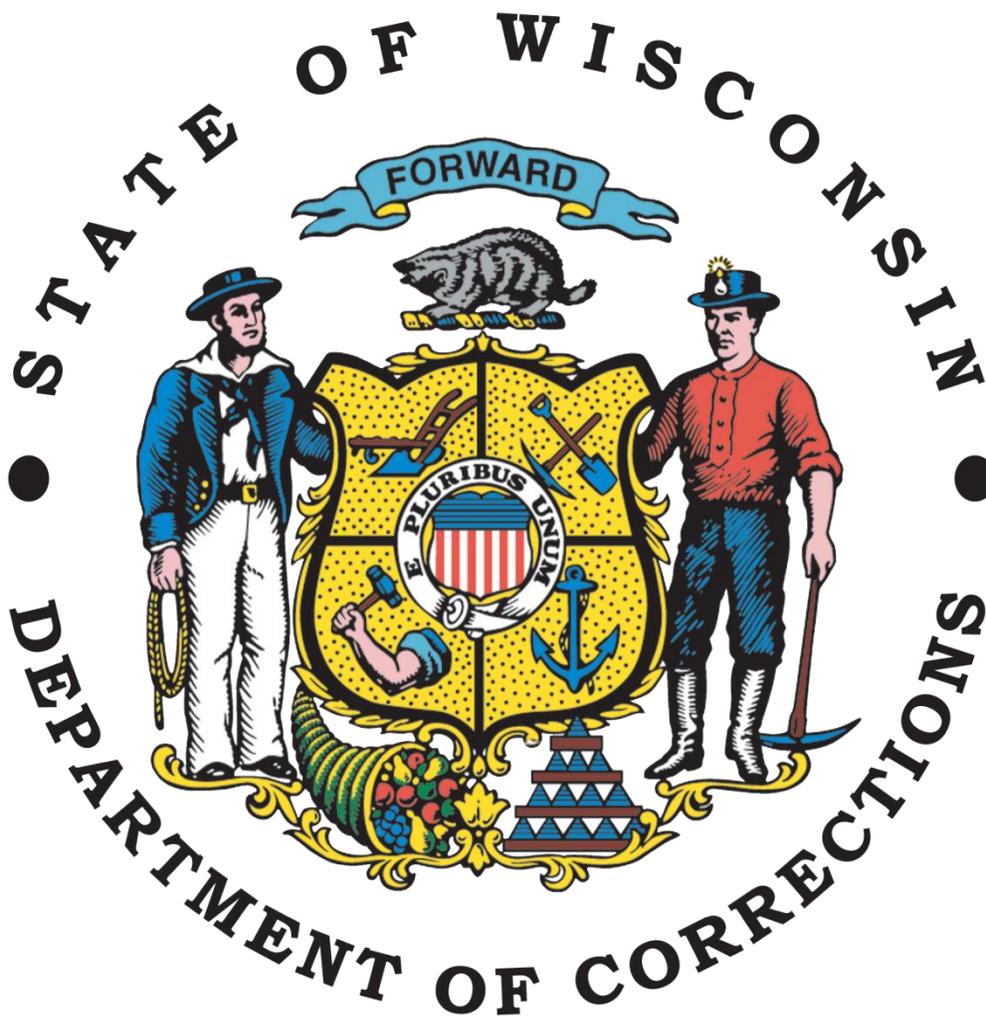


Inmate on Staff Assaults and Injuries

Division of Adult Institutions

July 1, 2012 – June 30, 2013



Fiscal Year 2013

Department of Corrections

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State of Wisconsin

Department of Corrections

Inmate on Staff Assaults and Injuries

Fiscal Year 2013

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Introduction

Reporting

Historically, within the Division of Adult Institutions (DAI), assaults and injuries were recorded locally at individual institutions and not collected in a centralized electronic system. Additionally, there was no Division-wide definition of “assault” and no standardized criteria for reporting assaults, which allowed each institution to make its own determinations about which incidents should be recorded. For example, incidents of inmates spitting on staff were often not reported as assaults. However, we now know the significant risks to staff health and safety presented by exposure to bodily fluids and understand that incidents of this type must be reported to ensure our data accurately reflect the number and type of assaults that occur in our institutions.

