

# State of Arizona Psychiatric Security Review Board



## The PSRB Hearing Room

Located on the grounds  
of the Arizona State  
Hospital (ASH).



The background of the slide features a series of thin, vertical, light blue lines of varying heights and positions, creating a textured, rain-like effect. A solid teal horizontal band spans the width of the slide, positioned in the lower half. The text 'Board Members' is centered within this band.

# Board Members

# Board Members - A.R.S. § 31-501

- The Board consists of five members:
  - One psychiatrist
  - One psychologist
  - One psychiatrist or psychologist
  - One parole/probation/community supervision; and
  - One public member
- The terms are four years; the Chairperson and Vice-Chairperson are elected yearly and serve one year terms.
- A quorum is three Board members.
- Appointed by the Governor.
- Board members review approximately 2000-3000 pages each month.

The background of the slide features a series of vertical lines in various shades of blue and grey, creating a textured, rain-like effect. A solid teal horizontal band spans the width of the slide, positioned in the lower half. The word "Overview" is written in white, bold, sans-serif font on the left side of this teal band.

# Overview

# Overview

- The Psychiatric Security Review Board (PSRB) was legislatively established as a separate public body in 1993, effective January 2, 1994.
- The new legislation replaced Not Guilty by Reason of Insanity (NGRI).
- If the crime committed by a person found Guilty Except Insane (GEI) was such as to cause, or threatened to cause, death or serious physical injury of another person, the person is placed under the jurisdiction of the PSRB.
- Persons who are placed under the jurisdiction of the PSRB are committed to a secure state mental health facility (ASH).
- The length of the PSRB's jurisdiction is equal to the sentence the person would have received if the person had been found guilty.

# Overview – A.R.S. § 13-502

- A person may be found GEI if at the time of the offense:
  - The person suffered from a mental disease or defect of such severity that the person did not know that the criminal act was wrong.
- The defendant must prove “legal insanity” by clear and convincing evidence.
- Typical mental illnesses associated with individuals who have been adjudicated as GEI:
  - Schizophrenia; Schizoaffective Disorder; Bipolar Disorder; Depression with Psychotic Features; and Delusional Disorder.

# Overview

- A.R.S. § 31-502(A) states that GEI does not apply if the crime was the result of:
  - A disorder resulting from acute voluntary intoxication or withdrawal from alcohol or drugs.
  - Character defect, psychosexual or impulse control disorder.
  - Momentary or temporary conditions arising from the pressures of circumstances, moral decadence, depravity or passion growing out of anger, jealousy, revenge, hatred or other motives in persons who do not suffer from a mental disease or defect.



# Symptoms of Psychosis include:

- **Delusional Thinking:**
  - Defined as idiosyncratic, fixed, false belief that defies evidence to the contrary.
- **Hallucinations:**
  - Auditory (especially command type)
  - Visual
  - Olfactory
  - Tactile

# PSRB Stakeholders

- Patients
- Victims
- ASH Staff
- Mental Health Advocates
- County Attorneys
- Law Enforcement
- Defense Counsel
- Community Mental Health Agencies
- Public
- Legislators

The background features a series of vertical lines in various shades of blue and grey, creating a textured, rain-like effect. A solid teal horizontal band spans the width of the image, serving as a backdrop for the title. The title 'Hearings' is written in a white, bold, sans-serif font with a thin black outline, positioned in the lower-left corner of the teal band.

# Hearings

# Participants at the Hearings

- Patients
- Defense Counsel
- Assistant Attorneys General
  - PSRB Counsel
  - ASH Counsel
- County Attorneys
- Victims and their families
- Family members and other community supports of the person
- ASH Staff including Psychiatrists, Psychologists, Psychiatric Nurse Practitioners, Nurses, Social Workers, Rehabilitative Specialists, Mental Health Techs and Security Officers
- Media
- General Public

# At Any Hearing the Board Can....

- ***Deny Conditional Release – A.R.S. § 13-3994(F)(1)***
  - If the PSRB finds the person still suffers from a mental disease or defect and is dangerous, the PSRB shall order the person to remain committed to ASH.
- ***Grant Conditional Release – A.R.S. § 13-3994(F)(3)***
  - If the PSRB finds the person still suffers from a mental disease or defect, that the mental disease or defect is in stable remission and the person is no longer dangerous; the PSRB shall order the person's conditional release.
  - Persons on conditional release remain under the jurisdiction of the PSRB until the expiration of their sentence. ASH staff and the outpatient treatment provider work in conjunction to specify the conditions of release (i.e.: frequency of psychiatric and therapy appointments and housing) and the PSRB will approve as written or modify the proposed conditional release plan (CR plan).

