

Senator Floyd Prozanski, Chair  
Senator Kim Thatcher, Vice chair

Members of Senate Committee on Judiciary and Ballot Measure 110  
Implementation.

I am Maria Garcia, a resident and local business owner in downtown Portland.

I am grateful to have the opportunity to submit written testimony today in support of SB 499 relating to claims for wrongful conviction. I believe Oregon should bring itself in line with the majority of states that offer a way to compensate those whose were, and are wrongfully convicted.

Unfortunately minority individuals are more disproportionately affected by unjust incarceration. The plain injustice of wrongful incarceration disenfranchises many minority individuals from our institutions and judicial system. It creates a lifetime of alienation and distrust that passes down to the next generation.

I am one of many community members who suffer the pain, frustration and agony of having a loved one wrongfully incarcerated. I have seen at first hand how unjust incarceration can result in very long, harsh and unfair sentences despite the innocence of these individuals.

I am familiar with the financial devastation that families suffer providing scarce funds to pay for high priced lawyers and expensive trials. Often their efforts to clear the record of their loved ones means missing many days of work, losing their savings, and sometimes even having to sell their property.

Wrongful incarceration tears families apart. The children of the wrongfully incarcerated are often shunned and excluded by other children. Wrongful incarceration creates not just financial loss but many broken hearts.

Long sentences take away years of life with family and friends. A prison sentence slowly destroys the ability to be productive. As a result, the nightmare seldom ends upon release.

Wrongly incarcerated individuals are left with no money, housing opportunities, transportation, health services or insurance. In order to reconnect with society, they must learn new social skills, adhere to very different rules, and develop new habits -- all without a social network or financial support.

Many cases of wrongful incarceration are the result of misconduct by prosecutors and law enforcement. I have seen cases where prosecutors seek to close cases without due concern for the truth. Unfortunately, the doctrine of Qualified Immunity imposes a high legal bar to efforts to hold prosecutors and police officers accountable for misconduct in court.

As a result, the wrongfully convicted are pressured to accept plea deals in lieu of exoneration. The consequences of such deals are devastating -- innocent people are stigmatized and unable to sue the state for false imprisonment.

I have been personally affected by one such case, in which an individual (Mora Contreras) has spent twenty years of his life incarcerated as the result of a wrongful conviction based on a deeply flawed investigation. Thanks to our great lawyers and his family and friends, we continue to fight for his freedom.

My advocacy on behalf of Mora Contreras has opened my eyes to the cruelty of wrongful incarceration. I have gone out of my way to employ the wives and daughters of incarcerated men in my business. Their stories are heart breaking.

Having a loved one wrongfully incarcerated hurts -- it hurts so deeply that the body aches. In my case, the loneliness, pain and desire to hug my loved one again has motivated me to testify before you today.

I believe states have a responsibility to restore the lives of the wrongfully convicted as much as possible. Enacting SB 499 into law would provide a measure of justice to these individuals by giving them a path to seek redress through the courts.

Suing to receive financial compensation from the state can never give back years lost to the wrongfully incarcerated. But it can give them a way to clear their name and restore their dignity. And it provides badly needed resources to help these individuals get back on their feet and start a new life. SB 499 is a first step to help make up for the time and professional opportunities lost during years of unjust imprisonment.

I want to thank this committee for listening to my testimony and deeply hope, we can move forward in a positive way with this bill.

Respectfully submitted,

--

Sent from Gmail Mobile