


MONROE COUNTY  DETENTION FACILITIES	CHAPTER:	NUMBER:	
	<b>Confinement and Disciplinary</b>		<b>4:001</b>
	SUBJECT: <b>Administrative Confinement and Protective Custody</b>		
	AREAS OF RESPONSIBILITY:	PERSON RESPONSIBLE:	
	<b>Monroe County</b> <b>Detention Facilities</b>	<b>Classification Supervisor /</b> <b>Shift Supervisor</b>	

REVISED DATE: 5/29/06

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**I. POLICY:**

It is the policy of the Monroe County Detention Facilities to establish policies governing inmates housed in administrative confinement or protective custody. Inmates shall be placed in administrative confinement for purposes of protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available. All inmates in administrative confinement or protective custody shall be afforded the same basic rights, privileges, services, and participation in facility programs comparable to those available to the general population within the limits of their imposed confinement except where security requirements dictate otherwise. The Classification Committee shall meet once per week to review each inmate in administrative confinement to determine when an inmate should be released from confinement.

**II. REFERENCES:**

FMJS 9.08 & 13.13; FCAC 7.17 & 7.18; and Consent Decree 61.

**III. SCOPE:**

These procedures apply to All Certified Personnel.

**IV. DEFINITIONS:**

- A. Administrative Confinement - Placement of an inmate in housing separate from the general population when ordered by the Classification Department or other authorized persons when the continued presence of an inmate in the general population would pose a serious threat to property, self, staff, other inmates, or to the security or orderly operation of the facility.
- B. Protective Custody - A form of administrative confinement for inmates requesting or requiring protection from other inmates for reasons of health or safety (e.g., informant, state witness, ex-law enforcement officer).
- C. Immediate Control and Supervision - It is determined that the inmates constitute a threat to themselves, to others, or to the safety and security of the detention facility.

## Confinement and Disciplinary

### Administrative Confinement and Protective Custody

#### V. PROCEDURES:

Confinement unit(s) will be provided for the supervision of inmates under administrative confinement and protective custody.

##### A. Administrative Confinement Justification

1. The Operations/Site Commander, Shift Lieutenant/ Sergeant, Unit/Dorm Officer, or the Classification Department may order immediate administrative confinement when it is necessary to protect the inmate or others, or when the inmate:
  - a. Exhibits anti-social or hostile behavior toward others
  - b. Is a demonstrated escape risk
  - c. Is pending an investigation or hearing for a rule violation
  - d. Is a death row inmate temporarily housed at a county facility
  - e. Is an informant, state witness, or ex-law enforcement officer
2. Inmates may be placed in administrative confinement for the purpose of ensuring immediate control and supervision when it is determined they constitute a threat to themselves, to others, or to the safety and security of the detention facility. Each such action shall be followed by a Disciplinary Report and formal disciplinary proceedings if applicable.

**NOTE: An Incident Report must be forwarded to the Inmate Services Sergeant via the chain-of-command for all of the above reasons. Also, forward a copy of the Incident Report to Classification.**

3. Each case shall be reviewed within 48 hours by the Classification Department.

##### B. Protective Custody Justification

1. Inmates that require protection from other inmates (e.g., informant, ex-law enforcement officer, state witness) may be placed in immediate protective custody by the Operations/Site Commander, Shift Lieutenant/Sergeant, Unit/Dorm Officer, or the Classification Department when deemed necessary.

## Confinement and Disciplinary


### Administrative Confinement and Protective Custody

2. Inmates may request in writing to be placed in protective custody for protection from other inmates or for other personal reasons.
    - a. The Classification Department will evaluate inmate requests for possible alternatives.
    - b. Inmates who were placed in protective custody at their own request and who later request to be placed back in general population will remain in protective custody if the Classification Department determines that the original reason for protective custody still exists.
- NOTE: Inmates shall be placed in protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available. An Incident Report must be forwarded to the Inmate Services Sergeant via the chain-of-command for all of the above reasons. Also, forward a copy of the Incident Report to Classification.**
- C. Inmates in administrative confinement should be checked at intervals not to exceed 72 hours by the Medical Staff.
  - D. Inmates in administrative confinement or protective custody shall be required to bathe twice weekly.
  - E. Inmates placed in administrative confinement or protective custody shall be afforded the same basic rights, privileges, services, and participation in facility programs as those available to the general population within the limits of their imposed confinement except where security requirements dictate otherwise. (See "Confinement Inmates; Rights, Privileges, and Access to Programs and Services" policy and procedure for a detailed listing.)
  - F. Administrative Confinement Status Review
    1. The Classification Committee is comprised of the Classification Supervisor, the Support Services Commander, and a representative of the Medical Staff. The committee shall meet weekly to review all matters relating to an inmate's initial placement in confinement to determine if:
      - a. The reason for initial placement is still valid
      - b. A change in the inmate's behavior and mental attitude warrants release from confinement

## **Confinement and Disciplinary**

### **Administrative Confinement and Protective Custody**

- c. A change in the inmate's medical evaluation no longer warrants confinement
  2. The Classification Committee will also review the inmate's file for:
    - a. Any Incident or Disciplinary Reports submitted since the inmate's placement in administrative confinement
    - b. Any pertinent information supplied by staff members
    - c. Letters or request slips submitted by the inmate
  3. The Support Services Commander will be responsible for setting the actual time for the committee to meet.
- G. Administrative Confinement Review Process for Release
  1. Before inmates are released from administrative confinement, a full review of the inmate's file shall be conducted by the Classification Committee to determine if the aforementioned factors warrant the inmate's release from confinement.
  2. Should it be determined that the initial reasons for placement in administrative confinement no longer exist, the Classification Committee shall recommend the inmate's return to general population.
  3. All releases from administrative confinement shall be documented to include dates, times, reasons for releases, and the releasing authorities.

MONROE COUNTY  DETENTION FACILITIES	CHAPTER: <b>Confinement and Disciplinary</b>	NUMBER: <b>4:002</b>
	SUBJECT: <b>Confinement Inmates; Rights, Privileges, Access to Programs and Services, and Deprivation of Authorized Items</b>	
	AREAS OF RESPONSIBILITY: <b>Monroe County  Detention Facilities</b>	PERSON RESPONSIBLE: <b>All Certified Personnel</b>

REVISED DATE: 5/29/06

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**I. POLICY:**

It is the policy of the Monroe County Detention Facilities that inmates in confinement shall have the same basic rights, living conditions, privileges, and programs comparable to those available to inmates in general population within the limits of their imposed confinement except where security requirements or disciplinary sanctions dictate otherwise. Males and females shall be housed separately. When an inmate in confinement is deprived of any usually authorized item or activity, an Incident Report shall be written and forwarded to the Operations Commander via the chain-of-command. Discipline shall not be arbitrary nor capricious, nor in the nature of retaliation or revenge. Corporal punishment of any kind is prohibited.

