



Drug Decriminalization - Comparison & Gap Analysis (items in **RED** are significantly outside of upper or lower specs)


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Jurisdiction	Netherlands	Portugal	Oregon
Population (2021)	17,530,000	10,330,000	4,246,000
Drug Decriminalization or Tolerance Law	Opium Act of 1976 Tolerance Policy (Gedooogbeleid)	Decriminalisation Law #30 November, 2000	Ballot Measure 110 Drug Addiction Treatment and Recovery Act November 2020
Decriminalization Implementation Date		July 2001	February 1, 2021
Benchmarking date	June 2022	<p>June 2023</p> <p>Dr. Goulao (program architect, appointed by prime minister of Portugal Antonio Guterres , who is now the current Secretary-General of the United Nations)</p>  	On-going
Hard Drugs Illegal (Unlawful to Possess)?	Yes	Yes	Yes Ballot Measure 110, Section 11, "(3) It is UNLAWFUL for any person knowingly or intentionally to possess a controlled substance."
Police expected to remain the primary source of detection of drug use and subsequent referral	Yes	Yes	Yes
Drug use after law passage	Initially climbed - Fell after confiscation began	Initially climbed - Fell after confiscation began	Climbing




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<p>Are Police CONFISCATING Hard Drugs, which they are required to do by law?</p>	<p style="text-align: center;">Yes - Police are Confiscating</p> <p>2.2, "Seizure: When a criminal offence is detected under the Opium Act, all substances found on lists I and/or II must in any case be seized" https://wetten.overheid.nl/BWBR0036356/2015-03-01</p> <p>"The Dutch drug use prevention <u>policy primarily aims to discourage drug use</u> and reduce the risks for drugs users themselves, for their families and for society as a whole"</p> <p>Sept 18, 2023 - Conversation with homeless services agency manager - "I can confirm that if a police officer sees open use of hard drugs they can confiscate/seize the drugs. Regardless of the amount (so including personal use)."</p>	<p style="text-align: center;">Yes - Police are Confiscating</p> <p>Article 4 of the Law: "Seizure and identification, 1 - The police authorities shall identify the consumer and may also proceed to search him and seize the ...substances...referred to in Article 1 which have been found in the possession of the consumer, which <u>shall be forfeit to the State</u>, drawing up the respective police report, which shall be forwarded to the relevant territorial commission,"</p> <p>Dr. Goulao, stated a police officer "<u>takes and removes drugs</u>." If the amount is more than the personal amount, they, "Take drug user to processing, weighs drugs, less than 10 days personal use - citation given for mandatory appearance to Dissuasion Commission. 10 days or more, arrested."</p> <p>Lisboa police officer interview: Open drug use in public area? "<u>I will confiscate the drugs and issue a citation</u> ." What will you do if drug use is in a private setting, not viewed by the public? "I will not get involved."</p>	<p style="text-align: center;">No - The Police are NOT Confiscating</p> <p>March 2023 - "(Portland Police Officer) DiMatteo doesn't arrest (<u>or confiscate</u>) any of the numerous people we see smoking drugs in the middle of the sidewalk..." - <u>Officer did not confiscate</u></p> <p>"...at DiMatteo's request, he (the drug user) revealed what he was holding—a blue and some white powder, perched in the foil. This, he said, he got for about \$7; it will keep him feeling good for a few hours. A friend darted over, grabbed his lighter, and darted away. 'What's your friend worried about?' asked DiMatteo. The guy (drug user) looked puzzled, replying, 'It's decriminalized, right?...'" - <u>Hard drugs are decriminalized but are illegal and unlawful to possess</u></p> <p>...Journalist writes, "Nothing much else can be done, because there are no consequences for smoking fentanyl on a public sidewalk. There is, lamented DiMatteo, 'no accountability.'" - <u>Confiscating illegal and dangerous drugs is a consequence, holds the drug user accountable, and acts as a deterrence</u> (https://portlanddissent.substack.com/p/as-others-see-us)</p> <p>Aug 25, 2023 - Conversation with six Portland Police Bureau officers - I asked if they will confiscate hard drugs, "Hard drugs are LEGAL under a certain amount, <u>we do not confiscate</u> ," When I explained that they are still ILLEGAL and other decrim jurisdictions confiscate, they replied, "We will need a training video to direct us to confiscate."</p> <p>Aug 29, 2023 - Conversation with Portland Tri-County deputy district attorney confirmed his officers <u>do not confiscate</u> hard drugs in personal use quantities.</p>

