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*Testimony before the Senate Committee on Judiciary and Public Safety
State Senator André Jacque
April 29, 2021*

Chairman Wanggaard and Members of the Senate Committee on Judiciary and Public Safety,

Thank you for the opportunity to testify in support of Senate Bill 100, which will appropriately penalize intentional harm and threats to Department of Corrections agents and their families, as well as the equivalent positions within Wisconsin's Native American tribes. While I have been a co-sponsor of this proposal since it was first brought forward at the end of session in 2018, I particularly appreciate the strong advocacy of this proposal by the Assembly author, Rep. Schraa, and past support from both sides of the political aisle, including one of my Democratic Senate colleagues who retired from the legislature that served as the lead Senate author last session.

Supervising individuals who have been convicted of committing a crime can be dangerous work, and a number of probation and parole agents in our state have reported receiving threats against themselves and their families from those they oversee, including one of my constituents in De Pere whose family was startlingly, explicitly and repeatedly threatened in written form by a sex offender under his supervision. He has provided me with the attached testimony for your consideration.

In discussing these incidents, it was learned that state law does not offer these agents the same protections as judges, police officers, and district attorneys. Under current law, intentionally harming or threatening to harm judges, police officers, district attorneys, or their family members is guilty of a Class H felony. Intentionally causing bodily harm to a probation, extended supervision and parole agent, a community supervision agent or an aftercare agent is guilty of a Class H felony. However, unlike judges, police officers and district attorneys, a person threatening these agents or their families is subject to a lesser felony.

This bill would correct this difference in the law by making it a Class H felony to intentionally harm the family member of an agent or threaten to harm the agent or their family, including tribal probation and parole agents. In doing so, it makes the penalties consistent with those related to harming or threatening to harm judges, police officers, district attorneys or their families. This legislation is formally supported by the Oneida Nation and the Menominee Tribe.

This legislation is a reintroduction of 2019 AB 198, which last session passed the Assembly Committee on Criminal Justice and Public Safety on a 13-0 vote, the full State Assembly on a voice vote, and the Senate Committee on Judiciary and Public Safety with a 4-1 vote, but unfortunately was not taken up by the full State Senate before the end of session.

Thank you for your consideration of Senate Bill 100.



MICHAEL SCHRAA

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Testimony on Senate Bill 100

Thank you, Senator Wanggaard and members of the Judiciary and Public Safety Committee, for allowing me to provide testimony on Senate Bill 100, which provides increased protection for Probation and Parole officers and their families.

Specifically, this bill includes agents working in probation, extended supervision, parole, community supervision, or aftercare, including Native American youth under supervision of a tribe or band. The amendment was drafted after the Assembly Committee public hearing, where it was pointed out that supervisors and those providing transportation face the same threats as agents.

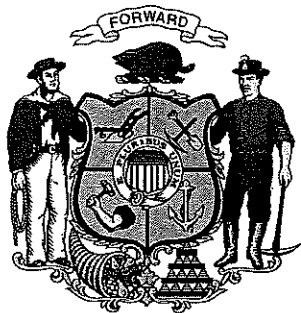
Currently, causing bodily harm to an Agent is a Class H felony, carrying a penalty of up to \$10,000, 6 years or both. This bill will expand that protection to bodily harm against family members and to threats against the agents and families.

Anyone who works with offenders knows that threats are common, not just against the agent, but also against his or her family. This is concerning when the person making the threat is incarcerated, but even more so when the person is in the community. Offenders who are making these threats are much more likely to gain access to personal information about the agents and their families, putting them at even greater risk. This is simply unacceptable.

As you are well aware, I am a passionate advocate for our corrections personnel. Many times, they are overworked, underpaid, and underappreciated; yet they continue to fulfill the difficult role of keeping the public safe.

As you are also well aware, I am generally opposed to increases to criminal penalties because that increases the severe overcrowding in our Department of Corrections facilities, further straining the safety of our staff. This, however, is a worthy exception because it decreases danger to these brave public servants.

There is no reason that agents and their families should not be protected from violence and the threat of violence. I am sure that after hearing the public testimony today, you will be as determined as I am to provide the reasonable protections of this common sense bill.



Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

Testimony for AB 90/SB 100 battery or threat to a community supervision agent or a family member of the agent and providing a penalty
Senate Committee on Judiciary and Public Safety
Thursday, April 29, 2021

Thank you Chairman Wanggaard and committee members for hearing my testimony in support of AB 90/SB 100. My name is Lance Wiersma and I am the Administrator for The Division of Community Corrections.

The Division of Community Corrections (DCC) employs approximately 1,200 Probation and Parole Agents across the state. Our dedicated staff are charged with supervising over 63,000 individuals placed by the courts on probation, parole or extended supervision in the community. DCC's mission is to enhance public safety by managing and reducing an individual's risk to commit a new crime. Probation and Parole Agents do this by assessing risk and needs for programming and providing supervision in collaboration with community partners so the individuals we supervise can change their behavior and repair the harm they have done.

