

COMMISSION ON MENTAL HEALTH LAW REFORM

CIVIL COMMITMENT HEARINGS: DISTRICT COURT VARIATIONS

JULY 2009 – JUNE 2010

Introduction

In previous reports, the Commission has called attention to the startling variations in disposition of civil commitment hearings among the Commonwealth's district courts. The initial findings documenting these variations were presented in the Commission's report on Civil Commitment hearings conducted during May, 2007. That report can be found at http://www.courts.state.va.us/programs/cmh/2007_05_civil_commitment_hearings.pdf

After the first wave of commitment law reforms enacted by the General Assembly went into force on July 1, 2008, the Supreme Court began collecting data on the dispositions of civil commitment hearings as part of its Case Management System. During FY 2009, the Commission's research staff worked closely with the Office of the Executive Secretary of the Supreme Court to monitor the coding and reporting of disposition data by the district court clerks and to assure that the reported data are accurately interpreted. The Commission has relied on these data in its progress reports on mental health law reform in December, 2008 and in December, 2009.

The CMS data for FY 2009 consistently revealed the same wide variations in disposition previously documented for hearings conducted during in May, 2007. However, in an excess of caution, the Commission decided not to prepare a public report on these variation using FY 2009 data because of concerns that the data presented in some jurisdictions may be attributable to coding and reporting errors. Instead, the Commission decided to defer any report on this subject until data were available for FY 2010. In this report, the Commission summarizes the disposition of commitment hearings for FY 2010. The data presented below pertain only to hearings involving adult respondents not under a commitment order or in penal confinement at the time of the hearing. (In other words, the data exclude recommitment hearings as well as cases involving juveniles and persons in jail.) We refer to these hearings as "initial commitment hearings."

Summary of Findings

There were a total of 21,549 initial commitment hearings conducted during FY 2010 (5,773 in the first quarter; 4,964 in the second quarter; 5,191 in the third quarter; and 5,621 in the fourth quarter). Statewide, 19.5% of these hearings resulted in dismissal, 57.4% resulted in involuntary commitment to a hospital, 22.7% resulted in an agreement for the respondent to remain in the hospital voluntarily, and less than 1% resulted in mandatory outpatient treatment orders. The data displayed below present the dispositional rates for the 35 district courts that conducted at least 100 hearings during the four quarters. (See Appendices A and B for tables and charts showing hearing dispositions for district courts with at least 100 hearings.)

Rate of Dismissal

As indicated, commitment petitions were dismissed in 19.5% of the hearings conducted throughout the Commonwealth during FY 2010. However, there were significant variations in dismissal rates among the district courts, including four district courts where the dismissal rate was more than twice the state average (See Table 1). Conversely, there were seven district

courts where the dismissal rate was less than 5%, including one district where only one of 129 cases was dismissed (See Table 2).

Table 1. District Courts with Dismissal Rates More Than Twice State Average

	Total Hearings	Dismissals	
		Count	%
Galax	556	476	85.6
Martinsville	120	67	55.8
Fredericksburg	602	325	54.0
Charlottesville	457	192	42.0

Table 2. District Courts with Dismissal Rates Less Than 5%

	Total Hearings	Dismissals	
		Count	%
Danville	733	31	4.2
Roanoke	1026	30	2.9
Hopewell	443	11	2.5
Salem	835	17	2.0
Dinwiddie	320	3	0.9
Staunton	129	1	0.8

Rate of Involuntary Commitment

Involuntary admission to a mental health facility (also called involuntary commitment) was ordered in 57.4% of all the hearings across the Commonwealth. However, there were significant variations in the involuntary commitment rate among the district courts. As shown in Tables 3 and 4, nine district courts had involuntary commitment rates higher than 70% and ten had rates lower than 35%. In one district, only 24 (4.3%) of 556 respondents were committed involuntarily.

