

SURSAC – Special Meeting – 9.9.22

ACLU of Washington Comments

SURSAC – Criminal Legal Considerations

- Public health approaches for substance use disorders will have better outcomes than punitive ones
- Current problems in Washington are happening all over the country and are being driven by factors such as the pandemic, workforce issues, and lack of services
 - States with highest percentage increase in drug overdose between March 2021 to March 2022 – Alaska (49.7%), Idaho (38.57%), South Dakota (29.87%), New Hampshire (26.39%), Washington (26.22%)

SURSAC – Criminal Legal Considerations

- Major changes to drug laws do happen and can have beneficial outcomes – Needle Exchange Programs, Death with Dignity, Marijuana Legalization (Initiative 502 – not perfect, but sky hasn't fallen)
- Be mindful that community advocates have been working on the question of new approaches to drug possession for years – I-1715 (2020), HB 1499 – Pathways to Recovery Act (2021), I-1922. It's where SURSAC originated.

SURSAC – Criminal Legal Considerations

Policy Considerations:

- Possession of controlled substances-legend drugs
paraphernalia - Decriminalization, Depenalization, Diversion
- Civil infraction or a referral process
- Thresholds or not – fixed amounts, rulemaking process, case law standard
- State preemption
- Past convictions

SURSAC – Criminal Legal Considerations

- Until the state fully invests in public health alternatives, including low-barrier case-management, alternatives to jails and ERs, robust physical and behavioral services, housing, long term recovery supports, etc., we won't see success regardless of the legal status of drug possession.
- Safe Supply options should be included as a recommendation from SURSAC as part of the state's response.

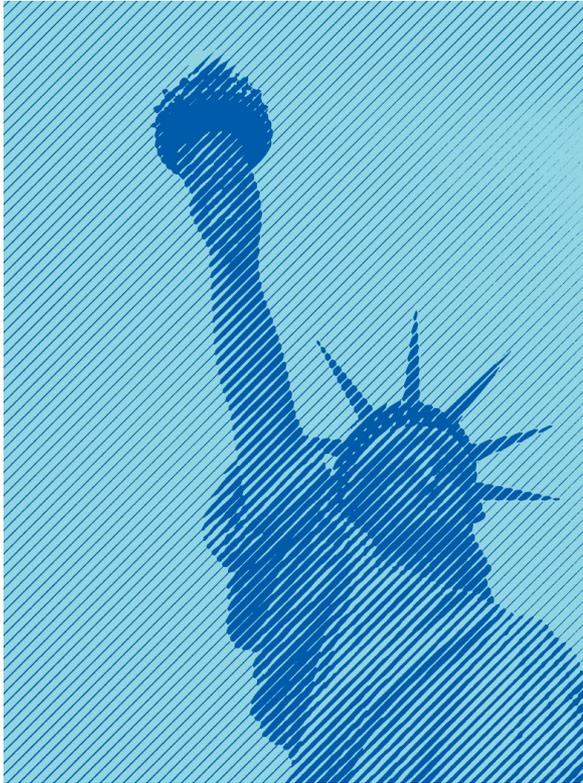


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