

5-01-010 Inmate Discipline Procedures

PURPOSE OF ORDER:

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

SCOPE OF ORDER:

This order applies to all personnel assigned to and working at Pitchess Detention Center (PDC) South Facility.

ORDER:

The purpose of any disciplinary action is to achieve one or more of the following:

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

Inmates who violate or refuse to comply with facility rules and regulations shall be subject to discipline. The degree of punitive actions taken shall be directly related to the severity of the rule violation. Acceptable forms of discipline shall consist of, but not be limited to, the following:

- Loss of privileges
- Extra work detail
- Short term lockdown for less than twenty-four (24) hours
- Removal from work details
- Loss of "good-time" and/or "work-time" credits earned pursuant to Penal Code Section 4019, "Deductions from Confinement Period"
- Revocation of early release credits, if eligible
- Disciplinary segregation and/or isolation
- Disciplinary diet
- Criminal prosecution

To comply with Custody Division Manual (CDM) section 5-09/030.00, "Disciplinary Review Process," California Penal Code Section 4019.5 (e), and Title 15 regulations, the following procedures shall be adhered to when processing disciplinary reports.

MINOR VIOLATIONS

Minor acts of non-conformance or minor violations may be handled by any staff member through a harmony transfer, counseling and advisement of conduct expected, extra duty, and/or loss of privileges. In handling these incidents, staff members shall adhere to the following procedures, based on the discipline to be imposed:

- Harmony Transfer - All harmony transfer requests shall be determined by the watch deputy and approved

by the supervising line deputy and line sergeant. Once the transfer is approved, handling personnel shall coordinate with the watch deputy to facilitate the transfer.

- Counseling and Advisement - Personnel may counsel and advise inmates regarding inappropriate behavior and/or rule violations. Any counseling of inmates or advisement of expected behavior shall be conducted in plain view, in a professional manner, and in the presence of more than one Department member.
- Extra Duty Assignments - Inmates may be assigned extra duty (cleaning, landscaping, trash/laundry sorting, etc.) for minor violations of jail rules. Personnel wishing to assign inmates to extra duty assignments for violating jail rules, shall submit an Inmate Reporting Tracking System (IRTS) report, documenting the incident. The supervising line deputy or a sergeant shall review the incident details and assign the amount of extra duty to be performed in hourly increments. No inmate shall be assigned to work more than five (5) hours of extra duty, for any minor violation.
- Loss of Privileges - Inmate commissary and/or visiting privileges may be removed for a period of one (1) to three (3) weeks for violating jail rules. Personnel wishing to remove an inmate's privilege to order commissary or receive visits shall submit a minor IRTS report documenting the incident. The supervising line deputy shall review the incident details and determine the length of time an inmate will lose their commissary and/or visiting privileges.

In the event an inmate loses commissary and/or visiting privileges, inmate services personnel shall update a loss of privilege list to reflect the restriction. The loss of privilege list shall be maintained in the PDC South Facility share files, in the following location:

[REDACTED TEXT]

Inmate services personnel shall also be responsible for restricting the inmate's visitation status in the Inmate Visitation Scheduling System (IVS) application.

The inmate receiving discipline shall be provided with an IRTS generated "Notice of Disciplinary Violation" and a "Notice of Action by Disciplinary Review Board," indicating the rules violated and the discipline imposed. Both forms can be printed from within the IRTS application.

If the inmate requests an appeal of the proposed discipline, a sergeant may act as the discipline review officer. The discipline review officer may conduct further inquiry or investigation and shall provide the inmate with an opportunity to present a defense. The discipline review officer shall then either exonerate or reprimand the inmate, assess the number of hours to be worked, determine loss of privileges, or direct the member submitting the initial violation to complete a discipline report alleging a major violation.

Any accumulation of three (3) or more minor violation reports within a thirty (30) day period for a single inmate shall result in a major violation.

MAJOR VIOLATIONS

Whenever personnel identify an inmate who has committed a major violation of facility rules, a request to send the inmate to disciplinary housing shall immediately be made. Prior to taking any disciplinary action, the handling staff member shall relay the incident details to the watch sergeant and watch commander. The watch sergeant and watch commander may either approve or deny the discipline request, based on the facts presented to them. Transferring an inmate to disciplinary housing requires the approval of both the watch

sergeant and watch commander. Once approval is obtained, the handling staff member shall do the following:

- Complete an IRTS report documenting the rules that were violated and detailing the inmate's actions. The submitted IRTS report shall be reviewed by a supervising line deputy and approved by the watch sergeant. The IRTS will then be ready for review by the Discipline Review Board (DRB) for adjudication. If applicable, an Incident Report (SH-R-49) shall also be written.
- Print two copies of the "Notice of Disciplinary Violation" (SH-J-380) form, generated from the IRTS program. One of the notices shall be issued to the inmate. The second notice shall be signed by the inmate, indicating they received their copy, and provided to the watch deputy for inclusion in the disciplinary transfer packet (see "Disciplinary Transfer Requirements" below).
- Fill out a "Discipline Record Card" for inclusion in the disciplinary transfer packet. For all transfers to PDC North Facility, a yellow card shall be used. For transfers to North County Correctional Facility (NCCF) or Men's Central Jail (MCJ), a white card shall be used. For transfers to Barrack 30, the South Facility discipline record card (kept in the following South Facility share files location: [REDACTED TEXT] shall be used.
- A sergeant shall interview the inmate regarding the violations (DRB), as soon as possible. The sergeant shall review the submitted IRTS entry, document their interview in the appropriate IRTS field, and either approve or reject the submitted report. If the report is rejected, the supervising line deputy shall immediately notify the handling officer and ensure corrections are made as soon as possible.

INFORMATION ONLY IRTS

An "Information Only" IRTS report shall be completed to document incidents under the following circumstances:

- Removal of inmates from any work assignment when there is no disciplinary action taken
- Removal of inmates from any educational program
- Minor disciplinary violations when only a warning was issued, and there is no formal discipline sought
- Reclassification of inmates
- Inmates requiring a "keep away" status from PDC South Facility and/or any specific inmates who pose a risk
- Any inmate information deemed pertinent to maintain the safety of the inmates, staff, or the overall security of PDC South Facility

DISCIPLINE REVIEW BOARD

All DRBs shall be completed by a sergeant, in accordance with CDM section 5.09/040.00, "Disciplinary Review Process." Supervisors who were involved in an incident are precluded from sitting on the related DRB in order to keep the hearing fair and impartial.

An inmate charged with a major violation, has the right to take 24 hours to prepare for the DRB (which may vary due to court, medical, etc.). The inmate has the right to have the DRB conducted within 72 hours (may vary due to court, medical, etc.).

Each shift sergeant shall be responsible for reviewing all active IRTS entries at the beginning of their shift and conduct any DRB that falls within the 24-to-72-hour time limit. If the 72-hour DRB period lapses, with no valid explanation for the delay, the major violation(s) shall be dismissed, and the inmate shall be released from pre-discipline housing.

DISCIPLINE REVIEW BOARD WAIVERS

All inmates accused of violating facility rules shall be given the option to waive their right to the 24-hour defense preparation period. If the 24-hour period is waived, it shall be noted on a Waiver of Time form and signed by the inmate. Once the 24-hour period is waived, a DRB shall be conducted, prior to the inmate receiving discipline. The Barrack 30 Deputy shall be responsible for tracking inmates requiring DRB and notifying the appropriate supervisor that a DRB needs to be conducted.

If the 24-hour period is not waived, the inmate shall be returned to their housing location, upon approval of the watch commander (or watch sergeant in their absence) and allowed time to prepare for their DRB hearing. If the potential discipline time is greater than ten (10) days and the violation(s) consists of prior major offenses, criminal assaults, recalcitrance, or violations while in disciplinary isolation/segregation, the inmate shall be transferred to North Facility or NCCF for pre-discipline housing pending a DRB hearing.

All documented Waiver of Time forms shall be maintained in the Waiver of Time notebook located in Barrack 30. The sergeant conducting the DRB shall sign their name on the form and indicate how many days of discipline were imposed. The Barrack 30 Deputy shall be responsible for periodically archiving all disciplinary forms. These forms shall be maintained for a period of five (5) years in accordance with CDM section 4-13/000.00, "Retention of Records."

The maximum term of discipline which can be imposed by a DRB is 30 days of isolation/segregation. A disciplinary diet may be assessed in conjunction with disciplinary isolation/segregation time for the purpose of addressing issues such as prior offenses, recalcitrance, violations while in disciplinary isolation/segregation, or any case where enhancement of the basic assessment is deemed necessary to gain the compliance of the inmate. Disciplinary diets may also be an appropriate disciplinary enhancement in cases of serious, violent, felony acts.

DISCIPLINARY TRANSFER REQUIREMENTS

Inmates who are given between one (1) and thirty (30) days of discipline may serve their time at PDC South Facility in Barrack 30 (depending on the violation). Inmates who receive more than ten (10) days of discipline, and the violation(s) consist of prior major offenses, criminal assaults, recalcitrance, or violations while in disciplinary isolation/segregation, shall be transferred to another facility for disciplinary housing.

