




**BULLETIN**  
**Commonwealth of Pennsylvania • Department of Corrections**

TO: Executive Staff Superintendents Boot Camp Commander Regional Directors	Policy Subject: Inmate Discipline	
	Policy Number: DC-ADM 801-2	
	Policy Issue Date: March 30, 2004	
Date of Issue:  September 7, 2004	Authority:  Jeffrey A. Beard, Ph.D.	Effective Date:  September 21, 2004

The purpose of this bulletin is to effect the following changes to Department policy **DC-ADM 801, "Inmate Discipline."**

**Section IV, DEFINITIONS.** The following definitions are being added:

**Gas Chromatography/Mass Spectrometry (GC/MS)**

An alternative method for confirming positive drug screens.

**Immuno Assay**

The primary method for screening urine samples for the presence of drugs.

**Section VI. E.** The following is being added:

10. An inmate who is charged with a misconduct as a result of a positive urinalysis screening will be given an opportunity to continue the hearing for GC/MS confirmation.
  - a. The inmate must sign a cash slip for the cost of the GC/MS confirmation.
  - b. If the GC/MS confirmation is negative, the inmate's account will not be charged and the misconduct will be dismissed.
  - c. If the GC/MS confirmation is positive and the inmate is found guilty, the cash slip will be processed and the inmate's account will be charged. If the inmate has insufficient funds, his/her account will be charged in accordance with **DC-ADM 005, "Collection of Inmate Debts."**

- d. If the charged inmate refuses to continue the hearing or sign the cash slip, the hearing will be conducted on the evidence provided in the urinalysis report, which should document that the sample was tested twice by immuno assay and was positive both times.

**Section VI. I. 7.** The following is being added:

If an inmate is found guilty of a drug-related misconduct, the Hearing Examiner shall submit a **Drug-Related Misconduct Form** in accordance with Department policy 6.3.12, "**Drug Interdiction**" to the Intelligence Captain. This form shall also include a copy of the **DC-141, Part II(B)**. A copy of the **Drug-Related Misconduct Form** shall be given to the inmate. This form shall serve as notification to an inmate found guilty of a misconduct for dealing, possessing, or using (including by urinalysis or refusal to submit to urinalysis) illegal drugs, unprescribed drugs, or controlled substances that he/she will be prohibited from having contact visits for the period specified below.

This time period and the special security precautions shall commence on the date of the misconduct hearing, upon a finding of guilt.

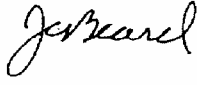
1<sup>st</sup> offense – 180 days

2<sup>nd</sup> offense – 360 days

3<sup>rd</sup> offense – indefinitely



**BULLETIN**  
**Commonwealth of Pennsylvania • Department of Corrections**

<b>TO: Executive Staff Superintendents Boot Camp Commander Regional Directors</b>	<b>Policy Subject:</b> <b>Inmate Discipline</b>	
	<b>Policy Number:</b> <b>DC-ADM 801-1</b>	
	<b>Policy Issue Date:</b> <b>March 30, 2004</b>	
<b>Date of Issue:</b> <b>May 10, 2004</b>	<b>Authority:</b>  <b>Jeffery A. Beard, Ph.D.</b>	<b>Effective Date:</b> <b>May 21, 2004</b>

The purpose of this bulletin is to effect the following changes to Department policy **DC-ADM 801, "Inmate Discipline."**

**Section VI. E. Misconduct Hearing, Item 5. Inmate Assistance** shall now read:

**5. Inmate Assistance**

- a. In cases when it is apparent that an inmate is not capable of collecting and presenting evidence effectively on his/her own behalf, assistance shall be permitted.<sup>1</sup> The criterion for capability is the inability of the inmate to understand the English language or the inability to read or understand the charges and/or the evidence.
- b. The Hearing Examiner will approve/disapprove requests for an inmate to have assistance at the hearing.
- c. If approved by the Hearing Examiner, the inmate shall be permitted assistance at the hearing from any staff member or any inmate in the same population status. The assistant must be willing to serve.
- d. The inmate shall be permitted to meet with the assistant for an appropriate period of time before the hearing.

<sup>1</sup> 1-ABC-3C-11, 4-ACRS-3A-03, 4-ACRS-3A-04

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**Section VI. O. Assessment of Cost for Inmate Misconduct, Items 1. c. and 1. d.** shall now read:

- c. When a Hearing Examiner orders that an inmate reimburse the Department or another person for a financial loss or cost, and the item is specified on **Attachment D**, the Hearing Examiner may order the reimbursement as part of the misconduct hearing decision without conducting a further proceeding. If a financial loss or cost is to be assessed as part of the misconduct hearing decision, the inmate witnesses permitted to testify during the misconduct hearing may include otherwise permissible witnesses whose testimony is relevant to the determination of the financial loss or cost.
- d. Notice of any misconduct hearing decision ordering an inmate to reimburse the Department or another person shall be given to the facility Business Manager. Upon receipt of a decision imposing an assessment against an inmate, the Business Office can take up to 50% of the inmate's current account balance and 50% in subsequent months until the debt is satisfied. However, funds shall not be deducted from the inmate's account until such time as any appeal resulting from the misconduct decision is finally resolved or the time for the filing of an appeal has passed without an appeal being filed. If an appeal is filed, the facility Business Manager/designee may delay or temporarily suspend processing expenditures from the inmate's account pending disposition of the appeal.

**Section VI. J. Misconduct Sanctions, Item 4. c** shall now read:


- c. loss of privileges for a prescribed period. Privileges lost must be specifically identified and shall, where possible, be related to the misconduct violation. Privileges include television, radio, telephone, and commissary for up to 180 days, visiting suspension or restriction for up to 60 days,<sup>2</sup> yard and blackout;

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<sup>2</sup> 4-4267



**POLICY STATEMENT**  
**Commonwealth of Pennsylvania • Department of Corrections**

<b>Policy Subject:</b>  <b>INMATE DISCIPLINE</b>		<b>Policy Number:</b>  <b>DC-ADM 801</b>
<b>Date of Issue:</b>  <b>March 30, 2004</b>	<b>Authority:</b>  <b>Jeffrey A. Beard, Ph.D.</b>	<b>Effective Date:</b>  <b>April 23, 2004</b>

**I. AUTHORITY**

The Authority of the Secretary of Corrections to direct the operation of the Department of Corrections is established by Sections 201, 206, 506, and 901-B of the Administrative Code of 1929, 71 P.S. §§61, 66, 186, and 310-1, Act of April 9, 1929, P.L. 177, No. 175, as amended.

**II. PURPOSE**

This policy establishes procedures for addressing inmate violations of Department of Corrections rules and policy.<sup>1</sup>

**III. APPLICABILITY**

This policy is applicable to every inmate and staff member in all facilities under the jurisdiction of the Department of Corrections.<sup>2</sup>

**IV. DEFINITIONS**

**A. Administrative Custody (AC)**

A status of confinement for non-disciplinary reasons, which provides closer supervision, control, and protection than is provided in general population.

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<sup>1</sup> 4-4229

<sup>2</sup> 4-ACRS-3A-02

**B. Calendar Days**

Any number of consecutive days, including weekends and holidays.

**C. Center Director**

The person responsible for all areas of operation of a Community Corrections Center (CCC).

**D. Chief Hearing Examiner**

An employee of the Department's Office of Chief Counsel who conducts final reviews of inmate misconduct appeals.

**E. Community Corrections Hearing Committee**

The persons designated by the Center Director to conduct misconduct hearings at a CCC.

