NEBRASKA ADMINISTRATIVE CODE

TITLE 81 - JAIL STANDARDS BOARD

CHAPTER 13 STANDARDS FOR JAIL FACILITIES - INMATE BEHAVIOR, DISCIPLINE AND GRIEVANCE

**001** It is the policy of the State of Nebraska that facility administrators of all jail facilities shall ~~insure~~maintain written policy and procedure insuring that inmates are made aware of the conduct expected of them, and shall make provisions for disciplinary and grievance procedures which are consistent with the Standards established herein.

**002 Inmate Conduct**. All inmates confined or residing in any jail facility shall be required by the facility administrator to conduct themselves in a lawful and orderly manner.

**002.01** Each inmate shall be required by the facility administrator to obey all reasonable directives established by the facility administrator. Failure to comply with such directives may result in disciplinary action being taken in accordance with the procedures described in paragraph **003** of this Chapter.

**002.02** Upon admission, that portion of the orientation process in which inmates are made aware of the jail facility's rules shall include, at a minimum, a listing of all prohibited acts, a range of possible sanctions that could be imposed, and the facility's disciplinary procedures. Upon request written rules shall be made available to each inmate in the language he or she speaks.

**003 Disciplinary Procedures**. All jail facilities shall establish a clear and concise disciplinary procedure governing inmate conduct.

**003.01 General Provisions**. In every disciplinary action taken in any jail facility, the following principles shall be applicable:

**003.01A** Disciplinary action shall be used to regulate the inmate's behavior within acceptable limits. Each disciplinary sanction imposed shall be proportionate to the seriousness of the inmate's misconduct.

**003.01B** The behavior of the inmates shall be controlled in a completely impartial and consistent manner;

**003.01C** Records of all disciplinary actions taken shall be kept;

**003.01D** The commission, or suspected commission, of an offense in violation of

existing state or federal statute by an inmate or inmates shall be referred to the proper law enforcement agency, along with all pertinent evidence; and

**003.01E** Inmates charged with major rule infractions may be held in administrative segregation or cell restriction prior to a hearing to ensure the safety of staff, inmates or the facility. The status of inmates held in pre-hearing segregation shall be reviewed by the facility administrator or a designated facility employee(s) within twenty-four (24) hours. Pre-hearing segregation shall not exceed ninety-six (96) hours excluding weekends and holidays.

**003.02 Disciplinary Process**. In all jail facilities, any disciplinary action taken against an inmate for a violation of the jail facility's rules shall be in accordance with the following provisions:

**003.02A** Minor matters of discipline, where no threat to life, security, or property exists may be handled informally by a designated facility employee(s). The facility administrator or his/her designee shall review reports and approve any sanctions applied for minor misconduct.

**003.02B** For minor violations, inmates are subject to:

**003.02B1** Reprimands~~,~~;

**003.02B2** Temporary loss of one or more privileges~~,~~;

**003.02B3** Restriction to a cell for up to ninety-six (96) hours~~,~~; or

**003.02B4** Extra cleaning duties or work assignments for sentenced inmates.

**003.03 Major Matters of Discipline**. When an accused inmate could be subject to disciplinary sanctions exceeding those listed in paragraph 003.02A of this Chapter, the following provisions shall apply:

**003.03A** The alleged violation shall be reported in writing on the prescribed form to the facility administrator by the facility employee witnessing the incident or responsible for determining the relevant facts.

**003.03B** Disciplinary reports prepared by staff members shall include but are not limited to:

**003.03B1** Specific rules allegedly violated;

**03.03B2** A formal statement of charges;

**003.03B3** Any unusual inmate behavior;

**003.03B4** Any staff witnesses;

**003.03B5** An explanation of the event that should include who was involved, what transpired, and the time and location of occurrence;

**003.03B6** Any physical evidence and its disposition;

**003.03B7** Any immediate action taken, including the use of force; and

**003.03B8** Reporting staff member's signature, date and time of report.

**003.03C** A written statement of the charges shall be delivered to the inmate at least twenty-four (24) hours before any hearing is held unless the inmate signs a waiver to have the hearing sooner. The facility administrator may designate a facility employee, an impartial person, or panel to conduct a disciplinary hearing if he/she chooses not to do so. If the charges are sustained, the facility administrator, designated person, or panel, shall impose a sanction appropriate for the offense.

**003.03D** The accused inmate shall have an opportunity to appear before and address the disciplinary person or panel conducting the hearing unless he/she voluntarily waives in writing the right to attend or the inmate's behavior justifies exclusion from the hearing. The accused inmate may be excluded during the testimony of a witness whose testimony must be given in confidence. Reasons for the accused inmate's absence or exclusion must be documented.

**003.03E** The disciplinary person or panel conducting the hearing may summon to testify any witnesses with relevant information of the incident. The accused inmate shall be allowed to call witnesses with relevant knowledge and present relevant documentary evidence in their own defense when permitting to do so will not be unduly hazardous to institutional safety or correctional goals. The disciplinary person or panel shall state its reasons in writing for refusing to hear a witness.

**003.03F** The accused inmate shall have an adequate opportunity to prepare a defense and, if requested, may be provided with a staff member or agency representative to assist him/her at a disciplinary hearing. A representative shall be appointed when it is apparent that an inmate is not capable of collecting and presenting evidence effectively on his or her own behalf.

**003.03G** If the charges are sustained, the person or panel conducting the disciplinary hearing must base such findings upon information obtained through the hearing process, including staff reports, inmate's statements, and evidence

derived from witnesses and documents. The person or panel shall make a written statement of fact findings setting forth the evidence relied upon and the reasons for the disciplinary sanctions imposed. The accused inmate shall be given a copy of the written statement which shall include the basis for the decision and the disciplinary sanction, if any, to be imposed.

**003.03H** The facility administrator or designee shall provide for review of all disciplinary hearings and dispositions to assure conformity with policy and regulations.

**003.04** Inmates found guilty of a major violation of the jail facility's rules may be subject to one (1) or more of the following sanctions:

**003.04A** Reprimand~~,~~;

**003.04B** Temporary or permanent loss of one (1) or more privileges~~,~~;

**003.04C** Restriction to his or her cell~~,~~;

**003.04D** Confinement to disciplinary segregation~~,~~;

**003.04E** Restitution for wanton or willful destruction to facility property from any funds to his/her credit~~,~~;

**003.04F** Reduction of good time credit~~,~~; or

**003.04G** Extra cleaning duties or work assignments for sentenced inmates.

**004 Grievance Procedure**. In all jail facilities~~,~~ a written policy and procedure shall address grievance procedures. This procedure shall be available to all inmates for the review and adjudication of grievances, consistent with the following principles:

**004.01 Inmate's Right to File**. Any inmate shall be permitted to report and file a grievance.

**004.02 Facility Responsibility**. Such grievances filed shall be transmitted without interference or delay to the facility administrator, designated employee or official charged with the authority to receive and investigate grievances.

**004.03 Disciplinary Sanctions**. An inmate reporting a grievance shall not be subject to any disciplinary sanction or adverse action as a result of the filing of a grievance.

**004.04 Investigation of Grievance**. Each grievance not obviously frivolous or trivial shall be promptly investigated. A summary report containing the results of the investigation and the recommendations of the facility administrator, designated employee or official charged with the authority to receive and investigate grievances shall be prepared for jail facility records and the concerned inmate or inmates.

**004.05 Time Limitations**. The inmate or inmates filing the grievance shall receive a prompt response from the appropriate authority. Such a response shall indicate what disposition will be made on the recommendations received.

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EFFECTIVE DATE: August 9, 1980