

OK 34

4. The appropriate spaces on the Disciplinary Report will be completed documenting the accused inmate/resident's choice or preference as to the above rights.
5. The person delivering the report will sign it and indicate the date and time the report was given to the inmate/resident.
6. The inmate/resident will be provided with a copy of the report at the conclusion of the disciplinary hearing.

F. DISCIPLINARY BOARD OR HEARING OFFICER

1. The facility may choose to have a three (3) member Disciplinary Board, a single Hearing Officer, or a combination to conduct Disciplinary hearings.

THIS FACILITY WILL USE THE FOLLOWING STAFF MEMBER(S) FOR DISCIPLINARY HEARINGS:

The Hearing Officer at TCCF is the Disciplinary Officer or a Shift Supervisor or above.

2. SELECTION OF THE BOARD OR HEARING OFFICER

- a. The Disciplinary Board or Hearing Officer will be designated by the Warden/Administrator and will be impartial and fair.
- b. If a Disciplinary Board is utilized, one member from a supervisory position who is designated by the Warden/Administrator will be the Chairperson. The Chairperson will act as a coordinator of the hearing and will have one vote in the proceedings.
- c. If a Hearing Officer is utilized, that person will be from a supervisory position who is designated by the Warden/Administrator.
- d. Any staff will be disqualified in every case in which they have filed the complaint, participated or witnessed the incident; investigated the incident; is the person in charge of any subsequent review of the decision; or has any personal interest in the outcome.

3. DUTIES OF THE BOARD OR HEARING OFFICER

- a. Conduct hearing of all Disciplinary Reports when the inmate/resident involved does not waive their right to a hearing before the Disciplinary Board or Hearing Officer;
- b. Designate appropriate penalty for the offense which the inmate/resident is found guilty;
- c. Make recommendations as to referrals for prosecution;
- d. Periodically review and make written recommendations, when appropriate, as to the effectiveness and efficiency of the disciplinary process, including the appropriateness of offenses and penalties contained in CCA Policy 15-1; and
- e. Prepare a written report of its activities and keep said record according to the retention periods outlined in CCA Corporate and Facility Policy 1-15.

G. STAFF REPRESENTATION OF AN INMATE/RESIDENT:

1. APPOINTMENT OF STAFF REPRESENTATIVE

A staff representative will be appointed when it is apparent that an inmate/resident is not capable of collecting and presenting evidence effectively on their own behalf. The

Disciplinary Board/Hearing Officer will consider the following factors in deciding to appoint a staff representative:

- a. Literacy level of the inmate/resident;
- b. Complexity of the issues combined with the inmate/resident's overall intelligence and mental/emotional status;
- c. Location of the inmate/resident (segregation may prevent the accused from gathering information for a defense); and
- d. Ability of the inmate/resident to speak English or Spanish (if Spanish can not be used by the hearing officer).

2. SELECTION OF STAFF REPRESENTATIVE

- a. The Warden/Administrator may choose to have an approved list of staff representatives from which the inmate/resident may choose or can allow all employees to represent inmates/residents after the Disciplinary Board/Hearing Officer makes the determination that a staff representative needs to be appointed.
- b. Staff members selected for duties as counsel for inmates/residents at Disciplinary Board hearings are to be granted sufficient time to meet with inmates/residents before the hearing, gather evidence and question witnesses and to represent the inmate/resident at the hearing.
- c. Staff members are to be selected for such traits as good judgment and a genuine interest in the assignment.
- d. **THE FOLLOWING STAFF POSITIONS MAY REPRESENT INMATES/RESIDENTS:**

Counselors will be assigned to represent the inmate and must meet with the inmate at least 24 hours prior to the hearing upon the request of the inmate.

3. ACTIVITIES OF STAFF REPRESENTATIVE:

THE STAFF REPRESENTATIVE MAY, IF NECESSARY, ASSIST AS FOLLOWS:

- a. Confer with the accused prior to the hearing.
- b. Question witnesses for the accused during hearing.
- c. Review written statements of charges and investigation.
- d. Clarify position of the accused.
- e. Make statements and present documentary evidence.
- f. Aid the accused in presenting a defense or offer any explanation of the defense.
- g. Excuse themselves, along with the accused, from the deliberation phase.

H. DISCIPLINARY HEARING

1. TIME

The disciplinary hearing will be held as soon as practicable but no later than seven days, excluding weekends and holidays, after the alleged violation.

AT THIS FACILITY, THE TIME GUIDELINES ARE AS FOLLOWS:

The hearing will be held within seven (7) days after the misconduct is written.

2. POSTPONEMENT OR CONTINUANCE

Postponement or continuance of the disciplinary hearing for a reasonable period may be granted for good cause. Hearing postponement or continuance may be granted for such cause as preparation of a defense, illness or unavailability of an inmate/resident, further investigation of factual matters relevant to the hearing, or pending criminal court prosecution. Delaying a hearing is also justifiable on the basis of factual recording of an inmate/resident's unacceptable behavior during the hearing process or the inmate/resident's refusal to participate in a reasonable manner. Any delays beyond this time will be justified and documented in writing on the Disciplinary Report by the Disciplinary Board or Hearing Officer.

3. NOTICE

a. Notice of the hearing is to be provided in writing to the inmate/resident at least 24 hours prior to the hearing. The inmate/resident may agree, in writing, to a hearing with less than 24 hours notice.

b. **THE FOLLOWING STAFF POSITIONS WILL BE RESPONSIBLE FOR NOTIFYING INMATE/RESIDENTS OF THE CHARGES:**

The assigned trained investigator.

c. These persons will fully inform inmate/residents of the nature of the waiver of the 24 hour notice and the results of such a waiver. Inmate/residents will be allowed to make a voluntary choice, free from coercion, as to the waiver.

4. HEARING ON A MINOR OFFENSE

a. The inmate/resident will be present at all phases of the hearing, unless excluded for reasons of facility security; such reason will be stated in writing.

b. The inmate/resident will be allowed to make a statement and present any reasonable evidence, including written statements from others, in their behalf.

c. At the conclusion of the hearing, the Board Chairperson/Hearing Officer will complete the Disciplinary Report, indicate the finding and, if found guilty:

i. The sentence imposed;

ii. The date and time of hearing;

iii. The signature of the Disciplinary Board/Hearing Officer.

d. The Disciplinary Board/Hearing Officer will allow any other evidence that may aid in their decision.

e. Unless the Disciplinary Board/Hearing Officer feels additional oral testimony is necessary, their decision may be based on the Disciplinary Report, the statements of the inmate/resident, and any other relevant written information presented at the hearing.

f. A copy of this record will be given to the inmate/resident at the conclusion of the hearing.

g. The penalty imposed is to be taken from the penalty list set forth in CCA Policy 15-1 or from a penalty list required by the contracting agency.

h. The complete Disciplinary Report will then be forwarded to the Shift Supervisor, Warden/Administrator or appropriate designee for review.

FORWARD THE REPORT TO:**Shift Supervisor or Chief of Security****5. HEARING ON A MAJOR OFFENSE**

- a. The inmate/resident will be present during all phases of the hearing except the deliberations phase unless they waive this right or because their unruly behavior does not permit attendance.
- b. If the inmate/resident is not in attendance at the hearing and has not plead guilty, the absence may be used against them in the proceedings. However, the absence alone cannot be used as the only evidence of guilt.
- c. The inmate/resident will receive copies of any written information which may be considered except where disclosure of such information would be unduly hazardous to institutional safety or endanger the physical safety of an individual; reasons for non-disclosure will be stated in writing. In all cases where written information is not disclosed, its contents will be summarized for the inmate/resident to the extent this may be done without creating a substantial risk to facility or personal safety.
- d. The inmate/resident will have an opportunity to make a statement and to present documentary evidence. If criminal charges are pending concerning the subject of the hearing, the inmate/resident will be informed of their right to remain silent during the disciplinary proceedings and that anything they say during the course of the disciplinary hearing may be used against them in any subsequent criminal proceedings and that their silence may be used against them in these proceedings. However, this silence alone cannot be used as the only evidence of guilt.
- e. The inmate/resident will have the opportunity to call witnesses on their behalf, unless doing so would be irrelevant, redundant or unduly hazardous to facility safety or would endanger the physical safety of the individual; such reasons for denial are to be stated in writing.
- f. Any time during the hearing, the Disciplinary Board or Hearing Officer on their own, or at the request of the inmate/resident, may order an investigation into the incident and continue the hearing to a future time.

6. CONFIDENTIAL INFORMANTS

An inmate/resident may be found guilty of a disciplinary infraction on the basis of reliable information from a source whose identity is not disclosed to the inmate/resident at the hearing. Such information may be presented at the hearing orally or in writing and:

- a. The details of any information from an anonymous source are to be shared with the inmate/resident at the hearing to the extent that this may be done without creating a substantial risk to the safety of the informant;
- b. When information from an anonymous source is considered, the name of the source and all details of such information will be given to the Board/Officer out of the presence of the inmate/resident;
- c. The Board/Officer will make a determination as to the reliability of the anonymous source by determining proven reliability in specific past instances or independent corroboration on specific material points; and

- d. In all cases in which information from an anonymous source is considered, a confidential record will be maintained which indicates the details of such information and, if possible, the identity of the informant and the degree of familiarity with the informant's reliability. Such records will be available only to the Warden/Administrator, Vice President, Legal Affairs and Vice President, Operations.

7. WRITTEN REPORT

At the conclusion of the hearing, a written report will be prepared and given to the inmate/resident which will include:

- a. The decision;
 - b. The sentence imposed and the reason for imposing the particular sentence;
 - c. A summary of the evidence upon which the decision and sentence was based;
 - d. A list of all witnesses;
 - e. The date and time of the hearing; and
 - f. The signature of all Board Members or Hearing Officer.
8. The Disciplinary Board/Hearing Officer's decision is based solely on information obtained in the hearing process, including staff reports, the statements of the inmate/resident charged and evidence derived from witnesses and documents.

9. PSYCHIATRIC ILLNESS

If the inmate/resident has been diagnosed as having a psychiatric illness, the Warden/Administrator and the responsible physician or their designee will be consulted prior to the disciplinary measures recommended by the Hearing Officer or Disciplinary Board being taken.

10. RECORD

A record of all disciplinary hearings will be kept and retained pursuant to CCA Corporate and Facility policy 1-15. Form 15.2B or a similar form approved by the Vice President, Legal Affairs will be used to keep this record.

11. REVIEW

A copy of all Disciplinary Reports will be forwarded to the Warden/Administrator or designee at the conclusion of the hearing for review as to conformity with policy.

I. APPEAL

An inmate/resident may appeal the decision of the Disciplinary Board/Officer as to an offense to the Warden/Administrator.

1. TIME GUIDELINES

- a. The inmate/resident is to be advised of their right to appeal the decision of the Disciplinary Board/Hearing Officer at the time they are provided the decision. The inmate/resident has up to 15 days within receipt of the decision to file an appeal.

AT THIS FACILITY, TIME GUIDELINES FOR APPEAL ARE AS FOLLOWS:

An inmate found guilty of an offense may appeal on form 15-2B to the Warden within fifteen (15) calendar days of receipt of the Disciplinary Hearing Actions form. The Warden will respond to the appeal within seven (7) days of receipt of the appeal. .

