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March 1, 2023

To: Senate Committee On Judiciary
From: Natalie Johnstone, Staff Attorney

Re: **Support for SB 902**

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

Founded in 1975, Youth, Rights & Justice is Oregon's only non-profit juvenile public defense firm. Each year, we provide holistic, client-centered representation to around 1000 children, youth, and parents in Oregon's juvenile court system. Additionally, we provide early defense advocacy to keep families together and educational advocacy so children can attend, graduate, and succeed in school.

Through our advocacy for Oregon's children, youth, and parents, we often see the same systemic problems and we work to change the policies that contribute to these problems. One glaring systemic problem is that Black, Latinx and Indigenous people and other people of color are overrepresented in child welfare and juvenile justice systems.

YRJ supports Senate Bill 902.

What SB 902 Does

Currently, when a court orders a youth convicted in adult court to be resentenced, the statute requires a transfer to an adult prison if the individual is over 20 years of age at the time of resentencing.

SB 902 ensures that youth convicted in adult court, regardless of whether the court modifies their sentence, remain in a youth correctional facility until they reach 25 years of age, commit new crimes after 18 years of age, or demonstrate behavior that necessitates a transfer to an adult prison.

Given our understanding of youth development and the particular expertise of the Oregon Youth Authority (OYA) in treating young people under age 25, providing a technical fix that allows these young people to stay in OYA custody will improve outcomes for the young person and Oregon’s communities. Individuals in OYA custody have the opportunity to access treatment programs and “develop important skills and abilities that have huge impacts on whether they commit crimes or have negative behaviors.”ⁱ

Why it is Important to Improve the Law

The current law discourages young people from accessing their constitutional and legal rights.

Take for example a youth, “Jay.” Jay was convicted in adult court at age 17 and sent to the physical custody of OYA to engage in developmentally appropriate treatment and programming.

At 18, Jay begins a new court action where he could be resentenced. Because the process takes 18 months, Jay is over 20 years of age when the court resentences him. Current law requires that OYA transfer Jay to an adult prison even though he has remained crime free and continues to meet OYA behavioral expectations. If the court process was quicker, so that Jay was 19 years of age at resentencing, he could remain in OYA custody until he was 25.

SB 902 allows young adults like Jay to access their legal and constitutional rights without risking transfer to adult prison— an environment less equipped to deal with younger adults. With this change, youth like Jay could remain at a youth correctional facility after being resentenced and continue to benefit from the rehabilitation and treatment programs administered by OYA.

SB 902 provides an important technical fix that ensures equity for a particular population: youth convicted in adult court who are now between 20 and 24 years of age.

Many young people who are currently impacted by the law are youth of color.

Not only are youth of color overrepresented in the juvenile justice system across Oregon,ⁱⁱ they are especially overrepresented in the population of youth convicted in adult court.ⁱⁱⁱ This is particularly true of Black youth.^{iv}

ⁱ OYA’s Approach: Positive Development and Growth <https://www.oregon.gov/oya/Pages/treatment.aspx>

ⁱⁱ Oregon Juvenile Justice Information System, *Data & Evaluation Report: Racial and Ethnic Disparities Relative Rate Index* (2021), <https://www.oregon.gov/oya/jjis/Pages/Reports.aspx>

ⁱⁱⁱ Oregon Council on Civil Rights, *Youth and Measure 11 in Oregon* (2019), <https://static1.squarespace.com/static/524b5617e4b0b106ced5f067/t/5a6fbb95c830254f3376ef75/1517272032695/Youth+and+Measure+11+in+Oregon+Final.pdf>

^{iv} *Id.*