**II. REFERENCES:**

FMJS 9.08, 13.12, 13.13, 13.14, & 15.07 (a-d); FCAC 7.16, 7.18, 10.12, 12.19, & 15.08; and Consent Decree 61.

**III. SCOPE:**

These procedures apply to All Certified Personnel.

**IV. PROCEDURES:**

**Inmates shall not be discriminated against based on race, national origin, color, creed, economic status, disability, political belief, sex or sexual preference.**

A. Meals

1. The quality and quantity of meals shall be the same as provided the general inmate population and will not be altered or withheld as a means of punishment. For medical reasons, an inmate who proposes a threat to him/herself or others will be served an alternate meal.
2. Alternate meal service shall be on an individual basis and be based on health or safety reasons only. (See Removal of Comfort Items policy and procedure.)

## **Confinement and Disciplinary**

### **Confinement Inmates; Rights, Privileges, Access to Programs and Services, and Deprivation of Authorized Items**

#### **B. Out of Cell Time Privileges**

1. Inmates in confinement shall be allowed one hour out of cell time a minimum of three times per week as scheduled for showering, recreation, using the phone, and/or cleaning their cell unless behavior dictates otherwise.
2. Inmates in confinement shall be permitted outside recreation, weather permitting.
3. Inmates are required to shower twice weekly.
4. Inmates shall be provided with the same comfort items (e.g., toothbrushes, toothpaste, soap, towel) as provided in general population.
5. Incoming general phone calls to inmates will not be accepted. Incoming emergency phone calls will be verified, and if valid, the information will be relayed to the inmate. Determination as to whether the inmate shall be permitted to make a return call by the use of the inmate phone shall be left to the Unit/Dorm Officer.
6. Inmates who are suicidal or under behavioral observation shall not be permitted to retain razors in their possession. Razors will be issued by an officer. The Officer will observe the inmate shave and upon completion of each shave, the razor will be immediately returned.
7. Water to the cells may be shut off due to inmates' misbehavior (e.g., flooding, clogging up the commodes). In this event inmates will be provided an adequate supply of drinking water by other means.

#### **C. Clothing, Bedding, Linen, Laundry and Barber Services**

1. The issue and exchange of clothing, bedding and linen shall be on the same basis as for inmates in general population. Exceptions are permitted only where found necessary by the Shift Supervisor on duty and shall be recorded in the Confinement Log.
2. Situations requiring the removal of mattresses, bedding and linen will be reported to the Medical Staff by the Shift Supervisor.

## Confinement and Disciplinary

### Confinement Inmates; Rights, Privileges, Access to Programs and Services, and Deprivation of Authorized Items

3. Laundry and Barber services shall be provided on the same basis as for inmates in general population. Exceptions are permitted only where found necessary by the Shift Supervisor on duty and shall be recorded in the Confinement Log.

#### D. Correspondence

Inmates shall be provided the same opportunities for writing and receipt of letters available to the general inmate population.

#### E. Visitation

1. Inmates shall be afforded visitation privileges that are available to the general inmate population unless they lost visitation privileges due to disciplinary confinement or there are substantial reasons for withholding such privileges.
2. Special consideration and measures will be taken to provide visitation for those classified as high risk inmates, state witnesses, etc. Visitation will be scheduled as determined by the Shift Lieutenant.
3. It will be the inmate's responsibility to inform potential visitors should they be denied visitation privileges.

**NOTE: Staff should inform inmates of this responsibility at the time the restriction becomes effective and allow the inmate to make one phone call (making contact) to inform his/her visitors of the restriction.**

#### F. Legal Materials

1. Inmates in confinement shall have access to the Law Library by submitting an Inmate Request Form to the Programs Services Department requesting to visit the Law Library.
2. Inmates who are a security risk shall request access to legal material by submitting an Inmate Request Form to the Programs Services Department (maintain strict contraband protocol).
3. Inmates in disciplinary confinement are not allowed to visit the Law Library unless they are pro-se inmates.

## Confinement and Disciplinary

### Confinement Inmates; Rights, Privileges, Access to Programs and Services, and Deprivation of Authorized Items

#### G. Reading Materials

Inmates in confinement may request reading materials from the library (available in the unit) and may possess comparable amounts of general reading materials available to the general inmate population. Disciplinary confinement inmates may lose this privilege.

#### H. Programs and Services

1. Inmates in administrative confinement shall have the same access to programs and services as those afforded to the general population. Services include but are not limited to education, canteen, library, law library, social services, counseling, religious guidance, and recreation.
2. Inmates who are unable to participate in group activities for security reasons will be allowed visits in their housing area from the facility chaplain who will provide religious guidance and counseling.
3. Administrative confinement inmate's request for programs and services will be reviewed by the Programs Services Department and approved as deemed appropriate and necessary, and then forwarded to the Classification Department for review and approval.

#### I. Administrative Confinement and Protective Custody

1. Inmates placed in administrative confinement or protective custody shall be afforded the same basic rights, privileges, services, and participation in facility programs as those inmates in general population within the limits of their imposed confinement except where security requirements dictate otherwise.
2. No item or activity should be withheld longer than is necessary to ensure the inmate's safety and well-being of the staff and other inmates.

**NOTE: In no instances will an inmate be deprived of an item or activity for the purpose of punishment.**

## Confinement and Disciplinary

### Confinement Inmates; Rights, Privileges, Access to Programs and Services, and Deprivation of Authorized Items

3. Staff members requesting a restriction of any program or service to an inmate shall obtain approval from the Operations Commander / KV/PK Site Commander prior to implementing the restriction.

**NOTE: An Incident Report shall be submitted outlining the reason or basis for such action. The Incident Report will be forwarded to the Operations Commander via the chain-of-command.**

#### J. Disciplinary Confinement

The following privileges may be lost by inmates placed in disciplinary confinement:

1. Phone (except to access legal counsel)
2. Visitation
3. Law Library
4. Library
5. Canteen
6. Programs

#### K. Informal Discipline


Inmates housed in direct supervision housing units can be subjected to informal discipline (e.g., two hours lockdown in cell, volunteer for in-house work detail) as follows:

1. Must be approved by the Shift Sergeant or OIC;
2. An Incident Report must be written and forwarded up the chain-of-command;
3. Inmates shall not be required to remain in their individual sleeping areas for more than two hours as a result of informal discipline;
4. Any informal discipline shall terminate upon completion of the then current shift;

## **Confinement and Disciplinary**

### **Confinement Inmates; Rights, Privileges, Access to Programs and Services, and Deprivation of Authorized Items**

5. No inmate may be the subject of informal discipline more than twice in any seven day period; and
6. Inmates on informal discipline shall receive the same food, clothing, and visitation as any other inmate in the housing unit.

