

Purpose

This guidance document is for mental health professionals preparing Jurisdictional Reports for individuals adjudicated Guilty Except for Insanity (GEI) in advance of a full hearing before the Psychiatric Security Review Board (PSRB).

Jurisdictional and Placement Determinations

At each full hearing, the PSRB must determine the following pursuant to [OAR 859-030-0010\(3\)](#):

1. Is the person affected by a qualifying mental which may include one that is not currently active, but with reasonable medical probability, may occasionally become active.
2. Will the person’s qualifying mental disorder, when active, render them a substantial danger to others?¹
3. Can the person be managed with proper care, medication, supervision and treatment if conditionally released, and if so, under what conditions.

Who Should Prepare the Jurisdictional Report?

Pursuant to OAR 859-010-0050(13), a Jurisdictional Report must be completed by a psychiatrist, psychiatric mental health nurse practitioner, or psychologist. Typically, this is the provider currently prescribing psychiatric medications. However, if the treating clinician lacks forensic expertise or if a case requires specialized testing (e.g., risk assessments or psychodiagnostics), the evaluation may be referred to an independent examiner. In general, the author of the report is expected to be available to testify at the PSRB hearing.

The person preparing the Jurisdictional Report must have access to the entire exhibit file to ensure a comprehensive review. The report should reflect a collaborative effort with the person’s multi-disciplinary treatment team and include consideration of prior expert opinions contained in the record. Additionally, the preparer should be familiar with the PSRB’s reasoning for past decisions, as outlined in the PSRB’s orders. Any discrepancies between past and current opinions should be clearly addressed and explained.

Content Guidelines of a Jurisdictional Report

The Jurisdictional Report differs from a standard treatment progress note. It offers a comprehensive review of information relevant to the legal criteria for the PSRB’s jurisdiction. To assist the PSRB in its review and decision making, the report should carefully consider and address the factors outlined below. Since the Jurisdictional Report serves as expert testimony, a well-prepared and organized report ensures that questioning during the hearing is focused, efficient, and productive. It is further recommended that practitioners be familiar with the statutes and caselaw that guide the PSRB’s decision making.

I. Qualifying Mental Disorder (QMD)

- List all current DSM-5-TR diagnoses qualifying the person for PSRB jurisdiction.

¹ Pursuant to OAR 859-030-0010(3)(b)(A-B), A qualifying mental disorder may be the sole factor that renders a person a substantial danger to others; or a qualifying mental disorder may combine with another condition to render the person a substantial danger to others and need not be sufficient on its own to render the person a substantial danger to others.

- Indicate whether each QMD is active or in remission. If in remission, opine on the likelihood the QMD could become active in the future and under what circumstances.
- Include differential diagnoses, relevant secondary qualifying or non-qualifying conditions (e.g., personality or substance use disorders), and any major medical or cognitive impairments that may influence risk.
- Explain any significant changes from prior diagnoses.
- List all current medications prescribed for treating the QMD and whether they are taken voluntarily.
- Describe current treatment provided in addition to medication management.
- Incorporate findings from independent assessments, if applicable.

II. Dangerousness to Others

- Provide a clinical opinion on whether the person poses a substantial danger to others when the QMD is active.
- If the QMD is in remission, assess the likelihood of reactivation and the associated risk when the QMD is in its active state.
- Discuss the person's ability to manage stressors or destabilizing factors, both within the structure of the PSRB's conditions and in the absence of those conditions. Particular attention should be given to how the person would respond to stressors or circumstances similar to those present during the instant offense, as well as during any other periods marked by serious incidents, revocations, or increased risk.
- Include information from risk assessments, including outsourced evaluations if relevant.

III. Level of Care and Placement

- Describe how the current placement supports the person's mental health and risk management, including supervision, treatment interventions, and structure that contribute to stability and safety.
- Identify the next appropriate step toward a change in the person's level of care, placement, or conditions, and describe what that step would look like (e.g., request for a community evaluation, reduction in supervision requirements, transition to a less restrictive setting, or increased independence). Include what specific progress, clinical changes, or demonstrated stability are needed for that step to be considered appropriate.
- If supporting a change at the hearing, describe any protective or mitigating factors that support the person's movement across the continuum of care, such as treatment engagement, behavioral stability, coping skills, insight, support systems, or community connections.

Submission Timeline

Please submit Jurisdictional Reports to FileCloud a minimum of 20–30 days prior to a scheduled hearing to ensure the PSRB and the parties have ample time to review it and prepare questions for the hearing. As a general guideline, hearings are scheduled at least every two years for individuals residing at the Oregon State Hospital and five years

from the date of a conditional release. However, a Jurisdictional Report will also be requested for any hospital, outpatient supervisor, patient, outpatient requested hearing or other hearings as directed by the PSRB.

Questions?

If you have questions about hearing dates, the organization or content of Jurisdictional Reports, or need general assistance, please contact the PSRB office at psrb@psrb.oregon.gov or 503-229-5596.