
  <b>MONROE COUNTY SHERIFF'S OFFICE</b>	BUREAU DIRECTIVE: BOC - 4:001	REFERENCES: FCAC 12.02, 12.03 FMJS 9.08 & 13.13 ALDF-2A-44, 2A-45, 2A-46, 2A-48, 2A-49 CORE-2A-21 PBND5 2.12
	RESCINDS:	
	BUREAU: Corrections	NO. OF PAGES: 4
	CHAPTER: Segregation Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
	TOPIC: Administrative Segregation Confinement and Protective Custody	

**PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to establish policies governing inmates housed in administrative segregation or protective custody.

Inmates shall be placed in administrative segregation for purposes of protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available.

The Classification Committee shall meet once per week to review the status of each inmate in administrative segregation or protective custody to determine when an inmate should be released from segregation.

**SCOPE:**

This directive applies to all Certified Deputies.

**PERSON RESPONSIBLE:**

Classification Supervisor and Shift Supervisors.

**DEFINITIONS:**

Administrative Segregation - Placement of an inmate in housing separate from the general population when ordered by the Classification Division or other authorized persons. Administrative Segregation may occur 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.

Protective Custody - A form of administrative segregation for inmates requesting or requiring protection from other inmates for reasons of health or safety (e.g., informant, state witness, ex-law enforcement deputy).

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.

**POLICY AND PROCEDURES:**

Inmates under administrative segregation and protective custody will be placed in segregation units in order to properly and safely supervise them.

Inmates in administrative segregation and/or protective custody shall be checked daily by the

Medical Staff. [ALDF-2A-45]

Inmates in administrative segregation or protective custody shall be required to shower twice weekly.

All inmates placed in administrative segregation or protective custody shall be afforded the same basic rights, privileges, services, and participation in facility programs. These programs must be comparable to those available to the general population within the limits of their imposed segregation unless security requirements dictate otherwise. (See BOC 4:002 "Segregated Inmates; Rights, Privileges, and Access to Programs and Services" written directive for a detailed listing.) [FCAC 12.03]

Pregnant inmates will not be placed on Administrative or Protective Custody segregation unless there is no less restrict means possible. If it is determined that there is no other alternative an incident report will be written that will include reasoning, why there is no other alternative, and if medical objected. A copy of the report will be provided to the pregnant inmate within 12 hours.

Pregnant inmates in a restrictive housing setting will be seen by a qualified health care official once every 12 (twelve) hours. Medical will implement a treatment plan to assure all medical needs are met. If a pregnant inmate needs medical care, a primary care nurse practitioner or obstetrician must provide an order for the inmate to be placed in sickbay. If the pregnant inmate has passed her due date, she must be placed in sickbay until labor begins.

Anytime an Immigration and Customs Enforcement (ICE) Detainee stays in administrative segregation more than 30 days, Classification shall inform the Operations Commander. The Operations Commander/designee shall then notify the ICE officer-in-charge.

### Protective Custody Justification

Inmates that require protection from other inmates (e.g., informant, ex-law enforcement deputy, state witness) may be placed in immediate protective custody by the

Operations/Site Commander, Shift Lieutenant/Sergeant, Unit/Dorm Deputy, or the Classification Division when deemed necessary.

Inmates may request in writing to be placed in protective custody for protection from other inmates or for other personal reasons.

The Classification Division will then evaluate the inmate's request for possible alternatives.

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 Division 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.** [ALDF-2A-46]

An Incident Report must be forwarded to the Inmate Services Sergeant via the chain-of-command for all of the above reasons. A copy of the Incident Report will be forwarded to the Classification Division.

### Administrative Segregation Justification [FCAC 12.02]

The Operations/Site Commander, Shift Lieutenant/ Sergeant, Unit/Dorm Deputy, or the Classification Division may order immediate administrative segregation when it is necessary to protect the inmate or others, or when the inmate: [ALDF-2A-44] [CORE-2A-21]

- Exhibits anti-social or hostile behavior toward others
- Is a demonstrated escape risk
- Is pending an investigation or hearing for a rule violation
- Is a death row inmate temporarily housed at a county facility
- Is an informant, state witness, present or ex-law enforcement officer, correction officer,

probation officer, assistant state attorney, assistant public defender, etc.

Inmates may be placed in administrative segregation 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. A copy of the Incident Report will be forwarded to the Classification Division.** [FCAC 12.02]

Each case shall be reviewed within 72 hours by a Lieutenant. [ALDF-2A-44] [CORE-2A-21] The review shall include an interview with the ICE Detainee to determine if segregation is still warranted. A written record shall be made of the decision and sent to the Classification Division. The detainee shall be given a copy of the decision. [PBNDS 2.12]

A Lieutenant shall conduct an identical review every seven days that an ICE Detainee remains in administrative segregation for the first 30 days and every 10 days thereafter. A copy will be given to the detainee. [PBNDS 2.12]

#### **Administrative Segregation and Protective Custody Status Review**

The Classification Committee is comprised of, at a minimum, the Classification Supervisor, the Operations Commander/designee, and a representative of the Medical Staff.

The committee shall meet weekly to review all matters relating to an inmate's/detainees initial placement in segregation to determine if:

The committee shall meet weekly to review all matters relating to the status of an inmate's/detainees initial placement in administrative segregation or protective custody to determine if: [ALDF-2A-48]

- The reason for initial placement is still valid
- A change in the inmate's/detainees behavior and mental attitude warrants release from segregation
- A change in the inmate's/detainees medical evaluation no longer warrants segregation

The Classification Committee will also review the inmate's file for:

- Any Incident or Disciplinary Reports submitted since the inmate's/detainees placement in segregation
- Any pertinent information supplied by staff members
- Letters or request slips submitted by the inmate/detainee

The Operations Commander will be responsible for setting the actual time for the committee to meet.

After an ICE Detainee has been in segregation for seven consecutive days, the ICE Detainee has the right to appeal the decisions regarding their segregation status to the Operations Commander.

An ICE Detainee who has been segregated from the general population for more than 30 days may write an inmate request to the Operations Commander objecting to the administrative segregation.

The Operations Commander must review the request and send a written decision to the ICE Detainee with a copy maintained in his or her Classification Folder.

#### **Administrative Segregation and Protective Custody Review Process for Release**



Before inmates are released from segregation, 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 segregation. [ALDF-2A-49]

Should it be determined that the initial reasons

for placement in segregation no longer exist, the Classification Committee shall recommend the inmate's return to general population.

All releases from segregation shall be documented to include dates, times, reasons for releases, and the releasing authorities. [FCAC 12.02]

When the Lieutenant (reviewing authority) concludes that the ICE Detainee should be removed from administrative segregation, he/she shall submit that recommendation to the Operations Commander/designee in writing for approval. The detainee shall be given a copy of the decision. [PBNDS 2.12]

 <p>MONROE COUNTY SHERIFF'S OFFICE</p>	BUREAU DIRECTIVE: BOC - 4:002	<b>REFERENCES:</b> FCAC 11.12, 12.03, 16.09 20.03, 21.08 FMJS 5.07(a-g), 9.08, 3.12, 13.13, 13.14, & 15.07 (a-d) Prison Rape Elimination Act of 2003 (Public Law 108-79) ALDF-2A-51, 2A-56, 2A-57, 2A-58, 2A-60 thru 2A-64, 2A-66, 3A-02, 5C-04 CORE-2A-23, 3A-01, 5C-03 PBNDS 2008, 2.12
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	BUREAU: Corrections	NO. OF PAGES: 4
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	TOPIC: Confinement Inmates; Rights, Privileges, Access to Programs and Services, and Deprivation of Authorized Items	

[ALDF-3A-02] [CORE-2A-23 and 3A-01]

**PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities that inmates in confinement shall have the same basic rights, living conditions, privileges, and access to programs and services 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. [FCAC 12.03] [ALDF-2A-51] [CORE-2A-23]

**SCOPE:**

This directive applies to all Certified Personnel.

