

**UNIVERSITY OF VIRGINIA
INSTITUTE OF LAW, PSYCHIATRY AND PUBLIC POLICY**

ANNUAL STATISTICAL REPORT

**OPERATION OF THE CIVIL COMMITMENT PROCESS
IN FY 2013 – FY 2014**

Funded by the Virginia *Department of Behavioral Health and Developmental Services* in cooperation with the *Office of the Executive Secretary of the Supreme Court of Virginia*

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Introduction

Informed oversight of the civil commitment process requires accurate data regarding the number, distribution and characteristics of Emergency Custody Orders (ECOs), Temporary Detention Orders (TDOs), commitment hearings and judicial dispositions. Under the auspices of the Commission on Mental Health Law Reform (2006-2011), the courts and mental health agencies collaborated to collect data needed for monitoring and informed policy-making. Annual statistical reports were published by the Commission through fiscal year 2011 (FY 2011). Upon expiration of the Commission, this responsibility was assumed by the Institute of Law, Psychiatry and Public Policy of the University of Virginia under a contract with the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia based on data provided by the Office of the Executive Secretary of the Supreme Court of Virginia.

In this report, the Institute presents data regarding the numbers of ECOs, TDOs, commitment hearings and dispositions in FY 2013 and FY 2014 and, to the extent possible, assesses whether commitment practices have changed over time. It also includes data pertaining to judicial orders authorizing transportation of persons involved in commitment proceedings and to judicial orders authorizing treatment of persons who lack decision-making capacity.

Available Databases

Court clerks at General District Courts maintain records of civil commitment cases using the Supreme Court's Case Management System ("CMS"). The CMS database is maintained by the Office of the Executive Secretary of the Supreme Court for each District Court to track and record its cases.¹ Data related to civil commitment hearings and ECOs and TDOs are entered into the district court CMS system. These data are entered by individual court clerks throughout the Commonwealth, and the statewide system is maintained by the Office of the Executive Secretary.

The eMagistrate System is used by magistrates in all thirty-two judicial districts to issue arrest processes, bail processes, and other orders including ECOs and TDOs. Each time an ECO or TDO is issued, it is entered into the eMagistrate System. ECOs and TDOs are counted in the eMagistrate System regardless of whether an ECO or TDO is executed.²

It should also be noted that in FY 2015 DBHDS began collecting information directly from CSBs on the number of emergency contacts made to CSBs, emergency evaluations completed, TDOs issued and TDOs executed, and several other data elements related to the new emergency custody and temporary detention laws that became

¹ The CMS database collects special justice pay codes from the DC-60; however, for the purposes of this report, it was determined that case-based information from the CMS database was more useful than pay code information. However, pay code information was used to identify recommitment hearings versus initial hearings.

² An ECO or TDO is issued by a magistrate but is only deemed to be executed if the person is actually served with a copy.

effective July 1, 2014. Future analyses (i.e., FY 2015) will incorporate these data into this annual statistical report.

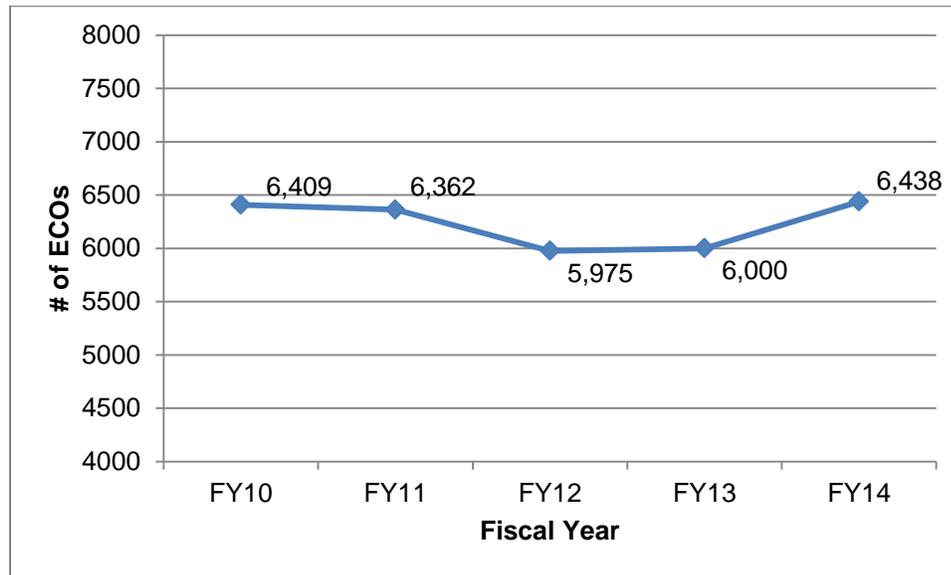
ECOs

The best available source of data regarding issued ECOs is the Supreme Court’s eMagistrate Data System. According to the eMagistrate database, there were about 450-550 ECOs issued per month during FY13 and about 500-600 ECOs issued per month during FY14 (see Table 1). There was not a significant change in the number of ECOs between FY12 and FY13. However, the number of ECOs increased by 7.3% between FY13 and FY14, bringing FY14 ECO numbers up to those observed in FY10-FY11 (Figure 1).

Table 1. Frequency of Adult Magistrate-Issued ECOs during FY13-FY14 (eMagistrate)

Month	eMagistrate Data ECOs	
	FY 2013	FY 2014
July	550	564
August	543	534
September	508	499
1st Quarter Total	1,601	1,597
October	495	533
November	446	466
December	471	537
2nd Quarter Total	1,412	1,536
January	525	538
February	440	450
March	468	519
3rd Quarter Total	1,433	1,507
April	503	571
May	548	579
June	503	648
4th Quarter Total	1,554	1,798
Fiscal Year Total	6,000	6,438

Figure 1. Annual Frequency of Adult Magistrate-Issued ECOs, FY10-FY14 (eMagistrate)



When people are taken directly into custody by law enforcement officers acting without a court order (ECO) and brought to a mental health facility based on the officer’s own observations, no formal court paper is issued, executed or filed. The number of instances of emergency custody assumed by law enforcement officers without an order (“orderless emergency custody”) is not formally tracked and must be estimated. In the Institute’s April 2013 study of emergency evaluations conducted by CSBs, 27.9% of the individuals evaluated that month were in police custody at the time of the evaluation, and only 32.2% of these individuals were being held under a magistrate-issued ECO. CSB evaluators indicated that 55.0% of individuals in police custody were under orderless emergency custody at the time, and 12.8% of these individuals were transported by the police, presumably voluntarily, without an ECO. This confirms that the total number of people taken into “emergency custody” is significantly greater than the number of ECOs issued by magistrates as documented by eMagistrate.

TDOs

Since every TDO issued by a magistrate pursuant to Va. Code § 37.2-809³ is entered into the eMagistrate system, the eMagistrate system provides more accurate data regarding the number of TDOs issued each month than does the CMS. The CMS database only records those TDOs that law enforcement officers have attempted to serve and for which they have submitted the “return of service” copies to the district court

³A TDO issued by a judge or special justice pursuant to Va. Code § 37.2-817.2 for alleged noncompliance with mandatory outpatient treatment is not entered into the eMagistrate system, but is entered into the CMS.

clerks. Upon receipt of a “return of service” copy from the law enforcement officer tasked with service of process, the clerk enters the TDO into the CMS database.

The number of TDOs issued for fiscal year 2013 was 19,971, and the number of TDOs issued for fiscal year 2014 was 21,055, according to the eMagistrate data (see Table 2).

Table 2. Frequency of Adult TDOs Issued during FY13-FY14 (eMagistrate)

Month	eMagistrate Data TDOs	
	FY 2013	FY 2014
July	1,823	1,769
August	1,801	1,816
September	1,629	1,718
1st Quarter Total	5,253	5,303
October	1,618	1,798
November	1,504	1,599
December	1,658	1,654
2nd Quarter Total	4,780	5,051
January	1,761	1,723
February	1,490	1,609
March	1,591	1,680
3rd Quarter Total	4,842	5,012
April	1,689	1,856
May	1,769	1,942
June	1,638	1,891
4th Quarter Total	5,096	5,689
Fiscal Year Total	19,971	21,055

The most important TDO number is how many TDOs were actually executed (served) during FY13 and FY14. While the eMagistrate system more accurately documents the number of TDOs issued, the CMS system is the only database that records whether or not the TDO was executed. The TDOs entered in the CMS system include all of those which law enforcement attempted to serve and for which they then submitted the return of service copy to the district court clerks. Based on these data, we estimate that 19,237 adult TDOs were executed during FY 2013, and 20,403 were executed during FY 2014 (see Table 3).

Table 3. Estimated Number of Executed Adult TDOs, FY13-14 (eMagistrate)⁴

Fiscal Quarter	FY 2013	FY 2014
1 st Quarter	5,066	5,093
2 nd Quarter	4,624	4,899
3 rd Quarter	4,649	4,856
4 th Quarter	4,900	5,555
Fiscal Year Total	19,237	20,403

A continuing policy question is whether the number of TDOs increased since the 2008 reforms went into effect. Past annual summaries found that while the numbers of TDOs issued had notably increased since FY07, they appear to have peaked during FY10 and then slowly declined during FY11 and FY12. This trend continued into FY13, as data from the Supreme Court’s eMagistrate database show that there was a 0.4% decrease in the numbers of TDOs in FY13 compared with FY12 (Figure 2).

In FY14, this trend reversed. A new policy question is how the tragedy involving State Senator Creigh Deeds and his son, Gus Deeds, and subsequent reforms will influence civil commitment practices in Virginia. The tragedy took place in November of 2013, and new civil commitment legislation was adopted in April, 2014, going into effect on July 1, 2014.

TDO counts were higher than those in FY13 in all but three months of FY14 (Figure 5). The greatest elevation in counts occurred in the fourth quarter of FY14—the growth in this period was 11.6% (Figures 3-4). Thus, as seen in Figure 2, while numbers of TDOs decreased steadily from FY10 to FY13, numbers of TDOs began to rise again in FY14, with the highest increases occurring in April through June of 2014. Future reports will explore whether this increase is a temporary artifact that might be attributable to increased attention to civil commitment, or whether it is indicative of a lasting shift in commitment practices.

⁴ Numbers of executed TDOs using the eMagistrate and CMS data are estimated based on the percentage of TDOs in the CMS database that were executed (96.4% in the 1st quarter, 96.7% in 2nd quarter, 96.0% in the 3rd quarter, 96.1% in 4th quarter, and 96.3% for all of FY13; 96.0% in the 1st quarter, 97.0% in 2nd quarter, 96.9% in the 3rd quarter, 97.6% in 4th quarter, and 96.9% for all of FY14). The eMagistrate System includes all TDOs issued by magistrates without regard to execution and does not show whether a TDO was subsequently executed or unexecuted.

