

The Psychiatric Security Review Board

- The PSRB is the state agency that assumes jurisdiction over all persons found “guilty except for insanity” of a Tier 1 felony in Oregon who pose a substantial danger to others or a Tier 2 if they are on conditional release.

New Developments

- 2011 Legislation:
 - SB 420
 - HB 3100

SB 420

Related to the “back door” of OSH

- Created two tiers of criminal offenses—
Murder/BM 11 vs. all other crimes
- Divided responsibility for conducting “GEI”
hearings between PSRB and SHRP based
on tier and physical placement.

i.e. PSRB=Tier 1 and all on CR

SHRP=Tier 2 only while in OSH

HB 3100

Affecting the “front door” of OSH

- 4 major components:
 - a. “GEI” misdemeanants no longer under PSRB
 - b. restorative services should be provided in community unless not available or person too dangerous
 - c. mandatory community mh eval for Class C “GEI” defendants for possible CR
 - d. certification of forensic evaluators

Structure of Adult Board:

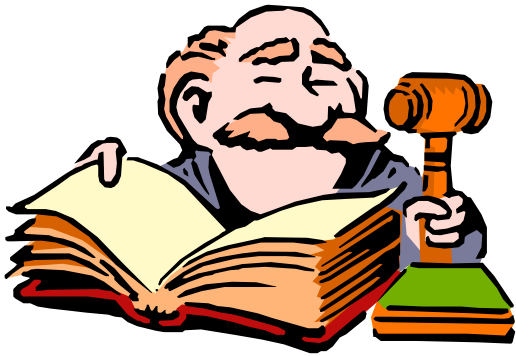
- 5 member part-time multi-disciplinary
 - psychiatrist
 - psychologist
 - attorney experienced in criminal practice
 - parole/probation officer
 - member of the general public

Sources of PSRB Authority

- Statutes - ORS161.295 et seq.
- Administrative Rules - OAR Chapter 859
- Appellate Court Case law
- Policies and Procedures

The primary purpose of the PSRB/SHRP is to *protect the public.*

The Legal Process- Entry into the PSRB/SHRP System



- A. Offense Committed
- B. Decision to Arrest
- C. Decision to Prosecute
- D. Arraignment

Legal standard for insanity defense

GEI if:

(1) **as a result of md/d** at the time of engaging in criminal conduct, the individual **lacks substantial capacity either to appreciate criminality of conduct or to conform conduct to requirements of law.**

Applicable to felonies, misdemeanors & juvenile proceedings.

Available in DUII and DWS cases

Process by which one comes under PSRB or SHRP

- Individual is charged with a **new** crime.
 - No probation violations
- Defense counsel seeks an evaluation by a *certified* psychologist or psychiatrist, forensically trained, to determine if client qualifies for defense.
 - Not every person with mental illness or mental defect necessarily qualifies

Result of successful defense

- If GEI, placed under PSRB if defendant is a Tier 1 offender committed to hospital or placed on conditional release or Tier 2 offender only placed on CR.
- Placed under OHA/SHRP if crime was Tier 2 felony and court finds defendant requires commitment to hospital.

Length of jurisdiction

Equal to the maximum sentence provided by statute for the crime for which the person was found GEI

- Consecutive terms may be imposed but must be supported by findings comporting with ORS 137.123 -
- State v. Brooks
- SGs do not apply -- State v. Nelson
- PSRB does not have authority to rewrite court's order even if court errs in setting max. sentence --
Romanov v. PSRB

Physical placement upon GEI finding

- Commit to OSH -- if substantial danger and not a proper subject for release
- Conditionally release -- if substantial danger but can be adequately controlled with supervision and treatment **and** the necessary supervision and treatment are available.

In making decision, court shall have as its primary concern the protection of society.

Functions of the PSRB

- To accept jurisdiction
- To protect the public
- To balance the public's concern for safety with the rights of the client
- To conduct hearings
- To make findings
- To monitor progress
- To revoke CR if client violates plan
- To issue orders
- To maintain current history of all clients

Mission:

- To protect the public through on-going review of the progress of persons found “guilty except for insanity” and a determination of their appropriate placement.

