



POLICY DIRECTIVE

Policy:	DOC 3.4.1 INMATE DISCIPLINARY SYSTEM
Effective Date:	01/04/1996 Page 1 of 4
Revision Date(s):	09/09/2016; 04/24/2026
Signature/Title:	/s/ Eric Strauss, Director

I. POLICY

The Department maintains inmate rules of conduct, sanctions, and procedures for dealing with violations that are defined in writing and communicated to all inmate and staff. Disciplinary procedures are intended to hold inmate accountable for misconduct while incarcerated, to be acted on promptly, and carried out with respect for due process.

II. APPLICABILITY

All Department-owned and contracted secure facilities, as specified in contract.

III. DEFINITIONS (see Glossary)

IV. REQUIREMENTS

A. General Requirements

1. inmate disciplinary procedures will incorporate American Correctional Association (ACA) standards in accordance with the provisions of this policy.
2. Administrators will ensure that penalties imposed on inmates are fair, reasonable, and consistent with the severity of the violation.
3. Confidential information will be restricted throughout the disciplinary process in accordance with *DOC 1.5.5 Inmate Records Management, Access, and Release*.
4. Any violation that is also a violation of criminal law may result in referral of the case to the appropriate court or law enforcement agency for consideration for prosecution of the case.
5. Staff assistance:
 - a. will be provided when a charged inmate is:
 - 1) illiterate,
 - 2) does not understand English, or
 - 3) where the complexity of the issue makes it unlikely that the inmate will be able to collect and present evidence; and
 - b. is assigned only to help inmates understand the charges against them, the disciplinary hearings process, the process for presenting their version of the charges, and the process to appeal.

B. Rules of Conduct

1. Facility requirements provide that:
 - a. written inmate conduct rules specify prohibited acts within the facility, the range of penalties that may be imposed for various degrees of violation, and disciplinary procedures governing inmate rule violations;
 - b. rules, penalties, and disciplinary procedures are reviewed annually and updated if necessary;

- c. inmates are provided written material that contains facility rules, penalties, and disciplinary procedures, signed acknowledgement of written material (receipt), and any necessary interpretative assistance in accordance with *DOC 4.1.2 Inmate Reception and Orientation*; and
 - d. all correctional staff who work directly with inmates receive initial and refresher training on current inmate conduct rules, rationale for rules, and available sanctions.
2. The general categories of inmate behaviors prohibited in facilities are outlined in *DOC 3.4.2 Prohibited Acts*.

C. Resolution of Minor Infractions

1. Procedures specify that written guidelines exist for resolving minor inmate infractions including a written statement of the violation and a hearing decision within 7 days, excluding weekends and holidays, and that inmates may waive their appearance at the hearing.

D. Disciplinary Reports

1. Procedures provide that when rule violations require a formal resolution, staff members must prepare a disciplinary report and forward it to the designated supervisor.
2. Disciplinary reports prepared by staff members include, but are not limited to, the following information:
 - a. specific rule(s) violated;
 - b. a formal statement of the charge;
 - c. any unusual inmate behavior;
 - d. any staff witnesses;
 - e. any physical evidence and its disposition;
 - f. any immediate action taken, including the use of force; and
 - g. the reporting staff member's signature, and report date and time.

E. Pre-Hearing Action

1. Procedures specify that when an alleged rule violation is reported, an appropriate investigation will begin within 24 hours of the time the violation is reported and is completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.
2. Procedures for adult secure facilities include:
 - a. a provision for pre-hearing confinement of inmates who are charged with a rule violation;
 - b. documentation of the reason for the confinement; and
 - c. review of the pre-hearing status by the facility administrator or designee within 72 hours, including weekends and holidays.
3. Juvenile facilities will develop procedures for pre-hearing confinement in accordance with *DOC 3.5.1 Restrictive Housing*.
4. Pre-hearing confinement will not be punitive and will be used only when necessary to ensure the inmate's safety or facility security; no inmate will remain in pre-hearing confinement longer than necessary.
5. Procedures provide that an inmate charged with a rule violation:
 - a. receives a written statement of the charge(s) including the incident description and specific rules violated;
 - b. is given the statement when the disciplinary report is filed but no less than 24 hours prior to the hearing; and
 - c. may have a hearing within 24 hours with the inmate's written consent.
6. Procedures provide that the inmate may waive the right to a hearing if the waiver is documented and reviewed by the appropriate staff member.

F. Disciplinary Hearing – Scheduling

1. Procedures provide that inmates charged with rule violations are scheduled for hearings as soon as practicable but no later than 7 days, excluding weekends and holidays, after the alleged violation. Inmates are notified of the time and place at least 24 hours in advance of the hearing.
2. Procedures provide for disciplinary hearing postponement or continuance for a reasonable period and good cause, for example, defense preparation, investigation of related factual matters, and inmate illness or unacceptable behavior during the hearing process.
 - a. Reasons for all delays will be documented.

G. Conduct of Hearing

1. Procedures provide that rule violation disciplinary hearings are conducted by an impartial person or panel of persons.
 - a. Proceeding records are made and maintained for at least 6 months.
2. Procedures provide that inmates charged with rule violations are present at their hearings unless:
 - a. they waive that right in writing or through their behavior; or
 - b. inmates may be excluded during the testimony of any inmate whose testimony must be given in confidence; the reasons for the inmate's absence or exclusion will be documented.
3. Procedures provide that inmates have an opportunity to make a statement and present documentary evidence at the hearing and may request witnesses on their behalf.
 - a. The reasons for denying such a request are stated in writing.
4. Procedures provide that a staff member or agency representative may assist inmates at disciplinary hearings if requested.
 - a. A representative is appointed when it is apparent that an inmate is not capable of collecting and presenting evidence effectively on the inmate's own behalf.

H. Hearing Decisions – Basis for Decision

1. Procedures provide that the disciplinary decision is based solely on information obtained in the hearing process, including:
 - a. staff reports;
 - b. the statements of the inmate charged; and
 - c. evidence derived from witnesses and documents.

I. Hearing Record

1. Procedures provide that a written record is made of the decision and the supporting reasons and that a copy is given to the inmate.
 - a. The hearing record and supporting documents are kept in the inmate's file and in the disciplinary hearing records.
2. Procedures provide that if an inmate is found not guilty of an alleged rule violation, the disciplinary report is removed from the inmate's file, if reasonably possible.
 - a. Otherwise, the file must clearly indicate that the inmate was found not guilty of the alleged infraction.

J. Administrative Review

1. Procedures provide for review of all disciplinary hearings and dispositions by the facility administrator to assure conformity with policy and standards.

K. Appeal

1. Procedures grant inmates the right to appeal disciplinary decisions to the facility administrator.
 - a. Inmates have up to 15 days of receipt of the decision to submit an appeal.
 - b. The appeal is decided within 30 days of its receipt, and the inmate is promptly notified in writing of the results.

2. The appeal process will consider at least 3 factors:
 - a. whether there was substantial compliance with Department policy and procedures in handling inmate discipline;
 - b. whether the disciplinary decision was based on evidence; and
 - c. whether, under the circumstances, the sanction imposed was appropriate to the violation.

V. CLOSING

Questions about this policy should be directed to the facility administrator.

VI. REFERENCES

- A. *DOC 1.5.5 Offender Records Management, Access, and Release; DOC 3.4.2 Prohibited Acts; DOC 3.5.1 Restrictive Housing; DOC 4.1.2 Inmate Reception and Orientation*