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Impacts of Successive Drug Legislation Shifts: Qualitative Observations from Oregon Law Enforcement [Interim Report: Year One]

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Impacts of Successive Drug Legislation Shifts

QUALITATIVE OBSERVATIONS FROM OREGON LAW ENFORCEMENT

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Executive Summary

This report provides the initial findings of Year 1 of a multi-year project to understand the effects of successive drug policy efforts in Oregon, with special focus given to Ballot Measure 110 (M110). In 2021, M110 decriminalized possession of controlled substance (PCS), and effectively downgraded certain quantities of PCS from a misdemeanor to a E-violation (i.e., a citation), resulting in a maximum \$100 fine or a completed health assessment. In addition, M110 also earmarked roughly \$300 million for local-level treatment and recovery systems. Prior to M110 other statewide changes in policy (e.g., Justice Reinvestment in 2014), law (defelonization of PCS in 2017), and the COVID-19 lockdown also likely had important impacts on PCS enforcement, prosecution/sentencing, and public safety outcomes. Ultimately, this study will attempt to parse out the individual impacts of these unique events.

In Year 1 we set out to gather officer perceptions regarding M110 and other recent policies that may impact law enforcement practices. We report on the general findings from 23 interviews/focus groups representing ten agencies (two state agencies; four Sheriff's Departments; and four Police Departments), and six different counties (three categorized as "urban" and three categorized as "rural"). The interview data presented here represent officers' perceptions and decision-making related to drug crimes, among other public safety issues in the state of Oregon. In addition, we include quantitative data trends to compare to officer perceptions of what's occurring in Oregon. These data include an early examination of statewide trends in law enforcement arrests for PCS; law enforcement stops, searches, and search outcomes; and drug-related deaths. Analyzing the interviews revealed 25 codes of officer perceptions ranging from characteristics of M110 implementation and impacts to community safety and wellbeing. These codes were analyzed to answer the research question:

How have possession of controlled substance changes, including most recently Ballot Measure 110, impacted law enforcement perceptions and decision-making related to drug crimes, among others?

Executive Summary cont.

FIVE MAJOR THEMES IN POLICING:

Theme 1: Loss of probable cause to search.

A consequence of reclassifying PCS as a violation is that officers report having lost a strong basis to conduct searches. When PCS was a criminal offense, officers could search incident to arrest as an exception to the warrant requirement. As a result of M110, officers have less cause to search, which they note has affected their ability to make arrests for “collateral crimes” that often could accompany a possession crime (e.g., weapons offense, stolen property).

Theme 2: Loss of informants.

According to officers, reclassifying PCS as a violation also negatively impacted their ability to cultivate confidential informants. When PCS was a criminal offense, officers could recruit drug buyers as confidential informants by using the drug charge as a bargaining tool to “move up the chain” to drug distributors. Without the threat of an arrest, officers note that individuals are not motivated to cooperate, which they believe has negatively impacted commercial (i.e., large quantity) drug enforcement.

1. Loss of probable cause to search
2. Loss of informants
3. Decreases in proactive policing
4. Perceived lack of accountability for defendants and individuals in possession of drugs
5. Hesitancy to issue M110 citations

Theme 3: Decreases in proactive policing.

The combination of the previous two themes has contributed to the perception that law enforcement in Oregon is now reactive to issues, rather than proactive. Many officers noted that the state’s lack of interest in drug crimes has promoted the decrease in proactivity. The shifting of roles from proactive to more reactive, response-based policing, is perceived to be having a negative impact on officer morale and motivation.

Data from Oregon’s Statistical Transparency of Policing program somewhat corroborates law enforcement officers’ perceptions, but only if looking at long-term trends. Proactive stops were declining statewide pre-COVID-19 (prior to 2020), then sharply dropped after the stay-at-home order (early 2020). Stops began to increase after the order was lifted and have somewhat stabilized since M110, but they remain 31.2% below the average monthly stops from late 2019.

“The legislation federally and locally, is that figuratively, all our tools out of our toolbox keep getting taken away one by one. We’re going to get to the point where we’re going to sit here like fire fighters in our office, and we’re just going to be called out to the major incidents.”

– Urban, Sheriff’s Office

Theme 4: Perceived lack of accountability.

The most common theme officers discussed is a perception of a lack of accountability for defendants and individuals in possession of drugs (referenced in 96% of interviews/focus groups). This theme is expressed in beliefs that there is no follow-up or recourse for persons who have not paid the fine or completed the drug assessment associated with the citation. Several officers believed a “carrot and stick” approach to addressing substance use disorder showed some success in the past (e.g., diversion approaches with drug courts and mandated treatment). By removing external legal pressures and mandated assistance to compel accountability and reformation, officers are skeptical about M110’s ability to motivate persons with substance use disorder to voluntarily seek resources and help, virtually on their own.

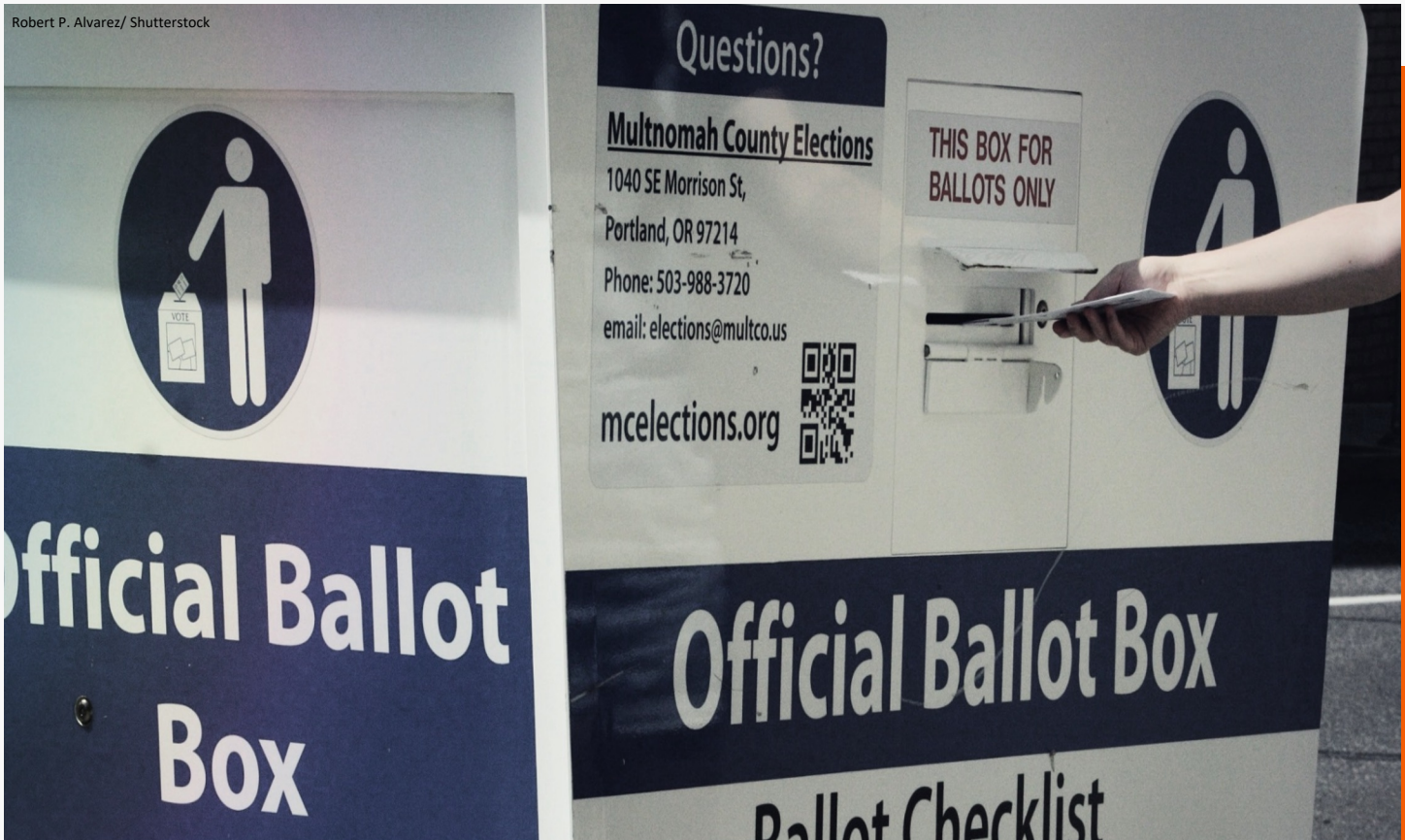
Theme 5: Hesitancy to issue M110 citations.

Although there was variability, most of the officers in jurisdictions we talked to commented that they had given out few or no M110 citations. The primary justifications officers gave for not giving out citations included: (1) Not needing to cite someone to share information about treatment resources and options, and (2) giving out citations is “not worth the time,” as officers perceive there to be no accountability or follow-through.

State law enforcement data generally corroborate law enforcement officers’ perceptions; PCS arrests began to steadily decline in early 2020, from largely stable levels prior (2019). After M110 took effect, arrests appear to be declining, as Class E-violations begin to encompass many drug possession infractions. But notably, the combined average count of PCS arrests and E-violations is significantly lower than the average PCS arrest counts prior to M110 by 71.4% from July 2019 to July 2022.



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Executive Summary cont.

FINDINGS

Overall, the perception of many officers we interviewed is that M110 in its current form is not effective and is creating detrimental consequences for public safety, drug availability, and drug-related deaths. Importantly, not all officers were entirely in favor of going back to more traditional drug enforcement tactics. Officers suggested modifications to the current violation structure with the intent of getting individuals to engage with the assessment and encouraging treatment participation. Some officers noted the timing of Oregon's decriminalization has been problematic. It was suggested decriminalization should occur after treatment resources have been built to meet demand and mechanisms for getting access to services are clear and tested.

Executive Summary cont.

COMING SOON...

Overall, these qualitative data are a single component of a larger project and speak to only one aspect of the story. Importantly, these data will be used to help operationalize a state-wide law enforcement survey (2023) and inform quantitative analyses on many of these outcomes (e.g., have property crimes increased, and if so, to what degree is that increase attributable to M110).

Those questions will be addressed in our Year 2 Report. Critical to interpreting these data and associated findings is an underlying status of data related to M110 – it is still too early to know what effects are attributable to M110. In the coming reports, quantitative analyses will focus on triangulating the multiple impacts of Oregon drug policies preceding and including M110. Additionally, greater qualitative context will be provided as we engage in discussions with prosecutors and survey law enforcement officers across the state (2023).

It is still too early to know what effects are attributable to Measure 110.



Report Findings

Since 2014, Oregon has implemented three changes to reduce the enforcement and punishment of low-level drug possession (possession of controlled substance or PCS). There are multiple years between each PCS policy change: Justice Reinvestment in 2013¹, defelonization in 2017², and decriminalization in 2021³. At present, at least 10 states have legislatively reduced PCS from a felony to a misdemeanor, and many states have relaxed mandatory minimums for low-level crimes, including drug-related offenses. In addition to being on the short list of states defelonizing PCS, Oregon was also the first state to entirely decriminalize illicit drug possession (with amount restrictions). Given the novelty of such policy, little research has explored associated effects of these changes on justice system processes or outcomes, and public safety.

When Measure 110 (M110) took effect, user-level amounts of drug possession were decriminalized, but there remain misdemeanor and felony charges for PCS, and enhancements for commercial drug offenses. A certain drug at a specific amount could be classified as “user-level,”⁴ above that amount could be classified a misdemeanor, and above that amount could be classified as a “substantial quantity,” a felony. For example, possession of under 2 grams of cocaine is a Class-E violation, above 2 grams but up to 10 grams is a Class A misdemeanor, and above 10 grams (substantial quantity) is a felony. A commercial drug enhancement (CDO) can be added to a substantial quantity if certain criteria are met (need at least three): Officer witnesses a delivery, unlawfully in possession of firearm, in possession of over \$300 in cash, packaging material, manufacturing materials, drug ledger, or stolen property, or on public lands. A CDO enhancement is likely to be identified at the prosecutorial charging level, as officers typically refer the misdemeanor or felony drug charge, and the prosecutor identifies the CDO enhancement based on information in the police report. This discussion highlights that while user-level amounts were decriminalized, there are still criminal charges related to drug possession in the state of Oregon.

In addition to the major shifts noted above, recent Oregon Supreme Court and Court of Appeals cases, as well as other legislation, have modified procedures related to drug enforcement that are not directly attributable to M110. The cases and legislation that are likely to have the largest impact are:

- *Oregon v. Arreola-Botella*, 2019: Officers must stick to permissible scope of questioning related to the reason for the traffic stop (i.e., cannot use the “unavoidable lull”).
- *State v. Hubbell*, 2021: Raised the bar for proving successful delivery; simply having large quantity, baggies, etc. does not necessarily constitute proof of “the element of a transfer, either actual, constructive, or attempted” (p. 872).

- *State v. McCarthy, 2021*: Motor vehicle exception to the warrant requirement eliminated.
- *SB1510 (2022)*: Officers unable to pull over motorists solely for lighting-related issue, such as a burnt-out headlight, taillight, or brake light.

It is important to address that some of the observations noted by officers (below) and their potential effects have been impacted by other historical events, making it difficult for officers in their responses and researchers to untangle what is solely attributable to M110 versus another change event (e.g., court case backlogs because of COVID-19). We take up a discussion of those other potential causes at the end of this report.

This is the first of a series of reports examining the impacts of successive drug legislation on: (1) law enforcement, (2) prosecution, (3) courts/sentencing, and (4) public safety. This report focuses on the results from interviews/focus groups with officers from across the State of Oregon, addressing the research question: *How have PCS changes impacted law enforcement perceptions and decision-making related to drug crimes, among others?* These qualitative interviews speak to the timeline leading up to decriminalization in 2021, as well as implementation and early observations of M110 decriminalization.

Method

Recruitment, Participants, and Procedure

Law enforcement officers affiliated with a municipal, county, or state agency were eligible to participate in this study. We recruited from relevant law enforcement agencies at the state-level (i.e., Oregon State Police and High Intensity Drug Trafficking Areas leadership) and our target counties: Douglas, Jackson, Josephine, Lincoln, Linn, Marion, Multnomah, and Umatilla. An initial email solicitation and one to two follow-up requests were sent out in March - May 2022. In total, over 30 email solicitations were sent out to Department Supervisors and officers (with multiple follow-ups).⁵ In total, 23 unique interviews/focus groups were conducted (we used saturation of response to guide data collection). Our qualitative data represent ten unique agencies (two State; four Sheriff's Departments; and four Police Departments), and six different counties (three categorized as "urban" and three categorized as "rural").

The Portland State University Institutional Review Board approved all materials and procedures involved in the collection of these data. Interviews/focus groups focused on the impacts of successive PCS law changes on discretion and engagement, arrest practices/referrals to the District Attorney's office, officers' work (generally), and their perceptions of the impacts on prosecutorial decision-making, community safety, and defendant outcomes (e.g., assessments, citations).⁶ Importantly, interviews/focus groups were semi-structured and not all participants were asked the same questions (e.g., some officers could not speak to defelony as they were not on the force at that time). All participants were emailed the Informed Consent document, and encouraged to ask any questions they had about the study. To maintain anonymity, the signature portion of the Consent form was omitted, and scheduling the interview/focus group was indicative of consent to participate in the study. Additionally, all participants were asked at the beginning of the discussion for verbal consent to be recorded.

