



**STATE OF ARIZONA  
PSYCHIATRIC SECURITY REVIEW BOARD  
MINUTES OF GENERAL SESSION  
September 25, 2015**

**Arizona State Hospital – Forensic Wildflower Building  
2500 East Van Buren Street, Phoenix, AZ 85008**

Members Present:

Carol Olson, MD, Chair  
Susan Stevens, ESQ  
Julio Ramirez, PhD, Vice-Chair

Members Absent (Excused):

Paul O'Connell

Assistant Attorneys General Present:

Mary Williams, Esq. for the Psychiatric Security Review Board  
Lou Caputo, Esq. for the Arizona State Hospital

Staff Present:

Denise Dumond, Executive Director

Visitors Present:

Jason Kinsman, Office of Public Advocate  
Stefanie Jones-Campbell, Pinal County Public Defender  
Anne Phillips, Maricopa County Legal Defender  
Robert Trebilcock, Attorney  
Maggie Shelton, AA  
Southwest Behavioral Health Services reps (Donna and unknown person)  
Stevie Willis, POCN,  
Harriet Bense, Maricopa County Attorney's Office.

## **I. CALL TO ORDER**

Dr. Olson called the meeting to order at 1:04 PM, read the Executive Session Confidentiality Statement, and swore in the individuals who would be testifying during the meeting.

## **II. STATUTORY HEARINGS**

1. **KELLY BLAKE – PSRB CASE NO. 01-10**

Findings: Ms. Blake was present with her attorney, Ms. Tammy Wray. The hearing was held from 1:05 PM to 1:08 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

This statutory hearing was held pursuant to A.R.S. § 13994(H), to determine whether Ms. Blake no longer suffers from a mental disease or defect, whether the mental disease or defect, if any, is in stable remission, whether Ms. Blake no longer needs ongoing treatment for a mental disease or defect, and whether Ms. Blake is not dangerous or has a propensity to reoffend.

ASH had no recommendations. Ms. Wray stated Ms. Blake was approved to participate in animal assisted therapy, and she has been doing very well learning to advocate on behalf of herself.

Motion: A motion was made by Susan Stevens to deny conditional release for Ms. Blake based upon the evidence presented by the Arizona State Hospital’s Treatment Team, that Ms. Blake did not prove by clear and convincing evidence that she no longer suffers from a mental disease or defect and she is no longer dangerous. Ms. Blake shall remain committed at the Arizona State Hospital. The motion was seconded by Dr. Ramirez and passed unanimously.

2. **RODNEY WOODVILLE - PSRB CASE NO. 13-15**

Findings: Mr. Woodville was present with his attorney, Mr. John Blischak. The hearing was held from 1:08 PM to 1:10 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

This statutory hearing was held pursuant to A.R.S. § 13994(H), to determine whether Mr. Woodville no longer suffers from a mental disease or defect, whether the mental disease or defect, if any, is in stable remission, whether Mr. Woodville no longer needs ongoing treatment for a mental disease or defect, and whether Mr. Woodville is not dangerous or has a propensity to reoffend.

ASH had no recommendations. Mr. Blischak requested a two-month continuance.

Motion: A motion was made by Dr. Olson that the PSRB continue the hearing two months to November 20, 2015. The motion was seconded by Susan Stevens and passed unanimously.

3. **MICHAEL MCGUFFIN – PSRB CASE NO. 03-06**

Findings: Mr. McGuffin was present with his attorney, Mr. John Blischak. The hearing was held from 1:10 PM to 1:22 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

This statutory hearing was held pursuant to A.R.S. § 13994(H), to determine whether Mr. McGuffin no longer suffers from a mental disease or defect, whether the mental disease or defect, if any, is in stable remission, whether Mr. McGuffin no longer needs ongoing treatment for a mental disease or defect, and whether Mr. McGuffin is not dangerous or has a propensity to reoffend.

ASH recommended Conditional Release to ASH, Levels 3-4, under the new level system. There was discussion regarding the new level system policy and whether or not this level would involve travel.

Motion: Dr. Ramirez made a motion that the PSRB approve Mr. McGuffin for Conditional Release to the Arizona State Hospital, Levels 3-4, and adopt the Conditional Release Transitional Treatment Plan, based on the evidence presented by the Arizona State Hospital's Treatment Team, that Mr. McGuffin's mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the Arizona State Hospital and is compliant with the terms of his conditional release and the transitional treatment plan presented today. The motion was seconded by Dr. Olson. Ms. Steven voted nay. The motion did not pass due to the requirement that it must be approved by at last three board members.

