

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 1 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

I. Introduction and Summary: In order to maintain a safe, humane, and orderly environment for staff and offenders at Prisons, Transitional Centers (TC), Probation Detention Centers (PDC), Residential Substance Abuse Treatment Facilities (RSAT), and Intensive Treatment Facilities (ITF), it is the policy of Georgia Department of Corrections (GDC) that appropriate disciplinary sanctions shall be imposed against offenders whose behavior violates prison rules, or state or federal statutes. Offenders shall be provided with a formal orientation to these procedures per SOP 220.04 Offender Orientation.

A. The following principles shall apply to every disciplinary action taken against an offender:

1. Only staff specified herein may impose disciplinary action.
2. Only that action which is determined to be absolutely necessary to regulate an offender's behavior shall be taken or used by Prison, TC, PDC, RSAT, and ITF staff.
3. Prison, TC, PDC, RSAT, and ITF authorities shall control offender behavior in a completely objective and consistent manner.
4. No disciplinary action shall be capricious or retaliatory in nature. Disciplinary action shall not be used to abuse an offender, as a means for injury or to harass an offender. The use of food may not be used as a disciplinary measure.
5. Prison, TC, PDC, RSAT, and ITF staff may not impose (or allow to be imposed) any type of corporal punishment.
6. Discipline shall be instituted and sanctions imposed without regard to the race, sex, creed, or color of the offender involved.

II. Authority:

- A. GDC Board Rules: 125-3-2-.01 thru 125-3-2-.10;
- B. GDC Standard Operating Procedures (SOPs): 201.04 Charges to Offender Accounts for Healthcare, Willful Acts, and Court Costs, 209.06 Administrative

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 2 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Segregation, 508.18 MH/MR Discipline Procedures, 220.04 Offender Orientation, 507.04.05 Charges to Offender Accounts for Health Care Provided; and

- C. ACA Standards: 2-CO-3C-01, 4-4226, 4-4227, 4-4228, 4-4229, 4-4230, 4-4231, 4-4232, 4-4233, 4-4234, 4-4235, 4-4236, 4-4237, 4-4238, 4-4239, 4-4240, 4-4241, 4-4242, 4-4243, 4-4244, 4-4245, 4-4246, 4-4247, 4-4248, 4-4399, and 4-4320.

III. Definitions:

- A. **Business Day** - Monday through Friday, excluding weekends and holidays.
- B. **Reporting Official** - The witness to a violation of Departmental or Prison policies, rules, or instructions or who has reasonable cause to believe that such a violation has been committed by an offender.
- C. **Tolling** - The adjudication of the disciplinary process is “paused or delayed.”
- D. **Facility** - For purposes of this policy, facility shall mean Prisons, Transitional Centers (TC), Probation Detention Centers (PDC), Residential Substance Abuse Treatment Facilities (RSAT), and Intensive Treatment Facilities (ITF).

IV. Statement of Policy and Applicable Procedures:

- A. The Disciplinary Report:

NOTE: All staff who work with offenders will receive sufficient disciplinary training, so that they are thoroughly familiar with the rules of inmate conduct, the rationale for the rules, and sanctions available. This training will be for Security and Non-Security staff and shall be accomplished through their attendance in Pre-Service Orientation (PSO), yearly In-Service Training, and Basic Correctional Officer Training (BCOT).

1. Prison staff are required to prepare a written Disciplinary Report using the SCRIBE Disciplinary Application and the standard forms that are part of this application when they witness a violation of Departmental or Prison

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 3 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

policies, rules, or instructions or have reasonable cause to believe that such a violation has been committed by an Offender. If, in the opinion of the staff member, a disciplinary report is warranted, the staff member will notify their Supervisor or Shift Supervisor(s), and relay to him/her the circumstances surrounding the incident(s). Based upon the information received, the Supervisor(s) will start a preliminary investigation of the incident; determine the correct disciplinary charge; if warranted, place the offender in administrative segregation (pre-hearing detention), until the completion of the investigation, and assist in the writing of the disciplinary report. If the offender is placed in segregation, Attachment 1, Offender Assignment to Segregation (Form 1) from SOP 209.06 Administrative Segregation will be completed by the Shift Supervisor and forwarded to the Warden, Superintendent, or designee within 72 hours including weekends and holidays, for review. The offender(s) will also be provided with a copy of the Form 1.

- a. Contract and State Health Services staff to include Medical Doctors, Psychologists, Psychiatrists, Directors of Nursing (D.O.N.), Health Services Administrators (H.S.A.), and Nurses shall not write Disciplinary Reports. (This does not include Mental Health Counselors and Mental Health Unit Managers) An incident shall be reported immediately to the Correctional Officer supervising the area or to a Correctional Supervisor. The Officer shall determine if the incident warrants writing a formal disciplinary report and will confer with his/her supervisor. If not, the officer, supported by the security supervisor, will issue a verbal reprimand to the offender. If a formal disciplinary report is warranted, the Officer will proceed to write a disciplinary report.
- b. In instances where after investigating the incident, the Shift Supervisor(s) and the Reporting Official determine that the matter can be resolved without writing a disciplinary, the offender(s) can be issued a verbal warning or given extra duty. This extra duty will be performed and monitored by that Reporting Official, within a responsible amount of time, not to exceed two (2) hours per day or more than three (3) days.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 4 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

This information should be logged in the building logbook and in SCRIBE, as a case note.

2. **Verification of Accuracy and Completeness:** The Reporting Official shall submit the Disciplinary Report to a Shift Supervisor or designated alternate for verification of accuracy, operational relevance, completeness and signature. At this time, any discrepancies noted by the reviewing supervisor should be brought to the attention of the Reporting Official for clarification and correction prior to the report being logged and served. The reviewing supervisor shall also ensure that the Reporting Official's name is clearly printed on the Disciplinary Report along with the Reporting Official's signature. Finally, if the reviewing supervisor determines that issuing a Disciplinary Report is not warranted or not substantiated by the summary of facts as written, the supervisor should not formally submit the charge(s). At this point the supervisor will contact the Reporting Official and advise him/her about the issues with the Disciplinary Report and have them make the necessary corrections.

