



**Testimony of Kimberly McCullough, Legislative Director
In Support of HB 2718
House Committee on Judiciary
March 22, 2017**

Chair Barker and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports HB 2718, which would require youth to consult with legal counsel before a custodial interview with a peace officer and before waiving constitutional rights. As a nonpartisan organization dedicated to preservation and enhancement of civil liberties and civil rights, the ACLU of Oregon supports efforts that protect the constitutional rights of young people when they encounter the justice system.

The rights of the accused are a cornerstone of a fair justice system, and as the Supreme Court has noted,² these rights are especially important when young people find themselves in the justice system because they lack an adult's capacity to recognize how the consequences of their actions endanger their freedom. HB 2718 will strengthen juvenile rights by ensuring that youth have meaningful access to counsel.

Requiring that young people consult with an attorney before they waive their rights promotes public safety, public trust, and a fairer justice system. Without an attorney by their side, young people are more likely to confess to offenses they may not have committed, serve longer sentences in detention, and forgo their constitutional rights to due process. Consulting with legal counsel is critical to ensuring that youth are held accountable while also protecting them from counterproductive and unfair punishments.

Young people do not have the ability to adequately understand the legal system without a responsible legal expert to guide them through the process. Frequently, young people consult with a parent or guardian who has limited experience with the criminal justice system, no knowledge about legal proceedings and state laws, and a limited understanding of the potential consequences of continuing without an attorney. HB 2718 will ensure that young people are aware of the consequences of their decision and have received adequate legal advice before waiving their rights.

For these reasons, the ACLU of Oregon urges you to support HB 2718.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonprofit organization with more than 37,000 members in the State of Oregon.

² Given the complexities of our legal system, the "juvenile needs the assistance of counsel to cope with problems of law, to make skilled inquiry into the facts, to insist upon regularity of the proceedings, and to ascertain whether he has a defense and to prepare and submit it." *In re Gault*, 387 U.S. 1 (1967).

