

To Whom It May Concern:

On August 7th, 2008, with about 50 people in attendance, Sisters Of The Road, Paul Boden of the Western Regional Advocacy Project, Jeff Bissonnette a concerned citizen, Father Ron Raab and Tom Hastings of the Whitefeather Peace Community heard testimony as a Truth Commission in the matter of the Mayor of Portland's SAFE Oversight committee's Sit/Lie law. It was found by the four commissioners and those in attendance that the law was unfair, targeted people, was not enforced equally on all peoples of the city and led to further abuses of one of Portland's most disenfranchised populations. During the week previous to this Truth Commission, Sisters Of The Road and Street Roots took up independent studies around the Sit/Lie law and its effects on Portland's homeless population. They each came forward with similar results to that of the Truth Commission: in over 200 separate interviews and questionnaires, we heard that the law was being implemented unfairly or targeting people living without housing.

We would like to offer this report in four parts; the report back from the four commissioners of the Truth Commission, held August 7th 2008 at Sisters Of The Road; a 3 page report Sisters Of The Road has drawn up from its questionnaire administered July 25th thru August 1st 2008; an article printed in Street Roots covering the data they acquired during their interviewing of nearly 50 people around the effects of the Sit/Lie law on the peoples of Portland; and Sisters Of The Road's position statement on the Sit/Lie and Anti-Camping laws.

It is the recommendation of the Truth Commissioners, Sisters Of The Road, Street Roots, and many of Portland's citizens, that this law be rescinded at the earliest possible time to save any more punishment of our citizens living without housing.

Individual Report Backs From Truth Commissioners:

The following are the report-backs from the individual commissioners watching and reporting about the Truth Commission held at Sisters Of The Road on August 7th 2008, in Portland Oregon. Each commissioner was asked to independently write a document about their reflections of what was said at the Truth Commission by those testifying. The names are not attributed out of consideration for the Truth Commissioners.

Submitted by Commissioner #1

On August 7, 2008, Sisters of the Road held a Truth Commission Hearing on Homelessness to take testimony from unhoused people on their experience of life on the streets of Portland with a particular emphasis on the effects of the City of Portland's sidewalk obstruction ordinance as well as its relationship with the anti-camping ordinance.

Approximately 50 people attended (based on my count of about 48 individuals in the room and a reporter subsequently telling me he had counted 55 individuals). Twenty-nine people provided testimony. Most were either currently unhoused or had experienced periods of being homeless. Others had relatives or friends who either are experiencing or have experienced being

homeless. Several speakers who acknowledged that they were currently homeless noted that they were veterans. Several individuals said they are currently working and holding down a job despite not having a permanent home.

It was clear from the testimony provided that people found themselves homeless for a wide variety of reasons – loss of a job, family tragedy, medical condition and a host of others. Many people reflected that they felt that others looked down on them for being homeless. They expressed that they didn't want to be homeless and that they were trying to find the resources to get into and maintain an affordable housing situation. They underscored that they were still good people, despite not having a permanent home.

In terms of the sidewalk obstruction, every individual providing testimony said that it was “unfair”, “unjust,” “unconstitutional,” and “based on social status.” Many testifiers felt the ordinance was unequally applied, noting that restaurants had table spaces on sidewalks, even on very narrow sidewalks, and that “people who look homeless” are often told to move along while “people in business suits” are not. Many testified that they themselves had been ticketed for violating the sidewalk obstruction ordinance or knew people who had been ticketed.

In related comments to the anti-camping ordinance, there was genuine frustration about being told that one has to move from under a bridge or an out-of-the-way spot but really not knowing where else to go. There was a reference to people getting “herded around like cattle.” There was also significant discussion about the effects that lack of sleep has on an individual. Many speakers expressed a need to be heard by city leaders so that some sort of safe, short-term option could be developed.

Overall, there was a very strong theme that came through and was expressed best by one speaker who was employed as a repertory therapist and currently living in a shelter: “Homeless people are persons, not objects of scorn.” That seems to be a good basis from which to move forward in future discussions.

