 <p>Cherokee Sheriff's Office Adult Detention Center</p>	<p>Related Standards: 4-ALDF-2A-27 and 2A-28</p>	
<p>Chapter: Institutional Operations</p>	<p>Policy #: 8-03-01</p>	<p>Pages: 2</p>
<p>Section: Inmates Rules and Discipline</p>	<p>Effective Date: September 15, 2006</p>	
<p>Subject: Inmate Rules of Conduct, Inmate Handbook, Training of Staff</p>		

## I. Policy:

To provide written rules and regulations that clearly define rules of conduct for this facility and the penalties for violations of those rules; To provide for an Inmate Handbook that is available to all inmates at all times; To provide assistance to those inmates that do not understand the rules and regulations.

## II. Procedure:


- A. A copy of the Inmate Handbook containing rules and regulations that specify acts prohibited within the facility will be issued to each inmate during the orientation phase of their admittance into this facility. To the extent possible, assistance will be rendered to those inmates that are illiterate or that do not understand the rules and regulations.
- B. The Inmate Handbook will be made available to inmates at all times. The Detention Center provides Inmate Handbooks in English and Spanish. In the event that a language other than English or Spanish is the primary and native language of an inmate, then to the extent possible, assistance in translating the Inmate Handbook into the language understood by the inmate will be rendered.
- C. The Inmate Handbook will be reviewed annually and updated as needed to ensure consistency with constitutional and legal principals.
- D. All Detention Center staff who have regular contact with inmates are trained during their initial orientation training to familiarize them with the inmate rules of conduct, the rationale for the rules, and the sanctions available. Annual In-Service training provides the staff the skills to prevent discrepancies among the staff in their interpretation and implementation of the rules of conduct.
- E. In addition to rules of inmate conduct, the Inmate Handbook will contain pertinent information regarding the following:



1. Inmate rights and responsibilities
2. Available inmate programs and services; such as
  - a. Medical services
  - b. Dental services
  - c. Mental Health services
  - d. Religious programs
  - e. Educational programs
  - f. Library programs (legal reading and leisure reading)
  - g. Disciplinary procedures
  - h. Any other inmate programs and/or service that may be available.
3. Inmate procedures for filing Inmate Request Forms and Inmate Grievance Forms.
4. Emergency Information
5. Any other information deemed appropriate by the Administrator.

### **III. Policy Review:**

This policy and procedure will be reviewed annually and updated as needed.

 <p>Cherokee Sheriff's Office Adult Detention Center</p>	Related Standards: 4-ALDF-3A-01;4-ALDF-6C-02	
Chapter: Institutional Operations	Policy #: 8-03-02	Pages: 9
Section: Inmate Rules and Discipline	Effective Date: September 15, 2006	
Subject: Inmate Rules of Conduct		

## I. Policy:

Every inmate of the Cherokee County Adult Detention Center has the right to know the behavior that is expected of him or her and the penalties for misbehavior. The disciplinary process must be fair and systematic so that no person, staff, or inmate may plead ignorance or bias in the procedure.

## II. Procedures:

### A. Rules of Conduct:

An inmate will only be subject to discipline for those violations described in the posted rules, or those, which have been prescribed by, state law.

1. Any inmate, who is accused of a rule violation, will be given written statement of the charges including a description of the incident and specific rules violated. The inmate is given the statement at the same time the disciplinary report is filed with the Hearing Officer, but no less than twenty-four (24) hours before the disciplinary hearing.
2. The disciplinary procedures prescribed in this section will apply to all inmates rule violations.
3. Sanctions available for the rule violations will be followed in accordance with ADC policy #8-03-03 Inmate Sanction Schedule.

### B. Criminal Prosecution:

1. When an inmate allegedly commits an act covered by criminal law, the Officer writing the rule violation **will also** need to:
  - a. Obtain a case number,

- b. Complete a Sheriff's Office Incident Report, and
  - c. Obtain a warrant from the Magistrate Court Judge (if applicable)
2. The inmate will need to be booked in and fingerprinted on the new charges.
  3. The inmate will need to go the next available First Appearance Hearing.

C. Violation Classification:

Violations of rules of conduct are classified by the severity of the offense; Class I, Class II, and Class III.

D. Class One Violations:

Any behavior that threatens life, limb, constitutes a felony or misdemeanor, or seriously breaches institutional security shall be considered a Class One Violation.

1. Violation of any State Law:

Committing or attempting to commit any act or acts which are defined as a felony or misdemeanor by the laws of the State of Georgia.

2. Escape:

Escaping, attempting to escape, or assisting another inmate in escaping or attempting to escape from the custody of the jail or its employees.

3. Assault:

- a. Assaulting or attempting to assault any person, either with or without a weapon.
- b. Assault shall include the throwing of any thing or substance at or in the direction of another person.

4. Sexual Assault:

Forcing or attempting to force another person to submit to perform any sexual act, or threatening another person with violence in order to compel or coerce him or her to commit a sexual act.

