

# Competency Restoration

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# Purpose of presentation

- Discuss forensic commitments in Wisconsin
- Discuss why there is a wait for people to get into the state mental health institutes
- Discuss Department of Health Services (DHS) initiatives to address the wait time
- Discuss community competency programs

# Forensic commitments mandated by Wisconsin State Statutes

## 971.14(2)

Order for Competency Examination by  
DHS (CR-205)

An individual is found to be in need of an examination to assess whether they are competent to stand trial

## 971.14(5)

Order of Commitment for Treatment  
(Incompetency) (CR-206)

An individual is found incompetent to stand trial and ordered to receive competency restoration treatment

## 971.17

Order of Commitment (Not Guilty by  
Reason of Mental Disease or Defect)  
(CR-271)

An individual is found not guilty of committing a crime by reason of mental disease or defect and ordered to receive treatment by DHS

# How does DHS make admission decisions?

## 1. Acuity

When an individual exhibits serious behaviors such as not eating or drinking; suicide attempts; aggression to self, staff, or peers; or other dangerous behaviors

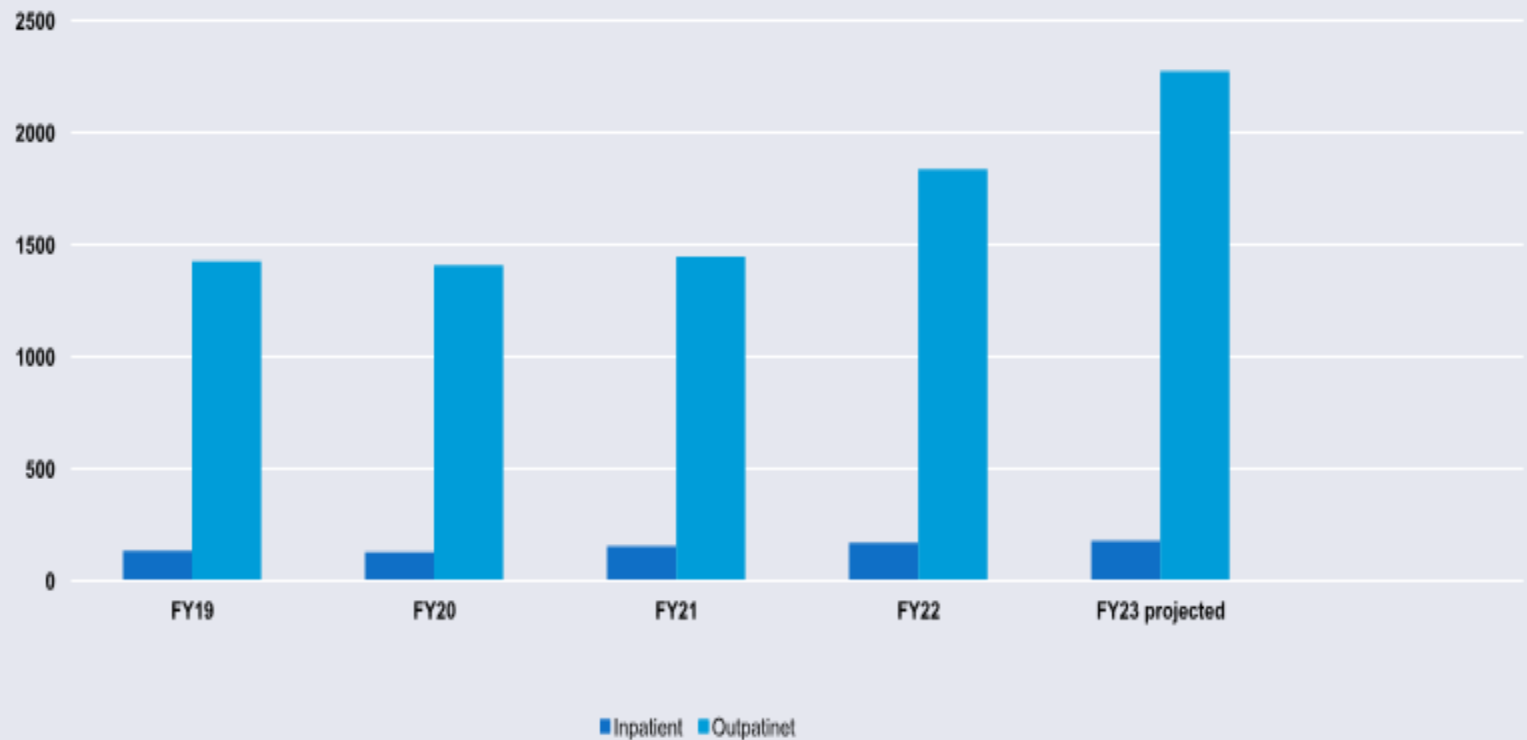
## 2. Statutory timeframes

## 3. Days available to provide treatment

Sentence credit days can significantly reduce the amount of time available to restore competency (especially in misdemeanor cases).

