

LaDonna Pollard
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Draft Testimony for LaDonna Pollard

Co-chairs Garrett, Olson, Prozanski, and Winters, and Members of the Committee:

My name is LaDonna Pollard and I am a constituent of Representative Olson and Senator Close. My husband (who is here with me tonight) and I had the pleasure of meeting with them in late February.

Thank you for taking our testimony and for working to find ways to improve our public safety system. I understand and appreciate that public safety policy can be an uncomfortable issue to discuss and is renowned for being politically perilous. Thank you for your willingness and courage to dive into these tough issues.

I am here today to support your work to make the modest changes you have proposed to Measure 11 in HB 3194. I voted for Measure 11 and so did everyone I know. I was convinced by all I read in the voter's pamphlet and saw on TV that I was going to keep the Ted Bundy's, Brudos' and I-5 Killers off the streets. I imagine many of you voted for Measure 11 for the same reason. Little did I know that I would eventually experience the impact of that law in my own family. Every inmate's family has a story; this is ours.

Our son John worked at Selmet for nearly 20 years before he was convicted of an Assault 2 Measure 11 offense. He was buying a home, had a 401-K, paid his taxes, and provided health insurance, food, and all necessities for a family of four. He asked for no help from anyone, often working 60+ hours a week to make ends meet. And was a helpful, good son to us. When a family friend of his was in financial difficulty, he bought groceries for them. John has a good, kind and very giving heart.

John is now at OSCI, about halfway through a 70 month Assault 2 sentence for a serious DUII injury crash on a quad with a young passenger. Our son, at the age of 36, made some very poor choices to get himself that sentence. John was at his home visiting with a long-time family friend and was drinking. At some point John went out to ride on his quad and had the friend's two year old son, Brodi, with him. The quad flipped and Brodi was severely injured. He spent the next month in the hospital, recovering from injuries to the base of his skull and cracked ribs, and to watch for potential brain damage. After the quad flipped, John called my husband and me and we immediately went over to his house. Amid the chaos, I tried to encourage John to let me take him to the hospital because he had a fist sized chunk of his calf

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hanging on by a shred of skin and tendon. John refused to leave until Brodi was cared for and on his way to hospital. Brodi, the injured child, is thriving today--praise God. He is developing well and loves racing his bike and riding horses.

We believe in accountability. On many occasions my kids have called me Judge Judy because of my intolerance for crime. Our son made a horrible choice and there should be consequences for his actions. The reason we are here today is to say that Measure 11 went too far. Even two or three years in prison might have been an appropriate punishment for our son --nearly six years is not the answer. Even Brodi's mother told me she didn't want this for John.

The DA absolutely refused to consider a lesser charge of assault 3 before the trial. John readily agrees he was guilty of assault and deserved some sort of punishment--but not this, not a 70 month sentence. Even the judge in our case said she didn't want to impose the sentence, but said that her hands were tied. In my son's case, if the judge had the power she is supposed to have, I believe John would have been sentenced in a way that made sense with his crime.

Another huge complication of his assault 2 conviction includes eight years post-release with no driver's license. This is not conducive of allowing a released prisoner a chance at rehabilitation. John has a job waiting for him when he gets out of prison. How is he going to get to work, see his parole officer, or attend AA classes when he cannot drive? It is ludicrous to assume that people with these types of convictions can succeed when Measure 11 cripples them to this extent. It is a clear indication to us that this does indeed limit people's ability to succeed and we are praying that the Joint Public Safety Commission will seriously consider changes to Measure 11 as it now stands. We understand that nothing you are considering today will help our son. We came today to create a better system for Oregon since we have seen first-hand the problems with the system we have now.

John has utilized the opportunity through the prison system for education regarding his alcohol addiction. He struggled with this addiction for several years even though he remained a functional alcoholic. This education has made a world of difference for him. The greatest benefit for us is that we now have our sober son back. We want to thank God and the prison education system for that. John at this time has absolutely no infractions on his prison record despite the circumstances which he resides in.

We have to question: How much is this costing us and the State of Oregon?

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Our son had a good job, and supported his family before he was convicted of a 70 month sentence. The first thing John's ex-wife did when he went to prison is apply for and was granted state aid: health care, food stamps, welfare. Unfortunately, she has been unable to provide a suitable and safe home for her girls after John went to prison. John's daughter Ash Leigh is living with us and John's other daughter Leticia is with our daughter Shelley. Since we don't live in Ash Leigh's high school district, we provided transportation to and from school so she could graduate with the only high school she has ever known. When she became old enough to get her driver's license, there became added expenses. No longer any dental insurance available for her, we paid thousands of dollars out of our own pocket for orthodonture and oral surgeries. We also put money on John's books monthly so he can call his daughters on a regular basis and get the basics from the commissary. My husband retired in 2011, we are on limited income and so far we haven't had money to do the things we planned on doing for all those years.

There are other prisoners with the same issues as our son's, who would be absolutely no danger or threat to society. If they were to be released right this minute, these individuals should be working, paying restitution and taking care of their families. It is a waste of time and money to hold these types of prisoners any longer than deemed necessary.

I think it's important to say that our family has been on both sides of the fence where crime issues are concerned. Our daughter, Shelley was a domestic abuse and sexual assault victim when she was in her 20's. She is now a drug and alcohol counselor using her experiences to make a difference. I have a niece who was hit by a drunk driver at age 12 (1993) and nearly died. She was life flighted from Ketchikan, Alaska, to Harborview Trauma Center, and spent months in Seattle area hospitals learning to walk, talk and eat all over again. She is permanently mentally and physically disabled and suffers epileptic seizures.

I believe in accountability. My family believes in accountability. Yes, John should have considered all the potential consequences before he made the choice to drink and drive the quad. We never could have imagined the Measure 11 we voted for to keep the Ted Bundy's off the streets would be used to impose a 70 month Assault 2 sentence—that the judge did not want to impose—on our son. We pray that you will improve our public safety system so in the future people are held accountable in ways that make sense.