1. The committee shall be impartial and shall consist of at least one, but no more than three, staff members.
2. The committee shall perform the functions performed by Hearing Examiners as outlined in this policy.

**F. Department**

The Pennsylvania Department of Corrections.

**G. Director of the Bureau of Community Corrections (BCC)**

The person responsible for the overall direction of the Bureau of Community Corrections.

**H. Disciplinary Custody (DC)**

The maximum restrictive status of confinement to which an inmate guilty of a Class I misconduct may be committed. An inmate shall be placed in disciplinary custody status for a period no longer than 90 days per misconduct charge.

**I. Hearing Examiner**

An employee of the Department's Office of Chief Counsel who conducts inmate misconduct hearings and who serves as an impartial party in the inmate disciplinary process for rule violations and misconducts. The Hearing Examiner reviews evidence, determines relevance of witnesses, interviews witnesses, determines guilt or innocence, and imposes sanctions consistent with this policy.<sup>3</sup>

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<sup>3</sup> 4-4240

**J. Mental Health Cases**

An inmate who has a mental health stability score of "C" or "D" or, in the opinion of mental health staff, may be suffering from a serious mental illness.

**K. Mental Health Unit (MHU)**

A housing area or group of cells designated for an inmate confined in a facility-based mental health unit licensed by the Pennsylvania Department of Welfare, Office of Mental Health.

**L. Misconduct**

Any violation or alleged violation of Department rules, regulations or policies as outlined in **Section VI.** of this policy.

**M. Pre-Hearing Confinement**

A temporary administrative confinement in the inmate's general population cell or RHU pending the outcome of a misconduct hearing.

**N. Program Review Committee (PRC)**

A committee consisting of three staff members that conduct Administrative and Disciplinary Custody Hearings, periodic reviews, make decisions regarding continued confinement in the Restricted Housing Unit (RHU) and/or Special Management Unit (SMU) and hear all first level appeals of misconducts. The committee shall consist of one staff member from each of the following classifications: Deputy Superintendent (who shall serve as the chairperson), Corrections Classification and Program Manager (CCPM), Unit Manager, School Principal, Drug and Alcohol Treatment Specialist (DATS) Supervisor or Inmate Records Office Supervisor, and a Commissioned Officer. The Facility Manager may designate other staff as committee members, however, if such designations are made, they must be in writing and the Facility Manager must maintain a list of all designees. Whenever a PRC is convened, at least one member of the committee must be a staff member who is not directly involved in the administration of the RHU/SMU in which the inmate is currently housed.

**O. Restricted Housing Unit (RHU)**

An area or group of cells for an inmate assigned to administrative or disciplinary custody status.

**P. Special Management Unit (SMU)**

A special unit within designated Department facilities designed to safely and humanely handle an inmate whose behavior presents a serious threat to the safety and security of the facility, staff, other inmates or himself/herself.

**Q. Unit Management Team**

The individuals assigned to operate a housing unit with the responsibility for security, risk management, and program delivery. The Unit Management Team may act as the Hearing Examiner and decide Class 2 misconducts in those facilities where the Secretary has specifically approved their use in this manner.

**R. Videoconference**

A conference carried via television.

**S. Working Days**

The normal work days of the Department, Monday through Friday, excluding holidays.

**V. POLICY**

It is the policy of the Department to operate a disciplinary process that provides clear notice of prohibited behavior, outlines a fundamentally fair hearing process, and establishes consistent sanctions for violations of Department rules and regulations.<sup>4</sup> It is also the policy of the Department that information concerning an inmate's criminal acts shall be forwarded to appropriate court or law enforcement officials for consideration for prosecution.<sup>5</sup>

**VI. PROCEDURES**

Every inmate under the jurisdiction of the Department is expected to follow Department rules and regulations. In the event that an inmate violates Department rules and regulations, the violation shall be reported and disposed of either by an informal or formal process. The informal resolution process shall be used for those violations that are considered less serious in nature, while the formal resolution process shall be used for violations of a more serious nature. **Attachment A** provides a list of prohibited behavior that may result in the commencement of disciplinary procedures. As explained in **Section VI. D.** of this policy, only Class I charges #35 through #46 and Class II charges are subject to informal resolution by the Unit Management Team. Class I charges #1 through #34 must be disposed of formally by the Hearing Examiner. **(See Attachment A for a list of misconduct charges.)**<sup>6</sup>

**A. Misconduct/Rule Violation Reports**

Every rule violation is to be reported via a **DC-141, Misconduct Report, Part I (Attachment B)**. An inmate charged with any of the listed violations will receive a copy of the report.<sup>7</sup>

<sup>4</sup> 4-4226, 4-4281, 1-ABC-3C-01, 4-ACRS-3A-01, 4-ACRS-3A-02

<sup>5</sup> 4-4227, 4-4232, 4-4249, 1-ABC-3C-04

<sup>6</sup> 4-ACRS-3A-03, 4-ACRS-3A-04

<sup>7</sup> 4-ACRS-6C-02



1. The misconduct report is to be used to give notice to the inmate of the rule violation(s) with which he/she has been charged and report the facts upon which the charges are based. The report will be used as evidence against the inmate during the misconduct or informal resolution hearing.<sup>8</sup>
2. The misconduct report shall be written by either the charging staff member or contract personnel who has personal knowledge of the rule violation or by a staff member at the direction of a person who has personal knowledge of the misconduct.
3. The misconduct report will be written and submitted to the Shift Commander or Officer-in-Charge as appropriate, before the tour of duty concludes the same day/shift that the charging staff member or contract personnel have knowledge of the violation. If not, the report must include a justification for the delay.
4. Prior to service of the misconduct report on the inmate, the report shall be investigated as required, reviewed and approved by the Shift Commander. The Shift Commander, as an alternative to approving the misconduct, may refer the matter for informal resolution under **Section VI. D.** of this policy. The Shift Commander will also enter all pertinent information regarding the misconduct into the Department misconduct tracking system.<sup>9</sup>

#### **B. Service of Misconduct Report**

1. The inmate shall be personally served with the misconduct report the same day the report is written.<sup>10</sup> If the misconduct report is not served the same day the report is written, the Shift Commander/designee must determine why the report was not served and supply justification on the **DC-141, Part I.**
2. Someone other than the charging staff member will serve the misconduct report. At CCCs the charging staff member may serve the misconduct report.
3. The staff member who serves the misconduct report shall record the date and time of service on the misconduct report immediately prior to giving the inmate a copy of the misconduct report.
4. The **DC-141, Part II(A), Inmate Request for Representation and Witnesses** form and the **DC-141, Part II(C), Hearing Supplement, Inmate Version, and Witness Statement** form shall be delivered to the charged inmate with the misconduct report. The inmate must fill out the **DC-141, Part II(A)** and submit it to the block officer or CCC staff member no later than 9:00 a.m. the next day. The block officer shall sign the **DC-141, Part II(A)**, give a copy to the inmate, and forward the form to the Hearing Examiner. The inmate should bring the **DC-141, Part II(C)** to the hearing.

