


Idaho Department of Correction 	Standard Operating Procedure Dual Divisions Offender Management	Control Number: 318.02.01.001	Version: 3.1	Page Number: 1 of 40
		Title: Disciplinary Procedures: Offender		Adopted: 8-21-1995 Reviewed: 9-18-2012 Next Review: 9-18-2014

This document was approved by Kevin Kempf, chief of the Division of Prisons, and Shane Evans, chief of the Division of Education, Treatment, and Reentry, on 9/18/12 (signature on file).

Open to the general public: Yes No

If no, is there a redacted version available: Yes No

BOARD OF CORRECTION IDAPA RULE NUMBER

[None](#)

POLICY CONTROL NUMBER 318

[Disciplinary Procedures](#)

DEFINITIONS

[Standardized Terms and Definitions List](#)

Disciplinary Hearing Process: The process of using formal behavioral interventions and/or sanctions imposed at a disciplinary hearing, and disciplinary offense reports (DORs) to influence changes in an offender's behavior.

Disciplinary Offense Report (DOR): A formal report written by a staff member to document class A, B, and C type rule violations of an offender.

Disciplinary System: A system that includes verbal and written warnings, infractions, and disciplinary offense reports (DORs) designed to maintain order and document offender rule violations.

Infraction Process: The process of using warnings, informal behavioral interventions and/or sanctions, and infraction reports to influence changes in an offender's behavior.

Infraction Report: A report written by a staff member to document infraction type rule violations of an offender.

PURPOSE

The purpose of this standard operating procedure (SOP) is to establish guidelines for ensuring the offender disciplinary system is managed consistently throughout the Idaho Department of Correction (IDOC).

Note: It is not the purpose of this SOP to create any procedural or substantive right of any kind in favor of the offenders to which it applies, and this SOP should not be construed as doing so.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 2 of 40
---	------------------------	--	--------------------------------

SCOPE

This SOP applies to all staff members working in IDOC and contract correctional facilities, community work centers (CWCs), and offenders. (Hereinafter, correctional facilities and CWCs will be referred to as 'facilities' except where a process is specific to only a correctional facility or CWC.)

RESPONSIBILITY

Chiefs of the Divisions of Prisons and Education, Treatment, and Reentry

The chiefs of the divisions of prisons **and** education, treatment, and reentry are responsible for:

- Designating an department disciplinary coordinator to oversee and monitor the offender disciplinary system provided herein; and
- Ensuring that facilities are audited annually to the provisions provided herein.

Facility Heads

Facility heads (or designees) are responsible for:

- Implementing and following the procedures provided herein;
- Ensuring that staff members adhere to the requirements provided herein;
- Ensuring that all offenders have access to this SOP;
- Ensuring that locked boxes are available for receiving offender appeals; and
- Appointing review authorities.

Staff

Staff will have specific authorized responsibilities for the offender disciplinary system processes provided herein. See [section 5](#) for more information.

Table of Contents

GENERAL REQUIREMENTS.....	4
1. Introduction	4
2. Offender Access and Orientation.....	5
3. Principals, Accessories, and Conspirators to Disciplinary Offenses	6
4. Unauthorized Use.....	6
Stacking.....	6
Plea Bargaining	6
Attempting to Influence the Outcome of a Disciplinary System Process.....	6
5. Staff Authorizations for the Disciplinary System Process	7
IDOC Staff	7
Contractors, Volunteers, Interns, etc.....	7
Reviewing Supervisor	7

Control Number:	Version:	Title:	Page Number:
318.02.01.001	3.1	Disciplinary Procedures: Offender	3 of 40

Infraction Hearing Officers (IHOs) and Disciplinary Hearing Officers (DHOs).....	8
Review Authority.....	8
Appellate Authority.....	9
Department Disciplinary Coordinator	9
Division Chiefs.....	10
6. Level of Proof Required.....	10
7. Infractions and the Infraction Process.....	11
Informal Behavioral Interventions and Sanctions	11
Offender Failure to Complete an Informal Sanction	13
Process Steps: The Infraction Process	13
8. DOR Content, Evidence, and Testimony	14
DOR Content.....	14
Evidence.....	15
Testimony.....	16
9. Disciplinary Offenses and Classes	16
Disciplinary Offenses	16
Classes.....	17
10. Writing, Processing, and Serving the DOR.....	17
Written and Verbal Warnings	17
Time Limits	17
Escapes.....	18
Group Disruption and Extraordinary Events.....	18
Process Steps: Writing, Processing, and Serving the DOR.....	18
11. Scheduling a Disciplinary Hearing	21
12. Staff Hearing Assistants	22
Duties and Responsibilities.....	23
Requesting and/or Assigning a Staff Hearing Assistant	23
13. Witnesses.....	24
14. Use of Confidential Witnesses	25
15. DOR Findings.....	26
16. Disciplinary Hearing Documentation	26
Description of the Offense	26
Description of the Evidence	26
Basis of Disciplinary Findings	27

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 4 of 40
---	------------------------	--	--------------------------------

Comments/Details	27
Offender Appeal Details.....	27
Appeal Comments	27
17. Conducting the Disciplinary Hearing	27
18. Formal Behavioral Interventions and Sanctions.....	30
Formal Behavioral Interventions	30
Formal Sanctions.....	30
Time Limits for Formal Sanctions.....	33
Offender Failure to Complete Formal Sanctions	33
19. Effects of DORs on other Administrative Processes	33
20. Review Authority’s Review Following the Disciplinary Hearing	33
21. Dismissed DORs: Rewriting or Rehearing	35
Second Disciplinary Hearing Assignment	35
22. Appeals: Method of Administrative Review.....	35
23. Purging an Offender’s Central File.....	38
24. Training	38
25. Identification and Retention of Audio and Video Recordings.....	38
26. Procedures for Special Management Units (SMUs).....	38
27. Mental Health Issues	39
Mental Health Units	39
General Population and other Housing Assignments	39
28. Oversight.....	39
Ongoing Quality Assurance	39
Annual Audits	39
REFERENCES.....	39

GENERAL REQUIREMENTS

1. Introduction

A viable offender disciplinary system is critical for:

- Creating a safe environment for staff and offenders;
- Setting standards for acceptable and unacceptable behaviors;
- Documenting unacceptable behavior; and
- Helping offenders modify their behavior to avoid further rule violations and become successful members of the community.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 5 of 40
---	------------------------	--	--------------------------------

Staff members must recognize that creating and maintaining a safe environment is the first priority of the disciplinary system and that this priority shall not be compromised in an effort to obtain short-term goals. Staff actions shall be in accordance with the letter, spirit, and goals provided herein.

The disciplinary offenses (see appendix A) describe unacceptable offender behaviors; however, it is the application of the guidance provided herein that will effectively demonstrate to offenders the behaviors that are unacceptable.

The degree of success the disciplinary system will have in creating a safe environment is based on the system's integrity. Diligence is required of all staff members to achieve a disciplinary system that has integrity.

If a facility consistently fails to address unacceptable offender behaviors, both staff and offenders will come to believe that those behaviors are acceptable regardless of the provisions provided herein.

In addition to holding offenders accountable, the disciplinary system provides a means to document offender behaviors. Documentation is critical for offender management decisions to include classification and parole. Even when the possibility of an offender changing his behavior seems remote, the documentation of behavior remains important.

Finally, the disciplinary system can help offenders change their behavior. Although behavioral interventions **and/or** sanctions are not always effective, that should not discourage staff from using the disciplinary system. In fact, every disciplinary system process described herein should be seen as an opportunity to affect an offender's thinking and behavior, which can help reduce the risk of recidivism.

The time limits provided herein were established to ensure efficient disciplinary system processes to address rule violations in a timely manner. All time limits can be extended for good cause. Although IDOC staff members may dismiss an *Infraction Report* **or** *Disciplinary Offense Report (DOR)* because of a time limit issue, it is not mandatory that they do so.

Sanctions shall only be assigned to an offender by an infraction hearing officer (IHO) **or** a disciplinary hearing officer (DHO) upon a confirmation of a rule violation in either an *Infraction Report* **or** *DOR*.

2. Offender Access and Orientation

During orientation, Reception and Diagnostic Unit (RDU) staff shall provide information to offenders regarding the disciplinary system, to include appendix A, *Disciplinary Offenses*. If an offender is unable to read or does not read well enough to comprehend the document, RDU staff shall ensure appendix A is read to the offender.

Note: If an offender does not speak English, a written, individual, or telephone interpretation service shall be provided in the language spoken.

Every facility should make available a current handbook **or** list that explains any additional rules or expectations regarding offender behavior.

Individual programs may have specific rules, which will be made available to offenders entering the program.

Disciplinary action will be taken against any offender who violates the rules of offender conduct as described herein **and/or** any other IDOC rules, policies, procedures, state laws, etc.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 6 of 40
---	------------------------	--	--------------------------------

3. Principals, Accessories, and Conspirators to Disciplinary Offenses

Any offender, who attempts, plans, conspires, or commits a disciplinary offense (see appendix A) is a principle and will be charged with the offense that most accurately describes the behavior. In addition, if an offender assists another offender in attempting, planning, conspiring, or in the commission of a disciplinary offense, to include withholding information from staff, the assisting offender is also considered a principle and will be charged with the same offense as the offender committing **or** attempting to commit the offense, unless there is a specific offense for an accomplice or assisting behavior.

4. Unauthorized Use

The disciplinary system shall not be used to harass offenders in any manner to include, but not limited to, harassment based on race, color, religion, gender, marital status, national or ethnic origin, age, veteran status, mental or physical disability, or sexual orientation. However, disciplinary action will be taken if an offender violates IDOC rules, policies, procedures, state laws, etc. regardless of personal attributes.

The disciplinary system shall not be used as retaliation for an offender's use of the grievance process, to include use of the Offender Concern Form (see SOP [316.02.01.001](#), *Grievance and Informal Resolution Procedure for Offenders*.) However, if an investigation produces evidence that an offender has committed a disciplinary offense (see appendix A), the offender may be issued an *Infraction Report* (appendix B) **or** *DOR* (appendix C) based on the evidence found in the investigation. Offender concern forms **and** grievance/appeal forms shall not be used as evidence.

Stacking

Sometimes an offender will violate several rules during one event. For example: an offender refuses an order to come out of his cell and then during the cell extraction he is disrespectful to staff, breaks a feeding tray, and refuses orders. Staff might be able to identify several separate rule violations that occurred during a single event. Writing a *DOR* for each separate violation is called stacking. The IDOC does not permit stacking of class B and C disciplinary offenses. If multiple felony offenses **or** class A disciplinary offenses are committed during an event, *DORs* can be written for each offense, but sanctions must be limited to those authorized for the most serious offense. Before multiple class A *DORs* can be written, it must be approved by the facility head.

Plea Bargaining

The IDOC does not use plea bargaining in the disciplinary system. Plea bargaining includes actions such as reducing a sanction **or** a disciplinary offense (see appendix A) **or** dismissing an *Infraction Report* **or** *DOR* in exchange for admittance. Reducing a sanction based on the completion of a behavioral intervention is also considered plea bargaining and is not allowed.

Attempting to Influence the Outcome of a Disciplinary System Process

To achieve and maintain a viable disciplinary system, IHOs and DHOs must be given the opportunity to conduct the disciplinary system process objectively. Staff members must avoid attempts to influence an IHO's or DHO's decision either before or after the disciplinary system process. This does not include authorized input regarding behavioral interventions **and/or** sanctions from the case management team or similar case management processes, appropriate direction and instruction from supervisors, or recommendations from a mental health professional.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 7 of 40
---	------------------------	--	--------------------------------

If an IHO or DHO believes that any staff member is attempting to influence a disciplinary system process in violation of guidance provided herein, the IHO or DHO shall contact the facility head (or designee) **or** the department disciplinary coordinator (or designee). The facility head (or designee) **or** the department disciplinary coordinator (or designee) shall review the situation and take appropriate action.

5. Staff Authorizations for the Disciplinary System Process

IDOC Staff

All IDOC staff members are authorized to write infraction reports (appendix B) **and** DORs (appendix C). Normally, the person who witnessed an event is the person who should write the report.

Staff members are responsible for writing accurate reports that contain details and evidence to support the alleged rule violation. When writing a report, staff must select the disciplinary offense (see appendix A) that best describes the offender's behavior.

Contractors, Volunteers, Interns, etc.

Typically, staff at contract facilities that house IDOC offenders are required to use the disciplinary system processes provided herein.

Note: Nothing in this SOP shall be construed to relieve contract facilities of any obligation and/or responsibility stipulated in respective contractual agreements.

Volunteers, county jails, community employers, and contractors whose contracts do not authorized them to write infraction reports **or** DORs are required, when needed, to provide information to IDOC staff regarding offenders' behaviors. When contracts do not allow, only IDOC staff may write the *Infraction Report* **or** *DOR* based on the information provided by witnesses. Information reports may be attached to the *Infraction Report* **or** *DOR* as evidence.

Reviewing Supervisor

The reviewing supervisor will normally be a shift commander or assistant shift commander. If the shift commander writes the *DOR*, the shift commander of the next shift shall be the reviewing supervisor. Reviewing supervisors shall receive IDOC-approved training. In a CWC, the reviewing supervisor would normally be a sergeant, but the facility head could assign this duty temporarily or permanently to another staff member.

