

## **HJR 16: State-Operated Institutions** ***Montana State Hospital Admissions by Type***

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### Background

Patients at the Montana State Hospital (MSH) are admitted to the facility in a variety of ways. A small number are admitted on a voluntary basis. The remaining admissions can be broadly categorized in one of two ways. Those occur either through:

- a civil court proceeding for individuals who are experiencing a mental health crisis; or
- a criminal proceeding for individuals who have committed a crime but who may have a mental health disorder that prevented them from understanding the criminality of their conduct or from effectively participating in the criminal proceedings against them.

However, different types of admissions occur within those two broad categories, and state law sets different time limits on each type of admission. Deadlines also exist for some steps within the civil or criminal proceeding that leads to the admission.

This briefing paper summarizes each type of admission within those categories.

### Types of Civil Commitments

Individuals who pose a danger to themselves or others may be sent to or committed to MSH through one of the following civil proceedings:

- **Emergency Detention:** In this two-part process, a law enforcement officer may detain a person for evaluation by a professional person if the officer believes an emergency situation exists because of the person's mental disorder. A professional person may order the person detained and treated at a local mental health facility or at MSH until the next business day, when the professional person must either release the individual or ask the county attorney to file a commitment petition.
- **Court-Ordered Detention:** If a professional person has documented a need for commitment, a county attorney may file a commitment petition. The court may order that the person be sent to MSH for treatment for up to five days or until an initial hearing on the commitment petition can be held.
- **Involuntary Commitment:** A person may be involuntarily committed to MSH if a court finds that because of a mental disorder the person has injured or poses an imminent risk of injury to self or others or that the person is substantially unable to provide for the basic needs of food, clothing, shelter, health, or safety. Anyone can ask a county attorney to file a petition seeking commitment. The filing starts a series of events, including an initial appearance before a judge, the appointment of a public defender if necessary, and appointment of a professional person to examine the individual.

A hearing on the petition generally must be held within five days of the initial appearance. A person may be committed to MSH for up to three months. A petition may be filed to extend the commitment period for up to six months after the initial commitment, and extensions of up to one year at a time may be sought after that.

- **Inter-Institutional Transfer:** When an individual in another Department of Public Health and Human Services (DPHHS) facility or a Department of Corrections facility needs more intensive treatment than is available at the facility, the person may be transferred to MSH for up to 10 days. The person must be voluntarily admitted or involuntarily committed if the person needs to remain at MSH for more than 10 days.

#### Types of Criminal, or "Forensic," Commitments

MSH also provides evaluations and treatment for individuals who are involved with the criminal justice system. Individuals may be admitted to the facility in the following ways:

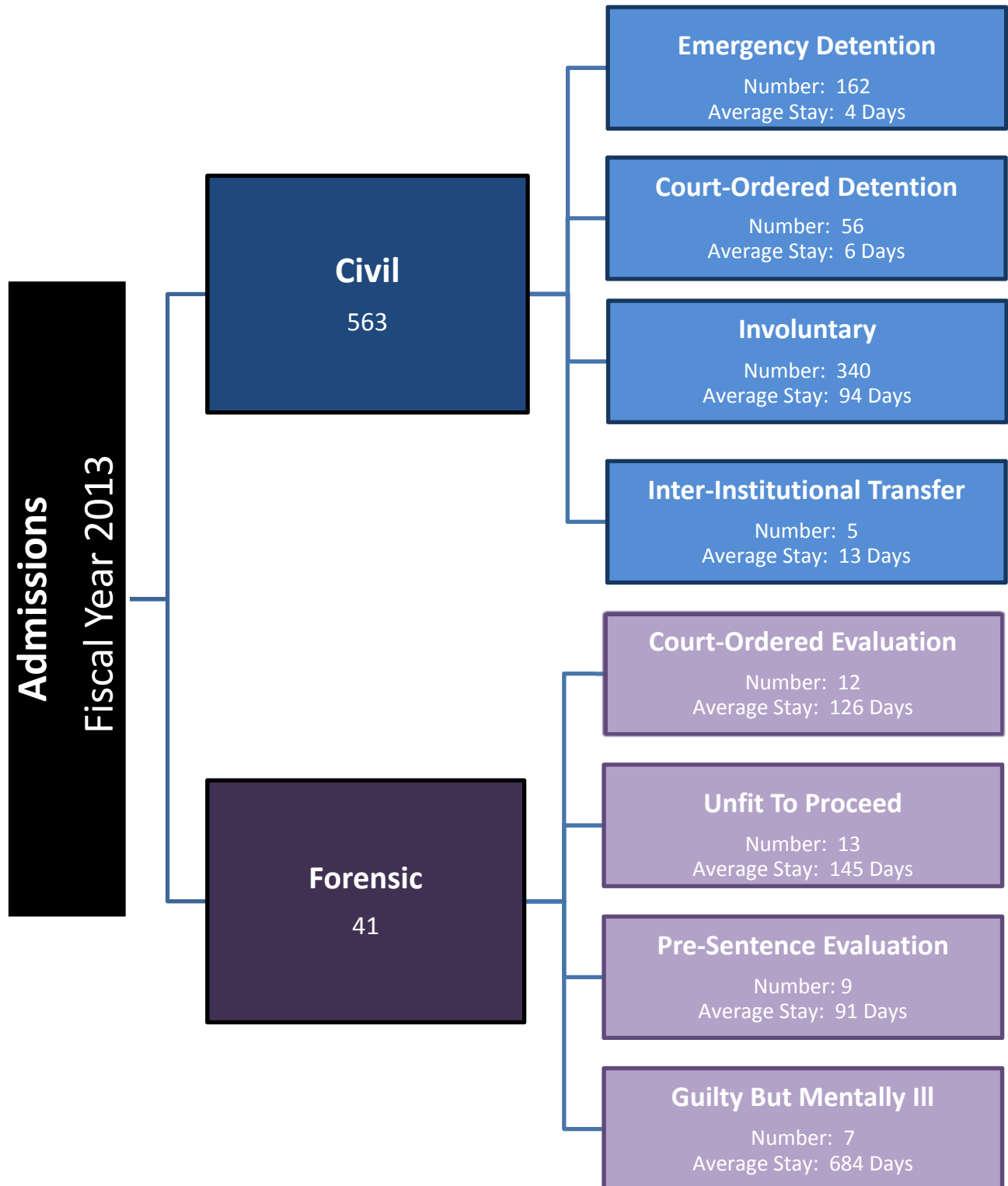
- **Court-Ordered Evaluation:** A court may require a person charged with a crime to undergo an evaluation to determine the person's mental state, capacity to understand the criminal proceedings, and ability to assist in the person's own defense. These evaluations may be done in a community setting, or the person may be committed to MSH for up to 60 days for the evaluation, unless a longer time period is needed.
- **Unfit to Proceed:** A person who is determined to be unfit to proceed to trial because of a mental disorder must be committed to the custody of the DPHHS director for treatment at MSH. The treatment continues until the person is either determined to be fit to proceed or to be unlikely to regain fitness to proceed. A judge must review the defendant's status within 90 days of ordering the treatment.
- **Not Guilty But Mentally Ill (NGBMI):** A person charged with a crime may be found to be not guilty but mentally ill. When that happens, the person must be committed to the custody of the DPHHS director if the judge finds that the defendant is a danger to self or others and the person committed an offense that involved bodily injury, a substantial risk of serious bodily injury or death, or substantial property damage. The judge must hold a hearing within 180 days of the original commitment to determine if continued commitment is necessary. If so, the person may be committed for continued care and treatment for up to the longest single sentence that could have been imposed from among the offenses with which the person was charged.
- **Pre-Sentence Evaluation:** If mental illness is raised as an issue during the sentencing process, a judge may order a person convicted of a crime to be evaluated before the individual is sentenced. The evaluation could be done by a person appointed by DPHHS, either in the community or at MSH.
- **Guilty But Mentally Ill (GBMI):** When a person convicted of a crime is found to have been suffering from a mental disorder or developmental disability at the time the crime was committed, the judge must sentence the person to the custody of the DPHHS director for placement at an appropriate correctional, mental health, or developmental disability facility.

#### Sources

Civil Procedures: 53-21-121, 53-21-122, 53-21-123, 53-21-124, 53-21-126, 53-21-127, 53-21-128, 53-21-129, 53-21-130, MCA  
Criminal Procedures: 46-14-202, 46-14-206, 46-14-214, 46-14-221, 46-14-301, 46-14-311, and 46-14-312, MCA

Admissions by Type

The charts below show the number of civil and criminal admissions, by type, made to the Montana State Hospital in Fiscal Year 2013 and the average lengths of stay for each type.



The table below breaks down Montana State Hospital admissions for Fiscal Year 2013 by admission type and county.

**State Hospital Admissions by Type, Fiscal Year 2013**

County	Civil Commitments				Criminal Commitments				Total
	ED	COD	Involuntary	IIT	COE	UTP	PSE	GBMI	
Beaverhead		1					1		2
Big Horn		1	5						6
Blaine	1		1						2
Carbon	1		1						2
Cascade		2	20		1	3	1	3	30
Custer	2	3	2				1		8
Daniels			1						1
Dawson			2			1			3
Deer Lodge	12	3	1						16
Fergus	3	1	5	1					10
Flathead		2	55			1	1	1	60
Gallatin	6		35		1				42
Glacier			16						16
Hill	2	1	9						12
Jefferson	2		1	3					6
Lake	8	7	10				1		26
Lewis and Clark	16	10	27		2	2	1		58
Liberty		1							1
Lincoln	3		3					1	7
Meagher		1							1
Mineral	2								2
Missoula	68	13	36		3	1	1	1	123
Musselshell			1						1
Park	2		5						7
Pondera			1			1			2
Powder River		1							1
Powell		1		1	2				4
Ravalli	15	4	8		1	2			30
Richland		1	1						2
Roosevelt			7						7
Sanders					1				1
Silver Bow	17	2	21			1		1	42
Teton			1						1
Toole	2								2
Valley		1	5			1			7
Yellowstone			60		1		2		63
<b>Total</b>	<b>162</b>	<b>56</b>	<b>340</b>	<b>5</b>	<b>12</b>	<b>13</b>	<b>9</b>	<b>7</b>	<b>604</b>

**Key to Abbreviations**

- ED = Emergency Detention
- COD = Court-Ordered Detention
- IIT = Inter-Institutional Transfer
- COE = Court-Ordered Evaluation
- UTP = Unfit to Proceed
- PSE = Pre-Sentence Evaluation
- GBMI = Guilty But Mentally Ill