



# 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.

*James Greer*

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Name of Individual Certifying this Document/Proposed Document

*Director, Bureau of Health Services*

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Title


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Signature

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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> 500.30.22	<b>Page</b> 1 of 4
	<b>Original Effective Date:</b> 05/15/04	<b>New Effective Date:</b> 09/01/16
	<b>Supersedes:</b> 500.30.22	<b>Dated:</b> 11/03/14
	<b>Administrator's Approval:</b> Jim 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> 500 Health Services		
<b>Subject:</b> Forensic Information		

**POLICY**

Division of Adult Institutions facility Health Services staff shall not participate in collection of forensic information.

**REFERENCES**

Standards for Health Care in Prisons, National Commission on Correctional Health Care, 2014, P-I-03 – Forensic Information

Wisconsin Statutes s. 165.76 – Submission of human biological specimen (requires DNA for felony conviction after 1/1/2000, taken by Social Worker; HSU does not take this specimen)

Wisconsin Statutes s. 165.765 – Biological specimen; force and immunity (penalty for non-compliance)

Wisconsin Statutes s. 165.77 – Deoxyribonucleic acid analysis and data bank

Wisconsin Statutes s. 252.15 – Restrictions on use of an HIV test

Wisconsin Administrative Code s. DOC 306.07 – Use of Force

Wisconsin Administrative Code s. DOC 306.17(3) – Search of Inmates, Body Cavity Search

DAI Policy 300.00.38 – DNA Collection Procedures

DAI Policy 500.30.19 – Sexual Abuse – Health Services Unit Procedure in the Event of Sexual Abuse

**DEFINITIONS, ACRONYMS, AND FORMS**

Advanced Care Provider (ACP) – Provider with prescriptive authority.

Body Cavity Search – A strip search in which body cavities are inspected by the entry of an object or finger into body cavities. These inspections shall be conducted by ACP staff.

Court Order – A document signed by a judge directing either an inmate to provide a specimen or a health care provider to obtain a specimen.

DNA – Deoxyribonucleic acid

DOC – Department of Corrections

Forensic Information – Physical or psychological data collected from an inmate that may be used against the inmate in disciplinary or legal proceedings.

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HSM – Health Services Manager

HSU – Health Services Unit

Invasive Procedure – A procedure which disturbs the integrity of the body requiring the entry of a needle, catheter, or other medical instrument into a part of the body such as a blood test or a surgical procedure.

## **PROCEDURES**

### **I. General Guidelines**

- A. Health Services staff are not involved in the collection of forensic information with the exception of:
  - 1. Complying with state laws that require blood samples from inmate patients, so long as the inmate consents and health services staff are not involved in any punitive action taken as a result of an inmate patient's nonparticipation in the collection process.
  - 2. Conducting inmate patient specific, court-ordered laboratory tests, examinations, or radiology procedures with consent of the inmate patient.
    - a. Upon awareness of a valid Court Order, HSM/designee shall schedule a laboratory appointment with the inmate patient to discuss Court Order and obtain consent to have lab drawn.
    - b. Once laboratory specimen is obtained, send to State Lab of Hygiene with copy of Court Order with results to be sent as designated by Court Order.
    - c. Progress note shall be entered into medical chart that laboratory specimen was collected and sent to State Lab of Hygiene per Court Order.
  - 3. HSM/designee shall notify the Warden/designee when the inmate patient does not consent to Court Order. Office of Legal Counsel shall be consulted and an action plan shall be determined.
- B. Forensic examinations for allegations of sexual assault shall be conducted at a local emergency room or clinic by health care providers trained in the collection of such evidence per DAI Policy 500.30.19.
- C. Health care staff shall not interrogate an inmate patient to obtain information not directly relevant to the evaluation and treatment of the inmate patient's health.

### **II. DNA Testing by Wisconsin DOC**

- A. DNA collection (buccal swab) is completed for all individuals upon felony arrest per DAI Policy 300.00.38.
- B. Health care staff shall not be involved in DNA collection and/or testing.

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**III. Body Cavity Searches**

- A. Wisconsin Administrative Code addresses body cavity searches.
- B. In the event the facility Warden/designee orders a body cavity search for forensic evidence purposes, off-site arrangements shall be made by Security staff.
- C. Body cavity searches shall not be conducted by any facility health care staff, including ACPs, for forensic evidence collection.

**IV. Medical Purpose Examinations with Informed Consent**

- A. ACPs may only conduct a body cavity examination for medical evaluation and treatment.
- B. Health Services staff may collect blood or body fluids for alcohol or other drug testing when necessary for medical evaluation and treatment as ordered by an ACP.

**Bureau of Health Services:** \_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
James Greer, Director

\_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Ryan Holzmacher, MD, Medical Director

\_\_\_\_\_ **Date Signed:** \_\_\_\_\_  
Mary Muse, Nursing Director

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

**DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES**

<b>Facility:</b> Name		
<b>Original Effective Date:</b>	<b>DAI Policy Number:</b> 500.30.22	<b>Page</b> 4 of 4
<b>New Effective Date:</b> 00/00/00	<b>Supersedes Number:</b>	<b>Dated:</b>
<b>Chapter:</b> 500 Health Services		
<b>Subject:</b> Forensic Information		
<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.
    - 1.
      - a.
  - B.
  - C.
- II.
  - A.
  - B.
  - C.