

WISCONSIN STATE
LEGISLATURE
COMMITTEE HEARING
RECORDS

2007-08

(session year)

Assembly

(Assembly, Senate or Joint)

**Committee on
Corrections and
Courts
(AC-CC)**

(Form Updated: 07/24/2009)

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Waushara County Sheriff's Department

David R. Peterson, Sheriff

430 East Division Street

Wautoma, WI 54982

920-787-3321

Fax: 920-787-7685

Emergency Management 920-787-6571

Fax 920-787-7685

Jail 920-787-6591

Fax 920-787-6524

Work Release Center 920-787-6659

Fax 920-787-6658

February 10, 2008

Wisconsin Assembly Committee on Corrections and Courts

Attention: Garey Bies

Room 125 West

P.O. Box 8952

Madison, WI 53708

To Whom It May Concern:

Please present the following information at the hearing on February 13, 2008 relative to AB759:

The responsibility of maintaining a safe and secure jail facility is a duty that all Sheriffs take seriously. Electronic control devices are an important tool for insuring the safety of staff as well as inmates.

Although the need for deployment is infrequent the inmate's realization that it is available tends to make them more cooperative. When deployment becomes a necessity the results decrease the risk for both the officer and inmate from sustaining personal injury.

The corrections professional is a well trained officer. They have received extensive training in de-escalating verbal and physical conflicts between inmates. In most cases their knowledge of the dynamics within the jail and verbal skills are sufficient to resolve the situation. There are occasions when force is necessary in order to keep everyone safe and these are the times when a electronic control device is the most appropriate option.

The correctional officers are trained in the deployment of electronic control devices. Correctional officers within the state prison system are authorized to use electronic control devices. Several county jails are housing state inmates. Delay in passing AB759 will be detrimental to all county jails. Please support AB759 and expedite its passage to correct an apparent oversight in the statutes.

Thank you,

Sheriff David R. Peterson



Waushara County Sheriff's Department

David R. Peterson, Sheriff

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February 10, 2008

Wisconsin Assembly Committee on Corrections and Courts

Attn: Chairman Gary Bies

Room 125 West

State Capitol

P.O. Box 8952

Madison, WI 53708

To whom it may concern:

I am writing to express my support for AB 759, which specifically authorizes county jail officers to use electronic weapons.

As you may know, until several weeks ago electronic weapons were used routinely in Wisconsin's County Jails and have been since at least the present statute was adopted in 1981. Recent interpretations of this statute have led to a misunderstanding regarding the use of electronic weapons by county jail officers and this legislation seeks to resolve the misunderstanding.

I have personally had the opportunity to work for an agency which has routinely used electronic weapons in its correctional facilities. I was first certified to use Electronic Control Devices manufactured by Taser International in 2002 and I have been certified as an instructor on these devices since 2003. In addition to this training, I have studied the relationship between in-custody death and electronic control devices as a portion of my master's degree course work.

In the ten years since I graduated from the basic law enforcement recruit academy I have found electronic weapons to be a great advancement in gaining control over resistive subjects. I have responded to hundreds of incidents within the Waushara County jail while armed with these devices. I have displayed them to dozens of individuals in order to gain compliance from resistive subjects. I have discharged electronic weapons several times in order safely handcuff noncompliant and actively resisting subjects. Due to my training and experience I am convinced that these devices are as safe and effective as the various weapons manufacturers claim.

Ultimately, our goal is to provide for the safe confinement of those being held in county jails and to ensure the safety of the staff and visitors to the institution. Electronic weapons are the best manner available to assist staff in maintaining safe jails when and inmate is threatening others with harm. There is presently no substitute that provides this same level of safety and effectiveness when taking dangerous noncompliant inmates into custody. For these reasons I urge you to approve AB 759.

James Small
Corrections Corporal



Nowlan, Andrew

From: Rep.Ballweg
Sent: Tuesday, February 12, 2008 4:49 PM
To: Rep.Bies; Rep.Montgomery; Rep.Kaufert; Rep.Owens; Rep.LeMahieu; Rep.Parisi; Rep.Pocan; Rep.Wasserman; Rep.Pope-Roberts; Rep.Seidel; Nowlan, Andrew; Searing, Eric; Hurlburt, Waylon; Ruesch, Kristin; Field, Adam; Malszycki, Marcie; Malszycki, Marcie; Matzen, David; Kulow, Chris; Grothman, Jeffrey; Wenzlaff, Tyler; Vander Meer2, John; Whitmore, Lori; Wavrunek, Glenn; Trost, Craig; Rep.Kestell; Teske, Darryl; Sorensen, Danica; Verette, Natalie; Kuznacic2, Katie; Hoey, Joseph; Peterson, Ilsa
Subject: AB 759-- Taser Bill, Public Hearing, Wed. Feb. 13, 2008 @ 9 a.m.

