



Oregon

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Psychiatric Security Review Board

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Psychiatric Security Review Board Conditional Release Fact Sheet

Background:

When someone commits a crime and is found by the Courts to be “guilty except for insanity (GEI),” he or she is placed under the jurisdiction of the Oregon Psychiatric Security Review Board (PSRB) or the Oregon Health Authority (OHA). All persons who are adjudicated GEI have been determined by a court to have a psychiatric illness and/or intellectual disability. All persons on conditional release living in the community fall under PSRB jurisdiction.

Individuals found GEI 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. Typically, the move towards independent living occurs after hospitalization and licensed residential living.

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 – Proven Public Safety Record

The PSRB has been successful in carrying out its mission. In the last 5 years, only 12 people out of the 766 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 0.51 percent. By comparison, as of 2009 the recidivism rate for individuals in the DOC 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

PSRB SNAPSHOT (January 2016)

520	Number of people currently under PSRB jurisdiction.
142	Number of people under PSRB jurisdiction in Oregon State Hospital.
369	Number of people under PSRB jurisdiction who are on conditional release from the state hospital.

SAFETY RECORD

766	Number of people on conditional release in the last 5 years.
12	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.
0.51%	Cumulative annual recidivism rate for GEI clients since 2011.

violate the terms of their release order.

WHERE PSRB CLIENTS LIVE (January 2016)

FAQs

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

No. The GEI statute calls for individuals to be placed under the jurisdiction of the PSRB or Oregon Health Authority. There is no set time a person must stay at the hospital. Some defendants are placed on conditional release straight from court. This is called court conditional release.

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.

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?

Yes. State and federal law dictate that persons should be placed at a level of care they need. 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) and supported housing. Since more of these units have opened, there has not been any increase in the recidivism rate. Virtually all of the time, a patient will first start out on conditional release living in a licensed residential treatment facility, staffed 24/7.

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 approval, including the county mental health agency.

Conditional Release is not a new policy. Most states in the U.S. 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, 1334 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. As a professional courtesy, Board staff also sends notice to both the Sheriff and Chief of Police when a patient is first placed in their community.

Oregon State Hospital

- 142 individuals
- Locked 24/7 for secure perimeter patients
- 2 unlocked cottages serving a maximum of 16 individuals outside the secure perimeter
- 24-hour supervision
- Off-site privileges based on public safety and level of care needed

Secured Residential Treatment Facility (19% 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 (35%)

- 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 (14%)

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

Intensive Case Management (5%)

- 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) (20%)

I want to find out about a person under PSRB jurisdiction. What information can you release to me?

Most of the Board's written file is confidential because it contains protected health information. However, the Board is able to release some information regarding where a person lives, the date supervision will end, etc. Contact Board staff if you want to know if certain information is releasable.

All PSRB hearings are open to the public. You can be added to the hearing notification list of any client. You can attend in person or watch hearings via video at the downtown Portland PSRB office. Attending a hearing is the best way to learn more about the PSRB or obtain an update on a person under supervision. PSRB's website has all hearing dates.

Once on Conditional Release, do they have rules they must follow? How are the people monitored?

Yes, the Board designates a specific person (typically a county mental health employee) to ensure the person is compliant with his/her condition release. Additionally, all PSRB persons have a LEDS (law enforcement database) entry with the county mental health contact and the PSRB after hours phone number. Typically, a person under PSRB jurisdiction has daily contact with some professional and is under tremendously more supervision than someone on probation. The majority of the persons live in licensed residential group homes which has 24/7 awake staff, undergo daily treatment, have random urinalysis testing and staff supervision of their medications.

The Board's Conditional Release Order explicitly contains conditions that require the person to attend treatment and take medications as well as prohibits certain behaviors such as consuming drugs or alcohol, contacting victims, violating house rules, etc.

What happens if a PSRB person violates his/her conditional release or becomes symptomatic and dangerous?

Oregon law allows for the Board to revoke a PSRB person and order their return to the state hospital. Depending on the violation or severity of dangerousness, other interventions may be utilized instead of revocation (e.g. local hospitalization, increasing medication, suspending pass privileges).

Is PSRB staff available for Neighborhood Association or Informational Meetings/Presentations? What is a good contact number for PSRB?

Yes. For more information or to request training for your staff, contact Juliet Britton, Executive Director of the PSRB at (503) 229-5596 or after hours at (503) 781-3602.