

OFFENDER RULEBOOK



MISSOURI DEPARTMENT
OF CORRECTIONS

MISSION STATEMENT

The mission of the Missouri Department of Corrections with victims, communities, the state and local governments is to improve public safety through secure confinement and effective community interventions. Through our cooperative efforts to provide effective correctional services, we hold offenders accountable for their behavior and prepare them to be productive citizens.

MISSOURI DEPARTMENT OF CORRECTIONS

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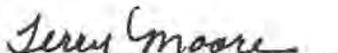
Dana D. Thompson, Chairman
Board of Probation & Parole

Conduct rules are essential to ensure safety and security for everyone within the correctional institution. The conduct rules and disciplinary process are designed to clearly identify prohibited conduct and to promote responsible behavior. The department is committed to fair and impartial enforcement of the conduct rules. It is our expectation that each person will comply fully with the divisional and institutional rules and treat others with respect and civility. This will help to make your stay with the department as trouble-free as possible.

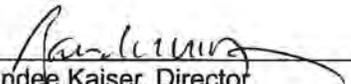
This rulebook is intended to assist you during the time you are assigned to an institution in the Division of Adult Institutions or Division of Offender Rehabilitative Services. It contains a list of prohibited acts; provides a brief description of the disciplinary process; and outlines disciplinary actions which may be taken. This rulebook also contains sections of the Missouri Revised Statutes pertinent to incarcerated offenders.

We urge you to utilize this period of incarceration to make and demonstrate improvements in your life. Your compliance with conduct rules and active involvement in work, education and other rehabilitative programs

available at the institution will help to make your period of incarceration productive and prepare you to successfully reenter and live in a free society.



Terry W. Moore, Director
Division of Adult Institutions



Randee Kaiser, Director
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INTRODUCTION

The contents of this rulebook are very important to you. If you have any questions or problems understanding anything in this book, be sure to ask a member of your unit staff for help.

In the event that any of the conduct rules or sanctions are revised, revisions will be posted in areas accessible to you and in the offender library. Revisions to the rules and sanctions will not necessarily result in a new rulebook being issued. You are encouraged to visit the institution library and review policies and procedures which have been developed to assist both staff and offenders in the everyday operation of the institution.

The information in this rulebook has been taken from IS 19-1 Offender Discipline, IS 19-1.1 Conduct Rules & Sanctions, IS 19-1.2 Conduct Violation Reporting, IS 19-1.3 Disciplinary Hearings – Minor and IS 19-1.4 Disciplinary Hearings – Major.

DEFINITIONS

The following definitions are used with the offender conduct rules or sanctions. You should

make sure you understand these definitions.

ACCESSORY: A person who provides assistance to someone engaging in prohibited behavior.

ACCUMULATION: Six minor conduct violations occurring within a six-month period for I-1 through I-4 for offenders who are C-4 or lower. Twelve minor conduct violations occurring within a twelve-month period for I-1 through I-4 offenders who are C-5.

***NOTE:** Once an offender accumulates violations increasing the I-score, the offender should be reclassified indicating the revised I-score and another review period begins whereby the offender may accumulate again if the appropriate number of minor conduct violations are received.

ATTEMPT: To engage in an act which is a step in a course of action leading to a prohibited behavior.

CONSPIRE: To agree with one or more other persons to engage in a prohibited behavior, with at

least one acting in furtherance of that behavior.

DEADLY WEAPON; DANGEROUS INSTRUMENT/DEVICE/SUBSTANCE: Any item or substance which, under the circumstances used, attempted or threatened to be used, or capable of being used, may cause death or serious physical injury.

INFORMAL SANCTIONS: Sanctions which are verbal or written that may be used as outlined for informal resolution of minor rule violations.

1. These sanctions may be used for up to 16 hours maximum, with the exception of property impoundment, which can only be used for the duration of the employee's shift.
2. If the rule violation is a major violation, is serious in nature, threatens the safety and security of the institution, is for sexual misconduct, or involves the destruction of state or offender property the employee should immediately fill out a Conduct Violation Report and not use an informal sanction.
3. Informal sanctions are as follows:

- a. warning/reprimand,
- b. activity restriction,
- c. living area restriction,
- d. extra duty, and
- e. property impoundment.

MAJOR CONDUCT VIOLATION: Any of the first 9 conduct violation rules listed (1-9.4) as stated in IS19-1.1 Conduct Rules and Sanctions; or any conduct violation which could be considered serious due to the circumstances surrounding the violation.

MINOR CONDUCT VIOLATION: The 10 through 41.9 conduct violation rules as stated in IS19-1.1 Conduct Rules and Sanctions; unless it is determined to be serious due to the circumstances surrounding the violation.

POSSESSION: An offender is considered to be in possession of an item if it is in her/his physical possession, or if it is in an area that she/he occupies or to which she/he is assigned, such as a living space, bed or locker.

SANCTION: A penalty which may be imposed for misconduct.

SEXUAL ACTIVITY: Any sexual act; intentional touching, whether done by a foreign object or by physical human contact of a sexual part of another or of self, regardless of whether such touching is consensual, kissing, or fondling; or physical or verbal conduct of a sexual nature.

SEXUAL PARTS: Genitalia, anus, groin, breast, inner thigh or buttocks.

SUSPENDED SANCTION: A sanction that is not imposed for a specific period of time unless another violation occurs during the time indicated. If no other violation occurs during the suspension time, the sanction will not be imposed. The maximum time of a suspended sanction will be 90 days.