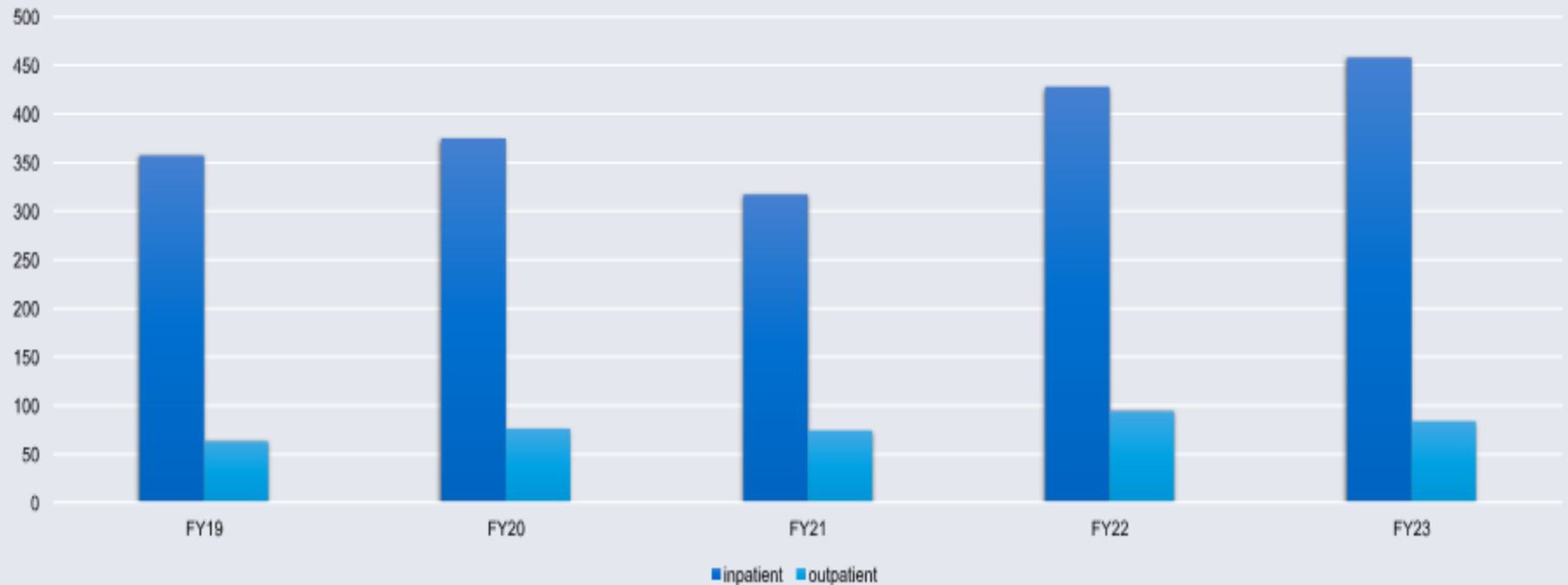
## 4. Date order received

# Competency evaluations



	FY19	FY20	FY21	FY22	FY23
Inpatient	132	128	154	169	175
Outpatient	1,425	1,408	1,446	1,837	2,260

