

**DRUG  
POLICY  
ALLIANCE.**



health  
justice  
recovery  
alliance

# A Health-Focused approach to Drugs

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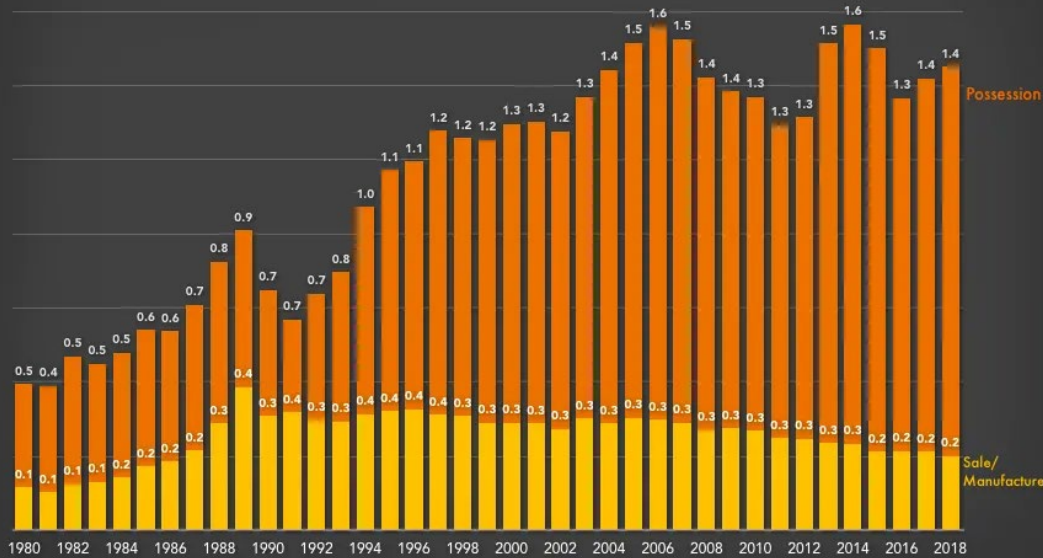
# AGENDA

- Impacts of the Drug War
- What is Drug Decriminalization?
- Measure 110
- Analysis and Findings
- Lessons Learned
- Beyond Oregon

# A Leading Cause of Arrest and Incarceration

There are over 1 million drug possession arrests each year

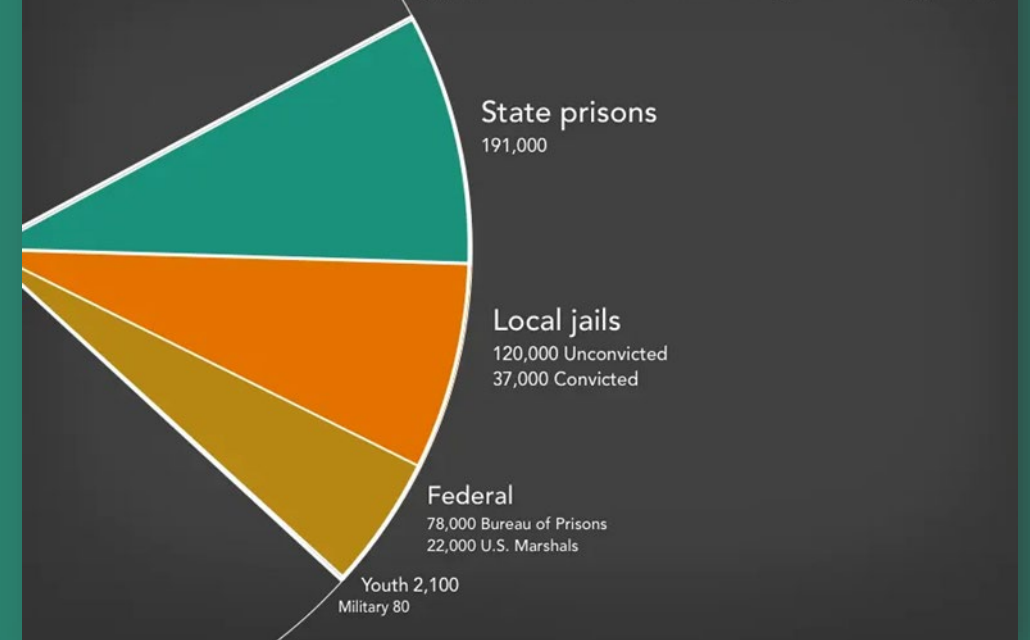
There are 6 times as many arrests for drug possession as for drug sales.  
(Arrests in millions, 1980–2018)



