



## **RULES AND DISCIPLINE**

### **POLICY.**

It is the policy of the Deschutes County Sheriff's Office – Adult Jail (AJ) to set forth and make available the rules of conduct for inmates housed in the facility. This will promote acceptable inmate behavior and help make the facility safe, secure and orderly.

### **PURPOSE.**

The purpose of this policy is to lay out the administrative framework, based on due process, for the timely discipline of inmates that violate AJ rules.

### **OREGON JAIL STANDARDS:**

- C-301 Inmate Rules
- C-302 Access to Rules
- C-303 Maintaining Inmate Rules
- C-401 Use of Sanctions
- C-402 Documenting Violations
- C-403 Discipline and Incident Reports
- C-404 Minor Violations: Criteria and Sanctions
- C-405 Minor Violations: Minimum Due Process Required
- C-406 Major Violations: Criteria
- C-407 Major Violations: Process
- C-408 Major Violations: Sanctions
- C-409 Criminal Violations
- C-410 Notice to Inmate
- C-411 Timeliness
- C-412 Impartial Hearing Entity
- C-413 Record of Hearing
- C-414 Presenting Evidence and Calling Witnesses
- C-415 Confidential Sources, Accusers and Witnesses
- C-416 Staff Assistance
- C-417 Self-Incrimination
- C-418 Standard of Proof
- C-419 Written Findings
- C-420 Appeals
- D-101 Inmate Personal Mail

- I-304 Program Oversight

**REFERENCES.**

- ORS 169.076, Standards for local correctional facilities

**DEFINITIONS.**

**Administrative Rules.** Expectations for conduct and compliance for the proper methods of communication, sanitary conditions, operational schedules, and housing assignments.

**Criminal Action.** Any behavior or action by an inmate that by Oregon Revised Statue is a criminal act.

**Disciplinary Action.** An approved disciplinary recommendation or any restriction placed on an inmate by AJ members for minor rule violations that restricts access to privileges.

**Disciplinary Segregation (D-Seg).** The confinement of an inmate to specialized housing with restrictions to privileges and the general inmate population.

**Hearing Officer.** A fair and impartial person assigned by the Corrections Captain to hear disciplinary matters originating from misconduct incidents. The person assigned as the Hearing Officer will not be a person who was involved in the incident or the investigation of the incident.

**Inmate Manual.** A written handbook listing all rules for conduct, operational procedures, schedules, privileges, restrictions, methods for communications, complaint process, and inmate rights.

**Major Violation.** Any violation of the administrative or operational rules for expected conduct that places others at risk, is repetitive in nature, damages property, clearly demonstrates an inmate's disregard for the established facility rules of conduct or the potential penalty for the violation exceeds the maximum allowed for minor violations.

**Minor Violation.** Any violation of the administrative or operational rules for expected conduct as defined in the DCAJ inmate manual that is not considered a severe safety or security risk.

**Misconduct Report.** Any documentation for misconduct (minor or major) identified and addressed by AJ members. This includes data entry into the inmate's booking file or a formal written misconduct report listing the allegations, involved Corrections members, witnesses, evidence, and investigative details.

**Privilege.** Any consideration related to meals, personal property, rehabilitative service or leisure activity not recognized as a constitutional right. Examples include, and are not limited to; access to indoor/outdoor recreation or dayroom, commissary, classification, television, visits, and programs. These privileges will used by the AJ in an effort to encourage positive behaviors,

assist with positive operational structure, and for disciplinary measures to re-enforcement positive behaviors.

**Restitution:** Any re-imbursement requested and granted following a disciplinary hearing that demonstrates property damaged or other identified costs were the result of an inmate's intentional or reckless act(s) of misconduct.

**Restriction:** The removal or limited access to privileges, housing or the general population based on inappropriate behavior(s), violation(s) of established rules or display of safety and security concerns.

**Rules of Conduct:** Prohibited acts of misconduct and general expectations for all inmates to be evaluated and monitored for compliance with facility operations.

**Rules for Misconduct:** Expected behaviors and actions for all inmates to include; minor and major rules for the safety and security of the AJ.

**Sanction:** An established disciplinary action for minor and major rule violations. All sanctions have an established minimum and maximum ranged allowed based on the severity and number of rules violated.

**Security Threat Activity:** Inmate behavior which poses a significant threat to the safe and secure operation of the facility. This behavior includes, but is not limited to, threatening or inflicting bodily injury on another person, posing a high risk of escape, promoting or engaging in disruptive group behavior, distributing a controlled substance, or being involved in any other activity that could significantly threaten the safe and secure operation of the facility.