Submitted by Commissioner #2:

- Homeless people need protection, not harassment.
- The people sitting on the sidewalk are not hurting anyone.
- Homelessness is systemic. It's not fair to systemically persecute victims.
- Police abuse has been eye-witnessed and experienced by many people testifying.
- Homeless vulnerable people driven from safer places to more dangerous places
- Tradeoffs to get sit-lie rescinded. For example, more bathrooms, more benches, more day centers are inappropriate. Just do the right thing.
- Selective enforcement (officers are not clearing sidewalk café tables, people on smoke breaks, etc.) is illegal profiling.
- Create compassion, use our imaginations. If that doesn't work, try some nights homeless to see.

Submitted by Commissioner #3:

Sisters of the Road

Sit-Lie and Anti-Camping Laws

1. No one wants to talk about sidewalks. The responses I heard on Thursday evening about the laws concerning the Portland sidewalks have nothing to do with concrete paths or accessibility of walk ways for pedestrians in downtown Portland. The responses I heard come from people who feel already marginalized from the cultural paths of equality, family, community and health. The side walk is a symbol of social union, equality, easy accessibility to food, entertainment, and employment. The sidewalks are becoming symbols of dead-end frustrations, lack of safety and disrespect. Somehow in the conversations of the Sit-Lie laws, we must come to a new awareness of the people who are actually walking our streets and the issues that surround their lives.
2. The essence of the Sit-Lie law provides safety for consumers and merchants. However, the real issue of safety that emerges is the security of those who sleep on public sidewalks. For many people this is the safest option during daylight hours. People deprived of sleep and health so often have no other place to go. The issue of safety opens up the reality of no affordable housing, no appropriate means of health care, and no financial connections to family, friends and community. Safety must be considered for those who actually sleep on streets, or who rest because of illness, or who are exhausted from their search of basic needs.
3. The Sit-Lie law provides a cosmetic approach to keep Portland's businesses healthy and thriving. The real issues of health and welfare remain focused on those who are being turned away from the city sidewalks. The lack of affordable health care is truly a crisis for our American culture. This issue is not only for those who are homeless today, but for millions of people who could become homeless. There is also a great divide between physical illness and mental health issues. I believe strongly that mental illness is the last unknown frontier of American culture. We need education desperately about the causes and treatments of mental illness as well as learning to accept the people who suffer from these diseases. This law is another example of our failing efforts to provide effective help for people who need basic health care and treatment.
4. Pressure is being put upon our city government to keep the downtown area accessible for the promotion of business and culture. I heard from many people the immense pressure that homeless people feel everyday in Portland. We all must realize that many people who live outside truly do not want to be there. They battle the pressures of a world that invites drugs and alcohol, prostitution and crime. We must realize the pressure people feel to fight back, to get on their feet, to build a life everyday toward employment, housing and living the American dream. This is real human pressure. So many people give up because they feel no one cares or because they just do not have the personal means to fight the downward spiral toward self-destruction.
5. The Sit-Lie law action provides a "concrete" divide between those who have housing and employment and those who do not have the means or opportunity. I heard from these testimonies that the boundaries between people who live outside and those who do not are fluid and not easily defined. The divide often stems from the fact that our culture simply does not see homeless people as "people." When our culture lives in such fear, the dividing lines are drawn so the privileged can remain separated from the issues, from the people who cry out for equal rights, for a share in a dream that claims the name, "American."

6. The Sit-Lie law is a literal way to provide accessibility and freedom for people shopping and living in downtown Portland. The sting of this law for the homeless could be lessened by providing what the city has promised all along – shelters, bathrooms, and job opportunities. The lack of affordable housing remains a cultural disparity, real neglect for people who remain poor and in need. People living outside cannot rely on empty promises, but need immediate responses to long term needs.
7. The Sit-Lie law keeps people in the mainstream culture safe and protected. The stories I heard remind me that people who suffer homelessness are not separated from our culture. They are veterans, they have families, they struggle and survive, they hope for better tomorrows, “they” are “us.”
8. The testimonies I heard concerning the Sit-Lie laws deeply move me to continue to listen to the voices of the marginalized. People need to have their restricted voices heard. I need to keep speaking out for those who cannot speak for themselves. We all need to keep dialogues from turning into despair, to keep conversations from evaporating into silence, and to keep expressions of rights from fading into words of blame and neglect. The Sit-Lie discussions will only be heard when we all face the issues of justice together, when equal rights form our words, our discussions and our common dreams for our culture. Perhaps, then, we can all walk on the same side of the street.

