

N E B R A S K A

JAIL BULLETIN

APRIL/MAY 1996

NUMBER 126

The *Jail Bulletin* may be used as a supplement to your jail in-service training program. If officers study the material and complete the attached "open book" quiz, they may receive **one hour of credit**. The bulletin and quiz may be reproduced for staff use as necessary. **We welcome any material you would like to contribute to the *Jail Bulletin*.**

INMATE DISCIPLINARY PROCESS PART IV

XI. REPORTING PROCEDURES

The proper completion of a report is the first and most important part of the disciplinary process. Additionally, a good report improves the credibility of the reporting staff member, promotes uniformity and eliminates confusion.

The First Step

The first step in dealing with any inmate rule violation is always to take control of the situation. Staff members on the scene should take steps to restore and/or maintain order and security, and protect the safety of all staff and inmates.

Treatment of injuries or illness will always take precedent over the filing of reports. Serious or life-threatening situations will always be the first priority.

Who Can File a Misconduct Report

All Corrections Department employees, including contract employees (such as food service staff), have the authority to and responsibility for enforcing rules and regulations and writing investigative and misconduct reports. This includes security, administrative, support, maintenance, programming and medical staff.

Preparing to Write

Many reports written by staff are simple enough that no special steps may be needed. At other times a degree of preparation will be necessary if the report is to be satisfactory. This may be the case if:

- < the report is going to be very long
- < there were a large number of staff and/or inmates involved
- < the incident occurred over a long period of time, or involved several violations
- < the incident was serious, as in an escape or serious assault
- < the report may be needed by law enforcement personnel in an investigation, or as evidence in court

In such cases it will be necessary to organize the material before you begin writing the report. It is recommended that the following steps be taken:

1. As the incident evolves, make an effort to observe times, locations, participants, etc.
2. Immediately afterwards, make notes. It is permissible to verify some information (such as times, etc.) with other staff members who were involved.

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3. Write the report as soon after the incident as possible. If necessary, ask your supervisor to help arrange this. Do not leave it for the end of shift for convenience's sake.
4. If it is a long or complex report, create an outline to work from. If you have trouble with outlines, try writing down each thing that occurred in order and numbering them.

Elements of a Good Report

Generally, the report should include the basic elements who, what, when, where, why and how. Here are a few specific principles to follow when completing a report.

1. Ensure chronological order.

The report should first indicate the initial time and date of the incident. The events in the report should then be documented in the order of their occurrence. Other specific times should be noted throughout the report when relevant.

2. The report should be clear, concise and detailed.

The report should leave no question in the reader's mind as to what exactly transpired during the incident. Information that has no relevance to the incident, or to the violation being described, should not be included.

3. List all persons present during the incident.

All persons involved in the incident should be listed in the body of the report. This includes all staff, inmates, and anyone who may have witnessed the event.

4. State who was notified.

It is important to include in your report when your supervisor was notified of the incident. If the incident included the need for medical attention, note the times medical staff was notified and the instructions they gave. If notification of an outside agency is

required, note the times and, if known, the names of the individuals contacted.

5. Reference supplemental reports

List the numbers of any additional reports from other staff concerning the incident. Report any other documentation completed by other agencies (such as E.P.C. forms, citations, etc.)

6. Document physical evidence.

List and describe physical evidence collected for future use during disciplinary hearings. Physical evidence may include such items as a broken cup, photographs of vandalism, a weapon, or contraband. If an item of physical evidence is turned over to a law enforcement agency, list the case number, name of the officer who took possession and the date/time the officer took possession.

7. Describe any use of restraints or medical equipment.

Include the time applied, time checked, time removed, and officer's involved.

8. Document medical attention.

Following any altercation involving an inmate or staff member, medical attention must be offered and the offer must be documented in the report.

9. When possible, quote the inmate.

Quoting the inmate leaves the reader with little doubt as to what the officer alleges the inmate stated. This is especially important when the charge will include insolence, threats or refusing direct orders. Do not, however, put anything in quotation marks unless you are absolutely sure they are the exact words used.

10. Reports should be factual.

The writer's personal opinions or interpretations should be left out.

11. Make sure there are facts in the report that support the violation you believe occurred.

The report will be reviewed by a supervisor who will determine, based on the facts contained in the report, if a

disciplinary charge is warranted and exactly what it will be. The elements of the violation must therefore be evident in the report.

12. Identify it as a misconduct, rather than merely an investigative report.

Do not state a specific charge in the body of the report. Include instead the following sentence as the last line: "This report is being referred to the shift supervisor for possible disciplinary charges."

13. Proofread the report.

Before turning a report in, check for spelling, punctuation and sentence construction. Be sure the report is clear and easy to understand. Since it is usually difficult to accurately proofread your own work, you may want to have another employee do this for you.

Characteristics of an Unsatisfactory Report

When a violation proceeding results in an inmate being found not guilty, it is frequently due to the content of the report. A report could be considered unsatisfactory for any of the following reasons:

1. The content of the report is unclear and/or unorganized.
2. There are discrepancies in the times, dates, locations and/or persons involved in the incident.
3. The report does not accurately describe all aspects of the incident.
4. The facts are not sufficient to meet elements of the violation.

