

## **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.

March 25, 2019

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

Re: Senate Bill 1008

Dear Chair Prozanski and Members,

I support SB 1008. 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 1008 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 juvenile's 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

---

March 25, 2019

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

RE: Senate Bill 1008

Dear Chair Prozanski and Members:

I fully support Senate Bill 1008. 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 adults and the lawmakers 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

March 25, 2019

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

RE: Senate Bill 1008

Dear Chair Prozanski and Members:

I support passage of Senate Bill 1008. 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 1008 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 1008 “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 1008.

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 1008

Dear Chair Prozanski and Members,

I am writing in support of Senate Bill 1008. 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 than 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 equipped 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 1008 and provide youth offenders the opportunity for a second chance.

Sincerely,  
-S2



March 25, 2019

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

RE: Senate Bill 1088

Dear Chair Prozanski and Members:

I am writing concerning the important legislation pending in SB 1008. 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 1008** 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 is 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 1008**. 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

March 25, 2019

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

RE: Senate Bill 1008

Dear Chair Prozanski and Members:

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

Sincerely,  
K2