

Scope Statement and Goals
SB 1008 Steering Committee

Scope

The Legislative Assembly has declared that:

“The purposes of the Oregon juvenile justice system...are to protect the public and reduce juvenile delinquency and to provide fair and impartial procedures for the initiation, adjudication and disposition of allegations of delinquent conduct. The system is founded on the principles of personal responsibility, accountability and reformation within the context of public safety and restitution to the victims and to the community. The system shall provide a continuum of services that emphasize prevention of further criminal activity by the use of early and certain sanctions, reformation and rehabilitation programs and swift and decisive intervention in delinquent behavior.”

ORS 419C.001. Based on those principles, the Oregon Youth Authority is grounded in and uses the developmental approach when working with juvenile offenders. That approach recognizes that most adolescent criminal behavior is largely influenced by factors associated with adolescence and focuses on providing opportunities that support development, especially around social and emotional learning, decision-making and problem-solving, and self-efficacy and self-identity.

During the 2017-2018 interim, the Senate Committee on Judiciary driven by the purpose of that legislative declaration, the developmental approach and a desire to address the disproportionate criminal prosecution of youth of color convened a work group to examine youth convicted under Ballot Measure 11. After reviewing the research on youth development and brain science, case law, national best practices, and Oregon specific data, the work group determined that changes to Oregon’s juvenile justice process were necessary to ensure justice for victims, effectively protect the public, hold juvenile offenders accountable, provide opportunities to meaningfully support the reformation and rehabilitation necessary to reduce recidivism and promote a productive citizenry. The efforts of that work group led to Senate Bill 1008 which passed by supermajority in the 2019 Legislative Session and was signed into law by the Governor on July 22, 2019.

That bill ended the automatic adult prosecution of 15-, 16- and 17-year-olds for Ballot Measure 11 Offenses, but authorized adult prosecution for Measure 11 offenses after the court holds a “waiver hearing.” It also authorized a conditional release hearing (known as a “second-look hearing”) for youth who have served half of their Ballot Measure 11 sentence and a conditional release hearing (known as a “transfer hearing”) for youth sentenced to a term of imprisonment for a crime committed when the person was under 18 years of age if the person’s release date falls between the person’s 25th

and 27th birthdays. The bill prohibits the imposition of a life sentence without the possibility of parole for youth, creates youth sentencing criteria, and authorizes a parole hearing after 15 years of imprisonment for persons sentenced for a crime committed when the person was under 18 years of age. The bill also requires District Attorney's offices to provide trauma-informed and culturally specific notice, and where available, services for victims. The bill becomes effective on January 1, 2020, but authorizes agencies to take actions necessary for the successful implementation of the bill in advance of this date.

The Governor has convened this work group to review the measures of the bill and craft and execute a three-branch strategy for their successful implementation. To fulfill this objective work group participants will:

- Convene regularly;
- Decide implementation requirements;
- Report on implementation progress;
- Identify implementation challenges;
- Formulate creative solutions;
- Coordinate cross-system needs; and
- Track relevant continuous quality assurance measures.

Where necessary, the work group will formulate recommendations for additional administrative and legislative changes necessary for the bill's successful implementation and meaningful reform of the juvenile justice and criminal justice system's treatment of youth offenders. This work group, like the group that drafted the bill, will be guided by the principles of the juvenile justice system and the developmental approach. The work will also be undertaken with an understanding of the current racial, ethnic and gender disparities present in Oregon's juvenile justice and criminal justice systems.

Goals

1. Ensure the juvenile justice and criminal systems are ready to implement the requirements of the law on January 1, its effective date.
2. Raise issues and needs and work collaboratively within the Committee to provide an oversight and feedback structure to promote continuous learning and improvement.
3. Identify and support uniform implementation of the law statewide and provide interdisciplinary support at the state and local levels.