

1993 Assembly Bill 558

Date of enactment: **April 28, 1994**
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1993 WISCONSIN ACT 460

AN ACT *to amend* 165.72 (4), 165.85 (1), 165.85 (2) (bg), 165.85 (3) (c), 165.85 (3) (cm), 165.85 (3) (d), 165.85 (4) (ap), 165.85 (4) (b) 2, 165.85 (4) (c), 165.85 (4) (d), 165.85 (5) (a), 165.85 (5) (b) and 165.86 (2) (a); and *to create* 20.455 (2) (am), 165.72 (1) (e), 165.85 (2) (e), 165.85 (2) (f), 165.85 (4) (at), 165.85 (4) (b) 3, 165.85 (4) (bn) 3, 165.85 (4) (dm) and 165.85 (5x) of the statutes, **relating to:** training for jail, secure detention and law enforcement officers, granting rule-making authority and making an appropriation.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1g. 20.455 (2) (am) of the statutes is created to read:

20.455 (2) (am) *Officer training reimbursement.* A sum sufficient to make payments under s. 165.85 (5x). The amount appropriated under this paragraph may not exceed \$150,000 in any fiscal year.

SECTION 1r. 165.72 (1) (e) of the statutes is created to read:

165.72 (1) (e) “Secure detention officer” has the meaning given in s. 165.85 (2) (f).

SECTION 2. 165.72 (4) of the statutes is amended to read:

165.72 (4) **PAYMENT LIMITATIONS.** A reward under sub. (3) may not exceed \$1,000 for the arrest and conviction of any one person. The department may not make any reward payment to a law enforcement officer, jail officer, secure detention officer, pharmacist or department employe.

SECTION 3. 165.85 (1) of the statutes is amended to read:

165.85 (1) **FINDINGS AND POLICY.** The legislature finds that the administration of criminal justice is of state-wide concern, and that law enforcement work is of vital importance to the health, safety and welfare of the people of this state and is of such a nature as to require training, education and the establishment of standards of a proper

professional character. The public interest requires that these standards be established and that this training and education be made available to persons who seek to become law enforcement ~~or~~ jail or secure detention officers, persons who are serving as these officers in a temporary or probationary capacity and persons already in regular service.

SECTION 4. 165.85 (2) (bg) of the statutes is amended to read:

165.85 (2) (bg) “Jail” means a county jail, rehabilitation facility established by s. 59.07 (76), or county house of correction under s. 303.16 ~~or secure detention facility as defined in s. 48.02 (16).~~

SECTION 5. 165.85 (2) (e) of the statutes is created to read:

165.85 (2) (e) “Secure detention facility” has the meaning given in s. 48.02 (16).

SECTION 6. 165.85 (2) (f) of the statutes is created to read:

165.85 (2) (f) “Secure detention officer” means any person employed by any political subdivision of the state to supervise, control or maintain a secure detention facility or the persons confined in a secure detention facility. “Secure detention officer” includes officers regardless of whether they have been sworn regarding their duties or whether they serve on a full-time basis.

SECTION 7. 165.85 (3) (c) of the statutes is amended to read:

– 2 –

1993 Assembly Bill 558

165.85 (3) (c) Certify persons as being qualified under this section to be law enforcement ~~or~~ jail or secure detention officers.

SECTION 8. 165.85 (3) (cm) of the statutes is amended to read:

165.85 (3) (cm) Decertify law enforcement ~~or~~ jail or secure detention officers who terminate employment or are terminated or who violate or fail to comply with a rule or order of the board relating to curriculum or training. The board shall establish procedures for decertification in compliance with ch. 227.

