



GENERAL ORDER

Loudoun County Sheriff's Office

Chapter: Correctional Services		Section: 509.8
Subject: Community Custody Program Operations		Topic: Community Custody Discipline
Accreditation: 6VAC15-40-310, 6VAC15-40-820, 6VAC15-40-830, 6VAC15-40-833, 6VAC15-40-835		
Revised: 06/27/2013		Reaffirmed:
Enacted: 08/02/2010	Last Review:	Review:

I. PURPOSE

The purpose of this General Order is to provide guidelines for disciplining inmates who violate the rules and regulations established by the Corrections/Court Services Division for the Community Custody Program.

II. POLICY

It shall be the policy of the Corrections/Court Services Division to not permit the practice of harassment, personal abuse, corporal punishment or other actions which might result in personal injury to inmates or damage to their property.

It shall be the policy of the Corrections/Court Services Division to:

- A Community Custody Staff member will provide each new inmate with a copy of the Community Custody Program Inmate Handbook outlining all applicable rules and regulations immediately upon acceptance on the program.
- Provide assistance to inmates with language or literacy issues in order to avoid any misunderstandings of the rules and regulations of the facility. Assistance shall be provided to the inmate by the staff or other qualified individual under the supervision of staff.
- Provide written procedures governing the removal of inmates from the Community Custody, Work Force, and House Arrest Programs. This information shall be explained to inmates at the time of transfer to the program.

III. PROCEDURE

A. Operational Procedures

1. A copy of the program rules and regulations shall be provided to all inmates during orientation in the form of a Community Custody Program Participant Handbook. During the orientation process, all rules and regulations shall be explained to each inmate. Although the rules and regulations are reviewed, the

inmate shall be strongly encouraged to read and become very familiar with the handbook. Each inmate shall sign the appropriate form acknowledging receipt of a numbered handbook.

2. Disciplinary action in the Community Custody shall fall into one of three categories: major violations, minor violations and informal resolution, and procedural violations.
 - a. Both major and minor violations are offenses requiring a hearing by a disciplinary hearing officer.
 - b. Procedural violations require a written counseling to the inmate by the on-duty deputy.

B. Major Offenses

1. If an inmate commits any of the major offenses listed in General Order 704.08, Disciplinary Procedures, they shall be charged with the infraction and immediately removed from the program.
2. The procedures for removing an inmate are as follows:
 - a. Inmates shall be immediately handcuffed and transferred to the intake area.
 - b. The shift supervisor shall be called and notified that the inmate is being removed. If Community Custody staff is unable to escort the inmate to the intake area due to manpower constraints, the shift supervisor shall arrange transfer.
 - c. After the inmate is returned to the intake area, the Community Custody staff is responsible for gathering, inventorying and securing the inmate's property.
 - 1) Any property that is approved for possession or accepted into the property room shall be transferred to the property room.
 - 2) Any excess property that is not allowed in the Adult Detention Center shall be held in the community custody area. This property shall be picked up by the inmate's designee or mailed to the inmate's designated address within three (3) calendar days. Refer to General Order 705.12, Inmate Property.
 - d. The assigned staff member shall complete an In-house Incident Report and/or an Incident Based Report describing the violation.
 - e. If the incident involves a violation of any law, a proper investigation shall be conducted and criminal charges may be filed.

- f. An impartial hearing officer shall review the in-house disciplinary charge. The hearing officer shall make a decision as to whether or not the inmate is guilty or not guilty of the in-house charge based upon the evidence presented.
- g. Once an inmate is found guilty, a review board consisting of three (3) impartial staff members shall convene to determine whether or not sufficient evidence exists to support the removal. The inmate shall be returned to the program if there is not sufficient evidence to support the removal.
- h. If the individual is found not guilty, he/she shall be returned to the appropriate Community Custody Program.

C. Minor Offenses

- 1. If an inmate commits a minor offense, the staff shall write an Incident Report and submit it to the Community Custody Sergeant.
- 2. The Community Custody Sergeant shall evaluate the incident, consult with the staff involved, and determine if disciplinary action is to be taken.
- 3. Violations of several minor offenses may result in an inmate's permanent removal from the program.
- 4. Violations which will result in immediate removal from the Community Custody Program include the following:
 - a. Cursing at and abuse towards an employee or visitor either at the facility or at his/her job site
 - b. Extortion
 - c. Distributing prescribed medication to another inmate
- 5. For a list of minor offenses, refer to General Order 704.08, Code of Inmate Offenses and Discipline.