**PERSON RESPONSIBLE:**

All Certified Personnel.

**POLICY AND PROCEDURES:**

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

Males and females shall be housed separately.

The design of confinement cells/rooms permit the inmates assigned to them to converse with and be observed by staff members. All cells have at least 80 square feet of floor area of which at least 35 square feet is unencumbered. [ALDF-2A-51] [CORE-2A-23]

All inmates in confinement are provided prescribed medication as needed, clothing that is not degrading, and access to authorized basic personal items for use in their cells unless there is imminent danger that an inmate or any other inmate(s) will destroy an item or induce self-injury. [ALDF-2A-56]

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. [ALDF-2A-58] Discipline shall not be arbitrary nor capricious, nor in the nature of retaliation or revenge. Corporal punishment of any kind is prohibited. [FCAC 11.12]

### **Meals**

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. [FCAC 15.08]

Alternate meal service shall be on an individual basis and be based on health or safety reasons only. (See Removal of Comfort Items written directive.) [FCAC 21.08]

### **Out of Cell Time Privileges**

Inmates in confinement shall be allowed one hour out of cell time daily as scheduled for showering, recreation, using the phone, and/or cleaning their cell unless behavior, security or safety considerations dictates otherwise. [FCAC 12.03 and FCAC 16.09] [ALDF-2A-57 and 2A-64]

Inmates in confinement shall be permitted outside recreation, weather permitting. [FCAC 12.03] All outdoor recreation yards at the Monroe County Detention Center (Key West) have more than 500 square feet of unencumbered space. The ratio of inmates utilizing the recreation yards will not exceed the ratio of one inmate per 15 square feet. [ALDF-5C-04] [CORE-5C-03]

Inmates are required to shower twice weekly. Transgender and intersex inmates will shower separately from other inmates. [BOC 8:031]

Inmates shall be provided with the same comfort items (e.g., toothbrushes, toothpaste, soap, towel) as provided in general population.

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 Deputy. [FCAC 12.19]

Inmates in confinement shall have the opportunity to shave at least three times per week. [ALDF-2A-57]

Inmates shall not be permitted to retain razors in their possession if they are suicidal or under behavioral observation. Razors will be issued by a deputy. The Deputy will observe the inmate shave and upon completion of each shave, the razor will be immediately returned. [FCAC 20.03]

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.

### **Clothing, Bedding, Linen, Laundry, Hair Care and Barber Services** [ALDF-2A-57]

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 and justified in writing.

Situations requiring the removal of mattresses, bedding and linen will be reported to the Medical Staff by the Shift Supervisor.

Laundry, hair care, and barber services shall be provided on the same basis as for inmates in general population. [FCAC 12.03] Exceptions are permitted only where found necessary by the Shift Supervisor on duty and shall be recorded in the Confinement Log and justified in writing.

### **Correspondence**

Inmates in confinement shall be provided the same opportunities for writing and receipt of letters available to the general inmate population. [ALDF-2A-60]

## Visitation

Inmates in confinement 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. All denials for visitation are documented. [FCAC 12.03] [ALDF-2A-61]

**NOTE: ICE Detainees shall retain visiting privileges while in Special Management (Disciplinary Confinement) and once released back into general population.** [PBND 2008, 2.12]

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.

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 or her visitors of the restriction.**

## Legal Materials [ALDF-2A-62]

Inmates in confinement shall have access to the Law Library by submitting an Inmate Request Form to the Programs Services Division requesting to visit the Law Library. [FCAC 12.03]

Inmates who are a security risk shall request access to legal material by submitting an Inmate Request Form to the Programs Services Division (maintain strict contraband protocol).

Inmates in disciplinary confinement are not allowed to visit the Law Library unless they are pro-se inmates.

## 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. [FCAC 12.03] [ALDF-2A-63]

## Programs and Services

Inmates in administrative confinement, protective custody, or pre-disciplinary hearing confinement shall have the same access to participate in facility programs and services as those afforded to the general population. Services include but are not limited to education, commissary, library, law library, social services, counseling, religious guidance, recreation, and telephone access. [FCAC 12.03] [ALDF-2A-66]

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.

Administrative confinement, protective custody, and pre-disciplinary hearing confinement inmate's request for programs and services will be reviewed by the Programs Services Division and approved as deemed appropriate and necessary, and then forwarded to the Classification Division for review and approval.

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

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.

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.**

### **Basic Rights and Privileges**

Inmates placed in administrative confinement, protective custody, or pre-disciplinary hearing confinement shall be afforded the same basic rights and privileges as those inmates in general population within the limits of their imposed confinement except where security requirements dictate otherwise. [FCAC 12.03] [ALDF-2A-51] [CORE-2A-23]

### **Pregnant Inmates**

Pregnant inmates will not be placed in confinement without approval from a Sergeant or above. If there are no less restrictive reasons other than confinement a report will be generated. The report will include reasoning why there is no other alternative and if medical objected. The pregnant inmate will receive a copy within 12 hours.

A pregnant inmate placed in sickbay must be provided the same access to outdoor recreation, visitation, mail, calls, and other privileges open to the general population unless:

- The Bureau Commander or designee, after having consulted with the Medical Division, determines such access poses a danger to the safety and security of the jail facility;
- Or the Medical Division determines such access poses a danger or adverse clinical consequences for the pregnant inmate or others and documents such determination in the inmate's medical file.

### **Disciplinary Confinement**

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

- Gain Time
- Visitation



- Phone (except to access legal counsel and for family emergencies as determined by the facility administrator or designee)
- Law Library (except for pro se inmates)
- Canteen
- Programs

### **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:

- Must be approved by the Shift Sergeant or OIC;
- An Incident Report must be written and forwarded up the chain-of-command;
- Inmates shall not be required to remain in their individual sleeping areas for more than two hours as a result of informal discipline;
- Any informal discipline shall terminate upon completion of the then current shift;
- No inmate may be the subject of informal discipline more than twice in any seven day period; and
- Inmates on informal discipline shall receive the same food, clothing, and visitation as any other inmate in the housing unit.



  <b>MONROE COUNTY SHERIFF'S OFFICE</b>	BUREAU DIRECTIVE: BOC - 4:003	REFERENCES: FCAC 24.20 FMJS 13.13(c) & 13.14 ALDF-2A-45, 2A-53 CORE 2A-22,2A-24
	RESCINDS:	
	BUREAU: Corrections	NO. OF PAGES: 1
	CHAPTER: Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
	TOPIC: Confinement Inmates; Health and Well-Being	

[ALDF-2A-45]

**PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities that inmates in confinement shall receive daily visits from the Jail Administrator or his or her designee. A qualified health care official will visit daily unless medical attention is required more frequently. Program staff will visit upon request. [ALDF-2A-53]

**SCOPE:**

This directive applies to all Certified Personnel and Medical Staff.

**PERSON RESPONSIBLE:**

Shift Supervisor.

**POLICY AND PROCEDURES:**

The Jail Administrator or his or 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.

When an inmate is transferred to confinement, Medical shall be informed immediately and provide assessment and review as indicated by the protocols established by the health authority. [CORE-2A-22 and 2A-24]

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.



Inmates who are violent or mentally disordered or who demonstrate unusual or bizarre behavior are assessed by medical personnel who will determine in conjunction with Classification the level of supervision needed. [CORE 2A-24]

Inmates confined for medical reasons will be examined by medical staff within 48 hours of such confinement. [FCAC 24.20]

The health authority determines the frequency of physician visits to confinement units.

The Jail Administrator/designee and Medical visits will be announced and documented as required on the Special Confinement Sheet and Watch Form.

