



AMERICAN CIVIL LIBERTIES UNION

Oregon

May 19, 2021

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

RE: Testimony in Support of SB 819A

Chair Bynum, Vice Chairs Noble and Power, and Members of the Committee,

Thank you for the opportunity to share support for SB 819A on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). We are a nonpartisan, nonprofit organization dedicated to the preservation and enhancement of civil liberties and civil rights, with more than 28,000 members statewide.

The United States leads the world in locking up people. Oregon has not been an exception to the crisis of overcriminalization and over incarceration in the U.S.¹:

- From 1983 to 2015, the number of Oregonians locked up in Oregon's jails and prisons increased by approximately 260%.
- From 1980 to 2015/2017, the number of women locked up in Oregon's jails and prisons increased by approximately 960%.
- Black, Indigenous, and people of color (BIPOC) communities are disproportionately locked up in Oregon. This systemic problem is underscored by data about the Black community; Black people constitute approximately 2% of state residents but 9% of Oregon's incarcerated individuals.
- The over incarceration of Oregonians is a significant problem across our state. Currently, the highest rates of prison admissions are in rural counties, and pretrial detention continues to increase in smaller counties even as it is on the decline generally in larger counties.
- Oregon has an incarceration rate of approximately 582 per 100,000 people. This rate is many multiples higher than the incarceration rates of countries like the United Kingdom

¹ For the data in this section, please see:
<https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-oregon.pdf> and
<https://www.prisonpolicy.org/profiles/OR.html>

(129 per 100,000), Canada (114 per 100,000), and France (102 per 100,000).

Overcriminalization and over incarceration have not made our communities safer.

Instead, the unfettered and immoral expansion of the prison industrial complex and locking up of more and more people have had devastating impacts on the health and safety of individuals, families, and communities across Oregon — especially on BIPOC and low-income families and communities.

During the current legislative session, there have been important conversations and work in Oregon — between community members, community and public leaders, and legislators — about how to reimagine public safety and criminal justice in Oregon. Underlying these conversations and work is the shared and important understanding that true public safety is not created by punishment and vengeance.

Oregonians are understanding that true public safety is created when we center people and communities in our criminal justice system through a restorative justice approach.

Restorative justice helps the person who caused harm take responsibility for their actions, helps them understand the harm they have caused, gives them an opportunity to redress the harm and redeem their harmful actions, and discourages them from causing further harm. Restorative justice also provides victims/survivors an active role and voice in the process and supports their choice, autonomy, and power. In sum, the restorative justice approach recognizes the inherent dignity and capacity of every person in our communities, including those who caused harm and those who were harmed.

SB 819A is an important step for our state to center the values of restorative justice into Oregon's criminal justice system.

SB 819A would provide the criminal justice system with the ability — with the involvement of the courts, prosecutors, defendants, and victims/survivors — to correct mistakes that can occur with convictions or sentences, address situations where an original conviction or sentence no longer serves justice, and provide for mercy when mercy is justice.

In other words, SB 819A would support our criminal justice system in being centered on people and communities — and therefore oriented towards true public safety and justice — by giving the justice system the ability to navigate the rigidities that can make a system inhumane and unjust.

Oregonians are calling on our state and its leaders to reimagine and create true public safety and criminal justice. The ACLU of Oregon respectfully urges your support of SB 819A.

Thank you,



Sandy Chung
Executive Director
ACLU of Oregon