



# DAN FEYEN

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## STATE SENATOR

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To: The Senate Committee on Judiciary and Public Safety  
From: Sen. Dan Feyen  
Re: Senate Bill 844

Hello, Chairman Wanggaard and committee members. Thank you for taking the time to hold a public hearing on Senate Bill 844. This bill passed the Assembly last month.

Being a corrections officer is already one of the toughest jobs you can have in our state. The challenges of their job are compounded by the threat of bodily harm that they face on a daily basis.

Currently, it is a Class H felony to commit battery against a probation, extended supervision, or parole agent, but there are no enhancers in state statute for harming our corrections officers. This bill prioritizes Department of Correction's (DOC) employee safety, by adding a five year enhancer to the maximum sentence of anyone in DOC custody who intentionally causes bodily harm to a DOC employee.

Many times, when battery is committed against our corrections officers, the sentences handed down will run alongside a prison sentence they are already serving. This can create the impression that there is no penalty for these violent acts. Under this bill, the five year added sentence must run consecutively to any current sentences the person is serving. This ensures a penalty is paid for any battery committed against our corrections officers.

It is no secret that Wisconsin is facing workforce shortages across many sectors of our economy. One of the hardest hit right now is our corrections facilities. Many people are leaving their jobs in our correctional facilities in fear of their safety. In an industry that is already hard to recruit and retain employees, we need to show that we are going to put their safety first and do everything in our power to deter these violent acts from being committed against our corrections officers.

Thank you again for holding a public hearing on this important legislation.



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# PATRICK SNYDER

STATE REPRESENTATIVE • 85<sup>th</sup> ASSEMBLY DISTRICT

## **Testimony in Support of Senate Bills 844, 845, and 846 and Assembly Companion Bills 824, 825, 826**

Senate Committee on Judiciary and Public Safety  
February 8<sup>th</sup>, 2022

Chairman Wanggaard and members of the Committee:

I authored this legislative package with Senator Feyen and Representative Callahan because the simple reality is that many Department of Corrections (DOC) employees do not feel safe when conducting their duties inside prisons. These safety concerns while incredibly concerning on their own have also directly impacted staffing shortages within the DOC. This package of bills will help improve safety for corrections officers and make sure that when violence is directed against corrections officers that is dealt with appropriately.

Senate Bill 844 increases the maximum imprisonment penalty for battery against a corrections officer by five years and mandates that if the battery is committed while an individual is already imprisoned that if found guilty the offender must serve the sentence consecutively with another sentence. Battery committed against a corrections worker is unique because often the perpetrator is already serving one prison sentence for another unrelated crime. In some cases the perpetrator serves no additional penalty because the sentence for the battery is served concurrently with another sentence allowing a prisoner the leeway to commit battery against a corrections officer with no additional penalties.

Senate Bill 845 allows corrections officers to carry oleoresin of capsicum (CS gel) - more commonly known as pepper spray - providing corrections officers a means to protect themselves during the course of their duties with a nonlethal deterrent. I have heard some truly horrifying stories of physical and sexual abuse directed at our corrections officers in recent years. Obviously, serving as a corrections officer is far from a typical job but no one should suffer violent felonies without protection as part of their work duties. This bill was amended based on feedback to place a training requirement on employees who wish to use pepper spray. During the testimony at the Assembly hearing corrections officers testified about a case where pepper spray saved the life of a corrections worker in Wisconsin who was stabbed several times by a prisoner - and just last week corrections officers in New York State prevented a riot due to pepper spray as you can see in the article submitted with my testimony.

Senate Bill 846 requires that the DOC report all cases of alleged battery by prisoners against corrections employees. These reports will be collected by the department and will be forwarded to local law enforcement for potential prosecution. This bill was amended to

remove language referring to the grounds of a correctional institution because there are times an inmate is in the custody of DOC, under the authority of the respective institution, but not actually on the grounds of the institution (i.e. in transport, at a hospital, etc.). Current administrative code only requires the Department "shall work with local law enforcement and the district attorney so that violations of criminal statutes may be investigated and appropriately referred for prosecution." However, it doesn't contain a mandatory report and many corrections employees have been frustrated that reports aren't required. Ensuring that local law enforcement receives reports will allow for the proper legal process to play out in cases of alleged battery against corrections employees.

It is our duty as legislators to ensure that corrections officers are safe in the course of their important work. Unfortunately, many of them are not and this legislation will go a long way to helping ensure safety in our correctional institutions.

Thank you for taking the time to hear my testimony today. I am happy to answer any questions you may have.

# Union: Riot at max security N.Y. prison sends multiple COs to hospital

**One of the officers was knocked unconscious after being slammed into a hand rail and punched in the head**

Feb 3, 2022

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By James McClendon  
syracuse.com

ROMULUS, N.Y. — Four correctional officers and a sergeant were hospitalized Monday after a riot broke out in the mess hall of a maximum-security prison in Seneca County, union officials said.

The riot began Monday afternoon when two inmates refused to follow directions from three officers working in the mess hall at Five Points Correctional Facility in Romulus, union officials with the New York State Correctional Officers & Police Benevolent Association said Wednesday in a news release.

The officers grabbed one of the inmates in a body hold and began dragging him towards the exit, officials said. The officers wrestled the inmate to the ground outside the mess hall, where he continued to struggle, they said.

Another inmate jumped up from a table in the mess hall and ran towards the exit, officials said. Officers grabbed him and forced him against a wall, they said.

Multiple inmates then stood up and approached the officers in a threatening manner, officials said. Three inmates grabbed two officers near the exit door, and another officer was punched in the head when he tried to help, according to the release.

An inmate grabbed another officer, slammed him into a hand rail and punched him in the head, officials said. Another inmate then hit the officer and knocked him unconscious, they said.

Pepper spray was used and three of the inmates stopped fighting, officials said. One inmate continued to attack guards, punching and kicking them in the face, officials said.

The pepper spray was used again and the inmate eventually stopped resisting, officials said.

All inmates involved in the incident were placed in handcuffs and removed from the mess hall, according to the release.

Four of the inmates were transferred to Elmira Correctional Facility and placed in special housing units pending disciplinary charges, according to the release. Three other inmates were transferred to Attica Correctional Facility and placed in special housing units pending disciplinary charges, officials said.

The three inmates accused of inciting the riot were placed in special housing units at Five Points pending disciplinary charges, officials said.

Three officers were treated by prison medical staff for shoulder and lower back pain, officials said. They returned to work after being treated, according to the release.

Three officers and a sergeant were taken to Geneva Hospital for injuries to their jaws, heads, knees and for abrasions, officials said.

The officer who was knocked unconscious was taken to Cayuga Medical Center for a concussion. He was later released from the hospital.



The incident is still under investigation, officials said. No inmates or officers involved in the incident were identified by union officials.

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## CORRECTIONS1 TOP 5

- 1** Off-duty N.Y. CO lured into robbery shoots 2 muggers