



WISCONSIN DEPARTMENT
of HEALTH SERVICES

Conditional Release Program: Supervision Procedure Manual

Welcome and introduction

Dear agent,

We employ a team approach to serve clients in our Conditional Release Program. Agents are a valued and important part of the team.

Supervising clients found not guilty of a criminal offense by reason of mental disease or defect can be challenging. This manual provides an overview of the policies and procedures you need to know to be successful in this work.

It is important that all members of a client's team communicate openly and timely about client needs and behaviors to ensure client wellness and community safety. Please do not hesitate to reach out to team members or my staff with any questions or concerns about your role and how to supervise clients.

Thank you for all you do to keep the public safe and to help clients live their best lives.

Sincerely,

Beth Dodsworth

Beth Dodsworth, MSW, LCSW
Director, Bureau of Community Forensic Services
Division of Care and Treatment Services

The not guilty by reason of mental disease or defect finding

Less than one percent of all criminal pleas result in a not guilty by reason of mental disease or defect commitment under Wis. Stat. § 971.17.

The not guilty by reason of mental disease or defect finding is a two-part court process:

1. The defendant must be found guilty of the committing offense.
2. The court then orders the defendant to be examined by at least one independent examiner.

The criteria for a not guilty by reason of mental disease or defect plea is the defendant was not responsible for criminal conduct if, at the time of such conduct, as a result of mental disease or defect, the defendant lacked substantial capacity either to appreciate the wrongfulness of their conduct or conform their conduct to the requirements of the law.

People committed under this legal status are known as clients, not offenders. They are not considered to be convicted of the crime(s) in which they were charged. As such, clients may vote during their commitment.

Commitment to the Department of Health Services

People found not guilty by reason of mental disease or defect are committed to the Department of Health Services (DHS). The committing court determines placement. Options include an institution (typically Mendota Mental Health Institute or Winnebago Mental Health Institute) or the community (direct court release) through the Conditional Release Program. DHS contracts with the Department of Corrections (DOC) to provide community supervision services to people conditionally released. **Designated DOC conditional release agents function as representatives of DHS.**

Commitment periods

- A person may be committed under Wis. Stat. § 971.17 to DHS for a specified period of time not exceeding two-thirds of the maximum term of imprisonment that could be imposed under Wis. Stat. § 973.15(2)(a) against a person convicted of the same crime(s).
- For felonies committed on or after July 30, 2002, the court must commit defendants to a specified period not exceeding the maximum term of imprisonment that could be imposed under Wis. Stat. § 973.15(2)(a).
- First degree murder is a commitment for life.

The committing court sets the commitment period. The termination date of the commitment cannot be extended or shortened by the agent. Time cannot be stopped or tolled. There are no administrative early discharges for not guilty by reason of mental disease or defect commitments. The committing court may only terminate a commitment, not shorten it.

Conditional release criteria

The committing court is also the releasing authority. In Wisconsin, the standard for receiving a conditional release is dangerousness. That is, the court will deny a petition for conditional release if it finds clear and convincing evidence that the person would pose a significant risk of bodily harm to themselves or to others or of serious property damage if conditionally released. People found not guilty by reason of mental disease or defect may petition the committing court for conditional release every six months. For people committed prior to 1987, state law allows people found not guilty by reason of mental disease or defect to request reexamination of their commitment every four months.

Predisposition investigation reports and supplemental examinations

If the court lacks sufficient information in making a decision for placement, it may adjourn the hearing and order DHS to conduct a predisposition investigation (PDI) (CR-272) or a supplemental examination (SME) (CR-273). PDI and SME reports are similar in content to the presentence investigation reports completed by DOC. PDI reports are completed by the case manager. SMEs are inpatient examinations conducted by staff at a DHS institution or by a court-appointed independent examiner. Agents are not assigned cases until the court orders the client to be conditionally released. Still, an agent may be asked to provide information about the defendant for a PDI or SME.

