



**Testimony of Kimberly McCullough, Policy Director
In Support of HB 3380
Senate Committee on Judiciary
May 16, 2017**

Chair Prozanski and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports HB 3380, which would expand eligibility for the Family Sentencing Alternative Pilot Program (FSA) to include individuals who are pregnant. As a nonpartisan organization dedicated to the preservation and enhancement of civil liberties and civil rights, the ACLU of Oregon supports programs like FSA that promote healthy relationships between children and their parents and create safer communities.

Keeping families together is good for children and parents. Children with incarcerated parents experience a range of emotional, behavioral, and developmental challenges that can impact their educational success and long-term mental and physical health.² FSA focuses on the needs of Oregon's most vulnerable children by keeping families together and keeping children out of the foster care system.

Being separated from children is a traumatic experience for parents behind bars, and a large portion of incarcerated individuals in Oregon are parents. For example, 75% of the women at Coffee Creek have children.³ Approximately 4% of incarcerated women give birth in prison, which means about 22 women in Oregon give birth in prison every year.⁴ Including pregnant individuals in FSA will keep parents and their children together after giving birth, reduce the likelihood of future offenses, and promote parental involvement, which will in turn help those children succeed.

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonprofit organization with more than 40,000 members in the State of Oregon.

² Children whose mothers are incarcerated are particularly impacted, as research shows that children with incarcerated mothers are 2.5 times more likely to become incarcerated in their lifetime than if their father is incarcerated. Danielle H. Dallaire, "Incarcerated Mothers and Fathers: A Comparison of Risks for Children and Families," *Family Relations*, vol. 56, no. 5, 2007, pp. 440–453.

³ The vast majority of these women are incarcerated for nonviolent property or drug offenses. Hoffman, Hannah, "Jail Birds," *Willamette Week*, January 17, 2012.

⁴ Maruschak, Laura, "Medical Problems of Prisoners," Bureau of Justice Statistic, 2004, <https://www.bjs.gov/content/pub/pdf/mpp.pdf>.

Allowing the eligibility decision to occur with judges at sentencing will ensure FSA includes otherwise prison-bound potential participants, who are being overlooked under current restrictions in the program. This important piece of HB 3380 will connect people with services and resource in their communities under community supervision and community-based treatment, reduce the number of people incarcerated in Oregon, and reunite families.

For each of these reasons, the ACLU of Oregon urges you to support HB 3380.