



Oregon moms and caregivers fighting for gender, economic, and racial justice.

To: Senate Committee on Judiciary
From: Family Forward Oregon
Date: March 14, 2023
RE: In Support of SB 817

Chair Prozanski, Vice-Chair Thatcher, and members of the committee,

Thank you for the opportunity to provide testimony in support of SB 817. Family Forward Oregon strongly supports SB 817 to address the ongoing crisis in Oregon's public defense system. Our organization focuses on strengthening the economic security of mothers, caregivers, parents, and families through bold policies. As members of the Fair Shot for All Coalition we support this bill as part of our ongoing work towards achieving racial and gender justice in Oregon.

Currently, hundreds of Oregonians are stuck in limbo because Oregon has failed to uphold its constitutional responsibility to provide adequate legal counsel to those who cannot afford a private attorney. Due to decades of divestment in our public defense system, people accused of crime are either waiting indefinitely for a public defender to become available or are negotiating plea deals without adequate legal support. This leads to system imbalances and vulnerabilities that contribute to unjust case outcomes, disproportionately impacting Black and brown communities.

Women and mothers of color in particular, are entering the criminal justice system in increasing numbers due to the effects of gender-based discrimination, poverty, trauma, abuse and institutional racism. According to an article by the Statesman Journal, the number of women imprisoned in Oregon has nearly tripled over the past 20 years, even though women are not committing more frequent or more serious crimes.¹ Racial disparities are clear among justice-involved women. In 2016, the U.S imprisonment rate for Black women was twice that of white women, and the imprisonment rate for Latinx women was 1.4 times that of white women.²

Victims and survivors of crime, especially survivors of domestic violence are also harmed when justice is delayed. A 2018 survey of more than 140 incarcerated women in Oregon showed widespread reports of past domestic violence and childhood trauma that led women to incarceration. Sixty-nine percent of the women surveyed said past trauma led to their

¹<https://www.statesmanjournal.com/story/news/crime/2017/02/16/oregon-faces-skyrocketing-female-prison-population/98012786/>

² <http://www.herstoryoregon.org/increasing-incarceration-rates>

involvement in the criminal justice system.³ About three-quarters of the women were in a relationship when they were arrested, and of those, 44% said the relationship contributed to their crime. The system is often too overloaded to center victims' individual needs and situation or even support a trial happening because the accused's right to representation and a speedy trial are violated.

SB 817 will:

- Give judges the authority to manage criminal legal system overloads by diverting low-level cases into supervision without restriction by the district attorney. Defendants would waive their right to a trial, meaning that if they don't follow through with the terms of diversion, they go into a sentencing hearing.
- Allow first time offenders of misdemeanors and non-person Class C felonies the opportunity to get connected with services and supports, instead of being denied access to housing and self-sufficiency programs due to a felony conviction.

People's lives can forever be changed by an unjust ruling — leading to excessive prison and jail sentences, separation from family, fines and debt, restricted job and housing opportunities, and isolation and trauma. This cycle is costly to individuals, families, communities and puts unnecessary strain on our support systems.

Along with other solutions to support the public defense workforce, SB 817 is one step forward to help decrease the caseloads of public defenders and courts and provide better access to justice for all Oregonians. We urge your YES vote on SB 817.

Sincerely,

Lisa Kwon
Policy Manager
Family Forward Oregon

³ <https://ojrc.info/herstory-oregon-survey>

