

From the desk of
Rep. Susan McLain

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The Oregonian

Editorial: Proposed juvenile-justice reforms in Measure 11 are long overdue

“Tough-on-crime” measures have found lots of support among voters, as Oregonians’ broad approval for Measure 11 back in 1994 showed. Stories of violent crimes, often with horrific details, stoke people’s anger on behalf of victims and trigger the fear of something similar happening again. So when a seemingly easy solution comes along to lock criminals up and throw away the key – or at least hide it for many years – people have often given their approval.

But increasingly, **Oregonians are finding that laws imposing harsh penalties are not the solution our communities thought they would be, particularly when it comes to how the state treats juvenile offenders.** Measure 11 dictates that defendants as young as 15 who are charged with any of several felonies, including murder, robbery, arson and assault, automatically be tried as adults. Just like adults, they face possible mandatory minimum sentences if convicted. And just like adults, there’s no getting out early for good behavior.

Yet studies completed in the 25 years since Measure 11 only reaffirm what many already know: Teens aren’t just like adults. Research shows that the decision-making part of teens’ brains responsible for corraling emotions and layering judgment over impulse is the last to develop. Treating adolescents as adults in the justice system assumes a level of mental development, maturity and intentionality that research shows just isn’t there. **Other research shows a higher rate of reoffending by teens who are transferred to adult courts compared to those who remain in the juvenile network.** And instead of imposing sentences that help rehabilitate juvenile offenders so they return to their communities with the skills, judgment and motivation to contribute, the system instead broadcasts to 15, 16 and 17-year-olds that they’ve blown their chance at a future and their fate is set, no matter their willingness to make amends. How discouraging that Oregon’s communities would believe themselves to be so fragile.

There is no question that some teens may need to be tried as adults in order to protect public safety or hold accountable repeat offenders. This bill won’t stop that. While opponents fear judges will rarely grant prosecutors’ requests for transferring juveniles to adult court, that’s only greater reason to question how prosecutors have been using the power granted by Measure 11.

[...] Unfortunately, in the quest for longer sentences, tougher standards and zero tolerance, the system is mistaking revenge for justice. It instills hopelessness instead of accountability, encourages criminal mentorship over community integration and values punishment over rehabilitation.

None of this makes our communities safer.

It’s time to recognize the fallacies built into our tough-on-crime system. SB 1008 provides a reasonable start to do so.

–The Oregonian/OregonLive Editorial Board

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Excerpts, emphasis added. Read the full editorial here: www.oregonlive.com/opinion/2019/04/editorial-proposed-juvenile-justice-reforms-in-measure-11-are-long-overdue-editorial-agenda-2019.html.

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