

Index as:	Revised: 06/20/02
Disciplinary Board Chairperson	Reviewed: 02/19/03
Discipline, Inmates	Revised: 08/20/04
Infraction Levels	Revised: 10/2004
Inmate Discipline	Revised: 11/07
	Revised: 01/09
	Revised: 10/2009
	Revised: 03/2010
	Revised: 5/2017
	Revised: 6/2017

INMATE DISCIPLINE

I. POLICY

- A. The Mendocino County detention facilities cannot operate safely or effectively unless the behavior of the inmate population conforms to the minimum standards of conduct set forth by the inmate rules and regulations of the Mendocino County Sheriff's Office, Corrections Division.
- B. Corrections Division personnel will hold inmates accountable for conduct that violates inmate rules and regulations by implementing disciplinary procedures in order to:
 - 1. Maintain security, control, and safety;
 - 2. Ensure the inmate's due process rights;
 - 3. Ensure fair and consistent disciplinary practices; and
 - 4. Ensure proper documentation.
- C. When a Corrections Division member discovers, observes, or has sufficient reason to believe an inmate(s) has committed an offense or an infraction of a written inmate rule or regulation, that member will take action necessary to implement disciplinary procedures against the inmate(s).
- D. The Disciplinary Board Chairman shall not participate in disciplinary review if they are involved in the charges.

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- E. Mendocino County Sheriff's Office, in compliance with the Prison Rape Elimination Act of 2003, mandates zero tolerance toward all forms of sexual abuse, sexual harassment and sexual assault of any inmate in custody. Any inmate found guilty of such conduct shall be subject to punitive action. Such conduct may not be deemed to constitute sexual abuse if it is determined that the conduct is not coerced.

II. DEFINITIONS:

- A. **Disciplinary Board Chairman:** The Dayshift Sergeant(s) is designated as the Disciplinary Board Chairman in charge of discipline. The Disciplinary Board Chairman will conduct Disciplinary Board Hearings, review Rule Infraction Reports, and if needed, impose discipline.
- B. **DBC Number:** A sequential number issued to each Rule Violation Report derived from the DBC Activity Log.
- C. **Due Process:**
1. Corrections staff can handle Level 1 rule infractions informally, without a formal disciplinary hearing. The inmate does have the ability to appeal the Corrections Deputy's decision to the Shift Sergeant.
 2. An inmate accused of a Level 2 or Level 3 infraction has the right to due process. The procedural rights are:
 - a. Written notice of the alleged infraction(s);
 - b. The right to a fair and impartial hearing no sooner than twenty-four hours after the notification has been submitted to the inmate;
 - c. The right to be present at the disciplinary hearing;
 - d. The infraction process shall be acted on no later than seventy-two hours after the inmate has received the infraction notification;
 - e. The right to enter a statement of the inmate's version of the alleged infraction(s);
 - f. The right to introduce witnesses on the inmate's behalf through a written statement and/or oral presentation to the Disciplinary Hearing Board; and

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- g. The right to appeal the decision of the Disciplinary Board Chairman. Appeals of Level 2 infractions are sent to the Corrections Lieutenant and Level 3 infractions are sent to the Corrections Division Commander.
- D. **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 separate from regular jail inmates.
- E. **Infractions:** Infractions of written jail rules and regulations can be of three (3) types, Level One, Level Two, and Level Three. Each level is progressive in severity, for example: Level One is very minor in nature to Level Three being the most severe.
- F. **Offense:** Criminal acts under the laws of the State of California and the United States of America.
- G. **PREA:** The Prison Rape Elimination Act of 2003 was signed into law by President George W. Bush. The purpose of this law is to protect inmates at all levels from sexual assault, sexual harassment and all forms of sexual abuse from other inmates and facility staff.
- H. **PREA Related Offense:** An offense of sexual harassment, sexual abuse or sexual assault committed by an inmate.

