



March 14, 2023

To: Senate Committee on Judiciary  
From: Oregon Education Association  
RE: Support for SB 817

Chair Prozanski, Vice-Chair Thatcher, and Members of the Senate Committee on Judiciary

The Oregon Education Association represents over 41,000 educators and education service professionals across the state, from pre-k to community colleges. Our members are classroom teachers, bus drivers, custodians, teacher assistants, school counselors, community college professionals and more.

On behalf of our members, we urge your support of Senate Bill 817 as one of many needed solutions to help address the public defense crisis in Oregon. By expanding the eligibility to pre-plea probation and diversion, the bill will allow more Oregonians accused of low-level crimes a pathway to take responsibility and work toward charge dismissals through counseling and or community service, reducing the need for public defense attorneys while also improving outcomes for the community.

Hundreds of Oregonians are currently stuck in limbo because Oregon has failed to uphold its constitutional responsibility to provide adequate legal counsel to those who can't afford a private attorney. With our public defense system so chronically under-resourced, people accused of crime are either waiting indefinitely for a public defender to become available or are negotiating plea deals without adequate legal support. This leads to system imbalances and vulnerabilities that contribute to unjust case outcomes, disproportionately impacting Black and brown communities.

As educators in Oregon public schools, we know first-hand the impact that having a family member or parent who is arrested or incarcerated can have on a student's stress and academic outcomes---the learning loss and disruption that comes from these stressful realities for our students means we must ensure a community-wide and systems approach to this problem. In Oregon, over 58,000 children have a parent or relative caregiver who has been in prison<sup>1</sup>, and the numbers are skewed toward Black and brown communities. Couple this reality with the

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<sup>1</sup> <https://datacenter.kidscount.org/data/tables/9688-children-who-had-a-parent-who-was-ever-incarcerated?loc=39&loct=2#detailed/2/39/false/1648,1603/any/18927,18928>



uncertainty caused by our public defense crisis in Oregon and we will continue to see rises in disruptive learning environments and disparities in academic outcomes for kids long-term.

Senate Bill 817 expands human-centered criminal legal processes that balance system efficiency with individual accountability by making more people charged with low-level crimes eligible for “Pre-plea Probation” or “Pre-plea Diversion”.

Pre-plea probation and diversion allow Oregonians accused of misdemeanors and nonperson low level (class c) felonies, other than DUIs, to avoid pleading guilty and earn dismissal of their charge while remaining under the supervision of the court.

Currently, judges lack the authority to manage criminal legal system overloads by diverting low-level cases into supervision. This bill would give judges that authority without restriction by the district attorney. This also gives first time offenders of misdemeanors and non-person Class C felonies the opportunity to get connected with services and supports, instead of being denied access to housing and self-sufficiency programs due to a felony conviction.

Along with other solutions to support the public defense workforce, SB 817 will help decrease the caseloads of public defenders and courts and provide better access to justice for all Oregonians.

We urge your support of Senate Bill 817.

Sincerely,

Michele Ruffin

Government Relations Consultant

Oregon Education Association