

OFFENDER RULES AND HANDBOOK

IOWA DEPARTMENT OF CORRECTIONS



NEWTON CORRECTIONAL FACILITY
NEWTON, IOWA

This booklet is for your use while you are at this facility. Loss of this book or any writing in the book or other vandalism or destruction of the book will result in your being assessed the cost of replacement.

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INTRODUCTION

The information contained in this booklet has been written in an effort to assist you in becoming acquainted with this facility. This booklet will be available for review throughout your stay here. Staff members will be available to answer any questions you may have as to what is expected and what is available to you. This booklet contains general policies and expectations. You will be responsible to know the information contained in this booklet, along with the policies and procedures of the institution so please ask questions if you do not understand.

It is possible that some information in this handbook could be changed and/or updated. In such cases, you will find the changes posted on the bulletin board. Although every attempt will be made to make sure the handbook is up to date, it is your responsibility to review the postings on a regular basis.

By its nature, this booklet is general in nature and cannot cover all situations. If you are assigned to a specific program, you may be given other specific rules and guidelines. You should follow the more specific guidelines of your program if they appear different from the general rules and guidelines of this booklet. If you are not sure which rules apply to you, ask a staff member.

The library also has a book of offender memos from which you can review. It contains procedures from both the Newton Correctional Facility (NCF) and the Offender Activities section of the Iowa Department of Corrections (DOC) policy manual.

Unit Handbooks will be available at all officer stations. Unit Handbooks will be checked out by institutional I.D., which will be returned to you when the handbook is checked back in. Any misuse, editing, or destruction of this handbook will result in a disciplinary report and replacement costs.

The staff of the Newton Correctional Facility hopes this booklet will be helpful. If you do not understand a rule or policy do not hesitate to ask your counselor for clarification.

IMPORTANT

You must follow all verbal and written orders or directives from staff.

- You are to follow all orders and directives immediately. You are not to argue about the orders with the staff member.
- If you receive orders that differ from prior orders, always follow the last order you receive.
- If you believe that an order was improper, you will have the opportunity to raise that issue after the fact. You may do so by discussing the matter with the staff at an appropriate time. In some cases, you may also file a grievance.
- Do not seek to resolve any dispute by yelling at staff or disobeying orders.

Read all posted materials on your unit and in areas that you use.

- The staff expects you to know and follow all such posted materials.

If you are unsure about whether you can do something, you should ask a staff member beforehand.

- Staff members will assist you to understand the rules that apply to you

RIGHTS AND RESPONSIBILITIES

This material will serve as a guide for you during your stay at this facility. It lets you know that the Newton Correctional Facility staff recognizes that you have rights. It also lets you know that certain expectations are placed upon you. These rights and responsibilities are neither complete nor absolute and may be changed if you intentionally misuse your rights or exercise your responsibilities unreasonably. We encourage you to let us know any time you have questions or concerns about your rights and responsibilities.

1. You have the right to receive prompt and proper medical and dental care.

It is your responsibility to notify staff of your medical or dental problem, to cooperate with the recommended treatment for that problem, and to recognize that medical and dental issues are prioritized by need.

2. You have the right, under Iowa law, to sign a Living Will and/or a Durable Power of Attorney for Health Care.

It is your responsibility to make this wish known to Health Services staff.

3. You have the right to a wholesome and nutritionally adequate diet.

It is your responsibility not to waste food.

4. You have the right to a safe and healthy environment, which includes clean and orderly surroundings, appropriate lighting, ventilation and heating, and compliance with State and Federal fire and safety regulations.

It is your responsibility to help maintain such an environment by regularly cleaning your living quarters and other assigned areas and by promptly reporting any related problems.

5. You have the right to an opportunity to use facilities and supplies necessary for good personal hygiene. This includes access to a toilet; bathing and laundry facilities; clean clothing, which is appropriate to the season; and proper bedding.

It is your responsibility to not waste supplies and take proper care of items issued to you.

6. You have the right to obtain legal services.

It is your responsibility to use those services honestly, fairly and in accordance with established procedures.

7. You have the right to exercise freedom in your personal grooming habits, so long as it does not conflict with the institution's requirements for safety, security, identification, and hygiene.

It is your responsibility to be aware of and comply with Newton Correctional Facility procedures regarding personal grooming.

8. You have the right to practice your religion subject to the limitations necessary to maintain institutional order and security.

You have a responsibility to recognize that others may have religious beliefs different from your own and act with due respect for their beliefs.

9. You have the right to visit and/or correspond with family, friends and the communication media subject to those limitations necessary to maintain order and security and to protect your privacy and the privacy of others.

It is your responsibility to conduct yourself properly during visits and to limit the contents of your correspondence to appropriate subject matter.

10. You have a right to program access, work assignments, and administrative decisions, which are made without regard to race, religion, national origin, sex, disability, or political views. You furthermore have the right to be treated respectfully, impartially, and fairly by all staff.

It is your responsibility to be accountable in your assigned programs and work assignment. It is your responsibility to deal with disagreement with administrative decisions through the chain of command and established institutional procedures. It is your responsibility to treat staff with respect.

11. You have the right to be informed of rules, schedules, grievance and other procedures, and forms of appeal, which govern the operation of the Newton Correctional Facility.

It is your responsibility to know and abide by those rules and procedures.

***Note: Not all rules are in writing.**

MAIL



Offender mail is processed and forwarded in a timely and legal fashion, consistent with institutional security requirements. All incoming and outgoing mail is searched to ensure that it does not contain contraband. Personal mail may be read at random or for a specific designated purpose. Unsealed outgoing personal mail at the medium site is to be placed in the mailbox by the Library in building H and will be picked up Monday through Friday except for holidays. At the minimum site mail will be placed in the mail box in the recreation room and the Independent Living Unit will place their mail in the mail box in the entry way which will be picked up Monday through Friday with the exception of holidays. Outgoing legal mail shall be taken unsealed to the Unit Desk Officer who will allow you to seal the envelope after ensuring that no contraband is present. The officer will stamp and initial the envelope and then you may take it to the mailbox.

Effective: October 2007. Revised: April 2012, March 2014.

Unless you have prior, written approval from the Warden, you cannot correspond with anyone at another prison, jail or anyone on parole or probation. In addition, you cannot correspond with someone under age 18 who is not your child, unless the institution has written permission from that person's parent or legal guardian. Finally, do not correspond with anyone if there is a court order in place prohibiting you from corresponding with that person.

Incoming mail will be distributed within the units each evening Monday through Friday. More specific information regarding institutional mail procedures is available in the IDOC Policy Manual, Offender Memo Book and the Unit Rules and Procedures Handbook. Offender access policies, including OP-MTV-01, Offender Correspondence, are available in the Library.

O-MAIL

O-Mail is a system where electronic mail can be sent to and from offenders and public.

O-mail is not confidential. All incoming and outgoing o-mail may be inspected and read. O-mail can be read and sent from kiosks located in designated areas throughout the institution. Offenders housed in LUB, LUC, LUD, LUE and CRC will be allowed to access o-mail.

Offender family and friends shall be responsible for signing up on the corrlinks internet site to enroll in the O-mail system: <http://www.corrlinks.com>. Offender family and friends shall have an O-mail account established to send and/or receive O-mail messages. Offenders may only send O-mail messages to individuals that have signed-up to their account. It is the offender's responsibility to contact the individual they want to communicate-with by O-mail to establish an account.

O-mail is limited to two pages and no attachments per message.

There is a cost for sending O-mail and shall be the responsibility of the sender. The cost of sending an O-mail message shall be \$0.25 at the sender's expense. Offenders may place funds on their O-mail account by using a store order. The minimum amount to be placed on the O-mail account is \$5.00. Amounts to be placed on the O-mail account must be in dollar increments.

More specific information regarding institutional o-mail procedures are available in the IDOC Policy book and the Offender Memo Book. Offender access policies and Offender Memos, including OP-MTV-01, Offender Correspondence and OP-MTV-01 (NCF Memo) Offender Correspondence, are available in the Library.

VISITING

Hours of operation and specific details with regards to visiting hours, days, number of visits allowed and duration of visits are available in the NCF Offender Memo OP-MTV-04 (NCF Memo), Offender Visiting.

