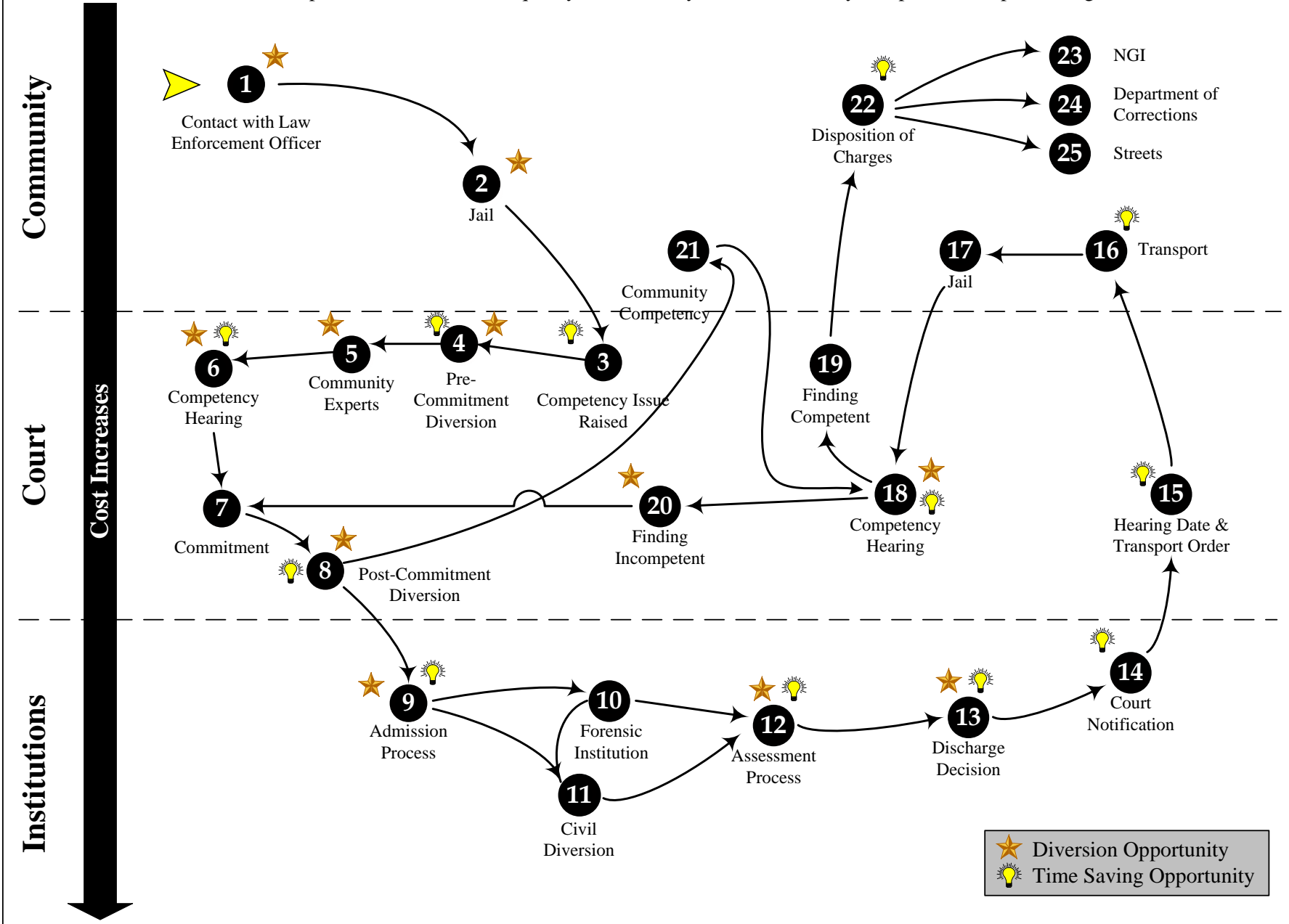


Major Forensic System Activities - Incompetent to Proceed to Trial (ITP)

AIM: To optimize the individual's quality of life, safety of the community and protect due process rights.



Major Forensic Systems Activities – Incompetent to Proceed (ITP)



