

## Discipline

### 1602.1 GENERAL

Inmate misconduct will be documented in the Jail Management System (JMS) and sanctions will be imposed in proportion to the severity of the rule violated. Inmates may utilize the formal appeal process to appeal any disciplinary action against them.

- (a) The discipline of inmates and/or the reporting of rule violations are the responsibility of every employee, regardless of work assignment. This will be done to ensure the good order of the facility.
- (b) All personnel who deal with inmates will receive sufficient training to be thoroughly familiar with the rules of inmate conduct, sanctions available and the rationale for the rules.
- (c) Discipline will be conducted in an impartial and consistent manner by facility Staff.
- (d) Each inmate will have access to posted rules.
- (e) Violation of law or jail rules will result in disciplinary action. Depending upon the conduct, violations will be classified as either minor or major violations with corresponding degrees of punishment.
- (f) As punishment for jail rule violations, no inmate shall be deprived of implements necessary to maintain personal hygiene, food, bedding, correspondence or access to counsel.
- (g) The decision to treat a violation as a minor or a major jail rule violation is determined by the severity of the event and all extenuating or mitigating factors.

### 1602.2 MINOR VIOLATIONS (A PARTIAL LISTING)

- (a) For a partial list of minor violations, refer to [CCOM Section 1600.4 – Orange County Jail Rules - Violations by Inmates](#).

### 1602.3 MAJOR VIOLATIONS (A PARTIAL LISTING)

- (a) For a partial list of major violations, refer to [CCOM Section 1600.4 – Orange County Jail Rules - Violations by Inmates](#).

### 1602.4 VIOLATIONS OF LAW

- (a) Violations of Law/Initial Crime Reports
  - 1. Whenever it is determined that an inmate's actions constitute a violation of law and the circumstances warrant prosecution, the incident will be referred to the District Attorney for a criminal complaint. In such instances, the incident will be reported on an "Initial Crime Report" under a DR number. This may be in addition to discipline being administered by the jail staff.
- (b) Medical Release Authorization Form

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1. In cases where an inmate is the victim of an assault and requests prosecution, a Medical Release Authorization Form will be completed and submitted along with the Initial Crime Report. The Medical Release Authorization Form is located on the intranet under Knowledge Center/Forms-Document Center/Medical Release Authorization.

#### **1602.5 DISCIPLINE**

##### **(a) Counseling an Inmate:**

1. If, in a maximum security facility, a Deputy believes it is necessary to remove an inmate from their cell; whether to address their behavior, or restore/maintain order, the Deputy will do one or more of the following:
  - i. Conduct the counseling in view of a fixed facility video-recording camera.
  - ii. Conduct the counseling in view of a handheld video camera.
  - iii. Conduct the counseling with a Sergeant present.
2. Deputies are ultimately responsible for determining the safest location for conducting the counseling.

##### **(b) Minor Violations**

1. Minor violations may be handled on an informal or formal basis at the discretion of the Deputy. Deputies are encouraged to resolve minor incidents on an informal basis.
2. Deputies may:
  - i. Counsel the offender.
  - ii. Assign up to four (4) hours extra duty with the approval of a Sergeant or Watch Commander.
    - A. Extra duty hours will not take place during the "lights out" period on or immediately before an inmate's scheduled court day. Staff assigned to the inmate's housing location will be responsible for using JMS to verify the inmate's next scheduled court date prior to enforcing extra duty hours.
    - B. Extra duty may include, but not limited to: cleaning, folding clothes in preparation for clothing exchange and stocking housing supplies. An inmate's classification level and other safety and security concerns and any disability will be considered when assigning the type and location of extra duty.
  - iii. Deny the inmate certain privileges, such as telephone, tablet or TV for up to five (5) days for each violation. (Under no circumstances should a loss of telephone privileges be used to prevent an inmate from making legal calls to their attorney.)
    - A. Loss of Tablet may take place absent a court order and/or other means to access law library or religious services. In these

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circumstances, the inmate may have access to a tablet for the duration of their discipline, however, the tablet will have restricted access to only allow for law library and religious services.

