

City of St.. Louis Department of Public Safety/Division of Corrections
POLICY & PROCEDURES

CHAPTER:	3	Institutional Operations	3.3.6
SECTION:	3	Rules, Discipline, and Rights	EFFECTIVE DATE: 4 / 8 / 20
SUBJECT:	6	Rule Violations and Disciplinary Hearing	
STANDARDS: ACA – 4 – ALDF: 2A-50, 3A-01, 3A-02, 6C-01, 6C-03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18			
APPROVED: _____			REVIEW DATE: 4 / 8 / 20
Dale Glass COMMISSIONER OF CORRECTIONS			REVISION DATE: 6 / 24 / 20
Rescind: 3.3.6 dated 4/25/17 Cancel:			

I. POLICY

It is the policy of the St. Louis City Division of Corrections to provide the opportunity for a hearing on an inmate cited for rule violation, and afford opportunity for the inmate to offer mitigating circumstances for their behavior.

II. RESPONSIBILITIES

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

III. DEFINITIONS

Sanction: Action taken as a result of violating institutional rule(s) and regulation(s).

Dangerous Contraband: Contraband which is capable of endangering the safety and security of the institution.

Disciplinary Segregation: A status of confinement indicating the removal of an inmate from the general population, with loss of some privileges, due to minor and/or major violations.

City of St.. Louis Department of Public Safety/Division of Corrections
POLICY & PROCEDURES

Disciplinary Hearing: A non-judicial administrative due process hearing to determine if substantial evidence exists to find an inmate guilty or not guilty of a rule violation. The hearing is conducted by one or more Corrections staff members.

Disciplinary Hearing Officer: Correctional staff assigned to conduct disciplinary hearings.

Disciplinary Report: A written description of conduct violations against inmate. This report document sanction categories imposed for each conduct violation.

Facility Administrator: In this Division, and with respect to ACA Standards quoted above, the term "facility administrator" means the Detention Center Superintendent.

Informal Resolution Practices: The fair and consistent application of minor sanctions to manage inmate behavior.

Minor Rule Violation: A minor rule violation is a violation that does not present danger or pose immediate threat to the safety of staff and inmates or to the efficient operation of the institution.

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

Rule Violation Codes: A sanction code pertaining to a specific Divisional Infraction. See Appendix A and B of this procedure and work rule for codes description and sanction schedule.

Assault: Any physical contact with another person that may or may not cause serious physical injury.

Temporary Administrative Segregation Confinement (TASC): Segregation from general population pending hearing for safety or security concerns.

TASC Form: The form that authorizes the separation of inmates from the general population when the continued presence of the inmate in the general population would pose a serious threat to life, property, self, staff, inmates or to the institution.

IV. PROCEDURES

A. General Information

1. The Division has a sanctioning schedule and rule of inmate conduct that specify minor and major rules and the range of actions taken that can be imposed for various degrees of violation. The rules will be reviewed annually and updated as necessary.

POLICY & PROCEDURES

2. The maximum time of disciplinary segregation when an inmate is found guilty of major rule violation is 10 days for all violations arising out of one incident. The Disciplinary Hearing Officer can impose any number of days up to the 10 days maximum, within the sanction range for the rule (s) violated.
3. The maximum time of disciplinary segregation when an inmate is found guilty of cumulative minor rule violation is 5 days.
4. The time spent by inmate on TASC is credited towards days on Disciplinary Segregation.
5. When an inmate is required to pay restitution for destruction of property, it will not preclude the inmate from placement on Disciplinary Segregation.
6. Correctional Staff are encouraged to utilize informal resolution practices to correct inmate's minor offending behavior that does not impact negatively on institutional operations. It is not necessary to hold a formal hearing on minor violation except when such violations culminate to a major rule violation.
7. Custody Supervisor may order an inmate to be placed on a lockdown in Administrative Segregation status on a TASC only when an inmate poses threat to the safety and security of the institution.
8. The Temporary Administrative Segregation Confinement Form (TASC Form) is completed by the Custody Supervisor whenever an inmate is placed on TASC. TASC is reviewed by the Caseworker within 72 hours of the assignment on the status, including weekends and holidays.
9. Inmates have the right to appeal decisions of a Disciplinary Hearing by writing to the Unit Manager who must affirm or reverse the decision of the committee within 15 days of the appeal. If the decision is reversed, all records pertaining to the hearing is removed from inmate's records by the Caseworker, (See ACA 6C-18).

B. Minor Rule Violations

1. Informal Resolution Practices

Custody staff will intervene when inmate commits a minor rule violation. Staff will take appropriate action which may include verbal warning to informally resolve or correct minor infraction.

2. Staff will check the Minor Violation box in the Disciplinary Report Form in the IJMS, and indicate the nature of the minor offense that's being corrected and how it was resolved.