Administrative Office of the Courts

Mental Health Court

★ = Diversion Opportunity

1. Contact with Law Enforcement Officer
 - a. ★ Diversion options:
 - i. The individual is placed on a [Baker Act](#) instead of being arrested
 - ii. The individual is transported to Adult Emergency Services (AES) at [MHC, Inc.](#) for mental health screening instead of being arrested
2. Individual is arrested
 - a. ★ Diversion options:
 - i. The charge is reduced to misdemeanor and defendant is ROR'd to AES at [MHC, Inc.](#)
3. Competency issue is raised by defense counsel (experts are typically appointed at this time to evaluate the defendant's competency to proceed)
4. ★ [Pre-Commitment diversion](#) (typically done after competency evaluations and experts find defendant ITP) may be an option if:
 - a. The charge is not serious – see [commitment criteria](#)
 - b. The defendant is not considered a danger to self or others – see [commitment criteria](#)
5. Two experts are appointed to evaluate the defendant for competency and whether they meet [commitment criteria](#) to the Department of Children and Families (DCF) and a [forensic state treatment facility](#)
6. At the defendant's competency hearing, the court reviews the expert's evaluations and/or testimony and renders a decision regarding the defendant's [competence to proceed](#)
7. If the defendant is adjudicated ITP and they meet the [commitment criteria](#) and no alternative placement options are available to them in the community, the defendant will be committed to [DCF](#)
8. ★ Post-committed diversion (#21) may be an option if:
 - a. The defendant has not been transported to a [forensic state treatment facility](#)
 - b. The defendant has stabilized
 - c. The charge is not serious
 - d. The defendant is not considered a danger to self or others
9. The defendant waits to be admitted to a [forensic state treatment facility](#)
10. The defendant is admitted to a [forensic state treatment facility](#)
11. A defendant may be diverted from a forensic treatment facility to a [civil treatment facility](#) if the treatment team at a forensic facility recommends civil placement based on issues of restorability, self care and dangerousness
12. The defendant receives psychiatric treatment and competency training at the state treatment facility - see [competence to proceed](#)

Major Forensic Systems Activities – Incompetent to Proceed (ITP)



