



KAY IVEY  
GOVERNOR

# State of Alabama Department of Corrections

Alabama Criminal Justice Center  
301 South Ripley Street  
P. O. Box 301501  
Montgomery, AL 36130-1501  
(334) 353-3883



John Q. Hamm  
COMMISSIONER

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ADMINISTRATIVE REGULATION  
NUMBER 403

OPR: MEN'S AND WOMEN'S SERVICES

## PROCEDURES FOR INMATE RULE VIOLATIONS

### I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies, and procedures for inmate rule violations.

### II. POLICY

It is the policy of the ADOC to establish a regulation to identify the disciplinary process for inmates who commit violations.

### III. DEFINITIONS AND ACRONYMS

- A. **Arrest**: The taking of an inmate into custody, or making a charge, by the authority of this regulation, federal law, Alabama law, or municipal law for charging an inmate with a violation.
- B. **Arresting Official**: An ADOC employee who charges an inmate with a violation.
- C. **Behavior Citation Form**: An instrument used for the documentation of a non-Good Time earning inmate's Low Level Rule Violation and the sanction(s) imposed.
- D. **Disciplinary Hearing**: A procedural hearing conducted for rule violation(s).
- E. **Disciplinary Report**: An instrument used for the documentation of an inmate's rule violation, hearing proceedings, and the sanction(s) imposed.
- F. **Employee**: For the purpose of this regulation, an ADOC employee is considered as any full time, part-time, temporary employee and other persons such as, but not limited to, contractors, vendors, education personnel, and volunteers.
- G. **Hearing Officer**: An ADOC employee designated by the Warden/Division Director/Designee to chair the hearing and render a recommendation.

- H. **Inmate Database**: A systematically arranged collection of information pertaining to active and inactive inmates, that is digitally stored, including inmate demographics, sentencing requirements, and incarceration details, for subsequent retrieval and reporting.
- I. **Mental Health Code**: A letter code assigned to each inmate that indicates whether the inmate is on the mental health caseload, and the level of treatment required. There are five possible mental health codes:
1. **MH-A**: Assigned to inmates not currently receiving mental health services and who are not on the mental health caseload.
  2. **MH-B**: Assigned to inmates who require outpatient mental health services and who have demonstrated stable coping skills for at least six months and can be housed in facilities that do not provide daily mental health services by mental health staff.
  3. **MH-C**: Assigned to inmates who require outpatient mental health services at a major facility, who have any diagnosed mental disorder associated with functional impairment that interferes with their ability to meet the ordinary demands of living.
  4. **MH-D**: Assigned to inmates who are receiving chronic or acute mental health services and require placement in a specialized housing unit (e.g., Residential Treatment Unit or Stabilization Unit).
  5. **MH-H**: A temporary mental health code that is reserved for use only by the Office of Health Services indicating that an inmate with any of the other MH code designations will not be moved from the current housing unit or facility.
- J. **Re-Initiation**: The re-serving of a disciplinary.
- K. **Residential Treatment Unit (RTU)**: A specialized housing placement for treating inmates with serious mental illness who are at risk for psychiatric deterioration in a less restrictive setting. This may be a short-term placement for inmates to resolve crises, or a long-term placement for inmates who experience persistent difficulty functioning in an outpatient setting.
- L. **Rule Violation**: Any act or infraction that may result in a behavior citation or disciplinary.
- M. **Sanction**: An authorized penalty for a rule violation.
- N. **Serious Mental Illness (SMI)**: Psychotic Disorders, Bipolar Disorders, and Major Depressive Disorder; any diagnosed mental disorder (excluding substance use disorders) currently associated with serious impairment in psychological, cognitive, or behavioral functioning that substantially interferes with the person's ability to meet the ordinary demands of living and requires an individualized treatment plan by a qualified mental health professional(s).

(American Correctional Association, Restrictive Housing Expected Practices, January 2018)

- O. **Serving Officer**: An ADOC employee designated to present an inmate with ADOC Forms concerning a rule violation.
- P. **Stabilization Unit (SU)**: A designated residential unit that provides intensive mental health services for inmates who are experiencing severe psychiatric symptoms, or who remain at acute risk of harming themselves or others after crisis intervention has been insufficient to address these problems.
- Q. **Structured Living Unit (SLU)**: An outpatient diversionary unit for inmates diagnosed with Serious Mental Illness who would otherwise have been placed in a restrictive housing unit.
- R. **Vault**: A software system used to digitally store documents related to the incarceration of active and inactive inmates. This system controls user access and provides the ability to search for inmate specific documentation electronically.
- S. **Working Days**: For the purpose of this regulation, Monday through Friday excluding holidays.

#### IV. **RESPONSIBILITIES**

- A. Wardens/Division Directors are responsible for:
  - 1. Developing their facility/divisional Standard Operating Procedures (SOPs), as necessary, for the implementation of AR 403, *Procedures for Inmate Rule Violations*.
  - 2. Designating a law enforcement officer, classification employee, or other ADOC employee as a Hearing Officer for a formal disciplinary hearing.
  - 3. Approving/disapproving disciplinary action(s).
- B. The Hearing Officer is responsible for conducting rule violation hearings.
- C. ADOC employees are responsible for knowing and following the procedures established by this Administrative Regulation.
- D. Inmates are responsible for knowing and following the procedures established by this Administrative Regulation.

#### V. **PROCEDURES**

- A. Pre-Hearing Action for Disciplinary Procedures:
  - 1. Arrest or Charge of Inmate: The arrest or charge of an inmate for a rule violation may be made by an employee of the ADOC.

- a. ADOC does not discipline an inmate for symptoms directly related to his or her mental illness, including, but not limited to, issuing disciplinaries or applying disciplinary sanctions to inmates for engaging in conduct directly related to self-injurious behavior.
  - b. The employee making the arrest or charge is designated as the Arresting Official.
  - c. In accordance with this regulation and AR 626, *Mental Health Consultation to the Disciplinary Process*, ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*, ADOC Form 403-A, *Disciplinary Report*, shall be served on the inmate within ten (10) working days:
    - (1) After the violation is reported and / or discovered; or
    - (2) After an investigation by the Law Enforcement Services Division (LESD) Investigator or ADOC investigation has been completed; or
    - (3) After an escapee is back in the custody of the ADOC.
  - d. In accordance with this regulation and AR 626, *Mental Health Consultation to the Disciplinary Process*, ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process* will be completed and served as applicable.
  - e. If the inmate is currently on acute or non-acute suicide watch or mental health observation, then ADOC Form 403-A, *Disciplinary Report*, will not be provided to the inmate unless and until a member of the inmate's treatment team approves it. Where appropriate, a mental health staff member may assist in delivery and explanation of the disciplinary report
  - f. For inmates in the RTU, SU, or SLU, the treating mental health professional (MHP), certified registered nurse practitioner (CRNP), psychiatrist, or psychologist will accompany the officer serving the notice of the disciplinary charges. Correctional and mental health staff will coordinate days and times for the serving of disciplinary notices in these units.
  - g. If the treating MHP, CRNP, psychiatrist, or psychologist accompanying the serving officer deems it clinically appropriate, the inmate will be seen in person, out-of-cell, for a confidential assessment and any intervention he or she deems clinically appropriate. This confidential assessment is in addition to the mental health consultation.
2. Appointment of Hearing Officer: The Warden/Division Director or designee shall appoint an ADOC employee to serve as the Hearing Officer.

