

April 19, 2023

Honorable Members of House Judiciary

I write to you in support of SB 902.

I've worked with children and adolescents since being in the counseling department of a Continuation High School in San Diego in 1975. I've worked pertaining to legal issues involving children and adolescents in Oregon since 1977. Most of my practice, since 1979, deals with legal issues pertaining to children and adolescents in criminal, juvenile and family law.

I represented a young man who is high functioning on the autism spectrum. When he committed his offenses, at approximately 15, he was functioning emotionally and socially akin to at best a 10-year-old. The significant majority of his convictions were overturned by the Court of Appeals and sent back for retrial due to trial judge scope of evidence error. The District Attorney's Office and I then worked out a much less severe sentence. Sadly, because of his age, and with disregard of his developmental stage, my client had to be kept in the adult system because he was over 20. That despite the fact that he would have remained in the physical care of the Oregon Youth Authority until 25 under his much longer prior sentence. This was tragic in the eyes of many of the Oregon Youth Authority group workers and counselors who worked, near daily, for a long time with my client. Housing my client with the Department of Corrections was also viewed as damaging by sophisticated psychological evaluators and treatment providers who worked with my client prior to his initial conviction and sentence.

I find it particularly poignant that experienced Oregon Youth Authority providers, who worked with my client at the Tillamook facility, thought he was socially, physically, and developmentally in danger being housed with youth his own age. It is unfortunate enough that we have a weakness in the law and in our criminal "justice" system in Oregon regarding criminal cases where substantial developmental delay is not relevant to defense or available treatment in the Department of Corrections. It's also tragic that in general treatment is unavailable to inmates in the custody of the Department of Corrections. The proposed legislation in SB 902 will likely be unhelpful to my client and his circumstances because it's unlikely to be retroactive. It will help prevent similar injustice and tragedy in the future.

Please reach out to me if I can be of assistance to you in your consideration of this matter.

Rich

Rich Cohen | Attorney
Richard David Cohen Law P.C.
Mailing Address:
PO Box 12047
Portland, OR 97212
503 231 3419 phone