

## 5-22-000 Inmate Discipline



### PURPOSE OF ORDER:

The purpose of this order is to provide procedures for the discipline of inmates at Men's Central Jail.

### SCOPE OF ORDER:

This order applies to all personnel assigned to, and/or working at Men's Central Jail (MCJ).

### ORDER:

Discipline shall be administered under the procedures contained herein.

The California Code of Regulations, Title 15, authorizes the administration of discipline for inmates who violate jail rules and regulations, and requires certain procedural safeguards be followed to ensure fair and impartial treatment for all inmates.

**NOTE:** Inmates shall receive no more than thirty (30) days of discipline for jail violations or combination of violations. Charges shall not be stacked at the onset of discipline and shall be served concurrently.

I. **Forms of Discipline**

Actions taken by the disciplinary officer shall be directly related to the severity of the rule infraction. Acceptable forms of discipline shall consist of the following:

A. Adult

1. Loss of privileges.
2. Extra work detail.
3. Short term lock-down for less than twenty-four (24) hours.
4. Removal from work details.
5. Forfeiture of "good time" and/or "worktime" credits earned pursuant to Penal Code Section 4019, "Deductions from Confinement Period;"
6. Disciplinary segregation.

II. **Limitations on Disciplinary Actions**

The State Constitution and Penal Code prohibit all cruel or unusual punishment.

A. Adult

1. Food and personal hygiene kits shall not be withheld as disciplinary measures.
2. Correspondence privileges shall not be withheld unless the inmate has violated correspondence regulations. Correspondence may be suspended for a maximum of seventy-two (72) hours without the review and approval of the Unit Commander.

3. Inmates who engage in the destruction of bedding or clothing may have their privileges of newly issued bedding and clothing revoked at the discretion of the watch commander or legal sergeant during each 24-hour period.
4. Access to courts and legal counsel shall not be suspended.
5. Medication, including self-medication assigned to the inmate, shall never be withheld for disciplinary purposes.

### **Discipline Hearings**

Inmates **do not** have the right to:

- Confront/cross examine witnesses.
  - Be represented by an attorney.
1. The hearing sergeant shall document the evidence used to support the cause for discipline in the report. Refer to the table of Discipline Assessments Pursuant to Custody

Division Manual (CDM), Section 5-09/070.00, "Inmate Discipline Schedule"

### **III. Property Allowed in Discipline**

A. Inmates placed into discipline are entitled to have the following items in their possession:

- |           |                     |                    |        |   |
|-----------|---------------------|--------------------|--------|---|
| - Bedroll | - Comb              | - Clothing         |        |   |
| - Bible   | - Shoes or slippers | - Personal letters | - Soap | - |

- |                  |                              |                    |
|------------------|------------------------------|--------------------|
| Legal material   | - Towel                      |                    |
| - Writing tablet | - Washcloth                  | - Pencils          |
| - Toilet paper   | - Envelopes                  | - Toothbrush       |
| - Stamps         | - Toothpaste                 | - Reading Material |
| - Shaving soaps  | - Razor (except high power). |                    |

B. Storage of Inmate Property While on Discipline Status:

With the watch commander's approval, inmates can be strip searched prior to being escorted to their disciplinary housing. Contraband found during the search shall be removed, disposed of, and a disciplinary report shall be written.

Excess property beyond CDM, section 5-06/010.05, "Allowable Inmate Property – Male Inmates" shall be properly documented and/or itemized. The inmate should be encouraged to have their excess property released or sent via mail per CDM, section 5-07/020.00, "Contraband Disposal." In the event an inmate refuses to release or mail excess property, personnel shall consult with the shift watch commander who shall make the determination regarding what property the inmate will be allowed to keep.

Rovers assigned to the floor where inmates are serving their discipline time shall search the inmate, separate, and store their property as described above.

If the inmate is not on the same floor (e.g., court, hospital, discipline) prior to the removal of property from their cell, the search shall be video recorded.

When the inmate is not present to immediately accept and inspect their property, a search report, itemized property report, and electronic-Uniform Daily Activity Log (e-UDAL) entry shall be included.

Personnel who search and take possession of the inmate's property shall ensure proper storage of the inmate's property.

**IV. Discipline for Pro Per Inmates**

- A. Pro per inmates are subject to discipline for violations of jail rules and regulations in the same manner as all other inmates. Their cases shall be heard by the regular disciplinary review process.
- B. Pro Per privileges (e.g., law library, legal runner, and witness visits) shall not be restricted or terminated unless there is an additional administrative hearing and a petition to the court(s) granting the restriction of pro per privileges. Actions to restrict loss of pro per privileges shall be initiated by the Legal sergeant and shall only be sought in exceptional cases where there is danger to the security of the facility or to other inmates or deputies. Telephone access for pro per inmates on discipline shall be permitted during their law library time.
- C. Immediate notification shall be made to the Legal staff when a pro per inmate violates rules pertaining to the safety and security of personnel, inmates, the facility, or found in possession of law library material.

**V. Inmate Appeal of Disciplinary Review Board Action**

- A. Inmates have the right to an administrative appeal process and equal protection at the conclusion of their hearing.
- B. The inmate must notify the hearing sergeant / hearing officer within twenty-four (24) hours. The request to appeal shall be done in writing and forwarded to the unit commander or designated subordinate (lieutenant or Legal sergeant).

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