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# HOWARD MARKLEIN

STATE SENATOR • 17<sup>TH</sup> SENATE DISTRICT

**March 19, 2013**

## **Senate Committee on Judiciary & Public Safety Testimony on Senate Bill 5**

Good Morning!

Thank you Chairman Wanggaard and committee members for taking the time to hear testimony on Senate Bill 5, which would allow county jailers to be classified as protected occupation participants under the Wisconsin Retirement System.

Currently, individuals whose principal duties involve active law enforcement, or fire suppression or prevention, and require frequent exposure to a high degree of danger are classified as protective occupation participants under the Wisconsin Retirement System (WRS).

Under current law this classification is extended to state correctional officers and other law enforcement agents. However, it does not apply to all county jailers.

I would encourage you to talk to your local county sheriff and the men and women who go to work every day in your county jail and ask them if their job entails "a high degree of danger or peril." After visiting county jails and talking to my local sheriffs, the answer is a clear "yes."

Individuals who are incarcerated at the state prison first start by being detained at a county facility. Our county correctional officers see the most demanding and dangerous people in our correctional system at the most stressful time. On a daily basis they are tasked with handling people who are aggressive upon their arrest, under the influence of drugs or alcohol, or are suffering from a mental illness. Injuries to county jailers are not uncommon.

In addition to the physical dangers of their job, county jailers also face difficult mental and emotional challenges. In smaller rural communities, county correctional officers may know the victims that were affected by the actions of the criminals they must protect at work. This is not an easy profession.

SB 5 was carefully crafted so that it would not increase costs to county taxpayers. County jailers that are willing to chip in for these benefits should be allowed to do so. Considering that the cost would fall on the employee, the bill provides an opt-out option for officers.

This bill was drafted with input and discussions between the Badger State Sheriffs' Association and the Wisconsin Counties Association. Both organizations support SB 5. The Wisconsin Sheriffs and Deputy Sheriffs Association and AFSCME Council 32 have both added their support for SB 5 as well.

So far this proposal has received bi-partisan support in both houses of the Legislature. I would encourage you to support the bill as well. Thank you for your time. I would be happy to answer any questions about the bill.



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# MARK BORN

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STATE REPRESENTATIVE • 39<sup>TH</sup> ASSEMBLY DISTRICT

**Testimony on Senate Bill 5**  
*Senate Committee on Judiciary and Public Safety*  
*March 19, 2019*

Good morning Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety. Thank you for allowing me to testify in favor of Senate Bill 5 which would classify county jailers as protective occupation participants under the Wisconsin Retirement System (WRS).

Under current law, individuals whose principal duties involve active law enforcement, or fire suppression or prevention, and require frequent exposure to a high degree of danger are classified as protective occupation participants under the WRS. Examples of individuals who are classified as protective occupation participants are state prison guards and other law enforcement professionals.

SB 5 makes an important change that reflects the challenges and dangers that county jailers face on a regular basis. Every individual incarcerated in the state prison system was held in a county jail first. Upon arrest and arrival at a county jail, suspects are often upset, angry, or aggressive. They may also be under the influence of drugs or alcohol, stressed about the crime they allegedly just committed, or are suffering from mental illness. County jailers are responsible for these individuals, regardless of the risk they pose, as well as their safety and the safety of the facility's other inmates. State prison guards have many of the same responsibilities and are considered protective occupation participants under the Wisconsin Retirement System (WRS), whereas county corrections officers are not.

The concept of granting protective status to county jailers has been around for over 20 years. This bill, identical to AB 676 which passed the Assembly unanimously last session, is different than proposals that have been introduced in the past because it represents an agreement between the Badger State Sheriffs' Association, Wisconsin Sheriffs and Deputy Sheriffs Association, and the Wisconsin Counties Association. The bill allows for county jailers to be classified as protective occupation participants without increasing costs to the county taxpayer.

Under this proposal, county jailers would be classified as protective occupation participants and the employees (jailers) would have to pay the additional costs of having protective status. This includes both the employee's and employer's additional WRS contribution, as well as duty disability costs. Current county jailers would have 60 days after enactment of this bill to opt out of receiving protective status, and new jailers would have the opt-out option at the time they are hired. Some counties currently classify their jailers as protective occupation participants and pay for the additional costs for their employees. Counties with this policy will be grandfathered in under the bill, but those counties retain the ability to no longer pay the additional costs through an action of the county board in the future.

Thank you again for the opportunity to testify in favor of SB 5. I am now happy to answer any questions.



**STATE OF WISCONSIN**  
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**Remarks to the Senate Committee on Judiciary & Public Safety**

**2019 Senate Bill 5**

**Tarna Hunter, Government Relations Director, Department of Employee Trust Funds**

**March 19, 2019**

Senate Bill 5 classifies county jailers as protective occupation participants under the Wisconsin Retirement System without a requirement that their principal duties involve active law enforcement.

The bill would essentially require county jailers who are employed by a county that did not classify county jailers as protective occupation participants on July 1, 2018 and become protective occupation participants under this bill to pay the employer share of the WRS contribution rate, as well as the duty disability rates, which is currently entirely an employer cost.

If the county jailer does not wish to pay the additional cost of being a protective, the bill allows them at the time of hire to be classified as a general. This choice is irrevocable.

The bill also provides that county employers who currently classify their jailers as protectives will continue to pay the employer cost for current and future employees.

We think the policy embodied in the bill is a departure from the policy that has been in place regarding protective category participants. We would like to spend a few minutes to make you aware of some of the policy implications for both the employees and employers.

Historically the state has recognized that protective occupation employees are exposed to a high degree of danger and have protected them by providing them an earlier retirement age, a higher retirement benefit, and duty disability insurance benefits. This policy is a recognition that these jobs are dangerous and critical to maintaining public safety and also that those who perform these jobs may not be able to perform them for as long. Under current law, the employer, who is in the best position to do so, determines whether the particular positions qualify for protective status based upon the specific job duties. This bill changes that policy – it recognizes that jailers should be

classified as protective, but require the employee, and not society in general, to pay for these extra protections.

If the employee does not or cannot pay the additional costs, the employee may opt out of the protective category and be classified as a general employee, even though the job duties would be the same.

This creates inequity among employees who are presumably doing the same job, both across the state and in the same jail. For example, some jailers at the same employer may be classified as protectives and some may be classified as generals. This also creates inequities between the counties, allowing some counties to pay for the cost of being protective and other counties to require the employee to pay for the cost of being protective.

While determining whether this is the proper policy is clearly the legislature's prerogative, we are concerned that a policy that no longer requires the duties of the particular job to be the defining element of whether someone enjoys the protections of protective status has implications for the broader class of public safety professionals in general.

There are two main costs associated with the protective occupation category: WRS contribution rates and duty disability rates. Currently, the protective employee pays the same WRS contribution rate as general employees and the employer picks up the rest of the contribution rate. Employees classified as protectives under the bill, would be required to pay the employer share, as well as the duty disability rates, which is currently entirely an employer cost.

For example, if this bill were in effect for 2019, on average in a sampling of 10 counties, county jailers who do not opt out of the protective class under the bill would need to pay 12.42% of salary which includes 10.55% of salary for the WRS contribution and 1.87% of salary for duty disability coverage – instead of the WRS employee rate of 6.55%. However, the specific rate will vary from county to county due to differences in disability rates which are affected by claims experience. 2019 duty disability rates range from 0.17% of payroll to 4.42% of payroll.

To illustrate the effect of the bill, here are three different scenarios that would occur based on county specific salary information we collected in 2017.

### **Scenario 1 – County with a high duty disability rate.**

In Racine County, the county said the annual starting wage was \$35,838 for county jailers, and the duty disability rate is 4.42% in 2019. A new hire in Racine County who elected to participate in the WRS as a protective employee would pay a total of \$5,365, or 14.97% of salary.

## **Scenario 2 – County with a low duty disability rate.**

For Ozaukee County, the annual starting wage was \$48,568 according to the county, and the duty disability rate is 0.17% for 2019. A new hire in Ozaukee County who elected to participate in the WRS as a protective employee would pay \$5,206, or 10.72% of salary.

