



Leading the Way

UNITED PROFESSIONALS FOR
QUALITY HEALTH CARE

DISTRICT 1199W/UNITED PROFESSIONALS FOR QUALITY HEALTH CARE
Affiliated with Service Employees International Union, AFL-CIO, CLC

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UNITED PROFESSIONALS, LEADING THE WAY TO QUALITY HEALTH CARE

TESTIMONY IN SUPPORT OF
SB-387 – Battery By Persons Held In Custody

PUBLIC HEARING BEFORE THE
Senate Judiciary, Consumer Affairs and
Campaign Finance Reform Committee

March 5, 2002

Chair Senator George and Members of the Committee:

SEIU District 1199W/United Professionals For Quality Health Care represents over 3,500 health care professionals statewide. Of these, over 450 nurses and other health care professionals are employed by the State of Wisconsin in the Department of Corrections, Wisconsin Resource Center, Mendota Mental Health Institute, Winnebago Mental Health Institute, and Sandridge Secure Treatment Center. Our members also include 1,200 nurses and other professionals who work at UW Hospitals and Clinics.

I would like to take this opportunity to thank Senator George for his leadership in co-sponsoring this legislation along with Senators Erpenbach, Breske, Rosenzweig, Baumgart, Roesler, Wirch and Shibilski.

As Executive Director of the District, I am here to urge you to support SB-387, a bill that clarifies existing law regarding penalties which may be imposed against persons who batter our members or anyone else while in custody. A person who commits battery must be held accountable, regardless of when, where, or who that person batters. This clarification of existing law will leave no doubts about that accountability.

One of our nurses at Mendota almost died as a result of being attacked by two (2) men “detained” at Mendota during a competency evaluation. In that case, one (1) man later committed suicide and the other was found guilty of murder, resulting in a life sentence and making further charges unnecessary. However, the question remains as to whether Section 940.20(1) would have applied in her case because her attacker had not been found guilty of any charges at the time of the attack.

We are continuing to see increases in the number of persons sent to Mendota for competency testing. These “patients” are frequently very dangerous criminals looking for a way to avoid trial – a way to avoid being held accountable. Our nurses become targets for these people to vent their hostility. These caregivers deserve the full protection of the law.

This question becomes even more important with the recent opening of Sandridge Secure Treatment Center. Sexual predators sent to Sandridge have served their time. They continue to be held because they have been found too dangerous to return to society. Are these "patients", "prisoners" within the current context of the law? SB-387 would make certain no loopholes exist.

The situation with UW-Hospital is equally unclear under current law. Injured or ill prisoners are frequently taken to UW-Hospital for treatment. It is not known if our members or the public are protected against attacks occurring there. SB-387 will eliminate any questions.

In 2000 our registered nurses at Winnebago lost 1,642 hours of work time due to injuries sustained as the result of being battered by patients there. In 2001 this number rose to 2,660 hours. In five (5) years the number of work hours lost due to attacks has increased by 560%. Although I am unable to tell you how many of those injuries resulted from "prisoners" versus "non-adjudicated persons", the dangerous nature of the work in this facility becomes obvious. It should be equally obvious that these employees should have the full weight of the law behind them if they are attacked, regardless of who attacks them or where the attack occurs.

When I asked our members to tell me why this legislation is important, here are the chilling words I received from a member at the Wisconsin Resource Center:

"As you know I was severely battered twice; once 12 years ago which left me with a permanent closed head injury which resulted in severe daily headaches, loss of 3 teeth, permanent loss of sense of taste and smell etc. The last assault resulted in 3 fractured vertebrae requiring major!!!! surgery with titanium implants in the spine and abdomen. It also left me with complete numbness in left leg and permanent drop foot.

"...Both assaults happened in WRC while I was passing medications. The second happened with 3 staff present and the inmate cuffed to the steel observation door. He was still able to grab my wrist and shirt and pull my hips and abdomen repeatedly and violently into the steel trap door causing fractures to my vertebrae.

"I feel we all need protective status, plus mandatory filing of outside charges for the battery by our employer. This was not done in my second battery."

I leave you with these words to once again remind you of the dangers our dedicated health care workers face every day that they go to work. SB-387 and its companion bill AB-735 are common sense, non-partisan pieces of legislation that will guarantee that when these employees are battered, the laws of the State of Wisconsin will hold their attackers accountable.

Thank you.

For more information please contact LeNore Wilson, Executive Director, SEIU District 1199W/UP at (608) 277-1199, ext. 14