# 5-09/060.00 Disciplinary Review Process

Pursuant to California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities, Article 7, inmates involved in any disciplinary action other than counseling or reprimand shall have the right to an administrative process (discipline hearing) that adheres to the constitutional principles of due process and equal protection and to ensure that disciplinary findings and conclusions are not erroneous. The discipline hearing is not a judicial or adversarial proceeding.

Unit commanders shall appoint at least two sergeants to act as the facility Disciplinary Review Board (DRB) who will conduct the disciplinary hearing. The DRB is charged with the disciplinary review process and shall have the authority, in conformance with policy and procedures, to take any of the following actions that are appropriate to the circumstances:

- Conduct a further investigation into the incident, including interviewing inmates and staff who may have pertinent information regarding the incident
- Impose discipline
- Change the disciplinary location
- Recommend a revocation of inmate credits (refer to CDM section 5-09/070.00, “Revocation of Inmate Credits”)
- Terminate the discipline and/or expunge the inmate's disciplinary record
- Consult with mental health staff regarding inmates who are in mental health housing or inmates who are receiving psychotropic medications
- Consult with medical staff regarding inmates who are being treated for a medical condition, have disabilities requiring accommodation under the Americans with Disabilities Act, and/or may have special needs

Discipline guidelines for inmates under the care of mental health staff, inmates who require accommodations under the Americans with Disabilities Act (ADA), or those with special needs are referenced under 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.”

The DRB shall ensure the following guidelines are adhered to:

- An inmate who has been charged with a disciplinary offense but has not had a DRB hearing is in the pre-discipline period and their existing privileges shall not be revoked
- The inmate shall be informed of the charge(s) in writing through the Notice of Disciplinary Violation
- The inmate shall acknowledge the Notice of Disciplinary Violation by writing “yes” or “no” in the respective lines and signing the Notice of Disciplinary Violation. A refusal to sign shall be annotated on the Notice of Disciplinary Violation, and witnessed by a line supervisor or sergeant.
- Inmates have the right to a discipline hearing no sooner than 24 hours, and no later than 72 hours, after having been notified in writing that they are subject to discipline
- The 24-hour limitation following written notification will allow the inmate time to prepare a defense for the discipline hearing
- The inmate may agree by written waiver that the hearing be conducted within 24 hours of being informed of the charges

- In exigent circumstances, the hearing may be postponed beyond the 72 hours after the inmate has been informed of the charges. Exigent circumstances include inmate court appearances, unforeseen shifts/schedule changes of necessary personnel, or the need for more information/investigation).
- The inmate may waive a DRB hearing by not contesting the disciplinary violations with which they have been charged and signing the corresponding waiver field in the Notice of Disciplinary Violation. If the inmate waives the DRB process, any disciplinary sanctions imposed shall commence as soon as practicable.
    - If an inmate is in pre-disciplinary housing when they elect to waive the DRB hearing and there is no available space in disciplinary housing to house them, the inmate may serve their discipline time in pre-disciplinary housing facility (i.e. the facility may impose the disciplinary sanctions in the pre-disciplinary housing location)
- The inmate shall be permitted to appear on their own behalf at the time of the hearing, make a statement, and present evidence and/or witnesses to appear on their behalf
- The DRB shall determine if the charges are founded and shall impose discipline when warranted in accordance with CDM section 5-09/030.00, “Limitations on Disciplinary Actions”
- The inmate shall be advised of the action taken by the DRB through the Notice of Action by Disciplinary Review Board. The inmate shall sign the Notice of Action by Disciplinary Review Board. A refusal to sign shall be witnessed by a line supervisor or sergeant.
- DRB personnel shall not be personally involved in the original violation or infraction of the rules
- Pursuant to California Code of Regulations, Title 15, Minimum Standards for Adult Detention Facilities, Article 7, section 1084, and Penal Code section 4019.5(e), records shall be kept of all disciplinary violations and discipline imposed by the DRB. Inmate disciplinary records are automatically generated and recorded in the Inmate Reports Tracking System (IRTS).

The unit commander or a designated lieutenant shall review the final disposition of disciplinary charge(s) and the action taken within IRTS to ensure that discipline is administered fairly and impartially.

## APPEALS

- If an inmate desires to appeal the DRB’s decision, an appeal hearing shall be conducted by the unit commander or their designee (at the rank of lieutenant)
- The inmate shall be provided with an appeal form located within IRTS
- Inmates shall have 72 hours from the time they have been provided the appeal form to appeal the decision by the DRB
- The unit commander or a designee shall have up to seven (7) days from the DRB hearing to conduct the appeal hearing with the inmate
- The inmate shall be notified of the findings
- The findings shall be documented in IRTS

### Appeals Involving Revocation of Credits

If the discipline imposed by the DRB includes the revocation of inmate credits, the inmate shall be advised of the right to an appeal review by the Restrictive Housing Panel (CDM section 3-20/000.00, “Restrictive Housing Panel). Procedures for handling these appeals are referenced in CDM section 5-09/070.00, “Revocation of Inmate Credits.”