**Section 701.160 Discipline**

a) Written Disciplinary Rules and Regulations

The jail shall have and maintain written standards relating to discipline. The disciplinary rules and regulations must comply with Section 3.1 of the County Jail Good Behavior Allowance Act [730 ILCS 130/3.1]:

1) *The jail administrators* *who supervise institutions under* the *Act shall meet and* *promulgate* *uniform rules and regulations for behavior and conduct, penalties, and the awarding, denying,* *and revocation of good behavior allowance, in such institutions*. *All disciplinary action shall be consistent with the provisions of* *applicable law*. *Committed persons shall be informed of rules of behavior and conduct, the penalties for violation thereof, and the disciplinary procedure by which such penalties may be imposed. Any rules, penalties and procedures shall be posted and made available to the committed persons.*

2) *Whenever a person is alleged to have violated a rule of behavior, a written report of the infraction shall be filed with the* *jail administrator* *within 72 hours of the occurrence of the infraction or the discovery of it, and such report shall be placed in the file of the institution or facility. No disciplinary proceeding shall be commenced more than 8 days after the infraction or the discovery of it, unless the committed person is unable or unavailable for any reason to participate in the disciplinary proceeding.*

3) *All or any of the good behavior allowance earned may be revoked by the* *jail administrator, unless he* *or she* *initiated the charge, and in that case by the disciplinary board, for violations of rules of behavior at any time prior to discharge from the institution, consistent with the provisions of* the *Act.*

4) *In disciplinary cases that may involve the loss of good behavior allowance or eligibility to earn good behavior allowance, the* *jail administrator* *shall establish disciplinary procedures consistent with the following principles*:

A) *The* *jail administrator* *may establish one or more disciplinary boards, made up of one or more persons, to hear and determine charges. Any person who initiates a disciplinary charge against a committed person shall not serve on the disciplinary board that will determine the disposition of the charge. In those cases in which the charge was initiated by the* *jail administrator, he* *or she* *shall establish a disciplinary board which will have the authority to impose any appropriate discipline.*

B) *Any committed person charged with a violation of rules of behavior shall be given notice of the charge, including a statement of the misconduct alleged and of the rules this conduct is alleged to violate, no less than 24 hours before the disciplinary hearing.*

C) *Any committed person charged with a violation of rules is entitled to a hearing on that charge, at which time he* *or she* *shall have an opportunity to appear before and address the* *jail administrator* *or disciplinary board deciding the charge.*

D) *The person or persons determining the disposition of the charge may also summon to testify any witnesses or other persons with relevant knowledge of the incident. The person charged may be permitted to question any person so summoned.*

E) *If the charge is sustained, the person charged is entitled to a written statement, within 14 days after the hearing, of the decision by the* *jail administrator* *or the disciplinary board which determined the disposition of the charge, and the statement shall include the basis for the decision and the disciplinary action, if any, to be imposed.*

F) *The* *jail administrator* *may impose the discipline recommended by the disciplinary board, or may reduce the discipline recommended; however, no committed person may be penalized more than 30 days of good behavior allowance for any one infraction.*

G) *The* *jail administrator, in appropriate cases, may restore good behavior allowance that has been revoked, suspended,* *or reduced.*

5) *The jail administrator, or his or her designee, may revoke the good behavior allowance specified in Section 3 of the Act of a detainee sentenced to the Illinois Department of Corrections for misconduct committed while in the custody of the jail administrator. If a detainee, while in the custody of the jail administrator, is convicted of assault or battery on a peace officer, correctional employee, or another detainee, for criminal damage to property or for bringing into or possessing contraband in the jail in violation of Section 31A-1.1 of the Criminal Code of 2012, his or her day for day good behavior allowance shall be revoked for each day such allowance was earned while the detainee was in the custody of the jail administrator.*

b) Distribution of Rules

1) Every detainee shall be provided with the following:

A) Rules and regulations governing behavior.

B) Conduct constituting a penalty offense.

C) Types and duration of penalties, including loss of visiting privileges, that may be imposed.

D) Who may impose penalties.

E) Authorized methods of seeking information and making complaints.

F) All other matters necessary to enable the detainee to understand both his or her rights and obligations.

2) The information in subsection (b)(1) shall be conveyed to the detainee in a manner he or she understands. Special assistance shall be given as needed.

c) Complaints

1) Each detainee shall be permitted to make requests or complaints to the jail administration in written form, without censorship of substance.

2) If not resolved at the local level, detainees may submit a complaint to the Unit. A copy of the local decision must be attached to the complaint.

d) Reporting of Violations

Jail officers who observe disciplinary violations shall submit a written report of the occurrence.

e) Investigations and Penalties

1) Decisions on investigations and penalties for disciplinary violations shall be made in accordance with disciplinary rules of the county jails.

