

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:
- Taking part in sex act(s) where all parties agree to take part.
 - Exposing the genitals or buttocks to an employee or visitor.
 - 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:

- Reprimand, written or verbal;
- Living area restriction for a maximum of 15 days;
- Loss of one of the following privileges for a maximum of 30 days
 - canteen
 - special activities
 - work program (where applicable)
- 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:

- Any penalty which may be imposed for a minor offense;
- Extra duty up to eight (8) hours
- Restitution
- 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, 3-4216, 3-4218, 3-4268M

INMATE RIGHTS, PRIVILEGES AND ACTIVITIES

We believe that, as inmates of the North Fork Correctional Facility, you have certain rights. You also have certain responsibilities. Listed below are those rights and responsibilities:

1. You have the right to expect that, as a human being, you will be treated respectfully and fairly. You have the responsibility to treat other people the same. All staff will be addressed and treated respectfully (Mr., Ms., Mrs., Officer, Sir, Ma'am, etc.) You will follow all orders given to you by a staff member. Disrespect will not be tolerated.
2. You have the right to be informed of the rules, procedures, programs and schedules concerning the operation of the institution. You have the responsibility to obey them. You will have access to all institutional programs and services without regard to your race, religion, national origin, political views or physical handicap. No inmate will have authority over other inmates.
3. You have the right to freedom of religious affirmation and voluntary religious worship. You have the responsibility to choose that which you perceive helpful to you. Inmates will not head any service without a staff supervisor present.
4. You have the right to health care, which includes nutritious meals, proper bedding, clothing, and laundry schedule for cleanliness of the same, an opportunity to shower regularly, proper ventilation for warmth and fresh air, a regular exercise period, toilet articles, medical and dental treatment. You have the responsibility not to waste food, to follow laundry and shower procedures and to use medical and dental services without abuse.
5. You have the right to unrestricted and confidential access to the courts by correspondence (on matters such as the legality of your conviction, civil matters, pending criminal cases and conditions of your imprisonment). You have the responsibility to present your case honestly.
6. You have the right to participate in the use of law library reference materials, paper and typewriter, to assist you in resolving problems. You have the responsibility to not misuse these resources. Any misuse of the library equipment may result in disciplinary action.

INMATE RULES AND REGULATIONS

Rules and regulations have been adopted for use at CCA/North Fork Correctional Facility and will be enforced. Copies of facility policies and procedures are available in the library and unit rules are posted on the unit bulletin board. See CCA 15-1 and 15-2 Policy.

HOUSING UNIT RULES AND REGULATIONS

1. Cell fixtures shall be kept clean.
2. Inmates shall not cover air vents so as to interfere with the free circulation of air.
3. Inmates shall not hang items from sprinkler systems, walls, lights, shelves and ceilings in their cells. Items shall not be placed over windows (outside, as well as the cell door) as to obscure vision or impeded security, except that which is approved by the Warden.
4. Pictures shall be displayed in photo albums only. No pictures, etc., shall be attached to cell walls, doors, etc. There will be NO nudity of personal pictures allowed.
5. Televisions and radios will be turned off by the inmate prior to leaving his cell.
6. All inmates are responsible for cleaning up after themselves when using common areas such as day room, tables, etc.
7. When moving out, an inmate is responsible for cleaning his cell. All cells will be checked by an officer for damage and sanitation. Damage to a room cause by an inmate is grounds for disciplinary action and reimbursement. Rooms left dirty will result in disciplinary action.

8. Inmates must use their radios, televisions, tape players, etc., with earphones. Antennas are not allowed.
9. Light fixtures will not be shaded under any circumstances. Towels or other objects will not be hung over doors, windows, or on the bed.
10. Homemade extension cords and stingers are prohibited.
11. Inmates are not allowed to congregate and/or loiter within the unit sally port, around the picket or near the pod door, cell doors or top run. Any inmate entering the restricted area around the picket will receive disciplinary action.
12. Inmates are not allowed to loan, sell, buy or trade property/goods with other inmates.
13. Inmates are responsible for the cleanliness of their cells. Books, magazines and newspapers must be neatly arranged. No paper sacks or cardboard boxes are allowed in cells. Personal property must fit in the assigned locker in the inmate cell. Exceptions to the personal property locker requirement are the following: Legal materials, commissary, prescribed medical equipment, television and CCA-issued linen. Trash cans are to be emptied daily. Cells are to be cleaned, sanitized and well-organized. Beds must be made at all times when not in use. Only 10 books, magazines or newspapers per inmate are allowed in cells. All excess must be mailed out, discarded or donated to the library. Legal material must fit into one gray property box, which must be approved by the unit manager, and must be stored under the bottom bunk.
14. All cleaning supplies will be kept in a locked area of the unit. Inmates wanting to obtain cleaning supplies must check them out. Disciplinary action may be taken if unauthorized cleaning supplies are found in an inmate's cell.
15. Inmates are responsible for any and all items in their cell. Any item found in their cell which is not allowed by institution and/or departmental policy and procedure will be classified as contraband. It will be confiscated and disciplinary action will be taken. If two (2) inmates occupy a cell, both shall be charged.
16. Inmates are to respond promptly to authorized call-outs.
17. Inmates are not allowed to enter other inmates' cells.
18. Inmates are not allowed to be in complete state of undress, unless they are in the shower. Inmates must be fully dressed in the dayroom areas. Boxers, t-shirt and shower shoes may be worn to and from the shower.
19. Inmates must have their ID's on their person at all times.
20. Inmates are not allowed to take commissary or personal items into or out of the unit without permission of the unit manager/designee (i.e., personal drinking cups/mugs cannot be taken out of the unit).
21. Showers will be allowed between 7:00 a.m. and 10:30 p.m. Inmate workers will be allowed to shower when they return from work.
22. Inmates who throw or extinguish cigarette butts on the floor, walks or areas in a housing unit are subject to having disciplinary action taken against them. Any inmate caught littering will be subject to disciplinary action.
23. Inmates will not be allowed to bring kitchen food or supplies into the unit unless scheduled by food service or medically ordered snacks.
24. All personal property must be kept neat and orderly. Only shoes are allowed to be stored on the floor and must be neatly arranged.
25. Pin-up calendars, centerfold photographs, nude pictures, etc., shall not be openly displayed.
26. Radios, televisions and typewriters are not permitted outside the cells.
27. Horse-playing or excessively loud noises are prohibited.
28. Gambling or the use of gambling devices are not allowed.
29. When inmates are in their assigned unit/pod, it is their responsibility to secure their cell doors when leaving the cell. Inmates may leave their doors open at their discretion while they are in the pod; however, when their doors are left unsecured, the facility will not be responsible for theft of property.
30. No headgear of any type (i.e., caps, doo-rags, hair nets, stocking caps, koeff) is allowed outside the cells. Religious headgear may be worn at religious services only or in cell.
31. When exiting the housing area, inmates will walk to the right-hand side of the yellow line in single file to avoid congestion. There will be no talking when in hallways. No loud talking on the walkways.

