

 <p style="text-align: center;">ALLEGHENY COUNTY BUREAU OF CORRECTIONS</p>	APPLICABILITY: All Authorized Personnel	
	POLICY NUMBER: #500	DATE: 4/14/14 REVIEWED: 4/14/20
	TITLE: INMATE DISCIPLINARY PROCEDURES ACA Standards- 2A-47, 2A-50, 3A (1, 2) 6C (01, 2, 3, 4, 5, 6, 7, 8, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19) TITLE 37: 95.240 (1, 2, 3, 4, 5, 6, 7, 9)	
	AUTHORIZED BY: ORLANDO L. HARPER SIGNATURE: <i>Orlando L. Harper</i>	

POLICY:

It is the policy of the Allegheny County Bureau of Corrections (ACBOC) to establish inmate rules that ensure the security, control, safety and orderly administration of the ACBOC. These rules will indicate to both inmates and staff what inmate behavior is unacceptable and the consequences of the unacceptable behavior. Discipline is not intended to be punitive; therefore, any consequences that arise out of any disciplinary sanction will not violate the inmate’s right to be free from cruel and unusual punishment.

PROCEDURAL GUIDELINES:

The disciplinary process of the ACBOC will provide a clear notice of prohibited behavior and consistently applied sanctions for violations of the jail rules. Disciplinary procedures governing inmate rule violations will address the following:

- A. Rules
- B. Minor and Major Infractions
- C. Criminal Offenses
- D. Disciplinary Reports
- E. Pre-Hearing Actions
- F. Pre-Hearing Detention
- G. Appeal of disciplinary decisions

Violation of jail rules may be designated as a minor infraction, a major infraction, or those not rising to the level of a major or minor infraction.

MINOR INFRACTIONS:

Minor infractions may be resolved without a hearing and without the imposition of serious penalties. Minor infractions do not violate any State or Federal statutes and may be resolved informally by reporting staff. Discipline for a minor infraction may not be imposed unless a written statement as to the rule violation is prepared and a person not involved in the rule reviews the statement and makes a decision of guilt.

Participation by an inmate in an informal resolution of a rule infraction shall be on a

voluntary basis only. Officers and staff shall use the informal resolution process to the fullest extent possible before proceeding to the formal disciplinary level (See Policy #501 Informal Resolution Procedures).

MAJOR INFRACTIONS:

Discipline for a major infraction will not be imposed unless the inmate has been informed of the charge in writing, has had an opportunity to present a defense and has been found guilty of the charge by an impartial party or board designated by the warden. Written findings of guilt must state the reasons for the finding.

Disciplinary charges and written findings relative to a major infraction are recorded and made a permanent part of the inmate's prison file. Disciplinary sanctions imposed after a finding of guilt for a major infraction may result in loss of privileges, segregation, or other sanctions as set forth in policy.

A. A major infraction involves a grievous loss and requires the use of a hearing. Major infractions include:

1. Violations that may result in disciplinary detention or administrative segregation.
2. Violations for which punishment may tend to increase an inmate's sentence, such as extending parole eligibility.
3. Violations that may result in forfeiture, such as loss of earned time.
4. Violations that may be referred to criminal prosecution.

Major infractions are considered "misconducts" and are separated into two (2) classes. There will be an annual review of the misconducts and updates will be made accordingly. The classes and misconducts are as follows:

Class 1 Misconducts

1. Murder-Manslaughter
2. Escape
3. Possession of Contraband or Implements of Escape
4. Carrying a Deadly Weapon
5. Arson
6. Robbery
7. Burglary
8. Theft
9. Tampering with or Destroying or Damaging Property
10. Sexual Assault.
11. Indecent Exposure
12. Rioting or Inciting to Riot
13. Conspiracy to Escape, Riot, or Disrupt Normal Institutional Routine that could