# At Any Hearing the Board Can....

- ***Grant [Unconditional] Release – A.R.S. § 13-3994(F)(2)***
  - If the PSRB finds that the person no longer suffers from a mental disease or defect and is not dangerous, the PSRB must order that person's release (commonly referred to as unconditional release).
  - The person remains under the jurisdiction of the PSRB until the sentence expiration.
  - The PSRB must consider the person's entire criminal history and shall not order release if the person has a propensity to reoffend.
- ***Upon Expiration of Jurisdiction the Board Can Order a Psychiatric Evaluation Pursuant to Title 36 – A.R.S. 13-3994(J)***
  - When a person reaches the end of his or her term, the PSRB decides whether to order the county attorney to initiate civil commitment proceedings pursuant to Title 36.
  - To meet the criteria for civil commitment, the person must have a mental illness, must be a danger to self and/or a danger to others, be persistently or acutely disabled, gravely disabled; and must be unable or unwilling to accept treatment.

# At Any Hearing the Board Can....

- *Transfer to the Department of Corrections (from 2007 forward) – A.R.S. § 13-3994(F)(4)*
  - If the PSRB finds that the person no longer needs ongoing treatment for a mental disease and the person is dangerous or has a propensity to reoffend, the PSRB shall order the person to be transferred to the state department of corrections for the remainder of the sentence.
  - This decision is subject to a judicial review.

# At Every Hearing....

- Public safety and protection are primary.
- The burden of proof is on the applicant to show by clear and convincing evidence that the person no longer suffers from a mental disease or defect and is no longer dangerous.
- A person is not eligible for a hearing sooner than 120 days after the day of commitment (sentencing date).
- A person under the jurisdiction of the PSRB can request a release hearing every 20 months. The ASH Medical Director can request a release hearing at any time.
- At least three of the five Board members must vote for release, conditional release or termination of conditional release.
- A person shall not be kept in confinement without a hearing every two years.



The background features a series of vertical lines in various shades of blue and grey, creating a textured, rain-like effect. A solid teal horizontal band spans the width of the image, serving as a backdrop for the text.

# Conditional Release

# What is the PSRB looking for when considering conditional release?

- A period of stable remission.
  - This is not defined in statute.
- An extended period of adherence to treatment plans and medication regimens.
- No violations of hospital rules for at least 6 months.
- Evidence that the risk of violent reoffending is significantly reduced.

# Factors associated with increased risk of violent reoffending or dangerousness include:

- Insight into mental illness
- Remorse
- Criminal history
- Psychiatric history
- Treatment compliance history
- Substance abuse history
- Trauma
- Personality disorder/Anti-social behavior
- Employment history
- Community supports
- Coping skills

# Vetting Process for Conditional Release

- 1. ASH Treatment Team Recommendation
- 2. Forensic Review Committee
- 3. Special Classification Committee
- 4. ASH Psychology Department's comprehensive risk assessment
- 5. PSRB

# Privilege Levels of Conditional Release to the State Hospital



# Conditional Release to the Community

- Continue to be under PSRB jurisdiction until the sentence expires.
- Generally discharged to a supervised facility.
  - 24-hour group home
  - 16-hour group home
  - 8-hour group home
  - Independent living with family
  - Independent living
  - Skilled Nursing Facility (SNF)
- Followed by an outpatient treatment team with prescribers and case managers who are required to engage with the person on the basis of frequency approved by the PSRB.
- Outpatient treatment clinics are overseen by the RBHAs and AHCCCS

The background of the slide features a series of thin, vertical, slightly wavy lines in a light blue-grey color against a light grey gradient. A solid teal-colored horizontal band spans the width of the slide, positioned in the lower half. The text 'GEI Statistics' is written in a white, bold, sans-serif font within this band.