2) Supervisory staff shall conduct a review of the factors of an alleged minor rule violation within 24 hours after its occurrence. The supervisor may modify the discipline taken. Detainees segregated as a result of a minor rule infraction shall be informed by supervisory staff of the results of his or her review. The detainee may submit a grievance to a higher authority.

3) Segregation shall not exceed 72 hours for minor rule violations.

f) Violation Classifications

Violations shall be classified as minor or major.

1) Minor violations of conduct rules are those for which the penalty does not exceed a reprimand or the loss of privileges for more than 72 hours.

2) Major violations are those for which the penalty may be more severe, such as loss of good behavior allowance, transfer to segregation or isolation confinement, transfer to a higher classification of custody, any other change in status that may adversely affect a detainee's time of release or discharge, or the filing of additional charges subject to prosecution.

g) Prehearing Rules for Major Violations

1) Someone other than the reporting officer shall conduct an investigation into the facts of the alleged misconduct to determine if a violation occurred and if there is cause to believe the alleged detainee committed the violation. If cause exists, a hearing date shall be scheduled. The hearing shall be convened in accordance with subsection (a)(2).

2) No penalty shall be imposed until after the hearing, except that the accused may be segregated from the rest of the population or transferred to a different tier or cell block if jail authorities feel that the detainee constitutes a threat to other detainees, staff members, or to oneself or institutional order.

h) Hearing Rules for Major Violations

1) Rules governing major violations shall provide for a hearing on the alleged violation.

2) The hearing shall be before an impartial officer or committee, which may include a public member.

3) The accused shall be allowed to present evidence or witnesses in his or her behalf. However, witnesses may be denied if their testimony would be irrelevant or cumulative or jeopardize the safety and security of the facility.

4) The accused shall be allowed to pose questions to the hearing officer or committee to be asked of witnesses against the accused.

5) When the accused has a disability that requires him or her to need special assistance, the issues are complex and it is unlikely he or she will be able to collect and present the necessary evidence, the aid of a fellow detainee or member of the staff shall be made available to the accused.

6) The hearing officer or committee shall render the decision in writing setting forth the findings, the conclusion and any penalty imposed. If the decision finds the accused did not commit the alleged violation, all reference to the charges shall be removed from his or her file.

7) Findings of the hearing officer or committee shall be reviewed by the jail administrator or designee, who may accept the decision or reduce the penalty imposed.

i) Disciplinary Findings and Penalty Imposition

1) In reaching a decision regarding the type of discipline to be imposed, the hearing officer or committee shall evaluate the violation and the violator and choose the disposition that is most likely to promote conformance to normal standards of conduct.

2) A restriction of privileges shall be carefully evaluated and assessed as it relates to the infraction and does not impose a secondary penalty on another person.

3) Segregation shall be imposed only after lesser penalties have been considered.

4) Detainees under 18 years of age who are in segregation must remain separated by sight and sound from detainees 18 years or older.

5) Restricted diets and corporal punishment are prohibited.

6) Forfeiture of good behavior allowance shall be assessed in conformity with Section 3.1 of the County Jail Good Behavior Allowance Act.

j) Use of Restraints

Restraint devices, such as handcuffs, waist chains, leg irons, leg braces, straitjackets, etc., shall not be applied as a penalty.

1) Excluding pregnant detainees held in a jail located in a county of 3,000,000 or more inhabitants or any female detainees in labor, restraints may be used on a detainee:

A) As a precaution against escape during transportation.

B) On medical grounds by direction of the physician.

C) By order of the jail administrator in order to prevent a detainee from injuring others or to prevent a detainee from damaging or destroying property.

2) Use of any type of restraints on a pregnant detainee being held in a jail located in a county of 3,000,000 or more inhabitants shall be prohibited unless otherwise provided by Section 3-15003.6 of the Counties Code [55 ILCS 5/3-15003.6].

3) Use of any type of restraints on a female detainee who it has been determined is in labor shall be prohibited during transport to a medical facility for the purposes of delivery of a child.

4) Use of leg restraints, shackles or waist restraints on any female detainee who it has been determined is in labor shall be prohibited.

5) A written report shall be placed on file whenever restraint devices are applied in accordance with subsection (j)(1). Additionally, each individual case shall be reviewed at least once every 24 hours to determine the necessity for restraints.

6) Psychotropic medicines shall not be used as a disciplinary device or control measure.

k) Use of Force by Staff

Limitations on the use of force do not prohibit self defense, prevention of injury to another staff member or detainee, prevention of property damage, or efforts to subdue a recalcitrant or to thwart or prevent escape or attempt to escape. The least force necessary under the circumstances shall be employed.

l) Prosecution

When a detainee is alleged to have committed a crime, the facility shall document and refer the case to appropriate law enforcement officials for possible prosecution.

(Source: Amended at 38 Ill. Reg. 18859, effective October 1, 2014)