



Testimony on SB 132 – Procedures for determining fitness to proceed and restoration

March 29, 2017

Dear Chair Prozanski and Members of Senate Judiciary Committee,

On behalf of the Association of Oregon Community Mental Health Programs (AOCMHP), I would like to testify on SB 132. Considering the anticipated amendment, we could support this bill if there are sufficient resources in communities to provide appropriate restoration services for Aid & Assist defendants who would qualify for community restoration, based on their charges, as an alternative to restoration at the Oregon State Hospital. As noted in the Governor's budget, "Key to addressing this issue (i.e., too many Aid & Assist defendants at OSH for restoration services) is developing a robust array of community services, including crisis interventions such as mobile crisis teams and assertive community treatment that enable law enforcement and other community partners to connect people with mental health services rather than arrest them."

We were one of the parties concerned about the potentially broad interpretation of "other facility" or "another facility" mentioned throughout the bill. The clarifications stated in the amendment, allowing flexibility in the place where .365 evaluations are provided and in specifying the Department of Corrections as the other facility for .370 evaluations, alleviated our concerns.

We also suggest replacing "Community mental health provider" in Section 3 (3) with "Community Mental Health Program," to align with other statutory language.

While consultation with CMHPs to determine the appropriate level of care and place for restoration is not the point of this bill, it is important to note that HB 2420, passed this requirement in 2015: "when the court has reason to doubt the defendant's fitness to proceed by reason of incapacity...the court shall order that a community mental health program director or the director's designee consult with the defendant to determine whether services and supervision necessary to safely restore the defendant's fitness to proceed are available in the community." CMHPs know best the resources available in their communities to accommodate restoration services and have been successful with Judiciary and Public Safety systems in decreasing the numbers of Aid & Assist defendants at OSH.

Thank you for the opportunity to provide testimony on SB 132 and we look forward to continuing to work with our system partners on identifying the best remedies for containing the Aid & Assist defendant census at OSH.

Sincerely,

Cherryl L. Ramirez
Director, AOCMHP