- b. At Adult Local Detention Facilities, the Warden/Administrator is to respond to the appeal in writing affirming or reversing the decision within 5 days of the appeal.
 - c. At Adult Correctional Facilities, the Warden/Administrator is to respond to the appeal in writing affirming or reversing the decision within 30 days of the appeal.
2. The Warden/Administrator is to review the Disciplinary Report to determine:
 - a. That there was compliance with the procedures set out in this policy;
 - b. That there was sufficient evidence for a finding of guilty; and
 - c. That the penalty imposed was appropriate for the rule violation.
 3. The Warden/Administrator, after review, may
 - a. Concur with the findings and penalty;
 - b. Void the report;
 - c. Decrease punishment; or
 - d. Send back for a new hearing to correct any error in procedure but not for an increase in punishment.
 - e. IN NO CASE will the Warden/Administrator make a finding or impose a penalty that increases the category of the offense(s) or penalty(ies).

J. EXPUNGEMENT

If an inmate/resident is found not guilty of an offense, major or minor, either after the hearing or the appeal, all reference to that offense will be removed from their file.

K. CRIMINAL MISCONDUCT

1. If the designated supervisor reviewing the report or Disciplinary Board/Hearing Officer think the conduct for which the inmate/resident is being disciplined is a crime, they will notify the Warden/Administrator who will contact the appropriate law enforcement agency.
2. Any disciplinary hearing for this alleged offense will be conducted following the procedure set out herein and the inmate/resident will be advised that they have the right to remain silent in the hearing and that anything they say during the course of the disciplinary hearing may be used against them in any subsequent criminal proceeding.

L. PROCEDURES FOLLOWING AN EMERGENCY

1. In the event of a widespread facility disruption which requires emergency action any or all portions of these regulations may be temporarily suspended.
2. Any inmate/resident involved in the emergency may be detained without a hearing throughout the course of the emergency.
3. Upon the restoration of order, all inmates/residents who were detained will be accorded all disciplinary procedures as provided for by this regulation.

15-2.6 REVIEW:

This procedure will be reviewed on an annual basis by the Warden/Administrator, Vice President, Operations and Vice President, Legal Affairs.

15-2.7 APPLICABILITY:

All CCA facilities housing adults unless other procedures are required by the contracting agency.

15-2.8 ATTACHMENTS:

1. 15-2A Disciplinary Form
2. 15-2B Disciplinary Hearing Log
3. 15-2C Disciplinary Report Investigation Form
4. 15-2D Witness Statement
5. 15-2E Disciplinary Appeal Procedures And Form

15-2.9 REFERENCES:

ACA Standards. The ACA Standards for this facility are:
3-4215 through 3-4236, 3-4240.

CCA INMATE/RESIDENT DISCIPLINARY REPORT

Inmate/Resident's Name _____
 CCA# _____ Other (Housing Location) _____
 Offense # and Title _____
 Date of Offense _____ Time of Offense _____
 Location of Offense: _____ # _____
 Inmate/Resident Detained For: _____
 Description of Offense: _____

(Use Continuation Sheet if Necessary)

Disposition of evidence: _____

Staff Involved: _____

Inmate/Residents Involved: _____

Note any unusual inmate behavior: _____

Immediate action taken, including use of force (ref. policy 9-1): _____

Reporting Employee's Name and Title: _____
 Date & Time Prepared: _____
 Employee's Signature: _____ Supervisor's Signature: _____

ADVISEMENT OF RIGHTS:

By signing below, the accused indicates the rights they desire and is not an admission of guilt.

1. Does the accused wish to have a Staff Advisor? Yes _____ No _____. If yes, Staff Advisor's name and title: _____
2. Does the accused wish to call voluntary witnesses to testify on their behalf? Yes _____ No _____. If yes, name and case or arrest # of witnesses _____

3. Does the accused waive the right to a hearing? Yes _____ No _____. If so, does the accused plead guilty to the charge? Yes _____ No _____
4. Date & Time set for hearing _____
5. Does the accused wish to waive the right to 24 hours notice of charges? Yes _____ No _____

Inmate/Resident's signature _____

Accused Inmate/Resident received a copy of report:

 Inmate/Resident Signature Date & Time

 Staff Serving Notice of Charges Date & Time

PRE-HEARING DETENTION

Form 15-2B

Was the Inmate/Resident admitted to pre-hearing detention?

Yes _____ No _____ If yes, explain reason _____

Staff Authorizing _____

Date & Time _____

HEARING INFORMATION:

Date & Time of Hearing: _____

Name and position of staff representative (if any): _____

Inmate/Resident Plea: Guilty: _____ Not Guilty: _____

Board/Hearing Officers Finding: Guilty: _____ Not Guilty: _____

Inmate Statement: _____

Evidence Presented (attach copies of any documentary evidence): _____

Witness's Statement (attach copies of any witness's statement): _____

Reasons for findings: _____

Penalty Recommendation: _____

Reasons for Penalty: _____

APPEAL: Action:(Check One)

I wish to appeal. Yes _____ No _____
Inmate/Resident Signature _____ Date _____

State Specific Reasons for Appeal _____

Hearing Officer/Chairperson _____

Member: _____ Member: _____

- 1. Concur with findings and penalty _____;
- 2. Void the report _____;
- 3. Decrease punishment _____; OR
- 4. Rehear _____.

FOR ACTION OTHER THAN CONCURRENCE, STATE REASON:

Disciplinary Report Reviewed by: _____ Date: _____

TCCF DISCIPLINARY APPEAL PROCEDURES AND FORM

Inmate: _____ DOC#: _____ Cell#: _____

1. You must submit your appeal within 15 days from the date of the hearing.
2. You will write your appeal on this form in the space provided. If you need additional space to write you may continue on a another white legal sheet of paper and attach it to your yellow copies.
3. Forward your appeal through the inmate mail system to the Warden of the facility.
4. The Warden will receive the appeal and review it. The Warden has up to 30 days in which to respond back to you. Your response will be forwarded back to you through the inmate mail system.

Appeal Answer

- Action: (circle one)
1. Concur with findings and Penalty
 2. Void the Report
 3. Decrease Punishment
 4. Rehear Case

For action other than concurrence, state reason: _____

Warden

Date

cc: White-I/M File
 Yellow-Inmate

CHAPTER 9: SECURITY AND CONTROL
SUBJECT: USE OF FORCE
SUPERSEDES: FEBRUARY 15, 1996
EFFECTIVE DATE: AUGUST 1, 1996
FACILITY: WEST TENNESSEE DETENTION FACILITY
FACILITY SUPERSEDES: AUGUST 10, 2000
FACILITY EFFECTIVE DATE: JANUARY 18, 2001

APPROVED: SIGNATURE ON FILE
DAVID L. MYERS
PRESIDENT

APPROVED: SIGNATURE ON FILE
LINDA G. COOPER
VICE PRESIDENT, LEGAL AFFAIRS

9-1.1 PURPOSE:

To establish procedures for governing the lawful use of force in CCA facilities.

9-1.2 AUTHORITY:

State and federal law and Corporate and Facility Policy.

9-1.3 DEFINITIONS:

Administrator's Designee - The Assistant Facility Administrator or the Chief of Security. The Facility Administrator's authority to act under this policy shall not be delegated beyond these persons except with the advance written approval of the Vice President, Facility Operations.

Deadly Force - Force that is likely to cause death or serious bodily injury.

Force - Restraining power, physical compulsion, strength directed at a person and includes restraining equipment and physical handling.

Inmate/Resident - Any person housed in a CCA facility.

Reasonable Belief - The belief that force is necessary which can not be the product of the person's imagination but must be based on facts that would lead other reasonable officers to form the same belief.

Serious Bodily Injury - An injury that poses a substantial risk of death or loss of health or limb.

Sufficient Threat - Situations posing a threat justifying the use of Deadly Force and which are:

- In self-defense, and then only to prevent immediate death or imminent serious bodily harm; and
- Defense of another, and then only to prevent immediate death or imminent serious bodily injury.
- To prevent the imminent commission of a forcible felony which involves the use or threat of physical force or violence against any individual, such as: escape, murder, manslaughter,

sexual battery, robbery, arson, kidnapping, assault and battery with a weapon, bomb throwing, taking hostages.

9-1.4 POLICY:

Every effort will be made to prevent and defuse situations which might require the use of force. If at all possible, non-forceful means (verbal intervention, negotiation, show of force, etc.) will be attempted before using force as a last resort. Verbal provocation alone will not justify the use of physical force.

The use of any type of force for punishment or reprisal, or which is unnecessary or excessive, is strictly prohibited. The amount and type of force used will be the least possible and then only as a last resort, consistent with the safety of the public, staff and inmates/residents.

Personnel will be authorized to use force only if procedures for its use have been specifically set out herein and approved in advance by the Vice President, Operations and the Vice President, Legal Affairs and the employee has successfully completed training in its use. Requests for purchase of any type use of force equipment will be forwarded to the Vice President, Operations for review as to compliance with this policy prior to an obligation for purchase being made.

9-1.5 PROCEDURES:

When negotiations have been utilized or found to be impractical, use of force is justified to maintain or restore institutional safety, security and control. The method(s) of force employed will be the most practical and humane possible under the circumstances.

The following are the specific types of force allowed and applicable procedures.

A. PHYSICAL HANDLING:

1. THE USE OF AN EMPLOYEE'S OWN HANDS IS JUSTIFIED ONLY IN THE FOLLOWING SITUATIONS:

- a. In self-defense and in defending the general public, staff and inmates/residents such as:
 - i. To prevent or quell a disturbance;
 - ii. To enforce institutional regulations and/or orders in which violation of may threaten the security of the institution;
- b. To prevent or halt damage to property; and
- c. To prevent escape.

2. PROCEDURES:

THE STAFF POSITION(S) AT THE FACILITY WHO AUTHORIZES THE USE OF PHYSICAL HANDLING IS:

Assistant Shift Supervisor or higher authority, SORT Commander, and individual Squad Leader(s) upon activation of SORT team.

Exceptions: Any trained staff may use if immediately necessary to defuse a situation.

3. TRAINING:

- a. Positions trained:
All security staff and SORT members.
- b. Amount of initial training:
Twelve (12) hours.
- c. Amount and frequency of follow-up training:

Four (4) hours training annually.

B. RESTRAINT EQUIPMENT.

1. RESTRAINTS MAY BE USED AS A PRECAUTIONARY MEASURE:

- a. In self-defense and in defending the general public, staff and inmates/residents such as:
 - i. To prevent or quell a disturbance;
 - ii. To enforce institutional regulations and/or orders in which violation of may threaten the security of the institution;
- b. To prevent or halt damage to property;
- c. To prevent injury to self, staff, other persons or property; or
- d. For medical reasons, by direction of the medical personnel.
- e. As a precautionary measure in the movement of inmates/residents (e.g., the use of handcuffs in moving inmates/residents to and from a cell in detention, escorting an inmate/resident to a special housing unit pending investigation, etc.); and
- f. To prevent escape of an inmate/resident under escort. Use will be based on facility procedures which consider the following:
 - i. Security classification of the inmate/resident;
 - ii. Anticipated contact with the public;
 - iii. Physical and mental health of the inmate/resident;
 - iv. Demonstrated behavior of the inmate/resident;
 - v. Age, size and stature of the escort as compared to the inmate/resident; or
 - vi. Mode of travel.

AT THIS FACILITY, PROCEDURES FOR USE OF RESTRAINTS TO PREVENT ESCAPE WHILE UNDER ESCORT ARE AS FOLLOWS:

For transportation, handcuffs, leg irons, black box, belly chains and / or flexcuffs may be used.

