

TO: Joint Committee On Addiction and Community Safety Response
FROM: Grant Hartley
DATE: February 27, 2024
RE: Opposition to HB 4002 -24

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

My name is Grant Hartley, I'm the Director of the Multnomah County office for Metropolitan Public Defenders.

As a public defender, I represent some of Oregon's most vulnerable and oppressed citizens. People who are profiled by the police, caged by the courts, and ignored by policy makers. People who have continually had their voices silenced as they cry out for help. And, once again, those voices have been silenced in this process.

You've been provided data and research showing that recriminalization will only exacerbate the addiction crisis in our communities. And, not only will it fail in achieving its purported goal, but it will also deepen the racial disparities that are rampant in our criminal system and continue the failed policies of the war on drugs, which has caused so much harm to communities of color that it has become synonymous with racism. But those concerns have been ignored, and the voices raising them silenced. So, as has been my role throughout my career, I'm here today to uplift and advocate for those voices, and to stand in solidarity as the system once again prioritizes the concerns of the wealthy and privileged, at the expense of the voiceless.

I do not wish to be unfair to the legislators in this body, many of you want to do the right thing, but find yourselves in a difficult position. Having reviewed the extensive data and research, you understand that recriminalization will do nothing to address the addiction issues in our community, while causing unnecessary harm to those who will be cycled in and out of jail as a result.

But, Mr. Williams, Mr. Barton, the millionaires and billionaires who support them, have waged a public war of misinformation since the inception of M110, culminating with the Ballot Measure to repeal M110, which they are using as a threat against this body in order to control this democratic process. Conceding to that threat sets a very dangerous precedent.

And, the bill that has resulted is truly concerning. I have heard this bill described as a "treatment first" process, and heard legislators say that people will get treatment before jail under this proposal. That is not accurate.

First, if the goal is to get people into treatment rather than jail, then why increase the penalty from the original version of this bill 6-fold, from 30 days to 180? Why make deflection programs optional, rather than mandatory? Why dump millions of dollars into jails, probation, and the courts, rather than putting it into the treatment services that our

communities still desperately need? My guess is that the answer to all of these is, “because that is what they wanted to make their ballot measure go away.”

In reality, most people will be brought to jail when they are arrested. They will likely not receive a public defender for the foreseeable future. If they do get one, and want conditional discharge, they will be denied basic due process rights, like the ability to see all of the evidence against them and to file motions when their constitutional rights were violated. They will be placed onto a probation, where they can be jailed for 30 days, before being placed on another probation where they can be jailed for another 30 days, before being revoked and sentenced to up to 180-day days, minus whatever they served on their probations.

This will create a dangerous revolving door – with the individual going in and out of jail – each time increasing their risk of overdose and disrupting any semblance of stability they had in the community.

And for what, to compel them into treatment that does not exist. Before we punish people for not engaging in treatment, we must ensure that treatment is actually available. It is not, and this bill does not change that reality.

I’ve also heard a lot of rhetoric about the need for accountability – that drug users need to be held accountable for their decisions. But our criminal legal system does little to nothing to foster true accountability. Nor should we expect someone to take accountability for something like a behavioral health disorder. We would never speak that way about schizophrenia or other mental health disorders. We must provide support and opportunities for recovery, not shame and punishment.

Nonetheless, I agree accountability is important. We as a state and as a community must hold ourselves accountable for decades of underinvestment in treatment services, even as we saw fentanyl on the horizon.

We need to be accountable for failing to combat the misinformation and fear mongering about decriminalization with education about the realities of addiction and our ability to address it.

We must be accountable for failing to house so many of our citizens, for leaving them on our streets, with no treatment or services or anything besides substances to cope with that suffering – for it is that public drug use that sparked this debate, in the first place.

We must be accountable for allowing the tragic overdoses of so many people to be used as a political tool to return to policies that we KNOW will do nothing to rectify or prevent those losses in the future.

And, finally, we must be accountable for the harms this bill will cause, and for once again silencing the voices and concerns of our most vulnerable communities, in order to appease the interests of the most privileged.