


Idaho Department of Correction  	<b>Standard          Operating          Procedure</b>	Title: <b>Disciplinary Procedures for Inmates</b>		Page: 1 of 43
		Control Number: <b>318.02.01.001</b>	Version: 6.0	Adopted: 08/21/1995

Ashley Dowell, chief of the division of prisons, approved this document on 10/05/2018.

Open to the public:  Yes

**SCOPE**

This SOP applies to all staff members working in IDOC and contract correctional facilities, reentry centers (CRCs), and inmates.

<b>Revision Summary</b>
Revision date (10/05/2018) version 6.0: Clarified some procedures for the content and processes of the DOR. Evidence used will be made known to inmate unless it endangers safety or well-being of a person or the facility; DHO will document reasons if excluding/limiting evidence.

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**BOARD OF CORRECTION IDAPA RULE NUMBER**

None

**POLICY CONTROL NUMBER 318**

Disciplinary Procedures

**PURPOSE**

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

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

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## RESPONSIBILITY

### ***Chief of the Divisions of Prisons***

The chief of the divisions of prisons is responsible for:

- Designating a department disciplinary coordinator to oversee and monitor the inmate disciplinary system provided herein
- Ensuring that facilities are audited annually to the provisions provided herein

### ***Disciplinary Coordinator***

The disciplinary coordinator is responsible for:

- Providing oversight and monitoring of the inmate disciplinary system
- Providing training to disciplinary hearing officers, review and appellant authorities, and developing training lesson plans for infraction hearing officers and staff hearing assistants

### ***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 inmates have access to this SOP
- Ensuring that locked boxes are available for receiving inmate appeals
- Appointing review authorities

### ***Staff***

Staff will have specific authorized responsibilities for the inmate disciplinary system processes provided herein.

## STANDARD PROCEDURES

### **1. Introduction**

An effective and ethical inmate disciplinary system is critical for creating a safe environment for staff and inmates.

First, an effective disciplinary process holds the inmates accountable for their behavior.

- This provides the inmates with an opportunity to 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 inmate's thinking and behavior, which can help reduce the risk of recidivism.
- It also sets standards for acceptable and unacceptable behaviors. If a facility consistently fails to address unacceptable inmate behaviors, both staff and inmates will come to believe that those behaviors are acceptable regardless of the provisions provided in this SOP.

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The disciplinary process also documents an inmate's actions. Documentation is critical for inmate management decisions to include employment, housing, programming, and parole. Even when the possibility of an inmate changing his behavior seems remote, the documentation of behavior remains important.

Finally, the disciplinary process directly affects inmate classification.

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

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. The time limits provided herein were established to ensure efficient disciplinary system processes to address rule violations in a timely manner. All time limits may be extended for good cause. Although a [Disciplinary Infraction Report](#) or [Disciplinary Offense Report](#) (DOR) may be dismissed because a time limit standard was not met, it is not mandatory that it be done.

#### Time Limits for DOR Processing

- 7 days – Written after becoming aware of rule violation, 10 days if inmate is in segregation pending investigation (SPI)
- 24 hours – After DOR is written, endorser reviews and dates DOR
- 24 hours - DOR served to inmate after signed by endorser
- 24 hours - Clinician responds to request for mental health assessment
- 7 days – Days from DOR service to hearing
- 3 days –Following the hearing, review authority completes the DOR (affirm, modify, dismiss) – working days
- 15 days – Inmates must submit appeals within 15 days after the review authority affirmed the DOR
- 15 days – If appealed, appellate authority reviews the DOR
- 3 days – Disciplinary hearing officer (DHO) to respond to request for information from appellate authority
- 5 days – Work days for appellate authority to review information (if requested) from DHO and complete (affirm, modify, or dismiss)

## 2. Inmate Access and Orientation

During orientation, reception and diagnostic unit (RDU) staff must provide information to inmates regarding the disciplinary system, to include a copy of [Disciplinary Offenses](#). If an inmate is unable to read or does not read well enough to comprehend the document, RDU staff must ensure that *Disciplinary Offenses* is read to the inmate. If an inmate does not speak English, a written, individual, or telephone interpretation service must be provided in the language spoken.

Every facility should make available a current handbook or list that explains any additional

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facility-specific rules or expectations.

Individual programs may also have specific rules, which must be provided to inmates entering the program.

### 3. Legal Versus Administrative

The disciplinary process described in this SOP is the IDOC's internal administrative process to document, manage, and modify inmate behavior. It is **not** a legal process.

An inmate, who commits a serious offense, will receive a DOR and will also be referred to outside law enforcement for criminal investigation and charges. However, the disciplinary process will proceed, regardless of whether the inmate is prosecuted for the crime, or whether a trial results in a conviction.

### 4. Principals, Accessories, and Conspirators to Disciplinary Offenses

Any inmate, who attempts, plans, conspires, or commits a disciplinary offense is a principal and will be charged with the offense that most accurately describes the behavior. For example, if some evidence exists that an inmate was conspiring to introduce illegal drugs into a secure facility, a DOR for *Possession of Drugs and/or Alcohol (Secure Facility)* may be written, even if the drugs were intercepted before they were introduced into the facility. In addition, if an inmate conspires with or **assists** another inmate in attempting, planning, or committing a disciplinary offense, including withholding information from staff, the conspiring and/or assisting inmate is also considered a principal and can be charged with the same offense as the inmate committing or attempting to commit the offense, unless there is a specific disciplinary offense for an accomplice or assisting behavior.

### 5. Unauthorized Use

#### **Harassment**

The disciplinary system must not be used to harass inmates 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 may be taken if an inmate violates IDOC rules, policies, procedures, state laws, etc. regardless of personal attributes.

#### **Grievances**

The disciplinary system must not be used as retaliation for an inmate's use of the grievance process, to include use of the *Inmate Concern Form* (see SOP 316.02.01.001, *Grievance and Informal Resolution Procedure for Inmates*.) However, if an investigation into an inmate grievance produces evidence that an inmate has committed a disciplinary offense, the inmate may be issued a *Disciplinary Infraction Report* or DOR based on the evidence found in the investigation, regardless of the fact that a concern form or grievance has been filed.

In general, the evidence must be based on the disciplinary investigation and must not use inmate concern forms and grievance/appeal forms as evidence.

However, if the rule violation is directly related to the inmate's use of the informal or formal grievance process, for example if an inmate forged a staff member's signature or forged a response, the *Inmate Concern Form*, or *Grievance/Appeal* forms could be used

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as evidence. Before a grievance-related form is used as evidence, the division chief or designee must review the allegation and approve the use of the document as evidence.

### ***Stacking***

At times an inmate may violate several rules during one event. For example: an inmate refuses an order to come out of a cell and then during the cell extraction is disrespectful to staff, breaks a feeding tray, and refuses orders. Several separate rule violations 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. However, if multiple felony offenses or class A disciplinary offenses are committed during an event, DORs may be written for each offense **to document the inmate's actions**, but sanctions must be limited to those authorized for the most serious offense. Before multiple class A DORs are written, the facility head must provide written approval.

### ***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 class or dismissing a Disciplinary Infraction Report or DOR in exchange for admittance.

Agreeing to not write a DOR in exchange for information or cooperation from an inmate or reducing a sanction based on the completion of a behavioral intervention are also considered forms of plea bargaining and are not allowed.

### ***Attempting to Influence the Outcome of a Disciplinary System Process***

To achieve and maintain an ethical disciplinary system, infraction hearing officers (IHOs) and disciplinary hearing officers (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 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.

If an IHO or DHO believes that any staff member is attempting to influence a disciplinary system process in violation of guidance provided in this SOP, the IHO or DHO must contact the facility head or designee or the department disciplinary coordinator or designee. The official contacted must review the situation and take appropriate action.

## **6. Level of Proof Required**

DHOs must only consider the DOR content and the evidence attached or presented at the disciplinary hearing. DHOs must **not** review investigative files or other information that is not presented at the disciplinary hearing or described in or attached to 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 and evidence, a reasonable person would believe that:

- The evidence supports the allegations written in the DOR.
- The inmate named most likely committed the disciplinary offense.

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The following statements are examples of insufficient and sufficient evidence:

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

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

**Insufficient evidence:** I entered the day-room and saw inmate Jones (#11111) lying on the floor. Jones was bleeding from facial wounds. Two inmates, Clark (#22222) and Smith (#44444), were kneeling at inmate Jones' side. When I walked into the room, inmate Clark looked up at me and said, "He needs medical."

**Sufficient evidence:** I entered the day-room and saw inmate Jones (#11111) lying on the floor. Jones was bleeding from facial wounds. Two inmates, 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.