The reviewing supervisor is responsible for:

- Ensuring that the *DOR* contains evidence, staff observations, and other details that support the allegation; and
- Ensuring that the standards established herein have been adhered to and that the disciplinary offense (see appendix A) best describes the offender's behavior.

If the *DOR* does not meet the standards provided herein, the reviewing supervisor shall return it to the staff member who wrote it **and** provide feedback regarding needed corrections and/or other appropriate disciplinary action.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 8 of 40
---	------------------------	--	--------------------------------

Infraction Hearing Officers (IHOs) and Disciplinary Hearing Officers (DHOs)

Every disciplinary system process is an opportunity for a skilled staff member to interact with an offender and that interaction is one of the most important elements of the disciplinary system process.

Facility heads (or designees) must identify staff authorized to serve as IHOs. Normally, IHOs will be a unit supervisor, case manager, or case management team chairperson. Staff must receive IDOC-approved training before serving as an IHO.

To become a DHO, staff must complete a selection and training process conducted by the department disciplinary coordinator (or designee). The selection process shall be determined and supplied by the Division of Prisons (in conjunction with the Division of Education, Treatment, and Reentry).

IHOs and DHOs are vital to the safe operation of a facility and are responsible for:

- Ensuring that the standards and procedures provided herein have been adhered to and that the disciplinary offense (see appendix A) best describes the offender's behavior;
- Determining if there is evidence to support whether the offender committed the alleged rule violation;
- Ensuring the integrity of the disciplinary system and that the principles provided herein are upheld.
- Making appropriate decisions based on the evidence;
- Conducting disciplinary system processes **and** imposing behavioral interventions **and/or** sanctions to the best of their ability;
- Following the guidelines provided herein; and
- Using the skills obtained in training.

In addition, a DHO shall not conduct a disciplinary hearing if he:

- Witnessed the disciplinary offense **or** circumstances directly related to the offense;
- Wrote the *DOR*;
- Investigated the disciplinary offense;
- Has not been trained by an IDOC-approved DHO trainer; or
- Has not been approved by the department disciplinary coordinator (or designee) to be a DHO.

Note: At their discretion, facility heads, the applicable division chief, or their designees can revoke an IHO or DHO's authority.

Review Authority

The review authority is a member of the facility management team, normally a second-in-command (deputy warden) or similar position. Review authorities shall not be in the chain of command of the person who wrote the *Infraction Report or DOR*. For example, the deputy warden of security shall not review DORs written by security staff. A division

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 9 of 40
---	------------------------	--	--------------------------------

chief (or designee) can make exceptions to the chain of command guidelines when appointing a review authority.

The review authority shall receive IDOC-approved training.

The review authority is responsible for providing quality assurance for disciplinary system processes **and** ensuring that the principles and philosophies of this SOP are being adhered to, including the following:

- Ensuring that offenders are consistently being held accountable for their behavior;
- Ensuring that disciplinary system processes are as timely as possible and not just meeting the minimums;
- Ensuring that reviewing supervisors only approve properly written DORs for submission to the DHOs;
- Listening to recordings of disciplinary hearings to ensure that DHOs are using their interview skills to promote offender change;
- Monitoring that behavioral interventions **and/or** sanctions are being used effectively;
- Monitoring that staff members are writing quality infraction reports, DORs, and information reports (see SOP [105.02.01.001](#), *General Reporting and Investigation of Major Incidents*, for the information reports) that provide sufficient information;
- Monitoring that appropriate disciplinary offenses (see appendix A) are being used that best describe offender behavior;
- Ensuring that IHOs **and** DHOs are being objective;
- Ensuring that DHOs are providing sufficient due process in regards to restitution; and
- Ensuring that IHOs **and** DHOs are dismissing infraction reports **and** DORs that do not meet the standards provided herein.

Note: Review authorities shall periodically listen to recordings of disciplinary hearings to provide quality assurance.

Appellate Authority

The appellate authority for DORs is the facility head, and the appellate authority for infraction reports is the second-in-command (*DOR review authority*). The appellate authority shall not delegate this duty; however, in his absence he may designate an acting appellate authority to assume this duty as long as the designated acting appellate authority for a *DOR* appeal did not serve as the review authority for the *DOR* being appealed.

The applicable appellate authority is responsible for reviewing infraction reports **and** DORs that are being appealed **and** ensuring that disciplinary system processes and individuals involved have adhered to the standards and the principles established herein.

Department Disciplinary Coordinator

The department disciplinary coordinator (or designee) is responsible for the following:

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 10 of 40
---	------------------------	--	---------------------------------

- Developing **and/or** approving training related to disciplinary system processes, to include, but not limited to, training for staff, IHOs, DHOs, and staff hearing assistants;
- Providing training for DHO trainers; and
- Providing oversight for quality assurance **and** disciplinary system process improvement.

Division Chiefs

When appropriate, the applicable division chief (or designee) can dismiss, modify, and/or order that any *Infraction Report* **or** *DOR* be rewritten and/or reheard.

6. Level of Proof Required

DHOs can only consider the *DOR* content, evidence, and testimony (attached **or** presented at the disciplinary hearing). (See [section 8](#) for descriptions of ‘*DOR* content’, ‘evidence’, and ‘testimony’.) DHOs may consider written statements and/or testimony provided by confidential witnesses, but only when done so in accordance with [section 14](#). DHOs shall not review investigative files and other information that is not presented at the disciplinary hearing **or** described in the *DOR*.

For the purpose of this SOP, the level of proof needed to confirm the allegation is referred to as ‘some evidence’. Some evidence means that based on the *DOR* content, evidence, and testimony (attached **or** presented at the disciplinary hearing), a reasonable person would believe that:

- The evidence supports the allegations written in the *DOR*; **and**
- The offender most likely committed the disciplinary offense.

The following statements are examples of insufficient and sufficient evidence:

Insufficient evidence: I suspect that offender Jones (#11111) is bartering.

Sufficient evidence: During a search of offender Jones’ (#11111) property, I found approximately twenty dollars (\$20) worth of commissary including 10 packages of Top Ramen noodles, instant coffee, and eight (8) packets of hot chocolate mix. Offender Jones could not produce a receipt for the items. Offender Jones has not purchased commissary for two (2) months. Over the past year, offender Jones’ average commissary purchase has been less the five dollars (\$5) per month. I had not seen offender Jones with any commissary items until the evening before the search.

Insufficient evidence: I entered the day-room and saw offender Jones (#11111) lying on the floor. Jones was bleeding from facial wounds. Two (2) offenders, Clark (#22222) and Smith (#44444), were kneeling at offender Jones’ side. When I walked into the room, offender Clark looked up at me and said “he needs medical.”

Sufficient evidence: I entered the day-room and saw offender Jones (#11111) lying on the floor. Jones was bleeding from facial wounds. Two (2) offenders, Clark (#22222) and Smith (#44444), immediately ran out of the dayroom when they saw me. Clark and Smith were taken to segregation. I checked Clark and Smith and found that Clark had scrapes on the knuckles of his right hand. Smith had blood on his clothes and arms but had no sign of injury.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 11 of 40
---	------------------------	--	---------------------------------

7. Infractions and the Infraction Process

Infractions (see appendix A, *Disciplinary Offenses*) shall be handled using the infraction process and when confirmed, informal behavioral interventions **and/or** sanctions shall be used. Quick intervention following an offender's behavior is a primary goal when an infraction is committed.

Staff members can issue warnings to offenders for infractions without the approval of a supervisor and are encouraged to issue warnings before submitting an *Infraction Report* (appendix B).

IHOs shall be designated as described in [section 5](#). At correctional facilities, DHOs will normally not serve as IHOs; however, at CWCs a DHO will normally serve as the IHO.

Informal sanctions may be applied progressively, taking into consideration the severity, frequency, the offender's history of rule violations, and norms of the IDOC. However, staff should vary the type and not just the intensity of informal sanctions to determine if one is more effective than the other in deterring unwanted behavior.

The IHO shall balance consistency in the application of informal behavioral interventions **and/or** sanctions with their effectiveness on an individual offender. In addition, it shall not be mandatory that an IHO impose informal behavioral interventions **and/or** sanctions, even though the behavior is documented as an infraction. In some cases, the infraction process may serve as the informal behavioral intervention **and/or** sanction.

Informal Behavioral Interventions and Sanctions

Informal behavioral interventions **and** sanctions are different means used to encourage appropriate behavior. It is important that the IHO understand the difference between an informal behavioral intervention **and** an informal sanction and attempt to convey the difference to the offender when imposing the finding.

Informal Behavioral Interventions

Informal behavioral interventions are learning experiences (not an informal sanction **or** punishment) that help offenders learn to modify their behavior to avoid rule violations in the future.

Informal behavioral Interventions include, but are not limited to the following:

- Apologies – written or in person;
- Behavior agreements (These mandate compliance with the offender's individual program plan);
- Performance contracts (These are directed toward specific behavior modification);
- Journaling;
- Thinking reports **or** other programmatic interventions (These are appropriate only if the offender is active in a specific program **and** the offender can process the intervention in the program.);
- A written essay; and
- The infraction process itself.

Note: Written assignments (apologies or essays) may be reviewed by the case management team or IHO and then given back to the offender or disposed but will not be filed or retained. If known, completion of the assigned informal behavioral intervention shall be **documented in the Corrections Integrated System (CIS), contact notes, as a corrective action.**

Informal Sanctions

Informal sanctions are a consequence or punishment used to help offenders associate their behavior with the outcome, deter further rule violations, and hold them accountable for their behavior.

Informal sanctions are limited to the following:

- Warnings – verbal or written*;
- Written reprimands;
- Cell/living unit restrictions – one to 10 days;
- Extra duty – up to four (4) hours per day (not to exceed a total of 25 hours);
- Loss of designated privileges – one to 30 days;
- No contact orders – one to 30 days;
- Loss or reduction of incentive pay – one to 30 days; and
- Restitution.

Note: Any cell/living unit restriction resulting from the infraction process shall be **documented in the CIS, ‘disciplinary detail’ screen under ‘restriction reports’.**

Note: If restitution is requested, the offender can (a) agree to voluntarily pay restitution by signing an Offender Personal Funds Withdrawal Slip for the amount; or (b) disagree to voluntarily pay restitution. If the offender does not agree to voluntarily pay restitution, the IHO shall refer the restitution request to a DHO. The DHO shall then hold a restitution hearing (similar to a disciplinary hearing) and make a determination regarding restitution. If the DHO determines that restitution should be paid, the process described in [section 18](#) shall be followed.

*Example of a written warning:

Idaho Department of Correction Disciplinary Warning		
Name		IDOC #
Housing Assignment	Date Issued	Correct Behavior by Date/Time
Action Needed:		
Staff Name and Associate #:		
<small>Original: Staff</small>		
<small>Yellow copy: Offender</small>		

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 13 of 40
---	------------------------	--	---------------------------------

Offender Failure to Complete an Informal Sanction

A *DOR* may be issued if an offender fails to complete an informal sanction imposed upon him.

Process Steps: The Infraction Process

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Staff Member	1	Learns of an offender committing an infraction as described in appendix A, <i>Disciplinary Offenses</i> .
Staff Member	2	Decide whether to: <ul style="list-style-type: none"> • Issue a warning – Proceed to step 3; <u>or</u> • Submit an <i>Infraction Report</i> – Skip to step 4.
Staff Member	3	<ul style="list-style-type: none"> • Give the offender a warning; and • Document the warning in the CIS, contact notes, as corrective action. (The process ends here.)
Staff Member	4	<ul style="list-style-type: none"> • Complete appendix B, <u>Infraction Report</u>, but do not enter a contact note in the CIS. • Forward the <i>Infraction Report</i> to the infraction hearing officer (IHO).
Infraction Hearing Officer (IHO)	5	Meet with the offender as soon as possible, but not more than three (3) working days (<u>or</u> not more than seven [7] working days if team case management is used) from the issuance of the <i>Infraction Report</i> ; <u>and</u> confirm the alleged rule violation <u>or</u> dismiss the <i>Infraction Report</i> . <ul style="list-style-type: none"> • <u>Confirm</u> – Impose the appropriate <u>informal</u> behavioral interventions <u>and/or</u> sanctions; document in the CIS, contact notes, as a corrective action; and forward a copy of the <i>Infraction Report</i> to the review authority (Also see the note box that is directly below this table). • <u>Dismiss</u> – Do not document in the CIS. (The process ends here.)
		<p>Note: If <u>any</u> restrictions are imposed, document them in the CIS, 'disciplinary detail' screen under 'restriction reports'.</p> <p>Note: If there are any concerns about the offender's mental health, contact the facility mental health professional. Facilities without a mental health professional on staff shall refer to a case manager <u>or</u> suicide risk management coordinator.</p>
Offender	6	Comply with the imposed <u>informal</u> behavioral interventions <u>and/or</u> sanctions.
IHO	7	When the offender complies with the imposed <u>informal</u> behavior interventions <u>and/or</u> sanctions, document in the CIS, contact notes, as a corrective action.
IHO	8	Forward the completed <i>Infraction Report</i> that has the original signature to the review authority.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 14 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Review Authority	9	<ul style="list-style-type: none"> Monitor the infraction process for quality assurance (also see the note box that is directly below this table); and For appeal purposes, maintain the <i>Infraction Report</i> that has the original signature for 90 days.
		Note: After 90 days, the infraction reports (both the original and copy) may be destroyed.

