



WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.304

Protective Custody

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Authority: Wyoming Statute(s): 25-1-105(a) ACA Standard(s): 4-4249; 4-4251; 4-4253; 4-4254; 4-4257; 4-4260; 4-4261; 4-4262; 4-4263; 4-4268; 4-4269; 4-4270; 4-4273	Effective Date: December 12, 2011 Revision/Review History: 01/1/04 05/11/01
Cross Reference of Policy: P&P #3.305, <i>Temporary Restriction Order</i>	Summary of Revision/Review: Revises previous WDOC regulations to create a uniform policy and procedure.
Approved: R.O. Lampert Robert O. Lampert, Director	Supersedes Existing Policy : 10/31/11 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 #345, *Temporary Protective Custody/Protective Custody Housing Order*
 - B. WDOC Form #346, *Temporary Protective Custody/Protective Custody Review*
 - C. WDOC Form #347, *Temporary Protective Custody/Protective Custody Roster*
 - D. WDOC Form #348, *Protective Custody Quarterly Report*
2. OTHER – None Noted



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I. PURPOSE

- A. **Protective Custody Housing.** The purpose of this policy is to provide guidelines for the Wyoming Department of Corrections (WDOC) to verify the need for housing of inmates in protective custody, through a thorough investigation and to establish a method of periodic review to determine continuing need of such housing and to remove inmates from that status when it is no longer required.

II. POLICY

- A. **General Policy.** It is the policy of the WDOC to provide appropriate segregated housing for inmates identified as needing protection from other inmates. This policy governs the operation of protective custody housing units and the supervision of inmates housed in such units. (ACA 4-4249)
1. The WDOC shall 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.
 2. This policy does not and is not intended to create any constitutionally protected liberty interests for inmates.
 3. Inmates in administrative segregation and protective custody shall have access to reasonable programs and services that include, but are not limited to, the following: education services, commissary services, library services, social services, counseling services, religious guidance, and recreational programs. (ACA 4-4273)

III. DEFINITIONS

- A. **Investigation:** *(For this policy only.)* An examination by designated staff to determine whether circumstances exist which indicate placement of an inmate in protective custody status for protection against a threat of harm from other inmates.
- B. **Protective Custody (PC):** A form of separation for inmates who have been determined to be in need of protection from other inmates.



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- C. **Protective Custody Housing:** Housing provided by the WDOC within the confines of a WDOC correctional facility or other facilities as deemed appropriate.
- D. **Review Committee:** *(For this policy only.)* A multi-disciplinary team (MDT) appointed by the warden or designee, with responsibility to review those classified and confined in protective custody as indicated in the following procedures.
- E. **Review Periods:** *(For this policy only.)* Review to be conducted for inmates placed in temporary protective custody a minimum of every seven (7) calendar days; for protective custody inmates are reviewed every thirty (30) calendar days for the first ninety (90) days, then quarterly thereafter.
- 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 (TPC):** A temporary custody for inmates pending an investigation to determine the need for protection.
- J. **Temporary Restriction Order (TRO):** *(For this policy only.)* Procedure for immediate in-cell restriction of an inmate based on various institutional safety, security, and other concerns. TRO is to 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 of inmates.
- K. **Threat of Harm:** A threat of harm consists of any indication, direct or indirect, oral or written, video/audio evidence that would suggest intention to harm another person.

IV. PROCEDURE

A. General Provisions

1. An inmate may only be placed in protective custody when there is documentation that protective custody is warranted and no reasonable alternatives are available. (ACA 4-4251)



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2. All inmates in protective custody housing shall 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)
 3. Inmates in protective custody 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. Inmates in protective custody shall have the opportunity to shave and shower at least three (3) times per week. (ACA 4-4262)
 5. Inmates in protective custody shall receive laundry, barbering, and hair care services and be issued and exchange clothing, bedding, and linen on the same basis as inmates in the general population. Exceptions shall be permitted only when found necessary by the shift commander; any exception shall be recorded in the unit log and justified in writing. (ACA 4-4263)
 6. Inmates in protective custody 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)
- B. Assignment to Temporary Protective Custody.** An inmate may be placed in temporary protective custody using the temporary restriction order (TRO) 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.
- i. The review and documentation process for TRO shall be in accordance with WDOC Policy and Procedure #3.305, *Temporary Restriction Order*.
- C. Conditions of Temporary Protective Custody.** During the initial thirty (30) calendar day investigation period the inmate may be housed in temporary protective custody (TPC) housing which may not provide all property allowances and other privileges associated with general population housing.
- i. Depending on housing availability, TPC status may be in the protective custody (PC) unit or in the individual's cell.



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- ii. Any denials of access to current levels of inmate property or privileges including visitation and telephone calls as a result of placement on TPC shall be approved in writing by the Shift Commander within four (4) hours of the time period in which the inmate was placed on TPC status. The Shift Commander shall clearly articulate on WDOC Form #345, *Temporary Protective Custody/Protective Custody Housing Order*, the basis for any denial or restrictions on inmate property or privilege.