- a. Knowledge of an incident shall **not** preclude an employee from serving as a Hearing Officer.
- b. The following individuals involved in the incident shall **not** serve as a Hearing Officer:
  - (1) Arresting Official.
  - (2) Witness(es).
  - (3) Victim(s) of the incident.
  - (4) Individual(s) directly involved in the incident.
  - (5) Individuals involved in the investigation of the incident.
3. Investigation of Charges: The Warden may order an investigation of the charges at the facility level or request an LESD investigation.
4. Preparation of Charges: ADOC Form 403-A, **lines 1-4** must be completed before the inmate is charged. If the inmate's action(s) in one incident violates multiple rules, then the Arresting Official and Supervisor shall use discretion in which charge(s) to pursue.
5. Mental Health Consultation: When applicable, a mental health professional shall complete ADOC Form MH-041 providing an opinion of the inmate's capacity in the Disciplinary Report Module.
6. Serving The Inmate with the Charge:
  - a. The ADOC Form 403-A, completed through **line 4**, must be served by the Serving Officer on the inmate at least twenty-four (24) hours prior to the convening of the hearing.
  - b. The Serving Officer shall read the charges to the inmate.
  - c. If the inmate refuses to sign on **line 5** for receipt of the charges, then the Serving Officer shall indicate by writing "Refused to Sign" at the inmate signature block and he/ she shall sign on line 5.
  - d. The Serving Officer shall inform the accused inmate that he/she should prepare his/her testimony, in the form of an oral or written statement, to be presented to the Hearing Officer during the hearing.
  - e. The inmate will be notified he/she has a right to call witnesses and shall be required to sign that he/she does or does not desire witnesses. If the inmate refuses to sign, then the Serving Officer shall indicate by writing "Refused to Sign" and sign his/her signature on **line 6**.

- f. The inmate may provide the names of normally not more than three (3) witnesses with relevant testimony who will not present a security threat. The Serving Officer shall list the names on **line 7**.
  - g. The inmate shall be advised that it will be necessary to write any questions that he/she may have for the Arresting Officer and/or his/her witness.
  - h. The inmate shall be served a copy of ADOC Form 403-A.
  - i. After the inmate has been served, a suspense copy will be placed in the inmate database and classification shall be informed.
7. Procedural Requirements: The Hearing Officer, prior to convening the hearing, shall check the disciplinary to ensure that procedural requirements up to that point have been met and that the remainder of the requirements are met after the hearing. Procedural requirements are as follows:
- a. The inmate must be given written notice of the charge(s) at least twenty-four (24) hours prior to the hearing.
  - b. Hearings shall not be conducted for inmates currently on acute suicide watch, non-acute suicide watch, mental health observation, or any other kind of crisis placement, unless and until approved by the treating MHP. Upon release from any such placement, a hearing may be scheduled when mental health staff determines that conducting the hearing would not pose a danger to the inmate's mental health. Any such determination must be made within ten (10) days after release from any such placement for a Low-Level Rule Violation, within thirty (30) days for a Medium Level Rule Violation, within sixty (60) days for a High-Level Rule Violation, or within ninety (90) days for a Severe Level Rule Violation.
  - c. The inmate must be permitted to attend the hearing and testify or present documentary evidence unless he/she refuses to attend or is disruptive
    - (1) If the inmate has been transferred to another facility, the hearing shall be held at the facility where the inmate is assigned.
    - (2) The Arresting Officer and witnesses may testify audio/visually (i.e., telephone, webcam, etc.) after being sworn in by the Hearing Officer in the presence of the inmate.
  - d. The inmate must be permitted to call witnesses.
  - e. The inmate must be permitted to prepare and submit to the Hearing Officer pertinent written questions to be asked of the Arresting Officer and witnesses at the hearing.

- f. If the inmate is not capable of acting in his / her own defense, then an ADOC employee will be appointed by the Hearing Officer to assist the inmate.
- g. The Hearing Officer must make findings of fact.
- h. The inmate must be informed of the decision of the Hearing Officer and must be given a copy of the signed and approved Disciplinary Report which lists the findings of fact, the basis for the findings of fact, the decision of the Hearing Officer, and the final decision from the Warden.

B. Procedures DURING the Disciplinary Hearing:

- 1. The Hearing Officer will ensure that:
  - a. The disciplinary has been served a minimum of 24- hours prior to the hearing and the hearing is held within ten (10) working days from the serving date of the disciplinary report, except as otherwise provided herein. If the disciplinary hearing cannot be held within ten (10) working days, then an ADOC Form AR 403-D, *Notice of Postponement of Disciplinary Hearing Process*, shall be completed advising the inmate of the postponement.
  - b. If an inmate has a mental health code of MH-C or higher or an SMI designation, or an intellectual or developmental disability, ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*, must be completed and attached to the ADOC Form 403-A.
  - c. If any of the procedural requirements have **not** been met, then the disciplinary hearing will **not** convene, and the disciplinary report will be dismissed and subject to Re-Initiation.
  - d. In the event that a procedural error is correctable, this will be done, and the disciplinary hearing will proceed.
  - e. If the inmate is **not** present for the hearing, an explanation, in detail, shall be attached to ADOC Form 403-A.
- 2. The Hearing Officer shall:
  - a. Positively identify the inmate by his/her ID Card or using the inmate database.
  - b. Complete ADOC Form 403-A, **line 8**, with the hearing date, time, and place.

- c. Ensure the inmate is present in the Hearing Room unless he/she refuses to attend or becomes disruptive. Indicate on **line 9** of ADOC Form 403-A if the inmate is present/not present.
- d. Swear in the Arresting Officer, inmate, and all witnesses and sign on **line 10**. Dismiss all witnesses from the room.
- e. Read the charge to the inmate and determine if he/she understands the charge.
- f. Determine if the inmate is capable of acting in his/her own defense.
  - (1) If the decision is made that the inmate understands the charge and procedural requirements, then the disciplinary hearing shall proceed.
  - (2) If the decision is made that the inmate appears **unable** to understand the charge and/or procedural requirements, then the disciplinary hearing will be postponed for up to thirty (30) days. The Hearing Officer shall refer the inmate for a mental health consultation. If the hearing is not held within 30 days, the disciplinary report is void. If within the 30-day period it is determined that the inmate is capable, then the disciplinary hearing shall be reconvened.
- g. Complete **line 11** of ADOC Form 403-A indicating that an inmate is/is not capable of representing him/herself. If the inmate is not capable of acting in his/her own defense due to illiteracy, then the hearing may be postponed up to five (5) working days. The Hearing Officer shall appoint an ADOC employee to assist the inmate.
- h. Neither inmates nor free-world counsel may represent an inmate at a disciplinary hearing.
- i. Mental health staff may be present to assist an inmate on the mental health caseload or who has an intellectual or developmental disability, either on request of the inmate or upon recommendation by mental health or correctional staff.
- j. Ask the inmate how he/she pleads and record the response on ADOC Form 403-A. If an inmate refuses to voice a plea it should be noted as a plea of “not guilty.”
  - (1) If the inmate pleads guilty, the Hearing Officer shall:
    - (a) Dismiss the witness(es);
    - (b) Have the inmate sign on ADOC Form 403-A, **line 12**, on the disciplinary work sheet and/or annotate the same in the module;



- (c) Have the inmate present his/her testimony. If the inmate's testimony is sufficient to satisfy a guilty plea, the Hearing Officer will accept the guilty plea and include in the findings of fact that the inmate's testimony was sufficient to satisfy the guilty plea.
- (2) If the inmate pleads not guilty, the Hearing Officer shall:
- (a) Have the inmate sign on ADOC Form 403-A, **line 12**, on the disciplinary work sheet and/or annotate the same in the module.
  - (b) Allow the Arresting Officer to present his/her testimony and record the testimony on ADOC Form 403-A, **line 13**.
    - 1. Allow the Arresting Officer to present his/her testimony and record the testimony on ADOC Form 403-A, **line 13**.
    - 2. If the Arresting Officer (or the official who performed the investigation) used a confidential source, then the Hearing Officer should ensure the following criteria are met by asking the Arresting Officer and or investigating official the following:
      - a. The source must have been used in the past.
      - b. The number of times the source has been used must be provided to the Hearing Officer.
      - c. The source must have given information in the past that has been proven truthful.
      - d. Additional evidence must be provided to corroborate the information given by the source.
      - e. During the investigation was information uncovered that would have given the source a reason to lie.
      - f. See also section D.1. of this regulation.
  - (c) Allow the inmate to present oral/written testimony and record the testimony on ADOC Form 403-A, **line 14**.
  - (d) Ask the question(s), if relevant, prepared by the inmate, to the Arresting Official and respective witness(es) and

record their answers on ADOC Form 403-A, **line 14**. A copy of the inmate's prepared question(s) and witness' answers shall be attached to ADOC Form 403-A and the Hearing Officer shall sign **line 15**.