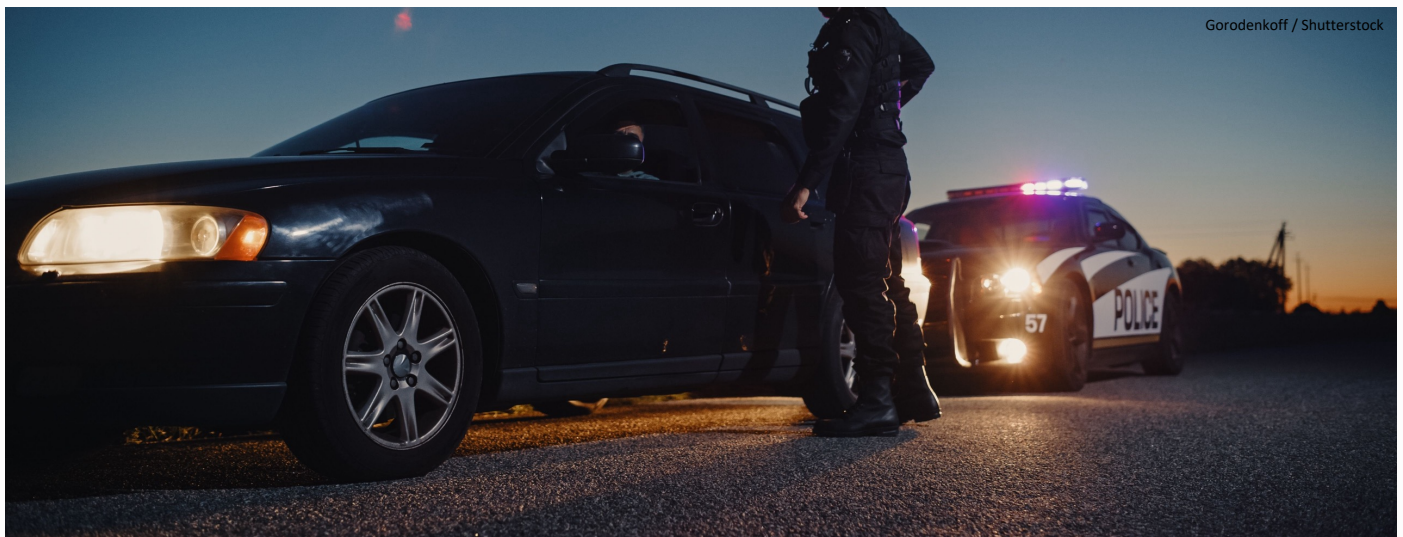
With the officers' permission, discussions were video and/or audio recorded for the purpose of transcription. Of the 23 interviews, 16 discussions were conducted via Zoom (video and audio recorded), five were conducted via telephone or in-person (audio recorded only), and 2 were not recorded (at the request of the officers) and instead hand-written notes were taken. Interviews/focus groups averaged 43 minutes (min = 20 min, max = 78 min). Following transcription and de-identification, all recordings were destroyed.

Data Analysis and Interpretation

This study was exploratory; as such, we used an inductive approach (i.e., coming directly from the data rather than from existing theory) to discover codes, categories, and patterns in our data, which then illuminated key issues identified by participants within our sample. All interviews were first transcribed verbatim, using Express Scribe Pro. After transcription, all three researchers read through each interview, line-by-line, and took notes about possible codes (e.g., informants, probable cause to search). The research team met, identified overlapping codes, and consolidated responses into 37 unique codes. All data were then imported into ATLAS.ti software, which allows for codes to be selected in participants' responses.

Next, three coders applied the codes to the first three interviews using the ATLAS.ti software. This resulted in an average Krippendorff's intercoder agreement of 68.7%. The three coders then met to discuss inconsistencies. Several codes were redefined, others were removed as they were only present in two or fewer interviews, and others combined with other codes. As a result, 25 final codes remained and were sorted into five categories for ease of interpretation.⁷ After which, the three coders coded the next two interviews, which resulted in an average Krippendorff's intercoder agreement of 56.73%.⁸

The three coders met for a final time to discuss inconsistencies and coded one interview together as an exercise to work through differences in code application (this interview was later fully coded by one of the coders). Finally, the remaining 18 interviews/focus groups were split between the three coders.⁹ See Table 1 for final codes and their definitions.



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Table 1. Codes and Definitions

Code	Definition
Category 1: 110 Process & Impact	
Not Giving Out Citations	Justification for not issuing citations
Issuing Citations	Justification for issuing citations
Other Infractions	Mention of other infractions that are more severe than drug possession now
Positive Impacts- General	General mention of positive impacts of M110 on policing
At Risk Population	Population police come into contact with not helped by law change
Category 2: Enforcement of Drug Laws	
Lack of Consequences	No punishment/consequences/leverage for defendant accountability
Probable Cause	No probable cause for search because violation now
Court Cases	Court case impacts on drug crime investigations
Informants	Hindered ability to pursue distribution cases because of loss of informants
Lack of Prosecution	DA's office being hesitant to charge/prosecute drug cases
Drug Court Diversion	Decline in drug court enrollment (or closure) and diversion programs
Quantity Differentiation	Difficult to determine drug amounts on scene to know if offense is criminal
Destroy Drugs	No need to collect evidence, can destroy drugs
Category 3: Community Safety & Wellbeing	
Drug Prevalence	More drugs, more use, more dealing, and more openness
Overdoses & Narcan	Overdoses and Naloxone/Narcan use/deployment, purchase, or supply
Public Safety	Public safety concerns (e.g., increased crime, general statement)
Treatment Availability	Availability of treatment for substance users
Community Frustrations	Community members' frustration and concern
Category 4: "Dope Nexus" - Proxy Crimes	
Collateral Crimes- Property	Property crimes occurring alongside or associated with drug use
Collateral Crimes- Person	Person crimes occurring alongside or associated with drug use
Out of State	Out of state individuals coming to Oregon
Category 5: Law Enforcement Experience	
Police Proactivity	General decrease in engagement and proactivity
Perceptions/Morale	LE disillusionment, morale, or affect related to their job/M110
Personal Connection to Drug Use	Officer's personal connections to drug use via friends/family
Fentanyl Contact	Belief/myth that contact with fentanyl puts the officers at risk to overdose

Figure 1. Frequency of Codes Identified

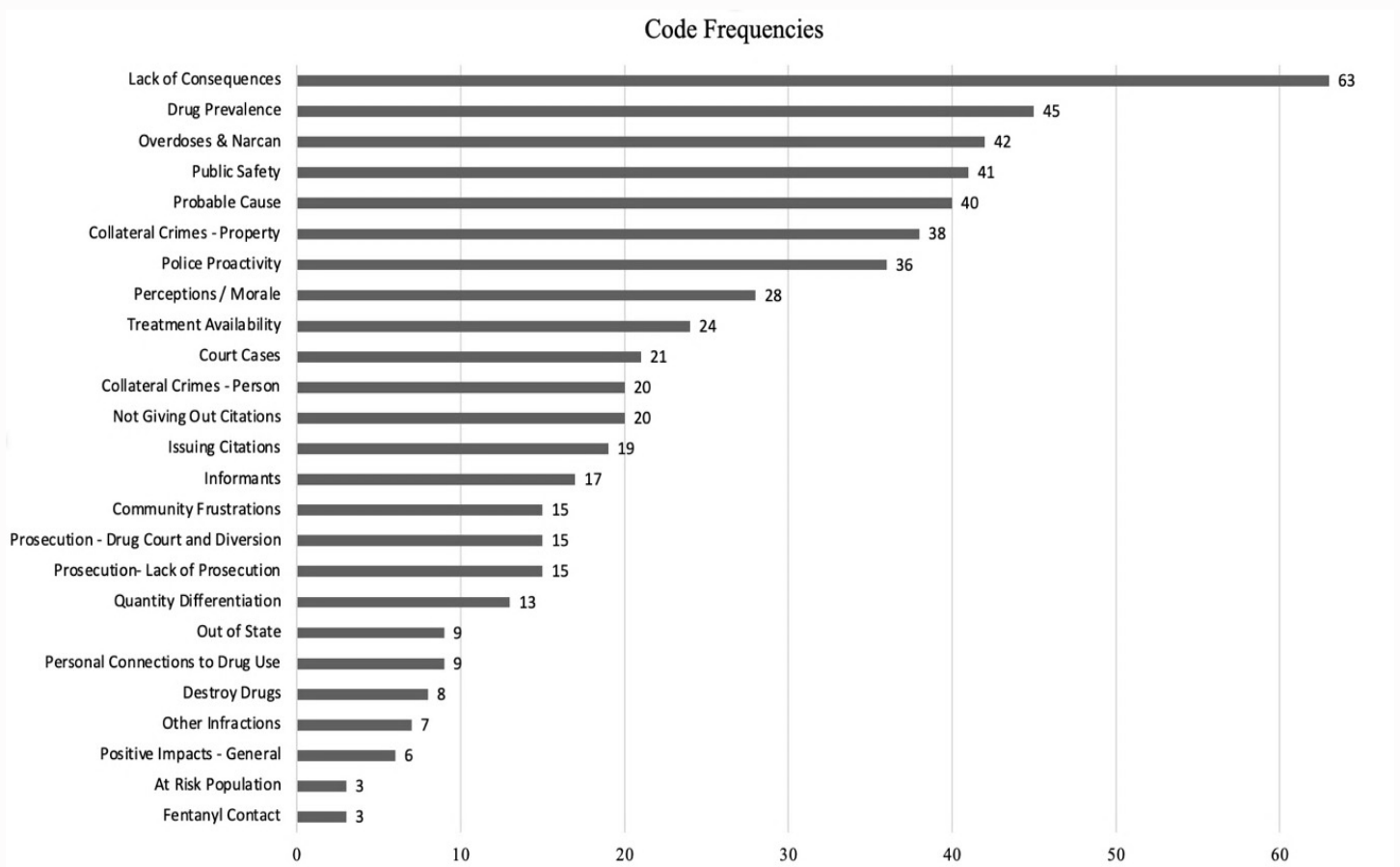


Figure 1 depicts the frequency of codes applied. Importantly, the frequency of codes applied can be an artificial product of how salient a topic was in the interview protocol (e.g., we asked questions about police proactivity). Furthermore, a code could have been applied multiple times within one interview if the participant spoke on a topic repeatedly. However, from this Figure, readers can get sense of the most common topics that were discussed in the interviews/focus groups.

Results

Figure 2 offers a visual representation of how codes were applied across the interviews/focus groups. The Sankey Diagram displays the data flows and data connections across the interviews/focus groups. On the left side, the interview transcripts are listed, and on the right, the unique codes are listed. The data flows from the left to the right depict that a specific code was applied in a given interview (codes with fewer than 10 applications were dropped from this graph). The height of the columns on the right side and the thickness of the connective lines corresponds with the frequency of code application (e.g., the lack consequences code is taller than others demonstrating that it was applied/present frequently). The Sankey Diagram shows that codes had wide applicability (coverage) across interviews/focus groups (e.g., “lack of consequences” was applied in 22 of 23 interviews/focus groups).

Figure 2. Documents and Code Application

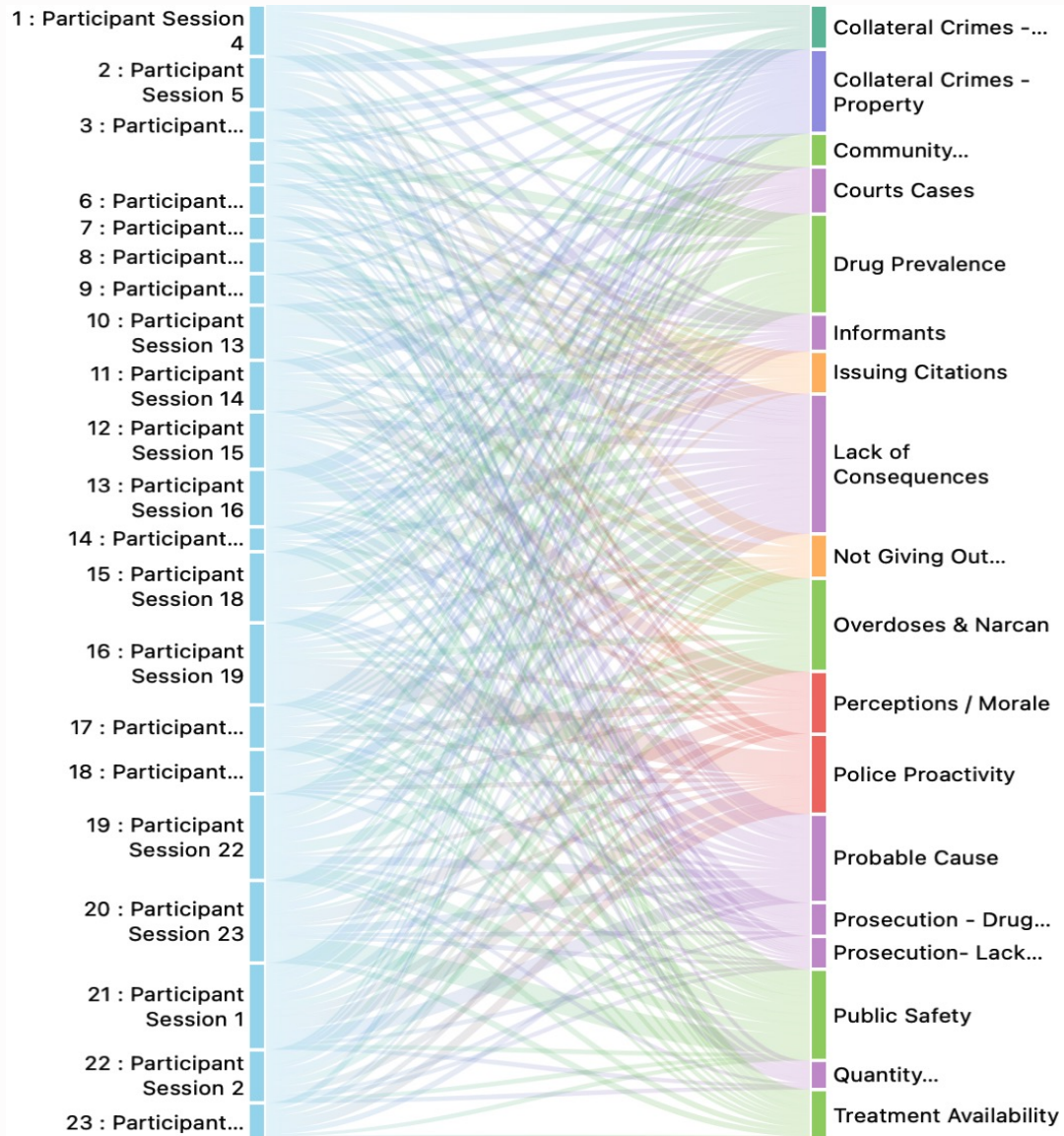
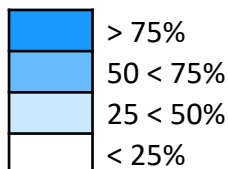


Table 2 displays the frequency of codes identified within interviews/focus groups. We first dichotomized code frequencies across interviews/focus groups, such that if a code was referenced in an interview it was coded as a 1 = present (versus 0 = absent). This gives a more meaningful estimate of theme salience across interviews. For example, the code “drug prevalence” was applied 45 times across 14 interviews, indicating that in some interviews/focus groups, drug prevalence was not coded at all, and in others, it was coded multiple times. See Appendix A for exact percentages from Table 2. The most frequently identified codes within interviews were: Lack of consequences (95.65%), public safety (78.26%), and collateral crimes-property (78.26%). From this table, we can also see that the least frequently identified codes within interviews were: Fentanyl contact (13.04%), at risk population (13.04%), positive impacts- general (21.74%), and personal connections to drug use (21.74%).

Table 2. Final Categories and Corresponding Codes

Code Categories	Specific Codes				
M110 Process & Impact	At Risk Population	Issuing Citations	Not Giving Out Citations	Other Infractions	Positive Impacts-General
Enforcement of Drug Laws	Court Cases	Destroy Drugs	Informants	Lack of Consequences	Probable Cause
	Prosecution-Drug Court and Diversion	Prosecution-Lack of Prosecution	Quantity Differentiation		
Community Safety & Wellbeing	Community Frustrations	Drug Prevalence	Overdoses & Narcan	Public Safety	Treatment Availability
“Dope Nexus” Proxy Crimes	Collateral Crimes- Person	Collateral Crimes-Property	Out of State		
Law Enforcement Experience	Fentanyl Contact	Perceptions/Morale	Personal Connection to Drug Use	Police Proactivity	



Research Question: How have PCS changes impacted law enforcement perceptions and decision-making related to drug crimes, among others?

