



March 23, 2021

Dear Chair Bynum, Vice-Chairs Power and Noble, Members of the Judiciary Committee,

On behalf of NARAL Pro-Choice Oregon, we would like to share our support of House Bill 2825, introduced by Rep. Williams. HB 2825 will allow for more just sentencing for criminal defendants who are survivors of domestic violence and for whom that abuse was a contributing factor in the commission of the crime.

At NARAL Pro-Choice Oregon, we advocate for the legal right of all individuals to choose if, when, and how they want to start and raise a family. These rights are inconsequential, however, if an individual cannot also access high-quality health care, education and training opportunities, family support programs, and a living-wage job.

Between 1978 and 2015, the rate of women¹ entering the criminal justice system in Oregon more than tripled.² Women entering the criminal justice system may be experiencing a variety of challenges, including poverty, trauma, domestic abuse, housing insecurity, and barriers that can prevent access to health care³—and for women of color, many of these factors are often exacerbated by institutional racism.⁴ Oregon's sentencing laws do not adequately consider defendants' histories of victimization and the role domestic violence played in the commission of their crimes. This results in severe and unjust accountability for survivor-defendants.

Domestic violence traps survivors and their children in a cycle of crime, control, and trauma. For survivors, it can feel like there is no way out. Prison only continues this cycle of control and trauma for the survivor and their children.

Numerous studies in the U.S. and in Oregon, dating as far back as the 1980s, have observed high rates of victimization that link domestic violence in women's lives to their entry into the criminal justice system as defendants. For example, a 2017-2018 survey of more than 140 incarcerated women at Coffee Creek Correctional Facility discovered that:

- 65% of the women in a relationship at the time of arrest reported experiencing abuse in their relationship;⁵
- 44% of the women in a relationship at the time of arrest said the relationship contributed to their conviction;⁶

¹ Please note: NARAL Pro-Choice Oregon advocates for all people who are or may become pregnant. The vast majority of research in this subject area is focused exclusively on women. More research is needed on the experiences and outcomes for trans people and/or people that identify as gender non-binary people incarcerated in prisons.

² https://www.prisonpolicy.org/graphs/OR_Women_Rates_1978_2015.html

³ <https://womensjustice.net/the-facts>

⁴ https://www.prisonpolicy.org/reports/women_overtime.html#drugs

⁵ [INTIMATE PARTNER VIOLENCE AND TRAUMA](#) Oregon Justice Resource Center.

⁶ Ibid

- 44% of the women in a relationship at the time of arrest said they were afraid of their partner.⁷

For victims of domestic violence, Oregon's corrections system can be a source of additional trauma in itself, as time away from work and social networks can cause multi-generational harm 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.⁸ Currently there are 20,000 children in Oregon with a parent who is currently incarcerated; 80% of people who are incarcerated at Coffee Creek Correctional Facility are parents.

Mass incarceration directly restricts a significant population in our state from the ability to choose to raise families in safe and healthy conditions. Black, Indigenous, and other people of color receive disproportionately long sentences. And we know that our corrections system often denies basic rights⁹ such as access to reproductive health care access and regular family contact and support. This can have long-term impacts, including a family member's ability to make a living in order to care for themselves and their children.

A one-size-fits-all approach to sentencing is not appropriate for survivor-defendants. Considering the complex dynamics and trauma of domestic violence when sentencing is in the best-interest of survivors of domestic violence, their families, and the community. With the passage of HB 2528, Oregon can take a first step in recognizing the needs of victims of domestic violence, can help ensure more families remain connected, and can work to mitigate the lasting impact of trauma. NARAL Pro-Choice Oregon and our partners are committed to reforming our correctional systems with a lens of gender-justice for all; we urge your support for HB 2528.

Thank you,

Christel Allen
Executive Director
NARAL Pro-Choice Oregon

⁷ Ibid

⁸ <https://www.epi.org/publication/mass-incarceration-and-childrens-outcomes>

⁹ <https://www.naacp.org/criminal-justice-fact-sheet/>