

WEBER COUNTY CORRECTIONAL FACILITY

Volume

INMATE MANAGEMENT

Chapter

JD 06 - INMATE DISCIPLINARY

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JD 06/01.00 **GENERAL**

JD 06/01.01 **Purpose**

- A. The purpose of this chapter is to provide the policy , procedures, and requirements for inmate discipline.
- B. This chapter shall include the guiding principles, identification of violation levels, and due process requirements.

JD 06/01.02 **Cross Reference**

JA 05 - GRAMA: General Requirements
JA 06 - GRAMA: Classification of Records
JA 07 - GRAMA: Access to Records
JD 03 - Temporary Restrictions

UJS D.06

FDr01 Utah Department of Corrections Inmate Discipline Procedures

JD 06/01.03 **Definitions**

discipline	the outcome of a process of orientation, training, guidance, and/or punitive sanctions intended to bring about order and personal responsibility
IDHO	Inmate Disciplinary Hearing Officer
incident report	inmate log; short chronological summary of an event or evaluation concerning facility adjustment
isolation	lock-up; separating the inmate from others in any area of the facility as designated by the Jail Commander/designee
Jail	Weber County Correctional Facility
JMS	Jail Management System; computer system used to manage inmates, inmate files, and other jail files
Lockdown	for purposes of this policy, lockdown means confinement to ones cell for a specified period of time and no out-of-cell activities or privileges
misconduct report	a computer-generated account which details information used in the inmate disciplinary process

**Notice of
Disciplinary
Hearing**

fact sheet used to give notice of disciplinary hearing dates

**Punitive
Isolation**

for purposes of this policy, punitive isolation includes restricted out-of-cell activities and limited access to privileges as sanctioned by the IDHO. Punitive Isolation is generally served in a housing unit which is managed as a maximum custody unit.

**screening
supervisor**

a shift sergeant, officer-in-charge, or other person designated to screen inmate disciplinary reports

WCCF

Weber County Correctional Facility

WCS

Weber County Sheriff

JD 06/02.00 **DISCIPLINARY PRINCIPLES AND DEGREES OF DISCIPLINE**

JD 06/02.01 **Policy**

It is the policy of the WCCF that:

- A. proper discipline be maintained to enforce rules and regulations governing inmate behavior;
- B. different levels of violations shall be established;
- C. minor inmate rule violations may be informally resolved;
- D. due process is required for resolving major rule violations by inmates;
- E. discipline and classification are separate and distinct functions;
- F. disciplinary sanctions are intended to punish improper behavior.

JD 06/02.02 **Rationale**

- A. Written policies and procedures are necessary to ensure that staff members fully understand the facility's duty to provide required due process for prisoners accused of violating facility rules.
- B. Constitutional rights to due process, including involvement of the criminal process, for accused inmates vary depending upon the seriousness of the violation and the potential sanctions or punishments which can be imposed. Therefore differentiation among violations shall be established.
- C. Minor rule violations may be handled informally, as due process is not required.
- D. Prisoners are confined in jail for violations or alleged violations of law. It is necessary to have punishment as an option to encourage prisoners to comply with facility rules.
- E. Classification is a non-punitive management tool and does not require due process.

JD 06/02.03 **Procedure: Disciplinary Principles**

- A. **Nature of Discipline**
 - 1. Discipline should include realistic, acceptable, and understandable routines which shall develop an orderliness in behavior.

2. Preventative discipline is preferable to correction after the fact; however, discipline should be prompt and effective.
3. Discipline shall conform to constitutional requirements relating to due process and punishment.

B. Fairness

1. While inmates shall be held accountable for misbehavior, the actions taken shall be fair and impartial.
2. Discipline need not be an entirely negative experience. Efforts to instruct, encourage compliance, and recognize proper behavior supplement the administration of sanctions.
3. Sanctions shall be related to the offense.
 - a. Punishments which are unnecessarily harsh may result in antagonism without the intended benefit of good discipline and may exceed constitutional limits.
 - b. Sanctions which are inadequate in meeting the seriousness of an offense may be equally effective in meeting the intent of discipline.

JD 06/02.04 **Procedure: Levels of Discipline**

A. Minor Violations

1. Minor violations include violations of Jail rules which may be handled informally by a staff member with approval from the screening supervisor.
 - a. The inmate may receive written or verbal reprimand, a warning, or counseling, concerning expected conduct.
 - b. The inmate may be restricted to his cell for up to 24 hours.
 - c. The inmate may be restricted from other privileges for seven days or less.
 - d. Other minor sanctions may be imposed.

2. For clearly minor misconduct, the staff member taking such action need not complete a written misconduct report of the incident, but shall document the incident for future reference and consideration by making an incident report entry in the JMS log.
 - a. If there is any doubt whether the incident should be major or minor, a misconduct report shall be completed.
 - b. If an incident, even though minor, needs more complete documentation, a misconduct report should be completed.
3. All minor disciplinary actions to be imposed on an inmate shall have prior approval of the appropriate screening supervisor.
4. Minor violations shall include:
 - a. a verbal statement of the alleged violation;
 - b. an opportunity for the inmate to respond to the allegations;
 - c. written documentation of the staff determination relative to the alleged rule violation and any sanction ordered; and
 - d. opportunity for informal appeal to the jail commander.

B. Major Violations

1. Major violations include those acts of misconduct for which a serious or grievous loss can be imposed as a punishment (i.e., loss of good time).
2. Major actions require a due process hearing.
3. Major violations may also be violations of the law.
2. Major violations or repetitive minor violations shall be reported on a misconduct report.
3. Repeated minor violations may indicate insubordination or intentional misconduct, and may result in major disciplinary action.
4. Malicious or repeated frivolous grievances or disciplinary appeals may subject the offender to a major action.

C. Criminal Violations

1. Violations of criminal laws may be prosecuted both administratively (as a major violation) and criminally (through the County Attorney). This dual action does not create double jeopardy.
2. There is a different burden of proof and more relaxed rules of evidence in an administrative discipline hearing.
 - a. There is, therefore, no need to await the outcome of the criminal case before processing the disciplinary action.
 - b. A “not guilty” verdict in a criminal prosecution shall not prevent, nor invalidate, a “guilty” finding in the administrative hearing.

JD 06/03.00 **DOCUMENTATION AND SCREENING**

JD 06/03.01 **Policy**

It is the policy of the WCCF that:

- A. incidents involving violations of rules by inmates be documented;
- B. disciplinary reports be screened by designated staff to determine appropriate content and assigned status;
- C. files for incident and disciplinary reports shall be stored by the WCCF, in accordance with WCCF GRAMA policies; and
- D. disciplinary records shall be classified as “controlled” or “protected” according to state law and county ordinance.