32. Inmates are not allowed to enter any housing unit except the one to which the inmate is assigned.
33. Inmates are allowed to smoke only in designated areas.
34. Inmates must wear clothing as designed—pants must be around waist. Undershirt must be on the inside of their pants. Inmates are not allowed to wear earrings or have any item in piercings.
35. Inmates must be fully dressed in blue uniform or white/gray sweats or shorts while going to recreation.
36. All inmates leaving the unit will be dressed in CCA-issued clothing.
37. No swarming officers or staff. Inmates will talk to officers or staff one-on-one, hands down to their sides or behind their back. Inmates WILL NOT gather around officers or staff.

INMATES IN VIOLATION OF ANY OF THESE RULES WILL BE SUBJECT TO DISCIPLINARY ACTION.

SEARCHES OF INMATES

Searches of inmates, inmate housing units and other areas of the facility shall be conducted in a manner which will avoid unnecessary force, embarrassment or indignity to those whose person and/or belongings are being searched. Times and patterns of searches shall vary as dictated by institutional needs. Strip and visual body cavity searches are authorized by the Warden/designee and conducted for the purposes specified by institutional policy, such as, but not limited to, returning from transportation runs, reasonable suspicion, visitation contact and work details. An inmate who refuses to be searched will be charged with a disciplinary infraction. He may be forcibly searched upon prior approval of the Warden or ranking security staff. Inmates who refuse a visual body cavity search may be temporarily housed in a dry cell with prior approval of the Warden/duty officer.

DISCIPLINARY PROCEDURES

Disciplinary procedures are governed by CCA Policy 15-2. The hearing at North Fork Correctional Facility may be held by a central disciplinary committee comprised of at least three (3) members or a single hearing officer. Previous disciplinaries are considered by the board/hearing officer in punitive actions when an inmate is found guilty of an infraction. A disciplinary hearing will be held as soon as practicable, but no later than seven days, excluding weekends and holidays, after the alleged violation.

Major disciplinaries may be referred, at the Warden's discretion, to the local district attorney for further prosecution. Inmates found guilty of a major disciplinary may be reviewed by his unit management team to determine if he needs to meet the Program Review Committee for an increase in custody level. If an inmate should receive a disciplinary while at NFCF, a staff advisor will be available if the inmate cannot read or write.

If convicted of a disciplinary infraction, the inmate has the right to appeal to the Warden within 15 days.

PROHIBITED ACTS

MAJOR OFFENSES

1. Arson
2. Assault
3. Attempt/Conspiracy
4. Counterfeiting, forgery or unauthorized reproduction
5. Death of any person
6. Destruction, alteration or damage to property
7. Detaining a person against his will
8. Escape
9. Failure to follow verbal or posted rules and/or orders
10. Fighting
11. Gambling

12. Hindering an employee in the performance of his/her duties
13. Insurrection
14. Possession of contraband
15. Possession of stolen property
16. Refusal to submit to a drug or intoxicant test
17. Refusal to submit to a search
18. Refusal to work or programs
19. Repeated violation of minor rules
20. Sexual misconduct
21. Theft
22. Threatening another with harm
23. Unauthorized receipt of any item of value
24. Unauthorized sale, transfer or receipt of property
25. Unauthorized use of drugs or intoxicants
26. Unauthorized use of mail or telephone
27. Violation of any federal, state or local law
28. Solicitation or manipulation of staff
29. Reckless eyeballing
30. Self-mutilation/tattooing

MINOR OFFENSES

1. Disorderly conduct
2. Failure to maintain personal hygiene
3. Possession of gambling paraphernalia
4. Smoking in restricted area or at a restricted time
5. Unexcused absence from place of assignment
6. Unsanitary and disorderly housing conditions
7. Use of vulgar, abusive or obscene language
8. Presence in an unauthorized area

RANGE OF PENALTIES

MINOR

The 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 fifteen (15) days
- C. Loss of one of the following privileges for a maximum of thirty (30) days:
 - Commissary
 - Special Activities
 - Work Program (where applicable)
 - Extra duty up to four (4) hours

MAJOR

The hearing officer 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 fifteen (15) days
- E. 1-30 days disciplinary segregation per offense, a maximum of sixty (60) days for all offenses arising from one incident

MEDICAL AND DENTAL

All inmates must have proper ID and must be fully dressed with shoes to access the medical department for service. To obtain medical, dental, optometry or psychiatric services, complete a Health Care Request. These forms may be obtained from your pod counselor/officer. Once completed, place the request in the Sick Call Box located in your pod. The box is marked with a medical symbol (+). An appointment to see the facility physician, mid-level practitioner, dentist, optometrist, psychiatrist, mental health coordinator and nurse sick call will be made if it is warranted, after you are screened by a nurse. Sick call and clinic schedules are posted in each housing unit. Inmates who have requested medical, dental or mental health services, and for whom services have been scheduled, may refuse such services; however, they must appear in the health service unit at the appointed time and sign the necessary refusal form, which will be placed in their medical records. Refusals will not be rescheduled unless requested again through Health Care Requests or by determination of the practitioner. Inmates who have scheduled appointments and do not show up may receive a disciplinary for failure to follow posted rules.

