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# JOEL KITCHENS

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STATE REPRESENTATIVE • 1<sup>ST</sup> ASSEMBLY DISTRICT

**Testimony for the Assembly Committee on Mental Health and Substance  
Abuse Prevention  
417 GAR  
November 1, 2023**

Thank you, Chairman Tittl and members of the committee for holding this public hearing on Assembly Bill 576.

We have been working on this bill for several months receiving input from the Department of Justice (DOJ) and several law enforcement agencies. This bill allows DOJ to create a program that allows agencies to establish peer support and critical incident stress management (CISM) service teams.

First responders are always there when we need them. Often, the job takes its toll on them emotionally and mentally as they deal with stressful and dangerous situations regularly. According to a study published last year by the International Journal of Environmental Research and Public Health approximately 90% of the general public report having experienced at least one critical incident in their lifetime.

The same study found that first responders can experience anywhere between one hundred to more than one thousand critical incidents throughout their careers. This will depend on which community they are serving and oftentimes these critical incidents are more graphic than the general public's and they might feel like they are unable to talk to anyone. Having to emotionally manage all these traumatic events on top of typical life stress-inducing events, such as finances, family responsibilities, health, etc. can often have a tremendous negative impact on their mental health.

This issue was first brought to my attention by a Sheriff's Deputy from my district who told me about how peer support programs can be an effective way to help law enforcement, firefighters, EMTs, and other emergency personnel deal with the emotional stress of their jobs.

Peer support teams provide emotional and tangible support to public safety employees in times of personal or professional crisis. Often providing 1-on-1 support from peers to help them deal with everyday difficulties. While critical incident stress management on the other hand is an interventional protocol developed specifically for dealing with traumatic events, handled by people who understand their trauma. This would consist of defusing, debriefings, on-scene, and 1-on-1 support services. CISM are intended to help them return to a normal lifestyle after they have been in a traumatic event. These two programs go hand in hand to help public safety employees keep a healthy attitude by reducing stress and providing mental health support.

We must make sure first responders get the help and support they need so they can be there for us when we need help.

I am proud to introduce this bill. Thank you for your time and to my co-authors Senator James and Senator Ballweg. I hope you consider supporting Assembly Bill 576. I am happy to answer any questions you might have.



November 1<sup>st</sup>, 2023

Representative Tittl, Chair

Members of the Assembly Committee on Mental Health and Substance Abuse Prevention

**Testimony on 2023 Assembly Bill 576**

***Relating to: public safety peer counseling and privilege for peer support and critical incident stress management services communications and granting rule-making authority. (FE)***

Thank you, Chairman Tittl and other members of the committee, for hearing my testimony on Assembly Bill 576 today. Since I served as a police and fire chief, I wanted to share a brief synopsis of what a critical incident is like for first responders.

Dispatch takes the call; it's an active shooter situation. Our dispatchers are to remain calm while there are individuals on the other line screaming and crying out for help. Dispatch hears shots fired and need to respond accordingly. They are to remain on the line, trying to get as much information from a situation that is total chaos. We as first responders trust they are getting the best information possible to us, as they continue to hear and witness situations that can be extremely traumatizing. Dispatchers are the heroes we don't see. Then, as an officer, you are now confronting the situation in real time. You don't know how the situation has progressed or threats you can potentially experience. You arrive on scene, immediately try to gather information, . Now, you do what you were trained to do; find the threat. During your search you can walk by people who are shot and injured, or even dead. You have to keep going because you can't stop until everyone is safe. You find the threat, you engage the threat, you stop the threat. The incident is resolved, so what's next? You write your report and go home right? It doesn't quite work that way. You take this stuff with you. Let's talk about our fire and EMS point of view. What does this look like for them? Fire and EMS response individuals arrive on scene, assess what happened, start setting up triage, and provide any other medical necessities.....

