

**S. Scott McDowell**

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**Sent:** Friday, December 15, 2023 7:42 AM  
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**Cc:** Tammi Morrow (finance@ci.brownsville.or.us); 'Elizabeth Coleman (assistant@ci.brownsville.or.us)'; Felipe Eversull (felipeeversull@icloud.com); Don Ware (donware77789@gmail.com); Shannon Bremner (shannonbremner123@gmail.com)  
**Subject:** Brownsville, OR | FW: Action Alert: Addiction and Community Safety Reform  
**Attachments:** COMPREHENSIVE RECOMMENDATIONS - Addressing Severe Addiction Crisis and Community Harm (FINAL) 11-1-202313-1.pdf; Action Plan For City Leaders2.docx; Overcoming Objections.docx  
**Importance:** High

Good Morning Council,

Below and attached is an alert from League of Oregon Cities regarding Measure 110. Their plan is to create addiction centers to handle the Measure 110 problem. The health care providers in Oregon have been complaining about the overwhelming pressure Measure 110 has had on their ability to treat people. Mayor Craven asked Jami Cate about the Measure 110 issue. Cate said there is no legislative will to repeal any pieces of Measure 110. Cate did say that they are getting a lot of political pressure around this issue however and that they may be motivated by votes...



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**S. Scott McDowell**

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**From:** Scott Winkels <swinkels@orcities.org>  
**Sent:** Thursday, December 14, 2023 11:59 AM  
**To:** Scott Winkels  
**Subject:** Action Alert: Addiction and Community Safety Reform  
**Attachments:** COMPREHENSIVE RECOMMENDATIONS - Addressing Severe Addiction Crisis and Community Harm (FINAL) 11-1-202313-1.pdf; Action Plan For City Leaders2.docx; Overcoming Objections.docx

Dear City Leaders,

The League is issuing an unusual action alert as we advocate for reforms to Oregon's response to our addiction and substance abuse crisis. Rather than simply asking you to call, text or email your legislators we'd like you to meet with them and convey the real conditions that you're experiencing and the solutions being offered not just by cities but the public safety community acting in coalition. We are also asking that you reach out to other opinion leaders in your cities to enlist their support for reforms. And finally, League staff is recommending that you engage your local media on not just the problem but that steps we are recommending to the Legislature to help residents suffering from addiction and communities healthier.

To assist in your efforts please find attached the comprehensive recommendations developed by police chiefs, sheriffs, district attorneys and the League to address our addiction crisis, an action plan for city leaders with the steps we're asking you to take and guide to overcoming objections to the solutions we're offering.

The Legislature meets the first week of February and they have signaled willingness to enact reforms but what our coalition is asking for is significant and will take the work of city leaders throughout the state to achieve our goals. As always, you LOC lobby team is ready to answer your questions and concerns and assist in whatever way possible.

Sincerely,  
Scott Winkels

League of Oregon Cities  
Lobbyist  
971-428-7275



## A Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis

The following policy recommendations are designed to address Oregon's severe addiction crisis, the alarming rise in fentanyl overdose-related deaths, and the detrimental effects the crisis is having on community safety and quality of life across our state. While some of these solutions are specific to addressing certain provisions of Ballot Measure 110, the approach below is meant to be comprehensive.

As your partners in public safety, we believe that Ballot Measure 110 failed to recognize that drug addiction is both a public health and public safety crisis and requires solutions on both sides of the ledger. Success will require new tools and a significant allocation of resources along with an adaptable approach that recognizes the diverse needs and challenges of each Oregon community.

### **RESTORING PUBLIC SAFETY SOLUTIONS:**

#### **Policy Proposal #1: Reclassify Possession of a Controlled Substance (PCS) from an E-Violation to an A-Misdemeanor**

We can restore Possession of a Controlled Substance (PCS) to an A-Misdemeanor and present new post-BM 110 modifications that reflect the desire for treatment intervention. This should include diversion eligibility and dismissal of a charge upon successful completion of the one-year diversion and any required treatment (DUII approach). In addition, unlike DUII diversion, drug PCS related cases should be eligible for multiple diversion entrances. The current E-violation for possession of a controlled substance is ineffective and fails to connect persons struggling with severe addiction to the treatment they need. An A-Misdemeanor with diversion will compel those

struggling with addiction to enter treatment without turning to an approach that focuses on incarceration.

