I. Purpose
To insure that all patients who have current legal issues are kept safe and receive appropriate supervision and treatment during their stay in the hospital.

II. Scope
Patients with legal issues

III. Definitions
A. Forensic Patient: Refers to any patient who has been referred to the hospital by the Office of General Counsel (OGC) and whose gatekeeper represents the OGC, and/or has legal issues associated with their confinement commitment.

B. Forcible Felony Charges Pending: Refers to a forensic patient who has open and active forcible felony charges with the criminal court.

C. Insufficient comprehension to stand trial/Incompetent to stand trial/ICST Adjudicated (ICST ADJ): Refers to a forensic patient who is sent to the hospital for restoration to competence (Insufficient Comprehension to Stand Trial) by a criminal court. Usually their length of stay is 180 days or less.

D. ICST Regular (ICST REG): Refers to those patients who start as an ICST but are not restored to competency, still have unresolved charges, and are then put on a mental health commitment from a civil court. ICST Regular does not release the holding facility from the responsibility of keeping the criminal court informed as to the competency of the person. This must be done yearly at the time of the Periodic Report to the committing court.

E. Not Guilty by Reason of Insanity (NGRI): Refers to a forensic patient who has been judged by a criminal court to be Not Guilty by Reason of Insanity and who is committed to the hospital by a civil court for supervision and treatment.

F. Department of Corrections Outdate (DOC OUTDATE): Refers to a forensic patient who has completed a criminal court sentence but has been committed to the hospital by a civil court for treatment and supervision of an ongoing mental disorder. “Outdate” includes forensic patients who are on parole and/or probation.

G. Forensic with Charges Dropped (CHARGES DROPPED): Refers to a patient who was admitted as a forensic patient with the OGC gatekeeper, but who since admission has had all charges dropped.

H. Staff Escort: Patients need to be under staff supervision for the purposes of traveling in the building.

IV. Policy
All patients with legal issues must be kept under appropriate supervision by hospital staff, while adhering to the Forensic Patient Supervision grid attached to this policy. Any deviation from these guidelines must be presented to the Forensic Panel for review, and then approved by the Superintendent and/or the Office of General Counsel (OGC) and The Division of Mental Health and Addiction (DMHA).

Hospital privilege levels including: building privileges; on-grounds privileges with staff; off-grounds privileges with staff; and ability to have off-grounds visits, must also be determined based on the category and the particular circumstances of the individual patient with proper authorizations obtained prior to any change in privilege level or any leave occurring.

All privileges must have a physician’s order.
All patients with the above defined classifications will have their medical record labeled with a LEGAL ALERT sticker placed on the outside cover to alert hospital staff to check the legal status prior to granting privileges, passes, leaves, etc.

All patients within the high risk classification (with a gatekeeper of 096 – DMHA: Civilly Committed with Known Felony Charges; Insufficient Comprehension to Stand Trial; Regularly Committed following an ICST, Guilty but Mentally Ill, and Not Guilty by Reason of Insanity-most likely to be on a Regular Commitment) must have approval through the Division of Mental Health and Addiction (DMHA) Director's Office (or designee) prior to a therapeutic leave or day pass.

Therapeutic Leave is defined as an overnight visit, of one or more days away from the hospital, not accompanied by a staff person. (Medical Leaves are excluded.)

Day pass is defined as any leave from the hospital that is not overnight where a patient is not accompanied by a staff person.

Patients with misdemeanor charges are not subject to approval from DMHA prior to a therapeutic leave. These requests for therapeutic leave will follow the regular process for approval at the treatment team level.

Should approval for a request raise concern, that request can be forwarded to the Forensic Panel Chair for review.

VI. Procedure

A. Specific procedures of legal classifications

Communication of Legal Alert status
1. When a patient is admitted under one of the above-listed legal categories, the Admissions Coordinator will notify Health Information Services (HIS) of what the legal issue is for those individuals.
2. HIS staff will place a LEGAL ALERT sticker on the unit chart of the patient.
3. If any staff receives any additional documentation regarding the legal issue at any time during the patient’s length of stay, a copy needs to be sent to HIS so that the LEGAL ALERT status can be reviewed.
4. A LEGAL ALERT sticker cannot be removed or altered except under the direction of the Forensic Panel Chair; Superintendent; or the HIS Department.

