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To: House Committee On Judiciary and Ballot Measure 110 Implementation
From: Amy Miller, Executive Director

Re: **Support for HB 2002: Justice Reinvestment 2021**

Dear Chair Bynum, Vice-Chair Noble, Vice-Chair Power, and Members of the Committee,

Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Every year, YRJ represents over 1200 children and parents in Oregon's juvenile court system. All of our clients come from low-income families. Most have suffered significant trauma and many have physical, mental health and/or substance abuse issues. Approximately 45% are children of color. Because of our unique position handling court-appointed juvenile cases, we often see the same systemic problems and we work to change the policies that contribute to these problems.

We are writing to encourage your support of HB 2002. While this omnibus bill contains many important reform measures, we would like to call your attention to four components: limiting the use of incarceration to public safety purposes, reducing the complexity and number of conditions imposed on persons under supervision, supporting judicial autonomy and decision-making, and abolishing supervision fees. YRJ has advocated for similar reforms within the juvenile justice system and supports adoption of a comparable framework for adults impacted by the criminal justice system.

- **Limiting the use of incarceration to public safety purposes:** The negative consequences of incarceration are well-documented. For youth, incarceration has a profoundly negative impact on mental health and well-being, on education, and on employment. Research shows youth in detention are often impeded by depression that occurred after they began their incarceration.¹ Another study found that mental health struggles and the conditions of confinement together conspire to make it more likely that incarcerated teens will engage in suicide and self-harm. Economists have shown that the process of incarcerating youth will reduce their future earnings and their ability to remain in the workforce, and could change formerly detained youth into less stable employees.² Adults in custody suffer similar mental health and health consequences³ as

¹ Justice Policy Institute, The Dangers of Detention, http://www.justicepolicy.org/images/upload/06-11_rep_dangersofdetention_jj.pdf (2013).

² *Id.*

³ See The Growth of Incarceration in the United States: Exploring Causes and Consequences, <https://www.nap.edu/read/18613/chapter/9> (2014).

well as barriers to employment that contribute to a counter-productive system of release and poverty.⁴

- **Reducing the complexity and number of conditions imposed on persons under supervision:** For youth, research indicates that complex, surveillance-oriented probation is not an effective strategy for reversing delinquent behavior, with insignificant effects on reoffending and especially poor results with youth at low risk of rearrest.⁵ Additionally, probation plays a large role in perpetuating over-representing of youth of color in the juvenile justice system. Too often, technical violations of probation (such as missed curfew or absence from school) push youth deeper into the juvenile justice system.⁶ There are similar parallels in the adult system, where nation-wide data shows most people incarcerated for supervision violations were not convicted of new offenses.⁷
- **Supporting judicial autonomy and decision-making:** In 2019, Oregon’s legislature passed SB 1008, returning the decision about whether a youth should be tried in adult court to a judge. A judge—an impartial fact-finder—balances public safety and accountability and guarantees that procedural justice is afforded to all in a public setting. Judicial autonomy also promotes transparency, ensuring that testimony presented by both the defense and prosecution are open to public view. Importantly, the victim is guaranteed the right to be heard in court when decisions are made.⁸
- **Abolishing supervision fees:** Unlike restitution, which serves to compensate victims for injury or loss, or fines, which can be an accountability mechanism, fees have no legitimate purpose. Through our work on juvenile fee justice (SB 422 (2021)), we’ve learned that fees are regressive, racially discriminatory, undermine financial well-being, and contribute very little revenue.

We support a public safety system that is built on accountability, healing, and opportunity and one that does not further perpetuate racial injustice.

Thank you for your consideration of this important issue.

Sincerely,

Amy Miller
Executive Director

⁴ Prison Policy Initiative, Out of Prison & Out of Work: Unemployment among formerly incarcerated people, <https://www.prisonpolicy.org/reports/outofwork.html> (2018).

⁵ Annie E. Casey, Transforming Juvenile Probation, <https://www.aecf.org/m/resourcedoc/aecf-transformingjuvenileprobation-2018.pdf#page=20> (2018).

⁶ *Id.*

⁷ Human Rights Watch, Revoked: How Probation and Parole Feed Mass Incarceration in the United States, <https://www.hrw.org/report/2020/07/31/revoked/how-probation-and-parole-feed-mass-incarceration-united-states#> (2020).

⁸ See Testimony of Retired Circuit Court and Appellate Court Judges, <https://olis.leg.state.or.us/liz/2019R1/Downloads/CommitteeMeetingDocument/201303> (2019).