

7. Discipline Plan Checklist

Rule 283.1

Rule 283.1 - Inmate Discipline Plan

Each sheriff/operator shall develop and implement a written disciplinary plan, approved by the Commission, governing inmate conduct. The plan shall provide for the firm, fair, and consistent application of rules and regulations. Facilities housing contracted TDCJ-ID inmates may adhere to TDCJ-ID disciplinary policies and procedures for these inmates, when they are housed together, and separately from all other inmates. Facilities housing federal inmates may adhere to federal disciplinary policies and procedures for these inmates, when they are housed together, and separately from all other inmates. For purposes of inmate discipline, violations of institutional rules and regulations shall be divided into Minor Infractions and Major Infractions.

- (1) **Minor Infractions.** Violations of rules and regulations which do not represent serious offenses against persons and do not pose a serious threat to institutional order and safety. Sanctions shall be limited to:
 - (A) counseling;
 - (B) verbal or written reprimand;
 - (C) in podular, direct supervision facilities, temporary restriction to cells for a period not to exceed twenty-four hours;
 - (D) **loss of privileges** for a period not to exceed fifteen days;
 - (E) **disciplinary separation** for a period not to exceed fifteen days;
 - (F) restitution for damage to jail property; and
 - (G) loss of good conduct credit.

- (2) **Major Infractions.** Violations of rules and regulations which constitute serious offenses against persons and property and pose a serious threat to institutional order and safety. Sanctions may include:
 - (A) loss of good conduct credit;
 - (B) **loss of privileges** for a period not to exceed thirty days;
 - (C) removal from work details or programs;
 - (D) **disciplinary separation** for a period not to exceed thirty days; and
 - (E) restitution for damage to jail property.

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- (3) Disciplinary **Due Process** Requirements.
 - (A) provisions shall be made for a disciplinary hearing before a neutral and impartial board or officer which shall not include anyone involved in the claimed violation or charges;
 - (B) provisions shall be made for the selection of a disciplinary board and disciplinary officer. In facilities of 50 capacity or less, this may be one person. Disciplinary hearings may be conducted by a disciplinary officer for incidents defined as Minor Infractions;
 - (C) provisions shall be made for at least twenty-four hours written notice to be given to the inmate of the claimed violation or charges against him/her;
 - (D) provisions **may** be included for inmates to **waive the right** to a disciplinary hearing provided proper notification is given prior to the signing of the waiver. The waiver shall include the appropriate identification of charges, the allowable sanctions, and the sanctions offered by the waiver. **A waiver shall not include the loss of good time as a sanction;**
 - (E) provisions shall be made for the disclosure of the evidence against the person charged with the violation, although confidential informants may be protected;
 - (F) provisions shall be made for an opportunity to be heard in person and to present documentary defensive evidence when not unduly hazardous to institutional safety and correctional goals.
 - (G) provisions shall be made for inmates to call relevant witnesses on his or her behalf for disciplinary hearings **when not unduly hazardous to institutional safety and correctional goals;**
 - (H) provisions should be made permitting the inmate to seek the aid of another inmate if the inmate is illiterate or where the complexity of the issue makes it unlikely that the inmate will be able to collect and present the evidence necessary for an adequate comprehension of the case. If that is not permissible, substitute aid from the staff or from an inmate designated by the staff shall be provided;
 - (I) provisions shall be made for a written statement by the disciplinary board or disciplinary officer at the conclusion of the hearing indicating the evidence relied upon and reasons for the disciplinary action taken. The **statement shall be**

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delivered to the inmate and the Sheriff/Operator and shall be placed in the inmate's disciplinary file; and

- (J) provisions shall be made for a **documented appeal process**, if requested by the inmate, by a person or persons not a member of the disciplinary board.

- (4) The following **sanctions** are **prohibited**:
 - (A) deviation from normal **feeding** procedures;
 - (B) **corporal** punishment;
 - (C) **administration of any form of disciplinary action or supervision by inmates**;
 - (D) deprivation of **clothing** or **bedding**; inmates who destroy bedding or clothing may be deprived of such items. This shall be reviewed and documented every twenty-four hours;
 - (E) use of a **violent cell**;
 - (F) deprivation of items necessary to maintain an acceptable level of **personal hygiene**;
 - (G) deprivation of **correspondence** privileges when the offense is unrelated to a violation of the institutional rules and regulations regarding correspondence. In no case shall privileged correspondence be suspended; and
 - (H) deprivation of physical **recreation** or physical **exercise**.

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Notes:

- **Disclaimer:** The **bolded**, underlined, and/or **red** sections identify areas that most commonly require revision. However, **all provisions of the standard remain mandatory**, regardless of formatting or emphasis.
- Anything in **blue** is a **hyperlink** that can be clicked on to view pertinent info.
- It is helpful to preserve as much of the language in the standards as possible.
- **(1) & (2)** - **Sanctions must be listed in the discipline plan** but the specific infractions do not need to be listed. **Please do not list the infractions in the discipline plan.** List the infractions in the inmate handbook only.
- **(1)(F) & (2)(E)** - If a county seeks **restitution for damage** to jail property as a sanction, the following **statement must be included** in **both** the **discipline plan** and **inmate handbook**.
 - 'An inmate causing damage to jail property may have the actual costs incurred deducted from his or her commissary account following a due process hearing establishing the inmate's liability.'
- **(3)(A-J)** - This is the **due process** section. The **entire section** must be included in the discipline plan.
- **(3)(D)** - A waiver shall not include the loss of good time as a sanction.
 - Waiver not allowed. There must be a hearing.
- **(3)(G)** - Witnesses only allowed if it does not disrupt jail operations and security.
- **(3)(J)** - This must match what is discussed in the inmate handbook.
- [Rule 283.2](#)
 - 'A written acknowledgment by the inmate that the rules have been explained shall be retained.'** Include this statement in the plan.
 - Will need to be read to inmates if they are unable to read.
 - Keep a record in the inmate's file.
- There is a flowchart on the next page for the disciplinary process & appeals.

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