- (e) Explain to the inmate why any witness(es) he/she has requested were not called and record the reason(s) on ADOC Form 403-A, **line 16**.
  
- k. Dismiss everyone from the hearing room for deliberation, and:
  - (1) Consider the evidence: If the inmate is charged with a positive drug screen, at a minimum, the ADOC Form 440-A, *Chain of Custody*, ADOC Form 440-B, *Individual Specimen Report* and the contractor's chain of custody document, and the results of the drug screen must be submitted;
  - (2) Make a finding of fact.
  - (3) If found guilty, determine the recommended sanction(s) to be imposed in accordance with this AR, Annex B, *Rule Violations Authorized Sanctions*, and, if applicable, AR 626, *Mental Health Consultation to the Disciplinary Process*.
  - (4) If the inmate has earned Good Time, then a minimum of one (1) day shall be revoked.
  
- l. The Hearing Officer has the authority to find the inmate guilty of a lesser charge in a lower-class violation level.
  
- m. After deliberation, except as provided in the next subsection below, the Hearing Officer shall call the inmate and Arresting Official into the room and inform them of the findings of fact, the basis for the findings of fact, and the recommended sanctions (if found guilty). The Hearing Officer will also inform the inmate that Warden/Division Director/Designee may:
  - (1) Approve the disciplinary;
  - (2) Disapprove the disciplinary;
  - (3) Reduce the sanctions (except, however, the sanctions shall not be reduced below what is required by this AR);
  - (4) Increase the sanctions; or
  - (5) Disciplinary may also be re-initiated pursuant to the Governor's Executive Order #725.
  
- n. An inmate who has been on acute suicide watch, non-acute suicide watch, mental health observation, or any other kind of crisis

placement within the previous two (2) weeks shall not be informed of the outcome of a disciplinary hearing, unless approved by mental health staff.

C. Procedures AFTER the Disciplinary Hearing:

1. The Hearing Officer shall ensure the following:
  - a. A condensed version of all pertinent testimony is entered on Form 403-A and, if necessary, continued on ADOC Form 403-B, *Disciplinary Report, (Continuation)*.
  - b. All appropriate spaces on ADOC Form 403-A are completed or indicated with “N/A” (Not Applicable).
  - c. The finding of facts is listed, in detail, on **line 17** of ADOC Form 403-A.
  - d. The basis for the finding of facts is specified, in detail, on **line 18** of ADOC Form 403-A.
  - e. It is indicated on **line 19** whether the inmate is guilty or not guilty.
  - f. That his/her signature (electronically if applicable) is affixed where necessary on ADOC Form 403-A.
  - g. ADOC Form 403-B is used if additional space is needed for testimony/statements/findings of facts/recommendations.
  - h. The completed Disciplinary Report is forwarded to the Warden/Division Director/Designee.
2. The Warden/Division Director/Designee shall:
  - a. Approve or disapprove the findings and/or recommendation(s) within ten (10) working days after the hearing date.
    - (1) The Warden/Division Director/Designee shall **not** overturn a finding of “Not Guilty”.
    - (2) The Warden/Division Director/Designee may increase or decrease the sanctions recommended by the Hearing Officer based on the existence of aggravating or mitigating factors, respectively. In no event, however, may the Warden/Division Director/Designee reduce the sanctions below the minimum sanctions required by this AR.
  - b. Ensure that the completed ADOC Form 403-A is served on the inmate as soon as possible. All approved sanction(s) shall begin at that time, unless there were sanctions already pending. In this case, sanctions shall run consecutively. If Restrictive Housing is an

approved sanction, the Restrictive Housing time will include any time already served in restrictive housing, regardless of status.

- c. For inmates housed in the RTU, SU, or SLU, the treating MHP or psychologist will be notified when the inmate is to be informed of any adverse outcomes in a disciplinary proceeding. If the treating MHP or psychologist deems it clinically appropriate, the inmate will be seen by the treating MHP or psychologist for an in person, out-of-cell evaluation in a confidential setting within three (3) hours of being informed of the adverse outcome so that any clinically appropriate therapeutic intervention may occur.
3. If the Warden/Division Director/Designee **approves** a disciplinary report, he/she shall reflect this action on **line 21**. A completed signed copy of the disciplinary report shall be served on the inmate as soon as possible.
    - a. Disciplinary findings resulting in a guilty finding shall be entered into the inmate database.
    - b. The original ADOC Form 403-A is stamped as "Entered," initialed and dated by the staff, entered into the inmate database, and forwarded to the Central Records Division.
    - c. A copy is forwarded to the Board of Pardons and Parole, except for those inmates serving a Life Without Parole (LWOP) or death sentence.
    - d. A copy is provided to the inmate.
    - e. A copy is forwarded to the sentencing judge in accordance with AR 428, *Notification to the Court - Split Sentence (Act 754)*.
  4. If the Warden/Division Director/Designee **disapproves** a disciplinary report, he/she shall reflect this action on **line 21**. A completed signed copy of the disciplinary report shall be served on the inmate as soon as possible.
    - a. The original shall be maintained at the facility.
    - b. A copy will be uploaded in the disciplinary module.
    - c. A copy will be vaulted into the inmate database.

D. Miscellaneous Provisions for Disciplinary Hearings:

1. If the arrest of an inmate is made upon information from confidential source(s), the following procedures should be followed:
  - a. The identity of a confidential source(s) of information shall remain confidential. Precautions must be taken to ensure the reliability of any information received from a confidential source(s).

- b. No decision in a disciplinary proceeding may be based upon information from an undisclosed informant unless there is corroborating information or evidence, or unless the reliability of the source satisfies the Hearing Officer that the information is true. The basis for accepting the source as reliable should be independently determined by the Hearing Officer and indicated in his/her findings of facts on line 18 of ADOC Form 403-A.
  2. Witnesses are required to appear at the hearing unless excluded for specific reasons by the Hearing Officer. The Hearing Officer can excuse witnesses for the following reasons, but is not limited to:
    - a. The inmate's witness declines to appear voluntarily.
    - b. The witness is going to give repetitive testimony.
    - c. The witness does not have personal knowledge of the circumstance of the incident.
    - d. The presence of the witness might endanger the security of the facility.
    - e. The inmate pleads guilty.
    - f. Witnesses may give testimony via telephone with the accused inmate being able to hear the testimony.
  3. The reason(s) for not calling any witness(es) requested by an inmate shall be explained to the inmate and documented on **line 16** of ADOC Form 403-A.
  4. If the Warden/Division Director/Designee determines that procedural requirement was not followed in the first hearing, then the first disciplinary report shall be disapproved. A second disciplinary hearing may be initiated, conducted, and approved/disapproved by the Warden within ten (10) working days following the Warden's/Division Director's/Designee's voiding order. A disciplinary hearing on the same violation may be re-initiated **only once**.
    - a. In the case of re-initiation, the word "Re-Initiation" shall be annotated on the top right of ADOC Form 403-A.
    - b. The re-initiated disciplinary report shall be served, and the above established procedures will be followed.
- E. Miscellaneous Provisions for Low Level Rule Violations:
  1. Inmates being cited for a Low-Level Rule Violation who **are not** in Good Time Earning Status may receive a Behavior Citation.