Table 3. District Courts with Involuntary Commitment Rates Greater Than 70%

	Total Hearings	Involuntary Commitments	
		Count	%
Dinwiddie	320	317	99.1
Hopewell	443	414	93.5
Staunton	129	114	88.4
Chesapeake	662	543	82.0
Petersburg	1203	984	81.8
Richmond	2240	1819	81.2
Virginia Beach	1039	787	75.7
Augusta	241	179	74.3

Table 4. District Courts with Involuntary Commitment Rates Less Than 35%

	Total Hearings	Involuntary Commitments	
		Count	%
Bristol	479	161	33.6
Fredericksburg	602	178	29.6
Mecklenburg	362	104	28.7
Fairfax County	744	209	28.1
Martinsville	120	30	25.0
Russell	222	55	24.8
Prince William	597	146	24.5
Montgomery	786	158	20.1
Winchester	307	22	7.2
Galax	556	24	4.3

Rate of Mandatory Outpatient Treatment

There were only 83 MOT orders during FY10, with an average of six per month. These MOT hearings occurred among only 14 district courts; however, 49 of the 83 MOT cases took place in two jurisdictions (Prince William – 36 and Staunton – 13). Districts with MOTs are shown in Table 5.

Table 5. District Courts with MOT Dispositions

	Total Hearings	MOT	
		Count	%
Staunton	129	13	10.1
Prince William	597	36	6.0
Augusta	241	6	2.5
Alexandria	215	2	0.9
Russell	222	2	0.9
Smyth	1246	9	0.7
Fairfax County	744	3	0.4
Lynchburg	758	3	0.4
Henrico	343	1	0.3
Roanoke	1026	3	0.3
Rockingham	320	1	0.3
Salem	835	2	0.2
Danville	733	1	0.1
Montgomery	786	1	0.1

Rate of Voluntary Hospitalizations among Persons Hospitalized

Because there were so few MOT orders, cases that were not dismissed resulted in continued hospitalization after the TDO. In about 70% of these 16,736 cases, the respondents were placed under an involuntary commitment order, while the remaining 30% were allowed to agree to voluntary hospitalization. However, whether respondents were allowed to agree to voluntary hospitalization is another source of substantial variation among district courts. Among

people who were hospitalized, certain districts were much more inclined to allow voluntary admission rather than issue a commitment order. In district courts with at least 100 hearings, the average rate for voluntary admissions among hospitalizations was about 28.7%. However, the voluntary admission rate was 50% or more in 11 district courts and 10% or less in seven district courts. These districts are shown in Tables 6 and 7.

Table 6. District Courts with Voluntary Admission Rates Greater Than 50%

	Total Hearings	Hospitalizations	
		# of Hospitalizations	% Voluntary Hospitalizations
Winchester	307	242	90.9
Russell	222	192	71.4
Montgomery	786	529	70.1
Galax	556	80	70.0
Prince William	597	436	66.5
Mecklenburg	362	293	64.5
Bristol	479	451	64.3
Fairfax County	744	579	63.9
Danville	733	701	56.1
Rockingham	320	275	54.2
Loudoun	177	162	51.9

Table 7. District Courts with Voluntary Admission Rates Less Than 10%

	Total Hearings	Hospitalizations	
		# of Hospitalizations	% Voluntary Hospitalizations
Smyth	1246	956	9.7
Chesapeake	662	597	9.0
Lynchburg	758	478	7.5
Hopewell	443	432	4.2
Staunton	129	115	0.9
Dinwiddie	320	317	0.0