The primary mission of the Department of Corrections is to protect the community. Our staff utilize a variety of tactics to accomplish this mission. These include case planning, rapport building, skill practice, program referrals and identification of community based resources. Probation and Parole agents are required to meet with individuals on their caseloads on a regular basis. These one-on-one interactions occur every work day at our 131 field offices. Our agents also conduct home visits, meeting face-to-face with individuals, and sometimes their families, at their homes. Most of our staff manage varied caseloads that include a spectrum of convictions, programmatic needs, and identified risk levels.

Probation and Parole agents enforce conditions, and are required to investigate violations of supervision. They have authority to issue apprehension requests, conduct home searches, and place subjects into custody. Agents can also recommend jail sanctions and revocation of supervision in response to violations.

Our interactions with individuals convicted of crimes are unique. Agents often switch roles between social worker, advocate, law enforcement, and investigator. Every day, we strive to be fair and consistent during our interactions and interventions. Regardless, the nature of the job often put Agents in an adversarial role with the individuals we supervise. These adversarial roles can lead to dangerous situations, including threats. This is why this bill is important.

We are in support of AB 90/SB 100, because it recognizes our unique role in the criminal justice system and recognizes the risk our dedicated staff willingly accept every day to serve the public good. Expanding the law to include protection to our agents' immediate family members and elevating the protection to include a threat of battery provides additional accountability during face-to-face interactions, especially during the enforcement of rules. Thank you for your time.

Cosh, Bill

From: Jacque, Andre
Sent: Monday, March 8, 2021 3:03 AM
To: Cosh, Bill
Subject: FW: Assembly Bill 90

From: Andrew Nieman <andrewnieman02@gmail.com>
Sent: Sunday, March 7, 2021 9:08 PM
To: Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>
Subject: Assembly Bill 90

Senator Jacque,

I wrote the letter below to yourself and several other state legislators in February of 2018:

I have worked as a Probation and Parole Agent for the Wisconsin Department of Corrections for the past four years. I started my career with the Department of Corrections by supervising a sex offender caseload of offenders on Probation, Parole, and Extended Supervision within Brown County for over three and a half years. Since the middle of November 2017, I have supervised a sex offender caseload within Outagamie County. I would like to make you aware of a concern I have with current Wisconsin law which could better protect myself and my colleagues in the Wisconsin Department of Corrections. I do not represent the Department of Corrections by writing this letter, but rather am writing this letter during my off-duty personal time. The purpose of this letter is to raise concern about an area of the law that needs to be strengthened, and I write this letter as a concerned Wisconsin citizen rather than to speak on behalf of the Department of Corrections.

On 2/2/2018, my office received a six page handwritten letter from an offender on active community supervision. The letter was sent from the Outagamie County Jail and addressed to me. In his letter, the offender wrote he had been having graphic homicidal dreams about me. He wrote that he had been dreaming about waiting for me to leave work after the office closed by waiting in a stolen car in the probation office parking lot. The offender stated in his dream, he followed me to my house, keeping one car between us as he drove the stolen car. The offender wrote upon arriving to my house, he took zip ties, duct tape, gasoline, rope, a steel tub, book of matches, and a gun from the car. He wrote he imagined I had a wife, and once he gave her commands that allowed him to enter my house, he shot and killed her. The offender wrote he gave me commands prior to shooting me, duct taping my face, and ordering me into the tub. The offender wrote once I began suffocating from the duct tape around my head, he poured gasoline on me and started me on fire so I would burn to death. The offender ended the letter by writing, "Believe it or not, out of all my dreams of me killing you, that was not the worst. I feel like my mind is telling me that next time we come in contact, there has to be violence...I have always been a creature of instinct, and my instincts right now are telling me to hurt you next time I come within striking range. Lol! Guess we'll find out next we meet, huh. See ya soon!"

I turned the letter over to law enforcement, and law enforcement informed me the most severe criminal charge available for threatening a Probation Agent was Misdemeanor Harassment, a general crime for threatening any person. I was surprised it was not a Felony to threaten a Probation Agent like it was to threaten a judge or law enforcement officer. I decided to look into this matter and discovered that according to Wisconsin law, it was a Felony to makes threats or commit a battery on all of the following entities other than Department of Corrections employees: Judges, Prosecutors, or Law Enforcement Officers and their families (940.203); Department of Revenue Employees and their families (940.205); Department of Safety and Professional Services Employees or Department of Workforce Development Employees and their families (940.207); and Certain Employees of Counties, Cities, Villages, or Towns (940.208).

I am asking you and the Wisconsin Legislature to expand Wisconsin law to also make it a Felony to threaten or commit a battery against any Department of Corrections employee, their family members, and treatment providers who provide services to offenders just as the above mentioned entities are protected. Myself and my colleagues in the Department of Corrections, both that work in the community and in institutions, put our lives on the line every day to serve and protect the communities that we work and live in.

