

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.

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◇ Two or more ARCs

- 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.