

Division of Care and Treatment Services Updates

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WISCONSIN DEPARTMENT
of HEALTH SERVICES

Presenters

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Topics

- Central DHS email for forensic-related orders and supporting documents
 - Handling forensic orders
 - Impact of challenges to opinions
 - Process after forensic commitment
 - Conditional release plan development
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Central DHS Email

Central DHS Email

- Send forensic-related orders and supporting documents to:
DHSMMHIAdmissions@dhs.wisconsin.gov.
 - The Admissions Office at Mendota Mental Health Institute will process the paperwork and route it to the appropriate people.
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Handling Forensic Orders

Days on Admission List Prior to Admission

Competency Examination

10

Competency Treatment

41

Not Guilty by Reason of
Mental Disease or Defect

65

Treatment to Competency

From state fiscal year 2015 through state fiscal year 2018 commitments for treatment to competency increased about 41%.



FY2015



FY2018

Our Response

2016

- Added 14 beds at Mendota Mental Health Institute.
- Implemented Jail-Based Competency Restoration Program.

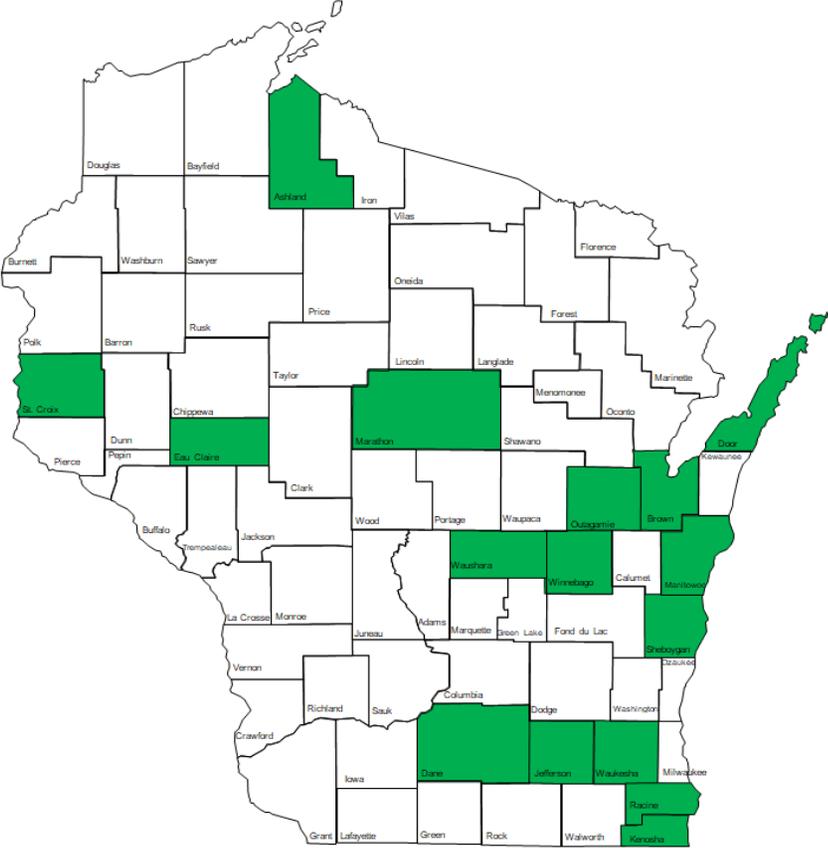
2017

Expanded Outpatient Competency Restoration Program statewide.

2018

Transferred 17 patients found not guilty by reason of mental disease or defect from Mendota Mental Health Institute to Sand Ridge Secure Treatment Center. These moves opened beds at Mendota Mental Health Institute.

Jail-Based Competency Restoration Program



Treatment to Competency Length of Treatment

2016 through First Quarter 2019

Jail-Based Competency Restoration Program Only	State Mental Health Institute and Jail-Based Competency Restoration Program	State Mental Health Institute Only
32 people	131 people	831 people
0 days at state mental health institute	58 days at state mental health institute (average)	65 days at state mental health institute (average)



Impact of Challenges to Opinions

State Fiscal Year 2018



36
people
challenged



1,930
bed days challenge
to close

- Average length of competency treatment is 65 days.
- In 1,930 days, 29 people could have been served at a state mental health institute.

Process After Forensic Commitment

Editorial

- Highly variable how this is applied.
 - There are significant regional differences.
 - The interface between civil and criminal systems causes issues.
 - Advocacy in criminal defense leads to situation opposed by defense in civil matter.
 - Threshold for prosecution for district attorney and civil commitment by corporation counsel not always aligned.
 - This happens infrequently.
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Issue: They didn't get better

- What do you do when a defendant cannot be restored to competency?
- What do you do when a defendant reaches the end of their not guilty by reason of mental disease or defect commitment without getting conditional release?