BOC - 4:003	Date of Original: Jan 1994	1
	Previous Revision Date(s): 9/15/99, 9/29/00, 8/21/06, 1/19/11	
Dissemination Date: 5/11/12	Effective Date: 5/18/12	

  MONROE COUNTY SHERIFF'S OFFICE	BUREAU DIRECTIVE: BOC - 4:004	REFERENCES: FCAC 12.02(a-c), 15.03 FMJS 5.04 & 13.13 ALDF-2A-52, 2A-55 CORE-2A-24
	RESCINDS: Policy Directive 8	
	BUREAU: Corrections	NO. OF PAGES: 2
	CHAPTER: Segregation Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
	TOPIC: Confinement Sheet and Watch Form	

**PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities that those deputies who have segregated inmates assigned to their housing areas shall maintain a Confinement Sheet and Watch Form on each confined inmate.

**SCOPE:**

This directive applies to all Certified Personnel.

**PERSON RESPONSIBLE:**

Unit/Dorm Deputies.

**POLICY AND PROCEDURES:**

The Confinement Sheet and Watch Form shall be maintained by deputies in all areas housing inmates for medical, administrative segregation, 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.

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.

**Information Required on Confinement Sheet and Watch Form [ALDF-2A-55]**

Information to be contained on the Confinement Sheet and Watch Form shall include, but not be limited to, the following:

- Inmate's full name
- Inmate's MNI number
- Cell location
- Date and time inmate is placed in confinement [FCAC 12.02a]
- Type of segregation [FCAC 12.02a]
- Type of Watch (10 minute, 15 minute, 30 minute)
- Special diet
- Special needs or restrictions
- If two deputy control is needed
- Visits by detention and medical staff

**NOTE: The Sergeant or his or her designee must talk with each segregated inmate at least once per shift and Medical must check each segregated inmate at least once every 24 hours. [FCAC 12.02b]**

- 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 or her designee must include a comment in the "comments" section of the confinement sheet. [FCAC 12.02b]
- Participation in "out-of-cell" time including shower taken or not, went to recreation or not, made phone calls or not
- Date and time inmate is released from segregation or segregation is continued [FCAC 12.02c]

**Physical Observations** [ALDF-2A-52] [CORE-2A-24]

All segregated inmates are physically observed by a deputy as follows:



- Observation of Immigration and Custom Enforcement (ICE) detainees in the Intake/Release holding cells will be documented a minimum of every 15 minutes. Individual Confinement Sheets are not required for this observation. Do one Confinement Sheet per holding cell. Classification will file these Confinement Sheets in a separate file.
- Observation of juveniles in the Intake/Release holding cells will be documented a minimum of every 10 minutes on individual confinement sheets.
- Observation of special management inmates (e.g., detox, suicide levels 1, 2, & 3, inmates in the infirmary, inmates in the restraint chair) will be documented a minimum of every 15 minutes on individual confinement sheets.
- Observation of inmates whose behavior presents a serious threat to the safety and security of the facility, staff, or general inmate populations (e.g., hi-pro, psych obs, signal 20) will be documented a minimum of every 30 minutes on individual confinement sheets. [FCAC 15.03]

- Observation of all other segregated inmates (e.g., Administrative Segregation, Protective Custody, Disciplinary Segregation inmates) will be documented a minimum of every 30 minutes on an irregular schedule on individual confinement sheets.

All observations must be documented contemporaneously (i.e., at the time you observe the inmate) and irregularly within the specified time frame on the Confinement Sheet and Watch Form.

**Incident Report Requirement**

In addition to the requirements for a Confinement Sheet and Watch Form, information regarding inmates in segregation will be documented on an Incident Report, when applicable.

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	RESCINDS:	
	BUREAU: Corrections	NO. OF PAGES: 2
	CHAPTER: Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
	TOPIC: Disciplinary Confinement	

**PURPOSE:**

The purpose of this directive is to establish policy for 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. [ALDF-2A-47]

Pending Disciplinary Hearing - An inmate(s) who violated a rule infraction and is placed in a confinement cell pending his or her disciplinary hearing outcome.

**SCOPE:**

This directive applies to all Certified Personnel.

**POLICY AND PROCEDURES:**

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

**PERSON RESPONSIBLE:**

Classification Supervisor and Shift Supervisors.

The Inmate Disciplinary Committee/Hearing Deputy 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.

**DEFINITIONS:**

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 Deputy 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. [CORE-3A-01]

- If an inmate pleads guilty when they are served with the Disciplinary Report (DR), their lockdown time will begin that date.
- If an inmate is found guilty at a DR hearing, their lockdown time will begin on the day of the DR hearing.

Inmates may be placed in disciplinary confinement for no more than the Disciplinary Confinement (DC) 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 he or she spends in the infirmary will not count towards his or her lockdown time. Once the inmate is released from the infirmary, he or she will be returned to Unit A or B to complete his or 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.

Loss of privileges will be determined by the Inmate Disciplinary Committee/Hearing Deputy.

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



Inmates shall be checked daily by Medical Staff. [ALDF-2A-45]

Inmates shall be required to shower twice weekly.

Pregnant inmates will not be placed in confinement without approval from a Sergeant or above. If there are no less restrictive reasons other than confinement a report will be generated. The report will include reasoning why there is no other alternative and if medical objected. The pregnant inmate will receive a copy within 12 hours.

The Classification Supervisor shall conduct a review, to include an interview, every 7 days of any ICE Detainee that is placed under Disciplinary Segregation to determine if segregation is warranted. A written record shall be made of the decision and placed in the detainee's file. The detainee shall be given a copy of the decision. [PBNDS 2.12]

**Note: For ICE Detainees after the first 30 days of disciplinary segregation, and each 30 days thereafter, the Operations Commander shall review the detainee's status to determine if disciplinary segregation is warranted. The Operations Commander will send a written justification for the continued segregation to the Field Office Director. [PBNDS 2.12]**

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	RESCINDS: Policy Directive 17	
	BUREAU: Corrections	
	CHAPTER: Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
	TOPIC: Disciplinary Hearing	

**PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to establish the responsibility and duties for the Inmate Services Division to conduct disciplinary hearings for inmates who have violated institutional rules or regulations. [FCAC 11.03]

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.

Discipline shall not be arbitrary or capricious, or in a nature of retaliation or revenge.

Corporal punishment of any kind is prohibited. [FCAC 11.12]

**SCOPE:**

This directive applies to the Disciplinary Committee/Hearing Deputy, Classification, and the Support Services Captain.

**DEFINITIONS:**

Probation – An inmate/detainee is allowed back into general population instead of disciplinary confinement.

**PERSON RESPONSIBLE:**

Disciplinary Committee/Hearing Deputy and Classification Personnel.

**POLICY AND PROCEDURES:**

**Disciplinary Committee** [FCAC 11.03] [ALDF-6C-11] [CORE-6C-03]

The Disciplinary Committee will consist of three Sheriff's Office personnel with at least one certified deputy whenever possible. The certified deputy shall act as the chairperson of the committee. If no certified deputy is available, three Sheriff's Office personnel may convene the committee with one acting as the chairperson.

No personnel shall be a member of the disciplinary committee if they:

- were involved or witnessed the infraction;

BOC - 4:006	Date of Original: Jan 1994	1
Previous Revision Date(s): 9/15/99, 4/27/00, 4/27/01, 9/29/00, 5/29/06, 1/10/08, 12/31/08, 1/20/10, 1/19/11, 12/12/12, 12/8/15, 7/18/16, 8/17/17		
Dissemination Date: 8/26/20		Effective Date: 9/2/20

- were involved with the reporting or investigation of the Disciplinary Report; or
- are the on-duty Unit A Deputy.