The previous method of inconsistent data collection could not provide the Wisconsin Department of Corrections (DOC) with comprehensive statistics or the ability to do an extensive annual review. In order for the Department and staff to make accurate assessments of trends based on facts rather than speculation, partial disparate data, or inconsistent definitions, this project was undertaken to accurately evaluate assaults within the Division. As time goes on, such detailed recording of the injury and assault data and corresponding yearly reports will serve as a valuable tool for improving staff and offenders safety and security.

This report includes injuries to staff, attempted assaults, and completed assaults on staff that happen at the state’s thirty-six adult facilities. The Division of Adult Institutions oversees 19 adult correctional facilities and is responsible for the administration of the Wisconsin Correctional Center System, which encompasses 17 Correctional Centers. Additionally, this report includes the Wisconsin Resource Center (WRC) which is administered by the Wisconsin Department of Health Services (DHS) in partnership with the Wisconsin Department of Corrections. WRC is a specialized inpatient mental health facility established as a prison under s. 46.056, Wisconsin Statutes.

The facility operates as a secure treatment center and is managed by the Division of Mental Health and Substance Abuse Services. The budgeted capacity of WRC is 344 male inmates, plus 41 female inmates transferred from The Division of Adult Institution prisons for mental health care. WRC engages and treats individuals with severe and persistent mental health needs within a secure setting to enhance public safety, promote healing and support personal recovery.

At the end of May 2012 a new form and a review procedure were created to enhance tracking both situations where direct contact with an inmate resulted in a staff injury and inmate-on-staff assaults. The form, called the *Offender on Staff Assault/Injury After Action Briefing*, tracks many new data elements, including the inmate’s release date and date of birth, the staff member’s seniority date, descriptions of events leading up to the incident, recommended policy or procedure changes, and whether staff were debriefed and offered counseling after an injury and/or assault. After every incident, DAI Administration, the administration from the facility involved, and members of the Secretary’s office discuss the incident and review the completed form.

In September 2012, DAI Policy # **300.00.70 Assaults by Inmate, Reporting and Tracking** was created. This policy outlines the definition of an assault, an injury, the new reporting system, and procedures for reporting the assault to law enforcement. Also in September, a new reporting system was created to better review and analyze assault and injury data. Each incident is categorized as one of the following:

- attempted assault
- completed assault
- staff injury

Assault and Injury Definitions

The policy language includes some of the following definitions. Understanding the definitions is critical to ensuring the Division is using the same terminology and understanding incidents the same way.

Active Resistance – Resistance from a subject which physically counteracts staff's attempts at control and which may create a risk of bodily harm to staff or to another.

Attempt – The essence of the crime of attempt is that the accused has failed to commit the act of the full offense, but has the direct and specific intent to commit that full offense. An inmate is guilty of attempt to violate a DOC rule if either of the following is true: the inmate planned to do something which would have been a rule violation if actually committed, or the inmate did acts which showed a plan to violate the rule when the acts occurred.

Assault – Battery by prisoner, sexual assault and throwing assaults.

Specifically, each type of assault is defined as follows:

- A. Battery by a prisoner- As defined in Wisconsin Statutes s. 940.20. (1) BATTERY BY PRISONERS. Any prisoner confined to a state prison or other state, county or municipal detention facility who intentionally causes bodily harm or a soft tissue injury to an officer, employee, visitor or another inmate of such prison or institution, without his or her consent.
- B. Sexual Assault- As defined in Wisconsin Statutes s. 940.225
- C. Throwing Assault- An assault by throwing substances such as blood, semen, waste, feces, chemicals, urine, or other substances. Wisconsin Statutes s. 946.43(2M)

Completed - The accused committed the act of the full offense of an assault.

DCC Hold - This is an offender who is admitted for a temporary stay in a WI DOC facility, and is under the supervision of the Division of Community Corrections.

Electronic Control Devices - Security equipment designated to stop, control or temporarily immobilize through the use of high voltage, low amperage electric shock.

Intentionally – As defined in Wisconsin Statutes s. 939.23 (3), means that the actor either has a purpose to do the thing or cause the result specified, or is aware that his or her conduct is practically certain to cause that result.

