

Date/Time: August 17, 2:00 – 2:30pm

Proposed Rules: OAR 859-030-0016, 859-070-0022, 859-070-0027

I. Introduction

A rulemaking hearing was held to receive public comment regarding three proposed PSRB rules related to victim contact, victim safety considerations in community evaluations and conditional release planning, and state-initiated requests for victim-safety-related modifications. The hearing provided an opportunity for interested parties to present feedback consistent with ORS 183.335 requirements.

Two individuals provided oral public comment:

- Harris Matarazzo, attorney.
- Melissa Ann Marrero, Multnomah County District Attorney's Office.

The following summarizes the comments received and the agency's responses.

II. Summary of Public Comment

A. Comment from Harris Matarazzo

Mr. Matarazzo expressed the following concerns:

1. **Board Neutrality and Investigative Role:** He stated discomfort with board staff gathering information and consulting with treatment professionals when reviewing victim-initiated contact requests, describing this as inconsistent with the board's role as a neutral fact-finder.
2. **Board Authority Over Individuals at OSH:** He questioned whether the board has legal authority to modify victim contact conditions for individuals who are still hospitalized at the Oregon State Hospital (OSH), believing that board authority attaches only once a person is on conditional release.
3. **Non-Appealable Administrative Decisions:** He expressed concern that executive director determinations regarding victim contact are not subject to appeal.
4. **Preference for Open Hearings:** Mr. Matarazzo argued that matters regarding victim contact should be addressed through public hearings rather than administrative processes to ensure transparency and prevent improper or incomplete information from entering the agency's internal record.
5. **Questioning Need for the Rule:** He stated he does not view the existing situation as a significant problem, cited long-standing concerns about jurisdiction, and emphasized the potential for unintended consequences if the rule is adopted.

B. Comment from Melissa Ann Marrero

Ms. Marrero offered the following feedback and concerns:

1. **Consultation Requirement:** She noted the rule permits but does not require consultation with the state's representative (District Attorney or Attorney General). Because state representatives may possess relevant

public safety or victim-related information not contained in the court record, she recommended making consultation mandatory.

2. **Notice Requirement:** She noted there is no requirement that the state be notified when a victim contact request is submitted or when an initial determination is made. She recommended including a notice provision so the state may provide information before a decision is finalized.
3. **Public Safety Considerations:** Ms. Marrero emphasized that the state may not always agree with a victim's request for contact and that additional information may need to be considered to ensure an appropriate and safe decision.
4. **Recognition of Board Authority:** Ahe stated she does not dispute the board's authority to modify contact conditions, but believes the proposed language would benefit from safeguards to ensure informed, balanced decision-making.

III. Summary of Agency Response

A. Clarifying Board Authority and Intent

The agency explained that:

1. **Authority Over OSH Patients Is Not Expanded:** The rules do not give the board jurisdiction over patients at OSH. Instead, they create a formal mechanism to document victim-initiated contact requests, helping OSH determine whether visitation may occur under hospital policies.
2. **Formalizing Existing Practice:** The board stated that it is already routinely contacted by victim services or OSH when victims request contact. The proposed rule provides structure, transparency, and consistency to this process.
3. **Purpose of the Rule:** The rule seeks to close gaps created when GEI orders began routinely including no-contact provisions, which prevent victims from seeking contact for years while clients are hospitalized. The proposed process is intended to support treatment planning and restorative justice, and provides clarity to hospitals, victims, clients, and attorneys.

B. Staff Role and Administrative Decision-Making

The agency addressed concerns about investigative roles:

1. **Administrative Consultation:** Staff gather limited information (e.g., from treatment teams) to confirm the client's willingness and clinical appropriateness for contact—consistent with longstanding practice. Decisions by the executive director are administrative, not contested, and the safeguard for any disagreement is the ability to request a board hearing.

C. Response to Mandatory Consultation and Notice Suggestions

The agency acknowledged Ms. Marrero's suggestions:

1. The recommendation to change permissive consultation language to mandatory consultation.
2. The recommendation to create a notice requirement informing the state when a victim contact request is submitted or considered.

D. Rule Rationale and Treatment Considerations

The agency reiterated:

1. Victims and clients may wish to resume contact long before a conditional release hearing occurs (sometimes years later). OSH's policy allows visitation only when authorized through appropriate procedures, and the proposed rule facilitates safe, clinically informed contact while preserving patient rights.
2. The rule is intended to reduce administrative burden and avoid unnecessary board hearings while ensuring transparency.

From: Helen OBrien <Helen.OBrien@doj.oregon.gov>
Sent: Thursday, July 2, 2026 8:48 AM
To: BORT Alison * PSRB <Alison.BORT@psrb.oregon.gov>
Subject: RE: For your review

#4 I added the word with. #7 I suggest removing the special. That's it, tiny suggestions.

