

1 BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD
2 OF THE STATE OF OREGON

3 In the Matter) PSRB No. 05-2100
4 of) OSH No. 70380
5 TODD MICHAEL GIFFEN) Lane County No. 22-04-11806
6) COMMIT ORDER
7)

8 This matter came before the Psychiatric Security Review Board on December 12, 2007,
9 for a hearing pursuant to ORS 161.341(7)(b). Board members present were Barry Kast,
10 Norwood Knight-Richardson, M.D. and Julia J. Hurlburt, P.P.O., Acting Chair. Todd Giffen
11 was present with his attorney, Harris Matarazzo; Assistant Attorney General Douglas Marshall
12 was present representing the State. The burden of proof as well as the burden of going forward
13 was on the State.

14 At the outset of the hearing, the parties stipulated that Todd Giffen suffers from a mental
15 disease or defect. The State indicated that continuing jurisdiction is appropriate and thus
16 opposed discharge or consideration of conditional release or an evaluation at this time. Mr.
17 Matarazzo requested discharge on behalf of his client or, in the alternative, requested that he be
18 found appropriate for conditional release or, in the alternative, asked that an evaluation be
19 ordered.

20 The Board, having heard testimony and having received twenty-nine exhibits without
21 objection, and after considering all the evidence admitted on the record, FINDS AS FACT that:

- 22 1. Todd Giffen was found guilty except for insanity of the crime of Unlawful Use of
23 a Weapon and was placed under the jurisdiction of the Psychiatric Security
24 Review Board for a maximum period of time not to exceed 5 years by Lane
25 County Circuit Court Judge Lauren Holland on March 02, 2005.
- 26 2. Todd Giffen is affected by a mental disease or defect as demonstrated by the
stipulation of the parties at the outset of the hearing.
3. Todd Giffen, without adequate supervision and treatment, would continue to
present a substantial danger to others as demonstrated by the underlying facts

1 shown by the evidence, including the expert testimony of Beverly Matthews-
2 Brylski, M.D., at the hearing, the circumstances surrounding the crime of
3 Unlawful Use of a Weapon for which he was placed under the jurisdiction of the
4 Psychiatric Security Review Board as noted in Exhibit 5, as well as the
5 information contained in Exhibits 6, 8, 9, 23, 28 and 29.

6 4. The State sustained its burden of proving by a preponderance of the evidence that
7 Mr. Giffen continues to be affected by a mental disease or defect and continues to
8 be a substantial danger to others and that he should not be discharged from the
9 jurisdiction of the Board.

10 5. Todd Giffen could not be adequately controlled and treated in the community if
11 he were conditionally released at this time. This finding is based upon the expert
12 testimony of Beverly Matthews-Brylski, M.D., at the hearing as well as the
13 information contained in her Progress Note Update as found in Exhibit 29.

14 The Board CONCLUDES AS A MATTER OF LAW that:

15 1. Todd Giffen, being affected by a mental disease or defect which, when active,
16 renders him a substantial danger to others, is under the jurisdiction of the
17 Psychiatric Security Review Board.

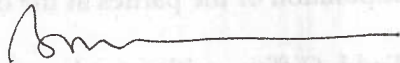
18 2. Todd Giffen is not a proper subject for conditional release because he could not
19 be adequately controlled and treated in the community and therefore it would not
20 be in the best interest of justice and the protection of society to release him at this
21 time.

22 IT IS HEREBY ORDERED, pursuant to ORS 161.346(1)(c) and 161.351(2) that Todd
23 Giffen be continued in commitment at a state hospital designated by the Department of Human
24 Services for care, custody and treatment.

25 The Board further noted that it will consider ordering a community evaluation when Mr.
26 Giffen has been moved from the maximum security ward to a medium security ward and he
receives the recommendation for such and evaluation by his treatment team.

This order may be appealed pursuant to ORS 161.385(8).

DATED this 19th day of December, 2007.



Psychiatric Security Review Board Member