Passive Resistance – Resistance from a subject which does not physically counteract staff's attempts at control and which does not create a risk of bodily harm to the staff or to another.

Physical Injury by Contact – Injury to a staff member, caused by a resistive inmate action that may not result in offsite medical care.

Sexual Assault – As defined in Wisconsin Statutes s. 940.225.

Spitting – The act of forcibly ejecting saliva or other substances from the mouth.

Staff Member – An individual who is employed by the DOC on a full-time, part-time or contract basis or is an intern or a volunteer.

Weapon – A weapon may include a gun, sharp object (used to inflict cutting type injury), pointed object (used to inflict stabbing type injury), solid/blunt object, (thrown or used to hit), or toxic or flammable fluids/substances.

In addition each incident is assigned to one or more of the following categories:

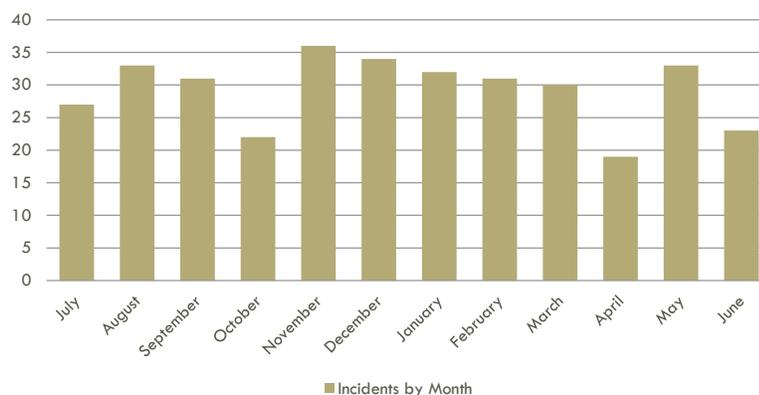
1. Throwing assault
2. Battery by prisoner
3. Physical injury by contact
4. Sexual assault
5. Spitting

These categories can be reported to the Association of State Correctional Administrators (ASCA) as part of its Performance Based Measures System (PBMS). The PBMS was developed to establish correctional standards across states and to allow for the appropriate comparisons of performance measures across jurisdictions.

Summary

In Fiscal Year 2013 (July 1, 2012- June 30, 2013), there were 351 reported injuries to, attempted assaults on, and completed assaults on DAI staff. Of the 351 incidents, 59 were injuries by contact, 40 were attempted assaults and 252 were completed assaults. Of the attempted and completed assaults, 287 staff and 195 inmates were involved. The data address physical injuries, but are not intended to quantify any of the psychological effects of staff assaults. All staff involved in these incidents were offered peer support and/or referred to Employee Services Program. Due to confidentiality requirements, it is not known how many individuals used these services. No workers compensation claims were made that required an overnight hospital stay due to an injury from the reported incidents. Going forward, assault and injury reporting will be conducted on an annual basis.

Fiscal Year 2013 Incidents



Attempted Assaults on DAI Staff

The numbers below include attempted assaults on staff. These incidents included direct actions from an inmate towards a staff member where a staff member was not assaulted and there was no physical injury.

There were 40 attempted assaults reported. Of the 40 attempts, 38 staff and 36 inmates were involved.

Key Points:

- 70% (28) of the attempts happened at maximum security facilities
- 72.5% (29) occurred in a segregation area
- 35% (14) of the inmates involved were between 21 and 29 years old
- 65% (26) happened within the first 6 months of the inmate arriving at the facility

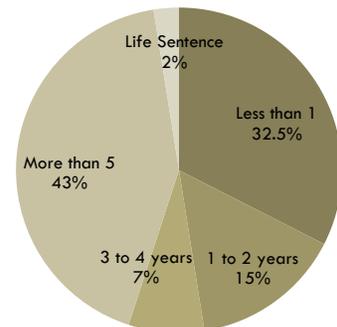
Trends:

Admission to Prison: 35% (14) attempts involved inmates who had been admitted to prison for less than one year prior to the attempted assault.

