



HB 2355 REPORT TO THE LEGISLATURE

EFFECTS OF CHANGES TO POSSESSION OF CONTROLLED SUBSTANCES (PCS) LAWS

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HB 2355

SUMMARY OF LEGISLATIVE CHANGES

- Generally, possession of Schedule I and Schedule II controlled substances reclassified as Class A Misdemeanors
 - Previously, possession of Schedule I narcotics was a Class B Felony
 - Previously, possession of Schedule II narcotics was a Class C Felony
- Exceptions to Reclassification Rule: if any of the following apply, PCS remains a felony
 - The individual has a prior felony conviction
 - The individual has two or more convictions for possession of a usable quantity of a controlled substance
 - The possession is classified as a commercial drug offense under ORS 475.900(1)(b)
 - The individual possess an amount of narcotics above a drug specific threshold



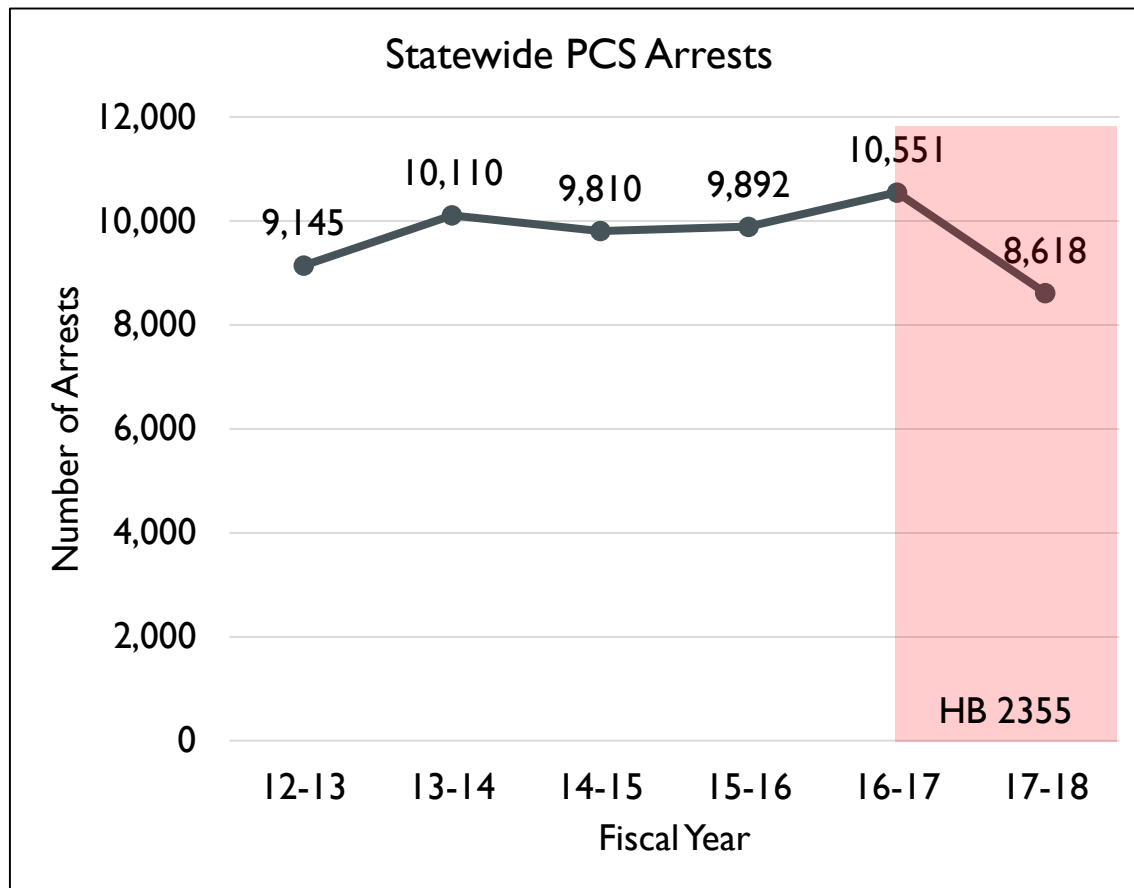
HB 2355 PCS REPORT

RESULTS



GENERAL STATEWIDE TRENDS

PCS ARREST RATES

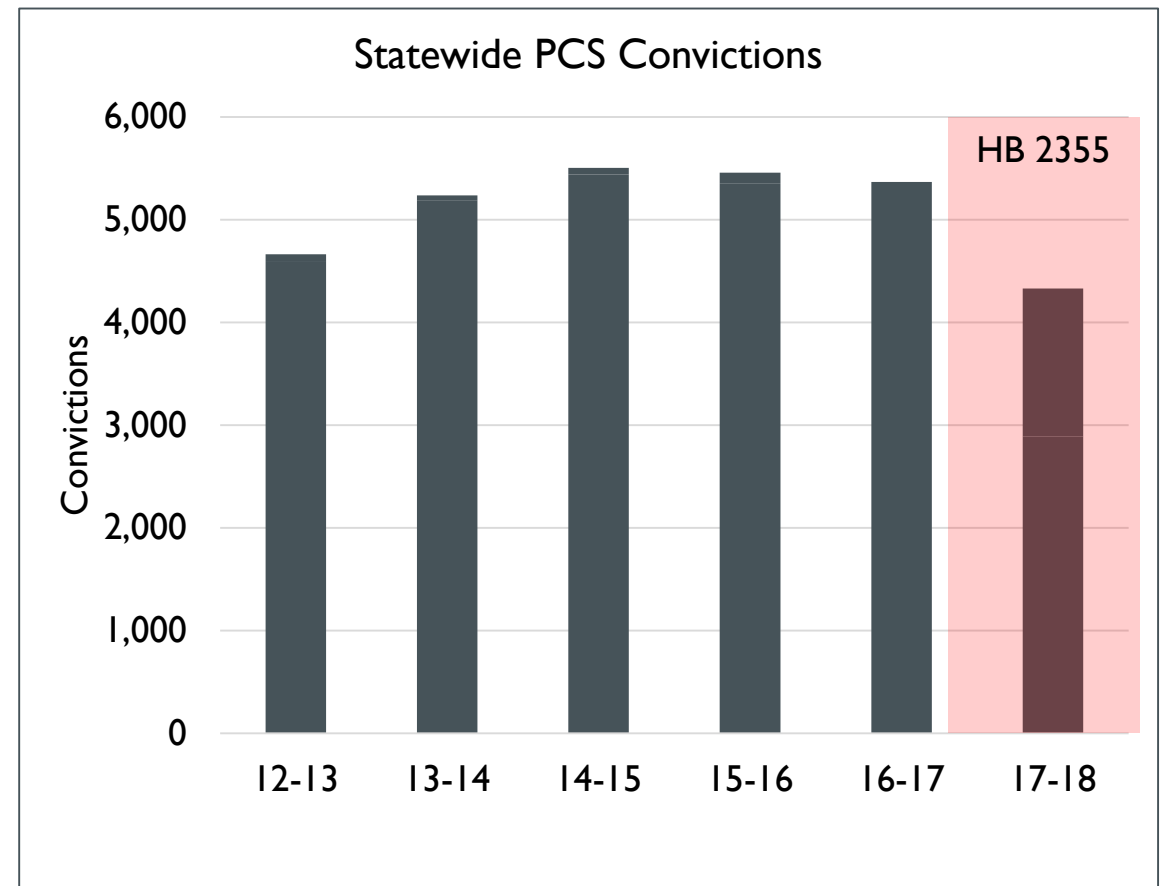


- PCS arrests were relatively steady, if slightly increasing, prior to HB 2355
 - Peak number of arrests occurred in FY16-17
 - Following HB 2355, the arrest rate fell by 1,933 arrests (19.4% reduction)

GENERAL STATEWIDE TRENDS

PCS CONVICTION RATES

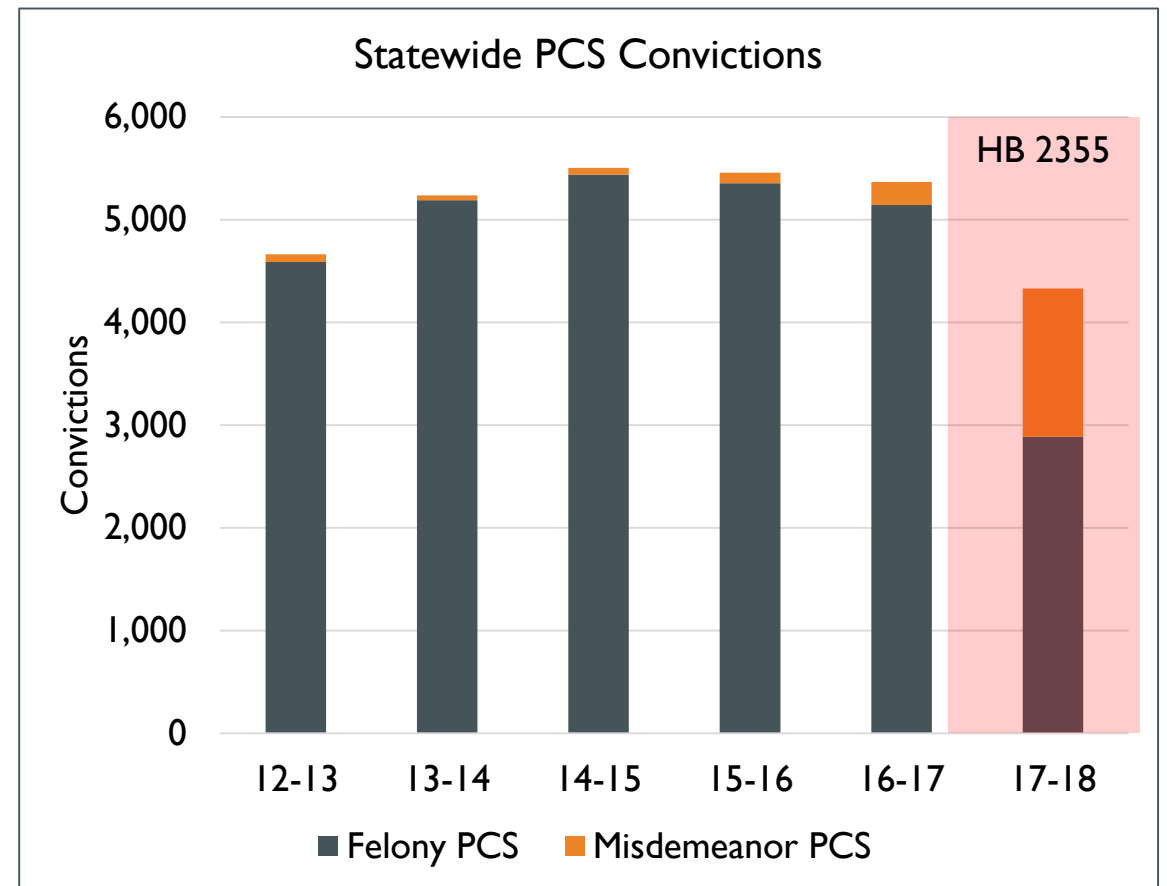
- Statewide, total PCS convictions leveled off in FY13-14 and FY14-15 before falling in recent years.
- The largest decrease in overall convictions occurred in FY17-18 (reduced by 1,037, or 19%)