XII. FILING CHARGES

Filing disciplinary charges is the responsibility of the shift supervisor. The procedure is as follows:

1. **Read the report carefully.**

Check the quality of the report. It should be clear and well-written, with correct spelling, grammar etc. and be easy to read and understand. If it is not, have it corrected by the officer.

2. Identify the rule or rules violated.

Look for acts specifically identified in the report which correspond with the elements of a particular violation. Disciplinary charges must be based upon the facts contained in the report.

If it is clear that no violation took place, treat the report as a non-disciplinary investigative report.

If it appears that a violation occurred, but the facts in the report are unclear or insufficient to support a charge, discuss the report with the reporting employee. If the report can be improved, the employee should make the corrections and re-submit the report.

3. Complete a "Hearing Summary" form.

Charges are "filed" when a supervisor designates this on a Hearing Summary form.

A separate form must be used for each charge that is filed from a particular report/incident. This is because those charges on which an inmate is found not guilty cannot be placed in his/her file along with those on which s/he is found guilty.

Avoid "loading up" a report with charges. In most cases, charging an inmate with the most obvious or important violation apparent in the report is appropriate. It is perfectly acceptable, however, to file multiple charges when the circumstances warrant them.

4. Send major misconduct reports to the Disciplinary Supervisor.

5. Log minor misconduct reports.

A log should be maintained at the facility for minor misconduct reports. The purpose of the log is to help supervisors insure that reports are heard within the prescribed time frames, and to prevent reports from being lost or handled without proper hearing.

If you wish to write for the *Jail Bulletin* or if you have a special need you wish to be addressed through the bulletin, please contact: Jail Standards Division, P.O. Box 94946, Lincoln, Nebraska 68509, Telephone 402-471-3710, FAX 402-471-2837.

QUIZ

Nebraska Jail Standards require that jail staff receive eighteen (18) hours of in service training each year. The Jail Bulletin may be used to supplement in service training if an officer studies the bulletin, completes the quiz, and this process is documented by the jail administrator for review during annual jail inspections.

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NUMBER 126

SUBJECT: **Inmate Disciplinary Process**
Part IV

NAME: _____

DATE: _____

1. Which of the following is true about a good report? (Check One)
 - A. It makes it factual as to when an incident occurred.
 - B. You keep documentation as to inmate's activities.
 - C. It improves the credibility of the reporting staff member and promotes uniformity.
 - D. Makes it easier to decide which staff are keeping with their duties.

2. Only uniformed staff can file a misconduct report. (Check One)
_____ True _____ False

3. The misconduct report should be written as soon after the incident as possible. (Check One) _____ True _____ False

4. The basic elements to include in a misconduct report are: (list 6)
 - 1)
 - 2)
 - 3)
 - 4)
 - 5)
 - 6)

5. The reporting officer should be clear and concise when writing the report. (Check One)

_____ Yes _____ No

6. If restraints were used or medical care provided, it is not necessary to include it in this report (Check One)

_____ Yes _____ No

7. Personal opinions and interpretations should be included in the misconduct report. (Check One)

_____ Yes _____ No

8. In an unsatisfactory report, all aspects of the incident are not accurately described. (Check One)

_____ Yes _____ No

9. List the 5 steps to be taken when filing charges

- 1) _____
- 2) _____
- 3) _____
- 4) _____
- 5) _____

10. A supervisor officially files charges when they designate it on the:

- 1) _____
- 2) _____
- 3) _____
- 4) _____

CREDIT: One hour credit for jail in service training requirement.

QUIZ

(Answers)

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 - A. It makes it factual as to when an incident occurred.
 - B. You keep documentation as to inmate's activities.
 - < **C. It improves the credibility of the reporting staff member and promotes uniformity.**
 - D. Makes it easier to decide which staff are keeping with their duties.
2. Only uniformed staff can file a misconduct report. (Check One)
_____ True **X** **False**
3. The misconduct report should be written as soon after the incident as possible. (Check One) **X** **True** _____ **False**
4. The basic elements to include in a misconduct report are: (**list 6**)
 - 1) Who
 - 2) What
 - 3) When
 - 4) Where
 - 5) Why
 - 6) How
5. The reporting officer should be clear and concise when writing the report. (Check One)
_____ **X** **Yes** _____ **No**
6. If restraints were used or medical care provided, it is not necessary to include it in this report (Check One)
_____ **Yes** **X** **No**
7. Personal opinions and interpretations should be included in the misconduct report. (Check One) _____ **True** **X** **False**
8. In an unsatisfactory report, all aspects of the incident are not accurately described. (Check One) _____ **Yes** _____ **No**

9. List the 5 steps to be taken when filing charges

- 1) Read the report carefully
- 2) Identify the rules violated
- 3) Complete a "Hearing Summary"
- 4) Send a major misconduct report to the Discipline Hearing Officer
- 5) Log minor misconduct reports

10. A supervisor officially files charges when they designate it on the:

- 1) Major misconduct form
- 2) Hearing summary form
- 3) Charges filed form
- 4) Violation form

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Answer sheet should be retained by the Jail Administrator.