- iv. Deny the inmate commissary for up to five (5) consecutive calendar days (not five commissary days).
  3. Deputies may not:
    - i. Deny the inmate dayroom, visiting and/or outdoor recreation as a result of a minor jail rule violation.
  4. Deputies may not issue minor write-ups for any inmate housed in, or currently pending placement in, a designated Mental Health Unit. Any other inmate may be written up for minor discipline. However, if any staff have reason to believe the behavior was unusual, uncharacteristic, or a possible manifestation of mental illness and would warrant a Mental Health referral, staff will follow the steps outlined below in CCOM Section 1602.5(b)(5)(i thru v).
  5. For all minor write-ups, the staff member will check the most recent ADA tracking list to see if the inmate is identified as having an intellectual or developmental disability (ID/DD). If the inmate is identified as ID/DD the inmate may be written up, and unless the inmate is only verbally counseled, staff will do the following:
    - i. Staff will hand write "Refer to Mental Health" on the write-up and deliver it to the Classification Sergeant.
    - ii. The Classification Sergeant will log the write-up on the Mental Health Discipline Log for Correctional Mental Health to review.
    - iii. If Correctional Mental Health determines the behavior was related to the inmate's disability, no discipline will be issued. It will be noted on the write-up that no discipline is issued because of the Mental Health review. If it is determined the behavior was not related to their disability, the Classification Sergeant will issue the discipline in JMS and send two hard copies of the write-up to the inmate's housing location.
    - iv. Staff will serve the inmate with the minor write-up. One copy will be given to the inmate. The second copy will be signed by the inmate confirming they were served with the discipline. The signed copy will be stored in the guard station until any discipline is completed, at which time the signed copy will be forwarded to records for placement in the inmate's jacket.
    - v. Staff will use effective communication when serving the inmate. An Effective Communication (EC) Form must be completed. The completed EC Form will be scanned and emailed to [REDACTED]
  6. Documentation:
    - i. Minor Disciplinary Report – This report may be used whenever a Deputy observes a minor violation of jail rules. The report is not intended to replace the Jail Incident Report and should not be used to report major violations. Deputies will log onto the Jail Management System (JMS) and complete all portions of the report, including a brief statement regarding

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the exact circumstances of the violation. The report shall be submitted to a supervisor for approval and assignment of punishment. This will be done prior to the inmate working any extra duty or losing any privilege.

- ii. Multiple suspects will be entered separately using JMS. The same date and time may be used for the incident, but each inmate should have a separate entry, under their booking number, describing the violation.
- iii. After approval, staff will serve the inmate with the discipline. One copy will be given to the inmate. The second copy will be signed by the inmate and shall be retained in the respective module until the punishment is completed. Upon completion of punishment, the Module Deputy will send the original copy of the report to Inmate Records, where it will be filed in the inmate's jail file. Prior to serving the inmate, staff will check the ADA Tracking List and if the inmate is identified as requiring Effective Communication (EC), staff will use effective communication when serving the inmate. An Effective Communication (EC) form must be completed. The completed EC form will be scanned and emailed to [REDACTED]

#### (c) Major Violations

1. Major violations of jail rules will result in a disciplinary hearing. The Deputy shall complete two (2) copies of "Notice of Disciplinary Violation" using JMS along with a Jail Incident Report and submit them to a supervisor. The inmate will be handed the original copy of the Notice of Disciplinary Violation. Deputies shall note on the notice whether the inmate waived the twenty-four (24) hour delay. Disciplinary hearings will take place no sooner than twenty-four (24) hours (unless their twenty-four (24) hours are waived by the inmate) and no later than seventy-two (72) hours after the inmate is served their Notice of Disciplinary Violation/Hearing. The inmate(s) involved in the violation, along with any witnesses, will be temporarily segregated until they have been interviewed. The hearing will be conducted by a supervisor who was not involved or a witness to the incident. The Deputy(s) and inmate (s) will be interviewed along with any witnesses they wish to call. Interpreters will be provided as needed. The disciplinary hearing sergeant will check the ADA Tracking List for the inmate and ensure that effective communication and any required accommodations are provided to the inmate during the disciplinary hearing.
2. For all major write-ups, if any staff has reason to believe the behavior was unusual, uncharacteristic, or a possible manifestation of mental illness and would warrant a Mental Health referral, staff will write "Refer to Mental Health" in the report.
3. For all major write-ups, the Classification Sergeant will follow the steps outlined above in CCOM Section 1602.5(b)(5)(ii-iii) to coordinate with Correctional Mental Health for their review and assign discipline, if appropriate, in the following circumstances:
  - i. Staff have written "Refer to Mental Health" in the report.

