

OFFENDER RULEBOOK



MISSOURI DEPARTMENT
OF CORRECTIONS

INTRODUCTION

This rulebook is intended to assist each person during the time assigned to an institution in the division of adult institutions and the division of offender rehabilitative services. It contains a list of prohibited behaviors, provides a brief description of the corrective process, and outlines corrective actions which may be taken.

Conduct rules are essential to ensure safety and security for everyone within a correctional institution. The conduct rules and corrective process are designed to clearly identify prohibited conduct and to promote responsible behavior. The department is committed to fair and impartial enforcement of the conduct rules. It is an expectation that each person will comply fully with the divisional and institutional rules and treat others with respect and civility. This will help to make each person's stay with the department as trouble-free as possible.

We urge each person to utilize this period of incarceration to make and demonstrate life improvements. Compliance with conduct rules and active involvement in work, education, and other rehabilitative programs available at the institution will

help to make the period of incarceration productive and prepare for a successful reentry to live in a free society.

In the event that any of the conduct rules or sanctions are revised, revisions will be posted in areas accessible in the offender library. Revisions to the rules and sanctions will not necessarily result in a new rulebook being issued. Each person is encouraged to visit the institution library and review policies and procedures which have been developed to assist both staff and offenders in the everyday operation of the institution.

The information in this rulebook is very important and has been taken from IS19-1.6 Offender Accountability Program. If there are any questions or problems understanding anything in this book, ask a unit staff member for assistance.

All references in the procedure to the male gender are used for convenience only and shall be construed to include both female and male genders.

DEFINITIONS

The following definitions are used with the offender conduct rules or sanctions. Make certain these definitions are understood.

Accessory: A person who provides assistance to someone engaging in prohibited behavior.

Adjustment Board: A two member team consisting of a functional unit manager or treatment unit supervisor and a corrections officer III or higher ranking custody staff person will be assigned as the adjustment board to conduct hearings on major conduct violations. More than 2 people may be assigned this duty. The functional unit manager or treatment unit supervisor will serve as the chairperson and may be rotated per standard operating procedure.

Attempt: To engage in an act which is a step in a course of action leading to a prohibited behavior.

Conspire: To agree with one or more other persons to engage in a prohibited behavior, with at least one acting in furtherance of that behavior.

Controlled and/or Intoxicating Substance: Any medication or substance which alters an offender's mental state or causes a euphoric response, (e.g., synthetic drugs or derivatives of; marijuana; heroin; bath salts; etc., or prescription medications such as Tramadol, Vicodin, etc.).

1. **EXAMPLE #1:** When an offender is found with a controlled substance or controlled medication, without a prescription, this would fall under Rule #11 – Possession and/or use of a Controlled and/or Intoxicating Substance.
2. **EXAMPLE #2:** When a controlled substance or controlled medication is prescribed to an offender as a watch-take medication, and he is found to be in possession or with more than his prescription, this would fall under Rule #24 – Contraband.

Corrective Hearing Officer: A case manager or addiction counselor I/II within each unit who is responsible for holding corrective hearings and recommending corrective actions. More than one person may be assigned this duty.

Deadly Weapon/Dangerous Instrument/Device/ Substance: Any item or substance which under the circumstances used, attempted or threatened to be used or capable of being used, may cause death or serious physical injury.

Informal Sanctions: These sanctions include counseling, warning or reprimand, phone restriction, living area restriction, extra duty, and property impoundment. If documented, they are not intended to be utilized for classification purposes. Informal sanctions may be placed into an offender's file and noted on an offender's chronological log.

Interpreter: A department staff person with a proficient knowledge of a non-English speaking offender's native language, who is willing to translate information to and from English and who has been approved by the warden or designee.

Major Conduct Violation: Any of the first nine (9) conduct violation rules listed (1-9.5) as stated in the offender rulebook or rules of conduct reference document or any conduct violation which could be considered serious due to the circumstances surrounding the violation.

Minor Conduct Violation: The 10 through 41.9 conduct violation rules as stated in the offender rulebook or rules of conduct reference document; unless it is determined to be serious due to the circumstances surrounding the violation.

Non-English Speaking Offender: An offender who does not speak English as his primary language and who has a limited ability to read, speak, write, or understand English.

Possession: An offender is considered to be in possession of an item if it is in his physical possession, or if it is in an area which he occupies or to which he is assigned, such as a living space, bed, or locker.

Prison Rape Elimination Act (PREA): A federal law established to address the prevention, detection, response, and monitoring of offender sexual abuse and harassment in prisons, jails, and community confinement facilities.

Offender Sexual Abuse: Includes sexual abuse of an offender by another offender and sexual abuse of an offender by staff member.

1. Offender on Offender Sexual Abuse: Sexual abuse of one offender by another offender

includes any of the following acts, if the victim does not consent, is coerced into such act by overt or implied threats of violence, or is unable to consent or refuse:

- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.
 - b. Contact between the mouth and the penis, vulva, or anus.
 - c. Penetration of the anal or genital opening of another person, however slight, by a hand, finger, object, or other instrument.
 - d. Any other intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or the buttocks of another person, excluding contact incidental to a physical altercation.
2. Staff Member on Offender Sexual Abuse: Sexual abuse of an offender by a staff member, including any of the following acts, with or without consent of the offender:
- a. Contact between the penis and the vulva or the penis and the anus, including penetration, however slight.

- b. Contact between the mouth and the penis, vulva, or anus.
- c. Contact between the mouth and any body part where the staff member has the intent to abuse, arouse, or gratify sexual desire.
- d. Penetration of the anal or genital opening, however slight, by a hand, finger, object, or other instrument, that is unrelated to official duties or where the staff member has the intent to abuse, arouse, or gratify sexual desire.
- e. Any other intentional contact, either directly or through the clothing, of or with, the genitalia, anus, groin, breast, inner thigh, or the buttocks, that is unrelated to official duties or where the staff member, has the intent to abuse, arouse, or gratify sexual desire.
- f. Any attempt, threat, or request by a staff member to engage in the activities described in paragraphs (1) through (5) of this definition.

