

Annual Statistical Report: Civil Commitment of Minors in Virginia (FY 2010 – FY 2017)

University of Virginia Institute of Law, Psychiatry and Public Policy

KM Faris, AA Allen

June, 2018

Contents

- Sources of Data 1
- Emergency Custody Orders 2
- Temporary Detention Orders 6
- Commitment Hearings Involving Minors 11
- Involuntary Commitment Orders 15
- Mandatory Outpatient Treatment and Other Commitment Hearing Dispositions 20
- Alternative Transportation Orders 21
- Age Characteristics of Minors Involved in the Civil Commitment Process 23
- Counts of minors Involved in Civil Commitment Compared to Counts of Civil Commitment Actions 29
- Racial Characteristics of Minors 32
- Racial/Ethnic Characteristics of Minors by Age Group 34

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

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 (Institute) at the University of Virginia, under contract with the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. Current analyses are based on data provided by the Department of Behavioral Health and Developmental Services through an agreement with the Office of the Executive Secretary of the Supreme Court of Virginia.

In this report, the Institute presents data for FY 2010 through FY 2017 regarding the numbers of ECOs, TDOs, commitment hearings, and judicial dispositions (in particular, commitment orders) pertaining to minors and, to the extent possible, assesses whether commitment practices have changed over time. The report also includes data pertaining to judicial orders authorizing transportation of minors involved in commitment proceedings as well as age and race/ethnic characteristics of minors involved in the civil commitment process.

Sources of Data

Court clerks at Juvenile and Domestic Relations District Courts maintain records of civil commitment cases concerning minors using the Juvenile Case Management System (JCMS). The JCMS system is maintained by the Office of the Executive Secretary of the Supreme Court and used by each District Court to enter and

track its cases. Data related to civil commitment hearings, ECOs, and TDOs in each district are entered into that district court’s JCMS by individual court clerks.

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.

Emergency Custody Orders

The best available source of data regarding issued ECOs is the eMagistrate System because ECOs are entered regardless of whether they are executed. Data on ECOs issued for minors are available for FY 2010 through FY 2017. According to data extracted from the eMagistrate System, 664 ECOs were issued for minors in FY 2016 and 665 ECOs were issued in FY 2017 (Table 1 and Figure 1). This is a 21% increase from the ECOs issued in FY 2015 and a 46% increase over the ECOs issued in FY 2014. These are the highest counts since FY 2010 when counts decreased from 531 to a low of 356 in FY 2013. Since then, ECOs issued to minors have increased but appear to have leveled off between FY 2016 and 2017 which may indicate a new plateau. The greatest elevation in counts from FY15 to FY17 occurred in the third quarter of FY15 and the fourth quarter of FY16—the growth in these periods was 17.2% and 21.2%, respectively (Figure 2 and Figure 3). There was a large 29.5% decrease in counts between the fourth quarter of FY16 and the first of FY17. In general, yearly ECO counts have followed a similar pattern of rising from the first to fourth quarters of the fiscal year for the past several years (since FY14). After the fourth quarter, the counts tend to drop in the first quarter of the following fiscal year.

According to data from the eMagistrate System, there were, on average, about 55 ECOs issued for minors per month during FY16 and FY17 (See Table 2 and Figure 4). The number of ECOs issued per month do not follow a clear seasonal pattern, however, numbers appear to peak around March-May. In general, fewer ECOs are issued during school summer holiday periods (June-August) of each year.

Table 1: Annual Frequency of ECOs Issued for Minors, FY2010-FY2017

Fiscal Year	# ECOs
2010	531
2011	465
2012	378
2013	356
2014	453
2015	546
2016	664
2017	665

Figure 1

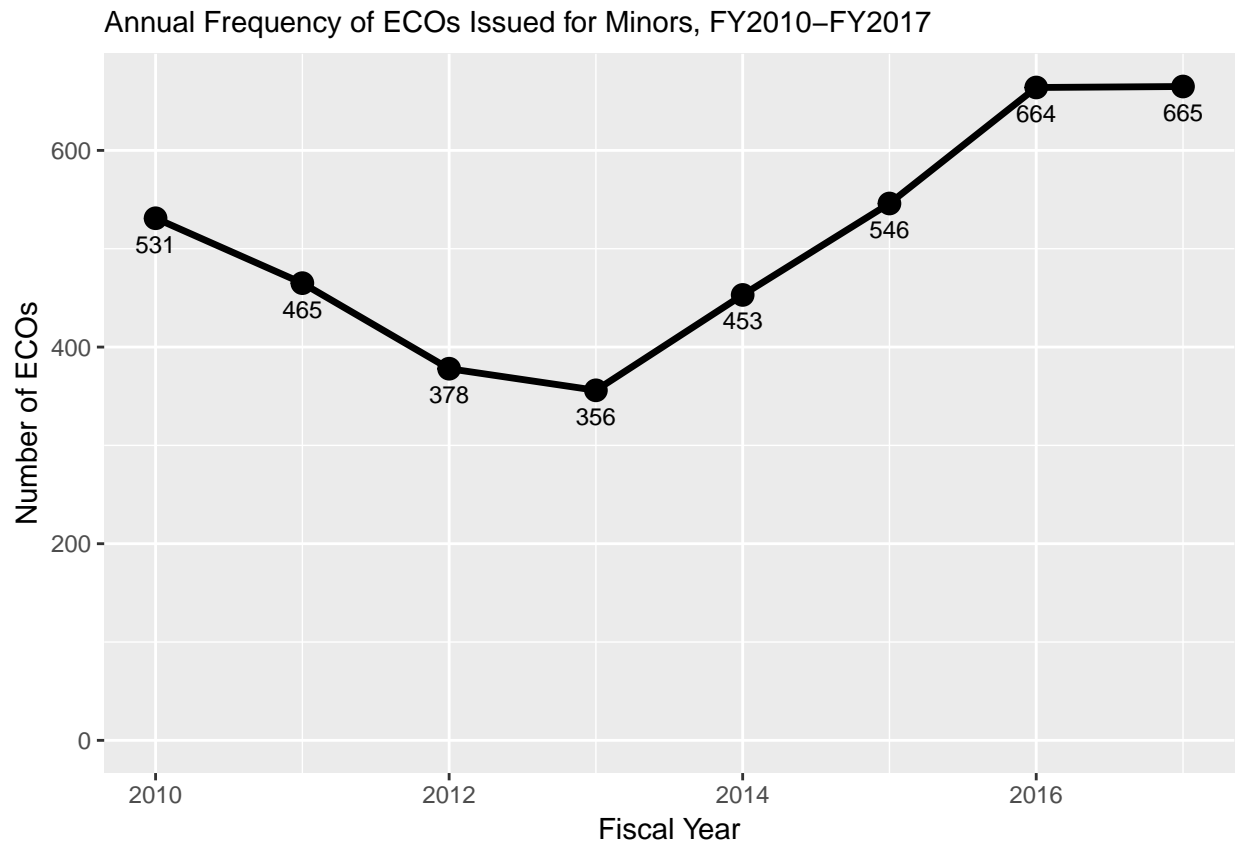


Figure 2

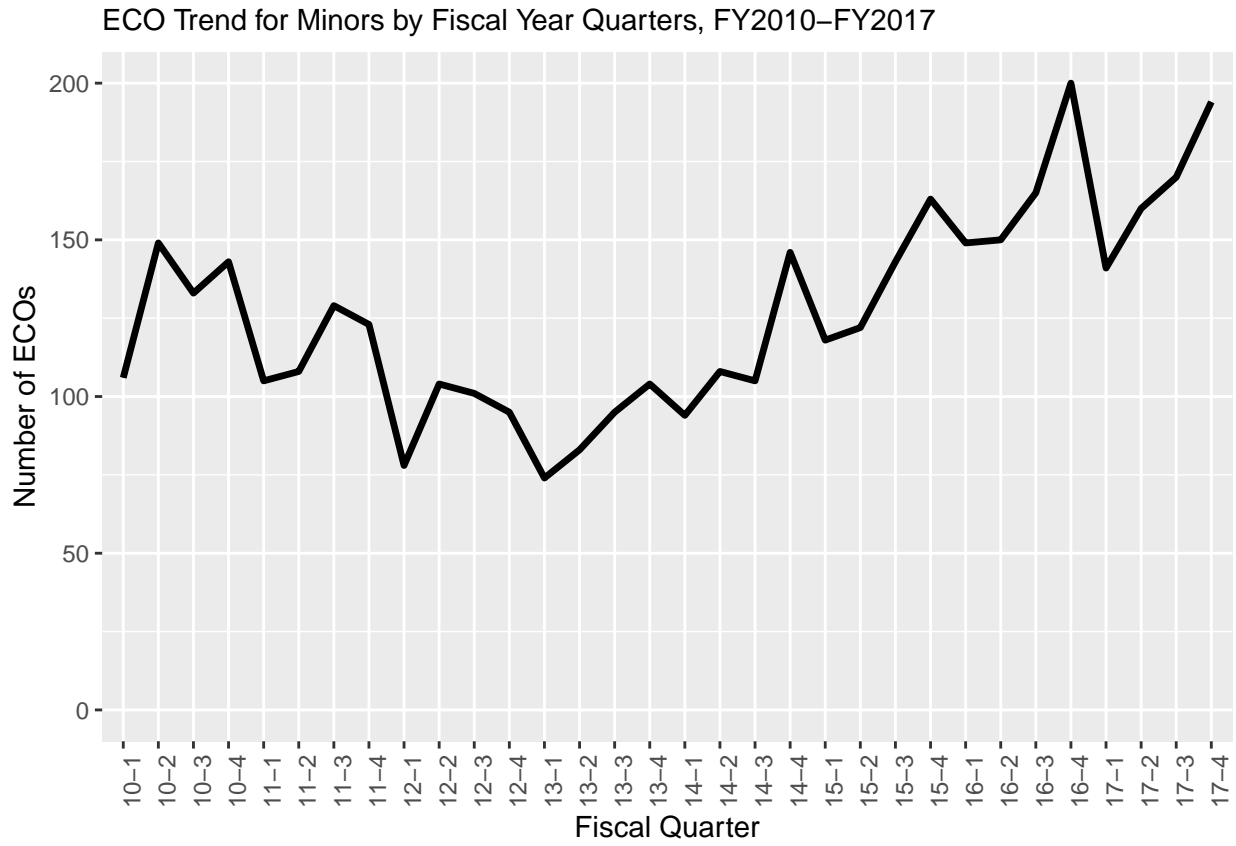


Figure 3

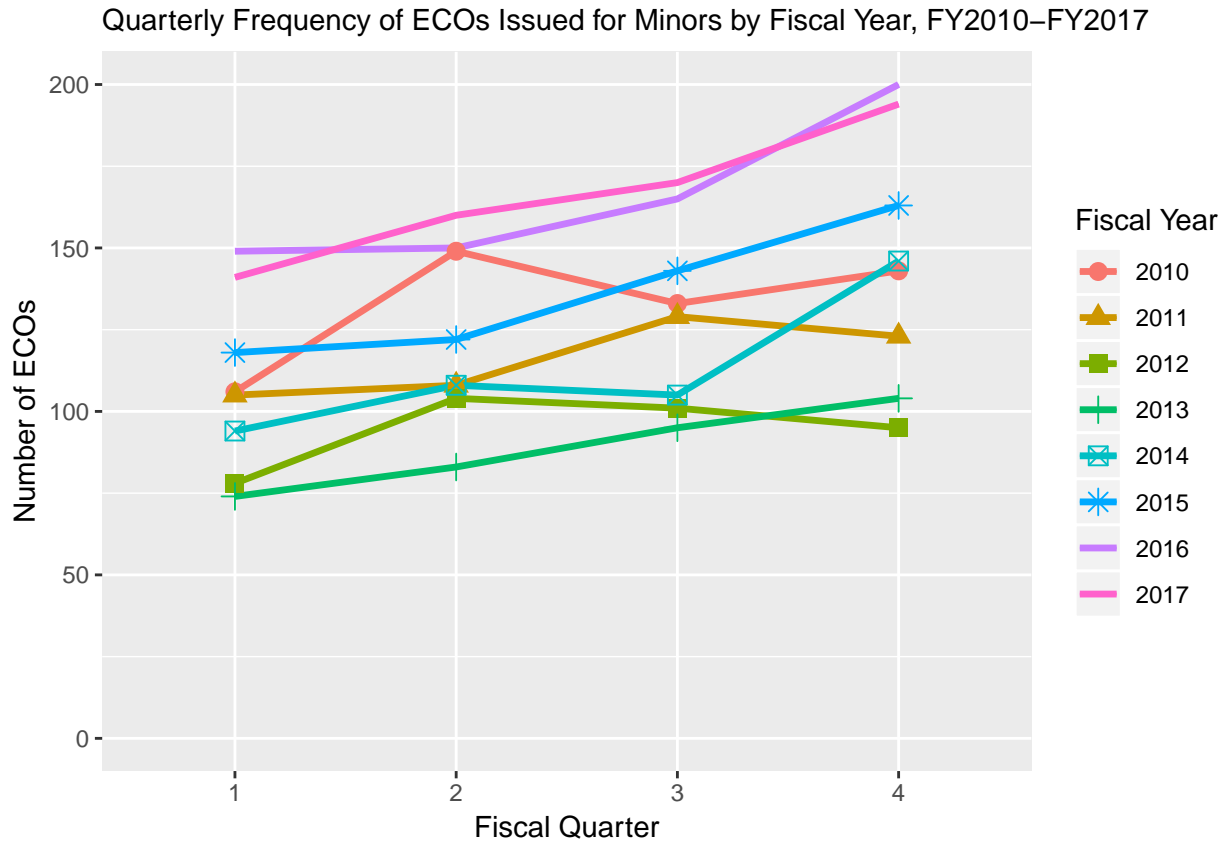
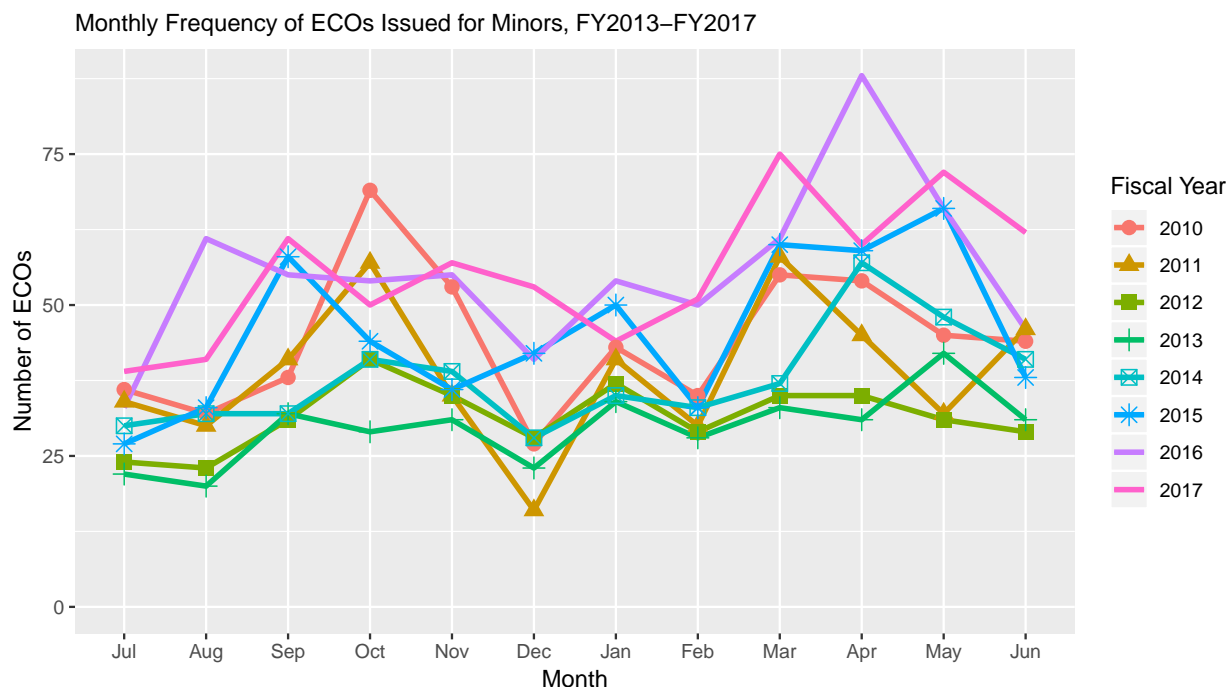


