



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.305 Temporary Restriction Order

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Authority: Wyoming Statute(s): 25-1-105(a) ACA Standard(s): 4-4249	Effective Date: March 1, 2006 Revision/Review History: 01/01/04; 05/01/02
Cross Reference of Policy: P&P # 3.304, <i>Protective Custody</i>	Summary of Revision/Review: Review of existing policy and approval of procedure.
Approved: /s/ R.O. Lampert Robert O. Lampert, Director	Supersedes Existing Policy : P&P# 3.305, dated 01/01/04 2/1/06 Date

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.

The policy and procedures set forth herein are intended to establish directives for staff members and those entities that are contractually bound to adhere to them. They are not intended to establish State created liberty or property interests for staff members or inmates, or an independent duty owed by the WDOC to staff members, inmates, or third parties. This policy and procedure is not intended to establish or create new constitutional rights or to enlarge or expand upon existing constitutional rights or duties.

REFERENCE

1. ATTACHMENTS
 - A. WDOC Form #316: *TRO Tracking Information*
 - B. WDOC Form #317: *TRO Special Status Report*
 - C. WDOC Form #318: *Monthly Temporary Restriction Report*
2. OTHER – None Noted



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I. PURPOSE

- A. Restriction of Inmate Movement and Activities.** The purpose of this policy is to establish a policy and procedures whereby any Wyoming Department of Corrections (WDOC) staff may restrict the movement and activities of inmates through the use of temporary restrictions.

II. POLICY

- A. General Policy.** It is the policy of the WDOC to respond to all occurrences which might threaten the management, control, or safety of the correctional facility, staff, inmate population or the public at large. The response may involve restricting an inmate's access to privileges normally associated with their assigned classification level. Such restriction(s) may require separating an inmate from their housing population or otherwise restricting an inmate's movement.

III. DEFINITIONS

- A. Administrative Review Officer:** Management level staff designated by the warden at the correctional facility or unit level.
- B. Camera Supplement:** A cell which contains a closed-circuit television (CCTV), which provides supplemental observation of an inmate.
- C. Inmate Strip Status:** (*For this policy only.*) A measure where an inmate's normally authorized clothing items are removed from the inmate's possession and the clothing is replaced with a form of specialized clothing such as a paper or canvas gown.
- D. Meals:**
 - 1. Phase 1:** The standard meal delivered in an insulated tray. Generally consists of insulated food tray and serving tray, one napkin, plastic fork, spoon, knife, wax bag for chips or bread, small plastic cups for condiments, salt, sugar, beverages in plastic cups or glasses. May require removal of utensils after meal.
 - 2. Phase 2:** The standard meal delivered but utilizing Styrofoam containers only, with one plastic spoon, one napkin and no serving tray. Requires removal of utensils after meal.



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- 3. **Phase 3:** A finger food meal, delivered in a paper/wax bag. No tray, no napkin, no condiments, no plastic wear, no hot beverages, i.e. special management menu.

- E. **Officer in Charge (OIC):** That person designated by the Director, warden or designee, per WDOC policy and procedure, who will be available in the case of emergencies or extraordinary circumstances outside normal business hours.

- F. **Protective Custody (PC):** 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. (See WDOC Policy & Procedure #3.304, *Protective Custody*.)

- 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. **Strip Cell Status:** A status where a housing cell has been restricted from any personal property, obviously potential harmful objects, and has been restricted to limited state issued articles and fixtures of necessity only, in order to limit articles, objects and fixtures which might pose a threat of destructive and/or self destructive behaviors.

- J. **Temporary Restriction Order (TRO):** 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.

- L. **Unit Management Team:** Cross section of program and security staff assembled for the purpose of inmate case management preparation and follow through.

