

 <p style="text-align: center;">STATE OF WYOMING DEPARTMENT OF CORRECTIONS</p> <p style="text-align: center;"><b>Policies &amp; Procedures</b></p>	<p><b>Authority:</b> Wyoming Statute <u>25-1-105(a)</u> ACA Standard <u>3-4230; 3-4244;</u> <u>3-4261</u></p>	<p><b>Policy #</b> <u>3.304</u> <b>:</b> <b>Section</b> <u>3.3</u> <b>:</b> <b>Part</b> <u>III</u> <b>Title:</b> <b>Protective Custody</b></p>
<p><b>Approved:</b>  <u>R.O. Lampert /ss/</u> <b>Director</b></p> <p><b>Date Approved:</b> <u>11/24/03</u></p> <p>This policy cannot be modified, amended or deleted by any Operational Procedure, Post Order, or Warden's Directives without approval of the WDOC Director, or his/her designee.</p>	<p><b>Effective Date:</b> <u>January 1, 2004</u></p> <p><b>Supersedes Existing Policy #</b> <u>3.304 Eff: 05/11/01</u></p> <p><b>Next Review Due:</b> <u>January 1, 2005</u></p> <p><b>Cross Reference:</b> <u>WDOC &amp;P #3.305, #3.306; and WDOC DEO #01-001</u></p>	

I. Purpose

To protect the safety of inmates who have been identified and verified as being at risk of physical threat of harm from an inmate or inmates in general population by isolating them from general population, while limiting such placements to only that period necessary to protect them from harm.

To provide the Wyoming Department of Corrections (WDOC) a process to verify the need for housing of inmates in protective custody, through a thorough investigation. To establish a method of complete periodic review to determine continuing need of such housing and to remove inmates from that status when it is no longer required.

To provide programming opportunities for inmates who have been verified protection cases.

II. Policy

It is the policy of the WDOC to provide appropriate segregated housing for inmates, identified as needing protection from other inmates. This policy does not and is not intended to create any constitutionally protected liberty interests for inmates.

### III. Definitions

- A. Investigation: **For this policy only the definition will be** a close examination by designated staff to determine whether circumstances exist which indicate placement of an inmate in a protective custody status for protection against a threat of harm from other inmates.
- B. Protective Custody (P.C.): A form of separation from inmates housed in general population for those who have been determined to be in need of protection from other inmates.
- C. Protective Custody Housing: Housing to be provided by the WDOC which may be within the confines of a WDOC correctional facility or other facility as deemed appropriate by the WDOC which is separate from inmates who present a threat of harm to the protective custody inmate.
- D. Review Committee: A committee appointed by wardens/superintendents, with responsibility to review those classified and confined in protective custody as indicated in the following procedures. This committee should receive input from other departments in the correctional facility including security, case management, medical, and mental health.
- E. Review Periods: Reviews will be conducted for inmates placed in temporary protective custody a minimum of every seven (7) calendar days. For protective custody inmates every thirty (30) calendar days for the first ninety (90) calendar days, then quarterly after this time period.
- F. Security Manager: The person designated by the Warden as responsible for the management of the facility's security program and operations.
- G. Shift Commander: The ranking correctional supervisor responsible for the overall supervision of a scheduled correctional shift for a facility.
- H. Shift Supervisor: The senior correctional officer within a facility unit responsible for the supervision of the scheduled correctional shift for that unit.
- I. Temporary Protective Custody (T.P.C.): Pending the investigation to determine the need for protective custody, inmates will be housed for no more than thirty (30) calendar days in a segregated status.
- J. Temporary Restriction Order (T.R.O.): Procedure for immediate in-cell restriction of an inmate based on various institutional safety, security and other concerns. T.R.O. shall be immediately and automatically imposed by any staff member who is advised by an inmate or has other information indicating that the inmate may be under a threat of harm from another inmate or inmates.

- K. Threat of Harm: A threat of harm consists of any indication, direct or indirect, oral or written, that would suggest intention to harm another person.

