



December 4, 2023

Joint Interim Committee on Addiction and Community Safety Response  
Oregon State Legislature  
900 Court St. NE  
Salem, OR 97301

### **Testimony on Addiction and Community Safety**

Co-Chair Kropf, Co-Chair Senator Lieber, and Members of the Committee,

Thank you for the opportunity to testify today on behalf of the 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 27,000 members statewide.

This hearing has been called to respond to the humanitarian disaster unfolding in our streets. Oregonians are demanding solutions for the intersecting crises of homelessness and addiction. Amidst these pressures, we urge you to recognize that decades of punitive drug policies and failure to invest in communities are what caused these crises in the first place.

Efforts to re-criminalize drug use and possession are not merely steps backward: **Any move to criminalize would wholly undermine Oregon’s approach to addiction as a disease rather than something to be punished. Oregon must not move forward with banning public use or criminalizing possession.**

Let us be clear about the stakes: The criminalizing of possession or public use would pose harmful, even deadly consequences for an already dire situation:

- Drug-related incarceration is linked to surges in overdose rates, higher rates of suicide, and the spread of disease, like HIV and hepatitis.<sup>1</sup>

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<sup>1</sup> Gan, Kinner, Nichols, et. al., “Risk of overdose-related death for people with a history of incarceration”, Society for the Study of Addiction, Oct. 13, 2020, <https://onlinelibrary.wiley.com/doi/full/10.1111/add.15293>;  
Hartung, McCracken, Nguyen, et. al., “Fatal and nonfatal opioid overdose risk following release from prison”, Journal of Substance Use and Addiction Treatment, Volume 147, April 2023, [www.sciencedirect.com/science/article/abs/pii/S2949875923000218?via%3Dihub](http://www.sciencedirect.com/science/article/abs/pii/S2949875923000218?via%3Dihub);  
Fazel, Hawton, and Ramesh, "Suicide in prisons: an international study of prevalence and contributory factors", The Lancet: Psychiatry, December 2017, [www.thelancet.com/journals/lanpsy/article/PIIS2215-0366\(17\)30430-3/fulltext](http://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366(17)30430-3/fulltext);  
Stone, Fraser, Lim, et al., “Incarceration history and risk of HIV and hepatitis C virus acquisition among people who inject drugs: a systematic review and meta-analysis”, The Lancet: Infectious Disease, December 2018, [www.ncbi.nlm.nih.gov/pmc/articles/PMC6280039/](http://www.ncbi.nlm.nih.gov/pmc/articles/PMC6280039/).



## Oregon

- Oregon jails and prisons are not equipped to deal with individuals struggling with addiction and withdrawal. Fewer than half of Oregon’s jails and prisons provide drug treatment programs.<sup>2</sup>
- Criminalization disproportionately impacts and harms BIPOC Oregonians. **As Measure 110 took effect, Oregon had the 5th worst arrest disparities by race in the nation.** And statewide, Black Oregonians had twice the rate of convictions of their white counterparts for possession of methamphetamine, heroin, and cocaine.<sup>3</sup> Oregon has not fixed the entrenched and systemic racism within its criminal justice system in the few years since the passage of Measure 110.

These known impacts become all the more alarming when considering proposals to ban public use of drugs in Oregon. **Criminalizing the public use of hard drugs would strip our criminal system of the pretense that it applies to all of us. This ban would, in fact, create a system where most community members could use drugs without legal consequence, while our unsheltered neighbors existed under a wholly different legal regime.**

While Oregon’s previous possession of controlled substance law was already applied in a deeply racist manner, this proposed policy would—almost exclusively—target our already over-policed unsheltered and homeless neighbors, a community that is disproportionately comprised of Oregonians who are BIPOC, LGBTQ+, and/or disabled. Banning public use would dramatically compound the enormous existing disparities in our criminal justice system towards these historically-marginalized communities.

Any policy that would so overtly single out one long-marginalized group would warrant considerable scrutiny. And this proposal cannot withstand such examination. In the City of Portland—the epicenter of much of the political ire—fifty percent or more of their arrests for the past several years have been of homeless people, often for low-level offenses that do not involve safety. These alarmingly high arrest rates have clearly not prevented or addressed unsheltered homelessness and drug addiction on the streets of Portland.<sup>4</sup>

When political pressures propel policies that would harm marginalized communities, it is the duty of lawmakers to check these impulses and to stand steadfast to protect all of our neighbors.