NOTE: The Supervisor must make every attempt to have the corrections made, if corrections are not made, the Disciplinary Report must not be forwarded for processing.

3. **Deadlines for Filing Charges:** The Disciplinary Report must be completed, filed, and served on an offender as follows:
 - a. **General Deadline:** Except as indicated below, the offender(s) charged with a rule violation, shall be served with a copy of the Disciplinary Report that will include a factual statement of the charge(s), including a description of the incident and specific rule(s) violated, within 24-hours of the said violation. The Disciplinary Hearing may be held within 24-hours with the offender's written consent.
 - b. **Charges Resulting from Investigations:** If an investigation conducted by GDC staff or staff from a private prison, county CI or other contracted or outside agency finds reasonable cause to indicate that an

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 5 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Offender has committed an infraction, the Offender may be charged upon completion of the investigation.

- c. The charges must be served on the Offender within 24-hours of the Warden's, Superintendent's, or designee's receipt of the written report of investigation (or written report of the finding) at the prison or center where the infraction occurred unless the Offender has been transferred.
- d. If the Offender is no longer housed at the facility where the infraction occurred, the charge must then be served within 72-hours.
- e. Escapes: If the Offender is on escape, service of the report may be delayed for up to 72-hours after the return of an Offender to a prison or center under the control of the Georgia Department of Corrections.
- f. Other: If an Offender is medically or mentally incapacitated, or for any reason (except escape) is temporarily removed from GDC custody before the conclusion of the 24-hour serving period, the report must be served, within 24-hours of his/her medical or mental stabilization, or within 24-hours of his/her return to GDC custody.
- g. If after serving the Disciplinary Report, discrepancies are found, administrative changes shall be made at the Disciplinary Investigator level only. No other changes shall be allowed to be made to the Disciplinary Report once served, unless through further investigation, additional infractions were discovered. At this point, a new Disciplinary Report shall be written, reflecting the new and/or additional infractions, and submitted to the Disciplinary Investigator. See Section IV.A.3.b., Charges Resulting from Investigations. Administrative changes shall be defined as follows:
 - i. Institution name.
 - ii. Institution code.
 - iii. Offender's name (spelling only).

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 6 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- iv. Offender's security level.
 - v. Offender's GDC number.
4. Tolling Deadline: The total adjudication process, excluding appeals, shall not exceed seven (7) business days (excluding weekends and holidays) from the time the charges are served, with the following exceptions:
- a. Mental or medical health issues (Acute Care/Crisis Stabilization Unit);
 - b. Medical Issues (out to local hospital);
 - c. Offender is out to court;
 - d. Offender is on escape status;
 - e. Request for delay by a prosecuting or investigating agency;
 - f. Facility Lockdown;
 - g. Facility Quarantine;
 - h. Mechanical Issues (computer, camera system, etc.); or
 - i. Other (specify).
5. Postponement and Continuance: The Warden, Superintendent, or designee may grant a postponement or continuance of the disciplinary hearing for a reasonable period and with good cause.
- a. This request must be made by the Disciplinary Hearing Officer.
 - b. Only one (1) such postponement or continuance may be granted.
 - c. Any authorized continuances or postponements shall be documented in Section 5A of Attachment 11, Disciplinary Report Form. The

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 7 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

documentation shall include why the postponement or continuance was granted, the date it was granted, and the date it was concluded. It shall be the responsibility of the Disciplinary Investigator, to notify the offender(s) of any continuances or postponements.

6. **Criminal Proceedings:** All disciplinary reports that may result in criminal charges shall be reported to the Office of Professional Standards (OPS), which may assign an Investigator to investigate the disciplinary report(s). If determined by OPS that criminal charges are warranted, OPS will handle the criminal proceedings. Where the offender(s) allegedly commits an act covered by criminal law, the case is referred to the appropriate court or law enforcement officials for consideration for prosecution. Disciplinary investigations and actions should not be delayed to await the outcome of criminal proceedings relating to the same infraction, unless the prosecuting or investigating agency requests such delays.
 7. **Failure to Meet Filing Deadline:** A charge shall be dismissed upon failure to meet the appropriate filing deadline, as specified above.
 8. **Staff Who May Serve Charges:** Charges may be served on the offender by any staff member except the Disciplinary Investigator who investigates the case, the Disciplinary Prosecutor (if applicable) who reviews the case, and the Disciplinary Hearing Officer who shall hear the case.
- B. **The Disciplinary Investigator:** The Warden or Superintendent shall appoint at least one Disciplinary Investigator and an alternate as necessary to ensure the timely handling of disciplinary cases and to investigate disciplinary charges. This person(s) shall also fulfill the role of the Disciplinary Prosecutor as directed by the Warden or Superintendent. The responsibilities of the Disciplinary Investigator include the following:
1. Upon receipt of a Disciplinary Report, check the report for completeness and accuracy ensuring that the following are included on the report:

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 8 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- a. Specific rule(s) violated w/appropriate Disciplinary Code;
- b. A formal statement of the charges(s);
- c. Any unusual offender behavior;
- d. Any staff witness to include Confidential Witness (on a separate sheet attached to the report);
- e. Any physical evidence and its disposition;
- f. Any immediate action taken, including use of force;
- g. Reporting Official's signature/printed first, last name, and rank;
- h. Date/time of occurrence;
- i. Location of incident;
- j. Offenders' complete name (first/last);
- k. Offender's I.D. Number;
- l. Facility I.D. Number;
- m. Reviewing Supervisor's signature/printed first and last name and rank;
- n. Serving Officer's signature/printed first, last name, and rank/date/time served; and
- o. Advise the Disciplinary Hearing Officer if a Disciplinary Report is not accurate and complete. **Note:** The report(s) may be recommended for dismissal:
- p. Begin an initial investigation of the Disciplinary Report within 24-hours of the time the violation is reported and/or received. During the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 9 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

initial investigation, the Disciplinary Investigator will determine if there is sufficient evidence to support the charge(s). This investigation will take no longer than five (5) business days to complete. The start and end date of the five (5) business days to conduct the investigation shall be documented on Attachment 11, Disciplinary Report Form under Section III, Summary of Investigation. The investigation shall be completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation. At the completion of the investigation, if there is sufficient evidence to support the charge(s), the Disciplinary Investigator shall inform the offender that he/she is charged with the infraction(s) that were proven during the initial investigation.

