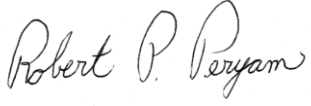
 MONROE COUNTY SHERIFF'S OFFICE	BUREAU DIRECTIVE: BOC - 4:001	REFERENCES: FCAC 7.17 & 7.18 FMJS 9.08 & 13.13 Consent Decree 61
	RESCINDS:	
	BUREAU: Corrections	NO. OF PAGES: 3
	CHAPTER: Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
	TOPIC: Administrative Confinement and Protective Custody	

PURPOSE:

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to establish policies governing inmates housed in administrative confinement or protective custody.

Inmates shall be placed in administrative confinement for purposes of protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available.

The Classification Committee shall meet once per week to review each inmate in administrative confinement to determine when an inmate should be released from confinement.

SCOPE:

This directive applies to all Certified Deputies.

PERSON RESPONSIBLE:

Classification Supervisor and Shift Supervisors.

DEFINITIONS:

Administrative Confinement - Placement of an inmate in housing separate from the general population when ordered by the Classification Division or other authorized persons. Administrative Confinement may occur when the continued presence of an inmate in the general

population would pose a serious threat to property, self, staff, other inmates, or to the security or orderly operation of the facility.

Protective Custody - A form of administrative confinement for inmates requesting or requiring protection from other inmates for reasons of health or safety (e.g., informant, state witness, ex-law enforcement deputy).

Immediate Control and Supervision - It is determined that the inmates constitute a threat to themselves, to others, or to the safety and security of the detention facility.

POLICY AND PROCEDURES:

Inmates under administrative confinement and protective custody will be placed in confinement units in order to properly and safely supervise them.

Inmates in administrative confinement and/or protective custody shall be checked daily by the Medical Staff.

Inmates in administrative confinement or protective custody shall be required to shower twice weekly.

All inmates placed in administrative confinement or protective custody shall be afforded the same basic rights, privileges, services, and participation in facility programs. These

programs must be comparable to those available to the general population within the limits of their imposed confinement unless security requirements dictate otherwise. (See "Confinement Inmates; Rights, Privileges, and Access to Programs and Services" written directive for a detailed listing.) [FCAC 7.18]

Anytime an Immigration and Customs Enforcement (ICE) Detainee stays in administrative confinement more than 30 days, Classification shall inform the Operations Commander. The Operations Commander/designee shall then notify the ICE officer-in-charge.

Protective Custody Justification

Inmates that require protection from other inmates (e.g., informant, ex-law enforcement deputy, state witness) may be placed in immediate protective custody by the Operations/Site Commander, Shift Lieutenant/Sergeant, Unit/Dorm Deputy, or the Classification Division when deemed necessary.

Inmates may request in writing to be placed in protective custody for protection from other inmates or for other personal reasons.

The Classification Division will then evaluate the inmate's request for possible alternatives.

Inmates who were placed in protective custody at their own request, and who later request to be placed back in general population, will remain in protective custody if the Classification Division determines that the original reason for protective custody still exists.

NOTE: Inmates shall be placed in protective custody only when there is documentation that protective custody is warranted and no reasonable alternatives are available. An Incident Report must be forwarded to the Inmate Services Sergeant via the chain-of-command for all of the above reasons. A copy of the Incident Report will be forwarded to the Classification Division.

Administrative Confinement Justification [FCAC 7.17]

The Operations/Site Commander, Shift Lieutenant/ Sergeant, Unit/Dorm Deputy, or the

Classification Division may order immediate administrative confinement when it is necessary to protect the inmate or others, or when the inmate:

- Exhibits anti-social or hostile behavior toward others
- Is a demonstrated escape risk
- Is pending an investigation or hearing for a rule violation
- Is a death row inmate temporarily housed at a county facility
- Is an informant, state witness, present or ex-law enforcement officer, correction officer, probation officer, assistant state attorney, assistant public defender, etc.

Inmates may be placed in administrative confinement for the purpose of ensuring immediate control and supervision when it is determined they constitute a threat to themselves, to others, or to the safety and security of the detention facility.

Each such action shall be followed by a Disciplinary Report and formal disciplinary proceedings if applicable.

NOTE: An Incident Report must be forwarded to the Inmate Services Sergeant via the chain-of-command for all of the above reasons. A copy of the Incident Report will be forwarded to the Classification Division.

Each case shall be reviewed within 48 hours by the Classification Division.

Administrative Confinement Status Review

The Classification Committee is comprised of, at a minimum, the Classification Supervisor, the Operations Commander, and a representative of the Medical Staff.

The committee shall meet weekly to review all matters relating to an inmate's initial placement in confinement to determine if:

- The reason for initial placement is still valid

- A change in the inmate's behavior and mental attitude warrants release from confinement
- A change in the inmate's medical evaluation no longer warrants confinement

The Classification Committee will also review the inmate's file for:

- Any Incident or Disciplinary Reports submitted since the inmate's placement in administrative confinement
- Any pertinent information supplied by staff members
- Letters or request slips submitted by the inmate

The Operations Commander will be responsible for setting the actual time for the committee to meet.

After an ICE Detainee has been in segregation for seven consecutive days, the ICE Detainee has the right to appeal the decisions regarding their confinement status to the Operations Commander.

An ICE Detainee who has been segregated from the general population for more than 30 days may write an inmate request to the Operations Commander objecting to the administrative confinement.

The Operations Commander must review the request and send a written decision to the ICE Detainee with a copy maintained in his/her Classification Folder.


Administrative Confinement Review Process for Release

Before inmates are released from administrative confinement, a full review of the inmate's file shall be conducted by the Classification Committee to determine if the aforementioned factors warrant the inmate's release from confinement.

Should it be determined that the initial reasons for placement in administrative confinement no longer exist, the Classification Committee shall

recommend the inmate's return to general population.

All releases from administrative confinement shall be documented to include dates, times, reasons for releases, and the releasing authorities. [FCAC 7.17]

MONROE COUNTY  DETENTION FACILITIES	CHAPTER:	NUMBER:
	Confinement and Disciplinary	4:002
	SUBJECT: Confinement Inmates; Rights, Privileges, Access to Programs and Services, a deprivation of Authorized Items	
	AREAS OF RESPONSIBILITY: Monroe County Detention Facilities	PERSON RESPONSIBLE: All Certified Personnel

REVISED DATE: 5/29/06

Page 1 of 6

I. PURPOSE:

It is the policy of the Monroe County Detention Facilities that inmates in confinement shall have the same basic rights, living conditions, privileges, and programs comparable to those available to inmates in general population within the limits of their imposed confinement except where security requirements or disciplinary sanctions dictate otherwise. Males and females shall be housed separately. When an inmate in confinement is deprived of any usually authorized item or activity, an Incident Report shall be written and forwarded to the Operations Commander via the chain-of-command. Discipline shall not be arbitrary nor capricious, nor in the nature of retaliation or revenge. Corporal punishment of any kind is prohibited.