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Open Drug Scenes	<p>No</p> <p>"No noticeable open drug scene. The combination of a harm reduction strategy and systematic prevention of public nuisance had been effective in keeping the problems to tolerable levels. Open scenes were present but only in a dispersed form and not publicly noticeable." Helge Waal, Open drug scenes: responses of five European cities, BMC Public Health, 2014</p> <p>Keith Wilson, Portland Tribune Opinion: "Unfortunately, the Amsterdam of the 1980s reminds me a lot of Portland in the 2020s"</p>	<p>No</p> <p>"The former, large open drug scenes seem to have disappeared" Helge Waal, Open drug scenes: responses of five European cities, BMC Public Health, 2014</p> <p>June 2023 benchmarking trip confirmed no open drug use witnessed throughout city</p>	<p>Yes</p> <p>Open drug use is prolific and prevalent in our communities</p>
Personal Use - User Receives Citation?	No	<p>Yes</p> <p>Requires attending a Dissuasion Commission</p>	<p>Yes</p> <p>Requires user to call Lines for Life</p>
Why the "Citation" is vital	No citation is given for personal use	<p>Dr. Goulao "Said that treatment is 'not mandatory,' even with repeated citations. 'It's a moment to reflect.'"</p> <p>Citations are an important part to communicate to the user that hard drug use is a dangerous behavior - it is a stop on a downward cycle.</p> <p>Anecdotally, the citation along with confiscating the illegal substance engages the police because they know they are affecting an outcome (removing drugs from the street and acting as a deterrent)</p>	See "Recommendations" below
Drug Consumption Rooms	<p>Yes</p> <p>"although the use of hard drugs is allowed; public use is not. Public use is an offense. That's why - among other things - the drug consumption rooms in our shelter houses are so important."</p>	Yes	No
Personal Drug Use Program:			
Administrator	Not Applicable	Dissuasion Commission	Recovery Center Hotline - Lines for Life
Locations	Not Applicable	40 - At least one in all 18 provinces	24-hour crisis phone number
Administrator Level of Education	Not Applicable	Three professionals - Legal expert, doctor, psychologist, sociologist, social services worker, and/or drug addiction specialist	Certified Alcohol and Drug Counselor or other credentialed addiction treatment professional

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Program Voluntary or Mandatory	There are no requirements for personal use	Voluntary	Voluntary
Fines & Sanctions - 1st Citation	No	No - Chronically addicted, Homeless, not working, etal. Yes - Recreational use, housed, working "Dissuasion Commission focuses on ensuring recreational use does not progress to problematic addiction." The commission uses a host of remedies: Referral to immediate treatment; fines assessed but waived if no additional citation within six months; fines can be applied if no show (waived if in treatment). "	No \$100 fine is voluntary and is waived if not paid
Fines & Sanctions - 2nd or more Citations	No progressive penalties	No - Chronically addicted, Homeless, not working, etal. Yes - Recreational use, housed, working Fines can be no more than one month's wage; ; overall, sanctions can be very creative and based on the individual needs and commission expertise.	No progressive penalties
Complying with Citation Completion Rate	There are no requirements for personal use	80%	Less than 1% 'It's crazy out there': The reasons behind Oregon's deepening drug crisis, Conrad Wilson, OPB, May 2023
Criminal record	No	No	No
Hard Drug Quantities and Consequences:			
< .5 Gram	Personal use and not prosecuted The police can confiscate it as a "Dismissal with a Waiver" but the person will not be fined. The seizure is registered, the name is documented, but no criminal record. "2. Small quantity for own use of the substances listed in List I (hard drugs)" - https://wetten.overheid.nl/BWBR0036356/2015-03-01	Personal use and not prosecuted	Personal use and not prosecuted
0.5 to 1 Gram	Misdemeanor Fine and criminal record	Personal use and not prosecuted	Personal use and not prosecuted
1 to 5 Grams	Misdemeanor Fine and criminal record	Misdemeanor "if amount is personal use for 10 days or more"	Misdemeanor HB 2645, 2023