CONDUCT VIOLATIONS

Offenders are not allowed to engage in the following listed behaviors. Any offender found to have engaged in any of these may be issued a conduct violation with appropriate sanctions imposed.

The following is a list of conduct rules. The

first nine are considered major conduct rules.

RULES OF CONDUCT	LEVEL
1. MURDER/ MANSLAUGHTER:	
1.1 Causing the death of another person.	1
2. ASSAULT:	
2.1 Causing serious physical injury to another either with or without a weapon, or through the use of any substance, instrument or device which can cause physical injury.	1
2.2 Causing a person to come into contact with or throwing/projecting feces or body fluids, i.e., urine, blood, saliva, etc.	1
2.3 Subjecting an employee to physical contact by kissing or touching the sexual parts.	1

**3. DANGEROUS
CONTRABAND:**

3.1 Making, transferring or having possession of a firearm, knife, razor blade, bludgeon or other weapon, instrument, material or substance which is readily capable of causing or inducing fear of death or physical injury. 1

4. ESCAPE:

4.1 Perimeter Escape – leaving the security perimeter or grounds of a correctional center or treatment center without authorization. 1

4.2 Leaves an institutional work release assignment. 1

4.3 Flees supervision while being transported under escort on outcount. 1

- 4.4 Otherwise flees from direct supervision. 1
 - 4.5 Wearing or making a disguise. 1
 - 4.6 Possessing instruments of escape, such as handcuff keys, lock pick, hacksaw blades, rope or any other instrument of escape. 1
 - 4.7 Possessing maps, plans or making plots concerning escape by written or verbal communication. 1
 - 4.8 Possessing any employee uniform, nonoffender employee clothing or nonoffender identification card. 1
- 5. HOSTAGE/RESTRAINT:**
- 5.1 Detaining, holding or taking a person against her/his will. 1

6. RIOT:

- 6.1 Three or more offenders participating in violent behavior that interferes with normal operations of the facility and creates a danger of damaging property or injuring persons. 1
- 6.2 Inciting a riot by encouraging offenders to engage in a violation of rule 6.1, or once a riot begins, assuming a position of command or instruction in furtherance of the riot. 1

7. FORCIBLE SEXUAL MISCONDUCT:

- 7.1 Using force, coercion or threats of force to obtain the compliance of another in any type of sexual activity. 1

8. ARSON:
8.1 Knowingly or negligently starting a fire or causing an explosion. 1

9. ORGANIZED DISOBEDIENCE:
9.1 Three or more offenders gathering in a nonviolent manner who refuse to obey orders. 1

9.2 Three or more offenders gathering in a nonviolent manner to discuss or petition the disobedience of rules or laws. 1

9.3 Inciting organized disobedience by encouraging offenders to assemble and refuse to disperse or to engage in other acts of organized disobedience. 1

9.4 Three or more offenders participating in acts of organized disobedience such as refusal to work, hunger strikes or nonviolent demonstrations. 1

10. MINOR ASSAULT:
10.1 Causing, or intending to cause, non-serious physical injury by striking another. 2

10.2 Using a non-dangerous object/substance; or by any other physically aggressive act. 2

10.3 Subjecting an employee to any physical contact without her/his consent. 2

11. POSSESSION/USE OF AN INTOXICATING SUBSTANCE:
11.1 Possessing a controlled substance not prescribed, or in an amount not authorized, by medical employee. 2

11.2 Being involved in any way with an agreement, scheme or plan to introduce a controlled substance or intoxicant into a department facility.	2
11.3 Possessing or making intoxicants, including alcohol.	2
11.4 Possessing drug paraphernalia. (Any item utilized to ingest or consume controlled or intoxicating substances i.e.; pipes, roach clips, syringes, etc.)	2
11.5 Being found by observation or test to be under the influence of any controlled or intoxicating substance not officially prescribed or authorized.	2
11.6 Refusing to submit to any alcohol test or drug test.	2

11.7 Refusing to submit a urine sample. (Failure to submit the required amount of acceptable urine specimen in the required time period is considered to be a refusal to submit.)	2
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11.8 Submitting an adulterated or diluted urine sample.	2
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11.9 Possessing recipes or formulas for manufacturing a controlled or intoxicating substance.	3
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12. THREATS:

12.1 Taking action (either verbally, physically or in writing) which harms or creates the belief of harm to another person or her/his property.	2
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12.2 Threatening a victim or victim's family with physical harm.	2
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- 12.3 Threatening or harassing a victim or victim's family. 2
- 13. POSSESSION OF MONEY/ LEGAL TENDER:**
- 13.1 Possessing money or legal tender of any type without authorization. 2
- 14. FALSE IDENTIFICATION:**
- 14.1 Making, wearing or having possession of unauthorized clothing or items which would lead others to believe she/he is someone else. 2
- 14.2 Making/having possession of any item to replace her/him in her/his absence. 2
- 14.3 Having possession of false or unauthorized offender identification. 2

- 15. SEXUAL MISCONDUCT:**
- 15.1 Engaging with another in any type of sexual activity. 2
- 15.2 Engaging in the self touching of one's sexual parts in view of others. 2
- 15.3 Inappropriately exposing one's sexual parts to others. 2
- 16. TATTOOING/BODY ALTERING:**
- 16.1 Altering the appearance of one's body by applying permanent designs on the skin, body piercing or branding. 2
- 16.2 Possessing or using any instrument for the purpose of making a tattoo, body piercing or brand. 2

