



RHODE ISLAND DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE

DIRECTOR:

Wayne P. Salant Jr.

POLICY
NUMBER:
11.01-8 DOC

EFFECTIVE
DATE:
07/30/2023

SUBJECT:
INMATE DISCIPLINE

LAST REVIEWED:
07/2023

SECTION:
RULES AND DISCIPLINE

SUPERSEDES:
11.01-7 DOC

AUTHORITY: Rhode Island General Laws (RIGL) § 42-56-10(22), Powers of the director; § 42-56-1, Declaration of powers; § 42-56-24, Earned time for good behavior or program participation of completion

REFERENCES: Wolff v. McDonnell, 418 U.S. 539 (1974); The most recent versions of RIDOC policies 5.01 DOC, [Management of Semi-Active and Archival Records](#); 9.16 DOC, [Procedure for Protecting, Gathering, and Preserving Evidence](#); 9.36 DOC, [Substance Abuse Testing, Sanctions, and Treatment for Inmates Under RIDOC Supervision](#); 12.27 DOC, [Conditions of Confinement](#); 12.28 DOC, [Restorative Housing Program](#); 13.10 DOC, [Inmate Grievances](#); 14.03 DOC, [Inmate Property Accountability](#); 15.01 DOC, [Classification Process](#); 18.43 DOC, [Health Evaluation of Inmates in Administrative and Disciplinary Confinement](#); Sandin v. Conner, 515 U.S. 472 (1995); Superintendent v. Hill, 472 U.S. 445 (1985); Lewis v. Casey, 516 U.S. 804 (1996)

INMATE/PUBLIC ACCESS: YES

AVAILABLE IN SPANISH: YES

I. **PURPOSE:**

To establish procedural guidelines for inmate discipline at the Rhode Island Department of Corrections (RIDOC) that maintains order and furthers the rehabilitation of inmates.

II. **POLICY:**

A. RIDOC has established a policy for inmate discipline that is fair, impartial, and constitutional. This policy:

1. places inmates on notice of prohibited conduct involving institutional safety, security, and order in the facilities;
 2. establishes guidelines and procedures to address inmates who fail to comply with rules of conduct; and
 3. defines the process of determining allegations of misconduct and sanctions for violations of this policy.
- B. All disciplinary actions are timely, impartial, and consistent. Sanctions are proportionate to the seriousness of offenses.
- C. Any exceptions to the procedures in this policy require prior written approval from the Director or his/her designee.

III. DEFINITIONS:

1. **Administrative Confinement/Detention (Investigative)** - a form of separation from the general population that is used when the continued presence of the inmate would pose a serious threat to the security of the facility, a risk to the safety of the inmate, staff, or other inmates, and that the inmate can no longer be safely managed in general population. Administrative Detention is used for awaiting trial inmates and Administrative Confinement is for sentenced inmates.
2. **Category 1 Contraband** - items that are unauthorized for inmate possession and/or violate state/federal law or RIDOC policy or other items that may pose a direct threat to security. Please refer to the Discipline Severity Scale (Attachment 1) and to the most recent version of RIDOC policy 14.03 DOC, [Inmate Property Accountability](#) for more information.
3. **Category 2 Contraband** - items that are authorized for inmate possession, but in limited quantities. Items not obtained through proper channels or more than the authorized amount but not necessarily a threat to institutional security. Please refer to the Discipline Severity Scale (Attachment 1) and the most recent version of RIDOC Policy 14.03 DOC, [Inmate Property Accountability](#) for more information.
4. **Departmental Hearing Officer** - a staff member who reports to the Director and is responsible for conducting all inmate administrative disciplinary hearings.
5. **Disciplinary Booking Warning (DB Warning)** - a warning given to an inmate for a Class 4 offense that results in a work detail for the inmate to complete.

6. **Disciplinary Confinement** - a form of temporary separation from the general population for those inmates who are found guilty of serious disciplinary infractions; place of confinement to be designated by the Warden/designee; duration is commensurate with the seriousness of the offense, consistent with RIDOC's Discipline Severity Scale (Attachment 1); includes a loss of privileges (LOP) and loss of good time.
7. **Formal Discipline** - those disciplinary infractions that warrant a sanction of loss of good time in addition to either loss of privileges (LOP) or separation from general population.
8. **Loss of Privileges (LOP)** - temporary loss of specified privileges and loss of good time, not to exceed a certain number of days based upon the Class Level charge, for those inmates who are found guilty of moderate or low moderate disciplinary violations, consistent with RIDOC's Discipline Severity Scale (Attachment 1).
9. **Serious Process Failure** - a failure that affects the fairness and impartiality of the discipline process.
10. **Technical Mistake** - a mistake that does not affect the fairness and impartiality of the discipline process.
11. **Restrictive Housing (RH)** - a type of detention that involves the removal of an inmate from general population, voluntarily or involuntarily; restricted placement in a locked room or cell, whether alone or with another inmate (excluding being placed in the infirmary or suicide watch for medical purposes). Restrictive housing consists of Disciplinary Confinement and Administrative Detention/Confinement.

IV. **PROCEDURES:**

A. **Discipline Code**

1. **Classes of Offenses:**

- a. **Class 4 - (Low)** - a Class 4 offense will result in Loss of Privileges (LOP). A Class 4 offense alone will not result in Disciplinary Confinement or Restrictive Housing time imposed.

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- b. Class 3 – (Moderate) - a Class 3 offense will result in a LOP. A Class 3 offense alone will not result in Disciplinary Confinement or Restrictive Housing time imposed.
 - c. Class 2 – (High) - a Class 2 offense may result in the inmate being placed in Administrative Detention/Confinement immediately pending a review and investigation.
 - d. Class 1 – (Highest) - a Class 1 offense will result in the inmate being placed in Administrative Detention/Confinement immediately pending a review and investigation. There are two (2) types of Class 1 offenses:
 - (1) Predatory (P Codes) - offenses/behaviors that prey upon others to exploit or oppress.
 - (2) Non-predatory - offenses listed under the 100 Class offenses.

NOTE: See RIDOC's Discipline Severity Scale (Attachment 1), for specific offenses, listed by Class.

B. Loss of Privileges (LOP)

Inmates found guilty of a Class 3 or Class 4 offense shall be subject to the following as determined by the Departmental Hearing Officer, herein referred to as the 'Hearing Officer:'

- 1. Inmates shall remain in general population housing;
- 2. LOP is determined by the Hearing Officer and is subject to the discretion of the Warden/designee, consistent with the inmate's status and domicile area/facility and may include one LOP or combination thereof:
 - a. Loss of visits/visiting period;
 - b. Loss of telephone (except attorney calls);
 - c. Loss of work/job;
 - d. Loss of commissary -except essential items;
 - e. Loss of kiosk;
 - f. Loss of television;
 - g. Removal from programming;
 - h. Loss of radio;
 - i. Loss of tablet;
 - j. Loss of media player (MP4);

- k. Loss of recreation period(s), not affecting out-of-cell time (i.e., no gym, yard, etc.)

NOTE: At no time shall inmates found guilty of an offense be denied access to visits with an attorney or clergy.

- 3. The Warden/designee may approve continued participation in off-grounds classes, school, and/or employment.
- 4. Suggested sanction(s) progression for Class 3 and Class 4 offenses:
 - a. First offense: five (5) days;
 - b. Second offense: ten (10) days;
 - c. Third/subsequent offense: fifteen (15) days.

NOTE: Inmates shall not be placed in Administrative Detention/Confinement for a Class 4 or Class 3 Offense alone pending a hearing for any reason.

C. Booking Report Procedure

- 1. In any action under this policy, there are mandatory steps for all formal disciplines:
 - a. Initial booking report;
 - b. Superior Officer review;
 - c. Notice to the inmate;
 - d. The Superior Officer determines if the accused inmate requests an Adult Counselor and records the inmate's response on the Disciplinary Report;
 - e. Review by Behavioral Health Services if the inmate has a behavioral health designation;
 - f. Hearing before the Hearing Officer;
 - g. Recording of the hearing;

h. Notification of inmate's ability to appeal.

