



Written Testimony of Dari Pogach, Staff Attorney, University Legal Services

Before the Council of the District of Columbia
Committee on the Judiciary and Public Safety

Fiscal Year 2012-2013 Agency Performance Oversight Hearings
Metropolitan Police Department
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University Legal Services (ULS) is the designated protection and advocacy program for people with disabilities in the District of Columbia. Pursuant to our federal mandate, University Legal Services (“ULS”) represents hundreds of D.C. residents with mental illness each year in their pursuit of appropriate mental health services. We advocate on behalf of mental health consumers to ensure they receive treatment in the least restrictive setting appropriate to their needs. In addition, we investigate incidents of abuse and neglect, including investigations of suspicious deaths of mental health consumers.¹

The Death of Jean Edny Louis, Longtime District of Columbia Resident and Consumer of Mental Health Services

ULS has released an investigative report concerning the death of Jean Edny Louis, a consumer of Department of Mental Health (“DMH”) services. Mr. Louis was shot and killed by Metropolitan Police Department (“MPD”) officers in the apartment he had lived in for twenty years on June 14, 2011.² Our findings are based on the documentation provided by DMH and

¹ U.S.C. 42 § 10805(a)(1)(A) provides for ULS’ investigative authority.

² See attached report, “An Investigation of the Department of Mental Health, Anchor Mental Health Services, and the Death of Jean Edny Louis” (hereinafter “ULS Report”). See also Peter Hermann, *Report Criticizes Care Given to Man Before Being Shot by D.C. Police*, Wash. Post, January 29, 2013, available at http://www.washingtonpost.com/local/report-criticizes-care-given-to-man-before-being-shot-by-dc-police/2013/01/29/a97eb4b2-6a09-11e2-ada3-d86a4806d5ee_story.html.

Anchor Mental Health Services (Anchor).³ We received virtually no response to our requests for information from MPD.

Community groups were outraged over the lack of information forthcoming from MPD, DMH, and Anchor. Several organizations, including ULS, asked the District of Columbia Council to hold a public hearing to address significant questions stemming from this incident.⁴ We thank Councilmember Wells for his attention to this matter and are optimistic that our testimony today is the beginning of a comprehensive public inquiry. We urge the Committee on Health and the Committee for the Judiciary and Public Safety to hold a joint hearing on this matter to further investigate the roles of MPD and DMH in responding to individuals in psychiatric crisis.

Without more information from MPD, the mental health advocacy community will continue to question the roles of MPD and DMH in the death of Jean Louis and other individuals with mental illness. In the fall of 2011, ULS submitted a Freedom of Information Act (FOIA) request to MPD for records relating to the death of Jean Louis. In addition, we requested the records of two police related deaths of District residents with mental illness, dating back to 2008 and 2009, to identify patterns and practices that may lead to the unnecessary deaths of District residents with mental illness. MPD provided ULS with a two-page incident report concerning Mr. Louis' death, claiming it was legally exempt from further responding to our request because it was conducting investigations into all three deaths that could result in the filing of criminal charges against police officers. We renewed our request in October 2012 and have not received a response. Jean Louis died a year and a half ago. The other two individuals died four to five

³ Anchor is a DMH certified core services provider that provided case management services to Mr. Louis for several years until he died.

⁴ See September 22, 2011 letter from the Downtown Cluster of Congregations attached as Exhibit B, and October 7, 2011 letter from ULS, attached as Exhibit C to attached ULS Report.

years ago. MPD's prolonged investigations and lack of transparency reinforce the community's doubt and distrust that MPD is prepared to handle difficult situations involving individuals with mental illness.

Mr. Louis, a resident of the Mt. Pleasant neighborhood of Northwest D.C. for twenty years, showed signs of crisis for several months prior to his death in June 2011. Mr. Louis was hospitalized several times, he experienced conflicts with his landlord, and he stopped taking his medication.⁵ On June 13, 2011, Mr. Louis' Anchor case manager contacted Mobile Crisis Services. ("MCS" is DMH's on call service for adults in psychiatric crisis).⁶

Four or five hours before he was killed, Mr. Louis' case manager and MCS visited him at his home. MCS arrived at his apartment first, and determined that Mr. Louis required emergency hospitalization. MCS instructed the case manager to wait for the police downstairs, inform them that Mr. Louis was in possession of a screwdriver, and then leave the scene because she was eight months pregnant. When the police arrived, MCS informed them that Mr. Louis displayed a screwdriver in his hand but the case manager had assured them that there was, "no lethal weapon, such as a gun, in his possession." We do not have much information about what happened next. It appears that the police could not engage Mr. Louis. Mr. Louis ran into the bathroom and barricaded himself behind a door. The police used mace and verbally tried to get Mr. Louis out of the bathroom. At some point Mr. Louis struck an officer with a screwdriver twice. Around 6:00 PM, MPD Emergency Response intervened, fatally shooting Mr. Louis.