SECTION 9. 165.85 (3) (d) of the statutes is amended to read:

165.85 (3) (d) Establish minimum curriculum requirements for preparatory courses and programs, and recommend minimum curriculum requirements for recertification and advanced courses and programs, in schools operated by or for this state or any political subdivision of the state for the specific purpose of training law enforcement recruits, law enforcement officers, jail officer recruits ~~or~~ jail officers, secure detention officer recruits or secure detention officers in areas of knowledge and ability necessary to the attainment of effective performance as an officer, and ranging from traditional subjects such as first aid, patrolling, statutory authority, techniques of arrest and firearms to subjects designed to provide a better understanding of ever-increasing complex problems in law enforcement such as human relations, civil rights, constitutional law and supervision, control and maintenance of a jail or secure detention facility. The board shall appoint a 13-member advisory curriculum committee consisting of 6 chiefs of police and 6 sheriffs to be appointed on a geographic basis of not more than one chief of police and one sheriff from any one of the 8 state administrative districts together with the director of training of the Wisconsin state patrol. This committee shall advise the board in the establishment of the curriculum requirements.

SECTION 10. 165.85 (4) (ap) of the statutes is amended to read:

165.85 (4) (ap) Jail officers serving under permanent appointment prior to July 2, 1983, are not required to meet any requirement of pars. (b) ~~2~~ and (c) as a condition of tenure or continued employment as either a jail officer or a secure detention officer. The failure of any such jail officer to fulfill those requirements does not make that officer ineligible for any promotional examination for which he or she is otherwise eligible. Any such jail officer may voluntarily participate in programs to fulfill those requirements.

SECTION 11. 165.85 (4) (at) of the statutes is created to read:

165.85 (4) (at) Any person certified as a jail officer on the effective date of this paragraph [revisor inserts date], is certified as a secure detention officer and remains certified as a secure detention officer subject to

annual recertification requirements under par. (bn) 3 and the board's decertification authority under sub. (3) (cm).

SECTION 12. 165.85 (4) (b) 2. of the statutes is amended to read:

165.85 (4) (b) 2. No person may be appointed as a jail officer, except on a temporary or probationary basis, unless the person has satisfactorily completed a preparatory program of jail officer training approved by the board and has been certified by the board as being qualified to be a jail officer. The program shall include at least ~~96~~ 120 hours of training. The training program shall devote at least 16 hours to methods of supervision of special needs inmates, including inmates who may be emotionally distressed, mentally ill, suicidal, developmentally disabled or alcohol or drug abusers. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. Jail officer training programs including municipal, county and state programs meeting standards of the board shall be acceptable as meeting these training requirements.

SECTION 13. 165.85 (4) (b) 3. of the statutes is created to read:

165.85 (4) (b) 3. No person may be appointed as a secure detention officer, except on a temporary or probationary basis, unless the person has satisfactorily completed a preparatory program of secure detention officer training approved by the board and has been certified by the board as being qualified to be a secure detention officer. The program shall include at least 120 hours of training. The training program shall devote at least 16 hours to methods of supervision of special needs inmates, including inmates who may be emotionally distressed, mentally ill, suicidal, developmentally disabled or alcohol or drug abusers. The period of temporary or probationary employment established at the time of initial employment shall not be extended by more than one year for an officer lacking the training qualifications required by the board. Secure detention officer training programs including municipal, county and state programs meeting standards of the board shall be acceptable as meeting these training requirements.

SECTION 14. 165.85 (4) (bn) 3 of the statutes is created to read:

165.85 (4) (bn) 3. No person may continue as a secure detention officer, except on a temporary or probationary basis, unless that person completes annual recertification training. The officer shall complete at least 24 hours each fiscal year beginning in the later of the following:

- a. Fiscal year 1993–94.
- b. The fiscal year following the fiscal year in which he or she complies with par. (b) 3.

SECTION 15. 165.85 (4) (c) of the statutes is amended to read:

1993 Assembly Bill 558

165.85 (4) (c) In addition to the requirements of pars. (b) and (bn), the board may, by rule, fix such other minimum qualifications for the employment of law enforcement ~~or jail~~ or secure detention officers as relate to the competence and reliability of persons to assume and discharge the responsibilities of law enforcement ~~or jail~~ or secure detention officers, and the board shall prescribe the means for presenting evidence of fulfillment of these requirements.

