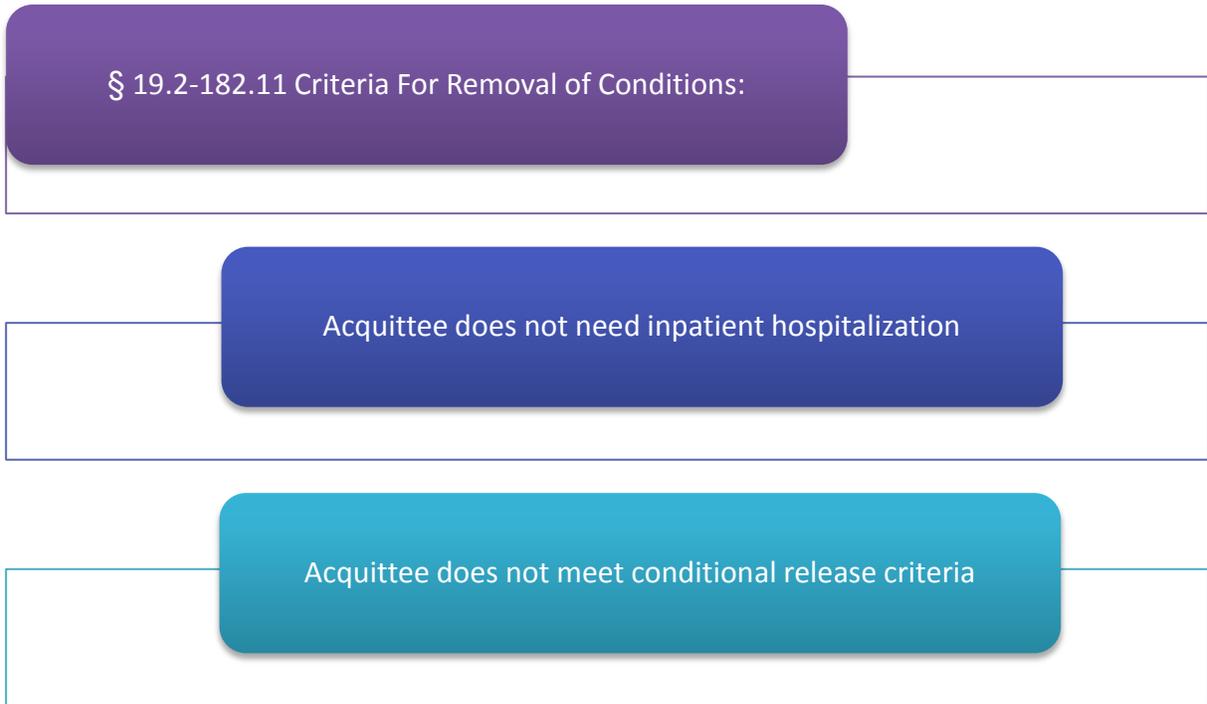


Section 7:

Unconditional Release

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Criteria for Removal of Conditions (Unconditional Release)



The criteria leaves a lot of room for interpretation and flexibility. This gives the CSB and the court the ability to make decisions about removal of conditions based upon the unique characteristics of the individual acquittee.

If the criteria for inpatient hospitalization is not met, nor does the individual meet criteria for conditional release that is outlined in § 19.2-182.7, then the court should issue an order for removal of all conditions.

Assessing Readiness for Unconditional Release

Factors Leading to Failure on Conditional Release:

Poor community supports
Denial or lack of insight into mental illness or substance abuse
Non-compliance with treatment
Lack of positive/stable social relationships
Relapse of their mental illness (not related to non-compliance)

Factors Leading to Success on Conditional Release:

Compliance with treatment and medications
Insight into MI or SA
Strong community supports
Positive/stable social relationships
Family acceptance
Employment
Appropriate levels of supervision

What is Unconditional Release?