II. REFERENCES:

FMJS 9.08, 13.12, 13.13, 13.14, & 15.07 (a-d); FCAC 7.16, 7.18, 10.12, 12.19, & 15.08; and Consent Decree 61.

III. SCOPE:

These procedures apply to All Certified Personnel.

IV. POLICY:

Inmates shall not be discriminated against based on race, national origin, color, creed, economic status, disability, political belief, sex or sexual preference.

A. Meals

1. The quality and quantity of meals shall be the same as provided the general inmate population and will not be altered or withheld as a means of punishment. For medical reasons, an inmate who proposes a threat to him/herself or others will be served an alternate meal.
2. Alternate meal service shall be on an individual basis and be based on health or safety reasons only. (See Removal of Comfort Items written directive.)

Confinement and Disciplinary

Confinement Inmates; Rights, Privileges, Access to Programs and Services, a deprivation of Authorized Items

B. Out of Cell Time Privileges

1. Inmates in confinement shall be allowed one hour out of cell time a minimum of three times per week as scheduled for showering, recreation, using the phone, and/or cleaning their cell unless behavior dictates otherwise.
2. Inmates in confinement shall be permitted outside recreation, weather permitting.
3. Inmates are required to shower twice weekly.
4. Inmates shall be provided with the same comfort items (e.g., toothbrushes, toothpaste, soap, towel) as provided in general population.
5. Incoming general phone calls to inmates will not be accepted. Incoming emergency phone calls will be verified, and if valid, the information will be relayed to the inmate. Determination as to whether the inmate shall be permitted to make a return call by the use of the inmate phone shall be left to the Unit/Dorm Deputy.
6. Inmates who are suicidal or under behavioral observation shall not be permitted to retain razors in their possession. Razors will be issued by a deputy. The Deputy will observe the inmate shave and upon completion of each shave, the razor will be immediately returned.
7. Water to the cells may be shut off due to inmates' misbehavior (e.g., flooding, clogging up the commodes). In this event inmates will be provided an adequate supply of drinking water by other means.

C. Clothing, Bedding, Linen, Laundry and Barber Services

1. The issue and exchange of clothing, bedding and linen shall be on the same basis as for inmates in general population. Exceptions are permitted only where found necessary by the Shift Supervisor on duty and shall be recorded in the Confinement Log.
2. Situations requiring the removal of mattresses, bedding and linen will be reported to the Medical Staff by the Shift Supervisor.

Confinement and Disciplinary

Confinement Inmates; Rights, Privileges, Access to Programs and Services, a deprivation of Authorized Items

3. Laundry and Barber services shall be provided on the same basis as for inmates in general population. Exceptions are permitted only where found necessary by the Shift Supervisor on duty and shall be recorded in the Confinement Log.

D. Correspondence

Inmates shall be provided the same opportunities for writing and receipt of letters available to the general inmate population.

E. Visitation

1. Inmates shall be afforded visitation privileges that are available to the general inmate population unless they lost visitation privileges due to disciplinary confinement or there are substantial reasons for withholding such privileges.
2. Special consideration and measures will be taken to provide visitation for those classified as high risk inmates, state witnesses, etc. Visitation will be scheduled as determined by the Shift Lieutenant.
3. It will be the inmate's responsibility to inform potential visitors should they be denied visitation privileges.

NOTE: Staff should inform inmates of this responsibility at the time the restriction becomes effective and allow the inmate to make one phone call (making contact) to inform his/her visitors of the restriction.

F. Legal Materials

1. Inmates in confinement shall have access to the Law Library by submitting an Inmate Request Form to the Programs Services Division requesting to visit the Law Library.
2. Inmates who are a security risk shall request access to legal material by submitting an Inmate Request Form to the Programs Services Division (maintain strict contraband protocol).
3. Inmates in disciplinary confinement are not allowed to visit the Law Library unless they are pro-se inmates.

Confinement and Disciplinary

Confinement Inmates; Rights, Privileges, Access to Programs and Services, a deprivation of Authorized Items

G. Reading Materials

Inmates in confinement may request reading materials from the library (available in the unit) and may possess comparable amounts of general reading materials available to the general inmate population. Disciplinary confinement inmates may lose this privilege.

H. Programs and Services

1. Inmates in administrative confinement shall have the same access to programs and services as those afforded to the general population. Services include but are not limited to education, canteen, library, law library, social services, counseling, religious guidance, and recreation.
2. Inmates who are unable to participate in group activities for security reasons will be allowed visits in their housing area from the facility chaplain who will provide religious guidance and counseling.
3. Administrative confinement inmate's request for programs and services will be reviewed by the Programs Services Division and approved as deemed appropriate and necessary, and then forwarded to the Classification Division for review and approval.

I. Administrative Confinement and Protective Custody

1. Inmates placed in administrative confinement or protective custody shall be afforded the same basic rights, privileges, services, and participation in facility programs as those inmates in general population within the limits of their imposed confinement except where security requirements dictate otherwise.
2. No item or activity should be withheld longer than is necessary to ensure the inmate's safety and well-being of the staff and other inmates.

NOTE: In no instances will an inmate be deprived of an item or activity for the purpose of punishment.

Confinement and Disciplinary

Confinement Inmates; Rights, Privileges, Access to Programs and Services, a deprivation of Authorized Items

3. Staff members requesting a restriction of any program or service to an inmate shall obtain approval from the Operations Commander / Marathon/Plantation Key (KV/PK) Site Commander prior to implementing the restriction.

NOTE: An Incident Report shall be submitted outlining the reason or basis for such action. The Incident Report will be forwarded to the Operations Commander via the chain-of-command.

J. Disciplinary Confinement

The following privileges may be lost by inmates placed in disciplinary confinement:

1. Phone (except to access legal counsel)
2. Visitation
3. Law Library
4. Library
5. Canteen
6. Programs

K. Informal Discipline


Inmates housed in direct supervision housing units can be subjected to informal discipline (e.g., two hours lockdown in cell, volunteer for in-house work detail) as follows:

1. Must be approved by the Shift Sergeant or OIC;
2. An Incident Report must be written and forwarded up the chain-of-command;
3. Inmates shall not be required to remain in their individual sleeping areas for more than two hours as a result of informal discipline;
4. Any informal discipline shall terminate upon completion of the then current shift;

Confinement and Disciplinary

**Confinement Inmates; Rights, Privileges, Access to
Programs and Services, a deprivation of Authorized Items**

5. No inmate may be the subject of informal discipline more than twice in any seven day period; and
6. Inmates on informal discipline shall receive the same food, clothing, and visitation as any other inmate in the housing unit.