#### IV. Procedures

- A. Assignment to Temporary Protective Custody:

An inmate shall be placed in temporary protective custody using the temporary restriction order process. Such status shall be immediately initiated anytime an inmate advises staff he/she is in fear of a threat of harm from another inmate(s) or staff otherwise become aware other inmates may harm that inmate. Any officer may initiate such action. The initiating officer shall obtain all possible information from the inmate and shall record such information in an incident report before leaving the facility. T.R.O. shall be imposed even if the inmate refuses to disclose the names of inmates who present the threat of harm. The review and documentation process for T.R.O., (WDOC Policy and Procedure #3.305, Temporary Restriction Order), shall be conducted for the first three (3) working days. If it is determined that no threat of harm exists requiring continued restricted housing (T.R.O.), the results of the investigation and the basis for that determination will be documented on the T.R.O. Tracking Information Form and the T.R.O. terminated. If it is deemed necessary to hold the inmate on restricted status beyond three (3) working days for his/her protection, the Protective Custody Housing Order (Attachment A) shall be initiated, and the inmate will revert to T.P.C. custody status for a period of not more than thirty (30) calendar days from the date of placement on T.P.C. custody status.

- B. Conditions of Temporary Protective Custody:

During the initial thirty (30) calendar day investigation period the inmate may be housed in temporary protective custody housing which does not provide all property allowances and other privileges associated with general population housing. Depending on housing availability, T.P.C. may be in the P.C. unit or in the individual's cell. Any denials of access to current levels of inmate property or privileges including visitation and telephone calls as a result of placement on T.P.C. shall be approved in writing by the Shift Commander within four (4) hours of the time period in which the inmate was placed on T.P.C. status. The Shift Commander shall clearly articulate in Attachment A, the basis for any denial or restrictions on inmate property or privilege. Any time there is a change in housing, status, or during all review periods of custody status, any change or modification in the inmate's current property or privileges including visitation and telephone calls shall be documented.

- C. Review of Temporary Protective Custody:

Reviews will be conducted for inmates placed in temporary protective custody a minimum of every seven (7) calendar days.

D. Long Term Placement in Protective Custody:

P.C. is not to be considered a punitive measure and is to be used only when no other safe, reasonable alternative is available. Admission to protective custody will only be made when there is verification from the review committee of a threat of harm which makes general population housing unsafe and reasonable alternatives have been exhausted. Those alternatives include transfers of any of the involved inmates or informal conflict resolution. A report will be submitted along with a completed protective custody housing order (Attachment A) to the warden/superintendent or designee detailing the following: names and WDOC# of inmates with whom there is an existing conflict, reason for conflict, chronological history of conflict, estimated future duration of the conflict, alternative housing placements and reason not suitable, other options that were considered and reasons for rejection, efforts made to resolve conflicts, summaries of any review of security, programming, medical and mental health personnel. Upon review of said report and the review committee's recommendation, the warden/superintendent or designee will make the final decision for placement decisions. Copies will be distributed to the P.C. unit supervisor/unit file, inmate base file, and inmate case manager. Programming and services should be consistent with those afforded to general population inmates to the extent compatible with the special security and programmatic requirements of protective custody housing.

E. Conditions of Protective Custody:

When it is determined and clear that a verified protective custody case cannot be reintroduced into the general population, programs, privileges, and services will be consistent with those afforded to inmates in general population to the extent feasible within the operation and security considerations of a segregated unit. The conditions of protective custody will be driven based on the safety, security, and good order of the correctional facility, being mindful that P.C. is not a punitive assignment but represents special security concerns not found in general population housing. Property allowances are governed by WDOC policy and procedure #3.006, Property Control and Director's Executive Order #01-001, WSP South Facility Offender Property Matrix.

