

OSU CENTER FOR HEALTH INNOVATION

Perspectives on the Drug Addiction Treatment and Recovery Act (Measure 110)

An Addendum to “A needs assessment for public health and public safety partnerships in the Oregon Idaho High Intensity Drug Trafficking Area (HIDTA),” originally completed May 2023

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Introduction

During needs assessment interviews with public health and public safety partners (conducted in 2022), Oregon interviewees were asked two questions about the Drug Addiction Treatment and Recovery Act (Measure 110): "How do you think Measure 110 will impact what you're doing to prevent overdoses?" and "Will Measure 110 change anything that you're currently doing?" The purpose of the analysis was to gain insight into their experiences, perspectives, and opinions on the potential impact of Measure 110 in reducing overdose incidents. Three main themes emerged. The first theme focuses on public safety partners' perceptions on their effectiveness in their jobs, highlighting authority and response capacity limitations. The second theme delves into the incentives for implementing the law, based on the experiences and perceptions of resource availability, with noticeable differences between urban and rural areas. The third theme described the emerging complexity of coordination and communication within and between various agencies.

Methods Note

A full description of the methods used to conduct this needs assessment in summer 2022 [is available here](#). In short, we conducted structured key-informant interviews with 27 public health and public safety professionals in the Oregon-Idaho High Intensity Drug Trafficking Region. The Oregon Secretary of State published the report [Too Early to Tell: The Challenging Implementation of Measure 110 Has Increased Risks, but the Effectiveness of the Program Has Yet to Be Determined](#) in January 2023, after our interviews were complete.

Theme 1:

Limited Authority & Response Capacity

This theme explored the perspectives of public safety/law enforcement officials regarding their perceived ability to address public drug use effectively. Law enforcement officials mainly expressed concerns over new limitations of their authority, stemming from the removal of penalties for possession of small amounts of illicit drugs. Almost immediately after the ballot measure was passed in 2020, possession of small amounts of illicit substances became a civil rather than criminal violation. Many law enforcement officials felt that because of drug decriminalization, they now lack the necessary resources and support to effectively combat drug use in their communities, which in turn impacts their ability to prevent overdoses.

The data demonstrate public safety officials' perceptions of the law's impact on their authority to identify drug-associated offenses and act during the summer of 2022 when interviews were conducted. Public safety partners believe the law has and will lead to increased substance use/substance use disorders, and consequently, threaten public safety because it is believed to increase drug-related crime. They perceive that the law limits the ability of public safety officials to act quickly and decisively against offenders and reduces officers' abilities to successfully enforce remaining criminal statutes.

"I think that in general measure 110 is taking ... a tool away from us and away from the DA's office... now it's taken that, that enforcement tool or that threat of enforcement away from us..."

Public Safety - Urban

Public safety officials emphasized the importance of maintaining their capacity to engage with individuals who use drugs during moments of amenability to engage with treatment, which can often occur when they are arrested or cited – a practice used by law enforcement prior to Measure 110 implementation. Public safety officials believe that the threat of impending criminal penalties motivates users to seek treatment, or offers the long-term accountability that individuals need to stay the course of treatment.

"[when] I contact somebody, and they're at the low where they say that they need and want treatment, if I get them, take them from that spot and take them to treatment, or a facility, I think that would greatly of increasing our ability to kind of help these people where they are."

Public Safety -Rural

Public safety officials shared that decriminalization has significantly constrained/changed their operational strategies, resulting in feelings of frustration. A law enforcement official from a rural area stated that they can no longer effectively intervene with drug users. Because possession of small amounts is now a civil violation, some officers may not see the value or benefit of issuing a citation for drug possession:

"(...) most officers don't have the time to issue that ticket, or they don't think it's worth issuing that ticket where it's our culture or philosophy to do that."

Urban Public Safety

Public safety participants may view limitations on authority as conflicting with law enforcement culture and philosophy. Rather than considering these limitations as promoting fairness and justice, they view them as a hindrance to effectively performing their work.

