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Date: Thursday July 23, 2020

Re: The Drug Addiction Recovery and Treatment Act's (IP44) Racial and Ethnic Impact Statement

Position: Oregon voters need a more complete racial and ethnic impact statement

To: Secretary of State Bev Clarno and The Oregon Criminal Justice Commission

Secretary Clarno and Distinguished Commissioners,

Thank you for the opportunity to submit testimony in support of this historic legislation and in light of your Commission's racial and ethnic impact report. I am writing on behalf of myself as a former prosecutor and as a board member for the Law Enforcement Action Partnership (LEAP). LEAP is a nonprofit group of prosecutors, judges, police, and others in law enforcement who support evidence-based public health interventions for drug problems.

My background

I have been an Oregon resident for 11 years but spent my prosecutorial career working felony cases in Chicago during the early days of the War on Drugs when excessive prison sentences became the norm. Many states have reduced the racially disparate impact of those sentences, limited the use of mandatory minimum guidelines, and reduced the severity of punishment for many low-level crimes, but we have much further to go. IP44 is a logical next step for Oregon and would serve as a signal to other states considering similar moves.

When I look back on my time in the Cook County State's Attorney's Office, I regret what we did to the communities we aimed to serve. The punishment rarely fit the crime, and the punishment almost never resulted in my community being safer from the threat of problematic drug use. The demand for drugs remained high. And the people who needed help simply did not — and still do not — have access to effective and affordable treatment options.

Not a single prosecutorial office in this country can say that their years of punishing people for small amounts of drugs has made our communities safer from addiction or overdose. Our enforcement strategy has contributed to the addiction crisis and the tens of thousands of overdose deaths each year, yet the policies that fueled this fire are largely still in effect.

Expand the racial and ethnic impact statement

As a white prosecutor in Chicago, a city known for its vibrant racial and ethnic diversity, I was no stranger to the power imbalance in our systems. From arrest all

the way to recidivism and re-arrest, people of color are significantly more likely to experience legal consequences for most crimes, including drug crimes. I saw this with my own eyes back then, and I see it today. The Criminal Justice Commission's research in Oregon suggests this is also the case in Oregon. Unfortunately, the "Draft Racial and Ethnic Impact Statement" only looks at convictions.

Convictions are an important way disparities manifest themselves within the criminal justice system. But only examining convictions greatly underestimates the disparate impact the criminal justice system has on people of color when it comes to simple drug possession. The CJC's impact statement should at least look at disparities in arrests, sentencing, and time served.

Strike the "victims" section

In drug possession cases, there is not a "victim." If there was one, such "victims" would testify in court in simple drug possession cases. I cannot recall a case where that has happened. Although there may be victims in cases that often are associated with drug possession, Initiative Petition 44 does not change crime associated with drug use.

I am not disillusioned into thinking that this bill would eliminate all racial inequalities pertaining to drug offenses. But the impact report clearly shows potential for a significant reduction in the overall burden that drug laws would have on communities of color.

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Thank you for considering IP44 and for your illuminating report on its potential impact across Oregon's racial and ethnic groups. The report serves as yet another crucial piece of evidence that I believe will bring us closer to understanding the disparities within our criminal justice system as they apply to small-scale drug possession.

Thank you for your time and attention.

Sincerely,

Inge Fryklund, Assistant State's Attorney (Fmr.)
Cook County State's Attorney's Office, Chicago*
Bend, OR

*Former employer provided for informational purposes only. The opinions expressed herein belong to Inge Fryklund and the Law Enforcement Action Partnership.

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