



Oregon Voices  
PO Box 13175  
Salem, OR 97302

March 20, 2021

TO: Senate Judiciary Committee

RE: SB 401

Chair Prozanski, Vice-Chair Thatcher, and members of the committee:

Oregon Voices has been working with families of persons incarcerated under Measure 11 as well as with many of those persons as they have emerged from prison to try to build a responsible life back in society. We have become increasingly aware of the adverse consequences of current practice. Some of the obvious ones include:

- indiscriminate sentencing that makes no distinctions between deliberate criminality and the foolish thoughtlessness of young people,
- burgeoning financial and human costs of ever-increasing prison populations,
- disproportionate impacts on minority individuals and families
- reducing judges to onlookers in matters pertaining to sentencing

Opponents of change always claim that Measure 11 is essential to prevent a new wave of crime. It is true that crime did fall in Oregon in the wake of Measure 11. But crime fell proportionately in all kinds of states during that period—in states with mandatory minimums as well as in states without them.

This is the time to take some steps to address some of the problems that mandatory minimums have created and exacerbated. SB 401 is a modest step in the right direction. Although we would prefer to see some version of HB 2002 go forward, we are pragmatists. We want to slow down the main conveyor belt that fuels prison growth and invest instead in support for diversion and reentry support programs, and victims—the course Oregon has taken with Justice Reinvestment, and that is proving to be effective.

Oregon's justice system could be much more discriminating and wise than it is as present. Key to that is to let judges be a part of the process again. SB 401 would bring judges and discretion back into sentencing in Oregon.

Respectfully,

Ken Nolley for Oregon Voices