



# MICHAEL SCHRAA

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## Testimony on AB 198/SB 185

Thank you, Chairman Wanggaard and members of the committee, for allowing me to provide testimony on Assembly Bill 198 and Senate Bill 185, which provides increased protection for Probation and Parole officers and their families.

Specifically, this bill includes agents working in probation, extended supervision, parole, community supervision, or aftercare. Amendment 1 clarifies that aftercare includes Native American youth under supervision of a tribe or band.

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

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

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

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

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



# STATE REPRESENTATIVE STAUSH GRUSZYNSKI

REPRESENTING THE CITY OF GREEN BAY

## Testimony of Rep. Gruszynski

### Assembly Bill 198

Battery or threat to a probation, extended supervision, and parole agent; a community supervision agent; or an aftercare agent or a family member of the agent and providing a penalty.

March 10<sup>th</sup>, 2020

Chairman Waggaard, thank you for scheduling this bill for a public hearing. I appreciate the opportunity to testify to this committee today on Assembly Bill 198 (AB 198).

Here in the legislature we have focused on making sure our law enforcement officers in the line of duty are protected, but their families and loved ones are often overlooked. This bill seeks to keep providing those protections for law enforcement, while expanding protections for their family members.

Currently, the law is written that if a person who intentionally causes bodily harm to a probation, extended supervision, and parole agent; a community supervision agent; or an aftercare agent, they are guilty of a Class H felony.

AB 198 seeks to expand the crime so that if a person intentionally harms, or threatens to harm a family member of the agent, they are guilty of a Class H felony.

AB 198 was introduced back in May of 2019, where it received overwhelming bi-partisan support by both authors and co-sponsorships. AB 198 then passed out of the Assembly and moved into the Senate this past month. AB 198 is a great example of a bi-partisan effort to keep Wisconsin moving in the right direction and I look forward to it receiving an executive session in this committee in the near future. It is time that Wisconsin moves to not only protect law enforcement officers but their families as well.

Thank you for your time.



# Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

Testimony for the Senate Committee on Judiciary and Public Safety

Tuesday, March 10, 2020

**AB 198/SB 185 battery or threat to a community supervision agent or a family member of the agent and providing a penalty**

Thank you Chairman and committee members for hearing my testimony in support of AB 198/SB 185. My name is Lance Wiersma and I am the Administrator for The Division of Community Corrections.

The Division of Community Corrections (DCC) employs approximately 1,200 Probation and Parole Agents across the state. Our dedicated staff are charged with supervising over 66,000 individuals placed by the courts on probation, parole or extended supervision in the community. DCC's mission is to enhance public safety by managing and reducing an individual's risk to commit a new crime. Probation and Parole Agents do this by assessing risk and needs for programming and providing supervision in collaboration with community partners so the individuals we supervise can change their behavior and repair the harm they have done.

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

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

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

We are in support of AB 198/SB 185, because it recognizes our unique role in the criminal justice system and recognizes the risk our dedicated staff willingly accept every day to serve the public good. Expanding the law to include protection to our agents' immediate family members and elevating the protection to include a threat of battery provides additional accountability during face-to-face interactions, especially during the enforcement of rules. Thank you for your time.

**Wadd, Jay**

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**From:** .  
**Sent:** Monday, March 09, 2020 6:57 AM  
**To:** Wadd, Jay  
**Subject:** Testimony for SB185

Good morning,

I am writing to offer support for SB185. As a current probation/parole agent in WI, I cannot tell you how important it is that we pass this bill. I have been an agent for almost 4 years and have had my life threatened within the last year. It actually occurred twice by the same individual. The second time, the police officer who was present attempted to charge the individual with the threats and inquired about what the statute was for threats against a probation officer. I knew the bill was circulating but had not yet been approved. Because of this, he was only charged with disorderly conduct and I'm not even listed as a victim. This individual has continued to attempt to contact me and I have passed along all correspondence to my supervisor. I have inquired about a restraining order or any protection but fear by going through with a restraining order, I will need to have my personal address listed which could potentially put me more in danger. Some individuals may say being threatened is just part of the job. However, I couldn't disagree more. No individual should have to endure threats against themselves and their family for doing their job to help keep the public safe. I hope this bill is passed so we as agents can get the protection and justice we deserve when offenders threaten us or our families.

Thank you for your time,  
Tori Larson

Sent from my iPhone

Hello! My name is Amanda Holz.

First, I want to thank each of you sitting on this committee today. Thank you for your patience but mostly your willingness to devote the next few minutes to listen to my journey and why I need your support with SB185.

My journey started in April 2008; I was sworn into the position of a Probation/Parole Agent with the State of Wisconsin. The first "threat" occurred in 2009.

