
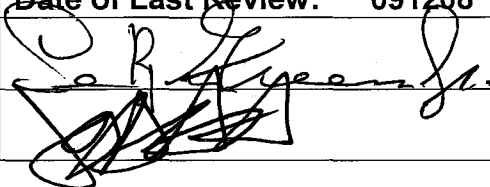


Wyandotte County Sheriff's Office Detention Center Standard Operating Procedures			Number: F-185
Subject: Disciplinary Procedures		ACA Standards, 3-ALDF; 3C-07, 3C-08, 3C-09, 3C-10, 3C-11, 3C-12, 3C-13, 3C-14, 3C-15, 3C-16, 3C-17, 3C-18, 3C- 19, 3C-20, 3C-21, 3C-22	
Section: Detainee Rights, Privileges, Services, and Programs			
Effective Date: 10-01-99 Revision Date: 01-02-09		Date of Last Review: 091208	
Approved By:	Sheriff of Wyandotte County		
Approved By:	Detention Administrator		

## I. POLICY

The Detention Center will provide a safe, secure, and orderly environment for Inmates by establishing and maintaining a written disciplinary procedure that ensures fair, consistent and objective disciplinary practices, protects the Inmates' rights to due process, and ensures proper documentation of all disciplinary actions.

## II. DEFINITIONS

- A. CONTRABAND - defined as any item, material, or substance not issued upon admittance and/or in a Inmate's possession without permission or approval and/or any item purposely altered from its original condition, and/or any item, material, or substance not issued from the commissary and/or any item, material, or substance not issued by the medical services unit.

## III. PROCEDURE

The Inmate disciplinary procedure is an internal administrative means by which Inmates are required to conform to the standards of conduct reflected in the Detention Center rules and regulations. Prohibited acts are listed in Section I. of this policy. An Inmate violating any Detention Center rule or

regulation may be subject to disciplinary action under the provisions of this policy.

A. General Principles:

1. Inmate conduct shall be controlled in an impartial and consistent manner.
2. Disciplinary actions shall not be capricious, retaliatory, or for the purpose of revenge.
3. Corporal punishment, physical abuse/injury, property damage and Inmate harassment of any kind are strictly prohibited and shall never be used as a method of discipline.
4. Accurate detailed reports of all disciplinary actions shall be maintained in accordance with the required procedures.
5. Inmates will not be disciplined until a determination is made that the Inmate participated in the prohibited act.

B. Posting of Rules and Regulations.

1. The rules and regulations and the code of conduct for Inmates will be contained in the Inmate Rule Sheet and distributed to each Inmate upon admission to the Detention Center.
2. A copy of the Inmate Rule Sheet shall be kept in each housing unit and shall be made available to Inmates upon request.

C. Reporting Violation of Rules:

1. If a Deputy witnesses or has reason to believe a violation of the rules has been committed by a Inmate and the Deputy determines that the violation can be disposed of without a formal disciplinary report, the Deputy will take the necessary steps to resolve the issue. The Deputy may reprimand the Inmate verbally and may use an informal resolution. The verbal reprimand and informal resolution will be documented on the Disciplinary Tracking Sheet and in the Inmate's file.

2. If the Deputy cannot resolve the issue informally, the supervisor on duty will review the circumstances with the Deputy and/or Inmate involved and may advise the Deputy to follow through with a written disciplinary report.
3. Copies of all incident reports for Major Offenses will become part of the Inmate's permanent file. This information will be shared with the probation staff for purposes of developing pre-sentence investigation reports. Major incident reports will also be considered for classification purposes and will affect any privileges granted. If the Inmate is found not guilty the incident citation will be removed from his file. The report will remain in the file as a record of behavior.

D. Types of Offenses.

Disciplinary procedures are separated into two (2) classes depending on whether the offense is major or minor. (See Section I of this policy.)

1. Minor Offenses.
  - a. A formal hearing is not required for disciplinary action involving a minor offense. Minor offenses shall be submitted to the Shift Supervisor within twenty-four (24) hours of the alleged violation. The Shift Supervisor will render a decision based on a review of the incident report and interviews of the Inmate, the reporting Deputy and any other witnesses. A report of the incident and the decision of the Hearing Officer shall be maintained in the Inmate's file. A copy of the decision shall be given to the Inmate.
  - b. The Shift Supervisor's decision(s) on minor violations are final. The Shift Supervisor may upgrade the minor violation to a major violation and refer the Inmate to the Disciplinary Hearing Officer for Staff Resolution.

