



Office of Mayor Tom Potter
City of Portland

November 5, 2007

Dear Members of the Mental Health Association of Portland:

Thank you for giving me an opportunity to contribute to the ongoing public conversation about our community's response to mental illness.

I recognize that your letter asked me to answer a series of questions gathered from community members, but many of those questions invited me to justify or condemn the actions of individuals who are parties or witnesses in a lawsuit filed by the family of James Chasse. It is simply not fair or helpful to anyone involved to have this tragedy turned into a trial in the press before it goes to trial in the court. I believe, however, that I can contribute some positive thoughts to the discussion.

I am deeply concerned that the safety net has frayed to the point that we must ask our police officers to be the first responders for too many folks with mental health issues, and our jails are too often the only treatment option. And although I ask myself how we as a society can continue to turn our backs on the most vulnerable among us and fail to provide real treatment options to folks who need them, I believe many important actions have resulted from the Mayor's Task force, including:

1. Increased funding (\$290,000) for Project Respond to hire more staff and create a dedicated unit to partner with law enforcement and respond directly to police referrals. Staffers work with Commander Reese, Officer Meyers and the CIT liaison to identify individuals who have most frequent contact with officers. Once identified, Project Respond is then able to link them into services and housing (for those who are homeless.) The changes were implemented in July and additional funds were included in the 07-08 City budget to continue this level of service.
2. Mandatory Crisis Intervention training for all Portland Police officers.
3. Funding for a position to staff the Multnomah County Committee on the Mentally Ill in the criminal justice system (see item # 9 below).
4. The Police Bureau has hired a mental health professional in its training division to coordinate the CIT training and to provide policy advice on how to work with persons with mental illness.

5. The Police Bureau is reviewing its screening, hiring, field training and in-service programs for law enforcement, with a focus on training that occurs after an officer returns from the basic training academy to identify policy, practice or attitudes that impact police behavior.
6. Chair Wheeler and I visited and lobbied the State Legislature during the last session for restoration of state-sponsored health insurance and for increasing funding for mental health treatment to include a sub-acute facility. Overall, 10 bills to increase mental health outreach and services in the Legislature passed this past session, with \$41 million in additional funding. That included funds for increased police training statewide in recognizing and dealing with mental health issues.
7. Supported successful legislation that requires every county in the State to create plans regarding the use of deadly force. (SB 111 (2007))
8. Endorsed Use of Deadly Force legislation that mandated creation of a "deadly physical force planning authority" in each county. (SB 111, 2007).
9. Created a new coordination and oversight body to support Multnomah County's Local Public Safety Coordinating Council (LPSCC) with additional commitment and resources. The Mental Health/Public Safety Committee will fill this function and a full time administrative position was created and funded by both the County and City.
10. Endorsed proposed legislation to allow polygraph testing for police hiring processes in Oregon, although the bill was not adopted by the Legislature.
11. We are expanding our Voluntary Substance Abuse Treatment (VSAT) program, which touches many individuals who have regular contact with police and have a dual diagnosis with substance abuse and mental illness. This fall the City Council will be asked to expand the VSAT program city-wide so those arrested for crimes who also have a substance abuse problem can be offered the option to be placed in immediate long term housing and treatment. Because many people arrested have a dual diagnosis this program will help that population as well.

Additional steps are under review or are outside City jurisdiction, including:

1. Establishment of a permanent sub-acute facility of 16 beds. The County is currently working on securing funding for this.
2. Expansion and maintenance of supportive housing capacity for special needs population. A team that includes Central City Concern's Housing Rapid Response (CCC's HRR) program, Cascadia's Project Respond, and law enforcement is working to enhance the connection from the streets to housing. The recommendation called for \$610,473; the Mayor's Office was able to increase funding by \$75,000.
3. Expansion of programs such as a Treatment Not Punishment (TNP) Program under the jurisdiction of the County.
4. Mental Health Screening at booking, under the jurisdiction of the County.

5. Court Advocate Program, under the jurisdiction of the County.
6. Support Stop-stigma Campaign and community training: the Mental Health/Public Safety Committee will continue this work.

Lobbying by Chair Wheeler and myself, and the tireless work of Senators Avel Gordly and Ben Westlund and others produced 10 bills to increase mental health outreach and services in the Legislature this past session - \$41 million in additional funding. That included funds for increased police training statewide in recognizing and dealing with mental health issues.

