

THE DEPARTMENT OF HEALTH SERVICES



**COMMUNITY SUPERVISION OF CONDITIONAL RELEASE
CLIENTS
UNDER WISCONSIN STATE STATUTE § 971.17
NOT GUILTY BY REASON OF MENTAL DISEASE
OR DEFECT (NGI)**

PROCEDURES MANUAL

P-00703 (02/2015)

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THE NGI FINDING

Less than one percent of all criminal pleas result in a Not Guilty By Reason of Mental Disease or Defect (NGI) commitment under Wis. Stat. § [971.17](#).

The NGI finding is a two-part court process. First, the defendant must be found guilty of the committing offense. The court then orders the defendant to be examined by two independent examiners. The criteria for the NGI plea is that 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.

Persons committed under this legal status are not considered to be “convicted”. Because of this, misdemeanor and felony NGI clients may vote during their commitment. A more appropriate term for persons committed under this legal status is “client” rather than “offender”.

COMMITMENT TO DHS

Persons found NGI are committed to the Department of Health Services (DHS). The committing court determines placement. Options include Mendota Mental Health Institution (MMHI), Winnebago Mental Health Institution (WMHI) or directly into the community (direct court release) on conditional release. The DHS contracts with the Department of Corrections (DOC), Division of Community Corrections (DCC), to provide community supervision services to persons conditionally released. Designated **NGI Agents function as the representatives of the DHS.**

- An NGI client must be conditionally released to the community if a court determines that the defendant does not pose a significant risk of bodily harm to himself or herself or to others or of causing serious property damage. Once a person is conditionally released by a court, agents have full authority to supervise, detain and/or initiate revocation of the clients conditional release. There may be a time delay in the committing court issuing the actual commitment order ([CR 271](#)) and/or the order of placement ([CR 275](#)) specifying a conditional release to the community. Community safety concerns however, make it important that the agent begin supervising the client immediately upon the court granting the defendants conditional release. Agents should have the NGI client initially sign the DHS Conditional Release Rules and Conditions form ([F-25614](#)). The DOC rules ([DOC-10](#)) do not apply to NGI cases.
- The NGI defendant may be committed to the 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 an offender convicted of the same crime or crimes.

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For felonies committed on or after July 30, 2002, the court shall 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 court sets the commitment period. The termination date of the commitment can

not be extended or shortened by the agent. Time cannot be stopped or tolled. There are no administrative early discharges for NGI commitments. The committing court may only terminate a commitment rather than shortening it.

CONDITIONAL RELEASE CRITERIA

The committing court is also the releasing authority. In Wisconsin, the standard for conditional release is dangerousness. That is, the court will deny a petition for release if it "finds clear and convincing evidence that the person would pose a significant risk of bodily harm to himself or herself or to others or of serious property damage if conditionally released". Defendants may petition the committing court for conditional release from WMHI or MMHI every six (6) months. Prior to 1987, the statute allows the defendant to request reexamination of their commitment every 4 months.

PREDISPOSITION INVESTIGATION (PDI) REPORTS

If the court lacks sufficient information in making a decision for institutional placement or conditional release, it may adjourn the hearing and order the DHS to conduct a [predispositional investigation \(PDI\)](#), form [CR-272](#) or a supplemental examination (SME), form [CR-273](#). PDI and SME reports are similar in content to the Presentence Investigation reports done by the DOC. SME's are inpatient examinations and are conducted by staff at MMHI, WMHI or independent examiners appointed by the court. PDI reports are completed by the contracted DHS case manager. Agents are not assigned NGI cases until the court orders the client to be conditionally released.

CONDITIONAL RELEASE PLANS

When a petition for conditional release from WMHI or MMHI is granted by the committing court or an NGI client is released directly from the committing court to the community, a Conditional Release plan is developed. The plan is written by the contracted community case manager. The assigned agent, in collaboration with the DHS contracted mental health provider (in coordination with the county of residence/placement Wis. Stat. § [51.42](#) Board) reviews and provides input during the plan preparation. By statute, the plan must address provisions for supervision, medication, community services, residential services, vocational services and alcohol and other drug abuse treatment.

Due to the prevalence of substance abuse in this population, the Conditional Release plan will specify the frequency of UA's as a treatment/community safety monitoring tool

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The court approved Conditional Release Plan, in conjunction with the standard **CONDITIONAL RELEASE RULES AND CONDITIONS**, [F-25614](#), provides the core of the agents case plan, supervision mandates and case direction. Agents may still add case appropriate rules at any time. Any additional rules imposed by the agent should be communicated to the assigned case manager.

