

TO: House Judiciary Committee
Chair Williamson, Co-Chairs Gorsek and Sprenger, and
Members of the Committee

FROM: Lisa Christon, Former Juvenile Prosecutor

RE: Testimony in Support of SB 1008

DATE: April 22, 2019

My name is Lisa Christon. I am an attorney and have been in n practice since 1992. In that time, I have worked as a juvenile prosecutor for approximately nine years. The differences between adult criminal and juvenile delinquency court systems are many, including everything from nomenclature (juveniles are “adjudicated” and determined to be “within the jurisdiction of the juvenile court”; they are not “found guilty”; there is a “dispositional hearing” rather than a sentencing as in criminal cases, etc.) to the underlying consideration of the “best interests of the minor” which provides the framework for decisions made about youth in the juvenile court system. In juvenile court, youth are represented by counsel and have a social worker/probation officer assigned to their case as well. Typically, a parent or guardian is present and part of discussions regarding services and programs for the adjudicated youth. Victim services and, often, the actual victims, are present and provided with an opportunity to speak to the court. The goal of everyone at the table in each court hearing is to decide how to put in place a targeted, specific case plan—be it probation-based or rarely, involving custody—that will address the underlying issues of the adjudicated youth, the accountability to the victim and the safety of the community. The youth’s progress is monitored by specialized personnel from either Department of Youth Services or Oregon Youth Authority and reported to the Court at regular intervals. Violations of the youth’s probation are quickly reported and addressed. With such a comprehensive, wraparound system and monitoring by a staff of professional caseworkers, Measure 11 and auto-waiver are simply not necessary for public safety and accountability. This is probably best exemplified by the extremely low risk of recidivism among youth sex offenders who have successfully completed sex offender treatment while under the jurisdiction of the juvenile court. Several studies put that rate at less than half the recidivism rate of adult offenders, recognizing that early, juvenile-focused treatment is extremely effective.

I have the benefit of having worked in two separate juvenile court systems, in Oregon in the last decade, and in the mid-nineties in Illinois. As such, I have experienced a system that utilized judicial involvement and discretion in authorizing transfers of youth from juvenile to adult court. That was an incredibly high-volume court in which non-automatic “transfers” were handled with a court hearing requested by the state. We should welcome such judicial involvement in this important decision making. Judicial waiver systems will lead to more thoughtful discussion about what is best for the youth while addressing public safety, victims’ rights, accountability and prevention of recidivism.

Thank you for allowing me to present this written testimony.