Below, we present the five major themes identified in officers' experiences and decision-making related to drug enforcement. Each theme is defined and explored using examples of officer quotes as support. After reviewing each of the themes, the next section of the report discusses other historical events that officers talked about that have had an impact on law enforcement discretion, drug enforcement practices, and decision-making (i.e., court case backlogs because of COVID-19, and Intermediate Court of Appeals and Oregon Supreme Court cases). These historic events, happening concurrently with implementation of M110, make it difficult to untangle and separate the M110 effects on drug enforcement and ultimately community outcomes. Lastly, we discuss officers' perception of the potential effects of these changes on drug enforcement, drug availability and use, and public safety in Oregon. Importantly, these data represent officers' perceptions and experiences, and might not be representative of all officers. For example, we observed differences in responses that could be attributed to a number of factors: Type of position (e.g., highway interdiction versus municipal police), urban versus rural differences, and years of experience. Quotes have been lightly edited to maintain anonymity, and for length and readability (underlining added for emphasis).

Major Themes Identified In Qualitative Responses

1. Loss of Probable Cause to Search
2. Loss of Informants
3. Decrease in Proactive Policing
4. Perceived Lack of Accountability for Defendants/Individuals
5. Hesitancy to Issue M110 Citations

Defelonization versus Decriminalization

Before asking specific questions related to M110 process and implementation, we asked officers to reflect on Oregon's PCS defelonization in 2017 (HB2355). Overall, law enforcement perceptions were more supportive of defelonization compared to recent decriminalization (2021). Similarly, Oregon Association Chiefs of Police and the Oregon State Sheriffs Association endorsed defelonization but did not endorse decriminalization.

The following were common themes expressed about PCS defelonization:

1. Law enforcement officers perceived PCS defelonization did not have much impact on traditional drug enforcement practices. For example, probable cause justifications for stops, person and vehicle searches, arrests, and use of informants to work up the chain to higher dealers/manufacturers did not change.
2. Law enforcement officers perceived PCS defelonization still provided a tool and opportunity for the criminal justice system to redirect persons with substance use disorder into treatment (e.g., drug courts, treatment mandates). That is, defendants could still be held accountable.

3. Law enforcement officers perceived PCS defelonization as a more proportionate and effective deterrent compared to a felony crime. There was the perception that individuals facing felony PCS arrests could behave more irrationally (e.g., flight, fight) creating community and officer safety concerns. Moreover, felony convictions increased defendants' criminal history grid scores, were deemed as disproportionate to the offense (i.e., simple possession), and felony cases could also be more draining on police and court resources (e.g., more time spent in court).
4. Law enforcement officers did not perceive PCS defelonization as having a destabilizing effect on public drug use, drug availability, overdoses, crime and public safety.

The following quotes illustrate the above themes regarding defelonization:

My [agency] was supportive of moving it to a misdemeanor just because you didn't have these crazy vehicle pursuits for people that are trying to run away from the cops when they have a user amount of dope. It was kind of easier on everybody involved. We had guys that would spend their entire days off in grand juries because every single PCS was charged as a felony. Well, that went away, so that was a positive for us and it was also a positive for the people on the street because they're not getting a felony for dope level, user level dope. But the nice thing about that is we still had the mechanism to investigate these things further. I could still obtain a search warrant for instance on a misdemeanor-level PCS because it's still a crime...M110 was a big hit for us. The lowering it from a felony to a misdemeanor was actually a positive. – Rural, Sheriff's Office

Honestly, I didn't really see a huge change when they switched the defelonization of those crimes... But as far as the livability issues and significance of folks using in the open or the overdose spike, I did not see any of that with that. – Urban, Sheriff's Office

Officers spoke in depth about the key distinctions between defelonization and decriminalization, much of which comes up in key themes presented below.

Theme 1: Decriminalization resulted in loss of probable cause to search.

One consequence of reclassifying PCS as a violation (from a misdemeanor) is that officers have lost a strong basis for probable cause searches. In Oregon, probable cause is defined as “a substantial objective basis for believing that, more likely than not, an offense has been committed and a person to be arrested has committed it” (ORS 131.005(11)). To warrant search and seizure, officers must have either been given consent, have probable cause or some other lawful authority (e.g., investigative stop and detention), or there must exist circumstances that justify an exception to warrant requirements (e.g., emergency). In the past, when PCS was a felony (prior to 2017) or misdemeanor (prior to 2021), officers could search incident to arrest as an exception to the warrant requirement, given the search was a precaution to avoid the destruction of evidence, and/or reasonably related to the crime of arrest. As a result of M110, officers can no longer search incident to arrest (i.e., because there is no arrest to warrant the search). This also impacts plain-view searches.

Now that's kind of gone because it's a violation, right? You can still address the violation, but it doesn't always hold the same kind of like power that a felony charge would hold to help solve other crimes. – Rural, Sheriff's Office

According to officers, this has had an impact on their ability to make arrests for collateral crimes that could often accompany a possession crime (e.g., weapons offense, stolen property). Of interviews/focus groups that referenced impacts on probable cause (importantly this could have been because of M110 or court cases, n = 15), 87% mentioned the collateral property crimes that can often co-occur alongside arrest for drug crimes.

Many crimes have been solved from a traffic stop where you develop probable cause of drugs, which gives you the ability to search the entire vehicle, which you find additional drugs, weapons, stolen property, and you are able to solve multiple cases. Because like I said, just about every case has a nexus to drugs...So, all those additional crimes that are happening, are going unsolved because you don't ever get those breaks from being able to search cars. – Rural, Police Department

...I find drugs, okay I'm going to search your car, I have probable cause to search your car, I don't care about a small bag of meth. I'm looking for stolen property. We've gotten calls about your vehicle, involved in prowling, I now have probable cause to search your car, I want to know if you have stolen property in your car...And yes, absolutely, in the past drugs were an avenue to bigger things. And I'm talking about just user quantities of drugs were an avenue to bigger things. One of those big ones being firearms. – Urban, Sheriff's Office

Again, it is too early to tell the degree to which M110 is associated with other arrest rates. In the interim, we provide two graphics (Appendix Figure A and B) from official data that help provide some context to officer statements of collateral crimes.

Theme 2: Decriminalization has negatively impacted the ability to work with informants.

Similar to Theme 1 (loss of probable cause), reclassifying PCS as a violation has negatively impacted officers' ability to cultivate confidential informants. In the past, officers could potentially "flip" buyers (i.e., those stopped for PCS) to use them as confidential informants to "move up the chain" to drug distributors (i.e., share information about from where and whom they are buying from). Without the threat of an arrest, officers note that individuals are not motivated to work with them, which according to officers has negatively impacted commercial (i.e., large quantity) drug enforcement. This was referenced in 57% of interviews/focus groups:

I would place M110 as having the highest impact on our ability to have significant enforcement in the town. And just for example, in the past if we found somebody with a user quantity, even if it was a misdemeanor. Drug addicts really want to avoid going to jail because, they're heroin addicts, they'll go through detox. It's really rough on them to go to jail. So, oftentimes we could take those people with a user quantity and maybe try to figure out who the drug dealers are in town, so we could turn those user crimes into bigger distributor crimes and really make an impact on the city. But now, it's just a citation. There's no incentive there for them to work to stay out of jail, so I feel like it's just really hampered our ability to do any kind of drug enforcement. – Rural, Police Department

We used line level possession to get to the ones that really mattered, which is the heroin dealer, the meth dealer, the person with the guns, the person with the cash. They're the problem. They're the ones that we need to get to. What M110 did was take away basically any ability for us to get to the cartel drugs coming in and the drug dealers. – Urban, Sheriff's Office

The work around is we just have to be flexible with how we do our investigations – doing more undercover work, which is more dangerous and time consuming. If you can eliminate a [drug trafficking organization] that can have the greatest impact on a community - arresting the traffickers. Everyone knows arresting users is not helpful. – Urban, Sheriff’s Office

Theme 3: Law enforcement is now reactive, rather than proactive.

According to officers, self-initiated activity has declined as officers feel their “tools to enforce the law” have been removed. This ultimately has contributed to the perception that law enforcement in Oregon is now reactive to issues, rather than proactive. The traditional hallmarks of proactive or self-initiated policing have generally entailed the following: A focused attention to known or data-driven problem areas (e.g., hot spot policing/directed patrol), the use of vehicle, street, and pre-text stops (e.g., pulling someone over for minor traffic violations in hotspot areas to investigate potential criminal activity or serve warrants), and increased use of vehicle and person searches (i.e., in the hope of finding evidence such as illegal guns or stolen goods). In contrast, reactive policing relies on public initiation such as 911 calls for service to direct police attention and intervention.

Proactive policing approaches became more popularized during the 1980’s and 1990’s ‘War on Drugs’ era. The law enforcement justification for these tactics is that they are a tool to discourage crime and more importantly, arrest and apprehend those who commit more dangerous crimes in the community. In addition, criminology research has provided some empirical support for the effectiveness of hot spot policing (Braga et al., 2012; National Research Council, 2004; Sherman & Rogan, 1995; Sherman, 1990). However, in the last twenty years there has been increased skepticism that proactive policing approaches may in fact “backfire” by creating greater community tensions and loss of public trust and legitimacy (Chermak et al., 2001; Kochel & Weisburd, 2017; Weisburd & Telep, 2014). Recent heightened attention given to the issue of racial profiling, the use of federal consent degrees, protests (Burke, 2022), and the increase of citizens recording and sharing police events in the name of transparency and accountability (known as the “Ferguson Effect”; Antony & Thomas, 2010; Derickson, 2016; Farmer & Sun, 2016; Greer & McLaughlin, 2010) have had an impact on proactive policing (Gelman et al., 2007; Graziano et al., 2010; Weitzer, 2002). As a result, law enforcement may be more reactive, with less self-initiated activity, now known as “depolicing.” Ultimately, some scholars have argued that the increased public scrutiny, particularly in urban/metro settings, has been at least one major contributor to the decline in proactive policing (Cassell, 2020).

An equally important alternative consideration is that any downward trends in arrests or proactive stops/searches is the result of reductions in police staffing as opposed to more purposeful “depolicing.” For example, in 2022, one of our target counties reported the lowest number of sworn officers in three decades.¹⁰ This topic was referenced frequently by officers across the state, that with current staffing and capacity levels, agencies “have to prioritize what [they] focus [their] energy on” (– Urban, Sheriff’s Office). As such, drug crimes might not rise to the level of priority for some jurisdictions who must make difficult decisions about crime types to target. We hope to examine the impact of staffing levels on related outcomes in our later reports.

Regardless of the impetus, law enforcement officers in these interviews/focus groups perceived that they are more reactive, than proactive, today than they have been historically.

It's frustrating because genuinely, I can say everybody I work with wants to help the community. We all live here, we want to do the right thing, but our mechanisms are going away so we're now very much reactive versus proactive and that's really hard for us to stomach because we can see the crime is happening...we know it's happening but we have no ability to go stop it. – Rural, Sheriff's Office

Many officers noted the state's lack of interest in drug crimes as the explanation for their lack of proactivity. For example, officers highlighted the risk to themselves and community members as justification for not pursuing drug enforcement:

Yeah, they're basically saying there's almost zero governmental interest in this stuff...Trying to use force, trying to stop cars, trying to tell people they can't leave, that just puts a huge liability on the office and us personally. – Urban, Sheriff's Office

The perceived negative impacts were most commonly noted, specifically that the decline in proactivity (coupled with other issues addressed in themes above) has resulted in a decrease in arrests across crime types:

They're making it harder for you to conduct traffic stops with these new laws... I will say, in our region, it has decreased the number of criminal arrests. For other crimes. – Rural, Police Department

This shifting of roles from proactive to more reactive, response-based policing, is believed to have had a negative impact on officer morale and motivation. Officer disillusionment, negative morale or affect, because of M110 and the shifting landscape of law enforcement in Oregon was referenced in 57% of interviews/focus groups:

The second part is most cops got in the career field to help people...We feel like our hands are tied because of some of those legislation that we can't help people the best we can. And it's frustrating to people...the frustration is the same, we want to help people, we know that if we just continue to allow people to go down this path, ultimately, they're going to end up dead or in prison or jail, whatever else. And that's not good for society, it's not good for law enforcement, it's not good for that person. – Urban, Sheriff's Office

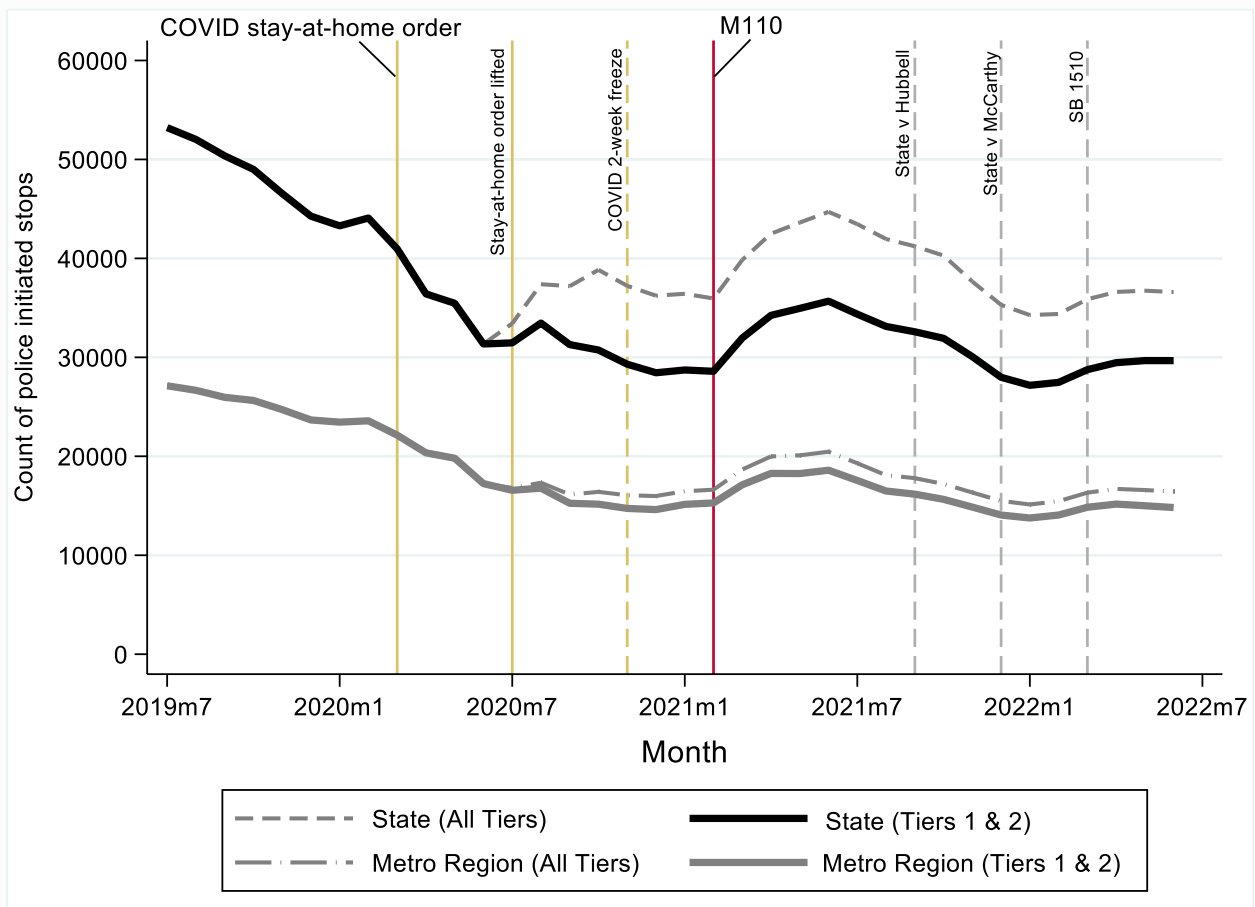
And the other part of it was done at a very specific time in the world, in a very specific place, knowing that they had the fanfare to do it, to depolice. And that is what they did. So, is it a morale disincentive? Yes. Like, cops don't sign up to not have an impact around them... And one of the things you know you can make a difference on is preventing crime. And finding somebody who is in need. Oftentimes drug users are in need, and it seems silly that you taking them to jail is a solution because jail is, you've never arrested your way out of any problem in the history of the world. However, we had a system set up where there were carrots and sticks in place...Once you remove that, anyone who was a cop prior to 4 years ago, it was a huge morale, just a gut punch. – Urban, Police Department

We hope to examine Oregon police proactivity trends in greater detail in subsequent quantitative reports. In the interim, using data from the Statistical Transparency of Policing (STOP) program, we plotted statewide officer “stop counts” (e.g., an officer pulls you over while driving in your car) to gain quantitative insight into the degree to which officers’ perceptions were represented in the data. The STOP data contains information from every agency regarding officer-initiated traffic and pedestrian stops starting with the biggest state agencies in July 2018 through June 2022.

