

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]]

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, Oakdale, 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.

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-01.

“*Class II Disciplinary Report*” means the same as a minor report and is defined in department policy IO-RD-01.

“*Contraband*” means weapons; alcohol; drugs; money; obscene materials; or materials advocating disruption of or injury to offenders, 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.

“*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 offender’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 offender 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’s assistant employed by the department.

“*Obscene material*” means the same as that described in 20.6(4).

“*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 offender is to make restitution. The plan may include legal financial obligations. The plan is to reflect the offender’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.

“*Responsible person*” means an individual on the offender’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 offender’s successful completion of furloughs within the furlough rules and facilitate the return of the offender 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.

This rule is intended to implement Iowa Code section 904.108(1) "k."

201—20.3(904) Visits to offenders. Visiting is a privilege which allows offenders 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 offender.

"*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 offender'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 offender'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 offender were raised as cohabiting siblings.

"*Offender*" means a person who has been committed to the custody of the department of corrections or to a judicial district department of correctional services. "Offender" also includes a "violator" as that term is defined in 20.18(2).

"*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/superintendent will designate the time for visiting on certain days/holidays and advise the offenders. The offender 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 offender. This visiting list remains valid when the offender 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 four other individuals or groups who are the offender's friends or extended family members.

(3) Minor children under the immediate supervision of their parent or legal guardian. The minor children of an offender shall also be allowed to visit under the immediate supervision of any adult on the offender's approved visiting list.

c. Limitation. An individual on the approved visiting list of one offender shall not be on the approved visiting list of another offender, regardless of the location(s) of the offenders. 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 offender behavior. 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 offender's visiting list except with the permission of the warden/superintendent 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 offender 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 offender's visiting list until the offender has completed the sex offender treatment program. After the offender's completion of the treatment program, a minor victim of the offender may be added to the offender'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 offender's visiting list after the offender'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/superintendent or designee.

a. The offender'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 offender by the warden/superintendent or designee after consultation with the supervising parole/probation officer. The warden/superintendent or designee may authorize either contact or noncontact visiting.

b. The warden/superintendent 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 offender and seeks to be added to the visiting lists of only those offenders.

c. A former or current department employee or volunteer who is a member of an offender's immediate family may be approved to visit the offender by the warden/superintendent or designee.

d. A former department employee or volunteer who is not an immediate family member of an offender 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/superintendent or designee.

e. An offender 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 offender.

20.3(6) Application process.

a. Visitor application forms shall be provided to offenders at each institution. Offenders are responsible for mailing visitor application forms to prospective visitors, who may then apply to be added to the offender'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 offender'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 offender's visiting list.

c. Written notification. Written notification of denial of a visitor application will be given to both the offender 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 offender. The offender is responsible for notifying the approved visitor.

d. Appeals. When an application is denied, the applicant and the offender shall be apprised of the reasons for denial.

(1) Applicants may appeal to the warden/superintendent 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 the moderate intensity family violence prevention program.

(2) The decision of the warden/superintendent 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 offender wishes to have a visitor removed from the offender's visiting list, the offender 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 send a copy of the removal form to the offender. 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 upon entrance to the institution. 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 offender; 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 offenders. Background checks are not required, and attorneys shall not be counted as a friend on an offender's visiting list as set forth in 20.3(3) "b."

Attorneys shall present proof of identity upon entrance to the institution. The offender 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 offender and approved by the warden/superintendent 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 offender; 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 offenders. Background checks are required. Ministers shall not be counted as a friend on an offender's visiting list as set forth in 20.3(3) "b."

Ministers shall present proof of identity upon entrance to the institution. The offender must express a desire to visit 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 offender and approved by the warden/superintendent 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 offender or visitor engages in behavior that may in any way be disruptive to the order and control of the institution.
- b. The visitor or offender fails to follow the established rules and procedures of the institution.
- c. The visitor and offender 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 offender or visitor.
- f. The visitor does not supervise the visitor's children to prevent them from interfering with or disrupting other visits.

Offenders may request reconsideration of denied visitors six months after resolution of the reason for denial or when approved by the warden/superintendent or designee or regional deputy director.

20.3(12) Noncontact visiting. The warden/superintendent 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/superintendent 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, 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/superintendent 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/superintendent or designee in writing. The decision of the warden/superintendent 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.

d. Facilities will establish procedures for personnel selection and training of search personnel. Operators will be trained in accordance with manufacturer's standards, which require 16 hours of initial certification and 4 hours of annual training thereafter. Each facility will have at least two certified trainers of trainers.