2. Inmates being cited for a Low-Level Rule Violation who **are** in Good Time Earning Status shall receive a disciplinary report and forfeit a minimum of one day of accrued Good Time.
3. Citations shall only be used when an inmate **is not** in Good Time Earning Status.
4. Low Level Rule Violations by inmates housed in a SU, RTU, or crisis placement shall be handled in the mental health treatment planning process, rather than through the formal disciplinary process. Disciplinary sanctions deemed appropriate by the inmate's treatment team may be imposed at the direction of mental health staff, with documentation of the behavior and any sanction imposed to be placed in the inmate's mental health file.
5. For inmates housed in an SLU, Low Level Rule Violations may be handled through the formal disciplinary process unless the mental health staff member performing the mental health consultation determines that the use of the formal disciplinary process is clinically contraindicated. In that event, the Low-Level Rule Violation shall be handled in the mental health treatment planning process, rather than through the formal disciplinary process.

F. Procedures For Behavior Citations:

1. An inmate in the custody and control of the Alabama Department of Corrections who commits a violation may be issued an ADOC Form 403-C, *Behavior Citation*, by an employee.
2. The citing employee shall inform the inmate that a Behavior Citation, ADOC Form 403-C, is being initiated against him/her and provide the supporting reason(s). If the inmate is currently on acute or non-acute suicide watch or mental health observation, then the Behavior Citation will not be provided to the inmate unless and until a member of the inmate's treatment team approves it. An ADOC Form 302-A, *Incident Report*, is required on all violations.
3. The citing employee shall inform the inmate that a Behavior Citation, ADOC Form 403-C, is being initiated against him/her and provide the supporting reason(s). If the inmate is currently on acute or non-acute suicide watch or mental health observation, then the Behavior Citation will not be provided to the inmate unless and until a member of the inmate's treatment team approves it. An ADOC Form 302-A, *Incident Report*, is required on all violations.
4. For inmates with a mental health code of C or higher, or an SMI designation, or an intellectual or developmental disability, who are not housed in an RTU or SU, the provisions of AR 626, *Mental Health Consultation to the Disciplinary Process*, shall apply.
5. The employee's supervisor shall conduct an investigation surrounding the circumstances of the incident utilizing ADOC Form 403-C and ADOC

Form 302-A. He/She shall confer with the employee to determine the facts and shall meet with the inmate to present the findings. The Supervisor shall then make a recommendation of sanction(s), if warranted. The loss of privileges or other sanctions shall follow the authorized sanctions outlined in Annex B, *Rule Violations Authorized Sanctions Table*. If the inmate is currently on acute or non-acute suicide watch or mental health observation, then the findings of the investigation and any resulting disciplinary sanctions will not be provided to the inmate unless and until a member of the inmate's treatment team approves it.

6. The inmate shall be instructed to sign ADOC Form 403-C acknowledging discussion with the supervisor regarding the details of the incident and the recommended sanction(s). If the inmate refuses to sign, then the supervisor shall indicate by writing "Refused to Sign" and affix his/her signature.
7. The supervisor shall forward ADOC Form 403-C and ADOC Form 302-A to the Warden/Division Director/Designee for final action.
8. The Warden/Division Director/Designee may:
  - a. Approve the citation and sanction(s);
  - b. Approve the citation and modify the sanction(s);
  - c. Disapprove the citation;
  - d. Disapprove the citation with instructions to initiate a disciplinary report.
9. After the Warden/Division Director/Designee has completed the action, the inmate shall be served a completed copy of the approved sanction(s) and the effective date by the Serving Officer. If the inmate refuses to sign the form, then the Serving Officer shall write "Refused to Sign" and affix his/her signature and give the inmate a copy.
10. Distribution of ADOC Form 403-C shall be as follows:
  - a. The original will be maintained at the facility;
  - b. A copy will be uploaded into the Disciplinary Module and a copy vaulted in the inmate database;
  - c. Approved citations shall be forwarded to the appropriate staff for implementation of sanction(s) as necessary;
  - d. A copy shall be forwarded to the Board of Pardons and Parole, except for those inmates serving a LWOP of Death sentence;
  - e. A copy is provided to the inmate.

11. ADOC's mental health vendor will review and consider the mental health consultation to the disciplinary process as part of its continuous quality improvement (CQI) process to ensure an effective mental health consultation, that is properly documented, and appropriate outcomes based upon the mental health consultation.

G. Miscellaneous:

1. Annex A, *Rule Violations Table*, contains a numerical listing of Severe, High, Medium, and Low-Level Rule Violations.
2. Annex B, *Rule Violations Authorized Sanctions Table*, contains a listing of Severe, High, Medium, and Low-Level Rule Violation authorized sanctions.
3. Authorized sanctions listed in Annex B, *Rule Violations Authorized Sanctions Table* are intended to promote consistency within the ADOC and to guide staff with specific imposition of sanctions. At times, there may be mitigating and or aggravating circumstances surrounding a rule violation level, and as such, the appropriate level of sanctions may be increased or decreased in relation to these levels. (Examples of mitigating or aggravating circumstances: serious injuries or lack thereof or violating additional laws and/or rule violations during the incident). In no event, however, may the sanctions be reduced below the minimum standards set out in this AR.
4. Annex C, *Rule Violations Definitions and Examples*, contains a numerical listing of Severe, High, Medium, and Low-Level Rule Violations with definitions and examples.
5. Approved actions and sanctions shall begin on the date that the data is entered into the respective system(s). Restrictive Housing sanction shall begin upon the inmates' placement in disciplinary status, depending upon cell space availability.
6. Inmates who have accrued Good Time will lose at least one (1) day of Good Time if found guilty of a violation.
7. An inmate found guilty of violating the Alabama Sex Offender Registration and Community Notification Act (ASORCNA) shall have all Good Time revoked through the disciplinary process.
8. A sex offender who earns Good Time and refuses to provide the required registration information in accordance with ASORCNA will be given a disciplinary report. The disciplinary process shall be completed prior to the inmate's release date and all Good Time shall be revoked in accordance with Alabama Code 15-20A-9(a)(5)



**VI. DISPOSITION**

Any forms used will be disposed of and retained according to the Departmental Records Disposition Authority (RDA).

**VII. ANNEXES AND FORMS**

- A. Annex A, *Rule Violations Table*.
- B. Annex B, *Rule Violations Authorized Sanctions Table*.
- C. Annex C, *Rule Violations Definitions and Examples*.
- D. ADOC Form 403-A, *Disciplinary Report*.
- E. ADOC Form 403-B, *Disciplinary Report (Continuation)*.
- F. ADOC Form 403-C, *Behavior Citation*.
- G. ADOC Form 403-D, *Notice of Postponement of Disciplinary Hearing*.

**VIII. SUPERSEDES**

- A. This Administrative Regulation **supersedes** AR 403, *Disciplinary Hearing Procedures for Major Rule Violations*, dated January 30, 2003, and any changes.
- B. This Administrative Regulation **rescinds** AR 414, *Behavior Citation Procedures for Informal Disciplinary Actions*, dated October 3, 1996, and any changes.

**IX. PERFORMANCE**

- A. Alabama Governor's Executive Order #725, issued January 9, 2023.
- B. Federal Law Wolff v. McDonnell, 418 U. S. 539 (1974).
- C. Federal Law Sandin v. Connor, 515 U. S. 472, 484 (1995).
- D. Alabama Code 1975 § 14-1-1.1 *et seq.* and § 14-9-41.
- E. American Correctional Association (ACA), *Standards for Adult Correctional Facility's*, Fourth Edition, 4-4271, 4-4272, 4-4497.
- F. ADOC AR 302, *Incident Reporting*.
- G. ADOC AR 427, *Correctional Incentive Time*.
- H. ADOC AR 428, *Notification to the Court - Split Sentence (Act 754)*.
- I. ADOC AR 613, *Mental Health Coding and Tracking of Inmates*.

