

<p style="text-align: center;">STATE OF IOWA DEPARTMENT OF CORRECTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>		Policy Number IO-RD-01	Applicability <input checked="" type="checkbox"/> DOC <input type="checkbox"/> CBC
		Policy Code Public Access	Iowa Code Reference Before July 1, 1983 246.38,39,40,41,42,43 After July 1, 1983 610A.3, 901A, 902, 903A, 904.504, 904.505
Chapter 3 INSTITUTIONAL OPERATIONS	Sub Chapter RULES & DISCIPLINE	Related DOC Policies IO-SC-21 IO-SM-02 IO-RD-02 IO-RD-03	Administrative Code Reference N/A
Subject OVERVIEW AND PHILOSOPHY OF OFFENDER DISCIPLINE		ACA Standards 4/4228 4-4229	Responsibility Michael Savala
		Effective Date January 2013	Authority John Baldwin Director Signature on file at Iowa DOC

I. PURPOSE

To describe the disciplinary system that shall be used in the Iowa Department of Corrections (IDOC) institutions to encourage responsible pro-social behavior and enforce rules and regulations. The IDOC staff are trained to assist offenders in changing the thinking and behavior that contributed to their confinement. The various disciplinary processes define specific classes of offenses based on severity of the offense, establish policy for imposing appropriate disciplinary actions, and provide 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 the policies in the Rules and Discipline subchapter.

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 advance successful offender reentry into the community and to protect the public, staff, and offenders from victimization, and maintains order in the institution, through the impartial application of a fully developed, well-understood set of rules and regulations, and procedures that incorporates all applicable due process requirements.
- B. Iowa Code 904.505 directs the IDOC to establish disciplinary procedures and rules and appropriate disciplinary actions for violations of those rules. The statute directs the IDOC to use the following guidelines in establishing its disciplinary rules and procedures:
1. To ensure that sanctions are imposed only at such times and to such a degree as is necessary to regulate offender behavior within the limits of the disciplinary rules and to promote a safe and orderly institutional environment.
 2. To control offender behavior in an impartial and consistent manner.
 3. To ensure that disciplinary procedures are fair and that sanctions are not capricious or retaliatory.
 4. To prevent the commission of offenses through the deterrent effect of the sanctions available.
 5. To define the elements of each offense and the penalties which may be imposed for violations, in order to give fair warning of prohibited conduct.
 6. To provide procedures for preparation of reports of disciplinary actions for conducting disciplinary hearings, and for processing of disciplinary appeals.
- C. It is the intent of these policies that IDOC staff shall follow all of the procedures described in each of the Department's disciplinary policies. However, nothing in any of the policies shall require the dismissal or expungement of any disciplinary report for minor deviations from the

procedures described in the disciplinary policies that do not negatively affect the substantive rights of the offender subject to the disciplinary procedure.

- D. The IDOC believes that a properly managed offender discipline program shall do the following:
1. Maintain security, control, and safety;
 2. Ensure applicable *Wolff v. McDonald* safeguard and offenders' due process rights;
 3. Ensure fair and consistent, and where appropriate, progressive disciplinary practices, which are designed to address offender behavior at the lowest level possible;
 4. Ensure proper documentation of all rule violations when sanctions are imposed;
 5. Provide staff with training in the Department's disciplinary policies, including familiarity with the rules of the facility, rationale for the rules, sanctions available, and report writing.
- E. The objectives of the IDOC's disciplinary policies, 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.
 5. To ensure that progressive discipline, as appropriate, is implemented (informal, minor, major).
 6. To provide a range of informal alternatives and formal sanctions designed to deal with infractions of the rules at the lowest reasonable level and in a manner that does not simply punish irresponsible behavior but encourages responsible behavior.

- F. The disciplinary policies apply to all offenders assigned to institutions within the IDOC.
- G. 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 the disciplinary policies. 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.
- H. In addition to being subject to the IDOC's disciplinary policies, 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.
- I. The Department's disciplinary policies are designed to create processes in disciplinary matters that ensure offenders rights under the United States Constitution, the Iowa State Constitution, Federal law, and Iowa law. These policies do not create or add new independent legal rights for offenders.
- J. In a case where court decisions (state and federal) are in conflict with the disciplinary policies, the court decision shall prevail over the policies. The IDOC shall work with the Attorney General to ensure that policy and practice are consistent with current applicable case law.
- K. 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 policies.
- L. Amendments and supplements to the disciplinary policies may be issued at any time by the Director of the IDOC.
- M. The procedures described in these disciplinary policies 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 non-ICON forms for use with computers or other electronic devices.

