

INMATE DISCIPLINE

STANDARD NO(S):

NYSSA #

DATE:

June 1, 2007

REVISED: 04/22/2011

REFER TO:

Roger O. Ward

I. POLICY:

It is the policy of the Seneca County Correctional Facility to promote the safety, security, and good order of the facility and all of its occupants, and to maintain a system of inmate discipline designed to set standards of appropriate behavior, encourage self control, and punish misbehavior fairly, impartially, and consistently.

II. DETAILS:

A. Inmate Conduct -

1. Any conduct that is unlawful outside of the facility is also prohibited within the facility. Inmates are expected to follow a living pattern of the basic rules of common sense and decency, having proper respect for officers, staff, and their fellow inmates.
2. The offenses and penalties contained in this section do not cover all situations that may arise, but serve as a guide for inmate infractions and the range of sanctions that may be imposed.
3. At the discretion of the Chief Administrative Officer, criminal offenses will be referred to law enforcement for further action.
4. Violations will be classified as Class A, B, or C depending on the severity of the incident.
5. Each inmate will be given a copy of the Facility Handbook which contains the rules of inmate conduct. A copy of the Facility Handbook will also be maintained in the multi-purpose room of each housing unit.
6. Non-English speaking and/or illiterate inmates will be assisted in learning and understanding the rules of inmate conduct by appropriate staff and means.

B. Disciplinary Sanctions and Offenses –

1. If charges of rules infractions against an inmate are affirmed as the result of a hearing, one or more of the following sanctions may be imposed. The inmate's past record and the severity of the offense will have a direct bearing on sanctions imposed. The Hearing Officer may hold the commencement of a sanction in abeyance for a period of up to 30 days in order to assess the behavioral adjustment of the inmate. At the conclusion of such period, the hearing officer will determine whether the sanction will commence, in whole or part, or be dismissed entirely.
2. If an inmate is found guilty of any offense, a disciplinary surcharge of five, fifteen or twenty-five dollars (\$5.00/\$15.00/\$25.00) will be imposed upon the inmate in addition to the sanctions imposed. All moneys collected will be deposited in the county's general fund and not specifically allocated to the facility.

C. Sanctions –

1. Class "C" Sanctions –
 - a. Verbal reprimand
 - b. Written warning
 - c. Cell confinement for a period of time not to exceed 60 days
 - d. Loss of one (1) hour of weekly visitation and/or contact visitation for a period not to exceed 60 days.
 - e. Payment of restitution from existing or future funds in the inmate's commissary account for the loss or damage of property
 - f. A disciplinary surcharge of five (\$5.00) dollars.
2. Class "B" Sanctions –
 - a. Cell confinement for a period of time not to exceed 120 days
 - b. Loss of one (1) or more privileges for a period of time not to exceed 120 days per infraction
 - c. Loss of up to one (1) hour of weekly visitation and/or contact visitation for period not to exceed 120 days
 - d. Loss of a portion of good behavior allowance, subject to restoration, not to exceed ½ of inmate's good time
 - e. If an inmate's behavior is such that their presence in the general population is disruptive to the good order of the housing unit, they may be confined within the designated segregation housing unit for a period of time not to exceed 120 days

- f. Payment of restitution from existing or future funds in the inmate's commissary account for the loss or damage of property
- g. A disciplinary surcharge of fifteen (\$15.00) dollars.

3. Class "A" Sanctions –

- a. Cell confinement for a period of time not exceed 240 days
- b. Loss of one (1) or more privileges for a period of time not to exceed 240 days per infraction
- c. Loss of up to one (1) hour of weekly visitation and/or contact visitation for a period not to exceed 240 days
- d. Loss of a portion of good behavior allowance, subject to restoration, up to all of inmate's good time
- e. If an inmate's behavior is such that their presence in the general population is disruptive to the good order of the housing unit, they may be confined within the designated segregation section of the housing unit for a period of time not exceed 240 days
- f. If an inmate's behavior is such that their presence is disruptive to the good order of the housing unit, it may result in their being handcuffed and shackled while moving throughout the facility
- g. Payment of restitution from existing or future funds in the inmate's commissary account of the loss or damage of property
- h. A disciplinary surcharge of twenty-five (\$25.00) dollars.

