

 <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 8
	<b>Original Effective Date:</b> 09/03/12	<b>New Effective Date:</b> 03/25/24
	<b>Supersedes:</b> 300.00.70	<b>Dated:</b> 03/20/23
	<b>Administrator's Approval:</b> Sarah Cooper, Administrator – 03/04/24	
	<b>Required Posting or Restricted:</b> <input type="checkbox"/> PIOC <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted	
<b>Chapter:</b> 300 Administrative		
<b>Subject:</b> Assaults by PIOC, Reporting and Tracking		
<b>Guidance Document:</b> <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		

**POLICY**

The Division of Adult Institutions shall record and track PIOC on staff, PIOC on visitor and PIOC on PIOC assaults. Assaults by PIOC 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  
DAI Policy 500.20.03 – Management of Employee Exposure to Blood Borne Pathogens  
DAI Policy 500.60.17 – Significant Exposure Management – Patient

**DEFINITIONS, ACRONYMS AND FORMS**

Active Resistance – Resistance from a subject which physically counteracts staff 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 – A PIOC who causes bodily harm to another/engages in a physical altercation with another person.

Assault on Employee also includes: Impeding the normal breathing or circulation of blood by applying pressure on the throat or neck or by blocking the nose or mouth. Spits, throws or uses bodily fluids or waste or any substance. Causes death. Uses any item as a weapon to cause bodily harm.

Attempt – The accused has failed to commit the act of the full offense, but has the direct and specific intent to commit that full offense. A PIOC is guilty of attempt to violate a DOC rule if either of the following is true: the PIOC planned to do something which

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would have been a rule violation if actually committed, or the PIOC 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 PIOC of such prison or institution, without his or her consent.

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

Completed – The accused has successfully committed the act of the full offense. A PIOC is guilty of successfully violating a DOC rule.

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DOC – Department of Corrections

DOC-0009 – Adult Conduct Report

DOC-2466 – Incident Report

DOC-2466B – Incident Information

DOC-2666D – PREA Reporting Form

Fight – Any situation where two or more PIOC attempt 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 – Damage to your body

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 attempts at control and which does not create a risk of bodily harm to the staff or to another.

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PIOC – Persons in Our Care

Physical Injury by Contact – Harm to a staff member caused by a resistive PIOC action which may not result in off-site medical care.

PREA – Prison Rape Elimination Act

Resistive Actions – To resist a staff member means to oppose the staff by force or threat of force.

Serious Injury – A bodily harm which creates a high probability of death or which causes serious permanent disfigurement or which causes permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily injury (stitches, setting of broken bones, treatment of a concussion, etc.). It requires urgent and immediate medical treatment and restricts the individual(s) usual activity.

Sexual Abuse – As defined in Executive Directive 72.

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

Significant Exposure – Contact with a potentially infectious body fluid which is dependent on a number of variables, including: amount of fluid exposure, length of exposure time, depth of injury and source of infectious disease state as determined by an ACP. Each staff assault shall be evaluated to determine if significant exposure

SINC – Sensitive Investigation Network Communication

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, contract basis or an intern.

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

Visitor – Includes, but is not limited to volunteers, attorneys, clergy, mentors and PIOC visitors.

Weapon – 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, flammable or bodily fluids/substances.

## **PROCEDURE**

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

A. PIOC on staff/visitor assaults may include:

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1. Intentional acts such as battery by prisoner.
  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. PIOC on PIOC assaults may include:
1. Intentional acts such as battery by prisoner.
  2. Fights.
  3. Throwing assaults.
  4. Spitting assaults.
  5. Sexual assaults.
  6. Attempted assaults under (1) (2) (3) or (4).
- C. Serious staff/visitor assaults include:
1. Intentional acts which 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 PIOC assaults shall be reported to DAI in accordance with DAI Policy 300.00.71.
- E. DOC-0009 and/or DOC-2466 shall be completed by all staff who are assaulted and/or injured as a result of actions by PIOC.
- 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. PIOC on PIOC sexual abuse incidents or allegations shall be recorded on a DOC-2666D or directly into SINC.
- H. Attempted and completed PIOC on staff assaults shall be recorded in the Assaults Tracking System.
- I. Assaults by DOC PIOC which 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.

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- 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 as outlined in Executive Directive 72.
- M. The Warden/designee shall conduct a review of assaults with DAI Administration, the Secretary's Office and other necessary staff as required by DAI Administration. Relevant information revealed as a result of the review shall be recorded in the Assaults Tracking System.

## **II. Law Enforcement Referral**

- A. The Warden/designee shall review all PIOC on staff, PIOC on visitor and PIOC on PIOC 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. PIOC may also be disciplined for attempted and completed assaultive acts in accordance with Wisconsin Administrative Code Ch. DOC 303.

## **III. Assaults Tracking System Management**

- A. The Warden/designee shall establish procedures to ensure all PIOC on staff, PIOC on visitor and PIOC on PIOC 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 the assault was substantiated.
- 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.

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- 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. Pertinent information, comments or updated information shall be recorded in the Updates/Additional comments section of the Assaults Tracking System.

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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<b>Subject:</b> Assaults by PIOC, 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. PIOC

III. Other

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

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