**Security Threat Group (STG):** Any group of two or more individuals who:

- a. Have a common group name, identifying symbol, or characteristic which serves to distinguish themselves from others.
- b. 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 Oregon Department of Corrections rules.
- c. Have the potential to act in concert to present a threat, or potential threat, to Sheriff's Office members, public, visitors, inmates, offenders or the secure and orderly operation of the institution.

**Security Threat Group Paraphernalia:** Any material, document(s) or items evidencing security threat group involvement or activities (e.g., rosters, constitutions, structures, codes, pictures, training material, clothing, communications or other security threat group-related contraband).

## **PROCEDURES.**

### ***SECTION A: GENERAL GUIDELINES***

- A-1.** Inmates are required to abide by all AJ rules. AJ members shall investigate all acts of misconduct or violations of administrative rules reported to them or discovered during their assignments. All disciplinary actions taken by AJ members for any violation of facility rules or acts of misconduct shall be investigated and documented. Any sanction for a violation of a facility rules requires an AJ member to consider the severity of the act and all relevant factors specific to the incident or persons involved.

All disciplinary actions involving a sanction require a disciplinary hearing and due process. This includes; written reports, written notice to the inmate with allegations, the evaluation of evidence, a formal hearing, purposed disciplinary actions, a review of the hearing, and the inmates right for an appeal. Sanctions for rule violations or acts of misconduct are only to be used as punitive measures to encourage positive behaviors or as an attempt to take corrective actions to gain an inmate's compliance. Disciplinary Sanctions include the following:

- 1. Reprimand.** A verbal or written warning for minor violations of an expectation of conduct or compliance to any valid operational or administrative rule.
- 2. Loss of Privilege (LOP).** LOP is a disciplinary sanction restricting an inmate's privileges while in custody. LOP sanctions are less restrictive and may be used in lieu of disciplinary segregation for minor violations. LOP sanctions may be imposed in general population by technicians or deputies as an informal disciplinary sanction. LOP sanctions may also be a part of minor formal disciplinary actions as recommended by the hearings officer. Informal discipline gives deputies discretion to *immediately* handle less serious violations that are part of minor or continuing incidents. Informal discipline may include counseling, a 24-hour cell restriction, or up to 72 hours of Loss of Privileges (LOP). Informal discipline should be progressive, and should not start with a 72-hour LOP restriction unless approved by a supervisor.
- 3. Loss of Program Status.** The removal of an inmate from a program or inmate worker status based on prohibited acts of misconduct or rule violations.
- 4. Disciplinary Segregation (D-Seg).** D-Seg is a specialized housing assignment with restricted privileges and limited access to the general population. Any inmate placed in D-Seg shall not exceed a 15-day period for a single rule violation or receive more than 30 days for multiple violations related to a single incident. Any inmate moved to or classified as D-Seg pending their hearing, may receive consideration for credit for time already served if they are found guilty as the result of a hearing and given D-Seg as a sanction.
- 5. Loss of Good Time.** The reduction or complete removal of good-time earned by an inmate as a result of a Hearings Officer's findings for an inmate's acts of misconduct. Any sanction involving the loss of good time earned by an inmate will be evaluated on a case-by-case basis.
- 6. Restitution.** A Hearings Officer may order the inmate to repay the cost of damages to the facility or equipment for intentional or reckless acts of misconduct. The amounts will be based on an established *Restitution Price List Form No. 174* and will not include acts of criminal behavior.

- 7. Removal from Program or Inmate Worker Status:** The removal of an inmate from a specific program or the inmate worker program. Removal from a program or worker status requires a re-assessment of the inmate's classification level and determining a set amount of time the inmate cannot participate in the identified program or inmate worker program.
- A-2.** Inmates will be provided equal access to all current facility rules. This includes written format, by video, in English and Spanish. Members will assist an inmates who requires other languages or assistance with reading or comprehension. All special accommodations shall be made in a reasonable amount of time based on the initial identification of the special need and the availability of resources.
- A-3.** All facility rules will be reviewed every two years for application and required updates. Any change or modification to a facility rule shall be immediately posted in all housing units and immediately amended in the inmate manual and video so all inmates are made fully aware of the update.
- A-4.** Inmate manuals are issued to all lodged inmates. Additional manuals requested as the result of damage or loss can be subject to an administrative fee or restitution.
- A-5.** AJ members shall never use force or any other vengeful or impulsive act to discipline or punish an inmate for any rule violation. Sanctions imposed shall not be cruel and unusual in violation of the Eighth Amendment.

#### ***SECTION B: DISCIPLINARY PROCESS***

- B-1.** The discipline process provides for both informal and formal discipline. Members will use the type – *informal or formal* - that acknowledges the seriousness of the violation and best presents the opportunity to sanction an inmate in a way that brings about the desired positive change in inmate behavior. Members will base the seriousness of a rule violation on its threat to life, health, facility security or good order, member authority, or property value.
- B-2.** Members who observe or become aware of an inmate in violation of a facility rule or regulation, laws of this state, or any other act contrary to the safety or security functions of this facility have an obligation to take corrective action. Members are encouraged to confront a rule violator personally and use informal discipline through issuance of a written warning and/or privilege loss whenever possible.

