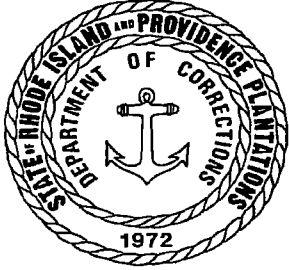


RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

	POLICY NUMBER: 11.01-5 DOC	EFFECTIVE DATE: 03/09/09	PAGE 1 OF 33
	SUPERCEDES: 11.01-4 DOC	DIRECTOR: Please use BLUE ink. <div style="text-align: center; font-family: cursive; font-size: 1.2em;">Ashley T. White</div>	
SECTION: RULES AND DISCIPLINE		SUBJECT: CODE OF INMATE DISCIPLINE	
AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; § 42-56-1, Declaration of powers; § 42-56-24, Time allowed for good behavior			
REFERENCES: <u>Wolff v. McDonnell</u> , 418 U.S. 539 (1974); ACA standards 4-4226 through 4-4229 (rules of conduct), 4-4230 (resolution of minor infractions), 4-4231 (criminal violations), 4-4232 and 4-4245 (disc. rpts.), 4-4234 through 4-4237 (prehearing action), 4-4238 through 4-4243 (disc. hrg.), 4-4244 through 4-4248 (Hrg. Decisions, Record, Review, and Appeal), 4-4252 (disc. detention), 4-4255 (disc. detention review) 3-ALDF-3C-01 through 3-ALDF-3C-22 (rules and discipline, adult local detention facilities) RIDOC policy #'s 5.01-3 DOC, Management of Semi-Active and Archival Records; 15.01-2 DOC (Classification Process, which contains the Discipline Severity Scale); 13.10-1 DOC (Inmate Grievance Procedure); 9.36-3 DOC, Substance Abuse Testing, Sanctions, and Treatment for Inmates Under RIDOC Supervision; 18.43-1 DOC, Health Evaluation of Inmates in Administrative or Disciplinary Confinement; 20.01 DOC, Inmate Furloughs; <u>Sandin v. Conner</u> , 515 U.S. 472 (1995); <u>Superintendent v. Hill</u> , 472 U.S. 445 (1985); <u>Lewis v. Casey</u> , 516 U.S. 804 (1996)			
INMATE ACCESS THROUGH LAW LIBRARY?		<input checked="" type="checkbox"/> YES	
AVAILABLE IN SPANISH?		<input checked="" type="checkbox"/> YES	

I. PURPOSE:

To establish procedural guidelines for the operation of a code of inmate discipline that maintains order and furthers the rehabilitation of inmates.

II. POLICY:

- A. The Rhode Island Department of Corrections (RIDOC) has established a code of inmate discipline that is fair, impartial, and constitutional. This Code:

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1. places inmates on notice of prohibited conduct involving institutional safety, security, and order of the facilities;
 2. establishes guidelines and procedures to address inmate failure to comply with rules of conduct; and
 3. defines the process of judging allegations of misconduct and sanctions for violations of the Code.
- B. All disciplinary actions are timely, impartial, and consistent. Sanctions are proportionate to the seriousness of offenses.
- C. This policy will be printed in English and Spanish.
- D. Notification
1. Employees - Supervisors will ensure each employee who has direct contact with and/or decision-making authority over members of the offender population [hereinafter referred to as inmate(s)] has access to this policy.
 2. Inmates
 - a. The policy will be available in each facility's inmate law library and in inmate living areas.
 - b. Inmate orientation sessions will include information about this policy's major provisions.
 - c. Each facility's inmate handbook will:
 - (1) direct inmates to familiarize themselves with this policy; and
 - (2) specify the location(s) where this policy may be found.

III. PROCEDURES:

A. Definitions

1. 1-Nighter - an administrative loss of institutional privileges for a period of twenty-four (24) continuous hours.

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- a. The continuous hours begin at the time the inmate signs the waiver of his/her right to appear before a Hearing Officer and thereby accepts the 1-nighter.
 - b. There will be no loss of good time in connection with an inmate's acceptance of a 1-nighter.
 - c. The inmate forfeits the following privileges:
 - (1) Visits, except attorney and RIDOC clergy
 - (2) Telephone, except attorney
 - (3) Furlough, except emergencies approved by Director or designee
 - (4) Recreation
 - (5) On-grounds classes, school, employment, at the Warden's/designee's discretion

NOTE: Warden/designee must approve continued participation in off-grounds classes, school, employment.

- (6) Out-of-cell time, except for meals and/or to seek medical care
- (7) Television and/or radio, at the Warden's/designee's discretion

NOTE: May require removal from communal living area to cell for duration of 1-nighter.

2. 2-Nighter - an administrative loss of institutional privileges for a period of forty-eight (48) continuous hours.
 - a. The continuous hours begin at the time the inmate signs the waiver of his/her right to appear before a Hearing Officer and thereby accepts the 2-nighter.
 - b. There will be no loss of good time in connection with an inmate's acceptance of a 2-nighter.
 - c. The inmate forfeits the following privileges:

- (1) Visits, except attorney and RIDOC clergy;
- (2) Telephone, except attorney;
- (3) Furloughs, except emergencies approved by Director or designee;
- (4) Recreation;
- (5) On-grounds classes, school, employment, at the Warden's/designee's discretion;

NOTE: Warden/designee must approve continued participation in off-grounds classes, school, employment.

- (6) Out-of-cell time, except for meals and/or to seek medical care;
- (7) Television and/or radio, at the Warden's/designee's discretion.

NOTE: May require removal from communal living area to cell for duration of 2-nighter.

3. Category 1 Contraband - items that are unauthorized for inmate possession and/or violate state/federal law.
4. Category 2 Contraband - items that are authorized for inmate possession, but in limited quantities.
5. Charging Employee - includes, but is not limited to, any person having the care, custody, and/or control of an inmate.
6. Disciplinary Confinement - a form of temporary separation from the general population for those inmates who are found guilty of serious disciplinary infractions; place of confinement to be designated by the Warden/designee; duration is commensurate with the seriousness of the offense, consistent with RIDOC's Discipline Severity Scale; includes a loss of privileges and loss of good time.
7. Loss of Privileges (LOP) - temporary loss of specified privileges and loss of good time, not to exceed fifteen (15) days, for those inmates who are found guilty of moderate or low moderate disciplinary violations, consistent with

RIDOC's Discipline Severity Scale; inmates remain in general population housing.

a. Loss of privileges (LOP) is determined by the Hearing Officer and is consistent with the inmate's status and domicile area/facility and may include:

- (1) Visits, except attorney and RIDOC clergy;
- (2) Furloughs, except emergencies approved by Director or designee;
- (3) Recreation;
- (4) On-grounds classes, school, employment, library (library exceptions: inmate is a party to ongoing legal action covered by Lewis v. Casey);

NOTE: Warden/designee must approve continued participation in off-grounds classes, school, and/or employment.

- (5) Out-of-cell time, except for meals and/or to seek medical care;
- (6) Television and/or radio;
- (7) Telephone, except attorney [with approval and limited to one (1) per week].

NOTE: This may include loss of telephone personal identification number (PIN) for a period of time to be determined by the Hearing Officer. Suggested sanctions:

- (a) First offense: 5 days;
- (b) Second offense: 10 days;
- (c) Third/subsequent offense: 15 days.

B. Notification:

1. Copies of the Inmate Handbook, which include pertinent information regarding disciplines, are placed in general areas (e.g., cell blocks) for inmates' information.
2. Newly admitted inmates shall receive information/instructions about the Code of Inmate Discipline following admission.