AGENT CASE ASSIGNMENT SOURCES

Institutional Case Assignment

- Agents are not assigned NGI cases until a court has granted the clients petition for Conditional Release. Agents are not assigned institution cases and receive no points for clients who are committed to WMHI or MMHI for institutional care. When a client is granted a conditional release from WMHI or MMHI and based upon the clients county of residence, the DHS contracted case manager will notify the respective DOC Unit Supervisor. If needed, the DHS will assist in determining the client's resident county.
- The DOC Unit Supervisor will assign the case to the NGI Agent who covers the clients county of residence. The DOC Supervisor will forward this information to the assigned agents Ledgerkeeper.
- Ledgerkeepers will enter these cases onto the ledger checking the "NGI" box on the Ledger screen and setting 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 on records with DOC's Central Record Unit. Therefore, a [DOC-44](#) document is not issued to the supervising agent.

Once a petition for Conditional Release has been granted by the court, the institution social worker will forward file material on the case to the agent. The institution social worker will also keep the agent informed of significant case changes.

Conditional Release from an Institution

When the committing court grants a client's conditional release petition, the institution social worker and the contracted DHS community case manager will prepare the conditional release treatment plan within 60 days. The agent shall review the plan as to its appropriateness and suggest modifications, if necessary.

- If possible, the agent should attend the conditional release-planning meeting held at the institution in person. If the agent is not able to attend in person, the CONDITIONAL RELEASE RULES AND CONDITIONS ([F-25614](#)), with any additional rules imposed by the agent, should be faxed to the institution for review during the planning meeting with the agent participating via telephone conference call. The DHS rules must be signed prior to the client leaving the MHI.
- Upon a court order for conditional release, the agent does not prepare a [DOC-15](#).

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Conditional Release - Direct Court Release

After a court accepts an NGI plea, the defendant is committed to the DHS. The court may determine that the client can be safely released directly into the community without placement at WMHI or MMHI. Usually, at the time of a direct court release, the

committing court will also order the DHS to complete a Conditional Release Plan (within 21 days) or a PDI (typically within 30 days).

- The conditionally released client should report immediately to the local DCC office, directly upon leaving the 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 NGI client initially sign the Conditional Release Rules and Conditions, form [F-25614](#). If the agent is not available, another agent should have the client sign the DHS rules.
- Sometimes, the DCC becomes aware of a new NGI Direct Court Release before the DHS. The DCC intake office and/or assigned agent should contact the DHS Forensic Services Specialist and Conditional Release Regional Provider (see Conditional Release Regional Providers map) immediately, to ensure that necessary services and court ordered reports are secured in a timely fashion.

SETTING UP AN NGI CASE ON RECORDS

It is the supervising agent's responsibility to set-up Conditional Release cases with the DOC Central Records Unit (CRU).

- Upon receipt of the [CR-271](#) (Order of Commitment) and the [CR-275](#) (Order of Placement), from the committing court, the agent shall forward the orders to the DOC CRU. The order must contain:
 - The agent's area number.
 - Clients date of birth.
 - The commitment discharge date. This date is found on the Forensic Computation Discharge Date Form.
 - Include a copy of the [DOC-3](#) (Face Sheet) with client identification information.

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NO SUPERVISION FEES/COURT COSTS/RESTITUTION

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

CR clients who are registered sex offenders are required to pay SORP fees.

FUNDING FOR CONDITIONAL RELEASE SERVICES

On April 14, 1993, the Wisconsin Supreme Court held that the DHS was responsible for funding the conditions of release for those indigent persons who are committed as NGI and are subsequently conditionally released by the court.

The specific court case involved a conditionally released client by the name of Donald J. Rolo, a Langlade County resident. Mr. Rolo's conditions included placement at a group home or other residential facility to ensure compliance with a court order for medication. The county department refused to assume financial responsibility.

The DHS has only limited funds to finance conditional release services. Therefore, the DHS requires that all proposed budgets for services be reviewed to assure that the services are clinically appropriate and are necessary to implement the conditional release order of the court.

Examples of the types of services that the DHS is authorized by statute to fund include: mental health medications, counseling, community support program services, residential placement costs - including community based residential facilities and alcohol and other drug abuse (AODA) outpatient treatment.

Services that the conditional release program are not authorized to fund include: Any treatment related to physical health services or services for anyone other than the conditional release client (such as the clients spouse or children). Costs related to inpatient AODA treatment maybe allowed if approved in advance by the DHS Forensic Services Specialist.

