

COMMISSION ON MENTAL HEALTH LAW REFORM

CIVIL COMMITMENT HEARINGS: DISTRICT COURT VARIATIONS

JULY 2010 – JUNE 2011

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 since December, 2008.

The Commission previously prepared a public report on the subject of variations in disposition using data from FY 2010. In this report, the Commission summarizes the disposition of commitment hearings for FY 2011. The data presented below pertain only to hearings involving adult respondents not already 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 or persons in jail.) We refer to these hearings as "initial commitment hearings."

Summary of Findings

There were a total of 21,245 initial commitment hearings conducted during FY 2011 (5,595 in the first quarter; 4,983 in the second quarter; 5,433 in the third quarter; and 5,234 in the fourth quarter). Statewide, 16.7% of these hearings resulted in dismissal, 61.6% resulted in involuntary commitment to a hospital, 21.6% 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 36 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 (18.46%) of the hearings conducted throughout the Commonwealth during FY 2011. However, there were significant variations in dismissal rates among the district courts, including seven district courts where the dismissal rate was more than twice the state average (See Table 1). Conversely, there were nine district courts where the dismissal rate was less than 5%, including one district where only one of 716 cases was dismissed (See Table 2).

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

	Total Hearings	Dismissals	
		Count	%
Galax	395	319	80.8
Fredericksburg	668	329	49.3
Montgomery	1053	504	47.9
Lynchburg	765	297	38.8
Lancaster	178	67	37.6
Charlottesville	428	161	37.6

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

	Total Hearings	Dismissals	
		Count	%
Dinwiddie	716	1	0.1
Williamsburg	465	2	0.4
Virginia Beach	1145	8	0.7
Salem	915	8	0.9
Roanoke County	415	4	1.0
Smyth	960	10	1.0
Staunton	864	16	1.9
Roanoke	808	17	2.1
Loudoun	186	6	3.2
Danville	679	29	4.3

Rate of Involuntary Commitment

Involuntary admission to a mental health facility (also called involuntary commitment) was ordered in 58.09% of all the hearings across the Commonwealth. However, there were significant variations in the involuntary commitment rate among the district courts. As shown in Table 3 and Table 4, twelve district courts had involuntary commitment rates higher than 70% and nine had rates lower than 35%. In one district, only 17 (6.3%) of 271 respondents were committed involuntarily.

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

	Total Hearings	Involuntary Commitments	
		Count	%
Dinwiddie	716	715	99.9
Williamsburg	465	458	98.5
Roanoke County	415	405	97.6
Staunton	864	821	95.0
Smyth	960	885	92.2
Hopewell	424	362	85.4
Chesapeake	656	558	85.1
Virginia Beach	1145	951	83.1
Petersburg	1116	881	78.9
Richmond	2292	1664	72.6
Salem	915	655	71.6
Augusta	367	257	70.0

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

	Total Hearings	Involuntary Commitments	
		Count	%
Winchester	271	17	6.3
Galax	395	25	6.3
Montgomery	1053	194	18.4
Mecklenburg	372	84	22.6
Prince William	561	143	25.5
Fredericksburg	668	184	27.5
Rockingham	321	90	28.0
Russell	246	73	29.7
Fairfax County	765	257	33.6

Rate of Mandatory Outpatient Treatment

There were only 29 MOT orders during FY11. MOT orders were issued by only 12 district courts; however, almost one third of the 29 MOT cases took place in a single jurisdiction (Staunton – 9). Districts with MOTs are shown in Table 5.¹

¹ These analyses do not include the “step-down” MOT procedure that went into effect in FY11, because it was used almost exclusively in recommitment hearings in Staunton.

Table 5: District Courts with MOT Dispositions

	Total Hearings	MOT	
		Count	%
Staunton	864	9	1.0
Fairfax County	765	4	0.5
Augusta	367	3	0.8
Prince William	561	3	0.5
Smyth	960	2	0.2
Russell	246	1	0.4
Roanoke County	415	1	0.2
Charlottesville	428	1	0.2
Williamsburg	465	1	0.2
Danville	679	1	0.1
Lynchburg	765	1	0.1
Salem	915	1	0.1
Total	23206	29	0.1

Rate of Voluntary Hospitalizations among Persons Hospitalized

Because there were so few MOT orders, cases that were not dismissed typically resulted in continued hospitalization after the TDO. In about 74% of these 19,301 cases, the respondents were placed under an involuntary commitment order, while the remaining 26% 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 31%. However, the voluntary admission rate was 50% or more in six district courts and 10% or less in eleven district courts. These districts are shown in Table 6 and Table 7.