C. Discipline Code:

1. General Provisions

a. Classes of Offenses: There are four (4) classes of offenses.

- (1) Class 1 - Highest
 - (a) Predatory
 - (b) Non-predatory
- (2) Class 2 - High
- (3) Class 3 - Moderate
- (4) Class 4 - Low Moderate

NOTE: See Attachment 1, RIDOC Discipline Severity Scale, for specific offenses, listed by Class.

b. In any action under this Code, there are six (6) mandatory steps:

- (1) Initial Booking Report;
- (2) Superior Officer/designee review;
- (3) Notice to the inmate;
- (4) Hearing before a Hearing Officer;
- (5) Administrative review by the Warden/Administrator of Community Confinement/designee;

(6) Record.

c. Waiver of Disciplinary Report for Class 4 Offenses

(1) Class 4 (Low Moderate) offenses may be resolved by the reporting employee as follows:

(a) An employee observing Class 4 violations handles such incidents tactfully and firmly by warning and counseling the inmate.

(b) If the employee considers the imposition of discipline necessary for a Class 4 offense, s/he may, at his/her discretion, present the inmate with the option of:

(1) a written charge and subsequent appearance before a Hearing Officer; or

(2) administrative loss of institutional privileges for a period of up to two (2) nights, referred to as a 1- or 2-nighter (defined in III.A.). (See Attachment 2, sample Disciplinary Report Waiver form.)

(2) The charge and disposition are presented to the inmate with dispatch.

(3) The inmate executes a signed waiver of his/her right to appear before the Hearing Officer.

NOTE: If such waiver is obtained, the administrative penalty commences immediately.

(4) The inmate is given a copy of any waiver of the right to appear before a Hearing Officer s/he executes and the records of any punishment resulting therefrom.

(5) Following demand for an appearance before a Hearing Officer on a Class 4 offense, the inmate may not be confined to his/her cell pending said appearance.

(6) If the inmate is subsequently found guilty, punishment beyond a 2-night loss of institutional privileges may be

imposed - up to five (5) days loss of specified privileges within inmate's classification (commonly known as LOP, and defined in III.A.).

- (7) Whenever a Hearing Officer imposes LOP, there is a corresponding loss of good time.

NOTE: A Loss of Privileges finding must be entered into INFACETS as discipline.

- (8) The inmate may be presented the aforementioned choice of waiver of Disciplinary Report for Class 4 offenses only once (1) every seven (7) days. The written notice of choice informs the inmate that any additional Class 4 violations during that period require a disciplinary hearing.

d. Limits: Any imposition of discipline (disciplinary confinement and/or loss of privileges) is for a definite period of time.

(1) Class 1 -- Highest

(a) Predatory - 31 days to 1 year disciplinary confinement

Class 1, Highest, Predatory is a category of Class 1 offenses. Because of the severity of predatory offenses, the range of disciplinary confinement imposed by a Hearing Officer for this category of offense (Class 1, Highest, Predatory) is thirty-one (31) days to one (1) year.

NOTE: Days of lost good time are commensurate with the number of days of disciplinary confinement. While inmates will not incur negative balances, they do not "earn" good time while in disciplinary confinement.

- (1) In order for the Hearing Officer to impose more than thirty (>30) days disciplinary confinement, however, the offense for which the inmate is found guilty must have caused serious injury, immense damage, or a severe threat to institutional or public safety. When imposing disciplinary confinement for predatory infractions, the Hearing Officer imposes a

sanction that is commensurate with the injury, damage, or threat to institutional or public safety for which the inmate was found guilty.

- (2) A post-hearing review process, explained in detail elsewhere in this policy (III.D.12.), is in place for inmates who receive more than thirty (30) days disciplinary confinement for any single infraction.

(b) Non Predatory - 21 to 30 days disciplinary confinement

The Hearing Officer imposes 21 - 30 days disciplinary confinement when an inmate is found guilty of a Class 1, Highest, Non-Predatory offense.

NOTE: For substance abuse-related offenses:

Offense #	# Days Disciplinary Confinement
1	21 - 23
2	24 - 26
3 and subsequent	27 - 30

All substance abuse-related discipline(s) incurred by an inmate since the first day of his/her current period of incarceration or current sentence (including sentences to Home Confinement and including infractions which occurred prior to this policy's effective date) are considered when determining whether an inmate is a first, second, third, or subsequent violator/offender.

NOTE: When a Parolee violates the terms/conditions of his/her parole and is returned to the Adult Correctional Institutions (ACI), positive substance abuse tests (i.e., "dirty urines") associated with his/her current period of incarceration or current sentence which s/he incurred prior to release on parole, are counted when determining whether the parole violator is a first, second, third, or subsequent substance abuse violator/offender.

See policy 9.36-3 DOC, Substance Abuse Treatment, Testing, and Sanctions for Offenders Under RIDOC Supervision, or a successive policy, for further information regarding intervention options and testing requirements.

(2) Class 2 - High - 1 to 20 days disciplinary confinement

When an inmate is found guilty for the second time for a Class 2 offense in any 6-month period arising from separate incidents, the sanction for the second offense may be taken from those authorized for the next higher class of offense.

(3) Class 3 - Moderate - discipline less than disciplinary confinement, 3 to 15 days loss of privileges (LOP)

(a) When an inmate is found guilty for the third time of a Class 3 offense in any 6-month period arising from separate incidents, the sanction for the third offense may be taken from those authorized for the next higher class of offense.

(b) Except, when an inmate is found guilty of an infraction(s) committed while s/he was serving disciplinary confinement time or confined in C Status. In such instances, any remaining LOP time shall be converted to disciplinary confinement time, and additional disciplinary confinement time may be imposed.

(4) Class 4 - Low Moderate - discipline less than disciplinary confinement, up to 5 days LOP

Except when an inmate is found guilty of an infraction(s) committed while s/he was serving disciplinary confinement time or confined in C Status. In such instances, any remaining LOP time shall be converted to disciplinary confinement time, and additional disciplinary confinement time may be imposed.

D. Disciplinary Process

1. Booking Report by Charging Employee

- a. Disciplinary Report: The disciplinary process begins with the initiation of a Disciplinary Report in INFACIS by a staff member upon detection of a violation of the Code of Inmate Discipline.
- (1) Facility Procedure: The charging employee submits a Disciplinary Report (written charge) to the Superior Officer as soon as possible after the alleged violation occurs.
 - (2) Community Corrections Program Procedure: The Disciplinary Report is referred to the Administrator of Community Confinement or designee.
 - (3) The Disciplinary Report must show, in writing, the inmate's name; RIDOC inmate I.D. number; housing/work assignments; time, date, place, and charge (known details concerning the alleged violation); and is to identify the employee initiating the report (charging employee). Said employee ensures that the "Inmate Security", "Area/Cell", and "Inmate Job Code" fields contain correct information. If not, appropriate corrections are made.
 - (a) In most instances/circumstances, the "charging infraction" is a single infraction. If more than one infraction occurs during a single incident, the charging infraction is the most serious.

Example #1: Inmate Jones is loud and boisterous in the dining room. When told to quiet down by the C/O on duty, he throws his food tray onto the floor. When the C/O approaches Inmate Jones, he assaults the Officer.

The "charging infraction" is the assault on a C/O.

The "description of infraction" includes details of the inmate's behavior, other infractions (loud and boisterous behavior and throwing food tray), whether the inmate was warned, etc.

Example #2: During a cell search, numerous adult magazines, underwear beyond the allowed quantity, and another inmate's radio are found.

The "charging infraction" is possession of category 1 contraband (items that are unauthorized for inmate possession - the magazines and the radio).