MONROE COUNTY  DETENTION FACILITIES	CHAPTER: <b>Confinement and  Disciplinary</b>	NUMBER: <b>4:003</b>
	SUBJECT: <b>Confinement Inmates; Health and Well-Being</b>	
	AREAS OF RESPONSIBILITY: <b>Monroe County  Detention Facilities</b>	PERSON RESPONSIBLE: <b>Shift Supervisor</b>

**REVISED DATE: 8/21/06**

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**I. POLICY:**

It is the policy of the Monroe County Detention Facilities that inmates in confinement shall receive daily visits from the Jail Administrator or his/her designee. A qualified health care official will visit daily unless medical attention is required more frequently.

**II. REFERENCES:**


FMJS 13.13(c) & 13.14 and FCAC 7.17 & 10.20.

**III. SCOPE:**

These procedures apply to All Certified Personnel and Medical Staff.

**IV. PROCEDURES:**

- A. The Jail Administrator or his/her designee will speak with inmates in confinement at least once per tour of duty to ascertain the general condition and attitude of each inmate. Pertinent information (e.g., inmate's general condition and attitude) will be documented on the Special Confinement Form.
- B. Each inmate who is placed in confinement will be seen by a qualified Medical Staff member within 24 hours of placement and thereafter daily until removed from confinement. Inmates requiring more frequent medical attention will be attended to by the Medical Staff as required.
- C. Inmates confined for medical reasons will be examined by medical staff within 48 hours of such confinement.
- D. All visits will be documented as required.

MONROE COUNTY  DETENTION FACILITIES	CHAPTER: <b>Confinement and Disciplinary</b>	NUMBER: <b>4:004</b>
	SUBJECT: <b>Confinement Sheet and Watch Form</b>	
	AREAS OF RESPONSIBILITY: <b>Monroe County</b> Detention Facilities	PERSON RESPONSIBLE: <b>Unit/Dorm Officers</b>

**REVISED DATE: 12/31/08**

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**I. POLICY:**

It is the policy of the Monroe County Detention Facilities that those officers who have confinement inmates assigned to their housing areas shall maintain a Confinement Sheet and Watch Form on each confined inmate.

**II. REFERENCES:**

FMJS 5.04 & 13.13 and FCAC 7.17 & 10.04.

**III. SCOPE:**

These procedures apply to All Certified Personnel.


**IV. PROCEDURES:**

- A. The Confinement Sheet and Watch Form shall be maintained by officers in all areas housing inmates for medical, administrative confinement, protective custody, and/or disciplinary purposes. Confinement Sheets shall be posted on the inmate's cell door. At midnight, the Confinement Sheets will be removed and given to the Shift Supervisor, and a new sheet will be placed on the door.
- B. The Shift Supervisor shall review the sheets to ensure they are being properly filled out. The Shift Supervisor shall initial each confinement sheet after reviewing it.
- C. Information to be contained on the Confinement Sheet and Watch Form shall include, but not be limited to, the following:
  - 1. Inmate's full name
  - 2. Cell location
  - 3. Date and time inmate is placed in confinement

## Confinement and Disciplinary

### Confinement Sheet and Watch Form

4. Type of confinement
  5. Type of Watch (15 minute, 30 minute, or 1 hour)
  6. Special diet
  7. Special needs or restrictions
  8. If two officer control is needed
  9. Visits by detention and medical staff
- NOTE: The Sergeant or his/her designee must talk with each confined inmate at least once per shift and Medical must check each confined inmate at least once every 24 hours.**
10. The inmate's general condition and attitude (e.g., poor, fair, good) must be noted. If the inmate's general condition and attitude is poor, the Sergeant or his/her designee must include a comment in the "comments" section of the confinement sheet.
  11. Participation in "out-of-cell" time including shower taken or not, went to recreation or not, made phone calls or not
  12. Date and time inmate is released from confinement or confinement is continued
- D. In addition to the requirements for a Confinement Sheet and Watch Form, information regarding inmates in confinement will be documented on an Incident Report, when applicable.
- E. Special management inmates observations will be documented at least every 15 minutes or sooner (e.g., detox, suicide levels 1, 2, & 3, inmates in the infirmary).
- F. Observation of inmates whose behavior presents a serious threat to the safety and security of the facility, staff, or general inmate populations will be documented at least every 30 minutes or sooner (e.g., hi-pro, psych obs, signal 20).
- G. All other confinement inmates will be documented at least every hour or sooner (e.g., suicide level 4, AC, PC, DC inmates).

MONROE COUNTY  DETENTION FACILITIES	CHAPTER: <b>Confinement and  Disciplinary</b>	NUMBER: <b>4:005</b>
	SUBJECT: <b>Disciplinary Confinement</b>	
	AREAS OF RESPONSIBILITY: <b>Monroe County  Detention Facilities</b>	PERSON RESPONSIBLE: <b>Classification Supervisor /  Shift Supervisor</b>

REVISED DATE: 5/29/06

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**I. POLICY:**

It is the policy of the Monroe County Detention Facilities to establish policies governing inmates housed in disciplinary confinement. Inmates shall be placed in disciplinary confinement for a rule violation only after a hearing by the Inmate Disciplinary Committee.

**II. REFERENCES:**

FMJS 13.13(d).

**III. SCOPE:**

These procedures apply to All Certified Personnel.

**IV. DEFINITIONS:**

- A. Disciplinary Confinement - A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the Inmate Disciplinary Committee/Hearing Officer for short periods of time to individual cells separate from the general population. Placement in disciplinary confinement may only occur after a finding of a rule violation at an impartial hearing and when there is no adequate alternative disposition to regulate the inmate's behavior.
- B. Pending Disciplinary Hearing - An inmate(s) who violated a rule infraction and is placed in a confinement cell pending his/her disciplinary hearing outcome.

**V. PROCEDURES:**

Confinement unit(s) will be provided for the supervision of inmates under disciplinary confinement.

## Confinement and Disciplinary

### Disciplinary Confinement


- A. The Inmate Disciplinary Committee/Hearing Officer may place inmates in disciplinary confinement only after an impartial hearing has been conducted and when other available alternatives are inadequate to regulate an inmate's behavior within acceptable limits.
1. If an inmate pleads guilty when they are served with the DR, their lockdown time will begin that date.
  2. If an inmate is found guilty at a DR hearing, their lockdown time will begin on the day of the DR hearing.
- B. Inmates may be placed in disciplinary confinement for no more than the Disciplinary Confinement Guidelines allow per violation arising out of one incident. Lockdown time can run consecutively.

