CORRECTIONS DEPARTMENT[201]

Rules transferred from Social Services Department[770] to Department of Corrections[291]; see 1983 Iowa Acts, chapter 96. Rules transferred from agency number [291] to [201] to conform with the 1986 reorganization numbering scheme in general, IAC Supp. 3/20/91.

Note: Iowa Code chapter 246 renumbered as chapter 904 and 247 renumbered as chapter 913 in 1993 Iowa Code.

TITLE I
GENERAL DEPARTMENTAL PROCEDURES

CHAPTER 1
DEPARTMENTAL ORGANIZATION AND PROCEDURES

1.1(904) Title I definitions
1.2(904) Mission and function
1.3(904) Offices
1.4(904) Internet website
1.5(904) Method by which and location where the public may obtain information or make submissions or reports
1.6(904) Board of corrections
1.7(904) Director
1.8(904) Organization of the department

CHAPTERS 2 to 19
Reserved

TITLE II
INSTITUTIONS

CHAPTER 20
INSTITUTIONS ADMINISTRATION

20.1(904) Application of rules
20.2(904) Title II definitions
20.3(904) Visits to incarcerated individuals
20.4(2C,904) Mail
20.5(904) Money orders, cashier’s checks, and electronic funds transfers for incarcerated individuals
20.6(904) Publications
20.7(904) Interviews and statements
20.8(904) Guests of institution
20.9(904) Donations
20.10(904) Incarceration fees
20.11(904,910) Restitution
20.12(904) Furloughs
20.13(904) Board of parole interviews
20.14(80A) Transportation for incarcerated individuals
20.15(915) Victim notification
20.16 Reserved
20.17(904) Institutional community placement
20.18 and 20.19 Reserved
20.20(904) Incarcerated individuals’ telephone commissions

CHAPTERS 21 to 36
Reserved

CHAPTER 37
IOWA STATE INDUSTRIES

37.1(904) Function
37.2(904) Sale of products
37.3(904) Procurement of goods and services

37.4(904) Private sector employment projects
37.5(904) Utilization of offender labor in construction and maintenance projects

CHAPTER 38
SEX OFFENDER MANAGEMENT AND TREATMENT
38.1(692A,903B) Application of rules
38.2(692A,903B) Electronic monitoring
38.3 Reserved
38.4(903B) Hormonal intervention therapy

CHAPTER 39
Reserved

TITLE III
COMMUNITY-BASED CORRECTIONS

CHAPTER 40
COMMUNITY-BASED CORRECTIONS

DIVISION I
GENERAL PROVISIONS
40.1(904) Title III definitions
40.2(904) Grievance procedures
40.3(904) Electronic case records
40.4(904) Case management system and risk/needs assessment
40.5(904,907,910) Restitution
40.6(904,906) Transportation reimbursement
40.7(904) Authorization to carry firearms

DIVISION II
PRECONVICTION SERVICES
40.8(811,901,904) Preconviction services

DIVISION III
PROBATION SERVICES
40.9(904,907,908,910) Probation services

DIVISION IV
PAROLE SERVICES
40.10(904,906,908,910) Parole services

DIVISION V
RESIDENTIAL FACILITIES
40.11(904,907,908,910) Residential facilities

DIVISION VI
OWI PROGRAMS
40.12(904,910) OWI programs

DIVISION VII
WORK RELEASE
40.13(904) Work release

CHAPTERS 41 to 49
Reserved

TITLE IV
JAIL INSPECTION STANDARDS

CHAPTER 50
JAIL FACILITIES
50.1(356,356A) Definitions
50.2(356,356A) General provisions
50.3(356,356A) Inspection and compliance
50.4(356,356A) Physical plant—general

50.5(356,356A) Physical requirements for existing facilities
50.6(356,356A) Physical requirements for new and remodeled facilities—after June 30, 1984
50.7(356,356A) Physical requirements for new and remodeled facilities—after September 12, 2001
50.8(356,356A) Physical requirements for new and remodeled facilities—after December 28, 2005
50.9(356,356A) Fire safety and emergency evacuation
50.10(356,356A) Minimum standards for jail personnel
50.11(356,356A) Training for jail personnel
50.12(356,356A) Standard operating procedures manual
50.13(356,356A) Admission/classification and security
50.14(356,356A) Cleanliness and hygiene
50.15(356,356A) Medical services
50.16(356,356A) General food service requirements
50.17(356,356A) In-house food services
50.18(356,356A) Prisoner activities
50.19(356,356A) Communication
50.20(356,356A) Access to the courts
50.21(356,356A) Discipline and grievance procedures
50.22(356,356A) Records
50.23 Reserved
50.24(356,356A) Nonsecure holds for juveniles
50.25(356,356A) Direct supervision jails

CHAPTER 51
TEMPORARY HOLDING FACILITIES

51.1(356,356A) Definitions
51.2(356,356A) General provisions
51.3(356,356A) Inspection and compliance
51.4(356,356A) Physical plant—general
51.5(356,356A) Physical requirements for existing facilities
51.6(356,356A) Physical requirements for new or remodeled facilities—after June 30, 1984
51.7(356,356A) Physical requirements for new or remodeled facilities—after September 12, 2001
51.8(356,356A) Fire safety and emergency evacuation
51.9(356,356A) Minimum standards for facility personnel
51.10(356,356A) Training for facility personnel
51.11(356,356A) Standard operating procedures manual
51.12(356,356A) Cleanliness and hygiene
51.13(356,356A) Medical services
51.14(356,356A) General food service requirements
51.15(356,356A) In-house food services
51.16(356,356A) Communication
51.17(356,356A) Access to the courts
51.18(356,356A) Discipline and grievance procedures
51.19(356,356A) Records
51.20(356,356A) Nonsecure holds for juveniles

CHAPTERS 52 to 2500
Reserved

CHAPTER 2501
AGENCY PROCEDURE FOR RULEMAKING

2501.2(17A) Exemption from rulemaking

CHAPTERS 2502 and 2503
Reserved

CHAPTER 2504
RULE WAIVERS

2504.6(904) Public availability

CHAPTER 2505
FAIR INFORMATION PRACTICES

2505.3(17A,22) Requests for access to records
2505.9(904) Confidentiality under Iowa Code chapter 904
2505.10(17A,22) Personally identifiable information
2505.11(17A,22) Other groups of records

CHAPTER 2506
CONTESTED CASES

2506.32(17A,356) Notice of noncompliance
2506.33(17A,356) Informal settlement
2506.34(17A,356) The right to request hearing
2506.35(17A,356) Order for hearing

TITLE I
GENERAL DEPARTMENTAL PROCEDURES

CHAPTER 1
DEPARTMENTAL ORGANIZATION AND PROCEDURES
[Prior to 3/20/91, Corrections Department[291]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

201—1.1(904) Title I definitions.

"Department" means the department of corrections.

"Director" means the director of the department of corrections.

"Plan of compliance" means a schedule of action to be followed in correcting statute or rule deficiencies cited by the department of corrections.

"Public official" means any officer of the federal government, any state or a political subdivision thereof, receiving a salary or per diem, if elected or appointed or whether serving full-time or part-time.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 4152C**, IAB 12/5/18, effective 11/14/18]

201—1.2(904) Mission and function. The department of corrections is mandated by Iowa Code chapter 904 and consists of a policy board, a director and areas of responsibility.

The mission of the department of corrections is creating opportunities for safer communities.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 4152C**, IAB 12/5/18, effective 11/14/18]

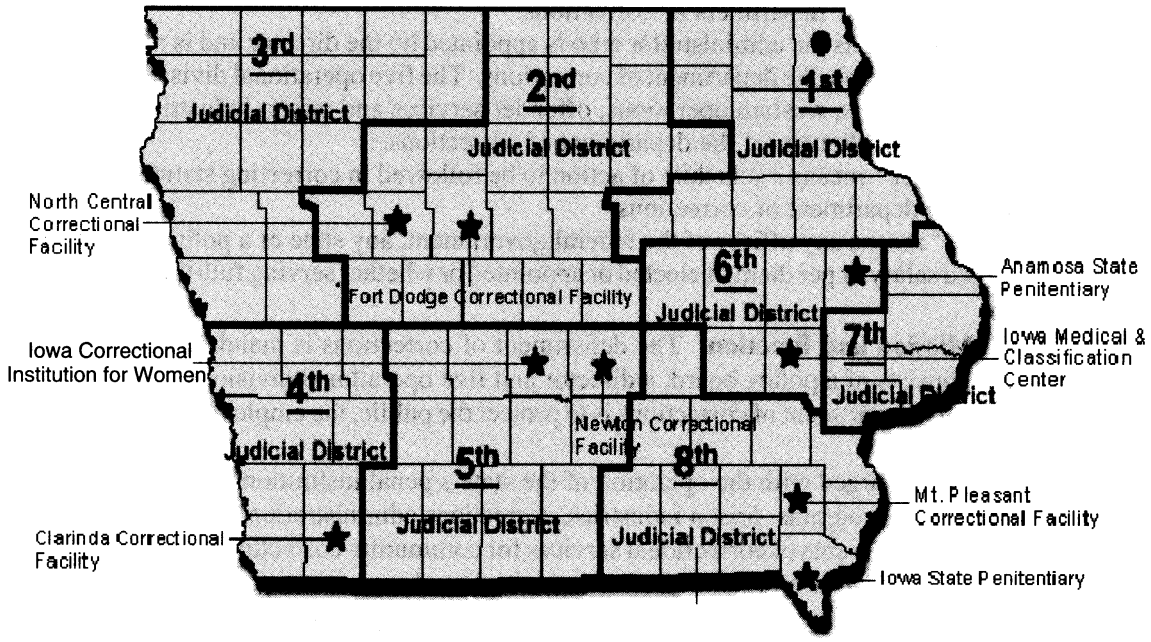
201—1.3(904) Offices.

1.3(1) *Central office.* The central office for the department of corrections is located in the Jessie Parker State Office Building in the Capitol Complex in Des Moines. Its mailing address is the Department of Corrections, Jessie Parker State Office Building, 510 E. 12th Street, Des Moines, Iowa 50319; telephone (515)725-5701. Office hours are 8 a.m. to 4:30 p.m., Monday through Friday, excluding holidays.

1.3(2) *Division offices.* The central offices of the divisions of the department are also located in the Jessie Parker State Office Building.

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)725-5042
(515)725-5015 Fax

Clarinda Correctional Facility
2000 N. 16th Street
Clarinda, IA 51362
(712)695-7140

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

(712)695-7130 Fax

(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

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—1.4(904) Internet website. The department's Internet home page is located at doc.iowa.gov.
[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—1.5(904) Method by which and location where the public may obtain information or make submissions or reports.

1.5(1) Persons wishing to obtain information from or report information to the department may contact any of the offices listed in rule 201—1.3(904) or found on the department's website.

1.5(2) Persons wishing to make submissions to the department may do so by delivering or forwarding information to the principal offices of the affected division or, if the subject matter is relevant to a specific prison or judicial district department of correctional services, the nearest office as listed in rule 201—1.3(904) or found on the department's website.

201—1.6(904) Board of corrections. The director of the department has, by statute, the advice and counsel of the board of corrections. This seven-member board is appointed by the governor with confirmation by the senate, and its powers and duties are policymaking and advisory with respect to the services and programs operated by the department.

1.6(1) A quorum shall consist of two-thirds of the membership appointed and qualified to vote.

1.6(2) When a quorum is present, a position is carried by a majority of the qualified members of the board.

1.6(3) Copies of administrative rules and other materials considered are made a part of the minutes by reference.

1.6(4) Copies of the minutes are kept on file in the director's office.

1.6(5) At each meeting the board shall set the date and location of the next meeting.

a. Notice of the meetings shall be given pursuant to Iowa Code chapter 21.

b. When it is determined by the chairperson of the board that an emergency meeting is required, the communications media shall be notified as far in advance of the meeting as time allows. The nature of the emergency shall be stated in the minutes.

c. Persons wishing to appear before the board shall submit their request to the department office not less than ten days prior to the meeting. Presentations may be made at the discretion of the chairperson and only upon matters appearing on the agenda.

d. Persons wishing to submit written material should do so at least ten days in advance of the scheduled meeting to ensure that board members have adequate time to receive and evaluate the material.

1.6(6) In cases not covered by these rules, Robert's Rules of Order shall govern.

1.6(7) The chairperson may appoint committees of the board as necessary to conduct the business of the board. Committee meetings shall comply with Iowa Code chapter 21.

1.6(8) The board shall:

a. Oversee the work of the department as defined in Iowa Code section 904.105 and, for this purpose, the board shall have access at any time to all books, papers, documents and records of the department.

b. Report to the governor and the general assembly recommendations regarding the activities of the department when necessary.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

201—1.7(904) Director. The governor appoints the director of the department of corrections. The director is responsible for the daily administration of the department as follows:

1.7(1) The appointment and qualifications of the director are mandated in Iowa Code section 904.107.

1.7(2) Duties of the director are prescribed in Iowa Code section 904.108.

1.7(3) The director shall have the authority to place on notice intended administrative action pursuant to Iowa Code chapter 17A by approval of the board of corrections. A report listing all rules placed under notice during the previous month shall be submitted to the board of corrections at its regular meeting for review. The board of corrections shall review and shall adopt rules following the period of public comment.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 4152C**, IAB 12/5/18, effective 11/14/18]

201—1.8(904) Organization of the department.

1.8(1) The deputy director of institutional operations is responsible for all institutions and facilities. These descriptions are in no way binding on the director's authority to transfer incarcerated individuals between institutions.

a. The deputy director of institutional operations is responsible for:

(1) The Iowa state penitentiary, Fort Madison.
(2) The Anamosa state penitentiary, Anamosa.
(3) The Iowa medical and classification center, Coralville.
(4) Mount Pleasant correctional facility, Mount Pleasant.
(5) The Iowa correctional institution for women, Mitchellville.
(6) The Clarinda correctional facility, Clarinda.
(7) The north central correctional facility, Rockwell City.
(8) The Newton correctional facility and the Newton correctional release center, Newton.
(9) The Fort Dodge correctional facility, Fort Dodge.

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.

1.8(2) The deputy director of community-based corrections:

a. Is responsible for the coordinating of Code of Iowa requirements as they apply to the judicial district department of correctional services for all eight judicial districts to include:

(1) The first judicial district department of correctional services.
(2) The second judicial district department of correctional services.

(3) The third judicial district department of correctional services.
(4) The fourth judicial district department of correctional services.
(5) The fifth judicial district department of correctional services.
(6) The sixth judicial district department of correctional services.
(7) The seventh judicial district department of correctional services.
(8) The eighth judicial district department of correctional services.

b. Is to act as liaison with and assist community-based corrections through the purchase of service agreement and periodic review and accreditation of these programs:

(1) Pretrial interviews.
(2) Pretrial supervision.
(3) Presentence investigation.
(4) Probation.
(5) Residential services.
(6) Community service sentencing.
(7) OWI facilities.
(8) Parole supervision.
(9) Interstate compact.
(10) Substance abuse treatment services.
(11) Cognitive learning.
(12) Iowa domestic abuse program.
(13) Sex offender treatment.
(14) Preemployment programs.
(15) Special sentences.

1.8(3) The fiscal manager for the division of administration shall be responsible for the following:

a. Budget development and control.
b. Personnel.
c. Accountable government oversight.
d. Planning and development.
e. General administrative support.
f. Fiscal policy and procedures.
g. Engineering.
h. Data processing.

1.8(4) The deputy director for prison industries shall be responsible for the following:

a. The manufacturing/service/purchasing operations.

b. The activities and programs of the sales manager and territorial sales staff of Iowa prison industries.

c. The budget, income and expense forecasts and financial record keeping/reporting required to operate Iowa prison industries as a self-supporting activity.

d. Private sector employment.
e. Farms.
f. Centralized canteen.
g. State and federal surplus.

1.8(5) The director of research/recidivism reduction shall be responsible for the following:

a. Learning center.
b. Research department.

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

a. Legal services.
b. Coordination of court orders.
c. Public records.
d. Civil rights.
e. Administrative law judges.
f. Jail inspections.

g. Administrative rules.

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.

1.8(8) The medical services director shall be responsible for the following:

a. Institutional medical services.

b. Central pharmacy.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 4152C**, IAB 12/5/18, effective 11/14/18; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

These rules are intended to implement Iowa Code sections 904.101 to 904.108.

[Filed emergency 9/9/83—published 9/28/83, effective 10/1/83]
[Filed 11/18/83, Notice 9/28/83—published 12/7/83, effective 1/11/84]
[Filed emergency 1/27/84—published 2/15/84, effective 1/27/84]
[Filed 5/4/84, Notice 2/15/84—published 5/23/84, effective 6/27/84 and 7/1/84]
[Filed 7/24/84, Notice 5/23/84—published 8/15/84, effective 9/19/84]
[Filed 4/4/85, Notice 10/24/84—published 4/24/85, effective 5/29/85]
[Filed 9/20/85, Notice 7/31/85—published 10/9/85, effective 11/13/85]
[Filed emergency 2/20/91—published 3/20/91, effective 2/20/91]
[Filed emergency 5/10/91—published 5/29/91, effective 5/10/91]
[Filed 4/17/07, Notice 2/14/07—published 5/9/07, effective 6/13/07]
[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18][1]
[Filed Emergency ARC 4152C, IAB 12/5/18, effective 11/14/18]
[Filed ARC 6431C (Notice ARC 6324C, IAB 5/18/22), IAB 7/27/22, effective 8/31/22]

[1] September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

CHAPTERS 2 and 3
Reserved

CHAPTER 4
GENERAL ADMINISTRATION
Rescinded IAB 4/22/09, effective 5/27/09

CHAPTER 5
PUBLIC RECORDS AND
FAIR INFORMATION PRACTICES
[Prior to 3/20/91, Corrections Department[291]]
Rescinded **ARC 0328D**, IAB 6/10/26, effective 6/30/26

CHAPTER 6
PERSONNEL
Rescinded IAB 4/22/09, effective 5/27/09

CHAPTER 7
WAIVERS
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 8 and 9
Reserved

CHAPTER 10
RULE MAKING
[Prior to 3/20/91, Corrections Department[291]]
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 11
DECLARATORY RULINGS
[Prior to 3/20/91, Corrections Department[291]]
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTER 12
CONTESTED CASES
[Prior to 3/20/91, Corrections Department[291]]
Rescinded by 2026 Iowa Acts, Senate File 2463, section 4, effective July 1, 2026. See Uniform Rules on Agency Procedure at 7—Chapters 2500 through 2506 and any corresponding rules adopted by this agency.

CHAPTERS 13 to 19
Reserved

TITLE II
INSTITUTIONS

CHAPTER 20
INSTITUTIONS ADMINISTRATION

[Prior to 10/1/83, Social Services[770] Ch 16]
[Prior to 3/20/91, Corrections Department[291]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 1/1/28

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, 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.

[**ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.2(904) Title II definitions.

"Class I Disciplinary Report" means the same as a major report and is defined in department policy IO-RD-03.

"Class II Disciplinary Report" means the same as a minor report and is defined in department policy IO-RD-02.

"Commercially published information or material" means any book, booklet, pamphlet, magazine, periodical, newsletter, photograph or other pictorial depiction, or similar document, including stationery and greeting cards, published by any individual, organization, company, or corporation, which is distributed or made available through any means or media for commercial purposes. This definition includes any portion extracted, photocopied, or clipped from such items.

"Contraband" means weapons; alcohol; drugs; money; obscene materials; or materials advocating disruption of or injury to incarcerated individuals, employees, programs, or physical facilities. Contraband shall also include anything which is illegal to possess under federal or state law; anything which is against institutional regulations; drugs or alcohol or materials which are used in the production or use of drugs or alcohol or weapons, explosives, or potential weapons and explosives; and altered authorized property. The term also includes possession or use of any prohibited communication device.

"Department" means the Iowa department of corrections.

"Features" means that the publication contains depictions of nudity or sexually explicit conduct on a routine or regular basis or promotes itself based upon such depictions in the case of individual one-time issues. Publications containing nudity illustrative of medical, educational, or anthropological content may be excluded from this definition.

"Furlough" means any temporary release from custody as granted in accordance with Iowa Code section 904.108(2).

"Furlough residence" means any private dwelling, apartment, house, trailer court, hotel, motel or community dwelling place.

"Immediate family" means an incarcerated individual's spouse, mother, father, sister, brother, child, grandparent, established legal guardian or other who acted in place of parents, and step- or half-relation if the step- or half-relation and the incarcerated individual were raised as cohabiting siblings.

For the purpose of visitation, all the above will be included as immediate family provided a positive relationship exists. Immediate family members may be subject to criminal background investigation.

"Law enforcement checks" means prescheduled, in person, check-ins at designated law enforcement agencies such as police departments, sheriff's offices and highway patrol offices.

"Medical practitioner" means medical doctor, osteopathic physician or physician assistant employed by the department.

"Nudity" means a pictorial depiction where genitalia or female breasts are exposed. When the pictorial depiction of the female breast displays the areola or nipple, this material will be rejected.

"Obscene material" means the same as that described in 20.6(5).

"Performance evaluation" means evaluation of work and program participation as well as other areas of behavior.

"Plan of payment" means the method by which the incarcerated individual is to make restitution. The plan may include legal financial obligations. The plan is to reflect the incarcerated individual's present circumstances, such as income, physical and mental health, education, employment and family circumstances.

"Plan of restitution" means a plan stating the amount of restitution as set by the court.

"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 catalogs.

"Responsible person" means an individual on the incarcerated individual's visiting list of legal age and, in the judgment of the staff, is a person of accountability, is able to think and act rationally, and is willing to facilitate the incarcerated individual's successful completion of furloughs within the furlough rules and facilitate the return of the incarcerated individual to the institution. A responsible person shall further mean an individual not now under indictment, sentence or conviction of an indictable public offense. Ex-felons will not be permitted to act as responsible persons for furlough until the demonstration of two years' successful adjustment in the community after release from any supervision.

"Sexually explicit" means a pictorial depiction of actual or simulated sexual acts including sexual intercourse, oral sex, or masturbation. Sexually explicit material does not include material of a news or information type. Publications concerning research or opinions on sexual, health, or reproductive issues should be admitted unless the publications are otherwise a threat to legitimate institutional interests.

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

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 4062C**, IAB 10/10/18, effective 11/14/18; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.3(904) Visits to incarcerated individuals. Visiting is a privilege which allows incarcerated individuals to maintain and strengthen relationships with family members and friends. Though visits are encouraged, institutions' space, schedules, personnel constraints, treatment considerations, or other safety and security issues of the institutions and their operations may result in limiting the number and length of visits. Visitation is additionally governed by the provisions of department of corrections policy OP-MTV-04.

20.3(1) *Definitions.*

"Application" means a written application identifying the visitor and the visitor's relationship to the incarcerated individual.

"Background investigation" means the process by which central visiting authority staff verify the accuracy of a visitor's application for any reason.

"Central visiting authority" or *"CVA"* means the department office that conducts the visitor application approval process.

"Extended family" means the incarcerated individual's aunts, uncles, nieces, nephews, cousins, great-grandparents, great-grandchildren, and in-laws.

"Group" means a family unit (e.g., aunt, uncle and minor nieces and nephews) residing at the same address.

"Immediate family" means an incarcerated individual's spouse, mother, father, sister, brother, child, grandparent, grandchild (when minors become adults, they will be required to complete the formal visiting application process), established legal guardian or other who acted in place of parents, and step- or half-relation if the step- or half-relation and the incarcerated individual were raised as cohabiting siblings.

" Incarcerated individual" means a person who has been committed to the custody of the department of corrections or to a judicial district department of correctional services.

"Personal search" means a pat-down search on top of the visitor's clothes or the nonintrusive use of an electronic search process.

"Visiting list" means the screened list of approved visitors with authorized visiting privileges at all department of corrections institutions.

20.3(2) *Schedule.* Each department of corrections institution will structure a visiting schedule allowing visitation for a minimum of four days per week. Each institution's visiting room will be open a minimum of four hours on each authorized day of visiting. The warden will designate the time for visiting on certain days/holidays and advise the incarcerated individuals. The incarcerated individual is responsible for informing the visitor of the days and hours for visitation.

20.3(3) *Authorized visitors.*

a. The central visiting authority will establish an approved visiting list for each incarcerated individual. This visiting list remains valid when the incarcerated individual is transferred to another institution.

b. To meet facility design limitations and security considerations, the visiting list shall be limited to the following individuals:

(1) Immediate family members.

(2) A total of six other individuals or groups who are the incarcerated individual's friends or extended family members.

(3) Minor children under the immediate supervision of their parent or legal guardian. The minor children of an incarcerated individual shall also be allowed to visit under the immediate supervision of any adult on the incarcerated individual's approved visiting list.

c. Limitation. An individual on the approved visiting list of one incarcerated individual shall not be on the approved visiting list of another incarcerated individual, regardless of the location(s) of the incarcerated individuals. An exception may only be granted pursuant to 20.3(5)*"b."*

20.3(4) *Nonauthorized visitors.*

a. The following persons shall not be authorized to visit:

(1) Individuals whose behavior represents a control problem or is counterproductive to stable behavior of an incarcerated individual. This determination may be reflected in the background investigation report which shows that the individual has a record of carrying concealed weapons, use of a controlled substance, previous violation of institutional rules, or similar behavior.

