

CORRECTIONS DEPARTMENT[201]

Notice of Intended Action

**Proposing rule making related to five-year review of rules
and providing an opportunity for public comment**

The Corrections Department hereby proposes to amend Chapter 1, “Departmental Organization and Procedures,” and Chapter 20, “Institutions Administration,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 904.108.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 904.108.

Purpose and Summary

All of the Department’s rules were reviewed as part of the comprehensive five-year review required under Iowa Code section 17A.7. These proposed amendments are designed to eliminate outdated or redundant rules, update Iowa Administrative Code language and eliminate any rules that are inconsistent or incompatible with statutes or other rules.

The proposed amendments to Chapter 1 reflect updates to the Department’s internal structure, such as prison telephone numbers and staff job responsibilities.

The proposed amendments to Chapter 20 include:

- Removing advertising brochures and flyers from the list of authorized publications that can be received by an incarcerated individual;
- Replacing the words “moderate intensity family violence prevention program” with “participation in evidence-based programs” to refer to programs that certain incarcerated individuals must complete before visitation;
- Replacing the words “send a copy of the removal form to the incarcerated individual” with “notify the incarcerated individual of the completed removal” in reference to when an incarcerated individual requests a visitor be removed from the individual’s visiting list;
- Replacing the words “upon entrance to the institution” with “before the start of the visit” to reflect that both in-person and video visits occur;
- Clarifying that an incarcerated individual’s mail sent to and received from the Office of Ombudsman shall be delivered unopened;
- Clarifying the name of the Iowa Department of Corrections account where money orders and cashier’s checks from the public must be sent for deposit into an incarcerated individual’s account;
- Clarifying that publications may be purchased by a third party or an incarcerated individual;
- Clarifying that the warden’s designee may accept donations to the prison; and
- Changing the time frame from quarterly to annually for the Director to review incarcerated individual telephone commission expenditure requests with the Board of Corrections.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 201—Chapter 7.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 7, 2022. Comments should be directed to:

Michael Savala
Department of Corrections
Jessie Parker Building
510 East 12th Street
Des Moines, Iowa 50319
Email: michael.savala@iowa.gov

Public Hearing

If requested, a public hearing to hear requested oral presentations will be held on June 7, 2022, via conference call from 9 to 10 a.m. Persons who wish to participate in the conference call should contact Michael Savala before 4:30 p.m. on June 3, 2022, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing. The public hearing will be canceled without further notice if no oral presentation is requested.

Persons who wish to make oral comments at a public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the Department and advise of specific needs.

Review by Administrative Rules Review Committee

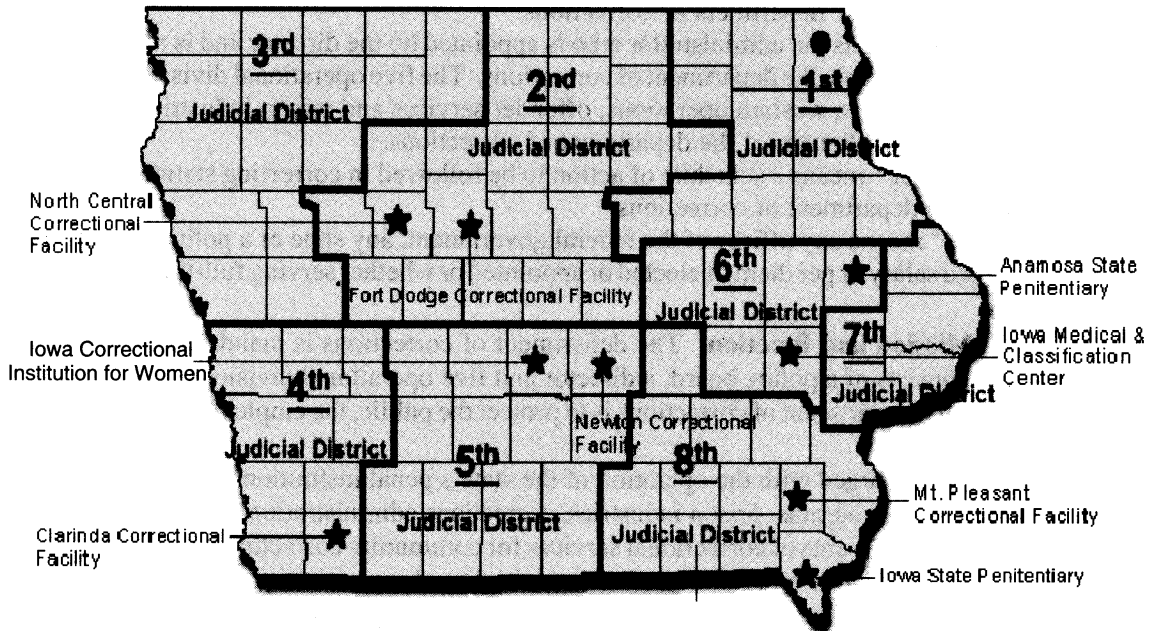
The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend subrule 1.3(3) as follows:

1.3(3) Contact information. Contact information for correctional institutions and judicial district departments of correctional services and other offices located outside the principal headquarters is listed below and may also be found on the department's website, which is listed in rule 201—1.4(904). The following map provides a general overview of judicial district department of correctional services and correctional institution locations.

Department of Corrections Institutions
and
Judicial District Departments of Correctional Services



Anamosa State Penitentiary
406 North High Street
Anamosa, IA 52205
(319)462-3504
(319)462-4962 Fax

Iowa Medical and Classification Center
2700 Coral Ridge Avenue
Coralville, IA 52241
(319)626-2391
(319)626-2141 Fax

Mt. Pleasant Correctional Facility
1200 East Washington
Mt. Pleasant, IA 52641
(319)385-9511
(319)385-8828 Fax

Iowa State Penitentiary
2111 330th Avenue, P.O. Box 316
Fort Madison, IA 52627
(319)372-5432
(319)372-6967 Fax

Newton Correctional Facility
307 S. 60th Avenue W, P.O. Box 218
Newton, IA 50208
(641)792-7552
(641)791-1683 Fax

Fort Dodge Correctional Facility
1550 L Street
Fort Dodge, IA 50501-5767
(515)574-4700
(515)574-4707 Fax

North Central Correctional Facility
313 Lanedale
Rockwell City, IA 50579
(712)297-7521
(712)297-7875 Fax

Iowa Correctional Institution for Women
420 Mill Street SW
Mitchellville, IA 50169
(515)967-4236 (515)725-5042
(515)967-5347 (515)725-5015 Fax

Clarinda Correctional Facility
2000 N. 16th Street
Clarinda, IA 51362
(712)542-5634/5635 (712)695-7140
(712)542-4844 (712)695-7130 Fax

First Judicial District, DCS
314 East Sixth Street, P.O. Box 4030
Waterloo, IA 50704-4030
(319)236-9626
(319)291-3947 Fax

Second Judicial District, DCS
509 Main Street, Suite 200
Ames, IA 50010
(515)232-1511
(515)232-9453 Fax

Third Judicial District, DCS
515 Water Street
Sioux City, IA 51103
(712)252-0590
(712)252-0634 Fax

Fourth Judicial District, DCS
810 South Tenth Street
Council Bluffs, IA 51501
(712)325-4943
(712)325-0312 Fax

Fifth Judicial District, DCS
1000 Washington Street
Des Moines, IA 50314
(515)242-6611
(515)242-6656 Fax

Sixth Judicial District, DCS
951 29th Ave. SW
Cedar Rapids, IA 52404
(319)398-3675
(319)398-3684 Fax

Seventh Judicial District, DCS
605 Main Street
Davenport, IA 52803-5244
(563)322-7986
(563)324-2063 Fax

Eighth Judicial District, DCS
1805 West Jefferson, P.O. Box 1060
Fairfield, IA 52556-1060
(641)472-4242
(641)472-9966 Fax

ITEM 2. Amend rule 201—1.4(904) as follows:

201—1.4(904) Internet website. The department’s Internet home page is located at www.doc.iowa.gov
doc.iowa.gov.

ITEM 3. Amend paragraph **1.8(1)“b”** as follows:

b. The deputy director of institutional operations is also responsible for the following:

- (1) Classification.
- (2) Education.
- (3) Safety officers.
- (4) Records.
- (5) Transfers.
- (6) Security operations.
 1. Investigations.
 2. Reserved.

ITEM 4. Amend subrule 1.8(6) as follows:

1.8(6) The general counsel/~~inspector general~~ shall be responsible for the following:

- a.* Legal services.

- b. Coordination of court orders.
- c. ~~Investigations~~ Public records.
- d. ~~EEO/AA~~ Civil rights.
- e. Administrative law judges.
- f. Jail inspections.
- g. ~~Legislative program.~~
- h. g. Administrative rules.

ITEM 5. Amend subrule 1.8(7) as follows:

1.8(7) The director of media and public relations shall be responsible for the following:

- a. Providing public information to constituency groups and the media.
- b. Facilitating internal communications in the department.
- c. Legislative program.