I am forwarding this letter of support, for AB 759, from Marquette Co. Sheriff Gaffney.

-----Original Message-----

From: Kim Gaffney [mailto:kgaffney@co.marquette.wi.us]
Sent: Tuesday, February 12, 2008 3:37 PM
To: Rep.Ballweg
Subject: RE: AB 759-- Taser Bill, Public Hearing, Wed. Feb. 13, 2008 @ 9 a.m.

Rep. Ballweg

Thank you for supporting this important issue.

I am very much in support of the change in AB759. It makes no common sense not to allow jailers the ability to control violent inmates in a county jail setting by prohibiting the use of electronic control devices (Taser). The Taser is a widely accepted tool to control violent behavior without the officer engaging physically with an inmate and risking injury to the inmate or officer.

We have had many cases in Marquette County where we have controlled violent individuals by the use of tasters and have been asked to have our patrol deputies respond to a jail issue and assist with a violent situation. Having the ability of our jail officers to have these electronic tools available quickly will make our jail safer for the inmates and staff alike.

Our legislature should act with out delay to correct this oversight and make the necessary changes in AB759 to help protect our professional jail staff.

Thank you for your continued support of this important public safety issue.

Sheriff Kim V. Gaffney
Marquette County Sheriff's Department
67 Park Street
P.O. Box 630
Montello WI 53949
608-297-2115
kgaffney@co.marquette.wi.us





WISCONSIN STATE REPRESENTATIVE
Louis J. Molepske, Jr.
71ST ASSEMBLY DISTRICT

February 13, 2008

Assembly Committee on Corrections and Courts
Attn: Committee Chair Garey Bies
State Capitol, Room 125 West

RE: Assembly Bill 759

Dear Chairperson Bies,

I support the passage of Assembly Bill 759, which authorizes county jail officers to use electronic weapons.

Under current law, citizens are prohibited from selling, transporting, manufacturing, possessing or going armed with an electric weapon. However, this prohibition does not apply to peace officers, on-duty armed forces or National Guard personnel or on-duty corrections personnel employed by the Department of Corrections. These exceptions to the general rule are designed to ensure safety in potentially volatile situations, which is certainly a laudable and important goal.

Several weeks ago, I was contacted by a sheriff in my district who informed me that under current law, *county jail officers* are not permitted to use electronic weapons. In doing my own research on the issue I discovered that although this is in fact the case under current law, a number of counties throughout the state have routinely permitted these officers to use electronic weapons for quite some time. The reason for this is simple: tasers help to promote safety in crowded jail settings.

As our State's prison population continues to increase, more and more county jails are shouldered with the responsibility of housing state inmates. As such, it makes sense that we would provide them with the same tools for maintaining order as their counterparts at the DOC, as they are exposed to nearly identical situations. Permitting on-duty county corrections personnel to use electronic weapons will help to ensure that our corrections facilities are a safe place for inmates, workers and visitors.

Thank you very much for your time and attention to this matter. I hope to work with you and the members of the Assembly Committee on Corrections and Courts to pass this important piece of legislation.

Sincerely,

Louis Molepske, Jr.
State Representative
71st Assembly District

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1557 Church Street
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STATE CAPITOL:
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WISCONSIN COUNTY POLICE ASSOCIATION

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180 S. Macy St.
Fond du Lac, WI
54935

Date: February 13, 2008

To: Chairperson Bies and members of the Assembly Committee on Corrections and Courts

From: President Chris A. Gulbrand

Re: Assembly Bill 759

Chairperson Bies and members of the Assembly Committee on Corrections and Courts thank you for holding a hearing on Assembly Bill 759. The Wisconsin County Police Association supports Assembly Bill 759 and we appreciate Representative Joan Ballweg taking the lead on this important piece of legislation.

Under current law any peace officer, armed forces or National Guard personnel while on official duty, and any corrections personnel within the Department of Corrections may possess an electric weapon. This means that correctional officers employed within the counties of the State, who are not trained as law enforcement officers, may not legally possess electric weapons.

The impact of this oversight in statute is far reaching. Many counties within the state staff their jails with a large number of correctional officers. These officers handle thousands of inmates on a daily basis. While inmate control can be accomplished without any use of force higher than verbal directions, there are many cases where inmates must be controlled by the use of higher levels of force. Electric weapons are an acceptable option for this.

Take for instance the staffing of the Kewaunee County Jail. Currently, 12 officers are assigned as jailers. Of these officers, 5 are strictly correctional officers who do not carry dual law enforcement certification. These correctional officers have been fully trained in the use of electric weapons, but can not use them to protect themselves or others, due to the statutory oversight. What this means is that these county correctional officers are at a safety disadvantage on the job, compared to many other correctional officers across the state.

