

Testimony before the House Committee on Judiciary in support of HB 3145

March 26, 2019

Chair Williamson and Members of the Committee,

My name is Andrea Paluso and I am the Executive Director of Family Forward Oregon. Our organization focuses on strengthening the economic security of mothers and caregivers.

Family Forward is also a member of the Fair Shot For All Coalition, a unique partnership of over 30 community-based organizations and labor unions who came together in 2014 to advance racial, gender, and economic justice by fixing the broken policies that prevent women, people of color, immigrants and refugees, LGBTQ people and working and low-income Oregonians from getting a fair shot.

Thank you for the opportunity to testify in support of House Bill 3145 to ensure that women and mothers — like all other Oregonians — have equal access to justice.

Women are entering the criminal justice system in increasing numbers due to the effects of poverty, trauma, unsafe housing, abuse, low levels of economic capital, discrimination and institutional racism.

According to an article by the Statesman Journal, the number of women imprisoned in Oregon has nearly tripled over the past 20 years, even though women are not committing more frequent or more serious crimes. Dr. Emily Salisbury, an associate professor at the University of Nevada Las Vegas, who studies this issue nationally, has noted, “It’s not that women are becoming more violent, but instead that our sentencing laws have changed. The war on drugs has been a war on women, particularly women of color.”

A recent survey of women incarcerated at Coffee Cree Correctional Facility (CCCF) done by the Oregon Justice Resource Center (in partnership with Portland State University), shows widespread reports of past domestic violence and childhood trauma. Sixty-nine percent of women surveyed there said past trauma led to their involvement in the criminal justice system.

Different solutions are needed to address these underlying issues.

It is also well documented that Oregon has a history, along with most states in the US, of criminalizing economically marginalized people, through compounding fines, fees or other penalties. People who just needed another form of assistance, but instead face jail time. When poor women, who are often mothers, are unable to pay their rent or feed their kids they may delay paying court-imposed fines for minor violations and can then find themselves facing jail time, accruing additional debt, and spiraling into a greater financial crisis.

Family Forward Oregon

P.O. Box 15146 Portland, OR 97293 | (503) 928-6789 | www.familyforwardoregon.org

Family Forward believes that if we want to break the cycle of poverty and incarceration in Oregon we must look for ways to better support women and families far before any involvement with the criminal justice system. But we also desperately need to change what happens to women within the criminal justice system - from their experiences of arraignment through sentencing and beyond. Critical to improving their outcomes is having a qualified attorney — even when that attorney is court-appointed — that has the time and resources to thoroughly review the case, seek the support of others, provide expertise, and look for wrap-around services.

The solutions in this bill help address these disparities by:

1. Setting and enforcing specific right to counsel standards, such as: attorney qualification standards, attorney performance guidelines, manageable public defender workloads, client communication protocols, and data collection standards.
2. Providing supports for attorneys and their staff to better serve diverse women's needs, such as trainings in cultural competency and trauma informed practices.
3. Abolishing fixed fee contracting and other forms of compensation that produce financial disincentives for public defense lawyers to provide effective legal representation.

We urge your yes vote on House Bill 3145.