- (b) Under extenuating and serious circumstances and at the discretion of supervisory personnel, multiple bookings may result from a single incident.

Example: The same cell search yields both illegal drugs and a weapon. The inmate is subject to separate Disciplinary Reports and possible criminal charges.

- b. A Correctional Officer may take immediate custody of an inmate being charged with a disciplinary infraction, if such action is deemed by the Officer to be necessary to avoid assault or serious disorder.
 - (1) However, only the Warden, Deputy Warden, a Superior Officer, or a member of one of RIDOC's investigatory units [Office of Inspection or Special Investigations Unit (SIU)] may determine that an inmate should be held "locked and fed in" (LFI) pending further investigation or hearing.
 - (a) Such detention occurs only when it appears the inmate represents a threat to him/herself or to others, or to the security or order of the institution.
 - (b) The Superior Officer determining whether detention prior to an investigation and hearing is necessary makes a written report, and his/her decision is subject to review by the Shift Commander, Deputy Warden, Warden, or Administrator of Community Confinement.
 - (c) Such detention lasts only as long as the circumstances requiring it remain in effect, and in no event will an inmate be detained without a hearing (i.e., locked and fed in pending an investigation) beyond the next disciplinary hearing date.

- (2) If an inmate is locked up pending an investigation and disciplinary hearing, such detention is not to be in the disciplinary confinement area unless required for the security or safety of the institution.

2. Review by Superior Officer/Designee

- a. A written copy of the charge is transmitted with dispatch (e.g., posted to a "To Be Reviewed" folder or clipboard) by the Correctional Officer or charging employee to the reviewing Superior Officer/designee on duty at the time.
- b. A timely review of the Disciplinary Report is conducted by the Shift Commander or designee to ensure completeness/accuracy:
 - (1) the report is comprehensive and includes answers to the questions: who, what, when, where, and how.
 - (2) identification is accurate, to include proper spelling of inmate's name and ID number.
 - (3) inmate's date of birth.
 - (4) date and time of infraction.
 - (5) inmate's job assignment, if applicable.
 - (6) infraction for which inmate is charged.
 - (7) infraction's numerical code.
 - (8) inmate's quarters assignment.
 - (9) place of infraction.
 - (10) the charging offense is consistent with the description of the incident.
 - (11) When the infraction is substance abuse-related, the Superior Officer/designee determines whether it is a first, second, or third/subsequent offense. (See policy # 9.36-3 DOC, or a successive policy.)

Once a Superior Officer/designee validates a substance abuse-related booking, s/he notifies SIU in writing, on the next business day, via the pre-shift report.

- (12) In cases involving positive urine tests, a copy of the urinalysis report must be attached to the Disciplinary Report.
 - (13) further inquiry as the Superior Officer/designee deems necessary.
- c. The Superior Officer/designee reviewing the report then ensures the following information is correct
- (1) Inmate's last name
 - (2) Inmate's first name
 - (3) Inmate's RIDOC I.D. #
 - (4) Charging employee
 - (5) Offense (including Class)
 - (6) Date Filed
 - (7) Time Filed
- d. The Superior Officer conducts a preliminary review of the matter without unnecessary delay. The review may include interviews with the charging employee, inmate charged, and any other employee(s) or inmate(s) indicated.
- e. The reviewing Superior Officer enters on the Disciplinary Report his/her recommendation whether to dismiss or proceed with the Disciplinary Report with appropriate notice to the inmate.
- (1) Mental health staff checks INFACETS on a daily basis for all disciplinary reports issued in their respective facilities. If a mental health staff member believes an inmate's mental health status contributed to his/her receiving a Disciplinary Report, the mental health worker will consult the Clinical Director Psychologist, or in his/her absence, the mental health staff member designated to provide coverage. Based

on discussion with the Clinical Director Psychologist (or in his/her absence, the mental health staff member designated to provide clinical coverage), the mental health worker may then approach the facility Warden to discuss the matter.

- (2) The Warden/designee may:
 - (a) dismiss the charge;
 - (b) review the case with RIDOC mental health staff to determine the extent to which an inmate's mental health status influenced his/her behavior;

NOTE: When the Warden/designee reviews a Disciplinary Report with mental health staff to make such a determination, the following questions/criteria should be considered:

- (1) Did the inmate's mental health status significantly contribute to the infraction?
 - (2) Is the inmate able to understand the charge and hearing process?
 - (3) Is the charge appropriate, given the inmate's mental health status?
 - (4) Consideration should be given to other behaviors that might be subject to disciplinary charges. For example, an inmate who has made a serious suicide attempt, as determined by mental health care staff, should not be disciplined for self-mutilization, possession of a weapon, destroying State property, etc. if these charges are also related to the inmate's mental status at the time of the infraction.
- (c) Refer the matter for hearing.
- f. Criminal Proceedings: Proceedings under any criminal code against an inmate shall not cause the delay of proceedings under this Code. Any dismissal, nolo, or not guilty verdict in criminal proceedings

shall not affect action under this Code. Any serious criminal offense shall be reported to RIDOC Special Investigations Unit (SIU) and/or Office of Inspection for investigation and appropriate action.

- g. The Superior Officer provides a copy of the informational/review package to the Hearing Officer prior to the hearing.

3. Notice to the Inmate

- a. The Superior Officer orally informs the inmate of the charge against him/her and delivers a copy of the Disciplinary Report (Parts I and II completed) no later than one (1) day after filing the charge, at least twenty-four (24) hours prior to the hearing.
- b. The Superior Officer also asks whether the accused inmate desires a representative and records the inmate's response on the Disciplinary Report.

4. Inmate Representatives

- a. The representative is scheduled to be on duty at the time of the hearing.
- b. The representative is an assigned counselor who assists the inmate in preparing a defense.

The representative counselor is assigned by the Warden, Professional Services Coordinator/Institutional Programs, or designee.

- c. The representative meets with the inmate prior to the hearing and assists the inmate in preparing a defense and making a presentation at a formal disciplinary hearing.
- d. An inmate's refusal of a representative's assistance must be documented.

5. Defense Preparation

An accused inmate is allowed a minimum of twenty-four (24) hours, from notice of disciplinary action to hearing, to prepare a defense. An inmate may waive the 24-hour period. Such a waiver is documented on the Disciplinary Report by the Superior Officer conducting the review.

6. Disciplinary Hearing Before a Hearing Officer

a. Hearing Officer

- (1) The Warden/Administrator of Community Confinement /designee appoints a supervisory employee as a Hearing Officer who coordinates the disciplinary functions of the facility/program and ensures the facility/program complies with this Code, to include conducting two (2) hearing sessions per week, with at least two (2) days in between.
- (2) S/he is responsible for the processing and distribution of all records and reports under this Code unless responsibility is expressly delegated to another individual.
- (3) Any employee who initiates a Disciplinary Report, investigates/reviews the charging employee's report, or is listed as a witness on the Disciplinary Report is not eligible to be the Hearing Officer who hears that case.
- (4) The Hearing Officer ensures the Disciplinary Report is brought to hearing in accordance with the timeframes established in this policy and ensures the inmate, representative, if any, witness(es), evidence, and appropriate forms are available at the scheduled hearing.

b. Appearance of the Accused: An accused inmate shall be present at the disciplinary hearing:

- (1) unless the inmate declines to appear;
- (2) unless the inmate's behavior gives cause for exclusion or removal (NOTE: Such behavior must be documented on the Disciplinary Report.);
- (3) except when confidential information is presented as described below; and/or
- (4) except when the Hearing Officer recesses for deliberation.