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<sup>8</sup> 4-4232, 4-4233, 1-ABC-3C-04, 4-ACRS-6C-01

<sup>9</sup> 4-ACRS-6C-02

<sup>10</sup> 4-4236, 1-ABC-3C-06, 4-ACRS-6C-03

### C. Pre-Hearing Confinement

Pre-hearing confinement is not to be routine but used only upon approval of the Shift Commander. The Shift Commander will assess the incident and make the determination for pre-hearing confinement. When an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported unless there are exceptional circumstances for delaying the investigation.<sup>11</sup> The Facility Manager/ designee will review the placement of the inmate within 72 hours of placement in pre-hearing confinement.<sup>12</sup>

### D. Informal Resolution of Rule Violations

1. The rule violation charges eligible for informal resolution are:<sup>13</sup>
  - a. all Class I charges #35 through #46; and
  - b. all Class II charges.
2. The Shift Commander will review all eligible misconduct reports for informal resolution. The staff member issuing the **DC-141 Part I** may recommend informal resolution for eligible charges, but the Shift Commander, who will base his/her choice on the relative seriousness of the misconduct and the inmate's previous misconduct history, shall make the decision. The Shift Commander must justify the reason why an eligible charge was not referred for informal resolution under the immediate action section of the **DC-141**. Every misconduct selected for informal resolution will be logged on the informal resolution log and forwarded to the Unit Management Team for disposition. A misconduct that is recommended for informal resolution is to be entered into the automated misconduct tracking system. The **DC-141s** selected for a hearing will be forwarded to the Hearing Examiner after being logged into the automated misconduct tracking system.
3. The Unit Manager/designee, and at least one other member of the Unit Management Team will meet with the inmate for disposition of the charges within seven working days. The reporting staff member is encouraged, but not required, to attend the meeting.<sup>14</sup> No assistance or witnesses are permitted at these meetings. The inmate will not submit a **DC-141 Part II(c)**, but will be permitted to give his/her version of the events at the meeting.
4. The Unit Manager/designee may take one of the following actions and note the action taken on the **Informal Resolution Action Form (Attachment C)**:
  - a. no action;
  - b. reprimand and warning;

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<sup>11</sup> 4-4234

<sup>12</sup> 4-4235, 4-ACRS-6C-03

<sup>13</sup> 4-4230, 1-ABC-3C-05

<sup>14</sup> 4-4230, 1-ABC-3C-05

- c. refer back to the Hearing Examiner for a formal misconduct hearing if additional information indicates the situation is more serious than the Shift Commander thought. In this case, the **DC-141** will be returned to the Shift Commander, logged into the automated misconduct tracking system, and forwarded to the Hearing Examiner for a hearing. The 24 hour to seven day hearing time limit starts when the Shift Commander receives the **DC-141** back from the Unit Management Team;
  - d. up to seven days cell restriction as described in **Section VI. J. (4) (b)** of this policy;
  - e. up to seven days loss of specified privileges (telephone, yard, day room, etc.);
  - f. one week loss of commissary;
  - g. assignment of additional work duties for which the inmate shall not be compensated;
  - h. assess restitution for damaged/destroyed state items/property, with the inmate's assess agreement for payment. If the inmate refuses to agree to make restitution, the matter is to be referred to the Hearing Examiner for formal resolution; and
  - i. the copy of the form designated for the inmate is given to him/her at the conclusion of the meeting. All other copies of the form are to be disseminated as indicated on the form.
5. Upon the completion of the informal resolution meeting, the Unit Manager is to forward a copy of the completed **Informal Resolution Action Form (Attachment C)** to the staff member responsible for maintaining the data in the automated misconduct tracking system.
6. The inmate may appeal the informal resolution, in accordance with **Section L.** of this policy, only in those cases that the sanction is disproportionate to the offense.
7. If the inmate refuses to attend the informal resolution meeting, the Unit Manager will return the **DC-141, Part I** to the Shift Commander to be logged into the automated misconduct tracking system, and forwarded to the Hearing Examiner for a hearing.<sup>15</sup> The 24-hour to seven day hearing time limit starts when the Shift Commander receives the **DC-141** back from the Unit Management Team.
8. For the purpose of effect on parole, pre-release, and PACT, informal resolutions are not considered as misconducts, but should be reflected on applicable block and work reports.

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<sup>15</sup> 4-4230, 1-ABC-3C-05

## E. Misconduct Hearing

1. A Hearing Examiner shall conduct the misconduct hearing.<sup>16</sup>
2. The misconduct hearing shall be scheduled no less than 24 hours or no more than seven working days, excluding weekends and state holidays, after notice of the charge is served. The inmate shall be informed of the time of the hearing 24 hours in advance of the misconduct hearing.<sup>17</sup>
3. The inmate will be present during the misconduct hearing unless the inmate waives that right in writing or refuses to attend.<sup>18</sup>
4. If the charged inmate becomes disruptive at the hearing or refuses to follow the instructions given by the Hearing Examiner, he/she will be removed and the hearing conducted without the inmate being present.<sup>19</sup>
5. Inmate Assistance
  - a. An inmate charged with a rule violation **does not have a right to** assistance at a misconduct hearing. In cases when it is apparent that an inmate is not capable of collecting and presenting evidence effectively on his/her own behalf, as determined by the Hearing Examiner, assistance shall be appointed.<sup>20</sup>
  - b. The inmate shall be permitted to meet with the assistant for an appropriate period of time before the hearing.
6. Inmate Version - At the hearing, the charge(s) shall be read to the inmate. The Hearing Examiner shall request the inmate's plea to each individual charge. The inmate may submit a written version or may orally present his/her version that shall be summarized as part of the hearing record.<sup>21</sup>
7. Witnesses

The Hearing Examiner may approve the presence of any staff member or witness, only if the staff member or witness has knowledge of the incident, is present on facility grounds, and only if the testimony is needed to establish the guilt or innocence of the inmate.<sup>22</sup>

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<sup>16</sup> 4-ACRS-6C-03

<sup>17</sup> 4-4236, 4-4238, 1-ABC-3C-06, 1-ABC-3C-07, 4-ACRS-6C-02

<sup>18</sup> 4-4241

<sup>19</sup> 4-4241

<sup>20</sup> 1-ABC-3C-11, 4-ACRS-3A-03, 4-ACRS-3A-04

<sup>21</sup> 4-4242, 1-ABC-3C-09

<sup>22</sup> 4-4242, 1-ABC-3C-09

- a. Up to three relevant witnesses, who have been properly requested per **Section E. 7. a.** above, shall be permitted. One of the three witnesses may be the staff member who witnessed the misconduct violation, or the charging staff member.<sup>23</sup>
    - (1) The inmate must state on the **DC-141, Part II(A)** why the witness is relevant to the hearing. The witness must be a staff member, official volunteer, contract employee, or an inmate, unless the hearing is conducted at a CCC, where civilian witnesses may be permitted. If the Hearing Examiner denies the requested witness, the reasons for denying such a request shall be stated in writing.<sup>24</sup>
    - (2) If the inmate properly requests a witness who is not available at the time of the hearing, the inmate may elect to either waive the seven working days hearing requirement or to have the witness execute a written statement under oath which shall be presented in lieu of live testimony (or subject to the penalties for unsworn falsification to authorities). If the inmate elects to have the witness present, the hearing shall be rescheduled at the earliest time after the witness is available.
    - (3) If an inmate witness or assistant becomes disruptive at the hearing or refuses to follow the instructions given by the Hearing Examiner, he/she shall be removed and the hearing conducted without the witness or assistant being present.
  - b. The Hearing Examiner may question any witness. The charged inmate shall be permitted a reasonable opportunity to pose relevant questions to any adverse witness. The Hearing Examiner shall control the extent of questioning.
  - c. The Hearing Examiner shall make determinations of credibility.
  - d. All testimony shall be under oath.
  - e. If the inmate elects to plead guilty or waive his/her right to a hearing, no witnesses shall be required.
8. When a misconduct charge is based upon information supplied by a confidential informant, the following procedure shall be followed:
- a. An in-camera hearing (without the charged inmate present) shall be conducted to determine the reliability of the informant.<sup>25</sup> The informant must be established as reliable by a preponderance of evidence showing:
    - (1) how, where, and when the informant was in a position to observe the violation or gain personal knowledge of the violation;

