WYOMING DEPARTMENT OF CORRECTIONS

Policy and Procedure #3.101
Code of Inmate Discipline

Authority: Wyoming Statute(s): 25-1-104; 25-1-105 ACA Standard(s): 4-4226-R; 4-4228; 4-4229; 4-4231; 4-4255-R; 1-ABC-3C-01; 1-ABC-3C-02; 1-ABC-3C-03; 1-ABC-3C-05	**Effective Date:** September 30, 2016 **Revision/Review History:** 08/15/15, 07/15/14, 07/01/13, 07/01/12, 10/15/09 **Summary of Revision/Review:** Updates existing policy pursuant to annual review.
Cross Reference of Policy: P&P #1.500, *Inmate Good Time*; P&P #3.102, *Inmate Disciplinary Procedures*; P&P #3.302, *Administrative Segregation*	**Supersedes Existing Policy :**
Approved: R.O. Lampert — 9-21-16 Robert O. Lampert, Director — Date	

APPROVED FOR INMATE DISTRIBUTION

REFERENCE

1. **ATTACHMENTS – None Noted**

2. **OTHER – None Noted**

PURPOSE

A. **Inmate Conduct, Sanctions and Guidelines.** The purpose of this policy and procedure is to specify the specific rules of inmate conduct by which inmates can be held accountable for their behavior, sanctions for misconduct and guidelines for advising inmates of such.

B. **Primary Objectives**. The primary objectives of this policy and procedure are:

1. To provide for the safe, secure, efficient, and orderly management of correctional facilities, specifically including the safety and security of employees, inmates, and property of the Wyoming Department of Corrections;

2. To establish norms of acceptable inmate conduct and to define and give notice to inmates of unacceptable behavior;

3. To establish a comprehensive range of appropriate disciplinary sanctions that may be imposed for specific violations of the rules of prohibited inmate conduct;

4. To insure that sanctions are appropriate for the severity of the offenses and like types of misconduct committed by inmates with similar misconduct histories.

II. POLICY

A. **General Policy.** It is the policy of the Wyoming Department of Corrections that inmates be held accountable for their conduct, including violation(s) of specified rules of prohibited inmate conduct in accordance with the procedures set forth in this policy. Rules for inmate conduct and disciplinary procedures for infractions thereof shall satisfy the laws of the state, applicable rules and regulations of other interested agencies, and constitutional requirements.

B. **Impartial and Consistent Discipline.** It is also the policy of the Department of Corrections that inmate discipline will be applied in an impartial and consistent manner. When practical, punishment shall fit or relate to the offense. Processing of discipline shall be timely and in accordance with time lines established by WDOC Policy and Procedure #3.102, *Inmate Disciplinary Procedure*. Corporal punishment is prohibited.

III. DEFINITIONS

A. **Authorized Property:** Any property issued to an inmate by the state (in the quantity issued) and any personal property as approved for inmate purchase. Each correctional facility has an approved property matrix.

B. **Contraband:** Any item or article which: 1) is prohibited by statute, rule or order from obtaining or possessing; 2) is not specifically authorized by WDOC policy, procedure, regulation, warden's executive order or director's executive order; 3) is in excess of the maximum quantity permitted; 4) is received or obtained from an unauthorized source; 5) was once authorized but is no longer authorized or which poses a threat to security and good order is contraband; and/or 6) is altered without authorization or put to an unauthorized use.

C. **General Conduct Violation**: A violation of published rules that are considered to be prohibited behavior and could constitute in potentially harming another person and pose a risk on the operations of the institution.

D. **Informal Resolution:** When the security supervisor recommends an informal sanction to address the conduct violation and the inmate completes the informal sanction.

E. **Informal Sanctions:** To be used for informal resolution and may include but are not limited to a verbal or written apology, a restriction from recreation during that shift, or an assignment of a specific short-term work task (*i.e.*, cleaning a closet or shower), not to exceed four (4) hours.

i. Informal sanctions cannot interfere with the inmate attending a scheduled religious meeting of the inmate's declared faith group; a therapeutic program attendance (*e.g.*, TACT, TFC, A/A, *etc.*); educational classes; medical appointment, a visit; or assigned institutional job.

F. **Major Conduct Violation:** A violation of published rules that are considered to be serious in that the prohibited behavior greatly harms or potentially harms another person; significant property damage occurs; or could be considered a violation of federal or state law.

G. **Minor Conduct Violation:** A violation of published rules that does not result in the harm of another person or property damage is limited.

