

April 13, 2021

Honorable Rep. Janelle Bynum, Chair
House Committee on Judiciary
900 Court St. NE,
Salem, Oregon 97301

RE: Written Testimony in Support of HB 2367

Dear Chair Bynum,

Below, please find my written comment in support of HB 2367 in the 2021 Legislative Session. Thank you again for giving me the opportunity to testify before your esteemed committee.

Good Afternoon,

My name is Juan Chavez. I'm the project director for the Oregon Justice Resource Center's Civil Right Project, and I'm testifying in support of HB 2367. I'll start with a number: Fifty-Two Percent. In a 2018 study, The Oregonian found that 52% of all arrests made in 2017 by the Portland Police Bureau were of houseless people.¹ And the vast majority of the arrests, 86 percent, were for non-violent crimes.

Why is this happening? How are people coming face to face with armed police when all they have done is tried to rest, doing the things that we all need to do every day? Why are we putting police and their resources on these calls? In this society, in this day, we know how potentially dangerous the consequences can be when people come into even innocuous contact with the police. So why are we putting people in unnecessary danger?

It's because our laws have not thought to dignify our neighbors who are living or resting in public places. Because of that, some people believe that people on the streets have no rights, no dignity, and deserve no safety while they go about their daily lives in public. HB 2367 would change that and go a long way toward helping people rest, be able to go about their daily lives with fewer threats of police contact, and would be better able to get back on their feet, instead of maintaining a destructive and expensive cycle of sweeps and arrests and loss of belongings and criminalization.

HB 2367 couples both affirmative pronouncements of the rights of houseless persons (*see generally* Sec. 3(2) and Sec. 5(2)) with enforcement mechanisms that challenge the lawfulness of the sweep given the rights enumerated in the bill rather than the individual sit-lie policy crafted

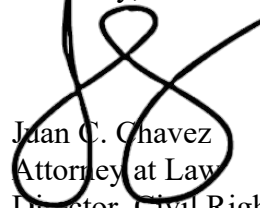
¹ Rebecca Woolington and Melissa Lewis, *Portland homeless accounted for majority of police arrests in 2017, analysis finds*, The Oregonian (June 27, 2018), available at https://www.oregonlive.com/portland/2018/06/portland_homeless_accounted_fo.html

by a municipality. And that's where advocacy is needed most: before people are subject to the negative effects of the criminalization of living and being in public places.

While municipalities should be thoughtful in how they craft time, place, and manner restrictions, or sit-lie laws, we know that police officers will continue to be drawn in to houselessness issues even with those newly minted sit-lie policies. And that's because we have not protected houseless people with enumerated rights to rest.² On top of that, often it's private security that are removing people for doing no more than resting on the sidewalk. I work in Old Town Portland. I can tell you, many sweeps are not even being done by municipalities.

People need shelter and safety. People need health care and resources. People need to rest. Please support HB 2367.

Sincerely,



Juan C. Chavez
Attorney at Law
Director, Civil Rights Project
Oregon Justice Resource Center

² Emily Green and John Emshwiller, *Portland police chief responds to concerns from homeless community*, Street Roots (Dec. 7, 2018), available at <https://www.streetroots.org/news/2018/12/07/portland-police-chief-responds-concerns-homeless-community>