"(...) it [s]more challenging for law enforcement to do their job because ...when you decriminalize something, it changes search and seizure rules, and it changes how an investigation can proceed... it does limit authority, based on decriminalization of certain activities".

Public Safety – Urban

"Yeah, and I don't think it's the fault of destigmatizing, but at some point, when we completely change this law and make it look like, you know, why are you intervening? Why are we doing things? (...), we've lost the ability of some degree to say: 'this is a really harmful thing, and we need to, you know' create supports and preventive barriers against it."

Public Safety - Rural

From the perspective of law enforcement, the loss of drug courts provides another example of “losing a tool” to combat substance use disorder. Drug courts are an evidence-based practice to divert individuals charged with possession felonies into treatment. With the removal of criminal penalties for individual possession, interviewees report that drug courts have not been operating. For example, a law enforcement official from an urban area mentioned that drug court programs are unavailable: *"I don't believe we have a drug court right now, but we've had it, and we had it up until Measure 110."* Although the drug court was far from flawless, according to one official, it was perceived to offer far more efficacy than the solutions adopted under Measure 110.

"The drug court thing ... while it wasn't perfect, it was much more effective than anything that Ballot Measure 110 is doing."

Public Safety – Urban

The insights shared by participants shed light on the complex nature of law enforcement in the context of drug decriminalization. Some participants expressed cautious optimism about implementation benefits, while others expressed personal opposition to it. One interviewee suggested that support among law enforcement personnel could increase by touting evidence of positive impact:

"..., [I'd say share] data, or success stories ... and [having some] sort of a collaborative strategy might be beneficial if we want people pulling in the same direction. Otherwise, most law enforcement will think Measure 110's a horrible idea, and you- the state just won't get much support from them."

Public Safety - Urban

Theme 2: Resource Utilization and Access

The implementation of treatment services under Measure 110 has presented a complex challenge; for example, the [Lund Report reported significant funding and service delivery delays](#) in early 2022. The interview data reveal that public health and public safety officials are grappling with uncertainties surrounding future allocation of funds and permissible prevention and treatment measures for individuals experiencing substance use disorders. One of the primary hurdles is more understanding of [Behavioral Health Resource Networks \(BHRNs\)](#) and how to access and utilize resources.

Public health officials use caution in their statements regarding the availability of resources for implementation, which may indicate some demoralization after this group's support of the ballot measure. This caution arises from the fact that there are not enough resources to meet the needs of the public health sector.

"I mean measure 110 has not rolled out exactly how, you know it was supposed to or we thought it might, so I think for me, for what I'm doing I think that remains to be seen..."

Public Health - Rural

The current situation has left public health leaders feeling like they are navigating uncharted waters without the necessary resources to direct people who use drugs toward the appropriate treatment and recovery services. The rise in fatal and non-fatal overdoses due to easy access to fentanyl is a pressing concern that needs to be addressed. There are concerns among public health and public safety organizations regarding the affordability and availability of Narcan, as well as the negative perceptions surrounding its prescription. Additionally, there is difficulty in distinguishing between legal amounts of fentanyl for users versus dealers, which adds further uncertainty to the situation.

"...it's just really increasing the demands; there are just not enough people to respond and do the work, and it's very taxing and burning people out across all workforces because the idea behind Measure 110 was to have this really amazing infrastructure in place (...) except for we don't have the infrastructure, there's nothing there."

Public Health - Mix Metro-Rural

"It's like the perfect storm right now our rising overdose rates, substance use, no infrastructure, and lack of access to treatment, and so all of these things coming together create all the barriers."

Public Health - Mix Urban/Rural

Interviewees consistently stated that more funding should be allocated to treatment and recovery services, and that the treatment infrastructure is needed **now**. Rural communities often noted that they lack the same resources available in urban areas, and that accessing treatment was much more difficult for them

"(...) when it has treatment options, and someone says: '[officer], I want to go to treatment' and I can say here you go, here's a phone number we will make a call, you're in treatment tonight you know then, we will address this issue.