An inmate who becomes ill after reporting for work/school must report his illness to the supervisor/teacher, and the inmate will be sent back to the housing pod by the supervisor/teacher. The pod officer will then contact Health Services. Inmates who "drop in" to the Medical Department and circumvent this process are subject to disciplinary process.

For security reasons, you will not be informed of the date and time of outside appointments.

A co-payment of \$2.50 will be charged for services, per visit, that are initiated by the inmate. Refusal to sign the medical charge slip does not eliminate the co-pay charge. Funds will be collected from indigent inmates upon receipt of funds by the inmate. Hours for services are posted in the Medical Department and on the pod bulletin boards. Trained medical personnel provide medical services 24 hours a day and seven (7) days a week.

PRESCRIBED MEDICATION AND KEEP-ON-PERSON (KOP)

When the physician has ordered medication for you, it will be ordered. When it arrives, you will be responsible for picking it up at the pill window or be authorized to keep-on-person (KOP).

If you are allowed KOP medication, you will be informed of what the medication is and the directions for taking the medication. You will be subject to random checks for compliance, administration and any problems you may be experiencing. If you are found to be non-compliant, abusing KOP or failure to keep the medication secure, you will lose KOP privileges permanently and disciplinary action against the offending inmates will be initiated.

CHAPTER 15: INMATE RULES AND DISCIPLINE
SUBJECT: DISCIPLINARY PROCEDURES - ADULT
SUPERSEDES: NOVEMBER 15, 1993
EFFECTIVE DATE: FEBRUARY 15, 1996
FACILITY: NORTH FORK CORRECTIONAL FACILITY
FACILITY SUPERSEDES: SEPTEMBER 15, 2000
FACILITY EFFECTIVE DATE: DECEMBER 7, 2001
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 U.S. 491, 105 S.Ct. 2768 (1985), Superintendent v. Hill, 472 U.S. 445, 105 S.Ct. 2768 (1985), Baxter v. Palmigiano, 425 U.S. 308, 96 S.Ct. 1551 (1976); Wolff v. McDonnell, 418 U.S. 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 to be 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:

Shift Supervisor or Chief of Security

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:

15-2A

THE FORMS ARE KEPT IN THE FOLLOWING LOCATION:

Central Control and Supply Room

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:

Shift Supervisor or Chief of Security

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 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 officer 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:**

The designated officer is to begin the investigation of the disciplinary report within 24 hrs of the time of the violation being reported excluding weekends and holidays. Confidential statements will not be reviewed by the reviewing supervisor.

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:

The designated investigator. The report will also indicate time and place of the hearing.

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: The Hearing Officer at NCF is the Disciplinary Officer.

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:

None.

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, THE APPEAL FORM TO BE UTILIZED IS:

15-2E Appeal Form

- 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
6. 15-2F Receipt of Copies Form
7. 15-2G Staff Representative Form
8. 15-2H Disciplinary Hearing Postponement
9. 15-2I Correction of Clerical Error

15-2.9 REFERENCES:

ACA Standards. The ACA Standards for this facility are:

3-4217 through 3-4236, 3-4238, 3-4240

CHAPTER 9: SECURITY AND CONTROL
SUBJECT: USE OF FORCE
SUPERSEDES: FEBRUARY 15, 1996
EFFECTIVE DATE: AUGUST 1, 1996
FACILITY: PRAIRIE CORRECTIONAL FACILITY
FACILITY SUPERSEDES: JANUARY 11, 2000
FACILITY EFFECTIVE DATE: AUGUST 15, 2000

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:

APPROVED:

VP, OPERATIONS

All Correctional staff and designated support personnel.

VP, LEGAL

Exceptions:

DATE

None

3. TRAINING:

- a. Positions trained:
All correctional staff and designated support personnel.
- b. Amount of initial training:
Twelve (12) hours of self defense/physical handling for correctional officers. Twelve (12) hours for designated support personnel.
- c. Amount and frequency of follow-up training:
Four (4) hours annual refresher training for correctional officers. This is optional for support staff.

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:

Hands will be cuffed in front of body secured to a waist restraint belt with cuff covers (black box) in place. Leg shackles will be in place with locks away from the torso.

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:

Instruments of restraint, such as handcuffs, irons, and straight jackets, are never applied as punishment and are applied only with the approval of the warden/superintendent or designee.

When an offender is placed in a four/five-point restraint (arms, head and legs secured), advance approval must be obtained from the warden/designee. Subsequently, the health authority/designee must be notified to assess the inmate's medical and mental health condition, and to advise whether, on the basis of serious danger to self or others, the inmate should be placed in a medical/mental health unit for emergency involuntary treatment with sedation and/or other medical management, as appropriate. If the offender is not transferred to a medical/mental health unit and is restrained in a four/five-point position, the following minimum procedures will be followed: Direct visual observation by staff must be continuous prior to obtaining approval from the health authority or designee; Subsequent visual observation must be made at least every 15 minutes; and, Restraint procedures are in accordance with guidelines endorsed by the designated health authority.

Exceptions:

Restraints may be applied by trained staff when it is immediately necessary to defuse a hostile or self injurious situation.

APPROVED:

VP, OPERATIONS

VP, LEGAL

DATE

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

Handcuff, leg shackles, plastic flexcuffs, belly chains, black box

4. TRAINING

- a. Positions trained:
All security staff
- b. Amount of initial training:
Four (4) hours classroom with practical exercise.
- c. Amount and frequency of follow-up training:
Two (2) hours annual follow-up.

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:**

Shift Supervisor or higher authority

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

OC,OC/CS

Appropriate delivery equipment

APPROVED:

VP, OPERATIONS

VP, LEGAL

DATE

3. TRAINING:
 - a. Positions trained:
Designated security staff.
 - b. Amount of initial training:
Eight (8) hours.
 - c. Amount and frequency of follow-up training:
Two (2) hours annual recertification as directed by the Training Manager.

