



State of Arizona
Psychiatric Security Review Board
2021 Annual Report



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INTRODUCTION

Established in 1993, the PSRB maintains jurisdiction over individuals adjudicated as guilty except insane. Persons who cause the death or physical injury of a person, or who threaten another person with death or physical injury, and who are found to be *guilty except insane* (GEI) 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).

The PSRB's membership consists 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 (RESIGNED NOV. 21)

SUSAN STEVENS, ESQ. – PUBLIC MEMBER (RESIGNED SEP. 21)

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

ZHI WU, M.D.- PSYCHIATRIST MEMBER (RESIGNED JAN. 22)

STAFF

HANNAH GARCIA – EXECUTIVE DIRECTOR

DEANIE REH, 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 individuals adjudicated GEI and the range of mental illnesses of the individuals 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.

AUDITOR GENERAL IMPLEMENTATIONS

Sunset Review

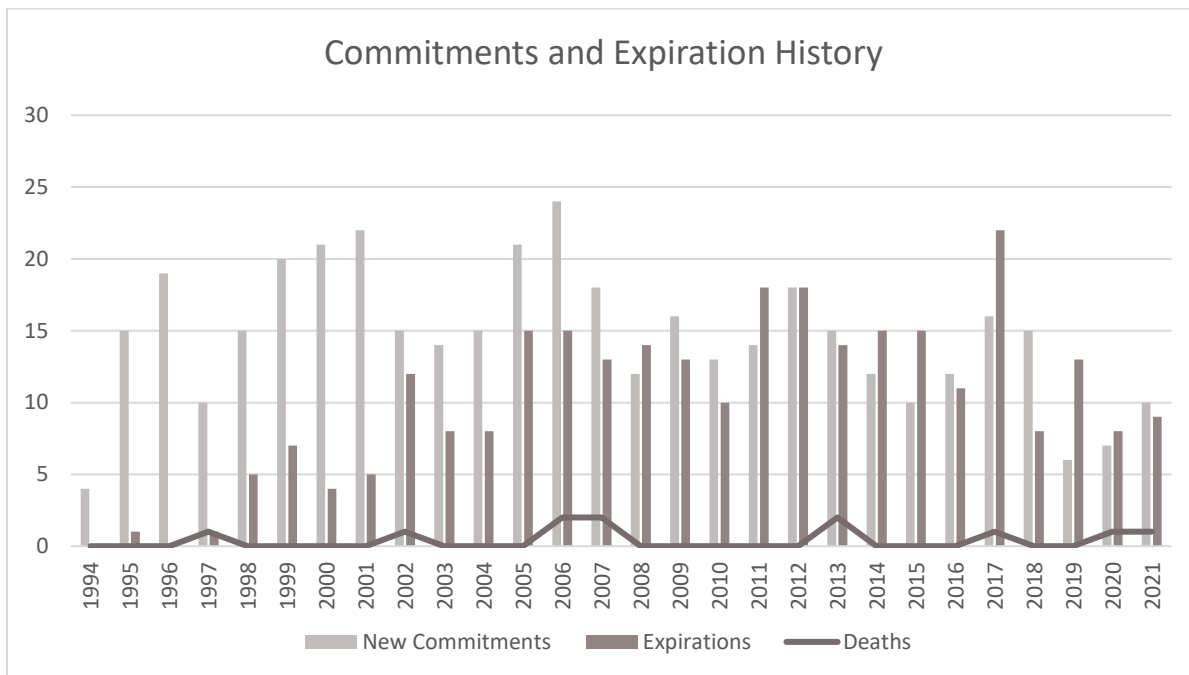
Starting in December 2018, the PSRB underwent a Performance Audit and Sunset Review by the Office of the Auditor General (i.e. see Auditor General Report 18-07). In August of 2020, at the Board's 18 Month Follow-up with the AG review team, the Board was notified that the Sunset Factors and Performance 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.

GUILTY EXCEPT INSANE COMMITMENTS AND EXPIRATIONS HISTORY



INDIVIDUALS UNDER THE PSRB'S JURISDICTION IN 2021

- As of December 31, 2021, the Board had jurisdiction over 114 people:
 - 88% male and 12% female. Currently, no one under the Board's jurisdiction identifies with a non-binary gender;
 - 100 individuals confined in ASH;
 - 14 individuals in the community;
 - One individual in the Arizona Department of Corrections;
 - The average age is 49 years, ranging from 20 to 76.
- Ten individuals were committed to the PSRB's jurisdiction in 2021:
 - One from both Yavapai and Coconino Counties;
 - Eight from both Maricopa and Pima Counties.
- Nine individuals' terms expired in 2021:
 - Four individuals were ordered to undergo an evaluation for civil commitment;
 - Five individuals' terms expired with no further action.

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. Additionally, the Board makes an assessment of whether the person still suffers from a mental illness/mental defect, whether the person is or is not in stable remission and whether there is evidence of dangerousness or propensity to reoffend. Phase one conditional release privileges consist of off-grounds passes supervised by ASH staff; phase two privileges consist of off-grounds passes monitored by pass supervisors who are vetted by ASH and approved by the PSRB; and phase three privileges consist 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 those persons who take an active role in the person's inpatient treatment.

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.

HEARINGS

- The PSRB conducted twelve meetings in 2021 consisting of eleven regularly scheduled meetings and one special meeting.
- The PSRB conducted a total of 62 statutory hearings.
- No Board decisions were appealed.
- 19 hearings were from Maricopa County.
- 9 hearings were from Yavapai County.
- 10 hearings were from Pima County.
- 7 hearings were from Pinal County.
- 6 hearings were from Gila County.
- 4 hearings were from Navajo County.
- 2 hearings were from Yuma County.
- 1 hearing was from La Paz County, Graham County, Coconino County, Apache County and Cochise County.

BOARD ACTIONS IN 2021

- The Board transferred zero individuals to the Arizona Department of Corrections.
- The PSRB voted to deny conditional release 35 times.
- The PSRB approved four 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
- Number of Denied Continuances to Attorneys or Patients: None.
- Number of times the Arizona State Hospital Refused to Comply with Board Order: None.
- The Arizona State Hospital completed a mental health report on each person whose case was heard by the Board and they were all completed in the required time frames.
- Training was completed on November 4, 2021 and November 8, 2021 to all Board members to understand and comply with new statutory requirements.
- The Arizona State Hospital recommended conditional release for 12 individuals in 2021 and the Board approved 10 of those recommendations.