

Chair Williamson and members of the House Judiciary Committee, good afternoon.

My name is Dana Kowash, I am a resident of Keizer, Oregon, and I am employed by the State of Oregon as a Medicare Buy-In Specialist. I am here this afternoon to express my concern surrounding the package of bills recently compiled in to SB1008, as a victim and a constituent of the legislative process.

On March 5, 2014—two days after my twenty-fourth birthday—my 17 year-old brother and his 17-year old friend executed a plan developed over several weeks to kill my parents and start a new life in Mexico. My brother, Brett, and his friend Robert, succeeded in killing my mother and left my father severely wounded, then fled our childhood home. I went from being a relatively naïve, carefree newlywed to managing a very complicated circus—my mother’s final arrangements, my father’s medical care, grieving family members, a criminal investigation that came with lawyers, investigators, advocates... and my brother. I want to impress how this loss affected me as a young woman: in one foul swoop, by two individual’s actions, I lost my entire family and found myself navigating a situation I could never have imagined.

As I have watched this bill be discussed, and read the associated materials, I repeatedly hear the desire to respect and preserve the dignity of victims effected by these crimes, something I appreciate. However, I have not seen in the public hearings I have attended or watched, nor in the meeting materials posted online that any victims have come forward to speak on what would make them feel respected and dignified. I cannot speak for all victims, but I can tell you that in my time wrapped up in the justice system, which was quick by many standards, with sentencing coming 18-months after the crime, what I appreciated was an open dialogue with the prosecuting attorneys, advocates who told me what to expect when, and the access to resources that better equipped me to handle the cards I was dealt. I struggled with how to handle the sentences assigned to Brett and Robert.

As a “victim” I have repeatedly found myself straddling a very complicated line: I love my brother, and I am deeply hurt by his actions—our family is irreparably changed. The amount of years that my brother and his co-defendant serve does not repair that damage, it does not bring my mother back or reduce the pain that my father feels—a sentence is about more than time to be served for me. In the frankest of terms, this sentence is the opportunity for me to raise my babies without fear that my brother may show up on my porch and look really cool to my teenagers; it gives me more time to have the conversation about our family, so that I can roll it out in stages as my children are ready. And it gives my brother more time so that he has a chance to realize the impact of his actions and develop empathy as is developmentally appropriate for him—the level of remorse our community wants from him is hard for any 17-year old to grapple with, and even at his now 22-years old he is not there yet DESPITE programs available to him.

As a voter, I am concerned with the attempt to bypass the will of the people as voiced in a ballot measure by a legislative bill; while I understand that Measure 10 gives the legislature the ability, with a certain majority, to make changes on behalf of the people I do not believe the situation we have here is what people intended or anticipated. I am a semi-educated woman, and I would assume the needed majority would involve a bi-partisan agreement that represented a sweeping geographic region therefore representing the people of Oregon as a whole, not a supermajority of a single party.

In order for reduced sentences and earlier reintegration to work, we need the support of communities these individuals will return to; we need to examine ourselves and ask ourselves if we are ok with a person, who has served their term but was convicted of a violent crime, ringing our groceries, working on our cars, and living next door to us—if we cannot honestly say yes, and live that out, than this legislation is premature and are we **are not** doing the previously incarcerated any favors. I do not have the answer here, I regularly have the opportunity to remind those around me that we are all one bad day, one bad decision away from you or someone you love

spending time in a cell—but forcing this on a population that isn't ready I fear sets those with great challenges up for less than success.

In conclusion, I hope you will consider not just what a sentence takes away, but what it gives; the time it provides for healing. We are all aware of what it costs the offender who spends valuable time in corrections, those formative achievement years; I grieve for what my brother has lost, how one set of choices has changed his life forever—and recognizing it is not selfish to realize it has too cost me. His sentence has given me time to figure out how I move forward, to go grocery shopping without fearing we might run in to him today, and the opportunity to share with my daughter as we determine appropriate. Please consider the cost this bill is to future victims, the requested acceleration of their healing is a lot to manage on top of their grief.