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ADMINISTRATIVE REGULATION
NUMBER 403

OPR: OPERATIONS

PROCEDURES FOR INMATE RULE VIOLATIONS

I. GENERAL

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

II. POLICY

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

III. DEFINITION(S) AND ACRONYM(S)

- A. **Arrest:** The taking of an inmate into custody, or making a charge, by the authority of this regulation, federal law, Alabama law, or municipal law for charging an inmate with a violation.
- B. **Arresting Official:** An ADOC employee who charges an inmate with a violation.
- C. **Behavior Citation Form:** An instrument used for the documentation of a non-good earning inmate's Low Level Rule Violation and the sanction(s) imposed.
- D. **Disciplinary Report:** An instrument used for the documentation of an inmate's rule violation, hearing proceedings, and the sanction(s) imposed.
- E. **Disciplinary Hearing:** A procedural hearing conducted for rule violation(s).

- F. **Employee:** For the purpose of this regulation, an ADOC employee is considered as any full time, part-time, temporary employee and other persons such as, but not limited to, contractors, vendors, education personnel, and volunteers.
- G. **Hearing Officer:** An ADOC employee designated by the Warden / Division Director / designee to chair the hearing and render a recommendation.
- H. **Inmate Database:** A systematically arranged collection of information pertaining to active and inactive inmates, that is stored digitally including inmate demographics, sentencing requirements, and incarceration details, for subsequent retrieval and reporting.
- I. **Re-Initiation:** The re-serving of a disciplinary.
- J. **Rule Violation:** Any act or infraction that may result in a behavior citation or disciplinary.
- K. **Sanction:** An authorized penalty for a rule violation.
- L. **Serving Officer:** An ADOC employee designated to present an inmate with ADOC Forms concerning a rule violation.
- M. **Vault:** A software system used to digitally store documents related to the incarceration of active and inactive inmates. This system controls user access and provides the ability to search for inmate specific documentation electronically.
- N. **Working Days:** For the purpose of this regulation, Monday through Friday excluding holidays.

IV. **RESPONSIBILITIES**

- A. Wardens / Division Directors are responsible for:
 1. Developing their institutional / divisional Standard Operating Procedures (SOPs), as necessary, for the implementation of AR 403, *Procedures For Inmate Rule Violations*.
 2. Designating a law enforcement officer or classification employee as a Hearing Officer for a formal disciplinary hearing.
 3. Approving / Disapproving disciplinary action(s).

- B. The Hearing Officer is responsible for conducting rule violation hearings.
- C. ADOC employees are responsible for knowing and following the procedures established by this Administrative Regulation.
- D. Inmates are responsible for knowing and following the procedures established by this Administrative Regulation.

V. **PROCEDURES**

A. **Pre-Hearing Action for Disciplinary Procedures:**

- 1. Arrest or Charge Of Inmate. The arrest or charge of an inmate for a rule violation may be made by an employee of the ADOC.
 - a. The employee making the arrest or charge is designated as the Arresting Official.
 - b. The ADOC Form 403-A, *Disciplinary Report*, shall be served on the inmate within ten (10) working days:
 - (1). After the violation is reported and / or discovered; or
 - (2). After an investigation by the Investigations and Intelligence (I&I) Investigator or ADOC investigation has been completed; or
 - (3). After an escapee is back in the custody of the ADOC.
 - c. In accordance with this regulation and AR 626, *Mental Health Consultation to the Disciplinary Process*, ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process* will be completed as applicable.
- 2. Appointment Of Hearing Officer. The Warden / Division Director or designee shall appoint an ADOC employee to serve as the Hearing Officer.

- a. Knowledge of an incident shall **not** preclude an employee from serving as a Hearing Officer.
- b. The following individuals involved in the incident shall **not** serve as a Hearing Officer:
 - (1). Arresting Official.
 - (2). Witness (es).
 - (3). Victim(s) of the incident.
 - (4). Individual(s) directly involved in the incident.
 - (5). Individuals involved in the investigation of the incident.
3. Investigation Of Charges. The Warden may order an investigation of the charges at the institutional level or request an I&I Division investigation.
4. Preparation Of Charges. ADOC Form 403-A **lines 1-4** must be completed before the inmate is charged. If the inmate's action(s) in one incident violates multiple rules, then the Arresting Official and Supervisor shall use discretion in which charge(s) to pursue.
5. Mental Health Consultation. When applicable, a mental health professional shall complete ADOC Form MH-041 providing an opinion of the inmate's capacity in the Disciplinary Report Module.
6. Serving The Inmate With The Charge:
 - a. The ADOC Form 403-A, completed through **line 4**, must be served by the Serving Officer on the inmate at least twenty-four (24) hours prior to the convening of the hearing.
 - b. The Serving Officer shall read the charges to the inmate.

