



MARK BORN

STATE REPRESENTATIVE • 39TH ASSEMBLY DISTRICT

Testimony on Assembly Bill 633 Assembly Committee on Mental Health December 10, 2019

Thank you Chairman Tittl, and members of the Assembly Committee on Mental Health for allowing me to testify in support of Assembly Bill 633. I also would like to thank the many members of this committee for your support by co-sponsoring this important piece of bipartisan legislation.

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.

Assembly Bill 633 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.

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. With that, I ask you to join me and the strong support from sheriffs, chiefs of police, counties, and municipalities, in supporting Assembly Bill 633.

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

Date: December 10, 2019

Re: AB 633—transport for Emergency Detention - Informational

To: Chair Tittl and members of the Assembly Mental health committee

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

Thank you for the opportunity to share this testimony to inform your consideration of AB 633, 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, investigating systemic abuse and neglect, and ensuring access to supports and services.

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

As proposed, AB 633 would allow for law enforcement to contract with other agencies to transport people experiencing a mental health crisis. It does not provide any criteria for providers such as requirements that providers be trained on safety, de-escalation, mental illness, and trauma, and other essentials topics. The best practice is for law enforcement to receive Crisis Intervention team training (CIT). AB633 includes no such requirement for contractors who would be responsible for transporting some of our most vulnerable community members in a manner that protects their rights, is humane and is safe for all parties.

Currently the law enforcement personal who provide transport are public employees and as such have greater accountability. It is unclear how accountability would be addressed for third party contractors. Use of a third party potentially leaves the door open to abuse

Any proposal to transport people experiencing a mental health crisis must also address a mechanism for statewide standards to be incorporated in these contracts. Potentially the Department of Health Services could have the role of developing these standards with input from legal advocates and peers. These important safeguards must be in place to ensure that transport occurs in a manner that protects the rights of people experiencing a mental health crisis and is safe and human. Longer term, the best option is to develop more 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.

Thank you for your consideration of these informational comments.

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Rep.Tittl

From: Barbara Beckert <Barbara.Beckert@drwi.org>
Sent: Tuesday, December 10, 2019 9:39 AM
To: Rep.Tittl
Cc: Hall, Steve
Subject: Testimony on AB 633 for today's mental health committee public hearing
Attachments: AB 4633 DRW Testimony Emergency Transport 12 2019.pdf

Dear Chairman Tittl and Committee Clerk Hall,

Please find attached our testimony on AB 633 for today's committee hearing.

We would appreciate your sharing this with committee members and including it in the public record for the hearing. I regret that I am unable to attend. Thank you for your consideration and please contact me with any questions.

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To: Members, Assembly Committee on Mental Health
From: Badger State Sheriffs' Association (BSSA)
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)
Date: December 10, 2019
RE: Support for Assembly Bill 633

Chairman Tittl and committee members, thank you for the opportunity to testify today in support of Assembly Bill 633. My name is Sheriff Nate Dreckman of Grant County, Vice President of Badger State Sheriffs' Association and the current legislative committee chair. Joining me today are Sheriff Dale Schmidt of Dodge County, 2nd Vice President of BSSA and Sheriff Kurt Picknell of Walworth County, BSSA board member 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.

We are 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 Assembly Bill 633 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 our counties of Grant, Dodge and Walworth, are hours away from Oshkosh. For our 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. For example, in 2018 in Walworth County, there were 33 emergency detentions – totaling 500 hours for law enforcement.

AB 633 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.

AB 633 also requires the Department of Health Services 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.

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 AB 633. This bill is a straightforward bill that will provide immediate relief to law enforcement agencies across the state.

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

Date: December 10, 2019

Re: AB 633—transport for Emergency Detention – Informational

To: Chair Tittl and members of the Assembly Mental health committee

From: Martina Gollin Graves, Mental Health America of Wisconsin, President, and CEO

Thank you for the opportunity to share this testimony to inform your consideration of AB 633, Transport for Emergency Detention. Mental Health America of Wisconsin (MHA) is a statewide prevention and advocacy organization. MHA is an affiliate of the nation's leading community-based non-profit dedicated to helping all Wisconsinites achieve wellness by living mentally healthier lives. Our work is driven by our commitment to promote mental health as a critical part of overall wellness.

MHA respects the intent of the bill to decriminalize transportation of people who are experiencing a mental health crisis by providing alternatives. MHA is supportive of recovery-oriented and humane ways of transporting people during the emergency detention process.

As proposed, AB 633 would allow law enforcement to contract with other agencies to transport people experiencing a mental health crisis. It does not provide any criteria for providers such as requirements that providers be trained on safety, de-escalation, mental illness, and trauma, and other essentials topics. The best practice is for law enforcement to receive Crisis Intervention team training (CIT). AB633 includes no such requirement for contractors who would be responsible for transporting some of our most vulnerable community members in a manner that protects their rights, is humane and is safe for all parties.

Currently, law enforcement personnel have much greater accountability when transporting vulnerable citizens. It is unclear how accountability will be addressed if third party contractors are utilized and this creates great concern for potential abuse.

MHA would like to hear more about how the statewide standards for transporting people experiencing a mental health crisis will be incorporated into these contracts. MHA recommends the Department of Health Services has a role in the development of these standards with input from peers and mental health advocates.

We urge you to ensure these standards and important safeguards are in place for safe transportation and protection of people experiencing a mental health crisis is human and the least traumatizing. The more humane we can make the process the more likely people will trust and engage in the necessary services and supports for recovery.

Thank you for your consideration of these comments.