



February 27, 2024

Joint Interim Committee On Addiction and Community Safety Response
Oregon State Legislature
900 Court St. NE
Salem, OR 97301

Re: Testimony in strong opposition on HB 4002 - 24

Co-chair Lieber, co-chair Kropf, members of the committee, my name is Jackie Yerby. I use she/her pronouns. I am submitting this written testimony in my capacity as the Director of Community Engagement for the ACLU of Oregon. We are a nonpartisan, nonprofit organization dedicated to defending and advancing democracy, civil liberties, and civil rights, with more than 27,000 members statewide.

The ACLU of Oregon **opposes** HB 4002 -24, as well as any and all amendments to HB 4002 that criminalize in any way user-level possession of banned substances, force treatment on people, or now or in the future lower or divert funding from treatment, housing, and related services. I am writing to bear witness with my colleagues, our coalition partners, especially the BIPOC-led organizations, and Black, brown, and Indigenous Oregonians will be harmed by the “solutions” you are proposing.

As I’ve stated previously, I have worked alongside you, Senator Lieber, Representative Sanchez, and Representative Nosse in my capacity as Governor Brown’s Behavioral Health Policy Advisor. We did important work together to make a \$1 billion downpayment on transforming the behavioral health system to better serve Oregonians. I know you and I know that you are in an incredibly tough position. I had expected better of you. You have taken a bad bill and have made it so much worse. Leaving discretion to counties about whether to even implement deflection and diversion programs and to law enforcement to decide who gets access to these programs is an invitation to perpetuate the structural racism that is deeply ingrained in our criminal legal system. Geography-based justice is **no justice** at all.

It bears repeating that your solutions will strengthen the foundation of structural racism in the criminal legal system. I know that is hard to hear. Imagine how hard it is for the Black, brown, and Indigenous Oregonians, families and communities that will feel the lash of this legislation.

Sadly structural racism is the strongest foundation of this bill. The rest of it is built on sand. Where are the public defenders who will be needed to represent people arrested under HB 4002? When will the optional deflection and diversion programs be stood up? Who is setting the criteria for what is a minimally acceptable program? Do we have the workforce needed to staff these programs? Will criminalization go into effect before these programs exist? Which state entity or entities will be responsible for distributing funds and providing technical assistance and oversight? Will you give that entity or entities the resources needed to effectively administer this massive undertaking? I have seen state agencies ask the legislature for resources only to be told to make due with less and then get criticized for their failure. It's on you too. The seeming lack of consideration for these questions will make the Measure 110 implementation look flawless by comparison.

This “solution” may succeed in moving the crisis of poverty, addiction, and homelessness out of sight so that well-heeled special interests can claim that it is working. In all the ways that matter to truly addressing the root causes of poverty and addiction it will fail. Oregonians deserve better.

Respectfully submitted,

Jackie Yerby