

Representative Williamson
Chair House Judiciary Committee
900 Court St. NE, H-295
Salem, OR 97301

April 24, 2019

Re: SB 1008 Testimony of Greg Horner

Dear Chair Williamson and Members of the House Judiciary Committee,

My name is Greg Horner and I appear before you today in opposition to SB 1008. I am a retired county prosecutor. I worked in Multnomah County District Attorney's Office from 1982- 2000. I moved to the Clackamas County District Attorney's Office in 2001 and was the Chief Deputy there until I retired in 2017. During the course of my nearly 35 years as a prosecutor I handled numerous juvenile cases, first as an on-line prosecutor, then as a team leader of deputy district attorneys and finally as the supervisor of all the trial teams in Clackamas. I have personally handled and supervised the handling of serious juvenile cases before and after the passage of M11. I represented the State of Oregon in several remand hearings in Multnomah County prior to the passage of M11. I was personally involved in the supervision of dozens of prosecutions of juveniles charged under M11. Based upon these experiences it is clear to me that justice is better served in cases since the passage of M11. I urge you to vote against SB 1008.

As a prosecutor in juvenile court in the late 80's I prosecuted numerous Class A and B felonies. The State sought remand in a handful of those cases. Careful consideration was given before the State sought a remand. Among the factors considered were the specifics of the crime, the prior history of the juvenile and his amenability to change. We also considered the risk the juvenile posed to the public. In each of the cases in which remand was sought, the court denied the State's motion and the case remained in the Juvenile Court's jurisdiction.

I also handled a remand hearing in which a 15 year old shot and killed a man who had the misfortune of having been in a minor traffic squabble. After returning to his car and heading down NE Glisan, toward the 205 interchange, the victim stopped at a red light. The car in which the juvenile was a passenger, pulled up next to the victim. The 15 year old rolled down his window, pulled out a gun and shot and killed him. The victim's wife and small child were sitting in the car and watched in horror. It was as senseless a killing as one can image. After a multiple day hearing, the State's motion to remand was denied.

My takeaway from these remand hearings was that the balance between juvenile rights and, public safety was sadly distorted. In the course of the remand hearings all aspects of the juvenile were considered, as they should be. However, the impact on the victims and the impact on the community in which the crime occurred, seemed secondary in the court's consideration. The exercise of judicial discretion was uniformly in favor of the juvenile. Victims and their families left those hearings with a sense of confusion and disappointment. It was a system that contributed to a sense that victims were only

marginally relevant to the outcome. The result of that unbalanced approach contributed to the overwhelming voter approval of M11 and the subsequent reconsideration in 2000.

In reviewing SB 1008 it appears that it will return us to a system that replicates all that was wrong with the remand system. SB 1008 incorporates the same bias that permeated the remand system. SB 1008 will return us to a system that minimizes the significance of the victim's concerns and minimizes the importance of community safety.

Additionally, SB 1008 will recreate a portion of the juvenile justice system that was in place when the crime rate was shocking. Since the passage of M11 there has been a dramatic and consistent reduction in serious crime, including serious crimes committed by juveniles. It is difficult to ignore M11's contribution to this improvement. I point the committee to an important statistic from the US Government found on the website of the Office of Juvenile Justice and Delinquency Prevention. See: ojjdp.gov/ojstatbb/ezaucr/asp/ucr_display.asp. The website is easy to navigate. With a few clicks it shows the number of juvenile arrests in Oregon for Murder/nonneg. mans. (this includes Manslaughter 1 and Manslaughter 2, but does not include Criminally Negligent Homicide). In 1994 Oregon had 35 arrests of juveniles for Murder and Manslaughter 1 and 2. Following the passage of M11 that number declined nearly every year. In 2011 the number of juveniles arrested was 2. That number is not an aberration. There were 4 arrests in 2012 and 2013.

Certainly, there are many variables at play in the dramatic drop in juvenile related homicides. But to deny that M11 contributed to this is to deny the obvious. Yet, that is exactly what SB 1008 does. Why gut an approach that contributed significantly to such a positive result?

Thank you for your time and consideration.

Greg Horner