

The Honorable Nan Waller
Multnomah County Circuit Court

Chris Thomas
Facilitator, Commitment to Change Workgroup

Judicial Branch

Oregon Judicial Department

COMMITMENT TO CHANGE WORKGROUP

Presentation to the House and Senate Interim Judiciary Committees, November 8, 2023



Oregon's Civil Commitment Statutes

- ORS Chapter 426 (mental illness)
- ORS Chapter 427 (intellectual disability)

Basis of Commitment	Jurisdiction of Commitment	Purpose of Commitment
Qualifying mental illness	Oregon Health Authority	Treatment
“Extremely dangerous” because of a qualifying mental disorder	Oregon State Hospital; Psychiatric Security Review Board	Custody, care, and treatment
Intellectual disabilities	Oregon Department of Human Services	Care, treatment, or training

Civil Commitment is Different than Aid & Assist



VS



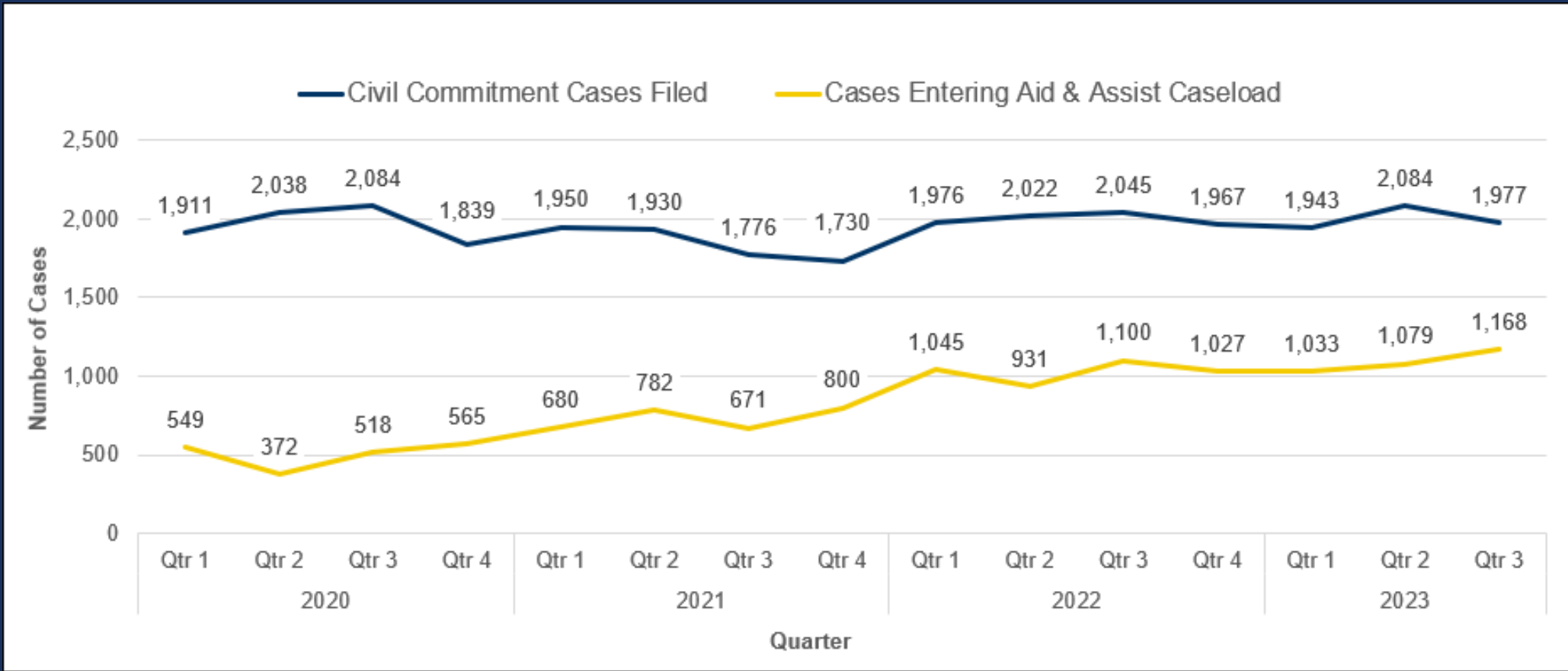
Civil Commitment

- Person with a mental illness
 - Dangerous to self or others
 - Unable to provide for basic personal needs
- In need of treatment
- Civil proceeding for commitment up to 180 days or recertification

