

## **5-09/020.00 Discipline Involving Mental Health Inmates, Inmates Requiring Accommodations Under the American with Disabilities Act (ADA), and/or Inmates with Special Needs**

### **DEFINITIONS**

Correctional Health Services (CHS) - Mental Health Level of Care (MHLOC). Mental health staff will monitor and evaluate the inmates at clinically appropriate intervals and update the level of care as needed:

- MHLOC [REDACTED TEXT] - No current mental health impairments. Does not require special mental health housing.
- MHLOC [REDACTED TEXT] - Mild impairment. Generally, does not require special mental health housing.
- MHLOC [REDACTED TEXT] - Moderate impairment. Generally, requires moderate observation housing (MOH) with mental health supervision.
- MHLOC [REDACTED TEXT] - Significant impairment. Generally, requires high observation housing (HOH) with mental health supervision.
- MHLOC [REDACTED TEXT] - Severe debilitating symptoms, priority for hospitalization, housing in HOH or Correctional Treatment Center (CTC).

“Contraindicated” defined: a symptom or condition that makes the imposition of a particular discipline inadvisable.

“Mental health inmate” defined: inmates who have been clinically assessed and designated with a MHLOC of [REDACTED TEXT]. General population inmates who commit jail rule violations and display bizarre behavior or exhibit symptoms of mental illness shall be referred to mental health staff in accordance with CDM section 4-05/000.00, “Behavioral Observation and Mental Health Referral Reports,” prior to the initiation of the disciplinary process.

“Mitigation assessment” defined: the process whereby inmates in mental health housing are evaluated by a qualified mental health clinician to determine if there are any mental illness related contraindications to serving a particular type of discipline or a higher level of mental health housing is clinically indicated.

“Special needs” defined: for disciplinary purposes, refers to any inmate who requires special assistance with the disciplinary process due to developmental disabilities, cognitive impairments (e.g., Parkinson’s Disease, Dementia, neurologic disorders, etc.), sensory impairments (i.e., hearing or vision loss), or for any inmate who speaks an uncommon foreign language for which on-site interpreters are not readily available. See specific procedures below.

### **LIMITATIONS ON THE USE OF DISCIPLINE AND DISCIPLINARY HOUSING**

Discipline shall only be imposed on mental health inmates or inmates with developmental disabilities or cognitive impairments for major violations. Minor jail violations shall be documented in IRTS as “Information Only” and brought to the attention of appropriate mental health staff. Refer to CDM section 5-09/030.00,

“Limitations on Disciplinary Actions” for the inmate discipline schedule.

## **MENTAL HEALTH INMATES CLASSIFIED AS MHLOC [REDACTED TEXT] AND INMATES WITH DEVELOPMENTAL OR COGNITIVE DISABILITIES**

Mental health inmates classified as MHLOC [REDACTED TEXT] and inmates identified by CHS or the Department’s Regional Center Liaison as developmentally or cognitively impaired shall not be issued discipline, nor placed in disciplinary housing. Jail rule violations by mental health inmates classified as MHLOC [REDACTED TEXT] and developmentally or cognitively impaired inmates shall be documented as noted in CDM section 5-09/050.00, “Disciplinary Guidelines.” This documentation shall be forwarded by the Disciplinary Review Board (DRB) sergeant to mental health staff and the Department’s Regional Center Liaison so they may be notified of the inmate’s behavior and work to incorporate patient needs into the treatment plan, if applicable, or in order to relocate the inmate to another housing location, when appropriate.

In cases where mental health staff and custody personnel believe the rule violation is grave such that imposition of discipline is recommended, all pertinent documentation shall be forwarded by the DRB sergeant or a designee to Custody Support Services (CSS) (through an email to Exchange Group, “CCC Notification Group”), which will arrange for a review by the Complex Case Committee (CCC) (refer to CDM section 3-19/000.00, “Complex Case Committee”). The CCC will review relevant factors including the rule violation and inmate’s mental health before providing a ruling regarding discipline. The ruling will be documented within the Inmate Reports Tracking System (IRTS).

## **MENTAL HEALTH INMATES CLASSIFIED AS MHLOC [REDACTED TEXT]**

Mental health inmates classified as MHLOC [REDACTED TEXT] may be subject to discipline, but those classified as MHLOC [REDACTED TEXT] shall not be housed in a disciplinary isolation cell, unless authorized by the CCC.

### **Discipline Hearings**

In addition to the procedures outlined in CDM section 5-09/050.00, “Disciplinary Guidelines,” unit commanders shall ensure the DRB has consulted with a mental health clinician or qualified healthcare staff (where applicable) prior to a discipline hearing involving any mental health inmate classified as MHLOC [REDACTED TEXT].

