



**MISSISSIPPI DEPARTMENT
OF
CORRECTIONS**

**SOP NUMBER
18-01-01**

AGENCY WIDE

DISCIPLINARY PROCEDURES

**INITIAL DATE
10-01-1997**

**ACA STANDARDS: 5-ACI-3C-01 thru 5-ACI-3C-23, 5-ACI-6C-07, 4-ACRS-3A-01
thru 4-ACRS-3A-03, 4-ACRS-6C-01 thru 4-ACRS-6C-04**

**EFFECTIVE DATE
03-15-2025**

STATUTES: 47-5-99, 47-5-104, 47-5-801

NON-RESTRICTED

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APPLICABILITY:

This procedure applies to all offenders incarcerated by the Mississippi Department of Corrections (MDOC) and employees participating in the disciplinary process.

The provisions of this standard operating procedure will apply retroactively.

POLICY STATEMENT:

It is the policy of the Mississippi Department of Corrections (MDOC) to discipline all offenders who commit and/or participate in prohibited activities.

DEFINITIONS:

Administrative Remedy Program – A program by which an offender may request administrative remedy for situations arising from policies, conditions or events within MDOC that affect them personally.

Criminal Violations – Any incident in which an offender allegedly commits an act covered by criminal law.

Disciplinary Hearing – An impartial classification hearing composed of a Disciplinary Hearing Officer or staff member whose name appears on the Executive Order approved by the Commissioner.

Disciplinary Hearing Officer – Staff member whose name appears on the Executive Order approved by the Commissioner who will hear all pertinent information surrounding an alleged rule violation and base their final decision if some evidence presented at the hearing indicates the underlying action(s) occurred.

Informal Resolution – Resolution of a minor rule infraction at the unit level.

Rule Violation – An act or omission of an act contrary to the rules and regulations of MDOC, laws of the State of Mississippi, or the United States.

Rule Violation Report (RVR) – A report that will include the violation charge, essential facts supporting the alleged violation, processing action taken (including requests for investigation and lists of requested witnesses), findings and disciplinary action taken (if any). The reporting form will be configured so that proper distribution can be made with the original becoming part of the offender's permanent MDOC record.

Inappropriate Sexual Behavior – Seductive or obscene acts that include unwelcome touching, or masturbation.

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Inappropriate Sexual Behavior with Another Person – Seductive or obscene acts that include intimate touching, penetration of another's body cavity, and include homosexual and heterosexual activity.

Physical Action – Any use of force; act of fighting, hitting, kicking, shoving, pushing, biting, or other similar type of physical contact; or throwing, squirting or spitting any item, substance or fluid.

Riot – To incite, instigate, organize, plan, cause, aid, abet, assist or take part in any disorder, disturbance, strike, or other organized disobedience to the rules of the facility.

Serious Physical Injury – Means an injury requiring more than basic first aid.

Sexual Assault – Non-consensual intimate physical contact with another person that may include an attempt or threat of physical violence.

Unauthorized Communication – Any form of communication not allowed by any posted or published rule, including inducing personnel to carry items into or out of the institution, using a staff telephone or communicating with another inmate in a different housing status.

Dangerous Contraband – A firearm, knife, other weapon, device or instrument, material or substance that is readily capable of causing or inducing fear of death or serious physical injury.

Some Evidence – Whether any evidence at all supports the action taken by prison officials.

Tobacco Product – Any product that contains tobacco, the prepared leaves of any plant belonging to the nicotine family, which will include, but not limited to cigarettes, loose tobacco, cigar, snuff, chewing tobacco, or any other preparation of tobacco, tobacco substitutes, smoking paraphernalia (i.e., matches, lighter, cigarette papers) and all other items developed and processed for the primary purpose of facilitating the use or possession of tobacco or tobacco-related products as well as packaging material. Packaging material includes, but not limited to snuff or cigarette containers. tobacco product does not include pharmacological aids (i.e., patch, inhaler, or lozenges) for smoking cessation.

Electronic Cigarette/Vaporizers – An electrical device(s) that simulates the act of tobacco smoking by producing an inhaled vapor bearing the physical sensation, appearance, and may contain nicotine. The liquid is heated to create an aerosol that the user inhales.

Negotiable Instruments – To include but not limited to: cash/currency, Commissary note, check, money account information, and electronic money transfer information.

PROCEDURES:

Adult Community Residential Services: **Facility rules and regulations are reviewed at least annually and updated, if necessary [4-ACRS-3A-02].**

Adult Correctional Institutions: **There is a written set of disciplinary procedures governing inmate rule violations [5-ACI-3C-02].**

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Adult Community Residential Services: All program rules and regulations pertaining to offenders are conspicuously posted in the facility or included in a handbook that is accessible to all offenders and staff [4-ACRS-3A-03].