Civilian members, with exception of the Law Enforcement Technician, will report rule violations by an inmate to either a deputy or shift supervisor based on the situation. As necessary, a shift supervisor will assign a deputy to interview involved people, and write an incident report. Civilian members may write supplemental incident reports when the inmate's misconduct relates to their program or educational assignment or has been observed by the civilian member. Technicians will complete discipline reports and submit them to a shift supervisor for approval.

- B-3.** When an alleged rule violation is reported, an appropriate investigation begins within 24 hours of the time the violation is reported. The investigation shall be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.

When an inmate is charged with a rule violation, the inmate may be placed in pre-hearing detention. When it is necessary to place an inmate in detention, all purchased commissary items shall be retained by the inmate until afforded due process. Any exceptions based on the safety and security of the facility will be documented in an incident report by the reporting deputy and approved by the shift supervisor.

If the inmate is found guilty, commissary, excluding hygiene pack items shall be placed in the inmate's property bag and logged in the JMS. Upon the conclusion of disciplinary sanction time, deputies will return commissary in full. A lieutenant, or designee, shall review inmates held in pre-hearing detention within 72 hours, including weekends and holidays.

- B-4.** An inmate charged with a Major misconduct rule violation shall receive a Misconduct Report no less than 24 hours prior to the disciplinary hearing. The hearing may be held within 24 hours with the inmate's written consent.

- B-5.** The Misconduct Report will list at a minimum:

- a. The date and time of the violation.
- b. The location of the violation, if known.
- c. The title and number of the rule violated.
- d. A brief description of the alleged violation.
- e. A summary of the evidence that supports the violation.

- B-6.** If evidence is redacted from the Misconduct Report for institutional or security reasons, such as the name(s) of an informant, the summary must indicate that information has been redacted.

- B-7.** Inmates receiving Misconduct Reports will be given verbal notice that certain information will not be inadvertently disclosed, including:

- a. Names of the informants or other persons who provided testimony or other information with a promise of anonymity.
- b. Information concerning investigative techniques or other confidential information.
- c. Information concerning ongoing or pending investigations.
- d. They will not be allowed to view any video recordings if available.

- B-8.** All records of the disciplinary process, including the Misconduct Report, the Hearing Officer Report, the lieutenant's review and any Disciplinary Appeal shall be maintained

not less than five years from the date of the hearing. These records will be kept according to retention schedules.

**B-9.** Disciplinary action will be independent of any criminal prosecution. *See DCAJ Policy CD-8-17, Criminal Acts.*

**B-10.** Inmates with a disciplinary hearing pending, may be moved to pre-hearing segregation housing in 300, 900, 1100, or 1600, depending on the severity of the violation. Inmates with a disciplinary hearing pending for non-violent disciplinary event will generally not be locked down in pre-hearing segregation housing. With supervisor approval, a deputy may place an inmate in pre-hearing segregation housing for non-violent disciplinary events. This shall be documented in JMS. *See DCAJ Policy CD-6-6, Segregation Housing.*

**B-11.** A supervisor shall review all inmate moves to pre-hearing segregation either before or immediately after the move takes place. The deputies moving the inmate will notify classifications members of the move. The Classification Unit will review the need to reclassify the inmate.

a) If more than seven calendar days pass without an inmate in pre-hearing segregation receiving a hearing, a shift supervisor should end the segregation unless the hearing officer has a valid, documented reason for the hearing being delayed. For valid delays, a shift supervisor will review the status of an inmate kept in pre-hearing segregation every seven calendar days after the initial review.

**B-12.** Upon the conclusion of the inmate's disciplinary sanction, all commissary shall be returned in full by the deputy who is moving the inmate to a housing assignment appropriate for the inmate's classification level.

### ***SECTION C: DISCIPLINARY HEARING OFFICER***

**C-1.** A Hearing Officer will be appointed by a Corrections Captain, or designee, to hold and conduct disciplinary hearings for major and minor rule violations occurring in the AJ.

**C-2.** The person appointed as Hearing Officer shall be fair and impartial. The authority of the Hearing Officer will be limited to:

- a. Determining if any rules of conduct have been violated by a particular inmate.
- b. Conducting a disciplinary hearing in accordance with the standards set forth.
- c. Determination of a recommended sanction to be imposed if the inmate is found guilty.

**C-3.** The Hearing Officer may recess the hearing at any time to allow sufficient time to gather additional facts, obtain answers to questions posed by the inmate, or to investigate claims made by the inmate. However, no recess shall extend beyond two working days without the written consent of the accused inmate.

