

COUNTY OF MILWAUKEE
Inter-Office Communication

Date: July 8, 2025

To: Marcelia Nicholson, Chairwoman, Milwaukee County Board of Supervisors

From: Shakita LaGrant-McClain, Executive Director, DHHS

Subject: A report from the Director, Department of Health and Human Services, providing an update on a Wisconsin Statutes Chapter 971 civil commitment case

File Type: Informational Report

REQUEST

The Milwaukee County Board requested an update regarding a criminal case that was converted to a civil commitment and has been heavily covered recently in the press.

POLICY

Pursuant to 971.14(6)(c) of the Wisconsin Statutes:

If a person is committed under s. 51.20 pursuant to a petition under par. (b), the county department under s. 51.42 or 51.437 to whose care and custody the person is committed shall notify the court which discharged the person under par. (a), the district attorney for the county in which that court is located and the person's attorney of record in the prior criminal proceeding at least 14 days prior to transferring or discharging the defendant from an inpatient treatment facility and at least 14 days prior to the expiration of the order of commitment or any subsequent consecutive order, unless the county department or the department of health services has applied for an extension.

BACKGROUND

Per Wisconsin Circuit Court Access, it is a matter of public record that Amando Elijah Lang was charged with First-Degree Intentional Homicide on August 30, 2019. He was found not competent/not likely to regain competency on September 8, 2020, and the case was converted to a civil commitment proceeding under Wis. Stat. § 971.14(6)(b). Civil proceedings, and associated records are protected and are not allowed to be shared.

Several local news outlets have reported that after a police contact in Greenfield, WI on June 8, 2025 at his mother's home, concerns were raised that Mr. Lang was in the community and not incarcerated or institutionalized.

In response to the public outcry, the Milwaukee County District Attorney (DA) reported that it was unaware he was in the community as it had not received the required notice from the

county department of his release from the state hospital. DHHS-BHS did not dispute this failure to provide the required notice.

There are no additional community reporting requirements outside of what is required under Wis. Stat. § 971.14(6)(c). Subsequent to the media stories, the DA, per public information listed on the Consolidated Court Automation Programs (CCAP), requested a competency evaluation which was ordered by the court on June 23, 2025 and scheduled for July 7, 2025. The Court scheduled the Doctor's Report Return for July 15, 2025.

Ensuring Compliance with Wisconsin Statutes Chapter 971

Additionally, as requested, BHS has taken the following measures to provide the required oversight of 971 conversion cases:

- All active Chapter 51 commitments were immediately reviewed and cross-checked between court paperwork and our Electronic Health Record.
- Proper notice was provided on another 971 case as recently as June 4, 2025.
- BHS has requested updates to our Electronic Health Record to flag all commitments that were initiated via 971.
- BHS has updated its Chapter 51 renewal packets. This change requires that when a provider cannot provide the evidence to request a commitment extension, it must return a document alerting the county department 21 days before the commitment expires so the Department can properly notice the required parties.
- BHS has initiated a change request for a report to be generated in our Electronic Health Record listing all commitments that were initiated under 971 and will have a routine audit of this report completed by our legal services staff.
- BHS will develop mandatory training on 971 reporting requirements for all staff involved in the process to include a comprehensive policy developed in collaboration with the DA on 971 reporting requirements, staff roles, etc.
- Finally, Corporation Counsel has proposed the following changes (underlined and bolded) to Chapter 971:

Wis. Stat. § 971.14(6)

(6) Discharge; civil proceedings.

*(a) If the court determines that it is unlikely that the defendant will become competent within the remaining commitment period, it shall discharge the defendant from the commitment and release him or her, except as provided in par. (b). The court **may shall** order the defendant to appear in court at specified intervals for redetermination of his or her competency to proceed.*

(c) If a person is committed under s. 51.20 pursuant to a petition under par. (b), the county department under s. 51.42 or 51.437 to whose care and custody the person is committed shall

*notify the court which discharged the person under par. (a), the district attorney for the county in which that court is located and the person's attorney of record in the prior criminal proceeding at least 14 days prior to transferring or discharging the defendant from an inpatient treatment facility and at least 14 days prior to the expiration of the order of commitment or any subsequent consecutive order, unless the county department or the department of health services has applied for an extension. **The aforementioned inpatient treatment facilities are hereby required to notify the county department thirty (30) days prior to transferring or discharging the defendant so that the county department may timely effectuate the notice(s) required under this section.***

PREPARED BY:

Michael Lappen, MS, LPC, Behavioral Health Services Administrator

APPROVED BY:

Shakita LaGrant-McClain

Shakita LaGrant-McClain, Director, Department of Health and Human Services

ATTACHMENTS:

None

cc: Milwaukee County Board of Supervisors
David Crowley, Milwaukee County Executive
Milwaukee County Mental Health Board Members
Mary Jo Meyers, Chief of Staff, Milwaukee County Executive
Scott Brown, Milwaukee County Corporation Counsel
Kelly Bablitch, Chief of Staff, Milwaukee County Board of Supervisors
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