The PSRB carries out its mission through 2 arenas:

- Hearings
- Monitoring

Legal Safeguards for Persons Under the Board

- Each is entitled to:
 - request hearings
 - be represented by an attorney, appointed if indigent
 - examine all exhibits
 - subpoena witnesses and documents
 - cross-examine all witnesses at hearing
 - appeal any adverse decision of the Board



At Each Hearing, the Board Must Decide:

- Does the client continue to suffer from a mental disease or defect? AND
- Does the client continue to be a substantial danger to others when mental illness is active?
 - If not, the Board shall discharge the client.

- If so, the Board maintains jurisdiction. It must then determine:
 - Could the client be “adequately controlled with supervision and treatment” in the community?
 - If not, the client remains committed.
 - If so, is the supervision and treatment necessary available in the community at this time?

How Board assesses readiness for conditional release planning

- Reviews exhibit file that contains the reports and evaluations of OSH professional staff of various disciplines and others
- Listens to the testimony of all witnesses
- Cross examines witnesses to obtain additional information
- Considers the risk to society that the client may pose if returned to the community

Board's determination of risk

Factors considered:

- Clinical judgments of OSH professional staff
- Results of psychological testing and risk assessments performed on patient
- Recommendation of OSH Risk Review Board
- Availability of resources in the community to compensate for any residual risk

Evaluation process for community provider

- Receive order and client's PSRB file
- Review entire file
- Contact OSH social worker to set appt.
- Interview client face-to-face
- Write report to Board within 30 days with reasons for acceptance or denial

Types of residential placements available for PSRB clients

- Secure residential treatment facility (SRTF)
- Residential treatment facility (RTF)
- Residential treatment home (RTH)
- Adult foster home (AFH)
- Supported Housing (SH)
- Intensive case management (ICM)
- Independent living

PSRB Conditional Release Process

Board holds hearing

If Board approves conditional release of patient

Client released to community provider pursuant to specific plan

Case manager oversees provision of required treatment services
and supervises client for PSRB

Board staff monitors conditional release status

Monitoring:

- EPR “hits” on the Law Enforcement Data System (LEDS) terminal
- Daily calls and correspondence from case managers, providers and others
- Monthly progress reports*

PROGRESS REPORT

TO: **Psychiatric Security Review Board**, 620 SW Fifth, Room 907, Portland, OR 97204

Subject's Name: Amadeus Mozart

For the Month of Aug. 2006

I, Ludwig van Beethoven, designated the responsible person in Multnomah County by the Psychiatric Security Review Board for the above-named person, report the following:

1. Since the last report, this person has complied as follows with the conditional release plan:

A. Housing: Arlene Schnitzer Concert Hall, 1037 SW Broadway, Portland, Oregon 97205

Curfew: 10:00 pm-6:00 am, except as authorized in advance

Residential Supervision: Awake staff when performers present

B. Client participated in structured activity at a min. of 20 hours/week,
comprised of the following:

DATE(S)

- | | | | | | |
|--|--|--------------------------------|--------------------------------|--------------------------------|--|
| <input type="checkbox"/> Case Manager Session(s): min. 1/week | <u>8/4</u> | <u>8/11</u> | <u>8/18</u> | <u>8/25</u> | |
| <input type="checkbox"/> Individual Therapy Session(s): min. 2/month | <u>8/12</u> | <u>8/26</u> | | | |
| <input type="checkbox"/> Group Session(s): min. 3/week | <u>wk of 8/7</u> <u>M, W, Th</u> | <u>8/14</u> <u>M, W, Th</u> | <u>8/21</u> <u>M, W, Th</u> | <u>8/28</u> <u>M, W, Th</u> | |
| <input type="checkbox"/> Home Supervision Visit(s): Scheduled - min. 1/month | <u>8/11</u> | | | | |
| Random/Unannounced - min. 1/month | <u>8/24</u> | | | | |
| <input type="checkbox"/> Medication Review: min. 1x/3 months | <u>No appt. this mo.</u> | | | | |
| <input type="checkbox"/> Med compliance: <u>observed by staff</u> Comments: | <u>Client in self-med. training</u> | | | | |
| <input type="checkbox"/> Substance abuse treatment, attendance verified: min. 1/week | <u>8/7</u> <u>2x</u> | <u>8/14</u> <u>2x</u> | <u>8/21</u> <u>2x</u> | <u>8/28</u> <u>2x</u> | |
| <input type="checkbox"/> Self-help gyps (AA/NA/DDA, etc.), attendance verified: min. 3/week | <u>by slips</u> | <u>by slips</u> | <u>by slips</u> | <u>by slips</u> | |
| <input type="checkbox"/> Other structured activity, specify: | <u>Volunteers @ music store 6 hrs/wk</u> | | | | |

