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To: Chair Williamson, Vice Chairs Sprenger and Gorsek, Members of the House
Judiciary Committee

From: Christina McMahan, Clackamas County Juvenile Department Director

Re: Support for SB 1008

My name is Christina McMahan, I am the Clackamas County Juvenile Department Director, and I am here today representing both the Oregon Juvenile Department Directors Association as well as Clackamas County, to testify in support of SB 1008.

I have worked in the juvenile justice field in five of Oregon's counties, having served as a prosecutor and then as a juvenile department director. Over my career, I have witnessed firsthand the variances across the state in the application of Measure 11. We believe that SB 1008 provides an opportunity for enhanced procedural fairness and greater opportunity for equity in outcomes for youth who commit serious crimes.

SB 1008 would eliminate mandatory adult prosecution for certain serious offenses committed by 15, 16, and 17 year olds. SB 1008 is in alignment with the position taken by several well-respected national organizations, such as the National Association of Counties, the Major Cities Chiefs Association, the National Sheriff's Association, the Council of Juvenile Correctional Administrators, and the American Psychiatric Association. These organizations are opposed to trying and sentencing youth in adult criminal court, and take the position that the decision to transfer a juvenile to adult court should instead be made by a juvenile court judge who presides over a waiver hearing. This is sound public policy that is in keeping with the research on best practices for reducing reoffending, obtaining better life outcomes for youth, improving public safety, and reducing victimizations.

A multitude of research studies over the last several decades has increased knowledge in the field of juvenile justice when it comes to effectively intervening with adolescents who commit crimes. Since the passage of Measure 11 over 20 years ago, juvenile court judges, juvenile department staff, Oregon Youth Authority employees and other stakeholders in Oregon have learned and grown in our collective expertise and practices. We now know much more about:

- the importance of programs and services that have been demonstrated by research to be effective or promising practices;
- how adverse childhood experiences impact youth and families;
- the need to be trauma- informed in our practices when working with youth and families;
- the need to be culturally responsive, as well as gender and gender identify responsive when working with youth and families;
- the need to engage and include parents and family members in our work with youth; and
- the importance of utilizing valid risk assessments and predictive analytics to help plan and deliver individualized services for each justice-involved youth, and how utilizing a “one-size fits all” approach does not work.

The juvenile justice system in Oregon is equipped to deliver effective reformation services to a much greater degree than it was during the pre-Measure 11 era. County Juvenile Departments and the Oregon Youth Authority have worked over the last several years to implement evidence-based services, and to align our practices and interventions with the components of the Developmental Approach in Juvenile Justice, The Developmental Approach recognizes that adolescents are not simply miniature adults, and should not be treated as such when they become justice-involved, but instead in a way that is a developmentally appropriate, in order to achieve a reduction in offending and other positive outcomes.

Some have expressed concern that removing mandatory prosecution for 15, 16, and 17 year olds and allowing judges to decide if a youth will go to adult court will result in bad outcomes for our public safety system, and cite the pre-Measure 11 era as examples of this. We believe that Oregon’s system and practitioners, including the judiciary, have evolved and grown – we now know much more about what works in juvenile justice, and about adolescent brain development than we did when Measure 11 was passed. We believe and trust that our judges will utilize this knowledge to make informed and appropriate decisions regarding the waiver of youth to adult court, as their role requires, after receiving information from the prosecutors, defense attorneys, youth, juvenile departments, and victims. We are not advocating that there should be a prohibition on youth being transferred to the adult system, but instead that more perspectives and information be brought forward in an individualized decision-making process before an impartial arbiter. We believe that this will foster the balance between accountability to victims and the community, reformation, and public safety that our justice system requires.

The current system of mandatory prosecution in adult court does not adequately reflect the ability of youth to evolve – to learn from their mistakes, develop new thinking and behaviors, make better choices, and to become contributing members of our communities. Our system for justice-involved youth also needs to evolve, and be based on policy that is grounded in the research related to achieving positive public safety outcomes. SB 1008 provides Oregon with an opportunity for just such an evolution.

We urge you to pass SB 1008.