



To: Members of the House Judiciary Committee

From: Kevin Campbell
Oregon Association Chiefs of Police &
Oregon State Sheriffs' Association

Date: March 30, 2017

Re: Support for HB 2355 with Dash-13 Amendments

Chair Barker and members of the committee, for the record, my name is Kevin Campbell and I am here today on behalf of the Oregon Association Chiefs of Police and the Oregon State Sheriffs' Association in support of HB 2355 with adoption of the dash-13 amendment.

For the past two years, the members of the Law Enforcement Profiling Work Group have worked diligently and in good faith to negotiate the provisions that are included in HB 2355 with the dash-13 amendments. While the proposal before you required give and take from stakeholders from a wide range of perspectives, we can confidently assert that the welfare and safety of Oregonians was the common motivation for all parties involved.

During the March 6th hearing on HB 2355, we provided testimony in support of the racial profiling provisions in the bill and committed to continue negotiations over the part of the bill dealing with drug possession penalties. The dash-13 amendments represent the product of ongoing discussions and is an approach we support.

Oregon Sheriffs and Chiefs of Police recognize that every community and most of our citizens are touched in one way or another by the damaging impacts of drug addiction. We understand that it ruins lives, breaks hearts, burdens families and robs our communities of individuals with potential. Too often, individuals with addiction issues find their way to the doorstep of the criminal justice system when they are arrested for possession of a controlled substance. The penalty can be a felony drug conviction where the person may receive a jail sentence, are placed on probation and receive limited treatment services. Unfortunately, felony convictions in these cases also include unintended and collateral consequences including barriers to housing and employment and a disparate impact on minority communities.

We believe that HB 2355 (as amended by the 13 amendments) is a carefully crafted measure that reduces penalties for possession of “user amounts” of dangerous drugs (PCS) from a Felony crime to an A-misdemeanor crime for the first two convictions with a DA option on a third charge. While we support this strategic reduction in penalty, this policy will only produce positive results if additional drug treatment resources accompany this change in policy. Reducing penalties without aggressively addressing underlying addiction is unlikely to help those who need it most and may result in other negative impacts to property crime rates and community livability. These new treatment resources must not supplant base-line funding for community corrections or funding for the Justice Reinvestment Initiative. Properly funding all three of these critical public safety priorities will help insure that we achieve savings to the system through reduced recidivism, reduced correctional impacts and better outcomes for Oregonians who struggle with addiction.

The dash –13 amendment accomplishes the following key public safety objectives:

- Insures that these cases continue to be handled by circuit courts and avoids shifting the impact to municipal courts.
- Insures that state-level funding and resources that are currently available for assessment, supervision, sanction and treatment services for felony convictions continue to be available for misdemeanor convictions.
- Insures that community corrections agencies remain responsible for providing the assessments and subsequent evidence-based treatment service or referrals for these individuals.
- Provides that persons with prior felony convictions are not eligible for the reduction in penalty authorized in the measure for a drug possession arrest.
- Directs the Criminal Justice Commission to study the effect that the reduction of penalties from felony to misdemeanor has on the criminal justice system, rates of recidivism and the composition of the population of persons convicted of felony offenses.

We believe this approach continues to demand accountability while applying limited resources to treatment and services designed to address underlying addiction issues and prevent future crime.

Please support HB 2355 with adoption of the dash-13 amendments.