Minnesota Department of Corrections

Policy Number:	**303.015**
Title:	**Informal Sanctions**
Effective Date:	**6/19/18**

PURPOSE: To ensure accountability of offenders/residents by providing procedures for sanctions for minor rule violations. To ensure that similarly situated offenders/residents are treated comparably at facility level three and lower, and at facility level four and higher.

APPLICABILITY: Minnesota Department of Corrections (DOC); all facilities

DEFINITIONS:

Informal sanctions – sanctions imposed by staff for offender/resident infractions of lesser seriousness that do not rise to the level of formal discipline. Informal sanctions may consist of written warnings, loss of privileges, or loss of equipment (property), but do not result in extended incarceration.

Loss of privileges (LOP) – a status assigned to an offender/resident which results in the loss of facility privileges, for misconduct of a minor nature. This includes such examples as: housekeeping issues, personal hygiene standards, violation of living unit rules and regulations, or minor behavioral disruptions. Informal sanctions do not result in extended incarceration.

PROCEDURES:

A. Upon staff determination that an offender/resident violated a facility or unit rule, the staff must determine whether the violation is handled through the informal sanctions or discipline process. Staff must review the offender's/resident's informal sanction record to determine an appropriate sanction. Staff may contact the facility discipline unit for guidance when determining whether formal or informal sanctions are appropriate.

B. If the informal sanctions process is found to be the appropriate method to resolve the violation, the staff must notify the offender/resident that a notice of informal sanction has been written and provide the offender/resident a copy of the notice. The notice must include a description of the behavior that occurred, and which and how facility/unit rule(s) were violated.

C. Staff must follow the Violation and Informal Sanction Group Chart (attached) reflecting each classification level's possible discipline, and examples of groupings for informal sanctions. Facilities may establish categories for different types of informal sanctions based on the groupings from this chart.

The following procedures must be included in the facility's informal sanction process.

1. Each living unit and work area must post specific rules and regulations regarding informal sanctions.

2. Staff must notify offenders/residents in writing of the specific violation committed along with a statement describing the specific behavior violating the rule(s). A written or digital record of the violation is retained in the offender's/resident's unit or program file for 90 days. After 90 days, the violation drops off the offender's informal discipline record.

3. The offender/resident may request a review of the sanction. A supervisor/designee or sergeant not involved with the rule violation must hold the review within three working days of the reported incident. The supervisor/designee or sergeant provides the offender/resident an opportunity to present the offender's/resident's viewpoint of the violation. A request for a review does not delay the penalty. The decision of the supervisor/designee or sergeant is final and may not be appealed. The review is documented in the loss of privileges (LOP) log and the offender's/resident's unit or program file.

4. The facility maintains a written record of the nature of violations, findings, imposed sanctions, and the start and end date of the sanction(s) in the offender's/resident's unit or program area file. Informal sanctions do not become part of the offender's/resident's permanent discipline record, but may be used as supporting documentation in a formal discipline process to establish a history of similar violations.

5. In the event discipline reaches the formal level, or circumstances elevate disciplinary action, an incident report must be written citing the circumstances for formal discipline.

D. Informal sanctions have no effect on good time or disciplinary confinement.

E. Sanctions must not exceed the LOP identified on the Violation and Informal Sanction Group Chart for any one infraction Sanctions may also include loss of activity and/or loss of use of equipment. The penalty must begin within seven days of the violation or within seven days of completion of a current penalty if the offender/resident is on discipline status at the time of the violation.

F. The sanctions listed in the Violation and Informal Sanction Group Chart do not apply to Division Directive 302.210, "Offender Telephone Use," Policy 204.047, "Hobby Craft," and Division Directive 204.010, "Offender Assignment and Compensation Plan."

G. Offenders/residents do not have the option to have a violation processed through the formal discipline system if staff determine informal sanctions are appropriate to resolve the issue.

H. Disciplinary segregation offenders do not carry forward their LOP time for similar category offenses once released from segregation, provided the offender is leaving segregation on an unassigned idle (UI) status.

INTERNAL CONTROLS:

A. A written record of the violation is retained in the offender's/resident's unit or program file.

B. Any sanction review is documented in the offender's/resident's unit or program area file.

ACA STANDARDS: 4-4230

REFERENCES: Minn. Stat. § 241.01, subd. 3a(b)
Division Directive 204.010, "Offender Assignment and Compensation Plan"
Policy 204.047, "Hobby Craft"
Policy 303.010, "Offender Discipline"
Division Directive 302.210, "Offender Telephone Use"

REPLACES: Division Directive 303.015, "Informal Sanctions," 1/3/17.

All facility policies, memos, or other communications whether verbal, written, or transmitted by electronic means regarding this topic.

ATTACHMENTS: Violation and Informal Sanction Group Chart (303.015A)

APPROVED BY:
Deputy Commissioner, Facility Services
Deputy Commissioner, Community Services
Assistant Commissioner, Facility Services
Assistant Commissioner, Operations Support

Instructions
303.015SHK, "Informal Sanctions Plan"