

1997-98 SESSION
COMMITTEE HEARING
RECORDS

Committee Name:

*Joint Survey Committee
on Retirement Systems
(JSC-RS)*

Sample:

- Record of Comm. Proceedings
- 97hrAC-EdR_RCP_pt01a
- 97hrAC-EdR_RCP_pt01b
- 97hrAC-EdR_RCP_pt02

- Appointments ... Appt
-
- Clearinghouse Rules ... CRule
-
- Committee Hearings ... CH
-
- Committee Reports ... CR
-
- Executive Sessions ... ES
-
- Hearing Records ... HR
-
- Miscellaneous ... Misc
- 97hr_JSC-RS_Misc_pt11c
-
- Record of Comm. Proceedings ... RCP
-

hearing 2-9-98

16

REGION II HEALTH & SAFETY COMMITTEE MEETING
November 6, 1997

PRESENT:

| | | |
|-------------------|--------------|----------------|
| Scott Hervat | Pam Drummond | Alan Pihringer |
| Gail Diel | Greg Heacox | Julia Stark |
| Diane Christensen | Jeff Peck | Phil Demski |
| Sally Falaschi | | |

The up-coming RAP project has brought about many Health & Safety issues:

- Will each neighborhood site have a State, caged vehicle assigned to it or will there be one vehicle for all the neighborhood sites.
- Can DOC put a stop on people other than law enforcement checking an agent's license plate numbers. The DMV should be contacted about this.
- RAP has extended hours until 8:30 p.m. When PAs work extended hours and are in the offices by themselves at the end of their day, what kind of safety measures can be taken as they leave the office. Can PAs still get paid for a full day even if they leave early for safety reasons? Will their time have to be made up? At the present time, the reason for staying late is for office coverage on report days and agent's flex schedules.
- Agents will be meeting with offenders at the offender's homes. ^{Gandy} Offenders are not to report to the neighborhood site. If an agent's partner is not in the office that day, are they still expected to do home visits alone?
- Will the neighborhood site have a panic alarm connected to the police station for the PAs?
- It is the understanding of staff that PAs working in the neighborhood offices must have ACT training.
- RAP agents will be working 16 non-traditional hours a week. If the seasoned agents do not take these positions, concern is that new, untrained, inexperienced agents will be placed in the communities at night, going into the offender's homes. A suggestion was made to make the hours more flexible.

Suggested safety equipment needed for staff:

- Cell phone
- Pager
- Panic Alarms in each house
- Personal alarms for each agent and PA
- First aid kit
- Spill kits
- Flashlights
- Barbecue tongs in search kits
- Restraints: hand cuffs, leg irons, belly chains

Bulletproof vests
ID card
Fire Extinguisher
Kevlar gloves
ACT training (advanced & updating) for all staff

A suggestion was made for the neighborhood houses to have walk-through metal detectors and separate restrooms for UAs.

1998 WORK PLAN

Currently, ACT updates are once a year. We should try to get three more ACT trainers for our region in order to have ACT training available more often for staff (3x a year). A suggestion was brought up that there be a workload reduction for ACT trainers.

In January, we will start planning office inspections for 1998. The safety equipment should be checked over and determined if it is out-dated or if it needs to be replaced. Vehicle safety inspection sheets should be reviewed at the time of the office inspections. Neighborhood sites will be included in the office inspections.

The next Regional Health & Safety meeting will be Thursday, 01/08/98, 9:00 at the Rayne Road office.

MES
5/1/97

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT - JAIL DIVISION

CONDUCT REPORT

INMATE: [REDACTED]

REG #:950168

DATE:04/24/97

ASSIGNED AREA:Section C Bed 1

ALLEGED OFFENSE:Pg. 13 C #1,3,5,6,39

LOCATION OF ALLEGED OFFENSE: Conference Room 1 and Isolation Cell 3

TIME AND DATE OF ALLEGED OFFENSE:3:15p.m. 04/24/97

NARRATIVE: On the above date and time I, COII Tackett, was working the main control area of the Fond du Lac County Jail. [REDACTED] #960168 had a full due process hearing before Sgt. Wagner and was found guilty and sentenced to isolation. During the hearing [REDACTED] wanted to make a deal with Sgt. Wagner and Sgt. Wagner denied. [REDACTED] then pulled out a spent casing of a .357 magnum from his jail uniform pants. [REDACTED] still insisted for a deal but Sgt. Wagner declined. [REDACTED] was still in full restraints and was then escorted to the isolation cell. Upon leaving the conference room [REDACTED] called Sgt. Wagner a "fucking bitch."

[REDACTED] was then placed in Isolation Cell #3 and a patdown search was done. I then felt what appeared to be a lighter that was in [REDACTED] uniform pants. [REDACTED] then stated "What, I suppose you fuckers want my fucking lighter now too." [REDACTED] then pulled the lighter from his pants and slammed it onto the floor. The lighter upon hitting the floor shattered sending pieces about. [REDACTED] knelt onto the bunk and the feet restraints were taken off. During this time [REDACTED] said " Jason wait till I see you on the outside Bitch," "Jason you are a Punk ass Bitch," "Write that in your fucking paper assholes," "Do you like being called a bitch, does that make you mad," "I'm going to tell everyone how to get shit into this institution." We then left the cell area.

The door was then closed and the handcuff restraints were then taken off. [REDACTED] immediately started to punch the glass in the door. [REDACTED] said "I'm going to have some fun down here assholes." [REDACTED] was still pounding on the doors when this report was written.

Assisting officers were COIII Olig, COII Tackett, COII Fabry, COII Guell, COIII Kuether, and COII Schindler. These assisting officers heard or saw all of the statements, or evidence that [REDACTED] had made towards Correctional officers.

Attached to this report is the .357 casing and the broken blue colored Bic lighter.

It should be noted that at supper time [REDACTED] tried to spit on COII Guell. [REDACTED] water was then turned off due to his conduct. At delivery time for meals [REDACTED] threw his Nutra Muffins into the hall and started to flood the hallway by taking the drinking cup, that was provided from supper, and scooping the water out of the toilet and throwing the water onto the floor. [REDACTED] then covered the window on his door with toilet paper.

COII Tackett (Signature)

STAFF SIGNATURE

COPY READ AND SERVED ON INMATE:

DATE 4-27-97 TIME 8:30 pm

BY Derek Vos
CORRECTIONAL OFFICER

MAJOR REPORT

MINOR REPORT

GUILTY NOT GUILTY DISMISSED

DISPOSITION OF REPORT: 9 days Isolation, 60 days program status-
consecutive to 180 day program status. Controlled
Arrested - Combined w/ b.o.'s dated 04-24-97 from 04-25-97.
Controlled placed in evidence cage.

Sgt. Wagner
HEARING OFFICER

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT/COUNTY JAIL

CONDUCT REPORT

INMATE [REDACTED] REG. # 95-168 DATE 04-25-97

ASSIGNED AREA Isolation Cell #3 ALLEGED OFFENSE PG 13, c-#3, C-#5

LOCATION OF ALLEGED OFFENSE ISOLATION CELL #3

TIME AND DATE OF ALLEGED OFFENSE 04-25-97 2:15 AM

NARRATIVE: On the above date and time, I CO II Van Buskirk, along with
CO II Ballwanz, were cleaning the isolation hallway outside Cell #3
where Inmate [REDACTED] (#95-0168) was housed. The hallway was littered
with food thrown from the supper meal, toilet paper and urine/water.
While cleaning the area, inmate [REDACTED] made the following
statements "You can tell the fucking pig Karen, that if I ever get out
of here I'll have a bullet for her and it won't be empty." He also
stated that he can "Fucking trash this cell - I can keep flooding it
all I want, cause what the fuck else can you do to me?" He further
stated, "You can fucking make a report of what I said, cause I don't
give a shit." "What else can you do to me."

