

**Mental Health Alliance
November 2019
Recommendation**

The PCCEP should recommend the Portland Police Commissioner and the PPB Chief should instruct the BHUAC to comply with state law.

The Mental Health Alliance was formed in 2018 to join the continuing Federal lawsuit, *United States v. City of Portland* as an amicus curie - or "friend of the court." Organizations representing the interests of people with mental illness and with long participation in efforts to reduce police use of force against people with mental illness -including Disability Rights Oregon and the Mental Health Association of Portland, joined together to form the Alliance.

Improvement continues to be needed in terms of the interaction of the Portland Police Bureau with people with mental illness. This, of course, is the focus of your sub-committee.

Subset one of Item 90 of the settlement agreement formed the Behavioral Health Unit Advisory Committee (BHUAC). This committee is made up of members of the Portland Police Bureau, representatives from city, county and state government, private agencies, and private persons. Members of organizations are selected by their employers; private persons are selected by PPB staff.

The catalyst for the settlement agreement was that after the U.S. Department of Justice investigated many uses of force by the PPB and determined that PPB had used an unconstitutional amount of force against people who are or who are perceived to be mentally ill. The settlement agreement emphasizes that the U.S. DOJ recognizes that the lack of trust between PPB and the community must be reconciled.

The BHUAC makes recommendations on how the BHU should function. A basic factor in garnering or earning trust is to allow inclusion and allow persons to have their voice as to how PPB operates the BHU--a specialized unit designed to serve people with mental illness (and other disabilities).

Minutes for the monthly meetings of the Behavioral Health Unit Advisory Committee are posted on the PPB website sometime after each meeting. Prior to the meeting, an Agenda is posted but it does not include the date, time, or location of the BHUAC meetings.

The meetings are closed to the public. The PPB has several other advisory groups, including the African American Advisory Council, Alliance for Safer Communities (formerly Sexual Minority Roundtable), Muslim Advisory Council, Precinct Advisory Councils, Slavic Advisory Council, Training Advisory Council. In contrast, agenda for these groups including date, time, and location of meetings and are posted on the PPB website - these meetings are open to the public.

Oregon state law requires all meetings of the governing body of a public body shall be open to the public and all persons shall be permitted to attend any meeting. In particular, "Oregon law does not require public testimony at public meetings."

"Governing body" means the members of any public body which consists of two or more members, with the authority to make decisions for or recommendations to a public body on policy or administration.

"Public body" means the state, any regional council, county, city or district, or any municipal or public corporation, or any board, department, commission, council, bureau, committee or subcommittee or advisory group or any other agency thereof.

A quorum of a governing body may not meet in private for the purpose of deciding on or deliberating toward a decision on any matter.

Disability Rights Oregon asked the BHUAC in 2015 for the meeting to be open and this was refused. The Mental Health Alliance asked the BHUAC again in February of 2019 for the meeting to be open. The BHUAC did not respond. See - <https://tinyurl.com/y3jdqtl6>

In February, 2019 the Mental Health Alliance asked the mayor and the police chief to instruct the BHUAC to follow state law. Both said in private meetings they would support the decision of the chair of the BHUAC. See - <https://tinyurl.com/y3jz44mf>

The City Attorney wrote February 26, 2019 their office would also support the decision of the chair of the BHUAC.

See - <https://tinyurl.com/yxjev2t>

In April 2019, the MHA presented to the Federal Court that the BHUAC was out of compliance with state law. On September 25 2019 the MHA received an unsigned letter from the BHUAC saying the BHUAC declines to follow state law and open the meeting.

See - <https://tinyurl.com/y358vr56>

There's a saying about public policy in the disability community, "nothing about us without us." Transparency and inclusion are critical to building trust. The BHUAC discusses and shapes public policy about people with mental illness and addiction behind closed doors and without the full participation of people directly affected by those decisions - people with mental illness and addiction. That's wrong and should cease.

The BHUAC may express concerns the public would be disruptive. Assertive, thought out meeting management can resolve disruptions. The BHUAC may argue the settlement agreement language supersedes state law. That is wrong because all actions under the settlement agreement must comport with state law.

SUMMARY

The PCCEP should recommend the Portland Police Commissioner and the PPB Chief should instruct the BHUAC to comply with state law.

ATTACHMENTS

Letter from Disability Rights Oregon to Behavioral Health Unit Advisory Committee, May 19, 2015

Letter from MHA to Ted Wheeler about the BHUAC, February 1, 2019
Email message from Tracy Reeve to MHA about BHUAC, February 26, 2019

Letter to the MHA from the Behavioral Health Unit Advisory Committee, September 25, 2019