Conditional release plans

When a petition for conditional release is granted by the committing court or a client is released directly from the committing court to the community, a Conditional Release Plan is ordered. The plan is written by the case manager. The agent, in collaboration with the case manager (in coordination with the county of residence/placement Wis. Stat. § 51.42 Board), reviews and provides input during the preparation of the plan. The plan must address the client's supervision needs, medication needs, community services, residential services, vocational services, and substance use treatment.

The court approved Conditional Release Plan, in conjunction with the standard Conditional Release Rules and Conditions, [F-25614](#), provides the core of the agent's case plan, supervision mandates, and case direction. Agents may add case-appropriate rules at any time in consultation with the rest of the conditional release team.

When should supervision begin?

Agents have full authority to supervise, detain, and/or initiate revocation of the client's conditional release once a Conditional Release Plan is ordered.

There may be a time delay in the committing court issuing the correct orders specifying a conditional release to the community. Agents should begin supervising conditional release clients immediately upon the court granting conditional release to ensure community safety.

Due to the prevalence of substance use in this population, the Conditional Release Plan should specify the frequency of urine analyses or other monitoring tools. Agents are responsible for completing urine analyses or other monitoring tools at the frequency indicated in the Conditional Release Plan or at a frequency identified by the conditional release team.

Agent case assignment sources

Institutional case assignment

Agents are not assigned conditional release clients until the court has granted the client's Petition for Conditional Release, F-25393. Agents are not assigned institution cases and receive no points for clients who are committed to an institution. When a client is granted conditional release, the case manager will notify the agent based upon the client's county of residence. If needed, DHS will assist in determining the client's county of residence.

Conditional release cases will be consolidated and assigned to one agent who provides conditional release supervision unless alternate arrangements are approved by DHS. This is necessary for the development of the following:

- Expertise of the Wis. Stat. § 971.17 legal process which varies significantly from the legal process for those individuals who have a criminal judgment of conviction.
- Knowledge in forensic mental health and how to effectively supervise and work with forensic mental health clients in the community.
- Relationships with the DHS contracted case management providers, DHS conditional release specialist, and other community providers.
- Proficiency in working with forensic mental health clients in the team approach model allowing a proactive versus reactive case positioning.
- Knowledge of local mental health resources and professionals to foster collaborative relationships with mental health providers in the community.

Statuskeepers will enter these cases into Workload Manager. The classification is PPI for 30 days, then INST until the client is conditionally released. While the client remains in the institution, the case is not set up in WICS.

When conditional release has been granted by the court, the institution social worker will forward file material for the case to the agent and the case manager. The institution social worker will also keep the agent and case manager informed of significant case changes.

Conditional release from an institution

When the committing court grants a client's conditional release petition, within 60 days, the case manager will prepare the conditional release treatment plan with input from the agent, community providers, and mental health institute treatment team, if applicable. The agent will review the plan as to its appropriateness and suggest modifications, if necessary.

The mental health institute social worker will initiate a conditional release planning staffing teleconference within 10 days of a patient being granted a conditional release. Agents can attend this staffing in person or via teleconference.

Statuskeepers will enter these cases into Workload Manager. The classification as PPI for 30 days, then INST until the client is conditionally released. While the client remains in the institution, the case is not set-up in WICS.

Conditional release - direct court release

Upon the not guilty by reason of mental disease or defect finding, the defendant is committed to DHS. The court may determine that the client can be safely released directly into the community without placement at an institution. At the time of a direct court release, the committing court will sign the Order for Placement and order DHS to complete a Conditional Release Plan (within 21 days).

The client should report immediately to the local DOC Division of Community Corrections office after leaving court for agent assignment and reporting instructions.

Community safety concerns make it important that the agent begin supervising the client immediately. Agents have full authority to supervise, detain, and/or revoke the client's conditional release.

Agents should have the client sign the Conditional Release Rules and Conditions, [F-25614](#). If the assigned agent is not available, another agent should have the client sign the DHS rules.

