



TO: House Committee on Judiciary
FROM: Mae Lee Browning, Oregon Criminal Defense Lawyers Association
DATE: March 3, 2023
RE: SUPPORT FOR HB 2327

Chair Kropf, Vice Chairs Wallan and Andersen, and members of the Senate Committee on Judiciary:

My name is Mae Lee Browning. I represent the Oregon Criminal Defense Lawyers Association. OCDLA's 1,200 members statewide include public defense providers, private bar attorneys, investigators, experts, and law students. Our attorneys represent Oregon's children and parents in juvenile dependency proceedings, youth in juvenile delinquency proceedings, adults in criminal proceedings at the trial and appellate level, as well as civil commitment proceedings throughout the state of Oregon. Our mission is championing justice, promoting individual rights, and supporting the legal defense community through education and advocacy.

OCDLA SUPPORTS HB 2327. Please see the below testimony from juvenile attorney Rebecca Peterson from Grants Pass on juvenile aid and assist issues.

I am assigned to a juvenile in a delinquency when a petition has been filed. The young person has almost always been interviewed prior to my assignment unless he or she was already my client and had the wherewithal to contact me or his or her parent did. The juvenile rarely understands that they may decline to answer questions even when they are mirandized. This is particularly true for the very young client. Not only do they believe that they are obligated to answer an authority figure such as law enforcement, but they often feel obligated to give the answer they feel is wanted. The youngest clients in particular are most often desperate to return to their parent and will offer the answer they believe is pleasing to the authority figure with the expectation that that answer will cause them to be able to go home, whether or not that answer is true. By the time I speak to my client, my client has spoken to others and often with no true understanding of the consequences of their words.

I have had thankfully few 12-year-old clients in delinquency cases. These clients have great difficulty understanding the various roles of the participants in the justice system. I often experience these younger clients using the term "you guys" or similar to refer to law enforcement, juvenile justice officers, prosecutors, judges, counselors and their own counsel as if they are all part of one organization. I don't believe that a single one of my youngest clients truly understood that they could make choices that would have permanent consequences for their lives. These very young clients are short-term thinkers, often prone to fantasy wishful thinking, and often attempt to please by saying they understand concepts that they do not. Many come from homes in which it is not safe to speak up when they do not understand something. They often believe agreement will bring relief.

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Because of my experience, I am convinced that criminal charges or delinquency actions against these young clients are inappropriate, ineffective and unjust for many reasons, only one of which is that they lack the maturity to participate in a truly informed way in their defense and to understand the consequences, sometime permanent, of their decisions in these matters.

Most sincerely, Rebecca Peterson
