



# WYOMING DEPARTMENT OF CORRECTIONS

## Policy and Procedure #3.302 Administrative Segregation

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<b>Authority:</b> Wyoming Statute(s): 25-1-104; 25-1-105  ACA Standard(s): 4-4140; 4-4254; 4-4261; 4-4268; 4-4141; 4-4256; 4-4262; 4-4269; 4-4249; 4-4257; 4-4263; 4-4270; 4-4251; 4-4258; 4-4264; 4-4271; 4-4252; 4-4259; 4-4265; 4-4273; 4-4253; 4-4260; 4-4266; 4-4320	<b>Effective Date:</b> December 12, 2011 <b>Revision/Review History:</b> 06/01/05  <b>Summary of Revision/Review:</b> Revises current WDOC policy to ensure compliance with ACA Standards.	
<b>Cross Reference of Policy:</b> P&P #1.014, <i>Investigations</i> ; P&P #3.001, <i>Use of Restraints</i> ; P&P #3.102, <i>Inmate Disciplinary Procedures</i> ; P&P #3.304, <i>Protective Custody</i> ; P&P #3.305, <i>Temporary Restriction Order</i> ; P&P #5.402, <i>Inmate Telephone Access</i>	<b>Supersedes Existing Policy:</b>	
<b>Approved:</b>  R.O. Lampert Robert O. Lampert, Director		11-4-11 Date

### APPROVED FOR INMATE DISTRIBUTION

*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 # 302, *Recommendation for and Notice of Administrative Segregation Hearing*
  - B. WDOC Form # 303, *Summary Report*
  - C. WDOC Form # 304, *Administrative Segregation Placement Order*
  - D. WDOC Form # 305, *Administrative Segregation Management Team Review*
2. OTHER – None Noted



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## I. PURPOSE

- A. **Guidelines and Methods for Administering Administrative Segregation.** The purpose of this policy is to establish uniform policy governing administrative segregation placement, review, and release for inmates in Wyoming Department of Corrections (WDOC) correctional facilities who may constitute a continuing and/or immediate threat to the safety, security, and orderly operation of the facility.

## II. POLICY

- A. **General Policy.** It is the policy of the WDOC to administratively segregate inmates in WDOC correctional facilities whose notoriety, actions, affiliations or threats may jeopardize the safety, security, and orderly operation of the facility, staff, visitors or other inmates, and/or those inmates who require separation related to health care needs, when those needs cannot be met in other designated general population or infirmary housing. Use of administrative segregation is a preventative and management assignment process and is to be distinguished from punitive and disciplinary segregation.
1. This policy, together with facility-specific operational procedures, shall govern the operation of segregation units for the supervision of inmates under administrative segregation, protective custody, and disciplinary detention. (ACA 4-4249) Additional guidance for the administration of protective custody units can be found in WDOC Policy and Procedure #3.304, *Protective Custody*.

## III. DEFINITIONS

- A. **Administrative Segregation:** (*For this policy only.*) A non-punitive form of separation of inmates apart from the general population, used when the continued presence of the inmate in general population would pose a threat to self, staff, visitors, other offenders, property, health care needs, or the security or orderly operation of the facility.
- B. **Chief Executive Officer (CEO):** A CEO is identified, but not limited to, the following positions: Director, Deputy Director, division administrators, deputy administrators, wardens, district supervisors, adult community corrections coordinator, and adult community corrections directors.
- C. **Health Care:** (*For this policy only.*) Medical and/or mental health services.