For further assistance with CIS, see your designated CIS super user.

Note: The assigned review authority shall periodically review infraction reports and monitor the infraction process. The review authority may dismiss or modify any *Infraction Report* when the principles and philosophies of this SOP were not adhered to.

8. DOR Content, Evidence, and Testimony

The *DOR* content, evidence, and testimony (attached **or** presented at the disciplinary hearing) are all part of the *DOR* **and** shall be the sole sources of information that the DHO considers during the disciplinary hearing process.

Before a DHO can consider information from a confidential witness, the procedures for confidential witnesses described in [section 14](#) must be followed.

Note: Confidential witness information shall not be made available to the offender **nor** shall the offender be given copies of evidence and testimony.

DOR Content

The *DOR* content (i.e., descriptions of the disciplinary offense **and** evidence), as provided in appendix C, shall be clear, concise, complete, and written in first person. In some situations, a staff member could witness an incident, but an additional investigation may be required. In such a case, either the witness **or** facility investigator could write the *DOR* based on which person would have the most firsthand information. Whichever person did not write the *DOR*, would normally write an *Information Report* (see SOP [105.02.01.001](#), *General Reporting and Investigation of Major Incidents*, for the *Information Report*) that should be attached to the *DOR* as evidence (see the subsection herein this section titled [Testimony](#)). When the writer of the *DOR* obtains information from another staff member, the writer should state how that information was obtained and identify the source of the information.

Information obtained from an offender who has not been established as a confidential witness (see [section 14](#)), shall not be used unless it is absolutely necessary, except in cases where the offender's identity is known to the offender accused of the rule violation. For example, an offender accused of a sexual activity disciplinary offense will most likely know the other offender's identity or two (2) offenders in a fight.

If information from an offender or offenders is used, care shall be taken to assure that the accused offender cannot identify the offenders who supplied the information. In addition, such information must be independently corroborated **or** obtained from multiple sources. The following statements are two (2) examples of information that could be reported without using the confidential witness guidance (see [section 14](#)) **or** without naming the offender who provided the information:

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 15 of 40
---	------------------------	--	---------------------------------

- Three (3) separate offenders told me that offender Jones (#11111) had gone from cell to cell earlier in the day asking each offender if he was going to help take control of the unit. Each offender stated that offender Jones threatened other offenders with bodily harm if they did not agree to participate. I saw offender Jones going from cell to cell approximately two (2) hours before the disturbance.
- I interviewed 24 offenders housed on the unit at the time of the disturbance. Thirteen (13) of the 24 offenders stated that offender Jones (#11111) instigated the disturbance. Offenders' descriptions of offender Jones' behavior were consistent, stating that Jones made the following statements: "This is bullshit and if we stick together, the cops will be forced to change the rule." "Those who do not participate are rats and had better not sleep at night because they will not wake up."

In both of the above statements, the information is useful during the disciplinary hearing process—although ultimately, as with all evidence **and** testimony (described in the following subsections), the DHO must determine how much weight to give the statement.

Requesting Restitution

Restitution can be requested and included in the *DOR content*. See [section 18](#), subsection titled [Restitution](#), for more information regarding the requirements that must be met.

Evidence

Evidence submitted with a *DOR* will normally be limited to documentation (e.g., letters, notes, laboratory results, written testimony (see the subsection herein this section titled [Testimony](#)), and photographs [to include photographs of physical evidence, when applicable]) that can be attached to the *DOR* and filed in the offender's central file. The offender may review the evidence documentation at the disciplinary hearing. However, the evidence documentation shall not be attached to the offender's copy of the *DOR*.

Photographs, Physical Evidence, and Physical Site

In the rare event that photographs are lost or digital files are damaged and are therefore unavailable at the disciplinary hearing, the DHO can either postpone the hearing until photographs can be obtained **or** personally view the physical evidence if it is still available. If the DHO personally views the physical evidence, he must describe his observations during the recorded disciplinary hearing **and** explain why the photographs were not available **in the CIS 'disciplinary detail' screen under 'comments/details'**.

However, the absence of photographs **or** the physical evidence does not require that the *DOR* be dismissed. The DHO may proceed with the disciplinary hearing if the *DOR* itself provides sufficient evidence as described in this section.

The DHO can also personally inspect or view a location to obtain a better understanding of the physical site.

As applicable, physical evidence shall be handled, retained, and disposed of in accordance with directive [116.02.01.001](#), *Custody of Evidence*.

Note: Except as described above, evidence (both documentation and physical) shall not be considered unless it is identified in *DOR content* (see the subsection herein this section titled [DOR Content](#)) **or** attached to the *DOR*, when applicable.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 16 of 40
---	------------------------	--	---------------------------------

Audio and Video Recordings

When using audio **and/or** video recordings as evidence, the staff member writing the *DOR* shall use first person to describe what was observed or heard. Corroborating evidence should be included whenever possible.

Example: On October 17, 2009 during a morning cell check, I observed that offender Jones (#11111) had a black eye and cut lip. All offenders on the unit were checked for injuries. Offender Smith (#44444) had a swollen hand. I observed video surveillance recordings of the unit. The video surveillance recording captured offenders Jones and Smith fighting at 22:13 hours on October 16, 2009. I observed that both offenders were throwing punches.

DHOs may request audio recordings as evidence when deemed necessary. Unless a legitimate security concern exists, audio recordings of the accused offender's telephone conversations may be presented at the disciplinary hearing. If a legitimate security concern exists, staff must follow the guidelines described in [section 14](#).

Offenders shall not be permitted to view video recordings. However, if the DHO believes that viewing the video recording would be important to the decision making process, the DHO may view the recording, in private, if the offender agrees. The offender's agreement that the DHO can view the video recording in private shall be documented on the disciplinary hearing audio recording **and** clearly stated **in the CIS in the 'basis of disciplinary findings'**.

After the DHO has reviewed the video recording, he will reconvene the disciplinary hearing **and** give a general description of the evidence on the disciplinary hearing audio recording with the offender present.

Testimony

Testimony during the disciplinary hearing process shall be presented either in person **or** via written statements. Written statements include witness statements (using appendix D), *Information Reports* (see SOP [105.02.01.001](#), *General Reporting and Investigation of Major Incidents*, for the *Information Report*), and the *DOR* itself.

First person eyewitness **or** firsthand accounts are the most credible testimony. If secondhand information (hearsay) is necessary, the staff member writing the *DOR* should be specific how the information was obtained.

Example: I interviewed nurse Martin and she stated that offender Jones (#11111) said "If you don't give me those medications, I'm going to break your leg."

Although secondhand information (hearsay) is permitted, it should be avoided, but when used it shall be corroborated by other evidence (see the subsection herein this section titled [Evidence](#)) to carry weight during the disciplinary hearing process.

9. Disciplinary Offenses and Classes

Disciplinary Offenses

Appendix A, *Disciplinary Offenses*, provides a description of each disciplinary offense **and** reflects title, enhancement level, and class for each offense. Staff members must determine which disciplinary offense best describes the offender's behavior **and** apply it when writing the *Infraction Report* (appendix B) **or** *DOR* (appendix C). Supervisors, IHOs, and DHOs involved in the disciplinary system process are responsible for

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 17 of 40
---	------------------------	--	---------------------------------

ensuring that the disciplinary offense (see appendix A) best describes the offender's behavior.

Multiple violations of a disciplinary offense shall not justify using an offense that is a higher class. The disciplinary offense (see appendix A) that best describes the offender's behavior shall always be used.

Classes

Disciplinary offenses (see appendix A) are grouped, based on the severity of the offense, into four (4) classes: A, B, C, and infractions.

- **Class A** represents the most severe disciplinary offenses, while **infractions** represent the least severe offenses.
- **Classes A, B, and C** require a *DOR* and can only be heard by a trained DHO that is approved by the department disciplinary coordinator (or designee).

10. Writing, Processing, and Serving the DOR

Only class A, B, and C disciplinary offenses (see appendix A) will be handled using formal behavioral interventions **and/or** sanctions (see [section 18](#)) imposed during the disciplinary hearing process. To increase the effectiveness of the disciplinary hearing process, staff shall ensure that each step in the process is completed as soon as possible **and** do not exceed established time limits. In addition, violation of local, state, or federal law shall be reported to the appropriate law enforcement authorities for possible criminal action.

Written and Verbal Warnings

Staff members may issue warnings for class C disciplinary offenses but not for class A and B offenses. For a class A **or** B disciplinary offense, the staff member must write and issue appendix C, *Disciplinary Offense Report*.

Time Limits

A *DOR* can be written and submitted pursuant to this SOP anytime during the offender's incarceration with the IDOC. Time limits will not apply from the time an offender commits a disciplinary offense to the time a *DOR* is written. However, time limits shall apply from the time a staff member becomes aware of a rule violation to the time the staff member writes and submits the *DOR*. Typically, when a staff member becomes aware of a rule violation, the *DOR* should be written and submitted for processing prior to the end of the staff member's shift or workday, but in any event, the *DOR* must be written within seven (7) calendar days (or 14 calendar days if the offender is in segregation pending an investigation [SPI]) after becoming aware of the rule violation.

If the DHO **or** staff hearing assistant has concerns regarding an offender's mental health, he shall contact a mental health professional (e.g., a clinician) **and** forward a copy of appendix E, *Mental Health DOR Recommendation*. The mental health professional will respond, with recommendations using the *Mental Health DOR Recommendation* form, as soon as possible, but not more than two (2) working days from being contacted. If the mental health professional does not respond with the two (2) working day time limit, the DHO shall notify the review authority **and** may proceed with the disciplinary hearing.

Note: A reviewing supervisor can extend the above time limits for good cause but must document the reason for the extension using appendix F, *Disciplinary Delay Notification*

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 18 of 40
---	------------------------	--	---------------------------------

Form. When time limits are extended, the completed *Disciplinary Delay Notification Form* must be attached to the *DOR* that has the original signature, **and** the DHO must also **document the extension in the CIS under 'comments/details'**.

Note: The above time limits shall be suspended during an initial criminal investigation. The above time limits are established for the purpose of dealing with rule violations in a timely manner. A missed time limit shall not affect the IDOC's authority **or** ability to issue a *DOR* **and** complete the disciplinary hearing process if the time limits are not met. The applicable division chief **or** the department disciplinary coordinator may also extend time limits for good cause.

The disciplinary hearing process is an administrative process, not a criminal process. Normally, a *DOR* will be written, but not be served on an offender during an initial criminal investigation. As soon as the criminal investigator completes his initial investigation, the *DOR* shall be served **and** a disciplinary hearing held. The review authority (or designee) shall communicate with law enforcement authorities to determine when the initial investigation **and** interviews will be completed. The IDOC will not wait until a prosecuting attorney decides whether or not to pursue criminal charges **and** the IDOC disciplinary hearing process will proceed whether criminal charges are filed or not.

Escapes

Following an escape, a *DOR* shall be written and submitted to a DHO immediately upon completion of the IDOC investigation. **The DHO shall enter the *DOR* into the CIS, set the disciplinary hearing location as 'central office', and notify the department disciplinary coordinator (or designee) via email.** The department disciplinary coordinator (or designee) shall ensure that the *DOR* is heard when the offender is captured and returned to an IDOC facility. The IDOC shall not delay the disciplinary hearing process for an offender who is awaiting prosecution.

Group Disruption and Extraordinary Events

If a facility has a group disruption or other extraordinary event, the facility head (or designee) must contact the applicable division chief (or designee) before beginning the disciplinary process. The applicable division chief (or designee) will provide guidance and additional support as needed. Support may include, but is not limited to, additional investigative support, guidance regarding writing *DORs*, and additional DHO support.

