RA 26-188

CORRECTIONS DEPARTMENT[201]

Regulatory Analysis

Notice of Intended Action to be published: 201—Chapters 40 through 45 and 47
"Community-Based Corrections"

Iowa Code section(s) or chapter(s) authorizing rulemaking: 904.108
State or federal law(s) implemented by the rulemaking: Iowa Code chapters 321J, 811, 901, 904, 906, 907, 908, and 910

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

August 25, 2026 10:30 to 11:30 a.m.	Via Google Meet: meet.google.com/cwv-fguh-evv Or dial: 1.385.246.2955 PIN: 719 985 663#

Public Comment

Any interested person may submit written or oral comments concerning this Regulatory Analysis, which must be received by the Department of Corrections no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

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Purpose and Summary

This proposed rulemaking rescinds and replaces Chapter 40 with a consolidated, unified regulatory framework to satisfy the requirements of Executive Order 10. The purpose of Chapter 40 is to govern the administration and delivery of all Community-Based Corrections (CBC) services across the State's eight district departments, including preconviction, probation, parole, residential, work release, and operating a motor vehicle while under the influence (OWI) programming.

Pursuant to Executive Order 10, the Department conducted a comprehensive review of the CBC administrative rules to eliminate restrictive terms, obsolete rules, and language that duplicates State statutes. This proposed rulemaking takes essential mandates previously scattered across standalone chapters (Chapters 40 through 45 and 47) and organizes them into a single cohesive chapter while preserving essential safety and service requirements and achieving the regulatory benefit in a more efficient and less burdensome format.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**

- **Classes of persons that will bear the costs of the proposed rulemaking:**

There are no classes of persons that will bear any additional or new costs from this proposed rulemaking.

- **Classes of persons that will benefit from the proposed rulemaking:**

The general public, Department personnel, and individuals under community-based supervision will benefit from a modernized, single, and unified set of administrative rules that clarifies operational expectations and removes administrative redundancies.

2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**

- **Quantitative description of impact:**

There is no known quantitative or financial impact.

- **Qualitative description of impact:**

There is no known qualitative impact.

3. **Costs to the State:**

- **Implementation and enforcement costs borne by the agency or any other agency:**

There are no additional implementation or enforcement costs borne by the Department or any other State agency since this proposed rulemaking will align administrative rules with current operational practices and consolidated statutory structures.

- **Anticipated effect on State revenues:**

There is no anticipated effect on State revenues.

4. **Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:**

The benefit of this proposed rulemaking is an accurate, streamlined, and legally compliant chapter that satisfies Executive Order 10 at no additional cost. Inaction is not permissible.

5. **Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:**

No less costly or less intrusive methods exist. Rulemaking is the legally required method to maintain an administrative framework that complies with the Iowa Code and the mandates of Executive Order 10.

6. **Alternative methods considered by the agency:**

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Alternative methods were not considered because formal rulemaking is required to bring the chapter into compliance with Executive Order 10 directives.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

This proposed rulemaking, including the rescission of Chapters 40 through 45 and 47, has no impact on small business.

Text of Proposed Rulemaking

ITEM 1. Rescind 201—Chapter 40 and adopt the following **new** chapter in lieu thereof:

TITLE III
COMMUNITY-BASED CORRECTIONS

CHAPTER 40
COMMUNITY-BASED CORRECTIONS

DIVISION I
GENERAL PROVISIONS

201—40.1(904) Title III definitions.

"Community service" means unpaid public service as a condition of probation established pursuant to Iowa Code chapter 907 or in lieu of restitution as authorized in Iowa Code chapter 910.

"Conditions of probation" means the same as described in Iowa Code section 907.6.

"Contraband" means weapons, alcohol, drugs, money, obscene materials, or material advocating disruption of or injury to clients, employees, programs, or physical facilities. "Contraband" also includes anything that is illegal to possess under federal or state law, anything that is prohibited by the facility, or materials that are used in the production of drugs or alcohol or used in conjunction with the taking of illicit drugs.

"Department" means the Iowa department of corrections as defined in Iowa Code section 904.101(4).

"District department" means the same as defined in Iowa Code section 904.101(7).

"District director" means the same as defined in Iowa Code section 904.101(8).

"Deputy director" means the deputy director for community-based corrections of the department.

"Parole" means the same as defined in Iowa Code section 906.1.

"Parole agreement" means the same as described in Iowa Code section 906.11.

