



February 3, 2020

Chair Sanchez, Vice-Chairs Bynum and Sprenger and Members of the Committee,

On behalf of NARAL Pro-Choice Oregon, we respectfully request your support H.B. for 4004 to ensure all Oregonians have equal access to justice, with adequate and quality legal representation regardless of income.

We believe that mass incarceration directly restricts a significant population in our state from the ability to choose to have children or raise families in safe and healthy conditions. We cannot truly achieve reproductive justice when BIPOC (Black, Indigenous, People of Color) individuals receive disproportionate sentences and thus are systematically denied their basic rights.<sup>1</sup> Without adequate legal representation in the criminal justice system, we are also imposing serious barriers to reproductive health care access and regular family contact and support, which can impede a family member's ability to take care of themselves and their children.

Women are disproportionately impacted by a lack of adequate legal representation. Between 1978 and 2015, the rate of women entering the criminal justice system in Oregon more than tripled.<sup>2</sup> Women often enter the criminal justice system due to poverty, trauma, domestic abuse, unstable housing, untreated addictions and mental health issues; and for Women of color, all of these factors are exacerbated by institutional racism.<sup>3</sup> A lack of effective legal assistance compounds these inequalities and can create further harm. Defendants with publicly appointed attorneys are more likely to be detained before trial as well as more likely to be jailed.<sup>4</sup> Time away from work and social networks can cause multi-generational and has a disproportionate impact on the health and economic status of mothers and their families: **Children with an incarcerated mother are more likely to be placed in foster care and more likely to be incarcerated themselves during their lifetime.**<sup>5</sup> Additionally, women also report that prenatal care is often substandard, and women have reported a dangerous lack of routine preventive care.<sup>6</sup> Without timely Pap tests or treatment for ovarian cysts, women may face life-threatening conditions and major surgery. We have also heard deeply troubling stories that may indicate our correctional policies undermine an individual's right to make their own reproductive health decisions,

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<sup>1</sup> <https://www.naacp.org/criminal-justice-fact-sheet/>

<sup>2</sup> [https://www.prisonpolicy.org/graphs/OR\\_Women\\_Rates\\_1978\\_2015.html](https://www.prisonpolicy.org/graphs/OR_Women_Rates_1978_2015.html)

<sup>3</sup> [https://www.prisonpolicy.org/reports/women\\_overtime.html#drugs](https://www.prisonpolicy.org/reports/women_overtime.html#drugs)

<sup>4</sup> <https://www.americanprogress.org/issues/criminal-justice/reports/2016/12/08/294479/making-justice-equal/>

<sup>5</sup> <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes/>

<sup>6</sup> Rachel Roth, *"She Doesn't Deserve to Be Treated Like This": Prisons As Sites of Reproductive Injustice*, <https://www.prisonpolicy.org/scans/Roth%202017%20Prisons%20Reproductive%20Injustice.pdf>

including serious delays and other barriers to receiving an abortion procedure when one has been requested.<sup>7</sup>

H.B. 4004 is a first step in helping women and communities of color receive a fair shot when they enter the courtroom. Most importantly, H.B. 4004 will:

1. Put into statute the abolishment of the unconstitutional flat fee case rate contracting,
2. Help create more manageable caseload standards that take into account regional differences,
3. Provide better representation on the public defense services commission by adding a position for someone who has been represented by a public defense services provider.

These first steps are crucial to addressing some of the injustices faced by Oregonians represented by our public defense system. The legal right to choose if, when, and how to raise their family may be inconsequential to an individual unless they can also afford and access high quality health care, education and training opportunities, preschool and family support programs, living-wage jobs, and adequate legal representation. H.B. 4004 is a critical first step in the right direction to reforming Oregon's public defense system, and we urge you to support this bill.

Thank you,

Christel Allen  
Political Director, NARAL Pro-Choice Oregon

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<sup>7</sup> Rachel Roth, *"She Doesn't Deserve to Be Treated Like This": Prisons As Sites of Reproductive Injustice*, <https://www.prisonpolicy.org/scans/Roth%202017%20Prisons%20Reproductive%20Injustice.pdf>