2. In no event will an inmate/resident remain in restraints once they have been placed into a secure room or cell, unless the chief security officer on duty has determined that this is necessary to prevent injury to the inmate/resident and that no less intensive method is appropriate.
 - a. The restrained inmate/resident will be checked at least every 15 minutes.
 - b. At such time as it is safe to remove the restraints, they will immediately be removed.
 - c. Should it be necessary to keep the inmate/resident in restraints for longer than one hour, a medically qualified person will be summoned to examine the inmate/resident and advise on a course of action.
3. PROCEDURES:
 - a. **AT THIS FACILITY, THE POSITION(S) THAT CAN AUTHORIZE THE USE OF RESTRAINT EQUIPMENT ARE AS FOLLOWS:**

Warden, Assistant Warden, Chief of Security, Unit Manager, Shift Supervisor, Assistant Supervisor, Health Services Supervisor, Physician and Psychiatrist.

Exceptions:

Any trained staff member.

- b. AT THIS FACILITY, THE RESTRAINT EQUIPMENT AUTHORIZED FOR USE IS AS FOLLOWS:

Handcuffs, leg irons, belly chains, black box and flex cuffs during routine procedures.

4. TRAINING

- a. Positions trained:

All security staff and SORT members.

- b. Amount of initial training:

Four (4) hours.

- c. Amount and frequency of follow-up training:

Two (2) hours annually.

C. INFLAMMATORY AGENTS

1. Inflammatory agents include such products as Oleoresin Capsicum (Pepper Mace) and Oleoresin Capsicum/CS (Pepper Mace Grenades) may be used in the following situations:

- a. In self-defense and in defending the general public, staff and inmates/residents such as:

- i. To prevent or quell a disturbance;
- ii. To enforce institutional regulations and/or orders in which violation of may threaten the security of the institution;

- b. To prevent or halt damage to property; and

- c. To prevent escape.

2. As with all types of force, the amount of force used in the use of inflammatory agents will be no more than is necessary to control the situation.

3. Inflammatory agents will only be used by staff who have successfully completed training in its use and only in accordance with the following procedures:

4. PROCEDURES:

- a. AT THIS FACILITY, THE POSITION(S) THAT CAN AUTHORIZE THE USE OF INFLAMMATORY AGENTS IS(ARE) AS FOLLOWS:

Sort Commander, Assistant Shift Supervisor or higher authority and transportation officers per post orders. Only Chief of Security and above can authorize grenades.

- b. AT THIS FACILITY, THE EQUIPMENT AUTHORIZED IS AS FOLLOWS:

Oleoresin Capsicum (OC), CS, appropriate delivery/dispersal equipment, 37 mm Grenade Launcher. Thermal Fogger Generator – which is for outdoor use only.

5. TRAINING:
- a. Positions trained:
All security personnel receive familiarization training. Assistant Shift Supervisors, Shift Supervisors and SORT members receive user training.
 - b. Amount of initial training:
All security personnel receive (1) hour familiarization training; Assistant Shift Supervisors, Shift Supervisors and SORT members receive eight (8) hours familiarization training inclusive with inflammatory agents.
 - c. Amount and frequency of follow-up training:
All security personnel receive one (1) hour in-service training. Assistant Shift supervisors, Shift Supervisors and SORT members receive two (2) hours annually inclusive with inflammatory agents.

D. STRAIGHT BATONS.

1. STRAIGHT BATONS MAY BE JUSTIFIED ONLY IN THE FOLLOWING SITUATIONS:
- a. In self-defense and in defending the general public, staff and inmates/residents such as:
 - i. To prevent or quell a disturbance;
 - ii. To enforce institutional regulations and/or orders in which violation of may threaten the security of the institution;
 - b. To prevent or halt damage to property; and
 - c. To prevent escape.
2. PROCEDURES:
- a. THE POSITION(S) AT THIS FACILITY THAT AUTHORIZES THE USE OF BATONS AND RIOT STICKS IS(ARE):
Chief of Security or higher authority.
Exceptions:
None.
 - b. AT THIS FACILITY THE AUTHORIZED BATON AND RIOT STICK EQUIPMENT USED IS(ARE):
24" and/or 36" batons.
3. TRAINING:
- a. Positions trained:
SORT members.
 - b. Amount of initial training:
Eight (8) hours.
 - c. Amount and frequency of follow-up training:
Two (2) hours annually.

E. CHEMICAL AGENTS.

1. CHEMICAL AGENTS MAY BE JUSTIFIED ONLY IN THE FOLLOWING SITUATIONS:
 - a. In self-defense and in defending the general public, staff and inmates/residents such as:
 - i. To enforce institutional regulations and/or orders in which violation of may threaten the security of the institution; or
 - ii. To prevent or quell a disturbance.
 - b. To prevent or halt damage to property; and
 - c. To prevent escape.
2. PROCEDURES:
 - a. **THE POSITION(S) AT THIS FACILITY THAT AUTHORIZES THE USE OF CHEMICAL AGENTS IS(ARE) AS FOLLOWS:**
Chief of Security or higher authority.
Exceptions:
None.
 - b. **AT THIS FACILITY, THE CHEMICAL AGENTS AUTHORIZED ARE AS FOLLOWS:**
CS; Appropriate delivery equipment. Thermal Fogger Generator – which is for outdoor use only.
3. TRAINING:
 - a. **Positions trained:**
Designated personnel.
 - b. **Amount of initial training:**
Eight (8) hours.
 - c. **Amount and frequency of follow-up training:**
Four (4) hours.

F. ELECTRONIC STUN SHIELDS:

1. ELECTRONIC STUN SHIELDS ARE JUSTIFIED ONLY IN THE FOLLOWING SITUATIONS:
 - a. In self-defense and in defending the general public, staff and inmates/residents such as;
 - b. To enforce institutional regulations and/or orders;
 - c. To prevent or quell a disturbance; and
 - d. To prevent escape.
2. PROCEDURES:
 - a. **THE POSITION(S) AT THIS FACILITY THAT CAN AUTHORIZE THE USE OF ELECTRONIC STUN SHIELDS IS (ARE) AS FOLLOWS:**
Chief of Security or higher authority.

Exceptions:**None.**

- b. **AT THIS FACILITY THE ELECTRONIC STUN SHIELD EQUIPMENT AUTHORIZED IS AS FOLLOWS:**

N.O.V.A. Stun Shield**3. TRAINING:**

- a. **Positions trained:**

Designated SORT members, Shift Supervisors, Segregation Unit Manager and forced cell extraction team members.

- b. **Amount of initial training:**

Six (6) hours.

- c. **Amount and frequency of follow-up training:**

Two (2) hours annually.**G. TASER****1. THE TASER IS JUSTIFIED ONLY IN THE FOLLOWING SITUATIONS:**

- a. In self-defense and in defending the general public, staff and inmates/residents;
- b. To enforce institutional rules and/or orders in which violation of may threaten the security of the institution;
- c. To prevent or quell a disturbance;
- d. To prevent or halt damage to property; and
- e. To prevent escape

2. PROCEDURES:

- a. **AT THIS FACILITY, THE POSITION(S) THAT CAN AUTHORIZE USE OF TASERS IS (ARE) AS FOLLOWS:**

N/A**Exception.****None.**

- b. **AT THIS FACILITY, THE TASER EQUIPMENT AUTHORIZED IS AS FOLLOWS:**

N/A**3. TRAINING:**

- a. **Positions trained: N/A**
- b. **Amount of initial training: N/A**
- c. **Amount and frequency of follow-up training: N/A**

H. NON-LETHAL WEAPONS

1. NON-LETHAL WEAPONS MAY BE JUSTIFIED ONLY IN SELF-DEFENSE AND IN DEFENDING THE GENERAL PUBLIC, STAFF AND INMATES/RESIDENTS SUCH AS:
 - a. To halt further destruction to property;
 - b. To safeguard the general public, staff and inmates/residents; and
 - c. To quell a disturbance and return order to the facility.
2. PROCEDURES
 - a. **THE POSITION(S) AT THIS FACILITY THAT AUTHORIZES THE USE OF NON-LETHAL WEAPONS IS (ARE) AS FOLLOWS:**
Warden and Assistant Warden, Chief of Security or Designee
Exceptions:
None.
 - b. **AT THIS FACILITY, THE NON-LETHAL WEAPONS AUTHORIZED ARE AS FOLLOWS:**
Mutiple Rubber Ball Round; Bean Bag Rounds.
3. TRAINING:
 - a. **Positions trained:**
Designated personnel.
 - b. **Amount of training:**
Is covered in the sixteen (16) hours of Firearms Training.
 - c. **Amount and frequency of follow-up training:**
Annually and is covered in the eight (8) hours of Firearms training.
- I. FIREARMS AND OTHER DEADLY FORCE.
 1. This force may be used only when negotiations and all other types of approved force have been exhausted or found impractical. Approval will be obtained from the Warden/Administrator or their designee prior to arming employees with firearms. The most common form of deadly force will be use of firearms.

The use of firearms is always considered to be the use of deadly force. Other instruments can become deadly force if they are used in a manner likely to lead to death or serious bodily injury of the person against whom it is being used. For example, a baton used forcibly on a person's head, throat or neck could obviously lead to death or serious bodily injury, whereas if used on the legs, it would not.

Weapons or other deadly force may be used only when there exists **Reasonable Belief** and **Sufficient Threat**.
 2. FIREARMS: WHO MAY CARRY/WHEN.
 - a. Only those employees who meet all applicable corporate and facility policies and procedures; all applicable state and local laws; and who have been designated in writing by the Warden/Administrator, will be permitted to carry or use firearms in the course of their employment.
 - b. No employee will be permitted to carry a facility owned weapon to their home or to have it on their person while off duty.

- c. The Vice President, Operations or Warden/Administrator may at any time, with or without cause, order that an employee's designation to carry arms be suspended, either indefinitely or for a fixed period.
- d. No weapon will be brought into the secure perimeter of the facility, except with the authority of the Warden/Administrator or their designee.
- e. Employees will carry firearms only while assigned to posts that are inaccessible to inmates/residents such as gunwalks, watchtowers, mobile patrols and transportation.

DEADLY FORCE WILL BE USED ONLY IN ACCORDANCE WITH THE FOLLOWING:

3. a. NEGOTIATOR - If negotiator varies depending on situation, specify:
Designated by the Warden, Assistant Warden, Chief of Security or Duty Officer. Use of deadly force in a transportation situation would be reactionary in nature and the negotiator would be the same person using force.
- b. AT THIS FACILITY, THE POSITION THAT AUTHORIZES THE USE OF FIREARMS IS AS FOLLOWS:
Warden or Acting Warden. The Chief of Security, may authorize the issuance of firearms for transportation, perimeter patrol, tower post and any other security operations.
Exceptions:
None.
- c. AT THIS FACILITY, THE AUTHORIZED FIREARMS EQUIPMENT IS AS FOLLOWS:
SW.357 Revolver.
Remington 870 Pump Shotgun; Mossberg Pump Shotgun 12 ga.
4. TRAINING:
 - a. Positions trained:
Designated correctional staff.
 - b. Amount of initial training:
Sixteen hours prior to initial post assignment requiring use of firearms.
 - c. Amount and frequency of follow-up training:
Eight (8) hours annually.

J. PROCEDURES BEFORE USE

The types of force specified in this policy will be used only:

1. After obtaining specific written approval from the Vice President, Operations and the Vice President, Legal Affairs as to the Facility specific provisions of this policy.
2. By employees who have successfully completed initial training in the levels of force authorized for use at their facility based upon this policy, contract specific issues, local laws or the laws under which the inmate/resident population are governed, and who participate in periodic review to maintain current knowledge.

