

	MARICOPA COUNTY SHERIFF'S OFFICE	
	POLICY AND PROCEDURES	
	Subject INMATE DISCIPLINARY PROCEDURES	Policy Number DJ-2
		Effective Date 11-02-21
Related Information DI-1, <i>Inmate Housing Categories</i> DI-6, <i>Limited English Proficiency (LEP) Inmates</i> DJ-1, <i>Rules and Regulations for Inmates</i> <i>Rules and Regulations for Inmates</i>	Supersedes DJ-2 (04-22-15)	

PURPOSE

The purpose of this Office Policy is to establish fair and consistent guidelines and procedures for handling inmate disciplinary matters. To ensure inmates live in a safe and orderly environment while in an Office jail facility, it may be necessary to impose temporary loss of privileges or disciplinary sanctions on those inmates whose behavior is not in compliance with the *Rules and Regulations for Inmates*. The provisions as set forth in the *Rules and Regulations for Inmates* apply to all persons committed to the care, custody, and control of the Maricopa County Sheriff's Office.

POLICY

It is the policy of the Office to ensure inmates' due process rights are protected and that each temporary loss of privilege or disciplinary hearing is conducted on an individual and fair basis. If temporary loss of privileges or disciplinary sanctions are imposed, those shall be reasonable and consistent with the severity of the jail rule violation.

DEFINITIONS

Back Time Credit: Credit which may be given to an inmate for disciplinary sanction purposes for the time the inmate was placed into security restrictive housing prior to their disciplinary hearing. Back time credit shall be given to an inmate for any amount of time in restrictive housing in excess of 72 hours.

Disciplinary Action Report (DAR): An electronic form used to document a jail rule violation, as specified in the *Rules and Regulations for Inmates*, which has been alleged to have been committed by an inmate. The DAR form is located within the Sheriff's Inmate Electronic Data (SHIELD) system.

Disciplinary Appeal: A formal action by an inmate requesting the on-duty supervisor or jail facility commander or designee, review a decision concerning sanctions or verdicts.

Disciplinary Restrictive Housing: Removal of an inmate from general population for a violation of the *Rules and Regulations for Inmates*, imposed as a sanction by a Custody Bureau Hearing Unit (CBHU) sergeant, through the formal inmate disciplinary procedures. This sanction includes the restriction of dayroom access to no more than one hour per day and the loss of privileges, as determined appropriate by a hearing sergeant.

Hearing Sergeant: Custody Bureau Hearing Unit (CBHU) personnel with the rank of sergeant responsible for the impartial review of *Disciplinary Action Reports* for jail rule violations, in order to determine the guilt or innocence of an inmate, and, if found guilty, to impose the disciplinary sanctions specified in the *Rules and Regulations for Inmates*.

Limited English Proficiency (LEP) Inmates: Inmates who do not speak English as their primary language and who have limited ability to speak, read, write, or understand the English language.

Loss of Privileges: A temporary disciplinary sanction imposed against an inmate for a jail rule violation, as specified in the *Rules and Regulations for Inmates*, as part of the formal disciplinary process. Loss of privileges **may** include the loss of one or more of the following privileges for up to 30 calendar days: regular visits; regular phone calls; inmate tablets; canteen; and in-person programs. An inmate imposed with a loss of privileges shall be allowed: mail; legal visits; legal telephone calls; and access to religious services or material; and educational information.

Temporary loss of privileges that have been imposed by a reporting person for a minor jail rule violation shall not exceed 24-hours and shall only include sanctions indicated in the minor jail rule violation definition, as specified in this Office Policy. **Loss of privileges beyond 24-hours shall only be imposed by a hearing sergeant.**

Major Jail Rule Violation: Rules that are identified in the *Rules and Regulations for Inmates* and are addressed through the discipline process which includes a *Disciplinary Action Report* and a Custody Bureau Hearing Unit disciplinary hearing. If the hearing sustains a rule violation, sanctions may exceed 24-hours to include temporary disciplinary restrictive housing, and/or temporary loss of privileges, and/or the alternative meal sanction. Sanctions imposed by a hearing sergeant shall be reasonable and consistent with the severity of the jail rule violation.

