

Psychiatric Security Review Board Community Fact Sheet

Background:

When someone commits a crime and is found by the Courts to be “guilty except for insanity,” he or she is placed under the jurisdiction of the Oregon Psychiatric Security Review Board (PSRB) or the Oregon Health Authority (OHA).

Individuals found guilty except for insanity are typically placed under the jurisdiction of the PSRB or OHA for the maximum sentence length provided by statute for the crime. Depending on the offense, that is 5 years, 10 years, 20 years, or life. Historically, PSRB authority over an individual has lasted longer than Department of Corrections’ system authority.

While under PSRB jurisdiction, an individual can be housed in the Oregon State Hospital or in a variety of residential treatment settings, ranging from Secure Residential Treatment Facilities to independent living. The PSRB determines what kind of facility is appropriate based on the level of treatment, care and supervision required.

Mission of the Psychiatric Review Board – Public Safety

Oregon State law is explicit that PSRB must put public safety first. ORS 161.336(10) states: “In determining whether a person should be committed to a state, conditionally released or discharged, the board shall have as its primary concern the protection of society.”

Conditional release under PSRB authority – Proven Public Safety Record

The PSRB has been successful in carrying out its mission. In the last 5 years, only 11 people out of the 765 who were living in the community on conditional release have been convicted of new felonies or misdemeanors.

The cumulative recidivism rate for the last 5 years for the PSRB is .47 percent. By comparison, as of 2009 the recidivism rate for individuals in the Department of Corrections system was more than 20 percent after being on parole or probation for three years.

Most PSRB clients begin their treatment at the Oregon State Hospital. When clients are conditionally released they are carefully monitored by the PSRB. They are subject to immediate return to the state hospital if they violate the terms of their release order.

FAQs

Are people who have been found GEI ever sentenced to the Oregon State Hospital?

No. There is no minimum time a person must stay at the hospital nor do all GEI defendants have to go to the hospital.

How is the length of time at the Oregon State Hospital established?

The period of time individual PSRB clients stay at OSH is based on a clinical assessment of the individual’s mental status and progress in treatment at the hospital and a risk assessment as to their dangerousness as well as the availability of the appropriate resources in the community. If it is determined that a person can be safely managed and treated in a community setting, the PSRB attempts to find an appropriate placement.

PSRB SNAPSHOT (January 2017)

518	Number of people currently under PSRB jurisdiction.
137	Number of people under PSRB jurisdiction in Oregon State Hospital.
374	Number of people under PSRB jurisdiction who are on conditional release from the state hospital.
SAFETY RECORD	
765	Number of people on conditional release in the last 5 years.
11	Number of people in the last 5 years who committed a felony or misdemeanor while on conditional release and were subsequently convicted of that crime.
0.47%	Cumulative annual recidivism rate for GEI clients since 2012.

Is the state trying to move PSRB clients out of the state hospital and into the community and what kind of impact will that have on public safety?

Because of additional funding from the Oregon Legislature since 2005, an increased number of PSRB clients have been moved into a variety of new community placements, including Secure Residential Treatment Facilities (SRTFs). Since more of these facilities have opened, there has not been any increase in the recidivism rate.

Is it safe to move people who have committed violent crimes into the community?

State law prohibits the Board from putting anyone on Conditional Release who is determined to be presently dangerous to others. Additionally, before individuals are released, they go through a comprehensive screening process that includes four levels of review.

Conditional Release is not a new policy. Most states in the US have some type of conditional release program. The PSRB has supervised clients in the community on conditional release since its inception in 1978. Over the past 15 years, 1643 conditional releases have been granted to individuals who have transitioned into community placements throughout the state of Oregon. Some of these clients remain under supervision for decades or even life.

Who is notified when someone is being considered for conditional release?

By law, the district attorney from the committing county is notified along with the judge who signed the judgment order. Also, the victim(s), if they requested such notification. The Attorney General’s office, the client’s attorney and the client’s case manager are also notified. Once a person leaves the state hospital on a conditional release, the PSRB also notifies law enforcement. With some exceptions, Fair Housing and Disability Laws prevent the Board from sharing information about patients with neighbors or members of the public.

What is an early discharge?

Discharge means a person is not on any PSRB supervision. ORS 161.346(a) and ORS 161.351(1) requires that the PSRB discharge a person from its jurisdiction if it finds that, by a preponderance of the evidence, at a full and fair hearing, a patient no longer has a mental illness - even if the person is at high risk to reoffend. Additionally, the Oregon State Hospital is mandated by ORS 161.341(a) to request an early discharge hearing if the hospital does not believe a patient has a mental illness. Note that pursuant to ORS 161.295(2) and Oregon appellate court case law, personality disorder, sexual conduct disorders and voluntary substance-related intoxication are not mental illnesses.

Victims and the District Attorney of the GEI county are notified of all PSRB hearings. The District Attorney or the Assistant Attorney General representing the State has the right to request its own independent psychiatric examination and to present the results to the Board if they so choose. See ORS 161.341(2).

The current statutory structure does not allow PSRB to keep jurisdiction of persons without a mental illness - even if they are at risk to reoffend. We also cannot transfer jurisdiction to Department of Corrections (DOC) or Community Corrections because there is no current statutory authority to do so.

Since 2011, the Legislature has made improvements to the judicial system by creating a certified evaluator requirement for all GEI cases. This requirement was implemented to improve the quality of forensic evaluations and minimize the risk that a defendant is inappropriately found guilty except for insanity and placed under the PSRB. Additionally, hospital staff and PSRB regularly travel to every county and region in Oregon educating attorneys, judges and law enforcement about the GEI laws.

For more information contact the PSRB (503) 229-5596.

**WHERE PSRB CLIENTS LIVE
(January 2017)**

Oregon State Hospital

- 137 individuals
- Locked 24/7 for secure perimeter patients
- 24-hour supervision
- Off-site privileges based on public safety and level of care needed

Secured Residential Treatment Facility (18% of Conditional Release Clients)

- Locked 24/7
- Egress controlled by staff
- Off-site privileges based on public safety and level of care needed
- 6-16 individuals per facility

Residential Treatment Facility/Home (39%)

- Unlocked
- 24-hour awake supervision
- Up to 16 individuals per facility

Adult Foster Home (6%)

- Unlocked
- 24-hour staff
- Up to 5 individuals
- Some clients with state variance allow for four hours home alone

Semi-Independent/Supported Housing (13%)

- Varies from individual apartments to shared housing
- Staff part time at the site

Intensive Case Management (4%)

- Independent living situation
- Staff contacts at least 2X per day with at least one at residence
- Case management team approach

Independent Living (self, with family) (19%)

- In regular apartment or houses
- Frequent home visits by case manager

Other (Department of Corrections) (1%)