PRISON POLICY INITIATIVE Compiled by the Prison Policy Initiative from Federal Bureau of Investigation *Crime in the United States* series.

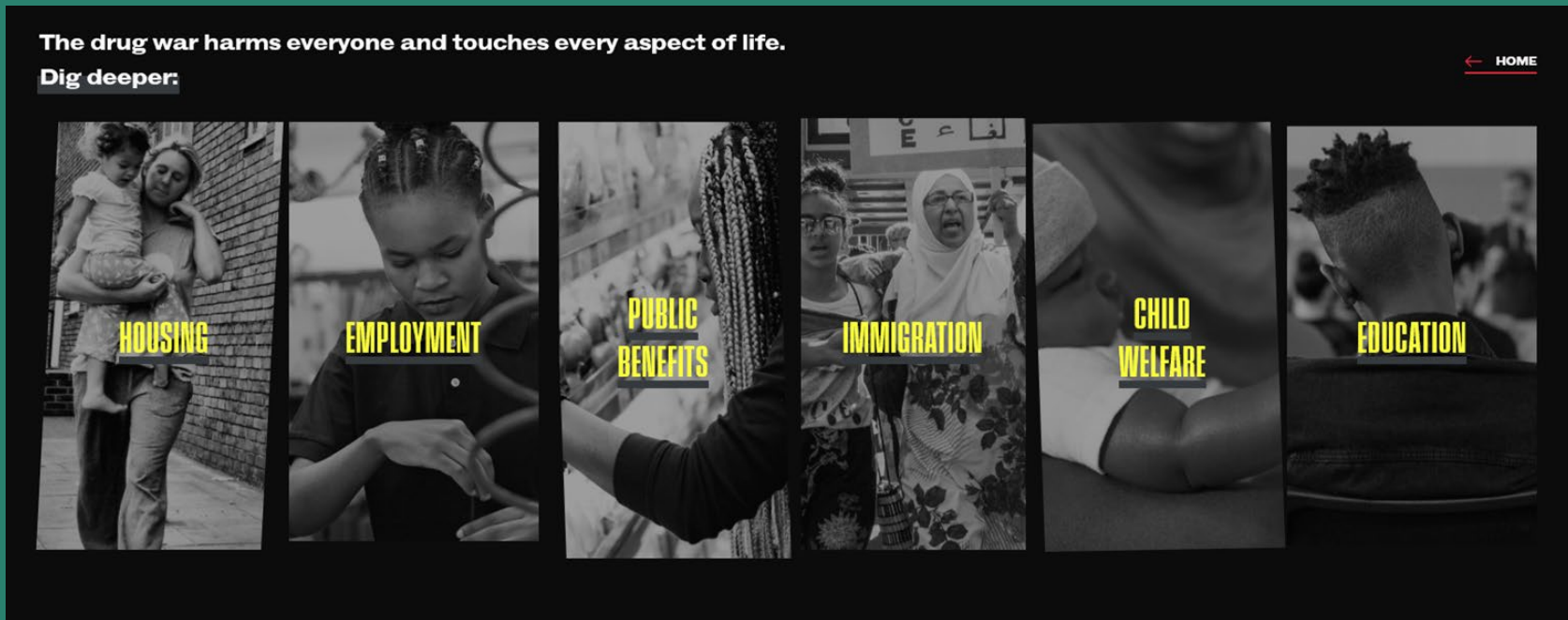
1 in 5 incarcerated people is locked up for a drug offense

450,000 are incarcerated for nonviolent drug offenses on any given day.