Figure 3 provides 3-month average counts from the STOP data for the state and for the metro region. We use a 3-month moving average to provide a smoothed, clearer picture of the trend in stops over time. Statewide trends were separated into two lines. One includes the combined trends of Tier 1 (over 100 officers) and Tier 2 agencies (25 - 99 officers) captured in the solid black line.¹¹ Tier 3 departments (1 - 24 officers) began in July of 2020, which is combined with the statewide stops and captured by the grey dashed line. The metro region (solid grey line) includes Clackamas, Lane, Marion, Multnomah, and Washington counties, and is broken out to provide a contrast with the most populated areas in the state.

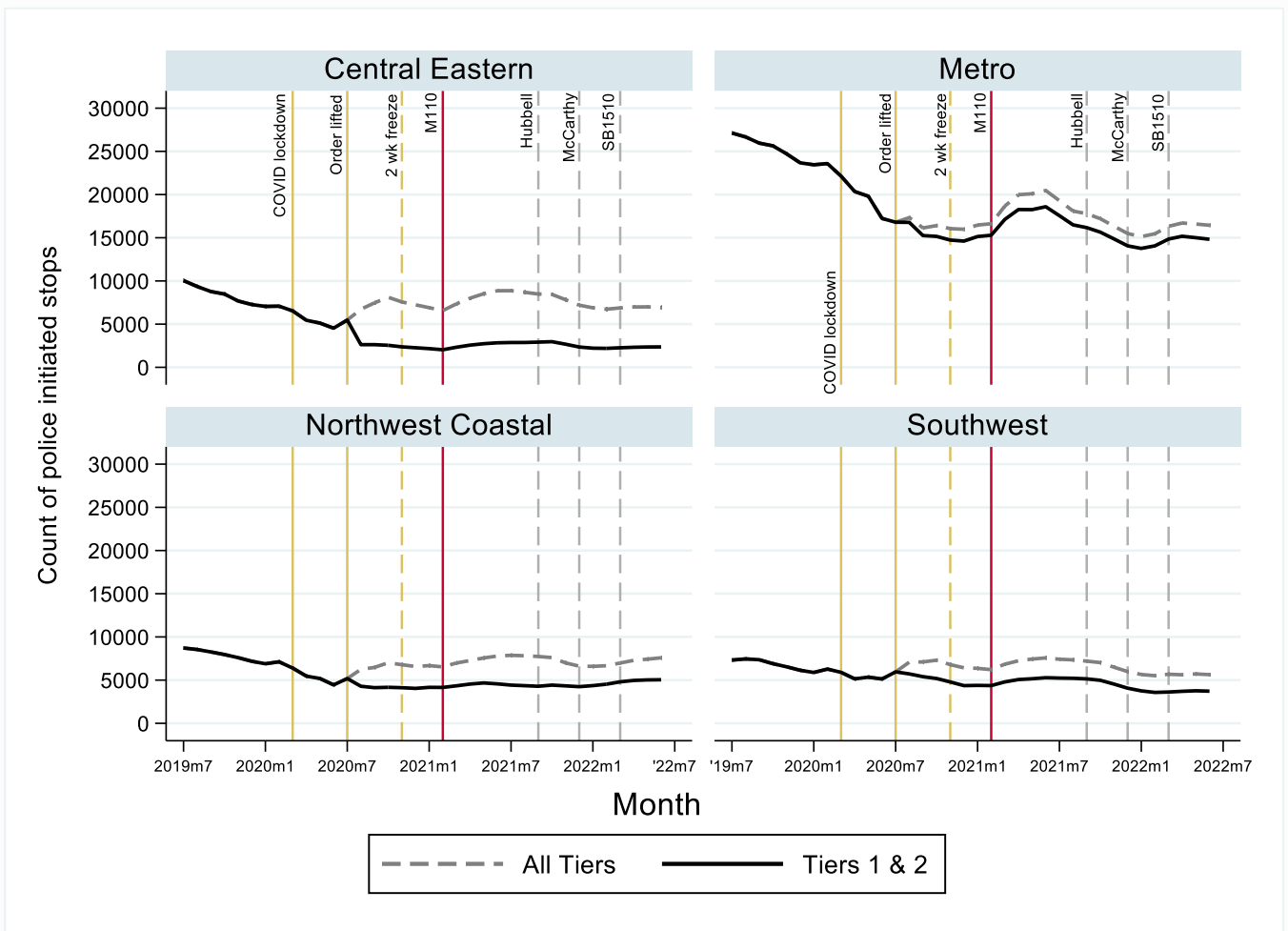
Overall, the state trends in Figure 3 somewhat corroborate officers’ perceptions – a decrease in the number of proactive stops made across the state from an average of 53,212 a month in July 2019 to 30,306 in June 2022 among Tier 1 and 2 agencies. Even when including Tier 3 agencies, the June 2022 average is 36,730 a month. This represents a 31.2% drop in the average monthly stops over nearly three years. The metro region trend reflects a similar pattern as the state. Counties in the metro region have a monthly average of 27,127 stops in July of 2019, and an average of 16,558 in June of 2022, which is a 39.0% drop over the same period. Almost all regions saw a dramatic drop in the number of stops during the COVID-19 stay-at-home order that began to inch back upwards in July 2020. Stop trends spiked slightly after M110 was passed in November of 2020, and then continued to a post-COVID-19 peak shortly after M110 was implemented. Most important to note from Figure 3, is that the decrease in proactive police stops began well before the COVID-19 shutdown and has stabilized in the last 2 years of the data (since the stay-at-home order was lifted in July 2020).

Figure 3. 3-Month Moving Average of Proactive Police Stops Statewide and Metro Region



In contrast, Figure 4 shows the 3-month moving average of stops by region of the state, including again the Metro area. For two of the regional trends, Central Eastern and Northwest Coastal, the number of stops were still slightly on the rise in June of 2022 in the Northwest Coastal area, where the average monthly stops were nearing Tier 1 and 2 pre-COVID-19 levels when including all Tiers. From July 2019 to June 2022 (Tiers 1 & 2, i.e., the largest departments in the region), the Northwest Coastal region went from a monthly average of 8,720 stops to 5,047, which is a 42.1% decrease. Unlike the Metro Region, Tier 3 agencies make up a larger proportion of stops for the Northwest Coastal region. When incorporating the Tier 3 agencies, this decrease is lessened substantially to 13.0% by June 2022 (7,588 monthly average stops). Since M110, this region has seen a sustained increase in stops of about 54.4%, going from 4,914 stops in February 2021 to the 7,588 in June 2022. The contrast in regions suggest that much of the overall pattern of decreasing proactivity may vary widely across the urban and rural regions of the state, as well as among counties along the I-5 corridor. That is, for areas of the state outside the Metro region, stops appear to have stabilized at their pre-COVID-19 lockdown numbers. In our later reports, we hope to examine these trends more closely to measure if any of these monthly shifts can be attributed to one event versus another (e.g., COVID-19 versus M110).

Figure 4. 3-Month Moving Average of Proactive Police Stops by Region



Theme 4: Lack of Accountability for Defendants/Individuals

The most common theme expressed by law enforcement officers regarding their decision-making and experiences with M110 implementation is a perception of a lack of accountability and consequences for defendants and individuals found in possession of drugs (referenced in 96% of interviews/focus groups). This theme is expressed in a few different sub-variant perceptions:

- Officers believe there is no follow-up or recourse for persons who have not paid fines associated with M110 citations.
- Officers believe there is no follow-up or recourse for persons who have not called/completed a drug assessment in lieu of paying a fine.
- Hence, officers believe there is no longer any cost or accountability for drug possession because of M110. In the extreme, some users may come to believe they are legally allowed to be in possession of illicit substances.
- Law enforcement perception is that a “carrot and stick” approach to addressing substance use disorder has shown some success in the past (e.g., diversion approaches with drug courts and mandated treatment). Because M110 has effectively removed the “stick” part of this equation, officers are skeptical that persons with substance use disorder will voluntarily seek the help they need.

The above sub-variant perceptions are inter-related and fall within a deterrence theory ideology. Deterrence assumes that fear of the consequences of one’s actions can be a driver of prosocial behaviors. Deterrence theory maintains that individuals weigh the potential costs and benefits of their actions (Spohn, 2007). In particular, the likelihood of getting caught, the “pain”/cost of any potential punishment, and any potential rewards for criminal activity are weighed together (Patternoster, 1991). From the law enforcement perspective, decriminalization of drug possession has removed any costs associated with using and possessing illicit substances and lessened the likelihood for being held accountable for such actions.

According to officers, the classification of drug possession as a crime, compared to a violation under M110, offered an important point of contact. That is, criminal cites, arrests, and potential jailing could briefly stop a cycle of drug use and addiction and ideally connect an individual with treatment and other service providers. Without that criminal sanction tool, officers are skeptical that those suffering from substance use disorder will seek the help they need under their own volition. Law enforcement commonly refer to criminal sanction tools as having “teeth” (i.e., costs) that can compel people to follow the mandates of M110: Accept accountability by paying the fine or taking the opportunity to call for an assessment and avail themselves of any services offered.

Interview Examples: No follow-up or recourse for not paying citation or not calling for assessment

I think as it stands now, it's a \$100 citation and there's absolutely no consequence to not paying. I mean, there's not even a license suspension or anything else that comes with other citations. So, there's just zero consequence to not paying that fine or not calling for the assessment. – Rural, Police Department

At least when we were arresting people or giving them a criminal cite, so maybe not taking them to jail but giving them a criminal cite for possession of meth or heroin or whatever, there would be some recourse and they would have to show up. And if they didn't, then they'd get a warrant for their arrest and then they'd be forced to appear. With the violation, it's just a fine. You're not going to get a warrant based off of a fine. – Rural, Sheriff's Office

If I pull over a car and they have a little bag of meth like in their cupholder, there's not much I can do with that, right? I can ask them for it, they refuse, it's like here's a \$100 ticket. They may go to court, if they don't, there's no repercussion for them. If they go to court, they might get the phone number to call for treatment. If they don't call, there's no repercussion or anything holding them to that. And they know it. It's been a thing long enough to where they know that if they have a user amount, they're not going to get in any trouble. – Urban, Sheriff's Office

Interview Examples: Perceived benefits of a “carrot and stick” approach to addressing substance use disorder

Instead of being able to take them off the street and put them into jail where they would sit long enough to get in front of a judge or at least for charges to be filed to try to get them into maybe drug court, we're just giving them a cite and letting them go...Or at least maybe even get one of the attorneys involved. Get them into drug court, get them into a program, get the folks from [treatment provider] there to talk to them. At least they're getting seen, whereas now, it's a citation. And we've got people that do that until we're able to like get through to them, saying 'How long do you want to be like this? You know, how many times does that take?' Versus, maybe if they had a felony charge hanging over their head, they would be out of it. – Rural, Police Department

There's no incentive to, you know, I'm trying to find the word for it, but it's like you go out there and you commit these crimes, and if I'm not going to jail, and I'm not ready to get out of that lifestyle, sometimes that diversion will kind of kickstart that, and that's not there anymore. And so, it's folks that have hit rock bottom that really need help, they can get that social referral and if they're willing, take the steps themselves and they can get there, but I'm finding that that's few and far between. – Urban, Sheriff's Office

And anybody that has dealt with drug addicts for a long time, they're not reliable, they're not responsible, they're not going to usually take an active part in their own, I guess, life responsibilities. Whether it's making it to an appointment on time, whether it is, making that phone call that is on the citation. And again, when you don't hold their hand through that process or force them to do those things, like in drug court. Even though drug court is minimally effective as well, because I think there is still that component, I think it's more effective than what the current system is. – Urban, Sheriff's Office

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Despite this perception from law enforcement regarding the efficacy of deterrence approaches, research has shown that access to drugs, substance use disorder, and overdose deaths have not significantly decreased since the 1990's when deterrence was heavily emphasized (Simon, 2007; Walker, 2015). Many officers we talked to recognize this pattern as well and the intractable nature of addressing substance use disorder. Officers often take a similar position as is found in drug courts – holding offenders accountable and reduce their drug use through a “stick” and “carrot” approach. In this view, the courts, supervision, and jail serve as the proverbial “sticks” and the “carrot” is often having charges dropped. The goal in such efforts is to reduce drug use and offending behavior by also mandating drug treatment and consenting to frequent, random drug testing. While there is a large body of research that generally supports the effectiveness and implementation of drug courts it is fundamentally different from what police officers may view as “sticks” and “carrots” because effective drug courts rely on treatment (Mitchell et al., 2012; Shaffer, 2011).

One of the key differences between the structure of a drug court and the implementation of M110 is the reliance on basic deterrence and how it intersects with the rationality of drug users. Part of the issue lies in the fact that deterrence assumes rational thinking and personal stakes in conformity (i.e., something to lose from engaging in criminal activity; Spohn, 2007). Substance use disorder can co-occur with a mental health diagnosis, both of which can impact rational decision-making (a central tenet of deterrence, see Proctor & Niemeyer, 2019). In addition, the population of individuals that are most likely to come in contact with law enforcement have often lost stakes in conformity. Stakes in conformity have been referred to as bonds or social capital that tie one to prosocial values, sense of responsibility, and life opportunities such as education, employment record, marriage, children, housing status, family and friendship networks (Dejong, 1997; Piquero, 2003; Sampson & Laub, 1993; Spohn, 2007). These stakes in conformity represent “needs” categories that may be deficient and pose obstacles to rehabilitation that require formal assistance (Andrews et al., 2006).

Law enforcement officers discussed this in terms of at-risk populations, and these individuals being less likely to benefit or be helped by M110. That is, the typology of persons they commonly come into contact with are in critical need of assistance, often without family, friends, safety nets, or stakes in conformity. Some officers believed that the traditional practices for resolving PCS charges in the past (i.e., diversion and drug court) may have provided more support than the current practice, which places all initiative on the individual. An important component of successful drug treatment is a client's internal motivation for change (Prochaska & DiClemente, 1994). The question for M110 efficacy is whether the removal of external formal pressures and mandated assistance is enough to compel internal motivation for reformation.

Interview Examples: Critical needs of population and lack of stake in conformity

They just have no support. And without some sort of supportive person right next to them, there's no motivation there. They already need the help, they know that. And anybody that you've seen recovering can tell you, the first thing that they're going to start saying is how they go through it because of this person or that person or that support group or this support group. Relying on them to go do it themselves is, they may want to do it, they're just not going to be able to do it without support.

