

CHAPTER 8
PAROLE AND WORK RELEASE CONSIDERATIONS

205—8.1(906) Purpose of parole and work release considerations. The board shall determine whether there is reasonable probability that an inmate committed to the custody of the department of corrections who is eligible for parole or work release can be released without detriment to the community or the inmate. The board considers the best interests of society, and parole or work release is not granted as an award of clemency.

[ARC 8440C, IAB 12/11/24, effective 1/15/25]

205—8.2(904,906) Parole and work release eligibility.

8.2(1) Mandatory sentences. The board will not grant parole to an inmate serving a mandatory minimum sentence. The board will not grant work release to an inmate serving a mandatory minimum sentence unless the inmate is within six months of completing the mandatory minimum portion of the sentence. A parole or work release granted contrary to this rule will be rescinded. Mandatory minimum sentences are set out in the Iowa Code and are incorporated herein.

8.2(2) Release to residential facility first. A person on parole or work release who is serving a sentence under Iowa Code section 902.12 shall begin parole or work release in a residential facility operated by the department of corrections.

8.2(3) Parole to detainer. The board may grant parole to an inmate against whom a detainer has been placed by another jurisdiction. A person paroled who has a detainer lodged against the person under the provisions of Iowa Code chapter 821 may be paroled directly to the receiving state rather than to a residential facility operated by the department of corrections.

8.2(4) Parole to other states. The board may grant parole to another state pursuant to the provisions of the interstate compact for adult offender supervision set forth in Iowa Code chapter 907B.

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205—8.3(904A) Risk assessment. The board will assess the risk of an inmate committed to the custody of the department of corrections. The board will review a risk assessment instrument approved by the board.

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205—8.4(906) Parole and work release considerations.

8.4(1) Case reviews. The board may review the records of an inmate committed to the custody of the department of corrections and consider the inmate's prospects for parole or work release at any time. The board will notify an inmate only if the inmate is granted parole or work release, except as provided in subrule 8.14(3).

8.4(2) Interviews. The board may, in its discretion, interview an inmate committed to the custody of the department of corrections at any time.

8.4(3) Frequency of inmate review. The board will review the status of each inmate who is eligible for parole annually as directed by the Iowa Code and shall provide the inmate with notice of its parole or work release decision. The board will not place an inmate on work release for longer than 6 months in any 12-month period unless approval is given by a majority of the full board.

8.4(4) Annual review not required. Inmates who are not currently eligible for parole because of Iowa Code section 906.5(1) "a" are excepted from the annual review requirement of subrule 8.4(3).

8.4(5) Department initiated review. The department of corrections may recommend an inmate for parole or work release consideration at any time.

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205—8.5(906) Parole and work release information. The board will notify the department of corrections when an inmate is to be considered for parole or work release. The receipt of notice by the department of corrections constitutes a request for updated information on the inmate. The board will request information required for parole or work release decision making. The department of corrections will furnish updated information to the board.

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205—8.6(906) Interview notice. The board or the board's designee will notify an inmate to be interviewed for parole or work release consideration of the time and purpose of the interview. Notice given to the department of corrections is considered notice to the inmate. Not less than 20 days prior to the interview, the board will also notify the department of corrections of the scheduling of the interview, and the department shall make the inmate available to the board for the interview. The interview may be conducted electronically by videoconference. However, if health, safety, or security conditions require moving the inmate to another institution or facility prior to the scheduled interview, the department of corrections will notify the board.

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205—8.7(906) Continuance. The board may reschedule or continue a parole or work release interview upon its own motion or upon a showing of good cause, as determined by the board.

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205—8.8(906) Factors considered in parole and work release decisions.

8.8(1) Release considerations. The board may consider the following factors and others deemed relevant to the parole and work release decisions:

- a. Previous criminal record;
- b. Nature and circumstances of the offense;
- c. Recidivism record;
- d. Convictions or behavior indicating a propensity for violence;
- e. Participation in institutional programs, including academic and vocational training;
- f. Psychiatric and psychological evaluations;
- g. Length of time served;
- h. Evidence of serious or habitual institutional misconduct;
- i. Success or failure while on probation;
- j. Prior parole or work release history;
- k. Prior refusal to accept parole or work release;
- l. History of drug or alcohol use;
- m. A parole plan formulated by the inmate;
- n. General attitude and behavior while incarcerated;
- o. Risk assessment.

8.8(2) Psychological and psychiatric evaluations. The board may request a complete psychiatric or psychological evaluation of an inmate whenever, in the opinion of the board, it would be beneficial to the board's decision. The board may routinely request an evaluation of an inmate convicted of a crime involving sexual abuse or personal violence or of an inmate who has committed assaults or violent acts while incarcerated.

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205—8.9(906) Information disclosure to inmate. The board normally considers only information that has been reviewed by the inmate, except when the board deems such review not feasible. The information is considered only if the following safeguards are followed:

8.9(1) The staff of the department of corrections discusses the information with the inmate and discloses to the inmate any factual allegations if the disclosure can be done in a manner that protects confidential sources.

Factual allegations include but are not limited to:

- a. Any statements attributed to the inmate;
- b. Any allegations of criminal or antisocial behavior with or without court conviction from within or without the institution;
- c. Any allegations of threats made by the inmate;
- d. Any allegations of drug addiction or alcoholism;
- e. Any allegations regarding family history, employment or education;

f. The inmate's disciplinary record at the institution.