## **Scenario 3 – County classifying employees as protective as of 7/1/18.**

The employee may pay the regular employee WRS rate of 6.55% of salary depending on the collective bargaining agreement. That would be 8.42% less than the Racine County employee, and 4.17% less than the Ozaukee County employee.

On the more technical side, there may be policy implications to the duty disability program. Allowing employees to select whether to be in a job classification and in a disability program or not may change experience in that the older, more likely to be disabled employees may select the program and others wouldn't, thereby increasing the costs to everyone in the long run. Generally, this is typically referred to as adverse selection. An actuarial analysis would be the best way to develop a more detailed impact analysis and fiscal estimate on premiums for the program.

Additionally, we have concerns about the bill's compliance with the Internal Revenue Code (IRC). Generally, the IRC prohibits defined benefit plans such as the WRS from including a cash or deferred arrangement (CODA). CODAs are defined broadly in the IRC and include allowing participants to choose among different contribution levels. The IRS provides one very limited exception for individuals who first become eligible under a plan to make a one-time irrevocable election. Offering current jailers the choice between being categorized as protectives or generals would likely be considered a CODA, potentially resulting in negative tax consequences to both the jailers and the WRS. The IRS may also view giving newly-hired jailers this choice as a CODA if they are already WRS participants.

Finally, many of the administrative aspects would be handled by the counties, such as determining what county jailer is or isn't a protective occupation employee for WRS purposes. ETF's fiscal estimate provides you information on the costs these administrative changes would have on ETF.

This bill is a significant change to a long-standing legislative policy regarding the compensation of protective employees. It does raise some equity issues and questions on the long-term impact on the duty disability program. ETF believes that an actuarial analysis would be the best way to determine what impact these changes would have on the programs.

If you have any questions about this testimony, please contact Tarna Hunter at 608-267-0908.



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## MEMORANDUM

**TO:** Honorable Members of the Senate Committee on Judiciary and Public Safety

**FROM:** Marcie Rainbolt, Government Affairs Associate

**DATE:** March 19, 2019

**SUBJECT:** Support of Senate Bill 5

The Wisconsin Counties Association (WCA) supports Senate Bill 5 (SB 5), which classifies county jailers as protective occupation participants under the Wisconsin Retirement System (WRS) and mandates that employees pay the enhanced WRS contributions resulting from the classification. SB 5 represents a negotiated compromise between WCA, the Badger State Sheriffs Association, and the Wisconsin Sheriffs and Deputy Sheriffs Association that addresses the desires of county jailers without forcing additional costs on to county property taxpayers.

In recent years, negotiations have been ongoing between WCA and the law enforcement community regarding protective status for county jailers. The negotiations followed years of litigation regarding protective status for jailers. Currently, 13 counties have their jailers as protective. Counties were successful in the litigation as the Department of Employee Trust Funds (ETF) found that county jailers are not entitled to WRS protective status because a jailer's job is not considered "active law enforcement" under the law.

Through discussions with law enforcement associations, SB 5 was drafted which provides protective status to jailers without regard to their "active law enforcement" status and, therefore, allows jailers to receive duty disability insurance and early retirement. The legislation also clarifies that jailers are not designated as public safety employees for collective bargaining purposes (*i.e.*, they are general municipal employees and may bargain only over base wages) and jailers are responsible for all—employee and employer—additional WRS contributions.

County jailers are critical to ensuring safety in the jail for inmates, staff, and the general public. As such, SB 5 provides jailers with the additional benefits they desire while protecting local property taxpayers. It is anticipated that this legislation will bring an end to all litigation surrounding jailer protective status, thus providing legal certainty for 70 of our 72 counties with county jailers.

During the 2017-2018 Legislative Session, this legislation was known as Assembly Bill 676 (Senate Bill 577) and passed the Assembly on a voice vote.

WCA respectfully requests that the Committee support SB 5.

# Brown County Sheriff's Office

2684 Development Drive  
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Todd J. Delain  
Sheriff

March 19, 2019

Thank you Chairman and other esteemed Legislatures for taking action on this proposed Bill. Today I represent Brown County and the Wisconsin Badger State Sheriff's Association.

Brown County has the third largest Jail in the State of Wisconsin. We have a daily Jail population of approximately 700 inmates. I have 142 civilian County Jailers that quietly go about their duties every day, keeping the most dangerous people in society from hurting others. We do not hear about our County Jailers unless something bad happens as they are our silent guardians.

In order to reduce the risk of bad things happening in our County Jail, it is critical that we hire and retain quality employees. This Bill helps us accomplish that goal.

As you know, working in the Jail is difficult and County Jailers deal with dangerous people. All inmates go to jail before they end up in prison.

Currently State Correctional Officers who work in the State prison system have protective status and duty incurred disability. It only makes sense to provide the opportunity for County Jailers to have similar benefits.

In Brown County, Jailers previously had protective status and duty incurred disability. However, the Brown County Board of Supervisors in 2014 made a change based on concerns related to collective bargaining and its financial impact after an appellate court ruling about this issue. It should be noted, the Brown County Board of Supervisors has never been opposed to protective status by itself.

It was after this change that we saw a significant increase in the number of County Jailers leaving the profession. These were dedicated employees who felt they could no longer risk themselves, especially as they got older. The risks versus the benefit later in their careers were no longer worth it.

Due to staffing shortages and the amount of time it takes to train and certify a new County Jailer, Brown County spends in the area of approximately \$20,000 every time a Jailer separates employment. In 2018, 25 Jailers separated employment with Brown County, unnecessarily costing tax payers over approximately \$500,000.

This Bill has been in the making for a significant amount of time and has been vetted by many organizations. I urge you to support and approve this Bill. This proposed legislation is important to Brown County and County Jailers throughout the State of Wisconsin. Thank you for your consideration regarding this important matter and thank you for what you do for the State of Wisconsin.



# COLUMBIA COUNTY SHERIFF'S OFFICE

Roger L. Brandner, Sheriff

March 19, 2019

**To: Senate Committee on Judiciary and Public Safety & Assembly Committee on Corrections**

**Re: Senate Bill 5/ Assembly Bill 5 Protective Status Hearings**

I would like to thank you for the opportunity to speak on this bill.

My name is Jim Stilson and I'm a Lieutenant with Columbia County Sheriff's Office where I've served since 1995 and I'm here in support of the professional men and woman that are jailers in our state.

I have worked in and around this profession for many years and I can tell you from experience this is a tough job in a tough environment. The jailers in our county do have many of the same responsibilities as the deputies working the road, as they investigate crimes committed in the jail, prepare reports for the DA's office, and complete mental health commitment paperwork if someone is committed to a state mental institution from the jail. Many of these instances result in them testifying in court as well. Much of their training regimen overlaps and is rigorous when it comes to the jails equivalent of defense tactics training called POSC or Principles of Subject Control training. Because control of these inmates in the jail is not an option, they need to maintain control of the inmates at all times. Our jailers take care of all the inmates in this state before they go on to prison, as every state inmate has started out in a county jail somewhere. I mention these examples to show that jailers have many of the same responsibilities as other professionals that have had Protective Status since its inception.

With regard to the dangerousness of jailing, I can tell you that it is right at the top of the list. This is especially true with drug addictions and the mental health issues we're seeing today more than ever. This coupled with low staffing levels has increased risks that jailers are faced with in our jails.

Last week I had a young jailer in my office because I had received word that he may be leaving us. As I spoke with him he told me that he just doesn't know if he can deal with the inmate population any longer and the risks associated with this work. Last year this jailer was talking to a mentally ill inmate when the inmate lashed out at him and grabbed him by the throat without warning. The inmate was quickly subdued by use of force until he released his grasp, and I know this had a significant effect on this jailer.

Recently there was another incident in which one of my sergeants was escorting an emotionally disturbed inmate to his cell when the inmate turned and swung his fist at the sergeant without warning. The sergeant was able to avoid being struck but had to take the inmate to the ground to control him and in doing so tore up his shoulder. This required surgery and he was off duty for several weeks.



