



PATRICK SNYDER

STATE REPRESENTATIVE • 85th 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 8th, 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

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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RECOMMENDED FOR YOU

	Maximum security inmate sexually assaults N.Y. CO	Nearly 4,000 unvaccinated NYC workers face firing next week amid slowdown in COVID shots	Off mu 
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CORRECTIONS1 TOP 5

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



DAN FEYEN

STATE SENATOR

18th Senate District
(608) 266-5300
Sen.Feyen@legis.wi.gov

PO Box 7882, Madison, WI 53707-7882
<http://legis.wisconsin.gov/senate/18/feyen>

To: The Senate Committee on Judiciary and Public Safety
From: Sen. Dan Feyen
Re: Senate Bill 846

Hello Chairman Wanggaard and committee members. Thank you for taking the time to hold a public hearing on Senate Bill 846. This bill passed the Assembly last month.

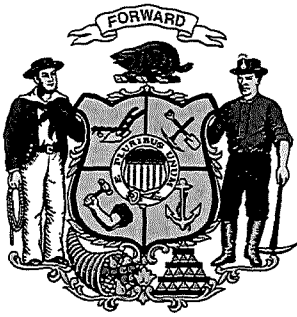
SB 846 is a simple and straightforward bill that will provide enhanced security and safety for corrections officers.

Current law does not require the Department of Corrections (DOC) to report assaults on corrections officers to local law enforcement. Administrative Code provides that the Department of Corrections (DOC) "shall work with local law enforcement and the district attorney so that violations of criminal statutes may be investigated and appropriately referred for prosecution." SB 846 provides a clear mandate, requiring the DOC to record and report any and all assaults on correctional staff by inmates to local law enforcement.

The safety of corrections officers is a top priority and this bill is another step in the right direction, making sure that anyone who intentionally causes harm to a corrections officer is referred to local authorities for punishment.

There is one simple amendment that allows for any battery occurring off the grounds of a correctional facility to be reported as well. Specifically, it changes the language to say battery by a prisoner of the institution against a DOC-employed teacher or correctional officer is reportable. This change was made because there are times when an inmate is in custody of the DOC but not actually on the grounds of the institution (i.e. in transport, at a hospital, etc.).

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



Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

Testimony For Information Only for SB846/AB825 – Related Records of Battery in Prisons
Senate Committee on Judiciary & Public Safety
Tuesday, February 8, 2022
411 South

Good Afternoon Chairman Wanggaard and Committee members. Please accept this testimony for information only for SB846/AB825 which requires that the DOC make a record of any battery that occurred on a correctional officer or a teacher by a person in our care and then forward such records to local law enforcement.

This bill basically codifies what already occurs at our facilities. However, the critical difference is that the DOC does not favor employees based on their job title when investigating or reporting to law enforcement. Instead, if a person in our care commits a battery on ANY of our staff, the warden will direct members of their management team to investigate, report their findings and contact local law enforcement for an investigation for possible criminal charges. This occurs whether or not the staff person works in administration, kitchen, healthcare, education, or security.

While SB846/AB825 singles out reporting for only correctional officers and teachers, the DOC will continue to follow its policy to report and contact law enforcement for possible criminal charges for any battery on any of our staff.

Sincerely,

Paulina Gutiérrez
Legislative Advisor
WI Department of Corrections