



# Work Session Summary Minutes

OREGON

## Civil Commitment Process

October 1, 2024. 3:00 PM

Courthouse Square, 555 Court St. NE, Salem  
5th Floor, Suite 5232, Commissioners Board Room

### ATTENDANCE:

**Commissioners:** Kevin Cameron, Danielle Bethell, and Colm Willis.

**Board's Office:** Matt Lawyer, Jan Fritz, Alvin Klausen, Shawnnell Fuentes, and Trevor Lane.

**Legal Counsel:** John Pettifer, and Scott Norris.

**District Attorney's Office:** Brendan Murphy, Evelyn Centeno, and Paige Clarkson.

**City of Salem:** Julie Hoy, Trevor Womack Salem PD, Unidentified Salem PD member

**Health and Human Services:** William Tester, Katrina Griffith, Naomi Hudkins, Debbie Wells, and Ryan Matthews.

**Sheriff's Office:** Nick Hunter.

Kevin Cameron called the meeting to order at 3:00 p.m.

## 1. DISCUSSION

-Ryan Matthews

### **Summary of presentation:**

- Legislative fixes for civil commitment; and
- Mapped process to see issues from health's perspective:
  - Other agencies/departments may have different needs.

## 2. PROCESS MAP

-Naomi Hudkins

### **Summary of presentation:**

- Criteria includes:
  - Imminent danger to themselves;
  - Imminent danger to others; and
  - Unable to meet basic needs.
- Notified of individuals in three ways:
  - Hospital hold/Notification of Mental Illness (NMI):
    - Five judicial days to make a decision;
    - Possible 14 day diversion at the hospital;
    - DA's office decides on taking case; and
    - If not individuals are released and charges dropped.
  - Magistrate order by judge:

- Individual is in jail;
    - Have either five or 15 days depending on scenario; and
    - No 14 day diversion option.
  - Two-party petition:
    - Have 15 days to make a recommendation;
    - No 14 day diversion option; and
    - Recommend citations so individuals can get to court.
- Individuals go to a holding facility or remain in hospital for treatment:
  - Transferred to Oregon State Hospital (OSH) if more care is needed.
- If in OSH discharged after 180 days or earlier with improvements:
  - Recommitted if individual needs more help; and
  - The process starts all over.
- Individuals that are not ready are monitored and provided support;
- Salem Health Psychiatric Medicine Center holds individuals for about two weeks;
- Majority of individuals do not stay 180 days at OSH;
- Individuals taken to Marion County Psychiatric Crisis Center (PCC):
  - Evaluated;
  - Stabilize with in-house programs;
  - Recommend hospital if do not have capacity to help; and
  - If hospital disagrees they can discharge.
- Barriers include:
  - Standards of inability to care are different from the courts;
  - Five judicial days for NMI, investigation, recommendation, and in court:
    - Decision needed by day three; and
    - Individuals are in holding facility during process.
  - In 2-Party Petitions only arresting authorities can bring individuals in:
    - Sheriff's Office can only do it if there is a crime.
  - Licensed Mental Health Counselor's diagnosis will not hold in court.
- Standard changes can have more individuals go through the five day process;
- Need to address timeframe of doctors, assessing individuals, statutorily:
  - Must be an imminent danger and by court date may not be;
  - Define near future, currently 30 days;
  - Regimented treatment is needed for success; and
  - Doctors stating near future decompensation allows for civil commitment.
- County and court standards of imminent danger vary;
- National Association of Mental Illness (NAMI) bill:
  - Composed of individuals or family members with mental illness;
  - Helps through the civil commitment process;
  - Big push during upcoming legislative session; and
  - Need to show important of 30 day processing.
- Oregon has one of the most difficult civil commitment processes;
- Oregon Judicial Department civil commitment work group:
  - Going nowhere.
- Public Defender of Marion County Office has one civil commitment attorney;
- Previously Marion County did not process civil commitments:
  - Required by law;
  - No funds provided for an additional attorney;
  - Cases have grown exponentially; and
  - DA Law Clerks, managed by an attorney, process.
- Judges issue civil warrants for civil commitment:

- Unrelated to criminal warrants.
- Force can't be used by law enforcement in civil warrants
- Many Two-Party Petitions do not often get to court;
- The two other options do not involve law enforcement;
- Cannot proceed with civil commitment if individual is not interviewed; and
- Difficult to have individuals come in to be professionally diagnosed.

### **3. OTHER**

-All

#### ***Summary of presentation:***

- The city of Salem is experiencing the same barriers:
  - Working with Health and Human Services to help individuals.
- Marion County and the DA's office working on an agenda for this process.

### **4. NEXT STEPS**

-All

#### ***Summary of presentation:***

- Related bills need to move forward;
- Need more funding for the DA's office to do the work;
- Gather civil commitment data; and
- The city of Salem to engage in the process.

### **5. ADJOURN**

**Adjourned** – time: 4:04 p.m.

**Minutes by:** Mary Vityukova

**Reviewed by:** Gary White