**Disciplinary Hearing Notice:**

**Prisoner’s Full Name:** **** **DOB:** **** **Offender #:** ****

**Institution:** **** **File #:** ****

You are hereby advised of your scheduled appearance before the Disciplinary Committee/Hearing Officer of this institution on **** at approximately **** for alleged conduct in violation of: 22 AAC 05.400 **** on. Date of infraction: ****.

Your hearing will not be held within 48 hours of this notice; you waive this requirement by signing the waiver below; at which time the hearing may be held as soon as possible:

**I waive the 48 hour requirement:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

You are entitled to the assistance of a Hearing Advisor in the disciplinary process if the alleged infraction is a low, high moderate, or a major infraction. You may select from the pool of advisors listed below:

****/****/****

\_\_\_\_\_\_ **1st advisor choice is:** \_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ **2nd choice:** \_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_ **I waive the assistance of an advisor.**

To be initialed and/or completed by accused prisoner; however, should accused prisoner be unable or unwilling to write, it is to be completed and initialed by staff delivering the notice and receiving response.

Your hearing will be postponed for 2 working days beyond the presently scheduled time if you request a postponement in writing 24 hours before the hearing. At the hearing, you may be granted a 2 working day postponement upon a finding that good cause exists.

Also, be advised you must inform the Disciplinary Committee/Hearing Officer in writing, at least 24 hours before the hearing, of any witnesses you wish to call or evidence you intend to introduce at the hearing.

If you refuse to attend the hearing, adjudication and disposition may be made on your behalf in your absence.

**Notice Received /Delivered:** (See page 2 for agenda and further procedural opportunities.)

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Prisoner’s Signature/Printed Name Date & Time

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Staff’s Signature/Printed Name Date & Time

The incident(s) which forms the basis for this Disciplinary Hearing may be the subject of criminal charges. Thus if a criminal complaint is filed by the District Attorney, you will be allowed to have an attorney present at the hearing for the limited purpose of preserving and protecting your Fifth Amendment right against self-incrimination.

You may retain a private attorney or may wish to contact the Alaska Public Defender to determine whether you are eligible for public defender representation.

If you do elect to have an attorney present the attorney's only input is to your right to not self-incriminate. The attorney is not allowed to argue the merits of the case or the sanctions.

**DISCIPLINARY HEARING AGENDA:**

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| 1. Adjudicative Phase: To determine if the prisoner committed the infraction(s) alleged: |
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| 1. The Chairperson / Hearing Officer will convene the hearing and identify the parties present for the record. |
| 1. The Disciplinary Report will be read aloud. |
| 1. The Chairperson / Hearing Officer shall request an admission or denial for each infraction alleged: |
| * 1. Where an admission is entered, the Dispositive Phase is initiated; or |
| * 1. Where a denial is entered the Chairperson / Hearing Officer continues as follows:  1. The Committee/Hearing Officer shall call the author of the Disciplinary Report into the hearing and question him or her, if requested to appear by the accused prisoner or the Committee/Hearing Officer; 2. The Committee/Hearing Officer shall review and/or hear witness testimony and evidence cited in the report and relevant to the alleged infraction(s); 3. The accused prisoner and/or Hearing Advisor, if any, are heard, call witnesses and/or offer further evidence; 4. The accused prisoner and Hearing Advisor are excused from the hearing and the Committee/Hearing Officer deliberates to a finding of whether or not the prisoner has committed an infraction; 5. The accused prisoner and Hearing Advisor, if any, return to the hearing and are informed of the Committee’s/Hearing Officer’s findings. |
|  |
| 2. Dispositive Phase: If the prisoner enters an admission or is found guilty, the Committee / Hearing Officer shall; |
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| 1. Consider the sanction(s) to be imposed; |
| 1. Invite the prisoner and / or Hearing Advisor to present statement(s) or information to mitigate the penalty; |
| 1. Consider the mitigating factors; |
| 1. Excuse the prisoner from the hearing at this point while the Committee / Hearing Officer determines the sanction(s) to be imposed; |
| 1. Deliberate to determine the penalty to be imposed; |
| 1. Allow the prisoner to return to the hearing of the Committee / Hearing Officer's decision; and |
| 1. Provide the prisoner a handwritten summary of the hearing finding and penalty imposed on which the prisoner |
| must indicate the intention to appeal or to waive appeal with the understanding that the penalty may be imposed |
| immediately. The Chairperson / Hearing Officer must inform the prisoner of the appeal opportunity and process |
| and provide an appeal form, if the prisoner's stated intention is to appeal the Committee / Hearing Officer's |
| decision to the Superintendent. |