

GEORGIA DEPARTMENT OF CORRECTIONS Standard Operating Procedures		
Functional Area: Facilities Operations	Reference Number: 213.07 (IIE03-0001)	Revises Previous Effective Date: 07/01/06
Subject: Detainee Discipline		
Authority: Bryson/Ward	Effective Date: 09/02/15	Page 1 of 12

I. POLICY:

To maintain a safe, humane, and orderly environment for staff and detainees, centers and boot camps shall impose appropriate disciplinary sanctions against detainees whose behaviors violates the facility's rules, or state or federal statutes.

II. APPLICABILITY:

Probation Detention Centers and Probation Boot Camps.

III. RELATED DIRECTIVES:

- A. O.C.G.A. 42-1-5(2), 42-1-5(3), 42-2-11.
- B. Board Rules: 125-3-2.a.b., 125-3-2-.06
- C. GDC-SOP: IIA01-0009.
- D. ACA Standards: 1-ACBC-3C-01, 1-ACBC-3C-02, 1-ACBC-3C-03 and 1-ACBC-3C-04.

IV. DEFINITIONS:

NONE.

V. ATTACHMENTS:

- ATTACHMENT 1 - Disciplinary Infraction Codes
- ATTACHMENT 2 - Disciplinary Report
- ATTACHMENT 3 - Detainee Rights Statement
- ATTACHMENT 4 - Disciplinary Appeal

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ATTACHMENT 5 - Detainee Appearance Waiver

ATTACHMENT 6 - Disciplinary Investigation Summary

VI. PROCEDURE:

Detainees shall be advised verbally and in writing of all rules, regulations and standards of conduct. A written description of the disciplinary process including an outline of forbidden acts, consequences and general information regarding disciplinary process functions will be included in the detainee handbook that is given to each detainee upon arrival at the Center. During orientation, the rules and regulations of the Center will be thoroughly covered. All staff members will receive training that describes the detainee disciplinary process in Detention Centers and Boot Camps. Training will include a review of Center and departmental rules and regulations for detainees. Staff responsibility in the disciplinary process will be emphasized.

A. The Disciplinary Process: It is imperative that Detention Center authorities be able to manage detainee behavior through the application of Center rules and by using authorized disciplinary action for rule violation. In the event of a violation of the law by a detainee, Center authorities will pursue criminal prosecution if appropriate. Certain guiding principles will be used in imposing disciplinary action:

1. Actions taken will be as outlined in this policy.
2. Only actions necessary to regulate behavior of a detainee will be taken or used.
3. Disciplinary actions will be applied in an objective and consistent manner without regard to race, creed, color or national origin of the detainee involved.
4. Discipline is not to be applied as a retaliatory measure.

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5. No form of corporal or degrading punishment is to be imposed.
 6. Center staff has the responsibility of enforcing criminal law and the rules of the Center and the Georgia Department of Corrections.
 7. A standard administrative processing fee for each disciplinary report is to be charged to the inmate/detainee account subsequent to a guilty finding or where a negotiated plea is accepted regardless of the severity level or any sanctions imposed at all state administered prisons/centers housing state inmates/detainees and privately contracted prison/centers. Funds generated will be remitted to Central Office Accounting. The fee will apply to Probation Centers.
- B. Description of the Disciplinary Process: For the purpose of detainee management in a Probation Detention Center, violations are categorized in three (3) general areas:
1. Violations of law.
 2. Major violation of Center rules.
 3. Minor violations of Center rules.
- C. Probation Revocation: Detainees are probationers and as such are subject to being returned to court for a probation revocation hearing. The decision to initiate a request for probation revocation shall rest with the Superintendent or in his absence, his designee. This action may be the result of violation of Center rules and resulting guilty findings through the Center's disciplinary process, or violation of law or probation conditions. However, the Superintendent or designee shall have the authority to initiate requests for probation revocation regardless of the Disciplinary Hearing Officer's recommended sanctions. In summary, the Superintendent or designee maintains sole discretion in the decision to initiate revocation procedures independent of the Center's disciplinary process.

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1. Each of the above categories have defined procedures that will guide Center staff in the response to and discipline of detainees who violate laws and/or rules of the Center, Georgia Department of Corrections and conditions of probation. (In the case of a detainee who violates a combination of major violations and minor violations that are reported by the same staff member at the same time, the staff member will utilize the major disciplinary channel for all charges.)