# COLUMBIA COUNTY SHERIFF'S OFFICE

Roger L. Brandner, Sheriff

Continued

These are just a few examples of the type of dangerous individuals and situations jailers frequently encounter, and with recent changes in Administrative Code DOC 350 our jailers must have more face to face contact with every inmate to complete wellbeing checks throughout our jails. Our jails are a city within a city, and our jailers are tasked with maintaining order within these walls and they have an awesome responsibility in doing so.

With the continual mental and physical stress that they have to endure, jailers should have always been included as a protective occupation participant. I feel strongly that this will assist us in recruiting and retention when we are able to tell new recruits that they do have the ability to be included in this status. I believe it's long overdue that these fine men and women get the chance to be included in this classification and I urge you to support this bill.

Thank you for your time and thank you for your service.

Sincerely,

Lt. James D. Stilson

# OUTAGAMIE COUNTY SHERIFF'S OFFICE



Sheriff CLINT C. KRIEVALDT

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March 19, 2019

Greetings,

This letter is in support of Senate Bill 5/Assembly Bill 5 which would classify our County Correction Officers as protective occupation participants under the Wisconsin Retirement System. Designating our Correction Officers as protective status acknowledges the dangerous work environments these employees endure to ensure safety in our county jail. Outagamie County Correction Officers undergo substantial training requirements to prepare for their difficult job working in extremely dangerous conditions. Our Correction Officers are often kicked, hit, spit on and have body fluids thrown at them while performing active law enforcement duties and are frequently exposed to high-risk situations. The jail handles and stabilizes a lot of people, who use drugs, alcohol, in just poor health and have significant mental health issues making them unpredictable and sometimes violent. Outagamie County Correction Officers are an incredibly hardworking and dedicated group of men and women who deal with those crisis all while the person is in our custody and care. Year after year 80% of our inmates are under 40 years old, and 48% of our Officers are over 40 years old. Protective Status would allow Correction Officers to retire at an earlier age which would reduce the number of physical incidents between younger inmates and Officers in their late 50's.

While the job responsibilities are the same, State Correctional Officers are considered protective status under WRS, but our County Correction Officers are not. This Bill would even the playing field among Correction Officers and would greatly help with recruitment and retention of employees without increasing the County's budget.

Thank you,

Sheriff Clint C. Kriewaldt

Good Morning/Afternoon,

I would like to thank you for allowing me the opportunity to speak to you today. My name is Theresa Lorenz. I have worked as a Correctional Officer in the Eau Claire County Jail for almost 20 years.

I am here to share my personal story and the experiences. Unfortunately some people are under the impression that a county Correctional Officer does not deserve the same protections or somehow has a safer job than the State Correctional Officer, Probation Agent and even an Officer or Deputy on the road, thus classifying us as general employees and them as protected.

I will begin with my personal story...

In Sept 2012 we opened our brand new jail in Eau Claire County. The jail was designed to help us better manage our growing and changing population. We have a pod that is designated to house 7 special needs inmates. The inmates housed here are those that are unable to be around other inmates for various reasons; lower functioning, medically fragile or just plain difficult. Each cell is equipped with its own shower, toilet, bed and desk. Each inmate is individually allowed out of their cell for one hour to use the phone, kiosk and have additional walking room. Inmate Jeffery Milbee was in the day room taking his hour out. Milbee was told to lock down while I conducted my cell checks. He was headed in the direction of his room so I entered the pod. I was half way through my task when I needed travel beyond Milbee's cell. He had not locked down as directed, so I stopped and re-directed him to his cell. Unprovoked and without warning he turned and charged. He began beating on me with a closed fist. I had no time to react. I did what I could to protect my head and vital organs as I tried to find my way out of the day room. Additional Staff arrived as I was making my way out of the day room and Inmate Milbee had already locked down.

**Show video here** – I have brought the video from that day to show you.

Physically I was lucky. I had a concussion and many bumps and bruises on my body. Mentally I was broken and scarred. In the days and months that followed, although I had done nothing wrong, I questioned my actions that morning, my ability to do the job and whether I was strong enough to continue in this profession. I had repeating nightmares of the incident. My sense of safety and self-worth had been taken. I began counseling in hopes of regaining my self-confidence and to work through the fears and emotions I was experiencing. I would now have to struggle and fight to hang on to the career I once loved.

Eleven days after the incident, I returned to work with restrictions. I was placed in a locked unit with no direct inmate contact. This is a locked unit, the only way in or out is by the Officer inside opening the door. It is equipped with monitors to view all areas of the jail. An Officer was assigned to be with me. After almost 13 years I now had a babysitter, another blow to my self-esteem.

For more than 2 weeks at the end of my 8 hour shift, I would leave tense, my shoulders and neck were stiff, my head would pound and my eyes burn. I would spend my evenings on the couch with a rag over my eyes trying to ease the pain. I cried a lot. At times I cried all the way to work and all the way home. My husband recalled a call I made to him, I was sobbing. I told him I didn't think I was going to be able to pull into the parking lot let alone walk into the Jail. The counselors said this was PTSD, we could work through this. How was I going to get through this? Was I ever going to be able to work here again? I didn't have a choice. I didn't have another option, this was my career and I was NOT going to let him win. I would not let him take away everything I had worked for.

At the time no one understood what I was going through. I felt like everyone was staring at me. How could an incident lasting seconds shatter 13 years of dedicated service and experience? I wanted out of the isolated pod, I wanted to rejoin my co-workers. However, the thought of returning to the floor and having face to face contact with an inmate now scared the hell out of me. I could only see the incident replaying over and over. I would go in to work early and walk the pods when the inmates were locked down, trying to regain some sense of security. I took law enforcement based mixed martial arts classes every week for the next three years. I requested to become a POSC instructor (principles of subject control). I spent a year and a half working my way back to full duty. I cannot say I am fully healed, or that I will ever be, but I have found ways to lessen the emotional response and get through another shift, another day.

My incident is not an isolated event in our jail or in other jails across the State. What if my injuries would have been worse? What if I wasn't so "lucky"? What if I had been older, but too young to retire. Under the current classification we do not have the same protections as Police, Probation and State Correctional Officers. We are the only entity in the lateral progression from time of arrest to release from supervision that is classified as a general employee instead of a protective status employee. Why when we deal with the same offenders, for the same, if not longer periods of time, in close proximity, during the offenders' most volatile time, do we not have the same protections as the others we work side by side with?

In our jail, we have had an Inmate return from court, break free from an Officer and destroy our booking room, including the booking computers and live scan equipment. Mr. Gonzalez had just lost custody of his children. He was currently in prison for murdering his girlfriend and had only returned for court.

Larry Fernandez, just after a homicide conviction, returned to his housing unit and shattered five (30 minute glass) windows with a mop bucket.

We had an Officer whose knee was blown out when an aggressive inmate in a holding cell intentionally kicked him in the leg.

We recently had an inmate jump off the 2nd tier in an attempt to end his life while he awaited trial for a double murder.

The most recent assault on staff was by an inmate who was summoned out of the cell block to speak with his Attorney. He brought a toothbrush he had filed into a sharp point and attempted to stab the Correctional Officer in the neck. This is just a short list of events from our facility.

The conditions and types of inmates in today's jails are far from the one's 20 years ago. Professionally, during the past two decades, I have witnessed a lot of change with the Judicial System and how low risk offenders are managed. Evidence Based Decision Making (EBDM), Specialty Courts, and other diversion programs have reduced the numbers of low risk offenders incarcerated, but have left our Jails overcrowded with the most dangerous offenders. We are now dealing mainly with the worst of the worst. The days of Mayberry drunk driver and disorderly individuals have now become murderers, rapists, and drug traffickers. The increases in severity of the charges inmates are coming in with are dramatic. There has been a drastic increase in the uncertainty of an inmate's behavior and the dangers associated with dealing with someone who is acting under the influence of other substances. We have now hired full time Mental Health Professionals to help inmates transition through the changes they are experiencing. Despite this, the increases in erratic and dangerous behaviors show no signs of slowing down.

We have also incorporated restraint chairs, padded cells, pepper ball guns, Tasers, body and mail scanners in an attempt to level the playing field. Stab vests have also recently been added.

