



**Testimony of Kimberly McCullough, Policy Director  
In Support of HB 3078  
House Committee on Judiciary  
April 12, 2017**

Chair Barker and Members of the Committee:

The American Civil Liberties Union of Oregon<sup>1</sup> supports the Safety and Savings Act (HB 3078). As a nonpartisan organization dedicated to the preservation and enhancement of civil liberties and civil rights, the ACLU of Oregon supports efforts that invest in community-based services and treatment that keep families together, rather than incarceration.

Excessive sentencing or drug and property offenses is not smart justice. Instead, it exacerbates racial disparities in our justice system,<sup>2</sup> increases our prison population, costs tax payers, and harms our families and communities.

Excessive sentencing or drug and property offenses disproportionately impacts women,<sup>3</sup> and particularly women of color.<sup>4</sup> In response to the rising women's prison population, Oregon is considering opening a new women's prison, which will cost an additional \$17.5 million per biennium while our state is in a \$1.7 billion deficit.

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<sup>1</sup> The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonprofit organization with more than 37,000 members in the State of Oregon.

<sup>2</sup> For example, despite the fact that white and black people use drugs at similar rates, black people are jailed on drug charges 10 times more often than white people are. Black people are also three times more likely to be arrested for marijuana than white people are. In Oregon, 9% of the prison population is Black, while only 1.8% of the state's population is Black. The Sentencing Project, "The Color of Justice: Racial and Ethnic Disparities in State Prisons," 2016, <http://www.sentencingproject.org/wp-content/uploads/2016/06/The-Color-of-Justice-Racial-and-Ethnic-Disparity-in-State-Prisons.pdf>.

<sup>3</sup> As Oregon's women's incarceration rate increased by 22% from 2007-2015, the majority of women's convictions are for drug and property crimes, including 70% of convictions in 2015.

<sup>4</sup> Black women represent 30% of all incarcerated women in the U.S, although they represent 13% of the female population generally. And while Latino women represent 16% of incarcerated women, they make up only 11% of all women in the U.S. ACLU, "Facts About the Over Incarceration of Women in the United States," 2007, <https://www.aclu.org/other/facts-about-over-incarceration-women-united-states>

**The Safety and Savings Act is smart justice.** It will realign drug and property offense sentencing laws, which will create savings in prison costs that can be invested into community corrections, addiction and mental health treatment, reentry programs, and victim services.

**The Safety and Savings Act will keep families together.** By expanding eligibility for the Family Sentencing Alternative Program (FSAP) and short term transition leave, Oregon families will be able to stay together, which reduces recidivism, and ultimately creates safer and healthier communities.

**The Safety and Savings Act will increase fairness.** We should actively support alternatives to incarceration that will begin to address the injustice of racial disparities in our criminal justice system. When we support harm-reduction solutions, like the Safety and Savings Act, we invest in our communities, not prisons, through treatment, victim services, intensive supervision, reentry programs – and ultimately, this kind of investment makes our communities safer and more just.

For each of these reasons, the ACLU of Oregon urges you to support HB 3078.