



Psychiatric Security Review Board

*Presentation to the Joint Committee on Ways and Means
Subcommittee on Human Services*

Partnership*Recovery*Research*Due Process

*Alison Bort, JD, PhD
PSRB Executive Director
February 23, 2021*

Today's Presentation

Governor's Recommended Budget Posted on Agency Website:

https://www.oregon.gov/prb/Documents/2021-23_PSRB_GRB_FINAL.pdf



OVERVIEW OF
THE PSYCHIATRIC
SECURITY
REVIEW BOARD



PRIORITIES,
SUCCESSSES, AND
CHALLENGES



PROPOSED
BUDGET

History of PSRB

When?

Why Then?

Why Now?

PSRB Organization

- 5 members each panel:
 - Psychiatrist
 - Psychologist
 - Attorney experienced in criminal practice
 - Parole/Probation Officer
 - Member of General Public
- Appointed by Governor, confirmed by Senate
- Part-Time
- 2-4 Year Term Limits Apply
- 11 FTE Support Staff



The primary purpose of the PSRB is to protect the public by working with partnering agencies to ensure persons under its jurisdiction receive the necessary services and support to reduce the risk of future dangerous behavior using recognized principles of risk assessment, victims' interest and person-centered care.

PSRB Mission Statement

PSRB Programs Overview

Petition Review

- **Firearm Restoration;**
 - ORS 166.273
- **Sex Offender Reclassification/Relief;**
 - ORS 163A

Continuous Jurisdiction

- **Extremely Dangerous Persons with Mental Illness;**
 - 426.701-2
- **Responsible Except for Insanity;**
 - ORS 419C.520- 419C.544
- **Guilty Except for Insanity;**
 - ORS 161.295-161.351



PSRB Budget Drivers



Increased Caseload

Increased Clients
Increased Hearings
Increased Monitoring



Training/Outreach/ Education

JPSRB
Legal Community
Community Providers
Public
Taskforces/
Workgroups



Board Recruitment

Compensation
Diversity



Technology Upgrades

Phase Out Dying
Technology
Streamline Processes
Increase Data
Output/Program
Evaluation



Legal Services

Appeals
Lawsuits
Tort Claims
Legal Advice



Personal Services

\$2,760,383
76% of GRB

Sex Offender Classification

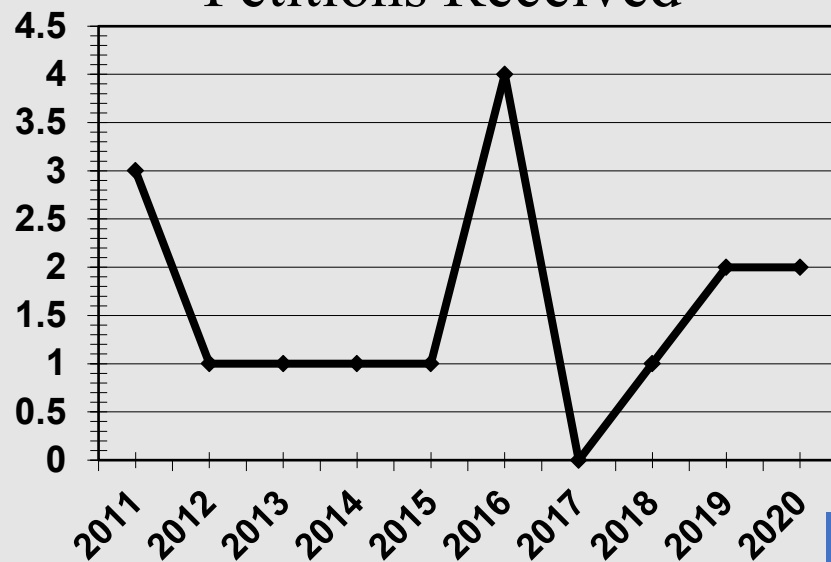
- Classifications began in **2015**.
- PSRB maintains training to classify when person's jurisdictional offense is a sex crime. STATIC 99R; LSCMI (contract)
- Each registrant designated with a 1, 2 or 3 level, 3 being the highest risk of reoffending.
- Signed order.
- Registrants provided 60-day period to submit written objections to the assessment score.
- **Outcomes:** 2015-2018=183;
2019=10; 2020=7

