

Department of Public Safety / Division of Corrections

CHAPTER:	3	Institutional Operations	3.3.6
SECTION:	3	Rules, Discipline, and Rights	EFFECTIVE DATE: December 2, 2002
SUBJECT:	6	MAJOR VIOLATIONS / DISCIPLINARY HEARING	REVISION DATE: March 10, 2006 Rescinds: 3.3.6 Dated 10-5-04
APPROVED: _____			Date: _____
Gene Stubblefield SUPERINTENDENT OF CORRECTIONS			

I. POLICY

The Division of Corrections provides the opportunity for a disciplinary hearing for any inmate who has been charged with a major rule violation or who is to be moved to the Special Management Housing Unit as a result of a major rule violation.

II. PURPOSE

To set forth procedures to ensure that discipline of inmates is fair and consistent and facility rules are enforced.

III. APPLICABILITY

All Division of Corrections staff having direct contact with the inmate population is responsible for the following procedures.

IV. STANDARDS

ACA Adult Local Detention Facilities, 4th Edition (4-ALDF)

6C-02

An inmate who allegedly commits an act covered by criminal law is referred to the appropriate criminal justice agency.

6C-03

When rule violations require formal resolutions, staff members prepare a disciplinary report and forward it to the designated supervisor.

6C-04

Disciplinary reports include, but are not limited to, the following information:

- Specific rules(s) violated
- A formal statement of the charge
- Any unusual inmate behavior
- Any staff witnesses

- An explanation of the event that includes who was involved, what transpired, and the time and location of the occurrence
- Any physical evidence and its disposition
- Any immediate action taken, including the use of force
- Reporting staff member's signature and date and time of report

6C-05

When an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported and is completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.

6C-06

There is a provision for prehearing detention of inmates who are charged with a rule violation. The facility administrator or designee reviews the inmate's pre-hearing status within 72 hours, including weekends and holidays.

6C-07

An inmate charged with a rule violation receives a written statement of the charge(s), including a description of the incident and specific rules violated. The inmate is given the statement at the same time that the disciplinary report is filed with the disciplinary committee but no less than 24 hours prior to the disciplinary hearing. The hearing may be held in less than 24 hours, only with the inmate's written consent.

6C-08

Inmates charged with rule violations are present at the hearing, unless they waive that right in writing or through their behavior. Inmates may be excluded during the testimony. Any inmate's absence or exclusion is documented.

6C-09

Disciplinary hearings are convened as practical but no later than seven days, excluding weekends and holidays, after the alleged violation. Inmates are notified of the hearing at least 24 hours in advance of the hearing.

6C-10

There are provisions for postponement or continuance of the disciplinary hearing for a reasonable period and good cause. Reasons for postponement or continuance are documented.

6C-11

An impartial person or panel of persons conducts disciplinary hearings on rule violations. A record of the proceedings is made and maintained for at least six months.

6C-12

Inmates have an opportunity to make a statement and present documentary evidence at the hearing and can request witnesses on their behalf; the reasons for denying such a request are stated in writing.

6C-13

A staff member or agency representative assists inmates at disciplinary hearings. A representative is appointed when it is apparent that an inmate is not capable of collecting and presenting evidence on his or her own behalf.

6C-14

Disciplinary committee decision is based solely on information obtained in the hearing process, including staff reports, the statements of the inmate charged, and evidence derived from witnesses and documents.

6C-15

A written report is made of the decision and the supporting reasons, and a copy is given to the inmate. The hearing record and supporting documents are kept in the inmate's file and in the disciplinary committee's records.

6C-16

If an inmate is found not guilty of an alleged rule violation, the disciplinary report is removed from all of the inmate's files.

6C-17

The facility administrator or designee reviews all disciplinary hearings and dispositions to assure conformity with policy and regulations.

6C-18

Inmates may appeal decisions of the disciplinary hearing officer(s) to the administrator or independent authority. The administrator or independent authority must affirm or reverse the decision of the disciplinary hearing officer(s) within 15 days of the appeal.

6C-19

Procedures govern all searches and preservation of evidence when an inmate is suspected of a new crime. Only the facility administrator or designee authorizes such searches unless immediate action is necessary; in such cases, the facility administrator or designee is fully informed as soon as possible after the search.