IV. PROCEDURE

A. General



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1. Temporary restrictions are non-punitive.
2. Temporary restrictions may be used as necessary:
 - i. To protect the inmate from other inmates and to investigate for protective custody (PC) status (NOTE: an inmate shall be immediately placed on temporary restriction order (TRO) status anytime staff is advised of or becomes aware of a potential threat of harm from another inmate(s));
 - ii. To protect other inmates from the restricted inmate;
 - iii. To stabilize a volatile or difficult situation;
 - iv. To facilitate a criminal/administrative investigation;
 - v. To provide a short-term cooling-off period for agitated, combative or confrontative inmates;
 - vi. To isolate an inmate with a communicable disease; and/or
 - vii. For any other reason deemed consistent with correctional facility safety, security or good order. Such reasons must be clearly defined on the TRO Tracking Information form (WDOC Form #316).

B. Initiating Restrictions

1. Temporary restriction orders may be initiated by any WDOC staff member.
2. Restrictions may take the form of:
 - i. Temporary non-punitive isolations;
 - ii. Restricted movement;
 - iii. Modification of meals; or
 - iv. Other restriction related to the perceived need including, but not



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limited to, property or privileges.

3. Such restrictions should be related to precipitating events or conditions and the needs created by such events or conditions.
4. Immediate review (within one (1) hour) of the temporary restriction shall be completed by the on-duty shift supervisor, who shall:
 - i. discontinue, modify, or
 - ii. continue the TRO.
5. Any denials of access to current levels of inmate property or privileges, including contact visitation and telephone calls as a result of placement in TRO, shall be approved by the Shift Commander within four (4) hours of the time period in which the inmate was placed on TRO status. The Shift Commander shall clearly articulate on WDOC Form #316, *TRO Tracking Information*, the basis for any denial or restriction of inmate property or privilege.

C. Restriction Process

1. The staff member initiating the temporary restriction order shall document the need for the action and the relationship of the degree of restriction to the precipitating event.
2. The following steps shall then be followed to properly process the action.
 - i. The staff member initiating the TRO shall complete the following sections of the temporary restriction form (WDOC Form# 317, *TRO Special Status Report*):
 - a. The inmate's name and correctional facility number;
 - b. The date the TRO is initiated (the reassessment due date is optional, as it applies only to continued TRO's and TRO continuance is at the discretion of the administrative review officer);
 - c. The prior housing assignment and any temporary housing assignment;



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- d. The staff member initiating the temporary restriction;
 - e. The reason for restriction, being specific as to the event which precipitated the TRO. TRO restrictions are meant to temporarily control and manage inmate behaviors or problems, and the restrictions shall not be used as punitive measures.
- ii. Immediate approval for the continuation of the initiated temporary restriction must be given by the shift supervisor as outlined in B.2. and should forward a restriction or denial of a property or privilege to the Shift Commander for review and approval.
 - iii. Any denials of access to current levels of inmate property or privileges, including contact visitation and telephone calls as a result of placement on TRO shall be approved in writing by the Shift Commander within four (4) hours of the time period in which the inmate was placed on TRO. The Shift Commander shall clearly articulate on WDOC Form #316, *TRO Tracking Information*, the basis for any denial or restriction of inmate property or privilege.
 - iv. A copy of the Temporary Restriction Order form and associated incident forms/documentation shall be placed in the inmate unit file and pass-on log.
3. **Administrative Review.** Documentation, including the original incident report(s), the TRO tracking information form, and other written justification, shall be forwarded to the administrative review officer no later than the next working day following the implementation of temporary restriction. The administrative review officer or designee shall review the TRO forms and reports for accuracy and thoroughness.
- i. A decision shall be made within three (3) working days (Monday through Friday, excluding holidays) by the administrative review officer to continue, modify or discontinue the temporary restriction.
 - ii. The administrative review officer shall complete the temporary restriction form, ensuring the reasons for temporary restriction are clearly stated and determining as to whether to continue,



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discontinue or modify property and privilege levels set by Shift Commander.