D. Informal Resolution

- 1. Procedural violations include, but are not limited to:
 - a. Failure to pass daily inspection
 - b. Failure to clean assigned area within the Community Custody area

- c. Sleeping through inspection
 - d. Failure to call the Community Custody Program upon arriving at work, leaving work or changing job sites
 - e. Deviation from a designated route of travel
 - f. Failure to wear a traffic vest while traveling to job site
 - g. Using an unauthorized driver
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- 2. If an inmate violates an Informal Resolution, staff shall complete an Inmate Informal Resolution Sheet outlining the offense and the corrective action that shall be taken. The resolution sheet shall be submitted to the Sergeant for review. The deputy completing the resolution Sheet shall personally review it with the inmate. The deputy, inmate and Sergeant shall each sign the form. The form shall be filed in the Community Custody Program inmate file.
 - 3. The main purpose of the informal resolution is to provide the inmate with written directives and reminders that further violations of the type will not be tolerated and could result in removal from the program. It shall also serve as documentation for any future infractions or potential program removals.
 - 4. Repeated Informal Resolutions shall result in removal from the program as determined by the Community Custody Sergeant.

**CLASS I – MAJOR OFFENSES
PROHIBITED BY THE ADULT DETENTION CENTER**

The maximum penalty for a Class I Offense is ninety (90) days isolation and a possibility of loss of partial or all good time earned for each conviction involving any of the following charges:

- 101 Escape/Attempted Escape
- 102 Taking of a Hostage
- 103 Sexual Activity by Force of Another Person
- 104 Consensual or Solicitation of Sexual Activity
- 105 Assaulting Another Person
- 106 Possession of Weapon or Sharpened Instrument
- 107 Use of Any Object as a Weapon or Tool in Commission of Any Offense
- 108 Inciting or Participating in a Riot or Disturbance
- 109 Arson
- 110 Fighting
- 111 Stealing or in Possession of Stolen Property
- 112 Threatening Bodily Harm to Another Person
- 113 Manufacture, Possession, or Detonation of an Explosive Device
- 114 Smoking, Possession, or Use of Tobacco Products
- 115 Possession of any Spark or Flame Producing Device
- 116 Possession of Contraband (Life, Health or Safety Issue)
- 117 Distributing/Using Prescribed Medication of Another Inmate
- 118 Tampering with Loudoun County Adult Detention Center Security Equipment, Fire Alarm System, Structure and/or life/health/safety equipment
- 119 Destruction of Property
- 120 Extortion
- 121 Gambling
- 122 Self Mutilation
- 123 Conspiracy to Commit a Class I Offense or Aiding/Abetting or Attempting to Commit Another Crime in the Commission of a Class I Offense
- 124 Fail to Obey a Direct Order
- 125 Lying to a Staff Member
- 126 Curse and Abuse Toward Another Person
- 127 Unauthorized Use of Telephone/Harassing Phone Calls
- 128 Flooding or Attempting to Flood
- 129 Interfering with Inmate Count Procedures
- 130 Any Act, Not Specifically Listed as a Rule, Regulation or Prohibited Act, that poses a Risk to the Safe, Secure, and Orderly Operation of the Facility or Public Safety
- 131 Engaging in Gang Activities
- 132 Making Excessive/Unnecessary Noise

**CLASS II – MINOR OFFENSES
PROHIBITED BY THE ADULT DETENTION CENTER**

The maximum penalty for a Class II Offense is thirty (30) days isolation for each conviction involving any of the following charges:

- 201 Disruptive Conduct
- 202 Possession of Contraband (other)
- 203 Failure to Keep Quarters and/or Cell Clean
- 204 Being in an Unauthorized Area
- 205 Unauthorized Communication or Contact with Another Inmate or the Public
- 206 Tattooing Oneself or Another Inmate
- 207 Abuse of Privileges
- 208 Defacing Property
- 209 Throwing Trash, Food or Other Items
- 210 Indecent Exposure
- 211 Possession of Excess Issued Items
- 212 Malingering or Faking Illness
- 213 Failure to Maintain Personal Hygiene Standards
- 214 Failure to Be Ready/Prepared for Inspection or to Comply with Inspection Rules
- 215 Falsely Identify Oneself or Fail to Identify Oneself
- 216 Unauthorized Passing of Items
- 217 Altering Identification Wristband, Possessing Another Inmate's Identification Wristband or Failure to Wear an Identification Wristband
- 218 Inappropriate Use of Facility Equipment
- 219 Stopping or Delaying Inmate Movement

**CLASS III –HOUSING UNIT VIOLATIONS
PROHIBITED BY THE ADULT DETENTION CENTER**

The maximum penalty for a Class III Offense will be determined by both the Housing Unit Deputy and Shift Supervisor (sanctions will not exceed twelve (12) hours in duration) for each conviction involving any of the following charges:

- 301 Putting feet on the furniture, walls, banisters or railings.
- 302 Sitting on the dayroom table tops, backs of chairs, leaning back or rocking on any furniture.
- 303 "Horseplay" or teasing another inmate.
- 304 Loitering around housing unit entrance doors or multi-purpose room doors.