- c. If the inmate refuses to sign on **line 5** for receipt of the charges, then the Serving Officer shall indicate by writing “Refused to Sign” at the inmate signature block and he / she shall sign on line 5.
 - d. The Serving Officer shall inform the accused inmate that he / she should prepare his / her testimony, in the form of an oral or written statement, to be presented to the Hearing Officer during the hearing.
 - e. The inmate will be notified he / she has a right to call witnesses and shall be required to sign that he / she does or does not desire witnesses. If the inmate refuses to sign, then the Serving Officer shall indicate by writing “Refused to Sign” and sign his / her signature on **line 6**.
 - f. The inmate may provide the names of normally not more than three (3) witnesses with relevant testimony who will not present a security threat. The Serving Officer shall list the names on **line 7**.
 - g. The inmate shall be advised that it will be necessary to write any questions that he / she may have for the Arresting Officer and /or his / her witness.
 - h. The inmate shall be served a copy of ADOC Form 403-A.
 - i. After the inmate has been served, a suspense copy will be placed in the inmate database and classification shall be informed.
7. Procedural Requirements. The Hearing Officer, prior to convening the hearing, shall check the ADOC Form 403-A to ensure that procedural requirements have been met. Procedural requirements are as follows:
- a. The inmate must be given written notice of the charge(s) at least twenty-four (24) hours prior to the hearing.
 - b. The inmate must be permitted to attend the hearing and testify or present documentary evidence, unless he / she refuses to attend or is disruptive.

- (1). If the inmate has been transferred to another institution, the hearing shall be held at the institution where the inmate is assigned.
 - (2). The Arresting Officer and witnesses may testify audio/visually (i.e. telephone, webcam, etc.) after being sworn in by the Hearing Officer in the presence of the inmate.
- c. The inmate must be permitted to call witnesses.
 - d. The inmate must be permitted to prepare and submit to the Hearing Officer pertinent written questions to be asked of the Arresting Officer and witnesses at the hearing.
 - e. If the inmate is not capable of acting in his / her own defense, then an ADOC employee will be appointed by the Hearing Officer to assist the inmate.
 - f. The Hearing Officer must make findings of fact.
 - g. The inmate must be informed of the decision of the Hearing Officer, and must be given a copy of the signed and approved Disciplinary Report which lists the findings of fact, the basis for the findings of fact, the decision of the Hearing Officer, and the punishment or sanction imposed.

B. Procedures DURING the Disciplinary Hearing:

1. The Hearing Officer will ensure that:
 - a. The disciplinary has been served a minimum of 24-hours prior to the hearing and the hearing is held within ten (10) working days from the serving date of the disciplinary report. If the disciplinary hearing can not be held within ten (10) working days, then an ADOC Form AR 403-D, *Notice of Postponement of Disciplinary Hearing Process*, shall be completed advising the inmate of the postponement

- b. If an inmate has a mental health code of MH-2 or higher, ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*, must be completed and attached to the ADOC Form 403-A.
- c. If any of the procedural requirements have **not** been met, then the disciplinary hearing will **not** convene and the disciplinary report will be dismissed and subject to Re-Initiation.
- d. In the event that a procedural error is correctable, this will be done and the disciplinary hearing will proceed.
- e. If the inmate is **not** present for the hearing, an explanation, in detail, shall be attached to ADOC Form 403-A.