GENERAL STATEWIDE TRENDS

PCS CONVICTION RATES

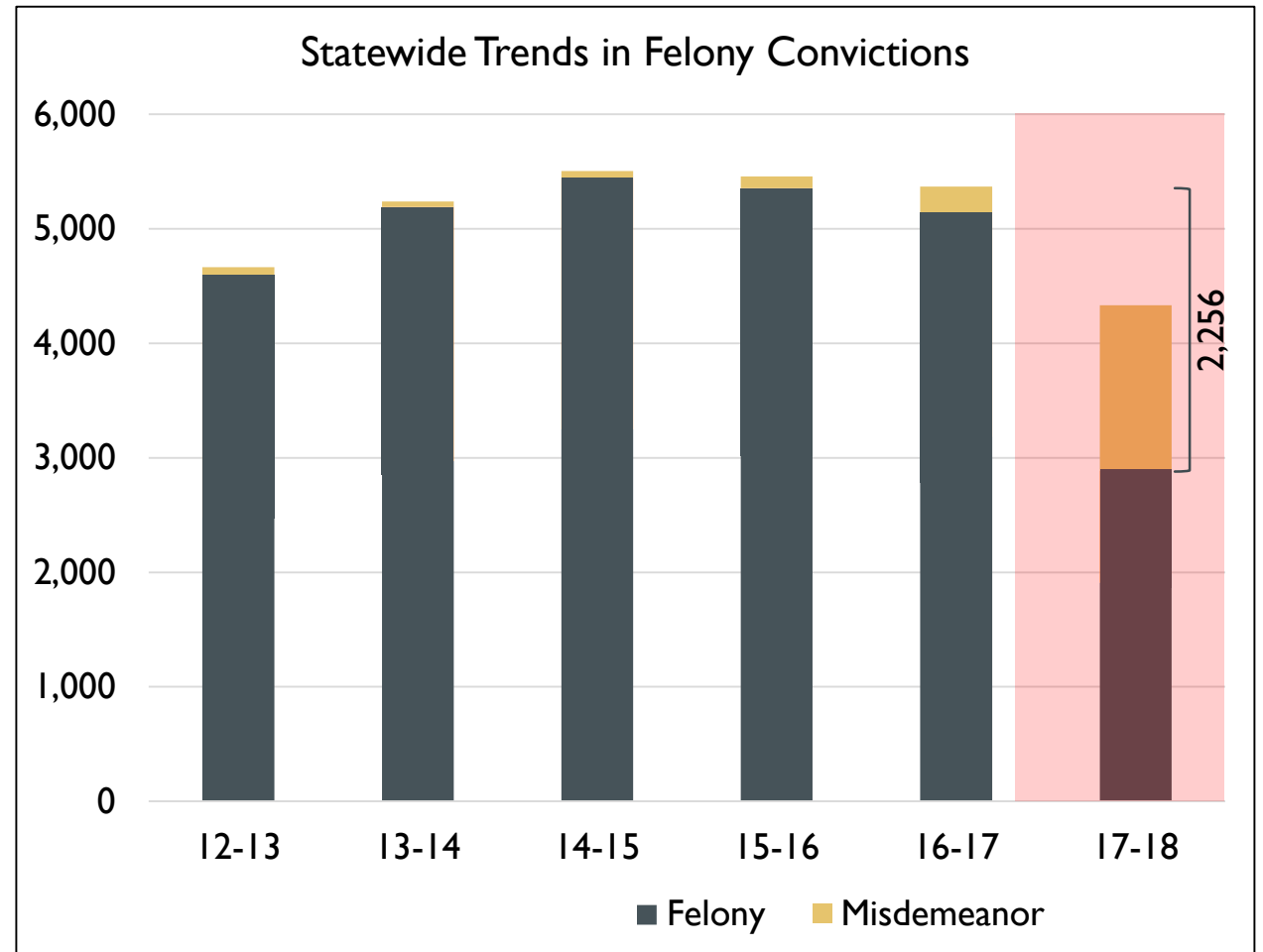
- Statewide, total PCS convictions leveled off in FY13-14 and FY14-15 before falling in recent years.
- The largest decrease in overall convictions occurred in FY17-18 (reduced by 1,037, or 19%)
- Felony PCS Convictions:
 - Modest reductions in FY15-16 and FY16-17
 - Decline of $\approx 2,200$ felony convictions in FY17-18 (44% reduction)
- Misdemeanor PCS convictions:
 - Reduction in felonies is due in part to growing number of misdemeanor convictions
 - Misdemeanors increased from 224 to 1,443 in FY17-18



DETAILED TRENDS

FIRST TIME FELONY CONVICTIONS

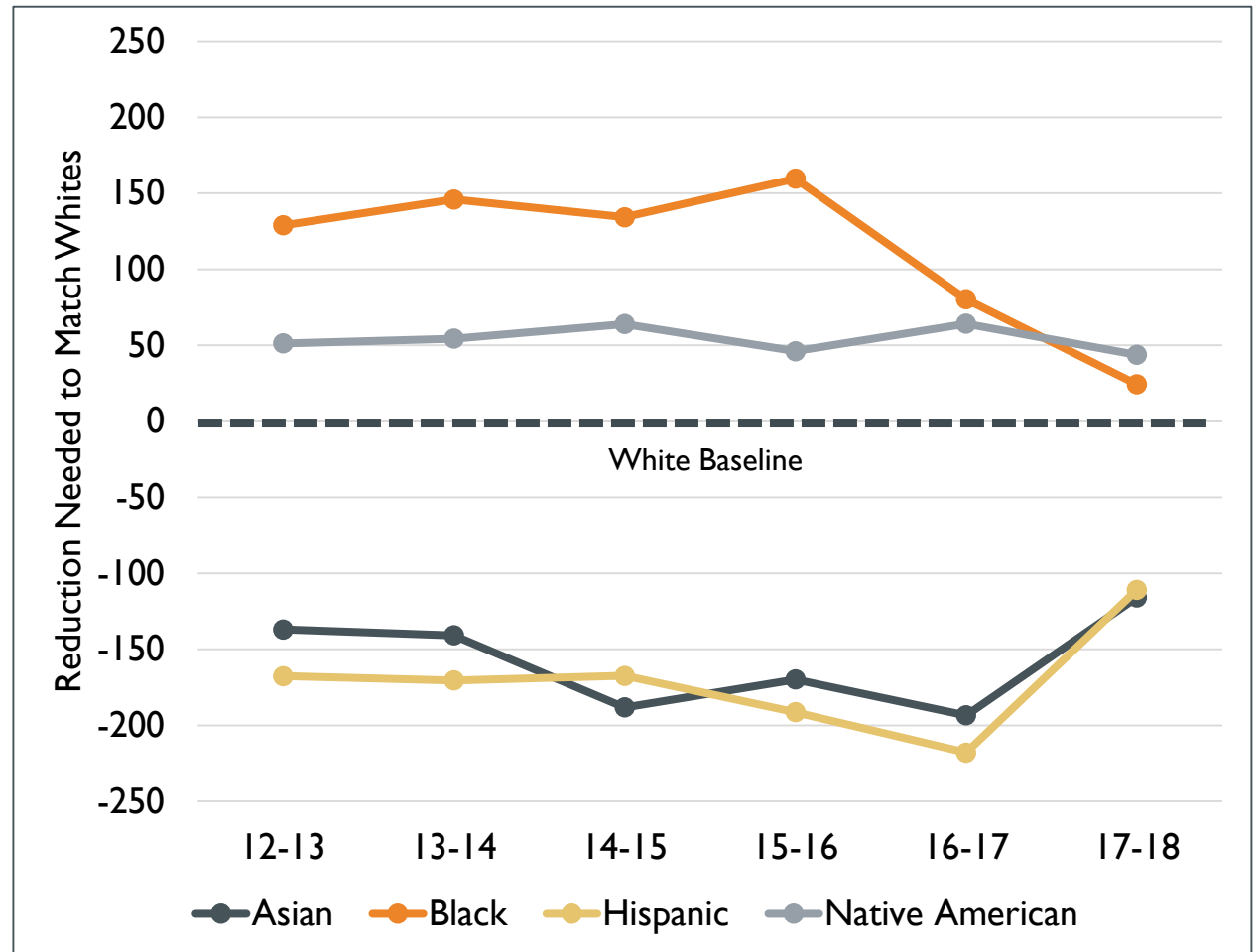
- Felony convictions can lead to collateral consequences. By reducing the number of felons, as well as first time felons, Oregon can help mitigate these negative outcomes.
- Overall, 2,256 fewer felony convictions in FY17-18 compared to FY16-17
- First Time Felony convictions also fell in FY17-18
 - Compared to FY16-17, there were 980 fewer first time felons
 - This was a reduction of approximately 50%



RACIAL DISPARITIES

RDR MEASURES FOR STATEWIDE FELONY PCS CONVICTIONS BY RACE

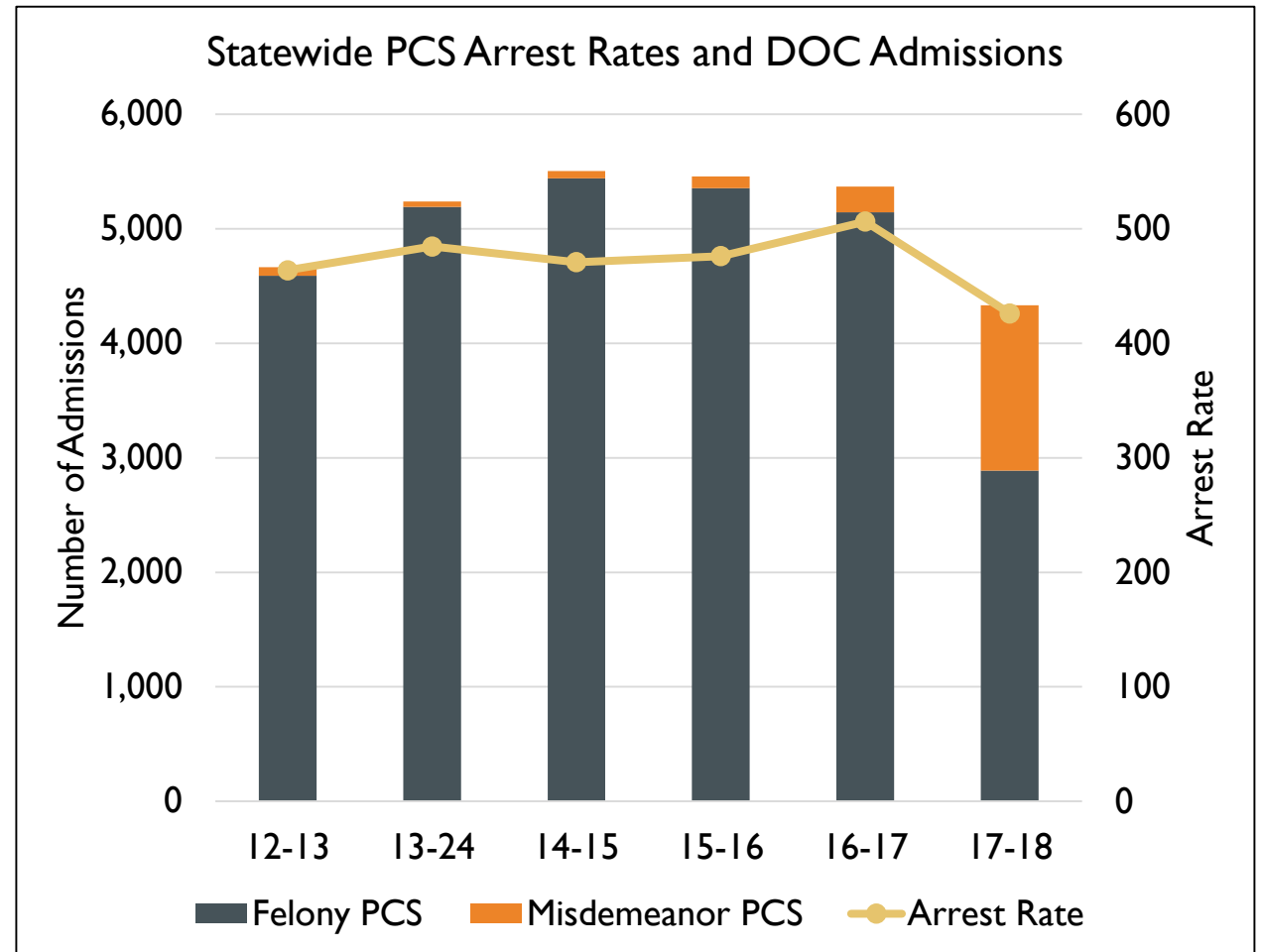
- Racial disparities fell significantly for felony PCS convictions—all racial groups trended toward the White baseline.
- Asian RDR values fell from -193 to -116.
- Black RDR values fell significantly:
 - FY15-16: RDR Value of 160
 - FY16-17: RDR Value of 80 (50% reduction)
 - FY17-18: RDR Value of 24 (70% reduction)
- Hispanic RDR values fell from -218 to -111.
- While relatively steady overall, Native American RDR values fell from 64 to 44.