-----End of Report-----

C.O. II Van Buskirk
STAFF SIGNATURE

COPY READ AND SERVED ON INMATE: DATE 4-27-97 TIME 8:30 pm
BY [Signature]
CORRECTIONAL OFFICER

MAJOR REPORT
 MINOR REPORT

GUILTY NOT GUILTY DISMISSED

DISPOSITION OF REPORT: Combined w/c A's dated 04-24 + 04-25.

Det. Wagner
HEARING OFFICER

WISCONSIN PROFESSIONAL POLICE ASSOCIATION

April 30, 1997

Mr. Blair Testin, Special Consultant
Joint Survey Committee on Retirement Systems
110 E. Main St., Room 316
Madison, WI 53703

RE: Protective Classification

Dear Blair:

Thank you for the opportunity to correspond with you on the matter of protective status. It has been a difficult issue for WPPA as an organization to deal with internally and for us to be able to communicate with our members over.

Since early 1995, we were aware a number of persons currently deputized were not being reported by the employer as protectives. Specifically, we felt five jailers who hold the title of deputy sheriff were incorrectly being reported as general employees by Douglas County. Three of those persons were aware of their appeal rights and exercised those rights. For your review, I am forwarding copies of the examiner's interim decision in two of those cases and the ETF Board decisions.

Frankly, we are not certain where we go from here in those cases or in the numerous appeal cases in Portage County. The significant difference, in our minds, between the Douglas County and Portage County cases is the employees in Portage County as of January 1, 1997 no longer hold deputy status. The sheriff in Portage County exercised his right to not re-deputize the employees. Further, we are well aware bargaining over retirement classification is prohibited. Therefore, in Portage County the loss of deputy status plus the prohibition on bargaining has rendered us without options other than to appeal the employer's determination of status. We are informed the duties of the corrections officers in Portage County have not changed in the past five to seven years. We believe the county has withdrawn the protective designation due to economic considerations. The corrections officers now have a limited argument, and, as I understand it, their position will be that their primary duties have not changed. We shall have to see how this will end. It should be educational for us all.

Mr. Blair Testin
May 1, 1997
Page 2

To the WPPA, the critical problem lies in the criteria being used to determine protective status. Whatever "actively engaged in law enforcement" means we are not sure. Whenever it was put into the statutes years ago, I doubt the type prisoners we now have in the jails were in custody and the amount of overcrowding we now are experiencing existed. For WPPA a primary concern is the jailers because of what we perceive to be a significant change in working conditions. Protectives, we have always believed, deserve the recognition and benefits they receive in part because of the danger of their jobs. We are hard pressed to understand how office administrative personnel obtain protective status and persons working in jails do not.

Further, WPPA argued in Douglas County the deputization of personnel changes their work roles significantly. As a deputy, you can make an arrest and you can direct citizens to obey your lawful orders. Yet, in Douglas County the employer has chosen to discount those responsibilities entirely and say that internal ETF rules exist that in order to be a protective, it requires 51 percent of work time be spent on active law enforcement. We find this logic to be inconsistent with what we thought was the purpose behind creating a protective classification. Further, we cannot understand how the deputization conferred upon the employee by the sheriff can be conditioned by an ETF rule. Our position has always been only the sheriff can deputize and once he or she does so, only the sheriff can assign duties. Under ETF's view, the employer gets to decide if the duties assigned by the sheriff fit into definitions and specifications as set by the statutes, and the role of the sheriff in the process is rendered inconsequential.

It seems to us consideration for the deputy status is being lost. A deputy, in order to maintain his or her status, must recertify each year. He or she must complete 24 hours annual in-service training. To be road certified, he or she must have completed a 400-hour certification program. In some cases deputies are not road certified and only work in dispatch or the jail. They have completed jail officer training and can effect arrests but only while working in the jail. Nevertheless, they are comparable to a road officer who is deputized. The sheriff designates exclusively how far they may extend their powers in or outside the jail, not the employing unit of government. Their right to effect an arrest is based solely upon their deputization and not upon whether or not 51 percent of their duties involve active law enforcement. The county employer does not designate their work assignments, the sheriff does.

We believe that power of arrest should be the primary factor considered when protective status is discussed. Without the power to arrest and act as a law enforcement officer, we believe the employee will have a difficult, if not impossible, task in proving his or her job qualifies for protective designation. In order to accomplish what we feel is necessary, we believe the three statutory criteria need to be updated. When they were put in place, we believe the world was a

Mr. Blair Testin
May 1, 1997
Page 3

much simpler, less complicated place. The multifaceted roles played by persons employed by law enforcement agencies needs to be recognized and understood. Identifying those roles within a statutory set of standards will be a significant challenge. We believe, however, a number of guideposts need to be placed into the statute in order for a "new" system to work.

1. We believe if a person possesses the powers of arrest, he or she is authorized to act as a law enforcement officer and should be designated as a protective.
2. We believe if one possesses powers of arrest and is certified either as a law enforcement officer or a jail officer, that person should be designated as a protective.
3. Third, we believe if a person is to be removed from protective status, it must be done through a system that automatically requires an ETF hearing.

Our belief is protective status is a benefit that needs to be protected and granted only for those persons who are employed in positions that involve personal risk and put the employee in the unfortunate position of facing personal injury or disability. Within the law enforcement profession, we believe a common distinction in positions of greater risk versus those of lesser risk can be made by placing due consideration into the statutes for those who possess the powers of arrest.

Obviously, we are making this recommendation to you in hopes you will consider positive improvements to the current system. We are not proposing you dismantle much of the current protective program. Rather, we believe the language relative to the statutory requirements to be considered a protective be your focus and new criteria be developed.

Sincerely,



Steven J. Urso
WPPA Executive Assistant

SJU:jma
Enclosure

cc: S. James Kluss
Steve Werner ✓

INCIDENT REPORT OF [REDACTED]

06/06/97

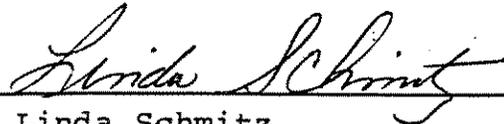
Page 2

I returned to Courtroom #2, by foot, to retrieve the jail and bail prisoner I had left up there. He was still sitting there along with Court Officer Blair Bishop.

I received injuries to my right arm above the wrist area. I also received injury to my left knee when I fell during the struggle. Assistant D.A. Crowley stated he was fine. When I returned to the jail at approximately 12:05 p.m. Jail Nurse Lucy Tiry examined me and suggested I have x-rays of my right wrist and left knee. She also made an appointment with Nurse Practitioner Marcy Janz to examine me after the x-rays. At approximately 12:50 p.m. I had the x-rays and examination. There was redness and swelling in both areas. There also was a welt mark on my arm above the wrist from having it pinned in between the door and [REDACTED]. N.P. Janz stated that the swelling and redness were due to bleeding underneath the skin and bruising will follow. The x-rays were negative. At approximately 4:00 p.m. my hand began swelling between the thumb and index finger of my right hand. There is also a noticable red scratch mark present which I believe is from [REDACTED] grabbing at my hands in an attempt to break my grip on him.

Those who were present in the courtroom during the incident were Asst D.A. Kevin Crowley, Asst D.A. Scott Mortier, Judge English, Trial Clerk Bonnie Vergas, Court Reporter Lee (last name unknown), Atty Jim Grant and his client, myself and Public Defender Mary Wolfe, who was in the hallway outside the courtroom.

A criminal complaint has been started by Detective Fink of the Sheriff's Dept., C.R. #97-14735. A copy of this report was given to Detective Fink on 06/06/97.



