



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

November 16, 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.

☞ Absent

Assistant Attorney General:

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

Staff:

Jaime L. Shapiro, Executive Director

Guests Present and/or Participating:

Amado Salas	Eric Miller, PSA
Andrew Falick, Esq. ☞	Erin D. Cohen, Esq., ASH
Ashley Blum, Esq.	Jacob Cote, Esq. ☞
Brian Bequette, La Frontera-EMPACT	Jim Wells ☞
Brooke Addario, ASH	Lei Ann Stickney
Cassie Durfee, ASH	Lillian Kuang, ASH
Cole Arigoni, Mercy Care	Lina Bui, ASH
Connie Wells-Breaton	Manuel Gray, La Frontera-EMPACT
Darren Bistline	Sandra Carr, Esq.
Deborah Bykowsky	Stephanie Kwakye, ASH

Steven Kwoh, M.D., ASH
Steven L. Harvey, Esq.

Tammy Wray, Esq.

☎ Participated by Telephone

Call To Order:

James Clark called the meeting to order at 1:05 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.

Emergency Hearing:

Robin Louise Hill – PSRB No. 15-04

Robin Hill and her attorney, John W. Blischak, were not present. The emergency hearing was held from 1:08 p.m. to 1:09 p.m. pursuant to A.R.S. §§ 13-3994(J) and 38-431.05(D). ASH recommended that the order for civil commitment be amended to allow ASH to conditionally release Ms. Hill six days prior to the PSRB’s expiration date.

Dr. Clark explained that the PSRB’s jurisdiction over Ms. Hill ends on November 22, 2018, and the Pima County Sheriff’s office was not able to arrange transportation in the five days normally allotted in a typical Board motion of this nature.

After discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed 3 – 0 to modify Ms. Hill’s order to allow ASH to conditionally release Ms. Hill six days prior to the PSRB’s expiration date.

Statutory Hearings:

Timothy James Bribriescio – PSRB No. 16-12

Timothy Bribriescio was not present and his attorney, Andrew Falick, appeared telephonically on behalf of assigned attorney, Kennedy Klagge. The statutory hearing was held from 1:10 p.m. to 1:13 p.m. pursuant to A.R.S. § 13-3994(H). This was an initial hearing and there was no recommendation.

Andrew Falick was teleconferenced into the hearing and stated that Mr. Bribriesco does not object to Mr. Falick's appearance on Kennedy Klagge's behalf. He added that Mr. Bribriesco takes issue with the psychiatric evaluation which states that he was found guilty except insane (GEI) of six counts of aggravated assault when he was found GEI of three counts of aggravated assault. Mr. Bribriesco also takes issue with the characterizations of his interactions with the treatment team and that the treatment team does not have his best interest when making such characterizations.

Deborah Bykowsky, Mr. Bribriesco's mother and guardian, was sworn in and testified that she and the treatment team discussed Mr. Bribriesco's medications and situations that have escalated his behaviors.

A motion was made by Susan Stevens, seconded by Michael Klemens, and passed 3 – 0 to deny conditional release for Timothy Bribriesco based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Bribriesco 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. Timothy Bribriesco shall remain committed to the Arizona State Hospital.

Jerry Lee Carter Wells, Jr. – PSRB No. 16-11

Jerry Wells was present with his attorney, Andrew Falick, who appeared telephonically on behalf of assigned attorney, Kennedy Klagge. The statutory hearing was held from 1:14 p.m. to 1:19 p.m. pursuant to A.R.S. § 13-3994(H). This was an initial hearing and there was no recommendation.

Jim Wells, Mr. Wells's brother, was teleconferenced into the hearing. Mr. Falick stated that Mr. Wells does not object to Mr. Falick's appearance on Kennedy Klagge's behalf. Jim Wells was sworn in and testified he and his family recently had a nice visit with Mr. Wells.

A motion was made by Michael Klemens, seconded by Susan Stevens, and passed 3 – 0 to deny conditional release for Jerry Wells based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Wells 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. Jerry Wells shall remain committed to the Arizona State Hospital.

Susannah K. Holm – PSRB No. 14-01

Susannah Holm was present with her attorney, Sandra M. Carr. The statutory hearing was held from 1:20 p.m. to 1:40 p.m. pursuant to A.R.S. § 13-3994(J) and 31-502(A)(5). The

PSRB's jurisdiction over Ms. Holm ends on December 11, 2018; ASH recommended a court-ordered evaluation for civil commitment. The PSRB also considered whether to continue, modify or terminate conditional release; ASH recommended revocation.

Jacob Cote, Mohave Deputy County Attorney, and Darrin Bistline, the victim, were teleconferenced into the hearing. Mr. Cote shared that the State supports both ASH recommendations. Mr. Bistline was sworn in and testified that he supports whatever decision the Board makes.