Thank you for the opportunity to listen.

Submitted by Commissioner #4:

People talked a lot about the Sit/Lie law making them feel unsafe, unprotected and unequal before the law. There were several references to the constitution and how this law violates it. People were worried as they had witnessed police abuse and were sure that it would continue and grow worse, especially worried was one lady who mentioned that she hoped the police did not know she was testifying about this law.

People recognized the connection between this law and depriving people of rest, stating on several occasions that this could and did cause mental illness. Also mentioned on several occasions is that with no real shelter or resting area, it is unfair to torture people by moving them.

The people felt that Portland was better than this. That there was no reason for their city to have a law that protected a few businesses but tortured people with no other real choices. The law also seems to affect people’s ability to get housing or treatment, if they had a ticket or several tickets they could not pay, it would show up on background checks for housing. People felt criminalized and disrespected for existing. A lot of people mentioned that this was an unfair trade-off issue and that the services were not enough, nor would they be enough, as a trade-off for a law that refuses them the right to exist.

The Results From A Survey by Sisters Of The Road Around the Sit/Lie Law:

This survey was conducted between July 25th and August 1st 2008, by Sisters Of The Road and Street Roots. A total of 140 people responders had been .

Q1 Have you ever been told to move because you are “breaking the sidewalk obstruction ordinance” or the “sit/lie law”? When?

136 Total responses

52 No

84 Total have received warnings

43 Warned since April

20 Have been warned on repeated occasions, several so many times they can't remember the total.

Q 2 Was it (a) A) Portland Police Officer B) a private security officer or C) a business employee or private citizen? (if B) was it a PPI officer, a Clean and Safe officer, Wackenhut, Securitas, or other private security?)

PPB (Portland Police): 74

PPI (Portland Patrol Inc): 10

C&S (Clean and Safe officer): 19

Other Security (inc Wakenhut and Securitas): 8

PPS (Portland Patrol Services): 2

Private Security Total: 39

Business: 7

Private Citizen: 1

Confused PPB/PPI/C&S: 5

N/A - 44

Q3 Have you ever received a written warning or a citation for sitting/laying on the sidewalk? Where? When?

56 Yes

85 No

2 Outside of the SAFE zone, 1 for sitting on a bench.

Q4 Why were you sitting/laying on the sidewalk?

Specific activities associated with homelessness (sleeping, eating, etc): 28

Medical Condition: 7

Resting/Tired: 24

Spanging: 8

Waiting for Goods/Services, engaging in sidewalk business or sitting on bench: 8

Engaged in Sit/Lie activity: 17

N/A: 51

Q5 Have you ever gotten a ticket for something other than Sit/Lie (Sidewalk Obstruction) for sitting or laying on the sidewalk? (an example would be Interfering with a Police Officer or Trespass 2)

30 have received "other than" tickets, including such things as Interfering with a Police Officer, Trespass 2, Park after closing, misuse of a bus stop, sleeping in the park. Sleeping under the bridge, sleeping in a tent...

108 received no other tickets for disobeying the law.

Q6 How do you feel about this law? (see attached)

Q7 “How would you describe how the person treated you: (a) friendly, (b) firm but fair, (c) unfriendly, (d) rude or disrespectful, (e) aggressive”

(a) Friendly: 15

(b) Firm but fair: 28

(c) Unfriendly: 32

(d) Rude or disrespectful: 46, 2 specific people mentioned Cox and Dobson were either rude to them or targeted them.

(e) Aggressive: 22

(f) No Response 29

Sisters' Position Statement on Portland's Sit-Lie and Anti-Camping Laws

Quick response: Portland's sit-lie and anti-camping laws have been shown to target homeless people. Their enforcement is not only inhumane and immoral, it's unconstitutional. Period.