- 305 Being on second tier if not housed or assigned there.
- 306 Impede movement on either the upper walkway or stairways.
- 307 Not properly practicing hygiene standards.
- 308 Entering another inmate's cell.
- 309 Having materials for use in dayroom in individual cells (games, newspapers, etc.).
- 310 Failure to put away and properly store dayroom materials (games, newspapers, etc.).
- 311 Communicating, harassing, or interfering with the work of housing unit inmate workers involved in the performance of their duties.
- 312 Making Excessive Noise during Non-Emergency Situation
- 313 Keeping Food or Drink in Cell that was not purchased from the Canteen
- 314 Improper Clothing while out of Assigned Cell
- 316 Viewing Unauthorized TV Stations (music channels, etc.)
- 317 Use of profanity in Housing Unit
- 318 Failure to Follow Routine Instructions and/or schedules posted in each housing unit in regard to procedures and Activities such as Wake-up, Room Cleanliness, and any other Instructions or Posted Orders
- 319 Improper use of Intercom (unless in event of emergency)
- 320 Improper Placement of Cell Mattress (Must be on bed at all times) or Property Tub (Propping it up against walls)
- 321 No Kicking, Banging, or Pounding on Cell Doors, Windows, or Walls
- 322 Taking Food Tray into Cell (Except Segregation)
- 323 Failure to Return Food Tray Immediately After Each Use
- 324 Carry Unauthorized Items out of the Housing Unit
- 325 Swinging, exercising, sitting, or standing on Housing Unit stairways
- 326 Communicate or attempt to communicate with another inmate during lockdown
- 327 Covering of any windows and/or ventilation grates
- 328 Obstruction of View (using jail clothing, personal clothing, newspapers or jail issued property to obstruct view)

NOTE: Repeat offenders of the Housing Unit violations may receive an upgrade to maximum custody which may reduce earned sentence credit.

IV. DOC STANDARD

6VAC15-40-310: Commissary Services

The facility shall make available to inmates commissary services where they may purchase from an approved list of items at a minimum of one time per week. Written policy and procedure shall describe the circumstances and duration under which inmates may be restricted from this privilege.

Compliance Documentation:

- Review commissary list (at a minimum, the list should include hygiene items and food items)
- Review weekly commissary receipts

- Interview staff/inmates

(The written policy and procedure relates solely to disciplinary action)

The authority for establishing stores in local correctional facilities operated by a sheriff is in §53.1-127.1 Code of Virginia, and the authority for regional jail administrators is in §53.1-115.2 Code of Virginia.

6VAC15-40-820: Conduct

Written policy, procedure and practice shall govern inmate discipline, to include:

1. Rules of conduct, including sanctions for rule violations;
2. Procedures and provisions for pre-hearing disciplinary detention; and
3. Procedures for processing violators that may include plea agreements that may waive the inmate's right to appeal.

Compliance Documentation:

- Review written policy and procedures
- Review misconduct reports/plea agreements

6VAC15-40-830: Inmate Handbook

Upon initial assignment to a housing status following intake and reception processing, each inmate shall be informed of, receive, and sign for:

1. A copy of the inmate rules of conduct, including sanctions;
2. The policies and procedures governing inmate discipline.

Compliance Documentation:

- Review inmate handbook
- Review documentation of inmate acknowledgement
- Interview staff/inmates

Clear, concise and specific written rules and regulations specifying the violation, sanctions, disciplinary hearing procedures and appeals process must be communicated at the time of intake reception processing. Provisions should be made for those inmates with language or comprehension problems.

6VAC15-40-833: Discipline

The minimum procedural requirements, whenever an inmate may be deprived of good time, or placed on disciplinary segregation, include:

1. The accused inmate shall be given notice of the charge and the factual basis for it at least 24 hours prior to hearing of the charge.
2. The charge shall be heard in the inmate's presence by an impartial officer or committee, unless that right is waived in writing by the inmate or through the inmate's behavior. The accused inmate may be excluded during the testimony of any inmate whose testimony must be given in confidence. The reason for the inmate's absence or exclusion shall be documented.
3. The accused inmate shall be given an opportunity to have the assistance of a staff member or fellow inmate in defending the charge.
4. The inmate shall be given a written statement by fact finders as to the evidence relied upon and the reasons for the disciplinary action; and
5. The inmate shall be permitted to appeal any finding of guilt to the facility administrator or designee.

Compliance Documentation:

- Review written policy and procedures
- Review disciplinary actions
- Review status of inmates placed on disciplinary segregation
- Interview staff/inmates

6VAC15-40-835: Sanctions

The minimum procedural requirements whenever an inmate is punished, such as reprimand or loss of privileges, include:

1. The accused inmate shall have an opportunity to explain or deny the charge; and
2. The inmate shall have the opportunity to appeal any finding of guilty to the administrator or designee.

Compliance Documentation:

- Review written policy and procedures concerning sanctions
- Review disciplinary reports
- Review inmates signed waiver (if applicable)
- Interview staff/inmates

Disciplinary proceedings are intended to ensure a swift hearing by an impartial person to preclude the arbitrary imposition of punishment. Informal means of resolving minor inmate misbehavior should be used whenever possible.

This General Order becomes effective June 27, 2013, and rescinds all previous rules and regulations pertaining to the subject.