Visitor Application forms are available in your living Unit for you to send to prospective visitors. Once completed by the prospective visitor and returned to the processing institution, a background check is conducted. Visit application for PRH and Safekeeper will be processed by NCF Records Office. You will be notified of approval or denial of a visitor. If denied, the institution will notify the individual of the denial. If approved, you are responsible for notification. Please advise your visitors to wait until you have notified them of their approval before they attempt to visit, as only persons on your list will be allowed to visit. Keep your visitors informed of your work and program schedule. Visits shall be scheduled during your free time.

Religious representatives must be on the approved visitors list through normal visiting procedures. Personal contact with a religious representative of any religion will occur according to normal visiting procedures of the institution.

Special visits may be approved by the Associate Warden/Security under extremely limited circumstances. Special Visit forms are available in the Unit.

Offenders in segregation will have additional limitations on their visits.

Visitors shall be properly attired as would be expected in a public meeting place. It is your responsibility to notify your visitors of the proper attire as outline in IDOC Policy OP-MTV-04, Offender Visiting and the NCF Offender Memo OP-MTV-04 (NCF Memo) Offender Visiting.

Offenders are limited regarding the items that can be brought to a visit. Except for certain medications, such as inhalers and nitroglycerin, and their debitek card, offenders may not bring any other items to a visit without prior approval from the Associate Warden of Security.

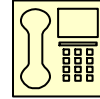
Offenders and visitors are allowed a brief embrace and kiss at the beginning and again at the completion of the visit only. Offenders and visitors shall keep their hands above the table at all times, physical contact shall be limited to the holding of hands.

Offenders and visitors shall sit one person per chair, excluding small children. Once seated at a table, the offender and visitors shall not move to other tables.

Offenders need to check in with the VR desk officers when arriving and leaving the VR.

More specific information regarding institutional visiting procedures is available in the IDOC Policy book and the Offender Memo Book. Offender access policies and Offender Memos, including OP-MTV-04, Offender Visiting and OP-MYV-04 (NCF Memo) Offender Visiting, are available in the Library.

TELEPHONE PRIVILEGES



General Population offenders may make calls from the unit phones and the yard telephones outside of their assigned units provided at the institution. Telephone service time available is based upon prepaid phone credits. Offenders must complete a form to set up a Personal Access Number (PAN) list. Offenders will only be allowed to call numbers on this list. All telephone calls are limited to 20 minutes in length and may be monitored and recorded. Consecutive calls are allowed only if other offenders are not waiting to use the telephone.

Calls to your attorney may be made from Unit telephones as long as the number is listed on your PAN list. Confidential legal calls or legal hearing via the phone can be arranged through your attorney with the Deputy Warden's Office.

Offenders housed in Unit A are limited to calls made to their attorney, judges, the Ombudsman's Office or to a family member. These calls are limited to one fifteen-minute call per week. Attorney calls are not monitored once contact is established.

You may not allow someone to use your telephone account. You may not share a phone call with another offender. You are not to take part in any "three-way" phone calls. You may not have your phone calls transferred to another number or forwarded to another number through call forwarding. Conversations should be appropriate. Any violations of these rules will result in disciplinary action.

The limitations regarding who you can send mail to also apply to whom you can telephone.

More detailed information can be found in IDOC Policy OP-MTV-03, Offender Access to Telephones and in NCF Offender Memo OP-MTV-03 (NCF Memo), Offender Access to Telephones.

INSTITUTIONAL COUNTS

Counts will be taken several times during the day and night. A standing count at the Medium Facility will be taken at approximately 11:00 AM and 4:30 PM. A sitting count at the Minimum Site and Independent Living Unit will be taken at approximately 9:00 AM and 1:00 PM.

The scheduled counts will be preceded by a public address announcement that "count will begin in 5 minutes." All offenders, except those specifically granted approval at their work or program assignment, shall return immediately to their assigned cell, close the cell door when all occupants of the cell are present, stand or sit in the designated location for the count until the unit count has cleared. The count procedures are considered important safety and security procedures. Failure to follow all of the expected count procedures is a serious violation that can result in a major report.

Other non-standing counts may be conducted during the day and through the night. During all counts, staff are required to "see flesh and see breathing." This standard, while it may require disturbing a sleeping offender on occasion, has been put in place in order to insure the security of the Facility and the safety of you and your fellow offenders.

Minimum Site & House Count Times

12:15 a.m. Bunk	1:00 p.m. Sitting up in bed
2:00 a.m. Bunk	4:10 p.m. Bunk – except Dietary & Housekeeping
3:30 a.m. Bunk	6:30 p.m. Bunk – except Dietary & Housekeeping
5:00 a.m. Bunk – except Dietary	9:30 p.m. Bunk
9:00 a.m. Sitting up in bed	

Medium Count Times

12:00 a.m. Bunk
3:00 a.m. Bunk
4:30 a.m. Bunk
11:00 a.m. Standing Count
4:30 p.m. Standing Count
9:15 p.m. Bunk

The following information is meant to answer specific issues about the medium site standing count procedures.

Standing Position

- Offenders must be facing the window in clear sight of the officer conducting count.
- Offenders must not be leaning or touching the walls, sink, toilet, bunk, dresser, another offender, or any other items in the room.
- Offenders are not to be moving from side to side or walking within the cell.
- Offenders are not to stand in a position that will block the count officer's view of another offender.
- Hands and arms must not be raised above waist level.
- No squatting or bending down is allowed.
- Offenders are not to be using the toilet in their cells while the officers are performing the count procedures.

Position within Cell

- Offenders must be no closer than an arms length from the door and no further back than the middle of the cell.
- Offenders are not to change positions with another offender during count.

Announcement of count and cell lights

- The announcement of count and turning on of cell lights are the only signals that will be given to offenders. Offenders who are listening to sound equipment or who already have their lights on at count time will receive no additional notice regarding count.

Medical Excuse

- Only a bona fide Limited Activity Notice (LAN) from Health Services that indicates that an offender is not required to stand during count will excuse an offender from standing.
- A medical lay-in alone is not a valid excuse for not standing.

OFFENDER MOVEMENT

Medium Site

During designated times, general population offenders are allowed in the central activities yard, the boulevard surrounding the activities yard, and the sidewalk leading to their assigned living unit. All other outdoor areas are unauthorized unless you have been specifically authorized to be in that area for work or other purposes. While in yard areas, or anywhere else in the institution, groups of offenders gathered for no legitimate purpose will be required to disperse. During emergency situations follow directions of staff. Do not make any movement towards emergency incidents or fights.

You are allowed to move to and from scheduled work, classes, appointments, and other authorized activities so long as you remain in authorized areas, do not loiter, and are not on cell restriction.

Refer to NCF Offender memo IO-SC-11 (NCF Memo), Offender Movement – Internal, for specific guidelines and correct procedures regarding offender movement.

Minimum Site

During designated times, general population offenders are allowed access to the main yard. The area is marked by "Out of Bounds" signs. Offenders are expected to stay within these areas unless otherwise instructed or authorized.

Refer to NCF Offender memo IO-SC-11 (NCF Memo), Offender Movement – Internal, for specific guidelines and correct procedures regarding offender movement.

YARD BOUNDARIES

Offenders are not allowed to loiter on the boulevard or to enter into the marked out-of-bounds areas. Offenders are not allowed behind the units without staff escort. Refer to NCF Offender memo IO-SC-11 (NCF Memo), Offender Movement – Internal, for specific guidelines and correct procedures regarding offender movement.

YARD SCHEDULE

The yard will be opened during scheduled times. An announcement will be made when the yard opens and closes. The Yard Schedule is subject to change. During inclement weather or for security reasons the yard may be modified or closed for activities.

Weight Yard

The weight yard is made available to general population offenders who do not have medical restrictions that prohibit their use of the weight yard and do not have housing restrictions that limit bunks or stairs. Prior to entering the weight yard, an offender must go through an orientation session. Offenders who are allowed to use the weight yard will have a "weight tag" affixed to their ID. Offenders are not allowed to loiter in the weight yard.

Please see NCF Offender Memo OP-RA-03 (NCF Memo 05) Weightlifting Areas- Medium and Minimum Sites, for additional weight yard rules.

USE OF CALL BUTTONS

Cells at the medium site of the Newton Correctional Facility are equipped with an in-cell call button. The buttons are in place for offenders to press when an offender needs a staff member's attention for emergency situations **ONLY**. When an offender presses the button, a beep will sound on the control monitor at the officer's station. The control officer will inform the floor officer of the call and which cell is indicated. The floor officer will respond in a timely manner and assess the call. If the call button is abused, disciplinary action will be taken.