III. INFRACTIONS

- A. Level One infractions are minor in nature and can be handled informally by the Corrections Staff.
 - 1. Inmates who commit a Level 1 infraction(s) of the jail rules and regulations will be subject to counseling by any Corrections Staff member. The Corrections staff member will advise the inmate of expected conduct. Inmates may also be subject to informal disciplinary sanction by the Corrections Staff member.
- B. Level Two infractions are moderate in nature and require a formal disciplinary hearing.
 - 1. Inmates who commit a Level 2 infraction(s) of the jail rules and regulations are subject to a higher degree of imposed disciplinary sanctions than a Level 1 infraction.

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- C. Level Three infractions are major in nature and require a formal disciplinary hearing.
 - 1. Inmates who commit Level 3 infraction(s) of the jail rules and regulations may be subject to a higher degree of imposed disciplinary sanctions than a Level 2 infraction.

- D. All punitive action shall be commensurate with the nature and circumstances of the offense, the inmate's disciplinary history, and the discipline imposed for comparable offenses by other inmates with similar histories.
 - 1. The Disciplinary Hearing Board will take into consideration when recommending punitive action, the inmate's mental disabilities or mental illness that may have contributed to his behavior when determining punitive action.

IV. REPORTING PROCEDURES:

- A. Level One Infraction
 - 1. When an inmate commits a Level 1 infraction of the jail rules and regulations, the Corrections Staff member will counsel the inmate on compliance with facility rules and regulations and may also take informal disciplinary action.
 - 2. Non-Corrections Staff members observing an inmate violating a Level 1 facility rule or regulation, will notify a Corrections Staff member of the incident. The Corrections Staff member will counsel the inmate and decide if informal disciplinary action should be taken.
 - 3. The Corrections Staff member will process the informal disciplinary action as follows:
 - a. Complete a Corrections Division Incident Report documenting the Level One rule or regulation infraction.
 - b. Complete a Level One Rule Infraction Report.
 - (1) Indicate the rule infraction number.
 - (2) Brief summation of the rule infraction.
 - (3) Indicate the informal disciplinary action imposed.

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- c. Make a copy of the Level One Rule Infraction Report.
 - (1) Sign both forms.
 - (2) The inmate signs both forms.
 - (3) The inmate is issued a copy of the Level 1 Rule Infraction Report.
 - d. Notify the inmate of the right to appeal the Level One rule infraction to the Shift Sergeant.
 - e. Forward the original Level 1 Rule Infraction Report and the Corrections Division Incident Report to the Shift Sergeant.
4. The Shift Sergeant will:
- a. Document the rule infraction in the inmate's event screen, including:
 - (1) The rule infraction number;
 - (2) The disciplinary sanction imposed; and
 - (3) The disciplinary sanctions start date.
 - b. Issue a DBC number to the Rule Infraction Report.
 - (1) The DBC number will be assigned from the DBC activity log located in the DBC folder.
 - (2) The six-digit number will consist of the month, year and sequence number from the DBC log.
 - (a) Example: **January 2009 DBC number 8--01(month) 09 (year) and 08 (DBC sequence number) seen as: 0109-08.**
 - c. Notify the Visiting Clerk or Commissary Clerk of the disciplinary action if the disciplinary sanction involves commissary.
 - d. Forward the Level One Rule Infraction Report to the inmate's Classification file and enter the disciplinary action onto the Inmate Disciplinary Report.
 - e. Enter the disciplinary action into the DBC log.
 - f. Provide a copy of the disciplinary report to the dayshift Lieutenant.

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5. Inmate Appeal

- a. Time limit to submit an appeal on a Level One rule infraction is two hours from the time the inmate signs the Level One Rule Infraction Report.
- b. The inmate completes the appeal section on the Level One Rule Infraction Report noting the reasons for appeal.
- c. The inmate returns the Level One Rule Infraction Report with the completed appeal section to the Floor Deputy within the two-hour time limit.
- d. The Floor Deputy will forward the appealed Level One Rule Infraction Report to the Shift Sergeant.
- e. The Shift Sergeant will review the Corrections Division Incident Report and the appeal information on the Level One Rule Infraction Report.
- f. The Sergeant will make a decision either approving, disapproving or modify the Level One discipline.