Treatment to Competency Inpatients Not Restored to Competency

- 2013 – 36 of 231
- 2014 – 40 of 297
- 2015 – 42 of 303
- 2016 – 51 of 345
- 2017 – 47 of 325

(DHS internal data, year based upon date of order)

What predicts not being restored?

- Severe mental illness
 - Chronic psychotic disorder
 - History of long hospitalizations
 - Intellectual disabilities
 - Elderly
-

What to do?

- Allow commitment to expire and discharge
- Initiate civil commitment, guardianship, and/or protective placement
 - The Wis. Stat. § 51.20(1)(am) standard is dangerous if treatment were withdrawn.
 - Crime and subsequent behavior may be deemed recent if discharged from Wis. Stat. § 971.14(2) or Wis. Stat. § 971.14(5) immediately prior to proceedings commencing.
 - It is triggered by the withdraw of mental health treatment under commitment not the outcome of treatment.

Wisconsin Statutes

- Chapter 51: State Alcohol, Drug Abuse, Developmental Disabilities and Mental Health Act
 - Chapter 54: Guardianships and Conservatorships
 - Chapter 55: Protective Service System
 - Chapter 971: Criminal Procedure – Proceedings Before and At Trial
-

Competency: Wis. Stat. § 971.14(6) – Discharge, Civil Proceedings

- Release them, may order re-evaluations at specified intervals
- Initiate civil commitment, guardianship, and/or protective services
 - District attorney or corporation counsel files in circuit court with criminal charge.
 - This suffices as petition for commitment under Wis. Stat. § 51.20, Wis. Stat. § 51.45(13), or protective placement under Wis. Stat § 55.075.

Not Guilty by Reason of Mental Disease or Defect

- Wis. Stat. ch. 980, if applicable (not discussing this)
- Wis. Stat. § 971.17(6) - Expiration of commitment order
 - Notice to court, district attorney, and county department
 - Discharge unless DHS, county department, or court proceeds under Wis. Stat. § 51.42 or Wis. Stat. § 51.437

Civil Commitment: Wis. Stat. § 51.20(1)(am)

- Inpatient treatment or outpatient under commitment immediately prior to proceedings
- The requirements of a recent overt act...may be satisfied by a showing that there is a substantial likelihood, based on the subject individual's treatment record, that the individual would be a proper subject for commitment if treatment were withdrawn

Civil Commitment: Wis. Stat. § 51.20(1)(am)

If the individual is committed under s. [971.14 \(2\)](#) or [\(5\)](#) at the time proceedings are commenced, or has been discharged from the commitment immediately prior to the commencement of proceedings, acts, attempts, threats, omissions, or behavior of the subject individual during or subsequent to the time of the offense shall be deemed recent for purposes of par. [\(a\) 2.](#)

Post Wis. Stat. ch. 51 (from competency)

- Wis. Stat. § 971.14(6)(c) – 14 day notice before discharge or expiration of commitment
- Wis. Stat. § 971.14(6)(d) – re-exam/re-instatement?
If not competent – released, but subject to reasonable nonmonetary conditions to protect public and allow subsequent competency determination.

Conditional Release Plan Development

Mission Statement

The Conditional Release Program funds, coordinates, and administers forensic mental health services in accordance with Wis. Stat. § 971.17.

The program seeks to meet the challenge of providing client-centered, recovery-focused, strength-based, community mental health services, while also managing risk to community safety.

Initiation of Plan Development

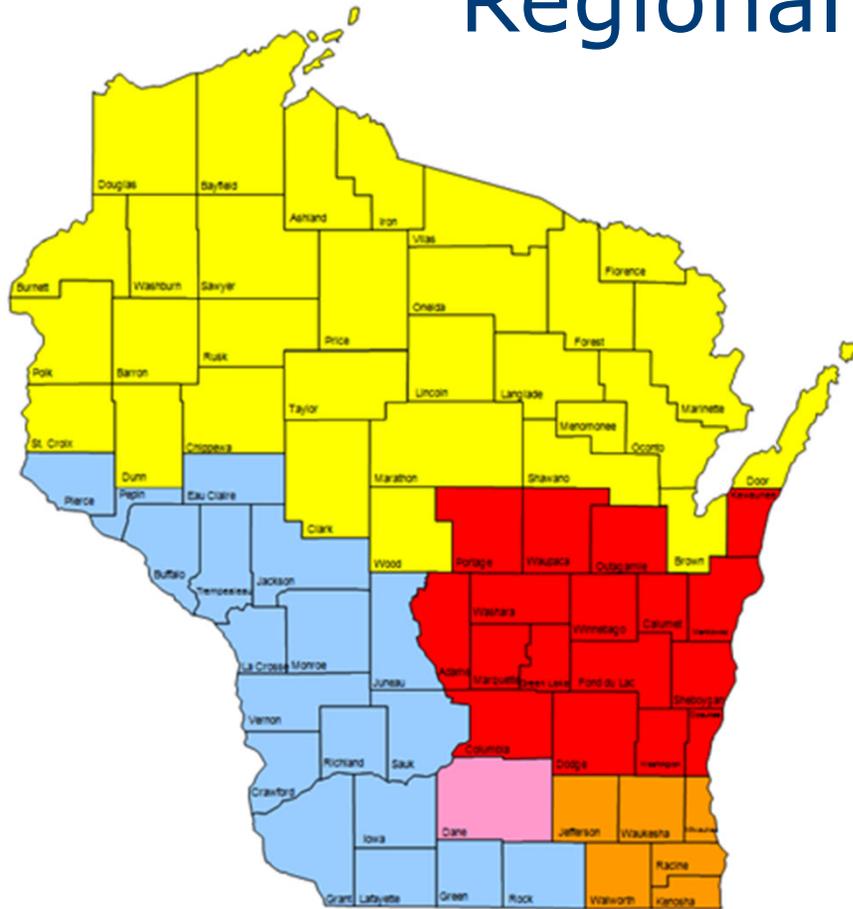
Community - Wis. Stat. § 971.17(3)(d)