Table 6: District Courts with Voluntary Admission Rates Greater Than 50%, FY11 (CMS)

	Total Hearings	Hospitalizations		
		# of Hospitalizations	# Voluntary Hospitalizations	% Voluntary Hospitalizations
Winchester	271	219	202	92.2
Mecklenburg	372	280	196	70.0
Prince William	561	440	297	67.5
Russell	246	221	148	67.0
Rockingham	321	254	164	64.6
Loudoun	186	180	100	55.6

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

	Total Hearings	Hospitalizations		
		# of Hospitalizations	# Voluntary Hospitalizations	% Voluntary Hospitalizations
Dinwiddie	716	715	0	0.0
Williamsburg	465	462	4	0.9
Roanoke County	415	410	5	1.2
Staunton	864	839	18	2.1
Smyth	960	948	63	6.6
Hopewell	424	388	26	6.7
Suffolk	211	152	11	7.2
Chesapeake	656	615	57	9.3
Lancaster	178	111	14	12.6
Hanover	136	94	12	12.8
Lynchburg	765	467	73	15.6

Appendix A: FY11 CMS Hearing Dispositions by District Court ($n \geq 100$)

District		Dismissals	Involuntary Commitments	Mandatory Outpatient	Voluntary Hospitalizations	Total
Arlington	Count	63	119	0	106	288
	% within FIPS	21.9%	41.3%	.0%	36.8%	100.0%
Augusta	Count	37	257	3	70	367
	% within FIPS	10.1%	70.0%	.8%	19.1%	100.0%
Dinwiddie	Count	1	715	0	0	716
	% within FIPS	.1%	99.9%	.0%	.0%	100.0%
Fairfax County	Count	154	257	4	350	765
	% within FIPS	20.1%	33.6%	.5%	45.8%	100.0%
Hanover	Count	42	82	0	12	136
	% within FIPS	30.9%	60.3%	.0%	8.8%	100.0%
Henrico	Count	52	215	0	66	333
	% within FIPS	15.6%	64.6%	.0%	19.8%	100.0%
Lancaster	Count	67	97	0	14	178
	% within FIPS	37.6%	54.5%	.0%	7.9%	100.0%
Loudoun	Count	6	80	0	100	186
	% within FIPS	3.2%	43.0%	.0%	53.8%	100.0%
Mecklenburg	Count	92	84	0	196	372
	% within FIPS	24.7%	22.6%	.0%	52.7%	100.0%
Montgomery	Count	504	194	0	355	1053
	% within FIPS	47.9%	18.4%	.0%	33.7%	100.0%
Prince William	Count	118	143	3	297	561
	% within FIPS	21.0%	25.5%	.5%	52.9%	100.0%
Roanoke County	Count	4	405	1	5	415
	% within FIPS	1.0%	97.6%	.2%	1.2%	100.0%
Rockingham	Count	67	90	0	164	321
	% within FIPS	20.9%	28.0%	.0%	51.1%	100.0%
Russell	Count	24	73	1	148	246
	% within FIPS	9.8%	29.7%	.4%	60.2%	100.0%