### Disciplinary Hearings [ALDF-6C-10]

A hearing will be held as soon as possible after the alleged violation(s), but no later than five working days after the incident. For the purpose of this rule, "working days" shall mean Monday-Friday, excluding holidays. [FCAC 11.06b] [ALDF-6C-09]

There may be times, due to extenuating circumstances (e.g., hurricane), when the hearing cannot be held within five working days of the incident. [FCAC 11.06b]

If this occurs, the circumstances regarding the postponement or 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. [FCAC 11.06b]

### Chairperson's Responsibility

When the inmate charged with the violation(s) appears before the committee, the chairperson will:

- Introduce the committee
- Determine if the inmate understands the charge(s), the hearing procedure, and the possible penalties if found in violation of the charge. [FCAC 11.06c]
- Offer assistance to the inmate if he or she is unable to defend himself or herself due to disability, language barrier, literacy problems, or cannot properly understand the charge(s) against him/her. [FCAC 11.06d] [ALDF-6C-13]
- Read the report aloud for the benefit of all present.
- Ask the inmate how he or she wishes to

plead to the charge(s):

- A plea of "Guilty" will not require any further evidence to be heard.
- A plea of "Not Guilty" will require the hearing to proceed.
- A refusal to plea shall be treated as a "Not Guilty" plea.
- A plea of "Nolo Contendere" shall be treated as a "Guilty" plea.
- Ask the inmate if he or she would like to explain the circumstances or make a statement. [ALDF-6C-12]
- Continue the hearing to resolve questionable testimony, if necessary.
- Call for supporting documents, evidence, or relevant witnesses, if indicated. [FCAC 11.07] [ALDF-6C-12]
- 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. [FCAC 11.08] [ALDF-6C-08] [CORE-6C-04]
- Ensure that any deviations from the established format are documented (e.g., removal, absence, or exclusion of inmate from hearing, interpreter present). [FCAC 11.08] [ALDF-6C-08] [CORE-6C-04]
- If the inmate requested witnesses during the investigation and they were not called by the chairperson, or if information or evidence was restricted, an explanation must be included in the findings. [FCAC 11.07] [ALDF-6C-12]

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.

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.

The decision of guilt shall be based solely on witnesses, evidence (including video tape), and documentation, including staff reports, presented at the hearing with a statement to that effect made part of the official hearing record. [FCAC 11.10] [ALDF-6C-14 and 6C-15]

The penalty will not exceed the Disciplinary Committee (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 Operations Commander requesting consideration of a reduced sentence based on the individual circumstances of the case.
- Only the Operations Commander can reduce a sentence below the guidelines' sentence.
- If property was damaged, stolen, or destroyed, the Disciplinary Committee/Hearing Deputy 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.
- Inmates shall not be sentenced to the following sanctions due to disciplinary reasons:
  - Corporal punishment [FCAC 11.12]
  - Deviations from normal food service
  - Clothing deprivation
  - Bedding deprivation
  - Denial of personal hygiene items
  - Loss of correspondence privileges, or
  - Deprivation of the inmate's minimum

three hours per week of outdoor exercise.

#### **Disciplinary Committee Findings** [ALDF-6C-15]

In stating the findings, the committee must specify the evidence, witnesses, and documentation they relied upon in reaching a decision. [FCAC 11.10]

The findings will be recorded in Section III of the Disciplinary Report. [FCAC 11.06e]

#### **“Not Guilty” Finding**

If the inmate is found "not guilty", or if the charge is dismissed, all reports shall be so noted.

#### **“Guilty” Finding** [ALDF-3A-01] [CORE-3A-01]

There is a sanctioning schedule (i.e., D.C. Guidelines) for rule violations. The maximum sanction for rule violations is no more than 30 days of lockdown for all violations arising out of one incident. Continuous confinement for more than 30 days requires the review and approval of the facility administrator or designee. [ALDF-2A-50]

The committee will sentence the inmate to the loss of the following as per the D.C. Guidelines:

- Days of lockdown
- Days of gain time
- Days of visitation including additional loss to be completed after initial lockdown time

**NOTE: ICE Detainees shall retain visiting privileges while in Special Management (Disciplinary Confinement) and once released back into general population.** [PBND 2008, 2.12]

If a loss of gain time is recommended per the D.C. Guidelines, the number of days to be forfeited will be noted and the expiration of sentence date adjusted on all records.

While in disciplinary confinement, the inmates



lose the following privileges:

- Phone (except to access legal counsel and for family emergencies as determined by the facility administrator or designee) [ALDF-2A-65]
- Law Library (except for pro se inmates)
- Canteen
- Programs

The committee cannot sentence an inmate to corporal punishment. [FCAC 11.12]

If an inmate is found guilty of an alleged rule violation, the disciplinary report, including the disciplinary hearing's decision and supporting documents, will be maintained in the inmate's classification file. [ALDF-6C-15]

An inmate's sanction cannot be increased after a decision has been made by the disciplinary committee. [FCAC 11.11]

### **Probation**

If the inmate is found guilty from the disciplinary committee, the Support Services Captain/designee may place an inmate/detainee on probation.

The inmate/detainee will serve their probation in general population.

If the inmate/detainee receives a minor infraction ticket or is found guilty of any infraction (minor infraction, rules of prohibited conduct, or criminal offense) during their probation period, they will be placed into disciplinary confinement to serve the entire infraction time of the original offense they were placed onto probation for.

The Bureau Commander can override any decision made to place or not place the inmate/detainee on probation.

### **Inmate's Disposition Copy**

After the report is signed by all committee members, the inmate will be called back in and

informed of the decision. The inmate's disposition copy shall be given to the inmate at the disciplinary hearing. [FCAC 11.06e] The paperwork will then be forwarded to the Support Services Captain within 24 hours of the hearing.

### **Right of Inmate to Appeal Decision**

The inmate will be informed of the committee's decision and recommendation, and if found "in violation", it is his or her right to appeal the decision within five days to the Support Services Captain by submitting an Inmate Request Form. [FCAC 11.09]

### **Operations Commander's Review**

The Support Services Captain shall review all disciplinary hearings and dispositions to assure conformity with policy and regulations and approve, disapprove, or reduce the sentence. [ALDF-6C-17]

The Support Services Captain shall forward the final disposition to the Classification Division.

### **Classification Division's Responsibility**

The Classification Division will initiate appropriate paperwork for:

- Reclassification of the inmate, if applicable
- Adjustment of the inmate's tentative release date, if applicable

### **Distribution of Disciplinary Report**

The distribution of a Disciplinary Report will be as follows:

- White copy (Original) - Disciplinary report file
- Yellow copy - Classification (Classification files are maintained for a minimum of one year after inmate's release.) [ALDF-6C-11] [CORE-6C-03]
- Pink copy - Inmate's Disposition (Is given to the inmate by the Disciplinary Committee after the hearing.) [ALDF-6C-15]

- Goldenrod copy - Inmate's Service Copy (Is given to inmate at time of service.)

**Inmate Appeals** [ALDF-6C-18] [CORE-6C-04]

Inmates may appeal the decision of the disciplinary committee to the Support Services Captain. [FCAC 11.09]

Upon receipt of an Inmate Request Form for an appeal, the Support Services Captain will:

- Compile all information concerning the Disciplinary Report.
- Review all paperwork.
- If any questions arise after review, investigate questions.
- Render a decision on appeal. The decision to affirm or reverse the decision of the disciplinary hearing committee must be within 15 days of the appeal.
- Document all action taken during the appeal process on the inmate's appeal request.