Rules of Supervision

Agents should have clients sign the DHS Conditional Release Rules and Conditions, [F-25614](#), within 48 hours of the conditional release being granted. **The DOC rules found in COMPAS do not apply to conditional release cases.**

DOC sometimes becomes aware of a new direct court release before DHS. The DOC Division of Community Corrections intake office and/or assigned agent should contact the DHS conditional release specialist and conditional release case manager immediately to ensure that necessary services and court-ordered reports are completed in a timely fashion.

Setting up a conditional release case on records

It is the agent's responsibility to set-up conditional release cases with the DOC Central Records Unit.

In order to set up the case, the DOC Central Records Unit will need:

- The Order of Commitment, [CR-271](#), and the Order of Placement, [CR-275](#). In many cases the court will send these orders directly to DOC. Sometimes these orders will come from the case manager.
- The agent's area number.
- The client's date of birth.
- The commitment expiration date. This date is found on the Forensic Computation, F-21568.

The Forensic Computation, F-21568, has client identification information. This form is completed by Mendota Mental Health Institute. It is sent to agents by the case manager.

Supervision fees, court costs, restitution

Because DHS contracts with DOC for supervision services, conditional release clients are exempt from paying supervision fees. Additionally, conditional release clients do not pay court costs or restitution.

Conditional release clients who are registered sex offenders must pay Sex Offender Registration Program fees.

Releases of information

Agents, case managers, institution staff, and DHS conditional release specialists may communicate with each other about clients without the need for a signed release of information from the client.

A release of information from the client must be signed for details about the client's records to be shared with all other people and agencies. Nearly all information about not guilty by reason of mental disease of defect cases is considered confidential. The information is protected under [Wis. Stat. § 51.30](#).

Confidentiality Reminders

- When emailing, do not use the client's full name in the subject line.
- Agents can only release CCAP information to the public.

All clients who are employed, who are engaged in volunteer work, or who are seeking to obtain employment or a volunteer position must sign a release of information form to enable their case manager and agent to speak with the employer or volunteer supervisor.

Level of supervision

During the first 30 days of conditional release supervision in the community, the agent must supervise clients at a level that consists of one face-to-face contact every seven days with one home visit within that first 30-day period. Face-to-face contacts may not be completed remotely or virtually.

After the first 30 days of supervision, the client's conditional release team should determine the next appropriate supervision level. **However, the supervision level should not be reduced below the medium level without DHS conditional release specialist approval.**

Home visits

The DHS minimum standards for the number of home visits following the first 30 days of conditional release for each supervision level are as follows:

SUPERVISION LEVEL	DHS MINIMUM VISIT STANDARD	DHS MINIMUM HOME VISIT STANDARD
<i>Enhanced (ENS)</i>	Once every seven days	Once every 30 days
<i>Intensive/Sex Offender (INT/SO)</i>	Once every seven days	Once every 30 days
<i>Maximum (MAX)</i>	Once every 14 days	Once every 30 days
<i>Medium (MED)</i>	Once every 30 days	Once every 60 days
<i>Minimum (MIN)</i>	If approved by DHS, every 60 days	If approved by DHS, every 90 days

Intra-state transfer of cases

All requests for case transfers to another area within the state must be reviewed by the DHS conditional release specialist. This step must occur before the supervising agent proceeds per the Mental Health/Not Guilty of Reason by Mental Disease or Defect section of the [DOC Electronic Case Reference Manual](#).

Out of state travel

Clients may not leave Wisconsin. [DHS 98.04\(3\)\(k\)](#) states that clients:

"May not live, work, travel or be trained or educated in another state, because persons committed to the department under [s. 971.17](#) or [980.06, Stats.](#), are not covered by the interstate compact under [s. 304.13, Stat.](#), or by [s. 304.135, Stats.](#) "

This prohibition for out of state travel cannot be waived by the agent.

See Appendix B: Protocol for out of state travel requests.

See Appendix C: Example memo regarding out of state travel request.

