

POLICY FOR DEPARTMENT OF CORRECTION BUREAU OF PRISONS	POLICY NUMBER 4.2	PAGE NUMBER 1 of 21 With 2 Attachments
	RELATED ACA STANDARDS: 5-ACI-3C-01 through 5-ACI-3C-23, 4-ALDF-2A-45, 4-ALDF-2A-47, 4-ALDF-2A-50, 4-ALDF-2A-53, 4-ALDF-2A-54, 4-ALDF-2A-55, 4-ALDF-2A-56, 4-ALDF-2A-64, 4-ALDF-2A-65, 4-ALDF-3A-01, 4-ALDF-3A-02, 4-ALDF-6C-01 thru 4-ALDF-6C-19, 4-ALDF-7B-10	
CHAPTER: 4 DECISION MAKING RELATED TO OFFENDERS	SUBJECT: RULES OF CONDUCT	
APPROVED BY THE BUREAU CHIEF: 		
EFFECTIVE DATE: March 15, 2021		
APPROVED FOR PUBLIC RELEASE <i>Yes</i>		

I. AUTHORITY: 11 Del. C. §4382, §6517, §6535; 29 Del. C. §8903; Department of Correction (DOC) Policy 4.2

II. PURPOSE: To establish reasonable rules of conduct and a system of penal discipline for offenders.

III. APPLICABILITY: All Bureau of Prison (BOP) employees, volunteers, persons or organizations conducting business with the BOP, and all offenders under BOP custody or supervision.

IV. DEFINITIONS:

Attempt: Any act which constitutes a substantial step in a course of conduct planned to result in the commission of a rule violation and/or criminal offense.

Class I Offense: Violations which are termed a major misconduct and are considered serious.

Class II Offense: Violations which are termed a minor misconduct and are considered less serious.

Confinement to Quarters (CTQ): Offenders assigned to this status are confined to their individual cells/rooms/sleeping areas, with access to a sink and toilet. Offenders will only be allowed to leave their cell/sleeping area for meals (may receive meals in cell), showers, bathroom facilities, medical/mental health treatment, legal visitation, legal telephone calls, legal access – law library, mandated programming, drug/alcohol rehabilitation programs, regular work assignments, education, religious practice or tier/unit recreation, after which they will return to their assigned cell/bed. Offenders will not be allowed to leave their cell/sleeping area for privileges as identified in the section titled as “Sanctions” of this policy.

Contraband: Any article, substance or item which is not authorized by the DOC; any authorized item accumulated in excess of established quantities or limits including facility commissary, institutional permitted items, or Warden authorized items.

Class I Offense Disciplinary Matrix (Attachment #1): The established guidelines for sanction determination through consideration of the offense(s) and previous disciplinary history of an

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offender intended to promote positive behavior through the administration of consistent disciplinary sanctions throughout the BOP.

Disciplinary Detention: Disciplinary detention is a form of separation from the general population for a specified period of time intended to deter the offender from future violations of the rules of conduct. The Hearing Officer shall impose the sanction of disciplinary detention, as established in the **Class I Offense Disciplinary Matrix**, upon a determination that an offender has committed a Class I offense as defined by this policy.

Disciplinary Mental Health Assessment Form (Attachment #2): A documented mental health assessment of SMI, MI and NMI (see definitions) offenders, as referred, to be evaluated for reasoning as deemed appropriate by the medical/mental health vendor and/or the Hearing Officer. The Disciplinary Mental Health Assessment Form shall be reviewed and considered by the Hearing Officer at all levels within the disciplinary process to assist in the decision making process. The review and consideration of the Disciplinary Mental Health Assessment Form shall be clearly documented in the disciplinary module by the Hearing Officer for review as needed.

Intoxication: The condition in which a person's powers of self-control have been impaired because of alcohol and/or drug consumption.

Lead Worker: A BOP employee of the rank no lower than Corporal with facility unit or subunit oversight responsibilities during any shift or tour of duty. Where referenced within this policy shall mean the Lead Worker or Unit Supervisor.

Mentally Ill (MI): A mental disorder is a syndrome characterized by clinically significant disturbances in an individual's cognition, emotion regulation, or behavior that reflects a dysfunction in the psychological, biological, or developmental processes underlying mental functioning. Mental disorders are usually associated with significant distress or disability in social, occupational or other important activities. An expectable or culturally approved response to a common stressor or loss, such as the death of a loved one, is not a mental disorder. Socially deviant behavior (e.g., political, religious, or sexual) and conflicts that are primarily between the individual and society are not mental disorders unless the deviance or conflict results from a dysfunction in the individual, as described. (American Psychiatric Association: Diagnostic and Statistical Manual of Mental Disorders, Fifth Edition. Arlington, VA, American Psychiatric Association, 2013.)

Non-Mentally Ill (NMI): The individual has not been screened or evaluated as experiencing the following:

- Current mental illness
- History of mental illness
- Significant distress or disability in social, occupational or other important activities of living

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Pre-Hearing Detention (PHD): Confinement of an offender until an investigation is completed or a hearing scheduled. Such detention shall not be punitive and should be used only when necessary to ensure the offender's safety or the security of the institution.

Privileges: Benefits conferred upon the offender population by institutional regulation including participation in special events/offender fundraisers, access to the gym services/programs, outside yard, phones, visits and commissary services. Privileges may be temporarily revoked for violation(s) of the Rules of Conduct in accordance with established procedures contained herein.

Prohibited Area: Any designated area unauthorized for offenders.

Prohibited Behavior: Conduct, either by commission or omission, which is contrary to the interests of the Department, its federal and/or state constitutional and/or statutory duties and/or obligations.

Restitution: Reimbursement for property taken, damaged or destroyed.

Right: Anything guaranteed by law, which may not be revoked as a disciplinary sanction.

Riot: A disturbance involving an assemblage of three or more persons, whose conduct creates a threat of damage or injury to property or persons and disrupts normal institutional functions.

Severely Mentally Ill (SMI): Serious Mental Illness includes offenders diagnosed with the following:

- Schizophrenia
- Delusional Disorder
- Schizophreniform Disorder
- Schizoaffective Disorder
- Brief Psychotic Disorder
- Bipolar I, II Disorder
- Substance-Induced Psychotic Disorder (excluding intoxication or withdrawal)
- Other Specified Psychotic Disorder
- Major depressive Disorder
- Other Specified Bipolar Disorder

Anyone who has Significant Functional Impairment (see definition) due to their mental health (including severe Personality Disorders, Intellectual Disability, Autism Spectrum Disorder) defined as:

- Self-harming behaviors (i.e., cutting, head-banging, suicide attempts, self-strangulation, self-mutilation, swallowing foreign bodies, etc.)
- Demonstrated difficulty in his or her ability to engage in activities of daily living (i.e., eating, grooming, participation in recreation, etc.)
- Demonstrated a pervasive pattern of dysfunctional or disruptive social interactions (i.e., social isolation, bizarre behavior, disruptive behavior, etc.).