COUNSELING SERVICES

Upon your arrival to the Newton Correctional Facility, you will be assigned a counselor. In addition, you may have the opportunity to attend regular group or individual treatment activities, receive counseling by counselors and/or practicing students and request psychiatric/psychological consultation. Counselor assignments will change when offenders are transferred from unit to unit. Counselors are the offender's primary staff contact. Offenders are expected to try to resolve institutional problems themselves. If, however, an offender is unable to resolve the problem, he should send a kite to his counselor. Counselors are responsible for managing their caseloads (reviewing and updating records, preparing for and participating in classification and participating in Parole Board hearings), facilitating treatment programs and providing individual counseling. Offenders are expected to respect their counselor's busy schedules and to utilize them only when needed. Offenders who are unable to resolve conflicts with their counselors should contact the Unit Manager.

Offenders who refuse to participate in required programs shall be subject to disciplinary action. Disciplinary action shall be taken when the Classification Committee has determined that the offender should now begin the required program, it is available and the offender refuses to participate or refuses to sign an agreement to participate. The first refusal will result in a 90 day loss of earned time. The second refusal will result in a 90 day loss of earned time. Refer to DOC policy IS-CL-02, Offender Classification.

Special rules regarding losing earned time credits may apply to offenders who are required to attend the sex offender treatment program (SOTP), but fail to complete that program.

CLASSIFICATION

Classification hearings at NCF are chaired by the Unit Manager or designee. Classification is used to assign work assignments, approve/deny work assignment changes, make treatment program recommendations, conduct program reviews, authorize level changes, review institutional transfer requests and present release plans and recommendations to the Parole Board. Offenders have a right to attend classification hearings. If an offender wishes to waive their right to appear, they must contact their counselor before the hearing and sign a waiver form. Offenders may request a

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classification hearing by sending a kite to their counselor. Classification decision may be appealed to the Deputy Warden.

ORIENTATION PROGRAM

Orientation will be held as needed. After you arrive you will be given a paper with some basic rules. Orientation classes will be scheduled and you will be notified of the place and time. Orientation will cover a variety of topic including the policies and procedures of the institution.

Your attendance at these sessions is mandatory. We hope the orientation program will help you to become more familiar with the regulations of the facility and provide you with the information to access needed services while you reside at this facility.

EDUCATION PROGRAMS



Education services at NCF are provided by the Des Moines Area Community College (DMACC) and may include Literacy, GED, Work Readiness, college, and vocational classes.

Offenders not reading at a 6.0 reading level (from your Oakdale testing) should be enrolled in Literacy classes. Offenders not possessing a high school diploma or a GED should be enrolled in GED classes. The education department maintains a list of offenders needing such schooling and notifies the offender with an appointment pass when room is available at the school.

Special education services are available to students who are under 21 years of age and have previously been eligible for special education in their community schools. A special education teacher helps the offender student work through a specific educational plan.

In order to give everyone the opportunity to attend education classes during their off-work hours, Literacy and GED classes are offered in the morning and again in the afternoon. Some work positions allow time off work for classes with the work supervisor's prior approval. Offender students will be expected to attend all scheduled class sessions. All students under 21 years of age must attend class a minimum of 15 hours a week. All other students attend Literacy or GED class approximately 8 hours a week. Offenders are not excused from education classes for visits or furloughs. They are to schedule visits at other than class times. An unexcused absence or tardy from class is a rule violation and may result in disciplinary action. Iowa Senate File 120 requires offenders to demonstrate functional literacy competence at or above the sixth grade level and/or make progress towards completion of a GED as a precondition to the granting of parole or work release.

Work Readiness class will be offered periodically by the Education Department. Areas covered are: resume writing, job application, interviewing, etc. The class is for offenders within a year of release. The Education Department will contact counselors to obtain the names of offenders interested in attending Work Readiness.

Grinnell College offers an opportunity for offenders to take accredited college courses for college credits that can transfer to other colleges. Offenders should contact the library for more information on the Grinnell College courses.

OFFENDER KIOSKS

KIOSKS are used by offenders for communicating with staff within the institution and also with contacts outside of the institution. The KIOSK is also used for ordering commissary and managing offender bank accounts. PAC & PIN numbers are issued upon entering IMCC. These numbers follow the offender and are good at any facility. Each living unit has offender KIOSK trainers and a user’s guide is located at each KIOSK station.

REQUEST FOR ASSISTANCE FROM STAFF

Staff are available to provide assistance to offenders when assistance is necessary. At times this assistance can be provided during the normal course of business. Frequently it is necessary to schedule an appointment and often information and assistance can be provided in written form. In these instances, offenders may submit an offender kiosk omail to the appropriate staff member. Offenders in LUA do not have access to the Offender Kiosk omail system and will need to submit a paper kite. Below are examples of some subjects you may need information about and who to send the appropriate omail to. Always be sure to include all pertinent information on your specific concern or question.

NATURE OF REQUEST	SEND TO
Classification Issues	Unit Manager – Classification issues may be appealed to the Deputy Warden
Commissary	Business Office
Money/Funds	Unit Manager/Business office
Legal Copies	Records Office
Library Materials	Library Staff
Mail Issues	Mail Room Staff
Telephone Calls	Counselor
Program Issues Treatment	Counselor/Unit Manager/Associate Warden of Treatment
Property Issues	R&D Sergeant
Religious Issues	Associate Warden of Treatment
Time Computations	Records Office
Health Concerns	Health Services

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Clothing	Clothing Issue
Visitation	Counselor
Repairs to Facility or Equipment	Unit Officer or Work Supervisor

It is important to follow the "chain of command". Issues are best dealt with by the staff closest to the issue. If the issue is unresolved, it is appropriate to contact that person's immediate supervisor. Requests will be handled faster if you provide specific information including your work/class schedule. All requests (except health service requests) are to be placed in the NCF Mail Box. Health Service Requests may be placed in the Health Service kite box on the unit



HEALTH SERVICES

The NCF is committed to providing offenders necessary health services during their incarceration. The treatment of electives is only done if the physician or dentist believes the health of the offender would be adversely affected if not provided. You may request health services by submitting the request on the Offender kiosk system. Offenders in LUA who do not have access to the Offender Kiosk system may submit a Health Service request form which will be picked up on the unit daily. By submitting your request for services, you are acknowledging that you may be assessed a co-payment of \$3.00 for the health services you receive as per IDOC Policy HSP-505. Co-Payment will be assessed for inquiries by email, kite and requests, without regard to whether you are seen by a Health Care Professional. Any request made to Health Services (including reoccurring illnesses/treatments) will be subject to the Co-payment.

Iowa Code 904.702 authorizes deductions from the offender's account in an amount sufficient to pay for the offender's share of the cost of the health services requested by the offender, and for treatment of injury inflicted by the offender, on the offender or others. Based on this authority you may expect to be assessed for some professional services rendered. You will not be denied health services because of inability to pay an applicable fee.

NCF has policies and procedures for providing necessary mental health services. Concerns should be communicated to your correctional counselor or the psychologist. Should you need hospitalization due to mental health issues you may be transferred to IMCC or CCU, for the duration of that care.

Hospitalization for medical health needs will be obtained at the University of Iowa Health Care in Iowa City. Infirmary level health services are provided at a different facility.

NCF health services staff maintains primary responsibility for providing necessary health services. On occasion consultation may be requested from health agencies outside the NCF. The primary source of this consultation is the University of Iowa Health Care. NCF health professional will respect and be responsive to consultative opinions and recommendations but the ultimate responsibility for providing health services remains with the NCF health services staff.

Any medications prescribed by health care professionals for identified health needs will be provided at regularly scheduled times. When medication is ordered, the offender can expect to be informed of the type of medication, its starting time and scheduled times of administration. Each offender is responsible for reporting to medication line at the scheduled times. Failure to appear at the scheduled times will result in disciplinary action. Some offenders will be issued medication, which is to be self-administered.

Medication administration time is limited to providing prescribed medication. It is not for reporting unrelated health complaints. For these complaints you have access to health services by submitting a health services request.

Your right to necessary health services is recognized. You have the right to refuse health services recommended by NCF professionals. Your refusal of recommended health services will be documented and you will be expected to sign a treatment refusal form. You may be assessed all or part of any extra ordinary expenses directly related to your refusal to accept recommended treatment. Certain health related items may not be refused. For example, an offender may not sign off a diabetic diet.

