

MINUTES  
Psychiatric Security Review Board  
Administrative Meeting  
Adult Panel  
September 22, 2016  
*Approved December 1, 2016*

An administrative meeting of the Psychiatric Security Review Board was convened on September 22, 2016 at 6:05 p.m. in the fourth floor conference room of 610 S.W. Alder, Portland, Oregon 97205. Board members present were; Elena Balduzzi, Psy.D.; Trisha Elmer, P.P.O.; Kate Lieber, J.D.; and Scott Reichlin, M.D. PSRB staff present in person included Executive Director Juliet Britton, J.D.; Sid Moore, Deputy Director and Jane Bigler, Executive Secretary, as note taker. Also present was Kimber Sieffert and Alexis Aubrey, both of Multnomah County Developmental Disability (DD) Services. Board member John Swetnam was excused.

At 6:05 p.m., Executive Director, Juliet Britton called the meeting to order.

The Board began with an opportunity for public comment and there was none.

Ms. Britton then introduced the newest member of the Board, Trisha Elmer to the other members. Ms. Elmer has been appointed as the new Parole and Probation member, replacing Jenna Morrison whose term has expired. Everyone welcomed Ms. Elmer.

Next, the Board reviewed the Administrative Meeting minutes from March 3, 2016. Ms. Britton asked if there were any corrections to be made. There were none. Ms. Lieber moved to accept the minutes as written and Dr. Balduzzi seconded the motion. The motion passed with one abstention from Ms. Elmer.

The members then moved to the last agenda item, the election of a new chairperson. Dr. Reichlin asked what the chairperson's responsibilities would include. Ms. Britton gave a brief overview including examples such as, reviewing budget matters, advising at times with personnel issues, and the Executive Director's annual performance evaluation. Dr. Reichlin then

nominated Dr. Balduzzi noting that he felt she would be most appropriate considering Ms. Lieber's term expires next year and Dr. Balduzzi is the next senior member of the Board. Ms. Lieber moved to accept the nomination that Dr. Balduzzi be appointed as the next chairperson of the Board and Dr. Reichlin seconded the motion. The motion passes unanimously.

Dr. Balduzzi then took lead of the meeting and moved to the Executive Director's update:

- 2017-19 Agency Requested Budget (ARB) – Ms. Britton noted that the ARB was submitted back in early August. The budget requested is the same/similar to the 2015-17 Legislative Adopted Budget as it does not request any additional staff and no Policy Option Packages (POPs) have been requested. Ms. Britton further noted that it should pass as written, but noted that the Board's Legislative Fiscal Officer (LFO) has indicated that it definitely is not the year to ask for additional funding, due to the PERS shortfall that agencies will end up funding.
- Legislative Concepts for the 2017 Session – Ms. Britton stated that she has submitted a few concepts on behalf of the Board:
  - Change to the wording “mental disease or defect” in the statutes and rules. It is an outdated, offensive and derogatory term and many stakeholders have indicated that it would be appropriate for such change at this time.
  - Currently the Board must notify the original GEI judge of all PSRB hearings, administrative reviews and their outcomes. This concept would remove that requirement but would allow for the judge to be added if they request to be;
  - Statutory authorization for a Restorative Justice program and language around confidentiality of that process; and

- Lastly, because several recent PSRB clients were not notified at trial that they would have to register as sex offenders, a concept will be introduced to add “GEI” to the current law that requires judges to notify defendants who plead guilty that they must register as a sex offender.
- Ms. Britton then asked members if there were any other considerations of concepts that should be submitted. Ms. Lieber asked if some type of “delayed adjudication” had been considered. Ms. Britton noted that when she had approached this topic before with the AAG and DAs, it had been difficult to find support; however, she agreed to talk with PSRB stakeholders again and get their thoughts.
- Next, regarding the status of the Restorative Justice Advisory Committee, Ms. Britton noted that the main concerns around starting a program are the confidentiality of individuals under the Board and for restorative justice information leaking into the PSRB hearings process. She further indicated that the majority of stakeholders on the committee appear to support of the program. The Attorney General’s office has suggested that the PSRB initiate action to create statutory authority around their involvement in the process and how the information is to be protected, as well as noting it should be an outside entity (not PSRB) that runs the program. There has been some discussion around this topic, including Pacific University’s Department of Psychology having interest in taking the lead. Board members agree with the Attorney General that the PSRB shouldn’t run the program and definitely needs to add rules to avoid problems regarding information sharing such as prohibiting inclusion of restorative justice information in exhibit files for consideration at hearings and exempting

restorative justice information from public record requests. Ms. Britton then noted that the last time the committee met, there was to be an update provided to the Board within 90 days, however, no updates have been received to date. Ms. Lieber suggested that the Board write a charter or proposal to make it more of a formal request with a deadline for an update. If the Board does not receive an update by the deadline, then the Board will vote on the matter on a specific date (no specific date was determined). Board members agreed that Ms. Britton should draft the charter and then have at least two Board members review it before presenting it to the Restorative Justice Committee.

Members were then asked if there were any other matters that should be discussed or considered. Dr. Balduzzi requested an update regarding the reclassification of Ms. Britton's position. Ms. Britton stated that the matter was reviewed by DAS and a reclassification was granted. The executive director position had been re-classified from a (Principal Executive/Manager) Level "D" to a Level "F." She further noted that the position had never been formally evaluated for possible reclassification since the Board's inception back in the late 1970's.

Dr. Reichlin then mentioned he has noted some technical problems lately with the organization and availability of documents for hearings. He noted he is using Sugarsync, not Document Mall. Ms. Britton asked what he meant regarding the organization. Dr. Reichlin stated he was referencing some incidents where he had received the wrong files, didn't receive all of the files, or late Tuesday night uploads of updates. He finds the latter especially problematic when the information is something more important to the case. Ms. Britton noted that she will investigate these issues with staff and get back to him.

The meeting was adjourned at 6:50 p.m.