NOTE. If the charge(s) are not supported, the Disciplinary Investigator shall ensure that this information is documented on Attachment 11, Disciplinary Report Form under Section III, Summary of Investigation.

- q. Enter the Disciplinary Report into SCRIBE once it is determined that there is sufficient evidence to support the charges. The SCRIBE Disciplinary Application generates a number for each Disciplinary Report entered; and
 - r. Maintain the Disciplinary Hearing Log in SCRIBE.
- C. SCRIBE Disciplinary Application: This computerized application serves as the official, legal record for all disciplinary actions entered. The information recorded in SCRIBE includes the following at a minimum:
1. The Disciplinary Report Case Number;
 2. Offender's name;
 3. Offender's state I.D. number;
 4. Date of Disciplinary Report;

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 10 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

5. Charge(s);
 6. Name of Advocate;
 7. Plea;
 8. Findings; and
 9. Sanctions imposed.
- D. The Investigation: Once the Disciplinary Investigator completes the initial investigation and determines that there is sufficient evidence to charge the offender, the official investigation shall begin. From this point, the seven (7) day adjudication process begins, excluding weekends and holidays.
1. The Offender Rights Statement:
 - a. Rights: The Disciplinary Investigator shall allow the offender to read and sign Attachment 1, Offender Rights Statement and shall answer the offender's questions about his or her rights. The Disciplinary Investigator shall read the statement to the offender, if necessary. The offender's signature attests to awareness of the rights explained on Attachment 1, Offender Rights Statement;
 - b. Right to Refuse to Make a Statement: The Disciplinary Investigator shall explicitly inform the offender of his/her right to refuse to make a statement, and of the possibility of adverse inferences from such refusal;
 - c. Witnesses: The offender also shall use Attachment 1, Offender Rights Statement to name witnesses who should be interviewed by the Disciplinary Investigator;
 - d. Adding Witnesses: The Disciplinary Investigator shall inform the offender that, either the offender or the Staff Advocate, may submit names of additional witnesses with summaries of their expected

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 11 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

testimony to the Disciplinary Hearing Officer. Submission of additional witnesses should occur at least forty-eight (48) hours before the Disciplinary Hearing. If the offender's first meeting with the Staff Advocate is less than forty-eight (48) hours before the Disciplinary Hearing, the Staff Advocate may submit additional witness names and summaries;

- e. Appeals Process: The Disciplinary Investigator's explanation of the offender's rights shall include an explanation of the appeals process and that he or she has the right to appeal decisions of the Disciplinary Committee to the Warden, Superintendent, or designee and the appeal time limits. Offenders have up to fifteen (15) calendar days of receipt of the decision to submit an appeal. The appeal shall be decided within thirty (30) calendar days of its receipt, and the offender shall be promptly notified in writing of the results.
 - f. Options for Representation: The Disciplinary Investigator shall inform the offender of his/her right to assistance from the Staff Advocate and of the offender's right to refuse such assistance. The Staff Advocate will serve as a representative when it is apparent that an offender is not capable of collecting and presenting evidence effectively on his or her behalf.
2. Offender Interview: After informing the offender of his/her rights, the Disciplinary Investigator shall interview the offender. The Disciplinary Investigator shall record the offender's statement, and other facts of the interview, using Attachment 2, Disciplinary Investigation Summary.
 - a. Behavior during Interview: The Disciplinary Investigator shall report the offender's behavior during the interview; and
 - b. Expected testimony of Witnesses: The Disciplinary Investigator shall report the testimony the offender expects each named witness to give.
 3. Witness Interviews: The Disciplinary Investigator shall interview all witnesses who have not already prepared and signed a written statement.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 12 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

The Disciplinary Investigator shall also interview witnesses whose statements need clarification or additional detail, unless their statements are redundant or inconsequential.

- a. The Disciplinary Investigator shall have staff eyewitnesses prepare witness statements.
 - b. All witness statements shall be attached to the Disciplinary Report. If necessary for a complete factual review, the Disciplinary Investigator shall summarize the statements of all other witnesses on the Disciplinary Investigation Summary; and
 - c. If a material witness is a staff member who is off duty and the testimony is consistent and the evidence does not conflict with the record, the investigation is not to be delayed.
4. **Physical Evidence:** The disposition of physical evidence must be verified or reported. The Disciplinary Investigator may interview the Reporting Official to clarify any question(s) he/she may have.
 5. **List of Witnesses:** The Disciplinary Investigator's Report of Investigation shall include names and summarized testimony of all witnesses involved, if any, requested by the offender or by the Disciplinary Prosecutor.
 6. **Comments and Conclusions:** Under Comments and Conclusions in the Disciplinary Investigation Summary, the Disciplinary Investigator shall include their analysis of any conflicts between witnesses and make their objective conclusions of what, in fact, happened. This comment shall not conclude guilt or innocence.
 7. **Mental Health/Mental Retardation Considerations:** In every case the Disciplinary Investigator shall determine if the offender is assigned to an active mental health case load, whether in a Supportive Living Unit or being treated as an out-patient. If the offender is not assigned to a mental health caseload, but the offender's behavior displayed at the time of the incident indicates a possible mental health problem, an additional mental

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 13 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

health evaluation/assessment is essential and must be document on Attachment 9, MH/MR Evaluation.

