



# PSRB CEU Series

## Court Conditional Release

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# Objectives

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Become familiar with the statutes related to Court Conditional Releases.

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Become familiar with the templates and forms to assist with the Court CR Process.

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Step by Step process of evaluating an individual for a potential court conditional release.

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Learn about the newly launched Consultation Report.

# PSRB Mission & Values

The Psychiatric Security Review Board's mission is to protect the public by working with partnering agencies to ensure persons under its jurisdiction receive the necessary services and support to reduce the risk of future dangerous behavior using recognized principles of risk assessment, victims' interest and person-centered care. The PSRB's values are rooted in our legislative mandate to protect the public and we achieve maximum levels of public safety through our values:

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**Due Process:** Observing individuals' legal rights and adhering to principles of procedural fairness.

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**Research:** Decision-making and organizational practices driven and influenced by the best available data.

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**Recovery:** Clients understand and receive treatment for the psychiatric and comorbid conditions that contributed to their past criminal offenses and have opportunities to achieve health, home, purpose, and community.

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**Partnership:** Promoting active communication and collaboration within and between the systems serving PSRB clients and the community at large.

Problem Identified  
through PSRB  
Workgroup  
[PSRB Work Group  
Report, December  
2021](#)

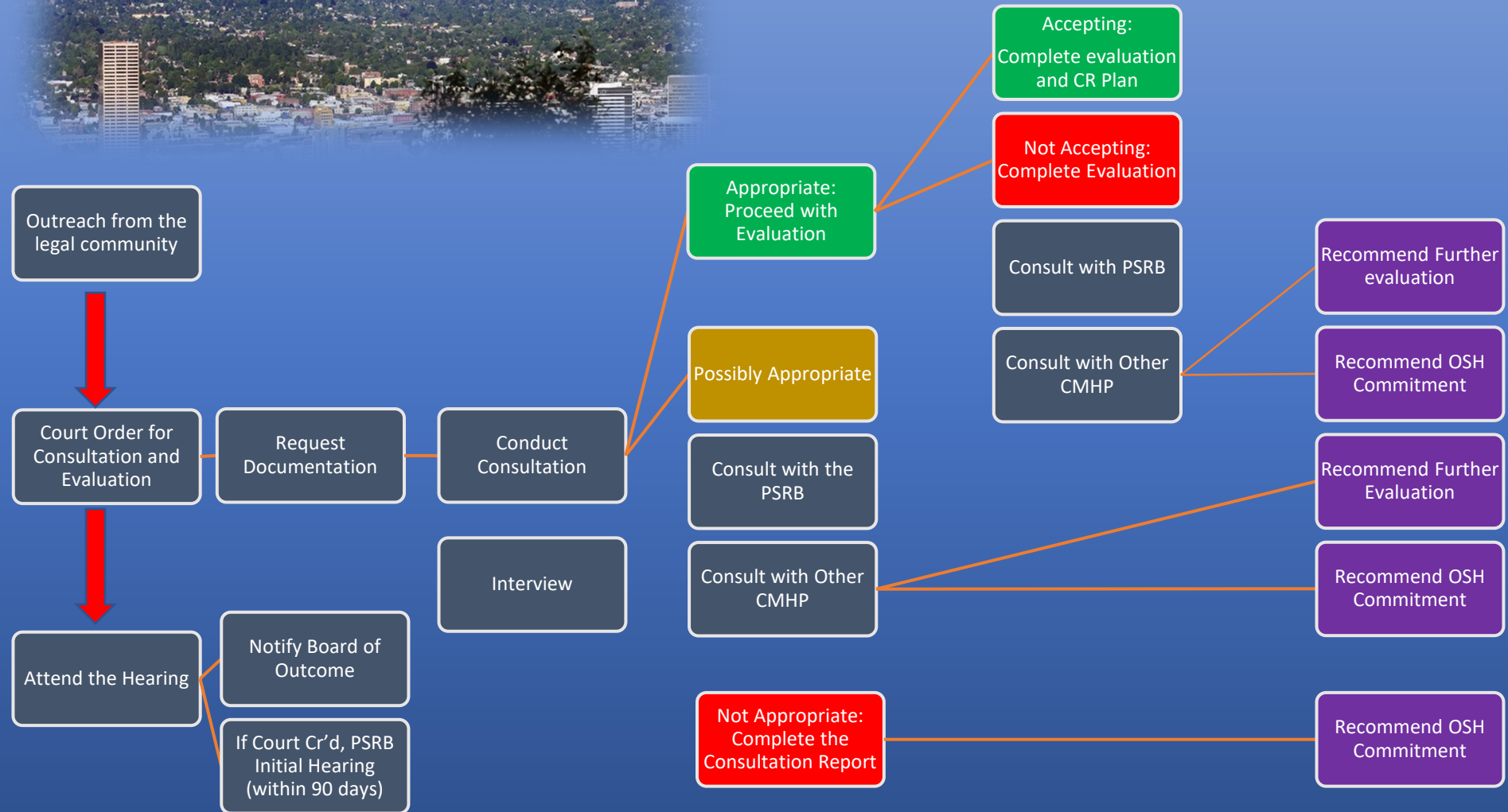
Concerns of  
overutilizing OSH  
Commitments

