

STATEMENT ON THE DECISION OF THE OREGON SUPREME COURT IN *STATE OF OREGON V. LINUS KORBIN NORGREN*

May 16th, 2018

“This decision is an important win for the rights of people with mental illness interacting with police. In dismissing the petition for review just a week after oral arguments and affirming the Court of Appeals’ decision, the Oregon Supreme Court has recognized the importance of ensuring that a waiver of Miranda rights is truly “knowingly and intelligently given” and protecting the rights of individuals experiencing a mental health crisis.

It is vital that all those working within law enforcement and the criminal justice system are sensitive to the fact that many people intersecting with the system have mental health problems. It is not enough for an officer to subjectively surmise that someone is knowingly, freely, and intelligently waiving their rights: the state must meet its “heavy burden” to prove this.

Research shows that Miranda warnings are often incompletely understood, even by people without mental illness. Mental health problems may significantly impair an individual’s ability to understand their Miranda rights fully or contribute to an inability to withstand coercion on the part of the police.

While this is a significant affirmation of individual rights in particular for those with mental health concerns, more remains to be done to ensure people in mental health crisis are protected and that suitable alternatives to the criminal justice system are more widely available.”

**Statement to be attributed to Bobbin Singh, Executive Director, Oregon Justice Resource Center.**