

CHAPTER 45

PAROLE

[Prior to 10/1/83, Social Services[770] Ch 26]

[Prior to 3/20/91, Corrections Department[291]]

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

201—45.1(906) Administration.

45.1(1) *Supervision.* Persons committed to the director of the department of corrections and granted parole by the Iowa board of parole shall be supervised by the judicial district departments of correctional services. The district departments shall impose conditions of parole as established and approved by the board of parole.

45.1(2) *Effective date/parole agreement.*

a. Parole is effective only upon the acceptance of the terms of parole as evidenced by the signing of the standard parole agreement form by the parolee before a district department employee. The parole agreement shall be issued only upon the written order of the board of parole and shall not be issued prior to the establishment of an approved parole plan. The parolee may not be released on parole prior to the execution of the parole agreement. The parole agreement shall contain the conditions of parole and shall contain the parolee's reporting instructions.

b. 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.

c. The district department shall have written policies and procedures to ensure the delivery of parole services which are consistent with statewide policy and expectations.

45.1(3) *Earned and honor time.* Earned and honor time shall be awarded in accordance with department of corrections policy.

45.1(4) *Furlough.* Parolees may be granted a community placement furlough to their prospective parole area upon request by the assigned supervising parole officer pursuant to 201—subparagraph 20.12(5)“b”(2). The district departments shall have written policy and procedures on furloughs.

45.1(5) *Parole release funds.* Clients approved for parole will receive clothing or a clothing allowance, money and transportation in accordance with the provisions of Iowa Code section 906.9.

45.1(6) *Medical services.* The district department shall have written policies and procedures which govern the medical care of parolees in case of emergencies, sudden illnesses, accidents, or death.

45.1(7) *Pharmaceuticals.* Except in an emergency pursuant to Iowa Code section 613.17, the district department personnel shall not administer or dispense any prescription drugs, including antabuse, to parolees.

45.1(8) *Grievance procedure.* The district department shall have a written grievance procedure for all parolees which shall include the method by which all parolees are notified of the procedure.

[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 4152C, IAB 12/5/18, effective 11/14/18; ARC 7006C, IAB 5/3/23, effective 6/7/23]

201—45.2(906) Conditions of parole. Rescinded ARC 7006C, IAB 5/3/23, effective 6/7/23.

201—45.3(910) Restitution.

45.3(1) *Restitution plan of payment.* There shall be a restitution plan of payment developed on those parolees who have been court ordered to pay restitution unless the court-ordered restitution plan of

payment has been completed. Factors which must be considered in developing the restitution plan of payment are:

- a. Present income/employment
- b. Physical/mental health
- c. Education
- d. Financial situation
- e. Family circumstances

The district department shall have written policies and procedures governing the development and modification of the restitution plan of payment. Final approval of the restitution plan of payment shall be by the district director.

The approved restitution plan of payment shall be forwarded to the appropriate clerk of court by the district department or to the person responsible for collection, if collections are performed by the district department.

45.3(2) Compliance.

- a. The parolee shall submit payments in a timely manner to the clerk of court or district department.
- b. If payments are made to the clerk of the district court, the parolee shall provide the district department proof of payments.
- c. The district department will provide statements to the appropriate clerks of court when community service is ordered in lieu of financial restitution.

201—45.4(908) Violations.

45.4(1) Offenses. The district department may at any time report violations of the conditions of parole to the board of parole.

Within five business days of receipt of knowledge of the commission of required reportable violations as designated by the board of parole, the supervising officer shall make written report to the board of parole of the violations.

45.4(2) Detention. A parole officer, with supervisory approval, may arrest a parolee when there is probable cause to believe the parolee has violated conditions of parole which may result in parole revocation. The arresting agent may request temporary detention of the parolee in a local detention facility. In such cases, all actions of the agent shall be in accordance with Iowa Code sections 908.1 and 908.2.

45.4(3) Absconding from supervision. Upon receipt of information that a parolee has absconded from supervision, a preliminary parole violation information shall immediately be filed with a judge, an associate judge, or a magistrate and a warrant for arrest requested.