2. The Hearing Officer shall:

- a. Positively identify the inmate by his / her ID Card or using the inmate database.
- b. Complete ADOC Form 403-A, **line 8**, with the hearing date, time, and place.
- c. Ensure the inmate is present in the Hearing Room unless he / she refuses to attend or becomes disruptive. Indicate on **line 9** of ADOC Form 403-A if the inmate is present/not present.
- d. Swear in the Arresting Officer, inmate, and all witnesses and sign on **line 10**. Dismiss all witnesses from the room.
- e. Read the charge to the inmate and determine if he / she understands the charge.
- f. Determine if the inmate is capable of acting in his / her own defense.
 - (1). If the decision is made that the inmate understands the charge and procedural requirements, then the disciplinary hearing shall proceed.

(2). If the decision is made that the inmate appears **unable** to understand the charge and / or procedural requirements, then the disciplinary hearing will be postponed for up to thirty (30) days. The Hearing Officer shall refer the inmate for a mental health consultation. If the hearing is not held within 30 days, the disciplinary report is void. If within the 30 day period it is determined that the inmate is capable, then the disciplinary hearing shall be reconvened.

g. Complete **line 11** of ADOC Form 403-A indicating that an inmate is / is not capable of representing him / her self. If the inmate is not capable of acting in his / her own defense due to illiteracy, then the hearing may be postponed up to five (5) working days. The Hearing Officer shall appoint an ADOC employee to assist the inmate.

h. Neither inmates nor free-world counsel may represent an inmate at a disciplinary hearing.

i. Ask the inmate how he / she pleads and record the response on ADOC Form 403-A. If an inmate refuses to voice a plea it should be noted as a plea of “not guilty.”

(1). If the inmate pleads guilty, the Hearing Officer shall:

(a). Dismiss the witness (es).

(b). Have the inmate sign on ADOC Form 403-A, **line 12**, on the disciplinary work sheet and/or annotate the same in the module.

(c). Have the inmate present his / her testimony. If the inmate’s testimony is sufficient to satisfy a guilty plea, the Hearing Officer will accept the guilty plea and include in the findings of facts that the inmate’s testimony was sufficient to satisfy the guilty plea.

(2). If the inmate pleads not guilty, the Hearing Officer shall:

(a). Have the inmate sign on ADOC Form 403-A, **line 12**, on the disciplinary work sheet and/or annotate the same in the module.

(b). Allow the Arresting Officer to present his / her testimony and record the testimony on ADOC Form 403-A, **line 13**.

1. In the instance of a positive drug screen, at a minimum, a copy of ADOC Form 440-A, *Chain of Custody*, ADOC Form 440-B, *Individual Specimen Report* and the results of the contracted (external) drug screen must be submitted to the Hearing Officer by the Arresting Officer.

2. If the Arresting Officer (or the official who performed the investigation) used a confidential source, then the Hearing Officer should ensure the following criteria are met by asking the Arresting Officer and / or investigating official the following :

a. The source must have been used in the past.

b. The number of times the source has been used

must be provided to the Hearing Officer.

c. The source must have given information in the past that has been proven truthful.

d. Additional evidence must be provided to corroborate the information given by the source.

e. During the investigation was information uncovered that would have given the source a reason to lie.

f. See also section D. 1. of this regulation.

- (c). Allow the inmate to present oral / written testimony and record the testimony on ADOC Form 403-A, **line 14**.
- (d). Ask the question(s), if relevant, prepared by the inmate, to the Arresting Official and respective witness (es) and record their answers on ADOC Form 403-A, **line 14**. A copy of the inmate's prepared question(s) and witness' answers shall be attached to ADOC Form 403-A and the Hearing Officer shall sign **line 15**.
- (e). Explain to the inmate why any witness (es) he / she has requested were not called and record the reason(s) on ADOC Form 403-A, **line 16**.

- j. Dismiss everyone from the hearing room for deliberation, and:
 - (1). Consider the evidence. If the inmate is charged with a positive drug screen, at a minimum, the ADOC Form 440-A, *Chain of Custody*, ADOC Form 440-B, *Individual Specimen Report* and the contractor's chain of custody document, and the results of the drug screen must be submitted.
 - (2). Make a finding of fact.
 - (3). Make a finding of guilty or not guilty.
 - (4). If found guilty, determine the recommended sanction(s) to be imposed per Annex B, *Rule Violations Authorized Sanctions*.
 - (5). If the inmate has earned good time, then a minimum of one (1) day shall be revoked.
- k. The Hearing Officer has the authority to find the inmate guilty of a lesser charge which shall include a Medium or Low Level Rule Violation.
- l. After deliberation, the Hearing Officer shall call the inmate and Arresting Official into the room and inform them of the findings of fact, the basis for the findings of fact, and the recommended sanctions (if found guilty).