Figure 2: Annual Frequency of Adult TDOs, FY10-FY14 (eMagistrate)

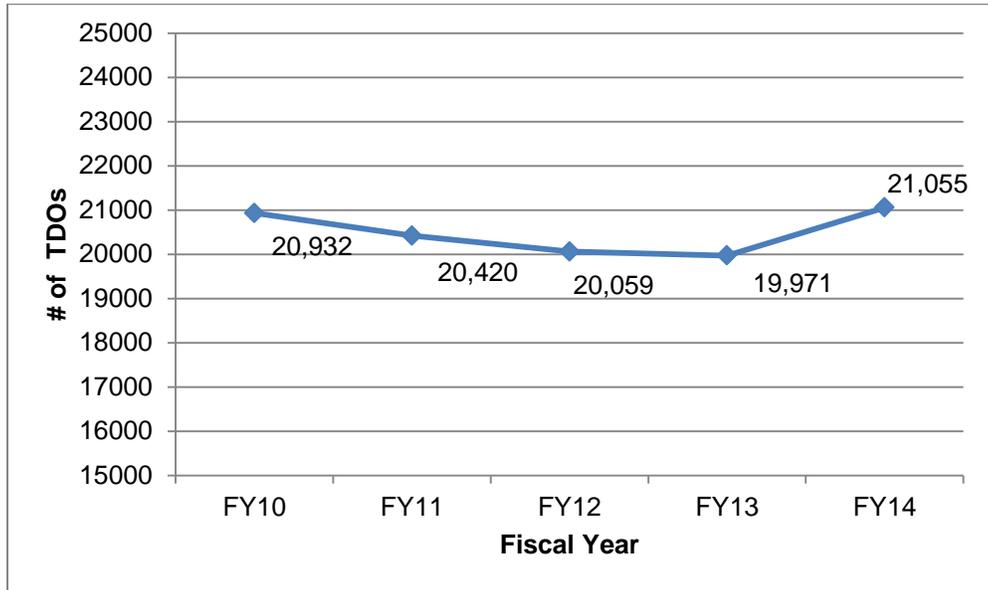


Figure 3. Quarterly Frequency of Adult TDOs, FY10-FY14 (eMagistrate)

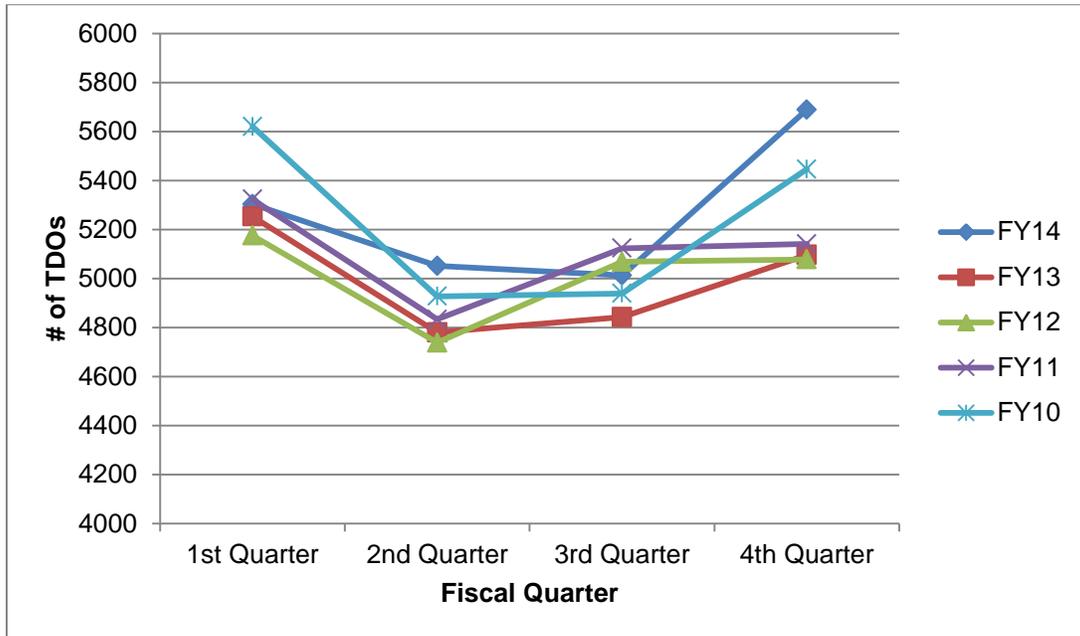


Figure 4. TDO Trends (Adults Only), FY10-FY14 (eMagistrate)

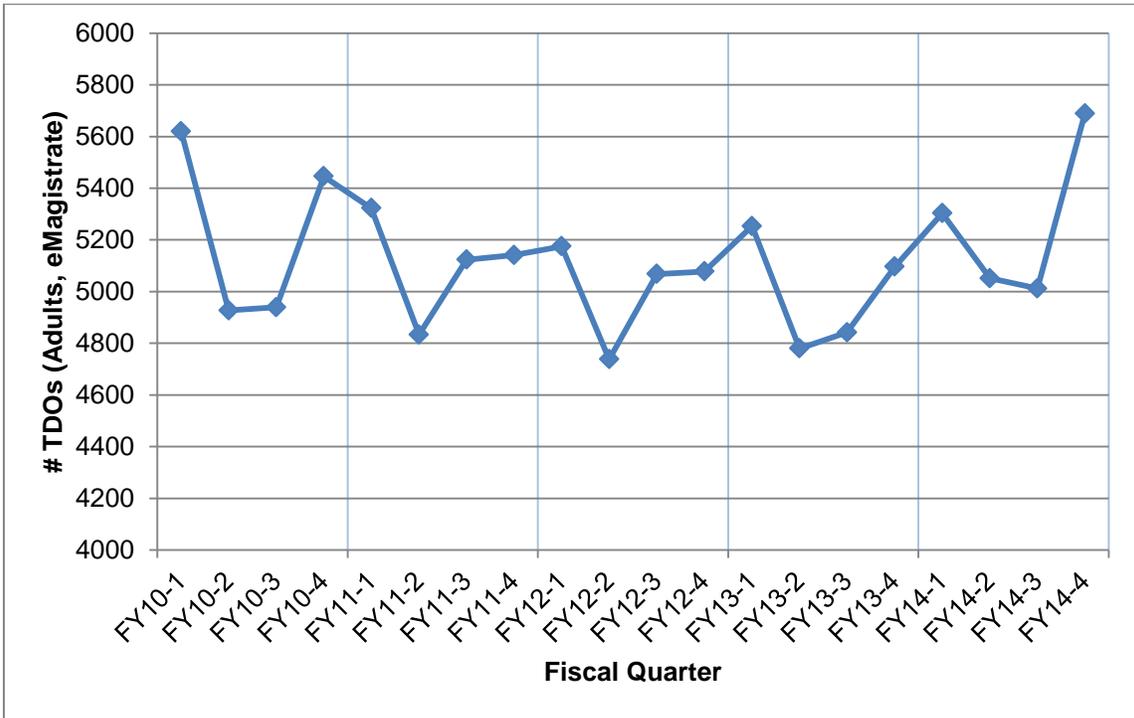
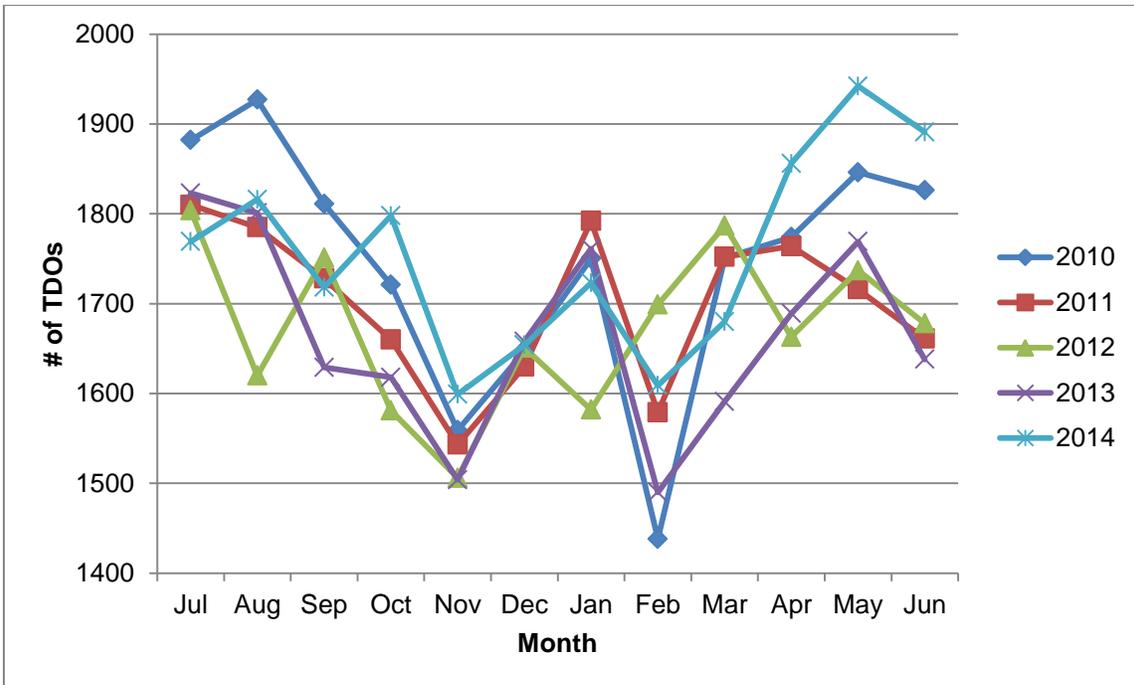


Figure 5. Monthly Frequency of Adult TDOs, FY10-FY14 (eMagistrate)



All Adult Commitment Hearings

The best source of data on the number of commitment hearings and the dispositions of these hearings is the Supreme Court’s CMS. There were 21,884 adult commitment hearings in FY13. This includes 19,825 initial adult commitment hearings and 2,059 recommitment hearings (Table 4).⁵ There were 23,568 adult commitment hearings in FY14. This includes 21,071 initial adult commitment hearings and 2,497 recommitment hearings (Table 5). The number of initial hearings conducted (that is, excluding recommitments) is somewhat higher (about 3.1% in FY13 and 3.3% in FY14) than the estimated number of executed TDOs based on the values recorded in the eMagistrate database. It is unclear what may account for this. One explanation is that some individuals under a TDO are discharged from the hospital after they have been stabilized and no hearing is held in these cases. Also it appears that when hearings are held in a different jurisdiction, they are sometimes entered twice into the CMS – once in the district where the TDO occurs and once in the district to where the hearing is held. Overall, we have reasonable confidence in the completeness of the CMS data on commitment hearings because there is no indication of under-reporting of hearing data by the district court clerks.