H. **Possession:** An inmate is considered to be in possession of an item if it is in his/her physical possession, or if it is in an area which he/she occupies or to which he/she is assigned such as a living space, bed or locker.

I. **Predatory Violation:** A major violation enhancement that includes but not limited to serious injury, sexual assault, imminent danger, or other possible violent acts. A predatory violation should only be charged in the most serious of violations. Such violations are noted with a "P" with the corresponding Major charge.

J. **Sanction:** A penalty which may be imposed for misconduct.

K. **Security Threat Group (STG):** Any group of two or more individuals who:

1. Have a common name, identifying symbol, or characteristic which serves to distinguish themselves from others.

i. This may include racially motivated symbols or beliefs such as an expression of hate or intolerance against other races designed as a means of superiority over others.

2. Have members, affiliates, and/or associates who individually or collectively engage, or have engaged, in a pattern of illicit activity or acts of misconduct that violates WDOC policies or rules.

3. Have the potential to act in concert to present a threat, or potential threat, to staff, public, visitors, inmates, offenders, or the secure and orderly operation of the institution.

L. **Sexual Activity:** Any sexual act; intentional touching, whether done by a foreign object or by physical human contact of a sexual part of another or of self, regardless of whether such touching is consensual, kissing, or fondling; or physical or verbal conduct of a sexual nature.

M. **Suspended Sanction:** A sanction that is not imposed for a specific period of time unless another violation occurs during the time indicated. If no other violation occurs during the suspension time, the sanction will not be imposed.

N. **Voyeurism:** (*For this policy only*.) Looking in a clandestine, surreptitious, prying or secretive nature into an enclosed area where the inmate being viewed has a reasonable expectation of privacy, including, but not limited to restrooms and/or showers.

IV. PROCEDURE

A. General Guidelines

1. **Written Rules.** Written rules of inmate conduct specify acts prohibited within the institution and penalties that can be imposed for various degrees of violation. (ACA 4-4226 Revised, 1-ABC-3C-01)

2. **Notification to Inmates.** The inmate rulebook which contains divisional, departmental and institutional conduct rules, disciplinary sanctions, and administrative actions shall be issued to each inmate at a diagnostic center during the reception and orientation period. Inmates may also obtain a copy of this policy from the correctional facility law library.

i. An inmate rulebook that contains all chargeable offenses, ranges of penalties, and disciplinary procedures shall be given to each inmate and staff member and shall be translated into those languages spoken by significant numbers of inmates. Signed acknowledgment of receipt of the rulebook shall be maintained in the inmate's file. (ACA 4-4228, 1-ABC-3C-02)

ii. Inmates who have a language or literacy problem, or who are hearing or vision impaired, should be provided assistance by an employee or a translator to ensure their understanding. (ACA 4-4228, 1-ABC-3C-02)

iii. Staff members should ensure that inmates are advised of the rules of conduct, the level of severity, and the applicability of the sanctions/actions.

3. **Notification to WDOC Employees and Volunteers.** All employees, contract staff, and volunteers shall have access to a copy of the inmate rulebook and this policy. All personnel who work with inmates shall receive sufficient training on the *Code of Inmate Discipline* during their orientation period.

i. All personnel who work with inmates will receive sufficient training so that they are thoroughly familiar with the rules of inmate conduct, the rationale for the rules, and the sanctions available. (ACA 4-4229)

4. **Revisions to Policy**

i. Wardens may develop and issue additional rules related to the order and security of their correctional facility. Any such rules shall not contradict the rules established herein. Such rules may be subject to the same sanctions and process as the rules established herein (*i.e.*, GN9 or M4).

a. These rules will be distributed in writing to each inmate during the reception and orientation period at the individual correctional facility. In addition, changes to the rules, sanctions/action shall be provided to all inmates and employees by posting the changes in accessible areas.

5. **Informal Resolution.** When authorized, informal resolution through the use of informal sanctions may be used for minor and general conduct violations as outlined in Policy and Procedure #3.102, *Inmate Disciplinary Procedures*. (ACA 1-ABC-3C-05)

6. **Sanctioning.** Major conduct violations shall normally result in more severe sanctions than other violations.

i. Any conduct violation, under unusual or extreme conditions, may be considered a major violation if so recommended by the charging staff member and approved by the reviewing supervisor.

ii. Predatory violations should only be charged when the most egregious acts have occurred. This is considered an enhanced penalty and staff must take caution when charging for a predatory violation.

iii. When charging an inmate with a violation, staff shall ensure the correct offense/s is noted. Consideration may be given to multiple charges only when justified.

