



**ALLEGHENY COUNTY  
BUREAU OF CORRECTIONS**

**APPLICABILITY:** All Authorized Personnel

**POLICY NUMBER:** #500

**DATE:** 4/14/14

**REVIEWED:** 3/25/22

**REVISED:** 4/3/23

**TITLE:** INMATE DISCIPLINARY PROCEDURES

ACA Standards- 2A-47, 2A-50, 3A (1, 2) 6C (01, 2, 3, 4, 5, 6, 7, 8, 09, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19)

**TITLE 37:** 95.240 (1, 2, 3, 4, 5, 6, 7, 9)

**AUTHORIZED BY:** ORLANDO L. HARPER

**SIGNATURE:** *Orlando L. Harper*

**POLICY:**

It is the policy of the Allegheny County Bureau of Corrections (ACBOC) to establish inmate rules that ensure the security, control, safety, and orderly administration of the ACBOC. These rules will indicate to both inmates and staff what inmate behavior is unacceptable and the consequences of the unacceptable behavior. Discipline is not intended to be punitive; therefore, any consequences that arise out of any disciplinary sanction will not violate the inmate's right to be free from cruel and unusual punishment.

**PROCEDURAL GUIDELINES:**

The disciplinary process of the ACBOC will provide a clear notice of prohibited behavior and consistently applied sanctions for violations of the jail rules. Disciplinary procedures governing inmate rule violations will address the following:

- A. Rules
- B. Minor and Major Infractions
- C. Criminal Offenses
- D. Disciplinary Reports
- E. Pre-Hearing Actions
- F. Pre-Hearing Detention
- G. Appeal of disciplinary decisions

Violation of jail rules may be designated as a minor infraction, a major infraction, or those not rising to the level of a major or minor infraction.

**MINOR INFRACTIONS:**

Minor infractions may be resolved without a hearing and without the imposition of serious penalties. Minor infractions do not violate any State or Federal statutes and may be resolved informally by reporting staff. Discipline for a minor infraction may not be imposed unless a written statement as to the rule violation is prepared and a person not involved in the incident reviews the statement and makes a decision of guilt.

Participation by an inmate in an informal resolution of a rule infraction shall be on a voluntary basis. Officers and Staff shall use the informal resolution process to the fullest extent possible before proceeding to the formal disciplinary level (See policy #501 Informal Resolution Procedures).

### **MAJOR INFRACTIONS:**

Discipline for a major infraction will not be imposed unless the inmate has been informed of the charge in writing, has had an opportunity to present a statement and has been found guilty of the charge by an impartial party or board designated by the warden. Written findings of guilt must state the reasons for the finding.

Disciplinary charges and written findings relative to a major infraction are recorded and made a permanent part of the inmate's prison file. Disciplinary sanctions imposed after a finding of guilt for a major infraction may result in loss of privileges, segregation, or other sanctions as set forth in policy.

A. A major infraction involves a grievous loss and requires the use of a hearing. Major infractions include:

1. Violations that may result in disciplinary housing or administrative segregation.
2. Violations for which punishment may tend to increase an inmate's sentence, such as extending parole eligibility.
3. Violations that may result in forfeiture, such as loss of earned time.
4. Violations that may be referred to criminal prosecution.

Major infractions are considered "misconducts" and are separated into two (2) classes. There will be an annual review of the misconducts and updates will be made accordingly. The classes and misconducts are as follows:

### **Class 1 Misconducts**

1. Murder-Manslaughter
2. Escape
3. **Possession of Major Contraband:** Major contraband is any item in an inmate's possession or control (to include within his or her cell, clothing, or immediate surroundings) that is illegal by law, not purchased from commissary, not issued by the facility or not authorized by the Warden or designee. Items of contraband include but are not limited to:
  - a. A knife, blackjack, guns, homemade weapons, any other weapon, sharp, blunt, or pointed objects, other articles used as dangerous weapons, tools, rope, civilian clothing, service uniforms of any kind, toxic or flammable fluids or substances, syringes and vessels containing urine, feces or other bodily fluids.