V. DEFINITIONS

Assault: Causing or intending to cause serious physical injury to another either with or without a weapon or through the use of any substance, instrument or device which can cause physical damage.

Dangerous Contraband: Contraband which is capable of endangering the safety or security of a correctional facility or any person therein.

Disciplinary Chair: A correctional supervisor at the rank of or equivalent to lieutenant or above trained in inmate disciplinary procedures. This training shall be a minimum of one hour of formal classroom instruction.

Disciplinary Detention: A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the disciplinary committee or another authorized group for short periods of time to individual cells separated from the general population. Placement in detention only may occur after a finding of a rule violation at an impartial hearing and when there is not an adequate alternative disposition to regulate the inmate's behavior.

Disciplinary Hearing: A nonjudicial administrative procedure to determine if substantial evidence exists to find an inmate guilty of a rule violation.

Disciplinary Hearing Committee: A minimum of 2 correctional staff members; the Disciplinary Chair, a Correctional Caseworker and/or a Correctional Officer I assigned to conduct disciplinary hearings.

Incident Report: A record provided for the Housing Officers to record the description of behavior violations made by inmates. This record also tracks sanctions imposed for each violation.

Major Rule Violations: Rule violations which may be considered an immediate threat to the security of the facility or its staff, inmates, or visitors, or any act which constitutes a violation of statutory law.

Major Rule Violation Codes: A three-digit code pertaining to a specific Divisional Infraction. See Appendix A of this Policy for codes for specific infractions.

Minor Assault: Causing or intending to cause non-serious physical injury by striking another by using a non-dangerous object/substance or by any physically aggressive act.

Pre-Hearing Detention: Lockdown used to separate an inmate immediately after he has committed a major (and some minor) violation. The inmate may be locked down in his own cell or he may be taken to the Administrative Segregation Housing Unit. This type of detention may be required depending upon the seriousness of the violation, or may be used at the discretion of the Floor Supervisor in order to protect the inmate and to maintain the security of the facility.

Privileges: Extra services or benefits given to inmates as a means to control inmate behavior and reduce idleness.

Sanction: The penalty imposed for violating a facility rule or regulation.

Temporary Administrative Segregation Confinement Form (TASC): The form that authorizes the separation of inmates from the general population administered by the classification committee or another authorized group when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff, or other inmates or to the security or orderly running of the institution.

VI. CANCELLATION

This policy cancels all previous Division Policies, statements, memorandums, directives, orders, notices, rules and regulations dated prior to the revision of this policy which are inconsistent with this policy.

VII. GENERAL INFORMATION

1. The inmate rules contained in this policy and procedure, as well as the associated sanctions for each are included in the Inmate Handbook. Inmates are expected to familiarize themselves with this information.
2. An inmate has no constitutional right to be represented by legal counsel at a Disciplinary Hearing.
3. A disciplinary hearing will be held prior to assigning an inmate to Disciplinary Detention. Inmates will be assigned to Pre-Hearing Detention prior to conducting a Disciplinary Hearing.
4. The Shift Commander or designee may order an inmate to be lockdown in a cell in the general housing area on Pre-Hearing Detention or assigned to the Administrative Segregation Unit on Pre-Hearing Detention if the inmate poses an escape risk or poses an immediate threat to the safety and security of the facility, its staff, or inmates.
5. The Shift Commander or designee will complete a **Temporary Administrative Segregation Confinement Form (TASC)** and forward it to the Superintendent or designee for review of inmates assigned on Pre-Hearing Detention within 72 of the assignment on the status, including weekends and holiday.
6. The Superintendent or designee may order an inmate assigned on Pre-Hearing Detention to be returned to original status or processed for a disciplinary hearing.
7. Shift Commanders or designee on the 1st, 2nd & 3rd shifts will assign separate report numbers for Disciplinary Reports generated during their watch.
8. The 1st Shift Commander or designee will assign a Disciplinary Chair who will schedule hearings when practical but no later than 7 days, excluding weekends and holidays, after the alleged violation. Hearings may be held in less than 24 hours after the alleged violation is committed, but only with the inmate's written consent.

