

## 5-22-010 Inmate Discipline Procedures

### PURPOSE OF ORDER:

The purpose of this order is to establish uniform procedures for administering discipline to inmates housed at Twin Towers Correctional Facility (TTCF).

### SCOPE OF ORDER:

This order shall apply to all personnel assigned to and/or working in any capacity at the TTCF.

### ORDER:

Facility Discipline Authority is established by Section 630 of the California Penal Code.

Rules penalties, plans, forms, and limitations of disciplinary actions are established by Title 15, Article 7, and Sections 1080, 1081, 1082, and 1083 of the California Administrative Code.

Discipline will be utilized to hold inmates accountable for inappropriate behavior; maintain security, order, and compliance within facility rules, and to protect and maintain the facility and the well-being of inmates, staff, and the public. The facility rules will be posted in each Pod. (See Inmate Discipline, CDM 5-09/010.00)

Mass discipline on inmates shall not be imposed. A temporary suspension of privileges during emergencies may be imposed, but the watch commander must be notified immediately (see Confinement of Inmates for Disciplinary Reasons or During Emergencies, CDM 5-09/015.00)

Any unit member may report a violation of a jail rule by an inmate. The violation will be documented on an Inmate Reports Tracking System (IRTS) report.

### MENTALLY ILL INMATES ON DISCIPLINE

Prior to imposing any discipline on a mentally ill inmate, the DRB sergeant shall confer with DMH personnel to ensure discipline is not contraindicated for the inmate, and also to determine the most appropriate housing location for the inmate to serve discipline time. This conference can occur after the DRB hearing, but must always occur before the inmate actually begins serving their discipline sentence.

Mentally ill inmates serving discipline shall be offered and be allowed to participate in structured therapeutic program time with group providers. However, the inmate's participation in unstructured out-of-cell recreational time can be restricted. If custody staff believe a mentally ill inmate is either too unstable, hostile, and/or unpredictable to participate in structured therapeutic program time, the floor sergeant shall be notified and shall make a final determination on the inmate's participation. In the event a mentally ill inmate serving discipline time refuses to participate in structured therapeutic program time, the floor sergeant does not need to be notified.

The following violations may bypass DMH evaluation prior to being placed in discipline:

- Fighting
- Use of Force

- Recalcitrant Behavior (elaborate behavior on IRTS Report)
- Possession of a Weapon

All other violations committed by inmates, must remain in their current housing location until the DRB sergeant or discipline officer confers with DMH.

#### DISCIPLINARY GUIDELINES

Acceptable forms of discipline include, but not limited to the following: Loss of privileges, extra work detail, short term lockdown for less than 24- hours, removal from work details, loss of good time, and/or work credits, disciplinary segregation, disciplinary diet, and criminal prosecution (See Discipline Guideline, CDM 5-09/030.00; Disciplinary Review Process, CDM 5-09/040.00; and Limitations of Disciplinary Actions, CDM 5-09/050.00)

No discipline shall be imposed upon any inmate except for the type and form described this order. All discipline shall be administered under the guideline contained herein.

#### MINOR INCIDENTS

Minor acts of non-conformance or minor violations may be handled informally by any staff member through a harmony transfer or counseling and advisement of conduct expected. Harmony transfers require the approval of a supervisor, sergeant or above. Any counseling of inmates or advisement of expected behavior shall be conducted in normal traffic areas. Extra duty, temporary loss of privileges such as, but not limited to, access to television, telephones, or commissary, lockdown for less than 24- hours, or removal from a work detail without loss of work time credit may also be imposed for minor violations. Minor violations or acts of non-conformance shall also be documented on an IRTS report, but the minor violation box will be checked. An accumulation of three or more minor violation reports within a 30 day period for a single inmate shall result in a major violation.

#### MAJOR INCIDENTS

Discipline will be reported and adjudicated as major violations of inmate rules and regulations and will be handled by completing and submitting an IRTS report. If an incident requires a SH-49 report, discipline shall not be imposed until the report is completed.

