

WHAT DOES “GUILTY EXCEPT INSANITY” MEAN?

When a person commits a crime but, at the time, suffers from a qualifying serious mental illness that significantly impaired their ability either to understand what they were doing or to control their actions, the court may find them “Guilty Except for Insanity” (GEI).

That finding means the law considers that the crime arose from a mental health condition, not from a fully voluntary choice, so the person is not held criminally responsible in the usual sense.

Importantly: this is not an acquittal. The person is not “off the hook” simply because of mental illness. Instead, they enter a different system designed for treatment, supervision, and public safety.

JURISDICTION OF THE PSRB

Once the court makes a GEI finding, it ordinarily places the person under the authority of PSRB for the period not to exceed the maximum sentence the person could have received if found guilty.

The PSRB’s mission includes balancing public safety and the rights of the person under its jurisdiction. Among its statutory duties are conducting hearings, monitoring progress, managing treatment plans, and revoking

WHAT HAPPENS NEXT: TREATMENT, REVIEW, AND MONITORING

Individuals usually begin treatment at a secure hospital, most often Oregon State Hospital (OSH). If their mental health improves and assessments show they no longer pose a substantial danger when properly supervised, the law requires PSRB to consider granting a community placement under conditional release.

This decision occurs through a hearing and is based on expert clinical evaluations, a detailed community evaluation, treatment and supervision plan, and confirmation that appropriate community-based care is available.

CONDITIONAL RELEASE VS. FULL DISCHARGE

When someone is under PSRB jurisdiction, they remain under oversight and treatment unless the Board grants a full discharge. The level of care and type of supervision is dictated by clinical and risk assessment.

Conditional Release

- The person lives in the community but continues to be closely monitored by the PSRB.
- They must follow a structured treatment and monitoring plan, which may include therapy, medication, case management, and specific living arrangements.
- Conditional release allows the person to receive treatment outside a secure facility while keeping the community safe.
- If at any point the person’s mental health deteriorates, or they fail to comply with conditions, PSRB has the authority to revoke conditional release and return them to a more secure facility.
- Most individuals under PSRB supervision remain on conditional release for the full length of their jurisdiction. Close monitoring and structured treatment help keep reoffending rates very low.

Full Discharge

- Full discharge means the person is no longer under PSRB supervision.
- It occurs during a hearing process and only after a thorough clinical and legal review concludes that the person no longer has a qualifying mental disorder or, if still affected, no longer poses a substantial danger to themselves or others.
- Full discharges are rare, with only a small number granted each year.

What This Means for Victims

- Conditional release is not the same as being “let go.” The person is still under strict oversight, treatment, and monitoring.
- Even full discharge happens only after careful review confirms that ongoing supervision is not necessary for public safety.

UNDERSTANDING PSRB HEARINGS: WHY, WHAT, AND WHEN

Why

PSRB hearings review a person’s treatment progress, mental health stability, and level of risk to the community. The Board’s role is to decide whether the person continues to require secure care at the hospital, can be safely supervised in the community (conditional release), or (only when legally justified) may be fully discharged.

Victims who opt in will be notified before hearings and your schedule can be accommodated. You may choose to submit a victim impact statement. While the Board cannot treat victim statements as evidence, they are an important way for you to share your experience, your ongoing concerns, and the impact of the crime. Your voice helps inform the Board’s understanding of the broader context surrounding its decisions.

What

At hearings, the State represents public safety interests, including the interests of victims. They present arguments, question witnesses, and ensure the Board hears concerns related to community protection.

Because PSRB decisions are based on mental health evaluations, clinical evidence, and risk assessments, hearings are different from criminal trials. The Board must follow legal statutes and clinical evidence focused on public safety, treatment progress, and risk mitigation, rather than determining guilt or assigning punishment.

When

PSRB hearings are scheduled throughout a person’s time under Board supervision to ensure ongoing review of their treatment, mental health, and risk to public safety.

Some hearings are **required by law**. These statutory hearings occur at regular intervals to prevent individuals from remaining in care longer than necessary and to ensure the Board continually

evaluates whether secure supervision is still needed.

Other hearings may occur at the request of the individual or their treatment team. These hearings allow the person to move forward when they are ready, timing their progress with their ability to request a review of their treatment or supervision plan, such as for conditional release or adjustments in care.

HEARINGS TIMELINE

An initial hearing is held within 90 days of commitment



Clients can request a hearing every six months



Clients at OSH have a hearing every two years



Clients on conditional release have a hearing after five years

A treatment team may request a hearing anytime to request conditional release, modifications, or discharge

WHY IT MAY FEEL DIFFICULT AND WHY THE SYSTEM DOESN'T IGNORE YOU

The PSRB exists to protect public safety while addressing the root causes of harmful behavior. When someone commits a crime but is found to have a serious mental health condition that impaired their ability to understand or control their actions, the law recognizes that punishment alone is not appropriate. Instead, the system focuses on treatment, accountability, and long-term stabilization.

We understand that hearing the person who harmed you is not being criminally punished can feel painful, confusing, or unfair. Those feelings are real and valid. The PSRB does not ignore victims, but rather, our system is designed to balance public safety, accountability, and support for victims.

By placing the individual under supervision, whether at OSH or the community under conditional release, the law ensures that:

- The person is held accountable through treatment and monitoring.
- Risks to the public, including victims, are continually assessed and minimized.
- Victims are informed, notified, and have opportunities to participate in ways that are meaningful to them.

This approach recognizes the seriousness of the crime, addresses the underlying mental health issues that contributed to it, and prioritizes both community safety and victims' rights.

IMPORTANT CONTACT INFORMATION

PSYCHIATRIC SECURITY REVIEW BOARD

Phone: 503-229-5596

Email: psrb@psrb.oregon.gov

Address: 6400 SE Lake Road, Suite 375
Portland, OR 97222

DEPARTMENT OF JUSTICE – APPELLATE ADVOCACY PROGRAM

Phone: 503-378-6795

Email: AAP@doj.oregon.gov



INFORMATION FOR VICTIMS

YOUR RIGHTS AS A VICTIM

The following show how the system recognizes and supports victim rights:

- **Hearing Notification:** If you ask, the PSRB is required to notify you of upcoming hearings, conditional release decisions, or discharges.
- **Opportunity to Be Heard:** You have the right to submit a victim impact statement for PSRB hearings: written, oral, or even anonymously.
- **No Contact Provisions:** Your preferences guide whether and how contact is restricted. The PSRB prioritizes your safety and comfort when making no-contact decisions.
- **Information Sharing:** The PSRB may disclose certain non-confidential information, as allowed under public records rules, to support victim notification.
- **Access to Hearing Recordings:** You can request a copy of PSRB hearing recordings at no cost, so you can review what was said and stay informed about the proceedings.

WHERE YOU CAN GO FOR SUPPORT

If you are a victim and want help understanding or participating in the PSRB process, you don't have to do it alone. There are resources available to support you in exercising your rights and staying informed.

The Oregon Department of Justice's Appellate Advocacy Program has a specialized team of advocates specifically trained on the PSRB process. They can help you navigate the system, understand your rights, prepare victim impact statements, and attend hearings with you or speak on your behalf if you choose. Their support enables you to be actively involved in the way that works best for you.

