

**GUIDELINES
FOR THE MANAGEMENT
OF INDIVIDUALS FOUND
NOT GUILTY
BY REASON OF INSANITY**

COMMONWEALTH OF VIRGINIA

**Department of Mental Health, Mental Retardation and
Substance Abuse Services**



**OFFICE OF FORENSIC SERVICES
DIVISION OF FACILITY MANAGEMENT**

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INTRODUCTION

Individuals who have been found not guilty by reason of insanity (insanity acquittees, acquittees, NGRIs) by Virginia criminal courts pose a unique challenge to Virginia's mental health service system. These individuals require attention for clinical and legal needs as a result of their connection to both the mental health and criminal justice systems. This manual outlines the basic expectations regarding the management of individuals found not guilty by reason of insanity. This information should assist administrators, clinicians, court personnel, treatment team members in state operated mental health facilities, and staff of community services boards in evaluating, treating, and managing individuals found not guilty by reason of insanity in a manner that is consistent with legal mandates and professional standards.

This set of guidelines is based on Virginia Code Sections 19.2-167 through 19.2-182 which describe proceedings on the question of insanity, Virginia Code Sections 19.2-182.2 through 19.2-182.16 which describe the legal process for Virginia's disposition of individuals found not guilty by reason of insanity, and Virginia Code Section 19.2-174.1 which describes the information required prior to admission to a mental health facility. The *Code of Virginia* may be accessed at <http://leg1.state.va.us>.

This document revises and replaces the NGRI Manual: Guidelines for the Management of Individuals Found Not Guilty by Reason of Insanity, that was disseminated in February, 1997. This edition of the NGRI Manual is the third version of this set of guidelines to be published.

This current version of the NGRI Manual includes significant changes in the process of treating and managing those individuals who have been found not guilty by reason of insanity in the courts of Virginia, and who are ultimately committed to the custody of the Commissioner of the Department of Mental Health, Mental Retardation and Substance Abuse Services. Included among these changes are the revised procedures for the management of persons who have been found not guilty by reason of insanity of a misdemeanor offense. These changes are described in [Chapter 7](#) of this volume.

The revised guidelines also include many of the procedural changes to the graduated release "privileging process" for insanity acquittees that were implemented by the DMHMRSAS in February, 2000. Those changes were developed to ensure that reviews of each insanity acquittee's treatment needs and progress occur on a frequent basis and in an in-depth manner. They have been incorporated into [Chapters 3](#) and [4](#) of this document. The decentralization of aspects of the acquittee privileging process to the facility Internal Forensic Privileging Committees at the eight mental health facilities operated by the Department is also described in

[Chapter 4](#). The significant reworking and elaboration of the process for managing acquittees who have been placed on Conditional Release by the courts is described in [Chapters 5](#) and [6](#). Major changes to the process for assessing risk, and for the management of all clinical factors related to risk for violence and dyscontrol have been developed for this version of the manual ([Appendix A](#)). Finally, a full description of the procedures to be used for the integration of an acquittee's plan for risk management with his or her comprehensive hospital treatment plan has been outlined in [Appendix F](#) of these guidelines.

Any questions regarding these guidelines should be referred to the Forensic Coordinator in your facility ([Appendix I](#)) or the NGRI Coordinator at your community services board ([Appendix J](#)). If additional information is required, contact the Office of Forensic Services, Division of Facility Management, of the Virginia Department of Mental Health, Mental Retardation and Substance Abuse Services (804-225-2502). The Office of Forensic Services is available to provide any assistance needed to aid in the appropriate management of individuals who have been found not guilty by reason of insanity.

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