8. During the investigative stage, the Disciplinary Investigator may determine that the offender is eligible for a Negotiated Plea.
 9. Once the Disciplinary Investigator completes the investigative stage, all completed Disciplinary Reports will be forwarded to the Disciplinary Hearing Officer.
 10. The Disciplinary Investigator may assist the Disciplinary Hearing Officer in the scheduling of disciplinary hearings. All hearings will be held as soon as practicable but no later than seven (7) days, excluding weekends and holidays, after being charged with a violation. Offenders are notified of the time and place of the Disciplinary Hearing at least twenty-four (24) hours in advance. Notifications of Disciplinary Hearings will be done in the form of the daily call outs, which are also be documented on the building traffic control logs. The call outs, should be provided to the affected offenders during the evening mail call.
- E. The Negotiated Plea:
1. Subsequent to review of the completed investigation, if the Disciplinary Prosecutor (or Disciplinary Investigator empowered to function as a prosecutor) or the Disciplinary Hearing Officer believes that justice can best be served by affording the accused the opportunity to plead guilty or no contest, an agreed upon and recommended Negotiated Plea and sanction shall be developed between the Disciplinary Prosecutor, the offender and the offender's Staff Advocate, if one was requested. The Disciplinary Prosecutor (or Disciplinary Investigator empowered to function as a prosecutor) may recommend a reduction of the charge to a lower severity offense than that originally charged and/or may recommend an appropriate sanction consistent with the severity and circumstances of the offense.
 2. If a Negotiated Plea is recommended, Attachment 10, Negotiated Plea Form shall be completed by the Disciplinary Prosecutor or the Disciplinary Investigator empowered to function as a prosecutor, reflecting the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 14 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

offense(s) for which the offender was charged and the recommendation agreed upon.

3. The Negotiated Plea will include alternative sanctions, for example a Disciplinary Warning or other sanctions determined appropriate for the offender and needs of the facility. The Disciplinary Investigator will make his/her recommendations to the Disciplinary Hearing Officer, who will determine if the recommendations are appropriate. If the Disciplinary Hearing Officer approves the recommendation, he/she shall sign the form indicating approval, then forward it to the Warden/Superintendent for final approval and signature.
 4. After final approval by the Warden/Superintendent, the Negotiated Plea and sanction shall be documented on the Disciplinary Report Form by the Disciplinary Hearing Officer who shall advise the offender of the approved sanction(s). The agreed upon sanction(s) shall take effect immediately without further procedures and the case shall be closed. An offender may not appeal a Negotiated Plea or sanction(s). If a Negotiated Plea is not sought or if the recommendations are not approved by the Disciplinary Hearing Officer, a hearing shall be held and all requirements related to Disciplinary Hearings shall apply.
 5. The offender may waive the right to be present by signing Attachment 3, Offender Appearance Waiver. If the offender refuses to sign the waiver, the notation "refused to sign" shall be made by the Disciplinary Hearing Officer, together with his or her signature and the date and time of the offender's refusal.
 6. When the offender does not desire to or cannot be allowed to appear, both the Disciplinary Report Form and the Offender Appearance Waiver must state the reason(s) for holding the hearing in the absence of the offender.
- F. Informal Resolutions:
1. Disciplinary Warnings: If a staff member, immediate supervisor and/or Disciplinary Investigator believe that informally correcting such unauthorized actions of an offender is appropriate and is supported by that

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 15 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

individual's supervisor and/or Disciplinary Hearing Officer, he or she shall advise the offender that a Disciplinary Warning is warranted. In lieu of receiving a Disciplinary Report, the offender may be allowed to correct the behavior by completing an assignment designated by the appropriate facility staff.

2. If an offender does not agree to perform the designated assignment, formal disciplinary charges should proceed within twenty-four (24) hours of the related offense. Offenders shall not be allowed to negotiate the extent or type of assignment, nor is the offender allowed to appeal the alternative sanction once she/he agrees with this action.
3. The Warden/Superintendent at each facility shall establish guidelines for the types of charges that this form of resolution could be applied to, how supervisors monitor its application and acceptable assignments. Examples of acceptable assignments are included but not limited to: cleaning assignments within the living area, trash pickup in yard area, pulling weeds, or similar unskilled tasks.
4. In cases where the offender's behavior is the result of them receiving an infraction, the alternative sanction shall include meeting with the offender's assigned counselor. This meeting will occur no later than forty-eight (48) hours following the incident. Staff must ensure that assignments are consistent with security requirements and any medical limitations. Failure by the offender to complete the assignment after agreeing to do so shall result in a Disciplinary Report for the original violation if the three (3) business day time has not elapsed.
5. When issuing a Disciplinary Warning, the Reporting Official shall:
 - a. Complete Attachment 12, Disciplinary Warning Report and issue a copy to offender;
 - b. Designate the time and place that the assignment is to occur. The duration of the assignment shall not exceed two (2) hours and must be

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 16 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

completed within three (3) business days of the infraction occurring;
and

- c. Completion of the assignment shall be entered into SCRIBE Case Notes documenting;
 - i. The date and time of the offense;
 - ii. The offender involved; and
 - iii. When the assignment was completed.

6. Assignments intended to demean offenders shall not be allowed. The purpose of the assignment is to provide a means of influencing positive behavior without involving formal disciplinary action.

7. Once the Disciplinary Warning has been entered into SCRIBE, the offender shall be issued a completed copy of the form and the original shall be placed in the offender's institutional file.

G. The Staff Advocate: During the disciplinary process, the Staff Advocate shall assist all offenders who request such assistance, other than MH III-IV. (**Note: Disciplinary Hearings are administrative, in nature, therefore attorneys are not allowed to be present.**) At a minimum, each facility shall have at least one Staff Advocate and an alternate to ensure the timely handling of disciplinary cases. The Warden or Superintendent shall appoint a Staff Advocate to serve a specific term of at least one (1) calendar quarter. Staff may be appointed to serve additional terms. An alternate Staff Advocate shall be named to assist in case of the absence of the regular Staff Advocate.

