

May 21, 2019

TO: Senator Floyd Prozanski, Chair  
Senate Committee on Judiciary  
FR: Sarah Radcliffe and Bob Joondeph, Disability Rights Oregon  
RE: Support for HB 3224

Disability Rights Oregon (DRO) is the designated Protection & Advocacy program for Oregon. Our mission is to promote and defend the rights of individuals with disabilities in Oregon.

People with disabilities are drastically overrepresented in the criminal justice system. In order to better understand the experiences of people with disabilities in this system and to inform our advocacy strategies, DRO has dedicated resources to visiting County Jails around the state. We have interviewed hundreds of people with disabilities who are confined in jails or sent to the state hospital on an order related to a criminal charge. We also make an effort to talk with community mental health programs, consumers of mental health services, jail commanders and law enforcement, judges, criminal defense attorneys, and prosecutors in local communities.

We have found that there is wide variation across the state in the criminal justice response to disability-related behaviors and in the options available to defendants with disabilities. In some counties, the district attorney uses their discretion not to proceed on low-level charges if the behavior stems from a need for behavioral healthcare or other supports. In some counties, diversion or pre-trial release programs exist to connect a defendant to services and supports in lieu of incarceration, community-based competency restoration services are available in lieu of the state hospital, mental health courts and other specialty courts exist as an alternative to a prison sentence. But in some counties, the jail is brimming with individuals who are confined on disability-related charges and have no alternatives available, no path to connect with the supports that they need in order to prevent recurring criminal justice involvement.

These differences significantly impact people's lives. The existence of "off-ramps" from the criminal justice system can mean the difference between treatment or continued addiction, mental health care or decompensating in a jail cell, retaining housing or facing homelessness, reuniting with children or losing custody, holding onto a job or unemployment, or even preventing the loss of a pet or service animal, or one's personal belongings.

To a significant extent, the drastic county-by-county variation in how people with disabilities

are treated by their local justice systems can be attributed to behind-the-scenes policies and practices of the County District Attorney. HB 3224 requires district attorney offices to memorialize these practices and to make them public. That transparency, and the opportunity for on-going review, will allow the public to have a voice in the policies of a critically important elected official.