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Testimony on AB 90

Thank you, Chairman Spiros and members of the committee, for allowing me to provide testimony on Assembly Bill 90, which provides increased protection for Probation and Parole officers and their families.

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

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

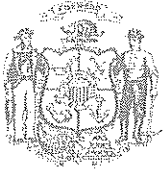
Anyone who works with offenders knows that threats are common, not just against the agent, but also against his or her family. This is concerning when the person making the threat is incarcerated, but even more so when the person is in the community. Offenders who are making these threats are much more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

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

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

There are several current and former agents here to testify today. I've also received testimony from several agents who could not be present, and I've included their comments in my written testimony.

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



ANDRÉ JACQUE

STATE SENATOR • 1ST SENATE DISTRICT

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State Capitol - P.O. Box 7882

Madison, WI 53707-7882

*Testimony before the Assembly Committee on Criminal Justice and Public Safety
State Senator André Jacque
March 10, 2021*

Chairman Spiros and Members of the Assembly Committee on Criminal Justice and Public Safety,

Thank you for the opportunity to testify in support of Assembly Bill 90, which will appropriately penalize intentional harm and threats to Department of Corrections agents and their families, as well as the equivalent positions within Wisconsin's Native American tribes. While I have been a co-sponsor of this proposal since it was first brought forward at the end of session in 2018, I particularly appreciate the strong advocacy of this proposal by Rep. Schraa and past support from both sides of the political aisle, including one of my Democratic Senate colleagues who retired from the legislature that served as the lead Senate author last session.

Supervising individuals who have been convicted of committing a crime can be dangerous work, and a number of probation and parole agents in our state have reported receiving threats against themselves and their families from those they oversee, including one of my constituents in De Pere whose family was startlingly, explicitly and repeatedly threatened in written form by a sex offender under his supervision. He has provided me with the attached testimony for your consideration.

In discussing these incidents, it was learned that state law does not offer these agents the same protections as judges, police officers, and district attorneys. Under current law, intentionally harming or threatening to harm judges, police officers, district attorneys, or their family members is guilty of a Class H felony. Intentionally causing bodily harm to a probation, extended supervision and parole agent, a community supervision agent or an aftercare agent is guilty of a Class H felony. However, unlike judges, police officers and district attorneys, a person threatening these agents or their families is subject to a lesser felony.

This bill would correct this difference in the law by making it a Class H felony to intentionally harm the family member of an agent or threaten to harm the agent or their family, including tribal probation and parole agents. In doing so, it makes the penalties consistent with those related to harming or threatening to harm judges, police officers, district attorneys or their families.

This legislation is a reintroduction of 2019 AB 198, which last session passed the Assembly Committee on Criminal Justice and Public Safety on a 13-0 vote, the full State Assembly on a voice vote, and the Senate Committee on Judiciary and Public Safety with a 4-1 vote, but unfortunately was not taken up by the full State Senate before the end of session.

Thank you for your consideration of Assembly Bill 90.

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

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

I turned the letter over to law enforcement, and law enforcement informed me the most severe criminal charge available for threatening a Probation Agent was Misdemeanor Harassment, a general crime for threatening any person. I was surprised it was not a Felony to threaten a Probation Agent like it was to threaten a judge or law enforcement officer. I decided to look into this matter and discovered that according to Wisconsin law, it was a Felony to make threats or commit a battery on all of the following entities other than Department of Corrections employees: Judges, Prosecutors, or Law Enforcement Officers and their families (940.203); Department of Revenue Employees and their families (940.205); Department of Safety and Professional Services Employees or Department of Workforce Development Employees and their families (940.207); and Certain Employees of Counties, Cities, Villages, or Towns (940.208).

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

I am not the only Department of Corrections employee to be threatened by an offender. In the days since I received and read this gruesome letter, I received a great deal of support from my colleagues. They discussed with me how they and some of our other colleagues all over the state have received both written and verbal threats from offenders over the years. The reality of the matter is this behavior is not unheard of. Current Wisconsin law is not strong enough to be as harsh of a deterrent for this crime as it should be. If the offender who wrote me the threatening letter is convicted of Misdemeanor Harassment, he could serve minimal jail time at the most. If he would

have written the same threatening letter to a law enforcement officer, a judge, or any of the above mentioned entities, he could have faced a prison sentence and Extended Supervision. I have to wonder why the above mentioned entities are protected by making it a Felony to threaten them; however, Department of Corrections staff are not specifically protected by the law. The common goal and role of those entities is the same as that of the Department of Corrections in that they all involve public servants serving the community. Please take better care of and protect the public servants who work in and with the Department of Corrections just as the other mentioned entities are protected.