All of these individuals that work as dispatchers, police officers, firefighters and EMT responders, even corrections officers, experience situations none of us can even imagine. These situations are impactful, they are mentally harmful. Their lives and their wellbeing are constantly at stake. Mental health issues within these individuals are consistently rising. Their traumatic experiences are not being recognized because they feel they don't have someone to talk to. Can they talk about how angry or sad they are? What can be said without getting fired? We need to show support for the individuals who put their life and mental health at risk every day. We need this bill because it can change and protect the lives of many important individuals within our community.

AB 576 requires the Department of Justice to establish guidelines and training program for peer support teams and critical incident stress management teams. During the 2019 Speaker's Task Force on Suicide Prevention, we heard law enforcement testify on the importance on having a peer to talk about the stresses of their jobs. Dana Vike, Program and Policy Supervisor with the Wisconsin Department of Justice, presented to the task force on the possible increase in suicide within officers and ways we can prevent this. One of the initiatives she recommends is the use of peer support training and privacy protections. The ultimate advantage through the utilization of peer support groups is the understanding between both parties. They both understand each other's jobs and what goes on day-to-day which can be very advantageous. In a survey conducted, 79% of respondents claimed they experienced at least one critical stress-related event as a police officer. However, 73% of respondents explained that peer support was the most helpful treatment when it came to aiding their mental health and stressors from their job.

STATE SENATOR

JESSE



JAMES

23<sup>RD</sup> DISTRICT

DOJ has existing training that they already use to help departments around the state establish peer support programs. This bill would help codify the trainings and standards for peer support programs so that every program in the state is held to the same expectations and principles. This bill also protects the conversations during peer support sessions, making our first responders and corrections officers feel more comfortable with utilizing these services. These privileged conversations no longer apply however if there is evidence of child abuse or neglect, there is a sign of the individual being a clear and present danger to others or themselves, or a crime has been committed, there plans to commit a crime, or the intent to conceal a crime.

We are in the year of mental health, but in my opinion, every year should be about mental health. We need to be able to provide these protections to our people who serve day in and day out, 365 days a year, 24 hours a day, 7 days a week. Thank you, and I will take any questions at this time.

Respectfully,

A handwritten signature in blue ink, appearing to read "Jesse James".

Senator Jesse James  
23<sup>rd</sup> Senate District  
[Sen.James@legis.wisconsin.gov](mailto:Sen.James@legis.wisconsin.gov)



# Wisconsin State Lodge *Fraternal Order of Police*



PO Box 206 West Bend, WI 53095

**Ryan Windorff**  
President

**Mark Sette**  
Vice President

**Shane Wrucke**  
Secretary

**Randy Winkler**  
Treasurer

**Tim Toth**  
Second Vice President

**Sean Marschke**  
Sergeant at Arms

**Don Kapla**  
Immediate Past President

**Jerry Johnson**  
National Trustee

November 1, 2023

## Wisconsin Fraternal Order of Police Testimony in Support of Assembly Bill 576

### Assembly Committee on Mental Health and Substance Abuse Prevention

My name is Ryan Windorff and I am the President of the Wisconsin State Lodge of the Fraternal Order of Police. The Fraternal Order of Police is the world's largest organization of sworn law enforcement officers, with more than 367,000 members in more than 2,200 lodges. The Wisconsin State Lodge proudly represents more than 3,200 members in 32 lodges throughout the state. We are the voice off those who dedicate their lives to protecting and serving our communities. We are committed to improving the working conditions of law enforcement officers and the safety of those we serve through education, legislation, information, community involvement and employee representation.

AB576 requires the Department of Justice to establish and implement a program under which public safety agencies may establish peer support teams and critical incident stress management (CISM) services teams. The bill establishes what training is required for members of these teams and requires written guidelines to standardize the functioning of these teams throughout the state.

Peer support teams and CISM services teams have proven to be a valuable resource for public safety professionals who face significant stress and trauma on the job. These programs provide a safe space for individuals to share their experiences, seek guidance, and receive support from their peers who understand the unique challenges of their profession.

