

ISSUE DATE:

April 4, 2012

EFFECTIVE DATE:

May 1, 2012

NUMBER:

SMH-P-12-01

SUBJECT:

Unsupervised Leave of Patients Found Not Guilty by Reason of Insanity

BY:



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Director Community and Hospital Operations

SCOPE:

OMHSAS Executive Staff
County MH/MR Administrators
Chief Executive Officers, State Mental Hospitals
Community Program Managers
Chief Forensic Executives, Regional Forensic Psychiatric Centers (RFPC)

BUSINESS PARTNERS:

Commonwealth Judges
District Attorneys
Public Defenders

PURPOSE:

To revise procedures for notification to the court and to the district attorney of any proposed unsupervised leaves for persons found Not Guilty By Reason of Insanity (NGRI) on charges enumerated in Section 304 (g)(2) of the Mental Health Procedures Act (50 P.S. Section 7304 (g)(2)).

BACKGROUND:

Mental Health Bulletin 99-82-07 previously, set forth procedures for notification to the court and district attorney of proposed unsupervised leaves of persons hospitalized under Section 304 (g) (2) of the Mental Health Procedures Act. Offenses defined under section 304 (g) (2) include: Murder, Voluntary Manslaughter, Aggravated Assault, Kidnapping, Rape, Arson, and Involuntary Deviant Sexual Intercourse.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:

Director, Bureau of Community and Hospital Operations, DPW-OMHSAS, P.O. Box 2675, Harrisburg, PA 17105-2675 or phone 717-783-8335.

This policy revises those procedures to ensure the notification process consistently provides the court with adequate information about the nature, purpose, and duration of the proposed leave, and an opportunity to respond to the intention to grant such leave.

PROCEDURE:

- (A) Patients in Regional Forensic Psychiatric Centers (RFPC) shall not be permitted unsupervised leave.
- (B) Patients who have been committed to a civil mental hospital pursuant to Section 304 (g) (2), and who have been found Not Guilty by Reason of Insanity on one or more of the offenses listed in Section 304 (g) (2), may not be allowed off-grounds leaves, furloughs, or passes unsupervised by hospital staff unless the committing judge and district attorney have been provided written notice of the intention to grant such leave, furlough, or pass and have been given (20) days to object subsequent to the receipt of such notice.
- (C) The written notice must be sent by Certified Mail (Return Receipt Requested), and should describe the nature, purpose, date(s) and duration of the intended leave or pass.
- (D) If no response has been received from the 20-day time period, written notice shall again be provided to the committing judge and the district attorney by Certified Mail that, in the absence of their objection, the leave or pass is deemed to be approved and will be granted as described in the original notice.
- (E) Any unsupervised leave must be approved by a judge. If either the judge or the district attorney objects or in the event of emergency, Regional Counsel may be contacted to seek prompt response, action or remedy from the court.

DEFINITION:

“Unsupervised Leave”: Any leave, furlough, or pass, off hospital grounds, without the continuous supervision of hospital staff.

OBSOLETE BULLETIN: This Policy obsoletes Mental Health Bulletin OMH-90-03, Unsupervised Leave of Patients Found Not Guilty by Reason of Insanity, issued May 10, 1990.

APPENDIX A: Acronyms and Definitions

Appendix A

Acronyms and Definitions Related to the Regional Forensic Psychiatric Center Bulletins

Acronyms

BSU Base Service Unit

CSP Community Support Program

SCU Service Coordination Unit

CITCSP Comprehensive Individual Treatment and Community Support Plan

DOC Department of Corrections

GBMI Guilty But Mentally Ill

HIPAA Health Insurance Portability and Accountability Act

IST Incompetent to Stand Trial

MHPA Mental Health Procedures Act

NGRI Not Guilty By Reason of Insanity

OMHSAS Office of Mental Health and Substance Abuse Services

RFPC Regional Forensic Psychiatric Centers

SRTP Sexual Responsibility and Treatment Program

SCI State Correctional Institution

SMH State Mental Hospital

Definitions

The Act: The Mental Health Procedures Act of 1976, and as amended in 1978, Act 143

Active Treatment: Psychiatric treatment and rehabilitation interventions that ameliorate problems or symptoms and promote the acquisition of skills, supports and resources needed for community living. All interventions must be specifically designed to improve an individual's condition. For an activity to be considered a part of active treatment there must be a specific relationship between the activity and a goal or objective of an individualized treatment plan.

Comprehensive Individual Treatment and Community Support Plan (CITCSP): A strength-based process where a person's support and treatment team meet with the person to assist in discovering self-identified goals; skills, and community opportunities for successful community integration

Correctional Facility: Any detention facility, jail or prison directly operated by or contracted for by a municipal, county or state government.

Forensic patient: Any defendant who is committed under Article IV of the Mental Health Procedures Act, 50 PS § 7101 et seq. or other legal commitments to the state forensic service.

Guilty But Mentally Ill (GBMI): A defendant may be found GBMI at trial if it is determined beyond a reasonable doubt that the person is guilty of an offense, and was mentally ill at the time the offense was committed.

Incompetent to Stand Trial (IST): Substantial inability to understand the nature or object of the proceedings against him/her or to participate and assist in his/her defense.

Inpatient Forensic Psychiatric Program: An identifiable, organized program, operated under the governance of a state, county or municipal correctional facility, that provides 24 hour inpatient psychiatric services in physical space dedicated to the program's use, to criminally detained or incarcerated persons with serious mental illness who are admitted or committed to inpatient psychiatric care under the provision of the Mental Health Procedures Act.

Not Guilty By Reason of Insanity (NGRI): A legal status that means the individual has been adjudicated by a court or jury as not responsible because of mental infirmity, disease or defect.

Regional Forensic Psychiatric Centers: Provide active psychiatric treatment and/or psychiatric evaluation in a medium security facility to persons that are involved with the county-based judicial/corrections systems.

Treatment Team: An interdisciplinary team of at least three persons appointed by the program director, who are involved in the patient's treatment, including at least one physician and one health professional in mental health.