



of Wisconsin Disability Organizations

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Date: December 14, 2011
To: Members, Assembly Committee on Criminal Justice and Corrections
From: Survival Coalition of Wisconsin Disability Organizations
Re: AB 367 – Emergency Detention

While the intent of AB 367 may have been to clarify the responsibilities of various law enforcement agencies under Wisconsin's emergency detention law where an individual engages in an act which gives rise to the detention process in one jurisdiction but is taken into custody in another, unfortunately, the unintended consequence is to add confusion rather than clarify. Our concerns relate to the confusion that may be created by the way that this bill interacts with 51.15(2) Wis. Stats., which has the potential of impacting the way the detention, evaluation and treatment of individuals detained under 51.15 are provided and paid for. This is a particular concern where the two jurisdictions involved are in also in different counties, each with its own county human service systems and budgets.

Under the current law, law enforcement is required to contact the department of community programs *in the county in which the individual was taken into custody* in order to get approval to transport an individual to detention. AB367 does not alter this requirement. However, if requested, the county of community programs where the *act occurred* is required to investigate, initiate and complete the detention. Therefore, even though it had no part in authorizing the original detention, it appears that it would be the county incurring the responsibility for providing and paying for these services. It is not clear that an approval for emergency detention by the first county would or should bind the second county in these circumstances. In fact, this has the possibility of creating more conflict between jurisdictions than it resolves in addition to being both duplicative and time-consuming.

Furthermore, 51.15(7) already authorizes counties to enter into agreements to address situations such as those contemplated by AB367. Our understanding is that many

counties have done so, although it is not clear whether these existing agreements might be in conflict with the proposed language in AB367. It is uncertain that there is any compelling advantage to dictating a particular arrangement, such as is done by AB367, as opposed to simply allowing counties to work this out on their own.

Because confusions over issues such as these often lead to longer detention and fewer services for individuals caught up in the emergency detention system, we would urge the committee to obtain further clarifying information regarding the impact on inter-county authorization and funding of these emergency detention services before voting on this bill.

Recommendation: The committee should withhold action on this bill until such time as all parties can assure themselves that the bill does not negatively impact current practices.

Contact:

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