D. Offenses –

1. Class "C" Offenses –

- a. Contraband (Authorized) – Possession of excess property, or property that has been altered to change its original intent
- b. Failure to maintain cleanliness of cell or housing unit
- c. Failure to maintain personal cleanliness
- d. Unauthorized changing of cell assignment
- e. Entering another inmate's cell
- f. Items affixed to walls or ceiling of cell
- g. Not wearing or improper wearing of uniform when not in cell
- h. Failure to obey a direct order of any staff member
- i. Making an untrue statement with intent to deceive
- j. Conduct including hollering or yelling for an officer for any non-emergency reason
- k. Horseplay of any kind

- l. Damaging, withholding, or disposing of property belonging to others
- m. Becoming disruptive during a facility activity
- n. Excessive noise
- o. Defacing any portion of a cell, including, but not limited to, walls, windows, door, ceiling, floor, desk, or bunk
- p. Obstructing cell vents, light, sink, toilet, or windows
- q. Leaving an assigned area without authorization
- r. Refusing to keep fingernails trimmed
- s. Failure to properly address an officer
- t. Inappropriate touching of any staff member.
- u. Passing items from one housing unit area to another

2. Class “B” Offenses –

- a. Contraband (Prohibited) – Making, obtaining, possessing, or exchanging any article that is not specifically authorized
- b. Refusal to lock-in when given as a directive
- c. Making verbal, written, or gestured threats to officers, staff, or other inmates
- d. Physically or verbally obstructing an officer from their duty to include insolence, abusive and/or obscene language or gestures
- e. Slamming the phone down on the receiver or against the wall
- f. Slamming your cell door or any other door in the facility
- g. Throwing food trays or food items
- h. Violating an Order of Protection on which you are listed as the defendant knowingly and unlawfully violating the terms or conditions set by the court, or having another inmate contact that person on your behalf
- i. Making racial or ethnic slurs or jokes
- j. Stealing property belonging to others, including meals
- k. Misuse/removing of any property/equipment, books, or any other materials from any classroom or law library
- l. Using inmate workers to deliver items to an inmate within another housing unit
- m. Obtaining commissary for any inmate under disciplinary lock-in or administrative segregation
- n. Interfering with any Corrections Officer when they are addressing or disciplining another inmate
- o. Making or possessing intoxicants (hooch)
- p. Tattooing any person, including yourself, or self mutilation
- q. Restricting the liberty and/or movements of another inmate

- r. Engaging in or promoting offensive sexual conduct or any sexual contact with another inmate
- s. Any violation of Housing Unit Rules as listed in the Inmate handbook.

3. Class “A” Offenses –

- a. Contraband (Dangerous) – Making, obtaining, possessing, or exchanging any article which is capable of endangering the safety and security of the facility
- b. Any action or violation that constitutes a crime under New York State Law
- c. Failure to comply with mandatory TB testing
- d. Utilizing inmate telephones in the commission of a crime or in any manner that could result in criminal charges
- e. Escape/attempted escape and/or assisting an escape
- f. Assault and/or fighting
- g. Selling, exchanging, or hoarding medications
- h. Refusal to comply with the submission of a DNA sample
- i. Possession of a controlled substance
- j. Any type of arson charge
- k. Damaging or altering county property
- l. Committing an unhygienic act
- m. Organizing, leading, participating, or urging others to participate in any action which may be detrimental to the good order of the facility
- n. Assisting in any attempted crime, including distracting an officer, or having knowledge of such activity and not informing an officer
- o. An intentional act that results in physical injury to include Kicking or punching walls/doors
- p. Failure to obey emergency procedure directives as stated in the inmate handbook.

E. Discipline –

1. Informal Discipline

- a. Informal discipline may be used by the Housing Unit Officer for Class “C” violations of facility rules such as excessive noise or horseplay.
- b. The Housing Unit Officer may handle these offenses by use of in-house discipline such as extra cleaning duties or locking the inmate in their cell for the remainder of the shift. Any such action taken by the Housing Unit Officer will be recorded using a Shift Log Entry.
- c. If an inmate is to be locked in beyond twenty-four (24) hours, the formal disciplinary procedures must begin.

- d. Any inmate under informal discipline will not be denied any rights or privileges.

