

CHAPTER 45

PAROLE

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

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

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 contained in rule 201—45.2(906).

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 pursuant to rule 201—45.2(906) 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]

201—45.2(906) Conditions of parole.

45.2(1) *Standard conditions.* The district department shall have all persons on parole sign conditions of parole that are consistent with the standard conditions as established and approved by the board of parole. Standard conditions are applicable to all parolees.

a. Restrictions on movement. The parolee shall report immediately to the supervising officer in the judicial district designated in the parole instructions. The parolee will reside at the place designated in the parole instructions and shall not change residence unless prior approval is received from the supervising judicial district director or director's designee. The parolee will obey any curfew restrictions placed upon the parolee by the supervising officer. The parolee shall not leave the county of residence

unless prior permission to travel is received from the parolee's supervising judicial district director or director's designee.

b. Supervision conduct. The parolee shall maintain contact with the supervising officer as directed and shall not lie to, mislead, or misinform the parolee's supervising officer either by statement or omission of information. The parolee shall use the parolee's true name in all dealings. The parolee shall follow all conditions that can and may be placed on parole by the board of parole and any additional conditions that can be added by the supervising officer at any time during the parolee's supervision.

c. Restrictions on association. The parolee shall not associate with any person having a criminal record, any person currently under supervision or any person known or suspected to be engaged in criminal activity, unless approved by the parolee's supervising judicial district director or director's designee. The parolee shall treat all persons with respect and courtesy and refrain from assaultive, intimidating, or threatening verbal or physical abuse. The parolee shall have no direct or indirect contact or communication with any victim or the family of any victim of the parolee's offense(s), unless contact or communication with any victim or the family of any victim is authorized by the parolee's supervising judicial district director or director's designee.

d. Treatment, rehabilitation and other programming. The parolee shall participate in and cooperate with any treatment, rehabilitation, or monitoring programs, including any electronic monitoring, required by the supervising officer in the district in which the parolee is being supervised. The parolee shall seek mental health services as appropriate. The parolee shall submit a DNA sample if requested by the parolee's supervising officer or other law enforcement official. If needed, the parolee shall continue to work toward attaining a GED or complete the requirements for a high school diploma. The parolee shall schedule and keep all appointments necessary for the successful completion of programs and services in which the parolee is participating and for the successful completion of the parolee's parole supervision. The parolee shall sign any release or waiver requested by the parolee's parole officer to authorize the parole officer to receive and access any information relating to any treatment program or otherwise as requested by the parole officer.

e. Substance abuse. The parolee shall not use, purchase, or possess alcoholic beverages and shall submit to alcohol tests and drug tests when directed by the parolee's supervising officer. The parolee shall not enter taverns or liquor stores or other establishments where the primary activity is the sale of alcoholic beverages. The parolee will not use, ingest, inject, huff, possess or smoke any illegal or synthetic substances. The parolee shall not use, purchase, possess or transfer any drugs unless they are prescribed by a physician or physician assistant.

f. Legal conduct. The parolee shall obey all laws and ordinances. The parolee shall notify a parole officer within 24 hours if the parolee is arrested or receives a citation or if the parolee has any contact with law enforcement. The parolee shall not own, possess, use or transport firearms, dangerous weapons, or imitations thereof, unless approved by the parolee's supervising officer. The parolee will submit the parolee's person, property, place of residence, vehicle, and personal effects to search at any time, with or without a search warrant, warrant of arrest or reasonable cause by any parole officer. The parolee waives extradition to the state of Iowa from any jurisdiction in or outside the United States (including Indian reservation or Indian trust land) and also agrees that the parolee will not contest any effort by any jurisdiction to return the parolee to the state of Iowa.

g. Economic. The parolee shall pay restitution, court costs, and attorney fees as directed by the court. The parolee shall pay any fees associated with programs and services ordered by the supervising judicial district director or director's designee during the course of the parolee's supervision. The parolee will comply with all the terms of the parolee's restitution plan. The parolee will pay to the supervising district department of correctional services an enrollment fee to offset the cost of the parolee's supervision as provided in the Iowa Code. The parolee will pay this fee upon such terms as the supervising officer directs. The parolee understands that the parolee may not be discharged from parole until all fees are paid. The parolee shall secure and maintain employment as directed by the supervising officer. The parolee shall notify the supervising officer within 24 hours if the parolee's employment is terminated. The parolee shall seek employment if the parolee is unemployed and shall report the parolee's efforts to find employment as directed by the parolee's supervising officer.

h. Driving. The parolee shall not operate a motor vehicle upon the public roads and highways unless the parolee has a current, valid driver's license and insurance. If the parolee's driving privileges were suspended, revoked or barred, and now have been reinstated by the department of transportation, the parolee must receive approval from the parolee's supervising judicial district director or director's designee prior to getting a driver's license.

45.2(2) Special conditions. Special conditions may be imposed at any time and shall only be imposed in accordance with the needs of the case as determined by the judicial district department of corrections, the department of corrections or the Iowa board of parole. Special conditions shall be handled in the following manner.

a. Deletions. When a condition is being deleted, the deletion shall be clearly noted on all copies of the parole agreement. Both the parolee and district department staff shall sign the notation of deletion including the date of the deletion and shall upload the updated agreement into the appropriate Iowa corrections offender network (ICON) module(s). The district director or designee and the board of parole shall be notified of those deletions required by local policy and board of parole administrative rules.

b. Additions. Additional conditions may be imposed. When a condition(s) is added, the additional condition(s) shall be clearly indicated on all copies of the parole agreement and shall be signed and dated by the parolee and the supervising agent, and the updated agreement shall be uploaded into the appropriate ICON module(s).

[ARC 3929C, IAB 8/1/18, effective 9/5/18; see Delay note at end of chapter; ARC 6905C, IAB 2/22/23, effective 3/29/23]

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]

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.