Linda Schmitz
Court Officer, FDL County Jail

COPY

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT

REQUEST FOR CHARGES

Case No: 97-21787
Date Referred: 08/07/97
Investigating Officer: C.O. III Denny Vokes

| | |
|---|---------------|
| Defendant's Name: [REDACTED] | DOB: 03/04/77 |
| Address: 63 Western Avenue Fond du Lac, WI | Phone: |

| | |
|---|---------------------|
| Victim's Name: Fond du Lac County Jail | DOB: |
| Address: 63 Western Avenue Fond du Lac, WI 54935 | Phone: 920-929-3394 |

| | |
|---|-----------------------------|
| Offense: CRIMINAL DAMAGE TO PROPERTY | Statute Violated: 943.01(1) |
| Place of Offense: Fond du Lac County Jail 63 Western Avenue Fond du Lac, WI | Date of Offense: 08/06/97 |

| Names of Witnesses | Address | Phone |
|--------------------|--------------------------------------|--------------|
| Scott Skupas | 63 Western Avenue Fond du Lac, WI | 920-929-3394 |
| Tracy Guell | 63 Western Avenue Fond du Lac, WI | 920-929-3394 |

Criminal History: Attached.

Evidence:

Comments: Cost of repair for stainless steel toilet is \$1350.00
Cost of repair for porcelain toilet is \$350.00

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT
THIS DOCUMENT IS THE PROPERTY OF THE SHERIFF'S DEPARTMENT
IT IS LOANED TO YOU ON YOUR AGREEMENT TO RETURN IT
TO THE INVESTIGATIVE DIVISION OF THE SHERIFF'S DEPARTMENT
IT IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM
WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE SHERIFF'S DEPARTMENT.

FOND DU LAC COUNTY SHERIFF'S OFFICE

97-021787-1

COPY

Date & Time Reported : Offense: 943.01(1)
 08/07/1997 10:56 : CRIMINAL DAMAGE TO PROPERTY

Case No 97-021787-1
 TAKEN FROM WORDPERFECT DOCUMENT 97021787.002

R
A
T
I
V
E

On Wednesday, August 6, 1997, at 10:00 p.m., CITY OFFICER LARIDAEN entered the jail to discuss the whereabouts of INMATE [REDACTED] automobile. INMATE [REDACTED] believed that his automobile had been stolen. After discussion with CITY OFFICER LARIDEAN, INMATE [REDACTED] became very angry due to the fact that there was nothing the City officer could do for him at that time.

INMATE [REDACTED] was then escorted back to Section A, Cell #1, by C.O. II SKUPAS, C.O. II GUELL and myself. Upon entering his cell INMATE [REDACTED] began yelling and pounding on the cell walls, as well as shaking the bars. C.O. II SKUPAS, C.O. II GUELL and myself returned to Section A to inform INMATE [REDACTED] that he needed to settle down and stop yelling and making any further noise. As we began leaving Section A we heard INMATE [REDACTED] kick something within his cell and then heard something fall to the floor and break. I then asked INMATE [REDACTED] what it was that just broke. He stated it was my porcelain soap dish.

C.O. II SKUPAS, C.O. II GUELL and myself then escorted INMATE [REDACTED] to Receiving Cell #8. We then returned to Section A, Cell #1 to see what it was that had been broken. Upon investigation of his cell it turned out that INMATE [REDACTED] had broken the bottom right and left side of the toilet. Pieces of the toilet were laying on the floor. Pictures and pieces of the toilet will accompany the complaint.

C.O. III DENNY VOKES

DV/mh

THIS REPORT IS THE PROPERTY OF THE FOND DU LAC COUNTY SHERIFF'S DEPARTMENT AND IS FURNISHED TO YOU OR YOUR AGENCY FOR INFORMATION OR INVESTIGATING PURPOSES ONLY. IT IS NOT TO BE REPRODUCED OR PUBLISHED TO ANY OTHER AGENCY OR DEPARTMENT WITHOUT THE EXPRESS APPROVAL OF THIS DEPARTMENT.

8/21/97
TA

CONDUCT REPORT

INMATE [REDACTED] REG. # 97-1314 DATE 08/12/97

ASSIGNED AREA Receiving #8 ALLEGED OFFENSE PG. 13 (C) #1,2,3,4,5,6,8

LOCATION OF ALLEGED OFFENSE Conference Room

TIME AND DATE OF ALLEGED OFFENSE 2:45p.m. 08/12/97

NARRATIVE: On the above date and time, I (CO Fabry) came to work for the 3p.m. to 11p.m. shift. COIII Olig, CO Schoepke, and Sergeant Wagner were conducting a Conduct Report hearing for inmate [REDACTED] #97-1314 in the Conference Room. COIII Olig motioned for me to stop and be present if inmate [REDACTED] became disruptive.

Sergeant Wagner then told Inmate [REDACTED] the he would be receiving for his Conduct Report 5 days Isolation and 60 days of Program Status. Inmate [REDACTED] heard of the disposition immediately stood up from the chair and started to pick up the table. COIII Olig then grabbed Inmate [REDACTED] right arm and physically put him against the wall. I then entered the Conference Room and assisted COIII Olig in regaining control of Inmate [REDACTED]. Inmate [REDACTED] still continued to struggle and stating that he was "going to kill one of you fuckers." COIII Olig and I then placed Inmate [REDACTED]'s upper body onto the table. Inmate [REDACTED] was still resisting and failed to follow orders for him to stop resisting. CO Schoepke then handed me a pair of handcuffs. I immediately placed the handcuffs onto Inmate [REDACTED]'s wrists on the back side of his body.

COIII Olig and I then escorted Inmate [REDACTED] to the Isolation cells. Inmate [REDACTED] was placed into cell #2 and was asked to place his knees onto the bunk so we could uncuff Inmate [REDACTED]. Inmate [REDACTED] then placed one knee onto the bunk but failed again to follow a order and began to resist. COIII Olig and I then directed Inmate [REDACTED] to lay on the bunk. Inmate [REDACTED] was then restrained on the bunk by assisting officers COIII Vokes, CO Schoebel, COIII Olig and I. Inmate [REDACTED] was again told to stop resisting and to settle down.

Inmate [REDACTED] then stated "You fuckers better bring me to prison, or I'm going to kill one of you fuckers." "I don't deserve this fucking program status, I would rather go to fucking prison fuckers." "I don't give a fuck about Huber anymore you mother fuckers."

Inmate [REDACTED] was told again to settle down and to stop resisting. Inmate [REDACTED] finally complied to these orders after about 5 minutes. CO Mueller then took off the handcuffs. COIII Vokes, COIII Olig, CO Schoebel, and I then exited Isolation Cell #2 without further incident.

[Signature] DN
STAFF SIGNATURE

COPY READ AND SERVED ON INMATE: DATE 8-14-97 TIME 10:45A

MAJOR REPORT
 MINOR REPORT
BY [Signature]
CORRECTIONAL OFFICER

GUILTY NOT GUILTY DISMISSED

DISPOSITION OF REPORT: Maintain current status in "Program Status" Refer C.R. to D.U.'s office.

[Signature]
HEARING OFFICER

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT/COUNTY JAIL

CONDUCT REPORT

INMATE [REDACTED] REG. #97-1314 DATE 08/12/97

ASSIGNED AREA Receiving #8 ALLEGED OFFENSE PG. 13 (C) #1,2,3,4,5,6,8

LOCATION OF ALLEGED OFFENSE Conference Room

TIME AND DATE OF ALLEGED OFFENSE 2:45p.m. 08/12/97

NARRATIVE: It should be noted that during this incident the Conference room table was broken. Inmate [REDACTED] continued to bang on the Isolation door and put toilet paper over the window so that we could not see into the cell. Inmate [REDACTED] was given several direct orders to take the toilet paper off of the window and Inmate [REDACTED] response was "Fuck you." Inmate [REDACTED] then crawled under the bunk and placed the mattress over his body.

