

## OSH Restoration Limit Report

(data are current as of 10/12/2022)

Cohort 1	At OSH as of 9/1/2022	At OSH as of 10/12/2022	Restoration Limit Notice Outcomes (total since 9/1/2022)			Discharge Reasons (total since 9/1/2022)					Total Discharged	
			30-Day RL Notices Sent	Discharged Prior to Reaching 30-Day RL Notice Period	Discharged After Reaching 30-Day RL Notice Period	Found Able	Found Never Able	Community Restoration	Charges Dismissed or Released	Reached Restoration Limit		End of Jurisdiction (Non-Mosman)
Misdemeanor	85	53	24	9		9	2	15	3		3	32
Felony	218	159	15	5		32	5	19	3			59
Violent Felony	107	92				10	3		1		1	15
<b>Total</b>	<b>410</b>	<b>304</b>	<b>39</b>	<b>14</b>	<b>0</b>	<b>51</b>	<b>10</b>	<b>34</b>	<b>7</b>	<b>0</b>	<b>4</b>	<b>106</b>

Cohort 2	Admitted since 9/1/2022	At OSH as of 10/12/2022	Restoration Limit Notice Outcomes (total since 9/1/2022)			Discharge Reasons (total since 9/1/2022)					Total Discharged	
			30-Day RL Notices Sent	Discharged Prior to Reaching 30-Day RL Notice Period	Discharged After Reaching 30-Day RL Notice Period	Found Able	Found Never Able	Community Restoration	Charges Dismissed or Released	Reached Restoration Limit		
Misdemeanor	32	31						1				1
Felony	58	56				2						2
Violent Felony	10	10										0
<b>Total</b>	<b>100</b>	<b>97</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>2</b>	<b>0</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3</b>

### For the individuals OSH has sent 30-day Restoration Limit notices, what has been the outcome?

- Since 9/1/2022, OSH sent out 39 30-day Restoration Limit notices. The first notices were sent on September 12th.
- As of 10/12/2022, none of the patients have been discharged for reaching the end of the 30-day Restoration Limit notice period.
  - With the 30-day notice requirement the earliest a patient can be discharged for reaching their restoration limit will be October 13<sup>th</sup>.
- As of 10/12/2022, OSH has discharged 14 of the 39 30-day Restoration Limit notice patients prior to reaching the end of their 30-day Restoration Limit notice period.

### Of the patients at OSH at the time of the order (Cohort 1), what has been the outcome?

- As of the date of the order, 9/1/2022, there were 410 Aid & Assist patients at OSH. The expectation is that all of the Misdemeanor and Felony patients in Cohort 1 will be discharged by March 2023 with the Violent Felony patients discharged either by March 2023, if they are already past their 365<sup>th</sup> day, or by the time they reach their 365<sup>th</sup> day at OSH. Many will discharge for "normal" reasons before March 2023 but a few, the current estimation is around 100, will need to be discharged through to the Restoration Limit process.
- As of 10/12/22, 106 of the 410 Cohort 1 patients have been discharged, leaving 304 patients in Cohort 1.
  - 51 patients were discharged after having been found able; 10 were discharged after having been found never able; 34 were discharged for community restoration; 7 were discharged because their charges were dismissed or they were released; 0 were discharged due to reaching the end of their Restoration Limit period; 4 were discharged for reaching the end of their jurisdiction.

### Of the patients admitted to OSH after the time of the order (Cohort 2), what has been the outcome?

- Since 9/1/2022, 100 Aid & Assist patients have been admitted to Oregon State Hospital. These patients are strictly under the restoration limits outlined in the order and must be discharged by day 90, 180, or 365 depending on their charges.
- As of 10/12/22, 3 of the 100 Cohort 2 patients has been discharged, leaving 97 patients in Cohort 2.
  - 2 patients were discharged after having been found able; 0 were discharged after having been found never able; 1 was discharged for community restoration; 0 were discharged because their charges were dismissed or they were released; 0 were discharged due to reaching the end of their Restoration Limit period.

## Definition Guide

**Cohort 1** – Includes all Aid & Assist patients under an ORS 161.370 court order at Oregon State Hospital at the time Judge Mosman signed the order on 9/1/2022. The hospital has been granted permission to prioritize the order of discharge for the patients in Cohort 1 starting with those already over the restoration limits and having been determined to no longer need hospital level of care.

**Cohort 2** – Includes all Aid & Assist patients under an ORS 161.370 court order who admit to Oregon State Hospital on, or after, 9/1/2022. As per the order, these patients will all be held to the restoration limits set forth in the order based on their charges.

**Restoration Limit** – The order specifies three different restoration limits based on the patient’s charges. Patients with charges no higher than a misdemeanor will discharge by day 90; patients with no higher than non-violent felony charges will discharge by day 180; patients with at least one violent felony charge will discharge by day 365. A restoration limit notice will be sent out 30-days prior to the patient reaching their restoration limit and being discharged from Oregon State Hospital.

**Violent Felony Charges** – A patient is considered to have violent felony charges (also known as “Measure 11 Charges”) if they are charged with any of the following crimes: Aggravated murder; Aggravated vehicular homicide; Arson in the first degree; Assault in the first degree; Assault in the second degree; Attempt or conspiracy to commit aggravated murder; Attempt or conspiracy to commit murder; Compelling prostitution; Kidnapping in the first degree; Kidnapping in the second degree; Manslaughter in the first degree; Manslaughter in the second degree; Murder; Rape in the first degree; Rape in the second degree; Robbery in the first degree; Robbery in the second degree; Sexual abuse in the first degree; Sodomy in the first degree; Sodomy in the second degree; Unlawful sexual penetration in the first degree; Unlawful sexual penetration in the second degree; Using a child in a display of sexually explicit conduct.

### Discharge Reasons

- Found Able – In the opinion of the Forensic Evaluation Services staff at Oregon State Hospital, the patient is found to be able to aid and assist in their trial.
- Found Never Able – In the opinion of the Forensic Evaluation Services staff at Oregon State Hospital, the patient is found to never be able to aid and assist in their trial.
- Community Restoration – Prior to receiving an Able/Never Able finding, the patient is determined to no longer need hospital level of care and is discharged for community restoration.
- Charges Dismissed or Released – Prior to receiving an Able/Never Able finding, the court has decided to drop the charges against the patient and the patient can be released.
- Reached Restoration Limit – Prior to receiving an Able/Never Able finding, the patient has reached their restoration limit, as determined by their charges, and must be discharged from Oregon State Hospital.
- End of Jurisdiction (Non-Mosman) – Prior to the order from Judge Mosman, all Aid & Assist patients had a limit on how long they could remain at Oregon State Hospital defined by ORS 161.370 Section (10)(a):

*A defendant who remains committed under subsection (9) of this section shall be discharged within a period of time that is reasonable for making a determination concerning whether or not, and when, the defendant may gain or regain capacity. However, regardless of the number of charges with which the defendant is accused, in no event shall the defendant be committed for longer than whichever of the following, measured from the defendant’s initial custody date, is shorter:*

*(A) Three years; or*

*(B) A period of time equal to the maximum sentence the court could have imposed if the defendant had been convicted.*

For patients in Cohort 1 this section of ORS 161.370 still applies, and the patient will be discharged for reaching their end of jurisdiction.

For patients in Cohort 2 this section no longer applies and instead the maximum length of stay is determined by the “Restoration Limit” defined above.