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> 5 Grams	Felony - "Imprisonment" - Amount not stipulated - "The Opium Act states that supplying drugs (possession, cultivation or manufacture, import or export) is a crime punishable by up to 12 years' imprisonment, depending on the quantity and type of the drug involved."	Felony - "Imprisonment"	Felony
Additional Information:			
"Prolific drug user and repeated dealer, theft, or burglary" - None violent offender	Placement in an Institution for Prolific (repeat) Offenders Law - has enabled the treatment of persistent offenders, of whom problem drug users constitute a major proportion. The measure consists of a combination of imprisonment and behavioral interventions and treatment, which are mostly carried out in <u>care institutions outside prison</u> EMCDDA, Netherlands, Country Drug Report 2019		Prison
Fentanyl Extensively Used	No	No	Yes
<p>On the left is a lethal dose of heroin, equivalent to about 30 milligrams; on the right is a 3-milligram dose of fentanyl, enough to kill an average-sized adult male.</p> 			
Overdose Rates:			
Drug Overdose Deaths (2021)	298 https://www.emcdda.europa.eu/publications/european-drug-report/2023/drug-induced-deaths_en	74 https://www.portugalresident.com/overdose-deaths-leap-45/	1,171 https://www.cdc.gov/nchs/pressroom/states/oregon/or.htm
Drug Overdose Death Rate (per 100,000) (most recent data)	1.7	0.7 Today, Portugal now has one of the lowest drug overdose rates in Europe In the 1990s, Portugal had the highest drug overdose rate in Europe	<p>27.6 - Oregon 32.1 - United States 63.4 - Multnomah County (Portland) 90.9 - West Virginia (highest in U.S.)</p>
Drug Overdoses - Multnomah County - Per month			https://www.thelundreport.org/content/nearly-3000-so-far-year-overdose-911-calls-are-multnomah-county
January 2022			Multnomah County Only - 278
June 2023			Multnomah County Only - 616

