


<p style="text-align: center;">STATE OF IOWA DEPARTMENT OF CORRECTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>		<p>Policy Number</p> <p style="text-align: center;">IO-RD-01</p>	<p>Applicability</p> <p><input checked="" type="checkbox"/> DOC</p> <p><input type="checkbox"/> CBC</p>
		<p>Policy Code</p> <p style="text-align: center;">3</p>	<p>Iowa Code Reference</p> <p>Before July 1, 1983 246.38,39,40,41,42,43</p> <p>After July 1, 1983 610A.3, 901A, 902, 903A, 904.504, 904.505</p>
<p>Chapter 3</p> <p style="text-align: center;">INSTITUTIONAL OPERATIONS</p>	<p>Sub Chapter</p> <p style="text-align: center;">RULES & DISCIPLINE</p>	<p>Related DOC Policies</p> <p style="text-align: center;">IO-SM-02 IO-SM-03</p>	<p>Administrative Code Reference</p> <p style="text-align: center;">N/A</p>
<p>Subject</p> <p>OFFENDER DISCIPLINE</p>		<p>ACA Standards</p> <p>4-4226, 4227, 4228 4229, 4230, 4231, 4232, 4233,4234, 4235, 4236, 4237, 4238, 4239, 4240, 4241, 4242, 4243, 4244, 4245, 4246, 4247, 4248 4-4320</p>	<p>Responsibility</p> <p>Michael Savala</p>
		<p>Effective Date</p> <p>January 2006</p>	<p>Authority</p> 

I. PURPOSE

To describe the disciplinary system that shall be used in the Iowa Department of Corrections (IDOC) institutions to enforce rules and regulations. The IDOC train staff to assist offenders in changing the behavior that resulted in their confinement. The disciplinary process defines specific classes of offenses based on severity of the offense, establishes policy for sanctioning violations, and provides review procedures governing the offender disciplinary process. Offenders shall be required to conform to the standards of conduct reflected in institution rules and regulations, which are provided to them on intake. Any offender who violates an institution rule or regulation may be subject to disciplinary action under the provisions of this policy.

II. POLICY

- A. It is the policy of the IDOC to have in place in each of its institutions a system of offender discipline that serves to protect the public, staff, and offenders, and maintains order in the institution, through the impartial application of a fully developed, well-understood set of rules and regulations, and a hearing procedure that incorporates all applicable due process requirements. It is the intent of this policy that IDOC staff shall follow all of the procedures described in this disciplinary policy. However, nothing in this policy is meant to require the dismissal or expungement of any disciplinary report for minor deviations from the disciplinary policy that do not negatively affect the substantive rights of the offender subject to the disciplinary report.
- B. The IDOC believes that a properly managed offender discipline program shall do the following:
1. Maintain security, control, and safety,
 2. Ensure offenders' due process rights,
 3. Ensure fair and consistent disciplinary practices,
 4. Ensure proper documentation of all rule violations,
 5. Provide all applicable Wolff safeguards to offenders,
 6. Provide staff with training in the discipline policy, including familiarity with the rules of the facility, rationale for the rules, sanctions available, and report writing.
- C. The objectives of the IDOC's disciplinary policy, are:
1. To ensure that sanctions are imposed in a fair and consistent manner to promote a safe and orderly institutional environment.
 2. To deter future unacceptable offender behavior.
 3. To define each offense and the sanctions imposed if the offender is found guilty.
 4. To establish consistent procedures for disciplinary reports, presenting investigative facts, conducting disciplinary hearings, and processing of disciplinary appeals.

- D. The disciplinary policy applies to all offenders assigned to institutions within the IDOC. All offenders shall receive a copy of the IDOC Offender Rulebook and shall sign a form indicating receipt of this information.
- E. Offenders serving sentences for offenses committed prior to July 1, 1983, are subject to the requirements set forth in Section 246 of the 1983 Iowa Code and this policy. Offenders serving sentences for offenses committed on or after July 1, 1983, shall be subject to the requirements of Chapter 903A. Offenders serving sentences under Chapter 901A and 902 are subject to those sections.
- F. In addition to being subject to the IDOC's disciplinary policy, all offenders under the jurisdiction of the IDOC must obey all laws of the United States and the State of Iowa. If a violation of the rules would also be a violation of a federal, state, or local law, an offender is subject to the provisions of the law, as well as the rules for offender discipline. Disciplinary action by the institution may be taken before or after criminal prosecution, and may be in addition to criminal punishment or in spite of dismissal of criminal charges.
- G. This policy is designed to create processes in disciplinary matters that provide offenders with their rights under the United States Constitution, the Iowa State Constitution, Federal law, and Iowa law. This policy is not meant to create or add new independent legal rights for offenders.
- H. In a case where court decisions (state and federal) are in conflict with the disciplinary policy, the decision shall prevail over the policy. The IDOC shall work with the Attorney General to achieve consistent disciplinary policy at all institutions.
- I. The Warden/Superintendent of each institution, assisted by all supervisory personnel, shall establish order and discipline by consistent application of offender behavior standards. Each Warden/Superintendent shall develop a fair, unbiased, and orderly procedure for administering all disciplinary rules and policy.
- J. Amendments and supplements to this policy may be issued at any time by the Director of the IDOC.
- K. The procedures described in this disciplinary policy require staff and offenders to make use of various forms. The Iowa Corrections Offender Network (ICON) system generates some of those forms from information entered by IDOC staff. Other forms appear only in paper versions that must be filled out by the appropriate staff member, witness, or offender. The IDOC shall

approve the format of all forms generated by the ICON computer system before they are used in the disciplinary process. If the ICON system is not available for use, staff members may use documents that contain the information of the ICON forms that shall be entered later. Paper forms should use the general format of the forms attached to this policy. Similar paper forms may be used by making additions or changes to those forms. Institutions may modify and adapt the forms for use with computers or other electronic devices.

III. DEFINITIONS

- A. Administrative Law Judge - The primary disciplinary hearings officer appointed by the Director of the IDOC in accordance with Iowa Code § 903A. The Director of the IDOC shall also appoint alternates for each institution in accordance with the Iowa Code. The appointed Administrative Law Judge or alternates shall hear all cases that are subject to the provisions of Iowa Code § 903A, 904.505 and 610A.3 and any other applicable Iowa Code sections. It is the duty of the Administrative Law Judge and alternates to impose the sanction including establishing the exact earned time/good time days to be forfeited. When the Administrative Law Judge is absent, unavailable, or prohibited under this policy from hearing a particular matter, the hearing shall be conducted by an alternate Administrative Law Judge.
- B. Aggravating Factors - If the Administrative Law Judge determines that the factors or circumstances of an offense are more serious than the charged offense, the sanction may be upgraded to the next class. The Administrative Law Judge shall specify in writing the aggravating circumstances warranting a change in sanction. Aggravating factors may include, but are not limited to, history of violence, use of weapon, severity of injury, significant impact to institutional operations, repeat infractions, and premeditation.
- C. Attempt - An offender attempts to commit an offense when the offender acts to affect an offense although the offense is not accomplished. An offender may be charged with attempt to violate any rules listed in this policy.
- D. Class of Offense - The class of an offense determines the range authorized sanction(s) that can be imposed by the Administrative Law Judge for violation of rules listed in this policy.
- E. Complicity - An offender shall be responsible for the offense of another person if the offender commands, induces, procures, or aids another person to commit the offense.

