

 <b>POLICY AND PROCEDURE</b>	DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	December 19, 2016	<b>Page 1 of 17</b>	
			<b>SUPERSEDES:</b>	4022.1B June 5, 2013		
			<b>OPI:</b>	OCC		
			<b>REVIEW DATE:</b>	December 19, 2017		
			<b>Approving Authority</b>	Quincy L. Booth Interim Director		
	<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>				
	<b>NUMBER:</b>	<b>4022.1C</b>				
<b>Attachments:</b>	Attachments 1-6					

**SUMMARY OF CHANGES:**

Section	Change
	<i>Changes made throughout the policy.</i>

**APPROVED:**

*Signature on File*



\_\_\_\_\_  
**Quincy L. Booth, Interim Director**

\_\_\_\_\_  
12/19/2016

**Date Signed**

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	December 19,2016	<b>Page 2 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	December 19,2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

1. **PURPOSE AND SCOPE.** To establish standards of conduct and discipline for persons released pursuant to D.C. Official Code Section 23-1321(c)(1)(B)(xi) and ordered by a judicial officer to be housed in Community Correctional Centers (CCC). These rules establish sanctions, up to and including revocation of release and detention, for violations of CCC rules, policies and procedures. Conditional release under Section 23-1321(c)(1)(B)(xi) is a pretrial release option for those defendants ordered by a judicial officer to return to custody for specified hours following release for employment, schooling or other limited purposes.

2. **NOTICE OF NON-DISCRIMINATION**

a. In accordance with the D.C. Human Rights Act of 1977, as amended, D.C. Official Code § 2-1401.01 et seq., (Act) the District of Columbia does not discriminate on the basis of race, color, religion, national origin, sex, age, marital status, personal appearance, sexual orientation, gender identity or expression, familial status, family responsibilities, matriculation, political affiliation, genetic information, disability, source of income, status as a victim of an intra-family offense, or place of residence or business. Sexual harassment is a form of sex discrimination that is also prohibited by the Act. Discrimination in violation of the Act will not be tolerated. Violators will be subject to disciplinary action.

3. **PROGRAM OBJECTIVES.** The expected results of this program are:

- a. Community Correctional Centers shall operate in an orderly, safe and secure manner.
- b. To foster public safety by taking appropriate disciplinary action against each defendant who fails to adhere to the rules of the facility.
- c. To ensure timely, fair and impartial hearings for alleged infractions of CCC rules.
- d. Enforce sanctions for misconduct.

4. **DIRECTIVES AFFECTED**

a. **Directives Rescinded**

PP 4022.1A Community Correctional Center Disciplinary Procedures  
(06/5/13)

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	December 19,2016	<b>Page 3 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	December 19,2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

b. **Directives Referenced**

PP 5010.3 Contraband Control

5. **AUTHORITY**

- a. Chapter 7 of Title 28 of the District of Columbia Municipal Regulations (DCMR) entitled "Community Correctional Center Disciplinary Procedures".
- b. D.C. Code § 23-1329, Penalties for violation of conditions of release.
- c. D.C. Code § 23-1321, Release prior to trial.
- d. D.C. Code § 22-2601, Escape from Institution or Officer.

6. **STANDARDS REFERENCED**

- a. NONE

7. **DEFINITIONS.** For the purpose of this directive, the following definitions shall apply:

- a. *Absconder.* A pretrial CCC defendant conditionally released pursuant to D.C. Official Code Section 23-1321(c)(1)(B)(xi) who fails to return to his/her assigned CCC after an authorized release into the community or who leaves the CCC without authorization. The failure to return after an authorized release or an unauthorized absence is a violation of the conditions of release and may result in a prosecution for contempt of court pursuant to the provisions of D.C. Official Code Section 23-1329, or escape under D.C. Official Code Section 22-2601.
- b. *Administrative Hold.* Confinement of a CCC defendant to the center, for a period not to exceed 24 hours (excluding weekends and holidays), pending the investigation of a complaint/allegation of a program or center violation.
- c. *Altered Item.* An item that has been modified or remanufactured for purposes other than the original use.
- d. *Chain of Custody* means the practice of preserving evidence and documenting the record of who handled and controlled the evidence.
- e. *Contraband.* Any unauthorized item found in the possession or control of a CCC defendant.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	December 19,2016	<b>Page 4 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	December 19,2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

