



Date: March 15th, 2023
To: Senate Committee on Judiciary
From: Jennifer Parrish Taylor, Director of Advocacy and Public Policy for the Urban League of Portland
Re: Support for Pre-Plea Probation/Diversion, SB 817

Chair Prozanski, Vice-Chair Thatcher, and Members of the Committee,

Thank you for the opportunity to provide testimony in support of Senate Bill 817. My name is Jennifer Parrish Taylor, and I am submitting this testimony on behalf of the Urban League of Portland which is one of Oregon's oldest civil rights and social service organizations, empowering African Americans and others to achieve equality in education, employment, health, economic security, and quality of life across Oregon and SW Washington.

I want to start with some data. In Oregon, 9% of incarcerated people are Black, despite Black people accounting for only 2% of the state's residents.¹ According to data from Campaign Zero, "Portland police arrest Black people at a per capita rate 4.3 times higher than white people, the fifth worst in the country. Officers in Portland also kill Black people 3.9 times more than white people."² Additionally, "Black drivers made up 18% of the vehicle stops conducted by police in 2019, while 65% involved white drivers. Meanwhile, white people make up 75.1% of the city's population, and Black people make up only 5.8%. The disparity is even higher for non-vehicle stops, where Black people made up 22% of the 2019 stops compared to 62% for white people."³ I say all of that to set the container and frame for why diversionary solutions that keeps individuals out of the criminal justice apparatus is not only important but vital and life saving for our community.

In "A Peek Behind the Curtain: Shining Some Light on District Attorney Policies in Oregon" the ACLU of Oregon outlines how "District attorneys (DAs) and their prosecutors are the most powerful actors in the criminal justice system. How they go about their job can fundamentally impact people's lives for better or for worse. Despite the notion that DAs just follow the law, individual, elected district attorneys are given an enormous amount of discretion within the law. DAs and their staff are making choices on a daily basis about who they charge, the severity and number of charges, who gets access to treatment and diversion programs and who doesn't, which victims get access to services and support, and whether prosecutors are paying earnest attention to reducing racial disparity."⁴

¹ <https://www.vera.org/downloads/pdfdownloads/state-incarceration-trends-oregon.pdf>

² <https://www.opb.org/article/2021/02/07/portland-has-5th-worst-arrest-disparities-in-the-nation-according-to-data/>

³ <https://www.opb.org/article/2021/02/07/portland-has-5th-worst-arrest-disparities-in-the-nation-according-to-data/>

⁴ https://www.aclu-or.org/sites/default/files/field_documents/a_peak_behind_the_curtain_0_1.pdf



On the other side of that prosecutorial might are public defenders who have been tasked with representing their indigent clients in an environment of underfunding, more cases than they can reasonable or humanely be expected to juggle, and low wages. A crisis situation that has left hundreds of Oregonians in limbo because the state government has failed to uphold its constitutional responsibility to provide adequate legal counsel to those who can't afford a private attorney.

Pre-plea probation seeks to interrupt and circumvent this pipeline into the criminal justice system. 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.

People's lives can forever be changed by an unjust ruling — leading to excessive prison and jail sentences, leading to separation from family, fines, and debt, being restricted from job and housing opportunities, and isolation and trauma. Senate Bill 817 restores some level of agency, dignity, and responsibility to the indigent client in choosing for themselves, how best to proceed.

We urge you to support Senate Bill 817.

Respectfully,

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