

## To the Oregon Senate Judiciary Committee regarding SB191,

I have been incarcerated since December of 2010. Over the years, I've seen the detrimental effects of day-for-day sentencing playing out in prison first-hand.

First, there's a large body of research showing that reentry into society is made harder by extended time in prison. By handing out long sentences with no way to shorten them for good behavior, courts are writing a check that future generations must cash. Institutionalization is a problem the Committee is also surely aware of; there are significant long-term costs for care & treatment that are ultimately passed on to the taxpayer. But there are other costs as well.

Removing people from society for extended periods can also create a burden upon the public after we're of working age. I was in my mid-20s when I was sentenced to a term that's pulled me out of the workforce during the most productive years of my life & will return me in my mid-fifties. Long sentences affect a person's capacity to provide for oneself. Having the opportunity to spend even 20% more time working in society makes a significant difference when you're looking at long sentences. This is a difference felt not only by offenders, but also our innocent friends & family, which might otherwise shoulder a greater burden. It impacts the state's bottom line for the better when we're able to provide for ourselves, never mind the moral & ethical impact of letting us get back to work in society. Take a moment & consider what early release means to people who've been shown unequivocally that being part of society is a **privilege** that we must work to maintain.

That leads me to my third point, & I admit it's an uncomfortable question. Is the last 20% of a 70, 90, or 300-month sentence making a significant difference with public safety & AICs' rehabilitation? If someone demonstrates prosocial behavior & efforts at self-improvement from early on in their sentence, displayed consistently over time, what difference does that 20% really make, that they couldn't make more of with their freedom? And vice versa; if someone shows no tendency to improve, if they're even eligible to get good time, will 20% more time behind bars do anything besides delay their next crime? As I said, this is an unpleasant point, but it's important to consider. Unfortunately, while I've met many men in here who could be productive members of society, given the chance, I've met others I'm certain will reoffend. This is not something that **any** sentence is likely to change. The mentality of criminality is such that day-for-day sentencing does not deter most criminals; not from what I've seen & heard in the last 10 years. Honorable members of this Committee, I can't count how many confrontations I've seen where one man says to another, "Come on \*\*\*\*\*, I don't care, I'm doing day-for-day. Let's do this!" This law is actually being used to justify violence! It just doesn't work, except to warehouse us longer.

Finally, there are many problems actively brewing within ODOC and ODOJ. How we deal with them is often up to individuals' choices, not policies. But the policy of day-for-day sentencing actually exacerbates many existing problems. Making well-behaved AICs eligible for earned good time would be a policy change that helps prevent future harm, from being done.

I believe a great deal of good can be accomplished by the passing SB 191, although I do find it concerning that the power to decide who earns good time is not in the hands of ODOC, but individual counties. This seems like a dangerous opening for discriminatory practices to creep in over time. It seems to me that the power to decide whether a person has earned early release should rest in the hands of those who've supervised that person, who can best predict their success or failure; ODOC.

Ladies & Gentlemen, Measure 11 was an experimental tool intended to have a positive impact on certain crimes that Oregon's people find too distasteful to tolerate. I respect the people's intent, as well as the fact that this law has twice been upheld. However, it has clearly been misused and there must surely be enough evidence by now to prove it, to all but the most die-hard skeptic. Lasting harm has been done. It is continuing to be done today, and needs to be put right. Thank you for your time & consideration. Please vote to pass SB 191.



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