

**Department of Behavioral Health**  
**TRANSMITTAL LETTER**

**SUBJECT**

**Reporting Violations of Forensic Consumer's Conditional Release**

**POLICY NUMBER**  
**DBH Policy 524.1**

**DATE**      DEC 17 2014

**TL#** 272

**Purpose.** This policy was converted from a Department of Mental Health (DMH) policy to a Department of Behavioral Health (DBH) policy, and was generally updated and expanded to include any violation of the court-ordered conditional release (not just unauthorized leave).

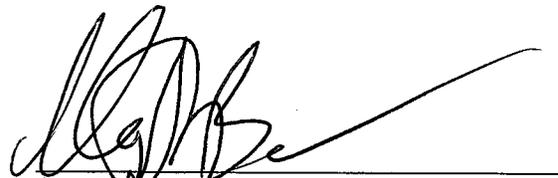
**Applicability.** Applies to the Department of Behavioral Health (DBH), and the following mental health providers: Core Services Agencies (CSAs), Assertive Community Treatment (ACT) Providers, and Mental Health Community Residence Facilities (MHCRFs) serving forensic consumers on court-ordered conditional release from Saint Elizabeths Hospital.

**Policy Clearance.** Reviewed by affected responsible staff and cleared through appropriate Behavioral Health Authority offices.

**Effective Date.** This policy is effective immediately.

**Superseded Policies.** This policy replaces DMH Policy 524.1, Reporting Unauthorized Leave for Forensic Consumers Receiving Community Services, dated December 12, 2005.

**Distribution.** This policy will be posted on the DBH web site at [www.dbh.dc.gov](http://www.dbh.dc.gov) under Policies and Rules. Applicable entities are required to ensure that affected staff is familiar with the contents of this policy.



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**Stephen T. Baron**  
**Director, DBH**

GOVERNMENT OF THE DISTRICT OF COLUMBIA  DEPARTMENT OF BEHAVIORAL HEALTH	<b>Policy No.</b> 524.1	<b>Date</b> DEC 17 2014	<b>Page 1</b>
	<b>Supersedes</b> DMH Policy 524.1, same title, dated December 12, 2005.		
<b>Subject: Reporting Violations of Forensic Consumer's Conditional Release</b>			

1. **Purpose.** To establish a notification process to be used when a forensic consumer who resides in the community violates conditions of release from Saint Elizabeths Hospital or is determined to be missing after outreach efforts conclude his/her whereabouts are unknown.
2. **Applicability.** Applies to the Department of Behavioral Health (DBH), and the following mental health providers: Core Services Agencies (CSAs), Assertive Community Treatment (ACT) Providers, and Mental Health Community Residence Facilities (MHCRFs) serving forensic consumers on court-ordered conditional release from Saint Elizabeths Hospital.
3. **Authority.** Department of Behavioral Health Establishment Act of 2013.
4. **Definition.** For purposes of this policy:

Forensic consumer – a person committed to Saint Elizabeths Hospital by the criminal division of a local or federal court under D.C. Code §§24-501, 24-502, or 18 U.S.C. §4241 et. seq. for treatment who has been granted a court-ordered conditional release based on certification from Saint Elizabeths Hospital that the consumer does not pose a danger to himself or others if released into the community under proposed conditions.

5. **Policy.**

5a. The goal of the DBH Forensic Outpatient Department and the forensic consumer's assigned CSA or ACT provider is to help the consumer to be safely treated in the community in the least restrictive environment.

5b. The CSA/ACT team and MHCRF (if applicable) and/or DBH Forensic Outpatient Department shall monitor the consumer's psychiatric condition and compliance with the conditions of release.

5c. The CSA/ACT team and MHCRF (if applicable) shall ensure that the DBH Forensic Outpatient Division is informed of violations of his/her conditions of release.

5d. DBH is required by court order to report violations of a consumer's conditional release if the Forensic Outpatient Department determines that the consumer's mental condition has deteriorated and is in need of inpatient treatment; the consumer is determined to be missing after outreach efforts fail to locate the consumer or otherwise explain their absence; or the consumer is arrested for a crime in the community (see Section 6b (2) and (3) for parties to be notified).

