

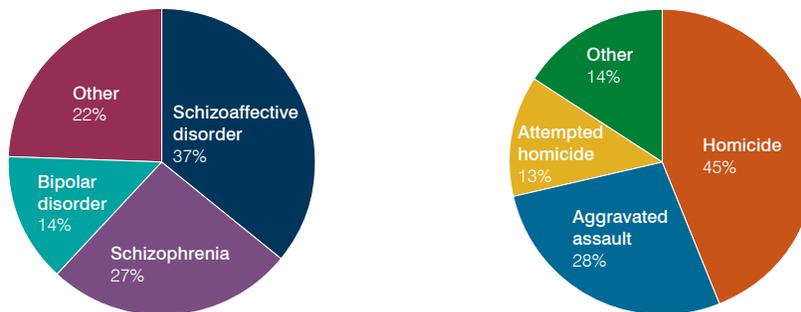
## Arizona Psychiatric Security Review Board

**CONCLUSION:** The Arizona Psychiatric Security Review Board (Board) maintains jurisdiction over persons the Superior Court of Arizona has found guilty except insane (GEI) who have caused or threatened to cause death or serious physical injury to another individual. We found that the Board should take steps to help ensure it receives necessary information to inform its decisions regarding GEI persons. Additionally, the Board should ensure it issues hearing notices and board decision orders as statutorily required, and develop and implement internal controls, such as rules and policies and procedures, to help efficiently and consistently meet its key responsibilities. Finally, the Legislature should consider revising statute to establish authority and responsibility for providing the Board's administrative support.

### Board oversees GEI persons who have committed serious crimes

GEI persons under the Board's jurisdiction are committed to the Arizona State Hospital (ASH) when sentenced. The Board conducts hearings for the GEI persons under its jurisdiction, including hearings to determine if GEI persons are eligible for release from ASH to the community based on several criteria, including whether the GEI person still suffers or is in stable remission from a mental disease or defect, is still dangerous, and has a propensity to reoffend. In fiscal year 2018, the Board conducted 23 release hearings and denied release for 21 GEI persons and granted conditional release for 2 GEI persons, which involves establishing conditions the GEI person must comply with while residing in the community. The Board is also responsible for monitoring GEI persons who have been released to the community. The Board may revoke release under certain circumstances, such as if a GEI person deteriorates mentally. As of June 30, 2018, the Board had 120 GEI persons under its jurisdiction, including 19 residing in the community.

**Primary diagnoses and offenses of 120 GEI persons**



### Board should take steps to ensure it receives needed information to inform its decisions regarding GEI persons

To help inform the Board's decisions, ASH or the applicable community behavioral health provider is statutorily required to provide the Board with a report on the GEI person's mental health (mental health report) at least 15 days prior to a GEI person's hearing. Statute does not specify the required content of mental health reports, but the Board has developed hearing notification letters that outline the information that should be included in the mental health reports.

However, the Board does not consistently receive sufficient detail in these mental health reports. For example, some reports we reviewed included detailed information and support for conclusions being made, some reports included a mix of detailed and general information to support conclusions, and other reports provided only general conclusion statements with little or no support. The lack of sufficient information jeopardizes the Board's ability to make timely and consistent decisions regarding GEI persons.

The Board's hearing notification letters do not clearly explain the Board's expectations about the level of detail or type of support it expects to be included in the mental health reports. Similar boards in other states more clearly communicate expectations for needed information to help inform their decisions.

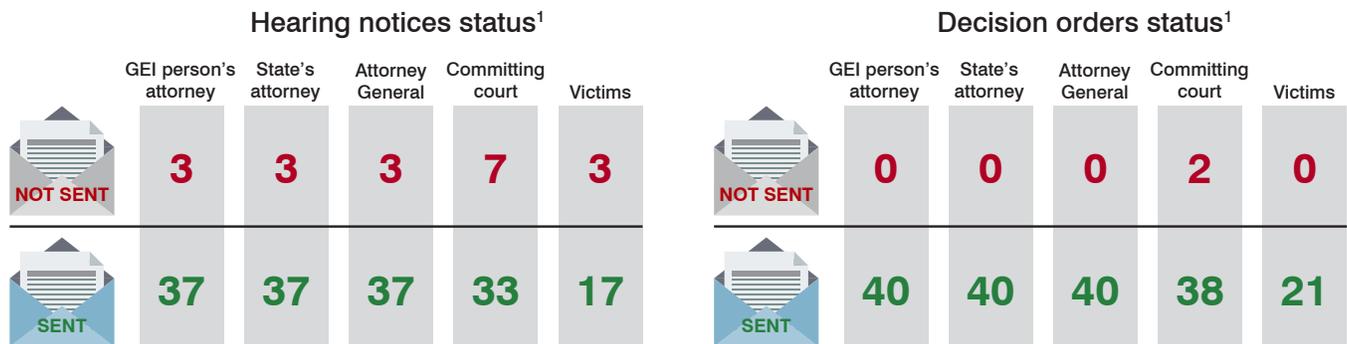
**Recommendation**

The Board should revise its hearing notification letters and develop written guidance to clarify its expectations for the information that mental health reports should provide.

**Other board actions needed**

As reported in the report's Sunset Factors section, we reviewed a random sample of 10 of the 120 GEI persons under the Board's jurisdiction as of June 2018 and found that the Board conducted release hearings for these persons as statutorily required. However, we identified the following areas for improvement:

**Board should improve its process for issuing hearing notices and decision orders**—We reviewed the Board's compliance with issuing hearing notices and board decision orders to persons statutorily required to receive them for 40 cases the Board heard between November 2017 and May 2018 and found that some hearing notices and board decision orders were not sent as required due to staff error.



<sup>1</sup> Hearing notices and board decision orders are required to be sent only to victims of GEI persons who request to receive them. According to board records, the victims associated with 20 of the 40 hearings requested to receive hearing notices, and the victims associated with 21 of the 40 hearings requested to receive board decision orders.

**Recommendation**

The Board should take steps to reduce errors in its process for sending hearing notices and board decision orders, such as requesting assistance for board staff and/or providing supervisory review of the process or requesting technological assistance to automate the process.

**Board should develop and implement internal controls**—The Board has not developed any rules and has minimal policies and procedures. Rules and policies and procedures are important for clarifying, operationalizing, and ensuring the consistent implementation of its statutory responsibilities.

**Recommendation**

The Board should establish rules to clarify its statutory responsibilities and develop and implement policies, procedures, and other written guidance for its key responsibilities.

**Legislature should consider establishing authority and responsibility for Board's administrative support**—Although the Arizona Department of Health Services has provided administrative support to the Board, including providing staff, funding, and facilities, it is not statutorily required to do so, and authority and responsibility for the Board's administrative support is not otherwise specified in statute. In contrast, statutes for 11 Arizona boards, commissions, and councils that receive administrative support from another state agency specify these administrative authorities and responsibilities.

**Recommendation**

The Legislature should consider revising statute to establish authority and responsibility for providing the Board's administrative support.