



# Oregon Juvenile Department Directors' Association

*Representing Oregon's County Juvenile Departments*

[www.ojdda.org](http://www.ojdda.org)

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## OJDDA Opposes House Bill 2940

The Oregon Juvenile Department Directors' Association (OJDDA) was an active participant in efforts to reform Measure 11 as it relates to youth and to pass Senate Bill 1008 in the spring of 2019. We have remained fully engaged in the Governor's SB 1008 Implementation Steering Committee, and we are encouraged by the collaboration that has taken place among stakeholders to identify ongoing issues as well as possible solutions related to the effective implementation of SB 1008.

Unfortunately, OJDDA cannot support the passage of this bill as written as **HB 2940 completely removes all time limits for how long a youth can remain in detention awaiting a waiver hearing.** As written, there is no requirement on the parties to ensure timely processing or a "speedy trial" for youth facing a possible waiver to adult criminal court.

Despite support for many of the recommended changes, OJDDA brought forward concerns about the proposed legislation to the SB 1008 Steering Committee specifically around the lack of time limits on how long youth can remain in detention awaiting a waiver hearing. Mirroring existing statutes related to time limits for pre-adjudication detention, OJDDA recommended language that would impose a 180-day limit on pre-waiver hearing detention, with the option of a 60-day "good cause" extension. However, the Steering Committee did not support this recommendation. OJDDA is flexible and remains open to discussing timelines that are longer than those we initially proposed.

OJDDA understands that youth who face charges for acts that, if committed by an adult, would constitute a crime under ORS 137.707 may need to be in detention for some period of time due to community safety concerns. OJDDA further understands that these cases are complex and require additional time to prepare as records are gathered and reviewed by attorneys and investigators, forensic evaluations are conducted, and cases are prepared for court. As a result, we support eliminating the 28-day time limit for detention for these cases. However, **we do not support youth being able to remain in detention indefinitely pending a waiver hearing.**

Although the COVID-19 pandemic has certainly impacted the implementation of SB 1008, juvenile departments have sufficient experience over the past 13 months to know that youth who are awaiting waiver hearings are languishing in detention centers across the state. Some of the factors have been COVID-related, but many are not. Without statutory requirements that cases be heard within a specified timeframe, youth are spending long periods of time in detention with little to no movement on their cases.

**Lengthy periods of pre-adjudication detention are bad for youth, the community and victims.**

- The harm caused to youth who experience detention, particularly for long periods of time, is well documented. Studies show that youth in detention experience increased risk of self-harm and suicide, disruption in educational supports, potential for violence and/sexual abuse, exposure to other youth with significant behavioral issues, disengagement from prosocial community networks, and lack of access to family.
- The harm to the community is also significant as research repeatedly shows that youth who spend time in detention are far more likely to engage in repeat offending than young offenders who do not go to detention.
- The harm and trauma caused to victims who must wait for months, or even years, to have their case resolved also cannot be understated.

**Detention is not intended to be a long-term placement.** The purpose of detention is to provide the temporary and safe custody of youth who require a secured environment for the community's protection while pending legal action. While Oregon's detention facilities do provide services such as education, health and mental health care, recreation, nutrition, etc. to promote the youth's physical, emotional and social development, the types and levels of services are not adequate to meet the long-term developmental needs of adolescents. For the most part, youth who are in detention are in a holding pattern awaiting whatever happens once they are adjudicated. Spending months or years in this limbo status, not knowing what is going to happen to them, creates extreme stress and trauma that often leads to self-harming and or problematic behavioral issues.

Across the state, we have many youth in our detention facilities who have been awaiting a waiver hearing for more than a year – ever since January 1, 2020 when SB 1008 took effect – and more who have been languishing for nearly that long. **Statutory timelines are desperately needed to hold the system accountable to moving these cases forward in a timely manner.**

OJDDA supports the following statutory changes proposed by HB 2940:

- The creation of an exception to the 28-day time limit for detention if a request for a waiver hearing is pending;
- The frequency of detention review hearings increasing to every 30 days (instead of 10 days) for youth with waiver hearings pending; and
- The ability for a youth to waive 30-day detention review hearings with a certification that the youth and the youth's counsel had contact not more than 10 days prior to the date the request is filed.

OJDDA urges an amendment to House Bill 2940 to establish limits to detention stays for youth awaiting waiver hearings.

**For Further Information Contact**

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