The institution has a grievance officer who responds to written concerns. You would reasonably be expected to initially discuss any concerns regarding health matters with NCF health professionals. If concerns remain unresolved after such a discussion you are free to initiate a written grievance to address your concerns.

COMMISSARY PURCHASES FOR HEALTH SERVICES

Offenders may order commissary items. To order such items, you must have sufficient funds in your institutional account at the time you place the order. Overdrawn accounts are subject to an Administrative fee and the order will not be filled. The procedure and limits on what offenders may order are described in NCF Offender Memo IO-RO-03 (NCF Memo) Offender Personal Property and PI-601 (NCF Memo) IPI Commissary Personal Property for Offenders. Items may be limited depending on the level you are in. You may not order any item that due to your status you are prohibited from possessing.

Offenders shall be encouraged to take more initiative and responsibility for their own health care by dealing with a number of minor self-limiting health conditions, including, but not limited to: dry skin, chapped lips, mild acne, minor stomach upset, mild athlete's foot, jock itch, and simple constipation. Health Services will provide health education and recommend plans for dealing with these problems. Products recommended by Health Services staff will be available for purchase through commissary. For specific guidelines on approved items, please refer to DOC Policy HSP-407.

OFFENDER PERSONAL PROPERTY

Personal property authorized for possession by offenders at the Newton Correctional Facility shall be limited by security, sanitation and life safety considerations set forth in institutional procedures IS-

RO-03 (NCF Memo) Offender Personal Property and PI-601 (NCF Memo) IPI Commissary Personal Property for Offenders. These procedures implement IDOC Policy IS-RO-03 and PI-601.



LEGAL SERVICES

If you have legal concerns regarding your criminal conviction you should write to your attorney who handled your case in court. This would include appeals. If you wish to pursue sentence reconsideration (shock probation), you should contact your attorney or the sentencing judge.

A Contract Attorney is available by appointment for legal assistance, once a month. If you desire an appointment with the Contract Attorney you may fill out a request for legal assistance, which is available in the library. The Contract Attorney can assist with the following:

1. *Notices of appeal in criminal cases*
2. *Petitions for Post Conviction Relief*
3. *Petitions for Habeas Corpus*
4. *Complaints pursuant to 42 USC 1983*
5. *Challenges to Restitution under Iowa Code Section 910.7*
6. *Requests for appointment of counsel, where appropriate*
7. *Other pleadings and motions concerning the offender's criminal case*

The Contract Attorney cannot assist with divorces, custody, visitation or child support.

According to IDOC policy "offender legal assistance will not be granted to offenders under the supervision of another institution, jurisdiction or sovereign." Consequently you may not conduct legal correspondence with offenders outside NCF.

Attorneys actively involved in representing an offender in a legal proceeding are not required to be placed on the approved visiting list prior to visiting. Attorneys will be encouraged to visit during normal visiting hours. Attorneys must present proper identification prior to visiting an offender.

NOTARIZATION

The institution will provide, at no charge to the offender, notary services when required on a document. Submit a kite directed to your counselor.

RELIGIOUS ACTIVITIES

Offenders may observe and practice their religious beliefs and gather with others of similar beliefs for the same purpose limited only by the necessary security and scheduling provisions. This facility will attempt to accommodate reasonable requests.

Clergy and church leaders from various denominations can come to NCF and visit with offenders upon approval. In the event an offender wishes to discuss religion or receive visits from a clergyman, the institution Chaplain or Associate Warden of Treatment must be informed and will arrange for contact with the clergyman.

Effective: October 2007. Revised: April 2012, March 2014.

Special services for various religious holidays will be announced.

Offenders who are in administrative segregation or on disciplinary confinement will not be permitted to participate in group religious activities. Individuals in these statuses may request contact with an individual providing religious services at this institution by completing an institution kite form and forwarding it to the Associate Warden of Treatment or Chaplain. The Chaplain will also make regular visits to administrative segregation.

LIBRARY



A library is maintained for the purpose of providing comprehensive informational and recreational library materials to meet the educational and leisure time needs of offenders.

Interlibrary Loan Service will be requested to fill specialized information or recreational reading needs, which the library cannot fulfill. The library contributes to constructive use of leisure time maintaining a collection of leisure recreational materials geared to the interests and reading levels of the patrons.

IDOC policy OP-MTV-02, Incoming Publications, outline the means by which publications are reviewed, approved, or denied.

ACTIVITIES AUTHORIZATION



General Gym Behavior - Expectations and Rules

All general population offenders are required to sign up one day in advance for gym time.

Offenders cannot be in the gym except during their scheduled yard time.

Recreational activities will be included in the activity schedule, which is posted the first of each month.

All offenders are required to check in with the Activity Specialist or staff member in the gymnasium when reporting for their gym time.

The recreation rules will be discussed at orientation. To use the weight yard you must complete the weight yard orientation at which time you will be issued a weight tag for your ID. You must have this tag to be in the weight yard.

Refer to NCF Offender Memo OP-RA-03 (NCF Memo 01) for additional gymnasium procedures and guidelines.

Photo Rules



While at the Newton Correctional Facility, offenders are provided the opportunity to have photographs taken of themselves or with their approved visitors.

Please refer to NCF Offender Memo OP-RA-03 (NCF Memo 10) Offender Photographs for more information.



Television Rental

The Newton Correctional Facility will provide televisions for rental to authorized offenders. The profits from the program will be used to purchase additional TV's, for repair and maintenance of TV's, and for other expenditures benefiting the offender population. Please refer to NCF Offender Memo OP-RA-03 (NCF Memo 09) TV Rental Program - Medium and Minimum Sites for guidelines for rental of televisions.

Please refer to the OP-RA section of the NCF Offender Memo Book in the library for more activities available at NCF and CRC.



Barbershop

Offender barber services shall be provided at the Newton Correctional Facility for the purpose of providing cutting offender hair in a safe and sanitary manner.

Please refer to NCF Offender Memo IS-SH-01 (NCF Memo) Offender Hygiene and Grooming for more information on the Barber Shops.

PAROLE HEARINGS

The Iowa Board of Parole holds hearings each month for NCF offenders. This may be in person or via the ICN network. Offenders who are not serving life or mandatory minimum sentences will be scheduled for review, though not necessarily interviewed, by the Board of Parole annually.

Though the hearings are open to the public, visitors are required to notify NCF well in advance if they plan to attend Board of Parole hearings.

GRIEVANCE PROGRAM

The Grievance Policy, IDOC Policy # IO-OR-06 is available in the library along with IO-OR-06 (NCF Memo). Grievance forms are available on the units.

The purpose of this program is to permit offenders to have available to them an orderly, fair, simple, and expeditious method of resolving complaints. Offenders are required to use this program in a responsible manner.

Before submitting a grievance you must first attempt an informal resolution with your Unit Lieutenant or Unit Manager to attempt to correct the perceived problem. After you have received a response,

Effective: October 2007. Revised: April 2012, March 2014.

and if you are unsatisfied with that response, you may obtain a Grievance Form IO-OR-06 F-1 on your unit. Grievance forms must be signed by the Unit Manager or designee prior to submitting them to the Grievance Officer. Completed grievance forms should be placed in the appropriate grievance box and will be forwarded to the Grievance Officer.

Once you have received a response from the Grievance Officer and if you are not satisfied with the response you may submit a Grievance Appeal, IO-OR-06 F-4, to the Deputy Warden.

Once you have received a response from the Deputy Warden and if you are not satisfied with the response then you may submit a Grievance Appeal, IO-OR-06 F-4, to the Regional Deputy Director.

Appeals to the Regional Deputy Director are to be mailed to:

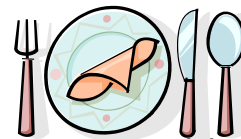
Grievance Appeal Coordinator,
Iowa Department of Corrections
510 E. 12th Street
Des Moines, IA 50309

Attention: Deputy Director

Offenders may at any time seek assistance of their problems through the Office of Citizen's Aide Ombudsman (Iowa Code [602G](#)).