1. Requirement for Advocacy: Individuals appointed as Staff Advocates shall, in all cases, provide such assistance unless the offender refuses assistance. Such refusal shall be documented on Attachment 1, Offenders Rights Statement Form.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 17 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

2. Offender's Refusal: If an offender refuses the Staff Advocate's assistance or does not formally request a Staff Advocate, he or she may represent himself/herself during disciplinary proceedings.
3. Staff Advocate Duties: The primary purpose of the Staff Advocate is to ensure that the offender understands the disciplinary process and to ensure that all due process aspects of the disciplinary procedure are followed. It is not the role of the Staff Advocate to make extraordinary efforts to secure the acquittal of the offender. The Staff Advocate shall ensure the following is accomplished
 - a. Answer the offender's questions regarding due process and procedural aspects of the Disciplinary Hearing;
 - b. Advise the offender of any alternatives in charging and sanctions that may be possible under the disciplinary procedure. For example, the Staff Advocate might discuss the possibility of negotiating a plea-bargaining arrangement, when appropriate;
 - c. Present questions to the Disciplinary Hearing Officer and to witnesses in the case on behalf of the offender;
 - d. Advise the Warden or Superintendent of any procedural errors by the Disciplinary Hearing Officer that might adversely affect the prison's/center's case against the offender;
 - e. Ensure that the Disciplinary Hearing Officer instructs the offender on his rights of appeal; and
 - f. Notifications: The Staff Advocate should be notified by the Disciplinary Investigator of the names of offenders requesting representation. The Staff Advocate should also be notified of the date and location of the Disciplinary Hearings.
 - g. Meetings and Documentation: Staff Advocates must meet with the offender at least four (4) hours prior to the Disciplinary Hearing and

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 18 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

document this meeting utilizing the Attachment 6, Staff Advocate Form. When an offender initially refuses representation, Attachment 6, Staff Advocate Form need not be utilized, provided that the Staff Advocate portion on Attachment 1, Offender Rights Statement is properly documented. If at any point after the offender requests a Staff Advocate by way of Attachment 1, Offender Rights Statement, he or she then refuses assistance from the Staff Advocate, this decision must be documented on Attachment 6, Staff Advocate Form at that time and signed by the offender. In the event the Primary Staff Advocate cannot be present during the disciplinary hearing, he/she must meet with the Alternate Staff Advocate at least two (2) hours prior to the Disciplinary Hearing to discuss the offender's Disciplinary Report. This information will be documented on Attachment 6, Staff Advocate Form.

- H. The Disciplinary Prosecutor: The Warden or Superintendent may elect to appoint a Disciplinary Prosecutor to review cases and determine if it is appropriate to be formally pursued, dismissed, or to present information about existence of evidence beyond the Disciplinary Report. Also, the Warden/Superintendent may elect to appoint a Disciplinary Prosecutor to identify cases in which a Negotiated Plea would best serve the interests of the accused and the facility. The Disciplinary Prosecutor shall ensure that the decision to enter a Negotiated Plea by the accused offender is purely voluntary. The Disciplinary Prosecutor shall not serve as the Disciplinary Hearing Officer in a case in which he or she acted in the capacity of Disciplinary Prosecutor. The Warden or Superintendent may empower the Disciplinary Investigator to fulfill the prosecutorial role if warranted due to staffing limitations and to work with the Disciplinary Hearing Officer on cases that are appropriate for a Negotiated Plea or dismissal.
- I. The Disciplinary Hearing Officer: The Disciplinary Hearing Officer conducts the proceedings on infractions of rules and policies with all due regard for the rights of the accused offender. The Disciplinary Hearing Officer and an alternate Disciplinary Hearing Officer are appointed by the Warden, Superintendent, or designee for a term of at least one (1) calendar quarter. This term may be extended at the discretion of the Warden, Superintendent, or

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 19 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

designee. The Disciplinary Hearing Officer or alternate shall have sufficient training so that they are thoroughly familiar with the rules of the offender conduct, the rationale for the rule, and the sanctions available. The responsibilities of the Disciplinary Hearing Officer include the following:

1. Review the Investigation. Once the Disciplinary Hearing Officer receives the completed Disciplinary Report(s) from the Disciplinary Investigator, he/she will review the Disciplinary Report(s) for completeness and accuracy, prior to establishing a Disciplinary Hearing. The review shall cover the following areas:
 - a. Sufficiency of Facts: The Disciplinary Hearing Officer shall determine whether prosecution should proceed;
 - b. Severity of Charge: The Disciplinary Hearing Officer shall determine the severity level (greater, high, moderate, or low) at which the infraction should be considered. The Disciplinary Hearing Officer may lower the severity of the charge(s), based on his or her assessment of the nature of the incident. The Disciplinary Hearing Officer may increase the severity of the charges if the offender commits a moderate/low infraction and has received three (3) Disciplinary Warning Reports within 180 days. The severity level may also be increased based on the assessment of the nature of the incident;
 - c. Witnesses: The Disciplinary Hearing Officer shall review the list of all proposed witnesses and summarized testimonies. The offender and/or Staff Advocate, and the Disciplinary Prosecutor (if any), are responsible for seeing that the Disciplinary Hearing Officer has the names and testimonies of all witnesses. Preferably, witnesses shall be submitted to the Disciplinary Investigator during the investigation. Witness statements can be used by the Disciplinary Hearing Officer in lieu of calling the witness to participate in the Disciplinary Hearing;
 - d. Mental Health Considerations: The Disciplinary Hearing Officer shall review any evidence of mental illness or mental retardation disclosed by the Disciplinary Investigator's report or otherwise, to determine the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 20 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

extent to which the offender may reasonably be held responsible for his or her behavior; and

- e. Redundant Charge: Redundant or duplicate charges for the same incident shall be prohibited. However, distinct rule infractions arising from the same incident may be charged and punished separately.
2. Ensure that offenders charged with rule violations are scheduled for a hearing and decision within seven (7) days, excluding weekends and holidays by a person not involved in the rule violation.
 3. Determine the appropriate sanctions(s) if the offender is found guilty of the disciplinary charge(s).
 4. Determine the appropriateness of a Negotiated Plea or alternative sanction(s) to which an offender and the Disciplinary Prosecutor and/or Disciplinary Investigator reached.
 5. If the offender is found not guilty of the disciplinary charges(s), ensure that the Disciplinary Report is removed from the offender's Institutional file. If the offender has been charged with a single or multiple infractions, and it is determined that any of the charges are not supported, those charges will be removed from the Disciplinary Report. The only charges that should be reflected on the Disciplinary Report are those charges that have been substantiated and the offender has been found "guilty" of. All unsubstantiated and not guilty charges will be marked over or blackened out.
 6. Ensure that all decisions are based solely on information obtained in the hearing process, including statements from staff, the factual statement, and evidence derived from witnesses and other documents.
 7. Ensure the remainder of the disciplinary procedures contained within this policy are carried out in a timely, efficient, and completely impartial manner. The Disciplinary Hearing Officer is directly responsible to the

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 21 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Warden or Superintendent to maintain functional independence from other departments of the prison or center.

