

THOMAS A. CARR
County Counsel

OFFICE OF COUNTY COUNSEL WASHINGTON COUNTY, OREGON

PATRICIA BUCK
Management Analyst

BRAD ANDERSON
CORTNEY DUKE DRIESSEN
Deputy County Counsels

PUBLIC SERVICES BUILDING
155 N FIRST AVENUE, SUITE 340, MS #24
HILLSBORO, OREGON 97124
Phone: (503) 846-8747
Fax: (503) 846-8636

DOUGLAS DAVIS
DORIEN HAMILTON
MARISSA JOSCELYN
Paralegals

ROBERT BOVETT
JASON BUSH
ELMER M. DICKENS
JOHN MANSFIELD
EAMON MCMAHON
ADRIANA ORTEGA
JACQUILYN E. SAITO
KIMBERLY STUART
Assistant County Counsels

JAN JENSEN
Administrative Specialist

March 8, 2023

Senate Judiciary Committee

Re: Support for SB 319

Dear Senate Judiciary Committee:

I am writing on behalf of Washington County in support of SB 319. Community Mental Health Programs (CMHPs), half of which are operated by counties, took on community restoration services for individuals who cannot aid and assist in their own criminal defense but may not need a hospital level of care approximately seven years ago. The counties with the largest populations all operate CMHPs. Since that time, the number of individuals in community restoration has expanded greatly. That trend has increased even more under the Mosman Order.

Taking individuals out of the Oregon State Hospital and placing them in the community is a risk shift from OHA to CMHPs. There is a lack of adequate and appropriate housing, residential treatment and secure residential treatment facilities for individuals coming out of the state hospital. Individuals in community restoration cannot be forced to comply with conditions imposed by the court. The most CMHPs can do is report back condition violations. This is a risk to the community. Additionally, under the Mosman Order some individuals are timed out of the State Hospital and coming back to the community when they still need a hospital level of care even under the Oregon State Hospital's evaluation standards. This is an untenable situation that creates real liability risk to CMHPs.

Recently an individual in another county out on community restoration attacked his grandfather. Besides being a tragedy that would not have happened if the person was in the State Hospital, the attack presents potential liability risk to the county.

To address the shift in risk from OHA to CMHPs and other community restoration providers, SB 319 requires that the state indemnify community restoration providers in the limited situation where an individual out on aid and assist causes physical harms to third parties. This preserves a remedy to those that are harmed but balances the risk equation.



CMHPs have been put in the unenviable position of carrying additional risk which is difficult to impossible to insure to solve OHA's problem of an inadequate and overburdened State Hospital. If this risk shift is not resolved this session, county attorneys are likely to advise against signing contracts with OHA to provide these services when the contracts are up for renewal in July.

Sincerely,

A handwritten signature in cursive script, appearing to read "Brad Anderson", with a long horizontal flourish extending to the right.

Brad Anderson
Deputy County Counsel
brad_anderson@washingtoncountyor.gov

23-8535