

# KERN COUNTY SHERIFF'S OFFICE

## Detentions Bureau Policies and Procedures

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**TITLE:** INMATE DISCIPLINE **I-100**

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**EFFECTIVE DATE:** 06-01-92

**REVISED:** 03-06-18

**APPROVED BY:** Detentions Bureau Chief Deputy Tyson Davis

**REFERENCE:** Title 15 Sections 1080-1084, PC 4019.5; DBPPM Section I-200

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### **POLICY**

It is the policy of the Kern County Sheriff's Office to provide a safe, secure, orderly and controlled environment for inmates and staff using a disciplinary process that provides clear notice of the inmate rules of conduct and consistently applied sanctions for violations of those rules. The provisions of this policy apply to disciplinary actions against any inmate in the custody of the Kern County Sheriff's Office.

Nothing in this policy prohibits the Section Manager or Shift Supervisor from administratively segregating any inmate or group of inmates for the length of time necessary to maintain or restore order during a disturbance or potential disturbance or pending a formal investigation.

### **DEFINITIONS:**

**Disciplinary Separation** – A punishment status assigned to an inmate as the result of violating facility rules, which consists of confinement in a cell or housing unit with no access to telephone, television, commissary or recreational yard time for the duration of placement.

### **DIRECTIVE #1**

The following limitations shall be adhered to when imposing disciplinary proceedings on an inmate:

- The imposition of discipline may not violate an inmate's right to be free from cruel and unusual punishment;
- Staff will not delegate to any inmate or group of inmates the authority to exercise the right of punishment over any other inmate or group of inmates;

- Staff will not reveal, or allow to be revealed, the identity of any confidential informant to any inmate in relation to disciplinary proceedings;
- In no case shall a safety cell or any restraint device be used for disciplinary purposes;
- No inmate may be deprived of the implements necessary to maintain an acceptable level of personal hygiene;
- Food or water shall not be withheld as a disciplinary measure;
- Staff will not impose any punishment upon an inmate except through the process detailed in this policy;
- In no case shall access to courts or legal counsel be denied as a disciplinary measure.

**Procedure A: Initiation of Disciplinary Action**

Any deputy may initiate disciplinary action against an inmate for violation of facility rules. The discipline may take one of three forms, depending upon the severity of the misconduct. The three forms of discipline are:

**Oral Reprimand:** The deputy verbally reprimands the inmate(s) regarding the rule violation. There are no sanctions against the inmate and no written documentation of the incident is necessary.

**Informal Discipline:** The staff member advises the inmate(s) of the rule violation and imposes a temporary loss of television and/or telephone privileges, or a lockdown. Such loss of privileges or lockdown shall be no longer than 24 hours. The Shift Supervisor must approve informal disciplinary action.

**Formal Discipline:** The staff member completes a Jail Management System (JMS) incident report and, if necessary, an Incident Report. The inmate has the right to a disciplinary hearing. If the inmate is found to be guilty, he/she may be subjected to approved sanctions.

**Any deputy initiating disciplinary action will:**

- Determine the seriousness of the violation and the type of disciplinary action to be initiated. This may include:
    - Checking the inmate's incident record for past violations;
    - Considering the nature of the violation;
    - Referring to the listing of minor, serious, and major violations of the Inmate Rules of Conduct (see Attachment A).
  - If the deputy determines that an oral reprimand is appropriate, the deputy will issue the oral reprimand as described above. The oral reprimand will serve as the extent of action taken for this specific infraction.
  - If the deputy determines that informal discipline is appropriate, the deputy will impose a loss of telephone and/or television privileges, or a lockdown. The loss of privileges or lockdown shall be no longer than 24 hours. The deputy will complete a Loss of Privileges form (Attachment B) and obtain the Shift Supervisor's approval for the loss of privileges or lockdown prior to implementing it;
    - Once the period of time for the loss of privileges is completed, the Shift Supervisor will forward the loss of privileges form to the facility Administrative Sergeant, who will retain the form for at least five years;
- Note:** When disciplining female inmates in this fashion, the requirements of Procedure F of this section will apply.
- If the deputy determines that the formal discipline process is appropriate, the deputy will complete a JMS incident report indicating the violation(s) the inmate is to be charged with and the specifics of the violation(s). Using the form(s) generated by the JMS software application, the deputy will:
    - Inform the inmate of the intent to initiate formal disciplinary proceedings;
    - Provide the inmate with a copy of the "Notice of Intent to Conduct Disciplinary Hearing" form that is generated by JMS;
    - Give the inmate a brief verbal summary of the incident;

- Have the inmate sign the form, acknowledging the notification and indicating if the inmate wishes to proceed with the disciplinary hearing immediately or postpone it for 24-hours (see Directive B-1);

**Note:** If the inmate refuses to sign, indicate the refusal in the space for the inmate's signature. In the event that the inmate refuses to sign, the hearing shall be postponed for 24 hours.

- Enter the notification information into JMS.