3. In accordance with facility procedures approved by the Vice President, Operations and the Vice President, Legal Affairs.

K. PROCEDURES AFTER USE.

Immediately following the use of force, either deadly or non-deadly, the following steps will be taken:

1. Medical Care: Will depend on the seriousness of the situation, the degree of care required and the location of the situation.
2. Death or Serious Bodily Injury: The Warden/Administrator will immediately notify the contract officer; proper law enforcement authorities; the Vice President, Operations; the Vice President, Legal Affairs; and the Vice President, Communications.
3. Physical Examinations: The participants (including staff) except those requiring immediate transportation to the hospital, will receive a physical examination as soon as possible.
4. Chemical Agents: When used, affected inmates/residents will be permitted to wash their face, eyes or other exposed areas as soon as possible after the use of the chemical and will be allowed to change their clothes.

L. REPORTS

As it is anticipated that any use of force may result in litigation, the procedures specified in CCA Policy 5-1, Incident Reports, will be followed. Additionally, any reports required by law enforcement authorities will be completed and a copy will be submitted with the Incident Report.

9-1.6 REVIEW:

This policy will be reviewed as necessary by the Vice President, Operations and the Vice President, Legal Affairs.

9-1.7 APPLICABILITY:

All CCA Facilities.

9-1.8 ATTACHMENTS:

None

9-1.9 REFERENCES:

Miller v. Leathers, 913 F.2d 1085 (4th Cir. 1990, *en banc*); and ACA Standards. The ACA Standards for this facility are:

3-4087, 3-4088, 3-4089, 3-4183, 3-4183-1, 3-4191, 3-4195, 3-4196, 3-4198, 3-4268.

CHAPTER 9: SECURITY AND CONTROL
SUBJECT: INMATE PROPERTY
SUPERSEDES: FIRST ISSUE
EFFECTIVE DATE: JANUARY 15, 1999

APPROVED: SIGNATURE ON FILE
WILLIE CLEMMONS,
WARDEN

9-110.1 PURPOSE:

To establish specific guidelines governing the personal property that inmates may retain in their possession and establish specific procedures regarding the control and safeguarding of inmate personal property.

9-110.2 AUTHORITY:

Facility Policy.

9-110.3 DEFINITIONS:

Exchange Items - Issued property which must be presented for exchange of new or clean, similar items.

Immediate Family - Wife, father, mother, sister, brother, child or grandparent.

Legal Materials - Materials of a legal nature which are pertinent and necessary to an ongoing legal matter which relate to the inmate or upon which the inmate is working.

Non-Consumable Items - Property items which cannot be used up or eaten by inmates within a reasonable period of time, i.e., appliances, clothing, linens, hobby supplies.

Personal Clothes - For the purpose of this policy, personal clothes refers to any clothing items which are not issued.

Personal Property - Non-issued property items which an inmate will be permitted to retain pursuant to this policy and procedure.

Property File - A file maintained on each inmate by the Warehouse Officer which documents all property in an inmate's possession while at this facility.

Property Officer - Any correctional employee, regardless of rank or title, who is assigned by the Warden or designee to be responsible for the orderly processing and proper documentation of an inmate's property while at the facility. These duties include maintaining a property inventory, and disposal of property items which are in excess of the established limits.

9-110.4 POLICY:

- A. It is the policy to specify the personal property inmates can retain in their possession and limit the quantities in order to comply with fire codes and safety regulations; to better utilize the limited space in living quarters; and, to more effectively facilitate security searches and eliminate contraband items.
- B. The facility will maintain accurate and current records of inmate property in order to resolve theft or loss damage claims, and to insure accountability.

9-110.5 PROCEDURES

Property of CCA West Tennessee Detention Facility

A. ALLOWABLE PROPERTY UPON ADMISSION

1. All property arriving with the inmate will be inventoried by the R&D Officer or other assigned staff using the Personal Property Form.
2. Property which is not allowed will also be listed by the R&D Officer on the Personal Property Form. His property will be secured temporarily in the Property Room and disposed of in a manner consistent with this policy.
3. Inmates who arrive with currency, cashier's checks, or money orders in their possession will immediately relinquish the currency, cashier's checks, or money orders to the R&D Officer. The R&D Officer will indicate the amount of each cashier's check, money order and all currency received on a CCA triplicate property form and will submit the currency, cashiers checks and money orders to the Business Office to be deposited in the inmate's account.
4. Inmates who arrive with any type of medication will relinquish it to the R&D Officer upon arrival. The R&D Officer will record all such medications on the Admissions Checklist Form and will submit all medications to the Health Services Staff and have the staff sign for receipt of same.
5. Inmates who are received in personal clothes will be issued facility uniforms. The personal clothes will stored in the Property Room after being inventoried and washed and/or disinfected and returned to the inmate upon his release. The procedure for laundering these items is as follows:
 - a. The inmate will place the dirty laundry in the facility issued laundry bag.
 - b. The laundry will be sent to the laundry, cleaned and dried.
 - c. The clean laundry will be inventoried and placed in storage in accordance with Policy 17-100 Admissions.

B. FACILITY ISSUED PROPERTY

1. Upon admission, inmates will be issued clean clothing and linens. All items will be properly fitted, durable, climatically suitable and presentable.
2. All facility issued property to the inmate will be listed on a Form. The inmate will sign for each item issued and will be held liable for any damage to or loss of facility property in excess of normal wear or use, forwarding a completed copy to the Warehouse.
3. In the event an inmate should have in his possession facility property in excess of what the R&D Officer(s) have issued, the excess will be taken by the appropriate CCA staff and a disciplinary report may be completed.
4. Inmate pillow and mattress are assigned to the inmate and are to remain with the inmate until released from the facility. Prior to an inmate taking possession of his assigned pillow and mattress, they shall be cleaned and/or disinfected. Any damaged pillows or mattresses will be replaced.
5. All linens and towels will be cleaned on a weekly basis. This service will be performed by the facility laundry staff.
6. Facility standard issue:
 - a. Three (3) shirts;
 - b. Three (3) pants;
 - c. One (1) jacket;

- d. Three (3) underwear;
 - e. Three (3) socks;
 - f. One (1) pair of workboots for job assignment;
 - g. One (1) blanket;
 - h. Two towels (2) and two (2) wash cloths;
 - i. Two (2) sheets and one (1) pillow case;
 - j. One (1) mattress and pillow;
 - k. One (1) drinking cup;
 - l. One (1) hygiene kit;
 - m. One (1) Laundry bag (white)
 - n. One (1) Commissary bag (blue)
7. All used linens, uniforms, blankets, and jacket prior to reuse or storage shall be washed and/or disinfected and inspected to ensure the inmate will be issued clean suitable items.
8. All inmates assigned to special work areas will be furnished all necessary safety equipment by the Property Officer on Form 17-100B. The inmate will be held responsible for any item issued and will have to return any items issued upon termination of the job.
9. When an item of facility issued property becomes unusable, an inmate may request an exchange by sending an inmate request form to the Warehouse. The Warehouse Supervisor will schedule an exchange of facility issued property.

C. ACQUISITION OF PROPERTY

- 1. In addition to the property which inmates are issued upon admission, inmates may acquire additional personal property through the facility commissary.
- 2. Inmate personal property can not be mailed in or brought in by visitors or employees. However, inmates may receive personal property through special packages in accordance with this policy.
- 3. Inmates are not allowed to exchange personal property between themselves.
- 4. Inmates may acquire books, magazines and newspapers in accordance with institutional policy only.
- 5. Inmates may also acquire approved items directly from vendors.
 - a. Catalogs are available in the Warehouse Managers office and Counselors office from which inmates may order approved items.
 - b. **The inmate completes an order form and an Inmate Commissary account withdrawal Form for the total price and submits both to the Unit Manager.**
 - c. The Unit Manager or Designee reviews the order to insure the items ordered are allowed. The Unit Manager then reviews the inmate's personal property list to see if the inmate already has the allowable number of items. If so, the inmate is told by the Unit Manager that he will have to dispose of or exchange the old item before he will be allowed to have the new one he is ordering.

- d. After review by the Unit Manager, the inmate purchase order form is given to the Warehouse Manager for final approval and processing.
 - e. The Property Officer turns in the order form to the Business Manager to see if the inmate has sufficient funds and place the order to the approved vendor.
 - f. When the ordered item arrives, the Mailroom Officer delivers it to the Warehouse Officer to record on the inmate's Personal Property Inventory Form and give to the inmate, who signs for receipt of the item.
6. All items received must be new, in the original packaging, and shipped directly from the vendor. Any deviation will cause the package to be returned at the inmate's expense.

D. COMMISSARY PURCHASES

The Commissary Officer will complete all non-consumable purchases. The Property Officer will be presented a copy of the Commissary Order Receipt by the Commissary Officer. The Property Officer will update the inmates file for the non-consumable items purchased. The Commissary Officer will collect from the inmate any excessive items purchased and dispose of them per policy.

E. AMOUNT OF ALLOWABLE PROPERTY

1. Inmates will only be allowed to retain personal property as authorized by this policy and only in an amount which does not exceed the capacities of individual storage areas and lockers provided by the institution.
2. The Inmate Handbook Supplement lists the personal property an inmate may have in his possession. Updates to this list will be posted on the bulletin boards located in the housing units.
3. The walls, doors, grills, air vents, light fixtures or windows in each living unit/cell will not be covered with pictures, curtains, screens, paper, cellophane, cloth, cardboard, or other any other similar item. Nude photos, drawings or other representations will not be allowed on display.
4. When personal property exceeds these capacities, the inmate will be required to make a determination as to what property will be retained and the remaining property will be disposed of in accordance with this policy. Should the inmate be unwilling or unable to make a determination as to what property to retain, the decision will be made by the Warden or designee, and the remaining property will be disposed of in accordance with this policy.

F. DISPOSAL OF PROPERTY

1. If the inmate's personal property is deemed to be in excess of institutional limitations, it will be disposed of in accordance with this section.
2. The inmate will designate how the property is to be disposed of by completing the Authorization for Deposit & Disposition of Personal Property Form 17-100E. This form will become part of the inmate's property file. The property may be disposed of in one of the following ways:
 - a. The property may be destroyed by facility staff;
 - b. The property may be mailed via United Parcel Service to an address designated by the inmate by using a Form provided the inmate has adequate funds to pay postage

- c. **CCA can store up to one complete set of clothes for the inmates release. If the item being disposed of can be used by the inmate to wear for release, then the property may be stored.**
 - d. The property may be donated to local charity by the Warehouse Manager.
3. All property being stored at CCA will be cleaned and/or disinfected prior to being issued back to the inmate. Upon the inmates release or transfer, all property in storage shall be released to the inmate.

G. ALLOWABLE PROPERTY FOR INMATES IN SPECIAL MANAGEMENT UNITS

1. Inmates in Segregation will be allowed to retain property according to the procedures outlined in Policy 10-100.
 - a. All personal property in possession of the inmate not permitted in the cell will be placed in a large enough container clearly marked with the inmate's name and number, and will be stored in a secure location and an inventory maintained using the Personal Property and Disposition Inventory Sheet Form.
2. Inmates in Disciplinary Segregation will be allowed to retain only items which concur with policy.