**Disciplinary confinement time will only count while in lockdown in Unit A, B, or other recognized lockdown cell. If an inmate goes to the infirmary for any reason, the time s/he spends in the infirmary will not count towards his/her lockdown time. Once the inmate is released from the infirmary, s/he will be returned to Unit A or B to complete his/her DC time. If the DR hearing is held in the infirmary, the DC time will not start until the inmate is released from the infirmary and placed back in Unit A or B on lockdown status. DC time will also be stopped for any other type of time the inmate spent away from Unit A or B.**

- C. Loss of privileges will be determined by the Inmate Disciplinary Committee/Hearing Officer.

**NOTE: An Incident Report must be forwarded to the Inmate Services Sergeant via the chain-of-command for all of the above reasons.**

- D. Inmates shall be checked daily by Medical Staff.
- E. Inmates shall be required to shower twice weekly.

<p>MONROE COUNTY</p>  <p>DETENTION FACILITIES</p>	<p>CHAPTER:</p> <p><b>Confinement and Disciplinary</b></p>	<p>NUMBER:</p> <p><b>4:006</b></p>
	<p>SUBJECT:</p> <p><b>Disciplinary Hearing</b></p>	
	<p>AREAS OF RESPONSIBILITY:</p> <p><b>Monroe County Detention Facilities</b></p>	<p>PERSON RESPONSIBLE:</p> <p><b>Disciplinary Comm./Hearing Officer and Classification</b></p>

REVISED DATE: 12/31/08

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**I. POLICY:**

It is the policy of the Monroe County Detention Facilities to establish the responsibility and duties for the Inmate Services Section and the KV/PK Sergeants to conduct disciplinary hearings for inmates who have violated institutional rules or regulations. Consistent, equitable discipline prevents misconduct and promotes a calm, orderly environment. At the same time it can be an effective tool used to develop inmate self-control.

**II. REFERENCES:**

FMJS 13.04 & 13.08-13.12, FCAC 7.03 & 7.07-7.16, and Consent Decree 51-63.

**III. SCOPE:**

These procedures apply to the Disciplinary Committee/Hearing Officer, Classification, KV/PK Site Commanders, and Operations Commander.

**IV. PROCEDURES:**

A. Disciplinary Committee

1. The Disciplinary Committee will consist of three (3) Sheriff's Office personnel with at least one (1) certified officer whenever possible. The certified officer shall act as the chairperson of the committee. If no certified officer is available, three (3) Sheriff's Office personnel may convene the committee with one acting as the chairperson.
2. No personnel shall be a member of the disciplinary committee if they:
  - a. Were involved or witnessed the infraction; or
  - b. Were involved with the reporting or investigation of the Disciplinary Report.

## Confinement and Disciplinary

### Disciplinary Hearing

#### B. Disciplinary Hearings

1. A hearing will be held as soon as possible after the alleged violation(s), but no later than seven working days after the incident. For the purpose of this rule, "working days" shall mean Monday-Friday, excluding holidays.

**NOTE: There may be times, due to extenuating circumstances, when the hearing cannot be held within seven working days of the incident. If this occurs, the circumstances regarding the continuance must be fully documented and approved by the Officer-in-Charge. Under no circumstance may the hearing be postponed beyond ten working days after the incident.**

2. When the inmate charged with the violation(s) appears before the committee, the chairperson will:
  - a. Introduce the committee members (not required).
  - b. Determine if the inmate understands the charge(s), the hearing procedure, and the possible penalties if found in violation of the charge.
  - c. Offer assistance to the inmate if s/he is unable to defend him/herself due to disability, language barrier, literacy problems, or cannot properly understand the charge(s) against him/her.
  - d. Read the report aloud for the benefit of all present.
  - e. Ask the inmate how s/he wishes to plead to the charge(s):
    - (1) A plea of "Guilty" will not require any further evidence to be heard.
    - (2) A plea of "Not Guilty" will require the hearing to proceed.
    - (3) A refusal to plea shall be treated as a "Not Guilty" plea.
    - (4) A plea of "Nolo Contendere" shall be treated as a "Guilty" plea.
  - f. Ask the inmate if s/he would like to explain the circumstances or make a statement.

## Confinement and Disciplinary

### Disciplinary Hearing

- g. Continue the hearing to resolve questionable testimony, if necessary.
  - h. Call for supporting documents, evidence, or relevant witnesses, if indicated.
  - i. Inmates are allowed to be present at their disciplinary hearing unless a written waiver is obtained waiving their right to attend, the inmate refuses, security is threatened, or their behavior justifies their removal from the hearing (e.g., violent, aggressive, abusive language). Proceed with the hearing in the inmate's absence.
  - j. Ensure that any deviations from the established format are documented (e.g., removal/absence of inmate from hearing, interpreter present).
  - k. If the inmate requested witnesses during the investigation and they were not called by the chairperson, or if information was restricted, an explanation must be included in the findings.
3. When all questions are resolved, the inmate charged with the violation(s) and all others will be dismissed to allow the committee members an opportunity to deliberate.
  4. The committee must determine if the inmate is or is not in violation of the Rules of Prohibited Conduct as charged and agree upon the recommended penalty.

**NOTE: The decision of guilt shall be based solely on witnesses, evidence (including video tape), and documentation presented at the hearing.**

5. The penalty will not exceed the D.C. Guidelines (see attachment 1). All committee members must use the D.C. Guidelines as the sentence for an inmate found guilty of a charge. As warranted, recommendations will be made to the KV/PK Site Commander or the KW Operations Commander requesting consideration of a reduced sentence based on the individual circumstances of the case. Only the KV/PK Site Commanders or the KW Operations Commander can reduce a sentence below the guideline sentence.