Correctional Officers are tasked with providing 24 hour care for an arrestee from the moment he or she walks, is escorted, or extracted from a squad car and brought into the county jail. The chances are quite high that they are drunk, high or possibly off their medications. They are uncertain about what their future holds, agitated and altered in thought; they remain uncooperative and combative. During their incarceration they must deal with the emotions associated with having little to no contact with family and friends. They may lose loved ones while unable to say goodbye or grieve with family. They may go through break ups, divorces and custody battles. All of these factors lead to emotional instability, behavioral outbursts and targeted actions against Staff. Their incarceration and our contact with them may last from a day, to a year or more. It is during that time we, as Correctional Officers are tasked with sobering these individuals, making sure they are eating and taking their meds, and provide them with structure and discipline. We become teachers, parents and counselors as well as Police on the inside to maintain control. We break up fights, we investigate crimes they commit against us and one another and when necessary forward criminal complaints to the District Attorney for additional charges. By the time they leave our facility, either to enter society again or move on to the prison system, we have hopefully made them significantly more stable and better than when they entered.

As the protections for officers working in a county jail diminished, so did the desire to work here. We have seen a reduction in the number of applicants and a constant flow of staff walking out the door. Over the past 19 years we have had over 120 officers leave our facility to pursue other job opportunities. The protections this proposed bill offers will give us a better chance to retain good employees and return this to a respected career in Law Enforcement, not just be a "stepping stone".

A Correctional Officer should not be working into their late 50's to middle 60's, trying to fight with a 17 year old, who has a mixture of any combination of drugs on board any more than the Officer on the street. This is not desirable for the County or the Officer. A time comes when an Officer becomes more of a liability to the county they are protecting, than they are an asset. Injuries become more likely and harder to return from. These are dangerous and unpredictable careers, which is the reason Police Officers/Deputies, DOC agents and Prison Correctional Officers are able to retire early and have duty disability. A Correctional Officer in a County Jail is no different and should be classified the same  
Please vote in favor of the bill giving Protective Status to County Jail Correctional Officers.

Senate Committee on Judiciary and Public Safety  
Assembly Committee on Corrections  
March 19, 2019  
Protective Status for County Jailers

Good morning. My name is Jeff Wolf and I am the newly elected Sheriff of La Crosse County. One of the 30 newly elected Sheriff's in Wisconsin.

Today I testify in support of Senate Bill 5/Assembly Bill 5, Protective Status for County Jailers through the Wisconsin Retirement System.

Throughout my nearly 31 years as a deputy for the La Crosse County Sheriff's Office, protective status for jailers has been a topic that has been proposed, discussed, challenged, and debated, but never resolved. It is time that county jailers are classified as protective employees for earlier retirement and duty disability benefits if they are injured in the line of duty.

Currently, only those individuals who are active in law enforcement or fire suppression, and have an exposure to a high degree of danger are classified as protective occupation participants under the Wisconsin Retirement System. The exception to this is State Correctional Officers.

Jailers in each of our county jails have the day to day responsibility to guard and protect our community's most dangerous individuals. The high degree of danger that they are exposed to each day is deserving of being classified as a protective occupation.

In the last 5 years, Correctional Officers for La Crosse County have been assaulted 21 times; just over 4 staff members per year. During that same time period, jail staff has been involved in breaking up numerous fights which frequently puts themselves in danger. They have written

reports involving disrespect, harassment, sexual harassment and threats to jail staff well over 100 times.

On October 11<sup>th</sup> of 2018, two Jailers at the La Crosse County Jail were injured while conducting a round which included cell and property inspections. As a result of this incident, one of the jailers was transported to the hospital and missed over 2 months of work. The other had cuts to his face, an injured hand and a dislocated finger. This jailer returned to work within a few days.

Fortunately those jailers injured recovered and returned to work. But because of the frequency of these types of incidents, it is time that the leaders in our state and county step up and provide protective status for our correctional officers.

A recent survey from the Wisconsin Counties Association revealed that La Crosse County was not in support of this legislation. After learning of this, I reached out to the County Administrator in La Crosse County. He advised me that he would neither oppose nor support this legislation. He did indicate that he was concerned with the duty disability rate and how it affects each county. While I understand this concern, I feel it is more important to provide the protection the jailers deserve with the classification of protective status.

This bill addresses a mutual agreement which was negotiated by the Wisconsin Counties Association, the Badger Sheriff's Association, and the Wisconsin Sheriff's and Deputy Sheriff's Association. I ask you to support this pending legislation so that all of our county jailers are afforded the opportunity to be classified as a protective occupation under the WRS.

Mr. Chairman,

Thank you for your time here today, and your consideration of this bill. I work for a smaller, rural county jail. I worked there during prior to WI Act 10 and after. Perhaps the second most important consideration in the passage of this bill is the recruitment and retention of quality corrections officers. Both have suffered significantly since our county corrections staff lost their protective status.

The first, however, is duty-related injury situations. We have had a couple injuries over the period since we've lost protective status. I'd like to highlight one for you now.

I worked with a correctional officer that taught me a lot about how to do my job. He had served 15 years in a state prison system, working his way up the ranks. Much his time was spent on what we call the CERT team. That is, the Correctional Emergency Response Team. He and his team responded to calls throughout the prison for any high-risk situation. These included inmate fights, inmate suicide attempts, riots, and cell extractions. The latter, most often, being among the most dangerous. Following his 15 years in the prison system, he came to our county. He had been there over a decade prior to his injury. One day, over a year ago, he responded to a call for assistance from our booking officer. However, given his experience, without regard to rank or post-assignment, he quickly became point for the situation.

An inmate was attempting to flush his bedding down the toilet. By the time officers responded, the cell floor was completely covered in water, and it was leaking from under the cell door. During the encounter, this officer was knocked to the floor—aided by the slippery and, frankly, disgusting conditions—and brutally attacked. Injuries he sustained during that contact, ultimately, led to his early resignation. He was not offered the protection of being a protective status employee. He has been fighting ever since with worker's comp. He has been forced to be at work—against the better recommendations of his medical team. While there, he had to wear sunglasses inside at all times, as the light effected his condition. The neurological damage he suffered has had ranging effects—from persistent headaches, to vomiting whenever he is behind the wheel for any length of time.

I do not know how this situation will finally play out. I believe, had he been classified as protective status, it would not be an ongoing battle. Corrections officers such as this one deserve every benefit for their service to their community, the county, and the state. All of our current corrections officers deserve to see such injured officers treated with the utmost care and consideration following such an injury—or, I fear, the staffing hemorrhage started with the loss of our protective status will continue.

I implore you to pass this bill.

Thank you for your time.

Jeromy Cox – Corrections Officer



**WAUKESHA COUNTY**  
**OFFICE OF THE COUNTY EXECUTIVE**

To: Waukesha County Legislators  
From: Waukesha County Executive Paul Farrow  
Date: Friday, January 25, 2019  
Re: Opposition to Senate Bill 5

Waukesha County is asking you to oppose Senate Bill 5 that classifies county jailers (corrections officers) as a protective occupation under the Wisconsin Retirement System (WRS).

As you may know, if SB 5 is passed and signed into law, county jailers would be considered "protective occupation participants" under WRS, a designation that until now has been reserved for employees whose principal duties involve active law enforcement. This bill increases retirement benefits, and reduces the retirement age, of these employees. While the bill does require county jailers to pay the employer share of the WRS protective contribution rate, as well as the duty disability rates, the true fiscal impact of these changes to county taxpayers is unknown.

I believe an actuarial study should be conducted of both the WRS system and duty disability program prior to any action being taken on the bill. In addition, the following items should be studied further:

- WRS annuities were traditionally funded with 25% contribution and 75% investment returns. In the past 10 years the contribution rate for the WRS has increased because investment results have not kept up with liabilities. The addition of correctional officers to protective status could magnify this problem and raise protective employee contributions.
- Even though the bill has duty disability funded by the correctional officer opting in, any correctional officer that joins could change the contributions paid for our entire protective class of employees in a given county.
- We expect a large number of senior correctional officers to opt in to the program, and therefore, be eligible for a much earlier retirement. This adverse selection could increase both duty disability and protective contribution rates. In addition, like other counties, Waukesha County has seen a high turnover in correctional officers and this action could exacerbate that trend

Aside from the unknown fiscal impact, the bill implements an upside down policy of allowing workers to opt into a program simply to receive greater benefits. It also diminishes the protective classification as a whole and could lead to employees in other types of jobs requesting protective status. We should not make this change without knowing all of the facts and without having a full understanding of the true impact of the legislation.

