

Chippewa County Correctional Facility <u>Policy & Procedure</u>	Effective Date: 9/16/2011	Policy Number: 3 . 13
	Updated: 2/5/2021, 6/23/21, 6/5/23	Page Number: 1 of 7
Section: Inmate Rights	Reference: MDOC R 791-718, NDS 2019 ACA 4-ALDF 2A-50, 2A-32, 2A-33, 3A-01, 3A-02, 6C-08, 6C-18, 6C-01	
Subject: Disciplinary Hearings, Sanctions & Appeals	Authority: Michael D. Bitnar, Sheriff	
Rescinds: All Previously Issued Policies, Procedures, Directives, or Memoranda Relative to this Topic		

I. POLICY

It is the policy of the Chippewa County Correctional Facility to enforce rules and regulations as set forth in the inmate guide. Further, this policy shall establish guidelines for disciplinary hearings, sanctions, appeals, and the disciplinary segregation process.

II. PURPOSE

It shall be policy to ensure the protection of an inmate's applicable civil and/or constitutional rights. Inmates shall not be subject to personal abuse, corporal punishment, personal injury, disease, property damage, discrimination, or harassment. Inmate rights shall be acknowledged without regard for national origin, race, sex, or political affiliation.

Related Forms: *CCCF-100A, CCCF-100B*

III. PROCEDURAL GUIDELINES – RULE VIOLATIONS

- A.** These rules explain what is expected of the inmates. Rules are posted in housing areas and are intended to ensure safe custody, decent living conditions, and fair treatment. Inmate's who violate the rules, or whose conduct poses a serious or substantial threat to the safety and welfare of others or the security of the facility, will be subjected to administrative review and behavior sanctions.
- B.** The Chippewa County Correctional Facility recognizes two types of inmate rules (MINOR RULES & MAJOR RULES). It is responsibility of the corrections staff to be familiar with all rules and the scope of their authority in the enforcement of these rules.

C. Inmates are expected to abide by rules set forth by the Administration and to conduct themselves in an orderly and decent manner, considering the welfare of others. Any misconduct, criminal conduct, or violation of rules/guidelines may result in disciplinary action, prosecution, and/or suspension of privileges. Any disciplinary action taken by the Chippewa County Correctional Facility will be for the purpose of achieving the following:

1. To provide safety for all inmates, staff, and the general public.
2. To set and enforce reasonable expectations and accountability for inmate behavior.
3. To maintain the orderly and efficient management of the facility.

D. Minor Rule Violations/Misconducts

1. For complete listing of all Minor Rule violations refer to the Inmate Handbook.
2. Shift Supervisors will be the Review Officer for all Minor Rule Violations. If a Supervisor is unavailable, the Review Officer will be the next Senior Officer. The Review Officer will not have direct involvement with the incident.
3. A Corrections Officer will initiate a Minor Rule Violation by issuing the inmate a Misconduct Report form (CCCF-100A) within 24 hours of becoming aware of the incident. The officer(s) shall also complete an incident report utilizing the JMS system. Once all reports are completed, the Officer will submit the reports to the Review Officer.
4. The Reviewing Officer or designee will review the CCCF-100A and/or Incident Report for a Minor Rule Violation. After review, the Reviewing Officer or designee will adjudicate the misconduct and issue sanctions if the Reviewing Officer feels sanctions are necessary. Minor Rule violation sanctions may include:
 - a. Verbal warning.
 - b. Loss of privileges (commissary and/or program participation) for up to seven (7) days.

- c. Disciplinary segregation for up to five (5) days (prevents program participation).

5. Disposition of Minor Rule Violations/Misconducts

- a. The Reviewing Officer will forward a copy of the Misconduct Report (CCCF-100A) and incident report to the Jail Administrator. A copy will also be submitted to the classification officer(s) for possible review of the inmate's security classification. A copy of the CCCF-100A must be provided to the inmate. The final copy must be attached to the inmate/detainee's booking card.

E. Major Rule Violations/Misconducts

- 1. For a complete listing of all Major Rule violations refer to the Inmate Handbook.
- 2. Shift Supervisors will be designated as the Review Officer for all Major Rule Violations. If a Supervisor is unavailable, the next Senior Officer will be designated as the Review Officer. The Review Officer will not have direct involvement with the incident. If all officers on shift have/had direct involvement with the incident, the Review will be completed by the next scheduled shift.
- 3. A Corrections Officer will initiate a Major Rule Violation by issuing the inmate a Misconduct Report form (CCCF-100A) within 24 hours of becoming aware of the incident. The officer(s) shall also complete an incident report utilizing the JMS system. Once all reports are completed, the Officer will submit the reports to the Review Officer.
- 4. The Reviewing Officer or designee will review the CCCF-100A and/or Incident Report for a Major Rule Violation. The Reviewing Officer will schedule a disciplinary hearing date (*within seven (7) business days of the misconduct excluding weekends and holidays*) and interview the inmate/detainee in reference the incident. At this time the inmate/detainee may waive the hearing process. If the inmate decides to waive the hearing process, the Review Officer will adjudicate the misconduct and issue the appropriate sanctions. Major Rule violation sanction may include:

- a. Loss of privileges (commissary and /or program participation) not to exceed thirty (30) days.
 - b. Disciplinary segregation is not to exceed thirty (30) days. Disciplinary segregation may be extended to sixty (60) days for a subsequent Major Rule violation within the original first thirty (30) days. Disciplinary segregation shall prevent program participation.
 - c. Recommendation to the Sheriff for loss of accumulated good time. If the hearing officers recommend loss of good time, a hearing officer will complete a supplemental report, which shall include the reason for the recommendation. A copy of the complete report, along with any other documentation (statement forms, prior reports, etc.) will be submitted to the Sheriff for disposition.
 - d. Time served by any ICE detainee awaiting a disciplinary hearing will be deducted from any time sanctions ordered by the hearing officers.
5. In the event the inmate/detainee requests a disciplinary hearing, the Review Officer will submit the following completed items to the Jail Administrator:
 - a. CCCF-100A
 - b. JMS Incident Report
 - c. Witness and/or suspect statements
 - d. All supplemental reports
 - e. Evidence
6. The Review Officer may confine the inmate to segregation prior to the disciplinary hearing to ensure the safe and secure management of the facility and its occupants. If there is limited space available in the segregation units, the Review Officer may house the inmate/detainee in General Population while the inmate/detainee awaits his/her disciplinary hearing as long as it does not jeopardize the safety and security of the facility and the occupants of the facility.

IV. PROCEDURAL GUIDELINES – DISCIPLINARY HEARING

- A. Inmate/detainees will be scheduled a disciplinary hearing within 24 hours of staff becoming aware of the incident.
- B. The disciplinary hearing will be scheduled/conducted within seven (7) business days (excluding weekends and holidays) from the time of the interview conducted by the Reviewing Officer.
- C. Administration retains the right to postpone the disciplinary hearing an additional seventy-two (72) hours if there is 'reasonable cause' to postpone the hearing.
- D. The inmate/detainee retains the right to postpone the disciplinary hearing up to, but no longer than five (5) days.
- E. The inmate/detainee will be advised they have the right to remain silent during the disciplinary hearing/process.
- F. The hearing officers shall consider whether an inmate/detainee's mental disability and/or mental illness contributed to his/her behavior when determining what type of sanction if any, should be imposed.
- G. A hearing board consisting of one (1) administrative member and/or designee and one (1) additional member (e.g. staff, etc.) will conduct the disciplinary hearing. The board will be composed of individuals that have not had previous direct involvement in the matter under consideration. During the hearing, the inmate may present witnesses, confront accusers and present any documents in their defense, **as long as the security of the facility is not compromised**. If the inmate presents a witness, the inmate will write down all questions for the witness. **The Hearing Officer will ask the questions, not the inmate**. There will be no leading questions or badgering of the witness. *The witness(s) will not be present at the actual hearing but will have the opportunity to testify/answer questions before hand.* The Hearing Officer(s) will consider witness statements/testimony and other pertinent information/evidence before rendering a decision. The decision of the Hearing Officer will be documented via CCCF-100B form.
- H. In the event the inmate is not mentally competent to aid in their defense or has limited intelligence/education, a non-attorney staff representative will be appointed to assist.

- I. If the decision from the Hearing board relies on information from a **confidential informant**, the Hearing Officer will include in the hearing record the factual basis for finding the information reliable.

J. Disposition of Major Rule Violations/Misconducts

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1. Waived Hearing

- a. The Reviewing Officer will forward a copy of the Misconduct Report (CCCF-100A) and incident report to the Jail Administrator for review. A copy will also be submitted to the

classification officer(s) for possible review of the inmate's security classification. A copy of the major rule violation must be provided to the inmate. The final copy will be attached to the inmate/detainees booking file.

2. Disciplinary Hearing

- a. Once a disciplinary hearing has been completed, all documentation (e.g. CCCF-100A, 100B, incident report, etc.) will be kept on file by the Jail Administrator. A copy will be submitted to the classification officer(s) for possible review of the inmate/detainee(s) security classification. A copy will be attached to the inmate/detainee(s) booking file. The inmate/detainee will receive copies of the CCCF-100A and CCCF-100B forms.

K. APPEAL PROCEDURE

1. All inmate/detainee(s) may appeal any major rule enforcement. The appeal must be in writing and directed to the Sheriff or his/her designee. The Sheriff, or his/her designee, shall have the authority to reduce, reverse, or uphold any disciplinary action taken against the inmate. The Sheriff's decision shall be final.
2. Major Rule Violation Appeal – These appeals must be submitted within 48 hours of the disciplinary hearing. After 48 hours a request for an appeal will not be considered.
3. The Sheriff may grant and/or deny a disciplinary appeal hearing.

4. The Sheriff and/or designee will review all evidence and statements before reducing, reversing, and/or upholding any disciplinary decision.
5. The Sheriff and/or designee may base his/her decision by reviewing the original hearing results and/or scheduling an appeal hearing with the inmate requesting the appeal.

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6. All Disciplinary Hearing documentation will be attached to the inmate's booking file.