- f. *Curfew.* The designated time that a CCC defendant is required by court order or program requirement to return to the CCC following an authorized release to the community.
- g. *Curfew Violator.* A CCC defendant, who fails to return to the CCC at the authorized time, returns after curfew, but before a warrant for escape is issued.
- h. *Detention.* The placement of a CCC defendant in the Central Detention Facility (CDF) following a formal complaint/allegation of a Class I infraction pending judicial intervention and/or review, or following a formal complaint/allegation of a Class II infraction by a defendant who is reasonably believed to present a high risk of danger to self or others, or presents a risk of flight, and who has been remanded to the CDF for more than 24 hours.
- i. *Disciplinary Team.* The CCC staff designated by the CCC Administrator/Director to conduct disciplinary hearings for violations of Class II or Class III infractions.
- j. *Evidence.* Any item or information that tends to establish or disprove a fact.
- k. *Room Confinement/Restriction.* The confinement of a CCC defendant, when deemed appropriate by the CCC Administrator/Director or designee, to a room within the facility except to attend work, school, scheduled medical appointments, meals, legal visits, training programs and community service.

## 8. RESPONSIBILITIES

- a. The Deputy Director for Operations or designee, in conjunction with the OCC Program Administrator, shall be responsible for the implementation of this directive.
- b. The OCC Program Administrator shall be responsible for ensuring that an adequate supply of CCC Disciplinary Procedure Handbooks are printed in both English and Spanish.
- c. The OCC Program Administrator shall be responsible for conspicuously posting this directive on all inmate bulletin boards.

## 9. DEFENDANT ORIENTATION

- a. Within one (1) business day of their arrival at an assigned CCC, a newly assigned defendant will participate in an orientation program.
- b. CCC staff will confirm the defendant's employment and/or training status.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	December 19,2016	<b>Page 5 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	December 19,2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

- c. During orientation, all defendants will be advised of CCC regulations and will sign the Orientation Overview Sheet (Attachment 1).
- d. All persons housed in a CCC facility shall receive and sign for a copy of the regulations.
- e. All CCC defendants will be required to participate in the orientation program prior to being released unless they have been ordered by a judicial officer to be immediately released into the community.

## 10. 702 CODE OF INFRACTIONS

**The below is a description of the infractions found in the 28 DCMR 702:**

### a. Class I Infractions

- 702.1 Class I Infractions constitute misconduct that violates the law or otherwise jeopardizes the safe and secure operation of the CCC.
- 702.2 Any CCC defendant charged with one or more Class I Infractions will be immediately remanded to the CDF pending judicial intervention and review.
- 702.3 An affidavit stating the basis for the defendant's remand shall be prepared and filed by the CCC staff with the appropriate judicial officer within twenty-four (24) hours (excluding weekends and holidays) along with a request for the removal of the defendant from the work release program (Attachment 2).
- 702.4 Copies of all affidavits will be submitted by the CCC staff to the Office of Community Corrections for review and approval. The Office of Community Corrections, subsequent to the Administrator's approval shall submit three copies of the affidavit to the Intake Criminal Division/Pre-trial Services and the U.S. Attorney's Office.
- 702.5 The following are Class I Infractions:
  - a) Abscondance. Abscondance is the failure of a pretrial CCC defendant, conditionally released pursuant to D.C. Official Code Section 23-1321(c)(1)(B)(xi), to return to his/her assigned CCC after authorized release into the community, or who leaves the CCC without authorization. The failure to return after an authorized release or an unauthorized absence is a violation of the conditions of release and may result in a prosecution for contempt of court pursuant to D.C. Official Code Section 23-1329, or escape under D.C. Official Code Section 22-2601.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	December 19,2016	<b>Page 6 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	December 19,2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

