

POLICY AND PROCEDURES

NUMBER: 1804

SUBJECT: Rules and Discipline

ACA STANDARDS: 4-ALDF-2A-44, 47, 50, 58; 3A-01, 02; 5B-02; 6C-01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18

ACTING DIRECTOR: *Julia Childrey*

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1/17, 7/18



I. POLICY

The St. Louis County Department of Justice Services shall maintain written rules and regulations that clearly specify expected inmate conduct and acts prohibited within the facility. The rules shall contain all chargeable offenses, penalties for violations and disciplinary procedures.

II. RESPONSIBILITIES

All St. Louis County Department of Justice Services' staff are responsible for the following procedures. All inmates housed in the Justice Center shall be responsible for complying to the rules and regulations set forth in the following procedures.

III. DEFINITIONS

Sanctions: The penalty imposed for violating a facility rule or regulation.

Disciplinary Hearing Coordinator: A Corrections Case Manager assigned to the 8th floor who begins the Disciplinary Hearing process on an inmate. He/she is responsible for assigning a Disciplinary Hearing Chairperson and ensuring that the hearings are completed in a timely manner. He/she tracks hearing dates and chronological hearing numbers and is responsible for finalizing the hearing process.

Disciplinary Hearing Committee: A committee consisting of one (1) to three (3) staff members that determine the innocence or guilt of an inmate, based on the

facts and evidence. The Committee determines the sanction imposed as a result of the hearing.

Disciplinary Hearing Chairperson: He/she is assigned by the Hearing Coordinator to conduct the Disciplinary Hearing. He/she may select up to two (2) additional staff members to serve on the Disciplinary Hearing Committee.

Inmate Behavior Log: A record maintained by the Housing Unit Officers within the Integrated Jail Management System (IJMS) to record minor violations made by inmates. The record also tracks sanctions imposed for each violation.

IV. PROCEDURES

A. Disciplinary Overview

1. The Department of Justice Services shall maintain rules of conduct which specify acts prohibited within the facility and penalties that will be imposed for various violations.
2. The Department of Justice Services shall maintain a written set of disciplinary procedures governing inmate rule violations.
3. Inmates shall receive a handbook listing chargeable offenses, disciplinary procedures and possible sanctions. ([See Policy #1506 Inmate Handbook](#))
4. In case the inmate cannot read or understand English, a Pre-Classification Officer or Corrections Case Manager shall read the rules to the inmate or have an interpreter or staff member explain the rules to the inmate in a language he/she understands.
5. All personnel who work with inmates shall receive sufficient training so that they are thoroughly familiar with the rules of inmate conduct, the rationale for the rules, disciplinary procedures and the sanctions available.
6. Disciplinary action will be taken only at such times and in such degree necessary to correct an inmate's behavior.
7. Records shall be maintained of all disciplinary actions taken and/or sanctions imposed.
8. Food shall not be used as a disciplinary measure.

9. Any regulations specific to a housing unit or work assignment shall be posted in the appropriate area and explained to the inmates assigned. These regulations shall have the same force as if they were contained in the inmate handbook.
10. When an inmate is accused of an act violating criminal law, the case shall be referred to the Clayton Police Department for consideration for prosecution. Such a violation will also be dealt with under institutional disciplinary policy.

B. Minor Violation

1. **Minor Violation:** Any rule violation that does not constitute a present danger or an immediate threat to the safe, secure operation of the facility.
2. When a staff member assesses a rule infraction as a Minor Violation, he/she shall inform the inmate of the rule violated and the sanction imposed.
3. When a Corrections staff person other than the inmate's Housing Unit Officer (e.g., Transportation Officer, Clinic Officer etc.) writes an Incident Report concerning a minor rule violation, the sanction shall be determined after the staff member writing the Incident Report consults with the Housing Unit Officer assigned to the inmate.
4. Minor Violations shall be documented on an Incident Report, and recorded in the Inmate History, within the Integrated Jail Management System (IJMS).
5. Incidents Reports will be used for all Minor Violations. Verbal warnings will not count against the inmate when calculating five (5) Incident Reports concerning minor rule violations in the (30) day period.
6. The officer who determines the sanction for the minor rule violation will note the following information on the Incident Report:
 - a. Incident Type Code
 - b. Location of incident
 - c. Action taken (e.g., sanctions imposed, sanction start date and time, etc.)

