

§ 795. Disciplinary Rules [Formerly §385], 22 LA ADC Pt I, § 795

Louisiana Administrative Code Currentness
Title 22. Corrections, Criminal Justice and Law Enforcement
Part I. Corrections
Chapter 7. Youth Services
Subchapter D. Disciplinary Rules for Youth Offenders

La. Admin Code. tit. 22, pt. I, § 795

§ 795. Disciplinary Rules [Formerly §385]

A. An offender found guilty of violating one or more of the rules defined below will be disciplined according to the penalty schedule designated in the rule. Offenders must also obey the approved posted policies of the institution in which they are confined.

1. Contraband (Schedule B). No offender shall have under his immediate control any drugs (such as, but not limited to, heroin, LSD, amphetamines, barbiturates, marijuana), unauthorized medication, alcoholic beverage, yeast, tattoo machine, or tattoo paraphernalia, syringe, weapon (such as, but not limited to, firearm, knife, iron pipe), or any other item not permitted by institutional posted policy to be received or possessed, or any other item detrimental to the security of the institution; or smuggle or try to smuggle such items into or out of the institution. Currency is contraband in all facilities. No offender shall sell or give away any above defined contraband items. Offenders clearly seen by employees to have contraband in their possession are in violation of this rule. The *area of immediate control* is an offender's person, his locker(s), his cell, his room, his bed, his laundry bag, and his assigned job/school equipment (such as, but not limited to, his desk), or the area under his bed on the floor unless the evidence clearly indicated that it belonged to another offender. Any offender who is tested for and has a positive reading on a urinalysis test will be considered in violation of this rule. Any item not being used for the purpose for which it was intended will be considered contraband if it is being used in a manner that is clearly detrimental to the security of the institution.

a. Unauthorized Items (Schedule A). This distinguishes between contraband items that are detrimental to the security of the institution and those that are not authorized but clearly not detrimental to the safety and security of the institution.

2. Defiance (Schedule B). No offender shall commit or threaten physically or verbally to commit bodily harm upon an employee. No offender shall curse or insult an employee and/or his family. No offender shall threaten an employee in any manner, including threatening with legal redress during a confrontation situation (this does not mean telling an employee of planned legal redress outside a confrontation situation and does not mean the actual composition or filing of a writ or suit). No offender shall obstruct or resist an employee who is performing his proper duties. No offender shall try to intimidate an employee to make the employee do as the offender wants him to do. Employees shall not be subjected to abusive conversation, correspondence, phone calls, or gestures.

3. Disobedience (Schedule A). Offenders must obey all posted policies of the institution. They must obey signs or other notices of restricted activities in certain areas, safety rules, or other general instructions. The only valid excuse for disobedience is when the immediate result of obedience would be bodily injury (this includes incapacity by virtue of a certified medical reason).

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4. Disobedience, Aggravated (Schedule B). Offenders must obey direct verbal orders cooperatively and promptly; not debate, argue, or ignore them before obeying. When orders conflict, the last order received must be obeyed. Even orders the offender believes improper must be obeyed; grievances must be pursued through proper channels. Sentences imposed by the disciplinary officer or the disciplinary committee are to be carried out by the offender. Violations of duty status will apply to this rule as will a violation of an order from the disciplinary committee. The only valid excuse for disobedience or aggravated disobedience is when the immediate result of obedience would be bodily injury (this includes incapacity by virtue of a certified medical reason).

5. Disorderly Conduct (Schedule A). All boisterous behavior is forbidden. This includes, but is not limited to, horseplay, or to disorderly conduct in the mess hall, the visiting room, or during counts. Offenders shall not jump ahead or cut into lines at the store, movie, mess hall, or during group movements of offenders. Visitors shall be treated courteously and not be subjected to disorderly or intrusive conduct. Offenders shall not communicate verbally into or out of cellblocks or other housing areas.

6. Disrespect (Schedule A). Employees shall not be subject to disrespectful conversation, correspondence, or phone calls. Offenders shall address employees by proper title or by “Mr.,” “Ms.,” “Miss”, or “Mrs.,” whichever is appropriate.