7. **Accumulated Offenses.** When an inmate has accumulated three (3) or more conduct violations on separate occasions within a six (6) month period, he/she may be subject to an additional charge (*i.e.*, MJ1 ~~2~~ or GN4).

B. **Attempt, Conspiracy, and Accessory to Offenses.** The attempt, conspiracy, or accessory to commit a conduct violation is subject to sanction as if the inmate actually committed the conduct violation. In such cases, the inmate shall be charged with the underlying conduct violation and notation made that the inmate attempted, conspired, or was an accessory to that conduct violation.

1. **Attempt.** An attempt is conduct which constitutes a substantial step towards the commission of a prohibited behavior or crime.

2. **Conspiracy.** A conspiracy is an agreement between an inmate and one or more persons to engage in, cause, or conceal a rule violation.

3. **Accessory.** An accessory to commit a conduct violation is a person who aids or contributes in the commission or concealment of a prohibited behavior or crime.

C. Rules of Conduct

1. **MAJOR VIOLATIONS.** The following acts constitute major violations of the *Code of Inmate Discipline*:

MJ1 **Accumulated General Violations:** A separate charge that may be given when an inmate has accumulated three (3) or more general conduct violations on separate occasions within a six (6) month period.

MJ2P **Arson:** Knowing or negligently starting a fire or causing an explosion.

MJ3 **Bribery:** Giving, loaning, or agreeing to give any person any benefit or anything of value in return for a favorable decision, opinion, recommendation, or action.

MJ4 **Damage to Property**

- Destroying, damaging, altering, or losing the property of another or state property with a replacement value of more than one hundred fifty dollars ($150.00); or
- Causing serious harm to a detection canine or other WDOC-owned animal.

MJ5 **Escape**

- The departure or absence from custody of a person who is imprisoned, before he/she is entitled to his/her liberty by the process of law;
- Walking away from institutional work release assignment or community custody where no weapons, force or injury to others was involved; or

MJ5P Escape that involved weapons, force, or injury to others.

MJ6 **Evasive Action:** Taking any evasive action including but not limited to running from or hiding from a staff member for the purpose of avoiding observation or apprehension, covering of cell windows, or barricading of self in cell.

MJ7P **Extortion/Blackmail:** The obtaining of property or money from another by wrongful use of actual or threatened force, violence, or fear.

MJ8 **Failure to Program:** A pattern of behavior demonstrating refusal to program and/or intentionally failing to successfully complete a mandatory program in compliance with the inmate's case plan.

MJ9 **Fraud:** Obtaining anything with a value of fifty dollars ($50.00) or more through deception, false pretense, or trickery.

- **Forgery:** Altering any writing of another without authority; or making, completing, executing, authenticating, issuing or transferring any writing so that it purports to be the act of another who did not authorize that act.

MJ10P **Homicide:** The act of purposely, knowingly, recklessly, or negligently causing the death of another human being.

MJ11P **Hostage/Restraint:** Detaining, holding, taking, or restraining a person by force or against his/her will.

MJ12 **Intoxicating Substances**

- Being found by observation or test to be under the influence of any controlled or intoxicating substance not officially prescribed or authorized;
- Refusing to submit to any alcohol test or drug test (*Note*: Failure to submit the required amount of acceptable urine specimen in the required time period is considered to be a refusal to submit);
- Submitting an adulterated, substituted, or diluted urine sample; or
- Possessing recipe(s) or formula(s) for manufacturing a controlled or intoxicating substance.

MJ13 **Major Assault**

- Any willful use of force or violence that results in minor to moderate injury to another either with or without a weapon, or through the use of any substance, instrument, or device which can cause serious physical injury.

MJ13P Any willful use of force or violence that causes serious physical injury to another either with or without a weapon, or through the use of any substance, instrument, or device which

can cause serious physical injury, or a STG related assault, as determined through the investigation.

MJ14 **Major Contraband:** Making, altering, introducing, transferring, or possessing any of the following items unless the inmate is specifically authorized to possess the item in the amount possessed:

- **Instruments of Escape** (including but not limited to any cell phone or other communication device, employee uniform, non-inmate employee clothing, non-inmate identification card, handcuff key, lock, pick, hacksaw blade, rope, disguise, maps, plans, manikin or any other instrument of escape);
- **Chemical Substances** (including but not limited to controlled substances, alcohol, intoxicants, poisons, acids, caustic chemicals, and yeast);
- **Drug Paraphernalia** (including but not limited to pipes, roach clips, syringes, or any item used to ingest or consume controlled or intoxicating substances); or

MJ14P **Weapons** (including but not limited to a firearm, knife, bludgeon instrument, explosive devices, or other instrument, material, or substance which is readily capable of causing physical injury or fear of safety).