Motion: Dr. Olson made a motion to continue the matter to the November PSRB hearing. The motion was seconded by Dr. Ramirez. Ms. Stevens voted nay. The motion passed.

4. **JILL MANAHAN – PSRB CASE NO. 09-10**

Findings: Ms. Manahan was present with her attorney, Mr. Jason Kinsman. The hearing was held from 1:22 PM to 1:24 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

ASH recommended Conditional Release to ASH, Levels 1-2.

Motion: Dr. Ramirez made a motion that the PSRB approve Ms. Manhan for Conditional Release to the Arizona State Hospital, Levels 1-2, and adopt the Conditional Release Transitional Treatment Plan, based on the evidence presented by the Arizona State Hospital's Treatment

Team, that Ms. Manahan's mental disease or defect is in stable remission and she is not dangerous if she remains a resident of the Arizona State Hospital and is compliant with the terms of his conditional release and the transitional treatment plan presented today. The motion was seconded by Ms. Stevens and passed unanimously.

5. **JAMES MARSHALL LONGE – PSRB CASE NO. 10-12**

Findings: Mr. Longe was present with his attorney, Ms. Stephanie Jones-Campbell. The hearing was held from 1:24 PM to 1:40 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

ASH recommended Conditional Release to ASH, Levels 1-2. Testimony was provided by Daneen Pray, victim and sister of the deceased. Dr. Olson noted it appeared there was an error in the doctor's report because the report does not recommend any conditional release levels. Dr. Dingle clarified ASH is recommended Conditional Release to ASH, Levels 1-2.

Motion: Dr. Olson made a motion to recess into Executive Session to discuss clinical matters. The motion was seconded by Susan Stevens and passed unanimously. The Board recessed into Executive Session from 1:30 PM to 1:34 PM.

The Board returned to General Session at 1:34 PM.

Motion: A motion was made by Dr. Olson that the PSRB continue the hearing two months to November 20, 2015. The motion was seconded by Susan Stevens and passed unanimously.

Ms. Stevens requested the Risk Assessment be provided in this case. Discussion ensued regarding ASH's reasons as to why they will not provide Risk Assessments to the board. Dr. Dingle stated ASH would make a psychologist available to testify. The PSRB reports were also discussed. Ms. Stevens noted sometimes ASH answers Yes and No to questions in their reports, which does not allow for enough information for the board to make a determination regarding conditional release.

6. **LUIS ANGUAMEA – PSRB CASE NO. 09-12**

Findings: Mr. Anguamea was present with his attorney, Ms. Stefanie Jones-Campbell. The hearing was held from 1:40 PM to 1:45 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

This statutory hearing was held pursuant to A.R.S. § 13-994(H), to determine whether Mr. Anguamea no longer suffers from a mental disease or defect, whether the mental disease or

defect, if any, is in stable remission, whether Mr. Anguamea no longer needs ongoing treatment for a mental disease or defect, and whether Mr. Anguamea is not dangerous or has a propensity to reoffend.

ASH had no recommendations.

Motion: A motion was made by Susan Stevens to deny conditional release for Mr. Anguamea based upon evidence presented by the Arizona State Hospital's Treatment Team, that Mr. Anguamea did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect and he is no longer dangerous. Mr. Anguamea shall remain committed at the Arizona State Hospital. The motion was seconded by Dr. Olson and passed unanimously.

## 7. **EMMANUEL WAYNE HARRIS – PSRB CASE NO. 05-07**

Findings: Mr. Harris' attorney, Mr. Trebilcock was present and waived his client's presence. The hearing was held from 1:45 PM to 1:50 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

This statutory hearing was held pursuant to A.R.S. § 13-994(H), to determine whether Mr. Harris no longer suffers from a mental disease or defect, whether the mental disease or defect, if any, is in stable remission, whether Mr. Harris no longer needs ongoing treatment for a mental disease or defect, and whether Mr. Harris is not dangerous or has a propensity to reoffend.

ASH had no recommendations.

Motion: A motion was made by Dr. Ramirez to deny conditional release for Mr. Harris based upon evidence presented by the Arizona State Hospital's Treatment Team, that Mr. Harris did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect and he is no longer dangerous. Mr. Harris shall remain committed at the Arizona State Hospital. The motion was seconded by Susan Stevens and passed unanimously.