1. No offender shall be liable for the conduct of another person if the offender makes reasonable efforts to prevent the commission of the offense prior to the commission or the offender withdrew from participation before the commission of the offense.
 2. The failure of the institution to charge or convict the other person shall not be a defense under this section.
 3. Any action by the accused offender, which causes another person to violate a rule, may be considered a violation by the accused offender.
- F. Dangerous Contraband – The term includes, but is not limited to, altering of authorized property (such as razors) for purposes of a weapon; diagrams, directions, drawings for explosive devices, or other weapons; a firearm, knife, bludgeon or other weapon, device, instrument, material, or substance, whether animate or inanimate, which is readily capable of causing or inducing fear of death or serious physical injury, or any flammable substance or incendiary device.
- G. Dangerous Drugs and Intoxicants - The terms include, but are not limited to, alcohol, amphetamines, methamphetamines, barbiturates, cocoa leaves, cocaine, opiates, (including opium, morphine, heroin, Demerol, diluadid, codeine, apomorphine, etc.), peyote, LSD, psilocybin, DMT, THC and cannabis (a.k.a. marijuana), including all parts of the plant cannabis sativa L., and any volatile substance inhaled for its mood-altering effect, such as cleaning fluid, glue, lacquer, petroleum distillates, etc.
- H. Earned Time/Good Time Loss - The terms earned time and good time shall refer to the reduction in time credits given to offenders under the Iowa Code, as amended, and any other current or prior section of the Iowa Code that specifies the reduction in time credits that apply to a particular offender's sentence. The use of one of those terms in this policy or in any disciplinary document includes one or both of those terms as appropriate.
- I. Iowa Corrections Offender Network (ICON) - The computer system used by IDOC staff members to record information relating to the disciplinary process and to generate documents, such as disciplinary notices, hearing decisions, and appeal decisions. The full name for the system is the Iowa Corrections Offender Network.
- J. Intentionally - An offender acts intentionally with respect to a result or to conduct described by this guideline when the offender's conscious objective is to cause that result or engage in that conduct. An offender may be presumed to intend the natural consequences of the offender's act.

- K. Major Infraction - Any rule violation, which, in the judgment of a supervisor or staff member observing or learning of the violation, has serious offender and institutional management implications. Major infractions shall be handled through the formal disciplinary process, referral for prosecution, or both.
- L. Mitigating Factors - If the Administrative Law Judge determines that the factors or circumstances of an offense constitute a less serious offense than the charged offense, the sanctions may be reduced if circumstances warrant. The Administrative Law Judge shall specify in writing the mitigating circumstances warranting the change.
- M. Offender - Includes all persons assigned to an institution of the IDOC.
- N. Possesses - To knowingly exercise physical control over an object. Knowledge shall be based on the presence of an object found on an offender's person or placed somewhere by the offender. Knowledge shall be rebuttably presumed when an object is found anywhere else in an offender's domicile. This presumption may be countered by evidence that the offender was not responsible for the object's presence in the offender's domicile.
- O. Reckless - An offender's conduct is reckless when the safety of persons or property is willfully or wantonly disregarded.
- P. Security Issue - Any act which causes or has the potential to cause significant disruption to the operation of the institution, effect the peace and tranquility of the institution, or create danger for the public, staff, and/or offenders.
- Q. Serious and Dangerous Violence - Includes killing, forced sexual penetration, assault, kidnapping, rioting, arson, or the attempt.
- R. Serious Physical Injury - Any physical injury which creates or could create a substantial risk of death or which causes death, serious or protracted impairment of health, or protracted loss or impairment of any major bodily function.
- S. See Policy **AD-GA-16** for additional Definitions.

IV. PROCEDURES

NOTE: If, at any time in the process of writing, investigating, or hearing a major report, it is noted that a document and/or procedure is incorrect, the process shall be stopped and the process reinitiated.

A. Preparing the Disciplinary Report

1. As soon as a staff member or other person given authority over offenders by the Warden/Superintendent becomes aware that a major infraction has occurred, the staff member or other person with authority should, if possible, direct the offender to take corrective action. If the corrective action is insufficient or circumstances warrant, the staff member or other person with authority observing the incident or learning of the infraction shall prepare a disciplinary notice using the ICON computer system *Disciplinary Notice* form. The notice shall be available to the Shift Supervisor, and shall contain details of the infraction, including the following:
 - a. Specific rule(s) allegedly violated.
 - b. Date and time of the infraction.
 - c. Location of offense.
 - d. Offender(s) involved, and witnesses, if any.
 - e. Adequate details of the infraction to substantiate the charge, including type and disposition of contraband or physical evidence, (where the evidence is being held, etc.) unusual behavior by the offender, etc.
 - f. A description of immediate action taken, including any force used by offender or staff.
 - g. If appropriate, a notice that confidential information was used to prepare the disciplinary notice. Must include reason why confidential information was withheld.
 - h. The names of staff witnesses to the incident, unless confidential.
 - i. The name of the reporting staff member. The name of the reporting staff member on an ICON generated document shall be deemed to constitute an electronic signature for that staff member.
 - j. In instances of a positive urinalysis (UA) test, the notice advises that the violating substance has been ingested within the last

30 days or the time period associated with the particular test used.

(4-4233: Disciplinary reports prepared by staff members include, but are not limited to, the following information:

- **Specific rule(s) violated**
- **A formal statement of the charge**
- **Any unusual offender behavior**
- **Any staff witnesses**
- **Any physical evidence and its disposition**
- **Any immediate action taken, including use of force**
- **Reporting staff member's signature and date and time of report)**

2. The Shift Supervisor or designated staff member shall:
 - a. Review the disciplinary report to ensure that all necessary and relevant information is included.
 - b. Assist the author to complete or rewrite the disciplinary report when necessary so that it includes all relevant and necessary information. **(4-4232: Written policy, procedure, and practice provide that when rule violations require formal resolution, staff members prepare a disciplinary report and forward it to the designated supervisor.)**
3. The Shift Supervisor or designated staff member shall complete a preliminary investigation and review of all disciplinary reports within 24 hours and make an initial determination whether a crime may be involved solely for the purpose of requiring the investigator or designated staff member to advise the offender of the offender's rights. If the report is approved, a further investigation shall be commenced as soon as practicable. **(4-4234: Written policy, procedure, and practice specify that, when an alleged rule violation is reported, an appropriate investigation is begun within 24 hours of the time the violation is reported and is completed without reasonable delay, unless there are exceptional circumstances for delaying the investigation.)**
4. If appropriate corrective action is achieved, or if other facts indicate that no infraction occurred, a disciplinary report may be dismissed by the Shift Supervisor or other designated official.

5. The offender may be placed in more secure housing at this stage, based on the degree of risk if the offender remains in a general population housing unit. When an offender is placed in Administrative Segregation AS5 or AS6 status, the supervisor ordering AS5 or AS6 shall forward a written memo to the Security Director for review within 72 hours of the offender's detention. **(4-4235: Within the disciplinary procedures document there is provision for prehearing detention of offenders who are charged with a rule violation. The offender's pre-hearing status is reviewed by the warden/superintendent or designee within 72 hours, including weekends and holidays.)**

B. The Disciplinary Notice

1. Providing the offender with a copy of the *Disciplinary Notice* form generated by ICON shall serve as notice of alleged misconduct and, if a possession violation, *Notice of Confiscation* of the evidence. **(4-4236: Written policy, procedure, and practice provide that an offender charged with a rule violation receives a written statement of the charge(s), including a description of the incident and specific rules violated. The offender is given the statement at the same time that the disciplinary report is filed with the disciplinary committee but no less than 24 hours prior to the disciplinary hearing. The hearing may be held within 24 hours with the offender's written consent.)**
2. The disciplinary report(s) need not contain information that could jeopardize individual safety or institutional security.
3. The offender may waive the right to be present at a hearing. If such a waiver is made by the offender, a decision shall be rendered by the Administrative Law Judge based on documentary and physical evidence, if any, contained as a part of the disciplinary report and investigation. Such a waiver shall result in the offender's forfeiture of appearing at the hearing and of any appeal rights. **(4-4237: Written policy, procedure, and practice provide that an offender may waive the right to a hearing provided that the waiver is documented and reviewed by the chief executive officer or designee.)**

C. Investigation

1. The investigator shall interview the offender and any other persons who may have information regarding the incident as soon as is practical. The offender shall be provided with a copy of the *Disciplinary Notice* from ICON and that shall serve as the written notice of the specific rule violation and details of the charges against the offender. Written statements should be taken from witnesses and recorded on the Witness Statement Form 1 and, when appropriate, incident or additional disciplinary reports should also be prepared. The *Disciplinary Notice* shall serve as the witness statement of the reporting person.
2. If the investigator determines that the number of witnesses named by the offender would substantially burden the investigation and that some of the witnesses would be cumulative or irrelevant, the investigator may limit the number interviewed provided that the investigator records the reason for doing so in ICON. The investigator should encourage the offender to prioritize witnesses in this situation.
3. Failure of the accused offender to name witnesses to be interviewed by the investigator may limit future opportunities of an offender to have a statement taken from such witnesses, unless the taking of a statement is directed by the Administrative Law Judge or other reviewing institution official. The following reasons may support additional interviews:
 - a. The identity or existence of the witness was unknown prior to the offender's interview with the investigator.
 - b. That substantial prejudice shall result without such witness being contacted for a statement.
 - c. Aggravating or mitigating factors.
4. The offender may present to the investigator documentary evidence relative to the offender's defense.
5. Information may also be gathered as appropriate to the incident on environmental conditions, physical evidence, and other pertinent aspects of the incident.