D. Violations of Law: In certain cases, violation of laws may occur that are of such serious nature that immediate action by Center staff is required. Examples of such violations are:

1. Intentionally causing the death of another person.
2. Possession of a firearm or other deadly weapon.
3. Shooting at a person with a firearm.
4. Serious assault of another person.
5. Sexual assault of another person.
6. Participating in sexual acts with another person.
7. Threatening another person with a weapon.
8. Taking hostages.
9. Inciting a riot.
10. Destruction or attempted destruction of state property of significant magnitude.
11. Escape.
12. Other violations of law that in the judgement of the Superintendent warrant criminal prosecution and/or probation revocation.

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E. In the event of the commission of a serious crime, the Superintendent or senior official in charge is responsible for initiating a response to the crime. This will include:

1. Securing of the responsible detainee.
2. Securing of the crime scene and evidence.
3. Immediate notification of local law enforcement and department officials in order to begin an investigation.
4. Arranging for the removal of the detainee from the Center and placement in the local jail.
5. Initiation of criminal warrant and/or probation revocation; coordination with sentencing authorities.
6. Filing of all required reports and documents related to the incident.
7. Any follow-up activities as required by circumstances.

F. A standardized list of infractions will be utilized by all Centers (see attachment one). Violations of these infractions will be processed as outlined in this procedure.

Disciplinary infractions will be processed using the following steps:

1. Discovery and Reporting of an Infraction: A staff member who discovers or observes a disciplinary infraction shall initiate a disciplinary report using the standard form. The staff member will write a complete factual statement that describes exactly what occurred, who did it, where it was done, and when it was done. Any physical evidence of the act should be indicated and included with the disciplinary report. The report will be written

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after discovery or observation of the incident and prior to the reporting person going off duty. Occasionally an infraction may be discovered as the result of an investigation such as one performed by Internal Investigations or through information obtained from review of drug testing results, disciplinary investigations, or other means or sources of information that lead to the discovery of an infraction or bring an infraction to the attention of Center personnel. The Superintendent, senior official or staff member who becomes aware of the infraction by review of the investigation report or other means may initiate a Disciplinary Report when they are made aware of the existence of the infraction. Time frames will begin when they discover the existence of the infraction.

2. Service of the Disciplinary Report: The writer of the report will deliver the report to the on-duty security supervisor who shall review the report for completion and then serve or direct that the report be served upon the detainee by any staff member. Service must be within 24 hours of the infraction (or discovery of the infraction) unless emergency circumstances make this impossible. In such cases, service will be performed as soon as possible. Reasons for delay will be documented.
3. Investigation: Within 3 working days of the time of receipt of a Disciplinary Report, an investigation will be conducted and completed. The Superintendent will designate an investigator who will have the responsibility of investigating major disciplinary infractions. A number of investigators adequate to insure investigations are conducted within this time frame should be designated. After the detainee has been served with the disciplinary report, the investigation will begin. The investigator will interview the detainee, witnesses to the incident, and gather any relevant information regarding the incident. The investigator will inform the detainee of all rights regarding the major disciplinary

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process, including the right to remain silent during the investigation and disciplinary process. At the conclusion of his investigation, the investigator shall summarize his findings, detailing witnesses interviewed, attach witness statements, and forward the report to the major disciplinary Hearing Officer.

4. Disciplinary Hearing Officer and Advocate: The Superintendent shall appoint the disciplinary Hearing Officer and designated alternates to periods of at least three (3) months service. The Hearing Officer and the alternative Hearing Officer will be designated by the Superintendent, but will be one of the following: the Assistant Superintendent, the Lieutenant, the Senior Counselor, the Probation Officer, or the Sergeant. The Hearing Officer will not be the charging staff member, will not have been involved in the incident, and must not have other cause that would prevent a fair and impartial hearing.
5. After the detainee is served a disciplinary report, the Hearing Officer shall have 5 working days, excluding weekends and holidays, to conduct a hearing (except for extraordinary circumstances such as detainee illness, escaped detainees, etc.). In such cases, the time frames will begin upon availability of the detainee. One extension until the next scheduled hearing day may be taken by the Hearing Officer or it may be taken, if approved by the Hearing Officer, by the detainee. Such extensions should be for good cause and will be documented. After service, a period of at least 24 hours will pass before a hearing is held. Exceptions to the 24-hour rule are: emergencies or the detainee waiving the 24-hour rule. The detainee will be notified as to the time of the hearing.
6. The detainee normally has the right to be present during the course of the hearing. Exceptions will be the Hearing Officer's private deliberations

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regarding guilt or innocence or if the detainee refuses in writing or his presence jeopardizes the safety of others. Such occasions should be very rare and well documented.

