Department of Mental Health and Substance Abuse Services
Legal Division

Memorandum

To: Christina Green, General Counsel

From: Andrea Golden, Keith Brecheen, Laurie Schweinle and Dustin Gower

Date: **June _ , 2025**

Re: ODMHSAS Legal Division Report

This report includes information about current litigation and other legal matters affecting the Department that is new or in which there has been significant activity since the last update. Please let me know if there are any cases or matters you may wish to discuss.

Please let me know if there is anything I can do to assist you or if you have any questions. If you need to speak with me prior to the meeting, please call me at (405) 248-9246.

A. EMPLOYEE DISCIPLINE APPEALS

1. [redacted]

   Summary: [redacted] alleges discrimination and retaliation under Title VII of the Civil Rights Act of 1964. The employee states they accepted a promotion to Case Manager II in October 2024 but were not permitted to transition due to the need to train a replacement. Despite a replacement being in place since November 2024, the employee reports they remain in their previous Mental Health Technician III role as of January 2025. The employee believes this delay is due to racial discrimination (Black) and retaliation for filing an HR complaint.

   Recent Activity: This matter is set for mediation on July 17, 2025. The Department expects it will prevail.

B. SHOW CAUSE HEARINGS DUE TO THE OFC WAITING LIST FOR COMPETENCY TREATMENT OR COMPETENCY EVALUATION

1. [redacted]

ATTORNEY CLIENT PRIVILEGED

Summary: [redacted] was charged in Harper County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why she has yet to be admitted.

Recent Activity: ODMHSAS will file a Response and Motion to Dismiss the Show Cause Motion. A hearing is set for June 18, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

2. [redacted]

Summary: [redacted] was charged in Oklahoma County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: ODMHSAS filed a Response and Motion to Dismiss the Show Cause Motion. A hearing is set for June 9, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

3. [redacted]

Summary: [redacted] was charged in Oklahoma County District Court [redacted]. The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: ODMHSAS filed a Response and Motion to Dismiss the Show Cause Motion. A hearing is set for June 13, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

4. [redacted]

Summary: [redacted] was charged in Oklahoma County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: ODMHSAS filed a Response and Motion to Dismiss the Show Cause Motion. A hearing is set for June 12, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

5. [redacted]

Summary: [redacted] was charged in Oklahoma County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: ODMHSAS filed a Response and Motion to Dismiss the Show Cause Motion. A hearing is scheduled for June 20, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

6. [redacted]

Summary: [redacted] was charged in Osage County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: ODMHSAS filed a Response and Motion to Dismiss the Show Cause Motion. A hearing is scheduled for July 2, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

7. [redacted]

Summary: [redacted] was charged in Lincoln County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be evaluated.

Recent Activity: ODMHSAS will file a Response and Motion to Dismiss the Show Cause Motion. A hearing is scheduled for June 17, 2025. [redacted]

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

8. [redacted]

Summary: [redacted] was charged in Oklahoma County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why she has yet to be evaluated.

Recent Activity: ODMHSAS filed a Response and Motion to Dismiss the Show Cause Motion. A hearing is scheduled for June 9, 2025 [redacted]

Expected Outcome: The Court will hear arguments and dismiss the show cause action as moot.

9. [redacted]

Summary: [redacted] was charged in Payne County [redacted] The Court ordered ODMHSAS on May 13, 2025, to Show Cause as to why [redacted] has yet to be admitted to OFC.

Recent Activity: A hearing has been set for June 16, 2025, although no motion has been filed. OSCN was reviewed and the docket stated show cause hearing was regarding failure to evaluate the Defendant. However, it was determined that Show Cause is regarding ongoing restoration treatment and failure to provide updates to the parties.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

10. [redacted]

Summary: [redacted] was charged in Oklahoma County [redacted] The Court ordered ODMHSAS on April 17, 2025, to Show Cause as to why the evaluation has not been completed.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on May 2, 2025. [redacted]
A hearing has been set for June 20, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

11. [redacted]

Summary: [redacted] was charged in Oklahoma County [redacted] The Court ordered ODMHSAS on May 5, 2025, to Show Cause as to why he has yet to be admitted to OFC.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on June 3, 2025. [redacted] was admitted to OFC on June 2, 2025. No hearings are scheduled at this time. Department is awaiting Defendant's Counsel to strike and dismiss hearing.

Expected Outcome: The Court will hear arguments, if necessary, and dismiss the show cause action.

