



Supreme Court of Appeals State of West Virginia

News

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West Virginia's Mental Health Registry showcased during regional FBI meeting For immediate release Thursday, April 7, 2011

CHARLESTON, W.Va. – West Virginia's Mental Health Registry was showcased during the FBI's Mid-Eastern Regional NIAA meeting on Wednesday, April 6, in Charleston.

The FBI asked West Virginia to host this regional meeting because of the state's significant accomplishment in developing and deploying the nation's most advanced electronic reporting system for people who have been committed for treatment of a mental illness or who have been determined to be unable to handle their own affairs due to mental illness.

The reporting system enters records into both West Virginia's Central State Mental Health Registry established under W.Va. Code § 61-7A-1 and into the federal National Instant Criminal Background Check System (NICS).

NICS has reported only one "error" in the more than 2,000 records submitted by West Virginia. That case number had too many spaces in it and therefore failed the state data validation. It was not sent to NICS until the case number was corrected. The state system was changed so that problem could not occur again. Therefore West Virginia has an error rate below 1 percent.

The meeting at the Charleston Marriott Town Center was a training seminar for the FBI and selected law enforcement, legal and mental health administrators from West Virginia, Kentucky, Ohio, Pennsylvania, Maryland, and Virginia and so was not open to the public or the press. It focused on the federal reporting requirements of NICS and the NICS Improvement Amendments Act of 2007 (NIAA). Congress enacted NIAA after the Virginia Tech shootings.

NIAA aims to prevent ineligible persons from obtaining firearms by increasing the number of records available to NICS. It requires each state to provide the Bureau of Justice Statistics with information on the number of records they may hold that might disqualify an individual from obtaining or possessing firearms, including records on mental health disqualifiers. It also

provides required time frames for reporting those records. In 2011, states must report at least 50 percent of eligible records or risk losing a percentage of federal Crime Omnibus funds.

NIAA also requires states to develop "relief from disabilities" processes through which individuals prohibited from possessing firearms because of disqualifying mental health conditions can regain firearm possession rights by proving that the disqualifying conditions no longer exist.

Legislation to bring West Virginia's relief process into compliance with federal law requirements did not pass this year, but revising legislation will likely again be before West Virginia's Legislature next session, said Linda Richmond Artimez, Director of Mental Hygiene and Treatment Court Services for the Supreme Court of Appeals of West Virginia. The failure to implement an approved "relief from disabilities" program renders a state ineligible for the NICS Act Record Improvement Program (NARIP), a grant program funded by Congress and administered by the Bureau of Justice Statistics.

The West Virginia Supreme Court Administrative Office began developing a computerized system to automate reporting of individuals prohibited by state and federal laws from purchasing or possessing firearms shortly after the NIAA was passed in 2007. That Act and West Virginia's Central Mental Health Registry law went into effect in 2008. The Court's Division of Technology Services, with the help of a multi-disciplinary team led by the Court's Division of Mental Hygiene and Treatment Court Services, created an automated electronic reporting system.

Mental hygiene commissioners began reporting appropriate involuntary commitment cases in June 2009 and began reporting adult guardian and conservator cases in 2010. Designated magistrates began reporting involuntary commitment cases under their jurisdiction on April 1.

A designated magistrate is a magistrate who a chief circuit judge has "designated" to handle all or part of probable cause involuntary hospitalization cases. They do not otherwise act as a mental hygiene commissioner, and their work in the areas covered by mental hygiene commissioners is limited; they can handle only probable cause cases, not final commitment or guardianship cases. In some counties both mental hygiene commissioners and designated magistrates are appointed by the chief circuit judge to do portions of the work. If there are no commissioners appointed by the chief judge to do the allowed work, designated magistrates can only do probable cause cases, and final commitments and guardianship cases are handled by circuit judges.

The West Virginia reporting system is still under development to include persons found incompetent to stand trial by reason of mental illness and those found not guilty in a criminal proceeding by reason of mental illness. Ongoing work will next address those areas.

The West Virginia court system's work on the project was funded by two grants from the National Criminal History Improvement Program.

The multi-disciplinary team members who worked on the development of the West Virginia Mental Health registry included several Mental Hygiene Commissioners, including Gary Sacco, Shawn Bayliss, Christopher Dean, and the late Lloyd W. Spring III; Deanna Elder of the U.S. Department of Justice; Sherre Baker and William Finch of the FBI; Raleigh County Magistrate Mary Jennings; Elliott Birckhead, Director of the Division of Adult Mental Health for the West Virginia Office of Behavioral Health Services; Terry Small and Charles Dunn, retired, of the West Virginia Department of Health and Human Resources; Capt. Michael Corsaro, Sgt. Jeff E. Skidmore, Debbie Beckner, James Cochran, Sherry Lawson, Shirley Schneider, and Sgt. Jeff E. Skidmore of the West Virginia State Police; Rudi Raynes of the West Virginia Sheriff's Association; Chief Deputy Mike Rutherford of the Kanawha County Sheriff's Department; Richard Kiley, Executive Director of the Appalachian Community Health Center; Associate Deputy Director Leslie Boggess, Bonnie Beavers and Jason Metzger of the West Virginia Division of Justice and Community Services; as well as others. Beginning this year a representative from the prosecuting attorney's association will also be joining the team.

Many people in the Supreme Court Administrative Office also worked on the committee. Those included Ms. Artimez, who leads the committee; Family Court Division Director Lisa Tackett; Magistrate Court Division Director Janie Moore; Court Services Division Director Angie Saunders; Scott Harvey and Pat Tillery, Director and Deputy Director of the Division of Technical Services; and Caroline Stoker, Monongalia County Magistrate Court Clerk and Supreme Court Computer Field Coordinator.

Supreme Court Administrative Director Steve Canterbury gave opening remarks at Wednesday's meeting.

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