

# **State of Iowa Department of Corrections**

## **Policy and Procedures**

Policy Number: IO-RD-02

Applicability: IDOC

Policy Code: Public Access

Iowa Code Reference: N/A

Chapter 3: INSTITUTIONAL OPERATIONS

Sub Chapter: RULES AND DISCIPLINE

Related DOC Policies: IS-RO-03, AD-FM-11

Administrative Code Reference: N/A

Subject: INFORMAL CORRECTIVE ACTION AND MINOR DISCIPLINARY REPORTS

PREA Standards: N/A

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Authority:

### **1. PURPOSE**

To establish the framework by which staff may utilize both informal and formal corrective action for certain non-serious violations of rules, regulations, policies and procedures.

### **2. POLICY**

It is the policy of the Iowa Department of Corrections to use appropriate corrective action in the management of incarcerated individual violations of IDOC and institution rules, regulations, policies and procedures. While formal corrective action is available to staff when necessary, informal corrective action may be appropriate, and should be considered, for the management of non-serious violations. Where the use of informal corrective action is not appropriate and the use of a minor disciplinary report is sufficient to achieve correctional goals, the minor report process shall be used.

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### **3. DEFINITIONS – See IDOC Policy AD-GA-16 for Definitions.**

## **4. PROCEDURES**

### **A. Overview of Informal Corrective Action and Minor Disciplinary Reports**

1. Each institution shall develop procedures for the management of non-serious violations. These procedures shall include a listing of the institution's minor rules and notice that violation of any established policy, procedure, posted directive, or major rule may be considered as a violation of minor rules. The institutional procedure shall include provisions for the use of informal corrective action as well as minor reports. Generally, informal corrective action should be implemented when it is sufficient to encourage and effect behavioral change, minor reports used for repeated or somewhat more serious violations, and major reports reserved for serious violations. Procedures related to informal corrective action and minor reports may be incorporated into this policy or may be made available to incarcerated individuals and staff as a separate document so long as all provisions of this policy are included.
2. Any staff member or other person given authority over the conduct of incarcerated individuals who becomes aware of incarcerated individual violation of IDOC or institution rules, regulations, policies or procedures has the obligation to take timely corrective action.

### **B. Informal Corrective Action**

1. Informal corrective action may take a variety of forms including, but not limited to; an appropriate display of disapproval, a discussion of expectations and potential consequences with the incarcerated individual, verbal reprimand, extra work assignment which is not compensable by work allowance and shall not exceed what would normally be performed within a three hour period, the imposition of restrictions of certain privileges specified in institutional procedures for a period of time not to exceed eight hours, written assignments or thinking reports, and other means consistent with the goals of this policy and authorized by institutional procedure.
2. Where the informal corrective action imposed does not involve any type of sanction, extra assignment or restriction, documentation is not required, though staff may elect to document the action in the Informal Corrective Action section of the Corrective Action/Minor Report Module, Generic Notes, or other manner established by institutional procedure.
3. Where the informal corrective action sanction imposed involves any type of sanction, extra assignment or restriction, the incarcerated individual

may choose to accept the corrective action as imposed or may elect to have the matter addressed through formal minor report disciplinary process.

4. Where the corrective action is accepted, the violation and the action taken shall be documented in the Minor Report Module.
  - a. Documentation of Informal Corrective Action shall be periodically examined by designated supervisory staff.
  - b. Nothing in this policy shall preclude the designated supervisor, where sufficient justification exists, from causing formal disciplinary action to be implemented in lieu of informal corrective action. Under such circumstances, the incarcerated individual shall be credited for any informal corrective action sanction that has been implemented.
5. Where the incarcerated individual elects to have the matter addressed through a formal disciplinary process, the staff member shall write a minor disciplinary report in the Minor Discipline section of the Corrective Action/Minor Report Module.
6. As the incarcerated individual may elect to have the matter addressed through the minor report process and the minor report process allows for review of the reported violation and any sanctions ordered, informal corrective action is not subject to the Grievance Procedure

### **C. Minor Disciplinary Reports**

Where informal corrective action is deemed insufficient to encourage and effect behavioral change and a major report is deemed unnecessary because of the nature of the violation and/or behavioral and disciplinary history of the incarcerated individual, the minor disciplinary report process shall be implemented.