- [7. The officer who issues the lockdown is the only *officer* who can change the lockdown period. *The Housing Unit Supervisor and/or the Unit Manager may adjust any lockdown time if it is deemed to be excessive.*]
8. Officers will check dates of previous incident reports concerning minor rule violations written on an inmate to ensure proper accountability of five (5) incident reports concerning minor rule violations within a (30) day period. This is done by means of the Incident Queue in the Integrated Jail Management System (IJMS).
9. An inmate who receives five (5) minor rule violations within a thirty (30) day period will be charged with Habitual Misconduct and moved to Disciplinary Segregation and placed on lockdown status pending a hearing.

C. Sanctions for Minor Rule Violations may include:

1. Verbal Warning
2. Housing unit lockdown, up to twenty-three (23) hours, (not to include the hours between 10:00 PM to 7:00 AM)
3. Creative sanction appropriate to the offense, (e.g., extra work detail etc.).
4. When an inmate is on lockdown status he/she will not receive the following privileges:
 - a. Visiting (other than legal visits)

[NOTE: Visits scheduled prior to an inmate being placed on lockdown *will* be allowed *unless* the Unit Manager or Housing Unit Supervisor *deem the visit a security breach*]
 - b. Commissary (except hygiene items)
 - c. Recreation
 - d. Collect and free phone calls (except for emergency use and attorney calls)
 - e. Television viewing
 - f. Housing unit incentives

- g.** Programs, (e.g., GED, AA, Bible study, etc.)
- h.** Library services
- i.** Dayroom activities.

D. Minor Rule Violation Codes

- 100** Failure to comply to housing unit rules
- 101** Possession of nuisance contraband. Nuisance Contraband - Any authorized item found in an inmate's possession that has been altered or is in excess of the authorized amount.
- 102** Arguing
- 103** Possession of another inmate's property
- 104** Acting as a lookout
- 105** Tampering with facility equipment, (e.g., TV's, washer/dryers etc.)
- 106** Being in an unauthorized area without permission
- 107** Horse playing
- 108** Gambling
- 109** Improper dress
- 110** Failure to maintain personal hygiene
- 111** Failure to properly maintain living area
- 112** Excessive noise
- 113** Cursing
- 114** Unauthorized use of facility property, (i.e., washers, dryers, barber equipment)
- 115** Disrespectful to other inmates, (i.e., name calling, cursing)
- 116** Obstructing the view of an officer

- 117 Displaying gang affiliation, (e.g., hands in pants, low riding trousers etc.)
- 118 Deleted
- 119 Stalling when ordered to lockdown
- 120 Failure to comply with an officer's directive as it relates to a housing unit rule
- 121 Inappropriate remarks written on sick call slips
- 122 Hanging paper, linen, clothing, etc., on light fixtures
- 123 Inappropriate physical contact with staff, public or other inmates
- 124 Disrespect toward any staff member
- 125. Using another person's PIN number
- 126. Excessive use of call button
- 127. Stealing free phone calls
- 128. Stealing- minor offense
- 129. Giving false information to staff
- 130. Failure to Stand for Mandatory Count
- 131. Coming Out of Cell While on Lockdown
- 132. Tying Sheets Around Mattress
- 133. Failure to Comply with Officer's Directive at Court
- [134 *Altering/Tampering or Removing Wristband*]

E. Major Violation

- 1. **Major Violation:** Any rule violation that involves one or more of the following aggravating factors:
 - a. Violations, that by their description, constitute a serious act, (e.g., escape, assault, breach of security etc.)

reviewed by the Housing Unit Supervisor and Corrections Case Manager and submitted to the Unit Manager for final review. If the report does not contain a complete description of the incident, it is the Housing Unit Supervisor's or Unit Manager's responsibility to return it to the officer generating the report.