**NOTE: If property was damaged, stolen, or destroyed, the Disciplinary Committee/Hearing Officer can also recommend reimbursement from the inmate as part of the sentencing. This recommendation must be spelled out including the dollar amount the inmate needs to reimburse.**

## Confinement and Disciplinary

### Disciplinary Hearing

- a. In stating the findings, the committee must specify the evidence they relied upon in reaching a decision.
- b. If the inmate is found "not guilty", or if the charge is dismissed, all reports shall be so noted.
- c. The inmate will be informed of the committee's decision and recommendation, and if found "in violation", it is his/her right to appeal the decision within five days to the KV/PK Site Commander or the KW Operations Commander by submitting an Inmate Request Form.
- d. The findings will be recorded in Section III of the Disciplinary Report. If a loss of gain time or loss of extra gain time is recommended, the number of days to be forfeited will be noted and the expiration of sentence date adjusted on all records. The committee cannot sentence an inmate to corporal punishment.
- e. The committee shall make recommendations as follows:
  - (1) Reinstatement of Program Status
  - (2) Removal from Program Status
  - (3) Removal from Program Status pending re-evaluation from the Classification Department.
- f. After the report is signed by all committee members, the inmate's disposition copy shall be given to the inmate at the disciplinary hearing. The paperwork will then be forwarded to the KV/PK Site Commander or the KW Operations Commander.
- g. The KV/PK Site Commander or the KW Operations Commander shall review the findings and approve, disapprove, or reduce the sentence. The KV/PK Site Commander and the KW Operations Commander cannot increase the punishment.

## Confinement and Disciplinary

### Disciplinary Hearing

h. The KV/PK Site Commander shall forward the documentation to the KW Operations Commander. The KW Operations Commander shall forward the final disposition to the Classification Department. The Classification Department will initiate appropriate paperwork for:

- (1) Reclassification of the inmate, if applicable
- (2) Adjustment of the inmate's tentative release date, if applicable

6. The distribution of a Disciplinary Report will be as follows:

- a. White copy (Original) - Disciplinary report file
- b. Yellow copy - Classification file
- c. Pink copy - Inmate's Disposition (given to the inmate by the Disciplinary Committee after the hearing)
- d. Goldenrod copy - Inmate's Service Copy (given to inmate at time of service)

#### C. Inmate Appeals to the KV/PK Site Commander or the KW Operations Commander

Upon receipt of an Inmate Request Form for an appeal, the KV/PK Site Commander or the KW Operations Commander will:

1. Compile all information concerning the Disciplinary Report.
2. Review all paperwork.
3. If any questions arise after review, investigate questions.
4. Render a decision on appeal.
5. Document all action taken during the appeal process on the inmate's appeal request.

Revised: 12/31/08

**D.C. GUIDELINES**

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
1-1	30DC + 15LG	30DC + 30LG	30DC + ALL LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
1-2	15DC	20DC	25DC	15DC	20DC	25DC
1-3	15DC + 15LG	20DC + 20LG	25DC + 25LG	15DC + 15LV	20DC + 20LV	25DC + 25LV
1-4	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
1-5	30DC + 15LG	30DC + 30LG	30DC + All LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
1-6	30DC + 15LG	30DC + 30LG	30DC + ALL LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
1-7	30DC + 15LG	30DC + 30LG	30DC + ALL LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
2-1	30DC	30DC + 20LG	30DC + 30LG	30DC	30DC + 20LV	30DC + 30LV
2-2	30DC + 20LG	30DC + 40LG	30DC + 60LG	30DC + 20LV	30DC + 40LV	30DC + 60LV
2-3	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
2-4	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
3-1	30DC + 10LG	30DC + 20LG	30DC + 40LG	30DC + 10LV	30DC + 20LV	30DC + 40LV
3-2	30DC + ALL LG	30DC + ALL LG	30DC + ALL LG	30DC + 60LV	30DC + 90LV	30DC + 120LV
3-3	20DC + 10LG	20DC + 20LG	20DC + 40LG	20DC + 10LV	20DC + 20LV	20DC + 40LV
3-4	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	30DC + 30LV
3-5	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	30DC + 30LV
3-6	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	30DC + 30LV

## D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
3-7	10DC + 10LG	20DC + 15LG	30DC + 30LG	10DC + 10LV	20DC + 15LV	30DC + 30LV
3-8	10DC + 10LG	20DC + 15LG	30DC + 30LG	10DC + 10LV	20DC + 15LV	30DC + 30LV
3-9	10LG	10DC + 5LG	20DC + 10LG	10LV	10DC + 5LV	20DC + 10LV
3-10	20DC	20DC + 10LG	20DC + 20LG	20DC	20DC + 10LV	20DC + 20LV
3-11	30DC + 10LG	30DC + 20LG	30DC + 30LG	30DC + 10LV	30DC + 20LV	30DC + 30LV
3-12	5DC + 5LG	10DC + 10LG	20DC + 20LG	5DC + 5LV	10DC + 10LV	20DC + 20LV
3-13	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
3-14	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
3-15	30DC	30DC + 10LG	30DC + 30LG	30DC	30DC + 10LV	30DC + 30LV
3-16	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
3-17	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
3-18	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	30DC + 30LG
3-19	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
4-1	30DC + ALL LG	30DC + ALL LG	30DC + ALL LG	30DC + 60LV	30DC + 90LV	30DC + 120LV
4-2	30DC	30DC + 30LG	30DC + 60LG	30DC	30DC + 30LV	30DC + 60LV
4-3	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV

## D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
4-4	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
4-5	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
5-1	15DC	15DC + 10LG	15DC + 20LG	15DC	15DC + 10LV	15DC + 20LV
5-2	15DC	15DC + 10LG	15DC + 20LG	15DC	15DC + 10LV	15DC + 20LV
5-3	15DC	15DC + 15LG	15DC + 30LG	15DC	15DC + 15LV	15DC + 30LV
5-4	15DC + 10LG	30DC + 20LG	30DC + 30LG	15DC + 10LV	30DC + 20LV	30DC + 30LV
6-1	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
6-2	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
6-3	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
7-1	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
7-2	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
7-3	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
7-4	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
7-5	5DC + 5LG	15DC + 15LG	30DC + 30LG	5DC + 5LV	15DC + 15LV	30DC + 30LV
7-6	30DC + 15LG	30DC + 30LG	30DC + ALL LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
8-1	5LG	10DC + 10LG	15DC + 15LG	5LV	10DC + 10LV	15DC + 15LV

