



Date: February 7, 2024  
To: Joint Committee on Addiction and Community Safety Response  
From: Julia Delgado, Vice President for the Urban League of Portland  
Re: Opposed to Measure 110 Reform, HB 4002

Co-Chairs Lieber and Kropf, and Members of the Committee:

My name is Julia Delgado, and I am the Vice President of the Urban League of Portland. I respectfully submit this testimony in opposition to House Bill 4002. The Urban League of Portland is one of Oregon's oldest civil rights and social service organizations, empowering African Americans and others to achieve equality in education, employment, health, economic security, and quality of life across Oregon and SW Washington.

Oregon has been facing and struggling with a drug and substance abuse crisis for decades. "Oregon's approach to addressing this crisis has been siloed and fragmented. People with substance use disorders in disadvantaged communities have faulted Oregon's system for not effectively providing addiction support and recovery. Advocates of Ballot Measure 110 hoped that this new approach would have succeeded where previous recovery and treatment support structures have failed, especially when it came to supporting Black, Indigenous, and People of Color (BIPOC) communities."<sup>1</sup> To date, we know that dividends of Measure 100 have resulted in "roughly \$300 million grants for organizations offering a range of services from housing to needle exchanges; OHA released a report this week saying it served over 60,000 people in recovery through the end of September."<sup>2</sup> More proof that this funding was crucial to those seeking recovery is the influx of fentanyl into Oregon; in 2022, "Medford Police Department seized 57,313 fentanyl pills – a 320% increase from the previous year – and 17.05lbs of fentanyl powder – a 2,600% increase."<sup>3</sup> But we also knew that there was not enough money being allocated for treatment facilities and it was not enough to only decriminalize drug abuse violations, but we had to provide for those seeking treatment and recovery, because "without adequate funding for detox facilities for withdrawal management, residential treatment, and recovery housing, people inside the system say the state's burgeoning peer workforce amounts to a pipeline that often leads nowhere."<sup>4</sup> Now we are being asked to undo what we already know works and what continues to be needed. This time though, we're being asked to accept doing "re-crim light" while offering those who are suffering an empty choice of help. Let me be clear, addiction is not a crime; it is a healthcare issue. Oregon can and must do better than HB 4002 to address the addiction crisis as it is an inadequate and harmful approach that will not solve the crisis we face and will instead waste taxpayer dollars. This policy will result in more people going to jail, more people being harmed, more individuals being displaced, more families being disrupted, and more people dying from overdoses. Not less. The legislature should focus on real solutions that will help our communities instead of returning to the failed policies of the past that simply won't work.

Government tried to arrest our way out of this crisis for over 50 years, but it resulted in higher addiction rates, lethal and less expensive drugs on our streets, more overdose deaths, mass incarceration, and disproportionate harm to Black, Brown, and low-income communities. Re-criminalizing addiction will make it both more difficult and more expensive to address drug addiction and homelessness. Re-criminalization will increase the risk of overdose, disrupt current treatment investments, and once again saddle people with criminal records that can create lifelong barriers to housing, employment, education, and other services. We know that this crisis disproportionately

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<sup>1</sup> Oregon Health Authority, Too Early to Tell: The Challenging Implementation of Measure 110 Has Increased Risks, but the Effectiveness of the Program Has Yet to Be Determined, 2023.

<sup>2</sup> KATU2 ABC, Oregon Lawmakers Debate Slashing Money to Measure 110, Frustrating Recovery Advocates, 2023.

<sup>3</sup> KMTR 16 Eugene Oregon, Addressing Gaps in Oregon Drug Treatment System Could Decrease Spike in Overdose Deaths, 2023.

<sup>4</sup> OPB, Peer Mentors are Key to Oregon's Measure 110 Success, But They are Working in a Broken System, 2023.



affects our Black and Brown communities who need support to battle substance abuse disorders, not criminalization and regressive policies that are only a continuation and extension of decades-long anti-drug policies. “Drug and criminal justice policies that have left our communities overpoliced, over criminalized, and whose impact has disproportionately led to 80% of people in the U.S. arrested and sentenced for using crack cocaine being Black, even though 66% of crack cocaine users nationwide at that time were White or Hispanic. Reports from the Substance Abuse and Mental Health Services Administration and FBI from 2019, show how drug violations disproportionately impact Black Americans. During 2019, Black Americans represented only 12% of individuals with substance use disorders while representing 26% of individuals arrested for drug abuse violations. Mandatory minimum sentencing guidelines for repeat offenders, developed during the height of the “War on Drugs,” have historically imposed harsh sentences on Black people for possessions of small amounts of drugs.”<sup>5</sup> These disparities have passed through generations of broken and inefficient policies and investments and will require prioritized equity efforts to eradicate.

HB 4002 criminalizes **homelessness and poverty**. Oregon has high public drug use because we have unacceptable rates of homelessness. Lawmakers are targeting people in poverty — whose private suffering is in public view. People living in poverty are most vulnerable to the revolving door of despair and government harm and violence that comes from policing and arresting people with addiction. Today, even after Measure 110, [Black Oregonians are issued M110 citations at double the rate of their population](#) and [Portland police have the 5th highest arrest rate disparities in the country](#). [People of color are disproportionately excluded from diversion](#) and are [more likely to be placed in diversion programs that disproportionately fail people of color](#). In other words, more Black, brown, and Indigenous people will be convicted, get criminal records, and be incarcerated — which will lead to higher levels of drug addiction, overdose deaths, poverty, and homelessness. HB 4002 gives **lip service to successful treatment while setting people up to fail**. Their proposal disqualifies people from expungement options if they have relapsed in the past, even though [most people attempt recovery multiple times before success](#). **60%** of people who start treatment in a given year do not complete it, whether treatment is voluntary or mandated. This could mean that a significant number of adults and youth will be incarcerated and have life-damaging criminal records because they relapsed. Additionally, HB 4002 will dramatically increase the burden on the public defense system that is already in crisis. [Oregon is already under federal court order to release people with serious charges](#) because of lack of public defenders. HB 4002 could bring thousands of new people to the caseload. If we do nothing, **HB 4002 would return Oregon to the failed and harmful policies of the war on drugs and will inflict more government harm and violence on Black and brown communities. Black and brown Oregonians will be arrested at higher rates and be most likely to face incarceration and harsher sentencing.**

“Measure 110 was passed with 58% approval from Oregon voters, and the initiative took effect on January 1st, 2022.”<sup>6</sup> To make changes to a program that has only been in effect for two years would be premature and irresponsible. To be clear, we are not opposed to proposals that would strengthen the program and center community in the process, but funding reductions to the Drug Addiction Treatment and Recovery Act of 2020 (Ballot Measure 110 (2020)) would adversely impact our communities. The program needs more time, structure, and resources implemented so the intended goals can make changes in the community and lives of Oregonians. HB 4002 spends **massive amounts of taxpayer dollars on state and local governments to build out an ineffective criminal system**. The proposal adds layers of exorbitantly expensive, unfunded expenses to our criminal system, which already costs Oregonians billions in tax dollars annually. Lawmakers have not shown

<sup>5</sup> Oregon Health Authority, Too Early to Tell: The Challenging Implementation of Measure 110 Has Increased Risks, but the Effectiveness of the Program Has Yet to Be Determined, 2023.

<sup>6</sup> The Voice, Approaching Two Years of Drug Decriminalization in Oregon, 2022.



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how much all of this will cost, how they will pay for it, or how they will prevent this from defunding real solutions like treatment, housing, non-police mobile crisis counselors, and neighborhood revitalization and cleanup efforts. We urge you not to pass House Bill 4002.

Respectfully,

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