2. Sanctions

a. Officer level sanctions (no hearing required):

- (1) Verbal warning;
- (2) Disciplinary Booking Warning (DB Warning) - extra work detail in lieu of discipline.

b. Hearing Officer level sanctions:

- (1) Verbal or written warning;
- (2) Loss of privileges;
- (3) Restitution;
- (4) Disciplinary Confinement;
- (5) Referral to the Restorative Housing Program Committee.

c. Hearing Officer Limits:

Any imposition of discipline (disciplinary confinement and/or LOP is for a definite period of time.

(1) **Class 4 - Low (400 Charge Codes)**

Up to five (5) days LOP, restitution actual cost, warning or written reprimand.

Class 4 (Low) offenses may be resolved by the reporting employee. The employee shall handle such incidents tactfully and firmly and has two (2) options available:

(a) Disciplinary Booking (DB) Warning

For issuing a DB warning, the reporting official shall:

- i. Complete a DB Warning form in INFACIS and issue a copy to the inmate;

- ii. Designate the time and place that the assignment is to occur.

NOTE: The assignment must be completed within three (3) days of the related offense.

- iii. The duration of the assignment shall not exceed two (2) hours unless the inmate agrees to work longer to complete their assignment.
- iv. Upon completion of the assignment, the staff member and/or Supervisor(s), shall be responsible for ensuring the work assignment has been completed and noted in INFACETS.
- v. Assignments intended to demean inmates shall not be allowed. The purpose of the assignment is to provide a means of influencing positive behavior without involving formal disciplinary action. If an inmate feels that the assignment is demeaning, they may address their concern(s) with the area supervisor.
- vi. No more than three (3) DB warnings shall be issued to any one inmate within a ninety-day (90) period.

- (b) If the employee determines a charge is necessary for a Class 4 offense or the inmate refuses to do the assignment, the inmate is disciplined, and the process outlined in this policy is followed.

(2) **Class 3 - Moderate (300 Charge Codes)**

Up to fifteen (15) days LOP, zero (0) to fifteen (15) days loss of good time, restitution actual cost, warning or written reprimand.

(3) **Class 2 - High (200 Charge Codes)**

Up to fifteen (15) days disciplinary confinement, zero (0) to fifteen (15) days LOP, zero (0) to fifteen (15) days loss of

recreation, zero (0) to fifteen (15) days loss of good time, restitution actual cost, warning, or written reprimand.

When an inmate is found guilty of a Class 2 offense, arising from separate incidents (on the same or separate dates), for the second time in any six (6) month period, the sanction for the second offense may be taken from those authorized for the next higher class of offense.

(4) **Class 1 -- Highest**

(a) **Predatory (P Codes)**

Up to thirty (30) days disciplinary confinement, zero (0) to thirty (30) days LOP, zero (0) to thirty (30) loss of good time days, restitution actual cost, warning or written reprimand.

The Hearing Officer may make a referral for placement in the Restorative Housing Program (RHP).

(b) **Non-Predatory (100 Charge Codes)**

Up to thirty (30) days disciplinary confinement, zero (0) to thirty (30) days LOP, zero (0) to thirty (30) days loss of good time, restitution actual cost, warning or written reprimand.

D. **Formal Disciplinary Process**

1. **Booking Report by Charging Employee**

a. **Disciplinary Report**

The formal disciplinary process begins with the initiation of a Disciplinary Report in INFACTS by a staff member upon detection of a violation of this policy.

- (1) The charging employee submits a Disciplinary Report (written charge as entered in INFACTS) to the Superior Officer as soon as possible after the alleged violation occurs.

(2) The Disciplinary Report must show, in writing, the inmate's name, RIDOC inmate ID number, housing/work assignments, time, date, place, and charge (known details concerning the alleged violation) and identifies the employee initiating the report (charging employee). Said employee ensures that the "Inmate Security," "Area/Cell," and "Inmate Job Code" fields contain correct information. If not, appropriate corrections are made.

(a) In most instances/circumstances, the "charging infraction" is a single infraction. If more than one infraction occurs during a single incident, the charging infraction is the most serious one.

Example #1: Inmate Jones is loud and boisterous in the dining room. When told to quiet down by the Correctional Officer (CO) on duty, he throws his food tray onto the floor. When the CO approaches Inmate Jones, he assaults the Officer.

The "charging infraction" is the assault on a CO.

The "description of infraction" includes details of the inmate's behavior, other infractions (loud and boisterous behavior and throwing food tray), whether the inmate was warned, etc.

Example #2: During a cell search, underwear beyond the allowed quantity and another inmate's radio are found.

The "charging infraction" is possession of category 2 contraband.

(b) Under extenuating and serious circumstances and at the discretion of supervisory personnel, multiple bookings may result from a single incident.

Stacking of disciplinary sanctions for multiple bookings from a single incident is prohibited.

Example: The same cell search yields both illegal drugs and a weapon. The inmate is subject to separate Disciplinary Reports and possible criminal charges.

b. Review by Superior Officer/Designee

- (1) Unless the incident requires further investigation, the Correctional Officer or charging employee provides the reviewing Superior Officer/designee on duty at the time with a written copy of the charge is transmitted within twenty-four (24) hours of the incident (excluding weekends and holidays) (e.g., posted to a "To Be Reviewed" folder or clipboard).
- (2) At or near the beginning of his/her shift, the Shift Commander or designated reviewing Superior Officer reviews all INFACTS Disciplinary Reports marked "Awaiting Review." The purpose of this review is to ensure completeness and accuracy, and to verify:
 - (a) the report is comprehensive and includes answers to the questions: who, what, when, where, and how;
 - (b) identification is accurate, and includes proper spelling of inmate's name and ID number;
 - (c) inmate's date of birth;
 - (d) date and time of infraction;
 - (e) inmate's job assignment, if applicable;
 - (f) infraction for which inmate is charged;
 - (g) infraction's numerical code;
 - (h) inmate's quarters assignment;
 - (i) place of infraction;
 - (j) the charging offense is consistent with the description of the incident;
 - (k) the charging employee's name.

- (3) When the infraction is substance abuse-related, the Superior Officer/designee determines whether it is a first, second, or third/subsequent offense.

Once a Superior Officer/designee validates a substance abuse-related booking, s/he notifies the Special Investigations Unit (SIU) in writing, on the next business day, via the pre-shift report.

In cases involving positive urine tests, a copy of the urinalysis report must be attached to the Disciplinary Report.

- (4) The reviewing Superior Officer conducts a preliminary review of the matter without unnecessary delay. The review may include interviews with the charging employee, inmate charged, and any other employee(s) or inmate(s) indicated. The reviewing Superior Officer conducts any further inquiry deemed necessary.
- (5) Prior to placement in any category of confinement, an inmate shall be screened and interviewed by a QMHP to identify if the inmate is designated as seriously and persistently mentally ill (SPMI) and to assess whether the assigned housing is clinically contraindicated based on clinical standards adopted by RIDOC.
- (6) Additionally, the inmate shall be screened and interviewed by Health Care Services staff. The screening shall include a determination of any medical contraindications to placement in the assigned housing unit, including the existence of a physical disability that precludes placement in the unit, in which the inmate will not be placed in the assigned housing. This screening shall be documented in the inmate's electronic medical record (EMR).
- (7) In the event an incident occurs necessitating an inmate to be placed in restrictive housing when a QMHP is not on duty, the Health Care Services staff shall review the inmate's EMR and interview him/her to determine if placement is contraindicated for medical and behavioral health reasons. If so, the inmate shall not be placed in restrictive housing. If it is not contraindicated, the inmate shall be placed in restrictive

housing and a QMHP shall be notified of the placement and to ensure a screening and interview is completed within seventy-two (72) hours.

- (8) The reviewing Superior Officer enters his/her recommendation to either dismiss or proceed with the Disciplinary Report in INFACETS and gives appropriate notice to the inmate being charged with the violation.
- (a) Behavioral Health Services shall review all disciplinary reports and submit the required assessment to the Hearing Officer.
- (b) The Hearing Officer may:
- i. dismiss the charge;
 - ii. review the case with Behavioral Health Services staff to determine the extent to which an inmate's behavioral health status influenced his/her behavior;

NOTE: When the Hearing Officer reviews a Disciplinary Report with Behavioral Health Services staff to make such a determination, the following questions/criteria should be considered:

- Did the inmate's behavioral health status contribute to the infraction?
- Is the inmate able to understand the charge and hearing process?
- Is the charge appropriate, given the inmate's behavioral health status?
- Are the behaviors subject to disciplinary charges directly related to the inmate's behavioral status?

