

TESTIMONY IN FRONT OF THE JOINT INTERIM COMMITTEE ON ADDICTION AND  
COMMUNITY SAFETY RESPONSE

February 7, 2024

RE: ACLU OPPOSITION TO HB 4002

To the members of the Joint Interim Committee on Addiction and Community Safety Response:

On behalf of the American Civil Liberties Union, an advocacy and litigation organization devoted to the advancement of civil rights and liberties with more than four million members, activists, and supporters throughout the country, I, Ellen Flenniken, Deputy Director, Justice Division, submit this testimony in opposition to HB 4002 and any other attempts to criminalize and arrest people for addiction, homelessness, and poverty. It is incumbent on members of this committee to faithfully represent your constituents and prioritize solutions that work, rather than passing politically-motivated policies that will exacerbate the crises of addiction and homelessness, disproportionately harming Black and brown communities, impoverished and unhoused communities, people with disabilities, and more.

The homelessness, drug addiction, and behavioral health crises in Oregon necessitate a shift towards evidence-based solutions that prioritize the root causes of these issues. Relying on failed regressive approaches will not lead to visible improvements in communities, and this could have political consequences for lawmakers. The ACLU calls for continued support for policies like Measure 110 while proposing additional strategies rooted in data and expert recommendations.

**WE CANNOT ARREST OUR WAY OUT OF HOMELESSNESS, DRUG ADDICTION, AND  
POVERTY**

There's a multitude of evidence that punitive measures, such as arresting individuals struggling with homelessness or drug addiction, are counterproductive and worsen underlying issues. To address the legitimate and urgent concerns voiced by constituents about the health and safety of their communities, lawmakers must accurately diagnose the problem and squarely confront root causes if they hope to identify effective solutions.

**The Housing and Homelessness Crisis:**

- **The Problem:** The data unequivocally shows the [core issue](#) driving Oregon's homelessness [crisis](#): a severe [shortage](#) of affordable housing, with the state having the [fourth largest](#) housing supply gap in the nation. Notably, in a poll conducted by GBAO in September 2023<sup>1</sup>, 63% of Oregon voters attribute homelessness primarily to the unavailability of

---

<sup>1</sup>This memo highlights key findings from a statewide survey of Oregon registered voters conducted September 20-24th, 2023 by GBAO on behalf of the ACLU of Oregon. The multi-modal survey (live phone interviews and text-to-web) included a statewide sample of 400 registered voters with an

affordable housing, as opposed to only 31% who connect it to the failure to clear homeless camps. It's also important to recognize that the homelessness crisis [predates](#) the enactment of Measure 110, and [evidence shows](#) that high drug use rates do not necessarily correlate with high rates of homelessness. States with [more affordable housing](#) often have lower rates of homelessness despite higher drug use rates. The failed measures of criminalizing poverty and arresting unhoused individuals have not led to any meaningful solutions to the homelessness crisis. In fact, around 50% of Portland Police [arrests](#) have been of unhoused individuals, but this has not translated into an effective response to the underlying problem: people need housing.

- **Evidence-Based Solutions:** To address homelessness effectively, there is a need to ensure access to low-threshold, safe, supportive temporary housing, invest in safe, affordable permanent supportive housing, diversify housing stock, and remove screening barriers for low-income tenants to improve housing accessibility. While the effectiveness of these long-term solutions may take time to manifest on a larger scale, lawmakers can deliver immediate and tangible enhancements to community livability by instituting work programs for cleaning up trash and revitalizing neighborhoods—a proposal supported by a significant 87% of likely voters.

#### **The Behavioral Health Crisis:**

- **The Problem:** Oregon grappled with [behavioral health challenges](#) long before Measure 110, with high rates of [mental health illnesses](#), in many cases cooccurring with homelessness and substance use disorder. Access to behavioral health services remains a [pervasive issue](#) for many Oregonians. Relying on police as default responders for mental health crises is [problematic](#), as they lack the necessary training and expertise, and sending police often [escalates situations](#). Furthermore, constituents express concern about distressingly slow police response, with [reports](#) indicating that for lower priority calls, the Portland Police response time exceeded 83 minutes – nearly an hour and a half.
- **Evidence-Based Solutions:** Addressing mental health crises necessitates funding crisis call centers staffed with mental health professionals, investing in mobile crisis response services—which can [reduce the burden](#) on police departments and promote [better outcomes](#), and building crisis receiving centers that provide appropriate care and long-term support.

#### **The Drug Addiction and Overdose Crisis:**

- **The Problem:** The pandemic [exacerbated](#) addiction and overdose issues, driven by heightened mental health issues, social isolation, and economic instability. Concurrently, there was a swift [influx of fentanyl](#) into Oregon's drug market, mirroring trends already

---

oversample of 200 voters in battleground legislative districts, which produced a total of 302 battleground voters.

observed in the Northeastern and Midwestern USA, resulting in a significant spike in overdose rates. Oregon voters appear to understand these dynamics, with the national increase in fentanyl viewed as the primary cause of drug overdoses in Oregon (63%), rather than the failure to arrest people for drug possession (28%). Reverting to failed war on drugs approaches will not improve the problem. Criminalizing drug use and possession worsens outcomes by [discouraging access](#) to emergency medicine, overdose prevention services, and harm reduction practices. Even brief incarceration periods [increase overdose risks](#). Moreover, the primary driver of public drug use is houselessness, which criminalization will not solve.

- **Evidence-Based Solutions:** Most Oregon voters (56%) believe drug use should be addressed as a health issue, emphasizing addiction treatment, while 41% see it as a public safety issue involving arrests. Addressing drug addiction and overdose requires funding addiction services and social supports, ensuring access to medications like methadone and naloxone, and investing in harm reduction and overdose prevention services.

## DO NOT SUCCUMB TO SCARE TACTICS AND FEARMONGERING

Since the historic 2020 uprisings calling for an end to police violence, there has been a resurgence of tough-on-crime rhetoric and policies, with narratives intentionally designed to stoke public fear. This fear mongering is dangerous and if unchecked, will reverberate for decades in both our discourse and policies, disproportionately harming BIPOC communities. The fact that HB4002 is even on the table is indicative of the powerful influence biased media narratives can have on lawmakers. We urge lawmakers on this committee to vote in favor of facts and against manufactured fear.

As an organization working to preserve our representative democracy, the ACLU has an interest in ensuring that lawmakers are not unduly influenced by outside interests. At the time of writing, there have been more than 300 public comments submitted on this bill, with all but a handful asking you to vote no. The vast majority of constituents are asking you, their representatives, to vote against this legislation. When lawmakers reject evidence-based solutions, it whittles away our already fragile democracy.

## RECOMMENDATIONS

1. **Move Away from the Status Quo:** Maintaining the current approach to drugs, crime, and homelessness is unsustainable.
2. **Make Evidence-Based Decisions:** Success hinges on offering a set of policy changes that prioritize getting houseless individuals into housing, strengthening and expanding crisis response teams for drug addiction and mental health problems, while continuing to scale up

treatment and addiction services. Implementing work programs for cleaning up public spaces is also beneficial.

3. **Prioritize Real Improvement:** Oregonians need to see visible improvements in addressing these crises for lawmakers to gain support and trust. Punitive approaches that do nothing to improve the conditions on the ground will further erode trust in elected leaders.

Please contact me at [eflenniken@aclu.org](mailto:eflenniken@aclu.org) with any questions.

Sincerely,  
Ellen Flenniken