5. Riot:

- a. Rioting, mutiny, or attempting to riot or mutiny.
  - b. Plan with other inmates to riot, mutiny or prevent any employee from performing their duties or from entering, leaving, or moving about any part of the institution by force or threat of force.
6. Arson:
- a. Causing or attempting to cause a fire or explosion.
  - b. Damaging, marring, defacing or destroying any property belonging to Cherokee County or any person by fire or with an incendiary or explosive device.
7. Hostage Taking:
- a. Taking or attempting to take any employee, another inmate, or any person as a hostage.
  - b. Kidnapping any person.
8. Possession of Weapons:
- a. Possessing any weapon.
  - b. Manufacturing, assembling, or making any knife, weapon, tool, or instrument which can be used as a weapon.
  - c. Attempting to manufacture, assemble, or make any weapon.
9. Introduction of Weapons:
- a. Smuggling, or attempting to smuggle any weapon into the institution.
  - b. Arranging, or attempting to arrange for any person to smuggle or introduce any weapon into the institution.
10. Extortion:
- Extorting or blackmailing any person.
11. Tampering with Locks:
- a. Tampering with, removing, damaging, destroying, jamming, or in any way making any lock, door security device, or fire safety equipment operate in any manner other than intended by the builder.

- b. Attempting to tamper with, remove, damage, destroy, jam, or make any such item fail to operate as intended.

12. Destruction of Property:

Damaging, marring, or defacing, any property belonging to Cherokee County or to any person.

13. Trafficking:

- a. Selling, transferring, or manufacturing any narcotic drug, prescription drug, alcohol, marijuana, or any intoxicant as defined in Rule violation 2.14 (Drugs and Intoxicants).
- b. Bringing, attempting, or arranging for a person to bring any such item into the institution.

14. Accessory:

- a. Aiding or abetting any other inmate in the commission of any Class One Violation.
- b. No inmate found guilty of aiding or abetting shall be punished more severely than the principal shall.

15. Cumulative Class Two Violations:

The Hearing Officer may impose Class One disciplinary actions upon any inmate who has been found guilty of the commission of a second, Class Two violations within a period of thirty-one (31) consecutive days.

E. Class Two Violations:

Violations which tend to disrupt the normal operation of the institution or which subvert institutional systems of control.

1. Insubordination:

- a. Refusing to obey any order, instruction, or assignment given by an institutional staff member.
- b. Using indecent, profane or vulgar language or gestures toward a staff member in response to an order, instruction, or assignment given.
- c. Sexual harassment of any nature.

2. Demonstration:

Organizing or participating in a group demonstration, protest, or sit-down strike.

3. Threats:

Threatening any person, whether staff member, inmate or any other person, with violence, malice or revenge by word, written correspondence or deed.

4. Refusal to Work:

Any inmate:

- a. Refusing to work a detail or assignment,
- b. Refusing to carry out required assignments, work orders or instructions,
- c. Leaving a place of assignment without permission from the person in charge, or
- d. Being absent from work without authorization.

5. Missing or Confusing Count:

Missing count or taking any action that creates confusion or error during the count of inmates.

6. Fighting:

Fighting, wrestling, or engaging in horseplay with any other inmate or staff member.

7. Sexual Acts:

Engaging or attempting to engage in any consensual sexual act including kissing or fondling, with any other person or themselves.

8. Self-mutilation:

- a. Deliberately causing injury to oneself,
- b. Giving oneself a tattoo, or

c. Permitting others to cause injury or to give oneself a tattoo.

9. Contraband:

Possessing any contraband.

- a. Contraband shall include any item or substance not specifically permitted as inmate property, any property or object that has not been provided or approved by the Adult Detention Center; or any approved item that has been altered, changed, or misused.
- b. Certain items may not be authorized for inmate possession, but the inmate may have specific permission from the Division Commander, Assistant Division Commander, or Medical Staff to possess the item. These items will not be considered contraband. Medical Staff will need to provide the inmate with a written permission slip for such item. Any permission from the Division Commander or Assistant Division Commander will be noted in the Jail Log and Pass on Sheet.

10. Possession of Money:

Inmates are not allowed to possess any money. Any money found in an inmate's possession shall be confiscated and deposited in the Commissary Fund for the use of the general inmate population.

11. Gambling:

- a. Gambling for money, services, item, or any other thing of value; or
- b. Organizing, operating, or participating in a gambling operation or betting pool.

12. Theft/ Damaging of Property (Value not to exceed \$50.00):

- a. Stealing, or attempting to steal property belonging to the institution or to any person.
- b. The taking or borrowing of property of another and refusing to return the property shall be considered theft.
- c. Possession of stolen property.
- d. Damaging any property belonging to the Adult Detention Center or another inmate. (This includes damaging towels, clothing, sheets, etc.) The inmate can be criminally charged for any damage to items



belonging to the Adult Detention Center and not normally issued to inmates (i.e. walls, television, wash basins, etc.)

NOTE: Any theft/ damage over \$50.00 will be considered a violation of State Law. The inmate will be charged with a Class One Violation and a warrant can be obtained.

13. Drugs and intoxicants:

- a. Possessing any intoxicants;
- b. Consuming or being under the influence of intoxicants, except as prescribed and provided by authorized medical personnel.
- c. The term intoxicants shall include the following:
  1. Gasoline, kerosene, paint, turpentine, cleaning fluid, or any substance that may be sniffed, "huffed", or inhaled.
  2. Any drug described in Chapter 13 of Title 16 of the Official Code of Georgia and defined therein as a controlled substance, including marijuana.
  3. Any beverage which contains alcohol, or which is in the process of fermentation; and,
  4. Any drug, which was given to the inmate for immediate ingestion, which the inmate failed to ingest.

14. Accessory:

Aiding or abetting any other inmate in the commission of a Class Two Violation. No inmate found guilty of aiding or abetting shall be disciplined more severely than the principal offender shall.

