

CHAPTER 41
PRECONVICTION SERVICE
[Prior to 3/20/91, see Corrections Department[291]]

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

201—41.1(811,905) Pretrial services.

41.1(1) The district department shall designate the staff responsible for providing pretrial interviews and release with services programs.

41.1(2) The district department shall establish a system of communications with law enforcement and the judiciary regarding the availability of pretrial services throughout the entire districts.

41.1(3) The district department shall have policies and procedures assuring daily staff contact with all jails in the district for the purpose of determining the presence of persons eligible for a pretrial interview and shall have policy assuring that all eligible persons are provided an interview without unnecessary delay.

41.1(4) The district department shall have written policies establishing criteria for screening pretrial release candidates which require consideration of those items contained in Iowa Code section 811.2.

41.1(5) The district department shall have written policies and procedures which ensure that a case record is maintained on each active case under supervised release.

41.1(6) The district department shall have written policies and procedures which establish criteria for reporting violations of conditions of release to the court.

41.1(7) The district department shall have written policies and procedures governing the supervision of persons released to assure that adequate supervision is provided.

41.1(8) The district department shall have written policies and procedures governing the notification of the agent or agencies responsible for correctional clients who receive pretrial interviews.

41.1(9) The district department shall have written policies which establish a grievance procedure for all clients under supervision.

201—41.2(901,905) Presentence investigation.

41.2(1) The district department shall be responsible for conducting all presentence investigations ordered by the court.

41.2(2) The district department shall have written policies and procedures which ensure that all information required by the Code of Iowa is included in the presentence investigation report.

41.2(3) The district department shall have written policies and procedures which ensure that the presentence investigation report includes an identification of client needs, protective factors and the results of a validated risk assessment as approved by the department of corrections with collaborative input from the judicial districts and other affected stakeholders.

41.2(4) The district department shall have written policies and procedures which ensure the timely transmittal of the presentence report to the appropriate court official.

41.2(5) The district department shall have written policies and procedures which ensure the confidentiality of the presentence report in accordance with the Code of Iowa and state regulations, insofar as department handling of the report is concerned.

41.2(6) The district department shall have written policies and procedures concerning the content of presentence investigations ordered by the judiciary when the offense is an aggravated misdemeanor or higher.

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

These rules are intended to implement Iowa Code chapters 901 and 905.

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

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.