- J. Disciplinary Hearing:
1. **Presentation of Evidence:** The Disciplinary Hearing Officer shall read the evidence against the accused offender. Then, the charged offender or Staff Advocate may present a defense. If evidence beyond the Disciplinary Report and relevant written witness statements are to be presented, the Disciplinary Hearing Officer may request that a Disciplinary Prosecutor present the case.
 2. **Offender's Right to be Present:** The offender has the right to be present throughout the Disciplinary Hearing proceedings, except when the prison or an individual's security would be jeopardized by the offender's presence.
 3. The offender may waive the right to be present by signing Attachment 3, Offender Appearance Waiver.
 4. If the offender refuses to sign the Offender Appearance Waiver, the notation "refused to sign" shall be made by the Disciplinary Hearing Officer and he/she will sign the form and notate the date and time of the offender's refusal.
 5. When the offender does not desire to or cannot be allowed to appear, both the Disciplinary Report Form and the Offender Appearance Waiver must state the reason(s) for holding the hearing in the absence of the offender.
- K. **Offender's Right to Speak and Present Witnesses:** The offender shall be entitled to make a statement and to present documentary evidence in his or her own behalf. The offender has the right to call witnesses who have been named in advance following procedures specified herein.
1. Witnesses must be allowed to testify and to present evidence at the hearing on the offender's behalf unless one or more of the following are established:

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 22 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- a. It is determined by the Disciplinary Hearing Officer that the information contained in the Witness Statement is sufficient and stands on its own;
 - b. The calling or testimony of the witness would jeopardize prison security;
 - c. The calling or testimony of the witness would jeopardize an individual's safety;
 - d. The testimony of the witness would not be supportive of the offender's defense;
 - e. The testimony of the witness would be irrelevant to the issues before the Disciplinary Hearing Officer;
 - f. The testimony of the witness would be, in the discretion of the Disciplinary Hearing Officer, merely cumulative of other testimony. If proposed testimony is ruled to be merely cumulative, the offender or his/her Staff Advocate may select the witness(s) who shall appear to present admissible testimony.
 - g. The witness is a civilian who is either unwilling or unable to provide a statement or appear at a disciplinary hearing (typically at Transitional Centers where infractions may have occurred at the place of employment or while on pass).
2. **Basis for Witness Exclusion:** A determination of the above listed criteria shall be based upon the witness statements, which the Disciplinary Investigator obtains at the time of the investigation and/or summarization on the Attachment 2, Disciplinary Investigation Summary.
 3. **Documentation of Witness Exclusion:** If an offender is denied any requested witness, that denial and reasons therefore must be fully documented in writing on Attachment 8, Witness(s) Hearing Documentation Form.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 23 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

4. Late Request for Witness: If an offender's first request to call a witness is made during or at the time of the hearing, the decision to call the witness shall be in the discretion of the Disciplinary Hearing Officer, who may allow the witness to be called for good cause shown. If the Disciplinary Hearing Officer approves such a request, he or she has discretion to grant and document a reasonable continuance, if that is required in the interest of fairness.

5. Failure of Witness to Appear: Those witnesses who have been called, but fail to present themselves without explanation by the time all arguments have been completed, shall be subject to disciplinary action unless he or she contends that his or her testimony is protected under the privilege against self-incrimination as set forth in the Fifth Amendment to the United States Constitution.
 - a. Witnesses shall be notified of this fact;
 - b. The Disciplinary Hearing Officer shall allow the offender or Staff Advocate to state what the witness would have testified; and
 - c. If the evidence according to the witness' previous statement is helpful, it shall either be given the same weight as if the witness appeared or, alternatively, if the Disciplinary Hearing Officer does not wish to give the same weight to the statement, then the hearing shall be recessed until the witness can be present.

- L. Offender's Right to Waive Appearance of His or Her Requested Witnesses: Before the hearing, an offender may elect not to have his or her requested witness(s) appear. This decision must be indicated on Attachment 8, Witness(s) Hearing Documentation Form. Written statements from these witnesses shall be considered by the Disciplinary Hearing Officer.

- M. Reporting Official's Role in Hearing: The Reporting Official normally will not be required to attend the Disciplinary Hearing. However, the Reporting Official may be called to testify by either the Disciplinary Prosecutor (if this

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 24 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

role is filled), by the offender, or by the Staff Advocate. If the offender or Staff Advocate requests the Reporting Official, the Disciplinary Hearing Officer shall decide the issue, considering the following:

1. Whether the Reporting Official is the only witness to the incident which gave rise to the Disciplinary Report;
2. Whether the credibility of the Reporting Official has been called into question; or
3. Whether the offender's request for the presence of the Reporting Official is intended only for harassment.

N. **Non-Staff, Non-Offender Witnesses:** Proposed witnesses other than offenders and staff members may be requested. However, unavailability of such witnesses shall not be permitted to delay proceedings. Written statements from these witnesses shall be admitted into evidence by the Disciplinary Hearing Officer and considered.

O. **Cross-Examination:** The Disciplinary Hearing Officer has authority to approve a request to cross-examine a witness. Such cross-examination shall be allowed unless it would jeopardize prison or individual's security or appears to be intended to harass the witness.

1. The Staff Advocate shall conduct the cross-examination.
2. If the offender has refused the services of a Staff Advocate, the offender shall submit any cross-examination questions in writing to the Disciplinary Hearing Officer who shall conduct the cross-examination of witnesses.

P. **Reduction of Charge:** The Disciplinary Hearing Officer may determine during the hearing that the charge should be reduced.

1. The accused offender must be advised of this decision immediately, before sanctioning.
2. The record must reflect both the charge for which the offender was tried and convicted and the original charge(s).