Process Steps: Writing, Processing, and Serving the *DOR*

The following steps shall be followed when a *DOR* is written:

Functional Roles and Responsibilities	Step	Tasks
Staff Member	1	Learns that an offender committed a disciplinary offense.
Staff Member	2A	<ul style="list-style-type: none"> Complete appendix C, Disciplinary Offense Report, within the appropriate time limit requirements (see section 10 of this SOP). Email the completed <i>DOR</i> and supporting evidence and testimony (as applicable) to the reviewing supervisor (or designee) before leaving the shift, unless further investigation is required. Hand-deliver evidence and testimony that cannot be sent via email.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 19 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks
Staff Member	2B	<ul style="list-style-type: none"> Do not document the issuance of the <i>DOR</i> in the CIS. <p>Note: See section 8 of this SOP for descriptions of 'evidence' and 'testimony'.</p>
Reviewing Supervisor	3	<p>As soon as possible, but within 24 hours, review the <i>DOR</i>, evidence, and testimony (as applicable) and ensure that the completed <i>DOR</i>:</p> <ul style="list-style-type: none"> Best describes the offender's behavior; Contains the necessary content, evidence, and testimony (see section 8 of this SOP); and is Clear, concise, complete, and written in first person. <p>Note: If the disciplinary offense will be referred for a criminal investigation, do not sign or serve the <i>DOR</i>, evidence, and testimony (as applicable) at this point. Just email the <i>DOR</i> to the review authority and hand-deliver evidence and testimony that cannot be sent via email. (See section 8 of this SOP for descriptions of 'evidence' and 'testimony'.)</p> <p>Note: In a correctional facility, if the reviewing supervisor cannot review the <i>DOR</i> before leaving his shift, he must email it to another supervisor who can complete the review.</p> <p>Note: In a CWC, if the reviewing supervisor cannot review the <i>DOR</i> before leaving his shift, the <i>DOR</i> shall be reviewed the next business day.</p>
Reviewing Supervisor	4	<ul style="list-style-type: none"> If the completed <i>DOR</i> does not meet the criteria noted in step 3, return the <i>DOR</i>, evidence, and testimony (as applicable) to the staff member who wrote the <i>DOR</i> so that it may be corrected or rewritten. <ul style="list-style-type: none"> If an infraction is more appropriate, instruct the staff member to issue an infraction instead; or If the incident does not warrant a disciplinary action, inform the staff member and end the process here. If the completed <i>DOR</i> does meet the criteria noted in step 3, print two (2) copies, sign both copies, and designate a staff member to serve the offender a copy of the <i>DOR</i>. (The offender shall not be given copies of evidence and testimony.) <p>Note: If the disciplinary offense will be referred for a criminal investigation, do not sign or serve the <i>DOR</i> at this point. Just email the <i>DOR</i> to the review authority.</p>

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 20 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks
Reviewing Supervisor (or Designee)	5	If the offender is in segregation pending investigation (SPI), request that the shift commander (or higher authority) review the situation to determine if the offender needs to remain in segregation pending the disciplinary hearing. If the offender needs to remain in segregation, the status shall be changed to prehearing segregation (PHS).
Designated Staff	6	<ul style="list-style-type: none"> • Within 24 hours of the reviewing supervisor's approval: <ul style="list-style-type: none"> ◆ Serve the offender a copy of the signed <i>DOR</i>. (The offender shall not be given copies of evidence and testimony. See section 8 of this SOP for descriptions of 'evidence' and 'testimony'.) ◆ Ask the offender if he needs a <i>Request for Staff Hearing Assistant</i> (appendix G), or a <i>Witness Statement</i> (appendix D), and mark the appropriate box on the <i>DOR</i>. You may give up to four (4) <i>Witness Statement</i> forms to the offender. ◆ Give one copy of the signed <i>DOR</i> to the offender for his review and signature. ◆ If the offender refuses to sign the <i>DOR</i>, document in the 'additional staff comments' section of the <i>DOR</i> that the offender refused to sign acknowledging receipt of the <i>DOR</i>. • If the signed <i>DOR</i> cannot be served within 24 hours, document the reasons and attach them to the <i>DOR</i>. (A time discrepancy of up to two [2] hours does not require that the reasons for the time discrepancy be documented.)
Designated Staff	7	<ul style="list-style-type: none"> • As proof of delivery, sign the <i>DOR</i> that has the review authority's, and if applicable, offender's original signatures; and • Give one copy of the <i>DOR</i> that has your signature to the offender. (The offender shall not be given copies of evidence and testimony.) <p>Note: If the offender refused to sign, leave the copy of the <i>DOR</i> anyway.</p>
Designated Staff	8	If a <i>Request for Staff Hearing Assistant</i> form was given to the offender, inform the offender to complete the form and return it to a staff member as soon as possible for forwarding to the assigned disciplinary hearing officer (DHO).
Designated Staff	9	Return the signed <i>DOR</i> to the reviewing supervisor.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 21 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks
Reviewing Supervisor	10	<ul style="list-style-type: none"> Email the unsigned Word version of the <i>DOR</i> to the assigned DHO. Forward a hard copy of the signed <i>DOR</i>, evidence, testimony (as applicable) to the DHO. (See section 8 of this SOP for descriptions of ‘evidence’ and ‘testimony’.)
		Note: Hand-deliver evidence and testimony that cannot be sent via email.
Offender (or assigned Staff Hearing Assistant)	11	<ul style="list-style-type: none"> Using the <i>Witness Statement</i> forms, collect written witness statements; and If time permits, forward the forms to the assigned DHO and, if applicable, to the offender. If time does not permit, take the statements to the disciplinary hearing.
		Note: A staff hearing assistant will be appointed by the DHO when appropriate.

11. Scheduling a Disciplinary Hearing

After receiving the completed *DOR*, evidence, and testimony (as applicable) from the reviewing supervisor, the DHO shall complete the following steps. (See [section 8](#) for descriptions of ‘evidence’ and ‘testimony’.)

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Disciplinary Hearing Officer (DHO)	1	<ul style="list-style-type: none"> Document in the CIS information from the <i>DOR</i>; and Enter the CIS-generated <i>DOR</i> number onto the <i>DOR</i>.
		Note: CIS requires that certain information be entered before the disciplinary hearing process can proceed. You may return the <i>DOR</i> to the reviewing supervisor if the required information was not provided. In such cases, corrections must be made <u>and</u> the <i>DOR</i> returned to you once the information is provided. Returning the <i>DOR</i> to the reviewing supervisor shall not be considered a dismissal, <u>and</u> the correction shall not be considered a rewrite as described in section 21 of this SOP. However, this return of <i>DOR</i> process shall be limited to procedural errors such as missing dates, <i>DOR</i> service information, etc. Changes to evidence, disciplinary offense, etc. must be entered <u>and</u> dismissed <u>and</u> can be rewritten and reheard as described in section 21 of this SOP.
DHO	2	<ul style="list-style-type: none"> If the offender requested a staff hearing assistant, determine if the offender meets criteria (see section 12 of this SOP), and If appropriate, appoint a staff hearing assistant to assist the offender.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 22 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
DHO	3	<p>Schedule a disciplinary hearing as soon as practical, but not more than seven (7) calendar days after the offender was served the <i>DOR</i>. When scheduling the disciplinary hearing, also be sure to allow the offender at least 24 hours to prepare for the hearing.</p> <p><u>Note:</u> You may extend the seven (7) calendar day limit for exceptional circumstances, unavoidable delays, or reasonable postponements. If extended, be sure to notify the offender that the disciplinary hearing will be delayed, <u>and</u> inform him of the reason for the delay using appendix F, <i>Disciplinary Delay Notification Form</i>.</p> <p><u>Note:</u> If the offender is held in prehearing segregation (PHS), schedule the disciplinary hearing as soon as possible. If the hearing cannot be held within the first seven (7) calendar days <u>and</u> an extension is necessary, contact the shift commander (or designee) about the need for the offender to remain in PHS.</p> <p><u>Note:</u> You may dismiss the <i>DOR</i> before the disciplinary hearing for reasons such as when a wrong disciplinary offense (see appendix A) is used <u>or</u> because the <i>DOR</i> lacks sufficient evidence. If dismissed before the hearing, it will not be necessary to create a disciplinary hearing audio recording of the dismissal. However, all other CIS documentation process steps pertaining to the <i>DOR</i> <u>and</u> the hearing must be completed.</p>
DHO	4	<ul style="list-style-type: none"> Obtain from the offender any <i>Witness Statement</i> forms that have been collected; and If applicable, ensure that the staff hearing assistant is available.
DHO	5	If a mental health professional submitted recommendations, consider the recommendations.
DHO	6	Conduct the disciplinary hearing in accordance with section 17 of this SOP.

For further assistance with CIS, see your designated CIS super user.

12. Staff Hearing Assistants

Facility heads (or designees) shall select staff to serve as staff hearing assistants. DHOs at each facility shall maintain a list of staff hearing assistants. A DHO and/or IHO may serve as a staff hearing assistant in cases where they did not do the following:

- Witness or investigate the disciplinary offense;
- Write the *DOR*; or
- Conduct the disciplinary hearing.

DHOs shall ensure that staff hearing assistants receive IDOC-approved training in accordance with [section 24](#).

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 23 of 40
---	------------------------	--	---------------------------------

Duties and Responsibilities

- Staff hearing assistants are not legal representatives (i.e., they do not advocate for the offender).
- Staff hearing assistants help the offender obtain written witness statements (using appendix D), other documents, or evidence, and if applicable, help the offender understand the disciplinary hearing process.
- If necessary, staff hearing assistants shall ensure that mental health issues are handled in accordance with [section 27](#).
- If the staff hearing assistant has any concerns regarding the mental health of the offender, the staff hearing assistant will contact a staff member as designated in [section 27](#).
- The staff hearing assistant should be present during the disciplinary hearing, except during deliberation.

Note: If the sole reason for assigning the staff hearing assistant was to gather written witness statements (using appendix D), the staff hearing assistant **does not** need to be present during the disciplinary hearing.

- The staff hearing assistant may help with the preparation of an appeal.

Note: If the offender is moved to another facility, the offender may request that the DHO at the new facility assign a new staff hearing assistant to assist with the appeal.

- Staff hearing assistants who believe that they cannot fulfill their duties shall submit an e-mail to the DHO requesting to be released from the assignment.

Note: In addition to the above, if a DHO believes that the staff hearing assistant cannot fulfill his duties, the DHO should release the staff member from the assignment and assign a new staff hearing assistant. In either case, the DHO will notify the review authority. The DHO must document the release or change of a staff hearing assistant **in the CIS 'disciplinary detail' screen under 'comments/details.'**

Limitations and Restrictions

- Staff members who witnessed or investigated the disciplinary offense cannot serve as a staff hearing assistant.
- Neither an offender nor a staff hearing assistant may cross-examine any witness; however, the staff hearing assistant may address questions to the DHO.

Requesting and/or Assigning a Staff Hearing Assistant

Offenders may request a staff hearing assistant in writing using appendix G, *Request for Staff Hearing Assistant*, or a DHO may assign a staff hearing assistant without receiving a request from the offender. In either case, one or more of the following criteria must exist before a DHO can assign an assistant:

- The offender is in prehearing segregation (PHS), restricted, or unable to gather evidence and/or testimony (see [section 8](#) for descriptions of 'evidence' and 'testimony');

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 24 of 40
---	------------------------	--	---------------------------------

- The offender is functionally illiterate **or** cannot read or understand the English language;
- The offender has limited ability to understand the charges due to mental health issues **or** limited cognitive functioning;
- The issues raised by the disciplinary hearing process are complex;
- The DHO believes that the offender is unable to marshal an adequate defense; **or**
- The disciplinary hearing will involve the use of confidential information **or** confidential witness (see [section 14](#)).

Note: The offender can make a written request before the disciplinary hearing **or** a verbal request during the hearing that the staff hearing assistant provide no further assistance. If the DHO believes that the offender needs help with the disciplinary hearing process, the DHO shall attempt to provide the offender with appropriate assistance, such as explaining (a) the disciplinary offense (see appendix A) charged, (b) the ramifications of admitting to committing the offense, (c) the potential consequences of the charge being affirmed, and/or (d) the appeal process. **The DHO shall document his efforts in the CIS ‘disciplinary detail’ screen under ‘comments/details.’**

13. Witnesses

Written witness statements (using appendix D) may be provided by any offender, staff member, volunteer, contractor, etc. who has firsthand knowledge about the alleged rule violation. If possible, the offender (or staff hearing assistant) shall submit written witness statements to the DHO before the disciplinary hearing. The DHO shall ensure that submitted written witness statements are available at the disciplinary hearing.

Offenders are limited to four (4) *Witness Statement* forms. The witnesses’ written statements must not exceed the space provided on the *Witness Statement* form. However, if the DHO thinks that additional information is relevant, the DHO can allow additional written witness statements, call witnesses to testify in person, or ask for additional information from specific witnesses.

Witnesses are allowed at the disciplinary hearing if the DHO thinks that their presence is necessary. For example, if the *DOR* content (see [section 8](#) for a description of ‘*DOR* content’) does not contain sufficient information. Often, written statements from the witnesses are sufficient; however, a DHO can request that a witness complete additional statements as needed for clarification **or** testify in person at the disciplinary hearing.

If a witness **or** written witness statement is not allowed, the DHO shall **document the reasons why in the CIS ‘disciplinary detail’ screen under ‘basis of disciplinary findings’**. The lack of adequate staffing shall not justify not allowing a witness, refusing to call a witness to testify in person, or failing to obtain a written witness statement (using appendix D).

The DHO may reject witnesses **or** written witness statements when:

- He determines that the testimony is **or** would be unrelated to the disciplinary offense (e.g., a character witness). (See [section 8](#) for a description of ‘testimony’.);
- The statement is not written on the completed *Witness Statement* form;

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 25 of 40
---	------------------------	--	---------------------------------

- The statement exceeds the space provided on the *Witness Statement* form;
- The statement is not legible; or
- The witness is unwilling to write a statement **or** testify in person.

If a witness is at a disciplinary hearing **or** on speaker phone, the DHO is the only person who can ask the witness questions. A witness should be present at the disciplinary hearing **or** on speaker phone if one or more of the following exists:

- The witness is unable to write a statement (e.g., the witness has an injured writing hand, is unable to read or write, etc.);
- The offender requests a witness during the disciplinary hearing **and** the DHO approves; or
- The DHO determines that the information provided in a written witness statement or *DOR* is insufficient.

14. Use of Confidential Witnesses

A confidential witness is an offender who can offer testimony (see [section 8](#) for a description of 'testimony') regarding a disciplinary offence but whose identity must be protected for his own safety. The term confidential witness must not be confused with the term confidential informant. A confidential informant is normally an offender who provides confidential information to investigative staff on a periodic basis. A confidential witness may be a confidential informant **or** may only provide confidential information one time for a specific disciplinary offense. Confidential witnesses shall also be validated. (Further information can be found in SOP [504.02.01.001](#), *Investigations and Intelligence Program*.)

