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ADMINISTRATIVE REGULATION
NUMBER 626

OPR: TREATMENT

MENTAL HEALTH CONSULTATION TO THE DISCIPLINARY PROCESS

I. GENERAL

This Alabama Department of Corrections (ADOC) Administrative Regulation (AR) establishes the responsibilities, policies and procedures for the mental health consultation to the disciplinary process.

II. POLICY

When an inmate identified with mental illness receives a disciplinary report, the inmate's mental status will be considered in determining his/her competency to participate in the hearing process. Mental health staff will provide relevant information to the disciplinary hearing officer to facilitate consideration of mental health issues. When an inmate is found incompetent, the disciplinary hearing process will be delayed until the inmate's competence has been established. When an inmate with mental illness is found guilty of a rule violation, the inmate's mental status will be considered in the disposition. Mental health staff will provide relevant information to the disciplinary process to facilitate the disciplinary officer's consideration of mental health issues. While inmates within the ADOC will not be punished for symptoms of a mental illness, inmates with mental illness are not exempted from compliance with ADOC rules and regulations.

III. DEFINITION(S) AND ACRONYM(S)

Refer to AR 602, *Mental Health Definitions and Acronyms*:

Director of Treatment

Treatment Coordinator

IV. RESPONSIBILITIES

The ADOC Director of Treatment, ADOC employees involved in the provision of health care services, and contracted medical and mental health staff, are responsible for ensuring that clinically effective mental health treatment is provided in a therapeutic environment.

V. PROCEDURES

- A. Correctional officers will receive annual training in recognizing behaviors that are suggestive of mental illness and the potential impact of such illnesses on inmate behavior. Whenever a correctional officer believes that an inmate's rule violation may be related to mental illness, mental health staff will be consulted and the inmate referred for evaluation.
- B. Disciplinary hearing officers will receive annual training in how mental illness may impact the disciplinary hearing process. The disciplinary hearing officer's training will address:
 - 1. Competency to participate in hearing process.
 - 2. Culpability at the time of rule violation.
 - 3. How to request mental health consultation for the disciplinary process.
 - 4. Consideration of mental health factors in determining disposition.
- C. Mental health staff will receive training in providing relevant consultation to the disciplinary hearing process. The training will address:
 - 1. The primary role of mental health input as consultation, not inmate advocacy.
 - 2. Evaluation of competency to participate in a disciplinary hearing.
 - 3. Factors that may impact an inmate's culpability.
- D. The Security Shift Commander will provide disciplinary hearing officers a weekly updated list of inmates who have been identified with Mental Health Codes Zero through Six.
- E. ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*, may be initiated by correctional staff:
 - 1. At the time of the rule violation.

2. When a review of the disciplinary report or mental health list identifies the inmate as having a mental illness.
 3. Whenever an inmate not previously identified as having a mental illness demonstrates signs of psychological distress during the hearing.
- F. ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*, and a copy (or draft) of ADOC Form 302-A, *Incident Report*, will be submitted to the inmate's treatment coordinator or the ADOC psychologist or psychological associate, as appropriate. Mental health staff will ensure:
1. The consultation to the disciplinary hearing process form is provided within one (1) working day of receipt of the request.
 2. The evaluation includes a face-to-face interview with the inmate, conducted by the inmate's treatment coordinator whenever possible.
- G. The request for consultation, the mental health evaluation, and mental health recommendations will be documented on the ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*, and will be filed with the institution's record of the hearing.
- H. The mental health consultation to the disciplinary hearing process will include:
1. Presence of mental illness.
 2. Nature of the inmate's illness.
 3. Inmate's treatment and medication compliance.
 4. Current mental status and the possible impact on competency.
 5. If inmate is found incompetent, measures to be taken to restore competency.
 6. Disposition recommendations.
 7. If clinically indicated, a request for mental health staff to be present at the hearing.
- I. The mental health evaluation and recommendation(s):
1. Will be documented on ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*.
 2. Returned to the referral officer.

3. A copy of ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*, will be placed in the inmate's medical file.
- J. When inmates are competent to participate in the disciplinary process:
1. The disciplinary hearing officer will consider the mental health assessment and recommendations prior to determining the inmate's guilt or innocence and making a disposition of the case.
 2. Mental health staff will be contacted for clarification if the hearing officer has questions about written recommendations.
 3. If the inmate is found guilty, the hearing officer may impose punishment and/or refer the inmate for treatment.
 4. ADOC Form MH-041, *Mental Health Consultation to the Disciplinary Process*, will be maintained with the ADOC Form 302-A, *Incident Report* and the disciplinary hearing form in the inmate's institutional file.
- K. When inmates are incompetent to participate in the hearing process, the process will be suspended until the inmate has been restored to competency. The psychiatrist will advise the disciplinary hearing officer when an inmate has been restored to competency and the disciplinary hearing process can proceed. If the inmate is not restored to competency within (30) thirty days, information regarding the rule violation and the inmate's inability to proceed with the disciplinary hearing will be documented in an incident report. The ADOC Form 302-A, *Incident Report*, will be filed in the inmate's institutional file. The disciplinary report will be removed from the file and no further action will be taken.
- L. Mental health staff will monitor inmates in accordance with AR 625, *Mental Health Evaluation of Inmates on Segregation Status*, when a mentally ill inmate is placed on segregation status as a result of the disciplinary process.

VI. DISPOSITION

See AR 601, *Mental Health Forms and Disposition*.

VII. FORMS

Refer to AR 601, *Mental Health Forms and Disposition*.

VIII. SUPERCEDES

This AR supersedes AR 626, dated September 21, 2004.

IX. PERFORMANCE

This administrative regulation is published under the authority of:

- A. The Bradley Agreement of August 8, 2000.
- B. National Commission on Correctional Health Care: *Standards for Health Services in Prisons*, 2003.
- C. The Code of Alabama 1975, Section 22-50-11.

Richard F. Allen, Commissioner