Violations and apprehensions

Apprehensions

When a client violates the court-ordered conditions of conditional release or the standard conditional release rules and the client's whereabouts and activities are unknown, the agent may issue an Apprehension Request ([DOC-58](#)). If the client also is on active probation, parole, or extended supervision, follow the "Apprehension of Violators" section within the Mental Health/Not Guilty by Reason of Mental Disease or Defect section of [the DOC Electronic Case Reference Manual](#).

As soon as possible, the agent should prepare the Petition for Capias, [F-25206](#), and the Order Granting Capias, [F-25207](#), and submit them to the committing court for the judge's signature. The court then routes the signed capias to the appropriate warrants division. The capias serves the dual purpose of a bench warrant and authorizes a law enforcement agency to detain the client pending further orders from the committing court.

Mandatory custodies may not always be appropriate for clients in the Conditional Release Program. When possible, decisions about mandatory custodies are made as a team in advance of the custody event.

After the verifying that the warrant is active in the system, the agent should cancel the Apprehension Request ([DOC-58](#)).

Custodies

Once a client is placed in custody, the agent should submit the Order to Detain ([DOC-212](#)).

Every time a client is placed in custody, the agent must e-file the completed Statement of Probable Cause for Detention and Petition for Revocation of Conditional Release, [F-25177](#), with the committing court within 72 hours of detention, excluding weekends and legal holidays. The agent signs as the DHS representative on this form. Copies of this form must be forwarded to the state public defender, district attorney's office, the DHS conditional release specialist, the county jail, and the DOC statuskeeper.

The statuskeeper sets the classification to REV for a minimum 30 days, but not longer than 60 days, or until receipt of the court's order revoking the conditional release.

Client behavior that could or does result in custody is a significant case event. Custodies and potential custodies are also opportunities for the conditional release team to review the client's Conditional Release Plan and to make appropriate modifications to the plan. Consequently, as soon as possible, the agent, case manager, DHS conditional release specialist, and other team members, as appropriate, should discuss by email, teleconference, or in person the client's behavior, the need for custody, and possible interventions and modifications to the treatment plan to address the problem behavior.

A revocation hearing must be scheduled, by the court, within 30 days of the date of detention, unless the hearing or time deadline is waived by the detained person.

If a detention facility refuses to accept the Order to Detain ([DOC-212](#)), the agent should prepare a Petition for Capias, [F-25206](#), and Order Granting Capias, [F-25207](#), for the committing court's signature and submit it to the detention facility.

The team will determine where the client is to be detained pending the revocation hearing (as noted on the [F-25177](#)). The DHS conditional release specialist will contact the DHS admissions office(s) to inform them of the pending revocation. The agent prepares the Order to Transport, [F-25205](#), for the committing court's signature. The court then forwards the Order to Transport to the sheriff's office to effect the transport.

Mental health institute

When a client is placed at a DHS institution, the institution social worker will contact the agent and the case manager to discuss the nature and details of the violation and/or safety concern.

By the fifth work day of the client's detention at the institution, the case manager will arrange a conference call to include case manager, institution social worker, the agent, and the designated DHS conditional release specialist. The conference call should address the nature and details of the violation and/or safety concern; the impression of the returnee's difficulties (including client's self-report) in the community and their specific needs; and possible alternatives to revocation. The client's needs will offer direction to the group's assessment of community treatment plan viability. If a recommendation for or against revocation is not determined at this conference call, the team will need to reconvene for that purpose. If the group decides to develop a Treatment Plan Adjustment (TPA) as an alternative to revocation, the case manager will schedule the next conference call and determine what the group participants will be working on to accomplish this goal.

The group's first and primary responsibility is to work together in the best interest of the client and the safety of the community. All participants will give voice to their opinions and assessments. When there are differences of opinion, the group is expected to articulate the reasons for the differences and to continue toward a consensus. Revocation will be pursued unless the DHS and the DOC agree to a TPA.