12. [redacted]

Summary: [redacted] was charged in McClain County [redacted] after the previous evaluation as inconclusive. The Court ordered ODMHSAS on April 3, 2025, to Show Cause as to why an evaluation has not been completed.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on April 30, 2025. A hearing has been set for July 9, 2025. Evaluation completed on May 27, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

13. [redacted]

Summary: [redacted] was charged in McIntosh County [redacted] The Court ordered ODMHSAS on April 24, 2025, to Show Cause as to why the evaluation has not been completed.

Recent Activity: ODMHSAS mailed a Response and Motion to Dismiss the Show Cause Motion on June 4, 2025. A hearing has been set for June 25, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

14. [redacted]

Summary: [redacted] was charged in Garfield County [redacted] The Court ordered ODMHSAS on May 2, 2025, to Show Cause as to why the evaluation has not been completed. An evaluation was completed on May 27, 2025, and submitted to the parties.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on May 21, 2025. An evaluation was completed and submitted to the parties on May 31, 2025. A hearing has been set for June 23, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

15. [redacted]

Summary: [redacted] was charged in Pottawatomie County [redacted] The Court ordered ODMHSAS on May 2, 2025, to Show Cause as to why the evaluation has not been completed.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on May 21, 2025. A competency evaluation has been scheduled. A hearing has been set for June 30, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

16. [redacted]

Summary: [redacted] was charged in Oklahoma County [redacted] The Court ordered ODMHSAS on May 13, 2025, to Show Cause as to why he has yet to be admitted to OFC.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on June 3, 2025. A hearing has been set for June 9, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

17. [redacted]

Summary: [redacted] was charged in Oklahoma County [redacted] The Court ordered ODMHSAS to Show Cause as to why the evaluation has not been completed.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on June 3, 2025. A hearing was originally set for June 9, 2025. Hearing continued to June 27, 2025.

Expected Outcome: An evaluation will be completed. The Court will hear arguments and dismiss the show cause action.

18. [redacted]

Summary: [redacted] was charged in McClaine County [redacted] The Court ordered ODMHSAS Show Cause on May 2, 2025, as to why he has yet to be admitted to OFC.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on May 21, 2025. A hearing has been set for July 9, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

19. [redacted]

Summary: [redacted] was charged in Oklahoma County [redacted] The Court ordered ODMHSAS to appear on June 10, 2025, and Show Cause as to why the evaluation has not been completed.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on June 3, 2025. A hearing has been set for June 10, 2025.

Expected Outcome: An evaluation will be completed. The Court will hear arguments and dismiss the show cause action.

20. [redacted]

Summary: [redacted] was charged in Oklahoma County [redacted] The Court ordered ODMHSAS on May 12, 2025, to Show Cause as to why he has yet to be admitted to OFC.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on June 3, 2025. A hearing has been set for June 6, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

21. [redacted]

Summary: [redacted] was charged in Oklahoma County [redacted] The Court ordered ODMHSAS on May 5, 2025, to Show Cause as to why he has yet to be admitted to OFC.

Recent Activity: ODMHSAS timely filed a Response and Motion to Dismiss the Show Cause Motion on June 3, 2025. A hearing has been set for June 6, 2025.

Expected Outcome: The Court will hear arguments and dismiss the show cause action.

22. [redacted]

Summary: [redacted] was charged in Oklahoma County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: The Court held a hearing and allowed argument on May 12, 2025. The Court continued the hearing until June 12, 2025, requesting that the Department show cause on what it has done for Defendant in the Oklahoma County Jail.

Expected Outcome: The Court will hear arguments on June 12, 2025. [redacted]

23. [redacted]

Summary: [redacted] was charged in Garfield County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: ODMHSAS filed a Response and Motion to Dismiss the Show Cause Motion. A hearing is set for June 23, 2025.

Expected Outcome: The court will hear arguments and the case will be dismissed.

24. [redacted]

Summary: [redacted] was charged in Tulsa County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: ODMHSAS filed a Response and Motion to Dismiss the Show Cause Motion. A hearing was set for June 10, 2025. However, on May 6, 2025, the Court ordered ODMHSAS to re-evaluate Defendant and the hearing was stricken. The Court has not dismissed the Show Cause.

Expected Outcome: If the re-evaluation finds [redacted] remains incompetent, the Court will reset the hearing. At the hearing, The Court will hear arguments and dismiss the show cause action.

25. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness [redacted] he Court ordered OMDHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: Dedra Hansbro is working with the parties to find alternative placement for [redacted]. Currently, there is no hearing set for the show cause. The Public Defender has stated that she will not withdraw the motion until placement is found.

Expected Outcome: [redacted] is likely never to attain competency.

26. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness [redacted]. The Court ordered OMDHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: Dedra Hansbro is working with the parties to find alternative placement for [redacted] Currently, there is no hearing set for the show cause. The Public Defender has stated that she will not withdraw the motion until placement is found. It is possible that he is competent. A re-evaluation was either just conducted or about to happen.

Expected Outcome: If the re-evaluation determines [redacted] is incompetent and the show cause hearing is reset, the Court will hear arguments and dismiss the show cause action.

27. [redacted]

Summary: [redacted] was charged in Jefferson County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has not been evaluated.

Recent Activity: Legal discussed this case with both Judge Gay and ADA Weeden. If the Court can be provided a date certain for [redacted] evaluation, the Court will dismiss the Show Cause.

Expected Outcome: The Court is expected to dismiss the Show Cause currently set for June 10, 2025, if a date certain for the evaluation is provided.

28. [redacted]

Summary: [redacted] was charged in Stephens County District Court [redacted] The Court ordered ODMHSAS Show Cause as to why he has not been re-evaluated.

Recent Activity: The re-evaluation was conducted by Dr. Sanders on June 6, 2025. The Court continued the hearing from June 10, 2025, to July 1, 2025, pending the report.

Expected Outcome: The Court is expected to dismiss the Show Cause currently set for July 1, 2025, upon receipt of the competency re-evaluation.

29. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness [redacted] The Court ordered ODMHSAS Show Cause as to why he has yet to be admitted.

Recent Activity: Dedra Hansbro is working with the parties to find alternative placement for [redacted] Currently, there is no hearing set for the show cause. The Public Defender has stated that she will not withdraw the motion until placement is found.

Expected Outcome: If the hearing is re-set, the court will hear arguments and the case will be dismissed.

30. [redacted]

Summary: This is a high-profile case involving [redacted] In

this refiling, the Court entered an order on February 5, 2025, requiring an evaluation within 21 days. Here, the Court ordered ODMHSAS Show Cause as to why the evaluation had not been completed.

Recent Activity: At the May 29, 2025, hearing, the Court was presented with the May 27, 2025, report of Dr. Orth. The Court found ODMHSAS in indirect contempt for not conducting the evaluation and producing a report within 21 days of the Court's February 5 2025, Order. The Court imposed a fine of $100 per day for the period February 27, 2025, through May 29, 2025.

Expected Outcome: ODMHSAS will pay the contempt fine once a separate case is opened by the Court for that purpose.

31. [redacted]

Summary: [redacted] was charged in Oklahoma County District Court [redacted] Here, the Court ordered ODMHSAS Show Cause as to why [redacted] has not yet been transported to the Oklahoma Forensic Center.

Recent Activity: At the May 29, 2025, hearing, The Court found ODMHSAS in indirect contempt for not transporting [redacted] to the Oklahoma Forensic Center. The Court imposed a fine of $1,000.

Expected Outcome: ODMHSAS will pay the contempt fine once a separate case is opened by the Court for that purpose.

32. [redacted]

Summary: [redacted] was found incompetent to stand on August 26, 2024, [redacted] The Court ordered ODMHSAS to Show Cause as to why Defendant has yet to be admitted to OFC.

Recent Activity: An ODMHSAS re-evaluation in late March found Defendant was incompetent, not a "person requiring treatment", never to attain competency, and raised the possibility that [redacted] may have some intellectual disability. A DHS/DDS evaluation was then conducted by Dr. Roberson who found Defendant competent but stated that [redacted] The Court ordered yet another DHS/DDS evaluation specifically on the intellectual disability portion only. The Parties recently raised the possibility [redacted] may have sustained a traumatic brain injury as well. The Court and the Parties are also concerned about [redacted] IQ. If low enough, [redacted] may be immune to prosecution.

Expected Outcome: The Court is more concerned with placement for [redacted] than finding the Department in contempt. It is expected that the Court will dismiss the show cause against ODMHSAS if the DHS/DDS evaluation determines that [redacted] is intellectually disabled.

C. OFC TRANSITION CASES

1. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was [redacted].