DETAILED TRENDS

SUMMARY AND TAKEAWAYS

- Since HB2355 became effective in Oregon:
 - PCS arrests fell by 1,933 (19%)
 - PCS total convictions fell by 1,037 (19%)
 - PCS felony convictions fell by 2,256 (44%)
 - PCS misdemeanor convictions increased by 1,219 (over 500)%
 - There were 980 fewer first time felons (50% reduction)
 - Racial disparities for felony convictions have narrowed statewide





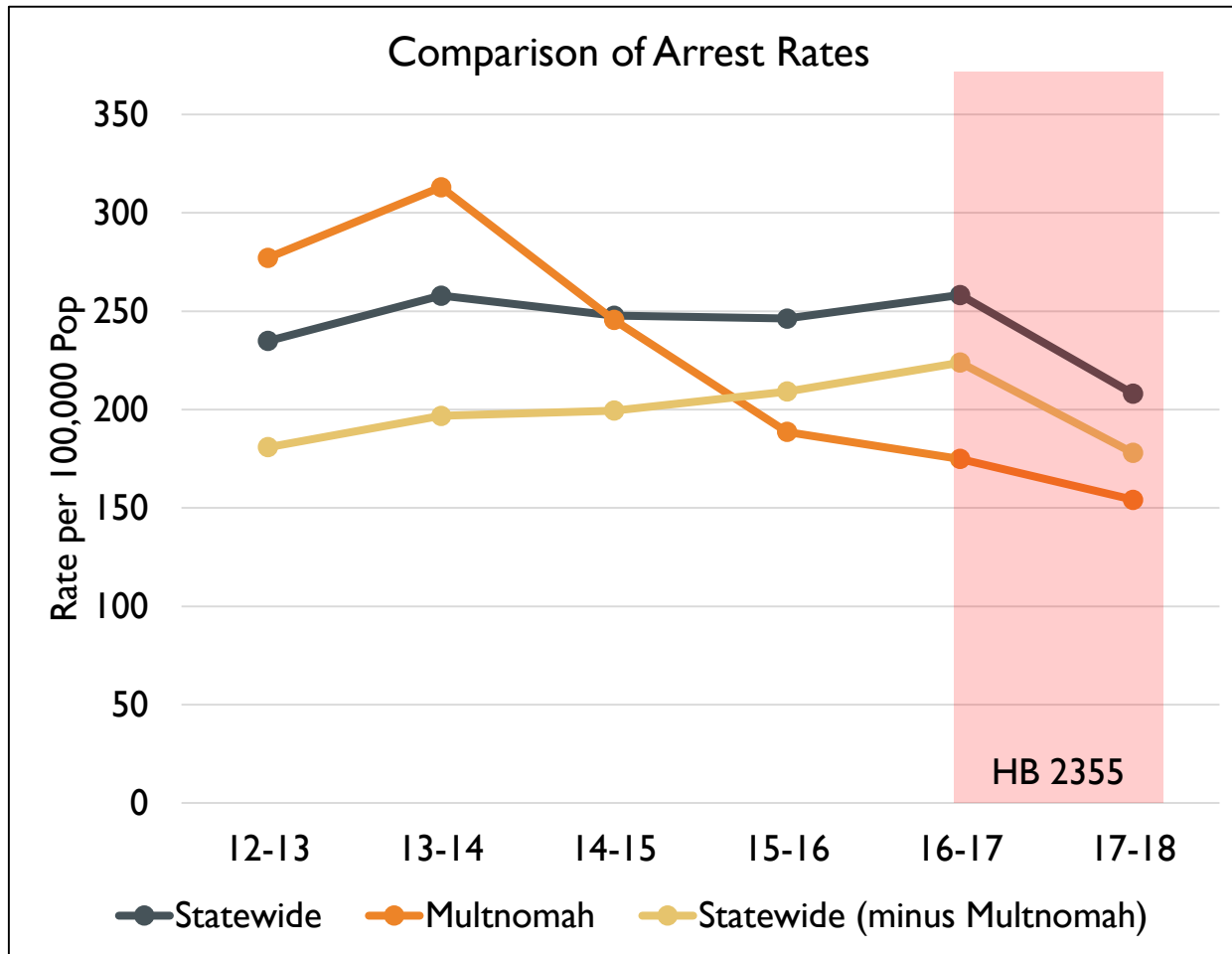
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APPENDIX I: DETAILED TRENDS IN ARRESTS AND CONVICTIONS



DETAILED TRENDS

ARREST RATES

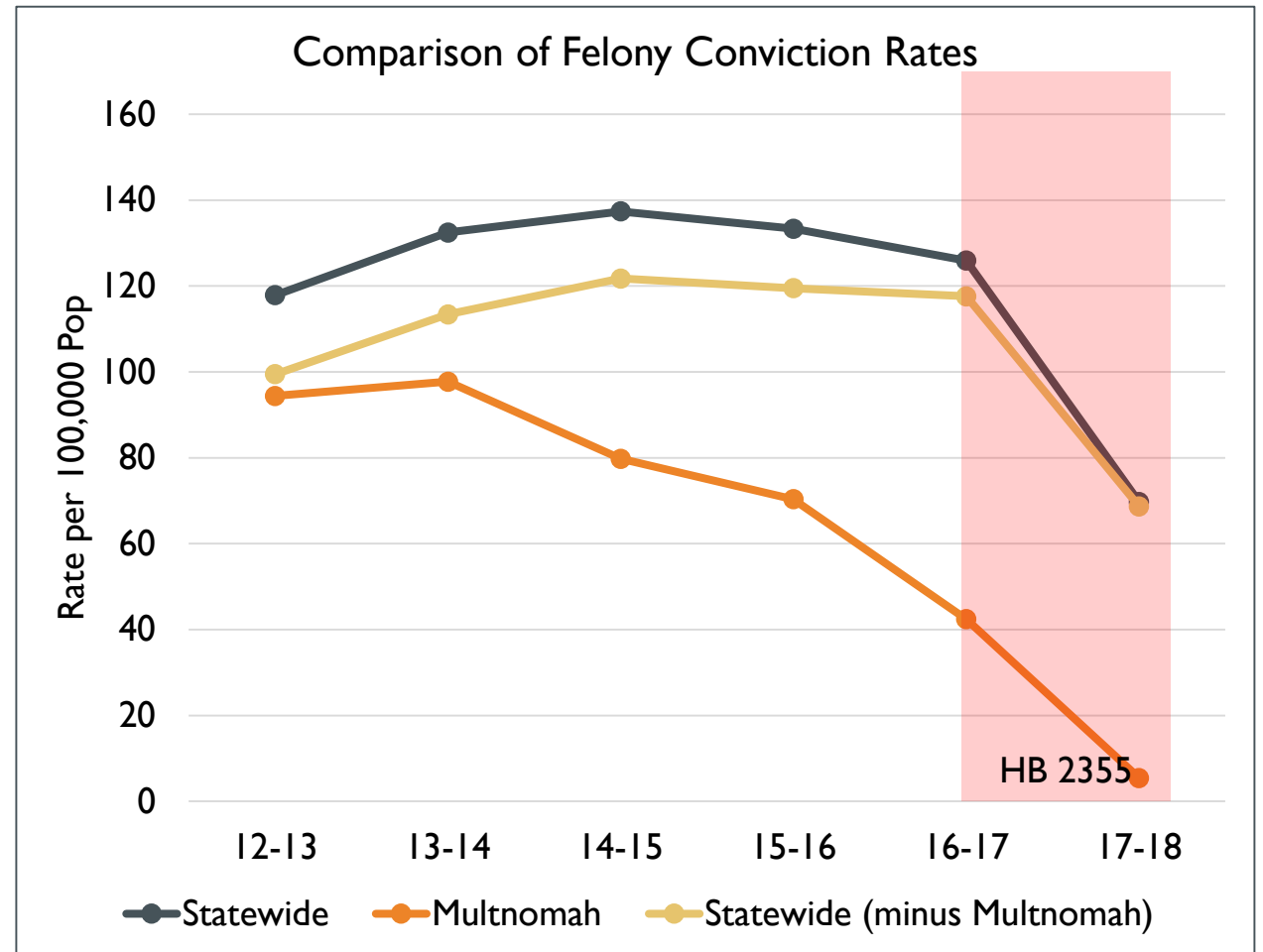


- Statewide arrest rates were relatively steady before falling after HB 2355
- The CJC decided to examine Multnomah County separately from the rest of the state
 - Unlike the statewide trend, Multnomah County PCS arrest rates have fallen since FY 2013-2014
 - Steepest reductions from FY13-14 to FY15-16
- Even with Multnomah removed, statewide arrest rate patterns did not change significantly

DETAILED TRENDS

FELONY CONVICTION RATES

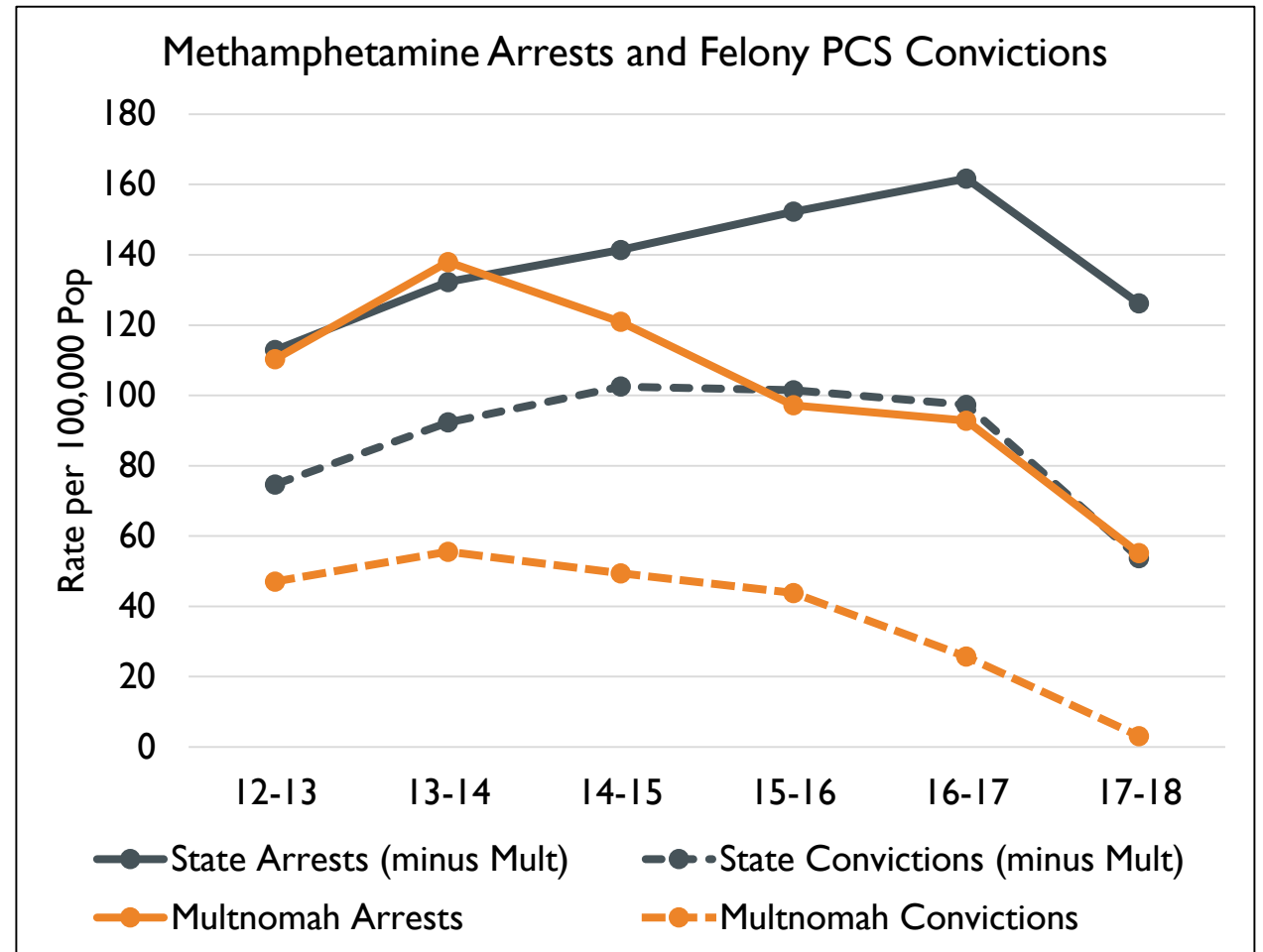
- Statewide, felony conviction rates fell significantly after HB 2355 (almost 45% from FY 16-17 to 17-18).
- Multnomah County
 - Felony PCS conviction rate began to tall in FY13-14
 - Reductions accelerated in FY16-17 and FY17-18
- While Multnomah County reductions were significant, however, its effect on overall statewide rates was very small in 2017-2018 (particularly in the past two fiscal years).