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<sup>23</sup> 4-4242, 1-ABC-3C-09

<sup>24</sup> 4-4242, 1-ABC-3C-09

<sup>25</sup> 4-4241

- (2) what other witnesses have corroborated the informant's statement and how; or
    - (3) how and when the informant gave reliable information in the past.
  - b. The information provided by the informant, but not the identity of the informant, shall be disclosed to the charged inmate during the hearing. The charged inmate shall have the opportunity to respond to the facts presented in the informant's statement.
  - c. In cases where the information provided by the informant could itself reveal the identity of the informant, the Hearing Examiner may withhold identifying information from the charged inmate.<sup>26</sup>
9. Videoconference equipment may be used to conduct misconduct hearings in accordance with Department policy 1.1.10, "Videoconferences."

**F. Waivers<sup>27</sup>**

1. An inmate may voluntarily waive the hearing process outlined in this policy at any time prior to the hearing's completion. The inmate may also waive any witness requests or time limitations relating to the hearing or notice of service.<sup>28</sup>
2. Every waiver shall be in writing and shall be signed by the charged inmate.

**G. Inmate Refusal to Attend the Hearing**

1. An inmate who refuses to attend a hearing shall be asked to sign a waiver advising that he/she has a right to a hearing but may waive that right.
2. If the inmate refuses to attend the hearing or sign a waiver, two staff members who witness the refusal shall sign the waiver form. The hearing shall be conducted without the charged inmate present. The Hearing Examiner shall determine guilt or innocence, and a sanction shall be imposed if the inmate is found guilty.
3. The inmate may not appeal the results of a hearing he/she refused to attend.

**H. Inmate Unable to Attend<sup>29</sup>**

If the inmate is physically or mentally unable to participate in a hearing, the Hearing Examiner shall postpone the hearing until the inmate is able to participate. The decision to postpone a hearing under this section shall be in writing and shall be made at the time the hearing would have been held.

**I. Disposition of Charges**

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<sup>26</sup> 4-4241

<sup>27</sup> 4-4237, 1-ABC-3C-08

<sup>28</sup> 4-4230, 1-ABC-3C-05

<sup>29</sup> 4-4239, 1-ABC-3C-10

1. As soon as possible after hearing all evidence, but no later than seven calendar days thereafter, the Hearing Examiner shall determine based upon the evidence obtained in the hearing process, including staff reports, the statements of the inmate charged, and the evidence derived from witnesses and documents, whether the inmate is guilty of the misconduct charge based on preponderance of evidence that the inmate committed the misconduct.<sup>30</sup>
2. After the Hearing Examiner reaches the decision, the inmate shall be called before the Hearing Examiner to hear the decision.
3. If the inmate is found not guilty, that fact shall be recorded in writing. The inmate shall be given a copy. No rationale for the decision is required. All record of the misconduct shall be removed from the inmate's facility file and retained in a separate facility file until the inmate is released or transferred.<sup>31</sup>
4. If the inmate is found guilty, a written summary of the hearing shall be prepared that shall include the facts relied upon by the Hearing Examiner to reach the decision, and the reasons for the decision. The summary shall also include findings of fact concerning the testimony of each witness presented. A copy of the written summary shall be given to the inmate.<sup>32</sup> The inmate shall be advised that he/she has up to 15 calendar days to submit a written appeal to the PRC.<sup>33</sup>
5. In misconducts involving financial loss or cost because of the inmate's behavior, the Hearing Examiner may impose costs against the inmate in accordance with the **Section VI. O.** of this policy.
6. The Hearing Examiner may dismiss any misconduct charge without prejudice, to permit recharge without determination of guilt or innocence.
7. If the inmate is found guilty of a drug-related misconduct, the Hearing Examiner shall submit a **Drug-Related Misconduct Form** in accordance with Department policy **6.3.12, "Drug Interdiction"** to the Intelligence Captain. This form shall also include a copy of the **DC-141, Part II(B)**. A copy of the **Drug-Related Misconduct Form** shall be given to the inmate. This form shall serve as notification to the inmate that any inmate who is found guilty of a misconduct for dealing, using (including by urinalysis), or possessing controlled substances, will be prohibited from having contact visits for the period specified below.

This time period and the special security precautions shall commence on the date of the misconduct hearing, upon a finding of guilt.

1<sup>st</sup> offense - 180 days

2<sup>nd</sup> offense - 360 days

3<sup>rd</sup> offense - indefinitely

<sup>30</sup> 4-4244, 1-ABC-3C-12, 4-ACRS-6C-03

<sup>31</sup> 4-4246

<sup>32</sup> 4-4245, 1-ABC-3C-13, 4-ACRS-6C-03

<sup>33</sup> 4-4248, 1-ABC-3C-14

8. If the inmate's contact visits are prohibited indefinitely because of drug related misconducts, he/she will have to wait three years and complete Alcohol and Other Drugs (AOD) treatment before he/she can write to the Facility Manager/designee asking to have contact visits reinstated.

#### **J. Misconduct Sanctions**

1. The Hearing Examiner shall impose misconduct sanctions.<sup>34</sup>
2. An inmate found guilty of a Class I misconduct (charges #1 through and including #34 is to be removed from his/her job assignment.<sup>35</sup>
3. An inmate who is found guilty of a misconduct for #39 (refusing to work, attend school or attend mandatory programs or encouraging others to do the same) for a second time, including any informal resolution, will, in addition to any other penalty imposed, not be allowed the privilege of telephone or television until he/she returns to work, school, or the mandatory program. After a period of 90 days, upon application by the inmate, PRC may terminate this restriction if the inmate's failure to return to the assignment is no fault of his/her own.<sup>36</sup>
4. In addition to being removed from his/her job assignment, one or more of the following sanctions may also be imposed for a Class I misconduct.<sup>37</sup>
  - a. assignment to disciplinary custody status for a period not to exceed 90 days per misconduct charge,<sup>38</sup>
  - b. cell restriction for a period not to exceed 30 days per misconduct charge. Cell restriction is total confinement to general population cell, dorm area or cubicle, except for meals, showers, one formal religious service per week, commissary, law library and one one-hour specified daily exercise period. Participation in programs, school, and work are suspended;
  - c. loss of privileges for a prescribed period. Privileges lost must be specifically identified and shall, where possible, be related to the misconduct violation. Privileges include television, radio, telephone, and commissary for up to 30 days, visiting suspension or restriction for up to 60 days,<sup>39</sup> yard and blackout;
  - d. assessment of costs as a result of the inmate's behavior in accordance with **Section VI. O.** of this policy;
  - e. reprimand, warning, counseling;
  - f. final disposition of confiscated contraband;