6. Informal Disciplinary Sanction

- a. Inmates who commit Level One infractions are subject to one or more of the following informal disciplinary sanctions.
 - (1) Verbal warning.
 - (2) Extra work detail – not to exceed four (4) hours.
 - (3) Confinement in cell – not to exceed twenty four (24) hours.
 - (4) Loss of one week commissary – except personal care items and stationary supplies.

B. Level Two and Level Three Infractions

1. Inmates who commit Level Two or Level Three rule infractions are subject to formal disciplinary sanctions.
2. The Corrections Staff member will process the formal disciplinary action as follows:

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- a. Complete a Corrections Division Incident Report of the rule infraction.
 - b. Complete a Rule Infraction Report.
 - (1) Inmate's name.
 - (2) Inmate's "A" number.
 - (3) Date and time of incident.
 - (4) Location of the incident.
 - (5) Indicate the rule level.
 - (6) Indicate the rule infraction number (s).
 - (7) Brief summation of the rule infraction.
 - c. The Corrections Staff member will submit the rules violation report to the facility Sergeant to review for accuracy and completeness.
 - d. Make a copy of the Rule Infraction Report.
 - e. Serve the inmate with the Rule Infraction Report.
 - (1) Inform the inmate of inmate rights in the discipline procedure.
 - (2) Sign both forms.
 - (3) The inmate is issued a copy of the Rule Infraction Report.
 - (4) Give the inmate a Witness Request Notice.
 - f. Submit the Rule Infraction Report and the Corrections Division Incident Report to the Facility Sergeant for forwarding to the Disciplinary Board Chairman.
3. The Disciplinary Board Chairman will:
- a. Issue a DBC number to the Rule Infraction Report.
 - (1) The DBC number will be assigned from the DBC activity log located in the DBC folder.
 - (2) The six-digit number will consist of the month, year and sequence number from the DBC log.
 - (a) Example: **January 2009 DBC sequence number 8-- 01(month) 09 (year) and 08 (DBC sequence number) and seen as: 0109-08.**

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- b. Review the Rule Infraction Report for errors or for further investigation and review:
 - (1) The incident report.
 - (2) The Rule Infraction Report.
- c. Conduct the disciplinary hearing no sooner than 24 hours and no later than 72 hours after the inmate was served with the Rule Infraction Report.
- d. Complete the Disciplinary Hearing Board Report.
 - (1) Name of the inmate.
 - (2) Inmate's "A" number.
 - (3) Date and time of the incident.
 - (4) Indicate the rule level.
 - (5) Infraction(s).
 - (6) Disciplinary hearing date and time.
 - (7) Indicate if the inmate is present or not present.
 - (8) Inmate's comments.
 - (9) The board's finding.
 - (10) Indicate the bases of the findings.
 - (11) Disciplinary sanction to be imposed.
 - (12) Disciplinary Board Hearing Deputy's name, ID number, date and time.
- e. Serve the inmate with decision of the disciplinary hearing.
- f. Inform the inmate of the right to appeal the decision.
- g. Document the rule(s) infraction in the inmate's Event Screen.
 - (1) The rule infraction number(s).
 - (2) The disciplinary action imposed.
 - (3) The disciplinary action start date.
 - (4) The disciplinary action ending date.
- h. Notify the Visiting Clerk or Commissary Clerk if the imposed disciplinary sanction involves visiting or commissary.

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4. Inmate Appeal

- a. The time limit to submit an appeal is twenty-four (24) hours from the time the inmate is served with decision of the Disciplinary Hearing Board.
- b. The inmate completes the Appeal Section of the Disciplinary Hearing Board Appeal form noting the reasons for appeal.
- c. Appeal must be based on either a claim of due process or unjust disciplinary sanction imposed.
- d. The inmate returns the Disciplinary Hearing Board Appeal form to the Floor Deputy within the twenty-four (24) hour time limit.
- e. The Floor Deputy will sign and date the appeal and forward the Disciplinary Hearing Board Appeal form to the Facility Sergeant. The Facility Sergeant will forward the appeal to the Disciplinary Board Chairman.
- f. The Disciplinary Board Chairman will forward the disciplinary appeal to appropriate level and suspend the DBC action pending the outcome of the appeal.
 - (1) Appeals of Level Two infractions are sent to the Corrections Lieutenant and Level Three infractions are sent to the Corrections Division Commander
- g. The Correction Division Commander or Corrections Lieutenant will make a decision approving, disapproving, or modifying the disciplinary sanction.
- h. The Disciplinary Board Hearing Appeal will then be forwarded to the Sergeant in charge of discipline for implementation of the recommended disciplinary sanction.
- i. The Disciplinary Board Chairman will:
 - (1) Notify the inmate of the result of the appeal.
 - (2) Issue the inmate a copy of the Disciplinary Hearing Board Appeal.
 - (3) Impose the recommended disciplinary sanction.