9. Disciplinary Hearings will be held in an area designated by the Disciplinary Chair.
10. Character witnesses are not permitted at disciplinary hearings.
11. The Correctional Caseworker assigned on the Disciplinary Hearing Committee will consult with the Disciplinary Chair prior to the scheduled hearing and retrieve the appropriate inmate file.
12. The Correctional Caseworker will complete a narrative summarizing the outcome of the hearing on a service record located in the inmate file.
13. On the day of the scheduled disciplinary hearings, the Correctional Caseworker at CJC will complete a Disciplinary Hearing Log reporting a record of the proceedings and forward it to the Unit Manager who maintains the Disciplinary Log. The Unit Manager will maintain the Disciplinary Hearing Logs for at least six months.
14. At MSI after the hearings are completed, a member of the Disciplinary Committee delivers the reports to the clerical staff member assigned to the Unit Manager. The clerical staff member records the proceedings in the Disciplinary Hearings Log Book. This log book is maintained for at least six months.
15. When an alleged rule violation is reported, the Shift Commander or designee will see that an investigation is conducted within 24 hours of the time the violation is reported. The investigation will be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.
16. Sanctions for Major Rule Violations are listed in the sanction's codes at Appendix A in this policy.
17. Any act, although not specifically listed in this policy, that would be either a felony or misdemeanor under the Missouri State Statutes or Laws of the United States of America and St. Louis City Ordinance Violations, will constitute a misconduct violation as well.
18. In those cases where an inmate allegedly commits an act that constitutes a crime, in addition to disciplinary action, the case will be referred to the Circuit Attorney's or City Counselor's Office for evaluation for possible prosecution. (See 3.3.7 Criminal Violations)
19. Disciplinary hearings are administrative hearings and findings will be determined by a preponderance of the evidence. Sanctions will be directly proportionate to the offense committed with the intended purpose to correct the undesirable behavior.
20. The Shift Commanders or designee on the 1st, 2nd & 3rd shifts will assign separate report numbers for Disciplinary Reports generated during their watch.

VII. FORMS

The following forms are referenced in this policy and procedure:

1. Disciplinary Report
2. Disciplinary Hearing Log
3. Disciplinary Report Log
4. Incident Report
5. Inmate Request Form
6. Temporary Administration Segregation Confinement (TASC) Form
7. Voluntary Statement Form
8. Chain of Evidence Form

VIII. PROCEDURES

A. Reporting Major Rule Violations and Actions

1. A Correctional Staff Member witnessing or learning of a major rule violation will take immediate action to stabilize the situation. (See 3.1.20 Restraints, 3.1.22 Force, 3.2.15 Use of Chemical Agents)
2. The Correctional Staff Member will contact the Area Supervisor via radio and request for additional Correctional Staff Members if necessary.
3. The Area Supervisor will contact the Shift Commander via radio or telephone to inform the Shift Commander of the situation.
4. The Shift Commander will respond to the scene with available Correctional Staff Members and determine if emergency action is necessary.
5. The Shift Commander determines if a crime scene exists. If so, the crime scene is secured. If it is determined that the violation warrants criminal charges, the Superintendent or designee is notified and after consultation, the St. Louis Metropolitan Police Department is contacted. (See Policy 3.1.19 Crime Scene and Policy 3.3.7 Criminal Violations)
6. The Shift Commander will determine if the inmate(s) need to be moved to the Administrative Segregation Housing Unit for Pre-Hearing Detention, if the inmate(s) poses an immediate threat to the safety and security of the facility, its staff or other inmates. If so, the Shift Commander will notify the Administrative Segregation Housing Officer of the transfer for Pre-hearing Detention (See Policy 3.1.7 Inmate Movement).
7. The Shift Commander will ensure a TASC Form is completed and will assign the appropriate Correctional Staff Members to escort the inmate to the Administrative Segregation Housing Unit. (See 3.1.7 Inmate Movement)