I have heard numerous testimonies from public safety professionals who have benefited greatly from peer support and CISM. One police officer shared that they were struggling with anxiety and depression related to their job, but felt ashamed to seek help from a therapist. Through a peer support program, they were able to connect with other officers who had experienced similar struggles and received valuable support and guidance.

Similarly, a firefighter shared that they had experienced a traumatic event on the job and were struggling with PTSD. Through a peer support program, they were able to connect with other firefighters who had experienced similar trauma and received the support and resources they needed to cope and heal.

Peer support and CISM programs not only provide emotional support, but also offer practical resources such as training on stress management techniques, coping strategies, and resources for mental health care. By providing these resources, peer support teams and CISM teams can help individuals in this line of work take care of their physical, emotional, and mental health.



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AB576 also establishes certain protections for communications with peer support team members and CISM services team members. Confidentiality is necessary to protect the privacy of the individuals seeking support. Public safety professionals may be hesitant to seek help for fear of retaliation or negative consequences from their department or colleagues. Ensuring confidentiality is critical to building trust and encouraging individuals to seek the help they need without fear of negative consequences.

Confidentiality also helps to protect the integrity of the peer support or CISM team. If individuals do not feel that their information is being kept confidential, they may be hesitant to participate in the program or share their experiences openly. This can lead to a breakdown in the program and limit its effectiveness.

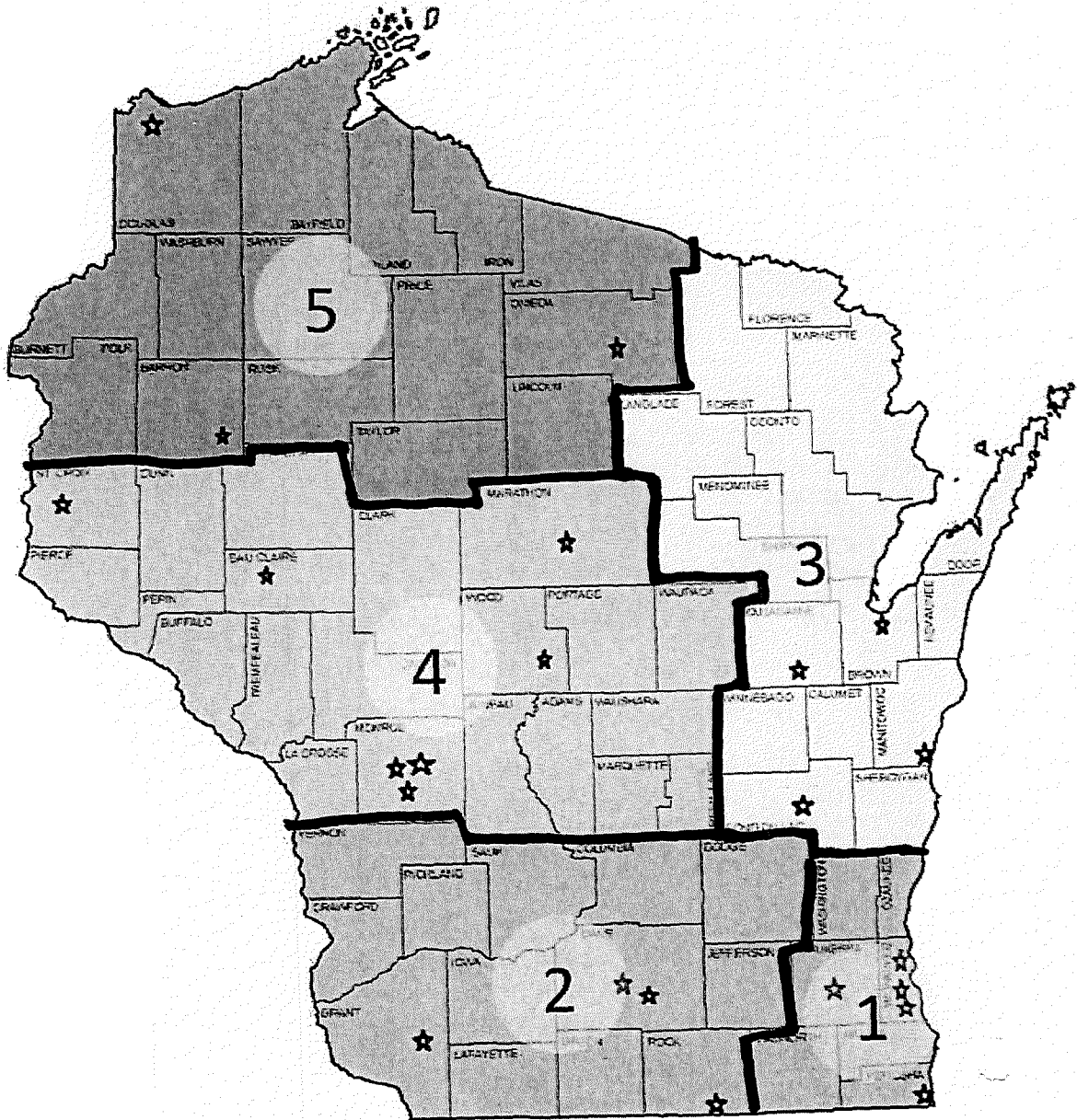
On behalf of the members of the Wisconsin Fraternal Order of Police, we are proud to join our public safety colleagues in support of this important legislation. Our public safety professionals, and the public we serve, deserve to have the wellness of those serving our communities be a top priority. This bill will be a meaningful step toward that goal, and we appreciate your support.

