

Missouri Core Jail Standards

Please note that the all sections will remain in draft format until accepted and approved by the membership of the Missouri Sheriffs' Association. The working documents will be review for final formatting after any amendments are addressed.

Thank you,

Captain Joseph N. King

Section 3. Orderly Operation of Facility/Detainee Discipline (Draft 3 2-10-2015)

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GOAL: Maintain an orderly environment with clear expectations of behavior and systems of accountability.

Detainee Discipline

The jail shall establish guidelines and procedures for detainee discipline which satisfy legal requirements by establishing due process, procedures for the imposition of disciplinary actions, providing for the safety and security of detainees, staff and maintaining order in the facility.

EXPECTED PRACTICES

Jails staff to provide and inform detainees of jail rules and behavioral expectations.

Detainees to comply with rules and regulations.

Jail Staff to enforce published jail rules and expectations fairly and with due process.

Disciplinary procedures governing detainee rule violations shall address the following:

MCJS 3.1: Written Policy/Guidelines

There are written policy/guidelines which affirm that the constitutional rights of detainee's of the jail shall only be limited as necessary to maintain the government's interest in providing for the security of the facility, the safety of jail staff, detainees, general public, and orderly operation of the facility.

MCJS 3.2 Promoting Positive Detainee Behavior

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Should be promoted through a professional demeanor demonstrated by staff, proper detainee classification, reasonable and necessary jail rules to promote a safe and sanitary living environment, the granting of detainee privileges based on good behavior, detainee programs when possible. Negative detainee behavior should be discouraged through the firm, fair, and consistent enforcement of jail rule by staff; the appropriate use of disciplinary guidelines in an expedient manner; and the criminal prosecution of detainee for crimes committed while in custody.

MCJS 3.3

Justification of Jail Rules

Each jail rule established must be justified based on an appropriate government interest, approved by the jail administration, and what reasonable alternatives have been put into place or considered inappropriate.

MCJS 3.4

Detainee Educations and Orientation

Detainee's of the jail should be notified of the jail rules and have access to the jail rules.

MCJS 3.5

Staff Education

Jail Staff should be provided and trained on the jail rules and reasonable enforcement.

MCJS 3.6

Classification of Jail Rules

Jail rules should be categorized as minor or major; or some other similar categorization that separates the jail rules accordingly.

MCJS 3.7

Designated and Approved Disciplinary Action

Disciplinary Actions available for specific rule violations should be commensurate to the seriousness of the rule violated, related to the rule violated whenever possible, and approved by jail administration.

MCJS 3.8

Suspension of Standard Jail Disciplinary Guidelines in Exigent Circumstances.

Jail Administration has the authority to suspend the standard jail disciplinary guidelines in response to exigent circumstances. In situations where jail administration has suspended standard jail disciplinary guidelines, after the fact written reports, with supporting evidence and documentation, will be

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completed to justify the actions and decisions made during the suspension period.

- MCJS 3.9 **Violations of Criminal Laws**
A detainee who allegedly commits an act covered by statutory criminal law should be referred to the appropriate criminal justice agency for investigation and prosecution without delay.
- MCJS 3.10 **Use of Force in Detainee Discipline**
The use of force should never be used as punishment.
- MCJS 3.11 **Waiver of Due Process**
Written guidelines should allow detainees to waive their right to due process.
- MCJS 3.12 **Timely Investigation of Jail Rule Violations**
When an alleged rule violation is observed or reported, an appropriate investigation should begin and be completed without unreasonable delay.
- MCJS 3.13 **Pre-Hearing Detention**
There should be written guidelines on the use of pre-hearing detention. Pre-hearing detention should only be used when necessary for the safety of the public, staff, and detainees.
- MCJS 3.14 **Disciplinary Reports**
Disciplinary reports should include, but are not limited to, the following:
- The specific rule(s) violated
 - Any unusual detainee behavior
 - Any staff or detainee witnesses
 - An explanation of the events that includes who was involved, what transpired, and the time and location of the occurrence.
 - Any physical evidence and its disposition.
 - Any immediate action taken, including the use of force and pre-hearing detention.
 - Reporting staff member's name, date, and time of report.
- MCJS 3.15 **Notice of Violation to Detainees**

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A written notice describing the rule violated should be completed and a copy provided to the detainee at least 24 hours prior to a disciplinary hearing for all rule violations.

- MCJS 3.16 **Conduct of the Disciplinary Hearing**
When a disciplinary hearing is conducted detainees have an opportunity to make a statement and present documentary evidence; detainees can request witnesses on their behalf, and any reasons for denying such requests are stated in writing. A hearing may be conducted without the detainee's presence when justified by the detainee's behavior, as deemed by the hearing officer. Detainees may be excluded during testimony of witnesses and do not have a right to cross examine witnesses. Any detainee's absence or exclusion from the hearing should be documented.
- MCJS 3.17 **Postponements or Temporary Adjournment of a Disciplinary Hearing**
Disciplinary hearings may be postponed or adjourned for a reasonable period of time for good cause. The reasons for postponement or adjournment should be documented.
- MCJS 3.18 **Detainee Advocate Appointment**
Another person or staff member may be appointed by jail administration to assist the accused detainee when it is apparent that a detainee is not capable of collecting and presenting evidence on his or her own behalf. Detainees do not have rights to either retain or appointed counsel during disciplinary hearings.
- MCJS 3.19 **Disciplinary Hearing Committee Decisions**
Disciplinary hearing committee decisions should be based solely on evidence obtained in the hearing process.
- MCJS 3.20 **Documentation of Disciplinary Hearings**
A written report should be made of disciplinary decisions and the supporting facts for those decisions. A copy of the report should be provided to the detainee.
- MCJS 3.21 **Detainee Appeals**

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Written guidelines should detail how detainees may appeal disciplinary decisions and provide for a reasonable time frame for the detainee to receive a response to their appeal.

MCJS 3.22 Review of Disciplinary Procedures and Actions

Jail administration should conduct a periodic review of jail rules and the disciplinary process.

Comment: Penalties should be proportionate to the importance of the rule and severity of the violation.

Protocols: Written policy and procedure governing detainee discipline should be in place. Rules should be posted in housing areas or in detainee handbooks distributed to detainees. Format for reports regarding detainee rule violations should be developed and approved by the jail administration.

Process Indicators: Documentation of annual review of disciplinary procedures

- A. Detainee records
- B. Disciplinary records
- C. Documentation that rules and recommended sanctions have been communicated to detainees.
- D. Documentation of facility administrator review and approval of disciplinary sanctions.