(4) In determining whether to recommend a victim-safety condition, the outpatient supervisor may review information from the PSRB's exhibit file and staff with, Department of Justice victim advocate, the client's current treatment team, or the parties to inform recommendations regarding proposed conditions.

(7) When victim-safety considerations are identified, the conditional release plan or modification request must either:

- (a) Recommend any special conditions related to victim safety; or
- (b) State that no such special conditions are recommended and briefly explain why.

Helen O'Brien

Crime Victims' Rights Program Coordinator | Crime Victim and Survivor Services Division

From: [Melissa Ann Marrero](#)
To: [BOCCIOLATT Alysson * PSRB](#)
Subject: Public Comment
Date: Monday, August 17, 2026 4:38:46 PM
Attachments: [image001.png](#)

Hi Alysson:

Thank you for the opportunity to provide comment today. My concerns about the rule, as written, are due to the discretionary nature of consultation with the state's representatives. That would be the District Attorneys in the case of 426.701 commitments and Attorneys General in GEI cases. There may be instances where the state's representative has information about a case or a no contact provision that the Board may not be aware of and that may impact victim or public safety. Any modification of no contact orders should be done with all relevant information, but if we're not aware of the request, that information or input would remain unknown. Providing an opportunity for the state's representatives to provide input prior to a decision being made by the Executive Director would alleviate my concerns.

Please let me know if you have any questions.

Thank you,



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

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SENT VIA ELECTRONIC MAIL

August 17, 2026

Ms. Alysson Bocciolatt, 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)
OAR 859-030-0016/ Victim Contact

Dear Ms. Bocciolatt:

This letter is to confirm my attendance at the August 17, 2026 "Proposed PSRB Rules Review" public comment meeting, as well as to summarize some, but not all, of my comments. The stated purpose of this rule is to establish a process whereby "Victims" may request contact with individuals under Board jurisdiction which would otherwise be prohibited by Court Order establishing Agency oversight, ie not a separate "No Contact" or related Order. In our meeting today, I was advised that PSRB already has an informal process to make this determination for individuals residing at the Oregon State Hospital. I was unaware of any such procedure, and dispute its legality and continued practice.

In December 2025, In the Matter of John Dale Moore, PSRB requested that the issue of the effect of "No Contact Orders" contained within Board jurisdiction- establishing Orders be briefed. This was accomplished. The Agency agreed with Petitioner's position that, once placed under Board oversight, Court authority no longer remains. (State v. Pilip, 111 Or App 649, 826 P2d 125 (1992)). By practice, PSRB has never sought to exercise authority in the care and treatment of individuals under its authority and committed to the Hospital. There is no legal basis for this. Instead, its primary concern has been to determine whether individuals should be committed to the Hospital, "conditionally released", or "discharged from Board jurisdiction". If "conditionally released", the Board can include provisions regarding contact with "Victims" or others no so designated.

OAR 859-030-0016 (5) seeks to provide a process where "Victims" can request contact with hospitalized clients. It states that the Board's Executive Director "shall conduct an administrative review" in which it "may" consult with "hospital staff, treatment professionals, the individual's attorney, District Attorney or Attorney General Representative [] or other persons with relevant information []". There is no hearing to allow for the presentation of "evidence" in an open forum. An appeal of the Executive Director's decision does not exist. In

essence, this rule provides that the Executive Director is to receive, review, investigate, and make a non-reviewable legal (judicial) decision which "may", at that person's discretion, involve their representative or other knowledgeable parties. This process lacks fundamental fairness and is problematic. It also assumes that the client assents to "Victim" contact.

If PSRB had the authority to make "Victim" contact decisions for those clients who are committed to the Oregon State Hospital, there would be a statutory mechanism to enforce them. None exist. This is because these decisions are best left to the Courts and Hospital staff. The Oregon State Hospital is not under the oversight of the Board.

Thank you for your consideration..

Very truly yours,

Harris S. Matarazzo
Attorney at Law

HSM:mjp

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August 17, 2026

Ms. Alysson Bocciolatt, 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)
OAR 859-030-0016/ Victim Contact

Dear Ms. Bocciolatt:

In my earlier letter of today's date I neglected to note that the investigative authority the Board seeks to provide its Executive Director in the proposed rule is ill advised for another, significant, reason. Information gleaned by that person is unsworn and not elicited in a hearings setting where it could be questioned. It includes current impressions of the client in addition to historical ones. All is gathered and held by the Agency. The potential for investigator opinions and undocumented evidence to be related to Board members in a non-hearing setting is an unreasonable risk, and not contemplated by law.

Thank you for your consideration..

Very truly yours,

Harris S. Matarazzo
Attorney at Law

HSM:mjp