

Voices from Inside in Support of SB 969

Enclosed are letters from individuals who are currently incarcerated in Oregon and are in support of SB 969.

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.

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

RE: Senate Bill 969

Dear Chair Prozanski and Members:

I support Senate Bill 969 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 optional 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

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

Re: Senate Bill 969

Dear Chair Prozanski and Members,

I am in support of Senate Bill 969. 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

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

Re: Senate Bill 969

Dear Chair Prozanski and Members

I am writing to support Senate Bill 969. 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 saw my counselor a few days after my arrival and was told that there were 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 969 because adult prison system seems 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 offer 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 969 and help protect our children. Thank you for your time and considerations.

Sincerely,
T2

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

RE: Senate Bill 969

Dear Chair Prozanski and Members:

I am writing to support passage of Senate Bill 969, 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 969 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 969.

Sincerely,
M2

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

Re: Senate Bill 969

Dear Chair Prozanski and Members,

I support SB 969. 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 969 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 whether 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 969. Thank you for allowing me to be part of the conversation.

Sincerely,
A1

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

RE: Senate Bill 969

Dear Chair Prozanski and Members:

I support passage of Senate Bill 969. 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 969 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

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

RE: Senate Bill 969

Dear Chair Prozanski and Members:

I am writing concerning the *smart and thoughtful* legislation pending in SB 969.

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) has 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 969**.

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

Sincerely,
-K1

March 25th, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

Re: Senate Bill 969

Dear Chair Prozanski and Members

I am writing in support of Senate Bill 969. 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-month 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 969. 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

March 25, 2019

The Honorable Floyd Prozanski, Chair
The Honorable Kim Thatcher, Vice-Chair
Members of the Senate Committee on Judiciary

RE: Senate Bill 969

Dear Chair Prozanski and Members:

I'm writing this testimony in support of SB 969. 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 969 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 969 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 969.

Sincerely,
K2