## D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
8-2	5LG	10DC + 10LG	15DC + 15LG	5LV	10DC + 10LV	15DC + 15LV
9-1	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
9-2	15DC + 15LG	20DC + 20LG	30DC + 30LG	15DC + 15LV	20DC + 20LV	30DC + 30LV
9-3	30DC + 30LG	30DC + 60LG	30DC + 90LG	30DC + 30LV	30DC + 60LV	30DC + 90LV
9-4	20DC + 20LG	25DC + 25LG	30DC + 90LG	20DC + 20LV	25DC + 25LV	30DC + 90LV
9-5	30DC + 60LG	30DC + 90LG	30DC + ALL LG	30DC + 60LV	30DC + 90LV	30DC + 120LV
10-1	20DC + 20LG	25DC + 25LG	30DC + 30LG	20DC + 20LV	25DC + 25LV	30DC + 30LV
10-2	15LG	10DC + 10LG	15DC + 15LG	15LV	10DC + 10LV	15DC + 15LV
10-3	20LG	10DC + 30LG	20DC + 60LG	20LV	10DC + 30LV	20DC + 60LV
10-4	10DC + 20LG	20DC + 30LG	30DC + 30LG	10DC + 20LV	20DC + 30LV	30DC + 30LV
10-5	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
10-6	10LG	10DC + 20LG	25DC + 30LG	10LV	10DC + 20LV	25DC + 30LV
10-7	30DC + 30LG	30DC + 60LG	30DC + 90LG	30DC + 30LV	30DC + 60LV	30DC + 90LV
10-8	15DC + 15LG	20DC + 20LG	30DC + 30LG	15DC + 15LV	20DC + 20LV	30DC + 30LV
10-9	20DC + 20LG	30DC + 30LG	30DC + 60LG	20DC + 20LV	30DC + 30LV	30DC + 60LV
10-10	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV

## D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
10-11	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-12	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
10-13	10LG	10DC + 20LG	20DC + 30LG	10LV	10DC + 20LV	20DC + 30LV
10-14	10LG	10DC + 20LG	30DC + 30LG	10LV	10DC + 20LV	30DC + 30LV
10-15	15LG	10DC + 20LG	15DC + 30LG	15LV	10DC + 20LV	15DC + 30LV
10-16	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-17	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-18	10DC + 20LG	20DC + 30LG	30DC + 60LG	10DC + 20LV	20DC + 30LV	30DC + 60LV
10-19	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-20	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
10-21	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-22	30DC + 20LG	30DC + 30LG	30DC + 45LG	30DC + 20LV	30DC + 30LV	30DC + 45LV
10-23	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-24	30DC + 30LG	30DC + 60LG	30DC + 90LG	30DC + 30LV	30DC + 60LV	30DC + 90LV
10-25	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV


## D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
10-26	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-27	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-28	15DC + 15LG	20DC + 20LG	30DC + 30LG	15DC + 15LV	20DC + 20LV	30DC + 30LV
10-29	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV

**LEGEND:**

- DC - Disciplinary Confinement**
- LG - Lost of Gain Time**
- LV - Lost of Visitation**
- + - Means additional CONSECUTIVE discipline, not concurrent**

**NOTE: THE MOST DISCIPLINARY CONFINEMENT TIME THAT AN INMATE CAN RECEIVE PER INCIDENT IS A MAXIMUM OF 30 DAYS.**

MONROE COUNTY  DETENTION FACILITIES	CHAPTER: <b>Confinement and Disciplinary</b>	NUMBER: <b>4:007</b>
	SUBJECT: <b>Disciplinary Reports</b>	
	AREAS OF RESPONSIBILITY: <b>Monroe County  Detention Facilities</b>	PERSON RESPONSIBLE: <b>All Personnel</b>

REVISED DATE: 12/31/08

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**I. POLICY:**

It is the policy of the Monroe County Detention Facilities to establish the methods to be used when it is necessary to take disciplinary action against inmate(s) who have violated institutional rules and regulations.

**II. REFERENCES:**

FMJS 13.05-13.07, FCAC 7.04-7.06, and Consent Decree 53-56.

**III. SCOPE:**

These procedures apply to All Personnel.

**IV. PROCEDURES:**

A. Reporting Violation of Rules

1. If an officer/employee witnesses or has reason to believe a violation of the rules has been committed by an inmate, and if the officer/employee determines that the violation can be disposed of without a formal Disciplinary Report, the officer/employee will take the necessary steps to resolve the issue. The officer/employee may reprimand the inmate through a verbal counseling or by issuing a Minor Infraction Warning. The warning will be documented in the inmate's file.
2. If the officer/employee cannot resolve the issue through a verbal counseling or by the issuance of a Minor Infraction Warning, the officer/employee will follow through with a written Disciplinary Report and forward it to his/her supervisor for review.

## **Confinement and Disciplinary**

### **Disciplinary Reports**

#### **B. Preparation of Disciplinary Reports**

1. The Disciplinary Report will contain the following:
  - a. Date of infraction
  - b. Time of infraction
  - c. Place of infraction
  - d. Date report was written
  - e. Specific rule violated (only one offense per report)
  - f. Details of incident including witnesses
  - g. Action taken by officer/employee
  - h. Names of employee witnesses (as security allows) will be written on the Incident Report. (NOTE: When the Investigating Officer completes the Disciplinary Investigative Report, he will ask the inmate if he has any witnesses. The Investigating Officer will obtain statements from the witnesses.)
2. The Disciplinary Report will show the nature of the offense. The charge and rule number violated will be included. The Disciplinary Report will include only one offense per report. The charge must be from the following partial list of Rules of Prohibited Conduct:

#### **SECTION 1 - ASSAULT, BATTERY, THREATS AND DISRESPECT**

- 1-1 Assault or battery or attempted assault or battery with a deadly weapon
- 1-2 Other assault or battery or attempted assault or battery
- 1-3 Spoken or written threats or gestures

## **Confinement and Disciplinary**

### **Disciplinary Reports**

- 1-4 Disrespect to officials, staff members, employees or other persons of authority expressed by means of words, gestures and like expressions
- 1-5 Sexual battery or attempted sexual battery
- 1-6 Corruption by threats against public servants (F.S. 838.021)
- 1-7 Throwing of bio-hazardous human feces or any other human bodily fluids with the intent to make contact on any person, or willful act or behavior which could cause a hazard to any person, their equipment, or work station

### **SECTION 2 - RIOTS, STRIKES, MUTINOUS ACTS OR DISTURBANCES**

- 2-1 Participating in riots, strikes, mutinous acts or disturbances
- 2-2 Inciting or attempting to incite riots, strikes, mutinous acts or disturbances. Conveying any inflammatory, riotous or mutinous communication by word of mouth, in writing, by sign, symbol, or gesture
- 2-3 Participating in or inciting a minor disturbance
- 2-4 Fighting

### **SECTION 3 - CONTRABAND - ANY UNAUTHORIZED ARTICLE OR ANY AUTHORIZED ARTICLE IN EXCESSIVE QUANTITIES**

- 3-1 Possession of weapon, ammunition or explosives
- 3-2 Possession of escape paraphernalia
- 3-3 Possession of any flammable, poisonous or explosive material or device, including matches and lighters
- 3-4 Possession of narcotics, unauthorized drugs or drug paraphernalia
- 3-5 Trafficking in drugs or unauthorized beverages