8.9(2) If any information from outside institutions under the supervision of the department of corrections is to be considered by the board, and it is necessary to protect the source, the inmate will be informed of at least the following:

- a.* The general substance of the information;
- b.* The number of communications;
- c.* The type of communications.

The inmate will be given the opportunity to respond to the information.

8.9(3) The inmate's reports from institutions under the supervision of the department of corrections, including reception reports, progress reports, medical reports, and social information or reports, should, to the extent possible, be structured so as to separate opinion from factual information. The factual information will be made available for review by the inmate; opinion information shall be confidential. Psychiatric or psychological test results or diagnoses may be deemed confidential.

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205—8.10(906) Interview procedure. The board may, in its discretion, interview the inmate and consider the inmate's records with respect to history, current situation, parole and work release prospects, and other pertinent matters. If the inmate is interviewed, the board or board panel will give the inmate ample opportunity to express views and present materials.

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205—8.11(906) Case review procedure. The board or board panel may consider the inmate's records and other information with respect to history, current situation, parole and work release prospects, and other pertinent matters. A case review may take place at any time and is in addition to any other required review.

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205—8.12(906) Conduct at parole proceedings.

8.12(1) Parole interview proceedings are open meetings and generally conducted by electronic means and governed by Iowa Code chapter 21.

8.12(2) The board panel or panel's designee will maintain the decorum of the hearing and may refuse to admit or may expel anyone whose conduct is disorderly.

8.12(3) Parole interviews are conducted electronically via videoconference. All interested persons should contact the board's business office prior to the start of the hearing to ensure that the persons have the proper information to allow the persons to view the proceedings online. Such information will also be maintained on the board's website: bop.iowa.gov.

8.12(4) Spectators, other than registered victims, do not participate in the parole proceedings.

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205—8.13(904,906) Parole authorized following work release.

8.13(1) The board grants parole to an inmate on work release status if at least three members of the board agree that the inmate can be released without detriment to the community or to the inmate. If three members do not agree, the board will deny parole.

8.13(2) The board grants parole or work release to an inmate if at least three members of the board agree that the inmate can be released without detriment to the community or to the inmate. If three members do not agree, the board will deny parole or work release.

8.13(3) The board may determine if an inmate is required to provide a physical specimen to be submitted for DNA profiling as a condition of parole or work release. The board considers the deterrent effect of DNA profiling, the likelihood of repeated violations by the offender, and the seriousness of the offense. When funds have been allocated from the general fund of the state, or funds have been provided by other public or private sources, the board will order DNA profiling, if appropriate.

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205—8.14(906) Notice of parole and work release decisions.

8.14(1) The board will give notice of a decision to grant parole by issuing an order for parole to the facility where the inmate in question is incarcerated.

8.14(2) The board will give notice of a decision to grant work release by issuing an order for work release to the facility where the inmate in question is incarcerated.

8.14(3) The board will give notice of a decision to deny parole or work release by issuing a notice of parole or work release denial to the facility where the inmate in question is incarcerated.

8.14(4) The board need not disclose a decision to grant or deny parole or work release to anyone other than the inmate in question and the facility where the inmate is incarcerated until at least two working days have elapsed from the date of the decision.

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205—8.15(906) Parole authorized following work release.

8.15(1) The board may, at the time of granting work release, grant an offender parole contingent upon successful completion of work release. Whenever the board grants parole contingent upon successful completion of work release, it will indicate in the offender's file any special conditions for parole and that parole is contingent upon successful completion of work release.

8.15(2) The residential manager makes a determination whether the offender has successfully completed the work release. For the purpose of this rule, successful completion of work release means, at a minimum, the absence of any violent acts or threats of violence by the offender from the time the work release was authorized and either (1) the offender has completed all board-recommended programs or (2) the offender has enrolled in all recommended programs not completed and is making satisfactory progress toward completion and the facility is able to arrange for continued program participation while the offender is on parole. When an offender successfully completes the work release program, the residential manager shall certify that fact to the board in a written or electronic certification. Upon receipt of the certification, the chairperson or the chairperson's designee will cause a parole order to be issued and forwarded to the residential facility where a parole agreement will be executed by the offender with such parole conditions as the board may require in its original release decision. Parole is effective only upon execution of the parole order and agreement by the parole officer and the parolee. No further action is required by the parole board for said parole. Before the parole becomes effective, the chairperson or the chairperson's designee may refer the case back to the board for further consideration. Nothing in this rule shall prevent the parole board from considering revocations of work release or parole for violations of the parole order, agreement, or any other provision of law, as otherwise provided in the board's administrative rules.

8.15(3) If the residential manager does not certify that an offender has successfully completed work release within the six-month limit established in Iowa Code section 904.904, and if the offender's work release has not otherwise been revoked, the offender's case will be reviewed by the board. The board may grant parole, extend work release, refer the offender back to prison, or take any other action authorized by law.

8.15(4) The grant of parole contingent upon successful completion of work release will comply with subrules 8.13(1) and 8.13(2).

8.15(5) An offender who has been granted parole contingent upon successful completion of work release and who fails to successfully complete work release for whatever reason will be reviewed for further release consideration according to the board's administrative rules.

8.15(6) Parole granted under this rule is administered and supervised according to the board's administrative rules, 205—Chapters 10 and 11.

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These rules are intended to implement Iowa Code chapters 904, 904A, and 906.

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