

This memorandum provides guidance to mental health professionals preparing Jurisdictional Reports or Certification Recommendations for individuals committed to the Psychiatric Security Review Board (PSRB) under ORS 426.701.

Jurisdictional Determinations

Individuals found to be extremely dangerous persons with a qualifying mental disorder that is resistant to treatment may be committed to the jurisdiction of the Psychiatric Security Review Board (PSRB) for an initial period of up to 24 months, with the possibility of additional 24-month commitment periods thereafter.

During each commitment period, the PSRB is required to make jurisdictional determinations in one of two contexts:

1. **Full Hearings:** These are contested hearings held to determine whether PSRB jurisdiction should continue under the current period of commitment. At these hearings, the Board considers whether the individual continues to meet the legal criteria for commitment, whether the person can be safely managed in the community under conditional release, or whether discharge is appropriate.
2. **Certification for Continued Commitment:** As the end of the 24-month commitment approaches, the PSRB must determine whether to certify to the committing Circuit Court that a subsequent 24-month period of commitment is warranted. This certification may occur through:
 - A full hearing, if there are disputed issues and only at the request of the District Attorney's office; or
 - An administrative hearing, which may proceed without oral testimony when there is no dispute about the person's eligibility for continued commitment.

To make these findings, the PSRB must determine the following:

- Does the person have a Qualifying Mental Disorder (QMD) as defined by OAR 859-200-0020?
- Is the person's QMD resistant to treatment as defined by ORS 426.701(c)?
- Does the person continue to be extremely dangerous as defined by ORS 426.701(1)(a)?
- Can the person be controlled in the community with proper care, medication, supervision and treatment on conditional release?

Placement Determinations

In addition to jurisdictional criteria, Jurisdictional Reports and Certification Recommendations also include an opinion as to whether a person could be conditionally released. The following information helps the PSRB understand the person's current needs

- 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.

Who Should Prepare the Jurisdictional Reports & Certification Recommendations

Jurisdictional Reports and recommendations regarding Certification 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 medical practitioner lacks forensic expertise the opinion or recommendation may be referred to an independent examiner with the proper qualifications. In general, the author of the report or recommendation is expected to be available to testify at any full hearing before the PSRB.

The professional preparing the report or recommendation must have access to the entire exhibit file to ensure a comprehensive review. The report or recommendation 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.

To support these determinations, the Board has developed a template designed to assist evaluators in preparing clear reports that address the legal criteria relevant to the Board's decision-making. The use of this template helps ensure consistency in the information provided and facilitates efficient review by the PSRB. Board staff will issue the template 2-3 months prior to the hearing.

Content Guidelines of a Jurisdictional Report or Certification Recommendation

Jurisdictional Reports and Certification Recommendations serve a distinct legal purpose and are not the same as standard treatment progress notes. To ensure that all relevant legal criteria for PSRB jurisdiction are clearly addressed, and to provide sufficient detail for the Board to fully understand and evaluate the expert opinion, especially in administrative matters where no oral testimony is taken, providers must use the PSRB-approved template.

This template is designed to guide a thorough explanation of the clinical and risk-related factors underlying the practitioner's expert opinion, while also providing clear information to all parties and the Board to help prepare for the hearing, determine whether a full certification hearing is necessary, or assess whether the District Attorney's office may seek a competency evaluation from the committing court.

Submission Timeline

Jurisdictional Reports are submitted to FileCloud a minimum of 20–30 days prior to an initial hearing, typically scheduled in the 7th month of each commitment period. Certification Recommendations are submitted to FileCloud no less than 90 days prior to the end of the commitment period. A Jurisdictional Report will also be requested for any hospital or outpatient supervisor requested hearings or other hearings set by the Board.

Questions?

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