeled a "Super Predator", I feel I have a particular responsibility to ensure that future generations of young Oregonians do not succumb to the same label. Oregon cannot continue to treat children as if in fact they were not just that, which is why I support SB 1008A. Thank you for allowing me to be part of the conversation.

Sincerely,
A1

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support passage of Senate Bill 1008A. I have been incarcerated more than 30 years for a homicide I committed when I was 18 years old. As such, I was prosecuted as an adult rather than a remanded juvenile. Yet, working as an Inmate Legal Assistant since 1989, I have seen and tried to ameliorate the real-life consequences of automatic remand for countless teenagers who are prosecuted and sentenced as adults.

Oregon joined the rest of the nation in getting “tough-on-crime” in the early 1990s. To ensure that this shift extended to juvenile offenders, John J. DiIulio, James Alan Fox and William J. Bennett launched an insidious successful campaign to brand America’s youth as irredeemable violent “super-predators” who are beyond rehabilitation. *See e.g.*, Bernstein, Nell. (2014). *Burning Down the House, The End of Juvenile Prison*, (New York, NY: The New Press), 71-80.

Lawmakers across the nation quickly seized upon the dehumanizing “super-predator” rhetoric to dramatically alter juvenile justice policy. Rehabilitation was replaced with punishment and juveniles were treated as adults. The ““super-predator” myth . . . led nearly every state in the country to expand laws that removed children from juvenile courts and exposed them to adult sentences, including life without parole.” *See*: “The Superpredator myth, 20 years later,” www.eji.org (visited 3.25.19). *See also* Bernstein, 75.

Regrettably, Oregon was not immune as voters and lawmakers believed the frightening rhetoric about its youth. In an April 21, 1995 letter to the House Judiciary Committee, Attorney General Theodore Kulongoski spoke of his recent service as chair of the Governor’s Task Force on Juvenile Justice and declared: “Certain types of criminals, whether adults or juveniles, are beyond redemption. We need to ensure that criminals are personally responsible for their crimes.” *See*: Official Voters’ Pamphlet, General Election (Nov. 5, 1996) at 6.

Yet, the “super-predator” lie was quickly debunked as having *no* basis in fact by virtually every criminologist who examined the issue. Most importantly, DiIulio and Fox joined forty-four other criminologists and developmental psychologists in submitting a January 17, 2012 *Amicus Curiae* brief to the Supreme Court in *Miller v. Alabama*, 132 S.Ct. 2455 (2012), in which they admitted that “the fear of an impending generation of superpredators proved to be unfounded.” *Id.*, at 8. Moreover, “empirical research . . . demonstrates that the juvenile super predator was a myth and the predictions of future youth violence were baseless,” the scientists wrote. *Id.*

Amici have been unable to identify any scholarly research published in the last decade

that provides support for the notion of the juvenile superpredator, and the scholar credited with originating that term has acknowledged that his characterizations and predictions were wrong; he is one of the *amici* who submits this brief.

Id. Fortunately, the Supreme Court heard what they said, declaring that “children are constitutionally different from adults for purposes of sentencing.” 132 S.Ct. at 2464.

As Bernstein notes, however, “there are some insults you just can’t take back.” *Id.*, 80. Far too many Oregon youth have suffered devastating real-life consequences of being automatically tried as adults and sentenced to adult prison.

Criminologist Barry C. Feld notes several of those consequences in his recent book *The Evolution of the Juvenile Court, Race, Politics and the Criminalizing of Juvenile Justice*, (New York, NY: New York University Press, 2017). Specifically, (1) “Imprisoning juveniles increases rather than reduces subsequent offending.” *Id.*, 118; (2) “Prisons are developmentally inappropriate places for youths to form an identity, acquire social skills, or make a successful transition to adulthood.” *Id.*; (3) Confining youth in prison exacts different and greater developmental opportunity costs than those experienced by adults.” *Id.*; and (4) “Imprisonment disrupts normal development; ground lost may never be regained.” *Id.*, 119. Leading youth violence expert and development psychologist James Garbarino also warns of the risks of rape and assault that youth face in adult prison that negatively impact their rehabilitation. *See*: Garbarino, James (2015). *Listening to Killers, Lessons Learned from My 20 Years as a Psychological Expert Witness in Murder Cases*, (Oakland, CA: University of California Press) at 99-101 & 195; and 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 169.

