

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

Thank you for the opportunity to submit testimony. American Federation of Teachers - Oregon is a labor federation with thousands of public university, community college, and K12 teachers, faculty, instructors, classified staff, graduate employees, researchers, and more within its membership. Members of our unions walk, bike, and take public transportation to work. We are enmeshed in the communities we serve. We represent over 18,000 workers at 27 institutions across the state.

Our Political and Legislative Affairs Rapid Decision Committee voted unanimously in support of joining community partners in asking the committee to continue the path of **real solutions** and **avoid the real harms of criminalization**.

We are not alone. Even the Chief Justice of the Oregon Supreme Court has expressed concerns about HB 4002, including that:

- Oregon courts do not have the systems or staffing to implement this criminalization bill.
- The current lack of public defense attorneys will result in these cases being dismissed, before the court can legally require people to go to treatment.
- Courts anticipate a high failure rate with people who are required to get treatment in lieu of jail, creating a cycle of people in and out of jail for not appearing for court dates – which will strain the court’s limited staff time and resources even more.
- Currently, very few programs to divert people away from jail exist, and lawmakers have not provided a timeline for creating these programs.
- Access to treatment and criminal charges will be done in an unfair, inconsistent way across Oregon.

HB 4002 operates with a critical flaw - with **no credible research connecting criminal penalties and the associated long-term fallout of becoming enmeshed within the criminal and carceral system with health, healing, and recovery from addiction**. In fact, the scientific consensus is that criminalization and jail make recovery more difficult. This bill will not achieve any of these goals. Instead, HB 4002 will make it even more difficult for people to access treatment, housing, jobs, and a stable future. It is tragic that HB 4002 is in front of you today. It represents a backslide into the past, and not a substantive brave step into a safer future.

According to the OHSU Oregon Substance Use Disorder Services Inventory & Gap Analysis, there are significant and viable investments which need to be made to address addiction

and community safety. This includes:

- 49% gap between total amount of substance disorder treatment needed to address the moment versus the current capacity.
- 50% of substance use service providers report not having enough capacity to meet their demand.
- 51% gap between the number of healthcare providers authorized to prescribe buprenorphine, a lifesaving opioid addiction treatment medication, and what is needed.

The situation has become dire for those who have language needs, who are living outside stable housing, and the long wait lists and denials of service result in cycles of despair and feed into a lack of community health and safety. Our federation of education professionals call on leaders to do more – and fast- that address root issues of this crisis.

By passing HB 4002, the legislature would be overturning the will of Oregon voters. Oregon needs to provide stable permanent housing, drug treatment, and mental healthcare. This is what voters supported when we passed Measure 110.

Additionally:

- HB 4002 doesn't require funding for the deflection program to be available until at least a year after passage. Law enforcement has been openly opposed to deflection programs in Oregon.
- The vast majority of these cases will not have public defenders for the foreseeable future. We are in a public defender crisis. This may worsen the gap.
- HB 4002 does not require a lab report on the substance unless the 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?**
- 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.

The goal of the legislature's work should be to ensure that everyone who seeks addiction recovery can receive them quickly, easily, and in a way that meets their unique needs – especially for Black, Latino/a, Indigenous, and other communities of color, in addition to LGBTQ+ and disabled community members. Oregon is in a treatment and public defense crisis. Recriminalization will disproportionately harm Black and brown people, jail people

with addiction, fail to provide treatment, and ultimately wastes taxpayer dollars.

Policing and re-criminalizing will not solve widespread social determinants like homelessness, mental illness, and addiction. The “War on Drugs” has a shameful past. We cannot arrest our way to stable housing and healthy communities. Jail is not recovery. We know that harsh drug laws don't prevent drug use and addiction: 32 states have higher overdose rates than Oregon, and all of them have harsher drug laws.

The problem is that there are not enough treatment services available. Criminalizing addiction will not solve that problem. It will make things worse and increase the suffering that education professionals see on our streets and in our schools.

We want to thank the committee for the thoughtful approach you are taking in addressing the addiction crisis in our state, looking at the entire system and the dire needs in our community.

Sincerely,

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