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:

In the event of an emergency the Shift Supervisor may authorize.

- b. AT THIS FACILITY THE AUTHORIZED BATON AND RIOT STICK EQUIPMENT USED IS(ARE):

Thirty-six (36) inch or smaller riot baton.

APPROVED:

VP, OPERATIONS

VP, LEGAL

DATE

3. TRAINING:

- a. Positions trained:

Designated personnel.

- b. Amount of initial training:

Eight (8) hours.

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

Two (2) additional hours for SORT members or designated staff.

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:

Shift Supervisor or higher authority to include the Duty Officer.

Exceptions:

None.

APPROVED:

- b. AT THIS FACILITY, THE CHEMICAL AGENTS AUTHORIZED ARE AS FOLLOWS:

VP, OPERATIONS

CS, Appropriate delivery equipment.

VP, LEGAL

DATE

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 annual recertification.

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:

Shift Supervisor or higher authority to include the Duty Officer.

Exceptions:

None.

APPROVED:

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

VP, OPERATIONS

Nova Electronic Stun Shield.

VP, LEGAL

DATE

3. TRAINING:

a. Positions trained:

None

b. Amount of initial training:

None

c. Amount and frequency of follow-up training:

None

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:

Not Authorized.

Exceptions.

None

b. AT THIS FACILITY, THE TASER EQUIPMENT AUTHORIZED IS AS FOLLOWS;

Not Authorized.

APPROVED:

VP, OPERATIONS

VP, LEGAL

DATE

3. TRAINING:

a. Positions trained:

None

b. Amount of initial training:

None

c. Amount and frequency of follow-up training:

None

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:

In accordance with the facility Emergency Plan, the Incident Commander, Initial Commander, or the Tactical Operations Commander, in that order may authorize.

Exceptions:

None

APPROVED:

b. AT THIS FACILITY, THE NON-LETHAL WEAPONS AUTHORIZED ARE AS FOLLOWS:

VP, OPERATIONS

#3 Smoke, #28B Stinger Baton Round, #23 12 Gauge SB, #15 Stinger Grenades, #25 Distraction Devices, #23 12 Gauge HV RP, #100 Omni Blast Distraction Device

VP, LEGAL

DATE

3. TRAINING:

a. Positions trained:

All SORT members and designated security staff.

b. Amount of training:

Six (6) hours.

c. Amount and frequency of follow-up training:

Four (4) hours annually.

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:

See Use of Force Lesson Plan.

3. PROCEDURES:

- a. **NEGOTIATOR - If negotiator varies depending on situation, specify:**
Two (2) trained hostage negotiators. If not available, the Warden will designate an alternate.
- b. **AT THIS FACILITY, THE POSITION THAT AUTHORIZES THE USE OF FIREARMS IS AS FOLLOWS:**
Warden or Duty Officer.
- c. **AT THIS FACILITY, THE AUTHORIZED FIREARMS EQUIPMENT IS AS FOLLOWS:**

APPROVED:

VP, OPERATIONS

Remington 870 Police Magum 12 gauge pump shot gun, .38 Smith and Wesson Special CTG, Glock Model 21 .45 Auto pistol, Colt AR15 A2 H-Bar Semi-Automatic Rifle.

VP, LEGAL

DATE

4. TRAINING:
 - a. Positions trained:
Designated Security staff and SORT members.
 - b. Amount of initial training:
Sixteen (16) hours.
 - 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:

3-4183, 3-4183-1, 3-4191, 3-4195, 3-4196, 3-4198

MN Statute 609.065, 243.52

CHAPTER 9: SECURITY AND CONTROL
SUBJECT: INMATE PROPERTY
SUPERSEDES: JULY 1, 2001
EFFECTIVE DATE: FEBRUARY 25, 2002
APPROVED: SIGNATURE ON FILE
R. TIM O'DELL, WARDEN

9-102.1 PURPOSE:

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

9-102.2 AUTHORITY:

Facility Policy.

9-102.3 DEFINITIONS:

Exchange Items - Issued property that 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 that is maintained for each inmate by the Property Officer that documents all the property in an inmate's possession during his stay 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, but are not limited too maintaining a property inventory and the disposal of property items which are in excess of the established limits.

Special Commissary Purchase: A purchase of any specific item through the Commissary.

9-102.4 POLICY:

- A. It is the policy of this facility to specify limitations on property that may be retained by inmates, to comply with all applicable fire and safety regulations, to manage the use of limited in cell storage space, and to facilitate searches for contraband.
- B. The facility will maintain accurate and current records of inmate property in order to resolve theft or loss damage claims, and to ensure accountability.

9-102.5 PROCEDURES

A. ALLOWABLE PROPERTY UPON ADMISSION

1. All property arriving at this institution is itemized using Form 9-102B, Personal Property Inventory/Receipt, and is kept in a permanent file. The inmate will also receive a current copy of this form at initial intake and whenever his property is updated.
2. All inmates will sign for clothing and bedding received on Form 9-102B, Personal Property Inventory/Receipt and Form 9-102E, Issue Bag.
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 Intake Officer. The Intake Officer will indicate the amount of each cashier's check, money order and all currency received on a triplicate money receipt and will submit the currency, cashiers checks and money orders to the Business Office to be deposited in the inmate's account. Inmates will be required to complete 9-102G, Acknowledgment of Inmate allowing CCA - PCF to deposit funds.
4. Inmates who arrive with any type of medication will relinquish it to the Intake Officer upon arrival. The Intake Officer will record all such medications on the Personal Property Form 9-102B and will submit all medications to the Health Services Staff, and have him/her sign for receipt of it.
5. Inmates who are received wearing personal clothes will be issued facility uniforms. Personal clothing articles will be washed/disinfected prior to storage or prior to allowing the inmate to possess. Unallowable property will be disposed of in accordance with Section F of this policy.