15. Falsification of Information:

Intentionally providing false, incorrect or incomplete information to a staff member.

16. Cumulative Class Three Violations:

The Hearing Officer may impose Class Two disciplinary actions upon any inmate who has been found guilty of the commission of a third, Class Three Violations within a period of thirty-one (31) consecutive days.

#### F. Class Three Violations:

Violations which disrupt the normal operation and routine of the institution, or which may manifest a personal problem of adjustment.

##### 1. Restricted Area:

Being in an area of the institution without proper authorization or specific permission.

##### 2. Littering:

Disposing, throwing, or dropping any garbage, litter or any other item or material in an unauthorized or inappropriate manner.

##### 3. Sanitation:

Failing to maintain living and sleeping areas in clean and orderly fashion.

##### 4. Personal Hygiene:

- a. Failing to shower at least three times per week;
- b. Failing to maintain personal cleanliness and grooming; or
- c. Failing to wear clean and appropriate clothing.

##### 5. Creating a Disturbance:

- a. Engaging in minor horseplay;
- b. Using loud, profane, vulgar, obscene or insulting language or gestures;
- c. Creating unnecessary loud noise of any form.

##### 6. Improper Use of Food:

No inmate shall waste or create a mess with food. No inmate may take food from the kitchen without prior authorization.

##### 7. Unauthorized Communication:

- a. Conversing, passing notes, or making or attempting to make contact in any way with inmates who are housed in another housing unit;
- b. Contacting or attempting to contact persons outside the institution through doors, windows, knocking on windows, shouting at or attempting to attract the attention of persons passing by the jail. This applies any time during recreation/exercise time or while inmate is in his/her cell.

#### 8. Passing or Receiving Items:

Passing or receiving items from one living area or housing unit to another.

#### 9. Wear of Uniforms:

The two piece orange or white uniform will be worn at all times when the inmate is out of his/her cell area. This includes the Dayroom, Medical Area, Law Library, Visitation, etc. In the housing areas that have no individual cells, the inmates will have the two piece uniform on at all times when they are out of the bed. There are a few exceptions. T-shirts will be worn during any of the following exceptions:

- a. After recreation/exercise time, when a one-hour grace period is allowed for cooling down.
- b. ½ hour before lockdown until lockdown and ½ hour before the serving of breakfast to allow for the changing of clothes.
- c. Approval of Shift Supervisor during extreme temperature conditions.
- d. All inmates will still need to be fully dressed (two piece uniform, shoes, and armband) when approaching the Pod door.

### **III. Policy Review:**

This policy and procedure will be reviewed annually and updated as needed.



Cherokee Sheriff's Office  
Adult Detention Center

Related Standards: 4-ALDF-2A-50 and 3A-01

Chapter: Institutional Operations

Policy #: 8-03-03

Pages: 3

Section: Inmate Rules and Discipline

Effective Date: September 15, 2006

Subject: Inmate Sanction Schedule

## **I. Policy:**

The Cherokee County Adult Detention Center follows a set schedule of sanctions for inmate rule violations to prevent arbitrary application of discipline. Sanctions imposed are proportionate to the seriousness of the violation. The inmate's prior conduct and other factors may also affect the severity of the sanction.

## **II. Definition:**

Loss of Privileges: Loss of privilege to purchase items from the commissary (except hygiene items) and/or loss of visitation privileges during the disciplinary detention period.

## **III. Procedures:**

### **A. Sentenced Inmates**

If the inmate is sentenced to county or state time, s/he can receive a maximum of thirty (30) days of disciplinary segregation and/or loss of privileges without a hearing.

### **B. Confinement Review:**

Continuous confinement for more than thirty (30) days for ANY inmate requires the review and approval of the Division Commander.

### **C. Class One Sanctions:**

The Hearing Officer will be the only person approved to impose a Class One Sanction. Upon a finding of guilt, a Class One Violation may be discipline by one or more of the following:

- a. Revocation of some, or all of the inmate's good time;

- b. Placement in disciplinary detention for a specific period of time, not to exceed
  - 1. Fifteen (15) days for any one violation; OR
  - 2. Thirty (30) days for all violations arising from any one incident.
  - 3. Change in classification and reassignment of housing unit.

D. Class Two Sanctions:

The Hearing Officer will be the only person approved to impose a Class Two Sanction. Upon a finding of guilt, a Class Two Violation may be disciplined by Imposition of one or more of the following sanctions:

- a. Revocation of not more than one-half of all good time;
- b. Placement in disciplinary detention for a specific period of time, not to exceed:
  - 1. Ten (10) days for any one violation; OR,
  - 2. Thirty (30) days for all violations arising from one incident;
- c. Loss of privileges for a specific period of time, not to exceed:
  - 1. Fourteen (14) days for any one violation; OR,
  - 2. Thirty (30) days for all violations arising from one incident;
- d. Change in classification and reassignment of housing unit.

E. Class Three Sanctions:

A Shift Supervisor or above has the authority to impose a Class Three Sanction. Upon a finding of guilt, a Class Three Violation may be disciplined by imposition of one or more of the following sanctions:

- a. Verbal counseling;
- b. Up to twenty-four (24) hours cell confinement;
- c. Loss of privileges for a specific period of time, not to exceed:
  - 1. Seven (7) days for any one violation; OR,

2. Fifteen (15) days for all violations arising from one incident (not to exceed three incidents);

d. Change in classification and reassignment of housing unit.


