

Notice of Rule and Condition Violation

DATE: _____
TO: _____ ODOC# _____
FROM: _____ Facility/Unit _____

1. Rule and Condition Violation _____
(See attached misconduct report, violation report, incident report, etc.)
2. Your Rule and Condition Hearing will be conducted on _____, on or about _____ am/pm at the _____ to determine the facts of the alleged violation.
3. Procedures
 - a. You will be allowed to have at least three working days, excluding weekends and holidays, from issuance of this notice to prepare for the hearing.
 - b. If desired, you may call relevant witnesses as to whether you violated the rules. You must indicate below if you desire to call witnesses and advise the disciplinary coordinator within 24 hours who the witnesses are and how their testimony will be relevant to the hearing. Witnesses who cannot provide relevant testimony are not allowed.
 - c. If you need more than three working days to prepare for the hearing, you may ask for one delay for an additional three working days to prepare. You must give the disciplinary coordinator notice of your request for a delay in writing at least 24 hours, excluding weekends/holidays, prior to the time of the hearing. Failure to do so will result in denial of the request for a delay.
 - d. You may waive the hearing if you so desire. If you wish to waive, you are to indicate such by acknowledging waiver on this notice below. You may admit to the allegations and no hearing will be conducted. If you waive and/or admit to the allegations, the staff will immediately conduct a classification review and decide as to your removal from the program. An admission of guilt or a waiver of the hearing is also a waiver of any right to appeal the decision regarding the rule violation.
 - e. You may present relevant documentary evidence and may cross-examine witnesses. If security reasons dictate, you will not be permitted to confront or cross-examine a witness.
 - f. If it is determined you violated the rule (s) or condition(s), a classification review will be conducted following that determination.
 - 1) At the classification review you will be allowed to present evidence for mitigation (reasons for remaining on the program) and allowed to have relevant witnesses for mitigation. You are to indicate below if you desire to call witnesses for mitigation and advise the disciplinary coordinator within 24 hours who the witnesses are and how their testimony will be relevant to the hearing. Witnesses who cannot provide relevant testimony are not allowed.
 - 2) You may present relevant documentary evidence and may cross-examine all mitigation witnesses.
 - g. You will receive a written report of the findings of the hearing officer indicating the facts and evidence relied upon for the determination a violation was committed, and if removed from the program the reason (s) for removal.
 - h. If found guilty of the rule violation, you may appeal the findings of the hearing officer by utilizing the disciplinary appeal procedures. If removed from the program, you may grieve the decision by utilizing the grievance procedures.
4. I desire _____/waive _____ a hearing. I plead guilty _____/not guilty _____ of the rule violation. I understand that a waiver of the hearing and/or a plea of guilty to the rule/s violation is a waiver of any opportunity for a hearing and to appeal the determination of guilt.
5. I want _____/do not want _____ to call witnesses. I understand I must inform the disciplinary coordinator of the names of my witnesses, it is my responsibility to ensure my witnesses appear at the hearing, witnesses may be excluded for security reasons, that only relevant testimony or evidence will be permitted and failure to identify witnesses at least 24 hours before the hearing will result in their not being allowed to testify.

Signature of _____ Date and Time _____
Inmate/Offender _____

Signature of Staff Member(s) _____