[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]

201—45.5(906) Voluntary return to institution. A parolee may return to an Iowa department of corrections institution for a period not to exceed 90 days for treatment or further training, provided a voluntary return agreement is approved and signed by the district department and the warden of said institution and by the parolee prior to the return. A parolee's voluntary return to the institution will also require a hearing with the parole board administrative law judge.

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

201—45.6(906) Discharge from parole. The parole officer shall make application for discharge to the district director following the parolee's satisfactory adjustment under supervision and upon the parole officer's determination that the parolee is able and willing to perform in a law-abiding fashion without further supervision. Discharge from parole may be granted prior to expiration of sentence, except for persons convicted for violation of Iowa Code section 709.3, 709.4 or 709.8, on or with a child. Such persons shall not be discharged until expiration of maximum sentence. Discharge granted by the district director shall terminate the person's sentence.

45.6(1) Recommendation. The recommendation for discharge from parole as submitted by the supervising officer shall include, but not be limited to, the following:

- a. Parolee's adjustment to parole supervision.
- b. Public offenses committed by the parolee while under supervision.

- c. Violation of any parole conditions set by the board of parole.
- d. Abuse of alcohol or drugs while on parole.
- e. Restitution accomplished by the parolee.
- f. The reasons why the discharge is appropriate, based on the consideration of the parolee's level of risk.

45.6(2) Upon discharge, the parole officer shall give the discharged parolee the standard information to be completed and submitted if the ex-parolee seeks restoration of citizenship rights. If the ex-parolee seeks restoration within 60 days of discharge, the parole agent shall recommend for or against the restoration. The standard information shall be forwarded to the board of parole by the person seeking the restoration.

Under no circumstances shall parole supervision extend beyond the expiration of a parolee's sentence. (Iowa Code section 906.15)

45.6(3) After 60 days an ex-parolee may request restoration of citizenship by contacting the governor's office to request Executive Clemency forms.

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

201—45.7(905) Supervision enrollment fees.

45.7(1) 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(3). Payments shall be made directly to the supervising judicial district department.

45.7(2) 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(3).

45.7(3) 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 by the supervising judicial district department.

45.7(4) The district department shall have written policies and procedures governing the collection of supervision enrollment fees for persons who receive additional supervisions.

201—45.8(905) Infectious disease. In compliance with Iowa Code section 905.15, the district department shall have a written policy and procedure to prevent the transmission of contagious infectious disease.

[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 sections 255.29, 905.14, 906.9 to 906.11, 906.15, 906.16, 908.1, 908.2, 908.8 and 910.5.

[Filed 12/12/75, Notice 10/6/75—published 12/29/75, effective 2/2/76]

[Filed 4/30/76, Notice 3/22/76—published 5/17/76, effective 6/21/76]

[Filed 9/29/76, Notice 8/23/76—published 10/20/76, effective 11/24/76]

[Filed 8/3/77, Notice 6/15/77—published 8/24/77, effective 9/28/77]

[Filed emergency 8/29/83—published 9/14/83, effective 10/1/83]

[Filed 2/24/84, Notice 1/4/84—published 3/14/84, effective 7/1/84]

[Filed 3/3/89, Notice 11/2/88—published 3/22/89, effective 4/26/89]

[Filed emergency 2/20/91—published 3/20/91, effective 2/20/91]

[Filed emergency 9/13/91—published 10/2/91, effective 9/13/91]

[Filed 1/31/92, Notice 10/2/91—published 2/19/92, effective 3/27/92]

[Filed emergency 6/30/97—published 7/30/97, effective 7/1/97]

[Filed 11/17/04, Notice 9/15/04—published 12/8/04, effective 1/12/05]

[Filed ARC 9097B (Notice ARC 8926B, IAB 7/14/10), IAB 9/22/10, effective 10/27/10]

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

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

[Filed ARC 6905C (Notice ARC 6607C, IAB 10/19/22), IAB 2/22/23, effective 3/29/23]

[Filed ARC 7006C (Notice ARC 6914C, IAB 2/22/23), IAB 5/3/23, effective 6/7/23]

- 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.