## 7. Disciplinary Offenses and Classes

### ***Disciplinary Offenses***

*Disciplinary Offenses* provides a description of each disciplinary offense and provides the title and class. Staff members must determine which disciplinary offense **best describes the inmate's behavior** and use it when writing the *Disciplinary Infraction Report* or *DOR*. Supervisors, IHOs, and DHOs involved in the disciplinary process are responsible for ensuring that the disciplinary offense identified best describes the inmate's behavior.

Multiple violations of a disciplinary offense do not justify using an offense that is a higher class (for example, although an inmate committed multiple Class B offenses, the number of offenses does not increase the offense(s) to a class A). The disciplinary offense that is used on the DOR must be the one that best describes the inmate's behavior.

### ***Classes***

Disciplinary offenses are grouped, based on the severity of the offense, into three classes: A, B, and C.

**Class A** represents the most severe disciplinary offenses. These are defined as behaviors that would warrant housing in a close custody facility.

**Class B** represents less severe disciplinary offenses. These are defined as behaviors that would warrant housing in a medium custody facility.

A DOR **must** be written for class A and B offenses.

**Class C** represents the least serious offenses.

Staff may use discretion when addressing a Class C offense. A Class C offense may be

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addressed with a warning, a *Disciplinary Infraction Report*, or a *DOR*.

## 8. Staff Roles in the Disciplinary Process

### ***IDOC Staff***

All IDOC staff members have the responsibility to know and enforce the rules at all times. To address violations, IDOC staff members are authorized to write *Disciplinary Infraction Reports* and *DORs*. Normally, the person witnessing an event should write the report.

Staff members are responsible for writing accurate reports that contain details and evidence to support the alleged rule violation and selecting the disciplinary offense that best describes the inmate's behavior.

### ***Contractors, Volunteers, Interns, etc.***

Typically, staff members at contract facilities are required to use the disciplinary system processes in this SOP.

Nothing in this SOP should 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 authorize them to write *Disciplinary Infraction Reports* or *DORs* are required, when needed, to provide information to IDOC staff regarding inmates' behaviors. When contracts do not allow the affected staff to write a *DOR*, IDOC staff may still write the *DOR* based on the information provided by witnesses. Information reports may be attached to the *Disciplinary Infraction Report* or *DOR* as evidence.

### ***Endorser***

The endorser is typically a shift commander or assistant shift commander. If the shift commander writes the *DOR*, the shift commander of the next shift will act as the endorser. In a *CRC*, the endorser is typically a sergeant, but the facility head could assign this duty temporarily or permanently to another staff member. Endorsers must receive IDOC-approved training.

The endorser is responsible for:

- Ensuring that the information in the *DOR* (names, IDOC numbers, dates, etc.) is complete and correct.
- Ensuring that the *DOR* contains sufficient evidence, in the form of staff reports, photos, or other evidence to support the allegation.
- Ensuring that the standards established in this SOP are followed and that the disciplinary offense identified is the one that best describes the inmate's behavior.

If the *DOR* does **not** meet the standards provided in this SOP, the endorser must return it to the staff member who wrote it **and** provide feedback regarding needed corrections and/or other appropriate disciplinary action.



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

Each process within the disciplinary system is an opportunity for a skilled staff member to interact with an inmate; that interaction is one of the most important elements of the disciplinary system process. Staff should view such interactions as an opportunity to effect positive change with the inmate.

Facility heads or designees must identify and authorize staff to serve as IHOs. Normally, IHOs will be a unit supervisor or similar position. Staff must receive IDOC-approved training from a qualified DHO **before** serving as an IHO. At their discretion, facility heads, the applicable division chief, or their designees can revoke an IHO or DHO's authority.

To become a DHO, staff must be identified by the facility head or designee and receive training from the department disciplinary coordinator or designee. Each facility must have a primary and secondary DHO. To be considered as a DHO, staff must meet the following criteria:

- Permanent status as an IDOC employee
- No formal disciplinary action pending or within the last 12 months (see Corrective and Disciplinary Action, SOP 205.07.01.001)
- Most recent performance review must meet or exceed performance expectations (see Performance Management, SOP 222.07.01.001)
- Must have the rank of sergeant in prisons and the rank of corporal in CRCs

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

- Ensuring that the standards and procedures provided in this SOP have been adhered to and that the alleged disciplinary offense best describes the inmate's behavior(s)
- Determining if there is sufficient evidence to support whether the inmate committed the alleged rule violation
- Ensuring the integrity of the disciplinary system and that the principles provided in this SOP are upheld
- Making appropriate decisions based on the evidence
- Conducting disciplinary system processes and imposing appropriate behavioral interventions and/or sanctions to the best of their ability

In addition, IHOs and DHOs must **not** conduct disciplinary hearings if they:

- Witnessed the disciplinary offense or circumstances directly related to the offense
- Wrote the DOR
- Investigated the disciplinary offense
- Served as the staff hearing assistant
- Have not been trained by an IDOC-approved trainer

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### ***Staff Hearing Assistants***

Facility heads or designees must identify and authorize staff to serve as staff hearing assistants. DHOs at each facility must 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
- Conduct the disciplinary hearing

DHOs must ensure that staff hearing assistants receive IDOC-approved training.

Staff hearing assistants are responsible for:

- Helping the inmate obtain written [\*Disciplinary Witness Statements\*](#), other documents or evidence, and if applicable, helping the inmate understand the disciplinary hearing process (DHOs may specify that the sole reason for appointing a staff hearing assistant is to gather witness statements.)
- Ensuring, if necessary, that mental health issues are addressed in accordance with this SOP
- Being present during the disciplinary hearing, except during deliberation (If the sole reason for assigning the staff hearing assistant was to gather written *Disciplinary Witness Statements*, the staff hearing assistant **does not** need to be present during the disciplinary hearing.)
- Helping with the preparation of an appeal (gathering disciplinary witness statements or other documents, helping the inmate understand the appeal process, etc.)
- Staff hearing assistants who believe that they cannot fulfill their duties must submit an e-mail to the DHO requesting to be released from the assignment
- If a DHO believes that the staff hearing assistant cannot fulfill the requirements of the position, the DHO must release the staff member from the assignment and assign a new staff hearing assistant. The DHO must notify the review authority. The DHO must document the release or change of a staff hearing assistant in the offender management system.
- If the inmate is moved to another facility, the inmate may request that the DHO at the new facility assign a new staff hearing assistant to assist with the appeal (the staff hearing assistant at the former facility does not continue to serve this function at the new facility)

Staff hearing assistants have certain limitations and restrictions:

- Staff hearing assistants are **not** legal representatives. They are not advocates for the inmate, but simply assist the inmate to prepare his defense.
- Staff hearing assistants are not investigators. They collect *Disciplinary Witness Statements* on the inmate's behalf, but they do not conduct interviews or other investigations. Staff hearing assistants do not identify potential witnesses or evidence on the inmate's behalf.

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- Staff members who witnessed or investigated the disciplinary offense must not serve as a staff hearing assistant.
- Neither an inmate nor a staff hearing assistant may cross-examine any witness; however, the staff hearing assistant may submit or ask questions of the witness to the DHO. If the DHO believes that the question(s) are relevant, the DHO may ask the witness the question.

### ***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 must **not** be in the chain of command of the person who wrote the *Disciplinary Infraction Report* or DOR. For example, the deputy warden of security must not review DORs written by security staff. A division chief or designee may make exceptions to the chain of command guidelines when appointing a review authority.

The review authority must 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 observed, including the following:

- Ensuring that inmates are consistently being held accountable for their behavior
- Ensuring that disciplinary system processes are as timely as possible and not just meeting the minimum time frames
- Ensuring that endorsers only approve properly written DORs for submission to the DHOs
- Monitoring that behavioral interventions and/or sanctions are being used effectively
- Monitoring that staff members are writing quality *Infraction Reports*, *DORs*, and *Information Reports* that provide sufficient information
- Monitoring that appropriate disciplinary offenses are being charged
- Ensuring that IHOs and DHOs are being objective
- Ensuring that DHOs are providing sufficient due process regarding restitution
- Ensuring that IHOs and DHOs are dismissing *Disciplinary Infraction Reports* and *DORs* that do not meet the standards provided in this SOP
- Ensuring that the DOR is accompanied by the mental health DOR recommendation, evidence, restitution form, *Disciplinary Witness Statements*, *Basis of Disciplinary Findings*, etc. if applicable upon finalization and submission to central file
- Listening periodically 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

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*Disciplinary Infraction Reports* is the second-in-command (DOR review authority). The appellate authority must not delegate this duty; however, in his absence he must 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 *Disciplinary Infraction Reports* and DORs that are appealed and ensuring that disciplinary system processes and individuals involved have adhered to the standards and the principles established in this SOP.

