

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

For the record, my name is Sang Tzun Phan, or you can call me Sam. I am a Co-Chair of the Oregon Commission on Asian and Pacific Islander Affairs (OCAPIA). I am writing to you in support of SB 320.

OCAPIA works for the implementation and establishment of economic, social, legal, and political equity for Asian and Pacific Islander Americans in Oregon and to maintain a continuing assessment of issues and needs confronting Asian and Pacific Islander Americans within the state.

Over the last four years and prior to my role in OCAPIA, I was a supervisor at Trillium Family Services in their secure in-patient program and then moved on to be a Legal Resource Facilitator for Multnomah County. During that time, I had the opportunity to work with many individuals who were in Oregon Youth Authority custody as well as individuals who were just released seeking to reconnect with their families. With that experience, I learned that regardless of age or background, people have the beautiful, innate behavior to change. That is why I am asking for your support for SB 320.

In 1994, Oregon passed Measure 11, which established a mandatory minimum sentence for violent crimes and serious sex offenses. If convicted, criminals must serve their sentences in full regardless of the situation. In this measure, juveniles aged 15 to 17 standing trial for Measure 11 crimes must be tried in adult court as well. While many argue that measure 11 has helped reduce crime in Oregon, a 2018 report done by The Oregon Council on Civil Rights (in collaboration with the Oregon Justice Resource Center) has found that Measure 11 has had “no clear benefit to public safety.” Instead, it has removed a judge’s ability to exercise their discretionary power, which is especially problematic for youth as young as 15, as they would be tried like adults. The same report also noted that the U.S. Supreme Court, with support from cognitive science studies, has said that young people have a large capacity for “change and positive growth, regardless of the severity of their crimes.”

SB 320 allows a person serving a mandatory minimum sentence to receive a reduced sentence for good behavior and certain programming. Measure 11 has stripped away the opportunity for incarcerated individuals, especially youth, to demonstrate this potential for change. This bill allows incarcerated persons to show their improvement in front of a judge and presents a clear pathway to rehabilitation

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and incentive for good behavior. Through this bill, Oregon will be a leader in trauma-informed criminal justice. It also recognizes that nearly all Measure 11 youth will eventually return to their communities.

Measure 11 disproportionately hurts youth of color and communities of color (Black youth account for 15.5% of Measure 11 indictments but only 1.8% of the general population in Oregon (resulting in an overrepresentation of around 8.6 times). Because of this, we must provide a better way to reintroduce our incarcerated folks back to the community. Although SB 320 may not fix all of the issues within our system, the potential to reduce a mandatory sentence is a step in the right direction.

I strongly urge your support for SB 320.

Sincerely,



Sam Phan


Co-Chair, Oregon Commission on Asian and Pacific Islander Affairs

Sources:

1. [Black youth account for 15.5% of Measure 11 indictments but only 1.8% of the general population in Oregon \(resulting in an overrepresentation of around 8.6 times\)](#)



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