Adult Correctional Institutions: A rulebook that contains all chargeable offenses, ranges of penalties, and disciplinary procedures is given to each inmate and staff member and is translated into those languages spoken by significant numbers of inmates. Signed acknowledgement of receipt of the rulebook is maintained in the inmate's file. When a literacy or language problem prevents an inmate from understanding the rulebook, a staff member or translator assists the inmate in understanding the rules [5-ACI-3C-03].

Adult Community Residential Services: There is a process for informal resolution of minor infractions of facility rules [4-ACRS-6C-01].

Adult Correctional Institutions: There are written guidelines for resolving minor inmate infractions, which include a written statement of the rule violated and a hearing and decision within seven days, excluding weekends and holidays, by a person not involved in the rule violation; inmates may waive their appearance at the hearing [5-ACI-3C-05].

Informal Resolution Process

An Informal Resolution of a minor violation requires prompt yet fair disposition and agreement between the accused offender and a staff member (Correctional Supervisor or above).

The Informal Resolution is designed to reduce paperwork and to enable the offender to avoid a recorded entry of disciplinary action.

Informal Resolutions will not be used in cases involving violence or physical aggression.

To accomplish the Informal Resolution action the accused offender will be escorted to the appropriate authority, the charges will be verbally related, and a decision will be made by the appropriate authority as to whether the violation merits action.

Upon agreement, an Informal Resolution form will be completed. The Informal Resolution form will include, but not be limited to the following information, as applicable:

- Offender's name, number, housing unit, zone/tier, cell/bed
- Date and time
- Location of incident
- Specific rule violated
- A formal statement of the charge
- Any unusual offender behavior
- Any staff witnesses
- Any physical evidence and its disposition
- Reporting staff member's name
- Hearing Officer's signature and date
- Accused offender's signature, unless refused
- Punishment

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An informal meeting will be held with the accused offender and a decision made within seven (7) days, excluding weekends and holidays.

The accused offender may waive the meeting by notifying the appropriate authority and completing a waiver form. The accused offender must sign and agree to the imposed penalty.

The following penalties may be imposed:

- Counseling with or without a reprimand
- Assignment of extra duty, not to exceed 16 hours (0-16 max)
- Temporary suspension of privileges, not to exceed seven (7) days (0-7 max)
- Loss of two (2) visiting days, depending upon the custody level of offender (no offender will lose more than four (4) consecutive visiting days at any one time)

The completed Informal Resolution form is placed in the accused offender's unit/working file for future reference. When an offender is found guilty of an informal resolution and loss of privileges is imposed with a beginning/ending date for punishment, copies should be forwarded to:

- Case Manager
- Canteen Manager
- Telecommunications Department
- Visitation Department

If the accused offender disagrees with the Informal Resolution, then a Formal Resolution will be prepared and forwarded to the Facility Disciplinary Authority.

Restrictions

Informal Resolution action will not be capricious or in the nature of retaliation or revenge. Corporal punishment of any kind is strictly prohibited.

Informal Resolution actions are **NOT** subject to the Administrative Remedy Program.

Changes and Recommendations

These procedures will not be deviated from for any reason. These procedures will also be reviewed annually for soundness and validity and to incorporate any changes deemed necessary.

Formal Resolution Process

***Adult Community Residential Services:* An offender charged with a major rule violation receives a written statement of the alleged violation(s), including a description of the incident and specific rules violated [4-ACRS-6C-02].**

***Adult Correctional Institutions:* Written policy, procedure, and practice provide that when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor [5-ACI-3C-07].**

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Adult Correctional Institutions: Disciplinary reports prepared by staff members include, but are not limited to, the following information:

- specific rule(s) violated
- a formal statement of the charge
- any unusual inmate behavior
- any staff witnesses
- any physical evidence and its disposition
- any immediate action taken, including the use of force
- reporting staff member's signature and date and time of report [5-ACI-3C-08].

Additional information for disciplinary reports includes:

- Pin number (if applicable)
- Offender's name, number, housing unit, zone/tier, cell/bed
- Location of incident
- Weapon involved
- Offender's signature and date unless refused
- Indication of requested investigation, witnesses, if any, and if accused inmate chose to waive hearing rights
- Delivering officer's name, signature, date, and time RVR was delivered to the offender

Preparation of RVR

An offender may be issued a RVR if he/she:

- a) Attempts to commit a rule violation
- b) Solicits another or others to commit the rule violation
- c) Conspires with another or others to commit the rule violation
- d) Aids the action of another or others in committing the rule violation

As soon as reasonably possible after discovery that the aforementioned has occurred or a violation has been committed, the officer who witnesses or any employee having knowledge of the incident will prepare the RVR.

All rule violation reports will be legible to the extent possible under the circumstances.