– Urban, Sheriff's Office

In a perfect world, the person that wants the help will go get the help, it'll be free, no problems, it'll be safe, it'll be great. But we know this isn't a perfect world and we know that the people that we're dealing with are not going to make that decision unless it is forced upon them. – Urban, Police Department

Theme 5: Officers are often hesitant to issue M110 citations to individuals.

The final main theme that emerged from these qualitative data is that overwhelmingly, officers are hesitant to issue M110 citations. The interviews shed light on officer decision-making and use of discretion in issuing citations. Roughly 48% of interviews/focus groups referenced justifications for not giving out citations. Interestingly, justifications for giving out citations were referenced almost as frequently as justifications for not giving out citations (44% and 48%, respectively). This likely is artificially inflated because of our sampling strategy; that is, we recruited officers from our target counties, one of which accounts for 20.2% of all citations issued (as of February 28th, 2023). Below, we include officers' justifications for their decisions regarding issuing citations.

The primary justifications officers give for issuing citations are the following:

- Officers believe it is their duty to respect the voters and enforce the law.
- Without issuing citations, it will be difficult to prove the efficacy of the law.
- Hopefully individuals will take advantage of the resources listed on the citations.

Many officers referenced that M110 was supported by the voters, so they feel it is their job to respect that and issue the citations as has been laid out by law. For example:

I will give out as many as, until they tell me to stop doing that, if this is the job, I will do it. I don't mind. And yeah, I've had some people who thank me for it, some people who hate it, and most of the people who I've written the citations to, now I mean they recognize me, and will say hi and just have some type of normal conversations as I ride past. Even though I know you're still out there doing drugs...I know there's probably something we could be doing better for you, but here's the ticket because it's all I can really do for you. – Urban, Police Department

I know in other agencies that the officers have basically said, 'I'm not going to enforce it. If the state wants to do this and they want people to use drugs, then why am I wasting my time?' And I don't take the same belief. I think that's a flawed way of thinking about it. Lives are still on the line, ultimately. I think our job is to still go out and enforce what's there. – Rural, Police Department

Another justification given for handing out citations is the recognition that if officers are not issuing the citations, the data will not accurately demonstrate the impacts of M110 on individuals and the community. For example, as one officer noted, if there are few citations in a given timeframe, the community might assume that drug use has declined:

I think our philosophy behind it is, we're trying to show that it's status quo here still, like nothing is going to change with this law. [Drug use is still] prevalent...And we're trying to show not only the legislature, but the people who voted for this, like it's not helping. – Rural, Police Department

One, it's what they want me to do, it's what the voters have said, this is the way we want it to go. And so, I'll do it. And if it shows that it works, it works. If it shows, if me giving out citations shows it's a failure, it's a failure. But you're never going to know one way or the other unless you do something...You have to have [evidence] to say it either works or doesn't. – Urban, Police Department

Aside from the typical law enforcement focus, some officers noted a desire to connect individuals with needed services. With this concern came another justification that officers gave for giving out citations is that hopefully individuals who receive them will seek out resources and treatment options:

I do write almost everybody the ticket because, from what I understand of it, it's got the number on the back which is the resources if they want to get clean. So, I figure, there's no harm in me writing it, even if it's not going to go anywhere, it gives them the resources, it's up to them to follow through. – Urban, Police Department

Most of the officers in jurisdictions we talked to (with few exceptions noted above) commented that they had given out few or no citations. The primary justifications officers gave for not issuing citations are the following:

- The officer can still share information about resources and treatment options without issuing the citation.
- Giving out citations is “not worth the time”, as officers perceive there to be no accountability for follow-through.

Interview Examples: Sharing information about resources without issuing citation

Most of the people I encounter, there's no benefit to them for calling the helpline. If they want help, I'm more than happy to help people. I've given out numbers for resources way more than I've given out citations. And that's something that generally doesn't come with me seizing drugs, it's just I know this is a user that wants to get clean and I can provide them with a resource to do that. – Rural, Sheriff's Office

I will spend time with no criminal enforcement...just say, 'Do you want to get sober? Like I can see what's going on, let's be honest with each other, I'm not looking to write you \$100 citation, but I am willing to help make phone calls and see if I can help you get off the street.' – Rural, Sheriff's Office

Interview Examples: Not worth the time to issue a citation

But what I have noticed in talking with patrol officers is that they're much less likely to write that citation for PCS. Because it has no teeth, there's no follow up necessary on the part of the person who's suffering from substance use disorder...The officer feels like, okay, I take the drugs, and then why would I do this unnecessary paperwork that they're not going to follow up on anyway and there's going to be no like, any sort of punishment, quote unquote, right. So, why would I do that? – Urban, Police Department

[This lady], I've written her 3 tickets and I'll see her...I know where she sits, and she does her drugs and kind of after a while too, I don't write her anymore tickets. Because I've already given her 3, she has the resources, she knows, she said she's been doing it for, I think 30 years she's been doing meth. And she, every so often, like I'll ride past. She's like, 'You can write me a ticket.' I'm like I'm not going to write you a ticket. You know me, I know what you're doing, and if you are not going to ever go seek the resources, me writing the tickets, at this point, it's kind of pointless. Because I've given you everything you need, you have no intention of changing. – Urban, Police Department

In discussing M110 citations, officers often commented on their parity with other infractions such as speeding, seatbelt violations, and the like. Some officers made these comparisons to highlight the incongruity between drug use and speeding, for example (despite both being violations). Others made comparisons to warrant their use of discretion in not issuing a citation.

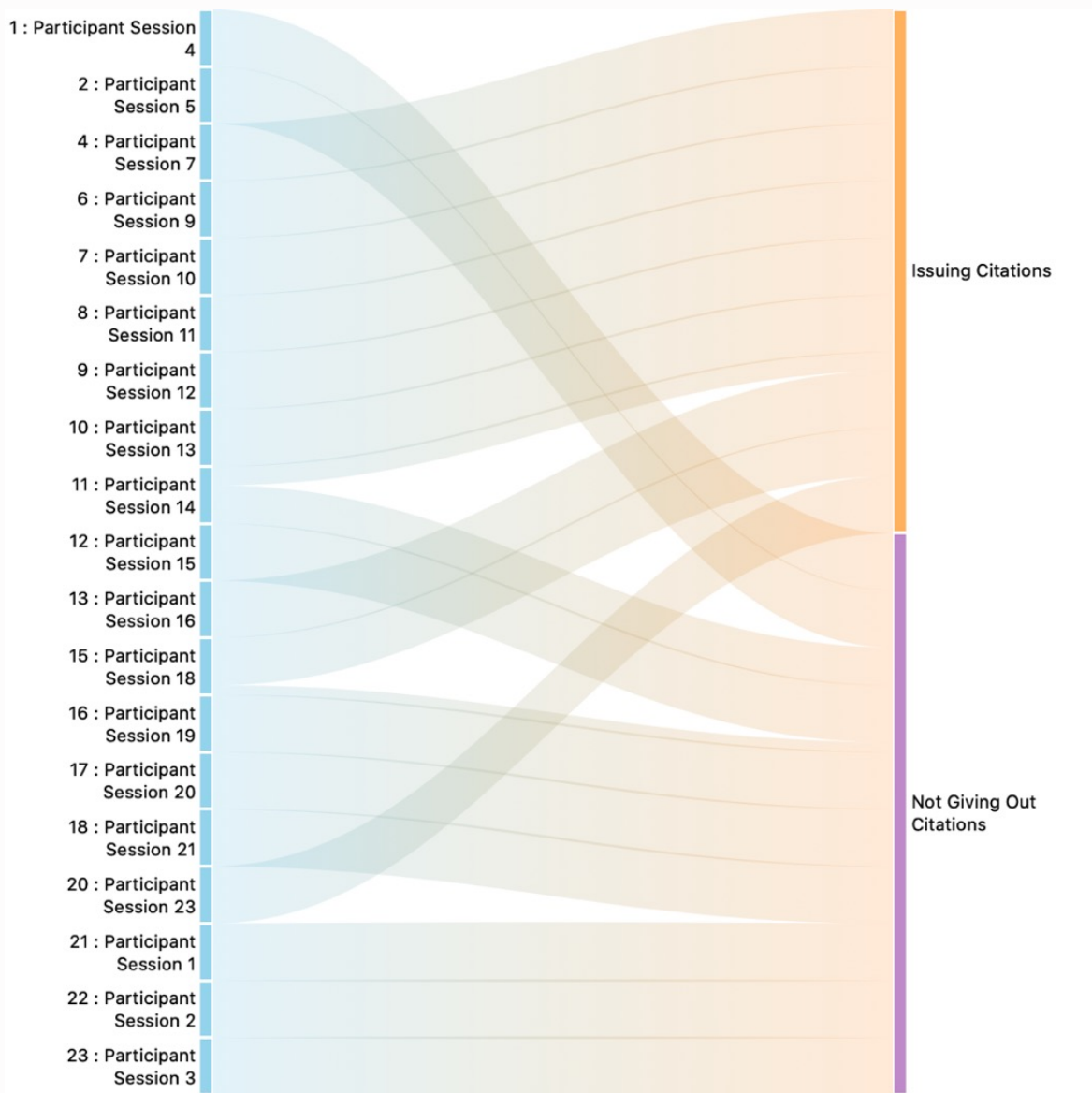
If they're caught with a user quantity, they're going to get a ticket that, oh by the way, is lower than any ticket that is issued in the state of Oregon. Lower than somebody failing to use a turn signal. I just feel like it's pretty ineffective. There's no consequence really for being in possession of a user quantity and there's no incentive there for the person to try to get clean. Maybe as a 19- or 20-year-old kid, you get in less trouble for being in possession of meth than you do being in possession of alcohol or a cigarette. Which is mind boggling to me. In the state of Oregon if you've got a cigarette or alcohol, you're going to receive a stiffer penalty than if you have meth or heroin. – Rural, Police Department

It's more work for us to do the search, legalize the search, find the drugs, give them a \$100 ticket, bring the drugs back to the station, enter them into evidence, and then write a report. For a \$100 ticket. When I can stop a person for [driving while using a] cell phone...I'm going to stop them, I'm going to issue them a citation for \$265. I'm going to complete my narrative, which takes me about 3 minutes, and I'm done with the contact. See the problem there? – Urban, Police Department



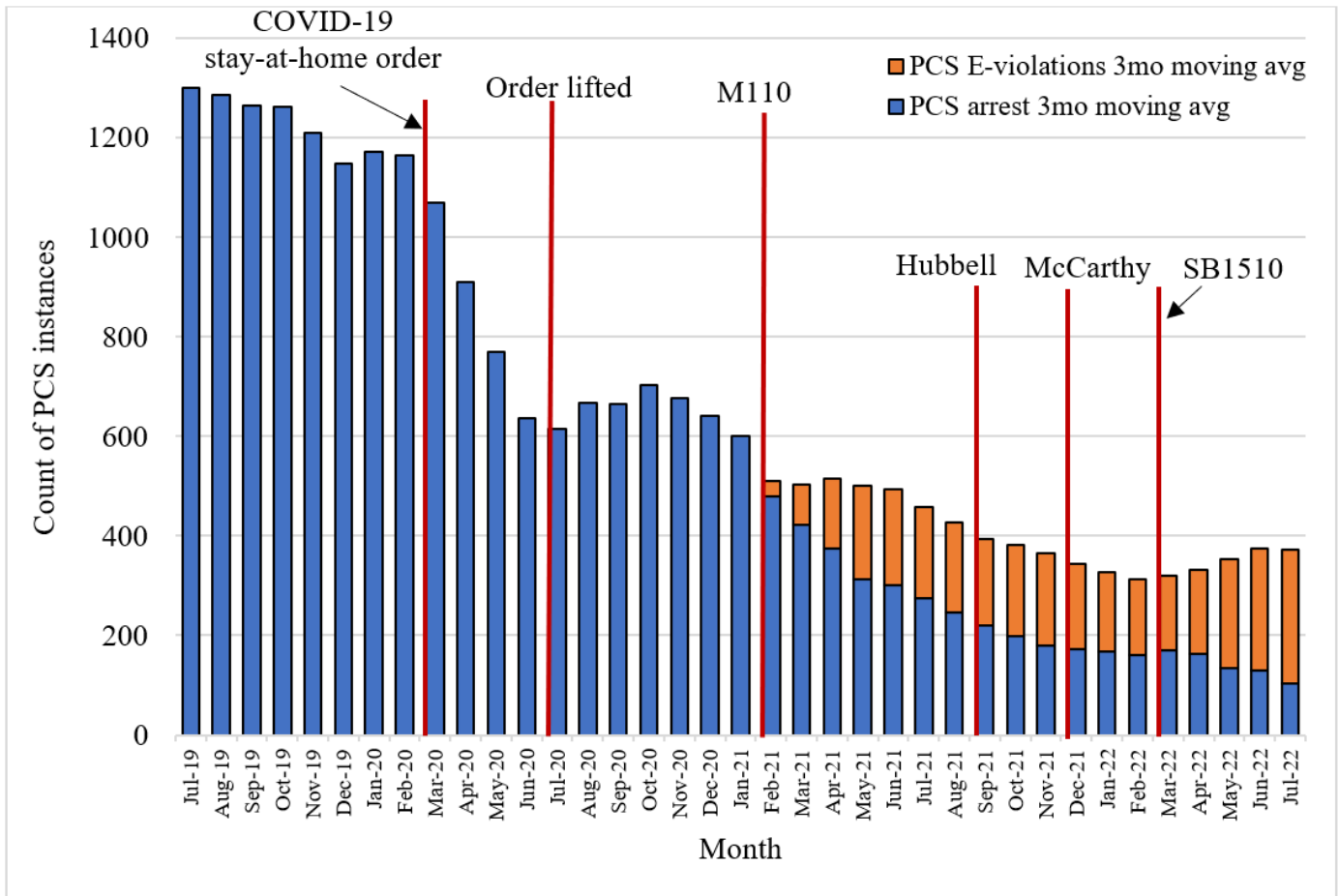
Figure 5 demonstrates the polarization on the topic of issuing citations. That is, most interviews/focus groups either mentioned justifications for giving out citations or justifications for not issuing them. Officers held strong opinions either way, and few fell in the middle. Of the 11 unique interviews/focus groups in which justifications for not giving out citations were referenced, only two of those also included justifications for giving out citations. The Sankey Diagram (Figure 5) displays the polarization in how each interview ultimately fell into one of the two categories: (1) Issuing Citations or (2) Not Issuing Citations. In only two interviews, justifications were identified for both.

Figure 5. Codes Applied for Giving Out and Not Giving out M110 Citations



According to officers, this hesitancy to issue citations translates to fewer E-violations issued than arrests would have been made prior to M110. To examine this further, Figure 6 provides a coupling of Oregon Judicial data (E-violations) with law enforcement data (arrests). The state’s Law Enforcement Data System (LEDS) contains arrest information on all arrests across the state of Oregon by county from January 2008 to April 2022. It has information related to the offense(s) type that initiated the arrests including drug-related arrests. Specifically, Figure 6 shows a 3-month moving average of PCS arrests and E-violations (i.e., M110 citations). Prior to the COVID-19 stay-at-home order being lifted, the 3-month average of PCS arrests dropped from an average over 1,000 to 600. The 3-month average crested near 700 in October of 2020 before dropping again after M110 took effect. Once M110 became effective in February 2021, E-violations became a large proportion of what would otherwise be PCS arrests. While PCS arrests still occurred through July 2022, combined with the count of E-violations, the number began to stabilize just under a 3-month average of 400 arrests or E-violations.

