

TO: Chair Prozanski, Vice-Chair Thatcher, and Members of the Senate Committee on Judiciary
FROM: Reid Rubsam
DATE: Tuesday, March 14
RE: Written testimony in support of SB 817

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

I'd like to first thank you for your work serving our state at large—and particularly votes you've taken to progress toward equitable outcomes for vulnerable populations.

Today, there is another opportunity to move the ball forward by improving access to justice for all Oregonians. I'm writing to urge your support of Senate Bill 817. Expanded access to pre-plea probation and diversion is a significant step to address the public defense crisis in Oregon, by both reducing the workload of our extremely-burdened public defenders and broadening opportunities for those accused of low-level crimes to pursue beneficial resolutions through counseling and community service—a win-win for the collective prosperity of all Oregonians.

Without consideration of this bill, Oregon's public defense system is at risk of continued inadequacy. Those without the resources to seek private legal representation are currently forced to wait indefinitely for an overloaded public defender to become available, or feel compelled to negotiate plea deals without adequate legal support. All of us know and love someone who belongs to a community which has marginalized at some point in their lives—Black and brown communities, people experiencing trauma or mental illness, and people experiencing poverty all deserve justice in their case outcomes, and that is currently not the reality in Oregon.

This has dire implications for their future prospects—disproportionate sentencing cyclically traumatizes historically-marginalized families and communities through imprisonment, restricted employment and housing opportunities, and the financial burdens of fines and debt. And resultantly, Oregon's social support systems and taxpayers are perpetually overburdened.

I'm an avid volunteer with the Fair Shot Oregon coalition because I've witnessed my entire life how social and environmental factors can impact a person's quality-of-life outcomes—I know for a fact that there is systemic suffering that can be prevented through thoughtful, intentional reform, and I believe this bill is one step towards meaningful change for those who interact with the legal system in their lives.

According to policy experts at the Urban League of Portland and the ACLU of Oregon: *“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.

- *Defendants would waive their right to a trial, meaning that if they don't follow through with the terms of diversion, they go into a sentencing hearing.*
- *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.”*

Chair Prozanski, Vice-Chair Thatcher, and Members of the Senate Committee on Judiciary, please vote YES on SB 817. Your vote will improve access to justice and prosperity for all Oregonians.

Thank you,
Reid Rubsam, on behalf of the Fair Shot for All Coalition