Minor Jail Rule Violation: Rules that are identified in the *Rules and Regulations for Inmates* and are addressed through the discipline process which includes a *Disciplinary Action Report*. A minor jail rule violation may result in sanctions by the reporting person to include a temporary loss of privileges. Sanctions imposed by a reporting person shall be reasonable and consistent with the severity of the jail rule violation. Sanctions for minor rule violations **may** include one more of the following temporary loss of privileges not to exceed 24-hours:

- A. Inmate tablets;
- B. Dayroom access;
- C. Regular visits;
- D. Regular phone calls;
- E. In-person programs; and/or
- F. Removal from a work detail without loss of worktime credit.

Custody Bureau Hearing Unit discipline hearings are not required prior to imposing sanctions for minor jail rule violations unless determined by the reporting person that the inmate has had three incidents of the same minor jail rule violation within the last six months. In this event, the reporting person shall note in the *Disciplinary Action Report* (DAR) the inmate's repetitive behavior and the DAR shall be processed the same as a major jail rule violation, as specified in this Office Policy. Sanctions imposed by a hearing sergeant may result in more than a 24-hour loss of privileges.

Reporting Person: Any employee who is responsible for the care, custody, or control of inmates, and who has completed Disciplinary Action Report training.

Sheriff's Inmate Electronic Data (SHIELD): An Office jail management system containing information about individuals who are, or have been, incarcerated or booked into an MCSO jail facility. Information is entered in this database when an individual is booked and updated throughout the term of incarceration. This includes, but is not limited to: inmate's charges; holds; court dispositions; bond and fine amounts; inmate listed booked in personal property; locker assignments; housing locations; restrictions; emergency medical information; scheduled inmate appointments; and the day to day operations of jail facility housing unit shift logs.

Suspended Sanctions: An administrative action used to record the disciplinary violations of a Seriously Mentally Ill (SMI) or Mental Health Chronic Care (MHCC) inmate who has been found guilty of committing a jail rule violation, for classification purposes, within the Sheriff's Inmate Electronic Data (SHIELD). Inmates placed on suspended sanction status shall have no disciplinary restrictions imposed.

Verbal Warning: An informal action taken by Office personnel to verbally inform an inmate of a jail rule violation.

Witness Documentation Form: A form used by a hearing sergeant to document an inmate witness interview.

Written Warning Disciplinary Action Report (DAR): A formal action taken by a hearing sergeant or reporting person to document a warning for a minor jail rule violation committed by an inmate. The written warning shall be documented in the DAR.

PROCEDURES

1. **Inmate Discipline Procedures:** The Office utilizes an inmate disciplinary process designed to provide fair disciplinary sanctions for violations of the *Rules and Regulations for Inmates*.
 - A. A reporting person shall initiate the disciplinary process with the completion of a *Disciplinary Action Report* (DAR), which includes their written statement of the specified jail rule violation.
 - B. An inmate may appeal a disciplinary decision for a jail rule violation through an appeal process, as specified in this Office Policy.
 - C. If disciplinary sanctions are imposed, those sanctions shall be reasonable and consistent with the severity of the jail rule violation.
 - D. The Custody Bureau Hearing Unit (CBHU) Commander or designee shall annually review and, if necessary, update the inmate disciplinary procedures, as specified in Office Policy DJ-1, *Rules and Regulations for Inmates*.
2. **Disciplinary Actions:** Disciplinary action can be taken by a reporting person through a verbal warning, a written warning DAR, or through a DAR imposing a Loss of Privileges (LOP) or other disciplinary sanctions determined by the CBHU.
 - A. Verbal Warning: When a jail rule violation occurs in which a reporting person determines a formal disciplinary action, such as a DAR, is unnecessary or unreasonable; they may give a verbal warning.
 1. The inmate shall be informed of the jail rule violation, and possible disciplinary actions that shall be taken if the jail rule violation is repeated.
 2. A verbal warning shall not be given to an inmate when the current behavior threatens the security or safe operation of an Office jail facility.
 - B. Written Warning: Minor jail rule violations may also be addressed by a CBHU sergeant or reporting person detailing a jail rule violation in a DAR, indicating the sanction in the report as a Written Warning, and providing the report to the inmate. This written warning serves as notification to the inmate that if the noted behavior occurs in the future, more severe disciplinary action may be taken.
 - C. *Disciplinary Action Report* (DAR): The reporting person shall complete a DAR within the Sheriff's Inmate Electronic Data (SHIELD), where it is assigned a unique tracking number. The DAR shall be issued to an inmate charged with a jail rule violation within 72 hours of the violation, upon

