

SUPREME COURT OF OREGON

Ashcroft v. Psychiatric Security Review Board

338 Or. 448 (2005) · Decided May 5, 2005

SUMMARY

The Oregon Supreme Court held that alcohol dependence is a personality disorder rather than a mental disease or defect under ORS 161.295(2). Because the Psychiatric Security Review Board therefore continued the petitioner’s commitment on an incorrect legal basis, the court affirmed the Court of Appeals, vacated the Board’s order, and remanded for further proceedings.

CASE DETAILS

COURT	Supreme Court of Oregon
WRITING FOR THE COURT	Balmer, J.
JURISDICTION	Oregon
DECIDED	May 5, 2005
DISPOSITION	remanded
PROCEDURAL POSTURE	The Psychiatric Security Review Board petitioned for review of an Oregon Court of Appeals decision reversing the Board's order continuing Ashcroft's commitment.
PRECEDENTIAL VALUE	Published precedential opinion
PARTIES	Psychiatric Security Review Board v. Ashcroft

TOPICS

- statutory interpretation
- administrative law
- criminal procedure
- legislative history

PRACTICE AREAS

- statutory interpretation
- administrative law
- criminal procedure
- insanity defense

QUESTIONS PRESENTED

1. Whether alcohol dependence is a mental disease or defect or instead a personality disorder under ORS 161.295(2).

HOLDINGS

1. Alcohol dependence is a personality disorder as that term is used in ORS 161.295(2), and therefore is not a mental disease or defect under that statute.

KEY QUOTATIONS

“alcohol dependence is a “personality disorder” as that term is used in ORS 161.295(2) and that, therefore, it is not a mental disease or defect.” (338 Or. at 448)

“any abnormality constituting solely a personality disorder.” (338 Or. at 452)

“The legislative history shows that the legislature intended to exclude personality disorders such as drug and alcohol dependency from the terms ‘mental disease’ and ‘mental defect’ as it used those terms in ORS 161.295.55” (338 Or. at 452)

FACTUAL BACKGROUND

In January 2002, a trial court found Ashcroft guilty except for insanity of attempted assault in the second degree based on mental disease or defect and committed him to the jurisdiction of the Psychiatric Security Review Board for up to five years. At the Board's April 2002 hearing concerning conditional release or discharge, the evidence included diagnoses of antisocial personality disorder and alcohol dependence, with no identified evidence of another mental disease or defect. The Board continued Ashcroft's commitment, while the Court of Appeals later held that alcohol dependence was a personality disorder excluded from the statutory definition of mental disease or defect.

PROCEDURAL HISTORY

Ashcroft was found guilty except for insanity and placed under the jurisdiction of the Psychiatric Security Review Board. After an initial hearing, the Board continued his commitment based on evidence of alcohol dependence and antisocial personality disorder. The Oregon Court of Appeals reversed, holding that alcohol dependence is a personality disorder excluded from the statutory definition of mental disease or defect. The Oregon Supreme Court allowed the Board's petition for review, affirmed the Court of Appeals, vacated the Board's order, and remanded for further proceedings.

DISPOSITION

remanded

REMAND INSTRUCTIONS

The Court of Appeals decision was affirmed, the Psychiatric Security Review Board's order was vacated, and the case was remanded to the Board for further proceedings.

CASES CITED

- Tharp v. PSRB, 338 Or. 413, 110 P.3d 103 (2005)
- Ashcroft v. PSRB, 192 Or. App. 467, 86 P.3d 102 (2004)