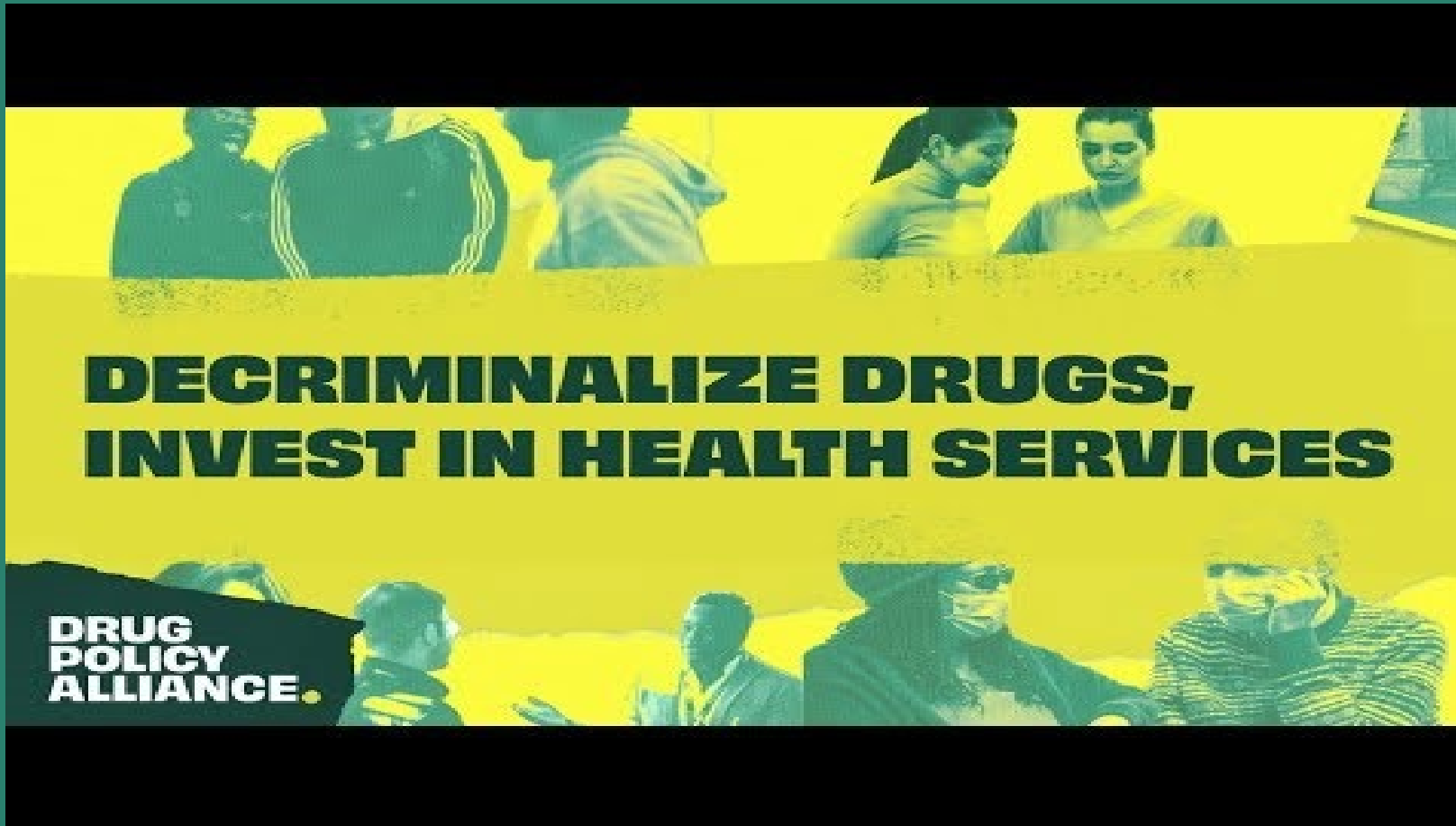
Source: Prison Policy Initiative – [prisonpolicy.org](http://prisonpolicy.org)

# Mass Criminalization and Collateral Consequences



Source: [uprootingthedrugwar.org](http://uprootingthedrugwar.org)