Table 4. Frequency of Adult Civil Commitment Hearings, FY13 (CMS)

	CMS: Frequency of Adult Hearings		
	Initial Hearing	Recommitment	Total
July	1,804	160	1,964
August	1,881	168	2,049
September	1,547	167	1,714
1st Quarter Total	5,232	495	5,727
October	1,713	153	1,866
November	1,499	164	1,663
December	1,558	155	1,713
2nd Quarter Total	4,770	472	5,242
January	1,760	196	1,956
February	1,509	197	1,706
March	1,542	170	1,712
3rd Quarter Total	4,811	563	5,374
April	1,674	169	1,843
May	1,799	170	1,969
June	1,539	190	1,729
4th Quarter Total	5,012	529	5,541
FY13 Total	19,825	2,059	21,884

⁵ The number of recommitment hearings was determined using a pay code that special justices use to designate recommitment hearings. This may not be the most reliable way to identify a recommitment hearing, but it is the best method that was available to us given the dataset.

Table 5. Frequency of Adult Civil Commitment Hearings, FY14 (CMS)

	CMS: Frequency of Adult Hearings		
	Initial Hearing	Recommitment	Total
July	1,822	205	2,027
August	1,748	185	1,933
September	1,707	176	1,883
1st Quarter Total	5,277	566	5,843
October	1,759	173	1,932
November	1,540	192	1,732
December	1,671	192	1,863
2nd Quarter Total	4,970	557	5,527
January	1,730	234	1,964
February	1,622	187	1,809
March	1,706	212	1,918
3rd Quarter Total	5,058	633	5,691
April	1,863	239	2,102
May	1,920	239	2,159
June	1,983	263	2,246
4th Quarter Total	5,766	741	6,507
FY14 Total	21,071	2,497	23,568

Adult Initial Commitment Hearings⁶

In general, the number of initial commitment hearings in FY13 followed the same pattern as in FY10-FY12 (Figure 6), with a decrease in the number of initial commitment hearings conducted for most months of FY13 (Figure 7). The overall number of adult initial hearings decreased by 2.1% in FY13 when compared with FY12. This trend ended in FY14, with a 6.3% increase over FY13 numbers, approaching the number of hearings conducted in FY10. Counts were higher in every month of FY14 than in FY13 except for August and January. The period of largest growth was the fourth quarter of FY14, with an increase of 15.0% compared with the fourth quarter of FY13. In short, the number of commitment hearings declined slightly in FY13 and rose in FY14.

⁶ This analysis excludes recommitment hearings. These are analyzed separately.

Figure 6. Annual Frequency of Initial Commitment Hearings, FY10-FY14 (CMS)

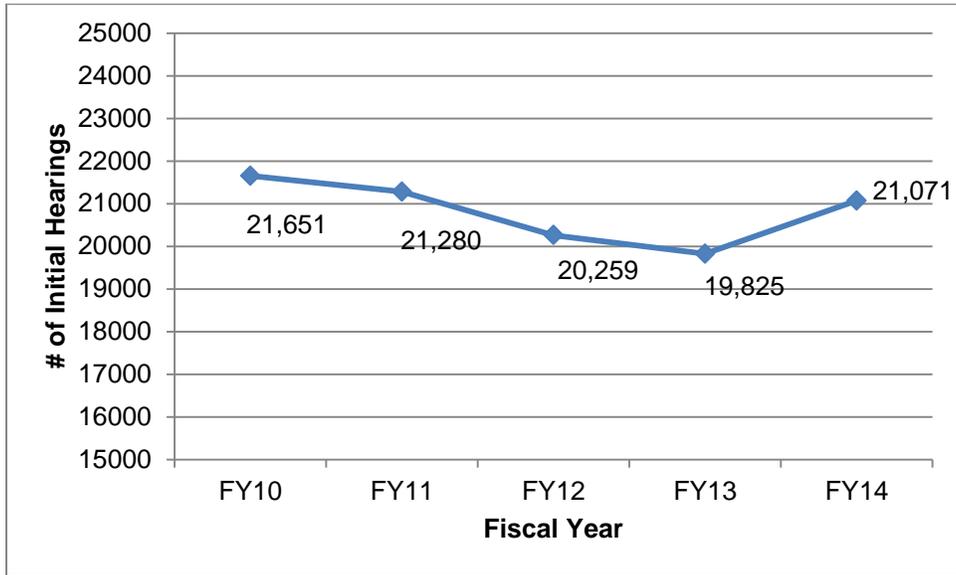
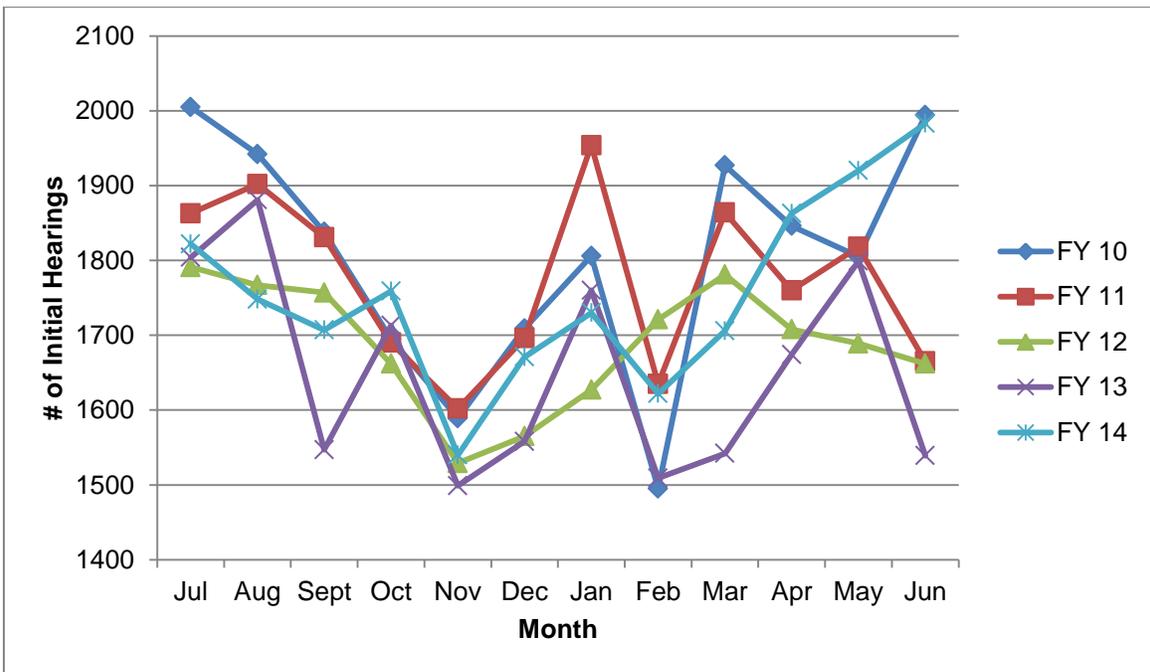


Figure 7. Monthly Frequency of Initial Commitment Hearings, FY10-FY14 (CMS)

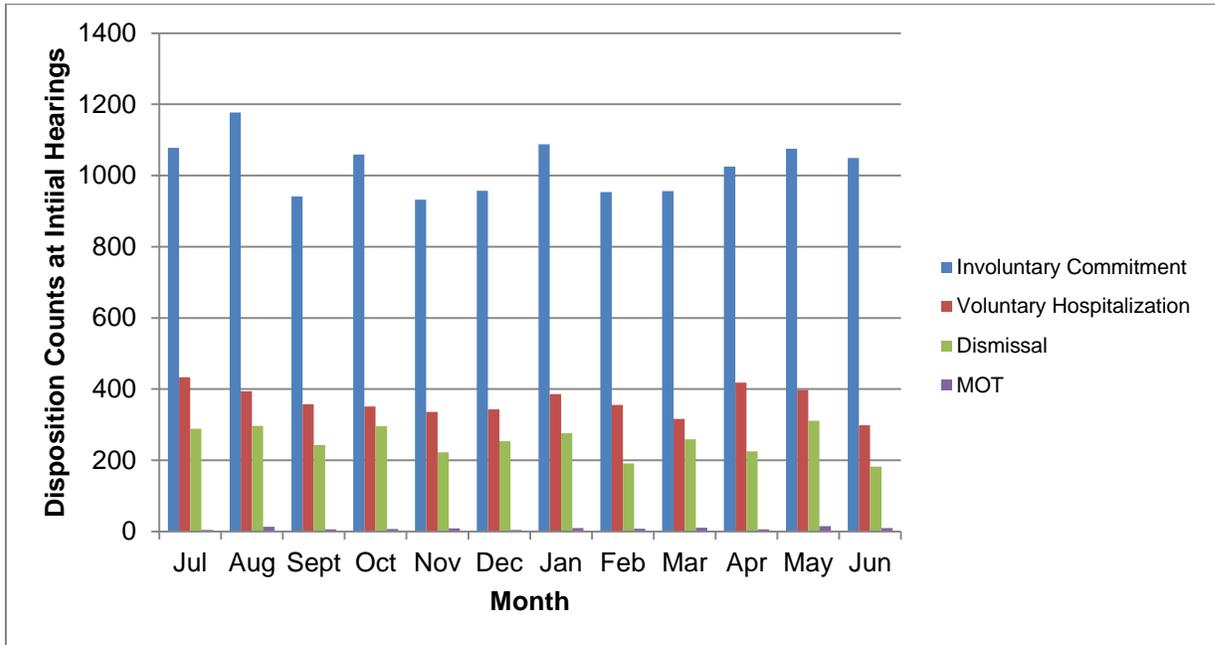


The CMS database also provides information on the dispositions of initial hearings held in FY13 and FY14. We have reasonable confidence in this data from the CMS because of the stability of the data from month to month. As shown in Table 6 and Figure 8, during FY13, 62.0% of the hearings resulted in involuntary admissions, 22.12% resulted in voluntary hospitalizations and 15.36% of the cases were dismissed. Only 0.52% resulted in mandatory outpatient treatment (MOT) orders. Compared to the data from FY12, the rate of involuntary admissions and MOTs was slightly higher and the rates of voluntary hospitalizations and dismissals were slightly lower in FY13.