Additional Conditions:

- ☐ May take the horse and buggy on weekends only
- ☐ No pounding on the piano keys after midnight on weekdays
- ☐ May have no contact with any member of the trumpet section

2. Random/unannounced A/D screens: min. 1/week for the 1st 90 days, 1/mth thereafter

| Date | Results | Date | Results | Date | Results |
|-------------|------------|-------------|------------|------|---------|
| <u>8/2</u> | <u>neg</u> | <u>8/18</u> | <u>neg</u> | | |
| <u>8/10</u> | <u>neg</u> | <u>8/24</u> | <u>neg</u> | | |

3. I certify that:

- ☐ A. The client and persons providing services are in compliance with the above listed requirements of the PSRB order of conditional release.
- ☐ B. The conditional release plan should be modified. A letter is attached stating the proposed change, the reason for the modification, and how the client has demonstrated that he/she would continue to be successful on CR if this plan were to be implemented. (A revised Summary of Conditional Release Plan form may be needed.)

COMMENTS: Amadeus is working on family relationships -- setting gd. boundaries & improving coping skills related to hrg. deficit.

Signature: Ludwig van Beethoven Date Submitted: 9/2/06

Address: 620 SW 5th Ave, Ste 907, Portland OR 97204
Phone: 503-229-5596

Printed: August 24, 2006
Template Revision: 8/06

Client compliant with terms of release
and mentally stable?

Yes

Client remains on CR
Request modifications of CR
if/when appropriate

No

Review situation with Board staff
Determine approp. intervention
Revoke and return to OSH, if necessary

Definition of Revocation

- The legal process by which the Board orders the return of an individual on conditional release to the state hospital for evaluation and treatment.
- A revocation order has the same legal effect as an arrest warrant.
- Law enforcement transports individual to OSH.

Grounds for revocation

- Reasonable grounds include:
 - a) violation of the term(s) of the conditional release order
 - b) a change in mental health status
 - c) absconding from supervision
 - d) the appropriate community resources are no longer available



Definition of Recidivism

- The percentage of revocation orders that are issued based on a new felony charge.

