

**Updated 9/13/24**

## **Questions from GNAC**

### **1. Questions about Transportation**

- *Help me understand why a person can be compelled to accept a ride to the deflection center as part of the agreement, they can be compelled to access resources but they can not be compelled to get a ride away from the Deflection center. Please show us the law that forbids this as a requirement of deflection.*
- *How is it transportation can be compelled coming to the DC, but not leaving? Why is it this could not be an understood requirement of accepting deflection in the same way we are told persons accepting deflection must accept a police ride there and be willing to be handcuffed? We were told that persons can't be forced to accept transport back.....yet they are forced to accept transport there...handcuffed no less. This doesn't seem to make sense.*
- *What is the legal reason you cannot require someone to accept transportation away from the facility afterwards? If it is not a legal reason, can you be transparent that this is a choice made by Vega Pederson's office and is subject to change should she be willing to change that policy.*
  - *Context: I think it is important to note that personal feelings aside, many community members feel it IS appropriate to consider those refusing to accept transportation away from the facility a failed deflection. At the very least, having them share an acceptable destination they intend to travel to by themselves that does not include the neighborhood or other inappropriate place and considering it failed if they do the to leaving the neighborhood after sharing intent to leave.*

### **Response**

We all deserve privacy, dignity, compassion and free agency no matter what our personal choices, even those who may be using illegal substances. This is our commitment to each other living in a free, fair, democratic society.

Underlying these questions about security is ultimately: will we still be safe in our community? Is there the potential for loitering around the building when an individual exits the deflection center? While these are reasonable questions to ask, we also ask for recognition that we have buildings sited across our community that don't have transportation offered let alone mandated: incarceration facilities, hospitals, the Behavioral Health Resource Center and other treatment facilities, day shelters and congregant shelters. Each of these neighborhoods works together to balance safety with agency so that we can continue to share community space with each other.

Our Good Neighbor Agreement will include clear protocols for reporting issues and law enforcement is committed to responding swiftly, both because of your heightened concern and because all of our jurisdictions take public safety very seriously.

It's important to remember that those coming to the Pathway Center have been determined eligible for—and have chosen to participate in—deflection, a positive first step. They will have been thoroughly assessed by law enforcement to ensure they are medically stable, have not participated in other illegal activities, haven't failed deflection in the past 30 days and don't have other urgent basic needs.

Our provider has integrated transportation from their facility to their program in Baltimore with success: We feel confident the same will be true in Portland. Nearly all clients at other Tuerk House centers accept transport to their next location. However, they are not under arrest, and deflection is voluntary. We must be respectful of the fact that some people may have their own cars, some people may call for transport from family or friends and many people's immediate next steps will not necessarily include transport to services.

Speaking to legalities as a final point, Tuerk House and the Health Dept. would have no legal standing — and no practical capability — to physically force patients into particular transportation modalities. Oregon law only allows the use of physical force for pretty discreet reasons, for instance, to prevent an imminent threat or to make an arrest. See, e.g., ORS 161.233 (Use of Physical Force by Peace Officer).

It also is not an option to require transportation as a part of participating in deflection, because deflection exists beyond what happens at the Pathway Center and, in Phase 2, not everyone at the Pathway Center will be participating in deflection.

At Multnomah County, we believe in safe neighborhoods – and we believe in limiting the disruption to yours. We believe in supporting everyone involved in the experience at the Pathway Center: those who go there for deflection services, those who work there in a supportive environment and those who live, work, play and connect in this immediate neighborhood. We are asking for and hoping that your leadership in the GNAC can include coming to an understanding around the outcomes we all want to see: transportation provided to most Pathway Center clients (all who need it) and improved outreach and security in the neighborhood.

Rather than focus attention on a requirement to mandate transportation we cannot meet, we'd like to focus our work with you on how to improve neighborhood safety and security. This would include questions like:

1. What resources are available to help monitor drug paraphernalia and other dangers around fragile properties, especially the preschool?
2. What clean-up protocols would be most helpful to keeping the blocks around the Pathway Center clean and safe during all days and hours?
3. What security measures can be implemented to ensure a “safe and clean around the Deflection Center “ that doesn't push the hazards, camping and loitering to the streets adjacent?

We have already begun this work. We have arranged for weekly grounds cleaning on the block the facility is on in which trash and sharps will be collected, and an "on call" service that can provide sharp clean-up around the perimeter of the property. We are also frequently pressure washing the facility and perimeter to address biohazards and graffiti.

For the area beyond the facility, the County has asked for a proposal from CEIC to expand the contract with Clean Start for additional clean up capacity in the neighborhood. We also look forward to conversations about these needs and priorities.