Sadly, as a legal assistant, I have been asked to assist three young men who were raped in this prison in just the last twelve months alone. Unfortunately, this is not the first – nor will it be the last – time I have been asked to help young prisoners who have been the victims of rape and other forms of violence in the adult prison system. “Youth is one of the primary risk factors for sexual victimization in prison.” *Doe v. Ayers*, 782 F3d 425, 452 (9th Cir. 2015)(quoting PREA).

Automatically sentencing youth as adults has a profoundly negative impact upon them and public safety, under the best of circumstances. The *Miller* line of cases recognizes that youth have “greater prospects for reform” than adults. 132 S.Ct. at 2464. Yet, rehabilitative programs have not existed within adult prison for more than 20 years. Prisoners are merely warehoused. Upwards of 80 percent of prisoners commit drug-related crimes but receive no drug treatment in prison. Sex offenders receive no sex offender treatment in prison. Sentencing youth as adults then confining them in places where they are denied the rehabilitative help they need to change their lives harms them and the public safety.

I strongly urge you to reinstate judicial waiver provisions to give experienced judges discretion to weigh the developmental factors recognized by the *Miller* line of cases. Passage of SB 1008A will enhance public safety and better protect and serve Oregon’s youth who find themselves within the criminal justice system. Thank you so much for your thoughtful consideration.
Sincerely, M1

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing concerning the *smart and thoughtful* legislation pending in SB 1008A.

I have been locked up for over 2 decades for a crime I committed when I was 15. I started my time at MacLaren where for 8 years I received effective mental health and violent offender treatment. I desperately needed these. I spent my last teenage years and early 20s learning how to heal and fix the parts of myself that I had allowed – as a 15 year old – to turn me into someone who could commit the horrific criminal acts I am guilty of.

I did not do this alone. As engaged doctors and staff members at MacLaren helped me take responsibility for my crime and helped me become a healthy adult they did so as I was surrounded by hundreds of other youth sent to MacLaren during my 8 years there. Right before I turned 25, I “aged out” of MacLaren and was sent to adult prison, where I have been ever since. Unlike OYA, in adult prison the mental health and substance abuse services are poor, to say it kindly, and there are virtually no effective offender treatment services. It is simply a place where offenders are *warehoused*.

I have witnessed *hundreds* of boys become men while they have been locked up, inside both OYA and DOC. I cannot overstate *how damaging* sending a young person to DOC is. I have also seen many troubled kids come to MacLaren and grow into *healthy and safe* men because MacLaren is *made for kids*, while adult prison is *made for adults*. This means that I have seen many troubled kids come to DOC and become more ingrained in a criminal mindset while I have also seen many kids come to MacLaren and then get help before they get out and never come back. I implore you to understand that treating *kids as kids* actually improves public safety because doing so *decreases* the likelihood that they will become hardened criminals by spending time inside DOC when they are young. This dramatically *reduces* the likelihood they will victimize more people in the future.

In *Miller v. Alabama* the US Supreme Court stated what all parents, teachers, and responsible societies on Earth already know – *Children are different* than adults. This is why a kid cannot buy cigarettes, beer, pornography, Mature-Rated Video games, marijuana, or firearms. A kid can watch an R-rated movie and sign most contracts only with parental consent. (And some contracts they can't sign at all). Someone under the age of 18 *cannot consent to sex* under any circumstances (and for *very* good reason). Car rental won't rent to people under the age of 25 (Because private companies understand that people are immature and make poor choices until they grow up). Our country (like all countries) have laws that *protect* kids from their own

impulsivity and immaturity. Oregon recognizes this fact and this is why we have two *different* prison systems. One for kids (OYA) and one for adults (DOC).

Likewise, when a kid is charged with any crime they should first be placed in juvenile court, not adult court – without at least a remand hearing in front of a judge who is charged with looking at each case objectively. Right now prosecutors get to make that choice and from what I have seen, *over and over*, they make this choice poorly and often for even poorer reasons.