- g. Any display by a staff member of his or her uncovered genitalia, buttocks, or breast in the presence of an offender.
- h. Voyeurism by a staff member which is an invasion of privacy of an offender, for reasons unrelated to the staff members' official duties, such as peering at an offender who is using a toilet in his cell to perform bodily functions; requiring an offender to expose his buttocks, genitals, or breasts; or taking images of all or part of an offender's naked body or of an offender performing bodily functions.

Offender Sexual Harassment:

- 1. Repeated and unwelcome sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender directed toward another.
- 2. Repeated verbal comments or gestures of a sexual nature to an offender by a staff member, contractor, or volunteer, including demeaning references to gender, sexually suggestive or derogatory comments about body or clothing, or obscene language or gestures.

Qualified Interpreter: A person certified and licensed by the Missouri Interpreter Certification System or deemed competent by the Missouri Commission for the Deaf.

Qualified Mental Health Professional (QMHP): Includes psychiatrists, psychiatric nurse practitioners, psychologists, licensed clinical social workers, licensed masters' social worker, licensed professional counselors, provisionally licensed professional counselors and others who by the virtue of their education, credentials and experience are permitted by law to evaluate and care for the mental health needs of patients.

Rules of Conduct: The department's list of behavioral rules, by which offenders must abide. Any violation of these rules may result in the issuance of a conduct violation with appropriate corrective actions imposed.

Sexual Abuse and/or Violence: Sexual violence includes either of the following:

1. NON CONSENSUAL SEXUAL ACTS: Contact of any person without his consent, or of a person who is unable to consent or refuse; and
 - a. Contact between the penis and the vagina

or the penis and the anus including penetration, however slight; or

- b. Contact between the mouth and the penis, vagina, or anus; or
- c. Penetration of the anal or genital opening of another person by hand, finger, or other object.

2. **ABUSIVE SEXUAL CONTACTS:** Contact of any person without his consent, or of a person who is unable to consent or refuse; and

- a. Intentional touching, either directly or through the clothing of the genitalia, anus, groin, mouth, breast, inner thigh, or buttocks of any person;
- b. Exclude incidents in which the intent of the sexual contact is to harm or debilitate rather than to sexually exploit.

Sexual Assault: A sexual act that is coercive or assaultive in nature and where there is the use or threat of force.

Sexual Parts: Genitalia, anus, groin, breast, mouth, inner thigh, or buttocks.

Staff Member: Any person who is employed by

the department on a classified or unclassified basis (permanent, temporary, part-time, hourly, per diem) and is paid by the State of Missouri's payroll system; contracted to perform services on a recurring basis within a department facility (i.e. medical services, mental health services, education services, vocational services, substance use treatment services, etc.) pursuant to a contractual agreement and has been issued a permanent department identification card; a volunteer in corrections; a student intern; or issued a department identification card or special access in accordance with the department procedure regarding staff member identification.

Suspended Sanction: A corrective sanction that is not imposed for a specific period of time unless another violation occurs during the time indicated, however, the violation will remain as a part of the offender's permanent record.

Table: Delaying the prescribed time frame for holding a corrective hearing or adjustment board due to extenuating circumstances.

Technical Error: An act or assertion that unintentionally deviates from what is correct, right, or true. Examples of technical errors include, but

are not limited to: wrong date, time, offender name, department number, incomplete report, or the lack of noted extenuating circumstances.

CONDUCT VIOLATIONS

Offenders are not allowed to engage in the following listed behaviors. Any offender found to have engaged in any of these may be issued a conduct violation with appropriate sanctions imposed.

An offender will not be issued a conduct violation for sexual misconduct involving a staff member unless the sexual activity is forced upon the staff member by the offender.

The following is a list of conduct rules. The first nine (9) conduct violation rules (1-9.5) shall be considered major conduct violations.

RULES OF CONDUCT: **LEVEL**

1. MURDER OR MANSLAUGHTER:

- 1.1 Causing the death of another person. 1

2. ASSAULT:

- 2.1 Causing serious physical injury to another either with or without a weapon, or through the use of any substance, instrument, or device that requires urgent and immediate medical treatment which is more extensive than mere first aid. 1

- 2.2 Causing a person to come into contact with or throwing or projecting feces or body fluids (i.e. urine, blood, saliva, etc.). 1

- 2.3 Subjecting a staff member without consent to physical contact by kissing or touching the sexual parts. 1

3. DANGEROUS CONTRABAND:

- 3.1 Making, transferring, or possessing a firearm, pointed or edged weapon to include a razor blade affixed to a self-made handle, bludgeon, club, or other instrument or substance which is readily capable of causing death or serious physical injury. 1

- 3.2** Possession or use of any unauthorized telecommunications device or component thereof, as well as, any other technological device which is capable of or can easily be made capable of verbal communication, accessing the internet, or storing information, which could jeopardize the safety and security of the institution (i.e. voice, text, data, music, flash drives, IPod, etc.). 1
- 3.3** Use of one or more loose razor blades or other instrument or device as a weapon or placed in such a manner as to pose harm to another. 1
- 4. ESCAPE:**
- 4.1** Perimeter Escape – leaving the security perimeter or grounds of a correctional center or treatment center without authorization. 1
- 4.2** Leaves an institutional work release assignment. 1
- 4.3** Flees supervision while being transported. 1
- 4.4** Otherwise flees from direct supervision while outside the security perimeter. 1

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| 4.5 | Wearing or making a disguise. | 1 |
| 4.6 | Possessing instruments of escape, such as handcuff keys, lock pick, hacksaw blades, rope, or any other instrument of escape | 1 |
| 4.7 | Possessing maps, plans, or making plots concerning escape by written or verbal communication. | 1 |
| 4.8 | Possessing any staff member uniform, non-offender staff member clothing, or non-offender identification card. | 1 |

5. HOSTAGE OR RESTRAINT:

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| 5.1 | Detaining, holding, or taking a person against his will. | 1 |
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6. RIOT:

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| 6.1 | Three or more offenders participating in violent behavior that interferes with normal operations of the facility and creates a danger of damaging property or injuring persons. | 1 |
| 6.2 | Inciting a riot by encouraging offenders to engage in a violation of rule 6.1, or once a riot begins, assuming a position of command, or instruction in furtherance of the riot. | 1 |

7. FORCIBLE SEXUAL ABUSE:

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| 7.1 | Using force, coercion, or threats of force to obtain the compliance of another person in any type of sexual act. | 1 |
| 7.2 | Intentional touching with or without the use of force, either directly or through the clothing of the genitalia, anus, groin, breast, mouth, inner thigh, or buttocks of any person without his consent. | 1 |
| 7.3 | Deliberate and conspicuous exposure of one's genitals or masturbation toward others. | 1 |

8. ARSON:

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| 8.1 | Knowingly or negligently starting a fire or causing an explosion. | 1 |
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9. ORGANIZED DISOBEDIENCE:

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| 9.1 | Three or more offenders gathering in a non-violent manner who refuse to obey orders. | 1 |
| 9.2 | Three or more offenders gathering in a non-violent manner to discuss, petition, or encourage the disobedience of rules or laws. | 1 |

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| 9.3 | Inciting organized disobedience by encouraging offenders to assemble and refuse to disperse or to engage in other acts of organized disobedience. | 1 |
| 9.4 | Three or more offenders participating in acts of organized disobedience such as refusal to work, hunger strikes, or non-violent demonstrations. | 1 |
| 9.5 | One or more offenders engaging in or attempting in organizing, conspiring, or being disobedient by kicking or banging on cell doors or cell windows, (with or without an object) littering walk ways, flooding cells, etc. or encouraging other offenders to engage in negative behavior that may jeopardize institutional security. | 1 |
| 10. MINOR ASSAULT: | | |
| 10.1 | Causing non-serious physical injury by striking another, which may result in minor first aid being administered. | 2 |
| 10.2 | Using a non-dangerous object or substance; or by any other physically aggressive act. | 2 |
| 10.3 | Subjecting a staff member to any physical contact without his consent. | 2 |

11. POSSESSION AND/OR USE OF A CONTROLLED AND/OR INTOXICATING SUBSTANCE:

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| 11.1 | Possessing a controlled and/or intoxicating medication or substance that is <i>not prescribed</i> to the offender. | 2 |
| 11.2 | Being involved in any way with an agreement, scheme, or plan to introduce a controlled substance or intoxicant into a department facility. | 2 |
| 11.3 | Possessing or making intoxicants, including alcohol. | 2 |
| 11.4 | Possessing drug paraphernalia (Any item used to ingest, or consume controlled or intoxicating substances, such as pipes, roach clips, syringes, etc.). | 2 |
| 11.5 | Being found by observation or test to be under the influence of any controlled or intoxicating substance not officially prescribed or authorized. | 2 |
| 11.6 | Refusing to submit to any alcohol test or drug test. | 2 |

- 11.7** Refusing to submit a urine sample. 2
(Failure to submit the required amount of acceptable urine specimen in the required time period is considered to be a refusal to submit.)
- 11.8** Submitting an adulterated, substituted, or diluted urine sample. 2
- 11.9** Possessing recipes or formulas for manufacturing a controlled or intoxicating substance. 2
- 11.10** Possessing a controlled and/or intoxicating substance or scheduled medication which is illegal. 2

12. THREATS:

- 12.1** Taking action (either verbally, physically, or in writing) which harms or creates the belief of harm to another person or his property. 2
- 12.2** Threatening a victim or victim's family with physical harm. 2
- 12.3** Threatening or harassing a victim or victim's family. 2
- 12.4** Using threats, implied threats, or coercion in an attempt to gain one's compliance or something of value. 2

13. POSSESSION OF MONEY OR LEGAL TENDER:

- 13.1** Possessing money or legal tender of any type without authorization. 2

14. FALSE IDENTIFICATION:

- 14.1** Making, wearing, or having possession of unauthorized clothing or items, which would lead others to believe he is someone else. 2
- 14.2** Making or having possession of any item to replace him in his absence. 2
- 14.3** Having possession of false or unauthorized offender identification or verbally claiming to be another offender. 2

15. SEXUAL MISCONDUCT:

- 15.1** Engaging with another offender in any type of consensual sexual activity. 2
- 15.2** Engaging in the self-touching of one's sexual parts in view of others. 2
- 15.3** Exposing one's sexual parts to others when appropriate clothing privacy barriers are provided. 2

- 15.4** Subjecting another person to unwanted sexual advances, requests for sexual favors, comments, gestures, or actions of a derogatory or offensive sexual nature. 2
- 16. TATTOOING OR BODY ALTERING:**
- 16.1** Altering the appearance of one's body by applying permanent designs on the skin, body piercing, or branding. 2
- 16.2** Possessing or using any instrument for the purpose of making a tattoo, body piercing or branding. 2
- 17. Self Harm - Rescinded**
- 18. INTERFERING WITH A COUNT:**
- 18.1** Failing to abide by institutional count procedures. 2
- 18.2** Disrupting any count by being absent from the assigned area or being out of the designated position. 2
- 18.3** Distracting the staff member in any manner while making a count. 2

19. CREATING A DISTURBANCE:

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| 19.1 | Any action on the part of one or more offenders that threatens the custody, control, or security of the institution. | 2 |
| 19.2 | Taking any evasive action including, but not limited to running from or hiding from a staff member for the purpose of avoiding observation or apprehension. | 2 |
| 19.3 | Destroying any potential evidence by ingesting it, flushing it down a toilet, or otherwise disposing of the item. | 2 |
| 19.4 | Engaging in conduct that interferes with normal operations. | 2 |
| 19.5 | Making a loud noise that is likely to annoy or alarm another person. | 2 |
| 19.6 | Being involved in writing, circulating, or signing a petition that promotes the disobedience of rules or laws. | 3 |

20. DISOBEYING AN ORDER:

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| 20.1 | Failing to comply with a written or verbal order or instruction of any staff member. | 2 |
| 20.2 | Failing to cooperate in any official departmental investigation. (This rule does not apply when an offender refuses to self-incriminate.) | 2 |