Delivery of RVR to Offender

The first copy of the RVR will be delivered to the accused offender within **twenty-four (24)** hours of the time the violation is discovered.

If the offender refuses to sign for delivery of the RVR, **two (2)** staff members must witness the refusal.

The delivering employee will also document the offender's request for investigation, list witnesses on the RVR and indicate whether the offender wishes to waive his/her hearing.

Two (2) staff members must witness the offender's wishes to waive his/her rights to a hearing.

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This must be done whether the offender signs or refuses to sign for delivery of the RVR. Record of delivery will be made on the RVR showing date, time, and who delivered the copy.

Adult Correctional Institutions: Written policy, procedure, and practice provide that an inmate charged with a rule violation receives a written statement of the charge(s), including a description of the incident and specific rules violated. The inmate is given the statement at the same time that the disciplinary report is filed with the disciplinary committee but no less than 24 hours prior to the disciplinary hearing. The hearing may be held within 24 hours with the inmate's written consent [5-ACI-3C-11].

Indication should be made on the RVR if the offender was placed in Administrative Segregation pending disciplinary hearing.

After all essential information has been recorded by the reporting employee, the RVR will be reviewed by the Unit Administrator or designee for completeness and to ensure the incident could not be handled by Informal Resolution.

If approved, the Unit Administrator or designee will initial the top left corner of the RVR, enter a Pending RVR Alert in Offendertrak, and immediately forward the RVR to the Facility Disciplinary Authority or designee.

Pre-Hearing Status

Adult Correctional Institutions: Within the disciplinary procedures document there is provision for prehearing detention of inmates who are charged with a rule violation. The inmate's pre-hearing status is reviewed by the warden/superintendent or designee within 72 hours, including weekends and holidays [5-ACI-3C-10].

Refer to procedures for Offender Segregation, 19-01-01.

Investigation

Adult Correctional Institutions: Written policy, procedure, and practice specify that, when an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported and is completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation [5-ACI-3C-09].

The Disciplinary Investigator will begin an investigation within 24 hours of the time the rule violation is reported and will complete it without reasonable delay, unless there are exceptional circumstances. **(Refer to the Investigation Guide and Incident Investigation Form)**

Exceptional circumstances for delaying an investigation may include, but not be limited to the following:

- The accused offender is not available to give a statement (i.e., medical reason, away from facility)
- Other offender witnesses are not available to give statements for the same reasons
- Staff witnesses are not available to give statements
- Inclement weather conditions

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- Institutional emergency
- Any extraordinary circumstances approved, in writing, by the Superintendent/Community Corrections Director

Note: Such exceptions will be noted in the completed investigation package.

The Superintendent/Community Corrections Director or designee will approve such exceptions in writing.

The investigation will be commenced regardless if the offender requests it or not.

Investigator

- The Disciplinary Investigator will not be the same staff as the staff that reported the incident or wrote the RVR.
- The Disciplinary Investigator will be neutral and unbiased in conducting interviews and gathering information.
- In seeking the truth, the Disciplinary Investigator will interview the accused and any other persons considered having pertinent information.
- The Disciplinary Investigator will provide factual information, and will have access to all information concerning the offender's act of misbehavior and will receive cooperation from all personnel.
- Any staff member called as a witness will not refuse to give a statement.
- The Disciplinary Investigator will be subject to call any witness to appear at the hearing.
- The Disciplinary Investigator will indicate the offender's current job assignment and any educational programs.

Witnesses

The offender charged with a rule violation will be allowed to present documentary evidence and call defense witnesses unless:

- Permitting offender to do so will be unduly hazardous to institutional safety and security.
- Witness was not present when the violation occurred or has no firsthand knowledge of the incident, or investigation discloses that the called witness's testimony would be repetitive of all other called witnesses. In such cases, the accused will be permitted to select no more than two (2) witnesses.

If the witness is not readily available for the hearing due to being away from the facility/housing unit where the RVR is being heard, a statement may be obtained by the investigator to be used in place of the witness's personal appearance. The investigator may obtain a transcribed statement over the telephone.

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Adult Correctional Institutions: **Written policy, procedure, and practice provide that inmates charged with rule violations are present at their hearings unless they waive that right in writing or through their behavior. Inmates may be excluded during the testimony of any inmate whose testimony must be given in confidence; the reasons for the inmate's absence or exclusion are documented [5-ACI-3C-16].**

At the discretion of the Hearing Officer, private testimony may be taken whenever it is determined that revealing the identity of the witness may subject him to personal danger. Reasons for the witness's exclusion or absence will be documented and the accused offender will be notified.

Questions may be asked of any witness called to the meeting.