Table 6. Frequencies of Dispositions at Initial Civil Commitment Hearings in FY13 (CMS)

	Involuntary		Voluntary		MOT		Dismissals		Total
	N	%	N	%	N	%	N	%	
July	1,078	59.76	433	24.00	4	0.22	289	16.02	1,804
August	1,177	62.57	394	20.95	13	0.69	297	15.79	1,881
September	941	60.83	357	23.08	6	0.39	243	15.71	1,547
Q1 Total	3,196	61.09	1,184	22.63	23	0.44	829	15.84	5,232
October	1,059	61.82	351	20.49	7	0.41	296	17.28	1,713
November	932	62.17	336	22.41	9	0.60	222	14.81	1,499
December	957	61.42	343	22.02	4	0.26	254	16.30	1,558
Q2 Total	2,948	61.80	1,030	21.59	20	0.42	772	16.18	4,770
January	1,088	61.82	386	21.93	10	0.57	276	15.68	1,760
February	954	63.22	356	23.59	8	0.53	191	12.66	1,509
March	956	62.00	316	20.49	11	0.71	259	16.80	1,542
Q3 Total	2,998	62.32	1,058	21.99	29	0.60	726	15.09	4,811
April	1,025	61.23	418	24.97	6	0.36	225	13.44	1,674
May	1,075	59.76	398	22.12	15	0.83	311	17.29	1,799
June	1,049	68.16	298	19.36	10	0.65	182	11.83	1,539
Q4 Total	3,149	62.83	1,114	22.23	31	0.62	718	14.33	5,012
FY13 Total	12,291	62.00	4,386	22.12	103	0.52	3,045	15.36	19,825

Figure 8. Frequencies of Dispositions at Initial Commitment Hearings in FY13 (CMS)

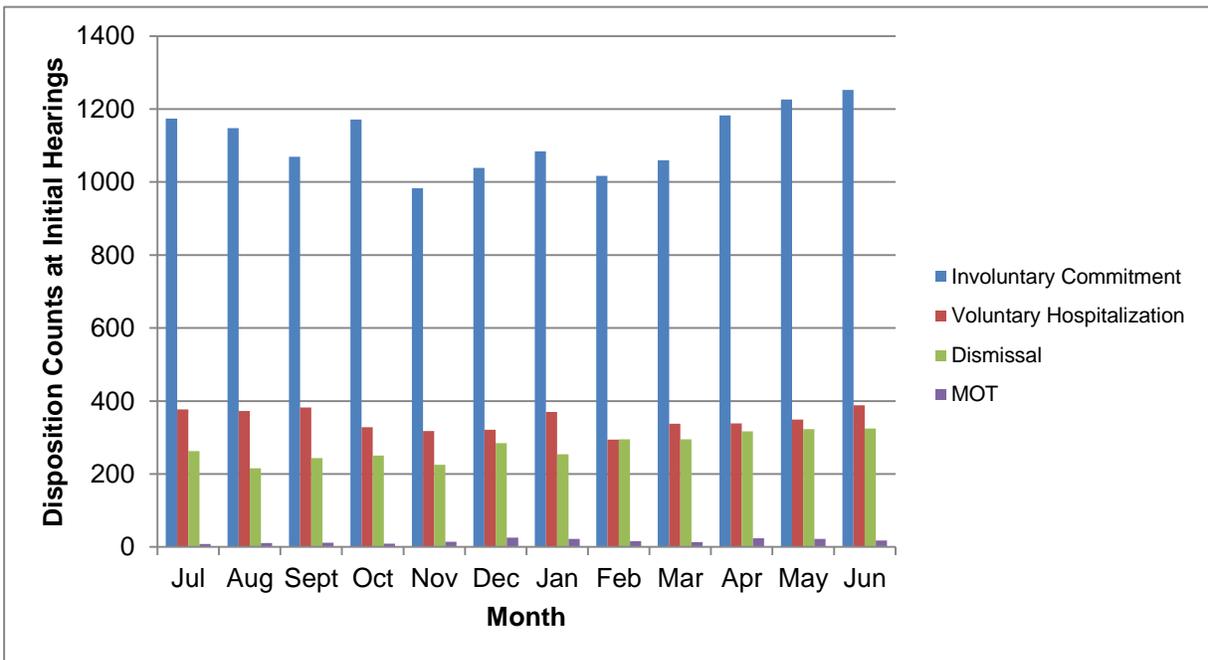


During FY14, 63.62% of the hearings resulted in involuntary admissions, 19.82% resulted in voluntary hospitalizations and 15.63% of the cases were dismissed. Only 0.93% resulted in MOT orders (Table 7 and Figure 9). Most of the trends from FY13 continued into FY14, with the rate of involuntary admissions and MOTs increasing slightly and the rate of voluntary hospitalizations decreasing slightly. The rate of dismissals remained nearly the same, with a slight increase from 15.36% in FY13 to 15.63% in FY14.

Table 7. Frequencies of Dispositions at Initial Civil Commitment Hearings in FY14

	Involuntary		Voluntary		MOT		Dismissals		Total
	N	%	N	%	N	%	N	%	
July	1,174	64.43	377	20.69	8	0.44	263	14.43	1,822
August	1,148	65.68	373	21.34	11	0.63	216	12.36	1,748
September	1,069	62.62	382	22.38	12	0.70	244	14.29	1,707
Q1 Total	3,391	64.26	1,132	21.45	31	0.59	723	13.70	5,277
October	1,171	66.57	328	18.65	9	0.51	251	14.27	1,759
November	983	63.83	318	20.65	14	0.91	225	14.61	1,540
December	1,039	62.18	321	19.21	26	1.56	285	17.06	1,671
Q2 Total	3,193	64.25	967	19.46	49	0.99	761	15.31	4,970
January	1,084	62.66	370	21.39	22	1.27	254	14.68	1,730
February	1,017	62.70	294	18.13	16	0.99	295	18.19	1,622
March	1,060	62.13	338	19.81	13	0.76	295	17.29	1,706
Q3 Total	3,161	62.50	1,002	19.81	51	1.01	844	16.69	5,058
April	1,183	63.50	339	18.20	24	1.29	317	17.02	1,863
May	1,226	63.85	349	18.18	22	1.15	323	16.82	1,920
June	1,252	63.14	388	19.57	18	0.91	325	16.39	1,983
Q4 Total	3,661	63.49	1,076	18.66	64	1.11	965	16.74	5,766
FY14 Total	13,406	63.62	4,177	19.82	195	0.93	3,293	15.63	21,071

Figure 9. Frequencies of Dispositions at Initial Commitment Hearings in FY14 (CMS)



Recommitments

Figure 10 displays the numbers of recommitment hearings during FY10-FY14. While there was little change in recommitment hearings between FY12 and FY13, there was a 21.3% increase in the number of recommitment hearings in FY14. The increase was particularly large in the 4th quarter (Figure 11). Almost all recommitment hearings resulted in continued hospitalization (98.1% for FY13 and 97.7% for FY14), and a very large majority of cases were involuntary hospitalizations (95.9% for FY13 and 95.2% for FY14).

Figure 10. Annual Frequency of Recombitment Hearings, FY10-FY14 (CMS)

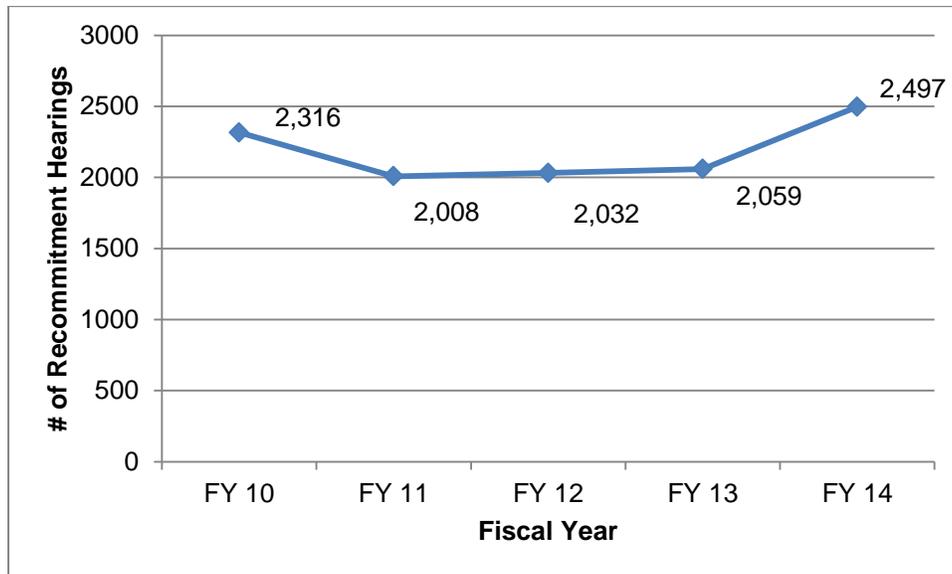
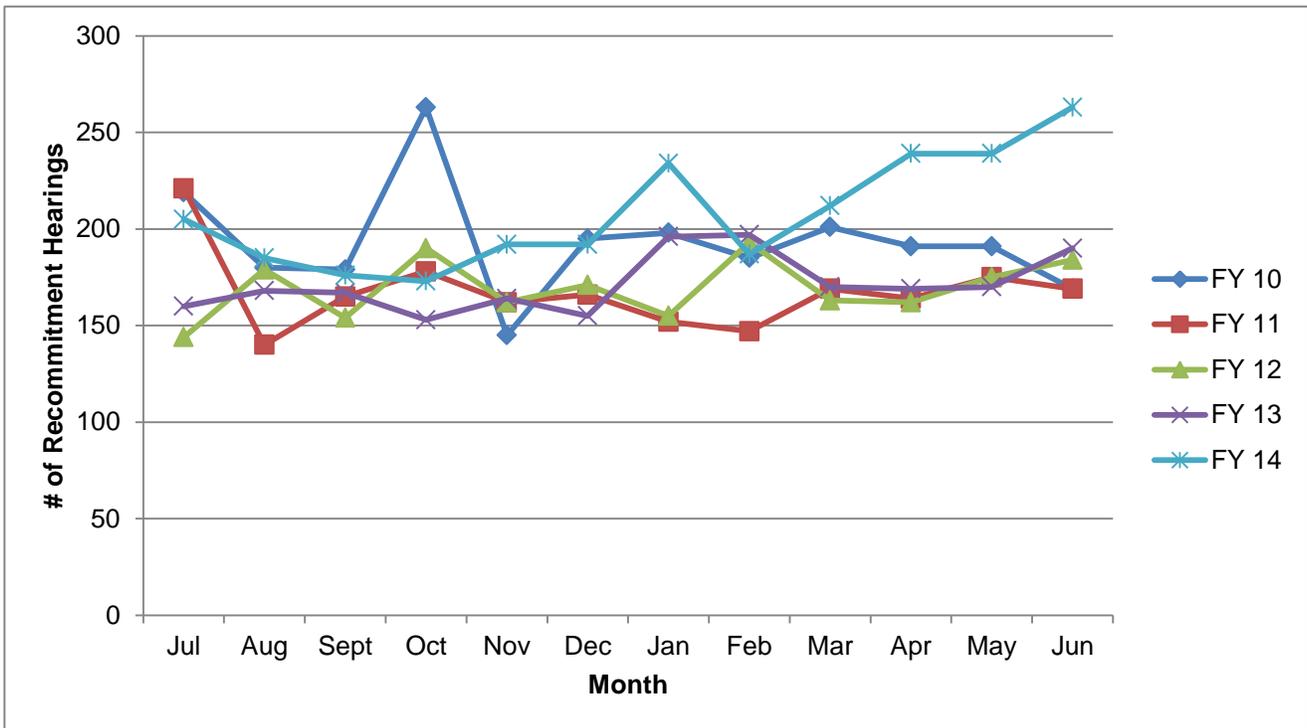