Sincerely,

Ryan Windorff  
President



# WISCONSIN DEPARTMENT OF JUSTICE REGIONAL PEER SUPPORT TRAINING PROGRAM



I would like to thank Representative Kitchens, Senator Balleweg, Senator James, and their staffs for their hard work on making this a reality. I am by no means an expert on mental health, crisis counseling or peer support but I will share with you the perspective of a small law enforcement agency which serves a rural community. In my 30 years in law enforcement, the job has gotten more complex. Mental health calls have skyrocketed. Fentanyl, heroin, methamphetamine- drugs that we unheard of in my small community when I first started are common place now. The patrol deputies I work with are now de facto social workers, crisis counselors in addition to the traditional roles of detecting and investigating and apprehending criminal violators. They work in an environment where everything they do is recorded, where the decisions they make are scrutinized and analyzed and the national media only portrays the negative. Our county jails have become mental health facilities. My Jail Administrator estimates that nearly 50% of the inmates in our facility has some type of mental illness or substance dependence. Our jail deputies now oversee multiple withdrawal protocols daily. They have to manage a number of inmates with a variety of mental illnesses. Physical assaults on our jail staff have increased dramatically.

The average citizen experiences a handful of traumatic events (a violent assault, a horrific traffic crash, domestic violence, witnessed a suicide) in their lifetime, yet it is not out of the realm of possibility for one of the deputies I work with to respond to 4 of these calls in a single shift. Our officers are exposed first hand to a high volume of trauma and then re-exposed to the same event when they write their reports, review body camera footage, and testify in court.