Adult Correctional Institutions: **Within the scope of their professional credentialing, mental health staff will provide behavioral health consultations with the facility, leadership and multidisciplinary staff regarding those inmates with mental illness.**

- **QMHP will provide consultation pertinent to disciplinary proceedings**
- **Assist health staff with inmates who have comorbid medical issues**
- **Assist in the decision making for an inmate's placement in programs and housing assignments [5-ACI-6C-07].**

Prior to the Disciplinary Hearing, mental health will be notified by email with the Mental Health Disciplinary Log of all offenders scheduled for a hearing.

- Mental Health will review the medical/mental health record.
- Determination will be made confirming that offender is mentally competent and capable of understanding that they were committing an infraction.
- Mental Health will respond back to the Disciplinary Department using the Mental Health Disciplinary Log indicating their findings prior to the hearing.

Disciplinary Hearing

Adult Correctional Institutions: **Written policy, procedure, and practice provide that disciplinary hearings on rule violations are conducted by an impartial person or panel of persons. A record of the proceedings is made and maintained for at least six months [5-ACI-3C-15].**

Refer to the Rule Violation Report (RVR) Hearing Script.

The Hearing Officer will hear all pertinent information surrounding an alleged rule violation.

The Hearing Officer will question the accused offender, witnesses and any other person appearing at the hearing.

Adult Correctional Institutions: **Written policy, procedure, and practice provide that inmates have an opportunity to make a statement and present documentary evidence at the hearing and can request witnesses on their behalf; the reasons for denying such a**

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request are stated in writing [5-ACI-3C-17].

The Hearing Officer will exercise control of all questioning to prevent harassment, abuse, repetition, deficiency of relevancy, and to maintain order.

The accused, any witnesses and the accuser, if present, may be excused from the hearing during deliberation.

Adult Correctional Institutions: Written policy, procedure, and practice provide that the disciplinary committee's decision is based solely on information obtained in the hearing process, including staff reports, the statements of the inmate charged, and evidence derived from witnesses and documents [5-ACI-3C-19].

The RVR will be affirmed if some evidence indicates the underlying action(s) occurred.

The RVR itself may be used as the sole basis for the Hearing Officer's decision.

The Hearing Officer will render a fair and just punishment for a factual finding and must sign his/her name to each RVR.

A copy of written findings will be given to the offender as soon as reasonably possible after the hearing.

The accused will be advised of his appeal rights.

Adult Correctional Institutions: Written policy, procedure, and practice provide that an inmate may waive the right to a hearing provided that the waiver is documented and reviewed by the chief executive officer or designee [5-ACI-3C-12].

An offender may waive the right to a hearing, provided the waiver will be documented and reviewed by the Superintendent, Warden or designee and/or Community Corrections Director or designee.

Adult Correctional Institutions: Written policy, procedure, and practice provide that a written record is made of the decision and the supporting reasons, and that a copy is given to the inmate. The hearing record and supporting documents are kept in the inmate's file and in the disciplinary committee's records [5-ACI-3C-20].

The hearing will be recorded and a record of the proceedings will be maintained for a minimum of three (3) years.

If an offender is transferred to another facility prior to a disciplinary hearing, the RVR will be immediately forwarded to the Superintendent, Warden or Community Corrections Director of the receiving facility, who will ensure that it is processed.

Adult Correctional Institutions: Written policy, procedure, and practice provide for review of all disciplinary hearings and dispositions by the warden/superintendent or designee to assure conformity with policy and regulations [5-ACI-3C-22].

All completed RVR's will be forwarded to the Warden/Community Corrections Director or

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designee for review.

Timelines of Disciplinary Hearing

Adult Correctional Institutions: **Written policy, procedure, and practice provide that inmates charged with rule violations are scheduled for a hearing as soon as practicable but no later than seven days, excluding weekends and holidays, after being charged with a violation. Inmates are notified of the time and place of the hearing at least 24 hours in advance of the hearing [5-ACI-3C-13].**

The Hearing Officer will conduct the disciplinary hearing within seven (7) working days after the violation occurred. If more than seven (7) working days have elapsed, a written explanation must be included.

Adult Correctional Institutions: **Written policy, procedure, and practice provide for postponement or continuance of the disciplinary hearing for a reasonable period and good cause [5-ACI-3C-14].**

This must be documented on the RVR.

Rights of the Accused

The accused must be present at the hearing unless he refuses to appear or use of force would be required to enforce attendance. In this case, the hearing will continue in his absence. The reason for the offender's exclusion or absence will be documented on the RVR form and entered into the record during the hearing. No absentia hearing will be held when the offender is mentally disturbed to such extent that meaningful participation would be precluded, or when the offender is an escapee-at-large.

Established time frames and procedural requirements listed in this standard operating procedure are advisory guidelines and do not constitute a due process right to the offender.

The Agency's failure to abide by the time frames and procedural requirements will not be a basis for dismissal of the RVR.

