

# State needs more resources for local mental health treatment

By SAM STITES

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SALEM — Reforms to Oregon's system for dealing with those unfit to stand trial aren't working as planned, with judges challenged to find local treatment options for those they used to send to the Oregon State Hospital.

As a result, the state hospital has not seen a significant reduction in the number of patients needing hospital-level care. And mental health advocates say legislation passed earlier this year inappropriately left in place language that continues to stigmatize those needing public help.

In recent years, Oregon judges have sent more and more patients to the state hospital for treatment to regain competency to help in their own defense against criminal charges. From 2017 to 2018, there was a 15% increase in patients sent to the facility, from 610 to 719. So far in 2019 there have been 633 patients found unfit to stand trial sent to the state hospital.

Under legislation passed this year, judges were asked to find local treatment for those deemed unfit to stand trial, reserving hospital-level care for those found to be dangerous to themselves or others.

In the 12 months lead-

ing up to Senate Bill 24, the state hospital received on average 59 "aid and assist" patients per month. In the four months following SB 24's passage, the hospital received an average of 54 per month.

While mental health professionals agree that treating patients in their own communities leads to better outcomes, many Oregon counties don't have the ability to provide this treatment, forcing judges to either keep defendants jailed — violating their civil rights — or releasing them to the streets.

A workgroup of 50 individuals representing the courts, public defenders, prosecutors, mental health advocates and behavioral health professionals is now working on fixes to ensure mentally ill criminal defendants get the help they need.

One of those members is Multnomah County Judge Nan Waller. She recently addressed lawmakers on the legislative joint Judiciary Committee on what's being done to fix issues created by the reform measures.

"All the players to the aid and assist process have one goal, and that is to make sure that people get the treatment we're obligated to provide them in the most appropriate setting. Nobody wants people languishing in jail. Nobody wants the capacity

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— Nan Waller, Multnomah County Judge

issues at the hospital to get out of hand. Nobody wants mentally ill people on our streets," Waller testified.

According to Waller, her court time includes dealing with individuals who suffer from significant mental health issues, many of whom have committed misdemeanors that often relate to poverty and homelessness. She said the Oregon Judicial Department is hiring six new employees to collect data to identify the gap between the services people need and what's currently available.

Researchers will report on the numbers of cases where a defendant is unfit to proceed or pending an evaluation for fitness, evaluations ordered, those transferred to the state hospital communities, number of in-custody review hearings held, number of cases dismissed due to a defendant's lack of fitness and more.

"As somebody who every week has to make decisions about releasing people from

jail who do not have any place to go, there is nothing more disheartening than to say to somebody, 'Do you have a coat? Is there anyone you might call? Is there any place you have to go?'" Waller testified. "I have released people because we haven't had any place and not met hospital-level of care. That is unfortunate and not as a society what we should be doing."

Most stakeholders agree the recent legislation was just one step to address Oregon's mental health issues.

"We all realized this bill had some big missing pieces, so the crux of this workgroup is to look at some of those big cracks and figure out how to ensure there's a smooth, efficient and constitutional process," said Emily Cooper, legal counsel for Disability Rights Oregon.

Disability Rights Oregon has played a lead role in holding the state and the hospital accountable for ensuring defendants are given

access to mental health treatment. Earlier this year, the group sued the state for not complying with a 2002 rule requiring criminal defendants needing treatment be admitted to the state hospital within seven days of a court order.

In 2018, more than 200 patients had to wait longer than seven days, a problem which hospital administrators blamed on an unforeseen influx of aid and assist patients the facility wasn't equipped to handle.

Cooper said SB 24 perpetuates bias in determining an individual's "dangerousness," a term the legislation uses to define who judges can send to the state hospital.

According to Dr. Michelle Guyton, director of the Oregon Forensic Evaluator Training Program and co-owner of the Northwest Forensic Institute, the legislation leaves room for unfairly categorizing those dealing with mental illness.

Guyton suggests the term "dangerousness" be removed from the law and in its place require the 120 mental health evaluators based throughout Oregon look at a broader range of criteria to provide judges with a better understanding of who requires hospital-level care and who can be treated in local programs.

