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To: Senate Committee On Judiciary and Ballot Measure 110 Implementation
From: Lisa Kay Williams, Supervising Attorney

Re: **Support for Senate Bill 1512**

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

Youth, Rights & Justice, as Oregon's only non-profit juvenile public defense firm, advances the rights of children, parents, and families through advocacy in the courts, schools, legislature, and community. Our work is grounded in the belief that our clients are at the center of all that we do. Every year, YRJ represents over 1200 children, youth, and parents in Oregon's juvenile court system. All of our clients come from low-income families. Most have suffered significant trauma and many experience physical, mental health and/or substance abuse issues. Approximately 45% of our clients are people of color. Because of our unique position, we often see the same systemic problems and we work to change the policies that contribute to these problems.

YRJ supports SB 1512 with the -2 amendments. SB 1512 takes important steps to reduce statutory barriers to education, employment, and housing opportunities.

Why it is Important to Improve the Law

Statutory barriers keep otherwise qualified individuals with a juvenile record from education, employment, and housing opportunities.

When a youth has contact with law enforcement or the juvenile court, paper and electronic records are created. Although the records are confidential, information in the records is publicly available and is often later accessed in a variety of contexts- e.g., education, employment and housing opportunities, creating a collateral consequence. A "collateral consequence" is a civil sanction, restriction, or disqualification that individuals experience- not because they are unsafe or unqualified for the opportunity, but simply because they have a juvenile record.

In a national evaluation of juvenile records laws, Oregon scored below the national average in several key factors, including the confidentiality of the records.ⁱ

When considering four questions to evaluate how confidentiality laws measured against best practice, Oregon scored in the lowest tier.ⁱⁱ

Statutory barriers can indefinitely forestall a youth's ability to become a productive adult.

In Oregon, juvenile court records are treated the same as adult criminal court records for most collateral consequences.ⁱⁱⁱ Juvenile records limit an individual's access to housing, employment, school enrollment, college admission, and professional licensure.^{iv}

Oregon's statutory barriers to education and employment cost taxpayers.

These costs come in the form of lost wages and increased justice system expenditures.^v Some estimates show that the reduced output of goods and services from individuals in the United States with records creates a loss in the range of *billions* of dollars a year.^{vi}

Statutory barriers that keep otherwise qualified individuals from opportunities make communities *less* safe.

Studies indicate that individuals who are unable to find employment or attend school are more likely to commit crime or recidivate.^{vii}

Youth of color are disproportionately impacted by statutory barriers to opportunities.

Not only are youth of color overrepresented in the juvenile justice system across Oregon,^{viii} but also research shows that their juvenile records are more debilitating than the records of their white peers.^{ix}

Youth are particularly capable of rehabilitation and often outgrow problematic behavior.

Scientific studies show that youth are prone to impulsive, risk-taking behaviors because their brains are not fully developed.^x For similar reasons, science shows that youth are particularly responsive to rehabilitative efforts and often "outgrow" their problematic behaviors.^{xi} Youth who have successfully participated accountability and rehabilitative programs offered in juvenile justice systems should have the opportunity to be productive community members. Eliminating statutory barriers plays an important part in that opportunity.

ⁱ Juvenile Law Center, *Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records* (2016), <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf>;

ⁱⁱ *Id.* The four questions are: Are law enforcement records confidential? Are court records confidential? Are records made available to the public? Are there sanctions for unlawfully sharing confidential information?

ⁱⁱⁱ See e.g., OAR 414-061-0050 Office of Child Care considers juvenile adjudications for Assault IV disqualifying for a period of 15 years from the date of arrest, citation, charge, or conviction.

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- ^{iv} Juvenile Law Center, *Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records* (2016), <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf>;
- ^v Juvenile Law Center, *Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records* 3-6 (2016), <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf>;
- ^{vi} Juvenile Law Center, *Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records* 5 (2016), <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf>
- ^{vii} Juvenile Law Center, *Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records* 4-5 (2016), <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf> In fact, “over half of individuals between the ages of 18-25 with former juvenile justice system involvement who were unemployed reported at least one new conviction in the adult system, compared to roughly 28% of individuals in that age bracket with part- or full-time employment. *Id.*
- ^{viii} Oregon Juvenile Justice Information System, *Data & Evaluation Report: Racial and Ethnic Disparities Relative Rate Index* (2017), <https://www.oregon.gov/oya/reports/jjis/2017/2017-RacialEthnicDisparity.pdf>
- ^{ix} Juvenile Law Center, *Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records* 6 (2016), <https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf>. For example, “A 2003 study found that for people with records, the likelihood of a callback interview is reduced by 50% for white applicants and 65% for black applicants.” *Id.*
- ^x McArthur Foundation Research Network on Adolescent Development and Juvenile Justice, *Issue Brief 3: Less Guilty by Reason of Adolescence* 2-3 (2006), http://www.adjj.org/downloads/6093issue_brief_3.pdf
- ^{xi} Coalition for Juvenile Justice, *Applying Research to Practice: What are the Implications of Adolescent Brain Development for Juvenile Justice?* 5-10, 18, 19 (2006), http://www.njjn.org/uploads/digital-library/resource_493.pdf