

Psychiatric Security Review Board

Conditional Release and Community Treatment Facilities

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 placed under the jurisdiction of the PSRB for the maximum sentence length provided by statute for the crime. Depending on the offense, that can be for decades, or even 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 required.

Mission of the Psychiatric Review Board – Public Safety

Oregon state law is explicit that PSRB must put public safety first. ORS 161.336(10) states: “In determining whether a person should be committed to a state hospital or to a secure intensive community inpatient facility, conditionally released or discharged, the board shall have as its primary concern the protection of society.”

State law prohibits conditional release of a client into a community facility if the person poses a danger to others.

Conditional release under PSRB authority – Proven Public Safety Record

The PSRB has been successful in carrying out its mission. In the last 10 years, only 12 people out of the more than 1,200 who were first placed on conditional releases have been charged with new felonies.

The cumulative recidivism rate for the last 10 years for the PSRB is 2.2 percent. In comparison, the recidivism rate for individuals in the Department of Corrections system is 31.4 percent.

Most PSRB clients begin their treatment at the Oregon State Hospital. Clients who are able to move to conditional release are carefully monitored by the PSRB and could be immediately returned to the state hospital if they were to violate the terms of their release order.

Who is on conditional release: About half of the conditional releases cases since 1977 involved Class A felonies, about one quarter involved Class B Felonies, and about one quarter involved Class C felonies.

PSRB SNAPSHOT (MAY 2008)

745	Number of people currently under PSRB jurisdiction.
368	Number of people under PSRB jurisdiction in Oregon State Hospital.
377	Number of people under PSRB jurisdiction who are on conditional release from the state hospital.

SAFETY RECORD

1,239	Number of people who obtained their first conditional release in the last 10 years.
12	Number of people in last 10 years who were revoked as a result of being charged with a felony while on conditional release.
2.2%	Recidivism rate for PSRB clients since 1997.
31.4%	Recidivism rate for Department of Corrections.

GOVERNOR’S PSRB SITING WORK GROUP

Purpose: Make recommendations to the Governor and the 2009 legislature to strengthen PSRB siting process.

- Review and clarify roles and functions of state government, local government, and contractors.
- Identify opportunities to make the process consistent and transparent.
- Develop principles and guidelines for involving affected communities, neighborhoods, counties, cities, other public entities, and any other involved parties in the siting process.

Members: Representatives from the legislature, district attorneys, law enforcement, local governments, providers, consumers and crime victims.

FAQ

How is the length of time at the Oregon State Hospital established?

The period of time individual PSRB clients stay at OSH is based on a clinical assessment of the individual's mental status and progress in treatment at the hospital and a risk assessment as to their dangerousness as well as the availability of the appropriate resources in the community. If it is determined that a person can be safely placed and treated in a community setting, the PSRB attempts to find an appropriate opening in a local facility.

Is the state trying to move PSRB clients out of the state hospital and into the community and what kind of impact will that have on public safety?

Because of additional funding from the Oregon Legislature since 2005, an increased number of PSRB clients have been moved into a variety of new community placements, including Secure Residential Treatment Facilities (SRTFs). Since more of these facilities have opened, there has not been any increase in the recidivism rate.

Is it safe to move people who have committed violent crimes into the community? Why are you implementing this new policy?

State law prohibits the Board from putting anyone on Conditional Release who is determined to be presently dangerous to others. Additionally, before individuals are released, they go through a comprehensive screening process that includes four levels of review. In all cases, including person-on-person crimes, victims who want notification are contacted in advance, as is the District Attorney's office that first prosecuted the case.

Conditional Release is not a new policy. The PSRB has supervised clients in the community on conditional release since its inception in 1977. Over the past 10 years, 1,239 new conditional releases have been granted to individuals who have transitioned into community treatment in nearly every corner of Oregon. Some of these clients remain under supervision for decades or even life.

Who is notified when someone is up for conditional release?

By law, the district attorney from the committing county is notified along with the judge who signed the judgment order, and the victim(s), if they had requested such notification. Also the Attorney General's office, the client's attorney and the client's case manager are notified.

Additionally, the Governor's work group on PSRB siting is working on improvements to the notification system to develop principles and guidelines for involving affected communities, neighborhoods, counties, cities, other public entities, and any other involved parties in the siting process.

What are "Secure Residential Treatment Facilities?" Are they for people who have committed the most violent crimes?

No. Secure Treatment Facilities are a type of Residential Treatment Facility designed to have the highest level of care outside of the state hospital. A number of residents of these facilities have not committed violent crimes, but do require more intensive staffing ratios and mental health treatment.

For more information: Mary Claire Buckley, Executive Director of the Psychiatric Security Review Board at (503) 229-5596.

WHERE PSRB CLIENTS LIVE (May 2008)

Oregon State Hospital

- 370 individuals
- Locked 24/7
- 24-hour supervision
- Off-site privileges based on public safety and level of care needed.

COMMUNITY FACILITIES:

Secured Residential Treatment Facility (10.5% of Conditional Release Clients)

- Locked 24/7
- Egress controlled by staff
- 24-hour awake supervision
- Off-site privileges based on public safety and level of care needed
- 6-16 individuals per facility

Residential Treatment Facility (15%)

- Unlocked
- 24-hour awake supervision
- 6-16 individuals per facility

Residential Treatment Home (15%)

- Unlocked
- 24-hour awake supervision
- Up to 5 individuals per facility

Adult Foster Home (16.5%)

- Unlocked
- 24-hour staff
- Up to 5 individuals
- Some clients with state variance allow for four hours home alone

Semi-independent/ supported Housing (13.5%)

- Varies from individual apartments to shared housing
- Staff part time at the site

Intensive case management (3%)

- Independent living situation
- Staff contacts at least 2X per day with at least one at residence
- Case management team approach

Independent living (self, with family) (25.5%)

- In regular apartments or houses
- Frequent home visits by case manager

Other (1%)