(2) Individuals under criminal indictment.

(3) Individuals on probation, work release, or parole.

(4) Individuals found to be involved with or convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.

(5) Individuals who intentionally give false information on the visitor's application form.

(6) Individuals convicted of a felony.

(7) Individuals who may compromise the order and security of the institution.

b. A person working in any institution as a volunteer shall not be on an incarcerated individual's visiting list except with the permission of the warden or designee.

c. Neither a victim of a sex offense, whether registered or not, nor the victim's family members will be approved for the visiting list of the perpetrator in the victim's case until department staff consult with the victim and restorative justice administrator of the department. Visitation requests from victims shall be considered only when the incarcerated individual has successfully completed all recommended treatment programs of the department or board of parole. If the victim's or victim's family member's visitation request is denied, the victim or victim's family member may file an appeal pursuant to 20.3(6)*"d."*

d. A sex offender whose victim was a minor shall not be permitted to have any children on the incarcerated individual's visiting list until the incarcerated individual has completed the sex offender treatment program. After the incarcerated individual's completion of the treatment program, a minor victim of the incarcerated individual may be added to the incarcerated individual's visiting list only with the approval of the institutional treatment team and the victim and restorative justice administrator of the department. Other children may be added to the incarcerated individual's visiting list after the incarcerated individual's completion of the treatment program and approval of the institutional treatment team.

e. An application from a victim of a crime other than a sex offense who seeks to be added to the visiting list of the perpetrator in the victim's case shall be reviewed with the victim and restorative justice administrator of the department prior to any approval or denial.

20.3(5) *Exceptions.* The following exceptions may be implemented by the central visiting authority upon the approval of the warden or designee.

a. The incarcerated individual's spouse, child, mother or father who is currently under department supervision or on probation, work release, or parole may be approved to visit the incarcerated individual by the warden or designee after consultation with the supervising parole/probation officer. The warden or designee may authorize either contact or noncontact visiting.

b. The warden or designee may grant an exception to the limitation in 20.3(3)*"c"* when the person is an immediate family member of more than one incarcerated individual and seeks to be added to the visiting lists of only those incarcerated individuals.

c. A former or current department employee or volunteer who is a member of an incarcerated individual's immediate family may be approved to visit the incarcerated individual by the warden or designee.

d. A former department employee or volunteer who is not an immediate family member of an incarcerated individual may be allowed to visit six months after leaving employment or ceasing volunteer service if the former employee or volunteer passes the normal background investigation, there are no security issues arising from the person's prior employment or volunteer service, and the CVA receives approval from the warden or designee.

e. An incarcerated individual who is an immediate family member discharged from prison without correctional supervision must wait six months before contact visits may be arranged. Noncontact visiting may be authorized only for the spouse, child, mother or father of an incarcerated individual.

20.3(6) *Application process.*

a. Visitor application forms shall be provided to incarcerated individuals at each institution. Incarcerated individuals are responsible for mailing visitor application forms to prospective visitors, who may then apply to be added to the incarcerated individual's visiting list. The completed visitor application form must be sent for processing to the central visiting authority at the following address: Mt. Pleasant Correctional Facility, Attn: Central Records, 1200 E. Washington, Mt. Pleasant, Iowa 52641.

b. All adults, including the incarcerated individual's own children if they are 18 years of age or older, must complete the visitor application process in order to be considered for inclusion on an incarcerated individual's visiting list.

c. Written notification. Written notification of denial of a visitor application will be given to both the incarcerated individual and the applicant within 30 days from the CVA's receipt of the application. Notification of approval of a visitor application will be given only to the incarcerated individual. The incarcerated individual is responsible for notifying the approved visitor.

d. Appeals. When an application is denied, the applicant and the incarcerated individual shall be apprised of the reasons for denial.

(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 participation in evidence-based programs.

(2) The decision of the warden or designee may be appealed to the director of the department of corrections or the director's designee. The decision of the director or the director's designee constitutes final agency action.

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 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.

20.3(8) *Searches.* Approved visitors shall be subject to search. In accordance with 20.3(14), the search may include a pat down, search by an electronic detection device, or visual search.

20.3(9) *Identification.* All visitors shall present proper identification 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.

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 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 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.

20.3(11) *Termination of visiting privileges.* Individuals may have visiting privileges modified or terminated when:

a. The incarcerated individual or visitor engages in behavior that may in any way be disruptive to the order and control of the institution.

b. The visitor or incarcerated individual fails to follow the established rules and procedures of the institution.

c. The visitor and incarcerated individual directly exchange or attempt to exchange any object or article. This restriction does not apply to purchases from the canteen or visiting room vending machines that are consumed during the visit.

d. The visitor tests positive for drugs or explosives as determined by an authorized electronic detection device calibrated and operated for testing for the presence of drugs or other contraband.

e. The visit or future visiting is detrimental to the health or welfare of the incarcerated individual or visitor.

f. The visitor does not supervise the visitor's children to prevent them from interfering with or disrupting other visits.

Incarcerated individuals may request reconsideration of denied visitors six months after resolution of the reason for denial or when approved by the warden or designee or institutional deputy director.

20.3(12) *Noncontact visiting.* The warden or designee may allow noncontact visits when the order or security of the institution may be threatened or when disciplinary rules or procedures have been violated. Noncontact visiting hours will be provided on a scheduled basis. The hours and days will be posted by

the warden or designee, and notice will be posted at least one week prior to any change. Visitors on the noncontact list at the time of a schedule change will be notified of the schedule change by regular mail sent to the last-known address.

20.3(13) *Clothing.* Visitors shall be properly attired prior to entering a correctional setting. All visitors shall wear shoes. Visitors wearing miniskirts, shorts (that are above the knee), muscle shirts, see-through clothing or halter tops will not be allowed to visit. Visitors wearing clothing with slogans, pictures, or words intended to deprecate race, sex, or cultural values will not be allowed entry. Visitors may be required to remove for the duration of the visit outerwear such as, but not limited to, coats, hats, gloves, or sunglasses. A medical need for sunglasses must be verified by prescription.

20.3(14) *Security procedures.* Visitors may be requested to submit to a personal search (pat down) or an electronic search for weapons or contraband. "Personal search" means a pat-down search on top of the visitor's clothes or the nonintrusive use of an electronic search process. If the initial electronic test confirms the presence of a controlled substance, the visitor will be given a second confirmation test. When the electronic detection device alarm is activated, the visitor shall produce the item that set off the alarm or a personal search may be made to find the item. If the visitor refuses to submit to a search, access to visiting shall be denied and entrance shall be denied. All searches shall be conducted in a courteous manner to respect the visitor's privacy. Minors are subject to personal and electronic searches. When a visitor accompanied by a minor refuses to leave the minor with a staff person and does not want the minor present during the search, the visit will be denied. When a minor is searched, the supervising adult shall be present in the room at all times.

a. The warden or designee will maintain records of all searches which produce positive results, including the name of each person subjected to a search, the names of the persons conducting and in attendance at the search, and the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record. Testing records will be maintained by the institution for one year and then expunged. Records of positive tests will be maintained for five years and then expunged. All testing records are confidential and will be released only upon the order of a court of proper jurisdiction.

b. When a visitor tests positive by an electronic search device, the visitor may appeal to the warden or designee in writing. The decision of the warden or designee may be appealed to the director of the department of corrections or the director's designee. The decision of the director or the director's designee constitutes final agency action.

c. Staff may request that local law enforcement search visitors if search procedures or an electronic testing device shows that there is a clear, reliable reason to believe a particular visitor is attempting to smuggle contraband into the facility. If the search reveals drugs or illegal contraband, the item shall be confiscated and preserved by local law enforcement. Visitors found in possession of contraband shall be referred by local law enforcement to the county attorney for prosecution.

20.3(15) *Money orders, cashier's checks, and electronic funds transfers.* Money orders and cashier's checks for deposit in the incarcerated individual's account must be made payable to the Iowa Department of Corrections Incarcerated Individual Fiduciary Account (IDOC IIFA) 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. Personal checks and cash will not be accepted. 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.

20.3(16) *Limits.* Each institution, according to its facilities and conditions, shall limit the number of visitors an incarcerated individual may have at any one time and the length of visits.

20.3(17) *Segregation status.* Incarcerated individuals who are assigned to special units such as disciplinary detention or administrative segregation status may have visits modified in regard to place, time, and visitor, depending on the staff and space available.

20.3(18) *Abuse of visiting privileges.* Visiting privileges may be modified, suspended, or terminated when abuses are evidenced or planned.

20.3(19) *Special visits.* The warden or designee may permit special visits not otherwise provided for in this rule. These may include, but are not limited to, extended visits for close family members traveling extended distances, immediate visits for close relatives or friends about to leave the area, visits necessary to straighten out critical personal affairs, and other visits for similar reasons. All these visits shall be at the sole discretion of the warden or designee. When ruling on such visits, the warden or designee shall consider appropriate factors including the uniqueness of the circumstances involved for both the incarcerated individual and the visitor; security, order, and administrative needs of the institution; and available alternatives to a special visit. The decision of the warden or designee in these cases constitutes final agency action.

20.3(20) *Temporary modifications.* Visiting procedures may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space and personnel restrictions, natural disaster, or other emergency.

This rule is intended to implement Iowa Code section 904.512.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

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) *Nonconfidential.*

a. In an effort to maintain proper security measures, mail may be monitored and read on a random basis.

b. All nonconfidential mail shall be inspected for contraband.

20.4(2) *Confidential.*

a. Confidential mail, as defined in this rule, will not be read or censored.

b. Confidential mail will be delivered unopened and then, in the presence of the incarcerated individual, will be opened and inspected for contraband and to ensure that the contents are from the return addressee.

Confidential mail may be read only after a finding of probable cause by a court of competent jurisdiction that a threat to the order and security of the institution or abuse of correspondence exists.

c. Confidential letters may be written to: (the sender's name and address must be appropriately identified on the envelope)

(1) Officers of federal, state, or municipal courts (judges, judges' law clerks, prosecuting attorneys, court administrators).

(2) Federal agencies chief administrative officer, elected or appointed officials.

(3) State agencies chief administrative officer, elected or appointed officials.

(4) Clerk of court.

(5) The sentencing state department of corrections chief executive officer, deputy directors.

(6) Sentencing state board of parole.

(7) Attorney.

(8) The office of ombudsman.

(9) Any additional exception by law or policy.

(10) Civil rights commission.

d. Envelopes containing confidential correspondence shall be marked as "confidential" by the sender.

20.4(3) *General.*

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

b. When sending confidential mail, incarcerated individuals may be requested to seal the envelope in the presence of staff after the envelope and letters have been inspected for contraband.

c. All letters mailed by incarcerated individuals will be left unsealed for inspection of the contents only. Envelopes shall contain letters to the addressee only.

d. All other nonconfidential correspondence and packages, both incoming and outgoing, shall be opened for inspection to remove items of contraband.

To facilitate institutional inspection of first-class mail, writers should avoid enclosures other than the written correspondence. Traditional items such as snapshots of appropriately clothed individuals and clippings from published material may be permitted. Each institution shall have guidelines for the amount and type allowed.

e. With the exception of weekends and holidays, incoming and outgoing mail will not be retained for more than 24 hours prior to delivery unless unusual circumstances exist such as staff shortage, suspected correspondence violations, disturbance, or similar constraints.

f. Persons under the age of 18 must provide written permission to the warden from parents or guardian before correspondence with incarcerated individuals will be allowed.

g. Incarcerated individuals under correctional supervision or detention will not be allowed to correspond with other incarcerated individuals unless the individuals are immediate family and approved by the authority of the institution or both authorities in the case of correspondence between facilities.

"Immediate family" means mother, father, sister, brother, half sister, half brother, spouse, son, daughter, natural grandparents, and natural grandchildren. Legal guardian, foster parents, stepparents, stepchildren, stepsister, and stepbrother will be included provided a positive relationship exists or contact will confer a benefit to the incarcerated individual.

h. Incarcerated individuals will be denied mail privileges with persons that might present a risk to the order and security of the institution.

i. All outgoing mail must be sent directly to the individual that the correspondence is written to, and all incoming mail must be sent directly from the individual that wrote the correspondence.

j. No limit will be placed on the number of letters mailed for incarcerated individuals able to pay the mailing costs. Incarcerated individuals who are unable to pay mailing costs for legal mail will receive limited assistance which may be recoverable.

k. Stamped, return-addressed envelopes will be sold through canteen services for all outgoing letters and will be purchased by the incarcerated individual.

l. Special equipment may be used to review envelopes for items in the envelopes other than the letter. When the contents of the correspondence is inappropriate or contraband items which are not illegal to possess under the law are found in the mail, the mail will be rejected and the incarcerated individual shall be notified with the option to return to sender or destroy.

m. When mail is rejected due to inappropriate contents of the correspondence or contraband is found, provided the correspondence is not retained for investigation or prosecution, the incarcerated individual to whom the mail was addressed will have the option of paying the postage to return the mail to the sender or having the mail destroyed by institutional staff. The incarcerated individual must choose one of the two options within three days of the rejection notice. This rule is in reference to the return of opened mail per United States Postal Service, Office of Classification and Rates Administration, Ruling #206.

The sender of rejected correspondence may protest the decision in writing to the warden.

n. All outgoing parcel post items will be packed and sealed by the mail room and postage charged to the incarcerated individual.

o. Letters will not be delivered which are written in a foreign language or code unless the foreign language is the only language of the incarcerated individual (exceptions may be made by the warden).

p. The sender's name shall be signed in full at the end of the letter. The sender's name and address shall appear in the upper left-hand corner of the envelope.

q. The incarcerated individual's name, ID number, box number or street address, city, state, and zip code shall also appear on the envelope of incoming mail.

r. All outgoing mail shall contain a return address including the incarcerated individual's name and ID number as well as the name of the institution, address, and zip code.

s. Reasonable size restrictions of envelopes may be imposed.

t. Each institution shall have written procedures for disposition (safekeeping and preservation) of contraband.

u. Only first-class letters and packages will be forwarded after an incarcerated individual's transfer or release.

v. 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 Fiduciary Account (IDOC IIFA) 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.

w. Misuse of mails will result in institution discipline and be reported to the United States Postal Inspector or other state or federal agencies for action.

x. O-mail. "O-mail" is electronic mail that can be sent to and from incarcerated individuals and the public.

(1) The incarcerated individual's family and friends shall be responsible for registering on the corrlinks Internet site to enroll in the O-mail system: www.corrlinks.com.

(2) Each O-mail message is limited to two pages, and attachments are not allowed.

(3) There is a cost for sending an O-mail message, which shall be the responsibility of the sender.

(4) Incoming and outgoing O-mail shall meet the same standards as referenced in this rule for incarcerated individuals' mail.

(5) Staff may review the contents of O-mail messages.

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

[**ARC 9097B**, IAB 9/22/10, effective 10/27/10; **ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

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 Offender Fiduciary Account (IDOC 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.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.6(904) Publications.

20.6(1) The institution shall allow incarcerated individuals access to publications when doing so is consistent with institutional goals of maintaining internal order, safety, security, and rehabilitation. Publications are additionally governed by the provisions of department of corrections policy OP-MTV-02.

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. 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, shall be controlled for safety and security reasons.

20.6(3) All publications not on the approved list shall be reviewed by a publication review committee for approval or denial.

a. The committee shall be appointed by the director or designee, department of corrections, and shall include:

(1) A person with broad exposure to various publications.

(2) Two representatives of correctional operations.

b. The committee shall fairly review all types of publications to be received by incarcerated individuals in accordance with these rules.

20.6(4) The following procedures shall be used when a publication not on the approved list is reviewed:

a. The committee shall approve or deny publications within 30 working days of receipt of the publication.

b. When a publication is denied, the committee shall send the incarcerated individual a written notice stating the publication involved, the reason for denial, and the incarcerated individual's available appeal process.

c. The incarcerated individual shall have ten days from receipt of the notice of denial to notify the designated institution staff to destroy the publication, to specify where to send the publication at the incarcerated individual's expense, or to notify the institution that the decision is being appealed.

d. A list of approved publications shall be maintained.

20.6(5) A publication may be denied when the publication presents a danger to the security or order of an institution or is inconsistent with rehabilitation goals. Authorized reasons for denying a publication are that the publication:

a. Is likely to be disruptive or produce violence.

b. Contains material which portrays or simulates a minor (any person 17 years of age or younger) engaged in or simulating any act that is sexual in nature.

c. Contains lewd exhibition of the genitals or material which is sexually explicit or features nudity.

d. Contains information relating to escapes or formulating escape plans.

e. Contains information relating to provoking a riot or disturbance.

f. Contains information relating to obtaining an emotional or behavioral state comparable to those produced by a controlled substance, by using aerosols, glue, or other chemical materials.

g. Contains materials which illustrate, explain, describe, or teach martial arts, or other manufacture of weapons or explosives, or advocate behavior contrary to duly established institution rules or Iowa statutes. Contains materials which illustrate, explain, describe, or teach ability to frustrate crowd or riot control methods. Contains materials which illustrate, explain, describe, or teach ability to sabotage or disrupt communications networks, including a prison's internal and external communications and automated information systems.

h. Contains information concerning criminal activities.

i. Contains encoded material. This shall not automatically include foreign language publications not otherwise prohibited in these rules.

j. May violate postal regulations, such as threats, blackmail, contraband, or similar violations.

k. Is a 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.

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

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18: see Delay note at end of chapter; **ARC 4062C**, IAB 10/10/18, effective 11/14/18; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.7(904) Interviews and statements.

20.7(1) When incarcerated individuals are selected to be interviewed and photographed within the institution, either individually or as part of a group, identifiable interviews or pictures shall have the written consent of the incarcerated individual involved as well as prior consent of the warden or designee.

20.7(2) The warden is responsible for all communications with mass media.

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

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.8(904) Guests of institution. Persons wishing to visit the institution shall give prior notice of their intended visit and receive approval for the visit. The prior notice and approval may be waived by the warden or designee for emergencies.

20.8(1) Any guest must agree to comply with the policy and procedures of the institution when signing in at the control center.

20.8(2) Persons under 18 years of age may only visit with prior approval of the warden or designee and shall be accompanied by a responsible adult. An adult shall be in charge of no more than four children. Persons under 18 years of age shall not be allowed to make institutional tours of maximum security prisons.

20.8(3) Guests shall be escorted by a staff member. Any exception shall have prior approval of the warden or designee.

20.8(4) Guests shall be allowed personal contact with an incarcerated individual only when it serves the best interests of the incarcerated individual as determined by the warden or designee.

20.8(5) All contacts with incarcerated individuals shall be absent of any encouragement, support, or suggestion of activity which would bring disorder to the institution.

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

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

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.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.10(904) Incarceration fees. The director may charge incarcerated individuals an incarceration fee, pursuant to Iowa Code section 904.108.

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

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.11(904,910) Restitution.

20.11(1) Every incarcerated individual required by a court order to pay restitution shall have a restitution plan and a restitution plan of payment developed, unless a court-ordered restitution plan has been completed.

20.11(2) The restitution plan of payment shall consider the present circumstances of an incarcerated individual's physical/mental health and other legal financial obligations.

20.11(3) The deputy director of institutions shall ensure that there are written procedures governing the development and modification of each restitution plan and plan of payment.

20.11(4) Each incarcerated individual shall be given a Predeprivation Notice: Notice of Intent to Deduct Restitution From All Account Credits and Notice of Opportunity to Respond during initial reception following admission to the Iowa medical and classification center (IMCC) or the Iowa correctional institution for women (ICIW).

20.11(5) Initial complaints by incarcerated individuals regarding restitution plans of payment or modifications may be addressed via the grievance procedure for incarcerated individuals.

20.11(6) The staff shall explain the restitution plan of payment to the incarcerated individual. Each incarcerated individual shall receive a copy of the restitution plan of payment.

20.11(7) Restitution payments shall be deducted from all credits to an incarcerated individual's account. Up to 50 percent may be deducted. The following are exempt for deductions from credits to an incarcerated individual's account from an outside source:

a. An amount, assessed by the warden or designee, specifically for medical costs. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed. If

the medical procedures are not performed or carried out, the money shall be returned to the sender at the incarcerated individual's expense.

b. An amount, assessed by the warden or designee, specifically for the cost of a funeral trip. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

c. An amount as assessed by the appropriate authority specifically for transportation fees as a result of work release/OWI violations or compact transfers. The same percent as established in the restitution plan will be deducted from any amount over the total amount assessed.

d. An account transfer from one institution to another.

e. Refunds from outside vendors or institution commissaries.

f. Property tort claims.

g. Any other exception approved by the warden or designee.

20.11(8) Restitution deductions shall be forwarded to the clerk of court in the county of commitment on a quarterly basis.

20.11(9) When the department of corrections has knowledge of other income or assets the district court clerk of the sentencing county shall be so notified.

20.11(10) A percent greater than that established in the restitution plan of payment may be deducted from a credit to an incarcerated individual's account by authorization of either the incarcerated individual or the warden or designee or by court order.

20.11(11) The restitution plan of payment may be modified through each level of commitment. (This includes preinstitutional services and postinstitutional services.)

This rule is intended to implement Iowa Code chapter 904 and sections 910.2, 910.3 and 910.5.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

201—20.12(904) Furloughs.

20.12(1) Furloughs are a privilege, not a right, and may be denied or canceled at any time for reasons deemed sufficient by the warden. Reasons for denial or cancellation shall be given to the incarcerated individual.

20.12(2) Emergency family furlough shall be considered in the event of a death or imminent death in the immediate family.

20.12(3) Emergency medical furlough is for those incarcerated individuals whose medical condition has deteriorated to the point of incapacitation or to a comatose state.

20.12(4) Both emergency family furloughs and emergency medical furloughs shall have approval of the warden and the institutional deputy director.

20.12(5) Furloughs are additionally governed by the provisions of the department's furlough policy IS-RL-04.

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

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.13(904) Board of parole interviews. Each institution provides space for the conduct of interviews between the Iowa board of parole and institutional incarcerated individuals. When these meetings are held in correctional institutions, attendance is subject to security and safety regulations as stated herein. Any exception to these rules must have prior approval of the director of the department of corrections or designee.

20.13(1) Persons desiring to attend a board of parole interview who are not on an incarcerated individual's visiting list shall notify the warden of the respective institution of their intent to attend. A visitor's application will be sent to the person, and the completed application must be received back by the institution at least 15 days prior to the scheduled date of the parole interview in order that a background investigation with law enforcement officials may be completed prior to attendance at the parole interview. Following a successful background investigation, authorization to attend parole interviews will be continuous subject to these rules and any subsequent background investigations conducted at the discretion of the warden .

20.13(2) Due to security considerations, those persons excluded from applying for visitation privileges pursuant to subparagraphs 20.3(4)*"a"*(1) to (7), inclusive, are also excluded from attending parole board interviews as listed below:

a. Individuals who have been discharged from a correctional institution within the last 18 months.

b. Individuals whose behavior represents a control problem or is counterproductive to the rehabilitation of the incarcerated individual. This may be reflected in the background investigation report which shows the individual's having a record of carrying concealed weapons, irresponsible or illegal use of a controlled substance, previous violation of institutional rules, or similar behavior.

c. Individuals on probation, work release or parole.

d. Individuals who have been convicted of incidents of aiding an escape or introducing contraband in any detention or supervised correctional setting.

e. Individuals who intentionally give false information.

f. Ex-felons.

g. When the interview is held inside the institution proper, no children under the age of 18 are allowed.

20.13(3) Due to security considerations the following rules shall apply:

a. Written notification of approval or denial will be given to the requester.

(1) When approved, the requester shall be informed on the notification:

1. That the attendee may be subject to a search (paragraph 20.13(3)*"f"*) when a staff member has an articulable reason to believe that the attendee is concealing contraband;

2. That the search may include a pat down, a strip search, or a visual body cavity probe search; and

3. That the requester need not submit to a strip search although refusal may result in the forfeiture of attendance.

(2) When denied, the applicant shall be apprised of the reasons for denial.

b. All requesters shall present proper identification upon entrance to the institution. Photo identification is preferred, but all identification shall identify personal characteristics, such as color of hair and eyes, height, weight and birth date.

(1) Signature cards may be required from requesters.

(2) All requesters may be required to be photographed for future identification purposes only.

c. Individuals may be required to leave the institution when:

(1) The incarcerated individual or attendee engages in behavior that may in any way be disruptive to order and control of the institution.

(2) The attendee fails to follow the established rules and procedures of the institution.

(3) The attendee and incarcerated individual directly exchange any object or article.

(4) The attendee talks or communicates with an incarcerated individual.

(5) The effect of alcohol or narcotic drugs is detected on the attendee before or during the interview.

(6) There is detriment to the health of the incarcerated individual or attendee.