END OF REPORT

[Signature]
STAFF SIGNATURE

DW

COPY READ AND SERVED ON INMATE: DATE 8-14-97 TIME 10:45A
BY [Signature]

CORRECTIONAL OFFICER

MAJOR REPORT
 MINOR REPORT

GUILTY NOT GUILTY DISMISSED

DISPOSITION OF REPORT: _____

HEARING OFFICER

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT - JAIL DIVISION

CONDUCT REPORT

INMATE: [REDACTED]

REG.: 971314

DATE: 09/19/97

ASSIGNED AREA Section C

ALLEGED OFFENSE: P.13 (c) 1,3,4,5,6

LOCATION OF ALLEGED OFFENSE: Hall from Visitation to Section C

TIME AND DATE OF ALLEGED OFFENSE: 7:25 p.m. 09/18/97

NARRATIVE: On the above date and time I, CO Fabry, was working the main floor of the Fond du Lac County Jail. At approx. 7:20p.m. Inmate [REDACTED] was put into full restraints and brought to the far visitation booth for his visit with his girlfriend and his child. Upon leaving the booth I and CO Burns told [REDACTED] that only one visitor had registered upstairs and that if anybody else came to visit [REDACTED] that he was to tell them to leave. [REDACTED] agreed and we then left the booth.

Approx. 5 min. later I witnessed 4 male visitors standing in back of [REDACTED] girlfriend. I observed them for about 3 minutes and had CO Burns let me out to the Lobby so I could speak with the unregistered visitors. Upon the door being buzzed I saw the visitors start to head towards the Western Ave. exit. I identified one person named [REDACTED].

I notified OIC Schoebel of the incident. OIC Schoebel then directed us to remove [REDACTED] from his visit. CO Norton, CO Burns, and I then went to remove [REDACTED] from his visit. [REDACTED] became very upset stating "Fucking listen dude I told those guys to leave and they wouldn't" I then gave [REDACTED] a direct order to leave his visit. [REDACTED] stated "thats fucking bullshit I told those guys to leave." [REDACTED] then stood up and came towards me with his hands in the air. I then placed my hand on Martinez's arm and directed him towards the door. [REDACTED] then spun around and stated "Don't ever fucking touch me you mother fucker" [REDACTED] then exit the visitation area.

While escorting [REDACTED] up the ramp towards main control [REDACTED] stopped and slammed his hands against the metal that is attached above the hand rail. Upon hearing the loud bang Deputy Galske entered the hallway to see what was going on. [REDACTED] stated to me "you ain't so fucking tough when I'm in these fucking restraints." [REDACTED] again came towards me with his hands in the air and again stated "you ain't so fucking tough when I'm in these fucking restraints." I then told [REDACTED] to get going to his cell. [REDACTED] continued to argue and I again ordered him to go to his cell.

[REDACTED] then stopped outside of Sect. E dayroom and again approached me. [REDACTED] again started to swear at me and telling me that he told those visitors to leave. [REDACTED] was again given an order to go to his cell. [REDACTED] finally went to his cell. Once the gate door was closed [REDACTED] stated that we better not fucking take these cuffs off of me. [REDACTED] refused again and was told to go to his cell. [REDACTED] refused and his cell door was locked.

At approx. 7:45p.m. OIC McGee entered the jail and talked with [REDACTED]. [REDACTED] stated again that he had told his unregistered visitors to leave. [REDACTED] stated that "those guys must think I'm a fucking god cause I'm from Milwaukee." [REDACTED] again stated "you ain't so fucking tough when I'm in these fucking restraints."

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT - JAIL DIVISION

JAIL INCIDENT REPORT

INMATE NAME: [REDACTED]

LOCKUP # 97-2056

SUBJECT: OC Sprayed during attempted movement

DATE: 09/22/97

JAILER REPORTING : CO II MALONEY

TIME: Approximately 2345

NARRATIVE: On the above date at approximately 2320 hours I, CO II JACK J. MALONEY, was called by telephone to go to Main Control to help move Inmate [REDACTED] (97-2056).

I went to Main Control and found that [REDACTED] was being housed in Section B Cell 2. I went with CO's TACKETT and VANBUSKIRK to Section B. CO VANBUSKIRK told [REDACTED] to pack his stuff because we were moving him to receiving. [REDACTED] refused to pack his stuff and told CO VANBUSKIRK to come in and get him. I went to Main Control and informed OIC LAFFERTY of the situation and got a canister of OC SPRAY. OIC LAFFERTY called for CO PINGEL to come to the Main Control Station. When CO PINGEL reported to the control station OIC LAFFERTY and I returned to Section B.

As CO's TACKETT, LAFFERTY and I entered the dayroom area of Section B to try and have [REDACTED] cooperate CO VANBUSKIRK opened the door to Cell 2. [REDACTED] immediately stepped out of Cell 2 and assumed an aggressive, boxing style stance approximately 2 feet in front of CO TACKETT. CO TACKETT then asked [REDACTED] if he was going to come peacefully. [REDACTED] said No, and that we were going to have to fight him. I told [REDACTED] that he was only making things worse for himself and showed him the OC Spray. [REDACTED] said "That shit won't do anything and I aint going nowhere." At that time I saw what appeared to be two sharpened pencils in [REDACTED] hands. [REDACTED] then started to make an aggressive move towards CO TACKETT and me. I sprayed [REDACTED] with a short burst of OC Spray. [REDACTED] then backed off momentarily and then started toward CO TACKETT and me. I then sprayed [REDACTED] with another short burst of OC Spray.

After the second burst of OC Spray, [REDACTED] started swinging his fists wildly through the air, attempting to stab at anything that got within arms reach. [REDACTED] was approximately 6 feet away from any officers at that time. [REDACTED] was still refusing to cooperate and OIC LAFFERTY had CO PINGEL call for assistance. At that time, Inmate [REDACTED] (97-1488) handed out a wet towel to [REDACTED] to assist him in cleaning his eyes, allowing him to continue to resist. At that time CO's LAFFERTY, TACKETT, VANBUSKIRK and I exited Section B to wait for assistance.

I went to the property room to get the 'blocking bags' and the shield for when we entered again. At that time City OIC. LT. BARTHULY entered the jail to assist. When we entered the hallway to Section B [REDACTED] was standing at the door and said he was ready to come peacefully. LT. BARTHULY handcuffed [REDACTED] and we escorted [REDACTED] to Receiving 8 without any further resistance. Once [REDACTED]

was in Receiving 8, CO LAFFERTY did a pat-down search of [redacted] and asked him if he needed any help with the spray. [redacted] refused our assistance.

END OF REPORT....

SHIFT COMMANDER

CO# Jack J. Maloney *[Signature]*
~~JAILER ON DUTY~~

ACTION TAKEN:

CORRESPONDENCE/MEMORANDUM

STATE OF WISCONSIN

DATE: 11/13/97

FILE REF:

TO: Julia Stark
Chairperson, Region 2 Safety Committee

FROM: Gail Diel
Program Assistant, Racine-Durand

SUBJECT: Safety Concerns

The following safety concerns are of Steve Wilson, Program Assistant Supervisor of the Durand Avenue office, for your review and notification to the Wisconsin State Safety Committee.

1. Need of fire escape at the Neighborhood Supervision house on 6th Street, Racine.
2. Safety equipment in the Neighborhood Supervision houses in Racine, i.e. fire extinguishers, smoke alarms, and who maintains them? Also, periodically neighbors and their children in the vicinity of the Neighborhood Supervision houses, stop in and "visit", is the equipment (safety equipment, computers, etc) easily accessible to these people?
3. Will there be pagers or cell phone for the Program Assistant in the Neighborhood houses?
4. Breathalyzers: who maintains them? they should be recalibrated every 6 months.
5. Custody equipment: who does maintenance on them? Should there be a "sign out" sheet for it all?
6. Is there, or will there be training for: Spill kit; First Aid? What is the liability of Probation/Parole employees using first aid?