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(Disability Law Center, Inc. v. Massachusetts Department of Correction, et. al., Civil Action No. 07-10463)

Significant Functional Impairment (SFI): Clinically significant distress or impairment in social, occupational or other important areas of functioning as long as the degree of limitation is such as to interfere seriously with one's ability to function independently, appropriately, effectively, and on a sustained basis. This may include the following four areas: activities of daily living, social functioning, concentration, persistence or pace, and episodes of decompensation. (DSM-5 and Social Security Administration)

Summary Action: Disciplinary action taken by authorized staff without benefit of a disciplinary hearing. This sanction shall begin from the time it is imposed, not the time of the incident.

Unit Supervisor: A BOP employee of the rank no lower than Corporal with facility unit or sub-unit oversight responsibilities during any shift or tour of duty. Where referenced within this policy shall mean the Unit Supervisor or Lead Worker.

Warden: Where referenced within this policy shall mean the facility Warden or Warden's designee.

Watch Commander: A BOP employees of the rank of Lieutenant or higher with supervisory responsibilities over the entire facility during any shift or tour of duty. Where referenced within this policy shall mean the Watch Commander or the Watch Commander's designee.

Willful: Conscious purpose to engage in a conduct or cause the result.

Qualified Mental Health Professional (QMHP): QMHP include psychiatrists, psychologists, psychiatric social workers, licensed professional counselors, psychiatric nurses, and others who by virtue of their education, credentials, and experience are permitted by law to evaluate and care for the mental health needs of patients. (National Commission on Correctional Mental Health Care: Standards for Mental Health Services in Correctional facilities, 2015. MH-A-02)

V. POLICY: This policy is established to set the standard for a uniformed system of disciplinary procedures intended to promote positive offender behavior through accountability within the BOP facilities through the utilization of the least restrictive sanction necessary.

VI. PROCEDURE: This policy shall be administrated to accomplish the following general guidelines and objectives:

- A. Promote the safety and welfare of every individual within the institution.
- B. Promote efficient institutional administration and operations.

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- C. Define prohibited conduct and state the sanction range that may be imposed to correct such conduct; offenders shall have access to those portions of the disciplinary rules which would result in a disciplinary sanction or loss of privileges.
- D. Provide access in the form of posted bulletin boards, law library file copies, housing unit postings, or other general notice formats approved in advance by the Bureau Chief. Individual copies of specific disciplinary offenses shall be available at the offender's written request and expense.
- E. Prevent arbitrary or retaliatory treatment of offenders accused or convicted of offenses.
- F. Prescribe penalties that are proportionate to the seriousness of the offenses.
- G. Provide a climate of certainty within which both correctional staff and offenders will have a clear picture of the relationship of each to the other and to institutional interests.
- H. Upon reasonable belief that an offense has been committed, staff members shall consider if a Summary Action, Class I or Class II disciplinary report is required.
- I. When a disciplinary report is required, it shall include:
 - The specific rule(s) violated;
 - The facts surrounding the incident – conjecture or conclusion shall not be made by reporting staff;
 - The names of the witness(es) to the incident, if any;
 - The disposition of any evidence involved;
 - Any immediate action(s) taken;
 - The date, time and location of the offense; and
 - The signature (electronic) of the reporting staff member.
- J. Disciplinary reports should be submitted before the end of the shift, but no later than 24 hours after the incident. All staff members listed as witnesses on the disciplinary report shall submit an Incident Report (Form 404). These reports shall be submitted to the Watch Commander.
- K. The Watch Commander shall review the disciplinary report for completeness and determine if the violation is a Class I or Class II offense. If the violation requires a pre-hearing detention, the Watch Commander shall review the report with the offender and record the offender's statement in the notice of hearing that includes preliminary plea, intent to appear, witnesses requested, waiver of right to 24 hour notice, request to confront accuser, request of counsel and waiver of the right to a hearing. This step shall be completed at the time of or as soon as possible after the offender's movement to pre-hearing detention.
- L. When it is determined that an offender is displaying abnormal behavior, this behavior shall be documented on an incident report and referred to medical/mental health for evaluation through coordination with the area supervisor and/or Watch Commander.

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- M. For other Class I or Class II violations, the Watch Commander shall review the report with the charged offender, record the offender's statement and provide a copy of the disciplinary report to the offender. This step will normally be done on the shift in which the report is written, but in all instances shall be completed within 24 hours of the incident. In all cases, the report shall be provided to the offender at least 24 hours before the hearing;
- N. Offenders assigned to pre-hearing detention shall have their Class I hearing in not less than 24 hours or more than 72 hours after detention placement (excluding weekends and holidays).
- O. Facility Wardens shall develop Standard Operating Procedures (SOPs) and Post Orders to implement this policy. These SOPs shall not deviate from the general format and logic of this policy, but may allow for unique differences between facilities.
- P. Offenders may be administratively transferred pending classification or reclassification to more restrictive security levels for violation(s) of this policy. This may occur through an accumulation of a combination of Class I and/or Class II Offenses or a single serious offense.

PRE-HEARING DETENTION: The following offenses are considered serious and shall require automatic pre-hearing detention:

- Assault On Staff
- Sexual Assault on Staff
- Assault
- Engaging in a Riot
- Escape and Attempts to Escape
- Felony
- Homicide
- Restraint
- Sexual Assault
- Refusal to Lock In

Watch Commanders have discretion to waive automatic pre-hearing detention. They may also impose pre-hearing detention for any Class I Offense, when deemed necessary.

For any other offense not listed as automatic, the offenders may remain in the existing status unless they are considered a threat to other offenders, staff or themselves sufficient to warrant pre-hearing detention.

The placement of an offender in pre-hearing detention for committing a new offense within 15 days of removal from disciplinary detention is permissible and would not constitute a violation of the mandatory 15 day period between disciplinary detention sanctions.

When the Watch Commander orders pre-hearing detention for offenses listed as automatic, the Warden shall review the order within 24 hours. When the Watch Commander orders pre-hearing detention for offenses not listed as automatic, the Warden shall review the Watch Commander's order within 24 hours. Failure to review pre-hearing detention orders may return the offender to the previous status.

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Offenders must be screened by medical prior to being placed on pre-hearing detention and documentation completed as defined by Department of Correction, Bureau of Correctional Healthcare Services policy. Mental health referrals will be completed for those offenders known to have been treated for serious mental illness and mental illness, as well as for any other reason deemed appropriate by the medical/mental health vendor and/or the Hearing Officer.

