

Testimony of Pat Wolke

March 29, 2019

Re: SB 762

Chairman Prozanski, Vice-Chair Thatcher, and Senators,

Thank you for allowing me to testify by telephone today.

My name is Pat Wolke and I am a circuit court judge in Josephine County, and have been since February of 2006. The rest of my background is included in my testimony of March 18, 2019, concerning SB 763.

As I mentioned then, I am co-chair with Senator Prozanski of the “Workgroup to Decriminalize Mental Illness.” During our year and a half of meetings, the workgroup took up the issue of Oregon’s current 5-day limit on involuntary mental health holds. Many of our members have “on the ground” experience with the 5-day hold and expressed frustration.

Usually, these 5-day holds are used for people suffering from a serious mental illness, who are psychotic and thus, detached from reality. It is noted that even if that person was willing to immediately take anti-psychotic medication, there is little chance of it being effective within five days. In most cases, no medicine is taken, and no treatment is received, and the person is released, oftentimes before the 5-day hold is up. It is not unusual for that person to return to the streets in almost the same condition as when the hold was started. Many such individuals continue to recycle in the community, until they commit a crime and are taken to jail where their problems increase.

SB 762 lengthens the period of an involuntary hold from 5-days to 15-days with procedural safeguards built in, so that a person subject to the hold has a right to object and have a hearing.

There is also a proposed amendment that would merely lengthen the 5-day hold to a 10-day hold, which would give the seriously mentally ill individual a better chance for stability and recovery.

Finally, I have worked on a different idea that would continue the 5-day hold as it is currently in statute, but provide an avenue to extend the 5-day hold by an additional ten days under two circumstances:

- With the extension, there would be a real chance of recovery and stability, that would obviate the need to go forward to a civil commitment hearing; or
- With good and sufficient reasons, the State simply cannot be ready for a commitment hearing within five days. Again, procedural safeguards will be built into this scheme to allow the individual to object and be heard.

After the hearing on May 18th, I telephoned several senators to see if they had any follow-up questions. In my discussion with Senator Thatcher, she expressed concern that not only was the 5-day hold too short, but a 6-month civil commitment was too long. We discussed the fact that there are many different civil commitments procedures around the country, and we were certainly not bound by the 6-month current limit. For example, in New York State, the initial involuntary hold is for 15 days, which can be extended to 60-days, and then further extended to 6-months under certain circumstances.

I know that the Oregon Hospital Association was not included in our workgroup and has expressed concerns about the possibility of mentally ill individuals being held in hospitals for a longer period of time. That is certainly a legitimate concern. I think the length of the pre-hearing hold, and the length of the ultimate civil commitment, are issues that may require further work and consideration.

If Senator Prozanski and this Committee also came to that conclusion, the Workgroup to Decriminalize Mental Illness could continue to meet to work on this specific concept, including the Oregon Hospital Association, emergency room physicians and any other interested persons or groups.

For the Committee's information, I am attaching an article by the Washington State Institute for Public Policy, entitled "Involuntary Civil Commitments, Common Questions and Review of State Practices." This article does a very complete job of setting forth the length of commitment and the type of commitments in all fifty states.

Thank you, and with that, I'm happy to answer any questions you might have.