In my 30 years, one of the things the law enforcement profession has not done well is dealing with stress management and mental health of our officers. The old school mentality is you have to be tough and deal with it. I have seen first hand where a deputy has a drink after work to decompress. Their next shift and another round of traumatic calls is only 12 hours away. One drink became two drinks. Two drinks became a 6-pack and a 6-pack spiraled into a drinking problem. I have seen some of my colleagues leave this profession broken, a shell of their former selves. Some with one, two or three divorces. Others with substance abuse issues. Some with post-traumatic stress. My non-law enforcement friends will sometimes rib me about why cops get to retire at a younger age. I point out to them that the average life expectancy is 58 years. We have higher divorce rates, higher suicide rates, and higher substance abuse rates than the general public. In recent years, this has begun to change. PEER SUPPORT

Earlier this year, the first ever Peer Support Conference was held in Wisconsin Dells with 300-400 officers, deputies, and detectives in attendance. The idea behind peer support is deputies helping deputies. Intervening in problems in their infancy rather than allowing them to grow and fester. Peer support team members go through a selection and approval process, attending a minimum of 16 hours of entry level training before they are considered a member of the team. A deputy in need of help can reach out to a peer support member on their own. They can also be referred by a co-worker, supervisor, or family member. The peer support member then assists the deputy with their problem be it (relationship issues, marital or family problems, post-traumatic stress, financial issues, suicidal ideation). If the problem is beyond the scope of what the peer

support member can handle, they service as a conduit connecting the deputy with professional resources.

Door County is a small community with limited professional resources readily available locally. If one of the deputies I work with needs help, the most readily available and reliable source locally is our peer support team. Let me tell you about our team and how we got started. In early 2020, we wrote a COPS micro grant for officer wellness and we were the only agency in Wisconsin to receive an award. With this grant we created a pilot program for mental health wellness checks. We also built a wellness app which put resources at the tips of a deputy's fingers on their cell phones. It was at this time that we formed our peer support team and began sending deputies to training and then COVID struck and all trainings were cancelled. We conducted our trial round of wellness checks in May of 2021 after COVID subsided. I had wanted to make these sessions mandatory but received pushback from the union. We ended up with over 85% of our deputies attending on a voluntary basis and with the remaining unused grant funds we were able to host a peer support training for our team. We were also able to open this training up to other agencies and over 25 officers in Northeast Wisconsin attending this training. Our team has been up and running since. We have since built deputy wellness in our budget and continue with the wellness checks and the app. We now contract with a counseling service out of Green Bay for Critical Incident Stress Management services. Earlier this month we expanded our team by adding members of the Sturgeon Bay Police Department and the Door County Communications Center to serve all members of law enforcement in Door County. Budgets are tight but I use the analogy of the Door County Sheriff's Office has a fleet of over 50 vehicles worth over

\$3,000.000 and we spend over \$75.000 each year to maintain the fleet. What is the value of the deputies who drive those vehicles and we certainly should commit resources to maintain their mental health?

So why this bill? In addition to the machismo mindset of being tough and not being perceived as weak that I mentioned was prevalent at the beginning of my career, there is concern about stigma and that be coming forward with a problem could have a detriment on their livelihood or their ability for promotion. They are worried about how they will be perceived by their co-workers. We need to remove the barriers between an officer who is struggling and the help that they need. One of these barriers, and perhaps the biggest one, is confidentiality. Officers and deputies need the peace-of-mind that what is disclosed will not be shared and have a negative impact on their career. When a deputy is in crisis, struggling with depression, suicidal ideation, we don't want them suffering in silence. We want them to get the help they need. We don't want them to hesitate to reach out to peer support. The concept of confidentiality is not untested grounds. Over 20 other states and federal law enforcement already have protections like this in place. Tennessee. Louisiana. Utah. Mississippi. Texas. Virginia. South Carolina. Virginia, just to name some. This bill does contain some bright line exceptions to the confidentiality. These include actual or suspected child abuse or neglect, if the person is an imminent threat to themselves or others, or if the person receiving services has committed a crime, plans to commit a crime, and intends to conceal a crime.

In June of 2021, I attended the funeral of one of our deputies. He was a lifelong friend whom I rode the school bus with when we were in grade school. He had 6 days left to work before he retired. In November of 2022, we lost another deputy. He had

retired from a long career and continued to work with us on a part-time basis. Neither of them reached the age of 60. I can't help but wonder if a career worth of trauma calls and the negative impact of cortisol stress was a contributing factor in their untimely deaths. What if we had resources available to them throughout their career?