8. The Area Supervisor and Correctional Staff Members involved will complete an Incident Report regarding the transfer and the incident itself if the incident rises to the level of requiring an Incident Report. (See 3.1.10 - Incident Reports)
9. The Correctional Officer writing the disciplinary report will request a number for the report from the Shift Commander who will record the report number, the name of the requesting officer, the name of the inmate, date and violation in the Disciplinary Report Log Book.
10. The Correctional Staff Member witnessing or learning of the rule violation will complete a Disciplinary Report indicating the name and ID number of the inmate committing the alleged violation; specific rule(s) violated; any unusual inmate behavior; any staff witnesses; evidence, if collected, and location; exact disposition of any physical evidence; the facts surrounding the violation, in chronological order; and any immediate action taken, including the use of force.
11. The reporting Correctional Staff Member must complete the Disciplinary Report as soon as the incident is stabilized and submit it to the Area Supervisor immediately for initial review and before leaving from duty.
12. The reviewing supervisor will review the report for completeness and ensure the correct violation(s) are listed and that the body of the report matches the charges.
13. During the review, if the supervisor determines that the information is incomplete or that the body of the report does not support the charge(s) listed, the Disciplinary Report may be returned to the reporting staff member for correction or to clarify discrepancies. Clerical errors may be corrected in the event the reporting staff member is not available. However, the reviewing supervisor has no authority to change the substance or the reporting staff member's specific statement of facts.
14. The reporting staff member will make the necessary corrections and return the Disciplinary Report to the reviewing supervisor.
15. The reviewing supervisor will attach all Incident Reports to the Disciplinary Report and forward the originals to the Shift Commander.
16. The Shift Commander will assign a Correctional Supervisor not involved in the incident to investigate.

B. Disciplinary Investigation

1. The Investigating Supervisor will investigate major rule violations within 24 hours of the incident. If more time is needed, the Investigating Supervisor will make a written request for a time extension to the Shift Commander. The inmate will be notified in writing if more time is needed for the investigation.
2. The investigation will include, but is not limited to, conducting interviews and gathering

evidence and statements.

3. If the Investigating Supervisor finds insufficient evidence to support the major rule violation as charged, the Investigating Supervisor may discuss alternate sanctions with the Shift Commander which may be to reduce the charge to a minor violation or drop the charge completely.
4. If the charge is reduced, the Investigating Supervisor so notes on the Disciplinary Report with written justification and forward a copy of each to the Shift Commander and to the charged inmate.
5. The Shift Commander will contact the Area Supervisor who approved the Disciplinary Report and inform the Area Supervisor of the decision to reduce or drop the charge and the reason for this action.
6. The Area Supervisor will pass the information on to the Correctional Staff Member who filed the charges.
7. If the charge(s) are dropped completely, the Shift Commander will gather all records and paperwork regarding the charge(s). The Disciplinary Report will be shredded but any Incident Reports associated with the Disciplinary Report will be forwarded according to the standard operating procedures.
8. If the charge is dropped and the inmate was moved to the Administrative Segregation Housing Unit as a result of the incident, the Shift Commander will see that the inmate is reclassified to the previous status and returned to general housing. (See 3.1.7 Inmate Movement)
9. However, if the inmate's behavior has proven to be problematic for Correctional Staff Members during the placement in the Administrative Segregation Housing Unit, the inmate may be cited for appropriate rule violation(s).
10. The Investigating Supervisor will advise the inmate of the right to a hearing and to be present at the hearing, to call witnesses, to make a statement, to present documentary evidence and to be represented by Lay Counsel (Ombudsman) or a staff member. If any of the inmate's requests are denied, the Investigating Supervisor will document reasons for such denial in the appropriate area on the Disciplinary Report.
11. If the inmate waives his right to a hearing, it is indicated by having the inmate sign the appropriate area on the Disciplinary Report.
12. If the Investigating Supervisor determines that the inmate is not capable of collecting and presenting evidence effectively, the Ombudsman or a staff representative may be appointed and is documented as such in the appropriate area on the Disciplinary Report.

13. If the inmate requests the Investigating Supervisor to interview witness(s), inmate or staff, witness(s) will be listed in the appropriate area on the Disciplinary Report, the Investigating Supervisor will make every reasonable attempt to contact the witness(s).
14. The Investigating Supervisor will ask the witness(s) to write their account of the incident on a piece of paper to be attached to the Disciplinary Report. Staff witness statements will be submitted on a Incident Report.
15. Upon completion, the Investigating Supervisor will document a summary of findings and advise the inmate of the date for the hearing.
16. At least 24 hours prior to the hearing, the Investigating Supervisor will provide the inmate with a copy of all documentation to be presented at the hearing, with the exception of confidential information (i.e. information that will threaten the orderly operation of the facility including inmate informants). The inmate will be asked to sign acknowledging receipt of the report; refusals to sign will be noted as such.
17. The Investigating Supervisor will forward the Disciplinary Report to the Shift Commander who will review the report and place it in the file tray designated for the Disciplinary Chair.