7. Escape (Schedule B). An escape or an attempt to escape from the grounds of an institution or from the custody of an employee outside an institution, whether successful or not, or the failure to return from a furlough or pass, or being absent from an institution without leave, is a violation. [R.S. 15:875\(B\)](#) and Department Regulation Number 30-41 authorize imposition of restitution for costs related to escape or attempted escape from “any institution of the department.” (An intent to escape must be established, otherwise §385.A.20. Disciplinary Rules, Unauthorized Area (Schedule A) applies.)

8. Favoritism (Schedule B). No offender shall bribe, influence, or coerce anyone to violate institutional policies, procedures, rules, or state or federal laws, or attempt to do so. No offender shall give an employee anything of any value.

9. Fighting (Schedule B). Hostile physical contact or attempted physical contact is not permitted. This includes fist fighting, shoving, wrestling, kicking, and other such behavior.

a. Self-Defense Clarification. Self-defense is a complete defense and can be established to the disciplinary committee by demonstrating that his actions did not exceed those necessary to protect himself from injury.

10. Fighting, Aggravated (Schedule B). Offenders shall not fight with each other using any object as a weapon (including any liquid or solid substances thrown or otherwise projected on or at another person). When two or more offenders attack another offender without using weapons, the attackers are in violation of this rule, as are all participants in a group or “gang” fight. The use of teeth will also be sufficient to constitute a violation of this rule. No offender shall intentionally inflict serious injury or death upon another offender. Contact does not necessarily have to be made for this rule to be violated.

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11. Gambling (Schedule B). No offender shall operate or participate in any game of chance involving bets or wages or goods or other valuables. Possession of one or more gambling tickets or stubs for football or any other sport is a violation. No offenders shall operate a book making scheme. Possession of gambling sheets with a list of names or codes, point spreads, how much owed, or how much wagered will be considered a violation.

12. Intoxication (Schedule B). No offender shall be under the influence of any intoxicating substance at an institution or while in physical custody. Returning from a pass, furlough, or off campus activities under the influence of an intoxicating substance is a violation.

13. Malingering (Schedule A)

a. Sick Call. A qualified medical staff person (as defined by the institution's responsible health authority) determines that an offender has made repeated and frequent complaints at sick call having little or no merit.

b. Declaration of Emergency. A qualified medical staff person (as defined by the institution's responsible health authority) determines that an offender has sought emergency medical treatment not during scheduled sick call for a minor ailment that was or could have been properly handled at sick call.

14. Malingering, Aggravated (Schedule B). A qualified medical staff person (as defined by the institution's responsible health authority) determines that an offender has sought emergency medical treatment not during scheduled sick call when there was no ailment, or a doctor determines that it was an obviously minor ailment which could have been, or was, properly handled at sick call.

15. Property Destruction (Schedule B). No offender shall destroy the property of others or of the state. Flooding an area and the shaking of cell or room doors are not permitted. Standing or sitting on face bowls is a violation. Whether or not the offender intended to destroy the property and/or the degree of negligence involved may be utilized in defense of the charge.

16. Radio/Tape Player/Television Abuse (Schedule A). Radios/tape players/televisions must be used in accordance with the posted policies of the institution. Radios/tape players/televisions must be played at a reasonable volume so as not to disturb others. Violations of posted policies regarding radios/tape players/televisions may be processed under this rule. In addition to any sanction that may be imposed by the disciplinary hearing officer or the disciplinary committee, the ranking employee on duty may confiscate the radios/tape players/televisions for a period of up to 30 days. For repeated violations, the radios/tape players/televisions will be confiscated and disposed of in accordance with institutional procedure. The offender will not be permitted to have a similar item sent to him for one year.

17. Self-Mutilation (Schedule B). No offender shall deliberately inflict or attempt to inflict injury upon himself, upon a consenting offender, or consent to have an injury inflicted upon himself. Tattoos, piercing of any parts of the body, and alterations to teeth are specifically included in this rule. Not included are obvious suicide attempts.

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a. Self-Mutilation (Special Sanction). Any offender found guilty of an act of self-mutilation which results in a limited school or job assignment in excess of five days will be subject to the loss of one or two major privileges for up to three months.

