

<b>STATE OF IOWA</b> <b>DEPARTMENT OF CORRECTIONS</b>  <b>POLICY</b> <b>AND PROCEDURES</b>		Policy Number IO-RD-01	Applicability <input checked="" type="checkbox"/> DOC <input type="checkbox"/> CBC
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Chapter 3  INSTITUTIONAL OPERATIONS	Sub Chapter  RULES & DISCIPLINE	Related DOC Policies  IO-RD-02 IO-RD-03	Administrative Code Reference  N/A
Subject  OVERVIEW AND PHILOSOPHY OF INCARCERATED INDIVIDUAL DISCIPLINE		ACA Standards  5-ACI-3C-03 5-ACI-3C-04	Responsibility  Michael Savala
		Effective Date  May 2021	Authority  Beth Skinner Director Signature on file at Iowa DOC

## I. PURPOSE

To describe the disciplinary system that shall be used in the Iowa Department of Corrections (IDOC) institutions to encourage responsible pro-social behavior and enforce rules and regulations. The IDOC staff are trained to assist incarcerated individuals in changing the thinking and behavior that contributed to their confinement. The various disciplinary processes define specific classes of offenses based on severity of the offense, establish policy for imposing appropriate disciplinary actions, and provide review procedures governing the incarcerated individual disciplinary process. Incarcerated individuals shall be required to conform to the standards of conduct reflected in institution rules and regulations, which are provided to them on intake. Any incarcerated individual who violates an institution rule or regulation may be subject to disciplinary action under the provisions of the policies in the Rules and Discipline subchapter.

## II. POLICY

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

- D. The IDOC believes that a properly managed incarcerated individual discipline program shall do the following:
1. Maintain security, control, and safety;
  2. Ensure applicable *Wolff v. McDonnell* safeguard and incarcerated individuals' due process rights;
  3. Ensure fair and consistent, and where appropriate, progressive disciplinary practices, which are designed to address incarcerated individual behavior at the lowest level possible;
  4. Ensure proper documentation of all rule violations when sanctions are imposed;
  5. Provide staff with training in the Department's disciplinary policies, including familiarity with the rules of the facility, rationale for the rules, sanctions available, and report writing.
- E. The objectives of the IDOC's disciplinary policies, are:
1. To ensure that sanctions are imposed in a fair and consistent manner to promote a safe and orderly institutional environment.
  2. To deter future unacceptable incarcerated individual behavior.
  3. To define each offense and the sanctions imposed if the incarcerated individual is found guilty.
  4. To establish consistent procedures for disciplinary reports, presenting investigative facts, conducting disciplinary hearings, and processing of disciplinary appeals.
  5. To ensure that progressive discipline, as appropriate, is implemented (informal, minor, major).
  6. To provide a range of informal alternatives and formal sanctions designed to deal with infractions of the rules at the lowest reasonable level and in a manner that does not simply punish irresponsible behavior but encourages responsible behavior.
- F. The disciplinary policies apply to all incarcerated individuals assigned to institutions within the IDOC.

