

**SENATE PUBLIC HEALTH AND WELFARE COMMITTEE
SENATORE EDWIN B. ERICKSON, CHAIRMAN**

Statement at the public hearing held on Tuesday, October 2, 2007, in Hearing Room #1,
North Office Building, Harrisburg, Pennsylvania.

**Statement of G. Michael Green, District Attorney of Delaware County,
Pennsylvania**

I am grateful to the Chairman, Senator Edwin B. Erickson, for his invitation allowing me to appear today before the Pennsylvania Senate Public Health and Welfare Committee. I am here today to offer several of my opinions regarding the need for assisted outpatient treatment in the form described within Senate Bill 226. I would like to start by describing a series of tragic incidents all occurring in July and August of 2005 in the County of Delaware. These tragic incidents all concerned Michael Rafferty, a 29 year old who is believed to have had a long history for psychological and psychiatric conditions. In the early morning of July 4, 2005, Upper Darby Police officers were dispatched to a residence in the Drexel Hill section of Upper Darby Township in response to a report of a subject with a knife. Two witnesses informed police officers that a person later identified as Michael Rafferty, ran up onto a porch where the two victims were seated. Mr. Rafferty was brandishing an eight-inch butcher knife in his hand, threatening the two victims. Mr. Rafferty fled the porch area of this residence, and the victims notified the police. Later that day, Mr. Rafferty was apprehended and taken into custody. Prior to a preliminary hearing and without receiving any psychiatric diagnostic testing or care, Mr. Rafferty was released on bail.

In a tragedy, which rocked Upper Darby Township and Delaware County, Mr. Rafferty stabbed and lacerated both his father and mother, each of whom died before medical treatment could be rendered. Even more tragically, Mr. Rafferty then proceeded to a neighbor's home on his parents' street. Once there, Mr. Rafferty attacked the homeowners, a husband and wife, with the knife. Mr. Rafferty killed the husband as he attempted to defend his wife, who also was severely lacerated during the attack.

Thomas Rafferty was charged with multiple counts of Criminal Homicide and related offenses. However, the final tragedy occurred on August 17, 2005, while Mr. Rafferty was incarcerated in the County prison as a result of the homicide charges. In short, Michael Rafferty took his own life before correctional officers were able to intervene.

Throughout this period of time, a Protection From Abuse Order existed under the terms of which Michael Rafferty was required to stay away from his parents and siblings.

I recount this series of tragedies to emphasize the serious risk created when a patient is not non-compliant with his treatment plan and medication. I believe that this was the case with Michael Rafferty. But, in addition to taking the lives of a wonderful neighbor and his own mother and father, in this instance the mentally ill patient also took his own life.

Speaking on behalf of the Delaware County District Attorney's Office, I can say we believe the Assisted Outpatient Treatment Amendment to the Mental Health Procedures Act, would be a welcome change in the existing law.

I am specifically gratified to see that any order entered to enforce compliance would include case management services or assertive community treatment team services to provide care coordination. Additionally, compliance with medication will be considered a part of any assisted outpatient treatment. Thirdly, issues like therapy, programming activities and educational and vocational training would all be considered part of an outpatient treatment plan.

Finally, in my view, the most important aspect of Senate Bill 226 is that the Assisted Outpatient Treatment Plan becomes the subject of a Court Order. The development of assisted outpatient treatment like that described in Senate Bill 226 provides for the balancing of the patient's individual rights with the community's right to public safety. It is this delicate balance, which must be struck under Senate Bill 226 or under any assisted outpatient treatment legislation. However, once that balance is struck, the public safety concerns of the public can be protected while at the same time the mental health needs of a patient are addressed in a meaningful way.

I thank you for this opportunity to address the Committee, and I am happy to address any questions or concerns the members may have.