B. Disciplinary Hearing Process

1. The Disciplinary Chair or designee will retrieve the Disciplinary Reports from the Shift Commander and schedule hearings for inmates accused of rule violations. Disciplinary hearings will be scheduled no later than 7 days after the alleged violation is committed, excluding weekends and holidays. The inmate may waive the 24-hour advance notice. The waiver shall be in writing.
2. If an inmate has waived the right to a hearing or to be present at the hearing, the Disciplinary Chair will ensure the inmate's signature has been obtained for the waiver, review the report, relevant information and evidence provided, consult with the Correctional Caseworker assigned on the committee and determine outcome.
3. The inmate shall be informed before or at the hearing of information that would tend to show that the inmate was not guilty. If the information is provided to him or her at the hearing, the inmate shall, upon request, be given a continuance.
4. When an inmate will be present at a disciplinary hearing, on the date scheduled for the hearing, the Disciplinary Hearing Committee will gather at the appropriate time for the hearing in the designated location. If an inmate has requested for the presence of the Ombudsman or a staff representative, arrangements will be made for their attendance.

5. Inability of the inmate to participate includes the absence of the inmate from the facility for any reason or certification by health care staff that the inmate is unable to appear.
6. A Correctional Officer will escort the inmate to a location designated by the Disciplinary Chair for the hearing.
7. Any person who initiated the allegations that serve as the basis for the disciplinary report, or who conducted an investigation into those allegations, or who witnessed the incident, or who is otherwise not impartial shall not serve on the Disciplinary Committee hearing that disciplinary report. An inmate who objects to a member of the Committee based on a lack of impartiality must raise the matter at the beginning of the hearing. The Committee shall document the basis of the objection and the decision in the Disciplinary Committee Summary.
8. Any inmate charged with a violation of any rule shall have the right to appear before the Committee and answer to the charges. Any refusal to appear shall be documented and provided to the Committee. However, if the inmate fails to appear before or fails to respond to the charges, the Disciplinary Committee may proceed with the disciplinary hearing without the inmate.
9. The inmate may make any relevant statement or produce any relevant documents in his or her defense.
10. Prior to the hearing, the inmate may request that witnesses be interviewed. The request shall be in writing and shall include an explanation of what the witnesses would state. If the inmate fails to make the request in a timely manner before the hearing, the individual may be granted a continuance for good cause shown.
11. The Committee shall consider all material presented that is relevant to the issue of whether or not the inmate committed the offense.
12. The Disciplinary Committee shall consider any statements of witnesses with relevant knowledge of the incident that are reasonably available.
13. The Committee or its Hearing Investigator may interview witnesses and prepare or review summaries of their testimony prior to or subsequent to the hearing.
14. The inmate does not have the right to confront or cross-examine any witnesses but may submit questions for witnesses to the Committee prior to the hearing. These questions shall be asked by the Committee or its Hearing Investigator unless found to be cumulative, irrelevant, or a threat to the safety of individuals or the security of the facility.
15. Requests by inmates for witnesses may be denied if their testimony would be, among other matters, irrelevant or cumulative or would jeopardize the safety or disrupt the security of the facility. If any witness request is denied, a written reason shall be provided.