Concerns of poorly  
developed/rushed  
conditional release  
plans

Court  
Conditionally  
Released  
Clients  
as a Percentage  
of all New GEI  
Cases

	Ct CR's	Total Number of New Terms Received	Percentage
2021	13	48	27%
2020	9	56	16%
2019	7	56	13%
2018	5	43	12%
2017	9	54	17%
2016	14	55	25%
2015	3	39	8%
2014	6	43	14%
2013	11	39	28%
2012	10	58	17%
2011	14	63	22%

# Court Conditional Release A 30-Day Process



# ORS 161.327- Dispositional Determination

- (a) If the court finds that the person is not a proper subject for conditional release, the court shall order the person committed to [Oregon State Hospital].
- (b) If the court finds that the person can be adequately controlled with supervision and treatment if conditionally released and that necessary supervision and treatment are available, the court shall order the person conditionally released.



Local CMHP  
Designated by the Board  
Must Evaluate  
ORS 161.327(4)

In determining whether a person should be conditionally released, the court may not order conditional release without:

Consultation



Evaluation



## Definitions

Consultation: OAR  
859-010-0005(7)

“Consultation” is a [screening](#) completed on a PSRB template, ordered by a court and conducted by a qualified mental health professional from a local mental health program designated by the Board, to determine whether the necessary supervision and treatment for the individual are available in the community and appropriate for the individual and informs the court as to whether a community evaluation is necessary to determine whether the person can be adequately controlled with supervision and treatment if conditionally released.

## Definitions


Evaluation: OAR  
859-010-0005(5)

“Community Evaluation” is a written report ordered by the Board or other court and conducted by a qualified mental health professional from a local mental health program designated by the Board to determine if an individual can be adequately controlled with supervision and treatment if conditionally released and that appropriate supervision and treatment are available.


# Outreach from Legal Community




Education is Key!



Establish your role  
with the court



Negotiate a protocol  
that will work for  
your agency



PSRB will provide  
training



# Sample Order for Consultation and Evaluation

Resources for Attorneys and Judges

Attorney & Judge Handbook (.docx)

GEI Orders (Adult)

- Sample Felony GEI Court Commit to OSH Order
- Sample Felony GEI Conditional Release Order
- Sample Misdemeanor GEI Court Commit Order
- Sample Dual Jurisdiction GEI Court Commit & DOC Order

REI Orders (Juvenile)

- Sample JPSRB Court Commit Order (.pdf)
- Sample JPSRB Court CR Order (.pdf)
- Sample JPSRB Relinquish of Parental Rights Form(.pdf)

Civil Commitment Orders

- Sample ORS 426.701 EDP Re-Commitment with Hearing
- Sample ORS 426.702 EDP Re-Commitment without Hearing
- Sample Order of Commitment
- Sample ORS 426.701 EDP Re-Commitment with Hearing
- Sample ORS 426.701 EDP Re-Commitment without Hearing






Conditional Release Resources

- Conditional Release Guide (.pdf)
- Sample Conditional Release Order (.docx)
- Sample Court Order of Consultation (.docx)
- Summary of Conditional Release Plan Form (.doc)
- Agreement to Conditional Release Form (.doc)

Best Practices Resources

**Sample Court Order of Consultation (.docx)**

# Upon Receipt of the Order

-  Be clear on your timeline.
-  Be sure you have all of the documentation you need.
-  Partner with defense attorney for enhanced information.
-  Be clear on where the client is located.
-  Be clear on where to submit your report.