Thank you for your time and consideration. Please do not hesitate to reach out to me if you have any questions.

**TESTIMONY IN SUPPORT OF 2019 SENATE BILL 39  
INTENDED TO BE PROVIDED IN ORAL AND WRITTEN FORM on 3/19/2019**

**BY**

**Ann Heinrich  
Menasha, WI 54952**

I want to thank the Committee Chairman and the Senate Committee on Criminal Justice and Public Safety for allowing me the opportunity to provide testimony in support of Senate Bill 39.

I am the mother of a now 36-year-old son named Patrick who, about 13-14 years ago during his senior year at UW-Madison, used poor judgment that resulted in a Class H felony. He was 22 years old at the time. He had no prior convictions and was never the type of child you would have guessed would make the mistake he did. However, he bought marijuana from an undercover officer with the intent to sell it to his friends. He was sentenced to spend 30 days in jail with work release privileges. After his release from jail, he then was required to wear an ankle bracelet for 5 months. He was given three years' probation but was released early for being compliant and meeting all sentencing requirements. To this day, he has remained a law-abiding citizen and to my knowledge hasn't had as much as a traffic ticket.

My son broke the law and needed to pay the consequences. However, although he spent roughly a little less than three years successfully meeting his sentence requirements, in reality he has now spent about 13-14 years paying for his crime and may have to continue to do so if this bill does not pass. He has not been able to rent a house or apartment because of his felony. Although this has been determined to be a discriminatory act, it has nevertheless been a common practice routinely carried out among property owners or leasing agencies. Even when my son tried to rent apartments or houses with his friends, all their individual applications required per the leasing agency were routinely denied because of my son's felony. As a result, he has been living many years in Austin, Texas with his twin brother Jonathan.

What is even more upsetting about this seemingly endless "sentence" is the fact that he is often denied an opportunity to have a job interview because his application requires him to admit he is a felon. About the only jobs he has been able to secure have been working as a waiter or as a sales clerk at a retail store owned by one of his friends. While I am happy he has been able to find employment, my son earned top grades throughout his formal education and graduated from UW-Madison with a political science degree. At the age of 16 he started his own website design business at which time he even designed a webpage for former WI Representative Terry McCormick. When I reviewed his letters of recommendation, there were comments about his "high degree of intellectual ability" .... "strong ability to work well with others" .... "a highly motivated individual who will have a positive impact on others" .... "[his] dedication and hard work alone will bring him much success in future endeavors...and he has the qualities to become a strong leader in any field he studies."

**TESTIMONY IN SUPPORT OF 2019 SENATE BILL 39  
INTENDED TO BE PROVIDED IN ORAL AND WRITTEN FORM on 3/19/2019**

**BY**

**Ann Heinrich  
Menasha, WI 54952**

While these recommendations indicate what abilities and potential for success my son had, not only has my son been unable to utilize them as he could, but employers are being denied the opportunity to benefit from people like my son who have much to offer employers and fill the jobs that remain unfilled because employers cannot find individuals with the necessary education and skills.

Obviously as a mother, I am biased about my son's admirable qualities others have also recognized. What he did was wrong, and I can tell you there are few days where he doesn't deeply regret the foolish act he did as a very young man. He was sentenced at a time when the law did not allow what is now offered to those who commit class H felonies and have met the same requirements my son has met to earn expungement. When my son read his statement to the judge at the time of his sentencing, expressed such a compelling statement about how much he regretted his senseless act that had now extinguished the many hopes and dreams he had to move forward because of his felony, the judge appeared to be genuinely moved by Patrick's statements and he kindly told Patrick not to look at this in such a dark way...that he could still have a future to do those things he mentioned. I sat in that courtroom and I knew, like my son, that a felony, even a nonviolent one, can blind prospective employers, bankers, leasing agencies, and so on to all the gifts and abilities a person has also earned. Patrick and his twin brother continue to stick together today and I can only imagine that, despite the admiration Patrick has for the great successes his twin has achieved, a future he no doubt believes he too could have had, is a daily reminder of what might have been. Over the years, the spark has slowly gone out of my son's eyes and voice ...until about two weeks ago when I told him what was being proposed about nonviolent felonies in Wisconsin.

Senate Bill 39 removes the long-term obstacles that prevent giving first-time nonviolent offenders a second chance to pursue their goals and dreams and the ability to contribute in more productive and valuable ways to society and employers. To keep first time offenders of nonviolent crimes branded in ways that prevent them from turning their lives around and having equal access to housing and employment opportunities for the remainder of their lives is, in my opinion, unjust.



**VILAS COUNTY  
SHERIFF'S OFFICE**  
330 Court Street, Justice Center  
Eagle River, WI 54521-8362

Patrick Schmidt, Chief Deputy  
Gerard Ritter, Captain  
William Weiss, Jail Admin

**Joseph A. Fath**  
**Sheriff**  
www.co.vilas.wi.us

Tele: 715 479-4441  
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March 19, 2019

To: Senate Committee on Judiciary and Public Safety

From: Jamie Meier, Vilas County Jail Sergeant

RE: Written Statement in Support of Senate Bill 5

I am here today asking for your support in classifying county jailers as protective participants as outlined in Assembly Bill 5.

I have worked in Corrections since 2008 dealing with inmates anywhere from an hour to over a year at a time. Some of these individuals are the same people that protected Deputy Sheriff's, Police Officers and Probation Officers deal with as well, but for a shorter period of time. Jailers spend a significant amount of their work day dealing directly with the inmates. Most jails have gone to direct supervision making the job more unpredictable and dangerous due to the amount of access these inmates have to the jailers. Inmates have nothing but time to plan on how to manipulate and in some cases harm jail staff.

A high percentage of individuals arrested and brought to jail are under the influence of drugs, alcohol and/or have mental health issues. These individual arrestees are unpredictable and can be very violent. Jailers have tools, such as tasers, OC and restraint chairs to help protect themselves and their co-workers from inmate harm but those are not always 100 percent effective.

In January of 2013, myself and two male co-workers were dealing with an intoxicated female inmate recently arrested for Disorderly Conduct who became suicidal and needed to be placed in the restraint chair due to not complying with the changeover process. Inmate was resisting and becoming violent and was able to get one of her legs loose and kicked me in my face. I flew back and landed against the cell wall. Fortunately, I was able to get right back up and we were able to secure her into the restraint chair without any further injuries.

I have had to use my taser on numerous occasions to gain compliance from uncooperative or resistive inmates. One occasion was with an intoxicated male who punched a male co-worker who had to go through months of therapy to deal with his shoulder injury.

Due to the rapid increase in drug use many inmates have communicable diseases that can be passed through bodily fluids which happens during altercations with inmates and jail staff.

Again, I am asking for your support in getting our county jailers protected.



**Office of the County Administrator**  
**Joshua Schoemann, County Administrator**  
Matt Furno, Deputy County Administrator  
Ethan Hollenberger, Public Affairs Coordinator

Herbert J. Tennes Government Center  
432 E. Washington St.  
West Bend, WI 53095-7986  
Phone (262) 306-2200

## **Public Hearing Testimony on Senate Bill 5 & Assembly Bill 5**

*March 16, 2019*

We all agree our jailers are crucial to achieving our county's strategic priority of ensuring a "safe and secure community." Washington County opposes this piece of legislation through a passed board resolution. There are several reasons the board voted to oppose the bill.

### **Actuarial Studies**

Without actuarial studies of both programs it is not possible for our finance and human resource departments to accurately verify whether or not county taxpayers are held harmless from the expanded benefits. Furthermore, it is possible all 255,000 WRS eligible employees statewide are also not held harmless and will lose take home pay through increased contribution rates.