Office of Citizens' Aide/Ombudsman
Ola Babcock Miller Building
1112 East Grand Des Moines, Iowa 50319

FOOD SERVICES



The NCF Food Service Department is dedicated to providing a nutritious and balanced diet to all offenders. The menu is approved by a registered licensed dietitian and is within the guidelines of DOC Policy IS-FS-01. Questions concerning the menu should be directed to the Food Service Director, via the Offender Kiosk system. Be very specific in your correspondence.

A food service coordinator will supervise the preparation of meals for offenders with medically prescribed diets, such as, low fat - low cholesterol, diabetic diets, or controlled calorie diets. Questions concerning your diet should be directed to the Food Service Director, via the Offender Kiosk system. Be very specific in your correspondence.

A meatless entree substitute is provided for every meal that meat is served. It is an offender's responsibility to avoid foods that they may be allergic to.

For further information regarding dining room and servery dining areas, please refer to NCF Offender Memo IS-FS-01 (NCF Memo) General Food Services Operations.

DISCIPLINARY POLICY AND PROCEDURES

The Disciplinary Procedures and Policies along with Offender Memos can be located at the Library in the IDOC Policy Book and Offender Memo Book under the Institutional Operations, Rules and Discipline section.

Attached to the Offender Rules & Handbook you will find your copy of the Iowa Department of Corrections Offender Rulebook.

PRISON RAPE ELIMINATION ACT (PREA)

It is the policy of the IDOC to prohibit sexual assault of offenders through offender orientation, screening, assessment, classification, monitoring, counseling, and investigation of alleged sexual assaults. The IDOC has a "zero tolerance" position for sexual assaults or sexual abuse of offenders under correctional supervision whether institutional, residential, parole, probation and work release status.

Attached to the Offender Rules & Handbook you will find a copy of the STAYING SAFE A GUIDE FOR OFFENDER CONDUCT

Iowa Department of Corrections Offender Rulebook

This rulebook is a summary of the IDOC offender disciplinary policies: **IO-RD-01, IO-RD-02, and IO-RD-03**. Readers are referred to those documents, which are available in institutional libraries and/or other locations determined by the institution, and the IDOC Policy Manual, for definitions and for complete information about the policies.

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- B. Informal Action
- C. Minor Reports
- D. Major Report Procedures
- E. Major Disciplinary Rules and Classes of Offenses
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A. Disciplinary Policy and Philosophy Overview (Source: IDOC Policy IO-RD-01)

1. 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.
2. Available Levels of Disciplinary Action

The levels of disciplinary action available include:

- a. Informal disciplinary action (see IDOC Policy **IO-RD-02**)
- b. Disciplinary action using a minor report (see IDOC Policy **IO-RD-02**)
- c. Disciplinary action using a major report (see IDOC 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.

3. 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:

- a. The seriousness of the offense and the degree of disciplinary action needed to help protect the public, employees, and offenders.
- b. The degree of disciplinary action needed to facilitate change in offender behavior and to reduce future violation or victimization.
- c. The degree of disciplinary action needed to reduce or prevent someone from being victimized in the future.
- d. The offender's disciplinary record and whether the offender has previously committed a similar rule violation before.
- e. Attitude, program involvement, and the offender's progress towards established goals.
- f. The current mental health status of the offender.

4. Applicability

The disciplinary rules and procedures established in the disciplinary policies are applicable to all offenders while under the physical custody of the IDOC or its agents.

B. Informal Action **(Source: IDOC Policy IO-RD-02)**

1. Informal corrective action may take a variety of forms including, but not limited to:
 - a. An appropriate display of disapproval,
 - b. A discussion of expectations and potential consequences with the offender,
 - c. Verbal reprimand,
 - d. Extra work assignment which is not compensable by work allowance and shall not exceed what would normally be performed within a three hour period,

- e. The imposition of restrictions of certain privileges specified in institutional procedures for a period of time not to exceed eight hours,
 - f. Written assignments or thinking reports, and
 - g. Other means consistent with the goals of this policy and authorized by institutional procedure.
2. Where the informal corrective action sanction imposed involves any type of sanction, extra assignment or restriction, the offender may choose to accept the corrective action as imposed or may elect to have the matter addressed through the minor report disciplinary process.
 3. Where sufficient justification exists, a designated supervisor may cause formal disciplinary action to be implemented in lieu of informal corrective action. Under such circumstances, the offender shall be credited for any informal corrective action sanction that has been implemented.
 4. As the offender may elect to have the matter addressed through the minor report process and the minor report process allows for review of the reported violation and any sanctions ordered, informal corrective action is not subject to the Grievance Procedure.

C. Minor Reports

(Source: IDOC Policy IO-RD-02)

1. Minor Disciplinary Reports

Where informal corrective action is insufficient to encourage and effect behavioral change and a major report is deemed unnecessary because of the nature of the violation and/or behavioral and disciplinary history of the offender, the minor disciplinary report process shall be used. Each institution has its own minor report procedure.

2. Minor Rules

Each institution shall establish a listing of minor rules and shall make that listing readily available to offenders. These rules may include, but are not limited to:

- a. **Disruptive Conduct** - May include such behavior as listed in the major rule 'Obstructive/Disruptive Conduct' but which is considered less severe in nature. This rule also prohibits horseplay, loud talk, the playing of electronic devices at excessive volume levels, running inside buildings to meals or in areas not designated as recreational areas, and similar behaviors.
- b. **Failure to Follow the Directives of Staff** - May include behavior which is similar to, though less serious than, behavior described in major rule #23.

- c. **Minor Insolence** - May include the display of verbal or non-verbal disrespect to staff or other persons. Use of abusive language is a violation of this rule as is cursing and the use of obscene language – particularly if this language is used in an angry or loud tone of voice.
- d. **Being Out of Place of Assignment** - May include, but is not limited to; being in an unauthorized area, loitering, and being late for scheduled appointments, work or program obligations, medication line, etc.
- e. **Unauthorized Possession or Exchange of Property** - May include, but is not limited to, the possession of any item not issued to the offender or obtained through authorized institutional channels or the alteration of any article.
- f. **Unsatisfactory Work Performance** - May include failure to perform work or program duties as assigned, as well as failure to work cooperatively with work supervisors and offender co-workers.
- g. **Failure to Cooperate at Established Counts** - May include being at any place in the cell other than the designated position during count or failing to cooperate with count procedures in any other way.
- h. **Malingering or Feigning Illness** - May include feigning or exaggerating illness or other incapacity in order to avoid work or other responsibility. Evidence of violation of this rule shall include input from a health care professional.
- i. **Abuse or Waste of State Issued Items** - May include, but is not limited to; defacing property, abuse of equipment or waste of supplies, attachment of articles to walls, etc., in a manner which is not specifically authorized and other actions which abuse or waste state property.
- j. **Violation of Sanitation Standards** - May include, but is not limited to; unsatisfactory room appearance, including improperly made bed, general disarray, dirty room floors, walls, or fixtures; failure to use trash receptacles properly; spitting on floors, walls, sidewalks, trash receptacles, water fountains, etc., placing of feet on furniture; improper storage of personal property or state issued items, etc.
- k. **Failure to Maintain an Acceptable Personal Appearance** - May include the wearing of altered or unauthorized items of clothing, failing to maintain minimum levels of personal hygiene, etc.
- l. **Failure to Follow Safety Regulations** - May include, but is not limited to, the unauthorized use of equipment and the unsafe use of supplies or equipment.