(7) The attendee does not manage children.

d. Minors outside the immediate family shall have written permission from their parent or guardian and be accompanied by an adult. All children shall have adult supervision. Exceptions shall have prior approval of the warden or designee.

e. Attendees shall be properly attired as would be expected in a public meeting place. Adults and teenagers shall wear shoes and may not wear miniskirts, shorts, muscle shirts, see-through clothing, halter tops, clothing with obscene or lewd slogans, pictures or words, and similar apparel. Attendees may be required to remove, for the duration of the interview, outerwear such as, but not limited to, coats, hats, gloves, and sunglasses. A medical need for sunglasses must be verified by prescription.

f. Attendees may be requested to submit to a personal search (pat down) or review by an electronic device for weapons or contraband. When the electronic device alarm is activated, the attendee shall produce the item or a personal search may be made to find the item that set off the alarm. Attendees may be requested to submit to a strip search when there is an articulable reason to believe the person is concealing a weapon or contraband. Each institution shall designate the level of authority required to request a search through institutional policy. This person shall authorize the search in writing. The designation required

pursuant to subrule 20.3(8) for visitation will suffice for this subrule as well. Entrance may be denied when the attendee is not willing to submit to a search. The request for a search shall be conducted in an inconspicuous manner. The attendee may verbally request a review by the warden or designee at the time of request for a search.

(1) Strip search means having a person remove or arrange some or all of their clothing so as to permit an inspection of the genitalia, buttocks, anus, female breasts, or undergarments of that person or a physical probe of any body cavity. Personal search means a pat down search on top of the attendee's clothing.

(2) The search will be to the degree deemed appropriate or necessary. A strip search will be conducted only when the following conditions exist:

1. The search is conducted in a place where it cannot be observed by persons not conducting the search.

2. The search is conducted by a person of the same sex as the visitor, unless conducted by a medical practitioner or licensed registered nurse. A second correctional employee of the same sex as the attendee shall also be present during the search. In addition, the attendee may request a third person of the same sex as the attendee to be present during the search.

3. A visual search or probing of any body cavity shall be performed under sanitary conditions. A physical probe of a body cavity other than the mouth, ear, or nose shall be performed only by a medical practitioner. In the absence of a medical practitioner, a licensed registered nurse will conduct the search and report the findings to the on-call medical practitioner.

4. It will be permissible and not considered a body cavity search to request that a female attendee remove a sanitary napkin or tampon.

(3) An attendee accompanied by a minor child has the option of not having the child present during a strip search or pat down. The child will be attended by a staff person. When attendee refuses to leave the child with a staff person and does not want the child present during the search, attendance will be denied. At all times when a minor child is searched, the supervising adult may be present in the room.

(4) When an attendee is arrested, the attendee may be searched for weapons which may inflict harm on the arresting officer.

(5) Records shall be kept of all strip searches and shall include the name of the person subjected to the search, the names of the persons conducting and in attendance at the search, the time, date, and place of the search. The written record shall reflect the reason for the search and the results of the search. The written authorization for the search shall be included in the record.

(6) Attendees found in possession of contraband shall be referred to the county attorney for prosecution.

20.13(4) The space provided for the parole interviews shall have a posted maximum capacity set by the fire marshal. The number of individuals in the room shall not exceed the maximum capacity. Individuals will be admitted on a first-come, first-serve basis.

20.13(5) Cameras and recording devices are permitted with the following exceptions:

a. Media equipment is subject to search prior to admittance and at any time said equipment is inside the institution. Search shall be conducted in the presence of the photographer.

b. Should the attendees be required to pass through areas of the institution where for reasons of security or right to privacy media equipment is disallowed, the use of such equipment is prohibited in those areas.

20.13(6) Interviews may be temporarily modified or suspended in the following circumstances: riot, disturbance, fire, labor dispute, space restriction, natural disaster, or other extreme emergency.

20.13(7) Refer to Iowa Administrative Code, Parole Board[205] for rules governing conduct at the hearings as required by the Iowa board of parole.

20.13(8) Rules that apply to registered victims are found in subrule 20.15(7).

This rule is intended to implement Iowa Code sections 904.102 and 904.103.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

201—20.14(80A) Transportation for incarcerated individuals.

20.14(1) Companies under contract to county or state agencies to transport Iowa incarcerated individuals must meet the requirements of this rule to qualify for exemption under Iowa Code section 80A.2.

20.14(2) To comply with the exemption in Iowa Code section 80A.2, the following requirements shall apply:

a. Companies contracting with any jurisdiction/agency within the state of Iowa shall provide, upon request, training and compliance with policy standards governing weapons, security, transportation, and management procedures for incarcerated individuals essential to accomplishing safe and secure movement of incarcerated individuals.

b. Companies contracting to provide transportation for incarcerated individuals with a jurisdiction/agency within the state of Iowa shall provide proof of insurance coverage including, but not limited to, comprehensive general liability, automobile liability, workers' compensation insurance, all inclusive policies, general liability, and errors or omissions.

c. Companies contracting with any jurisdiction/agency within the state of Iowa shall provide the names, dates of birth, and social security numbers of all transportation personnel for criminal history checks.

d. All transporting personnel shall possess appropriate and valid driver's licenses as required by the regulatory agencies.

e. All transporting vehicles shall be licensed under the appropriate Interstate Commerce Commission (ICC) regulations and the state where the vehicle is registered.

f. All transmitting/receiving radios and communication equipment shall comply with Federal Communications Commission (FCC) regulations.

g. This exemption applies only to transportation companies for incarcerated individuals. This exemption does not provide exemption for any other part of this statute.

This rule is intended to implement Iowa Code section 80A.2.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

201—20.15(915) Victim notification.

20.15(1) Definitions.

"Notification" means mailing by regular mail or providing for hand delivery of appropriate information or papers. However, this notification procedure does not prohibit an agency from also providing appropriate information to a registered victim by telephone.

"Registered" means having provided the appropriate office, agency, or department with the victim's written request for notification and current mailing address and telephone number.

"Victim" means a person who has suffered physical, emotional, or financial harm as the result of a public offense, other than a simple misdemeanor, committed in this state. The term also includes the immediate family members of a victim who died or was rendered incompetent as a result of the offense or who was under 18 years of age at the time of the offense.

"Violent crime" means a forcible felony, as defined in Iowa Code section 702.11, and includes any other felony or aggravated misdemeanor which involved the actual or threatened infliction of physical or emotional injury on one or more persons.

20.15(2) A victim of a violent crime may become registered with the department of corrections which entitles the victim to be notified when the incarcerated individual is to be released in any of the following situations:

a. Work release. Approximate date of release and whether the incarcerated individual is expected to return to the community where the victim resides will be provided.

b. Furlough. Date of leave, date of return and whether the incarcerated individual is expected to return to the community where the victim resides will be provided.

c. Escape. Date of escape will be provided.

d. Expiration of sentence. Date of discharge from an institution will be provided.

e. Recommendations for parole. The institution has submitted a recommendation for parole.

f. Parole. Approximate date of release and whether the incarcerated individual is expected to return to the community where the victim resides.

20.15(3) A victim will become registered upon official request by the county attorney to the Director, or designee, Iowa Department of Corrections, 510 East 12th Street, Des Moines, Iowa 50319.

20.15(4) Assistance for registering may be obtained through the county attorney or by contacting the department of corrections, director of victim programs, at (515)725-5701.

20.15(5) All information with regard to a registered victim will be kept confidential.

20.15(6) A registered victim is responsible for notifying the department of corrections of address or telephone changes.

20.15(7) Registered victims of the Iowa board of parole may attend hearings in accordance with the following rules:

a. Registered victims by the parole board have the right to appear at the parole/work release hearing of the incarcerated individual(s) either personally or by counsel.

b. The parole board notifies victims of any scheduled parole/work release hearings where the board will interview the incarcerated individual not less than 20 days prior to the hearing.

c. The parole board notification will request any victim(s) planning to attend a hearing to notify the warden of the intention to attend prior to the hearing.

d. A victim may only be denied attendance when, in the opinion of the warden or designee, the victim(s) presents a threat to the security and order of the institution.

e. If a victim is denied attendance at a hearing, the parole board shall be notified immediately.

f. The security director or designee should consider separation of the victim(s) and family/friends in attendance at the same hearing. If there are any signs of conflict between the victim(s) and family/friends of incarcerated individuals, the victim(s) shall be escorted out of the institution to avoid an unsupervised contact situation on institution grounds.

This rule is intended to implement Iowa Code chapter 915.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

201—20.16 Reserved.

201—20.17(904) Institutional community placement.

20.17(1) *Home care program.* This program allows for selected incarcerated individuals to be released from institutional confinement for a set period of time for the purpose of caring for the incarcerated individual's immediate family. Release may be to a community correction residential facility/halfway house or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. Eligibility criteria.

(1) The incarcerated individual must be the natural parent or legal guardian of the child/children.

(2) The incarcerated individual must show cause that this program can provide more suitable care than the present living situation of the child/children.

(3) The child/children must be minor(s).

(4) The incarcerated individual must have been the primary caretaker of the child/children prior to incarceration.

(5) Investigating staff must be able to confirm that the incarcerated individual had satisfactorily served this care prior to incarceration.

(6) The proposed living arrangements shall provide a suitable environment for the incarcerated individual and dependents.

(7) The physical structure of the residence shall provide for adequate space, meet sanitary, health and safety requirements, and be in good repair. A functional telephone must be maintained in the residence at all times.

(8) It will be verified that the incarcerated individual, including spouse or immediate family member living at the same residence, can and will provide adequate support towards the child, children, or other

dependent. Eligibility requirements for assistance through the department of human services programs (FIP, food stamps, etc.) will be verified prior to final approval.

(9) It will be verified that the incarcerated individual or immediate family living at the residence can provide adequate transportation or that public transportation is available.

(10) Adequate support services (medical, psychological, educational, as well as other treatment programs) must be arranged and available to both the incarcerated individual and dependents.

(11) Dependent care for an adult member of the incarcerated individual's immediate family must include a medically documented need with periodic supervision or other approved arrangements by a health-trained professional.

b. Requirements.

(1) Education/employment/child care/adult dependent care. Where all dependents are involved in full-time school, participation in an educational or employment program may be required of the incarcerated individual. Where such dependents are not yet in school, child care may be considered as full-time employment.

(2) Child care/adult dependent care. Child care shall be provided in the home. Therefore, the residence will be considered as the designated place of assignment. Deviations from same shall be reported to staff in advance.

20.17(2) *Work program—eligibility criteria.* This program allows for selected incarcerated individuals to be released from institutional confinement for a period of time for gainful employment in the community. The program may also include placement in a community corrections residential facility/halfway house, or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the living environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. The incarcerated individual must show a substantial need and interest for participation in the program.

b. The incarcerated individual must seek and apply for employment through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures.

c. Suitable employment and verification must be obtained by staff prior to consideration.

20.17(3) *Educational program—eligibility criteria.* This program allows for selected incarcerated individuals to be released from institutional confinement for a period of time for educational opportunities in the community. This program may also include placement in a community corrections residential facility/halfway house or to the incarcerated individual's home, home of an immediate family member, or other approved arrangements, provided the environment is suitable to institutional requirements. Release may be for a set number of hours or days as appropriate.

a. The incarcerated individual must show a substantial need and interest for participation in the program.

b. The incarcerated individual must seek educational opportunities and financial support through established procedures of the furlough program or through institutional correspondence, telephone, or visiting procedures (financial arrangements can only include family support or grants). Educational loans or loans of any type will not be allowed while on institutional count. Additional community corrections restriction may apply while under community supervision.

20.17(4) *General requirements for all three programs.*

a. Participation in any of these programs at any level is a privilege, not a right, of which participating incarcerated individuals are subject to and held accountable for all provisions of this policy as well as the specific program plan.

b. Institutional progress and recommended program participation must reflect an average or above rating.

c. Incarcerated individuals must be furlough-eligible in accordance with furlough eligibility standards in DOC policy IS-RL-04 and rule 201—20.12(904).

d. If applicable, community corrections residential/halfway house rules and regulations will apply as well as institutional rules including all program plan rules.

e. Local authorities will be contacted to determine possible concerns (correctional services, county attorney, law enforcement).

f. The incarcerated individual may be required to submit to periodic or regular U.A. Testing (this procedure may be completed at any correctional institution, community corrections facility/office, or at the residence).

g. All activity will be monitored by community corrections staff and institutional staff as agreed.

h. All employment and educational earnings, less payroll deductions including education grants and expenses, shall be surrendered to the residential facility/halfway house staff according to established procedures or to the institution business manager, whichever applies, according to the program plan. Employment earning deductions will be prioritized in accordance with Iowa Code section 904.905 for all levels of placement.

i. Contact frequency. A minimum of one home visit and one other face-to-face contact per month is required of staff. Furthermore, a sufficient number of collateral contacts will be made each month to ensure that the incarcerated individual is meeting requirements of the program plan.

j. Special needs. In situations where incarcerated individuals or the family have special needs, a case planning system shall be incorporated to address needs, capabilities, and specific goals. Special attention shall be given to past or immediate problems.

k. Travel. Supervisory staff may grant permission for travel within the state. Standard policy will apply to out-of-state travel.

l. Temporary absence. Incarcerated individuals may temporarily leave the residence for necessary purposes such as shopping, religious services, family recreation, medical appointments, employment, etc., as indicated on the plan.

20.17(5) *Application procedures.*

a. Applications must be made to the present institutional classification committee (utilizing Form 1).

b. The application must contain all pertinent information and resources for the requested program.

c. The classification committee shall review each case considering all standards and criteria.

d. The classification committee's recommendation must be approved by the warden.

e. If approved by the warden, the recommendation and all pertinent information shall be forwarded to the institutional deputy director for final approval.

f. If the recommendation is approved by the institutional deputy director, the incarcerated individual must agree to abide by all rules established in the program plan including institutional rules and community corrections rules as well as all local, state, and federal laws.

g. Each level of review has the authority to deny the application or to make changes in the program plan including level of placement, i.e., institutional, residential/halfway house, home, as well as electronic monitoring devices.

h. Incarcerated individuals placed in any of these programs will not be relieved of paying restitution or any other financial obligation as required by the court or institution.

20.17(6) *Violations.*

a. Violation of any rule set forth in the program plan including any additional rules set forth by any authority listed in this policy may constitute the revocation of participation in either program at any level.

b. Revocation may also occur for improper care of children or dependents, inadequate earnings, failure to maintain employment or unacceptable employment conduct, rule violations, or failure to meet program expectations.

20.17(7) *Program activity.* This rule does not create any liberty interest in the incarcerated individual's continued participation in any of the programs at any level listed under this rule, and the department of corrections or its designee(s) reserves the right to revoke, suspend, or limit/restrict program activity from the listed programs for any reason, without hearing.

20.17(8) *Waiver of liberty interests.* As a condition for an incarcerated individual to participate in any of the programs at any level listed under this rule, the incarcerated individual must voluntarily waive any and all liberty interests to a hearing should the department exercise its right to revoke, suspend or limit/restrict program activity. This waiver must be signed prior to an incarcerated individual's acceptance

into a program. The signed waiver shall remove any and all rights to due process should the department exercise its right to revoke, suspend or limit/restrict program activity.

This rule is intended to implement Iowa Code section 904.910.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

201—20.18(904) Violator/shock probation programs. Rescinded **ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter.

201—20.19 Reserved.

201—20.20(904) Incarcerated individuals' telephone commissions.

20.20(1) *Definitions.*

"Corrections board" means the department of corrections board.

"Deputy director of institutions" means the person responsible for operation of institution services.

"Director" means the chief executive officer of the department of corrections.

"Financial manager of administration" means the person responsible for budgeting and planning.

"Warden" means the chief executive officer of the institution or correctional facility.

20.20(2) *Deposit of funds.* The department of corrections shall deposit and account for all telephone commissions in a clearing account within the central office. The financial manager of administration will determine commissions generated by each institution, based on a report from the vendor, for deposit in the institution's telephone rebate fund for incarcerated individuals.

20.20(3) *Request for funds.* Each warden will determine recurring needs and special projects and submit a written proposal to the deputy director of institutions for all expenditures and encumbrances.

20.20(4) *Review and approval of expenditures.* The deputy director of operations and the financial manager of administration will review the proposals for 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.

20.20(5) *Permitted expenditures.* The director shall advance to the corrections board for approval only projects that benefit incarcerated individuals. Expenditures may include, but are not limited to, projects that provide educational, vocational or recreational services or projects, or work or treatment programs for incarcerated individuals. Expenditures may also be used to initiate new programs, services, or projects. Institutions shall give spending priority to programs, services, and projects that promote the health and welfare of incarcerated individuals.

This rule is intended to implement Iowa Code section 904.508A.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 6431C**, IAB 7/27/22, effective 8/31/22]

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CHAPTER 21
IOWA STATE PENITENTIARY
[Prior to 10/l/83, Social Services[770] Ch 17]
[Prior to 3/20/91, Corrections Department[291]]
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 22
IOWA STATE MEN'S REFORMATORY
[Prior to 10/l/83, Social Services[770] Ch 18]
[Prior to 3/20/91, Corrections Department[291]]
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 23
IOWA CORRECTIONAL INSTITUTION FOR WOMEN
[Prior to 10/1/83, Social Services[770] Ch 19]
[Prior to 3/20/91, Corrections Department[291]]
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 24
MEDIUM SECURITY FACILITY
[Prior to 10/1/83, Social Services[770] Ch 22]
[Prior to 3/20/91, Corrections Department[291]]
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 25
CORRECTIONAL TREATMENT UNIT
[Prior to 3/20/91, Corrections Department[291]]
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 26
NORTH CENTRAL CORRECTIONAL FACILITY
[Prior to 3/20/91, Corrections Department[291]]
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 27
IOWA MEDICAL AND CLASSIFICATION CENTER
[Prior to 10/1/83, Social Services[770] Ch 20]
[Prior to 3/20/91, Corrections Department[291]]
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 28
NEWTON CORRECTIONAL FACILITY
[Prior to 10/1/83, Social Services[770] Ch 21]
[Prior to 3/20/91, Corrections Department[291]]
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTER 29
FORT DODGE CORRECTIONAL FACILITY
Rescinded IAB 5/1/02, effective 4/8/02

CHAPTERS 30 to 36
Reserved

CHAPTER 37
IOWA STATE INDUSTRIES
[Prior to 10/1/83, Social Services[770] Ch 23]
[Prior to 3/20/91, Corrections Department[291]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/30/31

201—37.1(904) Function. Iowa state industries, established by Iowa Code chapter 904, is administered by a state director and operates manufacturing, farming, surplus and private sector work programs. Each business is entirely self-funded and receives no state appropriation.

37.1(1) Iowa state industries is charged with making available to offenders of the state correctional institutions opportunities for work in meaningful jobs that will enable the offenders' chances of a successful return to society as law-abiding and self-supporting members of the community upon the offenders' release.

37.1(2) Iowa state industries is further charged with enabling offenders to work in order to provide financial assistance to their dependents, make restitution, pay the cost of board and maintenance in a correctional institution, and accumulate savings upon their eventual return to the community.

This rule is intended to implement Iowa Code section 904.804.

[**ARC 0790D**, IAB 11/25/26, effective 12/30/26]

201—37.2(904) Sale of products.

37.2(1) Iowa state industries may sell products as outlined in Iowa Code section 904.815.

37.2(2) Iowa state industries may sell products to a general contractor when the products purchased will be sold to a public entity as provided in Iowa Code section 904.815. The public entity will submit a written request to Iowa state industries specifying the products and quantities to be purchased. Such sales will be limited to contractors involved in construction, renovation, and remodeling projects. Sales to a general contractor above $50,000 will be approved by the state director.

37.2(3) Catalogs are available online at www.iaprisonind.com or at the Iowa state industries showroom and main office, located at 1445 East Grand Avenue, Des Moines, Iowa 50316. Inquiries or requests for a mailed catalog may be made by calling 800.332.7922.

37.2(4) Information may be obtained from or reported to Iowa state industries at the Business Office, 406 North High Street, Anamosa, Iowa 52205; telephone 319.462.3706. Information is also available online at www.iaprisonind.com.

This rule is intended to implement Iowa Code section 904.815.

[**ARC 0790D**, IAB 11/25/26, effective 12/30/26]

201—37.3(904) Procurement of goods and services.

37.3(1) The provisions of 11—Chapter 117 are hereby adopted by reference with the following amendments.

a. Strike "department of administrative services" and insert in lieu thereof "Iowa state industries" in all rules.

b. In lieu of the definitions of "department" and "director", insert the following:

"Department" means the division of Iowa state industries.

"Director" means the director of the division of Iowa state industries or the director's designee.

c. Rules 11—117.7(8A) and 11—117.15(8A) and 11—subrule 117.4(3) are not adopted.

d. In lieu of the text of 11—subrule 117.14(1), insert the following: "Purchase of goods. An agency may acquire goods not otherwise available through a master agreement in accordance with the procurement threshold guidelines in 11—subrule 117.5(3)."

37.3(2) For vendor appeals involving a competitive solicitation, 7—Chapter 2506 applies. For all other purchasing actions, including noncompetitive procurement and contract administration, the following process shall apply:

a. Step 1. Appeals will be filed in writing to the Business Manager, Iowa State Industries, 406 North High Street, Anamosa, Iowa 52205, within five working days of notification of the action being appealed.

The appeal is to state the specific grounds upon which the vendor is challenging the action. The business manager, Iowa state industries, will notify the vendor in writing of the decision within ten working days.

b. Step 2. If the appeal is not resolved, it may be further appealed by the vendor to the Director of Iowa State Industries, Jessie Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319, within ten working days of the notification of the Step 1 appeal response. The director of Iowa state industries will notify the vendor in writing of the decision within 15 working days.

c. Step 3. An unresolved appeal to the Director of Iowa State Industries will be referred to the Director of the Department of Corrections, Jessie Parker State Office Building, 510 East 12th Street, Des Moines, Iowa 50319, within ten working days of the notification of the Step 2 appeal response. The director of the department of corrections will notify the vendor in writing of the decision within 15 working days.

This rule is intended to implement Iowa Code section 904.813.

[**ARC 0790D**, IAB 11/25/26, effective 12/30/26]

201—37.4(904) Private sector employment projects.

37.4(1) *Definitions.*

"Deputy director of prison industries" means the department of corrections deputy director responsible for the day-to-day operations of prison industries, including private sector individuals.

"Director" means the same as defined in Iowa Code section 904.101(5).

"Wage range" means the same as described in Iowa Code section 904.809(1)*"c."*

"Workforce development board" means the board created in Iowa Code section 84A.1A.

"Workforce development director" means the same as described in Iowa Code section 84A.1(2).

37.4(2) *Employer application.* Private sector employers requesting offender labor will submit an application to the deputy director of prison industries or designee. Required application information will be provided in accordance with Iowa state industries policies and procedures.

a. Upon receiving an application to use offenders in a private sector work program, the deputy director of prison industries or designee will provide a copy of the private sector work proposal, including job descriptions and proposed wages to the workforce development division administrator.

b. The deputy director of prison industries or designee will send a letter to the department of workforce development requesting the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county where the work is being performed, and the current employment level of the company that will employ the offenders.

c. The deputy director of prison industries or designee and the warden at the proposed institution will review the proposed projects with the board of supervisors and the sheriff in the county where the project will be located.

37.4(3) *Verification.* Upon written request from the deputy director of prison industries or designee, the workforce development division administrator shall verify the employment levels and prevailing wages paid for similar jobs in the area and provide to the deputy director of prison industries or designee, in writing:

a. The average wage rate for the proposed job(s);

b. The wage range;

c. The current unemployment rate for the county where the work is being performed; and

d. The current employment levels of the company that will employ the offenders based upon the most recent quarter for which data is available.

37.4(4) *Prevailing wages.* The deputy director of prison industries or designee will obtain employment levels in the locale of the proposed job(s) and the prevailing wages for the job(s) in question from the department of workforce development prior to authorizing any private sector work program. The deputy director of prison industries or designee will consider the average wage rate and wage range from the department of workforce development for the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide. To reduce possible displacement of civilian workers, the deputy director of prison industries shall advise prospective employers and eligible offenders of the following requirements:

a. Offenders shall not be eligible for unemployment compensation while incarcerated.

b. Before the employer initiates work utilizing offender labor, the deputy director of prison industries or designee will provide the baseline number of jobs as established by the department of workforce development.

c. Annually, the deputy director of prison industries or designee will request from the department of workforce development the actual number of civilian workers by employer and will compile a side-by-side comparison of each employer.

37.4(5) *Ineligible projects.* The deputy director of prison industries or designee will evaluate the information from the department of workforce development to verify nondisplacement of civilian workers consistent with Iowa Code section 904.809(1)*"d."*

37.4(6) *Notification and review.*

a. The deputy director of prison industries or designee will provide a copy of the private sector work proposal and the department of workforce development review of the private sector work proposal to the following:

(1) Warden at the proposed work site;

(2) Local labor organization(s); and

(3) Department of Justice, Washington, D.C.

b. Within 14 calendar days of receiving the department of workforce development review, the deputy director of prison industries or designee will consolidate the recommendations for review and approval by the director of corrections.

37.4(7) *Disputes.*

a. Anyone who believes that the private sector work program violates this rule shall advise the department of workforce development. A written complaint may be filed in accordance with rule 877—1.2(84A). The workforce development director shall consult with the deputy director of prison industries before the workforce development board makes a final recommendation(s) to resolve any complaint.

b. The deputy director of prison industries will assist the department of workforce development in compiling all information necessary to resolve the dispute. The workforce development board shall notify the deputy director of prison industries and interested parties in writing of the recommended action to resolve a complaint, which will be binding on all parties.

This rule is intended to implement Iowa Code section 904.809.

[**ARC 0790D**, IAB 11/25/26, effective 12/30/26]

201—37.5(904) Utilization of offender labor in construction and maintenance projects.

