

Kids deserve better than to be denied a second chance

BY DAVID ROGERS
CONTRIBUTING COLUMNIST

Regular readers of our column will know that Partnership for Safety and Justice and our members worked very hard to help shape the recommendations

that the Governor's Commission on Public Safety made to the Oregon Legislature. The result was House Bill 3194, which contained 19 recommendations. It looks like two recommendations, the ones that would have

made changes to some Measure 11 sentences, are being removed by amendment.

Most disappointing: earned review hearings for youth (also known as Second Look) is on the chopping block. (See below for a full explanation). This is a distressing turn of events.

Oregon's Measure 11 places 15, 16, and 17 year olds automatically in adult court as soon as a prosecutor charges them with a Measure 11 offense. This practice defies all of the national research about what produces the best public safety outcomes and the best future for those young people.

More than 100 years ago, the country's first juvenile court was created in Chicago with the acknowledgment that youth are not finished products and could greatly benefit from education, mental health treatment, and vocational training that are currently unavailable in adult corrections systems. Oregon's juvenile justice system has some incredible strengths, yet Measure 11 (passed in 1994) carelessly tosses kids into the adult system.

While intending to be tough, we have forgotten to be smart. As more youth are

treated as adults within our criminal justice system, we see their future prospects for school, employment and productive contributions to society diminish.

Additionally, significant research from the U.S. Department of Justice, the Centers for Disease Control, and elsewhere shows that putting youth in the adult system makes it more likely they will re-offend.

Partnership for Safety and Justice is fighting to mitigate the treatment of youth as adults. One smart policy change would be earned review hearings.

Earned review hearings are an existing policy that should be made available to youth who commit a Measure 11 offense. Under a proposed expansion of this process, youths who have served half or three-quarters of their sentence would have an opportunity to go back before a judge. If the young person can demonstrate that he or she has made significant positive changes since the original offense, a judge may permit the youths to then serve out the rest of their sentence under mandatory community supervision, under conditional release.

Earned review recognizes that youth can and do change and transform themselves. By re-evaluating the status of youth offenders, we give ourselves the opportunity to place young people in the setting where they are most likely to succeed.

Adult mandatory minimum sentences for youth are disturbingly counter-productive. Putting youth in the adult system increases recidivism, places those young people at a much greater risk of committing suicide or being assaulted, while adult felony convictions create life-long barriers to success.

Despite the logic behind reforms in the way Measure 11 treats youth, politics are getting in the way. There are two major

hurdles.

First, changing Measure 11 requires a two-thirds approval from the legislature, which is a very high bar. Second, district attorneys are adamantly opposed to changes to Measure 11, no matter how much they are supported by research and national best practices. We have previously written in Street Roots about how mandatory minimums give prosecutors lots of power in the justice system, which, selfishly, they are not willing to give up.

This issue is a classic example of the public being out in front of the legislature. Earned review hearings for youth have consistently polled over 70 percent of Oregon voters in support.

A 2012 survey conducted by GBA Strategies in 2012 of 600 registered Oregon voters showed 78 percent favor requiring a hearing part-way through a youth offender's mandatory sentence where a judge can determine if the youth should remain in prison or be transferred for mandatory supervision by a parole officer."

In May 2013, another poll of 600 registered Oregon voters done by the Mellman Group and Public Opinion Strategies showed 75 percent support the same concept.

Despite incredibly strong public support, legislators either want to posture as tough or are simply afraid to take more leadership on this issue. But progress is being made. The fact that reforms to Measure 11 regarding youths were even included in the original recommendations by the Governor's Commission on Public Safety is a large step in the right direction. But we are not there yet. That said, Partnership for Safety and Justice isn't giving up on this fight because we fundamentally believe that kids deserve better.

SAFETY and JUSTICE

David Rogers is the executive director of Partnership for Safety and Justice. PSJ is a statewide, non-profit advocacy organization dedicated to making Oregon's approach to crime and public safety more effective and just.

I Am From Two Ways

By Armando P. - Grade 9

I am from the cold cells of Juvie.
I am also from good food, loving friends, and the gang who are like family
No one likes the decisions I make so what path do I have to follow?

I am from a high school I try hard in and lately
losing my losing my grades in
If I try I might fail
My mom was hard and respected and well known
also she married a Mexican mafia member

I am from Mexico and when I was young my sister got taken away
When I was one my dad beat my mom
She got beat nearly to death and thrown in a river to die
My dad took us away, my mom got us back
and we were escorted to the U.S. from there

I got older, watched some of my friends die
I follow their path to remember them
So when you ask where I am from I will say
"I am from proud street soldiers"

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