

## 5-09/030.00 Disciplinary Guidelines

Pursuant to the California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities, Article 7, Discipline, inmates who violate or refuse to comply with facility rules and regulations shall be subject to discipline. The degree of punitive actions taken by the Disciplinary Review Board (DRB) shall be directly related to the severity of the rule violation. Facility rule violations are categorized as follows:

### MINOR VIOLATIONS

Violations of rules not posing a threat to facility safety or security are considered minor violations. 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. Any counseling of inmates or advisement of expected behavior shall be conducted in normal traffic areas. When possible, counseling shall be conducted by two (2) Department members. Acceptable forms of discipline for minor violations are limited to the following:

- Temporary loss of privileges for less than 24 hours (refer to CDM section 5-09/000.00, "Inmate Discipline Procedures")
- Removal from a work detail without loss of work time credit
- Discipline in place (refer to CDM section 5-09/000.00, "Inmate Discipline Procedures").

Minor violations or acts of non-conformance shall be documented in the Inmate Reports Tracking System (IRTS). For minor violations, at the request of the inmate, an informal review of the proposed discipline may be conducted by a supervisor at the sergeant level. After conducting the discipline review, the sergeant shall either impose discipline as outlined above or exonerate the inmate.

Procedures for addressing minor violations involving inmates housed in mental health housing are referenced in CDM section 5-09/020.00 "Discipline Involving Mental Health Inmates, Inmates Requiring Accommodations Under the Americans with Disabilities Act (ADA) and/or Inmates Who Have Special Needs."

Except when involving a mental health inmate or an inmate with special needs, an accumulation of three (3) minor violation reports within a 30-day period for a single inmate shall result in a major violation.

### MAJOR VIOLATIONS

Violations of rules which affect the safety, security, efficiency, or operation of the facility are considered major violations. Major violations shall be handled on a formal basis and acceptable forms of discipline are limited to the following, subject to procedures in CDM section 5-09/020.00 "Discipline Involving Mental Health Inmates, Inmates Requiring Accommodations Under the Americans with Disabilities Act (ADA) and/or Inmates Who Have Special Needs":

- Assignment to a designated disciplinary housing area
- Loss of privileges
- Discipline in place
- Removal from work details
- Revocation of inmate credits (refer to CDM section 5-09/070.00, "Revocation of Inmate Credits")

- And/or criminal prosecution.

When a major violation has occurred, an Inmate Incident Report ([SH-J-213](#)) should be generated, which is located in IRTS and, if applicable, a criminal Incident Report ([SH-R-49](#)) shall be written. Discipline shall not be imposed unless an Inmate Discipline Report is completed. A narrative description of the incident need not be duplicated on the Inmate Discipline Report. The Inmate Discipline Report shall be concise, explain the facts of the violation, how the inmate was identified as committing the offense, and provide a basis for evaluation by the Disciplinary Review Board (DRB). If the involved inmate is in mental health housing and will be moved to pre-discipline or disciplinary housing, the Inmate Discipline Report shall include a justification for the relocation (e.g. inmate’s violation involved an assault against staff or another inmate, gang activity, a jail-made weapon, an attempt escape, arson, etc.). A reference to the Uniform Report Number (URN) from the Incident Report ([SH-R-49](#)) may be placed in the narrative of the Inmate Discipline Report. A copy of the approved Incident Report ([SH-R-49](#)) shall be attached to the Inmate Discipline Report.

The DRB will assess each Inmate Discipline Report, conduct a discipline hearing, and impose discipline, when appropriate, as outlined in CDM section 5-09/060.00, “Disciplinary Review Process.” The DRB has the discretion to impose loss of privileges without disciplinary segregation, as well as the ability to reduce the imposed discipline based on good behavior while the inmate is in disciplinary housing.

## INMATE DISCIPLINE SCHEDULE

The inmate discipline schedule describes the type of discipline and the range of days that may be imposed in disciplinary housing or for revocation of inmate credits, per incident. The totality of the circumstances, severity of the offense, prior discipline history, and, if applicable, the inmate’s mental health level of care or any developmental or cognitive impairments, shall be considered when issuing the amount of discipline days and/or revoking inmate credits. Prior discipline history refers to the inmate’s discipline history during the inmate’s incarceration under their current booking number.