- 17. SELF-HARM:**
- 17.1 Inflicting physical harm or bodily injury to oneself. 2
- 18. INTERFERING WITH A COUNT:**
- 18.1 Failing to abide by institutional count procedures. 2
- 18.2 Disrupting any count by being absent from the assigned area or being out of the designated position. 2
- 18.3 Distracting the employee in any manner while making a count. 2
- 19. CREATING A DISTURBANCE:**
- 19.1 Any action on the part of one or more offenders that threatens the custody, control or security of the institution. 2

- 19.2 Taking any evasive action including, but not limited to, running from or hiding from a staff member for the purpose of avoiding observation or apprehension. 2
- 19.3 Destroying any potential evidence by ingesting it, flushing it down a toilet or otherwise disposing of it. 2
- 19.4 Engaging in conduct that interferes with normal operations. 2
- 19.5 Making a loud noise that is likely to annoy or alarm another person. 2
- 19.6 Being involved in writing, circulating or signing a petition that promotes the disobedience of rules or laws. 3

- 20. DISOBEYING AN ORDER:**
- 20.1 Failing to comply with a written or verbal order or instruction of any employee. 2
- 20.2 Failing to cooperate in any official departmental investigation. (This rule does not apply when an offender refuses to self-incriminate.) 2
- 21. INSULTING BEHAVIOR:**
- 21.1 Subjecting another person to abusive or obscene language or gestures. 2
- 22. THEFT:**
- 22.1 Taking, obtaining, withholding or being in possession of the property of another without the owner's consent. 2

- 23. GIVING FALSE INFORMATION:**
- 23.1 Making false written or oral statements to an employee or official. 2
- 24. CONTRABAND:**
- 24.1 Making, transferring or having possession of any unauthorized article or substance. 2
- 24.2 Possessing any non-controlled prescribed medication in an unauthorized manner 2
- 24.3 Possessing unauthorized amounts of over-the-counter medication. 2
- 24.4 Transferring any property between offenders. 2

24.5 Altering any item in an unauthorized manner.	2
24.6 Possessing unauthorized amounts of property.	3
24.7 Possessing nuisance contraband, including but not limited to: sugar packets, empty containers that were previously purchased from canteen with products inside, etc.	3
25. FIGHTING:	
25.1 Engaging in a physical struggle with one or more offenders.	2
26. TAMPERING WITH LOCKING OR SAFETY DEVICES:	
26.1 Damaging, tampering with or altering any institutional lock, safety device or security equipment.	2

27. FRAUD:	
27.1 Obtaining anything of value through deception, false pretense or trickery.	2
27.2 Creating a document or official record in order to deceive or mislead.	2
27.3 Altering, destroying, concealing or removing a document or official record to impair its authenticity or availability.	2
28. GAMBLING:	
28.1 Engaging in, or organizing, a gambling activity.	2
28.2 Possessing gambling paraphernalia; i.e., betting slips, tally sheets, parlay tickets, etc.	2

29. BRIBERY:

29.1 Giving, loaning or agreeing to give any person any benefit or anything of value in return for a favorable decision, opinion, recommendation or action. 2

30. OUT OF BOUNDS:

30.1 Being in any unauthorized area. 2

30.2 Being in any area where not assigned. 2

30.3 Not being in the area where assigned or directed. 2

31. DESTROYING PROPERTY:

31.1 Damaging, defacing, altering or losing any item of state property or personal property owned by another. 2

32. SANITARY VIOLATION:

32.1 Defecating or urinating in other than provided facilities 2

32.2 Failing to bathe or shower regularly. 2

32.3 Failure to keep living area clean and sanitary. 2

32.4 Committing acts which create a hazard to hygienic conditions. 2

33. SAFETY VIOLATION:

33.1 Committing an act that is potentially hazardous to the health of any person within the facility. 2

33.2 Failing to follow any safety rule or instruction. 3

38.4 Using the telephone in an unauthorized manner (i.e., participating in three-party calls for any purpose to violate institutional rules.) 3

38.5. Using the mail system in an unauthorized manner (i.e., mailing a letter within a letter, entering financial agreements or contracts or using an invalid return address and/or false name.) 3

39. ABUSE OF JUDICIAL PROCEEDINGS:

An offender found by the court to have done one of the following while in the custody of the department. M

39.1 Filed a false, frivolous or malicious action or claim with the court. M

39.2 Brought an action of claim with the court solely or primarily for delay or harassment. M

39.3 Unreasonably expanded or delayed a judicial proceeding. M

39.4 Testified falsely or otherwise submitted false evidence or information to the court. M

39.5 Attempted to create or obtain a false affidavit, testimony or evidence. M

39.6 Abused the discovery process in any judicial action or proceeding. M

40. STATE, FEDERAL, MUNICIPAL OR COURT LAW OR ORDINANCE:	
40.1 Failing to abide by any state or federal law or municipal or county ordinance.	2
41. PROCEDURES AND RULES:	
41.1 Failing to abide by any published and/or posted rule, policy or procedure of the department, division or institution.	2
41.2 Using any equipment, machinery or electronic device, including computers, without authorization, or in an unauthorized manner.	2
41.3 Contaminating or altering food or drink belonging to the state or another person.	2
41.4 Using tobacco products in an unauthorized area.	3

41.5 Failing to abide by visiting rules.	2
41.6 Playing a television, radio, tape player or CD player without headphones.	3
41.7 Engaging in rowdy behavior; horseplay.	3
41.8 Demonstrating, practicing or using martial arts; boxing (except for use of a punching bag); wrestling; or engaging in other forms of physical encounter or military-style drill not authorized by the facility.	3
41.9 Failing to follow sign-in/sign-out procedures.	3

DISPOSITION OF CONDUCT VIOLATIONS

Disciplinary Hearing Officers and Adjustment Boards have the basic authority for the administration of offender discipline and may

recommend disciplinary sanctions or referral for classification/administrative actions as outlined below. In the event these sanctions/actions are revised, they will be posted in areas accessible to you and will be available in IS 19-1.1 Conduct Rules & Sanctions in the library.