MJ15 **Organized Disobedience**

- Inciting organized disobedience by encouraging inmates to assemble and refuse to disperse or to engage in other acts of non-violent organized disobedience;
- Organizing, encouraging, or participating in a work stoppage;
- Three (3) or more inmates gathering in a non-violent manner who refuse to obey orders; or
- Three (3) or more inmates participating in acts of organized disobedience such as refusal to work, hunger strikes, or non-violent demonstrations.

MJ16 **Projecting Substances**

- Placing any dangerous substance (including but not limited to saliva, blood, urine, feces, or other bodily fluids) in an area or on an object unintended to receive the substance; or

MJ16P Propelling any dangerous substance (including but not limited to saliva, blood, urine, feces, or other bodily fluids) at another person.

MJ17P **Rioting**

- Three (3) or more inmates participating in violent behavior that interferes with normal operations of the facility and creates a danger of damaging property or injuring persons; or
- Inciting a riot by encouraging inmates to engage in violent behavior, or assuming a position of command or instruction in furtherance of the riot once a riot begins.

MJ18 Security Threat Group Activity

- Encouraging, organizing, or participating in STG activity;
- Actively recruiting others to engage in STG activity; or
- Receiving or giving a tattoo confirmed to be STG related.

MJ19 Sexual Misconduct

- Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of any person (including but not limited to sexually stimulating activity such as kissing, caressing, fondling, or oral, anal, or vaginal intercourse);
- Engaging in the inappropriate exposure or self-touching of one's sexual parts in view of others; or
- Engaging in the act of voyeurism.

MJ19P Subjecting another person to perform or receive any sexual act without the victim's consent while using force, intimidation through violence, or threats of force to obtain the compliance of another in any type of sexual activity.

MJ20 Tampering with Evidence

- Altering or tampering with any potential evidence; or
- Destroying any potential evidence (including but not limited to ingesting it, flushing it down a toilet or drain, or otherwise disposing of it).

MJ21 Tampering with Security Devices

- Damaging, tampering with, or altering any institutional lock, safety device, or security equipment;
- Barricading of doors and/or windows; or
- Otherwise impeding the normal operation of security devices.

MJ22 Tattooing

- Altering the appearance of oneself or another by applying permanent designs on the skin, body piercing, or branding;
- Possessing or using any instrument for the purpose of making a tattoo, body piercing, or brand.

MJ23 Theft

- Taking, obtaining, withholding, or being in possession of the property of another without the owner's consent with a value of one hundred fifty dollars ($150.00) or more; or

MJ23P Taking of the property of another from his/her person or in his/her presence and the taking is by means of violence or intimidation.

MJ24 Threats

- Taking action (verbally, physically, or in writing) which creates the belief of imminent or lasting harm to another person or his/her property;
- Harassing a victim or victim's family or threatening them with physical harm; or

MJ24P Impeding any WDOC employee, contractor, visitor, or inmate in a threatening or intimidating manner and exhibiting conduct which could reasonably cause the person to fear for his/her immediate safety. The verbal expressions and movements by the inmate impede the individual's ability to retreat or proceed and imminent danger is possible.

MJ25 Violation of Laws: Violation of any state or federal law not specifically listed here.

- *Violation of Laws*, this charge shall commence upon a conviction or finding of fault by a court of law.

2. GENERAL VIOLATIONS. The following acts constitute general violations of the *Code of Inmate Discipline*:

GN1 Absence from Assignment

- Failure to attend work, school, programming, or other assignment; or
- Failure to perform work as instructed.

GN2 Abuse of Mail

- Using the mail system for harassment purposes; or
- Using the mail system in an unauthorized manner in accordance with the inmate mail policy.

GN3 Abuse of Telephone

- Using the telephone system for harassment purposes;
- Using another inmate's personal identification number (PIN); or
- Using the telephone in an unauthorized manner in accordance with the inmate telephone policy.

GN4 **Accumulated Minor Violations:** A separate charge that may be given when an inmate has accumulated three (3) or more minor conduct violations on separate occasions within a six (6) month period.

GN5 **Contamination of Food or Drink:** Contaminating or altering food or drink belonging to the state or another person.

GN6 **Creating False Documents:** Counterfeiting, forging, or making an unauthorized reproduction of any document.

GN7 **Damage to Property**

- Destroying, damaging, altering, or losing the property of another or state property with a replacement value of one hundred fifty dollars ($150.00) or less; or
- Causing non-serious harm to a detection canine or other WDOC-owned animal.