Thank you for your time,

Andrew Nieman

920-527-0800

Good morning,

My name is Chad Schepp and I have been a Probation and Parole Agent with the WI Dept. of Corrections for twenty two years. I would like to thank the Dept. of Corrections, Administrator Wiersma, and all of you for this opportunity to speak on behalf of the hardworking men and women of the DOC who work tirelessly each day to keep Wisconsin and its citizens safe. I am here today to lend my support to Assembly Bill 90.

To give you some background on myself, in 2003 I became a domestic violence specialist in Milwaukee. Then, in 2011, I requested and was approved to supervise a caseload of the most serious and chronic domestic violence clients living in Milwaukee County. Convictions included Attempted Homicide, Stalking, Intimidation of a Victim or Witness, Strangulation and Suffocation, Mayhem, and Substantial Battery. These are the types of clients that you read about in the news and the ones that are used in trainings by law enforcement agencies and district attorney's offices across Wisconsin. I have been in physical altercations, had my car surrounded by a group of males, and been bit by a dog. But nothing causes me more sleepless nights and anxiety than being threatened. In my time as an agent, I have been threatened dozens of times to my face, in writing and in voicemails. I have been sent drawings of myself hanging from a noose, have had client's rattle off my home address in an attempt to intimidate me, and been told to watch my back. This has been done by People In Our Care, their families, friends, and other members of the community. As I testify today, a harassment injunction may be filed in the near future against a citizen for her continued harassing emails to myself and my supervisor. I was even told several years ago by the City of Milwaukee Police Department that the Latin Kings at one time had a hit out on me. All for doing my job to the best of my ability while upholding the standards of the Dept. of Corrections.

I would like to provide you with one specific example. In 2014, I was supervising someone I will call Client X. Client X was a convicted Stalker and someone I had revoked in the past. During this particular time I was supervising him, he was on GPS monitoring. Now, when I map the client's exclusion zones, I will add my home address, without telling them, in the event someone decides to come to my home. On August 19, 2014, I received a call from a supervisor stating I had to return to the office immediately because there was an alert that Client X had driven by my home and that the local police were at my home while other squads were attempting to apprehend Client X. Keep in mind that during this time, my mother in law was at my house babysitting my two grade school aged daughters. This client's actions were very frightening and worrisome to me and my family. I would have a hard time sleeping at night, was angry, and would check door and window locks every night. I would jump out of bed at the smallest noise. I called security companies for estimates on home security systems. I even once called the police on my neighbor who was ringing our doorbell at night. All out of fear.

While my stories may seem unique, they are not. You could easily hear hundreds more from other agents around the state of similar experiences. I have personally known agents who have purchased semi-automatic weapons for their home, have baseball bats placed by their door, purchased guard dogs, security cameras and alarm systems. Unfortunately, we sometimes deal with individuals who have no care except for themselves and will do whatever it takes to avoid going to prison. A Law Enforcement officer has limited contact with a person during an arrest. A District Attorney will have contact with a person during the criminal proceedings. As an agent, we sometimes deal with an individual for years. In some instances placing them in custody several times and revoking their supervision more than once. This is a long term relationship in which there is more opportunity for threats to occur. I believe this bill would give agents across the state some piece of mind that there will be consequences for threatening an agent. Thank you.

Testimony AB90

My name is Tim Warren and I have been a Probation and Parole Agent for approximately 10 years. I'm here to provide testimony in support of Bill AB90. Last Fall in 2020, I was supervising a client who was on Probation. While supervising this individual, I received information from law enforcement and witnesses that he was involved in two different physical altercations as well as an eyewitness who stated the client had a handgun and was making threatening statements in a public space. Based off this information, a warrant was issued and the client was taken into custody. During my investigation, the client, his family members and the client's girlfriend were calling me incessantly on a daily basis. Once the client left me a voicemail with a vulgar, expletive tirade. As part of my investigation process, I requested the jail phone call records to make sure he was following a no contact rule towards the victim of the allegations and victim's family members. I received the jail phone call records for four days and listened to about a total of 10 hours of phone calls. In the process of listening to these phone calls, I heard the client threaten to have someone come over to my house. In addition, in three different phone calls, the client made physical threats toward me.