Table 2: Monthly Frequency of ECOs Issued for Minors, FY2010–FY2017

Month	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17
Jul	36	34	24	22	30	27	33	39
Aug	32	30	23	20	32	33	61	41
Sep	38	41	31	32	32	58	55	61
Oct	69	57	41	29	41	44	54	50
Nov	53	35	35	31	39	36	55	57
Dec	27	16	28	23	28	42	41	53
Jan	43	41	37	34	35	50	54	44
Feb	35	30	29	28	33	33	50	51
Mar	55	58	35	33	37	60	61	75
Apr	54	45	35	31	57	59	88	60
May	45	32	31	42	48	66	66	72
Jun	44	46	29	31	41	38	46	62

Figure 4



When minors are taken directly into custody by law enforcement officers acting without a judicial order (i.e., an ECO) and brought to a mental health facility based on the officer’s own observations, no formal judicial process 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 study¹ of emergency evaluations conducted by Community Services Boards (CSBs), 23.6% of the minors evaluated that month were in police custody at the time of the evaluation, and only 16.5% of these minors were being held under a magistrate-issued ECO. CSB evaluators indicated that 61.2% of minors in police custody were under orderless emergency custody at the time, and that another 22.3% were transported by the police, presumably voluntarily, without an ECO. This confirms that the total number of minors taken into “emergency custody” for CSB evaluation is significantly greater than (and perhaps twice as high as) the number of ECOs issued by magistrates as documented by eMagistrate.

Temporary Detention Orders

Every TDO issued by a magistrate pursuant to Va. Code § 16.1-340.1 is entered into the eMagistrate system. The JCMS database records only those TDOs that law enforcement officers have attempted to serve and for which they have submitted “return of service” copies to the JDR court 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 JCMS database². Thus, the eMagistrate system provides the more comprehensive picture of the number of TDOs issued, and is the source for the following statistics.

According to the eMagistrate System, 2,257 TDOs were issued for minors in FY 2017. As seen in Figure 5, whereas numbers of TDOs issued for minors decreased steadily from FY10 to FY13, numbers of TDOs began

¹This report, titled “A Study of Face-to-Face Emergency Evaluations Conducted by Community Services Boards in April 2013”, can be found at <https://uvamentalhealthpolicy.org/s/Study-of-Emergency-Adult-Evaluations-Conducted-by-Community-Services-Boards-in-Apr-2013pdf.pdf>.

²In some instances, law enforcement officers do not return the “return of service” copy to the court, and these TDOs therefore cannot be entered into the JCMS database.

to rise again in FY14, specifically beginning in April of FY 2014 (see Figure 5). The rise in TDOs continued through FY16 but appears to have leveled off somewhat in FY17. This is the same pattern reflected in the ECO data. Taken together, these findings suggest that the numbers of ECOs and TDOs increased in the wake of the November 2013 tragedy involving State Senator Creigh Deeds and his son, Gus Deeds, and the subsequent reforms that went into effect July 1, 2014.³ Since then, the increase in counts of ECOs and TDOs issued for minors appears to have leveled off in a plateau. Researchers at the ILPPP will continue to monitor these trends to determine if they continue through FY18. This is a 7.0% decrease from the 2,427 TDOs that were issued for minors in FY 2016, and a 2.3% increase over the 2,206 that were issued for minors in FY 2015 (Table 3 and Figure 5). TDO counts in FY 2017 were lower than those in FY 2016 in 9 months (all months but July, December, and March) of FY 2017 (Table 4 and Figure 8). In general, TDO counts tend to rise through the first quarter into the first part of the second quarter then decline until the first part of the third quarter when counts rise into the beginning of the fourth quarter when counts decline again. The greatest quarter-to-quarter growth in counts in recent years occurred between the 1st and 2nd quarter of FY15 and the 1st and 2nd quarter of FY16-the growth in these periods was 26.2% and 20.8%, respectively (Figure 7).

Table 3: Annual Frequency of TDOs Issued for Minors, FY2010-FY2017

Fiscal Year	# TDOs
2010	1928
2011	1879
2012	1647
2013	1643
2014	1854
2015	2206
2016	2427
2017	2257
2018	2605

³The Inspector General’s Report on this incident can be found at <https://www.osig.virginia.gov/media/governorvirginiagov/office-of-the-state-inspector-general/pdf/2014-bhds-006bathcountyci.pdf>