2. Major Offenses.

- a. When an Inmate is charged with a Major Offense, an appropriate investigation will begin within twenty-four (24) hours of the alleged violation and shall be completed without unreasonable delay.
- b. The Inmate charged with a major violation will be given a written statement of the charge(s) within twenty-four (24) hours of the alleged violation (excluding weekends and holidays) and at least twenty-four (24) hours prior to the disciplinary hearing. The Hearing Officer will enter the alleged violation(s) into the record of the disciplinary hearing, along with a copy of all reports and present them to the Inmate.
- c. The disciplinary hearing must be conducted within seven (7) working days.
- d. In conducting a disciplinary hearing, the Hearing Officer will allow the Inmate an opportunity to make a statement and present evidence and or witnesses in his/her behalf except when doing so may jeopardize the life/safety of persons or the security of the Detention Center.
- e. A written record will be made of the disciplinary hearing. Such record shall include the decision, the reason for the decision and any sanctions against the Inmate. The Inmate will be given a copy of the Hearing Officer's decision. A copy of both the hearing record and the Hearing Officer's decision will be maintained in the Inmate's file.

E. Disciplinary Hearing/Officer

1. Disciplinary hearings of cases of major violations and minor violations when necessary are conducted by a Hearing Officer.

2. The Administrator has appointed the Shift lieutenants as the Hearing Officer of their assigned shift
3. The Hearing Officer will conduct the disciplinary hearing and shall make a decision based upon substantial evidence presented at the disciplinary hearing. The Inmate will be provided a copy of the Hearing Officer's decision and a copy of the Hearing Officer's decision will be placed in the Inmate's file.

F. Disciplinary Proceedings for Inmates

1. The Inmate will be notified of the time and date of his/her scheduled disciplinary hearing. The Inmate will be notified in writing of a change in the time or date of the disciplinary hearing. The Deputy notifying the Inmate will ensure that the new time or date of the hearing is documented in the Inmate's file.
2. The Inmate may request a forty-eight hour extension to prepare for his/her defense by notifying the Administrator or designee in writing twenty-four (24) hours prior to the disciplinary hearing.
3. The Inmate charged with a rule violation(s) will be present at the disciplinary hearing, unless he/she waives this right in writing or when doing so might jeopardize safety or security of the Detention Center. The Inmate shall be excluded from the disciplinary hearing during the testimony of any Inmate(s) whose testimony must be given in confidence. The reasons for the Inmate's absence or exclusion must be documented.
4. The Inmate will be given the opportunity to make a statement and present evidence on his/her behalf before the Hearing Officer for all alleged violation(s).
5. The Inmate shall have the opportunity to call up to three (3) witnesses on his/her behalf, except when doing so jeopardizes the safety or security of the Detention Center. The Inmate will be given the reason(s) for denial in writing.

6. The Detention Center will provide assistance for Inmates that are illiterate or have a problem understanding the nature of his/her alleged rule violation.
7. The Inmate shall not be given the opportunity to confront his accuser and cross examine opposing witnesses, due to the possibility threat of physical harm to the Inmate accuser(s)/witness (es) or a possible disruption of the security and order of the disciplinary hearing or the Detention Center.
8. Inmate's accuser(s)/witness (es) Documented statements will be allowed at the disciplinary hearing for inmates review.
9. The Hearing Officer will review the testimony and evidence presented at the disciplinary hearing. Any findings of guilt shall be predicated upon a finding that there is substantial reason to believe that the Inmate has committed the alleged violation.
10. A copy of the Hearing Officer's decision will be provided to the Inmate, including the decision, the reasons for the decision and the sanction against the Inmate. A copy will also be maintained in the Inmate's file.
11. Disciplinary hearing reports and decisions will be removed from all files of an Inmate who is ruled not guilty of the alleged rule violation(s). When multiple charges are listed on a single report or decision, charges resulting in not guilty will be marked over or blackened out.
12. Counsel will not be afforded to Inmates during their disciplinary hearing.