16. At least one person who serves as an Disciplinary Committee member shall hear the in-person testimony of the inmate's witnesses where the inmate makes a timely request for the witnesses or is granted a continuance to request witness testimony. In-person testimony of the inmate's witnesses shall be defined as face-to-face contact or telephonic contact by the Disciplinary Committee.
17. If the Disciplinary Committee makes a written determination that the in person's testimony by the witness requested by the inmate would undermine authority or would present potential disruption of the operations of the facility or a threat to the safety of any person or institutional safety or correctional goals, the Disciplinary Committee may elect to accept the testimony through other legally permissible means, including, but not limited to, a written summary of an interview of the witness or a statement. The Chairperson may postpone the hearing until the witness(es) can be interviewed.
18. A written statement or written summary of a witness' testimony is a reasonable alternative to in-person testimony if the witness' testimony will be accepted as credible and it involves verification of alleged facts, including but not limited to a witness who will testify to the authenticity of contents of a record or document, cell location, work assignment, writ status, staff work schedule, or identification.
19. When testimony is presented to the Disciplinary Committee in the form of a written summary or statement, a copy of the written summary or statement shall be given to the accused inmate unless the Disciplinary Committee finds that disclosure presents a threat to the safety of any person.
20. The inmate shall not have the right to either retain or appoint counsel. The inmate may request the assistance of a staff member in the preparation and presentation of his or her defense if he or she is illiterate or does not speak English or when other circumstances exist that preclude the individual from adequately preparing his or her defense.
21. The Disciplinary Chair will read the alleged charge(s) and relevant information from the Disciplinary Report. The inmate or the inmate representative will be given an opportunity to ask questions and make a statement, present documentary evidence and request for witness(s) statement.
22. The Disciplinary Committee will review information presented by the inmate, ask questions and interview witness(s) or review witness(s) statements when requested by the inmate, if an inmate is denied request for witness(s), it will be documented in the hearing section on the disciplinary report.
23. The Disciplinary Chair does not permit the accused inmate to confront or cross-examine any witness(s).
24. If at any time an inmate becomes disruptive during a hearing, the Disciplinary Chair will request that the Correctional Officer return the inmate to the Housing Unit and disciplinary action may be taken if necessary. (See 3.3.4 Inmate Rules and Discipline and

3.3.5 Minor Violations) The Disciplinary Chair will proceed with the hearing without the inmate.

25. The Disciplinary Committee's decision is based solely on information obtained in the hearing process, including staff reports, the statements of the inmate charged, and evidence derived from witnesses and documents.
26. The Committee must be reasonably satisfied there is some evidence that the inmate committed the offense for the individual to be found guilty.
27. The Disciplinary Committee shall take one of the following actions, based upon the evidence admitted:
 - a. Find that the inmate did not commit the offense. In that case, the Committee shall order that the disciplinary report be dismissed and expunged from the inmate's record. A copy shall be maintained in an expungement file.
 - b. Find that further investigation is necessary to determine if the inmate did or did not commit the offense and place the inmate in investigative status.
 - c. Find that additional time is needed to obtain information relative to the charge. The hearing may be continued for a reasonable time. However, unless the inmate is placed in investigative status, the individual may not be confined for more than 14 days from the date of placement in temporary confinement.
 - d. Find that the inmate did commit the offense or a lesser offense for which the elements were included in the original charge. The Committee may recommend one or more of the disciplinary sanctions listed in Appendix A.
28. At the completion of the hearing, the Correctional Officer will escort the inmate back to the appropriate Housing Unit. (See 3.1.7 Inmate Movement)

C. Disciplinary Hearing Record

1. A written record shall be prepared and signed by all members of the Committee that contains a summary of oral and written statements and other evidence presented.
2. The Committee may consider information from confidential sources if it finds that his or her identity must be withheld for reasons of security; and the information is reliable.
3. Reliability may be established by one of the following:
 - a. The investigating officer has indicated, in writing and/or by his or her appearance before the Disciplinary Committee, the truth of his or her report containing confidential information;
 - b. Corroborating testimony such as statements from other sources; or