APPENDIX A

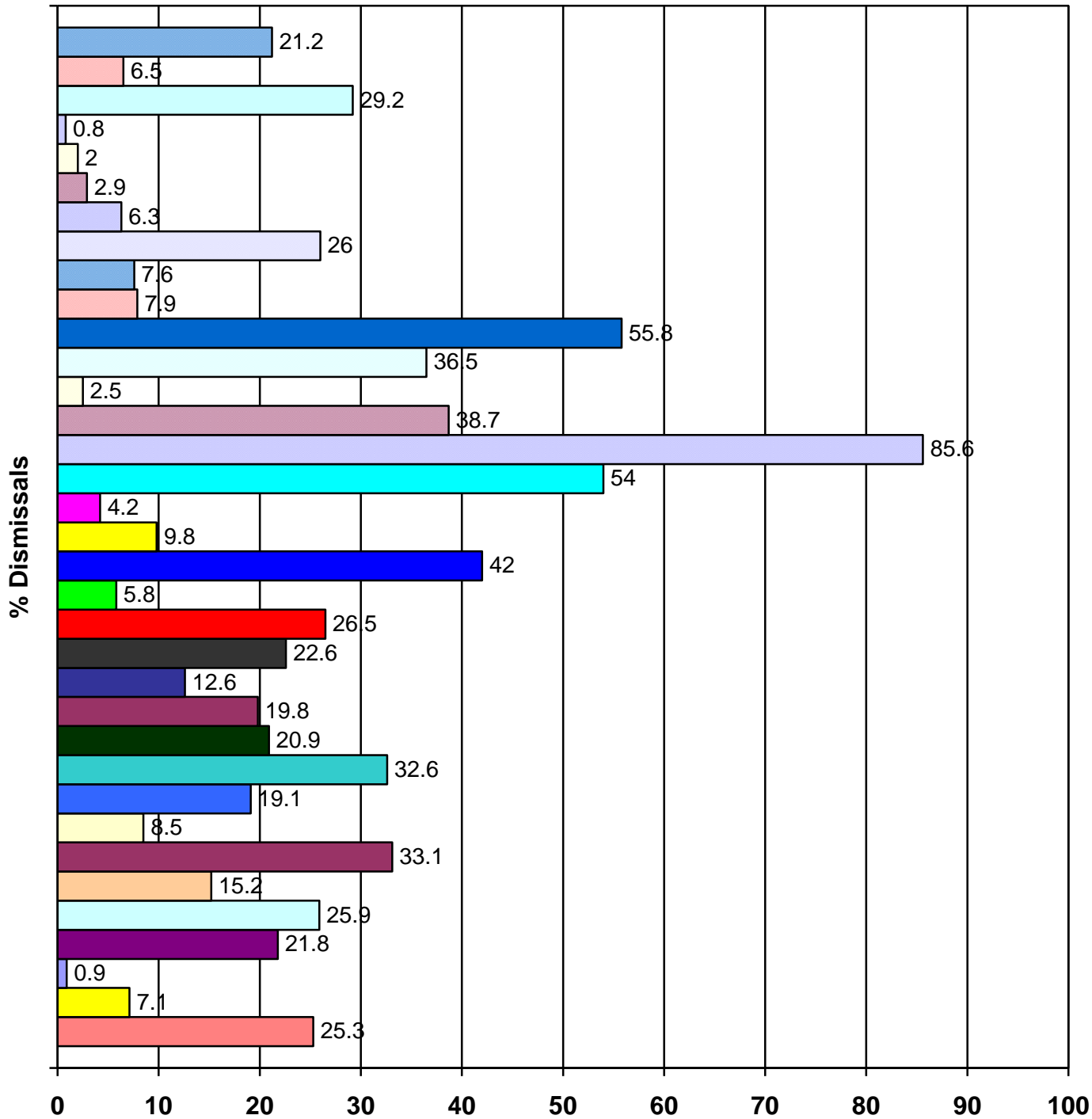
**Table 8. CMS Initial Hearing Dispositions, FY10,
by District Court (n ≥ 100)**

