

Please support the passage of SB 191. According to the State of Oregon Department of Correction, Chapter 291, Division 97 (291-097-0200):

“Inmates sentenced under sentencing guidelines may be eligible to earn sentence reduction credits (earned time credits) up to a maximum of 20 percent or 30 percent of each sentencing guidelines sentence, pursuant to ORS 421.121, as set forth in these rules. Earned time credits are designed to provide incentive for appropriate institutional behavior, program participation, and for certain inmates, obtaining a high school diploma, General Educational Development (GED) certificate, a certificate or degree from a post-secondary education institution as defined in ORS 337.511, or a journey level certification from a registered apprenticeship program as defined in ORS 660.010.”

This is a fantastic policy. Anyone who has taken a Psychology 101 class has learned about behavior modification in humans. When you reward people for good behavior, good behavior is reinforced, and desirable outcomes result. This is true for a toddler who is praised for listening to and obeying mom and dad, a teenager who earns more driving privileges by obeying curfews, a business executive who earns a bonus for individual performance, and an Adult in Custody (AIC) for behaving himself/herself while in custody. In the State of Oregon, periodic behavior reports are given to AICs. They can see if they have qualified for up to 20 or, in some cases, as much as 30 percent off of their sentence time for each report period. This kind of reward motivates good behavior. Most AICs would avoid a fight if they thought that fight would have them in prison longer. Most AICs would pursue classes if they thought a certificate would earn days or months off of their sentence and open up more job opportunities for them after their sentence is complete. Most AICs would treat other AICs and officers with respect if they knew they could go home to their families sooner. A behavior pattern is being established. An individual who has made some bad choices in the past is finding reinforcement that good choices bring good results. Their behavior is modified and corrected.

Unfortunately, in the State of Oregon, 47% of AICs do not qualify for time off of their sentences for good behavior. Essentially half of the current prison population is being actively taught that good behavior does *not* yield good results. This is because essentially half of the AICs in Oregon are in prison for Measure 11 offenses. Measure 11 requires that the offenders are not eligible for time off for good behavior.

The Oregon Department of Corrections has a responsibility to the entire population of the State of Oregon to *correct* AICs. Correction includes changing behavior. Pure punishment hands out sentences in harsh, unyielding ways. Correction seeks to change behavior. If the Oregon DOC is to live up to its name, every opportunity should be taken to *correct* the former thinking and behavior of AICs, causing them to form new and positive behavior patterns. The opportunity is there for DOC, but Measure 11 legislation is tying their hands, so that time off for good behavior as a behavior-modification incentive is only available for *half* of AICs. This is a gross injustice, not just for the AICs but for the entire population of Oregon.

There are those who would argue against this bill because of victims' rights. Victims do have rights, as well they should. Many victims of Measure 11 offenses will carry emotional scars for the rest of their lives. There should be justice and restitution. But the point has to be made here that almost 100% of AICs in the State of Oregon *do have a release date*. Every single day, Measure 11 offenders are fulfilling their sentences and being released into communities across the State of Oregon. The question for legislators and the members of those communities to consider is, “would I rather have a Measure 11 offender who has just fulfilled his 10-year sentence with no behavior modification incentives release into my community; or would I rather have a Measure 11 offender who has qualified for a 2-year sentence reduction, and released after 8 years of solid good behavior as a reward for incentives offered by DOC, release into my community?”

The same question could be considered by those arguing in support of victims. I would suggest that many victims would actually be helped in their healing to be informed that the person who hurt them has responded to a positive reward system, changed their behavior, and proven that they have a great chance at succeeding in and contributing to society outside of prison. Especially when you consider that they *do have a release date anyway!*

To bring this to a personal level for me, my husband was sentenced under Measure 11 guidelines 10 years ago. Every single one of his behavior reports in those 10 years has cited that he qualified for his 20-30% sentence reduction based on his behavior. Every single one of those reports has declared him ineligible for early release. He has almost exactly one year left on his sentence. If he had actually been able to qualify for his good time, he would have come home sometime in 2020, able to help and support me through a very difficult year. We have a household transition that needs to happen and I simply cannot do it without his help. The sooner he comes home, the sooner he can contribute to our home and family and community. Please vote to pass SB 191.