- result in bodily injury to personnel or inmates
14. Disruption of Normal Institutional Routine that could result in bodily injury to employees or inmates
 15. Bribery of an employee or inmate
 16. Threatening an employee or inmate with bodily harm or injury
 17. Assaults and Fighting
 18. Resisting Officer(s)
 19. Adulteration of any food or drink
 20. Refusing to obey a direct order
 21. Possession of or use of dangerous or controlled substance
 22. Refusing to work
 23. Violating conditions of Pre-release
 24. Breaking restriction or quarantine
 25. Intoxication
 26. Making fermented beverages or possession of material to manufacture fermented beverages
 27. Lying to an employee
 28. Conducting a gambling operation
 29. Unauthorized use of mail or telephone
 30. Conduct with visitor in violation of posted regulations
 31. Presence in an unauthorized area
 32. Loaning any property for profit
 33. Insolence or disrespect toward a staff member
 34. Possession of stolen property

Class 2 Misconducts:

1. Body punching, Horseplay
2. Taking unauthorized food from kitchen, officer's lounge, or pantry
3. Possession of unauthorized clothing
4. Tattooing and other forms of self-mutilation
5. Failure to report to work or unexcused absence from work
6. Loaning or borrowing property except legal materials
7. Failure to follow safety and sanitation regulations regarding his or her person,
 1. quarters and equipment
8. Failure to stand for count or interfering with count
9. Smoking
10. Any violation of the rules and regulations contained in the Inmate Handbook not specifically enumerated above.

PROCEDURES:

1. A misconduct report will be typed using the approved disciplinary template when an inmate violates any Class 1 or Class 2 misconduct. The Sergeant and/or Shift Commander must fill out the Segregation Placement Form. All inmates transferred into segregation must be medically cleared prior to placement according to protocols established by the medical provider. All three forms must be present before placing an inmate in segregation.
2. The Segregation Sergeant shall review and sign off on any disciplinary procedures within 72 Hours of incident utilizing the Segregation form for all inmates locked in pre-hearing confinement status and charged with a rule violation.
3. A disciplinary hearing will be conducted by a person not directly involved in the incident within seven (7) days, excluding holidays and weekends, and not earlier than twenty-four (24) hours. A hearing may be held before twenty-four (24) hours only with the written consent of the inmate.
4. When filling out a misconduct form, the following information must be completed:
 - a) Inmate name and DOC#
 - b) Date and time of occurrence
 - c) Pod and cell number
 - d) Place of misconduct
 - e) Specific rules violated
 - f) Formal statement of the charge
 - g) Any witnesses (staff or inmate)
 - h) Actors involved (staff or inmate)
 - i) Unusual inmate behavior if applicable
 - j) Explanation of the event
 - k) Any physical evidence collected and disposition
 - l) Action taken including use of force
 - m) Signature of staff or officer writing the report
 - n) Signature of ranking staff's approval
 - o) Date and time the inmate was given copy
 - p) Date, time and location of hearing
 - q) Signature of person serving notice
 - r) Misconduct category
5. Inmates will be given a copy of the disciplinary report and an inmate statement/witness form. Inmates will sign off on the report that they received the disciplinary report and statement/witness form within three (3) hours of the report being generated.