In January of this year, the Portland Police Bureau worked with Emergency Medical Services, Multnomah County health officials, and jail medical staff to develop a coordinated policy for the transport of people in police custody who appear to be seriously injured, seriously ill, or unconscious. Officers request on-scene evaluations of these individuals and will not transport them unless cleared by EMS. Officers are required to inform EMS of the person's custody status as well as any force used against them. When an officer transports someone to jail who has been cleared by EMS, the officer has a copy of the EMS evaluation and provides that to jail staff at the time of booking. The jail staff then conducts another evaluation to determine if the person needs treatment at a hospital. If jail staff requests that an officer transport someone to the hospital, the officer must notify a supervisor and preserve the name of the staff who made that decision.

Although the City does not contract with AMR and it is Multnomah County that provides medical services, both police officers and emergency medical responders will follow the new policy that details what information officers must share with paramedics and jail nurses, such as how much force was used during an arrest.

The mandatory CIT training for Portland Police officers has been on-going for six months of what we expect will be a training schedule that will take two years to complete. Approximately 25 percent of Portland officers have completed the training.

Portland Police and Multnomah County Sheriff's Deputies are receiving the first training. They will be followed by Gresham, Troutdale and Fairview officers.

All CIT intervention techniques focus on de-escalation of each interaction and rapport building with the person involved. Officers are shown skills for each and demonstrations of their proper use. The CIT training imbues compassion and understanding by making the issue of mental illness more personal for police officers. As an example, there are two videos of police officers talking about their family members who have experienced mental illness. We believe officers will be more compassionate and understanding with the clear recognition that mental illness affects many families including police families.

As to investigation, the District Attorney is an independently elected official responsible for investigating possible criminal actions and presenting that evidence to a Grand Jury. If the Grand Jury does not find that an officer broke any laws, it returns a not true bill. If it finds sufficient basis to believe a crime was committed, it returns an indictment. What is important to me is that the community has faith in whatever process is used; that it be as transparent as possible, and that it be fair to all parties, including the family of the deceased and the officers involved.

In addition, the City has created the Independent Police Review Board, which is charged with improving police accountability, promoting higher standards of police services, and increasing public confidence. My office is currently overseeing a review of the performance of the Office of Independent Police Review Board's work to judge how it is meeting that mandate.

The issue of an independent investigation of police actions is the subject of much discussion here in Portland and in other cities across our land. One of the inherent problems in considering this issue is agreeing on how we ultimately define the word "independent." Currently we have an Independent Police Review process and an independently elected District Attorney. Over time I have concluded any independent process, especially when it involves a public entity, should be unbiased, fair, fact-based and provide for due process for the parties involved. Ultimately, the public must feel confident in such processes and believe the outcome best serves justice. I can honestly say I have not seen or heard of any system of "independent" bodies that fully achieve those worthy goals. As an elected official I can only work to improve on our current processes or create another independent process that more closely achieves the democratic goals enumerated above. I will continue to work to improve our current system until such time I am convinced there is a better way to accomplish this important function.

The use of force is a complex legal and community issue. The Portland Police Bureau is reviewing its Use of Force policy to make certain it is reflective of the community's concerns. The issue really gets down to the question I continually ask myself and the Portland Police Bureau. The right balance between citizen safety and officer safety is the goal of Chief Sizer and myself. The nature of police work requires police officers to respond to calls for help from the public. Some calls carry a high risk of physical danger to the public and to the officer responding. We are attempting to develop the best policies to balance those important interests. In considering this issue, it is also important to remember that Portland officers use force in less than one percent of all calls and five percent of all arrests.

I believe the mental health system should be fully funded to provide treatment and housing options - not a jail bed - to those people suffering from mental illness. I spent a lot of time in Salem during the legislative session asking them to fully fund the mental health system. I put a mental health work group together to study where the shortcomings in the system are, and the City and County have funded a number of changes to improve the response of public agencies. But there is much more that needs to be done. When you ask who is responsible and how do we hold them accountable, I look at society as being responsible for not funding proper mental health services - and instead, leave it to police officers to respond.

Finally, the police must be accountable to the public and to elected leaders like me for their actions. In order to understand the duties required of police officers I suggest that each of you go on a ride-along with a police officer. I will be glad to set up a ride-along for each of you, if you let my office know.

Sincerely,



Tom Potter
Mayor