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- D. Hearing Committee:** *(For this policy only.)* A committee, approved by the warden, assembled for the purpose of conducting an administrative segregation hearing.
- E. Investigating Officer:** *(For this policy only.)* Staff member assigned responsibility for investigating issues associated with an administrative segregation hearing.
- F. Level of Isolation:** *(For this policy only.)* There are three levels of isolation identified, based on National Commission on Correctional Health Care (NCCHC) standards for segregated inmates, as follows:
- 1. Limited Isolation:** Inmates who are allowed periods of recreation or social contact among themselves while separated from general population.
  - 2. Moderate Isolation:** Inmates who are segregated and have limited contact with staff or other inmates.
  - 3. Extreme Isolation:** Inmates who have little or no contact with other individuals.
- G. Long-term Administrative Segregation:** Administrative segregation exceeding thirty (30) consecutive calendar days.
- H. Pre-disciplinary Segregation:** A form of temporary disciplinary segregation used for an inmate pending resolution of a major disciplinary infraction when the alleged rule violation is of such seriousness the good order and security of the correctional facility requires the immediate removal of the inmate from the general population, or it is determined the inmate has been charged with committing a major rule violation is an immediate threat to the community or the physical safety of other individuals. Pre-disciplinary segregation is imposed in accordance with the WDOC Policy and Procedure #3.102, *Inmate Disciplinary Procedures*.
- I. Reasonable Grounds:** *(For this policy only.)* Information of such credibility it would induce a reasonably prudent person to use it in the conduct of their affairs.
- J. Requesting Officer:** *(For this policy only.)* Staff member requesting an inmate be placed on administrative segregation.
- K. Reviewing Committee:** *(For this policy only.)* The unit management team or the hearing committee.



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- L. Reviewing Officer:** *(For this policy only.)* The deputy/associate warden conducting the review of the request for placement on administrative segregation and subsequent referral to the hearing committee.
- M. Security Threat Group:** Also commonly referred to as a gang. Any group of two or more individuals who:
1. Have a common name, identifying symbol, or characteristic which serves to distinguish them from others.
  2. Have members, affiliates, and/or associates who individually or collectively engage, or have engaged, in a pattern of illicit activity or acts of misconduct that violates Wyoming Department of Corrections rules including promoting racism.
  3. Have the potential to act in concert to present a threat, or a potential threat, to staff, public, visitors, inmates, offenders or the secure and orderly operation of the correctional facility.
- N. Shift Commander:** The ranking correctional supervisor responsible for overall supervision of a scheduled correctional shift at a correctional facility.
- O. Shift Supervisor:** The senior security officer within a facility unit responsible for the supervision of the scheduled correctional shift for that unit.
- P. Short-term Administrative Segregation:** Administrative segregation that generally does not exceed thirty (30) calendar days.
- Q. Staff:** *(For this policy only.)* WDOC employees, contractors, volunteers, on-site vendors, and persons from other agencies, organizations, and businesses whose work is performed primarily on or within WDOC facilities.
- R. Transit Detention:** *(For this policy only.)* Temporary isolation of an inmate on short-term administrative segregation status pending transfer to another correctional institution or upon receipt at a new correctional facility pending review and assignment.

#### IV. PROCEDURE

##### A. Forms of Administrative Segregation

1. **Short-term administrative segregation.** Placement into administrative segregation prior to a hearing for a period of up to thirty (30) calendar days for any of the following reasons:



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- i. Medical/mental health observation;
        - ii. Pending investigation – when the investigation will take longer than the time afforded through use of a Temporary Restriction Order (TRO) pursuant to WDOC Policy and Procedure #3.305, *Temporary Restriction Order*, Temporary Protective Custody (TPC) placement pursuant to WDOC Policy and Procedure #3.304, *Protective Custody*, or pre-disciplinary segregation placement pursuant to WDOC Policy and Procedure #3.102, *Inmate Disciplinary Procedures*; or
        - iii. Transit Detention.
  - 2. **Long-term administrative segregation.** Placement into administrative segregation for a period of time expected to be more than thirty (30) calendar days in length, following a hearing for any of the following reasons:
    - i. Behavioral risk;
    - ii. Medical/mental health care; or
    - iii. Security risk.
  - 3. **Pre-Disciplinary Segregation and Disciplinary Segregation/Detention**
    - i. Inmates may be placed on Short Term Administrative Segregation on pre-disciplinary segregation as a precursor to a disciplinary hearing only when the charges constitute a serious threat to the safety of the inmate and/or the security and order of the facility.
    - ii. Inmates may only be placed in disciplinary detention for a rule violation following a hearing by the disciplinary committee or hearing examiner. (ACA 4-4252)
- B. Placement into Administrative Segregation**
- 1. **Use of TRO and TPC Processes.** WDOC Policy and Procedure #3.305, *Temporary Restriction Order*, and/or WDOC Policy and Procedure #3.304, *Protective Custody*, shall be used to manage inmates prior to the determination of admission to administrative segregation if immediate separation from population is needed.