"Parole plan" means a document listing place of employment, residence and the supervising parole officer.

"Presentence investigations" means the same as described in Iowa Code sections 901.2 and 901.3.

"Pretrial release" means the same as described in Iowa Code section 811.2.

"Probation" means the same as defined in Iowa Code section 907.1.

"Probation agreement" means the same as described in Iowa Code section 907.6.

"Probation service" means the same as described in Iowa Code section 907.2.

"Restitution plan of payment" means the same as defined in Iowa Code section 910.1(8).

"Supervision" means supervision during the probationary period as described in Iowa Code section 907.8.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.2(904) Grievance procedures.

40.2(1) The department will maintain policies and procedures establishing a grievance process applicable to all persons under supervision.

40.2(2) Persons under supervision will be provided notice of the grievance process in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.3(904) Electronic case records. The department will maintain an electronic case record for all persons under supervision.

40.3(1) The contents of electronic case records will be maintained in accordance with department policy and may include identification data, institutional information, case plans, restitution plans, supervision or release plans, generic notes, disciplinary reports, transfer reports, progress reports, releases of information, and discharge records, as applicable.

40.3(2) Written procedures will govern the security, maintenance, accessibility, closure, and destruction of electronic case records in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.4(904) Case management system and risk/needs assessment. The department will utilize the statewide approved case management system and a statewide validated risk/needs assessment instrument for persons under supervision when required by statute or department policy.

40.4(1) Risk and needs information will be used to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices.

40.4(2) Resources will be prioritized for clients who pose a greater risk to reoffend.

40.4(3) Moderate-high-risk clients will receive evidence-based case planning and case management in accordance with department policy.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

201—40.5(904,907,910) Restitution. Unless otherwise provided by statute or rule, this rule applies to persons under supervision of the district department.

40.5(1) *Restitution plan of payment.* When restitution is ordered by the court, the department will ensure that a restitution plan of payment is prepared, submitted, reviewed, and modified in accordance with Iowa Code chapter 910.

a. A restitution plan of payment will be developed for any client under supervision who is court ordered to pay restitution unless the court-ordered restitution plan has been completed.

b. Factors that must be considered in developing the restitution plan of payment are outlined in Iowa Code section 910.5(2)*"a"*(1).

c. A copy of the restitution plan will be given to the client in accordance with Iowa Code section 907.8(1).

d. The department will maintain policies and procedures governing the development and modification of restitution plans of payment.

e. The approved restitution plan of payment will be forwarded to the appropriate clerk of court by the district department or to the person responsible for collection if collections are performed by the district department.

40.5(2) *Restitution compliance.* Persons under supervision will comply with the terms of the restitution plan of payment.

a. Payments shall be submitted in a timely manner to the clerk of court or to the department, as applicable.

b. If payments are made to the clerk of court, the client must provide proof of payment to the department.

c. When community service is ordered in lieu of financial restitution, the department will provide statements to the appropriate clerk of court in accordance with department policy.

This rule is intended to implement Iowa Code sections 907.8 and 910.5.

201—40.6(904,906) Transportation reimbursement.

40.6(1) In accordance with Iowa Code sections 904.909 and 906.18, a client under supervision who escapes, absconds, or otherwise violates conditions requiring return to custody must reimburse the department for the actual cost incurred by the department.

40.6(2) Actual cost means the following:

a. Actual salary, to include overtime, of all personnel involved;

b. Actual personal expenses of personnel involved;

c. Ground mileage at the rate paid to state employees;

d. Actual cost of any common carrier fee for personnel and the client. Airfare will be booked at regular coach; and

e. Actual costs of contract services.

This rule is intended to implement Iowa Code sections 904.909 and 906.18.

201—40.7(904) Authorization to carry firearms.

40.7(1) The department may authorize employees to carry a firearm while performing official duties. The department will establish policies and procedures governing the authorization of probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D.

40.7(2) Probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D must complete the Iowa law enforcement academy curriculum before being authorized to carry a firearm. Officers authorized before February 9, 2005, are exempt from this requirement.

This rule is intended to implement Iowa Code section 904.108(1)*"l."*

DIVISION II
PRECONVICTION SERVICES

201—40.8(811,901,904) Preconviction services.