- J. ADOC AR 626, *Mental Health Consultation to the Disciplinary Process*.
- K. Code of Alabama 1975 § 14-1-1.1 *et seq.*



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John Hamm  
Commissioner

# Alabama Department of Corrections

## Rule Violations Table

### RV # SEVERE LEVEL VIOLATIONS

901	Homicide
903	Assault with a weapon on person(s) associated with the ADOC
905	Assault with a weapon on person(s) <u>not</u> associated with the ADOC
907	Assault with a weapon on an inmate
908	Seizing or holding hostage(s) in any manner
911	Sexual assault (forcible)
913	Escape by force
914	Escape without force
917	Attempt to escape by force

### RV # HIGH LEVEL VIOLATIONS

902	Assault on person(s) associated with the ADOC
904	Assault on person(s) <u>not</u> associated with the ADOC
906	Assault on an inmate
909	Unlawfully detaining a person
910	Fighting with a weapon
912	Sexual offense (non-forcible) / soliciting
915	Robbery
916	Gathering in a threatening or intimidating manner
918	Attempt to escape without force
919	Unauthorized possession of escape device (to include a cell phone, if it was used in the commission of an escape)
920	Inciting a riot or rioting
921	Unauthorized possession of a weapon or device that could be used as a weapon
922	Threat
923	Indecent exposure / exhibitionism / lewd conduct
924	Encouraging or causing others to stop work
925	Failure to obey a direct order of an ADOC employee
926	Arson
927	Possession of unauthorized drugs, intoxicants, or paraphernalia
928	Use of / under the influence of alcohol, narcotics, or other intoxicants
929	Extortion or blackmail
930	Forgery
931	Bribery or attempted bribery
932	Fighting without a weapon resulting in serious injury
933	Being arrested or convicted of a felony
934	Possession of contraband
935	Absconding from Supervision
936	Violation of State or Federal Statute(s)

## Rule Violations Table

RV #

### MEDIUM LEVEL VIOLATIONS

- 501 Fighting without a weapon
- 502 Being fired from job **(Second offense or more in 12-month period)**
- 503 Being in an unauthorized area **(Second offense or more in a 12-month period)**
- 504 Disrupting the count
- 505 *Intentionally Omitted*
- 506 Disorderly Conduct **(Second offense or more in a 12-month period)**
- 507 Possession of any security threat group (STG) paraphernalia, drawings, or graffiti, to include the utilization of any known STG symbols / signs
- 508 Destroying, stealing, disposing, altering, damaging, or selling State / another person's property
- 509 Unauthorized possession of State and / or another person's property
- 510 Conspiracy to commit a rule violation **(Second offense or more in a 12-month period)**
- 511 Aiding and abetting another person to commit a rule violation **(Second offense or more in a 12-month period)**
- 512 Lying **(Second offense or more in a 12-month period)**
- 513 Harassment
- 514 Counterfeiting
- 515 Failure to comply with the agreement and conditions of leave or pass
- 516 Possession of contraband **(Second offense or more in a 12-month period)**
- 517 Insubordination **(Second offense or more in a 12-month period)**
- 518 Refusing to work / fail to check out for work
- 519 Delaying, hindering, or interfering with an employee in performance of his / her duty
- 520 Failure to pay fees (supervision, court costs, restitution, or any other court ordered fee(s))
- 521 Changing sponsor, residence, or employment without supervisor's approval
- 522 Unauthorized association / communication with ex-felons
- 523 Curfew violation
- 524 Violation of Supervised Re-Entry Program policies and procedures
- 525 Violation of State or Federal statute(s)
- 526 Use of alcoholic beverage/patronizing establishments where alcoholic beverages are primarily served
- 527 Violation of facility rules **(Second offense or more in a 12-month period)**
- 528 Unauthorized possession of a phone(s) / accessory(s)

**Rule Violations Table**

**RV #**

**LOW LEVEL VIOLATIONS**

301	Gambling
302	Violation of facility mail rules
303	Violation of visiting privileges
304	Unauthorized operation of a vehicle / equipment
305	Unauthorized use of facility resources
306	[Intentionally Omitted]
307	Marrying without permission
308	Charging or accepting any compensation for legal assistance
309	Violation of facility rules
310	Trading, bartering, and selling
311	Possession of contraband
312	Insubordination
313	Lying
314	Disorderly conduct
315	Being in an unauthorized area
316	Smoking in an unauthorized area
317	Conspiracy to commit a rule violation
318	Aiding and abetting another person to commit a rule violation
319	Being fired from a job

## **Rule Violations Authorized Sanctions Table**

### **SEVERE LEVEL RULE VIOLATION SANCTIONS**

1. Forfeiture of all accrued Good Time.
2. Permanent bar from Good Time earning status.
3. Confinement to Restrictive Housing for up to 60 days.
4. Recommend custody review.
5. Loss of any and all privileges / incentives for up to 90 days.

### **HIGH LEVEL RULE VIOLATION SANCTIONS**

1. Forfeiture of a minimum of 1,080 accrued Good Time days, or the entire accrued Good Time leave balance if less than 1,080 days.
2. At least one year bar from Good Time earning status.
3. Confinement to Restrictive Housing for up to 45 days.
4. Recommend custody review.
5. Loss of any and all privileges / incentives for up to 60 days.
6. Extra duty for up to 60 days.
7. Recommend job change.
8. Financial compensation for property damage.
9. Possession of a cellular telephone shall result in the loss of six (6) months of visitation privileges and a \$25.00 processing fee per offense. The fee shall increase by \$25.00 per offense.
10. All inmates confirmed for a positive drug test will be charged the current fee set by the outside toxicology laboratory.

### **MEDIUM LEVEL RULE VIOLATION SANCTIONS**

1. Forfeiture of a minimum of 720 accrued Good Time days, or the entire accrued Good Time leave balance if less than 720 days.
2. At least a six-month bar from Good Time earning status.
3. Confinement to Restrictive Housing for up to 30 days.
4. Recommend custody review.
5. Loss of any and all privileges / incentives for up to 45 days.
6. Extra duty for up to 45 days.
7. Recommend job change.
8. Financial compensation for property damage.
9. Possession of a cellular telephone shall result in the loss of six (6) months of visitation privileges and a \$25.00 processing fee per offense. The fee shall increase by \$25.00 per offense.

## **Rule Violations Authorized Sanctions Table**

### **LOW LEVEL RULE VIOLATION SANCTIONS**

1. Forfeiture of a minimum of one (1) day of accrued Good Time and a maximum of thirty (30) days of accrued Good Time.
2. Optional bar from Good Time earning status for period of time determined by disciplinary hearing officer.
3. Loss of any and all privileges / incentives for up to 30 days (Privileges include but are not limited to: Canteen, Telephone, Visiting, and Outside (i.e., shopping, recreation, etc.)).
4. Recommend job change.
5. Extra duty for up to 30 days.
6. Counseling /Warning.
7. Removal from Hobby Craft.
8. Loss of Incentive Package.
9. Draw cut to (Community Based Facility's Only).
10. Restriction / Inmate Uniform for \_\_\_ days (Community Based Facility's Only).
11. Loss of Passes for six (6) months (Community Based Facility's Only).
12. Return to Inmate Staff for \_\_\_ days (Community Based Facility's Only).