NOTE: The absence of an accused inmate [and the reason(s) for his/her absence] must be documented on the Disciplinary Report

and verbalized on the recording of the hearing. In all such cases, review by the Warden/Administrator of Community Confinement/designee is automatic.

- c. Continuance: At the request of the inmate and/or for good cause shown, a disciplinary hearing may be continued to the next hearing date at the discretion of the Hearing Officer. The Hearing Officer records the reason(s) for any continuance. Not more than two (2) continuances may be granted.
- d. Plea: The charge as it appears on the Disciplinary Report is read and fully explained by the Hearing Officer.
- (1) The inmate admits or denies the charge.
 - (2) If the inmate wishes to plead guilty to the charge, the inmate shall so state.

S/he may choose to plead "guilty with an explanation".
 - (3) If criminal charges are being considered, the Hearing Officer so advises the inmate.
 - (4) A plea of not guilty is entered by the Hearing Officer if the inmate refuses to plead or is not present.
- e. Witnesses
- (1) An accused inmate has an opportunity to present a reasonable amount of witness testimony at a disciplinary hearing at the discretion of the Hearing Officer.
 - (2) If an inmate does not request witnesses, the Hearing Officer ensures the record accurately reflects that fact.
 - (3) The Hearing Officer has authority to include/exclude any person as a witness, limit the testimony of any witness which is redundant or irrelevant, and order the presentation of any documents or evidence necessary for the conduct of a disciplinary hearing.
 - (4) The Hearing Officer may exclude or eject from the disciplinary hearing any person whose behavior poses a threat to an

orderly hearing or jeopardizes the safety of any person. (The Hearing Officer determines the hearing requirements to ensure a professional proceeding.)

- (5) The Hearing Officer documents any denial of witnesses.

f. Evidence

- (1) Evidence may be physical evidence, urinalysis reports, a written statement or document, and/or oral testimony.
- (2) Copy(ies) of urinalysis report(s) are to be provided to the inmate at the time s/he is given the Disciplinary Report.
- (3) Physical evidence is presented at the hearing, whenever practicable, as determined by the Hearing Officer. Otherwise, a sample, photograph, laboratory test, or written description of the evidence is presented.

g. Recordings

The hearing must be recorded. Any recordings made are the property of the Rhode Island Department of Corrections and not released except for administrative or judicial review. Wardens/Administrators ensure the recordings are securely stored at the facility for a period of at least three (3) years after the date of the disciplinary hearing.

h. Presentation of the Case

- (1) The Hearing Officer begins the hearing by reading the statement of charge (infraction) on the Disciplinary Report; identifying self, inmate representative and inmate, charge, etc; reviewing the results of the review conducted by the Superior Officer; calling any witnesses; and presenting any evidence available.
- (2) The Hearing Officer may question the inmate and others as necessary.
- (a) All questions are asked in the presence of the accused inmate, except when the source of the information must be protected or there is reason to believe the

accused's presence will be disruptive or intimidating to any witness.

- (b) In those cases, the Hearing Officer documents the nature of the information.

i. Confidential Information

- (1) Information which is material to the allegation of misconduct may be exempted from disclosure if it places another person in jeopardy or compromises security.
 - (a) If the charging employee believes documentary or testimonial information should be exempted from disclosure, s/he presents the information and an assessment of its credibility to the Hearing Officer outside the presence of the inmate and the inmate's representative.
 - (b) The charging employee is not required to disclose the source of the confidential information to the Hearing Officer.
- (2) The Hearing Officer makes a determination as to the reliability of the information.
 - (a) At a very minimum, the charging employee must report that the information has been specifically corroborated on all specific material points.
 - (b) The Hearing Officer reaches a reasoned conclusion that the information obtained from a confidential source is reliable and, therefore, likely to be true.
 - (c) The Hearing Officer makes a record of his/her assessment/determination. This record need not be provided to the inmate if it might identify the confidential source of the information, but is available to any reviewing court.
- (3) If the inmate is found guilty of the offense, the Hearing Officer states, in writing, a summary of the information, an assessment of its reliability, and why it is exempt from

disclosure. This statement is maintained in a file (as determined by the Warden/designee) which is not accessible to any inmate.

- (4) If the Hearing Officer determines information is not confidential, s/he may proceed with the hearing or may continue the hearing to allow the inmate time to prepare a defense.

- j. Rebuttal: The inmate, through his/her representative, may pose a reasonable number of questions to witnesses or rebut evidence and information presented at the disciplinary hearing subject to constraints imposed by the Hearing Officer. The Hearing Officer constrains the rebuttal if it is irrelevant, redundant, or disrupts an orderly hearing.

- k. Defense: If the inmate thinks the charge against him/her is untrue (in whole or in part), s/he may present information available to him/her and others. Said presentation includes the right to call a reasonable number of witnesses, both adverse and favorable, and examine said witnesses consistent with III.D.6.e. Inmates are not permitted to have legal counsel or any representative other than a RIDOC-appointed representative present at a disciplinary hearing.

- l. Substitute Charge:
 - (1) A charge may be substituted by the Hearing Officer at the same, higher or lower level (class) if it becomes apparent the original charge is inappropriate
 - (a) The Hearing Officer may substitute a charge during the hearing by informing the inmate of the substitute charge and taking a plea.
 - (b) A substitute charge renders the original charge dismissed.
 - (c) If the inmate pleads not guilty to the substitute charge, a continuance may be granted upon request of either the Hearing Officer or the accused inmate to allow for further investigation or defense preparation.

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- (2) The Hearing Officer may also find the inmate guilty of a lesser charge or violation of rules than was originally written.
7. Expedited Disposition: The disciplinary process may be expedited when an accused inmate's release is imminent or when circumstances require the inmate be urgently transferred and it is impracticable to conduct a hearing at the receiving facility. In such cases, an inmate must receive the Disciplinary Report, be afforded a chance to prepare a defense including naming witnesses, receive the services of a representative if desired, and any hearing must be in accordance with this Code.
8. Transferred Inmate's Disciplinary Process: If an inmate is transferred prior to disposition of a Disciplinary Report, a Hearing Officer from the sending facility (where inmate received the Disciplinary Report) conducts the hearing at the receiving facility (where inmate is serving disciplinary confinement).
9. Decision:
- a. Upon completion of the hearing, the Hearing Officer takes the matter under advisement.
 - b. The Hearing Officer decides the case on the basis of the hearing record.
 - c. Options Available to Hearing Officer:
 - (1) Dismissal of charge
 - (2) Finding of guilt; issuance of reprimand -- Classes 3 and 4 offenses only
 - (3) Finding of guilt
 - (a) Recommendation/Referral to Classification Board for review of classification status
 - (b) Temporary loss of specified privileges within inmate classification not to exceed fifteen (15) days.
 - (c) One (1) day to one (1) year in disciplinary confinement, depending on the class of offense.

- (d) Restitution (for willful disfigurement, damage, and/or destruction of state property) – See III.F.
- (4) Any combination of (a) – (d) above
- (5) Substance Abuse-Related Offenses: Consistent with policy # 9.36-3 DOC (or a successive policy), any offense that is substance abuse-related results in suspension of an inmate's visiting privileges (except for attorneys and clergy), as follows:

Substance Abuse-Related Offense	Suspension of Visiting Privileges
1 st	30 days
2 nd	6 months
3 rd and subsequent	1 year

- d. The Hearing Officer immediately informs the inmate of his/her decision and any sanction imposed.
 - e. The Hearing Officer completes the section of the Disciplinary Report that specifies the infraction for which the inmate was found guilty and its corresponding code number.
10. Disciplinary Hearing Results:
- a. The Hearing Officer/designee ensures the results of the disciplinary hearing are completed as soon as possible following the hearing.
 - b. Disciplinary hearing results are entered into INFACETS (Inmate Facility Tracking System) and are accessible/available to the following individuals for appropriate action:
 - (1) Warden/Administrator of Community Confinement /designee (original);
 - (2) Associate Director of Classification/designee (to ensure Classification receives timely notice of all recommendations for changes in status – i.e., downgrades);
 - (3) Records and Identification (if not appealed).

