

February 7, 2024

To: Joint Committee on Addiction and Community Safety Response  
From: Lee Wachocki, President, AFSCME Local 2805 (Multnomah Defenders, Inc.)  
Re: Opposing Recriminalization Bills HB 4002, HB 4036, and SB 1555

Chair Kropf, Chair Lieber, and Members of the Committee,

My name is Lee Wachocki and I am a public defender in Portland. I oppose recriminalization bills HB 4002, HB 4036, and SB 1555.

I don't envy your position, and I understand the desire to placate voters who blame Measure 110 for addiction, public drug use, and homelessness. But I've spent over a decade watching the criminal justice system waste time, money, and human resources in a failed bid to help those caught with user amounts of drugs. This is a population no court can force into recovery. But I've been watching the court try and fail for years here in Portland.

First it was called STOP court. STOP failed. Then they changed a few details and called it "Treatment First," but they kept the same formula and got the same results: graduations were a rarity and terminations were all too common. And of course they were. You can't force recovery on people who can't meet their basic needs. Our communities lack the resources to meet people's basic needs. If you're not addressing that underlying problem – or, as Representative Sanchez would encourage, planning 7 generations ahead – you are flailing at a symptom.

My firm's social worker volunteered in a warming shelter during the ice storm last month. She met a young man who was homeless and addicted to fentanyl. His foot was black with frostbite. The flesh on top looked like it had been scraped away. She barely convinced him to go to the hospital rather than back out into the freezing night to score more fentanyl. The threat of a criminal conviction will not motivate someone who's so unwell that they'll risk life and limb for a fix.

These proposals will add more work for public defenders, of whom the state has 1/3 of the attorneys it needs. They'll add more work for social workers and case managers in our firms, of whom we don't have enough to serve the needs of existing clients. They'll increase populations in jails so understaffed that it's hard for us to call or meet with clients. They'll add more cases to congested dockets, where we spend days preparing trials for cases that are routinely dismissed by prosecutors when witnesses don't bother to show up. They'll add to the line of people that are being turned away from existing treatment providers, who don't currently have beds for all the folks seeking addiction services.

I urge you to back away from these reactive proposals that don't address the underlying problems in our communities.