<sup>34</sup> 4-4226, 4-4252, 1-ABC-3C-01

<sup>35</sup> 4-4226, 1-ABC-3C-01

<sup>36</sup> 4-4226, 1-ABC-3C-01

<sup>37</sup> 4-4226, 1-ABC-3C-01

<sup>38</sup> 4-4252

<sup>39</sup> 4-4267



- g. revocation of pre-release status and/or outside program codes; and/or
  - h. limitation of commissary privileges to ten dollars a week for up to one year following a finding of guilt for a misconduct involving gambling.
5. The Hearing Examiner may reduce the classification of any Class I misconduct (except Class I charges #1 through #15) to a Class II misconduct.
  6. Inmates found guilty of Class II misconduct charges are subject to one or more of the above sanctions except placement in disciplinary status and loss of pre-release status.
  7. Time given for misconduct charges #1 through #14 shall be served in its entirety. An exception to an inmate serving the entire sanction for misconduct charges #1 through #14 may be allowed for an inmate on the Mental Health Roster if a recommendation to reduce the sanction is made by the facility's Mental Health Staff. For other misconducts, the PRC may consider a release to general population upon completion of half of the sanction imposed. The Facility Manager or PRC may change an inmate from DC to AC status only upon expiration of the DC sanction and only if the proper notice and hearing procedures are provided as outlined in Department policy DC-ADM 802, "Administrative Custody Procedures."
  8. At any time, the Facility Manager/designee may reduce the disciplinary sanction imposed on any inmate other than those with misconduct charges #1 through #14, except as noted in **Section VI. J. 7.** above, based on the security needs of the facility. The reduction of the sanction must be done in accordance with Department policy **6.5.1, "Administration of Security Level 5 Housing Units."**
  9. An inmate with multiple misconduct sanctions whose disciplinary custody time exceeds one year may be released to general population by approval of PRC and the Facility Manager after completion of one year of misconduct free behavior as long as the reduction of time does not involve charges #1 through #14, except as noted in **Section VI. J. 7. above.**
  10. The PRC or the Facility Manager has the discretion to reduce disciplinary sanctions for mental health cases in accordance with Department policy **6.5.1.**
  11. The disciplinary sanctions imposed by the Hearing Examiner may be suspended in accordance with Department policy **6.5.1.**

#### **K. Review of Misconduct Proceedings<sup>40</sup>**

1. After the misconduct hearing has been concluded, the hearing record shall be forwarded to the Facility Manager/designee for review. This review shall ensure that

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<sup>40</sup> 4-ACRS-3A-01, 4-ACRS-3A-02

the hearing was conducted in accordance with stated procedures and that the action taken conformed to facility regulations.<sup>41</sup>

2. A record of the proceedings shall be included in the **DC-15, Inmate Record** as a permanent record of the proceedings.<sup>42</sup>

## **L. Appeals**

### **1. First Level of Appeal - PRC**

- a. An inmate who has been found guilty of a misconduct charge(s) or an informal resolution may appeal to the PRC for initial review within 15 calendar days of the hearing. The three valid bases for an appeal to the PRC are:
  - (1) the procedures employed were contrary to law, Department directives, or regulations;
  - (2) the punishment is disproportionate to the offense; and/or
  - (3) the findings of fact were insufficient to support the decision.
- b. No appeals from a finding of 'not guilty' are permitted.
- c. Every appeal shall be in writing. Only one appeal to the PRC shall be permitted in the case of each misconduct report.
- d. An inmate may seek the assistance of a staff member or an inmate in the same population status in the preparation of an appeal. The inmate appellant must sign the appeal.
- e. The appeal shall include a brief statement of the facts relevant to the appeal. The text must be legible and presented in a courteous manner. The inmate may state any claims concerning alleged violations of Department directives, regulations or other law.
- f. The PRC shall address each issue raised by the inmate, and may, at its discretion, consider any other matter relevant to the issues raised. The PRC is not required to address issues not raised or improperly raised by the appellant.
- g. The PRC shall have the authority to:
  - (1) reject any appeal that does not conform to **Section L. 1. a.** through **L. 1. f.** above;
  - (2) uphold the Hearing Examiner's or Unit Management Team's decision;

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<sup>41</sup> 4-4247

<sup>42</sup> 4-4240, 4-4245, 1-ABC-3C-13

- (3) uphold the finding of guilt, but modify the punishment;
  - (4) vacate the decision and remand back to the Hearing Examiner for a rehearing;
  - (5) vacate the decision and charge to permit recharge and rehearing; or
  - (6) dismiss the charge and prohibit recharge.
- h. The PRC may not impose a greater punishment than has been designated by the Hearing Examiner. The PRC shall provide a brief written statement to the inmate of the reasons for its decision within seven working days of receipt of an appeal.<sup>43</sup>

## 2. Second Level of Appeal - Facility Manager

- a. The inmate may appeal the decision of the PRC to the Facility Manager/designee within seven calendar days of receipt of the written PRC decision.<sup>44</sup> The appeal shall include a brief statement of the facts relevant to the appeal. The text must be legible and presented in a courteous manner. The inmate may state any claims concerning alleged violations of Department directives, regulations or other law.
- b. The Facility Manager/designee shall address all issues raised by the inmate and may consider any other matter relevant to the issues raised. The Facility Manager/designee is not required to address issues not raised or improperly raised by the appellant.
- c. The Facility Manager/designee may make any decision permitted to the PRC. The decision of the Facility Manager/designee shall be in writing and shall be forwarded to the inmate within seven working days of receipt of the appeal.<sup>45</sup> Any day that the Facility Manager/designee is absent from the facility shall not be included in the seven working days. In the event of annual leave or an extended absence by the Facility Manager/designee, a designee who was not on the PRC that heard the inmate's first level of appeal shall respond to the second level of appeal in place of the Facility Manager.

## 3. Final Appeal - Office of Chief Counsel

It is the intent of the Department to provide every inmate with a complete and timely review of all appeals properly raised to final review. The following steps have been established to ensure timeliness at final review while continuing to provide a thorough impartial review of the issues.

- a. Every final appeal of a misconduct shall be addressed to the Chief Hearing Examiner at the following address:

Chief Hearing Examiner

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<sup>43</sup> 4-4248, 1-ABC-3C-14

<sup>44</sup> 4-4248, 1-ABC-3C-14

<sup>45</sup> 4-4248, 1-ABC-3C-14

1451 N. Market Street  
Elizabethtown, PA 17022

The inmate may appeal the decision of the Facility Manager/designee within seven calendar days of the receipt of the Facility Manager's/designee's decision. Appeals that are addressed to the Secretary, Chief Counsel, or to other Central Office Staff, are delivered to these individuals first, and then referred to the Chief Hearing Examiner. Improperly addressed appeals may cause a delay in the response at final appeal.

- b. An inmate appealing for final review of his/her misconduct is responsible for providing the Chief Hearing Examiner with a brief statement relative to issues and any available paperwork or documentation relevant to the appeal. A proper appeal for final review should include photocopies of the Misconduct Report, Hearing Examiner's Report, the Inmate Version and Witness forms, Appeal to PRC, PRC Response, Appeal to the Facility Manager, and the Facility Manager's/designee's response.
- c. The Chief Hearing Examiner shall review and respond to every misconduct appeal to final review within seven working days of receipt of all necessary records for review. The Chief Hearing Examiner shall review the misconduct, the hearing report, and all appeals arising from either, and the issue raised to final appeal.
- d. Upon completion of final review, the Chief Hearing Examiner shall respond directly to the inmate in all cases where the position taken by the facility is upheld.
- e. In every case where the action of the Hearing Examiner, PRC or the Facility Manager/designee is reversed or amended, or where a matter is remanded, the Chief Hearing Examiner shall prepare a letter to the inmate and a memorandum to the Facility Manager/designee. The Chief Hearing Examiner shall forward the letter and memorandum to the appropriate Regional Deputy Secretary for review and signature.