F. Division Commander Review:

a. For all Class I and Class II rule violations, the completed Rule Violation will be reviewed by the Division Commander or designee.

b. For all Class III rule violations, the completed rule violation will be reviewed by the Hearing Officer.

#### **IV. Policy Review:**

This policy and procedure will be reviewed annually and updated as needed.

 <p>Cherokee Sheriff's Office Adult Detention Center</p>	<p>Related Standards: 4-ALDF-3A-02; 4-ALDF-6C-03 through 6C-05 and 6C-07</p>	
<p>Chapter: Institutional Operations</p>	<p>Policy #: 8-03-04</p>	<p>Pages: 4</p>
<p>Section: Inmate Rules and Discipline</p>	<p>Effective Date: September 15, 2006</p>	
<p>Subject: Rule Violation Reports</p>		

## I. Policy:

When a officer witnesses or has reasonable belief that a violation of jail rules or regulations has been committed by an inmate, the officer will take appropriate action which may include the preparation of a Rule Violation Report to be forwarded to the Shift Supervisor. In cases where Georgia Code has been violated, an Incident Report (Stat 15) will be filled out in addition to the Rule Violation Report.

## II. Definitions:

Informal Resolution: The solution of a minor infraction (Class III) made by a Shift Supervisor. The informal resolution establishes appropriate sanctions for minor rule violations. The process is designed to encourage a prompt and fair disposition of minor offenses and avoid the record entry of any disciplinary action to the inmate's permanent file. The rule violation report will be filed in the Hearing Officer's records for statistical purposes only.

## III. Procedures:

### A. Preliminary Determination:

Any officer, who has knowledge or suspicion of an inmate violating a rule, is responsible for immediately writing a Rule Violation Report.

### B. Criminal Violations:

1. In all cases where Georgia Code has been violated, the Deputy will:

- a. Prepare and Incident Report (Stat 15),
- b. Obtain an incident number by contacting Cherokee County Communication Center-911,

- c. Have the Shift Supervisor review and approve the Incident Report; and
  - d. Obtain a warrant from the Magistrate Court Judge.
2. The inmate will need to be booked in and fingerprinted on the new charges. If a warrant has not yet been obtained, a Request to Hold for Warrant to be taken (TBT) will need to be filled out.
  3. The inmate will need to go to the next available First Appearance Hearing (72-Hour Hearing).
  4. All videotapes that may have recorded the incident will be pulled and placed into evidence.
  5. The officer, in accordance with G.O. #4-01-05 Collection of Evidence, will secure any contraband, item, object, or material that is evidence of the incident.
  6. The officer will need to fill out a Rule Violation Report as described by policy.

C. Adult Detention Center Violations:

All other cases where the inmate did not violate any Georgia Code, but did violate an Adult Detention Center rule, the deputy can fill out a Rule Violation Report. An Incident Report does not need to be included with a Rule Violation Report.

1. The completed report will be submitted to the Shift Supervisor for review and approval.
2. Any video, recorded from an Adult Detention Center camera, that would be beneficial to the Hearing Officer for review to make a decision of guilt or innocence will be pulled by the Reporting Deputy, with assistance from a shift supervisor, placed with the Rule Violation Report, and forwarded to the Hearing Officer through the Shift Supervisor.
3. Any contraband, item, object, or material that is evidence of the incident will be secured by the officer in a sealable plastic bag and stapled to the Rule Violation Report.

D. Class III Violations:



If a Rule Violation Report has been written for a Class III Violation, the Shift Supervisor will impose an informal resolution. The Shift Supervisor may review any video of the incident if necessary, but video do not need to be pulled for class three violations.

E. Rule Violation Reports:

1. Rule Violation Reports prepared by a jail officer include, but are not limited to, the following information:
  - a. Specific rule(s) violated along with the rule number(s);
  - b. A formal statement of the charge;
  - c. Any unusual inmate behavior;
  - d. Any witness(s);
  - e. An explanation of the event that should include who was involved, what transpired, and the time and location of the occurrence;
  - f. Any physical evidence and its disposition;
  - g. Any immediate action taken, including the use of force; and
  - h. The date and time of the report and the Reporting officer's signature.
2. All rule violations occurring from the same incident will be documented on the same Rule Violation Report.
3. The Reporting officer will fill out the Rule Violation Report. S/he will then conduct an investigation of the incident.
  - a. The investigation will be recorded on the Rule Violation Report.
  - b. The investigation report will include who, what, when, where, why, and how along with any witness statements from the incident.
  - c. All investigations must be completed by the end of the officer's shift if possible.
  - d. The investigation must be completed without unreasonable delay, unless there are exceptional circumstances for delay.

4. The Reporting officer will submit the Rule Violation Report to the Shift Supervisor for review.
  - a. The review will be made for content and completeness. The Shift Supervisor will decide if all the facts have been clearly established and the questions of who, what, when, why, where, and how have been answered.
  - b. If needed, the Shift Supervisor will also conduct a follow-up investigation and forward the report to the Hearing officer.
5. A copy of the Rule Violation Report must be served upon the inmate no more than twenty-four (24) hours after the completion of the investigation and no less than twenty-four (24) hours before the Rule Violation Hearing.
6. The Serving officer will ensure the inmate receives a copy of his/her rights along with notification of charges.
7. The report will then be forwarded to the Hearing Officer upon completion.

#### **IV. Policy Review:**

This policy and procedure will be reviewed annually and updated as needed.