- b. Smoking materials (i.e., matches, lighters) and/or tobacco products.
  - c. An unauthorized locking device, key, lock, pick or other device capable of destroying, altering, interfering with, or damaging any security equipment.
  - d. An illegal drug, marijuana, a controlled substance or narcotic, unless a doctor has authorized its use, to include possession, having control of, using, making or being under the influence. Possessing another inmate's prescription medication that contains a narcotic or controlled substance.
  - e. Cellular telephone or other portable communication device or accessories thereto.
  - f. Any other item that may pose a risk to the safety, security or order of the facility.
  - g. Items that may be legal initially but become illegal once used for purposes other than intended, or if given to inmates without proper authorization.
4. **Restraint**: is willfully constraining another person under circumstances which expose the other person to a risk of bodily injury.
  5. **Tampering with a witness, victim or informant**: is attempting to induce, inducing, or otherwise causing a witness or informant to testify or inform falsely or to withhold any testimony or information or other evidence or retaliating or attempting to retaliate for anything done by another person in his or her capacity as a witness or informant.
  6. **Tampering with a locking device**: to include but not limited to cell doors, bars, grills, handcuffs
  7. Carrying a Deadly Weapon
  8. Arson
  9. Robbery
  10. Burglary
  11. Theft
  12. Tampering with or Destroying or Damaging Property
  13. Sexual Assault or conspiring with other inmates to commit sexual assault/sexual acts
  14. Sexual harassment or harassment of any form
  15. Indecent Exposure
  16. Rioting or Inciting to Riot
  17. Conspiracy to Escape, Riot, or Disrupt Normal Institutional Routine that could result in bodily injury to personnel or inmates
  18. Disruption of Normal Institutional Routine that could result in bodily injury to employees or inmates
  19. Bribery of an employee or inmate
  20. Threatening an employee or inmate with bodily harm or injury
  21. Assaults and Fighting
  22. Resisting Officer(s)

23. Adulteration of any food or drink
24. Intoxication
25. Making fermented beverages or possession of material to manufacture fermented beverages
26. Conducting a gambling operation
27. Presence in an unauthorized area
28. **Misuse of Authorized medication:** is hoarding or selling, giving personally prescribed medication to another inmate.
29. **Forgery or tampering:** is the fraudulent reproduction of alteration of a document or other written items.
30. **Falsifying Physical Evidence**
31. Smoking

### **Class 2 Misconducts:**

1. **Possession of Minor Contraband:** Possession of any article other than those defined as major contraband, which is not issued by the institution, not purchased from the commissary, or not specifically authorized by the Warden or designee, the use of any article in a manner contrary to the intent or provisions of issuance, purchase, or authorization.
2. Body punching, Horseplay
3. Taking unauthorized food from kitchen, officer's lounge, or pantry
4. Possession of unauthorized clothing
5. Tattooing and other forms of self-mutilation
6. Failure to report to work or unexcused absence from work
7. Loaning or borrowing property except legal materials
8. Failure to stand for count or interfering with count
9. Any violation of the rules and regulations contained in the Inmate Handbook not specifically enumerated above.
10. **Illegal Enterprise:** is running a store or stockpiling commissary in excess of authorized limits for the purpose of profit or personal gain or providing unauthorized services for payment.
11. **Unauthorized use of property:** is taking, exercising control over, or otherwise using property without consent or authorization.
12. **Lack of cooperation:**
  - a. Willfully disobeying a valid order of a correctional employee
  - b. Failing to respond to any question or direction of an employee
  - c. Failure to promptly enter one's cell
  - d. Willfully failing to proceed from place to place within the institution in a prompt and orderly way.
13. **Possession of stolen property**

- 14. Impeding an employee in the performance of duties:** is intentionally obstructing, interfering,, opposing or resisting and employee in an investigation or the performance of any duties.

