

To whom it may concern:

First and foremost, I am a police officer with over 15 years of experience, and more than 10 of those years have been dedicated to drug enforcement and prevention. Secondly, I spent most of my youth around addiction and have vivid memories of how drugs and alcohol affected me and my family. With all my knowledge both personally and professionally, I can tell you I am deeply concerned with the trajectory of measure 110.

When measure 110 passed, I, along with multiple people was shocked. We knew it could not deliver what was promised to the voters. We knew treatment facilities were not going to just start popping up, and people were going to stop using drugs just because they got a \$100 ticket. We knew a class E violation wasn't the answer. We also knew that people were not getting sent to prison solely due to ONLY a possession charge was not accurate.

The biggest flaw in Measure 110 for me is the enforcement side of it. What is the purpose of the \$100 fine if there are no ramifications to not paying it? What is the purpose of having a court date, failing to appear, and not getting in trouble for disregarding the court date? What exactly are we teaching society when there are no repercussions? Were people not paying their fines or showing up to their court dates because the assessment number was not on the citation? Of course not. For the records people are given cards, with the number for the assessment on them when they receive citations, and they still will not call.

I know we don't like to throw out words like "legalize" and we say this is "decriminalize" but what do you call something you don't get in trouble for? Legalization. The huge problem with this method is like what Alex Berenson said, "If you legalize it and normalize it, you open it up to people who would not normally do it." It is my opinion as someone who works on the streets with users, informants, and drug dealers, that we have created a society that has begun to normalize drug use. What is the message we are sending to our youth? Is it don't do drugs, but if you do don't worry you won't get in trouble.

I have always asked what the incentive is for someone to get treatment. Is it shame? The fear of jail or repercussions? Is it thought of letting your family and friends down? Fear of losing your children? Is it encouragement and support? Truth is, it is all of that. In all my time of talking to drug users, that is the constant. I think it's irresponsible to say all these things don't play a factor. Jail plays a factor, peers play a factor, and environment plays a factor. All of these are what people tell me help them with their sobriety. Regardless of what some say, jail has saved lives. I hear it all the time from people who have been sober for years. Jail gives people clarity and the ability to detox, whereas measure 110 just leaves a person on the streets.

Another huge issue nobody is even talking about is the search and seizure aspect of things. Contrary to some belief, we CAN NOT take drugs from someone just because we see them in every situation. If it is an E violation amount of drugs, we can ask for consent, however, if it is denied, we CAN NOT just grab them. Search incident to arrest only applies to the crime you are arresting for and a violation is not a crime. There is this false narrative that we can just seize all

drugs anytime, and that is just factually not correct. For instance, I found a person passed out in their vehicle. During our conversation, I asked if he had any drugs in the vehicle and he said he did in the glove compartment. He could not tell me exactly how much he had but believed it was around one (1) gram. I asked him for consent to retrieve the drugs and he said no. I called our DDA and confirmed there was nothing we could do. This happens regularly. So exactly how are we helping people by letting them keep their drugs?

Also, it is great that delivery charges still hold the same penalty, but do you know how difficult it is to charge someone with delivery of a controlled substance now? There is a recent case law within the last year that states we need to see the "hand to hand" to charge a delivery of a controlled substance. In the past, if we had a person with drugs, packaging material, and cash, and the person admitted to being a drug dealer that would be a good delivery of controlled substance charge. Not anymore. Now it is an Attempted Delivery of Controlled Substance which is a lesser charge. Recently, I stopped a vehicle leaving a known drug house. I arrested the person for a driving crime and found the driver to have a criminal amount of fentanyl in his pocket. The driver said he was en route to sell drugs to the house the traffic stop was done in front of. He admitted all of that and the DDA again said it was not a delivery of controlled substance charge, and said it wasn't even an attempted delivery of controlled substance.

Another thing that isn't talked about is how available and cheap drugs are now. Every drug is substantially cheap. Fentanyl is .75 cents to \$2 a pill. An ounce of methamphetamine is \$125 - \$150 when it used to be \$1500 10 years ago. With prices this cheap anyone can purchase a substantial amount of drugs. I see people using drugs everywhere. From parking lots to cars, in the streets, or out front of stores. No area is off-limits. The garbage or paraphernalia is discarded on the streets for our community to see. You can also buy drugs anywhere from bus stops, to right on the streets across from our Police Department, and all-over social media. Nobody is scared. The drugs are different nowadays than when I first started being a police officer. Oxycontin was expensive and morphed into heroin. Heroin was expensive and morphed into fentanyl, and now fentanyl is cheap, everywhere, and mixed into every drug. From methamphetamine to marijuana, no drug is off limits for putting fentanyl into. Recently, heroin has begun to creep back onto the streets after a two-year hiatus. What does that mean?

My belief is to mix parts of measure 110, with what our state was doing in 2018. Drug possession of a usable quantity should be a crime. Specifically, I believe if you have a usable quantity it should be a misdemeanor crime, and if it is above a certain threshold it should be a felony. I say this because there should be a consequence to doing drugs. If there aren't, what message are we sending? Right now, an open container of alcohol is more of a punishment than having fentanyl. I also believe it is naive to think drugs are not a nexus to many crimes. With my plan, if someone is arrested or cited/released with a citation, they should be allowed to complete treatment within a certain time frame and if it is completed their charges can be dropped or expunged from their record. This would allow everyone to have a part in a person's sobriety because we all want to see someone be the best version of themselves.

Lastly, stop trying to be like Portugal. The State of Oregon is not Portugal. We do not have the same health care system and frankly, they don't have the same drug problem. Portugal has not seen fentanyl yet and their biggest issue is crack cocaine and marijuana. Not methamphetamine, not heroin, and NOT fentanyl.

My only request is that when decisions are made about policies regarding measure 110, please include the people who are on the ground. I mean street cops or drug task force members. We are often left out of the discussion. Police Administrators have not been on the road working patrol in many years, most haven't written a report in decades and don't truly understand what patrol officers are seeing.

Thank you for your time.

Jason Pohl