- G. Incarcerated individuals serving sentences for offenses committed prior to July 1, 1983, are subject to the requirements set forth in **Section 246 of the 1983 Iowa Code** and the disciplinary policies. Incarcerated individuals serving sentences for offenses committed on or after July 1, 1983, shall be subject to the requirements of **Chapter 903A**. Incarcerated individuals serving sentences under **Chapters 901A** and **902** are subject to those sections.
- H. In addition to being subject to the IDOC's disciplinary policies, all incarcerated individuals under the jurisdiction of the IDOC must obey all laws of the United States and the State of Iowa. If a violation of the rules would also be a violation of a federal, state, or local law, an incarcerated individual is subject to the provisions of the law, as well as the rules for incarcerated individual discipline. Disciplinary action by the institution may be taken before or after criminal prosecution, and may be in addition to criminal punishment or in spite of dismissal of criminal charges.
- I. The Department's disciplinary policies are designed to create processes in disciplinary matters that ensure incarcerated individuals rights under the United States Constitution, the Iowa State Constitution, Federal law, and Iowa law. These policies do not create or add new independent legal rights for incarcerated individuals.
- J. In a case where court decisions (state and federal) are in conflict with the disciplinary policies, the court decision shall prevail over the policies. The IDOC shall work with the Attorney General to ensure that policy and practice are consistent with current applicable case law.
- K. The Warden of each institution, assisted by all supervisory personnel, shall establish order and discipline by consistent application of incarcerated individual behavior standards. Each Warden shall develop a fair, unbiased, and orderly procedure for administering all disciplinary rules and policies.
- L. Amendments and supplements to the disciplinary policies may be issued at any time by the Director.
- M. The procedures described in these disciplinary policies require staff and incarcerated individuals to make use of various forms. The Iowa Corrections Offender Network (ICON) system generates some of those forms from information entered by IDOC staff. Other forms appear only in paper versions that must be filled out by the appropriate staff member, witness, or incarcerated individual. The IDOC shall approve the format of all forms generated by the ICON computer system before they are used in the disciplinary process. If the ICON system is not available for use, staff members

may use documents that contain the information of the ICON forms that shall be entered later. Paper forms should use the general format of the forms attached to this policy. Similar paper forms may be used by making additions or changes to those forms. Institutions may modify and adapt the non-ICON forms for use with computers or other electronic devices.

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## **III. DEFINITIONS**

See IDOC Policies **IO-RD-03**, *Major Discipline Report Procedures* and **AD-GA-16** for Definitions that apply to this policy.

## **IV. PROCEDURES**

- A. Available Levels of Disciplinary Action

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

Levels of disciplinary action available include:

1. Informal disciplinary action (see IDOC Policy **IO-RD-02**, *Informal Corrective Action and Minor Disciplinary Reports*)
2. Disciplinary action using a minor report (see IDOC Policy **IO-RD-02**)

3. Disciplinary action using a major report (see IDOC Policy **IO-RD-03**)

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

B. Considerations in the Imposition of Discipline

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

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

C. Dismissing Disciplinary Actions

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

D. Records and Tracking

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

E. Training

All personnel who work with incarcerated individuals shall receive sufficient training so that they are thoroughly familiar with the rules of incarcerated individual conduct, rationale for the rules, and the sanctions available. **(5-ACI-3C-04)**

F. Incarcerated Individual Notification/Rulebooks

1. All incarcerated individuals shall receive a copy of the institution's rules for incarcerated individual conduct and policies and procedures for minor reports, major reports, and appeals. These documents shall, at minimum, be available to incarcerated individual in English and Spanish. Incarcerated individuals shall acknowledge receipt with their signature. A copy of these materials will be made available to each staff member.
2. When language, reading skills, or intellectual capacity compromise an incarcerated individual's ability to understand the rules, staff assistance shall be provided.
3. In lieu of providing a written incarcerated individual rulebook, institutions may establish electronic means by which incarcerated individuals may readily access IDOC and institutional rules.

**(5-ACI-3C-03)**

G. Applicability

1. The disciplinary rules and procedures established in the disciplinary policies are applicable to incarcerated individuals only while under the physical custody of the IDOC or its agents. The rules and procedures are not applicable to incarcerated individuals transferred from Iowa pursuant to **Iowa Code 913**, Interstate Corrections Compact, or transferred to the custody of the Federal Bureau of Prisons, pursuant to **Iowa Code 904.504**. Compact incarcerated individuals from other

states may be subject to loss of earned time or similar time credits or sentence reductions based on the statutes of the sending states.

2. These disciplinary policies apply to all institutions except that certain sections may be superseded by court orders or consent decrees that apply to individual institutions, such as, the Iowa State Penitentiary.
3. Except as permitted by policy, institutions shall not modify the disciplinary policies unless approved in writing by the Director. Institutions may publish verbatim portions and/or summaries of the disciplinary policies for incarcerated individuals.
4. For all cases of incarcerated individual discipline for major infractions, IDOC Policy **IO-RD-03** shall be the official document governing incarcerated individual discipline.