Prosecutors often intentionally over-charge kids with a Measure 11 offense, *knowing* that they likely can't get a conviction on that charge. But the threat of a mandatory minimum forces these kids to plead down to the lesser offense (which they are likely guilty of) to avoid a huge Measure 11 prison sentence. But because they are first charged with a Measure 11 *they stay in adult court* when they plead down. If they were charged with what they were actually guilty of in the first place – they would have stayed in juvenile court.

When I was a teen (and still at MacLaren), I developed a friendship with a 16-year-old kid, Jay, who got into a drunken fistfight after a high school football game. He was charged with an Assault II (Measure 11). He pleaded down (with his guardian signing off on his plea deal) to a lesser charge and only did 18 months or so at MacLaren (where he took his education and drug and alcohol treatment very seriously. As he was a hard worker, a good student and superb athlete). But when he got out (around the age of 18), he couldn't get a job, because he was a felon with an *adult* conviction. He couldn't go to college because he couldn't get financial aid – because he was a felon. He was rejected by employers and social systems designed to make young people successful in our society over and over – because he was a felon. Jay's time at MacLaren was supposed to be his punishment, but he wrote to me and told me that after he was released his real punishment began. He had been sentenced to a life of rejection and financial difficulties because he was branded as an adult criminal (felon) at age 16 for a fist-fight. Jay was smart, but he never went to college and the taxes he pays today are a fraction of what they would be if he had been given financial aid when he was still young.

I did not receive a remand hearing when I was 15. But I have *no doubt* that I would have been remanded because of the severity of the crime I am guilty of. But Jay *absolutely* should not have been charged as an adult and I find it unlikely that he would have been moved to adult court if he would have had a remand hearing. I deserve to be a felon. Jay does not.

Oregon's laws protect kids in every way, *except within the way we charge and sentence* them. We need to protect our kids in this way too. Please replace Oregon's archaic automatic remand system with one that promotes greater justice and greater public safety by **voting yes on Senate Bill 1008A**.

Thank you for considering this important and science-based legislation.

Sincerely,
-K1

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing in support of senate bill 1008A. 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 months 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 perhaps, 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 1008A. 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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I'm writing this testimony in support of SB 1008A. 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 am supporting SB 1008A because upon my arrest I was never given the opportunity to be evaluated by anyone to see if it would have been better to charge me as an adult or as a minor. But instead, I was thrown into adult custody and exposed to the manipulation by gangs and other predatory individuals. On top of this, I was not familiar with the adult court system and did not understand what was happening to me through out it.

I am now 27 years old and cannot help but believe that if a bill like SB 1008A would have existed I might have been charged as a minor and would now be a productive member of society as would hundreds of other young men who have spent their incarceration bettering themselves even against the odds. If adult conviction isn't going to help the individual, then why charge them as an adult rather than a minor.

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

Sincerely,
K2

Senate Bill 1008A

(formerly Senate Bill 1008)

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support SB 1008A. 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 1008A 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.

To determine at sentencing if a juveniles 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 requires a “final solution” for circumstances which evolve as the juvenile matures. Walter Sisulu wrote that:

In evolving solutions we should avoid that style of thinking that gravitates towards final solutions. There are no final solutions. Solutions must always be open to modification and adjustment on the basis of experience and fresh evidence—sometimes they may even need to be discarded.

In light of recent Supreme Court cases that emphasize the “children are different” approach to juvenile crime, states have begun to implement reforms that recognize the need to consider the mitigating circumstances of youth and individual circumstances of the defendant. With advances in brain science and imaging technology researchers have now been able to prove that, not only do adolescents have a diminished capacity to reason and make complicated decisions that contribute to criminal behavior, but also that the use of long term incarceration on the developing mind has negative effects that keep youth from learning the skills needed to develop their critical thinking abilities. In other words, the very methods currently used to correct criminal behavior have now been proven by science to enforce those same behaviors. When this knowledge is coupled with further scientific evidence, which proves that adolescents will eventually “age out” of crime if spared the trauma of prolonged incarceration, then the use of long mandatory minimums on youth offenders actually creates the criminals who become part of the mass incarceration epidemic as adults. In essence, the state is spending money to create criminals, and this continues to happen even in light of advances in brain science that show us the high costs of such policies.

