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M E M O R A N D U M

TO: Honorable Sen. Prozanski, Chair

FROM: Channa Newell, Mental Health Deputy District Attorney

SUBJECT: Testimony in support of SB 380 -1

DATE: 3/23/2023

Chair Prozanski, Vice Chair Thatcher, Members of the Committee,

My name is Channa Newell and I am testifying today on behalf of the Multnomah County District Attorney's Office to urge your support of the -1 amendments to Senate Bill 380. This amendment allocates money to the Office of the Public Guardian and Conservator (OPG) specifically to provide services to individuals whose ability to aid and assist in their own defense has been called into question or who have been deemed unable to aid and assist in their own defense. Currently, the OPG provides guardianship services for 10 individuals who have or had criminal cases pending. As with all guardianship proceedings, individuals must meet criteria for guardianship and a court must appoint the OPG to serve as guardian.

As amended, SB 380 will provide two important opportunities to increase public safety. One, it will provide an opportunity to divert individuals with significant mental illnesses out of the criminal justice system. Second, it provides a path for continued care and oversight for individuals leaving the criminal justice system who have not been restored to competency. A few examples may illustrate the services the OPG provides and the benefits to our community.

- Last year, a person with a mental health disorder assaulted a stranger causing significant physical injury. This person had frequent interactions with law enforcement and was known to neglect their own needs and to engage in assaultive behavior towards strangers. They had over 80 arrest cycles. After one assault that caused significant injury to a stranger, DA's office initiated a referral to the OPG and the court subsequently placed the person under guardianship with the OPG. In nearly the year since the guardianship was established, the person has not interacted with the criminal justice system.

- A defendant with Ballot Measure 11 charges was returned to jail from the Oregon State Hospital with an opinion from a forensic evaluator that the person would never be able to aid and assist in their own defense. The person had complex mental health needs and no external supports. Many people in the county mental health programs, the courts, and the Oregon State Hospital attempted to discharge plan with the defendant who initially agreed to placement at a foster home for individuals with similar needs. Just days before discharge, they withdrew their consent to move to that placement. The charges were dismissed and the person was civilly committed because they were unable to meet their basic needs. As that commitment came to an end, the OPG was appointed guardian and stepped in to assume his care. That individual is now in safe housing that meets their needs.

This is not a new idea. You voted this very idea out of committee in 2021, [Senate Bill 579-A](#). The -1 amendment to SB 380 mirrors the intent of SB 579-A, but modifies the language based on other changes made that session to the aid and assist statutes. It does not modify the standards for guardianship or the process for a court to appoint the OPG as guardian. This measure moved out of committee with broad support.

The OPG provides a professional service to individuals who are not able to make their own decisions and stand at risk of harm due to their incapacity. The OPG already provides these services to a handful of justice-involved individuals in our state but is nearing capacity in its ability to take on new cases. With the pressure to move defendants who are unable to aid and assist in their own defense away from restorative services at the Oregon State Hospital, expanding the ability for the OPG to provide guardianship services for those who qualify would be a significant positive step for both defendants and the community.

Thank you for your support,



Channa Newell
Mental Health Deputy District Attorney
Multnomah County District Attorney's Office