

Dear Chair Williamson, Vice-Chairs Sprenger and Gorsek and members of the House Judiciary Committee,

My name is Dawn Andrews. I am a career public defender with over twenty-five years of experience in Multnomah County and I am the wife of a public school teacher. For much of my career, I have represented youth and adults charged with Ballot Measure 11 offenses. I also handle delinquency cases and represent children who are wards of the court in dependency cases.

I represented some of the first youthful offenders automatically brought into the adult system by the mere filing of the accusations with the court. I will never forget working with my first few 15-year-old clients in adult court—none of which had been involved in the criminal justice system in a significant way prior to being charged. Almost all of my youthful clients presented with deficits and needs that would have been better addressed with a developmentally appropriate reformation plan that recognized that youthful offenders are different from adults.

Through the years, I have witnessed the impact of Oregon's automatic waiver laws first hand. I have also heard the stories of the short and long-term negative consequences of the system on the youth automatically waived, their families and our community. For example, these youth miss out on important long-term inpatient treatment opportunities available in our juvenile justice system. Because youth that are automatically waived have adult convictions, they experience difficulties obtaining jobs and housing. Long incarceration times

result in incomplete socialization because formative teen and early adult years are spent in institutional environments.

Because of what I have witnessed and the knowledge that I have gained through reviewing research and working with children and youthful offenders, I believe Oregon should have a more humane youth justice system that focuses on accountability for youth and safety for our communities. Our system should view each youth accused individually from the beginning of a case to ensure that only youthful offenders that need to be in the adult system receive adult outcomes.

If the youth is found to have committed the offense and the court incarcerates him or her as part of the initial disposition, our system should review the youthful offender's growth, progress and risk to the community as he or she accesses programming and services available to them in the youth corrections facility. The supervising court should adjust the disposition as deemed appropriate, given the youth's accountability, risk to the community and level of services needed.

Ballot Measure 11 (which began the movement towards automatic waiver and mandatory sentences) passed at the height of the tough-on-crime era. It created mandatory harsh penalties. It caused youth as young as 15 to be charged and sentenced as adults for certain serious acts. These youth face the same criminal process and mandatory minimum penalties as adults, despite their young age, without any consideration of their behavioral issues, developmental needs, mental health needs and trauma history.

We have learned a lot about the development of youthful brains and the capacity for youthful offenders to benefit from age appropriate targeted services in the twenty plus years since the automatic waiver/mandatory sentence law took effect. Since then, a Center of Disease Control study found that youth are 34 percent more likely to commit additional crimes if prosecuted in the adult system.

A broad coalition developed the SB 1008 reforms. These reforms do not repeal Ballot Measure 11. They do not prevent the transfer of youth who will not benefit from the youth justice system into the adult criminal justice system. They do not require the mandatory release of youthful offenders currently in our system. They do not eliminate the option of extended incarceration periods for our most dangerous youthful offenders.

The proposals do:

1. Eliminate automatic waivers so that accused youth will only be subjected to the adult criminal justice system if a court makes specific findings regarding the appropriateness of an adult prosecution, after a hearing that looks at the individual characteristics of the accused youth and the circumstances surround the allegations;
2. Provide a waived and convicted youth the opportunity for strictly supervised conditional release only if the youth establishes

by clear and convincing evidence he has been rehabilitated and is not a danger to the community or the victim;

3. Ensure that persons servicing a sentence for a crime that occurred before they turned 18 do not transfer to adult prisons unless they have not been reformed and continue to be a danger to the community;

4. Eliminate life without parole sentences for youthful offenders. This change aligns Oregon with constitutional law and gives persons who commit their crimes prior to age 18 an opportunity to be considered for parole after 15 years.

Please move these proposals forward swiftly because, the justice system should hold youth accountable for their actions. However, we all know the value of forgiveness and second chances. Equally as important, because they are not adults, we should not automatically treat accused youth as adults.

When young people take responsibility for their actions, we need to help them make a positive contribution to society through rehabilitation, education and opportunity, not prison.

Thank you for your time.

Sincerely,

Dawn Andrews