April 25, 2023

Assemblymember Reginald Jones-Sawyer, Chair
Assembly Public Safety Committee Members
1020 N Street, Room 111
Sacramento, CA 95814

RE: April 27th Assembly Public Safety Hearing on Fentanyl Bills

Assembly Public Safety Committee Chair Jones-Sawyer and Assembly Public Safety Committee Members:

We, the undersigned organizations, are writing to express our strong support for advancing public health solutions to the overdose crisis. We do not take lightly the devastation caused by overdose deaths, and are supportive of evidence-based policies that stabilize communities and save lives. We recognize our shared commitment to advancing civil rights, racial justice, and ending mass incarceration in California, and we encourage you to uphold these values when evaluating fentanyl bills on April 27, 2023.

California cannot repeat the failed war on drugs.
The war on drugs dramatically increased the racial disparities in every facet of life, and targeted the poorest and most vulnerable among us. Over the past five decades, the U.S. has committed more than $1 trillion to the war on drugs. Enforcing the war on drugs costs the US more than $51 billion each year, according to the Drug Policy Alliance. But the crackdown has failed to reduce substance use disorder. One in five incarcerated people are incarcerated for a drug offense. More than four in five arrests in the war on drugs are for mere possession. Although Black people are not more likely to use or sell drugs, they are 3.64 times more likely to be arrested and incarcerated for marijuana offenses. California cannot retreat to racist and failed policies.

Bills that increase penalties for selling drugs harm the very people they purport to protect.
Many people who sell drugs on the street are themselves drug users from the same community as the victims of drug overdoses these bills are purportedly trying to protect. A Bureau of Justice report found that 70% of people incarcerated for drug trafficking in state prisons used drugs prior to arrest.

---

to the offense. These individuals often distribute drugs, not for profit, but to support their own substance use disorder.

Further criminalizing and incarcerating people who allegedly sell drugs will not have the impact of disrupting supply chains. Instead, the predictable outcome of increasing prosecution of street-level suppliers will be to criminalize the family and friends of people who have overdosed and dissuade people struggling with substance use disorder from coming forward to seek help. Enforcement-first strategies are fueling the overdose crisis by pushing people into risky situations, isolation and making the drug supply unregulated and unsafe.

**Jailing people who sell drugs does not reduce the drug supply or demand.**

There is no empirical evidence that harsher punishment reduces the supply of, or demand for, drugs. A recent 50-state survey found that higher rates of incarceration for drug crimes did not translate into lower rates of drug use, arrests, or overdose deaths. Additionally, the Office for National Drug Control Policy (ONDCP) determined that despite increased consequences, the rate of use of illegal drugs has continued to rise, from 6.7% of Americans age 12 and older in 1990 to 9.2% in 2012.

**All of these bills divert time and resources away from evidence-based solutions like treatment and overdose prevention centers.**

Even the bills that do not explicitly require more criminal penalties for drug-related offenses, but continue to rely on a law enforcement approach, divert the state’s capacity to implement and fund public health solutions to the overdose crisis, such as delivery of naloxone, fentanyl test strips, overdose prevention and response training, drug treatment provision and navigation, access to housing, and education. To save lives, California must invest in resources and pass policies that stabilize communities.

In closing, we urge you to oppose the passage of these fentanyl bills and instead to redirect our state’s focus and resources toward addressing this public health issue with evidence-based solutions.

---


7 *Id.*

Respectfully,

ACLU California Action
All of Us or None
Anti-Recidivism Coalition
Asian Prisoner Support Committee
California Alliance for Youth and Community Justice
California Attorneys for Criminal Justice
California Immigrant Policy Center
Californians for Safety and Justice
Care First California
Center on Juvenile and Criminal Justice
Community Works
Communities United for Restorative Youth Justice
Ella Baker Center for Human Rights
Essie Justice Group
Fair Chance Project
Friends Committee on Legislation of California
Haywood Burns Institute
Initiate Justice
Initiate Justice Action
La Defensa
Legal Services for Prisoners with Children
San Francisco Pretrial Diversion Program
San Francisco Public Defender’s Office
Sister Warriors Freedom Coalition
Smart Justice California
Southeast Asia Resource Action Center (SEARAC)
The Pacific Juvenile Defender Center
Transitions Clinic Network
USF Racial Justice Clinic
Young Women's Freedom Center