



**Testimony of Kimberly McCullough, Policy Director
In Support of HB 3078 with the -2 amendments
House Committee on Rules
May 25, 2017**

Chair Williamson and Members of the Committee:

The American Civil Liberties Union of Oregon¹ supports the Safety and Savings Act (SB 3078 with the -2 Amendments). As a nonpartisan organization dedicated to the preservation and enhancement of civil liberties and civil rights, the ACLU of Oregon supports efforts that make our communities safer by investing in community-based services and treatment (instead of incarceration) and keeping families together.

Excessive sentencing for drug and property offenses is not smart justice, nor does it allow for Oregonians to have access to and contribute to safer and healthier communities. Instead, it exacerbates racial disparities in our justice system,² increases our prison population, burdens tax payers, and harms our families and communities.

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

¹ The American Civil Liberties Union of Oregon (ACLU of Oregon) is a nonprofit organization with more than 43,000 members in the State of Oregon.

² 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>.

³ In addition, as women's incarceration rate increased by 22% from 2007-2015, the majority of women's convictions are for drug and property offenses, including 70% of convictions in 2015.

⁴ 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 United States. 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. A shift in focus from sentencing laws to necessary treatment and services for drug and property offenders already exists at the county level in 416 programs in Klamath, Lane, Marion, and Multnomah. The Safety and Savings Act will expand these successful county programs into a statewide program.

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 and provide greater opportunities for Oregonians. 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 (rather than prisons) by funding treatment, victim services, intensive supervision, and reentry programs like the expanded work release programs. Ultimately, this kind of investment makes our communities safer and more just.

The Safety and Savings Act will achieve these goals by:

- (a) Preserving the bipartisan supported FSAP from 2015 and expand it to now encompass more qualified parents, including pregnant women;
- (b) Allowing the Department of Corrections to extend their grant of transitional leave under the Short-Term Transitional Leave Program (STTL)⁵ to 120 days;
- (c) Realigning preexisting, excessive property crime laws, such as removing the primary charges of the women's prison population: aggravated theft in the first degree and aggravated identity theft; and
- (d) Maintaining and investing in already established and vital programs such as the FSAP, the Justice Reinvestment Account, and the Oregon Domestic and Sexual Violence Services Fund as a result of the aforementioned sentencing realignment for certain property offenders.

For these reasons, the ACLU of Oregon urges your support of HB 3078 with the -2 amendments.

⁵ The Criminal Justice Commission reported in their most recent report from March 2017 that people who have been eligible for and participated in STTL were less likely to commit crime again in comparison to those who did not access the program. Criminal Justice Commission, "Short-Term Transitional Leave Program in Oregon," 2017, https://www.oregon.gov/cjc/justicereinvestment/Documents/STTL_Analysis_March_2017.pdf.