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 25 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

3. The Disciplinary Hearing Officer may reduce the charge if he or she determines that the violation for which the offender was charged is more severe than the conduct described in the factual statement of Disciplinary Report.
 4. The reduced charge must stem from the same incident and be similar in nature, although not severity, to the original charge brought against the offender.
- Q. Disciplinary Hearing Officer's Ruling: After a period of deliberation at the conclusion of the hearing, the Disciplinary Hearing Officer shall announce the decision.
1. This decision shall be based solely upon the evidence that has been presented during the hearing.
 2. In the process of weighing the evidence, the Disciplinary Hearing Officer shall determine guilt and recommend appropriate disciplinary sanction(s).
- R. Imposition of Sanctions: If guilty of the charged offense(s), a sanction(s) shall be imposed as provided by these procedures. Record the information in the offender's Institutional file may be reviewed by the Disciplinary Hearing Officer only after a finding of guilty to assist in determining an appropriate sanction(s).
1. The severity of sanctions should reflect the severity of the incident;
 2. The Disciplinary Hearing Officer may increase the severity of the charge(s) to the next highest level if the offender has been convicted of three or more infractions of equal or greater severity within the previous 180 days, including the current incident. Multiple charges stemming from a single incident shall be counted only once; and
 3. When multiple sanctions are given, the Disciplinary Hearing Officer must indicate in writing whether the sanctions are to run consecutively or concurrently.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 26 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- S. Documentation in Institutional file/SCRIBE: At the conclusion of the disciplinary hearing, the Disciplinary Investigator shall be responsible for ensuring that appropriate documentation is made in the offender's Institutional file and SCRIBE. He or she shall ensure that only the "guilty" charge(s), are documented. All "not guilty" charge(s) and dismissed Disciplinary Report(s) will not be documented or placed in the offender's Institutional file. However, the dismissed reports will be documented into SCRIBE.
- T. Prohibited Acts and Disciplinary Severity Scale: There are two (2) categories of prohibited acts: Greatest or High Severity, with specifically authorized sanctions for each.
- U. Disciplinary Code: The prohibited acts are listed in Attachment 4, Offender Disciplinary Code.
- V. Authorized Sanctions: Authorized sanctions are listed in Attachment 5, Authorized Disciplinary Sanctions List. The imposition of any sanction requires that the offender first be found to have committed a prohibited act. The Disciplinary Hearing Officer shall impose and execute one or more of the sanctions found in Attachment 5, Authorized Disciplinary Sanctions List.
- W. Limitation on Disciplinary Isolation: The following limitations apply to Disciplinary Isolation:
1. 30-Day Limit for Prisons and Transitional Centers: Confinement to an isolation cell more than thirty (30) consecutive days shall not be imposed;
 2. If isolation time imposed exceeds thirty (30) days due to being necessary to control and encourage behavioral change, a recommendation for placement of the offender in the Tier II program is warranted; and
 3. 14-Day Limit for PDCs and ITFs: Confinement to an isolation cell more than fourteen (14) days shall not be imposed.
- X. Notice of Right to Appeal: The Disciplinary Hearing Officer must inform the offender that he or she has a right to appeal the findings. This shall be noted on the Disciplinary Report, and the offender will be given Attachment 7,

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 27 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Disciplinary Appeal Form. Offenders have up to fifteen (15) calendar days of receipt of the decision to submit an appeal. The appeal shall be decided within thirty (30) calendar days of its receipt, and the offender shall be promptly notified in writing of the results.

- Y. Review and Approval of Disciplinary Findings: All Disciplinary Hearings and dispositions will be reviewed by the Warden/Superintendent or designee to assure conformity with policy and regulations. For this policy, the Deputy Warden of Security/Assistant Superintendent will be responsible for the review process. Within five (5) calendar days after the review process has been completed, the Disciplinary Investigator or clerical staff shall be responsible for ensuring that the offender(s) receives a copy of the Disciplinary Report, which includes the Summary of Investigation, the Hearing Officer's recommendations and the disposition of the Disciplinary Hearing.
- Z. Implementation of Sanctions: Disciplinary sanctions and administrative procedures, excluding restitution, shall be implemented as soon as possible after the Disciplinary Hearing, but no later than one (1) business day after the Disciplinary Hearing.
- AA. Responsibility for Deadlines: Clerical staff assigned to process the Disciplinary Report in SCRIBE shall monitor procedural time frames to ensure compliance.
- BB. Disciplinary Process for Offenders Transferring from One Facility to Another: When an offender transfers from one facility to another before the Disciplinary Report process is complete, the following shall occur:
1. If the Disciplinary Report investigation was not completed, the Disciplinary Investigator assigned to the facility where the Disciplinary Report violation originated shall complete all witness statements.
 2. The Disciplinary Investigator shall gather and review all the information pertaining to the Disciplinary Report violation.
 3. The Disciplinary Investigator shall email all the collected information and files to the receiving facility's Disciplinary Investigator.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 28 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

4. The Disciplinary Investigator at the receiving facility shall determine if a Negotiated Plea, alternative sanction, or Disciplinary Hearing is appropriate.

5. The Disciplinary Hearing Officer at the receiving facility shall schedule a formal hearing and complete all elements of the DR hearing process.

CC. Appropriate Grounds for Offender Appeal:

1. Offender was not advised on her/his rights as outlined in this policy.
2. Failure to meet established time lines outlined in this policy.
3. Staff Advocate services were not provided to general population (GP) offenders who requested a Staff Advocate as indicated in this policy.
4. Staff Advocate services were not provided to MH Level II, MH III or MH IV offenders as required by SOP 508.18 MH/MR Discipline Procedures.
5. MH Level III and MH Level IV offenders did not receive a MH evaluation as required by SOP 508.18 MH/MR Discipline Procedures.
6. Failure to document an offender's inability to participate in his/her own Disciplinary Hearing.
7. The imposed sanctions are not within guidelines established within the policy.

