

# PHILIPS CONSULTING GROUP

February 7, 2024

Oregon State Legislature  
**Joint Interim Committee On Addiction and Community Safety Response**  
900 Court Street NE  
Salem, Oregon 97301

Hon. Sen. Lieber, Co-Chair  
Hon. Rep. Kropf, Co-Chair  
Members, **Joint Interim Committee On Addiction and Community Safety Response**

RE: *Measure 110 - Do not criminalize addiction, homelessness and poverty*

I want to thank the committee for the thoughtful approach you are taking in addressing the addiction crisis in our state, looking at the entire system and the dire needs in our community.

As of today, February 7, 2024, there are 2,728 unrepresented persons in Oregon<sup>1</sup>, and 1,403 of those individuals are facing misdemeanor charges. There are not enough attorneys in public defense to represent Oregonians needing legal representation, and if the legislature chooses to make personal use drug possession a criminal offense (misdemeanor or felony), the already overloaded criminal court dockets will be overwhelmed with cases without representation. The ripple effects will be far reaching. What this means: the delays caused by an overloaded court system will disproportionately impact communities of color, individuals charged with crimes (and their families) will lose employment and housing, there will be impacts on health and education. The delays will also negatively impact crime victims and their families. The longer cases are delayed, the more likely victims may move out of state or lose interest, witnesses may be lost, and cases will be dismissed as unable to prosecute. The financial impacts to all involved will remain.

As a criminal defense attorney who has been practicing in Oregon for the past 18 years, first as a staff attorney at Metropolitan Public Defender for over 8 years, now primarily as a privately retained attorney, over the years I have worked with a large volume of clients struggling with addiction, mental health issues and housing issues. My practice has led me to work in 9 different counties —primarily Multnomah and also Benton, Clackamas, Columbia, Hood River, Josephine, Marion, Washinton and Yamhill, and the individuals experiencing addiction quite often struggled to find spots in treatment programs. Affordable housing was often a large part of that struggle.

Housing first is one of the best ways to address this crisis head on, as Houston, Texas did by housing over 25,000 individuals without any requirements they abstain from drug use. The reporting on that action showed that after two years the majority of those individuals were still in

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<sup>1</sup> [Oregon Judicial Department's \(OJD's\) Unrepresented Individuals Data Dashboard](https://www.oregon.gov/opdc/general/pages/unrepresented.aspx) at <https://www.oregon.gov/opdc/general/pages/unrepresented.aspx>

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their housing.<sup>2</sup> From the article:

Houston has gotten this far by teaming with county agencies and persuading scores of local service providers, corporations and charitable nonprofits — organizations that often bicker and compete with one another — to row in unison. Together, they’ve gone all in on “housing first,” a practice, supported by [decades of research](#), that moves the most vulnerable people straight from the streets into apartments, not into shelters, and without first requiring them to wean themselves off drugs or complete a 12-step program or find God or a job.

There are addiction recovery and religious conversion programs that succeed in getting people off the street. But housing first involves a different logic: When you’re drowning, it doesn’t help if your rescuer insists you learn to swim before returning you to shore. You can address your issues once you’re on land. Or not. Either way, you join the wider population of people battling demons behind closed doors.

Furthermore, there seems to be a misconception among many Oregonians that substance abuse is a chief cause of people losing their housing and living on the streets. Research debunks this myth. Other cities and states — such as Mississippi, West Virginia, Detroit and Baltimore - have similar drug addiction issues but lower rates of homelessness because they have affordable housing. Oregon has a lack of affordable housing, which is a driving factor in the number of Oregonians who are homeless. Another state facing a similar problem is California, and a recent study found another cause propelling much of the crisis on our streets: the precarious poverty of the working poor, especially Black and brown seniors.<sup>3</sup> From the article:

“These are old people losing housing,” Dr. Margot Kushel told me. She’s the lead investigator on the study from UCSF’s Benioff Homelessness and Housing Initiative, done at the request of state health officials.