37.5(1) *Definitions.*

"Director" means the same as defined in Iowa Code section 904.101(5).

"Employer" means a contractor or subcontractor providing maintenance or construction services under contract to the department of corrections or under the department of administrative services.

"Workforce development director" means the same as described in Iowa Code section 84A.1(2).

37.5(2) *Scope.* Utilization of offender labor applies only to contractors or subcontractors providing construction or maintenance services to the department of corrections. The contract authority for providing construction or maintenance services may be the department of administrative services.

37.5(3) *Employer application.* Employers working under contract with the state of Iowa may submit an application to the department of corrections to employ offenders. Requests for such labor shall not include work release offenders assigned to community-based corrections under Iowa Code chapter 904.

a. The employer's application shall include:

(1) Scope of work, including type of work and required number of workers;

(2) Proposed wage rate;

(3) Location;

(4) Duration; and

(5) Reason for utilizing offender labor.

b. The department of corrections will verify through the department of workforce development the average wage rate for the job(s) the offenders will perform, the current unemployment rate in the county

where the work is being performed, and the current employment level of the employer that will employ the offenders.

37.5(4) *Verification.* Upon written request from the department of corrections, the workforce development division administrator shall verify the employment levels and prevailing wages paid for similar jobs in the area and provide to the director, in writing:

a. The average wage rate for the proposed job(s);

b. The wage range;

c. The prevailing wage as determined by the U.S. Department of Labor;

d. The current unemployment rate for the county where the work is being performed;

e. The current employment levels of the employer that will employ the offenders based upon the most recent quarter for which data is available.

37.5(5) *Safety training.* The employer shall document that all offenders employed in construction and maintenance projects receive an Occupational Safety and Health Administration (OSHA) 10-Hour outreach course provided free of charge by an authorized OSHA outreach trainer.

37.5(6) *Prevailing wages.*

a. The director will not authorize an employer to employ offenders in hard labor programs without obtaining from the department of workforce development employment levels in the locale of the proposed jobs and the prevailing wages for the jobs in question. The average wage rate and wage range from the department of workforce development will be based on the appropriate geographic area for which occupational wage information is available. The appropriate geographic area may be statewide.

b. To reduce any potential displacement of civilian workers, the director will advise prospective employers and eligible offenders of the following requirements:

(1) Offenders will not be eligible for unemployment compensation while incarcerated.

(2) Before the employer initiates work utilizing offender labor, the director will provide the baseline number of jobs as established by the department of workforce development.

(3) If the contract to employ offender labor exceeds six months, the director will:

1. Request and receive from the workforce development division administrator the average wage rates and wage ranges for jobs currently held by offenders and current employment levels of employers employing offenders; and

2. Compile a side-by-side comparison of each employer.

37.5(7) *Disputes.* Anyone who believes that the employer's application violates this rule shall present concerns in writing to the workforce development board. A written complaint may be filed with the workforce development board for any dispute arising from the implementation of the employer's application in accordance with rule 877—1.3(84A). The workforce development board shall consult with the director prior to making recommendations. The director will assist the workforce development board in compiling all information necessary to resolve the dispute. The workforce development board shall notify the director and interested parties in writing of the corrective action plan to resolve the dispute, which will be binding on all parties.

This rule is intended to implement Iowa Code section 904.701.

[**ARC 0790D**, IAB 11/25/26, effective 12/30/26]

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◊ Two or more ARCs

1 Prior to 3/20/91, see Prison Industries Advisory Board 635—Chapter 1

CHAPTER 38
SEX OFFENDER MANAGEMENT AND TREATMENT

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201—38.1(692A,903B) Application of rules. The following rules apply to sex offender electronic monitoring and hormonal intervention therapy.
[**ARC 8496B**, IAB 1/27/10, effective 3/3/10]

201—38.2(692A,903B) Electronic monitoring. It is the intent of the Iowa department of corrections that the electronic monitoring system (EMS) shall be used to enhance public safety. Appropriate levels of EMS should be used to verify the location and restrict the movement of sex offenders based upon a validated risk assessment, the sex offender's criminal history, progress in treatment and supervision, and other relevant factors. EMS is additionally governed by the provisions of department of corrections policy OP-SOP-06.

38.2(1) *Definitions.*

" Client" means a person who is required to register with the Iowa sex offender registry.

"Electronic monitoring system" or *"EMS"* is a term used collectively for technology that determines the location of clients who have restricted movement while being supervised in their respective community.

38.2(2) *Selection of clients for EMS.* All clients on supervision for a current sex offense who are required to be registered as a sex offender under Iowa Code chapter 692A shall be placed on EMS immediately after assignment to supervision. This level may be changed based on risk assessment.

38.2(3) *Risk assessment instrument.* Districts shall use the statewide approved and validated risk/needs assessment.

38.2(4) *Notification of victims.* The supervising judicial district department of correctional services shall notify a registered victim regarding a sex offender who is convicted of a sex offense against a minor and who is under the supervision of a judicial district department of correctional services of the following:

a. The beginning date for use of an electronic tracking and monitoring system to supervise the sex offender and the type of electronic tracking and monitoring system used.

b. The date of any modification to the use of an electronic tracking and monitoring system and the nature of the change.

NOTE: Notification includes the initial notification to victims of the date that a client has been placed on an electronic monitoring device, notification as to the date an electronic monitoring device was changed with greater or less monitoring capabilities (GPS to radio frequency or radio frequency to GPS), and notification as to the date the client was removed from an EMS.

38.2(5) *Additional rules.* The department of public safety's rules regarding the Iowa sex offender registry are published in 661—Chapter 83.
[**ARC 8496B**, IAB 1/27/10, effective 3/3/10; **ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; **ARC 4152C**, IAB 12/5/18, effective 11/14/18]

201—38.3(692A) Sex offender risk assessment. Rescinded IAB 1/27/10, effective 3/3/10.

201—38.4(903B) Hormonal intervention therapy.

38.4(1) *Affected clients.* All clients convicted of a "serious sex offense" in which the victim was a child who, at the time the offense was committed, was 12 years of age or younger; or clients convicted of a second or subsequent offense may be required to undergo hormonal intervention therapy as ordered by the court or board of parole in accordance with the provisions of Iowa Code section 903B.10.

38.4(2) *Agency responsibility.* The department of corrections, judicial districts' departments of correctional services, and the board of parole responsibilities are defined in accordance with the provisions of Iowa Code section 903B.10.

38.4(3) *Assessment of affected clients.*

a. Psychosexual assessment. A psychosexual assessment shall be conducted on all "affected" clients, as a part of the presentence investigation (PSI) prior to sentencing or upon entry into judicial district

department of correctional services supervision or institutional placement if a referral for hormonal intervention therapy is being made.

(1) The psychosexual assessment shall be conducted by or under the direction of:

- A licensed psychologist; or
- A person specifically trained and experienced in the professional administration, scoring and interpretation of psychological tests (graduate level coursework in testing and assessment); or
- A staff member who meets the experience and educational requirements of the Iowa department of administrative services or Iowa community-based corrections psychologist classification.

(2) The psychosexual assessment shall include:

- Tests of emotional and mental stability.
- I.Q. to measure capability.
- Measure of denial of deviant sexual characteristics.
- Plethysmography (optional).

(3) The assessment shall follow the statewide standardized format and shall include a determination as to the need and effectiveness of hormonal intervention therapy as well as treatment recommendations.

b. Medical assessment. If hormonal intervention therapy is recommended as an appropriate treatment component, the client shall receive a medical assessment to determine biological factors as related to hormonal intervention therapy.

38.4(4) *Pharmaceuticals and distribution.* The director of corrections may contract the purchase and distribution process to reduce pharmaceutical costs and ensure effective distribution and management of all pharmaceuticals related to the hormonal therapy program.

38.4(5) *Educational/treatment programming.*

a. Hormonal intervention therapy is to be utilized in conjunction with a sex offender treatment program (SOTP). The client should be involved in concurrent cognitive-behavioral treatment. In all cases where the treatment plan includes hormonal therapy, the plan shall also include monitoring and counseling.

b. All institutional or community-based corrections SOTPs shall meet the current Iowa board for the treatment of sexual abusers (IBTSA) standards .

38.4(6) *Application of hormonal therapy.*

a. Utilization of hormonal therapy.

(1) Therapy shall utilize medroxyprogesterone acetate (MPA) or other approved pharmaceutical agents.

(2) Therapy shall be initiated as soon as reasonably possible after the client is sentenced.

1. If the client is incarcerated within a local jurisdiction (jail, residential facility), the judicial district department of correctional services shall coordinate initiation of treatment prior to the release of the client from custody.

2. If the client is incarcerated within the department of corrections, initiation of treatment shall be determined by department of corrections medical staff.

(3) Requests for hormonal therapy by the client when the aforementioned criteria are not met shall be reviewed for consideration by the agency of jurisdiction.

(4) At any time during the course of supervision, the agency of jurisdiction may conduct a reassessment to determine if hormonal therapy should be considered or reconsidered as part of the treatment plan.

b. Monitoring/termination of hormonal therapy.

(1) Monitoring. The agency of jurisdiction shall continue to monitor the client's therapy throughout the client's confinement or supervision. The agency of jurisdiction may adjust medication, initiate other medication, or continue prescribed therapy with medical approval.

(2) Termination. Hormonal therapy may be discontinued only by the medical authority, with consent of the supervising officer. Termination requires a reassessment conclusion that the therapy has been determined ineffective or is no longer necessary.

38.4(7) *Client fees.* Clients are required to pay a reasonable fee for the costs related to hormonal therapy. Client fees shall be based on the client's ability to pay as determined by the statewide client fee policy.

38.4(8) *Maintenance/transfer of records.* Client file information shall be available and shared upon request between responsible agencies including court of jurisdiction.

[**ARC 3929C**, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter]

These rules are intended to implement Iowa Code chapters 692A and 903B.

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CHAPTER 39
Reserved

TITLE III
COMMUNITY-BASED CORRECTIONS

CHAPTER 40
COMMUNITY-BASED CORRECTIONS
[Prior to 3/20/91, Corrections Department[291]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/30/31

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."*

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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."*

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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."*

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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-risk and 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."*

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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.

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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.

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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."*

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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."*

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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.

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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.

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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.

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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.

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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 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.

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]

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[Filed ARC 0791D (Notice ARC 0614D, IAB 9/30/26), IAB 11/25/26, effective 12/30/26]

1 Effective date of subrule 40.4(11) delayed 70 days by the Administrative Rules Review Committee at their February 11, 1988, meeting.

2 Subrules 40.4(11) and 40.4(12) published as Notice of Intended Action, IAB 10/17/90.

1 September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

CHAPTER 41
PRECONVICTION SERVICE
[Prior to 3/20/91, see Corrections Department[291]]
Rescinded **ARC 0791D**, IAB 11/25/26, effective 12/30/26

CHAPTER 42
PROBATION SERVICES
[Prior to 3/20/91, Corrections Department[291]]
Rescinded **ARC 0791D**, IAB 11/25/26, effective 12/30/26

CHAPTER 43
RESIDENTIAL FACILITIES
[Prior to 3/20/91, Corrections Department[291]]
Rescinded **ARC 0791D**, IAB 11/25/26, effective 12/30/26

CHAPTER 44
WORK RELEASE
[Prior to 10/1/83, Social Services[770] Ch 24]
[Prior to 3/20/91, Corrections Department[291]]
Rescinded **ARC 0791D**, IAB 11/25/26, effective 12/30/26

CHAPTER 45
PAROLE
[Prior to 10/1/83, Social Services[770] Ch 26]
[Prior to 3/20/91, Corrections Department[291]]
Rescinded **ARC 0791D**, IAB 11/25/26, effective 12/30/26

CHAPTER 46
SUPERVISION UNDER INTERSTATE COMPACT
Rescinded IAB 4/22/09, effective 5/27/09

CHAPTER 47
OWI PROGRAMS
[Prior to 3/20/91, Corrections Department[291]]
Rescinded **ARC 0791D**, IAB 11/25/26, effective 12/30/26

CHAPTERS 48 and 49
Reserved

TITLE IV
JAIL INSPECTION STANDARDS

CHAPTER 50
JAIL FACILITIES

[Prior to 10/1/83, Social Services[770] Ch 15]
[Prior to 3/20/91, Corrections Department[291]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/30/31

201—50.1(356,356A) Definitions. The following are defined terms:

"Activity area" means such area, distinct from the living unit, where prisoners may congregate for programming. This area is to be under constant staff observation.

"Alternative jail facility" means a facility designated pursuant to Iowa Code chapter 356A and that is used as a halfway-house-type facility rather than a jail-type operation. These facilities shall be subject to inspection and accreditation by the state jail inspector utilizing applicable administrative rules for residential facilities pursuant to 201—Chapter 40 and other acceptable operational standards.

"Average daily population" means the average number of prisoners housed daily during any given time period.

"Barrier-free" means no walls or other obstructions impeding contact by staff within their assigned area of operation.

"Capacity" means the number of prisoner occupants that any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage and fixture requirements of the standards.

"Cell" means prisoner occupancy bedroom space with toilet and lavatory facilities.

"Cellblock" means a group of cells with an associated dayroom.

"Classification" means a system of obtaining pertinent information concerning prisoners with which to make a decision on assignment of appropriate housing, security level, and activities.

"Continuous visual observation" means uninterrupted visual contact unaided by closed circuit television (CCTV).

"Dayroom" means a common space shared by prisoners residing in a cell or group of cells; to which prisoners are admitted for activities, such as dining, bathing, or passive recreation; and that is situated immediately adjacent to prisoner sleeping areas.

"Detention area" means that portion of the facility used to confine prisoners.

"Direct supervision jail" means a style of jail construction designed to facilitate direct contact between officers and prisoners. The officer is stationed inside the housing unit. Evaluation and classification of prisoners are ongoing and continuous functions of a direct supervision jail and are based on close contact with prisoners.

"Disability" means a physical or mental impairment that substantially limits one or more of the major life activities of an individual, a record of such an impairment, or being regarded as having such an impairment.

"DOC" means the Iowa department of corrections.

"Dormitory" means an open area for two or more prisoners with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures, such as a shower, a table, recreation equipment, or similar items.

"Emergency situation" means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

"Evaluation" means an ongoing process whereby judgments are made concerning a prisoner based upon the behavior of that prisoner.

"Existing facility" means any place in use as a jail or for which bids have been let for construction prior to September 12, 2001.

"Holding cell" means a secure room or cell where prisoners may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

"Holdover" means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Housing unit" means a detention area. This area may be a single-occupancy cell, multiple-occupancy cell, cellblock, or dormitory.

"Inspection unit" means the state jail inspection unit.

"Jail" means any place administered by the county sheriff and designed to hold prisoners for as long as lawfully required but not to exceed one year pursuant to Iowa Code chapters 356 and 356A.

"Jail administrator" means the sheriff, sheriff's designee, or the executive head of any agency operating a jail. The jail administrator shall be responsible for the operation of the facility according to these rules.

"Jailer" means any person who is involved in the booking or supervision of prisoners, who has direct contact with prisoners or who has control over the movement or release of prisoners within the jail. Jailers shall meet the requirements of rules 201—50.10(356,356A) and 201—50.11(356,356A).

"Jail inspector" means the department of corrections employee responsible for inspections of jails and enforcement of these rules by authority of Iowa Code section 356.43.

"Jail supervisor" means any person who is responsible for the routine operation of a jail during assigned duty hours. While this person does not have to be on the premises at all times, the person must be readily available for consultation.

"Juvenile" means any person under the age of 18 years.

"Living unit" means an area within a housing unit and that contains individual sleeping compartments, dayrooms, all necessary personal hygiene fixtures, and sufficient tables and seats to accommodate capacity.

"Lock down" means whenever prisoners are required to be in their individual cells or locked in same.

"Mail" means anything that is sent to or by prisoners through the United States Postal Service.

"Major remodeling" means construction that changes the architectural design of an existing jail and that increases or decreases capacity.

"Medical practitioner" means a licensed physician, licensed osteopathic physician or physician associate or a medical resource, such as a hospital or clinic.

"Mental illness" means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

"Minister" means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

"Monitoring" means having a reasonable degree of knowledge or awareness of what activities a prisoner is engaged in during incarceration.

"Multiple-occupancy cell" means a cell designed for more than one prisoner and accessible to a dayroom.

"Nonsecure hold" means a nonsecure area within a law enforcement facility that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Person performing jail duties" means all persons directly involved in the provision of services to prisoners or the operation of a jail, except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a jailer.
2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with prisoners or routine access to areas occupied by prisoners.

"Physical jeopardy" means, due to the prisoner's physical or mental condition, the prisoner is in peril of serious physical harm.

"Pod" means a grouping of two or more housing units, usually found in large facilities, that will aid in the control of prisoners.

"Prisoner" means any individual confined in a jail.

"Residential facilities" means the facilities governed by 201—Chapter 40.

"Roving supervising officer" means an officer who provides direct supervision of prisoners by continuously moving through the housing unit, cells, and activity area of the unit.

"Segregation cell" means a single-occupancy cell equipped with tamper-resistant bunks, a toilet, and a wash basin that are of the type recommended for maximum security housing.

"Unencumbered space" is floor space that is not encumbered by furnishings or fixtures. "Unencumbered space" is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

"Waiver" means a waiver of a specific standard granted by the DOC in accordance with 201—Chapter 2504.

"Weapons" means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.2(356,356A) General provisions.

50.2(1) *Applicability.* These rules apply to all facilities regulated by Iowa Code chapters 356 and 356A except temporary holding facilities that are covered by 201—Chapter 51.

50.2(2) *Capacity.* Established capacities as determined by these rules shall not be exceeded except in the event of an emergency and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient prisoners to bring the number of persons confined into compliance with the rated capacity.

50.2(3) *Right to inspect and visit.* The chief jail inspector or authorized representatives shall visit and inspect jails and may do so on an unannounced basis. Jail personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a jail or to the prisoners confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

50.2(4) *Other standards.* Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided such standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No jail shall be operated without substantially meeting these rules, absent the granting of a waiver.

50.2(5) *Equal opportunity.* Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

50.2(6) *Nondiscriminatory treatment.* Each jail administrator shall ensure that staff and prisoners are not subject to discriminatory treatment based upon race, religion, nationality, disability, sex or age absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs, and activities.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.3(356,356A) Inspection and compliance. The chief jail inspector or authorized representatives shall visit and inspect each jail within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the sheriff and the governing body responsible for the facility.

50.3(1) *Notice of noncompliance with minimum standards.* Whenever the jail inspector or designee makes the determination that a jail or other holding facility is not in compliance with established minimum state jail standards, the chief administrator of the affected governmental facility shall be notified by letter posted or personal delivery of the noncompliance status. The notice shall specify:

a. The statute(s) and any rules alleged to have been violated.

b. The deficiencies cited.

c. The time period allowed for the submission of an acceptable plan of compliance within the appropriate time limitation.

d. The right to request a hearing pursuant to rule 201—2506.34(17A,356).

50.3(2) *Enforcement of minimum standards; remedial orders.* Upon receipt of a notice of noncompliance pursuant to subrule 50.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that will bring the facility into compliance within a reasonable time. If the responsible officials receiving a notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the jail in question or any portion thereof closed, that further confinement of prisoners or classifications of prisoners in the noncomplying jail or any portion thereof be prohibited, or that all or any number of prisoners then confined be transferred to and maintained in another jail or detention facility, or any combination of remedies as set forth in subrule 50.3(1). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the jail has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof.

50.3(3) *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.4(356,356A) Physical plant—general.

50.4(1) *Building to meet existing codes.* All facilities are required to be structurally sound and to meet existing building code and health code requirements.

50.4(2) *Professional inspections.*

a. The state jail inspector may require for good reason that an agency operating a jail cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise who may be of assistance to the state jail inspector in making an informed decision relative to the jail operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector, or specific conditions limiting its operation may be imposed in lieu of closing. An order of closure shall contain the following:

(1) Statute(s) and rule(s) violated.

(2) A brief description of the deficiencies.

(3) The effective date of the order.

(4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 50.3(1) and 50.3(2). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

50.4(3) *Heating and ventilation.* All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for prisoners and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85 degrees Fahrenheit.

50.4(4) *Cells.* Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and washbasin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures.

50.4(5) *Lighting.* Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Hallways, entrances and exits shall be sufficiently lit to observe a person entering or exiting. Light controls shall be out of the control of prisoners. Housing areas may be variably illuminated to allow sleep, but continuous observation of prisoners must be possible. All exits shall be equipped with independent emergency lighting sources.

50.4(6) *Screens.* If windows are opened for ventilation, screens shall be installed and maintained in good repair.

50.4(7) *Electrical.* Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

50.4(8) *Storage.*

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for the operation of the jail.

b. Adequate storage space for prisoners' personal clothing and property shall be provided. Space provided shall be secure, and the prisoner's name or identification number shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized prisoner access. Janitorial supplies and equipment shall not be stored in prisoner living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to prisoners and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

50.4(9) *Mirrors.* Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

50.4(10) *Firearms lockers.* A place inaccessible to prisoners shall be provided where officers entering the security area can store firearms.

50.4(11) *Noise level.* Prisoner noise inside the jail shall be controlled to ensure an orderly and secure jail operation. Jail policy shall include a rule pertaining to noise level. Prisoners must be advised of the rule.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.5(356,356A) Physical requirements for existing facilities. This rule shall apply to all jails in existence prior to June 30, 1984. In cases where an existing jail undergoes major remodeling after September 12, 2001, rules 201—50.6(356,356A) and 201—50.7(356,356A) shall apply to the area being upgraded.

50.5(1) Each single-occupancy cell for prisoners in normal status shall have a minimum floor area of 40 square feet provided that the prisoner is not required to spend more than 16 hours during any 24-hour period in the cell.

50.5(2) Each single-occupancy cell must provide 50 square feet of floor space for prisoners held more than 16 hours during any 24-hour period.

50.5(3) Multiple-occupancy cells shall provide 40 square feet of floor space for the first prisoner and an additional 20 square feet for each additional prisoner provided that no prisoner is required to spend more than 16 hours in the cell during any 24-hour period.

50.5(4) Prisoners held in multiple-occupancy cells for more than 16 hours during any 24-hour period shall have a minimum of 50 square feet of floor space for the first prisoner and 30 additional square feet of floor space for each additional prisoner.

50.5(5) Except in emergency situations, no multiple-occupancy cell shall house more prisoners than the rated capacity.

50.5(6) Dormitory units shall have a minimum of 60 square feet of floor space per prisoner.

50.5(7) Each single-occupancy cell, multiple-occupancy cell and dormitory unit shall provide the following:

a. A minimum of 7 feet from floor to ceiling height.

b. A bunk of adequate size for normal-sized adults.

c. Access to a functional toilet.

d. Access to a lavatory that furnishes both hot and cold water; mixing valves may be used.

e. Sufficient tables and seats to accommodate the rated capacity of the unit. The tables and seats may be located in the cells or in an adjacent dayroom.

f. A functionally operating shower that furnishes both hot and cold water; mixing valves may be used. This shower may be either in the housing unit itself or in an adjacent area.

50.5(8) Each dayroom shall have a minimum floor area of 30 square feet. There shall be an additional 15 square feet for each prisoner beyond one.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.6(356,356A) Physical requirements for new and remodeled facilities—after June 30, 1984. This rule shall apply to jails that are of new construction and to all major remodeling after June 30, 1984. For jails that are of new construction and for all major remodeling after September 12, 2001, rule 201—50.7(356,356A) shall apply. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

50.6(1) New housing units may be single-occupancy cells, multiple-occupancy cells or dormitory units. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 70 square feet of floor space for the first prisoner and an additional 50 square feet of floor space for each additional prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

50.6(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 30 square feet for the first prisoner and an additional 15 square feet for each prisoner beyond one (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet for each group of nine prisoners or portion thereof.

50.6(3) Each maximum security cell shall have a security-type toilet/lavatory combination fixture that provides adequate hot and cold running water. These cells may rely on common toilet facilities located outside the detention room provided that the prisoner is never involuntarily locked in the room and denied access to the toilet facilities.

50.6(4) Holding cells shall provide a minimum of 20 square feet per prisoner with a total capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners

may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 24 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

50.6(5) The facility shall be designed to admit natural lighting and to give access to outside viewing by prisoners where practical.

50.6(6) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.6(7) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.6(8) All hinged doors serving as required exits shall swing with exit traffic.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.7(356,356A) Physical requirements for new and remodeled facilities—after September 12, 2001. This rule shall apply to jails that are of new construction and all major remodeling or reconstruction after September 12, 2001. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

50.7(1) New housing units may be single-occupancy cells, multiple-occupancy cells or dormitory units. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each prisoner. Dormitory units shall provide a minimum of 60 square feet per prisoner.

50.7(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 30 square feet for the first prisoner and an additional 15 square feet for each prisoner beyond one (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water for each group of 12 prisoners.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet for each group of nine prisoners or portion thereof.

50.7(3) Each maximum security cell shall have a security-type toilet/lavatory-combination fixture that provides adequate hot and cold running water. These cells may rely on common toilet facilities located outside the detention room provided that the prisoner is never involuntarily locked in the room and denied access to the toilet facilities.