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- ii. The Classification Sergeant's check of the ADA Tracking List reveals that the inmate is identified as ID/DD.
  - iii. The Classification Sergeant's check of the inmate's housing location reveals that the inmate is in mental health housing.
  - iv. The Classification Sergeant's check of their emails reveals there is a J-112 or J-105 form stating the inmate has been referred for or pending placement in mental health housing at or around the time of the write-up.
4. For all inmates identified as requiring Effective Communication (EC), effective communication will be used, and an EC Form shall be completed for the following steps of the discipline process: serving the inmate, disciplinary hearing and delivery of discipline. The completed EC Form will be scanned and emailed to [REDACTED]
5. Punishment for major violations of jail rules may consist of one or any combination of the following:
  - (a) Any of the punishments listed under minor violations
  - (b) "Loss of All" privileges include the following: Restricted Dayroom to two (2) hours a day - No recycled dayroom time, No Television, No cards/games, No Telephone Calls (with exception for legal calls).
  - (c) Restriction of personal property to essential items (i.e. hygiene, legal, religious, medical, etc.).
  - (d) No access to newspapers, magazines, and books. Possession of only one (1) book at a time (with the exception of religious books).
  - (e) No Outdoor Recreation.
  - (f) No Public Visiting (with the exception of Official visits).
  - (g) Loss of Tablet - Absent a court order or other means to access law library or religious services, an inmate may have restricted access to a tablet.
  - (h) No Commissary (possession of items/orders/deliveries).
  - (i) No Programs/Classes (with the exception of religious services).
  - (j) Loss of good time/ work time
  - (k) Removal from work status
6. Under no circumstances will an inmate be denied food as a means of punishment.
7. Safety cells (medical restraint) will not be used as a form of punishment.
8. Final disposition of punishment will be made by the Disciplinary Officer and reviewed by the Watch Commander.
9. Inmates shall be advised of the action taken by the Disciplinary Officer by means of an "Inmate's Advisement of Punishment Report" which is prepared by the Disciplinary Officer. Distribution of the form is as follows:

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- i. One (1) copy to Inmate Records
  - ii. Two (2) copies to Classification
  - iii. One (1) copy to the inmate
- (d) Discipline by Inmates
  - 1. No inmate may inflict punishment upon another inmate.
  - 2. "Kangaroo Court" (mock courts set up by inmates) and/or "sanitation committees" (inmates set up to enforce sanitation rules) are illegal in any California jail.
  - 3. Inmates involved in any of the above actions will be subject to immediate discipline and/or prosecution.
  - 4. No inmate may ever be given authority over, or permitted to exert control over any other inmate.

#### **1602.6 APPEAL PROCEDURE**

- (a) Minor Violation Appeal Procedure: Any inmate wishing to appeal a minor violation must submit a written request within forty-eight (48) hours of notice of the violation to the appropriate Sergeant. The Sergeant will review the appeal and advise the inmate in writing of their decision.
- (b) Major Violation Appeal Procedure: Appeals of punishment may be made in writing in the form of a grievance, an Inmate Message Slip, or a letter to the facility and must be submitted within fourteen (14) days after receiving notice of the discipline imposed. Appeals submitted after this period will not be considered timely and will not be evaluated. The Division Commander will review the Watch Commander's report and advise the inmate of the decision on an Inmate's Advisement of Appeal form.
- (c) Inmate Disciplinary Appeal Reporting Process
  - 1. Inmate disciplinary appeals shall be handled by the Watch Commander of the inmate's current housing location. The Watch Commander or their designee will complete a package containing:
    - i. Inmate Appeal Hearing Report – completed by the Watch Commander after the inmate interview
    - ii. Inmate's Advisement of Appeal – completed by the Watch Commander to be reviewed by the Facility Commander or their designee
    - iii. Copy of the Jail Incident Report – from the inmate records file
    - iv. Copy of the Sergeant's Disciplinary Hearing Report – from the inmate records file
    - v. Dated Inmate Message Slip
  - 2. The person who issued the discipline shall not be the same as the one who conducts the Inmate Appeal Hearing. The completed package will be returned

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to the Classification Sergeant for further processing (inmate notification, admin file, inmate file).