I mention this because in my 21 years of incarceration I've seen first hand the impact that long mandatory sentences have on youth who have very little incentive to change their behaviors. Having no incentive creates a sense of hopelessness for youth who then get pushed further down a path of criminality.

A conditional release hearing half way through a youth offender's sentence would not excuse criminality. It would still hold juveniles accountable for their crimes, but doing so in proportion to their diminished culpability and high capacity to change. A conditional release hearing recognizes that severe penalties imposed on youth with diminished responsibility are not proportional to the child's degree of blameworthiness, while also helping to prevent the child from engaging in criminal acts as adults by giving them hope for a better future.

By allowing fractional reductions in sentence length based on age, a conditional release hearing half way through an offenders sentence attempts to avoid permanently ruining the lives of children who made mistakes while their brains were still developing.

I am resigned to the fact that this new law will not help me, but as someone who has been impacted by long mandatory minimum sentences, I feel a responsibility towards youth who may be affected by such laws in the future.

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

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I fully support Senate Bill 1008A. When I was 17 years old I committed aggravated murder and attempted aggravated murder during a house break-in. I took a plea bargain for a life sentence with a minimum of 55 years before any chance at parole.

I have been locked up 16 years and at the age of 33 I have no real hope of ever seeing life outside of prison. My “peers” taught me that as a lifer I should act out aggressively, and being so young and not knowing any better, or maybe trying to fit in I listened. Jail and prison were new worlds for me and I was easily manipulated, both because of my age and my social incompetence it was difficult to know any better.

In support of this bill, I fully believe that if these laws were changed and a second look was available then I would have had hope and my time would have started better. I spent 9 years in constant trouble doing what I wanted, believing it didn’t matter. In my mind I was doing life and going to die in prison.

At the age of 27 I finally started growing up and doing what I could to make better choices. Since 2012 I have been living in here changing my behavior and living a more productive life. This is without any hope of getting out. Now in 2019 Oregon is on the brink of change that could help future youth who need help. I believe that youth need to have hope that they are able to have a second chance.

I believe that second chances are necessary and conducive to promoting healthy relationships and people. Who hasn’t made mistakes? It is unfortunate when youth commit crimes even more so when the crimes are of a serious nature. I believe that youth need to know that the adult’s and the lawmaker’s want them to get better and not be thrown away. This bill allows youth to know that if they serve their punishment with a productive mindset then they can earn their freedom.

Thank you for taking the time to consider this bill and the positive change it will make. I hope this bill will be passed and offer hope to future youth who need help and a second chance.

Sincerely
A2

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I support passage of Senate Bill 1008A. My support comes from the perspective of someone who was sentenced to life imprisonment as a teenager and who has now been incarcerated more than 30 years.

A sentence of life imprisonment, or even 20 or 30 years, feels like forever to most teenagers. Like most of my peers, I felt certain that my life was over when I was sentenced more than three decades ago. I felt little hope of ever having a life of meaning and purpose again. Fortunately, I have since learned that such a life is possible even in prison, but I could not see this truth at the beginning of my journey.

Hope, and the lack of it, dramatically impacts behavior. Leading youth violence expert and developmental psychologist James Garbarino, PhD speaks to this, noting:

I recall a conversation I recently had with the parole commissioner of a northern state. He was relating how dramatic the change was in the behavior of juveniles sentenced to life without parole when the *Miller* decisions came down. He stated that prior to the court's decision, these kids were unruly and acted out, making supervision in the prisons very difficult. After *Miller*, their behavior radically improved. I am reminded of the words of Nobel Prize winner Archbishop Desmond Tutu: 'Hope is being able to see that there is light despite all of the darkness.' Amen to that.

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 9.

Early in my sentence, I was not "able to see that there [was] light despite all of the darkness." This led me to make some poor decisions that I have regretted ever since.