- D. **Review of Temporary Protective Custody.** Reviews shall be conducted for inmates placed in TPC a minimum of every seven (7) calendar days.(ACA 4-4253)
 - 1. Review of placement in TPC shall be documented using WDOC Form #346, *Temporary Protective Custody/Protective Custody Review*.

- E. **Long Term Placement in Protective Custody.** PC is not to be considered a punitive measure and is to be used only when no other safe, reasonable alternative is available.
 - i. Admission to protective custody shall only be made when there is verification from the MDT of a threat of harm which makes general population housing unsafe and reasonable alternatives have been exhausted.
 - ii. Alternatives to be considered prior to placement in PC include transfer of any of the involved inmates or informal conflict resolution.
 - iii. A report shall be submitted along with a completed WDOC Form #345, *Temporary Protective Custody/Protective Custody Housing Order*, to the warden or designee detailing the following:
 - a. Names and WDOC# of inmates with whom there is an existing conflict;
 - b. Reason for the conflict;
 - c. Chronological history of the conflict;
 - d. Estimated future duration of the conflict;
 - e. Alternative housing placements considered and reason not suitable;



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- f. Other options that were considered and reasons for rejection;
 - g. Efforts made to resolve conflicts; and
 - h. Summaries of any review of security, programming, medical and mental health personnel.
- iv. Upon review of said report and the final decision for placement decisions. Copies shall be distributed to the PC unit supervisor, unit file, inmate base file, and inmate case manager.
- v. Programming and services provided to the inmate in PC shall be consistent with those afforded to general population inmates to the extent compatible with the special security and programmatic requirements of protective custody housing.
- a. Inmates in protective custody shall have access to legal materials. (ACA 4-4268)
 - b. Inmates in protective custody shall have access to reading materials. (ACA 4-4269)

F. Review of Protective Custody Inmates

1. The review committee or others as appointed by the warden, shall review the status of all inmates housed in PC at least every thirty (30) calendar days for the first ninety (90) calendar days and quarterly thereafter. (ACA 4-4253)
 - i. Review of placement in PC shall be documented using WDOC Form #346, *Temporary Protective Custody/Protective Custody Review*.
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 PC review and the reasons for the recommendation based upon information considered by the committee, using WDOC Form #346, *Temporary Protective Custody/Protective Custody Review*.
4. To determine continuing need for PC housing, the reviewing committee shall consider the following:



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- i. Original reason for segregating an individual in PC;
 - ii. Any developments regarding the original basis for segregation;
 - iii. The individual's behavior during segregation;
 - iv. Reports/observations from staff to include conduct violations or staff reports.
 - v. Current medical/mental health review; and
 - vi. Any other factors relevant to the current risk of a threat of harm from general population inmates.
5. In all cases where an individual has been held in protective custody longer than ninety (90) calendar days, the review committee shall establish a recommended long-term plan for the inmate. This plan shall be reviewed and/or modified and approved by the warden.
 - i. 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.** The review process used to release an inmate from protective custody shall be as established in this policy and correctional facility operational procedures. (ACA 4-4254)
 1. Release may be authorized by the warden after consideration of the recommendations from the review committee.
 2. The inmate may submit a request for release from PC status to the review committee.
 3. The review committee may recommend to the warden release from protective custody for one or more of the following reasons:
 - i. The condition that required inmate placement in protective custody no longer is present;
 - ii. Information and/or evidence developed during the period of PC placement indicates conditions have changed and the inmate is no longer at risk nor presents a danger to self or others;



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- iii. If an inmate is found guilty of a predatory disciplinary violation. Consideration for the inmate's safety shall be required.
4. Prior to release, a detailed report identifying why it has been determined the inmate can now safely live in general population shall be written by the review committee and approved by the warden.
 - i. The report shall examine all the issues that were identified in the placement report.
- A. **Permanent Log/Record.** A permanent log shall be maintained for each PC unit. (ACA 4-4260)
 1. WDOC Form #347, *Temporary Protective Custody/Protective Custody Roster*, shall be used to record TPC and PC custody status activities at each facility maintaining a PC unit.
 2. WDOC Form #348, *Protective Custody Quarterly Report*, shall be submitted by each facility maintaining a PC unit to the Prison Division Administrator on a quarterly basis.
- H. **Unit Inspection.** Monitoring of the TPC and PC 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. Housing Unit Officers as required by policies.
 2. Shift Supervisor once each shift;
 3. Medical or Mental Health Personnel weekly;
 4. Case Worker weekly;
 5. Unit Manager weekly;
 6. Security Manager weekly;
 7. Warden weekly.
- V. **TRAINING POINTS**
 - A. What is the purpose of protective custody housing?



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- B.** How frequently shall an inmate's temporary protective custody status be reviewed? How frequently shall an inmate's protective custody status be reviewed?
- C.** What factors are considered in the report prior to placement in protective custody?
- D.** Why might an inmate be released from protective custody?
- E.** What factors are considered in the report prior to release from protective custody?