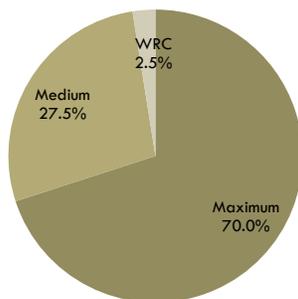
Length of stay at a Facility: 65% (26) of the attempts involved inmates who had been at the facility where the assault occurred for six months or less. Additionally, 87.5% (35) involved inmates who were admitted to the facility where the attempt occurred within the first two years.

Years to Release: At the time of the attempted assault 47.5% (19) of the inmates responsible were within two years of their release dates.

Years to Release



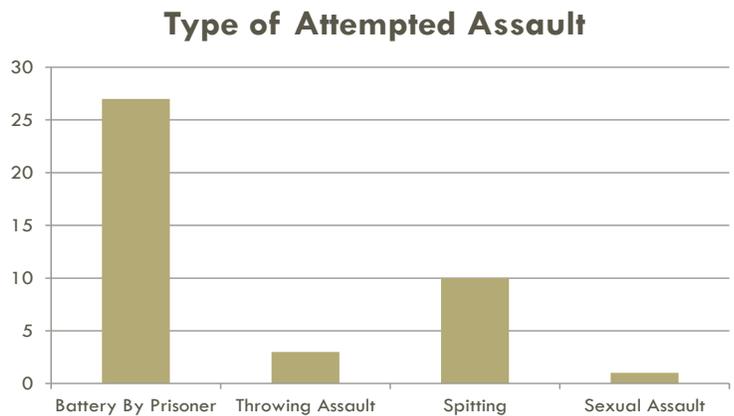
Facility Security Level



Facility Security Level: The largest numbers of attempts were found among inmates at a maximum security facility yielding 70% (28) of the attempts. 27.5% (11) were at a medium security facility and 2.5% (1) at WRC. There were none at a minimum security facility.

Location of Incident: 72.5% (29) of the attempts took place in a segregation unit or area; 27.5 % (11) of the assaults happened outside of segregation.

Type of Attempted Assault: 27 involved attempted battery, 3 involved throwing an object, 10 were spitting attempts, and 1 was a sexual assault. Incidents may be assigned to more than one category, as multiple actions could have occurred during an incident. For example, if the incident involved attempted spitting as well as battery by the prisoner the incident was assigned to both categories.

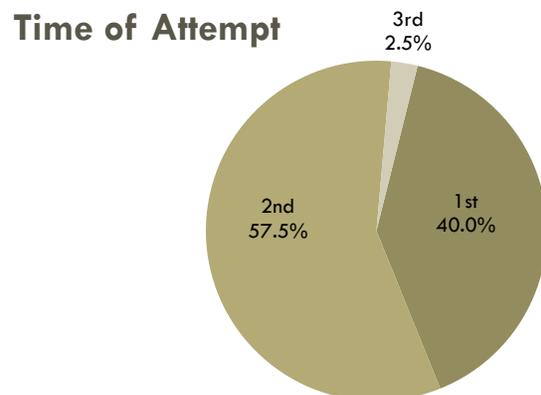


Age: Almost half (19) of the inmates involved were under 30 years old at the time of the incident. 10% (4) were over 50 years old.

Mental Health Status: At the time of the attempt 40% (16) of the inmates involved had a serious mental health condition (e.g., bipolar disorder, schizophrenia, personality disorder, severe depression).

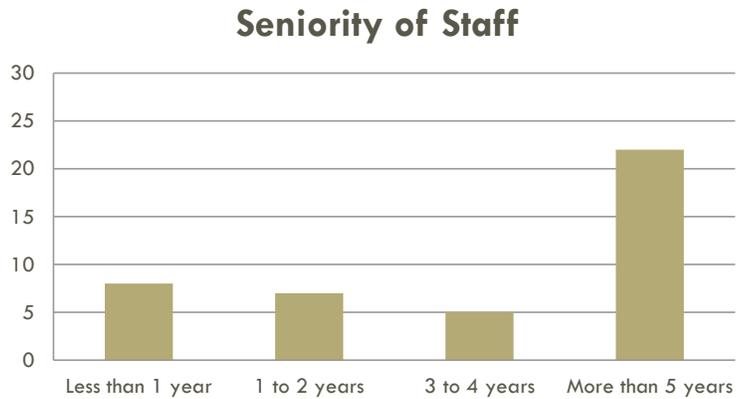
Specific Location of the Attempt: 52.5% (21) of attempted assaults occurred in the cell area. This includes attempts near the cell trap, during cell extractions, and when objects or substances were thrown from the cell, among others.