H. SPECIAL PACKAGES

1. Inmates may obtain specified personal property through special packages as approved by the Warden.
2. Items allowed in the package will be detailed in a memo issued by the Warden.

I. LEGAL MATERIALS

The amount of personal property an inmate may have in his possession, including legal materials, is limited to the amount which an inmate may store in his living area in the storage space provided.

J. ABANDONMENT OF PROPERTY

1. **Upon arrival, each inmate will complete an Authorization for Deposit & Disposition of Personal Property, Form 17-100E, which gives the facility the discretion to dispose of an inmate's property should the inmate abandon his property by escaping from custody. A copy of this form will be kept in the inmate's property file.**
2. In the event of an escape, staff may use an inmate's property for investigative purposes to determine escape mode, route, etc., and then they will dispose of the property. Methods of disposal will include, but are not limited to:
 - a. Destruction;
 - b. Mailing the property to an address previously designated by the inmate, at the inmate's expense. This would require the inmate to have a sufficient amount of money in his account to pay for postage;
or

- K. All inmates will sign a Disposition of Personal Property Form, every time they arrive at the facility, stating that all their personal property is accounted for and that they understand it is their responsibility to keep their cell doors secured when they leave

their respective housing units. If property is found to be missing when an inmate is received at the facility, a Report of Lost Inmate Property, Form 14-6A, will be completed and mailed to the appropriate authorities, i.e., the prison or jail facility at which the inmate was housed prior to transfer. Claims for lost property will be handled in accordance with Policy 14-6.

L. EXCEPTIONS

1. If a documented medical condition exists, the Health Services Unit will authorize or provide the special property required, only after prior approval of the Warden. Inmates in possession of property so approved will be allowed to retain such property; however, these items will not be replaced without subsequent medical documentation and approval of the Warden.
2. In unusual cases, exceptions to this policy may be approved on a case-by-case basis by the Warden, if it is deemed that such exception is in the best interest of the inmate and the facility, with the provision that such exceptions are not made on an arbitrary or capricious basis.

M. CONFISCATION OF PERSONAL PROPERTY

1. When an inmates personal property is confiscated, a Non Allowable Property Statement will be completed.
2. The confiscating officer will complete the form and properly distribute it. The inmate will receive the a copy immediately upon confiscation of the property.
3. The confiscated property will be taken to Receiving and Discharge and disposed of as requested by the inmate on the Authorization for Deposit and Disposition of Personal Property form.
4. Upon disposition of the property, the original copy will be placed in the inmate's R&D file.

9-110.6 REVIEW:

The Chief of Security will review this policy on an annual basis and make recommendations for necessary revisions to the Warden.

9-110.7 APPLICABILITY:

All inmates and staff.

9-110.8 ATTACHMENTS:

Personal Property Inventory
 Non-Allowable Property Statement
 Authorization for Deposit & Disposition of Personal Property
 Inmate Warehouse Issue
 Inmate Request Form(property pick-up)
 Inmate Commissary Withdrawal Form
 Work Property Issue Form

9-110.9 REFERENCES:

ACA Standards. The ACA Standards for this facility are:

3-4279, 3-4281, 3-4315, 3-4316, 3-4317, 3-4318, 3-4320, 3-4321, and 3-4324.

CHAPTER 14: RESIDENT RIGHTS
SUBJECT: INMATE/RESIDENT GRIEVANCE PROCEDURES
SUPERSEDES: APRIL 1, 1992
EFFECTIVE DATE: JANUARY 15, 1995
FACILITY: WEST TENNESSEE DETENTION FACILITY
FACILITY SUPERSEDES: OCTOBER 15, 1999
FACILITY EFFECTIVE DATE: AUGUST 14, 2000

APPROVED: SIGNATURE ON FILE
DAVID L. MYERS
PRESIDENT

APPROVED: SIGNATURE ON FILE
LINDA G. COOPER
VICE PRESIDENT, LEGAL AFFAIRS

14-5.1 PURPOSE:

To establish procedures for inmates/residents to formally file complaints about facility conditions, treatment, policies, and procedures. To provide that such complaints are reviewed in a fair and expeditious manner and resolved in the best interest of both the inmate/resident and the facility.

14-5.2 AUTHORITY:

Corporate and Facility Policy and Contract.

14-5.3 DEFINITIONS:

- A. Emergency Grievance - A grievance, the resolution of which, if subject to the normal time limits, would subject the grievant to a substantial risk of personal injury or irreparable harm.
- B. Grievance - A written complaint concerning the substance or application of a written or unwritten policy or practice, any single behavior or action toward an inmate/resident by staff or other inmates, or any condition or incident within the department or institution which personally affects the inmate/resident.
- C. Reasonable Suspicion - A suspicion which is based upon documentable, articulable facts which, together with the employee's knowledge and experience, lead him/her to believe that an unauthorized situation or violation of rules exists.
- D. Reprisal - any action or threat of action against anyone for the good faith use of or good faith participation in the grievance procedure.

14-5.4 POLICY:

It is the policy of CCA to encourage informal resolution of complaints at the lowest possible level since grievances should be, whenever possible, resolved through direct contact with staff responsible for the particular problem area and with two-way communication encouraged between staff and inmates/residents.

However, all inmates/residents shall have access to formal grievance procedures any time the informal process has not provided successful resolution of the complaint.

Inmates/residents shall not be subject to retaliation, reprisal, harassment, or discipline for use or participation in the grievance procedure. Any allegations of this nature will be thoroughly investigated

by the Warden/Administrator and reviewed by the Vice President, Facility Operations and Vice President, Legal Affairs.

14-5.5 PROCEDURES:

A. INFORMAL RESOLUTIONS

Inmates/residents are encouraged to resolve questions, disputes and complaints through informal communication with correctional staff or utilization of inmate information request forms.

AT THIS FACILITY, THESE FORMS ARE ENTITLED:

None.

B. GRIEVABLE MATTERS

The following matters are grievable by inmates/residents:

1. Application of policies, rules, and procedures;
2. Individual staff and inmate/resident actions, including any denial of access of the grievance procedure;
3. Reprisals against inmates/residents for filing an appeal under the Inmate/Resident Grievance Procedures;
4. The loss of property legitimately possessed by an inmate/resident; and
5. Any other matter relating to the conditions of care and supervision within the authority of CCA, except as noted below.

C. NON-GRIEVABLE MATTERS

The following matters are not grievable by inmates/residents through these grievance procedures:

1. State and Federal court decisions;
2. State and Federal laws and regulation;
3. Final decisions on grievances; or
4. Contracting agency (BOP, INS, state department of corrections, etc.) policies, procedures, decisions or matters.

D. GRIEVANCE AVAILABLE REGARDLESS OF CLASSIFICATION

An inmate/resident confined to this facility can invoke the grievance procedure regardless of disciplinary, classification, or other administrative decision to which the inmate/resident may be subject.

E. NO GRIEVANCES TO BE SUBMITTED ON BEHALF OF ANOTHER

While an inmate/resident may not submit a grievance on behalf of another inmate/resident, assistance from a staff member or inmate/resident may be provided when necessary to communicate the problem on the grievance form.

F. FACILITY GRIEVANCE OFFICER

The Warden/Administrator is to designate an individual or individuals as Facility Grievance Officer(s) whose responsibilities will include overall coordination of the grievance procedure, investigation of grievances and preparation of written decisions on the grievance matter. This individual will be responsible for carrying out the duties outlined herein.

G. TIME GUIDELINES

1. The total time for the grievance process will be no more than ninety (90) days from filing to a final appeal decision, unless unusual circumstances are present.
 - a. The inmate/resident must file the grievance within seven (7) days of the alleged incident.

The time for filing may begin from the date the problem or incident became known to the inmate/resident if the problem or incident was such that the inmate/resident did not or could not have known of it on the date of occurrence.
 - b. The Facility Grievance Officer shall, within fifteen (15) days of receipt of an inmate/resident grievance, conduct an investigation of the grievance and render a decision.
 - c. The inmate/resident is to submit any appeal to the Warden/Administrator or designee within five (5) days of receiving the decision from the Grievance Officer.
 - d. The Warden/Administrator will render a written decision on the grievance appeal within fifteen (15) days of receipt from the inmate/resident.
 - e. **AT THIS FACILITY, ADDITIONAL PROCEDURES ARE:**

If circumstances dictate, the Warden may extend the investigation by written notification to the grievant.
2. Upon notice to the grievant, the time limitations provided at any stage of this procedure may be extended to allow for a more complete investigation of the claims contained in the grievance. Justification for the extension must be provided in writing on the Inmate/Resident Grievance Form.
3. At all stages of the grievance process, upon receipt of the grievance, the grievance will be date stamped.

H. EMERGENCY GRIEVANCE PROCEDURE

1. If the subject matter of the grievance is such that compliance with the regular time guidelines would subject the inmate/resident to risk of personal injury, the inmate/resident/student may detail the basis for a need of immediate response and ask that the grievance be considered an emergency grievance.
2. If the Facility Grievance Officer, after reviewing the basis for the grievance being designated an emergency, determines that an emergency does exist, action shall be taken to resolve the grievance within twenty-four (24) hours of receipt of the grievance.
3. After the initial action, the Facility Grievance Officer will prepare and give to the inmate/resident, within seventy-two (72) hours of receipt of the grievance, a written decision.
4. If the inmate/resident appeals the decision, the Warden/Administrator or designee will respond with a written decision within five (5) days.

I. GRIEVANCE REMEDIES

The grievance procedure is to afford the grievant a meaningful remedy. Remedies include the following:

1. Replacement - Restoration of property by substituting a similar or like item. This will normally be ordered before monetary reimbursement is given;
2. Reimbursement - Money will be given for items lost or destroyed. The value to be reimbursed will be determined by the Warden/Administrator.

3. Change of procedures or practices;
4. Correction of records; or
5. Other remedies, as appropriate.

J. FILING THE GRIEVANCE

1. In filing a grievance, the inmate/resident must complete the Inmate/Resident Grievance Form (Form 14-5A) and place it in the Grievance Mail Box, or, if a Grievance Mail Box is not used, forward it to the Facility Grievance Officer.

The Grievance Mail Boxes shall be checked daily, except for weekends and holidays, by the Facility Grievance Officer. If a mailbox is not used, grievances are to be forwarded daily to the Facility Grievance Officer.

AT THIS FACILITY, THE PROCEDURE FOR FORWARDING THE GRIEVANCE TO THE GRIEVANCE OFFICER IS AS FOLLOWS:

The inmate is required to place the Inmate Grievance form in the mailbox located in each housing area to be picked up by the Grievance Officer on a daily basis for review. Upon receipt of the grievance, the Grievance Officer, when appropriate, will forward the grievance to the inmate's counselor who will attempt to resolve the grievance informally by discussion of the problem with the inmate, obtaining information from other staff members, clarification of policies and procedures, and other actions deemed appropriate. If resolution is accomplished, the Counselor and the inmate sign the Grievance form.

2. Grievances are considered special correspondence. Sealed letters will not be opened for inspection if the letter is labeled "Grievance" and addressed to the Facility Grievance Officer unless there is reasonable suspicion to believe the sealed envelope contains contraband. If reasonable suspicion exists, the envelope may be opened, after obtaining the Warden/Administrator or designee's approval, and inspected for contraband only.
3. If a grievance is submitted for review and the grievant is released from custody, efforts to resolve the grievance will normally terminate. If the grievant wishes to pursue grievance resolution, as in property losses, it is the grievant's responsibility to notify the Facility Grievance Officer of that intention and to provide an address and any other pertinent information.