18. Sex Offenses, Aggravated (Schedule B). Carnal copulation by two or more offenders with each other, or by one or more offenders with an implement or animal(s), is not permitted. Two or more offenders who have obviously been interrupted immediately before or after carnal copulation are in violation. The same applies to one or more offenders with an implement or animal(s). Use of the genital organs of one of the offenders, regardless of sex, is sufficient to constitute the offense. Overt sexual activity in the visiting room is not permitted. No offender shall invade the privacy of an employee with sexual remarks, or threats in conversation, or by correspondence or phone calls. No offender shall deliberately expose the genital organs and/or masturbate in view of an employee or visitor. No offender shall sexually assault a person by force or threat of force.

19. Theft (Schedule B). No offender shall steal from anyone. Forgery, a form of theft is the unauthorized altering or signing of a document(s) to secure material return and/or special favors or considerations. (The very act of the forgery will constitute proof of the crime. It need not have been successful in its conclusion.) Fraud, a form of theft, is the deliberate misrepresentation of fact to secure material return and/or special favors or considerations. Any offender who knowingly submits obviously false information to any employee within the Department of Public Safety and Corrections is guilty of this violation. Lying to the secretary or superintendent on appeal or in any part of the administrative remedy procedure or in correspondence will also be a violation. Those who file administrative remedy requests that are frivolous or deliberately malicious may be disciplined under this rule. No offender shall have stolen items under his immediate control. No offender shall have institutional property under his immediate control unless he has specific permission; this includes institutional foodstuffs in excess of what a reasonable person might be expected to eat at one sitting. (Refer to §385.A.1. Disciplinary Rules, for the definition of *area of immediate control*.)

20. Unauthorized Area (Schedule A). An offender must be in the area in which he is authorized to be at that particular time and date or he is in an unauthorized area. No offender shall go into any housing unit other than that to which he is assigned; this includes standing in the doorway; unless he has permission.

21. Unauthorized Food (Schedule A). No offender shall have under his immediate control any food not sold by the offender canteen or not otherwise permitted. No offender shall have institutional foodstuffs under his immediate control outside the kitchen without specific permission. No offender shall take extra portions of rationed food items at the serving counter. This rule, not §385.A.19.Theft Schedule B, applies to unauthorized possession of institutional foodstuffs not exceeding that which an inmate could be reasonably expected to eat at one sitting. (Refer to §385.A.1.Disciplinary Rules, for the definition of *area of immediate control*.)

22. Unsanitary Practices (Schedule A). Offenders must not spit or drop litter anywhere but into a proper receptacle. Offenders must maintain themselves, their clothing, and their shoes in as presentable a condition as possible under prevailing circumstances. Each offender is responsible for keeping his bed and bed area reasonably clean, neat, and sanitary. Beds will be made according to the approved posted policy at the institution. Offenders must wear shoes/boots and cannot wear shirts that leave the armpits exposed or shorts into the kitchen, or chew gum in the kitchen.

23. Work Offenses (Schedule A). Offenders must perform their assigned tasks with reasonable speed and efficiency. Though offenders have specific job assignments, it may be required that they do work other than what their job assignments require; this

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work shall also be done cooperatively and with reasonable speed and efficiency. Being present, but not answering at the proper time at work roll call is a violation. A school assignment is considered to be a work assignment for the purposes of this rule.

24. Work Offenses, Aggravated (Schedule B). An offender who flatly refuses to work or to go out to work, or who asks to go to administrative segregation/confinement rather than work, is in violation of this rule, as is an offender who disobeys repeated instructions as to how to perform his work assignment. Hiding out from work or leaving the work area without permission is a violation. Falling far short of fulfilling reasonable work quotas is not permitted. Being absent or late from work roll call without a valid excuse is a violation, as is not reporting for additional work assignment. Being late to work (includes being late to school assignment) is a violation. A school assignment is considered to be a work assignment for the purposes of this rule.

AUTHORITY NOTE: Promulgated in accordance with [R.S. 15:823](#).

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