Time of Day: Attempts happened most frequently on 1st and 2nd shifts, totaling 97.5% (39). Only 2.5% (1) took place on 3rd shift.



Security Threat Group (STG)/Gang Involvement: 22.5% (9) of the attempts during this time period involved identified members of a STG group.

Seniority of Staff Involved in Attempts: 51% (22) of staff have been working at the WI DOC for at least 5 years. The graph below depicts the number of years of service for the staff involved in incidents. There were two staff who were involved in more than one attempt. Limited Term Employees (LTE) for the State of Wisconsin do not have seniority dates; therefore, in this section one staff member has been excluded due to LTE status.



Type of Staff: 92.5% (37) of the staff involved in the incidents were uniform staff, and 7.5% (3) were non-uniform staff.

Results:

Referred to Law Enforcement: 27.5% (11) of the attempted assaults were referred to Law Enforcement. Counties may not prosecute attempted assaults based on resources.

Conduct Reports: Conduct reports were written for 37 of the 40 attempts. Conduct reports are not written for inmates who are deemed incompetent or have mental health issues.

Completed Assaults on DAI Staff

The numbers below include completed assaults on staff. These incidents were direct actions by an inmate towards a staff member where a staff member was assaulted and possibly injured.

252 assaults were reported. Of the 252 assaults reported, 256 staff and 180 inmates were involved.

Key Points:

- 59% (148) of the assaults happened at maximum security facilities
- 69% (173) occurred in a segregation area
- 42% (106) of the inmates involved were between 21 and 29 years old
- 63% (159) happened within the first 6 months of the inmate arriving at the facility

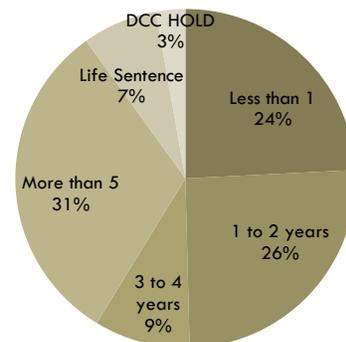
Trends:

Admission to Prison: 27% (66) of the assaults involved inmates who had been admitted to prison for less than one year prior to the assault.

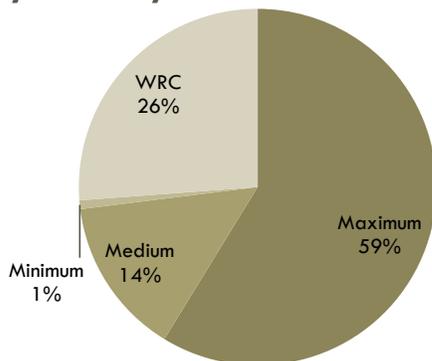
Length of stay at a Facility: 63% (159) of the assaults involved inmates who had been at the facility where the assault occurred for six months or less. Additionally, 90% (227) of the assaults involved inmates who were admitted to the facility where the assault occurred within the first two years.

Years to Release: At the time of the assault 50% (125) of the inmates responsible for assaults were within two years of their release dates.

