



**STATE OF ARIZONA
PSYCHIATRIC SECURITY REVIEW BOARD
GENERAL SESSION MINUTES
May 27, 2016**

Members:

Carol Olson, M.D., Chair
James Clark, M.D., Vice-Chair
Susan Stevens, Esq.
Julio Ramirez, Ph.D.
Paul O'Connell

Assistant Attorneys General:

Thomas Raine, Esq., for the Psychiatric Security Review Board
Louis Caputo, Esq., for the Arizona State Hospital

Staff:

Jaime Shapiro, Executive Director

Guests Present and/or Participating:

Annie Daniel	Keli Luther, Esq., Maricopa County Attorney's Office
Cammie Hanratty, ASH	Lynn Lydon, M.D., ASH
Cheryl Robinson	M. Akram Bhatti, M.D. ASH
Danette Cox	Manuel Gray, La Frontera
Greg Herrera, Jr., ASH	Shirley Hooks
Janine D. Hareen, Cenpatico	Stefanie Jones-Campbell, Pinal County Public Defender
Jeff Brady, ASH	Steven Dingle, M.D., ASH
Jeremy Young, La Frontera	Steven Harvey, Esq., Coconino County Public Defender ☪
Johanna Lippert, N.P., ASH	Susan Sanchez
John W. Blischak, Esq., Pima County Public Defender	
Jon Strickler, Mercy Maricopa Integrated Care	

Tammy Wray, Maricopa County Public
Defender
Teresa Toney

Thomas Maksemous, Esq., Mojave County
Public Defender ☎

☎ Indicates Telephone Participation

CALL TO ORDER

Carol Olson called the meeting to order at 1:05 p.m., read the Executive Session Confidentiality Statement and swore in any individuals who anticipated testifying during the meeting.

STATUTORY HEARINGS

Joleen Ovind – PSRB No. 14-05

Joleen Ovind was present with her attorney, Steven Harvey, who appeared telephonically. The statutory hearing was held from 1:07 p.m. to 1:21 p.m. pursuant to Arizona Revised Statutes (A.R.S.) §13-3994(N). The Arizona State Hospital (ASH) recommended revocation of Ms. Ovind’s current conditional release to the community.

Mr. Harvey noted that his client indicated to him that she would like to return to the community and requests that the Board not revoke her conditional release to the community, but rather defer consideration for revocation to a later time.

Ms. Ovind shared that she had a brief episode due to an adjustment to her medication. She added that she would prefer not to lose all the hard work she has put toward her conditional release. Paul O’Connell requested clarification with regard to the general length of time it takes for one to move through levels of conditional release. Lynn Lydon responded that, aside from one being “fast-tracked”, it takes a year-and-a-half to two years, which could mean that Ms. Ovind would spend the bulk of the remainder of her sentence in the Hospital. Dr. Lydon noted that an additional issue is finding Ms. Ovind proper placement in the community.

A motion was made by Julio A Ramirez, seconded by Susan Stevens and passed unanimously to recess into executive session at 1:12 p.m. to discuss confidential information pursuant to A.R.S. §38-431.03(A)(2).

After consideration in executive session, the Board reconvened in general session at 1:17 p.m.

In general session, Ms. Ovind asked the Board if there is any legal precedent for unconditional release prior to expiration of a term. Dr. Olson responded that unconditional release is mentioned in statute.

A motion was made by Carol Olson, seconded by Julio Ramirez and passed unanimously to revoke Joleen Ovind's conditional release at this time, that the Hospital has proven by clear and convincing evidence that Ms. Ovind's mental disease or defect is not in stable remission, however, the Board recognizes the fact that the change in stable remission was the result of a change in her outpatient treatment and recommends that the Board consider this matter again in three months, with the Hospital being able to request a hearing prior to that, so the Board can consider conditional release again.

