



## ***Psychiatric Security Review Board***

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DOUGLAS A. DUCEY, GOVERNOR  
JAMES P. CLARK, M.D., CHAIRMAN  
[www.azdhs.gov/psrb](http://www.azdhs.gov/psrb)

# **ARIZONA STATE PSYCHIATRIC SECURITY REVIEW BOARD OPEN SESSION MINUTES**

**June 25, 2021**

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

### Members:

James P. Clark, M.D., Chairperson

Michael J. Klemens, Ph.D., Vice-Chairperson 📞

Paul O'Connell, M.S., M.P.A. 📞

Susan Stevens, Esq. 📞

📞 - Absent

### Assistant Attorney General:

Jeanne Galvin, Esq.

### Staff:

Hannah N. Garcia, Executive Director

### Guests Present and/or Participating

Akram Bhatti, M.D. 📞

Brian Mitchum

Cheryl Jones

Dana Owens, Esq., 📞

Diana Walayat, M.D. 📞

Erica Stapelton

Erin Cohen, Esq., ASH 📞

James Holmes, Psy.D. 📞

Jess Lorona, Esq., 📞

John Blischak, Esq. 📞

Juli Warzynski, Esq. 📞

Katie Wilcox

Kennedy Klagge, Esq. 📞

Matthew Mooney

Nora Greer, Esq.

Robert Olson

Stacey Heard, Esq. 📞

Stefanie Jones-Campbell, Esq. 📞

Zachary Sutton

☎ Participated Telephonically

**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. 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:**

**Zachary Stuart Sutton – PSRB No. 13-02**

Zachary Sutton was present in person and through counsel, Kennedy Klagge, who participated telephonically. The statutory hearing was held from 1:10 p.m. to 1:45 p.m. pursuant to A.R.S. § 13-3994 (H). ASH is recommending Phase 1, levels 1 and 2.

Kennedy Klagge stated she had the opportunity to review Mr. Sutton’s report and Mr. Sutton is hopeful that the Board will approve the proposed recommendations. She also stated that Mr. Sutton has been very engaged in his treatment.

Dana Owens, Esq., stated that it is the State’s position that Mr. Sutton will always have a propensity to reoffend and there is a concern to have him in the community.

Dr. Clark made a motion, seconded by Susan Stevens and passed 3-0 to move into Executive Session in order to discuss private health information. Open session reconvened at 1:39 p.m.

Michael Klemens asked ASH what the current status of outings to the community is, given the circumstances of COVID-19.

Katherine Woods, CMO of ASH stated that ASH has fully resumed outings.

After further discussion, a motion was made by Dr. Clark, seconded by Michael Klemens, and passed 3-0 to approve Zachary Sutton for conditional release to Arizona State Hospital, Phase 1, Levels 1 and 2, and adopt the conditional release plan, based on the evidence presented by the Arizona State Hospital's treatment team, that Zachary Sutton's mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the State Hospital and is compliant with the terms of conditional release and the treatment plan presented today.

**Brian Price Mitchum – PSRB No. 17-16**

Brian Mitchum was present in person, and through counsel, Jess Lorona, who participated telephonically. The statutory hearing was held from 1:46 p.m. to 2:03 p.m. pursuant to A.R.S. § 13-3994 (H). ASH is recommending Phase 1, Levels 1 and 2.

Jess Lorona, Esq., stated that Mr. Mitchum has been doing very well and is looking forward to the privileges in Phase 1.

Michael Klemens stated that in the CR Plan for Mr. Mitchum, it was listed that there would be 4 passes in 60 days and it seemed as though it was much shorter and quicker compared to the typical conditional release plan parameters.

Dr. James Holmes stated that due to the patients progress in treatment and his maturity, it was the appropriate conditional release plan based on Mr. Mitchum's stability.

Dr. Clark made a motion seconded by Susan Stevens and passed 3-0 to move into Executive Session to discuss private health information. Open session reconvened at 2:03 p.m.

After further discussion, a motion was made by Michael Klemens, seconded by Susan Stevens, and passed 3-0 approve Brian Mitchum for conditional release to Arizona State Hospital, Phase 1, Levels 1 and 2, and adopt the conditional release plan, with the modification that each level would include 6 passes and 90 days, based on the evidence presented by the Arizona State Hospital's treatment team, that Brian Mitchum's mental disease or defect is in stable remission and he is not dangerous if he remains a resident of the State Hospital and is compliant with the terms of conditional release and the treatment plan presented today.

**Emmanuel Wayne Harris No. 05-07**

Emmanuel Harris was not present. His presence was waived through counsel, Nora Greer, who participated in person. The statutory hearing was held from 2:04 p.m. to 2:08 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing and there is no recommendation.

Nora Greer, Esq., stated that Mr. Harris' report seems to be better than his last hearing's report. She stated that she hopes Mr. Harris will be referred for privileges in the future.

After further discussion, a motion was made by Dr. Clark, seconded by Susan Stevens, and passed 3-0 to deny conditional release for Emmanuel Harris based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Harris 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. Harris shall remain committed in the Arizona State Hospital.

### **Matthew Mooney No. 15-08**

Matthew Mooney was present telephonically and through counsel, John Blischak, who participated telephonically. The statutory hearing was held from 2:09 p.m. to 2:15 p.m. pursuant to A.R.S. § 13-3994 (H). This is a two-year hearing with no recommendation.

John Blischak, Esq., stated that he received the report and has nothing more to add.

After further discussion, a motion was made by Susan Stevens, seconded by Michael Klemens, and passed 3-0 to deny conditional release for Matthew Mooney based on the evidence presented by the Arizona State Hospital's treatment team, that Mr. Mooney 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. Mooney shall remain committed in the Arizona State Hospital.

### **Discussion and Possible Action Related to:**

#### **SB1029 and SB1030 reintroduced as HB2914**

Susan Stevens stated that SB1030 was reintroduced as SB1839 and is on the Governor's desk. HB2914 was just a reintroduced version of the bills but it is not important.

#### **July Meeting Date Change**

The date of the July meeting would change from July 30, 2021 to July 23, 2021. Dr. Clark made a motion, seconded by Michael Klemens and passed 3-0 to approve the July meeting date change.

#### **In-person attendance at Board meeting going forward?**

Dr. Clark asked the Board members if there was any interest in Board members coming back to attending Board meetings in-person. Board members expressed the importance of still having a virtual meeting option given the circumstances.

**Discussion, Amendment, and Approval of Minutes:**

**Open session minutes from the May 28, 2021, meeting:**

Jeanne Galvin stated that the Board did not have a quorum to approve the May 28, 2021 meeting minutes. These minutes were tabled to appear at the July meeting.

**Executive session minutes from the April 30, 2021, Meeting:**

Dr. Clark made a motion seconded by Susan Stevens to table these minutes in order to amend.

**Identification of Future Agenda Items:**

Dr. Clark stated that he would like to add the items of after-action review update and victim notification policy to the agenda for next month.

**Adjournment:**

The Board meeting adjourned 2:29 p.m.