MONROE COUNTY  DETENTION FACILITIES	CHAPTER: Confinement and Disciplinary	NUMBER: 4:003
	SUBJECT: Confinement Inmates; Health and Well-Being	
	AREAS OF RESPONSIBILITY: Monroe County Detention Facilities	PERSON RESPONSIBLE: Shift Supervisor

REVISED DATE: 8/21/06

Page 1 of 1

I. PURPOSE:

It is the policy of the Monroe County Detention Facilities that inmates in confinement shall receive daily visits from the Jail Administrator or his/her designee. A qualified health care official will visit daily unless medical attention is required more frequently.

II. REFERENCES:


FMJS 13.13(c) & 13.14 and FCAC 7.17 & 10.20.

III. SCOPE:

These procedures apply to All Certified Personnel and Medical Staff.

IV. POLICY:

- A. The Jail Administrator or his/her designee will speak with inmates in confinement at least once per tour of duty to ascertain the general condition and attitude of each inmate. Pertinent information (e.g., inmate's general condition and attitude) will be documented on the Special Confinement Form.
- B. Each inmate who is placed in confinement will be seen by a qualified Medical Staff member within 24 hours of placement and thereafter daily until removed from confinement. Inmates requiring more frequent medical attention will be attended to by the Medical Staff as required.
- C. Inmates confined for medical reasons will be examined by medical staff within 48 hours of such confinement.
- D. All visits will be documented as required.

<p>MONROE COUNTY</p>  <p>DETENTION FACILITIES</p>	<p>CHAPTER:</p> <p>Confinement and Disciplinary</p>	<p>NUMBER:</p> <p>4:004</p>
	<p>SUBJECT:</p> <p>Confinement Sheet and Watch Form</p>	
	<p>AREAS OF RESPONSIBILITY:</p> <p>Monroe County Detention Facilities</p>	<p>PERSON RESPONSIBLE:</p> <p>Unit/Dorm Deputies</p>

REVISED DATE: 12/31/08

Page 1 of 2

I. PURPOSE:

It is the policy of the Monroe County Detention Facilities that those deputies who have confinement inmates assigned to their housing areas shall maintain a Confinement Sheet and Watch Form on each confined inmate.

II. REFERENCES:

FMJS 5.04 & 13.13 and FCAC 7.17 & 10.04.

III. SCOPE:

These procedures apply to All Certified Personnel.


IV. POLICY:

- A. The Confinement Sheet and Watch Form shall be maintained by deputies in all areas housing inmates for medical, administrative confinement, protective custody, and/or disciplinary purposes. Confinement Sheets shall be posted on the inmate's cell door. At midnight, the Confinement Sheets will be removed and given to the Shift Supervisor, and a new sheet will be placed on the door.
- B. The Shift Supervisor shall review the sheets to ensure they are being properly filled out. The Shift Supervisor shall initial each confinement sheet after reviewing it.
- C. Information to be contained on the Confinement Sheet and Watch Form shall include, but not be limited to, the following:
 - 1. Inmate's full name
 - 2. Cell location
 - 3. Date and time inmate is placed in confinement

Confinement and Disciplinary

Confinement Sheet and Watch Form

4. Type of confinement
 5. Type of Watch (15 minute, 30 minute, or 1 hour)
 6. Special diet
 7. Special needs or restrictions
 8. If two deputy control is needed
 9. Visits by detention and medical staff
- NOTE: The Sergeant or his/her designee must talk with each confined inmate at least once per shift and Medical must check each confined inmate at least once every 24 hours.**
10. The inmate's general condition and attitude (e.g., poor, fair, good) must be noted. If the inmate's general condition and attitude is poor, the Sergeant or his/her designee must include a comment in the "comments" section of the confinement sheet.
 11. Participation in "out-of-cell" time including shower taken or not, went to recreation or not, made phone calls or not
 12. Date and time inmate is released from confinement or confinement is continued
- D. In addition to the requirements for a Confinement Sheet and Watch Form, information regarding inmates in confinement will be documented on an Incident Report, when applicable.
- E. Special management inmates observations will be documented at least every 15 minutes or sooner (e.g., detox, suicide levels 1, 2, & 3, inmates in the infirmary).
- F. Observation of inmates whose behavior presents a serious threat to the safety and security of the facility, staff, or general inmate populations will be documented at least every 30 minutes or sooner (e.g., hi-pro, psych obs, signal 20).
- G. All other confinement inmates will be documented at least every hour or sooner (e.g., suicide level 4, Administrative Confinement, Protective Custody, Disciplinary Confinement inmates).

MONROE COUNTY  DETENTION FACILITIES	CHAPTER: Confinement and Disciplinary	NUMBER: 4:005
	SUBJECT: Disciplinary Confinement	
	AREAS OF RESPONSIBILITY: Monroe County Detention Facilities	PERSON RESPONSIBLE: Classification Supervisor / Shift Supervisor

REVISED DATE: 5/29/06

Page 1 of 2

I. PURPOSE:

It is the policy of the Monroe County Detention Facilities to establish policies governing inmates housed in disciplinary confinement. Inmates shall be placed in disciplinary confinement for a rule violation only after a hearing by the Inmate Disciplinary Committee.

II. REFERENCES:

FMJS 13.13(d).

III. SCOPE:

These procedures apply to All Certified Personnel.

IV. DEFINITIONS:

A. Disciplinary Confinement - A form of separation from the general population in which inmates committing serious violations of conduct regulations are confined by the Inmate Disciplinary Committee/Hearing Deputy for short periods of time to individual cells separate from the general population. Placement in disciplinary confinement may only occur after a finding of a rule violation at an impartial hearing and when there is no adequate alternative disposition to regulate the inmate's behavior.

B. Pending Disciplinary Hearing - An inmate(s) who violated a rule infraction and is placed in a confinement cell pending his/her disciplinary hearing outcome.

V. POLICY:

Confinement unit(s) will be provided for the supervision of inmates under disciplinary confinement.

Confinement and Disciplinary

Disciplinary Confinement


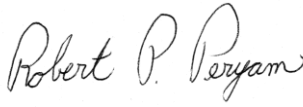
- A. The Inmate Disciplinary Committee/Hearing Deputy may place inmates in disciplinary confinement only after an impartial hearing has been conducted and when other available alternatives are inadequate to regulate an inmate's behavior within acceptable limits.
1. If an inmate pleads guilty when they are served with the DR, their lockdown time will begin that date.
 2. If an inmate is found guilty at a DR hearing, their lockdown time will begin on the day of the DR hearing.
- B. Inmates may be placed in disciplinary confinement for no more than the Disciplinary Confinement Guidelines allow per violation arising out of one incident. Lockdown time can run consecutively.

