

Committee Name:
Senate Committee –
Judiciary, Corrections and Privacy
(SC–JCP)

Appointments

03hr_SC–JCP_Appt_pt00

Committee Hearings

03hr_SC–JCP_CH_pt00

Committee Reports

03hr_SC–JCP_CR_pt00

Clearinghouse Rules

03hr_SC–JCP_CRule_03–

Executive Sessions

03hr_SC–JCP_ES_pt00

Hearing Records

03hr_ab0000

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Misc.

03hr_SC–JCP_Misc_pt00

Record of Committee Proceedings

03hr_SC–JCP_RCP_pt00

Wisconsin Juvenile Court Intake Association, Inc.

August 6, 2003

Senator Ron Brown
P.O. Box 7882
Madison, WI. 53707

Senator David A. Zien
P.O. Box 7882
Madison, WI. 5370

Re: Threats of Harm Legislation

Dear Senators Brown & Zien:

The Wisconsin Juvenile Court Intake Association (WJCIA) is advocating for the creation of new statutory language that would serve to protect all county social service/juvenile court employees and their families from threats of violence. The WJCIA is an independent, professional organization, established to provide support, training and a common sense of purpose for juvenile court intake workers. We appreciate your support and interest in drafting a bill addressing this matter.

We have promoted the passage of similar bills in the past. It has come to our attention that some organizations in the State have raised questions and provided opposition to the passage of the prior bills. It appears that they do not fully understand the reasons behind this effort. We are aware of some of their concerns and will attempt to address them in this letter.

Issue #1: This statutory language would "open the door" for protective status for county social service/juvenile court employees.

Response: The concept of protective status is totally unrelated to our motivation for the statutory changes. Of the numerous other special interest groups named in state statutes, some have protective status and others do not. Our motivation for promoting this statutory language change is that the present statutes do not adequately address our concerns over threats made to us and our family members.

Issue #2: Social service/juvenile court employees should understand the risks of the job when entering their professions and follow the standards on how to do their jobs safely.



2002 - 2003

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Response: We are quite aware of the potential dangerousness of our jobs and the clientele with which we work, and take precautions accordingly. However, when dealing with the most basic human emotions, it is difficult to predict the reactions of those affected. In addition to concerns for our own safety, the safety of our families is a major concern. Other professionals working with the public, such as IRS employees, probation officers, and judges, know the dangers they face in their professions, just as we do, but they also have statutory language that protects them and their family members from such threats.

Issue #3: The potential for lawsuits against the county for failure to protect.

Response: Counties train their employees on how to manage and deal with the risks that go along with their jobs. The potential for lawsuits is already there. This bill attempts to put the responsibility where it belongs, instead of with the employer.

Issue #4: The potential for over-criminalization of juveniles.

Response: The statutory language change we are promoting is geared toward anyone, juvenile or adult, that makes a serious threat, and has the intent and means, to carry out that threat. It is not designed for those who, in a fit of anger, make an impulsive statement without any intention of carrying out the threat. We believe there should be expectations built into the law that would require that there be a reasonable belief that an intentional threat was made and that there is a means to carry out that threat.

Issue #5: The potential increased impact on jails and prisons.

Response: This would be a misdemeanor offense and we believe there would be a minimal potential impact on jails and prisons.

Issue #6: Laws already exist to address threats.

Response: Existing offenses, such as disorderly conduct and battery, do not adequately address our concerns. In some jurisdictions, law enforcement seems to be reluctant to speak with or charge an individual who merely makes a threat. We understand that some District Attorneys have been unwilling to consider prosecuting an individual without specific language that covers threats of harm to these individuals.

I am enclosing a letter to Senator Carol Roessler dated April 28, 2000 that will give you some background information about our work on this issue. Please feel free to use this information as you see fit. If you need further information or would like to confer with me or one of the other board members, their names and their respective counties are listed on the left-hand side of this letter.

On behalf of the Wisconsin Juvenile Court Intake Association, I would like to thank you for your willingness to assist us in finding a legislative solution to a very difficult and ever increasing problem for the social service/juvenile court workforce and their families.