There were several factors that led me to feel a sense of panic once I heard the threats over the phone. First is that this client has a history of violent behavior, including being on supervision for False Imprisonment. Second, is that I had an eyewitness tell me that he was carrying a gun and making threats shortly before he was placed into custody. Third, the fact that he threatened to have someone come to my house was disturbing, particularly since I am working predominantly from my home during the pandemic and my young children have been essentially homebound throughout this time as well. Lastly, while the client was incarcerated at the Dane County Jail, he did talk on a daily basis to several people in the community and shared these threats toward me to these people.

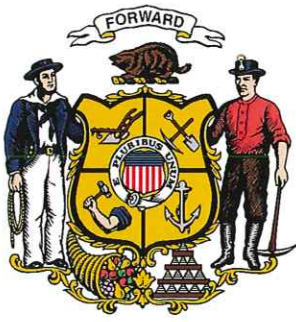
The Department of Corrections' response after I reported the threats against me was swift and immediate. After listening to the jail phone calls, I immediately stopped and told my supervisor regarding the threats. Not only did I receive support from my supervisor, I also got a call from the assistant regional chief, which was validating to me and something I appreciated. My supervisor asked how I was doing and offered to transfer this case to another agent. At that point, since I had spent several hours working on the active investigation and already had developed a good rapport with the victims in this case, I told my supervisor that I would keep the case to continue to do the investigation while the client is in custody. I also felt that since this client has made a history of threats not only to me but to others, I did not want to expose any of my hard working and close co-workers to the possibility of being threatened. Per protocol, I submitted an internal incident report detailing the information regarding the threats.

While I thought about potentially contacting police regarding these threats, I felt that nothing really could be done at that point. Fortunately, the client was already in custody. The client's other behaviors already led to initiating the revocation process. He received pending new charges of a Disorderly Conduct with a Dangerous Weapon and a count of Dissuade/Intimidate a Victim based on his threatening behavior with a handgun relating to another victim in this case. Even though a gun was involved when he made that threat to the victim, the pending counts are only misdemeanors. The only way I could have the client accountable for his behavior was to include the threats he made to me as an additional violation used for revocation. If this legislation had been completed, then I would have

considered making a report to police to see if there was a way where he could potentially have some note of consequence for his behavior.

At the client's revocation hearing, I lined up witnesses and presented my information that I had for the case. The defense attorney attacked me while minimizing the experience I went through and the threats that were directed toward me. Based on the factual information of the case, the administrative law judge did state that the threatening allegations toward me were serious and that revocation was warranted. Since the client was sentenced to Probation, a sentence after revocation hearing was scheduled. At this hearing, I had to appear virtually while the same defense attorney again attacked me and minimized the threats and my experience. However, at this hearing, I was not able to get the opportunity to speak at this hearing. The judge ultimately decided to give a sentence that was shorter than the recommendation that myself and the district attorney argued for. With the amount of sentence credit, he was only given approximately three additional months of jail time. The judge also emphasized that the client would be deemed to have immediate Huber privileges.

The threats that this client made toward me has impacted me in different ways. I have experienced more hypervigilance after these threats have been made. This manifested itself in different ways. I remember afterwards paying closer attention on my phone to see what alerts showed up on my Ring doorbell. I also specifically remember, after the incident, I tended to close the curtains over the large living room windows in the front of my house so that if someone did pull up in front of the house and started to shoot, they would not have a direct target to see me or my wife or my kids. While the fear has diminished somewhat, this pattern has become ingrained to the point where it has become almost automatic. There were times at night instead of reading to my children, I found myself drifting off and thinking about if someone broke into our house at that moment, how would I protect my children? If heaven forbid something happened to me, would my children be old enough to remember me? As a father and husband, my number one priority has always been my wife and children. I am not as worried about how this has affected me personally but how it has impacted them. My biggest fear is that I have missed out on opportunities and memories with my children by not being truly present in the moment for them. I have strived to not live in fear and to not let this client impact me as a father, a husband, a brother, a son, a friend, a co-worker. I feel like if this legislation was enacted when these threats were made to me, it would have provided me and my family more peace of mind and given the opportunity for some more accountability for the client that may have served as a deterrent to make threats in the future. I want to thank the subcommittee for your time and your consideration of this bill.