***SECTION D: INMATE'S DEFENSE***

- D-1.** If an inmate is mentally incompetent, illiterate, has a disability that would limit their ability to present a defense, or does not speak, read, write or understand English well enough to understand the nature of the proceedings, they may request a member or interpreter for assistance during the disciplinary process. The inmate may also request assistance if the issues are unusually complex. Under current law, an inmate may not have an attorney represent them at the disciplinary hearing.
- D-2.** When representative assistance has been granted, the date for the hearing may be postponed for not more than two days upon written request of the inmate or his representative to permit preparation.
- D-3.** Prior to or during the hearing, the accused inmate has a right to submit written questions to be posed by the Hearing Officer to persons testifying at the disciplinary hearing. During the hearing, an inmate may submit additional questions to the Hearing Officer orally.
- D-4.** The accused inmate may submit a witness appearance request to present testimony or evidence on his own behalf. Witnesses requested by the accused inmate shall be interviewed or called before the Hearing Officer, unless doing so would present a threat to the security of the facility, members, or to the witness' safety.

The Hearing Officer will also consider whether the testimony would be relevant, cumulative or there is lack of necessity. The Hearing Officer will also consider whether the request for a witness was made in a timely fashion. These witnesses must be persons involved in or who have knowledge of the incident and not just "character" or cumulative witnesses. Inmates may prepare a list of questions to be asked to each witness.

- D-5.** Inmates may not cross-examine or otherwise confront witnesses during the disciplinary hearing.

***SECTION E: CONFIDENTIAL SOURCES, ACCUSERS AND WITNESSES***

- E-1.** The use of confidential information and testimony in inmate discipline cases is permitted, dependent upon the following:
- a. Inmates serving as confidential informants must be reliable based on past positive interaction with members. Reporting members must be able to verify the reliability of confidential informants. Inmates deemed previously unreliable will not be accepted as credible informants.
  - b. Every effort will be made by members to protect the identity of confidential sources. If providing information in the Misconduct Report summary is likely to reveal the



informant, the confidential source will not be used to aid in the determination of guilt or innocence in jail discipline cases.

- E-2.** Confidential information will be received by the Hearing Officer by way of separate internal memorandum. The reporting deputy will provide this additional information to the Hearing Officer in advance of the scheduled hearing. A copy shall not be provided to the inmate.
- E-3.** Misconduct Reports containing confidential information shall be stamped and classified as such.
- E-4.** The Misconduct Report will include a summary of all of the information received, if the confidential information is unlikely to reveal the identity of the confidential source.
- E-5.** The Hearing Officer will limit confrontation of accusers and cross-examination of adverse witnesses to those circumstances where it is reasonable to conclude there is no danger of retaliation, disruption, or other problems associated with that confrontational process.

#### ***SECTION F: EVIDENCE***

##### **F-1. Evidence for Informal Discipline**

Evidence collected for informal discipline is exempt from any procedural requirements of evidence control, preservation and disposition.

##### **F-2. Evidence for Formal Discipline**

Evidence collected only for formal discipline (and not possible criminal prosecution) will not normally be stored as actual physical evidence. In addition, chain of custody procedures will not apply. Therefore, members will do the following to handle the evidence they collect:

- a. Take photocopies, pictures and include member witness statements to the existence of the evidence, or other similar documented proof of the evidence and enter this evidence information in the Attachments tab of the inmates JMS Incident/Disciplinary Report.
- b. Print all evidence attachments and place them in the inmate's disciplinary folder. Photocopies and pictures should include the following information:
  - (1) Incident report number
  - (2) Inmate's name and booking number
  - (3) Date it was collected and by whom
  - (4) Description of evidence

- c. Dispose of documented evidence as best meets the immediate needs of sanitation or biohazard control, safety, security, and jail operations. Contact a shift supervisor if the need or means of evidence disposal is in question.

**F-3. Evidence for Criminal Acts**

For rule violations that also include criminal acts, members shall follow Sheriff's Office chain of custody, disposition, and storage procedures. (See *DCAJ policy CD-8-17, Criminal Acts and DCSO Policy 4.10, Evidence Control.*)

