

MARIN COUNTY SHERIFF'S DEPARTMENT
CUSTODY DIVISION POLICY AND PROCEDURE MANUAL

CHAPTER 5 - DISCIPLINARY/RULES
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DATE
06/01/00

DISCIPLINARY ACTION FOR MAJOR RULE VIOLATIONS

POLICY

Major rule violations, criminal violations and repetitive minor acts of non-conformance will be documented in the Incident Reporting screen in Corrections Management System (CMS).

DEFINITIONS:

INCIDENT REPORTING SCREEN- A computerized disciplinary report located in CMS that is used by deputies to document, investigate and sanction major rule violations.

MAJOR RULE VIOLATIONS - Those rules as defined and written in the inmate informational handbook.

ADMINISTRATIVE MOVE - A re-classification to provide immediate removal and housing of an inmate for the security and safety of other inmates and/or staff.

FACILITY ADMINISTRATOR - Sheriff or his/her designee who has immediate supervisory decision making powers.

DISCIPLINARY HEARING OFFICER - The Facility Disciplinary Officer will be the deputies assigned to the Classification / ISU Unit.

DISCIPLINARY DISPOSITION OFFICER – The Facility Disposition Officer will be the Housing Sergeant.

PROCEDURE

If a major rule violation is observed by a deputy or reported to a deputy by another staff member, it will be documented in CMS under the Incident Reporting screen. The deputy documenting the violation is not to include any penalty recommendations in the documentation. When the report is complete, the Housing Sergeant will be immediately notified to approve/disapprove the report and confirm a major rule violation is appropriate. After the report has been approved, the date, time and "SRVD" code is chosen under the hearing portion on the remarks tab of the disciplinary report in CMS to note the date and time a copy was given to the inmate. Another copy is forwarded to the Classification / ISU Unit.

Title 15 states that once the inmate has received a notice that he / she is charged with a disciplinary violation, the violation must be acted on within 72 hours. Completion of the disciplinary process may take longer than 72 hours depending on the complexity of issues, the need for more information or the shift schedule of the facility. The 72 hour reference does not mean the investigation and findings must be completed within 72 hours of the report being delivered to the disciplinary officer and the inmate, only that the process be under way within that time period. A

timely resolution within the time parameters should be the norm, not the exception.

The Classification / ISU Deputy will check CMS for any Disciplinary reports awaiting a hearing. Disciplinary reports will be investigated no sooner than 24 hours, unless the inmate waives the cooling off period, and no later than 72 hours after the inmate has received a copy of the disciplinary report, unless extenuating circumstances exist as previously described by Title 15. The Classification / ISU Deputy will conduct a hearing interview with the inmate in private. If a Classification / ISU Deputy is unavailable, the Housing Sergeant will assign a deputy to complete the disciplinary interview. The deputy assigned will not be anyone who was involved in the incident.

The inmate is allowed to tell their side of the incident and give names of witnesses. The investigating deputy interviews any witnesses and documents the inmate's statement on the hearing portion of the Incident Reporting screen in CMS. The investigating deputy notifies the Housing Sergeant that the report is ready for review. The Housing Sergeant shall review the report to confirm a major rule violation is still appropriate.

If a major rule violation still exists, the sergeant will complete the disposition in CMS and assign the disciplinary sanctions. At any time during the sergeant's review process, the major rule violation can be reduced to a minor rule violation. If it is reduced, the sergeant will note the change in CMS along with sanctions that are appropriate for the minor rule violation.

The Housing Sergeant will distribute 2 copies of the final disposition of the disciplinary report to the Pod Deputy. The Pod Deputy enters the sanctions against the inmate into the Pod Beat Book screen in CMS. The Pod Deputy gives a final disposition copy to the inmate.

The degree and punitive actions taken by the sergeant shall be directly related to the severity of the rule infraction. Disciplinary sanctions for major rule violations are:

- Loss of good time
- Loss of work time
- Loss of visiting
- Loss of commissary
- Termination of future passes
- In-pod cell restriction
- Ineligible or loss of inmate worker status
- Disciplinary Segregation

The inmate may appeal any major disciplinary action in writing to the Operations Lieutenant. After receiving the appeal the lieutenant has one week to review the appeal and reply to the inmate.

Nothing in this policy precludes the Facility Administrator from administratively removing any inmate from the general population or program for reasons of personal, mental or physical health, or under any circumstances in which the safety of the inmates, staff, program or community is endangered, pending a disciplinary action or review. If an inmate's classification has to be changed pending a disciplinary action all classification review procedures are followed.

RELATED STANDARDS:

Title 15, Article 7, Section 1081
Title 15, Article 7, Section 1082
Title 15, Article 7, Section 1083
Title 15, Article 7, Section 1084
Chapter 4, Section 1

Chapter 5, Section 1
Penal Code, Section 4019.5(e)

DATE REVISED
08-07-08

By order of

DAVID AUGUSTUS
BUREAU COMMANDER