#### **M. Disciplinary Custody Status Inmates<sup>46</sup>**

- 1. A DC status inmate is housed in a separate cell from a general population and an AC status inmate.
- 2. An inmate in DC status is prohibited from using, purchasing, or possessing any tobacco products while confined in the RHU.
- 3. An inmate in DC status shall not have the privileges of radios, televisions, telephone calls, personal property or commissary (except toilet articles, legal/correspondence materials, and prescribed medications).
- 4. Visits are limited to one non-contact visit per month, which may be limited to weekdays only, with immediate family. Legal and religious advisor visits shall be

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<sup>46</sup> 4-4249

permitted, in accordance with Department policy **DC-ADM 812, "Inmate Visiting Privileges."** In case of a verified emergency, the Unit Manager or a Commissioned Officer may approve a telephone call. Every approved emergency telephone call must be logged in the RHU Log Book and in the inmate's **DC-17X, Adjustment Record for Administrative and Disciplinary Custody Inmates.**

5. A DC status inmate shall be permitted to maintain in his/her cell any combination of personal property from the following list that will fit into one standard sized records-center box:

- a. written materials in accordance with **DC-ADM 803, "Inmate Mail and Incoming Publications;"**
- b. one newspaper (one-for-one exchanges permitted for newly received editions); and<sup>47</sup>
- c. 10 magazines (one-for-one exchanges permitted for newly received publications).<sup>48</sup>

Additionally, each facility will establish procedures to permit an inmate to exchange legal materials from his/her cell with stored legal materials once every 30 days. The PRC may authorize more frequent exchanges based upon a demonstrated need that the inmate requires additional exchanges for active litigation. Such legal material exchanges, however, may not exceed one per week.

6. An inmate shall be provided access to the facility law library by requesting legal materials in accordance with Department policy **DC-ADM 007, "Access to Provided Legal Services."** Other library books may be requested on a weekly basis.
7. An inmate in DC status shall be provided with an orange RHU jumpsuit and slip on canvas footwear. Basic issue toilet articles shall be provided on request. Three pair of personal undergarments are permitted. No other personal property is permitted. Outerwear for exercise shall be provided as needed.
8. A DC status inmate will receive one hour of exercise per day, five days per week,<sup>49</sup> and will be permitted a minimum of three showers and three shaves per week.
9. The PRC shall interview every AC and DC case every 90 days unless recommended for earlier review by the inmate's Unit Management Team. The counselor must see every inmate weekly. Each inmate's Unit Management Team reviews his/her case monthly. The counselor's weekly interview and the Unit Management's monthly review are to be documented in the **DC-14**. Any recommendation by the Unit Management Team for early release is to be forwarded to the PRC.

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<sup>47</sup> 4-4269

<sup>48</sup> 4-4269

<sup>49</sup> 4-4270

## N. Community Corrections

### 1. Procedures

- a. The Center Director can review for informal resolution and meet with the inmate for disposition of the charges using the same range of sanctions as in **Section VI. D. 4.**
- b. A Hearing Committee shall hear misconduct hearings held at a CCC.
- c. If a CCC inmate is placed in pre-hearing confinement, the misconduct report shall be served within 48 hours of the inmate's placement in pre-hearing confinement.
- d. If a CCC inmate is returned to a facility under pre-hearing confinement, a Hearing Examiner shall conduct the hearing at the facility.
- e. Misconduct reports shall be processed and hearings conducted as outlined in **Section E.** of this policy.

### 2. Appeals

- a. If the inmate has been permanently returned to a facility, appeals may be filed in accordance with **Section L.** of this policy.
- b. An inmate remaining at a CCC may appeal misconduct hearing results to the Director, Bureau of Community Corrections, P.O. Box 598, Camp Hill, Pennsylvania 17001-0598.

## O. Assessment of Cost for Inmate Misconduct

### 1. When the Cost is Known at the Time of the Misconduct Hearing

- a. The Department shall develop a list setting forth the actual financial loss or cost, of replacing standard items furnished to or used by an inmate. The list may include, but not necessarily be limited to, items such as bedding, food trays, and articles of clothing. The list may be updated as deemed necessary by the Department. Any such update may add or delete items from the list and may increase or decrease the financial loss or cost of items reflected on the **Cost of Replacing Commonly Damaged Items** form (**Attachment D**). A copy of this list, and any revisions to the list, shall be made available to each inmate.
- b. The Misconduct Report must include a statement describing the item and the actual amount of the reimbursement that may be ordered as part of the sanction. A copy of the Misconduct Report shall be provided to the facility Business Manager. Upon service of the Misconduct Report, the facility may temporarily delay processing some or all expenditures from the inmate's account if the facility believes the inmate is attempting to circumvent the potential assessment.

- c. When a Hearing Examiner orders that an inmate reimburse the Department **or another person** for a financial loss or cost, and the item is specified on **Attachment D**, the Hearing Examiner may order the reimbursement as part of the misconduct hearing decision without conducting a further proceeding. If a financial loss or cost is to be assessed as part of the misconduct hearing decision, the inmate witnesses permitted to testify during the misconduct hearing may include otherwise permissible witnesses whose testimony is relevant to the determination of the financial loss or cost.
  - d. Notice of any misconduct hearing decision ordering an inmate to reimburse the Department **or another person** shall be given to the facility Business Manager. Upon receipt of a decision imposing an assessment against an inmate, the Business Office can take up to 50% of the inmate's current account balance and 50% in subsequent months until the debt is satisfied. However, funds shall not be deducted from the inmate's account until such time as any appeal resulting from the misconduct decision is finally resolved or the time for the filing of an appeal has passed without an appeal being filed. If an appeal is filed, the facility Business Manager/designee may delay or temporarily suspend processing expenditures from the inmate's account pending disposition of the appeal.
2. When the Cost is Not Known at the Time of the Misconduct Hearing
- a. When, as the result of a misconduct hearing, a Hearing Examiner orders that an inmate pay for a financial loss or cost resulting from a violation of written rules governing inmate behavior, and the item is not set forth on **Attachment D**, notice of such order shall be given to the facility Business Manager. The facility may temporarily delay processing some or all expenditures from the inmate's account if the facility believes the inmate is attempting to circumvent the potential assessment.
  - b. The Business Manager, in consultation with appropriate Department staff or others, shall determine the amount of the financial loss or cost resulting from the violation of written rules governing inmate behavior, including the amount of investigative or administrative costs.
  - c. A Department employee shall deliver a **Notice of Assessment for Misconduct (Attachment E)** to the inmate.
  - d. In accordance with Department policy **DC-ADM 820, "Co-Payment for Medical Services"** if the assessment is based upon costs incurred to provide medical treatment to an inmate whose injury was caused by another inmate's assaultive conduct, the assaultive inmate shall be required to pay a fee equivalent to two-thirds of the total cost of medical services provided to the injured inmate.
  - e. An inmate who wishes to challenge the amount of the financial loss or cost set forth in the **Notice of Assessment for Misconduct** must request a hearing within five working days after receipt of the **Notice of Assessment for Misconduct**. A hearing request is made by signing the **Notice of Assessment for Misconduct** in

the space indicated and submitting it to the Hearing Examiner in the same manner as designated for a request slip.

3. Cost Assessment Hearing

- a. The Assessment Hearing is an opportunity to present testimony and evidence regarding the amount of the financial loss or cost. The Assessment Hearing is not an opportunity to contest the inmate's guilt or innocence for the underlying misconduct charge.
- b. A Hearing Examiner shall conduct the Assessment Hearing.