Ms. Carr stated that Ms. Holm was devastated when she was denied community release this past summer which led to a bump in the road. Ms. Carr outlined the support and treatment Ms. Holm will be receiving upon her return to Mohave County, and stated that Ms. Holm is open to a court order for treatment.

Discussion was held about the court-ordered evaluation process in Mohave County and which records the evaluating agency would receive.

After discussion, a motion was made by Susan Stevens, seconded by Michael Klemens, and passed 3 – 0 to revoke conditional release for Susannah Holm based on the evidence presented by the ASH treatment team, that Susannah Holm's mental disease or defect has deteriorated and is no longer in stable remission, that she failed to prove by clear and convincing evidence that she is no longer dangerous, and that Ms. Holm remain at the Arizona State Hospital for further evaluation and treatment.

A motion was made by Michael Klemens, seconded by Susan Stevens, and passed 3 – 0 to recess into executive session at 1:31 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 1:35 p.m.

In open session, Mr. Cote and Mr. Bistline were teleconferenced back into the hearing.

A motion was made by Susan Stevens, seconded by Michael Klemens, and passed 3 – 0 to order the Mohave County Attorney to initiate civil commitment proceedings for Susannah Holm 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. Holm to the custody of an appropriate law-enforcement agency for transportation up to five days prior to the PSRB's jurisdiction expiration date.

After discussion, Susan Stevens amended her motion from “five days” to “five business days”. Michael Klemens seconded the amendment and the motion passed 3 – 0.

Joleen Ovind – PSRB No. 95-04

Joleen Ovind was present with her attorney, Steven L. Harvey. The statutory hearing was held from 1:41 p.m. to 1:43 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and there was no recommendation.

Erin Cohen, Assistant Attorney General for ASH, made a minor amendment to the psychiatric evaluation.

After discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed 3 – 0 to deny conditional release for Joleen Ovind based on the evidence presented by the Arizona State Hospital’s treatment team, that Ms. Ovind did not prove by clear and convincing evidence that she no longer suffers from a mental disease or defect, that the mental disease or defect is in stable remission and that she is no longer dangerous. Joleen Ovind shall remain committed to the Arizona State Hospital.

Philip John Ronan – PSRB No. 10-03

Philip Ronan was present with his attorney, Tammy Wray. The statutory hearing was held from 1:44 p.m. to 1:49 p.m. pursuant to A.R.S. § 13-3994(H). This was a two-year hearing and ASH recommended no change in status.

Tammy Wray stated that Mr. Ronan continues to do well on level two of conditional release to ASH and is active in a 12-step recovery model. Mr. Ronan recited two poems he wrote about recovery to the Board.

After discussion, a motion was made by Susan Stevens, seconded by Michael Klemens, and passed 3 – 0 that there be no change in Philip Ronan’s status, based on the evidence presented that Mr. Ronan’s mental disease or defect remains in stable remission and he is no longer dangerous.

Joseph B. Sinkovich – PSRB No. 98-09

Joseph Sinkovich was present with his attorney, Ashley Blum. The statutory hearing was held from 1:50 p.m. to 2:14 p.m. pursuant to A.R.S. § 13-3994(M). The PSRB considered whether to reinstate, modify, or terminate conditional release; ASH recommended termination. The PSRB also considered whether to revoke Mr. Sinkovich’s standing out-of-state travel order.

Ashley Blum requested that the Board continue the hearing for 90 days, citing that the team needed more time to assess medication adjustments.

A motion was made by James Clark, seconded by Susan Stevens, and passed 3 – 0 to recess into executive session at 1:52 p.m. to discuss confidential information pursuant to A.R.S. § 38-431.03(A)(2).

After discussion in executive session, the Board reconvened in open session at 2:07 p.m.

In open session, Ms. Blum argued for her motion to continue the hearing at least 90 days.

After discussion, a motion was made by Michael Klemens, seconded by James Clark, and passed 2 – 1 to deny the motion to continue.

Susan Stevens opposed the motion.

A motion was made by James Clark, seconded by Michael Klemens, and passed 3 – 0 to revoke conditional release for Joseph Sinkovich based on the evidence presented by the ASH treatment team that Mr. Sinkovich's mental disease or defect has deteriorated and is no longer in stable remission and that Mr. Sinkovich remain at the Arizona State Hospital for further evaluation and treatment.

Dr. Clark requested that, as part of the inpatient treatment team's upcoming work with Mr. Sinkovich, his Facebook posts are reviewed to see if remnants of that thinking are still present or not in terms of a future recommendation for conditional release.

A motion was made by Michael Klemens, seconded by Susan Stevens, and passed 3 – 0 to rescind Joseph Sinkovich's standing out-of-state travel order.