### ***Department Disciplinary Coordinator***

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

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

### ***DHO Trainers***

DHO trainers provide training to IHOs and staff hearing assistants. The disciplinary coordinator serves as the primary DHO trainer. Regional DHO trainers may be approved and are limited to the following number in each region:

- Northern region – one
- Eastern region – one
- Southern region – one

### ***Division Chiefs***

When appropriate, the division chief or designee may dismiss, modify, and/or order that any *Disciplinary Infraction Report* or DOR be rewritten and/or reheard.

## **9. DOR Content and Evidence**

The body of the DOR report itself as well as evidence or testimony attached or presented at the hearing are the sole sources of information that the DHO may consider during the disciplinary hearing process.

All evidence used at the hearing must be made known to the inmate, except that the DHO may decide to withhold from disclosure specific information if the disclosure would endanger the safety or well-being of another person or the security of the facility. The DHO must document the reasons for excluding or limiting any evidence.

### ***DOR Content***

The DOR content (the body of the report describing the disciplinary offense and evidence) must be clear, concise, complete, and written in first person. In some situations, a staff member could witness an incident, but an additional investigation could

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be required. In such a case, either the witness or a facility investigator can write the DOR depending on which person has the most firsthand information. The person, who did not write the DOR, would typically write an *Information Report* that should be attached to the DOR as evidence. When the writer of the DOR obtains information from another staff member, the writer must state how that information was obtained and identify the source of the information.

Information obtained from an inmate must not be used unless it is absolutely necessary, except in cases where the inmate's identity is known to the inmate accused of the rule violation. For example, an inmate accused of a sexual activity or fighting will most likely know the other inmate's identity.

If information from an inmate or inmates is used, care must be taken to assure that the accused inmate cannot identify the inmates who supplied the information. In addition, such information must be independently corroborated or obtained from multiple sources. The following statements are two examples of information that could be reported without naming the inmate who provided the information:

Three separate inmates told me that inmate Jones (#11111) had gone from cell to cell earlier in the day asking each inmate if he was going to help take control of the unit. Each inmate stated that inmate Jones threatened other inmates with bodily harm if they did not agree to participate. I saw inmate Jones going from cell to cell approximately two hours before the disturbance.

I interviewed 24 inmates housed on the unit at the time of the disturbance. Thirteen of the 24 inmates stated that inmate Jones (#11111) instigated the disturbance. Inmates' descriptions of inmate 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 would be useful during the disciplinary hearing process—although ultimately, as with all evidence, the DHO must determine how much weight to give each statement.

### ***Requesting Restitution***

A request for restitution must be included in the DOR content. See subsection titled *Restitution*, for more information regarding the requirements that must be met to request and/or order restitution.

### ***Evidence***

Evidence submitted with a DOR is typically limited to documents (such as letters, notes, laboratory results, or written testimony) and photographs (to include photographs of physical evidence, when applicable) that can be attached to the DOR and filed in the inmate's central file. The inmate may review the evidence documentation at the disciplinary hearing. However, the evidence documentation must not be attached to the inmate's copy of the DOR.

### ***Testimony***

Testimony during the disciplinary hearing process is presented either in person or via written statements. Written statements include witness statements, *Information Reports*

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(see *General Reporting and Investigation of Major Incidents*, SOP 105.02.01.001, 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 inmate 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. When used, secondhand information should be corroborated by other evidence to carry weight during the disciplinary hearing process.

### ***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 may 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 offender management system.

However, the absence of photographs or 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 may also personally inspect or view a location to obtain a better understanding of the physical site. The DHO must describe his observations during the recorded disciplinary hearing.

As applicable, physical evidence must be handled, retained, and disposed of in accordance with *Custody of Evidence*, SOP [116.01.01.001](#).

Except as described above, evidence (both documentation and physical) must not be considered unless it is identified in the *DOR*, attached to the *DOR*, or presented at the disciplinary hearing.

### ***Audio and Video Recordings***

Audio and/or video recordings are not typically used as evidence. Instead, the staff member writing the DOR must use first person to describe what was observed or heard in the video or audio recording. Corroborating evidence should be included whenever possible.

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

DHOs may request audio recordings as evidence when deemed necessary. Unless the investigator determines that a legitimate security concern exists, audio recordings of the accused inmate’s telephone conversations may be presented at the disciplinary hearing.

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Inmates must 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 inmate agrees. The inmate's agreement that the DHO views the video recording in private must be documented on the disciplinary hearing audio recording and clearly stated in the offender management system in the Basis of Disciplinary Findings section.

After reviewing the video recording, the DHO will reconvene the disciplinary hearing and give a general description of the evidence viewed on the disciplinary hearing audio recording with the inmate present.

## 10. Infractions and the Infraction Process

Staff members may address class C disciplinary offenses as an infraction or a DOR. If the offense is addressed as an infraction, it must be handled using the infraction process. Quick intervention following an inmate's behavior is a primary goal when an infraction is committed. Sanctions may be assigned to an inmate **only** by an IHO or a DHO after a hearing that confirms a rule violation.

Staff members may also issue warnings to inmates for class C offenses without the approval of a supervisor and are encouraged to issue warnings before submitting a *Disciplinary Infraction Report*. However, sanctions must not be imposed when staff issue warnings.

DHOs will normally not serve as IHOs at prison facilities. However, a DHO will normally serve as the IHO at a CRC.

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

The IHO must balance consistency in the application of informal behavioral interventions and/or sanctions with their effectiveness on an individual inmate. In addition, it is not 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 hearing alone 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 inmate when imposing the response to the rule violation.

### ***Informal Behavioral Interventions***

Informal behavioral interventions are learning experiences (not a sanction or punishment) that help inmates 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

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- Journaling
- A written essay
- The infraction process itself

Written assignments (apologies, journal entries, or essays) may be reviewed by the case management team or IHO and then given back to the inmate or disposed of but will not be filed or retained. If known, completion of the assigned informal behavioral intervention should be documented in the offender management system contact notes as a corrective action.

### ***Informal Sanctions***

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

Informal sanctions are limited to the following:

- Verbal warnings
- Written warnings (documented in the offender management system)
- Extra duty – up to four hours per day (not to exceed a total of ten hours)
- Loss of designated privileges – 1 to 15 days
- No contact orders – 1 to 15 days

### ***Restitution***

If restitution is requested, the inmate can agree to voluntarily pay restitution by signing an *Inmate Personal Funds Withdrawal Slip* for the amount. If the inmate does not agree to voluntarily pay restitution, the IHO must refer the restitution request to a DHO. The DHO must 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 titled *Restitution* must be followed.

### ***Inmate Failure to Complete an Informal Sanction***

A DOR for *Failure to Comply with a Disciplinary Sanction* may be issued if an inmate fails to complete an informal sanction.

### ***The Infraction Process Steps***

<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Staff Member</b>	1	Learns of an inmate committing a class C disciplinary offense.
	2	Decide whether to: <ul style="list-style-type: none"> <li>• Issue a warning, verbal or written, and document in the offender management system (the process ends here)</li> </ul>



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		<ul style="list-style-type: none"> <li>Forward the <i>Disciplinary Infraction Report</i> to the IHO.</li> </ul>
<b>Infraction Hearing Officer (IHO)</b>	5	<p>Meet with the inmate as soon as possible, but not more than three working days (or not more than seven working days if team case management is used) from the issuance of the <i>Disciplinary Infraction Report</i>; and confirm the alleged rule violation or dismiss the <i>Disciplinary Infraction Report</i>.</p> <ul style="list-style-type: none"> <li><b>Confirm</b> – Impose the appropriate informal behavioral interventions and/or sanctions, document in the offender management system contact notes, and forward a copy of the <i>Disciplinary Infraction Report</i> to the review authority</li> <li><b>Dismiss</b> – Do not document in the offender management system. (The process ends here.)</li> </ul> <p>If <b>any</b> restrictions are imposed, document them in the offender management system, disciplinary detail screen under restriction reports.</p> <p>If there are any concerns about the inmate’s mental health, contact the facility mental health professional. (Facilities without a mental health professional on staff must refer the concern to the facility head.)</p>
	6	Forward the completed <i>Disciplinary Infraction Report</i> that has the IHO’s original signature to the infraction reviewer.
<b>Infraction Reviewer</b>	7	Monitor the infraction process for quality assurance.
<b>Inmate</b>	8	Comply with the imposed informal behavioral interventions and/or sanctions. Infraction may be appealed (see Appeals: Methods of Administrative Review section in this SOP.