## **2. Questions about the why the model and if the Pathway Center is needed**

4. *We all want a process that number one, non-traumatically serves those who are addicted to drugs effectively, and number two, causes no harm by its implementation to a specific community of businesses and residents. How does this model of transporting detained persons and collectively dropping them off at one location achieve that goal?*
5. *Why was the, "collect persons from all across the county" (Corbett, Multnomah, Sauvie's Island, etc.) to bring to one spot model, chosen versus the, "meet persons where they are" model, being utilized in Washington County which seems far less trauma evoking and culturally sensitive to those choosing to be deflected?*
6. *We've been told from the beginning, that 'the police want this drop off zone'. But actually we have heard directly from them, and read that what they've wanted, asked for and need is a 24/7 medical unit, multi-bed, 'sobering center'. Why are the taxpayer's resources being used to create this expensive, centrally located DC, instead of being used to build a new sobering center with deflection occurring via the "meet persons where they are" model using mobile units.*

## **Response**

The program at the Pathway Center is modeled after similar programs such as stabilization centers, sobering centers, and deflection programs such as LEAD. This facility will serve as a crucial bridge between acute crisis intervention and long-term SUD treatment. By having a place for someone to receive a care plan, it creates a safe place, off the street, for an individual to spend time with a Peer and answer personal questions about their history and their needs. The availability of peer support in the Pathway Center is crucial—it can improve connection to recovery resources and overall outcomes, since they can facilitate building rapport and trust, reduce stigma and shame, provide hope and inspiration, navigate the recovery system, and enhance motivation and engagement. Programs can be especially helpful for people experiencing houselessness, and those lacking social support. In their fully established forms, they provide a safe and supportive environment for individuals in the midst of a substance use

crisis, offering immediate medical and psychiatric care, detoxification services, and connection to appropriate treatment resources.

The Pathway Center is a phased approach to getting to a separate, permanent facility that will expand the capacity for stabilization, sobering and medication assisted treatment for individuals. This phased approach is the quickest path to adding additional sobering services in our community. Expanding the services at this temporary facility will happen in Phase 2 (early 2025). We've heard loud and clear from the City of Portland and law enforcement that having this facility as a part of deflection is crucial.

Deflection is a collaborative program that requires the participation of many partners, including the police. The need for a location for law enforcement to drop people off as a part of HB 4002 was made very clear from our law enforcement partners and the City of Portland. This has only been emphasized in these last two weeks hearing their frustration at the delayed opening. The Mayor has clearly stated that if there is not a location by the end of October, they will reconsider their participation in deflection at all.

### **3. Questions about compelling individuals:**

*Understanding the police involvement ends once they “drop off” persons at 10th and SE Oak, what would compel someone to enter or stay for any amount of time at the center? Would this be required, and if so, could not transport back to their home, possessions and communities be required, thus protecting these individuals from experiencing withdrawal or trauma in an unfamiliar area and becoming victims of dealers capitalizing on this new central “drop off zone” and moving into the area?*

### **Response**

When a person is brought to the Pathway Center, they will be brought into the center via a warm handoff from law enforcement to a peer, and they will have been told the requirements for completing deflection. The decision to complete deflection or not remains voluntary.

To successfully complete deflection, an individual must be evaluated by a peer support team. During the intake process, they will undergo a health and basic needs assessment and will develop a personalized treatment plan. This plan will vary depending on the individual's needs, which may include sobering services, withdrawal management, inpatient or outpatient treatment, housing, or healthcare services.

We recognize that not all treatment options may be available on the day of evaluation. However, individuals have 30 days to complete their treatment plan. If their required services are available on the same day, they will be transported to the appropriate location. If certain services, such as shelter or healthcare, are available but treatment is not, they can be transported to access those instead. If no services are available, the individual can be transported to a location of their choosing.

It's important to note that deflection is voluntary. However, the person will be assigned a peer support specialist who will stay in regular contact to assist with accessing services. If they do not complete the deflection process within 30 days, they will be ineligible for deflection for the next 30 days and will face arrest if stopped by law enforcement for the same reason.

The presence of the treatment facility will result in increased criminal penalties for dealers nearby, decreasing the likelihood that they'll locate around the Pathway Center. House Bill 4002 included increased penalties for drug dealing and made it easier for law enforcement to arrest dealers, specifically individuals who are dealing near treatment facilities.