- b) Arrest on an escape warrant or a voluntary return to a CCC after an escape warrant has been issued.
- c) Conduct that constitutes the basis for a new felony or misdemeanor charge (including new charges or conduct that is observed by the CCC staff and is referred for prosecution). Criminal conduct that occurs in a CCC may be referred to the Metropolitan Police Department (MPD), which has statutory authority to arrest, and the matter may be forwarded to the U.S. Attorney's Office for prosecution.
- d) Threatening another person within the CCC with bodily harm or with any offense against his/her person or family.
- e) Assaulting another person, fighting or interfering with CCC security.
- f) Possession, manufacture or introduction into the CCC of a pistol, firearm, imitation pistol or firearm, other weapons, sharpened instruments capable of being used as a weapon, knife, dangerous chemicals, explosives, ammunition, or any tool that can be used as a weapon capable of inflicting serious bodily harm to others.
- g) Intentional destruction of any property within the CCC.
- h) Possession, manufacture, introduction or use in the CCC of any narcotic, marijuana, intoxicant, medication, drug or drug related paraphernalia not prescribed for the defendant by a doctor and/or authorized by the medical staff.
- i) Engaging in sexual acts with others in the CCC or on the CCC premises.
- j) Second or subsequent Class II Infractions may result in a Class I violation.
- k) If a defendant charged with a Class II Infraction is reasonably believed to present high risk of danger to self or others, or presents a risk of flight, that defendant may be temporarily remanded to the CDF. The CCC Administrator or designee must approve any such temporary remand to the CDF. An affidavit stating the basis for the defendant's remand shall be prepared without unnecessary delay by the CCC Administrator or designee and filed within twenty-four (24) hours (excluding holidays and weekends) of the defendant's remand to the CDF (Attachment 2).

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	December 19,2016	<b>Page 7 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	December 19,2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

**b. Class II Infractions**

702.6 Class II Infractions constitute misconduct that jeopardizes the security and/or orderly operation of the CCC. The CCC Disciplinary Team is empowered to impose appropriate administrative sanctions when a charged Class II Infraction is sustained. The conduct listed below constitutes infractions under this section.

- a) Smoking where prohibited.
- b) Possession of materials to manufacture alcoholic beverages.
- c) Violation of curfew (defendants return to the CCC after curfew but before a warrant for escape is issued).
- d) Gambling, conducting a gambling operation or possession of gambling paraphernalia, including betting pools, illegal lotteries, or other games of chance.
- e) Refusal to obey an order from CCC staff.
- f) Using abusive, threatening or obscene language to any staff person.
- g) Failure to report a new arrest.
- h) Being in an unauthorized area without permission from a CCC staff person.
- i) Wearing or possessing a disguise or mask.
- j) Indecent exposure.
- k) Signing in or out of the CCC under false pretenses.
- l) Failure on the part of any defendant to abide by a mutually agreed upon program contract (e.g. drug program, education program or work schedule).
- m) Failure to pay subsistence fees to the CCC.
- n) Disruption of CCC operations.
- o) Testing positive for drugs or alcohol.
- p) Conspiracy to commit any misconduct listed as a Class II Infraction.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	December 19,2016	<b>Page 8 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	December 19,2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

**c. Class III Infractions**

702.7 Class III Infractions constitute misconduct that does not jeopardize the security, safety or orderly operation of the CCC, but could be considered as offensive or inappropriate. Class III Infractions are generally violations of rules, regulations or policies that are not specifically listed, or are not the equivalent of Class I or Class II Infractions, but are guidelines for appropriate behavior. For example, lying to a CCC staff person is a Class III Infraction. Class III Infractions are the least severe infractions. The CCC Disciplinary Team is empowered to impose administrative sanctions when a charged Class III infraction is sustained.

