



ROBERT BENTLEY
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



KIM T. THOMAS
COMMISSIONER

August 1, 2014

TO: WARDENS
DIVISION DIRECTORS

CHANGE #2
ADMINISTRATIVE REGULATION 403

PROCEDURES FOR INMATE RULE VIOLATIONS

PURPOSE: Update Annex A, *Rule Violations Table* and Annex C, *Rule Violations Definitions and Examples*. Add Rule Violation # 320, Refusing to work/failing to check out for work, and Rule Violation #529, Unauthorized participation in social networking to Annex A. Add definitions for Rule Violation # 320 and Rule Violation # 529 to Annex C.

CHANGES TO BE MADE:

Reference:

Action Required:

AR 403, *Procedures for Inmate Rule Violations*, dated June 4, 2013.

Annex A, *Rule Violations Table*

Delete Annex A, dated June 4, 2013 and replace with Annex A, dated August 1, 2014.

Annex C, *Rule Violations Definitions and Examples*

Delete Annex C, date June 4, 2013 and replace with Annex C, dated August 1, 2014.

File this numbered change at the back of the regulation after annotating both the index and the regulation to indicate changes have been completed.

Advise all personnel in your organization of the change to this regulation.

Kim T. Thomas, J.D.
Commissioner

Alabama Department of Corrections

Rule Violations Table

RV #

HIGH LEVEL VIOLATIONS ¹

901	Homicide
902	Assault on person(s) associated with the ADOC
903	Assault with a weapon on person(s) associated with the ADOC
904	Assault on person(s) <u>not</u> associated with the ADOC
905	Assault with a weapon on person(s) <u>not</u> associated with the ADOC
906	Assault on an inmate
907	Assault with a weapon on an inmate
908	Seizing or holding hostage(s) in any manner
909	Unlawfully detaining a person
910	Fighting with a weapon
911	Sexual assault (forcible)
912	Sexual offense (non-forcible) / soliciting
913	Escape by force
914	Escape without force
915	Robbery
916	Gathering in a threatening or intimidating manner
917	Attempt to escape by force
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)

¹ For an inmate who has earned good time, a minimum of one (1) day shall be revoked.

Alabama Department of Corrections

Rule Violations Table

RV #

MEDIUM LEVEL VIOLATIONS ²

- 501 Fighting without a weapon
- 502 Being fired from job (**Also includes second offense or more of the Low Level Violation of this offense in a 12 month period**)
- 503 Being in an unauthorized area (**Also includes second offense or more of the Low Level Violation of this offense in a 12 month period**)
- 504 Disrupting the count
- 505 Intentionally creating a security, safety, or health hazard
- 506 Disorderly Conduct (**Also includes second offense or more of the Low Level Violation of this offense 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 (**Also includes second offense or more of the Low Level Violation of this offense in a 12 month period**)
- 511 Aiding and abetting another person to commit a rule violation (**Also includes second offense or more of the Low Level Violation of this offense in a 12 month period**)
- 512 Lying (**Also includes second offense or more of the Low Level Violation of this offense 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 (**Also includes second offense or more of the Low Level Violation of this offense in a 12 month period**)
- 517 Insubordination (**Also includes second offense or more of the Low Level Violation of this offense in a 12 month period**)
- 518 Refusing to work / failing to check out for work (**Also includes second offense or more of the Low Level Violation of this offense in a 12 month period**)
- 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 institutional rules (**Also includes second offense or more of the Low Level Violation of this offense in a 12 month period**)
- 528 Unauthorized possession of a phone(s) / accessory(s)
- 529 Unauthorized participation in social networking

² For an inmate who has earned good time, a minimum of one (1) day shall be revoked.

RULE VIOLATIONS DEFINITIONS AND EXAMPLES

RV #

HIGH LEVEL VIOLATIONS ⁴

- 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]
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.
- 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.

⁴ For an inmate who has earned good time, a minimum of one (1) day shall be revoked.

RULE VIOLATIONS DEFINITIONS AND EXAMPLES

- RV # HIGH LEVEL VIOLATIONS (Continuation)⁵**
- 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.
- 912 **SEXUAL OFFENSE (NON-FORCIBLE) / SOLICITING** – Commission of any sexual act during which both participants act willingly, to include touching, hugging, fondling, kissing, etc.
- 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.
- 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
- 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.
- 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).
- 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 institutional security or public safety.

⁵ For an inmate who has earned good time, a minimum of one (1) day shall be revoked.

RULE VIOLATIONS DEFINITIONS AND EXAMPLES

- RV # HIGH LEVEL VIOLATIONS (Continuation) ⁶**
- 921 **UNAUTHORIZED POSSESSION OF A WEAPON OR DEVICE THAT COULD BE USED AS A WEAPON** – Any instrument used or designed to be used to cause injury or death such as, but not limited to, a device with a pointed and / or sharpened end, a tool, a club, that the inmate is not authorized to have.
- 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.

⁶ For an inmate who has earned good time, a minimum of one (1) day shall be revoked.

RULE VIOLATIONS DEFINITIONS AND EXAMPLES

- RV # HIGH LEVEL VIOLATIONS (Continuation)⁷**
- 932 **FIGHTING WITHOUT A WEAPON RESULTING IN SERIOUS INJURY** – Two or more individuals engaging in mutual combat with no weapon(s), resulting in serious injury, and where the principal aggressor is not determined.
- 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.

⁷ For an inmate who has earned good time, a minimum of one (1) day shall be revoked.

RULE VIOLATIONS DEFINITIONS AND EXAMPLES

RV #

MEDIUM LEVEL VIOLATIONS ⁸

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

⁸ For an inmate who has earned good time, a minimum of one (1) day shall be revoked.

RULE VIOLATIONS DEFINITIONS AND EXAMPLES

RV #

LOW LEVEL VIOLATIONS ¹¹

- 301 **GAMBLING** – Staking or wagering of money or other items of value on a game of chance or on an uncertain event.
- 302 **VIOLATION OF INSTITUTIONAL MAIL RULES** – 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 **VIOLATION OF VISITING PRIVILEGES** – Inappropriate action(s) / behavior(s) that fail to comply with AR 303, *Visitation*.
- 304 **UNAUTHORIZED OPERATION OF A VEHICLE / EQUIPMENT** – Self-explanatory.
- 305 **UNAUTHORIZED USE OF INSTITUTIONAL RESOURCES** – Using resources without permission to include, but not be limited to, food, carbon paper, supplies, linens, computers, and telephones.
- 306 **MALINGERING / FEIGNING ILLNESS** – To make up or fabricate being ill in an attempt to avoid an obligation.
- 307 **MARRYING WITHOUT PERMISSION** – Self-explanatory.
- 308 **CHARGING OR ACCEPTING ANY COMPENSATION FOR LEGAL ASSISTANCE** – Self-explanatory.
- 309 **VIOLATION OF INSTITUTIONAL RULES** - Failure to comply with institutional standard operating procedures.
- 310 **TRADING, BARTERING, AND SELLING** – An unauthorized exchange of personal items, goods, or services.
- 311 **POSSESSION OF CONTRABAND** - 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, sneakers, altered documents, altered clothing, altered radios, food items in small amounts.

¹¹ Citations shall only be used when an inmate **is not** in good time earning status.