It is important that all correctional officers be allowed to use the training and tools that they have. The passage of Assembly Bill 759 will provide all corrections officers across the State the mechanism to do so.





JOAN BALLWEG

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WISCONSIN STATE REPRESENTATIVE

41ST ASSEMBLY DISTRICT

**AB 759: Taser Exemption for Jailers
Testimony by State Representative Joan Ballweg
Before the Assembly Committee on
Corrections and Courts
February 13, 2008**

Thank you Chairman Bies and committee members for holding this hearing on Assembly Bill 759, which would grant an exemption to the ban on electronic weapons for jail officers.

AB 759 attempts to correct a technical issue in the statutes, due to the fact that jail officers (in the current context) did not exist when the electronic weapons statute was adopted in 1981. When the legislature adopted this law, most Wisconsin jails were operated by Sheriff's Deputies, and the idea of career civilian correctional personnel had not entered the mainstream. Jail officer training requirements were adopted for officers hired after July 2, 1983.

Under current law, there is an exemption for corrections personnel working for the Wisconsin Department of Corrections. Another exemption applies to peace officers, who are defined as "Any person vested by law with a duty to maintain public order or to make arrests for crime whether that duty extends to all crimes or is limited to specific crimes."

Recently it has come into question whether the jail officers meet the criteria of a peace officer, if a strict interpretation of the statute is used. This

issue was brought to my attention by the Waushara County Sheriff, David Peterson, who contacted Sen. Lassa and I, as well as Sen. Olsen and Rep. Molepske, to seek a legislative remedy to this situation. Through his network of contacts with the Wisconsin Sheriff's and Deputy Sheriff's Association, several other legislators were contacted at the same time to correct this problem. We had 10 co-sponsors for this proposal before the co-sponsor memo was even circulated.

Electronic weapons, commonly referred to as Tasers, are a non-lethal deterrent to unruly behavior by inmates, and an effective tool to gain compliance. Their use can prevent or limit the physical injuries that may be suffered by both the jail officers and inmates, if an altercation were to occur.

AB 759 seeks to codify the exemption for jail officers, and alleviate any fears that these hard working individuals may have that they could face criminal charges, just for doing their job.

All of the committee members should have received written testimony from Marquette County Sheriff Gaffney, Waushara County Sheriff Peterson, and Corrections Corporal Small, who is a trainer in the use of tasers for corrections purposes. I am joined by Sen. Lassa who will present testimony now, and then both of us would be happy to answer questions.



No Date

I am Capt. Mark Habeck, jail administrator, for the Winnebago County Sheriff's Office. I am here on behalf of Sheriff Michael Brooks who is unable to be here today due to a prior commitment. I am here to urge you to support AB759.

The legislature, as evidenced by current statute, sees the benefits of having the option of using electronic control devices in the State correctional facilities. Inmates in the State system have committed crimes that vary from non-violent to the most violent acts that shock the conscience of the local community. Regardless of their offense, these inmates were initially arrested on a local level and brought to a county jail.

These inmates stay in the county jails through their initial proceedings, pre-trial hearings, court trials, and finally sentencing. For complex cases or heinous crimes, the inmate can spend substantial time in a county jail prior to finally being transferred to a State institution. The point is this: where do the state inmates come from? They come from county jails.

When an arrestee is brought to a county jail, they may be under the influence of alcohol or other drugs. They may have fought with patrol officers. Their situation is one of crisis. When one of these inmates is transferred to the State, their system is clean – and oftentimes, they have had time to contemplate their future.

The officers and deputies that work in county jails deal with a complex and ever-changing type of inmate. Behavior is unpredictable.

Electronic control devices are an effective resource to deal with active resistance by inmates – regardless of whether it is in a county jail or a state prison. Just by their presence, these tools can change a situation that requires physical force to one of voluntary compliance. When they are used, they can prevent injury to staff members, the inmate, and other inmates. Electronic control devices are a valuable tool in maintaining order and promoting safety within all correctional settings.

I would urge you to support AB759.



AB 759

No Date

*131,531

AB 759

Taser - X

Thank you Mr Chair and Committee members.

As Dane County Sheriff I appear in support of AB 759 allowing our Correctional officers working throughout W2 County Sheriff's offices staffing many of our County Jails.

As a 29 year Public Servant being served 28 years with the Dane County Sheriff's Office I know first hand the importance of providing the newest and ^{most} advanced Technology available to those LE Officers, Deputy Sheriff's, and our Jail Correctional Officers to ensure the safety of our communities and our citizens and those dedicated to service in our 22 County Jails.

David J. Mahoney
Sheriff of Dane Co.