

Psychiatric Security Review Board					
	2017-19 Actual	2019-21 Legislatively Adopted	2019-21 Legislatively Approved *	2021-23 Current Service Level	2021-23 Governor's Budget
General Fund	2,843,046	3,198,150	3,320,660	3,691,599	3,642,643
Other Funds	1,888	-	-	-	-
Total Funds	2,844,934	3,198,150	3,320,660	3,691,599	3,642,643
Positions	11	11	11	11	11
FTE	11.00	11.00	11.00	11.00	11.00
* Includes Emergency Board and administrative actions through January 2020.					

Program Description

The mission of the Psychiatric Security Review Board (PSRB) is to protect the public by ensuring people who have a psychiatric illness and/or intellectual disability and have been placed under the Board's jurisdiction as a result of committing a crime receive the necessary support to reduce the risk of future dangerous behavior. The Board's predominant body of work involves its statutory jurisdiction over people who have committed a crime and are found by a court to be guilty except for insanity (GEI). This work includes overseeing treatment outcomes for GEI clients who are committed to the Oregon State Hospital; coordinating treatment and case management for clients who are conditionally released from the State Hospital and receive services in community settings; revoking conditional release and ordering the return of clients to the State Hospital, as appropriate; and discharging clients from the Board's jurisdiction consistent with statutory requirements. In 2007, the Legislature expanded the Board's jurisdiction to include youth who have been found responsible of a crime except for insanity (REI). The Board is also responsible for conducting hearings for persons barred from possessing a firearm due to a mental health determination, supervising civil commitments for individuals deemed extremely dangerous, and conducting sex offender classification and relief hearings for GEI sex offenders.

The Board is comprised of two separate five member panels - one for overseeing adult clients and one for overseeing juvenile clients. Board members are appointed by the Governor and confirmed by the Senate and serve four-year terms. The Board largely delivers client services by conducting hearings related to confirming that PSRB jurisdiction remains appropriate, ensuring clients are being safely supervised and treated, and considering client requests for conditional release. The PSRB budget includes only the funding necessary to support the Board and monitor the individuals placed under its jurisdiction. Most of the budget reflects salaries and benefits for the program's 11 state employees; relatively small portions of the budget support rental costs for the PSRB's office space, technology expenses, state government service charges and Attorney General costs, board member stipends, and other services and supplies.

As of December 17, 2020, the PSRB had a census of 649 individuals. Of these, 622 were adults adjudicated as GEI, seven were juveniles found to be REI, and 20 were civil commitments. The preliminary Fall 2020 forecast from the Department of Human Services – Office of Forecasting Research and Analysis projects the PSRB’s adult GEI census will increase modestly from a monthly average of 609 in 2019-21 to an average of 618 clients per month in 2021-23.

CSL Summary and Issues

PSRB’s Current Service Level (CSL) budget totals \$3.7 million General Fund, which represents a \$0.4 million increase over the 2019-21 Legislatively Approved Budget. This increase is due to updated personnel and services and supplies inflationary costs.

Policy Issues

The PSRB’s success in helping clients manage their mental illness and reduce the risk of recidivism largely relies on the continuum of care funded through other state and local programs. Most of the resources to provide treatment for these individuals are part of the Oregon Health Authority budget for the Oregon State Hospital and community mental health programs. Changes in the availability of bed space at the State Hospital and capacity in the community impact the ability of PSRB clients to timely transition to lower levels of care. A small number of individuals also receive intellectual and developmental disability services through programs supported in the Department of Human Services budget.

Despite the expansion of its responsibilities over the past several years, PSRB’s primary workload remains focused on adults adjudicated GEI. SB 420 (2011) had changed the jurisdiction of certain GEI offenders by placing those who committed a “tier one” crime under the jurisdiction of PSRB and those who committed a “tier two” crime under the jurisdiction of the Oregon State Hospital Review Panel while committed to the State Hospital. SB 65 (2017) eliminated the State Hospital Review Panel and consolidated the oversight of all GEI persons to PSRB as of July 1, 2018. This resulted in the transfer of 75 individuals to PSRB’s jurisdiction, as well as any future GEI individuals who would have previously been under the jurisdiction of the State Hospital Review Panel. The bill also directed the Board to develop a restorative justice program to assist in the recovery process for crime victims.

The treatment system for these clients has also changed significantly commensurate with increased focus on serving more individuals with mental illness in the community. Prior to 2008, more GEI adults were treated at the State Hospital than the number placed on conditional release. This trend has reversed with a significant decline in the GEI population at the State Hospital; more than 60% of the GEI clients supervised by the PSRB are now on conditional release.

The PSRB is also responsible for the oversight of individuals who are civilly committed pursuant to ORS 426.701. This is a commitment type for those found by a court to be “extremely dangerous persons with mental illness.” The PSRB’s caseload has steadily increased since this statute took effect in 2013 and has doubled since 2017.

Other Significant Issues and Background

In 2019, the PSRB established a workgroup with system stakeholders and the chair of the Senate Judiciary Committee to address concerns with how clients are placed under the Board's jurisdiction; examine the process used for discharging clients; assess community resources available to support PSRB clients; and review the availability and quality of data related to client recidivism after PSRB's jurisdiction ends. The workgroup is also exploring concerns about PSRB civil commitments and court-ordered conditional release versus commitment to the Oregon State Hospital. By early February 2021, the workgroup plans to finalize its recommendations, including recommended statutory changes.

The staffing level necessary to effectively support the Board's work also remains a concern. When tier two GEI offenders were placed under the supervision of the State Hospital Review Panel, one PSRB position was eliminated to reflect the reduced workload. However, this position was not restored when the PSRB's supervision of tier two clients was reinstated in 2017. The responsibilities established through the sex offender reclassification program and jurisdiction over certain civil commitments, neither of which were supported with new staffing, have further added to the PSRB's workload concerns. Through the legislative workgroup, the PSRB identified that its Juvenile Panel continues to be a highly needed program for youth with serious mental conditions; however, a factor contributing to the agency's declining caseload of youth is the lack of resources it has to actively conduct outreach and train the legal and probation communities about this important alternative to youth incarceration. The PSRB has also identified board member stipends and the modernization of its reporting, file sharing, and database technologies as budget priorities in the 2021-23 biennium.

Key Performance Measures

A copy of the PSRB Annual Performance Progress Report can be found on the LFO website.

https://www.oregonlegislature.gov/lfo/APPR/APPR_PSRB_2020-09-29.pdf