

## Testimony in support of SB 401

I have worked to improve the criminal legal system in both Connecticut and Oregon for about 25 years. That's about the same amount of time Oregon has experimented with Measure 11 sentencing. One result has been mass incarceration fueled by many overly-long sentences. Another has been a disproportionate effect on people of color. Some Oregonians voted for Measure 11 because they believed uniformity would create fairness. But automatic one-size-fits-all sentences for each general category of serious crime is neither fair nor sensible policy. Here's why:

1. Although sentence-length guidelines can be useful when considering appropriate punishments for certain crimes, they should not be applied automatically because an individual defendant's extenuating circumstances or past history may make the guideline sentence inappropriate for them.

2. We have judges, and we vote to approve them. It makes little sense that they are not allowed to make judgments about holding defendants accountable by deciding what sentence each individual deserves and what sentence is likely to lead to their rehabilitation.

3. Mandatory sentencing gives prosecutors too big a role if by choosing what crime they charge the defendant with, they are also able to choose the person's sentence. This also allows for threatening an individual with a mandatory-sentence charge in order to coerce a plea bargain. The result has been that some defendants, to avoid that danger, take a plea instead of a trial for a crime they did not even do.

4. Taxpayer money is wasted when an individual is automatically assigned an inappropriately long incarceration. This money could have been spent instead on many community programs that prevent crime and on assistance to crime survivors.

In addition, Measure 11's requirement that a person serve every minute of their original sentence of incarceration with no opportunities for reduction is a very short-sighted policy. Proponents called it "truth in sentencing", but here's the real truth: Allowing individuals to earn time off their sentence, by participating in programs and by following prison rules, benefits both the prisoner and the Department of Corrections. Allowing individuals to qualify for parole also serves the same dual purpose.

SB 401 will create a new approach regarding the role of guidelines, judges, prosecutors, and sentence reductions. Now is the time for a change in Oregon. Let's try it.

-Sally Joughin  
SE Portland