

Senate Committee on Measure 11  
900 Court Street NE, Room 453  
Salem, OR 97301

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For Measure 11 Reform in the State of Oregon

Dear Senate Committee Judiciary Matters:

My name is Marcus Steel (SID#12105025, ACRES score .04) and I am serving a 14 year, 2 month sentence for two counts of attempted assault 1 and one count of burglary 1. Although I am not convicted of a Measure 11 crime, I am doing Measure 11 time, due to a severe eight year and two months Upward Departure to my sentence based on the use of Measure 11 as a leveraging tool. I feel that as a black male having been sentenced in Deschutes County, a predominantly Caucasian area, my race additionally contributed to my disadvantages in the court system. Despite my situation, I used my incarceration time constructively, having worked for OCE at the SRCI Call Center where I was a top-producer and currently I am at OSCI and in my freshman year after my acceptance into the Corban University Bachelor of Science Degree Program. After my graduation, I will be assigned to do counseling and mentorship work for my peers within the ODOC system.

I can talk about cost burdens to taxpayers and rampant over-sentencing due to Measure 11 (among the many other issues) but I feel that these are widely known problems that have, frankly, been over-discussed without any beneficial change. What I would rather focus on is the impact of Measure 11 that legislators and voters do not see: The impact it has on those behind bars serving the time.

As we are all aware, Measure 11 excludes any good time and earned time the result is Measure 11 sentences are served day for day. Since I am eligible for good time and earned time, every six months I get a review and if I have satisfactory compliance in the areas of work and behavior, then I earn good time credit and my release date adjusts accordingly. So it is advantageous for me to fulfill my work requirements and stay out of trouble in order to achieve my earliest possible release date (the goal also being that over time, these best practices of great behavior and work ethic become life standards in preparation for a return to society as a productive citizen). This process is similar to

receiving a periodic performance review in the workplace; if the review is good then the common result is a raise and/or a pathway to promotion. From a parenting standpoint, this is like offering your child an allowance or a special treat for completing chores without complaint and getting good grades in school.

On the opposite end, if your child misbehaves or cuts school, there can be consequences such as grounding. At work, frequently showing up late or not completing tasks can result in suspensions or getting fired. In prison, the consequence system is that refusing work, showing poor work performance, or disobeying rules results in disciplinary action that includes loss of good time and earned time. Now imagine if you have a group of employees at work who are told when they walk in the door that they will never get a raise or promotion no matter how good they perform? What if a parent told their child that she or he would never get an allowance or a special treat for exceptional behavior and great grades? Well, Measure 11 promises an AIC that, no matter how well they work or behave in the system, they will never get good time or earned time credit. On the flip side, this also means that no matter how badly they behave, if they choose not to work, if they break rules, if they get in fights, if they use drugs, they can never lose good time or earned time because they are not eligible to begin with.

I can tell you for a fact that every AIC wants their freedom and to be with their families and every one of us asked will tell you that we will walk any line to get out of prison sooner rather than later. In this context of what an AIC values dearly, Measure 11 perpetuates an attitude of indifference toward right or wrong behavior because there is no upside to good conduct and no downside to bad conduct. Part of "Prison Inmate Code" is not to talk about your release date this can create animosity and retaliation from other AIC's who have long sentences or no good time (AIC's who were sentenced under Measure 11). From this standpoint, Measure 11 creates and fosters an unsafe environment for all AICs and a security threat for ODOC staff. Is this really what Measure 11 is set out to accomplish? Because it is exactly what is happening. Please do away with Measure 11, or reform it to offer good time and reduce consecutive sentencing, and eliminate Upward Departures.

Thank you for your time and attention.

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