2. An inmate may be admitted to the segregation unit for protective custody only when there is documentation protective custody is warranted and no reasonable alternatives are available. (ACA 4-4251)
  - i. Staff shall document the reasons for admission into administrative segregation including what protection issues are present on Form #302, *Recommendation for and Notice of Administrative Segregation Hearing*.
  
3. **Short-Term Administrative Segregation**
  - i. An inmate shall be placed on short-term administrative segregation by the facility Chief Executive Officer (CEO) or designee only when:
    - a. Information shows the inmate's conduct or continued presence in general population may constitute an immediate and/or continuing threat to the safety, security, and orderly operation of the correctional facility; and
    - b. Additional investigation is required and the investigation will take longer than the time available through use of a TRO (WDOC Policy and Procedure # 3.305, *Temporary Restriction Order*), TPC placement (WDOC Policy and Procedure # 3.304, *Protective Custody*), or pre-disciplinary segregation placement (WDOC Policy and Procedure 3.102, *Inmate Disciplinary Procedures*); or
    - c. The inmate requires such placement to address specific short-term health or mental health care needs; or
    - d. For the purposes of transit detention.
  - ii. Requests for placement on short-term administrative segregation may be initiated by staff members, through use of WDOC Form #302, *Recommendation for and Notice of Administrative Segregation Hearing*.
    - a. WDOC Form #302, along with all supporting documentation, shall be given to the shift supervisor for review and approval.
    - b. The applicable shift supervisor is responsible for validating the request and presence of supporting documentation and



forwarding approved requests to the deputy/associate warden designated by the facility CEO.

- c. The designated deputy/associate warden shall review the request and do one of the following:
  - (1) Refer the recommendation for short-term administrative segregation to the facility CEO or designee and forward the WDOC Form #302 to the facility CEO or designee for action and signature; or
  - (2) Deny the request and forward notification of the denial to the applicable shift supervisor, who shall notify the requesting staff member of the denial and the reason for the denial and return the inmate to appropriate housing in accordance with classification criteria.
- d. An inmate may be placed in short-term administrative segregation without a hearing for a period not to exceed thirty (30) calendar days by the CEO or his/her designee only when:
  - (1) The facility CEO or designee has determined immediate assignment is necessary to protect the safety, security, and orderly operation of the facility and additional investigation is required, which takes longer than the time available through use of a TRO (WDOC Policy and Procedure # 3.305, *Temporary Restriction Order*), TPC placement (WDOC Policy and Procedure # 3.304, *Protective Custody*), or pre-disciplinary segregation placement (WDOC Policy and Procedure #3.102, *Inmate Disciplinary Procedures*); or
  - (2) The inmate requires such placement to address specific short-term health or mental health care needs; or
  - (3) For the purposes of transit detention.
- e. Inmates assigned to short-term administrative segregation status shall remain so assigned for the shortest length of time necessary to achieve the purpose for which the assignment was prescribed.



- f. Inmates on short-term administrative segregation shall have limited contact with other individuals and shall be on moderate or extreme isolation levels only.
- g. Basic services, personal property and programs may be restricted, and/or the manner in which they are provided may differ from the manner in which programs, personal property and/or services are provided to those in general population, if their provision in a routine manner would cause an immediate and continuing threat to the safety, security, and orderly operation of the correctional facility.
  - (1) Such restrictions shall be reviewed every seven (7) calendar days by the unit management team for recommendation of continuation, modification or reversal.