When a violation of jail rules compromises safety and security, the inmate(s) may be removed from their current housing area and reassigned to pre-disciplinary housing, pending a hearing by the Disciplinary Review Board (DRB). The inmate shall retain all basic privileges afforded to other inmates until disposition of the case by the DRB.

#### DISCIPLINARY REVIEW PROCESS (DRB)

Inmates in violation of the rules and regulation will have their case adjudicated by a DRB hearing. The board shall consist of one sergeant (normally the sergeant assigned to the discipline module) and the module officer/deputy. If an inmate is found guilty of a violation, he may be disciplined by segregation, loss of privilege, loss of good time credits, loss of work time credits, removal from work details, and/ or being

assigned extra work/duty depending on the seriousness of the offense and the decision of the hearing officers.

The discipline process consists of the following:

- Violation notice
- Pre-discipline
- DRB hearing
- Notice of violation
- And appeal

#### Notice of Violation

The reporting deputy/officer shall issue the inmate a "Written Notice of Discipline Violation" (form SH-J-380).

The officer shall have the inmate sign a duplicate copy of the notice. A signed copy of the notice and the IRTS report will be forwarded and retained on the file with the Discipline Module Officer.

#### PRE-DISCIPLINE

##### Time Limits

Charges pending against an inmate shall be acted on 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. A violation(s) 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. If 72 hours have elapsed, no discipline can be imposed and a hearing is not necessary.

The hearing may be postponed or continued for a reasonable time through a written waiver by the inmate or for good cause such as inmate being unavailable (e.g. processed to court or elsewhere for medical treatment, etc.).

##### Housing

Pre- discipline housing is an administrative option intended to ensure the safety and security of inmates, staff, and/or the facility. All inmates that are in violation of a jail rule shall be escorted to pre-discipline pending a DRB hearing. No inmates shall remain at their current housing location unless specific authorization is granted by the on duty watch commander. When a violation of a jail rule is serious or compromises safety and security, the inmate shall be placed into pre-disciplinary housing with the approval of his/her floor sergeant.

A supervising line deputy shall review and ensure that all documentation is completed before approving the inmate to be housed in pre-discipline. No inmate shall be accepted into pre-discipline without all documentation completed and approved by the supervising line deputy.

The following documentation shall be completed and approved by a supervising line deputy in order for an inmate to be housed in pre discipline/discipline module.

- Complete IRTS report and narrative
- Discipline Information card
- Written Notice of Discipline Violation
- Property Receipt
- Indicate by writing "Yes" or "No" whether the inmate has waived his right to a 24 hour limitation for DRB hearing (a check mark or other non-specific markings shall not be used)

## Movement

When an inmate is to be transferred from his module to pre-discipline, he will be handcuffed and escorted into the discipline module by custody personnel and a supervising line deputy. A supervising line deputy must be present and monitor the inmate's movement into a pre-discipline cell.

The cell will be checked for damage prior to an inmate being placed into any cell and again upon his release. Module personnel will complete the area on the Discipline Information Sheet noting the condition of the cell. Cells will be visually inspected prior to initial housing of an inmate.

## Property, Pre-Discipline

Each inmate placed in pre-disciplinary housing, whether for discipline, pre-discipline, or administrative segregation, will be searched (property and person) and all razor blades and any other items deemed contraband will be removed. The inmates will be issued a blanket and a second blanket will also be issued in exchange for a bed mattress sheet. Mattress sheets will not be handed to inmates housed in Discipline or Pre-Discipline. The cell shall be searched before and after pre-discipline time.

## Additional Pre-Discipline Procedures

If the Floor Sergeant approves the housing of the inmate on Pre-Disciplinary Housing, then the following will occur:

- A. A Discipline Information Card will be completed by the reporting deputy/officer and the appropriate information shall be noted. The Module Officer/Deputy will ensure the card be filed by cell and bunk number on the Pre-Disciplinary Housing row. If a pre-discipline inmate is not housed on the row, the Module Officer/Deputy and the Supervising Line Deputy will audit the cards at the start of each shift to ensure that DRB hearings are completed for each inmate.
- B. The module officer/deputy will complete a Discipline Information Sheet and post in on the cell door.

