

Dear Senators and Representatives:

On behalf of our 135,000 supporters, ACLU of Washington asks you to reject E2SSB 5536. The data and evidence do not support maintaining criminal penalties for drug possession as a solution to the public-health crises of substance use disorder. The Legislature should choose solutions that are proven to save lives, bring people inside, and put people on a path to recovery. The Legislature must reject the tough-on-crime option offered by the Association of Washington Cities and supported by the Senate. That approach will fail and will serve only to funnel more people of color and poor people into our criminal legal system, both a cruel and unsound public policy choice.

A vote to maintain criminal penalties for drug possession and create a new criminal penalty for public use is a vote to commit scarce public resources to propping up policies widely acknowledged to be ineffective, counterproductive, racist, and classist. Hundreds of thousands of Washingtonians will continue to use drugs every year, yet, according to the Administrative Office of the Courts, only 12,000 cases involving people subjected to arrest, prosecution, and stripping of their rights for drug possession or use will be added to Washington's court dockets.

The historical record of bias and unfairness is clear and understood by Washington constituents; this is why **39 community organizations** across the state delivered a letter to the Chair, Vice Chair, and Members of the Senate Law & Justice Committee asking them to “pass legislation that codifies the recommendations adopted by the [Health Care Authority's] Substance Use Recovery Services Advisory Committee (SURSAC), including its recommendations to decriminalize drug possession, create a safe supply working group, and increase investment in public health alternatives for people with substance use disorders.” *See attached letters dated 1/25/23 and 2/6/23; see also attached SURSAC Services Plan dated 1/10/23.*

It is also why 835 individuals and organizations signed in Con on E2SSB 5536 in the Senate Law & Justice Committee, 701 in Senate Ways & Means, and 850 in the House Community Safety, Justice, and Reentry Committee on the bill delivered to the House by the Senate.

Twenty-eight mayors delivered to the Legislature a letter about E2SSB 5536 on Thursday. It made clear that the repetitive invocation of “accountability” in hearings on E2SSB 5536 and the letter itself has never been anything more than a dog whistle appeal to the worst political instincts that have stoked and sustained the War on Drugs from its inception. It has never been a call for government to be held accountable to build the public health systems necessary to meet the needs of all members of our communities. It has not been a call to address racial and economic disparities in the social determinants of health that exist in all corners of our state. It has not been a call to build a world class behavioral health system that ensures 24/7 availability of outreach and engagement workers everywhere in Washington who can be called to respond to people visibly incapacitated and needing assistance getting to places with space

and services for them, that are designed around a vision of dignity and reconnection rather than degradation and isolation.

It has not been a call worthy of answer.

Jails are not legitimate paths to recovery. They are detours where pain and punishment are inflicted as retribution for a vocal minority's indignation at having to witness people having some of their worst days. Many Washingtonians are having to bear witness to distressing behavior and human collapse because our behavioral health systems have been starved of resources for decades and are racing to catch up to the heightened need and current science with too little fuel in the tank. The Legislature faces a choice point for how best to invest public funds to chart a new path forward. Disappearing people into jails and coercing them to comply with court-ordered, abstinence-focused "treatment" on threat of more incarceration and degradation is a decades-old strategy recognized primarily for its revolving door of failure, from street to jail to court to street to jail to court to street again.

A vote to maintain criminal penalties is a vote to derail progress toward a real solution. It is a vote to cement racist and elitist policies that perpetuate inequities and sow division in our communities. It devalues the voices of people who've experienced substance use disorder and the direct and collateral damage of the War on Drugs. It sanctions diversion of public resources away from the task of building the right systems in favor of maintaining the tools of punishment and dehumanization.

I have attached both two, on-pagers regarding this issue that I hope you find useful in your deliberations.

Win or lose, vote on the right side of history. Vote your values. Vote with vision and the hope of inspiring the communities you serve. Vote no on E2SSB 5536.

Sincerely,

M. Lorena González
Legislative Director
Pronouns: she/her

American Civil Liberties Union of Washington
PO Box 2728, Seattle, WA 98111-2728

Cell: 206.992.8457 | Office: 206.624.2184 | mlgonzalez@aclu-wa.org
www.aclu-wa.org