- To what extent might certain sanctions be clinically detrimental to the behavioral health of the inmate?

For example, an inmate who has made a serious suicide attempt, as determined by Behavioral Health Services staff, should not be disciplined for self-mutilation, possession of a weapon, destroying State property, etc. if these charges are also related to the inmate's behavioral status at the time of the infraction.

- iii. refer the matter for hearing if behavioral health is a factor.

- (9) The Superior Officer provides a copy of the informational/review package to the Hearing Officer on the day of the hearing. This is typically generated through the Disciplinary Reports feature in INFACIS, but it is the responsibility of the reviewing Superior Officer to provide the Hearing Officer with any applicable Incident Reports or evidence.

c. Criminal Proceedings

Proceedings under any criminal code against an inmate shall not cause the delay of proceedings under this policy.

- (1) At the beginning of a hearing on a disciplinary offense which is designated as a referral to the Attorney General for prosecution, prior to the reading of offenses to the inmate, the Hearing Officer shall advise the inmate that the inmate has the right to remain silent and that anything the inmate says during the hearing may be used against the inmate in a court of law. For any other hearing on a disciplinary offense, at the beginning of the hearing the Hearing Officer shall read the offenses to the inmate and ask if the inmate wishes to admit or deny the offenses. If the inmate admits the offenses, the Hearing Officer may immediately consider mitigating evidence when recommending the sanction(s).

- (2) If the inmate does not admit the offenses, the Hearing Officer shall conduct a fact-finding hearing at which the Hearing Officer may consider written, oral and physical evidence. All evidence considered by the Hearing Officer shall be presented in the presence of the inmate, except certain informant information.
- (3) Any dismissal, nolo, or not guilty verdict in criminal proceedings shall not affect action under this policy. Any serious criminal offense shall be reported to SIU and/or Office of Inspection (OI) for investigation and appropriate action.

2. Notice to the Inmate

- a. The Superior Officer orally informs the inmate of the charge against him/her and delivers a copy of the Disciplinary Report (Parts I and II completed) to the inmate no later than one (1) day after filing the charge, at least twenty-four (24) hours prior to the hearing.
- b. The Superior Officer also asks whether the accused inmate desires an Adult Counselor and records the inmate's response on the Disciplinary Report. If a request is made, an Adult Counselor will be assigned when notice of the charge is given to the inmate.
- c. The inmate may request to have witnesses present at the hearing.

3. Adult Counselors

- a. The Adult Counselor meets with the inmate prior to the hearing and assists the inmate in understanding the disciplinary process, the charges against him/her and the appropriate ways to make a presentation at a formal disciplinary hearing.
- b. An inmate's refusal of an Adult Counselor's assistance must be documented.

4. Defense Preparation

An accused inmate is allowed a minimum of twenty-four (24) hours, from notice of disciplinary action to hearing, to prepare a defense. An inmate may waive the twenty-four (24) hour period. The Superior Officer conducting the review documents such a waiver on the Disciplinary Report.

5. Disciplinary Hearing Before a Hearing Officer

a. Hearing Officer

- (1) The Director shall appoint a non-uniformed employee(s) as a Hearing Officer(s) who coordinates the disciplinary functions for each facility.
 - (a) The Hearing Officer shall govern the conduct of every phase of a hearing including, but not limited to, the interpretation and construction of this policy and the conduct of all parties. The Hearing Officer may, for good cause, go into executive session at any time to consider procedures, and reconvene the hearing at a reasonable date and time.
 - (b) The Hearing Officer shall be impartial. If the inmate or inmate's representative challenges the impartiality of the Hearing Officer, the Director or a designee shall determine if the inmate/representative has stated substantial reasons to support the claim. For example, a witness to the event at issue shall not sit as a Hearing Officer. If the Director removes the Hearing Officer, the Director shall designate a replacement as soon as practicable.
 - (c) The Hearing Officer shall not be bound by the rules of evidence or privilege observed by the courts.
 - (d) All parties, counsel, witnesses, and other persons present at a hearing shall conduct themselves in a professional manner consistent with the standards of decorum commonly observed in the courts. The Hearing Officer may take whatever appropriate actions are necessary to conduct a hearing when confronted with the improper conduct of any participant.
 - (e) The Hearing Officer cannot compel the attendance of non-RIDOC staff.

(f) The Hearing Officer shall make findings of fact, determine guilt or innocence, and make sanction recommendations.

(2) The Hearing Officer is responsible for the processing and distribution of all records and reports required under this policy unless s/he expressly delegates this responsibility to another individual.

(3) Any employee who initiates a Disciplinary Report, investigates/reviews the charging employee's report, or is listed as a witness on the Disciplinary Report is not eligible to be the Hearing Officer who hears that case.

(4) The Hearing Officer ensures the Disciplinary Report is brought to hearing in accordance with the time frames established in this policy and ensures the inmate, Adult Counselor, if any, witness(es), evidence, and appropriate forms are available at the scheduled hearing.

b. Appearance of the Accused

An accused inmate shall be present at his/her disciplinary hearing:

(1) unless the inmate declines to appear;

(2) unless the inmate's behavior gives cause for exclusion or removal;

NOTE: Such behavior must be documented on the Disciplinary Report.

(3) except when confidential information is presented as described below, and/or

(4) except when the Hearing Officer recesses for deliberation.

NOTE: The absence of an accused inmate [and the reason(s) for his/her absence] must be documented on the Disciplinary Report and verbalized on the recording of the hearing. In all such cases, review by the Warden/designee is automatic.

c. Continuance

At the request of the inmate, and/or for good cause shown, a disciplinary hearing may be continued to the next hearing date at the discretion of the Hearing Officer. The Hearing Officer records the reason(s) for any continuance.

d. Plea

The Hearing Officer reads the charge as it appears on the Disciplinary Report and fully explains it.

- (1) The inmate admits or denies the charge.
- (2) If the inmate wishes to plead "guilty" to the charge, the inmate shall so state. S/he may choose to plead "guilty with an explanation."
- (3) If criminal charges are being considered, the Hearing Officer so advises the inmate.
- (4) A plea of "not guilty" is entered by the Hearing Officer if the inmate refuses to plead or is not present.

e. Witnesses

- (1) At the discretion of the Hearing Officer, an accused inmate has an opportunity to present a reasonable amount of witness testimony at his/her disciplinary hearing.
- (2) The inmate may call and question witnesses in his or her defense, or to present other evidence, when permitting him or her to do so will not be unduly hazardous to personal or institutional safety. The factors that the Hearing Officer may consider when considering an inmate's request to call witnesses, questioning of witnesses, or offer other documentary or physical evidence shall include, but shall not be limited to, the following:
 - (a) relevance;
 - (b) whether the evidence or witness testimony is cumulative or repetitive; and

(c) hazards presented by an individual case.