#### 4. Long-Term Administrative Segregation

- i. An inmate shall be placed on long-term administrative segregation only when information verified through the administrative segregation hearing process, outlined in this policy and procedure, shows the inmate may constitute an immediate and/or continuing threat to the safety, security, and orderly operation of the correctional facility, or the inmate requires such placement to address specific long-term health or mental health care needs.
- ii. Requests for placement on administrative segregation may be initiated by staff members, through use of WDOC Form #302, *Recommendation for and Notice of Administrative Segregation Hearing*.
  - a. WDOC Form #302, along with all supporting documentation, shall be given to the shift supervisor for review and approval.
  - b. The applicable shift supervisor is responsible for validating the request and presence of supporting documentation and forwarding approved requests to the deputy/associate warden designated by the facility CEO.
  - c. The designated deputy/associate warden shall review the request and do one of the following:





- (1) Refer the recommendation for administrative segregation to a hearing committee, appoint the committee chairperson (chairperson) and forward the WDOC Form #302 to the chairperson for action; or
  - (2) Place the request on hold for up to seventy-two (72) hours, pending receipt of additional information for consideration; or
  - (3) Deny the request and forward notification of the denial to the applicable shift supervisor, who shall notify the requesting staff member of the denial and the reason for the denial.
- d.** The chairperson appointed by the deputy/associate warden shall select the remaining committee members and schedule a hearing within five (5) working days of receipt of the administrative segregation request.
- (1) The chairperson shall have the WDOC Form #302 served upon the inmate, notifying the inmate of the pending hearing.
  - (2) Inmates shall be given forty-eight (48) hours notice prior to the hearing.
  - (3) Service of notice does not constitute a right to be present during the hearing.

## 5. Administrative Segregation Hearing Process

- i.** Although notice of the hearing shall be given to the inmate, his/her presence at the hearing is not required.
  - a.** The inmate's presence may be allowed if the committee deems his/her presence would be beneficial.
  - b.** The inmate's presence will not be permitted if the chairperson determines such action would present an immediate threat to the safety, security, and orderly operation of the correctional facility, with the reason(s) for such finding being made part of the hearing record.



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- c. Inmates may waive their appearance for the hearing process in writing.
      - d. If an inmate refuses to accept notice of the hearing, the refusal shall be noted in writing, by the WDOC staff witnessing the refusal.
    - ii. The chairperson selected by the deputy/associate warden to chair the hearing shall be a supervisor trained in the administrative hearing process prior to the hearing.
      - a. Neither the chairperson nor any member of hearing committee may have previously participated in the case as the requesting officer, investigating officer, or reviewing officer.
      - b. Further, no person shall serve as a member of the hearing committee who was a witness to the allegations or has personal involvement with any disputed material fact relative to the hearing.
      - c. All hearings shall be recorded electronically. The recording shall be preserved for one (1) year, unless possible criminal charges are pending or until a prosecution decision is determined.
    - iii. The composition of the committee shall include the designated chairperson and at least two (2) other staff members. Other staff members may include unit management, treatment, programming, medical/mental health, or security at the rank of sergeant or above.
    - iv. If the committee members determine further investigation would assist in the resolution of the proceedings the chairperson may request an investigation, either at the written request of the inmate or upon the motion of the committee members.
      - a. The inmate shall be placed on short-term administrative segregation pending additional investigation for further information.
      - b. The facility CEO or designee shall appoint an investigating officer upon receiving the request for an investigation from the chairperson.



- c. If further investigation is ordered, the person conducting the investigation shall not have participated in the case as the requesting officer, initial investigating officer, or reviewing officer.
- d. No person shall serve as the designated investigator who was a witness to the allegations or has personal involvement of any disputed material fact relative to the hearing.
- e. Investigations shall be completed within a reasonable period of time, but in all cases shall be concluded within thirty (30) days of the original filing of the WDOC Form #302, *Recommendation for and Notice of Administrative Segregation Hearing*, unless an extension is approved by the Warden.
  - (1) All inmates shall receive written notification of the approved extension.
- f. Upon completion of the investigation, the investigating officer will notify the chairperson and present his/her report for consideration.
- g. The inmate shall be notified of the results of the investigation at the time of the hearing unless disclosure of the investigative results would constitute a threat to the safety, security, and orderly operation of the correctional facility.
  - (1) In cases where written information is not disclosed, reasons for the non-disclosure shall be documented in the summary.
  - (2) In cases where written information is not disclosed, the contents may be summarized for the inmate to the extent that institutional and personal safety are not jeopardized.
- h. The chairperson shall then reconvene the committee and complete the initial hearing within thirty (30) days of the inmate's placement on short-term administrative segregation.