Figure 5

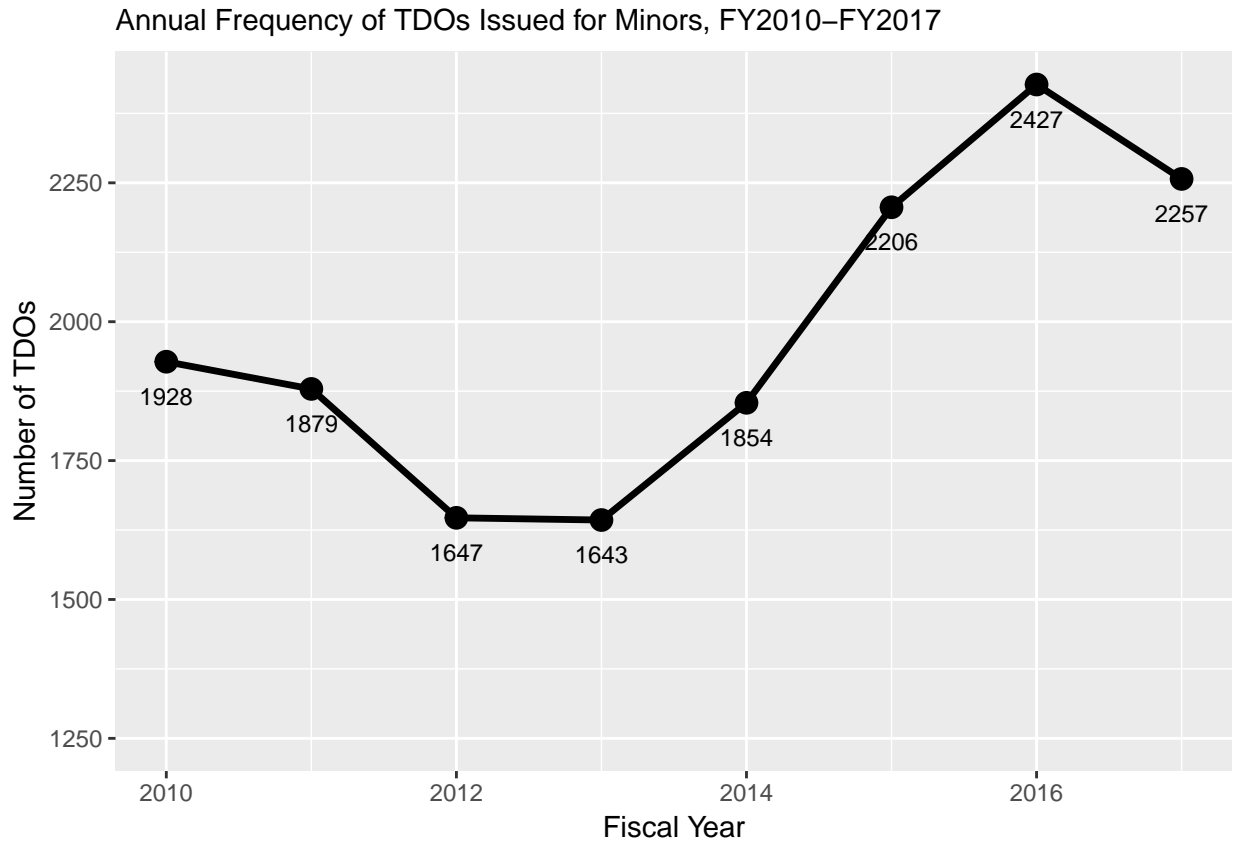


Figure 6

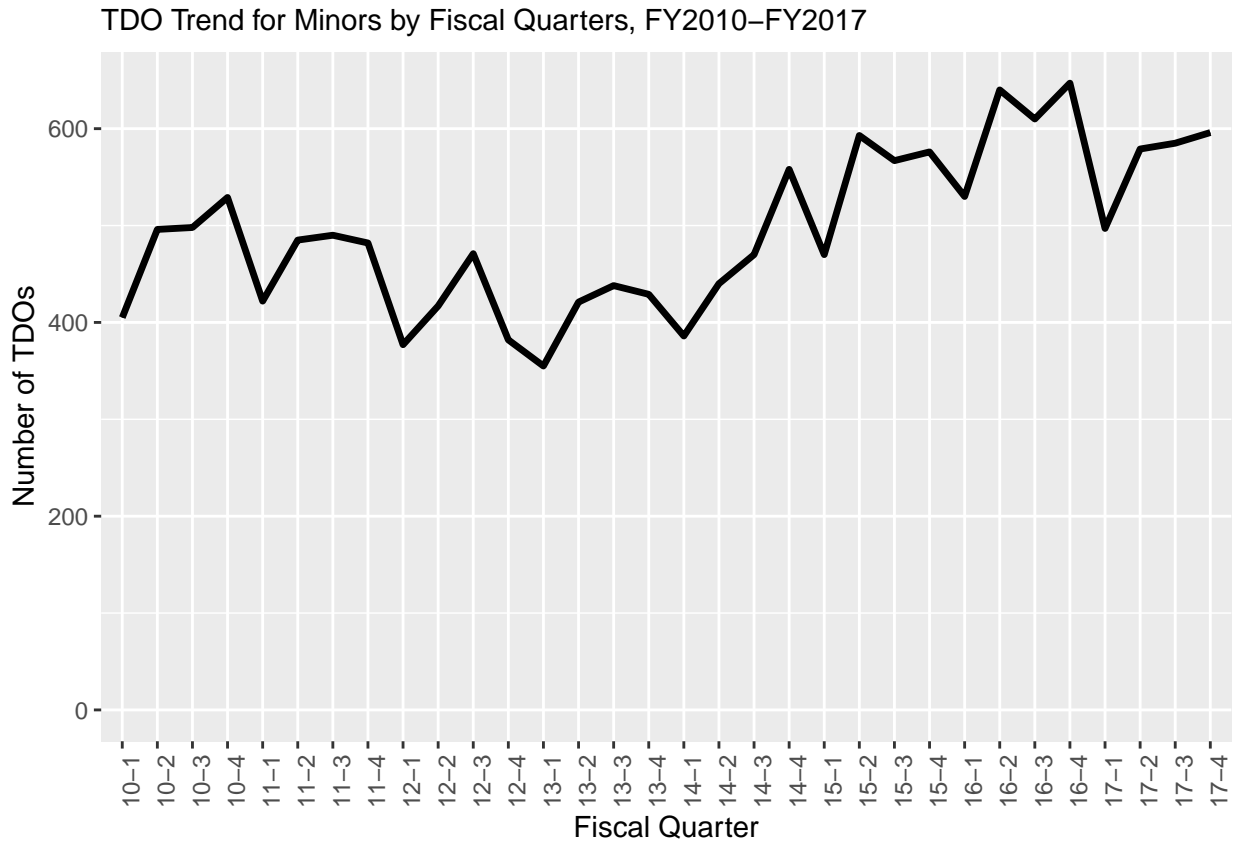


Figure 7

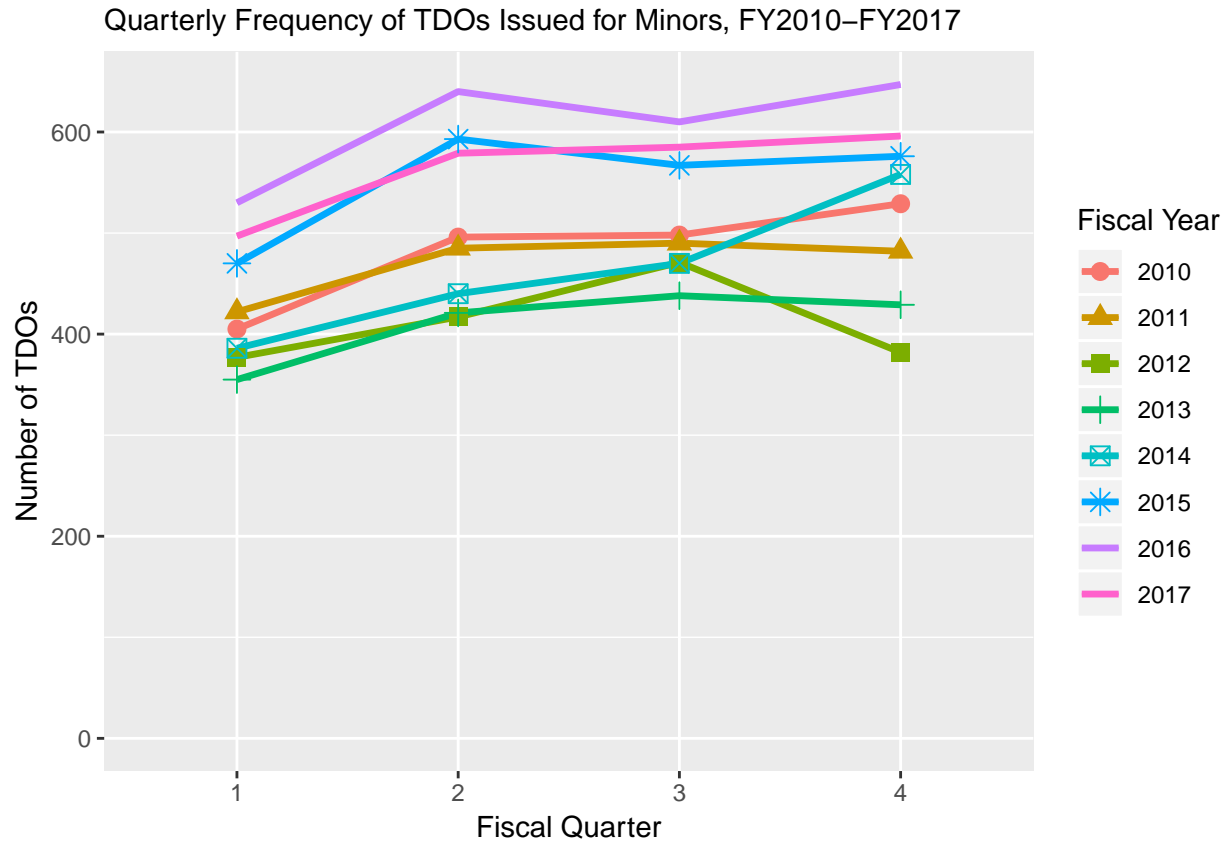
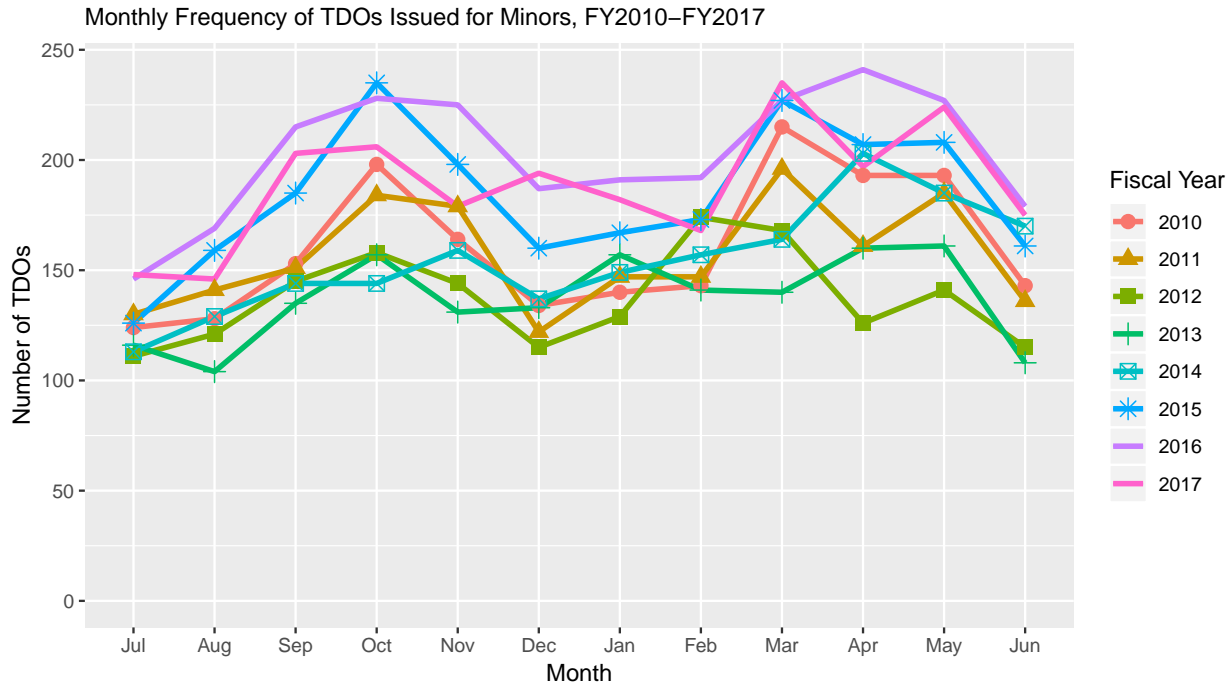


Table 4: Monthly Frequency of TDOs Issued for Minors, FY2010–FY2017

Month	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17
Jul	124	130	111	116	113	126	146	148
Aug	128	141	121	104	129	159	169	146
Sep	153	151	145	135	144	185	215	203
Oct	198	184	158	157	144	235	228	206
Nov	164	179	144	131	159	198	225	179
Dec	134	122	115	133	137	160	187	194
Jan	140	147	129	157	149	167	191	182
Feb	143	147	174	141	157	173	192	168
Mar	215	196	168	140	164	227	227	235
Apr	193	161	126	160	203	207	241	197
May	193	185	141	161	185	208	227	224
Jun	143	136	115	108	170	161	179	175

Figure 8



Commitment Hearings Involving Minors

JCMS was used to explore the numbers of commitment hearings for minors across the Commonwealth. The most complete and accurate data available from the JCMS can be drawn from the period of January 2015 (3rd quarter of FY15) through the 4th quarter of FY17⁴.

According to JCMS data, there were 1,334 minor commitment hearings in FY17, a decrease from the 1,501 hearings in FY16 (Table 5). Counts of commitment hearings increased from the 3rd quarter of FY15 through the 4th quarter of FY16 then dropped sharply in the 1st quarter of FY17 before rising again but remaining below FY16 counts (Figure 10 and Figure 11). Commitment hearing counts remained below corresponding quarters of FY16 in all quarters of FY17 with the 4th quarter coming closest to the counts of the previous year. There were 86 to 153 (average of 111) minor commitment hearings per month in FY17 (Table 6).

When comparing the frequency of commitment hearings with the frequency of TDOs, TDOs occurred with higher frequency in each month of FY16 (Figure 13) and FY17 (Figure 14). In both years, commitment hearings and TDOs appeared to follow a similar pattern, decreasing between November and February and between May and July. In FY16, commitment hearing counts (1,501) were 38.2% lower than TDO counts (2,427) with the smallest difference in July (with commitment hearings 28.1% lower than TDOs) and largest in October (with commitment hearings 48.7% lower than TDOs). In FY17, there was an average of 40.9% fewer commitment hearings than TDOs with the smallest difference in May (with commitment hearings 31.7% lower than TDOs) and largest in September (with commitment hearings 46.3% lower than TDOs).

⁴Data from FY 2010 through 1st Quarter FY 2015 recently underwent review to accurately distinguish between types of hearings and it is unclear at this time which records have been corrected.

Table 5: Annual Frequency of Commitment Hearings for Minors, FY2016-FY2017

Fiscal Year	# Hearings
2016	1501
2017	1334

Figure 10

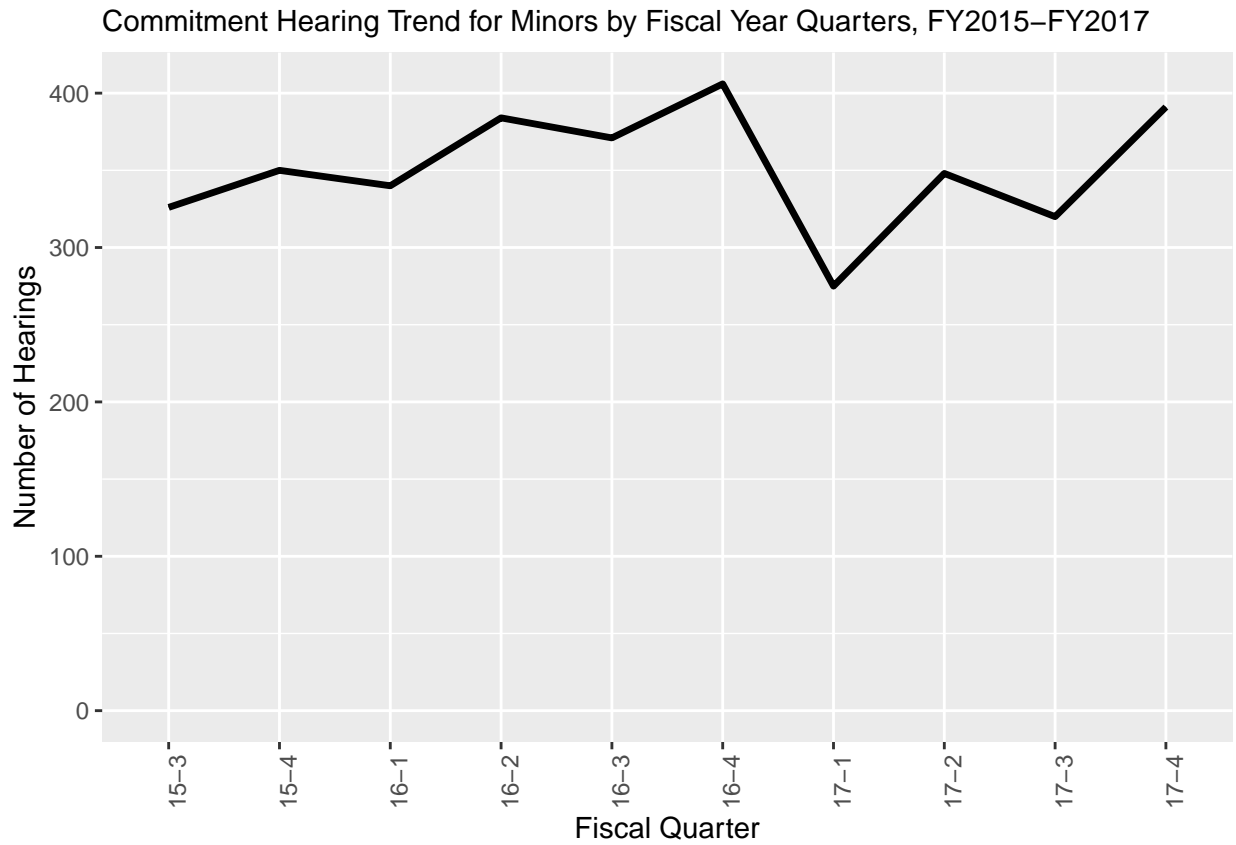


Figure 11

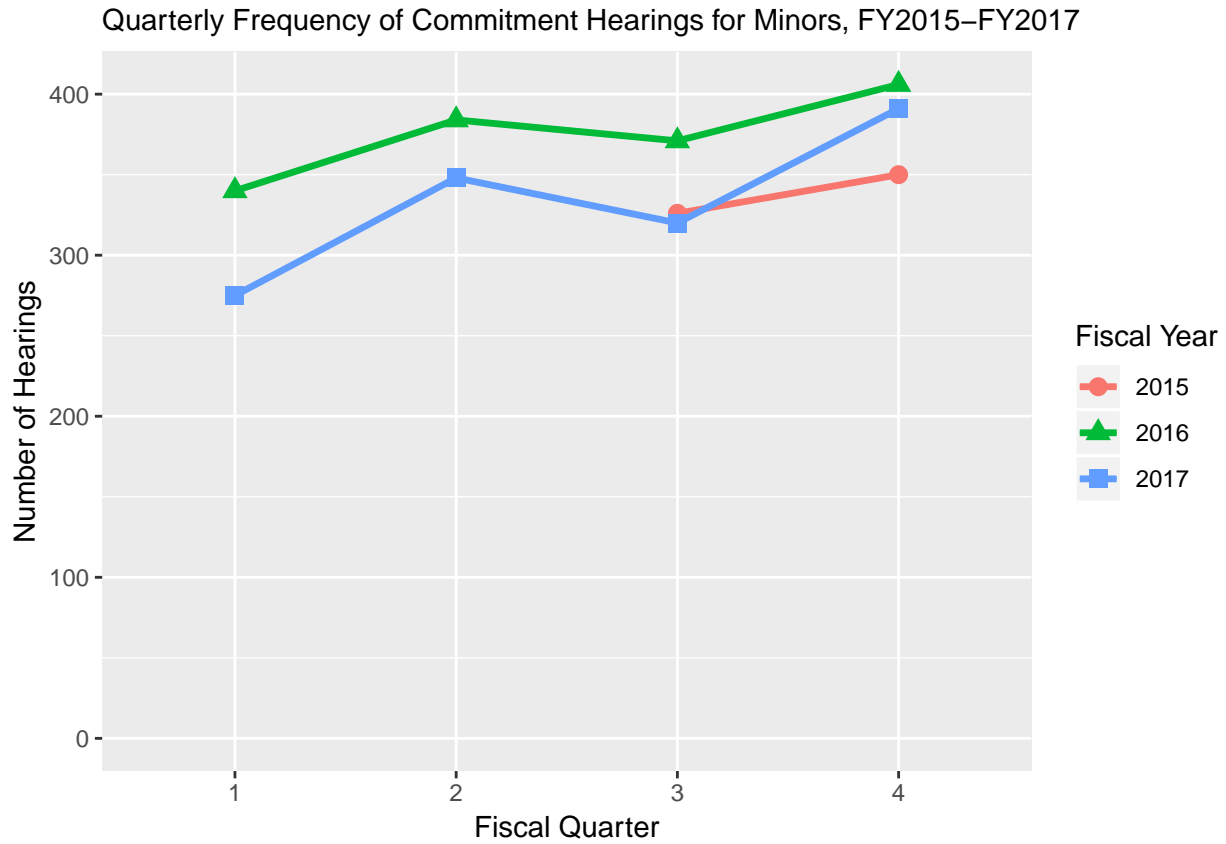


Table 6: Monthly Frequency of Commitment Hearings for Minors, FY2015-FY2017

Month	2015	2016	2017
Jul	NA	105	87
Aug	NA	115	86
Sep	NA	120	102
Oct	NA	117	118
Nov	NA	140	113
Dec	NA	127	117
Jan	108	123	106
Feb	97	114	87
Mar	121	134	127
Apr	97	153	133
May	132	133	153
Jun	121	120	105