**DEFINITION OF DISCIPLINARY SANCTIONS,
CLASSIFICATION ACTIONS, MANDATORY
DISCIPLINARY SANCTIONS
AND ADMINISTRATIVE ACTIONS**

DISCIPLINARY SANCTIONS

D-1 DISCIPLINARY SEGREGATION

ASSIGNMENTS: Placement in a segregation cell.

Level 1 Violations – Maximum 30 days

Level 2 Violations – Maximum 20 days

Level 3 Violations – Maximum 10 days

Multiple sanctions of disciplinary segregation may be served concurrently.

Multiple consecutive assignments will be

handled as follows:

- a. The offender should be placed in Temporary Administrative Segregation Confinement (TASC) for 24 hours between each sanction of up to 10 calendar days of disciplinary segregation.
- b. After a disciplinary segregation sanction of 11-20 consecutive calendar days, with no break, 3 days Temporary Administrative Segregation Confinement (TASC) should be given before additional sanctions of disciplinary segregation are imposed.
- c. After disciplinary segregation sanction of 21-30 consecutive calendar days, with no break, 5 days Temporary Administrative Segregation Confinement (TASC) should

be given before additional sanctions of disciplinary segregation are imposed.

D-2 VISITING RESTRICTIONS: Placement on noncontact visiting status.

Level 1 Violations – Maximum Time of 1 year

Level 2 Violations – Maximum Time of 6 months

Level 3 Violations – N/A

D-3 LIVING AREA RESTRICTION: The offender is confined to her/his room, cell or living area except for meals, contact with chaplain/designee, law library, canteen for hygiene and legal items, required activities, restroom and visits. Visits will be non-contact and two hours in duration.

Level 1 Violations – N/A

Level 2 Violations – Maximum Time of 30 days

Level 3 Violations – Maximum Time of 10 days

Multiple consecutive assignments will be handled as follows:

- a. The offenders should be released from living area restriction status for 24 hours between each sanction of up to 10 calendar days of living area restriction.
- b. After a living area restriction of 11-30 consecutive calendar days, with no break, the offender must be released from living area restriction status for 5 calendar days before additional sanctions of living area restriction are imposed.

D-4 ACTIVITY RESTRICTION: Loss of telephone privileges (except attorney phone calls upon request of the attorney), library (excluding law library); special activities and recreation privileges.

Level 1 Violations – N/A

Level 2 Violations – Maximum of 30 days
Level 3 Violations – Maximum of 10 days

D-5 CONFISCATION: The permanent loss of unauthorized property, including funds or other assets.

Level 1 Violations – Applicable
Level 2 Violations – Applicable
Level 3 Violations – Applicable

D-6 PROPERTY IMPOUNDMENT: The loss of use of authorized property for a specified period of time.

Level 1 Violations – N/A
Level 2 Violations – Maximum of 60 days
Level 3 Violations – Maximum of 30 days

D-7 PROGRAMMATIC SANCTIONS: A disciplinary action taken within an authorized program in accordance with procedures for that program.

Level 1 Violations – N/A

Level 2 Violations – Applicable
Level 3 Violations – Applicable

D-8 PROGRAM ATTENDANCE/ COMPLETION REQUIREMENT:

Mandatory attendance and successful completion of any program relating to the offender's behavioral needs.

Level 1 Violations – Applicable
Level 2 Violations – Applicable
Level 3 Violations – Applicable

D-9 PAY FOR DAMAGES: The offender will pay the cost of repair or replacement, or a reasonable portion of the total as determined by the superintendent/ designee for lost, damaged or destroyed state property.

Level 1 Violations – Applicable
Level 2 Violations – Applicable
Level 3 Violations – Applicable

D-10 EXTRA DUTY: Work assignments under the supervision of an employee in addition to regular duties.

Level 1 Violations – N/A

Level 2 Violations – Maximum of 16 hours

Level 3 Violations – Maximum of 16 hours

D-11 WARNING/REPRIMAND: A statement to the offender to cease an unauthorized course of action.

Level 1 Violations – N/A

Level 2 Violations – N/A

Level 3 Violations – Applicable

The following Classification and/or Administrative Actions may be imposed for Conduct Violations.

CLASSIFICATION ACTIONS

C-1 Refer to the Administrative Segregation Committee: Make a request for the committee to review for assignment to the administrative segregation unit for the security and good order of the institution. May occur with Level 1 or Level 2 violations or with accumulation of violations.

C-2 Request for Transfer/Reevaluation of Reclassification Analysis:

Request for reassignment to a more appropriate facility and/or an upgrade of custody level based upon behavior.

C-3 Removal from, or restriction from consideration for, work assignments, extended limits of confinement, work release, etc.: May occur with Level 1 or Level 2 violations or with accumulation of violations.

C-4 Refer to program review committee.

C-5 Refer for a possible termination from a Mandatory Treatment Reintegration/Confinement Program: Removal from a court or parole board ordered or statutorily required treatment program for refusal to participate, inadequate participation or disruptive behavior. May occur with a Level 1 or Level 2 violation or with accumulation of violations.

Mandatory education program will not be affected.