Sex Offender Reclassification/Relief

- Program launched **January 2019**.
- Level 1: May apply for relief.
- Level 2: May reclassify to Level 1.
- Level 3: May only reclassify to Level 2
- Petition for Reclass or Relief.
- Full hearing before the Board.
- If petition is denied, may reapply every 24 months.
- **Outcomes:** 2019=1 Hearing;
2020=2 Hearings

Firearm Restoration

Petitions Received



Outcomes
9 Granted
3 Denied
4 Withdrawn
1 Pending

Program launched in 2010

Two Mandates

- Entry into NICS following an *Oregon* mental health determination
 - Civil Commitment
 - GEI Conviction
 - Inability to aid and assist in a criminal proceeding
- Restoration/Relief Program
 - Petition & Full Hearing

*Training & Education**

PSRB Civil Commitment Snapshot

Extremely dangerous
persons; resistant to
treatment

24-month commitment

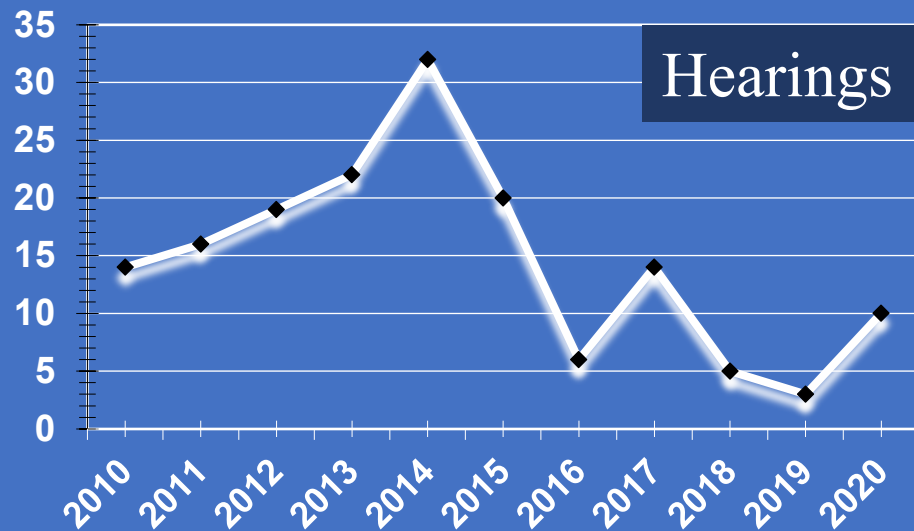
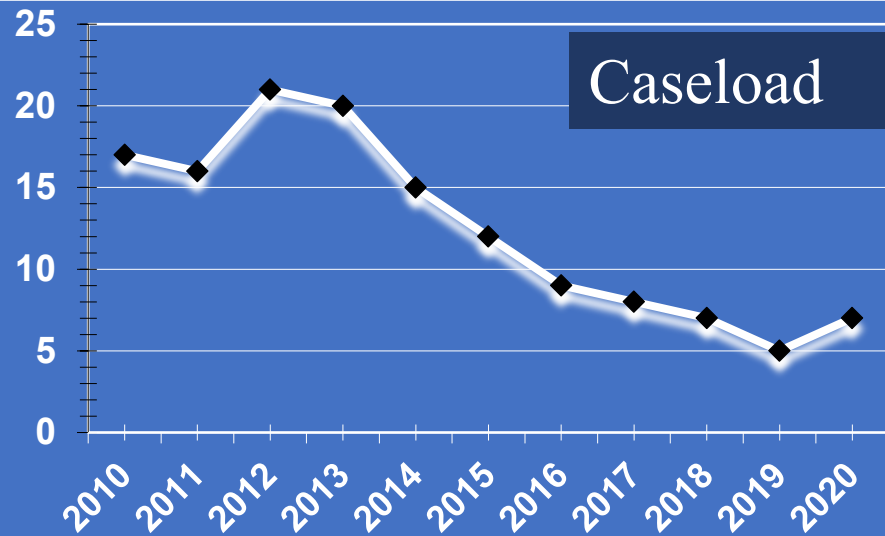
22% on conditional release