- (3) The Hearing Officer has authority to include/exclude any person as a witness, limit the testimony of any witness which is redundant or irrelevant, and order the presentation of any documents or evidence necessary for the conduct of a disciplinary hearing.
- (4) The Hearing Officer may exclude or remove from the disciplinary hearing any person whose behavior poses a threat to an orderly hearing or jeopardizes the safety of any person. (The Hearing Officer determines the hearing requirements to ensure a professional proceeding.)
- (5) If an inmate does not request witnesses, the Hearing Officer ensures the record accurately reflects that fact.
- (6) The Hearing Officer shall document any denial of witnesses.

f. Evidence

- (1) Evidence may be physical evidence, urinalysis reports, a written statement or document, and/or oral testimony.
- (2) Copy(ies) of urinalysis report(s) are provided to the inmate at the time s/he is given the Disciplinary Report.
- (3) Physical evidence is presented at the hearing, whenever practicable, as determined by the Hearing Officer. Otherwise, a sample, photograph, laboratory test, or written description of the evidence is presented.

g. Recordings

The hearing must be recorded. Any recordings made are the property of the Rhode Island Department of Corrections and not released except for administrative or judicial review. Wardens ensure the recordings are securely stored at the facility for a period of at least four (4) years after the date of the disciplinary hearing.

h. Presentation of the Case

- (1) The Hearing Officer begins the hearing by reading the statement of charge (infraction) on the Disciplinary Report; identifying him/herself, the Adult Counselor and the inmate, the charge, etc., reviewing the results of the review conducted by the Superior Officer, calling any witnesses, and presenting any evidence available.
- (2) The Hearing Officer may question the inmate and others as necessary.
 - (a) All questions are asked in the presence of the accused inmate, except when the source of the information must be protected or there is reason to believe the accused inmate's presence will be disruptive or intimidating to any witness.
 - (b) In those cases, the Hearing Officer documents the nature of the information.

i. Confidential Information

- (1) Information which is material to the allegation of misconduct may be exempted from disclosure if it places another person in jeopardy or compromises security.
 - (a) If the charging employee believes documentary or testimonial information should be exempted from disclosure, s/he presents the information and an assessment of its credibility to the Hearing Officer outside the presence of the accused inmate and the inmate's Adult Counselor.
 - (b) The charging employee is not required to disclose the source of the confidential information to the Hearing Officer if doing so would pose a threat or jeopardizes the safety of any person. Reasons for not disclosing the source of the confidential information must be in writing.

- (2) The Hearing Officer's determination must be based upon some evidence to support the findings made in the disciplinary hearing. [Superintendent v. Hill, 472 U.S. at 445 (1985)].
 - (a) At the very minimum, the charging employee must report that the information has been specifically corroborated on all specific material points.
 - (b) The Hearing Officer reaches a reasoned conclusion that the information obtained from a confidential source is reliable and, therefore, likely to be true.
 - (c) The Hearing Officer makes a record of his/her assessment/determination. This record need not be provided to the inmate if it might identify the confidential source of the information but must be preserved and made available to any reviewing court.
- (3) If the inmate is found guilty of the offense, the Hearing Officer states, in writing, a summary of the information, an assessment of its reliability, and why it is exempt from disclosure. This statement is maintained in a file (as determined by the Warden/designee) which is not accessible to any inmate.
- (4) If the Hearing Officer determines information is not confidential, s/he may proceed with the hearing or may continue the hearing, at the request of the Hearing Officer or the inmate, to allow the accused inmate time to prepare a defense.

j. Rebuttal

The accused inmate, individually or through his/her Adult Counselor, may pose a reasonable number of questions to witnesses or rebut evidence and information presented at the disciplinary hearing subject to constraints imposed by the Hearing Officer. The Hearing Officer constrains the rebuttal if it is irrelevant, redundant, or disrupts an orderly hearing.

k. Defense

If the accused inmate thinks the charge against him/her is untrue (in whole or in part), s/he may present information available to him/her

and others. Said presentation includes the right to call a reasonable number of witnesses, both adverse and favorable, and examine said witnesses consistent with Section [IV.D.5.e.](#) of this policy. Inmates are not permitted to have legal counsel or any representative other than an Adult Counselor present at a disciplinary hearing.

1. Substitute Charge

- (1) A charge may be substituted by the Hearing Officer at the same, higher, or lower level (class) if it becomes apparent the original charge is inappropriate.
 - (a) The Hearing Officer may substitute a charge during the hearing by informing the accused inmate of the substitute charge and taking a plea.
 - (b) A substitute charge renders the original charge dismissed.
 - (c) If the accused inmate pleads “not guilty” to the substitute charge, a continuance may be granted upon the request of either the Hearing Officer or the accused inmate to allow more time for further investigation or defense preparation.
- (2) The Hearing Officer may also find the accused inmate guilty of a lesser charge or violation of rules than was originally written.

6. Expedited Disposition

The disciplinary process may be expedited when an accused inmate's release is imminent or when circumstances require the inmate be urgently transferred and it is not practical to conduct a hearing at the receiving facility. In such cases, an accused inmate must receive the Disciplinary Report, be afforded a chance to prepare a defense including naming witnesses, receive the services of an Adult Counselor if desired, and any hearing must be in conducted in accordance with this policy.

7. Transferred Inmate's Disciplinary Process

If an accused inmate is transferred prior to disposition of a Disciplinary Report, the Hearing Officer shall conduct the hearing at the receiving facility.

8. Decision

- a. Upon completion of the hearing, the Hearing Officer takes the matter under advisement.
- b. The Hearing Officer decides the case on the basis of the hearing record.
- c. Options Available to Hearing Officer
 - (1) Dismissal of charge
 - (2) Finding of guilt
 - (a) LOP or an issuance of a reprimand - Only Class 3 and Class 4 offenses.
 - (b) Recommendation/Referral to Classification Board for review of classification status.
 - (c) Temporary loss of specified privileges within inmate's classification.
 - (d) Disciplinary Confinement, depending on the class of offense.
 - (e) Restitution (for willful disfigurement, damage, and/or destruction of state property). See Section IV.D.16. of this policy.
 - (f) Recommendation/Referral to the Restorative Housing Program Committee (only Class 1 offenses).
 - (g) Any combination of (a) through (f) above.
 - (3) An inmate may be placed in Disciplinary Confinement only pursuant to a sanction recommended by a Hearing Officer and approved by an appellate authority if the inmate filed an appeal. Placement in Disciplinary Confinement shall not occur until:
 - (a) the inmate has waived the right to appeal either

through submitting a written waiver to the Hearing Officer or failure to file an appeal within the time prescribed; or

- (b) the inmate's appeal has been decided against the inmate; or
 - (c) the inmate has requested in writing to begin the disciplinary detention time not with-standing the fact that the appeal is pending.
- (4) If an inmate is subsequently found guilty of any offense while in Administrative Detention/Confinement, the inmate shall receive credit for each day in Administrative Confinement/Detention count towards the imposed disciplinary confinement sanction.
- (5) The Hearing Officer immediately informs the inmate of his/her decision and any sanction imposed.
- (6) The Hearing Officer completes the section of the Disciplinary Report that specifies the infraction for which the inmate was found guilty and its corresponding code number.

9. Substance Abuse-Related Offenses

a. Visits

If an inmate is found guilty of a substance abuse related offense that is proven to be associate with a visit and consistent with the most recent version of RIDOC policy 9.36 DOC, [Substance Abuse Testing, Sanctions, and Treatment for Inmates under RIDOC Supervision](#), any offense that is substance abuse-related results in suspension of an inmate's visiting privileges (except for attorneys and clergy), as follows:

Substance Abuse-Related Offense	Suspension of Visiting Privileges	# Days Disciplinary Confinement
1 st	30 days	21-23
2 nd	6 months	24-26
3 rd and subsequent	1 year	27-30

b. Incarceration Considerations

All substance abuse-related discipline(s) incurred by an inmate since the first day of his/her current period of incarceration or current sentence (including sentences to Home Confinement and including infractions which occurred prior to this policy's effective date) are considered when determining whether an inmate is a first, second, third, or subsequent violator/offender.

c. Violations

When a parolee violates the terms/conditions of his/her parole and is returned to RIDOC, positive substance abuse tests (i.e., "dirty urines") associated with his/her current period of incarceration or current sentence which s/he incurred prior to release on parole, are counted when determining whether the parole violator is a first, second, third, or subsequent substance abuse violator/offender.

10. Disciplinary Hearing Results

a. The Hearing Officer/designee ensures the results of the disciplinary hearing are entered into INFACIS as soon as possible following the hearing.

b. Disciplinary hearing results are entered into INFACIS and are accessible/available to the following individuals for appropriate action:

- (1) Warden/designee (original);
- (2) Administrator of Classification Services/designee (to ensure the Classification Office receives timely notice of all recommendations for changes in status, i.e., downgrades);
- (3) Records and ID Unit (if not appealed).

NOTE: Copies of disciplinary hearing results are forwarded to affected inmates and affected staff for appropriate action (e.g., for filing in affected inmates' files).

c. The Warden/designee may:

- (1) order further proceedings; or
- (2) reduce or suspend any result of the disciplinary hearing unfavorable to the inmate.

