

# **Dept. of Justice: Coalition of health care, advocates, criminal justice partners issue recommendations to reform crisis mental health response**

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MADISON, Wis. – Today, a coalition of law enforcement, hospitals, medical professionals, county and state health services, counties, mental health advocates, and legal professionals announced recommendations to reform Wisconsin's emergency detention process and increase the availability of behavioral health services. [Read the recommendations here.](#) Members of the recommending coalition are:

- **Badger State Sheriffs Association**
- **Emergency Psychiatry Task Force (comprised of WPA and WACEP members)**
- **National Alliance on Mental Illness (NAMI) Wisconsin**
- **Wisconsin Chapter of the American College of Emergency Physicians (WACEP)**
- **Wisconsin Chiefs of Police Association**
- **Wisconsin Counties Association (WCA)**
- **Wisconsin County Human Service Association**
- **Wisconsin Department of Health Services (DHS)**
- **Wisconsin Department of Justice**
- **Wisconsin Hospital Association**
- **Wisconsin Sheriffs and Deputy Sheriffs Association**
- **Wisconsin Medical Society**
- **Wisconsin Professional Police Association**
- **Wisconsin Psychiatric Association (WPA)**

- **Wisconsin State Public Defender's Office**

“Overhauling our emergency detention system can lead to better support for Wisconsinites experiencing mental health crises, less time spent by law enforcement officers outside of the communities they serve, and more efficient and impactful use of tax dollars,” said Attorney General Josh Kaul. “This broad coalition has come together to provide a roadmap for reform of this complex system.”

“I am in 100% agreement that we must divert cases away from emergency detentions along with improving the entire process & capacity for those that do need emergency detentions. As a peer who has experienced the trauma of multiple emergency detentions in Sheboygan County and was held on a few 72 holds while being a Douglas County resident, I can say that change is needed,” said Chrissy Barnard, chair of the NAMI Wisconsin Peer Leadership Council.

“We know that people in crisis are best served in the least restrictive environment and close to home, support systems, and consistent resources. We look forward to continuing to partner with counties, medical providers, law enforcement, and other organizations within this coalition to expand the breadth of community-based services locally and reduce the need for higher levels of care,” said DHS Interim Secretary Karen Timberlake.

“Law enforcement dedicates a significant amount of time and resources to take an individual into detention. This includes the time for an officer to bring an individual 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. We are proud to partner with all the other stakeholders to advocate for state investments for a regional service delivery model and development of more local support options,” said Sauk County Chief Deputy Sheriff Jeff Spencer, president of the Wisconsin Sheriffs and Deputy Sheriffs Association.

“Wisconsin counties are both the frontline and the endpoint for individuals experiencing a mental health crisis. Our current system is experiencing increasing demands and we are at a breaking point,” said WCA Executive Director Mark D. O’Connell. “The emergency detention recommendations put forth by the coalition present a path forward. There is no simple solution, and this multi-faceted approach will help counties to best serve those in need.”

“Emergency Detention is a serious issue that needs to be addressed. The lack of emergency detention options hurts those who are most vulnerable and also puts our communities at risk by removing law enforcement from the communities they serve,” said Jefferson Police Chief Ken Pileggi, president of the Wisconsin Chiefs of Police Association.

“Public defenders face a difficult balancing act in protecting a client’s legal rights while ensuring individuals suffering a mental health crisis have access to treatment and services. Addressing the issues facing the system requires this kind of collaborative approach,” said State Public Defender Kelli Thompson.

“For far too long, Wisconsin’s law enforcement officers have had to respond to mental health crises with insufficient resources and inadequate options. The WPPA is pleased to be a part of this impressive multidisciplinary coalition of organizations dedicated to finding more effective ways to prevent and respond to mental health emergencies in this state. If implemented, these thoughtful and comprehensive measures will not only benefit officer safety and public safety as a whole, they will serve to enhance our state’s capacity to meet the urgent demand for mental health services that are more precisely calibrated to the specific challenges of those experiencing behavioral health issues,” said Jim Palmer, executive director of the Wisconsin Professional Police Association.

“The Emergency Psychiatry Task Force, comprised of members from the WI Psychiatric Association (WPA) and WI Chapter of the American College of Emergency Physicians (WACEP), are very pleased to see the Attorney General’s release of Recommendations to Improve the Emergency Detention Process. These suggestions will not only improve the lives of those dealing with mental health emergencies, but also improve the functionality of those serving individuals in crises. These innovations can assist in transforming the delivery of emergency crisis care in Wisconsin while empowering all involved stakeholders!” said Dr. Tony Thrasher, president of the American Association for Emergency Psychiatry (AAEP), Medical Director of Crisis Services for Milwaukee County and co-chair for the Emergency Psychiatry Task Force.

“DRW is encouraged by the ideas contained in this proposal and sees great potential for steps forward that can benefit individuals with mental illness caught up in the emergency detention process and expand diversion capacity to get people more of the community services they need,” said Kristin Kerschensteiner, Director of Legal and Advocacy Services at Disability Rights Wisconsin.

“The revisions to Wisconsin’s mental health laws and treatment options by the coalition recognize the need for change in Wisconsin to better provide for those with mental health issues. These revisions have incorporated suggestions of Corporation Counsel Offices throughout Wisconsin resulting in a variety of perspectives on how to improve the system. This is a significant step toward accomplishing that goal,” said J. Blair Ward, president of the Wisconsin Association of County Corporation Counsel.

## **Background**

Emergency detention is a process outlined under Section 51.15 of the Wisconsin Statutes. An emergency detention happens when law enforcement takes a person into custody because they are experiencing a crisis episode as a result of mental illness or other conditions and pose a significant risk of harm to self or others. Under this process, the person can remain under an emergency detention at a mental health facility for up to 72 hours. This is a process that requires the collaboration of many entities including law enforcement, emergency and psychiatric medical professionals, county health and human services departments, county corporation counsel, advocates, public defenders, courts, health care facilities and others.

As the crisis system has faced rising demand these entities have focused considerable energy toward ensuring the system can meet the need. But holistic reform that alleviates the strain on this system and better serves individuals experiencing behavioral health issues is needed at the state level.

The coalition believes there are two critical components to reform emergency detention in Wisconsin. First, reform must aim to divert a larger share of cases away from emergency detention. In addition to the county-based crisis system, early access to crisis services through a patient’s insurer, access to services provided by diverse providers in accessible settings, and a focus on addressing social determinants of health will improve patient outcomes and decrease the need for emergency detentions. Second, when crisis episodes do necessitate inpatient treatment, the process and capacity for emergency detentions must be improved. Additional resources, including increased public awareness and technical assistance, will be necessary to make sure individuals are able to better navigate these complex processes.

The coalition’s recommendations include items that require legislative action, further stakeholder discussions before legislative action can take place, and some

recommendations that require no legislative action.

Press release: <https://www.doj.state.wi.us/news-releases/coalition-health-care--advocates-criminal-justice-partners-issue-recommendations-reform>