

## Multnomah County District Attorney's Office



*February 26, 2024*

*DA Mike Schmidt Testimony on HB 4002 (as drafted) –*

Chairs Kropf and Lieber and members of the committee. My name is Mike Schmidt and I am the Multnomah County District Attorney.

I am here today to testify in support of HB 4002. We need to take immediate action to put a stop to the open public use of hard drugs. To that end, I urge this committee to vote yes on this policy package.

Here's the thing about these huge packages: No one person gets everything they want. HB 4002 is a compromise. It's about striking a balance between the need to elevate treatment and treat addiction as the public health issue that it is, while holding people accountable for actions that harm their community.

HB 4002 recriminalizes the possession of a controlled substance. But it does so in a way that features multiple innovations that put treatment above punishment whenever possible. Conditional discharge, transitional leave, and automated expungement are highly technical terms, but each one speaks to the same philosophy: that the use of jail should always be a last resort, that everyone deserves multiple opportunities for treatment, and that the consequences of a conviction should be as brief as possible.

I am also heartened to see the inclusion of provisions that will make it easier for my office to target the drug dealers that are driving addiction on the streets of Portland and throughout Oregon. These are tools I will put to immediate use.

What we have seen over the last few years as fentanyl has hit the West Coast is unacceptable, and we need to take action to help those struggling with addiction. In Portland, we see open use of hard drugs on our streets – in front of our businesses, our parks, and our schools. We absolutely cannot continue to tolerate this. We can approach addiction as the health issue it is while also holding people accountable for how they impact our community.

I served as director of the Criminal Justice Commission in 2017 when Oregon made the decision to defelonize the possession of controlled substances. We made that decision partially in response to data that suggested that presence of significant disparities of enforcement existed in drug possession cases. We have made significant investments

since then in improved policing policies and better data transparency, but as we move forward with this legislation, we must stand ready to swiftly reevaluate and adapt if evidence of these disparities re-emerge in the future.

Lastly, let me affirm my commitment to fully and broadly embracing the deflection resources you will be making available with this bill. The 24-hour drop-off center will be a gamechanger for Multnomah County in connecting people with treatment. I am incredibly supportive of the provisions of this legislation that will lay the foundation for prosecutors across Oregon to say that treatment should always come first.

This isn't easy. Addiction is complicated and confounds any one solution. For too long, our behavioral health and criminal justice systems have worked in isolation from or even opposition to one another. The deflection programming and new investments contained in HB 4002 are the bridge.

Thank you to the chairs of the committee for allowing me to participate in the development of these important provisions, and I urge the committee to vote yes.