Law Enforcement Encounters After Measure 110: Gaps in decriminalization and experiences of people who use drugs

M110 Research Symposium
January 2024

Presenting Author: Danielle Good, PhD
Comagine Health

Contributing Authors: Soomin Shin, Kyn Kappesser, Morgan Godvin, Lynn Wenger, Gillian Leichtling, Barrot H. Lambdin, Alex H. Kral
Even if researchers do not have the evidence yet, we see the evidence before they do.

Builds on survey of 468 people who use drugs conducted Mar-Oct 2023

We invited 32 people to be interviewed after they took the survey

Goal to gain in-depth insights to topics covered in the surveys

Interviews were about 60 minutes long, $50 cash incentive was provided

Interviews were audio-recorded, transcribed, and analyzed
Background: Participant Overview (n=32)

Interview participants were selected for:

- Knowledge of or experience with changes related to M110
- Criminal legal encounters or status (e.g., received a Class E ticket, on community supervision)
- Connected to other people who use drugs in community
- Willing to expand on answers
- Regional and demographic diversity

**Background: Participant Overview (n=32)**

**Gender**
- Woman: 8
- Man: 22
- Non-binary: 1
- Two Spirit: 1

**Age**
- < 30: 6
- 30 - 39: 12
- 40 - 49: 9
- 50+: 5

**Mean: 39.3, Range: 22 to 62**

Background: Participant Overview (n=32)

Race

- White: 17
- Multiracial: 8
- Hispanic or Latinx: 2
- Native American or Alaskan Native: 2
- Black/African American: 2
- Refused: 1

Multi-Racial

- Native American or Alaskan + White: 5
- Hispanic or Latinx + White: 2
- Black + Native Hawaiian/Pacific Islander: 1

What did we hear about from participants?

Police Interactions  Willingness to Call Police  M110 Hopes

After Measure 110, people who use drugs still interact with law enforcement frequently.

Participants observed that law enforcement focus less on drug possession and public substance use.

- Responses to drug use varied from interaction to interaction and by jurisdiction.
- Participants reported law enforcement does not typically offer resources or assistance to people who use drugs.
- Participants were often not familiar with Class E violations.
Police Interactions

Police responses are inconsistent and unpredictable.

“Sometimes they see us using drugs, and they just drive by and don’t even stop. Sometimes they come and they break your pipe and take your drugs and needles. It’s completely random.”

“[Police] seem to not care, really. I think they just think everyone is on drugs, so they treat everybody the same—if you’re homeless, that is. If they see us using drugs, then they’ll stop you and they’ll search you. Sometimes they actually don’t care, cops will just say, “Hey, stop. Go take that somewhere else.””
Participants said they may have law enforcement interactions for:

- Being unhoused
- Resting in public
- Jaywalking
- Accessing parks, public restrooms, or water fountains at night
- Staying in a store too long
- Playing music
- Visual markers like carrying backpacks, tents, or camping supplies

Law enforcement interactions were frequent and stressful, even without arrests or formal citations.
Police Interactions

Participants still feel targeted and penalized by law enforcement, especially for being unhoused.

“"It’s still crazy to me to think this is the only state where drugs have been decriminalized and homelessness is criminalized.

“"It’s the tents that [police] really go after. It’s people inside tents. It gives them the right. It gives them the probable cause to take them out, search them, run their names, and potentially arrest you because you have warrants.

“"If you’re homeless, you’re a drug addict and a criminal [in their eyes], and that’s how they treat us.
Willingness to Call Police

Does decriminalization of possession influence willingness to call for help?

History with law enforcement informs current willingness to call for help.

- Participants felt law enforcement may escalate situations or not be prepared to help.
- Some officers may be polite, but it doesn’t counter previous negative interactions or unpredictability.
It’s going to take a minute, I think, for [Measure 110] to deescalate from what it used to be to what it is now.

I think [police] make situations worse, to be honest with you. I think that a lot of times something can just be handled within, with people who are doing it. [Police] kind of draw it out. They would rather try to take somebody to jail instead of help.

If you crack me over the head, you would think I would call the police, right? Why would I call the police when I was assaulted for the police to show up and assault me again? [Police] should be coming here to help me, not run my name when I called [them] to defend me.
Willingness to Call Police

Participants are reluctant to call because they don’t see law enforcement as willing to help.

“[Referencing a person calling police for help with a mental health crisis] “It wasn’t like they treated them bad, but it was kind of like they just had better things to do. I’ve never seen the police take anybody [to get help] ever.”

“Maybe after a while police get burnt out. I could totally understand that. [But] when I got stabbed, I didn’t call the cops because I didn’t expect help.”
Participants hoped law enforcement would be able to shift priorities to other crimes.

- Participants noted they often felt unsafe in their community, and they hoped law enforcement would focus on violent crimes.
- Participants thought not policing personal possession would help law enforcement focus on larger scale distributors.
Participants were hopeful about shifting police to violent crimes and large distributors.

“[Measure 110] opens up a lot more space for law enforcement to do things that are much more needed.

“Well, [Measure 110] is freeing up space for the real criminals. The cops aren’t going after people smoking a little bit of dope. They’re going after violent criminals, people who are robbing people. They’re not hurting people who are committing victimless crimes.
M110 Hopes

What makes you hopeful about M110?

Stopping the cycle of arrests made participants hopeful about drug decriminalization.

- Participants hoped they would avoid frequent negative police interactions and jail.
- Participants hoped Measure 110 would ultimately reduce stigma from criminalization.
I just hope that it puts everybody in the same category and just makes **people not view drug addicts in such a negative way. Drug addicts aren’t necessarily criminals.** I think a lot of people can get addicted to drugs without ever having thought of doing a crime. I don’t think that the two are the same at all.”

“I think it makes it **harder to get your life back together when you’re in and out of jail for it.** Really, I think it would be better if you could just not have to go through that [jail] and get your life back together.”
Participants observed that law enforcement generally were less focused on drug possession and public substance use since M110, but experiences varied.

Participants still feel targeted and penalized by the criminal legal system, particularly those who are unhoused.

Participants were hopeful M110 would bring fewer law enforcement interactions, less time in jail, and a shift towards policing crimes like violent offenses and larger-scale drug distribution.

"It’s really helpful not stressing all the time. Because before, we’d have to stress ourselves to death.”

This research was supported by Arnold Ventures. We especially want to thank participants and the M110 Community Advisory Board for contributing their time and expertise to this work.

Thanks to the Comagine Health Data Collection Team: Megan Alcantar, Kyn Kappesser, Kacey Little, Soomin Shin

Thanks to the RTI and Comagine Health Research Team: Morgan Godvin, Alex H. Kral, Barrot H. Lambdin, Gillian Leichtling, and Lynn Wenger

Contact:
Danielle Good, dgood@comagine.org