JD 06/03.02 **Rationale**

- A. Records involving discipline should be kept:
 - 1. as an aid in possible future litigation; and
 - 2. to provide information to the Jail Commander, Chief Deputy, and Weber County Sheriff.
- B. Proper screening levels should ensure that the reporting of violation of rules and regulations is:
 - 1. consistent;
 - 2. thorough; and
 - 3. assigned the proper status.
- C. Files for incidents and disciplinary reports may contain confidential information. Therefore, they need to be kept separate and be classified as to limit access to the press, the public, and inmates.

JD 06/03.03 **Procedure: Documentation by Staff**

- A. Any staff member may observe and report violations or infractions on a misconduct report.
- B. The reporting officer shall complete the misconduct report and a Notice of Disciplinary Hearing form.

1. The forms shall be submitted to the shift sergeant for thoroughness and grammar.
 2. The original forms shall then be submitted to the screening supervisor.
 3. Copies shall be retained by the reporting officer.
- C. Additional sheets, supplemental reports, or other forms, if required, shall be included and forwarded with the misconduct report.
- D. Reporting should be thorough and accurate; however, caution should be exercised in determining what information to include in the misconduct report.
- E. A separate report should be attached containing information which shall be kept confidential for reasons of safety, security, or other legitimate jail interests. Such information shall include, but not be limited to:
1. the names of inmates or other offenders who are adverse witnesses, informants, or accusers;
 2. information related to investigative techniques or procedures; and
 3. information which would potentially compromise security or endanger staff, inmates, or others.

JD 06/03.04 Procedure: Screening Supervisor

- A. The screening supervisor shall review misconduct reports to determine:
1. if the reports are properly written and contain adequate information to process the disciplinary action;
 2. what, if any, additional information is needed; and
 3. if the circumstances justify disciplinary action, and if appropriate, assign minor or major status.
- B. The screening supervisor shall either approve and forward the report for action, or shall return the report to the initiating officer for corrections or other requested information.
- C. The screening supervisor shall:
1. review any temporary or emergency isolation or other actions taken prior to the due process hearing (see JD 06/04.05);

2. determine whether the actions were appropriate; and
 3. determine if the actions taken should be continued pending the hearing.
- D. If the screening supervisor is on duty and involved when an incident takes place, the shift sergeant coming on duty shall be responsible to complete the responsibilities of the screening supervisor.

JD 06/03.05 **Procedure: Distribution of Reports**

- A. If the action is classified as “major”:
1. the original copy of the misconduct report shall be forwarded to the IDHO, along with the Notice of Disciplinary Hearing and any other reports or attachments;
 2. a Notice of Disciplinary Hearing shall be given to the inmate charged with the offense by the IDHO, with no supplemental reports or attachments;
 3. a copy of the Notice of Disciplinary Hearing shall be placed in the inmate’s disciplinary file.
- B. If the action is classified as “minor”, the misconduct report and Notice of Disciplinary Hearing shall be forwarded to the IDHO for review.
1. If the IDHO approves the action classification:
 - a. the Notice of Disciplinary Hearing shall be given to the inmate by the reporting officer;
 - b. a copy of both reports shall be placed in the inmate’s disciplinary file by the IDHO; and
 - c. a copy of both reports shall be retained by the reporting officer.
 2. If the IDHO upgrades the action to “major”, distribution shall follow that of a major action.
- C. If the action involves criminal violations, the shift supervisor shall ensure that:
1. the appropriate WCSO staff is notified; and
 2. a Law Incident report is completed.
 - a. The disposition field shall be indicated as active.

- b. The Clearance field shall be left blank.
- D. If the action is dismissed by the screening supervisor, the misconduct report and the Notice of Disciplinary Hearing shall be distributed as follows:
 - 1. A copy of both reports shall be forwarded to the IDHO for review.
 - 2. A copy of the Notice of Disciplinary Hearing shall be given to the inmate.
 - 3. Copies shall be retained by the reporting officer.
- E. Under no circumstances shall reports be merely destroyed.
 - 1. The reports become permanent documentation of the process.
 - 2. Destroying, unnecessarily delaying, or otherwise improperly interfering with the process is a violation of WCCF policy and procedure.
 - 3. Reports on actions for which inmates are not found guilty should remain in the file.
 - a. The disposition and reasons for the disposition shall be fully documented.
 - b. Punitive action may not be taken based on reports of alleged misconduct for which an inmate was cleared.
 - c. Non-punitive inmate management actions may be initiated based on actions for which no punitive action was taken (i.e., re-classification, transfer of assignment).
- F. Findings from a disciplinary due process hearing shall be distributed/filed by the IDHO as directed in JD 06/03.06. I. and J. below.
- G. Any documentation from the appeal process shall be filed as directed in JD 06/03.07.C. below.

JD 06/03.06 **Procedure: Inmate Disciplinary Hearing Officer**

- A. The IDHO shall receive a copy of all disciplinary actions, whether classified as major, minor, or dismissed.
- B. Minor and dismissed actions shall be reviewed and monitored by the IDHO.
- C. If the IDHO believes that there was substantial justification for a minor or

dismissed action to have been classified major, he may:

1. override the decision, upgrading the action to major;
2. request the screening supervisor to re-examine the issues and reconsider the classification; or
3. after notifying the reporting officer of the concern, uphold the decision of the screening supervisor.

D. If the IDHO believes that there was substantial justification for a major or dismissed action to have been classified minor, he may:

1. override the decision, re-classifying the action to minor;
2. request the screening supervisor to re-examine the issues and reconsider the classification; or
3. after notifying the reporting officer of the concern, uphold the decision of the screening supervisor.

E. The IDHO shall monitor the recommendations of the screening supervisors.

1. If it appears that there is inconsistency among screeners, the IDHO shall initiate action with the Jail Commander/designee to resolve the inconsistency through direction, counseling, or training.
2. If it appears screening supervisors are avoiding their responsibilities by categorizing all or most cases a major, or by-passing the IDHO by classifying all or most cases as minor, the IDHO shall document this and present the problem to the Jail Commander/designee, in writing, for resolution.

F. The IDHO shall conduct disciplinary due process hearings in accordance with the procedures outlined in WCCF policy.

G. The IDHO shall assign sanctions for inmates found guilty of alleged misconduct based on a finding of some evidence in major disciplinary actions.

H. The IDHO shall confer with the Jail Commander/designee on any sanctions which could result in serious management problems for the WCCF.

I. After administering the disciplinary hearing and assigning sanctions, if appropriate, the IDHO shall complete the finding section of the misconduct report and file a copy in the inmate's disciplinary file. Copies shall be

distributed to:

1. the officer who initiated the disciplinary action;
2. the inmate, after deleting any information which should be kept confidential for reasons of safety, security, or other legitimate jail interests.