### 11. Requesting and/or Assigning a Staff Hearing Assistant

Inmates may request a staff hearing assistant in writing using a [Disciplinary Request for Staff Hearing Assistant](#) form, or a DHO may assign a staff hearing assistant without receiving a request from the inmate. In either case, one or more of the following criteria must exist before a DHO can assign an assistant:

- The inmate is in restrictive housing or is otherwise unable to gather evidence and/or *Disciplinary Witness Statements*.
- The inmate is functionally illiterate or cannot read or understand the English language.
- The inmate has a 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 inmate is unable to marshal an adequate defense.

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The DHO must identify the purpose(s) for which the staff hearing assistant was assigned to the inmate, for example: to assist with gathering *Disciplinary Witness Statements* or to assist an inmate due to reading, language or comprehension difficulties.

The inmate may 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 inmate needs help with the disciplinary hearing process, the DHO must attempt to provide the inmate with appropriate assistance, such as explaining the disciplinary offense charged, the ramifications of admitting to having committed the offense, the potential consequences if the charge is affirmed, and the appeal process. The DHO must document the efforts in the offender management system.

## 12. Writing, Processing, and Serving the DOR

Class A or B disciplinary offenses must be addressed through a DOR. Disciplinary offense resulting in a DOR must be handled using the formal disciplinary hearing process. Formal behavioral interventions and/or sanctions must only be imposed following appropriate findings during the disciplinary hearing process. To increase the effectiveness of the disciplinary hearing process, staff members must ensure that each step in the process is completed as soon as possible and does not exceed established time limits. In addition, violation of local, state, or federal law must be reported to the appropriate law enforcement authorities for possible criminal action.

## 13. Time Limits

A DOR may be written and submitted pursuant to this SOP at any time during the inmate's incarceration with the IDOC. Time limits **do not** commence at the time an inmate commits a disciplinary offense. Rather, time limits start to apply at the time a staff member **becomes aware** of a rule violation. Typically, when a staff member becomes aware of a rule violation, the DOR should be written and submitted for processing before the end of the staff member's shift or workday, but in any event, the DOR must be written within seven calendar days, or ten calendar days if the inmate is in segregation pending an investigation (SPI), after becoming aware of the rule violation. If an inmate is placed in pre-hearing segregation (PHS), a DOR must be written before the staff member leaves the facility.

The above time limits are established for the purpose of dealing with rule violations in a timely manner. A missed time limit does not affect the IDOC's authority or ability to issue a DOR and complete the disciplinary hearing process. The division chief or the department disciplinary coordinator may also extend time limits for good cause.

Time limits will be automatically suspended if an inmate is temporarily off site due to court hearings, short-term hospital stays, suicide watch, etc.

A DOR may be written but not served to an inmate during the initial stages of a criminal investigation, **when service of the DOR might compromise the investigation**. As soon as the criminal investigator completes the initial investigation, the DOR will be served and the disciplinary hearing process will proceed. The review authority or designee must communicate with law enforcement authorities to determine when the initial investigation and interviews will be completed.

## 14. Escapes

Following an escape, a DOR must be written and submitted to a DHO immediately upon completion of the IDOC investigation. The DHO must enter the DOR information into the

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offender management system, set the disciplinary hearing location as 'central office', and notify the department disciplinary coordinator or designee via email. The department disciplinary coordinator or designee must ensure that the DOR is heard when the inmate is captured and returned to an IDOC facility. The IDOC will not delay the disciplinary hearing process for an inmate who is awaiting prosecution.

### 15. 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.

### 16. Process Steps: Writing, Processing, and Serving the DOR

The following steps must be followed when a DOR is written:

Functional Roles and Responsibilities	Step	Tasks
Staff member	1	<p>Learns that an inmate committed a disciplinary offense.</p> <p>Complete a <a href="#">Disciplinary Offense Report</a> within the appropriate time limit requirements.</p> <p>Email the completed DOR and supporting evidence and testimony (as applicable) to the endorser or designee before leaving the shift, unless further investigation is required. Hand-deliver evidence and testimony that cannot be sent via email.</p> <p>Do not document the issuance of the DOR in the offender management system.</p>
Endorser	2	<p>As soon as possible, but within 24 hours, review the DOR, evidence, and testimony (as applicable) and ensure that the DOR:</p> <ul style="list-style-type: none"> <li>• Charges the disciplinary offense that best describes the inmate's behavior.</li> <li>• Has the correct date, inmate name, etc.</li> <li>• Contains the necessary content and evidence.</li> <li>• Is clear, concise, complete, and written in first person.</li> <li>• Is within the time limits set in this SOP.</li> </ul> <p>If time lines for writing or processing the DOR were exceeded or extended, the endorser must document the reason using <a href="#">Disciplinary Delay Notification Form</a>. When time limits are extended, the completed <a href="#">Disciplinary Delay Notification Form</a> must be attached to the DOR that has the original signature, and the DHO must also document the extension in the offender</p>

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
		<p>management system.</p> <p>In a prison facility, if the endorser cannot review the DOR before leaving shift, forward it via email it to another supervisor who can endorse the DOR.</p> <p>In a CRC, if the endorser cannot review the DOR before leaving shift, the DOR must be endorsed the next business day.</p>
Endorser	3	<p>If the completed DOR <b>does not</b> meet department standards, return the DOR and evidence (as applicable) to the submitting staff member and provide feedback so that it may be corrected or rewritten.</p> <ul style="list-style-type: none"> <li>• If an infraction is more appropriate, instruct the staff member to issue an infraction,</li> <li>• If the incident does not warrant a disciplinary action, inform the staff member and end the process here.</li> </ul>
	4	<p>If the completed DOR <b>does</b> meet department standards:</p> <ul style="list-style-type: none"> <li>• Print two copies of the DOR and sign each.</li> <li>• Check the inmate's mental health status in the offender management system; if the inmate has a current (highlighted in red) mental health status of ACMHS, ICMHS, CMHS 1 or MHMN, (facility heads may add inmates with a CHMS 2 status in a field memorandum), notify a clinician that a <a href="#"><u>Disciplinary Mental Health Recommendation</u></a> is needed (if mental health concerns are present, see step five).</li> <li>• Assign a staff member to serve the inmate a copy of the DOR. (<b>Do not give</b> the inmate copies of evidence.)</li> </ul> <p>If the inmate is on suicide watch, do not serve the DOR. Notify the deputy warden of operations or designee and note that information on the copy being delivered to clinical staff.</p> <p>If the serving staff return with a DOR not served because the inmate is on watch, note it on the DOR and ensure it is served later.</p> <p>If the inmate is in SPI, review the situation to determine if the inmate needs to remain in segregation pending the disciplinary hearing. If the inmate needs to remain in segregation, ensure the restrictive housing status is changed to PHS.</p>

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Clinician</b>	5	<p>Complete the <i>Disciplinary Mental Health Recommendation</i> within 24 hours of being notified and cut/paste details from the DOR into the offense description field on the form.</p> <ul style="list-style-type: none"> <li>• Make a recommendation.</li> <li>• Forward the completed form to the DHO or designated electronic folder.</li> </ul> <p>Timely response to these requests is crucial to ensure the process complies with time lines established in this SOP.</p>
<b>Designated Staff</b>	6	<p>Within 24 hours of the endorsement, serve the inmate a copy of the signed <i>DOR</i>. (<b>Do not give</b> the inmate copies of evidence.)</p> <ul style="list-style-type: none"> <li>• Ask if the inmate needs a <a href="#">Disciplinary Request for Staff Hearing Assistant</a> or a <a href="#">Disciplinary Witness Statement</a> form and mark the appropriate box on the DOR. Provide up to four <i>Disciplinary Witness Statement</i> forms to the inmate.</li> <li>• Give one copy of the signed DOR to the inmate for review and signature.</li> <li>• If the inmate refuses to sign the DOR, document in the additional staff comments section of the DOR that the inmate refused to sign acknowledging receipt of the DOR.</li> </ul> <p>If the DOR cannot be served within 24 hours, document the reasons and attach them to the DOR. (A time discrepancy of up to two hours does not require that the reasons for the time discrepancy be documented.)</p>
<b>Designated Staff</b>	7	<p>As proof of delivery, sign the DOR that has the endorser's and, if applicable, inmate's original signatures.</p> <p>Give one copy of the DOR that has your signature to the inmate. If the inmate refused to sign, leave a copy of the DOR anyway.</p> <p>If a <i>Disciplinary Request for Staff Hearing Assistant</i> form was given to the inmate, inform the inmate to complete the form and return it to a staff member as soon as possible to be forwarded to the assigned DHO.</p> <p>Return the signed DOR to the endorser.</p>

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Endorser</b>	7	Email the unsigned Word version of the DOR to the assigned DHO. Forward the physical copy of the signed DOR and evidence (as applicable) to the DHO. Hand-deliver evidence that cannot be sent via email.
<b>Inmate (or assigned Staff Hearing Assistant)</b>	8	Using the <i>Disciplinary Witness Statement</i> forms, collect written <i>Disciplinary Witness Statements</i> . If time permits, forward the forms to the assigned DHO and, if applicable, to the inmate. If time does not permit, take the statements to the disciplinary hearing. The DHO appoints a staff hearing assistant when appropriate.