## G. Disciplinary Hearing Appeal

1. When the disciplinary Hearing Officer gives notice of the decision to an Inmate, the Inmate will be advised that he/she may appeal all guilty findings to the Administrator. Appeals must be in writing and filed no later than seventy-two (72) hours after the notice of the decision. Good cause must be shown to the Administrator for extending the time limit to file an appeal. On appeal, the following factors will be considered by the Administrator:
  - a. Whether there was substantial compliance with the Detention Center disciplinary policy;
  - b. Whether the decision of the Hearing Officer was based on substantial evidence.
2. An appeal of any minor/major disciplinary decision during the absence of the Administrator will be forwarded to the Deputy Administrator.
3. The Administrator may approve, modify or reverse any disciplinary decision as he/she deems appropriate, within five (5) days of the appeal (excluding weekends and holidays). The Administrator may not increase the severity of any sanction(s) imposed by the Hearing Officer's decision.
4. The Detention Administrator's decisions are final and are not appealable.

## H. Prosecution of Inmates

1. It is the policy of the Detention Center that in instance(s) where an Inmate is alleged to have committed a crime, the case will be referred to the appropriate Law Enforcement officials for possible prosecution. Any Inmate charged with a violation that could be prosecuted in state or federal court shall be so informed.

2. Disciplinary cases that may be prosecuted will be referred to the Wyandotte County Sheriff's Office, Office of Professional Standards, who will take appropriate action, including presenting a case file to the Wyandotte County District Attorney's Office. Legal counsel, if needed, will be afforded the Inmate at the time of his/her judicial hearing through normal judicial process.

I. Prohibited Acts & Sanctions:

1. Major violations:

- 001 Killing (Murder)
- 002 Battery
- 003 Fighting with another person
- 004 Assaulting any person (threatening another with bodily harm, or any other offense against his person or his property).
- 005 Extortion, blackmail, protection: demanding or receiving money or anything of value in return for protection against others, to avoid bodily harm, or under threat of informing against you.
- 006 Escape
- 007 Attempting or planning escape
- 008 Setting a fire
- 009 Destroying, altering or damaging Detention Center property or the property of another person, when the value of the damaged property exceeds \$50.00
- 010 Stealing (theft)
- 011 Tampering with or blocking of any locking device
- 012 Possession or introduction of an explosive or any ammunition
- 013 Possession or introduction of a gun, firearm, weapon, sharpened instrument, knife or unauthorized tool
- 014 Possession, introduction, or use of any narcotics, narcotic paraphernalia, drugs, or intoxicants not prescribed for the individual by medical services
- 015 Possessing any officer's/Deputy's or staff clothing

- 016 Mutilating or altering clothing issued by the Detention Center
- 017 Rioting
- 018 Encouraging other persons/Inmates to riot
- 019 Engaging in or encouraging a group demonstration
- 020 Refusing to obey an order of any Detention Center employee concerning security procedures
- 021 Violating a condition of furlough
- 022 Conduct which disrupts or interferes with the security or orderly operations of the Detention Center
- 023 Counterfeiting, forging, or unauthorized reproduction of any document, article of identification, money, security, or official paper
- 024 Failure to return to confinement (Furlough Program)
- 025 Running, fleeing from a Detention Center Deputy or employee
- 026 Threatening a Deputy, or employee of the Detention Center
- 027 Refusing to go into or come from a cell, pod, housing unit or other area.
- 028 Creating a disturbance in a pod or housing unit which requires the removal of the Inmate from the area in order to restore order
- 029 Attempting to interfere or interfering with the rights or privileges of other Inmates
- 030 Taking and/or holding of hostages
- 031 Engaging in sexual acts with others
- 032 Making sexual proposals or threats to another
- 033 Possession of contraband / nicotine or tobacco products/ matches/ lighters.
- 034 Being in an unauthorized area
- 035 Giving or offering any Deputy or employee of the Detention Center a bribe or anything of value
- 036 Giving money or anything of value to or accepting money or anything of value from: another Inmate, a member of his/her family or his/her friends
- 037 Throwing any substance or object on or at a Deputy or employee of the Detention Center which causes bodily harm.