An inquiry into the available training for MPD officers would address concerns regarding the safety of both the public and police officers. MPD officers are often the first responders to individuals in crisis. In the fiscal year 2011, of the 3,921 admissions to the District's

⁵ See ULS Report, pages 6-8, for a more detailed summary of the events leading up to Mr. Louis' death.

⁶ Mr. Louis' case manager worked for Anchor Mental Health Services.

Comprehensive Psychiatric Emergency Program (“CPEP” is D.C.’s public psychiatric emergency room), 3,193 or 81% were transported to the hospital by MPD.⁷ Without appropriate training and assistance from mental health professionals, police are ill-equipped for these difficult situations. As recently as July 2012, Anthony Chambers, a 38 year old District resident, died after an apparent struggle with police while officers attempted to transport him to CPEP. Neither DMH nor MPD have released any information about this death, such as whether the officers on the scene had any special training or whether DMH personnel were present and able to intervene.

Police use of deadly force against mental health consumers is not a problem that is unique to the District of Columbia. Studies in states across the county are showing that significant percentages, and sometimes vast majorities, of people who are killed by the police have a mental illness.⁸ While these extreme incidents may not represent the majority of police interactions with individuals with mental illness, they have a chilling effect on the community’s ability to trust law enforcement. The first step towards building trust in the mental health community is for MPD to share information about the circumstances leading up to Mr. Louis’ death and other police related deaths of individuals with mental illness.

We Urge City Council to Demand Answers from MPD

We urge City Council to hold MPD accountable for sharing information with the public about the training of its officers to appropriately interact with individuals with mental illness.

Last year, in preparation for this oversight hearing, Police Chief Cathy Lanier responded

⁷ DMH Agency Oversight Performance Response for Fiscal Year 2011-2012, Program and Activity Detail Worksheet, page 23, attachment 4 of 5, available at http://www.dccouncil.us/files/user_uploads/budget_responses/fy11_12_agencyperformance_deptofmentalhealth_responses_part1.pdf

⁸ Natasha Lennard, *More Than Half the People Shot by Police are Mentally Ill, Investigation Finds*, Salon.com, December 10, 2012, available at http://www.salon.com/2012/12/10/half_of_people_shot_by_police_are_mentally_ill_investigation_finds/.

generally about MPD's Crisis Intervention Officer ("CIO") Program, but did not address the death of Jean Louis or other individuals.⁹ According to Chief Lanier, more than 350 officers have undergone CIO training.

Many questions remain unanswered: Have a sufficient number of officers been trained? Are measures of consistency and fidelity to key elements of training tracked and available? Are officers supported by their superiors in implementing these interventions? Are CIO responses considered a valued function in individual police districts? Do all members of the Emergency Response team receive CIO training? Will MPD release relevant utilization and outcome data regarding CIO and non-CIO responses to situations involving individuals experiencing a mental health crisis?

Regarding the death of Jean Louis: Were CIO officers involved? If the officers were not CIO trained, were they trained in de-escalation techniques? Had the Emergency Response officers who killed Mr. Louis taken the CIO course?

MPD's failure to respond to these questions raises doubts about the safety of everyone involved in interactions between MPD officers and individuals with mental illness.

Conclusion

Without a public inquiry into the death of Mr. Louis, the mental health community will continue to question whether MPD is capable of safely responding to individuals in crisis. MPD officers may lack the necessary training to reduce the likelihood of violence in their interactions with individuals with mental illness. After a year and a half of seeking answers from DMH,

⁹ Police Chief Cathy Lanier responded to a general question on the subject (police action dealing with a barricaded mentally ill person) posed by the Council before the 2012 MPD oversight hearing. The reply did not provide any specific information regarding Jean Louis. See Q.44 (p.26), February 24, 2012, letter from MPD to the Council, available at http://dcclims1.dccouncil.us/mendelson/archive_pr/COJ%20Performance%20and%20Budget%202012/Later%20Rounds/MPD%20FY12%20Performance%20Responses,%202nd%20Round,%202.24.12.pdf.

⁹ U.S.C. 42 § 10805(a)(1)(A) provides for ULS' investigative authority.

Anchor, and MPD, we believe that the only way to gain insight into police related deaths of individuals with mental illness is for City Council to demand answers from these agencies at a public hearing. A public hearing would provide a forum to learn more about these tragic incidents and how to prevent future deaths. We urge City Council to ask MPD to commit to greater transparency, and to demonstrate this commitment by releasing more information about the deaths of Jean Louis and other individuals with mental illness who were killed by MPD officers.