All income that conditionally released clients receive (e.g., employment, SSI, SSDI, VA benefits, etc.) must be reported and are used toward the cost of care pursuant to Wis. Stat. § [46.10](#).

NEED FOR SIGNED RELEASES OF INFORMATION

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The DHS contracts directly with the DOC and the regional conditional release mental health providers for services. As such, agents, the DHS contracted case managers, WMHI/MMHI staff and DHS Forensic Services Specialists may communicate with each other about NGI clients without the need for a signed release of information from the NGI client.

For those individuals and agencies the DHS does not directly contract with, a release of information is necessary from the client to share any information regarding the client's treatment records. Nearly all information about NGI cases is considered confidential and is protected under Wis. Stat. § [51.30](#).

All CR clients who are employed, engaged in volunteer work or who are seeking to obtain employment or a volunteer position share with the employer their legal status and sign a release of information form to enable the assigned case manager and supervising Division of Community Corrections agent to communicate with the employing agency.

LEVEL OF SUPERVISION

During the initial 30 days of conditional release supervision in the community, it is recommended that the agent supervise conditional release clients at a level that

consists of one face to face contact every seven days with one home visit within that initial 30 day period.

After the initial 30 days of supervision, the agent shall determine the next appropriate supervision level. **However, the supervision level shall not be reduced below the Medium level without DHS Forensic Services Specialist approval.**

INTRA-STATE TRANSFER OF CASES

All requests for case transfers to another area within the state must be reviewed by the DHS Forensic Services Specialist. This step must occur before the supervising agent proceeds per section [11.02 of the DCC Operations Manual](#).

OUT OF STATE TRAVEL

NGI clients may not leave the state of Wisconsin. Wisconsin Admin. Code § DHS [98.04\(3\)\(k\)](#) states that NGI 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 A – Protocol when a court grants out of state travel for conditional release clients committed under Wis. Stat. § [971.17](#) in conflict with § DHS [98.04\(3\)\(k\)](#) and suggested court memo.

VIOLATIONS

Apprehensions -

- When an NGI client violates the court ordered conditions of 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](#)). Check NO in the extradition section of the [DOC-58](#).

However, if the client also has an active probation, parole or extended supervision case, follow [DCC Operations Manual Chapter 09.01.04](#), "Apprehension Request". Check YES in the Extradition section of the DOC-58 if the offender's case is a felony.

- As soon as possible, the agent shall 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 sheriff's department 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.
- After the agent verifies (through the sheriff's department warrant division) that the Capias is active in the system, the agent shall cancel the Apprehension Request ([DOC-58](#)).

Custodies –

- Every time that an NGI client is placed in custody, the agent must submit the completed STATEMENT OF PROBABLE CAUSE FOR DETENTION AND PETITION FOR REVOCATION OF CONDITIONAL RELEASE ([F-25177](#)) to the committing court and the regional office of the State Public Defender responsible for handling cases in the county where the committing court is located **within 72 hours of detention, excluding weekends and legal holidays**. Copies of the DDE-5177 should also be forwarded to the District Attorneys office and to the DHS Forensic Services Specialist (see *DHS CONTACTS* on page 12). The agent signs as the DHS Representative on the [F-25177](#). The date of detention is included on this form as well.
- Client behavior which could or does result in custody is a significant case event. Custodies and potential custodies are also opportunities for the team to review the clients conditional release plan and to make appropriate modifications to the plan. Consequently, as soon as possible, the agent, case manager, Forensic Services Specialist and other team members, as appropriate, should discuss (via email, telephone conference call or in person) the clients 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 shall prepare a Capias Order ([F-25206](#) and [F-25207](#)) for the committing court's signature and submit it to the detention facility.

- The supervising agent will determine where the client is to be detained pending the revocation hearing (as noted on the [F-25177](#)). In most cases, when revocation is being pursued, transportation is arranged to the appropriate mental health institute. The Forensic Services Specialist will contact the admissions office of WMHI or MMHI to ensure that space is available. The agent prepares the ORDER TO TRANSPORT ([F-25205](#)) for the committing courts signature. The court then forwards the Order to Transport to the sheriff's office to effect the transport.
- The Ledger keeper 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.