C. Procedures AFTER the Disciplinary Hearing:

- 1. The Hearing Officer shall ensure the following:
 - a. A condensed version of all pertinent testimony is entered on Form 403-A and, if necessary, continued on ADOC Form 403-B, *Disciplinary Report, (Continuation)*.
 - b. All appropriate spaces on ADOC Form 403-A are completed, or indicated with "N/A" (Not Applicable).

- c. The finding of facts are listed, in detail, on **line 17** of ADOC Form 403-A.
- d. The basis for the finding of facts is specified, in detail, on **line 18** of ADOC Form 403-A.
- e. It is indicated on **line 19** whether the inmate is guilty or not guilty.
- f. That his / her signature (electronically if applicable) is affixed where necessary on ADOC Form 403-A.
- g. ADOC Form 403-B is used if additional space is needed for testimony / statements / findings of facts / recommendations.
- h. The completed Disciplinary Report is forwarded to the Warden / Division Director / designee.

2. The Warden / Division Director / designee shall:

- a. Approve or disapprove the findings and / or recommendation(s) within ten (10) working days after the hearing date.
 - (1) The Warden / Division Director / designee shall **not** overturn a finding of “Not Guilty.”
 - (2) The Warden / Division Director / designee may change the sanctions recommended by the Hearing Officer.
- b. Ensure that the completed ADOC Form 403-A is served on the inmate as soon as possible. All approved sanction(s) shall begin at that time, unless there were sanctions already pending. In this case, sanctions shall run consecutively. If disciplinary segregation is an approved sanction, the segregation time will not start until the inmate is placed in disciplinary segregation status.

3. If the Warden / Division Director / designee **approves** a disciplinary report, he / she shall reflect this action on **line 21**. A completed signed copy of the disciplinary report shall be served on the inmate as soon as possible.
 - a. Disciplinaries resulting in a guilty finding shall be entered into the inmate database.
 - b. The original ADOC Form 403-A is stamped as “Entered,” initialed and dated by the staff, entered into the inmate database, and forwarded to the Central Records Division.
 - c. A copy is forwarded to the Board of Pardons and Parole, except for those inmates serving a LWOP or death sentence.
 - d. A copy is provided to the inmate.
 - e. A copy is forwarded to the sentencing judge in accordance with AR 428, *Notification to the Court – Split Sentence (Act 754)*.
4. If the Warden / Division Director / designee **disapproves** a disciplinary report, he / she shall reflect this action on **line 21**. A completed signed copy of the disciplinary report shall be served on the inmate as soon as possible.
 - a. The original shall be maintained at the institution.
 - b. A copy will be uploaded in the disciplinary module.
 - c. A copy will be vaulted into the inmate database.

D. Miscellaneous Provisions For Disciplinary Hearings:

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

- b. The facts obtained from confidential source(s) shall be presented verbally at the hearing by the person receiving the information from the confidential source(s).
 - c. No decision in a disciplinary proceeding may be based upon information from an undisclosed informant unless there is corroborating information or evidence, or unless the reliability of the source satisfies the Hearing Officer that the information is true. The basis for accepting the source as reliable should be independently determined by the Hearing Officer and indicated in his /her findings of facts on **line 18** of ADOC Form 403-A.
2. Witnesses are required to appear at the hearing unless excluded for specific reasons by the Hearing Officer. The Hearing Officer can excuse witnesses for the following reasons, but is not limited to:
- a. The inmate's witness declines to appear voluntarily.
 - b. The witness is going to give repetitive testimony.
 - c. The witness does not have personal knowledge of the circumstance of the incident.
 - d. The presence of the witness might endanger the security of the institution.
 - e. The inmate pleads guilty.
 - f. Witnesses may give testimony via telephone with the accused inmate being able to hear the testimony
3. The reason(s) for not calling any witness(es) requested by an inmate shall be explained to the inmate and documented on **line 16** of ADOC Form 403-A.
4. If the Warden / Division Director / designee determines that procedural requirements were not followed in the first hearing, then the first disciplinary report shall be disapproved. A second disciplinary hearing may be initiated, conducted, and approved / disapproved by the Warden within ten (10) working days following the Warden's / Division Director's / designee's voiding order. A disciplinary hearing on the same violation may be re-initiated **only once**.