Wisconsin Department of Corrections

Governor Tony Evers | Secretary Kevin A. Carr

Testimony for the Assembly Committee on Criminal Justice and Public Safety

Wednesday, March 10, 2021

AB 90/SB 100 battery or threat to a community supervision agent or a family member of the agent and providing a penalty

Thank you Chairman and committee members for hearing my testimony in support of AB 90/SB 100. My name is Lance Wiersma and I am the Administrator for The Division of Community Corrections.

The Division of Community Corrections (DCC) employs approximately 1,200 Probation and Parole Agents across the state. Our dedicated staff are charged with supervising over 63,000 individuals placed by the courts on probation, parole or extended supervision in the community. DCC's mission is to enhance public safety by managing and reducing an individual's risk to commit a new crime. Probation and Parole Agents do this by assessing risk and needs for programming and providing supervision in collaboration with community partners so the individuals we supervise can change their behavior and repair the harm they have done.

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

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

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

We are in support of AB 90/SB 100, because it recognizes our unique role in the criminal justice system and recognizes the risk our dedicated staff willingly accept every day to serve the public good. Expanding the law to include protection to our agents' immediate family members and elevating the protection to include a threat of battery provides additional accountability during face-to-face interactions, especially during the enforcement of rules. Thank you for your time.

03/07/2021

Representative Michael Schraa
Room 107 West
State Capitol
PO Box 8953
Madison, WI 53708

RE: AB90 – Battery or Threats to Community Supervision Agent

Dear Representative Schraa:

I am writing this letter in support of AB90. I was a Wisconsin Probation and Parole Agent from 2004 until I promoted to Corrections Field Supervisor in 2020. I've also worked as a city police officer, Kettle Moraine Correctional officer and Taycheedah Correctional office operations associate. My employment has given me great experiences in criminal justice from all standpoints.

On 12/10/2015, while working as a Probation and Parole Agent, I was contacted by a deputy at the Fond du Lac County Sheriff's Office who had been reviewing jail inmate calls. He wanted to inform me that one of my clients had been expressing his anger towards me because he believed I had "messed up" his life by placing him in custody for violations. The officer was concerned by the statements made by this client as he specifically stated he would burn my house down if he ever found out where I lived. I contacted the Fond du Lac Police Department to report this. A report was made and additional patrols were conducted in my neighborhood as the client was released from custody shortly after the threat was made.

There is a debilitating fear that presents itself when a threat of this nature is made towards someone in this field of employment. I remember not being able to sleep and checking on my children several times each night. Their safety will always be my number one priority and having the feeling of security in your own home stripped away is crippling.

I understand that clients say things out of frustration and anger but a credible threat or physical assault cannot be tolerated. We go into these client's homes and put our safety on the line in our daily interactions with them and their family and friends. Knowing there's a consequence may be all that stops one of our clients from doing the unthinkable.

I cannot thank you, Linda Palmer and Senator Jacque enough for identifying the need for protection for community supervision agents and their families.

Sincerely,

Jennifer Hlinak



WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

March 8, 2021

Amanda,

I am submitting this testimonial in support of the AB50 bill for the upcoming hearing with the Assembly Committee of Criminal Justice and Public Safety on 03/10/21. I am a Senior Probation & Parole agent and have been the victim of numerous threats and unfortunately, due to it not being a felony to threaten an agent, the perpetrators were sometimes not prosecuted.

In 2017, I was the subject of threats of harm by the client who is outlined below. In 2020, he again made threats to his probation agent. In the 2017 case, he was charged with "bomb scares" and in the 2020 case he was again charged with "bomb scares"; however, there was no repercussions for threatening harm on his agent. This client has an extremely long history of mental health issues along with a significant history of violence. He has been incarcerated since 2008 on numerous offenses to include, Battery or Threat to Judge (2 counts), Throw Expel Bodily Substances, Battery by Prisoners, Prisoner Throw/Expel Bodily Substances and Bomb Scares. Details of his offense involving threats to agents are broken down below and his additional cases are outlined on the 2nd page. This client has made comments on numerous occasions that he does not want to be on supervision when released to the community and that he will "kill someone" if released. He has provided graphic details about how he will rape, mutilate, and dismember particular people.

2017-Bomb Scares-Dismissed but read in: Unlawful phone use-Threaten harm (Repeater)

Client called his Probation Agent stating he was calling from Mendota Mental Health. He left a voicemail using an aggressive tone and a significant amount of profanity. In the voicemail he states "If I have to make explosives and blow the fucking PO office up I don't give two fucks!" He also expressed that he does not want to be on probation or in the community commenting "if I am, I'm going to end up blowing a mother fucker up!" along with repeating several times that he is "going to kill someone".