A study would also be necessary for duty disability. Duty disability rates are distributed through several tiers with premium rates increasing in with each tier step. Each employer is placed into a tier based on claims experience. An actuarial study should be done to determine whether all tier rates will increase or counties will shift into higher tiers. As the ETF wrote to the Assembly committee last session, "*allowing employees to select whether to be in a job classification and in a disability program or not may change experience in that the older, more likely to be disabled employees may select the program and others wouldn't, thereby increasing the costs to everyone in the long run.*" The ETF further testified that an actuarial study is the best way to develop fiscal estimates on premiums for the program.

Obtaining an actuarial analysis is common prior to changes to our pension system. In 2016, an actuarial study was completed on a bill to increase the early retirement age and final average salary calculation. The 2013 biennium budget removed so-called "double dipping" from the pension system. In June of 2013, an outside actuarial report was requested and obtained prior to the Legislature voting on the budget. Before that, three actuarial studies were completed in 2009. Each budget, Legislative Council is appropriated \$15,000 for legislative requests for WRS studies. It is our understanding that any of the following may request Legislative Council obtain a study: chamber leaders, co-chairs of finance, or co-chairs of retirement systems.

### **Local Control**

Washington County solved this issue in 1991. Our board must continually weigh different benefits offered to our employees so that we can recruit and retain the best employees. In recent years, Washington County has given multiple raises to our jail staff and will again be completing a compensation plan to both analyze our salaries and improve our pay progression.

This bill could act as an unfunded mandate as the pressure on boards is not alleviated. As ETF testified there is great differences between rates that the new protected status jail staff would pay around the state. Act 10 gave local governments more control of our benefit costs. This bill could reverse some of those decisions and cost jailers more than Act 10 did.

### **Retirement Age Decrease**

Members of our board object to immediately decreasing the retirement age for our staff. Should this bill become law, Washington County could have up to a third of our jail staff eligible for retirement. This would create stress on our remaining employees similar to the state prison system is seeing now.

There is also a concern that the benefit takes immediate effect for current staff. There is no phase in or vesting period.

### **Recruiting from Other Counties and the State**

The state should consider the impact of our vacancies and salary to the prison correctional officer pool. We already pull fully trained jail staff from other jails and the state system. With a Racine County jailer losing about nine percent in take home pay, it makes sense for Racine County staff to move counties. Additionally, the bill could exacerbate the prison officer shortage.

### **Introduction an Option of Benefit to WRS**

This bill introduces an option for employees to determine which pension pool they participate. Currently, to be a protected status employee the job duties must be active law enforcement. Largely, protected status participants are certified law enforcement officers. Job duties and qualifications should remain the standard for which pool an employee participates.

The option then could create inequality among officers. We are expecting a new hire in his or her twenties to make a decision on when they should retire. With young staff increasingly more worried about take home pay, employees may not understand the importance of this benefit.

### **Need for Public Safety**

This bill could force the board to make a decision between adding sheriff deputies or funding this benefit. Washington County is also feeling pressure to fund body cameras, safety equipment for officers, radio systems, Next Generation 911, and other needs. With staff losing take home pay, requests for base salary increases are imminent.

Thank you for your time and consideration of this bill. The legislature should pause to evaluate the true cost of the bill to counties and the pension system. Washington County would prefer to make the best decision for our officers and citizens.

Respectfully Submitted,  
Ethan Hollenberger  
*Public Affairs Coordinator*  
*ethan.hollenberger@co.washington.wi.us*  
262-335-7702



To: Members, Senate Committee on Judiciary and Public Safety  
From: Badger State Sheriffs' Association (BSSA)  
Wisconsin Sheriffs and Deputy Sheriffs Association (WS&DSA)  
Date: March 19, 2019  
**RE: Testimony in Support of SB 5 to Provide Protective Status to County Jailers**

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Good morning. I am Captain Jeff Klatt of St. Croix County here today with Grant County Sheriff Nate Dreckman and Sauk County Chief Deputy Jeff Spencer. I am the legislative committee chair of the Wisconsin Sheriffs and Deputy Sheriffs Association and Chief Deputy Spencer is the current President. WS&DSA represents over 1,000 members, including Sheriffs, Deputies, and jail officers. Sheriff Dreckman is the vice president and legislative committee chair for the Badger State Sheriffs' Association, representing all of Wisconsin's 72 Sheriffs. Our organizations have a joint legislative committee and work closely on public safety issues of concern to our members.

We are here today to ask for your support for an important piece of legislation that will provide protective status to county jailers statewide. First, we want to thank Representative Born and Senator Marklein for authoring this bill, which has been years in the making. It is also important to note that our organizations negotiated this legislation with the Wisconsin Counties Association to ensure a balanced policy, providing county jailers with protective status without increasing counties' budgets.

Protective occupation status allows employees to retire at an earlier age (50 years old) and receive duty disability benefits if they are injured in the line of duty. While the job responsibilities are the same, state correctional officers are considered protective status under the Wisconsin Retirement System (WRS), while county jailers are not.

Daily, county jailers are responsible for the safety of county jails and the safety of the facility's other inmates. Since every state inmate starts in a county jail, county jailers regularly deal in dangerous and stressful situations. Inmates initially admitted to the jail are often facing various issues, including mental health, alcohol, and other drug abuse, and dealing with the stress from the crime they committed and potential incarceration. To prepare for their difficult job to work in extremely dangerous conditions, county jailers undergo substantial training requirements.

Currently, individuals whose principal duties (51 percent or more) involve active law enforcement or fire suppression or prevention and require frequent exposure to a high degree of danger are classified as protective occupation participants under the WRS. For years, there has been variability across Wisconsin counties regarding whether protective status is provided to county jailers.

Under the bill, counties can classify county jailers as protective status under WRS without requiring that their principal duties involve active law enforcement. This legislation will give county jailers *the option* to obtain protective status at the time of hire. The additional cost

associated with protective status, including duty disability, is paid for by the employee (county jailer), not the county. The bill also defines county jailer, providing more uniformity to the job function and duties statewide.

While protective status will be offered in every county statewide, this bill provides for different circumstances to allow for more county-level flexibility. For instance, if counties currently pay for the additional cost to provide protective status to jailers, those counties are grandfathered in under the bill. A grandfathered county would have the ability in the future to not pay the additional costs if the county so decides. In addition, if a county currently collectively bargains with public safety employees, newly hired county jailers will be able to bargain as public safety employees.

Using 2018 data collected by BSSA, we estimate that there would be roughly 2,088 jailers that would benefit from this bill should it become law. This number does not include jailers in the “grandfathered counties,” who already have this benefit. According to WCA, there are 13 counties that already provide protective status to jailers.

Safety within the jail is the top priority. Without protective status, jailers must work longer careers, while facing the same physically dangerous aspects of the job. For a county jailer in their late 50s or early 60s, dealing with younger inmates can be a significant safety risk. The protective status benefit will afford jailers the opportunity to retire at 50, the same as state correctional officers, thus eliminating their exposure to injury later in their careers.

We respectfully request you support this bill to give county jailers the protective status they deserve for the hard and dangerous work they do to keep Wisconsin safe.

Thank you for your time and consideration.



# DODGE COUNTY SHERIFF'S OFFICE

Dale J Schmidt Sheriff Scott Mittelstadt Chief Deputy

March 19, 2019

Honorable members of the Senate Committee on Judiciary and Public Safety and the Assembly Committee on Corrections;

I'm Dodge County Sheriff Dale Schmidt and I would like to take a few moments to request your support of Senate Bill 5 and Assembly Bill 5, Protective Status for County Jailers.

Recently I was reading through the Wisconsin Department of Justice training manual on "Principles of Subject Control" (POSC) that all of our Correctional Officers are required to be trained in as part of their certification in the State of Wisconsin. As I was going through the competencies of the training, I recognized that they vastly mimic the competencies of the Defensive and Arrest Tactics (DAAT) training that our Law Enforcement Officers are trained in when they are certified. Some of the competencies in these trainings include everything from Presence and Dialog, to Control Alternatives such as Escort Holds, Compliance Holds, Oleoresin Capsicum (OC – aka "Pepper Spray), and Protective Alternatives such as Active Countermeasures.