Any time spent in pre-hearing detention shall be credited against any subsequent sanction imposed. All offenders on pre-hearing detention shall have their status reviewed and documented every 24 hours.

Offenders shall be given the reasons for the pre-hearing detention in writing, and they shall have the opportunity to respond to the charges and the pre-hearing detention order.

CLASS I HEARINGS:

All hearings shall be conducted by an impartial Hearing Officer, who should not have had direct supervisory over the accused offender during the six month period immediately preceding the hearing. Hearings should be scheduled as soon as practicable, but no later than seven days, excluding weekends and holidays.

Hearing Officers shall be disqualified to preside over hearings in which they witnessed the incident in question, were involved in preparation of the charge(s) or are otherwise biased against the offender subject to the hearing.

Hearing Officers shall be no lower than Lieutenant and may be supervisors from the non-uniformed staff.

The stipulation requiring six months of no direct supervisory contact may only be waived for facilities with populations under 250 offenders, when they lack sufficient staff of rank to comply with this requirement.

Offenders are entitled to the following at a Class I Hearing:

1. The opportunity to be present at the hearing, except during the Hearing Officer's deliberations, or any time offender behavior becomes disruptive to the proceeding. The reasons for any exclusion shall be stated in writing.
2. The opportunity to waive the right to a hearing. The waiver should be documented and disciplinary sanctions should follow established guidelines.
3. The accused offender may consult with counsel or counsel substitute prior to the hearing.
4. The accused offender may request a staff representative when it is apparent that the offender is not capable of collecting and presenting evidence effectively on his or her own behalf.

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5. The accused offender may be accompanied by a counsel substitute (staff member or offender) approved by the Hearing Officer. The extent to which counsel substitutes present an offender cases is within the discretion of the Hearing Officer.
6. Copies of any written information which the Hearing Officer may consider, except where disclosure of such information would be hazardous to institutional safety or could endanger the physical safety of any individual. Reasons for non-disclosure shall be stated in writing.
7. The opportunity to make a statement and present documentary evidence including written witness testimony.
8. The opportunity to call witnesses and/or present written statements unless doing so would be irrelevant, redundant, hazardous to institutional safety and security, or could endanger the physical safety of any individual. Any reason(s) for denial shall be stated in writing. Hearing Officers may also deny witness when they stipulate to or agree to the testimony that would have been given. Any Hearing Officer stipulation or agreement shall be stated in writing.
9. An opportunity to confront and cross-examine accusers and all adverse witnesses, unless doing so could be hazardous to institutional safety, order and security, or could endanger the physical safety of the witness. Any reason(s) for denial shall be stated in writing.

Hearing Officer shall be responsible for completing and documenting the following:

1. Consideration of factors such as offender literacy and intelligence, the complexity of the issues under deliberation and any other factors which may prevent offenders from making a reasonable presentation on their own behalf.
2. For those offenders identified at SMI or MI, review of the completed Disciplinary Mental Health Assessment Form (Attachment #2) and considering the relation of the offender's mental health to the conduct of the offender as it relates to the charged offense(s).
3. Exclusion of evidence at any time during the hearing. Although relevant, if its evidential value is outweighed by considerations of undue delay, waste of time or needless presentation of cumulative evidence. All exclusions shall be stated in writing.
4. Ordering an investigation, at any time during the hearing, into the incident and continue the hearing at a future time.
5. Postponing or continuing the disciplinary hearing for a reasonable period, and good cause is permissible, and should be fully documented.
6. If the facts do not support the charge(s), but do support a different charge, the charge(s) will be changed and the hearing shall proceed.

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DECISION AND RECORD OF FINDING:

At the conclusion of the hearing, the Hearing Officer shall announce the decision and sanction. The decision and the evidence used to reach that decision shall be stated in writing; a copy shall be forwarded to the offender.

The Hearing Officer's written record shall be completed at the hearing and shall include:

- The Hearing Officer's decision;
- The sanction(s) imposed;
- A summary of the decision and sanction logic;
- A list of all witnesses and a summary of the testimony;
- A statement as to whether the sanction(s) is stayed during an appeal and the reasons for that decision;
- The date, time and place of the hearing; and
- The signature (electronic) of the Hearing Officer.

All hearing reports of Class I violations shall be retained electronically in DACS.

If an offender is found not guilty of an alleged rule violation, the disciplinary report will not be included in the offender's file. These reports can be used for the purpose of keeping statistical information.

CLASS II HEARINGS:

Hearings shall be conducted by the Unit Supervisor of the shift where the Class II violation occurred. Hearings should be scheduled as soon as practicable; but no later than seven days, excluding weekends and holidays.

Offenders are entitled to the following at a Class II hearing:

1. An opportunity to be present.
2. The opportunity to waive the right to a hearing. The waiver should be documented and disciplinary sanctions should follow established guidelines.
3. An opportunity to make a statement and present documentary evidence.

Unless Unit Supervisors feel that additional testimony is necessary, their decisions shall be based on the disciplinary report, the offender's statement and any other relevant information presented.

Postponement or continuance of the disciplinary hearing for a reasonable period, and good cause, is permissible and should be fully documented.

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The Unit Supervisor shall state in writing on the Disciplinary Hearing Report Form all findings of fact and logic for the decision and sanction(s) imposed. The offender shall receive a copy of the written decision and shall be advised of the right of appeal.

All hearing reports of Class II violations shall be retained electronically in DACS.

Three guilty findings for the same Class II violation in a six month time period shall automatically convert the fourth same offense to a Class I hearing.

APPEALS:

Offenders shall be advised of their right to appeal the Class I Hearing Officer decision to the facility Warden, and shall be provided with the Delaware Automated Correction System (DACs) Disciplinary Module appeal form.

Offenders shall be advised of their right to appeal the Class II Hearing Officer to a Class I Hearing Officer.

All appeal forms shall be completed and forwarded to the Hearing Officer within 15 days of the offender's receipt of the hearing's written record. *Failure to comply with this time limit shall constitute grounds for dismissal of the appeal.*

Upon notice of intent to appeal by the offender, the Hearing Officer shall grant a stay of any sanction imposed at the disciplinary hearing, until an appeal decision is rendered. If no appeal form is filed within the stated time period or the offender states in writing the intent not to appeal, the sanction(s) shall be implemented.

Appeal decisions shall be stated in writing and shall be rendered within 10 work days of appeal receipt. Offenders are entitled to a copy of the appeal decision.

Appeal hearings may affirm the decision, reverse the decision, or remand the decision back to the original Hearing Officer for further consideration. Sanctions may be reduced, but not increased.

In considering the appeal of a disciplinary sanction through a Class I or Class II hearing and/or the combination thereof, for those offenders identified at SMI or MI, the hearing officer shall be responsible to review the completed Disciplinary Mental Health Assessment Form (Attachment #2) and to consider the relation of the offender's mental health to the conduct of the offender.