Thanks to prisoner PELL grants, Oregon's prison system partnered with two local colleges to offer prisoners a two-year Associate of Arts degree and a four-year Bachelors degree when I entered the prison system in the 1980s. I was repeatedly encouraged to enroll in college soon after my arrival, but I could see no point in doing so. "What am I going to do with a college degree?!" I asked those who continued to encourage me, because they cared much more about me and my future than I did. My lack of hope that a future was possible ultimately prevented me from enrolling in college soon enough to earn a bachelor's degree before the prison college program ended when Congress abolished prisoner PELL grants in 1994. I've regretted that

decision for more than 20 years.

Some young prisoners who are not “able to see that there is light despite all of the darkness” ultimately ask “What is the point of changing my life at all?!” Others make decisions that harm others and themselves in much more troubling ways. As that northern parole commissioner told Dr. Garbarino, many young prisoners who lack hope are “unruly and act[] out, making supervision in the prisons very difficult.” Garbarino, 9.

In my experience, “Second Look” provisions help young prisoners “see that there is light despite all of the darkness.” Such provisions give young prisoners a goal to aim for that is realistic and attainable. A prisoner who knows on the day of sentencing that his or her lengthy sentence will be reconsidered at the halfway point if he or she works hard to change his or her life in prison is likely to be “able to see that there is light despite all of the darkness” and to commit themselves to a rehabilitative path. Those who lack the benefit of a second look sometimes have difficulty seeing that light and finding that rehabilitative path.

I encourage you to apply the SB 1008A amendments retroactively to prisoners who have previously been sentenced. Doing so would help many “see that there is light despite all of the darkness” and give them the inspiration and incentive to change their lives. It would also reward those who have done the hard work to change their lives despite having little hope of that change altering the length of their sentences. Many of those men and women have changed so much that they ceased being a danger to the community long ago, yet they will remain imprisoned for many years without the retroactive benefit of the SB 1008A “Second Look” provisions. Returning those prisoners to the community as law-abiding, tax-paying citizens instead of warehousing them unnecessarily for many years to come shows all of us the light by benefiting them and the community.

Thank you so much for your thoughtful consideration of SB 1008A.

Sincerely,
M1

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing in support of Senate Bill 1008A. This Bill will not affect me as I was 18 at the time of my offense. However, as someone who has been incarcerated for over 20 years, I can attest that there are those who have done horrible things as impulsive and troubled teenagers and yet they have developed into quality people. Considering that many juvenile offenders mature beyond their delinquency and criminality, it is important to at least provide the means for a second-look. This should apply retroactively because the kid who committed a crime five or ten years ago should not be treated different then the kid who commits a crime after January 1, 2020.

Juvenile mandatory minimums and decade long sentences are blind justice. They fail to take into account the context of crime and the context of the individual. Instead, some juvenile sentences treat the young person as an object—retributive sentencing only serves to strip humanity. It is true, however, that offenders have hurt, taken, and stripped the humanity of those they have victimized. Accountability is necessary. And accountability can occur by providing a second-look. A second-look can determine if the offender has taken responsibility, if the offender is truly contrite, if the offender is rehabilitated, and if the offender will be a benefit to public.

Although I committed my crime when I was 18, I was also a juvenile delinquent. My personal experiences are evidence that transformation is possible. I matured from a self-centered and impulsive young person to an empathetic and thoughtful adult. The story of my transformation requires more space than I have here. However, I would like to provide a brief description of my accomplishments as an indicator of what a second-look hearing could look like.

Education has been a major component to my transformation. In 2007, I created the proposal that led to Chemeketa Community College offering Associate Degrees on the inside (The College Inside Program). In 2016, I initiated the path for prisoners to earn Bachelor Degrees from the University of Oregon's Inside/Out program (I received my Bachelors in the Winter of 2018 and I am currently enrolled in Graduate courses). I am a National Yoga Alliance certified instructor that includes teaching to the prison's developmentally delayed population. I have been a volunteer for Crochet for Community, the prison garden that donates to local food banks, and a three time facilitator of a year long Restorative justice victims impact group called The Insight Development Group. I am also a long-serving peer supporter for the prison's meditation community. While these are indicators of rehabilitation, they do not necessarily prove that I have changed; a second-look hearing, with an in depth profile, would show authorities that there are people on the inside who are equip to be productive and beneficial members of society.