- i. If the inmate is away from the facility, the case shall be continued until such time as the inmate returns to the facility.
  
- v. The inmate, the requesting employee or other staff of WDOC who are knowledgeable of the situation may present documents and/or physical evidence during the hearing (or in writing if excluded from the hearing), subject to the following:
  - a. The evidence considered by the hearing committee must be of such reliability as would be considered credible by a reasonable prudent person.
  
  - b. The chairperson may exclude documents and/or physical evidence upon finding such evidence would not assist in the resolution of the proceeding, or would present an undue risk to the safety, security, and orderly operation of the correctional facility. The specific reason(s) for exclusion shall be made part of the hearing record.
  
  - c. The chairperson may classify documents and/or physical evidence as confidential, and not disclose such evidence to the inmate or others, upon finding disclosure would present an undue risk to the safety, security, and orderly operation of the correctional facility. The reason(s) for classifying the documents and/or physical evidence as confidential shall be made part of the hearing record.
  
- vi. Use of confidential informants shall be done in accordance with WDOC Policy and Procedure #1.014, *Investigations*.
  
- vii. If present during the hearing, the inmate shall be entitled to speak on his/her own behalf. He/she may also provide a written statement, including any reasonable questions requested of the witnesses. In addition, assistance by WDOC staff or other authorized person shall be ordered by the chairperson upon a finding assistance is necessary based upon language barriers, and/or competence and capacity of the inmate to understand the nature and process of the hearing as determined by mental health staff.
  
- viii. The chairperson may call witnesses to testify.



- a. Witnesses, other than WDOC staff, may refuse to appear or testify. Witnesses may include inmates, WDOC staff, or other persons as approved by the chairperson.
- b. The chairperson shall direct the hearing.
- c. Testimony may be in person, by telephone, or by written report or statement.
- d. The inmate shall not be permitted to cross-examine or directly pose questions to any witness. The inmate may provide written questions to the committee chair or when provided his/her opportunity to speak on his/her own behalf may ask the committee chair to pose questions of the witness. All questions that may assist in the resolution of the proceeding shall be determined by the chairperson.
- e. The chairperson may limit testimony when it is cumulative or irrelevant.
  - (1) Witnesses may be limited by the chairperson if their testimony is determined to be unreasonable, irrelevant, or repetitious.
  - (2) Inmate witnesses may also be limited if their testimony would pose a hazard to institutional security.
  - (3) Any witness limitation and reason(s) shall be documented in the record.

**6. Administrative Segregation Hearing Findings.** At the conclusion of the hearing, the committee shall decide whether or not the factual information supports placement of the inmate on administrative segregation.

- i. If the committee finds the factual information supports placement on administrative segregation, the committee shall recommend to the deputy/associate warden the inmate be placed in such status, along with any recommendations concerning a level of isolation and/or restrictions of any basic services, personal property and programs.
- ii. If the committee finds the factual information does not support placement on administrative segregation, the committee shall recommend to the deputy/associate warden the inmate remain in



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his/her current housing status (if the inmate had not been placed on TRO, TPC or placed on short-term administrative segregation) or be returned to his/her previous housing status.