Class I and Class II appeal decisions of not guilty shall be documented in DACS.

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PROCEDURES FOLLOWING CRIMINAL MISCONDUCT:

When the Watch Commander or the Hearing Officer determine that an offender has committed a state or federal criminal offense, the facility Warden shall be immediately notified; the appropriate law enforcement authority shall also be notified.

Administrative disciplinary proceedings may be pursued in addition to possible criminal prosecution. Any disciplinary hearing for these alleged offenses shall be conducted in accordance with this policy.

Offenders shall be advised that they may choose to remain silent in the administrative disciplinary hearing and that their silence will not be construed adversely against them.

PROCEDURES FOLLOWING AN EMERGENCY:

In the event of an institutional disruption, which requires emergency action, any or all portions of this policy may be temporarily suspended by the Warden's written order.

Any offender involved in the emergency may be detained without a hearing throughout the course of the emergency. Upon restoration of order, all offenders detained shall be disciplined in accordance with this policy.

CLASS I OFFENSES:

1.00A Assault On Staff: Any physical attack/contact to a DOC employee, to include a contracted vendor and/or volunteer, by one or more persons, done either in anger or intentionally, with the purpose of abusing, intimidating, or injuring another; this includes striking with feces, urine or other physical objects; physical restraint and/or the intentional physical interference with an employee in the performance of their duties. In incidents where an assault on staff has been determined, the matter shall be referred to the Attorney General for criminal prosecution.

1.00B Sexual Assault on Staff: Sexual contact with a DOC employee, to include a contracted vendor and/or volunteer, without that person's consent, including but not limited to rape, intentional touching of sexual areas (buttocks, breasts, genitals), kissing, or embracing. In incidents where sexual assault on staff has been determined, the matter shall be referred to the Attorney General for criminal prosecution.

1.00C Inappropriate Lewdness Towards Staff: Inappropriate acts of sexual indecency by offenders towards a DOC employee, to include a contracted vendor and/or volunteer, that includes, but is not limited to the intentional exposing of genitalia and/or a sexual act for which the offender knows is likely to be observed by staff who would be affronted and/or alarmed.

1.01 Arson: Intentionally or recklessly starting a fire or causing an explosion; the offender may be referred for criminal prosecution.

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1.02 Assault: Physical attack/contact to an individual(s) by one or more persons, done either in anger or intentionally, with the purpose of abusing, intimidating, or injuring another; this includes the aggressor in a fight; striking with feces, urine or other physical objects. In incidents where an assault has been determined, the matter may be referred to the Attorney General for criminal prosecution.

1.03 Bribery: Giving, offering or promising anything of value to any employee, volunteer, visitor, person or organization conducting business with the BOP; to influence any act within the scope of the said person's responsibilities; to induce said person(s) to do or omit from doing any act in violation of their responsibilities.

1.04 Damage or Destruction of Property (over \$20.00): Any destruction, removal, alteration, tampering, or other misuse of state or personal property, when the replacement value exceeds \$20.00. This includes but is not limited to tampering with or blocking any security or locking device, breaking windows, destroying blankets, clothing or mattresses.

1.05 Demonstrations (Strike): Inciting or urging two or more offenders to engage in a disturbance involving non-violent conduct, which substantially disrupts the normal institutional functioning and operations; participating in a disturbance involving non-violent conduct, which substantially disrupts normal institutional functioning and operations.

1.06 Threatening Behavior: Words, actions or other behavior expressing any intent to injure, which intends to place another in fear of being assaulted. This includes, but is not limited to attempted assault, threats of sexual assault made by one offender to another, or writing threatening letters to another person.

1.07 Engaging in a Riot: Participating in a riot, which is in existence at the time of this act. However, an offender who was merely present at the scene of an on-going riot is not guilty of this offense, provided the offender moves to a designated area after being directed by proper authority. Offenders may be referred for criminal prosecution.

1.08 Escape and Attempt to Escape: Leaving or attempting to leave the confines of an institution, or from official custody while beyond the confines of the institution; failing to return to official custody within the institution following temporary release from an institution. Offenders may be referred for criminal prosecution.

1.09 Extortion, Blackmail or Protection: Demanding of or receiving from another person, anything of value in return for protecting that person from others or refraining from committing bodily injury or sexual assault on that person.

1.10 Failure to Abide by Sanctions or Conditions of a Class I or II Disciplinary Disposition: This offense shall mean breaking a condition of restitution or other sanction.

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1.11 Falsifying Physical Evidence and/or Influencing a Witness: While believing that an official proceeding or an official investigation is pending or about to be initiated, an offender conspires to, attempts and/or commits one or more of the following to influence the outcome of an investigation/hearing:

- Altering, destroying, concealing or removing anything with the intent to impair its authenticity or availability in such proceeding or investigation.
- Presenting or using anything while knowing it to be false, with intent to deceive staff or anyone who is or will be a member of such proceeding or investigation.
- Attempting to cause a witness to testify falsely or to withhold any testimony or information or other evidence.
- Committing any act prohibited by these rules in retaliation for anything done by another person in the capacity as a witness.
- Soliciting, accepting or agreeing to accept any benefit in return for providing false testimony or information or withholding any testimony or information or other evidence.

1.12 Felony: Any act that would be a felony under state or federal laws is also a major misconduct under this policy. Offenders may also be referred for criminal prosecution.

1.13 Fighting: Physical confrontation between two or more persons, including a swing and miss, done with anger or intent to injure. This includes fights between offenders, whether with fists, broom handles, weapons or other physical objects.

1.14 Forgery, Counterfeiting: Unauthorized reproduction of any signature, document, article of identification, money, security, or official documents; knowingly possessing a falsified or altered document; altering or falsifying a document with the intent to deceive or defraud.

1.15 Giving a False Alarm: Willfully communicating a false report concerning a fire, explosion, catastrophe, or emergency where the report is likely to cause the evacuation of a building or cause staff to respond in alarm.

1.16 Homicide: Causing the death of another person by any means. Offenders may be referred for criminal prosecution.

1.17 Inciting to Riot: Inciting or urging a group of two or more offenders to engage in a current or pending riot; commanding, directing, instructing or signaling a group of two or more offenders to cause, continue or enlarge a riot. Offenders may be found guilty of inciting to riot even when no riot actually occurs as a direct or indirect result of their urging. Offenders may be referred for criminal prosecution.

1.18 Possession of Dangerous Contraband: Unauthorized possession of weapons (including facsimiles of these devices), physical objects that could be used as weapons, explosives, acids, caustics, materials for incendiary devices, or escape materials; possession of "critical" tools and material or dangerous tools and materials. This includes, but is not limited to gasoline, sulfuric acid, lye, prison-made knives, matches, lighters, and pipe bombs.

