

Architecture of Incarceration

Disciplinary Code

Prohibited Acts

- ◉ Governed by the Code of Federal Regulations
 - Must publish all rules

Series of Violations

- Greatest severity (100 series)
 - Killing, escape, drugs, rioting, assault, phone
- High severity (200 series)
 - Walk away, fighting, sex, disguise or mask, tattoo
- Moderate severity (300 series)
 - Loaning, disobey order, lying to staff, meeting,
- Low severity (400 series)
 - Feigning illness, obscene language, kissing or embracing

Sanctions

- ◉ Tables of possibilities
- ◉ Clearly defined
 - Increased imprisonment through loss of good time
 - Increased classifications
 - Financial
 - Loss of privileges

Prosecution?

Categories of Offenders

- Staff must be aware of prisoner status, regarding conviction dates.
- Violent Crime Control and Law Enforcement Act of 1994 (VCCLEA)
 - No good time unless enrolled in GED
- Prison Litigation Reform Act (PLRA)
 - Good time doesn't vest until released for those after April 1996.

Hard Penalties

- ◉ Loss of between 7 and 41 days per infraction
 - implications
- ◉ Monetary fines, from \$50 to \$500
 - Implications

Soft Penalties: Privileges

- ◉ Visits: none / contact / immediate family
- ◉ No recreation
- ◉ Loss of mattress during day
- ◉ Change housing
- ◉ Loss of job
- ◉ Loss of property
- ◉ Restriction to quarters
- ◉ Extra duty

Process of Discipline

- ◉ Staff becomes aware of an incident
 - Witness the act
 - Random Searches
 - Informants
 - Investigations

First Step

- ◉ Writing the disciplinary infraction
 - Charges for all offenses
- ◉ Staff gives to lieutenant with charges for all offenses within 24 hours
- ◉ Lieutenant enters into data base for permanent record

Investigation

- Certified officer investigates (LT)
- Summons inmate
- Recites Miranda Rule
- Asks inmate if he has anything to say
- Orders Search for Contraband if necessary
- Takes appropriate action
 - Protect process of the investigation more than concern with actual act.

Unit Disciplinary Committee

- Five Days
- Counselor, Case Manager, Unit Manager
- Review charges
- Administrative segregation
- Findings
 - Guilty
 - Not guilty
 - To DHO

Disciplinary Hearing Officer

- ◉ Single person with training in administrative hearings
- ◉ Considers evidence
- ◉ Greater weight of evidence when conflicting evidence presented
 - Investigates further if necessary

Confidential Informants

- ◉ Credibility must be established
- ◉ DHO discretion
- ◉ Once established credibility, indisputable by other staff
- ◉ Cultivating informants

Written Report

- ◉ Advised of rights
- ◉ Evidence DHO or UDC relied upon
- ◉ DHO or UDC decision
- ◉ Sanction
- ◉ Reason sanction imposed
- ◉ Central file copy

Implications of Discipline

- ◉ Imprisonment extended
- ◉ Custody and classification
- ◉ Privileges
- ◉ Release
- ◉ Time inside, adjustment

Form Samples

- #1 Report of Incident
- #2 Checklist for DHO Actions
- #3 Detention / Seg 30-day Review
- #4 SHU Detention Order
- #5 Search for Contraband
- #6 Telephone Log
- #7 Telephone Log
- #8 Criminal Matter Investigation
- #9 Incident Report