NOTE: The warden cannot enhance the sanction or charges.

11. Parole

Counseling staff notifies the Parole Administrator of any inmate who has been voted to Parole and is found guilty of a Class 1 (Predatory or Non-Predatory) and/or Class 2 disciplinary offense for which the inmate received ten or more (≥ 10) days' worth of sanctions. The Parole Administrator or designee refers the matter to the Parole Board Chairperson for reconsideration.

12. Review of Hearing Officer's Decision by Warden/Designee

a. Normal Requested Review

- (1) Whenever an inmate is found guilty of an offense, a review by the Warden/designee may be requested at the hearing.
- (2) The Hearing Officer indicates (checks off) that the inmate made the request for review on the Disciplinary Report itself.
- (3) The inmate must submit his/her written comments within five (5) working days of receiving the Hearing Officer's decision, (Monday through Friday, excluding holidays, Saturdays, and Sundays).
- (4) The Hearing Officer makes it clear to the inmate, in writing, that s/he may request assistance from his/her Adult Counselor, or any other individual(s) approved by the Warden/designee when preparing his/her written comments for review.
- (5) The Warden/designee responds, in writing, within fifteen (15) calendar days of receipt of the request for review.

b. Review of Inmates in Absentia

- (1) Whenever an inmate is found guilty of an infraction at a hearing held in said inmate's absence, review by the Warden/designee is automatic.
- (2) The Hearing Officer indicates (checks off) that the inmate made the request for review on the Disciplinary Report itself.
- (3) The Hearing Officer makes it clear to the inmate, in writing, that s/he may request assistance from his/her Adult Counselor, or any other individual(s) approved by the Warden/designee when preparing his/her written comments for review.
- (4) The inmate must submit his/her written comments within five (5) working days of receiving the Hearing Officer's decision, (Monday through Friday, excluding holidays, Saturdays, and Sundays)
- (5) The Warden/designee responds, in writing, within fifteen (15) calendar days of receipt of the request for review.

c. Review of Class 1, Highest, Predatory Offenses

- (1) Whenever an inmate is found guilty of a Class 1, Highest, Predatory offense, a review by the Warden/designee and the Assistant Director of Institutions and Operations (ADIO) is automatic.
- (2) The Hearing Officer makes it clear to the inmate, in writing, that s/he may request assistance from his/her Adult Counselor, or any other individual(s) approved by the Warden/designee when preparing his/her written comments for review.
- (3) The Hearing Officer indicates (checks off) that the inmate made the request for review on the Disciplinary Report itself.
- (4) As stated above, the inmate must submit his/her written comments within five (5) working days of receiving the

Hearing Officer's decision, (Monday through Friday, excluding holidays, Saturdays, and Sundays).

- (5) The Warden/designee responds, in writing, within fifteen (15) calendar days of receipt of the request for review. If the Warden/designee upholds the decision, s/he forwards all pertinent information to the ADIO for review.
 - (6) The ADIO responds to the inmate, in writing, within twenty (20) working days of receiving the information from the Warden/designee.
- d. If the ADIO agrees with the Hearing Officer's decision, the decision is approved and ordered.

The ADIO must find that some evidence in the record supports the conclusion reached by the Hearing Officer [Superintendent v. Hill, 472 U.S. 445 (1985)].

- e. If the Warden/designee or ADIO does not agree with the Hearing Officer's decision, s/he may order further study, review, and/or hearing, substitute an infraction at the same or lower level (class), amend the charge, alter or suspend the sanction, or dismiss the Disciplinary Report.
- f. The inmate is notified, in writing, of any change resulting from the review process.
- g. Following final review/decision, information is available to Records and ID Unit staff in INFACTS.

NOTE: Copies of final reviews/decisions are forwarded to affected inmates and affected staff for appropriate action (e.g., for filing in affected inmates' files).

- d. If the ADIO agrees with the Hearing Officer's decision, the decision is approved and ordered.

The ADIO must find that some evidence in the record supports the conclusion reached by the Hearing Officer [Superintendent v. Hill, 472 U.S. 445 (1985)].

- e. If the Warden/designee or ADIO does not agree with the Hearing Officer's decision, s/he may order further study, review, and/or hearing; substitute an infraction at the same or lower level (class), amend the charge, alter or suspend the sanction, or dismiss the Disciplinary Report.
- f. The inmate is notified in writing of any change resulting from the review process.
- g. Following final review/decision, information is available to Records and ID Unit staff in INFACIS.

NOTE: Copies of final reviews/decisions are forwarded to affected inmates and affected staff for appropriate action (e.g., for filing in affected inmates' files).

13. Records

Disciplinary Reports, which are automatically numbered, are maintained in INFACIS and contain:

- a. A summary of all information produced at the hearing, including:
 - (1) testimony of all witnesses;
 - (2) written summary of investigation report; and
 - (3) nature of the testimony and any unidentified informant(s).
- b. Physical Evidence Viewed
 - (1) If a Disciplinary Report is generated by or referred to the Special Investigations Unit (SIU) or Office of Inspection (OI), copies of any materials used during the hearing are not forwarded with the original Disciplinary Report. SIU or OI makes evidence available for review by the Warden/designee. The decision to retain or destroy such evidence rests with the appropriate investigatory unit, in accordance with the most recent version of RIDOC Policy 9.16 DOC, [Procedure for Protecting, Gathering, and Preserving Evidence](#).

NOTE: Consistent with Section [IV.D.5.g.](#), recordings of disciplinary proceedings are maintained for a period of at least four (4) years.

- (2) The Hearing Officer makes his/her assessment of the evidence, and the evidence is presented to the Warden or designee during the review process.
 - (3) After all materials are reviewed, the physical evidence remains in the custody of the office in the unit where the Disciplinary Report was initiated, where it is filed in a secure area. For more information, please refer to the most recent version of RIDOC policy 9.16 DOC, [Procedure for Protecting, Gathering and Preserving Evidence](#).
 - (4) If it is not practical to retain evidence (needles, razors, etc.), photographs, and/or written description(s) are substituted.
- c. Findings of fact and the supporting reasons for the disposition decided upon.
 - d. Rationale for change in disposition upon review by Warden/ designee.
 - e. If the Hearing Officer finds an inmate "not guilty" or the Disciplinary Report (booking) is dismissed [including those dismissed for behavioral health reasons, see Section [IV.D.1.b.\(8\)\(b\)](#)]. The booking remains in the INFACFS system for statistical purposes.

14. Technical Mistakes and Serious Process Failures

- a. [Technical mistakes](#) in the disciplinary process, including minor discrepancies in meeting time frames, are not cause for the reversal or dismissal of a Disciplinary Report.
- b. A [serious process failure](#) may result in dismissal by the Hearing Officer, Warden, or ADIO.

15. Out-of-State Inmates

For Rhode Island inmates serving their sentences out-of-state, the receiving states forward their discipline infractions to applicable RIDOC staff (e.g., The Records and ID Unit Office Manager). The Records and ID Unit Office Manager shall enter the infractions into INFACFS so that affected inmates'

good time earnings are processed according to the most recent version of RIDOC policy 11.01 DOC, Inmate Discipline, and includes the good time earned for the month affected as well as the applicable loss of good time. The loss of good time/sanction time for an out-of-state infraction must reflect the amount of time which is comparable to RIDOC's Discipline Severity Scale (Attachment 1) when determining the loss of good time from an offender's sentence calculation.

16. Restitution

- a. If a RIDOC Hearing Officer finds an inmate guilty of willful disfigurement, damage, and/or destruction of state property, s/he may order the inmate to pay restitution based on a written estimate.
- b. Whenever restitution is ordered, the inmate receives a copy of the [Restitution Order](#) from the Hearing Officer who found the inmate guilty of willful disfigurement, damage, and/or destruction of state property and ordered restitution.
 - (1) A written estimate for materials and labor must be available. The facility administrator or designee obtains the estimate from RIDOC's Maintenance Unit.
 - (2) Challenge of restitution amount: Inmates may challenge the reasonableness of restitution ordered to cover the cost of repair/replacement parts and labor by submitting a written request to the Warden/designee.
 - (a) This challenge does not include the right to obtain and submit additional or competitive estimates.
 - (b) Challenges must be submitted within five (5) working days (weekends and holidays excluded) following receipt of the Hearing Officer's decision.
- c. Collection
 - (1) The Hearing Officer sends the restitution order to Inmate Accounts, which serves as the collector.
 - (2) Any and all charges against an inmate's account that are court-ordered are given priority over restitution.