J. An Inmate Disciplinary Disposition Sheet shall be filled out. Copies shall be distributed as follows:

1. **Original** - Filed in the inmate's disciplinary file with the original disciplinary sheet
2. **Copy** - Records Office
3. **Copy** - Inmate
4. **Copy** - Jail Accountant, for imposing restitution or loss of commissary
5. **Copy** - Visiting, for imposing loss of visiting

JD 06/03.07 **Procedure: Jail Commander**

- A. The Jail Commander/designee shall serve as a review component in the discipline process.
- B. Appeals by staff of disciplinary actions shall be screened by the Jail Commander/designee.
 1. Appeal reviews are permitted for both the findings and punishments resulting from disciplinary hearings.
 2. If the Jail Commander/designee is in substantial disagreement with the IDHO's decision or actions related to imposition of sanctions, the Jail Commander may appeal the matter to the Sheriff.
 3. Only the Jail Commander/designee shall have standing to appeal an IDHO decision. Any other staff member of the WCCF should route requests for an appeal to the Jail Commander/designee for consideration.
- C. Appeals shall be documented along with the results of the appeal and a copy shall be filed in the inmate's disciplinary file.

JD 06/03.08 **Procedure: Weber County Sheriff**

- A. The discipline procedure shall ordinarily be a four-level system. The inmate or Jail Commander may, however, appeal to the Weber County Sheriff if:
 - 1. disciplinary procedures were not properly followed;
 - 2. facts in the case do not support the findings; or
 - 3. the disciplinary sanctions were clearly inappropriate.
- B. The WCS shall not grant a new hearing, but shall only review the case record to determine whether there was reversible error in the due process or clearly inappropriate sanctions given.
- C. The WCS shall respond to appeals with a brief statement of findings.

JD 06/04.00 **DISCIPLINARY DUE PROCESS**

JD 06/04.01 **Policy**

It is the policy of the WCCF that:

- A. due process is afforded to inmates accused of major disciplinary violations;
- B. due process is not necessary for minor violations;
- C. notice shall be given to inmates pending disciplinary hearing;
- D. disciplinary hearings should be held as soon as possible after the 24-hour notice;
- E. an Inmate Discipline Hearing Officer be designated to administer the disciplinary process at the WCCF;
- F. the IDHO shall make and maintain a record of disciplinary hearings;
- G. inmates shall be permitted to present evidence and call witnesses, unless reasonable exceptions apply;
- H. inmates not be allowed to confront accusers or cross-examine adverse witnesses, with very limited exceptions;
- I. inmates may request staff assistance in disciplinary hearing process due to incompetence or complexity of issues;
- J. an inmate shall be not be protected against self-incrimination at a disciplinary hearing, as long as his testimony is not used against him subsequent criminal proceedings;
- K. “some evidence” shall be the standard of proof required to support a guilty finding;
- L. the IDHO shall provide a written statement of the disciplinary action, evidence used, and any sanctions ordered;
- M. inmates may appeal the results of a disciplinary process; and
- N. temporary restrictions may be imposed prior to holding formal due process hearing, if necessary.

JD 06/04.02 **Rationale**

- A. The potential for serious penalties being imposed as a part of the disciplinary process requires that prisoners have an opportunity for due process.
- B. In order for inmates to prepare to defend the charges against them, they should be given information on:
 - 1. the date, time, and location of the violation;
 - 2. a brief description of the alleged violation, with a corresponding title/number of the rule violated; and
 - 3. the date of the scheduled hearing.
- C. Hearings shall not be delayed:
 - 1. so that inmates have a better recollection of the incident;
 - 2. to provide swift resolutions and sanctions that are implemented soon after misconduct.
- D. A designated entity is constitutionally required to hear discipline cases for reasons of impartiality.
- E. A record shall be kept for courts to review the case for due process and burden of proof requirements, not for other judgement.
- F. Inmates are constitutionally allowed to present evidence or call witnesses to defend allegations if:
 - 1. the safety or security of staff, inmates, or others is not jeopardized;
 - 2. the testimony is relevant or necessary;
 - 3. the request is made in a timely fashion; and
 - 4. the legitimate interests of the WCCF are not jeopardized.
- G. Inmates are only permitted to confront accusers or cross-examine witnesses on a very limited basis, as these actions present greater hazards to institutional interests. Often the identity of the source of information is confidential.
- H. Inmates are not allowed to be represented by an attorney during the disciplinary process; however, some assistance should be provided:

1. to incompetent inmates;
 2. if the issues surrounding the process are too complex.
- I. Appeals benefit the inmate by enabling them to receive a higher review; the WCCF benefits from appeals by being able to detect and correct any flaws in the process before a law suit is filed.
 - J. Temporary restrictions protect the security and safety of the institution, staff, other inmates, and the public. Therefore, they are allowed if not done with intent to punish.

JD 06/04.03 **Procedure: Initiating Disciplinary Procedures**

A. **Initiating Disciplinary Action**

1. When any Correctional Officer or other staff member observes or has knowledge of a violation of the laws of the county or State, or regulations of the Jail or any other act prescribed by prudent judgement as contrary to the safety or orderly function of the Jail by any inmate which requires formal action, such officer should initiate disciplinary action by completing the misconduct report and the Notice of Disciplinary Hearing form.
 - a. The misconduct Report shall be completed accurately describing everything that occurred and listing all facts in complete detail.
 - b. The Notice of Discipline Hearing form has limited space for writing narrative, and shall require attachments to be added when additional space is needed.
2. For each allegation made, a reference by number to the rule, regulation or law violated shall be included.
3. The completed Notice of Disciplinary Hearing form shall be signed and distributed.

B. **Screening**

1. All reports shall be screened and processed at the levels as indicated in Section JD 06/03.
2. At any point along the route, the person reviewing the report may reject the report as not justifying formal disciplinary action, or return it to the reporting officer for further comment or information.

3. Disciplinary actions should not be dismissed on the basis of inadequate information in the misconduct report. The need for additional information may be remedied by:
 - a. returning the misconduct report through chain of command to the reporting person for more information;
 - b. making a request to the reporting officer for a supplemental report; or
 - c. requiring the information be provided in direct testimony in the hearing.

C. Written Notice to Inmate

1. Written notice of charges shall be provided to the inmate at least 24 hours prior to the hearing of charges. Notice shall include:
 - a. date and time of the violation;
 - b. location of violation;
 - c. rule number violated;
 - d. brief description of the violation; and
 - e. date and time of the scheduled hearing.
2. A copy of the Notice of Disciplinary Hearing and misconduct report shall be completed by the reporting officer and forwarded to the IDHO, through the screening supervisor, to provide the required notice of disciplinary charges.
3. At the inmate's option, the 24-hour notice requirement may be waived by the inmate.
4. The staff member serving the Notice of Disciplinary Hearing report shall make a note of the inmates desire to waive the 24-hour requirement on the disciplinary and have the inmate date and initial.

JD 06/04.04 **Procedure: Disciplinary Hearing / Appeals**

A. General

1. Before formal (major) action can be taken against an inmate, the IDHO shall consider the allegations.

2. The IDHO shall review all written reports, may interview witnesses, hear the accused and take other such action as may be required to make findings.
3. The inmate shall have an opportunity to present a defense to the charges, or present mitigating facts affecting the severity of the offense.
4. The IDHO shall make findings, order appropriate action and take steps to ensure the action is carried out.

