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To: Senate Rules Committee
From: Oregon Law Center
Date: May 27th, 2021
Re: Support for SB 48A with Dash 5 Amendments

Chair Wagner, Vice-Chair Girod, and members of the committee:

On behalf of the Oregon Law Center, I submit this testimony in support of the Dash 5 amendments to SB 48A. These amendments ensure that victim input, notification, and safety considerations are incorporated into the bill's important public safety reform measure. Passage of SB 48A with the Dash 5 amendments will be one important step forward in the larger effort of accomplishing the statutory and constitutional reform necessary to ensure equitable outcomes for victims as well as defendants in our public safety system.

The Oregon Law Center (OLC) is a statewide non-profit law firm whose mission is to achieve justice for low-income communities of Oregon by providing a full range of the highest quality civil legal services. OLC uses its limited resources to serve only the most critical legal needs— food, shelter, basic medical care, physical safety, and self-sufficiency. By ensuring access to justice for our clients in these areas, we can remove barriers to escaping poverty.

A significant percentage of our clients are survivors of domestic and sexual violence, who come to us seeking safety and protective measures for themselves and their children while fleeing violent abuse. And some of our clients, many of them survivors, have been subject to the criminal justice system as defendants at some point in their lives. In all circumstances, interaction with the criminal justice system, for victim and offender, is a life-altering experience with significant consequences. There is no more important challenge for Oregon policy makers than to ensure fairness, equity, and safety in this process, for survivors as well as for defendants.

It is well-documented that our carceral system, and its after-effects, impact Oregon's Black, Indigenous, and communities of color disproportionately, due to longstanding systemic and structural racism.¹ It is critical to recognize that crime survivors experience similar bias and inequity within the criminal justice system.²

¹ <https://www.oregon.gov/cjc/CJC%20Document%20Library/AdultCJSystemRacialandEthnicStatementBackground.pdf>

² <https://www.ffsj.org/wp-content/uploads/2020/01/TRCs-Addressing-the-Needs-of-Underserved-Crime-Survivors-1.pdf>

Cash bail systems fail victims as well as defendants. These systems have significant disparate impacts on low-income and BIPOC defendants. These systems also fail to consider or address the risk of harm to victims and the community. OLC supports bail reform with a dual goal of advancing equity and victim safety. Reform efforts must equally honor and address the constitutional rights of defendants *and* the constitutional rights of victims.

SB 48A-5 creates the foundation for a balanced approach to reform, by removing mandatory minimum bail amounts while establishing standards for victim notification, input, and safety considerations. The bill also supports statewide consistency around release decisions in counties across the state, through guidance from the Chief Justice of the Supreme Court with input from a criminal justice advisory committee.

As necessary public safety reform discussions move forward, policy makers and advocates must take active steps to incorporate the voices and perspectives of crime survivors and advocates at the table. Survivor perspectives are necessary to ensure that criminal justice reform does not inadvertently put victims at greater risk. It is already the case that the public safety system is a system of last resort for many crime victims, with domestic and sexual violence crimes being some of the most under-reported crimes of all. Some of this under-reporting comes from the shame, embarrassment, stigma, and safety risks that many survivors suffer when coming forward for help. Some of the underreporting comes from a fear of bias in system-responses. These dynamics create especially high barriers for survivors of color, who experience crime at higher rates but receive less help and support in response.

In addition, public safety reform efforts must extend beyond the bail system, and beyond the criminal justice system, to include prevention services, safety and support services, and rehabilitation services. OLC supports the principles of Justice Reinvestment, and investment in community-based, culturally-specific and culturally responsive services for victims of crime and rehabilitation and support services for offenders.

We thank the proponents of the bill for input and consideration in this discussion. We acknowledge that there are many inequities in the criminal justice system for survivors as well as offenders that will not be resolved by passage of this bill. These inequities require further work. Full achievement of reform goals will require work well beyond the passage of SB 48A-5, likely to require statutory as well as constitutional change, and significant investment in services. OLC is committed to supporting the voices of survivors in further reform discussions, and to the work of system change to further the interests of justice.

Thank you for your time and for your dedication to Oregonians.