**SECTION G: DISCIPLINARY HEARING**

- G-1.** Hearing dates will be assigned within 72 hours (excluding weekends and holidays) of the issuance of the Misconduct Report.
- G-2.** The allegations of the violation shall be read to the inmate and the disciplinary hearing procedures fully explained to the inmate by the Hearings Officer at the beginning of the hearing.
- G-3.** If the inmate does not want to participate in the hearing process, the inmate can complete the *Waiver of Disciplinary Form No. 704*. This form will be placed in the disciplinary file.
- G-4.** Inmates will conduct themselves in a manner that is non-disruptive, in order to conduct a fair and orderly hearing. If, after warning of the consequences, the inmate's actions or conduct is disruptive, the Hearing Officer shall recess the proceedings for 24 hours. The 24-hour recess shall exclude weekends and holidays. If such behavior continues or reoccurs when the hearing has resumed, the inmate will be excluded and the hearing shall continue in their absence.
- G-5.** In the case of violations relating to criminal charges, the hearings officer will inform the inmate as to whether or not criminal charges may be filed, as determined by the Deschutes County District Attorney's Office. If so, the Hearing Officer shall read and present to the inmate for signature an *Advisement of Rights Form No. 720*.
- G-6.** The disciplinary hearing shall be audio recorded if criminal charges may be filed. In addition, exhibits of evidence will be properly marked, maintained and preserved, for no less than 90 days.
- G-7.** The inmate will be allowed to plead guilty or not guilty to allegations.
- G-8.** The Hearing Officer will present all the evidence against the inmate and allow the inmate or his representative an opportunity to dispute evidence or testimony.
- G-9.** The Hearing Officer will weigh the testimony and evidence and make a decision.

- G-10.** If the inmate is found not guilty, the inmate shall be immediately returned to the status and privileges enjoyed before the hearing. If the inmate is found guilty, the Hearing Officer will recommend what sanctions to impose.

***SECTION H: SELF-INCRIMINATION***

- H-1.** The U.S. Supreme Court protects inmates against self-incrimination at disciplinary hearings if their testimony may be used against them in a criminal prosecution. Therefore, the Hearing Officer must:
- a. Warn the inmate their testimony can or may be used in a criminal prosecution.
  - b. Advise the inmate if he or she refuses to answer questions during the hearing, the Hearing Officer can make an adverse inference from the inmate's silence for the purpose of determining guilt.
- H-2.** The Hearing Officer may consider an inmate's silence as evidence of guilt, but there must be some other evidence to support the guilty finding as an inmate's silence alone cannot sustain a violation.

***SECTION I: HEARING OFFICER'S REPORT***

- I-1.** The Hearing Officer will complete the Hearing Officer's Report in the JMS.
- I-2.** The Hearing Officer's Report must contain some evidence on the record to support a finding of guilt. The report must provide a written statement as to:
- a. The specific evidence relied upon.
  - b. The reasons for the disciplinary action.
  - c. The disciplinary sanctions ordered, if any.
- I-3.** In addition, a separate narrative will be included via internal memorandum, detailing:
- a. Rulings on requests to call witnesses and accept evidence, if presented.
  - b. Testimony or other information received from confidential sources.
  - c. Information relative to the reliability of confidential information sources.
- I-4.** The Hearing Officer's Report and any related documents will be submitted to a lieutenant for review.

***SECTION J: SPECIAL CONSIDERATIONS/SANCTIONS***

- J-1. Minimum Sanctions for Security Threat Group (STG) related violations.**

Inmates found guilty of Security Threat Group Related Behavior shall be given a minimum sanction of three (3) days of Disciplinary Sanction Restricted Diet (DSRD) in addition to any Disciplinary Segregation sanction imposed.

Inmates found guilty of a second violation of Security Threat Group Related Behavior shall be given a minimum sanction of seven (7) days of DSRD in addition to any other sanctions imposed.

Inmates found guilty of a third or subsequent violation of Security Threat Group Related Behavior shall be given a sanction of ten (10) days of DSRD in addition to any other sanction. In addition, the Hearings Officer may recommend that any inmate found guilty of Security Threat Group Related Behavior be reclassified to administrative segregation status.

**J-2. Sanctioning Inmates with Special Needs**

A shift supervisor should consult with AJ Behavioral Health or Medical Unit members before approving or allowing an imposition of any informal or formal discipline sanction on an inmate who is chronically ill, physically or mentally disabled, seriously mentally ill, or elderly. The member should document the consultation in the inmate's JMS.

**J-3. Restriction of Personal Mail**

Inmates may receive a disciplinary sanction that restricts personal mail. Restriction of personal mail should be used sparingly, and only when there is a clear relationship between the misconduct and mail. Restriction of mail must be authorized by a lieutenant. If a disciplinary mail restriction is imposed, the lieutenant will determine the length of time for the restriction on a case-by-case basis based on the safety and security of the facility. Any mail collected during the restriction will be placed in the inmate's property box.

***SECTION K: REVIEW PROCEDURE***

**K-1.** When an inmate receives his copy of the Hearing Officer's Report, containing the findings and the lieutenant's review, the accused inmate shall be informed of his right for appeal. The inmate must make the request for appeal in writing on a *Disciplinary Appeal Form No. 703* within 48 hours.