6. The investigator shall provide the Administrative Law Judge with a written record including the statements of the offender and any witnesses, physical evidence, and other related information.
7. The Administrative Law Judge may interview the investigator.

D. Hearing Process

1. The Administrative Law Judge shall schedule the disciplinary hearing for a disciplinary report after the 24-hour notice period, unless the accused offender waives the notice period. The hearing shall be held within seven working days (weekends and holidays excluded) following the date on which the offender received the Disciplinary Notice unless the Administrative Law Judge determines that: **(4-4238: Written policy, procedure, and practice provide that offenders charged with rule violations are scheduled for a hearing as soon as practicable but no later than seven days, excluding weekends and holidays, after the alleged violation. Offenders are notified of the time and place of the hearing at least 24 hours in advance of the hearing.)**
 - a. The offender is not available for a hearing due to medical or mental health reasons, or is away from the institution for a court appearance.
 - b. The offender can show cause for further investigation.
 - c. The Administrative Law Judge continues the hearing for further investigation or other cause.
 - d. The offender's behavior in administrative segregation presents an imminent threat to staff safety.
 - e. Holding a hearing could or would undermine criminal investigation or prosecution by the County Attorney or other prosecuting attorney.
2. If the Administrative Law Judge determines that a delay in the hearing is appropriate for one of the above reasons, the Administrative Law Judge shall issue a continuance using the Hearing Decision form on ICON for a reasonable period and good cause. **(4-4239: Written policy, procedure, and practice provide for postponement or continuance of the disciplinary hearing for a reasonable period and good cause.)**

Note: If the offender believes a procedural error has occurred in the discipline process, the offender must address the issue at the hearing and/or through the appeal process.

3. In emergency situations, such as a riot or disturbance, the Warden/ Superintendent may order temporary suspension of these rules. Such an order should be immediately reported in writing as soon as practicable to the Director of IDOC. When disciplinary action is taken during a suspension, the offender is entitled to a rehearing of the alleged rule infraction with full procedural protections when the emergency has ended, unless the particular hearing was conducted in full compliance with this policy.
4. Member(s) of the treatment and/or security staff may be asked to participate in or observe disciplinary hearings. The responsibility of the Administrative Law Judge is the adjudication of disciplinary matters, except that no individual may serve as an Administrative Law Judge if directly involved in the matter as a witness, investigator, or reporting staff member.
5. The disciplinary process does not allow offenders to confront or cross-examine witnesses.
6. The offender and staff assistant, if designated, shall be permitted to offer evidence related to the disciplinary report including the presentation of documentary evidence or written witness statements. The Administrative Law Judge may allow specific witnesses only as necessary to ensure a fair hearing. If specific evidence is rejected, the Administrative Law Judge shall indicate the reasons in writing. **(4-4242: Written policy, procedure, and practice provide that offenders have an opportunity to make a statement and present documentary evidence at the hearing and can request witnesses on their behalf; the reasons for denying such a request are stated in writing.)**
7. In the event the offender desires to have any witness appear in person at the disciplinary hearing, the offender must notify the investigator and identify the specific witnesses and the names of the witnesses at the time of the investigation. Allowing a witness to testify in person at a disciplinary hearing is a decision of the Administrative Law Judge.

8. The disciplinary process is an administrative remedy. Thus, the offender shall not have a right to use outside legal counsel during the hearing or appeal process. The Administrative Law Judge is required to provide staff assistance for offenders where the complexity of the issue makes it unlikely that the offender shall be able to collect and present the evidence, where the offender's capacity does not allow adequate comprehension of the case, or where the offender is unable to adequately comprehend English. **(4-4243: Written policy, procedure, and practice provide that a staff member or agency representative assists offenders at disciplinary hearings if requested. A representative is appointed when it is apparent that an offender is not capable of collecting and presenting evidence effectively on his or her own behalf.)**
9. If an offender is in a special needs or mental health status at the time of the incident, the investigator must obtain a statement from a mental health professional as to the offender's responsibility for the offender's conduct as stated in the report. The Administrative Law Judge shall make a record of this statement.
10. Where confidential information is involved, the Administrative Law Judge shall view the evidence prior to meeting with the accused offender and shall make findings in accordance with procedures for the use of confidential information described below if the Administrative Law Judge intends to use and rely on the confidential information.
11. The Administrative Law Judge shall hear the facts of the alleged violations, weigh the evidence, and make a ruling as to the disposition of the case using only information available to the Administrative Law Judge in the hearing. Administrative Law Judges shall be impartial. **(4-4244: Written policy, procedure, and practice provide that the disciplinary committee decision is based solely on information obtained in the hearing process, including staff reports, the statements of the offender charged, and evidence derived from witnesses and documents.)**
12. The Administrative Law Judge shall conduct the hearing on a disciplinary report as follows:
 - a. Call in the accused offender, read the charges in the disciplinary notice, and cite the rules involved as well as the investigative evidence.

- b. Determine if the procedures in the investigation were followed.
- c. Determine if a continuance for good cause is necessary.
- d. Where procedures have not been followed correctly, the hearing shall be continued and the report remanded to the appropriate staff member to correct the procedural or other defects prior to continuing with the disciplinary hearing. If necessary, a revised *Disciplinary Notice* shall be given to the offender and further investigation done before the hearing resumes.
- e. Review the evidence available such as the *Disciplinary Notice*, any available investigative reports, and documentary evidence such as test results and physical evidence. Review of the physical evidence need not be done in the presence of the offender.
- f. If the offender has not previously given a statement(s), the Administrative Law Judge shall give an opportunity to the offender to make a brief statement, if any.
- g. Hear in person witnesses at the discretion of the Administrative Law Judge. The accused offender may or may not be present during such testimony, if any.
- h. Excuse the offender and begin deliberations to determine whether the alleged rule violation(s) in fact occurred. The findings shall include a determination of the class of the offense and any aggravating or mitigating circumstances. The findings of fact shall be made using the "some evidence" standard of proof.
- i. The Administrative Law Judge shall review all pertinent evidence presented and may draw an adverse inference from the offender's silence during the proceedings.

13. Offender Conduct at Hearings

- a. Offenders may waive their right to be present and participate in the hearing.
- b. An offender's refusal to appear at a hearing shall constitute a waiver of all appeal rights and such refusal shall be documented.

- c. If the waiver is made during the investigation stage, the investigator shall note the offender's waiver on the Investigation of Violation screen in ICON. If the offender chooses not to attend a hearing or refuses to go to the place of the hearing, the Administrative Law Judge shall make findings of fact documenting that the offender's actions constitute a waiver of the offender's right to be at the hearing.
- d. If an offender does not participate in a hearing (or does not appeal a hearing decision), the offender will be deemed to have failed to exhaust the administrative procedures and administrative remedies available to the offender.
- e. An offender appearing before the Administrative Law Judge is subject to the rules of discipline in the same manner as at any other time. If the offender becomes so unruly at the disciplinary hearing that the hearing cannot be effectively continued, such conduct shall be treated as a refusal to appear at the hearing, and the hearing shall continue outside the offender's presence. The Administrative Law Judge shall document the offender's behavior and make a finding regarding whether it constituted a waiver of the offender's hearing right.