Figure 11. Monthly Frequency of Recommittal Hearings, FY10-FY14 (CMS)



Mandatory Outpatient Treatment

There are two types of mandatory outpatient treatment (MOT) authorized by the Virginia Code. The first type is a *“direct” MOT order*. This type of order is used for a person who is not under a commitment order at the time of the hearing and *the MOT order is issued as a “less restrictive alternative” when the person is found to meet the criteria for involuntary admission at the time of the hearing* (Va. Code § 37.2-817(D)). Although these “direct” MOT orders have been authorized since 1976, detailed procedures for implementing MOT were not adopted until 2008.

The second general type of MOT order is called a *“step-down” MOT order*. This type of procedure, which went into effect in FY 2011, *is used to allow a person to “step down” from an inpatient hospitalization order to an order for mandatory outpatient treatment*. That means that after a person has been hospitalized for a predetermined period, they can be discharged on the condition that they adhere to mandatory outpatient treatment. There are two sub-types of “step-down” MOT orders, which vary based on how they are initiated: a discharge “step-down” MOT order and a new hearing “step-down” MOT order. A discharge “step-down” MOT order is accomplished procedurally by entry of a dual order (at the time of the involuntary commitment hearing) whereby the

special justice (i) enters an order for involuntary admission and simultaneously (ii) authorizes the physician in charge of the person's treatment at the inpatient facility to discharge the individual for monitoring by the responsible CSB under a MOT discharge plan (Va. Code § 37.2-817(C)(1)). This can be accomplished without an additional judicial hearing if the physician concludes that the prescribed criteria have been met. Authority for a physician to authorize step-down MOT can be conferred at the time of an initial commitment hearing (in an initial commitment order) or at the time of a recommitment hearing. These types of hearings are counted under the "Discharge-Initial" and "Discharge-Recommitment" headings in Tables 8-11 and Figure 14. In some cases, a new hearing "step-down" MOT is ordered at a hearing not associated with the initial commitment hearing or recommitment hearing. Upon motion of the treating physician, a family member, or the community services board, a hearing can be held at any point prior to the discharge of an individual from involuntary commitment (Va. Code § 37.2-817(C)) or a voluntary admission following a TDO (Va. Code § 37.2-805) to determine whether the individual should be ordered to MOT upon discharge. This type of MOT, which is also called, "MOT on motion," is counted under the heading "New Hearing" in Tables 8-11 and Figure 14.

The total number of all types of MOT orders increased substantially in FY13 and FY14 (Figure 12 and Figure 13). An increase in the number of direct MOT orders accounted for most of this change (Figure 14). The rate of direct MOT orders rose from 0.25% in FY12 to 0.52% in FY13, and then nearly doubled to 0.92% in FY14 (see Table 6 and Table 7). This increase in MOT orders may be attributable to two MOT implementation workshops that were sponsored and conducted by DBHDS and the Office of the Attorney General in December 2012 and October 2013. Nineteen interested CSBs⁷ sent teams comprised of CSB representatives, court officials, parents and others interested in MOT implementation to one of these one-day workshops in Henrico and Roanoke. Participants learned Virginia law governing the use of MOT, reviewed national best practices related to MOT implementation, and studied operational procedures from two CSBs (Valley and Prince William) that had historical success operationalizing MOT orders in their communities. Teams also worked with consultants to develop agency- and community-specific MOT implementation plans. Future analyses will address whether the increase in MOT usage was most prevalent in communities that sent teams to these workshops.

Despite the increase in the number of MOT orders, the rate of direct MOT orders still remains below 1% of hearing dispositions, indicating that both CSBs and judges may be hesitant to invoke the new MOT procedures.⁸ The new "step-down" MOT procedure went into effect in FY11. There were 69 "step-down" MOT orders in FY13 and 88 in FY14 (Table 8); about half (55.1% for FY13 and 45.5% for FY14) of these "step-down" MOTs were issued in Staunton (Table 9 and Table 10). "Step-down" MOT orders

⁷ The CSBs were District 19, Virginia Beach, Loudoun, Fairfax-Falls Church, Arlington, Alexandria, Richmond BH Authority, Rappahannock Area, Rockbridge, Crossroads, New River Valley, Mount Rogers, Hanover, Horizon BH, Highlands, Danville-Pittsylvania, Cumberland Mountain, Blue Ridge BH, and Alleghany Highlands.

⁸ Possible explanations for the low rate of MOT orders are presented in the Commission preliminary report, 'Use of Mandatory Outpatient Treatment in Virginia,' posted at http://www.courts.state.va.us/programs/concluded/cmh/reports/2011_01_mot_report.pdf.

represent 0.6% of all 12,394 involuntary hearing results (involuntary commitment orders and MOT orders) in FY 13 and 0.6% of all 13,601 involuntary hearing results in FY14.

Figure 12. Annual Frequency of MOT Orders (All Types), FY10-FY14 (CMS)

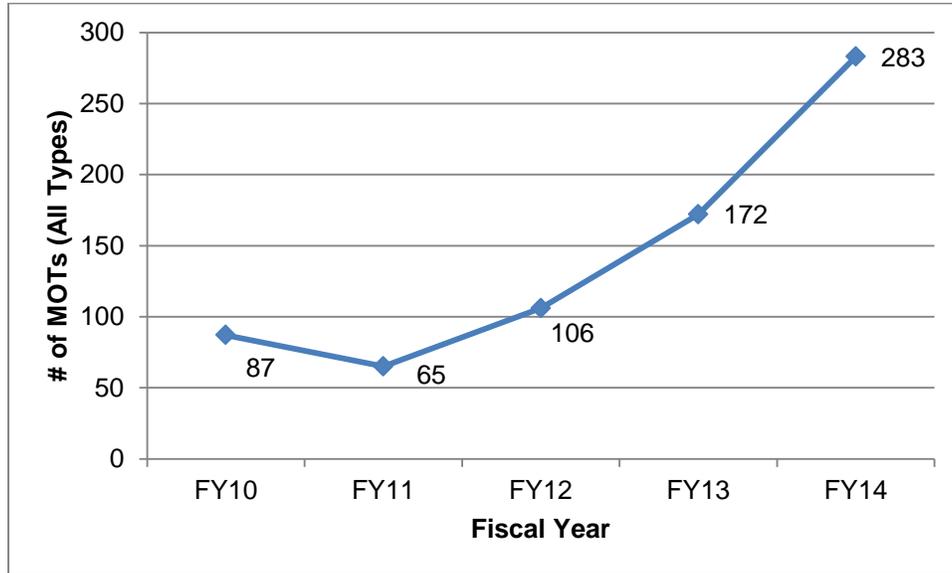
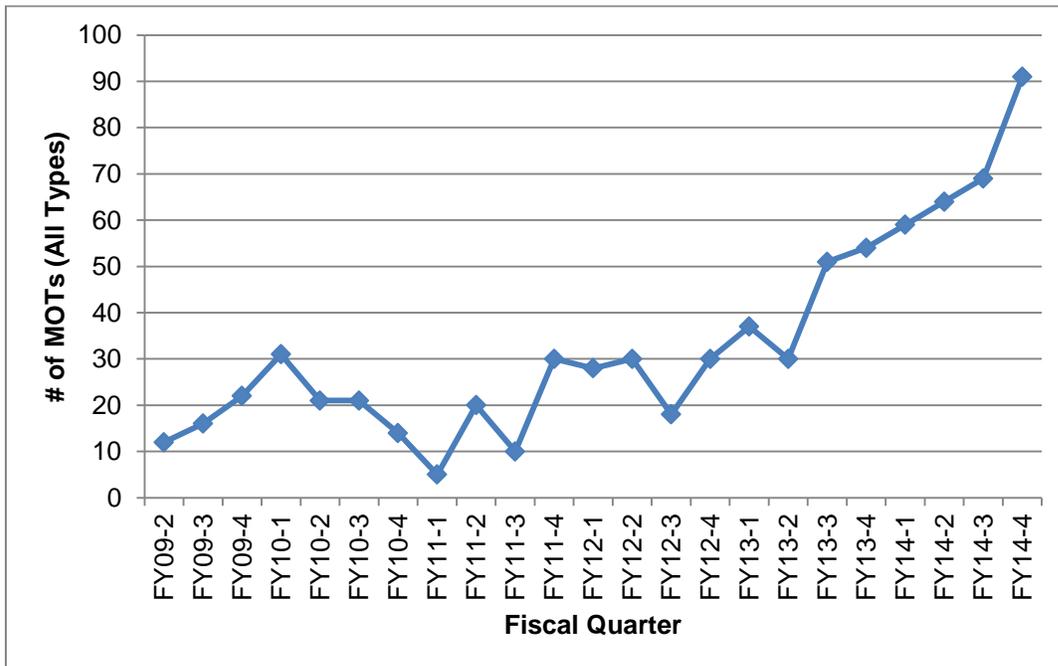


Figure 13. MOT Trends (All Types), FY09 – FY14 (CMS)



Eighteen district courts had more than one MOT case in FY13 (Table 9). This is a significant increase compared with FY12, during which only 8 district courts had more than one MOT case. Like FY12, Prince William County issued the most direct MOT orders and Staunton issued the most step-down MOT orders in FY13. In FY14, 16 district courts had more than one MOT case, Fairfax County issued the most direct MOT orders, and Staunton continued to issue the most step-down MOT orders. Table 11 shows the district court numbers for FY09-FY14.