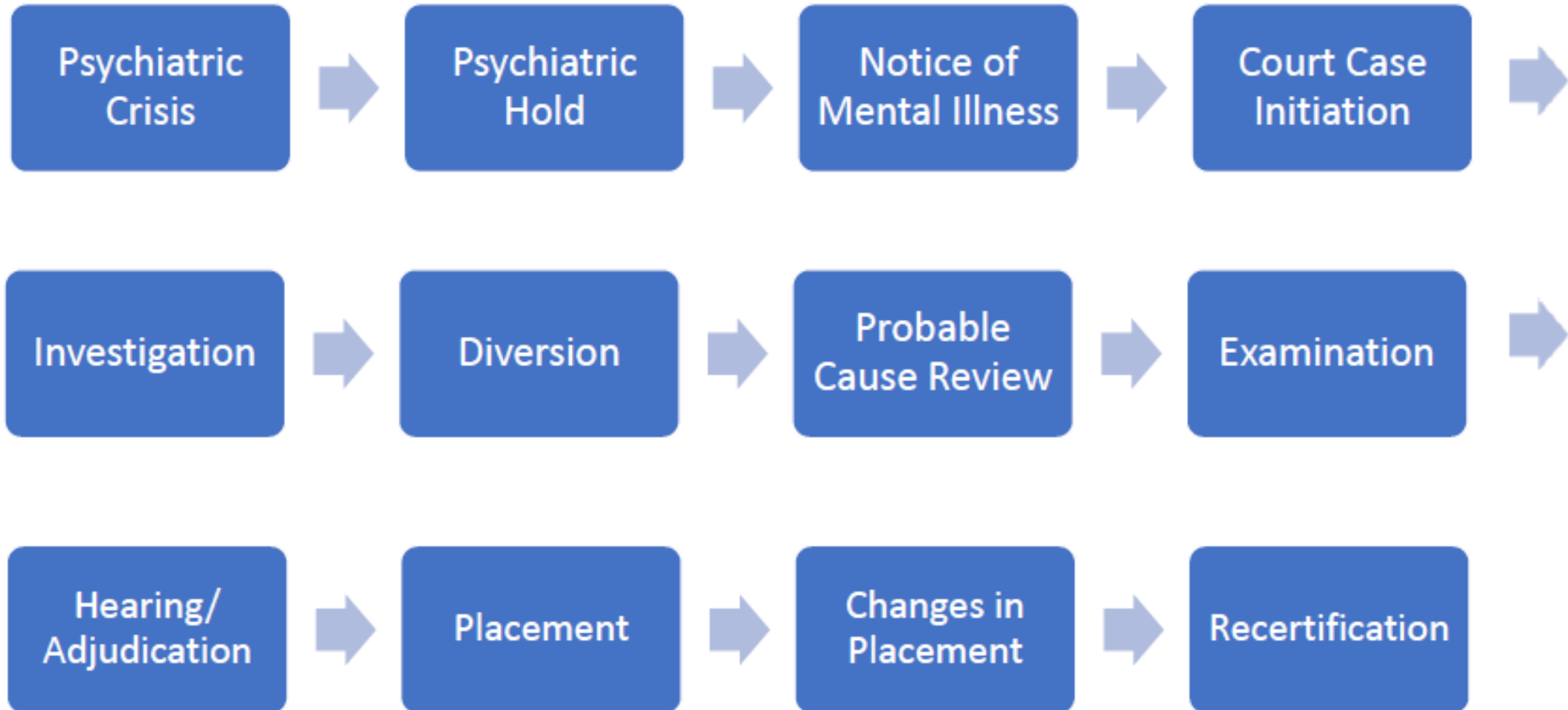
Aid & Assist

- Person with criminal charges
- Unfit to proceed in case due to qualifying mental disorder
- Court-ordered treatment either in the community or OSH to restore defendant's fitness to proceed in case

