

Sixth District Department of Correctional Services POLICY	Issue Date 02/06/15	Effective Date 11/10/19	Policy Number 2353-19
Subject CLASSIFICATION ON VIOLATIONS (ANCHOR Residential)		Review Month December	Author 0253 (MST)
Rescinds 2353-17	References 903A, Code of Iowa; WR/OWI-38		

POLICY:

Staff imposes appropriate disciplinary sanctions to hold residents accountable for violations of facility rules and promote communication of program expectations.

DEFINITION:

1. Major violation - serious infraction of program regulations; the following are major violations:
 - A. Illegal behavior – When an offender plans, participates, assists, condones, or encourages others to violate a local, state, or federal law, whether the offense is committed inside or outside the facility and whether the offense actually occurs.
 - B. Verbal Abuse – When the offender subjects another person to abusive or defamatory insolent or disrespectful language, or remarks, whether written or verbally, or abusive, defamatory, insolent or disrespectful gestures.
 - C. Threats/Intimidation: - When the offender communicates a determination or intent to injure another person or to commit a crime of violence or an unlawful act dangerous to human life, and the probable consequence of such threat or threats (whether or not such consequence, in fact, occurs) is:
 - 1) To place another person in fear of bodily injury; or
 - 2) To cause damage to property; or
 - 3) To take place in the future after released from confinement.
 - D. Disobeying a Lawful Order/Directive – When an offender refuses to obey an order (written or verbal) given by a person in authority, that is reasonable in nature, or attempts to circumvent established procedures.
 - E. False Statements – When the offender knowingly makes a false statement whether or not under oath or affirmation, including, but not limited to, dishonesty, deception, failure to disclose, cheating, etc.

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DEFINITION: (continued)

- F. Unauthorized Possession/Exchange – When an offender has in possession on their person, in the offender’s living area, locker, or immediate place of work or other program assignment, or receives from, or gives to another offender, any item delineated as unauthorized or contraband by district policy.
- G. Possession of Dangerous Contraband – When the offender possesses, used, or has under their control or custody, an item defined as dangerous contraband by district policy.
- H. Possession of Drugs/Intoxicants – When an offender is in possession or has been in possession of any unauthorized drug or intoxicant. This includes synthetic substances. It further includes paraphernalia that is used in relationship to drug/intoxicant use, sale, positive urinalysis, or positive blood test. The offender must provide a testable sample within two (2) hours of the request. Failure to do so constitutes a violation of this rule. An offender may also be found to be in possession of a drug or intoxicant for there is not readily available urinalysis testing if the offender displays symptoms or actions that are consistent with intoxication and/or fails any field sobriety tests administered by the residential staff or law enforcement personnel.
- I. Possession/Use of Alcohol - When an offender is in possession of, or has consumed alcohol. This includes testing from any manner of testing including but not limited to positive breath, alco-sensor test or admission of use. Refusal to submit to a test for alcohol use constitutes a violation of this rule. Offenders are not allowed to enter establishments where alcohol is served without prior staff permission.
- J. Abuse of Medication – When an offender fails to follow the prescription or package directions of any medications. An offender also is considered in violation of this rule when they give their medication to another person. Medication shall be turned in to staff per district policy.
- K. Escape – When an offender is absent from the facility without proper authorization for over two (2) hours, or there is probable cause to believe the offender has taken flight or is involved in a criminal offense.
- L. Out of Place of Assignment – When an offender is not at their designated place of assignment (residential facility, work place, treatment program, furlough, or other authorized leave) and/or fails to use the most direct route or method of transportation. Offenders are responsible for promptly notifying the residential facility staff of any proposed changes in their work schedule, treatment schedule or furlough plan and must receive staff approval of all changes.