**K-2.** Disciplinary appeals should be limited to claims that suggest:

- a. Due process requirements were not adequately followed.
- b. The Hearing Officer failed to meet the "some evidence" standard of proof.
- c. Disciplinary sanctions were unconstitutionally harsh.

**K-3.** Within five days of the inmate's request for appeal, the Corrections Captain (or designee) shall personally review the Hearing Officer's Report and issue findings in writing that:

- a. Affirm the sanction(s) recommended.

- b. Modify the sanction(s).
- c. Direct that no sanctions be imposed.
- d. Or a combination of above.

**K-4.** The Corrections Captain will forward the decision to the inmate within the five-day period, excluding weekends and holidays.

***SECTIONL: APPEAL PROCEDURE***

**L-1.** After the Corrections Captain reviews the inmate's case and the inmate is dissatisfied with the outcome, the inmate may request a review by the Circuit Court of the State of Oregon for Deschutes County.

**L-2.** Petitions for a Writ of Review of the Corrections Captain's order may be filed by the inmate to the Circuit Court within 60 days of the Corrections Captain's review.

**FORMS USED:**

- Advisement of Rights Form No. 720
- Disciplinary Appeal Form No. 703
- Hearing Officer's Report Form, JMS
- Misconduct Report Form, JMS
- Waiver of Disciplinary Form No. 704
- Restitution Price List Form No. 174

**ATTACHMENTS:**

- Index I- Class A Violations
- Index II- Class B Violations
- Index III- Class C Violations

**INDEX I**

**CLASS A - MAJOR VIOLATIONS**

1. Class A major violations involve criminal action that may result in the commencement of a criminal proceeding, fines and include: criminal homicide, sexual offenses, assaults, arson, riots, destruction of property, drugs and/or contraband, escape, attempted escape, aiding or abetting escape, and other criminal offenses. The filing of criminal charges does not preclude or prevent the AJ from commencing disciplinary action or from imposing any authorized sanction. All Class A major rule violations will be handled by way of a formal Misconduct Report.
2. The following violations constitute Class A major violations:
  - a. **Possession or Introduction of Dangerous Contraband A-1.** Any article or substance that is introduced into the facility without first being cleared by a deputy constitutes contraband. An inmate who makes, obtains, possesses or knowingly introduces dangerous contraband into the facility is subject to disciplinary action. Dangerous contraband includes, but is not limited to, the following:
    - 1) Weapons (firearms, knives or clubs) or ammunition.
    - 2) Explosives of any type.
    - 3) Narcotics or narcotics paraphernalia.
    - 4) Controlled medications.
    - 5) Escape devices.
    - 6) Monies, including negotiable instruments.
    - 7) Intoxicants.
    - 8) Gambling paraphernalia.
    - 9) Tattooing paraphernalia.
    - 10) Tobacco products, matches, lighter.
    - 11) Any medication not taken properly as ordered or instructed. This includes “cheeking” or attempting to cheek medication.
  - b. **Assault A-2.** The causing of any physical injury to another intentionally, knowingly or recklessly; except when absolutely necessary for self-defense, no inmate shall engage in a fight or cause injury to another person. The causing of bodily fluids, or other substance, to come in contact with another inmate, employee, visitor or volunteer. Bodily fluids include feces, urine, spit, semen and/or blood.
  - c. **Menacing A-3.** If an inmate by word or by conduct intentionally attempts to place another person in fear of bodily harm or threatens AJ members or others (this includes threats directed towards Correction Division family members).
  - d. **Coercion A-4.** The compelling or inducing of another person to participate in conduct from which they have a legal right to abstain (or the compelling or inducing of a person to abstain from conduct in which they have a right to participate) by instilling fear that the person will (a) be physically injured; (b) have their property