**RULE VIOLATIONS DEFINITIONS AND EXAMPLES**

**RV #**

**SEVERE LEVEL VIOLATIONS**

- 901 **HOMICIDE**: The death of a human being caused by another person's actions. [A person that intentionally, knowingly, recklessly, or with criminal negligence causes the death of another person. REF: Alabama Code, Section 13A-6-1]
- 903 **ASSAULT WITH A WEAPON ON A PERSON(S) ASSOCIATED WITH THE ADOC**: Any willful attempt or threat to inflict injury upon an employee or person associated with the ADOC, with a weapon, giving the victim reason to fear or expect immediate bodily harm.
- 905 **ASSAULT WITH A WEAPON ON A PERSON(S) NOT ASSOCIATED WITH THE ADOC**: Any willful attempt or threat to inflict injury upon an employee or person not associated with the ADOC, with a weapon, giving the victim reason to fear or expect immediate bodily harm.
- 907 **ASSAULT WITH A WEAPON ON AN INMATE**: Any willful attempt or threat to inflict injury upon an inmate, with a weapon, giving the victim reason to fear or expect immediate bodily harm.
- 908 **SEIZING OR HOLDING HOSTAGE(S) IN ANY MANNER**: Detaining an individual with the threat to harm that individual unless specific demands are met.
- 911 **SEXUAL ASSAULT (FORCIBLE)**: Any willful attempt or threat to inflict injury with the intent to commit the crime of rape or other sexual offense upon an inmate, officer, employee, or any other person, giving the victim reason to fear or expect immediate bodily harm.
- 913 **ESCAPE BY FORCE**: The departure by a lawfully detained inmate, out of the custody of the ADOC or other legal agency, with the intent to avoid confinement by use of physical strength, compulsion, or power.
- 914 **ESCAPE WITHOUT FORCE**: The departure by a lawfully detained inmate, out of the custody of the ADOC or other legal agency, with the intent to avoid confinement.
- 917 **ATTEMPT TO ESCAPE BY FORCE**: An effort by a lawfully detained inmate to depart from the custody of the ADOC, or other legal agency, with the intent to avoid confinement by use of physical strength, compulsion, or power.



**RULE VIOLATIONS DEFINITIONS AND EXAMPLES**

**RV #**

**HIGH LEVEL VIOLATIONS**

- 902 **ASSAULT ON A PERSON(S) ASSOCIATED WITH THE ADOC**: Any willful attempt or threat to inflict injury upon an employee or person associated with the ADOC giving the victim reason to fear or expect immediate bodily harm.
- 904 **ASSAULT ON A PERSON(S) NOT ASSOCIATED WITH THE ADOC**: Any willful attempt or threat to inflict injury upon a person not associated with the ADOC giving the victim reason to fear or expect immediate bodily harm.
- 906 **ASSAULT ON AN INMATE**: Any willful attempt or threat to inflict injury upon an inmate giving the victim reason to fear or expect immediate bodily harm.
- 909 **UNLAWFULLY DETAINING A PERSON**: Holding a person against his / her will.
- 910 **FIGHTING WITH A WEAPON**: Two or more individuals engaging in mutual combat with a weapon(s) or a device(s) used as a weapon(s) in which the principal aggressor is not determined.
- 912 **SEXUAL OFFENSE (NON-FORCIBLE) / SOLICITING**: Commission of any sexual act during which both participants act willingly, to include touching, hugging, fondling, kissing, etc.
- 915 **ROBBERY**: The taking of property from another person by the use of force, or the threat of the use of force, with the intent to deprive that person of the property.
- 916 **GATHERING IN A THREATENING OR INTIMIDATING MANNER**: Self-explanatory
- 918 **ATTEMPT TO ESCAPE WITHOUT FORCE**: An effort by a lawfully detained inmate to depart from the custody of the ADOC or other legal agency, with the intent to avoid confinement.
- 919 **UNAUTHORIZED POSSESSION OF ESCAPE DEVICE**: Having in one's possession any device that could be used to attempt or effect an escape such as, but not limited to, a key(s), disguise(s), map(s), replica of a human being, an instrument to pick a lock, and cell phone (if the cell phone was used in the commission of an escape).

## RULE VIOLATIONS DEFINITIONS AND EXAMPLES

### HIGH LEVEL VIOLATIONS (CONTINUED)

- 920 **INCITING A RIOT OR RIOTING**: Soliciting or encouraging other persons by speech or actions and / or engaging in conduct that would create a substantial risk to facility security or public safety.
- 922 **THREAT**: A communicated intent to inflict harm to another individual or group of individuals by verbal or written expression.
- 923 **INDECENT EXPOSURE/EXHIBITIONISM/LEWD CONDUCT**: Public exposure of the private parts of the body in a lewd or obscene manner. Lewd conduct consists of any act of a sexual nature or gesture directed at another person.
- 924 **ENCOURAGING OR CAUSING OTHERS TO STOP WORK**: Self-explanatory
- 925 **FAILURE TO OBEY A DIRECT ORDER OF AN ADOC EMPLOYEE**: Refusing to comply with an order issued by an ADOC employee in the performance of duty.
- 926 **ARSON**: The malicious burning of state property or items belonging to an inmate or another person.
- 927 **POSSESSION OF UNAUTHORIZED DRUGS, INTOXICANTS, OR PARAPHERNALIA**: Having in one's possession any unauthorized drugs, substance(s), or item(s) used in the administration of drugs or for the manufacture of drugs.
- 928 **USE OF/UNDER THE INFLUENCE OF ALCOHOL, NARCOTICS, OR OTHER INTOXICANTS**: The use of, or being under the influence of, unauthorized substance(s) or intoxicant(s).
- 929 **EXTORTION OR BLACKMAIL**: Unlawfully demanding, soliciting, or receiving money or anything of value in return for protection from others in order to avoid bodily harm or under threat of any kind.
- 930 **FORGERY**: The making, altering, possession, or transfer of a written instrument or document with the intent to defraud or deceive.
- 931 **BRIBERY OR ATTEMPTED BRIBERY**: Conspiring and/or offering an individual(s) anything of value with the intent to affect or influence action or receiving anything of value for such a purpose.

**RULE VIOLATIONS DEFINITIONS AND EXAMPLES**

**HIGH LEVEL VIOLATIONS (CONTINUED)**

- 933 **BEING ARRESTED OR CONVICTED OF A FELONY**: Self-explanatory.
- 934 **POSSESSION OF CONTRABAND**: The possession of any item **NOT** issued to an inmate by the ADOC or retained in its present form, location, or intended use, sold in the canteen / snack line, or authorized by the Warden. To include, but not be limited to, weapons (i.e., firearms, knives, clubs, tools, etc.) ammunition, intoxicant, currency, escape device(s).
- 935 **ABSCONDING FROM SUPERVISION**: Absent without permission.
- 936 **VIOLATION OF STATE OR FEDERAL STATUTE(S)**: Self-explanatory