2. Formal Discipline –

- a. When any officer has reasonable belief that an inmate has committed an offense that constitutes a violation of the facility's rules of inmate conduct, and such violation is not informally resolved, the officer will prepare a written misbehavior report using Form CF-009 (Incident Report).
- b. All formal disciplinary hearings will be held in the multi-purpose room of the inmate's housing unit.

F. Disciplinary Reports –

1. Once an officer has completed Form CF-009, it will be forwarded to the Shift Supervisor for review. After review, the Shift Supervisor will forward it to the Correction Sergeant in charge of disciplinaries, for assignment to a Hearing Officer. The Sergeant may return the report to the writing officer for any modifications deemed necessary before assigning a Hearing Officer.
2. The Hearing Officer, upon receiving assignment from the Sergeant, will provide a copy of completed Form CF-009 to the inmate charged with the violation no later than twenty-four (24) hours prior to the scheduled hearing date.
3. Each Form CF-009 will include:
 - a. the name(s) of the inmate(s) charged with the offense
 - b. The date, time, and place of occurrence
 - c. description of the incident or behavior involved and the rules(s) allegedly violated
 - d. the date and time the report was written
 - e. the reporting officer's printed name and signature

G. Investigative Process –

1. An investigation into the facts and circumstances of the incident will be initiated if the Sergeant determines the circumstances warrant such an investigation
2. Incases where an investigation is deemed necessary, the investigation will be conducted by officers who were not involved in the incident. A completed Form CF-023 (Investigation Report) will be provided to the Hearing Officer prior to any hearing.

H. Assistance to Inmates –

1. If an inmate is non-English speaking, illiterate, or for any other reason is unable to prepare a defense, assistance will be provided to the inmate by a person designated by the Chief Administrative Officer at least twenty-four (24) hours prior to the hearing. Such assistance will include:
 - a. interviewing witnesses
 - b. obtaining evidence and/or written statements
 - c. Providing assistance at the disciplinary hearing
 - d. Providing assistance understanding administrative segregation decisions
 - e. Providing assistance understanding the evidence relied on by the hearing officer and the reasons for such action taken
 - f. Providing assistance understanding the waiver of any rights
 - g. Providing assistance in filing an appeal
2. The Chief Administrative Officer may limit the number of witnesses interviewed and the evidence and/or written statements obtained when it has been determined that such witnesses, evidence, and/or statements are irrelevant or redundant. Such determination will be documented in the hearing log.
3. Consultations with Seneca County Social Services and/or other community service agencies should be sought for input into counseling and treatment programs available to meet inmate needs.

I. Administrative Segregation –

1. Pending a Disciplinary Hearing –
 - a. An inmate who threatens the safety, security, and good order of the facility will be immediately confined in a cell pending a disciplinary hearing and may be retained in administrative segregation until the completion of the disciplinary process. Such decision will be documented on Form CF -024 (Administrative Segregation).
 - b. Within twenty-four (24) hours of such confinement, the inmate will be provided with Form CF-024 setting forth the reason(s) for such confinement.
 - c. Upon receipt of Form CF-024, the inmate will be provided with an opportunity to respond to such statement orally or in writing to the Chief Administrative Officer.

- d. The Chief Administrative Officer will review the administrative confinement within twenty-four (24) hours of such confinement in order to determine if continued confinement is warranted. A review will be conducted once every five (5) business days thereafter.
- e. Disciplinary segregation as a sanction for violating facility rules of inmate conduct will be defined as the confinement of the guilty inmate to any cell within any housing unit for a specific period of time.

2. Other –

- a. An inmate may be placed in administrative segregation by the Shift Supervisor for the following additional reasons:
 - 1. Actions or behavior have threatened the safety of other inmates
 - 2. Actions of a threatening nature towards self
 - 3. Actions of a threatening nature towards officers or other staff
 - 4. Request admission for protection
 - 5. Needs protective custody but has not requested admission to segregation
- b. Inmates placed in administrative segregation by means other than disciplinary or threatening actions will receive the same privileges as those inmates in general housing.
- c. All minors under administrative segregation will be allowed to participate in educational services, providing their presence does not threaten the safety of themselves, other inmates, staff, or the good order of the facility.
- d. Administrative segregation will mean the continuous confinement of an inmate to any cell within the housing unit for the purpose of providing proper care and close supervision of that inmate. Administrative segregation may be imposed for reception and classification procedures, protective custody, medical reasons, and deviant behavior.