Table 8. Fiscal Year MOT Counts by Type (CMS)

	MOT TYPE				Total
	Direct	"Step-Down"			
		New Hearing	Discharge		
			Initial	Recommitment	
FY 2009	44	6	0	0	50
FY 2010	86	1	0	0	87
FY 2011	24	5	6	30	65
FY 2012	51	5	6	44	106
FY 2013	103	26	10	33	172
FY 2014	195	33	19	36	283
TOTAL	503	76	41	143	763

Figure 14. : MOT Trends by Type, FY09-FY14 (CMS)

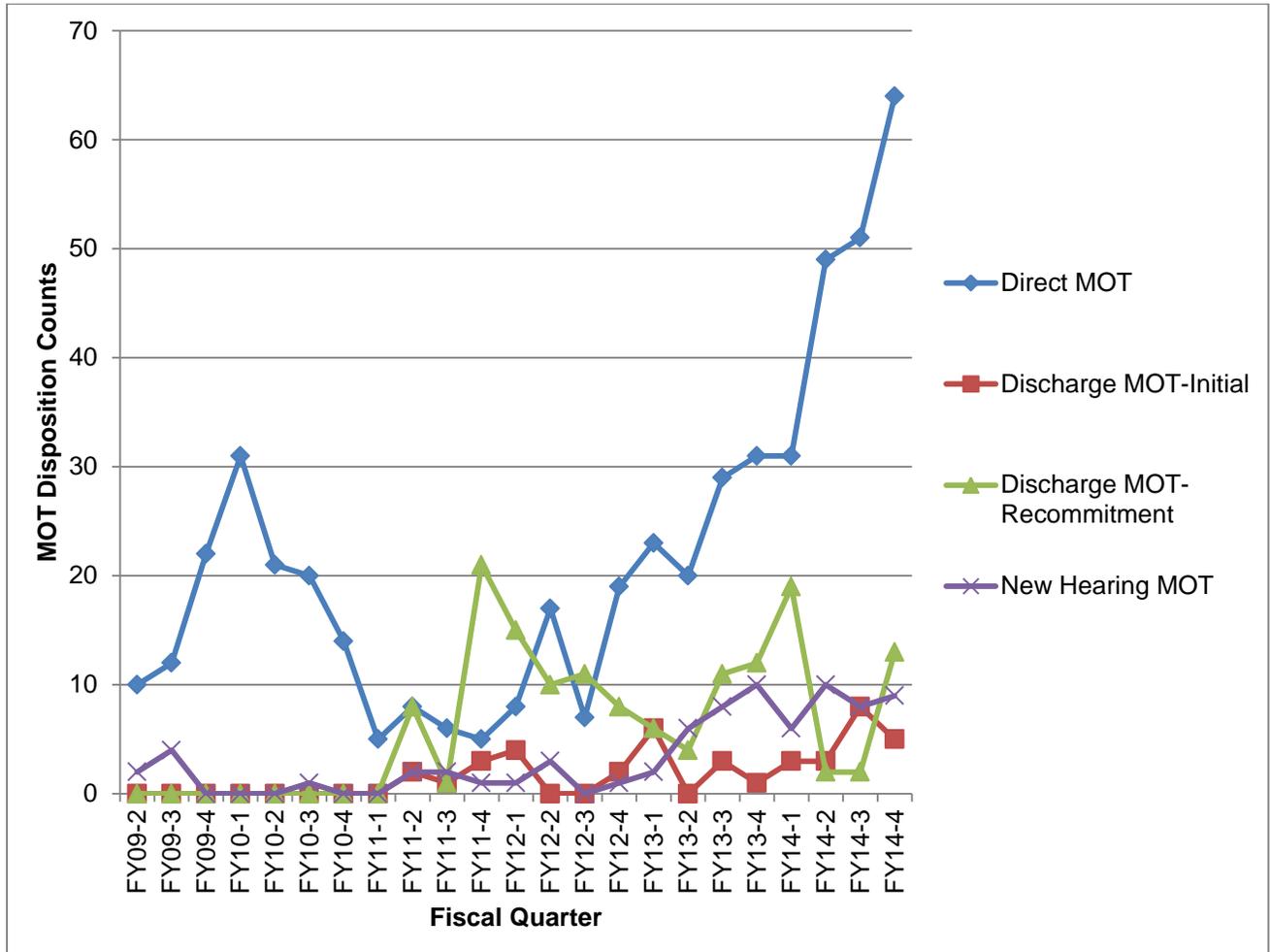


Table 9. Locality MOT Counts by Type, FY13 (CMS)

Locality	MOT TYPE				Total
	Direct	"Step-Down"			
		New Hearing	Discharge		
			Initial	Recommitment	
Albemarle	2	1	0	0	3
Alleghany	1	0	0	0	1
Arlington	1	0	0	0	1
Augusta	0	1	0	0	1
Culpeper	1	0	0	0	1
Fairfax County	14	0	0	0	14
Fauquier	1	0	0	0	1
Henrico	7	0	0	0	7
Loudoun	14	0	0	0	14
Nottoway	0	18	0	0	18
Prince William	21	0	4	0	25
Roanoke County	6	0	0	0	6
Rockingham/Harrisonburg	6	2	0	0	8
Russell	2	0	0	0	2
Smyth	1	0	0	0	1
Stafford	1	0	0	0	1
Sussex	1	0	0	0	1
Washington	1	1	0	0	2
Alexandria	4	0	0	0	4
Charlottesville	3	0	0	0	3
Danville	2	0	0	1	3
Lynchburg	0	0	2	0	2
Petersburg	3	0	1	0	4
Richmond City	5	0	0	0	5
Salem	2	0	0	0	2
Staunton	4	3	3	32	42
State of Virginia	103	26	10	33	172

Table 10. Locality MOT Counts by Type, FY14 (CMS)

Locality	MOT TYPE				Total
	Direct	"Step-Down"			
		New Hearing	Discharge		
			Initial	Recommitment	
Amherst	1	0	0	0	1
Augusta	1	0	0	0	1
Bedford	1	0	0	0	1
Campbell	2	0	0	0	2
Chesterfield	1	0	0	0	1
Fairfax County	52	0	0	0	52
Henrico	10	0	0	0	10
Loudoun	8	0	4	0	12
Montgomery (Christiansburg)	3	0	1	0	4
Nottoway	0	24	0	0	24
Patrick	0	0	1	0	1
Powhatan	1	0	0	0	1
Prince William	46	0	0	0	46
Roanoke County	6	0	0	0	6
Rockingham/Harrisonburg	17	0	1	0	18
Shenandoah	0	0	1	0	1
Smyth	3	0	0	0	3
Alexandria	2	0	0	0	2
Charlottesville	15	0	0	0	15
Chesapeake	1	0	0	0	1
Danville	15	4	0	2	21
Fredericksburg	1	0	0	0	1
Galax	0	0	1	0	1
Lynchburg	4	0	9	0	13
Petersburg	1	0	0	0	1
Roanoke City	1	0	0	0	1
Salem	1	0	0	0	1
Staunton	0	5	1	34	40
Winchester	2	0	0	0	2
State of Virginia	195	33	19	36	283

Table 11. Locality MOT Counts by Type, FY09 - FY14 (CMS)

Locality	MOT TYPE				Total
	Direct	"Step-Down"			
		New Hearing	Discharge		
			Initial	Recommitment	
Amherst	1	0	0	0	1
Albemarle	2	1	0	0	3
Alleghany	1	0	0	0	1
Arlington	1	0	0	0	1
Augusta	12	2	0	0	14
Bedford	1	0	0	0	1
Campbell	2	0	0	0	2
Carroll	1	0	0	0	1
Chesterfield	1	0	0	0	1
Culpeper	1	0	0	0	1
Dickenson	1	0	0	0	1
Fairfax County	74	0	0	0	74
Fauquier	2	0	0	0	2
Gloucester	1	0	0	0	1
Henrico	22	0	0	0	22
Lancaster	0	1	0	0	1
Loudoun	22	0	4	0	26
Montgomery (Christiansburg)	7	0	1	0	8
Nottoway	0	42	0	0	42
Patrick	2	0	1	0	3
Powhatan	1	0	0	0	1
Prince William	145	0	4	0	149
Roanoke County	15	0	0	0	15
Rockingham/Harrisonburg	29	2	1	0	32
Russell	8	0	0	0	8
Shenandoah	0	0	1	0	1
Smyth	19	0	0	0	19
Stafford	1	0	0	0	1
Sussex	2	0	0	0	2
Washington	2	1	0	0	3
Wythe	1	0	0	0	1
Alexandria	10	0	0	0	10
Bristol	1	0	0	0	1
Charlottesville	23	0	0	0	23
Chesapeake	1	0	0	0	1
Danville	21	6	0	3	30
Fredericksburg	1	0	0	0	1
Galax	0	0	1	0	1
Lynchburg	12	0	17	0	29

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Locality	MOT TYPE				Total
	Direct	"Step-Down"			
		New Hearing	Discharge		
			Initial	Recommitment	
Martinsville	1	0	0	0	1
Petersburg	4	0	1	0	5
Richmond City	6	0	0	0	6
Roanoke City	5	0	0	0	5
Salem	7	0	0	0	7
Staunton	31	21	10	140	202
Williamsburg/James City County	1	0	0	0	1
Winchester	2	0	0	0	2
State of Virginia	503	76	41	143	763

Involuntary Commitment Orders

As illustrated in Figure 15, the numbers of involuntary commitment orders at initial hearings increased in FY14. The increase in involuntary commitment orders at initial hearings between FY13 and FY14 was approximately 9.1%, and is largely attributable to increases in involuntary commitment orders in the second and fourth quarter of FY14 relative to the second and fourth quarter of previous years (see Figure 16). Notably, the counts of involuntary commitment orders were the highest to-date during April, May, and June of 2014 (see Figure 18). This is consistent with the increase in TDOs that was observed in this same time period.