50.7(4) Holding cells shall provide a minimum of 20 square feet per prisoner with a total capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time, not to exceed 24 hours, except in cases of emergency, while awaiting booking, processing, transfer, court appearance or discharge. Detainees will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

50.7(5) Exercise areas shall be 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time in accordance with paragraph 50.18(1)*"c."*

50.7(6) The facility shall be designed to admit natural light and to give access to outside viewing by prisoners where practical.

50.7(7) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.7(8) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.7(9) All hinged doors serving as required exits shall swing with exit traffic.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.8(356,356A) Physical requirements for new and remodeled facilities—after December 28, 2005. This rule shall apply to all jails that are of new construction and to all major remodeling or reconstruction after December 28, 2005.

50.8(1) Cells and dormitory units.

a. Single-occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

b. Multiple-occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each prisoner. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each occupant.

c. Dormitory units shall provide a minimum of 60 square feet of floor space for each prisoner, exclusive of lavatories, showers, and toilets.

50.8(2) All housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each prisoner and at least 12 inches off the floor.

c. Sufficient desks/tables and chairs/seats to accommodate the capacity of the housing unit.

d. A dayroom that provides a minimum floor area of 35 square feet of space per prisoner (exclusive of lavatories, showers and toilets) for the maximum number of prisoners who use the dayroom at one time. No dayroom shall encompass less than 100 square feet of space (exclusive of lavatories, showers and toilets). Dayrooms shall provide sufficient seating and writing surfaces (dormitories excluded).

e. A functionally operating shower that produces both hot and cold water for each group of 12 prisoners.

f. A lavatory that furnishes both hot and cold water for each group of nine prisoners or portion thereof.

g. A functional toilet/stool for each group of nine prisoners or portion thereof. Urinals may be substituted for up to one-third of the toilets in housing units for male prisoners.

50.8(3) Each maximum-security cell shall have a security-type toilet/lavatory-combination fixture that provides adequate hot and cold running water.

50.8(4) Holding cells/special-needs cells.

a. Holding cells shall provide a minimum of 20 square feet per prisoner with a maximum capacity per cell of eight prisoners. Holding cells need not contain any fixture other than a means whereby prisoners may sit. Drinking water and toilet facilities shall be made available under staff supervision. Dayrooms need not be available to prisoners held in holding cells. Holding cells are for detaining persons for a limited period of time not to exceed 24 hours, except in cases of emergency, while the persons are awaiting booking, processing, transfer, court appearance or discharge. Prisoners will be supplied blankets if detained overnight in the holding cell. Emergencies are defined as unexpected occurrences, requiring immediate attention, of singular incident and resolution.

b. Special-needs cells. A jail may contain one or more single-occupancy cells, designated as special-needs cells, in which to temporarily contain violent persons. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

50.8(5) Exercise areas.

a. This paragraph shall apply to all jails constructed on or before July 1, 2008. Exercise areas may be indoor or outdoor exercise areas and shall contain 15 square feet per prisoner for the maximum number

of prisoners expected to use the space at one time but not less than 500 square feet of unencumbered space. Segregation units may have individual exercise areas containing a minimum of 180 square feet of unencumbered space. Exercise areas shall provide opportunity for adequate exercise in accordance with paragraph 50.18(1)*"c."* Exercise areas shall not be the same as dayrooms.

b. This paragraph shall apply to all jails that are of new construction and to all major remodeling or reconstruction after July 1, 2008. Exercise areas may be indoor or outdoor exercise areas and shall contain 15 square feet per prisoner for the maximum number of prisoners expected to use the space at one time but not less than 500 square feet of unencumbered space. Segregation units may have individual exercise areas containing a minimum of 180 square feet of unencumbered space. Exercise areas shall have a minimum ceiling height of 18 feet. Exercise areas shall provide opportunity for adequate exercise in accordance with paragraph 50.18(1)*"c."* Exercise areas shall not be the same as dayrooms.

50.8(6) The facility shall be designed to admit natural light and to give access to outside viewing by prisoners where practical.

50.8(7) The facility shall be designed and constructed so that prisoners may be segregated according to existing laws and regulations.

50.8(8) Except in emergency situations, no housing unit shall house more prisoners than its rated capacity.

50.8(9) All hinged doors serving as required exits shall swing with exit traffic.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.9(356,356A) Fire safety and emergency evacuation.

50.9(1) *Approval of building plans.* All new construction or major remodeling plans shall be approved by the state fire marshal prior to commencement of construction.

50.9(2) *Compliance with state fire marshal rules.* No jail shall be occupied by a prisoner unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection within the last 18 calendar months documenting that the jail complies with the fire safety standards for jails included in administrative rules promulgated by the state fire marshal. Jails may be inspected by the state fire marshal, or by personnel of local fire departments deemed by the state fire marshal qualified to conduct inspections, on a schedule determined by the state fire marshal. The state jail inspection unit of the department of corrections, a jail administrator, or the chief executive of an agency that administers a jail may request that the state fire marshal inspect a jail for compliance with fire safety standards. If the state fire marshal finds that a jail is not in substantial compliance with fire safety standards based on such an inspection, the state fire marshal may require the jail administrator to submit to the state fire marshal a plan of correction of violations of these standards. The director of the DOC may initiate proceedings to close the jail if the jail does not comply with the plan of correction.

50.9(3) *Evacuation plan.* The administrator of each jail shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced prisoners. All personnel employed in the facility shall be thoroughly familiar with this plan, and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all staff on at least an annual basis, and a record thereof shall be maintained according to subrule 50.22(10).

50.9(4) *Release of prisoners.*

a. There shall be a reasonable expectation of the prompt removal of prisoners in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

b. There shall be at least one full set of jail keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

50.9(5) *Fire extinguishers.* All jails shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule. Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

50.9(6) *Emergency lighting.* All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure no area will be left in darkness.

50.9(7) *Required exits.* Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each prisoner to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

50.9(8) *Fire alarms.* A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained. These alarms shall be ceiling-mounted if possible and shall be located and protected from prisoner access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 50.22(10).

50.9(9) *Heating appliances.* Heating appliances and water heaters shall not be located along the path of required exits.

50.9(10) *Hinged doors.* All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

50.9(11) *Mattresses.* Only fire-resistant mattresses of a type that will not sustain a flame and certified by an independent testing laboratory and that meet the standards established by the state fire marshal shall be used in jails. Mattresses that are ripped, are excessively cracked or contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

50.9(12) *Sprinkler heads.* If installed, sprinkler heads accessible to prisoners not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.10(356,356A) Minimum standards for jail personnel.

50.10(1) *Minimum hiring standards.* Applicants must meet the following minimum standards before serving as a jail administrator, jailer, or temporary holding facility personnel:

a. Be 18 years of age or older.

b. Be able to read and write in English.

c. Be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files.

d. Be not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill the person's duties.

e. Have the ability to perform the essential elements of the position as defined in department job specifications.

f. Be an appropriate candidate for employment as determined by the hiring authority's review of a qualified psychological screening.

50.10(2) *Minimum retention standards.* An employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for jail employment, or who has repeatedly failed to observe these rules will not be retained.

50.10(3) *Conflict of interest.* A person working in a jail will not transact any business with a prisoner nor arrange any business transaction with a prisoner through another party. The jail will have a written code of ethics that the jail provides to all employees. At a minimum, the code will:

a. Prohibit staff from using their official positions to secure privileges for themselves or others.

b. Prohibit staff from engaging in activities that constitute a conflict of interest.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.11(356,356A) Training for jail personnel.

50.11(1) *Initial orientation.* Except in an emergency situation, all persons performing jail duties and dispatchers subject to performing jail duties within the confines of the jail shall meet the following requirements, and the provision of this information and training shall be documented:

a. The individual shall be fully knowledgeable of the administrative rules referring to jail standards.

b. The individual shall be fully knowledgeable of jail rules, written policies and procedures as adopted by the jail administrator.

c. The individual shall have been given specific orientation with respect to a prisoner's rights during confinement and procedures adopted to ensure those rights.

d. If the individual is to have access to a firearm at any time, the individual shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device, and chemical control agents prior to use in connection with the individual's duties at the jail.

e. The jail administrator shall, by either written or electronic means, record the acknowledgement of all jailers and jail supervisors attesting that they have full knowledge of the administrative rules referring to jail standards and the written policies and procedures governing the jail's operation.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

g. All staff who administer medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other recognized medication administration course.

50.11(2) *Training documented.* All jailers and jail administrators shall meet and document the completion of all training requirements as specified by the Iowa law enforcement academy training standards as found in 501—Chapter 9. The jail administrator shall, by either written or electronic means, record the acknowledgment of all persons attending the training.

50.11(3) *First aid.* At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

This rule is intended to implement Iowa Code section 80B.11A.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.12(356,356A) Standard operating procedures manual. Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each jail shall establish and the jail administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 50.2(5), 50.2(6), 50.4(11), 50.9(3), 50.9(4), 50.10(1) through 50.10(3), and 50.11(1) and rules 201—50.13(356,356A) through 201—50.22(356,356A) as noted. The following standards do not require written policy: subparagraph 50.13(2)*"c"*(3) and subrules 50.15(4), 50.16(4), and 50.16(8).

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.13(356,356A) Admission/classification and security.

50.13(1) *Admission and classification.*

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of prisoners shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (exception—alternative jail facilities) (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial prisoners from sentenced prisoners.

(3) Witnesses from prisoners charged with crimes.

d. The following shall be kept physically separated:

(1) Prisoners of whom violence is reasonably anticipated.

(2) Prisoners who are a health risk to others.

(3) Prisoners of whom sexually deviant behavior is reasonably anticipated.

(4) Prisoners likely to be exploited or victimized by others.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of prisoners shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the prisoner) to determine if the prisoner is suicidal.

(1) The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

1. Does the prisoner show signs of depression?
2. Does the prisoner appear overly anxious, afraid, or angry?
3. Does the prisoner appear unusually embarrassed or ashamed?
4. Is the prisoner acting or talking in a strange manner?
5. Does the prisoner appear to be under the influence of alcohol or drugs?
6. Does the prisoner have any scars or marks that indicate a previous suicide attempt?

(2) In all cases, the following questions will be asked of the prisoner:

1. Have you ever tried to hurt yourself?
2. Have you ever attempted to kill yourself?
3. Are you thinking about hurting yourself?

g. Housing for prisoners with disabilities shall be designed for their use, or reasonable accommodations shall be provided for the prisoners' safety and security.

h. Jail personnel shall ask each prisoner within 24 hours of the prisoner's incarceration if the prisoner is a military veteran. If so, jail personnel shall advise the prisoner that the prisoner may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the prisoner with contact information for the county commission of veteran affairs and provide the prisoner the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

50.13(2) *Security and control.* The jail administrator shall develop and implement written policies and procedures for the jail that provide for the control of prisoners and for the safety of the public and the jail staff. The policy and procedures shall include all of the following.

a. Supervision of prisoners.

(1) Twenty-four-hour supervision of all prisoners shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the jail, a staff person shall be in a position to hear prisoners in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency, including but not limited to fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observation of individual prisoners shall be made and documented. Prisoners considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observation, shall be checked personally at least every 30 minutes until the condition is alleviated. A CCTV-audio monitoring system may supplement but shall not replace personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Observation of shower and restroom activities shall be at the discretion of the jail administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency (does not apply to alternative jail facilities). Advance notice may be provided with respect to but not limited to inmate orientation, inmate handbook, broadcast via inmate notification system, booking notification system, posted notification, or verbal announcement prior to entering the housing unit.

(5) When females are housed in the jail, at least one female staff member shall be on duty in the jail at all times, in accordance with Iowa Code section 356.5(6) (does not apply to alternative jail facilities).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juvenile shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

b. Weapons. Except in an emergency situation, no weapons shall be allowed in an area occupied by prisoners.

c. Searches.

(1) All prisoners and property entering or leaving the jail shall be thoroughly searched; searches of persons charged with a simple misdemeanor shall follow provisions of Iowa Code section 804.30. The prisoner's name or identification number shall be affixed to the property or storage space. Receipts shall be made for property taken from prisoners at the time of admission and returned to prisoners at the time of release.

(2) All persons entering a jail may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Prisoner rules shall contain a clear definition of each item permitted in the jail. All other items shall be considered contraband.

(5) Random, unannounced, and irregular searches of areas accessible to prisoners shall be conducted for contraband and weapons.

d. Key control. Jail keys shall be stored in a secure area when not in use. There shall be at least one full set of jail keys, separate from those in use, stored in a safe place accessible only to designated jail personnel for use in the event of an emergency. The jail administrator will identify those persons who may have access to keys.

e. Facility security.

(1) All areas of the jail shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of prisoners by jail staff.

(2) All jail locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures shall be reported to the jail administrator in writing. The jail administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The jail administrator shall develop written policy and procedures for the movement and transportation of prisoners outside the secure area of the jail. The policy shall require procedures that will ensure the safety of the jail staff and the public and prevent prisoner escape. The policy shall provide procedures for movement of prisoners for medical treatment and to and from the courts and other facilities. The classification and security risk of the prisoner to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The jail administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plans shall be made available to all applicable personnel and reviewed by jail staff at least annually and updated as needed.

f. Restraint devices. The jail administrator shall have a written policy on restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes jail security. There shall be defined circumstances under which supervisory approval is needed prior to application of restraints. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, prisoners shall be either clothed or covered in a manner that maximizes prisoner privacy. Four/five-point restraints shall be used only when other types of restraints have proven ineffective. If prisoners are restrained in a four/five-point position, the following minimum procedures shall be followed:

(1) Observation by staff shall be continuous. (A CCTV system may be used.)

(2) Personal visual (non-CCTV) observation of the prisoner and the restraint device application shall be made at least every 15 minutes.

(3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight.

(4) All decisions and actions shall be documented.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.14(356,356A) Cleanliness and hygiene.

50.14(1) *Housekeeping.*

a. The jail shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

(1) Unless cleaning is done by staff, necessary cleaning equipment shall be provided to prisoners. Cleaning equipment shall be removed from the cell and dayroom areas when cleaning is completed.

(2) The jail shall be maintained in a pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Prisoners and staff shall not be directly exposed to the chemicals being used.

b. The jail shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

50.14(2) *Clothing, bedding, and hygiene items.* Prisoners held in excess of 24 hours shall be provided sanitary bedding and linens sufficient to ensure comfort under existing temperature conditions. These items may be withheld by the jail administrator if deemed necessary pursuant to subrule 50.21(5). A standard issue shall include:

a. Toilet articles necessary for daily personal hygiene.

b. Institutional clothing may be issued.

c. If, upon admission to a jail with an average daily population exceeding ten persons, it is determined that the prisoner will be held longer than 24 hours, facility-provided clothing shall be issued.

d. The laundry means and schedule shall be adequate to meet the daily needs of the prisoners. Prisoners shall receive clean linens and clothing no less than weekly.

50.14(3) *Personal hygiene.*

a. For sanitation and health reasons, prisoners shall be required to keep themselves clean at all times.

b. Unless medically exempted, all prisoners to be held over 24 hours shall be required to shower or bathe.

c. Prisoners may be required to shave or cut their hair only for sanitation.

d. Jail personnel shall establish procedures for prisoner hair care.

e. The sharing of instruments that are subject to blood contamination, such as nonelectric razors and toothbrushes, is prohibited. Electric razors properly sterilized under medically approved conditions may be shared.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.15(356,356A) Medical services. The jail administrator shall establish a written policy and procedure to ensure that prisoners have the opportunity to receive necessary medical attention for the prisoners' objectively serious medical and dental needs that are known to the jail staff. A serious medical need is one that has been diagnosed by a physician or physician associate as requiring treatment or is one that is so obvious that even a layperson would easily recognize the necessity for a physician's or physician associate's attention. The plan shall include a procedure for emergency care. Responsibility for the costs of medical services and products remains that of the prisoner as allowed by Iowa Code section 356.7. However, no prisoner will be denied necessary medical services, dental service, medicine or prostheses because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the prisoner as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

50.15(1) *Medical resources.* Each jail shall have a designated medical practitioner, which may include a hospital or clinic staffed by licensed physicians, licensed osteopathic physicians or physician associates, designated for the medical supervision, care and treatment of prisoners as deemed necessary and appropriate. Medical practitioners shall be available on a 24-hour basis.

50.15(2) *Trained staff.*

a. All staff who administer medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other recognized medication administration course.

b. At least one staff member on duty at the jail shall be currently trained in first aid (or the equivalent) and CPR.

50.15(3) *Prisoner involvement.* No prisoner shall be involved in any phase of delivery of medical services.

50.15(4) *First-aid kits.* A first-aid kit approved by qualified medical personnel shall be available to staff (no policy required).

50.15(5) *Chemical control agents.* A prisoner affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

50.15(6) *Screening upon admission.*

a. Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a jail.

b. Prisoners suspected of having a contagious or communicable disease shall be separated from other prisoners until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the jail. The intake procedure shall include screening for potential self-injury or potential suicide. Jail staff with actual knowledge that there is a substantial risk that a prisoner intends to commit suicide shall take reasonable measures to abate that risk. The jail shall have a written suicide prevention plan. Essential elements of the plan shall include annual training to recognize the potential for suicide, communication between staff, appropriate housing and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the jail only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure, as provided in Iowa Code section 229.22. The jail shall have a written plan to provide prisoners access to services for the detection, diagnosis and treatment of mental illness. The plan shall include a mental health screening process at admission.

e. Prisoners shall be provided with information on how they can obtain necessary medical attention, and the agency's policy and procedure shall also reflect this.

50.15(7) *Medication procedures.*

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the jail and the amount of medication returned or destroyed when a prisoner is released.

c. A written procedure for recording the taking or administering of all medications shall be established.

Prescription medication, as ordered by a medical practitioner or licensed dentist, shall be provided in accordance with the directions of the prescribing medical practitioner or dentist. Prisoners with medication from a personal medical practitioner or dentist may be evaluated by a medical practitioner or dentist selected by the jail administrator to determine if the present medication is appropriate.

50.15(8) *Medical records.* A separate medical record shall be maintained for each prisoner receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the prisoner's file jacket but must be labeled confidential.

50.15(9) *Medication storage.*

a. Prisoners' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit).

(4) All medication required to be "cool" or "refrigerated" shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

b. Any medications bearing an expiration date must not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending medical practitioner, shall be destroyed by the jail administrator or designee in the presence of a witness. A record of drug destruction shall be made in each prisoner's medical record. The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the jail administrator or designee and by the witness.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to 481—Chapter 552.

e. Jails utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper recordkeeping of disposal.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.16(356,356A) General food service requirements.

50.16(1) *Prisoner being held.* If a prisoner is held over a meal period, a meal of adequate nutrition shall be provided.

50.16(2) *Daily meals.* The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature; hot foods shall be reasonably hot and cold foods reasonably cold.

50.16(3) *Time of serving.* Meals shall be served at approximately the same time every day.

50.16(4) *Documentation.* The facility shall document that its food service meets or exceeds nationally recommended minimum dietary allowances for basic nutrition for appropriate age groups. Dietary guidelines meeting the above requirements shall be certified by a qualified nutritionist or dietitian (no policy required).

50.16(5) *Medical diets.* Special diets as prescribed by a medical practitioner shall be followed and documented. The medical practitioner who prescribes the special diet shall specify a date on which the diet will be reviewed for renewal or discontinuation. Unless specified by the prescribing medical practitioner, a certified dietitian shall develop the menu.

50.16(6) *Religious requests.* When a special diet is requested by a prisoner as part of the prisoner's religious beliefs, the facility shall meet that need, unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the prisoner's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

50.16(7) *Punishment.* Deviation from normal feeding procedures shall not be used as punishment.

50.16(8) *Inspection of facilities of outside food service providers.* If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.17(356,356A) In-house food services.

50.17(1) Food preparation areas shall be clean and sanitary in accordance with state health standards regulating the operation of institutions, food establishments, or equivalent organizations.

50.17(2) All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

50.17(3) Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

50.17(4) Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.18(356,356A) Prisoner activities.

50.18(1) *Exercise.* Prisoners held beyond seven days and not leaving the jail pursuant to Iowa Code section 356.26 shall be offered exercise time.

a. A minimum of two one-hour exercise sessions shall be offered during each full calendar week. Playing board games or cards or reading is recreation and is not considered exercise. A record of exercise sessions shall be maintained according to subrule 50.22(15).

b. Restrictions. Exercise requirements may be restricted by disciplinary action.

c. Exercise areas. An exercise area outside the cell shall be available. Such area must provide opportunity for adequate exercise. Corridors and hallways must remain clear of equipment or material and must provide unimpeded access to exits.

d. Suspension of outdoor exercise. Outdoor exercise may be suspended during inclement weather. Appropriate clothing shall be provided for exercise during winter months.

50.18(2) *Religion.* All prisoners shall be afforded a reasonable opportunity to pursue their religious faith. Any infringement upon the opportunity to pursue one's faith must further some compelling interest and must be the least restrictive means of furthering that interest. The jail administrator or designee may plan, direct and supervise all aspects of a religious program, including approval and training of both laypersons and clergy persons ministering faiths represented in the prisoner population.

50.18(3) *Reading material.* A reasonable quantity and variety of reading material shall be made available to prisoners.

a. Access to reading material from an outside source may be restricted to unused material sent directly from the publishing source.

b. Material deemed to be a threat to security or safety within the jail may be denied distribution.

c. Obscene material, as described in Iowa Code section 728.1, may be prohibited.

d. When a prisoner is denied access to a publication, the jail administrator shall inform the prisoner of that denial in writing and shall explain, in writing, the reason(s) for denial.

50.18(4) *Discrimination.* Prisoner activities, programs and services shall be available to prisoners with disabilities.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.19(356,356A) Communication.

50.19(1) *Prisoner mail.*

a. Prisoners held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a prisoner from corresponding with a person who states in writing that the person does not want to correspond with the prisoner. This does not include a "prior approval" list.

b. A reasonable amount of postage shall be provided to indigent prisoners held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the prisoner is notified of this procedure.

d. Privileged correspondence if so marked may be opened only in the presence of the prisoner and then only to detect the presence of contraband; it will not be read except by the prisoner. Privileged correspondence is defined as incoming and outgoing mail to or from:

(1) An attorney;

(2) A judge;

(3) The governor of Iowa;

(4) The ombudsman office;

(5) A member of the state or federal legislature.

e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the prisoner or post office.

50.19(2) *Telephone calls upon arrest.*

a. Prisoners shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest at no charge if made within the local calling area as required by Iowa Code section 804.20.

b. Policy and procedures shall be developed to govern prisoner telephone calls. The procedure shall provide for the handling of emergency calls.

c. Prisoners not in segregation status for discipline shall have reasonable access to telephones beyond the requirements of Iowa Code section 804.20.

50.19(3) *Attorneys and ministers.* Attorneys and ministers shall be permitted to visit prisoners upon the request of the prisoner at reasonable hours if security and daily routine are not unduly interrupted.

50.19(4) *General visitation.*

a. All prisoners in normal status shall be allowed reasonable visitation.

b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.

c. Jail staff shall document the date and time of visit, name and address of each person visiting, and name of prisoner visited. Computerized logs are acceptable.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

50.19(5) *Detaining non-U.S. citizens.* When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to non-U.S. citizens in jail and shall be allowed to provide consular assistance. When a jail administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.20(356,356A) Access to the courts. Prisoners who do not have an attorney shall have access to the legal materials the jail decides to provide, in order to facilitate the preparation of legal documents that directly or collaterally attack the prisoner's sentence or that challenge the conditions of the prisoner's confinement.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.21(356,356A) Discipline and grievance procedures.

50.21(1) No prisoner shall be allowed to have authority or disciplinary control over another prisoner.

50.21(2) The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

50.21(3) The following information shall be made available to all prisoners and explained to any prisoner unable to read English:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

b. What services are available to them.

c. A prisoner grievance procedure that includes at least one level of appeal. A jail may limit the use of the grievance process in order to make sure that it is not abused.

50.21(4) Prisoners who have allegedly violated jail rules shall be provided information pertaining to the handling of disciplinary hearings consistent with the due process rights of the accused. This information shall include the following:

a. Notice of charges and hearing.

b. A description of the hearing process. The jail policy and procedures manual shall contain the following:

(1) Written guidelines for resolving minor prisoner infractions that include a written statement of the rule violated and a hearing and decision within seven days, excluding weekends and holidays, by a person not involved in the rule violation. The prisoner may waive the hearing.

(2) A procedure to refer violations of criminal law to the appropriate criminal justice agency.

(3) A policy that requires staff members to prepare a disciplinary report and forward it to a designated staff person. Disciplinary reports shall include the following information:

1. Specific rule(s) violated;

2. A statement of the charge;
3. Any unusual prisoner behavior;
4. Any staff witnesses;
5. An explanation of the event that includes who was involved, what transpired, and the time and location of the occurrence;
6. Any physical evidence and its disposition;
7. Any immediate action taken, including the use of force.

(4) A policy that requires an impartial investigation to begin within 24 hours of the time the violation is reported and be completed without unreasonable delay, unless there are exceptional circumstances for delaying the investigation.

(5) A policy and procedure that provides for prehearing detention of prisoners who are charged with a rule violation. The facility administrator or designee shall review the prisoner's prehearing status within 72 hours.