# What is Drug Decriminalization?



# What is Drug Decriminalization?



<p><b>Arrest &amp; Incarceration</b> <b>Prevent Upward Mobility</b></p> <p>Possession of even small amounts of drugs can have lifelong consequences. This includes preventing a person from getting a job, a student loan, or a place to live.</p>	<p><b>Drug Decriminalization</b> <b>Allows for Community Investment</b></p> <p>Divesting from criminalization allows us to invest in needed supports. This includes housing, job training, and voluntary treatment. Evidence shows that investing in these services helps people thrive.</p>	<p><b>Decriminalizing Drugs Increases Funds for Addiction Services</b></p> <p>In 2020, voters made Oregon the first U.S. state to decriminalize the possession of small amounts of drugs. Drug possession arrests significantly decreased. Additionally, \$302 million has already been invested in the first two years for addiction services.</p>
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Source: [The Sentencing Project, Berkeley](#)

Source: [Oregon Criminal Justice Commission](#)

# Measure 110 in Oregon

- Possession of certain quantities are a **civil** offense, not a legal offense
- \$100 Fine or Drug Evaluation
- Voluntary referrals to services in community
- Funding to create Behavioral Health Resource Networks (BHRN) to expand continuum of care
- Oversight and Accountability Council (OAC) formed

**Table 1.** Offense level for possession of differing quantities of drugs in Oregon post-measure 110

Drug	Class E Violation	Misdemeanor	Felony*
Heroin	<1g	≥1 g but <5g	≥5g
Cocaine	<2g	≥2 g but <10g	≥10g
MDMA (ecstasy)	<1 g or 5 pills	≥1 g or 5 pills but <5 g or 25 pills	≥5 g or 25 pills
Methamphetamine	<2g	≥2 g but <10g	≥10g
LSD	<40 units	≥40 units but <200 units	≥200 units
Psilocybin	<12g	≥12 g but <60g	≥60g
Oxycodone	<40 pills	≥40 pills	n/a

\* Possession may also be a felony if it is considered a 'commercial drug offense', requiring the presence of three or more factors ostensibly indicating possession for commercial purposes.

Source: Senate Bill 755 2021 (Or).

# Implementation Timeline

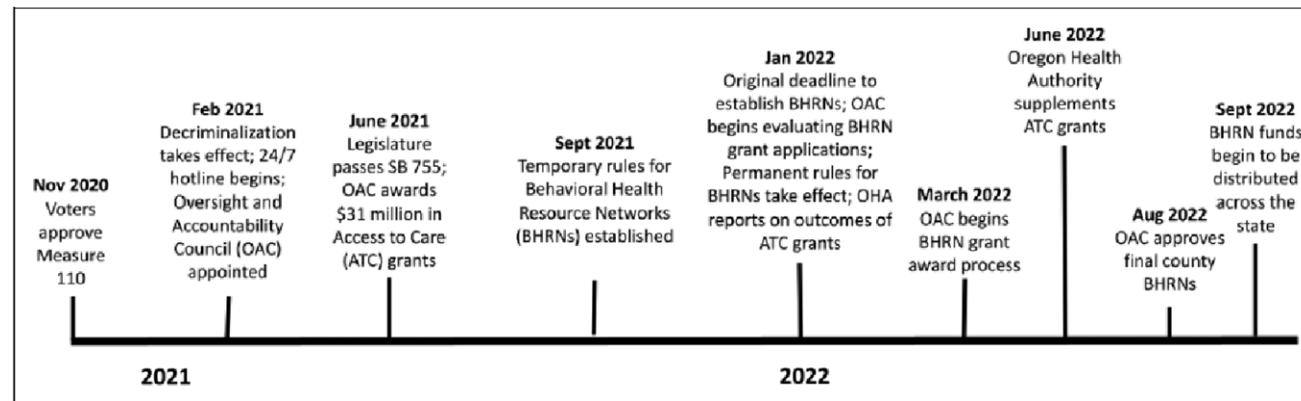
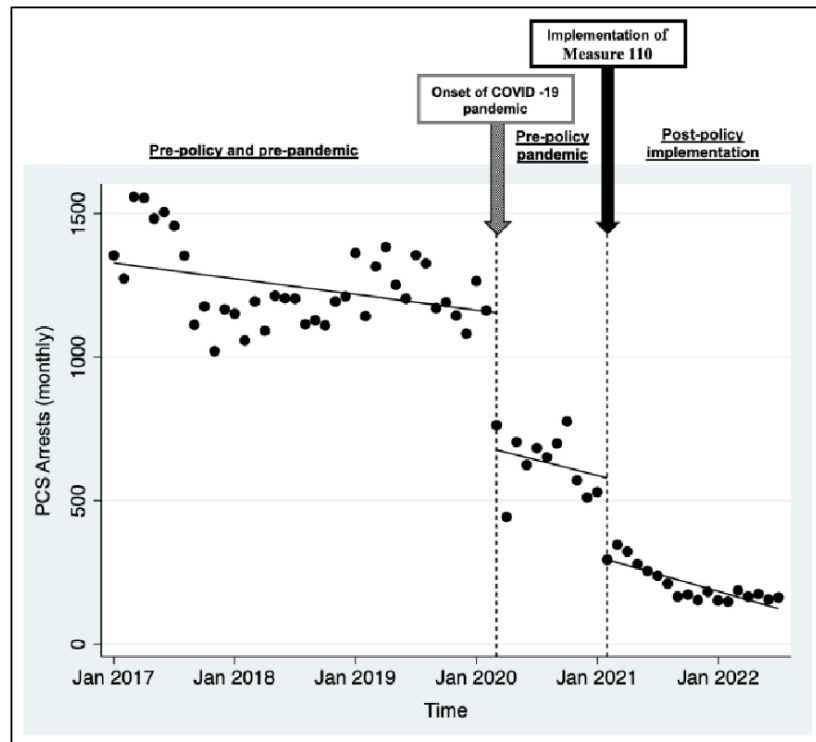