5e. A consumer will be determined to be missing when the consumer fails to report to a community program or an MHCRF, if applicable, and reasonable outreach efforts conclude that his/her whereabouts are unknown. Outreach efforts may include the following as appropriate, depending on the residential requirements of the conditions of release: calling all of the consumer's contact

numbers, conducting a home visit, contacting the next of kin, and contacting local emergency hospitals.

6. **Responsibilities.**

6a. The CSA/ACT Provider/MHCRF shall:

(1) Notify the Department of Behavioral Health (DBH) Forensic Outpatient Department by phone at 202-442-4196 if a forensic consumer fails to maintain the requirements of the conditions of release from Saint Elizabeths Hospital including all service and residential compliance requirements (e.g., consumer did not call or show up for court ordered treatment, consumer did not call or return to the MHCRF, or consumer is incarcerated, hospitalized, etc.) or if the consumer is decompensating. Provide relevant circumstances, how long missing, efforts to locate, and contacts and explanations from the consumer or consumer's family. If a situation occurs after hours or on a weekend where the consumer's mental health condition has deteriorated such that he or she is likely to injure self or others if not hospitalized or is determined to be missing, MPD should be contacted for assistance with locating/transporting the consumer to Saint Elizabeths Hospital, and notify Saint Elizabeths Hospital administrator on call (AOC) prior to transport by calling 202-299-5100 to request that the AOC be contacted.

(2) Report and prepare an incident report (DBH-1243) in accordance with the DBH policy for reporting major unusual incidents and either email the MUI report to OA at [MUI.OA@dc.gov](mailto:MUI.OA@dc.gov) or fax to OA at 202-673-2191, and fax a copy to Forensic Outpatient Department at 202-724-9697.

(3) Document the circumstances in the consumer's clinical record.

6b. The DBH Forensic Outpatient Department shall:

(1) Upon notification of a consumer's failure to comply with the conditions of their release:

- Consider the facts presented by the provider and use clinical discretion and judgment to determine if additional community services are needed to prevent return to the Hospital and help the consumer remain safely in the community;
- If the consumer's mental condition has deteriorated or he/she violated the court ordered conditions of release such that he/she is in need of inpatient treatment arrange for return to Saint Elizabeths Hospital; or
- If missing, determine if sufficient outreach efforts have been conducted (see Section 5d above), or if a bench warrant is necessary to locate the consumer; and
- Notify the Saint Elizabeths Hospital's Director of Forensic Services.

(2) If violations or circumstances result in return to Saint Elizabeths Hospital or if the consumer is arrested for a crime, notify the court that issued the conditions of release (Superior Court of the District of Columbia or the United States District Court for the District of Columbia), the United States Attorney's Office for the District of Columbia, the consumer's attorney and other important stakeholders (e.g., Court Services Offender Supervision Agency if applicable) and provide relevant information.

(3) After ensuring all options to locate a consumer who is determined to be missing have been utilized, notify the court that issued the conditions of release so that a bench warrant for the

consumer's arrest and return to Saint Elizabeths Hospital may be issued and notify other involved parties listed in 6b(2) above.

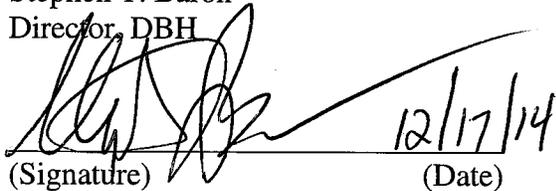
6c. Once a bench warrant is issued, regardless of how the consumer is found (whether voluntarily or with the assistance of MPD or the United States Marshals), the consumer must be returned to Saint Elizabeths Hospital.

If the consumer returns to a community provider voluntarily after a bench warrant is issued, the Forensic Outpatient Department and Metropolitan Police Department (MPD) should be called for assistance with transport to the Hospital. A staff member from the Forensic Outpatient Department, if available, should meet MPD and accompany MPD and the consumer back to the Hospital. The Forensic Outpatient Department will then send a letter to the court, asking that the bench warrant be lifted. This letter will alert all involved parties (attorney's, etc.) about the return of the consumer.

7. **Inquiries**. Questions regarding the contents of this policy should be referred to the Director, DBH Forensic Outpatient Department at 202-442-4132.

Approved by:

Stephen T. Baron  
Director, DBH

  
(Signature) 12/17/14  
(Date)