



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES April 28, 2017

Members:

James P. Clark, M.D., Chairperson
Susan Stevens, Esq.
Paul O'Connell ☞
Chandrika Shankar, M.D.
Michael J. Klemens, Ph.D.

☞ Absent

Assistant Attorneys General:

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

Staff:

Jaime L. Shapiro, Executive Director

Guests Present and/or Participating:

Agnes Iado	Dawood Mulla, M.D., ASH
Alexandra Martinez, ASH	Diane Wagner, ASH
Alisa Martinez, ASH	Dyamond Speer
Ami Filler, ASH	Greg Herrera, Jr., ASH
Andrew Blischak, Esq.	Guyago Dedenya
Anna Clermont, ASH	Jacqueline Bachalier, ASH
Brian Lapinski, ASH	Jeff Stororuk
Chester B. McLaughlin, IV, Esq. ☎	Jessica Bullock, ASH
Connie Williams, AHCCCS	Jessica Lamar, ASH
David Banjaida	Jessica Uvero, ASH
David Joslyn, ASH	Jon Strickler, Cenpatico

Joseph Otodo
Julie Jackson, ASH
Kasai Welch, La Frontera
Kennedy Klagge, Esq., Yavapai County
Deputy Public Defender ☞
Lindsey Arendt, ASH
Lisa Wynn, ASH
Louis Tapia
Manuel Gray, La Frontera
Margaret McLaughlin, ASH
Mary Montgomery, M.D., ASH
Melissa Falls, ASH
Michael Roach, ASH
Nicole Floyd, ASH
Nora Greer, Esq.
Patrina Yazzie, MMIC
Paul Knost, Esq., Office of the Legal
Advocate

Penny Sterrett, AHCCCS
Rebecca Romeo, ASH
Regan O'Brien, M.D., ASH
Robert J. Trebilcock, Esq.
Roger Olin, Clergy
Sandra Carr, Esq.
Sayfora Sroba
Siria Tapia
Sontos Banjaida
Steven Dingle, M.D., ASH
Tammy Wray, Esq., Maricopa County
Deputy Public Defender
TC Skaggs, ASH
Telly Rivenburgh, Cenpatico
Tiffany Beatty, ASH
Timothy J. Eckstein, Esq.
Victoria Johnson, @Work Staffing

☞ Participated Telephonically

Call To Order:

James Clark called the meeting to order at 1:03 p.m. and read the Executive Session Confidentiality Statement:

“Minutes of and discussions made in executive session are required by law to be kept confidential and shall not be communicated to any person outside this meeting room, except to members of the Board, a person who is the subject of the discussion pursuant to Arizona Revised Statutes (A.R.S.) §38-431.03(A)(1), the auditor general in connection with an audit authorized by law and the attorney general.”

Dr. Clark swore in individuals who anticipated testifying. He introduced the new Board members and provided a brief background for each.

Statutory Hearings:

John Michael Lewis – PSRB No. 08-04

John Lewis was present with his attorney, Timothy J. Eckstein. The statutory hearing was held from 1:07 p.m. to 1:17 p.m. pursuant to A.R.S. § 13-3994(H). The outpatient treatment

team recommended that Mr. Lewis's conditional release to the community order be amended to allow Mr. Lewis to self-administer his medications.

Mr. Eckstein summarized that the Board reduced medication monitoring September of 2016 and added that during the time since Mr. Lewis remained psychiatrically stable and compliant with all terms of conditional release.

Chandrika Shankar asked the treatment team to discuss Mr. Lewis's insight into the crime and his perception about the events of that particular day. Manuel Gray from La Frontera was present and was sworn in. He said that he could not answer the question, as he does not work directly with Mr. Lewis. Mr. Eckstein said that he could answer contemporaneously as he was Mr. Lewis's attorney since the index crime was committed; however, it is not something that he had discussed with Mr. Lewis. Dr. Clark said he wished to discuss a clinical matter.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to recess into executive session at 1:11 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 open session at 1:16 p.m.

