



State of Arizona  
Psychiatric Security Review Board  
2020 Annual Report



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Hannah Garcia, Executive Director

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## INTRODUCTION

Established in 1993, the PSRB maintains jurisdiction over individuals adjudicated as guilty except insane. Persons who cause death or physical injury, or the threat or death or physical injury, to another person and who are found to be *guilty except insane* are sentenced to a term of incarceration in the State Department of Corrections and then ordered, committed to a secure state mental health facility and placed under the jurisdiction of the PSRB for the length of their presumptive sentence (ARS. 13-502 and 13-3994).

PSRB membership is composed of five members appointed by the Governor, with members serving staggered four-year terms. PSRB membership is required to include: 1) a licensed psychiatrist experienced in the criminal justice system; 2) a licensed psychologist experienced in the criminal justice system; 3) a person experienced in parole, community supervision or probation procedures; 4) a person from the public; and 5) an additional licensed psychologist or psychiatrist experienced in the criminal justice system. A county attorney, attorney general or public defender is prohibited from membership on the PSRB (A.R.S. 31-501).

The Board has a number of important Duties and Responsibilities which include:

- a) Maintaining jurisdiction over GEI individuals for the duration of their sentence
- b) Holding hearings to determine eligibility for release or conditional release
- c) Monitoring the progress of GEI individuals in treatment and making recommendations regarding conditional release or return to Department of Corrections.
- d) Devising conditional release treatment plans in conjunction with ASH or other community provider agencies
- e) Confidentially maintaining records (medical/social/criminal)
- f) Keeping records of all hearings
- g) Giving written notice of hearings and decisions to the person's attorney, ASH, the court that committed the person to the PSRB, the state's attorney and victims
- h) Holding hearings to determine if conditions of release should be continued, modified or terminated for individuals returned to ASH for deterioration and/or non-compliance
- i) Disclosing to the person, through the person's attorney, information/documents/reports, prior to a hearing, that the Board will be considering.

**BOARD MEMBERS**

**JAMES P. CLARK, M.D., CHAIR – PSYCHIATRIST/PSYCHOLOGIST MEMBER**

**MICHAEL KLEMENS, PH.D., VICE-CHAIR – PSYCHOLOGIST MEMBER**

**SUSAN STEVENS, ESQ. – PUBLIC MEMBER**

**PAUL O’CONNELL, M.S., M.P.A. – PAROLE, COMMUNITY SUPERVISION, OR PROBATION MEMBER**

**POSITION CURRENTLY VACANT – PSYCHIATRIST MEMBER**

**STAFF**

**HANNAH GARCIA – EXECUTIVE DIRECTOR**

**JEANNE GALVIN, ESQ.-ASSISTANT ATTORNEY GENERAL PSRB**

## EXECUTIVE SUMMARY

This report is intended to give stakeholders a picture of Board actions, conditional release decisions, crimes committed by and mental illnesses of the people who are committed to the Psychiatric Security Review Board's jurisdiction by the Arizona Superior Court. Hereinafter, the Psychiatric Security Review Board will be referred to as the PSRB or Board.

Following a presentation by the Board to the Senate Health and Human Services Committee of Reference, there was legislative approval (see SB1053) authorizing the continuation of the PSRB retroactive to July 1, 2020 until July 1, 2028.

## NOTABLE EVENTS

### Sunset Review

Starting in December 2018, the PSRB underwent a Performance Audit and Sunset Review by the Office of the Auditor General (i.e. see Auditor General Report 18-07). In August of 2020, at the Board's 18 Month Follow-up with the AG review team, the Board was notified that the Sunset Factors and Performance Audit items were implemented to the AG's satisfaction and they, therefore, concluded that there was no need for further follow-up regarding the Board's implementation of the AG's December 2018 recommendations.

The PSRB work product submitted to the Office of the Auditor General for the Performance Audit included:

