

BILLY J. WILLIAMS, OSB #901366

United States Attorney

RENATA A. GOWIE, OSB#175273

Chief, Civil Division

JARED D. HAGER, WSB #38961

Assistant U.S. Attorney

U.S. Attorney's Office for the District of Oregon

1000 SW Third Avenue, Suite 600

Portland, Oregon 97204-2902

Phone: 503.727.1120

Email: jared.hager@usdoj.gov

JOHN M. GORE

Acting Assistant Attorney General

STEVEN H. ROSENBAUM

Chief, Special Litigation Section

LAURA L. COWALL

Special Counsel

R. JONAS GEISSLER

KERRY K. DEAN

Trial Attorneys

U.S. Department of Justice, Civil Rights Division

950 Pennsylvania Ave., NW

Washington, D.C. 20530

Phone: 202.514.6255

Email: jonas.geissler@usdoj.gov

Attorneys for the United States

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

UNITED STATES OF AMERICA,

Case No. 3:12-CV-02265-SI

Plaintiff,

v.

PLAINTIFF'S POST-STATUS
CONFERENCE STATUS REPORT

CITY OF PORTLAND,

Defendant.

Plaintiff United States of America submits this Status Report in response to the Court's questions at the Third Annual Status Conference on April 19, 2018. Specifically:

1. In regard to the number of people that are taken from the Unity Center for Behavioral Health ("the Unity Center" or "Unity") to jail, the Court asked if the numbers are publicly available and how to access the information; and
2. In regard to the Unity Center's funding, the Court asked if the United States has a position on whether the Unity Center is sufficiently funded.

See Transcript, at 155:20-25, 156:1-10, and 164:17-19.

As background, the Settlement Agreement memorializes in Paragraph 89 an expectation that local Community Care Organizations ("CCOs") will establish one or more drop-off centers for first responders and public walk-in centers for individuals with addictions and/or behavioral health service needs that focus care plans on appropriate discharge and community-based treatment options rather than unnecessary hospitalization.¹ The Unity Center, which began operations on January 31, 2017, is a partnership of four Portland-area health systems—Adventist Health, Kaiser Permanente, Legacy Health, and Oregon Health & Science University—that provides care for individuals experiencing a mental health crisis. Unity serves as a drop-off center for first responders and a public walk-in center for individuals with addictions and/or behavioral health service needs.

In evaluating the City's compliance, both the Compliance Officer/Community Liaison ("COCL") and the United States have recognized that Paragraph 89 sets expectations for entities other than the City. *See, e.g.*, ECF 155-1, COCL Compliance Assessment Rep., at 44 (Aug. 24, 2017); ECF 158-1, Third Periodic Compliance Assessment Rep., at 36-38 (Dec. 26, 2017). However, the COCL and the United States have found substantial compliance based on the existence and operation of the

¹ The Amended Settlement Agreement, entered as an Order of the Court on May 15, 2018, makes no change to Paragraph 89. *See* ECF 171.

Unity Center.

After the April 19, 2018 Status Conference, the United States met on multiple occasions with representatives of the City of Portland, the Portland Police Bureau, including data analysts and Behavioral Health Unit Advisory Committee (“BHUAC”) members, the Unity Center, and mental health community members and advocates. The United States hereby submits this Status Report to respond to the Court’s questions about the Unity Center.

Arrests at the Unity Center. The number of people who go from the Unity Center to jail is not generally available to the public. However, members of the public can obtain that information by submitting a Public Records Request asking for the number of arrests at the Unity Center’s address, 1225 NE 2nd Avenue, Portland OR 97232. The request can be made online at this link: [https://portlandor.mycusthelp.com/WEBAPP/rs/\(S\(yuh15blqvqx0up3bp1ljrklm\)\)/SupportHome.aspx](https://portlandor.mycusthelp.com/WEBAPP/rs/(S(yuh15blqvqx0up3bp1ljrklm))/SupportHome.aspx).