Cherokee Sheriff's Office  
Adult Detention Center

Related Standards: 4-ALDF-6C-01

Chapter: Institutional Operations

Policy #: 8-03-05

Pages: 2

Section: Inmate Rules and Discipline

Effective Date: September 15, 2006

Subject: Resolution of Minor Offenses

## I. Policy:

If an alleged rule violation is minor (Class III), and it is determined to be in the best interest of the inmate and the facility, then a Supervisor can carry out an Informal Resolution. The resolution must allow the inmate to understand his/her misbehavior is unacceptable and it must describe methods of improving behavior for the future.

## II. Definition:

Informal Resolution: The solution of a minor infraction (Class III) made by a Shift Supervisor. The informal resolution establishes appropriate sanctions for minor rule violations. The process is designed to encourage a prompt and fair disposition of minor offenses and avoid the record entry of any disciplinary action to the inmate's permanent file. The rule violation report will be filed in the Hearing Officer's records for statistical purposes only.

## III. Procedures:

### A. Authorization for Resolution of Minor Offenses:

A Shift Supervisor is authorized to act as the Hearing Officer and impose minor dispositions for minor offenses (Sandin V. Connor).

### B. Impartiality of Hearing Officer:

The disposition will take place within seven days- including weekends and holidays- by a Supervisor not involved in the rule violation.

1. If the Shift Supervisor is in any way involved in the incident, s/he cannot impose a disposition for the minor offense. The Rule Violation Report will be forwarded in the following order until it reaches a Supervisor not involved in the incident. That Supervisor will then resolve the minor violation:
  - a. The other Supervisor on the shift;

- b. A Supervisor coming on duty on the next shift; OR
- c. The Assistant Division Commander or designee for a rule violation hearing.

C. Conduct of Hearing:

To accomplish the resolution of a minor infraction, the officer will escort the inmate to the Shift Supervisor.

1. The Supervisor may impose sanctions if needed, write a written reprimand if needed, or verbally counsel the inmate in writing.
2. The inmate will be given a copy of the reprimand within seventy-two (72) hours.
3. The original reprimand will be attached to the rule violation report and placed in the Hearing Officer's file.
4. If any sanctions beyond counseling are imposed, notification of sanctions will be posted in the inmate's housing unit. The original will remain with the hearing officer.

D. Sanctions for Informal Resolutions:

Any sanction imposed must be consistent with the circumstances of the alleged incident, but at no time can the sanctions exceed the following:

1. Verbal counseling;
2. Change in classification and reassignment of housing unit;
3. Up to twenty-four (24) hours cell confinement; and/or
4. Loss of privileges up to seven (7) days.


Note: In all cases of minor offenses, it is imperative that the inmate is counseled on his/her behavior.

E. Appeal:

When a sanction beyond counseling is imposed the inmate will be given the right to appeal. See the Appeals policy for procedures.

**IV. Policy Review:**

This policy and procedure will be reviewed annually and updated as needed.

 <p>Cherokee Sheriff's Office Adult Detention Center</p>	<p>Related Standards: 4-ALDF-6C-06</p>	
<p>Chapter: Institutional Operations</p>	<p>Policy #: 8-03-06</p>	<p>Pages: 2</p>
<p>Section: Inmate Rules and Discipline</p>	<p>Effective Date: September 15, 2006</p>	
<p>Subject: Pre-hearing Segregation</p>		

## I. Policy:

The Cherokee County Adult Detention Center is permitted to segregate an inmate charged with a rule violation before a disciplinary hearing when necessary to protect the inmate's safety or security of the facility. This segregation is not punitive, and the inmate is given the same privileges as general population unless his safety or facility security is threatened. The inmate will be released from segregation when the inmate's safety and security of the facility is no longer threatened.

## II. Definition:

Administrative Segregation: A classification status apart from general population that may apply to inmates who pose a threat to themselves, others, or the security of the facility.

Designee: A staff member designated to make decisions on behalf of the person assigned to make those decisions.

## III. Procedures:

### A. Pre-Hearing Segregation:

Pre-Hearing Segregation of inmates charged with a rule violation will be used only when necessary to ensure the safety of the inmate or the security of the institution.

### B. Review:

The Hearing Officer or designee, as determined by the Jail Division Commander will review the inmate's status within seventy-two (72) hours including weekends and holidays.

#### C. Behavior:

An inmate on pre-hearing segregation is locked down only for as long as the inmate's behavior is disruptive and is a threat to the safety and security of the facility. The segregation will not exceed seven (7) days, at which time there will be a Rule Violation Hearing.

#### D. Inmate Rights:

The following inmate rights may not be denied no matter what classification status the inmate obtains **unless** it poses a threat to the safety of the inmate.

1. Attorney visits;
2. Agency Chaplain or other clergy as approved by the Jail Division Commander;
3. Writing materials (paper, pencil, envelopes) in order to correspond with attorney, clergy, or family/friends;
4. Adequate food;
5. Adequate light, ventilation, temperature control, and sanitation;
6. Medical care;
7. Proper clothing, bedding, use of toilets, lavatory, shower;
8. Personal hygiene items (soap, no shank toothbrush, and deodorant); and/or
9. One hour out of cell each day for showers, telephone privileges, and exercise/recreation time.

#### E. Administrative Segregation Procedures:

All procedures outlined in the Administrative Segregation policy will be followed and an Inmate Segregation Log will be maintained to ensure the inmate is not denied any rights stated above.

