

April 18, 2017

The Honorable Floyd Prozanski, Chair  
The Honorable Kim Thatcher, Vice Chair  
Senate Judiciary Committee Members

RE: Senate Bill 357

Dear Chair Prozanski and Members,

On behalf of the Oregon Justice Resource Center, I respectfully request your support for SB 357.

The Oregon Justice Resource Center is a public interest law firm that represents currently and formerly incarcerated Oregonians and advocates for criminal justice reform. We operate and administer several distinct projects that provide direct representation to Oregonians on a range of issues who otherwise would not have access to legal services. OJRC challenges excessive sentences and those disproportionately impacting people of color.

In 2016 the Oregon Justice Resource Center worked with other advocacy partners to draw attention to Multnomah County Race and Ethnic Disparities Report. The report concluded that if you are African American in Multnomah County, you will be punished more severely if you intersect with the criminal justice system. Blacks were found to be overrepresented in every part of the Multnomah County criminal justice system.

One of the offenses with a shocking Relative Rate Index (RRI) disparity is Interfering with Public Transportation (IPT). Specifically, InvestigateWest reviewed 10 years of state court data and found “that African Americans have been charged with IPT at a rate up to 6.4 times the rate of white riders over the past decade.”<sup>1</sup> Charging individuals for actions related to fair evasion as a Class A misdemeanor, which carries a punishment of up to one year in jail is excessive. There are significant collateral consequences for this type of conviction and are being disproportionately experienced by communities of color.

The Oregon Justice Resource Center is pleased with recent developments in response to the significant racial disparities in IPT prosecutions, District Attorneys in Multnomah, Washington and Clackamas counties have recently stated they would change their charging practices as it relates to IPT. While we are encouraged that District Attorneys in the tri-county area are using their discretion to cutback on the over prosecutions for IPT, we are concerned that this precedent may be changed over time or not honored under new leadership. SB 357 is a step in the right

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<sup>1</sup> Van Der Voo, Lee BLACK RIDERS FACE STIFFEST TRANSIT PENALTY AT RATES MORE THAN SIX TIMES THAT OF WHITES  
<http://invw.org/2017/04/05/black-riders-face-stiffest-transit-penalty/>

direction because it would provide clarity statewide by reducing ORS 166.116 class (1) (a) from Class A misdemeanor to a Class C misdemeanor.

Oregonians of color are disproportionately experiencing the harsh consequences of an IPT conviction, which does not advance any public safety purpose and ultimately come at a great expense to taxpayers. The Oregon Justice Resource Center believes that we should look seriously at why we are incarcerating individuals and which of our current laws are disproportionately impacting communities of color, and do everything we can to create a more fair and transparent system. We encourage this committee to take a smarter approach to our public safety policies and one that will help restore credibility with communities of color.

For these reasons, we urge you to support SB 357.

Sincerely,

Kate Gonsalves  
Political Director  
Oregon Justice Resource Center