Conditional release is granted at the time of commitment following predisposition investigation or supplemental mental exam.

Institution - Wis. Stat. § 971.17(4)

Conditional release is granted following petition.

Regional Map



	Northern Region
	Fox Valley Region
	Western Region
	Dane County
	Milwaukee Region

Case Manager

- Advocates for the client
 - Gives client feedback on progress
 - Leads the community treatment team
 - Coordinates and facilitates integration of clinical services
 - Reviews client's financial status and eligibility for third party payment
 - Coordinates and communicates with all community treatment team members
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Agent

- Ensures client signs program rules within 48 hours of being on conditional release
 - Sets up Department of Corrections client file
 - Reviews conditional release plan
 - Determines supervision level and provides corresponding supervision
 - Prepares and submits documents authorizing custody
 - Gets client statements
 - Represents Department of Health Services in revocation hearings
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Plan Development from the Community

Wis. Stat. § 971.17(3)(d)

- Distribution of court orders
 - [Order of Commitment](#)
 - [Order for Conditional Release Plan](#)
 - Case management and supervision begin immediately
 - DOC agent
 - Rules and conditions of Conditional Release
 - Case manager
 - Service coordination
 - Support
 - Plan submitted 21 days after finding for approval
-

Predisposition Investigation

Wis. Stat. § 971.17(2)(a)

Difference in services provided

- Services involve completion of investigation and report
- No supervision until conditional release is ordered
- No case management or coordination of treatment services until conditional release is ordered
- May inform future conditional release plan

Plan Development from the Institution

Wis. Stat. § 971.14(4)

- Petition for conditional release
 - Allowed after at least six months have elapsed since initial placement, most recent petition, or revocation.
 - Allowed every 120 days, if offense occurred prior to January 1, 1991.
- Distribution of [Order for Conditional Release Plan](#)
- Rules and conditions apply during conditional release plan development
- Plan submitted 60 days after finding for approval

Assessment

Legal documents

- Criminal complaint
 - Not guilty by reason of mental disease of defect examination, Wis. Stat. § 971.16
 - Conditional release examination, Wis. Stat. § 971.14(4)(c)
 - Criminal Investigation Bureau report
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Assessment

Mental health institute

- Informational letter
- Team multidisciplinary meetings
- Assessments and screens
 - Psychological testing
 - Risk
 - Independent living skills
- Documentation
- Recommendations

Assessment

Client

- Weekly meetings
 - Psychosocial assessment
 - Suicide risk assessment
 - Trauma assessment
 - Wellness plan
 - Natural supports
 - Community service providers
-

Service Coordination

Residential placement

- County of residence
- Type of residence
 - Independent
 - Supported
- Location
 - Resources
 - Risk
 - Ordinances

Service Coordination

Psychiatric Services

- Medication administration
 - Frequency of visits
 - Type and frequency of mental health therapy
-

Service Coordination

Supervision and case management

- Level of supervision
- Frequency of visits
- Treatment plan adjustments
 - Informal: Team collaboration and documentation
 - Formal: Team collaboration and court notification

Service Coordination

Substance use treatment

- Assessment
 - Service provider
 - Setting
 - Screening tools
-

Service Coordination

Vocational and structured activities

- Interests
 - Work and volunteer (employer notification)
 - Leisure
 - Social
-

Income and Cost of Care

- Contribution toward cost of care (Wis. Stat. § 46.10)
 - Financial benefits (SSI and SSDI)
 - Financial resources (Payee)
-

Plan Completion

- Client review
- Team review
- Submitted in letter form by case manager
 - 21 days: Direct court conditional release
 - 60 days: Conditional release from a state mental health institute

Extension requests

Questions

Conditional release

- Plans
 - Orders
 - Predisposition investigation
 - Commitment expiration
 - Program
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