DD. Offender Appeals:

1. The Disciplinary Appeal Form: The Disciplinary Appeal shall only be accepted on Attachment 7, Disciplinary Appeal Form, which the Disciplinary Hearing Officer shall make available to all offenders found guilty. The Disciplinary Appeal Form shall include a statement of the offender's grounds for appeal.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 29 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

- a. Failure of the Disciplinary Hearing Officer to provide the Disciplinary Appeal Form to an offender wishing to appeal shall be considered a procedural error, which may result in the dismissal/expunging of the Disciplinary Report.
 - b. Failure of the offender to use the designated Disciplinary Appeal Form shall result in the appeal not being processed.
2. Deadlines for Appeal:
 - a. Offenders may appeal disciplinary decisions within fifteen (15) calendar days from the date of adjudication by the Disciplinary Hearing Officer.
 - b. Missing the Deadline: The appeal shall be denied if it is not filed within fifteen (15) calendar days. Written notification to this effect shall be provided to the offender.
3. First Appeal: The Warden/Superintendent or designee (to be appointed) shall make the first appellate decision regarding the offender's appeal. If the Warden/Superintendent or designee is the Reporting Official or otherwise involved in the case, another individual shall be designated to hear that appeal.
4. Nature of Appeal: In this review, the Warden/Superintendent or designee shall consider any factor raised by the offender in his or her appeal.
5. Possible Outcomes: The Warden's/Superintendent's or designee's first appellate decision may affirm, reverse or modify the Disciplinary Hearing Officer's findings, or reduce the sanctions imposed.
6. Appeal Decision: After an appeal is filed, the Warden/Superintendent or designee has thirty (30) calendar days from the date the appeal is received from the offender to make the first appellate decision and respond to the offender.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 30 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

7. Procedure for Disciplinary Report Modified or Expunged (Overturned) by First Appeal: Whenever the first appeal results in a change or deletion of the Disciplinary Report, the facility staff shall enter all the information into the appropriate fields in the SCRIBE Disciplinary Application. If modified by the Warden/Superintendent, the Administrative Assistant or designee shall be responsible for making the designated modifications. If expunged, the Disciplinary Report shall be removed from the offender's Institutional file and destroyed. A copy of the Disciplinary Appeal Form with the Warden's/Superintendent's decision shall be maintained in the offender's Institutional file.

8. Second Appeal: The offender may file a second appeal if the first appeal decision is unsatisfactory, subject to the following:
 - a. Mailing Address: This second appeal must be mailed to the following address:

OFFICE OF PROFESSIONAL STANDARDS
 P.O. Box 310
 Hardwick, Georgia 31034

 - b. Deadline: This appeal must be post marked within five (5) business days of the date of the first appellate decision.

 - c. Missing the Deadline: The appeal shall be denied if it is not filed within five (5) business days. Written notification to this effect shall be provided to the offender.

9. Skipping the First Appeal: If the offender fails to appeal at the first appellate level, any further appeal shall be terminated.

10. All Disciplinary Reports that are overturned on appeal by the Warden/Superintendent or Office of Professional Standards, shall be removed from the offender's Institutional file and destroyed by the Administrative Assistant or designee. The appeal memorandum from the Office of Professional Standards shall be maintained in the offender's Institutional file.

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 31 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

EE. Staff Administrative Processing Fee: This fee is intended to defray a portion of the significant costs associated with the processing of formal disciplinary charges against offenders resulting from rule violations.

1. A standard administrative/processing fee of four dollars (\$4.00) for each Disciplinary Report issued is to be charged to the offender's account after a guilty finding/Negotiated Plea by the Disciplinary Hearing Officer and approval of the finding by the Warden/Superintendent. This fee shall apply to all Disciplinary Reports which result in a guilty finding regardless of the severity level or any sanctions imposed. The decision to authorize a Negotiated Plea shall not negate this fee from being applied, nor can this fee be waived.
2. There shall only be one (1) fee for each Disciplinary Report regardless of the number of charges within the Disciplinary Report.
3. The matter of the imposition of the fee is not an appealable issue, nor is it a matter that can be grieved.
4. After a finding of guilt/Negotiated Plea, and after the Warden's/Superintendent's approval, the facility Business Manager shall be notified that the fee is to be deducted from the offender's account. If a Disciplinary Report is overturned by the Warden/Superintendent or the Commissioner's Office, Executive Assistant or designee because of an appeal, the Business Manager at the facility where the offender is assigned shall be notified to facilitate reimbursement of the account per SOP 201.04 Charges to Offender Accounts for Healthcare, Willful Acts, and Court Costs.
5. This fee shall be applied to state offenders housed at state administered prisons/centers and privately contracted facilities housing state offenders. County Correctional Institutions may elect to collect the fee and retain the generated funds within their County.
6. Because of the time and formal processing required when pursuing felony charges for local court prosecution, an offender found guilty of D-3(j),

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Policy Name: Offender Discipline		
Policy Number: 209.01	Effective Date: 11/6/2017	Page Number: 32 of 32
Authority: Commissioner	Originating Division: Facilities Division	Access Listing: Level II: Required Offender Access

Possession of a Cell Phone, shall be charged an administrative processing fee of one hundred dollars (\$100.00).

7. If the Disciplinary Report is expunged on appeal, the Warden's/Superintendent's Administrative Assistant or designee shall be responsible for notifying the Business Manager. The Business Manager shall be responsible for reimbursing the offender's account.

V. Attachments:

- Attachment 1, Offender Rights Statement
- Attachment 2, Disciplinary Investigation Summary
- Attachment 3, Offender Appearance Waiver
- Attachment 4, Offender Disciplinary Charge Codes
- Attachment 5, Authorized Disciplinary Sanctions List
- Attachment 6, Staff Advocate Form
- Attachment 7, Disciplinary Appeal Form
- Attachment 8, Witness(s) Hearing Documentation Form
- Attachment 9, MH/MR Evaluation
- Attachment 10, Negotiated Plea Form
- Attachment 11, Disciplinary Report Form
- Attachment 12, Disciplinary Warning Report
- Attachment 13, Suggested Guidelines for Issuing Disciplinary Reports (by Offense)

VI. Record Retention of Forms Relevant to this Policy:

Attachments 1, 2, 3, 6, 7, 8, 9, 10, 11, and 12 of this SOP shall become part of the offender's institutional file and shall be maintained according to the official records retention schedule for institutional files. A copy of Attachment 9 shall also be placed in the Mental Health Record. See the instructions within the SOP for overturned or dismissed Disciplinary Reports. Attachments 4, 5, and 13 shall be utilized as instructed in the SOP until they are obsolete or replaced.