**When formal discipline is initiated, the Shift Supervisor will:**

- Review and approve the report (in JMS) or return the report to the deputy for correction if necessary;
- Assign a deputy, as stipulated in Directive B-1, to conduct a disciplinary hearing as described in Procedure B of this section.

**Procedure B: Disciplinary Hearings**

**DIRECTIVE B-1**

The following guidelines will be adhered to when conducting inmate disciplinary hearings:

- Deputies will not conduct or facilitate disciplinary hearings for any incident in which they were involved in, witness to, or for which they initiated the disciplinary action.
- Disciplinary hearings will be conducted no sooner than 24 hours after the inmate has been notified of the disciplinary action unless the inmate has waived the 24 hour period at the time of the notification. Such a waiver shall be documented on the notification form provided by JMS.
- Disciplinary hearings will be conducted no later than 72 hours after the inmate has been notified of the disciplinary action.

**The Hearing Deputy will:**

- Thoroughly review the documentation of the incident and any evidence provided by staff;

- Interview all reasonably available witnesses that the hearing deputy deems necessary;
- When possible, interview the inmate who has been charged with the rule violation, allowing them an opportunity to appear on his/her own behalf and call witnesses, including deputies ;
- Interview any witnesses called by the inmate if necessary;
- Review any relevant security video if necessary;
- If requested by the inmate, provide staff or inmate assistance when the inmate is illiterate or the issues are complex.

**Note:** Inmates do not have a right to:

- Confront an accuser;
- Cross examine witnesses;
- Be present during the testimony of witnesses.

**Note:** Inmates do maintain the right to remain silent at hearings and that silence may be used against them.

- A disciplinary hearing may proceed without the presence of the accused inmate in the event of:
  - A documented inmate refusal to cooperate;
  - Documented facility, inmate, or staff safety and security concerns;
  - Disruptive inmate behavior.
- For each violation charged, determine one of the dispositions as defined below. Enter the disposition in JMS;
  - Guilty: The inmate violated the rule of inmate conduct as charged;
  - Not Guilty: The inmate did not violate the rule of inmate conduct;
  - Unfounded: The narrative of the incident report did not sufficiently justify the charge.

- Complete the narrative of the Disciplinary Hearing screen in JMS indicating the reasons for which the disposition(s) was determined;
- Inform the inmate of the hearing results. If the inmate is found guilty of one or more charges, tell the inmate that he/she will be notified of disciplinary action to be taken after the report is reviewed by the Sanctioning Deputy;
- Have the inmate sign the disciplinary hearing form provided by JMS. If the inmate refuses to sign, indicate the refusal in the space for the inmate's signature;
- Deliver the completed form to the Shift Supervisor.

**The Shift Supervisor will:**

- Sign the hearing form or return it to the deputy for the addition of any missing information.
- Forward the completed form to the Sanctioning Deputy.

**Procedure C: Imposition of Disciplinary Sanctions****DIRECTIVE C-1**

The following guidelines will be adhered to when imposing disciplinary sanctions:

- The disciplinary separation diet shall only be used for major violations of inmate rules of conduct and when approved by the Section Manager.
  - The Section Manager will, in consultation with the medical staff, approve any continuation of the disciplinary separation diet every 72 hours after the initial placement.
- Inmates on a prescribed special diet shall not be subjected to the disciplinary separation diet without authorization of the responsible physician.
- Inmates receiving a religious diet will not be subjected to the disciplinary separation diet without authorization of the Section Manager, who will consult with the Bureau Chaplain.
- Correspondence privileges shall not be withheld except in cases where the inmate has violated rules in which correspondence was involved.

- In such cases, correspondence may be suspended for no longer than 72 hours without review and approval of the Section Manager.
- Sanctions will be applied in accordance with the approved sanctioning guidelines (see Attachment C) unless the Section Manager approves additional or alternate sanctions.

**The Sanctioning Deputy will:**

- Review the current disciplinary incident and any other disciplinary incidents that occurred during the inmate's current booking, with specific attention to the type of previous violations, and the time that has elapsed since any previous discipline;
- For each rule violation for which a "guilty" disposition was entered, consult the sanctioning guidelines (Attachment C) to determine what sanctions are to be imposed;
  - If the inmate is pregnant or postpartum, consider the provisions of Procedure F of this section;
- Indicate the recommended disciplinary actions on the Maintain Disciplinary Sanctions screen of JMS. Articulate the reasons for any sanctions that are outside the established guidelines;
- Notify the Section Manager or his/her designee that the disciplinary incident is ready for approval. Obtain the Section Manager's approval for any recommended sanctions that are outside of the guidelines established in the sanctioning guidelines (Attachment C);
- Forward a copy of the sanctions form provided by JMS to the inmate's housing unit for delivery to the inmate. Retain the original form for a minimum of five years;
- If necessary, inform any unit(s) responsible for carrying out the sanctions or any actions required to impose the sanctions.