**Class III Misconducts:**

1. **Interference with the orderly operation of the facility:**
  - a. Engaging in loud or boisterous talk, laughter, whistling, or other vocal expression, if such is, or may tend to be, disruptive of order or a disturbance to others.
  - b. Approaching or speaking to any visitor, unless first authorized to do so by a correctional employee
2. **Disorderly Appearance:** is an inmate failure to keep his or her clothing and person reasonably clean and orderly
3. **Abuse of Privileges:** is violating any institutional regulation relating to a privilege such as but not limited to, telephone use etc.
4. **Abuse of living quarters:**
  - a. Failure to make his or her bed neatly each day
  - b. Failure to keep his or her living quarter clean and orderly
  - c. Failure to keep articles issued by the institution or purchased from the commissary neat in an approved place.
  - d. Covering or obstructing air vents, light fixtures, windows, cells doors, placing items on the walls, graffiti/writing on walls
  - e. Failure to ensure your cell, toilet and sink are clean
5. **Lying**
6. **Creating a health, safety, or fire hazard:** includes any activities, which may cause a fire or create a danger to health and safety.
7. **Disrespect:** is making any profane, obscene, or abusive gesture or remark to, about, or in the presence of any employee, volunteer, or visitor.

**PROCEDURES:**

1. A misconduct report will be typed using the approved disciplinary template when an inmate violates any Class 1, Class 2 or Class 3 misconduct. The Sergeant and/or Captain must fill out the Segregation Placement Form if appropriate. All inmates transferred into segregation must be medically cleared prior to placement according to protocols established by the medical provider. All three forms must be present before placing an inmate in segregation.

2. The Captain or Sergeant shall review and sign off on any disciplinary procedures within 72 Hours of incident utilizing the Segregation form for all inmates locked in pre-hearing confinement status and charged with a rule violation.
3. A disciplinary hearing will be conducted by a person not directly involved in the incident within seven (7) days, excluding holidays and weekends, and not earlier than twenty-four (24) hours. A hearing may be held before twenty-four (24) hours only with the written consent of the inmate.
4. Minor Class 2 and Class 3 misconduct reports shall not resort in the segregation of the inmate. The Captain and/or Sergeant shall determine housing for minor Class 2 offenses.
5. When filling out a misconduct form, the following information must be completed:
  - a) Inmate name and DOC#
  - b) Date and time of occurrence
  - c) Pod and cell number
  - d) Place of misconduct
  - e) Specific rules violated
  - f) Formal statement of the charge
  - g) Any witnesses (staff or inmate)
  - h) Actors involved (staff or inmate)
  - i) Unusual inmate behavior if applicable
  - j) Explanation of the event
  - k) Any physical evidence collected and disposition
  - l) Action taken including use of force
  - m) Signature of staff or officer writing the report
  - n) Signature of ranking staff's approval
    - a. Date and time the inmate was given copy
    - p) Date, time and location of hearing
    - q) Signature of person serving notice
    - r) Misconduct category
6. Inmates will be given a copy of the disciplinary report and an inmate statement/witness form. Inmates will be offered to sign off on the report that they received the disciplinary report and statement/witness form within three (3) hours of the report being generated.
7. When there is an alleged disciplinary violation, an investigation will begin within twenty-four (24) hours of the incident and be completed in a reasonable amount of time.
8. Inmates have the right to be present, make statements, and call witnesses during a hearing. Inmates may waive their rights in writing to their hearing.

9. Postponement or continuance of a disciplinary hearing must have good cause and be documented. The hearing must be rescheduled within a reasonable amount of time.
10. Inmates may request a representative to assist them during their hearing. A representative may be appointed to an inmate if it is apparent they are unable to represent themselves.
11. At the time of the hearing, the inmate will present the completed inmate statement/witness form to the hearing officer.
12. Disciplinary decisions are based solely on the information obtained during the hearing process, including reports, statements and evidence.
13. Inmates will be given a copy of the proceedings and any decisions levied against them. Copies will be forwarded to classification for record. All disciplinary records are kept and filed in the Disciplinary Housing Unit Office.
14. Inmates may only be placed in disciplinary housing for a rule violation only after a hearing.
15. The Allegheny County Bureau of Corrections keeps all inmate disciplinary records, however if an inmate is found not guilty of misconduct, it shall be removed from their classification file.
16. The staff member in charge of PRC (Program Review Committee) shall review all disciplinary hearings and dispositions every thirty (30) days to assure they conform to this policy.
17. An inmate may appeal the decision of their disciplinary hearing to the Major. The Major must affirm or reverse the decision within fifteen (15) days of the appeal.
18. In the event an inmate commits any act covered by criminal law, Internal Affairs shall investigate the incident refer it over to the District Attorney for possible criminal charges.
19. When an inmate under disciplinary status is deprived of any usual authorized items or activity, a report of the action is to be made through the chain of command to include the warden. If an inmate in disciplinary status used food or food service equipment in a manner that is hazardous to self, staff, or other inmates, an alternative meal may be provided upon the approval of the warden or his/her designee and the healthcare provider.