DETAILED TRENDS

DRUG BREAKDOWN : METHAMPHETAMINE

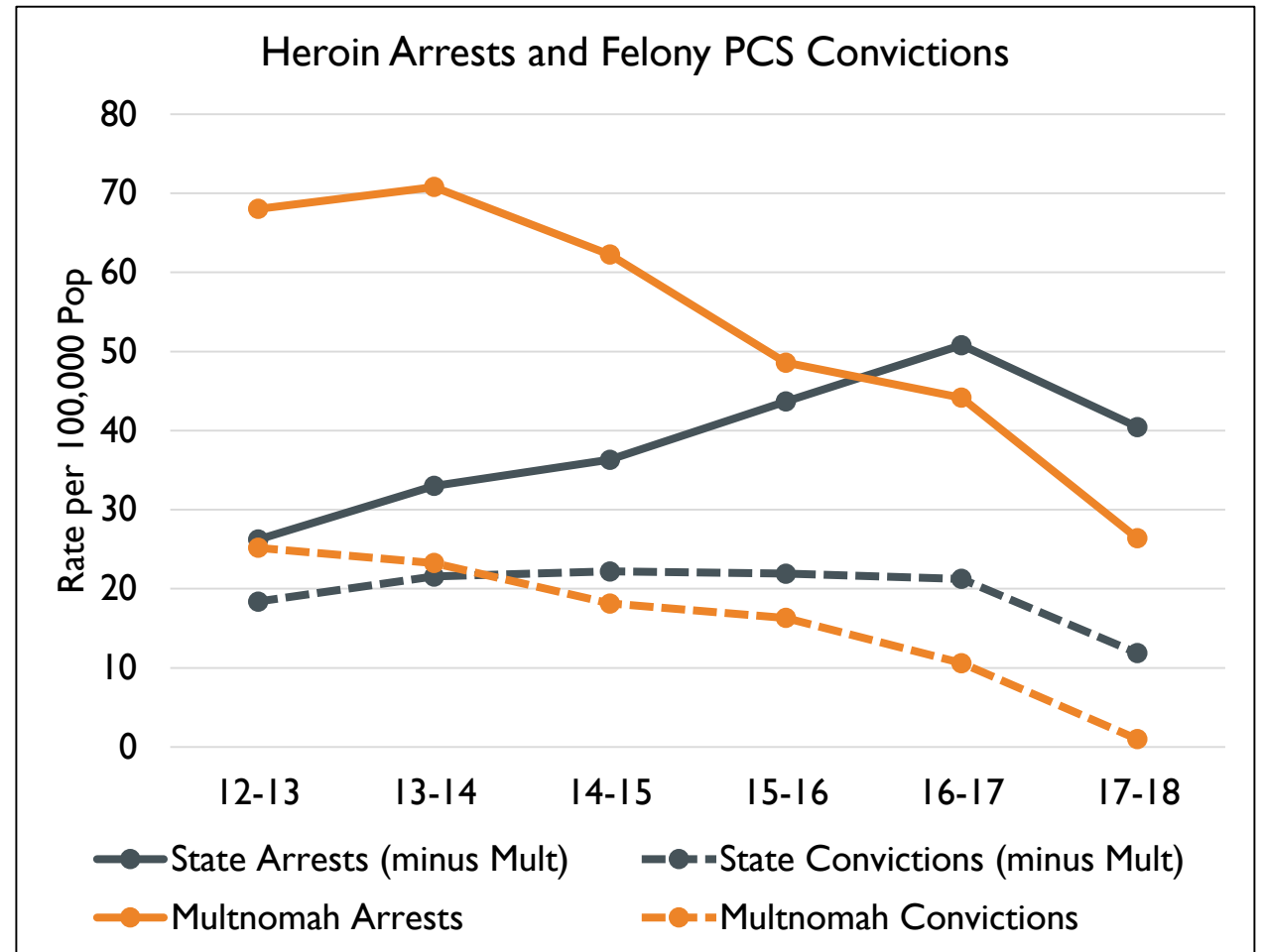
- Statewide Trends (minus Multnomah):
 - Upward trend in arrests reversed following HB 2355 (19% fall from 16-17 to 17-18).
 - A relatively flat felony conviction trajectory was followed by a 45% reduction from 16-17 to 17-18.
- Multnomah County Trends:
 - Arrests falling since 13-14; reduction accelerated in most recent fiscal year (-18%).
 - Felony convictions falling since 13-14; post HB 2355 reduction of 44%.



DETAILED TRENDS

DRUG BREAKDOWN: HEROIN

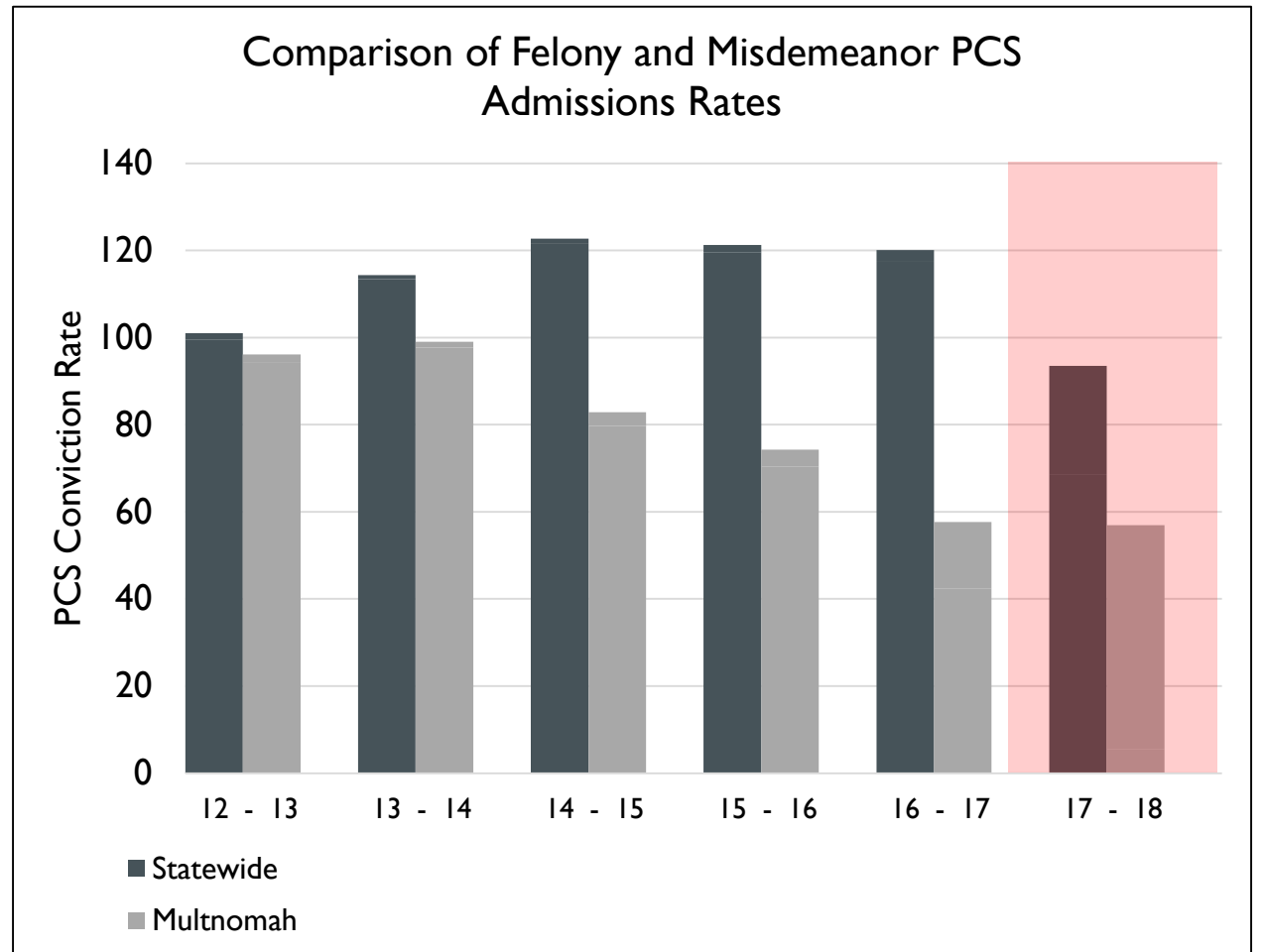
- Statewide Trends (minus Multnomah):
 - Upward trend in arrests reversed following HB 2355 (18% fall from 16-17 to 17-18).
 - A relatively flat felony conviction trajectory was followed by a 44% reduction from 16-17 to 17-18.
- Multnomah Trends:
 - Arrests falling since 13-14; reduction accelerated in most recent fiscal year (-37%).
 - Felony convictions falling since 13-14; post HB 2355 reduction of 88%.



DETAILED TRENDS

MISDEMEANOR CONVICTIONS

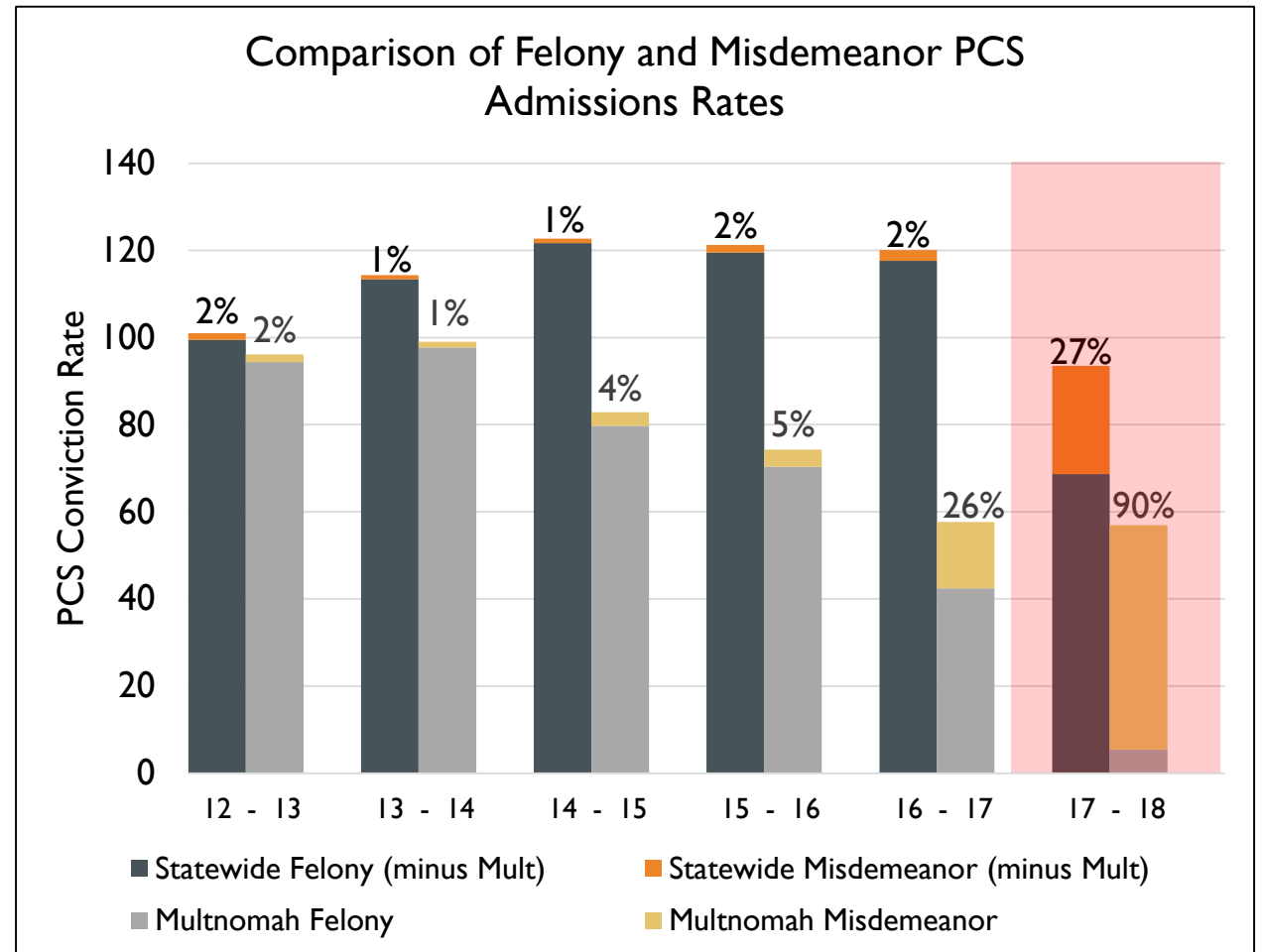
- Overall Conviction Trends:
 - Outside Multnomah, total PCS conviction rates fell in FY17-18
 - In Multnomah County, total conviction rates have been falling since FY13-14



DETAILED TRENDS

MISDEMEANOR CONVICTIONS

- Overall Conviction Trends:
 - Outside Multnomah, total PCS conviction rates fell in FY17-18
 - In Multnomah County, total conviction rates have been falling since FY13-14
- Felony/Misdemeanor Trends:
 - Outside Multnomah, misdemeanors made up approximately 27% of all convictions in FY17-18
 - Multnomah saw much faster growth in misdemeanor PCS convictions in last two years
 - For Multnomah, total convictions nearly identical in FY16-17 and FY17-18, but complete change in felony versus misdemeanor





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APPENDIX 2: RACIAL TRENDS AND DISPARITIES