# **PROFESSIONAL FIRE FIGHTERS OF WISCONSIN, INC.**

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**MAHLON MITCHELL**  
STATE PRESIDENT

**MICHAEL WOODZICKA**  
STATE VICE-PRESIDENT

**STEVE WILDING**  
STATE SEC. / TREAS.

## Testimony of Mahlon Mitchell State President Professional Fire Fighters of Wisconsin AB-576 – Peer Counseling

Thank you, Chairman Tittl and members of this Committee, for holding this hearing. We appreciate the opportunity to testify on this important issue and to express our strong support for AB-576.

My name is Mahlon Mitchell, I am State President of the PFFW. We have members in over 100 communities across the state. Most of our members are both firefighters and EMS providers. Some have the single role of firefighter and others have the single role of Paramedics. We call these members stand-alone Paramedics. All of our members are full-time and of course get paid for their services.

Last session most of the organizations here today worked hard to pass legislation that provided Workers Compensation coverage for police and firefighters that have been diagnosed with PTSD. That legislation was needed due to the increasing occurrence of suicide among our members. That legislation applied to those with the most severe type of mental disease.

We recognized with that legislation there developed a growing concern with our Peer Counselor Teams being subject to inquiries from management about what they knew about a brother or sister in their darkest hours. There was a concern with those with a mental disease and their peer counselors that they could be subject to action that could result in the loss of their job or other types of discipline.

AB-576 is a logical step to address those concerns for those with PTSD as well as other mental health concerns.

Peer counseling is not a new concept for our firefighters and EMS personnel. We have been providing this service to our members for many years. The Professional Fire Fighters of Wisconsin Member Assistance Program (PFFW MAP) Peer Support Team was developed almost 30 years ago in the early 90's after multiple firefighter suicides occurred within our state. Because of the success of the program and Team Members, the PFFW MAP Team was invited to New York City following the 911 attack on the twin towers and to Louisiana after hurricane Katrina to provide support to emergency responders in these areas. Since then, the PFFW MAP Team continues to provide confidential support to emergency responders whenever the need arises.

To become a PFFW trained peer counselor an individual must go through a combination of a 3-day, 24 hour Assisting Individuals in Crisis and Group Crisis Intervention course, from the International Critical Incident Stress Foundation (ICISF) and a 2-day, 16-hour training from the International Association of Fire Fighters (IAFF) Peer Support Program. As well as the expectation to attend at least 50% of quarterly team training over a two-year period.

Our Professional Fire Fighters of Wisconsin Charitable Foundation (PFFWCF) has been facilitating these trainings in Wisconsin both quarterly and regionally throughout the State and are on track for achieving their goal of having 150-200 newly trained peer supporters by the end of next year. In fact, they are holding a 3-day, 45-person class in Oak Creek as we speak.

The one concern we have with the bill as written is that the bill assumes peer support programs are run by an "agency". The narrow definition of agency in the bill does not seem to cover the PFFW. The PFFW is not an agency, we are a labor union. Our union works with fire departments to provide this service. We would like to work with the authors to correct this in what we assume is an oversight.

The heart of this legislation for our members is the protection they will receive from their employer using mental health information either

against the individual with the mental health issue and those peer counselors that are providing assistance to their colleague.

Of the various options available to our members with mental health issues, a recent survey shows that counseling with peers is the most trusted form of treatment. We don't want to do anything to discourage the use of our peer counselors.

Confidentiality is paramount to the success of any peer support program. Because of the confidential nature, utilization of peers is difficult to measure. However, over the last four years, the PFFWCF and Rogers Behavioral Health Research Center conducted their annual Wisconsin Fire and EMS Mental Health survey. The results show that peer support is found to be both the most utilized service and the most effective for improving the mental health of our firefighters.