- damaged; (c) be subjected to a crime; (d) be falsely accused or charged with a criminal offense; (e) be subjected to false testimony or information (or have testimony or information withheld) with respect to his/her legal claim or defense.
- e. **Destruction of Property A-5.** Willfully damaging, destroying, defacing, altering or misusing of county property.
  - f. **Sexual Misconduct A-6.** Inmates shall not have or attempt to have any sexual contact or relations with any other person while lodged in the facility. Sexual conduct between any persons in the jail, even if consensual is prohibited. Sexual misconduct includes, but is not limited to: sexual intercourse, caressing, kissing, fondling, manipulation of the private parts of another, exposing genitalia to Corrections Division members or other inmates, inappropriate physical contact, any sexual advance, requests for sexual favors, threats or retaliation for refusing sexual advances, verbal or physical conduct of sexual nature toward or with another person, invasion of privacy beyond that reasonably necessary for safety and security, and/or sexual harassment in any form, such as:
    - 1. Demeaning references to a person's sex or sexual orientation
    - 2. Sexual comments about a person's body, clothing or demeanor
    - 3. Abusive, threatening, profane or degrading sexual comments or gestures
    - 4. Touching, attention or conduct of a sexual nature
    - 5. Over familiarity, this includes but is not limited to: flirting, exchanging personal gifts or letters, requesting or granting special favors, discussing personal matters unless it is an expectation of Correction Division member's job responsibilities.
  - g. **Escape or Attempted Escape A-7.** No inmate shall absent themselves from the physical custody and control of the AJ, work center or inmate work crew.
  - h. **Striking or Touching a Member A-8.** No inmate shall willfully or knowingly hit, strike or touch a corrections deputy or other member.
  - i. **Violation of Temporary Release A-9.** Violation of any condition as stated in a transitional leave, special pass, or temporary leave agreement from the facility.
  - j. **Extortion A-10.** An inmate commits extortion if they compel or induces an employee or another inmate to act or refrain from acting by threats, force or intimidation to collect gambling and other types of debt.
  - k. **Racketeering A-11.** An inmate commits Racketeering if they engages in illicit activity that is carried out for the purpose of personal or financial gain through acts of crime, extortion of money or advantage by threats of force.
3. Disciplinary action imposed for Class A major violations may include any combination of the following sanctions listed below:
- a. Disciplinary segregation up to 15 days (no more than 30 days with multiple violations during one incident).
  - b. Restitution where possible.
  - c. Loss of any or all good time earned.

- d. Probation with or without suspended detention time.
- e. Removal from the Work Crew Program.
- f. Removal from the Inmate Worker Program.
- g. Loss of one or more privileges for up to 30 days. These privileges may include, but are not limited to:
  - 1) Commissary.
  - 2) Limited or no dayroom access.
  - 3) Personal telephone calls.
  - 4) Use of television.
  - 5) Reading material
  - 6) Personal mail.
  - 7) Visitation.
  - 8) Inmate Programs.
  - 9) Limited or no recreation yard access.
  - 10) Access to Law library materials.
  - 11) Lockdown in cell
  - 12) Limit of two showers per week

## INDEX II

### *CLASS B – MAJOR VIOLATIONS*

1. Class B major violations involve violations of the facility rules and regulations, and may result in significant disciplinary sanctions. Class B major violations will be handled by way of formal write-up (Misconduct Report) of the inmate.
2. The following violations constitute Class B major violations:
  - a. **Disruptive Behavior B-1.** Any action by an inmate that causes or which reasonably could result in a serious disruption of discipline, institutional safety or order, and/or any of the programs or operations of the facility. This action includes advocating, encouraging, promoting, inciting, or participating in group or individual disturbances, or any unauthorized talking, gesturing, or other forms of communication with an inmate in another housing unit, or in the housing corridor. Disruptive behavior also includes abuse of the intercom system.
  - b. **Disobedience of an Order B-2.** An inmate shall promptly comply with valid orders of Correction Division members. An order includes written, verbal, or gestured communication which directs or forbids the doing of some act over which the inmate had control. Disobedience of an Order also includes passing items to other inmates without the permission of a deputy.
  - c. **Theft B-3.** The intentional taking of property from another which deprives the owner of such property.
  - d. **False Statements to Members B-4.** Knowingly making false statements or presenting false information to a corrections deputy, Corrections Division member, or law enforcement officer.



- e. **Gambling B-5.** Prohibited regardless of the stakes. Gambling is defined to include the participation in any activity the outcome of which depends, in whole or in part, upon chance and where a participant may receive a material benefit by reason of a possible outcome.
  - f. **Attempt to Commit a Major Violation B-6.** Knowingly engaging in conduct which constitutes a substantial step toward the commission of a Class A or B rule violation.
  - g. **Conspiracy to Commit a Major Violation B-7.** Entering into an agreement with one or more persons to engage in or cause a major violation; aiding and abetting another person or persons in concealing or planning the commission of a Class A or B rule violation.
  - h. **Unauthorized Organizations B-8.** No inmate shall create, promote or participate in any club, association, Security Threat Group (STG) or organization formed by other inmates lodged in the facility. No inmate shall involve themselves with a group of two or more persons, whether formal or informal, and who collectively or in concert creates or actively promotes, recruits, participates in or involves themselves in security threat activity. This may include supporting, displaying, or endorsing through verbal, visual or written acts or communication (e.g. STG tattoos, STG graffiti, STG hand signs), any club, association or organization which is a security threat group.
  - i. **Repeated Minor Violations B-9.** The cumulative effect of a series of minor violations shall be cause to impose a major disciplinary sanction. After receiving two written warnings, a third violation within 21 days shall constitute a major violation.
  - j. **Disrespect B-10.** Inmates shall not shout at, ignore, talk down to, threaten, use disparaging terms or take any other action, verbally or physically, that displays rudeness to a Corrections Division member, another inmate or any other person they have contact while in the jail, work center or courthouse.
  - k. **Prohibited Mail B-11.** No inmate shall attempt to send out mail that is in direct violation of established outgoing inmate mail guidelines. This includes, but is not limited to, mail containing contraband, mail that violates an active court order (victim contact) or mail that disregards Parole and Probation directives.
3. Disciplinary action imposed for Class B major violations may include any combination of the following sanctions listed below:
- a. Disciplinary segregation up to 10 days (no more than 20 days with multiple violations during one incident).
  - b. Restitution where possible.
  - c. Loss of up to 10 days earned good time.
  - d. Probation with or without suspended detention time.
  - e. Removal from the Work Crew Program.
  - f. Removal from the Inmate Worker Program.
  - g. Loss of one or more privileges for up to 15 days. These privileges may include, but are not limited to:
    - 1) Commissary.
    - 2) Limited or no dayroom access.