## RULE VIOLATIONS DEFINITIONS AND EXAMPLES

- | RV # | MEDIUM LEVEL VIOLATIONS  |
|------|--|
| 501  | <b><u>FIGHTING WITHOUT A WEAPON</u></b> : Two or more individuals engaging in mutual combat with <u>no</u> weapon(s), <u>no</u> serious injury, and where the principal aggressor is not determined. |
| 502  | <b><u>BEING FIRED FROM JOB</u></b> : Being terminated from employment or assigned job for cause.   |
| 503  | <b><u>BEING IN AN UNAUTHORIZED AREA</u></b> : Presence in an area without permission.  |
| 504  | <b><u>DISRUPTING THE COUNT</u></b> : Action/inaction of an inmate that affects the staff member(s) ability to conduct the facility count.  |
| 505  | <i>Intentionally Omitted</i>   |
| 506  | <b><u>DISORDERLY CONDUCT</u></b> : Disruptive behavior that would create risk to facility security or to the routine operation of the facility.  |
| 507  | <b><u>POSSESSION OF ANY SECURITY THREAT GROUP (STG) PARAPHERNALIA, DRAWINGS, OR GRAFFITI, TO INCLUDE THE UTILIZATION OF ANY KNOWN STG SYMBOLS/SIGNS</u></b> : Self-explanatory.                      |
| 508  | <b><u>DESTROYING, STEALING, DISPOSING, ALTERING, DAMAGING, OR SELLING STATE / ANOTHER PERSON'S PROPERTY</u></b> : Self-explanatory.  |
| 509  | <b><u>UNAUTHORIZIED POSSESSION OF STATE AND/OR ANOTHER PERSON'S PROPERTY</u></b> : Self-explanatory.   |
| 510  | <b><u>CONSPIRACY TO COMMIT A RULE VIOLATION</u></b> : Two or more persons collaborating to violate a rule(s).  |
| 511  | <b><u>AIDING AND ABETTING ANOTHER PERSON TO COMMIT A RULE VIOLATION</u></b> : To encourage or support another person to violate a rule(s).   |
| 512  | <b><u>LYING</u></b> : Giving false testimony or making a false charge to an employee with the intent to deceive the employee or to prejudice another person.   |
| 513  | <b><u>HARASSMENT</u></b> : To badger, bait, torment, pursue, or intimidate another person.   |

## RULE VIOLATIONS DEFINITIONS AND EXAMPLES

- RV #**                                    **MEDIUM LEVEL VIOLATIONS (CONTINUED)**
- 514    **COUNTERFEITING**: To imitate, without authority, in order to deceive or defraud by passing a copy as the original; for example, altering postage stamps, money orders, or other documents.
- 515    **FAILURE TO COMPLY WITH THE AGREEMENT AND CONDITIONS OF LEAVE OR PASS**: Self-explanatory, to include, but not limited to, travel arrangements of the leave or pass plan.
- 516    **POSSESSION OF CONTRABAND**: The possession of any item **NOT** issued to an inmate by the ADOC or retained in its present form, location, or intended use, sold in the canteen / snack line, or authorized by the Warden. To include, but not be limited to, currency, pornography, the possession of any item(s) exceeding authorized limits, item(s) bartered, or item(s) without proof of purchase.
- 517    **INSUBORDINATION**: Any act, gesture, remark, or statement that reflects disrespect to authority.
- 518    **REFUSING TO WORK/FAIL TO CHECK OUT FOR WORK**: Self-explanatory.
- 519    **DELAYING, HINDERING, OR INTERFERING WITH AN EMPLOYEE IN PERFORMANCE OF HIS/HER DUTY**: Self-explanatory.
- 520    **FAILURE TO PAY FEES (SUPERVISION, COURT COSTS, RESTITUTION, OR ANY OTHER COURT ORDERED FEE(S))**: Self-explanatory.
- 521    **CHANGING SPONSOR, RESIDENCE, OR EMPLOYMENT WITHOUT SUPERVISOR'S APPROVAL**: Self-explanatory.
- 522    **UNAUTHORIZED ASSOCIATION / COMMUNICATION WITH EX-FELONS**: Self-explanatory.
- 523    **CURFEW VIOLATION**: Self-explanatory.
- 524    **VIOLATION OF SUPERVISED RE-ENTRY PROGRAM POLICIES AND PROCEDURS**: Self-explanatory.

**RULE VIOLATIONS DEFINITIONS AND EXAMPLES**

**RV # MEDIUM LEVEL VIOLATIONS (CONTINUED)**

- 525 **VIOLATION OF STATE OR FEDERAL STATUTE(S)**: Self-explanatory.
- 526 **USE OF ALCOHOLIC BEVERAGE/PATRONIZING ESTABLISHMENTS WHERE ALCOHOLIC BEVERAGES ARE PRIMARILY SERVED**: Self-explanatory.
- 527 **VIOLATION OF FACILITYAL RULES**: Failure to comply with facility standard operating procedures or Warden's directive.
- 528 **UNAUTHORIZED POSSESSION OF A PHONE(S) / ACCESSORY(S)**: Any communication device(s), or accessory(s), **NOT** issued to an inmate by the ADOC. To include, but not be limited to, cell phones, cell phone chargers, SIM cards, land-line phones, link phones, and walkie-talkies.

## RULE VIOLATIONS DEFINITIONS AND EXAMPLES

- | RV # | LOW LEVEL VIOLATIONS  |
|------|---|
| 301  | <b><u>GAMBLING</u></b> : Staking or wagering of money or other items of value on a game of chance or on an uncertain event.   |
| 302  | <b><u>VIOLATION OF FACILITY MAIL RULES</u></b> : Any unauthorized correspondence such as, but not be limited to, kiting, smuggling, extortion, coercion, writings that contain threats, obscene language, escape plots; writings that contain language purported to solicit, claim, or demand money, goods, or services.                                    |
| 303  | <b><u>VIOLATION OF VISITING PRIVILEGES</u></b> : Inappropriate action(s)/behavior(s) that fail to comply with AR 303, <i>Visitation</i> .   |
| 304  | <b><u>UNAUTHORIZED OPERATION OF A VEHICLE/EQUIPMENT</u></b> : Self-explanatory.   |
| 305  | <b><u>UNAUTHORIZED USE OF FACILITY RESOURCES</u></b> : Using resources without permission to include, but not be limited to, food, carbon paper, supplies, linens, computers, and telephones.   |
| 306  | [Intentionally left blank]  |
| 307  | <b><u>MARRYING WITHOUT PERMISSION</u></b> : Self-explanatory.   |
| 308  | <b><u>CHARGING OR ACCEPTING ANY COMPENSATION FOR LEGAL ASSISTANCE</u></b> : Self-explanatory.   |
| 309  | <b><u>VIOLATION OF FACILITY RULES</u></b> : Failure to comply with facility standard operating procedures.  |
| 310  | <b><u>TRADING, BARTERING, AND SELLING</u></b> : An unauthorized exchange of personal items, goods, or services.   |
| 311  | <b><u>POSSESSION OF CONTRABAND</u></b> : Any item <b><u>NOT</u></b> issued to an inmate by the ADOC or retained in its present form, location, or intended use, sold in the canteen/snack line, or authorized by the Warden. To include, but not be limited to, sneakers, altered documents, altered clothing, altered radios, food items in small amounts. |
| 312  | <b><u>INSUBORDINATION</u></b> : Any act, gesture, remark, or statement that reflects disrespect to authority.   |

**RULE VIOLATIONS DEFINITIONS AND EXAMPLES**

**RV #**

**LOW LEVEL VIOLATIONS (CONTINUED)**

- 313 **LYING**: Giving false statement or making a false charge of a minor nature to an employee with the intent to deceive the employee or to prejudice another person.
- 314 **DISORDERLY CONDUCT**: Disruptive behavior that would create risk of a minor nature, such as horseplaying.
- 315 **BEING IN AN UNAUTHORIZED AREA**: Presence in an area without permission.
- 316 **SMOKING OR USE OF TOBACCO PRODUCTS IN AN UNAUTHORIZED AREA** : Self-explanatory.
- 317 **CONSPIRACY TO COMMIT A RULE VIOLATION**: Two or more persons collaborating to violate a rule(s) of a minor nature.
- 318 **AIDING AND ABETTING ANOTHER PERSON TO COMMIT A RULE VIOLATION** : To encourage or support another person to violate a rule(s) of a minor nature.
- 319 **BEING FIRED FROM A JOB**: Being terminated from employment or assigned job for cause.