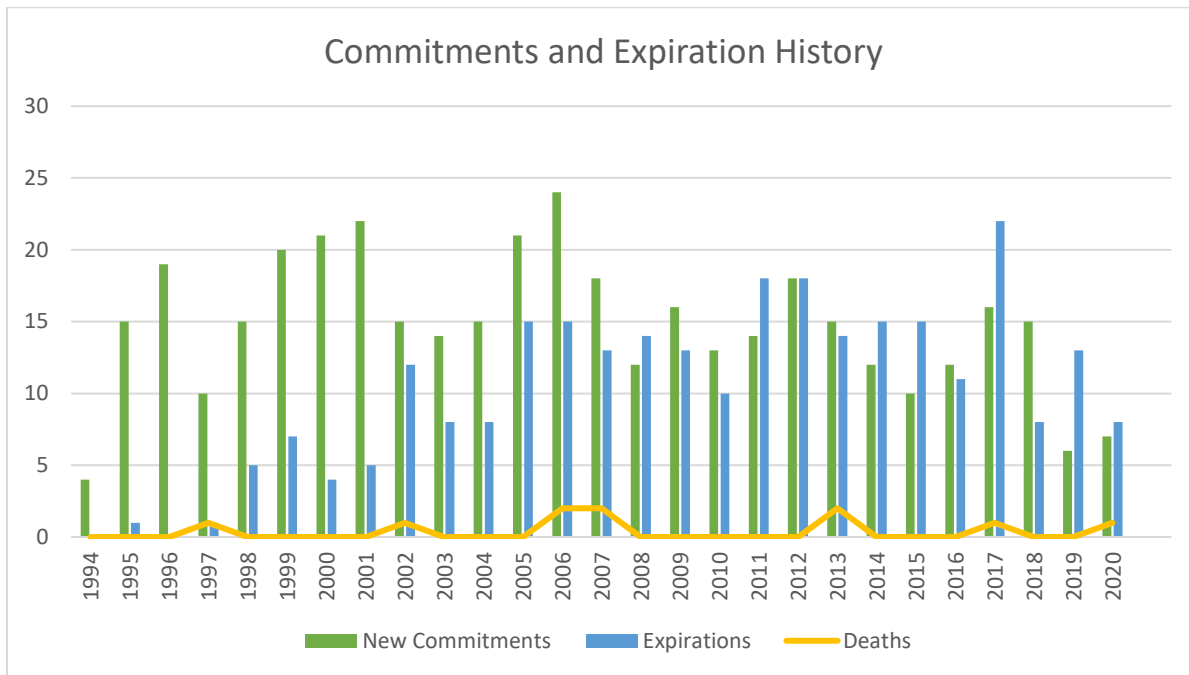
- a) Definitions of common terms used in the Board's operations, policies, procedures, meetings and documents.
- b) A comprehensive psychiatric report template to help clarify expectations as to the level of detail the Board requires to better inform its decisions.
- c) An exemplary report document to provide guidance for those submitting psychiatric reports to the Board.
- d) An orientation and educational document for new Board members on the "PSRB Process".
- e) Documentation from the Arizona State Hospital's attorney and chief compliance officer that current hospital staff, as well as new hires, are aware of the new psychiatric report template and the guidance provided by the exemplary report.
- f) Updated Hearing Notification Letters to incorporate the new information required by the psychiatric report template.
- g) Clarification of standard conditions of release (CR) for CR to ASH and CR to the community.
- h) An update of the Board's "Setting Hearings Policy".
- i) Guidance for when a Risk Assessment may be indicated and/or requested by the Board.
- j) Establishing what is meant by "stable remission", which is mentioned in the GEI statute (13-3994) but not previously defined. Guidance for assessing stable remission was also provided.
- k) Documentation that a PowerPoint presentation on the PSRB, along with an educational lecture on the PSRB's history, the GEI statute, Board Duties and Responsibilities, etc., was created. Documentation of educational outreach activity was also provided.
- l) Implementation of a records retention policy based on state guidelines.
- m) Updating the Executive Director's job description.

- n) Creating forms for: Application for a Hearing, Authorization to Use and Disclose Protected Health Information and Request for Re-confinement to ASH.
- o) A telephonic participation policy.
- p) A Board Billing Policy with an explanation of what constitutes a Board member's engagement in substantive Board activity.
- q) An Annual Report for 2019 which includes narrative and statistical information on the Board's actions, activity and decisions.
- r) Clarification with ASH regarding factors which may constitute rule violations by patients who come before the Board.

During 2020, the Board was represented by a legislative study group that was convened by Representative Nancy Barto. The purpose of the study group was to make changes to the statutes (13-502 and 13-3994) that deal with individuals adjudicated Guilty Except Insane. The Board had significant concerns about the proposed statutory changes. As a result, the Board created a document identifying 30 "Areas of Concern" regarding the proposed changes.

