



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 3.4.2	Subject: PROHIBITED ACTS
Chapter 3: INSTITUTIONAL OPERATIONS	Page 1 of 3
Section 4: Rules And Discipline	Effective Date: Jan. 4, 1996
Signature: /s/ Mike Ferriter, Director	Revised: 07/10/00; 06/15/09

I. POLICY

The Department of Corrections requires its adult secure care facilities to maintain and distribute a listing of the general categories of prohibited offender acts consistent with the provisions of this policy.

II. APPLICABILITY

Department and contracted adult secure care facilities.

III. DEFINITIONS

None.

IV. DEPARTMENT DIRECTIVES

A. Prohibited Acts

1. In order to establish a firm foundation for offender conduct and the facility disciplinary process, the Department prohibits specific acts in its adult secure care facilities.
2. The Department's legal services bureau will review the Department's prohibited acts policy and corresponding facility operational procedures annually to ensure compliance with current statutory and case law requirements.
3. Although it is impossible to define every possible prohibited act or rule violation, the following acts are prohibited in all Department adult offender facilities:
 - 1) homicide
 - 2) assaulting any person
 - 3) threatening bodily harm or death to any person
 - 4) escape, attempting to escape, planning to escape, or leaving the facility without permission
 - 5) rioting or encouraging others to riot or cause an incident
 - 6) possessing or introducing ammunition, explosives, guns or other weapons
 - 7) taking hostages
 - 8) setting a fire
 - 9) fighting with another person(s)
 - 10) engaging in sexual acts, making sexual proposals or threats; indecent exposure

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- 11) possessing, introducing, or using any narcotic, narcotic paraphernalia, drugs or intoxicant not prescribed for the offender by medical staff
- 12) possessing contraband
- 13) extortion, blackmail, protection; i.e., demanding or receiving anything of value in return for protection against others to avoid bodily harm or under threat of informing
- 14) interfering with a staff member performing his/her duties
- 15) conduct which disrupts or interferes with the security or orderly operation of the facility, housing unit, or workplace
- 16) destroying, altering, or damaging facility property or the property of another person
- 17) theft or possessing stolen property
- 18) counterfeiting, forging, possession or unauthorized reproduction of any signature, document, article of identification, money, security or official papers
- 19) violating a condition of furlough, pass, or any other conditional or temporary release
- 20) refusing to work, report to work, or accept a program assignment
- 21) loaning or possessing property belonging to another person or the government, or loaning property or anything of value for profit or increased return
- 22) gambling or other illegal activity for gain
- 23) being in an unauthorized area
- 24) failing to abide by the conditions of a disciplinary disposition
- 25) failing to obey a staff member's order
- 26) interfering with due process
- 27) misusing authorized medication
- 28) encouraging, facilitating, attempting to commit any prohibited act, or being an accomplice or a conspirator in committing such acts
- 29) lying or providing a false statement to a staff member
- 30) inappropriate conduct with a visitor
- 31) failing to follow safety or sanitation regulations; being unsanitary or failing to keep oneself or one's quarters according to facility standards
- 32) unauthorized communication
- 33) insolent or disrespectful behavior toward a staff member
- 34) smoking or using tobacco products or paraphernalia
- 35) conducting unauthorized business
- 36) fraudulent claims for medical care, malingering or feigning an illness
- 37) refusing to provide a urine or breath sample for testing purposes
- 38) failing to report as directed
- 39) giving or offering any official or staff member a bribe or anything of value
- 40) violating any municipal, county, state, or federal law
- 41) failing to comply with, being late for, or interfering with offender count
- 42) using abusive language toward any person
- 43) participating in an unauthorized meeting or gathering
- 44) violating established facility rules

B. Categories of Offenses

1. Facilities may list prohibited acts into major and minor offense categories.

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2. Acts categorized as major offenses are considered perilous and will not be resolved informally.
3. At the discretion of staff, any other prohibited acts may be referred for formal disciplinary proceedings.

C. Offender Advisement

1. Facilities will ensure that the list of prohibited acts is:
 - a. written in a language spoken by the majority of the offender population;
 - b. posted in each facility housing area; and
 - c. readily available to all offenders and facility staff.
2. Offenders will sign a form acknowledging they have received and understand the prohibited acts information in accordance with *DOC Policy 4.1.2, Offender Reception and Orientation*.

V. CLOSING

Questions concerning this policy should be directed to the facility administrator or Department's Legal Services Bureau.

VI. REFERENCES

- A. *2-15-112, MCA (2007) Duties and Powers of Department Heads*
- B. *DOC Policies 3.4.1, Offender Disciplinary System; 4.1.2, Offender Reception and Orientation*

VII. ATTACHMENTS

None.