21. INSULTING BEHAVIOR:

- 21.1** Subjecting another person to abusive, insulting, or obscene language or gestures. 2

22. THEFT:

- 22.1** Taking, obtaining, withholding, or being in possession of the property of another without the owner's consent. 2

23. LYING, DISHONESTY, AND MANIPULATION:

- 23.1** Making false written or oral statements or other actions intended to deceive or mislead or influence the actions of others. 2
- 23.2** Making a false written or oral PREA statement to a staff member or official that is determined to be unfounded with evidence of bad faith. 2

24. CONTRABAND:

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| 24.1 | Making, transferring, or having possession of any unauthorized article or substance. | 2 |
| 24.2 | Possessing, in an unauthorized manner, any controlled or non-controlled prescription medication, which is prescribed to the offender. | 2 |
| 24.3 | Possessing unauthorized amounts of over-the-counter medication. | 2 |
| 24.4 | Transferring any property between offenders. | 2 |
| 24.5 | Altering any item in an unauthorized manner. | 2 |
| 24.6 | Possessing unauthorized amounts of property. | 3 |
| 24.7 | Possessing nuisance contraband including, but not limited to: sugar packets, empty containers that were previously purchased from canteen with products inside, etc. | 3 |
| 24.8 | Using and/or possessing tobacco products. | 2 |

25. FIGHTING:

- 25.1 Engaging in a physical struggle with one or more offenders. 2

26. TAMPERING WITH LOCKING OR SAFETY DEVICES:

- 26.1 Damaging, tampering with, or altering any institutional lock, safety device, or security equipment. 2

27. FRAUD:

- 27.1 Obtaining anything of value through deception, false pretense, or trickery. 2
- 27.2 Creating a document or official record in order to deceive or mislead. 2
- 27.3 Altering, destroying, concealing, or removing a document or official record to impair its authenticity or availability. 2

28. GAMBLING:

- 28.1 Engaging in or organizing a gambling activity. 2
- 28.2 Possessing gambling paraphernalia; such as betting slips, tally sheets, parlay tickets, etc. 2

29. BRIBERY:

- 29.1** Giving, loaning, or agreeing to give any person any benefit or anything of value in return for a favorable decision, opinion, recommendation, or action. 2

30. OUT OF BOUNDS:

- 30.1** Being in any unauthorized area. 2
- 30.2** Being in an area where not assigned. 2
- 30.3** Not being in the area where assigned or directed. 2

31. DESTROYING PROPERTY:

- 31.1** Damaging, defacing, altering, or losing any item of state property or personal property owned by another. 2

32. SANITARY VIOLATION:

- 32.1** Defecating or urinating in other than provided facilities. 2
- 32.2** Failing to bathe or shower regularly. 2
- 32.3** Failing to keep living area clean and sanitary. 2
- 32.4** Committing acts which create a hazard to hygienic conditions. 2

33. SAFETY VIOLATION:

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| 33.1 | Committing an act that is potentially hazardous to the health of any person within the facility. | 2 |
| 33.2 | Failing to follow any safety rule or instruction. | 3 |

34. UNAUTHORIZED ORGANIZATIONS:

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| 34.1 | Encouraging, organizing, or participating in any unauthorized organization. | 2 |
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35. MALINGERING:

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| 35.1 | Deliberately inducing or exaggerating actual physical or mental incapacities in order to gain special attention or services or to avoid required activities. | 2 |
| 35.2 | Pretending to be physically or mentally incapacitated in order to gain special attention or to avoid required activities. | 3 |

36. PROGRAM FAILURE:

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| 36.1 | Being absent from a mandatory program without authorization. | 2 |
| 36.2 | Intentionally failing to successfully complete a mandatory program. | 2 |

37. UNAUTHORIZED RELATIONSHIPS:

- 37.1** Having unnecessary personal interaction with a staff member, a staff member's immediate family, or a staff member's significant other. 2

38. ABUSE OF TELEPHONE, MAIL, FINANCE:

- 38.1** Using the telephone, postal or electronic mail system for harassment purposes. 2
- 38.2** Causing funds to be deposited into another offender's account or having funds from another offender deposited in your account. 2
- 38.3** Using another offender's personal identification number (PIN). 2
- 38.4** Using the telephone in an unauthorized manner (for example: participating three-way party type calls for any purpose to violate institutional rules). 3
- 38.5** Using the system in an unauthorized manner (for example: mailing a letter within a letter, entering into financial agreements or contracts, or using an invalid return address and/or false name). 3

**39. ABUSE OF JUDICIAL PROCEEDINGS:
AN OFFENDER FOUND BY THE
COURT TO HAVE DONE ANY OF THE
FOLLOWING WHILE IN THE CUSTODY
OF THE DEPARTMENT:**

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| 39.1 | Filed a false, frivolous, or malicious action or claim with the court. | M |
| 39.2 | Brought an action or claim with the court solely or primarily for delay or harassment. | M |
| 39.3 | Unreasonably expanded or delayed a judicial proceeding. | M |
| 39.4 | Testified falsely or otherwise submitted false evidence or information to the court. | M |
| 39.5 | Attempted to create or obtain a false affidavit, testimony, or evidence. | M |
| 39.6 | Abused the discovery process in any judicial action or proceeding. | M |

**40. STATE, FEDERAL, MUNICIPAL, OR
COUNTY LAW, OR ORDINANCE:**

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| 40.1 | Failing to abide by any state or federal law or municipal or county ordinance. | 2 |
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41. PROCEDURES AND RULES:

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| 41.1 | Failing to abide by any published and/or posted rule, policy, or procedure of the department, division, or institution. | 2 |
| 41.2 | Using any equipment, machinery or electronic device, including computers, without authorization, or in an unauthorized manner. | 2 |
| 41.3 | Contaminating or altering food or drink belonging to the state or another person. | 2 |
| 41.4 | Retired | |
| 41.5 | Failing to abide by visiting rules. | 2 |
| 41.6 | Playing any electronic device without headphones. | 3 |
| 41.7 | Engaging in rowdy behavior; horseplay. | 2 |
| 41.8 | Demonstrating, practicing, or using martial arts; boxing; wrestling; or engaging in other forms of physical encounter or military-style drill not authorized by the facility. | 3 |
| 41.9 | Failing to follow sign-in or sign-out procedures. | 3 |

DISPOSITION OF CONDUCT VIOLATIONS

Corrective Hearing Officers and Adjustment Boards have the basic authority for the administration of offender corrective action and may recommend corrective sanctions or referral for classification or administrative actions, as outlined below. In the event these sanctions or actions are revised, they will be posted in areas accessible to you and will be available in IS19-1.6 Offender Accountability Program in the Library.