- 3) Personal telephone calls.
- 4) Use of television.
- 5) Reading material
- 6) Personal mail.
- 7) Visitation.
- 8) Inmate Programs.
- 9) Limited or no recreation yard access.
- 10) Lockdown in cell
- 11) Limit of two showers per week

### **INDEX III**

#### ***CLASS C- MINOR VIOLATIONS***

1. Class C minor violations may be handled by way of formal or informal resolution.
2. The following violations constitute Class C minor violations:
  - a. **Use of Prohibited Language C-1.** Inmates are prohibited from directing the following language towards members, other inmates or anyone present in the facility; profanity, sexually explicit language, obscene references, gestures, or any inflammatory remarks.
  - b. **Possession of Another's Property C-2.** The possession or control by an inmate of the property of another inmate, or of property that has not been issued to them by a corrections deputy.
  - c. **Failure to Maintain Sanitary Conditions C-3.** The failure of an inmate to perform daily cell cleaning or sanitary practices when materials are provided for such purpose. This includes making beds and maintaining them during specified hours.
  - d. **Unauthorized Area C-4.** No inmate shall be in any location not assigned by directive. Inmates are assigned to a cell or bunk and are not allowed to be in another inmate's cell or sitting on another inmate's bunk. You may be in an unauthorized area if you are in any location not designated by housing assignment, programmed activity or directive and create a threat to the safety, security or orderly operation of the facility (i.e. another cell, dorm, medical or kitchen area).
  - e. **Possession of Nuisance Contraband C-5.** No inmate shall possess or manufacture:
    - 1) Any altered item of issuance.
    - 2) Eating utensils, except between serving of meals and tray pick-up.
    - 3) Leftover foods of any type at the end of each day.
    - 4) Articles or sections torn or removed from newspapers, magazines or books.
    - 5) More than 10 letters, 10 photographs, one magazine, three soft-covered books or one newspaper.
    - 6) More facility clothing, bedding, linen or hygiene items.

- f. Work Performance C-6.** Non-compliance with work assignment or poor work habits of inmate workers will not be tolerated.
- 3.** Formal disciplinary sanctions imposed for Class C minor violations are limited to one or more of the following:
- a.** Disciplinary segregation or loss of privileges up to 48 hours.
  - b.** “Lock-Down” in inmate’s room for up to 24 hours.
  - c.** Loss of one or more privileges for up to seven days. These privileges may include but are not limited to:
    - 1)** Commissary.
    - 2)** Personal telephone calls.
    - 3)** Use of television.
    - 4)** Reading material
    - 5)** Personal mail.
    - 6)** Visitation.
    - 7)** Inmate Programs.
    - 8)** Limited or no dayroom access.
    - 9)** Limited or no recreation yard access.
  - d.** Removal from Work Crew Program.
  - e.** Removal from Inmate Worker Program.
  - f.** Verbal or written reprimand.
- 4.** DCAJ or WC has the option of handling Class C rule violations by means of “on the spot” informal resolution sanctions as opposed to the formal resolution process, if this would best serve the inmate and the situation. Any sanction must be documented in JMS. Informal disciplinary sanctions imposed for Class C minor violations are limited to one or more of the following:
- a.** “Lock-Down” in inmate’s room for up to 24 hours
  - b.** Loss of one or more privileges for up to 24 hours. These privileges may include but are not limited to:
    - 1)** Commissary.
    - 2)** Personal telephone calls.
    - 3)** Use of television.
    - 4)** Reading material.
    - 5)** Personal Mail.
    - 6)** Visitation.
    - 7)** Inmate Programs.
    - 8)** Limited or no dayroom access.
    - 9)** Limited or no recreation yard access.
  - c.** Removal from Work Crew Program.
  - d.** Removal from Inmate Worker Program.
  - e.** Verbal or written reprimand.