In open session, a motion was made by Susan Stevens, seconded by James Clark and passed 4 – 0 to remove the requirement for medication monitoring from Mr. Lewis's terms of conditional release, based on the recommendation by the outpatient treatment team.

Tony Gene Sackman – PSRB No. 09-06

Tony Sackman was present with his attorney, Sandra Marie Carr. The statutory hearing was held from 1:18 p.m. to 1:20 p.m. pursuant to A.R.S. § 13-3994(H). There was no recommendation at that time.

Ms. Carr shared that her client has been compliant with treatment and will focus on attending more meetings in the future.

A motion was made by Susan Stevens, seconded by Michael Klemens and passed 4 – 0 to deny conditional release for Tony Sackman based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Sackman did not prove by clear and convincing evidence that he no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission and that he is no longer dangerous. Tony Sackman shall remain committed to the Arizona State Hospital.

Austin Dane Gealta – PSRB No. 11-06

Austin Gealta was present with his attorney, Kennedy C. Klagge, who appeared telephonically. The statutory hearing was held from 1:21 p.m. to 1:31 p.m. pursuant to A.R.S. § 13-3994(M), (N) and (J). ASH recommended court ordered evaluation for civil commitment.

Dr. Clark summarized the circumstances surrounding Mr. Gealta's return to ASH on April 20, 2017. Dr. Clark outlined that the Board must consider the following: whether the return to ASH was justified; whether revocation of conditional release is warranted; ASH's recommendation for court ordered evaluation; and rescinding the March 31, 2017 motion to allow the PSRB's jurisdiction to end with no further action. Thomas Raine, the Board's attorney, affirmed this.

Dr. Clark mentioned that non-compliance with the conditions of release is alleged. Patrina Yazzie, Care Manager from Mercy Maricopa Integrated Care (MMIC) was present and sworn in. Ms. Yazzie gave a detailed timeline of the events that led up to his return to ASH which involved going absent without official leave (AWOL), bizarre and disruptive behavior, and discovering marijuana and alcohol in Mr. Gealta's bedroom on April 17th.

A motion was made James Clark, seconded by Susan Stevens and passed 4 – 0 that Austin Gealta's return to the Arizona State Hospital was justified, based on the evidence presented, that Mr. Gealta has failed to comply with the terms of his conditional release and that the mental health of Mr. Gealta has deteriorated, and that Mr. Gealta remain at ASH for further evaluation and treatment.

After discussion, a motion was made by Susan Stevens, seconded by Michael Klemens and passed 4 – 0 that the PSRB revoke Conditional Release for Austin Gealta based on the evidence presented by the outpatient treatment team that Mr. Gealta has violated the terms of his conditional release and his mental condition has deteriorated and he is no longer in stable remission requiring that he remain at the Arizona State Hospital for further evaluation and treatment.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to rescind the order issued by the PSRB on April 4, 2017 entitled, "Order Of Jurisdiction, Pursuant To A.R.S. §13-502, To Expire Without Further Action".

After discussion, a motion was made by Chandrika Shankar seconded by Susan Stevens and passed 4 – 0 that the PSRB order the Yavapai County Attorney to initiate civil commitment proceedings for Austin Gealta pending the expiration of the PSRB's jurisdiction based on the

evidence presented and that the Arizona State Hospital's treatment team be allowed to conditionally release Mr. Gealta to the custody of an appropriate law-enforcement agency for transportation up to five days prior to the PSRB's jurisdiction expiration date.

Beverly N. Denny – PSRB No. 10-01

Beverly Denny was present with her attorney, Andrew J. Blischak, who appeared on behalf of assigned attorney, John W. Blischak. The statutory hearing was held from 1:33 p.m. to 1:36 p.m. pursuant to A.R.S. § 13-3994(J). ASH recommended a court ordered evaluation for civil commitment.