Caseload Increase	
2021	22
2019	13
2017	7

	Initial	Certify	Total
2020	6	7	13
2019	11	7	17
2018	10	2	12
2017	6	0	6
2016	8	1	9
2015	1	1	2

Juvenile REI Snapshot

- Responsible Except for Insanity
- EOJ at 25 years or max sentence
- 2 new cases in 2019-21
- 43% on CR
- 14 hearings in 2019-21
- Outreach initiative



Adult GEI Snapshot

- 620: Total active clients (01/01/2021)
- 375: Conditionally released (60%)
- 238: Committed at OSH (40%)

2019=575; 7% Increase

Adult Client Demographics (as of 1/1/2021)

Clients:	In OSH	238
	On CR	375
Gender:	Male	83.2 %
	Female	16.1 %
	Trans	0.6%
Average Age:	45.5 years old	
Ethnicity:	Asian	1.83 %
	Black	6.15 %
	Hispanic	5.98 %
	Native American	2.66 %
	White	81.89 %
	Other	1.50 %
Primary Diagnoses:	Schizophrenia / Bi-Polar Disorder	
Secondary Diagnoses:	Substance Abuse / Developmental Disabilities	

- 100% for Felony Offenses
 - A Felony – 50.4%
 - B Felony – 18.5%
 - C Felony – 17.3%
 - Unclassified – 13.8%
- 0.0% for Misdemeanor Offenses*

Adult Clients
by Crime Categories
(as of 1/1/2021)

