

**TESTIMONY ON SB 48 A
BEFORE SENATE COMMITTEE ON RULES
MAY 27, 2021**

**PRESENTED BY: NANCY COZINE, STATE COURT ADMINISTRATOR
OREGON JUDICIAL DEPARTMENT**

Chair Wagner, Vice Chair Girod, and Members of the Committee:

My name is Nancy Cozine. I am the Oregon State Court Administrator, and I am pleased to be here today to support SB 48 A with the -5 amendment, and to participate in this important discussion on reforming Oregon's pretrial release statutes.

Over the last eight years, there has been a national interest in pretrial justice reform, primarily focused on reducing the reliance on financial conditions of release - often called "bail reform." In our materials, you will see documents from the Conference of Chief Justices and the Conference of State Court Administrators. We are fortunate to have the support, guidance, and example set by courts in other states as we explore improvements to our own system.

As other states have had successes in bail reform, the momentum and desire for change here in Oregon has grown. We have learned over the years and through numerous studies that there are inherent inequities and negative consequences when people can pay to secure their release. This system ignores the risk of harm to victims and the community, and the likelihood that a person may willfully flee and fail to appear for court. It also keeps some people in jail only because they do not have funds available to secure release.

SB 48 A with the -5 amendment addresses this concern by prohibiting security release without an individualized assessment of a person's ability to pay and a determination that other conditions are not sufficient to protect the public and secure a person's return to court. It also builds in an avenue for statewide consistency through Chief Justice guidance that is informed by a stakeholder process.

The Oregon Judicial Department's (OJD) Strategic Campaign includes a Pretrial Release Initiative focused on working with courts and stakeholders to ensure Oregon has an effective and consistent statewide pretrial release system. This initiative is closely aligned with the work of the Legislature's Public Safety Task Force. The OJD was an active participant in the Task Force and its subcommittees. Our staff and judges continue to work collaboratively with the Criminal Justice Commission to coordinate the collection, analysis, and presentation of key, specifically defined, data necessary for understanding the dynamics and impact of our pretrial release systems.

The primary function of pretrial release decision making is to balance the presumption of innocence with the risk of release. An effective pretrial release program provides judges the information necessary to support individualized release decisions employing the least onerous conditions, limit the use of financial conditions, and narrow the use of preventive detention.

SB 48 A with the -5 amendment provides a statutory framework, consistent with the Oregon Constitution, for effective and consistent statewide pretrial release decision making. This bill provides a foundation for consistency in pretrial release decision making and the development

of pretrial release programs in support of risk informed decision making and compliance with release conditions, while balancing the presumption of release and the rights of those charged with crimes with the risk of failure to appear, and public and victim safety.