### IV. Policy Review:

This policy and procedure will be reviewed annually and updated as needed.



Cherokee Sheriff's Office  
Adult Detention Center

Related Standards: 4-ALDF-6C-08 through 6C-17

Chapter: Institutional Operations

Policy #: 8-03-07

Pages: 5

Section: Inmate Rules and Discipline

Effective Date: September 15, 2006

Subject: Disciplinary Hearing

## **I. Policy:**

The Cherokee County Adult Detention Center maintains a Disciplinary Hearing Officer to resolve cases of Major and Serious rule violations, and to hear inmate's appeals of minor violation hearing decisions. Use of the Hearing Officer prevents violation of inmate rights to due process and arbitrary application of discipline. The following outlines the procedures to be used during any Major or Serious Rule Violation Hearing.

## **II. Definition:**

Designee: A staff member designated to make decisions on behalf of the person assigned to make those decisions.

## **III. Procedures:**

### **A. Hearing Officer:**

The Jail Division Commander will appoint a permanent Hearing Officer, or alternate, who will handle the rule violation hearing process and maintain all rule violation files.

### **B. Hearing Officer Impartiality:**

An impartial person conducts disciplinary hearings on all rule violations. If the Hearing Officer is connected to the incident leading to the rule violation in any way, s/he will need to refer the case to the Division Commander or designee, who will appoint a new Hearing Officer for that specific case.

### **C. Setting the Hearing:**

If an inmate accused of a major or serious violation requests a disciplinary hearing, the Hearing Officer will schedule the hearing.

1. A hearing for any violation must be held:

- a. No sooner than twenty-four (24) hours after the rule violation report has been served upon the inmate, unless the inmate consented, in writing, to an earlier hearing; AND
  - b. As soon as possible but no later than seven days, excluding weekends and holidays, after the alleged violation.
2. The inmate and officers involved will be notified of the hearing at least twenty-four (24) hours in advance of the hearing.
  3. The hearing may be postponed or continued for a reasonable time through a written waiver by the inmate or for documented good cause.
  4. Inmates who are under sentence are not entitled to a hearing (Sandin V. Conner) unless it affects the inmate's good time. Any hearing given will be at the discretion of the Hearing Officer.
  5. Charges for the same incidents against two (2) or more inmates may be heard at the same time.

D. Inmate Assistance:

A staff member or agency representative may assist any inmate at his/her disciplinary hearing when requested.

1. A representative will be appointed only when it is apparent that an inmate is not physically or mentally capable of collecting and presenting evidence on his/her own behalf or if there is a language barrier.
2. The Jail Division Commander or designee will be responsible for appointing a representative for the inmate. The representative is voluntary. If the person appointed does not want to represent the inmate s/he is not required, someone else will be appointed.
3. The representative must be knowledgeable about the Adult Detention Center rules, discipline, and disciplinary procedures.
4. The Hearing Officer must document the reason for any inmate's absence or exclusion in the hearing record.

E. Inmate's Presence at Hearing:



Inmates charged with rule violations will be present at the time of the hearing, unless they waive that right in writing or through behavior.

1. The inmate charged with a rule violation may be excluded during the hearing of any inmate's testimony that must be given in confidence.
2. The inmate's testimony being given in confidence may be presented in the form of a written statement signed by the officer who spoke with the inmate. The identity of the inmate will not be disclosed.
3. Inmate(s), whose behavior or conduct is disruptive or assaultive, will be removed from the hearing.
4. The Hearing Officer must document the reasons for any inmate's absence or exclusion in the hearing record.

F. Conduct of Hearings:

The Rule Violation Hearing will be conducted as follows:

1. The Hearing Officer will read the charges and rights as contained in the Rule Violation Report and ask the accused inmate for a plea.
2. If the inmate pleads guilty or no contest, the Hearing Officer will determine the appropriate disciplinary sanctions to be imposed.
3. If the inmate pleads not guilty, the Hearing Officer may:
  - a. Review all testimony and evidence, including the testimony of witnesses.
  - b. Hear evidence from the Reporting Officer, call witnesses and inquire of any party during the hearing.
  - c. Review the video pertaining to the incident.
4. The inmate may give testimony, present documentary evidence, and request witnesses on his/her behalf after evidence and testimony against him/her is given. If an inmate request is not granted, the Hearing Officer must document in writing in the hearing record why the request was denied.

G. Inmates Rights During Hearing:

1. The inmate has a right to :

- a. Be present during the hearing, unless their conduct and behavior is destructive;
  - b. Have an opportunity to make a statement;
  - c. Present documentary evidence; AND
  - d. Request witnesses on their behalf.
2. The Hearing Officer in the interest of safety, security, or order of the facility may limit the number of witnesses. The reasons for denying such a request are stated in writing by the Hearing Officer and placed with the rule violation report and attachments in the Hearing Officer's files.
  3. If confrontation of accusers is not permitted, the Hearing Officer will need to determine that evidence is clear, cognizant and convincing before a finding of guilty is rendered.
  4. Inmates may not cross-examine any witnesses but the Hearing Officer may question these witnesses who have been requested by an inmate to present evidence.

#### H. Findings:

The decision of the Hearing Officer will be based SOLELY on the information reviewed in the hearing process, including:

1. Incident reports;
2. Video/audio tapes;
3. Statements from the inmate charged; AND/OR
4. Evidence derived from witnesses and documents.