** As of 1/1/2012,
misdemeanors no
longer eligible for
PSRB jurisdiction.*

Increased Hearings

Sunset of State Hospital Review Panel 2018

Comparison of January-June Sum of Hearings

Average of 135.4 full
hearings/year

175 full hearings

2014–2018

2019

2020

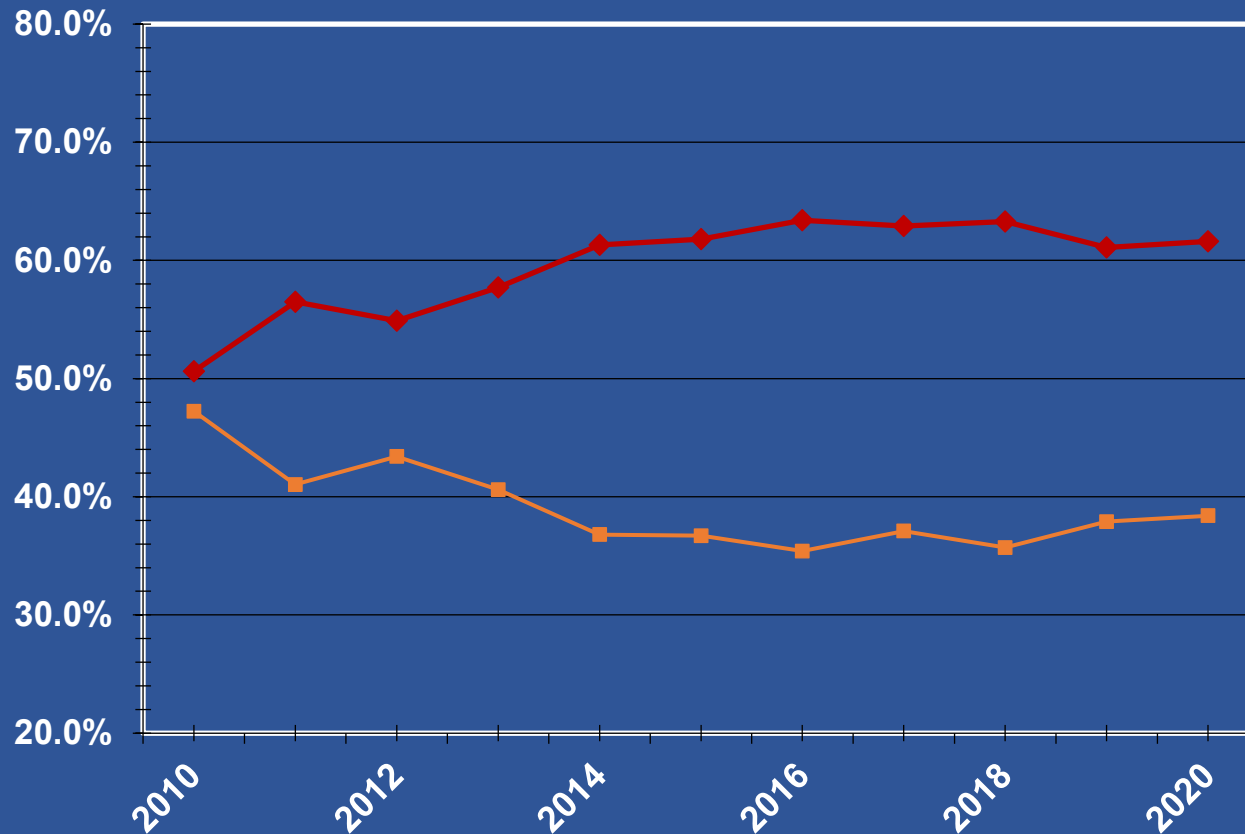
Hearing Types

- Initial
- 2-Year
- Hospital Request
- Patient Request
- Outpatient Supervisor Request
- 5-Year
- Revocation
- Administrative

159 full hearings

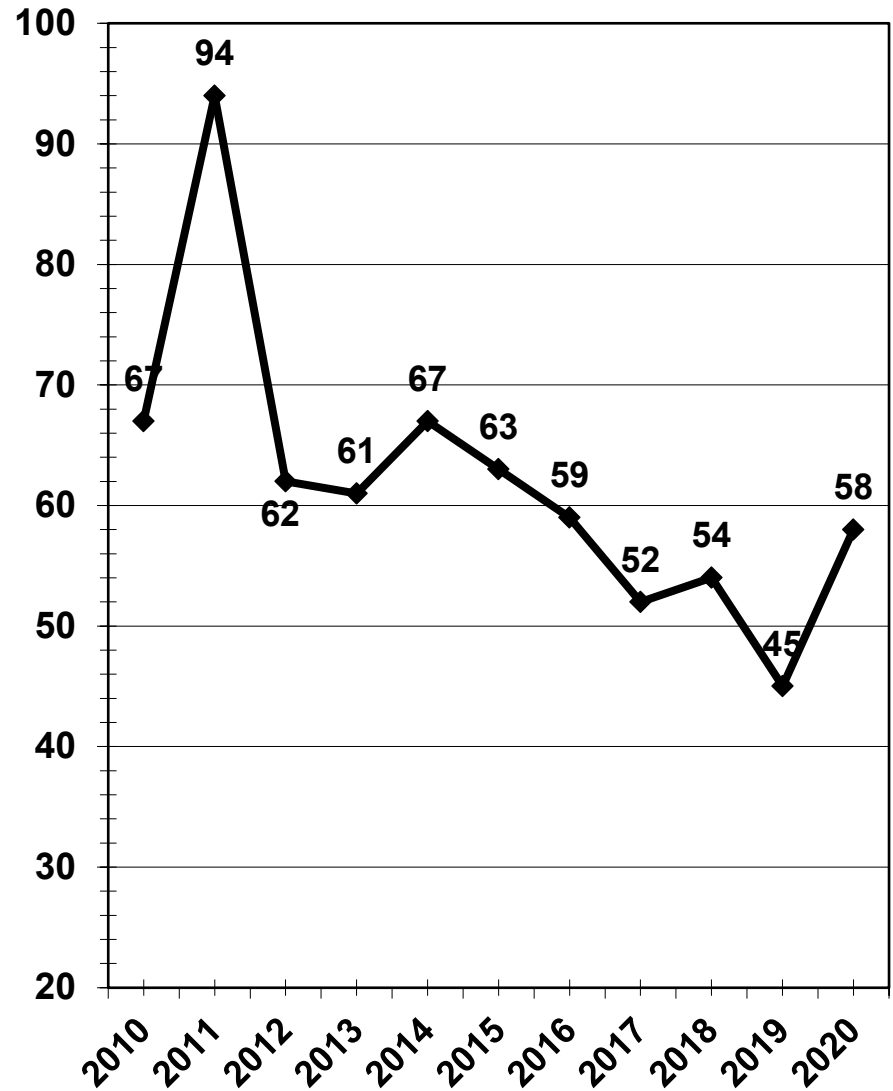
Percentage of GEI Clients on Conditional Release vs in OSH