(4-4241: Written policy, procedure, and practice provide that offenders charged with rule violations are present at their hearings unless they waive that right in writing or through their behavior. Offenders may be excluded during the testimony of any offender whose testimony must be given in confidence; the reason for the offender's absence or exclusion are documented.)

E. Record of Disciplinary Proceedings

- 1. The Administrative Law Judge shall complete and provide the offender with a written statement of the hearing decision using the Hearing Decision form on ICON, which shall include:
 - a. A statement of the facts found to support the determination of a rule violation (the who, what, where, when, how of the infraction) based on the "some evidence" standard of proof.
 - b. An indication of what these findings are based upon (officer's report, offender's statement, etc.).

- c. The specific sanctions imposed within the sanction class described in this policy.
- d. Aggravating factors that support imposition of increased sanctions.
- e. Mitigating factors that support reduced sanctions.
- f. In those cases where personal or institutional safety may be jeopardized by including certain items of evidence in the written statement furnished to the offender, these items may be deleted. The statement shall indicate that confidential information was relied upon.

(4-4245: Written policy, procedure, and practice provide that a written record is made of the decision and the supporting reasons, and that a copy is given to the inmate. The hearing record and supporting documents are kept in the inmate's file and in the disciplinary committee's records.)

- 2. The disciplinary record shall be maintained for at least six months.
(4-4240: Written policy, procedure, and practice provide that disciplinary hearings on rule violations are conducted by an impartial person or panel of persons. A record of the proceedings is made and maintained for at least six months.)

F. Procedures for the Use of Confidential Information

- 1. The Administrative Law Judge shall consider confidential documentary evidence or testimony reviewed outside the presence of the offender only, if after reviewing and/or hearing such evidence, the Administrative Law Judge has:
 - a. Made a finding that the information is reliable; and
 - b. Made a finding that disclosure of the evidence to the offender would create a substantial risk of harm to individual safety or institutional security.
- 2. Wherever confidential information is used, the Administrative Law Judge shall prepare a summary of the confidential information, which shall be dated and signed by the Administrative Law Judge and

retained by the institution but not disclosed, to the offender. Included will be:

- a. Brief summaries of all confidential information available to the Administrative Law Judge;
 - b. Either the name or relationship to the institution of any informants;
 - c. The confidential information relied upon by the Administrative Law Judge;
 - d. The reasons supporting use of confidential information; (See Confidential Information Summary F-2);
 - e. An indication why the information is being kept from the offender.
3. Where the above procedures are followed, the information shall not be reviewed with the offender. The statement of the evidence relied on shall indicate the reliance on confidential or omitted information.

G. Loss of Earned Time/Good Time

1. For offenders serving sentences for OFFENSES COMMITTED PRIOR TO JULY 1, 1983, Section 246.41 of the 1983 Iowa Code requires the following sanctions for violation of a major rule:

"An offender who violates any of such rules (of discipline) shall forfeit the reduction of sentence earned as follows:

- a. For the first violation, two days.
- b. For the second violation, four days.
- c. For the third violation, eight days.
- d. For the fourth violation, 16 days and in addition, whatever number of days more than the one that the offender is in punishment (disciplinary detention).
- e. For the fifth and each subsequent violation, or for escape or attempt to escape, the Warden/Superintendent shall have the power, with the approval of the Director, to deprive the

offender of any portion or all of the good time that may have been earned."

2. Whenever the Administrative Law Judge desires to take from the offender more than the number of days of good time specified in the 1983 Iowa Code, Section 246.41(4), as a result of an offender's fifth or subsequent infraction, the Administrative Law Judge shall note the maximum amount that should be taken in the decision. The same applies whenever the Administrative Law Judge believes that more than the amount specified by the number of the infraction should be taken as a result of an escape or attempted escape. Actual removal of extra time pursuant to Section 246.41(5), 1983 Code of Iowa, requires approval of the Warden/Superintendent and the Director.
3. Each offender serving a sentence for an OFFENSE COMMITTED ON OR AFTER JULY 1, 1983, may forfeit earned time within the class for each major violation, except as noted below. The loss of earned time shall be determined by the Administrative Law Judge, and the Administrative Law Judge's view of the seriousness of the misconduct.
 - a. In cases of escape, attempted escape, and serious or dangerous violence resulting in serious physical injury or loss of life, the Administrative Law Judge may recommend a loss of any or all accumulated earned time. Such recommendations shall be subject to review by the Director of IDOC/Designee.
 - b. The Administrative Law Judge shall specify an amount of earned time to be forfeited consistent with the sanctions available under this policy for the class of the infraction.
 - c. Any suspended sanctions, which an offender may have received for previous reports, shall be counted towards the number of violations used in determining the amount of earned time to be taken for all future violations.
4. Whenever an offender is found guilty of a major infraction, which is not suspended, the offender may lose the amount of earned time consistent with the statute and this policy. The supervisor of the records for the institution shall be responsible for computing the loss of time within a reasonable amount of time after the Administrative Law Judge finds an offender guilty of a major infraction, determine the offender's new discharge date, and inform the offender of the loss of time and new discharge date.

H. Meritorious Earned Time/Good Time

Earned Time/Good Time, which has been restored by the Director resulting from meritorious service by an offender, is not subject to sanctions by the Administrative Law Judge.

I. Sanctions – General Rules

1. When the Administrative Law Judge finds that an offender has violated a rule as set forth in this policy, the Administrative Law Judge shall impose sanctions consistent with the sanctions available under the class of offense, in proportion to the seriousness of the infractions involved. Sanctions shall be explicit as to nature, extent, and duration, and are to be run consecutive with other sanctions, unless otherwise noted by the Administrative Law Judge.
2. In imposing sanctions, the Administrative Law Judge shall give consideration to those conditions that maximize the opportunity for behavioral change.
3. The Administrative Law Judge is authorized to suspend any or all sanctions. Upon a subsequent finding of guilt for another disciplinary report, the Administrative Law Judge may, but need not, impose the suspended sanctions. The Administrative Law Judge may also specify particular conditions related to a future report that shall result in the imposition of a suspended sanction.
4. Disciplinary Detention:
 - a. The amount of time ordered in disciplinary detention should be proportionate to the offense(s)/violation(s) taking into consideration the offender's prior conduct, specific program needs, and other relevant factors.
 - b. Continuous disciplinary detention shall not exceed 365 days for any incident or 730 days for a series of incidents.
 - c. There shall be 30 day reviews by the appropriate committee when confinement in disciplinary detention exceeds 30 days.
 - d. Conditions of Confinement:
 - 1) Offenders shall not have access to TV, radio, or telephone privileges except for attorney of record and

emergency calls as authorized by the Warden/ Superintendent or designee.

- 2) All first class mail from family members and approved visitors, attorney-of-record, courts, public officials, an ombudsman, and religious materials shall be allowed. All other mail shall be stored until the offender is released from this status or sent out at the offender's request and expense.
- 3) Offenders shall be afforded up to five one-hour exercise periods per week, and whenever possible outdoors.
- 4) Offenders may have visits, but have the responsibility of notifying visitors of any restrictions on visiting.
- 5) Offenders shall have the opportunity to shower at least three times per week.
- 6) The meals shall be substantially the same as provided offenders in general population. The use of food or meals as a disciplinary measure is prohibited. **(4-4320: Written policy precludes the use of food as a disciplinary measure.)**

5. Assessing Costs

- a. An offender may be assessed costs for the destruction or theft of property or other costs related to a rule violation, investigation, or hearing of reports. An itemized list of costs shall be included in the hearing decision or attached to the hearing decision with the offender receiving a copy. If itemized costs would disclose confidential information, then offenders shall receive a certified list of costs that excludes the confidential information. If costs are not known at the time of the hearing, an offender must be given an opportunity to challenge the costs, once the costs become available. Once available, the Administrative Law Judge shall hold a hearing on whether the assessed costs are reasonable, if the offender requests to challenge within seven days.
- b. Only the costs associated with a rule violation, investigation, or hearing may be assessed against an offender. The costs assessed must be based on actual incurred costs.