#### I. Record of Hearing and/or Rule Violation:

1. A record of all hearings will be written in the Rule Violation Log and maintained, by the Hearing Officer, for the duration of the inmate's stay at the Adult Detention Center. Once the inmate is released from the Adult Detention Center, the records will be placed in storage to be retained for at least ten (10) years (3C-15, Georgia Retention Schedule).
2. A written report will be made by the Hearing Officer which will include:

- a. The decision of the Hearing Officer;
- b. The disposition of the Rule Violation;
- c. The reason for the action; AND
- d. The signature of the Hearing Officer.

3. Attachments to the Hearing Officers report will include:

- a. A list of witnesses and a summary of their testimony;
- b. A description of each piece of evidence entered; AND
- c. Copies of all documents, including Incident Reports.

4. A copy, without attachments, of the report will be given to the inmate.

5. If the verdict is guilty, the original report, without attachments, will be placed in the inmate's permanent file. A copy of the report and all supporting documents will be kept in the Hearing Officers records.

6. If the inmate is found not guilty, the original will be kept in the Hearing Officers files.

J. Inmates Found Not Guilty:


If the Hearing Officer finds the inmate not guilty, all references to the alleged rule violation will be removed from the inmate's permanent file. The Hearing Officer's files will still contain all the original documentation of the alleged rule violation.

K. Review:

The Jail Division Commander or his designee will review all disciplinary hearings and dispositions when completed to ensure conformity with policy and procedures.

#### **IV. Policy Review:**

This policy and procedure will be reviewed annually and updated as needed.

 <p>Cherokee Sheriff's Office Adult Detention Center</p>		
Chapter: Institutional Operations	Policy #: 8-03-08	Related Standards: 4-ALDF-6B-01 Pages: 5
Section: Inmate Rules and Discipline	Effective Date: September 15, 2006	
Subject: Inmate Grievances		

## I. Policy:

The inmate grievance system is made available to all inmates to ensure the systematic and equitable review of inmate complaints.

## II. Definitions:

Grievance Log: This log will be used to record all inmates' grievances. It will ensure grievances are acknowledged and handled in a timely manner. It will also ensure appeals are acknowledged, forwarded, and handled in a timely manner.

Special Handling List: A list of inmates who have a habit of filing meritless grievances. The Assistant Jail Division commander will review these grievances to determine if action is needed or if the grievance is meritless. The Jail Division Commander will be responsible for placing inmates on this list.

## III. Procedure:

### A. Items Exempt from Grievance:

The following areas CANNOT be grieved under the grievance system of the Cherokee County Adult Detention Center:

1. Any matter the Cherokee County Adult Detention Center has no control over (i.e. parole/probation decisions, sentences, and loss of mail by the postal service).
2. Disciplinary actions. Appeals of disciplinary actions are to be filed under appeal procedures within ADC policy #8-03-09 Inmate Appeal Process.
3. Routine administrative transfers of inmates from different areas, without any loss of rights or privileges, to facilitate ease of facility operations.

## B. Transmittal:

The individual inmate, on a Grievance Form provided by the Housing Staff must make a grievance in the form of a written statement.

1. Group grievances WILL NOT be accepted; however, if one inmate files and signs a grievance and other inmates wish to sign the back of the grievance, the grievance will be processed.
2. A grievance written on behalf of another inmate will not be accepted. Only the affected inmate may file the grievance.
3. Grievance procedures are outlined in the Inmate Handbook.

## C. Assistance:

If the inmate is unable to complete the grievance form him/herself, s/he may obtain assistance from staff.

## D. Contents:

The grievance shall state fully the time, date and names of all parties involved with all pertinent details of the incident.

## E. Harassment:

No staff member or inmate will be permitted to subject any inmate to harassment, curtailment of privileges, or punishment of any type because of a grievance that s/he has filed.

1. Under no circumstances are any staff members to, or attempting to, discourage or dissuade inmates from filing a grievance.
2. Any staff member interfering with the reporting of a grievance in any way will be subject to disciplinary actions.

## F. Allegation of Employee Misconduct:

If an inmate is complaining of an action made by a Deputy or other staff member, the complaint will be referred to a Corporal or higher. An A.I.C. (Allegation, Inquiry, and Commendation Report) will then be initiated. The Housing Officer should not attempt to resolve the allegation.

1. The supervisor will document the complaint in writing and promptly forward the A.I.C. (Allegation, Inquiry, Commendation Report) to the Internal Affairs Officer and the Division Commander within seventy-two (72) hours following receipt of the complaint.

2. All procedures will be followed in accordance with General Order Citizen Information Processing and Internal Investigations.
3. The Jail Division Commander will make a written response to the inmate as soon as practical.

#### G. Impropriety:

If the inmate is complaining of a violation of civil rights or a criminal act, then the Housing Officer will refer the inmate to the formal grievance system.

1. The grievance will be recorded in the grievance log and forwarded to the Assistant Jail Division Commander for investigation and action.
2. A written return to the inmate will be made by the Assistant Jail Division commander or designee as soon as practical, not to exceed seven working days from the receipt of the grievance. Data of response will be recorded in the grievance log.
3. The Housing Officer should not attempt to resolve the complaint informally.

#### H. Receipt:

Upon receipt of a grievance, the Housing Officer is to:

1. Verify that the form is filled out correctly;
2. Log the complaint in the Grievance Log and acknowledge receipt of the grievance; and
3. Forward the grievance to the Shift Supervisor without being read or altered.