Figure 15. Annual Frequency of Involuntary Commitment Orders (Inpatient), FY10-FY14 (CMS) (Initial Hearings Only)

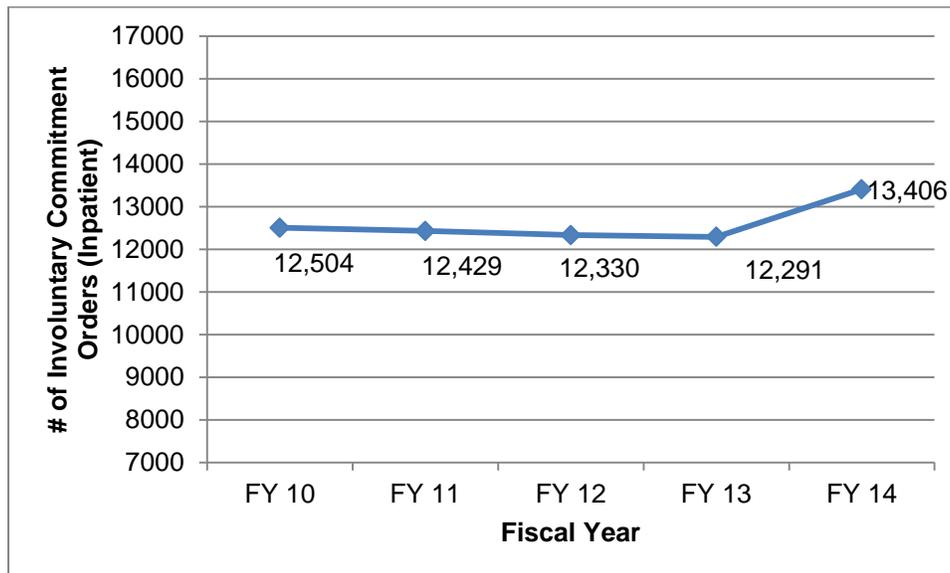


Figure 16. Quarterly Frequency of Involuntary Commitment Orders (Inpatient), FY10-FY14 (CMS) (Initial Hearings Only)

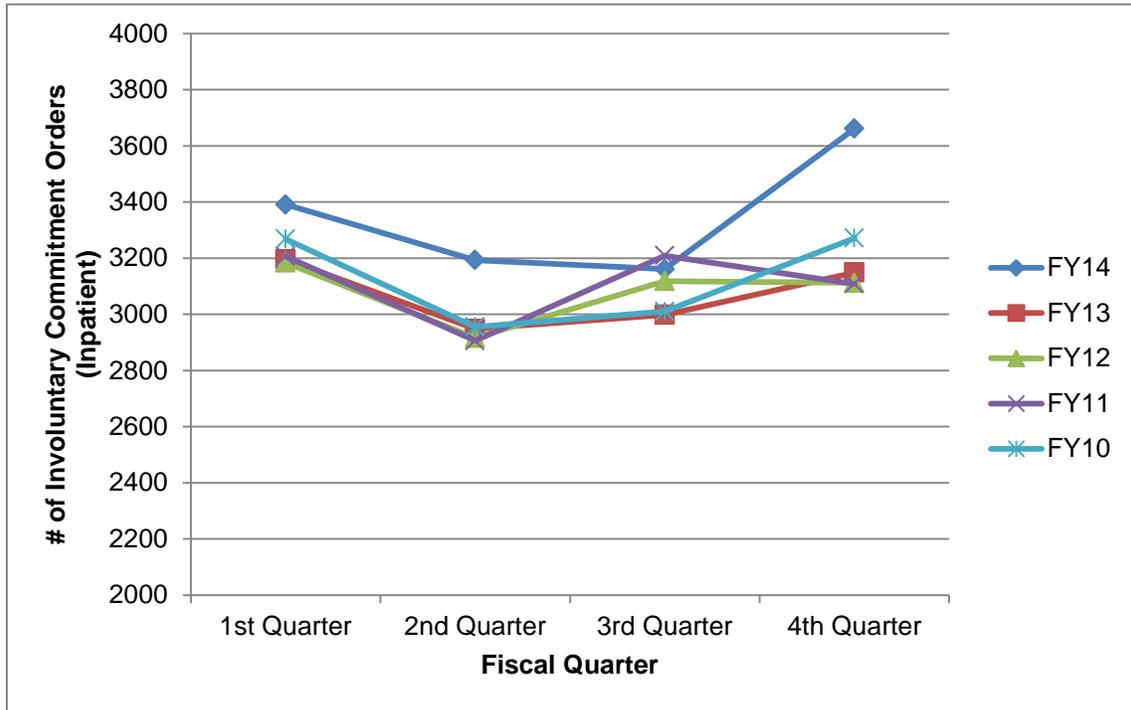


Figure 17. Involuntary Commitment Order Trends (Inpatient), FY10-FY14 (CMS) (Initial Hearings Only)

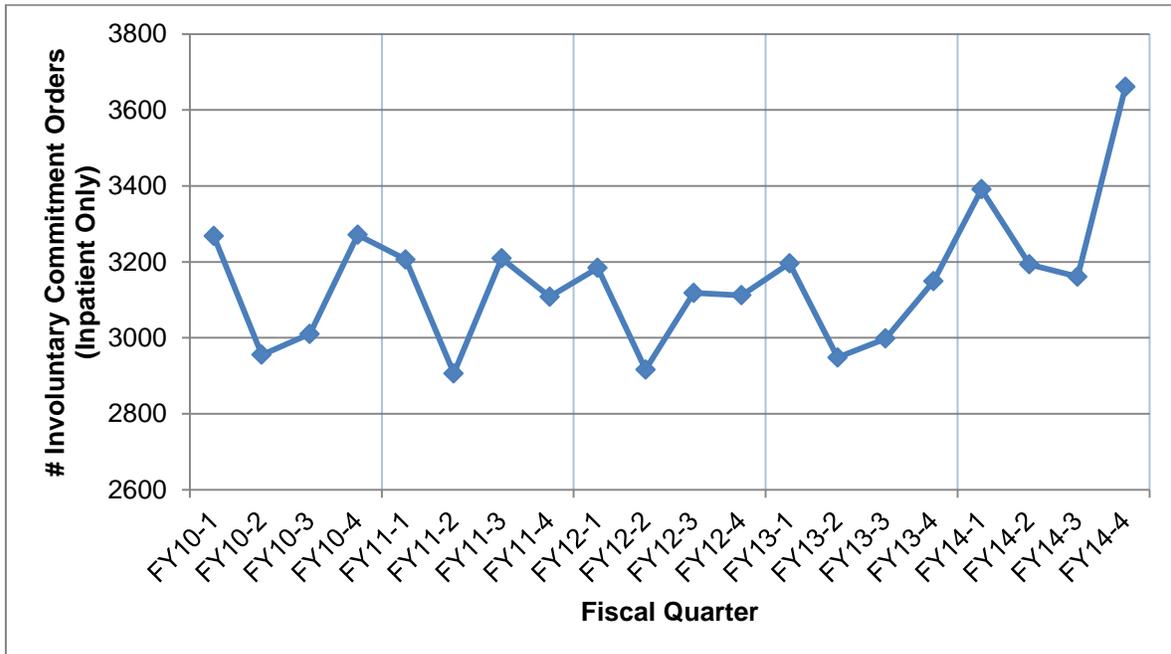
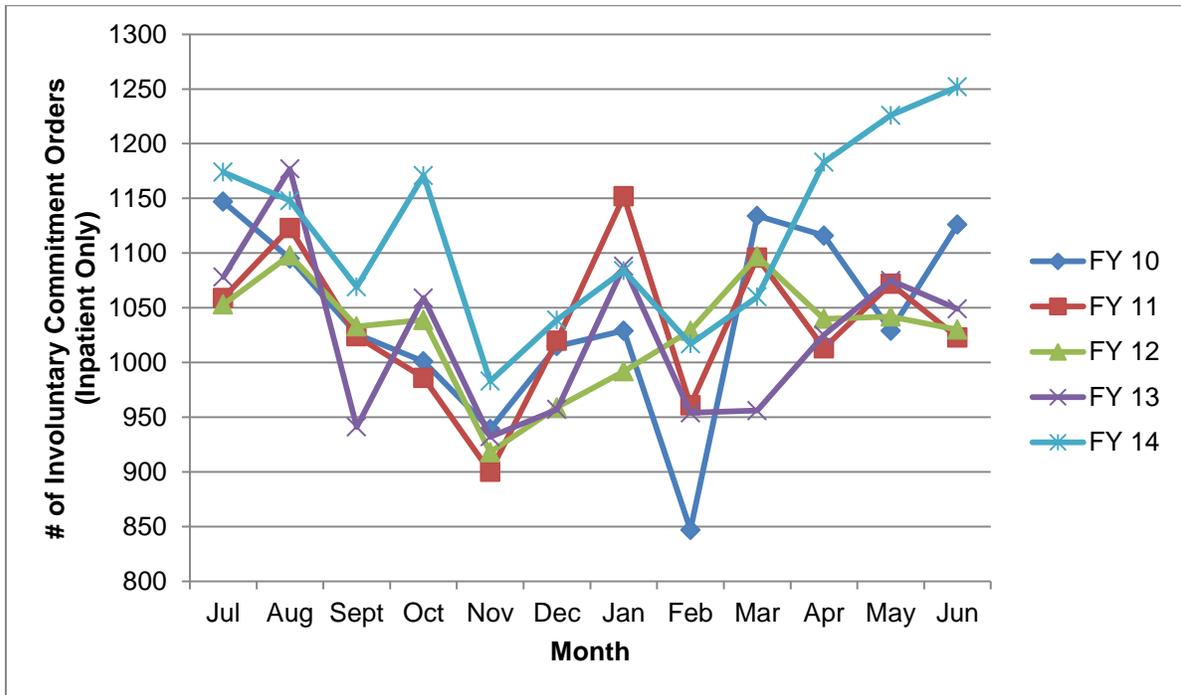


Figure 18. Monthly Frequency of Involuntary Commitment Orders (Inpatient Only), FY10-FY14 (CMS) (Initial Hearings Only)



Judicial Authorizations of Treatment

Court clerks also enter data into the CMS on the number of judicial authorizations of treatment sought and granted each month. The purpose of judicial authorizations of treatments is to authorize treatment of an adult person who is either incapable of making an informed decision on his own behalf, or is incapable of communicating decisions about care due to a mental or physical disorder; these authorizations can only be granted if the proposed treatment is also found to be in the best interest of the person (Va. Code § 37.2-1101).

The total number of judicial authorizations of treatment sought in FY13 (Table 12) was 4.9% lower than in FY12. The number of judicial authorizations of treatment sought in FY14 (Table 13) was considerably higher than in FY13, with an increase of 27.9%. The number of judicial authorizations granted in FY14 also rose considerably, with an increase of 28.5%.

Nearly all (97.1%) judicial authorizations of treatment were granted in FY13. This was a slight increase over the rate of judicial authorizations granted in FY12 (95.5%). In FY14, the rate of judicial authorizations granted rose slightly further to 97.5%. Overall, the number of judicial authorizations of treatment that were granted has nearly doubled since FY10 (Figure 19).