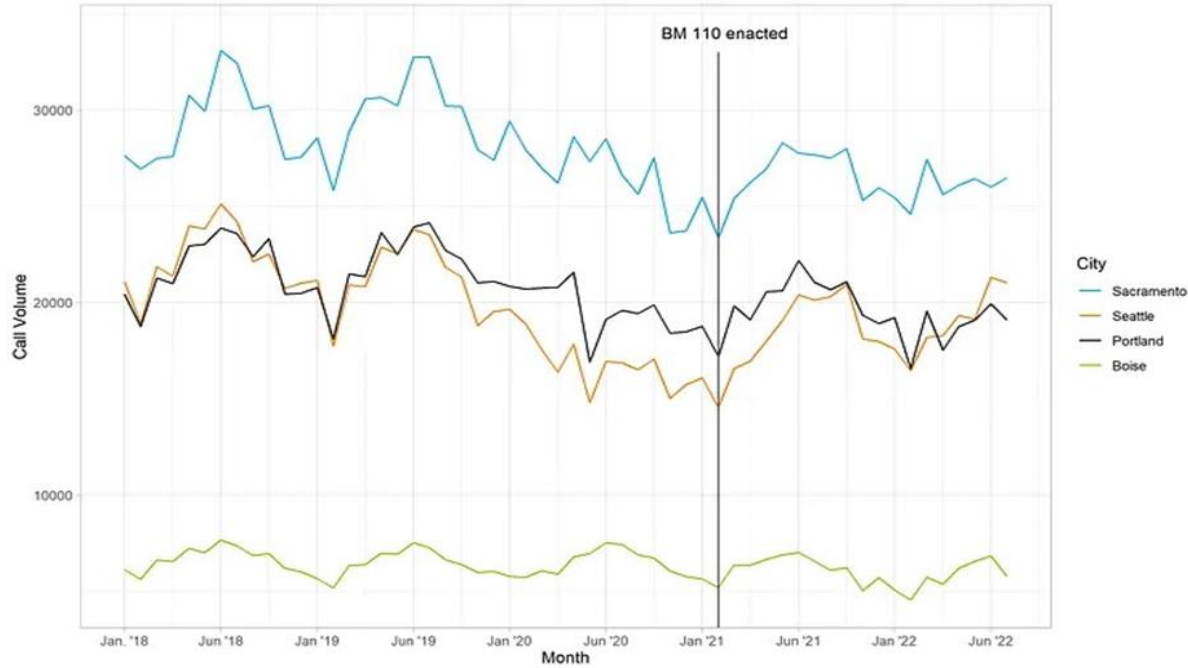
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Teen Drug Related Deaths - Percent increase 2019 to 2021			666% "Drug-related deaths among teenagers increased faster in Oregon than anywhere else in the country" The Lund Report, March 2023, State inaction left Oregon teens vulnerable to fentanyl's fatal spread
Oregon Recommendation:			
Observation:			
Oregon is the only drug decriminalization jurisdiction that is NOT CONFISCATING illegal hard drugs and, in turn, OPEN DRUG USE is prolific and prevalent			
Every Oregon law enforcement and justice system (judges, prosecutors, and public defenders) conversation has confirmed that <u>confiscating personal use amounts of hard drugs is rarely occurring</u>			
Confiscation of open drug use will provide three significant agents: 1) Decreased drug availability, 2) Higher drug costs, and 3) Increased users' perception of harm			
As these agents go up or down, they are determinants of use and addiction rates - Dr. Launette Rieb, Clinical Associate Professor, University of British Columbia, Canada			
All community members need to see law enforcement actively confiscating illegal drugs when used in plain sight			
This communicates to our community, especially young people – who trust adults and are more risk-prone, that this behavior is not safe or normal - Increases the perception of harm to our community			
Overdoses are at epidemic levels			
Oregon's overdose rate is 16 times higher than the Netherlands and 39 times higher than Portugal			
Fentanyl is a drug with extreme potency - the Netherlands and Portugal are not experiencing use at the level that Oregon is			
Recommendation:			
1st) Enforce BM 110 , Section 11, "(3) It is UNLAWFUL for any person knowingly or intentionally to POSSESS a controlled substance"			
All hard drugs, in any amount (personal use or larger), are illegal and law enforcement is authorized to confiscate / seize if in PLAIN VIEW			
This is consistent with pre-BM 110, included in BM 110, and similar to law enforcement practices in decriminalization jurisdictions - where open drug use is not prevalent			
Prosecutors should provide guidance to law enforcement agencies, and agencies should provide training for police officers immediately			
Apply appropriate sanctioning based on law: Citation for personal use; if amount higher than personal use, assess misdemeanor or felony based on amount			
Goals:			
Police confiscation will deter this dangerous behavior, reduce open drug use, and improve community livability			
Police BM 110 citation is an important part of communicating to the personal user of hard drugs that the behavior is dangerous, provides info on available resources, and a moment for a user to reflect			
Legislation Recommendation:			
2nd) Ballot Measure 110 - "Amend, don't End"			
Recognizing the destructive force of fentanyl (and outlined in this gap analysis), the epidemic it has caused, and the knowledge that BM 110 was implemented prior to this epidemic:			
Change BM 110 so that a person who receives a citation is required to make a mandatory (in place of voluntary) appearance before a professional administrator for a drug treatment assessment			
3rd) ORS 430.402 - Change prohibition on local governments from adopting laws against penalties on open drug Use			
Allow local jurisdictions to prohibit hard drugs on public property similar to current laws banning public alcohol consumption			
Netherlands and Portugal Recommendation (Gap Analysis and recommendations shared with Portugal [hosts Dr Goulao and Lisboa city council policy advisor] and Belgium contacts) :			
Observation:			
Afghanistan's opium ban makes Europe a potential new market for South American producers of fentanyl, a low-cost and significantly more dangerous substitute for opium			
The Taliban's Successful Opium Ban is Bad for Afghans and the World , United States Institute of Peace, June 8, 2023			
"Around 90% of the world's opium comes from Afghanistan, and most of it is destined for the illicit market."			
"In Helmand, by far Afghanistan's largest opium-producing province, the area of poppy cultivation was cut from over 129,000 hectares (ha) in 2022 to only 740 ha as of April 2023."			
"After the 2000 Taliban ban, it took about 18 months to two years for the impacts to play out in Europe"			
Conversations that Indicate drug cartels from the Americas are beginning to target Europe for distribution via the ports of Rotterdam, Netherlands and Antwerp, Belgium, Europe's largest:			