- iii. The decision by the administrative review officer to continue, modify or discontinue the temporary restriction shall be clearly noted. In cases of discontinuance of the TRO initiated for protection from other inmates, the investigation and analysis of why the need for protection no longer exists must be documented. Inmates who are held beyond three (3) days for protection from other inmates shall revert to temporary protective custody status per WDOC Policy & Procedure #3.304, *Protective Custody*, and TRO custody status will be terminated at this time.
- iv. The administrative review officer shall sign the tracking form and forward it to:
 - a. The particular unit in cases where the TRO is continued or modified and notify the unit management team/designee; or
 - b. Inmate master/base file when the TRO is discontinued.
- v. If the TRO is continued, the shift supervisor will ensure the inmate is visited by a case manager or mental health member within twenty-four (24) hours of the decision and daily thereafter while on continued TRO status.
- 4. With a decision to discontinue the temporary restriction, previous privileges will be restored unless the inmate is reclassified or is placed on a new status, such as pre-disciplinary segregation.
- 5. With a decision to continue temporary restriction, the administrative review officer or designee shall calculate the fifteen (15) calendar day period from the TRO review date and complete the "Termination Date" line of the TRO tracking information form. A classification reassessment may be completed with all TRO cases carried beyond the initial review period. TRO shall last no longer than fifteen (15) calendar days beyond the initial administrative review date.
 - i. The reasons for temporary restriction and continuance shall be clearly explained to the inmate within the first three working days, Monday through Friday excluding holidays, of the temporary restriction by the particular unit management team/designee or



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shift supervisor.

- ii. The inmate shall be briefed as to reassessment dates and the expected behaviors or conditions necessary for removal of the TRO status within the first three (3) working days and at each review date thereafter.
6. On-going written documentation of the TRO status shall be forwarded to the inmate unit file and the shift log.
7. During the TRO process the administrative review officer should receive on going information that might support a decision to further restrict or reinstate the inmate's privileges. Any such action must be supported by written documentation.
8. All TRO's extended beyond the initial three (3) working days, Monday through Friday excluding holidays, period requires a unit management team/designee or shift supervisor review of the inmate to monitor the use of the TRO. The unit management team or shift supervisor shall provide input/recommendations to the administrative review officer.

D. Monitoring Temporary Restriction Use

1. The use of temporary restrictions shall be monitored by the administrative review officer with monthly written reports made to the warden. A copy of the monthly report (WDOC Form #318, *Monthly Temporary Restriction Report*) shall be forwarded to the prisons division administrator by the tenth (10th) day of each following month.
2. The administrative review officer shall compile and maintain an on going log of all TRO's and pertinent information including but not limited to inmate name, WDOC #, date TRO is initiated, staff member who initiated TRO, comments for reason of TRO, date TRO is reviewed, date TRO is discontinued and comments for discontinuance.
3. The procedures governing temporary restrictions shall no be abused.
 - i. Instances of suspected abuse of this policy shall be reported by the administrative review officer or any other member having knowledge of such abuse to the warden.



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- ii. Verified abuse may result in disciplinary action.
- iii. Examples of abuse (that will be reported to the warden) shall include:
 - a. Any TRO not in compliance with the procedures and time lines of this policy;
 - b. Unjustified use of temporary restrictions;
 - c. Use of temporary restrictions for punitive or harassment reasons;
 - d. Unnecessarily repetitive use or temporary restrictions;
 - e. Inappropriate level of restriction as to the level of need;
 - f. Excessive use of time restrictions; and
 - g. Property or privilege.
- E. **Disclaimer.** This regulation does not and is not intended to create any liberty interests for inmates.

V. TRAINING POINTS

- A. What are some of the reasons temporary restrictions may be used?
- B. Who may initiate a T.R.O.?
- C. What are the requirements for any restrictions on property or privileges?
- D. Who approves the continuation of the TRO?
- E. Who will review a TRO case which has extended beyond the initial three (3) correctional facility working day period, Monday through Friday, except holidays, review period?
- F. Who monitors the use of TRO's?



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- G. What are examples of abuse of TRO?
- H. What are the review periods and how long can you leave an inmate on TRO?