



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

James Greer

Name of Individual Certifying this Document/Proposed Document


Director, Bureau of Health Services

Title

Signature

Date Signed

Department of Corrections – Wisconsin
Office of the Secretary
Wis. Stat. § 227.112(6)
DOC-2910 (6/2019)

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 500.70.22	Page 1 of 5
	Original Effective Date: 05/01/89	New Effective Date: 12/12/12
	Supersedes: 302 IMP 9	Dated: 10/01/92
	Administrator's Approval: Cathy A. Jess, Administrator	
Required Posting or Restricted:		
<input type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 500 Health Services		
Subject: Dual Commitment Placement		

POLICY

DAI shall have a process to address the placement of individuals who are concurrently serving a criminal sentence and are committed under Chapter 971 statutes for mental health services. The process shall be consistent with a memorandum of agreement with the Department of Health Services. Chapter 971 statutes include commitments under 971.14 (competency to proceed) and 971.17 (not guilty by reason of mental disease or defect).

REFERENCES

Wisconsin Statutes s. 971.14 – Competency proceedings

Wisconsin Statutes s. 971.17 – Commitment of persons found not guilty by reason of mental disease or mental defect

Memorandum of Agreement, Dual Commitment Placement Process

DEFINITIONS, ACRONYMS, AND FORMS

DHS – Department of Health Services

DOC – Department of Corrections

MH – Mental Health

MMHI – Mendota Mental Health Institute

WFU – Wisconsin Forensic Unit

WMHI – Winnebago Mental Health Institute

WRC – Wisconsin Resource Center

PROCEDURE**I. Sentence First, Commitment Second – Current Placement in DOC Institution/Center, Then Committed via 971.17 on Another Issue**

- A. DOC institution/centers identify individual in need of mental health services that DOC determines their system, including treatment resources at WRC, cannot provide.

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- B. DOC institution/center contacts appropriate mental health facility (WMHI for females and MMHI for males) and requests a review of the case by the DHS review team members with information provided by the institution/center.
 - C. DHS review team reviews case and makes decision.
 - D. Transfer effected if all agree.
- II. Sentence and Commitment Simultaneous – Multiple Charges, Sentenced on Some Charges, Committed via 971.17 on Others – Current Placement in DOC Institution/Center**
Same process as outlined in Section I above.
- III. Commitment First, Sentence Second – Current Placement in Mental Health Facility via 971.17, Then Sentenced on New Charges**
- A. DHS identifies individual who is not in need of inpatient mental health services and determines the DOC system would be more appropriate for the individual.
 - B. DHS contacts the DOC Mental Health Director and submits a request for review of information to determine whether transfer to DOC facility is acceptable.
 - C. The Mental Health Director shall review the material for completeness and forward the information to an appropriate DOC institution/center.
 - D. DOC review team at the institution/center receives the packet, reviews information and makes a decision.
 - E. Transfer effected if all agree.
- IV. Sentence and Commitment Simultaneous – Multiple Charges, Committed via 971.17 on Some Charges, Sentenced on Others – Current Placement in Mental Health Facility**
Same process as outlined in Section III above.
- V. Sentence, New Charge, Evaluation/Commitment Under 971.14 – Current Placement at DOC Institution/Center or WRC**
- A. In the case where a court orders a competency to stand trial evaluation, the evaluation order will be forwarded by the Clerk of Courts to the WFU, a DHS contracted agency. WFU will assign an examiner who travels to the DOC facility or the WRC to conduct the examination.
 - B. If the court finds the person not competent and in need of treatment to competency, a transfer shall be made to the appropriate DHS mental health facility or the WRC for treatment.

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VI. Sentence, Revocation Pending, Order for Competency Determination

- A. Division of Hearings and Appeals Office (administrative law judge) must send a referral letter to the circuit court for a competency evaluation to occur on a person in the revocation process.
- B. Division of Hearings and Appeals will send a copy of that referral letter to WFU.
- C. WFU completes the competency evaluation for the court.
- D. If WFU determines that a person in the revocation process requires an inpatient competency evaluation, WFU will forward the court order to the MMHI admissions office to place the person on the forensic admission waiting list.
 - 1. All male inmates will be admitted to MMHI.
 - 2. All female inmates will be admitted to WMHI.
- E. If the court finds a person in the revocation process “not competent, but likely to be restored” and this person continues to be placed in a DOC facility, this person’s name will be placed on the forensic admission waiting list after the MMHI admissions office receives a 971.14(5) court order. The person will subsequently be transferred to WRC, or admitted to the appropriate mental health facility for treatment to competency.
- F. MMHI, WMHI and WRC shall forward copies of any court reports or letters regarding a competency evaluation or treatment to competency to the supervising agent.

VII. Process When the Departments Disagree

- A. Clinical Review
 - 1. In the event of disagreement between departments regarding an individual’s placement a clinical panel will review the case.
 - 2. The panel shall consist of one representative from DHS (MH institute that did not initiate the referral) and one representative from DOC who shall be designated by the Mental Health Director.
 - 3. If placement is not resolved after the clinical review, placement shall be decided by administrative review.
- B. Administrative Review

If placement is unresolved after the clinical review, the division administrator of the agency who would have received the referred individual shall review the written material, contact panel members and institution/center staff as necessary and decide the placement.

VIII. Referral Packet Information

- A. The following documents and information shall be included in a referral packet sent to the DOC or DHS prior to the individual’s arrival at the facility.

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1. Background such as face sheet demographic information.
 2. Social history information.
 3. Psychiatric evaluations.
 4. Documented reason for referral.
 5. Statement from a psychiatrist or psychologist identifying the reasons why placement at DOC or a DHS facility would best match the individual's treatment and/or security needs.
 6. Recommendation for follow-up plan.
 7. Institution/center adjustment.
 8. Special purpose evaluations.
- B. Contacts for the initial referral include the Forensic Services Director at WMHI, the Forensic Medical Director at MMHI, and the Mental Health Director for the DOC.
- C. Copies of the referral cover letter as well as a copy of the final decision regarding the transfer shall be sent to the DHS Deputy Division Administrator, the DOC Mental Health Director, and the appropriate DOC institution/center.

Bureau of Health Services: _____ **Date Signed:** _____
James Greer, Director

_____ **Date Signed:** _____
Dr. David Burnett, Medical Director

_____ **Date Signed:** _____
Kevin Kallas, Mental Health Director

Administrator's Approval: _____ **Date Signed:** _____
Cathy A. Jess, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 500.70.22	Page 5 of 5
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 500 Health Services		
Subject: Dual Commitment Placement		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES**DEFINITIONS, ACRONYMS, AND FORMS****FACILITY PROCEDURE**

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other