



October 26, 2022

Portland City Council
City of Portland
1221 SW 4th Ave.
Portland, OR 97204

RE: Testimony in Opposition to City of Portland implementation of houselessness policy that is unlawful or inhumane - Council Agenda Item 901

Dear Mayor Wheeler and Commissioners Hardesty, Mapps, Rubio, and Ryan,

I am the Executive Director of the American Civil Liberties Union of Oregon. The ACLU of Oregon is a nonpartisan, nonprofit organization dedicated to preserving and enhancing civil liberties and civil rights, with more than 28,000 members across the state and many of these members in the Portland area.

There are increasing numbers of houseless people across the US — in urban and rural areas. This is a crisis decades in the making, caused in large part by continuous and widespread policies that stopped the building of affordable housing. To eliminate houselessness, we must address the root causes: housing access, poverty, mental illness and addiction.¹

Unfortunately, Mayor Ted Wheeler and Commissioner Dan Ryan are proposing a “proposal” that will be ineffective and potentially unconstitutional.

Mayor Wheeler, who manages the Portland Police Bureau, and Commissioner Ryan, who manages Portland’s Housing and Homelessness Bureaus, have proposed a plan to criminalize and penalize houseless people who sleep outside three large-scale houseless zones sanctioned by the City.

¹ <https://www.nytimes.com/2022/07/15/briefing/homelessness-america-housing-crisis.html>;
<https://www.nytimes.com/2022/07/14/upshot/housing-shortage-us.html>;
<https://oregoncapitalchronicle.com/2022/09/20/as-rural-homelessness-increases-hud-aims-money-at-helping-people-without-access-to-shelters/>;
<https://www.npr.org/2020/01/21/797497926/law-enforcement-officials-argue-rural-homeless-services-worsen-problem>;
https://pamplinmedia.com/ocn/56-news/538575-431146-most-oregonians-see-homelessness-as-top-issue?wallit_nosession=1

First, the proposal is likely to be unlawful. If a City does not have enough shelter space to house people, it is unconstitutional for the City to punish people for sleeping outside on public property.² Mass camps are not shelter.

Second, it is unclear how the City will implement these large zones so that they are safe and clean and supported by Portland's communities. Even with projects of much smaller scale like Safe Rest Villages, the City has had great difficulty and lengthy timelines implementing them.³

Third, the proposal is likely to divert police resources away from serious crimes. Portland Police Bureau's own records show that approximately 50% or more of its arrests have been of low-level violations by houseless people over recent years, even though houseless people make up less than 1% of the Portland population.⁴ At a time when Portlanders across the City have expressed significant concerns about Portland Police's failure to respond to and investigate and solve serious crimes – including violent crimes against houseless people – it is ill advised for the City to put even more of its policing resources into harassing houseless people for low-level non-violent incidents.⁵

Portland Police's own data shows that arresting and jailing people living on the street doesn't measurably curtail crime or decrease houselessness.⁶ As well, Portland's cycle of arresting and

² ROBERT MARTIN V. CITY OF BOISE (9th Cir. 2019) - <https://law.justia.com/cases/federal/appellate-courts/ca9/15-35845/15-35845-2019-04-01.html>.

³

<https://original.newsbreak.com/@rose-bak-561239/2443561332613-why-is-it-so-hard-to-find-locations-for-safe-rest-villages-for-the-homeless-population>; <https://www.streetroots.org/news/2021/11/10/safe-rest-villages-0>; <https://www.wweek.com/news/city/2022/05/06/downtown-stakeholders-rescind-support-of-safe-rest-village-citing-citys-refusal-to-screen-residents/>;

⁴

<https://www.opb.org/article/2022/07/06/data-show-about-half-of-portland-police-arrests-are-people-who-are-unhoused/>;

<https://www.kgw.com/article/news/local/homeless/portland-point-in-time-count-2022/283-23908a65-a619-4373-92bf-f01907ad1ad8>

⁵

<https://www.wweek.com/news/courts/2022/08/31/mayor-calls-rebukes-portland-police-bureaus-claims-of-undersaffing-bullshit/>;

<https://www.oregonlive.com/portland/2022/10/deaths-on-the-streets-homeless-homicides-in-portland-eclipse-2021.html>;

<https://www.kgw.com/article/news/investigations/portland-police-hour-20-minutes-911-gun-near-high-school/283-7f21612b-ad0b-4a3b-983c-930ca7b40f97>;

<https://www.oregonlive.com/crime/2021/01/911-calls-on-hold-for-hours-then-portland-police-closed-them-without-response-records-show.html>;

<https://www.kgw.com/article/news/crime/gun-violence/shootings-crashes-highlight-ppb-staffing-issues/283-5b2d1435-4372-48e2-8a42-e30eab0d16ad>;

⁶ <https://revealnews.org/article/homeless-unhoused-police-arrests-west-coast-cities/>;

<https://truthout.org/articles/arresting-unhoused-people-doesnt-fix-homelessness-police-do-it-anyway/>;

<https://www.oregonlive.com/crime/2020/10/booking-homeless-portlanders-into-jail-is-endless-expensive-cycle-thats-arrests-dont-curb-but-housing-does.html>;

<https://www.oregonlive.com/commuting/2022/10/she-skipped-a-250-trimet-fare-she-spent-183-days-in-custody.html>

rearresting unsheltered people is costly and takes resources away from services that housed and unhoused Portlanders need across the City.⁷

In 2020, Mayor Wheeler said, “It’s important to remember the data demonstrate that housing and services reduce arrests and recidivism. Many of the people cycling in and out of jail are the people best served by a combination of housing and services.”⁸

Police Chief Chuck Lovell expressed thoughts similar to the Mayor. In 2020, he stated, “The Portland Police Bureau agrees arrests and jail are not answers to our city’s homeless crisis.”⁹

What Mayor Wheeler and Chief Lovell stated in 2020 remains true today. The City needs to focus on solutions that work — housing and supportive services — not ineffective and expensive criminalization and penalization tactics that will waste millions more of taxpayer monies, divert even more policing resources away from serious crimes, and treat houseless people with inhumanity.

In summary, the ACLU of Oregon opposes any houselessness policy that is unlawful or inhumane.

Thank you,



Sandy Chung
Executive Director
ACLU of Oregon
Pronouns: she, her

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*