**11. PRE-HEARING PROCEDURES**

**a. Pre-hearing Confinement**

- 1) The CCC Administrator/Director or Shift Supervisor may place a defendant on administrative hold within the CCC if he/she determines that doing so is necessary to ensure the integrity of an investigation of any incident. Except in extenuating circumstances, a pre-hearing administrative hold should not exceed twenty-four (24) hours, excluding weekends and holidays.
- 2) CCC defendants charged with a Class I Infraction shall be immediately remanded to the CDF.
- 3) Within twenty-four (24) hours (excluding weekends and holidays) of the defendant's remand to the CDF an affidavit stating the basis for the defendant's remand shall be filed by the CCC staff with the appropriate judicial officer along with a request for an order that the defendant be brought before court without unnecessary delay.
- 4) Copies of the affidavit will be sent by the CCC staff to the Pretrial Services Agency and the Criminal Justice Act Office for forwarding to defense counsel and the U.S. Attorney's Office.

**b. Filing of Disciplinary Report**

- 1) Upon reasonable belief of a staff member that a CCC defendant has committed a Class II or Class III Infraction, the CCC staff member may file a disciplinary report (Attachment 3). Disciplinary reports must be delivered, hand-carried if reasonably possible, by the reporting staff member or designee to the Shift Supervisor.



DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 9 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	Insert Annual Review Date (One Year)	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

- 2) The Shift Supervisor shall be responsible for reviewing, signing and forwarding disciplinary reports to the Disciplinary Team.
- 3) If the Shift Supervisor believes the report is not sufficiently clear, or that the severity level of the alleged misconduct is inappropriate, he/she shall direct, in writing, that the reporting staff member rewrite the report. The order by the Shift Supervisor to rewrite a disciplinary report shall be made a part of the Official record.
- 4) Absent extenuating circumstances, disciplinary reports are to be completed within twenty-four (24) hours of the reporting staff person becoming aware of the infraction.
- 5) Any extenuating circumstances that prohibit the timely submission of a disciplinary report shall be noted in the report. Absent extenuating circumstances, a disciplinary report shall be submitted to the Disciplinary Team within than seventy-two (72) hours after the reporting staff person becomes aware of an infraction.
- 6) Each disciplinary report shall include the following information:
  - a) Defendant's name and DCDC number;
  - b) The specific rule alleged to have been violated and a statement of the charges;
  - c) Names of witnesses to the incident;
  - d) Date, time and location of the alleged infraction;
  - e) Facts surrounding the incident sufficient to answer the questions of who, what, when, where, how and why;
  - f) Disposition of any confiscated property;
  - g) Any action taken including confiscation of property, the seizure of contraband or the placing of a defendant on administrative hold;
  - h) Supplementary reports of witnesses and/or other involved CCC staff; and
  - i) The signature of the reporting staff person.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 10 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	August 5, 2017	
<b>SUBJECT:</b>	<b>INSERT SUBJECT NAME</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

- 7) A copy of the disciplinary report is to be provided to the subject defendant within twenty-four (24) hours of when the report is approved by to the Shift Supervisor, absent any extenuating circumstances.

**c. Confiscation of Property**

- 1) In the event that a defendant's property is confiscated due to a rule violation, the staff member who confiscates the property shall complete a property inventory form (Attachment 4).
- 2) Immediately following the confiscation, the defendant/owner shall sign and receive a copy of the inventory form.
- 3) A copy of the inventory form shall also be placed with the property. The staff person executing the property inventory form shall note the condition of the property.
- 4) In the event that the defendant/owner is not present when the property is confiscated, two staff members shall conduct the inventory and both shall sign the property inventory form.
- 5) If the property is returned to the defendant/owner, he/she shall verify that the property has not been altered or damaged, sign the inventory form upon receipt of the property and be provided a copy of the form.