Our members with mental health challenges are often afraid to discuss their issues with those they work with for fear that if management learns of those discussions it could result in action against them from their employer. Likewise, our peer counselors fear they could be used as pawns in forcing them to reveal what they know about a colleague. They fear it could result in action against the person with the mental health issue or it could result in action against the peer counselor if they refused to reveal what they knew about the member they are counseling.

This legislation is an important step in removing that barrier to our members that might be thinking of seeking peer counseling and from our members that have volunteered to be peer counselors in the aid of their fellow brothers and sisters.

For these reasons, the PFFW supports this important legislation and gives thanks to those of you that are sponsors of the bill, especially Rep. Kitchens and Senator James. For those of you that are not yet sponsors we ask that you consider becoming one.

I would be glad to answer any questions you might have about our program or its success.

Thank you

## When Caring Kills

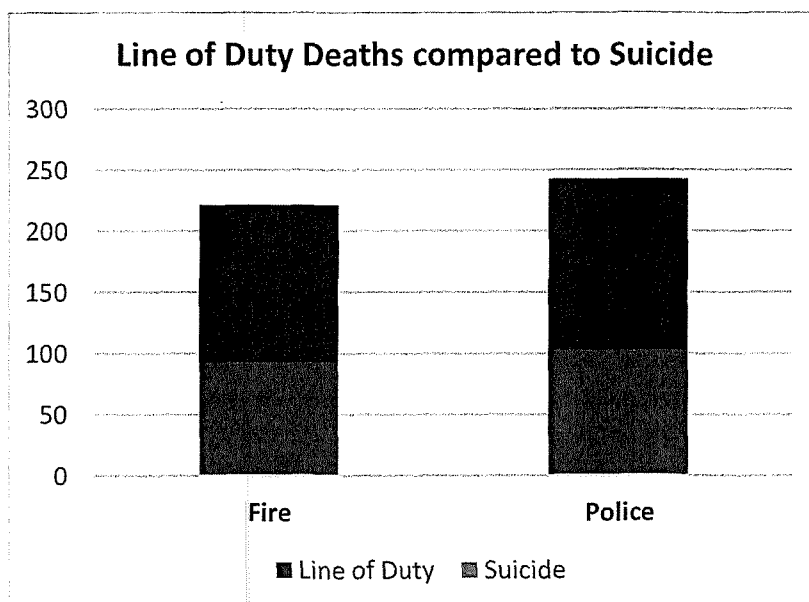
### Confronting the Suicide Epidemic Among Wisconsin's Firefighters and Law Enforcement Officers

**Emergency responders accept repeated exposure to traumatic events as part of their job, but without proper support this can result in psychological harm.**

**Many police, fire, and EMS workers go without needed care because of challenges unique to their profession; Fear of stigma, as a result of seeking treatment, concerns over confidentiality, and mistrust of people outside of their group. In response to these occupational challenges, the emergency response community has developed peer support teams to help initiate care.**

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According to a Ruderman Family Foundation Report published in 2018, the number of suicides now exceeds the number of line of duty deaths for law enforcement officers and firefighters. These numbers continue to trend upwards.





## The Need for Protections

Wisconsin's health privacy laws do not protect emergency responders seeking peer support services following traumatic events.

**Action is needed to improve access to mental health services for first responders.**

A law is necessary to shield members of peer support teams that provide stress management services after an incident from having to testify, or divulge information obtained through that work. Critical incidents involving death or serious injury are investigated, and responders fear professional, legal or civil consequences as a result of their involvement. When help is most needed, they are left to deal with the aftermath without access to the resources in place to help them.

Information shared between peer support specialists, and those they help, needs to be protected by privilege. One way to accomplish this is to adopt the language used by the Commonwealth of Massachusetts to extend confidentiality protections afforded licensed providers to include trained peer support specialists.

**41 states have critical incident stress management team listings**

**23 states have confidentiality provisions for first responders**

For more information, contact:  
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