NOTE: Copies of disciplinary hearing results are forwarded to affected inmates and affected staff for appropriate action (e.g., for filing in affected inmates' files).

- c. The Warden/Administrator of Community Confinement/designee may:
- (1) order further proceedings; or
 - (2) reduce or suspend any result of the disciplinary hearing unfavorable to the inmate.
11. Parole: Counseling staff notify the Office of the Parole Coordinator of any inmate who has been voted to Parole and is found guilty of a Class 1 (Predatory or Non-Predatory) and/or Class 2 disciplinary offense for which the inmate receives ten or more (≥ 10) days worth of sanctions. The Parole Coordinator or designee refers the matter to the Parole Board Chairperson for reconsideration.
12. Review of Hearing Officer's Decision by Warden/Administrator of Community Confinement/Designee:
- a. Whenever an inmate is found guilty of an infraction at a hearing held in said inmate's absence, review by the Warden/Administrator of Community Confinement/designee is automatic.
- The Hearing Officer indicates (checks off) that the inmate requests a review by the Warden/Administrator of Community Confinement/designee on the Disciplinary Report itself.
- b. 30 Days Disciplinary Confinement or Less - inmates must submit written requests for review within five (5) working days of the disciplinary hearing [exception: for intake facilities, three (3) working days].
- (1) Community Corrections Program Inmates - must submit written requests for review of Hearing Officers' decisions to the Administrator of Community Confinement or designee.

- (2) Adult Correctional Institutions (ACI) Inmates - must submit written requests for review of Hearing Officers' decisions to the Warden or designee (i.e., Deputy Warden).
- (3) The Warden/ Administrator of Community Confinement/ designee responds to the inmate within five (5) working days of receiving the inmate's request for review.
- (4) The Hearing Officer makes it clear to the inmate that s/he may request assistance from his/her representative or any other individual(s) approved by the Warden/ Administrator of Community Confinement/ designee when preparing his/her written request.

c. More Than 30 Days Disciplinary Confinement

- (1) Whenever an inmate is found guilty of a Class 1, Highest, Predatory offense, s/he receives more than thirty (>30) days disciplinary confinement for that single infraction.
- (2) In all such cases, review by the Warden/ Administrator of Community Confinement/ designee is automatic.

The Hearing Officer indicates (checks off) that the inmate requests a review by the Warden/ Administrator of Community Confinement/ designee on the Disciplinary Report itself.

- (3) While inmates who receive more than 30 days disciplinary confinement for a single Class 1, Highest, Predatory offense are not required to submit written requests for review, they are strongly encouraged to submit their written comments concerning the incident to the proper reviewing authority within five (5) working days of receiving the Hearing Officer's decision, except for comments from inmates in either of the intake facilities, which must be submitted within three (3) working days (Monday - Friday, excluding holidays, Saturdays, and Sundays).

Disciplinary Confinement Imposed for a Single Class 1, Predatory Infraction	Inmate's Written Comments Concerning the Incident to be Submitted to:
31 days - 3 months	Warden/designee (Deputy Warden); or Administrator of Community Confinement/designee
3 months and 1 day - 1 year	Warden/designee (Deputy Warden); or Administrator of Community Confinement/designee If denied by Warden/Administrator of Community Confinement /Designee, to Assistant Director (Ins/Ops for the ACI; Assistant Director of Rehabilitative Services for Community Confinement)

- (4) The Hearing Officer makes it clear to the inmate that s/he may request assistance from his/her representative or any other individual(s) approved by the Warden/Administrator of Community Confinement/designee when preparing his/her written comments.
- (5) As stated above, the inmate must submit his/her written comments within five (5) working days of receiving the Hearing Officer's decision, except for comments from inmates in either of the intake facilities, which must be submitted within three (3) working days (Monday through Friday, excluding holidays, Saturdays, and Sundays).
- (6) The Warden/designee or Administrator of Community Confinement/designee responds (in writing) within fifteen (15) calendar days of receipt of the request for review, and disposition is suspended during this period, except where the safety, security, and good order of the facility may be adversely affected.
- (7) If the Warden/Administrator of Community Confinement/designee upholds the decision, or the sanction remains higher than ninety (90) days following the Warden's review, s/he

forwards all pertinent information to the ADIO/Assistant Director of Rehabilitative Services for review/response.

NOTE: This expanded review process (involving the affected Assistant Director) applies to Class 1 Predatory infractions resulting in sanctions of 3 months and 1 day to one (1) year disciplinary confinement after the Warden's/Administrator of Community Confinement/designee's review only. Disposition is not suspended during this time.

- (8) The ADIO/Assistant Director of Rehabilitative Services responds to the inmate (in writing) within twenty (20) working days of receiving the information from the Warden/Administrator of Community Confinement/designee.
- e. If the Warden/Administrator of Community Confinement/designee or ADIO (reviewing Warden) or Assistant Director of Rehabilitative Services (reviewing the Administrator of Community Confinement) is in agreement with the Hearing Officer's decision, the decision is approved and ordered.
- The Warden/Administrator of Community Confinement or ADIO or Assistant Director of Rehabilitative Services must find that evidence in the record supports the conclusion reached by the Hearing Officer [Superintendent v. Hill, 472 U.S. 445 (1985)].
- f. If the Warden/Administrator of Community Confinement/designee or ADIO/Assistant Director of Rehabilitative Services does not agree with the Hearing Officer's decision, s/he may order further study, review, and/or hearing; substitute an infraction at the same or lower (**underscoring for emphasis**) level (class); amend the charge; alter or suspend the sanction; or dismiss the Disciplinary Report.
- g. The inmate is notified in writing of any change resulting from the review process.
- h. Following final review/decision, information is available to Records and Identification staff in INFACTS.

NOTE: Copies of final reviews/decisions are forwarded to affected inmates and affected staff for appropriate action (e.g., for filing in affected inmates' files).

13. Long-Term Disciplinary Confinement

a. Long-term disciplinary confinement [in excess of thirty (30) days] may result from:

- (1) a single, Class 1, Highest, Predatory offense;
- (2) multiple Class 1, Highest, Predatory offenses;
- (3) multiple offenses from any of the lower classes of offenses.

b. Administrative Review

(1) In addition to the review process described in III.D.12.c., the Warden/designee (i.e., Deputy Warden) of any facility that houses inmates serving long-term disciplinary confinement evaluates such inmates every ninety (90) days.

(a) The Warden/designee considers the appropriateness of continued disciplinary confinement.

(i) S/he may recommend to the Assistant Director of Institutions and Operations that all or part of an inmate's remaining disciplinary confinement be commuted, and the inmate be placed on "C" status, Administrative Restrictive status or in normal facility population;

The Warden/designee may require the inmate to participate in available programs while on "C" status so that s/he acquires the skills necessary to successfully live in general population, and ultimately, in society.

(ii) If the inmate's behavior to date does not warrant a recommendation to commute all or part of his/her remaining disciplinary

confinement, the Warden/designee may suggest to that inmate that s/he comply with a particular set of conditions (e.g., remaining "booking free") for a specified period of time, resulting in:

- (a) limited privileges (e.g., program participation) while serving remaining disciplinary confinement;
 - (b) an early review (i.e., before the next regularly scheduled 90-day review).
- (iii.) S/he may decide the inmate should remain on his/her current status.

