

 <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 8
	Original Effective Date: 09/03/12	New Effective Date: 05/15/20
	Supersedes: 300.00.70	Dated: 04/15/17
	Administrator's Approval: Makda Fessahaye, 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		
Guidance Document	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Posting date 5/15/20

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

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 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.

DAI Policy #: 300.00.70	New Effective Date: 05/15/20	Page 2 of 8
Chapter: 300 Administrative		
Subject: Assaults by Inmate, Reporting and Tracking		

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.

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 – Damage caused to an individual resulting in bodily harm but not serious injury that may include psychological or physical damage.

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

DAI Policy #: 300.00.70	New Effective Date: 05/15/20	Page 3 of 8
Chapter: 300 Administrative		
Subject: Assaults by Inmate, Reporting and Tracking		

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.

SINC – Sensitive Investigation Network Communication- DOC database to track sexual abuse and sexual harassment allegations and investigations.

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.
 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.

DAI Policy #: 300.00.70	New Effective Date: 05/15/20	Page 4 of 8
Chapter: 300 Administrative		
Subject: Assaults by Inmate, Reporting and Tracking		

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.
- 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 team shall document their findings in SINC to include 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.

DAI Policy #: 300.00.70	New Effective Date: 05/15/20	Page 5 of 8
Chapter: 300 Administrative		
Subject: Assaults by Inmate, Reporting and Tracking		

- 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.
- 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.

DAI Policy #: 300.00.70	New Effective Date: 05/15/20	Page 6 of 8
Chapter: 300 Administrative		
Subject: Assaults by Inmate, Reporting and Tracking		

Administrator's Approval: _____ **Date Signed:** _____
Makda Fessahaye Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Wisconsin Secure Program Facility		
Original Effective Date: 09/03/12	DAI Policy Number: 300.00.70	Page 7 of 8
New Effective Date: 08/21/20	Supersedes Number: 300.00.70	Dated: 07/21/17
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 Gary Boughton		

DEFINITIONS, ACRONYMS, AND FORMS

ADO – Administrative Duty Officer

WICS IRTR 165 – Incident Report Information

FACILITY PROCEDURE

- I. Security Supervisors shall report assaults to the chain of command as indicated below:
 - A. During business hours the Shift Commander/designee shall be responsible to alert a member of the following list, attempting contact in the following order; Security Director or Administrative Captain, Deputy Warden or Warden, Corrections Management Services Director, Human Resources Director. The person being notified shall share the information with other staff listed and shall expedite verbal notification of the assault to the DAI Administrator's Office.
 - B. During non-business hours the Shift Commander/designee shall contact the WSPF ADO, Warden, Deputy Warden, Security Director and the DAI administrative on-call staff member.
 - C. A 2466B shall be generated and forwarded to the e-mail distribution list titled 'DOC DL DAI Incident Reporting Group'. The following staff shall be carbon copied on this e-mail: WSPF Warden, Deputy Warden, Security Director, Administrative Captain, Corrections Management Services Director and Human Resources Director.
 1. The 2466B can be generated from an incident report that has been submitted to the supervisor for review by selecting the 'IRTR 165 Incident Report Information' button at the bottom of the opened incident report.
 2. All follow up actions and information known at the time the 2466B is submitted to DAI shall be included directly into the 2466B word document under the 'Incident Results/Actions' section rather than being part of the cover e-mail.
 3. The subject line of the e-mail as well as the title of any related documents should reflect the following naming format: Assault, Date of Assault, Name of Inmate, DOC#.

Example: [Assault 7-4-12 Doe, John J. #123456]

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Wisconsin Secure Program Facility		
New Effective Date: 08/21/20	DAI Policy Number: 300.00.70	Page 8 of 8
Chapter: 300 Administrative		
Subject: Assaults by Inmate, Reporting and Tracking		

- D. The Shift Commander shall ensure all assault and attempted assault information, including the uploading of the related DOC-2466B, is entered into the Assault Tracking System during the same shift the incident occurred on.
 - E. If any of the above notification or documentation steps are not possible due to near end of shift incidents or higher priority duties the need for follow up shall be communicated between the off-going Shift Commander and the oncoming Shift Commander who shall ensure the incomplete tasks are accomplished on their shift.
- II.** The Security Director/designee shall consolidate the facts of the assault for an after action review which will take place at the next scheduled Executive Team Meeting.
- A. As determined by the Shift Supervisor or the Security Director an after action review may be completed with staff directly involved in the incident.
 - B. The Security Director/designee shall determine if the assault meets class H or class F felony for mandatory referral to local law enforcement.

RESPONSIBILITY

- I. Staff
 - A. Shift Commanders shall make necessary notifications, submit required documentation and enter all assaults into the Assault Tracking System as indicated above.
 - B. Warden/designee shall ensure notification to the DAI Administrator's Office / DAI on-call occurs in an expedited manner.
 - C. Security Director/designee shall prepare for routine after action reviews and determine if the assault is to be referred to local law enforcement.