



# WISCONSIN DEPARTMENT OF CORRECTIONS

Governor Tony Evers / Secretary Kevin A. Carr

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## GUIDANCE DOCUMENT CERTIFICATION

I have reviewed this guidance document or proposed guidance document and I certify that it complies with sections §227.10 and §227.11 of the Wisconsin Statutes.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is not explicitly required or explicitly permitted by a statute or a rule that has been lawfully promulgated.

I further certify that the guidance document or proposed guidance document contains no standard, requirement, or threshold that is more restrictive than a standard, requirement, or threshold contained in the Wisconsin Statutes.

Wendy Montils

Name of Individual Certifying this Document/Proposed Document

Office of Management + Budget Director

Title


Wendy Montils

Signature

6/25/19

Date Signed

Department of Corrections – Wisconsin  
Office of the Secretary  
Wis. Stat. § 227.112(6)  
DOC-2910 (6/2019)

 <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> 310.00.01	<b>Page</b> 1 of 4
	<b>Original Effective Date:</b> 12/20/90	<b>New Effective Date:</b> 04/01/18
	<b>Supersedes:</b> 310.00.01	<b>Dated:</b> 08/22/06
	<b>Administrator's Approval:</b> James Schwochert, Administrator	
<b>Required Posting or Restricted:</b>		
<input checked="" type="checkbox"/> <b>Inmate</b> <input checked="" type="checkbox"/> <b>All Staff</b> <input type="checkbox"/> <b>Restricted</b>		
<b>Chapter:</b> 310 Complaint Procedures		
<b>Subject:</b> Inmate Complaints Regarding Staff Misconduct		

**POLICY**

The Division of Adult Institutions shall ensure inmate complaints involving allegations of staff misconduct are expediently referred to the Warden/designee.

**REFERENCES**

WI Administrative Code 303 – Discipline

WI Administrative Code 310 – Complaint Procedures

Executive Directive 72 – Sexual Abuse and Sexual Harassment in Confinement (PREA)

**DEFINITIONS, ACRONYMS, AND FORMS**

CCE – Corrections Complaint Examiner

DAI – Division of Adult Institutions

DOC - Department of Corrections

ICE – Institution Complaint Examiner

ICRS – Inmate Complaint Review System

Staff Misconduct – Any behavior or act which could reasonably be interpreted as constituting a violation of work rules and which could result in formal employee disciplinary action being taken or which would normally result in a fact-finding or pre-disciplinary hearing being initiated.

Staff Sexual Misconduct – Any behavior that appears to violate provisions of Executive Directive 72.

**PROCEDURE****I. Receiving Complaint Alleging Staff Sexual Misconduct**

- A. Complaints regarding staff sexual misconduct shall be handled according to provisions of Executive Directive 72 to ensure an investigation by facility or law enforcement is not impeded.
- B. If a complaint alleges staff sexual misconduct, the ICE shall not interview the complaining inmate or anyone else, but instead shall immediately refer the complaint to the Warden/designee to ensure processing in compliance with Executive Directive 72.

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## **II. Receiving Complaints Alleging Staff Misconduct**

When an ICE receives a complaint alleging staff misconduct of a non-sexual nature, the ICE may interview the inmate or refer the complaint directly to the Warden/designee.

- A. If interviewed, the inmate shall be advised of the provisions in this policy and of Wisconsin Administrative Code s. DOC 303.32 and a written statement signed by the inmate shall be obtained by the ICE.
- B. Refusal of the interview, refusal to provide details or refusal to sign the statement shall result in dismissal of the complaint for failure to cooperate.
- C. After interviewing the inmate, if the ICE has reason to believe staff misconduct may have occurred, the ICE shall immediately suspend the complaint investigation and review with the Warden/designee.
- D. Following the review of the complaint and/or the inmate's statement and meeting with the ICE, the Warden/designee shall determine whether or not there is adequate evidence of a work rule violation to initiate the investigatory process.

## **III. Processing Complaints which allege Staff Misconduct or Staff Sexual Misconduct**

- A. If the Warden/designee determines an investigation of alleged staff misconduct is warranted, the following shall occur:
  1. The ICE shall enter a recommendation to the Warden/designee for the complaint to be dismissed and further processed pursuant to the applicable personnel rules, citing either DAI Policy 310.00.01 or Executive Directive 72.
  2. The Warden/designee enters a decision on the complaint removing it from the ICRS and thus waiving the inmate's confidentiality rights in accordance with Wisconsin Administrative Code s. DOC 310.16(4).
  3. The inmate shall be notified of the Warden/designee's decision consistent with Wisconsin Administrative Code s. DOC 310.11(1).
  4. The complaint shall be removed from the ICRS pending an investigation to be conducted by a supervisor.
  5. The investigation process is regulated by state law which protects the privacy and due process rights of staff and no further information shall be given to the complainant.

## **IV. Complaint Investigation When Staff Misconduct is Not Initially Apparent**

- A. If during the course of an interview staff inadvertently acknowledge violation of a work rule, the ICE shall immediately terminate the interview.
- B. The ICE shall not interview staff who may be subject to disciplinary action if there is reason to believe such an interview may compromise a subsequent disciplinary investigation.

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- V. **Staff Misconduct Complaints Involving Non-Facility Staff (i.e., Bureau of Correctional Enterprises, Classification, volunteers, and contract employees) shall be reviewed with the Warden/designee.**

**Administrator's Approval:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
James Schwochert, Administrator

## DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

<b>Facility:</b> Name		
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<b>Chapter:</b> 310 Complaint Procedures		
<b>Subject:</b> Inmate Complaints Regarding Staff Misconduct		
<b>Will Implement</b> <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
<b>Warden/Superintendent's Approval:</b>		

### FACILITY PROCEDURE

I.

A.

B.

1.

2.

a.

b.

c.

3.

C.

II.

III.

### RESPONSIBILITY

I. Staff

II. Inmate

III. Other