

Portland police, DOJ settlement fails on multiple fronts

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CONTRIBUTING COLUMNISTS

The Mental Health Association of Portland remains firm on Department of Justice v. City of Portland. The position elucidated in this column has been our unvarying stance since the outset of the lawsuit, and, barring sudden, cataclysmic changes descending from the sky, it's the same we'll hold tomorrow and the day after.

The suit is the result of the U.S. Department of Justice's 2012 civil rights investigation of the Portland Police Bureau. Investigators found officers routinely used excessive force, including Tasers, on persons with mental illness.

In collaboration with the DOJ, then-mayor Sam Adams, a lame duck with one foot out the door, quickly drew up a settlement agreement, created a new tax on landline phone transmissions to pay for implementation, got City Council to agree to it, and took a better job.

Federal Judge Michael Simon, wondering if the agreement was fair, asked for community input. Aside from the DOJ, the city and their vetted advocates, Simon heard sophisticated opposition to the agreement on many valid points. Testimony was given at several hearings over the months, and the case is still not finalized. Soon Simon will have to decide – fair or not fair? Trial or no trial?

Here is what we know – the people are pissed.

Here is what we believe.

Police officers were the ones who slapped, punched, kicked, Tased and shot people without sufficient reason. But the

city administers the police bureau. They have final authority, and that means they bear full responsibility. Every repeated Tasing, every fist slammed into a face, every act of police violence is, at root, an act by the city.

The City of Portland is at fault for the discrimination at the heart of police violence, and for the violence itself. The city is at fault both in the lawsuit and in the long, painful bleeding of our persons and our rights. They are to blame for sitting on their hands; for watching, calmly, the wrongs being committed against us; for shutting their ears and ignoring our pleas for a small measure of justice.

Their inaction became their agreement to the steady erosion of our civil rights, affixing an official city seal on the casual diminishment we face every day, defining us – people with mental illnesses and/or addictions – as lesser citizens.

Currently, the parties to the suit have bickered their way into another revision of the settlement agreement – which, incidentally, gives us nothing – despite the fact persons with mental illness are the whole reason the DOJ came to town in the first place, and despite the DOJ's finding we were the targets of wrongful use of force by police. Somehow the investigation and legal proceedings were appropriated by those with more clout. And everyone has more clout than we, the poor, the addicted, the inconveniently mad.

The settlement agreement is a frail and insufficient solution, too quickly agreed upon by self-serving parties seeking political credibility. Little of the agreement benefits us – remember us? the persons actually

harmed? – although it's we who are, or may be, in mental health crisis, we who are at imminent risk of injury and death by cop.

But there was one thing in the agreement we wanted and needed, which actually could save lives, and might have saved our friends now dead. Sam Adams wrote it into the original draft: a walk-in and drop-off center for people in crisis.

If police had somewhere to take a person in crisis, if people had a place to go when they're entering a state of crisis, there would be less crisis management expelled from the barrel of a gun. A crisis center would keep more of us alive long enough to, perhaps, recover. And it would relieve police of a duty they are ill-qualified for and have a history of bungling so badly that someone dies. It's just a good idea all around – and there it was, in the agreement, plain as day.

It's still in the agreement. But the city has smudged the promise of a crisis center into a blur of non-reality. Now, the part of the agreement assuring us it would happen has been verbally amended by the defendant – the city – which helpfully redefined the crisis center clear out of existence. You see, it's "aspirational" – so says Mayor Charlie Hales, who will not implement it, nor any

other provision of substance that touches upon mental health.

Aspirational? Really?

Well, we all have aspirations – fame, fortune, a ruby-studded yacht on Neptune – and we know they're never going to happen. "Aspirational" means it's something hoped

for. But in this case, it means we got the shaft – again. It means when crisis happens, we can get all the help we can squeeze out of our own vain hopes, an unbuilt "aspiration," and the city's broken promises.

Judge Simon will, at some point, have to make a decision: is the agreement fair, and if not, should he hold a trial? Our position remains the same – the

agreement is neither fair, reasonable, nor adequate. The one right and just decision by Simon would be to declare the agreement unfair and order public mediation of a new agreement – this time, with all harmed parties at the table.

Including people with mental illness.

Jenny Westberg and Jason Renaud are board members of The Mental Health Association of Portland. MHAP is Oregon's independent advocate for persons with mental illness and addiction.

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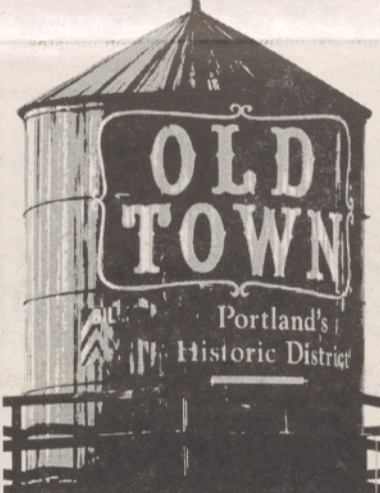


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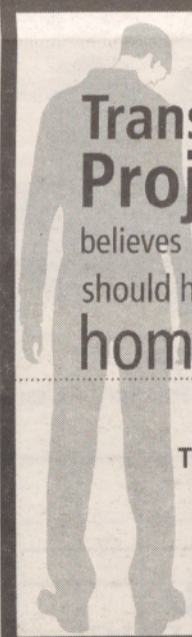
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