

RE: SB 191 Measure 11 - request for good time for good behavior

In 1994, Oregon voters passed Measure 11 which imposed long mandatory prison terms prohibiting “earned good time” Not taking into consideration each case is uniquely different taking away the power from judges. The majority of people convicted of Measure 11 do not get a fair trial in fear they may get a longer sentence so they are strategically pushed into plea bargains.

I am writing in behalf of myself, my son Tyee Russell, and my husband Rene Echeverria. I grew up in a very violent and abusive home and with that came many traumatic events, which caused me PTSD, Anxiety, Depression and Panic Attacks. Due to these mental issues, certain events would trigger some poor decision making on my behalf during my youth years. I was incarcerated for Measure 11 crimes, Arson and Attempted murder. I was homeless for 3 years and not living a respectable life. I committed my crime when I was at an exceptionally low point in my life and under the influence of drugs and alcohol. In my first hearing I was told I would be facing 32 years in prison, I was 23 years old with two children. My heart dropped in that moment and suicide thoughts began to race through my mind, thinking to myself I have no hope, no future. No one was hurt in my crime yet I was charged with a Measure 11 because the building caught on fire. I was a lost youth with no guidance or resources. I was completely on my own. The charges were run concurrent under Measure 11 ballot (a one strike your out law) I completed a sentence of 90 months at coffee creek from year 2002 to year 2010 on Measure 11 convictions.

My husband committed his crime in 1998 a few months after turning 18 years of age and convicted of murder in April 13, 1999. He is currently serving a sentence of 25 years in prison and has completed 23 years of his time. He is a completely different person now at age 41. My son went in a few months after turning 18 for a Measure 11 conviction in 2016 with no chance of earning good time. He was merely a kid himself. It has been proven in recent research studies that the brain is not fully developed until their mid to late 20’s. So they both had to grow up in the prison system, which proves why rehabilitation programs are needed. People with Measure 11 do not get the opportunity to be in some of these available programs.

Neither I, my husband or my son have a fair opportunity to earn good time for good behavior, giving us no hope or incentive. The impact after incarceration with a Measure 11 crime stays on your record forever. There is no way to expunge and there is no statute of limitation to remove off our records. It follows us for the rest of our life. Which creates difficulties around obtaining work, a place to live and much more. I had to work 3 times harder to be where I am now. I had to make the choice to better myself. I reached out for help, pushed myself to earn my way into society despite my background and how others perceived me. Not many people can do this on their own, it took a lot of hard work to work through my own mental health issues, relearn new ways to communicate and interact with others, continued my education and much more. I knew I had to change myself, I had to change my life in order to break the unhealthy cycles of my cultural history. I needed to be a better influence for my kids to give them a better life and future. Even though the system gave me no hope for a release date, I found my motivation through the love I have for my children, my husband has been a huge support through my journey. I found hope in my faith not in the system. Sadly, not many have something to motivate them or give them hope for change, many don’t have family or support. I have been blessed with a great job, I have owned two homes since my release, have established my own business, I am a public speaker sharing my story and encouraging others that change is possible, I also volunteer in youth corrections mentoring the youth and have supported many other areas within the community to help others. I have been told statistically that I am one of the 5% that actually make it after Measure 11 incarceration. That is a very low number! We can do better Oregon! Providing good time and opening up opportunities for programs and rehabilitation will increase this number and in return provide more positive results and stronger communities.

I am deeply passionate in advocating and creating change within our justice system as I have lived on both sides of the wall and have seen firsthand the impact of an adult in custody, the impact it has on family members on the outside, and the impact as a community member. I am part of the committee board for "Time Does Not Fit The Crime" advocating for SB191 and speaking as an Oregonian requesting fair equal rights for all those incarcerated to have the same opportunities as others to earn good time; mirroring the current time credit for good behavior ORS 169.110 and reduction in term of sentence ORS 421.120.

SB191 includes those with Measure 11, to have the same EQUAL fair opportunity for rehabilitation to demonstrate good behavior and earn good time. SB191 gives people that little bit of hope and encourages change, which in return impacts our future and communities. People need hope to see the light at the end of their mistakes incarcerated or not, this is reality. We know that no law goes unpunished, we are not asking to take away from the law. All we are asking is to give the same "equal rights" to those convicted of Measure 11 to earn good time, supporting the 14th constitutional amendment which provides the equal rights of the laws. This would include those currently incarcerated, otherwise not considering those currently incarcerated would defeat the purpose of justice equality.

We are not saying people should not have to pay their consequences for what they have done. We know and are aware everyone must pay the consequences of their behavior, which is "why" good behavior should be acknowledged as well. We all deserve a second chance to change our life, I am living proof that change is possible! There are many testimonials that have proven incentives and rehabilitation does work!

Sincerely,

Emerida Echevarria (TDNFTC Committee Board Member and "COO")