**d. Investigation of Violation**

- 1) When a violation is reported for which an investigation is deemed necessary, the investigation shall begin within twenty-four (24) hours of the time that the violation is reported. The investigation is to be completed without unreasonable delay.
- 2) The investigator shall normally be a supervisor. The investigating supervisor may seek the assistance of another staff member as long as that staff member is not the individual who reported the incident or is not a witness to the incident. Where appropriate, the CCC staff may seek the assistance of the Metropolitan Police Department or other law enforcement agencies in the investigation of an incident.

**e. Physical Evidence**

- 1) Any physical item identified as evidence in connection with any alleged misconduct or violation is to be seized by CCC staff. Each seized item

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 11 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	August 5, 2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

must be accompanied by a correctly completed evidence report (Attachment 5).

- 2) Items of physical evidence shall be picked up daily by the Shift Supervisor and securely maintained in the evidence lockers. Evidence lockers are to be maintained under the control of CCC supervisory staff.
- 3) To maintain a clear chain of custody, the time and date that evidence passes from the control of one person to another is to be documented.
- 4) When the evidence is no longer needed, it shall be disposed of in accordance PS 5010.3, Contraband Control.
- 5) The CCC Shift Supervisor, or his/her designee, is responsible for conducting periodic audits of evidence storage lockers to ensure compliance with policies and procedures for the handling of evidence.

## 12. DISCIPLINARY HEARING PROCEDURES

### a. General Provisions

- 1) The Shift Supervisor, following receipt and review of a disciplinary report, shall complete a Disciplinary Report Investigation Form (Attachment 6). Along with the Disciplinary Report Investigation Form, the subject defendant must be provided a copy of the disciplinary report, with any attachments, at least twenty-four (24) hours prior to a hearing. A CCC defendant may waive, in writing, the twenty-four hour notice.
- 2) The Shift Supervisor must attempt to obtain the subject defendant's signature on the Disciplinary Report Investigation Form, acknowledging receipt of a copy. If the defendant refuses to sign, the Shift Supervisor shall note on the form that the defendant refused to sign and have another employee witness and sign that a copy of the Disciplinary Report Investigation Form and disciplinary report were given to the defendant.
- 3) The Disciplinary Report Investigation Form shall state the date and time of the hearing.
- 4) At the time that the CCC defendant is served with the Notice of Hearing Form, he/she must inform the Shift Supervisor or designee of his/her intent to provide a list of the witnesses. The list of witnesses shall be submitted to the Disciplinary Team.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 12 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	August 5, 2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

- 5) If the defendant needs additional time to gather witnesses or prepare his/her case, a request may be made in writing for a continuance of the hearing. If the facts warrant a continuance, the Disciplinary Team shall grant the request in writing. The hearing shall be rescheduled as soon as possible and the defendant shall be notified of the new hearing date.
- 6) The Disciplinary Team shall be responsible for the review of each disciplinary report. The Team shall decide within three working days of receipt of the report to take one of the following actions unless there are extenuating circumstances that result in postponing or delaying the hearing.
- 7) For Class II and Class III Infractions the Disciplinary Team may:
  - a) Conduct a disciplinary hearing and, if appropriate, impose applicable sanctions.
  - b) Take no further action, at which time the case may be dismissed with or without prejudice. Staff shall maintain a log of all dismissals, and maintain the reports for cases dismissed without prejudice for forty-five (45) days.

**b. Conducting Hearings**

- 1) A hearing for an infraction must be completed within three (3) working days of the date that the disciplinary report was filed unless circumstances warrant a postponement.
- 2) The CCC defendant shall be provided an opportunity to appear at the hearing and to provide documentary evidence to support his/her case unless doing so would be unduly hazardous to the institutional safety of witnesses or staff. Reasons for denying the defendant's appearance at the hearing shall be stated in writing and provided to the defendant.
- 3) The defendant shall be present throughout the disciplinary hearing except during the period of deliberation, when confidential information is presented or if removed for disruptive behavior.
- 4) The defendant may waive his/her presence at the hearing.
- 5) When a defendant fails or refuses to appear at a disciplinary hearing, or is removed due to disruptive behavior, the Disciplinary Team may proceed with the hearing and make a decision based on the disciplinary report and

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 13 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	August 5, 2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

any other available evidence. The Disciplinary Team must document the failure to appear on the disciplinary report and have another member of the staff witness and sign the report.