### **Class 3 Misconducts**

1. The Sergeant or Captain shall investigate all Class 3 misconducts to determine whether an informal resolution is appropriate.
2. Class 3 misconducts shall be informally resolved by the Sergeant and or Captain.
3. The Sergeant and or Captain shall read the minor Class 2 or Class 3 misconduct report in it's entirety to the inmate and give the inmate an opportunity to make a statement.
4. The Sergeant and or the Captain can dismissed any or all pending charges.

5. The Sergeant and or Captain can impose sanctions against the inmate. Proposed discipline shall be discussed with the inmate before the inmate agrees to plead guilty.
6. The Sergeant and or the Captain may impose the following sanctions against an inmate, charged with a minor Class 2 and Class 3 offense.
  - a. Visitation restriction
  - b. Commissary restriction
  - c. Pay for damaged county property
  - d. Phone restriction
  - e. Tablet restriction
32. The Sergeant and or the Captain shall hear minor Class 2 and Class 3 misconducts within twenty-four (24) hours from the time of the incident.
33. If the Sergeant and or Captain is successful (which means the inmate agrees and signs the minor Class 2 or Class 3 misconduct), the misconduct shall be documented and placed in the inmate's segregation folder. If the Sergeant and or Captain is not successful, with getting the agreement informally, then the misconduct shall be forwarded to the Hearing Officer to determine guilt or innocence.

#### **PRE-HEARING CONFINEMENT (8D)**

1. At the discretion of the Sergeant/Captain based on the incident, all Inmate with misconducts for non-violent offences will be housed on 8D on pre-hearing confinement status.
2. Inmates on this status will be afforded all the privileges as those in other general population units.
3. If they are found guilty during their disciplinary hearing, the hearing officer will be responsible to have the inmate medically cleared for segregation and transferred to 8E.
4. Time spent in Pre-Hearing Confinement on 8D will not count toward any time issued during a disciplinary hearing.

#### **SENTENCING:**

The Sergeant or Captain has the right to dismiss any or all charges levied against an inmate based on the circumstances of the incident.

Credit will be given to inmates for time served in pre- hearing confinement status. To ensure consistency in sentencing the following guidelines will be used when an inmate is found guilty of a disciplinary infraction:

#### **CLASS 1**



**The following charges will hold a maximum sentence of not more than sixty (60) days per incident:**

1. Murder-Manslaughter
1. Escape
2. **Possession of Major Contraband**: Major contraband is any item in an inmate's possession or control (to include within his or her cell, clothing or immediate surroundings) that is illegal by law, not purchased from commissary, not issued by the facility or not authorized by the Warden or designee. Items of contraband include but are not limited to:
  - a. A knife, blackjack, guns, homemade weapons, any other weapon, sharp, blunt or pointed objects, other articles used as dangerous weapons, tools, rope, civilian clothing, service uniforms of any kind, toxic or flammable fluids or substances, syringes and vessels containing urine, feces or other bodily fluids.
  - b. Smoking materials (i.e, matches, lighters) and/or tobacco products.
  - c. An unauthorized locking device, key, lock, pick or other device capable of destroying, altering, interfering with or damaging any security equipment.
  - d. An illegal drug, marijuana, a controlled substance or narcotic, unless a doctor has authorized its use, to include possession, having control of, using, making or being under the influence. Possessing another inmate's prescription medication that contains a narcotic or controlled substance.
  - e. Cellular telephone or other portable communication device or accessories thereto.
  - f. Any other item that may pose a risk to the safety, security or order of the facility.
  - g. Items that may be legal initially but become illegal once used for purposes other than intended, or if given to inmates without proper authorization.
3. **Restraint**: is willfully constraining another person under circumstances which expose the other person to a risk of bodily injury.
4. **Tampering with a witness or informant**: is attempting to induce, inducing, or otherwise causing a witness or informant to testify or inform falsely or to withhold any testimony or information or other evidence or retaliating or attempting to retaliate for anything done by another person in his or her capacity as a witness or informant.
5. **Tampering with a locking device**: to include but not limited to cell doors, bars, grills, handcuffs
6. Carrying a Deadly Weapon
7. Arson
8. Robbery
9. Burglary
10. Theft
11. Tampering with or Destroying or Damaging Property