When an unsentenced inmate has repeatedly violated facility rules, or an individual violation warrants such action, the Classification Sergeant may send a letter to the sentencing court requesting the loss of a specific number of good and/or work time credits. The request for a loss of said credits will not exceed the established sanctioning guidelines (see attachment C) without the Section Manager's approval.

**Procedure D: Inmate Discipline Appeals**

Inmates that receive disciplinary sanctions may appeal the sanctions by completing an Inmate Request Slip and marking the “Appeal” check box or by completing an Inmate Grievance Form.

Any staff member who receives an inmate discipline appeal on a request slip will forward the appeal to the appropriate Sanctioning Deputy.

Any staff member who receives an inmate discipline appeal on a grievance form will process it in accordance with DBPPM I-200 (Inmate Grievances).

**Upon receipt of an inmate discipline appeal, the Sanctioning Deputy will:**

- Review the appeal;
- Determine if the appeal is granted or denied;
- Process a response to the appeal in accordance with Section I-200, Procedure B, of this manual;
- Complete the narrative of the Disciplinary Hearing screen in JMS indicating the reasons for which the disposition(s) was determined;
- Enter the appeal finding into the Disciplinary Hearing screen in JMS.

Any staff member who receives an appeal to a grievance response regarding disciplinary sanctions will forward the appeal to the supervisor of the Sanctioning Deputy.

- The supervisor will process the appeal to grievance response in accordance with Procedure C of Section I-200 of this manual.

**Procedure E: Disciplinary Separation****DIRECTIVE E-1**

The following guidelines will be adhered to when placing an inmate on disciplinary separation:

- Inmates on disciplinary separation shall not be deprived of clothing or bedding with the exception of those inmates who engage in the destruction of clothing or

bedding. The decision to deprive inmates of clothing and/or bedding shall be reviewed by the Section Manager or his/her designee each 24-hour period.

- In the event an inmate is on disciplinary separation for 30 consecutive days, the Section Manager will conduct a review before disciplinary separation status is continued. This review shall include a consultation with medical staff. Thereafter, the Section Manager will conduct a review at least every 15 days during disciplinary separation. Any time an inmate on disciplinary separation is continued beyond 30 days, classification staff will make an entry in the inmate's JMS records to document the Section Manager's review and decision to continue discipline.
- If the inmate being placed in disciplinary separation is female, refer to Procedure F of this section for restrictions on disciplining female inmates.

**Any deputy placing an inmate on Disciplinary Separation will:**

- Allow the inmate to gather their own property prior to being moved to a disciplinary separation housing location.

**Note:** If there is an exigent circumstance which prevents the inmate from gathering their own property, the deputy placing the inmate on disciplinary separation shall gather the inmate's property. Other inmates shall not be permitted to gather the property of an inmate being placed on disciplinary separation.

- Offer the inmate a one-time opportunity to phone family or friends prior to the imposition of disciplinary separation. This offer will be repeated at each review of continued disciplinary separation or at the imposition of additional/subsequent disciplinary separation.
- Allow the inmate to take the following items:
  - Clothing and other issued items, unless issued replacement items;
  - Hygiene items;
  - Religious and legal materials;
  - Correspondence material (envelopes, writing paper, etc.), unless the inmate's correspondence privileges have been suspended.

**When an inmate is moved to disciplinary separation, the assigned deputy(ies) will:**

- Seize and inventory all of the inmate's possessions except those listed above. Use a Sheriff's Property Card form for this purpose;
- Place all seized property in a brown paper bag;
- Write the inmate's name and booking number on the bag;
- Sign the completed Property Card;
- Have the inmate sign the Property Card and give the yellow copy of the Property Card to the inmate;
- Route the blue copy of the Property Card to clerical staff, who will place it in the inmate's file. Staple the original Property Card to the bag containing the inmate's seized property;
- Place the bag with the Property Card in the designated property storage area.

**When the inmate is removed from disciplinary separation housing, the deputy responsible for the movement will:**

- Return the seized property to the inmate;
- Have the inmate sign the original card indicating they received the property;
- Forward the Property Card to the clerical staff to be placed in the inmate's file.

**Procedure F: Disciplining Female Inmates**

The following provisions will be adhered to when disciplining female inmates:

- When a female inmate is going to be locked down for disciplinary purposes longer than two (2) hours, medical staff will be notified immediately. If the inmate is considered pregnant or postpartum (i.e., pink band), she will be seen by the medical staff within one (1) hour after being locked down.
- To alleviate several issues relevant to pregnant/postpartum inmates (e.g., additional stress, medical issues, daily and weekly exercise, etc.) disciplinary separation will be used only as a last resort when disciplining any inmate who is pregnant or postpartum (i.e., pink band).

**Other penalties to be considered include, but are not limited to:**

- Loss of privileges.
- Loss of "good time" or unearned work time credit.
- Loss of visits.

If a pregnant or postpartum inmate is placed in disciplinary isolation, the inmate will be allowed to have exercise time as detailed in Section G-1100 of this manual.