Do all State vehicles carry: flashlights; jumper cables; fire extinguisher; First aid kit; spill kit?

Also, I have asked around in this office regarding the vests that Brian Brown had been given from the police department but no one knows where they are. Steve suggested someone calling Brian at Southern Oakes and asking him.

I also asked Steve about the use of our metal detector in this office and he said it has been used and is used periodically but he suggested someone check the battery in yours (pull tip of handle off; it requires a 9 volt).

Sorry these concerns were not brought to our meeting last week but he just gave them to me since. If you have any further questions or concerns, please call me at 598-1136.

Date: December 15, 1997

To: Dennis Danner, Regional Chief
Paul Zimmermann, Assistant Regional Chief

From: Karl Dresen
Supervisor - Unit #203

Subject: EQUIPMENT AND SAFETY NEEDS

EQUIPMENT AND SAFETY NEEDS

MEAD STREET

Panic alarm
PA work station
Pepper spray
4 pagers; 4 cell phones
2 - 4 drawer file cabinets with locks
Small refrigerator
Additional laptops
2 desk carpet mats
1 dry erase board
2 bulletin boards

GENEVA/HAMILTON

2 desks with chairs
3 bookshelves
2 - 4 drawer filing cabinets with locks
Refrigerator
Typewriter
Copier
Additional laptops
Trash cans (2)
4 desk carpet mats
Coat rack
2 dry erase boards
2 bulletin boards
Panic alarm
PA work station

Body Armor
Caged Vehicle

WEST SIXTH STREET

Body armor
Fire escape
Fax machine
Additional Laptops
Typewriter
PA work station

All existing COP sites have search kits which contain:

Polaroid - One step closeup camera with film
First aid kit
Flashlight
Kevlar gloves
Latex gloves
Various size bags
Spiral notebook
Search forms
Tongs
Batteries
Pens/pencils

Each site also has, 1 spill kit, 1 laptop computer, 2 pagers, 2 cell phones, and voice mail on two separate lines.

All staff are ACT trained. Two staff are certified ACT instructors.

Additional comments/requests (12/11/97 Durand office meeting)

- 1) Routing safety inspection for all sites.
- 2) Full ACT training (not update) for all PA's.
- 3) Hostage negotiations.
- 4) De-escalation training.
- 5) First aid - optional
- 6) Pepper spray for all PA's.
- 7) Some form of identification - jackets/patches - ID card on chain.
- 8) Why do the COP sites need to be open until 8:30 p.m. Monday - Friday?
Why not alternate sites and dates?
- 9) PA's not needed at sites as most offenders will be seen in the community, agents have voice mail, agents have laptops.
- 10) PA's can do collateral contacts out of Center Street.
- 11) Racine Police Department concern - Keys and codes to 3 COP sites for 16 agents - field supervisor and PA's.

Tommy G. Thompson
Governor

Michael J. Sullivan
Secretary



Division of Community Corrections
1212 - 60th Street
Kenosha, WI 53140-4047
414-653-7154

**State of Wisconsin
Department of Corrections**

MEMORANDUM

Date: December 2, 1997

To: Gail Diel
Program Assistant, Racine-Durand Avenue

From: Julia Stark *JS*
Corrections Field Supervisor-Unit 217

Subject: SAFETY CONCERNS

I received your memo of November 13, 1997, indicating questions about safety. I'll try to address them the best I can one by one.

1. Concerning no fire escape at the neighborhood supervision house on Sixth Street, Racine, I suggest that the supervisor speak with the landlord concerning this. If it is a second floor apartment, there may be a second exit already. It is difficult for me to answer this question without knowing whether the house is meant to be a single family or a two-flat apartment building.
2. Generally, in leased DCC offices, the landlord is responsible for fire extinguishers and smoke alarms. However, if there is no formal lease, then I would assume DCC and the police department would want to meet and discuss this to make sure that fire extinguishers and smoke alarms are in place.
3. I am unsure of whether program assistants will have pagers and cell phones in the neighborhood houses. I will forward this question on to Regional Chief Dennis Danner, so that he is aware of your inquiry.
4. It is my understanding that breathalyzers should be recalibrated at least once every six months. As far as whose responsibility it is to maintain them, it is up to your particular office in how you want to arrange that. For example: in our office, we have two breathalyzers and have assigned an agent to follow/maintain them. When we need them recalibrated, we send it in to the company we purchased the breathalyzer from and they do it. It costs us \$50.00
5. Custody equipment: Who maintains them? Should there be a "sign out" sheet for it all? This is really up to your office manager, or office supervisors to determine who they want to maintain this equipment. Many offices do have "sign out" sheets. This is a good idea.

Program Assistant Gail Diel

December 2, 1997

Page 2

6. Will there be training for spill kits and first aid? There is on-going first aid/CPR training in the CTC calendar. The next date is 01/27/98 in Madison. Concerning spill kit training, all supervisors received blood borne pathogens training a few years ago. A part of that training dealt with spill kits. Supervisors were then supposed to go back to their units and disseminate the information. You may want to check with the supervisors in your office.
7. It is my understanding that when DCC receives a car from DOA, it comes with a Vehicle Incident Kit (AD-86A). It is up to the individual office to equip the vehicle with additional items. Suggested items are a first aid kit, flashlight, jumper cables, fire extinguisher and a shovel with a collapsible handle.

I hope these have answered some of your questions. If not, please give me a call. I can also take unanswered questions to the statewide committee on December 4, 1997.

cc: Dennis Danner

c:\windows\words\julia\diel.doc\dl

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT/COUNTY JAIL

CONDUCT REPORT

INMATE [REDACTED] REG. #972754 DATE 12/05/97

ASSIGNED AREA N/A ALLEGED OFFENSE PG. 13 (c) 1,2,3,4,5,6,8

LOCATION OF ALLEGED OFFENSE Receiving Cell #1/Booking Area

TIME AND DATE OF ALLEGED OFFENSE 9:00 p.m. 12/05/97

NARRATIVE: On 12/05/97 I, C.O. Fabry, was working in the Huber Facility of the Fond du Lac County Jail from 3:00 p.m. to 11:00 p.m. At approx: 9:00 p.m. I went to the main floor of the Jail to do routine paper work. During this time I was asked to assist with an unruly subject in the booking area. The unruly subject was [REDACTED] M/W, #972754. [REDACTED] was arrested by a Campbellspport Officer on a Pick up Warrant issued by Probation and Parole. I assisted OIC Guell, C.O. Tackett, and C.O. Biever.

Upon entering the booking area I saw [REDACTED] removing some of his outer clothing and tossing them onto the floor. [REDACTED] then stated "You fuckers want me to strip down naked for you?" C.O. Biever stated that only one layer of clothing was allowed and that he had removed the articles of clothing that was necessary to meet this requirement. C.O. Biever then asked [REDACTED] to place his hands onto the wall so a pat search could be conducted. I then noticed that [REDACTED] watch was still on his wrist and mentioned it to C.O. Biever. [REDACTED] suddenly became upset and stated that he was not going to give up his fucking watch. [REDACTED] had turned towards me at this time raising his right hand and pointing to me. C.O. Biever then told [REDACTED] to place his hands on the wall so he could perform a pat search. [REDACTED] complied and nothing was found on [REDACTED] during the search.