(approximate as of 12/31 of given year)



	On CR	At OSH
2020	61.6	38.4
2019	61.1	38.9
2018	63.3	35.7
2017	62.9	37.1
2016	63.4	35.4
2015	61.8	36.7
2014	61.3	36.8
2013	57.7	40.6
2012	54.9	43.4
2011	56.5	41
2010	50.6	47.2

Adult Clients Placed on Conditional Release by PSRB/SHRP (by Year)



1/1/2012 - GEI clients split between PSRB and SHRP
6/30/2018 - All GEI clients returned to PSRB jurisdiction

Residential Placements on CR

Secure residential treatment facility (SRTF) – 19%

Residential treatment home/facility (RTH/F) – 37%

Adult Foster Homes – 5%

Supported Housing (SH) - 15%

Independent living - 24%



Public Safety
Goals of
Monitoring &
Supervision

Recidivism

Relapse

Re-hospitalization

Revocation

Public Safety Through Monitoring, Supervision, and Treatment

Treatment & Supports

- Medication management
- Individual/group therapy
- Specialty tx (MAT, DBT, SO)
- SUD tx and self-help
- Peer support
- Skills training
- Community connection
- Housing
- Public Benefits
- Cultural service connections
- Supported Employment/Edu.
- Money Management

Monitoring & Supervision

- No contact with victim(s)
- Level system
- Medication oversight/supervision
- Driving/Travel limitations
- Payee Assigned
- Random, observed UA's
- See our "Special Conditions" Handbook

PSRB Oversight

- Immediate consultation with case managers during crises;
- Access to LEDS terminal;
- Monthly Progress Reports/ Incident Reports;
- Review Medication Letters;
- Review Pass Requests;
- Consult on modifications;
- Review and approve all modifications to conditional release plans;
- Revocation Authority—to local and state hospital

PSRB Recidivism Rate

as of 1/1/2020

*CRs in effect during the calendar year

Percentage of Adult and Juvenile
Clients Convicted of a New Felony or
Misdemeanor Committed while on
Conditional Release

	Adults on CR*	Juveniles on CR*	New Felonies or Misdemeanors	Percentage
2011	483	10	4	0.81%
2012	485	15	7	1.40%
2013	457	14	9	1.91%
2014	458	13	4	0.85%
2015	446	12	3	0.66%
2016	442	11	1	0.22%
2017	436	8	3	0.68%
2018	424	6	2	0.47%
2019	415	2	2	0.48%
2020	<i>Data not yet available.</i>			
				Average = .83%

2019-21 Summary Results

- Fulfilled our mandate to protect the public as evidenced by a cumulative 0.83% adult recidivism rate since 2012 through 2019; (.48% 2019).
- Conditionally released 104 individuals from the Oregon State Hospital and maintained 99% of them safely in the community despite barriers related to the COVID-19 pandemic.
- Avoided approximately 161 revocations to the Oregon State Hospital through excellent coordination of care with community providers.
- Scheduled 1,062 hearings for adult clients across 85 hearing days in 2019-20 and held all adult hearings within statutory time limits 99% of the time.
- Developed an agency strategic plan establishing a vision for the future, initiatives and goals.
- Utilized the PSRB Legislative Workgroup to partner with stakeholders across Oregon's forensic mental health system to examine the PSRB, draft forthcoming report, and establish recommendations for future work.

