

# Defelonization, profiling bill a milestone for Oregon

In what was a contentious and often disappointing 2017 state legislative session, one measure stands out as a monumental benchmark.

HB 2355, signed into law July 11 by Gov. Kate Brown, reduces the punishment for possessing small quantities of various drugs, including cocaine and heroin, from a felony to a misdemeanor.

It also expands access to drug treatment for people who need health care more than social retribution.

Up to now, possessing even small amounts of some drugs could land you a felony charge that came with the mandate of years, even decades, in prison, if convicted. According to the Oregon Criminal Justice Commission, about 1,500 Oregonians every year have no felony conviction on their record until they are charged for possessing drugs. And one in three of those convictions had no prior criminal record. The misguided and the addicted are swept up in the same iron fist as violent offenders.

These changes to the law are not a move to say it's OK to use hard drugs. That cause-and-effect argument is a red herring. Drug use and abuse are complex issues woven into physical and mental health care, economic opportunity and so much more. This is about crime and punishment, which in the absence of real change has had tragic consequences for people trying to grapple with addiction and navigate the myriad life issues associated with drugs.

Also, the misdemeanor classification only applies to user levels of drugs, and only to people who do not have a prior felony conviction, and upon the third arrest, just like with driving under the influence of intoxicants, the penalty reverts to a felony. And felony charges still apply in cases of manufacturing and distributing drugs.

HB 2355 also sets in place a structure to collect demographic data during routine pedestrian and traffic stops in an effort to end profiling. It's shocking to realize that in the 21st century, when we all recognize the gross injustice of racial profiling, we have yet to get down to brass tacks on the matter. This bill pushes the state forward to study police-initiated stops and address patterns of implicit bias, along with training, standards and a process for alerting departments to problems. The devil remains in the details, and no doubt many adjustments and fine tuning will come, but progressive legislation is shaped over time by best practices, providing the leadership doesn't waffle on the ultimate goal.

It's no surprise that this measure received the support of the ACLU of Oregon, Basic Rights Oregon, and a host of social justice organizations, but it was also endorsed by the Oregon Association of Community Corrections

Directors, along with the state chiefs of police and sheriff associations. These are the people who know first-hand that the punishment doesn't fit the crime in many cases, explicitly noting the unintended consequences, such as barriers to housing, employment and education, and the disproportionate impact on communities of color.

Pairing defelonization with efforts to curtail racial profiling is absolutely appropriate: the two are directly linked: A study by the Oregon Criminal Justice Commission – the state agency responsible for collecting and compiling statewide crime data – found that in 2015, African-Americans in Oregon were convicted of felony drug possession at more than double the rate of whites.

The Coalition for Communities of Color – an alliance of culturally-specific, community based organizations working to advance racial justice – described the domino effect best in their

testimony supporting the bill: "Because of existing stereotypes and systemic prejudices, people in our communities are often targeted by police officers – based on their race, ethnicity or cultural background. This unfair practice perpetuates mistrust of police and makes our communities less safe."

About two years ago, Street Roots interviewed Inge Fryklund about the war on drugs. Fryklund, who lives in Bend, is a former

prosecutor and now leading proponent for decriminalizing drugs, and a board member for Law Enforcement Against Prohibition, or LEAP, which advocates for a system of legalization and regulation around drugs.

This week Fryklund applauded the Oregon Legislature's vote, looking at the larger picture, and the road ahead.

"Our legislature's decision to decriminalize small amounts of drugs and expand access to treatment is an important step forward in ending the disastrous drug war," Fryklund said in a statement about the bill's passage. "The harm reduction approach can help address the underlying problems that lead to addiction and keep people who pose little public safety threat out of the justice system."

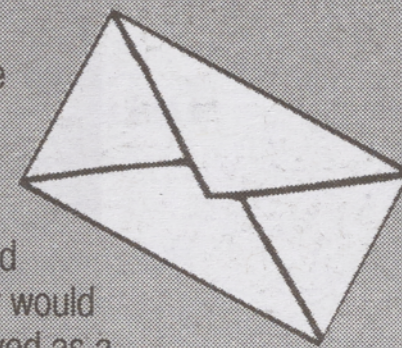
With the defelonization, perhaps now we can provide more than lip service to the health care issues – and solutions – to drug use and addiction. Regardless of how far backward the federal policies may go in the interim, Oregon needs to set the bar for giving people tangible opportunities to overcome addiction and succeed. It's where a more promising future lies, not in the misguided human carnage of this disastrous drug war.



by Kevin Hill

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