Because of risk to the safety of offenders, the use of confidential witnesses shall be limited to high-risk disciplinary offenses that threaten the safety and security of a facility. In many cases, alternatives to the use of a confidential witness can provide enough evidence (see [section 8](#) for a description of 'evidence') for the disciplinary hearing process.

A confidential witness' testimony may be used if the DHO is satisfied that the criteria outlined herein have been met to include a written record stating the reasons why the witness must remain confidential.

The identity of confidential witnesses must be protected. The accused offender shall not be present during any confidential testimony **nor** shall he be allowed to read testimony from a confidential witness. The DHO shall provide a brief summary of the testimony, but limit the information given to avoid revealing the confidential witness's identity.

Before any confidential witness testimony can be considered, the reliability of the witness must be documented. It is the responsibility of a facility investigator to complete the Confidential Witness Evaluation Worksheet (see SOP [504.02.01.001](#), *Investigations and Intelligence Program*). The investigator must state why the confidential witness is reliable **and** why the witness should remain confidential.

The following factors should be considered when determining the reliability of a confidential witness:

- Whether or not the witness has been reliable in the past;
- Whether or not the testimony can be independently corroborated;
- Whether or not the DHO has knowledge of the reliability of the witness; and

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 26 of 40
---	------------------------	--	---------------------------------

- Whether or not other evidence corroborates the witness' testimony.

The confidential witness' testimony must be written in a statement **or** recorded on a different audio recording than the disciplinary hearing audio recording. Confidential information shall not be attached to **or** maintained with the *DOR*. The confidential witness' testimony must state the facts regarding the incident and how those facts were acquired. The information establishing the reliability of the confidential information must be attached to the confidential witness's testimony **and** sealed in an envelope marked 'confidential.' When the disciplinary hearing process has been completed, the DHO shall ensure that the confidential witness' testimony and the envelope are returned to investigations to be secured in the investigation file.

15. DOR Findings

The DHO can select one of the following *DOR* findings:

- **Confirmed** — Selected when the offender admits to committing the disciplinary offense **and/or** when based on the evidence, the DHO confirms the allegation. To confirm the allegation, the DHO must determine that 'some evidence' (see [section 6](#)) exists that indicates the offender committed the disciplinary offense. To accept admittance, the DHO must also determine that at least some evidence indicates that the offender committed the disciplinary offense. **The DHO shall document the rationale for the decision in the CIS in the 'basis of disciplinary findings'.**
- **Dismissed** — Selected when there is not enough evidence to confirm the allegation **or** the DHO finds that procedural errors were made in the disciplinary hearing process **or** with the *DOR*. A DHO cannot amend a disciplinary offense up or down; however, if a DHO finds that the offense charged does not describe the offender's behavior, the DHO shall select 'dismissed', and **document in the CIS 'comments/details' a recommendation that the *DOR* be rewritten using the appropriate disciplinary offense.** The review authority can authorize that a *DOR* be rewritten **and/or** reheard (see [section 21](#)).

16. Disciplinary Hearing Documentation

DORs are documented in **the CIS 'disciplinary detail' screen**. Staff must not document the issuance of a *DOR* in **the CIS under contact notes**. Reviewing supervisors, DHOs, review authorities, and appellant authorities shall monitor **the CIS contact notes** for improper *DOR* documentation **and** remove the improper documentation from **the CIS contact notes**.

In the **CIS 'disciplinary detail' screen**, the text fields are used as follows:

Description of the Offense

The DHO copies and pastes the reporting staff's description of the disciplinary offense verbatim. No corrections, additions, or editing of this information is allowed after it is approved by the reviewing supervisor.

Description of the Evidence

The DHO documents any evidence (See [section 8](#) for a description of 'evidence') that accompanies the *DOR*. When a video recording is submitted as evidence **and** the DHO views the recording in accordance with [section 8](#), the recording must be listed.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 27 of 40
---	------------------------	--	---------------------------------

Note: If the DHO does not view the video recording, do not list the recording as evidence.

Basis of Disciplinary Findings

The DHO states the facts relied upon and rationale for the finding in the **CIS ‘disciplinary detail’ screen under ‘basis of disciplinary findings’**. This information must be specific and not a general statement.

If any witnesses or written witness statements were denied, the details of what was denied and the reasons must be documented in the second text field under **‘basis of disciplinary findings’**.

Comments/Details

The contents of the **CIS ‘disciplinary detail’ screen under ‘comments/details’** do not appear on the printed CIS-generated DOR. The ‘comments/details’ area shall be used to document administrative information. Examples include: (a) DHO recommendations to the review authority that the *DOR* be rewritten **or** that it cannot be rewritten, (b) appeals that were not accepted and the reason, (c) DHO explanation if an offender is not present at the disciplinary hearing, (d) modifications made by the review authority, and (e) review authority reasons for dismissal, etc.

Offender Appeal Details

If an offender submits an appeal, the appeal information shall be entered in the ‘offender appeal details’ section.

Appeal Comments

The ‘appeal comments’ section shall be used to document the appellant authority appeal findings.

17. Conducting the Disciplinary Hearing

Except as noted below, the offender must be present at the disciplinary hearing. If the offender is not present at the disciplinary hearing, the DHO must provide an explanation on the disciplinary hearing audio recording **and in the CIS ‘disciplinary detail’ screen under the second text field under ‘basis of disciplinary finding’**. Exceptions to an offender being present at the disciplinary hearing include the following:

- When the offender refuses to attend the hearing;

Note: The offender shall not be taken to the hearing by the use of force; however, if the offender refuses to attend the hearing, the DHO shall proceed with the hearing and make a finding in accordance with the procedures established herein. If the allegation is confirmed, formal behavioral interventions **and/or** sanctions can be imposed up to the allowed maximums (see [section 18](#)).

- When the offender's disruptive **or** violent behavior calls for exclusion from the hearing;

Note: The DHO could choose to have the hearing in a noncontact visiting area **or** by standing outside the offender’s cell.

- When a confidential witness (see [section 14](#)) provides testimony; and

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 28 of 40
---	------------------------	--	---------------------------------

- During deliberation.

At the disciplinary hearing, an offender’s participation shall be limited to the following:

- Admitting **or** denying the allegation;
- Presenting written witness statements (using appendix D);
- Providing testimony (see [section 8](#) for a description of ‘testimony’) about the evidence presented;
- Providing testimony that might reduce the formal sanctions;
- Asking questions of the DHO regarding procedural matters; and
- Consulting with the staff hearing assistant (if assigned).

DHOs shall complete the following steps when conducting a disciplinary hearing:

Note: If during the hearing the DHO determines that additional written witness statements and/or witness in person testimony are needed, he can stop the hearing and reconvene at a later time. (See [section 8](#) for a description of ‘testimony’.)

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Disciplinary Hearing Officer (DHO)	1	Prior to the disciplinary hearing (in order to become familiar with the allegations), review the completed <i>DOR</i> <u>and</u> supporting evidence and testimony (as applicable). See section 8 of this SOP for descriptions of ‘evidence’ and ‘testimony’.
		Note: Physical evidence that poses a security risk such as weapons, drugs, or alcohol, <u>or</u> physical evidence that is large or stationary such as damage to a building shall/can not be presented during the disciplinary hearing. In this instance, photographs of physical evidence should be used as evidence. (See section 8 of this SOP.)
DHO	2	<ul style="list-style-type: none"> • Turn on the disciplinary hearing audio recording <u>and</u> begin the hearing. • Consider only the evidence and testimony presented during the hearing in accordance with section 8, section 13, and section 14 of this SOP. • Ensure the offender has an opportunity to review the evidence.
		Note: Do not use plea bargaining to influence the offender into admitting the allegation.
DHO	3	During deliberation: <ul style="list-style-type: none"> • Exclude the offender <u>and</u> turn off the disciplinary hearing audio recording. • Consider the evidence and testimony presented during the hearing, <u>and</u> confirm <u>or</u> dismiss the allegation.
		Note: If a mental health professional submitted recommendations, consider the recommendations.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 29 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
DHO	4	Bring the offender back into the disciplinary hearing <u>and</u> restart the disciplinary hearing audio recording.
DHO	5	State one of the following <i>DOR</i> findings: <ul style="list-style-type: none"> • <u>Confirmed</u> – Proceed to step 6. • <u>Dismissed</u> – Skip to step 7.
DHO	6	Impose the appropriate <u>formal</u> behavioral interventions <u>and/or</u> sanctions (see section 18 of this SOP), and enter them in the CIS ‘disciplinary detail’ screen under ‘sanctions and interventions’ . Note: If necessary, before imposing the interventions <u>and/or</u> sanctions, recess the disciplinary hearing to review past disciplinary procedures and information recorded in the CIS .
DHO	7	<ul style="list-style-type: none"> • End the disciplinary hearing, and turn off the disciplinary hearing audio recording. (Also see section 25 of this SOP.) • If the allegation was dismissed but you believe the <i>DOR</i> should (and can) be rewritten, make that recommendation to the review authority.
DHO	8	Describe the facts you relied on when making your decision in the CIS ‘disciplinary detail’ screen under the ‘basis of disciplinary findings’. Note: If a mental health professional submitted recommendations, <u>and</u> the <i>DOR</i> finding <u>or formal</u> behavioral interventions <u>and/or</u> sanctions differs from the mental health recommendation, clearly document the reason why in the CIS ‘disciplinary detail’ screen under ‘comments/details’, and immediately notify the mental health professional.
DHO	9	<ul style="list-style-type: none"> • Enter the outcome of the disciplinary hearing into the CIS ‘disciplinary detail’ screen; and • Forward the completed <i>DOR</i> that has the original signature <u>and</u> the supporting evidence and testimony (attached <u>or</u> presented at the hearing) to the review authority.
DHO	10	If the <i>DOR</i> is class A <u>or</u> B, notify a classification staff member so the need for a reclassification can be determined.

For further assistance with CIS, see your designated CIS super user.

Note: If the *DOR* is dismissed because the offender’s behavior should have been addressed as an infraction, the disciplinary hearing shall serve as the infraction process (see [section 7](#)). The DHO shall then impose the applicable informal behavioral interventions and/or sanctions, and document the infraction (and any restrictions imposed) in **the CIS in accordance with [section 7](#)**. The DHO shall also explain in **the CIS, ‘disciplinary detail’ screen under ‘comments/details’** why the charged disciplinary offense was incorrect. The review authority shall provide feedback to the staff member who wrote the *DOR* and the

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 30 of 40
---	------------------------	--	---------------------------------

reviewing supervisor regarding the proper use of disciplinary offenses (see appendix A), evidence, testimony, etc. for future reference. (See [section 8](#) for descriptions of ‘evidence’ and ‘testimony’.)

18. Formal Behavioral Interventions and Sanctions

Formal behavioral interventions and sanctions are different means used to encourage appropriate behavior.

The DHO shall balance consistency in the application of formal behavioral interventions **and/or** sanctions with their effectiveness on an individual offender. In addition, it is not mandatory that a DHO impose formal behavioral interventions **and/or** sanctions when an allegation is confirmed. In some cases, the disciplinary hearing process may serve as the formal behavioral intervention **and/or** sanction.

Formal Behavioral Interventions

Formal behavioral interventions are learning experiences (not formal sanctions or punishment) that help offenders learn to modify their behavior to avoid rule violations in the future.

Formal behavioral Interventions include, but are not limited to the following:

- Apologies – written or in person;
- Behavior agreements (These mandate compliance with the offender’s individual program plan);
- Journaling;
- Thinking reports **or** other programmatic interventions (These are appropriate only if the offender is active in a specific program **and** the offender can process the intervention in the program.);
- A written essay; and
- The disciplinary hearing process itself.

Note: Written assignments (apologies or essays) may be reviewed by the case management team **or** DHO and then given back to the offender **or** disposed but shall not be filed or retained. If known, completion of the assigned formal behavioral intervention shall be **documented in the CIS, contact notes, as a corrective action.**

Formal Sanctions

Formal sanctions are a consequence or punishment used to help offenders associate their behavior with the outcome, deter further rule violations, and hold them accountable for their behavior.

Formal sanctions can only be imposed by a DHO after the allegation is confirmed in a disciplinary hearing. Formal sanctions should be applied consistently, taking into consideration the severity, frequency, the offender’s history of rule violations, and norms of the IDOC. However, staff should vary the type and not just the intensity of the formal sanction to determine if one is more effective than another in deterring unwanted behavior.

DHOs must also consider the availability of facility resources when imposing formal sanctions.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 31 of 40
---	------------------------	--	---------------------------------

Note: Formal sanctions must run concurrent. (See the subsection below titled [Time Limits for Formal Sanctions](#).)

Cell/Living Unit Restriction

A cell/living unit restriction can include limitations being placed on the access of any combination of the following:

- Day room/common area;
- Chapel;
- Group activities;
- Gym;
- Hobby craft;
- Library;
- Recreation;
- Visiting;
- Work opportunities; or
- Yard (outside).

Disciplinary Detention

The total time spent in disciplinary detention, including the time spent in SPI and PHS, cannot exceed 30 consecutive days in segregation. The applicable division chief (or designee) must approve the formal sanctioning of any offender to two (2) consecutive disciplinary detentions that will total more than 30 days (total time spent in detention, SPI, and PHS) within a 45 day period.

