



HB 2005 Data Report Review

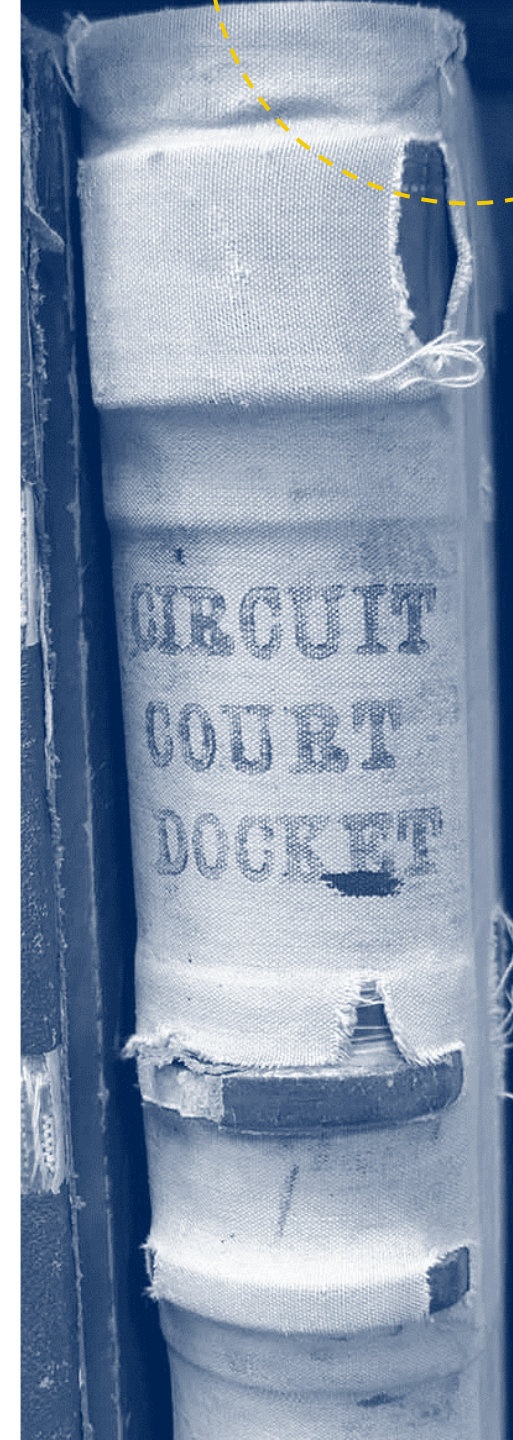


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**Task Force on the Intersection of Tribal and State Forensic
Behavioral Health**

October 8, 2026



House Bill 2005

Section 38—Report Due December 15, 2025

- The Judicial Department shall study tribal and state interactions relating to the involuntary hospitalization and mental or behavioral health treatment of tribal members in the state civil or criminal justice systems.
- The department shall include in the report a descriptive analysis of the barriers, if any, the department encounters collecting or analyzing the data described in this subsection.



House Bill 2005

- The department shall collect existing data on:
 - Competency proceedings (Aid and Assist) for defendants who are members of one or more tribes.
 - Guilty Except for Insanity proceedings for defendants who are members of one or more tribes.
 - Civil Commitment for individuals who are members of one or more tribes
 - Specialty Courts participants who are members of one or more tribes