When inmates are transferred to Barrack 30 for discipline, all documents must be fully completed and presented to the watch deputy for review. The watch deputy may request corrections as needed. The watch deputy shall ensure the completed packet is provided to Barrack 30 personnel to be processed. The packet must include the following:

- Notice of discipline violations (signed by the inmate)
- A complete printout of the inmate's IRTS report
- A completed PDC South Facility discipline record card
 - A digital copy of the PDC South Facility discipline record card shall be kept in the following South Facility share files location: [REDACTED TEXT]
- If the inmate has waived the 24-hour DRB preparation right, a copy of the signed waiver shall be included with the packet

When inmates are transferred to another facility for discipline, all transfer documents must be completed and presented to the watch deputy for review. The watch deputy may request corrections as needed and prepare a disciplinary transfer packet in order to facilitate the transfer. To transfer an inmate for discipline, the watch deputy shall ensure the following:

- The inmate shall be medically evaluated by PDC South Facility Correctional Health Services (CHS) staff. Inmates assigned to pill call cannot be housed at PDC North Facility.
- If an inmate is not suitable for housing at PDC North Facility, the watch deputy shall ascertain the inmate's security level and determine whether they will be transferred to NCCF or MCJ.
- Contact the appropriate facility and request disciplinary housing approval from the receiving facility's watch commander
- Prepare the disciplinary transfer packet, which will be comprised of:
 - Discipline Record Card (yellow card for PDC North facility, white card for all other facilities, digital file for Barrack 30)
 - Notice of Discipline Violation, signed by the inmate
 - A printout of the inmate's SI01 screen from AJIS
 - All printed pages of the inmate's IRTS report
 - If the inmate has waived his 24hr DRB preparation right, a copy of the signed waiver shall be included with the packet

Once the DRB hearing has been completed, the inmate shall fulfill their disciplinary sentence at the appropriate facility and return to PDC South Facility, unless security level or other factors deem them a security risk.

DISCIPLINARY DIET

Disciplinary diets may only be requested by a sergeant or above. The implementation of a disciplinary diet requires the approval of the unit commander or their designee. A sergeant requesting imposition of a disciplinary diet shall complete the following:

- The inmate shall be evaluated by medical personnel to determine their suitability to be placed on a disciplinary diet. If medical personnel authorize a disciplinary diet, they shall sign a disciplinary diet authorization form, with their employee number and date of the assessment. A disciplinary diet authorization form shall be completed describing the circumstances supporting the proposed imposition of a disciplinary diet.
- The disciplinary diet authorization form shall be reviewed and signed by the watch commander, then directed to the unit commander for approval.
- An operations incident notification shall be sent using the form located on the PDC South Facility intranet site. The notification shall advise operations personnel that a disciplinary diet has been requested and include a brief explanation of the circumstances supporting the request.
- Once the unit commander has reviewed and approved the request for a disciplinary diet, the signed form shall be delivered to the facility housing the inmate in order to begin the disciplinary diet.
- Inmates placed on disciplinary diets shall not receive that diet for longer than two consecutive 72-hour time periods (approximately one week) without a health and weight evaluation by a physician.

When conducting the DRB, it is the responsibility of the supervisor to evaluate each violation based on the

information available. If the inmate is found guilty of the documented violations, the supervisor shall advise the inmate, and determine an appropriate disciplinary sentence.

The number of days to be spent in disciplinary housing should be assessed based on the guidelines set forth in CDM section 5-09/070.00, "Inmate Discipline Schedule." These guidelines are intended to serve as a recommendation, to ensure a standard of equal and just discipline. They may be deviated from, only when there is just cause, as determined by the severity of the violation, or the inmate's resistance to willingly comply with the facility rules and regulations.

The sergeant conducting the DRB hearing shall document the results in the DRB section of the IRTS report. Two copies of the "Notice of Action by Disciplinary Review Board" forms shall be printed indicating the findings of the DRB, the sergeant who conducted it, and any discipline imposed. One copy of the notice shall be given to the inmate. The inmate shall sign the second copy acknowledging receipt of the notice. The signed copy shall be delivered to the facility providing the disciplinary housing.

The updated IRTS report entry shall automatically be forwarded to the watch commander for review.

APPEALS OF DISCIPLINE

Title 15 guidelines delineates an inmate's right to appeal discipline. Inmates shall be provided with a PDC South Facility disciplinary appeal form upon request. A digital copy of this form can be found in the following PDC South Facility share file: [REDACTED TEXT]. There is also a supply of physical copies in the Barrack 30 staff station. The supervisor hearing the appeal shall be at least one rank above the supervisor who imposed the discipline. The results of the appeal shall be noted in IRTS. The inmate also has the right to have their case reviewed by the unit commander, if requested, per CDM section 05.09/040.00, "Disciplinary Review Process."

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