**Notice of Postponement of Disciplinary Hearing**

1. Inmate: \_\_\_\_\_ Custody: \_\_\_\_\_ AIS# \_\_\_\_\_

2. Facility: \_\_\_\_\_ Disciplinary Number: \_\_\_\_\_

3. The above inmate is being charge by \_\_\_\_\_ with a violation of Rule Number \_\_\_\_\_ specifically, \_\_\_\_\_ from Administrative Regulation #403, which occurred on or about \_\_\_\_\_, 20\_\_\_\_\_, at (time) \_\_\_\_\_ (am/pm), location \_\_\_\_\_. A hearing on this charge will be held at least 24 hours after the inmate is served.

4. Circumstances of the violation(s) are as follows: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Date) (Arresting Official's Signature (Title))

5. I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_, at (time) \_\_\_\_\_ (am/pm), I have personally served a copy of the foregoing upon the above-named inmate, and I have informed the inmate of his/her right to present oral or written statement at the hearing and to present written questions for the witnesses.

6. Witnesses desired? NO: \_\_\_\_\_ YES: \_\_\_\_\_  
(Inmate's Signature) (Inmate's Signature)

7. If yes, List: \_\_\_\_\_  
\_\_\_\_\_

8. Hearing Date: \_\_\_\_\_ Time: \_\_\_\_\_ Place: \_\_\_\_\_

9. Inmate must be present in Hearing Room. If he/she is not present explain in detail on addition page and attach.

10. The Arresting Official, Inmate, and all witnesses were sworn to tell the truth.

\_\_\_\_\_  
(Hearing Officer's Signature)

Alabama Department of Corrections

11. A finding is made that the inmate (is/is not) capable of representing himself/herself.

\_\_\_\_\_  
(Hearing Officer's Signature)

12. Plea: \_\_\_\_\_ Not Guilty \_\_\_\_\_ Guilty  
(Inmate's Signature) (Inmate's Signature)

13. Arresting Official's testimony (at the hearing):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14. Inmate's Testimony: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

14.a Witness: \_\_\_\_\_ Substance of Testimony: \_\_\_\_\_  
\_\_\_\_\_

14.b Witness: \_\_\_\_\_ Substance of Testimony: \_\_\_\_\_  
\_\_\_\_\_

14.c Witness: \_\_\_\_\_ Substance of Testimony: \_\_\_\_\_  
\_\_\_\_\_

15. The inmate was allowed to submit question(s) to all witnesses. Copy of questions and answers are attached.

\_\_\_\_\_  
(Hearing Officer's Signature)

16. The following witnesses were not called:                      Reasons not called:

a.	_____	_____
b.	_____	_____
c.	_____	_____

17. After hearing all of the testimony, the Hearing Officer makes the following findings of fact: **(Be Specific)**

The Hearing Officer finds that: \_\_\_\_\_  
\_\_\_\_\_

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18. Basis for finding of fact: \_\_\_\_\_  
\_\_\_\_\_

19. Hearing Officer's decision:  Guilty  Not Guilty

20. Recommendation of Hearing Officer: \_\_\_\_\_

\_\_\_\_\_  
(Typed Name and Title)

\_\_\_\_\_  
(Hearing Officer's Signature)

21. Warden's/Division Director/designee Action-Date: \_\_\_\_\_

Approved: \_\_\_\_\_

Disapproved: \_\_\_\_\_

Other (Specify): \_\_\_\_\_

22. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the

above-named inmate on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at

(time) \_\_\_\_\_ (am/pm).

23. \_\_\_\_\_

(Serving Officer's Signature)

\_\_\_\_\_  
(Inmates Signature and AIS #)

Distribution:

Copy to:

- Original to Central Records Division
- Law Enforcement Services Division (LESF) (If Federal or State law violated)
- Inmate Facility File
- Board of Pardons and Parole
- Sentencing Judge (if applicable)

**DISCIPLINARY REPORT (CONTINUATION)**

1. Inmate: \_\_\_\_\_ Custody: \_\_\_\_\_ AIS#: \_\_\_\_\_

2. Facility: \_\_\_\_\_ Disciplinary Number: \_\_\_\_\_

3. Arresting Official's testimony (at the hearing). Questions By Hearing Officer to Arresting Official (continued):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Inmate's testimony. Questions By Hearing Officer to Inmate (continued):

\_\_\_\_\_

5. Witness(es) testimony. Questions By hearing Officer to Witness(s) (continued):

\_\_\_\_\_

6. Findings of Fact (continued): \_\_\_\_\_

7. Basis for Findings of Fact (continued): \_\_\_\_\_

8. Recommendation of Hearing Officer (continued): \_\_\_\_\_

Other: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Hearing Officer's Signature)

Alabama Department of Corrections

BEHAVIOR CITATION

1. Inmate: \_\_\_\_\_ Custody: \_\_\_\_\_ AIS #: \_\_\_\_\_

2. Facility: \_\_\_\_\_ Disciplinary Number: \_\_\_\_\_

3. Cell / Dorm / Bed #: \_\_\_\_\_ Job Assignment: \_\_\_\_\_

4. The above-named inmate is cited by: \_\_\_\_\_ for the following violation(s) of facility / department
Citing Employee's Name
infraction(s) as described: \_\_\_\_\_

5. Date of Infraction: \_\_\_\_\_ Time of Infraction: \_\_\_\_\_ a.m. / p.m.

6. Location of Infraction: \_\_\_\_\_

Citing Employee's Signature and Date

\*\*\*\*\*

7. I have investigated the circumstances surrounding this citation and recommend that the following sanction(s) be taken against this inmate.

- ( ) Counseling / Warning
( ) Extra Duty for \_\_\_\_\_ days at \_\_\_\_\_ hours per day under supervision \_\_\_\_\_ Shift
( ) Loss of Outside privileges for \_\_\_\_\_ days
( ) Loss of Canteen privileges for \_\_\_\_\_ days
( ) Loss of Telephone privileges for \_\_\_\_\_ days
( ) Loss of Visiting privileges for \_\_\_\_\_ days
( ) Removal from Hobby Craft
( ) Loss of incentive package
Community Base Facility's Only:
( ) Draw cut to \_\_\_\_\_ (minimum of \$25)
( ) Restriction / State Whites for \_\_\_\_\_ Days
( ) Loss of Passes for six (6) months
( ) Return to Inmate Staff for \_\_\_\_\_

(Inmate's Signature / AIS # / Date)

(Shift Supervisor's Signature / Title / Date)

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8. After having reviewed this citation and the recommended sanction(s) presented, the following action is approved.

- ( ) Citation and sanction(s) are approved.
( ) Citation and sanction(s) are approved as modified below:
( ) Citation and sanction(s) are disapproved. Submit request to disregard citation.
( ) Citation and sanction(s) are disapproved, and formal disciplinary action is to be immediately initiated under the provisions of ADOC AR 403.

(Effective Date of Sanction(s))

(Warden's / Designee's Signature / Date)

\*\*\*\*\*

9. Inmate's receipt of completed actions:

(Inmate's Signature / AIS # / Date)

Serving Officer's Signature: \_\_\_\_\_

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Distribution: Original to Central Records Division
Copy to: Inmate File, Inmate, Board of Pardons and Parole

Alabama Department of Corrections

**NOTICE OF POSTPONEMENT OF DISCIPLINARY HEARING**

1. Inmate: \_\_\_\_\_ Custody: \_\_\_\_\_ AIS# \_\_\_\_\_
2. Facility: \_\_\_\_\_ Disciplinary Number: \_\_\_\_\_
3. Cell/Dorm/Bed# \_\_\_\_\_ Job Assignment: \_\_\_\_\_
4. Violations: \_\_\_\_\_
5. Notice is hereby given that your Disciplinary Hearing which was scheduled at \_\_\_\_\_  
(Time)  
on \_\_\_\_\_ has been rescheduled for \_\_\_\_\_  
(Date) (Date and Time)
6. Reason for rescheduling: \_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Inmate's Signature/AIS#/Date

\_\_\_\_\_  
Serving Officer's Signature/Date