### C. Administrative Segregation Hearing Documentation and Reviews

1. The committee shall prepare WDOC Form #303, *Administrative Segregation Hearing Summary Report*, documenting the process, conclusion and recommendations of the administrative segregation hearing.
  - i. The WDOC Form #303 shall be forwarded to the deputy/associate warden no later than five (5) working days after completion of the hearing.
  - ii. If the committee recommends placement on administrative segregation, the chairperson shall also initiate a WDOC Form #304, *Administrative Segregation Placement Order*, for submission to the deputy/associate warden.
2. The deputy/associate warden shall review the Summary Report (WDOC Form #303) and all supporting documentation and document his/her concurrence or non-concurrence with the committee's recommendation on WDOC Form #304.
3. If the deputy/associate warden does not concur with the committee's recommendation for the inmate's placement on administrative segregation, he/she shall return the WDOC Form #304 to the chairperson, and the inmate shall be returned to the appropriate inmate housing.
4. Upon approval of a placement on administrative segregation, the deputy/associate warden shall notify the medical/mental health site manager in writing, of the inmate's administrative segregation placement, housing location, the level of isolation, and restrictions of any basic services, personal property and programs.

### D. CEO's Administrative Review of Placement into Long-Term Administrative Segregation

1. The results of any hearing held for placement and/or continued placement of an inmate on administrative segregation status shall be reviewed by the facility CEO.
  - i. The facility CEO shall review the initial placement, using the hearing record, in terms of the following factors:



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- a. Was there substantial compliance with this policy and procedure?
    - b. Was the decision based on reasonable and credible evidence?
  2. Within fifteen (15) calendar days of the receipt of the hearing record, the facility CEO shall review the WDOC Form #304, *Administrative Segregation Placement Order*, along with the committee's WDOC Form #303, *Administrative Segregation Hearing Summary Report*, and do one of the following:
    - i. Affirm the recommendation;
    - ii. Modify the recommendation;
    - iii. Reverse the recommendation; or
    - iv. Order a new hearing.
  3. When the facility CEO takes action to modify or reverse a recommendation, he/she must state, in writing, his/her reason(s) and immediately notify the inmate, the chairperson and the applicable unit manager of his/her action and reasons(s).
- E. Management Team Reviews of Short-Term and Long-Term Administrative Segregation and Release from Administrative Segregation**
  1. Inmates assigned to administrative segregation status shall remain so assigned for the shortest length of time necessary to achieve the purpose for which the assignment was prescribed.
  2. WDOC shall conduct mental health screens and maintain appropriate documentation of inmates newly arrived in administrative segregation in order to ensure mental health needs of the inmates will be met.
    - i. A personal interview shall be conducted by a qualified mental health specialist and a written evaluation shall be prepared for inmates placed onto short-term or long-term administrative segregation at the time of their initial placement.
  3. WDOC shall regularly conduct psychological assessment and maintain appropriate documentation of mental health assessments conducted on inmates remaining in administrative segregation for more than thirty (30)



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days in order to ensure mental health needs of the inmates are met. (ACA 4-4256)

- i. A personal interview shall be conducted by a qualified mental health specialist and a written evaluation shall be prepared for inmates remaining in administrative segregation for more than thirty (30) days.
  - ii. Follow-up assessment by a qualified mental health professional shall be conducted at least once every three (3) months, or more frequently if prescribed by the chief medical authority.
  - iii. Requests for a mental health evaluation may be initiated by any employee assigned to supervise administrative segregation or by the inmate at any point during the inmate's assignment to administrative segregation.
  - iv. Inmates requesting psychological intervention shall be referred to a qualified mental health professional for evaluation.
- 4.** A review of the status of each inmate placed on short-term administrative segregation shall be conducted by the applicable unit management team every seven (7) calendar days. **A review of the status of each inmate assigned to long-term administrative segregation shall be conducted every thirty (30) calendar days by the applicable unit management team.** (ACA 4-4253)
- i. WDOC Form #305, *Administrative Segregation Management Team Review*, shall be utilized to document all reviews and recommendations.
  - ii. The review shall include an assessment of the continued need for placement on short-term or long-term administrative segregation, and a review of the need for continued restriction of basic services, to include personal property and programs.
  - iii. Utilizing WDOC Form #305, the unit management team shall provide the results of their review and applicable recommendation to the facility CEO within seven (7) calendar days of all reviews, recommending:
    - a. Continued placement on short-term or long-term administrative segregation with current restrictions continued; or