I appreciate the opportunity to be heard. It is not often that people at the bottom of the social hierarchy are given a voice. Yet, here I am with the opportunity to share my voice and experience in the hopes that you will enact Senate Bill 1008A and provide youth offenders the opportunity for a second chance.

Sincerely,
-S2

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I am writing concerning the important legislation pending in SB 1008A. In *Miller v. Alabama*, the US Supreme Court stated what all thoughtful adults already know – *Kids are Different than Adults*. I support providing a **Second Look** for kids convicted as adults because adolescents – unlike older defendants – have the unique ability to change. A teenager is in the process of developing their identity and the choices they make during this time do not necessarily demonstrate a “fixed” character flaw but often are a result of the “transient” nature of their youth.

Adolescence is a *critical* and *important* period for a human being. I believe that a youth, even one that has made an awful mistake and has caused great harm, *should be given hope*. If a boy or girl chooses the *right path* after they committed a serious criminal act their punishment should be *blended* with incentives and hope, rather than solely mandatory rejection. If **SB 1008A** passes then a girl or boy will have hope, but it will also keep the public safe because if after a boy or girl is sentenced and they choose *the wrong path* then they will serve their whole sentence.

If a 16-year old commits a Robbery and is sentenced as an adult to 90 months (under Measure 11) but is told at the beginning of those 90 months that they will have a **second look hearing** after 45 months their *incentive* to do the right things while inside (and change who they are during these *pivotal years* as they developed from a kid into an adult) will go up dramatically.

Real accountability is about taking *ownership* for the harm you have caused and *real justice* is about balance and public safety, *not* about making a boy or girl convicted of a crime suffer for an exact amount of months. Providing a kid a *chance* to do only half their sentence will tell them that *they still have worth* and if they *work hard and follow the rules* while inside, they will be accepted back into society. This will not only allow a kid to get some relief on a tough sentence, it will also improve public safety and it will provide incentive for them to become law-abiding citizens because Oregon’s laws *are looking out for them too*.

I have been locked up for over 20 years, since I was 15, and I have seen kids who had little reason to change due to lengthy sentences and then get out, just to come back *over and over*. But I have also seen kids change who they are, or who they could have become, because they had hope and people cared about them.

Some of these kids who developed into safe adults have had to sit and wait out their mandatory sentence – which does nothing for anyone after some point. These men could be out there

helping their families, working and paying taxes but instead they are needlessly sitting in prison far longer than they ever needed to be. If the only reason our system exists to cause them harm, then this makes sense. But if our system is about keeping the public safe and using tax dollars *effectively*, the current way we do things makes very little sense.

No judge, prosecutor, defense attorney, or doctor can say with *certainty* whether a kid who commits a crime will become a life long criminal or that they made a juvenile mistake as a selfish and self-destructive teenager. Therefore, if a kid gets a lengthy prison term (but they have a second look) the court will be able to *better* determine whether or not a youth should do their whole adult sentence (or not) based on their prison conduct.

A judge can ask: Have they been a behavior problem in prison? Have they been involved in gang activity while inside? Have they taken treatment and educational opportunities seriously? Have they shown that they can hold a steady job? Have they used drugs? Have they stayed in contact with their family?

Instead of a kid promising that they will do these things if given a second chance at the beginning of a sentence – a kid can *prove* whether they have or not, halfway through their sentence.

To me, it only makes sense that if a kid *has proven* that they can be a safe and tax-paying citizen after *half their sentence*, they should be granted a *conditional* release by an objective court that can determine this – with *facts*, rather than a defense attorney's promises or a prosecutor's fear-based statements.

Because *kids are different* and *all kids deserve hope* I am encouraging you to **vote yes on Senate Bill 1008A**. This bill is not only based on science, it is also based on common sense and common decency and will improve public safety while it saves tax dollars.

Thank you so much for considering this bill.

Sincerely,
-K1

April 22, 2019

The Honorable Jennifer Williamson, Chair
The Honorable Sherrie Sprenger, Vice-Chair
The Honorable Chris Gorsek, Vice-Chair
Members of the House Committee on Judiciary

RE: Senate Bill 1008A

Dear Chair Williamson and Members:

I'm writing this testimony in support of SB 1008A. 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 1008A 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 1008A.

Sincerely,
K2