## Confinement and Disciplinary

### Disciplinary Reports

- 3-6 Manufacture of drugs or unauthorized beverages
- 3-7 Possession of unauthorized beverages
- 3-8 Possession of aromatic stimulants or depressants such as paint thinner, glue, toluene, etc.
- 3-9 Possession of negotiables - unauthorized amounts of cash where cash is permitted, cash where cash is not permitted, checks, credit cards or any other negotiable item which is not authorized
- 3-10 Possession of any mask, wig, disguise or other means of altering appearance
- 3-11 Possession of unauthorized or altered identification - driver's license, social security card, inmate i.d., etc.
- 3-12 Possession of unauthorized clothing or linen (county or personal)
- 3-13 Possession of stolen property
- 3-14 Possession of any other contraband
- 3-15 Introduction of any contraband
- 3-16 Possession of tobacco, tobacco products or paraphernalia
- 3-17 Constructive possession of contraband
- 3-18 Positive drug test/refusal to provide urine sample
- 3-19 Positive tobacco test

### SECTION 4 - UNAUTHORIZED AREA

- 4-1 Escape or attempted escape
- 4-2 Aiding or abetting an escape or attempted escape

## **Confinement and Disciplinary**

### **Disciplinary Reports**

- 4-3 Unauthorized absence from assigned area including housing, job, or other assigned or designated area
- 4-4 Being in an unauthorized area including housing, job, recreation, visiting or any other area where the inmate is not authorized to be
- 4-5 Failure to proceed directly and promptly to or from designated area

### **SECTION 5 - COUNT PROCEDURE VIOLATIONS**

- 5-1 Missing during count
- 5-2 Failure to comply with count procedure
- 5-3 Failure to answer or answering for another
- 5-4 Failure to wear proper identification in accordance with facility rules and regulations

### **SECTION 6 - DISOBEYING ORDERS**

- 6-1 Disobeying verbal or written order(s) - any order(s) given to an inmate or inmates by an official, staff member, employee, or other person of authority
- 6-2 Refusing to obey institutional rules and regulations
- 6-3 Repeatedly, knowingly, and willfully refusing to obey rules and regulations

### **SECTION 7 - DESTRUCTION, MISUSE OR WASTE OF PROPERTY**

- 7-1 Destruction of county property or property belonging to another (F.S. 806.13)
- 7-2 Altering or defacing county property or property belonging to another (F.S. 806.13)

## **Confinement and Disciplinary**

### **Disciplinary Reports**

- 7-3 Destruction of county property or property belonging to another due to negligence (F.S. 806.13)
- 7-4 Misuse of county property or property belonging to another - using property for other than the intended purpose (F.S. 806.01)
- 7-5 Willfully wasting county property or property belonging to another - using property for other than the intended purpose (F.S. 806.01)
- 7-6 Arson or attempted arson without injury - igniting any material(s) (F.S. 806.01)

### **SECTION 8 - HYGIENE**

- 8-1 Failure to maintain personal hygiene or appearance
- 8-2 Failure to maintain acceptable hygiene or appearance of housing area

### **SECTION 9 - SAFETY INFRACTIONS**

- 9-1 Operating or use of any tool, equipment, or machinery without permission of a staff member
- 9-2 Careless, reckless or negligent operation or use of tools, equipment, or machinery
- 9-3 Tampering with or carelessly, negligently, recklessly, or willfully causing damage or destruction to any part of the electrical, plumbing, water, sewage, communications or other utilities (F.S. 806.01)
- 9-4 Tampering with or carelessly, negligently, recklessly, or willfully causing damage or destruction to any piece of safety equipment or device (F.S. 806.10, fire equipment / or F.S. 806.13 for others)
- 9-5 Any careless, reckless, negligent or willful act or behavior that causes or could cause death or injury to another person

## Confinement and Disciplinary

### Disciplinary Reports

#### SECTION 10 - MISCELLANEOUS INFRACTIONS

- 10-1 Obscene or profane act, gesture, or statement - oral, written, or signified
- 10-2 Bribery or attempted bribery (F.S. 838.015)
- 10-3 Breaking and entering or attempt
- 10-4 Conspiracy or attempted conspiracy to commit any crime or violation of the rules or prohibited conduct
- 10-5 Theft
- 10-6 Bartering with others
- 10-7 Sex acts or unauthorized physical contact of a sexual nature
- 10-8 Indecent exposure
- 10-9 Consumption of intoxicants or intoxication
- 10-10 Tattooing or self-mutilation
- 10-11 Lying to staff member or others in official capacity, or falsifying records
- 10-12 Attempt to manipulate staff
- 10-13 Feigning illness or malingering as determined by a physician or medical Authority
- 10-14 Gambling or possession of gambling paraphernalia
- 10-15 Insufficient work (This constitutes an inmate not working up to expectation taking into consideration the inmate's physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task.)
- 10-16 Mail regulation violations

## Confinement and Disciplinary

### Disciplinary Reports

- 10-17 Visiting regulation violations
  - 10-18 Refusing to work
  - 10-19 Disorderly conduct
  - 10-20 Unauthorized physical contact
  - 10-21 Presenting false testimony before disciplinary committee
  - 10-22 Extortion or attempted extortion
  - 10-23 Fraud or attempted fraud
  - 10-24 Robbery or attempted robbery
  - 10-25 Loaning or borrowing money or other valuables
  - 10-26 Telephone regulation violations
  - 10-27 Unauthorized communication from an inmate in any area to another person in a different area through word of mouth, in writing, by sign, symbol or gesture (e.g., one unit to another unit, trustees to court inmates, etc.)
  - 10-28 Trusty or work release rules/guideline violations
  - 10-29 Sharing/using a telephone pin number with another inmate
3. The Disciplinary Report shall contain a statement of facts. In specific terms, state the circumstances that formed the basis for the Disciplinary Report. The statement of facts will not include any opinions or inferences from the charging officer/employee.
  4. Where multiple charges are involved, a separate Disciplinary Report will be written for each charge. The Shift Supervisor shall review the Disciplinary Report for accuracy and completeness and approve it, if applicable.

## Confinement and Disciplinary

### Disciplinary Reports

5. Should a Disciplinary Report be disapproved by the Shift Supervisor, all person(s) concerned will be notified as to the reasons for the disapproval.

