



## Testimony in Strong Support of SB 187

TO: Senate Committee on Judiciary and Ballot Measure 110 Implementation  
FROM: Treatment Advocacy Center  
HEARING: Monday March 15, 2021 at 8:00 am

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Dear Chair Prozanski, Vice-Chair Thatcher, and members of the Senate Committee on Judiciary and Ballot Measure 110 Implementation:

The Treatment Advocacy Center is a national nonprofit dedicated to eliminating barriers to treatment for individuals with severe mental illness. We analyze the laws of each state to identify legislative changes that can remove obstacles to timely and effective treatment for individuals in the appropriate and least-restrictive setting. We count many Oregon families among those who contact us seeking help for loved ones. The most common issue is the tremendously high threshold for a person in obvious crisis to be admitted for evaluation. Those admitted are frequently discharged too quickly. Tragedy has resulted from this status quo. Failure to admit those in need or to properly stabilize people in crisis before discharge points to problematic criteria.

I am writing to express my strong support for SB 187. Oregon is one of only five states that does not provide a definition of 'danger to self or others.' Three of these states (Oregon, Texas and Maryland) have pending legislation to define 'danger to self or others' this year. Until a definition is adopted to guide interpretation, Oregon truly is an outlier among the states. The vagueness of the statute has led to a highly restrictive interpretation of the law by the courts in the absence of a clear statement of legislative intent.

Apart from judicial interpretation, providing a definition of 'danger to self or others' will give much-needed guidance and continuity for crisis responders, law enforcement, emergency physicians and other practitioners. Frontline workers should not be expected to follow case law in order to be able to assess whether an individual meets criteria; it should be clearly laid out in the law they are expected to carry out. In addition, whether a person meets criteria should not depend on the part of Oregon in which they are physically located when a crisis arises.

It is the proper role of the legislature, as the elected representatives of Oregonians, to articulate what it intends in this area of the law. As Justice Brewer indicates in his sage testimony, it is the vagueness of the statute that created the need for the courts to attempt to interpret what the phrase 'danger to self or others' means. This can be corrected with an affirmative statement of intent.

SB 187 is the product of lengthy stakeholder engagement to articulate a better way forward, with a candid acknowledgement by all that the status quo is failing Oregonians with severe mental illness. It followed an exhaustive review of language used in other states seeking elements that will work best in Oregon's current statutory framework.

The Treatment Advocacy Center strongly supports passage of SB 187. We thank you for your consideration of these important issues for Oregonians.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Dailey".

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