GN8 **Disobeying an Order**

- Failing to comply with a written or verbal order or instruction of any staff member or anyone who has the authority to supervise inmates in work or other special assignments (to include refusal of housing assignments); or
- Failing to cooperate in any official departmental investigation. (*Note*: This rule does not apply when an offender refuses to self-incriminate.)

GN9 **Failure to Follow Rules:** Failure to follow other general conduct rules and regulations of a correctional facility and as established for inmates at that facility.

GN10 **False Identification**

- Making, wearing, or having possession of unauthorized clothing, inmate identification card, or any other items which would lead others to believe he/she is someone else; or
- Making or having possession of any item to replace him/her in his/her absence (*e.g.*, dummies).

GN11 **False Information:** Making or soliciting false or misleading written or oral statements to a staff member or official.

GN12 **Fees for Legal Assistance:** Charging or collecting a fee or favors for services as a counsel-substitute, legal assistant or "writ-writer".

GN13 **Fighting:** Willfully engaging in a physical struggle with one or more inmates.

GN14 **Gambling:** Organizing, operating, or participating in any gambling game or possessing any equipment used for gambling or betting purposes.

GN15 **General Contraband:** Making, altering, introducing, transferring, or possessing any of the following items unless the inmate is specifically authorized to possess the item in the amount possessed:

- **Tobacco Products** (including but not limited to any type of tobacco product, tobacco substitute, tobacco paraphernalia, and testing positive with a urinalysis screening);
- **Security Threat Group-Related Materials.** Any material, document(s) or items evidencing security threat group involvement or activities (including but not limited to jewelry, stationery, emblems, rosters, constitutions, structures, codes, pictures, training material, clothing, and communications);
- **Unauthorized Medication.** Any prescribed medication that is not a controlled substance;
- **Unauthorized Property.** Any unauthorized article or substance (including but not limited to any item not on the *WDOC Property Matrix*) with a value of more than fifty dollars ($50.00).

GN16 **Inappropriate Contact:** Having unnecessary, unauthorized, or unwanted personal interaction with a staff member, a staff member's immediate family or significant other, or private citizen, not amounting to harassment or threats (including but not limited to such contacts as a telephone call and/or written communication).

GN17 **Influencing a Witness:** Influencing a witness involved in any disciplinary process in a manner not amounting to a threat.

GN18 **Insufficient Funds:** Issuing a money transfer with knowledge that it is not covered by sufficient funds.

GN19 **Insulting Behavior or General Threats**

- Subjecting another person to abusive actions, obscene language or gestures;

- Demanding another inmate's personal information which indicates their crime or displays another inmate's personal information; or
- Action taken (verbally, physically, or in writing) which creates the potential to harm another person or his/her property.

GN20 Interfering with Count

- Failure to appear at the proper time and place for count or interfering with the count.
- Being absent, delaying, or not participating in the count process.
- Being in an area other than expected count location which interferes with the count.

GN21 Interfering with Staff: Delaying, hindering, or interfering with a correctional employee in the performance of his/her duties.

GN22 Minor Assault: Causing non-serious physical injury to another either with or without a weapon, or through the use of any substance, instrument or device which can cause non-serious physical injury.

GN23 Out of Bounds

- Being in any unauthorized area;
- Being in an area where not assigned; or
- Not being in the area where assigned or directed.

GN24 Refusal of Required Assessment: Failure to undergo or complete required assessments or polygraph examinations.

GN25 Self-Harm: Intentionally inflicting physical harm or bodily injury to oneself, including but not limited to self-mutilation.

GN26 Unauthorized Transactions: Trading, bartering, lending or otherwise engaging in any personal transaction with any staff member, inmate, or civilian when such transaction has not been specifically authorized.

GN27 Theft: Taking, obtaining, withholding, or being in possession of the property of another without the owner's consent with a value less than one hundred fifty dollars ($150.00).

3. MINOR VIOLATIONS. The following acts constitute minor violations of the *Code of Inmate Discipline*:

M1 **Cutting into line**

M2 **Excessive Noise:** Excessive loud noise by a television, radio, tape player, or CD player; shouting or otherwise causing loud and disorderly noise.

M3 **Failing to follow sign-in/sign-out procedures**

M4 **Failure to Follow Rules:** Failure to follow other minor conduct rules and regulations of a correctional facility and as established for inmates at that facility.

M5 **Failure to Produce ID:** Failure to produce inmate identification card upon request of a correctional employee.