12. Sexual Assault or conspiring with other inmates to commit sexual assault/sexual acts
13. Sexual harassment or harassment of any form
14. Indecent Exposure
15. Rioting or Inciting to Riot
16. Conspiracy to Escape, Riot, or Disrupt Normal Institutional Routine that could result in bodily injury to personnel or inmates
17. Disruption of Normal Institutional Routine that could result in bodily injury to employees or inmates
18. Bribery of an employee or inmate
19. Threatening an employee or inmate with bodily harm or injury
20. Assaults and Fighting
21. Resisting Officer(s)
22. Adulteration of any food or drink
23. Intoxication
24. Making fermented beverages or possession of material to manufacture fermented beverages
25. Conducting a gambling operation
26. Presence in an unauthorized area
27. **Misuse of Authorized medication**: is hoarding or selling, giving personally prescribed medication to another inmate.
28. **Forgery or tampering**: is the fraudulent reproduction of alteration of a document or other written items.
29. **Falsifying Physical Evidence**

**The following charges will carry a penalty of not more than thirty (30) days per incident:**

1. **Possession of Minor Contraband**: Possession of any article other than those defined as major contraband, which is not issued by the institution, not purchased from the commissary, or not specifically authorized by the Warden or designee, the use of any article in a manner contrary to the intent or provisions of issuance, purchase, or authorization.
2. Body punching, Horseplay
3. Taking unauthorized food from kitchen, officer's lounge, or pantry
4. Possession of unauthorized clothing
5. Tattooing and other forms of self-mutilation
6. Failure to report to work or unexcused absence from work
7. Loaning or borrowing property except legal materials
8. Failure to follow safety and sanitation regulations regarding his or her person, quarters and equipment

9. Failure to stand for count or interfering with count
10. Smoking
11. Any violation of the rules and regulations contained in the Inmate Handbook not specifically enumerated above.
12. **Illegal Enterprise**: is running a store or stockpiling commissary in excess of authorized limits for the purpose of profit or personal gain or providing unauthorized services for payment.
13. **Unauthorized use of property**: is taking, exercising control over, or otherwise using property without consent or authorization.
14. **Lack of cooperation**:
  - a. Willfully disobeying a valid order of a correctional employee
  - b. Failing to respond to any question or direction of an employee
  - c. Failure to promptly enter one's cell
  - d. Willfully failing to proceed from place to place within the institution in a prompt and orderly way.
15. **Possession of stolen property**
16. **Impeding an employee in the performance of duties**: is intentionally obstructing, interfering,, opposing or resisting and employee in an investigation or the performance of any duties.

### **Minor Class 2 and CLASS 3:**

**All minor Class 2 and Class 3 violations will carry a penalty not more than a fifteen (15) days restriction of visitation, commissary or extra duty.**

1. **Interference with the orderly operation of the facility**:
  - a. Engaging in loud or boisterous talk, laughter, whistling, or other vocal expression, if such is, or may tend to be, disruptive of order or a disturbance to others.
  - b. Approaching or speaking to any visitor, unless first authorized to do so by a correctional employee
  - c. **Disorderly Appearance**: is an inmate failure to keep his or her clothing and person reasonably clean and orderly
  - d. **Abuse of Privileges**: is violating any institutional regulation relating to a privilege such as but not limited to, telephone use etc.
  - e. **Abuse of living quarters**:
    - i. Failure to make his or her bed neatly each day
    - ii. Failure to keep his or her living quarter clean and orderly
    - iii. Failure to keep articles issued by the institution or purchased from the commissary neat in an approved place.

- iv. Covering or obstructing air vents, light fixtures, windows, cells doors, placing items on the walls, graffiti/writing on walls
  - v. Failure to ensure your cell, toilet and sink are clean
2. **Lying**
  3. **Creating a health, safety, or fire hazard**: includes any activities, which may cause a fire or create a danger to health and safety.
  4. **Disrespect**: is making any profane, obscene, or abusive gesture or remark to, about, or in the presence of any employee, volunteer, or visitor.