# D.C. GUIDELINES

[ALDF-3A-01] [CORE-3A-01]

	SENTENCED			UNSENTENCED		
CHARGE	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	15DC + 15LG	20DC + 20LG	30DC + 30LG	15DC + 15LV	20DC + 20LV	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
3-7	10DC + 10LG	20DC + 15LG	30DC + 30LG	10DC + 10LV	20DC + 15LV	30DC + 30LV

# D.C. GUIDELINES

	SENTENCED			UNSENTENCED		
CHARGE	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
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 + 30LV
3-19	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
3-20	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	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
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

BOC - 4:006

Date of Original: Jan 1994

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Previous Revision Date(s): 9/15/99, 4/27/00, 4/27/01, 9/29/00, 5/29/06, 1/10/08, 12/31/08, 1/20/10, 1/19/11, 12/12/12, 12/8/15, 7/18/16

Dissemination Date: 8/10/17

**Attachment 1 of 1**

Effective Date: 8/17/17

# D.C. GUIDELINES

	SENTENCED			UNSENTENCED		
CHARGE	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
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
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

# D.C. GUIDELINES

	SENTENCED			UNSENTENCED		
CHARGE	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
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	30DC + 30LG	30DC + 60LG	30DC + 90LG	30DC + 30LV	30DC + 60LV	30DC + 90LV
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
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



# D.C. GUIDELINES

	SENTENCED			UNSENTENCED		
CHARGE	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
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
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
10-30	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.**

  <b>MONROE COUNTY SHERIFF'S OFFICE</b>	BUREAU DIRECTIVE: BOC - 4:007	<b>REFERENCES:</b> FCAC 11.04(a-g), 11.05, 11.06(a) FMJS 3.06, 13.05-13.07 ALDF-3A-01, 3A-02, 6C-03 thru 6C-07, 6C-09, 6C-13 CORE-3A-01, 6C-02, 6C-03 Prison Rape Elimination Act of 2003 (Public Law 108-79)
	RESCINDS: Policy Directive 17	
	BUREAU: Corrections	NO. OF PAGES: 6
	CHAPTER: Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
	TOPIC: Disciplinary Reports	

[ALDF-3A-02] [CORE-3A-01]

**PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to establish the methods to be used when it is necessary to take disciplinary action against inmates who have violated institutional rules and regulations.

The deputy/employee may reprimand the inmate through verbal counseling or by issuing a Minor Infraction Warning.

Minor Infraction Warnings will be documented in the inmate's file.

**SCOPE:**

This directive applies to all personnel.

If a rule violation requires formal resolution because the deputy/employee cannot resolve the issue through verbal counseling or by the issuance of a Minor Infraction Warning, the deputy/employee will follow through with a written Disciplinary Report and forward it to his or her supervisor for review. [ALDF-6C-03] [CORE-6C-02]

**PERSON RESPONSIBLE:**

All personnel.

All inmates who are charged with a rule violation will be placed on PDR (i.e., pre-disciplinary report hearing confinement). [ALDF-6C-06]

**POLICY AND PROCEDURES:**

**Reporting Violation of Rules**

If a deputy or employee witnesses or has reason to believe a violation of the rules has been committed by an inmate, and if the deputy/employee determines that the violation can be disposed of without a formal Disciplinary Report, the deputy/employee will take the necessary steps to resolve the issue.

**Criminal Offenses [ALDF-3A-02]**

If the rule violation is also a criminal offense, the deputy/employee will still follow through with a written Disciplinary Report.

The Shift Sergeant or Shift Lieutenant will make the decision on pursuing outside charge(s) in addition to the Disciplinary Report.

BOC - 4:007	Date of Original: Jan 1994	1
Previous Revision Date(s): 9/15/99, 5/5/00, 5/29/06, 8/21/06, 12/31/08, 1/20/10, 1/19/11, 12/12/12		
Dissemination Date: 12/12/14		Effective Date: 12/19/14



**NOTE: Before a Federal Inmate/ICE detainee can be charged with outside charges, the United States Marshals/ICE must be notified by the Operations Commander/designee.**

**Preparation of Disciplinary Reports [FCAC 11.04] [ALDF-6C-04]**

The Disciplinary Report will show the nature of the offense and will contain the following:

- Date of infraction [FCAC 11.04a]
- Time of infraction [FCAC 11.04a]
- Place of infraction [FCAC 11.04b]
- Date report was written [FCAC 11.04c]
- Time report was written
- Specific rule number and formal statement of the charge violated (only one offense per report) [FCAC 11.04d]
- Details of incident (This will include witnesses, a brief description of what transpired, who was involved, and any unusual inmate behavior. A full description will be on the Incident Report including any physical evidence and its disposition.) [FCAC 11.04e] [CORE-6C-02]
- Action taken, including the use of force, by deputy/employee/volunteer [FCAC 11.04f]
- Names of employee or volunteer witnesses (as security allows) will be written on the Incident Report. (NOTE: Names of inmate's witnesses will be obtained when the Disciplinary Investigative Report is completed.) [FCAC 11.04g]

The Disciplinary Report will include only one offense per report.

The charge must be from the following list of Rules of Prohibited Conduct: [ALDF-3A-01]

**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
- 1-4 Disrespect to deputies, 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 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, imitation or synthetic drugs, or drug paraphernalia
- 3-5 Trafficking in drugs or unauthorized beverages
- 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 ID, 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

- 3-20 Constructive possession of narcotics, unauthorized drugs, imitation/synthetics drugs or drug paraphernalia

#### **SECTION 4 - UNAUTHORIZED AREA**

- 4-1 Escape or attempted escape
- 4-2 Aiding or abetting an escape or attempted escape
- 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 - HEAD COUNT PROCEDURE VIOLATIONS**

- 5-1 Missing during head count
- 5-2 Failure to comply with head 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 a deputy, 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)
- 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**

- 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

**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, filing false reports, filing false sexual abuse reports. [Prison Rape Elimination Act of 2003 (Public Law 108-79)]
- 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
- 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, inmate workers to court inmates, etc.)
- 10-28 Inmate worker or work release rules/guideline violations
- 10-29 Sharing/using a telephone pin number with another inmate
- 10-30 Personal communication between inmates and employees

The Disciplinary Report shall contain a statement of facts. 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

deputy/employee.

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.

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

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. Deputies/employees will make a copy of the Incident Report and attached it to the original Disciplinary Report. [FCAC 11.04]

**Delivery of Charge(s)**

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. [FCAC 11.06a] [ALDF-6C-07 and 6C-09] [CORE-6C-03]

The inmate may waive the twenty-four (24) hour waiting period. The waiver will be signed by the inmate and witnessed by a deputy. [FCAC 11.06a] [ALDF-6C-07] [CORE-6C-03]

The deputy delivering the charge(s) shall ensure that the inmate understands the charge(s). If the inmate cannot read, the deputy will read the charge(s) to the inmate. The deputy will record the date and time the charge(s) is delivered. [FCAC 11.06a]

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 a deputy, and reviewed by the Shift Supervisor.

If the inmate wants to plead guilty at the time the Disciplinary Report is served, the investigating deputy must complete the service as follows in order to avoid delays:

- Indicate that the inmate waives his 24-hour notice (check yes).

- Indicate that the inmate does not wish to be present at the hearing (circle DO NOT).
- Write on the Disciplinary Investigative Report in the inmate statement area that the inmate pleads guilty.
- Write in the upper left corner of the Disciplinary Report that the inmate pleads guilty.

The delivery of charges must be served to the inmate within 48 hours of the inmate being placed in lockdown. Extension on the 48 hour time limit will only be granted for emergency situations. The inmate will be handed the inmate's service copy of the Disciplinary Report at this time. [ALDF-6C-07] [CORE-6C-03]

#### **Investigation of Charge(s) [FCAC 11.05]**

Upon receipt of the Disciplinary Report, the Shift Supervisor will then forward the Disciplinary Report to the deputy designated to investigate the charge(s).

The investigating deputy will begin the investigation within 24 hours of the time the violation is reported. [ALDF-6C-05]

The investigating deputy shall complete the Disciplinary Investigative Report by obtaining the inmate's version of the offense.

The investigating deputy will also contact any other staff members, volunteers, or inmates who may have information pertaining to the allegation of the charge(s). [FCAC 11.04] [ALDF-6C-13]

The inmate shall be asked if he or she has any material witnesses to speak on his or her behalf. If so, the investigating deputy will interview both inmate and staff witnesses. If they are not contacted, the reasons why must be stated in the report. [FCAC 11.04] [ALDF-6C-13]

The investigating deputy shall not offer opinions of guilt or innocence.

