

From: [Marshall, Marcella](#)
To: [BOC \(BOC\)](#)
Subject: RULEMAKING CONCERNING RESTRICTIVE HOUSING
Date: Friday, April 16, 2021 5:20:41 PM

Good Afternoon,

Below are comments I have regarding the Due Process and Procedural Justice section of the proposed rules.

6-24 (c) (4):

The wording is a bit confusing regarding the service of the notice of infraction. Currently, the individual is to be served within 3 business days of the incident and adjudicated within 3 business days of the service. Is the proposed rule intended to decrease the amount of time to serve the individual? If so, a decrease in the amount of time will have a negative impact.

6-24 (c) (6):

To videotape a refusal to sign for the notice of infraction and have that information forwarded at the time of hearing can be further delay the hearing process. It would require other procedures to be in place prior to or along with the policy being implemented.

6-24 (d) (6) (iv):

Does the right to review the evidence prior to the hearing mean the inmate will be able to possess documents that contain sometimes confidential information, such as information obtained from confidential informants, documents containing the personal identity of staff, or information where the security of the facility is compromised?

6-24 (vi) (G) (vii) and (viii):

There is a contradiction. It states a hearing facilitator must be provided, if requested, at least 2 business days prior to the hearing, but it also states the Adjudicator can deny the request. Also, due to the Hearing Facilitators schedule, the ability to produce them prior to the hearing and/or during is difficult.

Respectfully submitted
Captain Marshall