DEFINITIONS OF CORRECTIVE SANCTIONS, CLASSIFICATION ACTIONS, MANDATORY CORRECTIVE SANCTIONS & ADMINISTRATIVE ACTIONS CORRECTIVE SANCTIONS

D-1. DISCIPLINARY SEGREGATION

ASSIGNMENTS: Placement in a segregation cell.

Level 1 Violations – Maximum 30 days

Level 2 Violations – Maximum 20 days

Level 3 Violations – Maximum 10 days

Multiple sanctions of disciplinary segregation may be served concurrently.

Multiple consecutive assignments will be handled as follows:

- a. The offender should be placed in Temporary Administrative Segregation Confinement (TASC) for 24 hours between each sanction of up to 10 calendar days of disciplinary segregation.
- b. After a disciplinary segregation sanction of 11-20 consecutive calendar days, with no break, 3 days Temporary Administrative Segregation Confinement (TASC) should be given before additional sanctions of disciplinary segregation are imposed.
- c. After a disciplinary segregation sanction of 21-30 consecutive calendar days, with no break, 5 days Temporary Administrative Segregation Confinement (TASC) should be given before additional sanctions of disciplinary segregation are imposed.

D-2. VISITING RESTRICTIONS: (Either a. or b. below)

a. No Visits

- Level 1 Violations - Maximum of 90 days
- Level 2 Violations - Maximum of 60 days
- Level 3 Violations - Maximum of 30 days

b. Modified Visits (One or more of the following):

- No contact visits
- Reduction of in person visits per month
- Reduction of in person visit session (no less than 2 hours duration)
- Restrict visits to immediate family only
 - o Level 1 Violations - Maximum of 1 year
 - o Level 2 Violations - Maximum of 6 months
 - o Level 3 Violations - Maximum of 6 months

D-3. LIVING AREA RESTRICTION: The offender is confined to his room, cell or living area except for meals, contact with a chaplain or designee, attendance at primary religious service, law library, canteen for hygiene and legal items, required activities, restroom, and visits.

Visits will be non-contact and two hours in duration.

Level 1 Violations – N/A

Level 2 Violations – Maximum Time of 30 days

Level 3 Violations – Maximum Time of 10 days

Multiple consecutive assignments will be handled as follows:

- a. The offenders should be released from living area restriction status for 24 hours between each sanction of up to the 10 calendar days of living area restriction.
- b. After a living area restriction of 11-30 consecutive calendar days, with no break, the offender must be released from living area restriction status for 5 calendar days before additional sanctions of living area restrictions are imposed.

D-4. ACTIVITY RESTRICTION: The loss of **one or more** of the following privileges:

Level 1 Violations – N/A

Level 2 Violations – Maximum of 90 days

Level 3 Violations – Maximum of 90 days

LOSS OF TELEPHONE PRIVILEGES – (except attorney phone calls upon request of the attorney and visits with advocate if the offender is an alleged victim of offender sexual abuse); **and/or**

LIBRARY – (excluding Law Library); **and/or**

SPECIAL ACTIVITIES; **and/or**

RECREATION PRIVILEGES; **and/or**

CANTEEN – (limited spending amount \$5.00 per month, every 30 days, up to 90 days) (sanctions for legal and hygiene items only- up to 90 days); **and/or**

PHONE MINUTES – (limited to a total of 15 minutes, per 30 days, up to 90 days); **and/or**

WAGE REDUCTION – (premium pay wage positions by institutions are subject to wage reduction – no less than base pay, per pay period, excluding Work Release and MVE positions).

D-5. CONFISCATION: The permanent loss of unauthorized property, including funds or other assets.

Level 1 Violations – Applicable

Level 2 Violations – Applicable

Level 3 Violations – Applicable

D-6. PROPERTY IMPOUNDMENT: The loss of use of authorized property for a specified period of time.

Level 1 Violations – N/A

Level 2 Violations – Maximum of 60 days

Level 3 Violations – Maximum of 30 days

D-7. PROGRAM SANCTIONS: A corrective action taken within an authorized program in accordance with procedures for that program.

Level 1 Violations – N/A

Level 2 Violations – Applicable

Level 3 Violations – Applicable

D-8. PROGRAM ATTENDANCE OR COMPLETION REQUIREMENT: Mandatory attendance and successful completion of any program relating to the offender's behavioral needs including requiring offender to attend an

already completed program as a refresher.

Level 1 Violations – Applicable

Level 2 Violations – Applicable

Level 3 Violations – Applicable

D-9. PAY FOR DAMAGES: The offender will pay the cost of repair or replacement or a reasonable portion of the total as determined by the warden or designee for lost, damaged, or destroyed state property.

Level 1 Violations – Applicable

Level 2 Violations – Applicable

Level 3 Violations – Applicable

D-10. EXTRA DUTY: Work assignment under the supervision of a staff member in addition to regular duties.

Level 1 Violations – N/A

Level 2 Violations – Maximum of 16 hours

Level 3 Violations – Maximum of 16 hours

D-11. WARNING/REPRIMAND: A statement to the offender to cease an unauthorized course of action.

Level 1 Violations – N/A

Level 2 Violations – N/A

Level 3 Violations – Applicable

CLASSIFICATION ACTIONS

The following Classification Actions may be imposed for Conduct Violations:

C-1. Refer to the Administrative Segregation Committee:

Make a request for the committee to review for assignment to the administrative segregation unit for the security and good order of the institution.

May occur with Level 1 or Level 2 Violations.