knowledge the violation occurred, or upon completion of or approval from investigators in a criminal investigation where a jail rule violation was found to have occurred.

1. The DAR shall include, but not be limited to, the following:
 - a. The inmate's name and booking number;
 - b. The date and time of the violation;
 - c. The jail facility and location of the violation;
 - d. The specific violation(s) committed, which should not exceed three violations per DAR;
 - e. An explanation of the event, which shall include the date and time of the occurrence, the persons involved, and what transpired;
 - f. Any unusual inmate behavior;
 - g. Any staff witnesses;
 - h. The disposition of physical evidence;
 - i. The reporting person's actions taken, including any use of force; and
 - j. The reporting person's signature and serial number signed next to their printed name on the DAR document.
2. The DAR shall also indicate one of the following:
 - a. **No Reporting Person LOP Sanctions Imposed Major Rules Violation:** Indicate on the DAR no LOP sanctions imposed by the reporting person due to a **major** jail rule violation. The DAR shall be forwarded to the CBHU;
 - b. **No Reporting Person LOP Sanctions Imposed Exceeds Threshold:** Indicate on the DAR no LOP sanctions imposed due to the inmate having three or more incidents of the same **minor** jail rule violation within the last six months. The DAR shall be forwarded to the CBHU; or
 - c. **Reporting Person Minor LOP Sanctions Imposed:** Indicate on the DAR when temporary LOP sanctions are imposed by the reporting person due to a minor jail rule violation, not to exceed 24-hours. No further disciplinary action shall occur. The DAR shall be forwarded to the on-duty supervisor for review.
- D. When a DAR contains **both minor and major jail rule violations**, sanctions shall only be determined and imposed by the CBHU. The DAR shall be completed, issued to the inmate, and forwarded to the shift supervisor and the CBHU for action, as specified in this Office Policy.
- E. If a criminal act occurred, related to an incident where a DAR is written, the on-duty supervisor shall be responsible for the following:
 1. Ensuring an *Incident Report* (IR) is initiated;