Figure 12

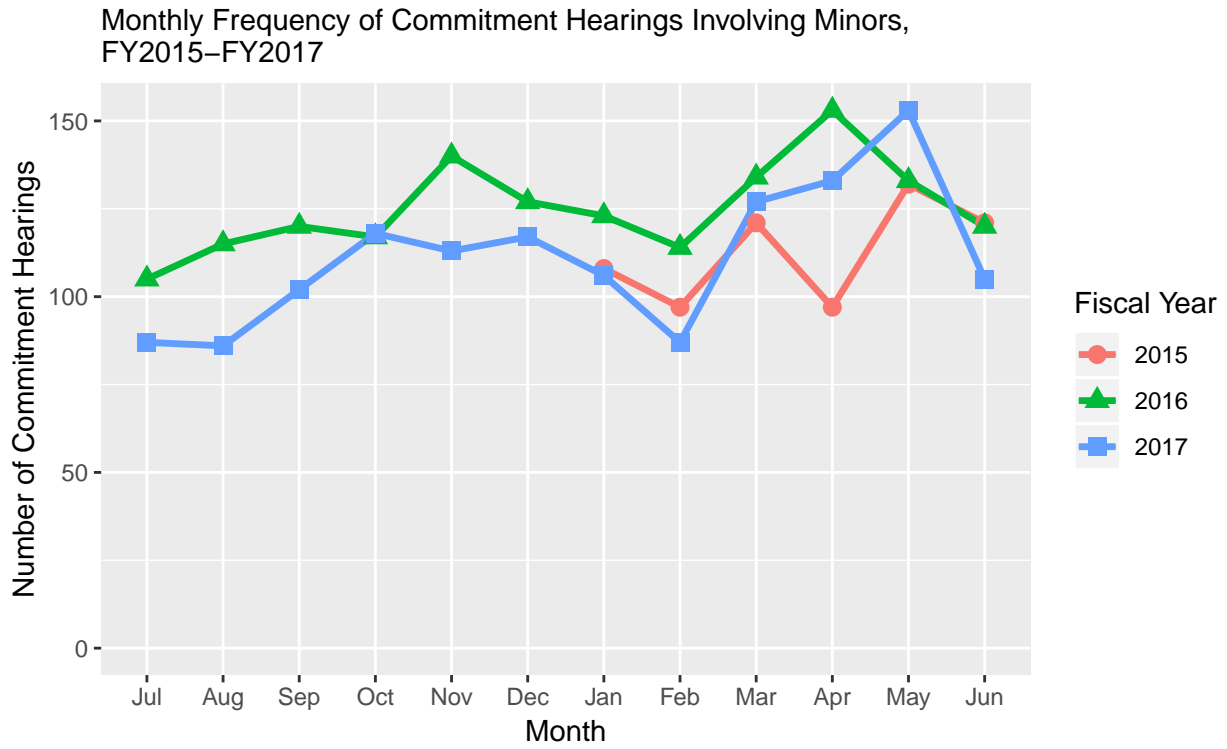


Figure 13

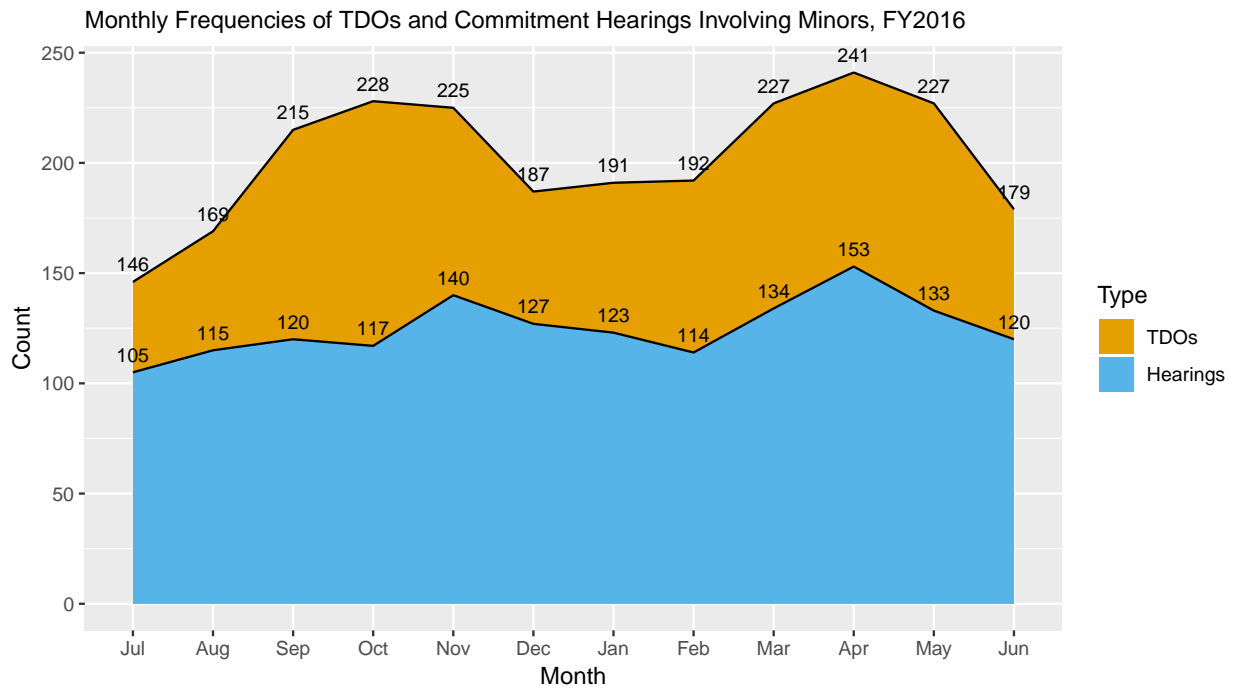
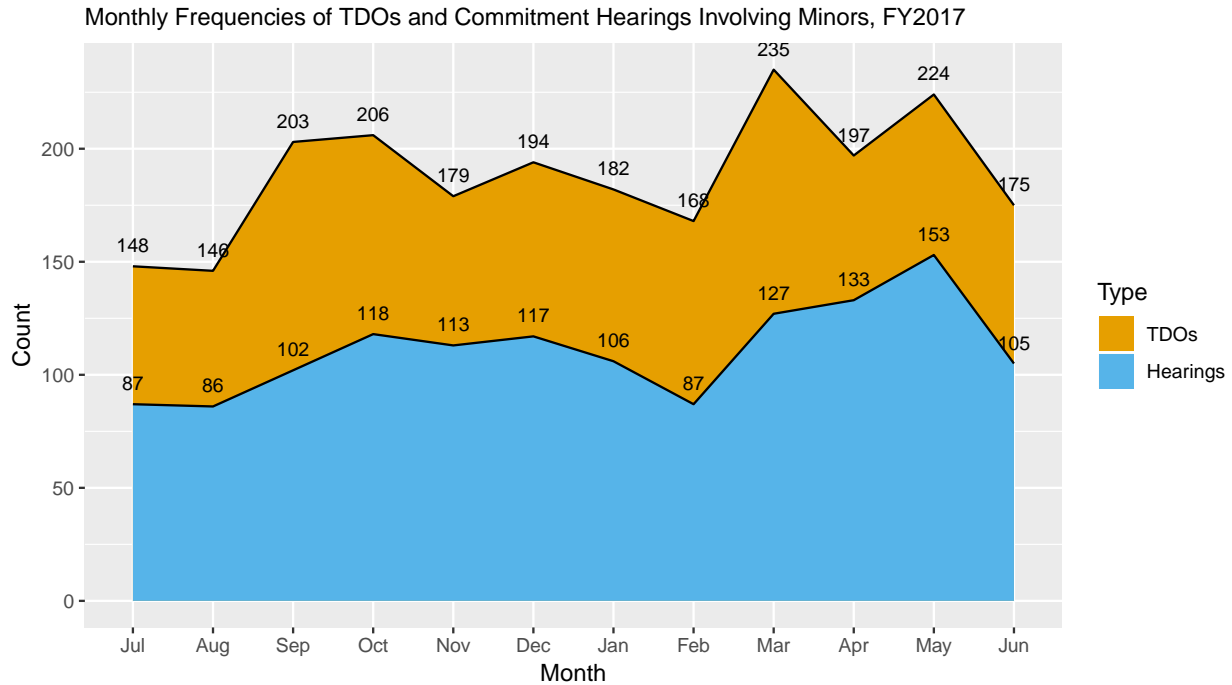


Figure 14



Involuntary Commitment Orders

Disposition codes recorded in JCMS allow for the number of involuntary commitment orders issued for minors to be counted. A total of 811 involuntary commitment orders were issued in FY17, a decrease from the 990 commitment orders that were issued in FY16 (Figure 17). Similar to commitment hearings, the frequency of commitment orders rose overall in the 3rd quarter through the 4th quarter of FY15, with peaks in March and May responsible for most of this increase. Counts of commitment orders rose steadily from the 1st quarter through the first month of the 4th quarter of FY16 before sharply decreasing in last two months of the 4th quarter and remaining stagnant during the 1st quarter of FY17. The counts of commitment orders rose again sharply in the first month of the 2nd quarter of FY17 before declining through the second month of the 3rd quarter. Counts rose once more in the last month of the 3rd quarter through the second month of the 4th before a sharp decrease in June of FY17. Overall, quarterly totals in FY17 did not rise above corresponding quarterly counts from FY16 (Figure 6 and Figure 7). Between 50 and 98 (average of 67) involuntary commitment orders were issued for minors per month in FY17 (Table 8 and Figure 18). The total number of commitment orders issued in FY16 represent about 66% of the total cases in which hearings were held during this period with the smallest proportion of hearings resulting in commitments in June (51.0%) and largest in February (70.3%; Figure 19). In FY17, the total number of commitment orders issued represent about 66% (ranging from monthly proportions of 62.5.0% to 71.0%) of the total cases with the smallest proportion of hearings with commitments in September and largest in October (Figure 20).

Note that these figures cover only minors for whom an involuntary commitment order is issued and not the total number of minors hospitalized. Minors can also be hospitalized via parental admission or voluntarily via a joint decision with a parent or guardian as a result of the hearing.

Table 7: Annual Frequency of Commitment Orders for Minors, FY2016-FY2017

Fiscal Year	# Hearings
2016	990
2017	811

Figure 16

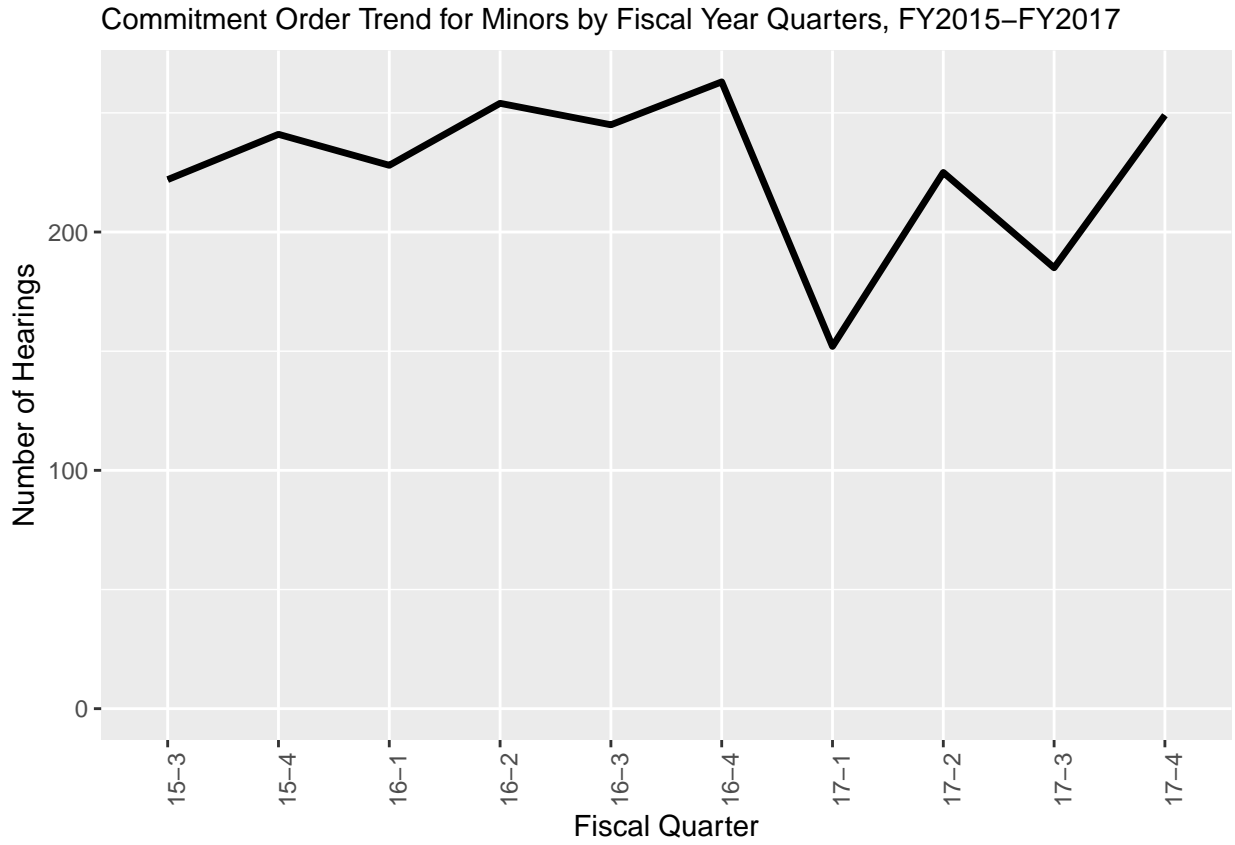


Figure 17

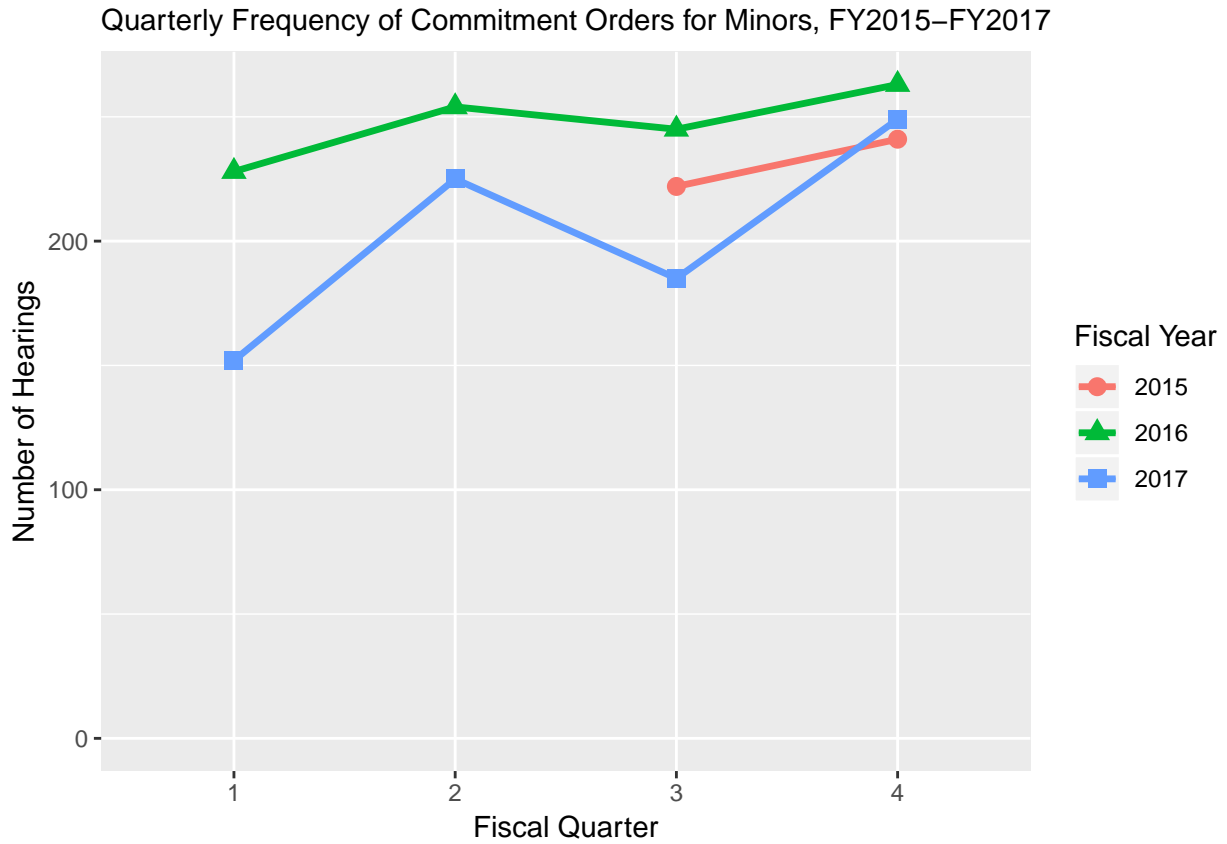


Table 8: Monthly Frequency of Commitment Orders for Minors, FY2015-FY2017

Month	2015	2016	2017
Jul	NA	72	50
Aug	NA	76	50
Sep	NA	80	52
Oct	NA	76	83
Nov	NA	89	67
Dec	NA	89	75
Jan	72	78	58
Feb	64	81	52
Mar	86	86	75
Apr	58	99	89
May	100	89	98
Jun	83	75	62