F. Review of Protective Custody Inmates:

1. The review committee, or others, as appointed by the warden/superintendent, shall review the status of all inmates in P.C. at least every thirty (30) calendar days for the first ninety (90) calendar days and quarterly thereafter.
2. The inmate may attend the review meeting providing his/her attendance does not jeopardize the safety and security of the correctional facility or put the inmate at risk.
3. The committee or others appointed, shall provide the inmate with a written recommendation of the P.C. review and the reasons for the recommendation based upon information it considered. (Attachment D)

4. To determine continuing need the reviewing committee shall consider the following:
  - a. original reason for segregating an individual in P.C;
  - b. any developments regarding the original basis for segregation;
  - c. the individual's behavior during segregation;
  - d. reports/observations from the unit staff;
  - e. current mental health review; and
  - f. any other factors relevant to the current risk of a threat of harm from general population inmates.
5. All cases where an individual has been held in protective custody longer than ninety (90) calendar days shall be referred to the warden/superintendent for review and possible action to include housing in another correctional facility, another unit within the correctional facility or return to general population.
6. The committee shall consider any alternatives available and what, if any, assistance could be provided to the inmate to hasten return to the general population.

G. Release from long term protective custody:

1. Release may be authorized by the warden/superintendent or designee, considering recommendations from the review committee.
2. The inmate may submit a request for release from P.C. status to the review committee.
3. The inmate's release may be authorized by the warden/superintendent or designee when one or more of the following conditions exist:
  - a. The condition that required inmate placement in protective custody no longer is present;
  - b. Information and/or evidence developed during the period of confinement indicates conditions have changed and the inmate is no longer at risk nor presents a danger to self or others;

- c. The inmate is found guilty of a disciplinary violation and is transferred to a more restrictive unit as dictated by the committee's findings with consideration being given to the inmate's safety.
3. Prior to release, a detailed report identifying why it has been determined the inmate can now safely live in general population will be written by the review committee and approved by the warden/superintendent or designee.

The report shall examine all the issues that were identified in the placement report that was written under section IV.B. and be forwarded to the warden/superintendent or designee for review/approval.

#### H. Permanent Log/Record:

A permanent record of T.P.C. and P.C. custody status activities shall be maintained on the unit by the shift supervisor/designee on duty. Entries will be made as appropriate, and consist of the following:

1. A Temporary Protective Custody/Protective Custody Roster (Attachment B).
2. Logs including:
  - a. name and number of the inmate;
  - b. date of action
  - c. time of action;
  - d. detailed reason for admission or release;
  - e. note times, dates, and title of health care service providers or ;
  - f. authorization official or committee;
  - g. observation of unusual behavior;
  - h. a record of all visitors, including all official visits from staff, time, date and signature of visitor and notations of unusual observations; and
  - i. any other pertinent information.
3. A Protective Custody Quarterly Report will be completed and forwarded to the warden/superintendent or designee, according to the format of Attachment C.

I. Unit Inspection:

Monitoring of the T.P.C. and P.C. custody status units shall be conducted on a regular basis. Visits to the units shall be in accordance with at least the following minimum schedule:

1. Floor officers in cell block during all out of cell time and on rounds every one half (1/2) hour during other times.
2. Shift supervisor once each shift;
3. medical or mental health care personnel daily;
4. case worker daily;
5. unit manager/designee of the unit daily;
6. security manager or designee daily
7. warden/superintendent or designee weekly.

V. Training Points:

- A. What programs, privileges, and/or services are offered to inmates residing in protective custody?
- B. What type of information is to be kept in the permanent log/record of the P.C. Unit?
- C. How often are the case workers and unit manager/designee required to visit the P.C. Unit?
- D. How often will the status of all inmates in the P.C. be reviewed?
- E. Who can authorize the release of an inmate from the P.C. Unit?
- F. What conditions must exist for an inmate to be release from the P.C. Unit?

Attachment A **TEMPORARY PROTECTIVE CUSTODY/PROTECTIVE CUSTODY HOUSING ORDER**

**SECTION A - Placement**

Facility \_\_\_\_\_ Inmate Name \_\_\_\_\_ WDOC Inmate # \_\_\_\_\_ Date \_\_\_\_\_

I. Placement in Protective Custody (insert date on appropriate line)

\_\_\_\_\_ T.P.C. Pending Investigation

\_\_\_\_\_ Protective Custody

II. Placement Criteria in Protective Custody

\_\_\_\_\_ Inmate has requested placement into protective custody (report attached).

I request special housing placement for my own protection

Inmate Signature \_\_\_\_\_ WDOC Inmate # \_\_\_\_\_

\_\_\_\_\_ Inmate has not requested placement into protective custody, but a threat of harm exists against this inmate (report attached).