- a. In the case of re-initiation, the word “Re-Initiation” shall be annotated on the top right of ADOC Form 403-A.
- b. The re-initiated disciplinary report shall be served and the above established procedures will be followed.

E. Miscellaneous Provisions for Low Level Rule Violations:

1. Inmates being cited for a Low Level Rule Violation and who **are not** in Good Time Earning Status may receive a Behavior Citation.
2. Inmates being cited for a Low Level Rule Violation and who **are** in Good Time Earning Status shall receive a disciplinary report.
3. Citations shall only be used when an inmate **is not** in Good Time Earning Status.

F. Procedures For Behavior Citations:

1. An inmate in the custody and control of the Alabama Department of Corrections who commits a violation may be issued an ADOC Form 403-C, *Behavior Citation*, by an employee.
2. The citing employee shall inform the inmate that a Behavior Citation, ADOC Form 403-C, is being initiated against him / her and provide the supporting reason(s). The employee shall complete and submit the form to his / her supervisor. An ADOC Form 302-A, *Incident Report*, is required on all violations.
3. The employee’s supervisor shall conduct an investigation surrounding the circumstances of the incident utilizing ADOC Form 403-C and ADOC Form 302-A. He / She shall confer with the employee to determine the facts and shall meet with the inmate to present the findings. The Supervisor shall then make a recommendation of sanction(s), if warranted. The loss of privileges or other sanctions shall follow the authorized sanctions outlined in Annex B, *Rule Violations Authorized Sanctions Table*.

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

G. Miscellaneous:

1. Annex A, *Rule Violations Table*, contains a numerical listing of High, Medium, and Low Level Rule Violations.
2. Annex B, *Rule Violations Authorized Sanctions Table*, contains a listing of High, Medium, and Low Level Rule Violation authorized sanctions.
3. Annex C, *Rule Violations Definitions and Examples*, contains a numerical listing of High, Medium, and Low Level Rule Violations with definitions and examples.
4. Approved actions and sanctions shall begin on the date that the data is entered into the respective system(s). Segregation sanction shall begin upon the inmates' placement in disciplinary status, depending upon cell space availability.
5. Inmates who have accrued good time will lose at least one (1) day of good time if found guilty of a violation.
6. An inmate found guilty of violating the Alabama Sex Offender Registration and Community Notification Act (ASORCNA) shall have all good time revoked through the disciplinary process.
7. A sex offender who earns good time and refuses to provide the required registration information in accordance with ASORCNA will be given a disciplinary report. The disciplinary process shall be completed prior to the inmate's release date and all good time shall be revoked in accordance with Alabama Code 15-20A-9(a)(5)

VI. DISPOSITION

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

VII. FORMS

- A. ADOC Form 403-A, *Disciplinary Report*.
- B. ADOC Form 403-B, *Disciplinary Report (Continuation)*.
- C. ADOC Form 403-C, *Behavior Citation*.

- D. ADOC Form 403-D, *Notice of Postponement of Disciplinary Hearing*.

VIII. SUPERCEDES / RESCINDS

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

IX. PERFORMANCE

- A. Federal Law Wolff v. McDonnell, 418 U. S. 539 (1974).
- B. Federal Law Sandin v. Connor, 515 U. S. 472, 484 (1995).
- C. Alabama Code Sections 14-1-1.1, 14-3-46, 15-20-20, 15-20-21 and 15-20-22.
- D. Alabama Act No 2011-640, Effective July 1, 2011.
- E. American Correctional Association (ACA), *Standards for Adult Correctional Institutions*, Fourth Edition, 4-4271, 4-4272, 4-4497.
- F. ADOC AR 302, *Incident Reporting*.
- G. ADOC AR 427, *Correctional Incentive Time*.
- H. ADOC AR 428, *Notification to the Court – Split Sentence (Act 754)*.
- I. ADOC AR 613, *Mental Health Coding and Tracking of Inmates*.
- J. ADOC AR 626, *Mental Health Consultation to the Disciplinary Process*.