The investigating deputy shall submit all completed documentation back to the Shift Sergeant without unreasonable delay, unless there are exceptional circumstances for delaying

the investigation. [ALDF-6C-05]

#### **Shift Sergeant's Responsibilities**

The facility administrator has designated to the Shift Sergeant the responsibility of reviewing the inmate's pre-hearing status within 72 hours of the incident, including weekends and holidays. The Shift Sergeant will ensure the pre-hearing detention of an inmate charged with a rule violation is justified. If there is no Shift Sergeant on duty, the Shift Lieutenant shall do this. [ALDF-6C-06]

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. [FCAC 11.05]

#### **Inmate Services Sergeant's Responsibilities**

The Inmate Services Sergeant shall research and note whether the inmate is sentenced or not and if the inmate has any prior Disciplinary Reports.

#### **Classification Division's Responsibility**

Classification Personnel will enter the Disciplinary Report and all pertinent data into their computers.

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	TOPIC: <b>Minor Infraction Warning Book</b>	

[ALDF-3A-02] [CORE-3A-01 AND 6C-01]

**PURPOSE:**

The purpose of this directive is to establish policy for 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.

- Mark the location of which the infraction was committed (i.e., KW, KV, or PK).

**SCOPE:**

This directive applies to all Personnel.

- Print inmate's name (e.g., Doe, John).
- Print location of housing assignment (e.g., D-22-B).
- Print violation number (e.g., A-3) and date and time (e.g., 30 Nov 99, 1800 hours). [ALDF-6C-01]

**PERSON RESPONSIBLE:**

All Personnel.

- Print location of violation within the facility (e.g., kitchen, recreation, day room).
- Print any additional remarks (e.g., any prior warnings, his or her attitude and behavior).

**POLICY AND PROCEDURES:**

**Issuance of Warnings**

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

- Have the inmate sign for his or her Minor Infraction Warning. Upon refusal to sign warning, a Disciplinary Report will be written.
- The deputy issuing the Minor Infraction Warning will sign his or her signatures and identification number.

**Preparation of Minor Infraction Warnings**

The Minor Infraction Warning will have the following information:

- The issuing deputy will hand the inmate the yellow copy and place the white copy in classification box for review and filing.

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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

### 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

### Going from Minor Infraction Warning to Disciplinary Report

When an inmate has received a Minor Infraction Warning, the Classification Division will log the infraction into their computer.

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 Deputy twice daily.

When the deputy has determined that an inmate has two (2) Minor Infraction Warnings, then the deputy will write a Disciplinary Report on that inmate for any additional minor infractions.

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	CHAPTER: Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
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[PBNDS 2011 Section 3.1]

**PURPOSE:**

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to establish and promote a safe and orderly living environment for detainees by establishing a fair and equitable disciplinary system, requiring detainees to comply with facility rules and regulations, and imposing disciplinary sanctions to those who do not comply.

in the disciplinary system and the procedure for appealing disciplinary findings.

- The facility shall have graduated severity scales of prohibited acts and disciplinary consequences.
- Where permitted by facility policy, staff shall informally settle minor transgressions through mutual consent, whenever possible.
- Staff who have reason to suspect that a detainee has engaged in a prohibited act or who witness a prohibited act that cannot or should not be resolved informally, shall prepare a clear, concise and complete incident report.
- Each Incident Report shall be objectively and impartially investigated and reported, ordinarily by a person of supervisory rank.
- A serious incident that may constitute a criminal act shall be referred to the proper investigative agency as appropriate, and administrative investigations shall be suspended pending the outcome of that referral.
- At each step of the disciplinary and appeal process, the detainee shall be advised in writing of his/her rights in a language he/she

**SCOPE:**

This directive applies to the Disciplinary Committee/Hearing Deputy, Classification, and the Operations Commander.

**PERSON RESPONSIBLE:**

Disciplinary Committee/Hearing Deputy and Classification Personnel.

**POLICY AND PROCEDURES:**

The expected outcomes of this detention standard are as follows:

- Detainees shall be informed of facility rules and regulations, prohibited acts, disciplinary sanctions that may be imposed, their rights

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Dissemination Date: 12/1/15	Previous Revision Date(s):	Effective Date: 12/8/15



understands, and translation or interpretation services shall be provided as needed.

- If any staff at any stage of the disciplinary process has reason to believe that the detainee is mentally ill or mentally incompetent, the facility shall provide for an assessment by qualified medical personnel.
- A Unit Disciplinary Committee (UDC) shall further investigate and adjudicate the incident and may impose minor sanctions or refer the matter to a higher level disciplinary panel.
- An Institution Disciplinary Panel (IDP) shall conduct formal hearings on Incident Reports referred from UDCs and may impose higher level sanctions for “greatest” and “high” level prohibited acts.
- Detainees before the IDP shall be afforded a staff representative, upon request, or automatically if the detainee is illiterate, has limited English language skills or otherwise needs special assistance.
- Actions of the IDP shall be reviewed by the facility administrator, who may concur with the findings and sanctions or modify them.
- At all steps in the disciplinary process, any sanctions imposed shall be commensurate with the severity of the committed prohibited act and intended to encourage the detainee to conform with rules and regulations in the future.
- All steps of the disciplinary process shall be performed within the required time limits.
- At all steps of the disciplinary process, accurate and complete records shall be maintained. The detainee shall receive copies of all reports, exhibits and other documents considered or generated in the hearing process, except insofar as the disclosure of such documents may pose an imminent threat to the safety, security and orderly conduct of the facility staff or other detainees, or if the document or other evidence is otherwise protected from disclosure.

- If a detainee is found not guilty at any stage of the disciplinary process, the incident records shall not be placed or retained in the detainee’s file, even if these records are retained elsewhere for statistical or historical purposes.
- Detainees shall be allowed to appeal disciplinary decisions through a formal grievance system. No staff member shall harass, discipline, punish or otherwise retaliate against any detainee for filing a complaint or grievance.
- Detainees shall be afforded rights including, but not limited to, the following:
  - the right to protection from abuse.
  - the right to freedom from discrimination.
  - the right to pursue a grievance.
  - the right to correspond with persons or organizations.
  - the right to due process.
- The applicable content and procedures shall be communicated to the detainee in a language or manner the detainee can understand.

All written materials provided to detainees shall generally be translated into Spanish. Where practicable, provisions for written translation shall be made for other significant segments of the population with limited English proficiency.

Oral interpretation or assistance shall be provided to any detainee who speaks another language in which written material has not been translated or who is illiterate.

### **Investigations**

All Incident Reports are investigated within 24 hours of the incident.

The investigating officer must have supervisory rank or higher (unless prevented by personnel shortages) and shall have had no prior involvement in the incident, as either witness or officer at the scene. If an officer below

supervisory rank conducts the investigation, the shift supervisor shall review his/her report(s) for accuracy and completeness and sign them.

The investigating officer shall:

- Commence the investigation within 24 hours of receipt of the Incident Report.
- Advise the detainee of his/her right to remain silent at every stage of the disciplinary process, and ensure that he/she has a complete listing of detainee rights.
- Provide the detainee a copy of the Incident Report and notice of charges at least 24 hours before the start of any disciplinary proceedings.
- Terminate the administrative investigation, if the incident is under investigation on different grounds (i.e., the prohibited act is under criminal investigation), unless and until the agency with primary jurisdiction concludes its investigation or indicates it shall not pursue the matter.

Contraband that may be evidence in connection with a violation of a criminal statute shall be preserved, inventoried, controlled and stored so as to maintain and document the chain of custody. Contraband shall be reported to the appropriate law enforcement authority for action and possible seizure and prosecution.

- Advise the detainee in writing of the detainee's right, if applicable, to an initial hearing before the Unit Disciplinary Committee (UDC) within 24 hours of his/her notification of charges.
- Record personal observances and other potentially material information.
- Prepare a factual report of the investigation, including the location or disposition of any physical evidence.
- Forward to the Unit Disciplinary Committee (UDC) all reports relevant to the disciplinary hearing—but do not provide a copy to the detainee at this stage of the disciplinary process, except for a copy of the Incident Report.

