Section 5-09 - Inmate Disciplinary Procedures

• 5-09-010 Inmate Disciplinary Procedures

PURPOSE OF ORDER:

The purpose of this order is to establish procedures for inmate discipline.

SCOPE OF ORDER:

This order shall apply to all personnel assigned to PDC North Facility.

ORDER:

GENERAL DESCRIPTION

Inmate discipline shall be based on rules and disciplinary penalties which are clear and uniformly applied. Discipline shall be fair, prompt, and consistent. The disciplinary process must conform to constitutional standards of due process (right to hearing and/or appeal) and equal protection (uniform enforcement). There shall be no cruel and/or unusual punishment. The purpose of disciplinary action is to achieve one or more of the following:

- Hold inmates accountable for inappropriate behavior,
- Maintain security, order, and compliance with facility rules,
- Protect and maintain the facility and well-being of inmates, staff, and the public.

The facility rules shall be posted (in English and Spanish) in each dormitory, the E-Row hallway adjacent to the telephone, and the Inmate Processing Area (IPA).

DISCIPLINARY REVIEW PROCESS

Inmates in violation of facility rules shall have their case adjudicated by a Disciplinary Review Board (DRB). The DRB shall consist of two sergeants who are uninvolved with the inmate's charges. The disciplinary review process shall be conducted on day shift, before 1200 hours. The watch commander shall approve any deviations from this schedule. One sergeant shall be responsible for DRB documentation for inmates housed in module one and module two. The other sergeant shall be responsible for DRB documentation for inmates housed in module three and module four.

When an inmate is found to be incompetent to present his case to the DRB, the inmate may utilize a counsel substitute, which may consist of aid from a fellow inmate or staff member, or from an inmate designated by the DRB.

An inmate has the right to appeal the decision of the DRB. If an inmate requests an appeal of the proposed discipline, the watch commander shall be notified. The watch commander shall render a final decision whether to exonerate the inmate or sentence the inmate to a discipline status deemed appropriate to the offense.

DISCIPLINE PROCEDURES

A. Pre-Disciplinary Housing

- If an inmate is going to be removed from the dormitory for disciplinary housing, module personnel shall have the inmate wait in the sally port with his property until a supervisor is present.
- A supervisor shall be present when escorting an inmate into E-row for pre-disciplinary housing.
- All E-row cells shall be examined for damage before and after an inmate is housed in the cell.
- All inmate property shall be searched to ensure no prohibited items enter the cell.

B. Disciplinary Housing

- Pre-discipline inmates shall not be housed with inmates who have been given a discipline sentence.
- The inmate's property shall be searched, inventoried, and stored in the module storage locker after receiving their discipline sentence.
- The only property that shall remain in the cell is personal hygiene items, legal materials, authorized medication, and reading materials.
- [REDACTED TEXT]
- Inmates in disciplinary housing are able to order basic items limited to the list of allowable property from canteen.

C. Moderate Observation Housing (MOH) Inmates

- Inmates classified as MOH inmates shall be transferred to Twin Towers Correctional Facility (TTCF) for disciplinary housing.
- Prior to transfer, custody staff shall contact TTCF to ensure available space in the discipline module.
- All necessary discipline paperwork and a major Inmate Report Tracking System (IRTS) report shall be completed prior to transfer.
- The clinical evaluation and disciplinary hearing will take place at TTCF.
- Custody staff shall email any discipline information to the sergeant responsible for discipline housing at TTCF.
- Custody staff shall contact the PDC North Facility watch sergeant to arrange the transportation of the inmate to TTCF.
- If TTCF does not have space in the discipline module or the clinician does not clear the inmate for disciplinary housing, a major IRTS report shall still be written to document the incident. The Disciplinary Review Board section within the IRTS shall contain an explanation documenting the outcome.

DISCIPLINE RECORDS AND RETENTION

Once an inmate is placed into disciplinary housing, the following paperwork shall be generated and maintained throughout the duration of the inmate's time in E-Row:

- A discipline record card
- E-Row cell door information sheet
- IRTS report
- Signed copy of the "Notice of Disciplinary Violation" (SH-J-380)
- Signed copy of the "Notice of Action by Disciplinary Review Board" (SH-J-380)

It shall be the responsibility of the module control officer to ensure all required discipline paperwork is signed and placed in the disciplinary binder located in the Module Control Office (MCO).

Upon an inmate's release from disciplinary housing, all necessary paperwork shall be forwarded to operational staff and retained for a period of five years.