



LEON COUNTY SHERIFF'S OFFICE

Standard Operating Procedure 450.G1 Inmate Rules and Discipline

<i>EFFECTIVE:</i>	<i>REVISED:</i>	<i>RESCINDS:</i>
1 OCTOBER 1999	15 December 2020	4 November 2020

- A. PURPOSE:** The purpose of this procedure is to establish guidelines for acceptable behavior and a system of prohibitions, penalties, and correctional measures that deal with conduct that causes or threatens to cause harm to self, to others, to property, or is disruptive of institutional operations.
- B. SCOPE:** This procedure shall apply to all Corrections Personnel.
- C. POLICY:** It is the policy of the Leon County Detention Facility that proper order and security be maintained in the facility, and approved disciplinary procedures be followed when inmates attempt to disrupt order and security.
- D. DEFINITIONS:** N/A
- E. PROCEDURE:**

1. INMATE RULES AND REGULATIONS

- a.** A copy of the Facility Rules and Regulations governing the conduct and discipline of inmates shall be made available to all inmates and staff. These Rules and Regulations shall contain chargeable offenses, range of penalties, disciplinary procedures and other relevant information [F.M.J.S.13.02].
 - 1)** Inmate Rules and Regulations are in the Inmate handbook that is made available in each Housing Area as well as accessible on the electronic devices;
 - 2)** Visitor Rules and Regulations are posted in the Visitation Lobby [F.M.J.S.13.01].
- b.** Upon admission each inmate shall sign a form acknowledging receipt of the Rules and Regulations at the time the inmate is "dressed out". When a language or literacy problem exists in understanding the rules and regulations, a staff member, shall assist the inmate in understanding the rules and regulations. Translation services are provided for disabled and/or non-English speaking inmates [F.C.A.C.11.01].

- c.** Disciplinary Committees shall be established consisting of at least three staff members with one member designated as chairperson. The Disciplinary Committees shall be responsible for the conducting of Disciplinary Hearings. Any member of a Committee shall be disqualified from hearing a case if he/she has initiated the Disciplinary Report, participated as an investigative officer in the case, will be called as a witness against the accused, or has personal knowledge of the case [F.C.A.C.11.03, F.M.J.S.13.04].
- d.** Staff assistance shall be provided to any inmate unable to defend him/herself due to disability, language barriers, or literacy problems.
- e.** The Detention Facility Assistant Sheriff shall review Inmate/Facility Rules and Regulations, and other relevant information at least annually.
- f.** All Corrections personnel shall be thoroughly acquainted with the rules and regulations of inmate conduct, and other relevant information within 30 days of employment.
- g.** If a violation of local, state or federal law occurs, procedures for criminal investigations shall apply. These shall include, but are not limited to: immediate notification of the shift supervisor, immediate steps to preserve the crime scene (if applicable), the appropriate preservation of evidence, notification of the proper investigative section of the Sheriff's Office, written documentation of the incident forwarded to the Detention Facility Assistant Sheriff, through the chain of command by involved personnel before being relieved of duty.

2. LEVELS OF RULE VIOLATIONS

- a.** There are three levels of Rule Violations:
 - 1)** Minor infractions: a violation or rules of such a nature that no disciplinary report is necessary;
 - 2)** Minor violations: any rule violation that goes beyond corrective effectiveness of a verbal warning but would not warrant maximum sanctions;
 - 3)** Major violations: any rule violation of such magnitude that disciplinary action may include loss of gain time and/or disciplinary confinement up to 30 days per incident.
- b.** In the case of MINOR INFRACTIONS the Corrections Officer may elect to verbally counsel appropriate behavior or issue a corrective consultation and notate in the inmate's event log. However, the Correctional Officer may elect to initiate a Disciplinary Report for any incident other than a minor infraction and willful minor infractions. The Correctional Officer shall remember that facility order and security must be maintained, and act accordingly.
- c.** In response to minor infractions, a Correctional Officer may impose informal disciplinary sanctions such as the loss of an inmate privilege for a short duration

(e.g. television privilege, voluntary lockdown in room). All such actions shall be documented as a two-hour lockdown in the inmate's event log.

- d.** Restriction of an inmate to his or her cell for informal discipline shall be limited to two hours and shall terminate at shift change. Any informal discipline shall be notated in the inmate's event log.
- e.** No inmate shall be the subject of informal discipline more than twice in any seven day period.
- f.** Inmates on informal discipline shall receive the same food, clothing and visitation as any other inmate in the housing area.
- g.** Informal discipline does not require supervisor review or approval nor does it allow for an appeals process.