Recent Activity: The requisite documents were drafted and sent to [redacted]

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed. His criminal case will be dismissed.

2. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration [redacted]. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was inpatient mental health treatment.

Recent Activity: The requisite documents were drafted and sent to [redacted]

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed. His criminal case will be dismissed.

3. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was inpatient mental health treatment.

Recent Activity: The requisite documents were drafted and sent to [redacted]. The court has been discussing how the process works with DMH counsel, and it's anticipated that they will file as soon as the assigned judge allows.

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed. His criminal case will be dismissed.

4. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was inpatient mental health treatment.

Recent Activity: The requisite documents were drafted and sent to [redacted] The ADA requested documents, and they were provided.

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed. His criminal case will be dismissed.

5. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was inpatient mental health treatment.

Recent Activity: The requisite documents were drafted and sent to [redacted] There is a hearing set for June 18, 2025.

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed. His criminal case will be dismissed.

6. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is outpatient mental health treatment.

Recent Activity: Outpatient treatment has been identified and [redacted]. Multiple attempts were made to contact the Assistant District Attorney to initiate the Court proceedings. A Jackson letter requesting filing of the documents were sent April 16, 2025. Documents were filed on May

30, 2025. Her criminal case has been dismissed. [redacted] Hearing is currently scheduled for June 9, 2025.

Expected Outcome: A hearing will be held, and [redacted] will be ordered to alternative outpatient treatment.

7. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is inpatient mental health treatment.

Recent Activity: Inpatient treatment has been identified and the requisite documents were sent to [redacted]. Her criminal case was dismissed. [redacted]. Multiple attempts made to ADA to initiate case. A hearing was held on June 5, 2025, at the [redacted]. The assigned Judge ordered that a commitment order be filed by the ADA.

Expected Outcome: A hearing will be held, and [redacted] will be ordered to initiate treatment.

8. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is inpatient mental health treatment.

Recent Activity: Inpatient treatment has been identified and the requisite documents were sent [redacted]. The documents were filed on May 16, 2025. Hearing held on May 20, 2025. Awaiting update from Assistant District Attorney and Court regarding completion of the civil commitment. Her criminal case was dismissed on May 21, 2025.

Expected Outcome: A hearing has been held. [redacted] will be ordered to inpatient treatment.

9. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is outpatient mental health treatment.

Recent Activity: Outpatient treatment has been identified and the requisite documents were sent to [redacted]. Paperwork was filed on May 1, 2025. Hearing held on commitment documents on June 5, 2025. Awaiting confirmation that [redacted] was approved for outpatient treatment.

Expected Outcome: A hearing was held, and [redacted] will be ordered to alternative outpatient treatment. His criminal case will be dismissed.

10. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is inpatient mental health treatment.

Recent Activity: Inpatient treatment has been identified and the requisite documents were sent to [redacted]. The ADA has refused to file documents as Judge believes the individual will be released from inpatient treatment facility.

Expected Outcome: A motion will need to be drafted and set for hearing by the Department. A hearing will be held, and [redacted] will be ordered to inpatient treatment.

11. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is outpatient mental health treatment.

Recent Activity: Outpatient treatment has been identified and the requisite documents were sent to [redacted] Petition was filed on May 9, 2025. Placement is currently being sought. Criminal case was dismissed on April 30, 2025.

Expected Outcome: A hearing will be held, and [redacted] will be ordered to alternative outpatient treatment.

12. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is outpatient mental health treatment. The assigned Judge ruled that consumer was dangerous and found the least restrictive environment should be inpatient treatment.

Recent Activity: Outpatient treatment has been identified. Hearing held on June 5, 2025, at [redacted]. Court ordered ADA to file commitment order. Documents drafted June 6, 2025, and sent to ADA for filing. Criminal case has been dismissed.

Expected Outcome: A hearing will be held, and [redacted] will be ordered to inpatient.

13. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is inpatient mental health treatment.

Recent Activity: Inpatient treatment has been identified and the requisite documents were sent [redacted] The Petition was filed on May 12, 2025, and a hearing date was set for May 23, 2025. Criminal case has been dismissed. Awaiting update from the assistant district attorney.

Expected Outcome: A hearing has been held. [redacted] will be ordered to inpatient treatment. Her criminal case will be dismissed.

14. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and/or cognitive impairment and ordered to the Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment for [redacted] is inpatient mental health treatment.