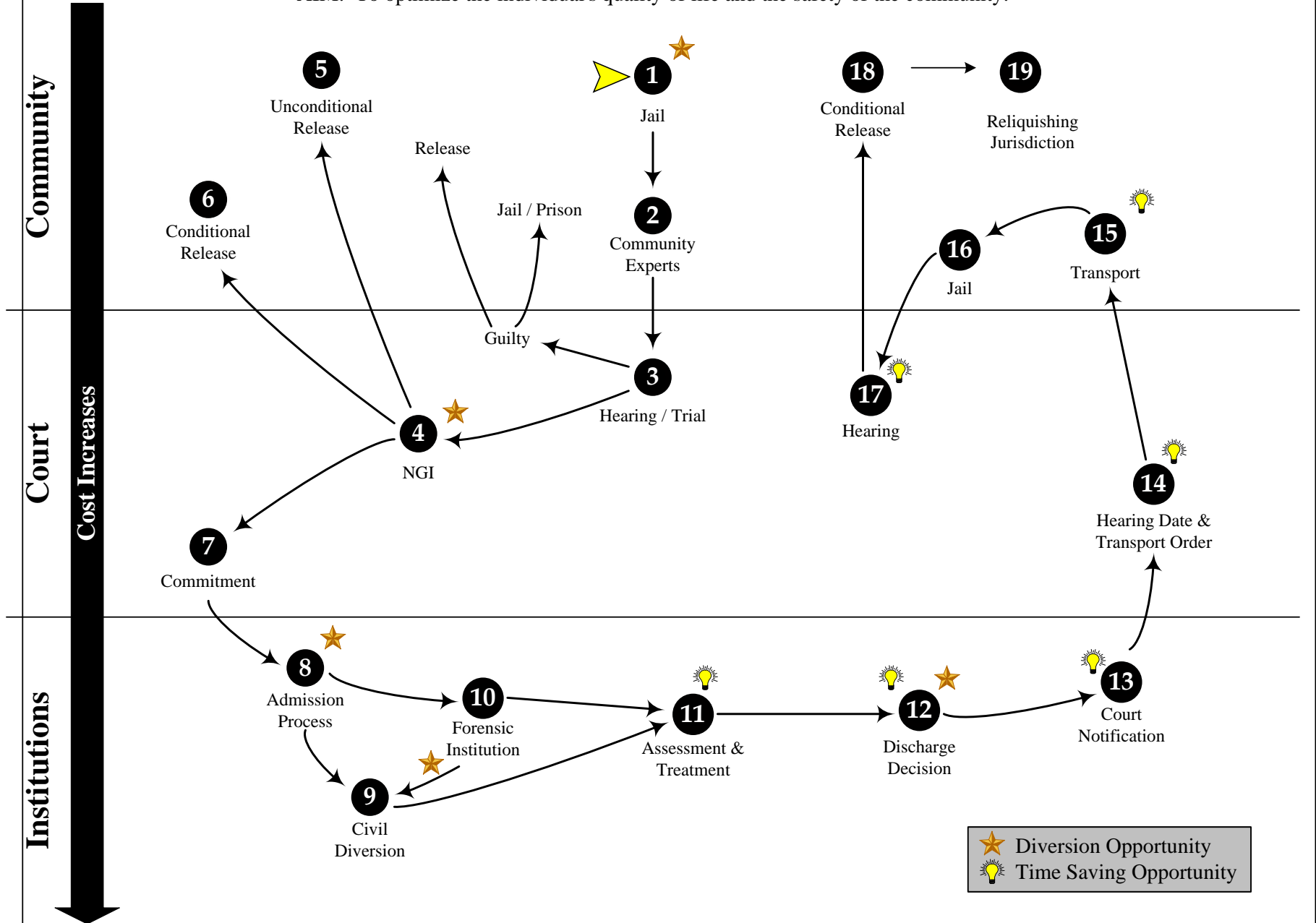
Administrative Office of the Courts

Mental Health Court

13. If the treatment team believes the defendant is competent to proceed, they will recommend the defendant return to court and jail in the county of origin. Other reasons to recommend discharge would include the expiration of the five year statute of [limitations for remaining ITP](#) or if the defendant is considered not restorable
14. If the treatment team recommends the defendant be discharged, the state treatment facility prepares a discharge summary, which includes and evaluation, and notifies the court in writing
15. After the court receives the discharge summary from the state treatment facility, a transportation order is issued and the defendant must be returned to the county of origin within 30 days
16. The defendant is transported to county of origin
17. The defendant remains in the county jail until his court hearing
18. At the defendants court hearing(s), the court can find the defendant competent to proceed based on the state treatment facilities recommendations, or the court can order competency re-evaluations, or the court can dismiss the defendants charges
19. If the defendant is found competent, the defendant proceeds with their legal case
20. If the defendant is found to remain incompetent, the defendant either:
 - a. Returns to the state treatment facility (#7)
 - b. Or is placed on a CRO and diverted into the community where they will receive competency training (# 21) if:
 - i. The charge is not serious
 - ii. The defendant is not a danger to self or others
21. Defendants who are ITP but do not meet [commitment criteria](#) may receive psychiatric treatment and [competency restoration in the community](#)
22. The defendant must face their charges
23. Possible outcome: [not guilty by reason of insanity \(NGI\)](#)
24. Possible outcome: Department of Corrections (DOC), prison or probation
25. Possible outcome: time served, charges dismissed, probation or PTI

Major Forensic System Activities - Not Guilty by Reason of Insanity (NGI)

AIM: To optimize the individual's quality of life and the safety of the community.



Major Forensic Systems Activities – Not Guilty by Reason of Insanity (NGI)



Administrative Office of the Courts

Mental Health Court

Major Forensic Systems Activities – Not Guilty by Reason of Insanity (NGI)

★ = Diversion Opportunity

1. Individual is arrested
 - a. ★ Diversion options:
 - i. The charge is reduced to misdemeanor and defendant is ROR'd to AES at [MHC, Inc.](#)
2. Insanity issue is raised by defense counsel who files a [notice of intent to rely on insanity defense](#). Experts are appointed to evaluate the defendant for insanity at the time of offense
3. The state attorney either stipulates to [NGI](#) based on the expert's evaluations or the defendant goes to trial. If the defendant proceeds to trial is not found [NGI](#), they will be sentenced
4. The defendant is found [NGI](#)
5. The individual is found [NGI](#) and released to community with no stipulations
6. The individual is found [NGI](#) and placed on a [CRO](#) and monitored in the community for compliance with mental health treatment. This is typically considered a ★ [pre-commitment diversion](#) and may be an option if:
 - a. The individual is not considered a danger to self or others
7. If the individual is Found [NGI](#) and they meet the [criteria for commitment](#) and no alternative placement options are available to them in the community, the individual will be committed to the Department of Children and Families (DCF)
8. The individual waits to be admitted to a state [forensic treatment facility](#)
9. The individual is admitted to a state treatment facility. An individual may be ★ diverted from a forensic treatment facility to a [civil treatment facility](#) if the treatment team at a forensic facility recommends civil placement based on issues of self care and dangerousness
10. The individual remains in a [forensic state treatment facility](#)
11. The individual receives psychiatric treatment at the [state treatment facility](#)
12. If the treatment team believes the individual no longer meets commitment criteria and is no longer dangerous, they will recommend the individual be placed on a [CRO](#) in the community
13. If the treatment team recommends community placement, the state treatment facility notifies the court of their recommendation
14. After the court receives notification of the state treatment facility's recommendation, a transportation order is issued and the individual is returned to the county of origin within 30 days (on some occasions a judge may sign a CRO without the individual present and the individual will be released directly from the state treatment facility into the community)
15. The individual is transported to county of origin
16. The individual remains in the county jail until their court hearing

Major Forensic Systems Activities – Not Guilty by Reason of Insanity (NGI)



Administrative Office of the Courts

Mental Health Court

17. At the individual's court hearing, the court makes a decision whether to place the defendant in the community on a CRO or not base on the state treatment facility's recommendation. New evaluations may be ordered as well if the state or other parties would like a second opinion
18. If a [CRO](#) is approved the individual will be released into the community
19. If the experts indicates that the individual is not a danger to himself or others and it is their opinion they no longer require supervision in the community, the individual may released into the community without conditions