J. Disciplinary Hearing –

- 1. An inmate charged with an offense will receive a disciplinary hearing within fifteen (15) business days of receipt of a disciplinary report. The inmate will be given a written notice of the date and time of the hearing

Form CF-025 (Notice of Hearing) to the inmate and witness the inmate's signature thereon. Once signed, copies of the CF-25 and CF-009 forms will be given to the inmate. If the inmate refuses to sign, the Hearing Officer will note same on CF-025, leave unsigned copies of the CF-025 and CF-009 for the inmate, and have a second officer sign the form as a witness. A hearing will be completed within five (5) business days of its convening unless otherwise authorized by the Chief Administrative Officer. The inmate may waive the time frames required by this section but any such waiver will not be effective unless it is made in writing.

2. The Chief Administrative Officer will appoint one (1) impartial officer to serve as a hearing officer during the disciplinary hearing.
3. The inmate will be present at the hearing unless they have waived their right to be present or the hearing officer determines the inmate's presence will jeopardize the safety, security, or good order of the facility. A waiver of the right to be present will be made in writing on Form CF-026 (Discipline Hearing Report) and be signed by the inmate. If the inmate refuses to sign such waiver, it will be so noted in the record. A Hearing Officer's determination that an inmate's presence will jeopardize the safety, security, or good order of the facility will be documented in the hearing record.
4. The inmate will be given the opportunity to speak on their own behalf at the hearing, and will be permitted to call witnesses and present evidence in their own defense as long as the witness/evidence is relevant and not redundant, and when doing so would not jeopardize the safety, security, or good order of the facility. A Hearing Officer's determination that the presence of a particular witness or the introduction of particular evidence is irrelevant, redundant, or will jeopardize the safety, security, or good order of the facility will be documented in the hearing report.
5. If the Hearing Officer calls witnesses, the inmate may submit questions directed toward such witnesses to the Hearing Officer. The Hearing Officer will pose such questions to the witness if relevant and not redundant, and when doing so would not jeopardize the safety, security, or good order of the facility. The Hearing Officer may restate such question if it is unclear or in improper form. A Hearing Officer's determination that a particular question is irrelevant, redundant, or will jeopardize the safety, security, or good order of the facility will be documented in the hearing report.
6. The inmate may be excluded from the hearing during the interview of a witness in accordance with this section. The contents of such interview will be provided to the inmate, except for information that, if provided, would jeopardize the safety, security, or good order of the facility.

7. No charges other than those contained in Form CF-009 (Incident Report) will be presented during the course of the hearing. Any additional charges brought against the inmate will be treated as new charges and will be subject to the requirements of this section.
8. A disposition will be supported by substantial evidence and be reached within five (5) business days after conclusion of the hearing. The disposition will be documented on Form CF-026 (Disciplinary Hearing Report) and will contain the following:
 - a. A finding of guilt or innocence on each charge of misbehavior;
 - b. The evidence relied upon by the hearing officer in reaching such finding; and
 - c. The sanction(s) imposed, if any.
9. A copy of the disposition will be provided to the inmate.
10. Nothing contained in this section will preclude the use of plea bargaining.

K. Appeal Procedures –

1. The inmate will have the right to appeal the Hearing Officer's disposition and any sanction to the Chief Administrative Officer. The appeal will be completed on Form CF-027 (Disciplinary Appeal), will be submitted within two (2) business days of the inmate's receipt of the disposition, and must specify the grounds for the appeal.
2. All appeals will be reviewed and decided upon within five (5) business days after receipt and each inmate will be notified in writing of the results. The Chief Administrative Officer may reduce or suspend all or part of a sanction, but not increase it.

L. Record Keeping –

1. A disciplinary record will be maintained which will include the following, if applicable:
 - a. The disciplinary report
 - b. The investigation report
 - c. The formal disposition
 - d. Sanctions imposed
 - e. Appeal documents
2. If an inmate is found not guilty of the charges brought against them as the result of either a hearing or an appeal, all records generated will be kept confidential and will not be considered in making decisions pertaining to the inmate's participation withholding of good behavior credits.