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 Form 9-102B and Form 9-102F. The inmate will sign for each item issued and exchanged and will be held liable for any damage to or loss of facility property (9-102J-Property Issue Charges) in excess of normal wear or use.
3. Form 9-102F will also reflect the date and quantity of facility issued items to the inmate, date and quantity of exchanges and the Intake Officer whom issued/exchanged the property. The completed form will become part of the inmate's property file.
4. In the event an inmate should have in his possession facility property in excess of what the Intake Officer(s) have issued, the excess will be taken by a Intake Officer and a disciplinary report will be completed.
5. Inmate pillow(s) and mattress(s) are assigned to the housing units and are to remain on the assigned bed(s). An inventory record for these items is maintained in the respective Pod Control. Prior to an inmate taking possession of his/her assigned bed the pillow and mattress will be cleaned and/or disinfected. Any damaged pillows or mattresses will be repaired or replaced.
6. All linens and towels will be washed on a weekly basis. The facility laundry staff will perform this service.
7. Facility standard issue: (Form 9-102F)
 - a. Four shirts;

- b. Four pants;
 - c. One coat (as the season requires)
 - d. Four underwear;
 - e. Four T-shirts;
 - f. Four pairs of socks;
 - g. One pair deck shoes (if the inmate has no other shoes);
 - h. One blanket; (a second blanket is issued during the winter months)
 - i. Two towels and one wash cloths;
 - j. Two sheets and one pillow case;
 - k. One inmate handbook;
 - l. One I.D. badge or bracelet;
 - m. One hygiene kit; (1 toothbrush, 1 toothpaste, 1 razor, 1 bar of soap, 1 deodorant and 1 shampoo) and,
 - n. Two laundry bags.
8. All used linens, uniforms, blankets, and jacket prior to reuse or storage will be washed and/or disinfected and inspected to ensure the inmate will be issued clean suitable items.
 9. Inmates assigned to special work areas (such and maintenance, yard crew, etc.) will be furnished all necessary and suitable personal protective clothing, tools, and necessary safety equipment by their work supervisor. The inmate will be held responsible for any item issued and will have to return any items issued by the end of the working day or by the time the inmate supervisor designates.

C. ACQUISITION OF PROPERTY

1. In addition to the property which inmates are allowed to have upon admission, inmates may acquire additional personal property through the facility commissary and special commissary purchases. (Form 9-102F-Inmate Property Receipt)
2. Inmates are not allowed to exchange personal property between themselves. Property so exchanged will be considered contraband and subject to seizure.
3. Inmates may acquire books, magazines and newspapers in accordance with institutional policy.
4. Inmates may not acquire personal property in any manner other than those listed in this section.

D. COMMISSARY PURCHASES

1. Inmates must fill out the Commissary Order Form available through their casemanager or Pod Control.
2. To ensure that non-consumable items do not exceed the amount outlined on the Maximum Allowable In-Cell Property Matrix (9-102A), the Commissary will only allow these items to be purchased in the quantities specified in the matrix.

E. SPECIAL COMMISSARY PURCHASES

1. Special Commissary purchases will include, but are not limited to, allowed Appliances/ Electronics or specific clothing. These items will only be sold through a Special Commissary purchase because Commissary does not have a ready supply on hand at all times.
2. Inmates may request a Special Commissary purchase form from the Pod Controls. This form should be filled out and placed in the facility mailbox.
3. Commissary staff will place the order and deduct the funds from the inmates' account.
4. When the order arrives, the Package Room Property Officer will ensure the item is put on the inmates' property list and that he does not exceed his allowable property. The inmate will sign Form 9-102F (Inmate Property Receipt) and the Property Officer will engrave the item (if possible) with the inmates last name and facility number.
5. A list of items that may be purchased, either through the facility Commissary or as a Special Commissary purchase will be posted in the living units. Commissary does not normally stock large quantities of these items.

F. PACKAGES

1. Inmates may place orders for allowed property not available through Commissary.
2. These orders will be placed as per Policy 16-1, through approved vendors outside of the facility.

G. AMOUNT OF ALLOWABLE PROPERTY

1. Inmates will only be allowed to retain personal property as authorized by this policy and only in an amount that does not exceed the capacities of individual storage areas and lockers provided by the institution.
2. The Allowable Personal Property (Matrix) attachment 9-102A lists the personal property an inmate may have in his/her possession.
3. The walls, doors, grills or windows in each living unit will not be covered with pictures, screens, paper, cellophane, cloth, cardboard, or any other similar item. Nude photos, drawings, paintings or other representations will not be allowed on display. Issued curtains will ONLY be used on the outside facing windows.
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 Warden, or designee will make the decision, and the remaining property will be disposed of in accordance with this policy.
5. Property that has been altered from its original use or has had the identification tag(s) or numbers changed (either manufacturer or facility markings) will be deemed to be contraband and subject to seizure.

H. 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 PCF Disposition of Inmate Property Form 9-102D. This form will become part of the inmate's property file. The property may be disposed of in one of the following ways:
 - a. Destroyed by facility staff;
 - b. Mailed to an address designated by the inmate, provided the inmate has adequate funds to pay postage;
 - c. Picked up by an inmates visitor within thirty (30) calendar days of inmate arrival or date of confiscation; or
 - d. Donated to charity through the intake Property Officer.
3. Upon the inmate's release or transfer, all property in storage will be released to the inmate.
4. In the case of a transfer, the inmate's property will be sent to the receiving institution.

I. TEMPORARY TRANSFERS

1. If an inmate is temporarily transferred from this institution (for up to 90 days), the inmate's property will remain and will be stored in the Property Room.
2. If an inmate is temporarily transferred out of this facility for a period of time that is anticipated to exceed 90 days, the inmate's property will be transferred with the inmate to the new location.
3. Each time inmate property is packaged for storage, a Personal Property Receipt Form 9-102B must be completed.

J. ALLOWABLE PROPERTY FOR INMATES IN SPECIAL MANAGEMENT UNITS

1. Inmates in Administrative Segregation, or Pre-Hearing Detention will be allowed to retain property according to the procedures as outlined in Policy 10-100; Segregation.