Steven Dingle, Chief Medical Officer of ASH, wanted to be sure ASH's recommendation is transmitted to evaluator the in Pima County that the ASH treatment team believes that Ms. Denny is ready for outpatient treatment.

Mr. Blischak shared that Ms. Denny wishes to return to El Paso, Texas to be with her family. It was clarified that a civil commitment order does not apply out of state.

A motion was made by Chandrika Shankar, seconded by Susan Stevens and passed 4 – 0 to order the Pima County Attorney to initiate civil commitment proceedings for Beverly Denny, pending the expiration of the PSRB's jurisdiction, based on the evidence presented and that the Arizona State Hospital's treatment team be allowed to conditionally release Ms. Denny to the custody of an appropriate law-enforcement agency for transportation up to five days prior to the PSRB's jurisdiction expiration date.

The Board took a break from 1:37 p.m. to 1:41 p.m.

Raphael Nyagong Wani – PSRB No. 08-06

Raphael Wani was present with his attorney, Tammy Wray. The statutory hearing was held from 1:42 p.m. to 2:22 p.m. pursuant to A.R.S. § 13-3994(H). ASH recommended conditional release to the community.

Dr. Clark summarized the packet materials. Dr. Dingle shared that ASH believes that Mr. Wani is ready to discharge to the community. Tammy Wray shared that her client has worked hard to get to this point and he speaks highly of the staff with whom he has worked. Mr. Wani developed an extensive community support system. Several people were sworn in to testify on Mr. Wani's behalf.

Roger Olin, Clergyman, shared that he met Mr. Wani as a religious advisor about nine years ago in the 4th Avenue Jail. Upon Mr. Wani's commitment to ASH, he requested that the

bible study continue. Mr. Wani responded well to the teachings and is devoted to the congregation, all members of which know and speak well of Mr. Wani.

David Banjaida was present and shared that he has known Mr. Wani since 1995 in Sudan and they were resettled in Arizona together. Mr. Banjaida believes that Ms. Wani is ready to be an active member of the community again.

Joseph Otodo testified that he has known Mr. Wani since his arrival to the United States and knew his parents before that. Mr. Otodo shared that Mr. Wani is doing well and is ready to be released into the community.

A motion was made by James Clark, seconded by Michael Klemens and passed 4 – 0 to recess into executive session at 1:54 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 open session at 2:19 p.m.

In open session, Board members and Ms. Wray discussed the possibility of assigning Mr. Wani to an ACT Team.

A motion was made by James Clark, seconded by Chandrika Shankar and passed 4 – 0 to grant conditional release to the community, and amend the conditional release treatment plan to assign Mr. Wani to an ACT Team for six (6) months upon discharge and to assign a RBHA Supportive Integrated Care Manager, based on the evidence presented by the Arizona State Hospital's Treatment Team, that Raphael Wani'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 and remains compliant with the terms of conditional release and the treatment plan amended today.

Louis Hurtado Tapia – PSRB No. 10-11

Louis Tapia was present with his attorney, Nora Greer. The statutory hearing was held from 2:23 p.m. to 2:39 p.m. pursuant to A.R.S. § 13-3994(H). The outpatient treatment team recommended a step-down from a 24-hour supervised residential setting to an eight (8) hour supervised residential setting.

Dr. Clark mentioned that there was a brief letter in the Board's packet and Jaime Shapiro said that Jon Strickler was present and could provide an explanation as to its meaning. Nora Greer requested that the Board accept the treatment team's recommendation. Ms. Greer informed the Board that the request to be heard was based on the treatment team's

recommendation and asked the Board that this hearing be treated as such. Ms. Shapiro assured her that it would.

A motion was made by Michael Klemens, seconded by Chandrika Shankar and passed 4 – 0 to recess into executive session at 2:29 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 open session at 2:37 p.m.

In open session, a motion was made by Susan Stevens, seconded by Chandrika Shankar and passed 4 – 0 to approve the recommendation to allow Mr. Tapia to step-down from a 24 hour supervised facility to an eight (8) hour supervised facility.