M6 **Minor Contraband:** Making, altering, introducing, transferring, or possessing any of the following items unless the inmate is specifically authorized to possess the item in the amount possessed:

- **Unauthorized Property.** Any unauthorized article or substance (including but not limited to any item not on the *WDOC Property Matrix*) with a value of fifty dollars ($50.00) or less;
- **Nuisance Contraband.** (including but not limited to sugar packets, empty containers that were previously purchased from canteen with products inside, *etc.*);
- **OTCs.** Any unauthorized amounts of over-the-counter medications/preparations; or
- **Excess Property.** Any authorized property in excess of the amount authorized.

M7 **Physical Demonstrations:** Demonstrating, practicing, or using any of the following: martial arts; boxing; wrestling; or engaging in other forms of physical encounter or military-style drill not authorized by the facility.

M8 **Risk to Safety**

- Knowingly placing another person's safety at risk (including but not limited to violating group confidentiality, exposing another person to an environmental risk, *etc.*); or
- Failing to adhere to safety protocol (including but not limited to failure to wear hearing protection, safety glasses, or hard hat as required by posting, training, or circumstance.)

M9 **Roughhousing:** Engaging in rowdy behavior; horseplay.

M10 **Sanitary Violations**

- Failing to bathe or shower regularly;
- Failing to keep one's person or assigned area neat, clean, and sanitary;
- Committing acts which create a hazard to hygienic conditions; or
- Hoarding or keeping perishable items for extended periods or otherwise creating a safety hazard.

M11 **Unauthorized Use of Equipment:** Using any institutional supplies, tools, equipment, machinery or electronic device, including computers, without authorization, or in an unauthorized manner.

M12 **Visiting Rule Violation:** Failure to abide by visiting rules.

D. Sanctions

1. General Guidelines

i. Sanctions are disciplinary actions that result from infractions of the *Code of Inmate Discipline*.

ii. Sanctions shall be issued upon a finding of a violation of the *Code of Inmate Discipline* at a disciplinary hearing held in accordance with WDOC Policy and Procedure #3.102, *Inmate Disciplinary Procedures*.

iii. Sanctions shall be issued in accordance with the level of the conduct rule violations.

iv. Correctional facilities may use all or part of the sanctions listed, but may not create additional sanctions beyond those authorized herein.

v. When a conduct violation may amount to a criminal offense, the case shall be referred to appropriate court or law enforcement officials for consideration for prosecution. (ACA 4-4231, 1-ABC-3C-03) Charging and disposition of the conduct violation may occur separately from any criminal investigation and/or prosecution. The County/District Attorney shall be notified of the criminal misconduct and shall make determination about prosecution.

vi. The withholding or loss of good time shall be processed in accordance with WDOC Policy and Procedure #1.500, *Inmate Good Time*. Such actions, in and of themselves, are not disciplinary actions. However, disciplinary history and inmate conduct shall be considered when withholding or removing good time.

vii. There shall be a sanctioning schedule for institutional rule violations. Continuous confinement for more than thirty (30) days shall require the review and approval of the warden or designee. Inmates held in disciplinary segregation for periods exceeding sixty (60) days shall be provided the same program services and privileges as inmates in administrative segregation and protective custody. (ACA 4-4255 Revised)

a. Facility specific operational procedures shall guide privilege allowances while on segregation and shall be made available to inmates. The facility may limit personal items, including property, in units designated or designed as segregation units.

b. Management of inmates in pre-disciplinary segregation and disciplinary segregation shall be in accordance with WDOC Policy and Procedure #3.302, *Administrative Segregation*.

viii. Administrative segregation and request for transfer are classification actions and should not be used as disciplinary sanctions. However, such actions may result when considering an inmate's conduct and appropriate housing assignment.

a. Once an inmate accumulates violations or receives a major violation which would increase his/her custody level, the inmate should be reclassified to reflect the revised score.

2. **Sanctions for Minor Violations.** The following types of sanctions, singly or in combination, may be imposed for a minor conduct violation:

i. Reprimand;

ii. Extra work assignment, not to exceed ten (10) hours and to be performed during leisure time;

a. *Note*: This sanction may be suspended for a probationary period not to exceed thirty (30) days.

iii. Loss of any athletic, recreation, canteen, or entertainment privilege for a period not to exceed ten (10) days;

a. *Note*: This sanction may be suspended for a probationary period not to exceed thirty (30) days.

b. *Note*: This loss of privilege may include, but is not limited to, commissary, appliances (including but not limited to televisions, radios, and electronic games), phone use, recreation, or hobby craft. It cannot include legal calls, use of inmate law library, or basic bedding, clothing, or hygiene items. Use of exercise area cannot be taken from segregation status inmates unless the violation was related to the use of the exercise area.