(2) The Warden shall notify the ADIO of the outcome of each administrative review and the reason(s) for his/her determination whether or not the Warden recommends a change in status.

c. Medical Evaluation of Inmates in Long-Term Disciplinary Confinement

- (1) All inmates who are separated from the general population (for administrative and/or disciplinary confinement) have access to medical personnel, services, and facilities.
- (2) Consistent with policy # 18.43-1 DOC, Health Evaluation of Inmates in Administrative/Disciplinary Confinement (or a successive policy), Wardens/designees ensure:
 - (a) Such inmates are seen by Health Care Services staff at specified intervals (i.e., as of this policy's effective date and consistent with policy 18.43-1 DOC, nursing staff "trip" disciplinary confinement areas daily); and
 - (b) Such encounters are documented in inmates' medical records.

d. Mental Health Evaluation of Inmates in Long-Term Disciplinary Confinement

Mental health staff assessments are made as clinically appropriate. Evaluations are conducted by mental health professionals at the following intervals (at a minimum):

- (1) On the first business day following an inmate's thirtieth (30th) consecutive day in disciplinary confinement.
- (2) At least once every thirty (30) days thereafter or before.

Staff should refer to policy 18.43-1 DOC, Health Evaluation of Inmates in Administrative/Disciplinary Confinement, or a successive policy for more detailed information.

14. Disciplinary Report Numbering System: Each Disciplinary Report being entered into INFACIS is automatically numbered.

15. Records: Disciplinary Reports are maintained in INFACIS and contain:

a. A summary of all information produced at the hearing, including:

- (1) testimony of all witnesses;
- (2) written summary of investigation report; and
- (3) nature of the testimony and any unidentified informant(s).

b. Physical Evidence Viewed

- (1) If a Disciplinary Report is generated by or referred to the Special Investigations Unit (SIU) or the Office of Inspection, copies of any materials used during the hearing are not forwarded with the original Disciplinary Report. The SIU makes evidence available for review by the Warden/designee. The decision to retain or destroy such evidence rests with the appropriate investigatory unit.

NOTE: Consistent with item III.D.6.g., recordings of disciplinary proceedings are maintained for a period of at least three (3) years .

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- (2) The Hearing Officer makes his/her assessment of the evidence, and the evidence is presented to the Warden, Administrator of Community Confinement, or designee during the review process.
 - (3) After all materials are reviewed, the physical evidence remains in the custody of the office in the unit where the Disciplinary Report was initiated, where it is filed in a secure area.
 - (4) If it is not practical to retain evidence (needles, razors, etc.), photographs, and/or written description(s) are substituted.
- c. Findings of fact and the supporting reasons for the disposition decided upon.
 - d. Rationale for change in disposition upon review by Warden/Administrator of Community Confinement/designee.
 - e. If the Hearing Officer finds an inmate "not guilty" or the Disciplinary Report (booking) is dismissed (including those dismissed for mental health reasons; see page 15), the booking remains in the INFACS system for statistical purposes.
 - f. If a disciplinary hearing is dismissed, the violation in no way appears on the inmate's record or upon any record placed before the Parole Board or Classification Board.
16. Technical Mistakes and Serious Process Failures: Technical mistakes in the disciplinary process, including minor discrepancies in meeting time frames, are not cause for the reversal or dismissal of a Disciplinary Report. A serious process failure may result in dismissal by the Hearing Officer, Warden, Administrator of Community Confinement or Assistant Director.
- a. Technical Mistake is a mistake that does not affect the fairness and impartiality of the process.
 - b. Serious Process Failure is a failure that affects the fairness and impartiality of the process.

E. Out-of-State Inmates

For Rhode Island inmates serving their sentences out of state, the receiving states forward bookings to applicable RIDOC staff (e.g., the Records Unit Office Manager).

Records Unit staff enter bookings into INFACIS so that affected inmates' good time earnings are processed accordingly.

F. Restitution

1. If a RIDOC Hearing Officer finds an inmate guilty of willful disfigurement, damage, and/or destruction of state property, s/he may order the inmate to pay restitution based on a written estimate.

2. Whenever restitution is ordered, the inmate must receive a written notice from the Hearing Officer who found the inmate guilty and ordered restitution (Attachment 3).

a. A written estimate for materials and labor must be available.

The estimate is obtained by the facility/program Administrator or designee from RIDOC's Facilities and Maintenance Unit.

b. Challenge of restitution amount: Inmates may challenge the reasonableness of restitution ordered to cover the cost of repair/replacement parts and labor by submitting a written request to the Warden/designee or Administrator of Community Confinement/designee.

(1) This challenge does not include the right to obtain and submit additional or competitive estimates.

(2) Challenges must be submitted within three (3) working days (Monday through Friday; Saturday, Sunday and holidays excluded) (intake facilities) or five (5) working days (all other facilities) following receipt of the Hearing Officer's decision.

3. Collection

a. The Hearing Officer sends the restitution order to Inmate Accounts which serves as the collector.

-
- b. Any and all charges against an inmate's account which are court-ordered are given priority over restitution.
 - c. The amount of restitution is deducted from the available (active) balance in the inmate's account.
 - d. If the inmate's available (active) balance is not sufficient to meet the restitution amount:
 - (1) All but ten dollars (\$10.00) will be withdrawn from the active account;
 - (2) The balance owed is charged as debt to the inmate's account;
 - (3) One-half (1/2) of all subsequent deposits are used to offset the debt until the charges are paid in full.
 - (4) There are no restrictions on the other half of the deposits beyond normal restrictions.
 - e. Any debt remaining at the time of an inmate's release from institutional custody is considered a legal debt and is subject to civil remedy by the State.
 - f. If the individual returns to institutional custody before repayment of this debt, his/her inmate account reflects any unpaid debt from prior incarceration(s).

G. Exceptions:

Any exceptions to the procedures in this policy require prior written approval from the Director or designee.

**RHODE ISLAND DEPARTMENT OF CORRECTIONS
DISCIPLINE SEVERITY SCALE**

NOTE: Any attempt, conspiracy, and/or accessory of any offense is coded at the same level on the Discipline Severity Scale as the actual offense.

Attempt, conspiracy, and accessory are defined as:

1. **Attempt:** Conduct which makes an effort to accomplish an act prohibited by this Code.
2. **Conspiracy:** Agreeing with one or more persons to participate in an act prohibited by this Code and any one of those persons acts in furtherance of the conspiracy.
3. **Accessory:** Assisting a person to commit an act prohibited under this Code or to hide the evidence that such an act was committed.

NOTE: This list is not all inclusive. RIDOC reserves the right to charge an inmate with any other offense prohibited by law or prison rule, at a Category or level to be determined by the Director or designee.