# Consultation Report

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Consultation is a tool for screening



Not intended to be short/quick, but rather to use resources more efficiently



Instructions included with the form



New! Please provide feedback

Appropriate for  
conditional release

Not appropriate for  
conditional release

May be appropriate  
for conditional  
release

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# Consult Recommendation: Appropriate for conditional release & resources available

## Complete Full Community Evaluation

Training for community evaluations available

PowerPoint presentations on [training tab](#) of website



## Complete [Summary of Conditional Release Plan](#)



## Have Client Sign [Agreement to Conditional Release](#)



## Prepare for PSRB Initial Hearing

Submit copies of above documents

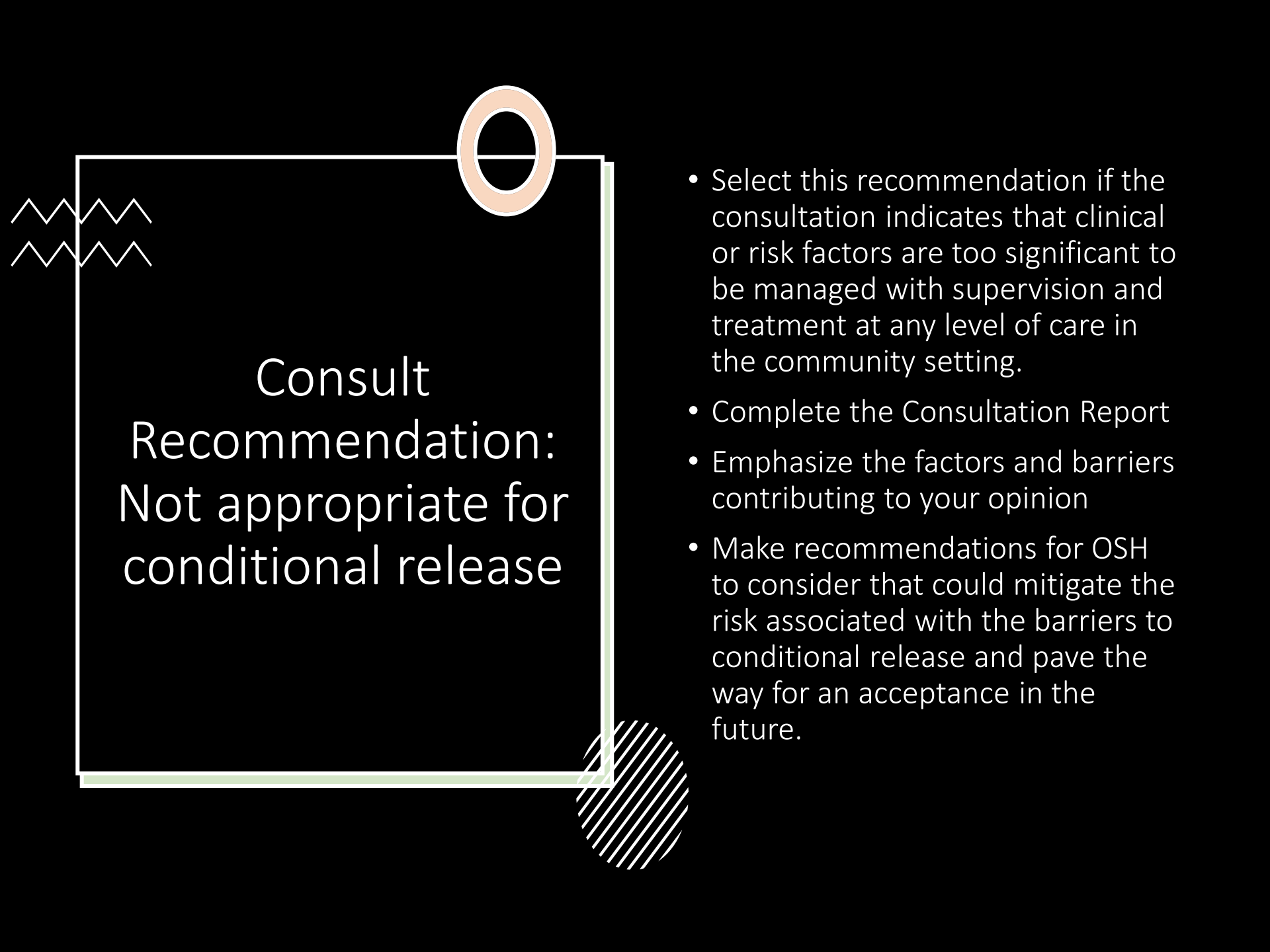
Inform PSRB of Case Monitor

Inform PSRB of Prescriber

Submit Monthly Reports

Submit Jurisdictional Report

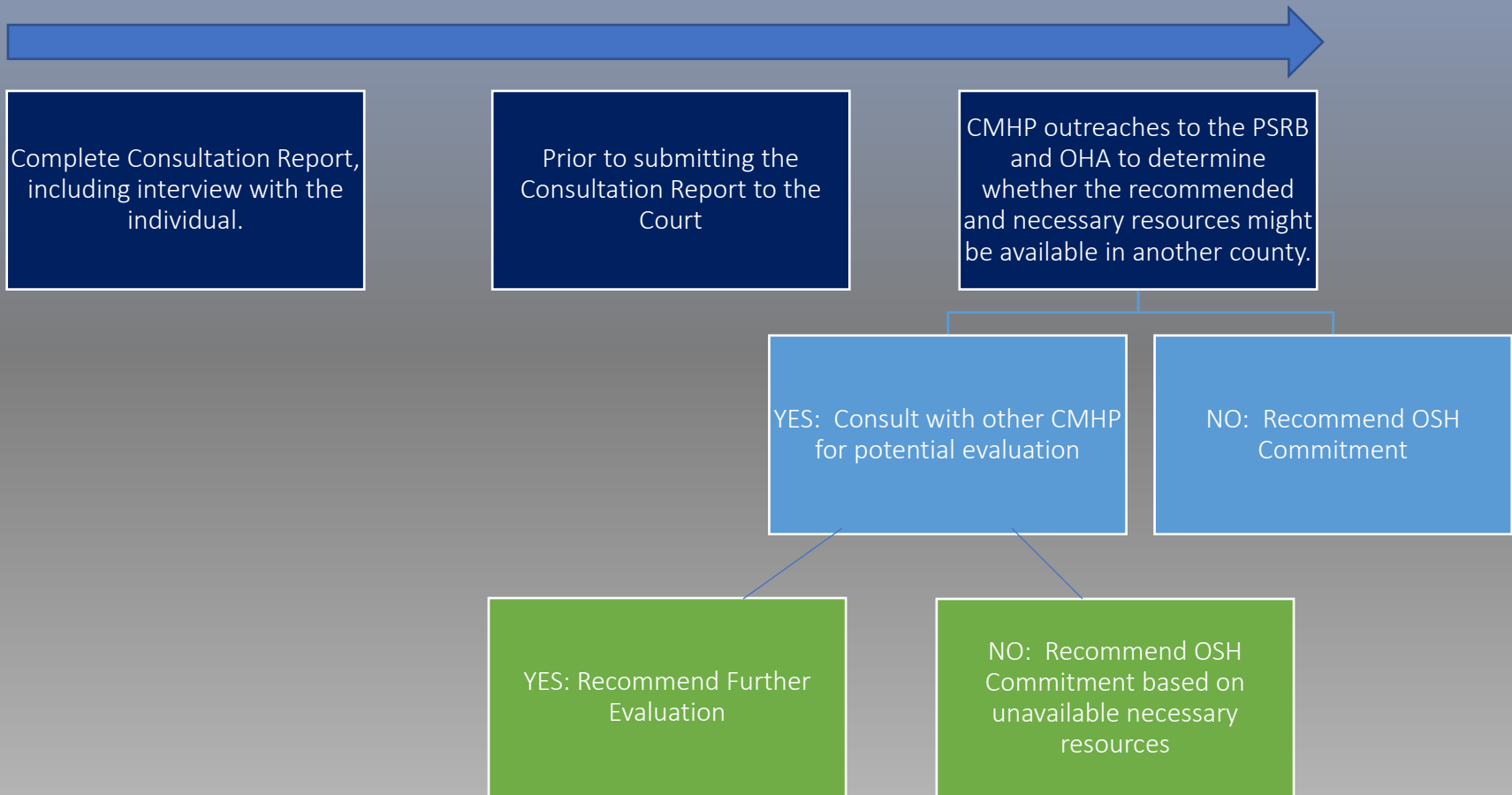




Consult  
Recommendation:  
Not appropriate for  
conditional release