## Pre- Disciplinary Row Safety Checks

Personnel shall make an inmate safety check twice per hour on the inmates assigned to the pre-disciplinary cells using the Title 15 scanners. In cases when the scanners are not working, the officer/deputy making the check will initiate an entry in the e-UDAL, recording the time and conditions.

## HEARING PROCEDURES

When a DRB hearing is conducted, the module personnel will act as the second hearing officer. Module personnel will be noted on the Disciplinary Information Card and on the IRTS report as the hearing officer. The module personnel listed as the second hearing officer will ensure that all necessary information and documentation is properly recorded and completed.

The hearing will be conducted in the module in a place designated by the hearing sergeant. The DRB hearings will be conducted daily, seven days a week. The purpose of the hearing is to give the inmate an opportunity to present his case. No one involved in the incident or in the review and approval of the report

shall participate in the hearing.

Since these hearings are subject to later judicial review, they shall be conducted in a manner consistent with due process requirements, including an opportunity for the inmate to be heard and present witnesses and documentary evidence.

The inmate is not entitled to counsel but shall be given an opportunity to explain his actions and/or present a defense. The inmate may call witnesses deemed necessary as long as this does not create a security or safety hazard or present a conflict of interest. The inmate does not have the right to confront or cross-examine witnesses.

The hearing officer shall evaluate all the information available concerning the incident, including the inmate's statements. The hearing officer must provide a written statement as to the reason discipline was imposed and inputted into the Supervisor Interview Section of the IRTS report. The information may be inputted into the IRTS report by the hearing officer designee or Module Officer/Deputy.

#### Post Hearing Procedures

If the inmate is found guilty of his offense the module officer/deputy shall complete and give the inmate the "Notice of Action by Disciplinary Review Board" form. The Notice of Action form shall contain the name and employee number of the hearing officers and the date in which the inmate is to be released from disciplinary isolation if so ordered.

If the inmates are housed of pre-discipline row, the module officer/deputy will rehouse the inmate in the disciplinary housing. If the inmate is not currently housed on Pre-Discipline row, he will be directed to gather his personal belongings and will be escorted by a supervisor to the Discipline Module where he will be processed for housing.

#### INMATE PROPERTY

An inmate housed in Discipline Module will be issued the following clothing and bedding items and allowed to keep indicated personal items:

##### A. Clothing:

One two piece jumpsuit

One pair of soft slippers

One mattress

Two blankets

One towel

Two sets of underwear (socks, T-shirt, undershorts)

##### B. Personal Property:

Personal hygiene items: soap, deodorant, toothpaste, toothbrush.

Writing Material: writing tablet, pencil, dictionary, stamps, envelope

C. Bible

D. Legal Material

E. Authorized medication

#### Property Storage

The packaging and storing of the inmates property shall be the responsibility of module personnel. The inmate's property is to be taken from him/her, inventoried, and placed in a storage bin inside the storage locker. The property will be inventoried in the present of the inmate and recorded on a Discipline Module Property Receipt. In cases when inmates have no personal property, a Property Receipt form shall be completed and "no property" will be noted on the form and signed by the inmate.

The inmate will also sign the waiver portion of the form stating he understands that any defacing or destroying of county property inside the cell with result in additional charges being filed against him/her. (Violation 4600 P.C.)

## APPEAL

An inmate has the right to appeal the decision of the DRB to the watch commander. He/she may notify the review board hearing officer of his desire orally at the conclusion of his hearing or in writing with 72 hours of the disposition. The watch commander shall be notified when an inmate's announces his desires to appeal the decision. The watch commander will contact the inmate and render a final decision which will be reviewed by the unit commander. The watch commander shall indicate the final disposition in the IRTS report. Imposition of the discipline sentence shall be suspended until final disposition of the appeal.

## MASS DISCIPLINE

If large number of inmates are involved in the same violation of facility rules (fighting during a major disturbance, etc.) they will not be mass disciplined. Each inmate committing the violation must be handled individually. Entire modules or pods may be used as a discipline pod or module as long as each inmate has an individual DRB. This does not preclude the temporary taking away of televisions, telephones, and recreation time, with the approval of the watch commander, in order to maintain security.