Inmates shall be afforded due process as described in CDM sections 5-09/060.00 “Disciplinary Review Process” and 5-09/070.00, “Revocation of Inmate Credits.”

The following guidelines shall serve as a reference for use in determining appropriate disciplinary segregation.

OFFENSES AGAINST PERSONS	(FOR MENTAL HEALTH INMATES ONLY)  QUALIFYING CHARGE FOR DISCIPLINE HOUSING	DISCIPLINE HOUSING	LOSS OF INMATE CREDITS	
			1 <sup>st</sup> Offense	With Priors
<b>MAJOR VIOLATIONS</b>				

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Assault on Employee	YES	20 – 30	30 – 90	90 – 120
Assault on Inmate (Felony)	YES	10 – 20	30 – 60	60 – 90
Assault on Inmate (Misdemeanor)	YES	5 – 10	1 – 10	10 – 30
Assault: Multiple Suspects, One Victim	YES	10 – 20	30 – 90	90 – 120
Fighting (Mutual Combat)	YES	5 – 10	1 – 10	10 – 30
Promoting Gang Activity	YES	10 – 20	10 – 30	30 – 90
Robbery/Extortion/Embezzlement	YES	10 – 20	30 – 90	90 – 120
Threatening Staff	YES	5 – 15	1 – 10	10 – 30
Threatening Inmate	YES	5 – 10	-	-
Engaging in Sexual Acts (Illegal)	YES	20 – 30	30 – 90	90 – 120
Engaging in Sexual Acts (Consensual)	YES	5 – 10	-	-
Indecent Exposure/Lewd Conduct	YES	5 – 15	1 – 10	10 – 30
Poisoning Food	NO	-	10 – 30	30 – 90
Tampering with Food	NO	-	-	-
Theft (other than food)	NO	-	1 – 10	10 – 30
All other offenses against persons not already covered (e.g., inciting others or conspiring with others to commit act of force or violence, tattooing, etc.)	YES	10 – 30	30 – 90	90 – 120
<b>MAY BE CHARGED AS MAJOR OR MINOR VIOLATIONS (“WOBLER”)</b>				
Resisting/Obstructing/Delaying Staff	YES IF MAJOR	5 – 15	1 – 10	10 – 30
Insubordination/Refusing Order by Staff	YES IF MAJOR	5 – 15	1 – 10	10 – 30
Insubordination/Refusing Re-Housing or Transfer (i.e., “Wayside Refusal”)	YES IF MAJOR	5 – 15	1 – 10	10 – 30

OFFENSES AGAINST PROPERTY	(FOR MENTAL HEALTH INMATES ONLY)  QUALIFYING CHARGE FOR DISCIPLINE HOUSING	DISCIPLINE HOUSING	LOSS OF INMATE CREDITS	
			1 <sup>st</sup> Offense	With Priors
<b>MAJOR VIOLATIONS</b>				
Arson (with fire damage)	YES	20 – 30	30 – 90	90 – 120
Damage of County Facility/Equipment (over \$400)	YES	10 – 20	30 – 90	90 – 120
Tampering with Gates, Doors, Cameras, Medical, or Fire Equipment	YES	5 – 10	1 – 10	10 – 30
<b>MAY BE CHARGED AS MAJOR OR MINOR VIOLATIONS (“WOBBLER”)</b>				
Damage of County Facility/Equipment (under \$400)	YES IF MAJOR	5 – 10	1 – 10	10 – 30
Altering Wristband or Clothing	YES IF MAJOR	5 – 10	-	-
Theft of Food	YES IF MAJOR	1 – 5	-	-
<b>MINOR VIOLATIONS</b>				
Damage of County-Issued Property (e.g. clothing, blankets, shoes, mattresses)	NO	-	1 – 10	10 – 30
Flooding of Cell - no equipment damage	NO	-	1 – 10	10 – 30

