

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 300.00.70	Page 1 of 7
	Original Effective Date: 09/03/12	New Effective Date: 02/22/21
	Supersedes: 300.00.70	Dated: 05/15/20
	Administrator's Approval: Sarah Cooper, Administrator	
Required Posting or Restricted:		
<input type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 300 Administrative		
Subject: 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
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'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 – An inmate 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. 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.

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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.

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. An inmate is guilty of successfully violating a DOC rule.

DAI – Division of Adult Institutions

DCC – Division of Community Corrections

DOC – Department of Corrections

DOC-2466 – Incident Report

DOC-2466B – Incident Information

Fight–Any situation where two or more inmates 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 – An injury, illness or any impairment of physical condition of any nature which is caused by the event.

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.

Law Enforcement Contacted –The Warden/designee shall review all inmate on staff assaults to determine if the incident will be referred to law enforcement.

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

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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 – A bodily injury 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 staff'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, source of infectious disease state, as determined by an ACP. Each staff assault shall be evaluated to determine if significant exposure

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, 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 – Include, but are not limited to, volunteers, attorneys, clergy, mentors and inmate visitors.

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, flammable or bodily fluids/substances.

PROCEDURE

I. Assault Identification and Reporting

A. Inmate on staff/visitor assaults may include:

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.

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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 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 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 and/or injured as a result of actions by an inmate.
- 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 recorded and tracked in SINC.
- 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.

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- 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 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.

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.

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- 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:** _____
Sarah Cooper Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Kettle Moraine Correctional Institution		
Original Effective Date: 12/3/12	DAI Policy Number: 300.00.70	Page 7 of 7
New Effective Date: 04/09/21	Supersedes Number: 300.00.70	Dated: 11/16/20
Chapter: 300 Administrative		
Subject: Assaults by Inmate, Reporting and Tracking		
Will Implement <input type="checkbox"/> As written <input checked="" type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval: Warden Jon Noble		

FACILITY PROCEDURE

- I. Every time there is an occurrence or an attempt of an inmate on staff, inmate on inmate or inmate on visitor assault, the Security Supervisor shall ensure all assault documentation regarding the incident is forwarded to the Security Director for review.
- II. The Security Director/designee shall evaluate the information and ensure the presence of all pertinent documentation.
- III. The Security Director/designee shall ensure the proper information is entered into the Assaults Tracking System within two working days after it has been substantiated that an assault/attempted assault has occurred.
 - A. Entry of this information shall be made by a staff member that has been approved to enter/modify data into the Assaults Tracking System.
 - B. The staff member who completes the entry of this information shall notify the Warden, Deputy Warden and Security Director of the completion of this task.