- m. **Failure to Comply with Institutional Monetary Policy** - May include, but is not limited to, the overspending of personal accounts and the use of unauthorized mail ordering procedures.
 - n. **Public Display of Offensive Material** - May include the display or posting of nude photographs or drawings including incidental material lying on bunk, locker, desk, etc. In addition, this rule prohibits the display of materials which may be considered offensive to another person. This may include the display of materials which denigrate the ethnicity, religion, occupation, age, or sex of another person.
 - o. **Violation of Established and Posted Unit Rules** - May include, but is not limited to; the violation of posted rules of conduct for offenders assigned to, or involved in, activities within the institution.
 - p. **Attempt to Circumvent Established Procedure** - May include any attempt to evade or otherwise circumvent established procedures.
3. Minor disciplinary reports shall be written by the staff member having the most direct and comprehensive knowledge of the violation and shall include all pertinent information regarding the violation.
4. No formal hearing is required. In accordance with institutional procedures, the staff member observing the violation and submitting the minor report is authorized to order allowable and reasonable sanctions.
- Generally, the staff member shall discuss the violation with the offender at the time of the violation and, again, at the time the report and sanctions are served upon the offender. Minor reports are not to be written in lieu of a discussion of expectations with the offender. Minor reports are to be written as one part of the process of explaining expectations and consequences.
5. Institutional procedures may allow sanctions ordered to go into effect immediately.
6. During the minor report process, the offender shall be offered the opportunity for further review of the reported violation and any sanctions ordered. Institutional procedures may specify a review of documentation, including documentation submitted by the offender, a personal discussion with the review authority, or both. The purpose of the review is to ensure that evidence of the violation exists and that sanctions are used appropriately. The review authority may dismiss the report, reduce the report to informal corrective action, uphold the report and sanctions as ordered, reduce sanctions, enhance sanctions, or order the report to be re-written as a major report. Where sanctions are enhanced or the report is re-written as a major report, the offender shall be granted credit for any sanction that has been implemented.
7. Minor Report Sanctions

Each institution shall establish reasonable sanctions for use in the minor report process. These sanctions, any of which may be suspended in part or whole, may include:

- a. Assessed actual costs. Where actual costs are assessed, an itemized list of costs shall be included in the decision or attached to the decision with the offender receiving a copy. In accordance with IDOC Policy **AD-FD-11**, Offender Funds, an administrative overdraft fee of \$5.00 may be assessed for actual costs associated with processing an overdraft of an offender's financial account.
- b. Restriction to cell, room, housing unit, or living unit with or without job assignment for a maximum of 15 days per incident. Although institutional procedures may allow for no-contact visitation during the period of restriction; restriction to cell, room, housing unit, or living unit shall not otherwise affect the offender's visitation privileges. Institutional procedures may lengthen the term of restriction to off-set any hours spent in visitation.
- c. Added work assignments not to exceed 14 days per incident. Added work assignments are limited to assignments which would normally be performed within a three hour period. These assignments shall not be compensable by any work allowance.
- d. Reduction of allowance for work performed not to exceed seven days per incident.
- e. Loss of privileges for a maximum of 30 days per incident. Privilege losses shall not include visitation, mail, or O-Mail.
- f. Written assignments or thinking reports.
- g. Written Reprimand.
- h. Confiscation or disposition of contraband or other unauthorized material in accordance with IDOC Policy **IS-RO-03**, Offender Personal Property.
- i. Other sanctions consistent with the goal of achieving behavioral change.

D. Major Report Procedures (Source: IDOC Policy IO-RD-03)

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. The existence of an issue needing correction does not require the dismissal of a major report.

Preparing the Disciplinary Report

1. As soon as a staff member or other person given authority over offenders becomes aware that a major infraction has occurred, that person shall prepare a disciplinary notice. The notice shall

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contain details of the infraction. In some cases involving potential serious violations committed by one or more offenders, staff members may conduct an investigation into the potential violations. In such cases, the writing of any disciplinary notice may be delayed until the investigation is completed.

Note – There is no requirement that a major report be written or served within 24 hours of an incident.

2. The shift supervisor or other designated staff member shall:
 - a. Review the disciplinary report (notice).
 - b. Assist the author to complete or rewrite the disciplinary report when necessary.

The disciplinary notice

1. The disciplinary notice shall contain the details of the infraction and shall list the appropriate rules alleged to have been broken by the offender. The disciplinary notice is considered the witness statement of the person who wrote the disciplinary notice.
2. Providing the offender with a copy of the disciplinary notice form shall serve as notice of alleged misconduct and, if a possession violation, Notice of Confiscation of the evidence.
3. A disciplinary report need not contain confidential information that could jeopardize individual safety or institutional security.

Investigation

1. This section applies only to the investigation which takes place following the writing and serving of the disciplinary notice. It does not apply to an investigation taking place before, and resulting in, the disciplinary notice.

The investigation of an approved disciplinary notice should begin promptly. The investigator conducting this investigation should not be a staff person involved in the reported violation as a witness to the alleged violation, as the report writer, or as the member of an investigative team that investigated the matter before the disciplinary notice was written. The investigator may provide evidence as to whether there are any mitigating or aggravating factors. Staff members who investigate approved disciplinary notices need not be full-time investigative staff.

2. The investigator shall interview the offender and any other persons who may have information regarding the incident as soon as is practical. The disciplinary notice shall serve as the witness statement of the reporting person.

3. 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.
4. 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 ALJ 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 will result without such witnesses.
 - c. Aggravating or mitigating factors.
5. The offender may present to the investigator evidence relative to the offender's defense.
6. The ALJ may review the disciplinary notice, the investigation materials and physical evidence prior to conducting a hearing. If the ALJ determines during that preliminary review that the record does not contain all required information (e.g. witness statements requested by an offender), the ALJ may contact the appropriate staff members directly and ask them to provide the appropriate information for the record. The ALJ may also issue a formal continuance to receive that information either before or during the hearing.
7. 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 (ALJ) based on evidence contained in 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.

Hearing Process

1. The ALJ 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 should be held, whenever feasible, within seven working days (weekends and holidays excluded) following the date on which the offender received the Disciplinary Notice unless the ALJ determines that:
 - 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 ALJ 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.
 - f. The work load of pending disciplinary cases makes it impracticable for the ALJ to hold a hearing within the seven-working-day time period.
 - g. The ALJ is unavailable to hold a hearing due to training, vacation, sick leave, or other absence.
2. The ALJ may hold a hearing beyond seven working days, even if no continuance was issued, unless the ALJ finds that the additional delay significantly compromised the ability of the offender to offer a defense to the allegation in the disciplinary notice.
 3. 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.
 4. No individual may serve as an ALJ 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. Thus, offenders have no right to hear or receive copies of witness statements, unless the ALJ determines that sharing of non-confidential information is appropriate.
 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 ALJ may allow specific witnesses only as necessary to ensure a fair hearing. If specific evidence is rejected, the ALJ shall indicate the reasons 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 ALJ.
 8. The offender shall not have a right to legal counsel during the hearing or appeal process. The ALJ is required to provide staff assistance for offenders where the complexity of the issue makes it unlikely that the offender is 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.
 9. If an offender is in a special needs or mental health status, 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.

10. Where confidential information is involved, the ALJ shall view the evidence prior to meeting with the accused offender.
11. The ALJ shall conduct the hearing on a disciplinary report:
 - a. Where procedures have not been followed correctly, the hearing shall be continued and the report remanded to correct 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.
 - b. If the offender has not previously given a statement, the ALJ shall give an opportunity to the offender to make a brief statement. The ALJ may limit an offender's statement if the statement contains irrelevant issues or becomes duplicative or repetitive.
 - c. If the ALJ determines that a written hearing decision can be issued immediately following the hearing, then the ALJ shall excuse the offender and begin deliberations to determine whether the alleged rule violation(s) in fact occurred. Upon completing a written decision, the ALJ will call the offender back into the hearing and give the offender the written decision.
 - d. In some cases, the ALJ may not be able to issue a hearing decision immediately after the hearing. In those instances, the ALJ shall prepare a written hearing decision as soon as practicable after the hearing. A copy of the written hearing decision shall be given to the offender by a staff member. The ALJ may, but need not, indicate at the conclusion of the hearing what the ALJ expects the hearing decision to be. A subsequent written decision may differ from the oral announcement made by the ALJ, provided the written decision explains the reason for the change.
 - e. The ALJ shall determine 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.
 - f. The ALJ shall review all pertinent evidence presented and may draw an adverse inference from the offender's silence during the proceedings.
12. Offender Conduct at Hearings
 - a. If the offender chooses not to attend a hearing or refuses to go to the place of the hearing, the ALJ shall make findings of fact documenting that the offender's actions constitute a waiver of the offender's right to be at the hearing.
 - b. 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.

- c. An offender appearing before the ALJ 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 ALJ shall document the offender's behavior and make a finding regarding whether it constituted a waiver of the offender's hearing right.
13. Because an ALJ may conduct hearings at a location away from the institution where the offender is housed, the following modifications to the hearing procedures may be made in appropriate circumstances:
 - a. An ALJ may conduct hearings via a video connection (the "IDOC Telejustice System"). If the Telejustice System is unavailable, the ALJ may conduct a hearing via telephone.
 - b. If there is physical evidence, the ALJ may review that evidence by any appropriate means, including review of photographs, scans, or video.
14. An offender may choose to appear at an ALJ hearing by written statement rather than in person. To do that, the offender must complete the Appearance at Disciplinary Hearing by Written Statement Form **(IO-RD-03 F-2)**. The offender's signature on that form must be witnessed by a staff member. Use of this form will still allow the offender to appeal an ALJ's hearing decision.