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1.19 Possession of Money and Coin Over \$1.00: Possession of money, coin, currency or other forms of legal tender such as certificates of deposit, stocks, bonds or similar financial instruments.

1.20 Possession of Staff Clothing: Possession of any article of clothing, which is identifiable as part of or an accessory to the Department of Correction staff uniform.

1.21 Receiving Stolen Property: Receiving or possessing another person's property knowing that it has been stolen or believing that it has probably been stolen.

1.22 Refusal to Cooperate in Drug-Abuse Testing: Willfully refusing to provide a urine sample, to breathe into a breathalyzer or to participate in other drug-abuse testing.

1.23 Restraint: Willfully restraining another person under circumstances which may expose the other person to a risk of bodily harm. This includes, but is not limited to kidnapping or the taking of a hostage. Offenders may be referred for criminal prosecution.

1.24 Sexual Assault: Sexual contact with another person without that person's consent, including but not limited to rape, intentional touching of sexual areas (buttocks, breasts, genitals), kissing or embracing. Offenders may be referred for criminal prosecution.

1.25 Sexual Misconduct: Sexual contact with another person with that person's consent; indecent exposure; excessive kissing, hugging or unauthorized touching of visitors; and unauthorized possession of cross-gender wearing apparel.

1.26 Substance Abuse: Possession, use, selling, trafficking, or under the influence of any intoxicant, inhalant, controlled substance or imitation, and any other substance which may be used to cause a condition of intoxication; possession of excessive amounts of ingredients used for the manufacture of alcoholic beverages; possession of drug paraphernalia, including but not limited to needles, syringes, roach clips, pipes, etc.

1.27 Theft: Any unauthorized taking of property.

1.28 Refusal to Cooperate in DNA Testing: Willfully refusing to provide a saliva sample as required to comply with state or federal court-sanctioned testing.

1.29 Refusal to Participate in Classified Treatment Programs and Assessments: Willfully refusing to participate in BOP sanctioned treatment programs and assessments.

1.30 Refusal to Comply with Sex Offender Registration: Willfully refusing to comply with registering as a sex offender.

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1.31 Promoting Prison Contraband: Smuggling, carrying, receiving or introducing contraband into a correctional facility or the transporting of contraband onto or within any correctional facility. This will also apply to those who provide funds, resources or support in an attempt to introduce or move contraband into or within a correctional facility. Offenders may be referred for criminal prosecution.

1.32 Security Threat Group (STG) Activity: Encouraging, organizing and/or participating in STG activity to include, but not limited to the possession of STG paraphernalia, tagging and actively recruiting others to engage in STG activity while incarcerated in a BOP facility.

1.33 Interfering With Count: Interfering with the count process by failing to be in the area designated by the correctional staff conducting the headcount; failing to remain in the designated area until authorized to depart by the staff conducting the headcount; obstructing the view of the correctional staff conducting a count by covering windows or attempting to hide; and/or purposefully moving from one area to another without authorization in attempt to delay and/or disrupt the count. Authorized areas for a count can include, but are not limited to cell, bunk, living area, work area, etc.

1.34 Refusal to Lock In: The refusal of offenders to return to their cell, bunk, living area or other designated space and/or the failure to remain in a cell, bunk, living area or other designated area as directed by correctional staff that results in the use of a Code 6.

CLASS II OFFENSES:

2.01 Abuse of Privileges: Willful violation of any institutional regulation dealing with a privilege.

2.02 Bartering: Unauthorized buying, selling, trading, lending or giving of gifts; taking or exercising control over or otherwise using another person's property without the consent of the owner; and lending of property or anything of value with or without the expectation of anything in return.

2.03 Creating a Health, Safety or Fire Hazard: Activities which create a situation dangerous to the health or safety of persons within the institution or create a danger of fire within the institution, including but not limited to dirty cells, lack of personal hygiene, smoking and excessive accumulation of personal property.

2.04 Damage or Destruction of Property Under \$20.00: Tampering with, damaging or destroying state property or property belonging to another person, when the replacement value is \$20.00 or less.

2.05 Disrespect: Words, actions or other behavior which is intended to harass employees, volunteers or visitors including cursing, abusive language, writing or gestures directed at a person.

2.06 Failing to Obey an Order: Disobeying any verbal or written order that does not constitute a Class I violation, including but not limited to refusal to work, violation of posted rules in the housing units or work areas where there is no threat to institutional security.

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2.07 Gambling: Organizing or participating in wagers or games of chance for personal gain, money or anything of value.

2.08 Horseplay: Any physical contact or attempted physical contact between two or more persons done in a jesting or playful manner, without anger or intent to injure or intimidate. Examples include, but are not limited to towel snapping, body punching or attempted physical wrestling, etc.

2.09 Late for Appointments/Assignments: Tardiness for any work assignment, program assignment, medical appointment, etc.

2.10 Lying: Making a false statement to DOC staff with the intent to deceive. This includes false information for personal gain from good time earned or compensation.

2.11 Off-Limits: (a) Failing to report as ordered to an appointed place of duty or assignment or to any other place when directed by a staff member's valid order; (b) Leaving without permission from an appointed place or duty assignment or any other place; (c) Entering or remaining in a prohibited area; and (d) Being in an area for the purpose of committing a Class I violation constitutes an Off-Limits a Class I offense.

2.12 Possession of Money and Coin Under \$1.00: Possession of money, coin, currency or other forms of legal tender under \$1.00.

2.13 Possession of Non-Dangerous Contraband: Possession or control of contraband, which by its nature does not present a substantial threat to the safety of persons within the institution. This includes, but is not limited to any clothing article not specifically authorized for wearing, excessive accumulation of authorized, cigarettes and other smoking materials.

2.14 Unauthorized Communication: Any contact by letter, gesture or verbally, with an unauthorized person or in an unauthorized manner, including but not limited to passing property on a visit either directly or through a third person, communication with a visitor through any channel other than the visiting room or unauthorized use of a telephone.

2.15 Conspiracy to Commit a Class II Offense: Planning or acting together secretly to commit a Class II offense.

2.16 Disorderly Behavior: Words, actions or other behavior that does not constitute a Class I offense, but are severe enough to disrupt orderly operations. This behavior is more severe than failing to obey an order, but presents no threat to person(s) or property.

