

**TO: Joint Committee On Addiction and Community Safety Response**  
**FROM: Chris O'Connor**  
**DATE: February 27, 2024**  
**RE: Opposition to HB 4002 -24**

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Co-chairs Lieber and Kropf and members of the committee:

I'm Chris O'Connor, a public defender for over twenty years.

In a few years or decades, someone will be looking at the history of this this bill and listen to this testimony– maybe an appellant clerk researching the constitutionality of the language of the statute or maybe a legislator in the 2030s doing budget work on exactly why a few more new prisons became necessary, or maybe a poli-sci PH.D. student writing a dissertation about the way the legislature fell prey to a grift by law enforcement and ended up seriously hurting the Oregon court system. To those future researchers, I say “Hello” and ask them to note me and the many others here in opposition saying “WE TOLD YOU SO.”

I have been the attorney in thousands of cases involving probation and probation violation cases. For years, I've trained other attorneys on probation matters. I could talk about specifics or take questions about the practical effect of this on the PV system, but I am worried you don't know the details of the *current* probation system and court capacity crisis, so let's just get to the issue I think I can address based on my years of experience: The overly complex and ineffective probation part of this bill. No county probation agency or circuit court can handle the hundreds of new cases that will come from this. Rulemaking and forms and procedural stuff will take *years* to sort out. The county jails are going to have to create positions just to try to track bizarre time served in treatment is the equivalent of credit for time served in jail math after a revocation release. Oregonians in one county will be treated differently than other counties. The stresses on the system are endless.

In terms of PVs, I just cannot see a situation where in Multnomah County, someone could go into jail on day one, get an ASAM eval from the probation department, get on a waiting list for treatment and then get released to treatment before a 30-day sanction is over. I'd be surprised if they could do it on a 180 day sentence (which of course will be shorter with good time and work time and presentencing credits). The fake promises about treatment and early release are just cruel and covering up the real goals of this whole scheme – law enforcement's chance to returning to seize and search people at will.

We already have a system where pending, charged criminal cases are dismissed every day when the state can't proceed because of lack of attorneys or losing witnesses and evidence after months of backed up cases. Adding a bunch of probations and hundreds of probation cases a year (most of which will need counsel) will only result in more dismissals of the “real” criminal cases.

So again, to that future Historian PHD researcher: please know that they knew it wouldn't work, everyone with real experience in these types of cases told them it wouldn't work, and if you are looking at the reason overdoses, family separation and mass incarceration in Oregon increased, quality of life for communities of color decreased and racial disparities increased, and why the criminal court and public defense crisis in the 2020s accelerated exponentially, it was because of this. You found it. We tried to warn them.