## 8. **WAYNE PHIFER – PSRB CASE NO. 09-09**

Findings: Mr. Phifer was present with his attorney, Mr. Chester McLaughlin. The hearing was held from 1:50 PM to 2:05 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. Mr. Duane Wagner, victim, was present by telephone. The digital recording serves as the official document until the PSRB approves the minutes.

This statutory hearing was held pursuant to A.R.S. § 13-994(H), to determine whether Mr. Phifer no longer suffers from a mental disease or defect, whether the mental disease or defect, if any, is

in stable remission, whether Mr. Phifer no longer needs ongoing treatment for a mental disease or defect, and whether Mr. Phifer is not dangerous or has a propensity to reoffend.

ASH requested Conditional Release to ASH, Modified Level 6.

Motion: Dr. Ramirez made a motion to continue to October 30, 2015, and stated that he would not continue until a copy of the patient Risk Assessment was provided to the PSRB in order to make an informed decision regarding any considerations of conditional release. The motion was seconded by Susan Stevens and passed unanimously.

Discussion ensued regarding the reasoning behind why ASH does not want to provide patient Risk Assessments. Dr. Dingle stated providing Risk Assessments breaks the chain in medical record confidentiality. Once it is given to the board, the patient has the right to ask for it, which breaks the chain.

Mr. McLaughlin stated his client waives his right to the Risk Assessment and requests that it be provided to the PSRB. He stated to continue the hearing another 30 days and make his client wait for an increase in privileges, when he has done everything right and this matter has nothing to do with him, is unfair to his client.

Dr. Olson stated there appears to be a difference of opinion between ASH and the PSRB. Ms. Stevens spoke to the need of the PSRB to assess Risk of Dangerousness, and patient Risk Assessments provide many details regarding work history, relationship history, etc., which assists the board in determining risk of dangerousness. Ms. Stevens and Dr. Olson also commented on the PSRB reports written by the providers sometimes do not provide enough information in which to base a decision on risk of dangerousness. Answering questions “yes” or “no” does not provide the board with enough information.

Dr. Ramirez stated, as a psychological evaluator, it is unprofessional and unethical for him to make a decision, knowing that other reports (risk assessment) exist that he does not have access to. There was much discussion regarding how to resolve this issue. Mr. McLaughlin suggested waiving his client’s right to the risk assessment and he would like to provide a copy to the PSRB now and requested the board read the report in Executive Session.

Dr. Olson stated ASH does not have issue with the board reviewing the Risk Assessment. ASH has an issue with the patient reading it. She stated the motion to continue one month to October was approved. The parties will have to see where the topic lies next month.

9. **SHERI ZULPO – PSRB CASE NO. 09-16**

Findings: Ms. Zulpo was present, and her attorney, Mr. Brad Bransky, was present by telephone. The hearing was held from 2:05 PM to 2:17 PM. Present at the hearing were Assistant Attorneys

General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

This statutory hearing was held pursuant to A.R.S. § 13994(H), to determine whether Ms. Zulpo no longer suffers from a mental disease or defect, whether the mental disease or defect, if any, is in stable remission, whether Ms. Zulpo no longer needs ongoing treatment for a mental disease or defect, and whether Ms. Zulpo is not dangerous or has a propensity to reoffend.

ASH recommends Conditional Release to the Community.

Dr. Ramirez requested a copy of the Risk Assessment dated August 7, 2015, referred to in the PSRB report, be provided to the board. Susan Stevens also stated the Risk Assessment is necessary in order to make an informed decision.

Mr. Caputo stated Dr. Mulla is present should the board members wish to ask him any questions, and suggested that the greater topic of ASH providing Risk Assessments be addressed outside of the PSRB hearing.

Dr. Olson recapped the overall topic of ASH not wanting to provide the PSRB with Risk Assessments for Mr. Bransky's benefit, who was present telephonically. Mr. Bransky stated his client is doing well and noted you cannot hold someone at the hospital because of this issue. His client did not expect this glitch today and noted that she cannot be kept in the hospital because of an issue between ASH and the PSRB. Dr. Olson reassured Mr. Bransky, as Chair, she will work diligently with ASH to try to resolve this issue.

Motion: Dr. Olson made a motion to continue to the October PSRB hearing, and hopefully, by that time the PSRB and ASH will have come to a resolution regarding the issue of Risk Assessments being provided to the board. The motion was seconded by Ms. Stevens and passed unanimously. Dr. Olson suggested Mr. Bransky call the Executive Director at the end of next week to receive an update on the resolution of this matter.

