

CHAPTER 42  
PROBATION SERVICES  
[Prior to 3/20/91, Corrections Department[291]]

**201—42.1(907,908,910) Probation.**

**42.1(1)** The district department shall have written policies and procedures which ensure the delivery of probation services throughout the district.

**42.1(2)** The district department shall have written policies and procedures which ensure that an electronic case record is maintained on each client under supervision.

**42.1(3)** The district department shall have uniform written policies and procedures governing the classification and supervision of probationers.

**42.1(4)** Districts shall have statewide approved written policies and procedures which ensure the use of the statewide case management system. Districts will use the statewide approved and validated risk/needs instrument that assesses and addresses client risk, criminogenic needs and protective factors in an effort to mitigate the probability for future violence, criminal behavior and victimization. By stratifying risk using the risk-need-responsivity model, districts will focus the majority of their resources on clients who pose a greater risk to reoffend ensuring that all moderate-high risk clients receive evidence-based case planning and case management using the risk-need-responsivity model and core correctional practices to include: ongoing risk needs assessment, case plan follow-up and documentation, transfer of records, staff training, and continuous quality improvement.

**42.1(5)** The district department shall have written policies and procedures which establish grievance procedures for all clients under supervision and details a method which ensures that all clients are notified of the procedure.

**42.1(6)** The district department shall have written policies and procedures for reporting violations of probation and recommending revocation of probation to the court.

**42.1(7)** The district department shall have written policies and procedures for requesting a discharge from probation and shall require a recommendation for discharge when it is clear that the client has met court obligations, is no longer a threat to the community or cannot benefit substantially from further supervision.

**42.1(8)** The district department shall have written policies and procedures to assist staff to determine under what circumstances an arrest may be made or a client should be taken into custody.

**42.1(9)** The district department shall have written policies and procedures governing the searching of probationers or the searching and seizure of their property which meet the requirements of the court.

**42.1(10)** The district department shall have written policies and procedures governing the preparation, submission, review and modification of the restitution plan of payment in accordance with Iowa Code chapter 910.

**42.1(11)** The district department shall have written policies and procedures governing the preparation, submission, review and modification of the plan of community service in accordance with Iowa Code chapters 907 and 910.

**42.1(12)** The district department shall establish conditions of probation which meet the approval of the chief judge of the judicial district, which apply to each person under probation supervision, and shall have written procedures for assuring that each client receives those conditions in writing which include written documentation of receipt by the probationer.

**42.1(13)** The district department shall have written policies and procedures governing the preparation, submission, review, modification, collection and retention of supervision enrollment fees, in accordance with Iowa Code section 905.14. Payments shall be made directly to the supervising judicial district department.

**42.1(14)** The district department shall have written policies and procedures governing the waiver of collection of supervision enrollment fees for persons determined to be unable to pay, in accordance with Iowa Code section 905.14.

**42.1(15)** The district department shall have written policies and procedures governing the collection and retention of supervision enrollment fees for persons transferring to another judicial district. Fees will be collected and retained by the supervising judicial district department.

**42.1(16)** The district department shall have written policies and procedures governing the collection of supervision enrollment fees for persons who receive additional supervisions.

**42.1(17)** The district department shall have written policies and procedures to prevent the transmission of contagious infectious disease in compliance with Iowa Code section 905.15.

This rule is intended to implement Iowa Code chapters 905 and 907 and sections 908.11 and 910.5. [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]

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[Filed ARC 3929C (Notice ARC 3806C, IAB 5/23/18), IAB 8/1/18, effective 9/5/18]<sup>1</sup>

[Filed Emergency ARC 4152C, IAB 12/5/18, effective 11/14/18]

<sup>1</sup> 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.