- c. A statement by a member of the Disciplinary Committee or an oral or written statement to the Disciplinary Committee by supervisory or administrative staff that the individual has firsthand knowledge of the sources of information and considers them reliable on the basis of their past record of reliability.
6. If the identity of a source is being withheld for reasons of security, a statement to that effect and a statement that the Committee finds the information reliable must be included. A summary of the information provided and the basis for the finding of reliability shall be documented, but need not be included in the summary based on safety and security concerns.
7. If the Committee members find that the inmate committed the offense, a statement is made in the summary as to their reasons for the finding. Reasons for finding the inmate guilty may include, but not limited to;
 - based on the credibility of the reporting officer.
 - based on the written statement of the reporting officer as a witness to the offense.
 - based on the statements of the inmate witnesses. (Names of witness provided on the attached incident report)
 - based on the evidence being found on the inmate.
 - based on the inmate's admission of guilt.
 - based on statements of the victim and the associated injuries.
 - based on corroborating testimony statements from other sources.
 - based on the inmates institutional adjustment history.
8. If exonerating evidence is presented and disregarded, the Committee must state the basis for disregarding the evidence.
9. The disposition of the charges, the disciplinary action recommended, and the reasons for recommending the disciplinary action must be included in the Disciplinary Committee's summary.
10. If the safety or security of the facility or any person is jeopardized by certain references in the written record, they may be deleted but the fact that omissions have been made shall be noted on the summary, along with a finding that material is being deleted based on safety or security concerns.
11. If the inmate is found guilty, the individual shall be informed of the opportunity to appeal through the grievance procedures.
12. A copy of the disciplinary report and Disciplinary Committee summary shall be forwarded to the Superintendent or designee for review and approval and a copy shall be filed in the inmate's record. The inmate shall be given a copy of the Disciplinary Committee summary.

13. The Superintendent or designee shall review all Disciplinary Committee dispositions.
14. The Superintendent or designee may not increase the sanctions recommended by the Disciplinary Committee, but he or she may reduce them. The inmate shall be sent a copy of modification to the Disciplinary Committee recommendations.
15. The Superintendent or designee shall remand the decision to the Disciplinary Committee for new proceedings if the proceedings are found to be defective due to:
 - a. Inadequate notice, including failure to state the correct date of the offense on the disciplinary report or failure to provide the inmate with 24-hour notice of the hearing and such notice was not waived.
 - b. Lack of impartiality of the Disciplinary Committee.
 - c. Improper exclusion of witnesses.
 - d. Failure to provide exonerating information to the inmate prior to the hearing.
 - e. New or additional proceedings may be ordered in other circumstances, as determined by the Superintendent or designee.
15. The inmate shall be provided with notice of the rehearing within a reasonable time after the Superintendent or designee's decision or the facility's receipt of the decision.
16. The procedures on remand shall be conducted in accordance with the procedures governing the hearing on the original charge.
17. The Superintendent or designee may remand the decision to the Disciplinary Committee for additional documentation, correction, or clarification of the Disciplinary Committee summary, including the statement of reasons for excluding witnesses, the basis for the finding of guilt and imposition of sanctions, statement of reasons for deeming sources to be confidential, or the failure to specify reasons for finding a confidential source to be reliable. The inmate shall not have the right to a new hearing, but shall be notified of the decision.
18. After the Disciplinary Committee has amended its summary, it shall be forwarded to the Superintendent or designee in accordance with the procedures applicable to review of the original disposition.
19. The Disciplinary Chair will complete the hearing section of the Disciplinary Report stating the Committee's decision and give it to the Correctional Caseworker.
20. The Correctional Caseworker will place the original report in the Inmate File and distribute copies to the Unit Manager, Chief of Security, Disciplinary Chair and the inmate, and in the case of restitution, the Business Office Manager.

21. If the inmate is involved in the Inmate Work Program, a copy of the Disciplinary Report will be forwarded to the Inmate Work Assignment Committee Chair or the Classification Specialist to determine if the commission of the offense has any bearing on the inmate's ability to continue in the Work Program.
22. The Unit Manager will review the Disciplinary Report and the hearing process for conformity with policy and procedures.
23. If the inmate has been found guilty of a major rule violation and the sanction includes time in the Administrative Segregation Housing Unit, the Disciplinary Chair will see that the inmate is moved to the Disciplinary Segregation Housing Unit, if necessary.
24. If the inmate is not found guilty of a major or minor rule violation, the Disciplinary Chair will see that the inmate is reclassified to previous status, and forward all related paperwork to the Shift Commander.
25. The Shift Commander will gather all records and paperwork regarding the charge(s). A separate Divisional file will be maintained in the Shift Commander's office of all records and paperwork related to charges on inmates that were dropped.

