

 <p style="text-align: center;"><b>DIVISION OF ADULT INSTITUTIONS</b></p> <p style="text-align: center;"><b>POLICY AND PROCEDURES</b></p>	<b>DAI Policy #:</b> 300.00.70	<b>Page</b> 1 of 6
	<b>Original Effective Date:</b> 09/03/12	<b>New Effective Date:</b> 04/15/17
	<b>Supersedes:</b> 300.00.70	<b>Dated:</b> 09/03/12
	<b>Administrator's Approval:</b> Jim Schwochert, Administrator	
<b>Required Posting or Restricted:</b>		
<input type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Assaults by Inmate, Reporting and Tracking		

## POLICY

The Division of Adult Institutions shall record and track inmate on staff, inmate on visitor and inmate on inmate assaults. Assaults by inmates shall be reviewed for referral to law enforcement.

## REFERENCES

28 CFR 115.6 – Definitions related to sexual abuse  
Executive Directive 72 – Sexual Abuse and Sexual Harassment in Confinement (PREA)  
Wisconsin Statutes s. 940.20 – Battery: special circumstances  
Wisconsin Statutes s. 940.225 – Sexual Assault  
Wisconsin Statutes s. 946.43 – Assaults by prisoners  
Wisconsin Administrative Code Ch. DOC 303 – Discipline  
DAI Policy 300.00.71 – Reporting Serious Incidents, Events of Special Interest and Legislative Inquiries  
Assaults Tracking System Instructions

## DEFINITIONS, ACRONYMS, AND FORMS

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.

After Action Review (AAR) – A structured review or debriefing process for analyzing what happened, why it happened, and how it can be done better by the participants and those responsible for the project or event.

Assault – Any physical action which may cause bodily harm to another.

Attempt – The essence of the crime of attempt is 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.

Battery by Prisoners – 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.

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Bodily Harm – As defined in Wisconsin Statute s. 939.22 (4) means physical injury, illness or any impairment of physical condition.

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DOC – Department of Corrections

DOC-2466 – Incident Report (WICS)

DOC-2466B – Incident Information (WICS)

Fight – Means any situation where two or more people are trying to injure each other by any physical means.

Great Bodily Harm – As defined in Wisconsin Statutes s. 939.22 (14) means bodily injury which creates a substantial risk of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury.

Injury – Means an injury of any nature which is caused by the event, includes but not limited to mental damage or physical injury resulting in bodily harm, and is not a serious injury.

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.

PREA – Prison Rape Elimination Act

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

Serious Injury – An injury that requires urgent and immediate medical treatment and restricts the staff's usual activity. Medical treatment should be more extensive than basic first aid, such as the application of bandages to wounds: it includes great bodily harm, stitches, setting of broken bones, treatment of a concussion, etc.

Sexual Abuse – As defined in Executive Directive 72.

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

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Soft Tissue Injury – A soft tissue injury as defined in Wisconsin Statutes means an injury that requires medical attention to a tissue that connects, supports, or surrounds other structures and organs of the body and includes tendons, ligaments, fascia, skin, fibrous tissues, fat, synovial membranes, muscles, nerves and blood vessels.

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 an intern or a volunteer.

Throwing Assaults – Assaults by throwing substances such as blood, semen, waste, feces, chemicals and/or or urine, or other substances.

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.

## **PROCEDURE**

### **I. Assault Identification and Reporting**

#### **A. Inmate on staff assaults may include:**

1. Intentional acts such as battery special circumstances.
2. Resistive actions resulting in bodily harm to staff, to resist a staff member means to oppose the staff by force or threat of force.
3. Throwing assaults.
4. Spitting assaults.
5. Sexual assaults.
6. Attempted assaults under (1) (3) (4) or (5).

#### **B. Inmate on inmate assaults may include:**

1. Intentional acts such as battery: special circumstances.
2. Fights.
3. Throwing assaults.
4. Spitting assaults.
5. Sexual abuse.

#### **C. Serious staff assaults include:**

1. Intentional acts that result in urgent and immediate medical treatment and restricts the staff's usual activity, or great bodily harm.
2. Throwing assaults.
3. Resistive actions resulting in serious injury.

#### **D. All staff or visitor assaults and serious inmate assaults shall be reported to DAI in accordance with DAI Policy 300.00.71.**

#### **E. DOC-2466 shall be completed by all staff who are assaulted by and/or injured as a result of actions by an inmate.**

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- F. A DOC-2466B shall be completed by a Supervisor and submitted to the DAI Incident Reporting Group and designated facility staff who complete entries in the Assaults Tracking System.
- G. Inmate on inmate sexual abuse incidents or allegations shall be reported and tracked in accordance with Executive Directive 72.
- H. Attempted and completed inmate on staff assaults shall be recorded in the Assaults Tracking System.
- I. Assaults by DOC inmates that occur in a county jail or while in custody of another law enforcement agency shall be recorded when known.
- J. The Warden/designee shall conduct a review of assaults and update the Assaults Tracking System with the date of the review. Relevant information revealed as a result of the review shall be recorded in the Assaults Tracking System.
- K. The completion of an AAR may be requested.
- L. The Warden/designee shall convene an incident review team following substantiated and unsubstantiated cases of sexual abuse.
  - 1. The team shall consist of upper level management officials with input from supervisors, investigators and medical and mental health practitioners.
  - 2. The review team shall consider the elements in Executive Directive 72 – Sexual Abuse Incident Reviews.
  - 3. The team shall document their findings, recommendations for improvement and implementation efforts.

## **II. Law Enforcement Referral**

- A. The Warden/designee shall review all inmate on staff, inmate on visitor and inmate on inmate assaults to determine if the incident will be referred to law enforcement.
- B. The Warden/designee shall refer the following to law enforcement:
  - 1. Battery by Prisoner in accordance with Wisconsin Statutes s. 940.20.
  - 2. Assaults by prisoners in accordance with Wisconsin Statutes s. 946.43.
  - 3. Sexual abuse per Executive Directive 72.
  - 4. Sexual assault per Wisconsin Statutes s. 940.225.
- C. Inmates may also be disciplined for attempted and completed assaultive acts in accordance with Wisconsin Administrative Code Ch. DOC 303.

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### III. Assaults Tracking System Management

- A. The Warden/designee shall establish procedures to ensure all inmate on staff, inmate on inmate, or inmate on visitor assaults are entered into the Assaults Tracking System.
- B. Warden/designee shall provide the names of staff to DAI who require permissions to enter or modify data into the Assaults Tracking System.
- C. Data shall be entered within two working days after it is substantiated there was an assault.
- D. Assaults to be reported include:
  - 1. Throwing assaults.
  - 2. Battery by prisoner.
  - 3. Physical injury by contact.
  - 4. Sexual assault.
  - 5. Spitting.
- E. All data fields shall be completed. Staff may check multiple boxes, if applicable.
- F. All staff assaulted in an incident shall be recorded.
- G. An entry noting no assaults shall be made for the month if no assaults occurred during the month.
- H. Attach the Supervisor completed DOC-2466B in the Assaults Tracking System.
- I. Pertinent information, comments or updated information shall be recorded in the Updates/Additional comments section of the Assaults Tracking System.

**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_

Jim Schwochert, Administrator

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
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<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Assaults by Inmate, Reporting and Tracking		
<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden's/Center Superintendent's Approval:</b>		

**REFERENCES****DEFINITIONS, ACRONYMS, AND FORMS****FACILITY PROCEDURE**

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

**RESPONSIBILITY**

I. Staff

II. Inmate

III. Other