- The department was seeking revocation of an offender that was currently on supervision for Domestic Violence.
- He was ordered to not have contact with his wife, whom he brutally assaulted Infront of their two-year-old son.
- While incarcerated at the local jail, he was seeking people "to take care of" me within his jail pod. Luckily another offender on my caseload, tipped me off.
- Unfortunately, because the offender making the threats was also heavily involved in drug deals, the law enforcement, at the time, was not interested in looking into the threats as I wouldn't release him from jail to conduct drug buys. The department was successful in revocation but the threats to me were not added to the revocation.
- Nothing happened as a result.

## 2<sup>nd</sup> threat:

- In 2012, the department was pursuing revocation on a high-risk sex offender.
- He was on discretionary GPS because of several violations.
- I was alerted he had “tampered” with his GPS and he was placed into custody.
- In his possession at the time of the custody was a journal. In the journal was a plan of how he was going to rape me at his house when his parents were not home.
- His supervision was revoked, he was sentenced to five years in the Wisconsin Prison system.
- No additional charges were filed.



## 3<sup>rd</sup> Example:

- An offender was placed into custody due to a no contact violation with his girlfriend on allegations of physical/mental and stealing her prescription medications.
- While incarcerated on a probation hold, he was threatening not only me, but my husband and one-year old daughter. In this, he mentioned where she went to daycare.
- I reported this event to my supervisor. The offender was removed from my caseload.
- I was told not to attend the sentencing after revocation at the local courthouse. I was not a victim and I “would only throw gasoline on the fire”.

- On one occasion, I was asked how I was doing and how my husband was doing, behind closed doors by a director~~or~~ supervisor and an assistant regional chief.
- Jail Administration told me sometimes in this profession, "you need to take your lumps"
- Law enforcement looked into this threat but was unable to find enough "for anything"
- My cover agent appeared for me at the sentencing after revocation and informed the Judge of the offender's actions.
  
- IF YOU FEEL COMFORATBLE – may I ask for a show of hands –How many of you have children? Thank you.
- how many of you have taken a picture of a person that threatened your child place that provides childcare?
- How many of your children at 1.5 years old participated in an evacuation drill to ensure they would get out of the classroom and into the basement without being in direct view of the front door?
- MY child's new reality:
  - security system installed in the house,
  - driveway alarm,
  - additional firearms on every level of the house,
  - a mugshot in the binder for your babysitters,
  - Limited walks in the community with their childcare

- my children missed out on festivals and activities, things as simple as going to the grocery store were too great of a risk, in my opinion.
- Me, I was constantly looking over my shoulder.

My last day as a Probation Agent was on January 7, 2018.

There are 1200 agents across WI. in 107 OFFICES.

- The caseload of 100+ offenders doesn't stop there: they also have treatment providers, spouses, significant others, parents, siblings, children, social workers, and employers.
- They are interacting with offenders in the offender's home, at their employment, in the office and at the jail or at times, in the prisons.
- *they are protective status, similar to law enforcement*
- Taking anyone's freedom away is dangerous and it is done by agents EVERYDAY.
- I am asking for each of you, sitting at this hearing, to support this bill because of the work the agents conduct each day with a dangerous population. It is a thankless job and we don't need to wait for a death of an agent and/or family member to enact a new law.

\*\*A special thank you to Senator Hansen and his Aides, for reading my email, hearing my story, and allowing me to pursue this unimaginable opportunity.

\*\*To Representative Schraa and his Aides, for the unwavering patience, support and understanding throughout this entire process.



\*\*And Finally, Senator Jacque for personally reaching out and listening to my concerns although I do not reside in your district. Your humbleness was appreciated.

to the other Senators and representatives  
thank you for co authoring and supporting  
these documents.

★ IN 2014,

~~Missal~~ wanted to speak to an  
~~officer~~ threat that an agent  
and supervisor experienced.

~~She~~ while 8 months pregnant,

I was serving revocation paperwork  
to the ~~offender~~ offender at Dodge Correctional,

He stated he was going  
to put six into the stomach  
of the male agent and  
sodomize the supervisor.

~~He~~ He also assaulted a correctional  
officer after the meeting

He was currently incarcerated  
for home invasion & shooting his niece's  
boyfriend.

February 10, 2018

**Representatives:** André Jacque, John Macco, Eric Genrich, David Steffen, Mike Rohrkaste, Amanda Stuck

**Senators:** Vacant Senator District 1, Senator Dave Hansen, Robert Cowles, Roger Roth

**Governor:** Scott Walker

Dear Wisconsin Assembly Representatives, State Senators, and Governor Walker,

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

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

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

Department of Revenue Employees and their families (940.205); Department of Safety and Professional Services Employees or Department of Workforce Development Employees and their families (940.207); and Certain Employees of Counties, Cities, Villages, or Towns (940.208).

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

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

Thank you for your time, and I look forward to hearing from you on this matter.

Andrew P. Nieman

March 10, 2020

Testimony in support of AB-198 and SB-185

Chairman Wanggaard and Members,

Good morning. My name is Kim Best and I have worked as a Probation/Parole Agent for the state of Wisconsin for 25 years. I worked in Milwaukee for five years and in Fond du Lac the last 20 years. I am writing in non-work hours to ask that you please vote in favor of SB 185.