- 038 Defacing living area, classrooms, clothing etc. within the Detention Center
- 039 Defacing security windows
- 040 Attempting to commit any of the above offenses, aiding another Inmate/person to commit any of the above offenses, and making plans to commit any of the above offenses shall be considered the same as a commission of the offense itself.
- 041 Removal, altering or tampering of identification arm bands.

2. Minor Violations:

- 100 Indecent exposure
- 101 Wearing a disguise
- 102 exchanging, accepting or giving of any food or drink to another inmate/ person.
- 103 Misuse of authorized medication
- 104 Possession of property belonging to another Inmate/person
- 105 Malingering, faking an illness
- 106 Participating in an unauthorized meeting or gathering
- 107 Failure to follow safety or sanitation regulations
- 108 Using any equipment or machinery which is not specifically authorized
- 109 Using any equipment or machinery contrary to instructions or posted safety standards
- 110 Failing to obey directives of staff during head count
- 111 Failure to obey pod rules
- 112 Making intoxicants
- 113 Being intoxicated
- 114 Unauthorized use of mail or telephone
- 115 Unauthorized contacts with the public
- 116 Correspondence or conduct with a visitor in violation of posted regulations.
- 117 Unauthorized food in cell, pod or housing unit areas
- 119 Possession of money or currency, unless specifically authorized.

- 120 Lending of property or anything of value for profit or increased return.
- 121 Possessing unauthorized clothing
- 122 Disrespect towards a Deputy, or employee of the Detention Center
- 123 Lying or providing a false statement to a Deputy or employee of the Detention Center
- 124 Using abusive or obscene language
- 125 Preparing or conducting a gambling pool
- 126 Possession of gambling paraphernalia
- 127 Failing a cell, pod or housing unit inspection; failing to keep one's person and one's quarters in accordance with posted regulations
- 128 Gambling
- 129 Tattooing or self-mutilation
- 130 Fighting with another Inmate/person when no injury occurs
- 131 Destroying, altering, or damaging Detention Center property, or the property of another Inmate/person when the value of the damaged property is less than \$50.00
- 132 Disobeying a Deputy or employee of the Detention Center's order regarding non-security matters
- 133 Creating a disturbance in a pod or housing unit involving excessive noise, etc., in which order is restored without removal of the accused.
- 134 Conduct which disrupts or interferes with the orderly operation of the Detention Center regarding non-security matters
- 135 Violation of visitation rules
- 136 Possession of contraband other than weapons, drugs or destructive instruments
- 137 Solicitations from deputies or employees of the Detention Center of any item considered contraband
- 138 Tapping on corridor visual panels
- 139 Misuse of intercom
- 140 Not having a complete Detention Center uniform on, outside of cell, pod or Center.
- 141 Entering another Inmate's cell, pod or pod visiting

- 142 Talking or yelling outside of pod or housing unit, except when addressed by a Deputy or employee of the Detention Center
- 143 Failure to move in a single file when outside of pod or housing unit
- 144 Posting, fastening, pasting, sticking or hanging items on walls, windows, ceilings, light fixtures, railings, etc.
- 145 Congregating, loitering, hanging or climbing on walkways, tiers, or railings
- 146 Obstructing, altering or tampering with vents, windows, window seals or other fixtures
- 147 Obstructing, altering or tampering with T.V. antenna, cables or electrical cords or plugs
- 148 Misuse and/or abuse of Detention Center owned property and of personal property for uses other than specified
- 149 Attempting to commit any of the above offenses, aiding another person to commit any of the above offenses, and making plans to commit any of the above offenses shall be considered the same as a commission of the offense itself.

J. Sanctions:

Any Inmate found guilty of violating a Detention Center rule or regulation may receive sanctions imposed by the Detention Center. The maximum sanctions imposed for a major violation include the possibility of Judicial Prosecution, and separation to Administrative/Disciplinary Segregation for up to ninety days. The maximum sanctions for minor violations include suspension of specific privileges for up to thirty **(30 days)**. Inmates who are in violation of minor rules three (3) times or more will be sanction as major violation up to SIXTY **(60 days)**.