		HEARING RESULT				Total
		Dismissed	MOT	Involuntary	Voluntary	
Arlington	Count	93	0	147	127	367
	%	25.3%	0.0%	40.1%	34.6%	1.7%
Augusta	Count	17	6	179	39	241
	%	7.1%	2.5%	74.3%	16.2%	1.1%
Dinwiddie	Count	3	0	317	0	320
	%	0.9%	0.0%	99.1%	0.0%	1.5%
Fairfax County	Count	162	3	209	370	744
	%	21.8%	0.4%	28.1%	49.7%	3.5%
Hanover	Count	43	0	103	20	166
	%	25.9%	0.0%	62.0%	12.0%	0.8%
Henrico	Count	52	1	220	70	343
	%	15.2%	0.3%	64.1%	20.4%	1.6%
Lancaster	Count	44	0	77	12	133
	%	33.1%	0.0%	57.9%	9.0%	0.6%
Loudoun	Count	15	0	78	84	177
	%	8.5%	0.0%	44.1%	47.5%	0.8%
Mecklenburg	Count	69	0	104	189	362
	%	19.1%	0.0%	28.7%	52.2%	1.7%
Montgomery	Count	256	1	158	371	786
	%	32.6%	0.1%	20.1%	47.2%	3.7%
Prince William	Count	125	36	146	290	597
	%	20.9%	6.0%	24.5%	48.6%	2.8%
Rockingham	Count	44	1	126	149	320
	%	13.8%	0.3%	39.4%	46.6%	1.5%
Russell	Count	28	2	55	137	222
	%	12.6%	0.9%	24.8%	61.7%	1.1%
Smyth	Count	281	9	863	93	1246
	%	22.6%	0.7%	69.3%	7.5%	5.9%
Alexandria	Count	57	2	118	38	215
	%	26.5%	0.9%	54.9%	17.7%	1.0%
Bristol	Count	28	0	161	290	479
	%	5.8%	0.0%	33.6%	60.5%	2.3%
Charlottesville	Count	192	0	238	27	457
	%	42.0%	0.0%	52.1%	5.9%	2.2%

