

HB 4002 DOESN'T DO WHAT THEY SAY IT WILL.

Oregon is in a treatment and public defense crisis. Recriminalization disproportionately harms Black and Brown people, jails people with addiction, fails to provide treatment, and wastes taxpayer dollars.



Law enforcement stops a person for possession (PCS) of a small amount of drugs

DEFLECTION is not mandatory. Counties may choose to start a deflection program. Even if a county chooses to start deflection, it will be voluntary for law enforcement (LE) to offer deflection.^{1, 2}



- ### NOTES:
1. HB 4002 doesn't require funding to be available until at least a year after passage.
 2. Law enforcement has been openly opposed to deflection programs in Oregon.
 3. The vast majority of these cases will not have public defenders for the foreseeable future.
 4. HB 4002 does not require a lab report on the substance unless defendant declines conditional discharge. In every other prosecution, the state is required to provide all critical evidence, prior to a defendant agreeing to take a deal. This is a deviation from basic due process. Why?
 5. Waitlists in Portland for inpatient treatment are months long. What happens when treatment is not available? Oregon has 50% of the treatment services we need.
 6. Lab report will be required for this finding, which will take months.



Appointed attorney reviews discovery, talks to defendant about options, trial or conditional discharge

\$\$\$ Additional public defenders

CONDITIONAL DISCHARGE

Defendant must enter agreement within 30 days from appointment, WITHOUT full discovery

Defendant referred to probation for 1 year

\$\$\$ Probation Costs

Defendant evaluated and referred to treatment

\$\$\$ Additional evaluators

Is defendant successful?

NO

Charge is dismissed

While on probation on either Conditional discharge or after sentencing, a probation officer can punish relapses or other violations with up to 30 days of jail, increasing risk of overdose or destabilizing any recovery efforts.

\$\$\$ Additional jail beds

\$\$\$ Public health costs

State lab costs
Court costs

At trial, defendant is found...

NOT GUILTY

Defendant acquitted and never engaged in treatment

At sentencing, court may only impose 18 months probation, unless the defendant requests jail time (up to 6 months)

Defendant acquitted

Judge must make a finding of guilt beyond a reasonable doubt based on the evidence submitted by state

\$\$\$ State lab costs

Is defendant successful?

NO

Defendant sentenced to up to 6 months in jail (minus time served)

\$\$\$ Additional jail beds

YES

Probation ends - Defendant must wait 3 years for "auto" expungement (longest wait for a misdemeanor)

\$\$\$ Judicial costs

Defendant sentenced to up to 6 months in jail (minus time served)

\$\$\$ Additional jail beds

Defendant referred to probation for 18 months

\$\$\$ Probation costs

Defendant sentenced to up to 6 months in jail (minus time served)

\$\$\$ Additional jail beds

KEY:

- Possible outcome
- Decision
- Process
- Fiscal Implication
- Incarceration