

2911.2850 INMATE DISCIPLINE PLAN.

Subpart 1. **Plan.** A facility shall have an inmate discipline plan that explains the administrative sanctions for specific behaviors, omissions, the administrative process for handling major and minor violations, the right to internal review, and the review process.

Subp. 2. **Disciplinary segregation.** A facility administrator or designee shall have and implement policies and procedures for disciplinary segregation. An inmate on disciplinary segregation status must be separated from the general population.

Subp. 3. **Due process.** Disciplinary segregation shall be used only in accordance with due process to include at a minimum:

- A. published rules of conduct and penalties for violation of rules;
- B. written notice of alleged violation of a rule;
- C. the right to be heard by an impartial hearing officer and to present evidence in defense:

- (1) the inmate may waive the hearing in writing; and

- (2) a written record is made of the disciplinary hearing and sanctions or other actions taken as a result of the hearing;

- D. the right to appeal;

- E. the status of an inmate placed on disciplinary segregation for more than 30 continuous days subsequent to a disciplinary hearing shall be reviewed, approved, and documented by the facility administrator or designee at least once every 30 days, and the facility shall develop written policy, procedure, and practice that provides that inmates in disciplinary segregation receive visits from the facility administrator or designee at least once every seven days as a part of the disciplinary segregation review process;

- F. an inmate placed in segregation for an alleged rule violation shall have a disciplinary hearing within 72 hours of segregation, exclusive of holidays and weekends, unless documented cause can be shown for delays. Examples of causes for delay are inmate requests for delay, or logistical impossibility, as in the case of mass disturbances; and

- G. the facility administrator or designee can order immediate segregation when it is necessary to protect the inmate or others. This action is reviewed and documented within three working days.

Subp. 4. **Other limitations on disciplinary actions.** A facility shall have written policy, procedure, and practice that provides that whenever an inmate in segregation is deprived of any usually authorized item or activity, a report of the action is made and forwarded to the facility administrator.

Subp. 5. **Delegation.** Delegation of authority to any inmate or group of inmates to exercise the right of punishment over any other inmate or group of inmates is prohibited.

Subp. 6. **Removing clothing and bedding.** The facility administrator or designee shall have a policy and procedure for removing clothing and bedding from an inmate. The following shall be included:

A. clothing and bedding shall be removed from an inmate only when the inmate's behavior threatens the health, safety, or security of self, other persons, or property. When appropriate, alternative clothing and bedding shall be issued;

B. clothing and bedding shall be returned to the inmate as soon as it is reasonable to believe the behavior that caused the action will not continue;

C. the decision to deprive an inmate of articles of clothing or bedding shall be reviewed by the officer in charge or the supervisor during each eight-hour period; and

D. the review shall be documented.

Subp. 7. **Disciplinary records.** A facility shall have written policy and procedure, that provides that, when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor. Disciplinary reports prepared by staff members shall include the following information:

A. specific rules violated;

B. a formal statement of the charge;

C. an explanation of the event, which should include who was involved, what transpired, and the time and location of the occurrence;

D. unusual inmate behavior;

E. staff and inmate witnesses;

F. disposition of any physical evidence;

G. any immediate action taken, including the response to resistance; and

H. reporting staff member's signature, and date and time report is made.

Statutory Authority: *MS s 241.021*

History: *23 SR 1834; 38 SR 523*

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