



May 24, 2021

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

Thank you for this opportunity to provide testimony in opposition to SB 214 A.

Oregon AFSCME Council 75 represents a growing number of locals in public defense adding to our over 24,000 members statewide. The concerns with SB 214A are reflective of both from the workforce perspective shared with us by our public defense members and from the perspective that low income people, disproportionately Black, Brown, Indigenous People, or people living with mental illness or substance use disorder are disproportionately charged and found guilty of crimes.

Of course it could, rightfully, be pointed out that the victims of the crimes also fall into this disproportionality. It is also true that restitution is about payment for damages after convictions. Of course, their ability to be repaid for injuries to themselves and their property, especially amounts not covered by insurance, is important. As Christine Breton pointed out in her testimony, our current system allows for “a victim to be heard and for the law to guide the outcome.”

The concern lies in how rebuttable the presumption really is and the resources that are available to the prosecution over the defense to be able to effectively do their job in preventing their client from paying above and beyond the injuries they caused. When I asked about why a defense team might not have access to the medical records, I was told that subpoenas are often not answered in restitution hearings and the burden to find experts in some cases can present several barriers.

Shifting the burden set up people convicted of a crime to pay an additional burden that could prevent them from being able to cover other expenses. Expenses that could include things that help them maintain employment, that will help them pay their restitution. As Chair Bynum pointed out, our system has built in barriers that prolong or prevent people being able to earn a living that would give them the ability to pay their restitution.

We can't expect healing and true restorative justice if all don't feel fairly treated, including the person that is convicted of the crime. We ask that this conversation on restitution be moved to a



workgroup to figure out paths that support victims' rights to restitution and for convicteds' rights to be heard and have reasonable paths to repay their debts.

In Unity,

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