Figure 18

Monthly Frequency of Commitment Orders Issued for Minors, FY2015–FY2017

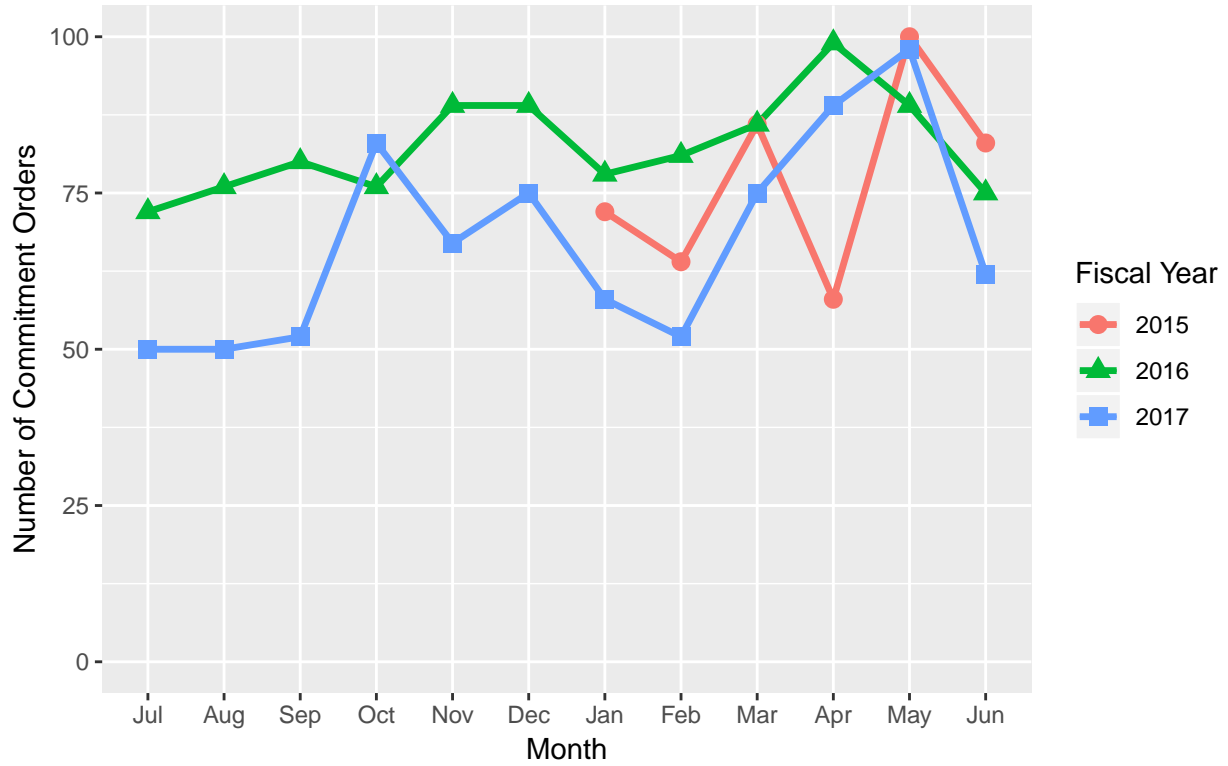


Figure 19

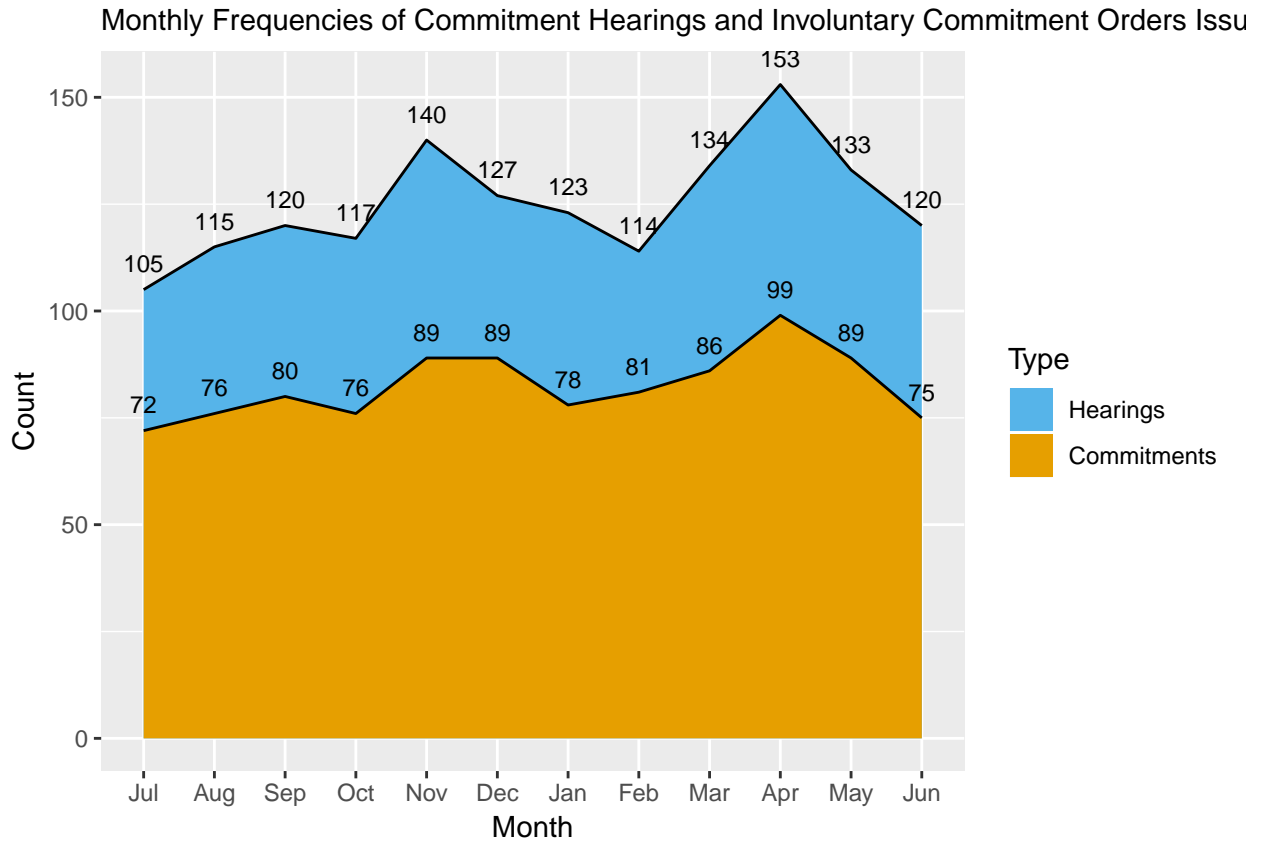
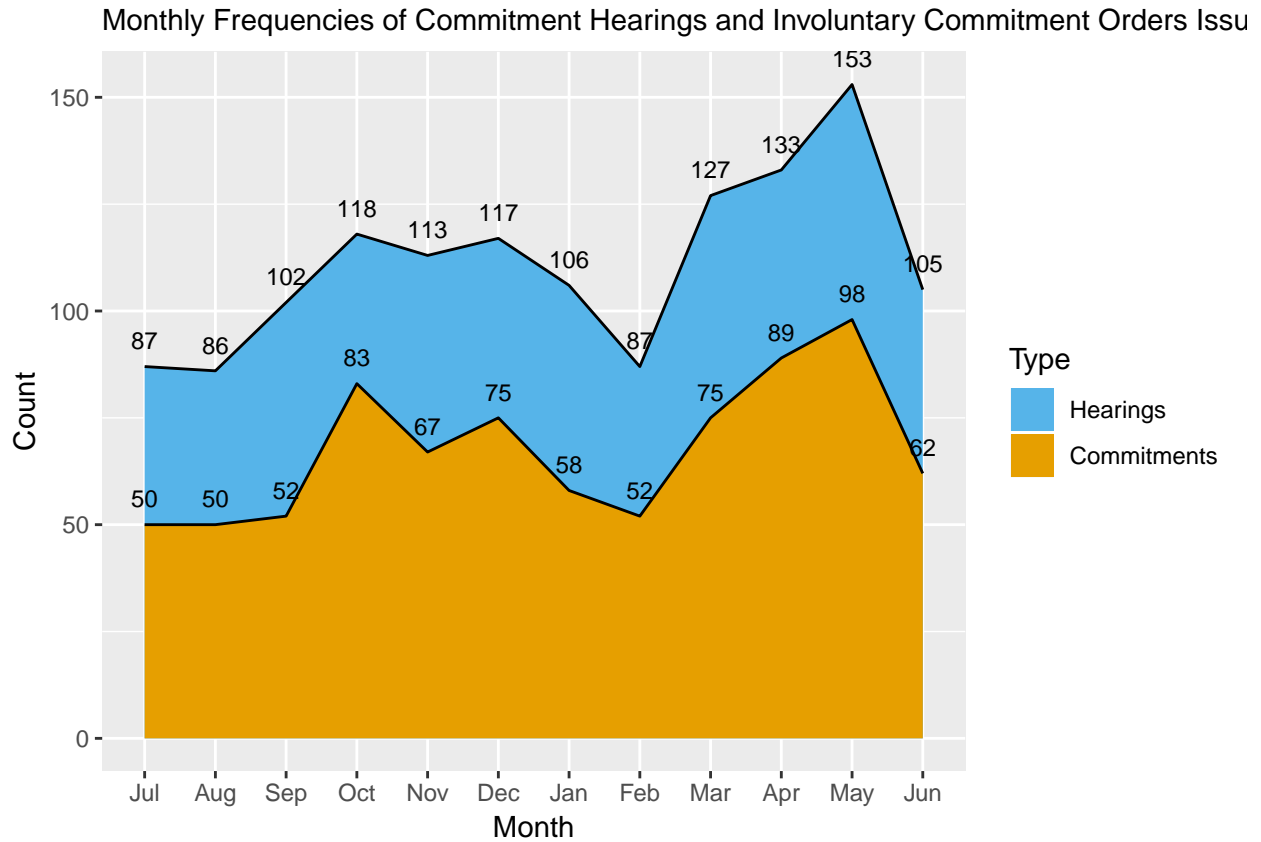


Figure 20



Mandatory Outpatient Treatment and Other Commitment Hearing Dispositions

Disposition codes recorded in JCMS allow for the number of orders for MOT issued for minors to be counted. However, only five MOTs were issued for minors across FY16 (N=3) and FY17 (N=2; Table 9).

The JCMS system includes data on other dispositions that may result from a commitment hearing, including “dismissed,” “released,” and “withdrawn;” however, information regarding the reasons for these dispositions is not tracked and we are therefore unable to practically interpret the dispositions (e.g., a dismissed case may be due to a judicial finding that a youth does not meet criteria or because a youth is voluntarily admitted). We have thus chosen to present only data regarding orders for MOT and involuntary commitment orders in order to prevent misinterpretation.

Table 9: Annual Frequency of MOTs for Minors, FY2016-FY2017

Fiscal Year	# MOTs
2016	3
2017	2

Alternative Transportation Orders

In most cases, the magistrate issuing an ECO or TDO will specify that the law-enforcement agency of the jurisdiction in which the minor resides or is located is 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 §16.1-340, §16.1-340.2). All ATOs are counted by the eMagistrate system because an entry is made each time one is issued, regardless of whether it is successfully executed.

The number of ATOs issued for minors per year decreased between FY10 and FY16, with only 9 ATOs in FY16 but increased in FY17 to 23 ATOs, matching the FY10 count (Table 10). It was much more common for ATOs to be issued to minors under TDO than ECO, which only occurred in 6 cases since FY10. The most common alternative transportation providers were medical transport and family in FY16 and a family member in FY17, with alternative and medical transportation very close in counts (Table 11). Overall, a family member is the most common alternative transportation provider for minors.

Table 10: Annual Frequency of ATOs Issued for Minors, by Order Type, FY10-FY17

Type	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17
ECOJ	2	1	0	0	2	0	0	1
TDOJ	21	12	13	15	9	8	9	22

Figure 21

Quarterly Frequency of Alternative Transportation Orders Issued for Minors, FY10–FY17

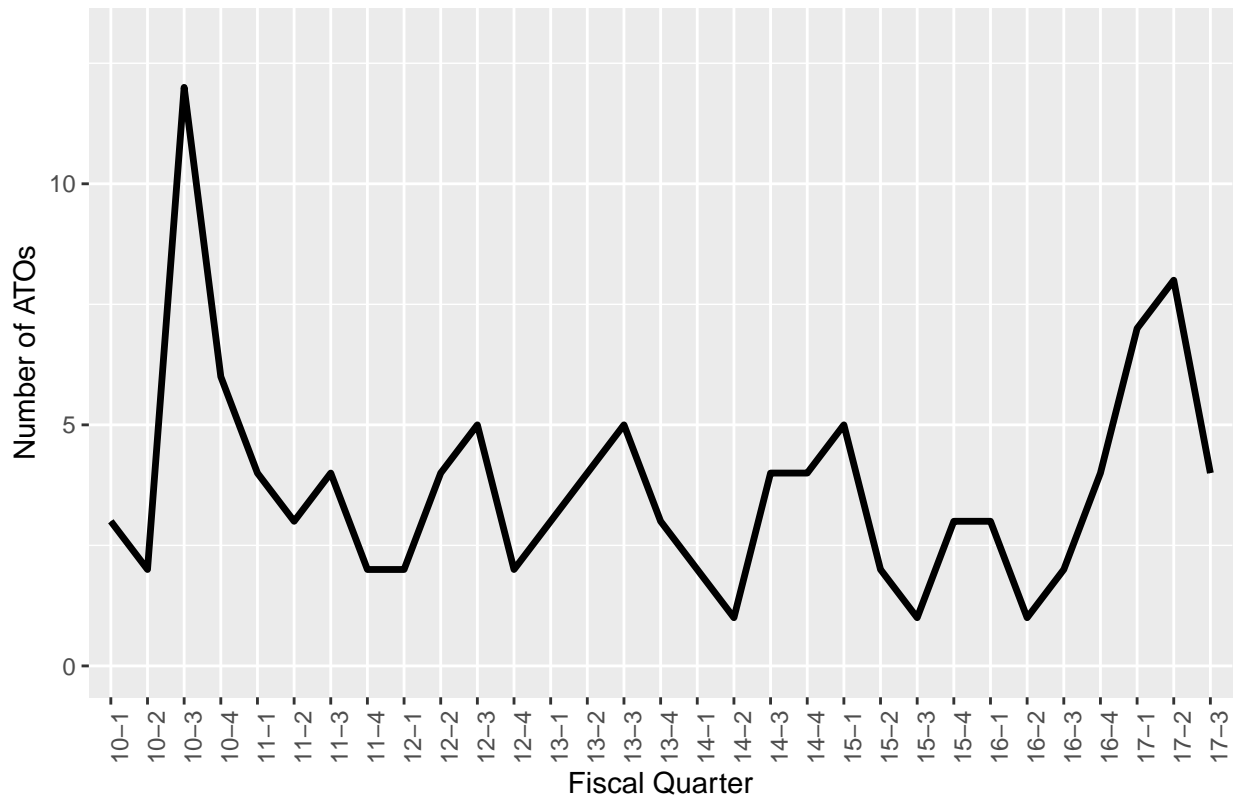


Table 11: Annual Frequency of ATOs Issued for Minors, by Transportation Provider, FY10-FY17

Transportation Provider	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17
Alternative	0	0	0	0	0	1	2	6
Transportation								
Family	16	10	7	7	7	2	3	7
Friend	3	1	0	0	0	0	0	1
Healthcare	1	1	3	1	2	2	1	1
Provider								
Medical Transport	3	1	1	3	1	3	3	6
None/Unknown	0	0	2	4	1	0	0	2

Age Characteristics of Minors Involved in the Civil Commitment Process

The below figures concerning age of minors issued ECOs or TDOs are from the eMagistrate database.⁵ Age at issuance was calculated by taking a rounded difference in years between date of birth and date of issuance for the order. Age categories for all figures were categorized as <10 years of age, 10-13 years of age, and 14+ years of age. These categories were chosen due to the differing legal treatment of minors over and under 14 years of age.⁶ The <10 category was created to capture the subset of young children in the dataset.

