



APPEALING A DISCIPLINE HEARING OFFICER'S DECISION

If you receive a disciplinary report and disagree with the final decision made by a Discipline Hearing Officer (“DHO”) or Unit Discipline Committee (“UDC”), the decision may be appealed. The appeal process is described in Program Statement 5270.09, “Inmate Discipline Program.” You will appeal through a modified version of the Administrative Remedy Program (the grievance process).

When you file your appeal, you should provide a copy of the disciplinary decision report. The UDC should provide you a copy of the report the next working day after its decision. The DHO should provide you with a written copy of their decision within 15 days of the decision. **If do not receive a copy of the DHO or UDC report, you can still appeal**, but you must state in your appeal the date your hearing took place and a brief statement explaining what you were charged with. If you are appealing multiple incidents with different incident report numbers, you should appeal these on separate forms. You cannot receive help preparing your appeal from the investigator, UDC members, DHO, reporting officer or your staff representative.

If you are challenging a decision made by the **Unit Discipline Committee**, you start your appeal at the BP-9 level of the grievance process. This must be submitted within **20 calendar days** of the UDC decision to the Warden.

If you are challenging a decision made by the **Discipline Hearing Officer**, you start your appeal at the BP-10 level of the grievance process. This should be sent directly to the Regional Director within **20 calendar days** of the DHO decision.

The official reviewing your appeal can approve, change, reverse, or send back any decision of the DHO or UDC. He or she **cannot increase the sanction originally imposed on you**. If you **do not receive a response** to your appeal, you may appeal at the next highest level up from the level you started. This means that if you are challenging a decision by the UDC, you start at the BP-9, and if you don't receive a response, you can move on to the BP-10. If you are appealing a DHO hearing and do not receive a response to your BP-10, you can move on to the BP-11. Additionally, even if you receive a response, if you are **not satisfied** with the outcome of your appeal, you may appeal to the next level. So, if you appeal a decision by the Unit Discipline Committee, and you do not receive a response or an extension within 20 days after your appeal is received, or you do receive a response and you're not satisfied with it, you should file an appeal at the BP-10 level. If you appeal a decision by the Discipline Hearing Office and do not receive a response or an extension within 30 days after your appeal is received, or you do receive a response and you're not satisfied with it, you should file an appeal at the BP-11 level.

On appeal, the reviewing official must decide if the UDC or DHO could have *rationally* made the decision that it did. He or she is not deciding if it was the best decision.

If you are not satisfied with the outcome of your appeal, and you have completed this entire process, you may contact our office to determine if any additional actions may be beneficial to you.

This guide was created by the D.C. Prisoners' Project of the Washington Lawyers' Committee for Civil Rights and Urban Affairs in June 2011. It was last updated in October 2023.
It is not intended to replace the advice of an attorney. It is not legal advice and does not create an attorney client relationship.