K. LEGAL MATERIALS

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

L. ABANDONMENT OF PROPERTY

1. Upon arrival, each inmate will complete a Disclaimer Form, Form 9-102C, 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

- c. Having the person who has been designated on the disclaimer form by the inmate, pick up the property within thirty (30) calendar days from the date of escape.
 - 3. The amount of combustible personal property an inmate may have in his possession, including legal materials, is limited to the amount that an inmate may store in his living area up to 2 cubic feet.
- M. All inmates will sign a Disclaimer Form, Form 9-102C, 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 or lockers 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.
- N. **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, the Warden may approve exceptions to this policy on a case-by-case basis, 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.
- O. **AVAILABILITY TO INMATES**
 - 1. During orientation a member of the staff will discuss inmate property and answer questions.
 - 2. A copy of this policy will be kept in the general library.
 - 3. Notice of any changes will be posted in the inmate housing units.
- P. **PROPERTY ACCOUNTABILITY – CELL MOVES**

In the event that an inmate is moved from one cell to another, the inmate will be expected to pack his property at the time the move is effected. If the inmate is not present or cannot pack his property immediately the Shift Supervisor shall assume responsibility to insure that the inmate's property is inventoried and taken into custody for proper storage and/or disposition.

9-102.6

REVIEW:

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

9-102.7

APPLICABILITY:

All inmates and staff.

9-102.8

ATTACHMENTS:

- 9-102A Maximum Allowable In-Cell Property Matrix
- 9-102B Personal Property Inventory / Receipt
- 9-102B1 Personal Property Inventory Continuation Page
- 9-102C Disclaimer Form

- 9-102D Disposition of Inmate Property
- 9-102E Package Refusal Notice
- 9-102F Inmate Property Receipt
- 9-102G Acknowledgement of Inmate
- 9-102H Property Issue Record
- 9-102I Receipt of Confiscated/Impounded Property
- 9-102J Property Issue Charges

9-102.9

REFERENCES:

ACA Standards. The ACA Standards for this facility are:

3-4268M, 3-4279, 3-4272, 3-4280, 3-4281, 3-4316, 3-4317, 3-4318, 3-4321, and 3-4324.

MAXIMUM ALLOWABLE IN-CELL PROPERTY MATRIX

ITEM	QUANTITY	COMMENTS
Address Book	1	Personal or Commissary purchase
Ashtray	1	Non-combustible Commissary purchase
Athletic Supporters	2	Permanently marked w/ last name & number Personal or Special Commissary Purchase
Baseball/Knit Cap	2	Combination total No graphics or logo's Orange stocking caps (blue grand-fathered) Green baseball caps only Permanently marked w/ last name & number Commissary purchase
Bathrobe	1	Personal or Package purchase White or Green only-not quilted
Batteries 4pk AA or AAA	2	Combination total "C" and "D" batteries will be sold on Commissary for those radio's that need them. Personal or Commissary purchase only
Beard/Mustache Trimmer	1	Personal or Special Commissary purchase Battery operated only-engraved/security seal
Blankets	2	One issued One or two personal or Special Commissary purchase Two total combined
Books	12	Approved vendor Correspondence courses must be approved by the appropriate Department Head in writing. Includes Library books (see Magazines for more info)
Bowls	2	Cereal or micro-wave, plastic only Personal or Commissary purchase
Briefs, Boxer shorts	7 Includes issued and personal	Cotton/cotton blend only Issue or Commissary purchase No bikini style White or Gray Permanently marked
Cable Converter Box	1	Intake or Special Commissary Must be approved by the A&D Supervisor
Calculator	1	Personal or Special commissary purchase No data storage capacity
Can Opener	1	Hand-held with no handles Commissary purchase ONLY
Cards (decks)	2	Personal or Commissary purchase only One deck of each style
Cassette Case	1	Soft-sided Package purchase only
Cassette Tapes	25	Pre-recorded only NO BLANK TAPES! Personal or Package Order NO EXPLICIT LYRICS Security seal in tact Permanently marked
Cigarettes (cartons) Snuff (rolls) Tobacco (cans)	2	Commissary purchase only Personal (ONLY IF UN-OPENED for intake) Includes total combined
Cigars	10	Commissary purchase only
Clock	1	Clock radios acquired at this facility will be grand-fathered UL approved or wind-up will be the only type sold at this facility Permanently marked w/last name & number

ITEMS NOT ON THIS LIST OR ANY ITEM ALTERED FROM IT'S ORIGINAL FORM WILL BE CONSIDERED CONTRABAND AND SUBJECT TO CONFISCATION.

MAXIMUM ALLOWABLE IN-CELL PROPERTY MATRIX

ITEM	QUANTITY	COMMENTS
Coat	1	Personal or Special Commissary purchase Issue only Retained by facility upon transfer
Coaxial Cable	1	Personal or Commissary purchase only 6' Maximum
Combination Pad Lock	2	Commissary purchase or intake Two personal
Commissary	1 ½ times single purchase limit	Combination total value-excess contraband
Contact Lens Cleaner	1	Personal or as prescribed by facility physician. Not available except as Medically necessary
Contact Lenses w/storage container	1	Personal or as prescribed by facility physician. Not available except as Medically necessary
Coveralls	1	Retained by facility at transfer Stored at work site-not kept in cell Facility issue only-job specific
Cup-drinking or mug	2	Personal or Commissary purchase Plastic only Up to 22 oz. With lid
Curlers/rollers	20	Personal or Commissary purchase
Detergent	1	Personal or Commissary purchase
Dictionary-pocket	1	Personal or commissary purchase
Disposable razor	7	Personal or Commissary purchase Indigent issue
Dominoes/set	1	Personal or Commissary purchase
Electric/battery operated razor	1	Permanently marked w/ last name & number Personal or Special Commissary purchase of battery operated only Security seal in tact Electric Razors upon intake only
Emery board	1	Personal Commissary
Envelope, (box)	1	Personal or commissary purchase
Envelope, Clasp	10	Personal or Commissary purchase only
Eraser	1	Personal or Commissary purchase only
Eyeglasses	1	Personal or as prescribed by facility physician
Fan	1	Plastic construction only 12" or smaller engraved w/ last name & number Personal or Special Commissary purchase Wiring cannot be altered in any way
Fingernail clipper	1	No attachments or alterations 2" or less in size Personal or Commissary purchase
Foam earplugs	1 pair	Personal or Commissary purchase
Footwear: Boots-Personal Athletic-Personal	3	Boots: Personal-brown only Issued only for specific job assignment. Work style only! No steel-toe, 8" maximum height Athletic: Personal or Package purchase No steel toes Permanently marked No red or blue (White and/or black only) Maximum Athletic shoe value is \$60.00/ pair Combined total allowed is three (3)
Gloves	2	Personal or Commissary order Chore type/cotton Issue for specific Job assignments only