New Civil Commitment and Aid & Assist Cases, Over Time

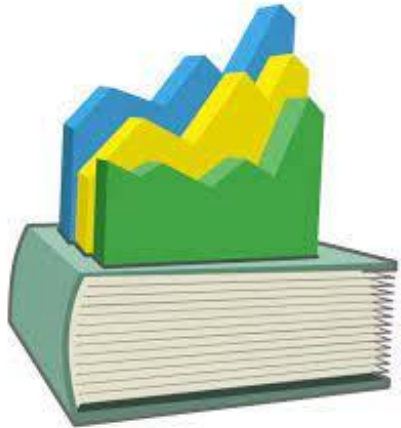


Oregon's Civil Commitment Process



By the Numbers: Civil Commitment (2022)

Includes all civil commitment cases for mental illness, extremely dangerous, and intellectual disability



	Statewide
Cases Filed	8,010
Voluntary Diversions	1,172 (15%)
Assisted Outpatient Treatment (AOT) Judgments	7 (0%)
Cases Closed	8,275*
Commitments	469 (6%)
Dismissed Prior to Investigation Report	5,020 (61%)
Dismissed After Investigation Report, Before Citation	2,405 (29%)
Dismissed After Citation But Before Hearing	81 (1%)
Dismissed After Assisted Outpatient Treatment	5 (0%)
Conditional Release	1 (0%)
Disposition Unknown	128 (2%)

*Percentages are of cases that closed in 2022 but may have been filed in previous years

Commitment to Change Workgroup Overview



- A multidisciplinary workgroup formed by former Chief Justice Martha Walters in August 2022 at the recommendation of OJD's Behavioral Health Advisory Committee
- Charged to undertake a comprehensive review of Oregon's civil commitment laws and offer recommendations for legislative reform in 2025
- Committed to inclusive and transparent processes that incorporate input from all interested stakeholders

CTC Workgroup

Building on Prior Efforts

Reforming Oregon's civil commitment statutes has been an area of legislative interest for several years

- Legislative Workgroup to Decriminalize Mental Illness, co-chaired by Senator Floyd Prozanski and Judge Pat Wolke (Josephine County Circuit Court), met from 2017-2021 with a focus on changes to ORS Chapter 426
- HB 3234 (2023) amended ORS Chapter 427, and Senator Gelser Blouin has a current workgroup to consider further changes



CTC Workgroup Scope

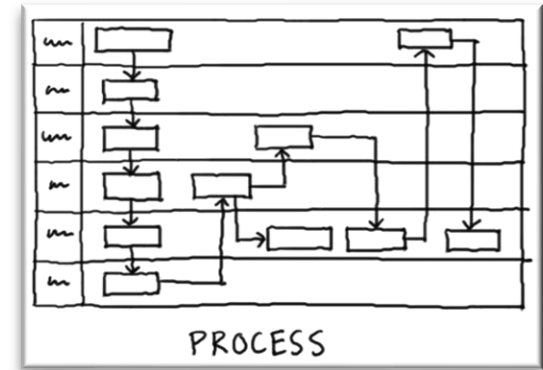
Comprehensive
scope for well
founded system
reform

Core principles and science that underlie Oregon's current civil commitment statutes and those that we aspire towards

Issues at each step of the current civil commitment process and across multiple steps

Intersections with Oregon's criminal justice, behavioral health, and social service systems

Big and novel ideas that go beyond existing statutory frameworks to better serve the goals of Oregon's civil commitment system



Workgroup Representation

23 workgroup members were appointed to provide the perspectives of their organizations and actively represent the people they serve