Years to Release



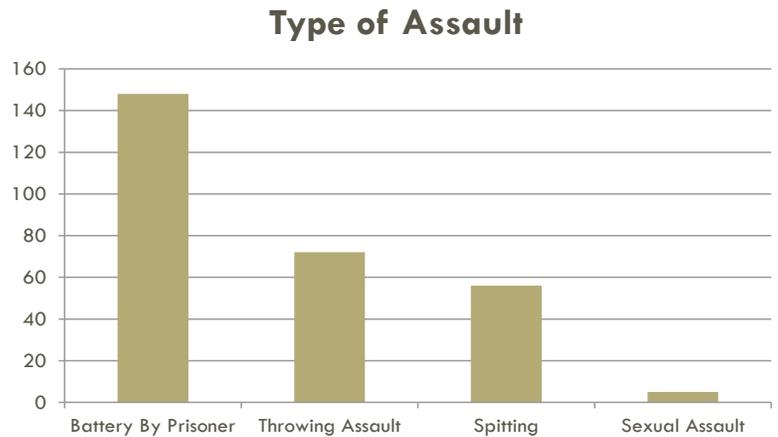
Facility Security Level



Facility Security Level: The largest number – 59% (148) – of assaults by inmates took place at maximum security facilities. 14% (36) took place at medium security facilities and 1% (2) took place at minimum security facility. 26% (66) were at WRC

Location of Incident: 69% (173) of the assaults took place in a segregation unit/area, while 31% (79) of the assaults happened outside of segregation.

Type of Assault: 59% (148) involved battery by an inmate, 51% (128) involved spitting, and throwing a liquid or object at staff, and 2% (5) involved sexual assault. Assault can be assigned to more than one category, as multiple actions could have occurred during an incident. For example, if the incident involved spitting as well as battery by prisoner, the assault was assigned to both categories.



Inmates Involved in Multiple Assaults: 42 inmates were involved in two or more assaults.

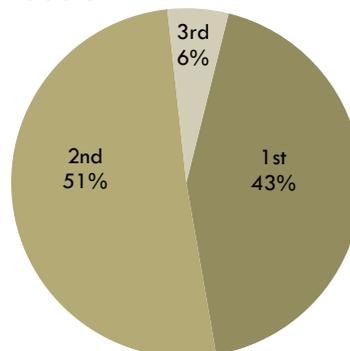
Age: 57% (143) of the assaults involved inmates who at the time of the assault were under 30 years old. 7% (19) were over 50 years old.

Mental Health Status: At the time of the assault 47% (117) of the inmates involved had a serious mental health condition (e.g., bipolar disorder, schizophrenia, personality disorder, severe depression).

Specific Location of the Assault: 58% (145) of assaults occurred in the cell area. This includes assaults near the cell trap, cell extractions, objects or substances being thrown from the cell, among others. Assaults in the cell hall and housing units constituted 31% (79) of the total number of assaults.

Time of Day: Assaults happened most frequently on the 1st and 2nd shifts. Only 6% (14) of assaults occurred on the 3rd shift.

Time of Assault



Security Threat Group (STG)/Gang Involvement: 28% (70) of the assaults during this time period involved identified members of a STG group.

Seniority of Staff Involved in Assault: 58% (182) of staff have been working at the WI DOC for at least 5 years. The graph depicts the number of years of service for the staff involved in incidents. There were 37 staff who were involved in more than one assault. Limited Term Employees (LTE) for the State of Wisconsin do not have seniority dates; therefore in this section two staff members were excluded because they held LTE status.



Type of Staff: 92% (290) of the staff involved were uniformed staff and 8% (25) were non-uniformed.

Results from the Assaults:

Injuries and Worker's Compensation Claims: Injuries occurred on many levels of severity. Of the 252 assaults, 139 claims were filed.

Referred to Law Enforcement: 73% (184) of the assaults were referred to law enforcement. Law enforcement referrals are not made if the inmate is deemed incompetent or has mental health issues. As requested by local law enforcement, referrals are not made for inmates who are deemed incompetent.

Conduct Reports: Conduct reports were written for 235 of the 252 completed assaults. Conduct reports are not written for inmates who are deemed incompetent or have other mental health issues.

DAI Staff Injuries

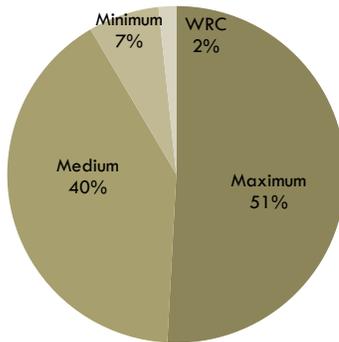
The numbers below comprise injuries to staff that resulted during an incident with or near an inmate.