CLASS 1, HIGHEST, PREDATORY <i>Sanction: 31 days - 1 year disciplinary confinement</i>	
Code	Offense
	ESCAPE
P06	Escape from Escorted Custody
P07	Escape From a Secure Facility
	SEXUAL
P15	Sexual Assault
	VIOLENCE
P01	Arson - purposely setting fire to a building or property
P02	Assault with a Weapon on Staff or Any Other Person Who is Not an Inmate
P03	Assault with a Weapon on an Inmate
P04	Assault on Staff or Any Other Person Who is Not an Inmate (to include spitting and/or throwing bodily fluids)
P05	Assault on an Inmate (to include spitting and/or throwing bodily fluids)
P08	Extortion/Blackmail - obtaining money, property, or favors from someone by violence or the threat of violence
P09	Hostage-taking
P10	Kidnapping
P11	Killing Another Human Being
P12	Mayhem - Inflicting or Attempting to Inflict Any Injury Which Disfigures, Disables, and/or Dismembers Another
P13	Rioting or Inciting Others to Riot
P14	Robbery - taking property from a person, or in his/her presence, when the taking is by means of violence or intimidation
CLASS 1, HIGHEST, NON-PREDATORY <i>Sanction: 21-30 days disciplinary confinement</i>	
Code	Offense
	CONTRABAND
101	Possession or Use of a Cell Phone or Any Unauthorized Communication Device
102	SMUGGLING Category 1 Contraband INTO the Facility [NOTE: Category 1 Contraband consists of items that are unauthorized for inmate possession (e.g. tobacco products and/or other paraphernalia)]
103	SMUGGLING Category 1 Contraband OUT of the Facility

158	Passing Category 1 Contraband [NOTE: Category 1 Contraband consists of items that are unauthorized for inmate possession (e.g. tobacco products and/or paraphernalia) and/or violate state/federal law.]
	DISOBEDIENCE
104	Adulteration of Any Food or Drink
105	Circumventing Telephone Security Procedures (i.e., making unauthorized telephone calls)
106	Conduct That Disrupts or Interferes with the Security or Orderly Running of the Facility
107	Disobeying a Clearly Stated Order in a Manner that Conveys a Deliberate Challenge to Authority and Jeopardizes the Safety, Security, and/or Orderly Operation of the Facility
108	Exceeding Assigned Limits of Community Release Without Permission (to include furloughs)
109	Failing/Refusing to HALT When Commanded to do so by a Correctional Employee
110	Hiding - being present and out of sight
111	Interfering With the Duties of a Correctional Officer in a Physically or Verbally Hostile Manner
112	Obstructing a Cell Door or Cell Window
113	Offering or Giving a Bribe
114	Refusing to Comply With a Strip Search
115	Wearing a Disguise or Mask
154	Purposely misleading an investigation by RIDOC Inspectors and/or SIU
	DISTURBANCE
116	Banging on or Kicking a Cell Door, Window, Bed, or Desk to Cause Structural Damage
117	Creating a (Collective) Disturbance
118	Engaging in or Encouraging a Group Demonstration and/or Activities
	ESCAPE
119	Absconding From a Non-Secure Facility (e.g., MIN, WOM Dix)) or a Minimum Security Job Site
120	Absconding From a Work Release Job Site
121	Absconding From an Off-Campus Institutional Job (e.g., Litter Crew)
122	Manufacturing and/or Possessing an Instrument with which to Escape or Tamper with a Security Device
123	Possessing a Handcuff Key or Facsimile
124	Possessing Escape Paraphernalia (Civilian Clothing, Uniform, etc.)
	MUTINOUS ACT
125	Organizing, Participating in, or Encouraging Activity(ies) that Threaten(s) Order and Security (Promoting Racism, Work Stoppage, etc.)
126	Physically Surrounding or Preventing the Passage of Any Staff/Visitor
127	Recruiting for a Gang
	OTHER
153	Any violation of local/state/federal law NOT specifically mentioned elsewhere in this RIDOC Discipline Severity Scale.
	SEXUAL
128	Fondling or Improper Touching of Minor Visitor
129	Making Sexual Proposals or Threats to Another
130	Willingly Engaging in Sexual Acts with Others (e.g., Sodomy)
155	Fondling Adult Visitor (specifically, the fondling of breasts and/or genitalia)
156	Indecent Exposure
	SUBSTANCE ABUSE

131	Being Intoxicated (by Homemade or Purchased Intoxicants)
132	Being Under the Influence of Alcohol
133	Being Under the Influence of Drug(s) that Were Not Prescribed by a Facility Physician and/ or are Not Authorized Under RIDOC's Keep-on-Person Medication Program
134	Failing or Refusing to Submit to a Breathalyzer Test
135	Failing or Refusing to Submit to any Substance Abuse Related Test(s) Deemed Acceptable by RIDOC Officials. SPECIFY TEST:
136	Failing or Refusing to Supply a Urine Specimen for Testing
137	Intentionally Altering a Urine Specimen
157	Hoarding Medication
160	Circumventing urine procedures
	SUBSTANCE POSSESSION
138	Narcotics Trafficking
139	Possessing Alcohol
140	Possessing Drug Paraphernalia (e.g., Rolling Papers, Needles, Pipes, Syringes, etc.)
141	Possessing Drugs that Were Not Prescribed by a Facility Physician and/or are Not Authorized Under RIDOC's Keep-on-Person Medication Program
142	Possessing Homemade or Purchased Intoxicants
	VANDALISM
143	Tampering With a Security Device and/or Locking Device
144	Tampering With Fire Alarms, Fire Equipment, and/or Fire Suppressant Equipment
	VIOLENCE
145	Altering Any Property to Make Any Weapon(s)
146	Possessing Any Weapon(s)
147	Possessing Any Flammable/Explosive Substance(s)
148	Setting a Fire For Purposes Including But Not Limited to Cooking in Cell, Burning of Incense, etc.
149	Threatening an Employee or His/Her Family with Bodily Harm
150	Threatening, Harassing, or Interfering with a RIDOC K-9
151	Threatening, Harassing, or Unauthorized Contact with any other person (including, but not limited to staff members, their families, victims, public officials, law enforcement office
152	Any action that results in unintended physical harm/injury to another person (example: A baseball bat, that was thrown to the ground in anger following a third strike, bounces off
159	Fighting
CLASS 2, HIGH	
<i>Sanction: 1-20 days disciplinary confinement</i>	
Code	Offense
	CONTRABAND
202	POSSESSING Category 1 Contraband
203	RECEIVING Category 1 Contraband
205	Possessing Tattoo Equipment
206	Possessing Unauthorized Currency Over Five Dollars (\$5.00) (e.g., stamps)
244	Excessive commissary items without validation (receipts)
	DISOBEDIENCE
207	Disobeying a Lawful Order Pertaining to Custody and Control Enforcement
208	Failing to Comply Expeditiously with an Instruction from a Staff Member
209	Failing to Comply with Mail Procedures
210	Failing to Comply with MIN, WR, or Furlough Rules and Regulations

211	Forging/Altering an Institutional Pass
212	Interfering with the Duties of a Correctional Officer/Employee by Distraction in a Non-Hostile Manner
213	Returning Late from a Furlough
214	Returning Late from a Job Site (Community Release, Work Release, and Minimum Security Inmates)
215	Possessing Gang Color Identification or Paraphernalia
216	Wearing or Displaying Gang Colors, Identification, or Paraphernalia
217	Refusing to Comply with Count Procedures in a Dormitory Setting or Room in Which 3 or More Inmates Reside
218	Stealing Any Property
219	Tattooing Oneself or Other(s)
220	Throwing Any Substance or Object
233	Entering a Cell Other than the One Assigned
234	Gambling
235	Giving False Information to Any Correctional Staff
236	Giving Money or Anything of Value to, or Accepting Money or Anything of Value from a Member of Another Inmate's Family or Another Inmate's Friend with an Intent to Circumvent Any Facility or Departmental Rule, Regulation, or Policy, or with the Intent to Further Illegal or Improper Purpose
237	Giving Money or Anything of Value to, or Accepting Money or Anything of Value from Another Inmate
239	Obstructing Outside Wall Window in Cell
241	Possessing Gambling Paraphernalia
242	Swearing, Cursing, Using any Vulgar, Abusive, Insolent, or any Other Improper Language Toward Staff or Visitors
	MUTINOUS ACT
238	Mutinous Acts
240	Partaking in Group Petition in Any Form
	SEXUAL
223	Masturbating
224	Writing Correspondence that Contains Amorous Expression and/or Sexual Language to Any Staff Member
225	Verbal Statements that Contains Amorous Expression and/or Sexual Language to Any Staff Member
243	Possession of Pornography of any Kind by Sex Offenders Who Are Required Upon Release to Register With Law Enforcement Agencies Pursuant to RIGL §11-37.1-1 et seq.
	VANDALISM
226	Willfully Disfiguring, Damaging, and/or Destroying Any Part of the Facility or any Materials, Tools, Machinery, and/or any State Property
	VIOLENCE
228	Making Threatening Gestures (e.g., hand gestures to resemble pulling the trigger of a gun or slicing someone's throat)
229	Making Verbal Threats
230	Making Racist Comments
231	Making Written Threats
232	Mutilating Oneself (includes bodily piercing)

