



Date: February 27, 2024
To: Joint Committee on Addiction and Community Safety Response
From: Jennifer Parrish Taylor, Director of Advocacy and Public Policy for the Urban League of Portland
Re: Opposed to Measure 110 Reform, HB 4002, -1, -24, -33, -3, -4, -10, -12, -15, -20, -35, -36
Amendments

Co-Chairs Lieber and Kropf, and Members of the Committee:

My name is Jennifer Parrish Taylor, and I am the Director of Advocacy and Public Policy for the Urban League of Portland. I respectfully submit this testimony in opposition to House Bill 4002 and the -1, -24, -33, -3, -4, -10, -12, -15, -20, -35, -36 amendments. The Urban League of Portland is one of Oregon's oldest civil rights and social service organizations, empowering African Americans and others to achieve equality in education, employment, health, economic security, and quality of life across Oregon and SW Washington.

As we enter the last week of Black History Month, I've been reflecting on the nature of legacy; what it is that we leave behind. At the start of this process to repeal Measure 110 Black and Brown communities were told, explicitly, by lawmakers that recriminalization would happen. They said recriminalization was the only option, and the legislature had to end the session with a bill. That if they didn't figure this out, we would face a ballot measure that would be far worse. Despite our fears our community turned out in droves to the public hearing on HB 4002 to lay bare our traumas, our fears, and to warn of the immediate and future violence this policy would have on our communities. We lobbied hard and reaffirmed that the theocratics of this policy, when put into practice, would have real and lasting implications for a population that is overly represented in the worst possible ways when it comes to homelessness and criminalization. And with each conversation and response, it was clear that our warnings (and data) had not been heeded, let alone considered. Because of their absence, I can only think that legislators either don't believe Black and Brown communities or worse, they just don't care.

Already, HB 4002 is being touted as a compromise, but at the cost to whom? With HB 4002, Democratic leadership, and republican proponents of the ballot measure, using the tools of white supremacy have succeeded in building a slightly larger and shinier cage for those who will be collateral of the criminal provisions of House Bill 4002 which will cause unconscionable harm and lasting violence to communities of color and other Oregonians experiencing drug addiction. We know that our people are not able to access treatment because treatment for us is not available. Our people are not able to access housing because housing for us is not available. Our people cannot get representation because representation for us is not available. Our people are not safe, and your response is to recriminalize addiction, creating a horrifying situation where our people will be arrested and jailed for addiction in a state that has just 50% of the substance use disorder treatment needed. All these failures by the state disproportionately affect us.

Government tried to arrest our way out of this crisis for over 50 years, but it resulted in higher addiction rates, lethal and less expensive drugs on our streets, more overdose deaths, mass incarceration, and disproportionate harm to Black, Brown, and low-income communities. Re-criminalizing addiction will make it both more difficult and more expensive to address drug addiction and homelessness. Re-criminalization will increase the risk of overdose, disrupt current treatment investments, and once again saddle people with criminal records that can create lifelong barriers to housing, employment, education, and other services. We know that this crisis disproportionately affects our Black and Brown communities



who need support to battle substance abuse disorders, not criminalization and regressive policies that are only a continuation and extension of decades-long anti-drug policies. Additionally, HB 4002 creates massive inequities; the racial impact statement, which comes too late in this process, still shows that there will be negative disparate impacts for Black Oregonians. We have grave concerns about the data used as they are reflective of a pre-fentanyl reality that we know has had an acute disproportionate impact on Black and brown communities.

Further, we have concerns about how disparities will be built into the system itself. The -33 Amendment leaves counties to decide *whether* to offer deflection and to determine *what* deflection entails, eroding the vital—if minimal—safeguards set out for deflection in the -1 Amendment. This change would create serious disparities from one county to another and even among counties that choose to implement deflection, creating an unpredictable patchwork of enforcement across Oregon. Even more worryingly, the -24 Amendment would allow counties to grant case-by-case discretion to law enforcement to decide who is eligible for deflection. The Urban League of Portland has serious concerns about permitting such discretion. While our criminal justice system entrusts law enforcement to exercise discretion in their decision making, we know such discretion is not immune from racial bias. Given the severe racial disparities already existing within enforcement of Oregon drug laws—and the deeply racist history of the war on drugs in the United States—we call upon lawmakers to take every step to mitigate racial bias in these decisions. To mitigate inequities and bias, deflection must, at minimum, have a standard meaning across counties. Deflection must be mandatory in every county. And deflection must not be dependent on an individual officer's good will or case-by-case discretion.

Lastly, HB 4002 rushes one of the most complicated and expensive problems facing Oregon through the short session without proper vetting by addiction doctors, budget experts or anyone who could adequately assess the consequences of such a massive shift of public policy. I ask those legislators who believe in racial justice to vote their conscience at this moment. To be clear: this bill will pass without your vote. I appreciate the acute political pressures you are under not to not break with leadership on this issue, but the time is always right to do what is right, even when it feels hard. Don't let your legacy be one of jails and not care; this political moment will pass but our communities will remember.

We urge you not to pass House Bill 4002 and all amendments.

Respectfully,

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