



U.S. Department of Justice  
Civil Rights Division

JMS:JCP:RAK:ABZ:NG:ks  
DJ 168-61-30

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

November 17, 2010

John Kroger  
Attorney General  
Oregon Department of Justice  
1162 Court Street, N.E.  
Salem, Oregon 97301-4096

Re: Investigation of Oregon State Hospital

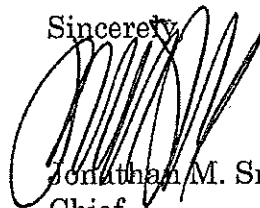
Dear Mr. Kroger:

This is to inform you that the United States Department of Justice is expanding the scope of its existing investigation of the Oregon State Hospital in Salem and Portland, Oregon ("OSH"). Our expanded investigation will focus on the State's compliance with Title II of the Americans with Disabilities Act ("ADA"), 42 U.S.C. § 12132, as interpreted in Olmstead v. L.C., 527 U.S. 581 (1999), with respect to the services it provides to persons with mental illness at OSH and other settings across the State.

We have received information from the State and other sources that indicates that Oregon is committing funds to increase institutional capacity while simultaneously making substantial cuts to the budget for community mental health programs. Such budgetary re-allocations in favor of institutional care would appear to run afoul of the ADA's integration mandate. We also have received information that indicates that Oregon fails to serve individuals with mental illness, both those confined to and discharged from OSH, as well as those at risk of being institutionalized, in the most integrated setting appropriate to those individuals' needs. It appears that the lack of appropriate community-based services may be a primary cause of these problems, and our investigation will include an examination of these issues.

We have enjoyed a cooperative relationship with the State during our investigation of OSH to date, including regarding our recent document request, and hope to continue in this manner. We will contact your office shortly to discuss the next steps. If you have any questions, please feel free to contact me at (202) 514-5393, Robert Koch at (202) 305-2302, or Aaron Zisser at (202) 305-3355.

Sincerely,



Jonathan M. Smith  
Chief  
Special Litigation Section

cc: Micky Logan  
Senior Assistant Attorney General  
State of Oregon

Greg Roberts  
Superintendent  
Oregon State Hospital

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