CLASS 3, MODERATE	
Sanction: Discipline less than disciplinary confinement; 3-15 days loss of privileges	
Code	Offense
	CONTRABAND
301	Failing to Report the Presence of Contraband
302	PASSING Category 2 Contraband (NOTE: Category 2 Contraband consists of items that are authorized for inmate possession, but in limited quantities.)
303	POSSESSING Category 2 Contraband
304	RECEIVING Category 2 Contraband
305	Possessing Another Inmate's Identification Badge
306	Possessing Unauthorized Currency of Five Dollars (\$5.00) or Less
307	Taking Unauthorized Food from the Dining Room or Kitchen
346	Possessing Another Inmate's Legal Material
350	Excessive commissary items with validation (receipts)
351	Possession of More Than \$35.00 (Work Release inmates)
352	Possession of More Than \$10.00 in Quarters or in Possession of Paper Currency (Minimum Security inmates)
	DISOBEDIENCE
308	Being in an Unauthorized Area
309	Being on a Bed Other Than the One Assigned
310	Conducting a Non-Criminal Business
311	Cutting Any Line (med, infirmary, meal, etc.)
312	Disobeying a Lawful Order Not Pertaining to Custody or Control Enforcement (e.g., refusing to work)
313	Disorderly Conduct - any nuisance or annoying behavior that interferes with the facility's/unit's order
315	Excessive Kissing and/or Caressing at the Beginning or End of a Visit
316	Failing to Comply with Count Procedures Within the Confines of a Cell Housing 2 or Fewer Inmates
317	Failing to Shower and Maintain Personal Hygiene
318	Failing/Refusing to Comply with Telephone Procedures (e.g., using another inmate's PIN number to make calls)
319	Failing to Report to Required Destination without Proper Authorization or Valid Reason
324	Horse playing; Roughhousing
325	Making Indecent Gestures
326	Loitering on Tiers, Next to Cells, in Stairways, and/or in Bathrooms
327	Loitering or Being in an Area Longer than Necessary to Accomplish an Authorized Task
328	Making any Fraudulent Request (i.e., check request, commissary order, etc.) to Circumvent Established Rules, Regulations, and/or Procedures
329	Making Credit Contract in any Form
330	Malingering; Feigning an Illness or Injury
331	Misusing Electronic Equipment and/or Computers and/or Related Devices
333	Obstructing Cell Vents
335	Refusing to Cooperate in Following a Prescribed Course of Treatment (for example, inmate with broken hand told to refrain from yard exercise)
336	Refusing to Submit to Mandatory Medical Testing
338	Making Unauthorized Contact with the Public
339	Using any Authorized Equipment or Machinery Contrary to Instructions or Posted Safety Standards
340	Using Any Equipment or Machinery that is not Specifically Authorized

347	Failing to Attend Mandatory School/Program(s)
348	Purchasing Anything on Credit
349	Theft of Services (e.g., photocopies, cable TV, or other facility services)
	DISTURBANCE
342	Banging or Kicking Cell Door, Bed, or Desk Without Causing Structural Damage
343	Making Excessive Loud Noise (radio, television, shouting, etc.)
	SEXUAL
344	Displaying Pornographic Pictures
345	Sex Offender Registration - Refusing to Provide Required Information (including correct address)
CLASS 4, LOW MODERATE	
Sanction: Discipline less than disciplinary confinement; up to 5 days loss of privileges	
Code	Offense
	CONTRABAND
401	Possessing or Using Homemade Speaker Cones
	DISOBEDIENCE
402	Not Making Bunk Properly
403	Failing to Display Inmate Identification Badge
404	Fishing
405	Littering
406	Not Being Properly Dressed
410	Untidy Cell or Room
411	Not following housing unit/area rules
412	Poor job performance
413	Violating Unit/Dorm Rules failing to abide by a published rule

**DISCIPLINARY REPORT WAIVER
"TWO-NIGHTER"**

I, _____

Cell/Bunk _____ ID# _____

do hereby waive all formal disciplinary action, and accept an administrative loss of institutional privileges for a Period of: **48 continuous hours (two-nighter)**
24 continuous hours (one-nighter)

To include loss of TV & RADIO YES NO

For the following infractions:

Homemade Speaker	Purchasing on Credit
Bunk Not Made	Clean Cell Violation
Theft of Facility Services	Improper/No Display ID Tag
Littering	Failing to Attend
Proper Dress Violation	Mandatory School/Programs

Other: _____

Start Date: _____ Time: _____

End Date: _____ Time: _____

X
Inmate's Signature

X
Officer's Signature

X
Superior's Signature - Needed on Original copy only

Loss of: Visits, Recreation, School/Classes, Work, Etc.
Out of cell only to eat and for medical emergency. This waiver will not be part of the Inmate's permanent record, but will be maintained for 1 year within facility. Any additional minor violation committed within the next 7 days will require a disciplinary hearing.

Original-Shift Command-1 Year Copy-Housing Unit-7 Days Copy-Inmate

Lik excel.Two-nighter form 7/99-3

Perforation Line

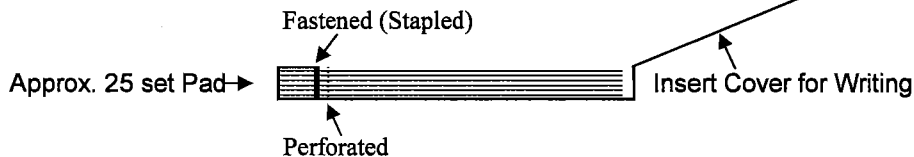
Paper Size

~ 3.5" x 7.5"

3 Page "NCR" Paper
Per Set

← Includes "Loss of TV & RADIO"

Items reconfigured to revised policy



RHODE ISLAND DEPARTMENT OF CORRECTIONS
RESTITUTION ORDER

Inmate's Name: _____ ID #: _____

Facility: _____ Discipline Report #: _____

Hearing Officer: _____ Date of Hearing: _____

Restitution For:

Amount of Restitution: _____

Your account will be charged the above amount according to RIDOC's Code of Inmate Discipline policy. You have the right to challenge the reasonableness of the Restitution Order. To Challenge this Order, You must submit a written request to the facility Warden/designee.

This challenge does not include the right to obtain and submit additional or competitive estimates. Challenges must be submitted within three (3) working days (Monday through Friday; Saturday, Sunday and holidays excluded, Intake facilities) or five (5) working days (all other facilities).

A copy of this Order will be sent to Inmate Accounts after 5 days, if not challenged.

Additional Comments:

Inmate Received Restitution Order on: _____

Date

Hearing Officer: _____

Signature

Orig. - Inmate
Copy - Facility Warden
File