Precursors to Measure 110: Oregon Drug Policy Trends

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How Did We Get Here?

Key Drug Policy Shifts

- **1973**: Oregon Decriminalized Marijuana possession
- **August 2013**: Justice Reinvestment (JRI) – Diverted possession offenders from prison, funded in 2014
- **July 2015**: Marijuana Legalized
- **July 2017**: Defelonization – Downgraded drug possession from felony to misdemeanor
- **February 2021**: Measure 110 (M110) – Drug possession decriminalized
How Did We Get Here?

Other Historical Events Related to Enforcement

2019  *Oregon v. Arreola-Botella* – Limited scope of questioning during traffic stop
2020  COVID-19 Pandemic
2021  *State v. Hubbell* Raised the bar for proving successful delivery of drugs
2021  *State v. McCarthy* Eliminated motor vehicle exception to warrant requirement
2022  SB1510 – Restricted justification for vehicle stops (lighting infractions)
On-going  Public Defense Crisis
On-going  Officer Staffing Issues
Impacts on Police Proactivity

Have these changes impacted officer stops, arrests, and Drug Court participation?

Data Points
1. Officer Stops
   • Based on modeling officer stops from 2008 – 2023. Data from Statistical Transparency in Policing Data (CJC).
2. Arrests
   • Based on modeling arrest trends from 2008 – 2023. Data from Oregon’s Law Enforcement Data Management System (CJC).
3. Drug Court Enrollment
Officer Stops (2019 – 2023)

**Effects**

- **Officer stops were declining in the months leading up to COVID.**
- July 2019–Jan 2020, average of nearly 50,000 stops per month (49,956).
- 2022 average of 39,080 per month (approximately 10,000 fewer stops).
- 2023 – Rebounding to Pre-COVID levels.
PCS Arrests (2008 – 2023)

Effects

- In most proactive arrest year (2016-2017), there were 23,127 PCS arrests statewide.
- PCS arrests decline after defelonization (2017), stabilized soon afterward.
- Then sharp decline in PCS arrests during the COVID-19 lockdown period, which continued post-M110 (no stabilization).
Drug Nexus Arrests (2008 – 2023)

Effects

- Arrests of other crimes often associated with PCS ("drug nexus crimes") have their own independent patterns.
- Most only impacted by COVID, then rebounded to pre-COVID levels.
- Drug sales/dealing arrests steadily declined.
- Weapon arrests not impacted by anything.
Drugs Courts (2019 – 2023)

Effects

- Highest Drug Court monthly enrollment was roughly 1,300 participants (2019).
- Average during COVID (3/2020 – 1/2021) roughly 960 participants.
Drug Court Enrollment

• Not high capacity because largely serve high risk/high needs individuals.

• Shifting eligibility criteria that preceded M110 (e.g., drug adjacent crimes, prison-bound offenses).

• Treatment Court participation requirements v. typical penalties associated with given charge?

Population w/ Illicit Substance Use Disorder = 327,157 people

PCS Arrests (2016) = 23,127 people out of 327,157 (7%)

Highest Drug Court Enrollment = 1,300 people out of 23,127 (5.6%)
Summary of Results

- Law enforcement stops and PCS arrests were declining well before COVID. Likely more attributable to other changes (e.g., lower staffing levels).
- No detectable impact of M110 on arrests for other crimes.
- Drug Court enrollment more impacted by COVID than M110 and has largely stabilized since early 2022.
- The historic trends during criminalization of PCS indicate very few defendants received treatment through the criminal justice pathway (e.g., drug courts low enrollment).
- Given OHSU’s estimate of the size of the population with substance use disorder in Oregon, a massive outreach and connection plan to get clients into programs needs to prioritized.
Recommendations

1. Structure Involvement of Criminal Justice System.
   • Consider discretionary options for low-level offenses.

2. Increase Community Outreach and Client Connection to M110 Funded Programs.
   • Establish non-law enforcement professionals to help address people in crises.

3. Recriminalization of PCS at this Early Point Not Supported by the Available Data.
   • Some public safety trends postM110 cannot be solely attributable to the policy.
   • If recriminalized, will individuals voluntarily engage in treatment? Defendants may prefer jail (and even prison) over probation w/rigorous drug treatment. Hence, there is no evidence that recriminalization will increase drug treatment engagement.
Thank You!


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Appendix: 3mo MA of Searches & Hits

Effects

• Searches were declining prior to COVID & proportion of hits have ebbed over time

• Increasingly rare for stops to involve a search - the annual average search rate per 100 stops going from 2.6% in July 2019 to 1.3% in 2023

• Similar to the overall trend of police stops, searches were declining through 2019 and appear to have stabilized through COVID and M110.

Data source: STOP data