SECTION 16. 165.85 (4) (d) of the statutes is amended to read:

165.85 (4) (d) The board shall issue a certificate evidencing satisfaction of the requirements of pars. (b), (bn) and (c) to any applicant who presents such evidence, as is required by its rules, of satisfactory completion ~~or of~~ requirements ~~in another jurisdiction~~ equivalent in content and quality to those fixed by the board under the board's authority as set out in pars. (b), (bn) and (c).

SECTION 17. 165.85 (4) (dm) of the statutes is created to read:

165.85 (4) (dm) The board may provide, by rule, that parts of the jail officer preparatory training and the secure detention officer preparatory training are identical and count toward either training requirement.

SECTION 18. 165.85 (5) (a) of the statutes is amended to read:

165.85 (5) (a) The board may authorize and approve law enforcement ~~or jail~~ or secure detention officer training programs conducted by an agency of a political subdivision or an agency of the state when their programs meet the standards required by the board. No authority granted in this paragraph extends to the board selecting a site for a state police ~~or jail~~ or secure detention officer academy and expending funds thereon without further legislation.

SECTION 19. 165.85 (5) (b) of the statutes, as affected by 1993 Wisconsin Act 16, is amended to read:

165.85 (5) (b) The board shall authorize the reimbursement to each political subdivision of approved expenses incurred by officers who satisfactorily complete training at schools certified by the board. Reimbursement of these expenses for law enforcement officer ~~and jail officer and secure detention~~ officer preparatory training ~~in the last 6 months of calendar year 1990 shall be not more than 55% for the first 400 hours of law enforcement preparatory training and the first 96 hours of jail officer preparatory training, in calendar year 1991 shall be not more than 35% for the first 400 hours of law~~

~~enforcement preparatory training and the first 96 hours of jail officer preparatory training, and thereafter shall be for approved tuition, living and travel expenses for the first 400 hours of law enforcement preparatory training and for the first 96 120 hours of jail or secure detention officer preparatory training. Reimbursement of approved expenses for completion of annual recertification training under sub. (4) (bn) shall include at least \$123 per officer prior to August 12, 1993, and at least \$160 per officer thereafter. Funds may also be distributed for attendance at other training programs and courses or for training services on a priority basis to be decided by the department of justice.~~

SECTION 19m. 165.85 (5x) of the statutes is created to read:

165.85 (5x) Notwithstanding sub. (5), in each fiscal year, the department of justice shall determine the amount of additional costs, including but not limited to tuition, lodging, travel, meals, salaries and fringe benefits, to each political subdivision as a result of the enactment of 1993 Wisconsin Act ... (this act). In each fiscal year, the department shall pay each political subdivision the amount determined under this subsection for that political subdivision from the appropriation under s. 20.455 (2) (am), subject to the limitations under s. 20.455 (2) (am).

SECTION 20. 165.86 (2) (a) of the statutes is amended to read:

165.86 (2) (a) Identify and coordinate all preparatory and recertification training activities in law enforcement in the state, and expand the coordinated program to the extent necessary to supply the training required for all recruits in the state under the preparatory training standards and time limits set by the board and for law enforcement officers ~~and jail officers and secure detention officers~~ in this state.

SECTION 21. Initial applicability. (1) JAIL OFFICERS. The treatment of section 165.85 (4) (b) 2. of the statutes first applies to jail officers who begin preparatory training on the effective date of this subsection.

(2) SECURE DETENTION OFFICERS. The treatment of section 165.85 (4) (b) 3. of the statutes first applies to secure detention officers who begin preparatory training on the effective date of this subsection.

SECTION 22. Effective date. This act takes effect on July 1, 1994, or the day after publication, whichever is later.