I wouldn't expect non-law enforcement to know what these words and phrases mean as I certainly didn't before I was a law enforcement officer, but they are words that every law enforcement and correctional officer are very familiar with. To bring perspective to this, all of my correctional officers carry OC just like my deputies as a means to protect themselves and others, and as a tool for use when taking a resistive subject into custody. They are also required to be sprayed by it prior to carrying it so they have a clear understanding as to its effects. What other job out there requires being sprayed by and carrying OC every day not only for personal protection, but for the protection of others and as a tool to take offenders into custody?

As a law enforcement officer for 19 years, I have arrested offenders and brought them into the jail. Often times these offenders have been intoxicated by drugs or alcohol and as a result of their arrest or their mental state, they are upset and at times very violent. The luxury of being a cop on the street is that after I drop them off at the jail, my interaction with them has ended. I may have had contact with them for an hour or 2, but my correctional officers must now deal with that person for days, weeks, or even months.

That person may be angry, highly intoxicated, violent, suicidal, and/or mentally unstable and may need to be secured in a restraint chair or placed in a padded cell until they calm down. During this time, there is significant risk to our correctional officers as these

offenders attempt to strike, kick, head butt, or spit on my staff. This presents not only physical risk of bodily injury but also exposure to bodily fluids that pose risk of significant infectious diseases such as HIV and Hepatitis. These are real risks that enter our jails on a daily basis.

In addition, our staff is expected to minimize contraband entering our facilities meaning they must conduct searches on every inmate that enters. How many of you have to be careful of weapons, drugs or drug paraphernalia such as hypodermic needles when you go to work? How many of you are physically searching people daily in an effort to keep it out of the work place?

I mean no disrespect by my questions, as no person should have to put themselves in harm's way like our law enforcement officers and correctional officers do every day. I thank God that we have brave men and women who come to work every day to do this difficult job that most would never want.

What I have shared with you here today is only a sample of what my correctional officers are subjected to each and every day. I am providing you each with a couple photographs of the results of one incident in our jail in which an inmate became extremely violent doing significant damage to the reinforced glass in one of our sections. Thankfully there was no Correctional Officer that was hurt in this incident, but imagine the potential injury if an officer had been the recipient of this kind of violence.

Finally, I would like you to imagine a jail like a small city. We have various neighborhoods within our jail. We provide medical services, meals, snacks, educational opportunities, religious services, libraries, physical fitness and more. Our correctional officers are the police. They do a very difficult job and deserve to be recognized with a little extra support from our great state. One last question, would you want to deal with a 20 year old physically fit, combative and intoxicated subject at the age of 55 or 60? Neither would I.

Please find attached 3 letters I received from my staff that are included for your deliberation.

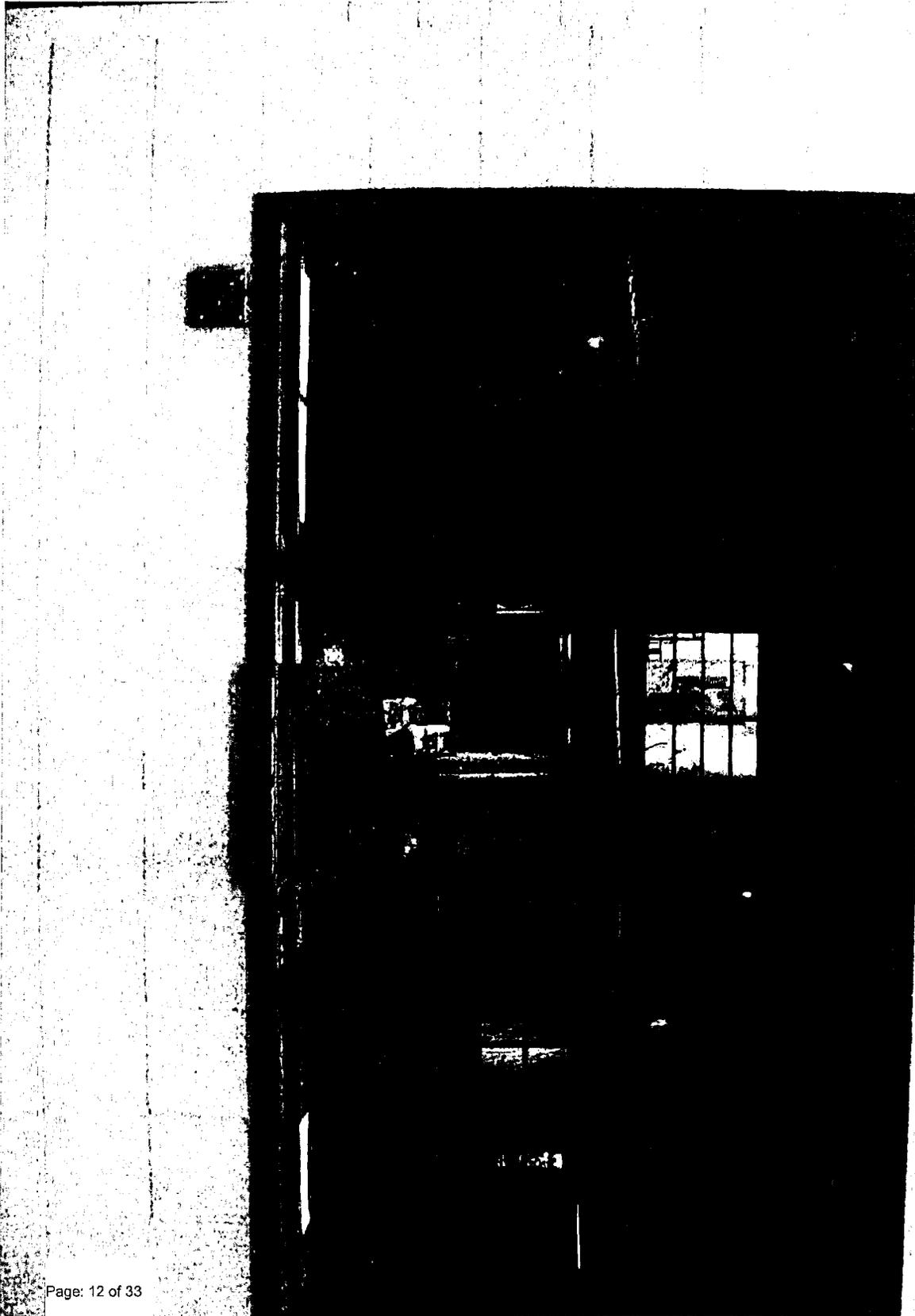
Once again, I respectfully request your support of this bill and ask your support in moving this forward quickly as a means to say thank you for the service and sacrifices our Correctional Officers make for the protection of the citizens we all serve.