B. Time of Hearing

1. The disciplinary hearing should be conducted within five working days of the time that the notice is sent.
 - a. The five working days may be extended if necessary. The five day target date becomes more critical if the inmate is enduring a temporary restriction while waiting.
 - b. The inmate shall be provided at least 24 hours to prepare for the hearing.
2. The hearing date may be continued with approval of the IDHO, when necessary.
3. Hearings shall be conducted in accordance with the IDHO's shift schedule, but shall be held no less than two days each work week.

C. IDHO Pro-Tem

1. The Inmate Discipline Hearing Officer shall be responsible for conducting all hearings for major disciplinary actions, and thereafter assigning disciplinary sanctions, when appropriate.
2. A pro-tem member may be assigned by the Jail Commander/designee to fill in for the IDHO to cover vacations, extended periods of illness, or serious backlogs.

D. Legal Representation

1. Inmates shall not be permitted representation by an attorney at disciplinary hearings.
2. Substitute counsel should be provided in cases involving:
 - a. mentally incompetent inmates;

- b. illiterate inmates;
 - c. inmates who do not speak, read, write or understand English well enough to properly represent themselves; or
 - d. issues so complex that additional assistance is required.
3. Substitute counsels, when permitted, may be a person approved by the IDHO.

E. Calling Witnesses

- 1. Witnesses having relevant and material knowledge may be called by the IDHO to provide testimony at the hearing, or they may be asked to submit their statements in writing.
- 2. Inmates may request witnesses to be called; however, such calling of witnesses shall be at the discretion of the IDHO.
 - a. Calling of witnesses and presenting of evidence by inmates shall not be allowed if it would jeopardize the safety, security, management and control of the jail or individual inmates or staff.
 - b. Other reasons for refusing to call an inmate's witness include:
 - 1) the testimony would be irrelevant, immaterial, unnecessarily repetitive, or incompetent;
 - 2) calling the witness would endanger the witness, confidential informant or another person;
 - 3) the testimony would jeopardize the safety and security; and
 - 4) lack of necessity.
- 3. Witnesses' testimonies may be taken outside the presence of the accused if allowing the accused to be present would endanger the witnesses, or compromise the safety and security of the jail.
- 4. Reasons for refusing the calling of a witness shall be documented by the IDHO in the file.

F. Cross-Examination of Adverse Witnesses

1. Cross-examination of adverse witnesses may serve a useful purpose in the fact-finding process; but in the closed environment of a Jail, it may result in placing inmate witnesses in substantial jeopardy of retaliation by other inmates. Cross-examination of witnesses shall, therefore, be approached with caution, and allowed only when it can be safely accomplished.
2. Inmates have no right to cross-examination of adverse witnesses nor confrontation of accusers in a disciplinary hearing.
 - a. At the discretion of the IDHO in certain cases, cross-examination or confrontation may be permitted.
 - b. Such approval should be given only after careful consideration, and consultation with the Jail Commander/representative.
3. Witnesses may be thoroughly cross-examined by the IDHO outside the presence of the accused to avoid the problems which may result from having the accused present.
4. Reasons for refusing to allow an inmate to cross examine an adverse witness should be documented in the file.

G. Confrontation of Accuser

The requirements for confrontation of accuser are the same as those for cross-examination of adverse witnesses.

H. Self-Incrimination

1. Inmates are not entitled to a *Miranda* warning prior to being questioned or examined in connection with a disciplinary action.
2. Although a *Miranda* warning is not required at a disciplinary hearing, if it appears possible that criminal charges may be filed, the hearing should include a *Miranda* warning. The IDHO should, if it appears criminal charges are a possibility, check with the Weber County Investigations Bureau to determine whether charges are going to be filed or pursued.
3. If an inmate refuses to testify at the disciplinary hearing, his silence may result in an adverse inference by the IDHO. Permitting an adverse inference to be drawn from an inmate's silence is a constitutionally valid practice.

I. Double Jeopardy

It is not double jeopardy to both administratively discipline and criminally punish an inmate based on the same fact situation or incident.

J. Determination and Written Findings

1. The IDHO shall rely on the evidence presented to determine whether there was some evidence to support the allegations against the inmate.
 - a. The “some evidence” test does not require proof beyond a reasonable doubt or even a preponderance of the evidence.
 - b. The test for disciplinary hearings requires only that there was “some evidence” to support the allegations against the inmate.
2. When a determination is made, the IDHO shall state his findings in writing, in the Finding Section the misconduct report, listing the evidence relied upon in arriving at the verdict.
3. If the allegations are sustained, the IDHO shall determine the appropriate sanctions or other actions to be taken. The action shall be entered in the finding section of the misconduct report.
4. If the allegations are not sustained, the IDHO shall enter in writing the reasons why he ruled in the inmate's favor. If the accused prevails in the disciplinary hearing, it shall not be necessary to expunge the file of the incident, because the file shall contain the verdict favorable to the inmate and the reasons for that decision.

K. Reporting the Decision

After the IDHO renders its decision, completed copies of the misconduct report and the notification of Disciplinary Hearing form shall be distributed as indicated in JD 06/03.05 (I. and J.)

L. Appeal

1. Inmates and the Jail Commander have the right to appeal the results of the disciplinary hearing, including both findings and disciplinary sanctions to the Weber County Sheriff.
2. Appeals shall be considered only if it is alleged that:
 - a. disciplinary procedures were not properly followed:
 - b. there was not some evidence to support the IDHO’s findings; or

- c. disciplinary sanctions were clearly excessive.
- 3. Results of the disciplinary hearing may be appealed by completing the Request for Disciplinary Review Appeal form within three working days of receiving the disciplinary hearing disposition.
- 4. Before the Sheriff can grant a review, the appeal request shall clearly:
 - a. articulate the specific due process violations alleged;
 - b. provide, in detail, the reasons for alleging the facts and evidence that did not support the findings; or
 - c. state to what extent the disciplinary sanctions were excessive.
- 5. The Sheriff shall not grant a new hearing, but shall review the case to determine whether there was reversible error in the hearing or excessive application of sanctions.
- 6. The Sheriff shall respond in writing on appeals or IDHO decisions.
- 7. Inmates shall not be subject to retaliation for appropriate use of the disciplinary appeal process. If an inmate files numerous frivolous disciplinary appeals which interfere with the safety, security, management and control of the Jail and the operation of the Jail disciplinary system, the Jail Commander may request that the Sheriff review the appeals filed by an inmate to determine whether they raise genuine issues, or are clearly frivolous, or are intended to harass.

