

End the Failed War on Drugs

Adopt the SURSAC Recommendations



How Washington addresses drugs and substance use disorders is a focus of the 2023 legislative session. Criminal provisions adopted in 2021 in response to *State v. Blake* expire July 1, 2023, and the drug overdose epidemic continues unabated. It is critical that lawmakers not go backwards and further criminalize a public health crisis. Washington should pass legislation that codifies the Substance Use Recovery Services Advisory Committee (SURSAC) recommendations, including decriminalization of drug possession, creation of a safe supply working group and increased investment in public health alternatives, such as Recovery Navigator Programs. We need to make wise investments in public health responses that keep people alive, improve the health and wellbeing of individuals, families and communities, and that explore better approaches to address our state's overdose epidemic.

Key provisions

Decriminalize drug possession

The nationwide overdose crisis and its impact in Washington is a public health emergency that demands our immediate attention, as more Washingtonians die every day. Maintaining or increasing penalties for drug possession and relying on jails and prosecution as a pathway to treatment would be repeating the mistakes of the past and continuing the failed legacy and racist outcomes of the War on Drugs. 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. 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.

Create a statewide workgroup to study safe supply

Overdose deaths are soaring and change is urgently needed. SURSAC adopted a recommendation to create a statewide workgroup to make recommendations on a framework for safe supply, which could provide a regulated, tested supply of controlled substances to individuals at risk of drug overdoses

The workgroup should center people who formerly or currently use drugs, and those who have lost loved ones. This workgroup should consider values of (1) non-commercialization, and (2) alternative lawful income sources for people who have been trapped in the illicit distribution economy and could be displaced by a safe supply program, to prevent potential unintended consequences that would disadvantage communities most impacted.

Increase investment in public health alternatives for people with substance use disorder

Treating drug use as a crime ruins lives, saddling people with lifelong criminal records that make it more difficult to access services, housing and jobs. Punishing people for drug use is also less effective than treatment and recovery supports – ultimately costing the taxpayers a lot more money.

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.

Olympia Should Codify the SURSAC Recommendations

Implementing the SURSAC recommendations would:

- Decriminalize drug possession, avoiding both the exponential increase in the risk of overdose experienced by people booked into and then released from jail, and the creation of court and criminal history records that erect barriers to housing and employment.
- Convene a work group to study safe supply options to reduce deaths from fentanyl-laced and adulterated street drugs.
- Invests in recovery supports and services that address social determinants of health like education and employment.