Aside from a Public Records Request, the City’s website (www.portlandoregon.gov) has an accessible, publicly available, free-to-use tool to search “Open Data” for the Portland Police Bureau (available at <https://www.portlandoregon.gov/police/71673>). There, the public can use the Interactive Dashboard to survey force reports, dispatched calls, and crime statistics at varying levels of detail. While the Dashboard would not yield the specific number of arrests at the Unity Center, it does provide a way to immediately access some relevant information. For example, the user can retrieve data showing arrests for particular offenses by neighborhood and by block over a given month or months.

The United States obtained the actual number of arrests at the Unity Center’s address – which includes arrests in the building, in the entryway outside the building, and in the parking lot. For the 15-month period from Unity Center’s opening on January 31, 2017, until April 30, 2018, there were 30 arrests. Of the 30 arrestees, 10 were current patients; 5 were not patients and 15 were discharged

patients.² During that same 15-month period, Unity's Psychiatric Emergency Services ("PES") served 6,540 individuals over 11,993 visits, and Unity's Mental Health Inpatient Care program served 2,281 individuals over 2,977 admissions. The totals—8,821 individuals served across 14,970 encounters—show that the ratio of arrests to individuals served is 0.0034, or less than half of one percent. This ratio suggests to the United States that the specter of arrest does not, at this time, impair the Unity Center's ability to be an effective drop-off center for first responders and public walk-in center for people seeking mental health services.

The United States has put the Court's questions to the BHUAC, suggesting to the Committee that it regularly consider the number and type of arrests at the Unity Center. The BHUAC is considering the suggestion along with other metrics by which to assess the Unity Center in relation to the Committee's mission.

Funding for the Unity Center. The Unity Center is not a party to this litigation. However, the United States discussed the issue with Unity Center management and multiple community members. Based on these discussions, and in light of the first 15 months of data on the number of visits, admissions, and individuals served, the United States continues to find the Unity Center meets the expectation set forth in Paragraph 89. Data we reviewed do not suggest that funding is insufficient for that purpose. This view is not meant to suggest that additional funding would not help the Unity Center better fulfill its mission.

The United States is mindful that the Unity Center is regulated by multiple agencies, in particular, the United States Department of Health and Human Services and state and county regulatory authorities. We understand that the Centers for Medicare and Medicaid Services ("CMS")

² A search on August 1, 2018, of the publicly available, free Interactive Dashboard to identify number of arrests in the Lloyd neighborhood at the 1200 block of N.E. 2nd Avenue for the 15-month period from February 1, 2017 to May 1, 2018, returned 35 arrests.

is currently evaluating the adequacy of conditions and practices at Unity. *See* Oregon Health Authority, *Summary Statement of Deficiencies* (July 30, 2018), available at http://media.oregonlive.com/health_impact/other/2018-0630%20Records.pdf.

Subject to the resolution of CMS's review, the United States has no current indication that the Unity Center lacks sufficient funding to remedy reported safety concerns and implement its plan of corrective action. *See* Unity Center, *Plan of Correction* (July 2018), available at https://www.unityfacts.org/wp-content/uploads/2018/08/planofcorrectiveactionunity_july2018.pdf. But we will continue to monitor the situation, including by listening to community members and advocates, to consider whether the Unity Center is sufficiently funded for purposes of Paragraph 89 to operate as a viable drop-off and walk-in center.

Dated this 2nd day of October, 2018.

Respectfully Submitted,

<p>BILLY J. WILLIAMS United States Attorney District of Oregon</p> <p>RENATA A. GOWIE Chief, Civil Division</p> <p><u>/s/ Jared D. Hager</u> JARED D. HAGER Assistant U.S. Attorney</p>	<p>JOHN M. GORE Acting Assistant Attorney General United States Department of Justice Civil Rights Division</p> <p>STEVEN H. ROSENBAUM Chief, Special Litigation Section</p> <p><u>/s/ Laura L. Cowall</u> LAURA L. COWALL Special Counsel</p> <p><u>/s/ R. Jonas Geissler</u> R. JONAS GEISSLER Trial Attorney</p> <p><u>/s/ Kerry K. Dean</u> KERRY K. DEAN Trial Attorney</p>
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