



PREVENTION OVER PUNISHMENT

**Finding the Right Balance
of Civil and Forensic State
Psychiatric Hospital Beds**

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EXECUTIVE SUMMARY

State psychiatric hospitals provide a critical service for people with severe mental illness (SMI), especially those with a history of violent behavior, developmental disabilities, or complex medical needs. However, the number of state hospital beds for adults with SMI has been declining and reached a historic low of 36,150 (10.8 beds per 100,000 population) in 2023, with a majority of those beds (52 percent) occupied by people who have been committed to the hospital through the criminal legal system.

In 2016, Treatment Advocacy Center wrote, “The reality that an immeasurable number of people with treatable diseases only get treatment when they get sick enough to commit crimes that send them to jail and then to a forensic bed should be a source of national shame and outcry for reform.” In the seven years since, the situation has gotten worse. The number of beds per 100,000 people occupied by civil patients has decreased by 17 percent since 2016.

Yet there are not enough beds for forensic patients either. Despite the increasing use of state hospitals for forensic patients, thousands of inmates with serious mental illness languish in jail for months, or even years, waiting for a state hospital bed to open. While incarcerated, such people often gain additional charges due to disruptive behaviors that are symptoms of their illness, get sicker as they spend extended periods of time without

treatment, and even die from preventable and tragic causes such as dehydration. As the number of state hospital beds continues to decline, finding the right balance of civil and forensic beds is critical. Without considering that balance, people with SMI who need long-term intensive care will continue to be pushed into the criminal legal system at alarming rates in states with too few civil beds, while states with too few forensic beds will be unable to provide those waiting in jail for a bed with timely access. However, regardless of how states balance their civil and forensic beds, one thing is clear: states must strive for prevention over punishment.

Prevention Over Punishment Fast Facts

By all measures of bed need, the United States is currently facing a shortage of state psychiatric hospital beds, ranging from moderate at a minimum to severe in many states. In 2023, the number of state hospital beds reached a historic low of

10.8 BEDS per 100,000 PEOPLE.

By 2023, the proportion of beds occupied by forensic patients had increased

12% & 58%
since 2016 since 2010

In 2023

5,576 INMATES

were awaiting admission to a state hospital, with a median of 72 inmates waiting across 33 states.

In 2023, inmates spent a median of two months in jail waiting for a bed to open across

26 STATES

As of 2023

1 in 7

state psychiatric hospital beds was closed due to staffing shortages across 33 states.