(6) A policy that prisoners charged with a rule violation receive a written statement of the charge(s), including a description of the incident and specific rule(s) violated. The prisoner shall be given the information at least 24 hours prior to the disciplinary hearing. The hearing may be held in less than 24 hours with the written consent of the prisoner.

(7) A policy and procedure that allows the prisoner to be present at the hearing, unless the prisoner waives that right in writing or is a threat to the security and safety of the facility. Prisoners may be excluded during testimony. Any prisoner's absence shall be documented.

(8) A policy that provides for the disciplinary hearing to be conducted no later than seven days, excluding weekends and holidays, following the report of the alleged rule violation.

(9) A policy that provides for postponement or continuance of the disciplinary hearing for a reasonable period and for good cause. Reasons for postponement or continuance shall be documented.

(10) A policy and procedure that provides for an impartial person or panel of persons to conduct the disciplinary hearing. A record of the proceedings shall be made and maintained for at least two years.

(11) A policy and procedure that allows prisoners an opportunity to make a statement and present documentary evidence at the hearing and to call witnesses on their behalf unless calling witnesses creates a threat to the security or safety of the facility. The reasons for denying such a request shall be documented.

(12) A policy and procedure that allows a staff member or agency representative to assist prisoners at disciplinary hearings. A representative shall be appointed when it is apparent that a prisoner is not capable of collecting and presenting evidence on the prisoner's own behalf.

(13) A policy that disciplinary committee decisions are based solely on information obtained in the hearing process.

(14) A policy and procedure to ensure that a written report is made of the decision and the supporting reasons and that a copy is given to the prisoner. The hearing record and documents shall be kept in the prisoner's file.

(15) A policy that requires the jail administrator or designee to review all disciplinary hearings and dispositions to ensure conformity with the jail policy and procedures.

c. An explanation of the appeal process. The jail policy and procedure manual shall contain a policy and procedure to advise the prisoner that the prisoner may appeal the decision to the jail administrator or designee within 24 hours. The administrator or designee shall affirm or reverse the decision of the disciplinary committee as soon as possible but within 15 days, excluding weekends and holidays.

50.21(5) Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any prisoner who the staff reasonably believes would destroy such items or use them as weapons, for self-injury or to aid in escape.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.22(356,356A) Records. The following records shall be maintained by the jail administrator for two years unless a different period is specified:

50.22(1) Jail calendar. This record shall contain information as required by Iowa Code section 356.6.

50.22(2) Visitor registration. This record shall contain the name and address of the person visiting; name of prisoner visited; and the date, time and duration of the visit.

50.22(3) Jail inspection records. Jail inspection records shall contain the following and be maintained for a minimum period of two years:

a. State fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the jail.

50.22(4) Medical history intake form. Notation of injury upon admission shall be included.

50.22(5) Records of medical care.

50.22(6) Injury reports. Copies of all reports of investigations relating to injuries within the facility shall be maintained by the jail administrator in a separate injury file or referenced in the prisoner file by log for a period of five years.

50.22(7) Disciplinary records.

50.22(8) Property receipts. Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

50.22(9) Menu records. This record shall include letters of documentation issued by a qualified dietitian.

50.22(10) Fire and disaster evacuation plan and record(s) of required fire drills.

50.22(11) Records of staff training.

50.22(12) Disposition of medication. A record shall be kept of the disposition of prescribed medication not taken by a prisoner.

50.22(13) Supervisory checks. A record shall be made to document all required supervisory checks of prisoners.

50.22(14) Incident reports. Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, escapes, fires, prisoner abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

The state jail inspection unit of the DOC shall be notified within 24 hours of any death, fire, or escape. Attempted suicide, injury to staff or prisoners from assaults, use of force, and prisoner self-inflicted injuries shall be reported to the DOC within 24 hours of the occurrence of the incident, excluding holidays and weekends. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

50.22(15) Exercise documentation. A record shall be kept relative to date, time and length of exercise periods offered to specific prisoners, cell blocks, tiers, or any other type of cell grouping or housing unit.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.23 Reserved.

201—50.24(356,356A) Nonsecure holds for juveniles.

50.24(1) *Standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

a. The juvenile is not physically secured to any stationary object.

b. The juvenile is under continuous visual supervision.

c. The juvenile has access to bathroom facilities.

d. A meal or meals shall be provided at usual meal times.

50.24(2) *Supervision of juveniles in nonsecure hold.* Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The jail administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

a. Be at least 18 years of age.

b. Have received a physical prior to employment.

c. Perform at a staff-to-prisoner ratio that will ensure a safe environment for both the juvenile(s) and the staff.

d. Report any knowledge of child abuse to mandatory child abuse reporters.

e. Have successfully completed a child abuse and criminal background check.

50.24(3) *Prohibited acts.* Each nonsecure site must develop a policy of posted orders that protects juveniles against neglect; exploitation; degrading punishment, such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space, such as a closet, locked room, or similar cubicle; and deprivation of meals.

50.24(4) *Attendant nonsecure area operating procedures.*

a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.

b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.

c. All items given to the juvenile are subject to being searched.

d. Attendant shall pat search juvenile.

50.24(5) *Care and treatment.*

a. Medical.

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill, or in the judgment of the arresting officer is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the jail supervising the nonsecure hold area who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars that would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the jail, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a medical practitioner shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the jail shall meet that need.

b. Communications.

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the jail. Determination of additional visits shall be made by attendant.

c. Safety and sanitation.

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing that may affect the health of the juvenile shall be exchanged for clean, jail-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

d. Staff training requirements.

(1) Attendants shall be knowledgeable of jail policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.
6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

e. Juvenile supervision.

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

f. Records. The following records shall be maintained by the jail for a period of at least two years:

(1) Medical history intake form.
(2) Records of medical care.
(3) Injury reports.
(4) Food served.
(5) Records of staff training.
(6) Disposition of medication.
(7) Individual log.
(8) Any use of force reports.
(9) Any suicide or suicide attempts reports.

g. Incident reports. Reports of the following incidents shall be sent to the state jail inspection unit, department of corrections, within 24 hours of incident:

(1) Any injury to juvenile or staff that requires medical attention.
(2) Any use of force by staff.
(3) Any attempted suicide.

The state jail inspection unit, department of corrections, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

50.24(6) *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the waiver provisions under 201—Chapter 2504.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

201—50.25(356,356A) Direct supervision jails. Direct supervision jails, in addition to the preceding rules, are subject to the following rules:

50.25(1) There may be contact of different classifications of prisoners in a common activity area only while the prisoners are under continuous direct supervision with the exception of:

a. Prisoners of whom violence is reasonably anticipated (subparagraph 50.13(1)*"d"*(1)).

b. Prisoners who are a health risk to others (subparagraph 50.13(1)*"d"*(2)).

c. Prisoners of whom sexually deviant behavior is reasonably anticipated (subparagraph 50.13(1)*"d"*(3)).

d. Prisoners under the age of 18 (Iowa Code section 356.3). Persons charged in adult court with a forcible felony are to be separated whenever possible.

50.25(2) There shall be separate and distinct staff persons in the jail at all times to perform the following duties:

a. Provide central control or lock doors into or out of the housing unit.

b. Provide direct supervision of prisoners in the housing unit. During hours of lockdown, prisoner checks may be done hourly and documented. Prisoners must be physically observed during these checks.

c. Provide emergency backup to the supervision officer as a priority of assigned duties.

50.25(3) Prisoners classified as maximum security will not be allowed into areas occupied by other prisoners at any time. Maximum security prisoners may be required to exercise or perform other activities in a group with other maximum security prisoners only. Facility staff must weigh the potential for violence prior to admitting any maximum security prisoner into a group.

50.25(4) The housing unit shall not exceed its rated capacity.

50.25(5) Whenever prisoners are not locked down, there shall be sufficient lighting in all areas of living units and activity areas to allow full observation by staff.

50.25(6) Prisoners assigned to one living unit shall not be allowed to enter a different living unit except when permitted to share activities.

50.25(7) Any agency utilizing a direct supervision mode of prisoner management shall ensure that, before accepting prisoners, jail staff shall receive appropriate training in the following areas:

a. Philosophy of direct supervision.

b. Techniques of effective supervision and leadership.

c. Decision-making techniques.

d. Crisis intervention techniques.

e. Effective communication techniques.

f. Classification and evaluation techniques for direct supervision jails.

The training mandated by this chapter is required in addition to the above-listed training requisites.

50.25(8) There shall be a classification system developed that shall include an initial classification determination and an ongoing evaluation of the classification status. This system shall include but not be limited to the following considerations:

a. Individual's criminal history.

b. Individual's present behavior.

c. Individual's present charge.

d. Health.

e. Potential for violence.

f. Sexual deviation.

g. Self-harm or suicide potential.

h. Mental and physical maturity relative to personnel safety.

i. Previous behavior in other institutional settings.

j. Noticeable changes in attitude.

50.25(9) Programming (books, television, work, treatment) shall be available to reduce prisoner idleness. Subjects referred to within the parentheses are illustrative and not inclusive.

50.25(10) Each officer assigned to a housing unit shall have a mechanical or electronic means on the officer's person to summon assistance in times of emergency.

50.25(11) Supervision checks as required by paragraph 50.13(2)*"a"* will continue to be required and documented. CCTV shall not be used for supervision checks. During those periods when prisoners are out of their cells and in full view of staff, supervisory checks need not be conducted. Supervisory checks will be made when prisoners are allowed in their individual cells.

50.25(12) All incoming prisoners must be thoroughly oriented to expectations, rules, and routines of the jail. All such orientation must be documented.

50.25(13) Policies and procedures shall be developed by the sheriff or designee for the operation of the jail. These policies and procedures shall reflect the rules for direct supervision jails as delineated in this chapter. All staff shall be knowledgeable of and have access to the policy manual and shall receive training in the implementation of said policies and procedures prior to being assigned as a housing unit officer. The sole remedy for breach of these rules is by a proceeding for compliance initiated by request from the department of corrections. The violation of any rule shall not be construed to permit any civil action to recover damages against the state of Iowa, its departments, agents or employees or any county, its agencies or employees.

[**ARC 0792D**, IAB 11/25/26, effective 12/30/26]

These rules are intended to implement Iowa Code sections 80B.11A, 356.36, and 356.43 and chapter 356A.

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CHAPTER 51
TEMPORARY HOLDING FACILITIES
[Prior to 3/20/91, Corrections Department[291]]

Chapter rescission date pursuant to Iowa Code section 17A.7: 12/30/31

201—51.1(356,356A) Definitions.

"Capacity" means the number of prisoner or detainee occupants that any cell, room, unit, building, facility or combination thereof may accommodate according to the square footage requirements of the standards.

"Cell" means single-occupancy bedroom space with toilet and lavatory facilities.

"Classification" means a system of obtaining pertinent information concerning detainees with which to make a decision on assignment of appropriate housing, security level, and activities.

"Detainee" means any individual confined in a temporary holding facility.

"Detention area" means that portion of the facility used to confine detainees.

"DOC" means the Iowa department of corrections.

"Dormitory" means an open area for two or more detainees with all fixtures self-contained. There is no barrier between the sleeping area and other fixtures, such as a shower, a table, recreation equipment, or similar items.

"Emergency situation" means any significant disruption of normal operations caused by riot, strike, escape, fire, natural disaster or other serious incident.

"Existing facility" means any place in use as a jail or temporary holding facility or for which bids have been let for construction prior to September 12, 2001.

"Facility" means a temporary holding facility as defined by these rules.

"Holding cell" means a secure room or cell where detainees may be held up to 24 hours while awaiting the procedure of commitment or release or court appearances.

"Holdover" means a nonsecure area within a law enforcement facility, hospital, mental health facility or other existing public building that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Housing unit" means an individual detention area. This area may be a single-occupancy cell, multiple-occupancy cell, cellblock, or dormitory.

"Inspection unit" means the state jail inspection unit.

"Jail inspector" means the DOC employee responsible for inspections of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

"Juvenile" means any person under the age of 18 years.

"Mail" means anything that is sent to or by a detainee through the United States Postal Service.

"Major remodeling" means construction that changes the architectural design of an existing facility and that increases or decreases capacity.

"Medical practitioner" means a licensed physician, licensed osteopathic physician or physician associate or a medical resource, such as a hospital or clinic.

"Mental illness" means a psychiatric illness or disease expressed primarily through abnormalities of thought, feeling, and behavior producing either distress or impaired function.

"Minister" means a trained person ordained or licensed by a bona fide religion to conduct the services of that faith.

"Monitoring" means having a reasonable degree of knowledge or awareness of what activities a detainee is engaged in during incarceration.

"Multiple-occupancy cell" means a cell designed for no more than six detainees.

"Nonsecure hold" means a nonsecure area within a law enforcement facility that is intended to serve as a short-term holding facility for juveniles. A nonsecure area may be a multipurpose area that is unable to be locked.

"Person performing temporary holding facilities duties" means all persons directly involved in the provision of services to detainees or the operation of a facility except:

1. Outside contractors performing specific housekeeping functions under the direct supervision of a facility supervisor.

2. Individuals such as maintenance personnel, cooks, and janitors, if they do not have direct contact with detainees or routine access to areas occupied by detainees.

"Physical jeopardy" means, due to the detainee's physical or mental condition, the detainee is in peril of serious physical harm.

"Residential facilities" means the facilities governed by 201—Chapter 40.

"Temporary holding facility" means secure holding rooms or cells administered by a law enforcement agency where detainees may be held for a limited period of time, not to exceed 24 hours, and a reasonable time thereafter to arrange for transportation to an appropriate facility. A law enforcement agency is not required to meet the standards for temporary holding facilities provided a detainee is held for less than two hours prior to transportation to an appropriate facility and a trained staff person of the agency is available to respond to, render aid to, or release the detainee in the event of a life-endangering emergency.

"Temporary holding facility administrator" means the executive head of any law enforcement agency, or the executive's designee, operating a temporary holding facility. The temporary holding facility administrator shall be responsible for the operation of the facility according to these rules.

"Temporary holding facility inspector" means the DOC employee responsible for inspection of temporary holding facilities and enforcement of these rules by the authority of Iowa Code section 356.43.

"Temporary holding facility supervisor" means any person who is responsible for the routine operation of the facility during the person's assigned duty hours. This person need not be on the premises at all times but must be readily available for consultation.

"Unencumbered space" means floor space that is not encumbered by furnishings or fixtures. "Unencumbered space" is determined by subtracting the floor area encumbered by furnishings and fixtures from the total floor area. (All fixtures must be in operational position for these calculations.)

"Waiver" means waiver of a specific standard granted by the jail inspection unit in accordance with these rules.

"Weapons" means any instrument, excluding restraining devices, chemical control agents and electronic control devices, with an intended use of self-defense, protection of another, or to gain or maintain compliance from an individual.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.2(356,356A) General provisions. These rules apply to all temporary holding facilities regulated by Iowa Code chapter 356 or 356A.

51.2(1) *Capacity.* Established capacities as determined by these rules shall not be exceeded except in the event of an emergency, and then only for such a period of time as is necessary to arrange for alternate housing or release of sufficient detainees to bring the number of persons confined into compliance with the rated capacity.

51.2(2) *Right to inspect and visit.* The chief jail inspector or authorized representatives shall visit and inspect temporary holding facilities and may do so on an unannounced basis. Facility personnel and supervisors shall cooperate in inspections and shall exhibit to the inspectors, upon request, all books, records, medical records, data, documents and accounts pertaining to a temporary holding facility or to the detainees confined and shall assist inspectors to perform the functions, powers and duties of their office. Provisions of the first paragraph of Iowa Code section 356.43 shall control to the extent of any inconsistency of the provisions of this subrule.

51.2(3) *Other standards.* Nothing contained in these standards shall be construed to prohibit local officials from adopting standards and requirements governing their employees and facilities, provided these standards and requirements exceed and do not conflict with standards mandated in this chapter. These standards shall not be construed as authority to violate any state fire safety standard, building standard, health and safety code, or any constitutional requirement. No facility shall be operated without substantially meeting these rules unless operating under a waiver granted according to the provisions of 201—Chapter 2504.

51.2(4) *Equal opportunity.* Facilities, programs, and services shall be available on an equitable basis to both males and females even though each standard does not specify that it applies to both males and females.

51.2(5) *Nondiscriminatory treatment.* Each facility administrator shall ensure that staff and detainees are not subject to discriminatory treatment based upon race, religion, nationality, disability, sex or age, absent compelling reason for said discriminatory treatment. Discrimination on the basis of a disability is prohibited in the provision of services, programs and activities.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.3(356,356A) Inspection and compliance. The chief inspector or authorized representatives shall visit and inspect each facility within this state at least annually to determine the degree of compliance with these standards and within 45 days of each inspection shall report the results to the temporary holding facility administrator and the governing body responsible for the facility.

51.3(1) *Notice of noncompliance with minimum standards.* Whenever the jail inspector or designee makes the determination that a temporary holding facility is not in compliance with established minimum standards, the chief administrator of the affected governmental facility shall be notified by letter posted or personal delivery of the noncompliance status. The notice shall specify:

a. The statute(s) and any rules alleged to have been violated.

b. The deficiencies cited.

c. The time period allowed for the submission of an acceptable plan of compliance within the appropriate time limitation.

d. The right to request a hearing pursuant to rule 201—2506.34(17A,356).

51.3(2) *Enforcement of minimum standards; remedial orders.* Upon receipt of a notice of noncompliance pursuant to subrule 51.3(1), the responsible authorities shall initiate appropriate corrective measures within the time prescribed by the jail inspection unit in its notice (which shall not exceed 90 days) and shall complete the corrections within a reasonable time as prescribed by the notice of noncompliance. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that will bring the facility into compliance within a reasonable time. If the responsible officials receiving notice of noncompliance fail to initiate corrective measures or to complete the corrective measures within the time prescribed, the jail inspection unit may order the facility in question or any portion thereof closed, that further confinement of detainees or classifications of detainees in the noncomplying facility or any portion thereof be prohibited, or that all or any number of detainees then confined be transferred to and maintained in another facility, or any combination of remedies as set forth in subrule 51.3(1). This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506 concerning contested cases. The matter shall then proceed in accordance with 7—Chapter 2506. The jail inspector may agree with the responsible authorities to a plan of action detailing corrective steps with corresponding time frames that would bring the facility into compliance within a reasonable time. The remedial order shall be in writing and shall specifically identify each minimum standard with which the facility has failed to comply. Such remedial order shall become final and effective 30 days after receipt thereof.

51.3(3) *Precedent.* Because rules cannot adequately anticipate all potential specific factual situations and circumstances presented for action, determination or adjudication by the jail inspection unit, the nature of the action taken with regard to any matter or the disposition of any matter pending before the jail inspection unit is not necessarily of meaningful precedential value, and the department shall not be bound by the precedent of any previous action, determination, or adjudication in the subsequent disposition of any matter pending before it. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

This rule is intended to implement Iowa Code sections 17A.10, 17A.12 and 356.43.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.4(356,356A) Physical plant—general.

51.4(1) *Building to meet existing codes.* All facilities are required to be structurally sound and to meet existing building code and health code requirements.

51.4(2) *Professional inspections.*

a. The state jail inspector may require for good reason that an agency operating a facility cause it to be examined by an architect, engineer, licensed electrician, health inspector, plumber, heating and air-conditioning specialist, food establishment inspector, state fire marshal or fire inspector or any other person with expertise who may be of assistance to the state jail inspector in making an informed decision relative to the facility operation or structure. Inspection by a municipal inspector qualified in these areas may be permitted.

b. Any facility determined to be deficient following inspection may be ordered closed by the jail inspector or specific conditions limiting its operation may be imposed in lieu of closing. An order of closure shall contain the following:

(1) Statute(s) and rule(s) violated.

(2) A brief description of the deficiencies.

(3) The effective date of the order.

(4) An explanation of remedies required before reopening.

An order of closure shall adhere to subrules 51.3(1) and 51.3(2).

This order shall be the notice of noncompliance pursuant to Iowa Code section 356.43 and 201—Chapter 2506. The matter shall then proceed in accordance with 7—Chapter 2506.

c. In the event that any agency fails to cooperate in an inspection, the jail inspector may arrange for an inspection and the agency operating the facility shall be financially responsible for any expense involved.

51.4(3) *Heating and ventilation.* All detention and living areas shall be reasonably heated and ventilated, with air flow sufficient to admit fresh air and remove disagreeable odors, to ensure healthful and comfortable living and working conditions for detainees and staff. Fans and an adequate supply of cold liquids will be made available and utilized when indoor temperatures exceed 85 degrees Fahrenheit.

51.4(4) *Cells.* Maximum security cells shall be equipped with tamper-resistant bunks, secured table(s) and seat(s), plus a toilet and wash basin recommended for jail or prison use. Cells shall have an adequate supply of both hot and cold water; mixing valves may be used. Housing areas of less secure design need not contain tamper-resistant fixtures. The cell must be constructed to minimize self-injury. Toilet facilities should be controlled from outside the cell and may be in the floor. Water need not be available in the cells but water must be accessible from staff upon request.

51.4(5) *Lighting.* Lighting shall be a minimum of 20 candlepower at the table top for the purposes of reading and writing. Living areas shall be devoid of dark areas. Lighting adequate to observe persons within the cell area shall be maintained at all times. All entrances, exits and hallways shall be equipped with independent emergency lighting sources. Hallways, entrances and exits shall be sufficiently lit to observe persons entering or exiting. Light controls shall be out of the control of detainees. Housing areas may be variably illuminated to allow sleep, but continuous observation of detainees must be possible.

51.4(6) *Screens.* If windows are opened for ventilation, screens shall be installed and maintained in good repair.

51.4(7) *Electrical facilities.* Drop cords shall not be used as permanent wiring. Electrical service shall meet the requirements of the governmental body permitted by statute to adopt standards for electrical service. Appliances shall plug directly into a fixed receptacle. Emergency generator power shall be available. Emergency generator power shall be tested at regular intervals not less than monthly. A record of test dates shall be maintained.

51.4(8) *Storage.*

a. Storage of any type in primary detention areas is not permitted except for supplies necessary for operation of the facility.

b. Adequate storage space for detainees' personal clothing and property shall be provided. Space provided shall be secure and the detainee's name or identity shall be affixed to the storage space. Property shall be inventoried and accounted for as provided in Iowa Code section 804.19.

c. Janitorial supplies shall be stored in a manner to prevent unauthorized detainee access. Janitorial supplies and equipment shall not be stored in detainee living areas.

d. Areas used for storage of chemicals, paints, and cleaning supplies shall not be accessible to detainees and such products shall be stored away from the primary detention area. Such storage shall not be in boiler or furnace rooms.

51.4(9) *Firearms lockers.* A place inaccessible to detainees shall be provided where officers entering the security area can store firearms.

51.4(10) *Noise level.* Detainee noise inside the facility shall be controlled to ensure an orderly and secure facility operation. The policy and procedures manual shall include a rule pertaining to noise level. Detainees must be advised of the rule.

51.4(11) *Mirrors.* Mirrors within detention areas shall be of tamper-resistant construction and securely fixed in place.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.5(356,356A) Physical requirements for existing facilities. This rule shall apply to all facilities in existence prior to June 30, 1984. In cases where an existing facility undergoes major remodeling, rule 201—51.7(356,356A) shall apply to the area being upgraded.

51.5(1) Each single-occupancy cell for detainees in normal status shall have a minimum floor area of 40 square feet.

51.5(2) Multiple-occupancy cells must have 40 square feet of floor space for the first occupant and an additional 20 square feet for each additional occupant.

51.5(3) Except in emergency situations, no multiple-occupancy cell shall house more detainees than the designed capacity.

51.5(4) Each cell shall provide a minimum of 7 feet from floor to ceiling height.

51.5(5) All cells shall be equipped with bunks sufficient to ensure a bunk for each detainee assigned. Every cell will be equipped with a toilet and lavatory that function properly and supply adequate running water. Bunks must be of a size to accommodate a normal-sized male adult. Toilet and lavatory facilities must be accessible to detainees at all times.

51.5(6) Reserved.

51.5(7) Holding cells are multiple-occupancy space where detainees may be confined only while awaiting processing through administrative or legal procedures. These areas must have at least 40 square feet of floor space for the first detainee with 20 square feet for each additional detainee.

51.5(8) Dormitory units shall have a minimum of 60 square feet of floor space per detainee.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.6(356,356A) Physical requirements for new or remodeled facilities—after June 30, 1984. This rule shall apply to temporary holding facilities that are of new or remodeled construction or let for bid after June 30, 1984. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The inspection unit shall, within 60 days of receiving plans, review them for compliance with these rules and forward any comments to the submitting authority.

51.6(1) New housing units may be dormitory units, single-occupancy cells or multiple-occupancy cells. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 70 square feet of floor space for the first detainee and an additional 50 square feet of floor space for each additional detainee. Dormitory units shall have a minimum of 35 square feet of unencumbered floor space per detainee.

51.6(2) All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each detainee.

51.6(3) Each new dormitory unit or single- and multiple-occupancy cell shall have a security-type toilet/lavatory combination fixture that provides adequate running water. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

51.6(4) The new facility shall be designed to admit natural lighting and to give access to outside viewing by detainees where practical.

