5-09/000.00 Inmate Disciplinary Procedures

This chapter outlines the procedures to be followed by the Custody Services Divisions relating to inmate disciplinary procedures, in accordance with the California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities, Article 7, Discipline.

DEFINITIONS:

(For definitions of terms related to discipline of specialized program inmates, refer to CDM 5-09/020.00, “Discipline Involving Mental Health Inmates, Inmates Requiring Accommodations Under the Americans with Disabilities Act [ADA], and/or Inmates with Special Needs.”)

“Discipline” defined: punitive action taken against an inmate who violates or refuses to comply with jail rules and regulations and may consist of any or all of the following: segregation in a disciplinary housing area, loss of privileges, removal from work detail, revocation of inmate credit.

“Disciplinary housing” defined: housing area designated by the facility for those inmates on disciplinary status, which consists of single, double, or multi-person cells and shall have space and minimum furnishings as specified in the California Code of Regulations, Title 24, Part 2 1231.2.7 and 2.8 (i.e., bunk, toilet, wash basin, and source of drinking water).

“Discipline in place” defined: inmates having their privileges revoked within their current housing location.

“Disciplinary cell” defined: a cell for inmates on disciplinary status who have been determined, based on their classification and/or disciplinary violation, to be highly dangerous to staff or other inmates and/or pose a security risk for the facility. Refer to CDM section 5-01/010.00, “Inmate Classification Responsibilities and Policies” and 5-01/030.00, “Inmate Classification and Identification” for inmate classification criteria. The cell is equipped with a solid hard door with limited visual and verbal access to others. The cell shall have space and minimum furnishings as specified in California Code of Regulations, Title 24, Minimum Standards for Adult Detention Facilities, Part 2, sections 1231.2.6 and 1231.2.7 (i.e. bunk, toilet, wash basin, and source of drinking water).

“Jail rules” defined: a list of prohibited conduct by an inmate which may result in punitive action. Jail rules are outlined in the Custody Division - Inmate Rules and Regulations (SH-J-386).

“Loss of privileges” defined: a punitive action taken against an inmate for violations of jail rules and regulations and consists of any or all of the following: access to phones, television, hot water pot, vending, commissary, dayroom, outdoor recreation yard, visiting and/or removal from work detail.

“Pre-discipline” defined: the period, not to exceed 72 hours, during which an inmate who is being charged with a disciplinary violation is waiting for their Disciplinary Review Board (DRB) hearing. During this time, the inmate’s existing privileges shall not be revoked. An inmate may waive the DRB hearing by not contesting the charged disciplinary violations. If the inmate waives the DRB hearing, the pre-discipline period ends, and any disciplinary sanctions shall commence as soon as practicable.

“Pre-disciplinary housing” defined: a designated housing location, typically consists of single- or double-person cells, to which an inmate who is in the pre-discipline period may be moved while waiting for the DRB,

when the violation is one necessitating the inmate's removal from their current housing location (e.g., involving an assault against staff or another inmate, gang activity, a jail-made weapon, an attempt escape, arson, etc.). While waiting for the DRB in pre-disciplinary housing, the inmate shall retain all existing privileges until disposition of the case by the DRB, unless exceptional circumstances warrant the suspension of certain privileges prior to the DRB (e.g., temporary suspension of telephone access if the inmate coordinated an assault by communicating via telephone call).

- Inmates in general population may be removed from their housing location and into designated pre-discipline housing for the pre-discipline period.
- Inmates in mental health housing may be removed from their housing location for the pre-discipline period depending on the severity of the charged offense, in accordance with CDM sections 5-09/020.00, "Discipline Involving Mental Health Inmates, Inmates Requiring Accommodations Under the Americans with Disabilities Act [ADA], and/or Inmates with Special Needs," and 5-09/030.00, "Limitations on Disciplinary Actions."

UNIT COMMANDER RESPONSIBILITIES

Unit commanders shall ensure the following:

- Unit orders are established to address facility-specific needs relating to inmate disciplinary procedures, including but not limited to:
    - Designation of housing locations utilized for disciplinary housing
    - Designation of isolation cells utilized for disciplinary housing
    - Unique needs relating to mental health inmates, inmates requiring accommodations under the ADA, and inmates with special needs (refer to CDM 5-09/020.00, "Discipline Involving Mental Health Inmates, Inmates Requiring Accommodations Under the Americans with Disabilities Act [ADA], and/or Inmates with Special Needs")
    - NOTE: unit orders shall be forwarded to Custody Support Services Bureau (CSSB) for review
- Jail rules (Inmate Rules and Regulations [SH-J-386]) in English and Spanish are clearly posted in housing and booking areas, and/or issued to each inmate at the time of booking or initial housing at a facility. For those inmates who are unable to read English or Spanish, and for persons with disabilities, provisions shall be made for the jail staff to verbally instruct them or provide them with material (in an understandable form) regarding jail rules and disciplinary procedures and penalties.
- A Disciplinary Review Board (DRB) is established per CDM section 5-09/060.00, "Disciplinary Review Process."
- Review and approval of DRB findings.
- When inmates are transferred to any new housing location within the facility or to another facility, all personal property is transferred with the inmate.
- Female inmates who are pregnant, who are postpartum, those who have recently had a miscarriage, or those who have recently had a terminated pregnancy **shall not** be housed in an isolated cell. Custody personnel shall collaborate with Correctional Health Services (CHS) staff to ensure these inmates are placed in an appropriate housing location that is conducive to their access to necessary prenatal/medical care. Further policy and procedures regarding pregnant inmates are delineated in CDM sections 5-09/030.00, "Limitations on Disciplinary Actions," and 7-02/010.00, "Pregnant Inmates."
- Inmates who have been identified by mental health staff as suicidal shall be under unobstructed visual

observation, or in a suicide-resistant location with safety checks conducted every 15 minutes. Unobstructed visual observation is continuous but not necessarily uninterrupted observation within a reasonable physical distance of the inmate. Absent security concerns or exigent circumstances, suicidal inmates shall not be placed in an isolated cell unless such housing is determined by mental health staff to be appropriate.

Credit Revocation

- Ensure timely notification is made to inmates who have credits revoked, including an explanation.
- The DRB findings and completed Inmate Incident/Discipline Report generated in the Inmate Reports Tracking System (IRTS) shall be submitted to the Inmate Reception Center (IRC) Records Unit specifying the number of good-time, work-time, and/or early release credits to be revoked. Only the IRC Records Unit has the authority to change an inmate's release date.
- Upon the Records Unit's final approval of credits revoked, the housing unit shall ensure the inmate is notified of his/her new release date.
- All information and results are updated in the IRTS.