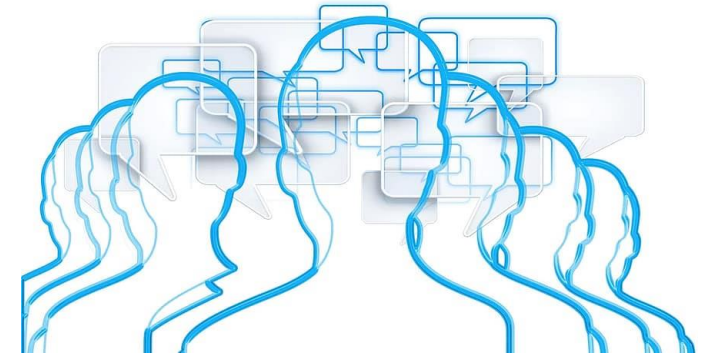
Judicial Branch	<ul style="list-style-type: none"> • Circuit Court Judges
Legislative Branch	<ul style="list-style-type: none"> • House (Democrat, Republican) • Senate (Democrat, Republican)
Executive Branch	<ul style="list-style-type: none"> • Oregon Health Authority • Oregon State Hospital • Department of Human Services
Tribes	<ul style="list-style-type: none"> • Oregon Health Authority Tribal Mental Health Analyst
Local Governments	<ul style="list-style-type: none"> • Association of Oregon Counties • League of Oregon Cities • Association of Oregon Community Mental Health Programs

People with Lived Experience	<ul style="list-style-type: none"> • Disability Rights Oregon • NAMI Oregon • Mental Health and Addiction Association of Oregon • Mothers of Mentally Ill
Hospitals	<ul style="list-style-type: none"> • Oregon Association of Hospitals and Health Systems
CCOs	<ul style="list-style-type: none"> • CCO Oregon
Law Enforcement	<ul style="list-style-type: none"> • Oregon State Sheriffs' Association • Oregon Association of Chiefs of Police
Legal Representation	<ul style="list-style-type: none"> • Oregon Criminal Defense Lawyers Association • Oregon District Attorneys Association

Maximizing Workgroup Input at the Table and Beyond

We recognize that an effective workgroup requires:

- limited size to allow for meaningful exchange of ideas
- balance of stakeholder interests through representative membership
- meaningful opportunities for all interested persons to provide input
- recommendations that integrate input from workgroup and interested persons



The CTC Workgroup established the following processes to maximize input by all interested persons:

- All workgroup meetings are held online and open to public for observation
- Each member must create an email distribution group to share information and receive feedback from interested persons in their entities, organizations, and constituencies
- Every month, each workgroup member must send the most recent workgroup minutes and a survey link to their distribution lists for input on topics that will be discussed at the upcoming meeting
- Staff compiles survey responses and reports the results for consideration in the workgroup meeting discussions (typically >100 survey responses per meeting)

CTC Workgroup Process



- **Neutral facilitator** (Masters level clinician, Ed.D. candidate, former director of Oregon Center on Behavioral Health and Justice Integration)
- **Full-time workgroup analyst** (Ph.D. candidate, civil commitment researcher)
- **Iterative meeting process** to ensure all members gain a **core knowledge** of civil commitment system
 - Overviews, statistics, **constituent survey responses**, and workgroup discussions on each step in current civil commitment process
 - Monthly reading assignments and handouts to provide **national context** and awareness of **academic research** on civil commitment
- PowerPoints that guide each meeting through **directed questions** that keep discussions moving towards the development of recommendations
- **Regular opportunities to offer ideas** for system improvement verbally or in writing, during or between meetings, big or small

