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Two groups have been working separately on legislation for the upcoming session that would make it easier for authorities to order people into mandated mental health treatment in Oregon.

One effort is aimed at lowering the state's high bar for civil commitment and the other wants to divert people who commit low-level crimes away from jail and into mandated mental health treatment programs instead.

Both efforts have a common goal: to disrupt the cycle of jail stays, hospitals and homelessness that envelopes the lives of many people who are struggling with severe mental illness but refuse to get treatment.

In Portland, the idea sprung from conversations this past summer at monthly Downtown Public Safety Action Committee meetings, where stakeholders such as Central Precinct police, downtown business owners, nonprofits and private security representatives discuss livability and crime issues in the city's center.

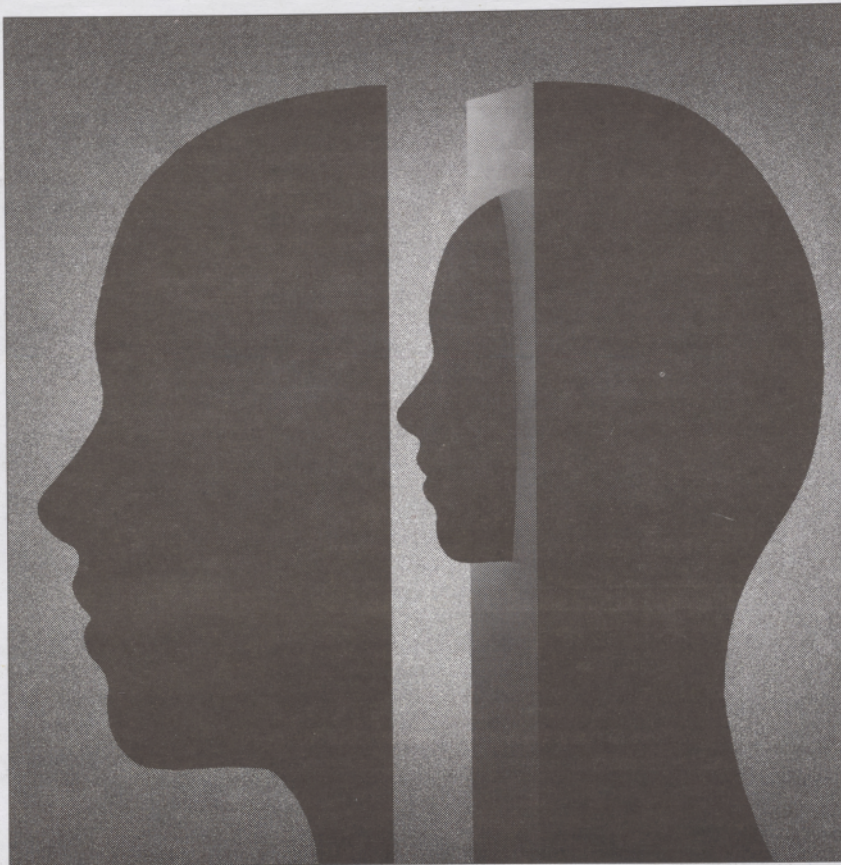
This committee has long been focused on reducing quality-of-life crimes and other deterrents keeping tourists and locals alike from patronizing downtown establishments.

Discussions earlier this year honed in on how homeless people wandering around in the throes of psychosis is a livability issue that's also the source of frequent calls for police and security assistance and numerous bad reviews on TripAdvisor. And, the committee noted, it's also a humanitarian crisis.

When police respond to many downtown disturbance calls, the perpetrator is often charged with a low-level crime such as trespassing, offensive littering or disorderly conduct and taken to jail where they are booked and released within hours.

Once in front of a judge, it may become clear a defendant is not mentally fit to assist in their defense. If they're charged with a serious crime, they would be sent to the state hospital and stabilized before facing prosecution. In fiscal year 2018, a stay in the state hospital came at an average cost to taxpayers of \$1,364 per day, according to the hospitals' spokesperson, Rebekah Gipson-King.

These instances are known as "aid and assist" cases, and Multnomah County Circuit Court Judge Nan Waller, who handles them, said they're on the rise.



## COMMITTED

It's not easy to mandate that someone get mental health treatment in Oregon. Local officials and a workgroup in Salem want to change that.

"People have lots of theories as to why we've seen such a big increase, but clearly it's not just something that's happening here, it's happening across the country," she said.

But in these cases, hospitalization isn't practical if the person is charged with a lower-level crime. This is because the law doesn't allow the courts to detain a person any longer than the maximum sentence their crime carries.

For misdemeanor trespassing, for example, that's just 30 days. Waller said that by the time a person charged with trespassing is admitted to the state hospital, there isn't enough time left to stabilize them properly before the courts have to release them.

"So, on low-level misdemeanors, a decision has to be made," she said.

If the defendant doesn't meet the high threshold for civil commitment, the case will get dismissed and Waller said she has no other option but to watch someone who she knows is at risk walk back out into the community with no support.

Additionally, state hospital beds are limited. The average wait time for someone

under civil commitment to be admitted in 2017 was 20 days.

At the Downtown Safety Action Committee's September meeting, Multnomah County prosecutor Nathan Vasquez told attendees that he was working with others in local government to draft legislation that would change state statute in a way that would give courts the option to send low-level offenders back out in the community with a mandatory treatment order. It would serve as an alternative to the costly extremes of jail and hospitalization.

"It's a big effort that's grown out of this group" he told the committee. "But is there a resource?"

Berk Nelson, senior advisor to Mayor Ted Wheeler, said the mayor's office has been assisting Vasquez in this effort. While prosecutors work on the legislative piece, city and county officials are hoping to establish a large, dual diagnosis facility where low-level offenders struggling with mental health and addictions issues can be taken instead of jail.

It would be a hospital-like holding facility where people could be stabilized and

evaluated for treatment. It could also be a place where families could refer loved ones struggling with mental illness, said Nelson.

The courts would mandate that a person being detained in the facility comply with mental health treatment, substance abuse treatment or both. The person wouldn't be released until they were stable or accepted into a longer-term outpatient program that would ideally come with some sort of housing and other wrap-around services as needed, said Nelson.

Is the city considering Wapato Jail for this holding facility?

Nelson answered that question by saying "nothing is off the table." However, he said, the distance between the jail and services people would need to access in order to get their lives back together is problematic for that location.

"If you are going to try to compel people into treatment on an outpatient basis, you also need to offer housing with those services," said Bill Osborne, who oversees mental health court and civil commitments for Multnomah County. "I think someone would need at least three months in a place that was stable to get their feet under them."

Supportive housing that could be used in tandem with mandated outpatient treatment is already in the pipeline locally. If voters approve the metro-wide affordable housing bond in November, it could help supply the additional housing resources that would be needed for mandated outpatient treatment programs to be effective in the Portland metro area.

But before county courts can set up systems for mandated mental health and addictions treatment, Oregon laws that govern civil commitments, mandated treatment programs and holds for intoxication must be changed.

When Becky Delacruz sees clothing randomly strewn about on public sidewalks, she thinks of her big sister.

One winter Delacruz gave her sister, whom we'll call Cathy for this article, a backpack full of clothes to keep her warm. She watched as Cathy pulled out each piece and arranged it on the ground before getting distracted with a cigarette and leaving it all

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