



Psychiatric Security Review Board

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ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES

June 26, 2020

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

Members:

James P. Clark, M.D., Chairman
Michael J. Klemens, Ph.D., Vice-Chairman ✓
Susan Stevens, Esq. ✓
Paul O'Connell, M.S., M.P.A. ✓
Gwen A. Levitt, D.O. ✓

Assistant Attorney General:

Jeanne Galvin, Esq. ✓

Staff:

Hannah N. Garcia, Executive Director

Guests Present and/or Participating

Andrew Fallick, Esq. ✓	Michael Graham ✓
Ashley Blum, Esq. ✓	Michael McGill, Esq. ✓
Bernardo Garcia, Esq. ✓	Nicol Green, Esq. ✓
Cole Arigoni, ✓	Nora Greer, Esq. ✓
Colt White	Paula Hughes-Riccio ✓
Diane Wagner, ASH	Rebecca Lane, Spectrum ✓
Erin Cohen, Esq., ASH ✓	Reuben Murray
Jandely Eich, ASH ✓	Robert Bible ✓
John Paul Contreras ✓	Ronald M. DeBrigida, Esq. ✓
John Blischak, Esq. ✓	Stacey Heard, Esq. ✓
Juli Warzynski, Esq. ✓	Stefanie Jones-Campbell, Esq. ✓
Kelly Miles ✓	Stephen Jaffe, M.D. ✓

Steve Young, Esq. ↷
Tammy Wray, Esq. ↷

↷ Participated Telephonically

Call To Order:

James Clark called the meeting to order at 1:00 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. This means that persons present during an executive session of the PSRB may not disclose any information regarding the executive session or discuss those proceedings with any person who was not also present at the executive session.”

Dr. Clark swore in individuals who anticipated testifying.

Statutory Hearings:

Colt Baneau White – PSRB No. 12-15

Colt White was present in person, and through counsel, Andrew Fallick, who appeared telephonically on behalf of Kennedy Klagge. The statutory hearing was held from 1:03 p.m. to 1:08 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing with no recommendation.

James Clark stated that Mr. White has been on the same medication for several years and it appears as though he has struggled with progress.

Dr. Jaffe stated that Mr. White is currently at a base-line with his recovery, and does not believe any additional medication will change circumstances.

After further discussion, a motion was made by Susan Stevens, seconded by Michael Klemens, and passed 4-0 to deny conditional release for Colt White based on the evidence presented by the Arizona State Hospital’s treatment team, that Mr. White 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. Mr. White shall remain committed in the Arizona State Hospital.

Paul O'Connell was disconnected prior to voting.

George A. Majewski – PSRB No. 16-05

George Majewski was not present. His counsel, John Blischak, waived his presence and appeared telephonically. The statutory hearing was held from 1:09 p.m. to 1:14 p.m. pursuant to A.R.S. § 13-3994 (H). This is a continued two-year hearing with no recommendation.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to deny conditional release for George Majewski based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Majewski 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. Mr. Majewski shall remain committed in the Arizona State Hospital.

Charles Clifford Holmes– PSRB No. 01-18

Charles Holmes was not present. His counsel, Ronald M. Debrigida waived his presence and appeared telephonically. The statutory hearing was held from 1:15 p.m. to 1:20 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing with no recommendation.

Ronald DeBrigida stated that Mr. Holmes is hopeful for conditional release, and feels as though he is in a good place right now to do well if granted conditional release.

Juli Warzynski stated that the County Attorney's Office is against conditional release for Mr. Holmes.

Michael Klemens questioned why Mr. Holmes changed attorneys in November, 2019.

Ronald DeBrigida stated that he was appointed soon after the previous attorney due to a certain conflict.

James Clark states that Mr. Holmes has had several experiences out in the community and it has been shown that he does well in controlled environments.

After further discussion, a motion was made by Paul O'Connell, seconded by James Clark, and passed unanimously to deny conditional release for Charles Holmes based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Holmes 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. Mr. Holmes shall remain committed in the Arizona State Hospital.

John Paul Conreras– PSRB No. 14-14

John Contreras appeared telephonically, and through counsel, Bernardo Garcia, who appeared telephonically. The statutory hearing was held from 1:21 p.m. to 1:26 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing with no recommendation.

Bernardo Garcia stated that Mr. Contreras has been doing very well in conditional release from the reports that he has seen.

Michael Klemens questioned if Mr. Contreras is working for his father's company, or if he had begun his own company.

John Contreras states that he is now working for his own company.

Gwen Levitt asked if the June Conditional Release report was missing.

James Clark stated that the Board received the May conditional release report due to the June report not becoming available until the beginning of July.

After discussion, a motion was made by Michael Klemens, seconded by Gwen Levitt, and passed unanimously to continue Mr. Contreras' conditional release to the community with no status change. Mr. Contreras remains in stable remission and is not a danger to others if he continues his treatment plan.

Joseph Caine Cecil– PSRB No. 16-07

Joseph Cecil was not present. His counsel, Stefanie Jones-Campbell, waived his presence, and appeared telephonically. The statutory hearing was held from 1:27 p.m. to 1:32 p.m. pursuant to A.R.S. §13-3994 (H). This is a two-year hearing with no recommendation.

Stefanie Jones-Campbell stated that Mr. Cecil would like the Board to know that he is engaging in treatment and hopes to participate in a Resolution Group in the future.

James Clark stated that if Diana Walayat, M.D., attending psychiatrist, was present, he would like clarification as to why Mr. Cecil is not complying with medication adjustments, and if there had been any rule violations in the previous 12 months.

After further discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to deny conditional release for Joseph Cecil based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Cecil 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. Mr. Cecil shall remain committed in the Arizona State Hospital.