Revocation withdrawal

If revocation is not pursued, the agent submits a request to withdraw the petition for revocation with the Order on Petition to Revoke Conditional Release ([CR-276](#)) to the committing court, advising the court of this decision and, if approved by the court, returns the client to active supervision.

If the conditional release team decides to present the court with an alternative to revocation, they will collaborate to coordinate a TPA. The agent or case manager will submit the TPA to court for approval.

See Appendix D: Example memo regarding request to withdraw petition for revocation

Revocation hearings

When revocation is pursued, the normal DOC revocation process is not followed. The revocation hearing will be conducted by the committing court. The local district attorney is responsible for establishing clear and convincing evidence that any rule or condition of release has been violated or that the safety of the person or others requires that the conditional release be revoked. The agent will be called to testify as to the reason(s) for the requested revocation.

The district attorney represents DHS. The agent is a witness. The agent submits a memo indicating a summary of the activities and provides a copy to the court, district attorney, and state public defender's office.

When the court revokes a client's conditional release, the agent obtains the revocation order ([CR-276](#)) and forwards it to the DOC Central Records Unit.

Case files for clients revoked and subsequently placed at a mental health institute physically remain with the assigned agent. The statuskeeper will change the classification to pending until the court grants a new petition for conditional release.

Case termination

Conditional release cases may only be terminated by order of the committing court. The DOC Central Records Unit cannot remove the client from their records without a signed Order of Discharge from the committing court or confirmation of death through a death certificate or electronic verification.

The agent should submit the Order of Discharge, [F-25180](#), to the committing court at least 60 days prior to the commitment expiration date. In a cover memo, the agent, in consultation with the case manager, should address the appropriateness of DHS or the appropriate county department under [Wis. Stat. § 51.42](#) or [51.437](#), to proceed against the client under [Wis. Stat. ch. 51](#) or [Wis. Stat. ch. 55](#).

Upon receiving the signed Order of Discharge, [F-25180](#), from the committing court, the agent should forward copies to the DOC Central Records Unit and the DHS conditional release specialist. Agents should follow the normal DOC file termination process. Discharged case files should be sent to the admissions office at Mendota Mental Health Institute for storage. DOC should retain copies of the file materials for any concurrent period of probation, parole, or extended supervision.

In the case of a client death, the agent should request a death certificate. Once the death is confirmed through a death certificate or electronic verification, submit the Order of Discharge Upon Expiration of Commitment to the committing court.

Agents cannot administratively terminate a commitment early. Commitment discharge dates cannot be extended. Clients have the ability to petition for termination of their commitment ([Wis. Stat. § 971.17\(5\)](#)) if at least six months have lapsed since the person was last placed on conditional release or since the most recent petition was denied. Agents may inform clients of this statutory provision but should not encourage clients to initiate such action. Agents should inform the DHS conditional release specialist of any client who petitions the court for an early termination of their commitment.

See Appendix E: Protocol for petitions for early termination of a not guilty by reason of mental disease or defect commitment.

DHS Contacts

Conditional release specialists

Erin Graf Phone: 608-635-5842

Email: erin.graf@wisconsin.gov

Fax: 608-266-2579

Suzanne Williams Phone:

Email: 608-219-0076

Fax: suzanne.williams@wisconsin.gov

608-266-2579

Consultant for:

Western Region

Southeastern Region

Consultant for:

Dane

Fox Valley Region

Northern Region

Forensic mental health section supervisor

Kathleen Martinez

Phone: 608-266-5677

Email: kathleen.martinez@wisconsin.gov

Fax: 608-266-2579

1 West Wilson Street

Room 736

PO Box 7850

Madison, WI 53703

DHS mental health institutes admissions offices

Mendota Mental Health Institute

301 Troy Drive

Madison, WI 53704

608-301-1352

Fax: 608-301-1358

Switchboard: 608-301-1000

Winnebago Mental Health Institute

PO Box 9

Winnebago, WI 54981

920-235-4910, ext. 2916

Fax: 920-237-2043

Switchboard: 920-235-4910

Appendix A: Example not guilty by reason of mental disease or defect discharge memo to court