Major Initiatives in 2021-23

- Continue solid public safety record through a commitment to our mission and values.
- Training, Outreach, Education
 - Partner with stakeholders to devise goals related to PSRB Legislative Workgroup recommendations.
 - Develop and/or update training resource materials (e.g. handbook, attorney/judge guide, community placement guide, webinars).
 - Build JPSRB program through enhanced outreach and education.
 - Recruit and onboard of 4 Board members by June 2021.
 - Onboard new Deputy Director.
 - Support internal staff through succession planning, implementation of performance accountability and feedback plan, and use of technology to improve hearings/conditional release processes.
- Implement 2021 legislation (SB 200; SB 205; SB 206).
- Develop and implement agency technology plan, dependent on funding and staffing.
- Examine and update of Oregon Administrative Rules.
- Attend to other initiatives and goals in our strategic plan as time and resources permit.
- Commit to viewing these initiatives through a lens that enhances diversity, inclusion, and equity principles and eradicates racial injustice.

Challenges for the Board

- Increased caseload, request for additional 1.0 permanent staff denied; prevents focus on outreach; technology planning and implementation; and system improvement-related initiatives (Package 103—GRB—not recommended).
- Software supporting our database (ACCESS) phasing out and reduced technical support (Package 104).
- Balancing budget to accommodate payment of Board for each day of business (Package 102).
- Conditional releases have plateaued and budget cuts to community providers/services will likely further limit placement options.
- Lack of affordable, permanent housing creates bottlenecks in the system of care.
- Stigma and misconceptions impact housing and employment (background checks).
- COVID-19 exacerbates many of these challenges.
- Challenges outlined in the PSRB Legislative Workgroup Report.

Proposed Legislation

Minimal Fiscal Impact

- 2019-21 PSRB Legislative Workgroup
- **SB 200:** Requires district attorney of each county to adopt written policies concerning guilty except for insanity cases.
- **SB 205:** Authorizes court to commit person to state hospital or secure mental health facility during pendency of petition to commit person as extremely dangerous person with mental illness.
- **SB 206:** Modifies procedures when court orders conditional release of person found guilty except for insanity.

2021-23
Governor's
Recommended
Budget

- Proposed Service Level- \$3.643 million GF/11FTE (11.6% increase).
- These funds provide the Board with the minimum necessary resources for staff to manage their current workload within a 40-hour work week (but see challenges).
- Does not allow for any significant increase in workload or responsibilities that might result from new legislation.



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 2019, the PSRB placed individuals on conditional release 1,032 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 35 times.

The cumulative recidivism rate for the PSRB from 2011 through 2019 is less than one percent. By comparison, the most recent recidivism rate for individuals on Parole or Post-Prison Supervision is 18% and on Probation is 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, 2021)

620 Number of people currently under PSRB jurisdiction.

238 Number of people under PSRB jurisdiction in Oregon State Hospital.

375 Number of people under PSRB jurisdiction who are on conditional release from the state hospital.

SAFETY RECORD (January 1, 2011 to December 31, 2019)

1,032 Number of people on conditional release during the intervening 8 years.

35 Number of times those 984 people committed a felony or misdemeanor while on conditional release and were subsequently convicted of that crime.

0.83% Cumulative annual recidivism rate for PSRB clients since 2011.

99.4% Percent of adult conditional releases maintained in the community per month in 2019.

Psychiatric Security Review Board

Address: 610 SW Alder St.
Suite 420
Portland, OR 97205
Phone: 503-229-5596
Fax: 503-224-0215
Email: psrb@oregon.gov
Website: www.oregon.gov/psrb



2019-2024 Strategic Plan



Psychiatric Security Review Board
Due Process - Research - Recovery - Partnership

Thank you!

- [PSRB Website](#)
- [PSRB Strategic Plan](#)