1. Each institution shall establish a listing of minor rules and shall make that listing readily available to incarcerated individuals. These rules may include, but are not limited to:
  - a. Disruptive Conduct - May include such behavior as listed in the major rule 'Obstructive/Disruptive Conduct' but which is considered less severe in nature. This rule also prohibits horseplay, loud talk, the playing of electronic devices at excessive volume levels, running inside buildings to meals or in areas not designated as recreational areas, and similar behaviors.

- b. Failure to Follow the Directives of Staff - May include behavior which is similar to, though less serious than, behavior described in major rule #23.
- c. Minor Insolence - May include the display of verbal or non-verbal disrespect to staff or other persons. Use of abusive language is a violation of this rule as is cursing and the use of obscene language – particularly if this language is used in an angry or loud tone of voice.
- d. Being Out of Place of Assignment - May include' but is not limited to; being in an unauthorized area, loitering, and being late for scheduled appointments, work or program obligations, medication line, etc.
- e. Unauthorized Possession or Exchange of Property - May include, but is not limited to, the possession of any item not issued to the incarcerated individual or obtained through authorized institutional channels or the alteration of any article.
- f. Unsatisfactory Work Performance - May include failure to perform work or program duties as assigned, as well as failure to work cooperatively with work supervisors and incarcerated individual co-workers.
- g. Failure to Cooperate at Established Counts - May include being at any place in the cell other than the designated position during count or failing to cooperate with count procedures in any other way.
- h. Malingering or Feigning Illness - May include feigning or exaggerating illness or other incapacity in order to avoid work or other responsibility. Evidence of violation of this rule shall include input from a health care professional.
- i. Abuse or Waste of State Issued Items - May include, but is not limited to; defacing property, abuse of equipment or waste of supplies, attachment of articles to walls, etc., in a manner which is not specifically authorized and other actions which abuse or waste state property.
- j. Violation of Sanitation Standards - May include, but is not limited to; unsatisfactory room appearance, including improperly made bed, general disarray, dirty room floors, walls, or fixtures; failure

to use trash receptacles properly; spitting on floors, walls, sidewalks, trash receptacles, water fountains, etc., placing of feet on furniture; improper storage of personal property or state issued items, etc.

- k. Failure to Maintain an Acceptable Personal Appearance - May include the wearing of altered or unauthorized items of clothing, failing to maintain minimum levels of personal hygiene, etc.
  - l. Failure to Follow Safety Regulations - May include, but is not limited to, the unauthorized use of equipment and the unsafe use of supplies or equipment.
  - m. Failure to Comply with Institutional Monetary Policy - May include, but is not limited to, the overspending of personal accounts and the use of unauthorized mail ordering procedures.
  - n. Public Display of Offensive Material - May include the display or posting of nude photographs or drawings including incidental material lying on bunk, locker, desk, etc. In addition, this rule prohibits the display of materials which may be considered offensive to another person. This may include the display of materials which denigrate the ethnicity, religion, occupation, age, or sex of another person.
  - o. Violation of Established and Posted Unit Rules - May include, but is not limited to; the violation of posted rules of conduct for incarcerated individuals assigned to, or involved in, activities within the institution.
  - p. Attempt to Circumvent Established Procedure - May include any attempt to evade or otherwise circumvent established procedures.
- 2. Minor disciplinary reports shall be written by the staff member having the most direct and comprehensive knowledge of the violation and shall include all pertinent information regarding the violation. Minor reports shall be written in the Minor Report section of the Corrective Action/Minor Report Module.
  - 3. No formal hearing is required. In accordance with institutional procedures, the staff member observing the violation and submitting the minor report is authorized to order allowable and reasonable sanctions.