3. DISCIPLINARY REPORTS

- 1.** When a violation of Facility Rules is alleged to have taken place the employee(s) who witnessed the alleged violation shall prepare a disciplinary report. The disciplinary report shall be completed and forwarded to the Detention Facility Assistant Sheriff or designee [F.C.A.C.11.04, F.M.J.S.13.05]. The Report must contain at a minimum:

- 1)** Date and time of violation;
- 2)** Place of violation;
- 3)** Date reported;
- 4)** Specific Rule(s) violated;
- 5)** Details of the incident;
- 6)** Actions taken by staff;
- 7)** Names of witnesses (as security allows).

- b.** The Detention Facility Assistant Sheriff or designee (shift supervisor) shall cause an investigation to be conducted of the alleged violation(s), with a written report forwarded to the disciplinary committee [F.C.A.C.11.05, F.M.J.S.13.06]. The investigation report shall contain at a minimum:

- 1)** Statements obtained from witnesses or a signed form from witness(s) refusing to make statement;
- 2)** Charging employees account of the incident;
- 3)** Accused inmate's account of the incident;

4) Response to Resistance Report if applicable.

4. PRE-HEARING ACTIONS

- a. At the discretion of the shift supervisor or higher authority, the accused inmate may be placed in Administrative Segregation for the purpose of maintaining facility security and order. Such Administrative Segregation shall be noted on the Investigation Report, and the inmate's pre-hearing status shall be reviewed by classification, within 72 hours, excluding weekends and holidays.
- b. An inmate charged with a rule violation shall receive a written statement of the charge(s), including a description of the incident and specific rules violated, at least 24 hours in advance of the Disciplinary Hearing [F.C.A.C.11.06, F.M.J.S.13.07].
- c. The Correctional Officer shall document that the notification of charge(s) was delivered. Such documentation shall be forwarded to the Disciplinary Committee chairperson and shall become part of the Disciplinary Hearing Record.
- d. The Disciplinary Committee chairperson shall be required to ensure that the accused inmate properly understands the charges against him/her and the possible disciplinary action that may result from the disciplinary hearing [F.C.A.C.11.06].
- e. The Disciplinary Hearing may be held within 24 hours after the inmate is formally notified of the charges, with the inmate's written consent. Such written consent shall become part of the Disciplinary Hearing Record.
- f. The accused inmate shall be present at the Disciplinary Hearing, unless the right is waived in writing, or due to disruptive and/or unmanageable behavior on the part of the inmate which threatens security [F.C.A.C.11.08]. Inmates may be excluded during testimony of any person whose testimony must be given in confidence. The reasons for the accused inmate's absence or exclusion shall be documented and made part of the Disciplinary Hearing Record.

5. DISCIPLINARY HEARINGS

- a. The Disciplinary Hearing should be scheduled within (7) working days of the incident, excluding weekends and holidays. If extenuating circumstances exist, the hearing time may be extended to (10) working days of the incident, excluding weekends and holidays [F.C.A.C.11.06, F.M.J.S.13.08]. Examples of extenuating circumstances may include but not be limited to the following:
 - 1) Preparation of defense by the accused
 - 2) Illness or other unavailability of the accused and/or witness(es) for medical reasons
 - 3) Further investigation of relevant factual matters

- 4) Unacceptable or unmanageable behavior on the part of the accused
 - 5) Pending criminal court prosecution of the accused, conflicting dates
- b. Disciplinary Hearings are conducted by the Disciplinary Committee, and the Chairperson of the Disciplinary Committee, or a majority of the members, shall have the authority for the following actions [F.M.J.S.13.09]:
- 1) Calling witnesses, evidence and/or documents. Reasons for not allowing or restricting same shall be documented in the report/record [F.C.A.C.11.07].
 - 2) Approving requests for assistance, summoning witnesses requested by the accused, and admitting evidence the accused desires to present.
 - 3) Providing a staff member to assist the inmate during the Disciplinary Hearing when the accused is, or is apparently illiterate, has a language barrier or the complexity of the issues makes it unlikely that the accused would be able to properly represent him/herself [F.C.A.C.11.06].
 - 4) Maintaining the proper decorum of the inmates and staff throughout the disciplinary hearing and appointing a staff member to document the proceedings of the Disciplinary Hearing in the form of a Disciplinary Hearing Record.
 - 5) Forwarding the Disciplinary Hearing Record and all other relevant documents to the Detention Facility Assistant Sheriff for review.
- c. The accused inmate shall have the following rights [F.M.J.S.13.10]:
- 1) The right to be present at the Disciplinary Hearing. The inmate may waive this right in writing. The inmate may be removed from the hearing if his/her uncooperative or violent behavior justifies such action, in which case, documentation of the removal shall become part of the Disciplinary Hearing Record.
 - 2) The right to make a statement of defense, present documentary evidence, and request witnesses on his/her behalf. Reasons for denying such rights must be documented by the Disciplinary Committee.
 - 3) The right to remain silent. Such silence may be used to draw an adverse inference against the accused. However, the inmate's silence alone shall not be used to support a finding that a prohibited act was committed.
 - 4) The right to be informed of the decision of the Disciplinary Committee at the conclusion of the Disciplinary Hearing. The findings shall be forwarded to the Detention Facility Assistant Sheriff as part of the Disciplinary Hearing Record [F.M.J.S.13.11].