JD 06/04.05 **Procedure: Temporary Immediate Action**

- A. Since it is likely that 24 hours or more may pass between an offense and a disciplinary hearing, it is sometimes necessary that emergency or pre-hearing action be taken.
- B. Temporary action may be taken:
 - 1. to stabilize a situation;
 - 2. to separate inmates in conflict;
 - 3. to protect others from the offending inmate;
 - 4. to protect the charged inmate from others;
 - 5. to restore order and discipline after a disruption; or

6. for other reasons for which temporary action is needed to further a legitimate governmental interest.
- C. Temporary action most frequently involves isolation or lock-down; however, temporary actions may also include:
1. termination of visits;
 2. restriction of telephone access;
 3. restriction of movement;
 4. suspension of work privileges;
 5. recreation or television restrictions;
 6. other such actions which temporarily suspend routine activities.
- D. Reasons for taking temporary action shall be documented on the misconduct report.
- E. Temporary immediate actions taken by staff members shall receive prior approval, or immediate review, by the Shift Sergeant.
1. The Shift Sergeant shall apply the criteria listed under B, above, to determine whether temporary action is required.
 2. The screening supervisor shall then review the report and determine if temporary action is still required.
 3. The temporary action should be lifted when the need no longer exists.
- F. The Inmate Disciplinary Hearing Officer upon receiving the case shall review the action taken and determine whether there is a continuing need for that action.
- G. Temporary action may be approved for up to three working days. An additional three days may be approved by the screening supervisor in coordination with the IDHO and with the concurrence of the Jail Commander/representative and the IDHO.
- H. The inmate should be notified of the reasons for the temporary action, and permitted to express his disagreement, in writing, to the IDHO.

I. Non-Punitive Isolation

1. Non-punitive isolation is that isolation which is used to segregate or separate an inmate from the general population for reasons other than disciplinary punishment. See WCCF policy JD 03, TRO's.
2. Non-punitive isolation (also referred to as administrative segregation) is a classification function which includes, but is not limited to, the following purposes:
 - a. to protect inmates from others;
 - b. to protect others from the isolated inmate;
 - c. to isolate when a communicable disease is suspected;
 - d. to provide a cooling-off period for combative or uncontrollable inmates; or
 - e. when otherwise required to meet special management classification needs.
3. Non-punitive isolation or administrative segregation may be used prior to the imposition of discipline where the security or welfare of staff or inmates may be impaired by allowing the inmate to remain in the general population.
 - a. When used for this purpose, isolation should be for no more than three working days.
 - b. If more than three working days are required, an additional 72 hours may be approved by the screening supervisor and should be coordinated with the IDHO.
4. The inmate should receive notice that the confinement to administrative segregation is for non-punitive reasons and be given:
 - a. the reason for the segregation;
 - b. the probable length of the segregation, if known;
 - c. an opportunity to express his views, in writing, concerning the segregation; and
 - d. an informal, non-adversarial review of the inmate's concerns.

5. Non-punitive isolation should not be confused with punitive isolation.
 - a. Punitive isolation is that segregation which follows a due process finding of guilt for an offense sufficiently serious to justify isolation of the inmate for a prescribed period of time as a punishment.
 - b. Punitive isolation is intended to punish.

JD 06/05.00 **LEARNING OBJECTIVES**

JD 06/05.01 **Disciplinary Principles and Degrees of Discipline**

Staff shall demonstrate an understanding of the levels of discipline.

JD 06/05.02 **Documentation and Screening**

Staff shall demonstrate and understanding of:

- A. who can initiate a disciplinary report,
- B. the documentation required to initiate a disciplinary report,
- C. the levels of review available within the disciplinary process to include:
 - 1. the screening supervisor,
 - 2. the IDHO,
 - 3. the Jail Commander, and
 - 4. the Sheriff.

JD 06/05.03 **Disciplinary Due Process**

Staff shall demonstrate an understanding of the elements of due process within the disciplinary process to include:

- A. written notice to the inmate,
- B. legal representation,
- C. calling witnesses,
- D. cross examination of witnesses,
- E. self incrimination,
- F. determination of written findings, and
- G. appeals.

DISCIPLINARY INFRACTION CODES, ELEMENTS & DEFINITIONS

B-1-A

OFFENSE:	Arson.
ELEMENTS:	An inmate may be charged with this offense if the inmate knowingly or intentionally destroyed or damaged a structure by fire or explosive.
DEFINITIONS:	Knowingly or intentionally damaging or destroying a structure by fire or explosive.

B-1-B

OFFENSE:	Assault and battery, Assault with a weapon, Assault with a body fluid.
ELEMENTS:	An inmate may be charged with this offense if the inmate participated in the assault or battery of any person or assaulted any individual with a weapon or body fluid, as defined below.
DEFINITIONS:	<p>Assault - an attempt, with unlawful force of violence, to do bodily injury to another; or a threat, accompanied by a show of immediate force or violence, to do bodily injury to another</p> <p>Battery -causing serious bodily injury to another by unlawful force or violence</p> <p>Weapon - any object, device, substance that has the potential to cause grievous bodily injury</p> <p>Body Fluid - feces, urine, saliva, blood, semen</p> <p>Serious Bodily Injury - any injury requiring medical treatment</p>

B-1-C

OFFENSE:	Engaging in or inciting a riot.
ELEMENTS:	An inmate may be charged with this offense if the inmate engaged in a riot or participated in inciting a riot.
DEFINITIONS:	<p>Riot - a person is guilty of riot if he:</p> <ol style="list-style-type: none">1. simultaneously with two or more other persons, engages in tumultuous

or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm;

2. assembles with two or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct knowing that two or more persons in the assembly have the same purpose of; or
3. assembles with two or more other persons with the purpose of committing an offense against a person or property or another who he supposed to be guilty of a violation of law, believing that two or more persons in the assembly have the same purpose.

B-1-D

OFFENSE: **Attempted escape with force, Escape with force.**

ELEMENTS: An inmate may be charged with this offense if the inmate left the custody of a penal institution, jail, or other place or condition of confinement pursuant to a legal order by a court. Custody of a penal institution shall include an activity, work release, day pass, community project, etc., supervised or regulated by jail regulations.

DEFINITIONS: **Force** - any overt act that may results in bodily injury or any threat of action that has the potential to inflict bodily injury

Attempted Escape - would be any attempt to escape as defined above.

B-1-E

OFFENSE: **Possession or use of a firearm, explosive weapon, or internal device.**

ELEMENTS: An inmate may be charged with this offense if the inmate used or was in possession of a firearm, explosive weapon, or infernal device, as defined below.

DEFINITIONS: **Firearm** - a weapon from which a projectile is discharged by gunpowder

Explosive Weapon - a device designated to injure or damage through the violent expansion of gases

Infernal Device - any box, package, contrivance, bomb, or apparatus

containing or arranged with an explosion of acid, or inflammable substance, chemical or compound, or knife loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its part, unexpectedly when moved, handled, or opened or after a lapse of time, or under conditions or in a manner calculated to endanger health, life, limb, or property

B-1-F

OFFENSE: **Robbery with force.**

ELEMENTS: An inmate may be charged with this offense if the inmate engaged in robbery, as defined below.