## DISCIPLINARY DIET

A disciplinary diet may be assessed in conjunction with disciplinary segregation/isolation time for the purpose of addressing issues such as prior offenses, recalcitrance, violations while in disciplinary segregation/isolation, or any case where enhancement of the basic assessment is deemed necessary in order to gain the compliance of the inmate. Further, the discipline may be utilized for an inmate committing a serious violation of jail regulations or major offense, such as starting a fire, assault on a deputy, possession of weapons or narcotics. (See CDM 5-09/060.00 inmate disciplinary diet)

Prior to the implementation of the disciplinary diet, the unit commander or his designee shall review the propriety of the recommendation to serve the disciplinary diet. This review shall include an evaluation by medical personnel to determine the inmate's suitability for the disciplinary diet.

Such a diet shall be served twice in a 24- hour period. This diet shall not be continued for longer than 72 hours without the written approval of a physician and Unit Commander. To avoid this situation, discipline diets at TTCF will not be served on Mondays and Fridays. On those days, the inmates' will receive that standard three meals a day.

## Form-Original Distribution

The Inmate Discipline Diet form will be submitted along with a copy of the IRTS report to the watch

commander for review. The original will be forwarded to the unit commander. The unit commander will review and, if appropriate, approve the discipline diet.

The original will be submitted to the unit commander's secretariat. The secretariat will distribute it as follows:

- Original in records file
- Copy of the signed original will be forwarded to Watch Sergeant
- Copy of the signed original will be Discipline Module Officer/Deputy.

Discipline diets will not be administered until the approved copy is obtained in by the module personnel.

#### Floor Sergeant Discipline Diet Daily Review

On a daily basis, the floor sergeant will review the module discipline information sheets to ensure that any Discipline Diets have received proper approval.

#### 30 CONSECUTIVE DAYS IN DISCIPLINE

Inmate shall not be held in discipline longer than thirty consecutive days without a finding on an additional violation of facility rules and regulations. If an inmate is given 30 consecutive days of discipline or additional hearings result in a cumulative discipline of 30 or more days, then the hearing officer (sergeant) will complete "Inmate Discipline Diet or 30 Day Authorization form" form. The inmate must be medically examined by the medical staff and have a psychiatric examination prior to continuing past the 30 day period. The 30 Day Authorization form will be submitted along with a copy of the IRTS report to the watch commander for review and the unit commander for approval. Such an examination shall be conducted every fifteen days thereafter until the disciplinary status has ended.

It will be the responsibility of the module officer/deputy assigned to discipline to ensure that the medical and mental examinations are completed.

#### COMMISSARY

Inmates on discipline are allowed to retain some inmate property. These include basic hygiene items, self-medication, and correspondence items. Inmates on discipline status shall be allowed to order or receive these basic items while on discipline status. There is a specific disciplinary commissary order form that the inmates shall be allowed to order while on discipline status. While on discipline status, if an inmate receives store items that are not the allowed basic items, then the items will be stored and given to the inmate upon his release discipline.

#### DISCIPLINE MODULE OPERATIONS

All inmates assigned to a discipline module shall be handcuffed behind their back and any time they are out of their cell. This shall be accomplished by using the cell doors tray slot. Handcuffs shall not be removed until the inmate is re-secured within their cell.

Module Deputy will be responsible for escorting inmates to and from their cells. In cases, when the module officer is escorting an inmate there shall be a deputy present in the module.

Other services, such as sick and pill, shall be brought to the inmates inside the module. Module Officer/Deputy shall provide security for these services at all times.

#### Daily Tank Sheet

All inmates transferred into a discipline module shall be logged into the Daily Tank Sheet. The log will serve as documentation as to which inmates are housed in Pre-discipline and Disciplinary Daily Tank sheet is updated at the beginning of each shift. The following information will be logged on the Daily Tank Sheet:

- Inmate's Name
- Booking Number
- Arrival Date
- Schedule Date of Release from Discipline
- Prior Housing Location
- Violation
- Sentencing Time
- Disciplinary Diet assessed

It will be the responsibility of the supervisor to check and ensure that the Daily Tank Sheet is updated and current on each shift.

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