- (3) The amount of restitution is deducted from the available (active) balance in the inmate's account.
- (4) If the inmate's available (active) balance is not sufficient to meet the restitution amount:
 - (a) All but ten dollars (\$10.00) will be withdrawn from the active account;
 - (b) The balance owed is charged as a debt to the inmate's account;
 - (c) One-half (1/2) of all subsequent deposits are used to offset this debt until the charges are paid in full;
 - (d) There are no restrictions on the other half of the deposits beyond normal restrictions.
- d. Any debt remaining at the time of an inmate's release from institutional custody is considered a legal debt and is subject to civil remedy by the State.
- e. If this individual returns to institutional custody before repayment of this debt, his/her inmate account reflects any unpaid debt from prior incarceration(s).

**RHODE ISLAND DEPARTMENT OF CORRECTIONS
DISCIPLINE SEVERITY SCALE**

This list is not all inclusive. RIDOC reserves the right to charge an inmate with any other offense prohibited by law or prison rule, at a Category or level to be determined by the Director or his/her designee.

NOTE: Any attempt, conspiracy, and/or accessory of any offense is coded at the same level on the Discipline Severity Scale as the actual offense, except where otherwise noted by separate codes/offenses for attempt, conspiracy, or accessory. Attempt, conspiracy, and accessory are defined as:

1. Attempt: Conduct which makes an effort to accomplish an act prohibited by the most recent version of RIDOC policy 11.01 DOC, Inmate Discipline.
2. Conspiracy: Agreeing with one or more persons to participate in an act prohibited by the most recent version of RIDOC policy 11.01 DOC, Inmate Discipline and one of those persons acts in furtherance of the conspiracy.
3. Accessory: Assisting a person to commit an act prohibited under the most recent version of RIDOC policy 11.01 DOC, Inmate Discipline or to hide the evidence that such an act was committed.

CLASS 4 (400) - LOW MODERATE <i>Sanction: Discipline less than disciplinary confinement; up to 5 days loss of privileges</i>
CLASS 3 (300) - MODERATE <i>Sanction: Discipline less than disciplinary confinement; up to 15 days loss of privileges</i>
CLASS 2 (200) - HIGH <i>Sanction: up to 15 days disciplinary confinement</i>
CLASS 1 (100) - HIGHEST, (PREDATORY or NON-PREDATORY) <i>Sanction: up to 30 days disciplinary confinement</i>

Code	Offense	Definition and Example
	CONTRABAND	<p>Category 1 Contraband includes:</p> <ol style="list-style-type: none"> 1. Escape paraphernalia, including handcuff key or facsimile; civilian clothing or uniform; 2. Cell phone or other electronic communication device or accessory; 3. Any item designed or intended to be used to cause or threaten physical injury to another person; a piece, strip, or chunk of any hard material which could be used as a weapon or in the creation of a weapon; 4. Any flammable/explosive substance(s), including acid, caustic, toxin, or material for incendiary device. <p>Category 2 Contraband includes:</p> <ol style="list-style-type: none"> 1. Gang-related items and paraphernalia, such as clothing with gang identification, drawings of gang symbols or lists of gang members; 2. Any drug, narcotic, intoxicant, inhalant, controlled substance (as defined by Rhode Island statutes), tobacco product, alcoholic beverage, or drug paraphernalia, including rolling papers, needles or syringes; 3. Gambling material, including dice, betting slips, point spreads, items used as counters in a card game, and similar items; 4. Bodily fluid stored in a container within a cell or room; 5. Tattoo device and paraphernalia; 6. Money, cash, or other unauthorized currency in excess of \$5; 7. Counterfeit material that poses a security risk, such as an altered identification card
401	Passing, Possessing, Receiving and/or using an authorized or unauthorized item not defined as Category 2 Contraband for something other than its intended purpose without any threat to security (e.g., Possessing or Using Homemade Speaker Cones)	E.g., Possessing or Using Homemade Speaker Cones; possession of medication except those prescribed and authorized by a facility physician; displaying or pornographic material within plain view of staff or other inmates; taking unauthorized food from the dining room or kitchen
306	Possessing Unauthorized Currency	1 st Offense. 2 nd offenses shall be charged as a Class 2 offense. 3 rd offense shall be charged as a Class 1

		offense.
305A	Possessing, Receiving, Distribution, and/or Using Category 2 Contraband	Unauthorized possession or use of Category 2 contraband, as defined above: receiving or distributing Category 2 contraband within the ACI. Includes possessing or being under the influence of alcohol (homemade or purchased intoxicants) or drugs that were not prescribed by a physician. E.g., Unauthorized possession of gambling slips or tattoo paraphernalia; possession of another inmate's ID badge; being in possession of drug paraphernalia.
301A	Counterfeiting and Forgery	The act of counterfeiting, manufacturing or reproduction, or forgery of any official paper or document, money, currency, coins, or articles of identification without the prior knowledge and permission of a staff member. E.g., Altering or falsifying an identification card, pass, store order, RIDOC record, or legal document.
202	POSSESSING, Receiving, Distribution, and/or Using Category 1 Contraband	Unauthorized possession or use of Category 1 contraband, as defined above: receiving or distributing Category 1 contraband within the ACI.
145	Possession of or the altering of any item to make a weapon(s)	
102	SMUGGLING Category 1 Contraband INTO/OUT of the Facility	Conveying, smuggling, or trafficking into or out of a correctional facility, any Category 1 contraband. E.g., Receiving a cell phone from a visitor; sending a weapon through the mail.
101	Possession or Use of Any Unauthorized Communication Device	E.g., Unauthorized possession of a cell phone; cell phone charger; battery; or use of any unauthorized communication device.

DISOBEDIENCE/CONDUCT		
421	Malingering	Feigning illness or injury with deceitful intent to mislead a RIDOC employee. E.g., feigning injury to avoid work details or obtain a benefit.
413	Violating Facility/Unit/Dorm Rules - failing to abide by a published rule	Violation of rules of housing units, dining room, work, or school assignment which is not covered elsewhere. E.g., Failure to display inmate ID badge; Violation of kitchen sanitary regulations; wasting food; excessive noise in housing unit, playing TV or radio without earphones.
410	Failure to Maintain Cell and Proper Hygiene	Failure to maintain sanitary and orderly housing conditions.
402A	Horseplay, roughhousing	Any physical contact, or attempted physical contact, between two or more persons done in a prankish or playful manner without anger or intent to injure or intimidate. E.g., Towel snapping at others in showers; playful body punching; martial arts practice. NOTE: Second and subsequent offenses may be charged as Class 3, and 2 offenses.
343	Making Excessively Loud Noises	Excessive loud noise by a television, radio, or other electronic device, at a level that could disturb others, shouting or otherwise causing loud and disorderly noise. E.g., shouting, kicking cell door.
328	Making any Fraudulent Request (e.g., check request, commissary order, etc.) to Circumvent Established Rules, Regulations, and/or Procedures	
318	Failure / Refusing to Comply, or circumventing Telephone or Mail Procedures	1 st offense: Any contact, by letter or gesture or verbally, with an unauthorized person or in an unauthorized manner; using another inmate's Personal Identification Number (PIN) to make a telephone call. Making unauthorized telephone calls on state phones or from job site; utilizing telephones for illegal or criminal purposes; bypassing telephone security and monitoring capabilities; using another inmate's PIN to circumvent a restraining order or phone block or offering use of a PIN to circumvent a restraining order or phone block. E.g., Passing property on a visit either directly or through a third person; using someone else's PIN, with or without their knowledge or consent. Circumventing the ability of staff to monitor