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	<p>Brussels Finance Minister Sven Gatz (2nd from right), our host at the Belgium Embassy in Washington, D.C., November 2022. Minister Gatz noted that criminal gangs in Belgium are using grenades to target community members in support of the drug trade</p> 	<p>Belgium Justice Minister Vincent Van Quickenborne at Washington D.C. Belgium Embassy - Two months earlier he was the victim of an attempted kidnapping</p> 	<p>U.S. Attorney General Merrick Garland at Belgium Embassy meeting with Minister Van Quickenborne to discuss drug interdiction cooperation and strategies</p> 
<p>Portugal's "budget for outreach and treatment was cut by 79 percent starting in 2012." New York Times, August 29, 2023, <i>Portugal Has Succeeded Where We've Failed With Addiction</i></p>			
<p>Fentanyl has not yet become a significant health crisis in the Netherlands, Portugal or Europe</p>			
<p>Recommendation:</p>			
<p>Administer laws as written and strengthen treatment systems</p>			
<p>Readily distribute and make available Naloxone and training to all public safety and community based organizations throughout the Netherlands and Portugal</p>			
<p>Additional Background Information:</p>			
<p>Universal Health Care</p>	<p>Yes</p>	<p>Yes</p>	<p>No</p>
<p>Health Insurance "Inmate Exclusion Policy"</p>	<p>No Drug treatment is available in prison</p>	<p>No Drug treatment is available in prison</p>	<p>Yes "When Medicaid was authorized in 1965, the "inmate exclusion policy" was established to prevent state and local governments from receiving matching federal funds to cover the healthcare costs of people in state prisons and local jails. This policy leaves state and local governments solely responsible for financing the healthcare of incarcerated people, 1 even when those people were covered by Medicaid prior to their incarceration. This means that in most states, Medicaid coverage is terminated when someone is incarcerated." Prison Policy Initiative, November 28, 2022, <i>Why states should change Medicaid rules to cover people leaving prison</i></p>
<p>Medicaid covers opioid treatment in prison</p>			<p>No January 2023, "California became the first state to secure permission from the Biden administration to use Medicaid for health care in correctional facilities, which will allow officials to use federal funds to cover opioid treatment"</p>
<p>Illicit Drug Use Disorder Past Year</p>			<p>https://mhacbo.org/media/2021_epidemiology.pdf</p>
<p>Percent of Population</p>			<p>9.04%</p>

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National Ranking			1st
Needing but not Receiving Treatment for SUDs			https://mhacbo.org/media/2021_epidemiology.pdf
Percent of Population			18.08%
National Ranking			50th
Treatment			https://www.thelundreport.org/content/meth-fentanyl-pose-new-problems-overwhelmed-detox-providers
Detox Beds			308 "Last year, just over 2,700 people were admitted into Hooper's inpatient withdrawal management program. Another 2,100 were turned away"
Detox Beds Needed			1141 "OHSU-PSU School of Public Health indicated that the supply of facilities was 27% short of what is needed"
Treatment Beds			1370 "There are 1,370 residential treatment beds for substance use disorder licensed in Oregon"
Treatment Beds Needed			12455 "He said before his nonprofit would expand detox, there needs to be somewhere to send patients afterward. Since the start of 2020, only 11% of people discharged from Hooper have been placed in residential treatment"
Did Ballot Measure 110 lead to an increase in crime rate in Portland?			
RTI International, " <i>Building the Evidence: Understanding the Impacts of Drug Decriminalization in Oregon</i> "			
Objective: To understand the impacts of drug decriminalization in Oregon through 911 calls for service data.			
Summary of Initial Findings: The Volume of 911 Calls Did Not Increase After Ballot Measure 110			

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Figure 1: Total Calls for Service for Portland (OR), Seattle (WA), Sacramento (CA), and Boise (ID) before and after Ballot Measure 110 (BM 110)



<p>Hope - Percent of people who suffered from addiction are either in recovery or have completed treatment and are working on addiction aftercare</p>	<p>75%</p> <p>"They recover and go on to live full and healthy lives."</p> <p>https://www.npr.org/2022/01/15/1071282194/addiction-substance-recovery-treatment</p>
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