

**From:** [Harris Matarazzo](#)  
**To:** [BOCCIOLATT Alysson \\* PSRB](#)  
**Subject:** Admin Rule Changes/PSRB  
**Date:** Monday, June 8, 2026 5:59:20 PM  
**Attachments:** [20260608175330546.pdf](#)

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Hello Ms. Bocciolatt,

Please find enclosed letter from Mr. Matarazzo.

Thank you,

-Jonathan

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SENT VIA ELECTRONIC MAIL

June 8, 2026

Ms. Alysson Bocciohatt, Deputy Executive Director  
Psychiatric Security Review Board  
6400 SE Lake Road, Suite 375  
Portland, Oregon 97222

RE: Administrative Rule Changes/ Psychiatric Security Review Board (PSRB)

Dear Ms. Bocciohatt:

This letter is to confirm my attendance at the June 8, 2026 "Proposed PSRB Rules Review" public comment meeting, as well as to summarize some, but not all, of my comments. Initially, it should be noted that the individuals affected by these rules have been "civilly committed", and not yet had the opportunity to address criminal charges lodged against them. My primary concern is with the Agency's proposal to eliminate the consideration of jurisdictional issues at non-administrative "Revocation" and "Conditional Release Modification" hearings. Specifically, OAR 859-200-0070(2)(b) is proposed to include:

"[ ]. At a revocation hearing, the Board's review is limited to the appropriateness of the revocation. [ ]."

Similarly, proposed OAR 859-200-0070(5)(c) provides:

"[ ]. At a hearing on a request for conditional release modification, the Board's review is limited to modification(s) being requested and does not reconsider the person's jurisdictional status, except when the hearing also qualifies as an initial hearing or the request is accompanied by an outpatient supervisor request for discharge. [ ]".

Both proposed rules are contrary to long term Agency practice. No reason that I am aware of has been offered to further restrict client rights in a hearings setting. In practice, this limitation merely reduces agency work by limiting issues which can be presented. The potential detriment to clients, as well as the community, whose interest is to resolve criminal matters through the Court system, outweighs adoption of these changes.

The statutory scheme encompassing PSRB civil commitments provides that clients have only one mandatory hearing every two years, an "Initial Hearing", which is held six months following Court commitment. Unlike individuals found "Guilty Except for Insanity", these

clients have no ability to request a Board hearing during their two year period of Board jurisdiction. In other words, they have no opportunity to independently address the issue of ongoing jurisdiction. A "discharged" client generally remains subject to prosecution on the underlying criminal matter, allowing both the individual and the community a forum to resolve issues of "guilt". It makes no sense to delay such proceedings when "discharge" is appropriate.

As with any hearing, evidence presented at a "Revocation" or "Modification" Hearing may directly raise jurisdictional issues. This could include a "modification" proceeding where a community agency is seeking transfer of a client to a nursing home facility, and the underlying facts clearly raise the issue of ongoing "Extreme Danger", a jurisdictional matter. In the context of a "revocation", given similar facts, the underlying revocation may be due to the absence of an appropriate community placement which could provide that level of care, resulting in a return to the Oregon State Hospital. Many more examples exist. The proposed rules leave it to the "provider" to raise the issue of jurisdiction in all but "Initial Hearings". This differs from the underlying, historical, model upon which the Board was created.

It should be noted that, by practice, PSRB requires a jurisdictional report by the Oregon State Hospital or a community provider at every non-administrative hearing. No proposal to change that has been made. In order to address "modification" or "revocation" the jurisdictional issues must be considered. A rule eliminating an individual's current right to seek a "discharge" at any Board hearing is not consistent with current law or historic Board practice. Assuming its lawfulness, the Agency has been unable to articulate sufficient reasons why the proposed rule change outweighs the affected individual's constitutional rights to guaranteed freedoms, as well as the community's interest in pursuing the prosecution of persons it deems "guilty" of criminal conduct which may result by delaying jurisdictional review. The identified rules provide fewer rights for those "civilly committed" than those under Board oversight found "Guilty Except for Insanity" who may request hearings every six months and seek a discharge at any hearing. In this context, the proposed rules make no sense.

Thank you for your consideration..

Very truly yours,

Harris S. Matarazzo  
Attorney at Law

HSM:mjp

**From:** [Melissa Ann Marrero](#)  
**To:** [BOCCIOLATT Alysson \\* PSRB](#)  
**Cc:** [BORT Alison \\* PSRB](#)  
**Subject:** RE: Notice of Proposed Rulemaking - PSRB  
**Date:** Monday, June 8, 2026 11:29:26 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[Comments for proposed rulemaking.docx](#)

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Hi Alysson:

Thank you for the opportunity to comment on the Board's proposed rulemaking. Attached are a handful of comments related to the proposed rules. Please let me know if you have any questions. Some of these concerns were flagged at a previous RAC meeting, and I'm happy to provide additional information or clarification if it would be helpful.