POLICY & PROCEDURES

3. An inmate that has been corrected four (4) times of minor offense violations within 30 days will be cited for major violation on the commission of fifth minor offense within that period. The inmate will be scheduled for hearing. Guilty inmate will be sanctioned in accordance with procedure.

C. Major Rule Violations:

1. Reporting Rule Violations and Actions by Staff

- a. Correctional staff will take immediate action to correct any inmate committing a rule violation. A Support staff witnessing a rule violation will contact a Correctional Officer verbally or via, radio or telephone and report the situation. The support staff will follow up with written report and submit the report to Custody Supervisor prior to end of shift.
 - b. The Shift Supervisor will determine if the inmate(s) need to be placed on TASC. If the inmate is moved for temporary administrative segregation confinement, the Shift /Area Supervisor ensure a TASC Form is completed.
 - c. The Correctional Officer will complete a Disciplinary Report as soon as the situation is under control and submit it to the Area Supervisor before leaving the facility. When more than one custody staff is involved, one person will write the violation. The other will write and attach Incident Report.
2. The Shift/Area Supervisor will review the report for completeness and ensure the correct violation(s) is listed and the content of the report matches the charges.
 3. If the supervisor determines that the information in the report is incomplete or that the content report does not support the charge(s) listed, the Disciplinary Report will be returned to the reporting staff member for corrections or to clarify discrepancies. Once correction is made, the report is returned to the Shift supervisor.

D. Disciplinary Report Review and Investigation

1. The Area Supervisor will review Disciplinary Report written on inmates and investigate the charges within 24 hours of the incident, (see ACA 6C-05).
2. The Area Supervisor will advise the inmate of the right to:
 - a. A hearing and to be present at the hearing,
 - b. Provide names of witnesses of other inmates and staff,

POLICY & PROCEDURES

- c. Make a statement and present documentary evidence, and
 - d. Be given assistance if unable to read, speak, or understands the English language.
3. When an accused inmate provides name of a witness(s), the witness will not be required to write a statement on a piece of paper. The Area Supervisor will provide name of inmate witness to the Hearing Officer. The Hearing Officer will call the witness during a hearing if the witness agrees to testify. Staff witness' statement will be submitted on an Incident Report and will be attached to the Disciplinary Hearing Report.
 4. If an inmate waives the right to a hearing, it is indicated by having the inmate sign the appropriate area on the Disciplinary Report. The Area Supervisor will advise the inmate that there will be a hearing.
 5. The Area 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 an acknowledgment receipt of the report; refusals to sign will be noted as such.
 6. The Area Supervisor will forward the Disciplinary Hearing Report to the Shift Supervisor who will review the report and place it in the Unit Manager's mail box or designated area for the Disciplinary Hearing Officer.

E. Disciplinary Hearing Process, Appeals, and Records

1. The Disciplinary Hearing Officer will schedule a hearing no later than 7 days after the alleged violation is committed, excluding weekends and holidays. Inmate may waive the 24-hour advance notice of hearing. The waiver will be in writing.
2. The disciplinary hearing may be postponed for a good cause. Examples of good cause include but are not limited to: the inmate is out of the facility; report sent back for further investigation; report sent back for a re-write; etc. Reasons for postponement or continuance are documented on the Disciplinary Hearing Report, (See ACA-6C-10).
3. The disciplinary hearing will be held in an undisturbed area of the facility that affords confidentiality of hearing to the inmate. Witness will be heard by the hearing officer but may not stay for entire hearing.
4. If an inmate has waived the right to a hearing or to be present at the hearing, the Hearing Officer will ensure the inmate's signature has been obtained for the waiver. The Hearing Officer will review the report and all attached information, including any material evidence provided.

POLICY & PROCEDURES

5. During the hearing, the decision to acquit or find inmate guilty will be based solely on the information obtained in the hearing process including staff reports, the statement of the inmate charged, and evidence derived from witnesses and documents. If an inmate is found not guilty of an alleged rule violation, the Disciplinary Report is removed from all the inmate's records, (See ACA 6C-16).
6. The Correctional Caseworker will complete a Disciplinary Hearing Log reporting a record of the proceedings and dispositions and forwards it to the Unit Manager for review.
7. The Unit Manager will review all disciplinary hearing proceedings and dispositions to assure conformity with policy, (See ACA 6C-17); and maintains the Disciplinary Hearing Logs for six months after which it is forwarded to the Records Retention Unit. Inmate has the right of appeal to the Unit Manager, (see ACA 6C-18).
8. Inmate will have five (5) days to appeal adverse decision following a hearing, to the Unit Manager. The Unit Manager will have fifteen (15) days to respond to inmate's appeal excluding weekends and holidays.