ANNEX(S):

- A. Annex A, *Rule Violations Table*.
- B. Annex B, *Rule Violations Authorized Sanctions Table*.
- C. Annex C, *Rule Violations Definitions and Examples*.

A handwritten signature in black ink, appearing to read 'Kim T. Thomas', positioned above a horizontal line.

Kim T. Thomas, 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) not associated with the ADOC
- 905 Assault with a weapon on person(s) not 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 ²

RV #

MEDIUM LEVEL VIOLATIONS

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

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

Alabama Department of Corrections

Rule Violations Authorized Sanctions Table

HIGH LEVEL RULE VIOLATION SANCTIONS ⁴

- 1 Loss of a portion of, or all, good time the inmate has earned. (Mandatory loss of one (1) day good time is required).
- 2 Confinement to Disciplinary Segregation for up to 45 days.
- 3 Recommend custody review.
- 4 Loss of any and all privileges / incentives for up to 60 days.
- 5 Extra duty for up to 60 days.
- 6 Recommend job change.
- 7 Financial compensation for property damage.
- 8 Possession of a cellular telephone shall result in the loss of six (6) months of visitation privileges and a \$25.00 processing fee per offense. The fee shall increase by \$25.00 per offense.
- 9. All inmates confirmed for a positive drug test will be charged the current fee set by the outside toxicology laboratory.

MEDIUM LEVEL RULE VIOLATION SANCTIONS ⁵

- 1 Loss of a portion of good time the inmate has earned, not to exceed two (2) years. (Mandatory loss of one (1) day good time is required).
- 2 Confinement to Disciplinary Segregation for up to 30 days.
- 3 Recommend custody review.
- 4 Loss of any and all privileges / incentives for up to 45 days.
- 5 Extra duty for up to 45 days.
- 6 Recommend job change.
- 7 Financial compensation for property damage.
- 8 Possession of a cellular telephone shall result in the loss of six (6) months of visitation privileges and a \$25.00 processing fee per offense. The fee shall increase by \$25.00 per offense.

LOW LEVEL RULE VIOLATION SANCTIONS ⁶

- 1 Loss of a portion of good time the inmate has earned, not to exceed three (3) months. (Mandatory loss of one (1) day good time is required).
- 2 Loss of any and all privileges / incentives for up to 30 days (Privileges include but are not limited to: Canteen, Telephone, Visiting, and Outside (i.e. shopping, recreation, etc.)).
- 3 Recommend job change.
- 4 Extra duty for up to 30 days.
- 5 Counseling / Warning.
- 6 Removal from Hobby Craft.
- 7 Loss of Incentive Package.
- 8 Draw cut to _____ (Community Based Institutions Only).
- 9 Restriction / Inmate Uniform for ____ days (Community Based Institutions Only).
- 10 Loss of Passes for six (6) months (Community Based Institutions Only).
- 11 Return to Inmate Staff for ____ days (Community Based Institutions Only).

Annex B to AR 403

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

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

⁶ Citations shall only be used when an inmate **is not** in good time earning status.

RULE VIOLATIONS DEFINITIONS AND EXAMPLES

- RV # HIGH LEVEL VIOLATIONS ⁷**
- 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.

⁷ 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)⁸**
- 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.
- 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.

⁸ 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)⁹**
- 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.
- 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.

⁹ 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)¹⁰**
- 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.
- 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.

¹⁰ For an inmate who has earned good time, a minimum of one (1) day shall be revoked.

Alabama Department of Corrections

DISCIPLINARY REPORT

Incident Report Number: _____

1. Inmate: _____ Custody: _____ AIS#: _____
2. Institution: _____ Disciplinary Number: _____
3. The above inmate is being charged by _____ with a violation of Rule Number _____, specifically _____

_____ from Administrative Regulation # 403, which occurred on or about _____ 20 _____, at (time) _____ (am / pm), location: _____ . A hearing on this charge will be held at least 24 hours after the inmate is served.