7. Each detainee has the right to be assisted by a staff advocate. The Superintendent will appoint a staff member or staff members to perform this function. The purpose of the advocate is as follows:
 - a. Explain charges and procedures.
 - b. Assist the detainee in organizing his defense.
 - c. Present a defense.
 - d. Question witnesses.
 - e. Assist in preparing appeals.
 - f. The advocate's role is limited to that of assisting the detainee and the Hearing Officer in insuring a full, fair and impartial hearing. The advocate will not be the charging staff member, will not have been involved in the incident, and must not have other cause that would prevent a full, fair or impartial hearing.

8. The disciplinary hearing will be informal. The Hearing Officer will inform the detainee of the charges against him. The detainee will then be allowed to present his defense or his advocate may do so for him. Written witness statements may be used as evidence. Witnesses requested during the investigation will normally be called. The Hearing Officer may eliminate witnesses when testimony is redundant to previous testimony offered. The Hearing Officer should make every effort to ensure that requested witnesses are in attendance, but may use sound discretion and judgement in cases when attendance is impossible or highly impractical.

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Written statements and interrogatories may be substituted in such cases, but as infrequently as possible. The Hearing Officer must insure that all related information is submitted for consideration in a fair manner. The Hearing Officer may protect the identity of confidential witnesses. The accused detainee may offer questions to ask of witnesses through the Hearing Officer, or his advocate may question witnesses.

9. The Hearing Officer, after a review of charges and supporting information, may reduce a major infraction to a minor infraction. Such action will be documented on the disciplinary report form. Only minor sanctions may be recommended. Any appeals exercised after such reduction would be processed as an appeal of a minor infraction guilty finding.

10. After reviewing all evidence, the Hearing Officer will deliberate and determine a finding of guilty or not guilty. After making a guilty finding, the Hearing Officer will determine a penalty from the sanctions list. The detainee will then be advised of the finding. Not guilty findings will not be placed in a detainee's case file but may be retained separately for statistical purposes only. If multiple charges are recorded on a disciplinary form with guilty and not guilty findings, any charge that resulted in a not guilty finding will be completely marked through and the form processed normally. After completion of the disciplinary hearing, resulting in a guilty finding, the Hearing Officer will advise the detainee of his right to appeal and furnish the detainee with an appeal form. The completed disciplinary report will be delivered to the Superintendent.

11. The Hearing Officer is also responsible for maintaining a record of disciplinary hearings in a log book. Notations will include name of detainee tried, date, charges, plea, finding, recommended sanction and final disposition. Staff assigned to

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the logging and scheduling of disciplinary reports and hearings will monitor procedural time frames to ensure compliance with this SOP. Additionally, assigned staff will generate, at a minimum, a weekly listing of fees to be charged or fees to be reimbursed. This documentation will be maintained by the facility Business Office/Manager.

12. The Superintendent's Review: Upon receipt, the Superintendent or designee will review each guilty finding. The review is not a reconsideration of facts but rather to insure consistent and equitable findings and sanctions. The Superintendent may modify by reduction of sanction or vacating the findings. This review should take place within two working days of the hearing. Upon approval of the Superintendent, any sanctions recommended by the Hearing Officer will be imposed. If the Superintendent or designee generated the disciplinary action, was the Hearing Officer, or other cause related to an impartial review, the person will disqualify himself, and the next person in the chain of command will assume this role.

13. Appeal Process: Upon receipt of final disposition of a disciplinary report, a detainee may appeal in writing the finding to the Superintendent or his designee within three (3) working days. The Superintendent or designee will respond in writing within two (2) working days. The disciplinary report will also be used to record the appeal and response. If the Superintendent or designee generated the disciplinary action, was the Hearing Officer or other cause related to an impartial review, the person will disqualify himself, and the next person in the chain of command will assume this role.