ITEM 6. Amend rule 201—20.1(904) as follows:

201—20.1(904) Application of rules. The rules in this chapter apply to all adult correctional institutions unless otherwise stated. The institutions covered by these rules are the Iowa state penitentiary, Fort Madison, the Anamosa state penitentiary, Anamosa, the Iowa correctional institution for women, Mitchellville, the Iowa medical and classification center, ~~Oakdale~~ Coralville, the Newton correctional facility, Newton, the Mt. Pleasant correctional facility, Mt. Pleasant, the Clarinda correctional facility, Clarinda, the north central correctional facility, Rockwell City, and the Fort Dodge correctional facility, Fort Dodge.

This rule is intended to implement Iowa Code section 904.102.

ITEM 7. Amend rule **201—20.2(904)**, definition of “Publication,” as follows:

“*Publication*” means a book, booklet, pamphlet, or similar document, or a single issue of a magazine, periodical, newsletter, newspaper, plus such other materials addressed to a specific incarcerated individual, such as ~~advertising brochures, flyers, and catalogs.~~

ITEM 8. Amend subparagraph **20.3(6)“d”(1)** as follows:

(1) Applicants may appeal to the warden or designee in writing. An appeal by an applicant who is the victim of a sex offense, or who is the victim’s family member, and is seeking to visit the perpetrator of the crime shall be reviewed in consultation with the department sex offender treatment director or the institution’s treatment director ~~for the moderate intensity family violence prevention program participation in evidence-based programs.~~

ITEM 9. Amend subrule 20.3(7) as follows:

20.3(7) Removal from visiting list. If an incarcerated individual wishes to have a visitor removed from the incarcerated individual’s visiting list, the incarcerated individual shall complete the Removal of Visitor form contained in department policy OP-MTV-04 and send it to the central visiting authority. Upon receipt of the removal request, the central visiting authority shall respond to the request within seven business days and ~~send a copy of the removal form to the incarcerated individual~~ notify the incarcerated individual of the completed removal. Once a visitor has been removed from a visiting list, six months must elapse before reapplication by the removed visitor.

ITEM 10. Amend subrule 20.3(9) as follows:

20.3(9) Identification. All visitors shall present proper identification ~~upon entrance to the institution before the start of the visit.~~ Photo identification is preferred, but any identification presented shall identify personal characteristics, such as color of hair and eyes, height, weight, and birth date.

- a. Signature cards may be required from visitors.
- b. All visitors may be required to be photographed for future identification purposes only.

ITEM 11. Amend subrule 20.3(10) as follows:

20.3(10) Special visitors.

a. *Law enforcement.* Division of criminal investigation agents, Federal Bureau of Investigation agents, and law enforcement officials shall present proof of identity upon entrance to the institution.

b. Attorneys. Attorneys must complete an initial visitor application form to visit an incarcerated individual; however, this initial application shall apply to multiple visiting lists. After initial approval is established, attorneys must contact the central visiting authority at (319)385-9511 to be added to the visiting lists of additional incarcerated individuals. Background checks are not required, and attorneys shall not be counted as a friend on an incarcerated individual's visiting list as set forth in 20.3(3) "b."

Attorneys shall present proof of identity ~~upon entrance to the institution~~ before the start of the visit. The incarcerated individual must express a desire to visit with an attorney before the attorney will be admitted. Attorney visits shall be during normal visiting hours unless a special visit has been requested by the incarcerated individual and approved by the warden or designee prior to the visit.

An attorney testing positive by an electronic detection device may be required to visit without direct contact.

c. Ministers. Ministers must complete an initial visitor application form to visit an incarcerated individual; however, this initial application shall apply to multiple visiting lists. After initial approval is established, ministers must contact the central visiting authority at (319)385-9511 to be added to the visiting lists of additional incarcerated individuals. Background checks are required. Ministers shall not be counted as a friend on an incarcerated individual's visiting list as set forth in 20.3(3) "b."

Ministers shall present proof of identity ~~upon entrance to the institution~~ before the start of the visit. The incarcerated individual must express a desire to visit with a minister before the minister will be admitted. Minister visits shall be during normal visiting hours unless a special visit has been requested by the incarcerated individual and approved by the warden or designee prior to the visit.

A minister testing positive by an electronic detection device may be required to visit without direct contact.

ITEM 12. Amend paragraph **20.4(3)"a"** as follows:

a. Pursuant to Iowa Code chapter 2C, mail addressed to and received from the ombudsman office shall be delivered unopened.