Susan Sanchez – PSRB No. 11-02

Susan Sanchez was present with her attorney, Stefanie Jones-Campbell. The statutory hearing was held from 1:22 p.m. to 1:23 p.m. pursuant to A.R.S. §13-3994(H). Ms. Sanchez is requesting a change residence.

A motion was made by Susan Stevens, seconded by Julio Ramirez and passed unanimously to approve Ms. Sanchez's request to move to a new home.

Paula Kristine Hughes-Riccio – PSRB No. 11-04

Paula Kristine Hughes-Riccio was present with her attorney, Tammy Wray. This hearing was held from 1:23 p.m. to 1:35 p.m. pursuant to A.R.S. §13-3994(N). The Hospital recommended conditional release to the community.

Dr. Olson summarized that the Board understands that the residential setting will differ from the prior due to the consideration that the previous residence was not conducive to Ms. Hughes-Riccio's recovery. Ms. Wray discussed her client's mental status and requested that the Board approve the recommendation.

A motion was made by Julio Ramirez, seconded by Paul O'Connell to approve Paula Kristine Hughes-Riccio for conditional release to the community, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's Treatment Team, that Ms. Hughes-Riccio's mental disease or defect is in stable remission and she is not dangerous if she resides in the facility specified in the conditional release treatment plan and remains compliant with the terms of her conditional release and the conditional treatment plan presented today.

Prior to the vote, Keli Luther from the Maricopa County Attorney's Office (MCAO) shared the County's concern about the step-down from a 24-hour supervised setting to a 16-hour supervised setting. Dr. Olson noted that part of the issue with the 24-hour residential setting had to do with the different levels of stability of roommates at the residential setting. Ms. Wray, Ms. Luther, Ms. Hughes-Riccio and the Board participated in a discussion regarding

residential placement, Ms. Hughes-Riccio's employment and treatment. Dr. Lydon opined that a 24-hour residential setting would not only be contra-indicated but detrimental to Ms. Hughes-Riccio's health.

Dr. Olson called for the vote and the motion, as stated, passed unanimously.

David Rudolph Ortiz – PSRB No. 12-07

John W. Blischak was present and waived his client's presence. The statutory hearing was held from 1:36 p.m. to 1:37 p.m. pursuant to A.R.S. §13-3994(H). This hearing was continued from April 29, 2016.

A motion was made by James Clark, seconded by Julio Ramirez and passed unanimously to deny conditional release for David Rudolph Ortiz based on the evidence presented by the Arizona State Hospital's treatment team, that he 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. Ortiz shall remain committed in the Arizona State Hospital.

Vicky Dulcine Gee – PSRB No. 08-10

Vicky Dulcine Gee was present with her attorney, Tammy Wray. This hearing was held from 1:38 p.m. to 1:55 p.m. pursuant to A.R.S. §13-3994(H). The Hospital recommended conditional release to the Hospital, levels one and two, which includes off-grounds passes escorted by staff.

Danette Cox, a victim of the crime, gave heartfelt testimony describing her family's request that the Board deny the recommendation for conditional release, citing Ms. Gee's premeditation of murder. Keli Luther shared that the Maricopa County believes that Ms. Gee is still dangerous and also requested that the Board deny conditional release.

Ms. Wray summarized the letter that Ms. Gee wrote to the Board and argued that Ms. Cox's testimony was evidence of grief and loss rather than whether Ms. Gee can be maintained safely in the community.

Dr. Clark commented that when the Board considers conditional release for a person who committed a particularly heinous crime, it is appropriate to see an updated risk assessment prior to ruling on such a matter. Louis Caputo noted that the Hospital would not object to an updated risk assessment.

After discussion, a motion was made by Carol Olson, seconded by Julio Ramirez and passed unanimously to continue the matter to June in the hope that the Hospital would provide the Board with an updated risk assessment.

Terrance Anthony Mims – PSRB No. 15-01

Terence Anthony Mims was present with Thomas Maksemous, who appeared telephonically and filled in for Jake Chavez. This hearing was held from 1:56 p.m. to 2:00 p.m. pursuant to A.R.S. §13-3994(J). Mr. Mims' term expires in June and the Hospital is not recommending civil commitment.