Recent Activity: Outpatient treatment has been identified and the requisite documents were sent [redacted]

Expected Outcome: A hearing will be held, and [redacted] will be ordered to alternative outpatient treatment. His criminal case will be dismissed.

15. [redacted]

Summary: [redacted] was found incompetent to stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was outpatient mental health treatment.

Recent Activity: The requisite documents were drafted and sent [redacted] for late last year. After repeated attempts to contact the Assistant DA, he responded on June 3, 2025, and stated he will file the civil commitment paperwork.

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed. His criminal case will be dismissed.

16. [redacted]

Summary: [redacted] was found incompetent stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was inpatient mental health treatment.

Recent Activity: The Court heard a hearing on an inpatient civil commitment on April 29, 2025. Due to Defendant's testimony that he would be willing to take some medication, the Court denied the petition. The Court also dismissed the criminal case. [redacted] ODMHSAS and the Assistant District Attorney agreed to pursue an outpatient civil commitment. Placement was being explored by a social worker. Recently, however, OFC has determined Defendant meets inpatient criteria. ODMHSAS will transmit new inpatient civil commitment docs to the ADA for filing.

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed.

17. [redacted]

Summary: [redacted] was found incompetent stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was outpatient with placement [redacted]

Recent Activity: The requisite documents were drafted and sent [redacted] The court has a hearing set for July 10, 2025.

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed.

18. [redacted]

Summary: [redacted] was found incompetent stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. After a reasonable treatment time, [redacted] was determined never to attain competency. It was determined that the least restrictive environment was outpatient mental health treatment with placement at Homestead.

Recent Activity: The requisite documents were drafted and sent [redacted]. The court has a hearing set for July 10, 2025.

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed.

19. [redacted]

Summary: [redacted] was found incompetent stand trial due to mental illness and ordered to Oklahoma Forensic Center for competency restoration. [redacted] timed out before he was transferred to OFC. The Assistant District Attorney filed a civil commitment case prior to obtaining an inpatient or outpatient treatment determination.

Recent Activity: CREOKS conducted an LMHP on June 3, 2025. The Court has continued the commitment hearing until June 12, 2025, for status on placement.

Expected Outcome: A hearing will be held, and the Defendant will be civilly committed.

D. CLASS ACTION LITIGATION

1. **BRIGGS** (*Briggs v. Carrie Slatton-Hodges (as Commissioner of ODMHSAS) and Debbie Moran (as Executive Director of the Oklahoma Forensic Center); 23-CV-00081-GFK-JFJ).*

   Summary: Briggs is a class action lawsuit brought in the Northern District of Oklahoma. The Plaintiffs have made three claims:
   - ODMHSAS has violated Due Process rights secured by the Fourteenth Amendment of the United States,
   - ODMHSAS has violated Due Process rights secured by the Oklahoma State Constitution.
   - ODMHSAS has violated Americans with Disabilities Act.

   Recent Activity: In July 2024, the Plaintiffs joined by the AG, presented the Settlement Agreement to the Court. Subsequently, the Contingency Review Board comprised of the Governor, the Speaker of the House, the President Pro Tempore, and the OMES Director as a non-voting member met on August 28, 2024, to gather facts regarding the proposed Consent Decree. Commissioner Allie Friesen spoke to the Board and answered their questions. The Board took no action in voting on the decree but did vote affirmatively to send a letter to the Court explaining they believe the decree is not in the best interest of the State, violates State law, and that the details surrounding the negotiation and approval of the consent decree were not accurately presented to the Court.

   On August 29, 2024, the Court issued an opinion stating that the Consent Decree violates state law regarding community restoration services and gave the parties until September 13, 2024, to submit an amended proposed consent decree. On September 19, 2024, the Court preliminarily entered the Consent Decree.

   The Contingency Review Board reconvened on October 8, 2024, and voted to reject the Consent Decree. Also on October 8, 2024, ODMHSAS Commissioner Allie Friesen terminated the Oklahoma Attorney General as counsel of record. Subsequently, on October 24, 2024, Governor Kevin Stitt appointed Hall Estill as special counsel for the Defendants.

   On November 1, 2024, a hearing was held whereby the Attorney General objected to Hall Estill as substituted counsel. That matter remains unresolved. However, the Court ordered the parties to attend a settlement conference with a neutral mediator. That conference was set for November 13, 2024.

   A settlement conference was held on November 13, 2024, and a settlement was reached between all parties. The agreement reached will need approval from either the Contingency Review Board or the Oklahoma Legislature.

