

DEPARTMENT OF HUMAN SERVICES

EFFECTIVE DATE: November 24, 2003 **DATE ISSUED:** November 24, 2003
Supercedes AO 1:90, issued October 13, 1998

SUBJECT: Designation of State Psychiatric Hospitals to Admit Persons Who Have Been Criminally Charged or Convicted

I. PURPOSE

Pursuant to Public Law 1998, c. 111, the purpose of this Order is to ensure the provision of appropriate treatment of certain patients who have been criminally charged or convicted, and to provide for the safety of State psychiatric hospital patients and employees as well as the general public.

II. SCOPE

This Order applies to State psychiatric hospitals operated by the Department of Human Services.

III. AUTHORITY

N.J.S. 30:1-2.4 (P.L. 1998, c. 111, § 2)

IV. POLICY

A. The Commissioner of Human Services shall designate the State psychiatric hospitals which may admit persons who have been criminally charged or convicted. Such persons shall include:

1. a criminal defendant;
2. a sentenced inmate;
3. a person being examined or treated for fitness to proceed (competence to stand trial) pursuant to N.J.S. 2C:4-5 or N.J.S. 2C:4-6 in accordance with the standards in those statutes;
4. a person who has been criminally charged, but was subsequently acquitted of the charge by reason of insanity (Krol/NGRI) pursuant to N.J.S. 2C:4-9;
5. a person who has been referred for evaluation pursuant to N.J.S. 30:4-82.4 and found to be in need of involuntary commitment (Megan's committees); and
6. A person who has been convicted of a violent offense, including a sexual crime, at any time.

- B. In accordance with N.J.S 30:1-2.4, the court shall commit persons designated in section IV.A. above to the custody of the Commissioner of Human Services for placement in an appropriate, designated hospital. If a court orders that a person be placed in a hospital not designated to admit such persons, the hospital shall notify the court of the restriction and shall refer the matter to the Office of Legal and Regulatory Liaison for resolution.
- C. Nothing in this Order is intended to affect the hospital admission or treatment of persons who are not in those categories contained in section IV.A. above.
- D. The Director of the Division of Mental Health Services may, within the limitations of this Administrative Order and any other law or regulation, impose further restrictions on admissions to a particular hospital as required for the safety of patients and the public. On a case by case basis, the Director may also approve the placement of an individual whose placement is otherwise barred because of a prior conviction (Section IV.A.6.) if the Director finds, based on an assessment of the time that has passed since the conviction; the nature of the offense and supporting clinical evaluations of the client's rehabilitative progress; current clinical condition; and relevant risk factors, that the individual does not present a risk to the community, staff, or other clients.
- E. When used in this Order, the term criminal defendant shall not include any patient charged with an offense alleged to have been committed during his/her hospitalization who, subsequent to the charge, has been evaluated and found to be clinically appropriate to remain in the hospital.

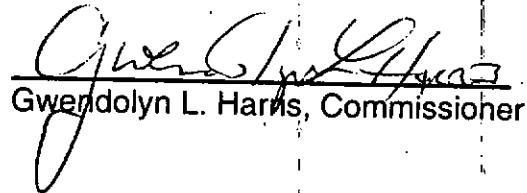
V. DESIGNATIONS

- A. Ann Klein Forensic Center is hereby designated to admit all categories of persons described in section IV.A.
- B. Ancora Psychiatric Hospital is hereby designated to admit all categories of persons described in section IV.A except state sentenced inmates.
- C. Arthur Brisbane Child Treatment Center is hereby designated to admit minors who have been classified within any category of persons described in section IV.A.

- D. Trenton Psychiatric Hospital is hereby designated to admit all categories of persons described in section IV.A except state sentenced inmates.
- E. Senator Garrett W. Hagedorn Psychiatric Hospital is not designated to admit any category of persons described in section IV.A.
- F. Greystone Park Psychiatric Hospital is hereby designated to admit Krol/NGRI patients. No other category of person described in section IV.A may be admitted to GPPH.

VI. EFFECTIVE DATE

This order shall be effective on the date signed by the Commissioner, and shall be subject to renewal every five years by the Commissioner. No change in designation at any time that would result in a State psychiatric hospital being designated for an additional category of person specified in subsection IV.A shall take place unless the Commissioner has complied with NJSA 30:1-2.4 with respect to legislative and community notification and public hearing requirements.



Gwendolyn L. Harris, Commissioner