

Oregon State Hospital – Aid and Assist

When people are accused of a crime, sometimes they are not able to participate in their trial because of the severity of their mental illness. In these cases, the court may issue an order under ORS 161.370 for them to be sent for mental health treatment — most often at Oregon State Hospital — so they can become well enough to “aid and assist” in their own defense.

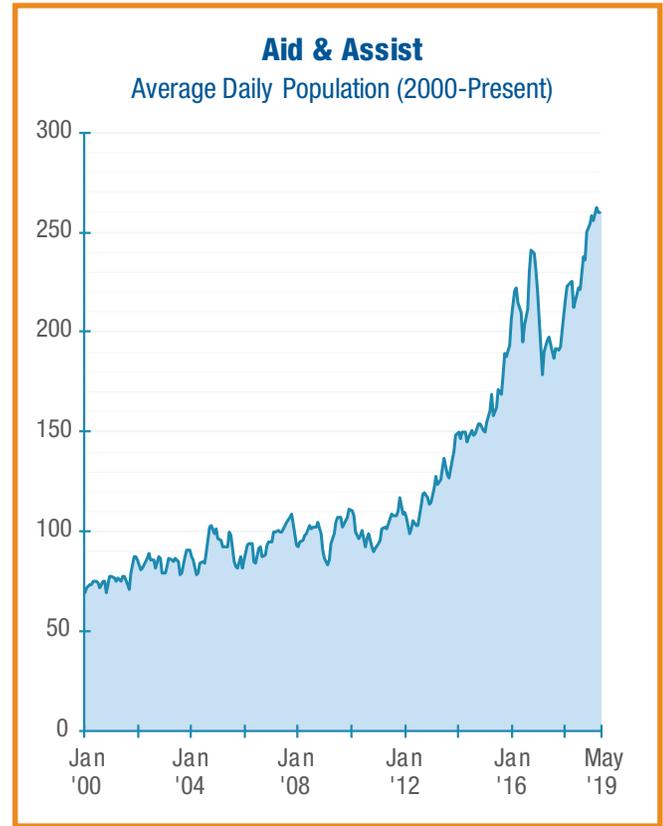
Services provided for patients under an ORS 161.370 (“.370”) order

The primary treatment goals for patients under a .370 order are stabilization and achieving a level of capacity so they can cooperate with attorneys and participate in their own defense.

- Psychiatric and psychological assessments and treatment, including diagnoses, medications and therapy.
- Benefit eligibility and coordination, transition planning for discharge.
- Legal skills, teaching basic legal terminology and ideas that will help most people become able to aid and assist.
- Rehabilitation services to engage people in therapeutic activities aligned with their interests and strengths.
- Occupational therapy to assist with people’s daily living skills such as cooking, personal finance and public transit.
- Medical and dental services, physical therapy.
- GED classes for people ages 18-21.

Evaluations to determine ability to “aid and assist”

Oregon State Hospital has a team of certified examiners (psychologists and psychiatrists) who periodically evaluate patients who are sent to Oregon State Hospital under the .370 statute. Examiners evaluate patients to determine whether they are able to aid and assist in their defense and ready to return to court. By statute, the evaluations are due within 90 days of admission, 180 days of admission and then every 180 days after that. However, treatment teams may request an evaluation as soon as they believe patients are ready.



Possible evaluation outcomes

The evaluator may determine:

- The patient is able, meaning he or she is competent to stand trial. In this case, most patients are sent back to their respective county jail to await trial.
- The patient is never able or unlikely to regain capacity in the foreseeable future. If the determination is “never able,” the hospital notifies the court, and the judge may decide to discontinue the order. In both cases, the court may dismiss the charges and either:
 - ▶ Order that the patient be discharged; or
 - ▶ Initiate civil commitment proceedings.
- The patient is not yet able, which means the patient does not have the capacity to participate in a trial but may regain capacity in the foreseeable future.

Length of stay

The hospital may keep patients who are under an aid and assist order for:

- Up to three years; or
- The period of time equal to the maximum sentence the court could have imposed if the defendant had been convicted, whichever is shorter.

Average Daily Population of Patients Under an Aid and Assist Order

	2000	2004	2008	2012	2016	April 2019
Average Daily Population	73.5	90.1	98.7	109.4	218.7	259.9
% of overall OSH census	9%	11%	13%	19%	36%	42%
% of admissions that were misdemeanors	*	*	*	41.8%	40.1%	37.0%
Median length of stay	97 days	70 days	84 days	72 days	74 days	77 days

* no data available



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