# Order for treatment to competency



	FY19	FY20	FY21	FY22	FY23
Inpatient	357	375	317	482	477
Outpatient	63	76	74	94	98

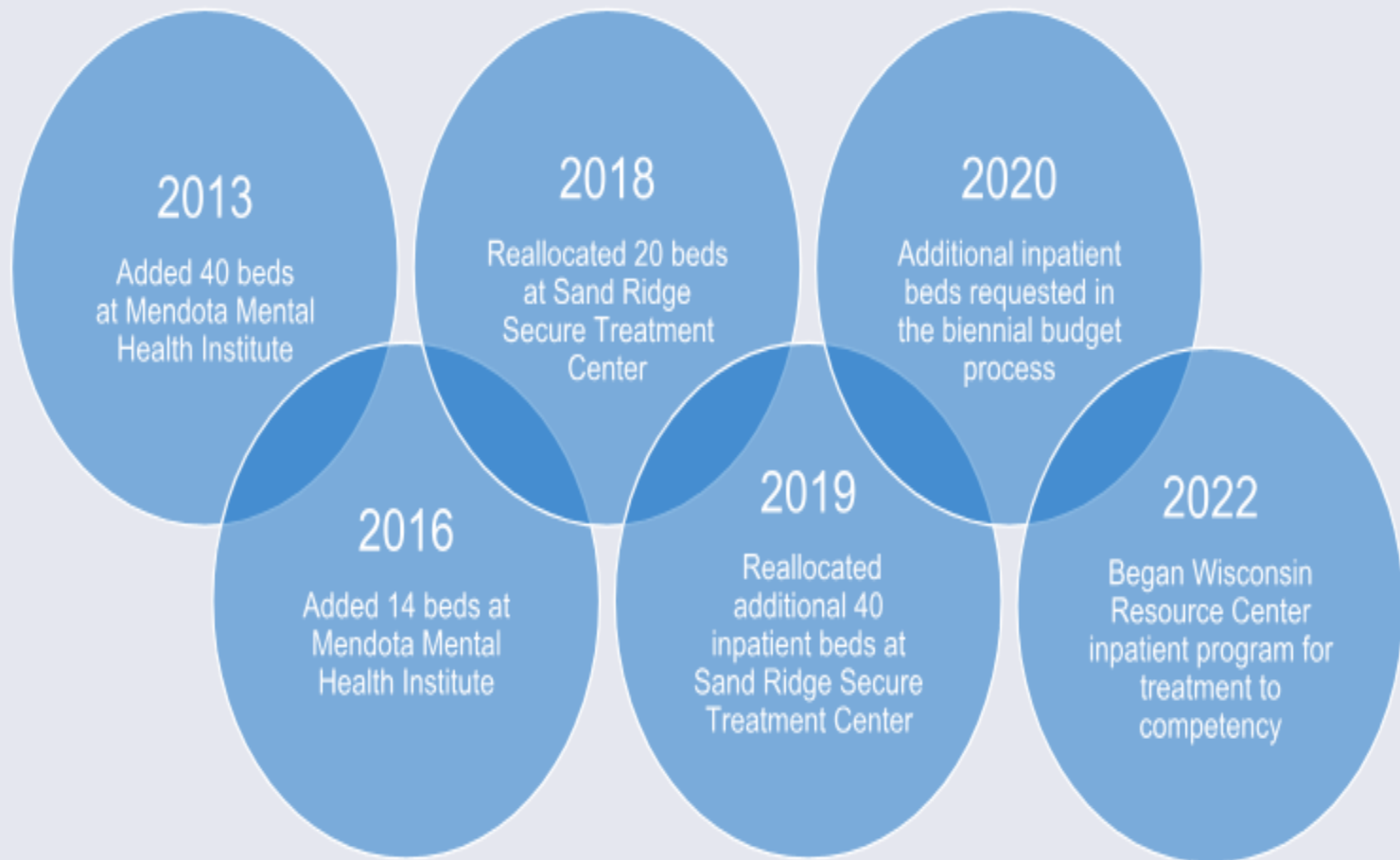
# Re-entries to forensic system

	FY 16	FY 17	FY 18	FY 19	FY 20	FY 21	FY 22
Competency evaluations on clients who had more than one commitment during a five-year period	111	256	354	368	415	521	587
Percentage change from previous year	NA	131%	38%	4%	13%	26%	13%
Competency treatment commitments on clients who had more than one commitment during a five-year commitment	14	57	77	70	102	132	163
Percentage change from previous year	NA	307%	35%	-9%	46%	29%	23%