5. The Unit Manager or his/her designee will ensure the incident report is forwarded to the Hearing Coordinator within twenty-four (24) hours of the incident. If the Hearing Coordinator is off duty, the report shall be submitted to his/her designee. It is the Hearing Coordinator's responsibility to ensure that inmate(s) in violation receive a copy of the Incident Report no less than twenty-four (24) hours prior to the disciplinary hearing
6. The Hearing Coordinator shall review the report(s). A hearing number will be generated by IJMS.
7. The Hearing Coordinator, Housing Unit Supervisor or Corrections Case Manager will deliver a copy of the incident report to the inmate in violation. At this time the inmate will sign the hearing notice and be advised of their rights during the hearing. The inmate will have the option at this time to sign the 24 hour hearing waiver.

F. Sanctions for Major Rule Violations may include:

1. Reclassified to Disciplinary Segregation for up to thirty (30) days placed on lockdown status which will include losing the following privileges:
 - a. Visiting (other than legal visits)
 - b. Commissary (except hygiene items)
 - c. Recreation
 - d. Collect and free phone calls (Inmates receive one free phone call per week. Emergency calls may be approved by the Unit Manager/designee.)
 - e. Television viewing
 - f. Programs (May be approved by the Unit Manager/designee. Safety and security concerns will be the determining factor.)

- g.** Library services. Option decided by Unit Manager/designee
- h.** The inmate may lose additional privileges if he/she continues to disobey the rules of the facility.

NOTE: If an inmate is continuously confined in Disciplinary Segregation for more than thirty (30) days, the Hearing Coordinator/8th Floor Unit Manager will contact the Director/designee who will review and approve the confinement.

- 2.** Loss of Good Time for sentenced inmates
- 3.** Reclassified to a different housing unit other than the Housing Unit the incident occurred in
- 4.** Reclassified to Administrative Segregation
- 5.** Arrest and prosecution.

G. Major Rule Violation Code

- 200** Habitual Misconduct - five (5) incident reports from minor rule violations in thirty (30) days
- 201** Failure to Comply to an officer's directive
- 202** Attempted escape or possession of an escape plan
- 203** Fighting
- 204** Assault on another inmate
- 205** Assault on staff
- 206** Threatening a staff member
- 207** Arson
- 208** Tampering with security devices
- 209** Participating or inciting a riot
- 210** Refusing to lockdown on command or during a disturbance
- 211** Sexual misconduct/homosexual activities

- 212 Extortion
- 213 Stealing
- 214 Possession of a weapon (anything fashioned into a weapon)
- 215 Assisting a suicide
- 216 Smoking or in possession of smoking paraphernalia
- 217 Destruction of/or defacing County property
- 218 Altering/Tampering with or removing wristbands
- 219 Possession of illegal drugs or a prescription belonging to another
- 220 Creating a disturbance while on lockdown, (e.g., banging doors, excessive noise, flooding)
- 221 Participating in organizing or recruiting for gang activities
- 222 Refusing to go to court
- 223 Possession of an unauthorized beverage ("hooch")
- 224 Threatening or strong arming another inmate
- 225 Loss of facility job due to misconduct
- 226 Giving false information to staff
- 227 Indecent exposure
- 228 Rape or Sodomy
- 229 Hostage
- 230 Murder
- 231 Damaging a sprinkler head
- 232 Hoarding personal medication
- 233 Harassing or interfering with an employee in the performance of their duty

- 234 Flooding of cell or floor area
- 235 Possession of escape paraphernalia
- 236 Under Influence/drug/alcohol
- 237 Creating disturbance in court
- 238 Possession of contraband
- 239 Creating a disturbance
- 240 Unwarranted emergency call
- 241. Throwing matter on walk
- 242. Improper behavior during visits
- 243. Refusing a cell assignment
- 244. Being in an unauthorized area without permission
- 245. Deleted
- 246. Improper Solicitation of Funds for Commissary
- 247. Inmate on Inmate Sexual Misconduct-PREA
- 248. Inappropriate Touching/Sexual Advances
- 249. Tampering with Victim or Witness

H. Disciplinary Segregation Hearings

1. Disciplinary Hearings shall be scheduled as soon as practical but within seventy-two (72) hours, (excluding weekends and holidays) after the alleged violation.
2. The inmate shall receive a notice of the Disciplinary Hearing date and time at least twenty-four (24) hours before a hearing is scheduled.
3. The Hearing Coordinator will advise the inmate of his/her rights at the time the notice of the Disciplinary Hearing is given. The inmate will sign the "Notice of Hearing" form acknowledging notice and rights were given. The inmate may also sign to waive

his/her right to twenty-four (24) hour notice on the same form. If the inmate refuses to sign the form acknowledging notice and rights were given, the Hearing Coordinator will fill in the refusal section of the form and sign. This form will be filed by the Hearing Coordinator.