### Unit Disciplinary Committee (UDC)

All facilities shall establish an intermediate level of investigation/adjudication process to adjudicate low or moderate infractions. They shall also ensure that the detainee is afforded all the UDC rights listed below.

The UDC administering unit discipline shall comprise up to three members, at least one of whom is a supervisor. The UDC shall not include the reporting officer, the investigating officer, or an officer who witnessed or was directly involved in the incident, except in the unlikely event that every available officer witnessed or was directly involved in the incident.

The UDC shall conduct hearings and, to the best extent possible, shall informally resolve cases involving high moderate or low moderate charges in accordance with the list of charges and related sanctions noted as "Appendix 3.1.A: Offense Categories." Unresolved cases and cases involving serious charges are forwarded to the institution disciplinary panel.

The UDC shall have authority to:

- Conduct hearings and resolve incidents involving high moderate or low moderate charges.
- Consider written reports, statements and physical evidence.
- Hear pleadings on the part of the detainee.
- Make findings that a detainee did or did not commit the rule violation(s) or prohibited act(s) as charged, based on the preponderance of evidence.
- Impose minor sanctions "E" through "M" in accordance with the table of prohibited acts and associated sanctions later in this document.

The detainee in UDC proceedings shall have the right to:

- Remain silent at any stage of the disciplinary process.
- Due process, which includes:
  - Attending the entire hearing (excluding committee deliberations).

- Waiving the right to appear.
- Having a UDC hearing within 24 hours after the conclusion of the investigation.

If security considerations prevent detainee attendance, the committee must document the security considerations and, to the extent possible, facilitate the detainee's participation in the process via telephonic testimony, document submission, written statements or questions to be asked of witnesses;

- Present statements and evidence, including witness testimony on his/her own behalf.
- Appeal the committee's determination through the detainee grievance process.

The UDC shall:

- Advise the detainee of his/her rights at the hearing;
- Refer to the IDP any incident involving a serious violation associated with an A-through-D-range sanction. This includes code violations in the "greatest" and "high" categories (100s and 200s);
- Serve the detainee with:
  - A copy of the UDC decision which must contain the reason for the disposition and sanctions imposed.
  - Written notification of charges and hearing before the IDP.
- If the detainee's case is being referred to the IDP, advise the detainee, in writing, of:
  - The right to call witnesses and present evidence before the IDP.
  - The right to a staff representative before the IDP.

### Staff Representation for the IDP

The facility administrator shall upon the detainee's request, assign a staff representative to help prepare a defense prior to the commencement of the IDP. This help shall be automatically provided for detainees who are illiterate, have limited English-language skills, or who are without means of collecting and presenting essential evidence. Detainees shall

also have the option of receiving assistance from another detainee of their selection rather than a staff representative, subject to approval from the facility administrator.

- A staff representative must be a full-time employee.
- Because of the potential conflict of interest, the facility administrator, members of the IDP and of the UDC initially involved in the case, eyewitnesses, the reporting and investigating officers and anyone else with a stake in the outcome shall not act as staff representative.
- The detainee may select his/her staff representative, barring those identified in paragraph 2 above.
- The IDP shall arrange for the presence of the staff representative selected by the detainee. If that staff member declines or is unavailable, the detainee may:
  - Select a different representative.
  - Wait for the unavailable staff member to become available (within a reasonable period).
  - Proceed without a staff representative.
- A staff member who declines to serve must state the reason on the staff representative form.
- If several staff decline, the facility administrator shall assign one.
- The staff representative shall be free to speak to witnesses and to present evidence on the detainee's behalf, including evidence of any mitigating circumstances. The staff representative must act in good faith on behalf of the charged detainee, and interview witnesses and obtain documentary evidence as requested by the detainee or as otherwise reasonably seen as relevant to the defense of the charges or in mitigation of the charges.
- The IDP shall allow the staff representative enough time to speak with the detainee and interview witnesses prior to commencement of the proceeding. The IDP may grant a request for extension of time if required for an adequate defense.

- The IDP shall establish the reliability of information provided by a confidential source before considering it in the disciplinary proceedings.
- The IDP may withhold the confidential source's identity from the staff representative. While the staff representative may challenge the substance of any confidential information the IDP discloses, he/she may not question its reliability (which is pre-established by the IDP).
- In the event that a detainee cannot effectively present his/her own case, the facility administrator shall appoint a staff representative, even if not requested by the detainee.

### **Institution Disciplinary Panel**

Only the disciplinary panel may place a detainee in disciplinary segregation.

The term "Institution Disciplinary Panel" or "IDP" refers either to a three-person panel appointed by the facility administrator, or a one-person disciplinary hearing officer, depending on the practice at the facility.

The panel may not include the reporting officer, the investigating officer, any member of the referring UDC, or anyone who witnessed or was directly involved in the incident. Exceptions may occur only if the number of officers required for the panel cannot be filled due their direct involvement in the incident.

The IDP shall have authority to:

- Conduct hearings on all charges and allegations referred by the UDC.
- Call witnesses to testify;
- Consider written reports, statements, physical evidence and oral testimony.
- Hear pleadings by detainee and staff representative.
- Make findings that the detainee did or did not commit the rule violation(s) or prohibited act(s) as charged, based on the preponderance of evidence.
- Impose sanctions as listed and authorized in each category.

The detainee in IDP proceedings shall have the right to:

- Remain silent at any stage of the disciplinary process.
- Due process, which includes:
  - Attending the entire hearing (excluding committee deliberations).
  - Waiving the right to appear.
  - Having an IDP hearing within 24 hours after the conclusion of the investigation.

If security considerations prevent the detainee's attendance, the committee must document the security considerations and, to the extent possible, facilitate the detainee's participation in the process by telephonic testimony, the submission of documents, written statements or questions to be asked of witnesses;

- Present statements and evidence, including witness testimony, on his/her behalf.
- Appeal the committee's determination through the detainee grievance process.

The IDP shall:

- Verify that the detainee has been advised of and afforded his/her rights.
- Remind the detainee of his/her right to a staff representative, provide one if requested and verify that a staff representative has been assigned when a representative is requested.
  - Advise the detainee of his/her right to waive the hearing and admit having committed the offense.
  - Conduct the hearing on the first business day after receiving the UDC referral, unless the detainee waives the 24-hour notification provision and requests an immediate hearing. In cases where a hearing is delayed, the reason(s) must be documented (e.g., a continuing investigation of facts, unavailability of one or more essential witnesses, etc.) and approved by the facility

administrator. If the detainee is being held in segregation, the delay shall not exceed 72 hours, barring an emergency;

- Prepare a written record of any hearing. This record must show that the detainee was advised of his/her rights. It must also document the evidence considered by the Panel and subsequent findings and the decision and sanctions imposed, along with a brief explanation.
- Forward the entire record to the facility administrator, who may:
  - Concur,
  - Terminate the proceedings or
  - Impose more severe or more lenient sanctions.
- Serve the detainee with written notification of the decision, which must contain the reason for the decision.

### Confidential Information

When a decision relies on information from a confidential source, the UDC or IDP shall disclose as much confidential information as may be disclosed without jeopardizing the safety and security of facility staff and other persons, and shall include in the hearing record the factual basis for finding the information reliable.

### Postponement of Disciplinary Proceedings

All facilities shall permit hearing postponements or continuances under certain circumstances.

Circumstances justifying the postponement or continuance of a hearing might include, but are not limited to: defense preparation, physical or mental illness, security, escape, disciplinary transfer or pending criminal prosecution.

An uncooperative detainee may also cause a delay in the proceedings, either because of inappropriate behavior during the hearing process or a refusal to participate in a productive manner.