**Policy Proposal #2: “Boyd/Hubbell Fix” - Modify the statutory definition of controlled substance “delivery” to include the “transfer” of drugs and the “possession with intent to transfer” drugs:**

This fix focuses the policy solutions on the supply side of the equation with the dealer – not user – end of the drug crisis in Oregon. By restoring 34-years of state law that allowed the State to charge dealers when there is substantial evidence of the intent to deliver, like significant quantities of drugs, lists of sales, and cash. The proposed fix simply and clearly modifies the definition of “delivery” to include the “transfer” of drugs and the “possession with intent to transfer” drugs.

**Policy Proposal #3: Modify the statutory pretrial hold language from SB 48 (2021 Legislative Session) to ensure that jails and judges have the flexibility to hold drug dealers charged with Distributing a Controlled Substance (DCS) and repeat offenders.**

Senate Bill 48 (2021) required the Presiding Judge of each judicial district, following guidance from the Chief Justice and her Criminal Justice Advisory Council (CJAC), to enter a standing pretrial order specifying to the sheriff (or any other supervising entity) those persons and/or offenses that are subject to “Release on Own Recognizance” (ROR), subject to conditional release, or that are not eligible for release until arraignment. A modification in this law could make it clear that a pre-trial hold for dealers is a community priority.

**Policy Proposal #4: Fund county probation departments to supervise misdemeanor theft and property crime cases where defendants are dealing with an addiction/substance abuse disorder.**

Overall studies indicate that between 50% and 80% of property crimes committed in a community are committed by those suffering from severe addiction who steal to support that addiction. Currently county probation departments don’t supervise misdemeanor theft or property cases which means there is no opportunity for a drug/alcohol addiction screening and no requirement for drug treatment as part of their supervision package. This makes mitigating future harm almost impossible and fails to capture a population where there is significant overlap between persons committing property crimes and those possessing controlled substances. This solution doesn’t put additional pressure on the defense bar, as these individuals are already involved in the criminal justice system – and simply ensures they are screened and connected to mandatory treatment when needed.

**Policy Proposal #5: Create a new A-Misdemeanor for “Public Use of a Controlled Substance” to align with current law prohibiting public use of alcohol and marijuana**

Create a Class A Misdemeanor for public use of a controlled substance. Public use includes use in public and private buildings. The offense should be identified in statute as a “designated drug related misdemeanor” for the purposes of ORS 423.478(4)(b), which will allow for state funding of both treatment and supervision costs related to violations of the prohibition. This must be a

statewide law and not simply remove local preemption which will not allow for consistent application across local jurisdictions or the access to local county jails.

**Policy Proposal #6: Create a new Class A Misdemeanor for “Use of a Controlled Substance in an Enclosed Public Space that Endangers another Person.” (Escalates to Class C Felony for Repeat Offenses)**

Establishing a penalty for public use of a controlled substance must be accompanied with a penalty for use in an enclosed public space that endangers another person. The language would provide that “A person commits the crime of recklessly endangering another person if the person, while in an enclosed area, knowingly ingests, inhales, ignites, combusts or consumes a controlled substance in a manner that creates an immediate risk of ingestion, inhalation, or consumption by another person. For this purposes of this section, “enclosed area” is defined as a building or public transit vehicle or facility. It is an affirmative defense to this charge if all other persons placed at risk by the defendant’s conduct knowingly consent to the exposure. This crime would be punishable as a Class A Misdemeanor, escalating to a Class C Felony for repeat violations. This crime would be considered a “designated drug-related misdemeanor” for the purposes of ORS 423.478(4)(b).