40.8(1) *Pretrial services.*

a. The district department will designate staff to conduct pretrial screenings and administer pretrial release services.

b. The district department will establish a system of communication with law enforcement and the judiciary regarding the availability of pretrial services.

c. The department will maintain policies and procedures governing pretrial services, including but not limited to:

(1) Identification and timely screening of persons eligible for pretrial services,

(2) Screening criteria that require consideration of conditions contained within Iowa Code section 811.2,

(3) Reporting violations of conditions of release to the court,

(4) Supervision of persons released under pretrial services, and

(5) Notifying the supervising agent of any pretrial screenings for existing clients.

d. A grievance process applicable to persons under pretrial supervision will be provided in accordance with rule 201—40.2(904).

e. Electronic case records will be maintained on each active case under supervised release in accordance with rule 201—40.3(904).

40.8(2) *Presentence investigation.*

a. The district department will conduct presentence investigations ordered by the court.

b. The department will maintain policies and procedures governing presentence investigations, including but not limited to:

(1) Preparation of presentence investigation reports in accordance with Iowa Code section 901.3,

(2) Inclusion of the results of a department-approved validated risk assessment,

(3) Timely transmittal of the presentence investigation report to the court, and

(4) Confidential handling of presentence investigation reports in accordance with Iowa Code section 901.4.

This rule is intended to implement Iowa Code chapters 811 and 901 and section 904.108(1)*"l."*

DIVISION III
PROBATION SERVICES

201—40.9(904,907,908,910) Probation services. The department will provide probation services throughout each district department and will maintain policies and procedures governing probation supervision, including but not limited to:

40.9(1) Uniform classification and supervision of probationers.

40.9(2) Use of the statewide approved case management system and a statewide validated risk/needs assessment instrument to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices in accordance with rule 201—40.4(904).

40.9(3) Establishment of probation conditions that meet the approval of the court and procedures to ensure clients receive those conditions in writing, including documentation of receipt.

40.9(4) Searches of clients under probation supervision and the search and seizure of their property in accordance with court requirements.

40.9(5) Reporting violations of probation and recommending revocation to the court.

40.9(6) Determining when an arrest may be made or a client should be taken into custody.

40.9(7) Requesting discharge from probation, including recommendations when a client has met court obligations, no longer poses a threat to the community, or cannot benefit substantially from further supervision.

40.9(8) A grievance process for clients under probation supervision in accordance with rule 201—40.2(904).

40.9(9) Maintenance of an electronic case record for each client under supervision in accordance with rule 201—40.3(904).

40.9(10) Preparation, submission, review, and modification of the restitution plan of payment will be conducted in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.9(11) Preparation, submission, review, and modification of the plan of community service in accordance with Iowa Code chapters 907 and 910.

40.9(12) Preparation, submission, review, modification, collection and retention of supervision enrollment fees, including the waiver of fees for persons determined unable to pay, in accordance with Iowa Code section 904.912.

This rule is intended to implement Iowa Code chapter 907 and sections 904.108, 908.11 and 910.5.

DIVISION IV
PAROLE SERVICES

201—40.10(904,906,908,910) Parole services.

40.10(1) *Supervision.* Persons granted parole by the board of parole are supervised by a district department. Conditions of parole are imposed as established and approved by the board of parole.

40.10(2) *Effective date/parole agreement.* Parole is effective only upon the incarcerated individual's acceptance of the terms of parole as evidenced by the signing of the parole agreement unless otherwise prescribed by law. The parole agreement is issued only upon the written order of the board of parole and only after approval of the parole plan. A parolee will not be released on parole prior to execution of the parole agreement. The parole agreement will contain the conditions of parole and the parolee's reporting instructions.

40.10(3) *Delivery of services.* The department will deliver parole services in accordance with department policy and procedures, including but not limited to:

a. The administration of earned and honor time;

b. Authorization of community placement furloughs in accordance with Iowa Code section 904.108(2);

c. Provision of clothing, transportation, and money in accordance with Iowa Code section 906.9;

d. Availability of emergency medical care and response to sudden illness or accidents;

e. Establishment of a grievance process with notice provided in accordance with rule 201—40.2(904); and

f. Development of a restitution plan of payment in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.10(4) *Parole violations.*

a. The department may report violations of parole conditions to the board of parole in accordance with board requirements set forth in rules 205—11.5(908) and 205—11.6(908).

b. With supervisory approval, a parole officer may arrest a parolee when there is probable cause to believe a parole violation has occurred that may result in revocation. All actions of the arresting agent will be in accordance with Iowa Code sections 908.1 and 908.2.

c. When a parolee is believed to have absconded, a preliminary parole violation filing will be submitted and a warrant for arrest requested.

