

June 16, 2020

Karla Moore-Love, Council Clerk
Portland City Council
221 SW 4th Avenue, Room 130
Portland, OR 97204

Via email: karla.moore-love@portlandoregon.gov

Dear Ms. Moore-Love:

Please share this written testimony with the members of the Portland City Council in preparation for tomorrow's hearing and include this letter in the record.

Disability Rights Oregon advocates for the eradication of the unnecessary policing of and criminalization of nonviolent behavior associated with mental illness, developmental disability, poverty, houselessness, and other socially stigmatized conditions. As the Portland City Council considers how it should budget for policing, social supports, mental health intervention, and other budget priorities, we would press strongly for greater resources for mental health care, housing, and supports for people with disabilities. Policies that increase police contacts with people in crisis and that inappropriately send armed law enforcement officers to respond to a social service need increase the likelihood of police violence, arrest, disruption in housing and social supports, and exacerbate the underlying, unmet needs of the community.

A 2012 U.S. Department of Justice investigation found that excessive police use of force against people of color and against people with mental illnesses was rooted, in large part, in the "absence of a comprehensive community mental health infrastructure," which left police officers as the primary response to mental health needs. This misguided reliance on police to respond to non-criminal concerns continues. A recent survey of Portland arrests showed that 52% of all arrests in Portland in 2017 were repeated arrests of about 4400 homeless individuals, for largely petty offenses or procedural concerns. The police cannot arrest their way to resolving profound social problems in Portland. The city council should stop funding the police to do so and should stop expecting officers trained in law enforcement to resolve these problems.

We would like to review with you some of our specific reporting on this issue. One year ago, Disability Rights Oregon released *The "Unwanted:" Looking for Help, Landing in Jail. An analysis of how trespass arrests at Portland area hospitals criminalize mental illness*. The report analyzed 142 Portland Police Bureau reports generated from calls from six Portland-

area hospitals in which the primary offense was trespass. The report concluded that hospitals rely on law enforcement to displace their “unwanted” patients (disproportionately people of color, people experiencing homelessness, and people with behavioral health needs) from the healthcare system into jail.

“Betty”

Around 10 p.m. on a fall night in 2018, the Portland Police Bureau received a call from Legacy Good Samaritan Hospital for “an unwanted woman.” An officer responded to the call around midnight, and hospital staff directed him to a woman in the waiting area who, they reported, had no medical need to be there, and refused to leave.

The police report describes “Betty” as 76 years old, partially blind, experiencing pain due to “lingering injuries” sustained during an assault at a homeless shelter, hardly able to walk, and “most likely suffering from the onset of Dementia.” She had been seen at the emergency department of Oregon Health & Science University earlier that day.

“Betty” admitted to refusing to leave the hospital, which would justify an arrest for trespass. But the officer was reluctant to take her to jail. He called Adult Protective Services who reported that the woman was known to them, but they could not provide a motel voucher because she had history of hoarding and property damage, which could result in county vouchers no longer being accepted by a particular motel. The officer looked into whether she could stay at the police precinct for the night. After consulting with the sergeant they “determined that the precinct lobby may be too unsafe for [her].”

The officer completed the police bureau’s “Mental Health Template” (indicating that a likely mental health condition was identified,) but none of the mental health-related techniques were used (such as de-escalation, disengagement with a plan, or delayed custody). No mental health professional responded or was present at the scene. Instead, this 76-year-old woman with multiple disabilities and health problems, was arrested, and booked at the Multnomah County jail.

The cases described in “The Unwanted” are situations in which the only crime is our city’s failure to offer anything other than a jail bed to people in need. People with identified mental health concerns are regularly arrested simply for being present in a space where they thought they could get help.

And, this trend is getting worse. The number of people with the combined risk factors of homelessness and mental illness funneling into the criminal justice system has drastically increased in recent years. The number of patients ordered to the state psychiatric hospital (the Oregon State Hospital or “OSH”) because they were charged with a crime for which they

are not competent to stand trial has more than doubled in the past seven years.¹ According to the state hospital's analysis, 66% of these patients reported being homeless immediately prior to their arrest.² Criminalization is, by default, our statewide strategy; utilizing the most expensive and most restrictive intervention as a short-term "fix" that only makes the long-term challenges worse.

You can't arrest your way out of that issue – of homelessness, or behavioral health, or addiction. It just doesn't work. Where I've seen the work is with an intervention, with treatment, and wrap-around services in the community. That's where lives are changed.

Former Marion County Sheriff Jason Myers³

Unless we invest in an alternative, non-law enforcement crisis and street response, the status quo will continue to be the most harmful and least effective intervention; arrests and jail time. It is time for a street-based response that asks "how can we help?"

The "Unwanted" presents just one sample of cases in which the police are routinely used to resolve situations that carry no public safety threat. The police are not the right responders in those circumstances. Their uniforms, weapons, the inherent threat of force and arrest, and the profoundly painful history of recent and recurring killing of Black community members makes the mere presence of law enforcement at the scene an escalating and fear-inducing factor.

Portland Street Response is based on a proven and beloved program in Eugene, CAHOOTS. Disability Rights Oregon strongly supports an immediate and robust investment to launch pilot programs of Portland Street Response citywide.

Sincerely,

/s/ Sarah Radcliffe

Sarah Radcliffe
DRO Managing Attorney, Mental Health Rights Project
Disability Rights Oregon

¹ Derek Wehr, email, 5/7/2019; the average daily population was 109 in January of 2012, and 258 in January 2019.

² Derek Wehr, email, 5/7/2019;

³ "Decriminalize Mental Illness" video, Disability Rights Oregon,
https://www.youtube.com/watch?time_continue=434&v=xfLfdU8Nu9s