J. Expungement

1. If the incident as charged in the Disciplinary Notice is dismissed, the disciplinary records of that incident shall be expunged from the offender's file. **(4-4246: Written policy, procedure, and practice provide that if an offender is found not guilty of an alleged rule violation, the disciplinary report is removed from all of the offender's files.)**
2. Dismissal of alleged individual rule violations constituting only part of the entire incident shall not require expungement.
3. Nothing in this policy is intended to limit the availability of expungement or any other remedy in appropriate cases.

K. Review

The Warden/Superintendent or designee shall review all disciplinary decisions, regardless of whether an appeal is taken. **(4-4247: Written policy, procedure, and practice provide for review of all disciplinary hearings and dispositions by the warden/superintendent or designee to assure conformity with policy and regulations.)**

L. Appeals

1. The Administrative Law Judge shall advise the offender of the right to appeal the disciplinary decision. The appeal must be submitted within 24 hours of the date and time of the decision and the Administrative Law Judge shall offer the offender the Disciplinary Appeal Form unless appeal rights have been forfeited by the offender.
2. If the offender decides to appeal the disciplinary decision, the sanctions shall be stayed pending a decision by the Warden/Superintendent or designee. If the offender declines to appeal, or to accept the appeal form, the sanctions recommended by the Administrative Law Judge shall then go into effect. If later, still within the 24 hour appeal time frame, the offender decides to appeal, the sanctions shall remain in effect.
3. Failure to appeal within the 24 hours shall result in the invocation of the decision of the Administrative Law Judge. In addition, an offender may raise new issues regarding a disciplinary matter by filing a written request for further review to the Warden/Superintendent within 15

days of the Administrative Law Judge's decision. **(4-4248: Written policy, procedure, and practice grant offenders the right to appeal decisions of the disciplinary committee to the warden/superintendent or designee. Offenders have up to 15 days of receipt of the decision to submit an appeal. The appeal is decided within 30 days of its receipt, and the offender is promptly notified in writing of the results.)**

4. Appeals to Warden/Superintendent: The Warden/Superintendent or designee shall respond to an appeal in writing within 15 calendar days from receipt of the appeal, or 15 calendar days from receipt of authorized supplemental information.
 - a. The appeal to the Warden/Superintendent constitutes final agency action.
 - b. The Warden/Superintendent or designee may affirm the decision. If procedures have not been followed or there is insufficient evidence in the record to support the Administrative Law Judge's findings, the Warden/Superintendent or designee may:
 - 1) Remand for correction of procedural errors;
 - 2) Order a rehearing; or
 - 3) Reduce, modify, or suspend the findings and/or sanction; or
 - 4) Reduce the sanction class from more serious to less serious and revise sanction; or
 - 5) Reverse the decision and dismiss the disciplinary report(s) against the accused offender.
5. Time limits for appeals may be expanded by the Warden/Superintendent or designee if exigent circumstances arise, such as disturbances, natural disasters, or illness of the Warden/Superintendent.
6. Nothing in these rules shall preclude further review of a disciplinary action by initiative of the Warden/Superintendent.

7. Upon remand of a case, the Administrative Law Judge shall not impose any greater sanction than that imposed initially for that case.

M. Procedures Following Potential Criminal Misconduct

1. Any offender who may have violated a state or federal law while in custody shall be subject to criminal prosecution. The alleged incident shall be reported, investigated, and handled as any regular criminal case. **(4-4231: Written policy, procedure, and practice provide that, where an offender allegedly commits an act covered by criminal law, the case is referred to appropriate court or law enforcement officials for consideration for prosecution.)**
2. Where the Warden/Superintendent determines that a crime has or may have been committed, normal disciplinary action may still be taken promptly provided that the offender has been read the following warning prior to being interviewed by the investigator or other appropriate official and the offender has been informed that:
 - a. Criminal prosecution is possible;
 - b. The offender has the right to remain silent;
 - c. The offender's silence may be used against the offender in the disciplinary hearing; and
 - d. Anything the offender says may be used in criminal prosecution.
3. If the Warden/Superintendent believes that a criminal act has been committed, they shall consult with the General Counsel/Inspector General about whether the matter should be investigated by law enforcement or referred in writing to the county attorney or other prosecuting authority.
4. The Administrative Law Judge may continue discipline until criminal proceedings are resolved. After the dismissal, trial, or other disposition of criminal charges, any disciplinary proceeding still pending shall be conducted or concluded.

N. Training

The personnel training shall include an initial and refresher training session on procedures, including familiarity with the rules of the institution, rationale for the rules, and sanctions available. **(4-4229: All personnel who work with offenders receive sufficient training so that they are thoroughly familiar with the rules of offender conduct, the rationale for the rules, and the sanctions available.)**

O. Offender Notification

All offenders shall receive a copy of the rules and regulations of this disciplinary policy and shall sign a form indicating receipt of this information.

P. Rulebooks

1. A list of these prohibited acts in the major languages used by the population shall be included in the offender rulebook distributed to each offender and each employee.
2. Staff shall assist offenders in understanding the rules when necessary.
3. Offenders shall sign a form indicating that they have received this information.
4. Copies of the list of prohibited acts shall be posted in each living area in all institutions.

(4-4228: A rulebook that contains all chargeable offenses, ranges of penalties, and disciplinary procedures is given to each offender and staff member and is translated into those languages spoken by significant numbers of offenders. Signed acknowledgment of receipt of the rulebook is maintained in the offender's file. When a literacy or language problem prevents an offender from understanding the rulebook, a staff member or translator assists the offender in understanding the rules.)

Q. Prohibited Acts

1. Policy Review

In order to establish a firm foundation for offender conduct and the institutional discipline process, it is necessary to describe the kinds of behavior prohibited within IDOC institutions. These rules are reviewed at least annually by the IDOC's Legal and Policy staff to assure compliance with statutory and case law requirements. **(4-4227: There is a written set of disciplinary procedures governing offender rule violations. These are reviewed annually and updated if necessary.)**

2. Authorized Sanctions

a. Upon a finding of guilty by the Administrative Law Judge, the Administrative Law Judge shall specify the class of the violation taking into consideration any aggravating or mitigating circumstances. Any or all of the following sanctions listed for a given class may be imposed at the discretion of the Administrative Law Judge:

1) Class A

- a) Loss of earned time/good time not to exceed 365 days.
- b) Disciplinary detention up to 365 days for serious or dangerous violence or 180 days for all other offenses.
- c) Loss or modification of any or all privileges including but not limited to, canteen privileges (not including personal hygiene items), visiting privileges, allowance for work performed, access to jobs and programs, not to exceed one year.
- d) Assess actual costs.
- e) Suspend honor contract (for offenders committed before July 1, 1983).
- f) Suspend all or part of the sanctions up to 90 days.
- g) Any sanction available on any lesser class offense.

2) Class B

- a) Loss of earned time/good time not to exceed 90 days.
- b) Disciplinary detention up to 180 days for serious or dangerous violence or 90)days for all other offenses.
- c) Loss or modification of any or all privileges including, but not limited to, canteen privileges (not including personal hygiene items), visiting privileges, allowance for work performed, access to jobs and programs, not to exceed one year.
- d) Restriction to the cell/unit up to 30 days. (may or may not include routine activities).
- e) Assess actual costs.
- f) Extra duty not to exceed 45 days.
- g) Special conditions (alcohol treatment, drug treatment, referral to classification committee, anger management, etc.).
- h) Reprimand.
- i) Suspend honor contract (for offenders committed before July 1, 1983).
- j) Suspend all or part of the sanctions up to 90 days.
- k) Any sanction available on any lesser class offense.