While the acquittee is on conditional release, the acquittee may be very interested in having their conditions of release removed and their NGRI status formally terminated by the court. This process is technically called removal of conditions. Another term that is frequently used is “unconditional release”.

The acquittee may want you to tell them “when is it over?” There is no set answer or magic formula. An acquittee can be on conditional release for an indeterminate time, including acquittees with misdemeanor offenses. The time an acquittee should be on conditional release is very individualized. The average time an acquittee remains on conditional release is 3 years.

The CSB staff wants to have credibility with the courts when they make a recommendation for removal of conditions. It is very important for the CSB staff to check with their supervisor and CSB NGRI Coordinator to find out the CSB policy before initiating the unconditional release process with the court.

Remember that acquittees that are released without conditions are no longer under the jurisdiction of the court. Sometimes, the leverage of a court-ordered Conditional Release Plan and remaining under the jurisdiction of the court is necessary for compliance.

Release without conditions and the termination of court jurisdiction occurs only at the committing NGRI court’s discretion. Sometimes there are multiple courts of NGRI jurisdiction. In this case, all the courts involved must remove the conditions of release before it is final.

**Knowing
When It's
Over**

The CSB wants the acquittee to be successful after the removal of conditions, not to re-offend and to take responsibility for their mental health and/or substance abuse treatment. Since release without conditions is the final step in the graduated release process for an insanity acquittee, careful consideration should be given to whether the acquittee is now ready and able to manage his/her mental illness and potential for violence without the court-ordered monitoring of the CSB.

Consideration of the risk factors, the acquittee's compliance with treatment and medications, adjustment to community living, and the NGRI offense(s) should all be taken into account by the CSB before requesting removal of conditions from the court.

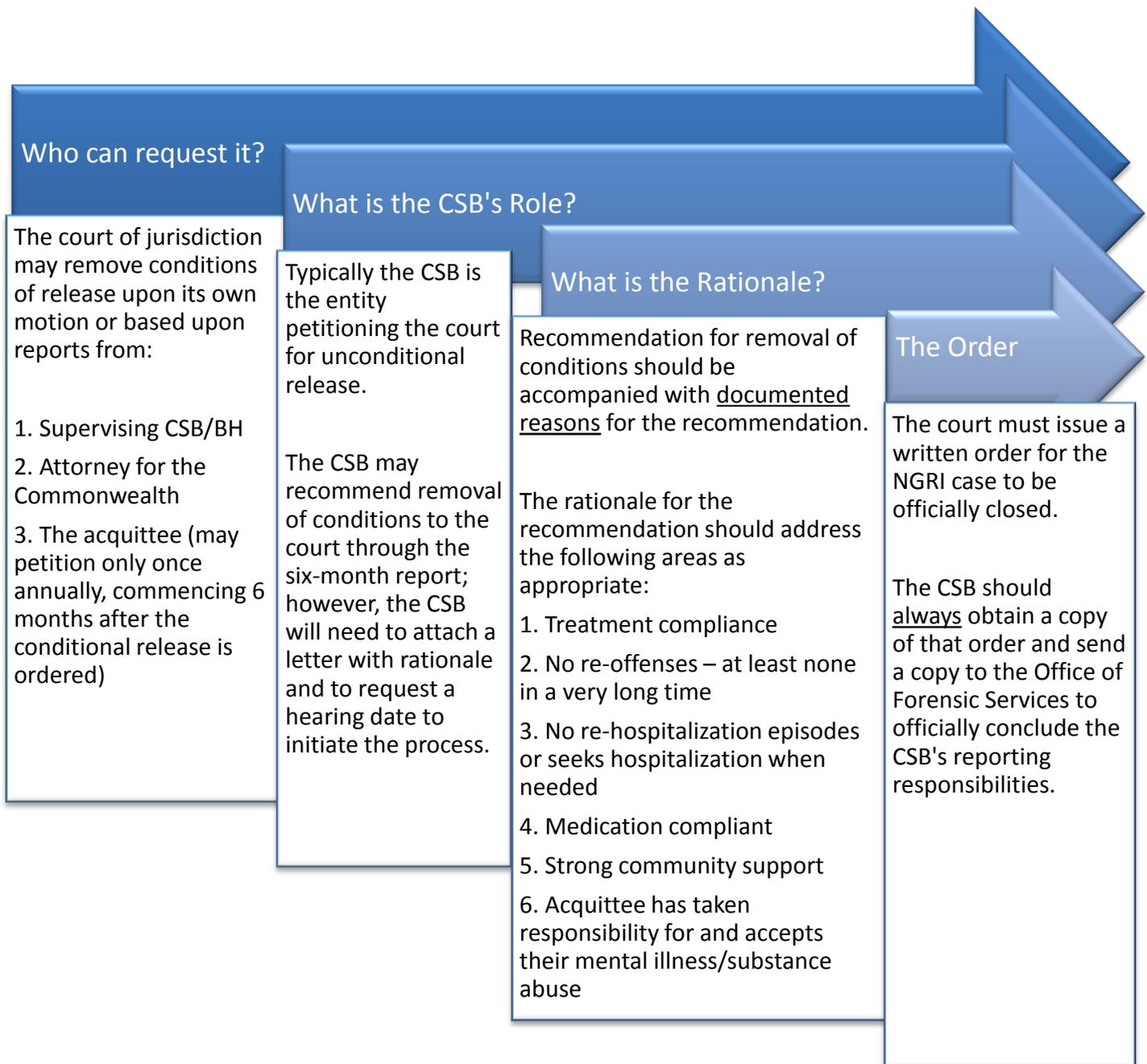
Is the acquittee ready for this step? Does he want his conditions removed? Has the CSB given the acquittee the opportunity to demonstrate more responsibility for their MH/SA treatment through modifications of their CRP? The demonstration model should work in the community too!

