

CURRY COUNTY BOARD OF COMMISSIONERS AGENDA ITEM ROUTING SLIP (ARS)
PART I – SUBMITTING DEPARTMENT: RETURN TO BOC_OFFICE@CO.CURRY.OR.US

AGENDA ITEM TITLE: [DISCUSSION – CURRY COUNTY CONSIDER REQUESTING THE GOVERNOR AND 2023 LEGISLATURE REPEAL BALLOT MEASURE 110 – ASK FOR 110 AND TREATMENT ALTERNATIVES](#) - COMMISSIONER BOICE

TIMELY FILED Yes No **Curry County Board of Commissioners**

AGENDA DATE: January 4, 2022, **DEPARTMENT:**

Curry County Strategic Plan -

1. Financial Stability 2. Economic Development 3. Quality of Life
4. Public Trust 5. Infrastructure

TIME NEEDED: 15 Minutes

RECOMMENDED AGENDA CATEGORY **ACTION ITEM** - **DISCUSSION**

MEMO ATTACHED Yes No

CONTACT PERSON: [COMMISSIONER BOICE](#) **TODAY'S DATE:** December 29, 2022

BRIEF BACKGROUND

Oregon Measure 110: In 2015 Oregon voters passed by referendum – Also known as the Oregon Drug Addiction Treatment and Recovery Act.

Purpose: to make screening health assessment, treatment, and recovery services for drug addiction available to all those who need and want access to those services; and to adopt a health approach to drug addiction by removing criminal penalties for low-level drug possession.

When this measure passed, the people of Oregon recognized drug addiction and overdoses are a serious problem in Oregon; and that Oregon needs to expand access to drug treatment. A health-based approach to addiction and overdose is more effective, humane, and cost-effective than criminal punishments. Making people and criminals because they suffer

from addiction is expensive, ruins lives - Also making people criminals makes access to treatment and recovery more difficult.

The initial measure required the Oregon Health Authority (OHA) to establish: (6) goals - (of sorts)

- A Treatment and Recovery Services fund, financed with marijuana revenues, to fund new Addiction Recovery Centers and Community Access to Care grants.
- Fifteen 24/7/365 Addiction Recovery Centers throughout the state by Oct. 1, 2021.
- A grants program to support the Addiction Recovery Centers.
- A second grant program to increase access to community-based services.
- An Oversight and Accountability Council to oversee the distribution of the grants, with OHA providing technical, logistical and all other necessary supports to the council.
- A 24/7 Telephone Addiction Recovery Center by Feb. 1, 2021

Many Oregonians believe THE INDUSTRIALIZATION OF MARIJUANA in our State is RUINING LIVES AND STEALING OUR KIDS' FUTURES. They also are of the opinion that Oregon has very little in the way of successes to point to for the last 7 years in justifying the money raised through the sale of Oregon Marijuana and the Taxed Dispensaries.

- [Oregon Promise Grant - Financial Aid for Oregon Community ...](#)
- [Oregon's Pot Production Problem | Cannabis Now](#)
- ['Something's not right in southern Oregon': alarm at rise of ...](#) Pot was legalized for recreational use in Oregon in 2015, making it legal for any person to grow up to four plants. ... Oregon. Large pot farms now with armed bosses
- [Awash in illegal pot farms, Oregon plans millions for relief](#)
- [County in Oregon seeking \\$7 million to tackle illegal pot ...](#) Nov 12, 2021 · Southern Oregon is at the tip of the so-called Emerald Triangle, a pot growing region that includes Northern California. ADVERTISEMENT Oregon's Jackson, Josephine and Klamath Counties...
- **Add in Late November 2021 – White City - by far the largest bust of illegal dope in Oregon History – 500,000 lbs. with a street value of ½ half billion dollars (working conditions were horrid!)**
- **Measure 110: How effective is Oregon's drug decriminalization law in Ontario?**
Author: Andrew Baertlein Published: 10:46 PM MDT November 3, 2022

A drug possession charge used to be up to a \$6,250 fine and up to a year in jail. It is now a \$100 fine, or the offender can choose to receive a health assessment.

BOISE, Idaho — Oregonians in Malheur County are raising a red flag about a state law enacted in 2021. It's called Measure 110 and it is a law that decriminalized hard drugs across Oregon, providing treatment instead of conviction.

The law hasn't been working as planned in one part of the state and the police chief says it's created a series of issues for the people of Ontario.

A border town off I-84, Ontario is the most populous city in Oregon's Malheur County, with 11,645 people counted there in the 2020 U.S. Census.

John Kirby serves on the city council. But today, he is representing himself and calling attention to the divide between Idaho and Oregon.

"There has to be a divider someplace, but here in Malheur County, we identify with Idaho," Kirby said. "We are one community, but we have to recognize there are divisions. Our chamber of commerce president keeps saying it's a river, not a wall. But at times it is a wall."

A wall, Kirby believes, is built by separate laws, and was reinforced when Measure 110 went into effect in February 2021.

Measure 110 decriminalized hard drugs statewide in Oregon, including meth, heroin, and cocaine. A drug possession charge used to be up to a \$6,250 fine and up to a year in jail. It is now a \$100 fine, or the offender can choose to receive a health assessment at an addiction center.

"It's basically, if you're playing monopoly, a get out of jail card – free," Kirby said. "There's few people who have gone into treatment."

Ontario Police say the new measure has led to more people being on the streets.

"It's less than a seatbelt violation," Ontario Police Chief Michael Iwai said. "We've got a huge problem ahead of us."

Chief Iwai said his city was called "lawless" by a neighboring city's police chief, and said it stems from the impact Measure 110 has had.

"They don't want necessarily help. If we know that a high population of them have both substance abuse and mental health and a combination of issues, it just perpetuates the problem. It doesn't help fix it," Iwai said.

