



JERRY PETROWSKI

WISCONSIN STATE SENATOR

Testimony on Senate Bill 565
Senate Committee on Judiciary and Public Safety
January 22, 2020

Thank you Chairman Wanggaard, and members of the Senate Committee on Judiciary and Public Safety for allowing me to testify in support of Senate Bill 565.

Under Wisconsin Statutes 51.15, an emergency detention occurs when law enforcement takes an individual into custody because they believe that individual poses a threat to themselves or to others. While it is just one component in the intricate process for emergency detentions, transporting individuals to an appropriate mental health treatment facility has emerged as a real challenge and drain on law enforcement resources.

Data provided by the Wisconsin Bureau of Justice Information and Analysis shows that, on average, officers spend nearly 9 hours off the streets while completing these transports. For communities that operate with smaller departments this is especially problematic because it can make it challenging to keep their communities staffed as their officers travel long distances – often times to Winnebago Mental Health Institute in Oshkosh.

Senate Bill 565 aims to improve the emergency detention transport process by making two statutory changes. First, the bill clarifies current law regarding the transport of individuals by expressly providing that a law enforcement agency may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor for transport. Additionally, the bill creates a mechanism for these transport services to be reimbursed by the Medicaid program if the individual who is being transported is a Medicaid recipient.

The amendment to this bill was drafted after hearing concerns regarding the qualifications and training of third parties who law enforcement may choose to contract with. It requires the Department of Health Services to develop standards, best practices and training for any third-party vendor that is not a law enforcement agency or ambulance services.

This legislation is narrow in scope, but I feel strongly that it will provide some much needed clarification and relief to law enforcement. There has been strong bi-partisan support for this bill and it has already been passed on the floor of the Assembly.

I would be happy to answer any questions you might have at this time

29TH SENATE DISTRICT



MARK BORN

STATE REPRESENTATIVE • 39TH ASSEMBLY DISTRICT

Testimony on Senate Bill 565 Senate Committee on Judiciary and Public Safety January 22, 2020

Thank you Chairman Wanggaard, and members of the Senate Committee on Judiciary and Public Safety for allowing me to testify in support of Senate Bill 565.

Chapter 51.15 of Wisconsin statutes governs the complex policies surrounding emergency detention. In short, an emergency detention occurs when law enforcement takes an individual into custody because they believe they pose a threat to themselves or others. Of the many intricate components of this process, echoed loud and clear is the challenge of transporting individuals to an appropriate mental health treatment facility. This issue knows no boundaries, taking officers off the streets for hours at a time all across the state. Data provided by the Wisconsin Bureau of Justice Information and Analysis shows that on average, officers spend nearly 9 hours off the streets per incident. Although this issue spans across the state, both rural and urban, it is particularly pronounced in communities who operate with smaller departments, as they're obligated to send an officer long distances to Winnebago Mental Health Institute in Oshkosh, struggling to staff the streets of their communities.

Senate Bill 565 aims to improve the emergency detention transport process by making two statutory changes. First, the bill makes a clarification regarding the transport of individuals for the purpose of emergency detention. The bill expressly provides that a law enforcement agency may contract with another law enforcement agency, an ambulance service provider, or a third-party vendor to transport an individual for emergency detention. Additionally, the bill creates a mechanism for these transport services to be reimbursed by the Medicaid program if the individual who is being transported is a Medicaid recipient. On top of staffing challenges for law enforcement agencies, the impact on budgets continues to be a primary concern for many local governments.

Senate Amendment 1 requires DHS to establish criteria that any third-party vendor must meet in order for the county to obtain reimbursement for transport provided by that third-party vendor under the MA program. Following the public hearing held in the Assembly, concerns were raised by advocates relating to the use of third-party vendors. We were able to work in a bipartisan fashion to introduce this amendment and address their concerns.

The emergency detention process consists of many areas that are ripe for improvement- leading to productive conversations at all levels of government over the past several years. I understand that this legislation is not able to address all of these challenges, however, it is a good start that will have a direct impact on our local communities as soon as it is signed into law. The bill has received overwhelming bipartisan support in both chambers and has had notable momentum since introduction, including passing out of the Assembly unanimously. With that, I ask you to join me and the strong support from sheriffs, chiefs of police, counties, and municipalities, in supporting Senate Bill 565.