**TREATMENT & COMMUNITY FOCUSED SOLUTIONS:**

**Policy Proposal #7: Prioritize adequate and sustainable funding for Oregon’s Specialty Courts:**

Inadequate state funding of Oregon’s specialty courts is the biggest threat to their long-term effectiveness and stability. In fact, Specialty Courts in several jurisdictions (including Multnomah, Deschutes and Benton County) are at risk of discontinuing their operations.

Specialty Courts combine accountability and supervision with a treatment-oriented approach that effectively addresses addiction and reduces recidivism rates among participants. Specialty Courts are designed to tailor treatment plans and support services to address the specific needs and challenges faced by participants. The approach has an established track record of success that addresses addiction and equips participants with the tools and support necessary to reintegrate into community life as productive citizens.

**Policy Proposal #8: Establish authority to utilize welfare holds of up to 72 hours for intoxicated persons who pose a danger to self or others:**

In many western states, law enforcement, EMTs and other first responders are able to utilize welfare holds of up to 72 hours where a person who is acutely intoxicated to a degree where they pose a danger to themselves or others can be held in a custodial environment and given supervised medical care. After 72 hours, the person is given the option to either leave on their own or stay and receive additional services. The states that have implemented these policies have seen a high level of engagement with aftercare and wrap-around services. This also gives

officers options other than jail or the emergency room for a person suffering from a severe substance use disorder (SUD).

**Policy Proposal #9: Create adequate stabilization, detoxification and treatment capacity in jurisdictions throughout Oregon by making sustainable investments in sobering center/stabilization and treatment bed capacity for adults and juveniles.**

Oregon's absence of dedicated sobering centers and stabilization facilities leaves communities helpless when dealing with severely addicted individuals who require detoxification and stabilization before they can successfully enter treatment. Detoxification is often the first step in the journey to recovery, as it helps individuals safely manage withdrawal symptoms and become physically stable before they can fully engage in addiction treatment programs. The lack of this capacity is a limiting factor in efforts to create an addiction to treatment pipeline. In addition, the Legislature should explore immediate grant funding for the expansion of existing juvenile and adult substance use disorder in-patient and outpatient treatment facilities.

**Policy Proposal #10: Support the establishment of Opioid Overdose Quick Response Teams:**

In response to increased opioid-related deaths, Ohio has created “Naloxone Plus” teams, also called Quick Response Teams (QRTs) that respond after a reported overdose and use of Narcan. In this model, a small team reaches out to an individual who is recovering from an overdose event and offers person-centered services. In Colerain Township, north of Cincinnati, the team has a police officer, firefighter/EMT, peer recovery mentor, or treatment professional. Between 2015 and 2019, the team responded to over 400 overdose follow ups and of the individuals contacted, 80% did an assessment and engaged in treatment. The goal of QRTs is to reach an individual in the time immediately after an overdose event, within 72 hours as best practice (but ideally much sooner than that) and to offer connections when the person may be ready to change due to the overdose event. The proposal would create grant funding for Quick Response Teams (QRT’s).

**Policy Proposal #11: Support aligning the siting of residential and secure residential facilities with the requirements in the Fair Housing Act:**

There is a significant need in our communities for residential – and secure residential – facilities for those experiencing mental health and substance abuse challenges across our State. This has become even more urgent given the recent federal court decision and the ongoing crisis taking place in our Oregon State Hospital. This is an urban and rural problem that is impacting communities throughout Oregon. Ensuring our land-use policies for siting secure facilities comply with federal requirements will expedite the desperately needed expansion of Oregon’s behavioral health residential treatment and supported housing capacity. All such facilities must meet the safety and security requirements currently existing in statute but would otherwise be treated and similarly situated housing.

Kevin Campbell, Oregon Association of Chiefs of Police  
 Jason Myers, Oregon State Sheriffs’ Association  
 Amanda Dalton, Oregon District Attorneys Association  
 Scott Winkels, League of Oregon Cities



## **Addiction and Community Livability Crisis Action Plan**

### **Step 1: Read and become familiar with the [11 Comprehensive Recommendations to Address Oregon's Addiction and Community Livability Crisis](#).**

The recommendations build a system that vectors those suffering from substance use disorders into treatment, protects them from predatory dealers, and allows cities to address public health and safety concerns. The plan does create entrances into the criminal justice system, but it also provides exists through multiple diversion opportunities and drug courts.