\_\_\_\_\_ Date \_\_\_\_\_  
Approving Authority (Title & Name) Approving Authority Signature

Review By Shift Commander Initials \_\_\_\_\_ Date \_\_\_\_\_ Time \_\_\_\_\_

- The Shift Commander shall clearly articulate the basis for any denial/restriction of inmate property or privilege(s).

\_\_\_\_\_  
\_\_\_\_\_

III. Request for Removal of Protection

\_\_\_\_\_ I request removal from protective custody. (Note: Inmate's request will not automatically result in removal from Protective Custody unless documented investigation supports decision.)

Inmate Signature \_\_\_\_\_ WDOC Inmate # \_\_\_\_\_

\_\_\_\_\_ Inmate given a copy of this form on: Date \_\_\_\_\_ Time \_\_\_\_\_ ( a.m. or p.m. )

Approved  Disapproved

\_\_\_\_\_ Date \_\_\_\_\_  
Approving Authority (Title & Name) Approving Authority Signature

**SECTION B – Reviews**

- I. Warden's (Designee's) Review  Concur  Non-Concur

Comments: \_\_\_\_\_

\_\_\_\_\_ Date \_\_\_\_\_  
Reviewing Authority (Title & Name) Reviewing Authority Signature

- II. Additional Reviews: Attach review committee classification team documents or other reports for determining continued confinement.

Copies to: Original-Warden/Superintendent; copies: Shift Supervisor of Segregation Housing Unit, Unit Manager, Unit File and Inmate's Base File



PROTECTIVE CUSTODY QUARTERLY REPORT

Number of inmates housed in protective custody at beginning of the quarter \_\_\_\_\_.

Number of inmates housed in protective custody at end of quarter \_\_\_\_\_.

Number of inmate generated requests for protective custody housing \_\_\_\_\_.

Number of inmate generated requests for protective custody housing granted \_\_\_\_\_.

Housing location at time of request

Number granted from

Max \_\_\_\_\_

Max \_\_\_\_\_

Close \_\_\_\_\_

Close \_\_\_\_\_

Med \_\_\_\_\_

Med \_\_\_\_\_

WHF \_\_\_\_\_

WHF \_\_\_\_\_

WHCC \_\_\_\_\_

WHCC \_\_\_\_\_

Number of staff requests for inmates to protective custody housing \_\_\_\_\_.

Housing location at time of request

Number granted from

Max \_\_\_\_\_

Max \_\_\_\_\_

Close \_\_\_\_\_

Close \_\_\_\_\_

Med \_\_\_\_\_

Med \_\_\_\_\_

Min \_\_\_\_\_

Min \_\_\_\_\_

WHF \_\_\_\_\_

WHF \_\_\_\_\_

WHCC \_\_\_\_\_

WHCC \_\_\_\_\_

Attachment D

TEMPORARY PROTECTIVE CUSTODY/PROTECTIVE CUSTODY REVIEW

FACILITY: \_\_\_\_\_ DATE: \_\_\_\_\_

NAME: \_\_\_\_\_ WDOC#: \_\_\_\_\_ RACE: \_\_\_\_\_

SEVEN DAY: \_\_\_\_\_ THIRTY DAY: \_\_\_\_\_

1. INITIAL REASONS FOR PLACEMENT:
2. CURRENT REASONS FOR PLACEMENT:
3. WILLINGNESS TO TERMINATE SEGREGATION:
4. RECOMMENDATION AND REASON TO CONTINUE OR TERMINATE PLACEMENT:

\_\_\_\_\_  
Review Committee Member

\_\_\_\_\_  
Review Committee Member

\_\_\_\_\_  
Review Committee Member

\_\_\_\_\_  
Inmate's Signature/WDOC No.  
Accepted copy      Refused copy

\_\_\_\_\_  
Approved              Disapproved

\_\_\_\_\_  
Reviewed by Warden/Superintendent      Date

\_\_\_\_\_  
Reviewer's Signature and Title

Comments:

Original: Warden/Superintendent (base file) – copies: inmate; shift supervisor of PC; unit manager