

SB 1522

My name is Jasper Smith. I have worked in the field of supporting people identified with intellectual and developmental disabilities for over 30 years, including service on the human rights committee at Fairview Training Center which was Oregon's largest institution for people with intellectual disabilities. I would like to express my support for the bill.

The entry point to Oregon's institutions was involuntary through civil commitment. Thankfully, we have closed and torn down Fairview and other institutions, but we have left the front door, which are the civil commitment provisions in the 427 statute. We have evolved a lot, but this vestigial relic remains. It is a door to nowhere, to a place that no longer exists.

People were committed to institutions based upon diagnoses that were often of questionable accuracy given to people whose capabilities were often misunderstood and underestimated. They were taken to the institution and left there, locked up. We don't have institutions for people with intellectual disabilities anymore.

When the current statute calls for the DD system to "confine" and "detain" people in facilities, we don't have facilities that allow us to do that and we have no authority or legal mechanism to confine and detain people in foster homes, group homes, and activity centers. We are not a carceral or corrections system and we should not be one. We are a system for the support of health, well-being, and community inclusion. We are a voluntary home and community-based system not an involuntary institutional system.

All of our settings are designated and funded by Medicaid as voluntarily chosen, non-institutional, home and community-based settings with protections to have the same rights of other people who live in homes in our communities.

The length of the bill illustrates how entwined involuntary institutionalization and denial of rights has been in our systems. I

applaud the work that has been done to untangle it and move towards a truly deinstitutionalized home and community-based system that ensures the rights of people with disabilities. The vestiges of nearly over 160 years of institutionalization are found in many places and we will need to continue to root them out.

This legislation removes discriminatory provisions in law aimed at people with intellectual disabilities. They deserve the same rights in the community as others with accommodations made as needed. They should not be targeted with special provisions in law that only apply to a class of people identified as having intellectual disabilities. In the 1950s, Oregon passed legislation that allowed for the civil commitment of gay men to the state's institutions for "treatment" which mainly consisted of castration. We have a history of wrongfully committing people.

The rationalizations I have heard for keeping these provisions are the same rationalizations I have heard for years for keeping institutions which makes sense since the logic of involuntary commitment is the logic of institutionalization.

I hope you will support this important step to protect the rights of people with disabilities.