

My name is Mark Chasse. I would like to comment on a dynamic I see at work in this case that has come to concern me, and discuss a couple of solutions. One of these solutions directly relates to a remedy under discussion today; the other is more comprehensive.

My brother, James Chasse, Jr. was beaten to death by Portland Police on September 17, 2006. There were more than a dozen civilian witnesses, who uniformly described a one-sided beating. The apparent reason for the start of the beating was that he looked “strange” (in one officer’s description) in the wrong part of town at the wrong time—a Sunday happy hour in the Pearl District. Jim was standing along the street, literally blocks from his home.

The City of Portland and the Portland Police Bureau immediately started a campaign to blame Jim for his death and to marginalize him as a person not worthy of public concern. This was a scattershot and rapidly evolving disinformation campaign—a highly offensive scramble for something that might stick. They cycled through a worn Rolodex of standard public-relations talking points called on after police-caused deaths. They called him “homeless” (despite the fact they had his state-issued identification with his actual address). They said he was urinating in public, despite the fact the involved officers admitted they had literally never even discussed this with each other and no civilian supported this canard. They said he had crack cocaine (while holding up a sandwich bag that had apparently contained a sandwich and breadcrumbs) and that he'd had “14 convictions” for dealing crack (when that was a 100% fabrication). They said my 145-pound brother was extremely violent and had super-human strength to fight off three 200-plus pound officers who were piled on top of him and football-kicking him and landing roundhouse blows on him.

None of these justifications stuck. Fortunately, enough civilian witnesses rebutted the City’s and the PPB’s lies—and enough people in Portland knew Jim that people were outraged about how the City and the Bureau had tried to malign who he really was as a person.

The City and the Bureau decided at some point to run with one excuse for what they had done: Jim had a mental illness. Even this has failed; they just can’t admit it. The City and the Bureau’s leadership have been dismayed—and seem to continue to be dismayed—to find that, in Portland, people with a mental illness matter.

This victim-blaming strategy has sometimes been shrouded by a rhetorical trick. Soon after Jim died, the City’s and PPB’s preferred tack was to blame Jim’s death on “the mental health system.” The police were “devasted,” according to then-Chief Rosie Sizer. They were unwitting, well-intentioned police officers who’d been victimized by encountering this man who had a mental illness. It wasn’t their fault that they’d beaten him to death and ensured he didn’t receive medical treatment; it was the fault of “the mental health system.”

In today’s parlance, this spin is what is often called “victim-blaming.” However, something would need to serve as a euphemistic prop between the actual people with mental illness and the fact that those people not only deserved protection—they deserved additional protection because they are in a legally protected class. In this public relations structure, the police killing people with a mental illness and those killed by the police could both be victims: it was “the system’s” fault.

It’s worthwhile here to point out something that should be obvious, but gets lost by blaming “the system:” the system is never going to make mental illness go away. Mental illness is a fact of human

existence. Whether “the system” has more resources or not, there will still be many thousands among us with a mental illness. The question is whether we want to keep blaming the system, or whether we want to reduce interactions between police and people with mental illness. Blaming “the system” has become a convenient, circular rhetorical trick to make permanent discrimination against those with mental illness. In this spin zone, how could the City and/or the Bureau ever be blamed for using excessive force on people with a mental illness as long as “the system” continues to fail and sic its charges on the unwitting police?

With this background, I’d like to refer to Section V of the Settlement Agreement. In general, this includes sections 87-89 of the Agreement. This section, interestingly, starts with a tone similar to the p.r. strategy of blaming “the system:” “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.” This section then outlines a number of steps that should be taken to improve “the system.”

Since the Agreement was accepted, there has been much debate about the meaning of this part of the Agreement. The general current interpretation of this is that it was “aspirational,” and that it actually required nothing of the City itself. This should beg a question. How many settlement agreements can any lawyer point to where there is an entire section, where the terms of parties’ agreed performance is described, instead dedicated to something that neither party is required to do anything about? Why is this in the Agreement, then? It is my understanding that the City itself requested this Section and stated that they wanted it so they could use it to help persuade “others” to improve the mental health system with it. I am not familiar with proof of any sort, anywhere, that the City ever did any such thing.

In the absence of any mandate to do anything with this Section of the Agreement, and no “arm-twisting” of any sort using it, what has been its *actual effect*? This might guide what is its actual purpose. In my mind, it seems very possible that its purpose has been to memorialize the public relations strategy of blaming the victims of police use of excessive force.

As such, Section V would not only betray some of the City’s potential true intentions motivating the Settlement Agreement, but it should be an offense to the Department of Justice and to the Court. In the absence of this Section’s actually requiring anything of the parties, it seems to serve only as an attempt to officially endorse in the Agreement what should be considered illegal discrimination. If the City/PPB are ever to take seriously their duties to use less force on persons with mental illness, they must learn to accept that people with mental illness will always be among us. The Department of Justice’s intervention here is intended to reduce these interactions—not to pretend as though the protected class of people will disappear.

In candor, it seems that all parties to this Agreement—when budget, personnel, public relations, and membership concerns are set aside—would agree that the surest way to reduce force against persons with mental illness is to substantially reduce encounters between people with mental illness and the police. Indeed, this should probably be the top priority if the purpose of this Agreement is ever to be achieved. In my mind, there are two top priorities for achieving this.

First, the City and the PPB need to quit blaming others for their personnel having interactions with persons with mental illness. No matter how much funding there is or how many agencies and mental health workers there are, there will still be thousands of people with a mental illness in Portland. Even if

it would like to deny this is so, the City itself is actually involved in working with persons with mental illness (and the overlapping of substance abuse). Even if the City wants to deny it has any responsibility in these areas, there is much, much more it could do—either by encouraging others or by partnering with them—to improve these services. Actually working to improve the system would help demonstrate that they actually want the situation to improve, rather than just maneuvering to keep “the system” in the public debate as an excuse.

Second, Portland Street Response or a similar group needs to begin taking the great bulk of necessary interactions between public employees and persons with mental illness. At a minimum, this means a rapid and full expansion of such a program or programs. While the discussions appear to be closely guarded, there is information in the media that raises the issue whether some parties in this case are intentionally undermining the progress of this badly needed change. It is not possible to simultaneously reduce interactions between the police and persons with mental illness and keep the policing system the same as it’s been. That should be obvious to everyone at this point. Others have used the excuse that the system needs to be perfected more before it is further expanded. At this point, this is a new system. How can it possibly be worse than the current system to alter a new system as more is learned?

We have an historic opportunity to improve the way that our local government interacts with persons with mental illness. Let’s not just make excuses and make them official in the proceedings; this just shows surrender without really trying to improve the situation. It is time to take seriously that we need to reduce interactions between police and persons with mental illness, by the City actually doing something about “the system” and by fully funding and staffing non-police groups that will handle the great majority of interactions.

Thank you,
Mark Chasse