K. FACILITY GRIEVANCE OFFICER'S REVIEW

1. Upon receipt of the grievance, the Facility Grievance Officer will assign a number to the grievance and maintain a permanent grievance log.
2. The Facility Grievance Officer shall conduct an investigation into the issue of the grievance, render a written decision on the Report and Decision portion of the Inmate/Resident Grievance Form, and forward a copy to the inmate/resident.
3. When a grievance decision specifies that an action is to be taken, it will include a date for completing the action.
4. In cases where the Facility Grievance Officer has resolved the matter to the inmate/resident's satisfaction, she/he will so note and have the inmate/resident sign the report in the space provided.

L. APPEAL

1. Barring extraordinary circumstances, a grievance shall be considered settled if the decision at any step is not appealed by the inmate/resident within the given time limit.

2. Grievances which are prematurely appealed to the Warden/Administrator or designee will be returned without review.
3. If an inmate/resident is not satisfied with the decision of the Facility Grievance Officer, the inmate/resident may appeal to the Warden/Administrator or designee by completing the Request for Warden/Administrator Review portion of the grievance form and submitting this form to the Warden/Administrator.
4. The Warden/Administrator or designee will review the issue of the grievance and the decision to determine if the grievance has been appropriately addressed. The Warden/Administrator can obtain and review any information necessary to render a decision as to the appeal.
5. A copy of the completed grievance form will be returned to the Facility Grievance Officer who will forward a copy to the inmate/resident.
6. **AT THIS FACILITY, ADDITIONAL PROCEDURES ARE AS FOLLOWS:**

None.

M. RECORDS

1. Records regarding the filing and disposition of grievances shall be collected and maintained systematically by the Facility Grievance Officer through either hard copy or computerized form. The record shall include a log showing the following:
 - a. grievance number;
 - b. date of receipt;
 - c. name of grievant;
 - d. subject of grievance;
 - e. disposition date;
 - f. brief description of the disposition; and
 - g. appeal results, if any.

This log shall be forwarded to the Vice President, Legal Affairs on a monthly basis.

2. Record Retention. Records will be retained according to CCA Corporate and Facility Policy 1-15.
3. Record Location. No copies of grievances shall be placed in an inmate/resident's file, except as requested in writing by the inmate/resident filing the grievance.
4. Confidentiality. Records regarding the participation of an individual in the grievance procedures shall not be available to employees or inmates/residents, except for clerical processing of records by CCA. Employees participating in the disposition of a grievance shall have access to records essential to the resolution of the grievance.

N. DISTRIBUTION AND TRAINING

A copy of this Policy and Procedure will be provided to each staff member currently employed and will be readily available for each inmate/resident currently housed at the facility. All new staff will receive a presentation on this Policy and Procedure during pre-service training. New inmates/residents will be informed of the grievance procedure upon entry to the facility and a copy will be posted in each entry area and other appropriate areas. If there is difficulty in understanding the procedure, every effort shall be made to explain the policy and procedure on an individual basis.

O. AT THIS FACILITY, ADDITIONAL PROCEDURES ARE AS FOLLOWS:

1. Matters inappropriate to grieve include:
 - a. Appealing or seeking review of procedures or punishment imposed under established disciplinary procedures. They must be appealed through the disciplinary appeal process.
 - b. Grieving or appealing actions by agencies outside W.T.D.F.
 - c. Appealing or seeking reviews of classification procedures and/or decisions. These must be appealed through the classification appeal process. This includes administrative confinement/segregation hearing decisions.
 - d. Issues regarding sentence structure.
 - e. Issues on behalf of another person.
 - f. Seeking monetary compensation for injuries or property loss. Monetary claims by inmates against employees of privately managed facilities will be filed in accordance with CCA Policy 14-6.
2. Abuse of the Grievance Procedure
 - a. The inmate will not be permitted to submit more than one grievance arising out of the same or similar incident.
 - b. The inmate will not be permitted to have more than one grievance pending at the first level of review.
 - c. Inmates may not file grievances as a group.
 - d. Profanity insults, threats, and racial slurs will not be permitted in grievances and may result in disciplinary action. Grievances containing such language will be rejected unless the language is used as a quote and is pertinent to the issue being grieved.
 - e. Grievances are not accepted that contain multiple issues. Only one issue per grievance submitted will be accepted.
3. Only the grievance form itself will be copied and returned to the grievant. Attachments that may have been submitted will not be copied unless the photocopying fee per page is paid by the grievant. (No more than three attachment pages will be copied at the inmate's expense)
4. A copy of this policy is available in the Law Library.

14-5.6 REVIEW:

- A. Grievance procedures shall be monitored by the Vice President, Legal Affairs through review of records and computer printouts.
- B. This policy will be reviewed at least annually by the Vice President, Legal Affairs.

14-5.7 APPLICABILITY:

All CCA facilities.

14-5.8 ATTACHMENTS:

1. Form 14-5A - Inmate/Resident Grievance Form
2. Other Forms for this facility are as follows:

14-5.9 REFERENCES:

ACA Standards. The ACA Standards for this facility are:

3-4271.

CHAPTER 15 : INMATE RULES AND DISCIPLINE
SUBJECT: OFFENSE AND PENALTY CODE - ADULT
SUPERSEDES: SEPTEMBER 1, 1988
EFFECTIVE DATE: APRIL 1, 1992
FACILITY: WEST TENNESSEE DETENTION FACILITY
FACILITY SUPERSEDES: APRIL 1, 1992
FACILITY EFFECTIVE DATE: JANUARY 15, 1999

APPROVED: SIGNATURE ON FILE
DAVID L. MYERS
PRESIDENT

APPROVED: SIGNATURE ON FILE
LINDA G. COOPER
VICE PRESIDENT, LEGAL AFFAIRS

15-1.1 PURPOSE:

To ensure a safe and orderly facility environment.

15-1.2 AUTHORITY:

Corporate and Facility policy, state and federal law.

15-1.3 DEFINITIONS:

- A. Contracting Agency - The governmental entity contracting with CCA for the housing of inmates.
- B. Extra Duty - For pre-trial detainees, extra duty is the assignment of sanitation tasks in one's living area. If the pre-trial detainee agrees, the extra duty may be performed throughout the entire facility. For convicted inmates, extra duty may be performed throughout the entire facility.
- C. Offense - The violation of a specific rule resulting in a disciplinary report.
- D. Penalty - The punishment to be imposed following a disciplinary hearing. No inmate is to be punished except after a finding of guilt by a Disciplinary Board or Hearing Officer and only according to the penalty schedule set out herein. In addition to punishment by facility authorities, inmates may also be prosecuted by state or federal court for criminal conduct arising from an incident.
- E. Rule - A written requirement as to conduct governing the safe and orderly operation of a facility. All rules governing the conduct of inmates which could result in disciplinary actions are contained in this policy.

15-1.4 POLICY:

Any action or attempted action by an inmate which violates established CCA facility rules or Contracting Agency rules and poses a threat to the safe and orderly operation of the facility will be dealt with through appropriate disciplinary action following the guidelines for offenses and penalties set out herein or as required by the Contracting Agency.

Discipline will never be of a nature or administered in a way that will degrade or humiliate. The following actions will never be used as a means of discipline or punishment:

- Corporal punishment;
- Physical restraint;
- Psychological intimidation;
- Denial of regular meals;
- Denial of medical care;
- Denial of sufficient sleep;
- Denial of sufficient exercise;
- Denial of legal assistance.

15-1.5 PROCEDURES:

A. NOTICE OF OFFENSES AND PENALTIES

A copy of offenses and penalties will be given, in writing, and explained to each inmate upon admission to the facility during an orientation session. Any changes in the rules will be communicated to the inmates in writing. A copy of these offenses and penalties shall be posted in conspicuous locations throughout the facility.

B. MINOR OFFENSES

1. DISORDERLY CONDUCT: Behavior such as loud talking or yelling, pushing, which creates a disturbance and/or disrupts the orderly running of the facility.
2. FAILURE TO MAINTAIN PERSONAL HYGIENE: Not having a clean body and clothes.
3. POSSESSION OF GAMBLING PARAPHERNALIA: Having in one's control, items for use in operating or acting in any game of chance involving betting or wagering of goods or other valuables.
4. PRESENT IN AN UNAUTHORIZED AREA: Being in an area that is designated through verbal, written or posted orders as "off limits" to a specific inmate or inmates in general.
5. SELF MUTILATION: Inflicting injury on one's self. For example, cutting on one's own body or tattooing.
6. SMOKING IN RESTRICTED AREA OR AT A RESTRICTED TIME: Smoking of any form in an area or at a time designated verbally or through written post orders as a no smoking area.
7. UNEXCUSED ABSENCE FROM PLACE OF ASSIGNMENT: Being away without authorization from an appropriate supervisor, from the place of assignment such as dorm, work area, recreation area, infirmary, etc.
8. UNSANITARY AND DISORDERLY HOUSING CONDITIONS: Not keeping a clean, neat living area. The area should be kept in a manner so that all possessions are stored in an organized manner in areas designated for such. The area should be free from dirt and clutter.
9. USE OF VULGAR, ABUSIVE OR OBSCENE LANGUAGE: Use of words and/or phrases that are vulgar, abusive or obscene.

C. MAJOR OFFENSES

1. ARSON: Starting or causing to be started a fire which could or does cause damage to person(s) or property.
2. ASSAULT: An attack upon the body of another person. This includes rape.
3. ATTEMPT/CONSPIRACY: This is an offense for inmates who do not actually commit the offense but participate in the following ways:
 - a. attempts to commit the offense;
 - b. solicit another or others to commit the offense;
 - c. conspires with another or others to commit the offense;
 - d. facilitate the action of another or others in committing the offense.
4. COUNTERFEITING, FORGERY OR UNAUTHORIZED REPRODUCTION: counterfeiting, forging or reproducing without approval, any document, article, identification, money, security or official paper.
5. DEATH OF ANY PERSON: Any act of which the end result is the death of any person including inmates, staff or civilians.
6. DESTRUCTION, ALTERATION OR DAMAGE TO PROPERTY: Destroying, changing or hurting property of CCA or any other person.
7. DETAINING A PERSON AGAINST HIS WILL: Keeping a person in or removing from an area without the agreement of the person who is being kept or removed. Example: Taking of hostages.
8. ESCAPE: Leaving the grounds of an institution or from the custody of an employee outside the facility without permission or failure to return from a furlough or pass.
9. FAILURE TO FOLLOW VERBAL OR POSTED RULES AND/OR ORDERS: Not following specific rules and/or orders which have been designated for the clean, safe, orderly operation of the facility of which the inmates have been told of in advance through posting or verbally by an employee of the facility or person who has charge of the inmate at the time. This includes failure to follow the facility procedures for taking count.
10. FIGHTING: Engaging in physical conflict with another person.
11. GAMBLING: Operating or acting in any game of chance involving betting or wagering of goods or other valuables; or possess gambling paraphernalia.
12. HINDERING AN EMPLOYEE IN THE PERFORMANCE OF HIS DUTIES: Acting in such a way to interrupt an employee during his work time such as causing delays, giving false information.
13. INSURRECTION: Participation or encouraging others to participate in unauthorized activity such as rioting or a work stoppage.
14. POSSESSION OF CONTRABAND: Having in one's control any item which has not been approved by the facility including weapons or any item which has been altered for use as a weapon, intoxicants, drug paraphernalia.
15. POSSESSION OF STOLEN PROPERTY: Having in one's control any item which has been stolen from any other person.
16. REFUSAL TO SUBMIT TO A DRUG OR INTOXICANT TEST: Not giving a urine sample for use in testing for drug usage or refusing to submit to a breathalyzer.