In 2020, the client again threatened harm on probation agent by sending a letter to his agent threatening to blow up the probation office and tie his agent up and have his way with her.

His history below speaks for itself. In both cases above, the client threatened harm on agents when he threatened to blow up the probation office and tie up his agent. These threats are serious and cannot be taken lightly. If this client is released from custody, there is a large risk to not only the community but to the agents and staff at the probation office. His history has displayed he is capable and also willing to inflict harm on individuals in a position of authority. Thankfully, this client was able to be held accountable on a separate conviction; however, not because of a threat to an agent.

We ask the committee to please seriously consider this bill to protect the hard working individuals within the division of community corrections who risk their lives every day to keep our communities safe. Agents are in a protective status capacity due to the dangers they face, yet threats to them are not taken seriously. We are in support of this bill to hopefully deter clients from making threats to their agent. Our job is equally as dangerous as law enforcement and we deserve to be protected from people like the client mentioned in this testimonial.

Other current offenses:

Threats to Judge-This offenses involved the client making threats to kill a Judge.

Throw/Expel Bodily Fluids- While in the Langlade County Jail, client was observed to be displaying something dark brown to others and telling them that he "likes his own shit". As it appeared that he was going to start to rub his feces on himself and cell walls, officers responded to his cell. Client was ordered to put substance on the floor and complied. When the officers attempted to secure handcuffs, client resisted and threatened to spit on one of the officers. Client then spit at an officer narrowly missing and striking the wall instead.

Battery By Prisoners-While incarcerated at the Wisconsin Resource Center, client became agitated with staff. He proceeded to go behind the desk, striking staff repeatedly on the back of the head. He was ordered to return to his room and complied. As staff walked down the hall behind him, client charged at the staff, punched him the head and knocked him to the ground.

Battery/Threat to Judge [Repeater]-The Lincoln County Courthouse received a letter from client (who was incarcerated at GBCI) in which client threatened to kill a judge, the judge's wife and loved ones, Merrill police officers, and a court reporter. He threatened to come to the courthouse and burn it down, killing everyone inside or blowing it up.

Offense involving current mental health commitment- On 12/21/10, a Marathon County Sheriff's deputy responded to the courthouse for the report of a letter that had been received by a court reporter. The deputy made contact with the victim who reported that she had received a letter from client, who was incarcerated at GBCI, that was very graphic in nature and in which he threatened to rape her and murder her in front of her family, that he would kill her if she showed anyone the letter, threatened to bomb the courthouse, the Wausau Police Department, and intended to kill the District Attorney.

Respectfully submitted,

Heather Stern
Senior Probation & Parole Agent

Governor Scott Walker
115 E. Capitol, #1
Madison, WI 53702

January 16, 2018

Governor Scott Walker:

My name is Tammy Caputa. I reside at 804 River Ridge Court, Waterford, WI. I am the wife of a Racine County Sheriff Deputy, a mother of one adult child and two minor children. My oldest son attends the University of Wisconsin- Milwaukee, my youngest son is a junior at Waterford Union High School and my daughter is a 7th grade student at Fox River Middle School located in Waterford.

I graduated from the University of Wisconsin- Milwaukee in May 1994 with a Bachelor's of Science Degree in Criminal Justice/ Social Welfare.

I have been a State of Wisconsin- Department of Corrections employee since June 6, 1994. I have included a copy of my resume for your review to see the accomplishments I have earned through my 23 year employment. I am currently a Corrections Field Supervisor for Unit 716 in the Division of Community Corrections. I pride myself in the dedication I have for the citizens of the great State of Wisconsin.

In March 2017 I was a Probation and Parole Agent- Senior Level located in Unit 714 in the Waukesha County Field Office. I was advised that one of the adult males that I was supervising, and at that time was being held in the Waukesha County Jail for a violation of his Probation Supervision awaiting placement in a program, threatened my life. I was advised that the male offender told other inmates that had been sitting at a table together in the dayroom of a pod at the jail that once he was released from the program I had referred him to he would follow me, video tape the activities I engaged in, would determine the vehicle(s) that I drove and when the time was right he would crimp the brake lines of my vehicle so that eventually I would not be able to break and would perish in a car accident. One of the inmates at the table asked the male offender what if one of my family members happened to be driving or were in the vehicle at the time the brakes did not work and the offender's response was that they would be collateral damage. One of the gentlemen seated at the table reported the incident to his supervising agent who in turn advised a jail staff member so they could determine who the male inmate was that made the threats was supervised by. Ultimately it was determined that the offender was assigned to me and I was advised of the threats against the life of me and my family.