ITEMS NOT ON THIS LIST OR ANY ITEM ALTERED FROM IT'S ORIGINAL FORM WILL BE CONSIDERED CONTRABAND AND SUBJECT TO CONFISCATION.

MAXIMUM ALLOWABLE IN-CELL PROPERTY MATRIX

ITEM	QUANTITY	COMMENTS
		No full finger! Open finger style ONLY!
Glove-weightlifting/handball	1 set	Personal or Package purchase White/r black or combination of both only ½ finger mesh back ONLY
Hair comb, brush, or pick	2	Combination total Plastic only Personal or Commissary purchase
Handball	1 can	Commissary purchase only
Handkerchief	3	White only Personal or Commissary purchase
Hanger organizer	1	Personal or Commissary purchase-Plastic only
Hangers	7	Personal or Commissary purchase-Plastic only
Headband	1	Recreation sweatband-white only Commissary purchase only
Headphone extension	1	Commissary purchase only
Headphones or ear buds	1	Personal or Special Commissary purchase Engraved w/last name & number
Hearing aid	1	As Medically required
Hot pot	1	Personal or Special Commissary purchase 5 cup limit-Engraved w/last name & number
Hygiene items	3 each	Shampoo, Bath soap, Body/Hand lotion, Toothpaste, Mouthwash, Deodorant, and/or Similar items available from the Commissary
Inmate ID Badge	1	Issue only MUST BE WORN IN PLAIN VIEW ABOVE WAIST LEVEL AT ALL TIMES WHEN OUTSIDE THE UNIT.
Lamp/Reading Light	1	Plastic UL approved-may not be altered Special Commissary purchase for battery operated only Electric lamps upon intake only
Laundry bag	2	Issue only
Legal box	Authorized on a case- by-case basis. Box will be marked as approved	As authorized for the storage of ACTIVE cases Commissary purchase only Subject to combustible storage limitations Excess will be stored in a secure location outside the living unit Legal Box requests must be approved in advance by the Legal Counsel prior to receiving.
Legal materials		Volume dependent upon case-may be stored in legal box
Legal pad	3	Personal or Commissary purchase
Letter-personal correspondence		Limited by combustible storage limitation of 2 cubic feet- ALL COMBUSTIBLES ARE INCLUDED
Linens (set)	2	Issued or personal (Only 1 set issued) Combined total Includes pillow case Includes 2 flat sheets Wool alternative blanket issued w/medical memo Retained by facility upon transfer
Magazines & Paperbacks	12- (additional books only if required by active course study as documented by Education)	Personal or approved vendor Combination total As approved through appropriate Department Head Included in 2 cubic feet maximum combustibles Magazines will be screened for content per Policy 16-1 Specialty/Religious vendor approval on a case-by-case basis through Department Head
Matches (50 ct. books)	1 box	Personal or Commissary purchase
Mattress	1	Issue only
Medical equipment	PRN	As medically necessary only

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MAXIMUM ALLOWABLE IN-CELL PROPERTY MATRIX

ITEM	QUANTITY	COMMENTS
(canes, crutches, braces, slings) Prosthetic devices		Only prior approved designs are authorized
Mirror	1	Personal or commissary purchase Acrylic ONLY
Multi-cord (power strip)	1	With re-set breaker & Security seal in tact Special Commissary purchase
Musical Instruments	1	Guitar-(Acoustic or electric) must use headphones Guitar strings-ONE SET ONLY Keyboard (66 key maximum) Harmonica Other instruments may be authorized on a case-by-case basis. Personal or Package purchase-Marked w/last name & number Approved vendors with prior approval through the Chaplain
Necklace	1	Admission only No gold chains Includes religious medallion \$25 maximum value
Oil, Fragrance	1	Commissary purchase ONLY (1 ounce bottle) Requires verification from the Chaplain
Pajama's	2 pairs	Non-quilted, solid color ONLY White, gray, or green ONLY Cotton blends only- no silk Personal or Package purchase
Paper, (notebook, typing, tablets)	300 sheets combined total	Personal or commissary purchase
Pencil sharpener	1	Personal or commissary purchase only
Pens/pencils/non-toxic markers	10	Personal or Commissary purchase Combination total Pens may be "Bic" style only- (No black ink!) Art pencils are included in Hobby Craft Property
Photo album	1	No metal back or rings Commissary or Intake Up to 12" X 10" X 1"
Photographs	50	To be stored in photo album or in combustibles Polaroid ONLY allowed with backing removed No gang related photos or non-published nudes
Pillow	1	Issue or Commissary purchase
Pipe (smoking)	1	Personal or Commissary purchase - \$10 value
Postage stamps	25-1 st class	Personal or commissary purchase
Radio/Walkman	1	Equipped with earphones AM/FM with or without Cassette Tape Player Up to 8" x 14" x 16" If acquired at PCF only Permanently marked w/last name & number No recording capabilities Special Commissary purchase Large radios may NOT be taken out of living unit Walkman style is authorized Security seal must be in tact
Religious medallions	1	1 1/2" maximum dia. May be worn on chain Approved by Chaplain (for declared religion) Personal or Package purchase or donated
Religious- Prayer Rug	1	Personal or Package purchase Must be approved by the Chaplain
Religious Text (Bible, Koran, etc.)	1	Issued through the Chaplain as available or personal as approved May be acquired as Package purchase
Remote control	1	Security seal must be in tact

ITEMS NOT ON THIS LIST OR ANY ITEM ALTERED FROM IT'S ORIGINAL FORM WILL BE CONSIDERED CONTRABAND AND SUBJECT TO CONFISCATION.