DEFINITIONS: **Robbery** - the unlawful and intentional taking of personal property in the possession of another from his person, or immediate presence, against his will, accomplished by means of force or fear

B-1-G

OFFENSE: **Sexual assault or threat of sexual assault made verbally, physically, or in writing.**

ELEMENTS: An inmate may be charged with this offense if the inmate engaged or participated in a sexual assault or threatened any person, verbally, physically, or in writing, with sexual assault, as defined below.

DEFINITIONS: **Sexual Assault** - A person commits sexual assault if the victim is 14 years of age or older and the suspect has sexual intercourse with another person not the suspect's spouse, causes the penetration, however slight, of the genital or anal opening of another person by any foreign object, substance, instrument, or device, or touches the anus buttocks, or any part of the genitals of another, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, without the consent of the victim regardless of the sex of any participant.

B-1-H

OFFENSE: **Taking of any hostage.**

ELEMENTS: An offender may be charged with this offense if the inmate knowingly or

intentionally and against the will of the victim, detained or restrained another in circumstances exposing the victim to risk of serious bodily injury.

B-1-I

OFFENSE: **Intentionally causing the death of another.**

ELEMENTS: An offender may be charged with the offense if the offender knowingly and intentionally killed, caused to be killed, entered into a contract with another with the intent to cause the death of another, or created conditions that caused the death of another by any means.

B-1-J

OFFENSE: **Any act chargeable as a crime under the laws of the State of Utah or this United States of America.**

ELEMENTS: An offender may be charged with this offense if the reporting officer believes that the offender violated any state or federal law, statute, or rule that is chargeable as a crime regardless of whether it is a violation of jail policy and procedure.

B-1-K

OFFENSE: **Refusing a verbal order; aggravated circumstances.**

ELEMENTS: An offender may be charged with this offense if the offender fails or refuses to fully and immediately comply with or obey any verbal order given him by any member of the Jail or any peace officer.

DEFINITIONS: **Aggravated Circumstances** - failure or refusal to comply with a verbal order during public transportation or during a facility disturbance

B-1-L

OFFENSE: **Offenses committed by two or more persons.**

ELEMENTS: An offender may be charged with this offense if the offender, in consent with one or more persons, committed a disciplinary infraction.

B-1-M

OFFENSE: **Possession, introduction, or use of any intoxicants, unauthorized drugs, or drug paraphernalia, positive urinalysis, breath analysis, blood test, or refusal to submit to the same.**

ELEMENTS: An offender may be charged with this offense if the offender had in his possession, cell, or property any intoxicants, drugs, or drug paraphernalia not authorized for his retention by jail officials, including any prescribed drugs not authorized for retention by the offender; or that the offender caused, participated, planned, or conspired to have intoxicants or unauthorized drugs introduced into the facility or any area of the facility; or used, consumed, drank, smoked, or sniffed any intoxicants or unauthorized drugs, or duly prescribed drugs in quantities or dosages not prescribed; or that the offender urine sample or breath sample provided by the offender tested positive for any unauthorized drug or intoxicants; or if the offender failed or refused to provide a urine or breath sample within one hour from the time the offender was ordered to provide a breath or urine sample.

Blood test offered only if verified medical reason prevents catheterization.

B-2-A

OFFENSE: **Attempted escape without force, or escape without force.**

ELEMENTS: An offender may be charged with this offense if the offender left the custody of a penal institution, jail, or other place or condition of confinement pursuant to a legal order by a court. Custody of a penal institution/jail shall include an activity, work release, day pass, community project, etc. supervised or regulated by the jail or Weber County Sheriff's Office.

Attempted escape would be any attempt to escape as defined above.

B-2-B

OFFENSE: **Fighting, threatening conduct, or threats made verbally, physically, or in writing.**

ELEMENTS: An offender may be charged with this offense if the offender engaged in threatening conduct or made threats verbally, physically, or in writing that placed any person in fear of serious bodily injury; or prevented or interrupted the occupation of a building, room, place of assembly, place to which the public or staff or offenders have access or aircraft, automobile or any other form of conveyance; or was involved in any fight.

DEFINITIONS: **Fight** - Physical altercation or contact as a result of anger.

B-2-C

OFFENSE: Tampering, interfering with, altering, jamming, jacking, or otherwise damaging or destroying a lock locking device, locking mechanism, or security device.

ELEMENTS: An offender may be charged with this offense if the offender knowingly or intentionally interfered with normal or designed operation of any locking or security device or object.

B-2-D

Not used

B-2-E

OFFENSE: Damage, loss destruction, or unauthorized use of state/county property or the property of another.

ELEMENTS: An offender may be charged with this offense if the offender damaged, destroyed, lost, or caused to be damaged, destroyed, or lost jail property or the property of another; or if he makes use of or has in his possession any jail property without authorization or in an unauthorized manner; or if he used or was in possession of any property belonging to any other person without authorization of a the Jail Commander/designee.

B-2-F

OFFENSE: Forgery, Embezzlement, or Theft.

ELEMENTS: An offender may be charged with this offense if the offender engaged or participated in forgery, embezzlement, or theft or caused or induced any individual to engage in or participate in forgery, embezzlement, of theft as, defined below:

DEFINITIONS: **Forgery** - An offender is guilty of forgery if, with the purpose to defraud anyone, or with knowledge that he is facilitating a fraud to be perpetrated by anyone, he:

1. alters any writing of another without his authority or utters any such altered writing; or

2. makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing or the making, completion, execution, authentication, issuance, transference, publication, or utterance purports to be the act of another, whether the person is existent or nonexistent, or purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when such original existed.

Embezzlement - An offender is guilty of embezzlement if the offender obtains or exercises any unauthorized control of any property of anything of value.

Theft - An offender commits theft if the offender obtains or exercises unauthorized control over the property of another with the purpose to deprive him thereof.

B-2-G

OFFENSE: **Possession or use of escape tools or materials.**

ELEMENTS: An offender may be charged with this offense if the offender had in his possession, cell, or property any tool, device, object, or material that may aid or contribute to the escape or attempted escape of any individual from any penal institution or jail or condition of confinement.

B-2-H

OFFENSE: **Possession of any weapon.**

ELEMENTS: An offender may be charged with this offense if the offender had in his possession, cell, or property an item, device, or object that may be used or has been altered to be used to inflict serious bodily injury.

B-2-I

OFFENSE: **Gambling, Loan sharking, or Extortion.**

ELEMENTS: An inmate may be charged with this offense if the inmate engaged, participated or was involved in gambling, loan sharking, or extortion, as defined below.

DEFINITIONS: **Gambling** - An inmate is guilty of gambling if he participates in, organizes, or promotes the risking of anything of value for a return or risking anything of value upon outcome of a contest, game, gaming scheme, or gaming device when the return or outcome is based upon an element of chance and is in

accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome.

Loan Sharking - An inmate is found guilty of loan sharking or usury when he knowingly engages in or directly or indirectly provides financing for the business of making loans at a higher rate of interest or consideration therefore than is authorized by law.