### 17. Scheduling a Disciplinary Hearing

After receiving the completed DOR and evidence (as applicable) from the endorser, the DHO completes the following steps.

<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Disciplinary Hearing Officer (DHO)</b>	1	Enter the information from the DOR form into the offender management system. Enter the offender management system-generated DOR number onto the <i>DOR form</i> . The offender management system requires that certain information be entered before the disciplinary hearing process can proceed. The DHO may return the DOR form to the endorser if the required information was not provided. In such cases, corrections must be made and the DOR form returned to the DHO. Returning the DOR form to the endorser is not considered a dismissal, the correction is not considered a rewrite as described in this SOP, nor does the corrected DOR form need to be served on the inmate. Additionally, minor errors such as misspellings, incorrect dates, or other typographic errors may be corrected without dismissing the DOR. These changes or corrections must be described and explained during the recording of the hearing. However, any return/correction of the DOR form must be limited to procedural errors such as missing dates, service information, etc. A DOR form that requires changes or additions to evidence, disciplinary offense, etc. must be entered and dismissed by the DHO. DORs requiring such

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		modifications may be rewritten and reheard as described in this SOP.
DHO	2	<p>If the inmate requested a staff hearing assistant, determine if the inmate meets the criteria.</p> <p>If appropriate, appoint a staff hearing assistant to assist the inmate.</p> <p>Schedule a disciplinary hearing as soon as a practical, but not more than seven calendar days after the inmate was served the DOR. When scheduling the disciplinary hearing, the inmate must be allowed at least 24 hours to prepare for the hearing.</p> <p>The seven-calendar day limit may be extended for exceptional circumstances, unavoidable delays, or reasonable postponements. If extended, notify the inmate of the extension and the reason for the delay using the <i>Disciplinary Delay Notification Form</i>.</p> <p>If the inmate is held in PHS, schedule the disciplinary hearing as soon as possible. If the hearing cannot be held within the first five calendar days and an extension is necessary, contact the shift commander or designee about the need for the inmate to remain in PHS.</p> <p>The DOR may be dismissed before the disciplinary hearing for reasons such as when the wrong disciplinary offense is charged or the DOR lacks sufficient evidence. If dismissed before the hearing, an audio recording of the dismissal is not needed. However, all other offender management system documentation process steps pertaining to the DOR and the hearing must be completed.</p>
DHO	3	<p>Obtain from the inmate any <i>Disciplinary Witness Statement</i> forms that have been collected.</p> <p>If applicable, ensure that the staff hearing assistant is available.</p>
DHO	4	<p>Check for mental health considerations in the offender management system. If the inmate has a mental health consideration, the mental health link on the inmate information screen will be highlighted in red. If the inmate has a mental health status of ACMHS, ICMHS, CMHS 1 or MHMN, (facility heads may add CHMS 2 status in a field memorandum) a <i>Disciplinary Mental Health Recommendation</i> is required.</p> <p>If a <i>Disciplinary Mental Health Recommendations</i> is indicated but has not been received, contact the clinician and request the recommendation be completed. (Do not conduct the hearing until the recommendation has been</p>

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		received.) If the inmate has no mental health consideration, conduct the disciplinary hearing in accordance with this SOP.
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## 18. Transfers

When a disciplinary offense is committed at a facility, but the inmate is moved to another facility, the following procedures are used.

### ***Sending Facility Responsibilities***

Staff members at the sending facility do the following:

- Write the DOR.
- Endorse the DOR.
- Email the DOR to the review authority or designated DOR email or file location at the receiving facility.
- Track the progress of the DOR to ensure that it is heard, and the review authority actions are completed in a timely manner.

(If the DOR is heard and then the inmate is transferred, the review authority at the sending facility must complete confirm, dismiss, or modify the DOR.)

### ***Receiving Facility***

Staff members at the receiving facility do the following:

- Ensure that the DOR is assigned to a DHO.
- Hear the DOR.
- Review the DOR and complete the appellate process if applicable.
- Implement the sanctions if applicable.

## 19. Witnesses

Any inmate, staff member, volunteer, contractor, etc. who has firsthand knowledge about the alleged rule violation may provide written *Disciplinary Witness Statements*. If possible, the inmate (or staff hearing assistant) will submit written *Disciplinary Witness Statements* to the DHO before the disciplinary hearing. The DHO must ensure that submitted written *Disciplinary Witness Statements* are available at the disciplinary hearing.

Inmates are limited to four *Disciplinary Witness Statement* forms. The witnesses' written statements must not exceed the space provided on the *Disciplinary Witness Statement* form. However, if the DHO thinks that additional information is relevant, the DHO may allow additional written *Disciplinary 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 does not contain sufficient information. Often, written statements from the witnesses are sufficient; however, a DHO may request that a witness complete additional statements as needed for clarification or testify in person at the disciplinary hearing.



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If a witness or written *Disciplinary Witness Statement* is not allowed, the DHO must document the reasons why in the offender management system under Basis of Disciplinary Findings. The lack of adequate staffing does not justify not allowing a witness, refusing to call a witness to testify in person, or failing to obtain a written *Disciplinary Witness Statement*.

The DHO may reject witnesses **or** written *Disciplinary Witness Statements* when:

- He determines that the testimony is or would be unrelated to the disciplinary offense (such as a character witness).
- The statement is not written on the completed *Disciplinary Witness Statement* form.
- The statement exceeds the space provided on the *Disciplinary Witness Statement* form.
- The statement is not legible.
- 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 may 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 (the witness has an injured writing hand, is unable to read or write, etc.).
- The inmate requests the presence of a witness during the disciplinary hearing, and the DHO approves.
- The DHO determines that the information provided in a written *Disciplinary Witness Statement* or DOR is insufficient.

### ***Confidential Witness Statements or Testimony***

The use of confidential witness statements or testimony must be in accordance with *Investigations and Intelligence Program*, SOP [504.02.01.001](#).

## **20. DOR Findings**

The DHO can select one of the following DOR findings:

- **Confirmed** — Selected when the inmate 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 exists that indicates the inmate committed the disciplinary offense. To accept admittance, the DHO must also determine that at least some evidence indicates that the inmate committed the disciplinary offense. The DHO must document the rationale for the decision in the offender management system 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 **must not** amend a disciplinary offense up or down. However, if a DHO dismisses a DOR because the offense charged does not describe the inmate's behavior, the DHO must document in the offender management system comments/details section a recommendation that the DOR be rewritten using the

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appropriate disciplinary offense. The review authority may authorize that a DOR be rewritten and/or reheard in accordance with this SOP.

## **21. Disciplinary Hearing Documentation**

DORs are documented in the offender management system. Staff must not document the issuance of a DOR in the offender management system under contact notes. Endorsers, DHOs, review authorities, and appellate authorities must monitor offender management system contact notes for improper DOR documentation and remove the improper documentation from the offender management system contact notes.

In the offender management system, 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 the endorser approves it.

### ***Description of the Evidence***

The DHO documents any evidence that accompanies the DOR. Only evidence attached to the DOR or presented for the DHO's consideration is entered.

### ***Basis of Disciplinary Findings***

The DHO states the facts relied upon and rationale for the finding in the offender management system under Basis of Disciplinary Findings. This information must be specific and not a general statement.

If any evidence, witnesses, or written *Disciplinary 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 offender management system comments/details do not appear on the printed offender management system-generated DOR. The comments/details area should be used to document administrative information. Examples include:

- DHO recommendations to the review authority that the DOR be rewritten or that it may not be rewritten.
- Appeals that were not accepted and the reason.
- DHO explanation if an inmate is not present at the disciplinary hearing.
- Modifications made by the review authority.
- Review authority reasons for dismissal.

### ***Inmate Appeal Details***

If an inmate submits an appeal, the appeal information must be entered in the inmate appeal details section.

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**Appeal Comments**

The appeal comments section must be used to document the appellate authority’s appeal findings.