Disciplinary confinement time will only count while in lockdown in Unit A, B, or other recognized lockdown cell. If an inmate goes to the infirmary for any reason, the time he/she spends in the infirmary will not count towards his/her lockdown time. Once the inmate is released from the infirmary, he/she will be returned to Unit A or B to complete his/her disciplinary confinement (DC) time. If the DR hearing is held in the infirmary, the DC time will not start until the inmate is released from the infirmary and placed back in Unit A or B on lockdown status. DC time will also be stopped for any other type of time the inmate spent away from Unit A or B.

- C. Loss of privileges will be determined by the Inmate Disciplinary Committee/Hearing Deputy.

NOTE: An Incident Report must be forwarded to the Inmate Services Sergeant via the chain-of-command for all of the above reasons.

- D. Inmates shall be checked daily by Medical Staff.
- E. Inmates shall be required to shower twice weekly.

 MONROE COUNTY SHERIFF'S OFFICE	BUREAU DIRECTIVE: BOC - 4:006	REFERENCES: FCAC 7.03 & 7.07-7.16 FMJS 13.04 & 13.08-13.12 Consent Decree 51-63
	RESCINDS: Policy Directive 1	
	BUREAU: Corrections	NO. OF PAGES: 9
	CHAPTER: Confinement and Disciplinary	 <hr/> Sheriff of Monroe County
	TOPIC: Disciplinary Hearing	

PURPOSE:

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to establish the responsibility and duties for the Inmate Services Division to conduct disciplinary hearings for inmates who have violated institutional rules or regulations. [FCAC 7.03]

Consistent, equitable discipline prevents misconduct and promotes a calm, orderly environment. At the same time it can be an effective tool used to develop inmate self-control.

Discipline shall not be arbitrary nor capricious, nor in the nature of retaliation or revenge.

Corporal punishment of any kind is prohibited. [FCAC 7.16]

SCOPE:

This directive applies to the Disciplinary Committee/Hearing Deputy, Classification, and the Operations Commander.

PERSON RESPONSIBLE:

Disciplinary Committee/Hearing Deputy and Classification Personnel.

POLICY AND PROCEDURES:

Disciplinary Committee [FCAC 7.03]

The Disciplinary Committee will consist of three Sheriff's Office personnel with at least one certified deputy whenever possible. The certified deputy shall act as the chairperson of the committee. If no certified deputy is available, three Sheriff's Office personnel may convene the committee with one acting as the chairperson.

No personnel shall be a member of the disciplinary committee if they:

- Were involved or witnessed the infraction; or
- Were involved with the reporting or investigation of the Disciplinary Report.

Disciplinary Hearings

A hearing will be held as soon as possible after the alleged violation(s), but no later than five working days after the incident. For the purpose of this rule, "working days" shall mean Monday-Friday, excluding holidays. [FCAC 7.07] [Consent Decree 56]

There may be times, due to extenuating circumstances (e.g., hurricane), when the hearing cannot be held within five working days of the incident.

If this occurs, the circumstances regarding the continuance must be fully documented and approved by the officer-in-charge.

Under no circumstance may the hearing be postponed beyond ten working days after the incident. [FCAC 7.07]

Chairperson's Responsibility

When the inmate charged with the violation(s) appears before the committee, the chairperson will:

- Introduce the committee
- Determine if the inmate understands the charge(s), the hearing procedure, and the possible penalties if found in violation of the charge. [FCAC 7.08]
- Offer assistance to the inmate if he/she is unable to defend him/herself due to disability, language barrier, literacy problems, or cannot properly understand the charge(s) against him/her. [FCAC 7.10]
- Read the report aloud for the benefit of all present.
- Ask the inmate how he/she wishes to plead to the charge(s):
 - A plea of "Guilty" will not require any further evidence to be heard.
 - A plea of "Not Guilty" will require the hearing to proceed.
 - A refusal to plea shall be treated as a "Not Guilty" plea.
 - A plea of "Nolo Contendere" shall be treated as a "Guilty" plea.
- Ask the inmate if he/she would like to explain the circumstances or make a statement.
- Continue the hearing to resolve questionable testimony, if necessary.
- Call for supporting documents, evidence, or relevant witnesses, if indicated. [FCAC 7.09]

- Inmates are allowed to be present at their disciplinary hearing unless a written waiver is obtained waiving their right to attend, the inmate refuses, security is threatened, or their behavior justifies their removal from the hearing (e.g., violent, aggressive, abusive language). Proceed with the hearing in the inmate's absence. [FCAC 7.11]

- Ensure that any deviations from the established format are documented (e.g., removal/absence of inmate from hearing, interpreter present). [FCAC 7.11]

- If the inmate requested witnesses during the investigation and they were not called by the chairperson, or if information was restricted, an explanation must be included in the findings. [FCAC 7.09]

When all questions are resolved, the inmate charged with the violation(s) and all others will be dismissed to allow the committee members an opportunity to deliberate.

The committee must determine if the inmate is or is not in violation of the Rules of Prohibited Conduct as charged and agree upon the recommended penalty.

The decision of guilt shall be based solely on witnesses, evidence (including video tape), and documentation presented at the hearing with a statement to that effect made part of the official hearing record. [FCAC 7.14]

The penalty will not exceed the Disciplinary Committee (D.C.) Guidelines (see attachment 1).

- All committee members must use the D.C. Guidelines as the sentence for an inmate found guilty of a charge.

- As warranted, recommendations will be made to the Operations Commander requesting consideration of a reduced sentence based on the individual circumstances of the case.

- Only the Operations Commander can reduce a sentence below the guidelines' sentence.

- If property was damaged, stolen, or destroyed, the Disciplinary Committee/Hearing Deputy can also recommend reimbursement from the inmate as part of the sentencing. This recommendation must be spelled out including the dollar amount the inmate needs to reimburse.
- Inmates shall not be sentenced to the following sanctions due to disciplinary reasons:
 - Corporal punishment
 - Deviations from normal food service
 - Clothing deprivation
 - Bedding deprivation
 - Denial of personal hygiene items
 - Loss of correspondence privileges, or
 - Deprivation of the inmate's minimum three hours per week of outdoor exercise.

Disciplinary Committee Findings

In stating the findings, the committee must specify the evidence, witnesses, and documentation they relied upon in reaching a decision. [FCAC 7.14]

The findings will be recorded in Section III of the Disciplinary Report. [FCAC 7.12]

“Not Guilty” Finding

If the inmate is found "not guilty", or if the charge is dismissed, all reports shall be so noted.