# GEI Statistics

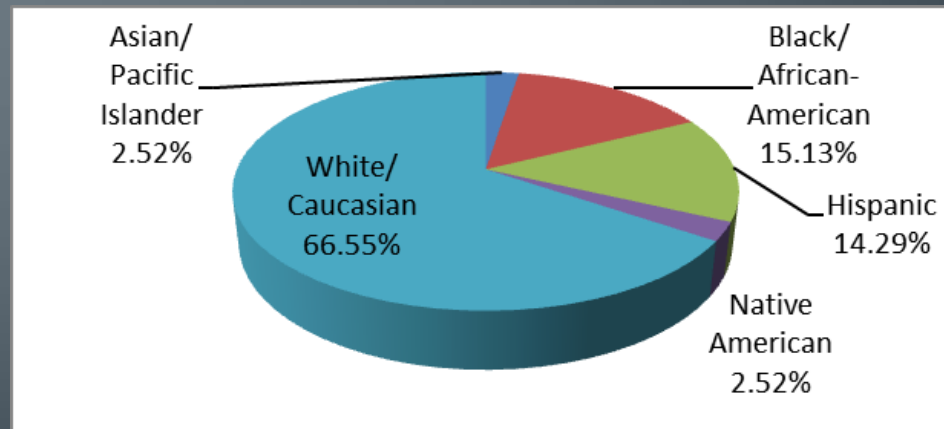
# 2016 Annual Report

- The PSRB conducted 16 meetings and 124 hearings.
- At the end of 2016, the PSRB had 119 individuals under its jurisdiction.
  - 95 in ASH
  - 23 in the community
- 12 individuals were committed to PSRB in 2016, and 12 individuals' jurisdictions expired.
  - 6 were ordered to undergo an evaluation for civil commitment, 6 were terminated without further action.
- 8 individuals were conditionally released to the community.
- 20 individuals were conditionally released to ASH.



# 2016 Annual Report

- 5 individuals' community release was revoked.
  - 4 due to deterioration
  - 1 due to non-compliance with terms of conditional release
- 1 individual was ordered to the Department of Corrections.
- Comprised of 94 men and 26 women.
- The average age is 46, ranging from 22 to 82.



# 2016 Annual Report

- Breakdown by Counties of Commitment:

- Pima: 40
- Maricopa: 36
- Yavapai: 16
- Pinal and Cochise: 5 ea.
- Yuma: 4
- Coconino: 3
- Navajo: 2
- Apache, Mohave, Gila, La Paz, Graham: 1 ea.
- Santa Cruz, Greenlee: 0