MANDATORY DISCIPLINARY SANCTIONS

M-1 Abuse of Judicial Proceedings

Sanctions: Limited only to conduct rule 39. The following options will be imposed for this conduct violation. For each instance the court finds such an abuse, either option 1 or option 2 will be imposed.

1. **Option 1:** If the court order is issued prior to the offender's first parole consideration hearing date, the parole consideration hearing date will be delayed 60 days; or
2. **Option 2:** If the court order is issued after the first parole consideration hearing date, the superintendent/designee will advise the offender finance officer to determine the amount equal to 50% of the offender's average daily balance of the 12

months preceding the date of the conduct violation, using all days the offender's account had a positive balance; however, in no instance shall the balance of an offender's account be reduced to an amount less than ten dollars. The amount due may be deducted from any compensation payable or later paid to the offender, or from any other property belonging to the offender in the custody and control of the department.

3. **Option 3:** In addition to the sanction imposed in option 2 if the offender's account balance is below ten dollars, staff may also issue a sanction for one of the following:
 - a. Non-contact visiting for 90 days;
or
 - b. Activity restriction for 30 days.

ADMINISTRATIVE ACTIONS

- A-1 Recommendation for Time Extension:** Old Criminal Code.
- A-2 Referral for Conditional Release Extension:** Request to extend the conditional release date.
- A-3 Referral for Time Credit Loss:** Request to remove time credit consideration.
- A-4 Referral to Treatment:** Referral to any department approved program.

May occur with Level 1 or Level 2 violations.

- A-5 Request for Prosecution:** Request to prosecuting attorney for prosecution in a court of law.

May occur with Level 1 or Level 2 violations or any violation of a law.

RANGE OF DISCIPLINARY SANCTIONS AND CLASSIFICATION/ADMINISTRATIVE ACTIONS

The following is a list of all conduct rules followed by the disciplinary sanctions which may be imposed for violation of the rule. Classification and Administrative Actions will also be issued in accordance with the level of the conduct rule violation or accumulation of violations. Superintendents may go outside of the listed range with justification. Refer to the Definitions of Sanctions and Classification/Administrative Actions.

RANGE OF DISCIPLINARY SANCTIONS

<u>Conduct Violations</u>	<u>Sanctions</u>
1. MURDER/ MANSLAUGHTER	
1.1	D-1, 2, 5, 8, 9
2. ASSAULT	
2.1, 2.2, 2.3	D-1, 2, 5, 8, 9
3. DANGEROUS CONTRABAND	
3.1	D-1, 2, 5, 8, 9

- 4. ESCAPE**
4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8 D-1, 2, 5, 8, 9
- 5. HOSTAGE/
RESTRAINT**
5.1 D-1, 2, 5, 8, 9
- 6. RIOT**
6.1, 6.2 D-1, 2, 5, 8, 9
- 7. FORCIBLE SEXUAL
MISCONDUCT**
7.1 D-1, 2, 5, 8, 9
- 8. ARSON**
8.1 D-1, 2, 5, 8, 9
- 9. ORGANIZED
DISOBEDIENCE**
9.1, 9.2, 9.3, 9.4 D-1, 2, 5, 8, 9
- 10. MINOR ASSAULT**
10.1, 10.2, 10.3 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10
- 11. POSSESSION/USE OF
AN INTOXICATING
SUBSTANCE**
11.1, 11.2, 11.3 D-1, 2, 5, 8, 9
11.4, 11.5, 11.6, D-1, 2, 3, 4, 5, 6, 7, 8,
11.7, 11.8 9, 10

- 11.9 D-1, 3, 4, 5, 6, 7, 8, 9,
10, 11
- 12. THREATS**
12.1, 12.2, 12.3 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10
- 13. POSSESSION
OF MONEY/
LEGAL TENDER**
13.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10
- 14. FALSE
IDENTIFICATION**
14.1, 14.2, 14.3 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10
- 15. SEXUAL
MISCONDUCT**
15.1, 15.2, 15.3 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10
- 16. TATTOOING/
BODY ALTERING**
16.1, 16.2 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10
- 17. SELF-HARM**
17.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**18. INTERFERING
WITH A COUNT**

18.1, 18.2, 18.3 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**19. CREATING A
DISTURBANCE**

19.1, 19.2, 19.3, D-1, 2, 3, 4, 5, 6, 7, 8,
19.4, 19.5 9, 10
19.6 D-1, 3, 4, 5, 6, 7, 8, 9,
10, 11

**20. DISOBEYING AN
ORDER**

20.1, 20.2 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**21. INSULTING
BEHAVIOR**

21.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

22. THEFT

22.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**23. GIVING FALSE
INFORMATION**

23.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

24. CONTRABAND

24.1, 24.2, 24.3, D-1, 2, 3, 4, 5, 6, 7, 8,
24.4, 24.5 9, 10
24.6, 24.7 D-1, 3, 4, 5, 6, 7, 8, 9,
10, 11

25. FIGHTING

25.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**26. TAMPERING WITH
LOCKING OR
SAFETY DEVICES**

26.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

27. FRAUD

27.1, 27.2, 27.3 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

28. GAMBLING

28.1, 28.2 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

29. BRIBERY

29.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

30. OUT OF BOUNDS

30.1, 30.2, 30.3 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**31. DESTROYING
PROPERTY**

31.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**32. SANITARY
VIOLATION**

32.1, 32.2, 32.3,
32.4 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**33. SAFETY
VIOLATION**

