



February 6, 2024

Senate Committee on Judiciary
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

RE: Testimony in Support Senate Bill 1560

Dear Chair Prozanski, Vice-Chair Thatcher, and members of the committee,

Thank you for the opportunity to provide testimony on behalf of the American Civil Liberties Union of Oregon (ACLU of Oregon). The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 supporters statewide. **We strongly support Senate Bill 1560, which would create a task force to research the barriers, gaps, and needs involved in our compassionate medical release of adults in custody (AICs) who are terminally ill or have significant medical health issues.**

Oregon has one of the oldest prison populations in the country. According to the Prison Policy Initiative, 15% of AICs in Oregon are over the age of 55. The elderly population is continuing to grow, partly due to Measure 11's minimum sentencing requirements. Our elderly AIC population is more prone to health complications and our system is failing to provide them with adequate care.

The state has oversight over the prison system and therefore a responsibility to ensure all those in its custody receive adequate, humane health care and treatment. However, our criminal legal system lacks the infrastructure, staff, and health care system within prisons to support and care for the aging population properly. This reality also impacts AICs with chronic diseases and significant medical health issues and disabilities. The recidivism rate of adults over 65 is only 4 percent, yet compassionate release in our state has significant delays and is underused. We need to rethink the costly practice of keeping such individuals — who pose little or no risk to public safety — behind bars.

The lack of proper care and support in our prisons has created inhumane conditions for our AICs, such as being bound to their beds, impaired from their senses; unable to leave their cells, to see or communicate with family, or to see specialists in a timely manner; and passing without family being able to visit them. It is important to understand the barriers, gaps, and needs we must address to ensure our compassionate medical release process works properly and can support our AICs who are elderly, terminally ill, or have significant medical health issues.

The inhumane treatment that ill and elderly AICs receive flies in the face of Oregon's Constitutional protections for people in the criminal legal system. Article I, section 13 of the Oregon Constitution prohibits treating people confined in our prisons and jails with "unnecessary rigor." The courts have said that this means that any indignity an incarcerated

person suffers — including inadequate care — must be justified by necessity. See, *e.g.*, *Lawson v. Cain*, 323 Or. App. 730 (2023). It is entirely unnecessary to require people who are ill to suffer.

Passing SB 1560 will facilitate a closer look into our state's compassionate medical release process, which can: lead to recommendations that place decisions about release in the hands of medical professionals, expand medical eligibility to those who have serious health issues and ailments, and provide support and resources to applicants during the process. **The ACLU of Oregon urges your support for Senate Bill 1560 and asks you to pass it out of committee.**

Respectfully,

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