The DRB will request and consider the mitigation assessment completed by a mental health clinician prior to imposing any discipline. The DRB staff will document the date the mitigation assessment was received and the mental health staff’s name within the IRTS as noted in CDM section 5-09/060.00, “Disciplinary Review Process”. If the mitigation assessment indicates that the proposed discipline and/or disciplinary housing is contraindicated and/or a higher level of mental health housing is clinically indicated, the DRB shall follow that recommendation.

In accordance with CDM section 5-09/060.00, “Disciplinary Review Process,” inmates shall have 72 hours to appeal the decision of the DRB.

## **Revocation of Inmate Credits Involving Mental Health Inmates**

Any recommendation to revoke inmate credits for disciplinary purposes involving mental health inmates classified as MHLOC [REDACTED TEXT] requires a review by the Restrictive Housing Panel (RHP) (refer to CDM section 3-20/000.00, "Restrictive Housing Panel"). The DRB staff will forward all documents from the disciplinary hearing to the RHP. The RHP, which includes a mental health representative, will review relevant factors including the rule violation and inmate's mental health before providing a ruling regarding loss of credits. The RHP will consider information from a mental health clinician regarding the inmate's underlying mental illness, the potential effects of the discipline being considered, and whether transfer of the inmate to a higher level of mental health housing is clinically indicated. The RHP will return their findings to the DRB staff and Complex Case Committee so the inmate can be notified of the RHP findings. The DRB staff will follow procedures listed in CDM section 5-09/070.00, "Revocation of Inmate Credits".

## **Location of Discipline**

Mental health inmates classified as MHLOC [REDACTED TEXT] shall serve their discipline in place (refer to CDM section 5-09/000.00, "Inmate Disciplinary Procedures"), or within a non-disciplinary housing area that provides the same level of care. Mental health inmates classified as MHLOC [REDACTED TEXT] shall continue to receive their prescribed treatment plan as designated by mental health staff and continue to be offered structured and unstructured out-of-cell time.

Mental health inmates classified as a MHLOC [REDACTED TEXT] shall serve their discipline within a housing area where they are able to receive their prescribed treatment plan as designated by mental health staff. If the inmate will be moved to pre-discipline or disciplinary housing, the Inmate Discipline Report shall include a justification for the relocation.

Personnel shall promptly notify mental health staff of an inmate's pre-discipline status and/or placement in pre-discipline housing to ensure a clinician can review the proposed discipline and evaluate the inmate within 24 hours to determine whether pre-discipline and/or discipline housing is clinically contraindicated, and/or whether placement in a higher level of mental health housing is clinically indicated and will thereafter follow the recommendation of the clinician.

## **MENTAL HEALTH INMATES CLASSIFIED AS LEVEL OF CARE [REDACTED TEXT]**

Jail Mental Health Evaluation Team (JMET) custody personnel shall monitor the Custody Automated Reporting and Tracking System (CARTS) for mental health inmates classified as MHLOC [REDACTED TEXT] who are placed into disciplinary housing. JMET custody personnel shall promptly notify mental health staff to ensure a review and meeting is conducted within 24 hours of the inmate's placement in disciplinary housing, to determine if placement is contraindicated and/or whether transfer of the inmate to mental health housing is clinically appropriate. JMET custody personnel shall ensure the mental health staff's determination on the appropriate course of action is followed. JMET custody personnel shall make daily notification to mental health personnel of mental health inmates in disciplinary housing.

Loss of inmate credits for mental health inmates classified as MHLOC [REDACTED TEXT] who are not in

mental health housing will follow normal procedures listed in CDM section 5-09/070.00, "Revocation of Inmate Credits."

## **MOBILITY- OR SENSORY-IMPAIRED INMATES REQUIRING ADA ACCOMMODATIONS AND INMATES WHO SPEAK AN UNCOMMON FOREIGN LANGUAGE**

The DRB sergeant shall consider the severity of an inmate's sensory impairment or non-fluency in English and whether these factors caused or contributed to the violation when determining the appropriateness of the imposition of discipline for sensory-impaired or non-English-speaking inmates.

Inmates who are deaf or hard of hearing, or who speak an uncommon foreign language, shall have a qualified interpreter present, either in person or via Video Remote Interpreting (VRI) Services when attending any formal proceeding (i.e., Discipline Review Board [DRB] hearing). Refer to CDM section 5-14/060.00, "Use of Interpreter" and Manual of Policy and Procedures (MPP) section 2-04/030.05, "International Liaison Unit."

Mobility- or sensory-impaired inmates requiring Americans with Disabilities Act (ADA) accommodations shall serve their disciplinary penalties in an ADA-compliant disciplinary housing area. If the facility lacks an ADA-compliant disciplinary housing area, these inmates shall serve their discipline in place.

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