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- b. Continued placement on administrative segregation with changes in restrictions as indicated; or
  - c. Release to appropriate inmate housing.
- 5.** Within seven (7) calendar days of receiving the unit management team's recommendation, the facility CEO shall affirm, modify, or deny the recommendations, on the applicable WDOC Form #305. When the facility CEO agrees with a unit management team recommendation for release to appropriate housing, such release shall be conveyed to the unit management team and be effective immediately. (ACA 4-4254)
- i.** When the facility CEO takes action to modify or deny a recommendation(s) of the unit management team, he/she must state in writing, his/her reason(s) and notify the inmate and the unit management team of his/her action and reason(s).
  - ii.** When the unit management team recommends release from administrative segregation and the recommendation is denied by the facility CEO, the affected inmate may request a review by the WDOC Prison Division Administrator.
    - a.** Such reviews must be requested by the inmate in writing, within seven (7) calendar days after receipt of notice of denial for release.
    - b.** The WDOC Prison Division Administrator shall notify the inmate and the facility CEO of his/her findings in writing, within fourteen (14) calendar days after receipt of the inmate's request for review.
- 6.** Anytime an inmate on administrative segregation or released from administrative segregation is moved from one housing unit to another, written notification shall be sent to the medical/mental health site manager advising the manager of the inmate's housing location and the level of isolation.
- F. Provision for Restriction of Basic Services, Personal Property and Programs**
- 1.** Basic services, personal property and programs may be denied, and/or the manner in which they are provided may differ from the manner in which programs, personal property and/or services are provided to those in general population, if their provision in a routine manner would cause an



immediate and continuing threat to the safety, security, and orderly operation of the correctional facility.

- i. No item or activity shall be withheld for the purpose of punishment or for longer than necessary to ensure the safety and well-being of the inmate and others.
- ii. Whenever an inmate in administrative segregation is deprived of any usually authorized item or activity, a report of the action shall be filed in the inmate's case record and forwarded to chief security officer (major), as soon as possible. The report shall identify the inmate, the item or activity deprived of, and the reasons for the action. (ACA 4-4265)
- iii. Such restrictions shall be reviewed by the unit management team for recommendation of continuation, modification or reversal every seven (7) days for inmates on short-term administrative segregation and every thirty (30) days for inmates on long-term administrative segregation.
- iv. Through operational procedure, facilities may develop a system defining privileges allowed and the time frame for receipt of privileges.

2. Food shall not be used as a disciplinary measure. (ACA 4-4320)

- i. With the prior written approval of the warden or acting warden, alternative meal service may be provided to an inmate in segregation who uses food or food service equipment in a manner that is hazardous to self, staff, or other inmates. (ACA 4-4264)
- ii. The substitution period for alternative meal service shall not exceed seven (7) calendar days within any thirty (30) calendar day period.
- iii. Alternative meal service shall:
  - a. Be ordered on an individual basis only;
  - b. Be based on health or safety considerations only;
  - c. Meet basic nutritional requirements;
  - d. Be initiated upon the written approval of the warden and responsible health authority only.



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3. Inmates in segregation shall be provided prescribed medication, clothing that is not degrading and access to basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury. (ACA 4-4261)
4. All inmates in administrative segregation shall have eye-glasses, dentures, legal materials, reading and writing materials, access to prescribed medications, clothing that is not degrading, and access to basic hygiene items for use in their cells, unless there is imminent danger that the inmate or any other inmate will destroy an item or induce self-injury. (ACA 4-4268, 4-4269)
5. Inmates in administrative segregation and protective custody shall have access to programs and services that include, but are not limited to, the following: educational services, religious guidance, and recreational programs. (ACA 4-4273)
6. Inmates in segregation shall be able to write and receive letters on the same basis as inmates in general population. (ACA 4-4266)
7. Inmates in segregation may receive visitation unless there are substantial reasons for withholding of such privileges. Facility specific procedures must outline the process and visitation schedule.
8. Pending review by the unit management team the next working day, the shift commander may temporarily restrict a basic service (not to include medical or mental health services), personal property item(s), or program services if there are reasonable grounds to believe the safety, security, and orderly operation of the correctional facility would be jeopardized. A record of the action shall be filed in the inmate's case notes and forwarded to the chief of security.
9. Inmates in segregation shall receive laundry, barbering, and hair care services and shall be issued and exchanged clothing, bedding and linen on the same basis as inmates in general population. Exceptions may be permitted only when found necessary by the shift supervisor on duty; any exception shall be recorded in the unit log and justified in writing. (ACA 4-4263)
10. The reviewing committee may temporarily restrict a basic service (not to include medical or mental health services), personal property item(s), or program services if there are reasonable grounds to believe the safety, security, and orderly operation of the correctional facility would be jeopardized.