Date: (month) (day), (year)

To: Honorable (judge's name)
(name) County Circuit Court Branch (number, if applicable)
1234 W. Main St.
Anytown, WI 00000

From: (Your name)
Conditional Release Agent
Department of Corrections
Division of Community Corrections
1234 Main St.
Anytown, WI 53713

RE: **John D. Doe; Case No: 99-CF-0000; Expiration of Commitment Order pursuant to Wis. Stat. § 971.17(6).**

On (month) (day), (year), John Doe was found not guilty by reason of mental disease or defect for the crime(s) of ____000.00(0) and ____000.00(0). They were committed to the Department of Health Services (DHS) for a period of ____.

In accordance with [Wis. Stat. § 971.17\(1\)](#), Mr. Doe's commitment to the DHS will expire on (month) (day), (year). The conditional release team has no authority to provide treatment or supervise Mr. Doe beyond this date.

Pursuant to [Wis. Stat. § 971.17 \(6\)](#), this matter is being returned to the committing court for discharge. DHS has reviewed the defendant's case and finds no basis (or does find a basis) to proceed to commit the defendant pursuant to [Wis. Stat. ch. 51](#) or [Wis. Stat. ch. 55](#). The conditional release team does not (or does) recommend that the committing court take such action.

For the court's convenience, attached is the Order of Discharge Upon Expiration of Commitment, [F-25180](#). Further information on this client will be provided to the court upon request.

Note: Please use your agency's current letterhead when sending this letter to court.

Appendix B: Protocol for out of state travel requests

Background: Clients committed under [Wis. Stat. § 971.17](#) and conditionally released to the community may not leave the state of Wisconsin.

[DHS 98.04\(3\)\(k\)](#) states that conditionally released clients "May not live, work, travel or be trained or educated in another state, because persons committed to the department under [s. 971.17](#) or [980.06, Stats.](#), are not covered by the interstate compact under [s. 304.13, Stat.](#), or by [s. 304.135, Stats.](#)"

Nevertheless, occasionally judges will go on record allowing conditionally released clients to travel out of state.

The responsibility of DHS is to ensure that the court is made aware of the out of state travel prohibition as detailed in [DHS 98.04\(3\)\(k\)](#) and any specific concerns that may arise with the client prior to the anticipated date of travel.

Protocol: All conditional release treatment plans submitted to the committing court for approval should include the statement that the client "cannot travel out of the State of Wisconsin pursuant to the [Wisconsin Administrative Code § DHS 98.04\(3\)\(k\)](#)."

If the court persists in allowing out of state travel to occur, the supervising agent should contact the DHS conditional release specialist immediately. The agent should forward a memo (**see suggested court memo format on page 17**) to the court reaffirming [DHS 98.04\(3\)\(k\)](#) prior to the client's actual travel departure date. In cases where the court has previously ordered a blanket approval of out of state travel for a client, this memo should still be sent to the court prior to each out of state travel request unless the court specifically orders DHS to stop sending the letter.

If a specific concern arises with a client such as evidence of psychiatric instability, recent evidence of alcohol and other drug use, noncompliance with appointments with conditional release team members, or any other behavior in violation of the client's conditional release rules or conditions, the agent should order the client not to leave the state. The agent should send a memo to the committing court detailing the specific concern or violation and that DHS is denying the travel request at this time.

If, after making the court aware of the out of state travel prohibition under [DHS 98.04\(3\)\(k\)](#) and any specific case issues prior to the travel, the court still orders DHS to allow the out of state travel, the agent should contact the DHS conditional release specialist immediately.