Figure 1. Measure 110 implementation timeline.

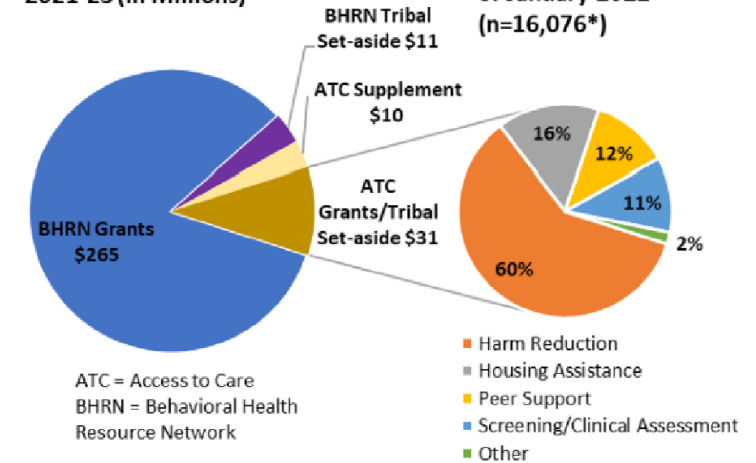


# Arrests Down, Funds Spent on Services



**Figure 2.** Interrupted time series analysis of drug possession arrests in Oregon, 2017–2022. Figure depicts monthly PCS arrests in Oregon prior to and following the implementation of Measure 110. Pre-policy observations are partitioned by whether they occurred before or after the onset of the COVID-19 pandemic. Graph exhibits significant reductions in monthly arrests following the onset of the pandemic, and a further significant reduction after implementation of Measure 110. Following policy implementation, mean monthly arrests continued to decline significantly.  
Source: Oregon Criminal Justice Commission, 2022.

