



## WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

**2013 Wisconsin Act 235**  
[2013 Assembly Bill 500]

**Emergency Detention  
Pilot Program**

2013 Wisconsin Act 235 (the Act) establishes a two-year pilot program that authorizes certain mental health professionals in Milwaukee County to carry out emergency detentions.

### **Background**

Chapter 51, Stats., establishes the procedures and criteria under which an individual who is mentally ill, drug dependent, or developmentally disabled may be involuntarily detained and subsequently committed for treatment.

The process of initial involuntary detention is referred to as “emergency detention.” An individual may be detained only if they meet all of the conditions for detention. These are as follows: (a) the individual is mentally ill, drug dependent, or developmentally disabled; (b) the individual is a proper subject for treatment; and (c) the individual is believed to be dangerous because he or she has exhibited any of the following:

- Behavior demonstrating a substantial probability of physical harm to self or others, such as threats, suicide attempts, or violent behavior.
- Behavior demonstrating a substantial probability of physical impairment or injury to self from impaired judgment.
- Behavior demonstrating that, due to mental illness or drug dependency, the individual cannot satisfy his or her own basic needs of medical care, shelter, or safety, which will cause imminent death, injury, debilitation, or disease without prompt treatment. [s. 51.15 (1) (a) and (b), Stats.]

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This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature’s Web site at: <http://www.legis.wisconsin.gov>.

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## The Act

Under current law, only law enforcement officers may take individuals into custody for emergency detention. The Act authorizes a treatment director in the Milwaukee County Behavioral Health Division (BHD), or their designee, to take an individual into custody for emergency detention if the treatment director or designee has cause to believe that the individual meets all of the conditions for detention, described above. The designee must be a licensed mental health professional<sup>1</sup>, who is an employee of, or on contract with, the Milwaukee County BHD.

The treatment director or designee must transport or arrange for transport of the individual, for detention to an approved detention facility, and approve evaluation, diagnosis, and treatment if permitted under the standards set forth in current law. The treatment director or designee must sign a statement of emergency detention and promptly file it, along with any supplemental statement and notification of detention, with the probate court. As under current law, a probable cause hearing must be held within 72 hours.

This expanded authority for emergency detentions expires May 1, 2016.

The Act requires the Legislative Audit Bureau to conduct a performance evaluation audit of the pilot program that includes all of the following:

- A survey of emergency detention procedures and outcomes of emergency detentions in Milwaukee County under the pilot program as compared with the procedures and outcomes before the pilot program.
- The effectiveness of the emergency detention procedure under the pilot program.
- An evaluation of the feasibility and likely outcomes of continuing the pilot program in Milwaukee County, making the program permanent in Milwaukee County, or expanding the program to counties other than Milwaukee County or statewide.

*Effective date:* April 10, 2014.

*Prepared by:* Mary Matthias, Principal Attorney

April 11, 2014

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<sup>1</sup> "Licensed mental health professional" means a licensed clinical social worker as described in s. 457.01 (1r), Stats.; an advanced practice social worker as defined in s. 457.01 (1c), Stats.; a licensed professional counselor as described in s. 457.01 (7), Stats.; a licensed marriage and family therapist as described in s. 457.01 (3), Stats; or a psychiatric nurse.