Note: For further information about restrictive housing 'conditions of confinement' and 'authorized property in special handling units' see SOPs [319.02.01.001](#), *Restrictive Housing* and [320.02.01.001](#), *Property: State-issued and Offender Personal Property*.

If an offender poses a high risk to the security of the facility **and/or** safety of the offenders and/or staff members, the DHO shall refer the offender to the facility Restrictive Housing Placement Committee (see SOP [319.02.01.001](#), *Restrictive Housing*).

Extra Duty

Offenders can be assigned extra duty, not to exceed four (4) hours a day. Extra duty can be on a traditional work assignment without incentive pay, or extra work such as grounds keeping, cleaning, etc. Extra duty shall not be applied in a manner that humiliates the offender.

Loss of Designated Privileges

The loss of designated privileges include: (a) property such as TV, radio, commissary, hobby craft, personal property (except for legal papers), (b) telephone use (except for attorney telephone calls), (c) commissary purchases (except for franked envelopes **and/or** indigent mail), (d) visits (except for attorney visits), (e) contact visiting, (f) work, and (g) gym/yard recreation.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 32 of 40
---	------------------------	--	---------------------------------

Note: If an illegal drug-related allegation is confirmed, the offender shall lose visiting privileges for six (6) months in accordance with [Visiting Rules for Offenders and Visitors](#). However, the six (6) month suspension is a 'visiting SOP' requirement, not a formal sanction imposed by the DHO.

No Contact Orders

No contact orders restrict communication (verbal, written, etc.); set physical boundaries (not to be within six [6] feet) between two (2) or more offenders; and are primarily used in the cases of battery, assault, and/or sexual behavior.

Restitution

When requested in the *DOR* content (see [section 8](#) for a description of 'DOR content'), the DHO can order restitution using appendix H, *Offender Disciplinary Restitution Order*, for the actual replacement value of the item destroyed, lost, damaged, or for certain accrued costs related to the disciplinary offense. Neither hours worked by IDOC staff **nor** medical expenses incurred by the IDOC or the IDOC contract medical provider can be ordered as restitution. The dollar amount of restitution must be included in the *DOR* content (specifically, in the 'description of evidence') **and** documentation supporting the value must be attached.

During the disciplinary **or** restitution hearing, the DHO must provide the offender with an opportunity to dispute the restitution dollar amount. At a minimum, the DHO must tell the offender the amount of the restitution **and** what damages or losses generated the restitution dollar amount. The offender shall have the opportunity to dispute the dollar amount, damage, or loss. The DHO shall state his finding regarding the restitution on the disciplinary **or** restitution hearing audio recording, **and document the decision regarding the restitution in the CIS 'disciplinary detail' screen under 'basis of disciplinary findings' (for the DOR), and if ordered, the dollar amount of the restitution under 'sanctions'**.

If the dollar amount of restitution exceeds two hundred and fifty dollars (\$250), the applicable division chief (or designee) must approve the restitution in writing. When the dollar amount of restitution exceeds two hundred and fifty dollars (\$250), the DHO shall complete the disciplinary or restitution hearing **and** inform the offender that the dollar amount has to be approved (in writing) by the applicable division chief (or designee). The DHO shall complete appendix H, [Offender Disciplinary Restitution Order](#), and send it via email to the applicable division chief (or designee).

The applicable division chief (or designee) shall approve, deny, or modify the *Offender Disciplinary Restitution Order*, and sign it. After signing the *Offender Disciplinary Restitution Order*, it shall be scanned to portable document format (PDF) **and** emailed to the DHO. The *Offender Disciplinary Restitution Order* that has the original signature shall be mailed to the records clerk at the offender's current facility to await the review authority process described in [section 20](#).

After receiving the PDF copy of the signed *Offender Disciplinary Restitution Order*, the DHO shall ensure that a copy of the order is forwarded to the offender.

Note: Although the offender will be given a copy of the *Offender Disciplinary Restitution Order*, it shall not become enforceable until after the review authority process (see [section 20](#)), provided the *DOR* is affirmed.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 33 of 40
---	------------------------	--	---------------------------------

When restitution is ordered to reimburse another offender or agency, the DHO **and/or** review authority shall be responsible for ensuring that any restitution collected is credited to the party who suffered the loss.

Time Limits for Formal Sanctions

Time limits for formal sanctions are as follows:

Formal Sanction	Disciplinary Offense Classes & Time Limits		
	Class A	Class B	Class C
Cell/Living Unit Restriction	1 to 30 days	1 to 15 days	1 to 10 days
Disciplinary Detention	1 to 30 days	1 to 15 days	1 to 5 days
Extra Duty	1 to 60 hrs	1 to 40 hrs	1 to 30 hrs
Warning (verbal or written) or Written Reprimand	Not available	Not available	Available
Note: See section 7 for an example of a written warning.			
Loss of Designated Privileges	1 to 90 days	1 to 60 days	1 to 45 days
No Contact Orders	1 to 90 days	1 to 60 days	1 to 45 days
Restitution	Actual cost	Actual cost	Actual cost

Offender Failure to Complete Formal Sanctions

A *DOR* (see appendix C) may be issued if an offender fails to complete the formal sanctions imposed for a *DOR*.

19. Effects of DORs on other Administrative Processes

Confirmed DORs and formal sanctions can affect an offender's classification, work, etc. If a confirmed *DOR* affects another area, the appropriate authority shall review the offender for proper reclassification, job action, or loss of privileges. In addition, subsequent administrative action shall not be construed as an additional formal sanction.

20. Review Authority's Review Following the Disciplinary Hearing

After the disciplinary hearing has been held, the review authority shall complete the following steps to complete the disciplinary hearing process **and** for quality assurance purposes:

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Review Authority	1	Each work day, check the CIS, 'disciplinary detail' screen under 'disciplinary report', for DORs that have been heard by the disciplinary hearing officer (DHO).
Review Authority	2A	Within three (3) work days, review the 'disciplinary detail' screen in the CIS , the completed <i>DOR</i> that has the original signature, and if applicable, the supporting evidence and testimony (attached or presented at the disciplinary hearing). Ensure the DHO has completed all of the applicable documentation in the CIS including the 'basis of disciplinary findings' , and do one of the following:

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 34 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Review Authority	2B	<ul style="list-style-type: none"> • <u>Affirm</u> – Agree with the DHO’s findings and <u>formal sanctions</u>. • <u>Dismiss</u> – Disagree with the DHO’s findings <u>or</u> determine that the principles and philosophies of this SOP were not adhered to. You may require that the <i>DOR</i> be rewritten <u>and/or</u> reheard in accordance with section 21 of this SOP. • <u>Modify</u> – Modify by changing the disciplinary offense (see appendix A) to a more accurate offense <u>and/or</u> modifying the <u>formal sanction</u>. Do not modify the disciplinary offense <u>or formal sanction</u> if the modification will result in a higher class <u>or</u> increased sanction. <p><u>Note:</u> If the ‘disciplinary detail’ screen information is not documented correctly, instruct the DHO to make the needed corrections.</p> <p><u>Note:</u> If the review authority process is delayed, notify the offender using appendix F, <i>Disciplinary Delay Notification Form</i>.</p>
Review Authority	3	<ul style="list-style-type: none"> • Document any comments in the CIS ‘disciplinary detail’ screen under ‘comments/details’; • Print two (2) PDF copies of the DOR from the CIS ‘disciplinary detail’ screen; and • Notify the DHO that the review has been completed. <p><u>Note:</u> If dismissed or modified, ensure that the central file and other documentation are changed <u>or</u> purged to reflect the decision. (See section 23 of this SOP for guidance on purging.)</p>
Review Authority	4	<p>By the next working day, forward the printed CIS-generated DORs, the <i>DOR</i> that has the original signature, <u>and</u> all supporting evidence and testimony (attached <u>or</u> presented at the disciplinary hearing) to the facility records clerk (or designee).</p>
Facility Records Clerk (or designee)	5A	<p>By the next working day, forward one of the two (2) printed CIS-generated DORs to the offender. Do not forward the <i>DOR</i> that has the original signature <u>or</u> the supporting evidence and testimony (attached <u>or</u> presented at the disciplinary hearing). If the <i>DOR</i> was:</p> <ul style="list-style-type: none"> • <u>Affirmed</u> – File the <i>DOR</i> that has the original signature, the other copy of the printed CIS-generated DOR, <u>and</u> all supporting evidence and testimony (attached <u>or</u> presented at the disciplinary hearing) in the offender’s central file. (If restitution was ordered, forward copies of the <i>Offender Disciplinary Restitution Order</i> <u>and</u> the <i>DOR</i> to an account technician.)

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 35 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Facility Records Clerk (or designee)	5B	<ul style="list-style-type: none"> Dismissed – Ensure that the <i>DOR</i>, the other copy of the printed CIS-generated <i>DOR</i>, and all supporting evidence and testimony (attached or presented at the disciplinary hearing) are destroyed in accordance with section 23 of this SOP.

For further assistance with CIS, see your designated CIS super user.

21. Dismissed DORs: Rewriting or Rehearing

If a DHO, review authority, appellate authority, or applicable division chief (or designee) dismisses a *DOR*, any one of these persons can authorize that the *DOR* be rewritten and/or reheard. Once dismissed, a *DOR* can only be rewritten and/or reheard once, unless approved by the applicable division chief or deputy chief. The authority making the decision shall be responsible for instructing the appropriate staff member to rewrite the *DOR*.

Second Disciplinary Hearing Assignment

DOR Dismissed by DHO

If a DHO dismisses the first *DOR*, that same DHO shall conduct the disciplinary hearing for the second *DOR*, unless he removes himself because he has become aware of evidence that will not be presented in the hearing **or** is unavailable.

DOR Dismissed by Review Authority, Appellate Authority, or the Applicable Division Chief

If the review authority, appellate authority, or applicable division chief (or designee) dismisses the first *DOR*, a different DHO shall conduct the disciplinary hearing for the second *DOR*.

22. Appeals: Method of Administrative Review

The appeal process is the method of administrative review for issues or concerns specific to the infraction process, disciplinary hearing process, **and** the disciplinary system standards and decision-making principles outlined in this SOP.

Note: Offenders cannot use the procedures outlined in SOP [316.02.01.001](#), *Grievance and Informal Resolution Procedures for Offenders*, for issues or concerns specific to this SOP.

Facility heads serve as the appellate authority for the *DORs* **and** second-in-command (*DOR* review authorities) serve as appellate authorities for infraction reports. And although an offender cannot file an appeal beyond the steps described in this section, the applicable division chief (or designee) reserves the right to dismiss or modify an Infraction Report **or** dismiss, modify, and/or order that a *DOR* be rewritten and/or reheard.

Appellate authorities shall not 'rehear' an *Infraction Report* **or** a *DOR*, but shall administratively review (as applicable) the infraction process, disciplinary hearing process, **and** the disciplinary system standards and decision-making principles outlined in this SOP to determine if the standards and principles were adhered to.

The following steps shall be used for the appeal process:

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 36 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Offender	1	<p>Complete appendix I, <i>Disciplinary Appeal Form</i>, and ensure that you clearly state on the form why you believe the specific <i>Infraction Report</i> <u>or</u> <i>DOR</i> finding and/or sanctions were inconsistent with the guidance provided in this SOP.</p> <p>Note: If you admitted to the disciplinary offense noted in the <i>Infraction Report</i> <u>or</u> <i>DOR</i>, you can only appeal the sanction. The <i>Disciplinary Appeal Form</i> must be handwritten, legible, and written within the space provided on the form. If the information is difficult to read or understand <u>or</u> is not written within the space provided on the form, the form may be returned to you along with instructions for correcting the form.</p>
Offender	2	<p>Place the <i>Disciplinary Appeal Form</i> in the appropriate lock box to be collected by staff for submission to the appellate authority.</p> <p>Note: Appeals must be submitted within 15 days of the date of the infraction hearing officer (IHO) confirming the <i>Infraction Report</i> <u>or</u> the date the review authority affirmed the <i>DOR</i>. The appellate authority may extend the filing period up to 60 days.</p>
Appellate Authority (or designee)	3	<p>Review the submitted <i>Disciplinary Appeal Form</i> <u>and</u> the disciplinary action taken, and if:</p> <ul style="list-style-type: none"> • Additional information is needed – request it from the IHO <u>or</u> disciplinary hearing officer (DHO), as applicable. Once the information is received, continue with this step. • The appeal meets the standards and principles outlined in this SOP – Enter the appeal information in the CIS ‘disciplinary detail’ screen under ‘offender appeal details’. • The appeal does not meet the standards and principles outlined in this SOP – Return the form to the offender with an explanation (using appendix J, <i>Disciplinary Transmittal Form</i>). In the CIS ‘disciplinary detail’ screen under ‘comments/details’, document the reason the appeal was not accepted. <p>Note: If the appeal is being returned, the process will end here until the errors are corrected.</p>
IHO, DHO, or Offender (as applicable)	4	<ul style="list-style-type: none"> • IHO or DHO task only – Respond to the appellate authority’s request within three (3) working days. • Offender task only – If applicable, correct the errors noted on the <i>Disciplinary Transmittal Form</i> and resubmit the appeal. <p>Note: If the offender elects not to correct the errors, the process will end here.</p>