4. Inmate Assistance

The inmate may be permitted assistance at the Assessment Hearing in accordance with **Section VI. E. 5.** of this policy.

5. Order of Testimony/Burden of Proof

- a. The Department shall bear the burden of establishing some evidence to prove the amount of the assessment. The Department shall proceed first. The Department may present a written statement in lieu of live testimony. The witness subject to the penalties for unsworn falsification must make any such written statement to authorities under **18 Pa. C.S.A. §4904.**
- b. The Hearing Examiner may require the presence of any staff member or other person on the grounds of the facility at which the hearing is being conducted.
- c. The inmate may request witnesses at the Assessment Hearing in accordance with **Section VI. E. 7.** of this policy.
- d. All live testimony shall be made under oath.
- e. An inmate who fails to appear for his/her Assessment Hearing shall be deemed to have waived the request for a hearing unless such failure to appear is for reasons beyond the inmate's control. If the inmate waives the request for a hearing, the assessment shall be upheld.

6. Disposition

- a. The Hearing Examiner shall determine the amount of financial loss or costs, if any, resulting from the violation of written rules governing inmate behavior.
- b. The Hearing Examiner shall prepare a written summary of the Assessment Hearing, including the amount of the assessment, if any, the facts relied upon in



reaching the decision, and the reasons for the decision. A copy shall be forwarded to the facility's Business Manager and to the inmate.

- c. Upon receipt of a decision imposing an assessment against an inmate, the facility's Business Manager may deny the inmate permission to spend funds in his/her account in an amount equal to the lesser of the amount of the assessment or 50% of the funds in the inmate's account on the day the decision is received. Funds shall not be deducted from the inmate's account until such time as any appeal resulting from the misconduct decision is finally resolved or the time for the filing of an appeal has passed without an appeal being filed. If an appeal is filed, the facility may delay or temporarily suspend processing expenditures from the inmate's account pending disposition of the appeal.

## **7. Appeals**

- a. Every appeal from an Assessment Hearing shall be handled in accordance with **Section VI. L.** of this policy except that there are only two valid bases for Assessment Hearing appeals:
  - (1) the hearing procedures were inconsistent with the policy; and
  - (2) the findings of fact were insufficient to support the decision.
- b. Every appeal shall be in writing. Only one appeal may be submitted for any assessment.
- c. Pending disposition of an appeal, the facility Business Manager may deny the inmate permission to spend funds in his/her account in an amount equal to the lesser of the amount of the assessment or 50% of the funds in the inmate's account on the day the original decision was received.
- d. The inmate shall be provided with a written response to any appeal that is filed properly.

## **VII. SUSPENSION DURING EMERGENCY**

In an emergency or extended disruption of normal facility operations, the Secretary/designee may suspend any provision or section of this policy for a specified period.

## **VIII. RIGHTS UNDER THIS POLICY**

This policy does not create rights in any person nor should it be interpreted or applied in such a manner as to abridge the rights of any individual. This policy shall be interpreted to have sufficient flexibility to be consistent with law and to permit the accomplishment of the purposes of the policies of the Department.

## **IX. RELEASE OF INFORMATION AND DISSEMINATION OF POLICY**

**A. Release of Information****1. Policy**

This policy document is public information and may be released upon request.

**2. Procedures Manual (if applicable)**

The procedures manual for this policy is not public information and shall not be released in its entirety or in part, without the prior approval of the Secretary/designee. This manual or parts thereof may be released to any Department employee on an as needed basis.

**B. Distribution of Policy****1. General Distribution**

The Department's policy and procedures manuals (when applicable) shall be distributed to the members of the Central Office Executive Staff, all Facility Managers, and Community Corrections Regional Directors on a routine basis. Distribution to other individuals and/or agencies is subject to the approval of the Secretary/designee.

**2. Distribution to Staff**

It is the responsibility of those individuals receiving policies and procedures as indicated in the "General Distribution" section above, to ensure that each employee expected or required to perform the necessary procedures/duties is issued a copy of the policy and procedures.

**X. SUPERSEDED POLICY AND CROSS REFERENCE****A. Superseded Policy****1. Department Policy**

- a. DC-ADM 801, issued March 8, 2000 by former Secretary Martin F. Horn
- b. DC-ADM 801-1, issued April 17, 2000, by former Secretary Martin F. Horn
- c. DC-ADM 801-2, issued November 1, 2000, by former Secretary Martin F. Horn
- d. DC-ADM 801-3, issued October 4, 2001, by former Secretary Martin F. Horn
- e. DC-ADM 801-4, issued December 2, 2003 by Secretary Jeffrey A. Beard, Ph.D.

**2. Facility Policy and Procedures**

This document superseded all local facility policy and procedures on this subject.

**B. Cross References****1. Administrative Manual Cross Reference(s)**

- a. DC-ADM 007, Access to Provided Legal Services
- b. DC-ADM 201, Use of Force
- c. DC-ADM 802, Administrative Custody Procedures
- d. DC-ADM 803, Inmate Mail and Incoming Publications
- e. DC-ADM 804, Inmate Grievance System
- f. DC-ADM 812, Inmate Visiting Privileges
- g. DC-ADM 820, Co-payment for Medical Services
- h. 1.1.10, Videoconferences
- i. 6.3.12, Drug Interdiction
- j. 6.5.1, Administration of Level 5 Housing Units
- k. 11.2.1, Reception and Classification

**2. ACA Standards**

- a. Administration of Correctional Agencies: None
- b. Adult Correctional institutions: 4-4226, 4-4227, 4-4229, 4-4230, 4-4232, 4-4233, 4-4234, 4-4235, 4-4236, 4-4237, 4-4238, 4-4239, 4-4240, 4-4241, 4-4242, 4-4243, 4-4244, 4-4245, 4-4246, 4-4247, 4-4248, 4-4249, 4-4252, 4-4267, 4-4269, 4-4270, 4-4281
- c. Adult Community Residential Services: 4-ACRS-3A-01, 4-ACRS-3A-02, 4-ACRS-3A-03, 4-ACRS-3A-04, 4-ACRS-6C-01, 4-ACRS-6C-02, 4-ACRS-6C-03
- d. Adult Correctional Boot Camp Programs: 1-ABC-3C-07, 1-ABC-3C-08, 1-ABC-3C-09, 1-ABC-3C-10, 1-ABC-3C-11, 1-ABC-3C-12, 1-ABC-3C-13, 1-ABC-3C-14
- e. Correctional Training Academies: None