40.10(5) *Voluntary return to institution.* A parolee may voluntarily return to a department institution for treatment or training for a period not to exceed 90 days upon approval of a voluntary return agreement by the district department, institution warden, and parolee, and following a hearing before a parole board administrative law judge.

40.10(6) *Discharge from parole.* Discharge from parole supervision will be determined and administered in accordance with department policy and Iowa Code section 906.15 and requirements set forth in 205—Chapter 12.

40.10(7) *Supervision enrollment fee.* The department will have policies and procedures governing the preparation, submission, review, modification, collection and retention of supervision enrollment fees, including the waiver of fees for persons determined unable to pay, in accordance with Iowa Code section 904.912.

This rule is intended to implement Iowa Code sections 904.108, 904.912, 906.9, 906.11, 906.15, 906.16, 908.1, 908.2 and 910.5.

DIVISION V
RESIDENTIAL FACILITIES

201—40.11(904,907,908,910) Residential facilities.

40.11(1) The department will ensure the admission of residents in accordance with the correctional continuum, court order, release order from the board of parole, or purchase of service agreement or contract with federal correctional agencies.

40.11(2) At intake, facility staff will discuss with each resident program goals, services available, facility rules governing conduct, disciplinary procedures, client fiscal management, residents' rights, communication privileges, and all federal Prison Rape Elimination Act (PREA) orientation and education standards and will obtain written documentation from the resident that these matters were discussed.

40.11(3) Facility staff will know the whereabouts of all residents and ensure that staff are available to residents 24 hours a day.

40.11(4) Provision and maintenance of a safe environment for residents will occur, including compliance with applicable fire, building, health, and safety requirements.

40.11(5) The department will maintain policies and procedures governing residential facilities, including but not limited to:

a. Inventorying and documentation of resident property.

b. Facility rules, sanctions, appeal procedures, and compliance with applicable federal PREA standards.

c. A grievance process applicable to activities other than disciplinary action in accordance with rule 201—40.2(904).

d. Use of physical force by facility staff, including reporting requirements, in accordance with statutes or regulations.

e. Searching of residents and their property, and seizure of property or contraband.

f. Emergency medical care and response to sudden illness or accidents.

g. Handling and administration of prescription and nonprescription medications.

h. Provision of meals meeting recognized minimum daily nutritional requirements and, if food service is provided, compliance with applicable health and safety requirements for food service operations.

i. Procedures for recommending removal or revocation of residential placement consistent with risk reduction.

j. Procedures for requesting discharge from a residential facility when a resident has met court requirements, no longer poses a threat to the community, or cannot benefit substantially from further supervision.

k. Use of the statewide approved case management system and a statewide validated risk/needs assessment instrument to inform supervision and case planning consistent with the risk-need-responsivity model and core correctional practices in accordance with rule 201—40.4(904).

l. Maintenance of an electronic case record for each resident in accordance with rule 201—40.3(904).

This rule is intended to implement Iowa Code section 907.3 and chapters 904, 908, and 910.

DIVISION VI
OWI PROGRAMS

201—40.12(904,910) OWI programs.

40.12(1) *Applicability.* Clients convicted of an offense under Iowa Code chapter 321J, sentenced to the custody of the director of corrections, and assigned to a continuum of programming, including treatment providers, residential facilities, and institutions, will be subject to these rules and department policy governing supervision and treatment.

40.12(2) *Facility selection and oversight.* The department will select appropriate facilities and treatment providers for the risk management and programming of clients. Any facility operated by or under contract with the department will comply with department policies, including all applicable federal PREA standards.

40.12(3) *Administrative responsibility.* The district director is responsible for all programs and clients subject to this rule. Any change in the custody status of clients must be approved by a department official.

