

## IN BRIEF

## High surf advisory issued

A high surf advisory is in effect for the North Coast until 11 p.m. on Thursday.

Officials say waves may reach up to 25 feet and can create dangerous conditions.

There is an increased possibility for sneaker waves and rip currents, so people are advised to stay away from the water's edge.

The waves may cause beach erosion.



## Lewis and Clark superintendent to give talk at Fort George

Lewis and Clark National Historical Park Superintendent Jon Burpee will be presenting an update on the park on Thursday at Fort George Brewery.

The presentation is part of the Clatsop County Historical Society's Thursday Night Talks lecture series at the brewery. Burpee will also discuss the connection between artifacts and people's connection to the past.

The free lectures are on the third Thursday of each month at 7 p.m.

## Coast Guard offers survival training for commercial fishermen

The U.S. Coast Guard is offering a two-day marine safety and survival training on Oct. 31 and Nov. 1 at the Astoria Armory.

The training is for commercial fishermen leading up to the Dungeness crab season. The training is not open to the general public.

Flares and fires on the beaches and jetties and smoke on vessels in port may be visible.

"This is required training for documented commercial fishing vessels that operate beyond the boundary line," said Curt Farrell, Coast Guard fishing vessel safety coordinator for Oregon and Southwest Washington.

"Fishermen who have already taken the course are encouraged to attend again to sharpen their skills," Farrell said. "A refresher course is recommended every five years."

Participants will receive certification at the end of the training to conduct emergency drills on commercial fishing vessels. For more information, call at 503-325-8573.

## Special election ballots mailed out

Ballots for the Nov. 5 special election were mailed out Wednesday to Clatsop County voters who are in the Gearhart Rural Fire Protection District or the Warrenton Rural Fire Protection District.

Ballots can be dropped in official ballot drop boxes.

For questions, go to the Clatsop County website or call the Clatsop County Clerk's Office at 503-325-8511.

— *The Astorian*

## DEATHS

**Oct. 14, 2019**

**MALCOLM**, Geraldine Jean, 90, of Seaside, died in Seaside. Caldwell's Funeral & Cremation Arrangement Center of Seaside is in charge of the arrangements.

**MARIN**, Doris, 85, of Warrenton, died in Astoria. Hughes-Ransom Mortuary and Crematorium is in charge of the arrangements.

**PROBST**, Raymond Lee, 90, of Astoria, died in Astoria. Caldwell's Luce-Layton Mortuary of

Astoria is in charge of the arrangements.

**Oct. 13, 2019**

**SCHIFFMAN**, Ronald, 73, of Arch Cape, died in Arch Cape. Hughes-Ransom Mortuary and Crematorium is in charge of the arrangements.

**Sept. 25, 2019**

**BJORNSTROM**, Leonard Frank "Buck," 85, of Astoria, died in Seaside. Ocean View Funeral & Cremation Service of Astoria is in charge of the arrangements.

## MEMORIAL

**Sunday, Oct. 20**

**ABRAHAMS**, Donald Dee — Celebration of life from 1 to 4 p.m., Astoria Elks Lodge, second floor, 453 11th St.

## PUBLIC MEETINGS

**THURSDAY**

**Seaside Transportation Advisory Commission**, 6 p.m., City Hall, 989 Broadway.

# KITES FOR PEACE



Luke Whittaker/Chinook Observer

Kites filled the sky on Sunday over the Long Beach Peninsula for the One Sky One World International Kite Fly for Peace.

## Two with mental illness sat in jail despite new law

### Hurdles in Pacific County

By **ASHLEY NERBOVIG**  
*Chinook Observer*

LONG BEACH, Wash. — Two people with mental illness charged with low-level crimes were transferred to Western State Hospital last week after sitting for two months in Pacific County Jail. This wait was despite a new law which required the judge to dismiss the cases after the defendants were found incompetent in late August.

Hedy Piacendile, 65, was booked into Pacific County Jail on Aug. 8. She was arrested on a bench warrant for failing to appear in court on misdemeanor charges from June 2018. The charges were malicious mischief in the third degree and criminal trespass.

In an unrelated case, 45-year-old Gian Moreno was arrested on Aug. 9 for criminal trespass in the second degree.

Piacendile and Moreno were both found to be unable to understand the court proceedings and unable to defend themselves against the misdemeanor charges, even with assistance from a public defender.

Under a new law that went into effect in late July, once a defendant in a misdemeanor case is found incompetent, the court is required to hold a hearing to dismiss the case. At that hearing, if the prosecuting attorney proves there is a compelling state interest for competency restoration, the court may order restoration. Restoration is when a court orders a defendant to treatment to see if their mental health can be stabilized so they can be prosecuted.

Pacific County Deputy Chief Prosecuting Attorney Ben Haslam said based on his understanding of the cases, hearings were never held.

"After the evaluation, the next time they had come into court, that's the date it could have been dismissed," Haslam said.