iv. Restitution;

a. *Note*: The amount of restitution shall not exceed the actual cost incurred by the State or any aggrieved party as a result of the conduct violation. Replacement or repair costs will be determined by the facility's business office.

v. Confiscation of authorized personal property which has been the subject of an unauthorized transfer between inmates;

a. *Note*: Such property may be returned to the rightful owner immediately or temporarily confiscated for a period not to exceed thirty (30) days. Final disposition of the property in question may also include donation, destruction, or mailing out of the property at the inmate's expense.

vi. Forfeiture of authorized personal property which has been the subject of an unauthorized transfer between inmates;

a. *Note*: Such property may be donated, destroyed, or mailed out at the inmate's expense.

vii. Forfeiture of unauthorized or prohibited items of personal property and/or contraband;

a. *Note*: Such property may be donated, destroyed, or mailed out at the inmate's expense.

viii. A fine of ten dollars ($10.00) or less; or

ix. Other minor sanctions unique to the correctional facility and as established for inmates at that facility.

3. **Sanctions for General Violations.** The following types of sanctions, singly or in combination, may be imposed for a general conduct violation:

i. Any sanction authorized for a minor conduct violation;

ii. Loss of any athletic, recreation, canteen, or entertainment privilege for a period not to exceed thirty (30) days;

a. *Note*: This sanction may be suspended for a period of probation not to exceed sixty (60) days.

b. *Note*: This loss of privilege may include, but is not limited to, commissary, appliances (including but not limited to televisions, radios, and electronic games), phone use, recreation, or hobby craft. It cannot include legal calls, use of inmate law library, or basic bedding, clothing, or hygiene items. Use of exercise area cannot be taken from segregation status inmates unless the violation was related to the use of the exercise area.

iii. Loss of visiting privileges for the individual with whom the violation occurred for a period not to exceed one hundred eighty (180) days, loss of visiting privileges generally for a period not to exceed ninety (90) days, loss of contact visiting privileges for a period not to exceed one (1) year, or any combination of these for incidents related specifically to visiting;

iv. Placement in disciplinary segregation for a period not to exceed sixty (60) days;

a. *Note*: A disciplinary segregation facility may be a maximum or close custody housing unit or an austerity room or dormitory depending on the correctional facility.

b. *Note*: This sanction may be suspended for a period of probation not to exceed one hundred twenty (120) days.

v. A fine of fifty dollars ($50.00) or less; or

vi. Other sanctions for general violations unique to the correctional facility and as established for inmates at that facility.

4. **Sanctions for Major Violations.** The following types of sanctions, singly or in combination, may be imposed for a major conduct violation:

i. Any sanction authorized for a general conduct violation;

ii. Loss of any athletic, recreation, canteen, or entertainment privilege for a period not to exceed ninety (90) days;

a. *Note*: This sanction may be suspended for a period of probation not to exceed one hundred eighty (180) days.

b. *Note*: This loss of privilege may include, but is not limited to, commissary, appliances (including but not limited to televisions, radios, and electronic games), phone use, recreation, or hobby craft. It cannot include legal calls, use of inmate law library, or basic bedding, clothing, or hygiene items. Use of exercise area cannot be taken from segregation status inmates unless the violation was related to the use of the exercise area.

iii. Placement in disciplinary segregation per the sanction guidelines established below.

a. The term of disciplinary segregation may be set for any number of days between the minimum and the maximum range for each offense. The presumptive term shall generally be used when no mitigating or aggravating factors are present. The term of disciplinary segregation shall be proportionate to the offense.

b. An inmate with multiple conduct violations from separate transactions may be placed on concurrent or consecutive terms of disciplinary segregation. However, an inmate may not be housed in disciplinary segregation for a period in excess of one hundred eighty (180) consecutive days.

c. An inmate who is currently housed in disciplinary segregation and who is found to have committed a new conduct violation may be placed on a concurrent or consecutive term of disciplinary segregation not to exceed one hundred eighty (180) consecutive days.

d. On all major violations where segregation time is to be a sanction and the violation does not fit within the guidelines identified in Table 1 below, the inmate may be placed in disciplinary segregation for a period from one (1) to one hundred eighty (180) days.

e. *Note*: Placement in disciplinary segregation may be suspended for a period of probation not to exceed one hundred twenty (120) days.

