

March 10, 2021

Senate Committee on Judiciary and Ballot Measure 110 Implementation
Submitted on Testimony Submission Form

Dear Senators,

I write you as a mother and on behalf of my significantly mentally ill daughter to ask you to consider supporting SB 187, which I believe is scheduled for a hearing March 15. SB 187 is a proposal that would tighten up what is to be considered as 'dangerous to self or others', for purposes of keeping people with significant mental illnesses safe.

Currently, the law requires that someone be a danger to self or others before medical, mental health or police professionals can detain someone. You'd think that would be sufficient, but the words lack the clarity critical to be meaningful. By virtue of interpretation of the 9th Circuit Court's rulings, this term, 'harm to self or others' has been operationally defined as imminently homicidal or suicidal. This definition, created by judicial case law, renders the legislative intent impotent.

After my husband and I moved to Portland and our daughter was still living in Eugene, she was diagnosed with schizophrenia at age 21 at the Johnson Unit. She's since moved in with us and we've been forced to move from our wonderful apartment, because she's not a very good neighbor in multi-family. Below is a list of behavior that either the police, psychiatric doctors, or crisis mental health workers have determined do not meet the criteria of 'harm to self or others'.

- Our 21 year old daughter, in psychosis, used all of her money to take a cab to the bus station, and bought a one way bus ticket by herself to travel to Los Angeles to be with her husband, although she is not married in reality. We guessed on this destination and transport, by tracking phone calls on our shared family plan. Without that we'd have had no idea where she was. Portland Police issued a missing persons report, but when the police in Sacramento boarded the bus, and she explained that she was going to stay with her husband, she exited the bus, and PPB removed the missing persons case, as she was no longer missing. Her phone died, and we had no way to find her. But my husband guessed and went to the bus station in East LA, and found her the next day, after 36 hours of no sleep, and a night on the streets in LA.
- She ordered a pizza, and told the pizza guy she was being raped by us, so she asked to get in his car. He took her to the DariMart on 17th, called the police who picked her up. She was held for 36 hours and released back to our home.
- She left us a written note for us that she was going to burn down the house, and kill us in our sleep. We've since slept with a locked bedroom door.
- She went down the street to a stranger's home, knocked on the door and asked for a hammer, so she could kill her husband. A few hours later, she stole a hammer from the Moreland hardware store, went next door to the QFC and stole alcohol, and when approached by the police, raised the bottle as if she was going to hit the police. This resulted in a police hold for 3 days, but when it came time to have an actual hearing before a judge to have her committed, the county investigator said she did not meet the standard for harm to self or others.

I could go on; in 2020 she was hospitalized for over 90 days, or more than a quarter of the year, but this occurred over 7 separate hospitalizations, ranging from 1 night to 60 days. As a mother, I am embarrassed to say that sometimes I wish she were sicker, so the system would provide the stabilization services she so desperately needs.

SB 187 will not cure my daughter. But it might reduce the revolving door of short-term treatment that does not work, and give her a chance to stabilize.

SB 187 makes two significant changes:

- **It specifies that the time period to consider risk of harm to self or others as 30 days.** Without clarity on this time period, it's been defined as 'imminent'. We had crisis counselors tell us she needs to not eat for 5 days or drink for 2 days, and that's considered imminent risk of harm to self. We've had commitment investigators tell us that she needs to be at imminent risk of suicide or homicide.
- **It provides examples of what examiners and the court may consider when evaluating whether someone is in need of treatment, effectively expanding the definition beyond the judicially defined suicide/homicide.** It adds threats and past attempts to harm self. It adds threats and past attempts to harm others, if the threats would place a reasonable person in fear. It adds consideration of past behavior that has resulted in physical harm to self or others, and requires that the frequency and severity of past behavior be considered. I cannot fathom why this would be a problematic clarification, as any reasonable person would likely presume that these things are already considered.

Opponents of this legislation would argue that civil liberties trump. And while I'm a staunch advocate of civil liberties, my daughter is unable to make reasonable, informed, and socially responsible decisions about her liberties that don't seriously and negatively affect her, us or our neighbors. Other opposition might come from the budget managers, as this would likely have a fiscal impact. Yes, I'm sure it does, and who will speak up for these vulnerable people if it's not the legislators elected represent them?

I want the Legislature to be very clear that the current language 'harm to self or others', regardless of intent, is being operationally defined by court rulings as suicidal or homicidal. There is a vast chasm between homicide and risk of harm to others. I am asking you to consider to providing clarification to the Courts, to the ill, and their caregivers, so we don't have to wait for one more suicide or homicide, and so my daughter can get the care she so desperately needs.

Thank you, and please let me know if you need anything further from me.



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