3) Class C

- a) Loss of earned time/good time not to exceed 30 days.
- b) Disciplinary detention up to 30 days.

- c) Loss or modification of any or all privileges including, but not limited to, canteen privileges (not including personal hygiene items), visiting privileges, allowance for work performed, access to jobs and programs, not to exceed 90 days.
 - d) Restriction to the cell/unit up to 21 days (May or may not include routine activities.).
 - e) Assess actual costs.
 - f) Extra duty not to exceed 30 days.
 - g) Special conditions (alcohol treatment, drug treatment, referral to classification committee, anger management, etc.).
 - h) Reprimand.
 - i) Suspend all or part of the sanctions up to 90 days.
 - j) Any sanction available on any lesser class offense.
- 4) Class D
- a) Loss of earned time/good time not to exceed 16 days.
 - b) Disciplinary detention up to 10 days.
 - c) Loss or modification of any or all privileges including, but not limited to, canteen privileges (not including personal hygiene items), visiting privileges, allowance for work performed, access to jobs and programs, not to exceed 30 days.
 - d) Restriction to the cell/unit up to 14 days (May or may not include routine activities.).
 - e) Assess actual costs.
 - f) Extra duty not to exceed 15 days.
 - g) Written assignments.

- h) Special conditions (alcohol treatment, drug treatment, referral to classification committee, anger management, etc.).
- i) Reprimand.
- j) Suspend all or part of the sanctions up to 90 days.
- k) Disposition of evidence.
- l) In accordance with the provisions of this policy, an offender may lose all accumulated earned time or good time for certain serious infractions.
- m) The Administrative Law Judge may reduce the classification of any rule violation from a major offense to a minor offense if the Administrative Law Judge finds that the documented unique factors of the case make such a reduction appropriate. In such a case, the Administrative Law Judge may impose one or more of the sanctions listed in this policy. **(4-4226: Written rules of offender conduct specify acts prohibited within the institution and penalties that can be imposed for various degrees of violation; the written rules are reviewed annually and updated if necessary.)**

3. Violations

While it is impossible to define every possible prohibited act or rule violation, the following Major Offenses are prohibited in all IDOC institutions:

Rule

1. Killing
2. Assault
3. Kidnapping
4. Extortion, blackmail, protection (strong-arming)
5. Escape
6. Rioting

7. Arson
8. Robbery
9. Possession of dangerous contraband
10. Dealing in dangerous drugs/intoxicants
11. Criminal conduct
12. Possession of key or key pattern
13. Fighting
14. Threats/Intimidation
15. Sexual misconduct
16. Unauthorized possession/exchange
17. Damage to property
18. Theft
19. Tampering/interfering with locks or security items
20. Possession of drugs, intoxicants
21. Abuse of medication
22. Refusal or failing to work
23. Disobeying a lawful order/direction
24. Violating a condition of leave/furlough
25. Out of place of assignment
26. Verbal abuse
27. Obstructive/Disruptive conduct
28. Counterfeiting, forging
29. Being intoxicated or under the influence
30. Gambling, debts, etc.
31. Attempted suicide, self-mutilation
32. Bribery
33. Bartering, selling goods, etc.
34. Entering into contracts, agreements, operating businesses
35. False statements
36. Refusal or failing to participate in treatment
37. Habitual minor offender
38. Adulteration of food or drink
39. Safety and sanitation
40. Misuse of mail, telephone, or other communication
41. Reserved
42. Unauthorized Group/Gang conduct
43. Attempt or complicity

4. Definition of Offenses (By Rule #)

1. Killing - An offender commits killing when the offender non-accidentally causes the death of another person.

Class "A" for all violations.

2. Assault - An offender commits assault when the offender intentionally causes or threatens to cause injury to another person or applies any physical force or offensive substance (i.e. feces, urine, saliva, mucous) or any other item against any person regardless of whether injury occurs.

It is also assault for an offender to commit sexual abuse, which is non-consensual sexual contact with another person, such as when:

- a. The other person does not expressly or implicitly acquiesce in the accused offender's conduct.
- b. The offender has substantially impaired the power of the other person to apprise or control conduct by administering or employing drugs, intoxicants, or similar means unless the other person voluntarily consumes the substance with knowledge of its nature.
- c. The offender compels or induces the other person to submit by threat of violence.
- d. The other person suffers from mental disease, defect, or inadequacy that is reasonably apparent or known to the accused offender which, in fact, renders the other person substantially incapable of apprising the nature of conduct or being aware of the nature of the act committed.
- e. The other person is unconscious or otherwise physically incapable of resisting and has not consented to the sexual contact.

Class "A" if weapon or potentially infectious bodily fluids, secretions, tissue, or excrement have been used; Class "B" for all other violations.

3. Kidnapping - An offender commits kidnapping when the offender seizes, carries, forces, entices, or in any other manner moves any person from one place to another, or confines another without the person's consent.

Class "A" for all violations.

4. Extortion, Blackmail, Protections (strong-arming) - An offender commits an offense under this subsection when the offender demands or receives money or anything of value in return for:
- a. Providing protection from others.
 - b. Refraining from violent or sexual activity.
 - c. Refraining from informing on another.
 - d. Acting as a "middleman" for someone engaged in any of this activity shall also be punishable under this subsection.

Class "B" for all violations.

5. Escape - An offender commits an offense under this subsection when the offender:
- a. Without proper authority evades a place of confinement.
 - b. Fails to return from an authorized temporary absence such as furlough.
 - c. Fails to comply with a work agreement outside the institution by leaving a place of work without authority or by failing to return at the required time.
 - d. Evades custody while being transported.

Class "A" for all violations.

6. Rioting - An offender commits an offense under this subsection when the offender:
- a. With two or more persons, participates in conduct that creates danger of damage or injury to property or persons and substantially obstructs the performance of the institution functions.
 - b. Urges or organizes two or more offenders to intentionally engage in a riot, and such incitement is likely to produce a riot, or once a riot begins, the offender assumes a

position of command or instruction in furtherance of the riot.

- c. Fails to return to the offender's own cell in a riot situation upon instruction from staff or upon hearing the riot "whistle."

Class "A" for all violations.

- 7. Arson - An offender commits arson when the offender intentionally sets fire to, burns, causes to be burned, or by the use of any explosive or combustible device, damages or destroys, or causes to be damaged or destroyed, any structure or property.

Class "A" if the act occurs in an occupied dwelling; Class "B" for any other violations.

- 8. Robbery - An offender commits robbery when the offender uses or threatens the use of physical force upon another person for the purpose of:

- a. Preventing or overcoming resistance to the taking of property or to the retention thereof immediately after the taking.
- b. Compelling the owner of such property or another person to deliver the property.
- c. The Administrative Law Judge may modify an alleged violation to this rule to theft under Rule 18.

Class "A" if a weapon has been used; Class "B" for all other violations.

- 9. Possession of Dangerous Contraband - An offender commits an offense under this subsection when the offender possesses, uses, or has under the offender's control or in the offender's custody an item considered dangerous contraband.

Class "B" if life threatening; Class "C" for all other violations.

10. Dealing in Dangerous Drugs/Intoxicants - An offender commits an offense under this subsection when the offender sells or gives away any quantity of dangerous drugs or intoxicants.

Class "B" for all violations.

11. Criminal Conduct - An offender commits an offense under this subsection if an offender plans, participates, assists, condones, or encourages others to violate a state or federal law, whether the offense is committed inside or outside the institution and whether the offense actually occurs. The law violated maybe a state or federal criminal or civil law.

Class "B" for all violations.

12. Possession of Key or Key Pattern - An offender commits an offense under this subsection when the offender possesses a key or key pattern to any lock. A key pattern is any substance upon which the impression of a key is made. This offense shall not prohibit possession of keys or shape authorized by the Warden/Superintendent.

Class "A" for possession of a key or pattern of a key that could breach the institution's perimeter; Class "B" for all other violations.