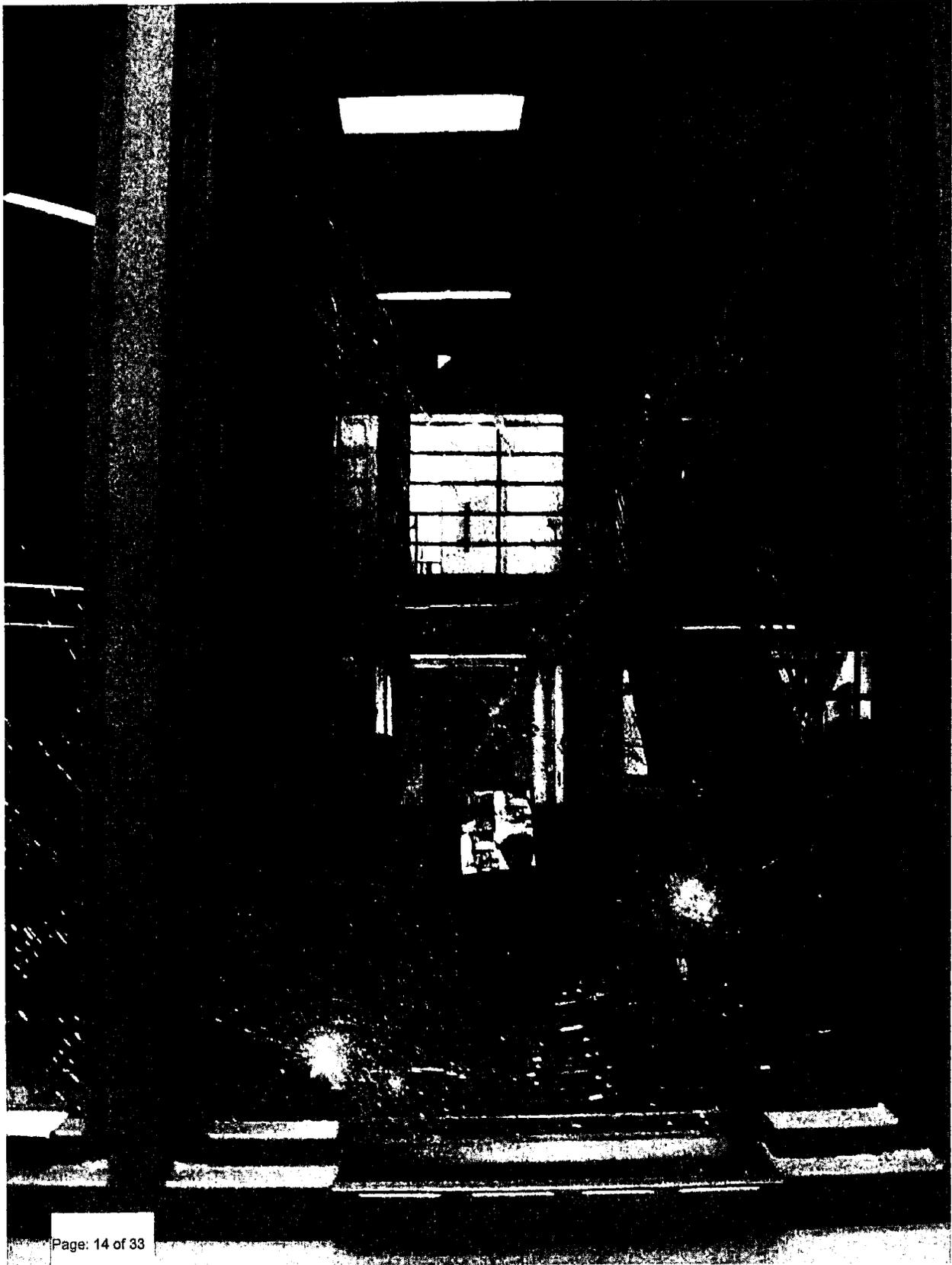
Respectfully,



Dale J. Schmidt  
Dodge County Sheriff

P4230004





I have been a Correction Officer for the Dodge County Sheriff's Department for 20 years.

Roughly 16 years ago I recall standing in the same position as our Sheriff stands today. It is sad that as an important part of law enforcement we must continue to beg for protective status!

Over the course of 20 years myself, and my counter parts have been spat at, have had feces and urine thrown at us, poked by needles, have been physically and verbally attacked, have protected the inmates from harming themselves, from being harmed and harming others. We have monitored and protected them as they went through withdrawals as they come off the streets as they no longer have their drugs and alcohol in there system. We protect them as they are having their seizures. We protect them as they no longer have their will to live. We attempt to calm them as they are angry at the world for their current situation. Yet this is our job, to serve and protect!

We also protect civilians, who may be the maintenance, housekeeping, kitchen staff, religious staff, Attorneys, Medical Staff, Clerical Staff, Instructors, Delivery personnel, TAD personnel, and many others who have no means of protecting themselves, but enter our facility, most daily, to perform their job duties, relying on us to come to their aide if an inmate becomes disruptive. Yet this is our job, to serve and protect!

Because of this, we are no less important than anyone else that gets this well-deserved status. And this is why we need to be protected! We have been "swept under the rug" for many years. And yet we go home every day and brush ourselves off, and are thankful we made it home that day.

It is not uncommon for the harden criminals that are behind the State Prison Walls spend up to sometimes three years in our county jails after they have committed their horrendous crimes, and we, as county correctional officers, must deal with them. For Dodge County, know that any inmate committing a crime in any of the Correctional institutes within our county, including the Walls, usually comes back, to the Dodge County Jail to serve his time, and again, we must deal with them.

It is our hope, that you find our existence as important as others that carry this status. We deserve it!

Thank You!

**Hanna Mueller**  
**Corrections//Forensic Artist**  
**Dodge County Sheriff's Department**

I am currently the only sworn member from the jail on the Dodge County SWAT team. As a member of the SWAT team I am put in high risk situations when we are called upon. I am faced with the same risks as my patrol counterparts but because I'm a correctional officer I am not allowed the same protection and duty disability benefits as the sworn patrol officers even though I am performing the same duties. I train with them and trust them with my life and I know they feel the same. I have a duty to serve in this capacity despite the fact that my team is afforded more protection and benefits in the unfortunate event of injury or worse.

I am also the CERT (correctional emergency response team) commander. I am in charge of a 14 member team that is responsible for the highest risk situations that occur in the jail i.e. fights, hostage situations, barricaded subject, and county facility property damage. We utilize less lethal munitions, team tactics, and wear protective gear to prevent injury. We train every other month focusing on room clearing, cell entries with single/multiple inmates, riot scenarios, and deployment of chemical munitions. We are highly trained and highly motivated to uphold the safety and security of our facility, contracted staff, coworkers and inmate population.

As a correctional officer I am under almost constant stress, work in adverse conditions with humans that most people would shy away from. I am a counselor, medic, mediator and more. I come home mentally and emotionally drained. I work weekends and holidays and miss out on family events. Protective status wouldn't help with these situations but it would allow me to retire at an age where I have more time to spend with my family. Should I become hurt on the job, my family wouldn't have to suffer financial hardship.

Please consider this small glimpse into one correctional officer's life. There are so many of them like me and we are asking for the ability to obtain protective status. Allowing us the ability to retire sooner in our averaged expected 59 year lifespan, allow us better duty disability in an ever changing, uncertain, dangerous, physically and emotionally challenging and job.

Respectfully

Corporal Ryan Martin  
Dodge County Sheriff's Office  
Jail Division

To whom it may concern,

Our Sheriff sent out an email asking us, the Correctional Officers of the Dodge County Sheriff's Department, to provide specific testimonials as it relates to "Why Correctional Officers should have the opportunity to be considered for Protective status". Here is my response to his email.

I started working as a Correctional Officer with the Dodge County Sheriff's Department in 2005, at age 36. I now have 14 years in with this Department, and during my employment, there has always been one common denominator when it comes to Corrections staff, and that is we constantly have to justify our place in the Law Enforcement picture.

We deal with more than County inmates at our facility; we also have a large population of contract holds, which include state inmates, immigration (ICE) detainees, and US Marshal Holds. We work face to face with murderers, rapists, pedophiles, & such on a daily basis. We are constant victims of their verbal abuse and threats because we are seen as an outlet for their general hatred towards Law Enforcement. Yet, in many circles, we are not considered a part of the Law Enforcement team. We have to deal with those same offenders who broke the law on the streets, just as the Police did. These offenders come to us with the same personality & physical strength that they had on the street. The only difference is they are now confined behind bars while they are awaiting trial, waiting to be sentenced or awaiting deportation.

We as CO's have to deal with unruly inmates/detainees that fight and that use their own fecal matter as an expression of their anger by smearing it on themselves, and or covering their cells & windows with it. We deal with people that are non-compliant, depressed/suicidal, drunk or going through alcohol/drug withdrawals. Often times, we physically go hands on with these individuals in order to control their actions. Through it all, we do it, and do it well, because we are responsible for their wellbeing and that is what we do. However, it is also a young person's game, because we get just as worn out physically as road Officers do. There is constant walking, and both physical and mental stressors to our jobs that takes its toll, as we get older.

In conclusion, it seems the question that should be asked, is not why Correctional Officers should have the opportunity to be considered for Protective status, but rather, why don't we already have protective status? Thank you for your time.

Sincerely,

Brian Harkins