## GUILTY EXCEPT INSANE COMMITMENTS AND EXPIRATIONS HISTORY

Total: 399<sup>1</sup>



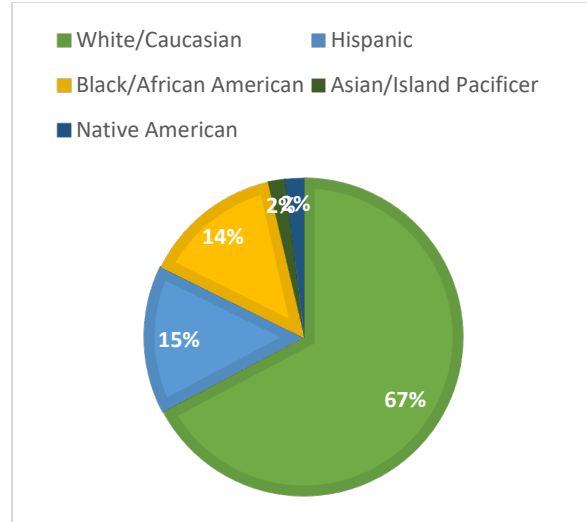
## INDIVIDUALS UNDER THE PSRB'S JURISDICTION IN 2020

- As of December 31, 2020, the Board had jurisdiction over 113 people:
  - 87% male and 13% female. Currently, no one under the Board's jurisdiction identifies with a non-binary gender;
  - 96 individuals confined in ASH;
  - 18 individuals in the community;
  - One individual in the Arizona Department of Corrections;
  - The average age is 45 years, ranging from 20 to 76.
- Seven individuals were committed to the PSRB's jurisdiction in 2020:
  - One from both Yavapai and Coconino Counties;
  - Six from both Maricopa and Pima Counties.
- Eight individuals' terms expired in 2020:
  - Two individuals were ordered to undergo an evaluation for civil commitment;
  - Six individuals' terms expired with no further action.

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<sup>1</sup> Discovery of historical information regarding individuals previously counted and reported as committed to the PSRB revealed that three individuals' sentences were amended to remove PSRB jurisdiction and were therefore permanently omitted from this data set.

Racial Data	
White/Caucasian	67%
Hispanic	15%
Black/African American	14%
Asian/Pacific Islander	2%
Native American	2%



### DIAGNOSTIC INFORMATION

Primary diagnoses were taken from the last report submitted to the PSRB by the patient’s attending practitioner. In some cases, the patient has yet to appear before the PSRB and thus, diagnoses were based on a report by an evaluator or health records prior to Guilty Except Insane (GEI) adjudication. Of the 113 individuals under the Board’s jurisdiction this year, 74 carry secondary substance abuse diagnoses.

DIAGNOSIS	ACTUAL	PERCENTAGE
Schizoaffective Disorder	46	51.98%
Schizophrenia	34	38.42%
Bipolar Disorder	16	18.08%
Delusional Disorder	5	5.65%
Depressive Disorder	4	4.52%
Psychotic Disorder, NOS	2	2.26%
Neurocognitive Disorder	2	2.26%
Alcohol Use Disorder	1	1.13%
PTSD	1	1.13%
ADHD	1	1.13%
Impulse Control Disorder	1	1.13%
<b>Total</b>	<b>113</b>	<b>100%</b>



## CONDITIONAL RELEASE

### **Conditional Release to ASH**

The PSRB permits individuals who qualify to take temporary leave of the secure grounds of ASH with gradually reduced supervision in three phases. The granting of such conditional release privileges is based on progress in treatment. Phase one consists of off-grounds passes supervised by ASH staff; phase two consists of off-grounds passes monitored by pass supervisors who are vetted by ASH and approved by the PSRB; and phase three consists of self-monitored off-grounds passes. Individuals are actively monitored by Global Positioning Satellite (GPS) ankle monitors when off secure grounds.

The conditional release treatment plans are devised by ASH’s multi-disciplinary treatment team, the patient, outpatient and community treatment providers, and the Board, which grants final approval. Whenever possible others are involved in conditional release treatment planning, such as the patients’ family members and friends, who take an active role in the treatment of the person.

### **Conditional Release to the Community**

Individuals who qualify are discharged from ASH and are monitored in the community under a conditional release treatment plan devised by ASH, in conjunction with the outpatient service providers, and approved by the PSRB. The PSRB, the Arizona Health Care Cost Containment System (AHCCCS), the Managed Health Care Plan (formerly known as the Regional Behavioral Health Authority/RBHA), and community behavioral health service providers are responsible for monitoring the patient’s adherence to the requirements imposed by the Board. Such requirements include the frequency of psychiatric appointments, residential monitoring requirements, medication observation, case management services, drug and alcohol testing, therapies, and substance abuse treatment participation. Detailed monthly reports are submitted by community treatment providers and are reviewed by the PSRB.

