Changing Landscape of Substance Abuse and its Impact on Supervision

DCA Training Institute 2022
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Reflects current laws (Sept 2022)

Does not include pending legislation or future dates when marijuana will be available for medicinal or recreational purposes.
Poll Question

Do you know the difference between decriminalization and legalization?

1. Yes
2. No
Decriminalization

Decriminalization means that a once-banned drug is still prohibited by law, but the legal system will no longer prosecute or criminalize a person for carrying under a certain amount.

Legalization

Legalization means that a once-banned drug is made legal, under federal or state law.
Oregon
History of Legislation

- **1973**: Oregon decriminalizes possession of less than one ounce of marijuana.
- **1998**: Legalization of medical marijuana.
- **2010**: Marijuana reclassified from Schedule I to Schedule II under Oregon Revised Statues.
- **2015**: Legalization of recreational marijuana.
- **2017**: Oregon reclassifies simple possession of a controlled substance from a felony to a misdemeanor.
- **2020**: Ballot Measure 110 decriminalizes small-quantity possession of all controlled substances. Ballot Measure 109 legalizes the therapeutic use of psilocybin mushrooms.
Ballot Measure 110 Process

Possession of >3 grams of a CS
Cited by LE

Complete Assessment
Pay Fine

State ARC
“Other” Treatment Assessment
Failure to Pay Fine Cannot Result in Warrant
Oregon’s State Assessment Recovery Centers (ARC)

- Evidence Informed Practices.
- Trauma and culturally responsive programming.
- Patient centered and non-judgmental.
- Harm reduction model.
- Services must be provided without employing coercion, shame, or requiring abstinence.
- Initial minimum funding of $57 million for all centers.
Oregon Incoming Transfers FY15-FY22
Oregon Supervision of Compact Clients

• Accepts all drug possession offenses that meet Compact eligibility

• Funding continues to be provided to Supervise, Sanction, and Serve this population

• Conditions related to “no possession or use” and “complete SUD program” are enforced
  • If no such conditions apply, the individual will be afforded the same responses as all other state citizens
Poll Question

For states that have not decriminalized, have your supervision policies changed in recent years regarding client’s drug use?

1. Yes
2. No
Drug Related Offenses make up 35% of Compact Cases

- Dangerous Drugs: #1
- Amphetamine Possession: #4
- Marijuana Possession: #7
Do you think decriminalization affects the number of early discharges of supervision for the compact population?

1. Yes
2. No
Would a client be permitted to use medical marijuana in a receiving state even if the sending state’s order prohibits it?

1. Yes
2. No
Are sending states revoking supervision when treatment in the receiving state fails?

1. Yes
2. No

50% Yes
50% No
Rule Considerations
Do the Commission’s rules adequately address how to handle cases involving states with different laws?

1. Yes
2. No
› Client transferred in Aug 2019, had numerous violations for drug use and failed to comply with treatment
› Client absconded in March 2021
› April 2021, client was apprehended on new charges and sending state’s warrant
› In consultation with the receiving state’s court, judge allowed the client to furlough to treatment contingent on the sending state cancelling its warrant
  (Successful completion of treatment would determine whether the client would return to jail/court in the receiving state on the new charges)
› Sending & receiving state agreed that treatment was in the best interest of client. Retaking did not occur.
› Once a bed was available, the sending cancelled its warrant and receiving state resumed supervision
› Treatment was completed successfully, and client remains on supervision in receiving state
Transfer Scenario

- Jan 2022 client convicted of felony possession of marijuana & sentenced to 1 year probation
- Client lived in receiving state at the time of sentencing & qualifies as ‘Resident’ (RI’s approved) for mandatory transfer
- Client has a medical card in the receiving state
- Multiple transfers (over the course of 6+ months) rejected due to medical marijuana discovery during investigations
- Receiving state indicates client must have written permission (signed by the sentencing judge in sending state) to use medical marijuana as condition to approve transfer
- Sending state unable to obtain permission as medical marijuana is not available in the sending state, but would not revoke for use
- As of mid-Aug, client remains in receiving state without an approved transfer and less than 5 months remaining of supervision
› Client had prior compact case (also for drug possession) from July 2020 to Aug 2021
› Sept 2021 obtained new drug possession charge resulting in conviction and new transfer in May 2022
› July 2022 receiving state officer inquired about the use of medical marijuana as receiving state clients are permitted to use.
› Sending state refused to approve per conditions of supervision.
Harm Reduction Practices
Facilitating Behavior Change
Public safety balance
Have conversations in your region meeting