2. Notifying Jail Crimes, as necessary; and
3. Attaching a copy of the IR, and any Alternative Meal Disciplinary Sanction paperwork if determined, to the DAR and forwarding it to the CBHU. The IR number shall **not** be written on the DAR.
3. **Comprehension of the Disciplinary Procedures:** A reasonable effort shall be made to assist those inmates whose comprehension of the *Rules and Regulations for Inmates* or inmate disciplinary procedures may be affected by a disability, or due to having limited knowledge to speak, read, write, or understand the English language.
 - A. If the interpretation issue is of a Limited English Proficiency (LEP) nature, translation services shall be provided to the inmate, as specified in Office Policy DI-6, *Limited English Proficiency* (LEP) *Inmate*, at every step of the disciplinary process. Accommodations shall be considered if an LEP inmate requires special attention. Every reasonable effort shall be made to provide an LEP inmate with meaningful access to information and services.
 - B. When a DAR is to be issued and LEP assistance is utilized, the reporting person shall note the following on the DAR:
 1. In the appropriate section of the DAR, the need for an interpreter;
 2. The name and serial number of the reporting person or Voiance Language Services employee; and
 3. The language needed for interpretation.
 - C. Upon request, a hearing-impaired inmate shall be provided with a nationally certified interpreter.
 - D. Inmates shall **not** be used as an interpreter in the inmate disciplinary process.
4. **Reporting Person DAR Minor LOP Sanctions Imposed:** The reporting person may take immediate action for a **minor** jail rule violation by imposing temporary LOP sanctions through the completion of a DAR in SHIELD. If the reporting person imposes temporary LOP sanctions, they shall clearly indicate Reporting Person Minor LOP Sanctions Imposed on the DAR. The sanctions indicated on the DAR **shall not exceed 24 -hours**.
 - A. The reporting person shall print two copies of the completed DAR from SHIELD and inform the inmate of all jail rule violations and that temporary LOP sanctions will be immediately imposed. The inmate shall be instructed to read the entire DAR, sign their name, indicate the time and date of their review, and indicate a guilty or not guilty plea on **both copies** of the DAR. If the inmate refuses to sign the DAR copies, the reporting person shall write “refused” on both copies of the DAR and then sign their name, serial number, and the date and time of the refusal. A copy of the DAR shall be provided to the inmate, and it shall be noted on both copies of the DAR the inmate was given their copy along with the date and time it was served. The other copy shall be sent to the on-duty supervisor.
 - B. When a DAR indicates Reporting Person Minor LOP Sanction Imposed, no further disciplinary action shall be taken as a result of the DAR.
 - C. A DAR for a minor jail rule violation in which a reporting person has imposed temporary LOP sanctions, shall be processed as follows:

1. The DAR shall be submitted to the on-duty supervisor, prior to the end of shift for review.
2. The supervisor shall ensure the DAR indicates Reporting Person Minor LOP Sanction Imposed and meets the requirements of temporary LOP sanction.
- D. The inmate may request to appeal the Reporting Person Minor LOP sanction decision to the on-duty supervisor through a *Disciplinary Appeal Form*. The reporting person shall promptly provide the form when requested. The inmate must submit the appeal within two hours of being issued the DAR with the imposed Reporting Person Minor LOP sanction.
- E. The *Disciplinary Appeal Form* shall be promptly provided to the on-duty supervisor for review and determination. The supervisor shall provide their written appeal response back to the inmate prior to the end of the shift. There is no further appeal process.
- F. Upon completion, the on-duty supervisor shall forward the DAR, the *Disciplinary Appeal Form*, and any related DAR documentation to the CBHU who will update the SHIELD record.
5. **Repetitive Minor Jail Rule Violations DAR:** In the event the inmate has had three incidents of the same minor jail rule violation within the last six months, the reporting person shall indicate in the DAR the inmate's repetitive behavior and the DAR shall be processed in the same manner as a major rules violation, as specified in this Office Policy. In this event the reporting person shall **not** impose LOP sanctions.
6. **NO Reporting Person DAR LOP Sanctions Imposed Major Jail Rule Violation:** The reporting person shall **not** take action to impose immediate sanctions following the completion of a DAR for a **major** jail rule violation. The reporting person shall forward the DAR to the on-duty supervisor for their review. The on-duty supervisor shall then forward the DAR with their recommendations to the CBHU for a subsequent disciplinary hearing. If found guilty of the jail rule violation, the CBHU may impose LOP sanctions of up to 30 calendar days.
 - A. The reporting person shall print two copies of the completed DAR from SHIELD and inform the inmate of all jail rule violations and that LOP sanctions will not be immediately imposed. The inmate shall be instructed to read the entire DAR, sign their name, indicate the time and date of their review, and indicate a guilty or not guilty plea on both copies of the DAR. If the inmate refuses to sign the DAR copies, the reporting person shall write "refused" on the DAR and then sign their name, serial number, and the date and time of the refusal. A copy of the DAR shall be provided to the inmate, and it shall be noted on both copies of the DAR the inmate was given their copy along with the date and time it was served. The other copy shall be sent to the on-duty supervisor. The on-duty supervisor shall review the DAR within 24 hours of receiving the DAR from the reporting person. The on-duty supervisor shall sign their name, serial number, and the date reviewed. The DAR shall then be forwarded to the CBHU for action by a hearing sergeant and for updating SHIELD.
 - B. A CBHU sergeant shall conduct the disciplinary hearing within seven working days from the time and date the inmate received their DAR. Weekends, holidays, and days during which an inmate may be unavailable because of medical or dental appointments, court appearances, or the inmate is being transported between jail facilities, shall not be counted as part of the seven working days' time period. The inmate shall be offered participation in their pending disciplinary hearing by the CBHU sergeant, unless the inmate waives their right to the disciplinary hearing.
 - C. CBHU LOP Sanctions may further include temporary disciplinary restrictive housing and/or the alternative meal disciplinary sanctions.
 - D. An inmate may waive their right to attend their CBHU disciplinary hearing and may request an appeal of a disciplinary decisions made by a hearing sergeant through a *Disciplinary Appeal Form*.

