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**To:** Members of the Joint Committee on Addiction and Community Safety Response

**From:** Sheriff Curtis Landers, Lincoln County Sheriff  
Oregon State Sheriffs' Association

**Date:** November 6, 2023

**Re:** **OSSA Testimony regarding Law Enforcement Experience with Response to the Addiction and Fentanyl Overdose Crisis**

**Co-Chairs Lieber and Kropf, and members of the committee,**

My name is Curtis Landers, I am the Lincoln County Sheriff and representing the Oregon State Sheriffs' Association as their current president. Thank you very much for giving us an opportunity to provide information to you regarding addiction and community safety.

In the materials for this committee hearing, you will see a document titled "A Comprehensive Approach to Addressing Oregon's Addiction and Community Livability Crisis". The recommendations were developed with input from the associations that endorse it including the League of Oregon Cities, the Oregon District Attorney's Association, the Oregon Association Chiefs of Police, and the Oregon State Sheriffs' Association.

This document provides you with policy recommendations designed to address Oregon's severe addiction crisis, the alarming rise in fentanyl overdoses and related deaths, and the detrimental effects the crisis is having on community safety and quality of life across our state. While some of the recommendations are specific to addressing certain provisions of Ballot Measure 110, the approach is meant to be comprehensive.

It is important to point out that to be successful, we need to work together and provide a consistent approach to addressing the crisis. Several jurisdictions are working separately to create ordinances that only place temporary band aids on the problem and ultimately do not create solutions for the overall crisis our entire state is facing. We are a very diverse state, but providing a consistent solution statewide is essential to producing positive results.

Currently, we do not provide an adequate response to calls concerning drug complaints, dealing with personal levels of possession, or behavioral health concerns. Law enforcement is still the primary response our communities rely on for responding to these complaints and while I am sure there are some groups that could handle these calls, these systems are not in place for the majority of the state.

Law Enforcement would welcome this approach as long as the safety of our community members and those responding was a priority. Having crisis workers in the field, either in partnerships with

law enforcement as crisis response teams or on their own, would provide behavior health training and expertise for these situations; meaning they would often get resolved without further law enforcement exposure. Law enforcement resources and recruiting qualified police officers has been difficult in our state and finding an alternative to keep these resources responding to other needs would be welcomed.

In the document we address a number of tools law enforcement could use to remove illegal drugs from a person in public. These tools work together to address the root cause and barriers someone with a behavior health issue or substance use disorder is facing. It is essential to mention that if we can address this crisis as an illness and provide treatment that works, we will be very successful in achieving the outcome everyone desires, which is to address the overdose crisis, save lives, and prove a safer community.

Creating adequate stabilization, detoxification and treatment is essential to addressing drug use in our communities and providing resources, other than jail or the emergency room, to removing someone immediately and providing them with detoxification, assessment, and treatment. Laws would need to change to provide a 72 hour hold on individuals in order to properly assess and provide detoxification services. In Arizona, I toured a center similar to this and it appeared to work very well. It provided law enforcement with alternatives to jail and it actually started providing the necessary treatment to address the addiction as an illness in a medical type setting.

Reclassifying possession of a controlled substance from an E violation to an A-misdemeanor would provide the mechanism to further engage in obtaining help for an addiction such as diversionary options or specialty courts. Restoring this to a crime is not about putting more people in jail or adding a crime to their record which would hinder their success in the future. It's about getting people help to break free from the cycle of addiction.

Diversionary programs for minor drug offenses could be restored and enhanced. Diversion programs provide an incentive for individuals to obtain required treatment, such as the DUII approach, but unlike DUII diversion, drug possession related cases should be eligible for multiple diversion entrances, if needed. Treating an illness such as substance use disorder is usually not accomplished on the first or sometimes even the third attempt.

I know a friend (I call him a friend now, but I used to chase after him when I worked patrol) that suffered from an addiction for several years. This individual was arrested several times and obtained treatment several times. He told me that it took him 9 attempts to finally become sober and in recovery and if he hadn't had the opportunities, through being arrested, to continue obtaining treatment he would still be suffering. This individual is currently a co-owner of one of our treatment providers in the County.

We have two treatment providers in our County and like the majority of the state, there is funding available for treatment through measure 110. Unfortunately, we can't connect the people who need the treatment with the treatment providers. Very few people receiving the class E violation tickets are obtaining the help that was intended by the measure.

LEAD, Law Enforcement Assisted Diversion, is a great tool to help individuals through a diversion approach without stepping foot in a jail or ever being charged with a crime. This is very useful to give law enforcement an option other than jail to address someone using drugs. However, with the passage of measure 110, it removed this valuable tool and left people on the streets with a ticket. If

we reclassified these crimes to misdemeanors and provided or even enhanced LEAD programs across the state, this would give law enforcement the ability to immediately give someone a choice to go to jail or go to an assessment.

Creating a new class A misdemeanor for Public use of a controlled substance to align with public use of alcohol and marijuana would help address the open air drug use. While this is more of a challenge in our larger cities, it still is needed statewide to be consistent with our approach. Families do not want substance use in public and prohibiting this use would provide law enforcement with a tool to address and restore community harm and exposure.

Thank you for the opportunity to provide this testimony. We look forward to working with you on this crisis and I would be happy to answer any questions.