

# YOUTH JUSTICE

## POLICY BRIEF FOR THE 2019 LEGISLATURE

Last updated March 22, 2019

Our youth justice system should be focused on prevention and rehabilitation, rather than punishment and incarceration. Justice and accountability are opportunities to heal, not just to punish youth. When young people take responsibility for their actions, we should help them make a positive contribution to society through rehabilitation, education and opportunity.

However, Measure 11, passed over two decades ago at the height of the tough-on-crime era, created harsh penalties, causing youth as young as 15 to be charged and sentenced as adults for certain acts, facing the same mandatory minimum penalties as adults, despite their young age.

Recent Supreme Court decisions and behavioral and brain

development experts have found that **young people possess a unique capacity for change**. The vast majority of youth who commit crimes age out of criminal behavior and no longer pose a threat to society in adulthood. This new data highlights the need for sentencing policies that reflect the scientific and developmental realities of children.

Trying youth as adults is ineffective at teaching young people how to be healthy members of society and often costs considerably more than community alternatives that have been proven to be more effective. In fact, incarceration leads to a higher risk that youth will reoffend as adults and disproportionately impacts Oregon's most vulnerable young people.



## BILLS TO SUPPORT

**SB 966**

**SB 968**

**SB 969**

**SB 1008**

## ABOUT

The American Civil Liberties Union of Oregon, an affiliate of the national ACLU, is a non-profit and nonpartisan organization with more than 50,000 members and supporters in Oregon.

We defend and advance the civil liberties and civil rights of all people through work in the courts, in the legislature, and in communities.

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## KEEP YOUTH IN JUVENILE COURT



**Support SB 969:** Put the power back in the hands of judges to decide whether or not a teenager should be tried as a youth or as an adult. To move a youth to the adult justice system, prosecutors would need to request a special hearing with a judge who would decide where youth are placed.

## EXPAND ACCESS TO SECOND LOOK



**Support SB 1008:** Establishes a process where all youth who are convicted in adult court have access to a “Second Look” hearing halfway through their sentence. At that hearing, a judge determines whether the youth has taken responsibility for their crime and been rehabilitated, which would allow the remainder of their sentence to be served under community-based supervision, rather than remaining incarcerated.

## PROVIDE OPTIONS FOR YOUTH AGING OUT OF OYA



**Support SB 966:** The Oregon Youth Authority does good work helping young people take accountability and turn their lives around. All that work, the public resources spent, and the future of those young people get tossed out the window when we automatically transfer youth to adult prison when they turn 25. This bill would require an additional review before transfer to adult prison where a judge can determine if the 25-year-old has been sufficiently rehabilitated, instead to transfer them to community-based supervision.

## GET RID OF LIFE WITHOUT PAROLE



**Support SB 968:** Eliminate life without parole sentences for youth in Oregon by establishing a process to ensure that anyone convicted of a crime when they are under 18 receives a chance for parole after 15 years of incarceration.

## THE HARMS OF YOUTH INCARCERATION

### Recidivism

A Centers for Disease Control study found that youth are **34 percent more likely** to commit additional crimes if prosecuted in the adult system.<sup>1</sup>

### Mental health

In the Oregon Youth Authority (OYA), 88 percent of males, and 75 percent of females have at least one diagnosed mental health disorder. 22 percent of youth in OYA have experienced “at least one foster care episode” and 25 percent have a record of “substantiated child maltreatment.”

### Lifelong consequences

When children are convicted as adults, they carry the collateral consequences and stigma of an adult criminal conviction. This creates barriers to finding housing, employment, and gaining access to higher education.

### Racial disparities

Our current system is not equitable. In Oregon, African-American youth are four times more likely to be incarcerated than white youth and Native American youth are two times more likely to be incarcerated than white youth.<sup>2</sup>

<sup>1</sup> Centers for Disease Control and Prevention. (2007) Effects on Violence of Laws and Policies Facilitating the Transfer of Youth from the Juvenile to the Adult Justice System: A Report on Recommendations of the Task Force on Community Preventive Services.

<sup>2</sup> The Burns Institute, Unbalanced Justice Map.