- i. All such actions must be reported to the facility CEO and either affirmed, denied, or modified.
- ii. No basic service or program shall be permanently restricted without the expressed written approval of the facility CEO.

**G. Administrative Segregation Housing Areas** Segregation housing units shall provide living conditions that approximates those of the general population; all exceptions shall be clearly documented. Segregation cells/rooms shall permit the inmates assigned to them to converse with and be observed by staff members. (ACA 4-4140)

1. Inmates on short-term and/or long-term administrative segregation may be placed in housing specifically designated or designed solely for administrative segregation purposes or may be assigned special security housing within general population or within other segregated housing areas.
  - i. Inmates shall not be permitted out of their assigned cell/room into an unsecured area with access to or by other inmates, except when under the direct supervision of an employee, unless otherwise authorized by departmental policy (*e.g.*, attorney-client visits, mental health reviews, *etc.*)
  - ii. All cells/rooms in segregation shall provide a minimum of eighty (80) square feet, of which thirty-five (35) square feet is unencumbered space. (ACA 4-4141)
  - iii. Out-of-cell time shall be on an individual basis only, unless otherwise authorized by the unit management team and approved by the facility CEO for limited isolation level.
  - iv. Restraints shall be applied in accordance with Policy and Procedure #3.001, *Use of Restraints*.
  - v. Staff operating segregation units must maintain a permanent log. (ACA 4-4260)
  - vi. All administrative segregation inmates must be personally observed by a correctional officer at least every thirty (30) minutes on an irregular schedule. Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior shall receive more frequent observation; suicidal inmates shall be under continuing observation. (ACA 4-4257)



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- vii. Inmates on administrative segregation assigned special security housing within general population or within other segregated housing areas may not be permitted out of their assigned cell/room except when in actual custody of an employee.
- viii. Inmates in segregation must receive daily visits from the security manager or designee, a qualified health care official (unless medical attention is needed more frequently), and visits from program staff upon request. (ACA 4-4258)
- ix. Inmates in segregation shall receive a minimum of one (1) hour of exercise per day outside their cells, five (5) days per week, unless security or safety considerations dictate otherwise. (ACA 4-4270)
- x. Inmates in segregation shall have the opportunity to shave and shower at least three (3) times per week (ACA 4-4262)
- xi. Inmates in administrative segregation shall be allowed telephone privileges as outlined in WDOC Policy and Procedure #5.402, *Inmate Telephone Access*, and facility operational procedures. (ACA 4271)

**H. Administrative Segregation Staffing** Each institution with a separate housing area for segregation inmates shall develop criteria for the selection, training, supervision, and rotation of staff who work directly with inmates in segregation on a regular, recurring and daily basis. (ACA 4-4259)

**I. Procedural Irregularities and Variances**

- 1. Any inadvertent procedural irregularity shall not constitute grounds for the setting aside, vacating or modifying an administrative segregation decision except upon a clear showing of prejudice to the inmate.
- 2. In the event of a significant facility disturbance or emergency situation, the Prison Division Administrator upon consultation with the facility CEO may declare suspension of the provisions of this policy.

**V. TRAINING POINTS**

- A. What is the purpose of administrative segregation?



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- B.** When can short-term administrative segregation be used instead of a TRO to segregate an inmate?
- C.** What is the difference between short-term administrative segregation and long-term administrative segregation?
- D.** How often do reviews occur? By whom?
- E.** When may the inmate request a review by the WDOC Prison Division Administrator?