



STATE SENATOR
LaTonya Johnson

WISCONSIN STATE SENATE

6TH DISTRICT

Senate Committee on Judiciary and Public Safety
Testimony on 2017 Senate Bill 35
February 28, 2017

Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety, thank you for the opportunity to testify on behalf of 2017 Senate Bill 35, relating to mandatory reporting of child abuse and neglect by juvenile correctional officers.

State Statue 48.981(7)(cr)3.b requires a 90 Day Summary Report for Child Deaths, Serious Injuries, or Egregious Incidents” be transmitted to the Governor, appropriate standing committees of the legislature, and be made available to the public. This provision also requires the standing committees to review all summary reports, conduct public hearings on those reports at least annually, and submit recommendations to the Department of Children and Families (DCF) regarding these reports.

Section 48.981(9)(b) requires DCF to prepare and transmit to the appropriate standing committees a summary report of all reports received during the previous calendar quarter of Alleged Sexual Abuse of Children in Out-of-Home Care placement. The standing committees must also review these reports, conduct public hearings on the reports at least annually, and submit recommendations to DCF regarding those reports. DCF must also make these reports available to the public.

After visiting Lincoln Hills and Copper Lake last year, I questioned why there were no 90 day summary reports filed given the seriousness of the injuries and why it took so long for the public to be notified of the patterns of abuse.

Ultimately, these allegations of abuse were not made public until investigators raided the facility and numerous stories appeared in the Milwaukee Journal Sentinel. After further research and discussion with Wisconsin Legislative Council, it was discovered that juvenile correctional officers were not included on the list of mandatory reporters under state law.

Given their professional duties of supervising juveniles held in detention facilities, juvenile correctional facilities, and secured residential care centers for children and youth, I assumed this was an oversight because it seemed like basic common sense to include this profession to the list of mandated reporters. Requiring juvenile correctional officers to be mandated reporters will help aid in the safety of both juvenile offenders and staff by breaking the culture of silence and subjecting those who fail to report suspected child abuse and neglect to criminal penalties.

I believe this legislation is a small but important step to create accountability and transparency among those responsible for the care and safety of our juvenile offenders. I look forward to working with my colleagues on additional measures to improve the safety and security of youth and staff in our juvenile facilities and ultimately help improve outcomes for our children who encounter the justice system in Wisconsin.

29 occupations currently named as mandated reporters in the Wisconsin Statutes 48.981 (2) are as follows:

- Physicians
- Coroners
- Medical examiners
- Nurses
- Dentists
- Chiropractors
- Optometrists
- Acupuncturists
- A medical or mental health professional not otherwise specified in this list
- Social workers
- Marriage & family therapists
- Professional counselors
- Public assistance workers, including a financial and employment planner, as defined in s.49.141(1) (d) , Statutes
- School teachers
- School administrators
- School counselors
- School employees not otherwise specified in this list
- Mediators under s.767.11 , Statutes
- Child-care workers in a child care center, group home, or residential care center for children and youth
- Child care providers
- Alcohol or other drug abuse counselors
- Members of the treatment staff employed by or working under contract with a county department under s. 46.23 , 51.42 , or 51.437 , Statutes, or a residential care center for children and youth
- Physical therapists
- Physical therapist assistants
- Occupational therapists
- Dieticians
- Speech-language pathologists
- Audiologists
- Emergency medical technicians
- First responders
- Police or law enforcement officers
- Court-appointed special advocates (CASA) (except as provided in subs. (2m) and (2r))
- Clergy (specific requirements and exceptions found under s.48.981(2)(bm)1-3

Tuesday, February 28, 2017

To: Members, Senate Committee on Judiciary and Public Safety

From: Susan McMurray, AFSCME Council 32

Re: Support for SB 35 – mandatory reporting of child abuse and neglect by juvenile correctional officers

AFSCME Council 32 supports this legislation, which adds juvenile correctional officers to the list of professionals who must report suspected abuse and neglect of children.

Our union represents youth counselors, teachers, mental health professionals and blue collar workers who work at Lincoln Hills School and Copper Lake School.

SB 35 will make it very clear that child abuse or neglect should be reported wherever and whenever it occurs. It will assure that all staff – including supervisors - will report any suspected abuse or neglect to the proper law enforcement authorities.

Unfortunately, in the not-so-distant past, many problems at LHS/CLS were hidden from view because administrators at those facilities strongly discouraged reporting of incidents to local law enforcement (and even to the DOC itself), as is required by law. This troubling trend has been deeply upsetting to the members who work at LHS/CLS as well as to our AFSCME leaders.

These LHS/CLS administrators who, thankfully, are gone, often forced front-line employees to downplay incidents. Their misguided priority was to prevent embarrassment for higher-ups about serious problems at the school.

Passage of Act 10 eliminated the true labor/management process, which gave workers a seat at the table and gave them the freedom to discuss concerns happening inside the school.

Act 10 also prompted an exodus of experienced staff and counselors from LHS/CLS. These changes led to short-staffing and a brutal cycle of forced overtime that stretched remaining staff to the breaking point.

As long as front-line workers fear reprisal for speaking out, they will be reluctant to do so. Nevertheless, we think SB 35 will help add clarity.

In an environment where correctional officers and staff have been stripped of their rights and protections, and where basic civil service protections have been gutted, the fear of reprisal for speaking out about workplace problems is very real, and remains dangerously chilling.

For the record, we opposed the decision in 2011 to close Ethan Allen School for Boys in Wales and Southern Oaks Girls School in Union Grove and moving the youth to LHS. AFSCME testified against the closure during meetings of the 2010 Governor's Commission on Juvenile Corrections Review Committee and recommended several alternatives to improving services to the youth offenders as well as dealing with the budget shortfall.

Thank you. If you have questions, feel free to contact me at smcmurray@afscme32.org.

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