The Waukesha County Sheriff Department completed an investigation and the offender, Mr. Tyler Yost was charged with Disorderly Conduct with the Repeater Enhancer included; Waukesha County Circuit Court Case #17CM1175.

On January 9, 2018 Mr. Yost was afforded a jury trial where he adamantly denied making any threats to me or my family. He was found guilty by a jury of his peers that same afternoon. On January 11, 2018 Judge Maxwell sentenced Mr. Yost to 1 year confinement to be served consecutive to his current prison sentence that he was serving. During sentencing, Judge Michael P. Maxwell stated to Mr. Yost that under no circumstances should I or any other Probation agent have to live life terrified that their or their

family's lives are in jeopardy. Most importantly, Judge Maxwell told the entire courtroom that **second to a law enforcement officer, a Probation and Parole Agent has the second most dangerous job in the criminal justice system** and should be included in the criminal statute with law enforcement officers, district attorneys and judges making any threats against these members of the criminal justice system or their family a Felony crime (Wisconsin Statute 940.203). Judge Maxwell gave Mr. Yost the most severe punishment allowed by law given the criminal offense the district attorney's office could charge and stated that he was going to make a statement through Mr. Yost to make it clear that it will never be tolerated or acceptable for anyone to threaten the life of a Probation and Parole Agent or their family.

Governor Walker, I cannot put into words how devastating this experience has been. I have chosen a career path that I realize I am not always going to be seen favorably. In reality most people outside of law enforcement have no idea what the job of Probation and Parole Agent entails. I can tell you that I have always been fair, consistent and have never expected anyone to do anything that I would not be expected to do myself if in the same circumstance(s). I have never found pleasure in placing someone in jail; but it is a reality that comes with the career of being an agent. The sentencing courts entrust the Department of Corrections to assist others that have entered the criminal justice system. I have had inmates in the institution and offenders in the community wish ill thoughts on me and I realize that is frustration in their current situation being expressed. What set Mr. Yost apart from the others was he had a plan. He had a viable plan. Mr. Yost had a hobby of rebuilding sport cars for shows. He knew the difference between cutting a brake line and crimping a brake line would be one would leave a pool of fluid alerting me to a problem and the other would drain the line slowly and I as the driver would never suspect anything until the inevitable happened. Then to factor in the fact that he did not care if my family was in the vehicle at the time the brakes gave out terrified me.

My husband has always supported my career and understands the physical and emotional turmoil I am going through given he is also working for our community in a law enforcement position. Having said that, it does not excuse any threats made against him because someone did not agree with a professional decision I made. Factoring in my children aggravates the situation. Not one person in my family knew of Mr. Yost's existence until March 2017. All of them are innocent bystanders and the guilt I have had to deal with knowing that my career path could have caused their death is debilitating. If not for the conscious of a good hearted person, this information may not have come to light and I may not be alive today to write this letter to you.

It is my understanding that there is legislation being looked at currently to include Probation and Parole Agents in Wisconsin Statute 940.203. I am pleading with you to be a proponent of this for all community corrections staff. I am willing to come and talk to you or any committee in person to discuss my experience and provide information on what the professional job of a Probation and Parole Agent and Field Supervisor entails. If I can do my part to prevent another agent and/ or corrections professional from having to experience what I am experiencing I am more than willing to do so.

I sincerely appreciate your time and I look forward to hearing from you.

Sincerely,

Mrs. Tammy Caputa
804 River Ridge Court
Waterford, WI 53185
Home: 262-332-7599; Caputa5@wi.rr.com
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From: **Thao, Melina N - DOC** <Melina.Thao@wisconsin.gov>
Date: Thu, Mar 4, 2021 at 11:48 AM
Subject: Bill 90
To: Holzamanda@gmail.com <Holzamanda@gmail.com>

Good morning Amanda,

I received an email from my supervisor in regards to the WI House Bill 90. I would like to provide my written testimony on this topic.