ITEM 13. Amend rule 201—20.4(904) as follows:

201—20.4(2C,904) Mail. Constructive, unlimited correspondence with family, friends, and community sources will be encouraged and facilitated. Incarcerated individuals have the responsibility in the use of correspondence to be truthful and honest. Institutions have the responsibility to maintain a safe, secure, and orderly procedure for use of the mail by an incarcerated individual. Mail is additionally governed by the provisions of department of corrections policy OP-MTV-01.

20.4(1) to 20.4(3) No change.

This rule is intended to implement Iowa Code section 2C.14.

ITEM 14. Amend rule 201—20.5(904) as follows:

201—20.5(904) Money orders, cashier's checks, and electronic funds transfers for incarcerated individuals. An individual may deposit funds in an incarcerated individual's account by money order, cashier's check, or electronic funds transfer. Personal checks and cash will not be accepted. Only money orders and cashier's checks will be accepted for deposit into an incarcerated individual's account by mail. Money orders and cashier's checks must be made payable to the Iowa Department of Corrections ~~Incarcerated Individual~~ Offender Fiduciary Account (IDOC HFA OFA) and sent to: Fort Dodge Correctional Facility, 1550 L Street, Suite B, Fort Dodge, Iowa 50501, and must include the incarcerated individual's name and ID number and the sender's name and complete address. Funds will also be accepted via electronic funds transfers from authorized vendors. An incarcerated individual's suspected abuse of requests for money from the public may be cause for limits or restrictions on the amounts of money which can be received and from whom money can be received.

This rule is intended to implement Iowa Code section 904.506.

ITEM 15. Amend subrule 20.6(2) as follows:

20.6(2) Publications include any periodical, newspaper, book, pamphlet, magazine, newsletter, or similar material published by any individual, organization, company, or corporation, and made available

for a commercial purpose. ~~All publications~~ Publications may be purchased by a third party or an incarcerated individual and shall be unused and sent directly from an approved publisher or bookstore which does mail order business. Any exceptions must be authorized by the warden. No publication will be denied solely on the basis of its appeal to a particular ethnic, racial, religious, or political group. The quantity of printed materials, as with other personal property, ~~will~~ shall be controlled for safety and security reasons.

ITEM 16. Amend paragraph **20.6(5)“k”** as follows:

k. Is a ~~pamphlet~~, catalog, or other publication whose purpose is primarily or significantly to sell items or materials that are expressly prohibited inside any of the department institutions. The warden can make exceptions for materials that serve reentry efforts.

ITEM 17. Adopt the following new implementation sentence in rule **201—20.6(904)**:

This rule is intended to implement Iowa Code section 904.108(1) “*k.*”

ITEM 18. Adopt the following new implementation sentence in rule **201—20.7(904)**:

This rule is intended to implement Iowa Code section 904.108(1) “*k.*”

ITEM 19. Adopt the following new implementation sentence in rule **201—20.8(904)**:

This rule is intended to implement Iowa Code sections 904.108(1) “*k.*” and 904.512.

ITEM 20. Amend rule 201—20.9(904) as follows:

201—20.9(904) Donations. Donations of money, books, games, recreation equipment or other such gifts shall be made directly to the warden or the warden’s designee. The warden or the warden’s designee shall evaluate the donation in terms of the nature of the contribution to the institution program. The warden or the warden’s designee is responsible for accepting the donation and reporting the gift to the institutional deputy director on a monthly basis.

This rule is intended to implement Iowa Code section 904.113.

ITEM 21. Adopt the following new implementation sentence in rule **201—20.10(904)**:

This rule is intended to implement Iowa Code section 904.108(6).

ITEM 22. Adopt the following new implementation sentence in rule **201—20.12(904)**:

This rule is intended to implement Iowa Code section 904.108(2).

ITEM 23. Amend rule 201—20.15(910A) as follows:

201—20.15(910A 915) Victim notification.

20.15(1) to 20.15(7) No change.

This rule is intended to implement Iowa Code ~~section 910A.9~~ chapter 915.

ITEM 24. Amend subrule 20.20(4) as follows:

20.20(4) Review and approval of expenditures. The deputy director of operations and the financial manager of administration will review the proposals for ~~a quarterly~~ an annual presentation by the director to the corrections board for approval. The director will notify the chairpersons and ranking members of the justice system’s appropriations subcommittee of the proposals prior to the corrections board approval. All expenditures and encumbrances shall require prior approval from the corrections board and the deputy director of operations. Institutions shall not be allowed to encumber or expend funds without approval. Revenues generated by telephone commissions at each institution shall be used to determine the availability of funds for each project.