

## Bullet Revision Suggestions for Behavioral Health Commission Letter to the Governor

Adult Mental Health: Forensic Services

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In the last letter sent to the legislature the single recommendation regarding forensic services was to increase forensic beds as civil psychiatric beds declined. That increase has taken place but the beds that have been designated for forensic use have not been retrofitted with the appropriate security upgrades and consequently are not currently in use. The state has been able to comply with the Federal Consent Decree governing admission for restoration to competency clients despite that these beds have not been “hardened.” However, we do not anticipate that this will continue to be the case. The increase in commitments under Nevada Revised Statute 178.461 for periods up to 10 years or more is impacting the bed availability for restoration. Consequently the current need is to harden the available vacated beds and make them assessible for forensic use. The following bullet is suggested in light of that pressing need:

- Recommendation: Support for retrofitting (“hardening”) of beds that have been vacated by the civil sector to create adequate security for forensic use.

Item #2 on page 3 of 19 in explanation section of Commission on Behavioral Health Annual Report:

Most of this information has changed and should be edited to read as follows:

**Forensic Services:** Nevada’s forensic mental health population continues to grow and bed space statewide has increased. Additional legislatively approved beds at Stein Forensic Facility were added during the 2017 session bringing that total to 78. With 86 beds in the North there are 164 beds statewide to serve this

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population of clients who are committed for evaluation and restoration of competency , Not Guilty by Reason of Insanity, and Dangerous and not Restorable. The state is required per the Federal Consent Decree that was filed in January of 2015 to offer a bed to restoration clients within 7 days of the court ordering them for restoration. Litigation has made it clear that this time frame may not be negotiated and it is generally established as the standard in the 9<sup>th</sup> Circuit Court of Appeals.

At the present time the biggest concern in expanding forensic populations are the clients committed under the long term statute because they take up beds originally designated for restoration and are growing in numbers over time due to their long stay. If the vacated civil beds could be prepared for these clients it would help to maintain compliance with the consent decree by providing adequate numbers of beds for restoration.