Figure 6. Statewide 3-month Moving Average of PCS Arrests and E-violations



Data source: Arrests from STOP data and Violation information is from the Oregon Judicial Department

Tracking and gauging officer distribution of E-violations will be difficult for various reasons but can be fruitful in understanding officer perceptions about the interactions they have with people who use substances, and what results from that interaction – enforcement or social support. M110 intended that individuals be provided an avenue to treatment that would not require a criminal conviction. Although it is necessary that M110 is leveled at improving access to treatment in Oregon (ranked 47th in drug treatment access, SAMHSA, 2020), the treatment emphasizes those who are dependent on substances already. In terms of the justice system, this has little to no aim to reducing police *contact* with users, but rather aims to change the nature of contacts from punitive to supportive in terms of connecting people with treatment. Aside from access to treatment, there are no aspects of M110 aimed at influencing causes and correlates of substance use and associated disorders. Recent studies have highlighted that key correlates of substance abuse and dependency include education, poverty, mental health, and trauma, as well as the intersection of several of these factors with age and gender (see Kurti et al., 2016). As M110 is written and implemented, it remains inherently reactive.

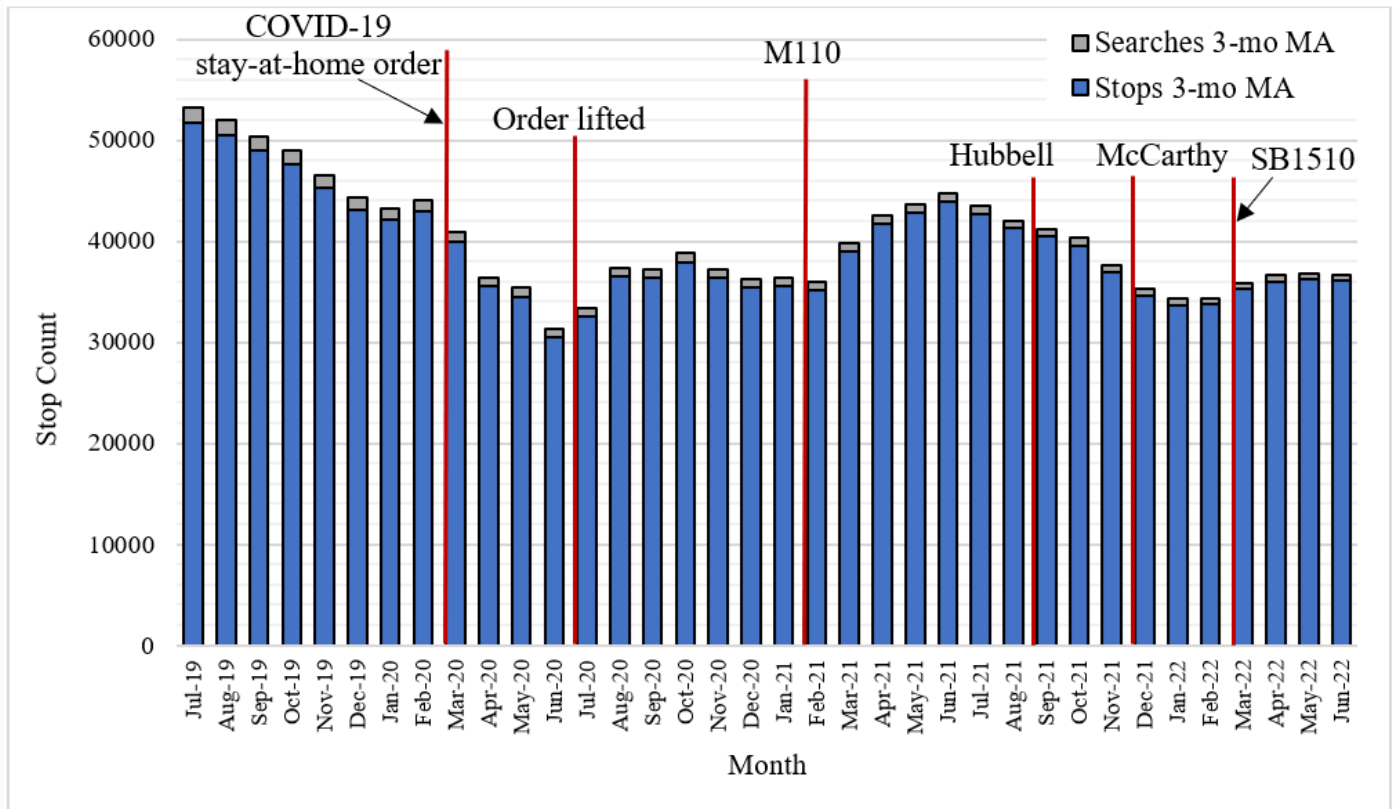
Consequently, a reasonably safe assumption regarding the passage and implementation of M110 is that it is unlikely to decrease drug use, at least in the short-term and among initial users, because it does not necessarily address drug demand or supply (Walker, 2015). This is important when understanding citations because it can be expected that officers would continue to come across PCS situations in the same volume. Thus, it would be reasonable to expect the E-violations would take the place of PCS arrests, returning the volume of PCS incidents (arrests or violations) to at least 600 (seen during the timeframe before M110). However, as the officers indicated in their interviews, and shown in Figure 6, this was not the case. Arrests for PCS began a post-COVID-19 decline after M110's passage in November of 2020, and while the overall average count of PCS incidents was maintained in arrests and E-violations for a few months following its implementation (February 2021), there was an overall decline shortly after. Reports published by the Oregon Judicial Department present more recent data than those shown in Figure 6 indicate that a total 4,071 E-violations were issued prior to February 28th, 2023 (60.7% of them came from our target counties), at an average of 163 per month.¹²



Collins Media KS / Shutterstock

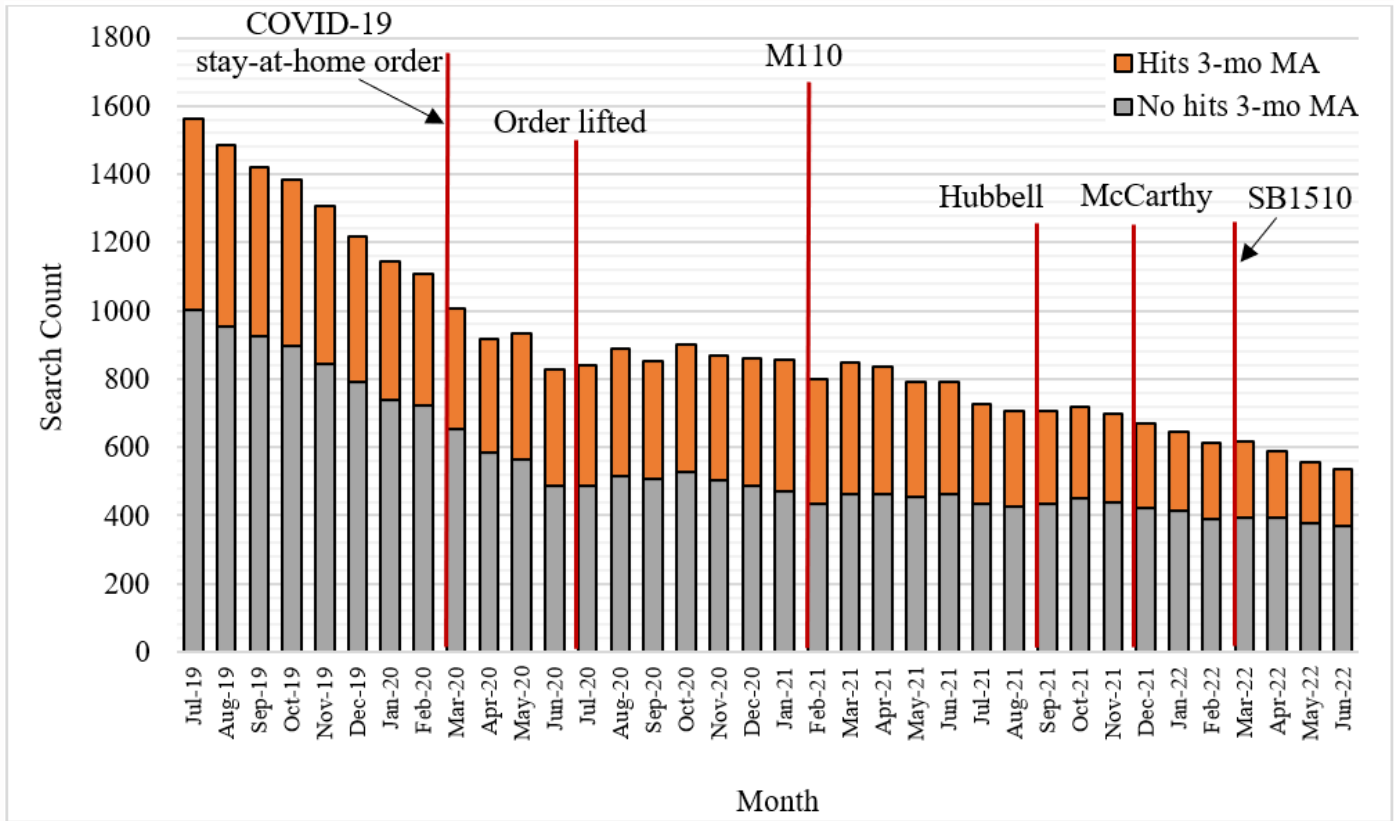
One major take-away from Figure 6 is a “shelf effect” in that prior to the COVID-19 stay-at-home order, PCS arrests were largely stable with a slight downward trend just prior to the COVID-19 shutdown. Following the stay-at-home order there was a sharp, drop-off in the 3-month average. Post-M110 the combined number of arrests and E-violations sits at roughly 400 per month, significantly lower than arrests prior to 2020. This decline in arrests and E-violations may be related to the decline in proactive stops made by officers. Figure 7 shows the 3-month average of officer initiated stops and searches (i.e., the percent of stops that resulted in a “search”). From this Figure, we see the decline in stops prior to the COVID-19 stay-at-home order, noted above in the report. Also shown is that searches have always made up less than 3% of stops and have declined over time. For example, in July of 2019 searches occurred in 2.9% of stops and over the following months decreased incrementally, with the lowest search rate (1.5%) occurring in June 2022. While Figure 7 demonstrates the rarity searches occur in relation to stops, Figure 8 depicts how often that search resulted in finding illegal drugs, property, or weapons. Figure 8 shows the 3-month moving average count of searches across the state and if drugs, stolen property, or weapons were found (“hits”) or nothing was found (“no hit”). Beginning before the COVID-19 stay-at-home order, the number of searches were steadily declining. In contrast, the “hit rate” increased during the same period from 35.9% in July 2019, to 45.7% in February of 2021. This suggests that during the largest decrease in proactive stops, even though police were stopping fewer people, those stopped were more likely to have drugs, stolen property, or weapons in their possession. However, this increased accuracy rate subsided by June 2022 when the hit rate dropped to 30.7%

Figure 7. Statewide 3-month Moving Average of Stops and Searches



Data source: STOP data

Figure 8. Statewide 3-month Moving Average of Searches that Resulted in Hits or No Hits



Data source: STOP data

These graphs illustrate that the documented contact points between police and potential drug abusing populations may be dramatically declining from pre-COVID-19 levels, consistent with officer perceptions. Less consistent is the reason for the decreased contacts as several officers pointed to M110, although the decrease began well before the policy went into effect. It is too early to know how much of the observed changes are attributable to the changes in policy (M110), court decisions, or senate bills, but trends suggest that there may be some important relationships to examine in the next two years of this study. It is not only important to understand the data available as it can be informative despite its limitations, but we must practice great caution in concluding things from it alone.

Other Potential Causes (Confluence of Events/Changes)

While we asked about successive drug legislation shifts over the years in our interviews/focus groups, we primarily focused in-depth on experiences and decision-making related to M110. But it is important to address that some of these themes have been impacted by other historical events as well. Before we address effects of these changes (as identified by law enforcement officers), we take up a discussion of other potential causes here.

Impact of Oregon Court Cases and Other Legislation

Recent State Legislature decisions, as well as Oregon Supreme Court and Court of Appeals cases, have had a large impact on drug enforcement that is not directly attributable to M110 (e.g., *State v. McCarthy*, 2021, motor vehicle exception to the warrant requirement eliminated). These changes may impact sheriff's deputies and officers who do highway interdiction more so than other officers (e.g., bike cops in an urban center). Nonetheless, officers noted these recent changes as justification for declining proactive policing, both due to their impact on law enforcement activity, as well as the perception that the case law is changing at a rapid pace, which is difficult for officers to stay aware of, and incorporate into their practices:

I mean [all these court cases and changes], just one of those has a huge impact. And then you add all of those up, it just, it basically cripples us on what we can do. – Urban, Sheriff's Office

There are so many new folks in law enforcement now that have been on 5 or less years that don't have the experience of search and seizure now. Because they never had to implement it. And so, they're not comfortable enough to get around the case law or whatever the new case law is this month, right. Because it changes monthly. And so, the fact is, they're not even going to try. – Urban, Sheriff's Office

Impact of Court Case Backlogs and Public Defense Crisis

Another historical event that has impacted arrests and enforcement are the court case backlogs associated with COVID-19, and in some counties, a lack of public defense attorneys. Many jurisdictions across the state are still recovering from systemic challenges that arose during the COVID-19 pandemic, specifically that the District Attorney's office and courts are processing a backlog of cases. For example, in Multnomah County in September 2019, the median disposition time for felony cases with no bench warrants was 101 days; in September of 2022, the median time was 291 days.¹³ Furthermore, some of the largest counties in Oregon were notified in February 2022 that the public defense firms responsible for providing indigent defendants with counsel would stop taking new cases. This has had a serious negative impact on prosecutorial charging in those jurisdictions (and likely accounts for the delays in disposition time noted above). In May 2022, this resulted in a lawsuit against the state driven primarily by the issue of individuals in custody without representation.¹⁴ These challenges have impacted the court's ability to adjudicate cases in a timely manner, which has likely impacted enforcement, and more notably, the potential effects/outcomes officers are observing in their communities.

What are the Potential Effects of Measure 110 on Drug Enforcement and Community Safety?

In the above sections, we detailed five themes that officers relayed regarding their experiences with the implementation of M110 and additional historic changes simultaneously occurring. Combining these themes (e.g., loss of informants, lack of accountability for individuals) and historic changes (e.g., key court cases), officers made reference to their perceived “effects” on drug enforcement and observable community outcomes. These perceptions are not necessarily held universally by all officers. However, many officers perceived a strong causal relationship between the implementation of M110 and negative community impacts, an almost “perfect storm.” Importantly, we intend to examine the relationship between M110, controlling for other factors and historic trends in drug enforcement, on these important community outcomes in forthcoming quantitative analyses.