Public Safety - Rural

Throughout the interview, some concerns were raised regarding the accessibility of, or rollout of, BHRN funding. Some networks quickly organized, applied for funding, and put BHRN resources to use by investing in treatment services or infrastructure; other networks reported different experiences.

"Measure 110 is a potential game changer for us, (...) so we actually got some of the money already, and we're able to use it (... more supplies, uh more outreach, and more coordination within the community. So, measure 110 is huge for us, huge."

Public Health – Urban

"(...) [no one] that I'm aware of has seen [a] shift for resources like money, um to actually make a dent in funding for programs uh and for resources for people who do suffer from substance use disorder, um I would say because none of that has been realized"

Public Safety – Rural



Theme 3: Collaboration and Communication: Cultural Divide

This theme highlights the perspectives of both public safety and public health professionals regarding the integration and coordination of overdose prevention activities within the context of Measure 110. While both groups agree that reducing overdoses is the goal, and that collaboration is essential, different views about how to address substance use and substance use disorders seem to contribute to challenging communication and coordination between the two, ultimately resulting in hindered resource integration.

"The biggest impact that I'm seeing right now is the cultural divide between law enforcement and public health. Law enforcement has been (..) there's been a lot of resistance, and there's a lot of misinterpretation of data and a lot of really like public statements that have been inaccurate based on their personal bias, and that has been really challenging and has created tension between our fields that is that we've worked really hard to address over time (...)"

Public Health – Urban

"The connection between law enforcement, public health, emergency services, without that, without data being shared between those entities, without actual kind of statistical driven areas of focus, then nothing will change."

PS-Rural

"Umm, [communication or intelligence sharing between public health and public safety in your area], I would say not really. I would say that's something I would like to do."

Public Health - Rural

Public health and public safety partners may also have different orientations, views, and preferred practices when it comes to overdose prevention. Whereas public health professionals tend to emphasize harm reduction, public safety officials may emphasize deterrence and enforcement. Behavioral health specialists, as well as public health professionals, often emphasize individuals' motivation to comply with treatment as a key to successful treatment/recovery outcomes whereas public safety interviewees tended to emphasize that some individuals may only consider or comply with intervention when confronted with legal consequences.

"I heard a comment yesterday from one of the Measure 110 backers, 'Our goal wasn't to reduce drug use, it's a choice,' and that was absolutely appalling to me... I felt like it [was] just about decriminalizing and decriminalizing the stuff and letting people make choices, well they're making choices, and it's killing people so; they're killing themselves some of them, some of them are surviving with Narcan."

Public Safety - Rural

Interviewees spoke of how difficult it can be to recover from substance use disorders, however, public health interviewees tended to speak wholistically about systemic barriers and social determinants of health that can either help or hinder recovery efforts. This impasse could be broken by establishing open, honest communication and fostering trust between all parties, through increased collaboration and communication.

In summary

After carefully analyzing the data and identifying the themes: **Limited Authority & Response Capacity, Resource Utilization and Access, and Collaboration and Communication: Cultural Divide**, some challenges and opportunities were identified. The findings indicate that public health officials and public safety personnel have different perceptions and experiences regarding the measure's goals, benefits, and impacts, which affect their collaboration and communication. Additionally, gaps and barriers exist in both sectors' capacity to effectively respond to the needs of people who use drugs and their communities. Lastly, there are potential ways to optimize resources and leverage existing strengths and partnerships to improve outcomes within the context of Measure 110. Based on the findings, we recommend establishing a cross-sector coordination mechanism to facilitate regular dialogue, information sharing, and joint action among public health and public safety partners to prevent overdoses. This mechanism should ensure that resources are allocated equitably and support the development of evidence-based policies and practices tailored to local needs. The cross-coordination mechanism should also involve non-governmental organizations and community members to ensure that the policies and procedures address the needs of the most vulnerable populations.



The Oregon-Idaho HIDTA consists of 16 counties. Counties in the HIDTA include Oregon's Clackamas, Deschutes, Douglas, Jackson, Josephine, Lane, Linn, Malheur, Marion, Multnomah, Umatilla and Washington counties, and Idaho's Ada, Bannock, Canyon and Kootenai counties.

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