

KELLY MOORE
Jacksonville, OR

The Honorable Members of the
Oregon State Senate
Salem, OR

Re: SB 191

To the Honorable Oregon State Senators:

I had intended to provide public testimony at the hearing on April 5, but was stymied by technical difficulties. I appreciate the opportunity to present this material in written form.

I know nothing about the impact Measure 11 has had on male inmates, but I have received a good number of first-hand reports about this measure's impact on Oregon's women. I want to support the efforts you are making through this proposed legislation to ameliorate some of the unfair and dehumanizing consequences of Measure 11.

All but one of the female Measure 11 prisoners with whom I am familiar arrived at Coffee Creek Correctional Facility after having suffered months or years of domestic violence that was the inception for their crimes. The other woman was given a six-an-a-half year sentence when her attempt to pass a car caused a collision that resulted in the death of one of her children.

One thing all these women have in common is the extreme unlikelihood that they will ever commit another crime—female prisoners sentenced under Measure 11 generally have low scores on the WRNA and ACR tests that the State uses to assess the probability of criminal recidivism. This suggests that they are inclined to engage in good behavior, but as it now stands, they are not able to be recognized or rewarded for it. A second common feature in these women is the intense trauma they suffered both before, during and after the incident that put them behind bars. They are largely first time offenders who are struggling to deal with the violent and traumatic histories that resulted in their incarceration.

As a group, these women exemplify how Measure 11 unfairly penalizes and discriminates against female defendants. Measure 11 was intended to remove violent offenders from our communities; the Measure therefore enhances penalties for crimes in which a weapon is used. But it thereby disproportionately targets a woman caught in violent circumstances who may be pushed to protect herself or others—because the woman cannot defend herself from a man's fists with her own fists, a weapon is required by physical necessity. And while it is true that defending self or others is a defense against prosecution, we must remember that most of the people we hold in prison were never given a trial. Rather, their over-burdened and under-paid court-appointed attorneys likely counseled these women into accepting plea deals of seven or ten years to eliminate the risk of decades in prison raised by the implacable mechanisms of Measure 11.

Because women sentenced under Measure 11 are not eligible for incentives awarded for good behavior, they are not invited to participate in many of the programs offered at the women's prison that could help them during and after incarceration. In essence, they have been turned into non-people by their Scarlet Number "11" even though they as a group constitute some of

the most earnest and redeemable people living in that prison as indicated by the State's own assessment protocols. The Measure 11 inmates cannot benefit from the best funded, best staffed and most intensive programs that work to address root problems; these programs are instead reserved for those whose sentences can be reduced by their participation in them.

The Measure 11 women therefore are a class apart and beneath, who are deprived of most incentives to climb back toward stability and conventionality, even though their crimes derive from having lived in extreme and violent circumstances. They are robot prisoners whose traumas are compounded by their non-entity status within the prison community. The woman I mentioned earlier--who lost her little girl because of a bad judgment call while driving--lives day to day with unceasing hopelessness, anger and trauma issues that push her into frequent confrontations with the prison's staff and other prisoners. She has no reason to curb her anguish-fueled outbursts because she has no way of earning even a day's reprieve from her six-and-a-half year plea deal. Nothing she can do will get her back to her other three children even one day sooner.

Your proposed legislation will give these women hope and incentive to grow and heal, to reclaim and redeem their lives. More importantly, this legislation recognizing good behavior will give the prison administration incentive to treat these women with greater care and to work harder at offering them opportunities to transform their lives. It conforms to and enhances the critical rehabilitative function of the carceral setting.

This legislation is a very good and necessary first step toward redressing the gender-discriminatory injustice inflicted by Measure 11. I ask you all please to exercise mercy and compassion, and vote to approve this legislation.

Thank you for your attention,

Kelly Moore
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