6. When there is an alleged disciplinary violation, an investigation will begin within twenty-four (24) hours of the incident and be completed in a reasonable amount of time.
7. Inmates have the right to be present, make statements, and call witnesses during a hearing. Inmates may waive their rights in writing to their hearing.
8. Postponement or continuance of a disciplinary hearing must have good cause and be documented. The hearing must be rescheduled within a reasonable amount of time.
9. Inmates may request a representative to assist them during their hearing. A representative may be appointed to an inmate if it is apparent they are unable to represent themselves.
10. At the time of the hearing, the inmate will present the completed inmate statement/witness form to the hearing officer.
11. Disciplinary decisions are based solely on the information obtained during the hearing process, including reports, statements and evidence.
12. Inmates will be given a copy of the proceedings and any decisions levied against them. Copies will be forwarded to classification for record. All disciplinary records are kept and filed in the Disciplinary Housing Unit Office.
13. Inmates may only be placed in disciplinary detention for a rule violation only after a hearing.
14. The Allegheny County Bureau of Corrections keeps all inmate disciplinary records, however if an inmate is found not guilty of misconduct, it shall be removed from their classification file.
15. The staff member in charge of PRC (Program Review Committee) shall review all disciplinary hearings and dispositions every thirty (30) days to assure they conform to this policy.
16. An inmate may appeal the decision of their disciplinary hearing to the Deputy Warden of Operations. The Deputy Warden must affirm or reverse the decision within fifteen (15) days of the appeal.
17. In the event an inmate commits any act covered by criminal law, Internal Affairs shall investigate the incident refer it over to the District Attorney for possible criminal charges.
18. When an inmate under disciplinary status is deprived of any usual authorized items or activity, a report of the action is to be made through the chain of command to include the warden. If an inmate in disciplinary status used food or food service equipment in a manner that is hazardous to self, staff, or other inmates, an alternative meal may be provided upon the approval of the warden or his/her designee and the healthcare provider.

19. Inmates found to be in possession with any of the following contraband shall be issued a misconduct. A request will be made to the county police to prosecute and all privileges suspended and/ or terminated indefinitely.

- a. Inmates found burning anything, or burned items found within the cell
- b. Inmates found in possession of any narcotics, illicit substances, or paraphernalia
- c. Inmates that are not prescribed narcotics and test positive for any narcotics, or illicit substances, after 30 days of admission to the ACJ.
- d. Inmates found in possession of napkins or anything used to smoke narcotics
- e. Inmates found in possession of any soaked documents or material

Inmates in violation of this directive shall have their visiting, telephone and commissary privileges suspended and or terminated as indicated below.

- | | |
|--------------------------|---|
| 1 st Offense: | 90- day suspension of visits, telephone and commissary |
| 2 nd Offense: | 180- day suspension of visits, telephone and commissary |
| 3 rd Offense: | Indefinite suspension of visits, telephone and commissary |

SENTENCING:

The hearing examiner has the right to dismiss any or all charges levied against an inmate based on the circumstances of the incident.

Credit will be given to inmates for time served in pre- hearing confinement status. To ensure consistency in sentencing the following guidelines will be used when an inmate is found guilty of a disciplinary infraction:

CLASS 1

The following charges will hold a maximum sentence of not more than sixty (60) days per incident:

1. Murder-Manslaughter
2. Escape
3. Possession of Contraband or Implements of Escape
4. Carrying a Deadly Weapon
5. Arson
6. Robbery
7. Burglary-adjusted weight of punishment
9. Tampering with or Destroying Evidence

10. Sexual Assault
11. Indecent Exposure
12. Rioting or Inciting to Riot
13. Conspiracy to Escape, Riot, or Disrupt Normal Institutional Routine that could result in bodily injury to personnel or inmates
14. Bribery of an employee or inmate
15. Threatening an employee or inmate with bodily harm or injury
16. Assaults and Fighting
17. Resisting Officer(s)-added as new charge
19. Refusing to obey a direct order
20. Possession of or use of a dangerous or controlled substance
24. Intoxication
33. Insolence or disrespect toward a staff member

The following charges will carry a penalty of not more than forty-five (45) days per incident:

8. Theft
27. Lying to an employee
31. Presence in an unauthorized area
33. Insolence or disrespect to a staff member-adjusted weight of punishment
34. Possession of stolen property

The following charges will carry a penalty of not more than thirty (30) days per incident:

18. Adulteration of food or drink
21. Refusing to work
22. Violating conditions of pre-release
23. Breaking restriction or quarantine
25. Making fermented beverages or possession of materials to manufacture fermented beverages.
28. Conducting a gambling operation
29. Unauthorized use of mail or telephone
30. Conduct with visitor in violation of posted regulations
32. Loaning any property for profit

CLASS 2:

All Class 2 violations will carry a penalty of not more than fifteen (15) days total per incident.