A hearing for fairness review and final approval of the Consent Decree was held January 15, 2025. At that hearing the Court found the Consent Decree is fair, reasonable, and adequate, certified the class, and appointed class counsel. The Court also entered the Consent Decree contingent on approval of the Oklahoma Legislature.

On March 4, 2025, the Court entered an order granting the Defendants' Motion to Substitute and denying the Attorney General's Motion to Strike Attorney appearances by Hall Estill attorneys William W. O'Connor, Brian T., Inbody, John R. Richer, and Kristen P. Evans on behalf of the Defendants.

The Consent Decree required certain components related to Plan development and implementation be begun and submitted to the Consultants by June 8, 2025. In line with the Consent Decree requirements, ODMHSAS submitted necessary documents on June 6, 2025.

E. UNITED STATES DEPARTMENT OF JUSTICE INVESTIGATION

Summary: On November 17, 2022, DOJ notified us that it was commencing an investigation to determine whether Oklahoma segregates or unnecessarily institutionalizes adults with serious mental illness (SMI) or places such persons at serious risk of institutionalization. The DOJ is also conducting a simultaneous and parallel investigation to whether the practices and policies employed by the City of Oklahoma City through its Police Department in responding to behavioral health crises result in disability discrimination against this same class of individuals.

Title II of the Americans with Disabilities Act (ADA) prohibits state and local governments (including agencies such as ODMHSAS) from discriminating against people with disabilities in the provision or administration of public services and programs. At first blush, this rule seems relatively simple—i.e., don't exclude disabled persons from public programs or services because of their disability unless both the disability renders them unqualified to participate in the service or program and the service or program cannot be reasonably modified or altered to allow for their participation. However, in practice this is much more complicated due to the expanding interpretation DOJ has made over the requirements of this law.

In 1999, the U.S. Supreme Court issued a ruling in what is known as the *Olmstead* case stating that states are required to release institutionalized persons from inpatient care and provide community-based treatment if the state's treatment professionals have determined that such community-based placement is appropriate, and the institutionalized person does not oppose the community-based placement. However, since 1999, the DOJ and some courts have expanded the ADA to also include individuals who are "at risk" of

institutionalization. As a result, the DOJ has required states to create housing, provide transportation, and develop other services aimed at avoiding person from being admitted to an inpatient hospital or taken to jail.

It is important to note that a recent court decision out of Mississippi and the 5th Circuit has rejected the DOJ's expansion of liability to include "at risk" individuals. If other courts following this ruling, it will greatly limit the scope of what the DOJ can impose.

To date, this has been a lengthy, sprawling, and complex investigation. Since the investigation began, we have produced more than 330,000 pages of records, provided narrative responses and data in response to DOJ information requests, presented nearly 30 department employees for recorded witness interviews with DOJ, provided DOJ and its experts tours of ODMHSAS facilities, and facilitated a process for DOJ and its expert witnesses to conduct interviews of consenting consumers receiving services at ODMHSAS facilities. In addition, we have endeavored to be proactive by engaging our own consulting experts where appropriate, to identify areas for improvement, and to coordinate with other interested parties to the investigation (including our contract-vendors, third-party providers, and the City of Oklahoma City).

Since this investigation began, the department has retained several nationally recognized consulting experts to identify areas for improvement and to help us draft an up to date "*Olmstead Plan*." Having an "*Olmstead* plan" can give rise to a "fundamental alternation" defense to Title II litigation. Our Olmstead Plan has been completed and sent to the DOJ for review.

The DOJ completed its investigation and issued its findings letter on January 3, 2025. The DOJ found that the State of Oklahoma unnecessarily institutionalizes persons with behavioral health disabilities in the Oklahoma County area or places persons with behavioral health disabilities in the Oklahoma County area at risk of unnecessary institutionalization in violation of Title II of the ADA. The DOJ further found that the State of Oklahoma must modify practices, policies, and procedures to remedy the findings. Specifically, the DOJ found that the State of Oklahoma should increase access to community-based services including PACT services, mobile crisis services, permanent supported housing, case management, peer support services, and IPS employment supports, as well as creating stronger connections to these services to prevent readmission. And the State of Oklahoma should be more proactive in engaging the community to avoid unnecessary institutionalization.

ODMHSAS continues to work toward implementing its Olmstead Plan, but no further action has been initiated by the DOJ.