SECURITY VIOLATIONS	(FOR MENTAL HEALTH INMATES ONLY)	DISCIPLINE HOUSING	LOSS OF INMATE CREDITS	
	QUALIFYING CHARGE FOR DISCIPLINE HOUSING		1 <sup>st</sup> Offense	With Priors
<b>MAJOR VIOLATIONS</b>				
Possession of and/or Manufacture of Weapon	YES	10 – 20	30 – 90	90 – 120
Attempting Escape or Escape	YES	10 – 20	30 – 90	90 – 120
Manufacturing/Distributing Alcohol (e.g. “Pruno”)	YES	10 – 20	1 – 10	10 – 30
Being under the Influence of Drugs/Alcohol (e.g. “Pruno”)	NO	-	10 – 30	30 – 90
Smuggling/Possessing Illegal Narcotics	YES	10 – 20	30 – 90	90 – 120
Smuggling/Possessing Cell Phone	NO	-	30 – 90	90 – 120
Contraband: Possession of Alcohol (e.g. “Pruno”)	NO	-	10 – 30	30 – 90
Hoarding of Medication	NO	-	30 – 90	90 - 120
Create and/or Participate in Major Disturbance	YES	10 – 20	30 – 90	90 – 120
All Major Security Violations Not Already Covered (Refusal to Submit to Body Scanners or Narcotic Detectors, etc.)	NO	-	30 – 90	90 – 120
<b>MAY BE CHARGED AS MAJOR OR MINOR VIOLATIONS (“WOBBLER”)</b>				
Contraband: Possession of Non-Permitted Items	NO	-	-	-

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Contraband: Possession of Any Item Issued or Purchased that Has Been Altered From Its Original Form or Purpose, Non-Weapon (e.g. razors, toothbrush, etc.)	NO	-	1 – 10	10 – 30
Creating and/or Participating in Minor Disturbance	YES	5 – 10	1 – 10	10 – 30
Violating Visiting Regulations	YES IF MAJOR	5 – 10	-	-
<b>MINOR VIOLATIONS</b>				
Hoarding of Food/Commissary	NO	-	-	-
Contraband: Possession of Excess Permitted Items	NO	-	-	-
Creating a Visual Obstruction (e.g. “tenting”)	NO	-	1 – 10	10 – 30
All minor security violations not already covered (roaming, unauthorized communication/kites, etc.)	NO	-	-	-

OTHER OFFENSES	(FOR MENTAL HEALTH INMATES ONLY)  QUALIFYING CHARGE FOR DISCIPLINE HOUSING	DISCIPLINE HOUSING	LOSS OF INMATE CREDITS	
			1 <sup>st</sup> Offense	With Priors
<b>MAJOR VIOLATIONS</b>				
Gambling	NO	-	30 – 90	90 – 120
Making a False Report	NO	-	30 – 90	90 – 120
<b>MAY BE CHARGED AS MAJOR OR MINOR VIOLATIONS (“WOBBLER”)</b>				

Work or program violations (e.g. AWOL, late, poor work habits, disruptive, participating in strike/work Stoppage, etc.)	NO	-	-	-
<b>MINOR VIOLATIONS</b>				
All minor violations not already covered (using vulgar language, loud talking, failing to maintain proper grooming, unauthorized barbering, etc.)	NO	-	-	-

## **DISCIPLINARY MEASURES FOR VIOLATIONS OF THE PRISON RAPE ELIMINATION ACT (PREA)**

Any inmate who is found to have engaged in inmate-on-inmate sexual abuse or harassment shall be subject to disciplinary procedures, and/or criminal charges based on the severity of the crime. Disciplinary procedures for inmates in mental health housing shall be in accordance with CDM section 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."

Inmates may be disciplined for falsely reporting an incident of sexual abuse or filing a PREA-related grievance containing information the grievant knows to be false, in accordance with CDM section 5-09/060.00, "Disciplinary Review Process." Inmates shall not be disciplined for making a report or reporting sexual abuse in good faith based upon a reasonable belief that the alleged incident occurred.