"We look forward to defining these terms in the

rules and training certified forensic evaluations to provide the most efficient, clinically sound and ethical evaluations to assist the courts," Dr. Guyton told lawmakers.

Cooper said changing the language would better protect the civil rights of defendants dealing with mental health and substance abuse disorders.

She said the problem remains that when the evaluators and courts find an individual doesn't require hospital care, they have little option in finding treatment.

"We don't have a system where there is community-based restoration in every county. Only a handful of counties do," Cooper said. "We need to shift the focus and the funding away from the criminal justice system to the community behavioral health system. I haven't met a single person in Oregon that does not agree that's the right thing to do."

Disability Rights Oregon envisions the state shifting spending from jails and state hospital stays to more mental health and substance abuse care in communities.

Pat Allen, director of the Oregon Health Authority, told lawmakers last month that his agency will propose to the 2020 Legislature adding significant resources to bolster community mental health treatment.

# Impeachment: Judiciary Committee is expected to vote in the coming days

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increasingly set as the House presses ahead toward impeachment as it has only three times in history against U.S. presidents, a test of the nation's system of checks and balances.

Democrats said they had a duty to act in what is now a strictly partisan undertaking, as Republicans stand with the president, because Trump has shown a pattern of behavior that, if left unchecked, poses risks to the democratic process.

Rep. Jerrold Nadler, D-N.Y., the Judiciary chairman, said the president "holds the ultimate public trust. When he betrays that trust and puts himself before country, he endangers the Constitution; he endangers our democracy; he endangers our national security."

"No one, not even the president, is above the law," he said, announcing the charges before a portrait of George Washington.

Chairman Adam Schiff of the Intelligence Committee said, "We stand here today because the president's abuse of power leaves us with no choice."

Trump's allies immediately plunged into the fight that will extend into the new year. White House Press Secretary Stephanie Grisham said Democrats are trying to "overthrow" the administration. Campaign manager Brad Parscale said Democrats "don't have a viable candidate for 2020 and they know it." The president's son, Eric, embraced his father's penchant for name calling, assailing Pelosi and "her swamp creatures."

Senate Majority Leader Mitch McConnell said he would be "totally surprised"



AP Photo/Susan Walsh

**From left House Speaker Nancy Pelosi, Chairwoman of the House Financial Services Committee Maxine Waters, D-Calif., Chairwoman of the House Foreign Affairs Committee Eliot Engel, D-N.Y., House Judiciary Committee Chairman Jerrold Nadler, D-N.Y., Chairwoman of the House Committee on Oversight and Reform Carolyn Maloney, D-N.Y., House Ways and Means Chairman Richard Neal and Chairman of the House Permanent Select Committee on Intelligence Adam Schiff, D-Calif., unveil articles of impeachment against President Donald Trump, during a news conference on Capitol Hill in Washington on Tuesday.**

if there were 67 votes in the chamber to convict Trump, and signaled options for a swift trial. He said no decision had been made whether to call witnesses.

In drafting the charges against the president, Pelosi faced a legal and political challenge of balancing the views of her majority while hitting the Constitution's bar of "treason, bribery or other high crimes and misdemeanors."

Some liberal lawmakers wanted more expansive charges encompassing the findings from special counsel Robert Mueller's probe of Russian interference in the 2016 election.

Centrist Democrats preferred to keep the impeachment articles more focused on Trump's actions toward Ukraine as a clearer case.

The final resolution, slim in length yet broad in concept, attempted to find common ground by linking the Ukraine inquiry to the Mueller probe in two separate lines. It said the abuse of power was consistent with Trump's "previous invitations of foreign interference in United States elections" while the obstruction charge was consistent with his efforts to undermine U.S. government "investigations into foreign interference."

Democratic leaders say Trump put his political interests above those of the nation when he asked Ukraine President Volodymyr Zelenskyy in a July phone call to investigate his rivals, including Democrat Joe Biden, and then withheld \$400 million in military aid as the U.S. ally faced an aggressive Russia. They say he then obstructed Congress by stonewalling the House investigation.