Table 1: Disciplinary Segregation Guidelines

Violation Number	Violation Name	Segregation Term - days Minimum	Presumptive	Maximum
MJ2P	**Arson**			
	no injury/property loss	30	60	90
	with injury/loss	60	90	120
MJ4	**Damage to Property**	30	60	90
MJ5	**Escape**	60	90	120
MJ5P	with force	60	120	180
MJ6	**Evasive Action**	30	60	90
MJ7P	**Extortion/Blackmail**	30	60	90
MJ10P	**Homicide**			
	reckless or negligent	60	90	120
	purposely	60	120	180
MJ11P	**Hostage/Restraint**	60	90	120
MJ12	**Intoxicating Substances**	30	60	90
MJ13P	**Major Assault**			
	without weapon	30	60	90
	with weapon	60	90	120
	on staff or visitor	60	120	180
MJ14	**Major Contraband**	60	90	120
MJ14P	with weapons	60	90	120
MJ15	**Organized Disobedience**	30	60	90
MJ16	**Projecting Substances**			
	at another person (P)	60	120	180
	in an area or on an object	30	60	90
MJ17P	**Rioting**	60	90	120
MJ18	**Security Threat Group Activity**	60	90	120
MJ19	**Sexual Misconduct**	60	90	120
MJ19P	using force, or without consent	60	120	180
MJ20	**Tampering with Evidence**	30	60	90
MJ21	**Tampering with Security Devices**	30	60	90
MJ23	**Theft**	60	90	120
MJ23P	through violence or intimidation	60	120	180

MJ24	**Threats**	60	90	120
MJ24P	impeding causing fear for safety	60	90	120
MJ25	**Violation of Laws**	30	90	180

iv. An inmate who has maintained a record of good conduct while in disciplinary segregation for a period of time equivalent to or greater than two-thirds (2/3) of the sanction imposed and who has a written recommendation from case management and uniformed staff may have the remainder of his/her disciplinary segregation term probated by the Warden.

v. Upon release from disciplinary segregation, an offender may be transferred to administrative segregation or released to general population. Placement in administrative segregation shall be in accordance with WDOC Policy and Procedure #3.302, *Administrative Segregation*.

a. Placement in short term administrative segregation may be warranted for an inmate whose presence in general population may constitute an immediate and/or continuing threat to the safety, security, and/or orderly operation of the correctional facility.

b. Placement in long term administrative segregation may be warranted when it is determined through an administrative hearing that the inmate constitutes an immediate and/or continuing threat to the safety, security, and/or orderly operation of the correctional facility or that such placement is necessary to address specific long-term health or mental health care needs.

5. **Suspended Sanctions.** When authorized, sanctions may be suspended for a defined period of time. Should another conduct violation occur within that timeframe, then the sanction shall be imposed. If no other violation occurs during the time of suspension, then the sanction will not be imposed.

6. **Mitigating and Aggravating Factors.** The setting of sanctions should be made only after considering factors in mitigation and aggravation, including but not limited to those listed below:

i. **Mitigation**

a. The inmate has a minor and no prior disciplinary;

b. The inmate has not been involved in prior acts of the same or similar nature;

c. The inmate is otherwise compliant with his/her individualized case plan;

d. The misconduct was situational and not planned;

e. Other significant factors warrant a reduction of the term of disciplinary segregation or other disciplinary action; or

f. Mental/medical health issues

ii. Aggravation

a. The inmate's disciplinary record reflects prior acts of similar misconduct;

b. The inmate's disciplinary records reflects that the type of misconduct is becoming increasingly more serious;

c. The misconduct was planned rather than situational;

d. Serious injury to other persons occurred as a result of the misconduct;

e. The inmate has not responded to suspended sanctions;

f. Other significant factors warrant an increase in the term of disciplinary segregation or other disciplinary action; or

g. The commission of a predatory offense.

V. TRAINING POINTS

A. What are the primary objectives of this *Code of Inmate Discipline*?

B. How will inmates be notified of institutional conduct rules and disciplinary sanctions?

C. TRUE OR FALSE? Wardens may develop additional institutional rules related to the order and security of their correctional facility.

D. How is an inmate to be charged when s/he has attempted, conspired, or is an accessory to a conduct violation?

E. What happens if a violation of the *Code of Inmate Discipline* is also potentially a criminal offense?

F. How are major contraband, general contraband, and minor contraband charges distinguished?

G. Can the withholding or removal of good time be used as a disciplinary sanction?

H. List three examples of sanctions that may be imposed for a minor conduct violation.

I. List three examples of sanctions that may be imposed for a general conduct violation.

J. List three examples of sanctions that may be imposed for a major conduct violation.

K. What is a suspended sanction?

L. What are mitigating and aggravating factors?