

SECTION IV

DISCIPLINARY PROCEDURES

The Glenn County Jail has established standards of inmate behavior, (rules), which will provide for the safe, orderly, and efficient operation of the facility and, at the same time, protect staff and inmates. Rules and disciplinary penalties will be clear, consistent, and uniformly applied.

GENERAL INFORMATION:

- Rules have been categorized as one (1) of three types of violations:
 - a. Major
 - b. Serious
 - c. Minor
 - Disciplinary penalties will be directly related to the severity of the violation. Cruel or unusual punishment is expressly prohibited.
 - The disciplinary process is an administrative, not a judicial process. Rule violations may be handled as a disciplinary matter and, also, may be referred to the District Attorney's Office for criminal prosecution.
 - A Disciplinary Officer will be designated by the Jail Commander. The Disciplinary Officer will not participate in the disciplinary process if they are involved in the charges.
1. The Shift Supervisor will immediately be advised when a violation of a rule which affects the safety, security, efficiency, or operation of the facility has occurred. Correctional personnel will take appropriate security and safety measures to contain the situation. The immediate rehousing of an inmate is permitted when a rule violation involves:
 - a. Assaultive conduct
 - b. The inmate poses and immediate threat to the safety or security of others.
 - c. The inmate poses an escape risk.
 - d. The inmate requests or requires protective custody.
 - e. The inmate poses a danger to self.
 2. Minor rule violations may be handled in one (1) of two (2) manners:
 - a. Informal
 - (1) Counseling and/or advising the inmate of expected conduct or a verbal warning.
 - b. Formal
 - (1) Correctional personnel will document the rule violation on an Incident Report and forward it to the Shift Supervisor.
 - (2) The Shift Supervisor will give a copy of the Incident Report to the inmate and conduct an interview to discuss the rule violation. Inmates will be allowed to present their side of the situation and that response will be noted on the Disciplinary Action Form.

- (3) The Shift Supervisor will make one (1) of two (2) findings:
 - (a) Responsible (Guilty)
 - (b) Not Responsible (Not Guilty)
- (4) The Shift Supervisor will notify the inmate of her or his findings and immediately forward the Disciplinary Action Form to the Disciplinary Officer.
- (5) On findings of “Responsible” the Disciplinary Officer will review the inmates file and, utilizing progressive discipline, recommend an appropriate penalty. The Disciplinary Officer will contact the inmate and inform the inmate of the recommended penalty. The inmate may:
 - (a) Accept the penalty and sign the Disciplinary Action Report. In such cases the penalty may be imposed immediately.
 - (b) Request an appeal to the Correctional Sergeant.
- (6) Requests for an appeal will be forwarded, within twenty-four (24) hours, to the Correctional Sergeant for review. The Correctional Sergeant may:
 - (a) Affirm the findings and penalty.
 - (b) Dismiss the findings and penalty.
 - (c) Reduce the penalty.
- (7) After review, the Correctional Sergeant will forward the Disciplinary Action Report to the Disciplinary Officer for distribution and imposition of any penalties.

3. Serious rule violations will be handled formally.
 - a. Correctional personnel will document the rule violation on an incident report and forward it to the Shift Supervisor.
 - b. The Shift Supervisor will give a copy of the Incident Report to the inmate and inform the inmate of the following:
 - (1) The nature of the charge and the right to be present at a hearing. The inmate may waive their right to be present.
 - (2) The inmate may present documentary evidence and/or request the appearance of a witness who has relevant and not unduly cumulative information except when the presence of the witness may severely jeopardize the life or safety of persons or the security or order of the facility.
 - (3) The hearing will be conducted no sooner than twenty-four (24) hours nor later than seventy-two (72) hours after the inmate receives their copy of the Incident Report unless the inmate waives the time limitation.
 - c. The following procedures will be adhered to during a disciplinary hearing.
 - (1) The Hearing Officer will be a Correctional Corporal or a Correctional Officer designated by the Jail Commander.
 - (2) The inmate will be read the charge and asked if the violation is admitted or denied. If the inmate admits the violation, the Hearing Officer will note the findings on the Disciplinary Action Report, along

with any statements made by the inmate, and forward the Disciplinary Action Report to the Disciplinary Officer. If the inmate denies the violation, the Hearing Officer will:

- (a) Present evidence and call witnesses. Since the hearing is an administrative and not an adversary proceeding, the inmate does not have the right to question witnesses nor are Formal Rules of Evidence used.
 - (b) Allow the inmate to present witnesses, submit documentary evidence, and/or make a short statement.
 - (c) Make a finding of Responsible or Not Responsible based upon the evidence and notify the inmate of the finding.
 - (d) Immediately forward the Incident Report and the Disciplinary Action Report to the Disciplinary Officer.
- (3) On findings of “Responsible”, the Disciplinary Officer will review the inmate’s file, and utilizing progressive discipline, recommend the appropriate penalty. The Disciplinary Officer will take into consideration the inmate’s conduct and work record along with any extenuating circumstances surrounding the violation. The Incident Report and Disciplinary Action Report will immediately be forwarded to the Correctional Sergeant for review.
- (4) The Correctional Sergeant will review all Serious violations and:
- (a) Affirm the findings and penalty
 - (b) Dismiss the findings and penalty
 - (c) Reduce the penalty
- (5) The Correctional Sergeant will contact the inmate and inform the inmate of the recommended disposition and/or penalty. The inmate may:
- (a) Accept the penalty and sign the disciplinary Action Report. In such cases the penalty may be imposed immediately.
 - (b) Within twenty-four (24) hours request an appeal to the Division Lieutenant utilizing the Inmate Grievance Form.
- (6) Upon receiving a request for appeal, the Division Lieutenant will review the Incident Report and Disciplinary Action Report to ensure the inmate received due process. New and relevant evidence may be considered. The Division Lieutenant will:
- (a) Deny the appeal and approve the penalty
 - (b) Modify the sanctions
 - (c) Uphold the appeal and dismiss the penalty
 - (d) Request further investigation
- (7) After the appeal process, the Division Lieutenant will forward the Incident Report, Disciplinary Action Report, and Grievance Form to the Disciplinary Officer for distribution and imposition of any penalties.

4. Major violations are criminal in nature. In addition to handling the incident as a Serious violation, Correctional personnel may:
 - a. Document the violation on a Crime Report and forward the report to the Correctional Sergeant.
 - b. After review, the Correctional Sergeant will forward the Crime Report to the Glenn County District Attorney's Office for possible prosecution.

5. Emergencies. When an event occurs necessitating immediate action to protect the safety of persons or security of the facility, disciplinary actions may be administered without compliance with the provisions of this order. Such emergency will be declared in writing stating the factual basis for the suspension of these provisions. An emergency situation will be subject to review by the Correctional Sergeant every twenty-four (24) hours.