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 37 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Appellate Authority	5	<p>Within five (5) work days, review the IHO's or DHO's response (as applicable), review the CIS, corrective action contact notes (if an Infraction) or the 'disciplinary detail' screens (if a DOR or an Infraction Report with restrictions), and do one of the following:</p> <ul style="list-style-type: none"> • <u>Affirm</u> – Agree with the findings and <u>informal</u> or <u>formal sanctions</u> (as applicable) imposed by the IHO or DHO. • <u>Dismiss</u> – Disagree with the findings or determine that the principles and philosophies of this SOP were not adhered to. In the case of a DOR, you may require that it be rewritten and/or reheard in accordance with section 21 of this SOP. • <u>Modify</u> – Modify the Infraction Report or DOR by changing the disciplinary offense (see appendix A) to a more accurate offense and/or modify the <u>informal</u> or <u>formal sanction</u>. Do not modify the disciplinary offense or sanction if the modification will result in a higher class or sanction. <p>Note: If the appellate authority process is delayed, notify the offender using appendix F, <i>Disciplinary Delay Notification Form</i>.</p>
Appellate Authority	6	<ul style="list-style-type: none"> • DOR task – Document the appeal decision in the CIS 'disciplinary detail' screen under 'offender appeal details, • Infraction Report task – Document the appeal decision in the CIS, contact notes. <p>Note: If the <i>Infraction Report</i> or <i>DOR</i> is dismissed or modified, ensure that the central file and other documentation are changed or purged to reflect the decision. (See section 23 of this SOP for guidance on purging.)</p>
Appellate Authority	7	<ul style="list-style-type: none"> • DOR task – Print a PDF copy of the DOR (containing the appeal findings) from the CIS 'disciplinary detail' screen, and forward the printed CIS-generated DOR and the completed <i>Disciplinary Appeal Form</i> to the facility records clerk (or designee). • Infraction Report task – Do not print the appeal decision from the CIS, contact notes but do forward the completed <i>Disciplinary Appeal Form</i> to the facility records clerk (or designee).
Facility Records Clerk (or designee)	8A	<ul style="list-style-type: none"> • DOR task – Forward a copy of printed CIS-generated DOR (containing the appeal findings) and the original <i>Disciplinary Appeal Form</i> to the offender; and file the printed CIS-generated DOR and a copy of the <i>Disciplinary Appeal Form</i> in the offender's central file.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 38 of 40
---	------------------------	--	---------------------------------

Functional Roles and Responsibilities	Step	Tasks CIS steps are in bold
Facility Records Clerk (or designee)	8B	<ul style="list-style-type: none"> <i>Infraction Report</i> task – Forward the original <i>Disciplinary Appeal Form</i> to the offender; and file a copy of the form in the offender’s central file.

For further assistance with CIS, see your designated CIS super user.

23. Purging an Offender’s Central File

If an *Infraction Report* or *DOR* is dismissed, a diligent effort shall be made to purge the offender’s central file **and all CIS contact notes, restriction reports, or ‘disciplinary detail’ screen information regarding that specific *Infraction Report* or *DOR***. Copies of the specific *Infraction Report*, *DOR*, and any supporting documentation, including any restrictive housing orders (RHOs) for disciplinary detention time (see SOP [319.02.01.001](#), *Restrictive Housing*), shall be removed from the offender’s central file **and** destroyed.

Information in **the CIS ‘disciplinary detail’ screen** is automatically secured and only authorized individuals (normally limited to the deputy attorneys general [DAGs] who represent the IDOC, the department disciplinary coordinator, and the applicable division deputy chiefs and chief [or designees]), have access to DORs that are dismissed. The applicable division chief (or designee) shall identify the staff members authorized to access dismissed DORs.

24. Training

The department disciplinary coordinator (or designee) shall oversee and approve training related to the guidance provided herein. The department disciplinary coordinator (or designee) shall provide refresher training periodically for IHOs, DHOs, and staff hearing assistants.

25. Identification and Retention of Audio and Video Recordings

Disciplinary hearing audio recording shall be identified by the CIS-generated DOR number followed by the offender’s IDOC number. CIS numbers shall be the last two (2) digits of the year followed by a four (4) digit number. Example: disciplinary hearing #320 in 2009 would be #090320. If offender Jones (#44444) was the offender, the disciplinary hearing audio recording would be labeled #090320 #44444.

Normally, disciplinary hearing audio recordings will be made using a digital recording device. However, if a digital recording device is unavailable, an analog device may be used. Each month, the audio recordings of that month’s disciplinary hearings shall be transferred to a compact disc (CD) for storage. The CD shall then be stored for two (2) years following completion of the *DOR* appeal process **and** then destroyed.

26. Procedures for Special Management Units (SMUs)

Offenders housed in administrative segregation often pose unique behavioral challenges. However, the need for sound disciplinary procedures remains important. Because offenders in restrictive housing may violate rules such as disrespecting staff numerous times during a day, these units can document all similar behaviors on one *DOR* during a 24 hour period. The DHO shall consider the single *DOR*, and any formal sanctions imposed shall not exceed those given for a single disciplinary offense.

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 39 of 40
---	------------------------	--	---------------------------------

DHOs in SMUs should receive additional training to meet the challenges of the administrative segregation population.

27. Mental Health Issues

Mental Health Units

In mental health units, communication is vital among security staff, mental health professionals, IHOs, and DHOs before **and** after the disciplinary system process. At facilities with mental health units, facility heads (or designees) must establish field memorandums to ensure that this communication occurs throughout the disciplinary system process.

Normally, if it is determined that the offender was unable to understand the rules **or** if the behavior was not within the offender's control, an *Infraction Report* **or** *DOR* would not be written (or if written, dismissed). However, it is within the authority of the treatment team **and/or** the security staff to issue an *Infraction Report* **or** *DOR* when warranted.

All IDOC facility heads (or designees) must designate a staff member **or** staff members (normally a program manager, human service supervisor, or similar position) to be responsible for monitoring offenders listed on the mental health census who received infraction reports and DORs.

General Population and other Housing Assignments

If an IHO, DHO, or staff hearing assistant contacts a mental health professional with concerns regarding an offender in the disciplinary hearing process, the mental health professional (e.g., a clinician) shall complete (if applicable) appendix E, *Mental Health DOR Recommendation*, **and** respond within the time limits described in [section 10](#), subsection titled [Time Limits](#).

28. Oversight

Ongoing Quality Assurance

The applicable division chief (or designee) shall assign staff to conduct routine, random reviews of *DOR* information maintained in the CIS **or** conduct research regarding specific aspects of the disciplinary system. Normally, these reviews will be conducted monthly, and the applicable division chief (or designee) shall determine the type of research and/or number of reports to review. If corrections are needed, the assigned staff member shall take the necessary corrective action, which could include dismissing or modifying the *Infraction Report* **or** *DOR*, ensuring that staff members involved in the infraction process **or** disciplinary hearing process receive additional training, and/or rescinding a DHO's authority.

Annual Audits

The applicable division chief (or designee) shall ensure that the infraction process **and** disciplinary hearing process is audited during annual facility inspections.

REFERENCES

- Appendix A, *Disciplinary Offenses*
- Appendix B, *Infraction Report*

Control Number: 318.02.01.001	Version: 3.1	Title: Disciplinary Procedures: Offender	Page Number: 40 of 40
---	------------------------	--	---------------------------------

- [Appendix B \(Fill-in version\)](#)

Appendix C, *Disciplinary Offense Report*

- [Appendix C \(Fill-in version\)](#)

Appendix D, *Witness Statement*

Appendix E, *Mental Health DOR Recommendation*

- [Appendix E \(Fill-in version\)](#)

Appendix F, *Disciplinary Delay Notification Form*

Appendix G, *Request for Staff Hearing Assistant*

Appendix H, *Offender Disciplinary Restitution Order*

- [Appendix H \(Fill-in version\)](#)

Appendix I, *Disciplinary Appeal Form*

Appendix J, *Disciplinary Transmittal Form*

Directive [116.02.01.001](#), *Custody of Evidence*

Standard Operating Procedure [105.02.01.001](#), *General Reporting and Investigation of Major Incidents*

Standard Operating Procedure [316.02.01.001](#), *Grievance and Informal Resolution Procedure for Offenders*

Standard Operating Procedure [319.02.01.001](#), *Restrictive Housing*

Standard Operating Procedure [320.02.01.001](#), *Property: State-issued and Offender Personal Property*

Standard Operating Procedure [504.02.01.001](#), *Investigations and Intelligence Program*

Standard Operating Procedure [604.02.01.001](#), *Visiting*

– End of Document –

**IDAHO DEPARTMENT OF CORRECTION
Disciplinary Offenses**

Title		Enhancement	Class	Description
1.	Abusive or Obscene Language		Infraction	Using abusive/obscene language.
2.	Activity Causing Injury to Another		C	Being involved in an activity that directly results in the unintentional injury of another person(s) because of horseplay, negligence, or violation of safety guidelines.
3.	Aggravated Assault	Level 1	A	An attempt, coupled with apparent ability, to commit a violent injury to another person or an intentional threat by word or act to do violence to another person, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent using a deadly weapon or other means which is likely to produce great bodily harm.
4.	Aggravated Battery	Level 1	A	Willful and unlawful use of physical force, chemical, poison, weapon or other destructive substance upon another person that intentionally causes great bodily harm, permanent disability, or permanent disfigurement, or upon a pregnant woman causing great bodily harm, permanent disability, or permanent disfigurement to an embryo or fetus.
5.	Aiding in causing the Death of Another Person	Level 1	A	Involvement in an activity that directly results in the intentional death of another person(s).
6.	Alerting of Approaching Staff		Infraction	Alerting or attempting to alert other offenders to the approach or presence of staff.
7.	Arson 1	Level 1	A	Intentionally setting or attempting to set a fire that threatens to destroy an IDOC structure or endangers lives.
8.	Arson 2		B	Intentionally setting or attempting to set a fire that does not pose a threat to a structure or endanger lives.
9.	Assault		B	An attempt, coupled with apparent ability, to commit injury to another person or an intentional threat by word or act to do violence to another person, coupled with an apparent ability to do so, and doing some act which creates a well-founded fear in such other person that such violence is imminent.
10.	Attempted Escape Non-secure		B	Any attempt to escape from the custody of a non-secure facility, work crew, work release etc. including possessing escape plans, making escape plans, possessing items to aid in an escape, or being in unauthorized area that could lead to an escape.
11.	Attempted Escape Secure Facility		A	Any attempt to escape from the custody of a secure IDOC facility or its agent to include possessing escape plans, making escape plans, possessing items to aid in an escape, breaching an IDOC perimeter, or being in unauthorized area that could lead to an escape.
12.	Battery		B	Willful and unlawful use of force or violence upon another person; or actual, intentional, or striking of another offender, or unlawfully and intentionally causing bodily harm to another person, or mutual combat between two (2) or more people.
13.	Battery on Staff	Level 1	A	Willful and unlawful use of force or violence upon an IDOC employee, volunteer, or contractor; or unlawfully and intentionally causing bodily harm to an employee, volunteer, or contractor.
14.	Bestiality		B	Any sexual contact with an animal.
15.	Body Fluids	Level 2	A	Exposing staff or others to body fluids, bodily waste, or introducing such into food or drink items.
16.	Bribery		B	Giving or offering an official, visitor, volunteer, contractor, or staff member a bribe or anything of value.
17.	Count 1		B	Any overt act that intentionally interferes with and/or delays the count procedure.
18.	Count 2		C	Any act that disrupts the count procedure, but disrupting the count did not appear to be the offender's goal or purpose.
19.	Cut into Line		Infraction	Cutting into or interfering with any line of offenders.

**IDAHO DEPARTMENT OF CORRECTION
Disciplinary Offenses**

	Title	Enhancement	Class	Description
20.	Destruction of Physical Plant		A	Willfully and intentionally breaks or otherwise destroys or injures any IDOC physical plant, cell, housing unit etc.
21.	Destruction of Property over \$25		B	Willful destruction, loss, or mutilation of another's property over \$25.
22.	Destruction of Property under \$25		C	Willful destruction, loss, or mutilation of another's property under \$25.
23.	Disobedience to Orders 1		A	An act that creates a serious disruption to the safe and secure operation of an IDOC facility by failing to comply with a staff verbal order, IDOC written order, court rule, or law. Example: intentional action resulting in a use of force.
24.	Disobedience to Orders 2		B	Failure to follow or obey a verbal or written order; IDOC Policy, SOP, directive, field memorandum; court order; ordinance or law. Behavior poses a threat to public or facility. Examples: openly challenging or refusing staff orders in front of other offenders.
25.	Disobedience to Orders 3		C	Failure to follow staff instruction, facility living guide, IDOC rule, behavioral agreement, work agreement, or field memorandum when such behavior does not present an immediate threat to public or facility safety or security. Examples: showering during a water restriction; on a community work assignment, being in an unauthorized area.
26.	Distracting Staff		Infraction	Any act that disrupts, provokes, or distracts employees from the performance of their duties.
27.	Eluding Staff		B	Eluding apprehension by staff by running, resisting, or attempting to elude within a facility or worksite, but not attempting to escape.
28.	Escape from a Non-secure Facility		B	An escape from a non-secure IDOC facility, unarmed transport, work center, work release, work crew, furlough, etc.
29.	Escape from a Secure Facility		A	A successful escape from a secure IDOC facility or armed transport.
30.	Extortion		A	Demanding or receiving money, favors, or anything of value in return for protection, to avoid bodily harm, or under threat of informing.
31.	Failure to Comply with a Disciplinary Sanction–Non-secure facility		C	Failure to comply or complete a sanction imposed by an IHO or DHO during the infraction process or disciplinary hearing process.
32.	Failure to Comply with a Disciplinary Sanction–Secure Facility		B	Failure to comply or complete a sanction imposed by an IHO or DHO during the infraction process or disciplinary hearing process.
33.	False Statement 1		B	Making a false oral or written statement to any staff member, volunteer, public, government entity, or court. Example: false accusations that result in a criminal or administrative investigation or administrative hearing.
34.	False Statement 2		Infraction	Making a false oral or written statement to any staff member, volunteer, contractor that does not result in a <u>formal</u> investigation or administrative hearing.
35.	Flooding		B	Intentional or attempted flooding of any area of an IDOC facility.
36.	Forgery		B	The unauthorized reproduction, counterfeiting, or forging of documents including, but not limited to, articles of identification, money, or official papers.
37.	Gambling		C	Preparing or conducting a gambling operation, or participating in games of chance for gain, or wagering on any activity.
38.	Group Disobedience		C	Participation in a work stoppage, demonstration, or group disobedience that does not result in property damage or injury where participation is forced or coerced by other offenders.
39.	Group Disruption	Level 2	A	Involvement in a riot or similar activity that affects the safe operation of the facility.
40.	Group Disruption, Instigator	Level 1	A	Instigating, promoting, or causing a riot or similar activity that affects the safe operation of the facility.