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5. Formal Sanctions

- a. Inmates who commit Level Two or Three infractions may be subject to one or more of the following disciplinary sanctions:
- (1) Loss of 4019 PC Work time credits.
 - (2) Loss of 4019 PC Good time credits.
 - (3) Loss of 4018.6 PC eligibility.
 - (4) Disciplinary diet (*Level Three only*).
 - (5) Disciplinary Isolation
 - (a) (Up to 10 days for Level Two violations and up to 30 days for Level Three violations)
 - (b) Disciplinary Isolation also includes loss of commissary and visiting privileges for the disciplinary isolation period.
 - (6) Loss of up to two weeks commissary.
 - (7) Loss of up to two weeks visiting.
 - (8) Combination of any of the above.

V. INCOMPETENCY

- A. Disciplinary Hearing Officers will consult with Jail Mental Health Staff prior to handing down a disciplinary sanction to an inmate with a known mental health issue.
- B. Jail Mental Health Staff will document their opinion as to if the inmate is capable of understanding the disciplinary process and forward the documentation to the Disciplinary Officer.
- C. If Jail Mental Health staff finds that the inmate is able to understand the disciplinary process, the DBC Officer will proceed with the sanction.
- D. If Jail Mental Health staff finds that the inmate is *not* able to understand the proceedings, no disciplinary action will be taken.

VI. COMMUNICATION ISSUES

- A. For those inmates who are illiterate or unable to read English, and for persons with disabilities, Corrections Staff will verbally instruct them or provide them with material in an understandable form regarding jail rules and disciplinary procedures and penalties.

VII. DISCIPLINARY ACTIONS INVOLVING SEXUAL ASSAULT/ACTS

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- A. An inmate who makes a report of sexual abuse in good faith, based on a reasonable belief that the alleged conduct occurred, shall not be found guilty of falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.
- B. Punitive action can only be taken against an inmate for having sexual contact with a staff member upon a finding that the staff member did not consent to such contact.
- C. All sexual contact between inmates is prohibited and shall be investigated, documented in an incident report, and referred to the Disciplinary Hearing Board to ensure due process rights, which may result in possible punitive action.
- D. Therapy, counseling or other interventions designed to address and correct underlying reasons or motivations for the abuse will not be a required part of the disciplinary process.
 - 1. Suspected offenders will be referred to Mental Health staff after any sexual abuse incident.

VIII. LIMITATIONS ON DISCIPLINARY SANCTIONS

- A. The California Penal Code and the Constitution of the United States expressly prohibit all cruel and unusual punishment. Additionally, there shall be the following limitations:
 - 1. No inmate shall be held in Disciplinary Isolation for a period of over thirty (30) consecutive days without a finding on a new charge of infraction of the facility rules and regulations.
 - a. Any use of Disciplinary Isolation for a period exceeding thirty (30) consecutive days will be reviewed by medical staff and approved by the Corrections Division Commander or his designee.
 - 2. Inmates assigned to an Isolation Cell shall be issued clothing and bedding pursuant to the Corrections Division clothing and bedding exchange policy, except those inmates who engage in the destruction of bedding or clothing may be deprived of such articles. The decision to deprive inmates of such articles of clothing and bedding shall be reviewed during each 24-hour period by the facility Sergeant.

