

To: House Committee on Judiciary
From: Sharon Meieran, Multnomah County Commissioner
Date: February 25, 2021
Re: Support for Justice Reinvestment 2021, House Bill 2002

Chair Bynum, Vice-Chairs Noble and Power, and Members of the Committee,

My name is Sharon Meieran. I am a Multnomah County Commissioner representing District 1, and an emergency physician. I am very pleased to offer this testimony in support of House Bill 2002.

HB 2002 represents a comprehensive effort to reform the continuum of our criminal legal system. The COVID-19 pandemic and the Black Lives Matter movement have brought to the forefront stark disparities in our healthcare and criminal legal systems. In behavioral healthcare, Black, Indigenous and other people of color are less able to access community-based treatment and more likely to be arrested for conduct related to a behavioral health condition. This bill addresses the intersection of inadequate healthcare access, racism, and mass incarceration by tackling the criminalization of people with unmet behavioral healthcare needs. I would like to address two specific components of the bill that aim to prevent the counterproductive and harmful criminalization of people whose arrest is triggered by unmet healthcare needs.

- Section 22 would limit an officer's authority to make a warrantless arrest if the crime charged is a non-person misdemeanor. In those cases, the officer could still seek a warrant to make an arrest or issue a criminal citation. This would prevent jail from serving as a default, short-term intervention to address charges associated with behavioral health needs and houselessness, such as trespass and disorderly conduct.
- Under current law, people who are unconscious may not be admitted to jails. Section 26 broadens that prohibition to prevent jail admission of people who are in acute need of medical or psychiatric care.¹ In those cases, HB 2002 would require that an individual be taken to the nearest appropriate medical facility for medical diagnosis, care and treatment.

There is broad agreement among policy makers, law enforcement, healthcare professionals, and people with lived experience in the criminal legal system that jails are not the

¹ Current language in the bill also prohibits jails admission of people who are showing symptoms of a contagious virus. That language, which would include a common cold, is too broad. A serious contagious virus requiring immediate medical attention would be covered under the remaining criteria ("acute need of medical care").



Sharon Meieran
Multnomah County Commissioner, District 1

appropriate destination for people in acute need of either physical or behavioral healthcare. As evidenced in the [Criminal Justice Commission's recent survey](#), rural jails in particular may have extremely limited medical or mental health staffing. In Multnomah County, our Corrections Health Division works to ensure access to appropriate health care. Despite this important work, jails, by definition are not trauma-informed, therapeutic environments designed and equipped to receive patients in crisis. Incarceration can cause lasting fallout in an individual's life - loss of housing or employment, disruption of Medicaid coverage and Social Security benefits, separation from children, loved ones, support people, and pets - the list goes on and on. When people with acute healthcare needs are confined in a setting that cannot meet those needs, it follows that they may suffer physical and psychological harm, or even [death](#).

Despite growing recognition of these harms, jails continue to serve as the de facto healthcare drop-off location in many of our communities. Communities lack alternative resources to meet intensifying physical and behavioral healthcare needs, which drives law enforcement to rely on jails. This status quo, with all its human and economic costs, will persist until Oregon enacts statutory limitations that tip the scales in favor of bringing people with acute healthcare needs to a healthcare setting. HB 2002 does this by limiting the harmful overreliance on jails and directing resources to upstream services that meet rather than criminalize behavioral healthcare needs.

I also want to express my support for the thoughtful approach to Measure 11 reform in HB 2002. 1990s-era mandatory minimum sentencing has driven the devastating impact of the criminal justice system on communities of color. HB 2002 empowers the court to match the prison sentence to the facts of each case and lowers the presumptive sentence on two charges (Robbery II and Assault II) which are the biggest drivers of our state's prison population and the racial disparities among those incarcerated.

HB 2002 will improve equity, fairness, and accountability in Oregon's criminal legal system and I strongly advocate for your support.

Respectfully submitted,

Sharon Meieran