40.12(4) *Movement of clients.*

a. The department will utilize standardized placement criteria founded on the presumption that assignment will be made to the least restrictive and most cost-effective component of the continuum for the purposes of risk management, substance use treatment, education, and employment. Criteria established to determine continuum assignment consists of the client's previous criminal record, present charges and attitude toward treatment. The continuum is defined as consisting of three basic components, namely:

(1) Incarceration until released by the board of parole or expiration of sentence,

(2) Short-term incarceration of approximately 60 days with subsequent transfer to a community corrections OWI residential program, and

(3) Direct placement to a community corrections residential program.

b. When there is insufficient bed space in the community-based correctional program to accommodate the client, the court may order the client to be released on personal recognizance or bond, released to the supervision of the district department, or held in jail.

c. Priority for placement will be based on the date of institutional admission or as soon as practical unless an exception is made by the department for special circumstances.

d. When a client is sentenced and ordered to department supervision and space is unavailable in a community program, or when supervision concerns arise, the district director or designee may request temporary placement at the Iowa medical and classification center (IMCC) or the Iowa correctional institution for women (ICIW), with approval by the deputy director or designee until space is available in the community program.

e. If medical conditions prohibit program participation and community resources, including University Hospitals, are not available to sufficiently meet client needs, the client may be assigned to IMCC/ICIW for treatment until the client's health status permits placement into a community-based correctional program.

f. Transfer of clients may be delayed by the department for security or medical reasons. Clients with active detainers or clients refusing to participate in the program may be transferred to an institution.

g. Clients placed with the department will transfer out of custody to their assigned facility unless an exception is made by the department.

h. The department will maintain policies governing the temporary confinement of clients who present a threat to the safety or security of the public, facility staff, or residents.

i. The department will maintain contingency plans to ensure continuity of custody or programming during emergencies, including fire, tornado, chemical spill, or work stoppage.

j. Clients housed in community facilities may be transferred to IMCC/ICIW on the recommendation of the district director or designee and with the approval of the deputy director or designee for reclassification and assignment to an institution. Transfer recommendations may be made for security, disciplinary, treatment, medical, or legal reasons.

k. Clients whose parole or work release is revoked may be returned to the OWI continuum, if eligible, or returned to the designated classification center for reclassification and placement in an institution.

40.12(5) *Fiscal.*

a. The department will not enter into a subcontract for custody, housing, or treatment of clients without the written approval of the deputy director. Contracts must include provisions protecting the department from liability arising from subcontractor actions.

(1) Subcontractors will be paid only for services on a reimbursement basis.

(2) The department will not pay for substance use treatment otherwise available and funded from other sources.

(3) The department and any subcontractors will, whenever possible, offset the cost of providing substance use treatment with third-party reimbursements.

b. The department will maintain a schedule of daily fees.

c. Clients may not be denied services due to an inability to pay the daily fee.

d. The department will maintain policies and procedures that ensure that all clients surrender their earnings to facility staff for the purpose of financial management and savings. Those policies and procedures will provide for the proper accounting and disbursement of all client funds, including but not limited to deduction of a daily fee where appropriate.

e. Upon request by the district director or designee, the county shall provide temporary confinement of clients allegedly violating the conditions of the assignment to a treatment program. The department will negotiate a reimbursement rate with each county.

f. A county holding clients ordered to jail due to insufficient space in a community-based corrections program will be reimbursed by the department.

g. If a client escapes or participates in an act of absconding from the facility to which the client is assigned, the client will reimburse the department for the cost of transportation in accordance with rule 201—40.6(904,906).

40.12(6) *Program structure.*

a. The district department will provide or arrange 24-hour housing and supervision of clients, either directly or through a contract with other agencies or individuals.

b. Each client will sign a department-approved supervision agreement. Failure to sign or comply with the agreement may result in reason to recommend returning the client to an institution.

c. Clients will participate in an appropriate continuum of programming. To the extent possible, capable clients will be employed a minimum of 30 hours per week.

d. Clients will be allowed to leave the facility for treatment, employment, and food service when those activities are not provided at the facility. In all other circumstances, clients may only leave the facility without supervision in accordance with furlough procedures.

e. Subcontractors will utilize department policies and procedures concerning client discipline.

f. Restitution plans will be established in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

g. A client identified as needing continuing care will receive follow-up treatment according to the client's identified needs. The client will receive correctional supervision following release from the facility unless the client's sentence has legally expired.

h. Visitation will be provided in accordance with department policy. Visiting privileges may be limited to the extent necessary for treatment, security, or management reasons.

i. Medical care for emergencies, illness, injury, or death will be provided in accordance with department policy.

j. The department will follow established policies governing violations, transfer recommendations, parole recommendations, earned time awards, and earned loss time.

k. The department will follow established policies for responding to an escape or unauthorized absence of a client from a facility, including circumstances indicating flight or criminal activity.