**22. Conducting the Disciplinary Hearing**

Except as noted in this section, the inmate **must** be present at the disciplinary hearing. If the inmate is **not** present at the disciplinary hearing, the DHO must provide an explanation on the disciplinary hearing audio recording and in the offender management system under Basis of Disciplinary Findings. Exceptions to an inmate being present at the disciplinary hearing include the following:

- When the inmate refuses to attend the hearing, the inmate must not be taken to the hearing by the use of force. However, if the inmate refuses to attend the hearing, the DHO must proceed with the hearing and make a finding in accordance with the procedures established in this SOP. If the allegation is confirmed, **formal** behavioral interventions **and/or** sanctions may be imposed up to the allowed maximums.
- When the inmate's disruptive **or** violent behavior calls for exclusion from the hearing (The DHO could choose to have the hearing in a noncontact visiting area **or** by standing outside the inmate’s cell.)
- During deliberation.

At the disciplinary hearing, an inmate’s participation must be limited to the following:

- Admitting or denying the allegation
- Presenting written *Disciplinary Witness Statements*
- Providing testimony about the evidence presented
- Providing testimony that might reduce the formal sanctions
- Asking the DHO questions about procedural matters
- Consulting with the staff hearing assistant (if assigned)

DHOs must complete the following steps when conducting a disciplinary hearing: (If during the hearing the DHO determines that additional written *Disciplinary Witness Statements* and/or in-person witness testimony are needed, the DHO must stop the hearing and reconvene at a later time.)

Functional Roles and Responsibilities	Step	Tasks
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<b>Disciplinary Hearing Officer (DHO)</b>	1	<p>Before the disciplinary hearing, to become familiar with the allegations, review the completed DOR and supporting evidence (as applicable) including the <i>Disciplinary Mental Health Recommendation</i> (if applicable).</p> <p>Physical evidence that poses a security risk such as weapons, drugs, or alcohol, or physical evidence that is large or stationary such as damage to a building will not be presented during the disciplinary hearing. In this instance, photographs of physical evidence should be used as evidence.</p>
DHO	2	<p>Turn on the disciplinary hearing audio recording and begin the hearing.</p> <p>Consider only the evidence and testimony presented during the hearing,</p> <p>Ensure the inmate has an opportunity to review the evidence present at the hearing.</p> <p><b>Do not</b> use plea bargaining to influence the inmate into admitting the allegation.</p>
DHO	3	<p>During deliberation:</p> <ul style="list-style-type: none"> <li>• Exclude the inmate and turn off the disciplinary hearing audio recording.</li> <li>• Consider the evidence and testimony presented during the hearing and decide whether to confirm or dismiss the allegation.</li> <li>• If a mental health professional submitted recommendations, consider the recommendations. (At the end of the hearing, state on the audio recording what the mental health recommendation was, any mitigating factors that exist, and that the recommendation was taken into consideration.)</li> </ul>

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DHO	4	<p>Bring the inmate back into the disciplinary hearing and restart the disciplinary hearing audio recording.</p> <p>State one of the following DOR findings:</p> <ul style="list-style-type: none"> <li>• <b>Confirmed</b></li> <li>• <b>Dismissed</b></li> </ul> <p>Impose the appropriate formal behavioral interventions and/or sanctions and enter them in the offender management system under sanctions and interventions.</p> <p>If necessary, before imposing the interventions and/or sanctions, recess the disciplinary hearing to review past disciplinary procedures and information recorded in the offender management system.</p>
DHO	5	<p>End the disciplinary hearing and turn off the disciplinary hearing audio recording.</p> <p>If the allegation was dismissed, but you believe the DOR can and should be rewritten, make that recommendation to the review authority.</p> <p>Describe the facts you relied on when making your decision in the offender management system disciplinary detail screen under <i>Basis of Disciplinary Findings</i>.</p> <p>If a mental health professional submitted recommendations, and the DOR finding or formal behavioral interventions and/or sanctions differ from the mental health recommendation, clearly document the reason why in the offender management system under comments/details, state it on the audio recording of the hearing, and immediately notify the mental health professional.</p> <p>Enter the outcome of the disciplinary hearing into the offender management system.</p> <p>Forward the completed DOR with the original signature and supporting evidence (attached or presented at the hearing) to the review authority.</p>

### 23. Formal Behavioral Interventions and Sanctions

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

The DHO must balance consistency in the application of formal behavioral interventions and/or sanctions with their effectiveness on an individual inmate. 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 itself may serve as the only formal behavioral intervention and/or sanction needed.

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## 24. Formal Behavioral Interventions

Formal behavioral interventions are learning experiences (not formal sanctions or punishment) that help inmates 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 inmate’s individual program plan)
- Journaling
- A written essay
- The disciplinary hearing process itself
- Written assignments (apologies or essays) may be reviewed by the case management team **or** DHO and then given back to the inmate **or** disposed of but will not be filed or retained. If known, completion of the assigned formal behavioral intervention should be documented in the offender management system contact notes.

## 25. Formal Sanctions

Formal sanctions are a consequence or punishment used to help inmates 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 and frequency of violations, the inmate’s history of rule violations, and norms of the IDOC. However, staff should vary the type and not just the intensity of formal sanctions 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. Formal sanctions must run concurrently.

### ***Living Unit Restriction***

A living unit restriction may include limitations being placed on the access to any combination of the following:

- Day room/common area
- Chapel (only if offense was related to chapel)
- Group activities
- Gym
- Hobby craft
- Library
- Recreation

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- Visiting
- Work opportunities
- Yard (outside)

### ***Disciplinary Detention***

The total time spent in disciplinary detention, including the time spent in SPI and PHS, must not exceed a total of 15 consecutive days in segregation. Any detention time must account for SPI and PHS as “time served”. The division chief or designee must approve the formal sanctioning of any inmate to two consecutive disciplinary detentions that will total more than 15 days (total time spent in detention, SPI, and PHS) within a 30-day period.

If an inmate poses a high risk to the security of the facility and/or safety of inmates and/or staff members, the DHO must refer the inmate to the administrative segregation facility executive committee (see *Restrictive Housing*, SOP [319.02.01.001](#)).

### ***Extra Duty***

Inmates can be assigned extra duty, not to exceed four 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 must not be imposed in a manner that humiliates the inmate.

### ***Loss of Designated Privileges***

The loss of designated privileges may include:

- Property such as TV, radio, commissary, hobby craft, personal property (except for legal papers)
- Telephone use (except for attorney telephone calls)
- Commissary purchases (same as detention property see *Property: State-issued and Inmate Personal Property*, SOP [320.02.01.001](#).)
- Visits (except for attorney visits)
- Contact visiting (If an illegal drug-related allegation is **confirmed**, the inmate will lose visiting privileges for six months in accordance with [Visiting Rules for Inmates and Visitors](#). The six-month suspension is a Visiting SOP requirement, not a formal sanction imposed by the DHO; however, the DHO will enter the restriction for 180 days in the sanctions field in the offender management system.)

### ***Work Sanction May Include***

- Restriction from working
- Reduction in hours
- Restriction from applying for work

### ***Gym/yard Recreation***

Restriction from accessing the gym and/or yard recreation areas (sanction must not eliminate the minimum requirement for recreation or out of cell time for inmates in short-

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term restrictive housing or administrative segregation).

**No Contact Orders**

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

**Restitution**

When requested in the DOR content, and the DHO determines that restitution is applicable, the DHO orders restitution using [Disciplinary Restitution Order](#) for the actual replacement value of the item destroyed, lost, damaged, or for certain accrued costs related to the disciplinary offense. The dollar amount of restitution must be included in the DOR content and documentation supporting the value must be attached. Hours IDOC staff worked or medical expenses the IDOC or IDOC medical contract provider incurred must not be ordered as restitution.

During the disciplinary or restitution hearing, the DHO must provide the inmate with an opportunity to dispute the dollar amount. At a minimum, the DHO must tell the inmate the amount of the restitution and what damages or losses generated that amount. The inmate must have the opportunity to dispute the dollar amount or value and/or fact or responsibility of damage or loss. The DHO must state his finding regarding restitution on the disciplinary or restitution hearing audio recording and document the decision regarding the restitution in the offender management system 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 \$250**, the applicable division chief or designee must approve the restitution. The DHO must complete *Disciplinary Restitution Order* and send it via email to the applicable division chief or designee.

The applicable division chief or designee must approve, deny, or modify the *Disciplinary Restitution Order*, and sign it. The signed form must be scanned to portable document format (PDF) **and** emailed to the DHO. The original form with the approval signature must be mailed to the records clerk at the inmate’s current facility to be attached to the hard copy of the DOR when filed.

The DHO must ensure that a copy of the signed form is forwarded to the inmate. Although the inmate is given a copy of the *Disciplinary Restitution Order*, it must not become enforceable until after the review authority has reviewed and if deemed appropriate, affirmed the DOR.