#### **4. Questions about identification of individuals**

*Will persons being transported be 100% identified to ensure those with active warrants, under investigation for serious crimes, or with offender restrictions are not unknowingly brought to the center and dropped off in the parking lot? I'm concerned about the potential liability of the police with transporting unknown persons who may give false information or not have ID on them at the time they are detained.*

#### **Response**

Our law enforcement partners will be responsible for establishing a person's identity through their standard protocols. A person's identity has to be confirmed in order for them to be eligible for deflection. If it can be confirmed, law enforcement will screen for eligibility, which includes screening for warrants and confirming they are not engaging in other illegal activities. If they are eligible, they will be offered deflection, which may include being transported directly to the Pathway Center to be screened and connected to treatment. If their identity cannot be verified by law enforcement, then they will likely be arrested. It's important to remember that because only law enforcement officials can escort a person to the center, their regular presence will likely deter some criminal activity. Law enforcement partners will also regularly be patrolling the surrounding neighborhood and there will be 24/7 on-site security in and around the building.

#### **5. Questions about withdrawal**

*We've been told that persons under the influence of drugs will not be brought to the center by the police ...just those found in possession. How will this be determined? It seems unlikely, unless someone is a dealer, they would simply possess fentanyl (or meth and heroin) without actually being addicted and needing it. Will there be testing by the police? Withdrawal comes quickly and painfully with fentanyl. How will those addicted and experiencing withdrawal be assisted on site so they don't seek a dealer nearby?*

#### **Response**

Our top priority is to ensure the health and safety of our law enforcement partners and each person who interacts with the Pathway Center. The new law specifies that law enforcement has

discretion to determine whether a person is eligible for deflection, can safely participate in those services, and they can voluntarily and knowingly consent to deflection. In some cases, law enforcement may determine that the person needs immediate medical care, is a danger to themselves or others, or is too visibly intoxicated to be escorted to the Pathway Center. In that case, they would be considered ineligible for deflection services. If a person is eligible for deflection, they can then access treatment services such as withdrawal management, inpatient or outpatient treatment, medication-assisted treatment or medication for opioid use disorder (MOUD).

Once at the Pathway Center, an immediate screening will take place by a medical professional to ensure the participant is medically stable enough to continue through the process. If they are determined not to be, they will be transported to care. If an individual begins experiencing withdrawal symptoms while at the Pathway Center during Phase 1, they will be promptly referred and provided transportation to the care they need. In Phase 2, MOUD and sobering services will be available onsite.

## **6. Questions about housing**

*There is an affordable housing project at St Francis currently being sponsored by JOHS. Can it be used as transitional housing, pre furnished, for those who would otherwise leave the facility into neighborhood streets to mitigate that issue?*

### **Response**

We are working with shelter providers, housing, and recovery housing providers to have places to directly refer people into if they need housing when they leave the facility. Currently there are shelter beds set aside for referrals from law enforcement and individuals deflected can access those and we are working with housing providers around the city to create additional referral paths. We've talked with JOHS about the specific St. Francis project and it is a Permanent Supportive Housing (PSH) project. All referrals will go through Coordinated Access, which is a list maintained by JOHS and coordinated with providers to ensure appropriate referrals to PSH. However, it's not available as a transitional housing project.

## **7. Misc. Questions**

*What does "Sharing preliminary individual information" on the chart mean?*

### **Response**

Sharing preliminary individual information refers to the initial intake between law enforcement and deflection dispatch. The intake information submitted by law enforcement to initiate deflection is a person's name, DOB, state ID number (if available), where the individual is located and probation/parole/post prison supervision status.

## **Questions from David Watnick, attorney for Escuela Viva**

1. *What is the current date on which the deflection center is expected to open?*

### **Response**

We anticipate opening the Pathway Center in mid to late October. We have not finalized an opening date yet.

2. *Can you share the current external security management plan for the center? Are there any updates from what is reflected in the "DRAFT Deflection Center GNA Framework" dated August 16, 2024?*

### **Response**

We have developed additional security management strategies that will be shared with the GNAC on September 16th. We will update this rolling document with additional details after our briefing on the 16th.

3. *Will Sergeant Amos be part of the GNAC?*

### **Response**

Staff have been in communication with PPB Central Precinct regarding their ability to participate in GNAC discussions and requested that PPB have a representative at at least every other meeting. Central Precinct has indicated they can only be available for a monthly check-in on the status of GNAC discussions. Staff will continue to liaise with PPB to ensure answers to questions that fall under their purview are obtained.

### **Response**

4. *Does the County intend to open the Deflection Center whether or not a final GNA has been executed?*

Our goal is to come to an agreement on the key elements of the GNA before the center opens. We expect that while there will be good progress, based on our experience with other GNAs (Behavioral Health Resource Center and Montavilla) the GNA may not be fully executed before the center opens. That does not change the county's commitment to addressing neighborhood concerns prior to opening and throughout the center's operations in this location.

- 1.