NAMI WISCONSIN COMMENTS ON SB 565 RELATING TO TRANSPORT FOR EMERGENCY DETENTION
PUBLIC HEARING OF THE SENATE COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
JANUARY 22, 2020

NAMI Wisconsin would like to say thank you to the Chairs of the Senate Committee on Judiciary and Public Safety, Sen. Wanggaard and Sen. Jacque, for holding a public hearing on SB 565. We appreciate the opportunity to submit written comments and offer information to help guide this legislation. NAMI (the National Alliance on Mental Illness) is the nation's largest grassroots mental health organization providing advocacy, education, support and public awareness. NAMI Wisconsin is the state organization of NAMI and supports 28 local affiliates with a membership of approximately 1,600 people. Together, our mission is to improve the quality of life of people affected by mental illness and to promote recovery.

NAMI is grateful to the legislature for taking up the issue of emergency detention transportation, the gaps in our crisis systems, and the toll this has on law enforcement agencies. Though we are aware that this is a major issue and burden for law enforcement, on both time and finances, there are many other variables that need to be considered. The overarching goal should be to prevent a crisis from happening by providing access to more community-based services. In the event of a crisis though, we want to ensure the health and safety of the individual in crisis, as well as the person doing the transport. We would like to see more time invested in exploring the best practices, standards and training that the contracted transport vendors should be required to undergo. NAMI Wisconsin is fortunate to work closely with law enforcement through our CIT/CIP expansion grant and we hope to be a part of the solution to solving this issue as it affects all counties, big or small. The CIT curriculum lays out several best practices for interacting with and transporting someone in a mental health crisis such as:

- Treating individuals with dignity and respect
- Trauma-informed responsiveness
- Family involvement wherever possible
- Clear and open communication
- Eliminating risks and causing least amount of harm

This is a short list and there is much more that is covered in the 40-hour training. More information about CIT can be found here: <https://namiwisconsin.org/cit-cip/cit/>. (Please note not every agency in Wisconsin is trained in CIT and we offer this information simply as best practices.)

NAMI Wisconsin feels that language should be put in statute allowing the Department of Health services to develop standards, best practices and training that is sufficient to the need and can be adjusted if necessary in the future for the contracted vendors. For these reasons, we support the amendment put in place by bill author, Senator Petrowski, allowing the agency to establish such standards. This oversight will help to greatly reduce harm to vulnerable citizens experiencing a mental health crisis, who should be viewed and treated equivalent to having any other medical emergency. Thank you for your time in reading and considering this information. Questions can be directed to Crystal Hester, Public Policy & Advocacy Director: crystal@namiwisconsin.org or 608-268-6000.

NAMI Wisconsin's mission is to improve the quality of life of people affected by mental illness and to promote recovery.



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Date: January 22, 2020

Re: SB 565—Transport for Emergency Detention - Informational

To: Senator Wanggaard, Chair, Senator Jacque, Vice Chair, and members of the Senate Judiciary and Public Safety Committee

From: Barbara Beckert, Disability Rights Wisconsin, Director Milwaukee Officer

Thank you, Chairman Wanggaard, Vice Chair Jacque, and members of the committee for the opportunity to share this testimony to inform your consideration of SB 565, Transport for Emergency Detention. Disability Rights Wisconsin (DRW) is the designated Protection and Advocacy system for Wisconsinites with disabilities. DRW is charged with protecting and enforcing the legal rights of individuals with disabilities, including mental health disabilities, investigating systemic abuse and neglect, and ensuring access to supports and services.

We appreciate the intent of the bill's authors to provide an alternative way to transport children and adults experiencing a mental health crisis. DRW is supportive of alternatives that will provide a more humane way to transport people and to decriminalize the emergency detention process.

SB 565 would allow for law enforcement to contract with other agencies to transport children and adults experiencing a mental health crisis. It is gratifying to see that Senator Petrowski, the author of SB 565, has advanced an amendment to require the Wisconsin Department of Health Services (DHS) to establish criteria for transport companies that are not law enforcement agencies or ambulance services to be certified to receive Medicaid reimbursement.

Establishment of these criteria is an essential safeguard to ensure that contractors responsible for transporting some of our most vulnerable community members are properly trained and accountable to provide transport in a manner that protects consumer rights, is humane and is safe for all parties. It is also critically important that such criteria be developed in consultation with stakeholders including individuals who have lived experience with mental health disabilities, advocates, parents, law enforcement, counties, and public defenders.

Wisconsin continues to lack local community based mental health resources, including crisis services, that are needed to access treatment, advance recovery, and support individuals with mental health needs to live as fully and independently as possible. Longer term, the best option is for policy makers to prioritize development of additional local crisis resources so fewer people need to be transported, and can instead access services in their own community, closer to family and friends, and natural supports. DRW welcomes the opportunity to serve as a resource for legislators, as you consider opportunities to expand access to mental health services.

Thank you for your consideration of these informational comments.

