



KATH BROWN
GOVERNOR

September 28, 2021

Colette Peters, Director
Oregon Department of Corrections
2575 Center Street, NE
Salem, Oregon 97301

Director Peters,

I am requesting that the Oregon Department of Corrections (DOC) provide me a list of youth and adults in the custody of the Oregon Youth Authority (OYA) or DOC who were sentenced prior to the effective date of SB 1008 and did not benefit from its changes to our juvenile justice system, and who meet the criteria described below. Adults and youth in custody who meet those criteria may be eligible for consideration to have their sentences commuted and, if applicable, a parole hearing pursuant to my authority, as Governor, under Article 5, Section 14 of the Oregon Constitution.

The executive clemency power to commute the sentences of youth and adults in custody has traditionally been used in extraordinary circumstances, including in instances of significant rehabilitation. In 2019, with widespread support, the legislature passed SB 1008, which, among other important juvenile justice reforms, amended Measure 11. Now, as of January 1, 2020, those youth who commit Measure 11 offenses are afforded a waiver hearing in which the court determines whether it is appropriate to impose adult punishments for the crime and, even if the youth is sentenced in adult court, the individual is now entitled to a “second look” hearing half way through their sentence. As you know, SB 1008 did not apply retroactively to those youth sentenced prior to 2020.

In addition, juveniles convicted of Measure 11 offenses, for which SB 1008 would have impacted, are disproportionately people of color and typically have greater capacity for rehabilitation than their adult counterparts. These individuals have benefitted from and will continue to benefit from the additional rehabilitative programming that OYA is able to offer. SB 1008 takes into account the fact that these youth are capable of tremendous transformation. In fact, many of these young individuals pursue their education, fully engage in treatment or other skills-based programs, and become leaders within their institution prior to or before ever transferring to the custody of DOC. These circumstances are extraordinary. For these reasons, I have no doubt that the above-referenced list will be comprised of many individuals who have demonstrated exemplary progress and considerable evidence of rehabilitation, and who—unfairly—did not benefit from the effects of SB 1008. These individuals may be worthy of a commutation that is commensurate with the disproportionate impact of SB 1008.

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Youth and adults in the custody of OYA and DOC are eligible for review for a commutation of their sentence after they have served fifty percent of that sentence only if they meet the following criteria:

- Was a juvenile at the time of committing the offense for which they are in custody;
- Be serving a sentence that was ordered prior to January 1, 2020;
- Not be serving a sentence for which any convictions are for crimes that were committed as an adult; and
- Has served fifty percent of their sentence or will have served fifty percent of their sentence by December 31, 2022.

Youth and adults in the custody of OYA and DOC are eligible for a commutation that enables them to pursue a parole hearing, as described and provided for in ORS 144.397 and Section 25 of SB 1008, only if they meet the following criteria:

- Was a juvenile at the time of committing the offense for which they are in custody;
- Be serving a sentence that was ordered prior to January 1, 2020;
- Be serving a sentence of fifteen years or more of imprisonment;
- Not be serving a sentence for which any convictions are for crimes that were committed as an adult; and
- Not be serving a sentence with a current projected release date in 2050 or later. This criterion shall not exclude those serving life sentences without the possibility of parole.

Please provide me with two lists of youth and adults in custody who meet the two sets of criteria listed above by October 8, 2021.

Pursuant to my authority, as Governor, under Article 5, Section 14 of the Oregon Constitution, youth and adults in custody meeting the first set of criteria above may be granted a commutation of their sentence after they have served fifty percent of that sentence. Youth and adults in custody meeting the second set of criteria above may be granted a commutation of their sentence that enables them to pursue a parole hearing, as described and provided for in ORS 144.397 and Section 25 of SB 1008.

DOC shall follow its victim notification process for approved commutations.

Sincerely,



Governor Kate Brown

KB:smg