ECOs

For those minors who were issued an ECO between FY14 and FY17, the average age was 14.7 with a range of 3 to 17 years of age. The most frequent age was 17 years old. The number of ECOs issued for minors age 14+ increased by 39.6% from FY14 (361) through FY16 (504) but plateaued in FY17 (503) (Figure 22). ECOs issued for minors aged 10-13 and <10 followed a similar pattern through FY16 increasing 62.0% (79 to 128) and 180% (10 to 28), respectively. However, between FY16 and FY17, ECOs issued for the 10-13 age group experienced an 8.5% decrease (128 to 118) while the <10 age group increased by 17.9% (28 to 33) in this time period. All age groups appear to follow a similar quarterly pattern for ECOs, increasing in the fourth quarter and decreasing in the first of each fiscal year (Figure 23). The proportion of all ECOs issued for minors that are attributable to the 14+ age group has slowly decreased from 80.30% to 76.4% in FY16, remaining about the same from FY16 to FY17 (77.0%). The proportion of all ECOs issued for minors that are attributable to the 10-13 age group increased between FY14 (17.6%) and FY17 (18.1%), peaking in FY16 (19.4%). The proportion of all ECOs issued for minors attributable to the youngest age group, <10, also rose between FY14 (2.2%) and FY17 (4.9%), peaking in FY17.

⁵Identifiable data were furnished to DBHDS by OES as provided by §37.2-308.01 (<https://law.lis.virginia.gov/vacode/37.2-308.01>). Data were then shared with ILPPP per its contract with DBHDS and a BAA detailing the agencies' responsibilities for maintaining data security and information confidentiality.

⁶The last four digits of social security number were not used to match individual minors as this item was missing in approximately 17.0% of cases in the eMagistrate database and 30.4% of cases in the JCMS database.

Figure 22

Annual Frequency of ECOs Issued for Minors by age category, FY2014–FY2017

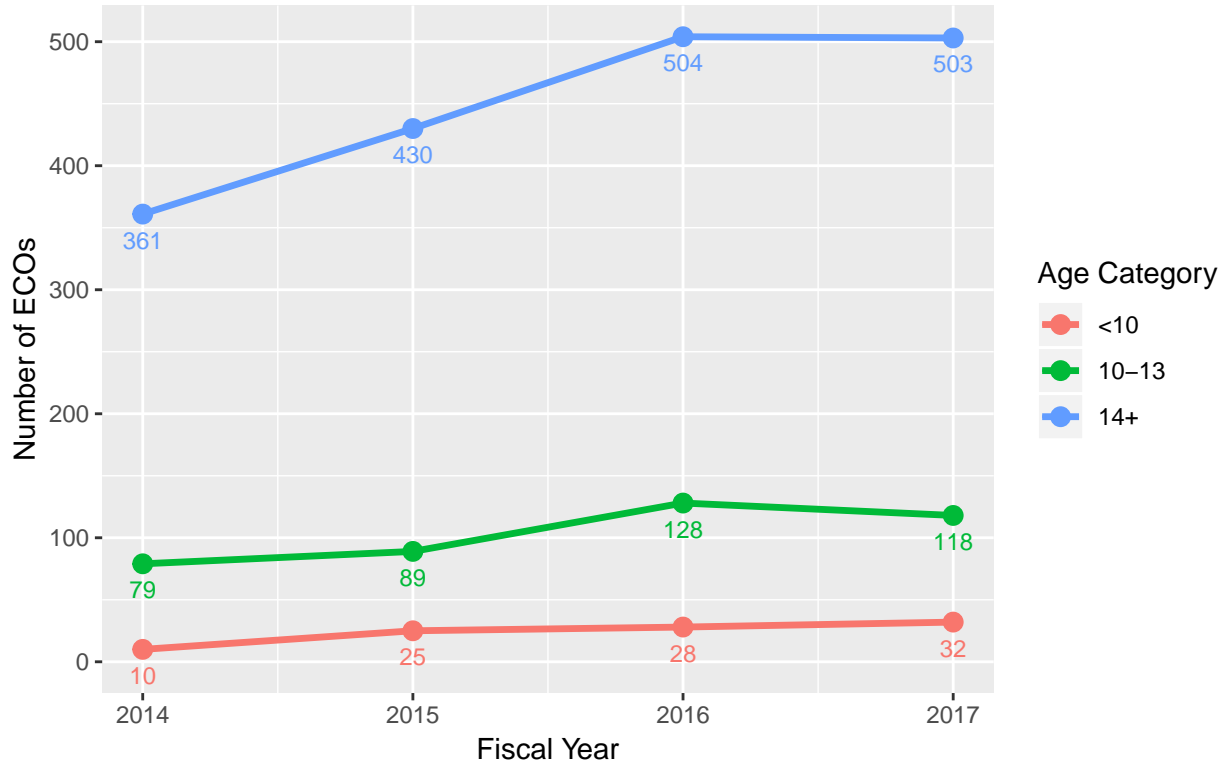
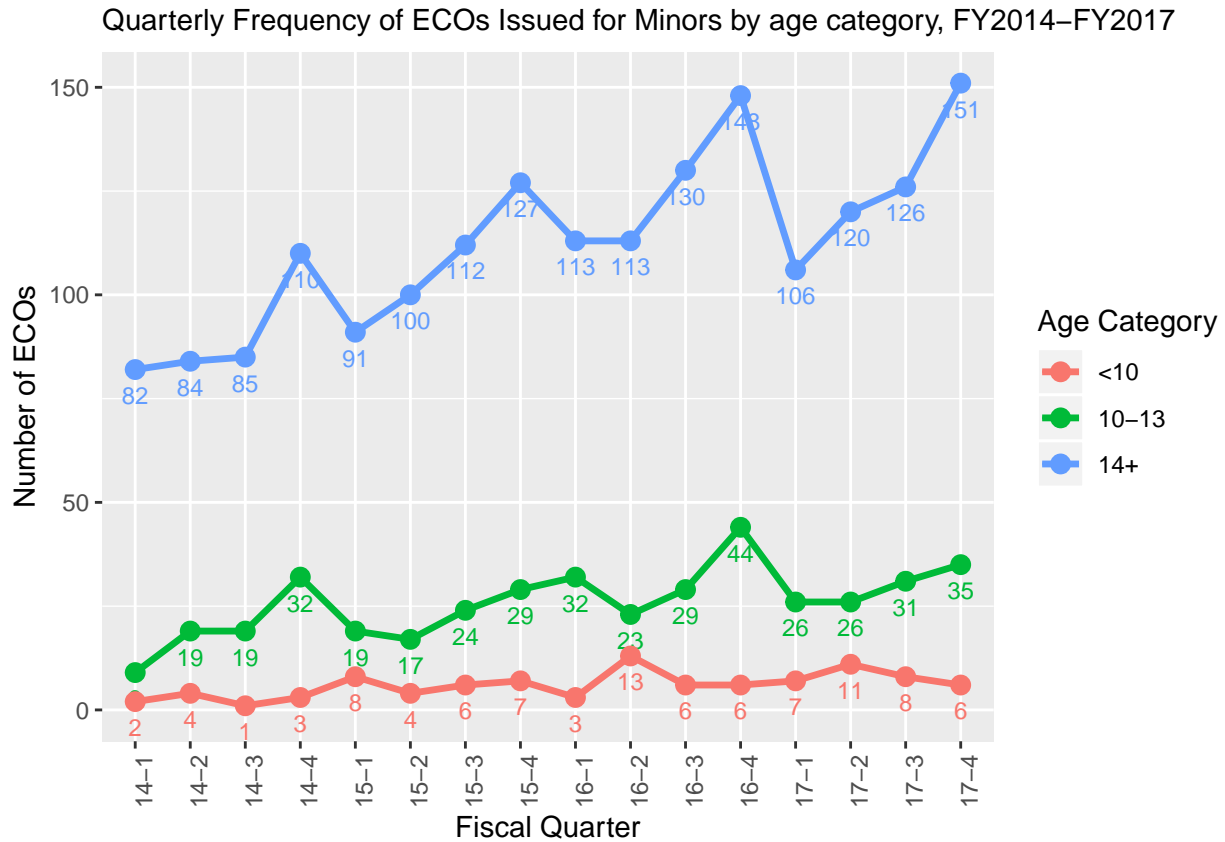


Figure 23



TDOs

For those minors who were issued a TDO between FY14 and FY17, the average age was 14.5 with a range of 2 to 17 years of age. The most frequent age was 17 years old. The number of TDOs issued for minors age 14+ increased by 28.2% from FY14 (1436) through FY16 (1841) but decreased by 8.4% in FY17 (1686) (Figure 24). TDOs issued for minors aged 10-13 and <10 followed a similar pattern through FY16 increasing 33.2% (334 to 445) and 71.3% (80 to 137), respectively. TDOs issued for the 10-13 age group continued in the same trend as 14+, decreasing 4.9% (445 to 423) in FY17. However, TDOs issued for the <10 age group increased by 2.9% (137 to 141) in this time period. Unlike the age groups for ECOs, TDOs do not seem to follow a clear quarterly pattern (Figure 25). The proportion of TDOs issued to minors in the 14+ age group has slowly decreased from 77.6% to 74.9% in FY17. The proportion of TDOs issued for minors in the 10-13 age group stayed about the same from FY14 (18.1%) to FY17 (18.8%). The proportion of TDOs issued for minors in the youngest age group, <10, rose slightly between FY14 (4.3%) and FY17 (6.3%), peaking in FY17.

Figure 24

Annual Frequency of TDOs Issued for Minors by age category, FY2014–FY2017

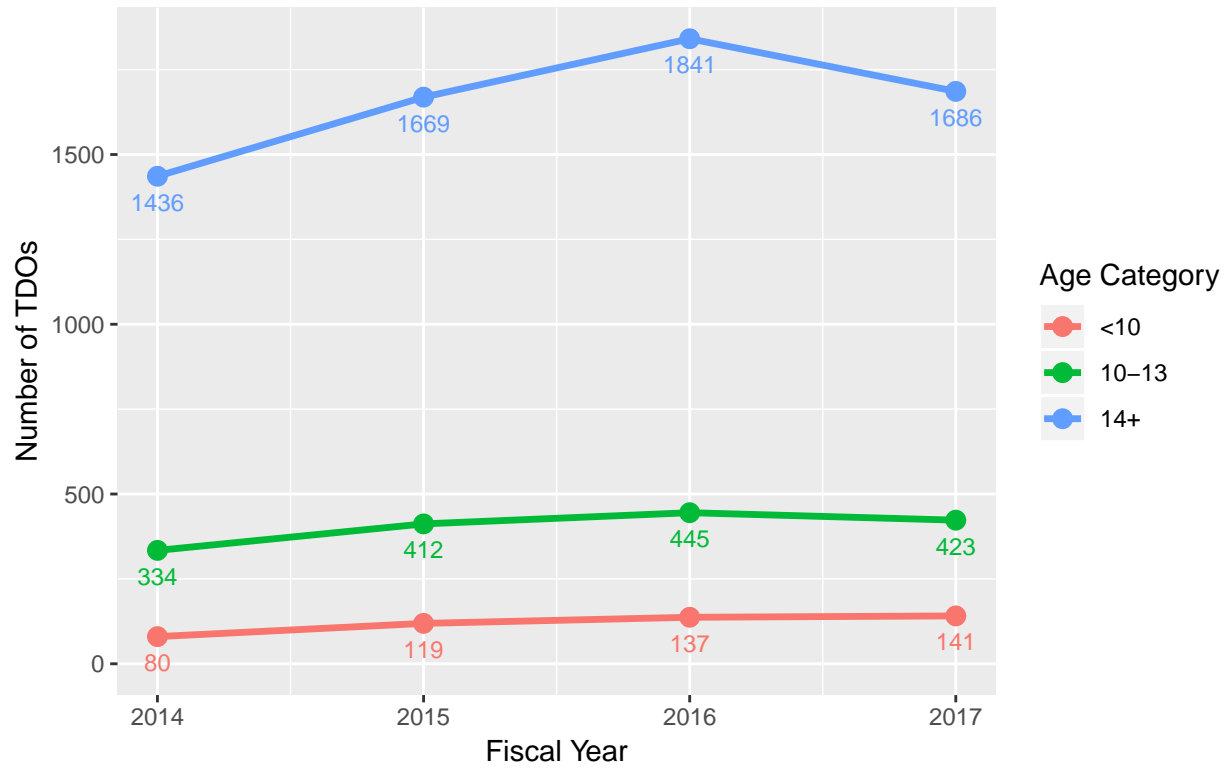
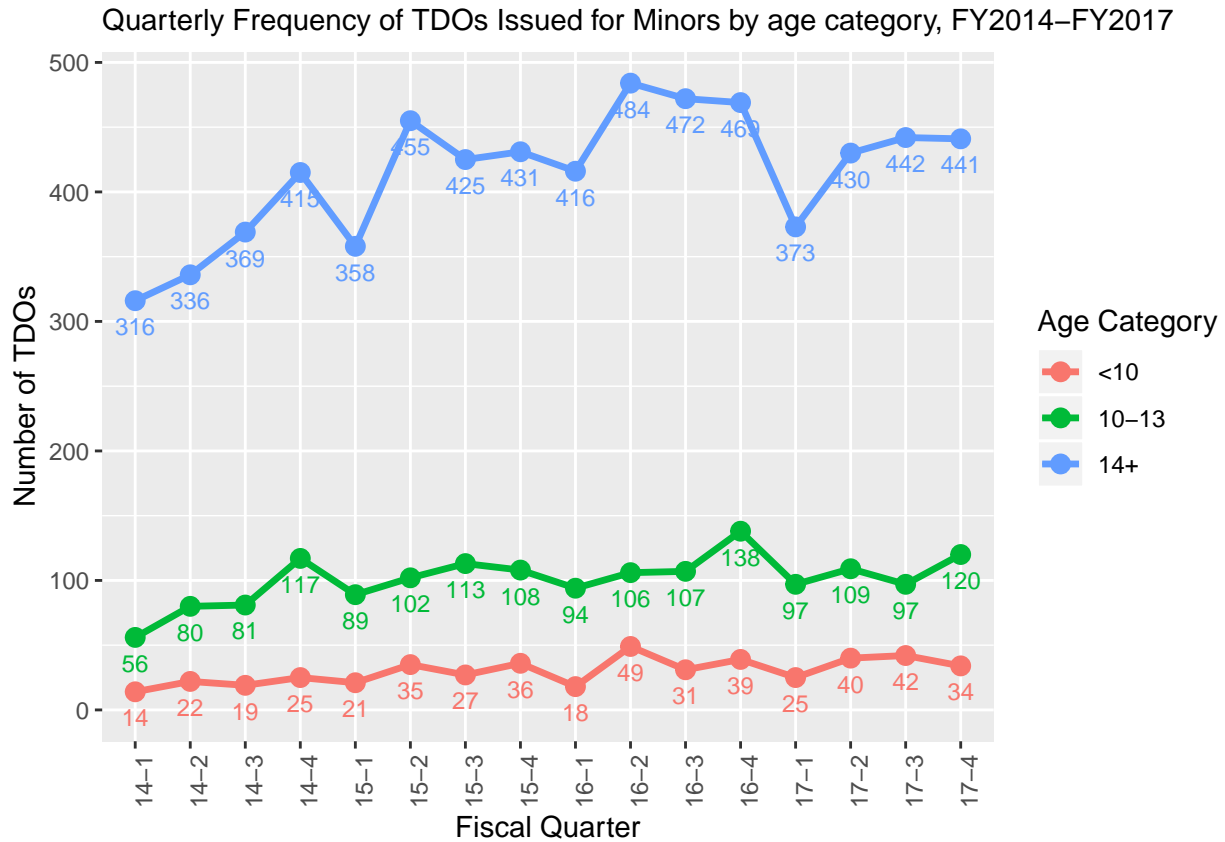