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To: Members, Senate Committee on Judiciary and Public Safety
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: January 22, 2020
RE: Support for Senate Bill 565

Chairman Wangaard and committee members, thank you for the opportunity to testify today in support of Senate Bill 565. My name is Sheriff Dave Mahoney, Board Member of Badger State Sheriffs' Association and legislative committee member. As way of background, BSSA is a statewide organization representing all of Wisconsin's 72 Sheriffs. WS&DSA is a statewide organization representing over 1,000 members, including Sheriffs, Deputies, and jail officers. BSSA and WS&DSA have a joint legislative committee and work closely on public safety issues of concern to our members.

I am here today to discuss a very important topic to our agencies and the state as a whole – the emergency detention process. Under Wisconsin's emergency detention process, if an individual is believed to be a danger to themselves or others because of suspected mental illness, drug dependence or development disability, they can be involuntarily detained. While these are delicate and urgent situations, for law enforcement, the current emergency detention process is inefficient and draining limited resources.

Multiple legislative proposals have been introduced this session related to the emergency detention process, however Senate Bill 565 focuses on one time-consuming component of the process: the transport of the individual under emergency detention from their county to a secure inpatient psychiatric bed. Often in Wisconsin, this means transport to Winnebago Mental Health Institute in Oshkosh, which is the only state facility required to take individuals in crisis.

Counties across the state– like my county of Dane are hours away from Oshkosh. For the officers, this means sometimes eight hours or more for them to take an individual into detention, bring them to the local hospital, wait for the medical clearance and an available bed, and transport the individual to Winnebago, and then return to the county. This process removes officers from maintaining public safety in their counties and drives overtime costs.

SB 565 will ensure that law enforcement across the state has options to utilize several transportation alternatives for individuals under emergency detention. This includes, another law enforcement agency, an ambulance service provider, or a 3rd-party vendor. Law enforcement agencies will be able to determine if a transport option works for their county, and the individual situation and contract with a provider to ensure elements of the transport are secure for the individual in crisis.

SB 565 also requires the Department of Health Services (DHS) to request federal approval for Medicaid reimbursement for the law enforcement transport of individuals under emergency detention that are Medicaid recipients. This could provide an additional funding stream to alleviate some of the transport costs.

At the Assembly hearing, we heard concerns regarding the lack of criteria for an 3rd-party vendor to provide the transport. To address these concerns, our organizations worked with other stakeholders, authors and committee members. As a result of that work, the authors have offered Amendment 1, which requires DHS to establish criteria for any 3rd-party vendor, that is not a law enforcement agency or ambulance service provider, must meet to receive Medicaid reimbursement.

Representing Sheriffs and deputies from across the state, we are committed to working on additional initiatives to address and improve other elements of the emergency detention process. While we continue that work, we encourage you to support SB 565. This bill is a straightforward bill that will provide immediate relief to law enforcement agencies across the state.

Thank you for your time. I'd be happy to answer any questions.

Maxim, Valirie

From: Chrissy Barnard <chrissybarnard22@gmail.com>
Sent: Monday, January 20, 2020 9:08 PM
To: Maxim, Valirie
Subject: SB 565 Emergency Transport Bill

Hello Valirie,

My name is Chrissy Barnard. I am a member of NAMI Douglas County WI & from Superior, WI. I am writing to give my support of SB 565 because of my own personal experience regarding transportation for emergency detention prior to my recovery. We need better options for transporting someone needing an emergency detention. When I lived in Sheboygan County between 2000 - 2008, I had several emergency detentions with transports by the police & the sheriff's department. Every time it was a humiliating experience when I was already in a mental health crisis. I was transported in a hospital gown, robe, & socks, handcuffed, in the back of squad car for long distances (to Green Bay, South Milwaukee, & Winnebago Mental Health Institute) on multiple occasions prior to getting a proper diagnosis. This was very traumatizing, as I have never been arrested in my life because I am not a violent person or do criminal activity. Yet, this is a common practice & one time I was even yelled at to sit up & to stop crying.

Besides being transported by the police & sheriff's department, I have been transported by private companies after moving to Superior, WI 2010. The Superior hospital does accept mental health patients, so all NW WI residents are taken to Duluth, MN hospitals. In MN they all use private transport companies. When I compare my experience, it is night & day. I was not cuffed & got to ride in a more comfortable mini-van with cloth seats. They asked me how I was doing, what kind of music I liked, kept asking if I was warm enough, & even re-assured me that everything would be ok. They were very friendly & obviously had been to a Trauma Informed Training and an Emotional CPR Course. They both said they were retired police officers.

I want to stress that during this process, you put the health and safety of people in crisis at the top of your priority list. I support the amendment put in place by bill author Sen. Petrowski charging the Department of Health Services with establishing standards and best practices that will lower risks of harm for all involved.

Thank you for your time.
Chrissy Barnard
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