51.6(5) The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

51.6(6) Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

51.6(7) Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby detainees may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if the detainees are detained overnight in the holding cell.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.7(356,356A) Physical requirements for new or remodeled facilities—after September 12, 2001. This rule shall apply to temporary holding facilities that are of new or remodeled construction after September 12, 2001. Plans for any remodeling or new construction shall be submitted to the jail inspection unit prior to letting any bids or commencing any construction subject to this rule. The jail inspection unit shall, within 60 days of receiving plans, review them for compliance with this rule and forward any comments to the submitting authority.

51.7(1) New housing units may be dormitory units, single-occupancy cells or multiple-occupancy cells. Each single-occupancy cell shall have a minimum of 70 square feet of floor space. Each multiple-occupancy cell shall have a minimum of 35 square feet of unencumbered floor space for each detainee. Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space per detainee.

a. This paragraph shall apply to all temporary holding facilities that are of new or remodeled construction after December 28, 2005, and may apply to temporary holding facilities that were constructed prior to December 28, 2005.

(1) Single-occupancy cells shall provide a minimum of 35 square feet of unencumbered floor space. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 70 square feet of total floor space.

(2) Multiple-occupancy cells shall provide a minimum of 25 square feet of unencumbered floor space for each detainee. When confinement exceeds ten hours per day, except during administrative segregation or emergencies, there shall be at least 35 square feet of unencumbered floor space for each detainee.

(3) Dormitory units shall provide a minimum of 35 square feet of unencumbered floor space for each detainee.

(4) A facility may contain one or more single-occupancy cells, designated as special-needs cells, in which violent persons may be temporarily contained. The cell shall have not less than 40 square feet of floor space and a ceiling height of not less than 7 feet. The cell shall be constructed to minimize self-injury. Toilet facilities may be controlled from outside the cell and may be in the floor. Water need not be available in the cells, but water shall be accessible from staff upon request.

b. Reserved.

51.7(2) All new housing units shall provide:

a. No less than 7 feet of space between the floor and ceiling.

b. A bunk of adequate size for normal-sized adults for each detainee.

51.7(3) Each new dormitory unit or single- or multiple-occupancy cell shall have a security-type toilet/lavatory combination fixture that provides adequate running water for each group of nine detainees or portion thereof. These cells may rely on common toilet facilities located outside the detention room provided that the detainee is never involuntarily locked in the room and denied access to the toilet facilities.

51.7(4) The new facility shall be designed and constructed so that detainees may be segregated according to existing laws and regulations.

51.7(5) Except in emergency situations, no housing unit shall house more detainees than its rated capacity.

51.7(6) Holding cells shall provide a minimum of 20 square feet per detainee with a total capacity of eight detainees per cell. Holding cells need not contain any fixture other than a means whereby detainees

may sit. Drinking water and toilet facilities shall be made available under staff supervision. Detainees will be supplied blankets if detained overnight in the holding cell.
[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.8(356,356A) Fire safety and emergency evacuation.

51.8(1) *Approval of building plans.* All new construction or major remodeling plans shall be approved prior to commencement of construction by the state fire marshal.

51.8(2) *Compliance with state fire marshal rules.*

a. No facility shall be occupied by a detainee unless the state fire marshal or qualified local fire prevention authority has issued a certificate of inspection within the last 18 calendar months documenting that the facility complies with the fire safety standards for temporary holding facilities included in administrative rules promulgated by the state fire marshal.

b. Temporary holding facilities may be inspected by the state fire marshal, or by personnel of local fire departments deemed by the state fire marshal qualified to conduct inspections, on a schedule determined by the state fire marshal. The state jail inspection unit of the DOC, a temporary holding facility administrator, or the chief executive of an agency that administers a temporary holding facility may request the state fire marshal to inspect a temporary holding facility for compliance with fire safety standards. If the state fire marshal finds, based on such an inspection, that a temporary holding facility is not in substantial compliance with fire safety standards, the state fire marshal may require the facility administrator to submit a plan of correction of violations of these standards to the state fire marshal. The director of the DOC may initiate proceedings to close the temporary holding facility if the facility does not comply with the plan of correction.

51.8(3) *Evacuation plan.* The administrator of each facility shall prepare a written plan for emergency evacuation of the facility in the event of fire or other disaster. This plan shall include security arrangements and one or more alternate housing arrangements for displaced detainees. All personnel employed in the facility shall be thoroughly familiar with this plan, and relevant portions thereof shall be conspicuously posted. Evacuation drills shall be practiced or simulated by all facility staff on at least an annual basis, and a record thereof shall be maintained according to subrule 51.19(9).

51.8(4) *Release of detainees.*

a. There shall be a reasonable expectation of the prompt removal of detainees in the event of a life-threatening situation. Keys for all locks necessary for emergency exit shall be readily accessible and clearly identifiable with cell and door locks.

b. There shall be at least one full set of facility keys, other than those regularly used, stored in a safe place accessible only to appropriate persons, for use in the event of an emergency.

51.8(5) *Fire extinguishers.* All temporary holding facilities shall be equipped with fire extinguishing equipment approved and located in accordance with standards established by the state fire marshal by administrative rule. Fire extinguishers shall be tested at least annually to ensure they remain in operative condition. A record of such checks shall be maintained.

51.8(6) *Emergency lighting.* All exits shall be equipped with independent emergency lighting sources. All corridors and passage aisles shall be illuminated by independent emergency lighting sources. Lighting shall be arranged to ensure that no area will be left in darkness.

51.8(7) *Required exits.* Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each detainee to at least two separate and distinct exits from each floor. Passage aisles or corridors shall be kept clear. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are readily available. Elevators shall not be counted as required exits.

51.8(8) *Fire alarms.* A means of fire detection utilizing equipment of a type meeting requirements established by the state fire marshal shall be installed and maintained in operational condition. These alarms shall be ceiling-mounted if possible and shall be located and protected from detainee access. The detection equipment shall be battery-operated or constructed as to continue operating during a power failure. Battery-operated systems shall be tested monthly. Electronic systems shall be tested at least annually. A record of test dates and results shall be maintained according to subrule 51.19(9).

51.8(9) *Heating appliances.* Heating appliances and water heaters shall not be located along the path of required exits.

51.8(10) *Hinged doors.* All hinged doors serving as required exits from an area designed for an occupancy in excess of 50 persons, or as part of a major remodeling project or as part of new construction, shall swing with exit traffic.

51.8(11) *Mattresses.* Only fire-resistant mattresses of a type that will not sustain a flame and are certified by an independent testing laboratory and that meet the standards established by the state fire marshal shall be used in temporary holding facilities. Mattresses that are ripped, are excessively cracked or contain large holes shall be replaced. Pillows shall be replaced when torn or excessively cracked.

51.8(12) *Sprinkler.* If installed, sprinkler heads accessible to detainees not under direct supervision must be of the weight-sensitive type, be protected with a sleeve that would hamper the tying of material on the sprinkler head, or be recessed into the wall or ceiling.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.9(356,356A) Minimum standards for facility personnel.

51.9(1) *Minimum hiring standards.* Applicants must meet the following minimum standards before serving as a jail administrator, jailer, or temporary holding facility personnel:

a. Be 18 years of age or older.

b. Be able to read and write in English.

c. Be of good moral character as determined by a thorough background investigation, including a fingerprint search conducted of local, state and national fingerprint files.

d. Be not by reason of conscience or belief opposed to the use of force, when appropriate or necessary to fulfill the person's duties.

e. Have the ability to perform the essential elements of the position as defined in the department job specification.

f. Be an appropriate candidate for employment as determined by the hiring authority's review of a qualified psychological screening.

51.9(2) *Minimum retention standards.* An employee who has demonstrated inappropriate action beyond a reasonable degree, who is not psychologically fit for facility employment, or who has repeatedly failed to observe these rules will not be retained.

51.9(3) *Conflict of interest.* A person working in a facility will not transact any business with a detainee nor arrange any business transaction with a detainee through another party. The facility will have a written code of ethics that the facility provides to all employees. At a minimum, the code will:

a. Prohibit staff from using their official positions to secure privileges for themselves or others.

b. Prohibit staff from engaging in activities that constitute a conflict of interest.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.10(356,356A) Training for facility personnel.

51.10(1) *Initial orientation.* Except in an emergency situation, all persons performing temporary detention duties shall meet the following requirements, and the provision of this information and training shall be documented.

a. The individual shall be fully knowledgeable of the administrative rules referring to facility standards.

b. The individual shall be fully knowledgeable of facility rules, written policies and procedures as adopted by the administrator.

c. The individual shall have been given specific orientation with respect to a detainee's rights during confinement and procedures adopted to ensure those rights.

d. If the individual is to have access to a firearm at any time, the person shall hold a valid permit to carry weapons issued under the authority of Iowa Code chapter 724.

e. The individual shall be professionally trained and qualified in the use of any firearm, electric restraint control device and chemical control agents prior to their use in connection with the individual's duties at the facility.

f. The individual shall have been instructed in the use of required firefighting equipment and the fire and emergency evacuation plan.

g. All staff providing medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other recognized medication administration course.

h. The holding facility administrator shall, by either written or electronic means, record the acknowledgment of all staff performing temporary holding facility duties, attesting that they have full knowledge of the administrative rules referring to facility standards and the written policies and procedures governing the facility's operation.

51.10(2) *Training documented.* All temporary holding facility workers and administrators shall meet and document training requirements as specified by Iowa law enforcement academy training standards as found in 501—Chapter 9. The facility administrator shall, by either written or electronic means, record the acknowledgment of all persons attending the training.

51.10(3) *First aid.* At least one staff member on duty at the facility shall be trained in first aid (or the equivalent) and cardiopulmonary resuscitation (CPR).

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.11(356,356A) Standard operating procedures manual. Pursuant to the authority of Iowa Code sections 356.5 and 356.36, each municipality shall establish and the facility administrator shall ensure compliance with a standard operating procedures manual to include the following administrative rules: subrules 51.2(4), 51.2(5), 51.4(3), 51.4(7), 51.4(10), 51.8(3), 51.8(4), 51.8(5), 51.8(7), 51.8(8), 51.8(11), 51.9(1), 51.9(2), 51.9(3), and 51.10(1) through 51.10(3) and rules 201—51.11(356,356A) through 201—51.19(356,356A) as noted. The following does not require written policy: subrule 51.13(4).

51.11(1) *Admission/classification and security.*

a. No person shall be confined or released from confinement without appropriate process or order of court.

b. With the exception of incidental contact under staff supervision, the following classes of detainees shall be kept separate by architectural design barring conversational and visual contact from each other:

(1) Juveniles and adults (pursuant to Iowa Code section 356.3).

(2) Females from males (pursuant to Iowa Code section 356.4).

c. The following shall be kept separate whenever possible:

(1) Felons from misdemeanants.

(2) Pretrial detainees from sentenced persons.

(3) Witnesses from detainees charged with crimes.

d. The following shall be kept physically separated:

(1) Detainees of whom violence is reasonably anticipated.

(2) Detainees who are a health risk to others.

(3) Detainees of whom sexually deviant behavior is reasonably anticipated.

(4) Prisoners likely to be exploited or victimized by others.

e. Detention of juveniles shall be pursuant to Iowa Code section 232.22.

f. All staff involved in the booking process or the supervision of detainees shall be trained in suicide prevention. At the time of booking, an attempt shall be made (either by observation for marks or scars or direct questioning of the detainee) to determine if the detainee is suicidal.

(1) The following questions, or others of equal meaning, shall be incorporated into the booking process with appropriate documentation to aid in suicide prevention:

1. Does the detainee show signs of depression?
2. Does the detainee appear overly anxious, afraid, or angry?
3. Does the detainee appear unusually embarrassed or ashamed?
4. Is the detainee acting or talking in a strange manner?
5. Does the detainee appear to be under the influence of alcohol or drugs?
6. Does the detainee have any scars or marks that indicate a previous suicide attempt?

(2) In all cases, the following questions will be asked of the detainee:

1. Have you ever tried to hurt yourself?
2. Have you ever attempted to kill yourself?

3. Are you thinking about hurting yourself?

g. Housing for detainees with disabilities shall be designed for the detainees' use, or reasonable accommodations shall be provided for the detainees' safety and security.

h. Temporary holding facility personnel shall ask each detainee within 24 hours of the detainee's incarceration if the detainee is a military veteran. If so, facility personnel shall advise the detainee that the detainee may be entitled to a visit from a veteran service officer to determine if veteran services are required or available and, within 72 hours, shall provide the detainee with contact information for the county commission of veteran affairs and provide the detainee the opportunity to contact the county commission of veteran affairs to schedule a visit from a veteran service officer.

51.11(2) *Security and control.*

a. Supervision of detainees. The facility administrator shall develop and implement written policies and procedures for the facility that provide for the control of detainees and for the safety of the public and the facility staff. The policy and procedures shall include:

(1) Twenty-four-hour supervision of all detainees shall be provided pursuant to Iowa Code section 356.5(6).

(2) When staff is not within the confinement area of the facility, a staff person shall be in a position to hear detainees in a life-threatening or emergency situation; or a calling device to summon help will be provided. By policy and practice there shall be a means of ensuring that appropriate personnel will be available on a 24-hour basis to respond to an emergency, including but not limited to fire, assaults, suicide attempts, serious illness, and to preserve order, within a reasonable time period.

(3) At least hourly, personal observations of individual detainees shall be made and documented. Detainees considered to be in physical jeopardy because of physical or mental condition, including apparently intoxicated persons, as indicated by the medical history intake process and by personal observations, shall be checked personally at least every 30 minutes until the condition is alleviated. Closed circuit television (CCTV)-audio monitoring system may supplement, but shall not replace, personal observations. In order to use a CCTV-audio monitoring system, the following requirements must be met: CCTV and audio must be operational at all times. Visual and audio must be clear and distinct. Observation of shower and restroom activities shall be at the discretion of the facility administrator.

(4) No employee or visitor of one sex shall enter a housing unit occupied by the other sex unless advance notice has been provided except in case of an emergency. Advance notice may be provided with respect to but not limited to inmate orientation, inmate handbook, broadcast via inmate notification system, booking notification system, posted notification, or verbal announcement prior to entering the housing unit.

(5) When females are housed in the facility, at least one female staff member shall be on duty in the facility at all times in accordance with Iowa Code section 356.5(6).

(6) All juveniles arrested for intoxication due to substance abuse shall be personally observed on a continuous basis throughout the period of detention. The activities of juveniles arrested for crimes other than the above shall be monitored at all times, and the juveniles shall be observed by means of personal supervisory checks at no more than 30-minute intervals.

b. Weapons. Except in an emergency situation, no weapons shall be allowed in an area occupied by detainees.

c. Searches.

(1) All detainees and detainees' property entering the facility shall be thoroughly searched; searches of persons charged with simple misdemeanors shall follow provisions of Iowa Code section 804.30.

(2) All persons entering a facility may be searched for contraband. Persons may be denied admission if they refuse to consent to a required search.

(3) A search notice shall be posted in a conspicuous place (no policy required).

(4) Detainee rules shall contain a clear definition of each item permitted in the facility. All other items shall be considered contraband.

(5) Random, unannounced, irregularly scheduled searches of areas accessible to detainees shall be conducted for contraband and weapons.

d. Key control. Facility keys must be stored in a secure area when not in use. There must be at least one full set of facility keys, separate from those in use, stored in a safe place and accessible only to

designated facility personnel for use in the event of an emergency. The facility administrator will identify those persons who may have access to keys.

e. Detainees' property. All personal property of detainees shall be inventoried and accounted for according to the provisions of Iowa Code section 804.19.

f. Restraint devices. The facility administrator shall have a written policy on the restraint devices. Restraint devices shall not be applied as punishment. Restraint devices shall be used only when a prisoner is a threat to self or others or jeopardizes facility security. There shall be defined circumstances under which supervisory approval is needed prior to application. Restraint devices shall not be applied for more time than is necessary to alleviate the condition requiring the use of the restraint device. While restrained, detainees shall be either clothed or covered in a manner that maximizes detainee privacy. Four/five-point restraints may be used only when other types of restraints have proven ineffective. If detainees are restrained in a four/five-point position, the following minimum procedures shall be followed:

(1) Observation by staff shall be continuous;

(2) Personal visual observation of the detainee and the restraint device application shall be made at least every 15 minutes;

(3) Restraint guidelines shall include consideration of an individual's physical and health condition, such as body weight; and

(4) All decisions and actions shall be documented.

g. Facility security.

(1) All areas of the facility shall be inspected regularly and frequently and kept clear of large posters, pictures and articles of clothing that obstruct the view of detainees by facility staff.

(2) All facility locks, doors, bars, windows, screens, grilles and fencing shall be inspected on at least a monthly basis. Any damaged or nonfunctioning equipment or fixtures must be reported to the facility administrator in writing. The facility administrator shall ensure prompt repair of any damaged or nonfunctioning equipment or fixture.

(3) The facility administrator shall develop written policy and procedures for the movement or transportation of detainees outside the secure area of the facility. The policy shall require procedures that will ensure the safety of the facility staff and the public and prevent detainee escape. The policy shall provide procedures for movement of detainees for medical treatment and to and from the courts and other facilities. The classification and security risk of the detainee to be moved will determine the number of staff required and the type of restraints to be used, if any.

(4) The facility administrator shall have written plans for situations that threaten facility security. Such situations include but are not limited to bomb threats, riots, hunger strikes, disturbances, hostage situations, escape attempts, medical emergencies, natural disasters and staff work stoppage. The plan shall be made available to all applicable personnel and shall be reviewed by facility staff at least annually and updated as needed.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.12(356,356A) Cleanliness and hygiene.

51.12(1) *Housekeeping.*

a. The temporary holding facility shall be kept clean and sanitary. Toilets, wash basins, showers and other equipment throughout the facility shall be maintained in good working order. Walls, floors and ceilings shall be well maintained.

b. Unless cleaning is done by staff, necessary cleaning equipment shall be provided to detainees. Cleaning equipment shall be removed from the cell when cleaning is complete.

c. The facility shall be maintained in pest-free condition. Persons spraying chemicals shall be certified by the Iowa department of agriculture and land stewardship. Detainees and staff shall not be directly exposed to the chemicals being used.

d. All clothing and linen, if provided, shall be clean and sanitary.

e. The facility shall have a sharps disposal container for razors and needles. The facility shall be equipped to handle disposal of contaminated or hazardous waste according to universal health precautions.

51.12(2) Reserved.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.13(356,356A) Medical services. The facility administrator shall establish a written policy and procedure to ensure that detainees have the opportunity to receive necessary medical attention for the detainee's objectively serious medical and dental needs that are known to the facility staff. A serious medical need is one that has been diagnosed by a physician or physician associate as requiring treatment, or one that is so obvious that even a lay person would easily recognize the necessity for a physician's or physician associate's attention. The plan shall include a procedure for emergency services day or night and a procedure for regular medical attention. Responsibility for the costs of medical services and products remains that of the detainee as allowed by Iowa Code section 356.7. However, no detainee will be denied necessary medical services, dental service, or medicine because of a lack of ability to pay. Medical and dental prostheses shall be provided only for the serious medical needs of the detainee as determined by a licensed health care professional. Cosmetic or elective procedures need not be provided.

51.13(1) *Medical resources.* Each facility shall have a designated medical practitioner, which may include a hospital or clinic staffed by licensed physicians, licensed osteopathic physicians or physician associates, designated for the medical supervision, care and treatment of detainees as deemed necessary and appropriate. Medical practitioners shall be available on a 24-hour basis.

51.13(2) *Trained staff.*

a. All staff providing medication shall be trained in accordance with the Iowa state sheriffs' and deputies' association medication training program or other recognized medication administration course.

b. At least one staff member on duty at the facility shall be currently trained in first aid (or the equivalent) and CPR.

51.13(3) *Detainee involvement.* No detainee shall be involved in any phase of delivery of medical services.

51.13(4) *First-aid kits.* A first-aid kit approved by qualified medical personnel shall be available to staff.

51.13(5) *Chemical control agents.* Detainees affected by a chemical control agent shall be offered a medical examination and appropriate treatment as soon as reasonable.

51.13(6) *Screening upon admission.*

a. Any person who is obviously injured, ill or unconscious shall be examined by qualified medical personnel before being admitted to a facility.

b. Detainees suspected of having a contagious or communicable disease shall be separated from other detainees until examined by qualified medical personnel.

c. As a part of the admission procedure, a medical history intake form shall be completed for each person admitted to the facility. The intake procedure shall include screening for potential self-injury or suicide. Facility staff with actual knowledge that there is a substantial risk that a detainee intends to commit suicide shall take reasonable measures to abate the risk. The facility shall have a written suicide prevention plan. Essential elements of the plan shall include annual staff training to recognize the potential for suicide, communication between staff, appropriate housing, and intervention procedures.

d. During times when there is no means of immediate access to the district court, a person arrested on a charge constituting a simple misdemeanor and believed by the arresting officer/agency to be mentally ill, and because of that illness is likely to physically injure the person's self or others, shall be admitted to the facility only after the arresting officer/agency has demonstrated a reasonable effort to comply with the emergency hospitalization procedure as provided in Iowa Code section 229.22. The facility shall have a written plan to provide detainees access to services for the detection, diagnosis and treatment of mental illness.

e. Detainees shall be provided with information on how they can obtain necessary medical attention, and the facility's policy and procedure shall also reflect this.

51.13(7) *Medication procedures.*

a. Written policies and procedures pertaining to providing medication shall be established.

b. All prescription medicine shall be securely stored and inventory control practiced. Inventory control shall include documentation of all medication coming into the facility and the amount of medication returned or destroyed when a detainee is released.

c. A written procedure for recording the taking or administering of all medications shall be established.

Prescription medication, as ordered by a medical practitioner or licensed dentist, shall be provided in accordance with the directions of the prescribing medical practitioner or dentist. Detainees with medication from a personal medical practitioner or dentist may be evaluated by a medical practitioner or dentist selected by the facility administrator to determine if the present medication is appropriate.

51.13(8) *Medical records.* A separate medical record shall be maintained for each detainee receiving medical care. The record shall include the illness being treated, medication administered, special diets required, medical isolations and the name of the attending health professional or institution. The record may be kept in the detainee's file jacket but must be labeled "confidential."

51.13(9) *Medication storage.*

a. Detainees' medications shall be stored at the proper temperature, as defined by the following terms:

(1) Room temperature: temperature maintained between 15 degrees centigrade (59 degrees Fahrenheit) and 30 degrees centigrade (85 degrees Fahrenheit).

(2) Cool: temperature maintained between 8 degrees centigrade (46 degrees Fahrenheit) and 15 degrees centigrade (59 degrees Fahrenheit).

(3) Refrigerate: temperature that is thermostatically maintained between 2 degrees centigrade (36 degrees Fahrenheit) and 8 degrees centigrade (46 degrees Fahrenheit). All medication required to be "cool" or "refrigerated" shall be stored in a separate refrigerator or in a separate locked container within a refrigerator that is used for other purposes.

b. Any medications bearing an expiration date must not be administered beyond the expiration date.

c. Expired drugs or drugs not in unit dose packaging, whose administration had been discontinued by the attending medical practitioner, shall be destroyed by the facility administrator or designee in the presence of a witness. A record of drug destruction shall be made in each detainee's medical record. The record shall include the name, the strength and the quantity of the drug destroyed, and the record shall be signed by the facility administrator or designee and by the witness.

d. Medications dispensed by a pharmacy in unit dose packaging may be returned to the dispensing pharmacy pursuant to 481—Chapter 552.

e. Facilities utilizing unit dose packaging shall have written policies and procedures providing for the return of drugs so packed to the issuing pharmacy. Policy shall include proper recordkeeping of disposal.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.14(356,356A) General food service requirements.

51.14(1) *Detainee being held.* If a detainee is held over a meal period, a meal of adequate nutrition shall be provided.

51.14(2) *Daily meals.* The three meals provided for each 24-hour duration shall be served at reasonable and proper intervals; at least one meal shall be a hot meal. Food must be served at the proper temperature: hot foods shall be reasonably hot and cold foods reasonably cold.

51.14(3) *Time of serving.* Meals shall be served at approximately the same time every day.

51.14(4) *Medical diets.* Special diets as prescribed by a medical practitioner shall be followed and documented.

51.14(5) *Religious requests.* When a special diet is requested for a detainee due to a bona fide religious belief, the facility shall meet that need unless the facility can demonstrate that its refusal does not impose a substantial burden on the exercise of the detainee's religion or that its refusal furthers some compelling interest and is the least restrictive means of furthering that interest.

51.14(6) *Punishment.* Deviation from normal feeding procedures shall not be used as punishment.

51.14(7) *Inspection of facilities for outside food service providers.* If food service is provided by outside sources, only a facility with a food establishment license or those required to undergo inspection by other statutes shall be utilized to provide these services. The transfer of food shall be done under sanitary conditions (no policy required).

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.15(356,356A) In-house food services.

51.15(1) Food preparation areas shall be clean and sanitary in accordance with requirements of the state health standards regulating the operation of institutions, food establishments, or equivalent organizations.

51.15(2) All food products shall be stored or refrigerated in compliance with state health standards governing institutional or food establishment operations.

51.15(3) Dishes, utensils, pans and trays shall be sanitized after use in accordance with state health standards for food establishments or institutions.

51.15(4) Staff shall serve or supervise the serving of all meals. Food handlers must be clean and free of illness or disease.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.16(356,356A) Communication.

51.16(1) *Telephone calls upon arrest.* Detainees shall be permitted telephone access to their family or an attorney, or both, without unnecessary delay after arrest, at no charge if made within the local calling area, as required by Iowa Code section 804.20.