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

**26. 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
Living Unit Restriction	1 to 30 days	1 to 15 days	1 to 10 days



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Disciplinary Detention	1 to 15 days	1 to 10 days	1 to 5 days
Extra Duty	1 to 60 hours	1 to 40 hours	1 to 30 hours
Warning or Written Reprimand	Not available	Not available	Available
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

### ***Inmate Failure to Complete Formal Sanctions***

A DOR may be issued if an inmate fails to complete the formal sanctions imposed for a DOR.

### **27. Effects of DORs on other Administrative Processes**

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

### **28. Review Authority's Review Following the Disciplinary Hearing**

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

<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Review Authority</b>	1	Each work day check the offender management system disciplinary detail screen under disciplinary report for DORs a DHO has heard.
Review Authority	2	<p>Within three working days, review the disciplinary detail screen in the offender management system, the completed DOR that with the original signature, and if applicable, the supporting evidence (attached to the DOR or presented at the disciplinary hearing). Ensure the DHO has completed all of the applicable documentation in the offender management system including the <i>Basis of Disciplinary Findings</i>, and do one of the following:</p> <ul style="list-style-type: none"> <li>• Affirm – Agree with the DHO's findings and formal sanctions.</li> <li>• Dismiss – Disagree with the DHO's findings or determine that the principles and philosophies of this SOP were not adhered to. You may require that the DOR be rewritten and/or reheard in accordance with this SOP.</li> </ul>

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
		<ul style="list-style-type: none"> <li>• <b>Modify</b> – Modify by changing the disciplinary offense to a more accurate offense and/or modifying the formal sanction. Do <b>not</b> modify the disciplinary offense or formal sanction if the modification will result in a higher class or increased sanction.</li> </ul> <p>If the disciplinary detail screen information is not documented correctly, instruct the DHO to make the needed corrections.</p> <p>If the review authority process is delayed, notify the inmate using the <i>Disciplinary Delay Notification Form</i>.</p>
Review Authority	3	<p>Document any comments in the offender management system under comments/details.</p> <p>Print two copies of the DOR and the <i>Basis of Disciplinary Findings</i> from the offender management system.</p> <p>If dismissed or modified, ensure that the central file and other documentation are changed or purged to reflect the decision.</p>
Review Authority	4	<p>By the next working day, forward the printed <i>Basis of Disciplinary Findings</i>, the DOR that has the original signature, and all supporting evidence (attached to the DOR or presented at the disciplinary hearing) and a copy of the <i>Disciplinary Mental Health Recommendation</i> (if applicable), to the facility records clerk or designee.</p>

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Facility Records Clerk or designee</b>	5	<p>By the next working day, forward one of the two offender management system-generated DORs and the <i>Basis of Disciplinary Findings</i> to the inmate. Do not forward the DOR that has the original signature or the supporting evidence.</p> <p>If the DOR was:</p> <ul style="list-style-type: none"> <li>• <b>Affirmed or Modified</b>– File the DOR that has the original signature, the other copy of the offender management system-generated DOR, and all supporting evidence in the inmate’s central file. (If restitution was ordered, forward copies of the <i>Disciplinary Restitution Order</i> and the DOR to an account technician.)</li> <li>• Check to see if the inmate has a TPD.</li> <li>• If yes, forward a copy of the DOR to the Commission for Pardons and Parole via email at <a href="mailto:DORCommission@idoc.idaho.gov">DORCommission@idoc.idaho.gov</a>.</li> <li>• If the DOR is class A or B, notify a classification staff member so the need for reclassification can be determined.</li> <li>• <b>Dismissed</b> – Ensure that the original DOR all copies, and all supporting evidence are destroyed to include.</li> </ul>

## 29. 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 and direct that the DOR be rewritten and/or reheard. Once dismissed, a DOR may only be rewritten and/or reheard **once**, unless the applicable division chief or deputy chief approves additional rewritings or rehearings. The authority making the decision for a rewriting and/or rehearing is responsible for instructing the appropriate staff member to rewrite or rehear the DOR.

### ***Second Disciplinary Hearing Assignment***

DOR Dismissed by DHO

If a DHO dismisses the first DOR, **that same DHO must conduct** the disciplinary hearing for the second DOR; however, the DHO must not conduct the hearing if 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 must conduct the disciplinary hearing for the

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second DOR.

### 30. Appeals: Method of Administrative Review

The disciplinary appeal process is the **only** 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. Inmates **cannot** use the procedures outlined in *Grievance and Informal Resolution Procedures for Inmates*, SOP 316.02.01.001, for issues or concerns specific to this SOP.

Facility heads serve as the appellate authority for DORs and second-in-command (DOR review authorities) serve as appellate authorities for *Disciplinary Infraction Reports*. These appellate decisions are the last step of the disciplinary process and exhaust inmates' administrative remedies.

Appellate authorities may take any steps they find necessary (reviewing an investigative file, reviewing an audio/video recording, interviewing staff or inmates, etc.) during the administrative review of the infraction process, disciplinary hearing process, and/or review of the disciplinary system standards and decision-making principles to determine if the standards and principles outlined in this SOP were adhered to.

The following steps must be used for the appeal process:

Functional Roles and Responsibilities	Step	Tasks
Inmate	1	<p>Appeals must be submitted within 15 days of the administrative review or the date the review authority affirmed the DOR. The appellate authority may extend the filing period up to 60 days.</p> <p>Complete <a href="#">Disciplinary Appeal Form</a> and clearly state on the form why the specific infraction or DOR finding and/or sanctions imposed were inconsistent with the guidance provided in this SOP.</p> <p>If you admitted to the disciplinary offense, you may 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 or is not written within the space provided on the form, the form will be returned along with instructions for correcting the form.</p> <p>Place the <i>Disciplinary Appeal Form</i> in the lock box for submission to the appellate authority.</p>

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<b>Functional Roles and Responsibilities</b>	<b>Step</b>	<b>Tasks</b>
<b>Appellate Authority or Designee</b>	2	<p>Within 15 days of receiving the appeal, review the submitted <i>Disciplinary Appeal Form</i> and the disciplinary action taken, and if:</p> <ul style="list-style-type: none"> <li>• Additional information is needed – request it from the IHO or DHO, as applicable. Once the information is received, continue with this step.</li> <li>• The appeal meets the standards and principles outlined in this SOP – Enter the appeal information in the offender management system under inmate appeal details. Skip to step 5.</li> <li>• The appeal does not meet the standards and principles outlined in this SOP – Return the form to the inmate with an explanation (using <i>Disciplinary Transmittal Form</i>). In the offender management system under comments/details, document the reason the appeal was not accepted.</li> <li>• If the appeal is returned, the process ends here until the errors are corrected.</li> </ul>
<b>IHO, DHO, or Inmate (as applicable)</b>	3	<p><b>IHO or DHO</b></p> <ul style="list-style-type: none"> <li>• Respond to the appellate authority’s request within three working days.</li> </ul> <p><b>Inmate</b></p> <ul style="list-style-type: none"> <li>• If applicable, correct the errors noted on the <a href="#">Disciplinary Transmittal Form</a> and resubmit the appeal. If the inmate elects not to correct the errors, the process ends here.</li> </ul>
<b>Appellate Authority</b>	4	<p>Within five working days of receiving the response, review the IHO’s or DHO’s response (as applicable), review the offender management system, corrective action contact notes (if an Infraction) or the disciplinary detail screens (if a DOR or a disciplinary infraction with restrictions), and do one of the following:</p> <ul style="list-style-type: none"> <li>• Affirm – Agree with the findings and informal or formal sanctions the IHO or DHO imposed.</li> <li>• Dismiss – Disagree with the findings or determine that the principles and philosophies of this SOP were not adhered to. In the case of a DOR, if appropriate, require that it be rewritten and/or reheard in accordance this SOP.</li> </ul>