[REDACTED] was then escorted to a receiving cell, when he suddenly turned and again raised his right hand. [REDACTED] then began stating to C.O. Tackett that "You better not try to get my fucking watch off." [REDACTED] hand was approx: 2 inches from C.O. Tackett's face with his pointer finger extended. C.O. Tackett then told [REDACTED] to enter his room. [REDACTED] stopped at the enterance of receiving cell number one and stated "You fuckers better not come into here." Fitzgerald still was still in possession of his wrist watch. [REDACTED] was unwilling to surrender his watch to us stating that he had been in jail before and that he always kept his watch.

OIC Guell then told me to retain his watch from him. I then asked OIC Guell if she was sure and she stated yes. [REDACTED] then turned away from us and C.O. Tackett and C.O. Biever both grabbed an arm. Fitzgerald then started to resist trying to throw his arms around and to toss his body in different directions. I then placed my hands on his back and told the other officers to take [REDACTED] down to the bunk. [REDACTED] was told to stop resisting. [REDACTED] ignored our orders and continued to thrash around. We then started to direct him towards the bunk when I saw

head turn to the right.

[Signature] STAFF SIGNATURE

COPY READ AND SERVED ON INMATE: DATE _____ TIME _____

BY _____ CORRECTIONAL OFFICER

MAJOR REPORT
MINOR REPORT

GUILTY NOT GUILTY DISMISSED

DISPOSITION OF REPORT: _____

FOND DU LAC COUNTY SHERIFF'S DEPARTMENT/COUNTY JAIL

CONDUCT REPORT

INMATE _____ REG. #97-2754 DATE 12/05/97

ASSIGNED AREA N/A ALLEGED OFFENSE PG. 13 (c) 1,2,3,4,5,6,8

LOCATION OF ALLEGED OFFENSE Receiving Cell #1/Booking area

TIME AND DATE OF ALLEGED OFFENSE 9:00 p.m. 12/05/97

NARRATIVE: Continued Page (2)

_____'s mouth was open and _____ bit down onto my pinky finger on my right hand. I immediately with drew my right hand from his shoulder area. _____ was then directed onto the bunk. I immediately applied pressure points behind _____'s ears and told him again to stop resisting. _____ was still resisting and trying to free his arms. I then noticed that there was blood on the wall and that my pinky finger was throbbing. I looked at my right hand and noticed that there was blood coming from my Latex gloves. I immediately told C.O. Biever that I had been bit and that I needed to leave the area. C.O. biever said O.K. and I then exited the cell area.

Upon leaving the cell I went over to the sink area and began rinsing my finger of I noticed that approx: 1/2 of my finger nail was missing and that I had tooth marks on the bottom of my finger. My skin was torn away from my finger nail and swelling had started. I notified OIC Guell that I had been bitten and OIC Guell then notified Sergeant McGee of the situation. I continued to clean the bite wound for approx. 10min. with water. I then wrapped my finger with ice and was transported to the Emergency Room at St. Agnus Hospital by Sgt. McGee. At no time did I give permission for anybody to bite me.

END OF REPORT


STAFF SIGNATURE

COPY READ AND SERVED ON INMATE: DATE _____ TIME _____
BY _____

MAJOR REPORT

MINOR REPORT
CORRECTIONAL OFFICER

GUILTY _____ NOT GUILTY _____ DISMISSED

DISPOSITION OF REPORT: _____

HEARING OFFICER

STATEMENT OF PROPERTY OBTAINED OR RECEIVED

1 OF 1 PAGE

CLIENT NAME: DAMONT L CAREY CLIENT NUMBER: _____
OBTAINED FROM: Search of residence DATE OBTAINED: 12/17/97
LOCATION: 316 MILWAUKEE AVE (lower)
BURLINGTON WI 53105

| ITEM# | DESCRIPTION OF PROPERTY (include identification marks) | SER. # (if applicable) |
|-------|--|------------------------|
| 1 | JC HIGGINS MODEL 20 12ga shot gun pump | NONE |
| 1 | BLACK NYLON DUFFLE BAG (GRAND MOUNTAIN) | |
| 1 | pr XXL GREEN JEANS | |
| 1 | XXXL GREEN SWEAT SHIRT | |
| 1 | BLACK TRI FOLD WALLET (CONTENTS PHOTO COPIED) | ATTACHED |
| 1 | business card Kurt Danawer Racine PD #1635-7700 | |
| 1 | mj cocaine - tested positive - | |
| 1 | bugles rolling papers partial | |
| 1 | used baggie dipped on corner (cylindrical) | |
| 1 | box 18# 12ga shot shells | |

While I do not admit, nor deny ownership of the items listed, I acknowledge that it is a complete and accurate accounting of the items seized during the search and seizure described.

CLIENT/WITNESS SIGNATURE: [Signature] DATE SIGNED: 12-17-97

DISPOSAL OF CONTRABAND

Any person claiming the right to possession of property seized without a search warrant may apply for its return to the circuit court for the county which the property was seized. Contraband will be disposed of in accordance with Wisconsin Statutes and Administrative Code. If you wish to appeal the decision to destroy confiscated property you have the right to an administrative review according to Department of Corrections Administrative Rule. You may ask your agent for information on requesting an administrative review.

AGENT NAME: Tom Hisey AREA NUMBER: 121009
AGENT SIGNATURE: [Signature] DATE SIGNED: 1021797

INCIDENT REPORT

- INSTRUCTIONS:**
1. Employee and/or immediate supervisor complete and forward within two working days.
 2. If incident involved physical injury to employee, complete section A only and attach DOA-6058 (Occupational Injury and Illness Report).
 3. Work-related automobile accidents are to be reported on the AD-86 (Vehicle Incident Report). A DOC Incident Report is not required.
 4. The supervisor should address checklist items on the reverse side of the this form before submitting to the Regional Chief.

SECTION A

| | | | |
|---|---|---|-------------------------------|
| EMPLOYEE NAME <u>Mya Haessig</u> | | AREA OR UNIT NUMBER <u>20902</u> | HEADQUARTERS <u>Racine</u> |
| NATURE OF INCIDENT <input type="checkbox"/> Physical Injury Only <input type="checkbox"/> Property Damage Only <input type="checkbox"/> Threats (verbal or physical) <input type="checkbox"/> Injury and Property Damage <input checked="" type="checkbox"/> Other - Specify Below | | | |
| DATE OF INCIDENT <u>01/28/98</u> | TIME OF INCIDENT | EXACT LOCATION OF INCIDENT <u>Community Policing House 1522 W. 6th Street Racine, WI 53404</u> | |
| EMPLOYEE ON DUTY <input type="checkbox"/> Yes <input type="checkbox"/> No | REPORTED TO LAW ENFORCEMENT <input type="checkbox"/> Yes <input type="checkbox"/> No | | |
| INCIDENT OCCURRED WHILE <input type="checkbox"/> Making Home Visit <input checked="" type="checkbox"/> In Office <input type="checkbox"/> Transporting Client <input type="checkbox"/> Other - Specify Below | | INCIDENT INVOLVED <input type="checkbox"/> Employee Only <input type="checkbox"/> Employee and Family Members - Specify Below <input type="checkbox"/> Other - Specify Below | |

SECTION B

Please describe incident in detail. If "other" is checked above in any category, specify your answer below. If threat is checked above, report the exact wording of the threat and refer to #9 on the Supervisor's checklist. List property loss or damage. State name of person responsible for injury or loss (if known), and client number if applicable. State names of witnesses. Continue on separate sheet(s) if necessary.

