



Madison Police Department

Noble Wray, Chief of Police

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January 19, 2012

Mr. Joe Parisi, Dane County Executive
City County Building, Room 421
210 Martin Luther King Jr. Blvd.
Madison, WI 53703

Dear County Executive Parisi:

In the recently approved and adopted 2012 Dane County Budget, program changes were made to how Dane County Human Services provides for emergency treatment services to those individuals who law enforcement have placed in protective custody due to incapacitation from alcohol. On December 5, 2012, DCHS Director Lynn Green sent a formal communication (letter) to Dane County law enforcement agencies announcing the new emergency treatment services program. Of immediate concern to law enforcement was the following from her letter:

"In 2012, Tellurian believes that through outside revenues they can fully staff the facility on weekends and will be able to admit up to 19 people who have been placed in protective custody. Tellurian is not able to provide this service to Dane County residents Sunday night through Thursday evening. There is not sufficient revenue to make this service financially sustainable all week. Dane County does not have the resources to fund anything beyond the cost of the facility for these individuals. If this service is to be available for the balance of the week, revenue will need to come from sources other than Dane County. We have approached health care entities in regard to their subsidizing this additional capacity, but we have not received any indication of interest in doing so."

I write you today to formally express my concern with the new model for the delivery of emergency services being implemented in 2012 by Dane County Human Services pursuant to the County's responsibility under Wisconsin Statutes 51.45(11). When we met to informally discuss the new program with you on Thursday, December 15, 2011, we (MPD) raised immediate concerns regarding the protective custody commitments of individuals whom were under arrest for a criminal charge. MPD did not want to be in a position where we would have to stand by, in a hospital emergency room, monitoring a prisoner until the individual detoxifies to the point where they could be incarcerated in the Dane County Jail. We mutually agreed this would not be a cost effective use of emergency room or law enforcement resources. In response to MPD concerns, Director Green advised she believed her department could meet the emergency treatment services (protective custody placement) for arrested persons regardless as to day of the week.

The remainder of our meeting on December 15, 2011, explored a number of different scenarios which were likely to result when the new DCHS emergency services treatment model was implemented in 2012. Since January 1, 2012, we believe we have seen a number of these scenarios play out, and others occur which we simply could not have been imagined. It is my belief, at this time, that this new emergency treatment services model is unnecessarily endangering the lives of citizens, specifically those inflicted with the disease of alcoholism.

Over the past four weeks, we have acquired various records including materials from the 2011 Dane County Board of Supervisors Detox Study Committee. Captain Joe Balles from my Management Team attended all three of the meetings which were chaired by County Board Supervisor Jeremy Levin. We also have reviewed two Dane County Corp Counsel opinions which were created to provide policy makers with guidance on this issue and the County's ultimate responsibility and liability. One of these opinions was for the Dane County Board Detox Study Committee, the other for your office in late August while your 2012 budget was being prepared. Following our meeting on December 15th, 2011, I assigned Captain Balles to meet with our City Attorney's Office as I was concerned about potential liability to the City of Madison in lieu of the pending changes and the apparent lack of 24 X 7 emergency treatment services being provided by Dane County under the new model. I am now in possession of an 11 page opinion from our City Attorney's Office which highlights significant flaws in the guidance you have been given on this matter, particularly the guidance your were given leading up to the development of your 2012 Executive Budget.

Subsequent to my review of the memorandum from our City Attorney's Office, I am asking that your office respond to the following questions:

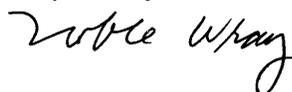
1. How does Dane County intend to meet its statutory responsibility to provide for emergency treatment services pursuant to 51.45(11) from Sunday night at 11:00 p.m. through Thursday night at 11:00 p.m. in 2012?
2. How much State, Federal or outside revenue (e.g. Rock County) is received by Dane County and built into the 2012 budget to provide for emergency treatment services under 51.45(11)?

SHORT TERM RECOMMENDATION

In addition to responses to the above questions, I am also requesting you issue an executive order to Director Green and immediately return the County detox center capacity levels back to the levels put in place by Director Green in January 2011. This would at least provide some beds for law enforcement at the County's public treatment center every day of the week. While we commend Director Green's efforts to find new methods for providing services to those inflicted with the disease of alcoholism; deciding not to provide for statutorily mandated emergency treatment services to those individuals on specific days of the week in order to pay for the new program does not reflect the legislative spirit by which Chapter 51 of the Wisconsin Statutes directs counties and local governments when providing for the needs of those who are developmentally disabled, mentally ill or suffering from alcoholism.

I look forward to your response in the near future. If you have any questions please call. We are looking for a mutually agreeable resolution that treats all persons with dignity and respect.

Respectfully,



Noble Wray,
Chief of Police
City of Madison

cc: Paul Soglin, Mayor
Mike May, City Attorney
Lynn Green, Director Dane County Human Services
Kevin Florek, Tellurian Executive Director
Dane County Board of Supervisors
City of Madison Common Council
Dane County Police Chiefs Association