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Functional Roles and Responsibilities	Step	Tasks
		<ul style="list-style-type: none"> <li>• Modify – Modify the by changing the disciplinary offense to a more accurate offense and/or amending the sanction. Do not modify to a higher class disciplinary offense or increase the sanction.</li> </ul> <p>If the appellate authority process is delayed, notify the inmate using <i>Disciplinary Delay Notification Form</i>.</p> <p>DOR:</p> <ul style="list-style-type: none"> <li>• Document the appeal decision in the offender management system under inmate appeal details. Print a PDF copy of the DOR (containing the appeal findings) and forward it and the completed <i>Disciplinary Appeal Form</i> to the facility records clerk or designee.</li> </ul> <p>Disciplinary Infraction Report:</p> <ul style="list-style-type: none"> <li>• Document the appeal decision in the offender management system contact notes. Do not print the appeal decision from the offender management system contact notes but do forward the completed <i>Disciplinary Appeal Form</i> to the facility records clerk or designee.</li> </ul> <p>If the Disciplinary Infraction Report or DOR is dismissed or modified, ensure that the central file and other documentation are changed or purged to reflect the decision.</p>
<b>Facility Records Clerk or designee</b>	5	<p>DOR: Forward a copy of the printed DOR (containing the appeal findings) as well as the original <i>Disciplinary Appeal Form</i> to the inmate; and file the printed DOR and a copy of the <i>Disciplinary Appeal Form</i> in the inmate's central file.</p> <p>If the DOR is dismissed, check to see if the inmate has or had a TPD that was altered because of the DOR. If yes, notify the Commission of Pardons and Parole via email at <a href="mailto:DORCommission@idoc.idaho.gov">DORCommission@idoc.idaho.gov</a>.</p> <p>If dismissed, purge all documentation of the DOR from the inmate's central file, including the <i>Disciplinary Mental Health Recommendation</i> (if applicable).</p> <p>Disciplinary Infraction Report: Forward the original <i>Disciplinary Appeal Form</i> to the inmate and file a copy of the form in the inmate's central file.</p>

### 31. Purging an Inmate's Central File

If a *Disciplinary Infraction Report* or DOR is dismissed, a diligent effort must be made to

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purge the inmate's central file, offender management system contact notes, and restriction reports regarding that specific disciplinary infraction or DOR, including the *Disciplinary Mental Health Recommendation* (if applicable). Copies of the specific *Disciplinary Infraction Report, DOR*, and any supporting documentation, including any restrictive housing orders (*RHOs*) for disciplinary detention time, must be removed from the inmate's central file and destroyed.

Information in the offender management system is automatically secured and only authorized individuals (normally limited to the deputy attorneys general who represent the IDOC, the department disciplinary coordinator, and the applicable division deputy chiefs and chief or designees) have access to dismissed DORs. The applicable division chief or designee must identify the staff members authorized to access dismissed DORs.

### **32. Training and Monitoring**

The disciplinary coordinator must oversee the disciplinary process to ensure quality, provide direct training to DHOs, review authorities, and appellate authorities, and develop lesson plans for endorsers, IHOs, and staff hearing assistants. All trainings must have written lesson plans that the chief of the division of prisons or designee has reviewed and approved.

#### ***Initial DHO Training***

The disciplinary coordinator must provide in-class training to all newly appointed DHOs as needed. DHOs cannot conduct hearings until they have completed the initial training.

#### ***Annual DHO Training***

The disciplinary coordinator must conduct annual refresher training with all DHOs. The refresher training lesson plan must be submitted to the chief of the division of prisons or designee by November 15 of each year, based on the previous year's audits and quality assurance review process and approved by the end of December. Annual training must be completed before September 15. Duration of training should be four hours (the chief of the division of prisons or designee may adjust the length based on content)

#### ***Endorsers***

The disciplinary coordinator must provide annual training to staff members who endorse DORs. This training can be in-class or using the IDOC computerized training system.

#### ***Initial Review Authority and Appellate Authority Training***

The disciplinary coordinator must conduct in-class initial training for review and appellate authorities within 30 days of the individual's appointment to the position. Duration of training should be two hours.

#### ***Annual Review Authority and Appellate Authority Training***

The disciplinary coordinator must conduct in-class annual training for review and appellate authorities by September 15. Training must be based on the previous year's audits and quality assurance review process. Typically, this training will be delivered during a division meeting when such staff members are gathered. Duration of training should be one hour.

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### ***IHO and Staff Hearing Assistant Training***

The disciplinary coordinator is responsible for developing the lesson plan. Training can be delivered in-class by a DHO trainer or using the IDOC computerized training system. IHOs and staff hearing assistants must complete the training before acting in either position. IHOs and staff hearing assistants must complete a refresher training annually.

### **33. Audits and Data Analysis**

The disciplinary coordinator must conduct regular, ongoing audits and track trends related to the disciplinary process.

#### ***Data Collection and Reporting***

The disciplinary coordinator must submit a report to the chief of the division of prisons each month. The division chief or designee will specify the data to be included in the report and may vary the type of data based on need. Typically, the report would include the number of DORs written at each facility, percentage of DORs dismissed and affirmed, number or percentage of DORs appealed and number or percentage of DORs confirmed or dismissed when appealed. Reports may also include comparisons based on similar populations such as percentage of DORs for violent behaviors at medium custody facilities or based on gender.

The disciplinary coordinator is responsible for identifying anomalies, for example a high or low percentage of DORs dismissed, investigate such anomalies, and, if applicable, suggest remedies such as additional training to correct problems.

#### ***Audits and Quality Assurance***

The disciplinary coordinator must conduct regular, ongoing monitoring of the disciplinary process. To ensure that the processes are being complying with this SOP, the disciplinary coordinator must run reports in the offender management system for all facilities to identify DORs that have not been completed in a timely manner. If the disciplinary coordinator finds DORs where the process has not been completed, he must notify the applicable review or appellate authority by email of the discrepancies. The email must be copied to the division chief or designee. The disciplinary coordinator must check the DORs in question in seven business days to ensure that the issues have been corrected and, if not completed, notify the division chief or designee.

The disciplinary coordinator must open and review DORs in-depth to ensure that the DORs are property written, timelines are met, DHOs are completing all necessary steps and providing all the required documentation in the offender management system, etc. The disciplinary coordinator must review the equivalent of a minimum of five percent of DORs written (based on affirmed and dismissed DORs) during the previous month.

The selection is none random, which means the disciplinary coordinator will select DORs for review based on various factors. For example, a small facility such as a CRC might write two DORs in a month. If one of the two is reviewed, the rate for that facility is 50%. Review of DORs at small facilities will typically exceed five percent because of the low number of DORs written. The disciplinary coordinator might increase the percentage of review for a specific facility because the DHO is new, as follow up to recently delivered training, or because of a possible issue that arose from data analysis. The disciplinary coordinator will provide the facility head and the division chief or designee reports outlining the review of each DOR.



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The disciplinary coordinator must review at least the following:

- One DOR per month from each facility (unless facility staff did not write a DOR during the month).
- At least one DOR per DHO annually.
- Ten percent of the total DORs reviewed during a month must be DORs that were dismissed by the DHO, review authority, or appellate authority.
- At least two DORs per facility that were appealed.

### **34. Identification and Retention of Audio and Video Recordings**

Disciplinary hearing audio recording must be identified by the offender management system-generated DOR number followed by the inmate's name and IDOC number. Offender management system numbers are the last two digits of the year followed by a four-digit number. Example: disciplinary hearing #320 in 2009 would be #090320. If inmate Jones (#44444) was the inmate, the disciplinary hearing audio recording would be labeled "#090320 Jones #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 must be transferred to permanent storage. The recordings must be stored for two years following completion of the DOR appeal process and then destroyed.

### **35. Procedures for Special Management Units (SMUs)**

Inmates housed in administrative segregation often pose unique behavioral challenges. However, the need for sound disciplinary procedures remains important. Because inmates in restrictive housing often 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 must consider the single DOR, and any formal sanctions imposed must not exceed those given for a single disciplinary offense.

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

#### ***Suicide Monitoring***

The deputy warden of operations or designee will monitor inmates who are on suicide watch and could not be served their DOR. When removed from watch, the copy of the DOR will be delivered to the shift commander so it can be served in on the inmate a timely manner.

#### ***Mental Health Units***

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

Normally, if it is determined that the inmate was unable to understand the rules or if the behavior was not within the inmate's control, a *Disciplinary Infraction Report* or DOR would not be written (or if written, dismissed). However, it is within the authority of the

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treatment team and/or the security staff to issue a *Disciplinary Infraction Report* or DOR when warranted, notwithstanding the inmate's mental health issues.

## DEFINITIONS

***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 inmate'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 inmate.

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

***Infraction Process:*** The process of using warnings, informal behavioral interventions and/or sanctions, and *Disciplinary Infraction Reports* to influence changes in an inmate's behavior.

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

## REFERENCES

[\*Disciplinary Appeal Form\*](#)

[\*Disciplinary Delay Notification Form\*](#)

[\*Disciplinary Infraction Report\*](#)

[\*Disciplinary Mental Health Recommendation\*](#)

[\*Disciplinary Offenses\*](#)

[\*Disciplinary Offense Report\*](#)

[\*Disciplinary Request for Staff Hearing Assistant\*](#)

[\*Disciplinary Restitution Order\*](#)

[\*Disciplinary Transmittal Form\*](#)

[\*Disciplinary Witness Statement\*](#)

[\*Visiting Rules for Inmates and Visitors\*](#)

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

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

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

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

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

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

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

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