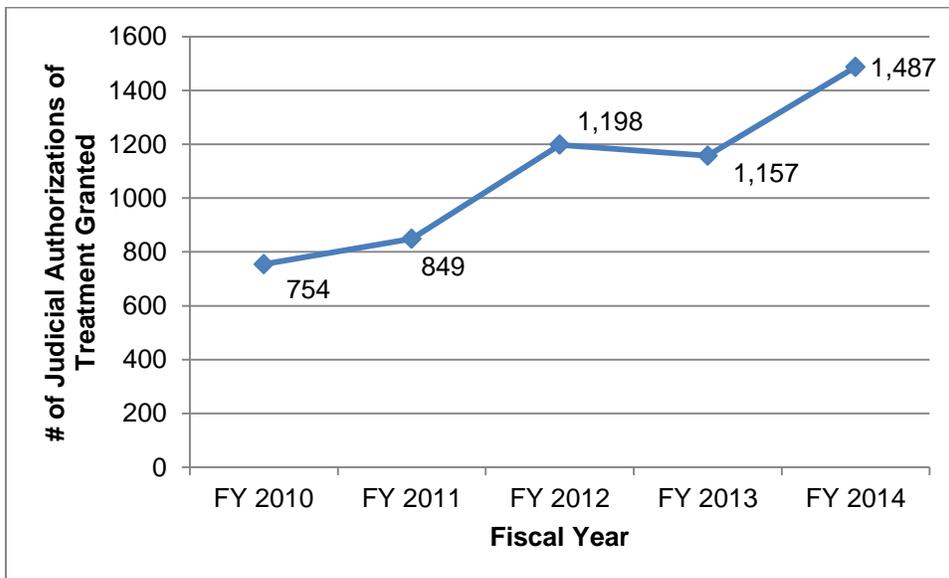
Table 12. Frequency of Judicial Authorizations of Treatment in FY13 (CMS)

	CMS: Number of Judicial Authorizations		
	Granted	Denied	Total
July	99	2	101
August	109	2	111
September	81	0	81
1st Quarter Total	289	4	293
October	110	3	113
November	107	5	112
December	77	2	79
2nd Quarter Total	294	10	304
January	96	11	107
February	100	0	100
March	102	2	104
3rd Quarter Total	298	13	311
April	93	4	97
May	98	3	101
June	85	1	86
4th Quarter Total	276	8	284
FY13 Total	1,157	35	1,192

Table 13. Frequency of Judicial Authorizations of Treatment in FY14 (CMS)

	CMS: Number of Judicial Authorizations		
	Granted	Denied	Total
July	124	1	125
August	128	3	131
September	97	2	99
1st Quarter Total	349	6	355
October	99	2	101
November	119	8	127
December	121	3	124
2nd Quarter Total	339	13	352
January	142	1	143
February	114	3	117
March	119	3	122
3rd Quarter Total	375	7	382
April	132	3	135
May	162	5	167
June	130	4	134
4th Quarter Total	424	12	436
FY14 Total	1,487	38	1,525

Figure 19. Annual Frequency of Judicial Authorizations of Treatment Granted, FY10-FY14



Alternative Transportation Orders⁹

In most cases, the magistrate issuing an ECO or TDO will specify that the law-enforcement agency of the jurisdiction in which the person resides or is located to execute the order and provide transportation to the appropriate ECO or TDO facility. In some cases, after issuing an ECO or TDO, the magistrate will issue an alternative transportation order (ATO), allowing an alternative transportation provider, such as a medical transport provider or a family member to provide transportation to the appropriate facility (Va. Code § 37.2-810). Each time an ATO is issued, it is counted by the eMagistrate system. ATOs are counted by the eMagistrate system regardless of whether they are successfully executed.

The number of ATOs issued per year has decreased slightly since FY10 (Figure 20), with 136 ATOs in FY13 and 124 ATOs in FY14 (Tables 16-17). Very few ATOs were issued in order to transport an individual under an ECO. About 97.1% of ATOs were issued for an individual under a TDO in FY13 and 89.5% of ATOs were issued for an individual under a TDO in FY14 (Tables 14-15). The most common alternative transportation provider was medical transport for both FY13 and FY14, followed by a family member (Tables 16-17).

The 2014 legislative changes to the civil commitment system included a provision that will allow magistrates to authorize *any* available and willing law enforcement agency to provide transportation for an individual under a TDO. This could potentially impact the future number of ATOs issued.

⁹ This section presents data on both adult and juvenile ATOs. Previous sections only include data on adults. Juvenile data was included here in order to easily compare with past reports, which present adult and juvenile ATO data together.

Table 14. Frequency of ATOs in FY13 (eMagistrate)

	eMagistrate Number of ATOs				
	Adult ECO	Juvenile ECO	Adult TDO	Juvenile TDO	Total
July	0	0	8	1	9
August	0	0	5	2	7
September	0	0	18	0	18
1st Quarter Total	0	0	31	3	34
October	2	0	10	2	14
November	1	0	6	0	7
December	0	0	11	2	13
2nd Quarter Total	3	0	27	4	34
January	1	0	7	2	9
February	0	0	3	3	6
March	0	0	14	0	14
3rd Quarter Total	0	0	24	5	29
April	0	0	12	0	12
May	0	0	11	1	12
June	0	0	12	2	14
4th Quarter Total	0	0	35	3	38
FY13 Total	4	0	117	15	136

Table 15. Frequency of ATOs in FY14 (eMagistrate)

	eMagistrate Number of ATOs				
	Adult ECO	Juvenile ECO	Adult TDO	Juvenile TDO	Total
July	1	1	8	0	10
August	1	0	13	0	14
September	0	0	7	1	8
1st Quarter Total	2	1	28	1	32
October	0	0	8	0	8
November	1	0	6	0	7
December	1	0	7	1	9
2nd Quarter Total	2	0	21	1	24
January	4	0	7	1	12
February	1	0	10	1	12
March	0	0	11	2	13
3rd Quarter Total	5	0	28	4	37
April	1	0	6	0	7
May	1	1	13	3	18
June	0	0	6	0	6
4th Quarter Total	2	1	25	3	31
FY14 Total	11	2	102	9	124

Figure 20. ATO Counts, FY10-FY14 (eMagistrate)

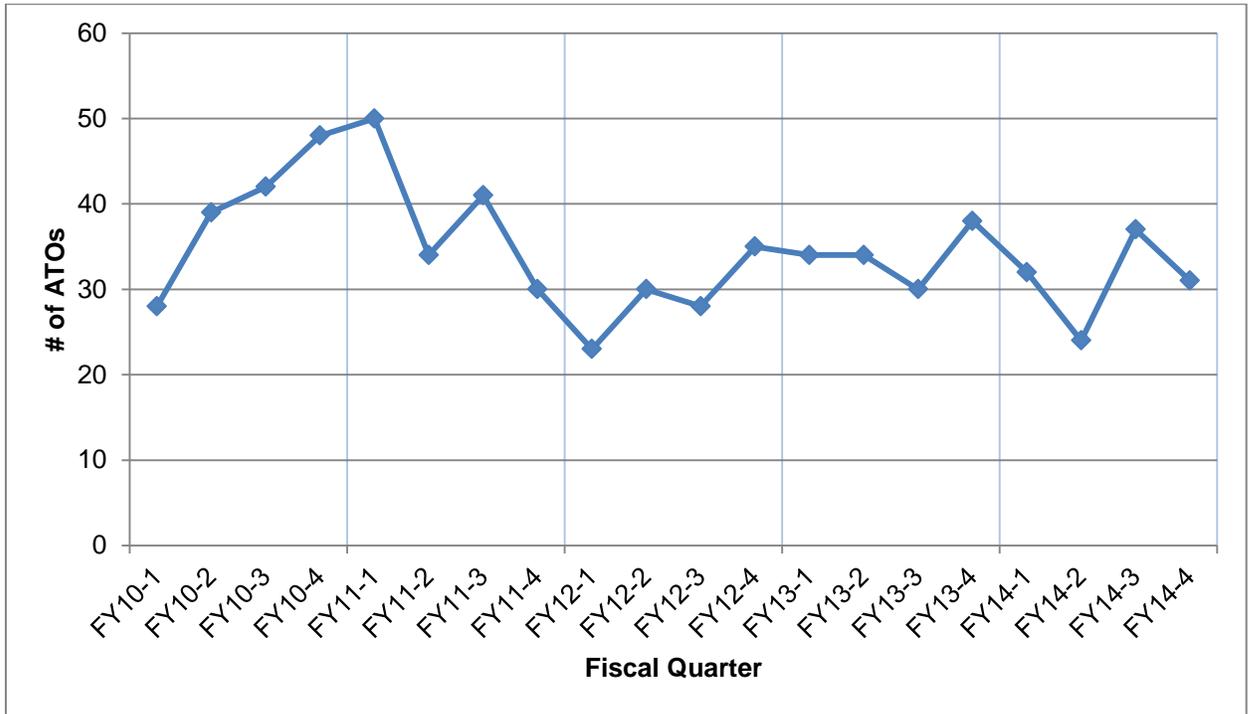


Table 16. Frequency of ATO Provider Types in FY13 (eMagistrate)

	ATO Provider Type						Total
	Family	Friend	Medical Transport	Law Enforcement	Healthcare Provider	No Record	
July	3	0	4	0	0	2	9
August	4	0	3	0	0	0	7
September	4	1	12	0	1	0	18
1st Quarter Total	11	1	19	0	1	2	34
October	5	0	6	1	1	1	14
November	1	1	3	1	1	0	7
December	2	0	8	0	1	2	13
2nd Quarter Total	8	1	17	2	3	3	34
January	4	0	2	1	3	0	10
February	2	1	2	1	0	0	6
March	2	1	6	0	1	4	14
3rd Quarter Total	8	2	10	2	4	4	30
April	4	0	3	1	0	4	12
May	1	0	6	3	1	1	12
June	3	0	5	0	1	5	14
4th Quarter Total	8	0	14	4	2	10	38
FY13 Total	35	4	60	8	10	19	136

Table 17. Frequency of ATO Provider Types in FY14 (eMagistrate)

	ATO Provider Type						Total
	Family	Friend	Medical Transport	Law Enforcement	Healthcare Provider	Not Record	
July	2	1	3	0	1	3	10
August	6	1	3	1	0	3	14
September	4	0	1	1	0	2	8
1st Quarter Total	12	2	7	2	1	8	32
October	1	1	4	0	1	1	8
November	1	1	2	0	0	3	7
December	4	0	3	1	1	0	9
2nd Quarter Total	6	2	9	1	2	4	24
January	2	2	5	1	2	0	12
February	5	0	3	0	0	4	12
March	0	0	3	1	0	9	13
3rd Quarter Total	7	2	11	2	2	13	37
April	0	0	3	1	1	2	7
May	6	1	7	0	3	1	18
June	0	0	4	0	0	2	6
4th Quarter Total	6	1	14	1	4	5	31
FY14 Total	31	7	41	6	9	30	124