33.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

33.2 D-1, 3, 4, 5, 6, 7, 8, 9,
10, 11

**34. UNAUTHORIZED
ORGANIZATIONS**

34.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

35. MALINGERING

35.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

35.2 D-1, 3, 4, 5, 6, 7, 8, 9,
10, 11

**36. PROGRAM
FAILURE**

36.1, 36.2 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**37. UNAUTHORIZED
RELATIONSHIPS**

37.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

**38. ABUSE OF
TELEPHONE,
MAIL, FINANCE**

38.1, 38.2, 38.3 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

38.4, 38.5 D-1, 3, 4, 5, 6, 7, 8, 9,
10, 11

**39. ABUSE
OF JUDICIAL
PROCEEDINGS**

39.1 – 39.6 MANDATORY
SANCTIONS

**40. STATE, FEDERAL,
MUNICIPAL OR
COUNTY LAW
ORDINANCE**

40.1 D-1, 2, 3, 4, 5, 6, 7, 8,
9, 10

41. PROCEDURES AND RULES

41.1, 41.2, 41.3, 41.5	D-1, 2, 3, 4, 5, 6, 7, 8, 9, 10
41.4, 41.6, 41.7, 41.8, 41.9	D-1, 3, 4, 5, 6, 7, 8, 9, 10, 11

DISCIPLINE & DISCIPLINARY PROCEDURES

1. Institutional order and control will, for the most part be regulated through a system of positive reinforcement for positive behavior. Disciplinary sanctions and classification/administrative actions, however, are a necessary factor in offender treatment and control. Disciplinary procedures shall be administered in accordance with the following principles:
 - A. Disciplinary action shall only be taken at such times and in such measures and degrees as necessary to maintain offender behavior within acceptable limits.
 - B. Offender behavior shall be controlled in an impartial and consistent manner.

- C. Disciplinary action shall not be capricious nor in retaliation or revenge.
 - D. There shall be no corporal punishment of any kind.
 - E. Offender misconduct shall be reported by staff as soon as possible after it occurs.
 - F. Disciplinary action shall be taken as soon after the occurrence of misconduct as circumstances permit.
 - G. All reported misconduct and disciplinary actions shall be recorded in the offender classification file.
2. If you violate one of the published departmental, divisional or institutional rules, you can expect the following procedures:
 - A. The reporting staff member will submit a written conduct violation report as soon as possible after the incident occurs. However, if the violation is of a minor nature and does not threaten safety and security of the institution, is not for sexual misconduct, or does not involve the destruction of state or offender property, the staff member may propose

an informal sanction. If you agree to the informal sanction and carry out the sanction, a conduct violation will not be processed. If you do not agree to the informal sanction, or do not carry out the sanction, a conduct violation will be processed.

- B.** You and the reporting staff member will be jointly interviewed by another staff member. At that time you will be advised of the charges against you. If you are charged with a violation of any state or federal law, you will also be advised of your rights.
- C.** During the interview, you may admit guilt and voluntarily waive your right to a formal hearing for minor conduct violations only. You will sign the Conduct Violation Report, the reporting employee and the interviewing staff will witness. The Conduct Violation Report will be forwarded to the appropriate disciplinary hearing officer for review. The Disciplinary Hearing Officer will issue appropriate sanction(s).
- D.** You will be scheduled for an appearance

before a disciplinary officer/ adjustment board no sooner than 24 hours unless you agree to waive this notification period. The hearing will be held no later than seven working days after the interview, unless there are documented extenuating circumstances.

- E.** You will follow your regular routine until the hearing unless it is determined that your behavior is a threat to yourself or others. If so, you may be placed in temporary administrative segregation confinement. A form stating the reason for the confinement will be prepared and you will receive a copy.
- F.** After the hearing, the findings will be summarized and recommendations made and forwarded to the superintendent/ designee for final approval. You will receive a copy of this summary report.
- G.** The disciplinary action will be carried out by appropriate staff. You will receive a copy of the final disciplinary action report only if changes are made to the recommendations.

3. When charged with a conduct violation:
- A. You have the right to notice of an alleged violation at least 24 hours prior to any disciplinary hearing on the violation.
 - B. You have the right to a hearing on any alleged violation or may plead guilty and waive your right to a hearing either during the interview or at the scheduled hearing for minor violations. Formal hearings must be held when an offender is placed on TASC, refuses to sign or for those violations heard by the adjustment board.
 - C. You may request an offender counsel substitute to assist you in preparing for and presenting your case in a disciplinary hearing. Your request must be approved by the hearing officer/adjustment board prior to an offender counsel substitute being allowed to attend the disciplinary hearing.
 - D. You have the right to make a statement and present evidence on your behalf at a hearing.
 - E. You may request to have witnesses at

the hearing. If a requested witness is denied, the Disciplinary Hearing Officer/ Adjustment Board Chairperson will document the denial.

- F. You have the right to a written report of the findings and recommendations and of the final action of the superintendent/ designee, if revised.
- G. You have the right to appeal any disciplinary action through the offender grievance procedure.

STATUTES

The following statutes from the Missouri Revised Statutes, (Cumulative Supplement, 2005) apply specifically to prohibited behavior of offenders.

217.360. Delivery or concealment of controlled substances, liquor or prohibited articles on premises of any correctional center or city, county or private jail, penalties – expungement of records for certain violations, procedure.