Billie Jo Peters – PSRB No. 03-09

Billie Jo Peters was not present, and her attorney, Ashley Blum, waived her presence. The statutory hearing was held from 2:15 p.m. to 2:21 p.m. pursuant to A.R.S. § 31-502(B)(4). The PSRB set this hearing to consider whether to strike language in Ms. Peters' order of conditional release requiring the residential staff to know her whereabouts at all times.

Thomas Raine stated to the Board that he informed Ms. Blum it would be acceptable for Ms. Peters' to file a waiver of her presence with the Board prior to the hearing.

Dr. Clark shared that any 16-hour residential facility is unable to know the whereabouts of its residents at all times. Dr. Clark and the outpatient treatment team discussed the nature and frequency of interactions the treatment team has with Ms. Peters' on a regular basis.

After discussion, a motion was made by James Clark, seconded by Michael Klemens, and passed 3 – 0 to strike lines 18 to 19 on page four of the conditional release order requiring the residential staff to know Ms. Peters' whereabouts at all times.

Amado Salas – PSRB No. 02-06

Amado Salas was present with his attorney, Tammy Wray. The statutory hearing was held from 2:22 p.m. to 2:29 p.m. pursuant to A.R.S. § 13-3994(H). Mr. Salas requested a reduction in medication monitoring.

Ms. Wray explained that Mr. Salas secured employment and is requesting that he be able to administer his medications three interchangeable days a week. Eric Miller, Mr. Salas's residential staff member, was sworn in and testified that the daily medication monitoring hindered his ability to work. Discussion ensued.

A motion was made by Susan Stevens, seconded by James Clark, and passed 3 – 0 to grant the request to remove dose-by-dose medication monitoring and to grant the request for semi-independent medication administration with monitoring at least three times per week.

Discussion, Consideration, and Possible Action Related to:

Executive session for legal advice pursuant to A.R.S. § 38-431.03(A)(2) regarding Tammy Wray's request to redact information from Board records:

A motion was made by James Clark, seconded by Susan Stevens, and passed 3 – 0 to recess into executive session at 2:30 p.m. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

After discussion in executive session, the Board reconvened in open session at 2:47 p.m.

Statutory Hearings:

Rick William Stevenson – PSRB No. 95-06

Rick Stevenson was not present and his attorney, Tammy Wray, waived his presence. The statutory hearing was held from 2:47 p.m. to 3:05 p.m. pursuant to A.R.S. § 31-502(B)(4). Mr. Stevenson requested that his order of conditional release be modified to redact information related to his pass supervisors.

Ms. Cohen stated that ASH takes no position. Ms. Wray argued that there is no reason that the contact information of approved pass supervisors be on an order of conditional release.

Extensive discussion ensued regarding what the Board's authority is and what information should be included in an order to make it enforceable.

Dr. Clark stated that on a case-by-case basis, the Board could consider redacting certain information, particularly in the case of a known threat. He added that GEI individuals are insanity convictees, and added that one does not have to volunteer to be a pass supervisor if they do not want their information appearing in a conditional release order. Dr. Clark added that there are open meeting laws that the Board must follow and this information needs to be transparent. Ms. Wray argued that the Board should follow probationary statutes and discussion ensued. Dr. Klemens stated that the Board's most stringent mandate is to maintain public safety.

Dr. Clark said that he believes that, absent a known threat, the Board should not take a position on redacting information currently in the orders. Ms. Shapiro stated that any person who is at risk for potential violence should avail themselves of Arizona's existing laws that protect persons from harm or violence. Ms. Stevens agreed that the Board should take a request such as this on a case-by-case basis.

A motion was made by James Clark to deny the request to redact the contact information of approved pass supervisors from Mr. Stevenson's order of conditional release. Discussion ensued.

Dr. Clark called for a second, Susan Stevens seconded the motion, and it passed 3 – 0.

Discussion, Consideration, and Possible Action Related to:

Executive session for legal advice pursuant to A.R.S. § 38-431.03(A)(2) on hearing procedures:

A motion was made by James Clark, seconded by Susan Stevens, and passed 3 – 0 to recess into executive session at 3:07 p.m. to obtain legal advice pursuant to A.R.S. § 38-431.03(A)(3).

After discussion in executive session, the Board reconvened in open session at 3:14 p.m.

Request by Tammy Wray to redact information from Board records:

After discussion, a motion as made by Michael Klemens, seconded by James Clark, and passed 3 – 0 to deny the motion to redact information from Board records.

Discussion, Amendment and Approval of Minutes:

Open session minutes from the October 26, 2018, meeting:

Executive session minutes from the October 26, 2018, meeting:

After discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed 3 – 0 to approve the open and executive session minutes from the October 26, 2018, meeting, as amended.

Identification of Future Agenda Items:

- Pass Supervisors.
- Regional Behavioral Health Authorities (RBHA) and non-SMI individuals.

Adjournment:

The Board meeting was adjourned at 3:22 p.m.