

State Mental Health Agency Responsibilities for Forensic Mental Health Services

NRI's 2020-2021 State Profiles

November 2021

HIGHLIGHTS BASED ON 48 STATES RESPONDING TO FORENSIC COMPONENT OF NRI'S 2020 STATE PROFILES

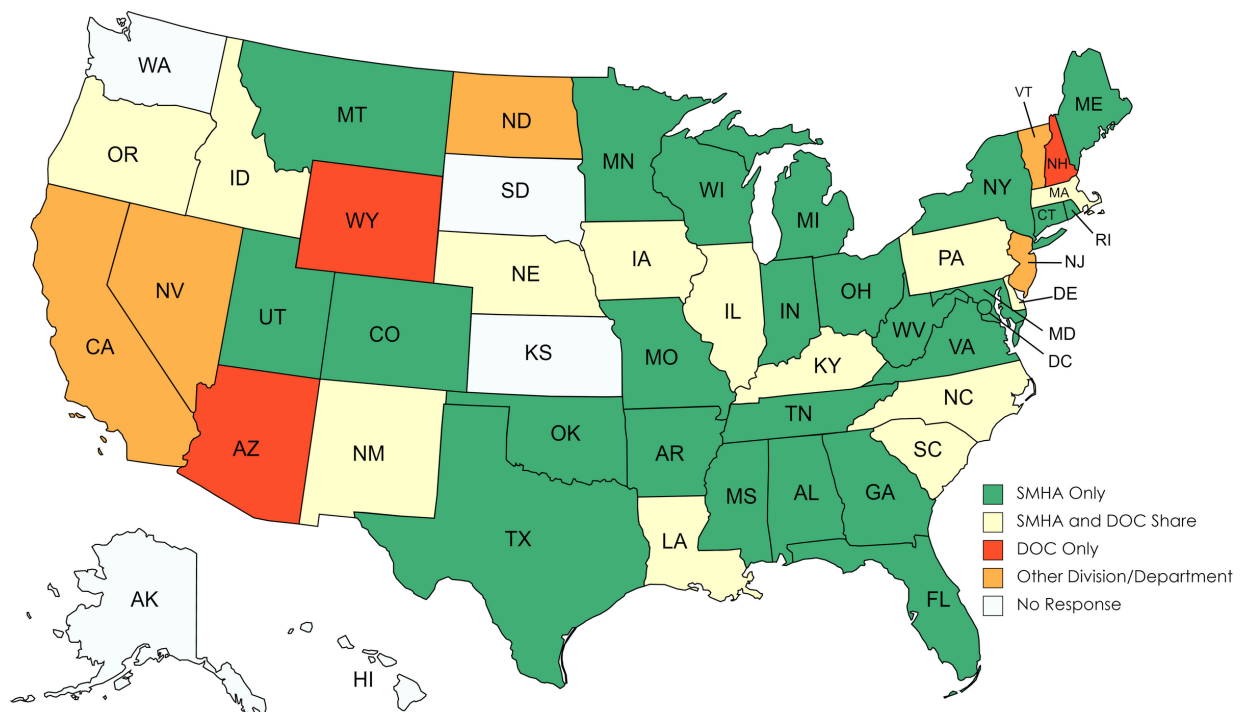
Note: although 48 states responded to the forensic component, not all states provided answers to all questions; therefore, some of the information presented in this report is based on responses from less than the total number of reporting states.

Forensic mental health services refer to evaluation activities, including forensic evaluations, or treatment services provided to individuals with mental illnesses who are involved with the criminal or juvenile justice system. Forensic mental health services may be provided to individuals facing a criminal charge (defendants), individuals residing in correctional facilities, individuals who are on probation, or individuals found not guilty by reason of insanity. Many states also include sex offenders committed to state psychiatric hospitals for treatment under sex offender statutes as an additional forensic service group. The individual's recovery and progress toward rehabilitation after receipt of these services may affect the person's legal outcomes.

Primary Statutory Responsibility for Forensic Mental Health Services

In 25 states (61%), the State Mental Health Agency (SMHA) has primary statutory responsibility for the provision of forensic mental health services to adults, and 12 SMHAs (34%) are responsible for juvenile forensic patients. In 13 states (32%), the SMHA shares the responsibility for the provision of mental health assessments and treatments for criminal justice involved adults with the state department of corrections.

