

# Police, local prosecutors seek fewer felonies for drugs, better treatment

WHITNEY M. WOODWORTH  
STATESMAN JOURNAL

A call for fewer felony sentences and more treatment services for people convicted of drug possession came from a surprising source: those tasked with arresting them.

In a joint statement released Sept. 26, the Oregon State Sheriffs' Association and the Oregon Association Chiefs of Police announced their support for a "more thoughtful approach" to drug possession crimes: misdemeanors and mandatory treatment.

"(We) recognize that every community and most of our citizens are touched in one way or another by the damaging impacts of drug addiction," the statement read. "We understand that it ruins lives, breaks hearts, burdens families and robs our communities of individuals with potential."

Too often, people with addiction issues end up incarcerated after being arrested for drug possession and charged with a felony, resulting in jail time, limited treatment services and a felony conviction on their record.

"They may just be addicts who were caught up in the abuse," said Keizer Police Chief John Teague, a member of the association.

These convictions create unintended but harsh consequences that can keep someone from getting a job or renting an apartment. Felony convictions also disproportionately impact minority communities, according to the sheriffs' associations.

After hearing these statistics, Teague said association members began asking, "Can we do something about this?"

The association members said that they are committed to work with the governor, attorney general, district attorney's offices and members of the Oregon State Legislature to craft a better, more thoughtful approach to drug possession when it is the only crime committed.

They recommended user-amount drug convictions be treated as misdemeanors and be paired with individualized, mandatory treatment.

If successful, drug abusers will become productive, healthy members of society and will not commit future crimes and become further entangled in the criminal justice system.

It's all about taking a different approach and trying to help people earlier on in their addiction, said Marion County Sheriff Jason Myers.

"We're not deviating away from accountability," he said, adding that it's about holding people responsible while getting them the help they need. "I think



PRAGUESHOOTER, GETTY IMAGES/STOCKPHOTO

Law officials want to handle more drug cases as misdemeanors rather than felonies.

people can get behind that."

The American Civil Liberties Union of Oregon said it applauds the stance supporting a new approach to drug policy.

Mandated treatment, along with community-based efforts and existing programs to reduce re-offenses, can help address underlying addiction, prevent future crime and free up limited resources.

According to the Office of National Drug Control Policy, drug abuse leads to about \$120 billion in criminal justice costs, health care costs, lost wages and incarceration, and victim costs every year. In Oregon, that cost of substance abuse was estimated to be almost \$6 billion.

A study by the Oregon Office of Alcohol and Drug Abuse Programs found that for every tax dollar spent on treatment, it saved \$5.60 in taxpayer money.

"We believe our limited criminal justice resources should be focused on addressing violent crime and property crime problems that destroy community livability," association officials said.

Some Oregon counties have already started work to divert drug users from jail into treatment.

"We've been working on this for a long time," said Paige Clarkson, trial team leader for the Marion County Attorney's Office drug team.

In 2015, the office filed 862 felony charges for drug possession. It also declined to file more than 500 additional drug possession charges for first time offenders and trace amounts. Frequently, police officers responding to "quality of life" crimes committed by people suffering from addiction find user-amounts of methamphetamine, heroin or cocaine on the perpetrator. A small "quality of

life" misdemeanor, such as trespassing under a bridge, taking food from a grocery store or refusing to leave a business, then balloons into a felony drug offense, Clarkson said.

People convicted of the felonies don't face prison time, but often fill jail beds and are directed to an overburdened probation system. A felony on their records, combined with an untreated addiction, often means prosecutors such as Clarkson will see them again for similar or more serious crimes.

"We have to use tax dollars wisely," Clarkson said, adding that drug addiction is a public health and public safety issue, and the current system was not working.

"I'm tired of building felony resumes," Marion County District Attorney Walt Beglau said. "We're not tackling the root of the behavior."

The office tried to look at the issue through a different lens. They asked themselves: If the criminal justice system helped treat drug offenders before they went on to commit more serious crimes, could they create more accountability, a better chance of rehabilitation and safer communities?

In late 2015, the attorney's office began forming a two-step plan to "utilize the criminal justice system as a bridge to treatment and rehabilitation rather than a barrier," Clarkson said.

The first part, which will launch in October, involves charging first-time offenders with misdemeanors and diverting them to vetted treatment centers. Successful completion of a diversion program could lead to dismissal of charges.

The second part of the plan would help repeat, treatment-resistant offenders. It's for the type of person who has

many offenses on their records, who wasn't diverted early on in their addiction and has become a fixture in local jails. The approach will focus on hands-on, personalized treatment, and it'll aim for "harm-reduction" for the offender and the community.

"It would be naive of the criminal justice system to think we can make people perfect," Clarkson said. Instead, she said, it's figuring out: "How do we make them better? How do we make them healthier?"

Both law enforcement and county leaders support the initiative, but more community involvement and funding is needed. A task force is scheduled to meet soon to tackle the plan, Clarkson said.

The Polk County District Attorney's Office and its partner public safety agencies have for years focused their efforts on providing opportunities for treatment and recovery for people charged with simple possession, said District Attorney Aaron Felton. Options range from outright dismissal on a first offense after successful completion of a treatment program to drug court for "higher risk" offenders who express the desire to get clean and sober.

"Because this office is committed to getting people off of dangerous drugs, our prosecution priorities would not change," Felton said.

Teague said the announcement received a "mixed bag" of reactions.

Some people laud its forward-thinking focus on treatment; others claim reducing drug possession to a misdemeanor is soft on crime and would make Oregon a haven for drug users.

"I think this is a terrible idea," Clatsop County District Attorney Joshua Marquis said.

A number of sheriffs and district attorneys voiced their to a legislative change, he said. Marquis fears a statewide change to misdemeanors for drug convictions would keep people for opting to participate in drug court, a rigorous diversion program, in order to avoid felonies.

"I don't think we lose any accountability," Beglau said.

The plan provides more motivation without creating barriers to treatment and recovery, he added. People who don't complete treatment face stronger, more punitive consequences. It is also designed for people who are charged with possession, not drug dealers or drug manufacturers.

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## POLICE LOGS

### SILVERTON POLICE DEPARTMENT

Received calls from Sept. 19 to 25.

#### Sept. 20

Hit and run, 10:36 a.m., 800

W Main St.

#### Sept. 21

Burglary, 3:55 p.m., 200 Steelhammer Road.

## MARRIAGE LICENSES

### Marriage license applications with Marion County

Sean Brian Garrison, 34, Mt. Angel, and Kira Margaret Kenfield, 27, Mt. Angel.

## BIRTHS

The following are birth announcements submitted to the Silverton Appeal Tribune. For more, go to [StatesmanJournal.com/Records](http://StatesmanJournal.com/Records).

### SALEM HOSPITAL

Bernardo, Jasper Joaquin: To Jennifer Is-

ringhausen and Alexander Bernardo, Salem, 7 pounds 10 ounces, Sept. 25.

Caughman, Mila Ann: To Rachele and Darren Caughman, Salem, 7 pounds 2 ounces, Sept. 24.

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