It is not fair to punish someone who doesn't have a safe place to sleep and rest. There are thousands of people who sleep on the streets of Portland every night. Where are they supposed to go?

Sisters advocates the repeal of the sit-lie and anti-camping laws (14A.50.020 & 14A.50.030).

More details:

Sit-Lie

The latest incarnation of this law was enacted in 2006 as part of the Street Access For Everyone (SAFE) Resolution, which included "Five Strategies for a More Livable Portland." The services associated with these strategies, including day access center space, public restrooms and showers, have not been implemented in a timely and adequate manner. In deliberating whether Sisters would continue to participate in the oversight committee, it was highlighted that the future day access center is two years from completion and the current interim locations do not have the capacity described in the Mayor's Executive Summary of SAFE (Dec. 2006). It was also noted that the strategies for providing adequate public seating and restrooms are not met.

By contrast, the strategy of a sit-lie law that prohibits anyone from sitting or lying on a public sidewalk between 7 am and 9 pm has been fully implemented, and the vast majority of warnings and citations are issued to homeless individuals. To deepen this

injustice, the language of the law applies to obstructions on the sidewalk including signs and seating outside of businesses that do not have the proper permit. No action has been taken to enforce the law as it applies to inanimate objects, only humans who lack shelter.

In recognition that the SAFE process has not resulted in the equal implementation of the five strategies and has been shown to target homeless people in its enforcement, Sisters Of The Road publicly resigned from the Oversight Committee on May 8, 2008.

Anti-Camping

On the books for almost three decades, this law was ruled unconstitutional in 2000 by Multnomah County Judge Stephen Gallagher. Judge Gallagher wrote, "The court finds it impossible to separate the fact of being homeless from the necessary 'acts' that go with it, such as sleeping. The act of sleeping or eating in a shelter away from the elements cannot be considered intentional, avoidable conduct. This conduct is ordinary activity required to sustain life. Due to the fact that they are homeless, persons seek out shelter to perform these daily routines. Yet the City considers this location to be a campsite if the homeless person maintains any bedding. The homeless are being punished for behavior indistinguishable from the mere fact that they are homeless. Therefore, those without homes are being punished for the status of being homeless."

Current city officials acknowledge that there is not sufficient shelter space and housing for the homeless. The Portland rental market is at a record-low 2% vacancy rate and Section 8 housing vouchers are being returned at a rate of 60%, for lack of available rentals. Despite the progress that the Mayor points to as a result of the 10-Year Plan to End Homelessness, the reality is that there are increasing numbers of people on the street and no indication this trend will change anytime soon. Despite Judge Gallagher's ruling eight years ago, this community continues to punish people for their status as homeless

Affordable Housing

There is a strong commitment to building and preserving affordable housing in Portland. We must maintain and strengthen that commitment, while recognizing that it isn't just an emergency locally - it's a crisis throughout the nation. Massive federal disinvestment in affordable housing has led to the epidemic of institutionalized homelessness. Portland is a recognized leader in progressive development and we need to inspire a response across the country.

We cannot, however, allow ourselves the complacency of inaction as our fellow citizens suffer and are criminalized for their status as homeless. As we work for long-term solutions, we must act now to acknowledge the existence and humanity of all our citizens.

Because Portland belongs to all of us, repeal the sit-lie and anti-camping laws now.

We would like to thank the following people for being helpful in the creation of this document:

Monica Beemer – Executive Director, Sisters Of The Road

Israel Bayer – Executive Director, Street Roots

Michael Buonocore – Associate Director, Sisters Of The Road

Devin DiBernardo – Systemic Change Program Manager, Sisters Of The Road

Patrick Nolen – Community Organizer, Civic Action Group, Sisters Of The Road

Heather Fercho – Research Program Coordinator, Sisters Of The Road

Richard Walden – Organizer, Civic Action Group, Sisters Of The Road

The four truth commissioners: Jeff Bissonnette, Paul Boden, Tom Hastings, Father Ron Raab

And all of the people who attended and spoke, telling their truths

Any questions as to its content can be forwarded to Patrick Nolen at:

Patrick@sistersoftheroad.org or 503-222-5694-13