

April 4, 2019

Natasha Pickens  
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Portland, Oregon 97233

Senator Prozanski and Committee  
Senate Committee on Judiciary  
Salem, Oregon

RE: Senate Bills 968 and 1008  
ORS Revisions – Juvenile Justice Laws

Dear Senator Prozanski and Committee,

I am the wife of a man who has been incarcerated since he was 15 years old and has been incarcerated for the past 22 years of our lives. With his current sentence, he may not see home before he is 50 years old.

### **One Youth**

My husband is a classic case of nothing going right from an early age. He was removed from his home with his siblings due to his mother's addiction to working and not being available for him and his siblings, placed with his sibling's father where he was beaten repeatedly and was homeless and living on the streets of Portland by the time he was 10 years old. He went into the care of DHS and was placed in group homes where there is no familial support and he had no contact with family at all. From there he was shipped back to Flint, Michigan where his father was addicted to crack and abandoned him with his grandmother who shipped him back to Portland. During his time in group homes he was introduced to gangs and this was the first time he felt like he had a family. As a young black man, he wanted a father, to belong and to know that there were people in the world that wouldn't turn their backs on him, or so he thought.

As we know, children are very susceptible to influence and poor decision making skills. During the course of his crime, he was the youngest person involved and the only one who received the harshest sentence. Measure 11 was new and people didn't understand the way the brain develops or how children make decisions when influence is involved.

He was sentenced to 29 years to Life at 15 years old. He had no concept of what 29 years even looked like at that point. Since his incarceration he has been housed with adults since the age of 16. That's 21

years without a date, without hope, without family, and without anything to keep him motivated and engaged. At 18 he was transferred into DOC immediately after sentencing.

### **Rehabilitation**

My husband has engaged in every program, class, educational opportunity, and vocational opportunity afforded to him. No, his time has not been squeaky clean. He did not fully remove himself from gang life until he was in his mid-20s when he realized that one day he may be able to return home and that life has never helped him. He mentors youth on the youth panel that comes through Oregon State Penitentiary, works with non-profit organizations that benefit foster youth and at-risk youth in our communities and also developed a training module to present to BRS foster parents within programs in Multnomah County.

The Department of Corrections does not allow for adults in custody to receive rehabilitative services until they are within five years of their release date. Most of the men and women who were sentenced as youth in the 90s and given lengthy sentences will not benefit from these law changes without them being retroactive. In conversation with management, correctional officers, counselors and mental health professionals it was discussed how this perpetuates exactly everything these laws are focused on correcting but will not be fully changed unless these laws are made retroactive.

People like my husband, who despite their mistakes as a youth, have changed their lives and want to do what is right and influence change in our community and reduce recidivism for youth and adults as a whole will not have a second chance under these laws. We have several men and women who are incarcerated whose lives were changed drastically after they were incarcerated as youth but because of the laws not being retroactive will not benefit. How can we, as a state that is leading in trauma-informed, inclusivity, restorative justice, forget that these people were once boys and girls once? Will making these laws retroactive hurt more people than it will benefit?

There are several Bills before you all that will change the way that we sentence youth and deal with the sentencing of youth in the state of Oregon. This will be historic and a move in the right direction for our juvenile justice system. I submitted testimony during the Public Hearing and spoke with several people that will be instrumental in making these changes possible for our state.

Making these laws retroactive will not mean that the people who are currently incarcerated will be immediately released but what it will mean is that they have a real meaningful chance, now, of proving that they have become the men and women we need them to be in the community to prove that Oregon can get this right, holistically and not leave behind certain groups of people.

### **ORS 163.707 Amendment Request**

“This person is eligible for a hearing and conditional release under ORS 420A.203 and 420S.206.”

I am requesting that this be retroactive and that the youth that have done the work in the Department of Corrections, without the resources and chances that Oregon Youth Authority provides be given the chance to proving they have changed and are rehabilitated. Management within DOC recognizes the limitations that have been placed upon all adults in custody of DOC and agrees that with these bills we are doing a disservice to the adults who are housed within DOC that never had a chance with OYA.

The amendment making this Senate Bill retroactive will show that Oregon is working at being trauma-informed, inclusive and is dedicated to rehabilitation of all youth that have committed crimes, regardless of their current age.

### **Senate Bill Amendment Request**

**SB 968** – This Bill should be retroactive so that the men and women who were convicted of crimes as youth, and are now adults, are not able to be given sentences of life without parole and have meaningful opportunity for rehabilitation. Senate Bill 968 should require Department of Corrections to offer rehabilitative services to adults convicted as youth as early as five years prior to their first parole board hearing. Currently DOC does not authorize rehabilitative services (education/vocational services) until at least five years prior to an AIC release date. What this means is that the people that are going before the board actually cannot participate in services until they have already seen the board and have been given a date. This is counterproductive and actually increases recidivism instead of reduces it as a whole.

**SB 1008** – This Bill should be retroactive and give the men and women who have done the rehabilitative work with in DOC and the youth still in OYA a Second Look at their sentences. Most of the people this will affect have already served most of their sentences and have developed themselves to the point of rehabilitation. Those who have not done this will not have done the work and will not qualify for conditional release. Making this bill retroactive allows Oregon Department of Corrections and Oregon Youth authority to establish clear sets of data relating to the rehabilitative efforts of AICs without incentive of conditional release compared to the future rehabilitation and reduced recidivism.

### **Conclusion**

I ask that you consider making at least these two Senate Bills retroactive for the reasons I have discussed. In addition to being the wife of a man who is incarcerated I work with youth that are involved with DHS and OYA in the foster care and group home system. I see how these youth are affected by the trauma that they live. I see how it affects their trust, hope and ability to make decisions that are rational and not influenced.

Unfortunately, our system is not designed to help these kids succeed. We don't have enough resources still and the people that are most affected by the lack of resources are the men and women who are currently incarcerated that have been incarcerated since they were youth. The services and opportunities we have now are not the same as we once had. They are better. Start with the men and women who were once youth, give them faith in our system and let them help you, as law-makers, help the future youth to come.

Senator Manning and Committee, I thank you for your time and consideration.

Respectfully,

Natasha M. Pickens