Recidivism Rate

Percentage of Revocations of Conditional Release Based on Commission of a Felony

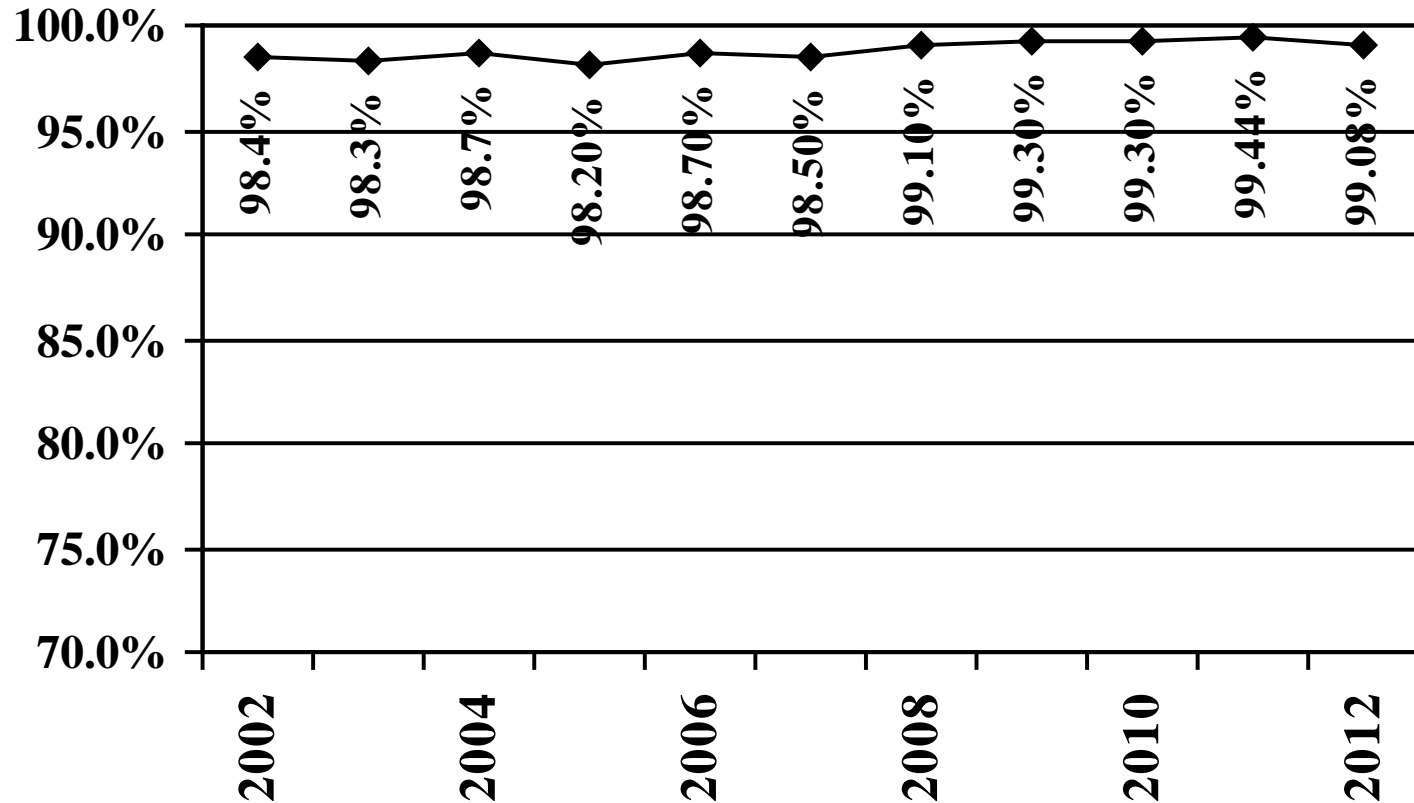
| | On CR * | Revocations | New Felonies | Percentage |
|------|---------|-------------|--------------|------------|
| 2001 | 241 | 39 | 1 | 2.50% |
| 2002 | 258 | 47 | 5 | 10.64% |
| 2003 | 263 | 56 | 1 | 1.75% |
| 2004 | 294 | 72 | 1 | 1.39% |
| 2005 | 314 | 68 | 0 | 0.00% |
| 2006 | 354 | 54 | 1 | 1.85% |
| 2007 | 379 | 59 | 2 | 3.39% |
| 2008 | 367 | 41 | 1 | 2.44% |
| 2009 | 370 | 33 | 0 | 0.00% |
| 2010 | 375 | 30 | 1 | 3.33% |
| 2011 | 413 | 27 | 1 | 3.70% |
| 2012 | 385 | 44 | 1 | 2.27% |

Average** = 2.05%

*Numbers as of 12/31 of given year

** Cumulative since Recidivism became a performance measure in April, 1992

Percentage of Adult Conditional Releases Maintained in Community per Month



Current Issues Facing PSRB System

- Implementation of HB 3100
- Results of SB 5529 Budget Note Workgroup
- Lack of dedicated GEI flexible funding source at AMH

Current Adult PSRB Clients by County of Commitment

(as of 1/1/2013)

| | | | | | |
|-----------|----|------------|----|------------|-----|
| Baker | 4 | Harney | 1 | Marion | 62 |
| Benton | 10 | Hood River | 1 | Morrow | 2 |
| Clackamas | 40 | Jackson | 25 | Multnomah | 172 |
| Clatsop | 5 | Jefferson | 3 | Polk | 7 |
| Columbia | 6 | Josephine | 8 | Tillamook | 3 |
| Coos | 12 | Klamath | 29 | Umatilla | 20 |
| Crook | 4 | Lake | 3 | Union | 2 |
| Curry | 3 | Lane | 64 | Wallowa | 2 |
| Deschutes | 10 | Lincoln | 13 | Wasco | 3 |
| Douglas | 16 | Linn | 21 | Washington | 33 |
| Grant | 2 | Malheur | 4 | Yamhill | 7 |

Current Adult Clients on Conditional Release in Given County

(1/1/2013)

| | | | | | |
|------------|----|-----------|----|------------|-----|
| Benton | 4 | Jackson | 15 | Marion | 58 |
| Clackamas | 22 | Josephine | 6 | Multnomah | 131 |
| Columbia | 18 | Klamath | 5 | Polk | 2 |
| Coos | 6 | Lane | 22 | Umatilla | 29 |
| Deschutes | 15 | Lincoln | 2 | Wallowa | 1 |
| Douglas | 2 | Linn | 4 | Washington | 21 |
| Hood River | 1 | Malheur | 10 | Yamhill | 1 |