Jessica Marie Deckard – PSRB No. 15-02

Jessica Deckard was present with her attorney, Robert J. Trebilcock. The statutory hearing was held from 2:40 p.m. to 2:58 p.m. pursuant to A.R.S. § 13-3994(J). ASH did not recommend a court-ordered evaluation for civil commitment.

Dr. Dingle said the Special Classification Committee (SCC) was in agreement with the treatment team. Mr. Trebilcock shared that Ms. Deckard is looking forward to her next placement.

After discussion, a motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to recess into executive session at 2:42 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 open session at 2:57 p.m.

In open session, a motion was made by Susan Stevens, seconded by Chandrika Shankar and passed 4 – 0 that the PSRB allow its jurisdiction over Jessica Deckard to expire without ordering the Cochise 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 Ms. Deckard to a residential setting in the community up to five days prior to the PSRB's jurisdiction expiration date.

Jill Fraley Manahan – PSRB No. 09-10

Jill Manahan was present with her attorney, Paul Knost. The statutory hearing was held from 2:59 p.m. to 3:06 p.m. pursuant to A.R.S. §§ 13-3994(H) and (M) and 31-502(A)(5). ASH recommended revocation of conditional release.

Mr. Knost requested that the Board continue the hearing for two months so that he could prepare.

Dr. Clark mentioned that Ms. Manahan's privileges had been suspended. Dr. Clark asked the Board's attorney, Thomas Raine, to advise the Board as to the request to continue. Mr. Raine said that the PSRB has discretion as to whether they want to continue. ASH had no objection to continue.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to grant Ms. Manahan's to continue the hearing for two months and reset the matter for the June meeting.

Following the vote and a brief discussion, ASH reassured the Board that Ms. Manahan's privileges will remain in suspension until the Board revisits the matter.

Discussion, Amendment and Approval of Modifications to Conditional Release to the Community Orders for the Following:

Tahum Garland, PSRB No. 02-04

Ruben James Murray, PSRB No. 06-21

Tammy Wray said that her clients have no objection to the proposed amendments.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to amend the orders of conditional release, as drafted.

Wayne Charles Phifer, PSRB No. 09-09

Chester B. McLaughlin, Mr. Phifer's defense counsel, was teleconferenced and said that his client has no objections to the proposed amendments.

A motion was made by James Clark, seconded by Susan Stevens and passed 4 – 0 to amend the orders of conditional release, as drafted.

Jamarall Jordan, PSRB No. 04-01

Christopher William Lambeth, PSRB No. 07-06

These items were deferred to next month.

Discussion, Consideration and Possible Action Related to:

Update from the Board's Executive Director regarding Records Retention

Jaime Shapiro updated the Board as to the recently approved retention schedule and discussed the details of implementing the schedule. This includes retaining the help of two

volunteers once a week to assist. The Board discussed the difference between historical and non-historical records.

Verbal update from the Board's Attorney regarding Isaac Bonelli, PSRB Case No. 03-01

Mr. Raine shared that an arrest warrant had been issued and entered into the FBI's National Crime and Information Center (NCIC) database. This means that if Ms. Bonelli gets pulled over in any state, the officer will see the warrant and arrest him so the extradition process can begin. Additionally, Pima County Attorney's Office has offered their assistance in contacting officials in Texas to locate Mr. Bonelli.

State Hospital patient cellular phone use guidelines

Dr. Dingle said that for many years, patients on the Community Reintegration Unit (CRU) were allowed to have a flip-phone. Someone in the community sent several patients smartphones and the increased access to the internet and other applications posed an issue whereby patients were on their cellular phones during off hours and posting images of themselves while on Hospital grounds. At that point in time, ASH revisited the cell phone policy and decided that phones would be checked in and out at certain times.

Discussion, Amendment and Approval of Minutes:

Open and executive minutes from the March 31, 2017 meeting

This was deferred to next month.

Adjournment:

The Board meeting adjourned at 3:36 p.m.