17. REFUSAL TO SUBMIT TO A SEARCH: To refuse to allow a search of your body, belongings or living area when requested by a facility employee.
18. REFUSAL TO WORK: When a person refuses to perform an assigned job.
19. REPEATED VIOLATION OF MINOR RULES: Obtaining three or more minor rule violations within a 30 day period, said 30 day period starting from the date the first minor rule violation occurs and ending on the 30th day after that date.
20. SEXUAL MISCONDUCT: This includes, but is not limited to, the following acts:
 - a. Taking part in sex act(s) where all parties agree to take part.
 - b. Exposing the genitals or buttocks to an employee or visitor.
 - c. Masturbation where an employee, visitor or other inmate can see the act.
21. THEFT: Unauthorized taking of something that belongs to someone else.
22. THREATENING ANOTHER WITH HARM: Telling someone, through actions or words, that harm will come to him.
23. UNAUTHORIZED RECEIPT OF ANY ITEM OF VALUE: Receiving an item which has any value through false pretenses, threats or stealing.
24. UNAUTHORIZED SALE, TRANSFER OR RECEIPT OF PROPERTY: Any unauthorized sale or giving to another person or receipt from another persons any belongings or property.
25. UNAUTHORIZED USE OF DRUGS OR INTOXICANTS: Use of any drug or intoxicants which has not been prescribed or approved for the inmate to use.
26. UNAUTHORIZED USE OF MAIL OR TELEPHONE: Using the mail or telephone to commit fraud, theft or against posted times and uses.
27. VIOLATION OF ANY FEDERAL, STATE OR LOCAL LAW: Any act, though not specifically listed in this policy, that would be either a felony or misdemeanor under federal laws or under the state laws in which the inmate is housed will constitute a major or minor violation.

D. PENALTIES

1. MINOR OFFENSES

The Disciplinary Board or Hearing Officer may impose up to two (2) of the below listed penalties after a determination of guilt on a minor offense:

- a. Reprimand, written or verbal;
- b. Living area restriction for a maximum of 15 days;
- c. Loss of one of the following privileges for a maximum of 30 days
 - canteen
 - special activities
 - work program (where applicable)
- d. Extra duty up to four (4) hours

2. MAJOR OFFENSES

The Disciplinary Officer or Board may impose up to two (2) of the following penalties for a major offense:

- a. Any penalty which may be imposed for a minor offense;

- b. Extra duty up to eight (8) hours
- c. Restitution
- d. Cell or dorm restriction for a maximum of 15 days;
- e. Loss of accumulated good conduct time, where applicable;
- f. 1-30 days Disciplinary Segregation per offense, a maximum of 60 days for all offenses arising from one incident. Confinement past 30 days requires review and approval of the Facility Administrator; (INS - May be confined in Disciplinary Segregation of period up to 72 hours only).
- g. Parole rescission or retardation, where applicable.

15-1.6 REVIEW:

The Vice President, Legal Affairs and the Vice President, Facility Operations will review this policy as necessary, but no less than once each year.

15-1.7 APPLICABILITY:

All adults housed in CCA Facilities, unless the Contracting Agency requires otherwise.

15-1.8 ATTACHMENTS:

None

15-1.9 REFERENCES:

ACA Standards. The ACA Standards are as follows:

3-4214 3-4215 3-4216 3-4218 3-4301 3-4268

CHAPTER 15: INMATE RULES AND DISCIPLINE
SUBJECT: DISCIPLINARY PROCEDURES - ADULT
SUPERSEDES: NOVEMBER 15, 1993
EFFECTIVE DATE: NOVEMBER 7, 1998
FACILITY: WEST TENNESSEE DETENTION FACILITY
FACILITY SUPERSEDES: NOVEMBER 7, 1998
FACILITY EFFECTIVE DATE: JANUARY 15, 1999

APPROVED: SIGNATURE ON FILE

DAVID L. MYERS
PRESIDENT

APPROVED: SIGNATURE ON FILE

LINDA G. COOPER
VICE PRESIDENT, LEGAL AFFAIRS

15-2.1 PURPOSE:

To provide for a safe and orderly facility; that inmate/resident rule violations are responded to firmly, fairly and consistently; that due process requirements are followed.

15-2.2 AUTHORITY:

Ponte v. Real, 471 US 491, 105 S.Ct. 2768 (1985), Superintendent v. Hill, 472 US 445, 105 S.Ct. 2768 (1985), Baxter v. Palmigiano, 425 US 308, 96 S.Ct. 1551 (1976); Wolff v. McDonnell, 418 US 539, 94 S.Ct. 2963 (1974); Mendoza v. Miller, 779 F.2d 1287 7th Cir. (1985) cert. denied.

15-2.3 DEFINITIONS:

Disciplinary Board - A three person panel, of which one member is from a supervisory level position, designated by the Warden/Administrator to conduct hearings on rule violation(s). Each person has an equal vote in the guilt and penalty phase.

Disciplinary Hearing Officer - A person from a supervisory level position designated by the Warden/Administrator to hear offenses, determine guilt or innocence and impose appropriate discipline for rule violations. This person performs the same function(s) as a Disciplinary Board.

Disciplinary Report - A written report prepared by a staff member that alleges an infraction(s) of institutional rules.

Another form, such as one required by a contracting agency, may be used if prior approval in writing is obtained from the Vice President/Legal Affairs. Normally, such reports are prepared using Form 15-2A.

Due Process - A series of procedures which are followed to verify that all rights are provided to the inmate/resident prior to disciplinary action.

Investigation - A review of the basis for a Disciplinary Report to be conducted prior to issuance of the report. The investigation report may include interviews with witnesses and review of documents to clarify any information on the report.

Investigative Officer - A person or persons designated by the Warden/Administrator or designee to conduct the investigation of the Disciplinary Report prior to disciplinary hearings.

Pre-Hearing Segregation/Detention - Placement of an inmate/resident in segregation pending a disciplinary hearing when they constitute a threat to themselves or the facility security until such time as a hearing can be held.

Rehearing - A second hearing of a Disciplinary Report by the Disciplinary Board or Hearing Officer at their discretion or upon remand after an appeal. This hearing is conducted to correct procedural errors, consider additional evidence, but in no event solely to increase punishment.

Segregation - Placement away from the general population. The area of placement may be a cell, room or other controlled area to uphold the safety and security of the institution.

15-2.4 POLICY:

All alleged violations of CCA rules are to be dealt with through established policies and procedures to verify that due process rights are afforded to the inmate/resident and that the penalty imposed will be fair, impartially given and appropriate for the offense.

15-2.5 PROCEDURES

A. RESOLUTION OF OFFENSES

1. VERBAL ACTION

Should a staff member believe an offense may properly be responded to by a reprimand, warning, and/or counseling, they may so respond, in which case no Disciplinary Report need be prepared. A counseling report of this action may be made at the staff member's option. Such reports will be placed in the inmate/resident's file and a copy will be given to the inmate/resident. The inmate/resident may prepare a response to counseling reports, which will be placed with the report in the inmate/resident's file.

2. WRITTEN REPORT

Informal resolution of minor incidents is encouraged, however, should a staff member believe an offense cannot be handled by verbal communication, they may file a written Disciplinary Report, using the appropriate form, with the appropriate supervisor of the rank of Shift Supervisor or above.

DISCIPLINARY REPORTS ARE TO BE FILED WITH:

The Shift Supervisor

B. DISCIPLINARY REPORT:

1. The Disciplinary Report must be clear, concise and contain only the facts the reporting employee has personally witnessed or otherwise verified, including a statement of how such verification was made.
2. Reports will be made on Form 15-2A or one requested by the contracting agency that has been approved by Vice President, Legal Affairs. These forms are to be kept in a central location for issuance as needed.

THE DISCIPLINARY REPORT FORM USED IS:

Form 15-2

THE FORMS ARE KEPT IN THE FOLLOWING LOCATION:

The Chief of Security's office, disciplinary hearing office and the courtroom

3. THE REPORT WILL INCLUDE THE FOLLOWING:
 - a. The specific rule(s) violated;
 - b. A formal statement of the charge(s);
 - c. The date and time of the incident;
 - d. The date and time the report was prepared and turned over to the designated supervisor;
 - e. The names of any witnesses;
 - f. Disposition of any physical evidence;
 - g. Any immediate action taken including use of force;
 - h. Any unusual inmate/resident behavior; and
 - i. The reporting officer's signature.
4. Upon completion of a Disciplinary Report, the person writing the report will forward it to the appropriate supervisor for investigation.

REPORTS ARE TO BE FORWARDED TO THE FOLLOWING STAFF MEMBER:

His/Her immediate security supervisor.

C. PRE-HEARING SEGREGATION:

1. Following issuance of a written Disciplinary Report, the inmate/resident is entitled to remain in their existing status until a disciplinary hearing is held unless they constitute a sufficient threat to themselves or the security of the facility to warrant confinement prior to the hearing.
2. Pre-hearing segregation may be ordered only by staff with the rank of Shift Supervisor or above.
3. The time the inmate/resident is to remain in pre-hearing segregation will be no longer than is necessary to verify their safety or the security of the facility. The inmate/resident's pre-hearing detention status will be reviewed by the Warden/Facility Administrator or designee within 72 hours of placement including weekends and holidays. The reviewer is to consider the need for continued segregation. If the need no longer exists, the inmate/resident is to be released back to general population pending the hearing.
4. No inmate/resident is to be placed and detained in pre-hearing segregation unless a Disciplinary Report is being prepared or and active investigation is being conducted to determine appropriate disciplinary charges.
5. Any time spent in pre-hearing segregation may be credited against any subsequent sentence imposed.

D. SUPERVISOR INVESTIGATION

The designated supervisor is to begin an investigation of the Disciplinary Report within 24 hours of the time the violation is reported. The investigation will be completed without unreasonable delay unless there are exceptional circumstances for delaying the investigation.

Form 15-2C may be filled out to record the investigation of the report. The report is to determine:

1. That all necessary information is contained in the report;
2. That the information is accurate. In determining whether the information is accurate, the supervisor may question any witnesses and review any documents to determine the cause of the violation, staff and inmate/resident involvement, and any mitigating factors; and
3. If necessary, assign the appropriate offense to the violation per CCA Policy 15-1 or a penalty list required by the contracting agency.
4. **AT THIS FACILITY, ADDITIONAL PROCEDURES ARE AS FOLLOWS:**

None.

E. NOTICE OF THE OFFENSE AND RIGHTS

1. Following review of a Disciplinary Report by the designated supervisor, a staff person will provide notice of the offense by delivering the report to the inmate/resident no less than 24 hours prior to the disciplinary hearing.

THE STAFF TO DELIVER THE REPORT IS:

Whomever is designated by his/her supervisor.

ADDITIONAL PROCEDURES AT THIS FACILITY ARE AS FOLLOWS:

None.

2. MINOR OFFENSE

If the Disciplinary Report is for a minor offense, the inmate/resident will be advised of the following:

- a. The contents of the Disciplinary Report;
- b. The opportunity to make a statement and present documentary evidence, including written statements from others; and
- c. The opportunity to have an interpreter present, if the hearing is in a language the accused inmate/resident does not understand.

