

1212 New York Ave. NW
Suite 900
Washington, DC 20005
202.525.5717

Free Markets. Real Solutions.



www.rstreet.org

Testimony from:
Jesse Kelley, Government Affairs Specialist, R Street Institute

In SUPPORT of SB 969,
“AN ACT relating to the prosecution of juveniles as adults; prescribing an effective date; providing for criminal sentence reduction that requires approval by a two-thirds majority.”

March 28, 2019

Senate Committee on Judiciary

My name is Jesse Kelley, and I am the Government Affairs Specialist for the R Street Institute, which is a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including juvenile justice reform, which is why SB 969 is of special interest to us.

Oregon should continue to move toward the ideal aims of juvenile justice involvement—improved public safety and youth rehabilitation. We admire this bill’s objective to eliminate mandatory adult prosecution for certain offenses committed when the person charged is 15, 16 or 17 years of age at the time of the offense. We also support the provision that would require the juvenile court to hold a hearing to determine whether a person should be prosecuted as an adult.

Limiting the prosecution of youth as adults will result in more positive outcomes for justice-involved youth and ultimately will create safer, stronger communities.

Children face harsh consequences when removed from the juvenile court system. The adult system is ill-suited to serve young people. Young people’s brains, including their decision-making capabilities, are still developing. However, once placed in the adult system, youth are unlikely to receive educational opportunities to reach their full potential.

Adult facilities also offer fewer counseling services and treatment options than juvenile ones. The staff at juvenile facilities receive special training to work with youth and are often subject to lower inmate-to-staff ratios, which allows for a higher level of specialized care.

Second, treating justice-involved children as adults is bad policy. Studies have shown that children who are in the adult system do not simply re-offend more quickly—they go on to commit more serious crimes. In contrast, most youth in the juvenile justice system will never commit a subsequent crime.

In fact, there is evidence to suggest that placing youth in adult facilities is actually detrimental to public safety. The sense of injustice young people will inherently feel about being tried as an adult; the apprehension of criminal mores due to exposure to older, more sophisticated individuals; and the decreased focus on rehabilitation and family support in the adult system can lead to increased recidivism for youth transferred to the adult system. Specifically, those youth placed in the adult system are 34 percent to 77 percent more likely to be re-arrested than those who stay in the juvenile justice system.¹

Certainly, children who commit crimes should be held accountable, but the best way to do it—for them and for society—is to allow them to remain in the juvenile system. For these and other reasons, we support advancing SB 969 and will make ourselves available for additional questions.

Thank you for your consideration,

Jesse Kelley, Esq.
Government Affairs Specialist, Criminal Justice Policy
R Street Institute
jkelley@rstreet.org

¹ Campaign for Youth Justice. “Key Facts: Youth in the Justice System.” June 2016. p.3
<http://cfyj.org/images/factsheets/KeyYouthCrimeFactsJune72016final.pdf>