

March 13, 2023

Testimony in support of Senate Bill 817

Senate Committee On Judiciary

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

My name is Thien Vo, my pronouns are he/him and I am the Field Organizer at APANO, a culturally specific organization that unites Asians and Pacific Islanders to build power, develop leaders, and advance equity through organizing, advocacy, community development, and cultural work. APANO urges 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.

Part of Oregon's high cases could be prevented by connecting people with services and programs that address the root causes of their criminal justice system involvement. People's lives can forever be changed by an unjust ruling — leading to excessive prison and jail sentences, separation from family, fines and debt, restricted job and housing opportunities, and isolation and trauma. This cycle is costly to individuals, families, communities and puts unnecessary strain on our support systems.

Victims and survivors of crime are also harmed when justice is delayed and the system is too overloaded to center their individual needs or even support a trial happening because the accused's right to representation and a speedy trial are violated.

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.

- 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.

What happens in our criminal legal system impacts all of us, but it disproportionately harms Black and brown Oregonians as they are more likely to both be arrested and be victimized by crime.

- Black Americans are incarcerated in state prisons at nearly 5 times the rate of white Americans though they only make up less than 3% of the total population..
- One in 81 Black adults in the U.S. is serving time in state prison.
- Latinx Americans are incarcerated in state prisons at a rate that is 1.3 times the incarceration rate of whites.

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.

Please vote YES on SB 817.



Thank you,
Thien Vo
Field Organizer
APANO