		frequency of telephone use, content of the call, or the number called. Using a misleading name and/or mailing address or placing contraband in outgoing or incoming mail. 2 nd offense may be a class 2 offense. Subsequent offenses may be class 1 offense.
316	Failing to Comply with Count Procedures	E.g., Failure to stand for count; blocking door; moving around during count.
313	Disorderly Conduct - conduct which disrupts the orderly running of the housing unit/area and violates the Inmate Handbooks' established rules	Engaging in disruptive behavior that interferes with normal facility operations or interferes with the program or living environment of other inmates. E.g., flooding, fishing, failing to comply with count procedures, making indecent gestures. 1 st Offense: 2 nd offense may be a class 2 offense.
312	Disobeying a Lawful Order Not Pertaining to Custody or Control Enforcement	Failing to comply with a written or verbal order or instruction from any staff member, in a manner that does not pose a threat to the public or facility. E.g., refusing to work, refusing to cooperate in following a prescribed course of treatment regarding medical restrictions and testing (for example, inmate with broken hand told to refrain from yard exercise); failing to attend mandatory school/program(s).
311A	Gambling and/or Possessing Gambling Paraphernalia	1 st Offense: 2 nd offense may be a class 2 offense. Subsequent offenses may be class 1 offense.
310A	Giving, selling, borrowing, lending, or trading money or anything of value to, or accepting or purchasing money or anything of value from another inmate or an inmate's friend(s) or family.	
308	Loitering or Being in an Unauthorized Area - Out of Bounds	Being within the lawful boundaries of confinement and not attempting to escape, but in a location without the proper authorization to be there; absent from where one is required to be; being outside assigned housing unit without inmate identification card; being absent from required location during count. E.g., Loitering on tiers, in stairways, in bathrooms; being on a bed other than the one assigned in one's own housing unit.
247	Conduct That Disrupts or Interferes with the Security or Orderly Running of the Facility	Failure to follow or obey a verbal or written order, RIDOC policy, court order, ordinance, or law, when the behavior poses a threat to the public or facility; conduct that poses a risk to security with the intent to further an illegal or improper purpose. E.g., Openly challenging or refusing staff orders in

		front of other inmates; Giving money or anything of value to, or accepting money or anything of value from another with an intent to circumvent any facility or Departmental rule, regulation, or policy.
242	Swearing, Cursing, Using any Vulgar, Abusive, Insolent, or any Other Improper Language Toward Staff or Visitors	Words, actions, or other behavior which is intended to harass, degrade, or cause alarm in an employee or visitor and which implicates facility safety and security. E.g., Using abusive language to refer to an employee; writing about or gesturing to an employee in a derogatory manner.
236	Giving Money or Anything of Value to, or Accepting Money or Anything of Value from Another Person a Member of Another Inmate's Family or Another Inmate's Friend with an Intent to Circumvent Any Facility or Departmental Rule, Regulation, or Policy, or with the Intent to Further Illegal or Improper Purpose	
235	Giving False Information to Any Correctional Staff	Knowingly providing false information to an employee. E.g., Giving a false name, number, or room/cell assignment. NOTE: Inmates shall not be booked for refusing to provide self-incriminating information during an investigation into their possible wrongdoing or if they elect not to testify in a disciplinary hearing.
219	Tattooing Oneself or Other(s)	Tattooing or receiving a tattoo, and/or body piercing or similar act.
218	Stealing Property (Actual or Potential Risk to Security)	Taking another's property without consent or being in possession of stolen property, which does implicate prison safety and security. E.g., Stealing an inmate's ID badge; taking pictures of an inmate's family members or loved ones.
215	Possessing, Wearing, or Displaying Gang Color Identification or Paraphernalia or recruiting for a Gang	Wearing gang colors or paraphernalia; Actively recruiting others to engage in Security Risk Group (SRG) activity. E.g., offering protection in exchange for joining a gang.

203A	Interference with the Administration of Disciplinary Rules	<p>Acts intending to impede, disrupt, or mislead the disciplinary process for staff or inmates. E.g., Intimidating or tampering with a witness; tampering with evidence; interfering with an employee writing a misconduct report; making knowingly false accusations of misconduct against another inmate or staff which results in disciplinary action being initiated against the person.</p> <p>NOTE: If written as a result of a grievance, it must be shown that the inmate knew the allegation was false when s/he made it and intentionally filed a false grievance. Ordinarily, the statement of staff member refuting the claim will not be sufficient.</p>
154	Purposely misleading an investigation by RIDOC Office of Inspections and/or Special Investigations Unit	
118	Engaging in, organizing, participating in, or encouraging a Group Demonstration and/or Activities that threatens the operations of the facility	<p>Advocating or instigating actions which are intended to seriously endanger the physical safety of the facility, persons, or property or to disrupt the operation of the facility by group cessation of normal activity; participation in such action; joining others in unauthorized work stoppage; rioting or inciting others to riot.</p> <p>E.g., Encouraging other inmates to take group action to injure staff, destroy property, or disrupt normal operations; refusal of inmates as a group to leave the yard when instructed by staff to do so; work slowdown which disrupts the ordinary routine of the facility.</p>
113	Offering or Giving a Bribe to an employee	<p>Offering to give or withhold anything to persuade an employee to neglect duties or perform favors. E.g., Offering money or personal service to an officer in exchange for favors.</p>
107	Disobeying a Clearly Stated Order in a Manner that Conveys a Deliberate Challenge to Authority and Jeopardizes the Safety, Security, and/or Orderly Operation of the Facility	<p>Refusal or failure to follow a valid and reasonable order of an employee that creates a serious disruption to the safe and secure operation of a facility. E.g., Refusing to submit to a cell search; fleeing from staff after being directed to stop.</p>
P08	Extortion/Blackmail	<p>Obtaining money, property, or favors from someone by violence or the threat of violence. E.g., threatening another inmate with harm if they don't share their PIN; demanding money from a visitor under threat of violence.</p>

TAMPERING		
104A	Tampering With Fire Alarms, Fire Equipment, and/ or Fire Suppressant Equipment	Tampering with a fire alarm, fire equipment, and/or fire suppressant equipment. E.g., damaging fire and smoke detection and suppression equipment.
103A	Tampering with a Security and/or Locking Device	Tampering with, removal of, damage to, destruction of, blocking of, or in any way making inoperable any lock, door, blocking device, security camera, telephone, or other safety equipment. Tampering is when the use or function of the device is affected. E.g., Jamming a lock on a cell door; covering security cameras.
ESCAPE		
122	Manufacturing and/or Possessing an Instrument and/or Paraphernalia with which to Escape or Tamper with a Security Device	Possession of or manufacturing of clothing, keys, tools, etc.
119	Absconding From a Non-Secure Facility (e.g., MIN, WOM Dix) or a Minimum-Security Job Site, litter crew	Intentional failure to remain within authorized time or location limits while on work release. E.g., Leaving custody while on a work assignment.
P06	Attempt, Accessory or Conspire to Escape or Escape from Escorted Custody, a Secured Facility or from outside a secure DOC Facility	Leaving, attempting to leave, or failing to return to lawful custody without authorization; assisting another to escape. E.g., assisting another inmate in an escape attempt, whether successful or not.
PROPERTY		
342A	Misusing State Property	Any tampering or other unauthorized use of property without causing damage. E.g., banging against bed, desk, door, etc.
226	Willfully Disfiguring, Damaging, and/or Destroying Any Part of the Facility or any Materials, Tools, Machinery, and/or any State Property	Willful or malicious destruction or defacement of state property. E.g., intentionally ripping sheets; drawing on cell walls.
148	Setting a Fire for Purposes Not Related to Arson	E.g., Cooking in Cell, Burning of Incense, etc.
P01	Arson	Knowingly causing a fire or explosion, which results in physical damage to the prison facility or prison property. E.g., Setting paper products, clothing, personal property or facility property on fire, the use of any incendiary items, or setting off a fire alarm without cause or disabling a fire alarm.

