

Wednesday, February 7, 2024

TO: Joint Committee on Addiction and Community Safety Response

FROM: Rachel Bengtson-Lang, member of AFSCME local 2805

RE: Opposition to Any Legislation Criminalizing User Amounts of Illicit Drugs, or Repealing ORS 430.402

Dear Co-Chair Lieber, Co-Chair Kropf, and Members of the Joint Committee:

Please read this entire statement as I was not able to complete my testimony at the hearing on February 7th. I want to start out by saying that neither side in the debate over these bills has a monopoly over the grief suffered by those who have lost loved ones to Fentanyl. Many tears have already been shed on both sides. I have personally lost 2 people very close to me to Fentanyl overdoses: one had a prescription, and the other was in the Multnomah County jail. A criminal justice solution to the Fentanyl problem would not have protected or saved either of them.

I oppose HB 4036 & SB 1555. In my job at one of Oregon's public defense non-profits, I am constantly seeing clients with mental health and substance abuse issues rot in jail without the support they need while they wait for a bed at the Oregon State Hospital or a community treatment facility. Measure 110 is only failing because there is no place for people struggling with addiction and mental health issues to go. Just as the Oregon legislature has for decades failed to fully fund public defense, they have also failed to fully fund enough behavioral health facilities to meet the need. Now that we are facing the combined crises of 1) not enough low-income housing, 2) not enough mental health treatment beds (either at the OSH or in the community), 3) not enough addiction treatment beds, and 4) not enough public defenders, it's time for the legislature to open the purse and ensure that we don't get another kicker while people languish in jails without attorneys and without options for supportive housing when they are released. And that's while possessing consumer amounts of illegal drugs is NOT a crime. Just think of how many more public defenders will need to be hired if the legislature decides to create new crimes, some of which have not been criminal offenses since the early 1970s.

Addiction is a behavioral HEALTH issue, not a crime problem. Our criminal justice response to drug abuse and addiction over the past 50 years steals loved ones and impoverishes entire families. What we need is major investment in more treatment beds, including those for people with co-morbidities in mental health. For many, using dangerous drugs is the only method available to treat their mental health problems, as we have a shortage of mental health professionals in the State. We have to address both of these problems at the same time, or the

vicious cycle will continue. We in public defense know that the police solution to addiction and mental health problems is handcuffs and county jails, and that the district attorneys' solution to these same problems is prison away from family and work. Even with the so-called "off ramps," recriminalizing addiction will push more people into unstable situations caused by interaction with the criminal justice system, including difficulty finding housing. We need to fund addiction counseling, peer mentorships, and treatment beds, not a law enforcement approach to what is truly a HEALTH issue.

Oregon is a special state in many respects, but one that I love and respect is that the State of Oregon has prohibited cities and municipalities across the State from criminalizing poverty by ORS 430.402. We no longer call people vagrants, tramps, hobos, or vagabonds when they can't find work or a place to live. Let's treat these people like human beings, not livestock to be warehoused in jails and prisons. I encourage you all to investigate the legislative history of ORS 430.402, which has been on the books since the 1970s. Oregon has notoriously embraced counter-culture values from the 1960s, making our fair State a haven for creatives and hippie types, which has made Oregon the great place to live that it is today. Under the law as it stands, and unlike the legal situation in other states, you cannot be thrown in the slammer for simply not having a place to live, not having two coins to rub together, or being drunk or high while walking down the street. This mind-your-own-business attitude ensures personal freedoms and cuts down on the need to jail and prosecute people for petty offenses that we know are mostly used to harass the poor and people of color. Addiction is different for every person, and a one-size-fits-all ticket to the clink will not solve this problem. Here in Multnomah County, one would have to stick their head in the sand to avoid the knowledge that jails are not drug-free zones, and that we have had several overdose deaths in our jail in the past year. It is also a matter of public knowledge that the health care system in our county jails is stressed to the point of breaking due to an inability to recruit and hire qualified health professionals. Spend the money, pay for more treatment beds to give those with substance abuse disorders the therapeutic approach that they need. Together, as Oregonians, we can do better.

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