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DEFINITION: (continued)

- M. Failing to Secure/Maintain Employment – When an offender fails to actively seek, secure and maintain full-time employment as approved by staff. When an offender jeopardizes employment, quits without staff approval, or is terminated from their job.
- N. Sexual Misconduct – When an offender proposes or engages in sexual contact with another person on residential facility property (or premises) or engages in sexual contact at any location with a person who is also a resident of a correctional facility. Indecent exposure also constitutes sexual misconduct. This includes, but is not limited to, offensive exposure of the genitals or pubic area in a manner to be seen by another person; gesture of a sexual nature to cause embarrassment or to be offensive to another person. Sexual misconduct may be written as well as verbal communication. Offenders are not allowed to have sexual contact with each other while participating with each other in the program. This includes while on pass or furlough.
- O. Unauthorized Use of a Motor Vehicle – When an offender uses a motor vehicle as a means of transportation, whether as a driver or passenger, without staff permission.
- P. Unauthorized Possession of Money, Cashing Paycheck, Unauthorized Accounts or Purchases – When an offender cashes a paycheck, fails to turn in all moneys to staff, obtains a checking account, savings account, credit card, debit card, charge account, pay in advance or any payroll deductions for personal use without staff approval or control. Offenders are also in violation when they make purchases, or incur debts, without staff approval. All money and pay cards shall be turned into facility staff and all expenditures must be done through the Facility budgeting process and with staff approval.
- Q. Theft – When an offender takes possession or control of the property of another, or property in the possession of another, with the intent to deprive the rightful owner of the use or benefit of the property
- R. Bartering/Selling Goods – When an offender barters, loans, gives, accepts, sells or buys things of value, enters into financial agreements or contracts, engages in a business, including, but not limited to, clothing, personal items, furnishings, etc., transfers or attempts to transfer or accepts transfer of funds from one offender to another offender; or agrees to perform or receive services or gifts, for anything of value without staff approval.
- S. Gambling, Debts, etc. – When an offender plays any game for things of value or wagers anything on the outcome of an event or game; or incurs an unauthorized debt (i.e. cash advances, work debts, etc.).

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DEFINITION: (continued)

- T. Safety/Sanitation Violation – When an offender engages in any practice contrary to written or verbal safety instructions; or is unsanitary/untidy in their personal hygiene, living quarters, common areas of the facility, or smokes in an unauthorized area.
- U. Failure to Comply with Special Conditions or Participate in Treatment – When an offender fails to be involved in a required educational or treatment program, which shall include failure to follow through with any special condition imposed by staff or to fully participate in treatment or educational activities. This includes failure to comply with a case plan.
- V. Tampering with Locks or Security items – When an offender locks, unlocks or alters a locking device, fire alarm system, or security item without authorization. This includes any unauthorized possession of a key or key pattern and electronic monitoring devices.
- W. Damage to Property – When an offender intentionally or negligently causes damage to property of another person, or of the state, such as tampering with electronic, mechanical, or plumbing devices or fixtures. This also includes damage to property resulting from other misconduct (i.e. fighting, horseplay, theft, disruptive conduct, etc.).
- X. Fighting – When an offender engages in a physical altercation including the exchange of blows, shoves, kicks, offensive physical contact, or, if horse playing, the physical contact need not be in anger.
- Y. Assault – When an offender intentionally causes or threatens to cause injury to another person or applies any physical force or offensive substance (such as feces, urine, saliva, mucous, or any other item) against any person regardless of whether injury occurs, to include sexual assault.
- Z. Violation of a Condition of Leave or Furlough – When an offender fails to comply with any condition of a leave or furlough from the facility.
- AA. Unauthorized Group/Gang Conduct – When an offender displays or promotes involvement in an unauthorized group/gang through any of the following means: writing, words, physical appearance, hand signs, symbols, photographs, possession of group/gang-related materials or association with others known to be affiliated with an unauthorized group/gang.
- BB. Obstructive/Disruptive Conduct – When an offender interferes with staff duties, or conducts themselves in a manner that disrupts or interferes with the secure and orderly running of the facility.

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DEFINITION: (continued)

- CC. Habitual Minor Offender – When an offender is repeatedly found in violation of minor/medium violations. The number and types of offenses, and prescribed time frames may be reflected in district policy.
 - DD. Attempt or Complicity – When an offender attempts to commit any of the listed offenses or is involved with others who are committing or attempting to commit any of the listed offenses.
2. Minor Violations - Less serious violations of facility regulations or infractions where there is no apparent intent to violate a rule and/or the scope of the violation is less serious. Unless determined as Major, the violation is classified as Minor.

PROCEDURE:

- 1. Staff addresses violations and imposes sanctions pursuant to Disciplinary Process (2354).

BY ORDER OF:

Bruce Vander Sanden, District Director