



Psychiatric Security Review Board

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www.azdhs.gov/psrb

ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

**September 17, 2018
PSRB Hearing Room
2500 E. Van Buren St.
Phoenix, AZ 85008**

Members:

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

☎ Participated by Telephone

☒ Absent

Assistant Attorney General:

Thomas Raine, Esq., for the Psychiatric Security Review Board

Staff:

Jaime L. Shapiro, Executive Director

Guests Present and/or Participating:

Ashley Blum, Esq., Defense Counsel
Brian Beckette, La Frontera-EMPACT
Cole Arigoni, Mercy Care
Joseph Sinkovich
Louis Caputo, Esq., Attorney for the Arizona State Hospital
Maiah Hughes, ASH
Manuel Gray, La Frontera-EMPACT
Tammy Wray, Esq., Defense Counsel

Call To Order:

James Clark called the meeting to order at 10:58 a.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.

Statutory Hearings:

Joseph Sinkovich – PSRB No. 98-09

Joseph Sinkovich was present with his attorneys, Tammy Wray and Ashley Blum. The statutory hearing was held from 10:58 a.m. to 11:21 a.m. pursuant to A.R.S. § 13-3994(M). Mr. Sinkovich was returned to the Arizona State Hospital (ASH) on September 4, 2018, and the PSRB considered whether the return was justified.

James Clark reviewed the material before the Board.

Tammy Wray asked Dr. Clark exactly which information he took into account that led to the issuance of the order to return Mr. Sinkovich to ASH. Dr. Clark stated that he received a phone call from the Board’s Executive Director, Jaime Shapiro, who relayed concerns from a member of the public. Ms. Wray asked if he had seen the Facebook posts at that time and Dr. Clark said they were read to him. Ms. Wray continued to question Dr. Clark and Thomas Raine stopped the line of questioning stating that there is nothing in statute that allows a Board member to be questioned as a witness.

Ms. Wray argued the best way to determine Mr. Sinkovich’s mental health is through his outpatient treatment team members who are familiar with his baseline mental status. She argued that they were not allowed to weigh in prior to his return, thus, the return is not justified. Dr. Clark stated that he is familiar with Mr. Sinkovich’s baseline as he has read each conditional release to the community monthly reports over the last two years which consistently assert that Mr. Sinkovich showed no evidence of psychosis or delusional thinking, and the verbal report from the member of the community represented a change in his mental health status. Ms. Wray argued once again that the outpatient treatment team should have been allowed to weigh in, that the Board should find that the return was not

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justified, and that Mr. Sinkovich be released from ASH back to his apartment and in the care of his outpatient treatment team.

Cole Arigoni stated that he took a phone call on the morning of September 4th from Ms. Shapiro who stated that she received a call from a member of the public who was concerned that Mr. Sinkovich's mental status was deteriorating. Mr. Arigoni explained that he called the case manager, Brian Beckette. Mr. Beckette reached out to Mr. Sinkovich who endorsed the political preoccupations that he posted on his Facebook account and further endorsed the belief that he was being followed by Donald Trump, Jr. Mr. Arigoni explained that it is his understanding that Dr. Clark based the need for Mr. Sinkovich to return to ASH on those endorsements.

Ms. Wray stated that there are a lot of people who endorse odd political beliefs who are not mentally unstable. She again argued that Dr. Clark is not familiar with Mr. Sinkovich's baseline mental status. Dr. Clark reiterated that he is familiar with Mr. Sinkovich's baseline by review of the monthly reports. Dr. Clark added that the evidence showed paranoia and delusions in the extreme and in his opinion, and the evidence he relied on did not deal only with political issues. Mr. Raine cautioned that if the discussion was to go into more detail that it should be done so in executive session.

A motion was made by James Clark that the PSRB finds that Joseph Sinkovich's return to the Arizona State Hospital was justified, based on the evidence presented, that there was reasonable cause to believe that Mr. Sinkovich's mental health has deteriorated to the point that he has failed to comply with the terms of his conditional release and that Mr. Sinkovich remain at ASH for further evaluation and treatment, pending a hearing within ninety (90) days to determine whether the PSRB will revoke, modify, or reinstate the Order of Conditional Release.

Mr. Raine suggested an amendment that the Board find "good cause" rather than "reasonable cause" pursuant to A.R.S. § 13-3994(M). Dr. Clark accepted the amendment, Susan Stevens seconded the amended motion and it passed 3 – 0.

Ms. Shapiro asked if the Board wished to set the next hearing. Board members and all parties held discussion and the November regularly scheduled hearing was favored, but the Board made no motion.

Dr. Clark asked when the appropriate time would be to discuss Mr. Sinkovich's standing travel order and Mr. Raine opined that it should be directly agendized for the 90 day hearing. Dr. Clark added that if and when Mr. Sinkovich is presented for conditional release to the

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community, he would like to see a detailed recommendation to include a more robust treatment plan with engagement in resources in the community, rather than simply med-checks and case management.

Adjournment:

The Board meeting was adjourned at 11:22 a.m.