“Guilty” Finding

The committee cannot sentence an inmate to corporal punishment. [FCAC 7.16]

The committee will sentence the inmate to the loss of the following as per the D.C. Guidelines:

- Days of lockdown

- Days of gain time
- Visitation including additional loss to be completed after initial lockdown time
- Phone (except attorney calls)
- Law Library (except for pro se inmates)
- Canteen

If a loss of gain time is recommended per the D.C. Guidelines, the number of days to be forfeited will be noted and the expiration of sentence date adjusted on all records.

Inmate's Disposition Copy

After the report is signed by all committee members, the inmate will be called back in and informed of the decision. The inmate's disposition copy shall be given to the inmate at the disciplinary hearing. [FCAC 7.12] The paperwork will then be forwarded to the Operations Commander within 24 hours of the hearing.

Right of Inmate to Appeal Decision

The inmate will be informed of the committee's decision and recommendation, and if found "in violation", it is his/her right to appeal the decision within five days to the Operations Commander by submitting an Inmate Request Form. [FCAC 7.12] [FCAC 7.13]

Operations Commander Review

The Operations Commander shall review the findings and approve, disapprove, or reduce the sentence.

The Operations Commander cannot increase the punishment. [FCAC 7.15]

The Operations Commander shall forward the final disposition to the Classification Division.

Classification Division's Responsibility

The Classification Division will initiate appropriate paperwork for:

- Reclassification of the inmate, if applicable
- Adjustment of the inmate's tentative release date, if applicable

Distribution of Disciplinary Report

The distribution of a Disciplinary Report will be as follows:

- White copy (Original) - Disciplinary report file
- Yellow copy - Classification file
- Pink copy - Inmate's Disposition (was given to the inmate by the Disciplinary Committee after the hearing)
- Goldenrod copy - Inmate's Service Copy (was given to inmate at time of service)

Inmate Appeals

Inmates may appeal the decision of the disciplinary committee to the Operations Commander. [FCAC 7.13]

Upon receipt of an Inmate Request Form for an appeal, the Operations Commander will:

- Compile all information concerning the Disciplinary Report.
- Review all paperwork.
- If any questions arise after review, investigate questions.
- Render a decision on appeal.
- Document all action taken during the appeal process on the inmate's appeal request.

D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
1-1	30DC + 15LG	30DC + 30LG	30DC + ALL LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
1-2	15DC	20DC	25DC	15DC	20DC	25DC
1-3	15DC + 15LG	20DC + 20LG	25DC + 25LG	15DC + 15LV	20DC + 20LV	25DC + 25LV
1-4	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
1-5	30DC + 15LG	30DC + 30LG	30DC + All LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
1-6	30DC + 15LG	30DC + 30LG	30DC + ALL LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
1-7	30DC + 15LG	30DC + 30LG	30DC + ALL LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
2-1	30DC	30DC + 20LG	30DC + 30LG	30DC	30DC + 20LV	30DC + 30LV
2-2	30DC + 20LG	30DC + 40LG	30DC + 60LG	30DC + 20LV	30DC + 40LV	30DC + 60LV
2-3	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
2-4	15DC + 15LG	20DC + 20LG	30DC + 30LG	15DC + 15LV	20DC + 20LV	30DC + 30LV
3-1	30DC + 10LG	30DC + 20LG	30DC + 40LG	30DC + 10LV	30DC + 20LV	30DC + 40LV
3-2	30DC + ALL LG	30DC + ALL LG	30DC + ALL LG	30DC + 60LV	30DC + 90LV	30DC + 120LV
3-3	20DC + 10LG	20DC + 20LG	20DC + 40LG	20DC + 10LV	20DC + 20LV	20DC + 40LV
3-4	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	30DC + 30LV
3-5	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	30DC + 30LV
3-6	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	30DC + 30LV
3-7	10DC + 10LG	20DC + 15LG	30DC + 30LG	10DC + 10LV	20DC + 15LV	30DC + 30LV

D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
3-8	10DC + 10LG	20DC + 15LG	30DC + 30LG	10DC + 10LV	20DC + 15LV	30DC + 30LV
3-9	10LG	10DC + 5LG	20DC + 10LG	10LV	10DC + 5LV	20DC + 10LV
3-10	20DC	20DC + 10LG	20DC + 20LG	20DC	20DC + 10LV	20DC + 20LV
3-11	30DC + 10LG	30DC + 20LG	30DC + 30LG	30DC + 10LV	30DC + 20LV	30DC + 30LV
3-12	5DC + 5LG	10DC + 10LG	20DC + 20LG	5DC + 5LV	10DC + 10LV	20DC + 20LV
3-13	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
3-14	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
3-15	30DC	30DC + 10LG	30DC + 30LG	30DC	30DC + 10LV	30DC + 30LV
3-16	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
3-17	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
3-18	30DC + 10LG	30DC + 15LG	30DC + 30LG	30DC + 10LV	30DC + 15LV	30DC + 30LG
3-19	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
4-1	30DC + ALL LG	30DC + ALL LG	30DC + ALL LG	30DC + 60LV	30DC + 90LV	30DC + 120LV
4-2	30DC	30DC + 30LG	30DC + 60LG	30DC	30DC + 30LV	30DC + 60LV
4-3	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
4-4	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
4-5	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV

D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
5-1	15DC	15DC + 10LG	15DC + 20LG	15DC	15DC + 10LV	15DC + 20LV
5-2	15DC	15DC + 10LG	15DC + 20LG	15DC	15DC + 10LV	15DC + 20LV
5-3	15DC	15DC + 15LG	15DC + 30LG	15DC	15DC + 15LV	15DC + 30LV
5-4	15DC + 10LG	30DC + 20LG	30DC + 30LG	15DC + 10LV	30DC + 20LV	30DC + 30LV
6-1	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
6-2	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
6-3	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
7-1	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
7-2	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
7-3	10DC + 10LG	15DC + 15LG	30DC + 30LG	10DC + 10LV	15DC + 15LV	30DC + 30LV
7-4	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
7-5	5DC + 5LG	15DC + 15LG	30DC + 30LG	5DC + 5LV	15DC + 15LV	30DC + 30LV
7-6	30DC + 15LG	30DC + 30LG	30DC + ALL LG	30DC + 15LV	30DC + 30LV	30DC + 60LV
8-1	5LG	10DC + 10LG	15DC + 15LG	5LV	10DC + 10LV	15DC + 15LV
8-2	5LG	10DC + 10LG	15DC + 15LG	5LV	10DC + 10LV	15DC + 15LV
9-1	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
9-2	15DC + 15LG	20DC + 20LG	30DC + 30LG	15DC + 15LV	20DC + 20LV	30DC + 30LV
9-3	30DC + 30LG	30DC + 60LG	30DC + 90LG	30DC + 30LV	30DC + 60LV	30DC + 90LV

