

BEFORE THE PSYCHIATRIC SECURITY REVIEW BOARD
OF THE STATE OF OREGON

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

This matter came before the Psychiatric Security Review Board on December 12, 2005, for a hearing pursuant to ORS 161.336(5). Board members present were David Audet, J.D., Norwood Knight-Richardson, M.D., and Clifford Johannsen, Ph.D., Chair. Todd Giffen was present with his attorney, Harris Matarazzo; Assistant Attorney General Susan Gerber was present representing the State. The burden of proof as well as the burden of going forward was on the State.

At the outset of the hearing, the parties stipulated to the propriety of the Board's jurisdiction; that is, that Todd Giffen was found guilty except for insanity of the crime of Unlawful Use of a Weapon and was placed under the jurisdiction of the Psychiatric Security Review Board for a maximum period of time not to exceed 5 years by Lane County Circuit Court Judge Lauren Holland on March 02, 2005; that Mr. Giffen is affected by a mental disease or defect and that when his illness is active he presents a substantial danger to others. The parties further stipulated to the propriety of the revocation of Mr. Giffen's conditional release on November 18, 2005. The State opposed conditional release at this time. Mr. Matarazzo requested that his client be found appropriate for conditional release once stabilized with administrative review of any new plan.

The Board, having heard testimony and having received sixteen exhibits without objection and after considering all of the evidence admitted on the record, accepts as FINDINGS OF FACT the stipulations of the parties as set forth above. In addition, the Board FINDS AS FACT that:

1. Todd Giffen can be adequately controlled and treated in the community. This finding is based upon the expert testimony of John Meyer, M.D., at the hearing as well as the information contained in a letter from Mr. Giffen's conditional release supervisor as found in Exhibit 16.
2. The supervision and treatment necessary for Mr. Giffen's conditional release are not available in the community at the present time. This finding is based upon the information contained in Exhibit 16 which indicates that there is no appropriately secure and structured residential placement available for Mr. Giffen at this time.

The Board CONCLUDES AS A MATTER OF LAW that:

1. There were reasonable grounds, based on the decompensation of Todd Giffen's mental health, to revoke his conditional release on November 18, 2005.
2. Todd Giffen, being affected by a mental disease or defect which, when active, renders him a substantial danger to others, is under the jurisdiction of the Psychiatric Security Review Board.
3. Todd Giffen is a proper subject for conditional release, however, the supervision and treatment necessary are not currently available in the community. Therefore, it would not be in the best interest of justice and the protection of society to release him at this time.

IT IS HEREBY ORDERED, pursuant to ORS 161.346(1)(c) that Todd Giffen be continued in commitment at a state hospital designated by the Department of Human Services for care, custody and treatment pending the availability of a plan with the supervision and treatment necessary for his conditional release.

This order is subject to administrative review by the Board upon receipt of a verified conditional release plan.

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

DATED this 22 day of December, 2005.

Clyde D. Johnson Ph.D.
Psychiatric Security Review Board Member