### **Step 2: Convey your support for the recommendations to your legislators.**

We are asking for more than a text or email. The League is recommending to city leaders they ask their legislators to visit their city, take them on a tour of a an impacted area, let them hear first-hand the experiences of city employees, residents and businesses how the addiction crisis has impacted them personally.

### **Step 3: Build your local coalition.**

Speak with other local government leaders, neighborhood associations, chambers, services clubs... anyone who will take the meeting to explain the recommendations and urge them to reach out to their legislators as well. Police chiefs, sheriffs and District attorneys signed onto the plan, work with them to achieve this outreach.

### **Step 4: Reach out to your local media.**

Let your journalists know what efforts you're taking to address this crisis. Offer to take your local journalists and tours of drug impacted areas, explain the recommendations to them and why you're supporting it -Tell your story.

### **Step 5: Report your progress, and we'll do likewise!**

This is a strategic initiative. Let the LOC lobby team know how your conversations are going and feedback you're getting because your efforts translates to votes on the Floors. Likewise we'll reach out to your city directly if we think your legislators needs to hear from their district.

**Contact:** Scott Winkels, Lobbyist, [swinkels@orcities.org](mailto:swinkels@orcities.org)



## **Guide to Overcoming Objections Against a “Comprehensive Approach to Addressing Oregon’s Addiction and Community Livability Crisis”**

This document serves as a companion to the 11 recommendations issued by the police chiefs, sheriffs, district attorney’s and the League to reform Oregon’s response to our substance abuse crisis. It will list the individual proposal and the common objection LOC staff have identified and a suggested response.

### **Policy Proposal #1: reclassify Possession of a Controlled Substance (PCS) from an E-Violation to an A-Misdemeanor.**

*Objection: This is recriminalization, precisely what the voters said they didn’t want and is an ineffective approach to addressing addiction.*

**Response:** No member of the coalition proposing this believes we can incarcerate our way out of this problem and this is not a simple return to the old way. Other parts of the recommendations create means of deflecting people possessing dangerous drugs away from a criminal charge and into services and a person who is charged under the suggested offense would have multiple diversion opportunities and have the arrest removed from their record. The E level has not resulted in people seeking treatment and is an insufficient governmental interest for police officers to seize dangerous drugs in all circumstances they encounter.

### **Policy Proposal #2: “Boyd/Hubbell Fix”- Modify statutory definition of controlled substance “delivery” to include the “transfer” of drugs and the possession with intent to transfer” drugs:**

*Objection: This will only serve to exacerbate our public defender shortage and burden our courts with non-violent offenses.*

**Response:** In 2015, there were 1095 convictions for Distribution of a Controlled Substance (DCS), In 2023 there have been 120. While we can’t interdict our way out of this problem, it must be part of our response. Dealing leads to harm and fatalities and allows predatory actors to prey and those suffering from addiction.



**Policy Proposal #3: Modify the pretrial hold language from SB 48 (2021 Legislative Session) to ensure that jails and judges have the flexibility to hold drug dealers charged with DCS and repeat offenders.**

*Objection:*

**Response:** Holding dealers pre-trial is better for the community and those they prey on.

**Policy Proposal #4: Fund county probation departments to supervise misdemeanor theft and property crimes cases where defendants are dealing with an addiction/substance abuse disorder.**

*Objection: This will create an additional burden on counties and devote resources to lower level offenses.*

**Response:** 50%-80% of property crimes are linked to substance abuse. The proposal creates a conduit for a person who funds their addiction through theft to enter treatment. This helps the businesses and individuals who have been victimized by property crimes and the addict. Funding to community corrections services was cut by the Legislature despite increasing revenue, it's reasonable to expect this service to be funded particularly at a time of crisis.