MEASURING RACIAL DISPARITIES

RISK RATIOS

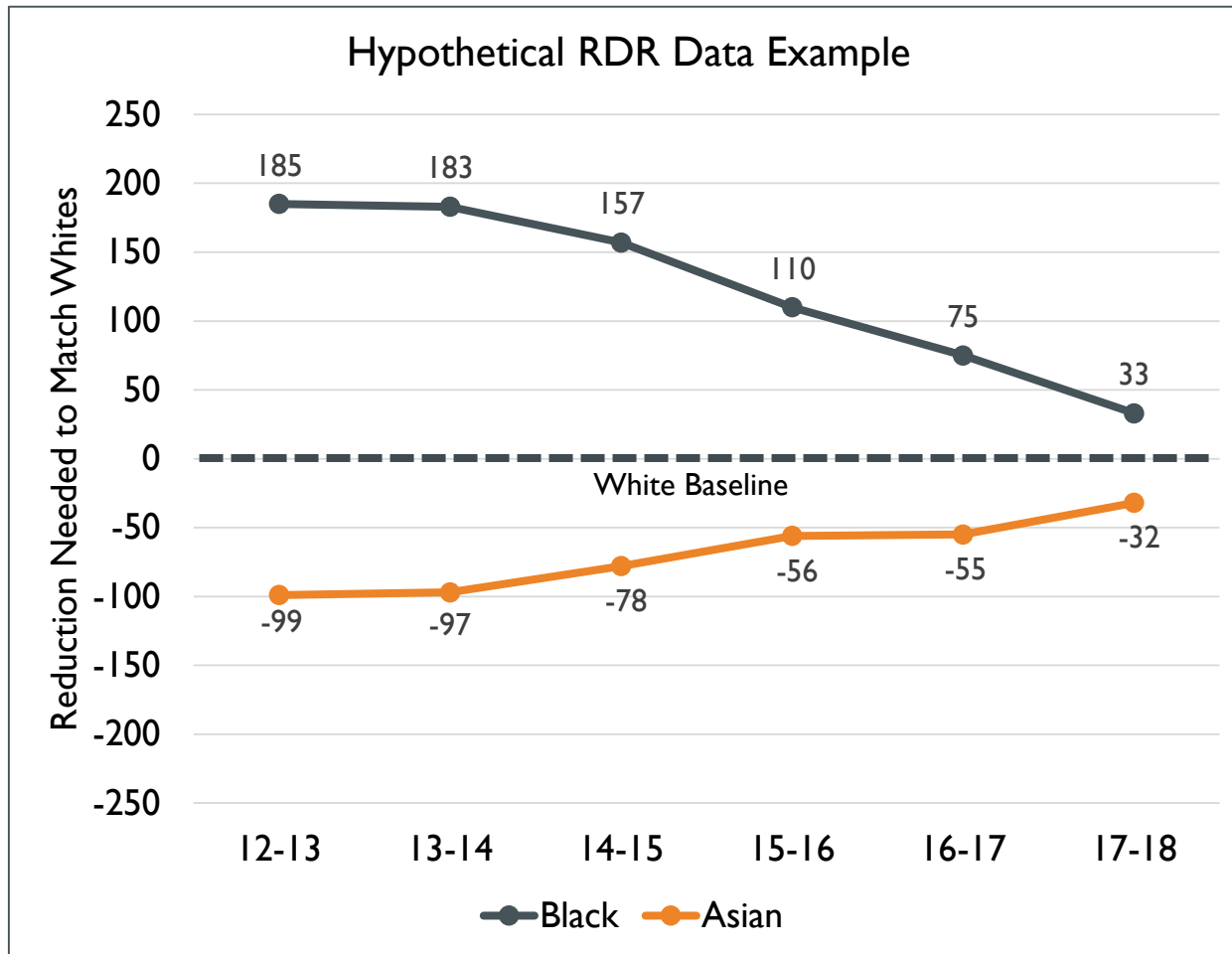
- Risk Ratios have long been used to quantify racial disparities (including by the CJC).
- Statisticians, however, have identified serious flaws with Risk Ratios when:
 - Groups for comparisons are small (e.g., Asians in criminal justice data)
 - When comparing rates over time (e.g., year to year)
- Risk Ratios also tell policymakers little about the actual number of individuals affected by disparities.

CJC Oregon Drug Trends Dashboard

	Ratio to White 2017				
	Asian	Black	Hispanic	Nat Am	White
All PCSs	0.183	1.429	0.300	2.083	1.000
First Felony	0.289	1.075	0.342	1.324	1.000
No Prior Arrest	0.474	0.865	0.389	2.059	1.000

CJC Website

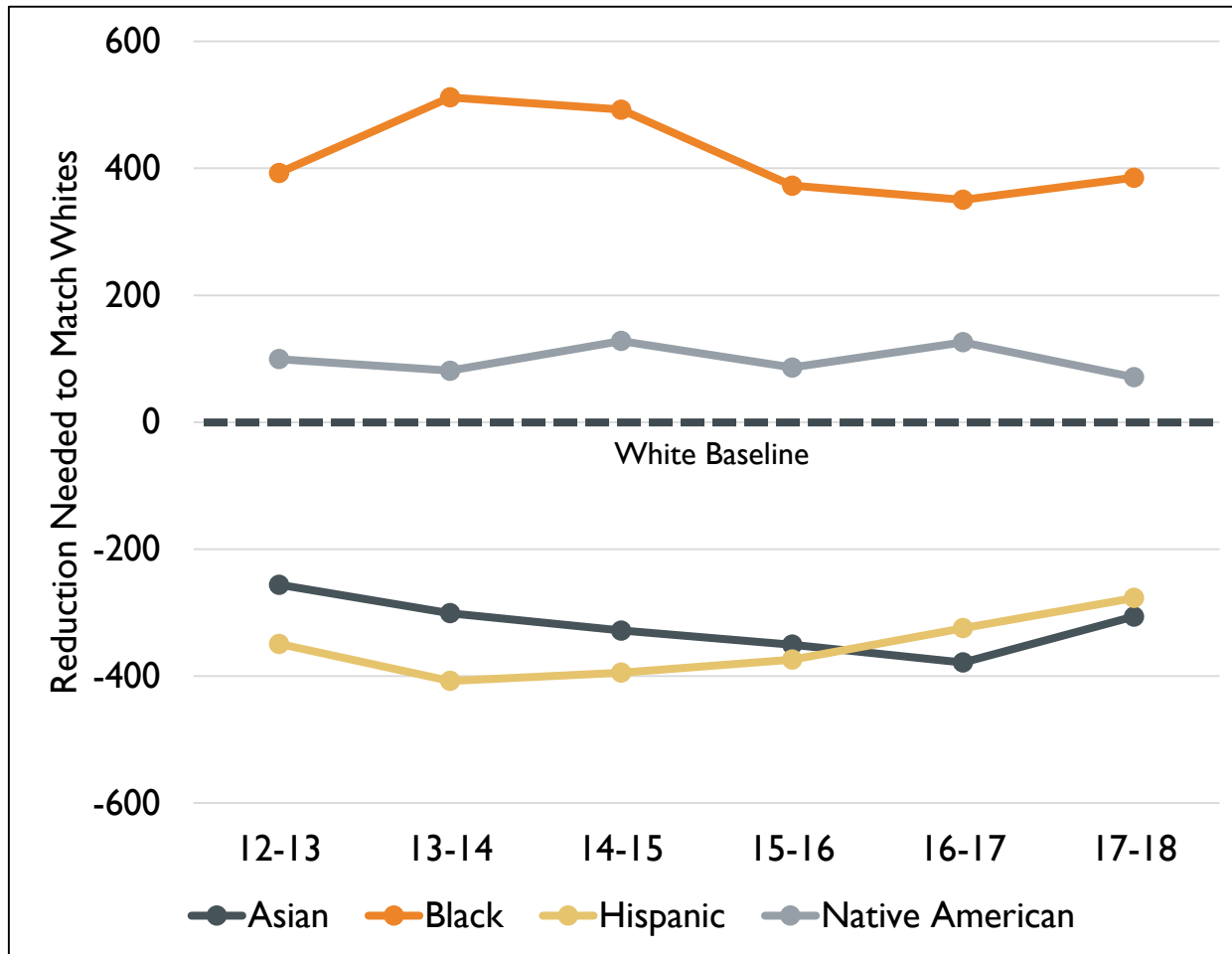
MEASURING RACIAL DISPARITIES: RAW DIFFERENTIAL REPRESENTATION (RDR)



- The Raw Differential Representation (RDR) is an alternative method for quantifying disparities.
- Statistically, it is better than Risk Ratios, as it:
 - Can better handle small groups
 - Is more appropriate for making comparisons over time
- The RDR also expressed disparities in terms of the number of actual individuals affected.
- For Whites the RDR is zero (comparison group)
 - Positive RDR values indicate that a group is overrepresented.
 - Negative RDR values indicate that a group is underrepresented.

RACIAL DISPARITIES

RDR MEASURES FOR PCS ARRESTS BY RACE

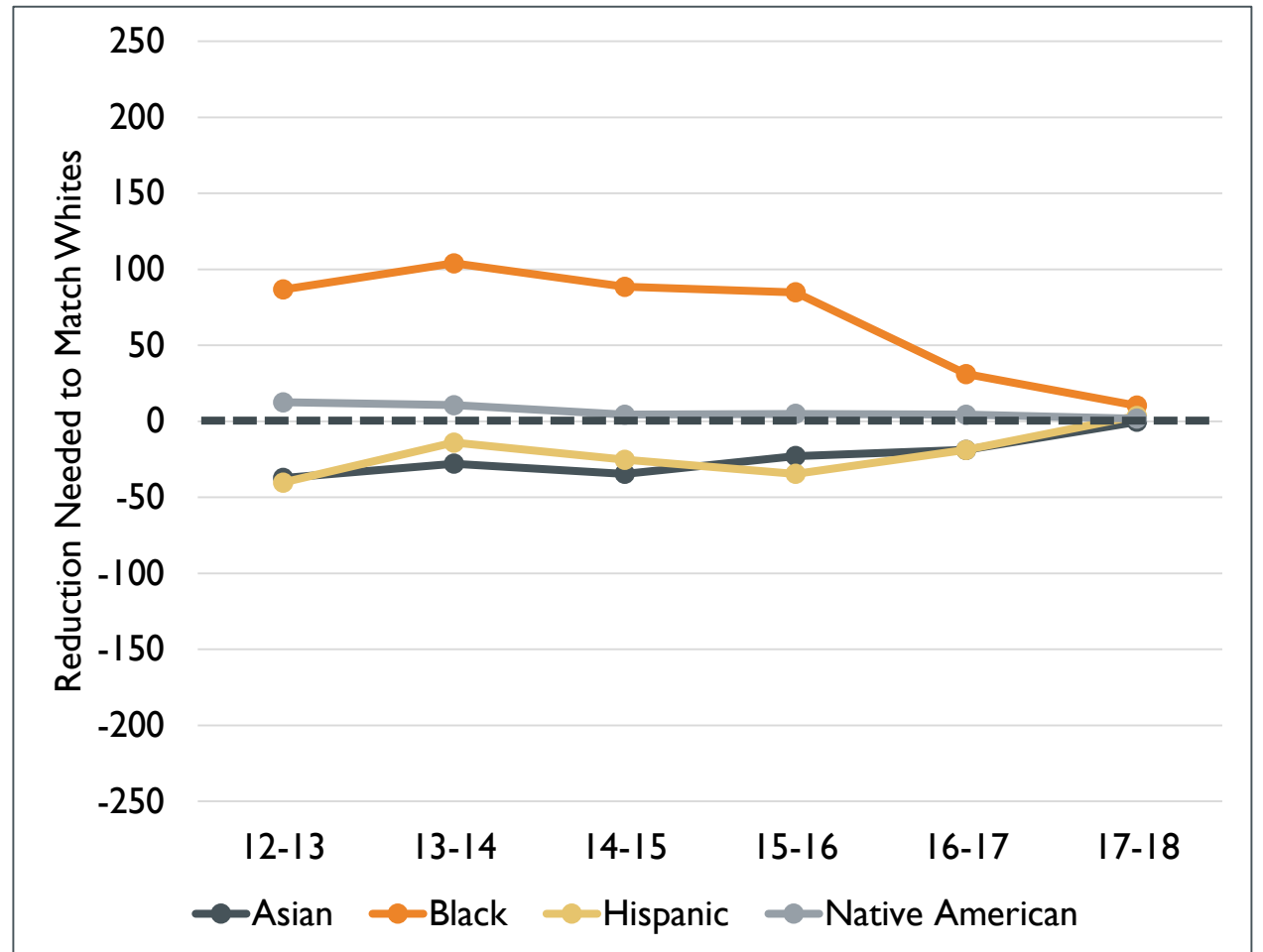


- Despite falling arrest rates, racial disparities changed little overall.
- Asian disparities trended toward the White baseline but Asians still remained significantly underrepresented.
- Black disparities increased slightly, but overall were relatively flat; Blacks remained significantly overrepresented.
- Hispanic disparities tended toward the White baseline but Hispanics remained underrepresented.
- Native American disparities fell somewhat, but were relatively flat; Native Americans remained overrepresented.