**Measure 110 Funding Allocations, 2021-23 (in Millions)**

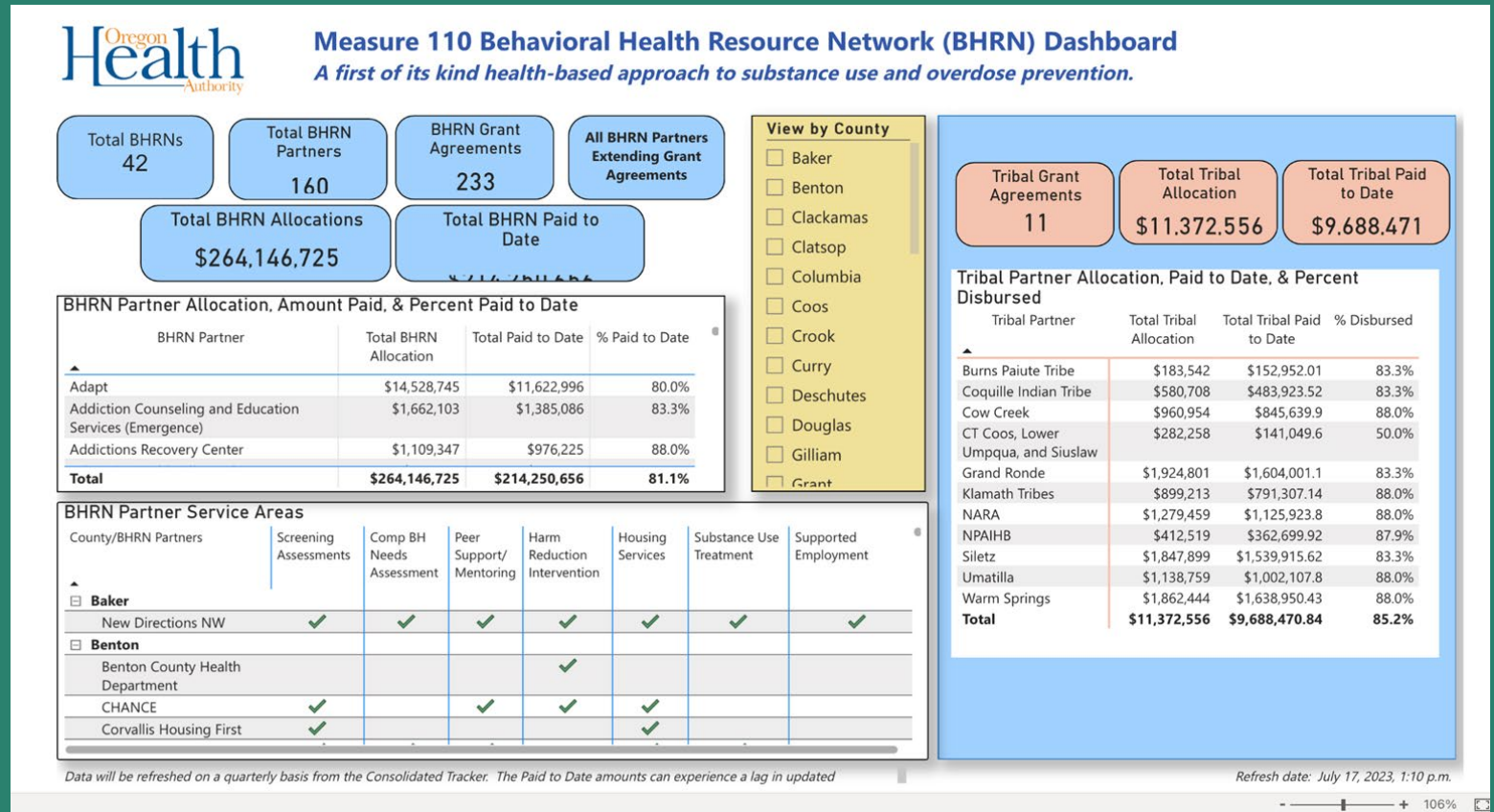


\* Service-category specific information defined for 10,843 individuals. Percentages do not add to 100 due to rounding.

**Figure 3.** Measure 110 funding allocations, 2021–23 (in millions) and services accessed as of January 2022.  
Source: Hawa, 2022; Oregon Health Authority, 2022a, 2022d.

