

May 24, 2021

To: House Committee on Judiciary

From: Zach Winston

Re: Testimony in Support of SB 836

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

My name is Zach Winston. I am the Policy Director for the Oregon Justice Resource Center but today I am here in my personal capacity as a formerly incarcerated individual.

Alternative Incarceration Programs or AIPs are categorized as treatment or behavioral change programs. Behavioral change programs focus on intensive self-discipline and cognitive skill-building to confront and alter criminal thinking patterns. Treatment programs consist of intensive alcohol and drug treatment, and cognitive behavioral therapy. Participants live in treatment units separated from other AICs and follow a highly structured routine 14 hours a day, 7 days a week. This requires participants to hold themselves accountable when service providers are not in the prison.

Around March 2020, at the beginning of the pandemic, stories began emerging from AICs and their families that prison staff notified AICs that AIP counselors would not be returning to the prison and that AIPs were suspended pending a 30-day review. No other information about what this meant for them or their release dates was provided. AICs were then told that they were all being administratively removed from AIPs and would be considered general population. Disturbingly, they were informed that their AIP release dates would no longer be accurate.

One specific treatment program was suspended and then ended in March 2020 despite that program's attempt to develop alternative delivery methods. AICs said that they heard their AIP counselors proposed ways to keep treatment going through correspondence and that ODOC rejected those proposals.

The suspension and termination of AIPs had a serious impact on AICs, especially surrounding anticipated release dates. Some AICs are informed of the date before agreeing to sign into AIPs. Once an AIC begins an AIP, their anticipated release date is changed within ODOC's own records and systems. AICs make reentry plans with staff, including confirming transitional housing and contact with probation officers, based on their AIP release dates. Furthermore, AICs and their families make significant plans around the release date, arranging housing, mental health supports, employment, and emotionally preparing for the AIC to come back into their families' lives. Family members, especially the AIC's children and the children's caregivers, rely heavily on those dates.

Women in the HOPE program, which was suspended and then terminated during the pandemic, shared that the pain and shock of sudden removal from treatment – which required them to discuss experiences such as sexual assault and child abuse with trusted counselors – was more excruciating than losing their release dates. One woman described it as being left “cut open” and

not knowing how to heal. Many AICs expressed confusion at the decision to remove them from AIPs, particularly those who had graduated and were two weeks away from their expected release dates.

SB 836 will ensure that alternatives are considered before suspending or terminating AIPs and the reporting requirements will provide oversight to decisions that have huge consequences for AICs.

I urge you to support SB 836.

Sincerely,

Zach Winston