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

(Date) (Arresting Official's Signature / (Title))

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

(Serving Officer's Signature) (Inmate's Signature / AIS Number)

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

7. If yes, list: _____

8. Hearing Date: _____ Time: _____ Place: _____

9. Inmate must be present in Hearing Room. If he / she is not present, explain in detail on additional page and attach.
10. The Arresting Official, Inmate, and all witnesses were sworn to tell the truth.

(Hearing Officer's Signature)

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

(Hearing Officer's Signature)

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

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

14. Inmate's testimony: _____

14a. Witness: _____ Substance of Testimony: _____

14b. Witness: _____ Substance of Testimony: _____

14c. Witness: _____ Substance of Testimony: _____

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

(Hearing Officer's Signature)

16. The following witnesses were not called: reason(s) witnesses not called:
a. _____
b. _____
c. _____

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

18. Basis for finding of fact: _____

19. Hearing Officer's decision: Guilty Not Guilty

20. Recommendation of Hearing Officer: _____

(Typed Name and Title)

(Hearing Officer's Signature)

21. Warden's / Division Director / designee Action - Date _____

Approved _____

Disapproved _____

Other (specify): _____

22. I hereby certify that a completed copy of the foregoing Disciplinary Report was served on the above named inmate on this the _____ day of _____, 20____, at (time) _____ (am / pm).

23. _____
(Serving Officer's Signature) (Inmate's Signature and AIS Number)

Distribution: Original to Central Records Division
Copy to: I & I (If Federal or State law violated)
Inmate Institutional File
Board of Pardons and Parole
Sentencing Judge (if applicable)

Alabama Department of Corrections

DISCIPLINARY REPORT (CONTINUATION)

1. Inmate: _____ Custody: _____ AIS#: _____
2. Institution: _____ Disciplinary Number: _____

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

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

15. Witness(s) testimony. Questions By Hearing Officer to Witness(s) (continued): _____

17. Findings of Fact (continued): _____

18. Basis for Finding of Fact (continued): _____

20. Recommendation of Hearing Officer (continued): _____

Other: _____

(Hearing Officer's Signature)

Alabama Department of Corrections

BEHAVIOR CITATION

1. Inmate: _____ Custody: _____ AIS #: _____

2. Institution: _____ Disciplinary Number: _____

3. Cell / Dorm / Bed #: _____ Job Assignment: _____

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

5. Date of Infraction: _____ Time of Infraction: _____ a.m. / p.m.

6. Location of Infraction: _____

Citing Employee's Signature and Date

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

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

(Inmate's Signature / AIS # / Date)

(Shift Supervisor's Signature / Title / Date)

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

- () Citation and sanction(s) are approved.
() Citation and sanction(s) are approved as modified below:

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

(Effective Date of Sanction(s))

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

9. Inmate's receipt of completed actions:

(Inmate's Signature / AIS # / Date)

Serving Officer's Signature: _____

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

ADOC Form 403-C - June 4, 2013

Alabama Department of Corrections

NOTICE OF POSTPONEMENT OF DISCIPLINARY HEARING

- 1. Inmate: _____ Custody: _____ AIS #: _____
- 2. Institution: _____ Disciplinary Number: _____
- 3. Cell / Dorm / Bed #: _____ Job Assignment: _____
- 4. Violation (s): _____
- 5. Notice is hereby given that your Disciplinary Hearing which was scheduled at _____
on _____ has been rescheduled for _____
(date) (time) (date and time)
- 6. Reason for rescheduling: _____

Inmate's Signature / AIS # / Date

Serving Officer's Signature / Date

Previous Edition is Obsolete

ADOC Form 403-D – June 4, 2013

Alabama Department of Corrections

NOTICE OF POSTPONEMENT OF DISCIPLINARY HEARING

- 1. Inmate: _____ Custody: _____ AIS #: _____
- 2. Institution: _____ Disciplinary Number: _____
- 3. Cell / Dorm / Bed #: _____ Job Assignment: _____
- 4. Violation (s): _____
- 5. Notice is hereby given that your Disciplinary Hearing which was scheduled at _____
on _____ has been rescheduled for _____
(date) (time) (date and time)
- 6. Reason for rescheduling: _____

Inmate's Signature / AIS # / Date

Serving Officer's Signature / Date

Previous Edition is Obsolete

ADOC Form 403-D – June 4, 2013