



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD SPECIAL SESSION MINUTES June 22, 2017

Members:

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

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:

Darin Myler, United States Probation
Francesca Sanges, PSRB Intern
Gregory Herrera, Jr., ASH
Isaac Bonelli
Nora Greer, Esq.

Paula Perrera, Esq., Pima Deputy County
Attorney ☎
Stacey Roar, ASH
Telly Rivenburgh, Cenpatico

☎ Participated Telephonically

Call To Order:

James P. Clark called the meeting to order at 1:15 p.m.

Dr. Clark 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.

Roll Call:

Chandrika Shankar, Michael Klemens and Paul O’Connell participated via teleconference; James P. Clark and Susan Stevens participated in person.

Statutory Hearings:

Isaac Bonelli – PSRB No. 03-01

Isaac Bonelli was present with his attorney, Nora Greer. The statutory hearing was held from 1:16 p.m. to 1:48 p.m. pursuant to A.R.S. § 13-3994(M).

Dr. Clark said in June of 2013 the PSRB granted “unconditional” release to Mr. Bonelli based on: several reports from the Arizona State Hospital (ASH) reporting that Mr. Bonelli no longer suffered from a mental disease or defect and was not dangerous; an independent evaluation that concluded the same; and the Arizona Justice Project argued along the same lines. The Board considered his entire criminal history and propensity to reoffend.

Thomas Raine clarified that the colloquial term historically stated is “unconditional release” however; the statute refers to it as “release”.

Dr. Clark said that in September of 2013, the Gila River Police Department was called to a single vehicle accident where Mr. Bonelli was found with a loaded high-powered rifle, a loaded 9 mm handgun and drug paraphernalia and was subsequently arrested. During the same time, there was a robbery of two high-powered rifles from a Wal-Mart in Cave Creek, Arizona of which Mr. Bonelli was suspected. In October of 2013, Mr. Bonelli presented himself and requested entry into a Border Patrol station in Casa Grande, Arizona, claiming to be under secret orders from the Department of Homeland Security. The Border Patrol report of this incident commented that Mr. Bonelli appeared to be an “unstable cop-wannabe”. Mr.

Bonelli left the station and was apprehended in New Mexico by the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the State Police. Mr. Bonelli was subsequently convicted of Prohibited Possession and served three years in a federal penitentiary. In November of 2016, Mr. Bonelli was released to Maricopa County where the County Attorney's Office pursued and dismissed charges. When the PSRB inquired as to his whereabouts, the Board was informed Mr. Bonelli was in Texas. The Board issued an order for his return to ASH; he was extradited to Arizona and re-admitted on June 7, 2017. Further, the PSRB's jurisdiction over Mr. Bonelli expires on December 13, 2017.

Mr. Raine added that shortly after Mr. Bonelli was charged in 2013, the PSRB issued an order for his return to ASH and sought a warrant from the Pima County Superior Court, but no warrant was issued.

Nora Greer requested that the Board release Mr. Bonelli and allow him to return Texas. If the Board wants Mr. Bonelli psychiatrically examined, she requested it be completed on an outpatient basis. Ms. Greer added that Mr. Bonelli is currently under supervision of the Federal Probation system.

Darin Myler, United States Probation Officer, was present and testified Mr. Bonelli is under supervision for a term of three years expiring November 30, 2019. At the time Mr. Bonelli was taken into custody for purposes of extradition to Arizona, he was living with his mother in Texas, participating in mental health treatment and maintained employment for about a month. All required drug testing results under probation were negative.

Dr. Shankar requested details of Mr. Bonelli's probation conditions. Mr. Myler said Mr. Bonelli is required to adhere to a variety of standard and special conditions. Mr. Myler gave a general idea of the special conditions: drug testing; abstention from all use of alcohol; participation in mental health programming; maintain employment, job search or community service; live in a residential re-entry center for up to 60 days and finally; Mr. Bonelli is subject to a search of his person, property, residence, papers, vehicle and any computers of which he is in possession or control.

Mr. O'Connell and Mr. Myler discussed the administrative decision to move Mr. Bonelli's case to Arizona. It was clarified that Mr. Bonelli was compliant with all conditions of his probation. Mr. O'Connell asked Mr. Myler to opine as to whether Mr. Bonelli has a propensity for violent re-offending. Mr. Myler said, based on Mr. Bonelli's arrest history that it was clear to him that Mr. Bonelli does.

Dr. Klemens asked Mr. Myler if Mr. Bonelli had any disciplinary infractions while in federal custody; Mr. Myler later clarified that he had not.

Dr. Shankar asked Mr. Myler to detail any conditions of Mr. Bonelli's mental health treatment. Mr. Myler did not have that information.

Brief discussion ensued among Board members and staff as to whether the Board was able to access Mr. Bonelli's current mental health treatment records. Mr. Raine said that he would find out.

A motion was made by Dr. Clark, seconded by Susan Stevens that Isaac Bonelli's return to ASH was justified, based on the credible evidence presented that Mr. Bonelli's mental health has deteriorated, that he may be dangerous and has a propensity to reoffend. Mr. Bonelli shall remain at ASH pending a hearing to determine whether to revoke, modify or reinstate the Order of Release.

Dr. Clark said he based his motion on the Border Patrol report indicated that Mr. Bonelli had delusional thinking when he stated to Border Patrol Agents that he was under "special orders".

Dr. Shankar asked if deterioration has a certain timeline and Mr. Raine said there is nothing in statute that speaks to limitations of time. Mr. O'Connell mentioned that he would like to know the details of any programming Mr. Bonelli received while incarcerated.

Dr. Clark called for the vote and it passed 4 – 1.

Dr. Klemens opposed the motion citing the apparent deterioration several years ago and a large gap of information regarding his mental health since that time.

Ms. Stevens asked if ASH will be submitting a report for the hearing within 90 days, and Louis Caputo confirmed it would. Discussion was held among Board members, Board staff, Mr. Caputo and Ms. Greer as to when the next hearing would occur.

A motion was made by James P. Clark, seconded by Susan Stevens and passed unanimously to reset the matter for August 25, 2017.

Adjournment

The Board meeting adjourned at 1:49 p.m.