



Psychiatric Security Review Board

Due Process * Research * Recovery * Partnership

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).

Individuals found guilty except for insanity are typically placed under the jurisdiction of the PSRB 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 the individual requires.

Mission of the Psychiatric Review Board – Public Safety

Oregon State law is explicit that PSRB must put public safety first. ORS 161.351(3) states: "In determining whether a person should be committed to a state hospital or secure intensive community inpatient facility, 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. From January 2011 through December 2021, the PSRB placed individuals on conditional release more than 1,160 times. During that same time frame, those individuals who were living in the community on conditional release were convicted of new felonies or misdemeanors only 36 times.

The cumulative recidivism rate for the PSRB from 2011 through 2021 is less than one percent. By comparison, the recidivism rate for individuals on Parole or Post-Prison Supervision was 18% and on Probation was 14% (CJC, 2019) 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 conditional release order.

PSRB SNAPSHOT (as of January 1, 2023)

- 629** Number of people currently under PSRB jurisdiction.
- 225** Number of people under PSRB jurisdiction in Oregon State Hospital.
- 366** Number of people under PSRB jurisdiction who are on conditional release from the state hospital.

SAFETY RECORD (January 1, 2011 to December 31, 2021)

- 1,164** Number of people on conditional release during the intervening 11 years.
- 36** Number of times those 1,164 people committed a felony or misdemeanor while on conditional release and were subsequently convicted of that crime.
- 0.61%** Cumulative annual recidivism rate for PSRB clients since 2011.
- 99.5%** Percent of adult conditional releases maintained in the community per month in 2021.

Psychiatric Security Review Board

Address: 610 SW Alder St.

Suite 420

Portland, OR 97205

Phone: 503-229-5596 **Fax:**

503-224-0215

Email: psrb@psrb.oregon.gov

Website: www.oregon.gov/prb

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. The hospital is a secure place for psychiatric treatment, not for punishment.

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

The period of time PSRB clients stay at OSH varies by individual. The PSRB makes its decision to conditionally release someone based on a clinical assessment of the individual's mental status, progress in treatment at the hospital and risk assessments as to 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.

Are PSRB adult clients ever discharged before their sentence is completed?

By law, the PSRB retains jurisdiction over clients who have a qualifying mental disorder that renders them a substantial danger to others when the disorder is active. In rare cases, a client found guilty except for insanity may be discharged early from the Board's jurisdiction. The 5 year average of these types of discharges by the PSRB is 2.2 per year, with 2 in 2019, none in 2020, and 3 in both 2021 and 2022. The overwhelming majority of clients complete their full sentence under the PSRB.

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 five levels of review. In all cases, including person-on-person crimes, victims who want notification are contacted in advance, as is the District Attorney's office that first prosecuted the case.

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 20 years, more than 1,900 conditional releases have been granted to people who have transitioned into community placements throughout 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. In addition, law enforcement in the city and county of the placement are notified. The victim(s) of the underlying offense are notified if requested. The Attorney General's office, the client's attorney and the client's case manager are also notified.

For more information contact Alison Bort, Executive Director of the Psychiatric Security Review Board at (503) 229-5596.

OSH Hearings Room

WHERE PSRB CLIENTS LIVE (as of January 1, 2023)

Oregon State Hospital (37.6%)

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

Secured Residential Treatment Facility (14.7%)

- 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 (22.7%)

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

Adult Foster Home (2.9%)

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

Semi-Independent/Supported Housing (6.4%)

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

Intensive Case Management (2.3%)

- Independent living
- Staff contacts at least twice per day with at least one contact at residence
- Case management team

Independent Living (self, with family) (12.3%)

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

Other (including Department of Corrections) (2.6%)