D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
9-4	20DC + 20LG	25DC + 25LG	30DC + 90LG	20DC + 20LV	25DC + 25LV	30DC + 90LV
9-5	30DC + 60LG	30DC + 90LG	30DC + ALL LG	30DC + 60LV	30DC + 90LV	30DC + 120LV
10-1	20DC + 20LG	25DC + 25LG	30DC + 30LG	20DC + 20LV	25DC + 25LV	30DC + 30LV
10-2	15LG	10DC + 10LG	15DC + 15LG	15LV	10DC + 10LV	15DC + 15LV
10-3	20LG	10DC + 30LG	20DC + 60LG	20LV	10DC + 30LV	20DC + 60LV
10-4	10DC + 20LG	20DC + 30LG	30DC + 30LG	10DC + 20LV	20DC + 30LV	30DC + 30LV
10-5	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
10-6	10LG	10DC + 20LG	25DC + 30LG	10LV	10DC + 20LV	25DC + 30LV
10-7	30DC + 30LG	30DC + 60LG	30DC + 90LG	30DC + 30LV	30DC + 60LV	30DC + 90LV
10-8	30DC + 30LG	30DC + 60LG	30DC + 90LG	30DC + 30LV	30DC + 60LV	30DC + 90LV
10-9	20DC + 20LG	30DC + 30LG	30DC + 60LG	20DC + 20LV	30DC + 30LV	30DC + 60LV
10-10	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
10-11	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-12	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
10-13	10LG	10DC + 20LG	20DC + 30LG	10LV	10DC + 20LV	20DC + 30LV
10-14	10LG	10DC + 20LG	30DC + 30LG	10LV	10DC + 20LV	30DC + 30LV
10-15	15LG	10DC + 20LG	15DC + 30LG	15LV	10DC + 20LV	15DC + 30LV
10-16	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV


D.C. GUIDELINES

CHARGE	SENTENCED			UNSENTENCED		
	FIRST	SECOND	THIRD	FIRST	SECOND	THIRD
10-17	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-18	10DC + 20LG	20DC + 30LG	30DC + 60LG	10DC + 20LV	20DC + 30LV	30DC + 60LV
10-19	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-20	10DC + 10LG	15DC + 15LG	20DC + 20LG	10DC + 10LV	15DC + 15LV	20DC + 20LV
10-21	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-22	30DC + 20LG	30DC + 30LG	30DC + 45LG	30DC + 20LV	30DC + 30LV	30DC + 45LV
10-23	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-24	30DC + 30LG	30DC + 60LG	30DC + 90LG	30DC + 30LV	30DC + 60LV	30DC + 90LV
10-25	5DC + 5LG	10DC + 10LG	15DC + 15LG	5DC + 5LV	10DC + 10LV	15DC + 15LV
10-26	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-27	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-28	15DC + 15LG	20DC + 20LG	30DC + 30LG	15DC + 15LV	20DC + 20LV	30DC + 30LV
10-29	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV
10-30	10DC + 10LG	20DC + 20LG	30DC + 30LG	10DC + 10LV	20DC + 20LV	30DC + 30LV

LEGEND:

- DC - Disciplinary Confinement
- LG - Lost of Gain Time
- LV - Lost of Visitation
- + - Means additional CONSECUTIVE discipline, not concurrent

NOTE: THE MOST DISCIPLINARY CONFINEMENT TIME THAT AN INMATE CAN RECEIVE PER INCIDENT IS A MAXIMUM OF 30 DAYS.

 MONROE COUNTY SHERIFF'S OFFICE	BUREAU DIRECTIVE: BOC - 4:007	REFERENCES: FCAC 7.04-7.06 FMJS 13.05-13.07 Consent Decree 53-56
	RESCINDS:	
	BUREAU: Corrections	NO. OF PAGES: 6
	CHAPTER: Confinement and Disciplinary	<i>Robert P. Peryam</i>
	TOPIC: Disciplinary Reports	Sheriff of Monroe County

PURPOSE:

The purpose of this directive is to establish policy for the Monroe County Detention Facilities to establish the methods to be used when it is necessary to take disciplinary action against inmates who have violated institutional rules and regulations.

If the deputy/employee cannot resolve the issue through verbal counseling or by the issuance of a Minor Infraction Warning, the deputy/employee will follow through with a written Disciplinary Report and forward it to his/her supervisor for review.

SCOPE:

This directive applies to all personnel.

Preparation of Disciplinary Reports [FCAC 7.04]

The Disciplinary Report will contain the following:

PERSON RESPONSIBLE:

All personnel.

- Date of infraction
- Time of infraction
- Place of infraction
- Date report was written
- Specific rule violated (only one offense per report)
- Details of incident including witnesses
- Action taken by deputy/employee/volunteer
- Names of employee or volunteer witnesses (as security allows) will be written on the Incident Report. (NOTE: Names of inmate's witnesses will be obtained when the Disciplinary Investigative Report is completed.)

POLICY AND PROCEDURES:

Reporting Violation of Rules

If a deputy or employee witnesses or has reason to believe a violation of the rules has been committed by an inmate, and if the deputy/employee determines that the violation can be disposed of without a formal Disciplinary Report, the deputy/employee will take the necessary steps to resolve the issue.

The deputy/employee may reprimand the inmate through verbal counseling or by issuing a Minor Infraction Warning.

Minor Infraction Warnings will be documented in the inmate's file.

BOC - 4:007	Date of Original: Jan 1994	1
	Previous Revision Date(s): 9/15/99, 5/5/00, 5/29/06, 8/21/06, 12/31/08	
Dissemination Date: 1/11/10	Effective Date: 1/20/10	

The Disciplinary Report will show the nature of the offense. The charge and rule number violated will be included.
 The Disciplinary Report will include only one offense per report.

