

Senator Manka Dhingra
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Senator Yasmin Trudeau
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February 6, 2023

Dear Chair Dhingra, Vice Chair Trudeau, and Senate Law & Justice Committee Members,

The following signatories ask that you pass SB 5624, which codifies the recommendations adopted by the 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. Increasing penalties for drug possession would repeat the mistakes of the past, pouring money into revolving jail doors instead of programs that work, and continue the failed legacy and racist outcomes of the War on Drugs. Instead, Washington should double down on the new path charted by the Recovery Navigator program established in 2021 and measure its success after it has become fully operational. Initial outcomes have been [very positive](#).

We urge lawmakers to fully examine the current landscape of drug policy issues in Washington State and nationwide and learn from those with lived experiences before passing legislation that further criminalizes drug possession. There is no question that we face many challenges, but the narrative that Washington's drug policy problems stem from the *State v. Blake* decision is disingenuous and false. For example, Washington, like the vast majority of other states, has seen an alarming increase in overdose deaths in the last few years. But, this trend started before the *Blake* decision and is being driven by the emergence of fentanyl and pandemic related stressors.

Law enforcement has stated that officers have no place to divert people who have substance use disorders. This is partly true, but it is due to a statewide lack of investment in behavioral health services, especially services that meet the needs of people with substance use disorders. Legislation passed in 2021, ESB 5476, included policies and the Recovery Navigator programs to address some behavioral service gaps, but it takes time to establish services. Pivoting away from policies and programs created in 2021, less than two years from passage and during an ongoing global pandemic, would return our state to an ineffective War-on-Drugs approach.

Incarcerating people to compel them to enroll in and complete substance use disorder treatment is not only ineffective, it is unconstitutional and potentially life threatening. Pretrial detention is governed by court rule and the courts' application of article 1, section 7 of the Washington State Constitution, which provides greater protection to individuals' freedom from unreasonable search and seizure than does the Fourth Amendment to the U.S. Constitution. *See, e.g., Blomstrom v. Tripp*, 189 Wn.2d 379, 402 P.3d 831 (2017). Moreover, people are at incredibly

heightened [risk of overdose](#) upon release from jail. Providing community-based care is more effective at preventing overdose-related deaths.

The legislature should follow the guidance of SURSAC. This legislatively created committee, led by the Health Care Authority, is made up of experts “reflective of the community of individuals living with substance use disorder, including persons who are black, indigenous, and persons of color, persons with co-occurring substance use disorders and mental health conditions, as well as persons who represent the unique needs of rural communities.” Lawmakers, prosecutors, and law enforcement were also at the table during the committee’s work this year. SURSAC met throughout 2022 and released a comprehensive plan to address how Washington State should address substance use disorders. The recommendations cover topics ranging from family supports for loved ones with substance use disorders, data practices, service allocation, increased use of diversion practices for people committing crimes due to substance use disorder, prevention practices, decriminalization of drug possession, and the creation of a working group to look at safe supply policies. This is the type of comprehensive approach Washington State should take when addressing substance use disorders.

The SURSAC plan is also what voters want. A [June 2022 poll](#) of likely Washington voters found that 85% believe that drug use should be treated as a public health issue, not a criminal justice issue. The same poll found that 67% of Washington voters would support a policy that decriminalizes drug possession and invests in public health alternatives.

We all want better outcomes for our communities and loved ones experiencing substance use disorders. But, we must learn from the past and not double down on failed policies. Please pass legislation implementing SURSAC’s recommendations to decriminalize drug possession, study safe supply options, and provide the resources necessary to create a true public health alternative to the War on Drugs.

Signed,

A New PATH (Parents for Addiction Treatment & Healing)
ACLU of Washington
Amber's H.O.P.E.
Blue Mountain Heart to Heart
Burien People Power
Civil Survival
Coalition for Rights & Safety for People in the Sex Trade
Community Visions
Dave Purchase Project/Tacoma Needle Exchange
Drug Policy Alliance
Evergreen Treatment Services REACH
Evergreen Treatment Services
Fentanyl Awareness
Fuse Washington
Greater Spokane Progress
Hepatitis Education Project (HEP)

Herzl-Ner Tamid (HNT)
Jones Community Solutions LLC
Kelley-Ross Foundation
Latinos En Spokane
Law Enforcement Action Partnership
League of Women Voters of Washington
Nat Turner Revolution
Natasha L Hill, P.S.
Northwest Immigrant Rights Project
PCAF (formerly Pierce County AIDS Foundation)
Peace and Justice Action League of Spokane
Peer Washington
People Power Washington
Planned Parenthood of Greater Washington and North Idaho
Prism West
Psychedelic Medicine Alliance of Washington
Revive Center/ I Did the Time
Snohomish County Indivisible
Spectrum Center Spokane
Spokane Community Against Racism (SCAR)
Statewide Poverty Action Network
Students for Sensible Drug Policy – University of Washington
Students for Sensible Drug Policy
Tacoma Urban League
Terrapin Legal
Urban League of Metropolitan Seattle
VOCAL-WA
WA Partners for Social Change
Wallingford Indivisible
Washington Association of Criminal Defense Lawyers
Washington Defender Association
Washington Recovery Alliance
Yoga Behind Bars