Thank you,

Melissa



**Melissa Ann Marrero**  
Deputy District Attorney 4  
Multnomah County District Attorney's Office

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**From:** BOCCIOLATT Alysson \* PSRB <Alysson.BOCCIOLATT@psrb.oregon.gov>  
**Sent:** Friday, May 15, 2026 11:01 AM  
**To:** ANDERSON Dawn \* PSRB <Dawn.ANDERSON@psrb.oregon.gov>; BANFE Shelley \* PSRB <Shelley.BANFE@psrb.oregon.gov>; BERNDT Matthew \* PSRB <Matthew.BERNDT@psrb.oregon.gov>; BORT Alison \* PSRB <Alison.BORT@psrb.oregon.gov>; HALL Sharon \* PSRB <Sharon.HALL@psrb.oregon.gov>; DUNBAR Chardonay \* PSRB <Chardonay.DUNBAR@psrb.oregon.gov>; MCCORMACK Maria \* PSRB <Maria.MCCORMACK@psrb.oregon.gov>; OMEARA Laura \* PSRB <laura.omeara@psrb.oregon.gov>; PSYCHIATRIC SECURITY Review Board \* PSRB <psrb@psrb.oregon.gov>; TAYLOR Kelsey \* PSRB <Kelsey.TAYLOR@psrb.oregon.gov>; BOCCIOLATT Alysson \* PSRB <Alysson.BOCCIOLATT@psrb.oregon.gov>; JENKINS Anne \* PSRB <Anne.JENKINS@psrb.oregon.gov>; ELISON Katrina \* PSRB <Katrina.Elison@psrb.oregon.gov>; TRIPATHI Priya \* PSRB <Priya.TRIPATHI@psrb.oregon.gov>; aboivin@columbiacare.org; SPEAKMAN Amy <Amy.SPEAKMAN@oha.oregon.gov>; benw@ccmh1.com; breitwieser.dustin@co.polk.or.us; Brett D Szymoniak <brett.d.szymoniak@multco.us>; briandwi@co.clackamas.or.us;

## Comments on Proposed Rulemaking

Suggested Change- Page 5: The Board or Court determines, after a hearing, that the person no longer suffers from affected by a qualifying mental disorder that is resistant to treatment or is no longer extremely dangerous

Rationale: This was flagged at a previous RAC meeting by SDDA Marrero. We are concerned that by converting “suffers from” to “affected by,” the Board will be opened up to arguments that persons in remission are no longer “affected by” by their qualifying mental disorder and that jurisdiction is therefore inappropriate. In other contexts, the defendants whose mental disorders, when not in remission, render them dangerous, properly remain under jurisdiction. This should not be different.

Page 12- (6) ~~PSRB Case Monitor~~ Outpatient Supervisor Request for Discharge Hearings. ¶ (a) At any time during the a person's conditional release, the PSRB case monitor may ~~request a hearing for~~ apply to the Board for the person's discharge if the treating physician or certified mental health examiner believes the person no longer suffers from a mental disorder that is resistant to treatment or is no longer extremely dangerous. The request for discharge of the person from the Board's jurisdiction should be accompanied by a report setting forth the facts and evidence upon which the request is based. ¶ if it is the outpatient supervisor's opinion that the person no longer meets jurisdictional criteria

Concern: What constitutes an “outpatient supervisor”? We’re concerned that this opens up this critical decision point to persons who may not understand the statute and jurisdictional criteria appropriately. We’ve seen this happen already, where community-based program staff fail to recertify due to applying an incorrect standard, resulting in unnecessary hearings.

Page 14- (a3) ~~The court may order the state hospital or the state or local mental health facility providing treatment to the person to perform the evaluation. The hospital or facility shall provide copies of the evaluation to the district attorney, the person and the person's legal counsel, if applicable.~~ Nothing in these rules requires the district attorney to wait for a Board hearing or determination before seeking an evaluation under section (2) of this rule. The district attorney may seek such an evaluation upon receipt of information indicating that the person may no longer meet jurisdictional criteria. The district attorney should act in a timely manner to allow for coordination with applicable hearing timelines.

Concern: The statute does not grant the PSRB authority for rulemaking over Oregon’s District Attorneys. There may be scenarios where information is learned that prompts a request for evaluation later than would be desired, and I am concerned that the sentence, “The district attorney should act in a timely manner to allow for coordination with

## Comments on Proposed Rulemaking

applicable hearing timelines” could be argued/construed as placing timelines that don’t otherwise exist in the statute, and for which I do not believe there is authority. I would request that this be removed, or clarified that “The district attorney should, **when possible**, act in a timely manner to allow for coordination with applicable hearing timelines.

**However, nothing in these rules regulates when a District Attorney may request an evaluation.**

Page 16- (b) The Board requests that the parties work collaboratively to ensure that the new judgment of commitment is entered and provided to the Board as soon as practicable.¶ (c) The Board expects that the new judgment of commitment will be submitted to the Board no later than the commencement of the subsequent term of commitment.¶ (d) The Board may not conduct hearings for a subsequent term of commitment unless and until a valid judgment of commitment has been entered and received by the Board.

Concern: It seems odd to note requests and expectations in administrative rules. I believe these provisions have no legal/binding impact, as the Board does not have authority over the parties. I understand the concern and what you’re trying to do here, but I don’t believe this is the correct mechanism.

Page 17-

We object to the addition of psychiatric nurse practitioners to the list of allowable examiners.

Page 18-

We object to the following language: “The examiner is not required to provide ultimate legal conclusions or use statutory terminology.” Examiners explicitly being told they are not required to use the statutory terminology will undoubtedly create confusion. Nothing prevents the parties from asking about the statutory terminology and evaluators will not be prepared to answer those questions if they’re unfamiliar with the legal standards that apply.

Under (5), should read, “To the extent available, the **report** should include:”