

District attorney adopts new Measure 11, juvenile policy

Changes reflect efforts to correct racial disparities in Multnomah County justice system

BY EMILY GREEN
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The Multnomah County District Attorney announced a new policy Wednesday that may save some juveniles from the consequences of an adult conviction.

Juveniles charged with certain Ballot Measure 11 crimes will no longer automatically be kept within the adult court system when they plead down to a lesser, non-Measure 11 offense.

"We're learning a lot as a society about brain formation, lots of different things relative to maturity levels in individuals in certain age groups, so this is an attempt to recognize that," District Attorney Rod Underhill said.

In Oregon, 15-, 16- and 17-year-olds charged with any one of 21 crimes that carry mandatory minimum sentences under voter-approved statewide Ballot Measure 11 are automatically indicted into adult court. That part will not change.

Until now, however, when those youths pleaded down to lesser, non-Measure 11 crimes in Multnomah County, they automatically remained in the adult system. That means the conviction is an adult conviction that stays on their record and they have a judge and probation officer who work primarily with adults.

With this policy change, youths charged with Robbery II, Assault II and Kidnapping II, can have their case resolved in juvenile court if they plead down to a lesser, non-Measure 11 crime, and the prosecutor deems it appropriate based on a list of aggregating and mitigating factors.

"The important aspect of this," Underhill told Street Roots, "is that you are going to be supervised in juvenile court as opposed to being supervised in adult court. You're going to have a juvenile conviction, which is

much more protected, relative to the law. As people go on in life, and assuming that things work out positive for them, they don't have an adult conviction on their record."

He said having a probation officer who is trained specifically to work with juveniles might be more appropriate in some cases as well. "People are just flat out different when they are 17 years old versus 27," he said.

While in most states the decision to move a juvenile into adult court requires a

hearing, Oregon is one of 15 states where a prosecuting attorney alone can make the decision to try a youth as an adult.

This policy change comes four months after a case in which Measure 11 charges

were filed against four students at Grant High School, eliciting outrage from some parents, students and teachers.

As Street Roots reported in April, the Multnomah County District Attorney's Office decision to try the four youths as adults, facing mandatory minimum sentences of at least 5 years and 10 months, prompted dozens of letters from parents and teachers, begging that the prosecutor try the boys as juveniles.

Underhill said there was no one incident or matter that prompted this policy change, but said it is aimed, in part, at impacting racial disparities found in Multnomah County's criminal justice system.

The Oregon Justice Resource Center has analyzed the effect Measure 11 has had on Oregon's youths, finding that the majority of the time, it's youths of color who are tried as adults and face mandatory minimum sentences.

The institute's director, Bobbin Singh, released a statement commending Underhill's new policy, however noted that

"People are just flat out different when they are 17 years old versus 27."

— ROD UNDERHILL

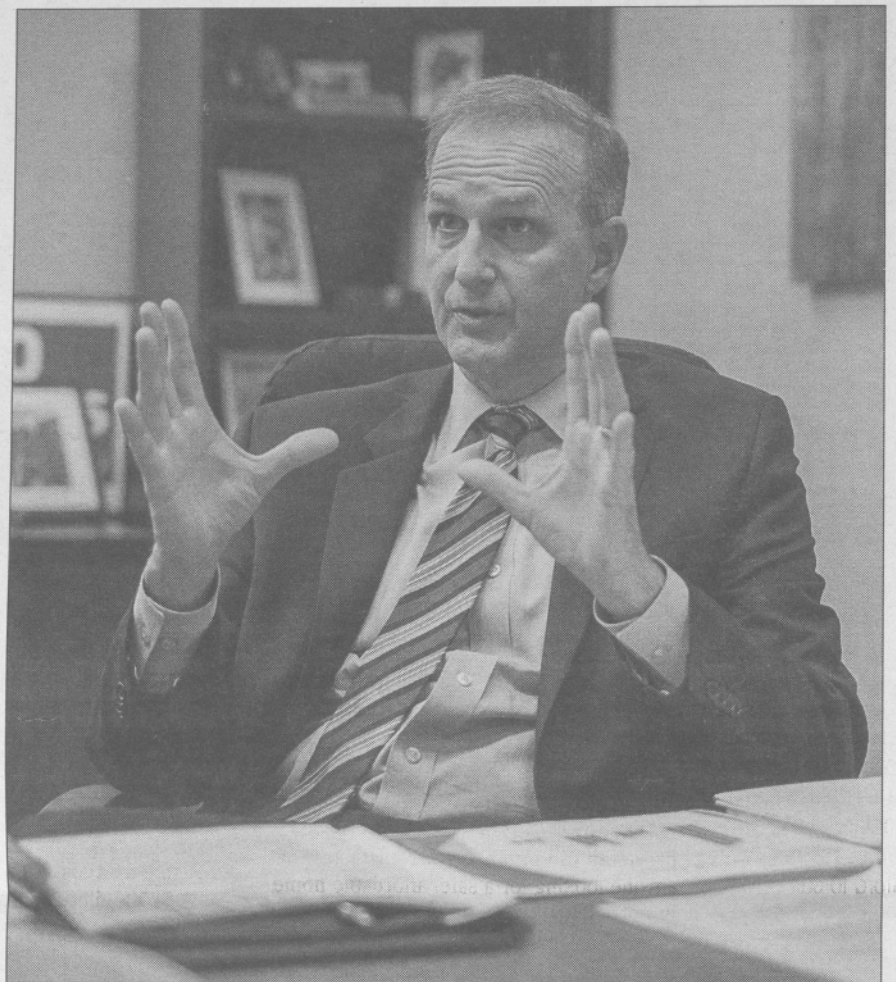


PHOTO BY JOE GLODE

Multnomah County District Attorney Rod Underhill.

he thought the district attorney should go further.

"The default position should be that minors are kept in juvenile court and not automatically waived through to adult court," he stated. "Only in rare cases should juveniles be tried as adults. Moreover, the burden should be on the state to demonstrate that a young person should be tried as an adult, not on teenagers to show that they should not."

Read more

Read about how Measure 11 practices affect young men in "Youths branded by Measure 11" at news.streetroots.org.



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10 a.m., Northwest Park and Everett