- 6) Evidence, testimony, questions and examination are to be limited to facts relevant to the alleged infractions. Testimony of a defendant or staff witness may be presented through written statements. The defendant may call a reasonable number of witnesses on his/her behalf unless:
  - a) Permitting the witness to testify poses a threat to institutional security, the safety of a person or orderly operations;
  - b) The witness' testimony would be either redundant or immaterial, the witness' testimony concerns the general character of the defendant; or
  - c) The defendant does not appear at the hearing.
- 7) If a witness is not permitted to testify, the Disciplinary Team must document the reason for excluding the witness from the hearing.
- 8) Information from a reliable source whose identity is not disclosed to the defendant may be admissible at the hearing. Such information may be presented to the Disciplinary Team verbally or in writing. The details of any information from an anonymous source should be shared with the defendant to the extent that this may be done without creating a substantial risk to the safety of the source.
- 9) Where anonymous information is not shared with a defendant a separate file shall be maintained which documents why information from this source was deemed reliable.
- 10) The Disciplinary Team may recess the hearing to collect additional information. However, the Disciplinary Team's decision must be made solely on the evidence presented during the hearing.
- 11) Following the hearing, the Team must complete a Disciplinary Hearing Decision Form stating the conclusion of the team, the evidence that was relied upon, the reasons for the disciplinary action, and the sanctions imposed.
- 12) A defendant may be found guilty of an infraction based upon a preponderance of evidence. The agency has the burden of proof.

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 14 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	August 5, 2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

- 13) The defendant must receive, orally and in writing, a statement of the findings, evidence relied upon, sanctions to be imposed and reasons for the sanctions.
- 14) The Disciplinary Team may suspend the sanctions imposed for a specified period of time not to exceed thirty (30) days.
- 15) If the defendant is convicted of an infraction while on suspension, the suspension may be revoked and the prior sanctions shall run consecutive to the new sanctions.
- 16) A revoked suspension may not be considered as one of the sanctions for the new offense.
- 17) The Disciplinary Team may find a defendant guilty of a lesser-included offense.

### 13. **SANCTIONS**

- a. The Disciplinary Team is empowered to impose appropriate sanctions when a charge is sustained.
- b. Any attempt to commit a Class I, II or III infraction shall be charged and punished in the same manner as if the attempt had been successful.
- c. The Disciplinary Team shall impose sanctions in proportion to the severity of the infraction.
- d. In deciding sanctions, the Disciplinary Team shall consider any mitigating or aggravating circumstances.
- e. After a finding that an infraction has occurred, the following sanctions or combinations thereof, may be imposed:
  - 1) Class I infractions shall result in detention pending court intervention/judicial review.
  - 2) Class II Infractions may be subjected to any one (1) or more of the following sanctions:
    - a) Counseling;
    - b) Restriction and/or loss of privileges;

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 15 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	August 5, 2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

- c) A request to the committing Judge to revoke the work release order;
  - d) Requiring the defendant to pay restitution for lost or damaged property;  
or
  - e) Assignment to the CCC work detail.
- 3) Class III Infractions - may be subjected to any one (1) or more of the following sanctions:
- a) Counseling;
  - b) Restriction or loss of privileges;
  - c) Requiring the defendant to reimburse for loss or damaged property;
  - d) Assignment to the CCC work detail; or
  - e) Reprimand or warning.
- 4) The Disciplinary Team may not impose the following sanctions:
- a) Any form of dietary restriction or the use of food or meals as punishment.
  - b) Use one defendant to discipline another defendant.
  - c) Deprive the defendant of clothing or bedding. (This does not apply to defendants who engage in the practice of destroying such items. In such instances, the CCC Administrator shall be notified, and the decision to deprive must be reviewed at intervals not to exceed 24 hours).
  - d) Deny necessary personal hygiene items. (This does not apply to those residents who engage in the practice of destroying such items. In such instances, the CCC Administrator/Director shall be notified and the decision to deny must be reviewed at intervals not to exceed 24 hours).
  - e) Use restraints or excessive force as punishment. (Restraints may only be used in accordance with the Department's policy on the use of force).

DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 16 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	August 5, 2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

#### 14. **EFFECT OF DISCIPLINARY ACTION/DISMISSAL**

- a. Administrative action by the Disciplinary Team, or other authority, does not constitute additional punishment and should not be construed as such.
- b. If a guilty finding for an offense affects the defendant's security level, the Disciplinary Team may refer the defendant to his/her Case Manager for proper reclassification.
- c. Dismissal or modification of a sanction does not deprive the defendant's Case Manager of the opportunity to consider the defendant's conduct for purposes other than discipline, including but not limited to, security classification decisions.

#### 15. **CCC ADMINISTRATOR'S REVIEW**

- a. The CCC Administrator/Director or his/her designee shall review all disciplinary report recommendations regardless of whether there has been an appeal filed.
- b. The CCC Administrator/Director, upon his/her own motion, may reverse the decision, remand the decision back to the Disciplinary Team or modify the sanction imposed whenever such action is warranted based on the record. However, the CCC Administrator may not increase the sanction imposed by the Disciplinary Team.
- c. If a CCC Administrator or designee reverses or remands a decision, he/she must provide a justification for that action.

#### 16. **APPEALS**

- a. At the conclusion of a hearing in which a sanction has been imposed the Disciplinary Team must advise the defendant of his/her right to appeal the decision to the CCC Administrator/Director.
- b. The appeal must be filed within three (3) days following the delivery of written hearing results to the defendant.
- c. The appeal must be sent to the CCC Administrator/Director; however, the sanction may be imposed prior to the Administrator's/Director's decision concerning the appeal.
- d. The appeal must contain the defendant's version of the facts and the



DISTRICT OF COLUMBIA DEPARTMENT OF CORRECTIONS		<b>EFFECTIVE DATE:</b>	August 5, 2016	<b>Page 17 of 17</b>
<b>POLICY AND PROCEDURE</b>		<b>SUPERSEDES:</b>	4022.1B June 5, 2013	
		<b>REVIEW DATE:</b>	August 5, 2017	
<b>SUBJECT:</b>	<b>COMMUNITY CORRECTIONAL CENTER DISCIPLINARY PROCEDURES</b>			
<b>NUMBER:</b>	<b>4022.1C</b>			
<b>Attachments:</b>	Attachments 1-6			

argument outlining the specific aspects of the hearing that the defendant is appealing.

- e. The CCC Administrator/Director must act on the appeal within five (5) days, excluding holidays and weekends, of receipt of the appeal, and may take one of the following actions:
  - 1) Affirm the actions of the Disciplinary Team.
  - 2) Dismiss the actions of the Disciplinary Team and dismiss the sanction.
  - 3) Modify the decision by reducing or suspending the sanction.
- f. The CCC Administrator/Director shall consider the merit of appeals based upon the following factors:
  - 1) Whether there was evidence to support the charges;
  - 2) Whether there was substantial compliance with applicable disciplinary policies and procedures;
  - 3) Whether the sanctions imposed were proportionate to the rule violation.
- g. The decision of the CCC Administrator/Director shall be final and exhausts the defendant's available administrative recourse under these rules.

#### Attachments

- Attachment 1 –Orientation Overview Sheet
- Attachment 2 – Affidavit in Support of Defendant's Remand to CDF
- Attachment 3 – Disciplinary Report
- Attachment 4 – Inmate Personal Property Inventory Receipt
- Attachment 5 – Evidence Report
- Attachment 6- Disciplinary Report Investigation Form