

TITLE 77 - JAIL STANDARDS BOARD

CHAPTER 12 - STANDARDS FOR COMMUNITY RESIDENTIAL FACILITIES -
INMATE BEHAVIOR, DISCIPLINE AND GRIEVANCE

001 It is the policy of the State of Nebraska that facility administrators of all community residential facilities shall insure 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 community residential facility shall be required by the facility administrator to comply with all facility rules and regulations.

002.01 Inmate rules and disciplinary regulations describe violations, sanctions and penalties. Facility rules and regulations are reviewed at least annually and updated as necessary.

002.02 All facility rules and regulations pertaining to inmates are conspicuously posted in the facility or included in the orientation handbook that is accessible to all inmates and staff.

002.03 Failure to comply with such directives may result in disciplinary action being taken in accordance with the process described in paragraph 004 of this Chapter.

003 Disciplinary Policies. All community residential facility administrators shall establish clear and concise disciplinary policies and procedures for maintaining discipline and regulating inmate conduct. The following general provisions shall apply:

003.01 General Provisions. In every disciplinary action taken in any 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 maintained by the facility administration and kept in the inmate's file;

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

004.01 There is a process for informal resolution of minor infractions of the facility rules and regulations.

004.02 There is a process for formal resolution of major rule infractions of facility rules and regulations that provides inmates with appropriate procedural safeguards.

004.03 The commission, or suspected commission, of a major rule infraction and/or an offense violating existing state or federal statute by an inmate or inmates shall be referred to the parent agency disciplinary hearing officer, and the proper law enforcement agency, along with all pertinent evidence.

004.04 Inmates charged with major rule infractions may be transferred to the parent facility prior to a disciplinary hearing to ensure the safety of staff, inmates or the community residential facility.

005 Grievance Procedure. In all community residential facilities, a procedure shall be available to all inmates for the review and adjudication of grievances, consistent with the following principles:

005.01 Inmate's Right to File. Any inmate shall be permitted to file a written grievance.

005.02 Facility Responsibility. Such grievances filed shall be transmitted promptly to the facility administrator, designated employee or official charged with the authority to receive and investigate grievances.

005.03 Disciplinary Sanctions. An inmate reporting a grievance shall not be subject adverse action as a result

of the filing of a grievance.

005.04 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 facility records and the concerned inmate or inmates.

005.05 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.

005.06 Appeal. At least one level of appeal to the facility administrator is available to all inmates.

EFFECTIVE DATE: April 2, 2012