Forcible Felony Charges Pending
1. Any patient admitted with forcible felony charges pending is restricted to the building except for medical reasons, which must be with staff escort. Patient may be allowed off the unit within the building, such as to go to the dining room and other education rooms for active treatment classes, but must have staff escort who remains with the patient. Forcible felony charges pending patients are allowed in the courtyard as that is considered part of the unit.
2. Patients with forcible felony charges pending are eligible for building privilege if the following circumstances and approvals have occurred:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Treatment team has fully assessed the patient and documented that the patient is not an identifiable risk for AWOL or aggressive behavior on the Risk Assessment for Privilege/Step Down Status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
   d) If approved, the patient is educated by the Treatment Team regarding acceptable behavior while on grounds with staff.
   e) Any deviance from the privilege expectations by patient will cause the privilege to be revoked and the patient to restart the process.
3. Patients with forcible felony charges pending are not allowed on grounds with staff.
4. Patients with forcible felony charges pending are not allowed off grounds without staff.
5. Forcible felony charges pending patients will only be taken off grounds for legal or medical reasons. When this occurs the use of a secure transportation device is at the discretion of the attending physician or the OD and the Nursing Supervisor discretion if after usual business hours.
6. When off grounds for legal and medical reasons unless documented otherwise by attending or OD, Forcible Felony charges pending patients will be supervised by 2 staff members at all times.

ICST Adjudicated
1. Any patient admitted as an ICST Adjudicated is restricted to the building except for medical reasons, which must be with staff escort. Patient may be allowed off the unit within the building, such as to go to the dining room and other education rooms for active treatment classes, but must have staff escort who remains with the patient.
   ICST Adjudicated patients are allowed in the courtyard as that is considered part of the unit.
2. ICST Adjudicated patients are not allowed on grounds or off grounds without staff.
3. ICST ADJ patients will only be taken off grounds for legal or medical reasons. When this occurs the use of a secure transportation device is at the discretion of the attending physician or the OD and the Nursing Supervisor discretion if after usual business hours.
4. When off grounds for legal and medical reasons unless documented otherwise by attending or OD, ICST ADJ patients will be supervised by 2 staff members at all times.

ICST Regular
1. Patient who is an ICST Regular is eligible for building privileges according to the unit program and hospital policy on privileges.
2. Patient with this classification can be eligible for Grounds Privileges with staff escort under the following circumstances and approvals:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Treatment team has fully assessed the patient and documented that the patient is not an identifiable risk for AWOL or aggressive behavior on the Risk Assessment for Privilege/Step Down Status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
   d) If approved, the patient is educated by the Treatment Team regarding acceptable behavior while on grounds with staff.
   e) Any deviance from the privilege expectations by patient will cause the privilege to be revoked and the patient to restart the process.
3. Off-grounds privileges, without staff, are not generally permitted. This would be possible under the following circumstances and approvals:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Treatment team has fully assessed the patient and documented that the patient is not an identifiable risk for AWOL or aggressive behavior on the Risk Assessment for Privilege/Step Down Status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
   d) If approved, the patient is educated by the Treatment Team regarding acceptable behavior while on grounds with staff.
   e) Any deviation from the privilege expectations by patient will cause the privilege to be revoked and the patient to restart the process.
4. ICST REG patients will generally only be taken off grounds for legal or medical reasons. When this occurs the use of a secure transportation device is at the discretion of the attending physician or the OD and the Nursing Supervisor discretion if after usual business hours.
5. When off grounds for legal and medical reasons unless documented otherwise by attending or OD, ICST REG patients will be supervised by 2 staff members at all times.
**NGRI**

1. Patients who are an NGRI are eligible for building privileges according to the unit program and hospital policy on privileges.
2. Patient with this classification are not eligible for Grounds Privileges without staff escort.
3. Patients with this classification are eligible for on grounds privileges with staff under the following circumstances:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Treatment team has fully assessed the patient and documented that the patient is not an identifiable risk for AWOL or aggressive behavior on the Risk Assessment for Privilege/Step Down Status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
   d) Notification and approval from committing court prior to privilege being authorized.
   e) Any deviance from the privilege expectations will cause the privilege to be revoked and the patient to restart the process.
4. Patient with this classification can be eligible for Off Grounds privileges without staff escort under the following circumstances:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Completion of the “Treatment Team’s Recommendation for TL” (SF 46708), and Risk Assessment for Privilege/Step Down status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
   d) If approved, the patient is educated by the Treatment Team regarding acceptable behavior while off grounds.