RACIAL DISPARITIES

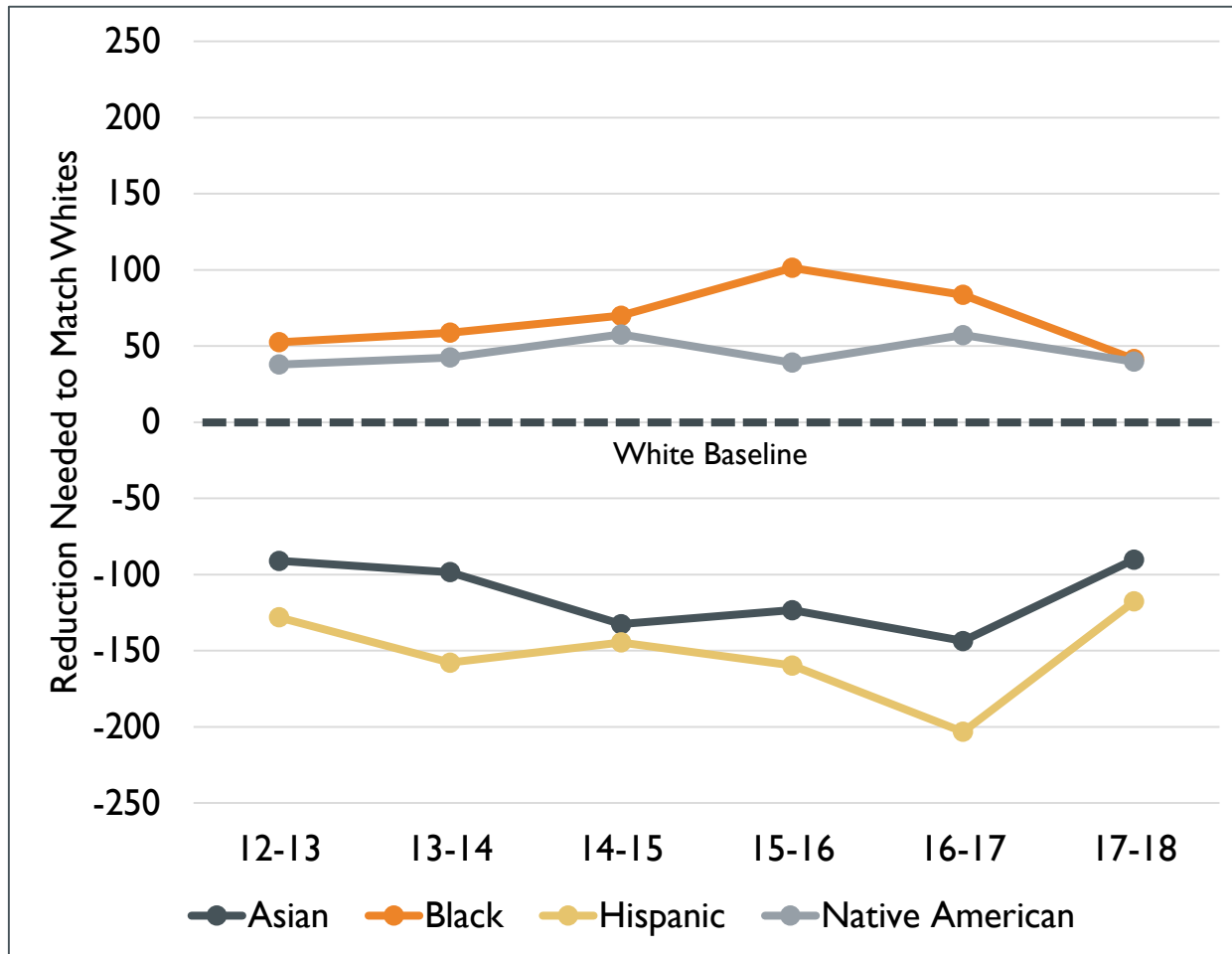
RDR MEASURES FOR STATEWIDE FELONY PCS CONVICTIONS BY RACE

- In Multnomah County, significant RDR reductions demonstrate that felony PCS convictions disparities were nearly wiped out
 - Asians fell from -19 to essentially 0 (the baseline)
 - Blacks fell significantly:
 - FY15-16: RDR Value of 85
 - FY16-17: RDR Value of 31 (67% reduction)
 - FY17-18: RDR Value of 10 (59% reduction)
 - Hispanics fell from -19 to 3.5
 - Native Americans fell from 4 to 2



RACIAL DISPARITIES

RDR MEASURES FOR STATEWIDE (MINUS MULTNOMAH) FELONY PCS CONVICTIONS BY RACE

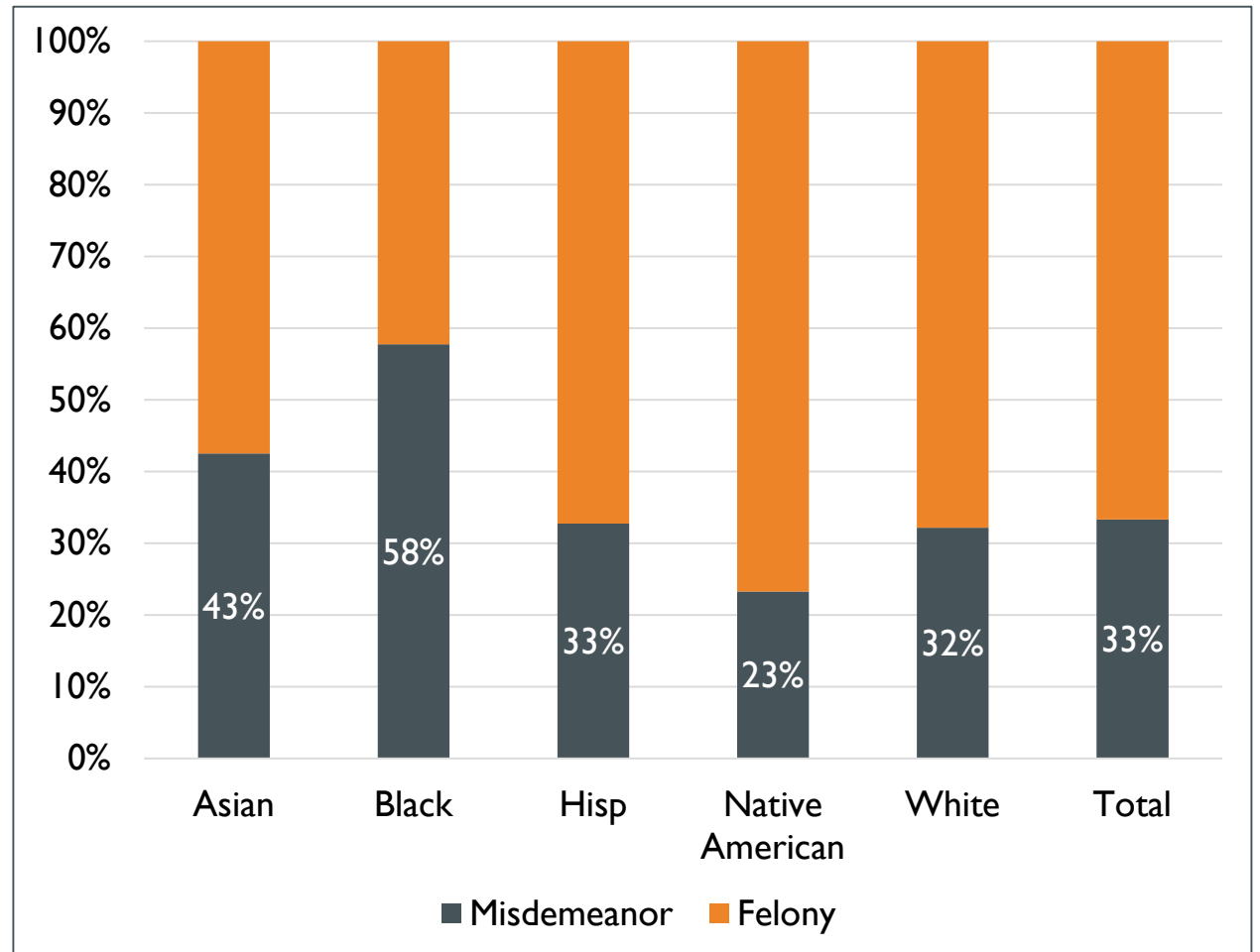


- Racial disparities for PCS Convictions also improved Statewide, even after removing Multnomah County.
 - Asian disparities fell from -144 to -90.
 - Black disparities fell from 84 to 41.
 - Hispanic disparities fell from -203 to -118.
 - Native American disparities fell from 57 to 40.

RACIAL DISPARITIES

STATEWIDE MISDEMEANOR DISPARITIES IN FY 2017-2018

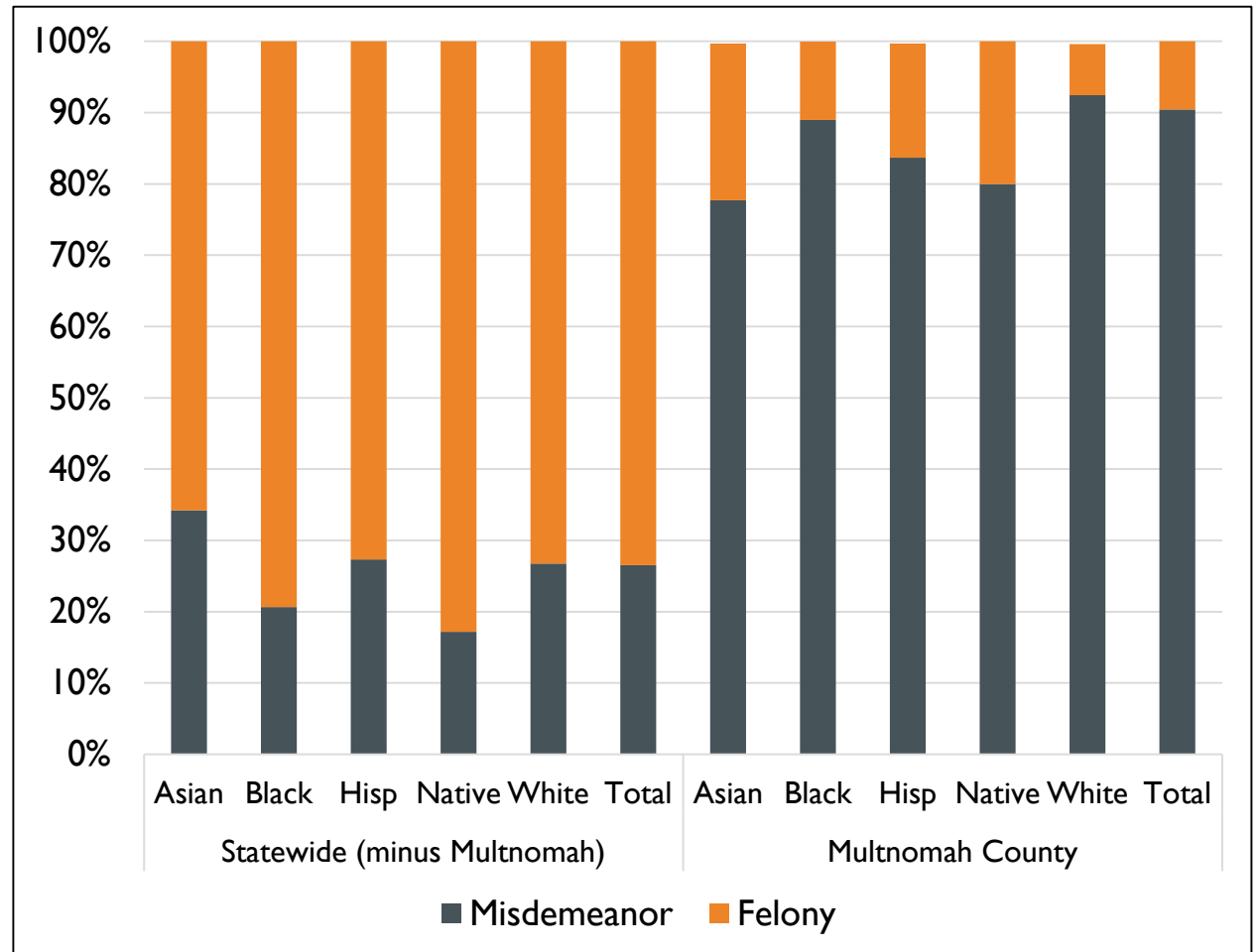
- It is possible that reductions in felony PCS disparities could be masked by disparities in misdemeanor PCS convictions
- At present, the CJC does not have enough data to examine misdemeanor disparities over time
- Statewide, in FY17-18, Blacks and Asians seem to have received misdemeanors more often than individuals in other racial groups for PCS in FY17-18