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SANCTIONS:

Class I Offenses shall receive any of the following disciplinary sanctions or a combination of the following disciplinary sanctions as established through the Class I Offense Disciplinary Matrix:

- A. Loss of all privileges for a period of time not more than 180 days.
- B. Confinement to quarters for a period of time not more than 15 days.
- C. Disciplinary detention for a period of time not to exceed 15 consecutive days. During disciplinary detention, the following programs and services cannot be revoked: (1) Education; (2) Counseling Services; (3) Medical/Mental Health Treatment; (4) Recreation(10 Hours Per Week for those offenders identified as SMI; all other offenders shall receive a minimum of 1 Hour Per Day/5 Times Per Week); (5) Religious Practice; (6) Limited Phone Access consisting of calls related specifically to the judicial process and verified family emergencies as determined by the Warden's designee; (7) Legal Access-Law Library; and (8) Approved Legal Visits. Programs and services shall be limited to the availability within the specified housing area during periods of disciplinary detention.
- D. Loss of Good Time up to and including all Good Time earned. (In incidents where the offender has no accumulated Good Time or the amount of accumulated Good Time is less than the amount determined by the Class I Offense Disciplinary Matrix, the Hearing Officer shall recommend that all Good Time accumulated, as of the date of the offense, be taken).
- E. Restitution.

Class II Offenses shall be restricted to any the following disciplinary sanctions or any combination thereof:

- A. Written reprimand.
- B. Loss of all privileges for a period of time of not less than 24 hours but not more than five days.
- C. Confinement to assigned quarters for a period of time not to exceed five days.
- D. Summary Action.
- E. Restitution.
- F. By mutual agreement, offenders may be assigned extra work assignments in lieu of any other sanction for a Class II offense.

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When imposing a disciplinary sanctions for a Class I or Class II offenses, the following programs and services are not considered privileges in the context of this procedure and cannot be revoked during a period of confinement to quarters, loss of all privileges and summary action: (1) Education; (2) Vocational Training; (3) Medical/Mental Health Treatment; (4) Counseling Services; (5) Drug/Alcohol Rehabilitation Programs; (6) Regular Work Assignments; (7) Mandated Programming; (8) Tier/Unit Recreation (10 Hours Per Week for those offenders identified as SMI; all other offenders shall receive a minimum of 1 Hour Per Day/5 Times Per Week)** This does not apply to designated housing areas as per BOP 4.3**; (9) Religious Practice; (10) Legal Access-Law Library; (11) Approved Legal Calls; and (12) Approved Legal Visits.

Revoked privileges during a period of confinement to quarters, loss of all privileges and summary action include participation in special events/offender fundraisers, access to the gym services/programs, outside yard and commissary services.

Regular visitation and phone access can be revoked during the initial 30 days of a loss of all privileges period. After the initial 30 day period, these privileges are limited to a total of one each during every remaining rolling 30 day period. However, these privileges can be revoked entirely during the entire period of loss of all privileges with the written approval of the Warden/Designee.

Disciplinary sanctions shall not exceed a combined total of 15 days in disciplinary detention, confinement to quarters or a combination thereof.

IMPOSITION OF SANCTIONS:

- A. Upon a finding of guilt and prior to the imposition of a disciplinary sanction through a Class I or Class II hearing and/or the combination thereof, for those offenders identified at SMI or MI, the hearing officer shall be responsible to review the completed Disciplinary Mental Health Assessment Form (Attachment #2) and to consider the relation of the offender's mental health to the conduct of the offender.
- B. Offenders may serve a sanction of disciplinary detention on their assigned housing area provided the housing area can meet the criteria established. Disciplinary detention does not require the offender be housed alone and may be served with other offenders in same status. This option should be considered for all offenders identified as being SMI or SFI.
- C. Where the offense constitutes both a rule violation and a criminal offense under federal or state statute, offenders may receive internal disciplinary action and receive up to the maximum sanction. In addition, offenders may be referred for criminal prosecution and receive whatever sanction a court may impose.
- D. Any combination of authorized sanctions for a specific class violation may be imposed for a single violation. Such combination of sanctions must be imposed concurrently; i.e. for five days disciplinary detention and 15 days cell confinement, the offender would serve five days in disciplinary detention and 10 days on cell confinement for a total of 15 days.

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- E. Consecutive sanctions shall not be imposed except for separate violations. When a single incident contains multiple violations, the offender may be disciplined for each violation. However, the sanctions may be imposed for each violation shall run concurrently and cannot exceed a combined total of 15 days in disciplinary detention, confinement to quarters or a combination thereof.
- F. When imposing sanctions, the Hearing Officers shall consider the full range of penalties in each case and make the penalty fit the particular offense. The least restrictive sanction necessary to obtain compliance with the rules is intended.
- G. Any forfeiture of accumulated Good Time is subject to the Warden's approval.
- H. When multiple, separate incidents of rules violations occur resulting in periods of disciplinary detention or confinement to quarters imposed exceed the established 15 day period, there shall be a minimum of 15 days between disciplinary housing sanctions to ensure no offender serves consecutive sanctions that exceeds the 15 day limit.
- I. No offender shall serve more than a combined total of 180 days per calendar year in disciplinary detention and/or confinement to quarters.
- J. Offenders identified as being SMI shall not be place in disciplinary detention unless it has been determined that the offender presents an immediate risk to security, a danger to the staff and/or offender population and there is no reasonable housing alternative..
- K. Offenders who receive multiple disciplinary sanctions in a period of time, and who have demonstrated a pattern of disruptive or unsafe behavior, shall be managed in accordance with the established classification procedures. Additionally, any finding of guilty on a Class I offense may result in the review of an offender's classification for appropriate housing placement.
- L. Hearing Officers shall mark the "Offender Present" block of the DACS Disciplinary Hearing screen to indicate that the offender was present during all phases of the disciplinary process, the offender was notified of the sanction imposed and the right to appeal. The offender's signature is not required on any form during the disciplinary process.

RESTITUTION:

- A. Hearing Officers may order restitution for the cost of property that has been taken, damaged or destroyed by offenders, where such property is not recovered in the same condition as existed prior to the taking.
- B. Where Hearing Officers find the existence of a rule violation, order restitution, and such order has not been reversed on appeal, the institutional Administrative Officer shall enforce the order by attaching the offender's account for the amount of restitution ordered. Where the offender account has no funds, it shall be attached for half of all deposits received until the judgment is paid.

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- C. The amount of restitution ordered shall be the replacement value of the item taken, damaged or destroyed.

SUMMARY ACTION:

- A. Upon observing offender misconduct, staff may determine that it is a minor offense properly addressed by an immediate revocation of one or more privileges or confinement to assigned quarters for a period of time not to exceed 24 hours. Staff shall notify the Unit Supervisor when the offender is placed on Summary Action sanction.
- B. Summary Actions shall be entered into DACS; however, they shall not be considered in future Classification or Disciplinary processes.
- C. When an offender commits a rule infraction that is a Class II Offense, the staff member requesting Summary Action shall complete a form titled "Summary Disciplinary Action". The offender shall be called to the office and informed of the sanction, which shall be up to a 24 hour loss of all privileges, 24 hour cell confinement, or up to 24 hours of extra work.
- D. The offender shall sign the "Summary Disciplinary Action" form indicating acceptance of the sanction. If the offender refuses to sign the form, a Class II Disciplinary Report shall be written in lieu of Summary Action.

