

Submitter: Kelly Caldwell
On Behalf Of: Solidarity with Our Incarcerated Sisters
Committee: Senate Committee On Judiciary
Measure: SB1070

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

My name is Kelly Caldwell. As a founder of Solidarity with Our Incarcerated Sisters, I am writing in strong support of SB 1070, which will help to end the overincarceration and continued abuse of survivors of domestic violence.

In Oregon, more than one-third of women experience domestic violence. For too many survivors of domestic violence, their victimization is a pathway to incarceration. They are arrested and prosecuted for acts committed out of survival, like protecting themselves or their children from the abuser, fighting back or trying to escape from the abuser, or stealing out of financial need due to the abuse. Currently these factors and not being taken into consideration at sentencing.

Once a survivor of domestic violence becomes a criminal defendant, their status as a survivor is stripped from them, and they are usually prosecuted and sentenced by the state to the fullest extent of the law. Oregon's sentencing laws do not adequately allow judges to consider the impact of domestic violence on survivors. This results in unjust and excessively long terms in prison, where survivors are continuously retraumatized by the prison environment where few or no programs/services are available to them in prison to address their histories of abuse. This is neither humane nor effective, and furthermore is not a wise use of resources. This desperately needs change.

Across Oregon, 70% of likely voters said they would support legislation that would allow courts to impose shorter sentences—including resentencing people already in prison—for people who are survivors of domestic violence when the abuse was a contributing factor to the offense.

SB 1070 would do just that by allowing judges the discretion to impose a lesser sentence if: 1) the defendant was subjected to domestic abuse; 2) the abuse was a contributing factor to the defendant's criminal behavior; and 3) sentencing the defendant to a presumptive or mandatory sentence would be unduly harsh in light of the circumstances. The bill would also create a taskforce to make recommendations to the Oregon Department of Corrections as to the services and support that survivors need to return to the community healthy and safely.

I support these objectives. I urge you to support SB 1070 and pass it out of committee with a "Do Pass" recommendation.

Thank you.