Four Areas in State Courts for Data Analysis



Terms



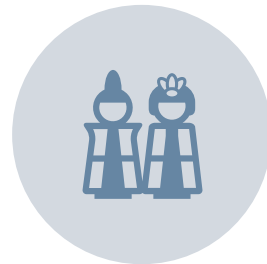
American Indian or
Alaska Native



Native American



Member of a Tribe



Indian

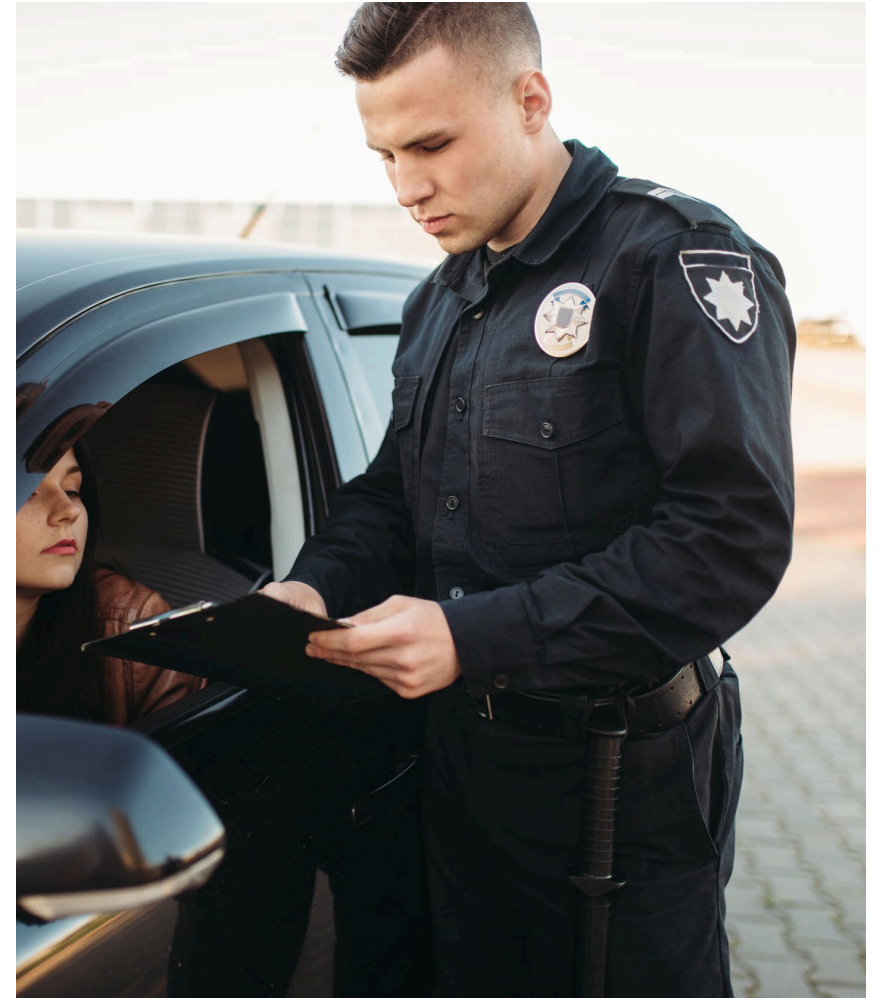




Terms

- US Census uses “American Indian or Alaska Native”
- Odyssey uses “Indian”
- Oregon Health Authority (OHA) uses “American Indian or Alaska Native”
- Criminal Justice Commission uses “Native American” as race perceived by officer in Statistical Transparency of Policing Program (STOP) Data Report.

How Does Race Data Get Into the State Court System?





GEI & A&A

- If information is provided in filings from prosecutors, court staff may be entering it into Odyssey
- Information from the prosecutor is relayed based on perception of the police officer
- No verification by court
- 80% of criminal cases have reported race data



Civil Commitment

- For civil commitments, if race information is provided by medical staff or precommitment investigator in filings and reports, then it may be entered by court staff
- May be self reported or may be based on perception
- No verification by court
- 6% of civil commitment cases have reported race data



Treatment Courts

- New separate treatment court database system that is open to system partners (caseworkers, therapists, treatment providers, probation officers, etc.)
- Not cross referenced to Odyssey data
- Significantly more oversight of data put into system, can be modified
- Most race data is self-reported
- Can include membership in a tribe



Individuals Identified as “Indian” in Court System

- As found in Odyssey reports in 2024

Event	Unique Individuals	Individuals with Race or Ethnicity Data in Odyssey (%)	Individuals Identified as “Indian” (%)
A&A (Fitness Concerns Raised)	2,324	2,027 (87%)	31 (1.5%)
GEI	40	33 (82%)	0
Civil Commitment (Committed)	468	89 (19%)	1
Treatment Court Participation	NA	NA	NA



Individuals Identified as “American Indian/Alaska Native” or “Native American” by CMHP to OHA in Civil Commitment

➤ As reported by Community Mental Health Providers (CMHPs) in 2024

Event	Individuals	Individuals Identified as “American Indian/Alaska Native” or “Native American” (%)
Precommitment Investigations	3,751	138 (3.7%)
Civilly Committed	276	16 (5.8%)
14 Day Diversion	645	32 (5.0%)

Individuals Identified as “American Indian/Alaska Native” or “Native American” in OHA and Oregon Judicial Department Data





Aid and Assist

- OHA and OJD are able to link data about defendants found unable to aid and assist in their own defense.
- 1,481 defendants were found to be unable to A&A in 2024.
 - Of those, 1,329 had race or ethnicity data reported in Odyssey.
 - Of those 1,329 defendants, 121 self-identified as American Indian/Alaska Native or Native American. (9.1%).
- OHA reports that of those 121 defendants:
 - 31 were committed to the Oregon State Hospital (OSH) for restoration (25%)
 - 20 went to OSH then to community restoration (16%)
 - 25 went to community restoration (21%)
- Tribal membership is not known.



Guilty Except for Insanity

- OHA and OJD are able to link data about defendants found Guilty Except for Insanity (GEI).
- 140 defendants were found GEI in 2024.
 - Of those, 33 defendants had race or ethnicity data reported in Odyssey.
 - None of those defendants self-identified as American Indian/Alaska Native or Native American.

Conclusion

- “It is clear that OJD and OHA are not currently collecting information to adequately identify tribal members who are in the state court systems.”
- “No known data exists to identify the number of tribal members who are in state civil commitment, aid-and-assist proceedings, or under the jurisdiction of the PSRB [Psychiatric Security Review Board], with limited availability of this information for participants in treatment courts....”
- “This lack of information leads to *significant missed opportunities* to connect tribal members receiving involuntary treatment in the state court systems with the resources and guidance of their tribe.”





Recommendations

- Continue advocating for change of racial terms within the Odyssey platform. May require statutory change.
- Considering methods for securely gathering and reporting a tribal member's status as a tribal member when the person is receiving involuntary treatment or services in the state court systems.
- Increasing awareness and training for CMHPs to accurately report whether a client identifies as American Indian or Alaska Native, and whether that individual is a member of a tribe, when a person is receiving involuntary treatment or services in the state court systems.



Recommendations

- Establishing special designation on filing documents when a person, such as an attorney representing the state, a defense attorney, or CMHP, has reason to believe a person is American Indian or Alaska Native, or a member of a specific tribe.
- Coordinating data-reporting fields across OHA systems for the purpose of coordinating services to individuals who identify as American Indian or Alaska Native.
- Providing a mechanism for tribal courts/tribal behavioral health providers to be heard on issues related to treatment of individuals in mandated behavioral health systems.



Recommendations

- Providing a notice mechanism for tribes inside or outside of Oregon, similar to the notification of a consulate when a person subject to civil commitment is a foreign national.
- Exploring methods for strengthening relationships between OHA, CMHPs, treatment courts, and tribes so that state providers contact tribes for support, guidance, and extension of resources to tribal members who are in the state court systems.



Questions & Discussion