Perceived Effects of M110:

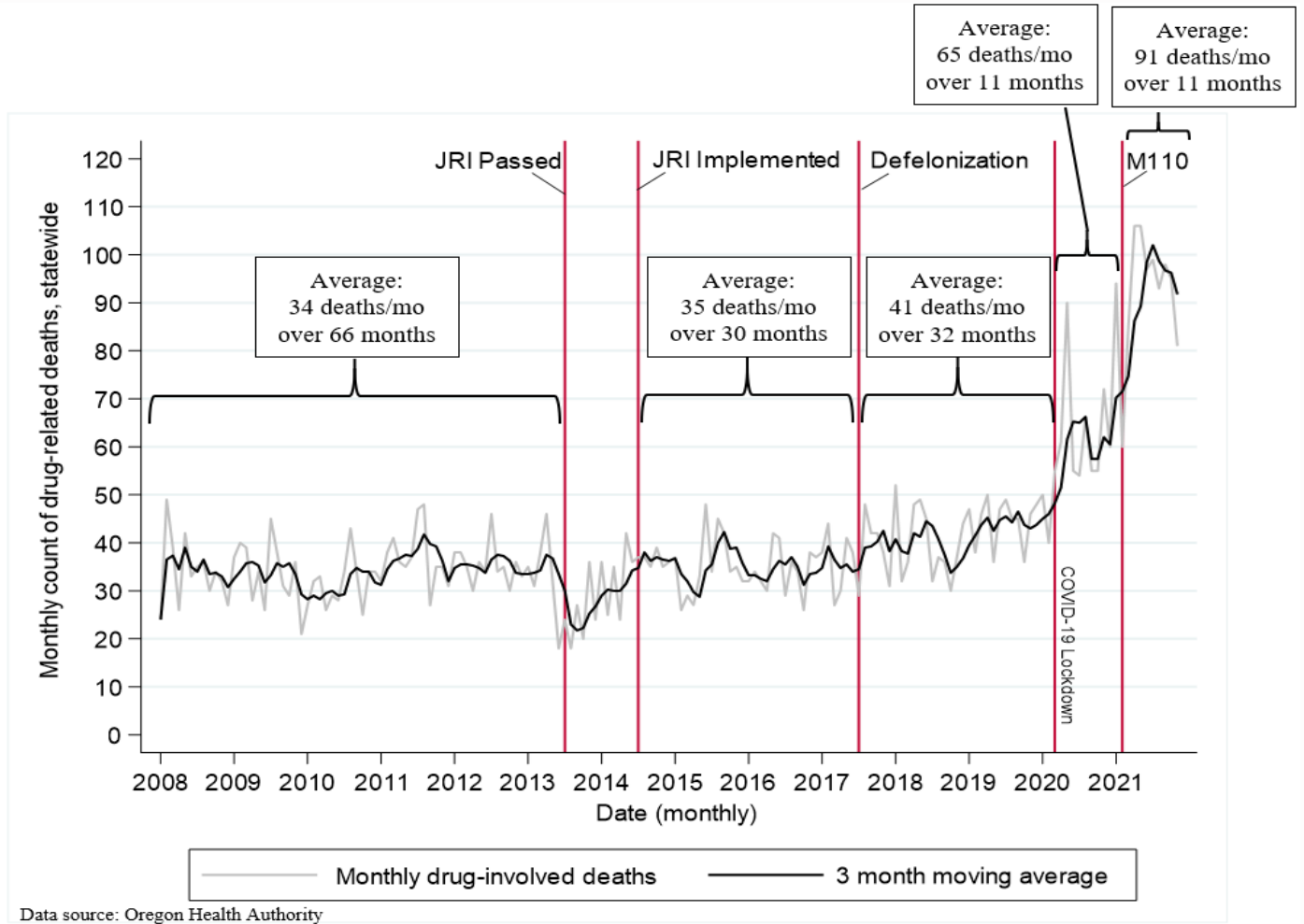
1. Increase in Overdoses and Drug Prevalence in the Community
2. “Drug Nexus;” Perception Amongst Some of Increase in Collateral Crimes

Increase in Overdoses and Drug Prevalence in the Community

The third most commonly applied code was “overdoses and Narcan deployments,” referenced in 70% of interviews/focus groups. Overwhelmingly, officers perceived that overdoses in their communities have increased, and that they are deploying Narcan, or other life-saving techniques at an increasing rate. The statewide aggregate data support these perspectives. According to a recent report produced by the Oregon Health Authority (OHA, 2022), overdose deaths have increased in Oregon over the last decade; the most recent rise is likely related to overdoses from synthetic drugs such as fentanyl, which saw an 83% increase from 2020 to 2021 (p. 7). Officers discussed the rise in overdoses and Narcan deployments, and the agency costs both financial and resource-wise of responding to this increasing level of calls for service.

Using data from OHA, Figure 9 shows the monthly count of statewide drug-related deaths, along with a smoothed line showing the 3-month moving average to stabilize any seasonal trend in deaths. The state did not begin to observe an increase in the average drug-related deaths until after defelonization when the 3-month average sustained over 40 deaths in 2019. The COVID-19 pandemic appears to have impacted this greatly, increasing the 3-month average to over 65 deaths immediately after the lockdown. Oregon’s monthly count of drug-related deaths spiked twice to 90 deaths between the COVID-19 lockdown and the implementation of M110. This is similar to overdose trends reported by the National Center for Health Statistics observed across the nation (Spencer et al., 2022). Their report indicates that overdose deaths increased substantially from 2020 to 2021 for all age groups over 25 years old, with a 22% increase involving synthetic opioids (other than methadone). Turning again to Figure 9, in the months following M110, the 3-month moving average of drug-related deaths again increased to 91 deaths, with the monthly count spiking over 100, before showing some decline.

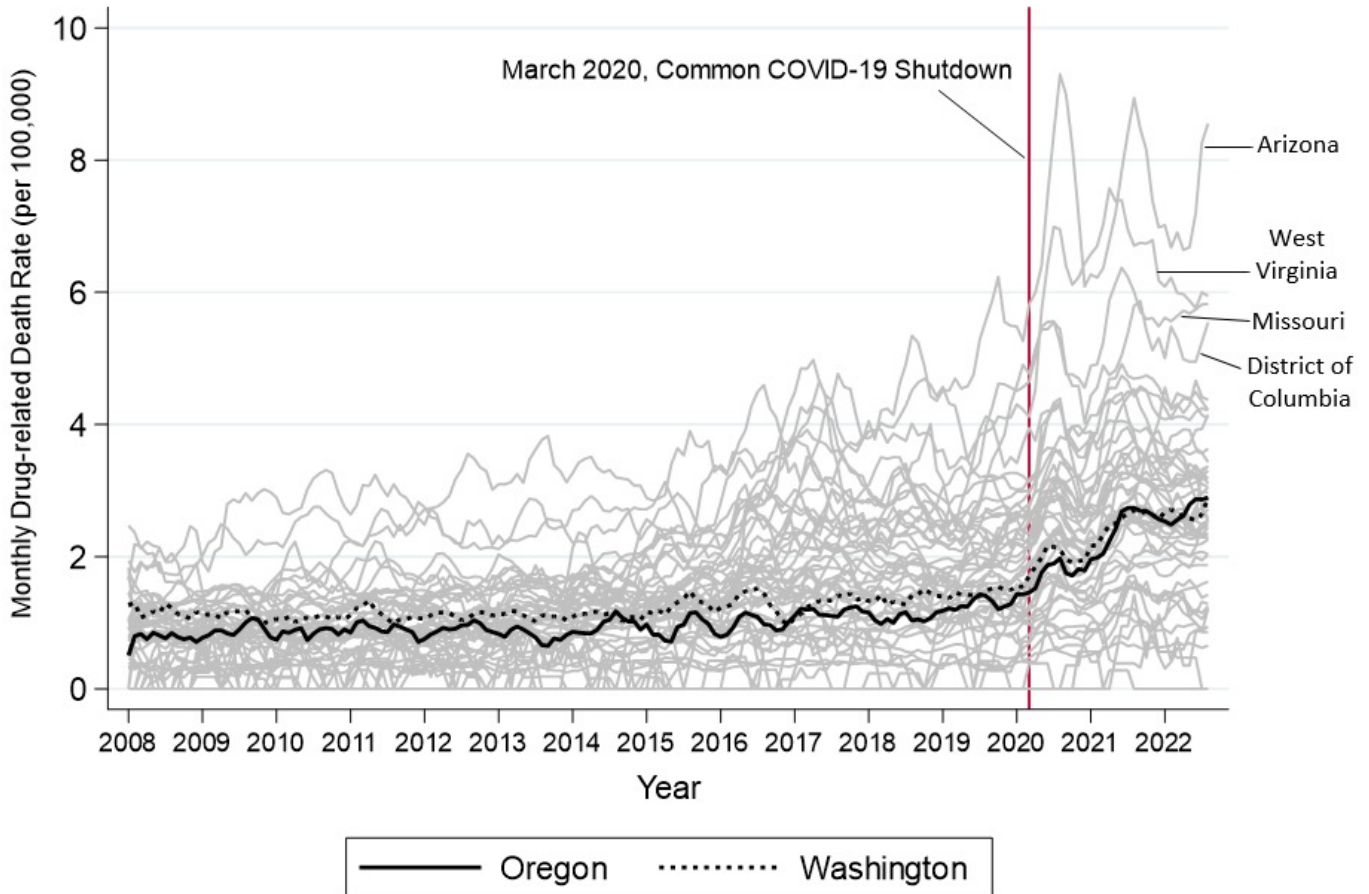
Figure 9. Monthly, Statewide Counts of Drug-related Deaths from 2008 through 2021



Data source: Oregon Health Authority

It is critical to note that the trend shown here is not a statistical model, rather it is a graphical representation of frequencies, so nothing is controlled for, and we cannot draw any distinct conclusions about these increases. As we move forward with our continued construction of the dataset and subsequent analyses, we will begin to incorporate control measures to unpack how much the COVID-19 lockdown and M110 independently contributed to these increases. Although the trends here provide greater context to understand officers’ perceptions, they must be considered in the larger picture of the nation’s struggle with drug-related deaths. Figure 10 places Oregon’s trend into the broader picture of the national problems with drug overdoses.

Figure 10. Drug-related Deaths from all 50 States and District of Columbia, 3-month Moving Average from 2008 through September 2022 (not age adjusted)



Data source: Center for Disease Control

The data populating Figure 10 comes from the Center for Disease Control publicly available data. “Drug-related deaths” include all drug poisonings or overdoses (including homicide and suicide) that were determined to be the underlying cause of death. Our measure excludes alcohol related deaths. Rates shown in Figure 10 were calculated by totaling the number of reported (unsuppressed) drug-related deaths per month for each state, then dividing the sum by the total state population captured by the Census for a given year. As this is not age adjusted, it is a more conservative estimate of the drug-related death rate than when using age adjusted measures. Age adjusted rates were not available for monthly level data.

Figure 10 shows a 3-month moving average rate of drug-related deaths (including suicide and accidental overdoses) per 100,000 for all 50 states and the District of Columbia from January 2008 to September 2022. Overall, the US has experienced a steady rise in drug-related deaths commensurate with the nation’s struggle with opioids and methamphetamine problems (e.g., Ellis et al., 2018; Rudd et al., 2016). Rising death rates provide an important backdrop for Pacific Northwestern states such as Oregon and Washington. When compared to all other states, since the COVID-19 shutdowns in March 2020, Washington ranks 25th and Oregon ranks 26th in the nation for the highest average drug-related deaths per month.

Both states' 3-month moving average peaked in late 2022 at a rate of 2.9 drug-related deaths per 100,000. Figure 10 highlights that while the rate of Oregon's drug-related deaths is indeed alarming and problematic, it is also unfortunately similar to what other states have been experiencing, especially since the stay-at-home orders of the COVID-19 pandemic.

Often in conjunction with expressed concern over drug-related deaths was the code, "drug prevalence" (defined as "more drugs, more use, more dealing, and more openness"). The drug prevalence code was applied in 61% of interviews/focus groups. Often, officers referenced the increase in fentanyl in the state as a strong concern for the safety and well-being of community members. Data provided by the Oregon-Idaho High Intensity Drug Trafficking Area program on drug seizures over the past decade bear out these perspectives.¹⁵ That is, there were no drug seizures of fentanyl pills until 2015; in 2019, there were 40 seizures made (varying quantities), 108 in 2020 (170% increase from 2019), 357 in 2021 (231% increase from 2020), and 536 as of mid-October 2022 (50% increase from 2021). Officers commented on the difficulty in teasing apart any potential COVID-19 effects to isolate the impact of M110, but many discussed the two events (M110 and overdose increases) hand-in-hand.

Interview Examples: General increase in overdoses in community

Because I'll find them with 5, 10 [pills], and they're like 4 for \$20. One of those pills is enough to kill them and we're responding to multiple overdoses sometimes upwards to 4 a night. – Urban, Sheriff's Office

We watched our Narcan deployments multiple by 2 in one year. We went from 56 deployments one year, so that would have been 2020, and then 2021 it was like 118...We used to give lifesaving awards if you deployed Narcan and you saved a life. There's not enough medals to give out ladies and gentlemen for the amount of lives that we're saving. – Rural, Police Department

I started my career 10+ years ago and we would have an overdose in our county that at least was reported. It seemed like a couple a year. And now it's a nightly occurrence that we're having overdoses. We all carry Narcan for opiates, but we're using it, we're going through it, so there's a cost associated with that. And then the time that we're spending on these calls, we're having to document a lot of overdose calls. We just had one the other night that because the person was a little bit combative, my entire shift was at this call. – Rural, Sheriff's Office

Interview Examples: Drug prevalence in the community

If you don't have a Portland address, I ask specifically, 'What brought you into Portland?' We've had people from Gresham, Vancouver, and St. Helens...The people from Vancouver said, 'Because up there you need to know somebody to get drugs. Whereas once Oregon [passed M110], you come down to Portland, you can go to any corner with 20 dollars and people will say, what do you want?' The guy from St. Helens said, 'Yeah, now that drugs are legal in Portland, this is where you go to.' And the people from Gresham, same thing, is they come down to Portland because you can go anywhere and people will sell you drugs. – Urban, Police Department

They're not feeling the pressure from us, they're not feeling like there's going to be consequences, so they feel free to buy it, they feel free to use it, they feel free to use it fairly openly, and you get the overdose situations like we're responding to on a daily basis now. – Rural, Sheriff's Office

“Drug Nexus”; Perception Amongst Some of Increase in Collateral Crimes

Across the interviews/focus groups, officers referenced property and person crimes that can often be associated with substance use (i.e., collateral crimes). Property crimes were referenced in 78% of interviews/focus groups (2nd most commonly applied code); person crimes were referenced less frequently (referenced in 48% of interviews/focus groups). This discussion centered around three sub-variant perceptions:

1. Most common: Discussion of property crimes especially, and some person crimes, often having a “drug connection” (and in the past, often were tied to a drug crime).
2. Somewhat common: Across our interviews/focus groups, there was variability in terms of perceptions of property and person crime rate changes in the community. Some officers have not observed any meaningful changes to crime rates; when officers noted increases, it was most commonly the perception that property crimes have increased. Again, officers noted that there are several other potential causes that make it difficult to isolate any impacts from M110.
3. Somewhat common: The perception that proactive policing has decreased (because it is difficult to conduct drug enforcement), which can ultimately result in fewer arrests for other crimes.

Interview Examples: “Drug nexus” and collateral crimes

Drugs are usually the secondary aspect of what we’re dealing with. The trespass, the burglary, the assault, the shootings...All that, it all leads from drugs. – Urban, Sheriff’s Office

Every burglary you see, has a nexus of drugs. Every home invasion robbery is because of drugs. I’ve never once seen a home invasion robbery that didn’t revolve around a marijuana grow. Never once in my 15+ year career. Every single time. All of these things, these crimes that are reported, and these are only ones that are reported, they all come back to the street level drug users and this cycle of addiction that we had the carrot and stick to deal with before, and we’ve removed it effectively with M110. – Urban, Police Department

Interview Examples: Perception of increase in property crimes

But it seems like they’re hand in hand, to me. As soon as the decriminalization of meth and heroin and cocaine happened, property crime, stolen cars, all skyrocketed along with the overdoses. But we can’t just think about the deaths of the actual person using the drugs, we also need to look at the effect on the entire community. – Urban, Sheriff’s Office

I don’t know the numbers, but I can tell you that we are having way more stolen cars than we’ve ever had in the 5+ years that I’ve worked here. And I’m not even on patrol right now and I know that. I’m sure the other guys could tell you that we’re getting stolen cars like no other right now. And we have been for like the last year. – Urban, Sheriff’s Office

Again, there was variability: *I think we’ve still got crime and we’re still solving cases. Drugs sometimes were a good way to solve them a little quicker, but we’re still solving the same cases. There hasn’t been a huge change from my perspective in the amount or types of crime being committed. – Rural, Sheriff’s Office*

Interview Examples: Difficult to investigate, resulting in fewer arrests for other crimes

With the hard drugs, your heroin, your fentanyl, your cocaine and meth, the ramifications of not being able to investigate that proactively, even those minor possession amounts, I think takes a huge bite out of our ability to affect other crimes in our city and in our area. And we're still dealing with ramifications of that. And I expect to have more. – Urban, Police Department

Often, people don't just use meth, they commit other crimes like theft (particularly motor vehicle theft) to support their drug use. The movement of possession and drug use from felony to ultimately the violation level, keeps us from investigating all the things that are associated with the use. – Urban, Sheriff's Office

Conclusion

As we have noted throughout this document, it is too early for researchers to make conclusions about the effects of M110 based on the data available. Similarly, the Oregon Auditor's Office and Oregon Secretary of State's Office in their January 2023 report highlight that it's "too early to tell" the effectiveness of M110.¹⁶ Many of the observed trends can be attributed to other events that have occurred alongside the passage of M110 (e.g., COVID-19). However, in looking at perceptions only, many officers we talked to believed M110 in its current form is not effective and is creating detrimental consequences for public safety, drug availability, and drug overdoses/deaths. Many officers perceived that M110 is not serving the population most impacted by drug addiction and substance use disorder. Some officers were skeptical about arresting our way out of a public health crisis. But, for populations that have lost stakes in conformity - is more formal social control the best way to get them successfully into treatment? As one officer commented, "At least it stops the cycle for a brief period."