C-2. Request for Transfer or Reevaluation of Reclassification Analysis:

Request for reassignment to a more appropriate facility and/or an upgrade of custody level based upon behavior.

C-3. Removal from or Restriction from Consideration for Work Assignments, Work Release, etc.

May occur with Level 1 or Level 2 Violations.

C-4. Refer to a Program Review Committee.

C-5. Refer for a Possible Termination from a Mandatory Treatment or Reintegration or Confinement Program:

Removal from a court or parole board ordered or statutorily required treatment program for refusal to participate, inadequate participation, or disruptive behavior.

May occur with Level 1 or Level 2 Violations. Mandatory education program will not be affected.

MANDATORY CORRECTIVE SANCTIONS

The following options will be imposed for this Conduct Violation:

M-1. Abuse of Judicial Proceedings Sanctions:

Limited only to conduct rule 39.

For each instance the court finds such an abuse, either Option 1 or Option 2 will be imposed.

1. **Option 1:** If the court order is issued prior to the offender's first parole consideration hearing date, the parole consideration hearing date will be delayed 60 days; or
2. **Option 2:** If the court order is issued after the first parole consideration hearing date, the warden or designee will advise the offender finance office to determine the amount equal to 50% of the offender's average daily balance of the 12 months preceding the date of the conduct violation, using all days the offender's account had a positive balance; however, in no instance shall the balance of an offender's account be reduced to an amount less than \$10.00. The amount due may be deducted from any compensation payable or later paid to the offender, or from other property belonging to the offender in the custody and control of the department.

3. **Option 3:** In addition to the sanction imposed in option 2, if the offender's account balance is below \$10.00, staff members may also issue a sanction of one of the following:
 - a. Non-contact Visiting for 90 days, or
 - b. Activity Restriction for 30 days.

ADMINISTRATIVE ACTIONS

The following Administrative Actions may be imposed for Conduct Violations:

A-1. Recommendation for Time Extension:
Old Criminal Code

A-2. Referral for Conditional Release Extension:
Request to extend the Conditional Release Date

A-3. Referral for Time Credit Loss:
Request to remove Time Credit Consideration

A-4. Referral to Treatment:
Referral to any department approved program
May occur with Level 1 or 2 Violations.

A-5. Request for Prosecution Consideration:

Referral to the Prosecuting Attorney for consideration for prosecution.
May occur with Level 1 or 2 Violations or any violation of the law.

RANGE OF CORRECTIVE SANCTIONS & CLASSIFICATION OR ADMINISTRATIVE ACTIONS

The following is a list of all conduct rules followed by the corrective sanctions which may be imposed for violation of the rule. Classification and Administrative Actions will also be issued in accordance with the level of the conduct rule violation. Wardens or designees may go outside of the listed range with justification; refer to the Definitions of Sanctions and Classification or Administrative Actions.

The following Classification and/or Administrative Actions may be imposed for Conduct Violations:

RANGE OF CORRECTIVE SANCTIONS

| <u>CONDUCT VIOLATIONS</u> | <u>SANCTIONS</u> |
|---|------------------|
| 1. MURDER OR MANSLAUGHTER | |
| 1.1 | D-1, 2, 5, 8, 9 |
| 2. ASSAULT | |
| 2.1, 2.2, 2.3 | D-1, 2, 5, 8, 9 |
| 3. DANGEROUS CONTRABAND | |
| 3.1, 3.2, 3.3 | D-1, 2, 5, 8, 9 |
| 4. ESCAPE | |
| 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8 | D-1, 2, 5, 8, 9 |
| 5. HOSTAGE OR RESTRAINT | |
| 5.1 | D-1, 2, 5, 8, 9 |
| 6. RIOT | |
| 6.1, 6.2 | D-1, 2, 5, 8, 9 |
| 7. FORCIBLE SEXUAL ABUSE | |
| 7.1, 7.2, 7.3 | D-1, 2, 5, 8, 9 |

- 8. ARSON**
8.1 D-1, 2, 5, 8, 9
- 9. ORGANIZED DISOBEDIENCE**
9.1, 9.2, 9.3, 9.4, 9.5 D-1, 2, 5, 8, 9
- 10. MINOR ASSAULT**
10.1, 10.2, 10.3 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 11. POSSESSION AND/OR USE OF A
CONTROLLED AND/OR INTOXICATING
SUBSTANCE**
11.1, 11.2, 11.3, 11.4,
11.5, 11.6, 11.7, 11.8,
11.9, 11.10 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 12. THREATS**
12.1, 12.2, 12.3, 12.4 D-1, 2, 3, 4, 5,
6, 7, 8
- 13. POSSESSION OF MONEY OR LEGAL
TENDER**
13.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

14. FALSE IDENTIFICATION

14.1, 14.2, 14.3

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

15. SEXUAL MISCONDUCT

15.1, 15.2, 15.3, 15.4

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

16. TATTOOING OR BODY ALTERING

16.1, 16.2

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

17. Self Harm - Rescinded

18. INTERFERING WITH A COUNT

18.1, 18.2, 18.3

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

19. CREATING A DISTURBANCE

19.1, 19.2, 19.3, 19.4,
19.5

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

19.6

D-1, 2, 3, 4,
5, 6, 7, 8, 9,
10, 11

- 20. DISOBEYING AN ORDER**
20.1, 20.2 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 21. INSULTING BEHAVIOR**
21.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 22. THEFT**
22.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 23. LYING, DISHONESTY, AND
MANIPULATION**
23.1, 23.2 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 24. CONTRABAND**
24.1, 24.2, 24.3, 24.4,
24.5, 24.8 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
24.6, 24.7 D-1, 2, 3, 4,
5, 6, 7, 8, 9,
10, 11
- 25. FIGHTING**
25.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

- 26. TAMPERING WITH LOCKING OR SAFETY DEVICES**
26.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 27. FRAUD**
27.1, 27.2, 27.3 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 28. GAMBLING**
28.1, 28.2 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 29. BRIBERY**
29.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 30. OUT OF BOUNDS**
30.1, 30.2, 30.3 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10
- 31. DESTROYING PROPERTY**
31.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

