

DHS Forensic Newsletter

July 2019



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

In This Issue

- Distribution of Forensic Court Orders and Supporting Documentation
- Calculating Commitment Expiration Dates
- Progress Reports and Review Dates
- Competency Challenges Add Bed Days
- Tools to Assist in Making a Placement Determination
- Outpatient Competency Restoration Program
- Jail-Based Competency Program
- Training and Upcoming Events



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:

DHSMMHIAdmissions@dhs.wisconsin.gov

Additionally, paperwork should be routed according to the instructions provided on the order form. CR-270, Order for Examination under §971.16, Wis. Stats. (Not Guilty by Reason of Mental Disease or Defect), and CR-277, Order for Examination under §971.17(4)(c), Wis. Stats. (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.

Calculating Commitment Expiration Dates

The CR-206, Order of Commitment for Treatment, must include days credit and any penalty enhancer(s) that should be applied in order to accurately calculate the commitment expiration date.

Progress Reports and Review Dates

Wis. Stat. § 971.14(5) requires a progress report be provided to the court at three, six, and nine month intervals and 30 days prior to the commitment expiration date. DHS requests the court schedule progress review dates in accordance with the report intervals. If a DHS contractor submits a progress report before the next report interval that opines the person as being competent or not competent and not likely to become, then a competency hearing must be set within the 14 day statutory timeframe that applies.

Competency Challenges Add Bed Days

From January 1, 2019 to March 31, 2019, 87 people who had been committed for inpatient treatment for competency restoration under Wis. Stat. § 971.14(5) were discharged from the state mental health institutes. Of these, eight cases resulted in DHS opinions being challenged and either doctor's testimony and/or a second independent opinion requested. This resulted in 197 additional days for individuals under the commitment, taking up an institutional bed. This is calculated from the date of the challenge to the date of the discharge from the commitment.

Tools to Assist in Making a NGI Placement Determination

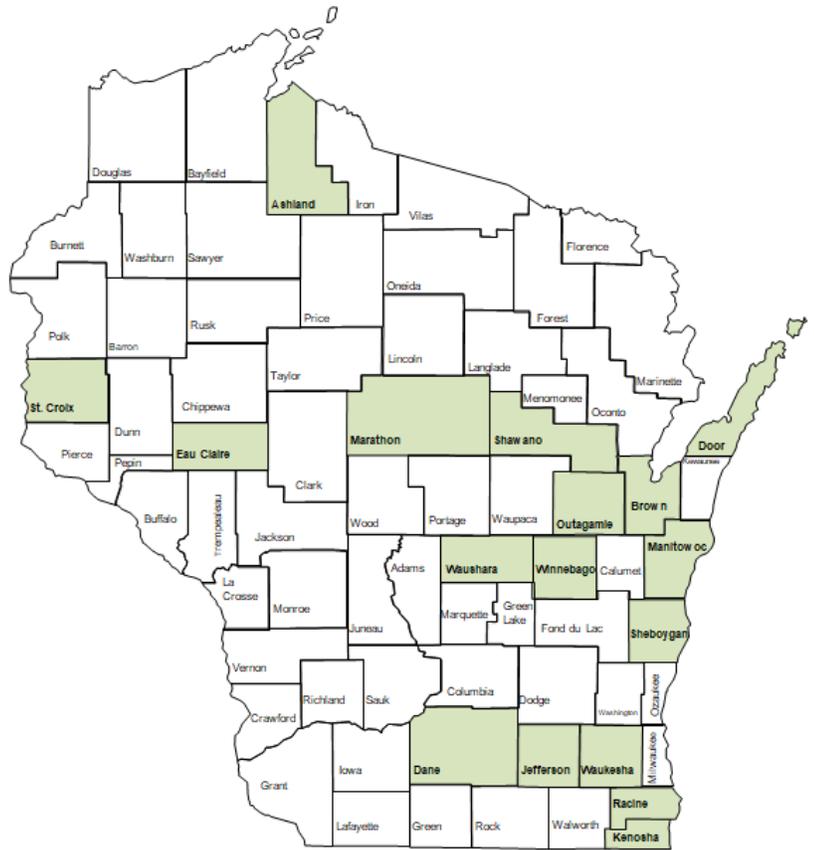
After the court has made a finding of not guilty by reason of mental disease or defect, the court can order a Predisposition Investigation (PDI) and/or a Supplementary Mental Examination (SME) if the court is seeking additional information to assist in making a placement determination. An additional report or examination is not required if the court believes placement in the community is appropriate, or if the individual requires institutional care.

Outpatient Competency Restoration Program by the Numbers

The Outpatient Competency Restoration Program is an effective alternative to inpatient treatment for competency restoration. It allows some individuals to remain in their home communities and receive competency treatment. The utilization of this program has grown from 52 individuals admitted in fiscal year 2015 to 117 admitted and treated in fiscal year 2019. (*Fiscal Year runs July 1st-June 30th*)

Jail-Based Competency Restoration Program

The Jail-Based Competency Restoration Program continues to expand. Currently, this program is available in 17 county jails (see highlighted counties on the map). Last year 112 individuals participated in this program enabling them to begin competency treatment while awaiting admission to the state mental health institution. Interested counties should contact beth.dodsworth@wisconsin.gov.



Training and Upcoming Events

The Bureau of Community Forensic Services formed a panel to present to the Judges at the *Criminal Law and Sentencing Institute* in May, and the panel presented again to the Clerks at the *Clerk of Court Association Conference* in June. The panel provided information regarding the following topics:

- *Centralized Email Distribution to DHS for forensic related orders and supporting documents*
- *Jail-Based Competency Restoration Program (JBCRP) update*
- *Conditional Release (CR): plan development, petition process, revocation proceedings and discharge from a commitment*
- *Chap 51, 54 and/or 55 after a Competency Examination, Commitment for Treatment to Competency or upon expiration of an NGI Commitment*

The panel also answered questions about the admission list for the state mental health institutions, and identified the most common delays which impact the movement of people admitted and discharged from the institutions.

The panel will be presenting again at the *State Public Defender Criminal Defense Conference* in Milwaukee on Friday, November 8th. In addition, the WCS Court Liaison and Tracking Service program also provided an in-house training session to a group of court personnel in June. Please contact the Court Liaison to schedule a session in your area.

Contact Us

Adam Oldenburg
Court Liaison
414-750-3519
aoldenburg@wiscs.org

Vicki Shequen
Assistant Court Liaison
414-303-7547
vshequen@wiscs.org