Use of Confidential Information

1. The ALJ shall consider confidential documentary evidence or testimony reviewed outside the presence of the offender only, if after reviewing and/or hearing such evidence, the ALJ 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. Confidential information shall not be reviewed with the offender. The statement of the evidence relied on shall indicate the reliance on confidential or omitted information.
3. Because videos from institutional security cameras can reveal limitation of the video system, all such videos are considered confidential and offenders shall not be allowed to review such videos.
4. The IDOC takes its responsibility to safeguard confidential information very seriously. Staff makes every effort to keep all information physically separated from other information and files. In addition, only staff that has a need to see any confidential information is allowed

access to the information. The IDOC and the Attorney General's Office also seek to limit access to confidential information in all court proceedings.

Dismissed Reports/Expungement

If the incident as charged in the disciplinary notice is dismissed, the disciplinary records of that incident shall be sent to the Inactive screen in ICON. Dismissal of alleged individual rule violations constituting only part of the entire incident shall not require sending the file to the Inactive screen in ICON.

Appeals

1. Because ALJs may not give the decisions to an offender at the conclusion of a hearing, each institution shall establish procedures for offenders to obtain forms to appeal an ALJ's hearing decision.
2. An appeal must be submitted within 24 hours of the date and time that an offender receives a copy of an ALJ hearing decision. The ALJ or another staff member shall offer the offender the disciplinary appeal form unless appeal rights have been forfeited by the offender.
3. In accordance with institutional procedures, if an offender takes an appeal, the sanctions shall be stayed pending an appeal decision by the Warden/Superintendent or designee. If the offender declines to appeal, or to accept the appeal form, the sanction imposed by the ALJ 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.
4. Failure to appeal within the 24 hours shall result in the invocation of the decision of the ALJ. 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 ALJ's decision.
5. 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. The appeal to the Warden/Superintendent constitutes final agency action.
6. Time limits for appeals may be expanded by the Warden/Superintendent or designee if exigent circumstances arise.
7. Upon remand of a case to the ALJ, the ALJ shall not impose any greater sanction than that imposed initially for that case.

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.

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. The ALJ 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.

E. Major Disciplinary Rules and Classes of Offenses (Source: IDOC Policy IO-RD-03)

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

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.
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:
- Preventing or overcoming resistance to the taking of property or to the retention thereof immediately after the taking.
 - Compelling the owner of such property or another person to deliver the property.
 - The ALJ 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. Also includes introduction into the institution with intent to sell or give 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 consensual sexual contact or sexual 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. An offender may be disciplined for proposing a consensual sexual contact or sexual relationship with staff only upon a finding that the staff member did not explicitly or implicitly consent to or encourage such a proposal. An offender may be disciplined for sexual contact with staff only upon a finding that the staff member did not consent to the contact. **(PREA 115.78(e))**

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 items.
- 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 membership.
- m. Any form of tobacco and any smoking related materials.
- n. Prohibited Communication/Electronic Devices.

- o. Legal documents or draft legal documents that belong to another offender unless permitted by written institutional policy.

Class "B" for security items; Class "C" 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/Manufacture 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. Recipes for intoxicants or any description of any of the steps used to manufacture any dangerous drugs or intoxicants.
- d. 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. All testing done for drugs or intoxicants must conform to the requirements of IDOC Policy **IO-SC-21**, Offender Substance Abuse Testing.

Class "B" for all violations.

21. **Medication Violations** - An offender commits an offense under this subsection when:
- a. The offender fails to follow the prescription or direction for any medication or fails to follow the rules governing self-administered medications.
 - b. The offender stores, saves, removes, gives, or receives any medication.
 - c. The offender is repeatedly late for or repeatedly misses scheduled pill lines.

Class "C" for all non-pill line violations; class "D" for all pill line 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 ALJ'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 "B" for violations involving security issues; Class "C" for all other 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, 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 or Services, 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. A report of sexual assault or sexual abuse made in good faith based upon a reasonable belief that the alleged conduct occurred shall not constitute falsely reporting an incident or lying (or any other violation of this rule), even if an investigation does not establish evidence sufficient to substantiate the allegation. **(PREA 115.78(f))**

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" violation for all refusals or terminations involving required treatment classes; Class "C" for all other 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, Sanitation, Tattooing, and Piercing** - 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 tattoos or body piercings.
- 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, O-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, O-Mail, or telephones, or uses such communication without proper authorization, or includes or uses coded messages or symbols.

Class "C" for all violations.

41. **Sexual Violence** – An offender commits an offense under this subsection when the offender commits an act against another person of sexual abuse or sexual assaults defined below. Sexual violence also includes repeated and non-consensual sexual advances, requests for sexual favors, or verbal comments, gestures, or actions of a derogatory or offensive sexual nature by one offender towards another offender.
- a. Sexual Abuse – The non-consensual contact of another person that consists of:
 - i. Intentional touching, either directly or through the clothing, of the genitalia, anus, groin, breast, inner thigh, or buttocks of the other person.
 - ii. Contact incidental to a physical altercation with no sexual intent for the contact is excluded.
 - b. Sexual Assault – The non-consensual contact of another person that consists of:
 - i. Contact between genitalia or between genitalia and anus including penetration, however slight; or
 - ii. Contact between the mouth and genitalia or anus; or
 - iii. Penetration of the anal or genital opening by the hand, finger, or other object.
 - c. Contact is considered non-consensual if:
 - i. The other person does not expressly agree to the offender's contact.
 - ii. The offender impairs the other person in attempt to control that person's conduct by administering or employing drugs, intoxicants, or similar means.
 - iii. The offender compels the other person to submit by threats of violence or other forms of coercion.
 - iv. The other person suffers from a mental disease, defect, or inadequacy, which renders that person incapable of understanding the nature of the contact or of being aware of the nature of the contact.
 - v. The other person is unconscious or otherwise incapable of resisting the contact.

Class "A" if weapon used, victim exposed to potentially infectious bodily fluids, secretions, tissue, or excrement, or the victim suffers an injury; Class "B" for all other violations. (PREA 115.6, 78(g))

42. **Security Threat Groups** - 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.

F. Major Report Sanctions (Source: IDOC Policy IO-RD-03)

Available Sanctions for Major Rule Violations

Upon a finding of guilt, the ALJ shall specify the class of the violation taking into consideration any aggravating or mitigating circumstances. The normal sanction class is listed above for each of the major infractions. The ALJ can increase or decrease the offense class in appropriate situations. Any or all of the sanctions listed for a given class may be imposed by the ALJ:

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 365 days.
- 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.

Class B

- a. Loss of earned time/good time not to exceed 180 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 180 days.
- 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.

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.

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.

In accordance with the provisions of IDOC Policy **IO-RD-03**, an offender may lose all accumulated earned time or good time for certain serious infractions.

The ALJ may reduce the classification of any rule violation from a major offense to a minor offense if documented unique factors make such a reduction appropriate. In such a case, the ALJ may impose one or more of the minor report sanctions allowed under IDOC Policy **IO-RD-02** or allowed by an institutions minor report procedure.

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 ALJ 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 ALJ shall note the maximum amount that should be taken in the decision. The same applies whenever the ALJ 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 ALJ, and the ALJ'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 ALJ 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 ALJ 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 ALJ 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.

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 ALJ.

Sanctions – General Rules

1. When the ALJ finds that an offender has violated a major rule, the ALJ 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 ALJ. If the ALJ finds that an offender violated more than one major infraction rule, the ALJ may impose consecutive sanctions for each rule violation within a single hearing decision.
2. In imposing sanctions, the ALJ shall give consideration to those conditions that maximize the opportunity for behavioral change. The ALJ may also recognize the circumstances that occurred after the original incident by giving the offender full or partial credit towards any sanction (other than loss of earned time/good time). The ALJ will note the giving of any credit in the Hearing Decision.
3. The ALJ is authorized to suspend any or all sanctions. Upon a subsequent finding of guilt for another disciplinary report, the ALJ may, but need not, impose the suspended sanctions.
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. IDOC Policy **IO-HO-07**, Disciplinary Detention Administrative Segregation and Disciplinary Detention, shall govern the permitted length of continuous disciplinary

detention, the type and schedule for periodic reviews of offenders in disciplinary detention, and the conditions of confinement of offenders placed in disciplinary detention.