USE OF THE DISCIPLINARY MATRIX

- A. The disciplinary matrix is intended to provide guidelines for the use of consistent disciplinary sanctions for Class I Offenses within the BOP.
- B. Each Class I Offense has a specific sanction or range of disciplinary sanctions established based on the severity of the offense and the disciplinary history of the offender.
- C. Disciplinary history considered by the Hearing Officer in determining the appropriate sanction shall be a rolling 24 month period.
- D. In instances where offenders receive multiple Class I Offenses during a single incident and a finding of guilt has been rendered for two or more charges, the Hearing Officer shall have the option as to what offense to sanction the offender for after consideration of the variables in the incident and the disciplinary hearing.

DISCIPLINARY MENTAL HEALTH ASSESSMENT FORM

The following procedures are added to the discipline process for offenders who are, or may be, seriously mentally ill, mentally ill and/or present significant functional impairment to staff during the time of an incident or to the Hearing Officer to necessitate a referral to mental health for assessment.

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1. Offenders identified on the mental health roster as SMI or MI shall require the completion of the Disciplinary Mental Health Assessment Form (Attachment #2) by a QMHP to assist the Hearing Officer in considering the relation of the offender's mental health to the conduct of the offender as it relates to the charged offense(s).
2. Institutional staff may refer an offender for a mental health assessment, through the mental health referral process, at the time the offender is charged with an institution rule violation when the behavior warrants such action.
3. Upon receipt of notification to complete the Disciplinary Mental Health Assessment Form (Attachment #2), the QMHP shall fully complete and submit the Disciplinary Mental Health Assessment Form (Attachment #2) to the Hearing Officer within 72 hours.
4. Upon review of the information presented in the completed Disciplinary Mental Health Assessment Form (Attachment #2), the Hearing Officer may opt to hold disciplinary in abeyance pending a later review, seek additional information from mental health as determined necessary, to dismiss some or all charges for offenses listed in the disciplinary report, and/or process the charged offenses through the disciplinary process.
5. Throughout the processing of the charged offenses through the disciplinary process, the Hearing officer shall consider the Disciplinary Mental Health Assessment Form (Attachment #2) throughout the disciplinary hearing process; this information shall be appropriately documented in the disciplinary module.

Class I Disciplinary Matrix

CLASS I OFFENSES		1st Offense	2nd Offense	3rd Offense	Offenses Thereafter	Comments
<i>The Disciplinary Matrix for Reoccurring Offenses is Based on a Rolling 24 Month Period</i>						
1.00A	Assault On Staff	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre- Hearing Detention
		180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of ALL Good Time	Loss of ALL Good Time	Loss of ALL Good Time	Loss of ALL Good Time	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	
1.00B	Sexual Assault on Staff	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre- Hearing Detention
		180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of ALL Good Time	Loss of ALL Good Time	Loss of ALL Good Time	Loss of ALL Good Time	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	
1.00C	Inappropriate Lewdness Towards Staff	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		30 Days Loss of All Privileges	60 Days Loss of All Privileges	90 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of 15 days Good Time	Loss of 30 days Good Time	Loss of 45 days Good Time	Loss of 60 days Good Time	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	
1.00D	Active Resistance Towards Staff	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		30 Days Loss of All Privileges	60 Days Loss of All Privileges	90 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of 15 days Good Time	Loss of 30 days Good Time	Loss of 45 days Good Time	Loss of 60 days Good Time	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	
1.01	Arson	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	

BOP Policy 4.2, Rules of Conduct, BOP 4.2, Rules of Conduct, Attachment #1

Class I Disciplinary Matrix

		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
		Restitution	Restitution	Restitution	Restitution	
1.02	Assault	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre-Hearing Detention
		90 Days Loss of All Privileges	90 Days Loss of All Privileges	90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Up to 90 days Loss of Good Time	Loss of 90 days Good Time	Loss of 90 days Good Time	Loss of 180 days Good Time	
		Restitution	Restitution	Restitution	Restitution	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	
1.03	Bribery	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.04	Damage or Destruction of Property (over \$20)	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
		Restitution	Restitution	Restitution	Restitution	
1.05	Demonstrations (Strike)	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	Loss of 31 - 60 days Good Time	
1.06	Threatening Behavior	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	

Class I Disciplinary Matrix

		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	Loss of 31 - 60 days Good Time	
1.07	Engaging in a Riot	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre- Hearing Detention
		180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	
		Restitution	Restitution	Restitution	Restitution	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		<i>Classification Review</i>	<i>Classification Review</i>	<i>Classification Review</i>	<i>Classification Review</i>	
1.08	Escape and Attempt to Escape	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre- Hearing Detention
		180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	
		Restitution	Restitution	Restitution	Restitution	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		<i>Classification Review</i>	<i>Classification Review</i>	<i>Classification Review</i>	<i>Classification Review</i>	
1.09	Extortion, Blackmail or Protection	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
		Restitution	Restitution	Restitution	Restitution	
1.10	Failure to Abide by Sanctions or Conditions of a Class I or II Disciplinary Disposition	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		

Class I Disciplinary Matrix

		Up to 30 Days Loss of All Privileges	31 -60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.11	Falsifying Physical Evidence and/or Influencing a Witness	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 -60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.12	Felony	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre-Hearing Detention
		90 Days Loss of All Privileges	90 Days Loss of All Privileges	90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of 30 days Good Time	Loss of 60 days Good Time	Loss of 90 days Good Time	Loss of 180 days Good Time	
		Restitution	Restitution	Restitution	Restitution	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	
1.13	Fighting	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 -60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.14	Forgery, Counterfeiting	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 -60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.15	Giving a False Alarm	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	

Class I Disciplinary Matrix

		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.16	Homicide	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre- Hearing Detention
		180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	
		Restitution	Restitution	Restitution	Restitution	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		<i>Classification Review</i>	<i>Classification Review</i>	<i>Classification Review</i>	<i>Classification Review</i>	
1.17	Inciting to Riot	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.18	Possession of Dangerous Contraband	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.19	Possession of Money and Coin Over \$1	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	

Class I Disciplinary Matrix

1.20	Possession of Staff Clothing	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	
		Restitution	Restitution	Restitution	Restitution	
1.21	Receiving Stolen Property	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.22	Refusal to Cooperate in Drug-Abuse Testing	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.23	Restraint	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre-Hearing Detention
		180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	180 Days Loss of All Privileges	
		Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	
		Restitution	Restitution	Restitution	Restitution	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	
1.24	Sexual Assault	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre-Hearing Detention
		90 Days Loss of All Privileges	90 Days Loss of All Privileges	90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	Loss of All Good Time	
		Restitution	Restitution	Restitution	Restitution	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	

