



# EIGHTH JUDICIAL DISTRICT COURT

## Mental Health and the Court System

April - 2018

# Overview

## Criminal

- Competency
- Mental Health Court

## Civil

- Civil Commitments (Legal Holds)

# Criminal

## Competency


**Defendant (a person accused of a crime) must be able to:**

- (1) Understand the nature of the criminal charges against them,
- (2) Understand the nature and purpose of the court proceedings, or
- (3) Aid and assist their attorney in the defense at any time during the proceedings with a reasonable degree of rational understanding (NRS 178.400)

If two court appointed Doctors find the Defendant incompetent – Lakes Crossing or Stein Forensic Hospital for treatment

### After Treatment:

Competent  returned back to court

Incompetent without the possibility of becoming competent  Forensic Hospital files a civil commitment petition

# Criminal

## Mental Health Court

A defendant with a serious mental illness can enter Mental Health Court

- 1) As part of a diversion program or
- 2) As a condition of Probation

# Mental Health and the Court System

The 8th Judicial Mental Health Court helps build safer communities by using a team approach to give justice-involved individuals with serious mental illness the tools to stop criminal behavior and increase their overall wellness and stability.

Mental Health Court participants are responsible for using their individual treatment plans to work on their wellness and stability. These treatment plans focus on reducing risk factors, improving positive thinking, and participating in therapy for mental health and substance use.

These goals are achieved through regular court hearings and meetings with treatment team members, which include court personnel, Parole and Probation, case managers, and therapeutic providers.



# Mental Health and the Court System

## **Felonies and Gross Misdemeanors –**

Up to a 3 year program (average length is 25.5 months)

## **Misdemeanors –**

average length is 15 months

**Current number of participants:** 138

**Defendants on the wait list:** 38

# Civil

## What is “Mental Illness”?

Any person whose capacity to exercise self-control, judgment and discretion in the conduct of the person's affairs and social relations or to care for his or her personal needs is diminished, as a result of a mental illness, to the extent that the person presents a clear and present danger of harm to himself or herself or others, but does not include any person in whom that capacity is diminished by epilepsy, intellectual disability, dementia, delirium, brief periods of intoxication caused by alcohol or drugs, or dependence upon or addiction to alcohol or drugs, unless a mental illness that can be diagnosed is also present which contributes to the diminished capacity of the person.

# Civil

## Involuntary Commitments (NRS 433A.12- - 433A.330)

### **Commitment Criteria (NRS 433A.115)**

Within the preceding 30 days, a person presents a clear and present danger of harm to self or others, if :

- Unable to care for their own needs
- Danger to self (suicidal)
- Self-mutilation (cutting, e.g.)
- Danger to others (threatening physical harm)

Danger is due to mental illness, NOT specifically because of:

- Epilepsy
- Intellectual Disability
- Dementia
- Delirium
- Substance Intoxication/Dependence



# Civil

Ultimate Goal of a Legal Hold – (Emergency) Admission to a Mental Health Facility

Variety of licensed individuals can initiate a Legal Hold

Medically cleared of medical issues requiring immediate treatment

Evaluated by a Mental Health professional – certification

If certified to meet commitment criteria, the legal hold is continued.

Within 72 hours, the patient is either:

released, or

a petition for civil commitment is filed.

# Legal Process of Civil Commitment

After the petition is filed, a court hearing is set within 5 judicial days.

2 Independent Court Doctors assess the patient to see if they meet commitment criteria.

The Public Defender is appointed to represent the patient.

A hearing is held on whether or not they meet commitment criteria.

# Possible Outcomes at Civil Commitment Hearing

- Patient is committed (6 months)
- The hold is continued for a couple weeks for the patient to continue working with the treatment team and report on progress at a status check.
- Petition is denied and the case is dismissed:
  - Patient does not meet commitment criteria
  - Patient signs in as a voluntary patient
  - Patient has been discharged/ready for discharge
  - Patient has a guardian

# Petitions for Civil Commitment in Clark County

2007	4,992	96/wk	
2008	6,905	132/wk	138%
2009	8,492	163/wk	170%
2010	9,290	178/wk	186%
2011	9,717	186/wk	194% (almost double in 4 years)
2012	11,664	224/wk	233%
2013	15,249	293/wk	305% (triple in 6 years)
2014	17,552	337/wk	351%
2015	20,684	397/wk	414% (quadruple in 8 years)
2016	22,016	423/wk	441%
2017	23,061	443/wk	461%

From 2007 – 2017 Increase of 461% of petitions filed  
Petitions granted last year – 212 (average of 4 a week)

# AOT (Assisted Outpatient Treatment)

Started in Las Vegas in 2014

A patient is involuntarily committed to the AOT program

Mental Illness

Treatment Resistant

Frequent Hospitalizations

Currently 72 active AOT participants



# AOT (Assisted Outpatient Treatment)

Since the start of the program:

714	Referrals
409	Accepted
206	Petitions
226	Re-Petitions
104	Terminated
106	Graduated

Diagnosis of Accepted AOT participants since 2014:

241	Schizophrenia
114	Schizoaffective
29	Bipolar
27	Psychotic Disorder
3	Major Depressive Disorder