Although I have had offenders through the years attempt to intimidate me, the threats I received from a particular offender has caused me concern for my safety.

In November of 2015 this particular offender was revoked after severely beating a lower-functioning young woman. He received new charges of Strangulation -suffocation, False Imprisonment, Battery, and Disorderly Conduct. Through the investigation and revocation process, I developed a rapport with the victim and she requested my support in attending one of the offender's court proceedings. When the offender was brought into the court room he immediately tried to get my attention by winking, smiling and nodding at me as he was being seated. He then glared at me and quietly told me he was going to kill me when he got out. I informed the court officer of this threat, who in turn confronted the offender. Of course the offender denied saying he was going to kill me but did state that he was informing me he was going to get out. Upon leaving the court room I made a report to the police department.

In October 2017 during another court proceeding the same offender threatened me as he was being escorted out of the court room. I was informed a little while later by the court officer this offender had made several threats regarding my safety on the way to his cell, one specific threat stating, " I'm gonna fuck Best up, and she knows it". Once again I made a police report regarding this and was told by the DA they were looking at charging him but nothing came of it.

I have known other agents who have dealt with similar situations and much worse. I know a few specifically that have left the department primarily due to being threatened and stalked. They are traumatized to this day and cannot bring themselves to go "back there" . I am sharing my experience so that you can understand a little of what agents deal with. Threats or assault to agents or their families should be illegal as it is for judges, DA's and Law enforcement officers. Agents are considered to be under protective status and perform very similar duties as officers, including placing people into custody and transporting them, all while unarmed. Furthermore, agents also do home visits where the offender's family and other loved ones reside, unarmed as well. We perform investigations which may result in custody or even revocation of an offender's supervision. When they are revoked we often must give sentencing recommendations to the court. Not only does this affect the offender's freedom, but often affects their families behavior toward us. I have had many angry family members call me and show up at my office when an offender is in custody. So as you can see agents have much more exposure to being threatened, not only by offenders, but by their families and other people in their lives.

I testified before the Assembly Committee in September. I would have attended tomorrow's senate hearing, however, I will be out of state. There are many agents in my office who would like to attend but they are overwhelmed with their caseloads and have strict deadlines. Some are

also mentoring new agents out of another office that does not have enough senior staff to fulfill this requirement. Please believe it is imperative that this bill passes. I ask that you vote in favor of SB 185.

Sincerely,

Kim Best

Oshkosh, Wi

Dear Senate Committee Members,

My name is Jennifer Miller and I have been employed as a Probation & Parole Agent for over 20 years, start date 11/8/99. Per my previous testimony before the Assembly Committee on Criminal Justice and Public Safety on 9/18/19, my life has been threatened during the course of my employment on several occasions.

I am presently Agent 70613 in the Fond du Lac Div. of Community Corrections office. If you are not aware, agents are directly responsible for completing home visits, taking offenders into custody for violations in the office and community, transporting offenders in custody to DAI and residential facilities, serving as the department's "attorney" at final revocation hearings, and making sentencing recommendations to the circuit court in Pre-Sentence Investigation reports and Sentencing After Revocation proceedings. As you may be aware, many offenders blame agents, for their incarceration and the life choices that lead to their incarceration. We do all of these duties without body armor or firearms.

For example, as an agent in Chilton, I was supervising an offender who left a message on my voicemail that he was on his way to my office with a gun. I was alone in the office that day, Chilton is a 3 agent office with a shared supervisor. At the time, the office dynamics included a vacant agent position, the supervisor was in another office that day, and our Office Operations Associate and the other agent were off sick. As it is not a crime to threaten my life but having an excellent working relationship with Chilton Police Department, the Calumet County District Attorney's office and Calumet County Circuit Court, this offender was charged with and convicted of Calumet Co. 11CM19: Ct. 1 Unlawful phone use- threatens harm and Ct. 2 Disorderly Conduct:

<https://wccabeta.wicourts.gov/caseDetail.html?caseNo=2011CM000019&countyNo=8&index=0&mode=details>.

However, this instance of teamwork, solidarity, and cooperation is unfortunately an anomaly. My life has been threatened on other occasions in Fond du Lac, Dodge and Milwaukee County with no support from law enforcement, the district attorney, or my employer making a request for the matter to be investigated or prosecuted.

Threats to agent's lives is an escalating issue, most recently as published in the Wisconsin State Journal on 12/10/99 "Pardeeville man sought to have his probation agent murdered, complaint alleges." According to court records, a Pardeeville man attempted to get another inmate at the Dane County Jail to kill the man's probation agent for \$1000 because the agent was trying to put him into a drug treatment facility.

I respectfully request your support to amend WI Statute 940.20 to make threats to my life and family a crime.

Respectfully,  
Jennifer Miller

, Malone WI 53049