**NOTE: A copy of the Disciplinary Report shall be attached to the original Incident Report and forwarded through the chain-of-command to the Operations Commander which is the Jail Administrator's designee. A copy of the Incident Report will be attached to the original Disciplinary Report.**


#### C. Delivery of Charge(s)

1. The inmate must be given at least twenty-four (24) hours from the time the charge(s) are delivered to prepare for the disciplinary hearing. The inmate may waive the twenty-four (24) hour waiting period. The waiver will be signed by the inmate and witnessed by an officer.
2. The officer delivering the charge(s) shall ensure that the inmate understands the charge(s). If the inmate cannot read, the officer will read the charge(s) to the inmate. The officer will record the date and time the charge(s) is delivered.
3. The inmate may waive the right to be present at the hearing. In this case, the waiver should be signed by the inmate, witnessed by an officer, and reviewed by the Shift Supervisor.
4. If the inmate wants to plead guilty at the time the DR is served, the investigating officer must complete the service as follows in order to avoid delays:
  - a. Indicate that the inmate waives his 24-hour notice (check yes).
  - b. Indicate that the inmate does not wish to be present at the hearing (circle DO NOT).
  - c. Write on the Investigation form in the inmate statement area that the inmate pleads guilty.
  - d. Write in the upper left corner of the DR that the inmate pleads guilty.

## Confinement and Disciplinary

### Disciplinary Reports

- D. Investigation of Charge(s)
1. Upon receipt of the Disciplinary Report, the Shift Supervisor will then forward the Disciplinary Report to the officer designated to investigate the charge(s).
  2. The Investigating Officer shall complete the Disciplinary Investigative Report by obtaining the inmate's version of the offense. S/he will also contact any other staff members or inmates who may have information pertaining to the allegation of the charge(s).
  3. The inmate shall be asked if s/he has any material witnesses to speak on his/her behalf. If so, the Investigating Officer will interview both inmate and staff witnesses. If they are not contacted, the reasons why must be stated in the report.
  4. The Investigating Officer shall not offer opinions of guilt or innocence.
  5. The Investigating Officer shall submit all documentation back to the Shift Sergeant.
- E. The Shift Sergeant shall ensure that all blocks are completed correctly. Once all information is complete and accurate, the Shift Sergeant will submit all documentation (e.g., original Disciplinary Report, original Investigative Report, a copy of the Incident Report, and any other pertinent documentation) to the Inmate Services Sergeant via their Shift Lieutenant to conduct the hearing.
- NOTE: The KV/PK Shift Sergeant will submit all documentation to a KV/PK Shift Sergeant that was not involved in the incident or investigation to conduct the hearing.**
- F. The Inmate Services Sergeant / KV/PK Disciplinary Hearing Sergeant shall research and note whether the inmate is sentenced or not and if the inmate has any prior Disciplinary Reports.
- G. Classification / KV/PK Records Clerk will enter the Disciplinary Report and all pertinent data into their computers.

<p>MONROE COUNTY</p>  <p>DETENTION FACILITIES</p>	<p>CHAPTER: <b>Confinement and Disciplinary</b></p>	<p>NUMBER: <b>4:008</b></p>
	<p>SUBJECT: <b>Minor Infraction Warning Book</b></p>	
	<p>AREAS OF RESPONSIBILITY: <b>Monroe County Detention Facilities</b></p>	<p>PERSON RESPONSIBLE: <b>All Personnel</b></p>

REVISED DATE: 9/15/99

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**I. POLICY:**

It is the policy of the Monroe County Detention Facilities to establish a method for warning inmates on a minor rule infraction(s) for control and security among the inmates.

**II. REFERENCE:**

None.

**III. SCOPE:**

These procedures apply to All Personnel.

**IV. PROCEDURES:**

A. Issuance of Warnings

When an officer witnesses or has reason to believe a minor violation of the rules has been committed, a warning will be issued.

B. Preparation of Minor Infraction Warnings

1. The Minor Infraction Warning will have the following information:

- a. Mark the location of which the infraction was committed (i.e., KW, KV, or PK).
- b. Print inmate's name (e.g., Doe, John).
- c. Print location of housing assignment (e.g., D-22-B).
- d. Print violation number (e.g., A-3) and date and time (e.g., 30 Nov 99, 1800 hours).

## **Confinement and Disciplinary**

### **Minor Infraction Warning Book**

- e. Print location of violation within the facility (e.g., kitchen, recreation, day room).
  - f. Print any additional remarks (e.g., any prior warnings, his/her attitude and behavior).
  - g. Have the inmate sign for his/her Minor Infraction Warning. Upon refusal to sign warning, a D.R. will be written.
  - h. The officer issuing the Minor Infraction Warning will sign his/her signatures and ID number.
  - i. The issuing officer will hand the inmate the yellow copy and place the white copy in classification box for review and filing.
2. The Minor Infraction Warning will include only one offense per report. The violation must be from the following list of violations:

#### **SECTION A - CONTRABAND**

- A-1 Possession of property belonging to another (county or personal)
- A-2 Exchanging, trading, bartering, giving or receiving of any item from one inmate to another
- A-3 Possession of unauthorized negotiables, clothing, linen, etc.
- A-4 Possession of contraband not specifically listed above

#### **SECTION B - HYGIENE**

- B-1 Failure to maintain good grooming standards
- B-2 Failure to maintain immediate living area
- B-3 Placing litter of any description on grounds or floors
- B-4 Engaging in unsanitary acts not listed above

**Confinement and Disciplinary  
Minor Infraction Warning Book**

**SECTION C - MISUSE OF PROPERTY**

- C-1 Failure to secure personal property
- C-2 Having food items or beverages from dining area
- C-3 Unauthorized use of county or personal property

**SECTION D - MISCELLANEOUS INFRACTIONS**

- D-1 Attempting to manipulate a staff member
- D-2 Unauthorized minor physical contact
- D-3 Unauthorized visitation
- D-4 Receiving mail or other written material through unauthorized means
- D-5 Unauthorized use of telephone
- D-6 Insufficient work
- D-7 Making obscene or profane acts, gestures or statements
- D-8 Verbal disrespect
- D-9 Failure to comply with roll call, count or assembly procedures
- D-10 Creating a minor disturbance
- D-11 Disorderly conduct
- D-12 Loitering
- D-13 Being in an unauthorized area
- D-14 Absence from assigned area
- D-15 Failure to proceed directly and promptly to and from a designated area
- D-16 Failure to obey program rules and regulations

## **Confinement and Disciplinary**

### **Minor Infraction Warning Book**

#### **C. Going from Minor Infraction Warning to Disciplinary Report**

1. When an inmate has received a Minor Infraction Warning, the Classification Department will log the infraction into their computer.
2. The number of Minor Infraction Warnings an inmate has is printed on the Unit/Dorm Roster that is printed and passed to the Unit/Dorm Officer twice daily.
3. When the officer has determined that an inmate has two (2) Minor Infraction Warnings, then the officer will write a D.R. on that inmate for any additional minor infractions.