13. Fighting - An offender commits fighting when the offender engages in a physical altercation including the exchange of blows, shoves, kicks, or other offensive physical conduct. The physical contact need not be in anger.

Class "B" if weapon is used; Class "C" for all other violations.

14. Threats/Intimidation - An offender commits a threat when the offender communicates a determination or intent to injure another person or to commit a crime of violence or an unlawful act dangerous to human life, and the probable consequence of such threat or threats (whether or not such consequence, in fact, occurs) is:

- a. To place another person in fear of bodily injury.
- b. To cause damage to property.

- c. Is to take place in the future after released from confinement.

It shall be an offense under this subsection for any offender to intentionally compel or induce another to engage in conduct from which the latter has a legal right to abstain or to abstain from conduct in which there is a legal right to engage, by means of conduct described in this subsection. It shall also be punishable under this section to intimidate another from behaving in such manner, either through express or implied words or actions.

Class "B" for threats to kill or use of weapon; Class "C" for all other violations.

- 15. Sexual Misconduct - An offender commits sexual misconduct when the offender proposes a sexual contact or relationship with another person through gestures, such as, kissing, petting, etc., or by written or oral communications or engages in a consensual sexual contact or relationship.

Indecent exposure which includes, but is not limited to, offensive exposure of the genitals or pubic areas in a manner designed to be seen by another person shall also constitute sexual misconduct.

Gestures of a sexual nature designed to cause, or capable of causing, embarrassment or offense to another person shall also be punishable as sexual misconduct.

Class "B" for engaging in sexual acts or sexual contact with another person; Class "C" for all other violations.

- 16. Unauthorized Possession/Exchange - An offender commits an offense under this subsection if the offender has in possession on the offender's person, in the offender's cell or domicile, in the offender's immediate sleeping area, locker, or immediate place of work or other program assignment; or receives from or gives to another offender, or fashions or manufactures or introduces, or arranges to introduce into the institution any unauthorized item(s) delineated as contraband including, but not limited, to:

- a. Locks, lock picks, trip wires, locking devices, chain, hooks, metal cutting saws or devices, files, rope, ladder, tool(s), or diagrams, or other items which could be used to jeopardize security.
- b. Mask, wig, or disguise or any other means of altering normal physical appearance which would make ready identification of an offender difficult.
- c. Mannequin, dummy, replica of a human body, human hair, or any item or device which would cause any offender to be counted as being present at a designated time and place when, in fact, the offender would be absent; or in any way would aid or abet the escape or walk away of an offender.
- d. Form of securities, bonds, coins, currency, legal tender, official papers, or documents (other than those pertaining to judicial or administrative proceedings) unless expressly and specifically authorized.
- e. Item of an officer's uniform, civilian clothing, or staff clothing or imitation including badges, buttons, name tags, or items of personal identification unless expressly and specifically authorized.
- f. Food or drink unless expressly and specifically authorized.
- g. Property belonging to someone else or anything not authorized.
- h. Exceeding limits of authorized possessions.
- i. Altered authorized/unauthorized property; to include, but not limited to, altering electrical items which results in the ability of that item to produce heat or an electrical spark. Altered property includes items intentionally altered or broken.
- j. Jigger string, pole, or any other device used to send or retrieve an object from one cell or location to another, or to pass notes or any other object from one place to another.

- k. Jigger mirror, usually a piece of broken mirror, glass, or any other reflective object used to look into another cell, down a range, or any other location.
- l. Documents, materials, graffiti, photographs, artwork, clothing, or any other item depicting any form of gang relationship, affiliation, or members.
- m. The transfer or exchange of money, a money substitute such as tokens or tickets, or property.
- n. Recipes for intoxicants or any description of any of the steps used to manufacture any dangerous drugs or intoxicants.
- o. Unauthorized smoking material.

Class "C" for security items; Class "D" for all other violations.

17. Damage to Property - An offender commits an offense under this subsection by intentionally or negligently causing damage to property of another person or of the State such as tampering with electronic, mechanical, or plumbing devices or fixtures. This also includes damage to property resulting from other misconduct, (i.e., fighting, roughhousing, theft, disruptive conduct, etc.).

Class "D" for all violations.

18. Theft - An offender commits theft when the offender knowingly obtains or exercises control over property without authorization, intending to deprive the rightful owner of the use or benefit of the property.

Class "C" for all violations.

19. Tampering/Interfering with Locks or Security Items - An offender commits an offense under this subsection when the offender:

- a. Without authorization, locks, unlocks, alters or interferes in any way with any lock, locking system, or security item within the institution.

- b. Uses any unauthorized lock or security item.

Class "B" for all violations.

- 20. Possession of Drugs, Intoxicants - An offender commits an offense under this subsection if the offender makes, hides, consumes, inhales, or possesses:

- a. Any quantity of unauthorized dangerous drugs.
- b. A syringe or other implement capable of injecting a substance under the skin of an individual or an article, equipment, or apparatus for the use or manufacture of a drug, intoxicant, or volatile substance.
- c. An offender with a positive urinalysis, blood test, or breath test shall be presumed to be in possession of the drug or intoxicant for which tested. The offender must provide a urine sample within two hours of the request. Failure to provide the requested sample immediately as well as provide sufficient quantity to test, shall constitute a violation of this rule. The institution may choose to segregate or isolate the offender immediately upon a positive test or failure to provide a sufficient sample.

Class "B" for all violations.

- 21. Abuse of Medication - An offender commits an offense under this subsection when:

- a. The offender fails to follow the prescription or direction for any medication.
- b. The offender stores, saves, removes, or gives to another any medication.

Class "C" for all violations.

- 22. Refusal or Failing to Work - An offender commits an offense under this subsection when the offender:

- a. Refuses to perform work assigned or refuses to report to work.

- b. Fails to perform work as instructed by a supervisor.

Class "C" for all violations.

- 23. Disobeying a Lawful Order/Direction - An offender commits an offense under this subsection when the offender:

- a. Fails to obey a written rule or posted order.
- b. Fails to obey a verbal order given by any person in authority or staff of the institution.
- c. Interferes with or circumvents established procedures.

Orders shall be reasonable in nature and give reasonable notice of the conduct expected. If the alleged conduct involves violation of a rule or posted order not classified as a major rule, the disciplinary notice as well as the Administrative Law Judge's decision must state adequate reasons (e.g. repetition or severity of the infraction) in addition to the infraction to justify this rule's sanctions.

Class "C" for all violations.

- 24. Violating a Condition of Leave/Furlough - An offender commits an offense under this subsection when the offender fails to comply with any condition of a leave, including a leave to perform work away from the institution, or furlough from the institution.

Class "B" for violations involving security issues; Class "C" for all other violations.

- 25. Out of Place of Assignment - An offender commits an offense under this subsection when the offender without proper authority:

- a. Fails to report, as prescribed, to the appointed place of duty or assignment or any other place to which directed to proceed by an order of an employee of the IDOC or by order of institution regulations.

- b. Departs from the appointed place of duty or assignment or any place where the offender was directed to remain by an order of an employee of the IDOC or by an order of institution regulations.
- c. Is present in an unauthorized area or in an area in which the offender currently lacks permission to be present.

Class "C" for all violations.

26. Verbal Abuse - An offender commits an offense under this subsection when the offender subjects another person to abusive, defamatory, insolent, or disrespectful language or remarks whether written or oral, or abusive, defamatory, insolent, or disrespectful gestures.

Class "C" for all violations.

27. Obstructive/Disruptive Conduct - An offender commits an offense under this subsection when the offender:

- a. Transmits through any form of communication, threats, demands, or suggestions which advocate or could cause disruption of operations of any segment of an institution; including, but not limited to, gestures, actions, words, or any other type of signals, either verbal, nonverbal, or in written communication.
- b. Interferes with staff duties or investigation.
- c. Engages in conduct which disrupts or interferes with the security, tranquility, or orderly running of an institution including, but not limited to, "horseplay;" roughhousing, interfering with a search, making false fire alarms, participating in unauthorized meetings, gatherings, or petitioning, throwing food, liquid, or other objects, spitting, encouraging others to refuse to work or participate in work stoppage, engaging in, or encouraging a group demonstration, jumping lines, smoking in non-designated areas, etc.
- d. Acts as a jigger or lookout for others or uses a form of communication to create a diversion to avoid detection or observation.