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3. The delegation of authority to any inmate or group of inmates to exercise the right of punishment over any other inmate or group of inmates is expressly prohibited pursuant to Penal Code Section 4019.5.
4. In no case shall a Safety Cell be used for disciplinary purposes.
5. No inmate may be deprived of the implements to maintain an acceptable level of hygiene as specified in Section 1265 of the Minimum Standards for Local Detention Facilities.
6. Food shall not be withheld as a disciplinary sanction.
7. In no case shall access to counsel or the courts be denied as a disciplinary sanction.

IX. DISCIPLINARY DIET

- A. The Disciplinary Isolation Diet is described in Section 1247 of the Minimum Standards for Local Detention Facilities and shall only be utilized for major violations of institutional rules when other forms of discipline have not been effective.
- B. When the disciplinary diet is recommended, the DBC Chairman will ensure the Corrections Division Commander is notified.
- C. The Corrections Division Commander or his designee will approve or deny the issuance of the disciplinary diet.
- D. If the disciplinary diet is approved, medical staff will evaluate the inmate to insure that they are medically capable of receiving the disciplinary diet.
- E. The disciplinary diet will be served twice in each 24-hour period for three consecutive days.
 1. Each serving of the disciplinary loaf will be served with two slices of whole wheat bread.
 2. Water consumption will not be limited.

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- F. Any use of the disciplinary diet for a period exceeding 72 hours will be reviewed by medical staff and approved by the Corrections Division Commander or his designee.
- X. DISCIPLINARY SEPARATION
- A. Inmates placed on Disciplinary Separation will be housed in a separate cell or housing unit from other inmates.
- B. All commissary items, except hygiene products, writing materials, stamps and envelopes will be removed from the inmate's cell and stored in the Inmate Property Storage Room.
1. The Disciplinary Board Chairman will have access to and be responsible for the storage and return of commissary items to inmates on Disciplinary Separation.
- a. All commissary items will be returned to the inmate upon completion of the disciplinary separation period.
- C. Inmates on Disciplinary Separation will not have access to the television or telephone and lose personal visits and commissary privileges during the disciplinary period unless otherwise directed.
- D. Inmates will not be denied access to the courts and/or legal counsel regardless of their disciplinary status.
- E. Pro Per (Propria Persona) inmates will not be deprived of their legal materials while placed on Disciplinary Separation.
- F. Disciplinary Separation can be imposed for up to ten (10) days on Level Two rules violations and up to thirty (30) days on Level Three rules violations.
- XI. GROUP DISCIPLINE
- A. Group discipline is not to be used as a matter of routine, however, there are occasions when the restriction of privileges for all or part of a housing unit is necessary, such as:
1. When inmates of a housing unit refuse to clean or maintain their living area in a sanitary condition; and/or

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2. When inmates of a housing unit create a disturbance and/or disruption of efficient jail operations.
 - B. The Facility Sergeant shall approve any form of group discipline. A detailed incident report shall be prepared by the reporting Corrections Deputy and forwarded to the on-duty Facility Sergeant for review and approval.
 - C. All uses of group discipline will be reviewed by the Corrections Lieutenant every 12 hours.

XII. CRIMES

- A. When a Corrections Staff member discovers, observes, or has sufficient evidence, which leads that member to believe an inmate has committed a crime, all evidence will be secured, the Facility Sergeant will be notified, and an incident report will be written.
- B. The Facility Sergeant, if concurring that a crime was committed, shall cause a crime report to be written.
- C. There is no double jeopardy in disciplining an inmate for a violation of facility rules and, at the same time, referring the case to the district attorney for prosecution.

XIII. DISCIPLINARY RECORDS

- A. Penal Code Section 4019.5(e) requires the keeping of a record of all disciplinary infractions and punishment administered, the following will be kept:
 1. The Level One Rule Infraction Report OR Rule Infraction Report, Corrections Division Incident Report (if required), Witness Request Notice, Disciplinary Hearing Board Report, and Disciplinary Hearing Board Appeal forms.
 2. While in custody, disciplinary files are maintained in the respective inmate's Classification file.
 3. As inmates are released, their Classification files are forwarded to jail records and scanned into the inmate's global jacket.

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