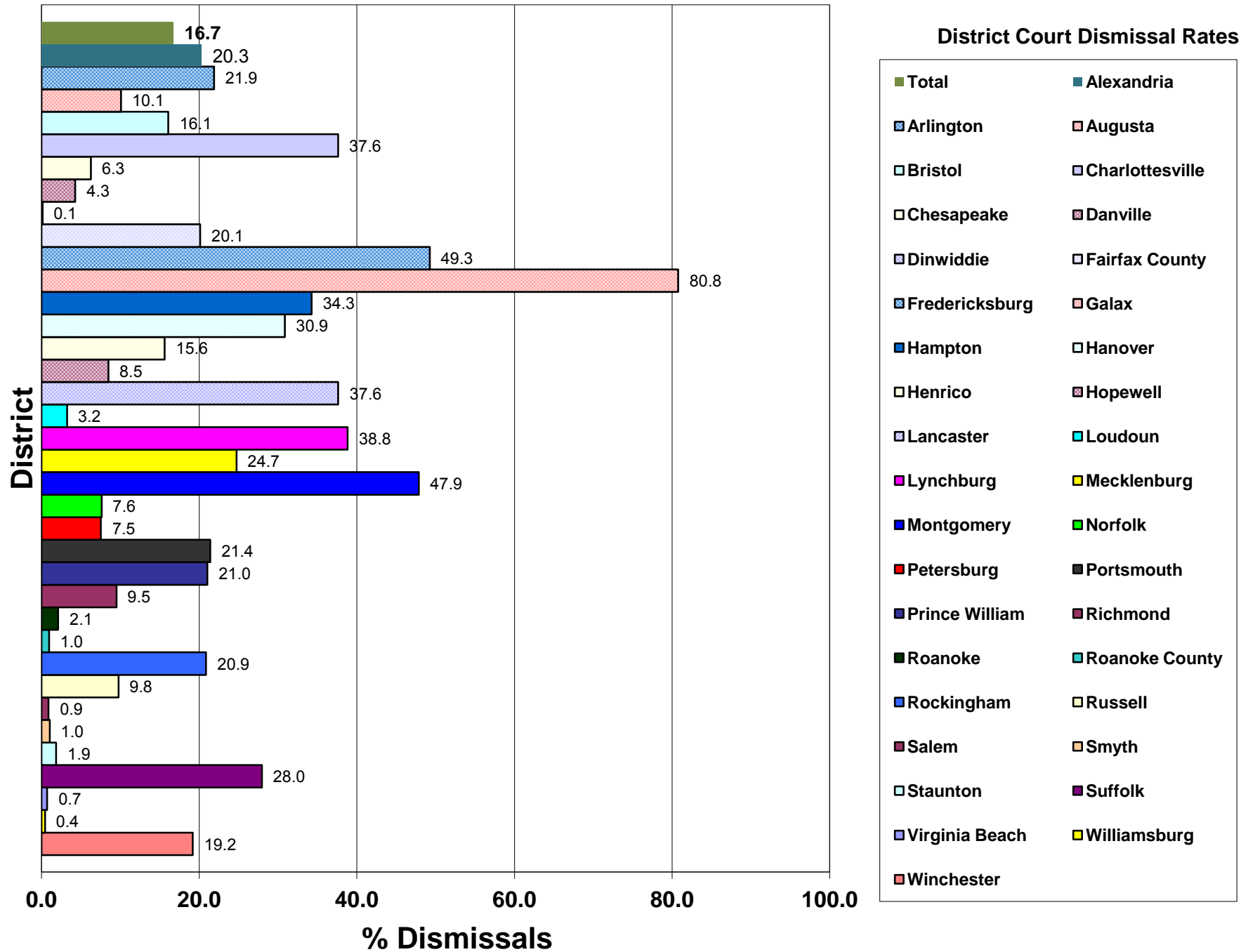
Appendix A: FY11 CMS Hearing Dispositions by District Court ($n \geq 100$)

District		Dismissals	Involuntary Commitments	Mandatory Outpatient	Voluntary Hospitalizations	Total
Smyth	Count	10	885	2	63	960
	% within FIPS	1.0%	92.2%	.2%	6.6%	100.0%
Alexandria	Count	45	127	0	50	222
	% within FIPS	20.3%	57.2%	.0%	22.5%	100.0%
Bristol	Count	81	186	0	237	504
	% within FIPS	16.1%	36.9%	.0%	47.0%	100.0%
Charlottesville	Count	161	219	1	47	428
	% within FIPS	37.6%	51.2%	.2%	11.0%	100.0%
Chesapeake	Count	41	558	0	57	656
	% within FIPS	6.3%	85.1%	.0%	8.7%	100.0%
Danville	Count	29	352	1	297	679
	% within FIPS	4.3%	51.8%	.1%	43.7%	100.0%
Fredericksburg	Count	329	184	0	155	668
	% within FIPS	49.3%	27.5%	.0%	23.2%	100.0%
Galax	Count	319	25	0	51	395
	% within FIPS	80.8%	6.3%	.0%	12.9%	100.0%
Hampton	Count	438	648	0	192	1278
	% within FIPS	34.3%	50.7%	.0%	15.0%	100.0%
Hopewell	Count	36	362	0	26	424
	% within FIPS	8.5%	85.4%	.0%	6.1%	100.0%
Lynchburg	Count	297	394	1	73	765
	% within FIPS	38.8%	51.5%	.1%	9.5%	100.0%
Norfolk	Count	20	160	0	82	262
	% within FIPS	7.6%	61.1%	.0%	31.3%	100.0%
Petersburg	Count	84	881	0	151	1116
	% within FIPS	7.5%	78.9%	.0%	13.5%	100.0%
Portsmouth	Count	294	881	0	198	1373
	% within FIPS	21.4%	64.2%	.0%	14.4%	100.0%
Richmond	Count	218	1664	0	410	2292
	% within FIPS	9.5%	72.6%	.0%	17.9%	100.0%
Roanoke	Count	17	550	0	241	808
	% within FIPS	2.1%	68.1%	.0%	29.8%	100.0%
Salem	Count	8	655	1	251	915
	% within FIPS	.9%	71.6%	.1%	27.4%	100.0%