<b>A. Class I Charges (Formal Resolution Only)</b>	
1. Assault 2. Murder 3. Rape 4. Arson 5. Riot 6. Escape 7. Robbery 8. Burglary 9. Kidnapping 10. Unlawful restraint 11. Aggravated assault 12. Voluntary manslaughter 13. Extortion by threat of violence 14. Involuntary deviate sexual intercourse 15. Threatening an employee or their family with bodily harm 16. Fighting 17. Threatening another person 18. Threatening, harassing, or interfering with a Department K-9 or mounted patrol horse 19. Engaging in sexual acts with others or sodomy 20. Wearing a disguise or mask 21. Failure to report an arrest for any violation of the Pennsylvania Crimes Code (Community Corrections Centers only)	22. Possession or use of a dangerous or controlled substance 23. Possession or use of intoxicating beverages 24. Extortion or blackmail 25. Sexual Harassment 26. Any criminal violation of the Pennsylvania Crimes Code not set forth above (must be specified) 27. Tattooing, or other forms of self-mutilation 28. Indecent exposure 29. Engaging in, or encouraging unauthorized group activity 30. Breaking restriction, quarantine or informal resolution sanction 31. Gambling or conducting a gambling operation or possession of gambling paraphernalia 32. Possession or circulation of a petition, which is a document signed by two (2) or more persons requesting or demanding that something happen or not happen, without the authorization of the Superintendent 33. Using abusive, obscene, or inappropriate language to an employee 34. Violating a condition of a pre-release program
<b>B. Class I Charges (Eligible for Informal Resolution)</b>	
35. Refusing to obey an order 36. Possession of contraband including money, implements of escape, non-prescribed drugs (or drugs which are prescribed, but which the inmate is not authorized to possess), drug paraphernalia, poisons, intoxicants, materials used for fermentation, property of another, weapons or other items which in the hands of an inmate present a threat to the inmate, others or to the security of the facility.  <p>When an inmate is charged under this section with possession of an item of contraband which is a weapon or item which in his/her hands presents a threat to others or to the security of the facility, and the item also has a legitimate use in the area discovered, credible evidence that the item has been used only for the legitimate purpose shall be considered to mitigate the rule violation to a Class II.</p> <p>Possession of drugs (as determined by laboratory analysis), alcohol, poisons, and/or weapons are not eligible for informal resolution.</p>	37. Violation of visiting regulations 38. Destroying, altering, tampering with, or damaging property 39. Refusing to work, attend school or attend mandatory programs or encouraging others to do the same 40. Unauthorized use of the mail or telephone 41. Failure to stand count or interference with count 42. Lying to an employee 43. Presence in an unauthorized area 44. Loaning or borrowing property 45. Failure to report the presence of contraband 46. Theft of services (i.e. cable TV or other facility services)
<b>C Class II Charges (Eligible for Informal Resolution)</b>	
47. Body punching, or horseplay 48. Taking unauthorized food from the dining room or kitchen 49. Failure to report or unexcused absence from work, school, or mandatory programs 50. Smoking where prohibited	51. Possession of any items not authorized for retention or receipt by the inmate not specifically enumerated as Class I contraband 52. Any violation of a rule or regulation in the Inmate Handbook not specified as a Class I misconduct charge

Any attempt to commit any of the above listed charges shall constitute a misconduct of the same classification as the completed act.

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS**

☐ MISCONDUCT REPORT    ☐ OTHER    ☐ DC-ADM 801 INFORMAL RESOLUTION

DC Number	Name	Institution	Incident Time 24 Hr. Base	Incident Date	Date of Report
Quarters	Place of Incident				

**OTHER INMATES OR STAFF INVOLVED OR WITNESSES (CHECK I OR W)**

DC Number	Name	I	W	DC Number	Name	I	W

**MISCONDUCT CHARGE OR OTHER ACTION**

**STAFF MEMBER'S VERSION**

**IMMEDIATE ACTION TAKEN AND REASON**

<b>PRE-HEARING CONFINEMENT</b>			
	<b>IF YES</b>		
<input type="checkbox"/> YES	TIME	DATE	
<input type="checkbox"/> NO			
		<b>FORMS GIVEN TO INMATE</b> <input type="checkbox"/> REQUEST FOR WITNESSES AND REPRESENTATION <input type="checkbox"/> INMATE'S VERSION	
REPORTING STAFF MEMBER SIGNATURE AND TITLE		ACTION REVIEWED AND APPROVED BY RANKING C.O. ON DUTY    SIGNATURE AND TITLE	
		DATE AND TIME INMATE GIVEN COPY DATE    TIME 24 HOUR BASE	
YOUR HEARING MAY BE SCHEDULED ANY TIME AFTER DATE    TIME		MISCONDUCT CATEGORY <input type="checkbox"/> CLASS 1 <input type="checkbox"/> CLASS 2	
		Signature of Person Serving Notice	

**NOTICE TO INMATE**

You are scheduled for a hearing on the allegation on the date and time indicated or as soon thereafter as possible. You may remain silent if you wish. Anything you say will be used against you both at the misconduct hearing and in a court of law. If this matter is referred for criminal prosecution. If you choose to remain silent, the hearing committee/examiner may use your silence as evidence against you. If you indicate that you wish to remain silent, you will be asked no further questions. If you are found guilty of a Class 1 misconduct, any pre-release status you have will be revoked.

WHITE – DC-15

YELLOW – Inmate

PINK – Reporting Staff Member

GOLDENROD – Deputy Superintendent Facility Management

## Informal Resolution Action Form

Inmate Name (Printed)	Inmate Number	DC-141 Part 1 Number	Date:

Action Taken			
<input type="checkbox"/> No Action			
<input type="checkbox"/> Reprimand and Warning			
<input type="checkbox"/> Referred to Hearing Examiner			
<input type="checkbox"/> Cell Restriction (Up to 7 days)	Number of Days:	Start Date:	End Date:
Loss of Privileges: (Up to 7 days) <input type="checkbox"/> Telephone <input type="checkbox"/> Yard <input type="checkbox"/> Day Room <input type="checkbox"/> Other: _____	Number of Days:	Start Date:	End Date:
<input type="checkbox"/> 1 Week Loss of Commissary		Start Date:	End Date:
<input type="checkbox"/> Assignment of Additional Work Duties (No compensation allowed)	Assignment	Start Date:	End Date:
<input type="checkbox"/> Restitution for Damaged/Destroyed State Items/Property	Item(s)	Amount to be Paid:	

\_\_\_\_\_  
Unit Manager's Name (Printed or Typed)

\_\_\_\_\_  
Unit Manager's Signature      Date

\_\_\_\_\_  
Inmate Signature      Date

cc: DC-14 (original)  
Hearing Clerk

<b><i>COST OF REPLACING COMMONLY DAMAGED ITEMS</i></b>	
Item	Cost
Cell Desk and Chair (Security Type)	\$125.00
Cell Light Fixture (Security Type)	\$322.00
Cell Sink (Porcelain)	\$200.00
Cell Toilet (Porcelain)	\$180.00
Cell Window (Acrylic)	\$25.00
Food Tray	\$5.00
Handkerchief	\$.50
Hat (Baseball)	\$3.10
Hat (Knit Cap)	\$2.50
Jacket (Light Weight)	\$16.00
Jumpsuit	\$28.50
Long Underwear	\$4.50
Mattress (Cotton Felt)	\$58.00
Pants	\$14.50
Pillow (Polyester)	\$8.25
Pillow Case	\$3.00
Sheet	\$9.25
Shirt (Short Sleeve)	\$13.00
Shirt (Long Sleeve)	\$11.00
Shoes	\$28.00
Socks	\$1.50
Sweatshirt	\$11.50
Tee Shirt	\$3.50
Towel	\$4.15
Under Shorts	\$3.25
Wash Cloth	\$.85
Winter Coat (Corduroy)	\$46.00

**NOTICE OF ASSESSMENT FOR MISCONDUCT**

**MISCONDUCT NUMBER:** \_\_\_\_\_

Inmate Name: \_\_\_\_\_

Inmate Number: \_\_\_\_\_

Assessment Amount: \_\_\_\_\_

Description of Costs Incurred:

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\_\_\_\_\_  
Signature of Reporting Staff Member

\_\_\_\_\_  
Date

I request a hearing on the above assessment.

Yes

☐

NO

☐

\_\_\_\_\_  
Inmate Signature

\_\_\_\_\_  
Date