



# WYOMING DEPARTMENT OF CORRECTIONS

## Policy and Procedure #3.305 Temporary Restriction Order

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<b>Authority:</b> Wyoming Statute(s): 25-1-104; 25-1-105  ACA Standard(s): 4-4250  PREANS Standard(s): 115.62a	<b>Effective Date:</b> March 30, 2015 <b>Revision/Review History:</b> 03/01/14 03/01/13 12/05/11 03/01/06 01/01/04
<b>Cross Reference of Policy:</b> P&P #3.012, <i>Inmate Conflict</i> ; P&P #3.302, <i>Administrative Segregation</i> ; P&P #3.304, <i>Protective Custody</i> ; P&P #4.306, <i>Suicide Crisis Intervention</i>	<b>Summary of Revision/Review:</b> Updates existing policy pursuant to annual review.
<b>Approved:</b>  R.O. Lampert Robert O. Lampert, Director	<b>Supersedes Existing Policy :</b>  3-16-15 Date

### **APPROVED FOR INMATE DISTRIBUTION**

*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 #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 and procedure is to establish uniform guidelines for Wyoming Department of Corrections (WDOC) staff to use in restricting the movement, activities, property, and privileges 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.
1. Any staff member may initiate immediate segregation, in accordance with this policy, when it is necessary to protect the inmate or others. The action shall be reviewed within seventy-two (72) hours by the appropriate authority as described in this policy. (ACA 4-4250)
  2. When an agency learns that an inmate is subject to a substantial risk of imminent sexual abuse, it shall take immediate action to protect the inmate. (PREANS 115.62a)

## III. DEFINITIONS

- A. **Administrative Review Officer (ARO):** *(For this policy only.)* Management level staff designated by the warden at the correctional facility or unit level with the responsibility of reviewing all TRO placements.
- 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 or other material approved by the facility.
- D. **Meals:** *(For this policy only.)*



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1. **Phase 1:** The standard meal delivered in a standard tray which is generally insulated or is delivered in a hot cart. Generally consists of insulated food tray and serving tray, one napkin, plastic fork, spoon, knife, and wax bag for chips or bread, small plastic cups for condiments, salt, sugar, and beverages in plastic cups or glasses. May require removal of utensils after meal. Generally this is the regular meal served at the facility in the standard tray.
  2. **Phase 2:** The standard meal delivered but utilizing Styrofoam containers only, with one plastic spoon or spork, one napkin and no serving tray. Requires removal of utensils after meal.
  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. In a larger facility this may also be known as the Watch Commander.
- 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 restriction of an inmate's activity 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. TRO is similar to Administrative Segregation but much more temporary in nature.

- 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.
- M. Working Day:** (*For this policy only.*) Monday through Friday, excluding holidays.

#### IV. PROCEDURE

##### A. General

1. Temporary restrictions are considered non-punitive therefore inmate property should not be restricted unnecessarily. In the event property is to be restricted, the shift commander shall document the reasons for such on WDOC Form #316, *TRO Tracking Information*.
2. A Temporary Restriction Order (TRO) shall be used as required for the following purpose(s):
  - i. To protect the inmate from other inmates and to investigate for protective custody (PC) status;
    - a. An inmate shall be immediately placed on 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;
    - a. For investigations lasting more than eighteen (18) days, staff shall utilize WDOC Policy and Procedure #3.302, *Administrative Segregation*, as soon as possible, thereby



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removing the inmate from TRO. In those cases of extended investigation, long term administrative segregation may be considered.

- v. To provide a short-term cooling-off period for agitated, combative or confrontational 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 WDOC Form #316, *TRO Tracking Information*.

#### **B. Initiating Restrictions**

1. TROs 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 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. A review within one (1) hour of the temporary restriction shall be completed by the on-duty shift supervisor, who shall make the decision to continue, discontinue, or modify 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/watch 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



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#316, *TRO Tracking Information*, the basis for any denial or restriction of inmate property or privilege.

6. Per WDOC Policy and Procedure #4.306, *Suicide Crisis Intervention*, any time an inmate is placed into a segregated status the inmate shall be evaluated using WDOC Form #401, *Suicide Risk Indicators Checklist for Segregated Inmates*.

### **C. Restriction Process**

1. The staff member initiating the TRO 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 WDOC Form #316, *TRO Tracking Information*, ensuring the following information is documented:
    - a. The inmate's name and correctional facility number;
    - b. The date the TRO is initiated;
      - (1) 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;
    - d. The staff member initiating the temporary restriction;
    - e. The reason for restriction, being specific as to the event which precipitated the TRO.
      - (1) 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



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restriction must be given by the shift supervisor as outlined in this policy.

- a. Written documentation of a restriction or denial of a property or privilege shall be documented and forwarded to the shift commander for review and approval.
  - b. 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.
  - iii. A copy of WDOC Form #316 and associated incident forms/documentation shall be placed in the inmate unit file and pass-on log.
3. **Administrative Review.** The administrative review officer is generally the associate/deputy warden of the facility but must be assigned by the warden. Documentation, including the original incident report(s), the WDOC Form #316, *TRO Tracking Information*, 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 seventy-two (72) hours by the administrative review officer to continue, modify, or discontinue the temporary restriction.
  - ii. The administrative review officer shall complete the WDOC Form #316, ensuring the reasons for temporary restriction are clearly stated and determining as to whether to continue, discontinue, or modify property and privilege levels set by the shift commander.
  - iii. The decision by the administrative review officer to continue, modify, or discontinue the temporary restriction shall be clearly noted.







be resolved in accordance with WDOC Policy and Procedure #3.012, *Inmate Conflict*.

**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 Prison Division Administrator by the tenth (10<sup>th</sup>) 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 not 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.
  - ii. Verified abuse may result in disciplinary action.
  - iii. Examples of abuse (that must 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;



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- f. Excessive use of time restrictions; and
- g. Property or privilege.

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