

DHS Forensic Newsletter

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Provided by Wisconsin Community Services (WCS), supporting the Wisconsin Department of Health Services (DHS)

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Distribution of Forensic Court Orders and Supporting Documentation

All forensic-related court orders and supporting documents (criminal complaints and reports from examiners) should be sent to:

DHSMMHladmissions@dhs.wisconsin.gov

Additionally, paperwork should be routed according to the instructions provided on the order form. CR-270, Order for Examination under Wis. Stat. § 971.16 (Not Guilty by Reason of Mental Disease or Defect), and CR-277, Order for Examination under Wis. Stat. § 971.17(4)(c) (Not Guilty by Reason of Mental Disease or Defect), must also be distributed directly to the court-appointed evaluator. This is not the responsibility of DHS.

Department of Corrections Language on Order

The Department of Corrections requires the following statute be noted on order forms CR-205 and CR-206 for the department to receive records (Wis. Stat. § 146.81).

Awaiting Paperwork

After a finding of not competent but likely to become is made, and a person is committed to DHS for treatment to competency restoration, DHS cannot proceed with the assessment for the Outpatient Competency Restoration Program (OCRCP) or conduct the pre-admission screening until the proper paperwork is received. This includes form CR-206, the criminal complaint, and the examiner's report.

CCAP Entry

When scheduling a competency hearing in accordance with Wis. Stat. § 971.14(5)(c) please ensure that the CCAP record notes it is a competency hearing. Some counties require this note in order to generate a writ to have the person transported for the appearance.

Kudos on Your Collaborative Effort

In the first half of state fiscal year 2020 (July 1, 2019-Dec 31, 2019), state mental health institutes discharged 186 people committed for inpatient treatment to competency. Court personnel coordinated an earlier return to court date in 85 of these cases at the request of DHS. This coordination resulted in these people spending a total of 1,926 fewer days at the state mental health institutions.

Impact of Delays

In the first half of state fiscal year 2020 (July 1, 2019-Dec 31, 2019), the state mental health institutes discharged 186 people who had been committed for inpatient treatment to competency restoration. The DHS competency report was challenged in 15 of these cases and a doctor's testimony and/or a second independent opinion were requested. This resulted in these people spending a total of 591 additional days at a mental health institution. One of these resulted in a person serving an additional 270 days. Please help keep these cases moving through the court system.

Predisposition Investigation Reports

When ordering a predisposition investigation report under Wis. Stat. § 971.172(a) on a commitment of person found not guilty by reason of mental disease or mental defect, complete the period of commitment section on form CR-271. The predisposition investigation report will not include a recommended length of commitment.

Training Events

WCS court liaison staff presented an overview of the processes under Wis. Stat. ch. 971 to court personnel in Judicial District 10 in October.

A panel assembled by the DHS Bureau of Community Forensic Services presented at the State Public Defender Criminal Defense Conference in Milwaukee in November. The panel provided information regarding the following topics:

- DHS email address for forensic-related orders and supporting documents
- Update on the Jail-Based Competency Restoration Program
- Conditional Release: Plan development, petition process, revocation proceeding, and discharge from a commitment
- Wisconsin Stat. chs. 51, 54 and/or 55 after a competency examination, commitment for treatment to competency, or upon expiration of an not guilty by reason of mental disease or defect commitment

The panel also answered questions about the admission list for the state mental health institutes and discussed the most common delays that impact the movement of people to and from the institutions.

WCS court liaison staff will be presenting an overview of the processes under Wis. Stat. ch. 971 to court personnel in two counties in January.

Contact the WCS court liaison staff to schedule a training session in your county.

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