4. The inmate has the right to be present, during the Disciplinary Hearing, make statements, present documentary evidence and request up to 3 witnesses for his/her defense. The inmate's presence, evidence and calling of witnesses will be limited only to maintain the safety of the staff and inmates and the security of the facility.
5. An inmate may waive the right to be present during his/her Disciplinary Hearing, through written request or if his/her present behavior and/or conduct could jeopardize the safety and security of the facility.

NOTE: A written statement will be included on the Disciplinary Form, if the inmate is not present during any part of the hearing, is not allowed to call witnesses, make a statement or show documentary evidence.

6. An inmate may request assistance from a staff member at a disciplinary hearing, if the inmate is not capable of collecting and presenting evidence in his/her own behalf for a disciplinary hearing, a staff member may be appointed by the Hearing Coordinator/designee.
7. The Hearing Coordinator will assign a Hearing Chairperson and notify him/her via email of the incident number, hearing number, and due date of the hearing.
8. The Disciplinary Hearing Chairperson shall review all reports and determine if further information is required. Investigations shall begin within twenty-four (24) hours of the time the alleged violation was committed. Hearings may be held within twenty-four (24) hours with the inmate's consent.
9. The Hearing Coordinator will notify the Disciplinary Hearing Chairperson scheduled for the hearing, (i.e., Watch Commander, Corrections Case Managers, Training Specialist, Accreditation Manager, Program Manager, Program Specialists, C.O. II's, and C.O. III's). It is the Chairperson's responsibility to select two (2) other staff members, (i.e., C.O. I's, C.O. II's, Corrections Case Managers or ISC staff) if necessary, to be a part of the Disciplinary

Hearing Committee for the particular hearing. The staff member issuing the violation or the inmate's Corrections Case Manager or Unit Manager shall not serve on the Disciplinary Hearing Committee.

****Chairpersons must remember to utilize all staff members when conducting hearings, (e.g., ISC Officers, Transportation Officers, etc.).**

10. Hearings shall be held as soon as possible, however, must be completed within seventy-two (72) hours of the alleged incident, excluding weekends and holidays. The hearing may be postponed or continued for a reasonable time for good cause. However, the inmate shall be notified in writing of any postponements. If the hearing is postponed for any reason, this must be documented as part of the hearing results.
11. The Disciplinary Hearing Committee shall conduct the hearing at the inmate's cell, in the interview/exam room in the inmate's housing unit or the closest room available.
12. The Chairperson shall begin the hearing by stating the following:
 - a. "Have you received a copy of your rights and do you understand these rights"?
 - b. "The hearing in the matter of (inmate name and list of charges) will come to order".
 - c. "Members of the Committee are (identify the Chairperson first then the other members). For the record please state your name" (inmate states his/her name).
 - d. "This meeting is convened at the St. Louis County Justice Center at (time, day of week, date)".
 - e. "Let the record read as follows..." (Chairperson then reads the charge(s) made against the inmate and verifies with the inmate that he/she has received copies of all applicable reports and understands the charge(s).
13. The Chairperson shall give the inmate the opportunity to waive the right to a formal hearing by stating "At this time, knowing the charge(s) against you, do you wish to waive your right to a formal hearing?"