#### I. Informal Resolution:

The Shift Supervisor is to review the grievance to determine if informal resolution is appropriate. If informal resolution is appropriate, the Shift Supervisor is to assign a Deputy to attempt to informally resolve the complaint. Once a complaint is handled informally, the Officer is to:

1. Complete the response part of the Grievance Form;
2. Have the inmate sign the form and give the inmate a copy;
3. Record the action taken in the Grievance Log; and

4. Send the Grievance Form to Records and ID to be filed in the inmate's permanent file.

J. Investigation:

If the grievance CANNOT be informally resolved the Shift Supervisor or Jail Division Commander is to perform an investigation of the incident. The investigation will include an opportunity for the inmate to be heard before a decision is made.

K. Return:

The Shift Supervisor or Jail Division Commander is to provide a written response to the inmate as soon as possible but no more than 48 hours from receiving the grievance.

1. The response is to include the investigation findings and action taken.
2. The Division Commander or designee is to log the date and time of the response in the Grievance Log located in the Watch Commanders Office.
3. The inmate will be requested to sign the grievance response. The Officer will then give the inmate a copy upon request.
4. The original grievance and response will be forwarded to the Jail Division Commander for review and then placed in the inmate's permanent file.

L. Special Handling of Frivolous Grievances:

If an inmate files a LARGE NUMBER of meritless and frivolous grievances, his/her grievances will be placed on a Special Handling list.

1. Based on the recommendations of the Shift Supervisor and the Watch Commander and the Jail Division Commander or designee is to determine if an inmate is to have his grievances referred for special handling.
2. If the Division Commander or designee refers an inmate for special handling, s/he will be placed on the "Special Handling List"; the Assistant Jail Division Commander or designee is to maintain written documentation of the reasons for this decision.
3. The Jail Division Commander will meet with the inmate to explain that all present and future grievances will be referred to the Jail Administrator to maintain written documentation of the reasons for this decision.
4. While an inmate is on the "Special Handling List", the Jail Administrator or designee will review each grievance filed by the inmate. Grievances having

merit are to be forwarded for processing through regular channels. Grievances that do not have merit are to be retained and a response provided to the inmate stating the reason for not processing the grievance.

5. The Jail Division Commander is to review the inmate's file each month to determine if special handling is still necessary.
6. The Jail Division Commander is to make a recommendation to the Jail Administrator determining when the inmate's grievances should be returned to the regular process.
7. An inmate's grievances are not to be processed through the special handling for more than four consecutive months.

#### **M. Grievance Appeals:**

Upon receiving formal response to the grievance, the inmate has forty-eight (48) hours to accept the findings and action taken.

1. If an inmate is not satisfied with the decision or action on any grievance, the inmate may appeal, in writing, to the Jail Division Commander. If the Jail Division Commander was responsible for responding to the initial grievance, then the appeal will be delivered to the Jail Administrator.
  - a. The inmate must include a copy of the decision with the appeal.
  - b. The Officer receiving the appeal will record it in the Grievance Log and deliver the appeal to the Jail Division Commander's or Jail Administrator immediately.
2. The Appeal Authority may:
  - a. Affirm the decision /action of the Shift Supervisor; or
  - b. Remand the grievance to the Shift Supervisor along with instructed action to be taken.
3. The Officer responsible for returning the response of appeal to the inmate will log the return in the Grievance Log.
4. The inmate will sign for receipt of the decision and receive a copy. The original will be placed in the inmate's permanent file.
5. The decision of the Appeal Authority is final.

#### **IV. Policy Review:**

This policy and procedure will be reviewed annually and updated as needed.





Cherokee Sheriff's Office  
Adult Detention Center

Related Standards: 4-ALDF-6C-18

Chapter: Institutional Operations

Policy #: 8-03-09

Pages: 2

Section: Inmate Rules and Discipline

Effective Date: September 15, 2006

Subject: Inmate Appeal Process

## **I. Policy:**

The Cherokee County Adult Detention Center permits inmates to appeal disciplinary hearing decisions to ensure that discipline is administered fairly.

## **II. Procedures:**

### **A. Disciplinary Appeals:**

An inmate has the right to appeal decisions of the Hearing Officer to the Jail Division Commander/ Jail Administrator or designee within forty-eight (48) hours- excluding weekends and holidays- of the hearing.

1. The inmate will do so by filing a written appeal.
2. The Officer receiving the appeal will deliver it to the Jail Division Commander without delay.

### **B. Appeal Process:**

When considering a disciplinary appeal, the Jail Division Commander/ Jail Administrator will:

1. Review the inmate's disciplinary file;
2. Do any additional investigation s/he deems necessary, including interviewing the inmate who is appealing;
3. Decide if staff complied with policy and procedure on inmate discipline;
4. Decide if the Hearing Officer's decision was based on substantial evidence;  
AND

5. Decide if the sanction imposed was in proportion to the seriousness of the offenses.

C. Impartially:

If the Watch Commander/Jail Administrator witnessed the original incident, participated in the disciplinary hearing, or was involved in the original investigation s/he will not handle the appeal, but will appoint an impartial designee.

D. Decision:

The Watch Commander/Jail Administrator will affirm, reverse, modify, or remand the decision within fifteen (15) days of the appeal. The decision of the Jail Division Commander/ Jail Administrator is final.

**IV. Policy Review:**

This policy and procedure will be reviewed annually and updated as needed.