

COMMITMENT TO CHANGE WORKGROUP

MEETING BRIEF: MARCH 2023

Overarching Questions: How can Oregon’s current civil commitment hearing procedures improve? How, if at all, should Oregon’s statutory civil commitment criteria change?

TOPICS

- Civil commitment hearing
- Criteria for civil commitment: dangerous to self or others

CIVIL COMMITMENT HEARING

Overview Readings

The Oregon Court of Appeals and the state civil commitment statute (Bloom et al., 2017).

- How have trends in Oregon Court of Appeals decisions affected the judicial interpretation of civil commitment?
- How has the current standard of proof for civil commitment (*clear and convincing evidence*) affected civil commitment hearing outcomes?

The civil commitment hearing: Applying the law therapeutically (Winick, 2001).

- How do current civil commitment hearing practices impact the PAMI’s mental health and well-being?
- What, if anything, needs to change in current hearing practices to improve the PAMI’s outcomes?

Optional: Videoconferencing of involuntary commitment hearings in the COVID era (Vitiello & Williams, 2021).

- What systems need to be in place to hold a remote hearing?

Statute Readings

[ORS 426.095](#). Commitment hearing; postponement; right to cross-examine; admissibility of investigation report.

[ORS 426.100](#). Advice of court; appointment of legal counsel; costs; representation of state’s interest.

[ORS 426.130\(1\)\(a\)](#). (*Establishes clear and convincing evidence standard*)

CIVIL COMMITMENT CRITERIA: DANGEROUS TO SELF OR OTHERS

Overview Readings

Opinion 1: Expanding civil commitment laws is bad mental health policy (Shields & Ne’eman, 2018).

Opinion 2: The real civil commitment crisis and how to solve it (Snook, 2018).

- What are the authors’ main arguments for expanding or not expanding civil commitment criteria?

Dangerousness Criteria

The growing belief that people with mental illnesses are violent: The role of the dangerousness criterion for civil commitment (Phelan & Link, 1998).

READ ABSTRACT, INTRODUCTION, AND DISCUSSION (pp. S7-S8; S10-S11)

- How do civil commitment criteria affect perceptions that people with behavioral health conditions are dangerous?

The myth of “imminent” violence in psychiatry and the law. (Simon, 2006)

READ I. INTRODUCTION, II. “IMMINENT”, & III. CIVIL COMMITMENT (pp. 631-637).

- How do clinical and legal determinations of imminence (predictability) of future dangerousness differ?

Optional: Opinion 1: Testimony by Treatment Advocacy Center, Supporting SB187

Optional: Opinion 2: Testimony by David W. Oaks, Opposing SB187

- What are some reasons for providing or not providing a statutory definition of *dangerous to self or others*?

Relevant Statute and Rule Readings

[ORS 426.005\(1\)\(f\)](#). (*Definition of “Person with mental illness”*)

[OAR 033-0220](#). General Standards.