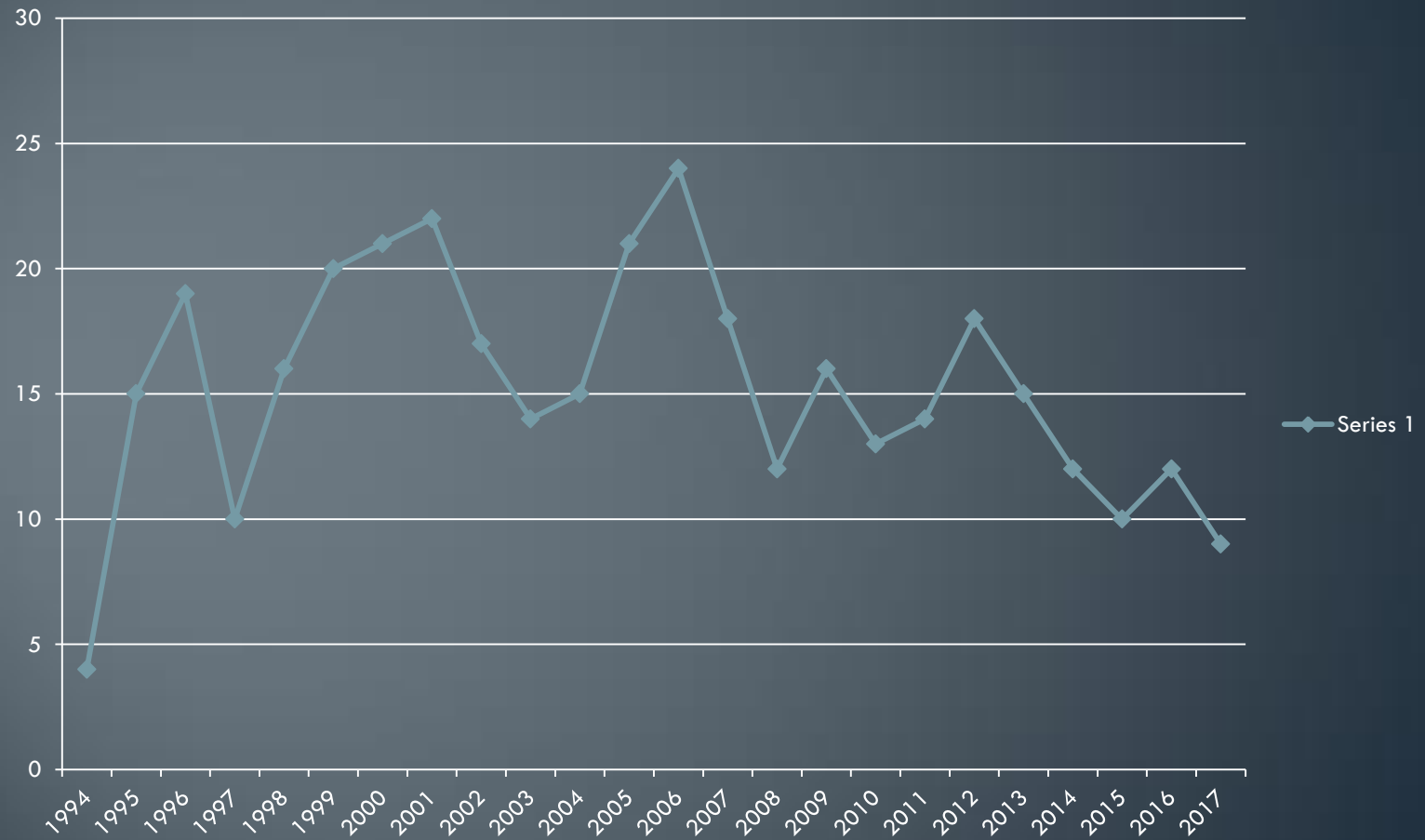


# Commitments by History

- 1994 = 4
- 1995 = 15
- 1996 = 19
- 1997 = 10
- 1998 = 16
- 1999 = 20
- 2000 = 21
- 2001 = 22
- 2002 = 17
- 2003 = 14
- 2004 = 15
- 2005 = 21
- 2006 = 24
- 2007 = 18
- 2008 = 12
- 2009 = 16
- 2010 = 13
- 2011 = 14
- 2012 = 18
- 2013 = 15
- 2014 = 12
- 2015 = 10
- 2016 = 12
- 2017 = 9

Total of 367

## GEI Commitments by History



# Current Snapshot of GEI Patients

- Total Patients: 118
  - In ASH: 97
  - On Conditional Release to the community: 21
  - On Release: 0
- Primary Diagnoses: Schizophrenia/Bi-Polar Disorder
- Secondary Diagnoses: Substance Abuse/Developmental Disabilities

# Current Crime Data

- Primary Offenses:
  - Aggravated Assault = 32
  - 1<sup>st</sup> Degree Murder = 30
  - 2<sup>nd</sup> Degree Murder = 14
  - Manslaughter = 2
  - Burglary or Armed Robbery = 5
  - Kidnapping = 2
  - Arson = 1
  - Other primary offenses and secondary offenses include the “Attempted” versions of all of the above and domestic violence, necrophilia, child abuse, animal cruelty, disorderly conduct and more.

The background of the slide features a series of thin, vertical, light blue lines of varying heights and positions, creating a textured, rain-like effect. A solid teal horizontal band spans the width of the slide, positioned in the lower half. The text 'Post-Conviction Notification' is centered within this band.

# Post-Conviction Notification

# Post-Conviction Notification

- If Opted In:
  - Pursuant to A.R.S. § 31-502(7) and (10) the Board must give written notice that a hearing will convene and give notice of the Board's decision.
- Victims are encouraged to give verbal testimony and/or submit their statement in writing so their comments can be placed into the evidentiary record.
- Victim Testimony commonly includes:
  - How the victims and their families were impacted by the crime(s).
  - Some victims comment on dangerousness and propensity to re-offend and request the Board to deny conditional release.
  - Many victims are the Patient's family members and are able to give a detailed history that the reports to the Board may not include.



# Post-Conviction Notification

- Misconceptions/Myths:

- The person will remain at ASH until their sentence expires.
- If the person's mental health improves, he or she will go to ADC for the remainder of their sentence.
- That the case is "over".

## Contact Us

Psychiatric Security Review Board  
2500 E. Van Buren St.  
Phoenix, AZ 85008

Executive Director:

Jaime L. Shapiro

602-220-6037

[jaime.shapiro@azdhs.gov](mailto:jaime.shapiro@azdhs.gov)

Assistant Attorney General

Thomas Raine, Esq.

602-542-7023

[thomas.raine@azag.gov](mailto:thomas.raine@azag.gov)

Web: [www.azdhs.gov/psrb](http://www.azdhs.gov/psrb)