Piacendile's order for competency restoration was signed by South District



A new law seeks to limit the amount of time mentally ill defendants spend in county jails.

Court Judge Nancy McAllister during a pretrial hearing on Aug. 28. The court did not move to dismiss the case. The form ordering Piacendile's restoration did not include the step of finding a compelling state interest to send Piacendile for restoration. The prosecution filled out the form for restoration, marking that Piacendile's charges in the case amounted to a serious offense. Nothing in Piacendile's file explains why the judge and the prosecution believed this was a serious enough case to warrant restoration.

Moreno's order for restoration was signed the same day as Piacendile's, again with no motion from the court to dismiss the case and nothing filed by the prosecution or the court that would indicate what compelling state interest warranted Moreno being sent for restoration.

The order for restoration was filed as soon as possible after the defendants were found incompetent to get them into treatment as quickly as possible, McAllister said when asked about these cases. A judge has the option to hold a hearing to dismiss, she said. When asked what statute she was reading from, the judge said she wasn't sure.

"The assessment came in, the state made a motion for restoration," McAllister said. "I was trying to prevent these individuals from any delays."

McAllister would not comment on whether this complied with the new law.

Scott Harmer, the public defender for Piacendile and Moreno, would not comment on their cases.

Piacendile and Moreno sat two months in Pacific County Jail before Western State

Hospital transferred them on Friday for restoration. If the cases against the pair were dismissed, the judge would have the option to hold Piacendile and Moreno long enough for a crisis responder to evaluate for civil commitment, rather than keeping them in the criminal justice system, said Haslam.

### State faced sanctions

Western State Hospital is one of two state-owned psychiatric hospitals for adults in Washington state. It provides services to people in 20 western Washington counties, including Pacific County. The hospital provides evaluation and inpatient treatment for people with serious or long-term mental illness.

Western has struggled over the past decade to keep up with the increasing demand for services. It is the focus of federal and judicial scrutiny. On Monday, there were 119 people waiting in jail for restoration services at Western State Hospital, according to the state Office of Forensic Mental Health Services.

In 2015, a federal judge ruled that wait times for treatment in Washington jails violated the rights of people with a mental illness. The lawsuit, filed by Disability Rights Washington, sought relief for defendants waiting months in jail for competency evaluations and a bed in Western State Hospital.

The lawsuit showed that each additional day in jail caused further deterioration for people with severe mental illness. It can increase the risk of suicide and victimization by other people in the jail. And it can cause an illness to become more habitual and harder to cure, resulting in longer restoration periods or in the inability to ever restore that person to competency.

The state was ordered to move individuals facing criminal charges out of jail and into treatment facilities within seven or 14 days of when they are eligible for competency evaluation and restoration treatment. After the ruling, the state was being fined for each day and each

defendant waiting in jails statewide.

The new law was meant to help the state come into compliance with the ruling, said Kimberly Mosolf, attorney for Disability Rights Washington.

"People with mental illness are being harmed by long waits in jail, so under the change in the new law people charged with misdemeanors aren't supposed to be sent de facto to restoration," Mosolf said.

### Restoration vs. treatment

The court asked both defendants be restored within 29 days. That is almost never enough time for a person to be restored to competency, Haslam said. The hospital can extend the time to restore a defendant and if the patient doesn't stabilize after 90 days, the hospital will typically determine the people are not restorable, he said.

Judd Comer is the jail liaison for the Justice Mental Health Collaboration Program. In the past year and a half, he and a team of people from the Pacific County Health Department and sheriff's office worked to improve the Pacific County Jail's response to people with mental illness. The program brought a mental health specialist to work at the jail in March to help Comer with evaluations and therapy sessions.

But Comer can't force people in the jail to cooperate with him.

"You do what you can, but if they're that sick then they'll need to go off for restoration," Comer said.

Watching how long people have to wait for that is heartbreaking, Comer said. And there isn't a great answer, he said. Sometimes, designated crisis responders won't recommend someone for civil commitment and involuntary treatment. And if the person doesn't want a plan for treatment when they leave jail, there isn't much Comer can do. Restoration may be the best option for them in one sense, Comer said.

In another sense, the long wait can do more damage than if they'd gotten released and connected with services through something other than law enforcement, Comer said.

"If someone is in jail and they have a life outside of jail, what is the greater good? Is the greater good the individual sitting in jail and losing all their things?" Comer said. "Then they get out and they don't have those things to help and support them. We jam them up even worse."

## the Astorian

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## Celebrate

Community Bank Week with Lewis & Clark Bank

Join us at our Seaside branch for a

**FREE mobile shred event**  
**Thursday, October 24th**

Bring your unwanted, personal documents to destroy. You may shred up to six boxes/bags of documents, please no binder or paper clips. All paper is then recycled.

Then come back and see us on

**Friday, October 25th to our**

Seaside & Astoria branches for pie and ice cream!

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