**Not only is it the right thing to do, but Oregon’s economic interests align with effective addiction policy *and* protecting our most vulnerable community members.** Re-criminalization

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<sup>2</sup> Taylor Bayly, Jails across Oregon struggle to treat substance use disorders amid funding challenges and medical staff shortages, The Bend Bulletin, November 26, 2023, [www.bendbulletin.com/localstate/jails-across-oregon-struggle-to-treat-substance-use-disorders-amid-funding-challenges-and-medical-staff/article](http://www.bendbulletin.com/localstate/jails-across-oregon-struggle-to-treat-substance-use-disorders-amid-funding-challenges-and-medical-staff/article).

<sup>3</sup> Oregon study finds racial disparities in drug convictions, Associated Press, December 2016, <https://www.seattletimes.com/seattle-news/law-justice/oregon-study-finds-racial-disparities-in-drug-convictions/>.

<sup>4</sup> Alison Frost, Data show about half of Portland police arrests are people who are unhoused, OPB, July 6, 2022, <https://www.opb.org/article/2022/07/06/data-show-about-half-of-portland-police-arrests-are-people-who-are-unhoused/>.



would divert funds Oregonians desperately need for care and treatment—the services provided by Measure 110. When voters passed Measure 110, Oregon had the second worst rates of drug and alcohol addiction in the country and was last in the nation in providing these services.<sup>5</sup> Given Oregon’s decades-long neglect of this infrastructure, a study last year found that even with Measure 110’s roll-out Oregon still was barely at 50 percent of capacity in addressing addiction service needs.<sup>6</sup>

This means, in plain economic terms, criminalization does not make sense. The cost of arresting, adjudicating, incarcerating, and supervising a person taken into custody for drug use in Oregon can cost up to \$35,217 for a misdemeanor and \$61,891 for a felony, while life-saving treatment costs an average of \$9,000.<sup>7</sup>

Because of Measure 110’s decriminalization, Oregon is expected to recoup 37 million dollars this biennium, money Measure 110 translates into the care our communities need.<sup>8</sup> Meanwhile, the promise of criminalization is illusory; states with more drug arrests do not have less drug use.<sup>9</sup>

**We urge you to stave off pressures to criminalize addiction and invest in humane and effective solutions for our housing and addiction crises.<sup>10</sup> Be the leaders Oregon needs for safe and just communities.**

Thank you,

Emily Hawley  
Senior Policy Associate  
ACLU of Oregon

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<sup>5</sup> Sophia Prince, Oregon had second-highest addiction rates in the nation in 2020, OPB, Feb. 3 2022, [www.opb.org/article/2022/02/03/oregon-had-second-highest-addiction-rates-in-the-nation-in-2020/](https://www.opb.org/article/2022/02/03/oregon-had-second-highest-addiction-rates-in-the-nation-in-2020/).

<sup>6</sup> Sheraz Sadiq, New study finds large gaps in services for substance use disorder treatment in Oregon, OPB, Oct. 10, 2022, <https://www.opb.org/article/2022/10/10/new-study-finds-large-gaps-in-services-for-substance-use-disorder-treatment-in-oregon/>.

<sup>7</sup> Andrew Dyke, Sadie DiNatale, and Joel Ainsworth, Cost Savings in Oregon From Drug Decriminalization, ECONorthwest, August 2019; Amanda Arden, Measure 110: Oregon to save \$37M from drug convictions, will redirect to treatment, Koin, May 2023, <https://www.koin.com/local/measure-110-oregon-to-save-37m-from-drug-convictions-will-redirect-to-treatment/>.

<sup>8</sup> Mark McMullen and Josh Lehner, May 2023 Economic and Revenue Forecast, Oregon Office of Economic Analysis, May 17, 2023, <https://olis.oregonlegislature.gov/liz/2023R1/Downloads/CommitteeMeetingDocument/274107>.

<sup>9</sup> Pew, More Imprisonment Does Not Reduce State Drug Problems, March 2018, <https://www.pewtrusts.org/en/research-and-analysis/issue-briefs/2018/03/more-imprisonment-does-not-reduce-state-drug-problems>.

<sup>10</sup> Maia Szalavitz, Treating Addiction as a Crime Doesn’t Work. What Oregon Is Doing Just Might, New York Times, Jan. 26, 2022, [www.nytimes.com/2022/01/26/opinion/oregon-drug-decriminalization-addiction.html](https://www.nytimes.com/2022/01/26/opinion/oregon-drug-decriminalization-addiction.html).