14. After receipt of the Superintendent's response, the detainee may appeal in writing to the Director of Facilities Operations or designee within three (3) working days. The Director of Facilities Operations

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or designee shall respond in writing within five working days of receipt. This appeal will also be recorded on the original disciplinary report. This will end the disciplinary appeals process.

15. The following describes approved sanctions for major violations:

- a. Reprimand. The Hearing Officer, as a result of a guilty finding, may issue a verbal or written reprimand to the detainee.
- b. Impound personal property excluding legal and religious materials (1-30 days).
- c. Restriction of specifically identified privileges (including visitation, store call, recreation activities, mail (privileged and legal mail excluded), telephone (1-30 days). Mail may be restricted only as a result of violations involving mail.
- d. Assignment to extra duty (1-21 days, maximum of two hours per day).
- e. Disciplinary Isolation (1-14 days). A maximum of 14 days can be imposed for any one offense. In the case of multiple offenses, up to the maximum may be imposed for each offense. The Hearing Officer must specify if isolation sanctions are to be served concurrently or consecutively. However, a detainee may not serve more than 28 days consecutively without direct approval of the Director of Facilities Operations or designee. Such lengthy isolation sanctions should be reserved for only the most severe occasions when less severe sanctions are not effective in managing detainee behavior. Such detainees may be candidates for program removal through the revocation process.

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- f. Extension of time to serve (if allowed by the detainee's sentence and within limits established by law).
 - g. Probation revocation within parameters established by law.
 - h. Criminal prosecution for new offense.
16. The Hearing Officer may probate any recommended disciplinary sanction for a specific period of time except for #6, 7 and 8. Further offenses by the detainee during the disciplinary probation period will result in any probated sanctions being imposed along with any sanctions for the new offense.
17. The Hearing Officer may recommend a single sanction or combination of sanctions for any offense. Sanctions recommended and imposed should be reflective of the severity of the offense. Further, the Hearing Officer may consider the detainee's overall conduct and past disciplinary records when determining appropriate sanctions after a guilty finding. Such factors will not be utilized in determining guilt or innocence. The Hearing Officer, in his/her best judgement, will recommend only those actions necessary to regulate and correct negative behavior.
- G. The standardized list of infractions will be utilized by all Centers and Boot Camps. Violations of these infractions will be managed the same, with the exception of the sanctions that may be imposed:
- 1. The following describes approved sanctions for minor violations:
 - a. Reprimand - The Hearing Officer, as a result of a guilty finding, may issue a verbal or written reprimand to the detainee.
 - b. Impound personal property excluding religious and legal material (1-14 days).

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- c. Restrictions of specifically identified privileges (including visitation, store call, recreation activities, mail (privileged and legal mail excluded), telephone (1-14 days). Mail may be restricted only as a result of violations involving mail.
 - d. Assignment to extra duty (1-7 days, maximum of two hours per day).
- H. Administrative Processing Fee: Intended to defray a portion of the significant costs associated with the processing of formal disciplinary charges against inmates/detainees resulting from rule violations.
1. A standard administrative/ processing fee of \$4.00 for each disciplinary report issued is to be charged to the inmate/detainees account subsequent to a guilty finding /negotiated plea by the Disciplinary hearing Officer and approval of the finding by the Warden/Superintendent. This fee will 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 will not negate this fee from being applied, nor can this fee be waived.
 2. There will only be one fee for each disciplinary report regardless of the number of charges within that report.
 3. The matter of the imposition of the fee is not an appealable issue, nor is it a grievable matter.
 4. Subsequent to a finding of guilt/negotiated plea, and after the Warden's/Superintendent's approval, the facility Business Manager will be notified that the fee is to be deducted from the inmate's/detainee's account. In the event that a disciplinary report is overturned by the Warden/Superintendent or the Director of Facilities Operations or designee as a result of an appeal, the

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Business Manager at the facility where the inmate/detainee is assigned will be notified in order to facilitate reimbursement of the account (See Charges to Inmate Accounts, SOP IIA01-0009).

5. This fee will be applied to state inmate's/detainees housed at state administered prisons/centers and privately contracted facilities housing state inmates/detainees.

VII. **RETENTION SCHEDULE:**

- A. Attachment 1 of this SOP will be kept locally until it has been replaced or is obsolete and then destroyed.
- B. Attachments 2,3,4,5 and 6 of this SOP will become part of the Disciplinary package which is kept in the Detainee Case History File.