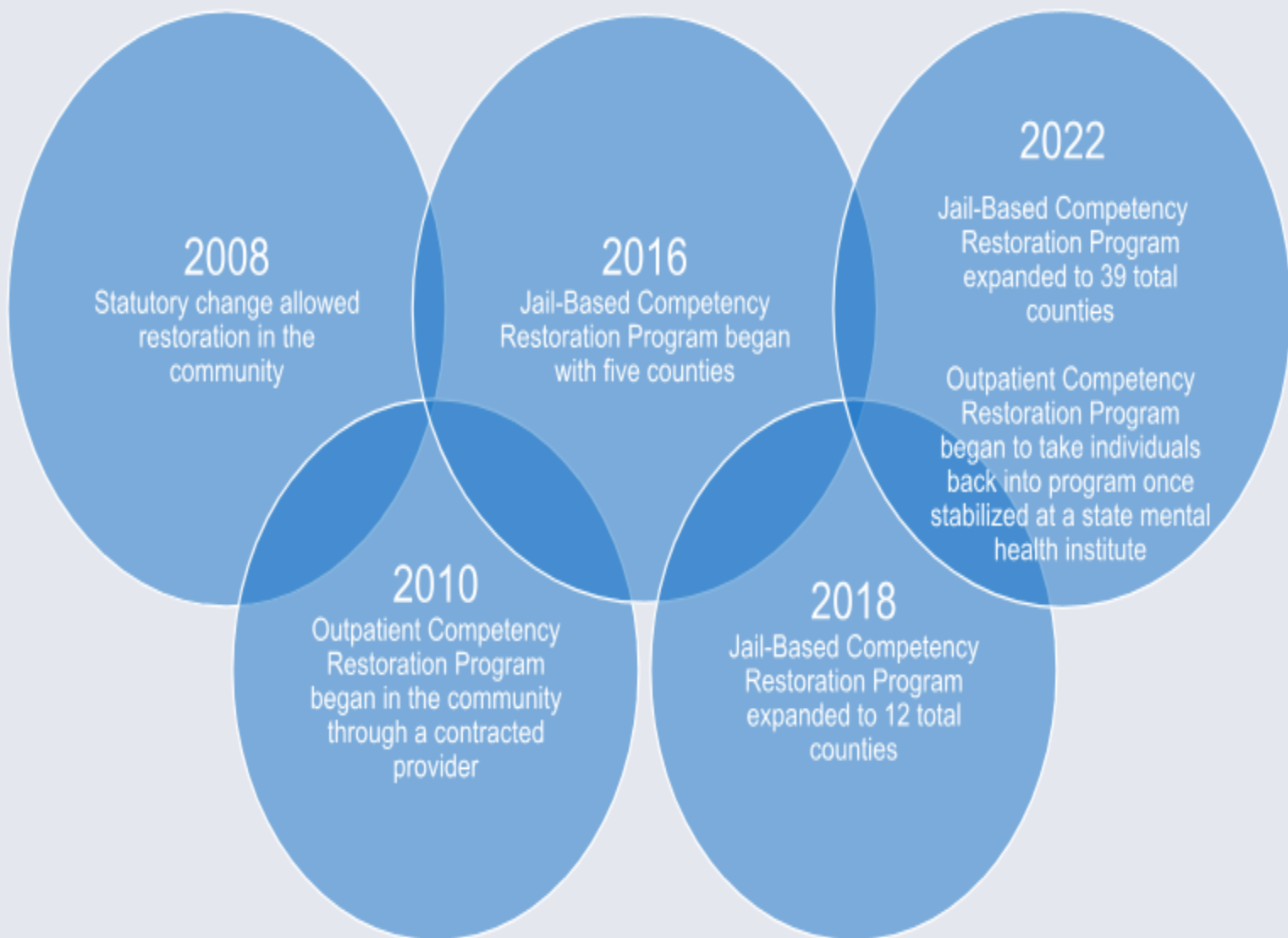
# How is DHS addressing these issues?

- More treatment beds (114 beds added since 2016)
- Additional treatment options per Wis. Stat. § 971.14(5)(a)
  - “in a jail...”
  - “in a community-based treatment program...”
- Community and other agency-based programming
- Biennial budget requests
- Court liaison services
- Centralized admission team

# Inpatient responses



# Community responses



# Outpatient Competency Restoration Program (OCRP)

- ✓ Individuals stay in their community and receive competency treatment.
- ✓ Remediation sessions twice weekly
- ✓ Case management sessions weekly

# Outpatient Competency Restoration Program (OCRCP) Data

- v 176: Number of people served by OCRCP in FY23
- v 43.4: Average daily population for OCRCP
- v 5: Number of participants in OCRCP from Dane County in FY23

# Outpatient Competency Restoration Program (OCRCP) admission considerations

- v Dangerousness
- v Access to community support and/or treatment
- v Mental status and treatment needs
- v Motivation/Cooperation

# Jail Based Competency Restoration Program (JBCR)

- ✓ Individuals receive competency treatment in jail through contracted provider, currently Behavioral Consultants, Inc.
- ✓ Each jail partner enters into a voluntary agreement with services provided through a Memorandum of Understanding (MOU)

# Jail Based Competency Restoration (JBCR) Program Benefits

- ✓ Offers additional resources for mental health support
- ✓ Those in the care of the jail are able to get treatment while waiting for an inpatient placement
- ✓ The treatment offered can decrease the length of the participant's stay in a state mental health institute
- ✓ Offers a way to financially support treatment for DHS committed individuals

# Jail Based Competency Restoration(JBCR) Program Data

- v 545: Number of individuals served by JBCR in FY23
- v 104: Number of individuals who completed their commitment to DHS in JBCR.
- v 71: Number of individuals who completed their commitment to DHS in JBCR who were found competent prior to admission to a state mental health hospital.

# Jail Based Competency Restoration Program



# Contact information

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