32. SANITARY VIOLATION

32.1, 32.2, 32.3, 32.4

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

33. SAFETY VIOLATION

33.1

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

33.2

D-1, 2, 3, 4,
5, 6, 7, 8, 9,
10, 11

34. UNAUTHORIZED ORGANIZATIONS

34.1

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

35. MALINGERING

35.1

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

35.2

D-1, 2, 3, 4,
5, 6, 7, 8, 9,
10, 11

36. PROGRAM FAILURE

36.1 36.2

D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

37. UNAUTHORIZED RELATIONSHIPS

37.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

38. ABUSE OF TELEPHONE, MAIL, FINANCE

38.1, 38.2, 38.3 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

38.4, 38.5 D-1, 2, 3, 4,
5, 6, 7, 8, 9,
10, 11

39. ABUSE OF JUDICIAL PROCEEDINGS

39.1 – 39.6 MANDATORY
SANCTIONS

40. STATE, FEDERAL, MUNICIPAL, OR COUNTY LAW ORDINANCE

40.1 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

41. PROCEDURES AND RULES

41.1, 41.2, 41.3, 41.5 D-1, 2, 3, 4, 5,
6, 7, 8, 9, 10

41.7 D-1, 2, 3, 4,
5, 6, 7, 8, 9,
10, 11

CORRECTIVE ACTION & OFFENDER ACCOUNTABILITY PROCEDURES

1. Institutional order and control will, for the most part, be regulated through a system of positive reinforcement for positive behavior. Corrective sanctions and classification or administrative actions are, however, a necessary factor in offender treatment and control. Offender accountability procedures shall be administered in accordance with the following principles:
 - A. Corrective action shall only be taken at such times and in such measures and degrees as necessary to maintain offender behavior within acceptable limits.
 - B. Offender behavior shall be controlled in an impartial, fair, and consistent manner.
 - C. Corrective action shall not be capricious or in retaliation or revenge.
 - D. There shall be no corporal punishment of any kind.
 - E. Offender misconduct shall be reported by staff as soon as possible after it occurs.

- F. Corrective action shall be taken as soon after the occurrence of misconduct, as circumstances permit.
 - G. All reported misconduct and corrective actions shall be recorded in the offender classification file.
2. If you violate one of the published departmental, divisional, or institutional rules, you can expect the following procedures:
- A. The reporting staff member will submit a written Conduct Violation Report as soon as possible after the incident occurs. If the violation is of a minor nature, however, and does not threaten safety and security of the institution, is not for sexual misconduct, or does not involve the destruction of state or offender property, the staff member may propose an informal sanction. If you agree to the informal sanction and carry out the sanction, a conduct violation will not be processed.
 - B. You and the reporting staff member will be jointly interviewed by another staff member. At that time, you will be advised of the charges against you. If you are charged with

a law violation of any state or federal law, you will also be advised of your rights.

- C. During the interview, you may admit guilt and voluntarily waive your right to a formal hearing for minor conduct violations only. You will sign the Conduct Violation Report, and the reporting staff member and the interviewing staff will witness your signature. The Conduct Violation Report will be forwarded to the appropriate Corrective Hearing Officer for review. The Corrective Hearing Officer will issue appropriate sanction(s).
- D. You will be scheduled for an appearance before a Corrective Hearing Officer or Adjustment Board no sooner than 24 hours, unless you agree to waive this notification period. The hearing will be held no later than seven working days after the interview, unless there are documented extenuating circumstances.
- E. You will follow your regular routine until the hearing, unless it is determined that your behavior is a threat to yourself or others. If so, you may be placed in temporary administrative segregation confinement.

A form stating the reason for the confinement will be prepared and you will receive a copy.

F. After the hearing, the findings will be summarized and recommendations made and forwarded to the warden or designee for final approval. You will receive a copy of the Corrective Action Report.

G. The corrective action will be carried out by appropriate staff. You will receive a copy of the final Corrective Action Report only if changes are made to the recommendations.

3. When charged with a conduct violation:

A. You have the right to notice of an alleged violation at least 24 hours prior to any corrective hearing on the violation.

B. You have the right to a hearing on any alleged violation or may plead guilty and waive your right to a hearing either during the interview or at the scheduled hearing for minor violations. Formal hearings must be held when an offender is placed on Temporary Administrative Segregation Confinement (TASC), refuses to sign, or for those violations heard by the adjustment board.

- C. Offenders shall be permitted to assist each other during corrective hearings for major conduct violations only.
- D. You have the right to make a statement and present evidence on your behalf at a hearing.
- E. You may request to have witnesses (or statements from them) considered at the hearing. If a requested witness is denied, the Corrective Hearing Officer or Adjustment Board Chairperson will document the reason for denial.
- F. You have the right to a written report of the findings and recommendations, and the final action of the warden or designee, if revised.
- G. You have the right to appeal any corrective action through the Offender Grievance Procedure.
- H. For the purpose of corrective action, a report of offender sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying, even if an investigation does not establish evidence sufficient to substantiate the allegation.

**OFFENDER SEXUAL ABUSE & HARASSMENT
PRISON RAPE ELIMINATION ACT (PREA)
SILENCE – VIOLENCE – SPEAK UP**

PREVENTING SEXUAL ABUSE: You can take steps to avoid sexual abuse by following these safety tips:

Be aware of situations that make you feel uncomfortable. Trust your instincts. If it feels wrong, LEAVE.

Walk and stand with confidence. Many abusers choose victims who look like they won't stand up for themselves. Don't be afraid to say "NO!" or "STOP IT NOW!"

Do not accept canteen items or favors from anyone. Placing yourself in debt to another offender can lead to the belief of expectation that you will repay the debt with sexual favors.

Do not accept an offer from another offender for protection.

Avoid casual nudity and talking about sex. These things may cause another offender to believe you are interested in a sexual relationship.

Avoid secluded areas. Position yourself in plain view of staff members.

Do not trust others too easily. Make wise choices when associating with others. Making friends with the wrong group of people can make you a target automatically.

