

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

Send all forensic-related court orders and supporting documents (criminal complaints and reports from examiners) to:

DHSMMHladmissions@dhs.wisconsin.gov. Additionally, distribute paperwork 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.

Contact information

There has been an increase in court orders received containing incomplete and/or inaccurate contact information for defendants. We need: the full name of the defendant, date of birth, current address, phone number, and, if possible, an email address. If the defendant is a dependent or has a legal guardian or other responsible party, it is helpful to have the contact name, phone number, and email address for that person.

14(5) Commitment expiration calculation process

When DHS registrars calculate the commitment expiration date, they compute all cases as 30-day months, not calendar days, per Department of Corrections/DHS practice. Misdemeanor cases have an automatic 25% reduction [State v. Moore: The legislature intended by the reference to s. 973.155 in sub. (5)(a) that good time credit be accorded persons committed as incompetent to stand trial. State v. Moore, 167 Wis. 2d 491, 481 N.W.2d 633 (1992)]. Additional days credit will be applied to the computation if this is noted on line 3 of the order. The court needs to determine pre-commitment incarceration credit. DHS has no information about an individual's custody dates for each case. If the order reflects no credit or is unfilled, then only the reduction will be applied to the computation. Penalty enhancers will not be included unless the court specifically notes this on page 2, line 9 of the order. Felony cases receive 12 months, no credit is used in the computation, even if it is noted on the order. If a person is committed for treatment to competency after being restored to competency on the same case, the maximum time the person could have under the commitment is 18 months. This is determined by the amount of time the person already spent on treatment to competency (date of previous commitment to discharge from previous commitment) subtracted from 18 months. This would be the maximum amount of time they could get under a subsequent order of commitment on the same case.

Amended CR-206 or CR-271 order forms

All amended Order of Commitment for Treatment (Incompetency), CR-206, or Order of Commitment (Not Guilty by Reason of Mental Disease or Defect), CR-271, to add or change the days credit must be sent to the DHS email address. This allows DHS to complete a new computation for the commitment expiration date.

Kudos on your collaborative effort

In the third quarter of state fiscal year 2021 (January 1, 2021, through March 31, 2021), the state mental health institutes discharged 76 people who had been committed for inpatient treatment for competency restoration under Wis. Stat. § 971.14(5). There were 35 cases in which the court personnel coordinated to move-up or set the return to court date at the request of DHS. These cases resulted in a reduction of 648 days these individuals could have spent at the mental health institutes under the commitment.

Impact of delays

In the third quarter of state fiscal year 2021 (January 1, 2021, through March 31, 2021), the state mental health institutes discharged 76 people who had been committed for inpatient treatment for competency restoration under Wis. Stat. § 971.14(5). There were 16 cases in which the DHS progress report was challenged and either doctor's testimony and/or a second independent opinion was requested. The delay in these cases resulted in an additional 568 days under the commitment.

Training events

The WCS Court Liaison and Tracking Service is working with the Office of Judicial Education and the Wisconsin Clerks of Circuit Court Association to coordinate an annual training opportunity. More information on this will be provided soon. Visit the [WCS Court Liaison and Tracking Service website](#) if you would like to schedule a training in your county.

Contact Us

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