- Select this recommendation if the consultation indicates that clinical or risk factors are too significant to be managed with supervision and treatment at any level of care in the community setting.
- Complete the Consultation Report
- Emphasize the factors and barriers contributing to your opinion
- Make recommendations for OSH to consider that could mitigate the risk associated with the barriers to conditional release and pave the way for an acceptance in the future.

# Consult Recommendation: May be appropriate for conditional release



# Other Considerations

- Coordination with Residential Placements
- Coordination with
- County Partners
- Additional Documentation Requirements



### III. Court-to-Conditional-Release-Evaluation-Procedure¶

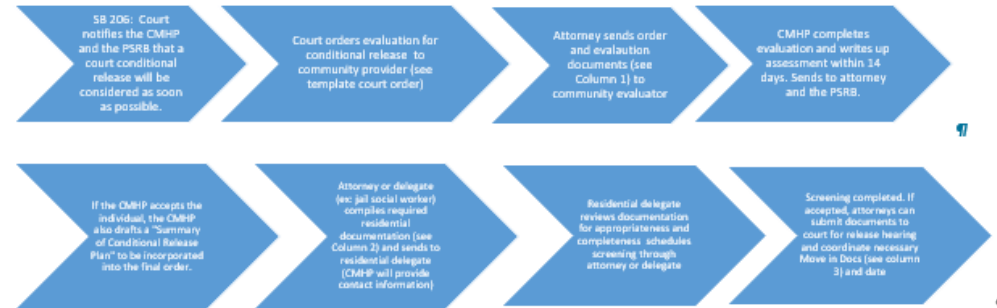
Effective-Date:-November-11th,-2021-¶

Review-Date:-November-11th,-2021-¶

Applies-to:-All-referrals-coming-directly-from-jail-or-other-community-placement,-for-evaluation-for-conditional-release-directly-into-the-community.-¶

**Overview:-**The PSRB community evaluation process is a partnership between Community Mental Health Providers (CMHPs), the residential sites, the PSRB, and the county court system. There are two parts to the evaluation: the clinical interview and evaluation by the CMHP and the referral and screening to the individual residential programs. OARs and court orders dictate many documentation requirements for CMHPs as well as the residential programs. Several requirements must be met at the outset of this process to ensure timely responses to the court.¶

#### ¶ Procedure:-



.....Before-Evaluation:- → → .....Before-Residential-Screening:..... → ...Before-Move-in:¶

Required ◊	Recommended ◊
Criminal-Responsibility-Evaluation (there may be 2) ◊	Mental-Health-Assessment ◊
Police-Report ◊	Historical-Clinical-Records ◊
Aid & Assist¶ Evaluation ◊	Jail-Mental-Health-Records ◊
Current-Medication-list ◊	Prescriber-Notes ◊ ¶

Required ◊	Recommended ◊
TB Test and Health and Physical completed during their current jail stay ◊	Prior records and PRTS packet ◊
Mental Health Assessment or statement of mental health diagnosis and treatment needs ◊	Income and Insurance Documentation ◊

Required ◊
Insurance and income information. ¶ *many incarcerated individuals do not have this, in which case SE30 funding can be used for billing. ◊
15 days of medications upon jail discharge and a month's prescription and order ◊



THE BOARD IS  
YOUR  
PARTNER IN  
THIS JOURNEY!