Adult Correctional Institutions: **Written policy, procedure, and practice provide that a staff member or agency representative assists inmates at disciplinary hearings if requested. A representative is appointed when it is apparent that an inmate is not capable of collecting and presenting evidence effectively on his or her own behalf [5-ACI-3C-18].**

Disposition and Penalties

The Disciplinary Hearing Officer will consider the seriousness of each incident/violation, to include those incidents/violations listed on the Intensive Supervision Program and Earned Release Certificate and the mental status of each offender when assessing punishment.

Adult Community Residential Services: **The facility implements a system of a progressive discipline [4-ACRS-6C-04].**

Adult Community Residential Services: **Offender rules and disciplinary regulations describe**

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violations, sanctions, and penalties [4-ACRS-3A-01].

Adult Correctional Institutions: Written rules of inmate conduct specify acts prohibited within the institution and penalties that can be imposed for various degrees of violation [5-ACI-3C-01].

Adult Correctional Institutions: All personnel who work with inmates receive sufficient training so that they are thoroughly familiar with the rules of inmate conduct, the rationale for the rules, and the sanctions available [5-ACI-3C-04].

All staff will receive training on the disciplinary procedures to include rules of inmate conduct, the rationale for the rules, and the sanctions available.

RULE VIOLATIONS

The Mississippi Department of Corrections has adopted the following categories of rule violations:

Violation Category A (Minor Violations)

Rule Number	Rule Violation Description
A1	Littering
A2	Illegal possession of any item or quantities not on the allowable items list (Minor-Miscellaneous Contraband)
A3	Unauthorized removal of food or utensils from any food service area
A4	Faking illness or injury
A5	Failure to abide by any published institutional schedule or documented rules
A6	Violating the institutional dress code or grooming standards
Sanctions for Violation Category	
Reprimand and warning.	
Restriction of all privileges not to exceed one (1) month, excluding exercise periods. This will not exclude restriction from use of recreational facilities in the institution.	
Loss of privileged housing, job or meritorious living conditions.	
Restitution	
Recommend custody review	

Violation Category B (Serious Violations)

Rule Number	Rule Violation Description
B1	Improper or unauthorized use of state equipment or materials
B2	Interfering with an employee in the performance of their duty

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B3	Refusing or failing to obey an order of staff
B4	Violation of mail, telephone, or visiting regulations
B5	Failure to clean bed area or pass bed area inspection
B6	Breaking or entering into another inmate's locker, room, cell or living unit
B7	Refusing or failing to carry out work assignment
B8	Physical action against another person where minimal/superficial injuries may have occurred
B9	Inflicting injury to self (Self-Mutilation)
B10	Tattooing or piercing self or others or allowing self to be tattooed or pierced
B11	Being in a restricted or unauthorized area
B12	Violating a condition of any outside work assignment
B13	Abusive, disrespectful, vulgar, obscene or threatening language, gestures or actions directed toward or about any person
B14	Lying to an employee
B16	Disruptive behavior or disorderly conduct which threatens the orderly running of the facility
B17	End dated, effective 02/21/2024 (Refer to C13)
B18	Smuggling of minor contraband items into, out of, or within the institution
B19	Engaging in bribery, loan sharking, collecting or incurring debt
B20	Refusing or failing to comply with institutional count or lockup procedures
B21	Nonviolent demonstration or inciting a nonviolent demonstration that may lead to a disruption of institutional operations
B22	Negligent or deliberate destruction, alteration or defacing of state, personal, or community property valued less than \$100
B23	Deliberately or negligently causing a fire
B24	Inappropriate sexual behavior with another person or indecent exposure (Masturbation)
B25	Gambling
B26	Stealing
B27	Making threatening or intimidating statements
B28	Refusing to submit to a search
B29	Pursuing or developing a relationship that is unrelated to correctional activities with a non-inmate (Fraternization)
B30	Possession of serious contraband to include but not limited to: • State equipment or materials • Gang paraphernalia • Tobacco products (Not in canteen list-Includes the Use of Tobacco or accessories and electronic cigarettes) • Gambling paraphernalia • Stolen property less than \$100 • Tattoo or body-piercing paraphernalia • Drug paraphernalia