As of December 31, 2020, 32 of 113 people were on conditional release status (ASH and Community), which is 36.16%.

<b>Total Number of Individuals on Conditional Release to ASH</b>	
Phase 1	8
Phase 2	6
Phase 3	2
<b>Total</b>	<b>16</b>

<b>Type of Residential Monitoring for Conditional Release to the Community</b>	
Group Home – 24-hour supervision	3
Group Home – 16-hour supervision	1
Group Home – 12-hour supervision	1
Group Home – 8-hour supervision	1
Independent Living w/ Family	3
Independent Living	9
<b>Total</b>	<b>18</b>

## HEARINGS

- The PSRB conducted thirteen meetings in 2020 consisting of twelve regularly scheduled meetings and one special meeting.
- The PSRB conducted a total of 98 statutory hearings.
- Board Billings/Compensation in 2020: \$11,670.

## BOARD ACTIONS IN 2020

- Five individuals were granted conditional release to ASH.
- Five individuals in ASH were granted a higher phase of conditional release.
- Two individuals were granted conditional release to the community in 2020.
- Two individuals' conditional release to ASH was revoked based on the following findings:
  - Both were for deterioration of mental health and violation of one or more terms of conditional release
- One individual was returned to ASH and then re-released to the community, which took an average of 10 days from re-admission to discharge.
- The PSRB voted to amend the terms of conditional release for individuals in the community eight times. Such amendments can include an address change or reduction in frequency of other requirements.
- The Board transferred zero individuals to the Arizona Department of Corrections.
- The PSRB voted to deny conditional release 35 times.
- The PSRB approved two out-of-state travel requests.
- Number of Subpoena's issued by the PSRB: None.
- Hearing Continuances granted: 19.
- Number of Patients Granted Full Release: None.

## PRIMARY OFFENSES AND SENTENCING DATA

There are 27 people that are sentenced to Life under the PSRB<sup>2</sup>. The data in the below table is evaluated for non-life sentences.

<b>Primary Offense</b>	<b>Person(s)</b>	<b>Average Sentence Duration (in years)</b>	<b>Max Sentence Duration</b>	<b>Minimum Sentence Duration</b>
Homicide	29	22.3	63	2.5
Aggravated Assault	33	15.1	127	2.5
Attempted Homicide	11	17	43.5	5
Burglary/Robbery	7	9.6	10.5	5

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<sup>2</sup> Historically, 30 people have been sentenced to Life under the PSRB; three have since passed away.

Attempted Arson	2	7.5	7.5	7.5
Attempted Aggravated Assault	1	6	6	6
Arson	0	0	0	0
Kidnapping	1	10.5	10.5	10.5
Molestation	1	17	17	17
Reckless Endangerment	1	2.25	2.25	2.25

**PRIMARY OFFENSES AND CURRENT COMMITMENTS PER COUNTY**

<b>Apache - 4</b>	Homicide	3
	Molestation	1
<b>Cochise - 3</b>	Homicide	1
	Reckless Endangerment	1
	Aggravated Assault	1
<b>Coconino - 4</b>	Homicide	2
	Attempted Homicide	1
	Aggravated Assault	1
<b>Gila - 5</b>	Aggravated Assault	2
	Attempted Aggravated Assault	1
	Attempted Homicide	1
	Burglary/Robbery	1
<b>Graham - 1</b>	Homicide	1
<b>La Paz - 1</b>	Homicide	1
<b>Maricopa - 30</b>	Homicide	17
	Aggravated Assault	7
	Attempted Homicide	5
	Burglary	1
<b>Mohave - 1</b>	Aggravated Assault	1
<b>Navajo - 3</b>	Homicide	2
	Attempted Homicide	1

<b>Pima - 28</b>	Homicide	17
	Aggravated Assault	8
	Burglary/Robbery	3
<b>Pinal - 10</b>	Aggravated Assault	5
	Homicide	4
	Attempted Arson	1
<b>Yavapai - 16</b>	Aggravated Assault	6
	Homicide	4
	Attempted Homicide	3
	Burglary/Robbery	1
	Kidnapping	1
	Attempted Arson	1
<b>Yuma - 7</b>	Homicide	3
	Aggravated Assault	3
	Attempted Homicide	1

Felony Class	
Class 1	45.2%
Class 2	26.5%
Class 3	20.5%
Class 4	6.0%
Class 5	.9%
Class 6	.9%