3. MAJOR OFFENSE

If the Disciplinary Report is for a major offense, the inmate/resident will be advised of the following:

- a. The contents of the Disciplinary Report;
- b. The opportunity to be present during all phases of the hearing, except deliberation, unless behavior is unruly so as to prevent attendance;
- c. The opportunity to be represented by a designated staff member, if determined to be necessary by the Disciplinary Board/Hearing Officer;
- d. The opportunity to have an interpreter present, if the hearing is in a language the accused inmate/resident does not understand;

- e. The opportunity to make a statement and present documentary evidence, including written statements from others;
 - f. The opportunity to call witnesses on their behalf; unless doing so would be irrelevant, redundant and unduly hazardous to facility safety or would endanger the physical safety of any individual; the reasons for denial are to be stated in writing. Form 15-2D may be used to document a witness statement; and
 - g. The right to waive a hearing and plead guilty to the charge(s).
4. The appropriate spaces on the Disciplinary Report will be completed documenting the accused inmate/resident's choice or preference as to the above rights.
 5. The person delivering the report will sign it and indicate the date and time the report was given to the inmate/resident.
 6. The inmate/resident will be provided with a copy of the report at the conclusion of the disciplinary hearing.

F. DISCIPLINARY BOARD OR HEARING OFFICER

1. The facility may choose to have a three (3) member Disciplinary Board, a single Hearing Officer, or a combination to conduct Disciplinary hearings.

THIS FACILITY WILL USE THE FOLLOWING STAFF MEMBER(S) FOR DISCIPLINARY HEARINGS:

A hearing officer (Assistant Shift Supervisor or above). The two additional staff members utilized must have had no direct involvement in the offense being heard (major hearings only).

2. **SELECTION OF THE BOARD OR HEARING OFFICER**

- a. The Disciplinary Board or Hearing Officer will be designated by the Warden/Administrator and will be impartial and fair.
- b. If a Disciplinary Board is utilized, one member from a supervisory position who is designated by the Warden/Administrator will be the Chairperson. The Chairperson will act as a coordinator of the hearing and will have one vote in the proceedings.
- c. If a Hearing Officer is utilized, that person will be from a supervisory position who is designated by the Warden/Administrator.
- d. Any staff will be disqualified in every case in which they have filed the complaint, participated or witnessed the incident; investigated the incident; is the person in charge of any subsequent review of the decision; or has any personal interest in the outcome.

3. **DUTIES OF THE BOARD OR HEARING OFFICER**

- a. Conduct hearing of all Disciplinary Reports when the inmate/resident involved does not waive their right to a hearing before the Disciplinary Board or Hearing Officer;
- b. Designate appropriate penalty for the offense which the inmate/resident is found guilty;
- c. Make recommendations as to referrals for prosecution;

- d. Periodically review and make written recommendations, when appropriate, as to the effectiveness and efficiency of the disciplinary process, including the appropriateness of offenses and penalties contained in CCA Policy 15-1; and
- e. Prepare a written report of its activities and keep said record according to the retention periods outlined in CCA Corporate and Facility Policy 1-15.

G. STAFF REPRESENTATION OF AN INMATE/RESIDENT:

1. APPOINTMENT OF STAFF REPRESENTATIVE

A staff representative will be appointed when it is apparent that an inmate/resident is not capable of collecting and presenting evidence effectively on their own behalf. The Disciplinary Board/Hearing Officer will consider the following factors in deciding to appoint a staff representative:

- a. Literacy level of the inmate/resident;
- b. Complexity of the issues combined with the inmate/resident's overall intelligence and mental/emotional status;
- c. Location of the inmate/resident (segregation may prevent the accused from gathering information for a defense); and
- d. Ability of the inmate/resident to speak English or Spanish (if Spanish can not be used by the hearing officer).

2. SELECTION OF STAFF REPRESENTATIVE

- a. The Warden/Administrator may choose to have an approved list of staff representatives from which the inmate/resident may choose or can allow all employees to represent inmates/residents after the Disciplinary Board/Hearing Officer makes the determination that a staff representative needs to be appointed.
- b. Staff members selected for duties as counsel for inmates/residents at Disciplinary Board hearings are to be granted sufficient time to meet with inmates/residents before the hearing, gather evidence and question witnesses and to represent the inmate/resident at the hearing.
- c. Staff members are to be selected for such traits as good judgment and a genuine interest in the assignment.
- d. **THE FOLLOWING STAFF POSITIONS MAY REPRESENT INMATES/RESIDENTS:**

Keep any staff member not related to the disciplinary offenses and has demonstrated good judgment in the performance of his/her daily duties.

3. ACTIVITIES OF STAFF REPRESENTATIVE:

THE STAFF REPRESENTATIVE MAY, IF NECESSARY, ASSIST AS FOLLOWS:

- a. Confer with the accused prior to the hearing.
- b. Question witnesses for the accused during hearing.
- c. Review written statements of charges and investigation.
- d. Clarify position of the accused.
- e. Make statements and present documentary evidence.

- f. Aid the accused in presenting a defense or offer any explanation of the defense.
- g. Excuse themselves, along with the accused, from the deliberation phase.

H. DISCIPLINARY HEARING

1. TIME

The disciplinary hearing will be held as soon as practicable but no later than seven days, excluding weekends and holidays, after the alleged violation.

AT THIS FACILITY, THE TIME GUIDELINES ARE AS FOLLOWS:

Same as above.

2. POSTPONEMENT OR CONTINUANCE

Postponement or continuance of the disciplinary hearing for a reasonable period may be granted for good cause. Hearing postponement or continuance may be granted for such cause as preparation of a defense, illness or unavailability of an inmate/resident, further investigation of factual matters relevant to the hearing, or pending criminal court prosecution. Delaying a hearing is also justifiable on the basis of factual recording of an inmate/resident's unacceptable behavior during the hearing process or the inmate/resident's refusal to participate in a reasonable manner. Any delays beyond this time will be justified and documented in writing on the Disciplinary Report by the Disciplinary Board or Hearing Officer.

3. NOTICE

- a. Notice of the hearing is to be provided in writing to the inmate/resident at least 24 hours prior to the hearing. The inmate/resident may agree, in writing, to a hearing with less than 24 hours notice.

- b. **THE FOLLOWING STAFF POSITIONS WILL BE RESPONSIBLE FOR NOTIFYING INMATE/RESIDENTS OF THE CHARGES:**

Any staff member authorized to do so by the Shift Supervisor or above and who had no direct involvement in the case to be heard.

- c. These persons will fully inform inmate/residents of the nature of the waiver of the 24 hour notice and the results of such a waiver. Inmate/residents will be allowed to make a voluntary choice, free from coercion, as to the waiver.

4. HEARING ON A MINOR OFFENSE

- a. The inmate/resident will be present at all phases of the hearing, unless excluded for reasons of facility security; such reason will be stated in writing.
- b. The inmate/resident will be allowed to make a statement and present any reasonable evidence, including written statements from others, in their behalf.
- c. At the conclusion of the hearing, the Board Chairperson/Hearing Officer will complete the Disciplinary Report, indicate the finding and, if found guilty:
 - i. The sentence imposed;
 - ii. The date and time of hearing;
 - iii. The signature of the Disciplinary Board/Hearing Officer.

- d. The Disciplinary Board/Hearing Officer will allow any other evidence that may aid in their decision.
- e. Unless the Disciplinary Board/Hearing Officer feels additional oral testimony is necessary, their decision may be based on the Disciplinary Report, the statements of the inmate/resident, and any other relevant written information presented at the hearing.
- f. A copy of this record will be given to the inmate/resident at the conclusion of the hearing.
- g. The penalty imposed is to be taken from the penalty list set forth in CCA Policy 15-1 or from a penalty list required by the contracting agency.
- h. The complete Disciplinary Report will then be forwarded to the Shift Supervisor, Warden/Administrator or appropriate designee for review.

FORWARD THE REPORT TO:

The Warden or his designee.

5. HEARING ON A MAJOR OFFENSE

- a. The inmate/resident will be present during all phases of the hearing except the deliberations phase unless they waive this right or because their unruly behavior does not permit attendance.
- b. If the inmate/resident is not in attendance at the hearing and has not plead guilty, the absence may be used against them in the proceedings. However, the absence alone cannot be used as the only evidence of guilt.
- c. The inmate/resident will receive copies of any written information which may be considered except where disclosure of such information would be unduly hazardous to institutional safety or endanger the physical safety of an individual; reasons for non-disclosure will be stated in writing. In all cases where written information is not disclosed, its contents will be summarized for the inmate/resident to the extent this may be done without creating a substantial risk to facility or personal safety.
- d. The inmate/resident will have an opportunity to make a statement and to present documentary evidence. If criminal charges are pending concerning the subject of the hearing, the inmate/resident will be informed of their right to remain silent during the disciplinary proceedings and that anything they say during the course of the disciplinary hearing may be used against them in any subsequent criminal proceedings and that their silence may be used against them in these proceedings. However, this silence alone cannot be used as the only evidence of guilt.
- e. The inmate/resident will have the opportunity to call witnesses on their behalf, unless doing so would be irrelevant, redundant or unduly hazardous to facility safety or would endanger the physical safety of the individual; such reasons for denial are to be stated in writing.
- f. Any time during the hearing, the Disciplinary Board or Hearing Officer on their own, or at the request of the inmate/resident, may order an investigation into the incident and continue the hearing to a future time.

6. CONFIDENTIAL INFORMANTS

An inmate/resident may be found guilty of a disciplinary infraction on the basis of reliable information from a source whose identity is not disclosed to the inmate/resident at the hearing. Such information may be presented at the hearing orally or in writing and:

- a. The details of any information from an anonymous source are to be shared with the inmate/resident at the hearing to the extent that this may be done without creating a substantial risk to the safety of the informant;
- b. When information from an anonymous source is considered, the name of the source and all details of such information will be given to the Board/Officer out of the presence of the inmate/resident;
- c. The Board/Officer will make a determination as to the reliability of the anonymous source by determining proven reliability in specific past instances or independent corroboration on specific material points; and
- d. In all cases in which information from an anonymous source is considered, a confidential record will be maintained which indicates the details of such information and, if possible, the identity of the informant and the degree of familiarity with the informant's reliability. Such records will be available only to the Warden/Administrator, Vice President, Legal Affairs and Vice President, Operations.

7. WRITTEN REPORT

At the conclusion of the hearing, a written report will be prepared and given to the inmate/resident which will include:

- a. The decision;
- b. The sentence imposed and the reason for imposing the particular sentence;
- c. A summary of the evidence upon which the decision and sentence was based;
- d. A list of all witnesses;
- e. The date and time of the hearing; and
- f. The signature of all Board Members or Hearing Officer.

8. The Disciplinary Board/Hearing Officer's decision is based solely on information obtained in the hearing process, including staff reports, the statements of the inmate/resident charged and evidence derived from witnesses and documents.

9. PSYCHIATRIC ILLNESS

If the inmate/resident has been diagnosed as having a psychiatric illness, the Warden/Administrator and the responsible physician or their designee will be consulted prior to the disciplinary measures recommended by the Hearing Officer or Disciplinary Board being taken.

10. RECORD

A record of all disciplinary hearings will be kept and retained pursuant to CCA Corporate and Facility policy 1-15. Form 15.2B or a similar form approved by the Vice President, Legal Affairs will be used to keep this record.

11. REVIEW

A copy of all Disciplinary Reports will be forwarded to the Warden/Administrator or designee at the conclusion of the hearing for review as to conformity with policy.

I. APPEAL