**Policy Proposal #5: Create a new A-Misdemeanor for "Public Use of a Controlled Substance: to align current law prohibiting public use of alcohol and marijuana.**

*Objection: This is just further recriminalization of drug use which the voters did away with under Measure 110.*

**Response:** The public use of alcohol, tobacco and marijuana are all regulated or prohibited to some degree but smoking fentanyl isn't. There's no evidence to suggest the public was accepting of open use of narcotics when they voted on Measure 110 and multiple opinion polls have demonstrated increasing frustration with visible drug use. Moreover, a person with a public use charge would have the opportunity for drug court and diversion services.

**Policy Proposal #6: Create a new A-Misdemeanor for “Use of a Controlled Substance in an Enclosed Public Space that Endangers another Person” (Escalates to a Class C Felony for repeat offenses).**

*Objection: More recriminalization.*

**Response:** The new statute would only apply in situations in which there was actual risk to another person like on public transit, in public restrooms or buildings accessible to the public. This is an offense that creates harm or risk to another person and should be specially prohibited.

**Policy Proposal #7: Prioritize adequate and sustainable funding for Oregon’s Specialty Courts:**

*Objection: Forced treatment is ineffective.*

**Response:** The reality is multiple academic [studies](#) have found drugs court to reduce recidivism and create pathways to treatment that would not otherwise exist. They also connect defendants with access to other human services that help them become healthier and more successful. State and local drug courts are one of our most effective tools and combating addiction.

**Policy Proposal #8: Establish authority to utilize welfare holds of up to 72 hours for intoxicated persons who pose a danger to self or others.**

*Objection: This allows police to interfere with a person’s civil rights and encourages discrimination against people with disabilities.*

**Response:** Current statute allows an intoxicated person to be taken to sobering facility when they can be held for 24 hours or a treatment facility where they can be held for 48. These times are too short to allow a person to be medically treated for their withdrawal symptoms. Moreover, police officers only initiate the holds, professionals at the medical facilities determine the length of the hold. Finally, the ability to place a welfare hold on an intoxicated person allows them to be placed in a facility that can start or reignite the recovery process and serves as a diversion to away from the criminal justice system.

**Policy Proposal #9 Create adequate stabilization, detoxification and treatment capacity in jurisdictions throughout Oregon by making investments in sobering center/stabilization and treatment bed capacity for adults and juveniles.**

*Objection: The LOC has not heard objections to this priority, it is rather a question of prioritizing resources to make this happen.*

**Response:** Oregon has historically ranked at or near the bottom for access to behavioral health and addiction services and treatment. In 2023, most cities and counties in the state must rely on overburdened emergency rooms for detoxification or have no option at all. Building this capacity is necessary and must be prioritized by the Legislature if we have any hope of adequately addressing our substance abuse crisis.

**Policy Proposal #10: Support the establishment of Opioid Overdose Quick Response teams.**

*Objection: No objections have been identified to this proposal other than costs.*

**Response:** A person who is successfully treated for an overdose will either seek assistance and treatment or engage in drug seeking behavior in the following 24 hours. This proposal seeks to create teams of public safety or behavioral health professionals to reach out and connect a people recovering from an overdose with treatment and other services while they're likely to be receptive. As the plan envisions using existing employees at various service agencies it is anticipate to be a low budget option with a high benefit for people who are at exceptional risk.

**Polic Proposal #11: Support aligning the siting of residential and secure residential facilities with the requirements of the Fair Housing Act.**

*Objection: This will allow dangerous individuals to live near schools and in neighborhoods.*

**Response:** All this proposal does is align state and local siting procedures with existing federal law- the Fair Housing Act (FHA). The FHA provides no protections for sex offenders or others who present a danger to the community, it simply states that residential facilities may not be treated differently than similarly situated housing. The state determines the standards for the licensing of such facilities and has the authority to regulate the placement of individuals after their release from incarceration. The lack of secure residential facilities in this state endangers individuals needing that level of care and the public.

**Contact:** Scott Winkels, Lobbyist, [swinkels@orcities.org](mailto:swinkels@orcities.org)