An example of such an injury is when a staff member breaks up a fight between two inmates and, in the process, the staff member's foot is stepped on, resulting in a broken toe. In a way similar to assaults, this type of incidents is also reviewed each week. In Fiscal Year 2013 there were 59 reported injury incidents.

Trends:

Facility Security Level: 51% (30) of the injuries reported were at maximum security facilities, 40% (24) were at medium security facilities, 7% (4) occurred at minimum security facilities and 2% (1) took place at WRC.

Injuries by Security Level

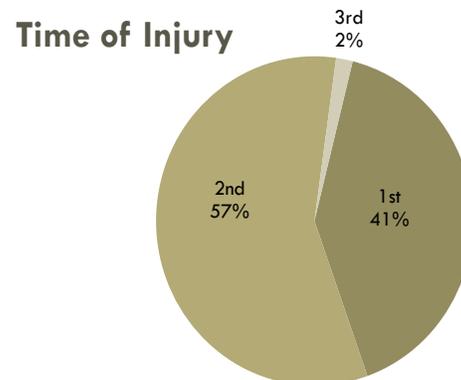


Location of Incident: 68% (40) of the injuries took place in a segregation unit/area, while 32% (19) of the injuries happened outside of segregation.

Specific Location of the Incident: 25% (15) of the injuries occurred in the cell. Incidents in the cell hall and housing unit constituted 61% (36) of injuries.

Time of Day: Injuries happened most frequently on the 1st and 2nd shifts. Only 2% percent (1) of the injuries happened on the 3rd shift.

Injuries and Worker's Compensation Claims: Injuries occurred with many levels of severity. Also, during the incidents there were situations where more than one staff member was involved and injured. Of the 59 injury reports submitted, 67 Worker's Compensation claims were filed in Fiscal Year 2013.



Conclusion and Initiatives

The Assault and Injury Tracking System, developed in conjunction with the new Division policy, tracks assault-related data that are used to develop strategies to prevent and reduce future assaults and injuries. New measures and resources have been implemented to reduce the number of possible assaults and injuries on staff. Future analysis will examine patterns and trends for injuries and assaults occurring in Fiscal Year 2014 and beyond. This research will help the Department to better understand individual facility and system-wide issues. The goal is that adoption of these reporting measures and subsequent security enhancements will continue to provide safe, secure institutions and the best possible working environment for all institution staff.

- Pass-through box

The pass-through box was designed to reduce the possibility of an assault or injury on a staff member. The box minimizes physical staff/inmate direct contact during the passing of items while the inmate is in his or her cell. The pass-through box locks on to a specially fabricated track on the front of the cell door that allows the box to be removed and relocated from cell to cell. Items being passed to the inmate, such as medication, meals, and laundry, are placed into the box and the staff pass-through door is secured prior to the inmate having access to the items being passed. The use of this device minimizes any opportunities inmates may have to assault staff during delivery of required services to inmates with known assaultive behavior. This ensures that inmates can receive items without the possibility of items being turned into a weapon.

- Cuffing

Cuffing inmates' hands behind their back instead of in front of their person is another measure that has been implemented at some institutions as a result of this assault and injury review. Behind-the-back cuffing reduces the possibility that an inmate will touch or grab at staff when staff are applying handcuffs to the inmates.

- Oleoresin Capsicum spray (OC) and Electronic Control Devices (Tasers)

The Department is moving towards having Oleoresin Capsicum spray (OC) more readily available to officers in all areas of the institutions. When a situation escalates and officers become justified in using a higher level of force, the deployment of OC spray may be used in lieu of placing hands on the inmate. This reduces the physical contact between inmate and staff that often leads to the attempted assault, assault, or injury to staff. Additionally, equipping supervisors with Tasers or similar Electronic Control Devices is currently being implemented as an alternate control and protection measure.

- Training

These incidents have also highlighted the need to review the essential training for specific individuals as well as all segregation officers. This includes training such as: positioning when opening a cell, use of personal protective equipment, restraint procedures, and the escorting of an inmate.

The safety and security of our staff and the offenders for whom we are responsible is the DOC's highest priority. Through comprehensive evaluation of incident data and improved practices, we will continue to evolve operations to improve safety and security at every opportunity.