I am currently a probation and parole agent in Oshkosh in Unit 401. I transferred to this office in January of 2015. I have been an agent for almost nine years. In 2017, I received a case from an agent in the office. This client was on for Strangulation/Suffocation of his wife-DV related. The first incident, this client was arrested for a DV violation. After he was released from jail, he called and left me a threatening voicemail saying he was going to harm me if I "didn't get out" of his business. He was very careful in his choice of words and he knew he was leaving a voicemail. I reported this to my supervisor and wrote an incident report. My supervisor did not reassign the case. I continued to work w/this client for a few more months until he threatened me again. This time I did file a police report and asked that my supervisor reassign this case to preferably a male agent. I did not feel safe with this client.

I feel that if there was something in place to protect agents and their families from anything like this, the second incident would never occur. I also believe a case should be reassigned as soon as possible when a threat has been made toward an agent. We may have all policies and safety procedures in place, but we never know what a client is capable of doing. This client would stare me down when he is in the office and we happen to cross paths as his agent is walking him out to the lobby. When I see him in the lobby, I make sure I do not open the door far enough for him to see me as I call for my client.

We are not equipped with any self-defense items other than OC spray. I do believe this bill will help agents and their families and give us sense of security. One female agent was threaten that her client was going to kill her and her unborn child after he was revoked for violating his supervision. These are serious threats and anything can happen while we are out in the community shopping w/our families. I try not to go grocery shopping or any sort of shopping w/my family in fear of running into the client who threatened me. I do not want him to know I have a family. We need protection from any sort of threats and anyone violating this should be held accountable for their actions. We do our best to keep the community safe just like law enforcement officers. I believe we deserve the same protection.

Melina Thao 40102

Probation/Parole
240 Ohio St.
Oshkosh, WI 54901
C:920-891-6255
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From: **Hartfield, Ryan T - DOC** <Ryan.Hartfield@wisconsin.gov>
Date: Thu, Mar 4, 2021 at 12:40 PM
Subject: RE: AB90-Bill Proposal for Threat to Agents
To: Amanda Holz <holzamanda@gmail.com>

Amanda,

- I don't believe he knew the specifics of my family
- We did notify law enforcement and they later were able to find him and apprehend him
- I did file an incident report.
- He did not receive additional charges
- He was revoked

Here is the text:

TEXT

"Listen here you mother fucking piece of shit, I'm trying to get myself healthcare essentials and surgeries that I might have infection come at me that one more mother fucking time. My life is in jeopardy and you want to play this game?? Fuck You. So here is what's going to happen because I just turned into the boss, you fucking coward, beat up on little Bits that you are were in High School, I'm going to let these infections take their toll on me and like that be on your conscience the rest of your mother fucking life, bitch."

Later when speaking with him, he made comments of hurting me and my family.

Hope this helps!

From: Amanda Holz [<mailto:holzamanda@gmail.com>]
Sent: Thursday, March 4, 2021 12:14 PM
To: Hartfield, Ryan T - DOC <Ryan.Hartfield@wisconsin.gov>
Subject: Re: AB90-Bill Proposal for Threat to Agents

Hello Ryan,

Thank you for your willingness to share. I am so sorry this happened to you and your family. When someone threatens a loved one there are no words to say. It is hard to believe so many have such high impulsivity they are unable to filter words when in high emotional states.

I have a few follow up questions, please answer if you feel comfortable. Did he know specifics about your family If you are able to quote the threats he made that would be helpful. Were you

directed to contact law enforcement? Did you fill out an incident report? Did he receive additional charges, was he held longer or was revocation pursued because of this?

I like to give the committee an idea of what is like to be personally threatened while already conducting a high risk job. Please let me know if you have any additional questions.

Sincerely,

Amanda

On Thu, Mar 4, 2021 at 12:08 PM Hartfield, Ryan T - DOC <Ryan.Hartfield@wisconsin.gov> wrote:

Hi Amanda,

Not sure if or what I am to say here but here you go. I hope this helps.

A while ago I was supervising an individual (not sure if I am to say his name) who was troubled with mental health along with a serious drug addiction with meth. As I was trying to get him to come into the office and informed him a warrant will remain active until he reported, he became extremely angry with me because I was informing him I was doing my job. He turned into a very angry individual and started making threats towards myself and my family. The comments he was making were extremely upsetting. I immediately had him on speaker phone and other agent heard his rage as well. I was lost for words during this phone call. It was scary moment. He was later transferred to another agent but as agents, this is a serious matter and we need to be heard. Let me know what else you need.

Thank you,

Ryan Hartfield

Probation/Parole Agent #41503

5600 West Grande Market Drive Suite A

Appleton, WI 54913

(920)540-3316

Supervisor Chris Susa,

I am sending this email because I want to ensure the threats and intimidation made by offender Roy Tidwell toward me are documented as well as how it was handled by the Department.