Extortion - An inmate is guilty of extortion if he obtains, or controls, or attempts to obtain or control power over property or an individual by threatening to inflict physical harm in the future to the person threatened or to any other person or property at any time; or to accuse any person of a crime or expose him to hatred, contempt or ridicule; or to reveal any information sought to be concealed by the person threatened or engaged in any act which would substantially harm any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.

B-2-J

OFFENSE: **Resisting arrest or required movement, Refusing a direct verbal order.**

ELEMENTS: An inmate may be charged with this offense if the inmate refused any order or resisted arrest or required movement.

DEFINITIONS: **Resisting Arrest or Required Movement** - An inmate is guilty of resisting arrest or required movement if he has knowledge or, by the exercise of reasonable care, should have knowledge that a peace officer is seeking to effect an arrest or detention or movement of himself or another and interferes or restricts such arrest, detention or movement by willful noncompliance, or by use of threat or use of force or any weapon.

B-2-K

OFFENSE: **Interfering with an investigation, Making false statements, or Providing false identification.**

ELEMENTS: An inmate may be charged with this offense if the inmate knowingly or intentionally provided any peace officer or member of the Weber County Jail with the false identification of any individual, false information; or hindered, prevented or delayed any investigation by a peace officer or member of the

Weber County Jail; or concealed, destroyed, or altered physical, material, or information evidence.

B-2-L

OFFENSE: **Use of any disguise or mask, or possession of any jail staff member's, or private citizen's clothing, or any part of any official uniform.**

ELEMENTS: An inmate may be charged with this offense if the inmate had in his possession, cell or property, any jail staff member's or private citizen's clothing, or part of any official uniform.

B-2-M

OFFENSE: **Violating any contract, any community release agreement, classification, home visit agreement, or any other agreement involving a community release agreement or any violation of authorized leave or work release time in a Community Treatment Center.**

ELEMENTS: An inmate may be charged with this offenses if the inmate knowingly or intentionally failed to abide by all aspects, expectations and conditions or any of the above mentioned agreements or any other contractual agreement or situation involving contact between the inmate and the public.

B-2-N

OFFENSE: **Adulteration or alteration of any food or drink.**

ELEMENTS: An inmate may be charged with this offense if the inmate altered or adulterated any food or drink.

DEFINITIONS: **Adulteration** - An inmate is guilty of adulteration of any food or drink if he knowingly or intentionally corrupts, debases, makes impure or poisons any food or drink through the addition of foreign or inferior substances to the original food or drink.

Alteration - An inmate is guilty of alteration of any food or drink if he knowingly or intentionally changes, modifies, or enhances any item of food or drink to render it unusable for its original purpose or to render it usable for a purpose other than what it was originally intended.

B-2-O

OFFENSE: **The unauthorized use of any vehicle, tool, device or object.**

ELEMENTS: An inmate may be charged with this offense if the inmate knowingly or intentionally used any vehicle, tool, device or object without authorization or used any duly authorized or issued vehicle, tool, device or object for any purpose other than what it was authorized to be used for.

B-2-P

OFFENSE: **Being in an area where drugs, intoxicants, or alcohol are being used.**

ELEMENTS: An inmate may be charged with this offense if the inmate was in any area where drugs, intoxicants or alcohol was used.

B-2-Q

OFFENSE: **Failure to take medication as prescribed, Failure to turn in prescribed medications, Unauthorized possession of prescribed medications.**

ELEMENTS: An inmate may be charged with this offense if the inmate had in his possession, cell, or property any prescribed medication not authorized for his retention by Jail officials or in amounts not authorized by Jail officials.

This charge should be used when the inmate has in his possession medications or drugs that are not illegal or are not controlled substances.

B-2-R

OFFENSE: **Manipulation of housing assignment by use of violent, threatening, or disruptive behavior, including self-mutilation or self-inflicted injuries or self destructive behavior.**

ELEMENTS: An inmate may be charged with hit offense if the inmate attempts to influence or change his housing assignment by using violence, threats, self-mutilation, or self-inflicted injuries.

B-2-S

OFFENSE: **Disorderly conduct, Reckless endangerment.**

ELEMENTS: An inmate may be charged with this offense if the inmate knowingly creates a hazardous or physically offensive condition by any act which serves no legitimate purpose or intending to cause inconvenience, annoyance, or alarm, or recklessly created a risk.

DEFINITIONS: **Reckless** - Marked by lack of proper caution; careless of consequences.

Disorderly conduct - to cause inconvenience, annoyance, or alarm, or recklessly creating a risk by making unreasonable noise or offensively coarse utterance, gesture, or display; or addresses abusive language to any person present; or creates a hazardous or physically offensive condition (e.g. flooding a cell or section)

B-2-T

OFFENSE: **Encouraging or participating in any act or conduct which establishes, maintains, or promotes a member's relationship with an offender or an offender's immediate family, which is outside the color of employment, for personal benefit or gain which compromises a member's professional role.**

ELEMENTS: An inmate may be charged with this offense if an inmate participates in a social/romance relationship with a staff member or encourages a relationship between a staff member and an offender or a staff member and a member of an offender's immediate family.

DEFINITIONS: **Personal Gain** - receiving privileges or favor that the inmate is not otherwise entitled to

B-2-U

OFFENSE: **Reckless burning.**

ELEMENTS: An inmate may be charged with this offense if the inmate recklessly starts a fire or causes an explosion which endangers human life; or having started a fire, whether reckless or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm.

B-2-V

OFFENSE: **Giving or offering a bribe or anything of value to any jail employee, law enforcement officer, government authority, volunteer, or any agent of the**

Department.

ELEMENTS: An inmate may be charged with this offense if the inmate offered or gave anything of value or attempted to bribe any Jail employee, law enforcement officer, government authority, volunteer, or any agent of the Weber County Jail, as defined below.

DEFINITIONS: **Bribery** - An inmate is guilty of bribery if he confers, offers, or agrees to confer upon any jail employee, law enforcement officer, government authority, volunteer or any agent of the Weber County Jail a benefit with the purpose of influencing the conduct of the individual.

B-2-W

OFFENSE: **Engaging in or encouraging others to engage in prohibited sexual activities, homosexual activities, or indecent exposure.**

ELEMENTS: **Indecent Exposure** - An inmate is guilty of indecent exposure if he or she exposes his or her genitals or private parts or masturbates or performs any other act of lewdness in a public place or any place that affords view by the public or non-participating individual.

Prohibited Sexual Activities - An inmate is guilty of engaging or encouraging others to engage in a prohibited sexual activity if the inmate engages in or encourages another to engage in any sexual activity with any other individual that is likely to affront or alarm a reasonable person who is 14 years of age or older.

Homosexual Activities - An inmate is guilty of engaging in or encouraging others to engage in homosexual activities if he engages or encourages another to engage in any sexual activity with an individual of the same sex.

B-2-X

OFFENSE: **Interfering with or failing to attend count or Unaccountable absence.**

ELEMENTS: An inmate may be charged with this offense if the inmate interfered with the counting process or created a condition that interfered with, or was intending to defeat, the counting process; or he was not in place during a count.