Sincerely,
Randine Celusta
Randine Celusta, President
Wisconsin Juvenile Court Intake Association



1999 - 2000

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Wisconsin Juvenile Court Intake Association, Inc.

April 28, 2000

Senator Carol Roessler
PO Box 7882
Madison WI 53707-7882

Dear Senator Roessler:

The Wisconsin Juvenile Court Intake Association has taken a position calling for the creation of new statutory language that would serve to protect all county governmental employees and their families from violence and threats of violence of the workplace. We appreciated your support of Senate Bill 330. We hope that action will be taken during the new legislative session to see that a bill such as SB330 will be passed.

Late last year the Wisconsin Juvenile Court Intake Association did send out a survey to all intake offices in the State of Wisconsin. One part of the survey asked for information on violence and threats of violence in the workplace. We were attempting to identify whether or not this is a matter that we should be concerned about. Counties were encouraged to duplicate the form and have any employee assigned to perform juvenile court intake services complete the survey. We did receive a total of 57 responses to this particular survey. We could identify 40 separate counties that did respond. Of the 57 surveys that were returned, 25 expressed a concern about violence and threats of violence in their workplace. One responder felt that this was not a problem, nor an issue that the Wisconsin Juvenile Court Intake Association should be concerned about. The remaining responders did not complete this section of the survey. Many of them indicated that they did not have first hand information on this matter.

A total of 20 individuals indicated that either they personally or someone in their office had been threatened by the clientele they work with. Many of them indicated that they have been threatened on several occasions. One responder stated that an employee in their county had been threatened with a baseball bat. Another individual reported that a client had threatened to blow up a staff member's car. Another responder stated that he had been threatened with murder three separate times. Although he did report these threats to his supervisor, the county director, and law enforcement, no legal action was taken. Most of the responders who talked about threatening incidents stated that no legal action was taken. However, there were a few cases where some type of legal action was taken. In these situations, the responders felt that the situation was adequately handled.

There were a total of seven individuals who reported actual incidents of violence. The incidents included battery to staff members, damage to cars, and damaging of office doors. A couple of responders actually indicated that staff members had been struck

in the face or head area by clients. All of the responders who reported actual incidents of violence stated that legal action of some type was taken. Not everyone was satisfied with the outcome of the legal action.

All of the incidents that were reported were directed towards the worker who was involved with the family. However, we are aware of a few occasions in the past where family members have also been threatened. We do believe that any new statutory language should also address this matter.

Based on the information we did receive in the survey, we would conclude that violence and threats of violence towards intake staff is a real concern. Most responders were unsure as to what could be done to try and address this concern. A couple of counties did indicate that they have attempted to implement some safety policies to address the problem. The idea of new statutory language that would help protect government employees was favorably received by the responders.

We would like to thank you for your consideration of our concern. Please feel free to contact me if you would like additional information on the survey results. Let me know if there is any way we can be of further assistance.

Sincerely,

Fred Umland
President

FU:smv

Vote Record
Committee on Judiciary, Corrections and Privacy

Date: 2-10-4

Moved by: Steff Seconded by: Zien

AB _____ SB 312 Clearinghouse Rule _____
 AJR _____ SJR _____ Appointment _____
 AR _____ SR _____ Other _____

A/S Amdt _____
 A/S Amdt _____ to A/S Amdt _____
 A/S Sub Amdt _____
 A/S Amdt _____ to A/S Sub Amdt _____
 A/S Amdt _____ to A/S Amdt _____ to A/S Sub Amdt _____

Be recommended for:
 Passage Adoption Confirmation Concurrence Indefinite Postponement
 Introduction Rejection Tabling Nonconcurrence

<u>Committee Member</u>	<u>Aye</u>	<u>No</u>	<u>Absent</u>	<u>Not Voting</u>
Senator David Zien, Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Scott Fitzgerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Cathy Stepp	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator Tim Carpenter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Senator G. Spencer Coggs	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Totals: _____

Motion Carried Motion Failed