

Senate Bill 755

Testimony of Susan Mandiberg, March, 2021

Dear Chair Prozanski and members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation,

My name is Susan Mandiberg. I live in Multnomah County and am a constituent of Senator Burdick. I am a Professor of criminal law at Lewis & Clark Law School. I have practiced as a criminal defense attorney in state and federal courts in Oregon. I am a long-term member of the Board of Trustees of Metropolitan Public Defender, which serves indigent clients in Multnomah and Washington Counties. In my 45-year career working in and studying the criminal justice system I have seen countless examples of the devastating effect that criminalization of addiction has had on both individuals and the system itself. Oregon is poised to begin to correct these injustices if we do it right.

Measure 110's elimination of criminal penalties for people who possess small amounts of drugs is a major step in countering the misguided policies of the "war on drugs," but important as that is, the accomplishment is incomplete unless the Legislature rigorously implements the treatment provisions of Measure 110. Substance Abuse Disorder is a health issue that requires a treatment response. It is true beyond any reasonable doubt that Oregon is dramatically deficient in readily available, effective, affordable treatment services for people with Substance Abuse Disorder. Without such services, the chances of a person continuing to be involved in the criminal justice system--as a defendant, a victim, or both--are considerable.

The sad truth is that today too many Oregonians dealing with Substance Abuse Disorder are not able to get effective treatment services when they need them. Senate Bill 775 will go far to address this this problem. It will do so by:

- Codifying the end to criminalization of addictive behavior for possession of small quantities of drugs.
- Ensuring that, as mandated by the voters in Measure 110, marijuana tax money will be used for Substance Abuse Disorder treatment, not for backfilling other state budgets.
- Allowing people without private insurance or Medicaid eligibility to get the substance abuse treatment services they desperately need, when they need them, in a way that is geared to their own individual situations.
- Providing safe recovery housing that will allow people to avoid situations that support substance abuse as opposed to recovery.
- Providing support for a robust harm-reduction program, including supported housing.
- Making effective substance abuse treatment available to rural communities and communities of Black, Indigenous, and other Oregonians of color who have been underserved by past and current approaches to substance abuse treatment.

- Creating mandates that allow the Oversight and Accountability Council established by Measure 110 to act as an effective advocate for meaningful substance abuse treatment services.

As a participant in the criminal justice system from a variety of roles, I have seen the devastating effect that Substance Abuse Disorder has on individuals, families, and the community as a whole. Effective treatment, widely available when it is needed, is the essential solution, and the details and mandates in M110 and SB 775 are the best way to ensure that this solution will be implemented.

Susan Mandiberg
sfm@lclark.edu