This rule is intended to implement Iowa Code sections 904.513, 904.909 and 910.5.

DIVISION VII
WORK RELEASE

201—40.13(904) Work release.

40.13(1) *Supervision.*

a. Persons committed to the director of the department and approved for work release by the board of parole will be supervised by a district department.

b. Residential facility intake procedures apply in accordance with 201—subrule 40.11(2) and are not restated.

c. Work release clients may be eligible to participate in day reporting in accordance with department policy WR/OWI-19. Day reporting allows selected clients an opportunity to move from a residential facility to a home setting.

40.13(2) *Facility requirements.* The provisions set forth in rule 201—40.11(904,907,908,910) apply to this rule and are not restated.

40.13(3) *Earned time.* Earned time will be awarded in accordance with department policy.

40.13(4) *Continuity of operations.* The department will maintain contingency plans to ensure proper continuation of the program in the event of emergencies, including fire, tornado, chemical spill, or work stoppage.

40.13(5) *Visitation.* Visitation will be provided in accordance with department policy. Visiting privileges may be limited to the extent necessary for security or management reasons.

40.13(6) *Transportation.* Department staff may provide transportation in order to facilitate program objectives or for security purposes.

40.13(7) *Restitution plan of payment.* Restitution plans of payment will be established in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

40.13(8) *Resident finances.* The department will maintain policies and procedures that ensure that all residents surrender their earnings to the facility in accordance with Iowa Code section 904.905. The department will provide for the proper accounting for the receipt and disbursement of resident earnings.

40.13(9) *Furloughs.* Furloughs for work release clients will be administered in accordance with department policy.

40.13(10) *Violations.* When disciplinary problems occur with residents who have been approved for work release but not yet placed, designated staff will determine whether the situation is serious enough to warrant further review by the board of parole.

a. For purposes of this subrule, designated staff means authorized persons from the district department, the deputy director, or the sending institution.

b. Work release violations may be classified as technical, minor, or major in accordance with department policy, depending on the seriousness and frequency. The classification will determine the sanction or range of sanctions to correspond with the violation(s).

c. Requests for temporary custody in a county jail or municipal holding facility may be issued by authorized staff of the department in those cases where the resident is considered dangerous, likely to flee or in serious violation of the work release program. The requests will be in accordance with Iowa Code section 904.908 and department policy.

d. Residents who are out of place of assignment are considered in serious violation of work release rules and possibly guilty of a felony under Iowa Code section 719.4. Escapes will be reported to designated authorities in accordance with department policy and critical incident policy.

40.13(11) *Reimbursement for transportation.* Transportation costs incurred due to a work release client escaping or absconding will be assessed against the work release client in accordance with rule 201—40.6(904,906).

40.13(12) *Transfers.*

a. Clients guilty of serious work release violations may be recommended for reclassification or transfer by a district department. Designated staff will determine whether the resident is to be transferred to a secure institution.

b. Transfers from one facility to another facility to a designated Iowa classification center may be allowed in special circumstances with the approval of the department.

40.13(13) *Discharge.* Under no circumstance will work release supervision extend beyond the expiration of a work releasee's sentence.

40.13(14) *Federal contracts for work release.* In order to qualify nonfederal work release clients for employment in the performance of federal contracts, under presidential Executive Order 11755, each district department will ascertain:

a. That the rate of pay and other conditions of employment will be at a similar rate and mode to others employed in like duties;

b. That employment of the work release client will not result in the displacement of other persons already employed, not be utilized where a surplus of labor exists, and not harm existing contracts; and

c. Representatives of affected unions will have been consulted.

40.13(15) *Home work release.*

a. Pursuant to Iowa Code section 904.901, home work release provides the opportunity in exceptional circumstances for qualified clients of correctional institutions to return to their homes.

b. Persons committed to the director of the department and approved for home work release by the board of parole will be supervised by a district department.

c. Home work release is additionally governed by the provisions of department policy CBC-RS-02.

This rule is intended to implement Iowa Code sections 904.901 through 904.909.

ITEM 2. Rescind and reserve **201—Chapter 41**.

ITEM 3. Rescind and reserve **201—Chapter 42**.

ITEM 4. Rescind and reserve **201—Chapter 43**.

ITEM 5. Rescind and reserve **201—Chapter 44**.

ITEM 6. Rescind and reserve **201—Chapter 45**.

ITEM 7. Rescind and reserve **201—Chapter 47**.