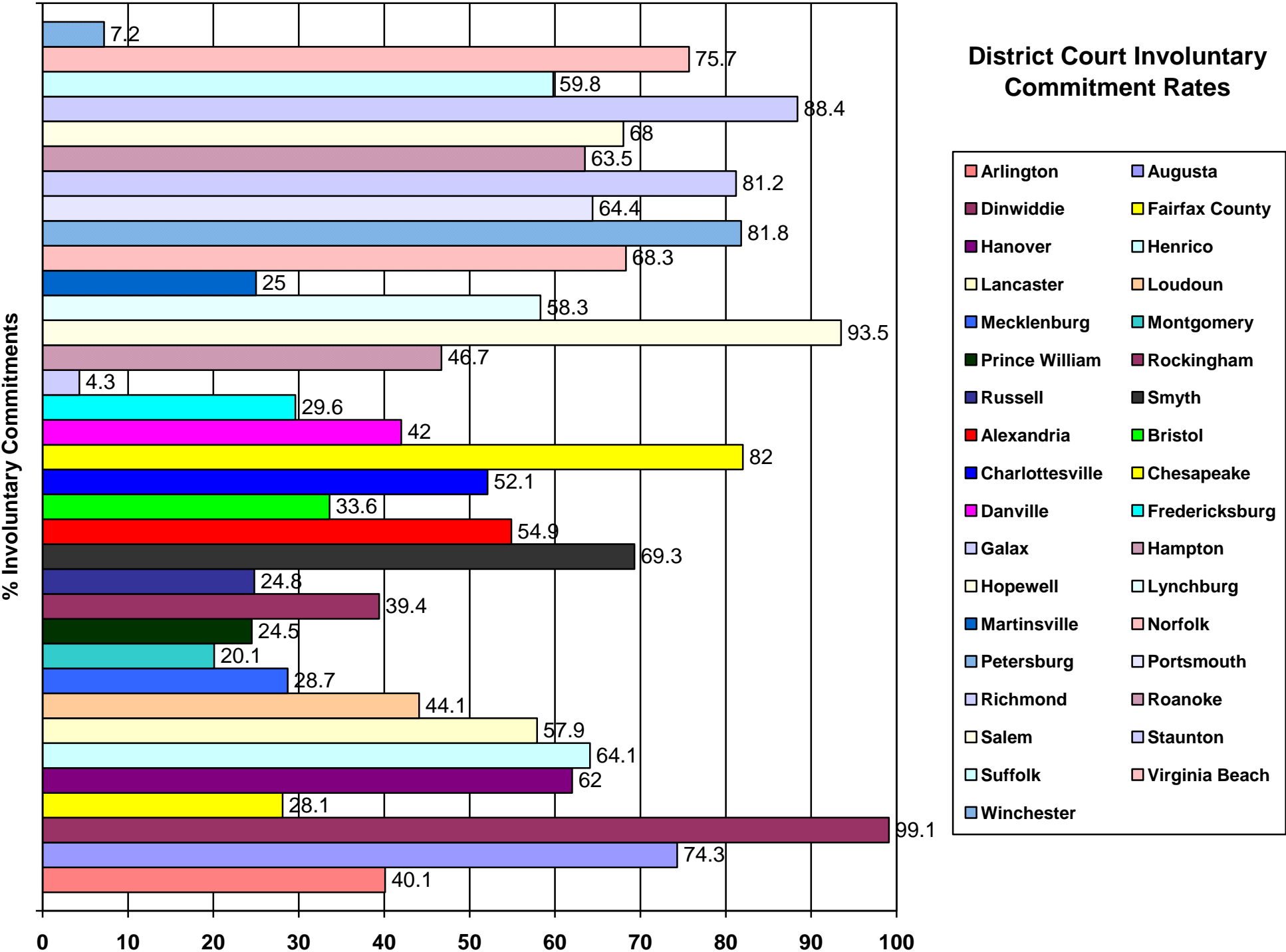
		HEARING RESULT				Total
		Dismissed	MOT	Involuntary	Voluntary	
Chesapeake	Count	65	0	543	54	662
	%	9.8%	0.0%	82.0%	8.2%	3.1%
Danville	Count	31	1	308	393	733
	%	4.2%	0.1%	42.0%	53.6%	3.5%
Fredericksburg	Count	325	0	178	99	602
	%	54.0%	0.0%	29.6%	16.4%	2.9%
Galax	Count	476	0	24	56	556
	%	85.6%	0.0%	4.3%	10.1%	2.6%
Hampton	Count	561	0	676	212	1449
	%	38.7%	0.0%	46.7%	14.6%	6.9%
Hopewell	Count	11	0	414	18	443
	%	2.5%	0.0%	93.5%	4.1%	2.1%
Lynchburg	Count	277	3	442	36	758
	%	36.5%	0.4%	58.3%	4.7%	3.6%
Martinsville	Count	67	0	30	23	120
	%	55.8%	0.0%	25.0%	19.2%	0.6%
Norfolk	Count	22	0	190	66	278
	%	7.9%	0.0%	68.3%	23.7%	1.3%
Petersburg	Count	92	0	984	127	1203
	%	7.6%	0.0%	81.8%	10.6%	5.7%
Portsmouth	Count	304	0	753	113	1170
	%	26.0%	0.0%	64.4%	9.7%	5.6%
Richmond	Count	140	0	1819	281	2240
	%	6.3%	0.0%	81.2%	12.5%	10.6%
Roanoke	Count	30	3	651	342	1026
	%	2.9%	0.3%	63.5%	33.3%	4.9%
Salem	Count	17	2	568	248	835
	%	2.0%	0.2%	68.0%	29.7%	4.0%
Staunton	Count	1	13	114	1	129
	%	0.8%	10.1%	88.4%	0.8%	0.6%
Suffolk	Count	64	0	131	24	219
	%	29.2%	0.0%	59.8%	11.0%	1.0%
Virginia Beach	Count	68	0	787	184	1039
	%	6.5%	0.0%	75.7%	17.7%	4.9%
Winchester	Count	65	0	22	220	307
	%	21.2%	0.0%	7.2%	71.7%	1.5%
Total	Count	4125	83	11933	4803	20944
	%	19.7%	0.4%	57.0%	22.9%	100.0%