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B31	Failure to abide by the "statement of conditions" of release for Earned Release Supervision, Medical Release or Intensive Supervision Program or 72 Hour Honorary Leave Agreement
B32	Absconding supervision from community supervision
B33	Giving or receiving anything of value to or from another
B34	Security Threat by obstructing view of staff
Sanctions for Violation Category	
Restriction of all privileges not to exceed one (1) month, excluding exercise periods. This will not exclude restriction from use of recreational facilities in the institution.	
Loss of privileged housing, job or meritorious living conditions.	
Restitution	
Recommend custody review	
Assignment to disciplinary segregation for a maximum of twenty (20) days, each offense.	
Upon a guilty finding, in addition to any other authorized sanction for this category of rule violations, the disciplinary hearing officer will recommend the following progressive disciplinary sanction:	
- If an inmate has accumulated three (3) Category B rule violations within a six (6) month period, the offender will lose thirty (30) days of earned time. - Receiving a 4th RVR within a six (6) month period will result in an additional loss of sixty (60) days of earned time - Receiving a 5th RVR within a six (6) month period will result in an additional loss of ninety (90) days of earned time - In addition to all previous loss of earned time under Category B, upon receiving six (6) or more RVRs within a six (6) month period will result in the same sanctions listed under Category C Rule Violations	

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Violation Category C (Major Violations)

Rule Number	Rule Violation Description
C1	Negligently or deliberately destroying, altering or defacing of state, personal, or community property valued at \$100 or more
C2	Destroying or tampering with life safety equipment, locking or security devices
C3	Tampering with physical evidence or hindering an investigation
C4	Using mail or telephone to obtain any form of unauthorized items deemed as contraband
C5	Involvement in disruptive, assaultive, or criminal gang activity
C6	Escape

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C7	Possession of major contraband to include but not limited to: • Firearms • Sharpened instrument or knife • Other objects capable of inflicting death • Tools • Explosives/ammunition • Unauthorized money or negotiable instruments • Unauthorized medication (prescription, non-prescription) • Illegal drugs • Electronic devices or parts • Escape paraphernalia • Staff clothing or uniform related items • Stolen property over \$100 (Refer to Special Circumstances, 18.01.01)
C8	Assaultive action against any person or staff member resulting in serious physical injury
C9	Physical action resulting in the death or murder of any person
C10	Hostage taking
C11	Inciting to riot or rioting
C12	Arrest for criminal activity while on 72 Hour Leave
C13	Unauthorized use of drugs or intoxicants or testing positive for either, or refusing or failing to submit to a drug urinalysis test (Refer to Special Circumstances 18.01.01 for punishment)
C14	Unauthorized communication with any member of the public, staff, or between inmates (including social media)
C15	Unauthorized exchanged of negotiable instrument with staff, inmates, or the public
C16	Active participation in any display on social media, be it live streaming or digital posting of photo(s), messages or other
	Sanctions for Violation Category
Restitution	
Recommend custody review	
Assignment to disciplinary segregation for a maximum of twenty (20) days, each offense	
Restriction of privileges not to exceed two (2) months, excluding exercise periods. This will not exclude restriction from use of recreational facilities in the institution.	
Removal from 30/30 trusty status for a period of six (6) months (Only if offender is receiving 30/30 trusty status).	
If the offender does not receive 30/30 trusty status, the offender will lose 180 days of earned time (e.g., MET, TET, Earned Time).	
Loss of all earned time (Earned time is to be forfeited for escapees or aiding and abetting an escape pursuant to MCA 47-5-139)	
Suspension of visitation and commissary privileges for 18 months for offenders found guilty by a Disciplinary Hearing Officer of assaulting a staff member. Loss of all earned time and Trusty status	

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Loss of 6 months Canteen and Visitation for Major Contraband C-7 – No exceptions

If the RVR is a **C8**, the inmate will have his account frozen and will be liable for medical costs associated for the assaultive behavior. **(Off-site medical \$1,500; onsite \$500)**

SPECIAL CIRCUMSTANCES

In addition to any other penalty or penalties which will be imposed the following actions will be taken:

- A second (2nd) sanction may be given for each serious or major violation as long as it is listed under the authorized sanction for that rule violation
- Time spent in pending disciplinary segregation (PDA) will be credited against any subsequent discipline imposed
- Objective Reclassification if warranted (Refer to Institutional Classification Handbook)
- Referral to District Attorney if warranted
- The first time a Community Work Center, County State Work Program, or Restitution Center offender tests positive or refuses to submit a urine sample, he/she will be referred to A&D (max 3 months). These offenders will not have their custody reduced or reclassified with the objective classification instrument.
- Earned time is to be forfeited for any major rule violation including escapees or aiding and abetting an escape pursuant to MCA 47-5-139.
- Offenders who receive a RVR for C-8, "Assaultive action again any person or staff member resulting in serious physical injury" and are found guilty by a Disciplinary Hearing Officer of assaulting a staff member, will have visitation and commissary privileges suspended for 18 months. Loss of all earned time and Trusty status.
- Offenders in Institutions, Private Prisons and County Regional Facilities who are charged with **possession of electronic devices or parts** will receive:
 1. Removal from trusty earned time for six (6) months if they are receiving 30/30 trusty time
 2. Loss of 180 days of trusty time if in 10/30 trusty status
 3. Loss of earned time up to 180 days if not in trusty status
- Offenders in Community Work Centers who are charged with **possession of electronic devices or parts** will receive:
 1. For the first RVR, removal from trusty status for a period of 6 months or loss of 180 days earned time
 2. For the second RVR, loss of honorary leave and suspension of visitation and commissary privileges for 18 months

MDOC may deviate from these advisory guidelines based on the severity of the offense, a history of offenses, and other factors.