On 01/28/98, at approximately 11:22 a.m., I was sitting in my office (1522 W. 6th St., upstairs) when I heard gun shots. I went downstairs and called for Agent Callies. I knew Jason was going to be leaving the building and I was concerned for his safety. I asked if he heard the shots. He was standing in the front room, looking out of the window. I called the Racine Police Dept. Dispatch and reported shots fired in front of the Community Policing House. While I was speaking to dispatch, Agent Jason Callies proceeded to describe the vehicle that was passing in front of the house after the shots were fired. Agent Callies also saw a black male in the rear driver's side pulling his arm back into the vehicle through the window. It was believed that the rear passenger had a gun in his hand. This was also relayed to dispatch and squads were called to the Community Policing House.

Upon their arrival, the officer spoke with Agent Callies. Four shell casings were discovered in the vicinity that Agent Callies saw the vehicle with the rear passenger's arm out of the window. The officer took Agent Callies to another location to identify a vehicle officers had stopped that matched the description. Although Agent Callies could not identify the vehicle, it was later discovered through other witness reports that the original vehicle was shooting at another vehicle going down the same street in the opposite direction. The target was not the Community Policing House nor was it the agents inside.

IN YOUR OPINION, WHAT COULD BE DONE TO PREVENT OTHER INCIDENTS OF THIS NATURE? I do not believe we can control the persons or activities within the neighborhood we work in but for safety measures, I believe portable radios, bullet proof vests and Corrections jackets could reduce incident & injury. In addition, the presence & help of the Police Dept. coupled w/video cameras outside of the COP House

| | | |
|-------------------------------|--|------------------------------|
| TIME LOST TO DATE <u>0</u> | EMPLOYEE SIGNATURE <i>Mya Haessig</i> | DATE SIGNED <u>2-2-98</u> |
|-------------------------------|--|------------------------------|

SUPERVISOR COMMENT(S) (Continue on back if needed)

RECEIVED
COMMUNITY CORRECTIONS
FEB 05 1998

| | |
|----------------------|-------------|
| SUPERVISOR SIGNATURE | DATE SIGNED |
|----------------------|-------------|



State of Wisconsin

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS
AND THE RETIREMENT RESEARCH COMMITTEEBLAINE L. TESTIN
RESEARCH DIRECTORROOM 318, 110 E. MAIN STREET
MADISON WISCONSIN 53703(608) 267-4301
FAX (608) 267-4675

Date: February 2, 1998

To: Members of the Jt. Survey Committee on Retirement Systems

From: Scott Dennison, FSA, MAA, Director of Retirement Research

Subject: Next Scheduled JSCRS Meeting *S. I. Dennison*

Senator Grobshmidt and Representative Klusman, Co-Chairs of the JSCRS have scheduled a meeting of the JSCRS for:

Monday, February 9, 1998

2:00 p.m.

Room 417 North (G.A.R. Hall), State Capitol Building

The Committee will hold a public hearing on the following bills:

1. Assembly Bill 362, relating to classifying county jailers as protective occupation participants for the purposes of the Wisconsin retirement system.
2. Senate Bill 59, relating to classifying state probation and parole officers as protective occupation participants for the purposes of the Wisconsin retirement system.
3. Senate Bill 329, relating to presumption concerning employment-connected disease for certain municipal firefighters.

An Executive Session may be held.

Please contact this office if you have any questions or concerns with the scheduled meeting.

SD.db



State of Wisconsin

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS
AND THE RETIREMENT RESEARCH COMMITTEE

BLAIR L. TESTIN
RESEARCH DIRECTOR

ROOM 318, 110 E. MAIN STREET
MADISON WISCONSIN 53703

(608) 267-0207
FAX (608) 267-0675

FAX Transmission Sheet

Number of Pages (including this sheet) 2

Date 2-2-98 Time 1:05 pm

FAX Sent To: Lisa Moen

Agency/Company Sen. Grobschmidt's office

FAX Number 6-7483

FAX From: Deb Breggeman

State of Wisconsin--Jt. Survey Committee on Retirement
Systems and Retirement Research Committee

FAX # (608) 267-0675

Message: Here is the notice that will go out today.
The only concern I have is the GAR.
Steve (Regular) was gone, & I reserved it
through another guy. He seemed a little
bit uncertain ("shaky"). Hopefully, we won't get
"bumped".

STATE OF WISCONSIN

JOINT SURVEY COMMITTEE ON RETIREMENT SYSTEMS

MONDAY, FEBRUARY 9, 1998

2:00 P.M.

ROOM 417 NORTH (G.A.R. HALL), STATE CAPITOL BUILDING

AGENDA

1. Call to Order and Roll Call.
2. Consideration of the Minutes of the October 27, 1997 Meeting.
3. **Assembly Bill 362**, relating to classifying county jailers as protective occupation participants for the purposes of the Wisconsin retirement system.
4. **Senate Bill 59**, relating to classifying state probation and parole officers as protective occupation participants for the purposes of the Wisconsin retirement system.
5. **Senate Bill 329**, relating to presumption concerning employment-connected disease for certain municipal fire fighters.
6. Other Matters.
7. Adjournment.

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

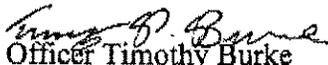
I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,


Officer Timothy Burke
Portage County Jail
Stevens Point, WI 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

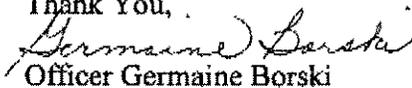
I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,



Officer Germaine Borski
Portage County Jail
Stevens Point, WI 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,

Conrad Molski
Officer Conrad Molski
Portage County Jail
Stevens Point, WI 54481

To: Sen. Richard Grobs Schmidt
Reference: Assembly Bill 362

Dear Sir:

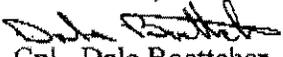
I am a jailer with the Portage County Sheriff's Department. My name is Dale Boettcher and I hold the rank of Corporal. My current duties consist of supervising the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,


Cpl. Dale Boettcher
Portage County Jail
Stevens Point, Wi 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

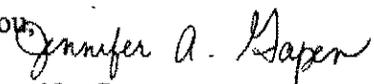
I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,


Officer Jennifer Gaper
Portage County Jail
Stevens Point, WI 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,


Officer Edward Radtke
Portage County Jail
Stevens Point, WI 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

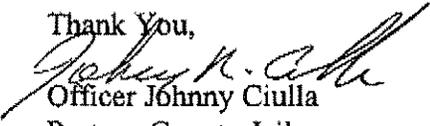
I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,


Officer Johnny Ciulla
Portage County Jail
Stevens Point, WI 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,

Kate Zinda
Officer Kate Zinda
Portage County Jail
Stevens Point, WI 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,

Officer Peter Kovach
Portage County Jail
Stevens Point, WI 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

I am a jail Corporal with the Portage County Sheriff's Department. My current duties consist of supervising the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,

Cpl. Traci Kontney
Cpl. Traci Kontney
Portage County Jail
Stevens Point, WI 54481

To: Senator Richard Grobschmidt
Reference: Assembly Bill 362

Dear Sir:

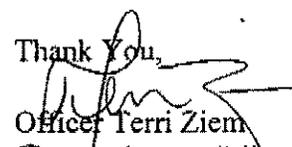
I am a jailer with the Portage County Sheriff's Department. My current duties consist of supervising inmates in the Portage County Jail. This job in my opinion is not for everyone meaning it takes a special type of person to be able to deal with the type of people that come in contact with law enforcement.

A deputy makes an arrest and transports the arrested person to our jail, drops them off and leaves. The jail staff are the people that are left dealing with the persons emotional state, physical state and any type of medical conditions that the person may have.

The jail staff transport inmates to Court appearances, medical appointments, and other types of appearances that would include travel. With the increasing amount of crime in the area, and the increase in the level of the crimes I feel that jailers throughout the state should be entitled to Protective Status.

In closing I am asking that you be in support of the Assembly Bill 362
Please support our cause.