SMHA Responsibilities for Adult Forensic Mental Health Services



61%

of SMHAs have primary responsibility for the provision of forensic services

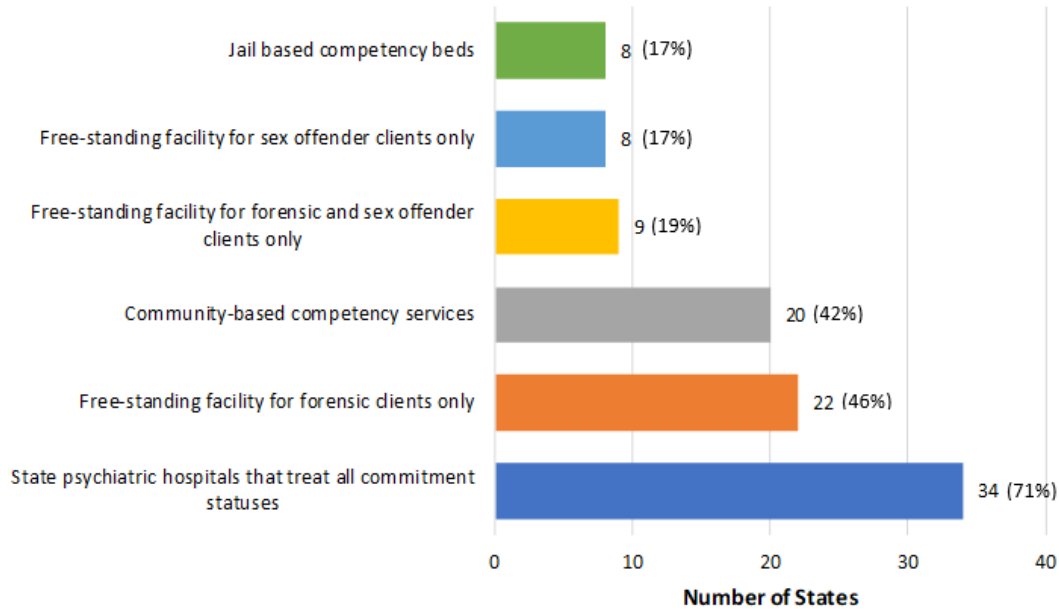
32%

of SMHAs share responsibility for the provision of forensic services with DOC

Treatment Delivery Settings SMHAs Use for Forensic Mental Health Services

SMHAs use a variety of treatment delivery settings to treat forensic clients and sex offenders. The most common setting SMHAs use is a state psychiatric hospital that provides treatment to forensic and sex offenders as well as civil (non-forensic and non-sex offender commitment patients) admission clients. In 20 states, the SMHA uses community-based competency services (in addition to competency services provided in facilities).

Treatment Delivery Settings for Forensic Clients



Responsibility for the Provision of Mental Health Services in Correctional Settings

SMHAs and local city, county, and regional mental health agencies are often responsible for the provision of services to adults and children/adolescents in correctional settings. Among community corrections populations—individuals on probation, parole, or alternatives to incarceration—the provision of mental health services to adults is the responsibility of local city or county mental health agencies in 19 states (49%) and is the SMHAs' responsibility in 13 states (30%). In local jails or detention centers, the provision of mental health services is the responsibility of local city or county mental health agencies in 29 states (66%) and is the SMHAs' responsibility in 18 states (41%).

Service Responsibility in Correctional Settings (number and percentage of states)

	Provision of service the responsibility of:		
	SMHA	City/County MH Agency	Jail, Department of Corrections or Juvenile Justice
Adults			
Local jails or detention centers	18 (41%)	29 (66%)	28 (70%)
Community correction population (probation, parole, alternatives to incarceration, etc.)	13 (30%)	19 (49%)	25 (66%)
Prison	8 (19%)	1 (3%)	38 (88%)
Children/adolescents			
Local juvenile halls/detention centers	9 (23%)	14 (40%)	26 (67%)
Community correction population (probation, alternatives to incarceration, children committed to juvenile courts, etc.)	9 (24%)	17 (50%)	19 (53%)
Juvenile justice institutions	7 (18%)	7 (22%)	24 (63%)