Class I Disciplinary Matrix

1.25	Sexual Misconduct	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.26	Substance Abuse	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.27	Theft	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
		Restitution	Restitution	Restitution	Restitution	
1.28	Refusal to Cooperate in DNA Testing	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.29	Refusal to Participate in Classified Treatment Programs and Assessments	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 20 Days Loss of All Privileges	21 - 40 Days Loss of All Privileges	41 - 60 Days Loss of All Privileges	90 Days Loss of All Privileges	

Class I Disciplinary Matrix

		Loss of up to 5 days Good Time	Loss of 6 -10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 30 days Good Time	
1.30	Refusal to Comply with Sex Offender Registration	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 -60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 10 days Good Time	Loss of 11 - 20 days Good Time	Loss of 21 - 30 days Good Time	Loss of 31 - 45 days Good Time	
1.31	Promoting Prison Contraband	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 -60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
		Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	Referred for Criminal Charges	
		Classification Review	Classification Review	Classification Review	Classification Review	
1.32	Security Threat Group (STG) Activity	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 -60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	
1.33	Interfering With Count	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 -60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 5 days Good Time	Loss of 6 - 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	

Class I Disciplinary Matrix

1.34	Refusal to Lock In	Up to 5 Days Disciplinary Detention	6 - 10 Days Disciplinary Detention	11 - 15 Days Disciplinary Detention	15 Days Disciplinary Detention	Automatic Pre- Hearing Detention
		Up to 10 Days Confinement to Quarters	5 - 9 Days Confinement to Quarters	0 - 4 Days Confinement to Quarters		
		Up to 30 Days Loss of All Privileges	31 - 60 Days Loss of All Privileges	61 - 90 Days Loss of All Privileges	90 Days Loss of All Privileges	
		Loss of up to 10 days Good Time	Loss of 11 - 15 days Good Time	Loss of 16 - 30 days Good Time	Loss of 31 - 60 days Good Time	

Disciplinary Mental Health Assessment Form

Offender Name:

DISCIPLINARY Case No.:

Offender S.B.I. Number:

Date Request Received:

Date Completed and Submitted (Must be within 72 hours):

SECTION I**TO BE COMPLETED BY A QUALIFIED MENTAL HEALTH PROFESSIONAL**

- Is the offender currently on a mental health case load? ☐ Yes ☐ No
- What is the current mental health identification of the offender (SMI, MI, NMI)? ☐ SMI ☐ MI ☐ NMI
- Does the offender know where he/she is? ☐ Yes ☐ No
- Does the offender know what date it is? ☐ Yes ☐ No
- Does the offender know why he/she is seeing a hearing officer? ☐ Yes ☐ No
- Is the offender appropriately dressed? ☐ Yes ☐ No
- Is the offender able to speak coherently? ☐ Yes ☐ No
- Are the offender's statements logical and organized? ☐ Yes ☐ No
- Does the offender avoid eye contact? ☐ Yes ☐ No
- Should the offender be referred for Mental Health Services evaluation? ☐ Yes ☐ No

SECTION II**TO BE COMPLETED BY A QUALIFIED MENTAL HEALTH PROFESSIONAL**

1. Have you, the Qualified Mental Health Professional, reviewed the incident/charged offenses and BOP Policy 4.2 Rules of Conduct for an understanding of the disciplinary process regarding offenses contained within the disciplinary report? ☐ Yes ☐ No
2. Does the offender have the capacity to participate in the hearing? ☐ Yes ☐ No
If NO, why does the offender not have the capacity to participate?
3. Would the offender need assistance to participate in a disciplinary hearing? If YES, what assistance would be needed and/or recommended? ☐ Yes ☐ No
4. Are there any medication issues that may have impacted the behavior of the offender related to this incident? If YES, please describe ☐ Yes ☐ No
5. Are there mental health issues that may have impacted the offender's behavior at the time of the charge? If YES, briefly describe those issues. ☐ Yes ☐ No
6. Are there mental health issues that should be considered regarding disposition of the offender if found guilty? If YES, briefly describe those issues and their possible relation to the disposition. ☐ Yes ☐ No

QMHP Member of Treatment Team Name/Title/Signature:

Date:

NOTE: Mental Health is responsible to scan the completed form into iCHRT and to document the completion of the form in the progress notes of the offender to include the date received and returned.

SECTION III

TO BE COMPLETED BY HEARING OFFICER

1. Does the offender appear to have the capacity to participate in the hearing? ☐ Yes ☐ No
2. Has the Hearing Officer considered the recommendation of the treatment team at the following:
 - Disciplinary Hearing ☐ Yes ☐ No
 - When rendering a decision ☐ Yes ☐ No
 - When determining the sanction ☐ Yes ☐ No
 - At imposition of the sanction ☐ Yes ☐ No

Hearing Officer:

Date:

SECTION IV

TO BE COMPLETED BY APPEAL HEARING OFFICER

1. Does the offender appear to have the capacity to participate in the appeal hearing? ☐ Yes ☐ No
2. Has the Appeal Hearing Officer considered the recommendation of the treatment team at the following:
 - In reviewing the incident and charges ☐ Yes ☐ No
 - In reviewing the appeal ☐ Yes ☐ No
 - When rendering a decision ☐ Yes ☐ No
 - When determining the sanction ☐ Yes ☐ No

Appeal Hearing Officer:

Date:

NOTE: The completed form shall be scanned into DACS as part of the Disciplinary Record for the offender by the Hearing Officer prior to the closing of the disciplinary.

BOP 4.2, Rules of Conduct, Attachment #3 Pre-Hearing Detention Order Form
Bureau of Prisons
Pre-Hearing Detention Order Form

NUMBER	NAME	INSTITUTION	DATE	TIME

1. The above offender has been accused of committing a major offense and will appear before the Hearing Officer in the near future at a disciplinary hearing.
2. The offender's actions/behavior presents a threat to staff, other offenders, or themselves sufficient to warrant pre-hearing detention.
3. This order must be reviewed by the Warden/designee every 24 hours for determination as to whether this inmate remains a sufficient threat to warrant pre-hearing detention.
4. If this order is not reviewed within 24 hours by the Warden/designee, the inmate shall be returned to their previous status.
5. Any time spent in pre-hearing detention shall be credited against any subsequent sanction imposed by the Hearing Officer.

Name of Watch Commander/Designee

Signature

REVIEWED BY: Name	Date	Time	Decision:
1			
2			
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