Always look back to the risk factors identified in the AAB. Examine each carefully, and consider the acquittee's progress in each area, management needs, and whether they are capable of managing each factor without the influence of the court to compel them.

Unconditional release is huge accomplishment, both for the acquittee and the supervising CSB. A lot of work and time goes in to working on NGRI cases, and all should celebrate when an acquittee is successful!



The Unconditional Release Process



Communicating the CSB's Rationale for Unconditional Release

Recommendation for removal of conditions should be accompanied with documented reasons for the recommendation. The rationale for the recommendation should address the following areas as appropriate:

Level of treatment compliance.

The number of re-offenses and the last time a re-offense occurred.

Number of re-hospitalization episodes and last hospitalization.

Whether the acquittee seeks treatment or hospitalization when needed.

Level of medication compliance.

Level of community support.

Whether the acquittee has taken responsibility for and accepts their mental illness/substance abuse.

Make your case to the court when the CSB recommends removal of conditions. Any previous violations should be addressed and reasons the CSB feels the person is still ready for this step despite previous challenges.

Write a letter to the court when you feel the time has come to make the recommendation (see sample letters in Appendix E).

If the request is being made in the 6-month report, attach a cover letter with a specific request, and include a model order for the judge to sign.

The CSB can also request a court hearing to discuss the recommendations.

Requirements for Closing the NGRI Case



The court will issue an order removing the conditions of release.



Acquittes that are released without conditions by the court of jurisdiction are no longer under the jurisdiction of the court as of the issuance of the order.



However, the CSB's court-ordered responsibility for monitoring the acquittee and for reporting to the court and DBHDS ceases **only** upon receipt of the signed unconditional release order.



Send DBHDS a copy of the order – it's not over until this happens! You will receive confirmation from the Office of Forensic Services once the order is received.

This is a collaborative process, so always ask for help if you need it!

There will always be situations that arise that are unique or complicated!

Plan for the end from the beginning – focus on gradual reduction of supervision as the individual demonstrates readiness for more independence!

Good luck!