



CITY OF
PORTLAND, OREGON

Ted Wheeler, Mayor
Carmen Rubio, Commissioner
Dan Ryan, Commissioner
Rene Gonzalez, Commissioner
Mingus Mapps, Commissioner

December 4, 2023

Joint Committee on Addiction & Public Safety Response
Oregon State Legislature
900 Court Street SE
Salem, OR 97301

Co-Chairs Lieber and Kropf, and Members of the Joint Committee:

Thank you for committing your time and energy to advancing urgent and practical solutions to help Oregon address its addiction and community safety crises.

The status quo isn't working. An urgent behavioral health, addictions treatment, and public safety response is needed for all Oregonians. Dangerous and deadly drugs are killing Oregonians, overwhelming emergency responders and available resources, and hurting our communities. These deadly drugs are far more potent than their predecessors, have more severe side effects and are more complicated and time intensive to detox from.

Because of these crises, the Portland City Council unanimously acted earlier this year to adopt a resolution focused on addiction and community safety with an accompanying ordinance that would immediately ban public use of controlled substances if the state law preventing local governments from regulating public use is changed. The resolution included an urgent call for more places where first responders can take individuals with various mental health issues to receive appropriate care rather than the current practice of sending them to an emergency room, jail or leaving them in place.

While our proposal would help address issues we face in Portland, **we stand ready to support proposals that limit the proliferation and public use of dangerous controlled substances and urgently creates behavioral health sobering and stabilization beds, prioritized for individuals transported by first responders.**

We strongly believe that living with substance use disorder (SUD) should not be a crime. For this reason, we favor deflection and diversion programs, specialty courts, expungement and other options that significantly limit an individual's involvement in the justice system. We also recognize that Oregon does not have a behavioral health care system that is able to meet the current needs. Legislative action is urgently needed quickly to fill the gap. It is important that law enforcement not be the first line of defense in working with individuals with SUD or other behavioral health issues. Unfortunately, we must recognize that police are the only option available 24 hours per day, 365 days per year for most communities. Police can help to be a

bridge as the network of providers is built up, but they need to be met by a system that ensures a seamless handoff to treatment any time of day.

The State's partnership and support are needed to implement a pragmatic plan to bring down overdose rates, minimize chaos on the streets, staunch the drug trade, and demonstrate to Oregonians that we can provide care to people in need while keeping our communities safe, accessible, and clean. To do this, the legislature must address inadequacies in our behavioral health system quickly to establish a true, scaffolded network of care that moves people along the SUD continuum of care. We stand ready to partner on this important work.

With that in mind, the City of Portland has developed the following guiding principles, laying out shared values and priorities to help evaluate proposals as this work continues:

- There is no time to spare. We cannot afford to let perfect be the enemy of the good. Portland, and Oregon, need urgent solutions that can be implemented today, along with longer-term strategies that set us on the course for the Oregon we want to become.
- Cities are responsible for and need the ability to ensure the safety of *every* person on our streets.
- Open public use of controlled substances is making people feel unsafe. Public safety officials need the ability to prohibit open use of drugs on Portland's sidewalks, streets, public transit, and in other public spaces. A statewide approach will help all cities deter public use of controlled substances.
- Law enforcement functions on a mandate. Police exist to prevent and respond to crimes and know first-hand that a true public health response will not rely on law enforcement as the primary line of defense in responding to people with mental and behavioral health challenges on our streets. Law enforcement can help be a bridge but need service providers available to ensure a seamless handoff all day, every day.
- Law enforcement needs additional tools and resources to target drug dealers. A recent court ruling (*State v. Hubbell*) further restricts law enforcement from charging drug dealers—no matter the quantity of drugs in a dealer's possession. The legislature should ensure police have the appropriate tools to ensure drug dealers can be prosecuted.
- Emergency responders urgently need an increased number of behavioral health treatment beds where they can take people suffering from behavioral health issues to receive the appropriate care. Portland needs emergency solutions in place now.
- Portlanders support mobile crisis response by behavioral health specialists. As cities step into these areas of work to fill gaps in services, we need flexibility, resources, and help to make mobile response alternatives an effective and sustainable tool.
- Suffering from substance use disorder is not a crime. State funded treatment should be available for misdemeanor crimes often associated with substance use disorder.

Medically assisted treatment should be available to people in jail.

- Public defenders, specialty courts, and community corrections play important roles in supporting and working toward recovery for justice involved individuals. These services need adequate capacity and funding to function effectively.
- A mechanism is needed to encourage drug users to go into treatment. The \$100 violation created by Ballot Measure 110 is not working. Any proposed approach involving criminal justice should include opportunities for diversion and expungement to aid in recovery.
- A clear plan with targeted resources is needed to build the continuum of care that is needed in Oregon. In addition to providing resources, the State should give clear direction and hold other governments and providers accountable for results.
- There are other states that have more effectively created continuums of care for people suffering from substance use disorder. We need those same best practices and pathways that move individuals from intake with a needs assessment to sobering and detox on to inpatient and/or outpatient treatment with coordinated wrap around services to help people achieve and sustain their recovery and build their independence.

The 2023 Legislature made a significant investment in housing and homeless services, but as we wait for those investments to be realized, we need additional tools to care for the people living, using, and dying on our streets. We must prioritize safety for everyone. To this end, we urge you to put a specific plan in place to address the crises we face in Portland and throughout Oregon. One that reduces overdoses, gives our law enforcement officers clarity in their roles and responsibilities and the appropriate tools to do their job, and makes clear, purposeful investments in strengthening the behavioral health care system in Oregon.

Thank you again for your service and commitment to Oregon. We stand ready to support you in this work and ask that you call on us at any time. Please consider our Office of Government Relations as our main contact on this work and reach out to State Relations Manager Evyn Mitchell any time at evyn.mitchell@portlandoregon.gov or 503-823-6726 to access any of us, our bureau leadership, or subject matter experts.

Sincerely,



Ted Wheeler
Mayor



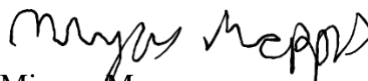
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