

# PHILIPS CONSULTING GROUP

February 27, 2024

Oregon State Legislature  
**Joint Interim Committee On Addiction and Community Safety Response**  
900 Court Street NE  
Salem, Oregon 97301

Hon. Sen. Lieber, Co-Chair  
Hon. Rep. Kropf, Co-Chair  
Members, **Joint Interim Committee On Addiction and Community Safety Response**

RE: *NO to HB 4002, Do not criminalize addiction, homelessness and poverty*

I 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. I also want to reiterate that the voices of public defense, criminal defense, the Black and brown and indigenous communities have been left out of these latest discussions.

When I first testified against HB 4002 on February 7, 2024, there were 2,728 unrepresented persons in Oregon<sup>1</sup>, and 1,403 of those individuals were facing misdemeanor charges. As of Friday, February 23, 2024, the number of unrepresented persons had risen to 2,800 overall, and as of today, February 27<sup>th</sup>, the number of unrepresented persons is now 2,854. There are not enough attorneys in public defense to represent Oregonians needing legal representation, and if the legislature chooses to make personal use drug possession a criminal offense (misdemeanor or felony), the already overloaded criminal court dockets will be overwhelmed with cases without representation.

The Chief Justice of the Oregon Supreme Court wrote an eight-page letter outlining the problems with HB 4002, with the lack of public defense attorneys at the top of the list.<sup>2</sup> Other concerns outlined by the Chief Justice are the impact this will have on the court system itself:

“As currently drafted, the bill requires courts to set aside (drug) charges in cases where other charges that are not eligible to be sealed are included on the charging instrument,” the letter said. “This creates an extraordinary workload. It requires court staff to manually review the case to redact only the portions related to the (drug) charge, while leaving everything else. This process typically takes approximately 10 hours per case.”

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<sup>1</sup> [Oregon Judicial Department's \(OJD's\) Unrepresented Individuals Data Dashboard](https://www.oregon.gov/opdc/general/pages/unrepresented.aspx) at <https://www.oregon.gov/opdc/general/pages/unrepresented.aspx>

<sup>2</sup> <https://oregoncapitalchronicle.com/2024/02/14/oregon-judges-including-chief-justice-concerned-about-legislative-addiction-proposal-letter-says/>

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The ripple effects of the extra workload for courts and the lack of public defense attorneys will be far reaching. What this means: the delays caused by an overloaded court system will disproportionately impact communities of color, individuals charged with crimes (and their families) will lose employment and housing, there will be impacts on health and education. The delays will also negatively impact crime victims and their families. The longer cases are delayed, the more likely victims may move out of state or lose interest, witnesses may be lost, and cases will be dismissed as unable to prosecute. The financial impacts to all involved will remain.

Furthermore, by prioritizing feedback from prosecutors and law enforcement, and excluding the voices of public defenders and criminal defense attorneys, the legislature is adding to the problems in public defense and the public defender shortage. Public defenders are the individuals in the criminal justice system who see first hand clients struggles with addiction, with housing, with employment and with food insecurity. We are the ones who are making phone calls and working to find treatment beds for our clients – not district attorneys. That the legislature continually prioritizes the voices of district attorneys over defense attorneys, despite the direct knowledge and experience defense attorneys can bring to the table, serves to disenfranchise and disempower public defense, and encourages attorneys to leave the practice. As the state, the courts and the legislature are finding out – the criminal justice system cannot function without public defenders.

What happens when the number of unrepresented persons reaches 5,000 people? 6,000? Will you listen to us then?

Oregonians expected the legislative committee created to tackle the addiction crisis to do just that. Instead, lawmakers appear poised to criminalize addiction, choosing jail beds over treatment, incarceration over recovery, and fear-mongering over solutions.

I urge you to vote NO on HB 4002.

Sincerely,

*/s/Rachel Philips*

Rachel Philips

Attorney

Philips Consulting Group