

Members of the Committee:

My name is Babak Zolfaghari-Azar. I am testifying as a community member in support of SB401. Ending Measure 11 mandatory minimum sentencing matters because I serve Black Oregonians who have Measure 11 convictions and see the daily impact. The experience of people is hopelessness and an endless struggle in the pursuit of employment, financial aid for education and housing. We say folks will have a fresh start after they have been held accountable and served their time, yet the people I work with start their first day in the community still handcuffed by the choices they made years ago. They leave a cage in prison only to be put in another box once they return home with minimal opportunity to rebuild their lives.

Since 1994, Measure 11 has been predetermining justice for crime survivors and has been driving mass incarceration and racial disparities in our justice system. In 2018, 4 in 10 people in Oregon's prisons were incarcerated for Measure 11 convictions and even more are there for plea deals that started with measure 11 charges. While Black people make up less than 2% of the total state population, they make up almost 10% of Oregon's total prison population. Each crime survivor and person charged with a crime has unique needs, experiences, and a path toward healing, safety, and justice.

I want to focus on 3 impacts of these reforms:

First, SB401 allows judges to decide. SB401 would end Measure 11 mandatory minimum sentencing. It would allow judges to use current Measure 11 sentence lengths as a guideline, giving judges back their authority to impose shorter or longer sentences for Measure 11 crimes depending on the case circumstances, including crime survivor needs.

Second, SB401 incentivizes good behavior in prison. As a result of the proposed changes, people would have hope to earn time off their sentence for positive behavior, which they aren't eligible for now. The focus shifts from a shame-based punishment to internally driven accountability.

Finally, SB401 will rebuild trust, repair harm, and restore hope. Black Oregonians have experienced generations of having their families torn apart by overincarceration. Measure 11 has fueled the overrepresentation of the BIPOC community. People of color do not trust the criminal legal system, believe it is systemically racist, and designed against them. When faced with fear and hopelessness due to the extremely punitive length of sentences, and without the opportunity for a judge to weigh various factors in their case, almost every justice involved individual settles with a plea bargain, or in this case a fear bargain. All the unchecked power is with the prosecutor, leading to a dehumanizing process. Measure 11 reform will signal to the community that legislative effort is being made in the interest of community values and support. Humanizing the process will deliver better outcomes.

SB401 will give the community hope that we can have an equitable, humanizing, restorative and holistic justice system. These Measure 11 reforms will also save the state money so we can reinvest in culturally specific and victim services. It's one critical step forward in restoring trust and showing the community that Oregon is ready for a movement centered around racial justice and humanity. For Oregon, and for families of color, I ask that you seize this opportunity for meaningful criminal justice reform and support SB401.