The charge must be from the following partial list of Rules of Prohibited Conduct:

SECTION 1 - ASSAULT, BATTERY, THREATS AND DISRESPECT

- 1-1 Assault or battery or attempted assault or battery with a deadly weapon
- 1-2 Other assault or battery or attempted assault or battery
- 1-3 Spoken or written threats or gestures
- 1-4 Disrespect to deputies, staff members, employees or other persons of authority expressed by means of words, gestures and like expressions
- 1-5 Sexual battery or attempted sexual battery
- 1-6 Corruption by threats against public servants (F.S. 838.021)
- 1-7 Throwing of human feces or any other human bodily fluids with the intent to make contact on any person, or willful act or behavior which could cause a hazard to any person, their equipment, or work station

SECTION 2 - RIOTS, STRIKES, MUTINOUS ACTS OR DISTURBANCES

- 2-1 Participating in riots, strikes, mutinous acts or disturbances
- 2-2 Inciting or attempting to incite riots, strikes, mutinous acts or disturbances. Conveying any inflammatory, riotous or mutinous communication by word of mouth, in writing, by sign, symbol, or gesture
- 2-3 Participating in or inciting a minor disturbance

2-4 Fighting

SECTION 3 - CONTRABAND - ANY UNAUTHORIZED ARTICLE OR ANY AUTHORIZED ARTICLE IN EXCESSIVE QUANTITIES

- 3-1 Possession of weapon, ammunition or explosives
- 3-2 Possession of escape paraphernalia
- 3-3 Possession of any flammable, poisonous or explosive material or device, including matches and lighters
- 3-4 Possession of narcotics, unauthorized drugs or drug paraphernalia
- 3-5 Trafficking in drugs or unauthorized beverages
- 3-6 Manufacture of drugs or unauthorized beverages
- 3-7 Possession of unauthorized beverages
- 3-8 Possession of aromatic stimulants or depressants such as paint thinner, glue, toluene, etc.
- 3-9 Possession of negotiables - unauthorized amounts of cash where cash is permitted, cash where cash is not permitted, checks, credit cards or any other negotiable item which is not authorized
- 3-10 Possession of any mask, wig, disguise or other means of altering appearance
- 3-11 Possession of unauthorized or altered identification - driver's license, social security card, inmate ID, etc.
- 3-12 Possession of unauthorized clothing or linen (county or personal)
- 3-13 Possession of stolen property
- 3-14 Possession of any other contraband
- 3-15 Introduction of any contraband

- 3-16 Possession of tobacco, tobacco products or paraphernalia
- 3-17 Constructive possession of contraband
- 3-18 Positive drug test/refusal to provide urine sample
- 3-19 Positive tobacco test

SECTION 4 - UNAUTHORIZED AREA

- 4-1 Escape or attempted escape
- 4-2 Aiding or abetting an escape or attempted escape
- 4-3 Unauthorized absence from assigned area including housing, job, or other assigned or designated area
- 4-4 Being in an unauthorized area including housing, job, recreation, visiting or any other area where the inmate is not authorized to be
- 4-5 Failure to proceed directly and promptly to or from designated area

SECTION 5 - HEAD COUNT PROCEDURE VIOLATIONS

- 5-1 Missing during head count
- 5-2 Failure to comply with head count procedure
- 5-3 Failure to answer or answering for another
- 5-4 Failure to wear proper identification in accordance with facility rules and regulations

SECTION 6 - DISOBEYING ORDERS

- 6-1 Disobeying verbal or written order(s) - any order(s) given to an inmate or inmates by a deputy, staff member, employee, or other person of authority

- 6-2 Refusing to obey institutional rules and regulations
- 6-3 Repeatedly, knowingly, and willfully refusing to obey rules and regulations

SECTION 7 - DESTRUCTION, MISUSE OR WASTE OF PROPERTY

- 7-1 Destruction of county property or property belonging to another (F.S. 806.13)
- 7-2 Altering or defacing county property or property belonging to another (F.S. 806.13)
- 7-3 Destruction of county property or property belonging to another due to negligence (F.S. 806.13)
- 7-4 Misuse of county property or property belonging to another - using property for other than the intended purpose (F.S. 806.01)
- 7-5 Willfully wasting county property or property belonging to another - using property for other than the intended purpose (F.S. 806.01)
- 7-6 Arson or attempted arson without injury - igniting any material(s) (F.S. 806.01)

SECTION 8 - HYGIENE

- 8-1 Failure to maintain personal hygiene or appearance
- 8-2 Failure to maintain acceptable hygiene or appearance of housing area

SECTION 9 - SAFETY INFRACTIONS

- 9-1 Operating or use of any tool, equipment, or machinery without permission of a staff member
- 9-2 Careless, reckless or negligent operation or use of tools, equipment, or machinery

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>9-3 Tampering with or carelessly, negligently, recklessly, or willfully causing damage or destruction to any part of the electrical, plumbing, water, sewage, communications or other utilities (F.S. 806.01)</p> <p>9-4 Tampering with or carelessly, negligently, recklessly, or willfully causing damage or destruction to any piece of safety equipment or device (F.S. 806.10, fire equipment / or F.S. 806.13 for others)</p> <p>9-5 Any careless, reckless, negligent or willful act or behavior that causes or could cause death or injury to another person</p> | <p>10-13 Feigning illness or malingering as determined by a physician or medical Authority</p> <p>10-14 Gambling or possession of gambling paraphernalia</p> <p>10-15 Insufficient work (This constitutes an inmate not working up to expectation taking into consideration the inmate's physical condition, the degree of difficulty of assignment, and the average performance by fellow inmates assigned to the same task.)</p> <p>10-16 Mail regulation violations</p> <p>10-17 Visiting regulation violations</p> <p>10-18 Refusing to work</p> <p>10-19 Disorderly conduct</p> <p>10-20 Unauthorized physical contact</p> <p>10-21 Presenting false testimony before disciplinary committee</p> <p>10-22 Extortion or attempted extortion</p> <p>10-23 Fraud or attempted fraud</p> <p>10-24 Robbery or attempted robbery</p> <p>10-25 Loaning or borrowing money or other valuables</p> <p>10-26 Telephone regulation violations</p> <p>10-27 Unauthorized communication from an inmate in any area to another person in a different area through word of mouth, in writing, by sign, symbol or gesture (e.g., one unit to another unit, trustees to court inmates, etc.)</p> <p>10-28 Trusty or work release rules/guideline violations</p> <p>10-29 Sharing/using a telephone pin number with another inmate</p> <p>10-30 Personal communication between inmates and employees</p> |
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**SECTION 10 - MISCELLANEOUS
INFRACTIONS**

The Disciplinary Report shall contain a statement of facts. State the circumstances that formed the basis for the Disciplinary Report. The statement of facts will not include any opinions or inferences from the charging deputy/employee.

Where multiple charges are involved, a separate Disciplinary Report will be written for each charge. The Shift Supervisor shall review the Disciplinary Report for accuracy and completeness and approve it, if applicable.

Should a Disciplinary Report be disapproved by the Shift Supervisor, all person(s) concerned will be notified as to the reasons for the disapproval.

A copy of the Disciplinary Report shall be attached to the original Incident Report and forwarded through the chain-of-command to the Operations Commander which is the Jail Administrator's designee. Deputies/employees will make a copy of the Incident Report and attached it to the original Disciplinary Report. [FCAC 7.04]

Delivery of Charge(s)

The inmate must be given at least twenty-four (24) hours from the time the charge(s) are delivered to prepare for the disciplinary hearing.