Appendix C: Example memo regarding out of state travel request

Date: (month) (day), (year)

To: Honorable (judge's name)
(name) County Circuit Court Branch (number, applicable)
1234 Main St.
Anytown, WI 53703

From: (Your name)
Conditional Release Agent
Department of Corrections
Division of Community Corrections
1234 Main St.
Anytown, WI 53713

RE: Clarence C. Client; Out of state travel request; Case # 03 CF 111

(Client's name) was found not guilty by reason of mental disease or defect by your court and was committed to the Department of Health Services (DHS) pursuant to [Wis. Stat. § 971.17](#) on (month) (day), (year).

This client is requesting to travel out of state for purposes of (brief description of reason for out of state travel).

[Wisconsin Administrative Code § DHS 98.04\(3\)\(k\)](#) prohibits clients committed under Wis Stat. § 971.17 from traveling out of the state of Wisconsin.

[DHS 98.04\(3\)\(k\)](#) states: "These rules shall require that the client...May not live, work, travel or be trained or educated in another state, because persons committed to the department under s. 971.17 or 980.06, Stat., are not covered by the interstate compact under s. 304.13, Stats., or by s.304.135, Stats."

Neither the Department of Corrections (DOC) nor DHS may give approval for any type of out of state travel. Additionally, DOC and DHS cannot control, supervise, or provide mental health or any other services should this client choose not to return to Wisconsin. DHS does not have extradition authority in this case.

Given these prohibitions, I am requesting direction from the court before this client will be allowed to leave the state. You may contact me at the address above or at (insert phone number).

Thank you for your response in this matter.

Note: Please use your agency's current letterhead when sending this letter to court.

Appendix D: Example memo regarding request to withdraw petition for revocation

Date: (month) (day), (year)

To: Honorable (name)
(name) County Circuit Court Branch (number, if applicable)
1234 W. Main Street
Anytown, WI 00000

From: (Your name)
Conditional Release Agent
Department of Corrections
Division of Community Corrections
1234 Main St.
Anytown, WI 53713

RE: John D. Doe; Case No: 99-CF-0000; Request to withdraw petition for revocation

(client name) is committed to the Department of Health Services for (brief description of committing offense).

On or about (month) (day), (year), this client violated conditions of their conditional release and/or demonstrated a concern for safety by (brief description of issue).

The conditional release team has determined that a Treatment Plan Adjustment including (brief description of Treatment Plan Adjustment) is appropriate and is withdrawing the petition to revoke (client name's) conditional release.

We will be releasing (client name's) from custody on (date).

If the court still wishes to hold a revocation hearing please contact me at (insert phone number).

Further information on this client will be provided to the court upon request.

Note: Please use your agency's current letterhead when sending this letter to court.

Appendix E: Protocol for petitions for early termination of not guilty by reason of mental disease or defect commitment

Background: [Wis. Stat. § 971.17\(5\)](#) allows clients to petition the committing court for termination of a not guilty by reason of mental disease or defect commitment if at least six months have elapsed since the person was last placed on conditional release or since the most recent petition was denied.

Case managers and agents may, if asked by a client, inform them of this statutory provision.

Protocol: If the team feels community/client safety would be jeopardized by the court granting the petition. The team should produce a letter to court prior to the hearing. This letter typically is written by the case manager in collaboration with the agent. The letter should:

Provide factual information identifying the conditional release team's opposition and why.

Remind the court that should the petition be granted, DHS will have no authority to monitor, supervise, provide mental health services, provide any other services, or ensure that the client will continue to properly address their mental health or substance use issues.

A draft of the letter should be sent to the DHS conditional release specialist for review prior to distribution. After the letter has been approved, it should be sent to the judge with copies to the district attorney's office, defense attorney, and client prior to the hearing even if unsolicited by the court.

If the team does not have specific concerns for community/client safety, a letter should be submitted to court only if requested by the judge, district attorney, defense attorney, or client (if legally representing themselves). If requested, this letter should be submitted prior to the hearing.

Agents and case managers should not attend a hearing on a petition to terminate a commitment unless subpoenaed or verbally requested to do so by the judge, district attorney's office, defense attorney, or client if they are legally representing themselves.