I am not the only Department of Corrections employee to be threatened by an offender. In the days since I received and read this gruesome letter, I received a great deal of support from my colleagues. They discussed with me how they and some of our other colleagues all over the state have received both written and verbal threats from offenders over the years. The reality of the matter is this behavior is not unheard of. Current Wisconsin law is not strong enough to be as harsh of a deterrent for this crime as it should be. If the offender who wrote me the threatening letter is convicted of Misdemeanor Harassment, he could serve minimal jail time at the most. If he would have written the same threatening letter to a law enforcement officer, a judge, or any of the above mentioned entities, he could have faced a prison sentence and Extended Supervision. I have to wonder why the above mentioned entities are protected by making it a Felony to threaten them; however, Department of Corrections staff are not specifically protected by the law. The common goal and role of those entities is the same as that of the Department of Corrections in that they all involve public servants serving the community. Please take better care of and protect the public servants who work in and with the Department of Corrections just as the other mentioned entities are protected.

Thank you for your time,

Andrew Nieman

920-527-0800

From: Amanda Holz <holzamanda@gmail.com>
Sent: Wednesday, April 28, 2021 9:53 PM
To: Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>
Subject: Support for SB 100

Good Evening Senator Jacque,

Good luck at tomorrow's session. Please keep me posted as able.

Thank you for your continued support, it means the world to me. In a world where my employer offer ZERO support and empathy regarding my situation you didn't give up. Words can't summarize this.

When asked to submit a statement today as I couldn't attend in person, I thought but how do i summarize this in writing?

A brief summary of why I am so passionate about SB100 and haven't given up for supporting this bill, because one day I went to work, and that was the day that went too far.

As any agent knows, there are bound to be threats coming your way throughout your career. The threat that they don't prepare you for is towards you daughter and husband. Or when they mention your child's daycare.

What the DOC doesn't train you for is how they won't be there for YOU or your family when it happens and you won't have victim rights.

My story:

- While incarcerated on a probation hold, he was threatening not only me, but my husband and one-year old daughter. In this, he mentioned where she went to daycare.
 - I reported this event to my supervisor. The offender was removed from my caseload.
 - I was told not to attend the sentencing after revocation at the local courthouse. I was not a victim and I "would only throw gasoline on the fire".
 - On one occasion, I was asked how I was doing and how my husband was doing, behind closed doors by a director supervisor and an assistant regional chief.
 - When I responded my husband wanted me to quit like yesterday, they said they understood.
 - Jail Administration told me sometimes in this profession, "you need to take your lumps"
 - Law enforcement investigated this threat but was unable to find enough "for anything"
 - My cover agent appeared for me at the sentencing after revocation and informed the Judge of the offender's actions.
-
- this bill isn't important because my children are so much more important than others but because these events have nothing to do with them other than the simple fact, they are my child and the profession I chose, to serve the State of Wisconsin.
-
- What was my family's new reality?
 - o security system installed in the house,
 - o driveway alarm,

- o additional firearms on every level of the house,
- o a mugshot in the binder for your babysitters,
- o Limited walks in the community with their childcare
- o Scanning the crowd at church, did I recognize anyone from anyone's caseload?
- o my children missed out on festivals and activities, things as simple as going to the grocery store were too great of a risk, in my opinion.
- Me, I was constantly looking over my shoulder.
- o Different routes, to and from work, schools, etc.

My last day as a Probation Agent was on January 7, 2018. • Being an agent is already a thankless, selfless job.

- While most people don't understand the caseload of 100+ offenders for the agent, doesn't stop there: they also have treatment providers, spouses, significant others, parents, siblings, children, social workers, and employers for each offender.

- You see parts of society that you can't forget.
- You also see people rise and make the ultimate comebacks; those were my favorite moments.
- The Agents are interacting with offenders in the offender's home, at their employment, in the office and at the jail or at times, in the prisons.

- Taking anyone's freedom away is dangerous and we require the agents do this on a regular basis when specific criteria is met.
- Not one person present in this room is able to predict the future. Therefore, you can't tell me which threats are viable, and which one isn't. Which threat is being acted on today that will impact my family or myself?
- o I can answer that, the threat that brought me here today because, enough is enough.
- I never want another agent to feel as hopeless and alone as I felt.
- I never want another agent to feel they and their family are worth nothing more than a disorderly conduct charge.
- I never want another agent to feel like they aren't a victim, when they are.
- I want them to have a voice in court.
- These words aren't my lumps to take and it doesn't just come this territory.
- I never want another family to be as on their own as we felt we were.

Agents took the oath to serve not their families, help send a message the families are off limits!

** A special thank you to Representative Schraa and Linda, for the unwavering patience, support, and constant communication throughout this entire process.

** Senator Jacque for personally reaching out and listening to my concerns although I do not reside in your district and ensuring me, you would see this Bill through.