Mental Health Institute

- When a client is placed at WMHI or MMHI, the institutional social worker will contact the agent and the DHS contracted case manager to discuss the nature and details of the violation.
- By the fifth (5) work day of the client's detention at the institution, the DHS contracted case manager will arrange a conference call to include not less than the contracted case manager, institutional social worker, the DCC agent, and the designated DHS Forensic Services Specialist. The conference call should address the nature and details of the violation; the impression of the returnee's difficulties (including client's self-report) in the community and his or her 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 an alternative to revocation plan (ATR), 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 an ATR.

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Revocation Withdrawal -

- If revocation is not pursued, the agent withdraws the petition, advises the committing court of this decision and if approved by the court, returns the client to active supervision.

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
- When the court revokes a client's conditional release, the agent obtains the revocation order ([CR-276](#)) and forwards it to the DOC's CRU.
- Client case files for persons revoked and re-institutionalized while on conditional release will physically remain with the assigned agent. The Ledger keeper will change the classification to UNCL until the court grants a new petition for Conditional Release.

CASE TERMINATION

Conditional Release cases may only be terminated by order of the court. In addition, the DOC/CRU cannot remove the client from their records without a signed discharge order from the committing court.

- The agent should submit the ORDER OF DISCHARGE UPON EXPIRATION OF COMMITMENT ([F-25180](#)), to the committing court at least sixty (60) days prior to the commitment expiration date. In a cover memo, (see EXAMPLE OF NGI DISCHARGE MEMO TO COURT on page 13) the agent, in consultation with the DHS contracted case manager, shall address the appropriateness of the 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 [55](#).
- Upon receiving the signed ORDER OF DISCHARGE UPON EXPIRATION OF COMMITMENT ([F-25180](#)) from the committing court, the agent shall **forward copies to the DOC/CRU and the DHS Forensic Services Specialist**. Agents then follow the normal DOC file termination process. Discharged NGI case files are then sent to Mendota Mental Health Institution, Admissions Office, for storage (see address on page 13). The DOC shall retain copies of the file materials for any concurrent period of probation, parole or extended supervision.
- Agents cannot administratively terminate an NGI commitment early. Commitment discharge dates cannot be extended. Clients have the statutory ability to petition for termination of their commitment ([971.17\(5\)](#) if at least six (6) 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 shall inform the DHS Forensic Services Specialist of any NGI client who petitions the court for an early termination of their commitment. **See [Appendix B](#) – Protocol for Petitions for Early Termination of an NGI Commitment.**

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IMPORTANT REMINDERS

The DHS Conditional Release Program has become a national model for community reintegration of forensic clients. The program's reputation for effective, high quality community mental health services and low recidivism rates is due in large measure to its treatment team approach in working with this challenging population. Agents are a valued and important members of the treatment team. Community supervision skills and the unique authority to leverage treatment plan compliance are essential to our process. Timely, open communication between team members and a thorough understanding of each members role is critical to client success and community safety. Working as a cohesive team, the DHS Conditional Release Program will continue to set new standards in community forensic work and provide the citizens of Wisconsin with the safest, most effective method of community reintegration for this population.

DHS CONTACTS

See *NGI Agent/Case Manager directory for DOC NGI specialists*

Conditional Release Supervisor:

Beth Dodsworth
608-267-7705
Fax: 608-266-2579
Email: Beth.Dodsworth@wisconsin.gov

Forensic Services Contract Specialists:

Katie Martinez
608-266-5677
Fax: 608-266-2579
Email: kathleen.martinez@wisconsin.gov

Consultant for: Dane, Fox Valley and Northern Regions

Suzanne Williams
608-266-7793
Fax: 608-266-2579
Email: suzanne.williams@wisconsin.gov

Consultant for: Western and Milwaukee Regions

DHS Mental Health Institution Admissions Offices

Mendota Mental Health Institution

301 Troy Drive
Madison, WI 53704
608-301-1352
Fax: 608-301-1358
Switchboard: 608-301-1000

Winnebago Mental Health Institution

PO Box 9
Winnebago, WI 54981
920-235-4910 extension 2916
Fax: 920-237-2043
Switchboard: 920-235-4910 extension 0



Scott Walker
Governor

State of Wisconsin
Department of Corrections

Edward F. Wall
Secretary

Date

Honorable _____
_____ County Circuit Court Branch
000 W. Main Street
Anytown, WI 00000

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

Dear Judge _____,

On 00-00-00, John Doe was found Not Guilty by Reason of Mental Disease or Defect for the crime(s) of _____000.00(0), _____000.00(0), and was 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 **00-00-00**. The Department of Corrections has no authority to supervise Mr. Doe beyond this date.