# Oregonians Receiving M110 Services

- Money released in September 2022
- 233 community-based organizations
- 42 BHRNs across 36 counties



# Citation Data: Who Is Getting Cited?

- 5,391 citations to date
- Methamphetamine most common drug cited
- 95% of people cited are Oregon residents (debunking opposition's claims)
- \$37 + \$39 million in justice system cost savings to be reinvested (\$76 million)



## Measure 110

### Class E Violations Through 06/30/2023

#### Key Points

- Filed in 35 circuit courts
- 5391 cases with Class E violations
- 92 cases for offenses before 2/1/21
- 5299 cases for offenses on or after the 2/1/21 effective date
  - 3970 with convictions (75%). Of those, 3381 failed to appear.
  - 440 with all Class E violation charges dismissed (8%). Of those, 43 had a substance use assessment verification filed.
  - 889 pending (17%)
  - 32 juvenile cases
- 577 people have multiple cases with Class E violations.
- Most Class E violations are for possession of Methamphetamine (59%) or Schedule II (17%).
- 273 (5%) were issued to non-Oregon residents from 25 states.

**Questions?**  
Please contact Phil Lemman, Deputy State Court Administrator:  
[Phillip.Lemman@ojd.state.or.us](mailto:Phillip.Lemman@ojd.state.or.us)  
503-986-5745



## Oregon Judicial Department

### Measure 110

2021 Senate Bill 755-C codified and amended Ballot Measure 110, which decriminalized most unlawful possession of a controlled substance (PCS) offenses.

#### Reduction of Penalties

Measure 110 reduced the penalties for most PCS offenses from a felony or misdemeanor to a new Class E violation, punishable with a \$100 maximum fine. Effective February 1, 2021, most PCS offenses are punishable only by a fine – no jail, supervision, or other criminal penalties can be imposed.

#### History

Measure 110 was approved by Oregon voters in the November 2020 election and reduced penalties for most PCS offenses as of February 1, 2021. The legislature passed SB 755-C, which took effect on July 19, 2021. Major court-related changes in SB 755-C include:

- Allowing a person charged with a Class E violation to obtain a treatment needs screening or treatment contact within 45 days of the citation, provide proof to the court, and have their charge dismissed.
- Requiring law enforcement to provide information on how to obtain a screening when issuing a citation for a Class E violation.
- Establishing a \$45 minimum fine.
- Requiring all Class E violations to be filed in circuit courts.
- Prohibiting penalties for failing to appear in court for a Class E violation.

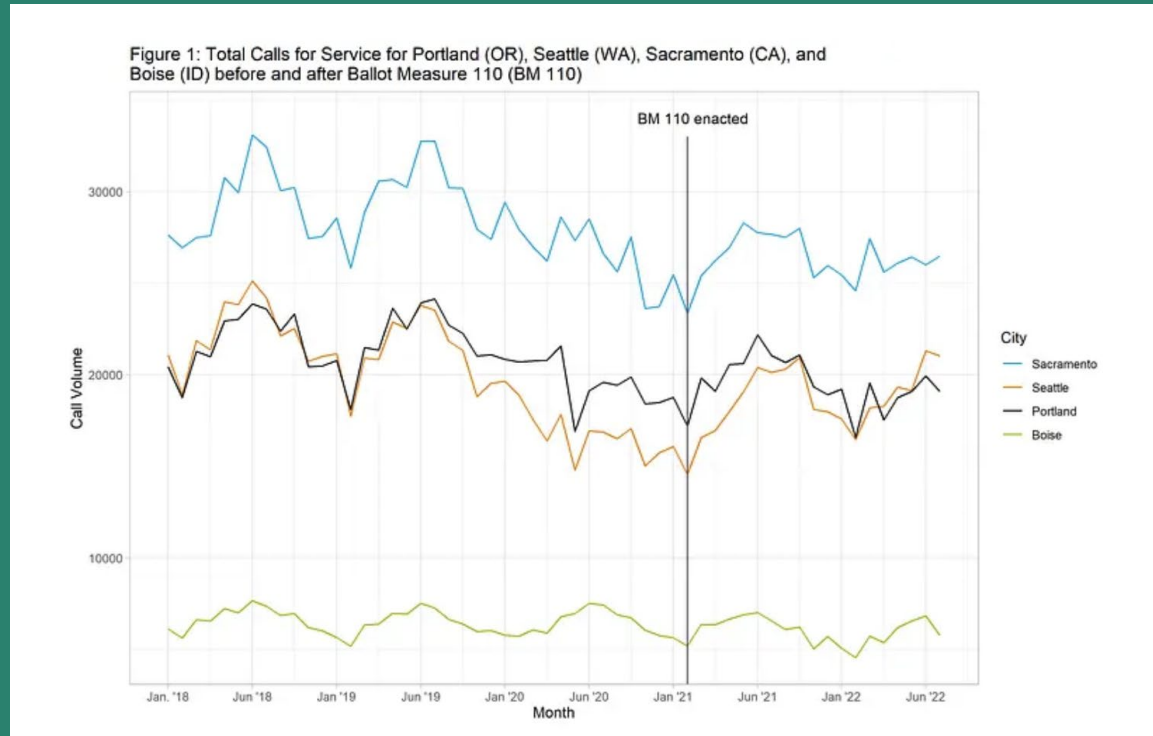
Circuit Court Cases with Class E Violations by County For Offenses Between 2/1/21 and 06/30/2023