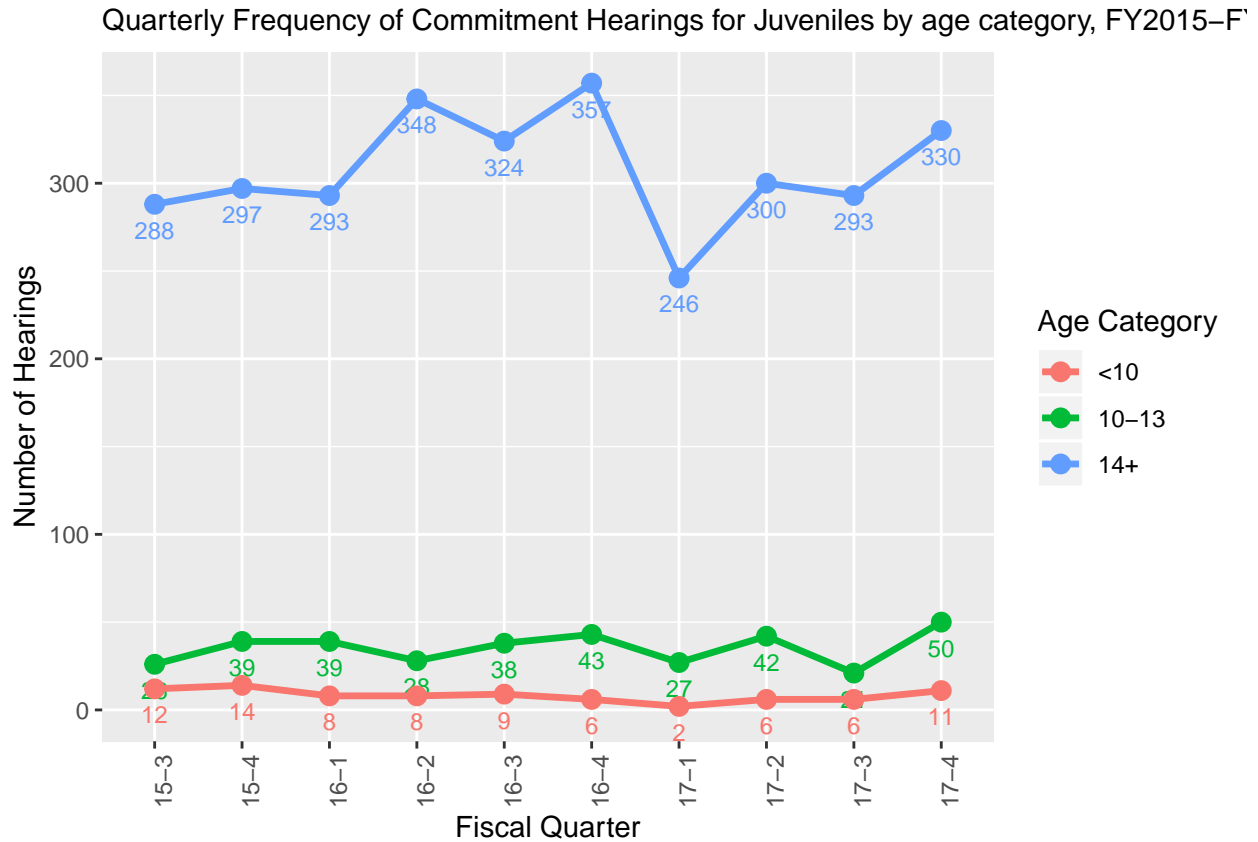
Figure 25



Commitment Hearings

For those juveniles who were involved in commitment hearings between FY16 and FY17, the average age was 15.2 with a range of 4 to 17 years of age. The most frequent age was 17 years old. The number of commitment hearings involving juveniles in each age group decreased from FY16 to FY17 with age 14+ decreasing by 11.6% (1322 to 1168), 10-13 by 5.5% (148 to 140), and <10 by 20.0% (30 to 24; Figure 26). The number of commitment hearings involving the 14+ age group increased between the second through fourth quarter of FY16 then decreased sharply in the first quarter of FY17 before rising steadily for the remainder of the fiscal year (Figure 27). Other age groups had less drastic changes with the exception of two decreases in commitment hearings involving the 10-13 age group occurring at the first and third quarter of FY17. The proportion of all commitment hearings involving juveniles in the 14+ and <10 age groups both decreased slightly from FY16 (88.1% and 2.0%) to FY17 (87.7% and 1.8%). The proportion of all commitment hearings involving juveniles in the 10-13 age group increased slightly from FY16 (9.7%) to FY17 (10.5%).

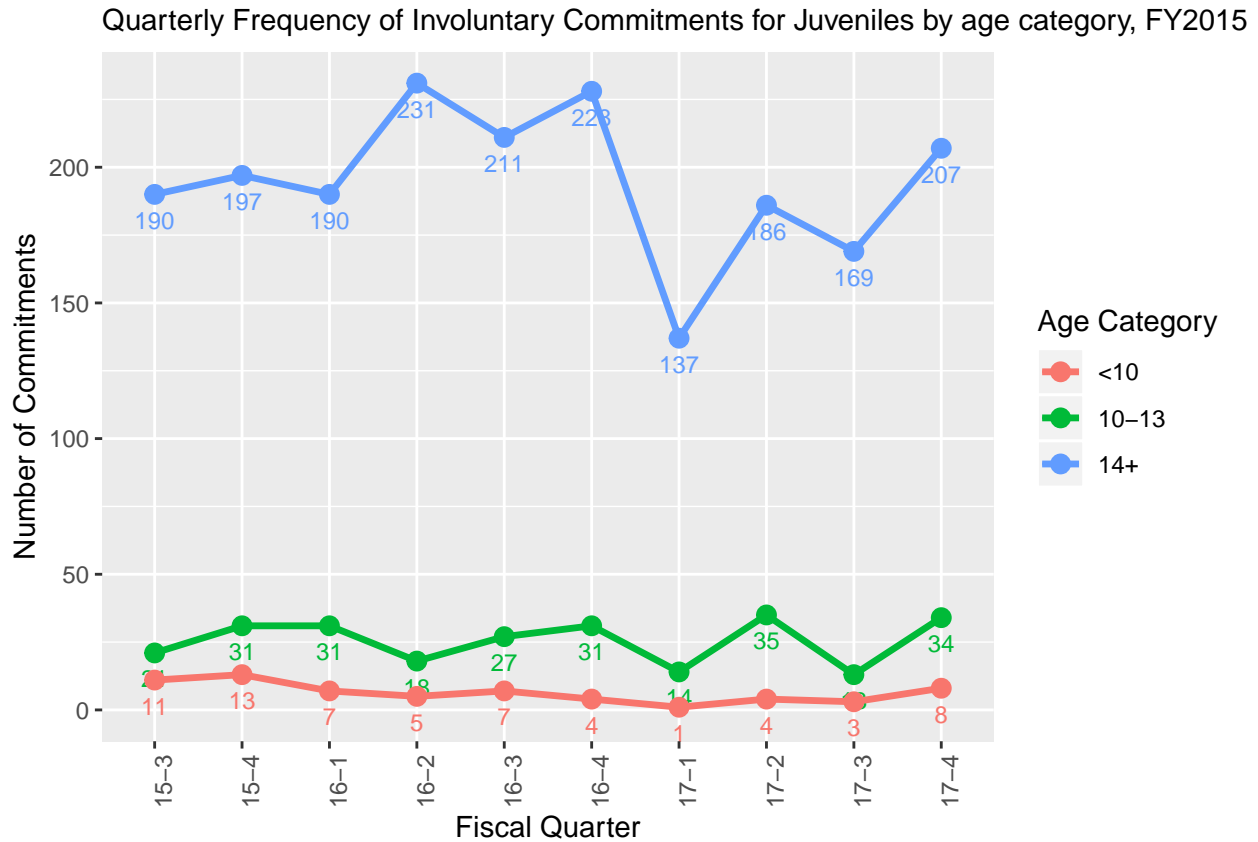
Figure 27



Involuntary Commitments

For those juveniles who received involuntary commitment orders between FY16 and FY17, the average age was 15.1 with a range of 5 to 17 years of age. The most frequent age was 17 years old. The number of involuntary commitments issued for juveniles in each age group decreased from FY16 to FY17 with age 14+ decreasing by 22.2% (860 to 669), 10-13 by 10.2% (107 to 96), and <10 by 30.4% (23 to 16; Figure 28). Involuntary commitments issued for the 14+ age group increased from FY15 to FY16 but sharply decreased between the first quarter of FY17 before beginning to rise again, only reaching FY16 levels in the fourth quarter (Figure 29). Involuntary commitments issued for other age groups had less drastic changes with the exception of two decreases in the 10-13 age group occurring in the first and third quarter of FY17. The proportion of all involuntary commitments attributable to juveniles in the 14+ and <10 age groups both decreased slightly from FY16 (86.9% and 2.3%) to FY17 (86.2% and 2.0%). The proportion of all involuntary commitments attributable to juveniles in the 10-13 age group increased slightly from FY16 (10.8%) to FY17 (11.8%).

Figure 29



Counts of minors Involved in Civil Commitment Compared to Counts of Civil Commitment Actions

Some minors are issued multiple ECOs, TDOs, and/or commitment orders within a year. In order to determine the number of unique minors involved with civil commitment judicial actions in FY16 and FY17, cases were matched by birth date, first name, and last name.⁷⁸

ECOs

In FY14, 48 ECOs were issued to minors who had already been issued an ECO that year; this number increased to 64 in FY17. While the number of minors with more than one ECO rose from FY14 (36) to FY17 (49), the percentage of all minors issued ECOs who were issued more than one decreased from 8.8% in FY14 to 8.2% in FY17 (Table 12 and Table 13).

⁷Identifiable data were furnished to DBHDS by OES as provided by §37.2-308.01 (<https://law.lis.virginia.gov/vacode/37.2-308.01>). Data were then shared with ILPPP per its contract with DBHDS and a BAA detailing the agencies' responsibilities for maintaining data security and information confidentiality.

⁸The last four digits of social security number were not used to match individual minors as this item was missing in approximately 17.0% of cases in the eMagistrate database and 30.4% of cases in the JCMS database.

Table 12: Annual Count of Minors Issued ECOs and Count of ECOs Issued, FY2014-FY2017

Fiscal Year	# of Minors	# ECOs
2014	405	453
2015	496	546
2016	609	664
2017	601	665

Table 13: Number of Minors with Multiple ECOs Issued per Fiscal Year, FY2014-FY2017

Fiscal Year	1 ECO	2 ECOs	3 ECOs	4 ECOs	5 ECOs	6 ECOs
2014	369	28	6	1	0	1
2015	457	31	6	1	1	0
2016	562	40	6	1	0	0
2017	552	40	5	2	2	0

TDOs

In FY14, 232 TDOs were issued to minors who had already been issued a TDO that year; this number increased through FY17 to 404. The number of minors with more than one TDO rose 26.4% from 220 in FY14 to 278 in FY16 then decreased by 10.1% to 250 in FY17 (Table 14). Out of all minors issued TDOs, the proportion who were issued more than one increased slightly between FY14 (14.2%) and FY15 (14.7%) but decreased between FY16 (13.6%) and FY17 (13.1%; Table 15).

Table 14: Annual Count of Minors Issued TDOs and Count of TDOs Issued for Minors, FY2014-FY2017

Fiscal Year	# of Minors	# TDOs
2014	1550	1854
2015	1848	2206
2016	2044	2427
2017	1915	2257

Table 15: Number of Minors with Multiple TDOs Issued per Fiscal Year, FY2014-FY2017

Fiscal Year	1 TDO	2 TDOs	3 TDOs	4 TDOs	5 TDOs	6 TDOs	7 TDOs	8 TDOs	12 TDOs
2014	1330	173	29	7	6	3	1	1	0
2015	1576	212	39	17	3	1	0	0	0
2016	1766	203	57	12	2	3	0	1	0
2017	1665	194	38	11	4	1	0	1	1

Commitment Hearings

In FY16, there were 178 (13.9%) juveniles who had more than one commitment hearing that year and there were 154 (13.6%) juveniles in FY17 with more than one commitment hearing (Table 16 and Table 17).

Table 16: Annual Count of Juveniles with Commitment Hearings and Count of Juvenile Commitment Hearings, FY16-FY17

Fiscal Year	# of Juveniles	# of Commitment Hearings
2016	1282	1501
2017	1134	1334

Table 17: Number of Juveniles with Multiple Commitment Hearings per Fiscal Year, FY2014-FY2017

Fiscal Year	1 Hearing	2 Hearings	3 Hearings	4 Hearings	5 Hearings	6 Hearings	12 Hearings
2016	1104	145	27	4	2	0	0
2017	980	126	21	4	1	1	1

Involuntary Commitments

In FY16, there were 103 (11.9%) juveniles who had more than one involuntary commitment order that year and there were 82 (11.6%) juveniles in FY17 with more than one commitment order (Table 18 and Table 19).