The articles say Trump "used the powers of the presidency in a manner that compromised the national security of the United States and undermined the integrity of the United States

democratic process."

The first article, on abuse of power, says Trump "corruptly" solicited Ukraine to investigate his political rivals.

The second article, obstruction of Congress, says that Trump directed defiance of the House's ability to conduct its legal oversight like no other president "in the history of the republic."

Trump insisted in a new tweet that when he asked Ukraine's president "to do us a favor" with the investigations, "'us' is a reference to USA, not me!" Democrats, however, say Trump's meaning could not

have been clearer in seeking political dirt on Biden, his possible opponent in the 2020 election.

Republicans stand with the president even if they don't fully address his actions. House GOP Leader Kevin McCarthy said the vote will be on impeachment not "whether a call is perfect."

While the impeachment is focused on the Ukraine matter, Trump's actions toward Russia continue to underlie the debate. On Tuesday, Trump met at the White House with Sergey Lavrov, the Russian foreign minister just back from Paris for efforts to revive peace talks with Ukraine.

At the same time, a top adviser to the Ukraine president, Andriy Yermak, disputed key impeachment testimony from U.S. Ambassador Gordon Sondland, telling Time magazine the two did not speak of the investigations Trump wanted during a Warsaw meeting.

The next steps are expected to come swiftly after months of investigation into the Ukraine matter and special counsel Mueller's two-year Russia probe.

In his report, Mueller said he could not determine that Trump's campaign conspired or coordinated with Russia in the 2016 election. But he said he could not exonerate Trump of obstructing justice and left it for Congress to determine.

Even as she pushed ahead with the impeachment proceeding, Pelosi announced an agreement with the White House on a new U.S.-Mexico-Canada trade deal, a top priority for the president as well as many centrist Democrats. It, too, could get a vote next week.

# Schools: Pendleton High School and Sunridge Middle School are at two-thirds capacity

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The studies revealed that all the elementary schools are nearing their capacity.

While Marshall said some schools, like Washington and Sherwood Heights, could free up space by converting some rooms into classrooms, McKay Creek Elementary School is nearing its 295-student limit.

With about 260 students currently enrolled, the studies state that McKay Creek is at "moderate risk" of exceeding 300 students

within 21 years.

But even if that happened, Jones said it wouldn't automatically require the district to build a bigger McKay.

When the district's elementary boundaries were redrawn during the construction of the new Washington and Sherwood Heights buildings, Jones said the district intentionally drew McKay Creek's area smaller because of the other schools' increased capacity.

If the district encounters an unanticipated surge in

the McKay Creek students, Jones said the district could send some children to the other elementary schools or continue to shrink McKay's boundaries.

But Pendleton's secondary buildings are less full, indicative of the district's continued decline in enrollment.

Both Pendleton High School and Sunridge Middle School are only at two-thirds capacity. Jones said those schools use the rest of the classrooms for other functions like computer labs

or clubrooms.

Overall, Pendleton's enrollment is still declining. The district's December enrollment report shows that Pendleton now serves 2,992 students. While the district typically sees its enrollment slowly decline as the year goes on, Pendleton didn't see its enrollment dip below 3,000 in the 2018-19 school year until May.

But the studies' enrollment projections were relatively rosy, with Marshall anticipating slow to moderate growth for every school

over the next 20 years.

Some school board members seemed skeptical of Marshall's projections, and Jones explained why the studies' data might diverge from what school officials are seeing on the ground.

Jones said enrollment data tends to get less accurate the further out it's projected, and Marshall's projections were based on a formula that combines current enrollment numbers and U.S. Census data rather than an intimate knowledge of Pendleton's youth drain.

Despite an overall good score, the studies still listed some of Pendleton's maintenance needs.

More exterior building siding at McKay Creek, interior lighting replacements at Sunridge, and a new ceiling and windows at the Pendleton Technology and Trades Center were just some of the deferred maintenance the district could address.

But added all together, these maintenance needs cost millions of dollars, and Jones said it comes down to a question of feasibility.