

Forensic Patients in State Psychiatric Hospitals: 1999-2016

In recent years, many state behavioral health agencies have reported experiencing an increasing number of patients being remanded to state hospitals by the criminal justice system. This patient population, termed “forensic patients”, creates unique challenges for inpatient psychiatric services and the broader service system. The National Association of State Mental Health Program Directors Research Institute (NRI) conducted a study on trends in the number of forensic patients in state psychiatric hospitals between 1999 and 2016¹. National results show that there has been a rise in forensic patients; however the trend varies by state. Many states had an increase in the number of adult forensic patients present between 1999 and 2014 but not all of these increases were dramatic. Nonetheless, results indicate that the state hospital population of many states is increasingly comprised of forensic patients. Furthermore, the proportion of forensic patients within these state psychiatric hospitals has increased over time.

While the overall trend in adult forensic patients suggests that there has been an increase in this population, this is not true for all types of forensic commitments. The median number of forensic patients present on a given day within all 50 states, plus the District of Columbia, between 1999 and 2014 for seven forensic statuses (incompetent to stand trial, not guilty by reason of insanity, pre-trial evaluations, civilly committed sex offenders, state prisoner transfers, jail detainee transfers, and other forensic patients) indicates that only patients deemed incompetent to stand trial increased in number during this time period. All of the other forensic statuses either saw a decrease, or remained stable between 1999 and 2014. The increase in the number of forensic patients, especially those found incompetent to stand trial, has led to increased expenditures for this patient populations. State Behavioral Health Authorities spent 37% of their inpatient services budget on forensic patients in 2015. This was a seven percent increase from the 30% that State Behavioral Health Authorities spent in 2005. As the number of forensic patients has increased, so has the amount of the inpatient services budget that the states spend on forensic patients.

The increase in the number of forensic patients within the state hospitals, as well as the courts maintaining control over discharge decisions, has led to lengthy admission wait lists in several states. In some states, the increased length of time that it takes for their state hospitals to admit forensic patients for inpatient services has led to the states having been threatened with or held in contempt of the court. In order to reduce wait-times, states have begun to implement a wide variety of approaches to reduce the number of forensic defendants awaiting admission to their state hospitals, especially for patients that have been found incompetent to stand trial and court ordered to receive competency restoration services. While states are trying to reduce their wait-times, each state faces its own

¹ Depending on the specific data source being utilized, state and national data was available for 1999 through 2014 or 2016. Hence, some conclusions that were presented were based on data collected between 1999 and 2014, while others based on information collected between 1999 and 2016.

challenges. Each state, and even the counties within the state, has a unique variety of resources that are available and accessible to individuals residing within the state, including forensic patients. The accessibility and availability of these resources impacts the demand within the state for inpatient services. In this study, state trends in forensic patients could have been impacted by the availability and accessibility of the resources within each state during the 1999 to 2014 time period.

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