

YOUTH JUSTICE

POLICY BRIEF FOR THE 2019 LEGISLATURE



Youth Sentencing Reform

Incarcerating young people harms development and has lifelong negative consequences

In 1994, Measure 11 passed at the height of the tough-on-crime era and the “superpredator youth” myth. The measure and subsequent legislation created harsh penalties, causing children 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 children possess a unique capacity for change. The vast majority of children 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.



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About

The American Civil Liberties Union of Oregon (ACLU 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.

Page 2 ►

The negative consequences of youth incarceration in Oregon, and how you can fix it in the 2019 Legislative Session



The Problem

The dire consequences of youth incarceration in Oregon

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 children.

Recidivism

A Center for Disease Control study found that youth are 34 percent more likely to commit additional crimes if prosecuted in the adult system.¹

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.²

The Solutions

Here is how you can fix it in the 2019 Legislative Session

Children should be held accountable in a way that both reflects their unique characteristics as children and focuses on rehabilitation and reintegration into society. Here is what you can do:

Eliminate Auto Waivers

Put the power back in the hands of judges to decide whether or not a child should be tried as a youth or in adult court.

Expand access to Second Look

Allow youth who have served a significant amount of their sentence an opportunity to show the Court they have been rehabilitated and can return safely to society to live healthy and productive lives.

Provide options for youth aging out of OYA

Allow youth who have made significant progress in the Oregon Youth Authority the chance to prove to the Court that they can complete the final stretch of their sentence in alternative programs instead of transferring to Department of Corrections custody.

Get rid of life without parole

Ban Juvenile life without parole sentences for youth in Oregon.

¹ 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. <http://www.cdc.gov/mmwr/pdf/rr/rr5609.pdf>.

² The Burns Institute, Unbalanced Justice Map. <http://www.burnsinstitute.org/>