- a. If the inmate wishes to waive the right to a hearing, the Hearing Chairperson will record this on the hearing form in IJMS. The Committee shall make their decisions based only on the reports and any investigation results.
 - b. If the inmate does not waive the right to a formal hearing, the hearing shall continue.
- 14. If the inmate plead "in violation", the Chairperson shall give him/her the opportunity to explain his/her actions.
- 15. For pleas of "not in violation", the board shall proceed with the hearing as follows:
 - a. All evidence, statements and reports supporting the charge(s) shall be reviewed.
 - b. The inmate may then present his/her case. The Committee shall hear testimony only to the degree necessary to reach a conclusion as to what the facts are and what action is to be taken.
 - c. The Hearing Committee may call witnesses for testimony and the inmate may call up to three (3) witnesses in his/her defense. The witnesses may testify in person or by written statements.
 - d. The Hearing Committee may deny witnesses if their testimony would be cumulative, redundant or irrelevant to the case. If witness are denied, the reasons for the denial shall be read into the record and also be stated in writing.
 - e. The reporting staff member may also testify if the Hearing Committee determines that more detailed information is required.
- 16. After all the testimony has been heard, the Chairperson will conclude the hearing by stating, "Having heard all witnesses and reviewed all gathered information, the hearing in the matter of (inmate name and charge(s)) is closed at (time and date)".
- 17. The inmate shall be returned to his/her housing unit.
- [18. The Hearing Committee shall deliberate; all evidence and testimony will be considered to reach a conclusion. Sanctions *will*

be recommended by the Hearing Committee and will be reviewed by the Unit Manager for final decision and approval.]

- 19.** If the inmate is found not guilty the Hearing Chairperson shall:
 - a.** Complete the Disciplinary Hearing Form in IJMS.
 - b.** The Unit Manager is responsible for checking the hearing queue in IJMS for hearings that need approval
 - c.** The Hearing Coordinator will direct the inmates move according to the Reclassification and Housing Assignments policies. ([See Policy #1503 Reclassification](#), and [Policy #1505 Housing Assignments](#))
 - d.** The Hearing Coordinator will ensure:
 - (1) The inmate is put on the move list.
 - (2) The disposition is logged in the Disciplinary Hearing Log.
 - (3) A copy of the decision is given to the inmate.
 - (4) The not guilty verdict is placed on the Hearing Report and the Incident Report or remove the Incident Report from the inmate's file.

- 20.** If the inmate is found guilty, the Hearing Chairperson shall:
 - a.** Complete a Disciplinary Hearing Form that indicates the details of the hearing and the disposition.
 - b.** The Unit Manager is responsible for checking the hearing queue in IJMS for hearings that need approval. The Unit Manager will review it and approve or deny it in IJMS.

- 21.** The Hearing Coordinator shall ensure the following is completed when an inmate is found guilty:
 - a.** Assign the inmate to a disciplinary segregation cell for the term of the sanction imposed.
 - b.** Denote on the operations status board in IJMS that the inmate is on "Lock" Lockdown

- c. Update the inmate's history log to reflect the length of disciplinary restriction.
 - d. If it is recommended by the Hearing Committee to take good time from a sentenced inmate, the Unit Manager assigned to the Unit where the incident occurred, shall review the recommendations of the Hearing Committee for final recommendations. If the Unit Manager approves good time to be taken he/she is responsible for adjusting the good time. ([See Policy #1604 Awarding Good Time and Computation of Release Date](#))
 - e. Send a copy of the decision and supporting reasons to the inmate. The inmate has three (3) days from the receiving date of the disposition to appeal the Hearing Committee's decision.
22. A record of all disciplinary proceedings will be made and maintained for at least five (5) years. The current year proceedings will be maintained at the Justice Center. Past years proceedings will be stored at the Record Center.

I. Appeal Process

- 1. Inmates shall be notified of their right to appeal the decision of the Disciplinary Hearing. An appeal form is available for this purpose.
- 2. All appeals must be submitted to the Hearing Coordinator within three (3) days following the decision. Inmates shall remain on disciplinary status during the appeal process.
- 3. The Hearing Coordinator shall direct all appeals to the Director/designee. The Director/designee shall assign a staff member to the appeal. The staff member shall recommend to the Director/designee one of the following:
 - a. Uphold the Disciplinary Committee's decision and sanctions.
 - b. Uphold the Disciplinary Committee's decision and reducing the sanctions.
 - c. Reverse the Disciplinary Committee's decision and sanctions.

4. The Director/designee shall review the recommendations and return the appeal form to the inmate with the final decision within five (5) working days of the appeal. The response time may be extended due to extenuating circumstances or further investigation. The inmate must be notified in writing the reason(s) why the appeal response time has been extended. The appeal findings shall become a part of the hearing information in IJMS. The handwritten appeal will be filed by the Hearing Coordinator.
5. The decision of the Director/designee shall be carried out in accordance with this procedure and complete the final stage of the appeal process.