RACIAL DISPARITIES

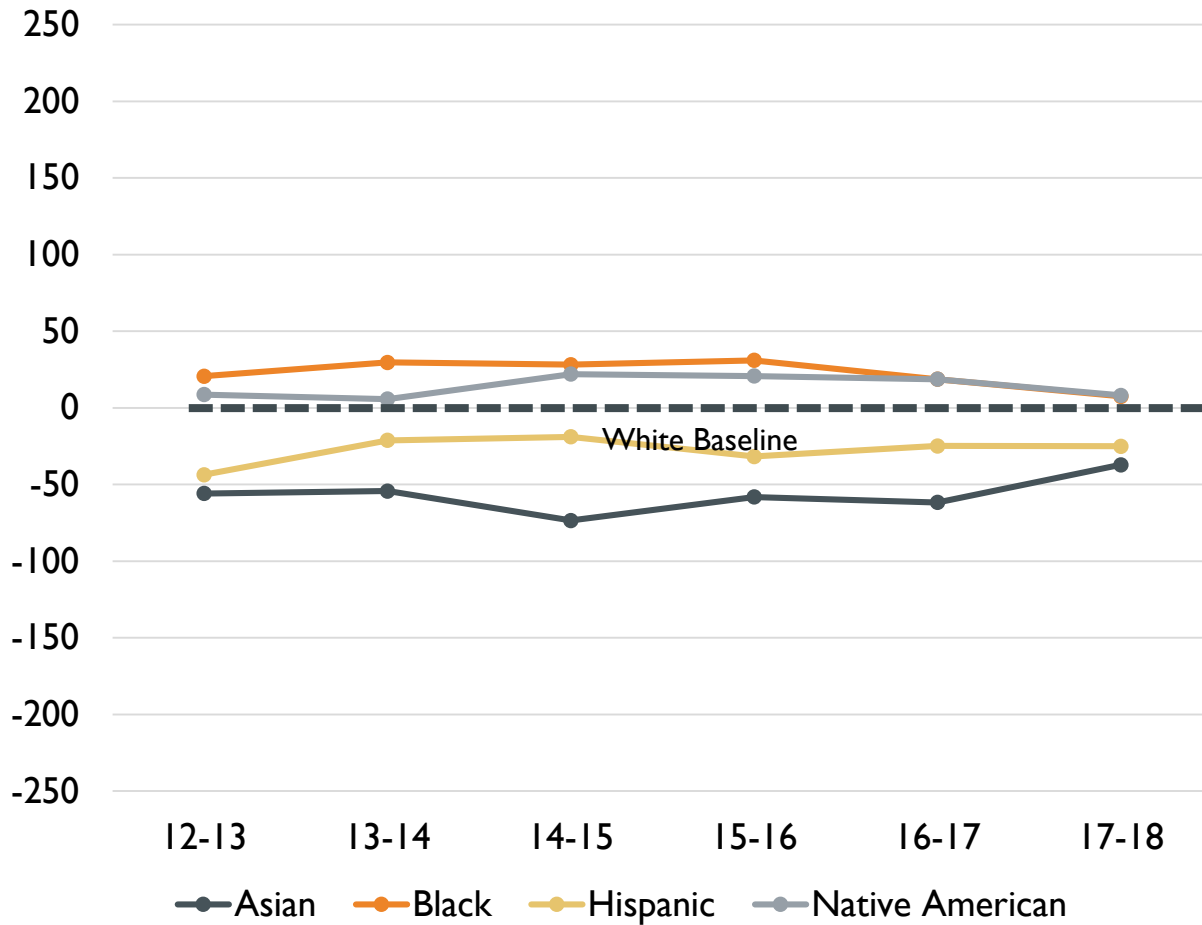
COMPARING STATEWIDE MISDEMEANOR DISPARITIES TO MULTNOMAH COUNTY IN FY17-18

- By removing Multnomah County, however, the pattern changes.
- Statewide misdemeanor levels were around 27% in FY17-18
- In Multnomah County, 90% of PCS cases were misdemeanors
- When examined in this way, Blacks received misdemeanors less often than Whites statewide, but equal to Whites in Multnomah County



RACIAL DISPARITIES

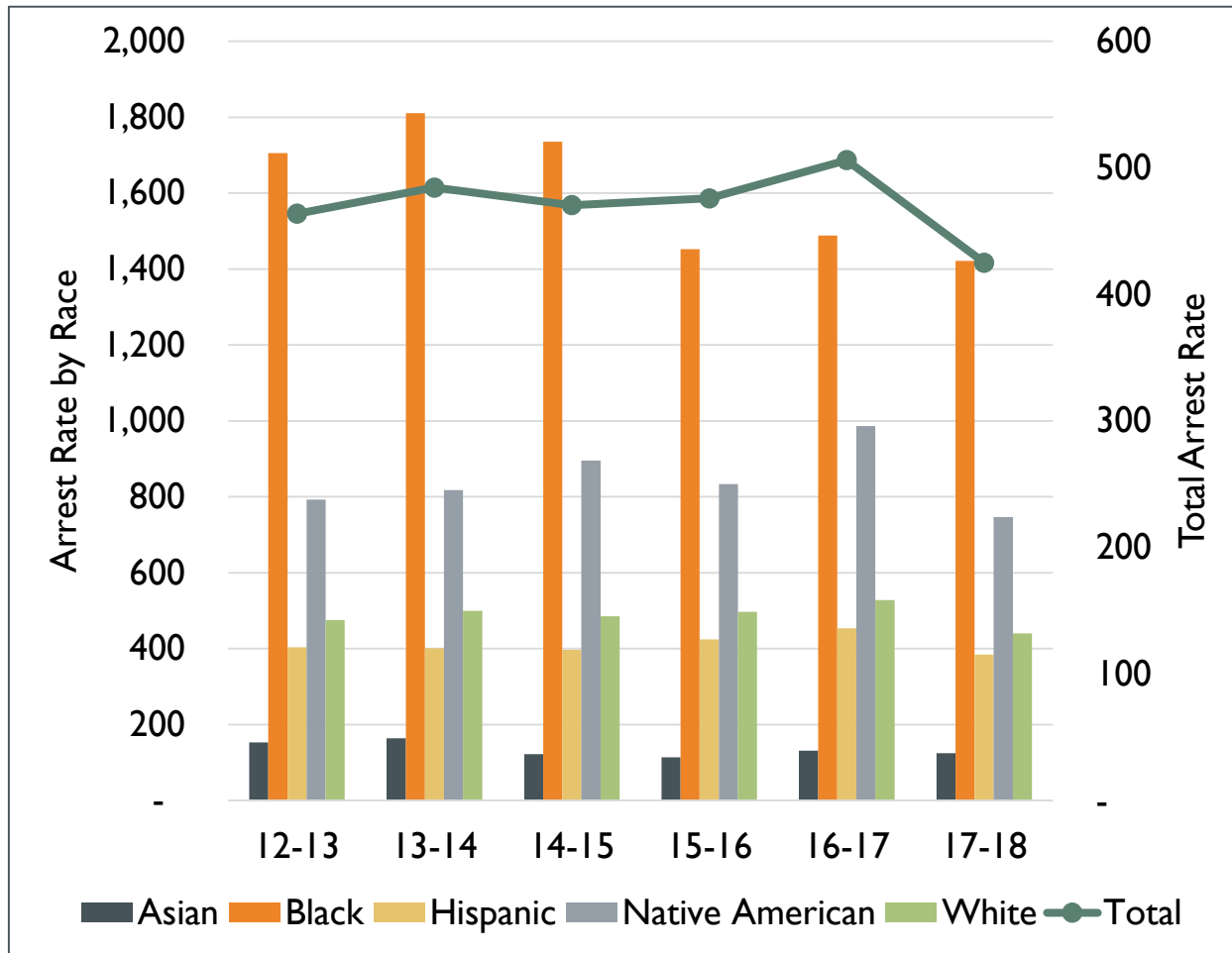
RDR MEASURES FOR STATEWIDE FIRST FELONY PCS CONVICTIONS BY RACE



- It was also necessary to examine disparities for First Time Felony PCS convictions.
- Overall, racial disparities for first felony PCS Convictions also improved Statewide.
 - Asian disparities fell from -62 to -37
 - Black disparities fell from 19 to 8
 - Hispanic disparities remained steady at -25
 - Native American disparities fell from 19 to 8

RACIAL DISPARITIES

STATEWIDE PCS ARREST RATES BY RACE



- Following the general downward trend, arrests for all racial groups fell after HB 2355.

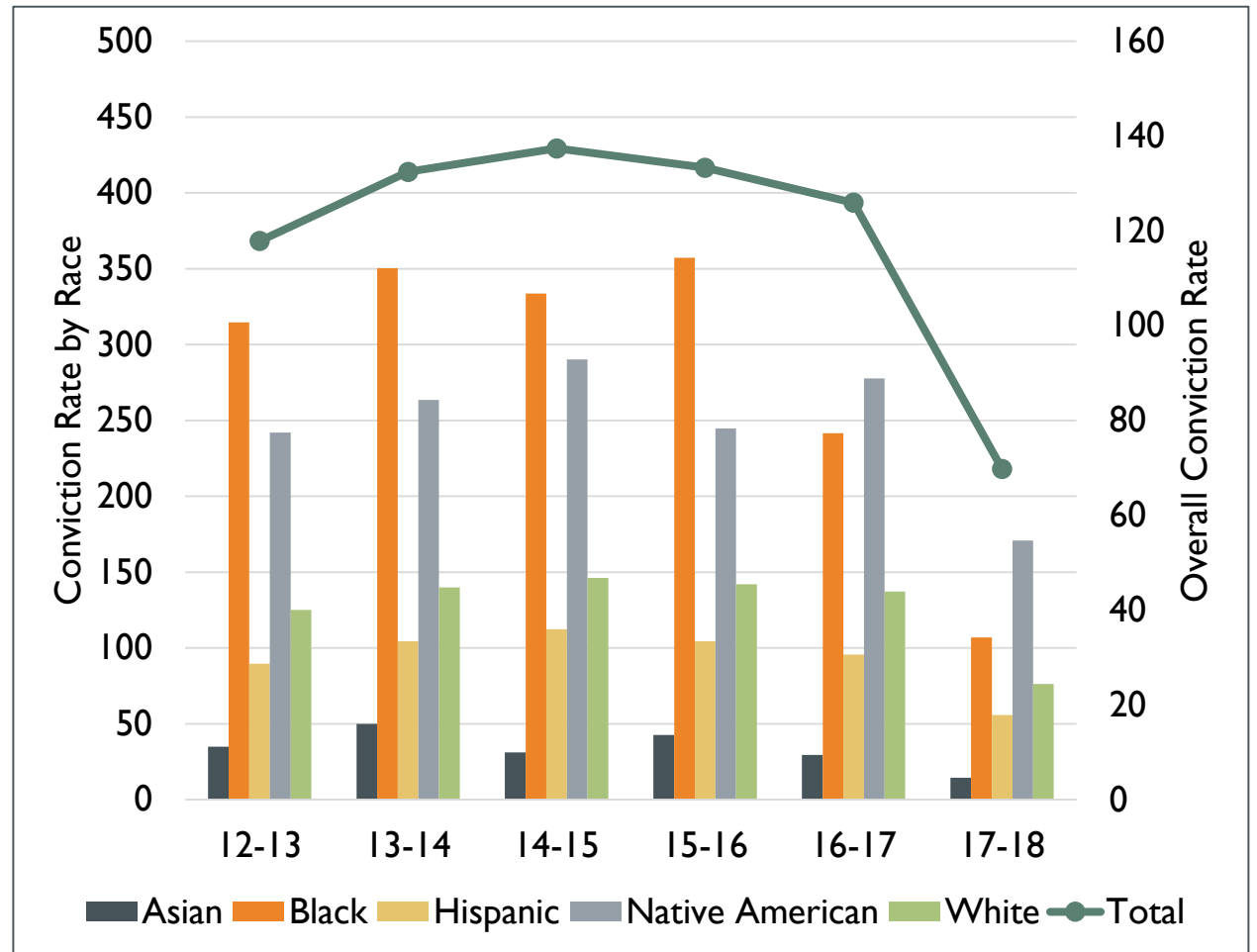
Racial Group	Tot. Change	Pct Chg
Asian	-2	-1%
Black	-16	-1%
Hispanic	-300	-13%
N.American	-106	-24%
White	-2,648	-16%
Overall	-3,072	-15%

RACIAL DISPARITIES

STATEWIDE FELONY PCS CONVICTION RATES BY RACE

- Similar to arrests, conviction rates fell significantly.
- Reductions in convictions were greater than arrests both overall and across racial groups.