On December 18, 2019, Tracy Heaney told me while she was meeting with Mr. Tidwell in her office, he noticed me walk by. (I had supervised and revoked Mr. Tidwell's supervision when I worked in the Packerland office). Agent Heaney, said Mr. Tidwell told her, "She better never do a home visit at my house."

Agent Heaney identified the statement as a threat to my safety and told me what happened. In our discussion she said, "He will not make it long on supervision, he will be revoked soon. He is a 10/10." I asked Agent Heaney to make sure she noted the threats in COMPAS because he is dangerous and told her I was going to talk to the supervisor about it. Agent Heaney replied, "he is very dangerous and he has not been taking his medication." I spoke to Agent Candi Phillips to debrief and discuss my concerns about the threats Mr. Tidwell made directed at me.

After speaking to Agent Phillips I came to you and told you about Mr. Tidwell's threat and my concerns. I asked you to please check the COMPAS notes to ensure the threats were documented. I told you he is dangerous and I wanted him transferred to a different office where he would not have access to me. (This was around the same time another agent was threatened in our region and all sorts of things were done about that). You told me would make sure the threat was noted in COMPAS, talk to Agent Heaney about the situation, and I assumed you would let me know what was going to be done about the situation. While waiting for your decision it has been stressful and has caused me some anxiety.

On 01-30-2020, I was in my office on the third floor and Agent Heaney was walking behind Mr. Tidwell as he exited the secure area to the lobby. Mr. Tidwell slowed down in front of my office and stared at me in a very threatening manner as he walked by. I had an offender in my office and when I brought him to the lobby about 15 minutes later, Mr. Tidwell was still in the lobby. Mr. Tidwell was talking to another offender, he looked directly at me, elbowed the male sitting next to him, pointed at me, and said something to other offender. As Mr. Tidwell was talking to the other offender he continued to stare at me until I closed the lobby door. I felt this was very aggressive behavior, he wanted me to know he was talking about me, and he was trying to intimidate me.

About two hours later I was able to speak to Agent Heaney about Mr. Tidwell's behavior. I asked if there was a reason Mr. Tidwell was lingering out in the lobby after his appointment. She said, "no" but she saw he was talking Cody DeGrave in the lobby. I spoke to Mr. DeGrave's supervising agent and asked her to call him to find out what Mr. Tidwell said about me. I believed Mr. Tidwell made inappropriate and threatening comments about me to this offender in the lobby. It is very concerning for me, because he is being very brazen and now it appears he is attempting to involve other offenders.

I told Mr. DeGrave's agent what had occurred and asked her to call him and ask what Mr. Tidwell said to him. Mr. DeGrave denied Mr. Tidwell said anything inappropriate to him about me. While I continued to speak to the other agent, Mr. DeGrave called his agent back. He wanted to know the reason she was asking what Mr. Tidwell said to him, and she told him it was under investigation. She told Mr. DeGrave if

he remembered anything to contact her. Mr. DeGrave then asked, "is it something sexual?" The agent of record again stated it was under investigation and to call if he remembered anything.

After lunch I staffed the situation with you again. I asked if you had talked to Agent Heaney about the original threats Mr. Tidwell directed toward me last month. I also asked if you had verified the original threats had been documented in COMPAS, because I strongly felt it needed to be documented in case something did happen to me. You asked me to remind you about the original staffing and what Mr. Tidwell had said. I asked if you had staffed the threats with Agent Heaney, and you said you had, but forgot to follow-up with me.

I then told you Mr. Tidwell was continuing to try and intimidate me and what had occurred earlier in the day. I asked again to have him transferred from the unit, because he is very dangerous and I do not feel safe. You said you would tell Agent Heaney to let me know when his appointments are so I can shut my door or for her to use the other hallway so he does not pass my office. I do/did not feel this was sufficient for him threatening and continuing to intimidate me. I asked why he cannot be transferred to a different unit and/or office.

I am very concerned the threats Mr. Tidwell made in December were not sufficiently addressed and it has led him to become more brazen. I feel because it was not addressed he feels it is okay to continue to try and intimidate me and now is involving other offenders. I feel like Mr. Tidwell needs to go into custody for a period long enough that he understands the Department will not tolerate him threatening and intimidating agents. I also feel the threats should be documented with authorities so they are aware and if Mr. Tidwell does end up in my neighborhood they know he should be taken into custody.