The Board understands that the Department of Probation has informed the Hospital that they intend to revoke Mr. Mims probation and detain him upon his release. Johanna Lippert, Mr. Mims attending practitioner, Board members and Mr. Caputo participated in a discussion surrounding the details of the Department of Probation's intent.

A motion was made by Paul O'Connell, seconded by Julio Ramirez and passed unanimously to allow its jurisdiction over Terrance Anthony Mims expire without ordering the County Attorney to initiate civil commitment proceedings based on the evidence presented and to allow the Arizona State Hospital's treatment team to conditionally release Mr. Mims to the Department of Probation in the community up to five days prior to the PSRB's jurisdiction expiration date.

Rodney Woodville – PSRB No. 13-15

Rodney Woodville was present with his attorney, John W. Blischak. This hearing was held from 2:00 p.m. to 2:03 p.m. pursuant to A.R.S. §13-3994(H). This hearing was continued from February so the client could obtain an independent evaluation. The Hospital is not recommending conditional release.

Mr. Blischak noted that the independent evaluation was completed and provided to the Board and Mr. Woodville. Mr. Woodville shared that he is doing his best to cooperate with the treatment team and described an absence of symptoms.

A motion was made by Julio Ramirez, seconded by James Clark and passed unanimously to deny conditional release for Rodney Woodville based on the evidence presented by the Arizona State Hospital's treatment team, that he 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. Woodville shall remain committed in the Arizona State Hospital.

Charles Vahnmiddlestate – PSRB No. 00-17

Charles Vahnmiddlestate was present with his attorney, John W. Blischak. This hearing was held from 2:00 p.m. to 2:03 p.m. pursuant to A.R.S. §13-3994(H). The Hospital is recommending a return to the community on conditional release.

Board members, Dr. Lydon, Dr. Dingle and Mr. Vahnmiddlestate discussed Mr. Vahnmiddlestate's residential placement. Dr. Olson mentioned that a RHBA typically will not provide both a 24-hour supervised residential placement and being followed by an ACT Team. Dr. Lydon said an exception was made.

After discussion, a motion was made by Carol Olson, seconded by Julio Ramirez and passed unanimously to approve Charles Vahnmiddlestate for conditional release to the community, and adopt the conditional release treatment plan, based on the evidence presented by the Arizona State Hospital's Treatment Team, that Mr. Vahnmiddlestate's mental disease or defect is in stable remission and he is not dangerous if he resides in the facility specified in the conditional release treatment plan, with the amendment that he will reside in a 24-hour supervised facility, and remains compliant with the terms of his conditional release and the conditional treatment plan.

DISCUSS, AMEND AND APPROVE MINUTES

A motion was made by James Clark, seconded by Julio Ramirez and passed unanimously to approve the February 26, 2016 general session minutes, as amended.

A motion was made by Julio Ramirez, seconded by Susan Stevens and passed unanimously to approve the February 26, 2016 executive session minutes, as written.

A motion was made by Paul O'Connell, seconded by Susan Stevens and passed 4 – 0 to approve the March 25, 2016 general session minutes, as written.

A motion was made by Paul O'Connell, seconded by Susan Stevens and passed 4 – 0 to approve the March 25, 2016 executive session minutes, as written.

DISCUSSION, NOMINATION AND ELECTION OF A VICE-CHAIRPERSON

Julio Ramirez nominated James Clark for Vice-Chairperson; the nomination was seconded by Susan Stevens and passed unanimously.

NEW BUSINESS

Dr. Olson informed the Board that she is meeting with the Governor's office to discuss some of the issues related to the Executive Director's position, the role of the State Hospital in the PSRB and that Dr. Ramirez has not been re-nominated for another term.

ADJOURNMENT

The meeting was adjourned at 2:15 p.m.