

PRELIMINARY DISCUSSION DRAFT

November 3, 2020 General Election

Initiative Petition #44

**“Decriminalizes personal, non-commercial possession of most drugs;
establishes fund to create addiction recovery centers”**

Draft Estimate of Racial/Ethnic Impact:

The Oregon Criminal Justice Commission (CJC) received a written request from a member of the Legislative Assembly from each major political party requesting a racial and ethnic impact statement pursuant to ORS 137.685 for a state measure that is related to crime and likely to have an effect on the criminal justice system.

Criminal Justice System Changes Examined by Race/Ethnicity

The initiative changes several laws concerning criminal sentencing for the possession of controlled substances (PCS). According to IP44, PCS convictions will be changed to criminal violations, except in certain circumstances including when the subject possesses a substantial quantity, which would be a misdemeanor, or is convicted of a commercial drug offense, which would be a felony.

Table 1.	Comparison of 2019 PCS Convictions to Estimated Convictions if IP44 were Passed						
	2019 PCS Convictions			Estimated Convictions after IP44			% Chg
Race/Ethnicity	Misd	Felony	Total	Misd	Felony	Total	
Asian	16	19	35	5	1	6	-82.9%
Black	120	69	189	9	3	12	-93.7%
Hispanic	238	198	436	40	19	59	-86.5%
Native	27	25	52	1	2	3	-94.2%
Unknown	5	4	9	2	0	2	-77.8%
White	1,733	1,603	3,336	219	77	296	-91.1%
Total	2,139	1,918	4,057	276	102	378	-90.7%

CJC estimates that if IP44 were to pass, a substantial reduction in the number of felony and misdemeanor convictions for PCS would follow. The total number of convictions for PCS would fall from 4,057 to 378, a difference of 3,679, or nearly 91%. This reduction would also be substantial for all racial groups, ranging from 82.9% for Asian Oregonians to approximately 94% for Native and Black Oregonians. This means that approximately 1,800 fewer Oregonians per year are estimated to be convicted of felony PCS and nearly 1,900 fewer convicted of misdemeanor PCS. Prior academic research suggests this drop in convictions will result in fewer collateral consequences stemming from criminal justice system involvement.

Beyond the reductions described above, the changes proposed by IP44 would also lead to a reduction in racial disparities for PCS convictions at both the misdemeanor and felony level.

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Using a disparity metric called the Raw Differential Representation, CJC estimates that racial disparities for misdemeanor and felony PCS convictions will be narrowed substantially if IP44 passes.

While data is available to estimate the possible effect of IP44 on individuals convicted of PCS, data concerning victims of individuals convicted of drug possession are not available. Data from the Oregon Uniform Crime Reporting Program indicates that from January to May 2020, there were 4,796 distinct victims of all drug related crimes (this includes PCS, but also all other drug related offenses). Unfortunately, while other demographic information is available from this source, information on victim race/ethnicity is not.