Pursuant to Wis. Stat. § [971.17\(6\)](#), this matter is being returned to the committing court for discharge. The Department 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 [55](#). The Department of Corrections does not (or does) recommend that the committing court take such action and further, recommends that the defendant be discharged from Conditional Release **effective 00-00-00**.

Attached, for the court's convenience, is the form [F-25180](#): "ORDER OF DISCHARGE UPON EXPIRATION OF COMMITMENT". Further information on this defendant will be provided to the court upon request.

Sincerely,

Agent # 00000
CC: DHS; ADA; Defense Atty.



Tony Evers
Governor

Andrea Palm
Secretary

State of Wisconsin
Department of Health Services

Telephone: 608-266-2000
FAX: 608-266-2579
TTY: 888-241-9432
dhs.wisconsin.gov

Appendix A

Date

To: DHS Conditional Release Providers
DCC NGI Agents

From: DHS Forensic Services Specialists

Re: Protocol when a court grants out of state travel for conditional release clients committed under [Wis. Stat. § 971.17](#) in conflict with [Wis. Admin. Code § DHS 98.04\(3\)\(k\)](#).

Background:

Clients committed under [Wis. Stat. § 971.17](#) and conditionally released to the community may not leave the state of Wisconsin. Wis. Admin. Code § [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 the department 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 of 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 shall include the statement that the client "cannot travel out of the State of Wisconsin pursuant to the State of Wisconsin Administrative Rule [DHS 98.04\(3\)\(k\)](#)."
- If the court persists in allowing out of state travel to occur, the supervising DCC Agent shall contact the DHS Forensic Services Specialist immediately (see contact information on page 14 of the CR Program Directory). The Agent shall then forward a letter (**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 letter should still be sent to the court prior to each out of state travel request unless the court specifically orders the department 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 clients conditional release rules or conditions, the Agent shall order the client not to leave the State of Wisconsin. The Agent shall then send a letter to the committing court detailing the specific concern or violation and that the department 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 the department to allow the out of state travel, contact the DHS Forensic Services Specialist immediately.



Scott Walker
Governor

Edward F. Wall
Secretary

State of Wisconsin
Department of Corrections

Date: _____

To: The Honorable _____ County Circuit Court Branch ____
1234 Elm Grove Lane
Anytown, WI. 53703

From: _____
DCC, Conditional Release agent
123 Main Street
Anytown, WI. 53713

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

Your Honor,

Mr. Client 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 _____.

Mr. Client is requesting to travel out of state for purposes of visiting his family.

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

Wisconsin Admin. Code § [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 nor the DHS may give approval for any type of out of state travel, cannot control, supervise, provide mental health or any other services should Mr. Client choose not to return to Wisconsin. In addition, the DHS does not have extradition authority in this case.

Given these prohibitions, I am requesting direction from the court before Mr. Client will be allowed to leave the state. You may contact me at the address above or at (____) ____-____.

Thank you for your response in this matter.

CC: ADA, _____
Defense Attorney, _____
DHS Forensic Services Specialist, _____



Tony Evers
Governor

Andrea Palm
Secretary

**State of Wisconsin
Department of Health Services**

Telephone: 608-266-2000
FAX: 608-266-2579
TTY: 888-241-9432
dhs.wisconsin.gov

Appendix B

Date

To: DHS Conditional Release Providers
DCC NGI Agents

From: DHS Forensic Services Specialists

Re: Protocol for Petitions for Early Termination of an NGI Commitment

Background:

[Wisconsin Stat. § 971.17\(5\)](#) allows clients to petition the committing court for termination of an NGI commitment if at least six (6) 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 a client petitions the court for early termination of his/her commitment and the team feels that community/client safety would be jeopardized if the court grants the petition, the team shall produce (typically authored by the case manager) a letter to the judge stating the department's opposition and why.

A draft of the letter shall be sent to the Forensic Services Specialist for review prior to distribution.

This letter shall be sent to the judge with copies to the district attorney, defense attorney and client, even if unsolicited by the court.

- If the team does not have any specific concerns for community/client safety and if requested in writing by the judge, district attorney, defense attorney or client (if legally representing him/herself), the team shall produce a letter factually reporting on the clients adjustment while on conditional release. The letter shall note any violations and custody periods.

The letter shall also remind the court that should the petition be granted, the DHS will have no authority to monitor, supervise, provide mental health or any other services, or to otherwise ensure that the client will continue to properly address their mental health or substance abuse issues.

A draft of the letter shall be sent to the Forensic Services Specialist for review prior to distribution.

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 he/she is legally representing themselves.