

## 5-09/040.00 Disciplinary Review Process

Inmates involved in any disciplinary action, other than counseling or reprimand, shall have the right to an administrative process which adheres to the Constitutional principles of due process and equal protection, and to ensure that the findings and conclusions of all members are not erroneous. It is not a judicial or adversarial proceeding.

Supervisors charged with the disciplinary review process shall have the authority, in conformance with policy and procedures, to take any of the following actions that are appropriate to the circumstances:

- Conduct a further investigation into the incident, including interviewing inmates and staff who may have pertinent information regarding the incident
- Assess discipline
- Change the disciplinary location
- Recommend revocation of good-time/work-time (pursuant to 4019 PC) awarded
- Revoke early release credits if eligible
- Terminate the discipline and/or expunge the inmate's disciplinary record

Major violations, repetitive minor acts of non-conformance, or repetitive minor violations of institutional rules shall be reported in writing and submitted to the disciplinary review officer. The following guidelines shall also be adhered to:

- The inmate shall be informed of the charge(s) in writing, "Notice of Disciplinary Violation" (SH-J-380)
- Charges pending against an inmate shall be acted upon no sooner than 24 hours after the report has been submitted to the disciplinary officer and the inmate has been informed of the charges in writing
- Violations shall be acted on no later than 72 hours after an inmate has been informed of the charge(s) in writing
- The inmate may waive the 24 hour limitation and the hearing may be postponed or continued for "good cause" by written waiver from the inmate, ("Good cause" includes inmate court appearances, the need to accommodate the shifts/schedule of the facility, or the need for more information/investigation)
- The inmate shall acknowledge the "Notice of Disciplinary Violation" by writing yes or no in the respective lines and signing the "Notice of Disciplinary Violation"
- A refusal to sign shall be annotated on the "Notice of Disciplinary Violation", and witnessed by a line supervisor or sergeant
- The inmate shall be permitted to appear on his own behalf at the time of the hearing,
- Nothing in this policy precludes the inmate from presenting witnesses to appear on his behalf
- The Disciplinary Review Board (DRB) shall determine if the charges are valid and shall recommend the penalty
- The final disposition of disciplinary charge(s) shall be reviewed by the unit commander or his designee
- The inmate shall be advised of the action taken by the disciplinary officer/review board, "Notice of Action by Disciplinary Review Board" (SH-J-380)
- The inmate shall sign the "Notice of Action by Disciplinary Review Board". A refusal to sign shall be witnessed by a line supervisor or sergeant
- DRB personnel shall not be personally involved in the original violation or infraction of the rules

- Pursuant to Penal Code, section 4019.5(e), "Kangaroo Court and Sanitary Committee," written reports of all disciplinary actions and the procedures followed in each case shall be maintained and shall include a statement by the DRB explaining the evidence relied upon and reasons for any disciplinary action
  - Inmate disciplinary records are automatically generated and recorded in the Inmate Record Tracking System (IRTs) as required
  - Unit commanders shall establish a procedure for counsel substitute when an inmate is found to be incompetent to present his case to the Disciplinary Review Board
  - A counsel substitute may consist of aid from a fellow inmate or staff member, or from an inmate designated by the DRB
  - An inmate shall be considered incompetent to handle his disciplinary case if the inmate states, or it is obvious to members of the DRB, that the complexity of the issue makes it unlikely that the inmate will be able to collect and present evidence necessary for an adequate presentation of the case
  - Unit commanders shall establish procedures that permit inmates to appeal the decision of the Disciplinary Review Board, including the right to a review of the case by the unit commander
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