**IDAHO DEPARTMENT OF CORRECTION
Disciplinary Offenses**

Title		Enhancement	Class	Description
41.	Harassment		B	Words, actions, or gestures, racial slurs intended to harass or intimidate staff, visitors, offenders, or the public.
42.	Horseplay		Infraction	Horseplay including, but not limited to, unauthorized demonstrating, practicing or using martial arts, boxing, wrestling, etc.
43.	Indecent Exposure		B	Deliberately displaying the genitals (including breasts if female or GID offender) to staff, volunteers, contractors, offenders, etc.
44.	Kidnapping	Level 1	A	Seizing, or attempting or planning to seize another person as a hostage. Example: Any time a person is held against his will.
45.	Killing	Level 1	A	Killing another person.
46.	Manipulating Staff		B	Manipulating or attempting to manipulate employees, volunteers, contractors, or visitors to violate any IDOC rule, policy, SOP, directive, municipal, state, or federal law.
47.	Outside Authorized Boundaries		C	Outside of authorized boundaries and/or failure to follow schedules of a living unit, work assignment, etc.
48.	Physical Contact		C	Inappropriate physical contact such as lingering touch, hug, brief kiss, etc.
49.	Possession of a Cell Phone (Secure Facility)		A	In a medium or close custody facility, using, possessing, introducing, or attempting to introduce any cell phone or other electronic device that is capable of transmitting and/or receiving electronic transmissions, emails, internet, etc.
50.	Possession of a Cell Phone Device (Non-secure Facility)		B	In a CWC or minimum custody facility, using, possessing, introducing, or attempting to introduce any cell phone or other electronic device that is capable of transmitting and/or receiving electronic transmissions, emails, internet, etc.
51.	Possession of Drugs and/or Alcohol (Non-secure Facility)		B	In a CWC or minimum custody facility, using, possessing, manufacturing, or introducing any narcotic or mood altering drug, substance, or chemical to include prescription and non-prescription drugs, and alcohol; or excessive or abusive use of a prescribed medication that is considered mood altering; use of any substance that is intended to be mood altering; and/or possession of drug paraphernalia.
52.	Possession of Drugs and/or Alcohol (Secure Facility)		A	In a medium or close custody facility using, possessing, manufacturing, or introducing any narcotic or mood altering drug, substance, or chemical to include prescription and non-prescription drugs, and alcohol; or excessive/abusive use of a prescribed medication that is considered mood altering; use of any substance that is intended to be mood altering; and/or possession of drug paraphernalia.
53.	Possession of Excess Property		C	Having property that exceeds property limits or possession of nuisance unauthorized property.
54.	Possession of Explosive, Flammable, or Combustible Material		A	Possession or introduction of any explosive, firework, or flammable/combustible substance. (This does not include cigarette lighters in CWC or minimum custody facilities.)
55.	Possession of Prescription Drugs		Infraction	Using, possessing, manufacturing, or introducing prescription or non-prescription drugs that were not purchased by or prescribed to the person in possession and such drugs are not mood altering.
56.	Possession of Sharpen Instrument, not a Weapon		B	Possession of a sharpened instrument not considered to be a weapon (to include razor blades).

**IDAHO DEPARTMENT OF CORRECTION
Disciplinary Offenses**

	Title	Enhancement	Class	Description
57.	Possession of Tobacco 1		B	At a medium or close custody facility, using, possessing, introducing, or attempting to introduce tobacco products or paraphernalia such as rolling papers, pipe, etc. Or at a CWC or minimum custody facility, using, possessing, introducing, or attempting to introduce tobacco exceeding the amounts established in Possession of Tobacco 2.
58.	Possession of Tobacco 2		C	At a minimum custody or CWC facility, using, possessing, introducing, or attempting to introduce tobacco paraphernalia such as rolling papers or not more than the following amounts of tobacco products: <ul style="list-style-type: none"> • 1 pack of cigarettes; • 1 tin of chewing tobacco; • 1 retail/brand-name package of loose tobacco not more than 35 grams; or • Any tobacco not more than 35 grams. If tobacco exceeds these amounts, the offence becomes Possession of Tobacco 1.
59.	Possession of Unauthorized Property		B	Using, possessing, introducing, or attempting to introduce unauthorized money, or unauthorized property/contraband that poses a risk to the security or safety of a facility.
60.	Possession of Uniform		A	Possession of any official uniform, uniform item, or official identification that is unauthorized.
61.	Possession of Weapon		A	Possession or introduction of any firearm, ammunition, knife, sharpened instrument, weapon, unauthorized tool—or facsimile thereof—or any other item that could be used to injure another person.
62.	Rape	Level 1	A	Penetration of the oral, vaginal, or anal opening of another person by force, threat, coercion, manipulation, or when the victim is unconscious, impaired by drugs or alcohol, or incapable of consent because of a mental disability.
63.	Refusal to Participate in Drug Test in a Non-secure Facility		B	Refusing to provide, adulterating, or diluting a urine sample, or refusing to cooperate with any drug/alcohol testing procedure in a CWC or minimum custody facility.
64.	Refusal to Participate in Drug Test in a Secure Facility		A	Refusing to provide, adulterating, or diluting a urine sample, or refusing to cooperate with any drug/alcohol testing procedure in a medium or close custody facility.
65.	Quitting or being Fired from a Job		Infraction	Quitting without staff approval or being terminated from a job or program without staff approval because of misconduct, poor performance, tardiness, shirking duties, unexcused absence, etc.
66.	Security Threat Group (STG)-Materials		C	Possession of materials containing symbols or a series of numbers that can be shown to represent a criminal gang or security threat group.
67.	Security Threat Group (STG)-Recruiting		B	Recruiting or attempting to recruit offenders into a criminal gang or security threat group.
68.	Security Threat Group (STG)-Violence	Level 2	A	Banding together with one or more members of a criminal gang or security threat group to threaten other offenders or to actually commit an act of violence.
69.	Sexual Activity		B	Engaging in sexual activity with another offender, either clothed or unclothed, to include, but not limited to the following: active or passive contact or fondling of the genitals, breast, buttocks, sexual intercourse/penetration, and/or passionate/sexual kissing where the individuals have either expressed or implied consent.
70.	Sexual Assault or Battery	Level 2	A	Any sexual battery or assault that does not result in penetration where the victim was forced, coerced, manipulated, threatened, unconscious, impaired by drugs or alcohol, or incapable of consent because of a mental disability.

**IDAHO DEPARTMENT OF CORRECTION
Disciplinary Offenses**

Title		Enhancement	Class	Description
71.	Sexual Threat or Harassment		B	Making verbal or written sexual proposals, threats, gestures, or sexual harassment of an employee, contractor, visitor, volunteer, or offender.
72.	Tampering with a Lock, Safety, or Security Device		B	Tampering with, blocking, or damaging any door, fire alarm, fire extinguisher, gate, locking device, security camera, etc. Tampering is when the use or function of the device is affected.
73.	Tattoo or Piercing		B	Tattooing, possessing tattooing equipment, receiving a tattoo, and/or body piercing or similar act.
74.	Tattoo Patterns		Infraction	Possessing tattoo patterns that are not authorized hobby craft.
75.	Theft over \$25		B	Theft or attempted theft of any property over \$25.00 in value.
76.	Theft under \$25		C	Theft or attempted theft of any property under \$25.00 in value.
77.	Unauthorized Circulating of Written Material		B	Involvement in writing, circulating, or signing a document or petition that poses a threat to the security or orderly operation of the facility.
78.	Unauthorized Communication Level 1		B	Using the phone, mail, or other means to harass or intimidate anyone, or passing unauthorized messages that threaten the safety or security of the institution, or using phone or mail for the purpose of bringing contraband into the institution, or conducting a business.
79.	Unauthorized Communication Level 2		C	Unauthorized contact with the public, making credit card calls, third party billing calls, 3-way calls, using someone else's pin number, unauthorized communication with other offenders that does not threaten the safety or security of the facility, etc.
80.	Unauthorized Financial Obligation		C	Participating in any of the following activities without the facility head's (or designee's) written authorization: entering into a contract binding the offender to a financial obligation, entering into a wage/salary contract, or conducting a business. Or failure to give the IDOC any monies, checks, or properties received.
81.	Unauthorized Transfer of Property		C	Unauthorized selling, trading, giving, loaning, or receiving of any item or property, or charging for services.
82.	Willful Adulteration of Food or Drink		A	Willful, harmful adulteration of any food or drink that is intended to be consumed by others.

**IDAHO DEPARTMENT OF CORRECTION
Disciplinary Delay Notification Form**

Disciplinary Delay Notification Form

To: _____ No: _____ Housing Assignment _____

From: _____ Date: _____

Disciplinary Hearing DOR Appeal

Has been received and logged as # _____. The response will be delayed because of the following:

- Staff away from institution
- Staff Shortage or process backlog
- Issue requires further investigation
- Other: _____

Disciplinary Delay Notification Form

To: _____ No: _____ Housing Assignment _____

From: _____ Date: _____

Disciplinary Hearing DOR Appeal

Has been received and logged as # _____. The response will be delayed because of the following:

- Staff away from institution
- Staff Shortage or process backlog
- Issue requires further investigation
- Other: _____

Disciplinary Delay Notification Form

To: _____ No: _____ Housing Assignment _____

From: _____ Date: _____

Disciplinary Hearing DOR Appeal

Has been received and logged as # _____. The response will be delayed because of the following:

- Staff away from institution
- Staff Shortage or process backlog
- Issue requires further investigation
- Other: _____

Note: Print and cut this form into three (3) Disciplinary Delay Notification Forms.

**IDAHO DEPARTMENT OF CORRECTION
Request for Staff Hearing Assistant**

Name: _____ Offender #: _____

Date: _____ Living unit: _____

I request a staff hearing assistant for the following reasons:

I request the staff hearing assistant obtain written witness statements from the following people:

Witness Name	IDOC #	Facility/Unit	Relevance of Witness
1. _____	_____	_____	_____
2. _____	_____	_____	_____
3. _____	_____	_____	_____
4. _____	_____	_____	_____

I request that the staff hearing assistant help with the following: _____

Disciplinary Hearing Officer Use Only

Staff Hearing Assistant Assigned: Yes No

If yes, name of staff hearing assistant: _____

If no, reason: _____

Witness #1 allowed	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If not allowed, reason: _____
Witness #2 allowed	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If not allowed, reason: _____
Witness #3 allowed	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If not allowed, reason: _____
Witness #4 allowed	<input type="checkbox"/> Yes	<input type="checkbox"/> No	If not allowed, reason: _____

Comments: _____

DHO Signature and Associate Number

Date

**IDAHO DEPARTMENT OF CORRECTION
Disciplinary Transmittal Form**

Facility: _____ Date: _____

To: Offender Name: _____ IDOC Number: _____

Institution, Housing Unit, & Cell: _____

From: _____ Appeal Coordinator Other: _____

The attached appeal form is being returned without action being taken because:

- You admitted to the disciplinary offense; therefore you can only appeal the sanctions. You may resubmit if you have specific issues to appeal regarding the sanctions.
- You exceeded the allowable time limit (within 15 days of the date of the infraction hearing officer confirming the *Infraction Report* **or** the date the reviewing authority affirmed the *Disciplinary Offense Report (DOR)*. The due date was: _____
- You did not state why you believe the *Infraction Report* **or** *DOR* finding and/or sanctions were inconsistent with the guidance provided in this SOP.
- Your description of the problem is not written within the appropriate area on one form.
- The form is typed. Forms must be handwritten.
- Your appeal is not legible.
- You have already appealed this *Infraction Report* **or** *DOR*.
- You did not sign the form.
- This issue must be addressed using the grievance process.

Comments: _____