- E. If the inmate submits a *Discipline Appeal Form*, it shall be forwarded to the jail facility commander or designee for a final review and determination. There is no further appeal action.
 - F. CBHU discipline hearings shall be given for **major** jail rule violations indicated on the DAR as NO Reporting Person LOP Sanctions Imposed. The CBHU will then determine LOP sanctions.
 - G. CBHU discipline hearings shall be given for **minor** jail rule violations when indicated on the DAR as No Reporting Person LOP Sanctions Imposed. The reporting person shall also document in the DAR if the inmate has had three or more incidents of the same **minor** jail rule violation within the last six months. The CBHU will then determine LOP sanctions.
7. **CBHU Responsibilities:** When a DAR indicates No Reporting Person LOP Sanctions Imposed, and the DAR is forwarded to the CBHU for a discipline hearing, the following procedures shall be followed by the CBHU:
- A. Upon receiving the written DAR from the on-duty supervisor, the hearing sergeant, shall review the inmate's discipline history in SHIELD for any prior DARs. This information shall be noted on the DAR. If an interpreter is needed, the hearing sergeant shall document this information on the DAR, as specified in this Office Policy.
 - 1. The hearing sergeant shall identify in each disciplinary case if Correctional Health Services (CHS) has deemed an inmate to be Seriously Mentally Ill (SMI) or as Mental Health Chronic Care (MHCC). The hearing sergeant shall consult with CHS mental health personnel when an inmate is deemed SMI or MHCC prior to a disciplinary hearing.
 - a. The hearing sergeant and CHS mental health personnel shall determine reasonable disciplinary sanctions, which would not necessarily disrupt an inmate's mental health services.
 - (1) If no sanctions are recommended by CHS mental health personnel, the suspended sanctions shall be recorded in SHIELD.
 - (2) If at any time, CHS mental health personnel deem that imposed disciplinary sanctions are disrupting an inmate's mental health care, the remaining disciplinary action may be suspended, as specified in this Office Policy.
 - b. Recommendations by CHS mental health personnel not to sanction a SMI or MHCC inmate who has committed a serious jail rule violation involving violence or a jail facility security concern, shall be referred to the CBHU Commander for review.
 - 2. The hearing sergeant shall render a decision for each jail rule violation, as follows:
 - a. Guilty;
 - b. Not Guilty;
 - c. Not Supported (NS); or
 - d. No Action Taken (NA).
 - B. If the inmate is found not guilty, the hearing sergeant shall record their decision on the DAR at the conclusion of the hearing and give the inmate a copy.