**Department of Corrections Outdates**

1. Patients who are outdates are eligible for building privileges according to the unit program and hospital policy on privileges.
2. Outdates are eligible for on grounds privileges with staff after a minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
3. Treatment team has fully assessed the patient and documented that the patient is not an identifiable risk for AWOL or aggressive behavior on the Risk Assessment for Privilege/Step Down Status form.
4. Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
5. Patient with this classification can be eligible for off grounds privilege with staff escort under the following circumstances:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Completion of the Risk Assessment for Privilege/Step Down status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
   d) If approved, the patient is educated by the Treatment Team regarding acceptable behavior while off grounds.
6. Patient with this classification can be eligible for Off Grounds privileges without staff escort under the following circumstances:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Completion of the “Treatment Team’s Recommendation for TL” (SF 46708), and Risk Assessment for Privilege/Step Down status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
d) Notification and approval from committing court prior to pass being authorized.

d) If approved, the patient is educated by the Treatment Team regarding acceptable behavior while off grounds.

**Forensic with Charges Dropped**

1. Patients who are Forensic but whose charges have been dropped are eligible for building privileges according to the unit program and hospital policy on privileges.

2. Patients with this classification are eligible for on grounds privileges with staff under the following circumstances:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Treatment team has fully assessed the patient and documented that the patient is not an identifiable risk for AWOL or aggressive behavior on the Risk Assessment for Privilege/Step Down Status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
   d) If approved, the patient is educated by the Treatment Team regarding acceptable behavior while on grounds.
   e) Any deviance from the privilege expectations will cause the privilege to be revoked and the patient to restart the process.

3. Patients with this classification can be eligible for Off Grounds privileges without staff escort under the following circumstances:
   a) Minimum of one month with no incidents or reports of physical or verbal threats, no AWOL activity, and with no incidents or reports of aggressive behavior.
   b) Completion of the “Treatment Team’s Recommendation for Leave of Absence” (SF 46708), and Risk Assessment for Privilege/Step Down status form.
   c) Case referred to Forensic Panel for review and approval, followed by approval of the Superintendent and OGC/DMHA.
   d) If approved, the patient is educated by the Treatment Team regarding acceptable behavior while off grounds.

**B. The following is the 4-step process by which the Treatment Team can recommend a therapeutic leave or day pass for those classifications of patients listed above:**

1. The Treatment Team Recommendation
   a. The Treatment Team will complete “Risk Assessment for Privilege/Step Down Status”
   b. The Treatment Team will complete “Treatment Team’s Recommendation for Leave of Absence” (SF 46708).
      At least two (2) members of the team will sign, one being the physician.
   c. All the above forms will be forwarded to the Forensic Panel, at least fifteen (15) working days prior to the therapeutic leave.

2. The Forensic Panel's Recommendation.
   a. The Forensic Panel will convene within five (5) working days and forward all information, with their recommendation(s), to the Superintendent.

3. The Superintendent's Recommendation to the DMHA Director for a one-time Approval for therapeutic leave.
   a. The Superintendent, or designee, will review all information and will notify the Treatment team in case of a denial (without consultation of DMHA) within three (3) working days of receiving the recommendation of the Forensic Panel.
   b. Should the Superintendent approve the therapeutic leave request, the Superintendent's Office or the Forensic Panel Chair will forward the request to DMHA.

4. The Division of Mental Health and Addiction Director's Approval/Denial of Request.
   a. DMHA Director’s Office will notify the Superintendent’s Office of the decision.
   b. Upon notification, the superintendent's office or the Forensic Panel Chair will notify the Treatment team.