



March 23, 2021

Senate Judiciary Committee
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support of Senate Bill 401

Chair Prozanski, Vice Chair Thatcher and members of the Senate Judiciary and Ballot Measure 110 Committee,

Thank you for the opportunity to provide testimony in support of SB 401 on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon), a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,415 members statewide.

Nearly three decades ago, Oregon passed Measure 11, creating harsh sentences and barring people in prison from having their sentence reduced for active participation in useful programs and for productive behavior.

Due to Measure 11, Oregon's prison population surged. According to the Vera Institute, Oregon's prison population has grown by 46% since the year 2000.¹ This has resulted in a greater and greater share of our taxpayer dollars going to maintaining prisons, rather than the programs best equipped to build safe and healthy communities.

The racial inequities we see in our criminal justice system today are carried over from Oregon's long history of white supremacy, including slavery, Jim Crow, and the redlining and segregation of Black neighborhoods -- and Measure 11 has only made this worse.

In our state, despite crime rates being relatively even across racial demographics, we have massive racial disparities with Measure 11:

- Black men were indicted for Measure 11 crimes more than four times the rate of white men;²
- Black women, Indigenous women, and Latinas are also indicted on Measure 11 offenses more often than their white counterparts;³

¹ Vera Institute of Justice, [Incarceration Trends in Oregon](#)

² Oregon Criminal Justice Commission, [Updated Measure 11 Indictments, Convictions, and Sentencing Trends: 2013-2018](#)

³ *Ibid*



- A person who is hispanic is almost 40% more likely than his white counterpart to be sentenced for a mandatory minimum-associated crime;⁴
- And Black youth are almost three times more likely than a white youth to be indicted by a Measure 11 crime.⁵

The ACLU of Oregon believes that we need to reduce our use of jails and prisons and invest the cost savings in schools, job training, stable housing, mental health and substance abuse services, and neighborhood revitalization projects that support small businesses and general quality of life. These strategies are strongly linked to preventing crime, improving rehabilitation, and reducing the risk of repeat offenses.

Americans know it is long past time to address mass incarceration. Public opinion polls repeatedly show bipartisan support for reducing the number of people in prison and reducing racial bias in the justice system.

Furthermore, the ACLU found that 89 percent of voters say it is very important for prosecutors to work toward ending over-incarceration.⁶ Yet here in Oregon, the biggest roadblock to smart reforms consistently is from the elected district attorneys. We call on the district attorneys in Oregon to listen to their constituents and come to the table ready to make significant changes to Oregon's system.

Strong families and vibrant neighborhoods are the foundation of safe communities. Holding people accountable when they break the law should allow for a much broader, more sensible range of responses than it does today. But if someone must be incarcerated, it shouldn't be for an excessive period of time and should be in the least restrictive way possible.

Once that sentence is over, a formerly incarcerated person must have real opportunities and support to make positive changes in their lives so that our neighborhoods are places where people can feel good about their surroundings and live with dignity.

The ACLU of Oregon supports SB 401.

Jennfier Williamson
On behalf of the ACLU of Oregon

⁴ Oregon Criminal Justice Commission 2012 Report, https://www.oregon.gov/cjc/CJC%20Document%20Library/OR_FinalCommissionReport.pdfhttps://www.oregon.gov/cjc/CJC%20Document%20Library/OR_FinalCommissionReport.pdf

⁵ *Ibid.*

⁶ [Americans Overwhelmingly Support Prosecutorial Reform. Poll Finds](#)