### OFFENSE CATEGORIES:

#### “Greatest” Offense Category

#### Prohibited Acts

- 100 Killing
- 101 Assaulting any person (includes sexual assault)
- 102 Escape from escort; escape from a secure facility
- 103 Setting a fire (charged with this act in this category only when found to pose a threat to life or a threat of serious bodily harm or in furtherance of a prohibited act of greatest severity [e.g., a riot or an escape]; otherwise the charge is classified as Code 218 or 321)
- 104 Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife, dangerous chemical, explosive, escape tool, device or ammunition
- 105 Rioting
- 106 Inciting others to riot
- 107 Hostage-taking
- 108 Assaulting a staff member or any law enforcement officer
- 109 Threatening a staff member or any law enforcement office with bodily harm
- \*198 Interfering with a staff member in the performance of duties (conduct must be of the greatest severity; this charge is to be used only if another charge of greatest severity is not applicable)
- \*199 Conduct that disrupts or interferes with the security or orderly running of the facility

(conduct must be of the greatest severity; this charge is to be used only if another charge of greatest severity is not applicable)

demonstration

### “High” Offense Category

#### Prohibited Acts

- 200 Escape from unescorted activities open or secure facility, proceeding without violence
- 201 Fighting, boxing, wrestling, sparring and any other form of physical encounter, including horseplay, that causes or could cause injury to another person, except when part of an approved recreational or athletic activity
- 202 Possession or introduction of an unauthorized tool
- 203 Loss, misplacement or damage of any restricted tool
- 204 Threatening another with bodily harm
- 205 Extortion, blackmail, protection and demanding or receiving money or anything of value in return for protection against others, avoiding bodily harm or avoiding a threat of being informed against
- 206 Engaging in sexual acts
- 207 Making sexual proposals or threats
- 208 Wearing a disguise or mask
- 209 Tampering with or blocking any lock device
- 210 Adulterating of food or drink
- 211 Possessing, introducing, or using narcotics, narcotic paraphernalia or drugs not prescribed for the individual by the medical staff
- 212 Possessing an officer's or staff member's clothing
- 213 Engaging in or inciting a group

- 214 Encouraging others to participate in a work stoppage or to refuse to work
- 215 Refusing to provide a urine sample or otherwise cooperate in a drug test
- 216 Introducing alcohol into the facility
- 217 Giving or offering an official or staff member a bribe or anything of value
- 218 Giving money to, or receiving money from, any person for an illegal or prohibited purpose (e.g., introducing/conveying contraband)
- 219 Destroying, altering, or damaging property (government or another person's) worth more than \$100
- 220 Being found guilty of any combination of three or more high moderate or low moderate offenses within 90 days
- 222 Possessing or introducing an incendiary device (e.g., matches, lighter, etc.)
- 223 Engaging in any act that could endanger person(s) and/or property
- \*298 Interfering with a staff member in the performance of duties (conduct must be of highest severity; this charge is to be used only when no other charge of highest severity is applicable)
- \*299 Conduct that disrupts or interferes with the security or orderly operation of the facility (conduct must be of highest severity; this charge is to be used only when no other charge of highest severity is applicable)

### “High Moderate” Offense Category

#### Prohibited Acts

- 300 Indecent exposure
- 301 Stealing (theft)
- 302 Misusing authorized medication

- 303 Loss, misplacement or damage of a less restricted tool
- 304 Lending property or other item of value for profit/increased return
- 305 Possessing item(s) not authorized for receipt or retention and not issued through regular channels
- 306 Refusing to clean assigned living area
- 307 Refusing to obey the order of a staff member or officer (may be categorized and charged as a greater or lesser offense, depending on the kind of disobedience: continuing to riot is Code 105—Rioting; continuing to fight Code 201—Fighting; refusing to provide a urine sample, Code 215—Refusing to provide a urine sample or otherwise cooperate in a drug test).
- 308 Insolence toward a staff member
- 309 Lying or providing false statement to staff
- 310 Counterfeiting, forging or other unauthorized reproduction of money proceedings or other official document or item (e.g., security document, identification card, etc.); may be categorized as greater or lesser offense, depending on the nature and purpose of the reproduction (e.g., counterfeiting release papers to effect escape—Code 102 or 200).
- 311 Participating in an unauthorized meeting or gathering
- 312 Being in an unauthorized area
- 313 Failing to stand count
- 314 Interfering with count
- 315 Making, possessing, or using intoxicant(s)
- 316 Refusing a breathalyzer test or other test of alcohol consumption
- 317 Gambling
- 318 Preparing or conducting a gambling pool
- 319 Possessing gambling paraphernalia

- 320 Unauthorized contact with the public
- 321 Giving money or another item of value to, or accepting money or another item of value from, anyone, including another detainee, without staff authorization
- 322 Destroying, altering, or damaging property (government or another person's) worth more than \$100
- 323 Signing, preparing, circulating, or soliciting support for prohibited group petitions
- \*398 Interfering with a staff member in the performance of duties (offense must be of high moderate severity; this charge to be used only when no other charge in this category is applicable)
- \*399 Conduct that disrupts or interferes with the security or orderly running of the facility (offense must be of high moderate severity; this charge is to be used only when no other charge in this category is applicable)

**NOTE: Any combination of high moderate and low moderate offenses during a 90-day period shall constitute a high offense.**

**“Low Moderate” Offense Category**

**Prohibited Acts**

- 400 Possessing property belonging to another person
- 401 Possessing unauthorized clothing
- 402 Malingering; feigning illness
- 403 Smoking where prohibited
- 404 Using abusive or obscene language
- 405 Tattooing, body piercing or self-mutilation
- 406 Unauthorized use of mail or telephone (with restriction or temporary suspension of the abused privileges often the appropriate sanction)
- 407 Conduct with a visitor in violation of rules

and regulations (with restriction or temporary suspension of visiting privileges often the appropriate sanction)

408 Conducting a business

409 Possessing money or currency, unless specifically authorized

410 Failing to follow safety or sanitation regulations

411 Unauthorized use of equipment or machinery

412 Using equipment or machinery contrary to posted safety standards

413 Being unsanitary or untidy; failing to keep self and living area in accordance with posted standards

\*498 Interfering with a staff member in the performance of duties (offense must be of low moderate severity; this charge is to be used only when no other charge in this category is applicable)

\*499 Conduct that disrupts or interferes with the security or orderly running of the facility (offense must be of low moderate severity; this charge is to be used only when no other charge in this category is applicable)

**NOTE: ICE Detainees shall retain visiting privileges while in Special Management (Disciplinary Confinement) and once released back into general population. [PBNS 2008, 2.12]**

**SANCTIONS:**

**“GREATEST” OFFENSE SANCTIONS  
Offense 100-199**

- Initiate criminal proceedings
- Disciplinary transfer (recommend)
- Disciplinary segregation (up to 30 days)
- Make monetary restitution, if funds are available
- Loss of privileges (e.g., commissary, vending machines, movies, recreation, etc.)

**“HIGH” OFFENSE SANCTIONS  
Offense 200-299**

- Initiate criminal proceedings
- Disciplinary transfer (recommend)
- Disciplinary segregation (up to 30 days)
- Make monetary restitution, if funds are available
- Loss of privileges (e.g., commissary, vending machines, movies, recreation, etc.)
- Change housing
- Remove from program and/or group activity
- Loss of job
- Impound and store detainee’s personal property



- Confiscate contraband
- Restrict to housing unit
- Warning

- Change housing
- Remove from program and/or group activity
- Loss of job
- Impound and store detainee's personal property

**“HIGH MODERATE” OFFENSE SANCTIONS  
Offense 300-399**

- Initiate criminal proceedings
- Disciplinary transfer (recommend)
- Disciplinary segregation (up to 72 hours)
- Make monetary restitution, if funds are available
- Loss of privileges (e.g. commissary, vending machines, movies, recreation, etc.)
- Change housing
- Remove from program and/or group activity
- Loss of job
- Impound and store detainee's personal property
- Confiscate contraband
- Restrict to housing unit
- Reprimand
- Warning

- Confiscate contraband
- Restrict to housing unit
- Reprimand
- Warning

**“LOW MODERATE” SANCTIONS  
Offense 400-499**

- Loss of privileges, commissary, vending machines, movies, recreation, etc