D. Appeal Process

1. An inmate who wishes to appeal the decision of the Disciplinary Hearing Committee may do so by submitting a written request to the Unit Manager.
2. The Unit Manager reviews the paperwork regarding inmate's disciplinary hearing to determine if the disciplinary investigation/hearing process was conducted properly and fairly and if sanctions imposed on the inmate were appropriate.
3. The Unit Manager may affirm the finding, dismiss the case or lessen the sanctions, but does not increase the sanctions. If the Unit Manager decides restitution is appropriate, either in part or in whole, the Unit Manager completes the appropriate section of the Disciplinary Report and forwards a copy to the Business Office Manager.
4. The Unit Manager will affirm or reverse the decision within 15 days of the disciplinary hearing; the Unit Manager completes the appropriate section of the Disciplinary Report and returns a copy of the report to the inmate indicating the decision.
5. The Unit Manager forwards a copy of the inmate's appeal and the Disciplinary Report to the Classification Officer who files these forms in the inmate's Inmate File.
6. If necessary, the Unit Manager orders a re-hearing by notifying, in writing, the Disciplinary Chair of such with an explanation for his decision.
7. The Disciplinary Chair forwards a copy of the Unit Manager's written order for a re-hearing to the charged inmate and the Investigating Supervisor and if applicable the

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Correctional Staff Member representative along with a date for the new hearing.

8. Procedures described in the policy regarding conducting disciplinary hearing are followed for all re-hearings.
9. If there is a change in restitution charges as a result of a re-hearing, the Unit Manager forwards a copy of the findings to the Business Office Manager.
10. When the Unit Manager considers an inmate's appeal of a Disciplinary Hearing decision, and the Unit Manager agrees with the committee's findings, the inmate cannot appeal to any "higher" authority.

X. SEVERABILITY CLAUSE

If any part of this policy is, for any reason, held to be in excess of the authority of the appointing authority, such decisions will not affect any other part of this policy.

IX. TRAINING

This policy and procedure statement will be included in the Orientation and First-Year Training for all staff having direct contact with the inmate population.

APPENDIX A

Code	Definition	POSSIBLE SANCTIONS (in days)	
		Min. (1--)	Max. (up to 60)
200	Stealing	5	10
201	Flooding of cell or floor area	5	10
202	Harassing or interfering with an employee in the performance of his duty	5	5
203	Destruction and/or defacing property	5	10
204	Under the influence of drugs or intoxicants	5	5
205	Possession of contraband	5	15
206	Disruptive behavior	10	10
207	Threatening bodily harm	5	10
208	Breaking into another inmate's cell, locker or property bucket	5	20

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Code	Definition	POSSIBLE SANCTIONS (in days)	
		Min. (1--)	Max. (up to 60)
209	Refusing to obey direction of staff	5	10
210	Setting fire	10	45
211	Fighting	5	60
212	Possession of a weapon or sharpened instrument	10	60
213	Smuggling contraband items into or out of the facility	10	45
214	Engaging in extortion or blackmail	1	10

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Code	Definition	POSSIBLE SANCTIONS (in days)	
215	Threatening statements towards employees, members of their family or witnesses	15	30
216	Escape, attempting to escape or aiding in an escape or the attempt to escape	60	60
217	Possession of escape paraphernalia	10	60
218	Any violation of City, State or Federal Law	5	60
219	Lewd Acts to include indecent exposure	5	10
220	Any sexual activity with any other person	10	60
221	Any gang activities, i.e., signs, colors, slogans, etc.	5	20
223	Homicide	60	60
224	Assault	15	60
225	Kidnapping	60	60
226	Rioting	60	60
227	Arson	60	60
228	Robbery	60	60
229	Violation of Missouri State Statute, Federal Law, City Ordinances*	5	60
230	Possession of Key or Key pattern	10	45
231	Making false statement causing adverse administrative action	5	10
232	Sexual Misconduct	15	45
233	Damage to Property*	5	45
234	If found guilty of four or more minor offenses in a 30-day period	1	10

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Code	Definition	POSSIBLE SANCTIONS (in days)	
		Min. (1--)	Max. (up to 60)
235	Tampering with and blocking locking devices	<i>15</i>	<i>60</i>
236	Tattooing/piercing self or others * Includes Restitution	<i>5</i>	<i>10</i>
Note: Depending on the circumstances, repetitiveness, and/or seriousness of an offense, a Minor Violation may be classified as a Major Violation.			