- e. Proposes, suggests, or participates (orally, in writing, or by actions) in any activity with staff member(s) which interferes with, has the potential to interfere with, or compromises that staff member's judgment, responsibilities, or duties.

Class "B" for violations involving security issues; Class "C" for all other violations.

- 28. Counterfeiting, Forging - An offender commits an offense under this subsection when the offender counterfeits, forges, or reproduces without authorization, any document, article of identification, money, security, or official paper and includes unauthorized use of an official document or paper.

Class "C" for violations involving security issues; Class "D" for all other violations.

- 29. Being Intoxicated or Under the Influence - An offender commits an offense under this subsection when the offender uses or is found to be intoxicated or under the influence of drugs, dangerous drugs, and intoxicants.

Class "B" for all violations.

- 30. Gambling, Debts, etc. - An offender commits an offense under this subsection when the offender:

- a. Plays for money, services, or other things of value at any game including, but not limited to, those played with cards or dice.
- b. Bets on the side or hand of those playing.
- c. Bets anything of value on the outcome of any observable event or ascertainable happening.
- d. Organizes, conducts, or participates in any game of chance, lottery, betting pool, or other similar device.
- e. Incurs debts.
- f. Possesses in any manner debt lists.

g. Possesses in any manner gambling paraphernalia.

Class "C" violations involving security issues; Class "D" for all other violations.

31. Attempted Suicide, Self-Mutilation - An offender commits an offense under this subsection by attempting suicide, causing self-mutilation, or other destruction.

Class "C" for all violations.

32. Bribery - An offender commits an offense under this subsection when the offender offers to confer, confers, or agrees to confer anything of value upon another person with the intent to influence that person's exercise of discretion or other action in any official capacity in an attempt to gain special favors.

Class "C" for all violations.

33. Bartering, Selling Goods, Etc. - An offender commits an offense under this subsection when the offender:

- a. Is in violation of laws, rules, or policies regarding the transfer or ownership of property.
- b. Barters, loans, gives, exchanges, accepts, sells or buys things of value including, but not limited to, those items sold in the commissary, clothing, housing furnishings, art and craft items.
- c. Transfers or attempts to transfer or accepts transfer of funds from one offender to another offender, either directly or through another person.
- d. Agrees to perform or receive services, including legal work, for anything of value or in return for services.

Class "C" for all violations.

34. Entering into Contracts/Agreements, Operating Businesses - An offender commits an offense under this subsection when the offender enters a contract, unauthorized agreement, or engages in a business without the prior written approval of the Warden/Superintendent.

Class "D" for all violations.

35. False Statements - An offender commits an offense under this subsection when the offender knowingly makes a false statement whether or not under oath or affirmation including, but not limited to, dishonesty, deception, cheating, etc.

Class "D" for all violations.

36. Refusal or Failing to Participate in Treatment - An offender commits an offense under this subsection when the offender:

- a. Refuses to follow through with prescribed or required treatment or other programs.
- b. Fails to participate in prescribed or required treatment or other programs as instructed.

Class "B" for all violations.

37. Habitual Minor Offender - An offender commits the offense of a habitual minor offender if the offender is repeatedly found in violation of Minor Rules. The number of offenses and prescribed time frame shall be seven minor reports within a 60 day time period.

Class "D" for all violations.

38. Adulteration of Food or Drink - An offender commits an offense under this subsection by introducing any foreign substance or contaminant into any food or drink.

Class "B" for all violations.

39. Safety and Sanitation - An offender commits an offense under this subsection when the offender:

- a. Uses any equipment or engages in any practices contrary to written or verbal safety instructions including, but not limited to, possession or use of any item that punctures or causes bleeding, either self-inflicted, inflicted on another offender, or inflicted by another offender. This prohibition covers giving and receiving tattooing or body piercing.
- b. Is unsanitary or untidy, (i.e., one's person, living quarters, work areas, etc.) including, but not limited to, failure to place clothing, towels, linens, rags, or paper items contaminated with blood or body fluids, body waste, or substances into a protocol bag designed for such use and notify the proper authority of such contamination and incident.
- c. Improper disposal of any body waste, substance, or fluid, i.e., spitting or throwing.

Class "C" for violations involving health/security issues; "D" for all other violations.

40. Misuse of Mail, Telephone, or Other Communications - An offender commits an offense under this subsection when the offender fails to follow institutional procedures, regulations or instructions, written or verbal, while communicating with another person such as through the mail or telephones, or uses such communication without proper authorization, or includes or uses coded messages or symbols.

Class "C" for all violations.

41. Reserved.
42. Unauthorized Group/Gang Conduct - An offender commits an offense under this subsection when the offender:
 - a. Originates, promotes, participates in, recruits for, etc., any unauthorized group, organization, gang, clique, association, etc.

- b. Communicates involvement in any unauthorized groups through written or verbal means, physical appearance, hand signs, symbols, photographs, association with others, etc.
- c. Possesses, creates, reproduces, or transmits any materials related to unauthorized group/gang activities.

Class "B" for all violations.

43. Attempt or Complicity - An offender commits an offense under this subsection when the offender attempts any of the listed offenses or is in complicity with others who are committing or attempting to commit any of the listed offenses.

Class determined by the offense the attempt or complicity relates to.

R. Violations and Sanctions – Minor Offenses

1. The institution may establish additional rules consistent with the IDOC policy, which are necessary or desirable for the safe and efficient operation of that institution.
2. Such rules may concern offender behavior not prohibited by the major rules outlined in this policy. In addition, those rules may address behavior similar in character to that regulated by major rules but which is not serious enough to warrant major sanctions, notably loss of earned time/good time.
3. Such rules shall be minor offenses and violations of minor offenses need not be processed in the same manner as major offenses. All minor rules shall be in writing and available to the offenders of the appropriate institution.
4. Each institution shall submit procedures for handling of minor offenses to the Regional Deputy Director for review and approval.
5. Any or all of the following sanctions may be established by an institution for minor offenses:
 - a. Assessed actual costs not to exceed \$100.00 per incident

- b. Restriction to cell/room or housing unit with/without job assignment for up to a maximum of 21 days
- c. Added work assignments not to exceed 14)days per incident
- d. Reduction of allowance for work performed not to exceed 14 days per incident
- e. Loss of privileges not to exceed 30 days per incident
- f. Written assignments
- g. Reprimand
- h. Disposition of evidence
- i. Suspension of all or part of the sanctions.

(4-4230: There are written guidelines for resolving minor offender infractions, which include a written statement of the rule violated and a hearing and decision within seven days, excluding weekends and holidays, by a person not involved in the rule violation; offenders may waive their appearance at the hearing.)

S. Applicability

1. The disciplinary rules and procedures are applicable to offenders only while under the physical custody of the IDOC or agents. These rules and procedures are not applicable to offenders transferred from Iowa pursuant to Iowa Code 913, Interstate Corrections Compact, or transferred to the custody of the Federal Bureau of Prisons, pursuant to 904.504. Compact offenders from other states may be subject to loss of earned time based on the statutes of the sending state.
2. This policy applies to all institutions except that certain sections may be superceded by court orders or consent decrees that apply to individual institutions, such as, the Iowa State Penitentiary, John Bennett Correctional Center, and the Iowa State Penitentiary farm units.
3. Except as permitted by policy, institutions shall not modify this policy unless approved in writing by the Director. Institutions may publish verbatim portions and/or summaries of this policy for offenders.

4. For all cases of offender discipline for major offenses, IDOC Policy IO-RD-01, Offender Discipline shall be the official document governing offender discipline.