

§ 93.10. Inmate discipline., 37 PA ADC § 93.10

West's Pennsylvania Administrative Code

Title 37. Law

Part III. Agencies and Offices

Subpart B. Department of Corrections

Chapter 93. State Correctional Institutions and Facilities

Subchapter A. Rights and Privileges

37 Pa. Code § 93.10

§ 93.10. Inmate discipline.

Currentness

(a) Rules which define expectations and prohibitions for inmate behavior will be established by the Department and disseminated to the inmate population. There shall be two classes of misconduct charges, Class I and Class II.

(1) Inmates found guilty of Class I misconduct charges may be subjected to one or more of the following sanctions:

(i) Reduction of the classification of the misconduct to a Class II and any sanction permitted for Class II misconducts.

(ii) A sanction permitted for Class II misconducts, without change in class of misconduct.

(iii) Change of cell assignment, including placement in the restricted housing unit or restrictive confinement in a general population cell for a period not to exceed 90 days for any one misconduct charge.

(iv) Change of program level.

(2) Inmates found guilty of Class II misconducts may be subjected to one or more of the following sanctions:

(i) Reprimand.

(ii) Suspension of privileges for a specified period of time.

(iii) Payment of the fair value of property lost or destroyed or for expenses incurred as a result of the misconduct.

(iv) Change of cell assignment excluding placement in the restricted housing unit.

(v) Change, suspension or removal from job.

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(b) Written procedures which conform to established principles of law for inmate discipline including the following will be maintained by the Department and disseminated to the inmate population:

- (1) Written notice of charges.
- (2) Hearing before an impartial hearing examiner or an informal resolution process for charges specified by the Department in the *Department of Corrections Inmate Handbook*, or any Department document that is disseminated to inmates. The informal resolution process is described in DC-ADM 801--Inmate Discipline. The process gives inmates the option to meet with staff to resolve a misconduct rather than proceed with a hearing.
- (3) Opportunity for the inmate to tell his story and to present relevant evidence.
- (4) Assistance from an inmate or staff member at the hearing if the inmate is unable to collect and present evidence effectively.
- (5) Written statement of the decision and reasoning of the hearing body, based upon the preponderance of the evidence.
- (6) Opportunities to appeal the misconduct decision in accordance with procedures in the *Department of Corrections Inmate Handbook*.

Credits

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37 Pa. Code § 93.10, 37 PA ADC § 93.10