5. Assessing Costs

- a. The ALJ may assess costs for damages to property, theft, and any other costs related to a rule violation, investigation, or disciplinary hearing. The amounts assessed should be calculated to cover any losses incurred by any person, by an institution, or by the IDOC.
- b. When an item is damaged, the cost imposed shall be the repair costs. If an item is destroyed or cannot be repaired, then the cost imposed shall be the cost for replacing the item. When calculating replacement costs, the depreciated or salvage value of the original item need not be taken into account. Other costs shall be the actual incurred costs. If the actual cost cannot be readily ascertained, an estimate of the cost may be used.
- c. The following are examples of the type of violations for which costs may be imposed as part of a disciplinary hearing.
 - i. Injury to another offender, staff, visitor or self (assaults, fights, use of force, attempted suicide, violation or work rules, etc.)
 - a) Cost of local hospital, ambulance and University of Iowa Hospitals & Clinics (UIHC), staff overtime, vehicle mileage, etc.
 - b) A \$5.00 fee in addition to any other medical costs assessed for trips to the UIHC or a local hospital caused by an offender's self-injurious behavior, willful neglect, etc.
 - c) If a staff member is injured and is away from work for any period, then the offender may be charged for any or all of the following:
 1. Any extra costs incurred by the institution to have other staff cover the work that cannot be performed by the injured person;
 2. Any workers compensation costs associated with the injury to the staff member;
 3. Any additional costs paid by the institution to the injured staff member while they are away from work, including vacation or sick leave costs needed to allow the injured staff member to be fully paid while convalescing.

- ii. Damage to state property (cell, mattress, furniture, bedding, clothing, headphones, radios, rental TVs, etc.)
 - iii. Damage to offender and/or employee property.
 - iv. Theft or attempted theft from offenders, staff, visitors, institutions, e.g., food from Food Services, commissary items, supplies, adulteration of food, etc.
 - v. Actions resulting in special staff costs, e.g. investigations, escape, etc.
 - vi. Lost offender work allowances through misconduct of another.
- d. If known at the time of a disciplinary hearing, an itemized list of costs shall be included in the disciplinary 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.
- e. When actual costs are assessed, documentation of the costs, such as a copy of the hearing decision or a store order, shall be processed through the Business Office.
- f. In some cases the amount of costs or damages will not be known at the time of the original hearing. In other cases, the existence of certain costs or damages may not be known at the time of the original disciplinary hearing. In either case, once the cost information becomes available an offender must be given written notice of the costs and have an opportunity to request a hearing regarding the reasonableness of the costs. If an offender requests a hearing within seven calendar days after receiving the written notice, the ALJ shall hold a hearing on whether the assessed costs are reasonable. The hearing will be conducted using the same procedures used to conduct other disciplinary hearings. If an offender does not request a hearing, the ALJ will issue a decision without the offender's participation. If an offender requests a hearing, that offender may file an appeal of the ALJ's decision using the same procedure as used for other disciplinary hearing decisions. Such an appeal will be limited to cost issues only.

6. Collection of Money

- a. Collection of money will be done in accordance with IDOC Policy **AD-FM-11**, Offender Funds, and the policies and procedures established for the Business Office at each institution.
- b. When an offender transfers to a new institution and remains in the IDOC, billing for disciplinary costs shall be transferred to the receiving institution.
- c. Offenders who are assessed costs by the ALJ shall be liable for those costs during any time that they are held at an IDOC institution, including during any subsequent

incarceration. There will be no general limitation period for collecting monies owed by offenders for disciplinary sanctions, except as established in IDOC policy.

- d. Upon the expiration of an offender's sentence, unpaid costs can no longer be collected in the normal manner. If the offender agrees by a written agreement that payments will continue, such agreement shall be binding. Staff may also pursue other options such as using small claims court or seeking to have a former offender's State tax refunds used to pay the indebtedness as allowed by Iowa Department of Revenue rules.
7. Privilege restrictions based on discipline may take effect immediately. Privileges may be reinstated on appeal.

STAYING SAFE A GUIDE FOR OFFENDER CONDUCT

An important part of the Iowa Department of Corrections' mission is to protect you – and that includes keeping you safe from others. The rules are designed to do just that and are not meant to punish you or deprive you of your rights. Rather, the rules are for ***your protection*** and the protection of others.

SOME WAYS TO KEEP YOURSELF SAFE:

- Choose your friends wisely. Look for people who are involved in positive groups and activities.
- Avoid being alone.
- Don't let someone keep you from making and keeping friends who have a positive influence on your life.
- Do not accept gifts, loans, or favors from others. Most come with strings attached.
- Do not allow another offender to be your "protector." They will want something in return.
- Do not borrow from others. Paybacks will be expected.
- Carry yourself in a confident manner. If you feel frightened or anxious, try not to let those feelings show to other offenders. Talk to your counselor or case manager.
- Be direct, firm, and say "no" to those who ask you to participate in something you do not want to do.
- Stay in well-lit areas.
- Do not go into "off limits" areas.
- Let your unit officer know if you do not feel safe.
- Trust your instincts. If you sense a situation is dangerous, it probably is.

SEXUAL MISCONDUCT IS:

- One or more offenders engaging in, or attempting to engage in, sexual acts.
- Any attempt to coerce or pressure another to participate in a sexual act. These attempts may include threats, intimidation, inappropriate touching, or other actions or communication.

Sexual misconduct can be:

- Physical: Unwanted sex acts, touching, pinching, or grabbing private body parts
- Verbal: Harassing, sexually suggestive conversations or requests for sex
- Visual: Includes flashing or mooning, or someone writing you a sexually explicit note or drawing or showing you sexually explicit pictures or pornography.
- Voyeurism: Includes forcing you to watch a person undress or have sex or someone watching you undress or have sex, especially secretly.

It is never okay for a staff member to make sexual advances, comments, or to have sexual contact with an offender. Sexual conduct of any kind by a staff member involving an offender is not allowed. If you believe a staff member has been sexually inappropriate, report it. Even if the offender wants to be involved with the staff member, the staff member is not allowed to respond. It is also not okay for an offender to approach a staff member in a sexual manner. This type of behavior is prohibited and action will be taken to stop such behavior.

OFFENDER RIGHTS IN THE EVENT OF SEXUAL MISCONDUCT BY OTHERS:

Report it to staff immediately. You may need to be seen at Medical so do not shower, wash, drink, change clothing, or use the bathroom. If the sexual incident was recent, you may be taken to a local hospital for medical care, including checking for sexually transmitted diseases. You have the right to refuse any medical examination. Medical information gathered during treatment is confidential. You also have the right to receive support services.

OTHER WAYS TO REPORT SEXUAL MISCONDUCT OR ASSAULT:

- Tell a staff member you trust. As a part of their job, staff is required to report any allegation. But, every effort will be made to maintain your privacy.
- Send a kite or letter to the Warden/Superintendent.
- Use the institution grievance process.
- Write to Mary Roche, Director of Victim & Restorative Justice Programs
Iowa Department of Corrections
510 East 12th Street
Des Moines, IA 50319
- Write to the Ombudsman's Office:
Office of Citizens' Aide/Ombudsman
Ola Babcock Miller Building
1112 East Grand
Des Moines, Iowa 50319

POSSIBLE OUTCOMES OF AN INVESTIGATION FOR THE OFFENDER:

Any of the following actions may occur:

- Offenders may be relocated for their safety. However, offenders will never be punished for reporting sexual misconduct. Every effort will be made to assure offenders' protection.
- Offenders who have been found to have committed sexual misconduct / sexual assault will at a minimum receive a major report and may be criminally prosecuted.
- If the investigation proves an offender made a false report, she/he is subject to corrective action being taken, including discipline.

RECOVERING FROM SEXUAL ASSAULT:

Any form of coerced sexual activity is degrading and may cause distress. Offenders who have been sexually victimized are encouraged to seek assistance in recovering from this kind of trauma. Mental health staff in the institution is available to help offender victims recover from the emotional impact of sexual assault. Trauma groups may be available where offender victims can receive support in dealing with the emotional results of sexual assault. See your counselor or case manager.

No one has a right to make unwanted sexual advances. Working together, we can prevent sexual misconduct and protect ***your safety***.