Reuben James Murray– PSRB No. 06-21

Reuben Murray was present in person, and through counsel, Ashley Blum, who appeared telephonically. The statutory hearing was held from 1:32 p.m. to 1:49 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing with no recommendation.

Ashley Blum stated that this is the second time Mr. Murray's hearing was continued due to Mr. Murray requesting new counsel. The Court made the decision to keep her as the defense attorney. She stated that Mr. Murray is requesting conditional release. She asked the Board to take a look at Mr. Murray's reports during 2018 because he was having no rule violations and remained stable.

Ashley Blum stated that Mr. Murray has given her a list of concerns to bring before the Board. Firstly, Dr. Stephen Morris has not recommended Mr. Murray for conditional release, even though Mr. Murray has been compliant with his treatment plan. Secondly, there are rule violations dating back to 2017 that Mr. Murray believes are inaccurate. Thirdly, Mr. Murray believes that certain rule violations are being used against him. Fourthly, Mr. Murray feels as though his concerns are not being deemed important to the treatment team. Fifthly, Mr. Murray would like the Board to know that he is upset that no one is supporting his request for conditional release, despite his efforts to follow his treatment plan. Mr. Murray has over 20 years of sobriety and believes he poses no risk to relapse.

Juli Warzynki stated that the State is in favor of no changes.

Michael Klemens questioned if there had been any additional rule violations since the most recent PSRB report for Mr. Murray.

Reuben Murray stated that there have been multiple incidents that were not true and he was never given the opportunity to clear his name and give his side of the story.

James Clark expressed that Mr. Murray should speak with his treatment team about his concerns, and also utilize his attorney, Ashley Blum, to speak and advocate in his behalf.

After further discussion, a motion was made by James Clark, seconded by Gwen Levitt, and passed unanimously to deny conditional release for Reuben Murray based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Murray 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. Mr. Murray shall remain committed in the Arizona State Hospital.

Paula Kristine Hughes-Riccio– PSRB No. 11-14

Paula Hughes-Riccio was present telephonically and through counsel, Tammy Wray, who also appeared telephonically. The statutory hearing was held from 1:49 p.m. to 2: p.m. pursuant to A.R.S. §13-3994(H). This is a two-year hearing with no recommendation.

Tammy Wray stated that Ms. Hughes-Riccio is in regular contact with her team. She has been participating in telemedicine appointments, and is looking forward to coming back before the Board in several months for her expiration hearing.

Kelly Miles, treatment team member, stated that Ms. Hughes-Riccio has been doing very well and has been actively participating in all treatment.

Michael Klemens stated that he would like to know how Ms. Hughes-Riccio was learning how to be less confrontational.

Paula Hughes-Riccio stated that she is a very emotional person, but she has been working on coping skills, along with “thickening (her) skin”, to not get hurt as easily.

After discussion, a motion was made by James Clark, seconded by Susan Stevens, and passed unanimously to continue Ms. Hughes-Riccio's conditional release to the community with no status change. Ms. Hughes-Riccio remains in stable remission and is not a danger to others if she continues her treatment plan.

Discussion and Possible Action Related to:

Legislative Update:

Susan Stevens stated that regular session of the Legislature is adjourned, unless there was a special session she has not been made aware of.

Phone Discussion with ASH:

James Clark stated that he, Michael Klemens, and Hannah Garcia, Executive Director, had a phone conversation with Dr. Aaron Bowen, Dr. Laxman Patel, and Erin Cohen, Esq., due to a number of issues and questions that Board had. The Board wanted to know how Conditional

Release passes that were previously approved by the Board, were being addressed by ASH because of restrictions caused by COVID-19.

Michael Klemens stated that ASH would speak with the treatment team and would take every consideration into account regarding paused passes for patients. There are multiple patients that utilize their off-ground passes for their AA/NA meetings, and they now are no longer able to attend those meetings. ASH noted that they are doing the best that they can to create treatment opportunities, but it is difficult with multiple restrictions being in place. ASH recognizes the importance of continuity of treatment during this very difficult time.

James Clark discussed an additional topic relating to who is responsible for amending/correcting the written Conditional Release Treatment Plan when the Board proposes a change to the plan that ASH submits. Previously, Dr. Patel indicated that ASH treatment staff would not rewrite the treatment plan to include any Board modifications. However, Dr. Patel indicated he'd spoken with treatment staff and that ASH now has no problem with the Board proposing or making a modification to the CR treatment plan, especially if the modification has the concurrence of the treatment staff. ASH also agreed to rewrite the CR treatment plan to include any Board approved modification(s).

Michael Klemens stated that Dr.'s Bowen and Patel felt as though the relationship between ASH and the PSRB is improving with the goal on ensuring the safety and protection of both patients and the community.

Response to 18-month Auditor General follow-up questions:

James Clark stated that the Auditor General sent additional questions to the Board, and an additional response had been submitted.

James Clark wanted to thank Board members for all the work that they did over the past 18 months to address the concerns in the Auditor General's 2018 PSRB Sunset Review.

Discussion, Amendment, and Approval of Minutes:

Open session minutes from the April 24, 2020, meeting:

A motion was made by Gwen Levitt, seconded by Michael Klemens, to adopt the April 24, 2020 open session minutes as amended.

Open session minutes from the May 29, 2020, meeting

A motion was made by Michael Klemens, seconded by Susan Steven, to adopt the May 29, 2020 open session minutes as amended.

Identification of Future Agenda Items

James Clark asked Board Members to be sure to let the Executive Director know of any future Board Meeting absences, so that we can ensure we have a quorum.

Susan Stevens stated that she would like an update on how ASH is dealing with COVID-19 restrictions.

James Clark stated that he would like to formally send out the PSRB Annual Reports to Stakeholders to ensure that they receive a copy.

Adjournment:

The Board meeting adjourned 2:17 p.m.