MAXIMUM ALLOWABLE IN-CELL PROPERTY MATRIX

ITEM	QUANTITY	COMMENTS
Ring	1	Plain wedding band-no gem stones Value not to exceed \$50.00
Rolling machine	1	Personal or Commissary purchase-Plastic structure
Sewing Kit	1	Personal or Commissary purchase No scissors
Shorts, gym	2	Personal or Package purchase Solid white or gray permanently marked No graphics, logos, or pockets Loose leg/mid thigh length
Shower Cap	4	Personal or Commissary purchase. Plastic only!
Soap Dish holder	1	Personal or Commissary purchase
Socks	7	Personal, Issue, or Commissary purchase White only Permanently marked
Spoon- plastic	1	Personal or Commissary purchase
Sunglasses	1	Personal or Commissary purchase as approved by the Chief of Security No mirrored or reflective lenses Outdoor use ONLY1
Sweats	2	Personal upon intake only-must be yellow or orange Special Commissary purchase No graphics, logos, hoods, zippers, or pockets Pull-over only Permanently marked Includes 1 shirt and 1 bottom
Television	1	Up to 13" portable Equipped with earphones Permanently marked No TV/VCR combinations Special Commissary purchase Security seal in tact
Thermals	2 sets	White or gray only Personal or Commissary purchase Includes top and bottom
Toilet paper	5	Issue (2 only per week) or Commissary purchase
Toothbrush holder	1	Personal or Commissary purchase
Towels	3	Issue or Commissary purchase Combination total White or Green only
Trash can	1	Fire rated Personal (size limitations same as issued) or issued.
T-Shirts or undershirts	7	Issue or Commissary purchase Cotton/cotton blend only No graphics, logos, pockets, alterations No mesh or midriiffs types White ONLY Permanently marked
Typewriter	1	Personal or Package purchase No word processors No memory capacity Engraved name & number
Typewriter- ribbon/correction tape	2 each	Personal or Special commissary purchase Combination total
Uniform pants	4	Issue only
Uniform shirts	4	Issue only
Washcloth	2	One issued - white or green Personal or commissary purchase
Watch	1	Permanently marked

ITEMS NOT ON THIS LIST OR ANY ITEM ALTERED FROM IT'S ORIGINAL FORM WILL BE CONSIDERED CONTRABAND AND SUBJECT TO CONFISCATION.

MAXIMUM ALLOWABLE IN-CELL PROPERTY MATRIX

ITEM	QUANTITY	COMMENTS
		Maximum value \$25.00 Personal or Special Commissary purchase only
Wrap (hand wrap)	2	Commissary purchase

Hobby Craft Property is addressed in the Hobby Craft Policy. Inmates participating in the in-cell crafts program will be allowed property as outlined in the Hobby Craft Policy and documented on their Program participation record.

CHAPTER 14: RESIDENT RIGHTS
SUBJECT: INMATE/RESIDENT GRIEVANCE PROCEDURES
SUPERSEDES: APRIL 1, 1992
EFFECTIVE DATE: JULY 15, 2000
FACILITY: PRAIRIE CORRECTIONAL FACILITY
FACILITY SUPERSEDES: JULY 7, 1999
FACILITY EFFECTIVE DATE: JULY 12, 2001

APPROVED: SIGNATURE ON FILE
MIKE QUINLAN
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:

Form 14-100A Inmate letter

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.

AT THIS FACILITY, ADDITIONAL PROCEDURES ARE AS FOLLOWS:

NON-GRIEVABLE ISSUES PER WISCONSIN DOC (Wisconsin Inmates Only)

1. Program committee decisions.
2. Decisions on challenges to inmate records.
3. Denial of a request for an authorized leave.

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:**

None
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.

1. 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 Facility Grievance Officer. If a mail box 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:

- a. The Inmate/Resident Grievance Forms (Form 14-5A) are available upon request in the Housing Units, Library, Segregation and Education.
- b. To maintain confidentiality, a grievance/mailbox will be placed in all housing areas and Segregation. Facility staff will check each box daily, Monday through Friday, except holidays, and remove the grievances that have been filed for that day.
- a. Emergency grievances and grievances filed by inmates in segregation may be given to any staff member in the grade Senior Correctional Officer or above.
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.
2. 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:

CCA grievance forms, 14-5A, are to be used for any issue regarding the Prairie Correctional Facility, its procedures or staff. Grievances not filed on form 14-5A will be returned without review. Staff will use Attachment 14-5B to document the formal investigation of the grievance.

REFUSAL OF GRIEVANCES

1. Issue addressed in previously written correspondence.
2. Grievances filed on forms other than 14-5A.
3. No more than one issue addressed on the grievance.

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:

14-5B - Grievance Investigation Form

14-5.9 REFERENCES:

ACA Standards. The ACA Standards for this facility are:

3-4271, 3-4393, 3-4434

CCA INMATE/RESIDENT GRIEVANCE FORM

NAME: _____
 Last Name First Middle Initial

NUMBER: _____

HOUSING ASSIGNMENT: _____

STATE GRIEVANCE

(Include documentation, witnesses, date of incident and any other information pertaining to the grievance subject. Attach additional pages if necessary).

Requested Action

Inmate/Resident's Signature _____

Date Submitted _____

GRIEVANCE OFFICER'S REPORT:

Distribution: White - Inmate; Yellow - Grievance Officer's File (Do not distribute until process is completed.)