VIOLATIONS OF LAW		
304A	Any violation of local/state/federal criminal law not impacting institutional safety or security	
201A	Any violation of local/state/federal criminal law impacting institutional safety or security	
105A	Any violation of local/state/federal criminal law impacting institutional safety or security that constitutes a felony	
SEXUAL		
345	Sex Offender Registration – failure to comply with requirements	Refusing to provide required information (including correct address) or to complete requirements.
309A	Possession of Pornography of any Kind by Sex Offenders Who Are Required Upon Release to Register with Law Enforcement Agencies Pursuant to RIGL §11-37.1-1 et seq.	Pornography is defined as obscene material of a sexual nature that has, as its dominant purpose, an appeal to prurient interest and which has no serious literary, artistic, political, or scientific value. NOTE: Second offense may be charged as a Class 2 offense; and 3 rd offense may be charged as a Class 1 offense.
307A	Sexual Harassment towards Inmate (PREA definition), Single Offense	An unwelcome sexual advance, request for sexual favors, or verbal comment, gesture, or action of a derogatory or offensive sexual nature by one inmate directed toward another. E.g., Making a derogatory sexually suggestive comment towards another inmate; making an unwelcome solicitation for sexual activity; requesting sexual activities in exchange for favors.
246	Violation of no-touch policy, (i.e., kissing, stroking, massaging, rubbing of another person not genital/breast /buttocks areas)	Consensual touching of another person for the purpose of gratifying the sexual desire of either party, except that an embrace of a visitor at the beginning and end of a visit or holding hands with a visitor during a visit is not sexual misconduct. E.g., Consensual kissing, hugging, or sexual contact.

224	Sexual Harassment towards Staff (PREA definition), Single Offense	An unwelcome sexual advance, request for sexual favors, or verbal comment, gesture, or action of a derogatory or offensive sexual nature towards staff; written or verbal correspondence or statements that contain amorous expression and/or sexual language. Includes indecent exposure. E.g., Making a derogatory sexually suggestive comment towards a staff member; making an unwelcome solicitation for sexual activity; requesting sexual activities in exchange for favors.
206A	Indecent Exposure	1 st offense. 2 nd offense will be a class 2 offense. Subsequent offenses will be class 1 offense.
205A	Sexual Harassment (PREA definition), Repeated Offenses	Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one inmate directed toward another. Includes indecent exposure. E.g., Making multiple derogatory sexually suggestive comments towards another inmate; repeatedly making unwelcome solicitations for sexual activity; making multiple requests for sexual activities in exchange for favors.
204A	Sexual Abuse (PREA definition)	Any attempt, threat, or request to engage in sexual activities if the victim does not consent, is coerced into such act by overt or implied threats of violence or is unable to consent or refuse. E.g., Attempting to coerce another person into engaging in a nonconsensual sexual act (penetrative or otherwise); threatening an individual with violence for refusing to engage in a sexual act.
P20	Nonconsensual Sexual Acts / Abusive Sexual Contact with Inmate on Inmate (PREA definition)	Unwanted contact with another inmate that involves contact with the penis and the vagina or anus; contact between the mouth and the penis, vagina, or anus; penetration of the anal or vaginal opening of another person by a hand, finger, or other object; and rubbing of another person's penis or vagina by a hand. Unwanted contact with another person that involved touching of the person's buttocks, thighs, penis, breasts, or vagina in a sexual way. E.g., Unconsented-to and/or unwanted sexual touching or fondling.

P03A	Nonconsensual Sexual Acts / Abusive Sexual Contact with Staff and Visitors (PREA definition)	Unwanted contact with RIDOC staff or visitors (to include contractors, interns, and volunteers) that involves contact with the penis and the vagina or anus; contact between the mouth and the penis, vagina, or anus; penetration of the anal or vaginal opening of another person by a hand, finger, or other object; and rubbing of another person's penis or vagina by a hand. Unwanted contact with another person that involved touching of the person's buttocks, thighs, penis, breasts, or vagina in a sexual way. E.g., Unconsented-to and/or unwanted sexual touching or fondling.
SUBSTANCE ABUSE / POSSESSION		
303A	Diverting MAT Medications (1 st Offense)	
302A	Hoarding Medication (1 st Offense)	
210A	Possessing Drug Paraphernalia (e.g., Rolling Papers, Needles, Pipes, Syringes, etc.)	1 st offense: subsequent offenses shall be charged as a Class 1 offense.
209A	Possessing or being under the influence of Alcohol (Homemade or Purchased Intoxicants) or drugs that were not prescribed by a Physician)	1 st offense: subsequent offenses shall be charged as a Class 1 offense.
208A	Diverting MAT Medications (2 nd offense)	Subsequent offenses shall be charged as a Class 1 offense.
207A	Hoarding Medication (2 nd offense)	Subsequent offenses shall be charged as a Class 1 offense.
135	Failing, Altering, or Refusing to Submit to any Substance Abuse Related Test(s) (Urine or Breathalyzer)	Failure or refusal to voluntarily submit to substance abuse testing which is requested by the Department for the purpose of determining the presence in the inmate of any substance included in this charge, tampering with drug test sample. E.g., Dilution or adulteration of urine samples or refusal to sign or initial any document related to the collected sample.

VIOLENCE / ASSAULT / FIGHTING		
251	Provoking a fight or assault with other inmates through actions that are intended to irritate or aggravate other inmates	
250	Fighting (inmate on inmate) that did not involve serious injury	Flare of tempers with physical contact (e.g., punch hard shove, etc.), mutual combat, or minor physical contact between two or more offenders, where there was no serious injury and where inmates stopped prior to the staff having to utilize force.
232	Mutilating Oneself	Includes bodily piercing (non-mental health related).
228	Making Threatening or Indecent Gestures	E.g., hand gestures to resemble pulling the trigger of a gun or slicing someone's throat; gestures made of a sexual nature.
163	Assault on Staff (to include contractors, interns, volunteers) and visitors that did not involve serious injury	Intentional, non-consensual touching of a RIDOC staff member, contractor, or visitor done either in anger or with the purpose of abusing or injuring another; physical resistance or physical interference with an employee. E.g., Throwing urine or feces or spitting on another person; physically resisting staff efforts to apply restraints with the purpose of injuring staff.
162A	Assault on an Inmate that did not involve serious injury	Intentional, non-consensual touching of another inmate done either in anger or with the purpose of abusing or injuring another. E.g., Punching another inmate; throwing urine or feces or spitting; adulteration of any food or drink with the intent that it be consumed to cause harm NOTE: The victim of an assault should not be charged with a violation of this rule.
161	Fighting (inmate on inmate) that involved serious injury or had aggravating factors	Fights between inmates, whether with fists, broom handles, or other weapons that resulted in serious injury, or which was part of multiple fight incident, or inmates refused to comply with staff commands to stop fighting, could include liquid, blood or waste.

151	Threatening or Harassing Inmates and/or members of the Public	Words, actions, or other behavior which expresses an intent to injure or physically abuse another person, including other inmates, visitors, and members of the public. Such misconduct includes attempted assault and battery (e.g., a swing and a miss). E.g., Threat of sexual assault made by one inmate to another inmate; writing threatening letter to another person; threat made to a third person.
149	Threatening an Employee or His/her Family with Bodily Harm	Threats that are investigated and reported to the Office of Inspections/ Special Investigative Unit. Specifically: Verbal threats when the inmate has the ability and opportunity to carry out the threat; physical threats when the inmate has the capability of inflicting harm, has the coinciding distance and time to do so, and has committed an overt act; verbal threats where the inmate demonstrates knowledge of another person's personal life. E.g., "Your kid should be careful. She goes to (specific school), doesn't she?"
P45	Homicides	Intentionally causing the death of another person by any means.
P35A	Assault - Inmate(s) on Staff, contractors, volunteers, interns, or visitors, with a weapon or with serious injury resulting	Physical attack on a RIDOC staff member, contractor, or visitor which resulted or was intended to result in serious physical injury. Serious physical injury means any injury which would ordinarily require medical treatment. E.g., Attack using a knife, club, or other weapon; assault involving use of closed fists, kicking.
P34A	Assault - Inmate on Inmate(s) with weapon or with serious injury resulting	Physical attack on another inmate which resulted or was intended to result in serious physical injury. Serious physical injury means any injury which would ordinarily require medical treatment. E.g., Attack using a knife, club, or other weapon; assault involving use of closed fists, kicking. NOTE: The victim of an assault should not be charged with a violation of this rule.
P09	Hostage-taking, Unlawful Restraint, or Kidnapping	Holding a person against his/her will; detaining an individual with the threat to harm them. E.g., Preventing another inmate from leaving their cell; blocking the movement of a Correctional Officer.