Local business owners have had to deal with this problem, some on a daily basis. They have also reported seeing some in the homeless population using drugs in the open.

Christine Hood is the owner of Oregon Trail Hobbies and Gifts in Ontario. She also grew up in the town and moved back in 2012.

"I don't like my daughter walking 2 1/2 blocks from school to come to my store," Hood said.

"This is not the same place it was when I was a kid. I'm not quite sure where Ontario went so far off the rails, but 110 not only derailed it, but there was a mass casualty."

Iwai recently gave a presentation to the city council detailing the impact of Measure 110. When speaking about the changes to the homeless population, Iwai did not provide any hard numbers

and stated the number of criminal calls has remained largely unchanged since 2013. However, Chief Iwai said he is primarily focused on the qualitative data.

The full presentation can be found below:

"The types of calls are significantly different," Iwai said. "We haven't had an increase of calls, at that time, but the calls are very different now and these calls take a lot more resources to solve and to mitigate.

Animal complaints more than doubled since 2015, Iwai said, and abandoned vehicle calls have nearly quadrupled in the same time. He said there has also been an increase in trespassing, graffiti, and public nuisance, although his presentation did not provide specific numbers for these reports.

"Any given night down here you see 40 to 50 people here at night," Hood said. "Over on the train trusses, there is the drug bar. He opens up his suitcase on a table and you'll see people digging around like they're looking for jewelry. They're not."

But they are not all from Oregon, and Iwai said it has been a problem ever since recreational marijuana was legalized.

"So, for instance, if they're involved in traffic stop and they're high — now I've got an Ontario officer focused on an Idaho citizen, and that takes away additional opportunities for us to really police and community police, our own demographic, our own membership community," Iwai said.

Ontario Police, like many other agencies throughout the Treasure Valley, face a staffing shortage. Iwai said they are only built to police up to 11,600 people, but the actual population can double at any given time. Chief Iwai believes that is partially due to travelers passing through town, like Idahoans visiting for drug-related reasons and transients setting up camp.

"You run across those, those shops, it's Idaho plates," Hood said. "They're Idaho plates."

"It creates an extra burden because there are Idahoans who want to come here to buy marijuana, and they can, then stay and use hard drugs without facing any penalties at all," Kirby said.

Under Chief Iwai's direction, the city council wrote a letter to Oregon Governor Kate Brown and statehouse leadership. It reads in part, "we can no longer afford to bear the burden of being the drug use destination of our neighboring state and expect to continue to maintain the quality of life our citizens expect and deserve"

The full letter can be read below:

"So essentially, we're the experiment," Malheur County District Attorney David Goldthorpe said. "Other states that may be thinking about this are looking to Oregon to see what happens when you do this. I mean, in my opinion, and from what I've seen in my community, increased homelessness increased transiency, increased property crimes, increased overdose deaths."

The National Center for Health Statistics says Oregon overdose deaths increased more than 20% from May 2021 to May 2022. During that same time frame, the nation averaged a 15% increase.

Goldthorpe said the law did not make good on its promise.

"It was sold as a good thing. However, it took the existing system of funneling people into treatment that we had been using for many, many, many years, and replaced it with nothing," he said. "So that's where the problems came up."

The state saves money by not prosecuting drug possession. That money, along with a portion of the state's marijuana sales tax revenue brought in by measure 110, is redirected to a "drug treatment recovery fund." The purpose of the fund is to provide more drug addiction treatment services; to meet people with compassion and treatment and stop locking them up for drug offenses.

"Had it replaced the existing system with something else, it could have been," Goldthorpe said. "They have \$300 million was the last count that I have, and not one facility has been built," Chief Iwai said.

Although new facilities have not yet been built in Oregon, there are still facilities already in existence. Lifeways is an example of a drug rehab facility with resources in Ontario. But the problem is, now that drugs are no longer criminalized, courts are not able to order people to go there for help.

Prior to Measure 110, Goldthorpe said time in jail often served as a detox period for addicts. Under Measure 110, there is no process for the state to require any form of a detox period for a possession charge.

"Those kinds of systems have been shown to work. However, you would have had to have created that system in the statute, you would have had to have created an alternative and given the state still some kind of authority to say, 'hey, you're not helping yourself and if you keep doing this, you're going to die'," Goldthorpe said. "So, we're going to step in and see if we can't help save your life."

That frustration is compounded by the fact that Malheur never gave Measure 110 support. Despite the measure passing statewide, with nearly 17 percentage points, Malheur County citizens voted it down. Ontario's letter to the statehouse asks the governor to carve Ontario out of the law and reverse Measure 110 locally.

But it is not that simple.

"You can't have a county where it's illegal to use drugs in the county where it's not," Goldthorpe said. "That's not how state criminal laws work."

Locals believe their town has been reduced to the county camp, and that is generating awareness around town ahead of the general election.

"If the candidate can put 110 in the garbage, I'm for it," said Hood.

While Kirby knows his powers are limited from the city council, he said Ontario has been his home for 74 years, and he will not stop pushing to petition the future of the governor seat. In order to find a candidate for governor, that sees the wall built by Measure 110.

"This bold experiment has failed," Kirby said. "We have different laws. You know, Idaho has conservative laws outlining the necessary steps to tear it down. It may even have to go back to a vote of the people, but it could start at the legislative level or the gubernatorial level."

The first round of "Drug Treatment Recover Funds" were distributed in July. Malheur County was awarded \$1.8 million in total.

The Eastern Oregon Center for Independent Living (EOCIL) is one of three local partners receiving this funding. Their \$500,000 share allows them to build a seven-unit apartment complex for people in addiction recovery.

EOCIL Chief Executive Officer Kirt Toombs said the rest of the funding will largely bolster the existing programs throughout the area.