Officers suggested modifications to the current violation structure with the intent of getting individuals to engage with the assessment and encouraging treatment participation. Examples included warrants for failing to call the assessment line or participate in treatment, or a diversion model like DUI court with enhancements for multiple violations. As one officer commented, "The simplest solution is to make it a misdemeanor and then put in the law that it is diversion eligible on their first or second offense or whatever, similar to a DUI where you still have teeth, they still have to go through treatment or some sort of course, but then it doesn't go on their permanent record."

And lastly, many officers were not ideologically opposed to decriminalization. The problem has been one of timing. Officers perceived that decriminalization should occur after treatment resources have been built to meet demand and mechanisms for getting access to services are clear and tested. Oregon embarked on decriminalization without treatment systems and processes in place that were fully resourced. As one officer commented, "I think we brought the cart before the horse. We should have built the infrastructure, we should have hired the people, we should have trained the people, built that professional system that could take on this added burden. We didn't do that. If M110 was written in such a way to build the infrastructure first, you would have got police support. In my humble opinion."

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Notes

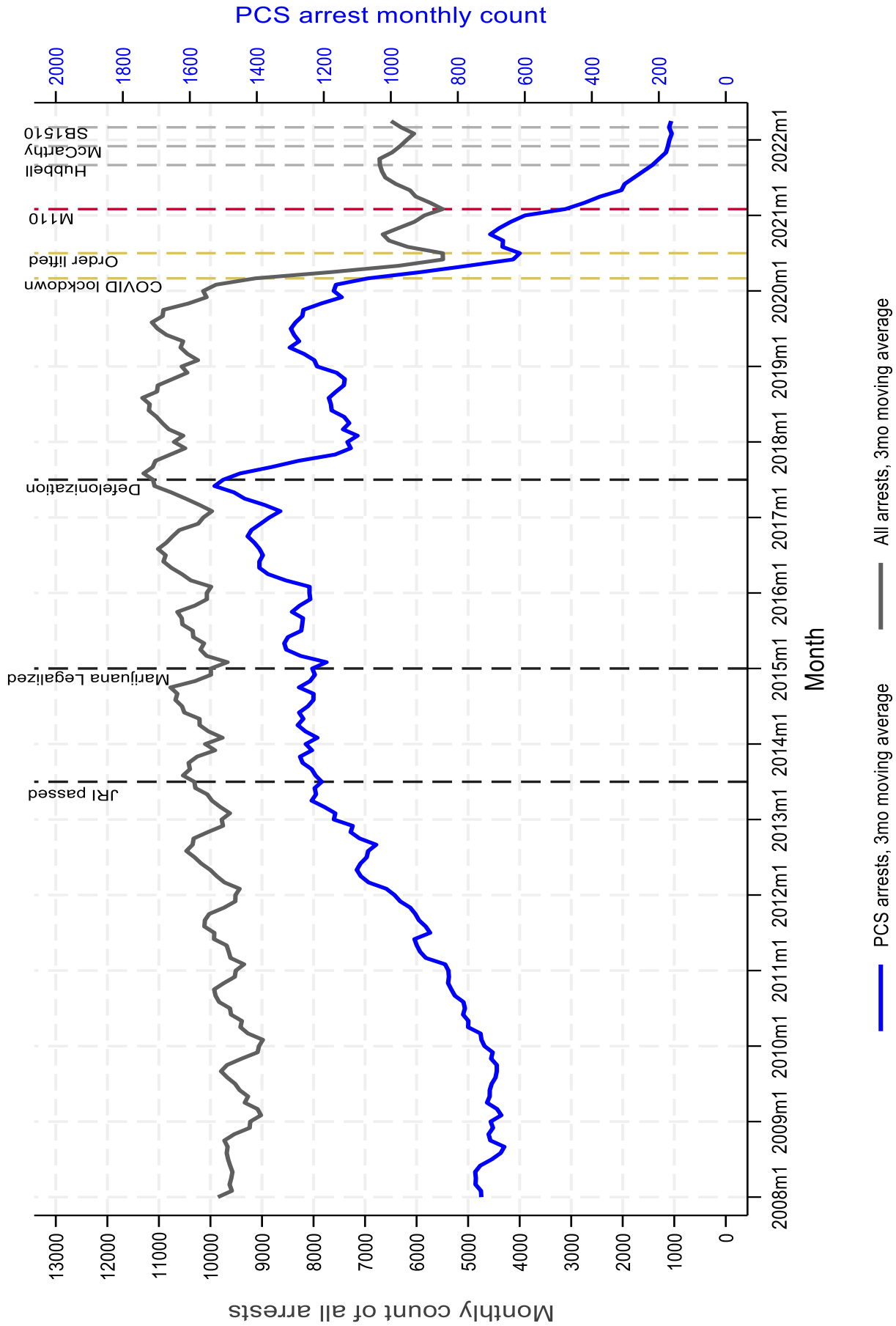
1. Although the Justice Reinvestment Act (House Bill [HB] 3194) was passed in 2013, the funding related to programmatic implementation, such as drug treatment and changes in community supervision, was not rolled out until 2014.
2. Ballot Measure 110 (the ‘Drug Addiction Treatment and Recovery Act’) was passed in November 2020 with 58.46% of the vote. A key selling point of this legislation was the explicit goal of shifting the state’s response for “drug possession from criminalization to treatment and recovery”. Possession of a small amount of a Schedule I-IV narcotic (e.g., heroin or cocaine) was downgraded to a violation (as of February 1st, 2021), resulting in a maximum \$100 fine or a completed health assessment. BM110 was modified by SB 755-C, which took effect on July 19, 2021. The major changes resulting from SB 755-C were: requiring law enforcement to provide information on how to obtain an assessment on the citation, lowering the fine to \$45, and prohibiting penalties for failing to appear.
3. <https://www.ncsl.org/research/civil-and-criminal-justice/drug-sentencing-trends.aspx>
4. Examples of user-level quantities under the following: One gram of heroin, one gram (five pills) of methylenedioxy-methamphetamine (MDMA), 12 grams of psilocybin, two grams of cocaine, 40 grams of methadone, 40 pills of oxycodone, or two grams of methamphetamine.
5. We first emailed Department Supervisors (e.g., Sheriffs, Chiefs of Police). In some agencies, this resulted in informational sessions with Department Supervisors to discuss logistics (e.g., some agencies wanted to select officers and schedule the focus groups themselves). In other jurisdictions, Department Supervisors either emailed officers directly (sometimes with our research team cc-ed) or provided email addresses of possible participants.
6. Prior to the formal interviews/focus groups, we conducted multiple “offline” conversations with officers to help construct our questionnaire.
7. Two additional codes were consolidated after coding as they were referenced too few times. And two codes were used for research purposes only (e.g., “survey question” was used to identify a topic that could be valuable to include on a future officer survey). As such, there are 25 unique codes that were used in the final analyses.
8. Agreement between coders was stronger using the new codebook, however we suspect the Krippendorff’s Agreement statistic was artificially deflated on round 2 due to the differences in quotations coded. That is, in Round 1, an average of 224.67 quotations were used (i.e., codes applied to unique quotes) and in round 2, an average of 88.
9. Given that the first 3 transcripts were coded with some differences across codebooks, the PI went through these by hand and applied the new codes where relevant.
10. <https://www.oregonlive.com/data/2021/11/why-portland-has-less-cops-now-than-any-point-in-past-30-years.html>
11. The graph begins on July of 2019 when Tier 2 agencies began reporting, which contributed substantially to the overall count.
12. <https://www.courts.oregon.gov/about/Documents/BM110Statistics.pdf>
13. <https://www.mcda.us/index.php/prosecutorial-performance-indicators-ppis>
14. <https://www.usnews.com/news/politics/articles/2022-05-16/oregon-sued-over-failure-to-provide-public-defenders#:~:text=PORTLAND%2C%20Ore.,counsel%20and%20a%20speedy%20trial>
15. <http://oridhidta.org/> The Oregon-Idaho High Intensity Drug Trafficking Area (HIDTA) program consists of 16 counties (12 of which are in Oregon). The data provided included drug seizures (type, quantity, and county) since 2010. Although it is too early to fully unpack the findings from these data, we looked at counts of fentanyl seizures specifically because of its prevalence as a topic in interviews/focus groups.
16. <https://sos.oregon.gov/audits/Pages/audit-2023-03-measure-110.aspx>

Appendix

Number and Frequency of Code Applications Within Interviews/Focus Groups

Code Name	# Interviews Applied	Percentage of Interviews Applied
At Risk Population	3	13.04%
Collateral Crimes - Person	11	47.83%
Collateral Crimes - Property	18	78.26%
Community Frustrations	8	34.78%
Court Cases	12	52.17%
Destroy Drugs	6	26.09%
Drug Prevalence	14	60.87%
Fentanyl Contact	3	13.04%
Informants	13	56.52%
Issuing Citations	10	43.48%
Lack of Consequences	22	95.65%
Not Giving Out Citations	11	47.83%
Other Infractions	7	30.43%
Out of State	7	30.43%
Overdoses & Narcan	16	69.57%
Perceptions / Morale	13	56.52%
Personal Connections to Drug Use	5	21.74%
Police Proactivity	13	56.52%
Positive Impacts - General	5	21.74%
Probable Cause	15	65.22%
Prosecution - Drug Court and Diversion	12	52.17%
Prosecution- Lack of Prosecution	12	52.17%
Public Safety	18	78.26%
Quantity Differentiation	7	30.43%
Treatment Availability	14	60.87%

Figure A. 3-month Moving Average of Statewide Arrest Totals and PCS Arrests

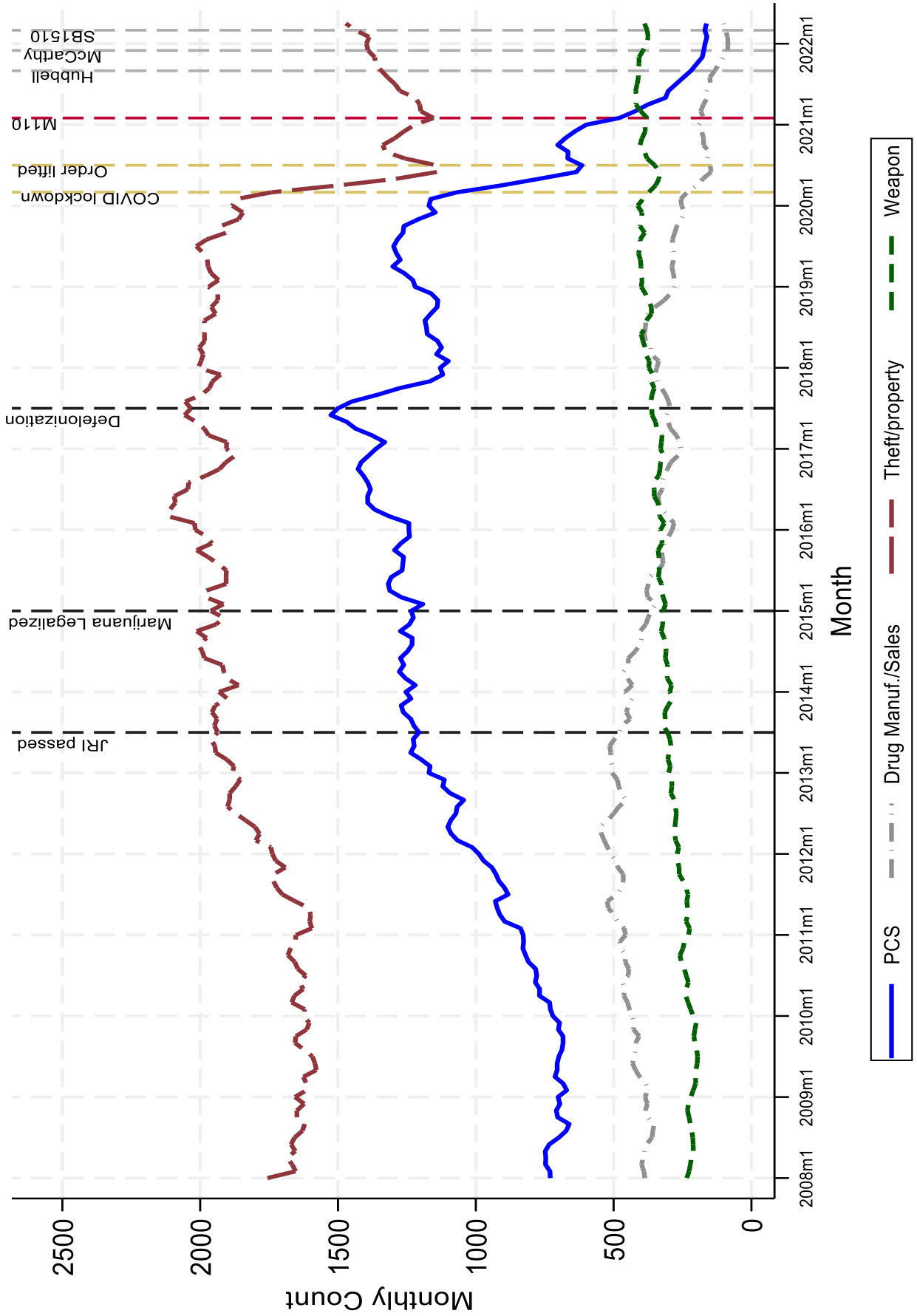


Source: Law Enforcement Data System

When examining the effects of any policy aimed at curbing drug crimes, including M110, it is important to consider observed trends over time and beyond drug-specific crimes. Populated with arrest data from LEDS, Figure A provides 3-month moving average trends of all arrests (gray line, using the left, y-axis), and the second trend depicts PCS arrests only (blue line, using the right, y-axis). Figure A shows that while PCS arrest rates continued to fall leading up to and after M110, all other arrests began to rebound almost immediately after the COVID-19 lockdown. The average overall arrests and PCS arrests both dropped by nearly 50% from their pre-COVID average (from July 2017 to March 2020) to the average during COVID-19. PCS arrests continued to drop by an additional 64.6% after M110 was enacted. Although overall arrest counts have rebounded (10.4%) since the lowest point during the COVID-19 shutdown, overall arrests are still at 60.7% of pre-COVID monthly averages.

As officers noted, collateral crimes such as property, weapon, and other drug crimes (manufacturing and sales) often intersect with drug possession and use. Figure B provides 3-month moving average trends of these collateral crime arrests from 2008 to 2022. As highlighted here and by Figure A, it is difficult to know if this is related to M110 or if the number of property crimes is simply returning to pre-COVID levels. In contrast, the trends of other drug crimes and weapon offenses appear to be unphased by COVID-19 or M110. Upcoming analyses will provide greater detail as to the importance of M110 among other changes.

Figure B. 3-month Moving Average of Drug, PCS, Weapon, and Property Arrests 2008 – 2022 (Not Age Adjusted)



Source: Law Enforcement Data System