Generally, the staff member shall discuss the violation with the

incarcerated individual at the time of the violation and, again, at the time the report and sanctions are served upon the incarcerated individual. Minor reports are not to be written in lieu of a discussion of expectations with the incarcerated individual. Minor reports are to be written as one part of the process of explaining expectations and consequences.

4. Institutional procedures may allow sanctions ordered to go into effect immediately.
5. During the minor report process, the incarcerated individual shall be offered the opportunity for further review of the reported violation and any sanctions ordered.
  - a. Institutional procedures may specify a review of documentation, including documentation submitted by the incarcerated individual, a personal discussion with the review authority, or both. The purpose of the review is to ensure that evidence of the violation exists and that sanctions are used appropriately. The review shall take place as soon as is practical and, generally, no later than the next Monday through Friday business day. The review authority may be designated supervisory staff, a committee, unit team, or other(s) designated by institutional procedures. The review authority may dismiss the report, reduce the report to informal corrective action, uphold the report and sanctions as ordered, reduce sanctions, enhance sanctions within the provisions of this policy and institutional procedures, or order the report to be re-written as a major report. Unless the report is re-written as a major report, this review shall constitute final agency action. Where sanctions are enhanced or the report is re-written as a major report, the incarcerated individual shall be granted credit for any sanction that has been implemented.
  - b. Documentation of minor reports and sanctions shall be periodically examined by designated supervisory staff even if the incarcerated individual does not request a review. Nothing in this policy shall preclude the designated supervisor, where sufficient justification exists, from ordering a major report to be written in lieu of the minor report. Under such circumstances, the incarcerated individual shall be credited for any sanction that has been implemented.
6. Each institution shall establish reasonable sanctions for use in the minor report process. These sanctions, any of which may be suspended in part or whole, may include:

- a. Assessed actual costs. Where actual costs are assessed, an itemized list of costs shall be included in the decision or attached to the decision with the incarcerated individual receiving a copy. If itemized costs would disclose confidential information, the incarcerated individual shall receive a list of costs that excludes the confidential information. Assessment of known costs may be reviewed as part of the institution's minor disciplinary report review process. If actual costs are not known at the time of the imposition of the sanction, the incarcerated individual must be given the opportunity to challenge the assessed costs once they are available and provided to the incarcerated individual. In accordance with IDOC policy **AD-FM-11**, *Incarcerated Individual Funds*, an administrative overdraft fee of \$5.00 may be assessed for actual costs associated with processing an overdraft of an incarcerated individual's financial account. Institutional procedures shall provide for at least one level of review of these assessed costs.
- b. Restriction to cell, room, housing unit, or living unit with or without job assignment for a maximum of 15 days per incident. Although institutional procedures may allow for no-contact visitation during the period of restriction; restriction to cell, room, housing unit, or living unit shall not otherwise affect the incarcerated individual's visitation privileges. Institutional procedures may lengthen the term of restriction to off-set any hours spent in visitation.
- c. Added work assignments not to exceed 14 days per incident. Added work assignments are limited to assignments which would normally be performed within a three-hour period. These assignments shall not be compensable by any work allowance.
- d. Reduction of allowance for work performed not to exceed seven days per incident.
- e. Loss of privileges for a maximum of 30 days per incident. Privilege losses shall not include visitation, mail, or o-mail.
- f. Written assignments or thinking reports.
- g. Written Reprimand.

- h. Confiscation or disposition of contraband or other unauthorized material in accordance with IDOC Policy **IS-RO-03**, *Incarcerated Individual Personal Property*.
  - i. Other sanctions consistent with the goal of achieving behavioral change.
- 7. Each institution shall submit its minor disciplinary report procedures to the Regional Deputy Director for review at any time the changes are made.