APPENDIX B

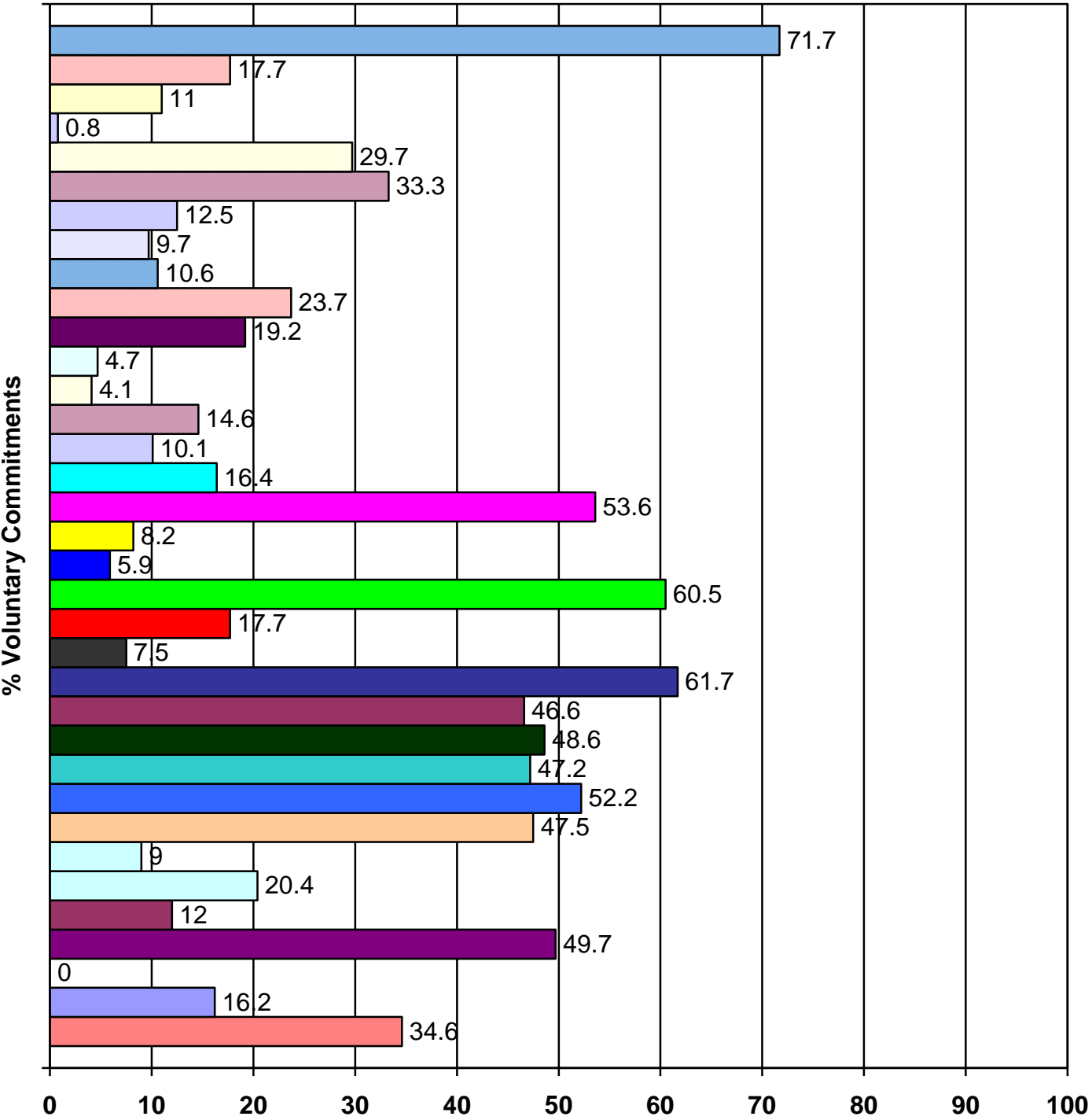
District Court Dismissal Rates



District Court Involuntary Commitment Rates

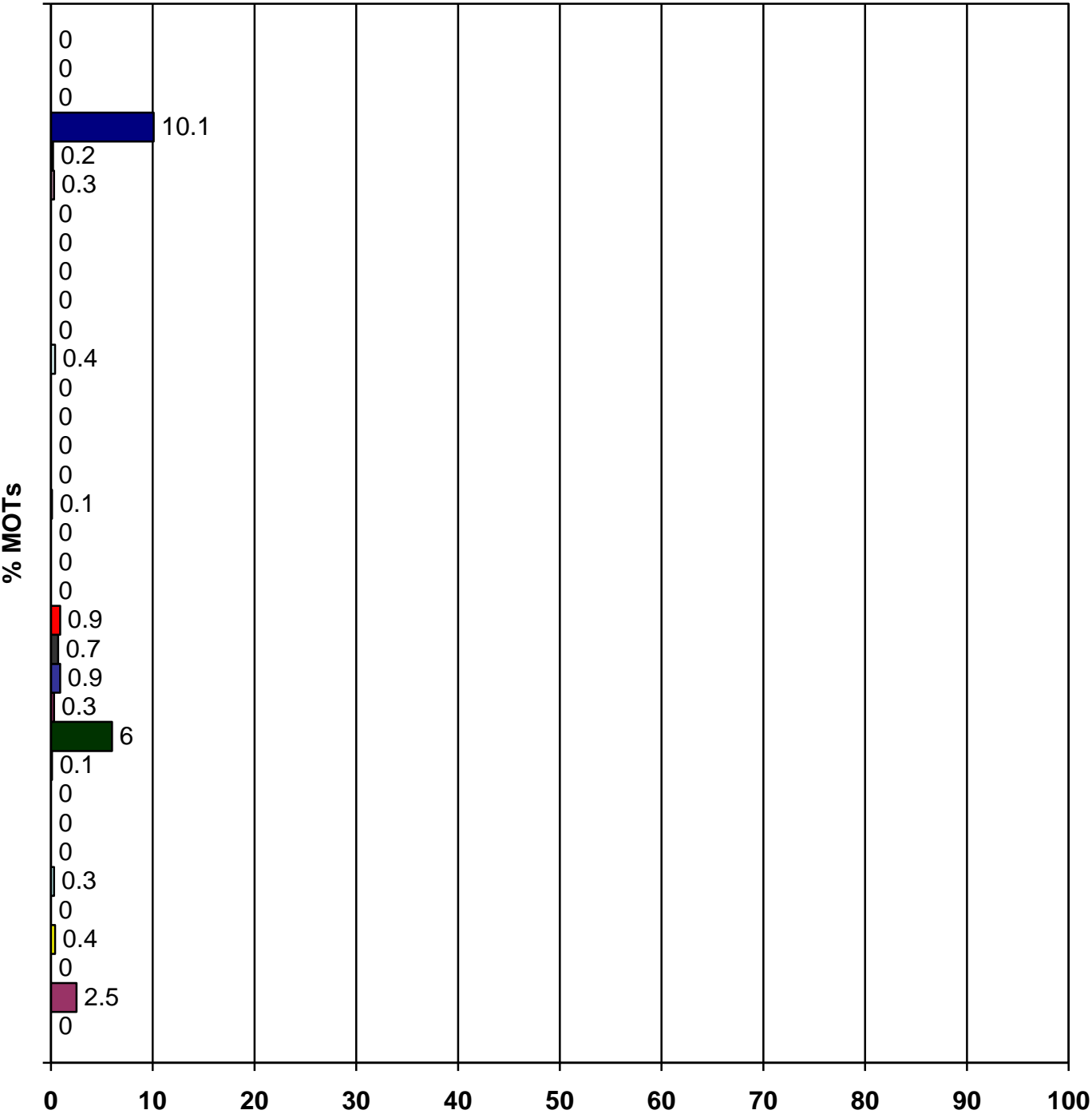


District Court Voluntary Commitment Rates



- Arlington
- Dinwiddie
- Hanover
- Lancaster
- Loudoun
- Mecklenburg
- Prince William
- Alexandria
- Charlottesville
- Danville
- Galax
- Hopewell
- Martinsville
- Petersburg
- Richmond
- Salem
- Suffolk
- Augusta
- Fairfax County
- Henrico
- Loudoun
- Montgomery
- Rockingham
- Smyth
- Chesapeake
- Fredericksburg
- Hampton
- Lynchburg
- Norfolk
- Portsmouth
- Roanoke
- Staunton
- Virginia Beach

District Court MOT Rates



- Arlington
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