Table 18: Annual Count of Juveniles with Involuntary Commitments and Count of Involuntary Commitments, FY16-FY17

Fiscal Year	# of Juveniles	# of Involuntary Commitments
2016	864	990
2017	706	811

Table 19: Number of Juveniles with Multiple Commitment Orders Issued per Fiscal Year, FY2014-FY2017

Fiscal Year	1 Order	2 Orders	3 Orders	4 Orders	5 Orders	8 Orders
2016	761	85	14	3	1	0
2017	624	67	11	3	0	1

Racial Characteristics of Minors

Research shows that there are disparities in mental health care across racial and ethnic groups. Racial and ethnic minorities have less access to mental health services and are more likely to receive poor-quality care.⁹ For these reasons, we determined it was important to report on the racial/ethnic characteristics of juveniles involved in the civil commitment process. The racial and ethnic characteristics of minors were sourced from the JCMS database because these data are not available in the eMagistrate database. As a result, there are no race/ethnicity figures with juveniles who were issued ECOs or TDOs. Due to the large number of categories with small populations, racial categories were combined to form four main groups: Black, White, Other, and Not Applicable. According to the U.S. Census Bureau population estimates from 2017 for Virginia, approximately 66.1% of minors (individuals under 18 years of age) were White, 23.4% were Black or African American, and 10.5% would be classified as Other races.¹⁰

Commitment Hearings

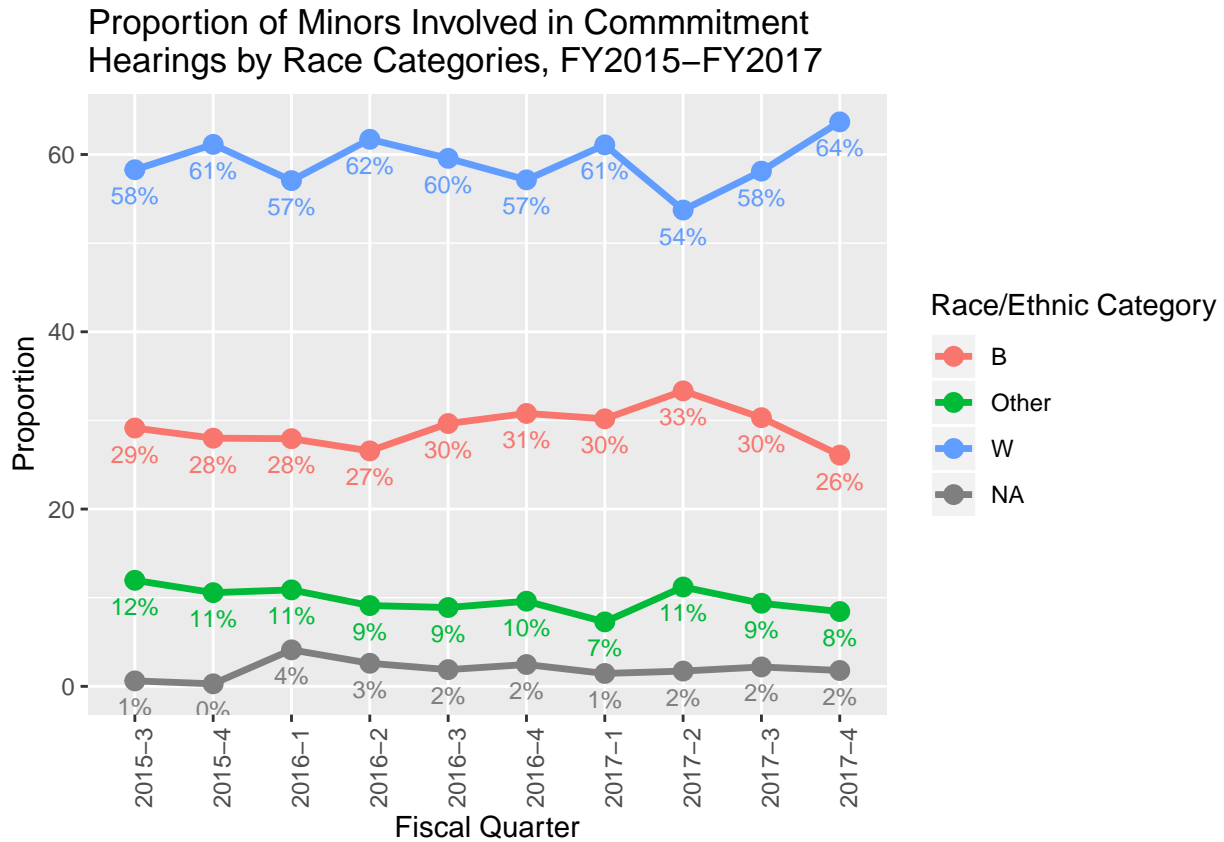
The proportion of juveniles involved in commitment hearings in each racial/ethnic category has remained fairly stable from the third quarter of FY15 through the fourth quarter of FY17 (Figure 30). There was a small decrease in the proportion of juveniles identified as White in between the first (61%) and second quarter (54%) of FY17 and a corresponding rise in the proportion identified as Black (from 30% in the first quarter to 33% in the second quarter) and Other (from 7% in the first quarter and 11% in the second quarter). The proportion of juveniles identified as White increased through the third (58%) and fourth quarters (64%) of FY17 and the proportion of juveniles identified as Black and Other decreased in these two quarters (30% to 26% and 9% to 8%, respectively).

Compared to Census Bureau population estimates for Virginia, minors categorized as Black appear to be overrepresented in commitment hearings (average of 29.2% compared to Census estimate of 23.4%) while minors categorized as White (average of 59.2% compared to Census estimate of 66.1%) and Other (average of 9.7% compared to Census estimate of 10.5%) are underrepresented. However, an average of 1.9% of minors involved in commitment hearings were categorized as Not Applicable.

⁹McGuire, Thomas G., and Jeanne Miranda. "New evidence regarding racial and ethnic disparities in mental health: Policy implications." *Health Affairs* 27.2 (2008): 393-403.

¹⁰Annual Estimates of the Resident Population by Sex, Age, Race Alone or in Combination, and Hispanic Origin for the United States and States: April 1, 2010 to July 1, 2017. Source: U.S. Census Bureau, Population Division. Release Date: June 2018

Figure 30



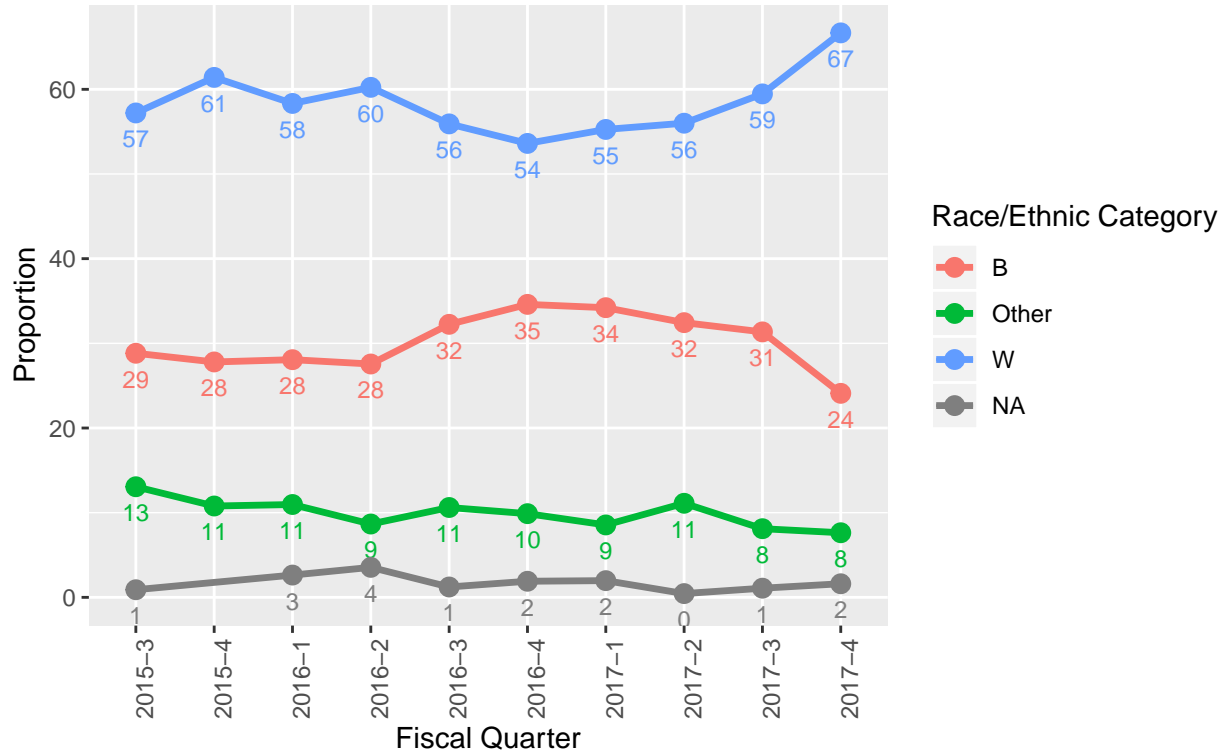
Involuntary Commitments

For juveniles that received involuntary commitment orders, the proportions across racial categories remained fairly stable in the last two quarters of FY15 and the first two quarters of FY16 (Figure 31). After this, the proportion of juveniles identified as White decreased through the third (56%) and fourth quarter (54%) of FY16 and the proportion identified as Black increased (from 32% to 35%). From the first quarter of FY17 through the fourth, these trends reversed and by the fourth quarter, the proportion of juveniles identified as White (67%) was at its highest level and the proportion identified as Black (24%) at its lowest in the time period used for analysis.

Compared to Census Bureau population estimates for Virginia, minors categorized as Black appear to be overrepresented in the population of minors issued involuntary commitment orders (average of 30.1% compared to Census estimate of 23.4%) while minors categorized as White (average of 58.3% compared to Census estimate of 66.1%) are underrepresented. Minors categorized as Other were about the same as Census estimates (average of 10.1% compared to Census estimate of 10.5%). However, an average of 1.6% of minors issued involuntary commitment orders were categorized as Not Applicable.

Figure 31

Proportion of Minors Issued Involuntary Commitment by Race Categories, FY2015–FY2017



Racial/Ethnic Characteristics of Minors by Age Group

There is some variation in the proportion of juveniles in racial/ethnic categories based on age group. Juveniles in the <10 age group had a smaller proportion of juveniles identified as Black (22.0%) and were in between the two older groups in terms of the proportion of juveniles identified as White (64.2%) (Figures 32). They also appeared to have a higher proportion of juveniles in the “X” (4.9%) and “NA” (4.5%) groups. The 10-13 age group had the highest proportion of juveniles identified as White (67.4%) but is in between the younger and older group for proportion of juveniles identified as Black (24.5%). This group has similar levels for other racial/ethnic categories as the 14+ age group. The oldest age group, 14+ had the highest proportion of juveniles identified as Black (28.9%) and lowest proportion of juveniles identified as White (59.9%).

Figure 32

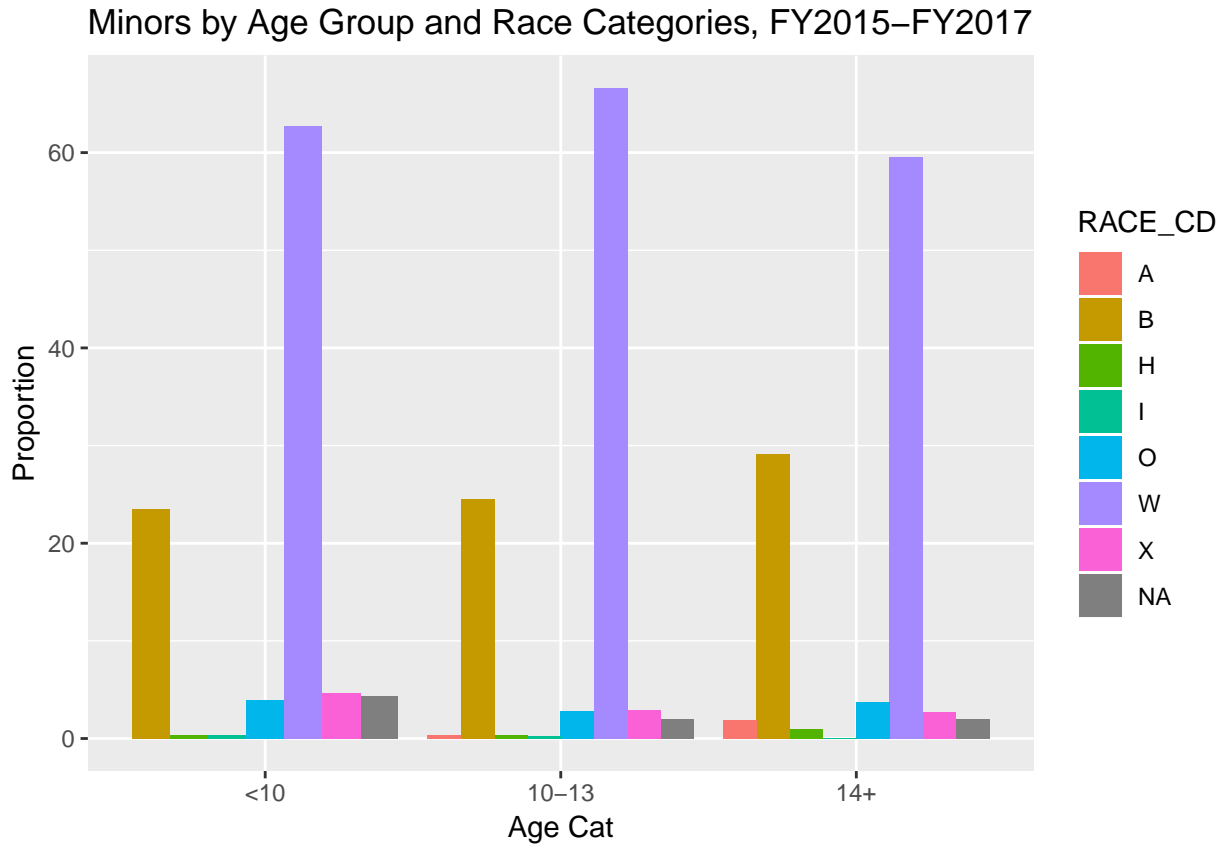


Table 20: Racial/Ethnic Categories for Minors by Age Category, FY2015-FY2017

Race/Ethnicity	<10	10-13	14+
Asian	0	4	162
Black/African American	60	249	2447
Hispanic	1	4	80
American Indian/Alaskan Native	1	3	2
Other	10	29	312
White	160	676	5002
X	12	30	225
NA	11	20	169