1. The electronic version of the DAR in SHIELD shall be updated to reflect the hearing decision.
 2. The DAR indicating a not guilty finding shall be uploaded into SHIELD for record keeping. When multiple jail rule violations are listed on a single DAR, those violations resulting in a not guilty decision shall be recorded on the DAR.
- C. The hearing sergeant shall impose the following disciplinary action for those inmate's found guilty of violating the jail rules, as specified in the *Rules and Regulations for Inmates*:
1. Written warning;
 2. Loss of Privileges;
 3. Disciplinary restrictive housing; or
 4. Alternative meal disciplinary sanction.
- D. The hearing sergeant shall inform an inmate who has been found guilty of the decision and the inmate shall be given a copy of the DAR.
1. A copy of the DAR indicating the results of the disciplinary hearing shall be uploaded into SHIELD by CBHU personnel.
 2. Disciplinary sanctions shall commence at 0001 hours the day following the disciplinary hearing, unless otherwise noted by the hearing sergeant. All back time is given at the discretion of the hearing sergeant. If granted back time, credit shall be given if the disciplinary hearing takes place more than 72 hours after the inmate was placed into security restrictive housing.
 3. DARs specifying a disciplinary sanction requiring an inmate to serve 15 or more days in disciplinary restrictive housing shall be sent to the Inmate Classification Division through a SHIELD DAR alert.
 - a. Inmate Classification may reclassify the inmate in addition to the imposition of disciplinary restrictive housing.
 - b. If the inmate's classification is changed as a result of this review, Inmate Classification is responsible for entering a brief warning into the appropriate SHIELD record indicating the DAR number and the specific incident.
 4. The inmate may submit a *Disciplinary Appeal Form* within 24 hours of receiving their copy of the DAR with sanctions from the hearing sergeant (This appeal process is **not** the same as for the immediate temporary loss of privilege appeal, as that appeal is forwarded to the on-duty supervisor within two hours). If an inmate submits a disciplinary appeal and the sanctions are modified by the jail facility commander or designee, as specified in this Office Policy, an amended copy of the DAR and the *Disciplinary Appeal Form* shall be sent to the affected areas and to CBHU personnel for uploading into SHIELD.
- E. Disciplinary Appeal Process: When an inmate requests to appeal the sanctions, they shall be given a *Disciplinary Appeal Form*. The inmate shall have 24 hours from the time they receive their copy of the DAR to file an appeal. The jail facility commander or designee shall review any disciplinary hearing disposition. Procedures for initiating and responding to disciplinary appeals are as follow:

1. The inmate shall forward their copy of the DAR with the disciplinary hearing determination and the *Disciplinary Appeal Form* to the jail facility commander, through the CBHU.
 2. The jail facility commander or designee shall make a decision regarding the appeal within five working days of its receipt; this excludes holidays and weekends. The jail facility commander or designee shall return the appeal and attached copy of the DAR with the disciplinary hearing determination to the CBHU.
 3. The hearing sergeant shall ensure a copy of the *Disciplinary Appeal Form*, including the attached copy of the DAR with the disciplinary hearing determination, is returned to the inmate, and a copy of the *Disciplinary Appeal Form* is retained by the CBHU.
 4. Inmates whose verdicts have been sustained shall have a copy of the DAR placed in their Jail File.
 5. Disciplinary sanctions approved, disapproved, increased, or reduced by the jail facility commander or designee are final.
8. **Disciplinary Action Report Documentation:** Upon completion of a disciplinary hearing or appeal, a hearing sergeant shall be responsible for entering discipline and alternative meal disciplinary sanctions, determined by the CBHU, into SHIELD and scanning all related DAR documentation into SHIELD. Upon completion of their responsibilities of the DAR and appeal process, jail facility supervisors shall forward all related DAR documentation to the CBHU. The CBHU shall ensure all records have been properly entered into the SHIELD record.