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Donald F. Eslinger
Sheriff, Seminole County
100 Bush Boulevard
Sanford, FL 32773

Dear Sheriff Eslinger,

I hope that sharing information about my experience as corporation counsel in the civil commitment process in Waukesha County will be of assistance to you and the Florida Sheriff's Association in your efforts to reform Florida's civil commitment law.

Waukesha County uses court-ordered outpatient treatment more consistently than most counties in Wisconsin. We have found since 1997 that detaining a small number of patients under court-ordered outpatient treatment plans sends a message that greatly enhances compliance from the rest of those under outpatient commitment. The net result has been a great reduction in recidivism.

In Waukesha County, which has a population of just over 350,000, we have approximately 1,100 law enforcement mental health detentions each year. The large majority of these detainees are released for voluntary care prior to what would have otherwise been their initial court appearance within 72 hours of detention. About 300 - 350 instead do come to the initial appearance but then sign "conditional voluntary" treatment agreements wherein they promise to cooperate with certain inpatient or outpatient treatment terms. After the 45 day adjourned period, 99% of these cases are then dismissed. We seize the remaining 1% for a renewed contest. For those detainees who aren't first released or adjourned (approx. 75), the system proceeds to a contested initial appearance followed by a contested Final Hearing. At Final, the Circuit Court Judge usually commits them for inpatient treatment owing to the acute phase of their illness that landed them in court to begin with. After 2 - 20 weeks of inpatient care, they are conditionally transferred to outpatient treatment. If they fail to follow outpatient treatment terms, the Deputies from the Sheriff's Department seize them from their homes or work spaces, deliver them to the Mental Health Center for their psychotropic medication shot, and then clear the area while a taxi or bus is arranged to take that subject home.

After 6 months of inpatient-followed-by-outpatient court-ordered treatment, the patients with schizophrenia and bipolar disease, as opposed to simple depression, usually undergo further court proceedings to extend their commitments for more outpatient treatment. Probably 98% come to the court trial for extension while in an outpatient status. Since the extensions can be

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repeated annually, I have even had some of the severely ill patients in court for 10 consecutive years. For extensions, I almost always include the same provision that the patients will be seized for either medication non-compliance or for refusing to return to inpatient care when ordered by Human Services. However, non-compliance is not a significant problem. You pick up a handful and then the "word" spreads amongst the committed population that "shall" means "shall."

Outpatient orders are revoked for non-compliance infrequently, only 5 – 8 times each year. The hearings for outpatient orders typically take no longer than hearings for inpatient detention, although there are some exceptions when a case may be highly contested. Of course, that is true for inpatient detention hearings as well. The court's order for outpatient care is on a standardized form. This format makes it fairly uniform and convenient. We use a photocopier in the courtroom to distribute copies right in court.

I understand that the Florida Sheriffs Association is also proposing that Florida adopt a voluntary treatment agreement provision similar to Wisconsin's statute. As you can surmise from the numbers detailed above, the voluntary treatment agreements are a very useful tool and can diminish the workload considerably for attorneys and the court while providing a less restrictive means of ensuring treatment compliance. They are win-win-win for me, the court system and the patient. I wouldn't want to practice without them.

I am available to answer any other questions that you might have. The best way to reach me is by e-mail at fmielke@waukeshacounty.gov. Best wishes.

Respectfully,



Fritz Mielke
Assistant Corporation Counsel

cc: Mary Zdanowicz