“They basically were ticking along very poor, and sometime after the age of 50 something happened,” Kushel said. That something — divorce, a loved one dying, an illness, even a cutback in hours on the job — sparked a downward spiral and their lives “just blew up,” as Kushel puts it.

Kushel and her team found that nearly half of single adults living on our streets are [over the age of 50](#). And 7% of all homeless adults, single or in families, are over 65.

And 41% of those older, single Californians had never been homeless — not one day in their lives — before the age of 50.

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- <sup>2</sup> New York Times, [How Houston Moved 25,000 People From the Streets into Homes of Their Own](#) (Published June 14, 2022 Updated June 15, 2023)

<sup>3</sup> Los Angeles Times, [Column: The truth about our homelessness crisis: As Californians age, they are priced out](#) June 3, 2023

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Far too many individuals seem to be conflating homelessness with drug use, and while it would be much easier to say that Oregon's homelessness crisis is caused primarily by drug addiction, that is not the root cause of homelessness in Oregon. While the article cited above is about a study on California's homeless population and the high rate of seniors who are being priced out of housing, there is no reason to think Oregon would be much different since the cost of housing has only continued to rise over the years.

My work in public defense also gives me some insight into what repealing or amending Measure 110 and recriminalizing drugs would do to the already overwhelmed public defense services. For example, the group led by Max Williams proposes adding misdemeanor theft cases to those funded for supervised probation. This is absolutely going to lead to MORE incarceration, not less for Oregon, which spends \$51,417.55/yr for each person in prison.

It costs \$51,417.55 per year to house an individual in the Oregon Department of Corrections.<sup>4</sup>

The group leading the charge to recriminalize drugs has suggested that public defense was fine handling the drug cases in 2019, so it will be fine if Measure 110 is changed. This suggests a complete disconnect with how broken the Oregon public defense system is and how long it has been broken. In 2019 the Sixth Amendment Center Report was released. That report concluded that Oregon did not have enough public defenders, and the system was operating in crisis mode. As you are aware, that crisis deepened during and after the COVID-19 pandemic.

Some more financial costs to consider are costs of incarceration. Here are some statistics from the Oregon Department of Corrections (DOC) :

October 2022: 12,801 in DOC custody

50% have substance abuse issues

Avg stay: 69 months or 5.75 years

Cost per person: \$140.87/day or \$51,417.55/year

\$658,196,058 cost for 2022

Address addiction up front= less \$ spent on DOC

Reference: <https://www.oregon.gov/doc/Documents/agency-quick-facts.pdf>

When looking at the costs of incarceration and how to address Oregon's addiction crisis, the next step is to look at how prison impacts the incarcerated individual's family – not just their primary family, but generations to come. UCLA researchers found that the children of parents who experienced adverse childhood experiences (ACEs)– such as abuse, neglect, violence in the

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<sup>4</sup> [Oregon Department of Corrections Quick Facts 2022](#)

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home, or loss of a parent – are at increased risk of arrests and convictions by young adulthood.<sup>5</sup> If Oregon is going to make any progress in the health care crisis that is addiction, it must respond with consideration for the long term generational impacts of a parent who is struggling with addiction and subsequently incarcerated, especially since Oregon disproportionately incarcerates Black, Latinx, Indigenous, Tribal, Native and other communities of color.

If we want to break the intergenerational cycle of addiction and incarceration, we need to address the root causes. Affordable housing, more treatment options, and treating addiction as a health issue and not a criminal justice system issue is the answer. Repealing or amending Measure 110 to recriminalize drugs will further criminalize homelessness and poverty, and Oregon will be moving backwards.

Sincerely,

*/s/Rachel Philips*

Rachel Philips

Attorney

Philips Consulting Group

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<sup>5</sup> [Trauma, severe stress in childhood linked to criminal legal involvement in next generation](#) October 2023 (Study is the first to show an intergenerational relationship between parental ACE exposure and a young person's involvement in the criminal legal system.)