



U.S. Department of Justice
Civil Rights Division

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SALEM, OREGON

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DJ 168-61-30

*Special Litigation Section - PHB
950 Pennsylvania Ave, NW
Washington DC 20530*

June 9, 2010

Via E-Mail and First Class Mail

Micky Logan, Senior Assistant Attorney General
State Attorney General's Office
Office of General Counsel
State Attorney General
1162 Court Street, N.E.
Salem, Oregon 97301-4096

RE: CRIPA Investigation of the Oregon State Hospital

Dear Ms. Logan:

As we discussed in our recent telephone conversation, we request that you provide a copy of the documents listed below. We would like these documents in electronic form, if possible. All references to the "facility" refer to the Oregon State Hospital unless otherwise specified. All references to "discharge" refer to discharge from OSH, not full discharge from PSRB authority, unless otherwise specified.

1. Statistics showing the monthly census, from June 1, 2009, to June 1, 2010, indicating the number of patients in each of the following statuses:
 - a. patients being treated at OSH pending a determination of their competency to aid and assist counsel;
 - b. patients under civil commitment at OSH;
 - c. patients under PSRB authority, broken down by offense type/classification (e.g. Class A felonies, etc.); and
 - d. individuals under PSRB authority who are on conditional release, broken down by offense type/classification.

2. A description of all efforts undertaken in the last year in accordance with the facility's program for discharge planning and community integration. Please include any existing description of the facility's program for discharge planning and community placement, including those patients under PSRB jurisdiction.

3. Oregon's plan for implementing Olmstead v. L.C., 527 U.S. 581 (1999), including any related reports, progress summaries, revisions and memoranda related to plan implementation activities.

4. All current policies, procedures, and guidelines related to admission, discharge and discharge readiness, eligibility for community living arrangements, descriptions of the different lists that patients may be placed on after a determination that they are ready to place or pending such a determination, the system for requesting and obtaining evaluations from community providers regarding "A Commit List" patients, the PSRB hearing, administrative review, and revocation processes, and utilization review.

5. All current policies, procedures and guidelines related to participation of community mental health in hospitalized individuals' treatment and discharge planning, including policies and examples of documents demonstrating how treatment plans and other pertinent information is conveyed to the responsible community programs upon an individual's discharge.

6. The names and capacity of community providers/facilities that have been used in the past two years for community placements for patients being discharged from OSH, and a description of these facilities (i.e., group home, nursing home, supportive housing), including whether they have served PSRB patients. Please provide individual contact information for each provider/facility, including phone, email, and address.

7. A list and description of all available alternative community services and supports for patients being discharged from OSH, (i.e., case management and support services, community treatment teams, specialized residential/outpatient services, crisis stabilization, community housing services, and psychosocial rehabilitation services), including locations, capacities, eligibility requirements, and waiting lists. Please also indicate whether each of these programs serves PSRB patients, non-PSRB patients, or both, and provide contact information.

8. A list and description of mobile mental health services available in the community for patients being discharged from OSH, such as ACT, including locations, capacities, eligibility requirements, and waiting lists. Please also indicate whether each of these programs serves PSRB patients, non-PSRB patients, or both, and provide contact information.

9. A list and description of any other community services available or needed to support integrated community living for patients being discharged from OSH, (e.g., peer supports, intensive case management). Please also indicate whether each of these programs serves PSRB patients, non-PSRB patients, or both, and provide contact information.

10. Statistics showing the following since January 1, 2009, broken down by (i) all non-PSRB OSH patients (ii) each offense classification for PSRB patients currently at OSH, (iii) each offense classification for patients currently on conditional release, and (iv) PSRB patients unconditionally discharged since January 1, 2009:

- a. The number of patients whose length of stay is or has been less than 90 days, 90 to 180 days, 180 days to one year, one to two years, two to three years, etc.;
- b. The number of patients who waited or have been waiting less than 90 days, 90 to 180 days, 180 days to one year, one to two years, two to three years, etc., between the date of admission and the date of a determination that the facility is not the most integrated, appropriate setting, broken down by patients on the Exceptional Barriers list, A Commit List, B Commit List, or similar lists;
- c. The number of patients who waited or have been waiting less than 90 days, 90 to 180 days, 180 days to one year, one to two years, two to three years, etc., between the date of discharge from OSH and the date a determination was made that the facility is not the most integrated, appropriate setting, broken down by patients on the Exceptional Barriers list, A Commit List, B Commit List, or similar lists;
- d. The number of patients who waited or have been waiting less than 90 days, 90 to 180 days, 180 days to one year, one to two years, two to three years, etc., for placement in a less restrictive unit within the facility;
- e. The number of patients for whom a ready-to-place or similar designation was withdrawn, broken down by the respective designations (e.g., Exceptional Barriers list, A Commit List, B Commit List);
- f. The number of patients who had previous placements at OSH of 90 days or more, broken down by the length of stay during the previous placement (e.g., 90 to 180 days, 180 days to one year, one to two years, two to three years, etc.); and
- g. The number of patients discharged into each type of placement/facility (e.g., home, nursing home, supported living facility, community-based ICF/MR, personal care home, shelter, etc.).

11. Statistics showing the number of patients who, since January 1, 2008, were being treated at OSH at the time that the maximum term of PSRB supervision in their case expired, broken down by offense classification. Indicate also the number of patients, within each offense classification, who were subsequently discharged or civilly committed.

12. A list of any current patients or guardians of current OSH patients who have objected to placement in the community, and copies of these patients' current treatment plans. Indicate whether each patient is under PSRB authority or civil commitment and provide total numbers for each category.

Thank you in advance for your time and attention to this request. Please provide the requested documents by June 30, 2010. If you have any questions, please give me a call at (202) 514-6270, or call my colleague, Aaron Zisser, at (202) 305-3355.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Deutsch". The signature is fluid and cursive, with a large initial "D" and a long, sweeping underline.

David Deutsch
Senior Trial Attorney
Special Litigation Section