51.16(2) *Attorneys and ministers.* Attorneys and ministers shall be permitted to visit detainees upon request of the detainee at reasonable hours if security and daily routine are not unduly interrupted.

51.16(3) *General visitation.*

a. All detainees in normal status shall be allowed reasonable visitation.

b. Rules shall specify who is allowed to visit and when and how often visitors are allowed.

c. Facility staff shall document the date and time of visit, name and address of each person visiting, and the name of the detainee visited. Computerized logs are acceptable.

d. A visit may be denied if reasonable suspicion exists that the visit might endanger the security of the facility. A record shall be made of such denial and the reason(s) therefor.

51.16(4) *Detaining non-U.S. citizens.* When non-U.S. citizens are detained, they shall be advised of the right to have their consular officials notified or the nearest consular officials shall be notified of the detention, whichever is required by the Vienna Convention. Consular officials shall be given access to non-U.S. citizens in the facility and shall be allowed to provide consular assistance. When a facility administrator becomes aware of the death of a non-U.S. citizen, consular officials shall be notified.

51.16(5) *Detainee mail.*

a. Detainees held beyond 24 hours shall be furnished a reasonable amount of writing materials upon request. Jail officials may prohibit a detainee from corresponding with a person who states in writing that the person does not want to correspond with the detainee. This mail restriction does not include a "prior approval" list.

b. A reasonable amount of postage shall be provided to indigent detainees who are held beyond 24 hours for communication with the courts and for at least two letters per week of a personal nature when other means of communication are not available.

c. General correspondence may be opened and inspected; it may be read for security reasons if the detainee is notified of this procedure.

d. Privileged correspondence if so marked may be opened only in the presence of the detainee and then only to detect the presence of contraband; privileged correspondence will not be read except by the detainee. Privileged correspondence is defined as incoming and outgoing mail to or from:

(1) An attorney;

(2) A judge;

(3) The governor of Iowa;

(4) The ombudsman office;

(5) A member of the state or federal legislature.

e. Written policy, procedure, and practice require that, excluding weekends and holidays, incoming and outgoing letters be held for no more than 24 hours and packages be held for no more than 48 hours for inspection before delivery to the detainee or post office.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.17(356,356A) Access to the courts. Detainees shall be provided at their request pertinent sections of the Iowa Code or city ordinance pertaining to their offense and access to attorneys pursuant to rule 201—51.16(356,356A).

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.18(356,356A) Discipline and grievance procedures.

51.18(1) No detainee shall be allowed to have authority or disciplinary control over another detainee.

51.18(2) The use of physical force by staff shall be restricted to instances of justifiable self-protection, the protection of others or property, the prevention of escapes or the suppression of disorder, and then only to the degree necessary to overcome resistance. Corporal punishment is forbidden.

51.18(3) The following information shall be made available to all detainees and explained to any detainee unable to read English:

a. A set of rules (including sanctions) and regulations pertaining to the conduct of persons in custody.

b. What services are available to them.

c. A detainee grievance procedure that includes at least one level of appeal.

51.18(4) Deprivation of clothing, bedding, or hygienic supplies shall not be used as discipline or punishment. These items may be withheld from any detainee who the staff reasonably believes would destroy such items or use them as weapons, for self-injury, to aid in escape, or interfere with the normal operation of the facility.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.19(356,356A) Records. The following records shall be maintained by the facility administrator for two years unless a different period is specified.

51.19(1) Facility calendar. This record shall contain information required by Iowa Code section 356.6.

51.19(2) Visitor registration. This record shall contain the name and address of the person visiting; name of detainee visited; and the date, time and duration of the visit.

51.19(3) Facility inspection records. Facility inspection records shall contain the following and be maintained for a minimum period of two years:

a. State fire marshal's certificates.

b. Written reports received from all persons doing official inspections of the facility.

51.19(4) Medical history intake form. Notation of injury upon admission shall be included.

51.19(5) Records of medical care.

51.19(6) Injury reports. Copies of all reports of investigations relating to injuries within the facility shall be maintained by the facility administrator in a separate injury file or referenced in the detainee file by log for a period of five years.

51.19(7) Disciplinary records.

51.19(8) Property receipts. Property receipts as required by Iowa Code section 804.19 shall be completed and distributed as required.

51.19(9) Fire and disaster evacuation plan and record(s) of required fire drills.

51.19(10) Records of staff training.

51.19(11) Disposition of medication. A record shall be kept of the disposition of prescribed medication not taken by a detainee.

51.19(12) Supervisory checks. A record shall be made to document all required supervisory checks of detainees.

51.19(13) Incident reports. Records shall be made to document the following:

a. Use of force;

b. Suicide/suicide attempts;

c. Threats to staff, staff assaults, fires, detainee abnormal behavior, any verbal or nonverbal references to suicide and self-mutilation.

The state jail inspection unit of the DOC shall be notified within 24 hours of any death, fire, or escape. Attempted suicide, injury to staff or detainees from assaults, use of force, and prisoner self-inflicted injuries shall be reported to the DOC within 24 hours of the occurrence of the incident, excluding holidays and

weekends. A copy of the investigative reports and other records shall be given to the state jail inspector upon request.

51.19(14) Menu records. This record shall include letters of documentation issued by a qualified dietitian.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

201—51.20(356,356A) Nonsecure holds for juveniles.

51.20(1) *Standards for nonsecure hold areas.* The area to be used to detain the juvenile must be an unlocked area such as a lobby, office or other open room. Additionally, the following minimum procedures must be followed:

a. The juvenile is not physically secured to any stationary object.

b. The juvenile is under continuous visual supervision.

c. The juvenile has access to bathroom facilities.

d. A meal or meals shall be provided at usual mealtimes.

51.20(2) *Supervision of juveniles in nonsecure hold.* Juveniles in nonsecure hold status (see Iowa Code sections 232.19(2) and 232.22(2)) shall have continuous visual supervision by a qualified adult. The holding facility administrator may contract with an outside agency to perform supervisory functions. Persons performing juvenile supervisory functions must:

a. Be at least 18 years of age.

b. Have received a physical prior to employment.

c. Perform at a staff-to-detainee ratio that will ensure a safe environment for both the juvenile(s) and the staff.

d. Report any knowledge of child abuse to mandatory child abuse reporters.

e. Have successfully completed a child abuse and criminal background check.

51.20(3) *Prohibited acts.* Each nonsecure site must develop a policy of posted orders that protects juveniles against neglect; exploitation; and degrading punishment, such as corporal punishment, verbal abuse, threats, or derogatory remarks about the juvenile or the juvenile's family; binding or tying to restrict movement; enclosing the juvenile in a confined space, such as a closet, locked room, or similar cubicle; and deprivation of meals.

51.20(4) *Attendant nonsecure area operating procedures.*

a. Attendant shall make certain the juvenile is aware of the policies of the nonsecure holding area.

b. The personal effects of the juvenile shall be placed in a safe, secure place. A property receipt shall be issued to the juvenile.

c. All items given to the juvenile are subject to being searched.

d. Attendant shall pat search the juvenile.

51.20(5) *Care and treatment.*

a. Medical.

(1) No juvenile shall be held who is obviously injured, is obviously physically or mentally ill or, in the judgment of the arresting officer, is under the influence of drugs or intoxicated from the use of alcohol to the point of needing medical attention without first being examined by a medical practitioner.

(2) In an emergency situation or when the juvenile is suffering severe pain or is in danger of loss of life or permanent injury, medical treatment may be administered without parental consent. When none of the above situations exist, parental consent or judicial concurrence must be made before providing medical treatment.

(3) Juveniles suspected of having a contagious or communicable disease shall be isolated from other juveniles.

(4) There shall be at least one person on duty in the facility containing the nonsecure room who is trained in multimedia first aid and CPR.

(5) First-aid kits shall be immediately available.

(6) Any person providing medication shall be trained in the procedure of providing medication.

(7) As part of the admission procedure, a medical history intake form shall be completed. As part of this procedure, an attempt will be made to determine if the juvenile is suicidal by observing behavior and looking for marks or scars that would indicate previous suicide attempts.

(8) There shall be written policies or procedures pertaining to providing medication.

(9) All medication shall be stored according to state pharmaceutical standards and written inventory control maintained. The inventory shall include the starting number of pills, when pills were provided and by whom, the remaining number of pills at the time the juvenile left the facility, the disposition of the remaining pills, and a staff witness to the disposition of the pills.

(10) Special diets as prescribed by a medical practitioner shall be followed and documented.

(11) When a special diet is required for an individual due to a bona fide religious belief, the facility shall meet that need.

b. Communications.

(1) Juveniles shall be permitted, at no charge, telephone access to their family or an attorney, or both, without unnecessary delay after being taken into custody. Once family or attorney has been contacted, the number of additional calls, if any, will be determined by attendant.

(2) Attorneys and ministers shall be permitted to visit upon request when such visiting will not disrupt security or daily routines of the facility. Determination of additional visits shall be made by attendant.

c. Safety and sanitation.

(1) Walls, floors, and ceiling shall be well maintained.

(2) Facility shall be maintained in a pest-free condition.

(3) Clean bedding, including sheets, blankets, and pillowcases, shall be issued to each juvenile who wishes to sleep between the hours of 9 p.m. and 7 a.m.

(4) Soiled clothing that may affect the health of the juvenile shall be exchanged for clean, facility-provided clothing.

(5) An emergency evacuation plan must be conspicuously posted.

(6) There shall not be less than one AA-ABC fire extinguisher in operable condition for each 3,000 square feet of facility on any given floor of the building.

(7) All exits shall be equipped with independent emergency lighting.

(8) Where exits are not immediately accessible from an open floor area, safe and continuous passage aisles or corridors leading directly to every exit shall be maintained and shall be so arranged as to provide access for each juvenile to at least two separate and distinct exits from each floor. A locked exit may be classified as an emergency exit only if necessary keys to locked doors are on the person of the attendant. Elevators shall not be counted as required exits.

(9) A means of fire detection utilizing equipment of a type tested and approved by Underwriters Laboratories shall be installed and maintained in operational condition according to the factory manual. These alarms shall be ceiling-mounted and of such construction to continue in operation during power failure. Alarms shall be tested on at least a monthly basis. Such test shall be documented.

(10) Only fire-resistant mattresses and pillows approved by the state fire marshal's office shall be used.

d. Staff training requirements.

(1) Attendants shall be knowledgeable of facility policies and procedures pertaining to juvenile nonsecure holds, and acknowledgment of this shall be made by attendant's dated signature.

(2) Nonsecure hold attendants shall have received instruction in the following areas prior to supervising juveniles in a nonsecure holding area:

1. Role of nonsecure hold attendant.
2. Confidentiality issues.
3. Intake procedures—medical and suicide screening.
4. Communication and listening skills.
5. Dealing with a depressed or suicidal juvenile.
6. Overview of state and federal law.
7. Provision of medication.
8. Gentle self-defense.
9. Child abuse identification.

e. Juvenile supervision.

(1) An attendant shall be in the presence of all juveniles held at all times. Same-sex attendant or staff shall be present when juveniles perform bodily functions/shower.

(2) A log shall be maintained at half-hour intervals reflecting the juvenile's activities and behavior.

f. Records. The following records shall be maintained by the facility for a period of at least two years:

(1) Medical history intake form.
(2) Records of medical care.
(3) Injury reports.
(4) Food served.
(5) Records of staff training.
(6) Disposition of medication.
(7) Individual log.
(8) Any use of force reports.
(9) Any suicide or suicide attempts reports.

g. Incident reports. Reports of the following incidents shall be sent to the state jail inspection unit, DOC, within 24 hours of incident:

(1) Any injury to juvenile or staff that requires medical attention.
(2) Any use of force by staff.
(3) Any attempted suicide.

The state jail inspection unit, DOC, shall be notified within five hours of any successful juvenile suicide that occurred in a nonsecure hold area.

51.20(6) *Exemption from nonsecure hold standards.* Any requests for exemption from nonsecure hold standards shall be submitted according to the provisions under 201—Chapter 2504.

[**ARC 0793D**, IAB 11/25/26, effective 12/30/26]

These rules are intended to implement Iowa Code sections 80B.11A, 356.36 and 356.43 and chapter 356A.

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[1] September 5, 2018, effective date of ARC 3929C [amendments to chs 1, 5, 10, 11, 20, 38, 40, 41, 42, 43, 44, 45, 47, 50, 51] delayed 70 days by the Administrative Rules Review Committee at its meeting held August 14, 2018.

CHAPTERS 52 to 2500
Reserved

CHAPTER 2501
AGENCY PROCEDURE FOR RULEMAKING

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.
[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2501.2(17A) Exemption from rulemaking.

2501.2(1) The department finds that policies, procedures and statements that relate only to inmates of a penal institution shall be exempted from the rulemaking process as provided in Iowa Code section 17A.2(11)*"k."*

2501.2(2) Policies governing activities of incarcerated individuals and clients may be located in the departmental manual, in institutional manuals/handbooks, and on the department's website.
[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

This rule is intended to implement Iowa Code section 17A.2(11)*"k."*

[Filed Emergency ARC 0328D, IAB 6/10/26, effective 6/30/26]

CHAPTERS 2502 and 2503
Reserved

CHAPTER 2504
RULE WAIVERS

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.
[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2504.6(904) Public availability. All orders granting or denying a waiver petition shall be indexed, filed, and available for public inspection as provided in Iowa Code section 17A.3. Petitions for a waiver and orders granting or denying a waiver petition are public records under Iowa Code chapter 22. Some petitions or orders may contain information the department is authorized or required to keep confidential. The department may accordingly redact confidential information from petitions or orders prior to public inspection.
[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

These rules are intended to implement Iowa Code sections 17A.9A and 904.108.

[Filed Emergency ARC 0328D, IAB 6/10/26, effective 6/30/26]

CHAPTER 2505
FAIR INFORMATION PRACTICES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.
[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2505.3(17A,22) Requests for access to records.

2505.3(1) *Location of record.* A request for access to public records should be directed to the agency's address, the agency's email, or the agency's office where the record is kept. Agency staff will promptly forward public records requests to the lawful custodian when such a request is misdirected.

a. Records of current incarcerated individuals and clients are maintained at the incarcerated individuals' or clients' place of confinement. If the requester does not know the current place of confinement, the request for a record should be directed to the records office at the Iowa medical and classification center.

b. A request for a record of former incarcerated individuals and clients served by the department should be directed to the records office at the Iowa medical and classification center.

2505.3(7) *Fees.*

b. Fees and costs. The agency may charge for the actual cost of producing public records. These charges may include the actual cost of making photocopies, the actual cost of media necessary to convey electronic copies of public records, and the actual costs of mailing public records. Pricing schedules for these actual costs will be prominently posted on the agency's website. The agency may also charge for the expense associated with supervising and searching for public records. These hourly charges will be based on the actual hourly rate of the person performing the task. The agency will ensure that the employee rate charged is as low as possible based on the circumstances. The agency may impose hourly charges only after the first 30 minutes of labor, which will be provided at no cost to the requester. For any additional review by the agency to address questions of confidentiality, the agency may charge the requester the actual hourly rate of the attorney performing the review, although the first 30 minutes of the attorney's time will be provided at no cost to the requester.

c. Advance payment. When the estimated total fee exceeds $25, the agency may require an advance payment from the requester to cover all or a part of the estimated fee before proceeding with the work of gathering and reviewing potentially relevant records. If a requester has an unpaid balance from a previous records request, the agency may require the requester to pay both the unpaid balance and the current estimate, regardless of value, before proceeding with the review of public records.
[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2505.9(904) Confidentiality under Iowa Code chapter 904. Pursuant to Iowa Code sections 904.601, 904.602, and 904.603, certain records maintained by the department are confidential and shall not be disclosed to members of the public, except as otherwise provided by law or court order. The department shall apply the protections of Iowa Code chapter 904 in addition to the protections provided under Iowa Code chapter 22.
[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2505.10(17A,22) Personally identifiable information.

2505.10(1) This rule describes the nature and extent of personally identifiable information that is collected, maintained, and retrieved by the agency by personal identifier in record systems. As used in this rule, "record system" means any group of records, under the control of the agency, from which a record may be retrieved by a personal identifier, such as the name of an individual, number, symbol, or other unique retriever assigned to an individual. For each record system, this rule describes the legal authority for the collection of that information, describes the means of storage of that information, and indicates

whether a data processing system matches, collates, or permits the comparison of personally identifiable information in one record system with personally identifiable information in another record system.

2505.10(2) Type of record. Disclosures are in accordance with the following code:

CODE	MEANING
O	The records are open for public inspection.
C	The records are confidential and are not open to public inspection.
D	The department has discretion whether to allow public inspection of the record when the record contains information that is partially open or partially confidential.

2505.10(3) The records systems maintained by the department are as follows.

a. Director's office.

Description of Record	Type of Record	Legal Authority	Storage	Comparison
1. Business Correspondence	O, C	22, 904	Paper/ Electronic	Partial
2. General Correspondence	O, C	22, 904	Paper/ Electronic	Partial
3. Incarcerated Individual/Client Correspondence	C, D	904	Paper/ Electronic	Full
4. Investigations and Incident Reports	C	22, 904	Paper/ Electronic	Full

b. Institutions and community-based corrections.

Description of Record	Type of Record	Legal Authority	Storage	Comparison
1. Incarcerated Individual/Client Records				
a. Demographic Data/Action Section	O, C, D	904	Paper/ Electronic	Full
b. Admission Documents	C, D	904	Paper/ Electronic	Full
c. Classification and Release Documents	O, C, D	904	Paper/ Electronic	Full
d. Time Computation	O, C, D	904	Paper/ Electronic	Full
e. Clinical and Medical	C, D	904	Paper/ Electronic	Full
f. Correspondence and Visiting	C, D	904	Paper/ Electronic	Full
g. Legal Documents	O, C	904	Paper/ Electronic	Full
h. Charge/Disposition	O, C, D	904	Paper/ Electronic	Full
i. Status Reports	O, C, D	904	Paper/ Electronic	Full
j. Generic Notes	C, D	904	Paper/ Electronic	Full

Description of Record	Type of Record	Legal Authority	Storage	Comparison
2. Incarcerated Individual/Client Accounts	O, C, D	904	Paper/ Electronic	Full
3. Security and Supervision Records				
a. Disciplinary Records	O, C	904	Paper/ Electronic	Full
b. Segregation and Housing Unit Logs	C	904	Paper/ Electronic	Full
c. Incident Reports	C	904	Paper/ Electronic	Full
d. Violation Reports	C, D	904	Paper/ Electronic	Full
e. Community Supervision Records	C, D	904	Paper/ Electronic	Full
f. Interstate Compact Records	C, D	904	Paper/ Electronic	Full
g. Absconder Tracking and Supervision Violators	O, C, D	904	Paper/ Electronic	Full
h. Grievances and Complaints	C	904	Paper/ Electronic	Full
4. Incarcerated Individual/Client Movement	O	904	Paper/ Electronic	Full
5. Investigations				
a. Presentence Investigations (PSI)	C	901.4, 904	Paper/ Electronic	Full
b. Investigations	C	22, 904	Paper/ Electronic	Full
c. Investigation Requests	O, C, D	904	Paper/ Electronic	Partial
6. Administrative and Programs				
a. Contracts and Agreements	O, D	22, 904	Paper/ Electronic	Partial
b. Staff Training	O, C	904	Paper/ Electronic	Full
c. Jail Inspections	O, C, D	904	Paper/ Electronic	Full
d. Library Records and Publications	O, C, D	22, 904	Paper/ Electronic	Partial
e. Education and Vocation Records	C	904	Paper/ Electronic	Full
f. Lawsuits and Attorney Correspondence	C	22, 904	Paper/ Electronic	Partial
g. Volunteers	D	904	Paper/ Electronic	Partial
h. Miscellaneous	O, C, D	22, 904	Paper/ Electronic	Full

c. Iowa state industries.

Description of Record	Type of Record	Legal Authority	Storage	Comparison
1. Customer Lists	C	22, 904	Paper/ Electronic	Full
2. Formulas, Mixture and Special Designs	C	22, 904	Paper/ Electronic	N/A
3. Unaudited Monthly Balance Sheets and Income Statements	C	22, 904	Paper/ Electronic	Partial
4. Cost Calculations for Sealed Bids	C	22, 904	Paper/ Electronic	Partial
5. Yearly Audits	O	22, 904	Paper/ Electronic	Partial

2505.10(4) Litigation files. These files or records contain information regarding litigation or anticipated litigation, which includes judicial and administrative proceedings. The records include briefs, depositions, docket sheets, documents, correspondence, attorneys' notes, memoranda, research materials, witness information, investigation materials, information compiled under the direction of the attorney, and case management records. The files contain materials that are confidential as attorney work product and attorney-client communications. Some materials are confidential under other applicable provisions of law or because of a court order. Persons wishing copies of pleadings and other documents filed in litigation should obtain these from the clerk of the appropriate court that maintains the official copy.

2505.10(5) Personnel files. The agency maintains files containing information about employees, families and dependents, and applicants for positions with the agency. The files include payroll records, biographical information, medical information relating to disability, performance reviews and evaluations, disciplinary information, information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).

[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2505.11(17A,22) Other groups of records. This rule describes agency records not maintained in a record system. These records are routinely available to the public but may contain confidential information as provided in this chapter. Unless otherwise noted, these records are available on the department's website or at the department's central office and are not retrieved by personal identifier.

2505.11(1) *Rulemaking.* Records may contain information about individuals making written or oral comments on proposed rules pursuant to Iowa Code section 17A.4.

2505.11(2) *Board meeting records.* Agendas, minutes, and materials are available. Records of closed sessions are exempt from disclosure under Iowa Code section 21.5(4) or are otherwise confidential by law. Board meeting records contain information about people who participate in meetings pursuant to Iowa Code section 21.3.

2505.11(3) *Publications.* Press releases, annual reports, project reports, newsletters, etc., which describe various agency programs, may contain information about individuals, including department staff or members of department councils or committees.

2505.11(4) *Statistical reports.* Periodic reports of various agency programs are available and do not contain personally identifiable information.

2505.11(5) *Grants.* Records on persons receiving grants for various projects or programs are available. These records may contain information about employees of a grantee. Information is collected under the authority of Iowa Code chapter 904.

2505.11(6) *Published materials.* The agency uses many legal and technical publications in its work. The public may inspect these publications upon request. Some of these materials may be protected by copyright law.

2505.11(7) *Policies and procedures.* Manuals containing nonconfidential policies and procedures describing the department's regulations and internal practices are available for inspection. Copies may be obtained at the actual cost of production and handling. Policy manuals do not contain information about individuals.

2505.11(8) *Other records.* All other records that are not exempted from disclosure by law are available.

[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

These rules are intended to implement Iowa Code chapters 17A and 22 and sections 904.601, 904.602, and 904.603.

[Filed Emergency ARC 0328D, IAB 6/10/26, effective 6/30/26]

CHAPTER 2506
CONTESTED CASES

Chapter rescission date pursuant to Iowa Code section 17A.7: 6/30/31

The Uniform Rules on Agency Procedure, 7—Chapters 2500 through 2506, are rules generally applicable to agencies pursuant to Iowa Code section 17A.24. Additions, exceptions, or amendments to the corresponding chapter are below.

The following rules are intended to align the department's statutory inspection duties under Iowa Code sections 356.36 and 356.43 with the statewide uniform contested case procedures by establishing the prehearing process for notices of noncompliance and informal settlements.

[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2506.32(17A,356) Notice of noncompliance.

2506.32(1) When the director or director's designee of the department of corrections determines that an agency or facility accredited by the department is not in compliance with state standards, or when an order of closure is issued, the appropriate administrator shall be notified of the noncompliance status. The notice shall specify:

a. The statute(s) and any rules(s) alleged to have been violated.

b. The deficiencies cited.

c. The time period allowed for submission of an acceptable plan of compliance if submission of a plan is permitted.

2506.32(2) The administrator of the facility or agency may submit the plan of compliance within the appropriate time limitation or may request a hearing pursuant to rule 201—2506.34(17A,356).

[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2506.33(17A,356) Informal settlement. The director or the respondent may request that an informal conference be held to determine whether the noncompliance matter can be resolved in a just manner in furtherance of the public interest. Neither the director nor respondent is required to use this informal procedure. If the director and respondent agree to negotiate a settlement, the various points of the settlement, including a stipulated statement of facts, shall be set forth in writing and shall be binding on both parties.

[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2506.34(17A,356) The right to request hearing. A hearing will be granted to any agency or facility aggrieved by action of the department when the right to a hearing is granted by the state or federal law or constitution, except as limited herein. A hearing will not be granted when a state or federal law or regulation provides for a different forum for appeals. A prematurely filed appeal may be dismissed.

[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

201—2506.35(17A,356) Order for hearing. Upon determination that a plan of compliance is not sufficient to effectuate compliance, or upon request by the agency or facility pursuant to rule 201—2506.34(17A,356), the department shall issue an order fixing the time and place for hearing pursuant to rule 201—2506.5(17A).

[**ARC 0328D**, IAB 6/10/26, effective 6/30/26]

These rules are intended to implement Iowa Code chapter 17A and sections 356.36 and 356.43.

[Filed Emergency ARC 0328D, IAB 6/10/26, effective 6/30/26]