

April 1, 2021

Measure 11 Reform- SB191

To whom it may concern,

What does retroactive reform mean to my family? Well, we have two young sons Theo Jr. who is 14 and Avondre who will be 7 in July. Their father Theo Jones Sr who is currently being housed in Snake River Correctional Institution is not up for release until 2025 because of measure 11's mandatory minimum sentencing. Theo Jr will be 18. Avondre will be 10. This absence of their father is extremely detrimental to our family structure. The passing of this bill and making it retroactive means their father returning to them before our oldest graduates' high school, and before our youngest really needs his father to teach him how to be a man, and to teach both of our children how to be functioning, respectable men in society.

I am a single mother of two young black men. Now whilst I know that this struggle is not so much a unique experience to me, but instead a harsh commonality that families across the nation feel due to the mass incarceration within our nation. This does not mean our individual stories do not need to be heard. Our individual experiences with dealing with the absence of our fathers, mothers, daughters and sons is what is going to provide context to lawmakers on why bills like these are important to the community to be passed and to be made retroactive.

Law makers usually lack the contextual ground to stand on when it comes to most of the bills passed. You cannot possibly understand the pain of what, we the families, go through regarding measure 11 and incarceration in general. This measure after all is only up for reform because it effected a white woman lawmaker and her son. Bills left and right are passed and amended without a real second thought as to how these bills may affect the majority, and not just the few. This bill is monumental in the fact that it can close the gap of single parents by allowing adults in custody to return to their families. I know as a single mother of two sons whose father is incarcerated, we struggle every day.

Yes, life is all about the choices we as conscious adults make, but in our specific case when a crime was not even proved with physical evidence, in our specific circumstance the judge would have been able to use his own judgement to determine a lesser sentence. My family dynamic will never be the same because of the time already missed. I do my best trying to raise two young boys to be men and I do my best trying to provide for them on a single income with no resources from the community to help me with this job that is made for two people.

This is generational trauma in the making. We are witnessing this trauma on an exceptionally large scale across the nation with mass incarceration. I feel as if Oregon has a head start in uprooting this cruel and unusual system that is in place. Under the 8th amendment our constitution states that:

“Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.”

Our prison system does not reflect those words from our constitution. Theo Jones' bail at its height was over a million dollar. Being sentenced to a crime that could not be physically proven, and *then* sentenced to a mandatory minimum to boot? It is no wonder that communities of color have no faith in the justice system, look at how this system goes against the constitution directly. We really have the opportunity to change the way America is viewed, we have the ability to start a nationwide trend on abolishing mandatory minimums across the country, and thus opening the door to overall prison reform.

In Theo Sr. case the lack of physical evidence prompted the honorable Judge Walker to call out the mandatory minimum sentencing saying, "If the power of sentencing resided with me, I would recommend a significantly lighter sentence, but since it does not, I have no choice but to sentence you according to the law." A Few days ago, district attorney Mike Schmidt of Multnomah county said this about SB401:

"Senate Bill 401 is a tremendously important bill. For all its importance, it is an incredibly easy bill to explain. It simply returns control over sentencing to judges. They are free to impose a harsher sentence when the circumstances require it, and a more lenient sentence when the defendant is deserving. They are free to treat these cases, in other words, the same way they treat all others: by weighing facts, hearing from both sides, and making a fair and reasoned decision the thing that they (judges) and not we (district attorneys), were elected to do."

By acknowledging this flaw within our justice system, it exposes a reality that: If we can say that the power of sentencing should remain with the elected judges are, we really to turn a blind eye to the 5,948 people that have been sentenced under measure 11's unjust sentencing guideline? If we pass the measure 11 reform without making it retroactive that is not justice. That is essentially saying for the last 27 years yes that sentencing instrument was broken and flawed, but everyone sentenced since- well that is just collateral damage from America's systemic racism and will have to endure the rest of their sentences knowing that justice was not afforded to them. Therefore, we need the bill to be retroactive. It needs to apply to the people already in custody serving time under measure 11.

Prison should be focused on rehabilitation. It should be about adults in custody transitioning from the prison system to functioning members of society. This measure 11 reform bill is a direct way in promoting that rehabilitation by giving adults in custody sentenced with measure 11 crimes the same opportunity to work at good time as their peers. Thus, providing additional incentive to participate in programs that will allow for good time to reduce their sentences. Passing this bill will result in a massive savings for our state budget by not having to house as many inmates and will inflate our state's economy by returning these individuals back to the workforce.

For America to be the land of the free, the fact that we have 75% of the **WORLDS** incarcerated persons does not make it seem so. It is time that we dismantle systems that have held our people back for generations, this a wrong that the State of Oregon can begin to right. WE have the power to choose good. To choose right. To restore justice. We have the ability to really make change and not just talk about it.

So please, not just for my family but for families across our beautiful State of Oregon, pass the measure 11 reform and allow it to be retroactive. America has a dark and cruel history. We can begin to change that narrative today, by passing this bill. Passing this bill today will give Oregonians hope for a better, just, free future. With the passing of this bill, it will restore faith in our communities that law makers can make decisions that best for the constituents in which they serve, and not their personal agendas.

Thank you for hearing my story,

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