

Testimony in favor of SB 191

One generation ago, in 1994, Oregon passed Ballot Measure 11. That meant that sentencing decisions were taken out of the hands of judges. Judgments used to be made by JUDGES, based on their legal training and experiences, with the expectation they would be impartial until after evidence was presented. That is gone.

Now we have the so-called "mandatory minimum" sentencing. Instead of a judge making a decision according to the circumstances in a specific situation, the decision-making has shifted to the district attorney, the person who is prosecuting the case. It is the county DA who determines what charges will be filed, and each DA has wide discretion about whether a plea agreement is available. Because more than 90 percent of all criminal cases end in a plea deal, there is usually no trial. Evidence stays in the DA office and is not shared with the public. Remember, the District Attorney is elected to that office, but in practice, the DA does not directly answer to anyone.

Please think about this happening now to a friend, to a member of your family, or to you:

Your lawyer has met with the DA and explains: "You can go to trial, but you will be convicted, and you will be in prison for 70 years. Or you can plead guilty and be in prison for 16 years." The DA decides if you are a felon, and the charges determine how long you will be in custody. Time goes by, but there is no advantage for you to "choose a better way" or "learn how to make better decisions" – no matter how much self-control you demonstrate, no matter how long you steer clear of trouble-makers, it will not matter. After the DA decides how to charge you, that is the number of years that - you - will - be - behind barbed wire.

We want you to work hard to earn a GED, to take classes, to deal with past alcohol & drug use, to deal with anger, to do well in the prison job you have now, to complete job training for life after release. If you make a mistake, more time can be added to your sentence. But nothing you do will ever shorten your sentence – never.

The men and women who have been convicted (after a plea deal or less likely, after a trial) do need hope, because all people need hope. This is why Senate Bill 191 can make a positive difference for our state.