Racial Group	Tot. Change	Pct Chg
Asian	-26	-49%
Black	-101	-54%
Hispanic	-200	-40%
N.American	-48	-38%
White	-1,881	-44%
Overall	-2,256	-44%

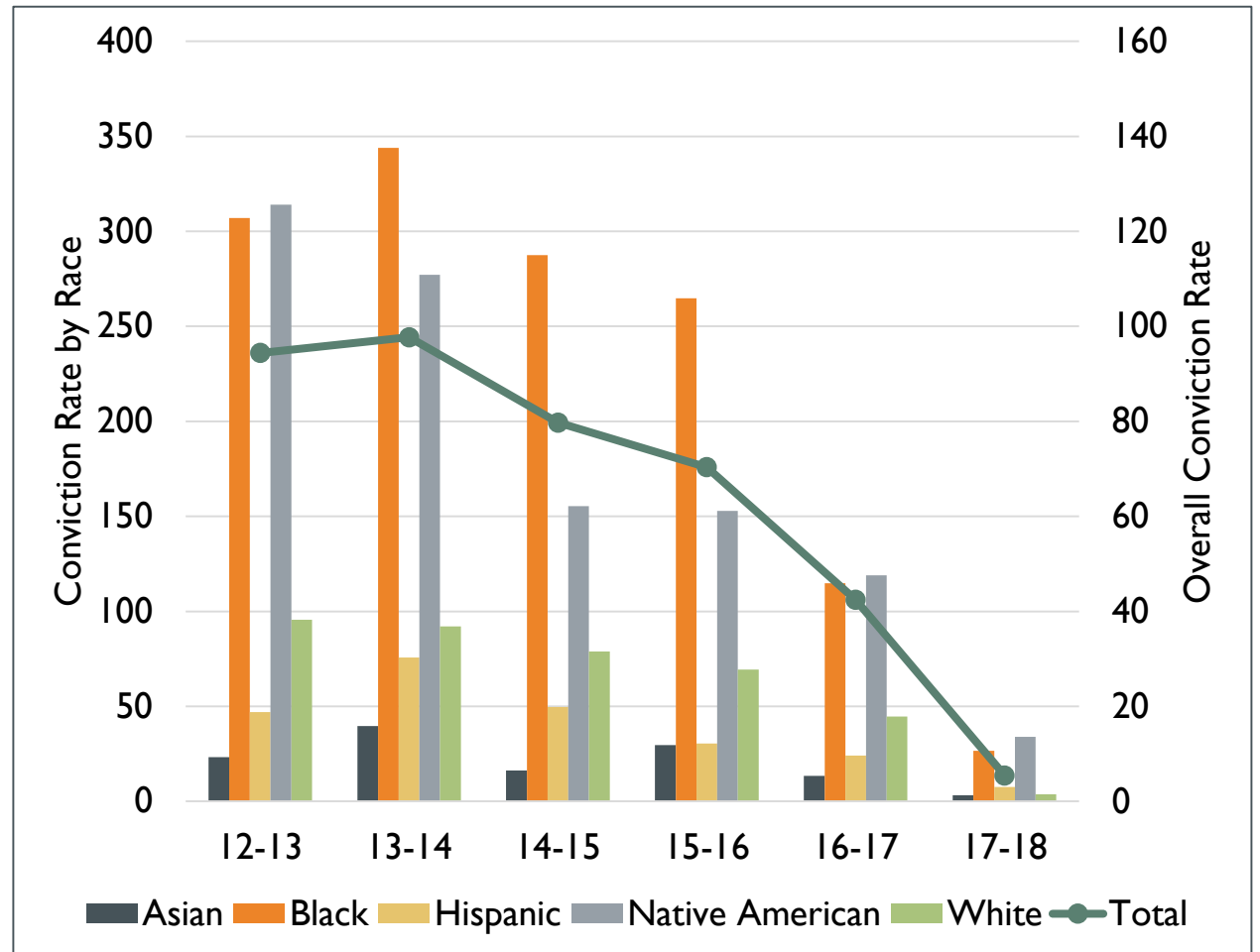


RACIAL DISPARITIES

MULTNOMAH COUNTY FELONY PCS CONVICTION RATES BY RACE

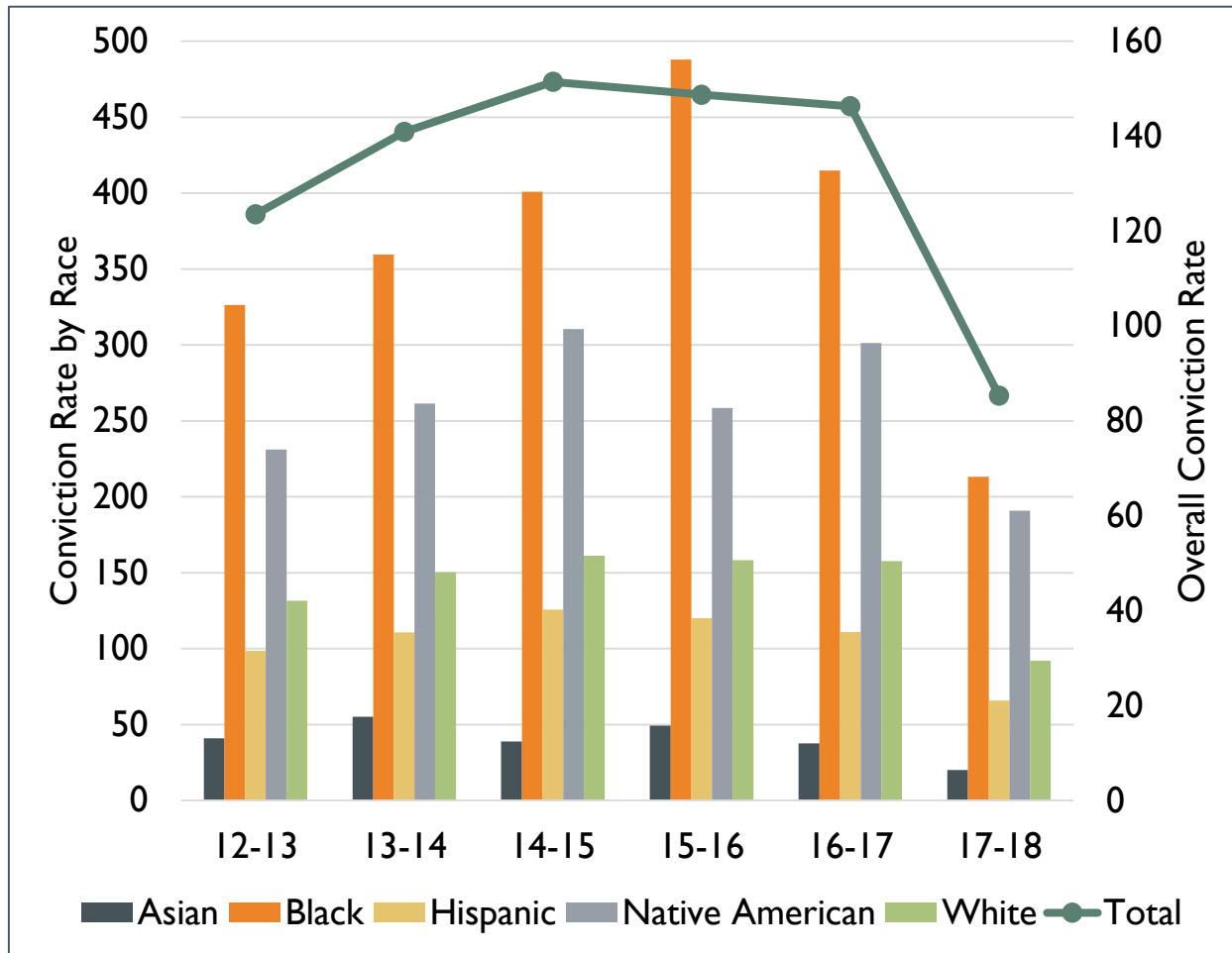
- The drop in felony convictions overall could not be more pronounced than in Multnomah county.
- Large reductions by race accompanied the overall significant reduction in PCS convictions.

Racial Group	Tot. Change	Pct Chg
Asian	-6	-75%
Black	-39	-76%
Hispanic	-15	-68%
N.American	-5	-71%
White	-231	-92%
Overall	-296	-87%



RACIAL DISPARITIES

STATEWIDE (MINUS MULTNOMAH) FELONY PCS CONVICTION RATES BY RACE



- The reductions in convictions in Multnomah County, while significant, did not account for the overall reduction in convictions Statewide.

Racial Group	Tot. Change	Pct Chg
Asian	-20	-44%
Black	-62	-46%
Hispanic	-185	-39%
N.American	-43	-36%
White	-1,650	-41%
Overall	-1,960	-41%



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APPENDIX 3: OTHER POSSIBLE EFFECTS OF HB 2355



OTHER EFFECTS

Recidivism

Changes in conviction rates and the seriousness of PCS punishment could impact recidivism rates.

At present, the CJC cannot examine recidivism rates according to the Oregon definition of recidivism (ORS 423.557).

Drug Courts

Reductions in PCS convictions could imperil drug courts by leading to fewer drug court admissions.

The CJC has yet to see any evidence of reduced drug court enrollments. Reduced enrollments, furthermore, may be positive if the focus shifts to primarily high-risk/high need populations.

Drug Use

Reduced penalties for PCS could lead to increased drug use due to a reduced deterrent effect.

It is too early to examine this hypothesis, as state specific drug use surveys have yet to be fielded that could measure changes attributable to HB 2355.



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APPENDIX 4: DATA TABLES



COUNTS OF ARRESTS AND CONVICTIONS

Fiscal Year	Total Arrests		Total Convictions		Felony Convictions		Misdemeanor Convictions		First Felony Convictions	
	Count	Rate	Count	Rate	Count	Rate	Count	Rate	Count	Rate
12-13	9,145	235	4,663	120	4,589	118	74	1.90	2,109	54
13-14	10,110	258	5,239	134	5,192	132	47	1.20	2,221	57
14-15	9,810	248	5,505	139	5,441	137	64	1.62	2,192	55
15-16	9,892	246	5,458	136	5,355	133	103	2.56	2,053	51
16-17	10,551	258	5,369	131	5,145	126	224	5.48	1,964	48
17-18	8,618	208	4,332	105	2,889	70	1,443	34.83	980	24

COUNTS OF ARRESTS AND CONVICTIONS

MULTNOMAH COUNTY VERSUS OTHER OREGON COUNTIES

Fiscal Year	Statewide (minus Multnomah)				Multnomah County			
	Arrests		Convictions		Arrests		Convictions	
	Count	Rate	Count	Rate	Count	Rate	Count	Rate
2012-2013	7,043	181	3873	99	2,102	277	716	94
2013-2014	7,714	197	4444	113	2,396	313	748	98
2014-2015	7,901	199	4821	122	1,909	246	620	80
2015-2016	8,401	209	4799	119	1,491	187	556	70
2016-2017	9,149	224	4805	118	1,402	175	340	42
2017-2018	7,373	178	2845	69	1,245	154	44	5

STATEWIDE DRUG PCS ARRESTS AND RDR METRICS

Race	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
<i>Asian</i>						
Count	117	121	95	97	112	103
RDR	(-256)	(-301)	(-328)	(-350)	(-379)	(-306)
<i>Black</i>						
Count	560	699	678	567	561	559
RDR	(393)	(512)	(493)	(373)	(351)	(385)
<i>Hispanic</i>						
Count	809	891	882	955	1,109	905
RDR	(-349)	(-408)	(-395)	(-374)	(-324)	(-277)
<i>Native Am.</i>						
Count	207	200	243	204	251	172
RDR	(99)	(81)	(128)	(86)	(126)	(71)
<i>White</i>						
Count	7,452	8,199	7,907	8,065	8,515	6,860
Total	9,145	10,110	9,805	9,888	10,548	8,599

STATEWIDE DRUG PCS CONVICTIONS AND RDR METRICS

Race	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
<i>Asian</i>						
Count	53	78	51	73	53	27
RDR	(-137)	(-141)	(-188)	(-170)	(-193)	(-116)
<i>Black</i>						
Count	214	243	239	265	186	85
RDR	(129)	(146)	(134)	(160)	(80)	(24)
<i>Hispanic</i>						
Count	422	503	554	530	502	302
RDR	(-167)	(-170)	(-167)	(-191)	(-218)	(-111)
<i>Native Am.</i>						
Count	106	116	129	110	127	79
RDR	(51)	(54)	(64)	(46)	(64)	(44)
<i>White</i>						
Count	3,794	4,252	4,468	4,377	4,277	2,396
Total	4,589	5,192	5,441	5,355	5,145	2,889

MULTNOMAH DRUG PCS CONVICTIONS AND RDR METRICS

Race	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
<i>Asian</i>						
Count	12	21	9	17	8	2
RDR	(-37)	(-28)	(-35)	(-23)	(-19)	(0)
<i>Black</i>						
Count	126	142	122	115	51	12
RDR	(87)	(104)	(89)	(85)	(31)	(10)
<i>Hispanic</i>						
Count	39	64	43	27	22	7
RDR	(-70)	(-13)	(-25)	(-35)	(-19)	(4)
<i>Native Am.</i>						
Count	18	16	9	9	7	2
RDR	(13)	(11)	(4)	(5)	(4)	(2)
<i>White</i>						
Count	521	505	437	388	252	21
Total	716	748	620	556	340	44

STATEWIDE DRUG PCS CONVICTIONS AND RDR METRICS (WITH MULTNOMAH REMOVED)

Race	2012-2013	2013-2014	2014-2015	2015-2016	2016-2017	2017-2018
<i>Asian</i>						
Count	32	39	22	34	30	11
RDR	(-56)	(-54)	(-73)	(-58)	(-62)	(-37)
<i>Black</i>						
Count	60	71	70	71	58	28
RDR	(21)	(30)	(28)	(31)	(19)	(8)
<i>Hispanic</i>						
Count	229	266	269	242	243	114
RDR	(-44)	(-21)	(-19)	(-31)	(-25)	(-25)
<i>Native Am.</i>						
Count	34	32	48	45	42	20
RDR	(9)	(6)	(22)	(21)	(19)	(8)
<i>White</i>						
Count	1,754	1,813	1,783	1,661	1,591	807
Total	2,109	2,221	2,192	2,053	1,964	980