Most importantly, if you are being pressured for sex, report it to a staff member immediately. Finally, if you notice another individual being pressured for sex, or involved in a sexual relationship with another offender or staff, report it immediately.

REPORTING SEXUAL ABUSE: If you have been sexually abused:

Get to a safe place and report the abuse to a staff member immediately. The longer you wait to report the abuse, the more difficult it is to obtain evidence for investigation. You have a personal responsibility to report abuse of others, too, even if you do so anonymously.

Do not shower, brush your teeth, use the restroom, or change your clothes. Doing so may destroy valuable evidence to prosecute the perpetrator.

There are several ways in which to report abuse:

1. Report the abuse to any staff member either verbally or in writing as soon as possible, whether the alleged incident involved you or not.
2. Call the Department's Confidential PREA Hotline. You can do so at any offender phone by listening to the prompts and pressing '8' or dialing **(573) 526-PREA (7732)**.
3. Write to the Missouri Department of Public Safety, Crime Victims Services Unit, P.O. Box 749, Jefferson City, MO 65102.
4. If you are assigned to a Community Release Center or Community Supervision Center, you may report sexual abuse using the above guidelines or calling the PREA Hotline at **(855) 773-6391**.

VICTIM RIGHTS: As a victim of sexual abuse, you have certain rights, including the right to be free from retaliation and harassment.

You will be separated from the alleged abuser immediately.

When necessary, medical personnel will be notified and you will receive a physical exam.
You will be assessed for injuries or exposure to

sexually transmitted diseases. Any evidence collected will be sent to a crime lab.

You will be referred to a mental health professional for assessment and ongoing treatment, as necessary.

If requested, a victim advocate will be provided for you or you may contact an advocacy organization. The contact information is available in the institutional library.

Your allegation of sexual abuse will be investigated and if possible, the abuser will be disciplined and referred for prosecution. It is important you work with the investigator.

Later on, you may wish to seek the support of a trusted friend, family member or staff member, such as the chaplain or mental health staff. The days ahead can be traumatic and it helps to have support.

You have the right to know the outcome of the investigation.

You have the right to be notified of court proceedings and to provide an impact statement for the court and parole hearings, in the event of conviction.

CONSEQUENCES: For the Offender That Sexually Abuses, Assaults, or Harasses Other Offenders.

An investigation will be made into each allegation of sexual abuse and harassment. It is important to remember that sexual abuse does not have to be a violent act. If the victim feels they would be physically harmed if they refuse, that is sexual abuse. If you are found guilty of sexual abuse, you will be issued a conduct violation and the sanctions will be harsh. The Department of Corrections will also seek prosecution for perpetrators of sexual abuse. In addition to facing additional time to serve, you will also face life-long reporting requirements as a sexual offender in accordance with Missouri law. If you have trouble controlling your actions, seek help from mental health staff. Consider participating in programs designed to control anger or reduce stress.

It is also important that offenders do not make false, misleading, or unfounded reports in bad faith. There may be serious corrective consequences for doing so.

The Missouri Department of Corrections has zero tolerance for sexual abuse or harassment.

The Department is committed to ensuring a safe and secure environment for all. Each offender is responsible for cooperating with staff and for complying with all department rules.

OFFENDER GRIEVANCE PROCEDURE (D5-3.2)

The offender grievance procedure implemented at your institution provides you a method of presenting complaints and also gives staff the opportunity to resolve legitimate complaints. We encourage you to have informal discussion with your unit staff to resolve any complaints. You are required to complete the grievance process prior to filing a lawsuit in the federal courts. The offender grievance procedure consists of 3 stages:

1. **INFORMAL RESOLUTION REQUEST (IRR):**

If you have not been able to resolve your complaint, you may request an IRR from unit staff. You must file this form within 15 calendar days of the incident you are complaining about. You are to receive a response within 40 calendar days of receipt of your IRR by the staff processing IRR's. If you have not received a response within that time frame, you may proceed to the grievance stage, by notifying IRR staff and requesting an Offender Grievance form.

2. **OFFENDER GRIEVANCE:** If you are not satisfied with the response to your IRR, you will be given an Offender Grievance form which you must file within 7 calendar days from the date you sign the IRR Response. Failure to do so will result in the complaint being abandoned. The time limitation will be suspended in the event a court orders exhaustion of administrative remedies prior to filing a lawsuit. You are to receive a response to your grievance within 40 calendar days. If no response is received within that time frame you may request, from the Grievance Officer, an Offender Appeal form, and you may proceed to the appeal stage.

- 3. GRIEVANCE APPEAL:** If you are not satisfied with the response to your grievance, you will be given an Offender Appeal form. You must file this form with the Grievance Officer within 7 calendar days from the date you sign the Offender Grievance Response. If you fail to do so, it will result in the complaint being abandoned. An Appeal Response should be provided as soon as practical, but within 100 calendar days of receipt. After receiving the Appeal Response, the grievance process is exhausted.

ABUSE OR MISUSE OF OFFENDER GRIEVANCE PROCEDURE:

All offenders are encouraged to utilize this procedure for the redress of grievances. However, offenders must refrain from knowingly and deliberately filing improper Informal Resolution Requests or Offender Grievances, as well as duplicating Informal Resolution Requests or Offender Grievances. The warden may place limitations on the number of IRR's and grievances filed. You may grieve any issue except: matters concerning Probation and Parole; actions of state legislature or other federal, state and local agencies; actions in institutions where

the offender does not reside, unless said actions personally involve or directly affect the offender; judicial proceedings; conditions which affect another offender without effecting the grieving offender personally. Matters related to Probation and Parole may be grieved in accordance with P6-6.1 Parole Decisions and P7-1.7 Complaints or Inquiries and Investigations. Any further questions you may have concerning the grievance process may be addressed to the Grievance Officer.

SUMMARY

All offenders should remember that Institutional Services Policies and Procedures affecting offender living conditions, programs, housing, and work areas are available in the library.

All offenders are expected to abide by all local, state, and federal laws, as well as procedures developed by the department and division. Nothing in this rulebook prohibits prosecution for breaking any laws.

Nothing in the rulebook is intended to create a liberty interest protected by the United States Constitution.

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