Sampling of Workgroup Topics

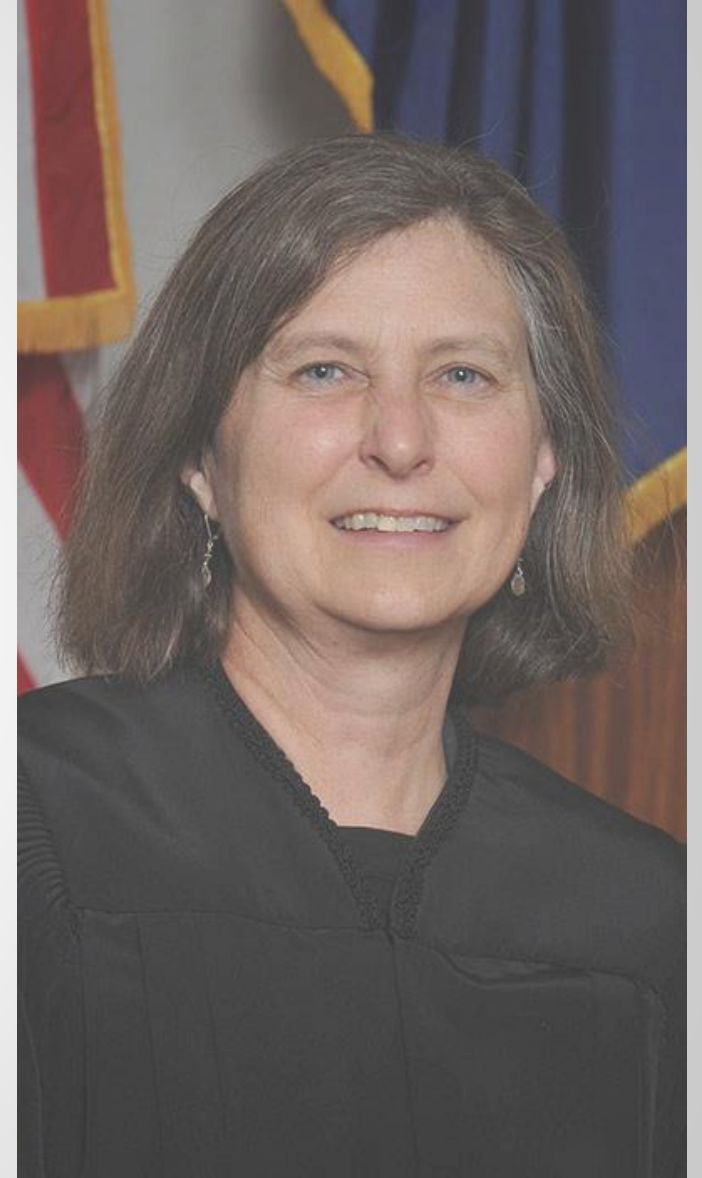
- Core principles underlying civil commitment
- Science of mental health
- Equity
- Oregon's behavioral health system
- Initiation of civil commitment process (holds, notice of mental illness, warrant of detention)
- Investigation
- Diversion
- Probable Cause Determination
- Citation and service
- Appointment of counsel
- Examination
- Hearing
- Adjudication
- Assisted Outpatient Treatment
- Alternatives to commitment (voluntary admissions, conditional release)
- Commitment (inpatient, outpatient)
- Medication
- Trial visits
- Recertification of commitment
- Discharge and dismissal
- Transitions between criminal justice system and civil commitment
- Intellectual disabilities
- Guardianships
- Funding systems
- Data sharing and confidentiality
- Data collection, analysis, and reporting



CTC Workgroup

Work Product

- Workgroup staff to prepare final report for submission to the Chief Justice
- Goal is to identify consensus concepts for stakeholder consideration as the 2025 legislative session approaches



Stay Involved

Contact Candace Joyner at
candace.n.joyner@ojd.state.or.us
to

- Observe monthly meetings through April 2024, second Fridays (except November, on third Friday), 9:00 am - 12:00 pm
- Join the CTC Workgroup interested persons mailing list to receive monthly minutes, stakeholder surveys, and more
- Provide input at your convenience

Thank You

QUESTIONS?

CTC Workgroup Facilitator: Chris Thomas, chris@ctc-llc.biz

CTC Workgroup Analyst: Candace Joyner, candace.n.joyner@ojd.state.or.us

OJD Senior Asst. General Counsel: Debra Maryanov, debra.c.maryanov@ojd.state.or.us