County	Cases	County	Cases	County	Cases
Baker	23	Harney	1	Morrow	6
Benton	266	Hood River	63	Multnomah	817
Clackamas	103	Jackson	618	Polk	78
Clatsop	78	Jefferson	19	Sherman	6
Columbia	16	Josephine	1002	Tillamook	3
Coos	130	Klamath	163	Umatilla	140
Crook	39	Lake	11	Union	39
Curry	16	Lane	208	Wallowa	1
Deschutes	216	Lincoln	103	Wasco	31
Douglas	435	Linn	173	Washington	73
Gilliam	2	Malheur	30	Wheeler	0
Grant	2	Marion	125	Yamhill	263

As of 07/06/2023

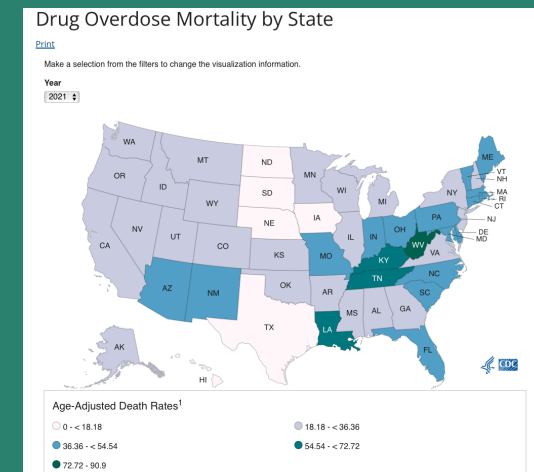
# Calls to 911

Despite spurious claims in the media, RTI found calls to 911 did not increase after February 2021



# Challenges and Threats

- Implementation impacted by COVID-19
  - Allocating and Disbursing Funds
  - Hotline
- Legislative threats to redirect tax revenues, repeal or alter M110
- Overdoses continue to rise nationally, and in Oregon too
- False links to crime, homelessness, and public disorder



# Lessons

- Data and Research Needs
  - Criminal legal data quality should improve, must include race data
  - Hotline must compile and share data
  - Did M110 incarceration length and reduce enhanced sentences?
- Citation process and fines
- We need a broad coalition of state-wide and national support to defend and preserve our wins

# Beyond Oregon:

- **What's happening in Portugal?**
- **Leading legislative campaigns in various states and at the federal level.** This includes New York, Vermont, and Washington, D.C.
- **Landscaping jurisdictions to launch future decriminalization ballot initiatives.**
- **Providing support to allies pushing legislation in various states.** This includes Maine, Massachusetts, Minnesota, New Jersey, Rhode Island, Maryland, and Washington.
- **Convening experts via a “national decrim table” to guide a national decriminalization movement.**
- **Bringing together movement leaders that seek to decriminalize people at large.** This includes other behaviors, conditions, and identities, as well as drugs.
- **Building partnerships with advocates** around issues such as housing, homelessness, and economic justice

**Questions?**