III. DEFINITIONS

See Policy **IO-RD-03** and Policy **AD-GA-16** for definitions that apply to this policy.

IV. PROCEDURES

A. As soon as a staff member or other person given authority over offenders by the Warden/Superintendent or Director becomes aware that an offender has violated a rule established by the IDOC or by an institution, that staff member or person should seek to correct the violation by using appropriate disciplinary action.

B. Available Levels of Disciplinary Action

Levels of disciplinary action available include:

1. Informal disciplinary action (see Policy **IO-RD-02**)
2. Disciplinary action using a minor report (see Policy **IO-RD-02**)
3. Disciplinary action using a major report (see Policy **IO-RD-03**)

The level of disciplinary action may be modified at the advice and/or direction of supervisory staff. As an example, a minor report written by a staff member may, upon supervisory review, be enhanced to a major report. In such cases, any sanction imposed and served shall be incorporated into the sanction imposed for the major report. In the same way, informal action may be enhanced to formal discipline or formal discipline reduced to a more appropriate level of response.

C. Considerations in the Imposition of Discipline

In general, an offender should receive the lowest reasonable level of disciplinary action for the type of violation. These factors, collectively, may serve to mitigate or aggravate the level of discipline imposed. In determining the appropriate level of disciplinary action, staff shall consider:

1. The seriousness of the offense and the degree of disciplinary action needed to help protect the public, employees, and offenders.
2. The degree of disciplinary action needed to facilitate change in offender behaviour and to reduce future violation or victimization.
3. The degree of disciplinary action needed to reduce or prevent someone from being victimized in the future.
4. The offender's disciplinary record and whether the offender has previously committed a similar rule violation before.
5. Attitude, program involvement, and the offender's progress towards established goals.
6. The current mental health status of the offender.

D. Dismissing Disciplinary Actions

If a supervisor, Administrative Law Judge, or other staff member identified by institutional procedure determines that an offender did not commit a violation, then it is appropriate to dismiss any pending disciplinary action in accordance with the disciplinary policies.

E. Records and Tracking

The tracking of offender violations and offender behaviour is critical to implementing an appropriate disciplinary process. Tracking of minor and major reports is an automatic process and these records are available to staff. Each facility shall establish procedures for tracking, and ensuring that staff has access to information related to informal disciplinary action.

F. Training

All personnel who work with offenders shall receive sufficient training so that they are thoroughly familiar with the rules of offender conduct, rationale for the rules, and the sanctions available. **(4-4229)**

G. Offender Notification/Rulebooks

1. All offenders shall receive a copy of the institution's rules for offender conduct and policies and procedures for minor reports, major reports, and appeals. These documents shall, at minimum, be available to offender in English and Spanish. Offenders shall acknowledge receipt

with their signature. A copy of these materials will be made available to each staff member.

2. When language, reading skills, or intellectual capacity compromise an offender's ability to understand the rules, staff assistance shall be provided.
3. In lieu of providing a written offender rulebook, institutions may establish electronic means by which offenders may readily access IDOC and institutional rules.

(4-4228)

H. Applicability

1. The disciplinary rules and procedures established in the disciplinary policies are applicable to offenders only while under the physical custody of the IDOC or its agents. The 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 Iowa Code 904.504. Compact offenders from other states may be subject to loss of earned time or similar time credits or sentence reductions based on the statutes of the sending states.
2. These disciplinary policies apply to all institutions except that certain sections may be superseded by court orders or consent decrees that apply to individual institutions, such as, the Iowa State Penitentiary and the John Bennett Correctional Center.
3. Except as permitted by policy, institutions shall not modify the disciplinary policies unless approved in writing by the Director. Institutions may publish verbatim portions and/or summaries of the disciplinary policies for offenders.
4. For all cases of offender discipline for major infractions, IDOC Policies **IO-RD-01** and **IO-RD-03** shall be the official documents governing offender discipline.