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Justice Department and the City of Portland, Ore., Reach Preliminary Agreement on Reforms Regarding Portland Police Bureau's Use of Force Against Persons with Mental Illness

The United States and the city of Portland, Ore., announced today that they have reached a preliminary agreement to make changes to Portland Police Bureau policies, practices, training and supervision. This agreement was reached following a comprehensive investigation. Together with the agreement, the Justice Department today announced its findings that the Portland Police Bureau (PPB) has engaged in an unconstitutional pattern or practice of excessive force against people with mental illness. The Justice Department delivered a letter detailing the findings to Portland Mayor Sam Adams and Police Chief Michael Reese, who were cooperative throughout the department's investigation.

The investigation, launched on June 8, 2011, and conducted by the Civil Rights Division's Special Litigation Section and the U.S. Attorney's Office for the District of Oregon, focused on whether PPB engages in unconstitutional or unlawful policing through the use of excessive force, with a particular interest in the use of force against people with mental illness or in mental health crisis. While the Justice Department found that most uses of force by PPB officers was lawful and reasonable, it also found reasonable cause to believe that PPB engages in a pattern or practice of excessive force, in violation of the Fourth Amendment of the U.S. Constitution and the Violent Crime Control and Law Enforcement Act of 1994, in certain contexts.

This finding is set against the backdrop of a larger mental health system that has gaps in services. The absence of a comprehensive community mental health infrastructure often shifts to law enforcement agencies throughout Oregon the burden of being first responders to individuals in mental health crisis. The Justice Department is working separately with state officials in a collaborative manner to address the broader issues.

Specifically, the Justice Department found that PPB uses excessive force during interactions with people who have or are perceived to have mental illness. These uses of force against persons with mental illness are manifest in three ways: (1) encounters too frequently result in a higher level of force than necessary; (2) officers use electronic control weapons (ECW), commonly referred to as "Tasers," in circumstances when such force is not justified, or deploy ECWs more times than necessary on an individual; and (3) officers use a higher degree of force than justified for low level offenses.

DOJ and the City of Portland have preliminarily reached an agreement that will address the following:

- Use of force policies to ensure that officers have necessary guidance when encountering someone with mental illness or perceived to have mental illness. In particular, the City will enhance its policy guidance on the use of ECW and techniques to de-escalate encounters arising from non-criminally related well-being checks and arrests for low level offenses;
- Increase capacity for crisis intervention with specially-trained officers and civilians;
- Enhance the early warning system to identify gaps in policy, training and supervision;

- Expedite the investigations of complaints of misconduct while preserving the thoroughness and quality of investigations and community participation; and
- Create a body to ensure increased community oversight of reforms.

The agreement will be filed with the court, but the action will be dismissed and the court will review compliance only upon an assertion by the United States of a material breach that cannot be resolved through good faith negotiations between the parties. The city and the United States have committed to have a final agreement by Oct. 12, 2012.

“We are gratified by the city’s response, especially the response of Chief Reese and Mayor Adams, to our findings. While our investigation has revealed that inadequate systems of supervision and oversight and the absence of specialized training have permitted particular use of force violations to persist at the Portland Police Bureau, we are confident that the steps already taken and those contained in our tentative agreement will provide meaningful and sustainable reform.” said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division.

“Police officers have one of the most difficult jobs in the world. They are sworn to serve and protect, and these findings highlight where there has been a breakdown in that solemn vow,” said Amanda Marshall, U.S. Attorney for the District of Oregon. “These findings against PPB lay the framework for us to make meaningful changes that will not only make our community safer, but will empower Portland’s police officers to be more effective as trusted public servants. We all agree with the fundamental principal that all citizens, especially our most vulnerable, must be able to trust the police to protect their civil rights.”

The city and the United States recognize that these issues are of significant concern to the Portland community. Throughout the investigation, both the United States and the city have engaged in extensive community outreach. The current discussions between the parties have been informed by that community input. However, both the United States and the city will benefit from additional views of community members and leaders and will seek additional input in coming days and weeks. The United States invites those who have input that they want to share about this process to contact us.

For more information on the Justice Department’s Civil Rights Division, please visit www.justice.gov/crt. If you have any comments or concerns specific to this matter, please feel free to contact us at community.portland@usdoj.gov or 1-877-218-5228.

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Civil Rights Division