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Sanctions for youth housed in the Youthful Offender Unit (YOU) by Category

Category A (Minor Violations)

1. Verbal reprimand and warning
2. Reduction of maximum behavior points for that period
3. Loss of telephone, visitation, and store privileges earned through the Behavior Management Program
4. Reduction s to a lower privilege through the Behavior Management Program
5. Activity Restriction
6. Early Bed

Category B (Serious Violations)

1. Restitution
2. Extreme work detail
3. Isolation/segregations
4. Loss of Job, housing privileges
5. Activity Restriction
6. Reduction of Level or more than one level through the Behavior Management Program
7. Loss of visitation earned through the Behavior Management Program
8. Loss of telephone call earned through the Behavior Management Program.

Category C (Major Violations)

1. Restriction
2. Reduction of Positive Behavior Management Points
3. Reduction of Level of Behavior Management Program
4. Extensive Work Detail
5. Disciplinary Isolation
6. Major Sanction added to a serious sanction
7. Loss of one month of telephone calls earned through the Behavior Management Program

Evidence

Any and all evidence, with the exceptions referenced in policy 16-14, Preservation of Physical Evidence, accompanying a RVR will be recorded, labeled and stored securely at the Central Disciplinary Office. After the RVR is heard and the findings are known and unless further need for same, the evidence will be held ninety (90) days then destroyed in the following manner:

- All drugs or drug paraphernalia seized will be turned over to Corrections Investigation Division (CID)
- All recyclable metals and plastics will be turned over to the Property Office
- All sharp instruments (i.e., knives and shanks) will be turned over to the K-9 staff for destruction. **Note: Weapons used in assaults on staff and/or inmates will be remanded to CID**

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- All paper, cloth and other miscellaneous items will be turned over to the Fire and Safety Inspector
- Cell phones and cell phone related accessories confiscated from offenders housed in Community Work Centers, Private Facilities and Regional Facilities are to be forwarded to the Corrections Investigation Division (CID) Office located at the Central Office. Items confiscated at the State Institutions are to be forwarded to the Institutional CID Office. The confiscated items along with the appropriate documentation for each item are to be forwarded immediately or after final disciplinary action. Any item needed for criminal prosecution should be forwarded upon completion of prosecution unless otherwise directed by the prosecutor.

Offender Not Guilty/Dismissed

Adult Correctional Institutions: **Written policy, procedure, and practice provide that if an inmate is found not guilty of an alleged rule violation, the disciplinary report is removed from all of the inmate's files [5-ACI-3C-21].**

Assistance to an Offender in a Hearing

When it is apparent that an offender is not capable of effectively collecting and presenting evidence on his own, a representative will be appointed to assist the offender. The Superintendent or designee will make available representatives capable of assisting offenders in disciplinary hearings and filing appeals upon offender's request.

Notification and Punishment

- The Institutional Hearing Officer (IHO) will log all RVR's and final dispositions on a daily basis.
- This log will be forwarded to the appropriate Warden/Community Corrections Director or designee and to appropriate departments prior to the conclusion of each workday.
- They will ensure the immediate imposition of punishment.

Disciplinary Hearing Docket

The responsible Disciplinary Hearing Officer will prepare a Disciplinary Hearing Docket for all daily scheduled offender disciplinary hearings. The docket will include for each offender:

- Date of hearing
- Name and MDOC number of the offender
- Housing and work/program assignment of the offender
- Rule violation number(s)
- Finding
- Recommended sanctions (if applicable)
- Name and title of the Disciplinary Hearing Officer

The Disciplinary Hearing Docket will be submitted to the responsible Associate Warden or

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designee at the conclusion of offender disciplinary hearings each day. A weekly rule violation pending log report will be submitted to the area warden.

Adult Community Residential Services: The facility's disciplinary process is defined and provides appropriate procedural safeguards, to include:

- **Report of incident and charge**
- **Notice**
- **Time to prepare for hearing**
- **Assistance as needed**
- **Timely hearing**
- **Opportunity to present evidence**
- **Fair decision**
- **Written notice of decision**
- **Opportunity to appeal [4-ACRS-6C-03].**

Appeals

Adult Correctional Institutions: Written policy, procedure, and practice grant inmates the right to appeal decisions of the disciplinary committee to the warden/superintendent or designee. Inmates have up to 15 days of receipt of the decision to submit an appeal. The appeal is decided within 30 days of its receipt, and the inmate is promptly notified in writing of the results [5-ACI-3C-23].