- 5) The right to receive a written copy of the results of the Disciplinary hearing, regardless of outcome. "Not Guilty" decisions shall be noted on the report [F.C.A.C.11.06].
- 6) The right to appeal the decision of the Disciplinary Committee to the Detention Facility Assistant Sheriff within 5 days. The Detention Facility Assistant Sheriff or designee shall affirm or reverse the decision of the Disciplinary Committee within five (5) days of the appeal. "The Note from Prisoner Form" shall be used for this purpose [F.C.A.C.11.09].
- d. A written record of Disciplinary Hearings and appeals shall be made and maintained per Florida Department of Archives.
- e. The Detention Facility Assistant Sheriff is prohibited from increasing an inmate's punishment after being decided by the Disciplinary Committee [F.C.A.C.11.12].
- f. The punishment decided by the Disciplinary Committee shall be reasonable. The use of corporal punishment is prohibited [F.C.A.C.11.13, F.M.J.S.13.12].
- g. The Disciplinary Committee's decision shall be based solely on information obtained in the hearing process, including staff reports, the statements of the inmate accused and evidence derived from witnesses and documents [F.C.A.C.11.11]. A written record of the decision shall be made, containing supporting reasons, and a copy shall be given to the inmate.
- h. The following shall not be imposed on any inmate as punishment:
 - 1) Loss of mail privileges (unless the violation was a serious abuse of the privilege);
 - 2) Food and/or water deprivation;
 - 3) Loss of outdoor exercise (unless there is a safety and/or security risk) however, no inmate housed in Pod-G/2 shall be allowed out of their cell on weekends unless there is an emergency or other urgent reason as determined by a supervisor;
 - 4) The loss of the use of personal grooming items unless there is a reasonable belief that the inmate would injure, or seek to injure, him/herself or others (such loss of privilege shall be documented, including reasons for the loss of privilege);
 - 5) The loss of shower privileges, twice weekly.
- i. All disciplinary Hearing Records shall be reviewed by the Detention Facility Assistant Sheriff or designee to ensure conformity with policy and regulations.

6. APPEALS PROCESS

- a. Upon request of the inmate, the proceedings and findings of a Disciplinary Hearing shall be referred to the Assistant Sheriff for appeal. The Detention Facility Assistant Sheriff may concur with the findings and, impose sanctions of the Disciplinary Committee, reverse the findings, reduce or suspend the sanctions imposed. The Detention Facility Assistant Sheriff shall complete this appeal review within five (5) days.
- b. The Shift Watch Commander, or his designee, shall see and talk with each inmate in Disciplinary Confinement at least once each morning and once each afternoon for the purpose of ascertaining the inmate's general condition.

7. CONFINEMENT

- a. Inmates may be placed in non-punitive confinement for security and safety reasons or as prescribed by medical personnel. All such confinement shall be considered administrative and not disciplinary in nature [F.M.J.S.13.13].
- b. Procedures to be followed when placing an inmate in Administrative or Disciplinary Confinement shall include at a minimum [F.C.A.C.12.02]:
 - 1) All incidents shall be fully documented including record(s), date and time of placement in confinement
 - 2) The release of an inmate from Administrative Confinement and Disciplinary Confinement is fully documented, including the date and time of release.
 - 3) The designated confinement supervisor shall see and talk to each inmate in Administrative and Disciplinary Confinement at least once each shift. At each of these times, the inmate's general condition and attitude shall be documented. [FCAC 12.02M FMJS 13.14]
 - 4) Each inmate in Administrative Confinement shall receive housing, food, clothing, medical care, exercise, visitation, showers and other privileges comparable to those available to the general population except as justified by his/her classification status or special inmates as defined in Florida Model Jail Standards 5.04. [F.C.A.C.12.03]

APPROVED: _____

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DEPARTMENT OF DETENTION ASSISTANT SHERIFF