

Dear Senators,

My name is Brittany MacTaggart, and I am writing to you in support of SB 191 on behalf of my friend Michael Marks (SID 12481245), who is currently incarcerated at Two Rivers Correctional Institution under several Measure 11 offenses. People convicted of Measure 11 offense are ineligible to receive parole or a reduced sentence for good behavior. Presumably, this measure was meant to keep the people of Oregon safe, but instead it is keeping people – many of whom were first time offenders driven to crime by the failure of social safety nets – locked up for unduly long sentences without even the hope of earning an early release.

Imprisonment is already inherently violent, but to rob these people of even the hope of proving that they have been reformed is an unimaginable cruelty imposed by the state. Denying incarcerated people the opportunity to earn reduced sentences for good time is not helping to keep the people of Oregon safe, but rather is punishing people who made mistakes just for punishment's sake. I hope you will take the time to read a little bit about Mike in both my words and his own so that you can understand how much your support for SB 191 could mean to him.

Before I tell you about the mistakes Mike has made and how he has been punished for them, I'd like to tell you a little bit about him as a person. Mike is friendly, thoughtful, and curious. He loves to make art, and I always look forward to seeing how he has decorated a letter. He also loves cooking and baking, and always makes sure to include a "recipe" for something he imagines he would like to cook, so I can try it out. Since he has found out that I'm a scientist, he always has questions about a documentary he saw on television or his own crazy idea for an invention. It has been a joy to get to know him.

In 2002, Mike made "the worst decision of [his] life" by agreeing to rob a Safeway with his friend in order to get \$2000 to help his pregnant sister who was on the verge of eviction from her apartment. I say this not to excuse his actions, but to clarify that Mike was not leading a life of crime. He was a young man in a very difficult situation, who made a bad decision. Mike ended up hiding from the police in a nearby house. In the end, Mike was charged with six robberies in the first degree, 6 robberies in the second degree, unlawful use of a weapon, and 5 kidnapping charges. All of this for committing *one* crime. Without the resources for an attorney, Mike was forced to take a 25-year plea bargain or risk spending 75+ years serving all of his sentences consecutively.

Eighteen years later, Mike does not take his actions lightly, but knows that 25 years in prison without the possibility of a reduction for good time is unfair:

"Please don't think that I'm minimizing the very traumatic impact I had on all of their lives – I can't go back in time & right my wrongs, or I surely would (& not just because I got caught... if I was legally allowed to, I'd like to write out sincere apologies to each of my victims who were affected by my uncivilized actions...

The DA could have just charged me with a single robbery in the first/a kidnap in the first/a gun charge -- & then if he so chose to could have offered me a plea-bargain for 90 months... or ran both charges consecutive, totaling 180 months – I fully agree that I deserved the 180-months, my actions were beyond excusable! But, because I couldn't afford an attorney... I received 300+ months day-for-day, no good time!

As I've readily admitted, I was a literal menace to society 18+ years ago – please believe I'm no longer that wayward lost soul...

I've utilized my time productively, reflecting on all my past misdeeds – learning from all my mistakes, & expanding my mind in preparation of my eventual freedom day... my aim is to make my future far better than my past!"

In the time I have known Mike, he has shown an enormous interest in self-improvement. He has received his GED and is interested in pursuing further education in the form of a personal training certificate or a degree in exercise science. I have been trying to help him with this goal. However, since he has 7 years left on his sentence, this has been difficult. Personal training certificates need to be renewed every two years, so if he studies for and passes the exam now, he will need to pay to renew it three times before he will even be able to use it. Similarly, many programs that can help incarcerated people enroll in and pay for college courses prefer people with 4 or fewer years left of their sentence. Mike is ready to take steps to prepare for his life outside of prison, but his unnecessarily long sentence is a barrier to him even starting this process.

I would also be remiss not to mention that all of this is especially urgent in light of the coronavirus pandemic. For Mike, 30% good time could have meant the difference between spending the pandemic in his home as a free man and spending it in prison. As it was, Mike spent the pandemic in TRCI, which as you probably know had an uncontrolled Covid-19 outbreak, like many other prisons. In Mike's own words:

"Welp, one of the prison's CO's came to work even though she was experiencing coronavirus symptoms – she refused to wear her mask all the time/she'd pass out mail, even after breathing on it, & touching it with no gloves on. She'd also search cells – spreading germs – even after she found out she was sick, the officers she came in contact with didn't quarantine for 10-14 days..."

This prison has multi-million dollar laundry contracts – where they pay a pittance to prisoners. Some of those clothes are clearly marked 'contaminated with Covid 19' – yet the prisoners aren't even afforded the appropriate PPE/& when they get the virus, they are afraid to report it – because they'll be sent to the hole for 14 days, lose their job, their cell -- & won't be allowed to call anybody or purchase basic essentials, not even cough drops!

Medical doesn't care at all...

There's been countless prisoners who got infected yet wouldn't report it, for fear of unjust punishment – they continued to lock us down/quarantining us all together, those sick & not!

The mask that are provided are clearly marked a non-medical device (they're more for looks). The units aren't being cleaned by hazmat, no appropriate cleaning supplies are being offered – when we ask for a Covid test, we're refused all, except a fever test...

Our civil rights are constantly being violated! They literally don't care if we get sick & die, 40+ people here died unnecessarily – if the guards would've followed CDC guidelines/practiced common sense/& stopped bringing in contaminated clothes/quarantining folks inappropriately – we would've never got sick..."

Unsurprisingly given the circumstances, Mike did eventually contract Covid-19 in December of 2020. During this time, it was difficult to keep in contact with Mike because of how isolated he was, which was scary given that news articles about prisoners getting severely ill and even dying at TRCI kept coming out. Once he had recovered, I asked him if he could describe the conditions he faced during his illness, and he said the following:

"I was beyond sick! 105+ degree fever, icy chills, insane headaches, no appetite, exhaustion, a little cough – it was truly bad for about 2 weeks. I got sent to the hole, I was placed in an isolation cell right next to the rec yard, so it was sub-arctic in there! Prisoners are allowed an extra dog blanket for the cold if you're in a cell that's within 1-2 doors of the yard door – but I was hassled for 6-7 days, & had to freeze while I was fighting my crippling Covid symptoms.

They wouldn't allow me to make a phone call, text anybody, get cough drops, order canteen items – I was being treated quite literally like a sub-human species, my civil rights were blatantly ignored..."

I understand that the humane treatment of incarcerated people is not the subject of SB 191. However, I want to reiterate that for Mike, 30% good time could have been the difference between being safely at home during the pandemic and catching coronavirus from prison staff and having to recover alone in a freezing isolation cell. For others like him, it literally could have been the difference between life or death.

I'll close with a message that Mike has written directly to the Oregon State Senate:

"18+ years is a life sentence – I believe I've paid my debt to society in full, yet I still am not to be released until 2028-2029..."

Nobody said life was supposed to be fair – but all I'm pleading with you for is a second chance... please, sincerely consider the Senate Bill 191 (retroactively allowing those sentenced under measure 11 20%030% good time)

Not everybody will jump at the opportunity of earning their freedom early – I can assure you I will... I've got DREAMS to turn into reality & soooo much to offer the world, to prove that I am a changed man!"

Thank you for your consideration,

Brittany MacTaggart (on behalf of Michael Marks SID 12481245)