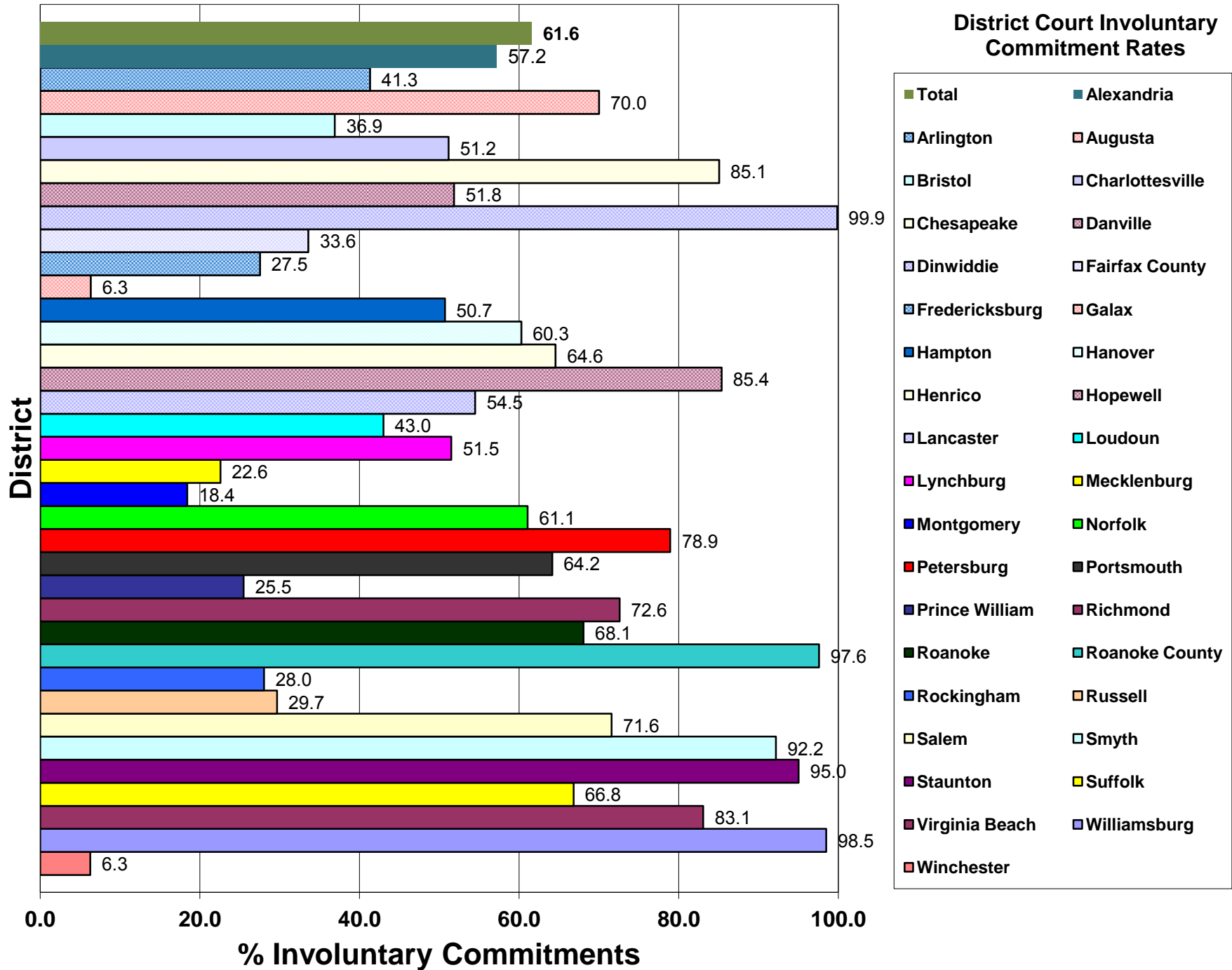
Appendix A: FY11 CMS Hearing Dispositions by District Court ($n \geq 100$)

District		Dismissals	Involuntary Commitments	Mandatory Outpatient	Voluntary Hospitalizations	Total
Staunton	Count	16	821	9	18	864
	% within FIPS	1.9%	95.0%	1.0%	2.1%	100.0%
Suffolk	Count	59	141	0	11	211
	% within FIPS	28.0%	66.8%	.0%	5.2%	100.0%
Virginia Beach	Count	8	951	0	186	1145
	% within FIPS	.7%	83.1%	.0%	16.2%	100.0%
Williamsburg	Count	2	458	1	4	465
	% within FIPS	.4%	98.5%	.2%	.9%	100.0%
Winchester	Count	52	17	0	202	271
	% within FIPS	19.2%	6.3%	.0%	74.5%	100.0%
Total	Count	3876	14292	29	5009	23206
	% within FIPS	16.7%	61.6%	.1%	21.6%	100.0%

Appendix B: Figures of FY 2011 District Court Variations



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