The inmate may waive the twenty-four (24) hour waiting period. The waiver will be signed by the inmate and witnessed by a deputy. [FCAC 7.06]

The deputy delivering the charge(s) shall ensure that the inmate understands the charge(s). If the inmate cannot read, the deputy will read the charge(s) to the inmate. The deputy will record the date and time the charge(s) is delivered. [FCAC 7.06]

The inmate may waive the right to be present at the hearing. In this case, the waiver should be signed by the inmate, witnessed by a deputy, and reviewed by the Shift Supervisor.

If the inmate wants to plead guilty at the time the Disciplinary Report is served, the investigating deputy must complete the service as follows in order to avoid delays:

- Indicate that the inmate waives his 24-hour notice (check yes).
- Indicate that the inmate does not wish to be present at the hearing (circle DO NOT).
- Write on the Disciplinary Investigative Report in the inmate statement area that the inmate pleads guilty.
- Write in the upper left corner of the Disciplinary Report that the inmate pleads guilty.

The delivery of charges must be served to the inmate within 48 hours of the inmate being placed in lockdown. Extension on the 48 hour time limit will only be granted for emergency situations. The inmate will be handed the inmate's service copy of the Disciplinary Report at this time.

Investigation of Charge(s) [FCAC 7.05]

Upon receipt of the Disciplinary Report, the Shift Supervisor will then forward the Disciplinary Report to the deputy designated to investigate the charge(s).

The investigating deputy shall complete the Disciplinary Investigative Report by obtaining the inmate's version of the offense.

The investigating deputy will also contact any other staff members, volunteers, or inmates who may have information pertaining to the allegation of the charge(s). [FCAC 7.04]

The inmate shall be asked if he/she has any material witnesses to speak on his/her behalf. If so, the investigating deputy will interview both inmate and staff witnesses. If they are not contacted, the reasons why must be stated in the report. [FCAC 7.04]

The investigating deputy shall not offer opinions of guilt or innocence.

The investigating deputy shall submit all documentation back to the Shift Sergeant.

Shift Sergeant's Responsibilities

The Shift Sergeant shall ensure that all blocks are completed correctly.


Once all information is complete and accurate, the Shift Sergeant will submit all documentation (e.g., original Disciplinary Report, original Investigative Report, a copy of the Incident Report, and any other pertinent documentation) to the Inmate Services Sergeant via their Shift Lieutenant to conduct the hearing. [FCAC 7.05]

Inmate Services Sergeant's Responsibilities

The Inmate Services Sergeant shall research and note whether the inmate is sentenced or not and if the inmate has any prior Disciplinary Reports.

Classification Division's Responsibility

Classification Personnel will enter the Disciplinary Report and all pertinent data into their computers.

<p>MONROE COUNTY</p>  <p>DETENTION FACILITIES</p>	<p>CHAPTER: Confinement and Disciplinary</p>	<p>NUMBER: 4:008</p>
	<p>SUBJECT: Minor Infraction Warning Book</p>	
	<p>AREAS OF RESPONSIBILITY: Monroe County Detention Facilities</p>	<p>PERSON RESPONSIBLE: All Personnel</p>

REVISED DATE: 9/15/99

Page 1 of 4

I. PURPOSE:

It is the policy of the Monroe County Detention Facilities to establish a method for warning inmates on a minor rule infraction(s) for control and security among the inmates.

II. REFERENCE:

None.

III. SCOPE:

These procedures apply to All Personnel.

IV. POLICY:

A. Issuance of Warnings

When a deputy witnesses or has reason to believe a minor violation of the rules has been committed, a warning will be issued.

B. Preparation of Minor Infraction Warnings

1. The Minor Infraction Warning will have the following information:

- a. Mark the location of which the infraction was committed (i.e., KW, KV, or PK).
- b. Print inmate's name (e.g., Doe, John).
- c. Print location of housing assignment (e.g., D-22-B).
- d. Print violation number (e.g., A-3) and date and time (e.g., 30 Nov 99, 1800 hours).

Confinement and Disciplinary

Minor Infraction Warning Book

- e. Print location of violation within the facility (e.g., kitchen, recreation, day room).
 - f. Print any additional remarks (e.g., any prior warnings, his/her attitude and behavior).
 - g. Have the inmate sign for his/her Minor Infraction Warning. Upon refusal to sign warning, a Disciplinary Report will be written.
 - h. The deputy issuing the Minor Infraction Warning will sign his/her signatures and identification number.
 - i. The issuing deputy will hand the inmate the yellow copy and place the white copy in classification box for review and filing.
2. The Minor Infraction Warning will include only one offense per report. The violation must be from the following list of violations:

SECTION A - CONTRABAND

- A-1 Possession of property belonging to another (county or personal)
- A-2 Exchanging, trading, bartering, giving or receiving of any item from one inmate to another
- A-3 Possession of unauthorized negotiables, clothing, linen, etc.
- A-4 Possession of contraband not specifically listed above

SECTION B - HYGIENE

- B-1 Failure to maintain good grooming standards
- B-2 Failure to maintain immediate living area
- B-3 Placing litter of any description on grounds or floors
- B-4 Engaging in unsanitary acts not listed above

Confinement and Disciplinary
Minor Infraction Warning Book

SECTION C - MISUSE OF PROPERTY

- C-1 Failure to secure personal property
- C-2 Having food items or beverages from dining area
- C-3 Unauthorized use of county or personal property

SECTION D - MISCELLANEOUS INFRACTIONS

- D-1 Attempting to manipulate a staff member
- D-2 Unauthorized minor physical contact
- D-3 Unauthorized visitation
- D-4 Receiving mail or other written material through unauthorized means
- D-5 Unauthorized use of telephone
- D-6 Insufficient work
- D-7 Making obscene or profane acts, gestures or statements
- D-8 Verbal disrespect
- D-9 Failure to comply with roll call, count or assembly procedures
- D-10 Creating a minor disturbance
- D-11 Disorderly conduct
- D-12 Loitering
- D-13 Being in an unauthorized area
- D-14 Absence from assigned area
- D-15 Failure to proceed directly and promptly to and from a designated area
- D-16 Failure to obey program rules and regulations

Confinement and Disciplinary

Minor Infraction Warning Book

C. Going from Minor Infraction Warning to Disciplinary Report

1. When an inmate has received a Minor Infraction Warning, the Classification Division will log the infraction into their computer.
2. The number of Minor Infraction Warnings an inmate has is printed on the Unit/Dorm Roster that is printed and passed to the Unit/Dorm Deputy twice daily.
3. When the deputy has determined that an inmate has two (2) Minor Infraction Warnings, then the deputy will write a Disciplinary Report on that inmate for any additional minor infractions.