Thank You,

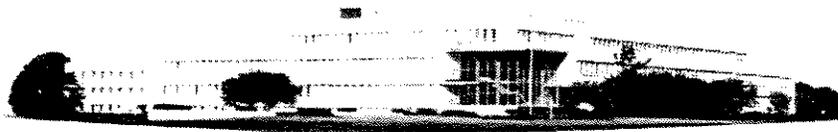


Officer Terri Ziem

Portage County Jail

Stevens Point, WI 54481

WAUKESHA COUNTY



515 West Moreland Boulevard
Waukesha, Wisconsin 53188-2428

County Board Office

Phone: (414) 548-7002
Fax: (414) 548-7005

February 9, 1998

TO: Senator Grobschmidt & Representative Klusman, Co-Chairs
Members of the Joint Survey Committee on Retirement Systems

FR: David Krahn
Legislative Assistant

RE: AB 362 - Classify County Jailers as Protective Occupation Participants in WRS

AB 362 would impose financial obligations on Waukesha County beyond what is necessary to cost-effectively and competently operate its correctional facilities. This legislation does not enhance the services required and expected by the taxpayer, nor does it propose any revenue or designate any funding source to cover the inherent additional costs.

Our correctional costs are one of the fastest growing segments of the county budget. Staffing and operational expenses will continue to increase even without legislation expanding employee benefits. During the next three years, expanded protective occupation status would result in additional tax levy in an amount exceeding \$450,000. This figure does not include potential extra costs which could result from any duty disability claims. Also, increased turnover costs will result per the earlier retirement age.

Beyond the fiscal issue, AB 362 creates a demand for extension of protective occupation status for other county employees, such as the juvenile detention workers, and psychiatric assistants in our mental health center. Many of the same arguments per support for AB 362 would be utilized.

Finally, there presently exists under the statutes mechanisms for counties to place its correctional staff in the protective service pension category. If an employer feels that its staff meets the definition under the law, it can designate them as such. Employees have appeal rights enabling them to contest their pension category, and last but not least, there is the collective bargaining process available to both employees and employers to address the issue.

AB 362 unfairly and arbitrarily imposes undue costs on Waukesha County.

Waukesha County urges you to oppose Assembly Bill 362.

Thank you for your consideration.



Wisconsin Council 40
AFSCME, AFL-CIO

8033 Excelsior Drive, Suite B
Madison, Wisconsin 53717-1903
Phone: 608 836-4040
Fax: 608 836-4444

Michael Murphy
President
Robert W. Lyons
Executive Director

**JOINT SURVEY COMMITTEE
ON RETIREMENT SYSTEMS**

**TESTIMONY OF ROBERT W. LYONS,
EXECUTIVE DIRECTOR, WISCONSIN
COUNCIL 40, AFSCME, AFL-CIO**

FEBRUARY 9, 1998

AFSCME Council 40 represents jailers and corrections officers in a number of counties, and I am here today to convey our support for AB-362, which would place those employees under the protective occupations category under the Wisconsin Retirement System (WRS).

These bills provide for long overdue and merited recognition of the duties performed by county jailers and corrections officers. As early as 1947, the Legislature designated certain occupations as protective, normally of life, property, and security, in the public interest. It authorized special early retirement, death, and disability conditions for incumbents in such positions.

Originally, the statute applied only to law enforcement and firefighting personnel in state and municipal government. Later, the Legislature included state correctional officers in charge of supervision and discipline of inmates at state penal institutions.

It should be noted that early retirement in the protective occupations was established at age 55, in the public interest, and not to provide retirement at that age in the employee's interest. It was deemed desirable to have personnel in the protective category with a high degree of physical conditioning in order to perform the duties and responsibilities of public safety positions. In addition, it is important to note that the Legislature long ago realized that the ordinary rules of safety do not apply in the performance of certain hazardous duties in the protective occupations. Therefore, more attractive disability benefits should be available to protect personnel in the public interest. Simply stated, concern about interrupted compensation and the welfare of dependents in the case of injury should not be a factor in decisions which protective occupation personnel are required to make in emergency situations. The public employer expects persons in protective occupations to move into hazardous situations to protect lives, property, and security. Danger is their business. A state correctional officer and a county jailer are both entitled to extra protection in quelling a dangerous riot in their respective institutions. Under present law, the state correctional officer receives such protection; the county jailer does not.



in the public service



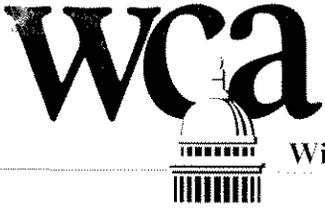
Testimony of Robert W. Lyons
February 9, 1998
Page 2

We submit that the current statute, which extends protective occupations status to state corrections officers on a mandatory basis but leaves the granting of such status for county jailers and corrections officers up to the option of individual county boards, is discriminatory. The nature of county jails has changed markedly over the years. County facilities now house much more dangerous inmates than they did in the past. In many cases, they house inmates who, but for chronic overcrowding problems, would be incarcerated in state prisons. County jailers are involved in active law enforcement. They face a high degree of danger on the job every day. They deserve to be covered by the protective occupations provisions of the WRS on a mandatory basis. The current county option system means that employees doing identical jobs in adjacent counties can be, and are, treated differently with respect to retirement and disability benefits. That inequity needs to be corrected.

We respectfully submit that county jailers meet the criteria established for inclusion under the protective occupations category of the WRS and that their duties and responsibilities require their early retirement in the public interest.

Therefore, in the interests of equal treatment for retirement and disability for public employees similarly situated, we recommend that this committee endorse AB-362 as good public policy.

Thank you for your consideration in this regard.



Wisconsin Counties Association

MEMORANDUM

TO: Honorable Members of the Joint Survey on Retirement Systems

FROM: Bridget Bussler, Executive Assistant *Bridget Bussler*

DATE: February 9, 1998

SUBJECT: Opposition for Assembly Bill 362

The Wisconsin Counties Association (WCA) opposes Assembly Bill 362 which classifies jailers as protective occupation participants for the purposes of the Wisconsin Retirement System (WRS).

The proposed legislation would create a tremendous unfunded mandate for counties which would cost counties upwards of \$770,000 in 1999. Under current law, participants in the WRS with protective occupation participant status are individuals whose employment expose them to a high degree of peril and require a high level of physical conditioning, WCA does not believe that a "one-size-fits-all" approach is appropriate for counties as the job requirements and duties of jailers often differ from county to county.

Additionally, it is important to note that counties currently possess the option to classify their jailers as protective occupation participants for WRS purposes. A point we wish to emphasize is that WCA is not opposed to the option of jailers being granted protective status. Several counties have exercised this authority and WCA believes that it is perfectly appropriate for them to do so. However, mandating all counties to grant their jailers protective status is unacceptable as it will simply be another mandated cost which will be shifted on to the backs of the taxpayers. Additionally, it forces county elected officials to relinquish control over their personnel costs and management of their county budgets by divesting them of their authority and duty to make decisions in the best interest of their county- a duty they were voted into office to perform.

In the past, WCA has received many letters and county resolutions in opposition of this legislation and has a platform position in opposition to the mandated placement of jailers in the protective category for WRS purposes.

WCA believes that counties should retain the option to grant jailers protective occupation participant status for purposes of the WRS, however, it should remain a decision of the

100 River Place, Suite 101 ♦ Monona, Wisconsin 53716-4016

608/224-5330 ♦ 800/922-1993 ♦ Fax: 608/224-5325

Mark M. Rogacki, Executive Director
Darla M. Hium, Deputy Director

Mark D. O'Connell, Legislative Director
Lynda L. Bradstreet, Administrative Director

Page 2
WCA Memo
February 9, 1998

county officials elected by the citizens of each county, rather than a state mandated requirement passed on to the taxpayers of Wisconsin.