1. It shall be an offense for any person to

knowingly deliver, attempt to deliver, have in his possession, deposit or conceal in or about the premises of any correctional center, or city or county jail, or private prison or jail:

- (1) Any controlled substance as that term is defined by law, except upon the written prescription of a licensed physician, dentist or veterinarian;
- (2) Any other alkaloid of any controlled substance, any spirituous or malt liquor, or any intoxicating liquor as defined in section 311.020, RSMo;
- (3) Any article or item of personal property which an offender is prohibited by law or by rule and regulation of the division from receiving or possessing;
- (4) Any gun, knife, weapon or other article or item of personal property that may be used in such manner as to endanger the safety or security of the correctional center, or city or county jail, or private prison or jail or as to endanger the life or limb of any offender or employee of such a center.

2. The violation of subdivision (1) of subsection 1 of this section shall be a class C felony; the violation of subdivision (2) of subsection 1 of this section shall be a class D felony; the violation of subdivision (3) of subsection 1 of this section shall be a class A misdemeanor; and the violation of subdivision (4) of subsection 1 of this section shall be a class B felony.
3. Any person who has been found guilty of or has pled guilty to a violation of subdivision (2) of subsection 1 of this section involving any alkaloid shall be entitled to expungement of the record of the violation. The procedure to expunge the record shall be pursuant to section 610.123, RSMo. The record of any person shall not be expunged if such person has been found guilty of or has pled guilty to knowingly delivering, attempting to deliver, having in his possession, or depositing or concealing any alkaloid of any controlled substance in or about the premises of any correctional center, or city or county jail, or private prison or jail.

(L. 1982 H.B. 1196 § 68, A.L. 1989 H.B. 408, A.L. 1995 H.B. 424, A.L. 1998 S.B. 842, A.L. 2003 S.B. 399)

217.365. Offenders not to carry money, exceptions, violations, treated as contraband.

– No offender while confined in any correctional center of the department, except those offenders so authorized by the chief administrative officer of a particular center, shall be permitted to have on his person, in his cell, or in his immediate possession, any money or legal tender of any description. Such money or legal tender shall be considered contraband under the rules and regulations of the department. Such contraband shall be confiscated and deposited in the offender canteen fund and expended pursuant to section 217.195.

(L. 1982 H.B. 1196 § 69, A. L. 1989 H.B. 408, A. L. 1995 H.B. 424)

217.385. Violence or injury to others or property by offender, penalty.

1. No offender shall knowingly commit violence to an employee of the department or to another offender housed in a

department correctional center. Violation of this subsection shall be a class B felony.

2. No offender shall knowingly damage any building or other property owned or operated by the department. Violation of this subsection shall be a class C felony.

(L. 1982 H.B. 1196 § 74, A. L. 1989 H. B. 408, A. L. 1995 H.B. 424)

217.390. Escape, defined – penalty. An offender absenting himself without leave from any person in charge of his supervision, or from any work assignment, educational release program or job outside of the correctional center, or from any halfway house or correctional facility operated by another political subdivision to which he has been assigned, or who willfully fails to return to such place at the appointed time after having been permitted to leave, shall be deemed on “escape” status. He shall be reported by the division to the appropriate law enforcement officer and upon conviction shall be sentenced for escape as provided in section 575.210, RSMo. Inadvertent releases shall be rectified by an issuance of a warrant by the director.

(L. 1982 H.B. 1196 § 75, A. L. 1989 H.B. 408,
A. L. 1990 H. B. 974, A. L. 1995 H. B. 424)

565.085. Crime of endangering a corrections employee – definitions – penalty.

1. An offender or prisoner commits the crime of endangering a corrections employee, a visitor to a correctional facility, or another offender or prisoner if he or she attempts to cause or knowingly causes such person to come into contact with blood, seminal fluid, urine, feces or saliva.
2. For the purposes of this section the following terms mean:
 - (1) "Corrections employee", a person who is an employee or contracted employee of a subcontractor, of a department or agency responsible for operating a jail, prison, correctional facility or sexual offender treatment center, or a person who is assigned to work in a jail, prison, correctional facility or sexual offender treatment center;
 - (2) "Offender", a person in the custody

- of the Department of Corrections;
- (3) "Prisoner", a person confined in a county or city jail.
 3. Endangering a corrections employee, a visitor to a correctional facility or another offender or prisoner is a class D felony unless the substance is unidentified in which case it is a class A misdemeanor. If an offender or prisoner is knowingly infected with the human immunodeficiency virus (HIV), hepatitis B or hepatitis C and exposes another person to HIV, hepatitis B or hepatitis C by committing the crime of endangering a corrections employee, a visitor to a correctional facility or another offender or prisoner, it is a class C felony.
- (L. 2005 H.B. 700)

House Bill 353 has been signed into law. It eliminates the provision in section 558.016 which allowed an offender to petition a court for release after the offender had served 120 days of a non-violent class C or D felony.

566.145.1 Sexual contact with an inmate, penalty – consent not a defense.

1. A person commits the crime of sexual contact with a prisoner or offender if such person is an employee of, or assigned to work in, any jail, prison or correctional facility and such person has sexual intercourse or deviate sexual intercourse with a prisoner or offender.
 2. For the purposes of this section the following terms shall mean:
 - (1) "Prisoner", includes any person who is in the custody of a jail, whether pretrial or after disposition of a charge;
 - (2) "Offender", includes any person in the custody of a prison or correctional facility and any person who is under the supervision of the state board of probation and parole.
 3. Sexual contact with a prisoner or offender is a class D felony.
 4. Consent of a prisoner or offender is not an affirmative defense.
- (L. 2006 H.B. 1698, et al.)