B-3-A

OFFENSE: **Any act or conduct that threatens the safety, security, management, and**

control of the jail, or any individual.

ELEMENTS: An inmate may be charged with this offense if the inmate knowingly or intentionally engaged in a behavior, act, plan, or conspiracy that had the potential or actually threatened, disrupted, compromised, or endangered the safety, security, management, or control of the institution or any individual.

This charge should be used only when no other charge covers the behavior of the inmate.

B-3-B

Not used

B-3-C

OFFENSE: **Frivolous, malicious, or vexatious misuse of administrative review.**

ELEMENTS: An inmate may be charged with this offense if the reporting officer believes the inmate frivolously or maliciously used any administrative review process (i.e. grievances, investigations, etc.).

DEFINITIONS: **Frivolous Misuse** - Instigating an Administrative review of an issue with no basis in fact or law when the inmate knows, or should have known, this was the case.

Malicious Misuse - Instigating an Administrative review of an issue with no basis in fact or law when the inmate knows, or should have known, this to be the case.

Vexatious Misuse - Instigating an Administrative review of an issue with the intent to harass or disrupt administrative processes.

B-3-D

Not used

B-3-E

OFFENSE: **Creating a health or safety hazard.**

ELEMENTS: An inmate may be charged with this offense if the inmate knowingly or intentionally committed any act or created any condition that endangered the health or safety of the facility or any individual.

B-3-F

OFFENSE: **Unauthorized profit making activities or Unauthorized sales, purchase, or services.**

ELEMENTS: An inmate may be charged with this offense if the inmate engaged in any unauthorized activity with the intent to obtain or generate income or profit within or from within any jail or condition of confinement; or he engaged in or participated in any unauthorized sales or purchases of property or services.

B-3-G

OFFENSE: **Unauthorized use of property.**

ELEMENTS: An inmate may be charged with this offense if the inmate used any item or property for any purpose other than what the property item was authorized to be used for or if he used a property item he was not authorized to use.

B-3-H

OFFENSE: **Abuse of the mail, telephone, or visiting privileges.**

ELEMENTS: An inmate may be charged with this offense if the inmate engaged in, conspired to engage in, or caused others to engage in any activity relating to the mail, telephone, or visiting privileges that was not authorized as part of that privilege utilization.

B-3-I

OFFENSE: **Refusing to work.**

ELEMENTS: An inmate may be charged with this offense if the inmate refused an opportunity to work, or refused to work or perform a specific job or function when ordered to do so by a member of the Weber County Jail.

B-3-J

Not used

B-3-K

OFFENSE: **Being out of place or Abuse of passes.**

ELEMENTS: An inmate may be charged with this offense if the inmate was not in the area he was supposed to be in or that he was in an unauthorized area or he abused the pass system.

B-3-L

OFFENSE: **Conspiracy or Planning to commit any infraction.**

ELEMENTS: An inmate may be charged with this offense if the inmate conspired to or planned to violate any law, statute, jail policy or rule as defined below.

DEFINITION: **Conspiracy** - An inmate is guilty of conspiracy if he, intended conduct constituting a crime or rule violation be performed, agrees with one or more persons to engage in or cause the performance of such conduct and any one of them commits an overt act in pursuance of conspiracy, except where the offense is a capital offense, a felony against a person, arson, burglary, or robbery. Note: The overt act is not required for commission of conspiracy.

Planning - Making preparations or plans to commit infractions or violate rules.

B-3-M

OFFENSE: **Participating in giving or receiving any tattoo.**

ELEMENTS: An inmate may be charged with this offense if the inmate participated in the giving or receiving of any indelible mark or figure fixed upon the body by the insertion of pigment under the skin or by production of scars.

B-3-N

OFFENSE: **Possession of contraband.**

ELEMENTS: An inmate may be charged with this offense if the inmate had in his personal possession, cell, or property, or under his direct/indirect control, any item not authorized for possession or retention by the inmate.

B-3-O

OFFENSE: **Making obscene gestures toward, or using any derogatory language towards any employee, visitor, volunteer, law enforcement officer.**

ELEMENTS: An inmate may be charged with this offense if the inmate knowingly or intentionally engaged in abusive, obscene or derogatory language or gestures or made unreasonable noises in a public place or in a private place which could be heard in a public place that was directed towards any employee, volunteer, or agent or the Weber County Jail or any non-inmate civilian.

B-4-A

OFFENSE: **Interfering with the duties of another.**

ELEMENTS: An inmate may be charged with this offense if the inmate knowingly or intentionally hampered the performance of any duties by any other person.

B-4-B

OFFENSE: **Engaging in unauthorized services or communications.**

ELEMENTS: An inmate may be charged with this offense if the inmate performed any services for any person when that service had not been authorized or if he engaged in any unauthorized or forbidden communication with any other individual by any means.

B-4-C

Not used

B-4-D

OFFENSE: **Possession of unauthorized food, non-alcoholic drinks, or property items.**

ELEMENTS: An inmate may be charged with this offense if the reporting officer believes that the inmate had any unauthorized food, non-alcoholic drinks, or property items in his personal possession, cell, or property, or if he took duly issued food items or non-alcoholic drinks from an area authorized for the consumption of those items.

B-4-E

Not Used

B-4-F

OFFENSE: **Violation of any housing rule or jail rule, regulation, or procedure.**

ELEMENTS: An inmate may be charged with this offense if the inmate violated or failed to follow any housing unit or jail rule, regulation, or procedure.

**WEBER COUNTY CORRECTIONAL FACILITY
NOTICE OF DISCIPLINARY HEARING**

Misconduct # _____ Case # _____ Name ID: _____

Inmate Name: _____ USP#(If applicable) _____
Last First M

Incident Date ____ / ____ / ____ Time _____ Location _____

Charge(s) _____

Check One:

- ☐ Minor Disciplinary - To Be Sent to IDHO
☐ Major Disciplinary - To Be Sent to IDHO
☐ Minor Violation(s) - Sanction Imposed by Officer _____

Brief Description of Event _____

Reporting Officer Signature

Screening Supervisor Signature

NOTICE OF SANCTION IMPOSED FOR MINOR VIOLATION(S)

Inmate Signature

Date

Officer Serving Copy

NOTICE OF MAJOR OR MINOR DISCIPLINARY HEARING (IDHO TO COMPLETE)

You have been charged with the above listed violation(s) of the inmate disciplinary code. The violation(s) have been referred to the Inmate Disciplinary Hearings Officer for a hearing. You will be allowed a minimum of 24 hours from the time you receive this notice to prepare for your hearing. Your disciplinary hearing is scheduled to be held on the ____ day of _____, 20____ between 10:00 a.m. and 10:00 p.m. at the Weber County Correctional Facility.

Inmate Signature

Date

Time

Officer Serving Copy

INMATE NAME: _____ NAME ID _____
 LAST FIRST M

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discappeal.wpd 07/01