The offender may appeal the decision of the hearing officer by using the Administrative Remedy Program (ARP).

If the offender refuses to sign for the RVR, the RVR will be documented that the offender refused to sign. The offender will have fifteen (15) days to appeal the RVR decision.

RVR appeals will not be logged and set aside.

At the time of notification of a guilty finding in a disciplinary hearing, the inmate will be notified that he/she has the right to appeal any decision of, or disciplinary action taken by the Disciplinary Hearing Officer, directly to the Warden/Community Corrections Director or designee of the unit/center involved via the Legal Claims Adjudicator.

This notification will be documented by having the inmate sign the front of the RVR indicating that he/she understands the right to appeal.

If the inmate waives his/her right to appear and is found guilty, he/she cannot appeal the decision.

The appeal will be submitted in writing within fifteen (15) days after a copy of the Disciplinary Hearing Officer's decision is offered to the inmate and will set forth in detail the grounds for any appeal.

In the event the inmate is illiterate, at the request of the inmate, the inmate's case manager may assist him/her in writing the letter of appeal.

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The Warden/Community Corrections Director or designee has thirty (30) calendar days from receipt of the appeal to respond.

During the appeal, the reviewer may affirm the action of the Disciplinary Hearing Officer or alter it as he/she deems just and proper except at no point in the appeal process will the penalty be increased.

If the offender is not satisfied, he/she may file suit in state or federal court. The offender must provide the ARP number on the court forms.

Criminal Violation

Adult Correctional Institutions: **Written policy, procedure, and practice provide that, where an inmate allegedly commits an act covered by criminal law, the case is referred to appropriate court or law enforcement officials for consideration for prosecution [5-ACI-3C-06].**

The Hearing Officer will forward a copy of any RVR considered felonious to the Corrections Investigation Division along with all relevant documents (i.e., Incident Reports, Use of Force Reports) concerning the violation for consideration of prosecution.

This will not interfere with processing the rule violation through the administrative disciplinary hearing by the Hearing Officer.

Restrictions

Disciplinary action will not be capricious or in the nature of retaliation or revenge. Corporal punishment of any kind is strictly prohibited.

Rule Violation Report Filing

When an inmate is found guilty of a rule violation the original RVR and all supporting documentation attached to it will be placed in the inmate's permanent MDOC master file.

Procedure for Loss of Earned Time

1. Designated Disciplinary Staff and Associate Warden or designee (IHO) will enter the RVR and findings into Offendertrak within twenty-four (24) hours after the disciplinary hearing is conducted. This includes all punishment(s) with starting and ending dates for the imposed punishment. Hearings conducted on weekends/holidays will be entered no later than the next working day.
2. The designated staff person who enters the RVR, which resulted in loss of earned time, is responsible for forwarding the original RVR with all supporting documentation to the Superintendent for final approval. At Regional facilities, the Warden is responsible for forwarding the RVR and the supporting documentation to the Commissioner or designee.
3. The Superintendent will forward all approved Loss of Earned Time RVRs to MDOC Records Department in order to modify the entry into Offendertrak accordingly.

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Procedures for Removal from Trusty Status

1. Designated Disciplinary Staff and Associate Warden or designee (IHO) will enter the RVR and findings into Offendertrak within twenty-four (24) hours after the disciplinary hearing is conducted. This includes all punishment(s) with starting and ending dates for the imposed punishment. Hearings conducted on weekends/holidays will be entered no later than the next working day.
2. Any rule violation that requires reclassification or removal from 30/30 trusty status will be delivered to the Associate Warden at state facilities the Classification Supervisor at private facilities, and the Warden at Regional facilities.
3. The Associate Warden, Classification Supervisor, or Warden will review and take the appropriate action by ensuring that a Staff Request is completed recommending the inmate be removed from Trusty Status. The rationale or justification and effective date for removal should be included on the Staff Request. The effective date for removal will be the date the inmate was found guilty of the rule violation.
4. The Associate Warden, Classification Supervisor, or Warden will review the Staff Request for its accuracy and forward it to the appropriate Assistant Director of Offender Services (ADOS).
5. Upon receiving the Staff Request, the ADOS will review and finalize the Staff Request within OffenderTrak.
6. Upon approval of the Staff Request, the ADOS will submit the Staff Request via the workflow inbox to the designated Records Staff.

DOCUMENTS REQUIRED:

As required by this procedure and through the chain of command.

ENFORCEMENT AUTHORITY	
Reviewed and Approved for Issuance	 Deputy Commissioner of Institutions
	3/13/2025 Date
	 Deputy Commissioner of Community Corrections
	3/13/25 Date