GUIDELINES FOR ADJUSTMENT TO INCARCERATION

The Missouri Department of Corrections is committed to the custody and supervision of all offenders; however, circumstances may occur which place you in a vulnerable or insecure situation. Be aware of, and avoid, conditions which may put you in these situations. Some examples of these circumstances are as follows:

Avoid Getting in Debt by gambling, borrowing or lending. Be aware of offender protection groups which promise to provide you safety in exchange for money, cigarettes or canteen items.

Substance Abuse – Drugs and Alcohol: Prescribed medications should be taken according to an authorized doctor's orders only.

Drugs and alcohol are not permitted. The use or possession of drugs and alcohol can lead to attacks against you by others. Also, the possession/use of controlled substances is against Missouri statutes and may result in prosecution.

Unauthorized Organizations will want you

to become a member. It is your responsibility to choose your friends wisely as these individuals might not have your best interest in mind.

Verbal and Physical Harassment or strong-arming may occur: In the event such harassment should occur and you think you need assistance in handling this problem, contact a staff member for help.

To Avoid Sexual Assault: Choose your company carefully. Avoid being alone. Avoid any type of indebtedness. Do not borrow anything.

If you are assaulted: Contact a staff member immediately. If sexually assaulted, do not remove physical evidence by washing or using the toilet. This will help in possible prosecution. Cooperate with the investigator. Provide all information regarding the identity of the aggressor. Offenders will be evaluated/treated by appropriate medical personnel.

Crime Tips Hotline: This provides a means for offenders to leave information anonymously in reference to criminal activity inside or outside institutional confinement. Calls will be received at the Criminal Investigations Unit offices and located in a secure area with protected access. All received calls will be voice recorded. Hotline use

is designated to report criminal activity or safety and security issues related to the department. The Hotline will not be utilized for complaint, grievances or unrelated purposes. The Crime Tips Hotline telephone number is *9-555.

The following are some ways to help you avoid situations noted above:

Mind your own business. Don't discuss your personal business such as money, sentence/offense, family, career, criminal history, etc.

Keep your possessions to a minimum. The more you have, the more you become a target.

Avoid idle time. Get involved in self-improvement activities such as education, vocational training, recreation, jobs and religion.

If stress levels become too much or you have thoughts of self-harm/suicide, seek staff help.

If you think you need protection, you must notify a staff member as soon as possible. You will be placed in Temporary Administrative Segregation until a hearing is held. At the hearing, you must provide complete information regarding

the threat and identify all enemies. You may be placed on protective custody status or you may be released to general population.

The Department is committed to ensuring a safe and secure environment for all. Each offender is responsible for cooperating with staff and for complying with all department rules.

OFFENDER GRIEVANCE PROCEDURE (D5-3.2)

The offender grievance procedure implemented at your institution provides you a method of presenting complaints and also gives staff the opportunity to resolve legitimate complaints. We encourage you to have informal discussions with your unit staff to resolve any complaints you may have. You are required to complete it prior to filing a lawsuit in the federal courts. The offender grievance procedure consists of 3 stages.

- 1. INFORMAL RESOLUTION REQUEST (IRR):** If you have not been able to resolve your complaint, you may request

an IRR form from unit staff. You must file this form within 15 calendar days of the incident you are complaining about. You are to receive a response within 40 calendar days of receipt of your IRR by the staff processing IRRs. If you have not received a response within that timeframe, you may proceed to the grievance stage, by notifying IRR staff and requesting an offender grievance form.

- 2. OFFENDER GRIEVANCE:** If you are not satisfied with the response to your IRR, you will be given an offender grievance form which you must file within 7 calendar days from the date you sign the IRR response. Failure to do so will result in the complaint being abandoned. The time limitation will be suspended in the event a court orders exhaustion of administrative remedies prior to filing a lawsuit. You are to receive a response to your grievance within 40 calendar days. If no response is received within that timeframe, you may request, from

the grievance officer, an offender appeal form, and you may proceed to the appeal stage.

- 3. GRIEVANCE APPEAL:** If you are not satisfied with the response to your grievance you will be given an offender appeal form. You must file this form with the grievance officer within 7 calendar days from the date you sign the offender grievance response. If you fail to do so, it will result in the complaint being abandoned. An appeal response should be provided as soon as practical, but within 100 calendar days of receipt. After receiving the appeal response, the grievance process is exhausted.

ABUSE/MISUSE OF OFFENDER GRIEVANCE PROCEDURE

All offenders are encouraged to utilize this procedure for the redress of grievances; however, offenders must refrain from knowingly and deliberately filing improper informal resolution requests/offender grievances, as

well as duplicating informal resolution requests/offender grievances. The superintendent may place limitations on the number of IRR's and grievances filed. You may grieve any issue except: matters concerning probation and parole; actions of state legislature or other federal, state and local agencies; actions in institutions where the offender does not reside unless said actions personally involve or directly affect the offender; judicial proceedings; conditions which affect another offender without affecting the grieving offender personally. Matters related to probation and parole may be grieved in accordance with P6-6.4 Appeal of Parole Decision and P7-1.7 Complaints/Inquiries and Investigations. Any further questions you may have concerning the grievance process may be addressed to the grievance officer.

SUMMARY

Each of you should remember that Institutional Services Policies and Procedures and Standard Operating Procedures affecting offender living conditions, programs, housing and work areas are available in the offender library.

All offenders are expected to abide by all local, state and federal laws, as well as procedures developed by the department and division. Nothing in this rulebook prohibits prosecution for breaking any laws.

Nothing contained in this rulebook is intended to create a liberty interest protected by the United States Constitution.

Effective 08/01/2006

