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On Behalf Of:
Committee: Senate Committee On Judiciary
Measure: SB320

Since Measure 11 was passed in 1994, our prison population has greatly increased, partly because Measure 11 sentences are very long, and do not allow prisoners to earn earlier release through good behavior. The combination of long sentences and inability to earn time off for good behavior means that our prison population keeps growing, far out of proportion to general population increase.* Creating a new system that allows earlier releases for prisoners who earn it will restore some balance, and save millions of taxpayer dollars.

Our system of justice should be balanced with mercy, and it should not fall heavily on the governor via commutation to allow prisoners to earn time off with good behavior. The legislature should provide a system for evaluating prisoners for early release based on good behavior in prison.

Long sentences are disabling. Earlier releases, where earned, will allow former prisoners to return to communities sooner, while they still have skills and relationships that support a good life. This will improve community safety.

Victims and prosecutors are given a big voice in the commutation process. This injects considerable unfairness. One angry, vindictive victim, backed by a prosecutor whose power has been enhanced by Measure 11, can doom an otherwise exemplary prisoner's commutation petition. This piles on top of Measure 11's removal of judicial discretion in sentencing. Letting victims and prosecutors have disproportionate power has given us an unbalanced system. SB 320 is a corrective measure that will bring back a portion of the balance that was lost when mandatory minimum sentences removed judicial discretion and transferred disproportionate power to prosecutors.

I have twice been a crime victim: rape in 1977 when a man broke into my apartment in the middle of the night; and armed robbery in 1980 when four men held up my boss and me at gunpoint. I did not want long, mandatory sentences. I wanted the offenders to be caught and rehabilitated so they didn't cause harm to others.

My son is in prison as a first time offender for multiple Measure 11 crimes. He spent 90 minutes committing armed robberies and attempted burglary in 2015 when he was crashing on opiate addiction that started with a doctor's prescription due to an injury. He was being threatened by a drug dealer who promised to "hurt his family" if he didn't pay back a large debt. My son did not cause physical injury to anyone. Since going to prison, he has graduated from PSU, trained service dogs, and for nearly four years he has been a beekeeper and gardener and has taught beekeeping and

organic gardening to other prisoners. He has taught meditation to prisoners in solitary confinement. He writes for the prison newspaper, mostly on environmental science topics. He petitioned for commutation in 2020 and was told in 2021 that he had a good chance but should serve another year and be re-evaluated. By the spring of 2022, the governor had been inundated with over 3000 commutation petitions (vs. 75 to 100 in a normal year); and she released a couple very controversial prisoners. So, the politics of 2022 made it much more difficult, and the governor ended her term by issuing hundreds of denials of commutation petitions at a time, in several waves. My son's petition was denied.

There should be another system in place, besides commutation, for evaluating prisoners for earlier release. It's consistent with our values; and it will save Oregon taxpayers a great deal of money, and allow us to pay for other services Oregonians need.

*Oregon population:

1994 - 3,121,264

2022 - 4,240,137

This represents a 36% increase from 1994 to 2022.

Oregon prison population:

1994 - 6,545

2022 - 12,299

This represents an 88% increase from 1994 to 2022.

Obviously, if the trend continues, Oregon taxpayers will spend an increasingly greater percentage of taxpayer monies on incarceration, and less and less money each year on other services.