



March 14, 2023

Senate Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of Senate Bill 817

Dear Chair Prozanski, Vice-Chair Thatcher, and Members of the Senate Committee on Judiciary:

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 supporters statewide.

The ACLU of Oregon strongly supports Senate Bill 817, which will improve long-term community outcomes, racial justice and public safety.

Oregon is in a criminal legal system crisis, leaving people accused of crime — as well as victims and survivors of crime — in legal limbo. 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 is leading to system imbalances and vulnerabilities that contribute to unjust case outcomes, disproportionately impacting Black and brown communities.

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.

In addition to more resources to protect and add capacity to the public defense workforce, we also need more efficient and human-centered pathways to addressing low-level, nonviolent crimes in our criminal legal system. We need judges to balance the scales of justice by dismissing nonviolent cases and prioritizing limited resources for those cases that make our communities truly safer.

SB 817 is a critical part of the solution, which will expand the eligibility for individuals accused of low-level crimes for a pathway to take responsibility and work toward charge dismissals through counseling, community service, and or restorative justice diversion programs. This will improve community outcomes by:



AMERICAN CIVIL LIBERTIES UNION

Oregon

- Reducing incarceration and conviction rates, which are lifelong barriers to housing, job opportunities and overall building a stable life for individuals and their families;
- Efficiently resolving cases for victims allowing them to have closure and heal;
- Alleviating public defense attorney caseloads and criminal case backlogs in the court system long-term; and
- Mitigating racial disparities and impacts of the overcriminalization of Black and brown people.

What happens in our criminal legal system impacts all of us, but it disproportionately harms Black and brown Oregonians as they are more likely to both be arrested and be victimized by crime.

- Black Americans are incarcerated in state prisons at nearly 5 times the rate of white Americans.
- One in 81 Black adults in the U.S. is serving time in state prison.
- Latinx Americans are incarcerated in state prisons at a rate that is 1.3 times the incarceration rate of whites.

SB 817 is a community-based legislative solution, supported by the ACLU of Oregon, Urban League of Portland, Oregon AFSCME and Fair Shot for All Coalition. The bills center the experiences of the people most impacted and integrate their voices within the system — especially Oregon's Black and brown communities.

The ACLU of Oregon urges you to pass Senate Bill 817 out of committee.

Respectfully,

Jessica Maravilla
Policy Director, ACLU of Oregon



Oral Testimony

RE: Testimony in Support of Senate Bill 817

Chair Prozanski, Vice-Chair Datcher, and Members of the Senate Committee on Judiciary:

My name is Jessica Maravilla, I am the policy director for the American Civil Liberties Union of Oregon. The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 supporters statewide.

I appreciate the opportunity to be here today and provide support for Senate Bill 817, which will improve long-term community outcomes, racial justice and public safety.

You have heard from some of our partners, leaders on similar programs and impacted individuals on this effort, so I will be brief and provide more details in my written testimony.

We know that Oregon is in a criminal legal system crisis, leaving people accused of crime — as well as victims and survivors of crime — in legal limbo. We also know that, 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 is leading to system imbalances and vulnerabilities that contribute to unjust case outcomes, disproportionately impacting Black and brown communities.

We need more efficient and human-centered pathways, We need judges to balance the scales of justice by dismissing nonviolent cases and prioritizing limited resources for those cases that make our communities truly safer.

SB 817 is a critical part of the solution, which will expand the eligibility for individuals accused of low-level crimes as a pathway to take responsibility and work toward charge dismissals through counseling, community service, specialty courts and or restorative justice diversion programs. We approved \$4million dollars in 2021 for restorative justice programs. This will improve community outcomes by:

- Reducing incarceration and conviction rates, which are lifelong barriers to housing, job opportunities and overall building a stable life for individuals and their families;
- Efficiently resolving cases for victims allowing them to have closure and heal;
- ~~Alleviating public defense attorney caseloads and criminal case backlogs in the court system long term; and~~
- Mitigating racial disparities and impacts of the overcriminalization of Black and brown people.

What happens in our criminal legal system impacts all of us, but it disproportionately harms Black and brown Oregonians as they are more likely to both be arrested and be victimized by crime.

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SB 817 is a community-based legislative solution, supported by the ACLU of Oregon, Urban League of Portland, Oregon AFSCME and Fair Shot for All Coalition. The bills center the experiences of the people most impacted and integrate their voices within the system — especially Oregon’s Black and brown communities.

We have engaged in recent conversations with additional stakeholders, among them OCDLA, OJD, and DA Smichts office and look forward to an amendment on process amicable to all.



Respectfully, The ACLU of Oregon urges you to pass Senate Bill 817 out of committee.

Thank you.