### **III. NEW BUSINESS**

#### **1. CHARLES HOLMES – PSRB CASE NO. 01-18**

Findings: Mr. Holmes was present with his attorney, Mr. Bernardo Garcia. The hearing was held from 2:17 PM to 2:25 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

This hearing was held at the request of the outpatient treatment team to allow Mr. Holmes to move from a 24-hour supervised residential treatment setting to a 16-hour supervised residential treatment setting.

Motion: Dr. Olson made a motion to amend the Conditional Release to the Community Plan to allow Mr. Holmes to move from residing in a 24-hour supervised residential treatment setting to a 16-hour supervised residential treatment setting. The motion was seconded by Dr. Ramirez and passed unanimously.

## **RETURN TO STATUTORY HEARING AGENDA ITEMS**

Motion: Dr. Olson made a motion to return to Agenda item Wayne Phifer – PSRB Case No. 09-09. The motion was seconded by Susan Stevens and passed unanimously. The Risk Assessment was provided to the members of the board and they recessed at 2:25 PM to read the report.

The Board returned to General Session at 2:54 PM.

### **10. WAYNE PHIFER – PSRB CASE NO. 09-09**

Findings: Mr. Phifer was present with his attorney, Mr. Chester McLaughlin. The hearing was held from 2:54 PM to 3:10 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. Mr. Duane Wagner, victim, was present by telephone. The digital recording serves as the official document until the PSRB approves the minutes.

This statutory hearing was held pursuant to A.R.S. § 13-994(H), to determine whether Mr. Phifer no longer suffers from a mental disease or defect, whether the mental disease or defect, if any, is in stable remission, whether Mr. Phifer no longer needs ongoing treatment for a mental disease or defect, and whether Mr. Phifer is not dangerous or has a propensity to reoffend.

ASH requested Conditional Release to ASH, Modified Level 6. The board was provided a copy of the Risk Assessment after Mr. Phifer waived his right to read the assessment. The board members read the assessment while in recess.

Motion: Dr. Ramirez made a motion to recess into Executive Session to discuss clinical matters. The motion was seconded by Dr. Olson and passed unanimously. The Board recessed into Executive Session from 3:00 PM to 3:07 PM.

The Board returned to General Session at 3:07 PM.

Motion: Ms. Stevens made a motion to vacate the previous motion to continue, and made a new motion that the PSRB approve Mr. Phifer for Conditional Release to the Arizona State Hospital, Modified Level 6, and adopt the Conditional Release Transitional Treatment Plan, based on the

evidence presented by the Arizona State Hospital's Treatment Team, that Mr. Phifer's mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the Arizona State Hospital and is compliant with the terms of his conditional release and the transitional treatment plan presented today. The motion was seconded by Dr. Ramirez and passed unanimously.

11. **SHERI ZULPO – PSRB CASE NO. 09-16**

Findings: Ms. Zulpo was present, and her attorney, Mr. Brad Bransky, was present by telephone. The hearing was held from 3:10 PM to 3:15 PM. Present at the hearing were Assistant Attorneys General Ms. Williams and Mr. Caputo. The digital recording serves as the official document until the PSRB approves the minutes.

The PSRB was provided a copy of the Risk Assessment, however, determined it was too lengthy to read and make a decision today.

Motion: Dr. Olson made a motion to withdraw the previous Motion to Continue, and made a new motion to direct the Executive Director of the PSRB to make arrangements for a telephonic hearing next week on Ms. Zulpo's matter and will coordinate with all parties to set up the hearing. This will allow the board members an opportunity to read the Risk Assessment, which they have now been provided, but is lengthy. The motion was seconded by Dr. Ramirez and passed unanimously.

#### **IV. OTHER BUSINESS**

- Discussion, consideration, and possible action related to future Agenda items. There were none.
- Discussion, consideration, and possible action related to July 24, 2015, and August 28, 2015, General and Executive Session Meeting Minutes. The board determined they will vote to approve the minutes at the October 30, 2015, PSRB hearing due to other members being absent today.

#### **V. ADJOURNMENT**

There being no further business, the meeting was adjourned at 3:20 PM.

Respectfully submitted by,

Prepared by,



---

Carol Olson, M.D., Chairperson

---

Denise Dumond, Executive Director