5-09/040.00 Location of Discipline

The facility requesting or initiating disciplinary action against an inmate shall be responsible for the disciplinary review process and administering the discipline.

When an inmate commits certain major violations for which they may serve discipline time in disciplinary housing, as specified in CDM section 5-09/030.00, “Disciplinary Guidelines” (e.g., involving an assault against staff or another inmate, gang activity, a jail-made weapon, an attempt escape, arson, etc.), the inmate may be removed from their current housing area and reassigned to a designated pre-disciplinary housing pending a hearing by the Disciplinary Review Board (DRB). 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.

In instances where it reasonably appears that the removal of certain property items from an inmate’s possession will prevent a future use of force (e.g., inmate extraction), a supervising sergeant may authorize the removal of non-essential commissary items from the inmate’s possession prior to the move to a pre-discipline housing area.

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.

Inmates on disciplinary status may be transferred from one facility to another, if necessary for facility security, protection of the inmate, or to reduce or prevent overcrowding of the facility disciplinary housing area. Watch commanders transferring inmates to another facility for discipline shall confer with the watch commander of the receiving facility. Inmates transferred to another facility prior to completing their imposed discipline time shall be required to complete the remainder of their discipline time at their new facility. All discipline reports for inmates transferred during the course of disciplinary segregation shall accompany the inmate to the new facility.

Facilities that house inmates under the care of mental health staff or inmates who are receiving psychotropic medication shall develop unit orders as referenced in the Custody Division Manual (CDM) sections 5-09/000.00, “Inmate Disciplinary Procedures” and 5-09/020.00, “Discipline Involving Mental Health Inmates, Inmates Requiring Accommodations Under the Americans with Disabilities Act, and/or Inmates Who Have Special Needs.”

Custody staff shall immediately notify a mental health staff member when it appears that an inmate is suffering from an adverse mental health event, such as a suicide attempt, suicide threat, self-injurious behavior, or displays behavior indicative of a decompensation of mental health status while in disciplinary housing. Inmates who suffer from mental health events while in disciplinary segregation shall be transferred as soon as possible to mental health housing as determined by a mental health clinician. Custody staff shall follow the procedures outlined in CDM section 4-05/000.00, “Behavioral Observation and Mental Health Referral Reports.” The unit commander or their designee (at the rank of lieutenant), in consultation with CHS, shall determine whether an inmate who is transferred from disciplinary housing to mental health housing and who is released from mental health housing, will return to disciplinary housing to resume the remainder of their disciplinary time.