

Proponent Testimony on House Bill 61
House Civil Justice Committee
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Good afternoon, Chairman Hambley, Vice Chair Patton, Ranking Member Brown, and members of the committee. I would like to thank you for the opportunity to provide proponent testimony on HB 61, legislation I believe is necessary to protect the safety of forensic examiners, other mental health professionals who provide evaluations in a legal context, regional psychiatric hospital employees, and their families.

I have provided forensic evaluations for Franklin County and ten other counties in the surrounding area for more than seven years. Over the course of my practice, I have evaluated a number of individuals with histories of violent and/or criminal behavior. In those seven years, I have not been harmed or threatened with harm. But I believe plain old good luck has had much to do with that. I am here today to share the story of a colleague who did not have the same luck that I have had.

Dr. Brian O'Reilly is a clinical and forensic psychologist who routinely provides psychological services to U.S. Military veterans and psychological assessment services to Common Pleas and Municipal Courts through Certified Forensic Centers in the State of Ohio. He assists the courts in making important decisions regarding the resolution of criminal court cases, including criminal responsibility, competency to stand trial, and commitment to mental health facilities. His work with the courts brings him into direct contact with individuals with extensive histories of violence and criminal behavior.

Dr. O'Reilly conducted a court-ordered competency to stand trial evaluation of an individual with an extensive history of aggression, harassment, fraud, and violent offenses, resulting in that defendant's prior imprisonment at The Ohio State Penitentiary super maximum-security facility. Immediately following the evaluation, the individual informed Dr. O'Reilly that he intended to file complaints against him with his employer and the State Board of Psychology for not refusing to conduct the evaluation because he- that is, the person being evaluated- disagreed with the court order. Prior to the evaluation, Dr. O'Reilly informed the individual of his rights and offered him the opportunity to decline the evaluation. After completing the evaluation, this individual waited for Dr. O'Reilly in the parking lot and drove slowly behind his vehicle, in what appeared to be an attempt of intimidation and to record his license plate number. Four days later, he filed unfounded/false grievances with Dr. O'Reilly's employer. He sent Dr. O'Reilly a carbon copy of all email correspondence he had with his employer and accessed a social media account Dr. O'Reilly used.

Due to what Dr. O'Reilly considered a clear attempt to intimidate/retaliate against him for conducting the court-ordered evaluation, he notified the judge of his concerns.

During a subsequent hearing, the judge revoked the defendant's bond and had him taken into custody. However, within days, the man continued to file handwritten complaints from jail that included Dr. O'Reilly's birth date, home address, and social security number- information that he likely obtained from Internet sources. Given his history of violence, aggression, and fraudulent activity, Dr. O'Reilly considered his inclusion of his personal information a direct threat to his physical safety and that of his family. When Dr. O'Reilly contacted his County Auditor and the Bureau of Motor Vehicles to request removal of his personal information from public access, he was shocked to learn the law did not permit this for individuals in our line of work.

The last time I provided proponent testimony on this proposed legislation, in the time it took me to tell Dr. O'Reilly's story, one committee member completed an internet search using my name and found my home address. Anyone that comes to that address would find not only me, but my partner and our young children. It is that easy to access personal information via the internet. Members of the House Civil Justice Committee, I ask that you give us more than luck to rely on, for safety's sake. Please help to give me and other mental health evaluators an additional measure of safety, and vote yes on House Bill 61.

Thank you for the opportunity to share my colleague's story and my concerns. Representatives Lanese and Liston, thank you for your work on this bill. I am happy to answer any questions you may have.