

Oregon's youth incarceration among harshest in the nation

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Oregon incarcerates youths at a higher rate than almost any other state in the U.S., according to a new report from the Oregon Council on Civil Rights.

The report, "Youth and Measure 11 in Oregon," found Oregon has the nation's second-highest rate of sending youths to adult court, with nearly 4,000 juveniles tried as adults between 1994 and 2012.

That's because when Oregon voters passed Measure 11 during the tough-on-crime era of the early 1990s, they dictated that teens age 15 and older be automatically charged as adults and face a mandatory minimum sentence if charged with any of 21 Measure 11 crimes. These crimes range from assault and robbery to rape and murder.

The council's report details how racial disparities in the application of Measure 11 have increased drastically over time, with youths of color bearing the brunt of the state's outdated practice. By 2012, the report states, black youths were being convicted of Measure 11 crimes at 17 times the rate of white youths in Oregon.

The report's authors also examined contemporary neurological research, highlighting how at age 18, adolescents are only at the halfway point when it comes to brain development processes related to decision making. The state's practice of frequently charging youths as adults ignores adolescents' lack of impulse control and their propensity for change, they argue.

"Harsh sentences for young people haven't

kept up with our modern understanding of brain science," said Bobbin Singh, who sits on the report's authoring council.

"The brain doesn't become fully developed until a person's early 20s," he said. "It's upon us to embrace science, best practices and evidence in shaping these policies, and not allowing fear, anger, retribution and racism to create these policies."

Singh is also the director of Oregon Justice Resource Center, which provided assistance to the unpaid council for the report. The council is charged under state statute with pinpointing and analyzing civil rights issues in Oregon and recommending solutions.

The council also interviewed several youths incarcerated at MacLaren Youth Correctional Facility in Woodburn for its report.

Those interviews revealed a pattern of childhood trauma and a lack of parental guidance in the years leading up to the juveniles' criminal offenses.

One young man told the council that the state took him from his mother at birth and then placed him in a relative's home, where he witnessed drug use and sexual abuse and was physically abused himself. Another youth had been homeless, and another said his father was in prison and his mother on drugs while he was growing up.

"Caleb," a pseudonym, said that at first he tried to blame his incarceration on his parents and brothers for not being around to guide him, but now he realizes he had a bad mindset.

"It's one of those things where you're just a kid and then you're having all this bad stuff happening to you," he said. "No one teaches you the fundamentals that you truly need to know to stay out of the system or to avoid

certain things, especially when your dad's not there."

To address the impact of Measure 11 on Oregon youths, the council made four recommendations:

- Give judges more discretion in sentencing by removing youths from automatic adult prosecution under Measure 11 crime.

- Increase transparency of data collection from prosecutors' offices and law enforcement.

- Give all youths a "second-look hearing," where a judge would weigh their eligibility for early release.

- Address the root causes of juvenile incarceration by boosting investment in the programs that decrease juvenile involvement in the criminal justice system.

"The report is clear on recommendations," Singh said.

He said the next step is to bring together a diverse group of stakeholders to work on policy recommendations for the 2019 legislative session.

Oregon's Bureau of Labor and Industries, which appoints members to the council, will help facilitate legislative hearings.

Charlie Burr, communications director at BOLI, said the last time this council released a report ("Pay Inequity in Oregon," 2014), it led to "a whole host of reforms."

He said the council "hopes to have a similar effect" with its latest effort.

Street Roots' reporting on Measure 11 was cited several times in the council's report.

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A new report recommends ending the state's practice of automatically charging teens as adults under Measure 11

Online

To read the full report, along with Street Roots' previous coverage of youths and Measure 11, see this article at news.streetroots.org.



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