20.3(15) Sanctions. Visitors testing positive or refusing to be tested by an electronic detection device will be restricted.

a. *Testing positive.* The following restrictions will apply to visitors testing positive:

(1) First occurrence. Visiting privileges will be suspended from the date and time of the test for the next 2 visiting days. Future visits may be restricted to noncontact status.

(2) Second occurrence. Visiting privileges will be suspended from the date and time of the test for the next 7 visiting days. Future visits may be restricted to noncontact status.

(3) Third occurrence. Visiting privileges will be suspended from the date and time of the test for the next 15 visiting days. Future visits may be restricted to noncontact status.

(4) Fourth occurrence. Visiting privileges will be suspended from the date and time of the test for the next 30 visiting days. In addition, the visitor will be placed on noncontact visiting status for 180 days from the date of the first eligible visit. If the visitor tests positive from this date forward, visiting privileges may be permanently restricted to noncontact status.

Upon request by the visitor, the warden/superintendent or designee may allow visits in noncontact status for the first, second, and third occurrence pending the receipt of laboratory reports for any visitor testing positive by an electronic detection device.

b. *Refusing to be tested.* Refusal to submit to a drug test by an electronic testing device will result in suspension of visiting privileges for 15 calendar days from the time of refusal.

c. *Written notification.* Written notice regarding visiting status or facility access will be presented or mailed within 5 working days to any individual (nonoffenders) who tests positive or who refuses consent to search. Such notice will include the duration of any restriction and procedures for reconsideration or reinstatement.

20.3(16) Money orders, cashier's checks, and electronic funds transfers. Money orders and cashier's checks for deposit in the offender's account 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 offender'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 offender'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(17) Limits. Each institution, according to its facilities and conditions, shall limit the number of visitors an offender may have at any one time and the length of visits.

20.3(18) Segregation status. Offenders 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(19) Abuse of visiting privileges. Visiting privileges may be modified, suspended, or terminated when abuses are evidenced or planned.

20.3(20) Special visits. The warden/superintendent 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/superintendent or designee. When ruling on such visits, the warden/superintendent or designee shall consider appropriate factors including the uniqueness of the circumstances involved for both the offender and the visitor; security, order, and administrative needs of the institution; and available alternatives to a special visit. The decision of the warden/superintendent or designee in these cases constitutes final agency action.

20.3(21) 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.

201—20.4(904) Mail. Constructive, unlimited correspondence with family, friends, and community sources will be encouraged and facilitated. Offenders 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 offender use of the mail. Mail is additionally governed by the provisions of department of corrections policy OP-MTV-01.

20.4(1) Nonconfidential.

a. Mail will not be read or censored on a regular basis unless there is justifiable cause. In an effort to maintain proper security measures, mail may be monitored on a random basis.

b. All nonconfidential mail shall be inspected for contraband. Nonconfidential mail shall be read when there is suspected abuse of correspondence or a threat to the good sense of order and security of the institution.

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 offender, 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 citizens' aide office.

(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 received from the office of citizens' aide shall be delivered unopened.

b. When sending confidential mail, offenders may be requested to seal the envelope in the presence of staff after the envelope and letters have been inspected for contraband.

c. No mail lists will be maintained restricting persons from writing to offenders or offenders writing to persons in the public. All letters mailed by offenders 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/superintendent from parents or guardian before correspondence with offenders will be allowed.

g. Offenders under correctional supervision or detention will not be allowed to correspond with other offenders 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 inmate.

h. Offenders 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 offenders able to pay the mailing costs. Offenders that are unable to pay mailing costs 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 offender.

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 offender 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 offender that the mail was addressed to will have the option of paying the postage to return the mail to the sender or having the mail destroyed by institutional staff. The offender 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/superintendent.

n. All outgoing parcel post items will be packed and sealed by the mail room and postage charged to the offender.

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 offender (exceptions may be made by the warden/superintendent).

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 offender’s name, number (if known), 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 offender name and number as well as 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 offender's transfer or release.
 - v.* An individual may deposit funds in an offender'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 offender'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 offender'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 offender'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 offenders and the public.
 - (1) The offender's family and friends shall be responsible for registering on the corrlinks Internet site to enroll in the O-mail system: <http://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 offender mail.
 - (5) Staff may review the contents of O-mail messages.
- [ARC 9097B, IAB 9/22/10, effective 10/27/10]

201—20.5(904) Money orders, cashier's checks, and electronic funds transfers for offenders. Only money orders and cashier's checks will be accepted for deposit into an offender's account by mail. Personal checks and cash will not be accepted. 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 offender'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 offender'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.

201—20.6(904) Publications.

20.6(1) The institution shall allow offenders access to publications when doing so is consistent with institutional goals of maintaining internal order, safety, security, and rehabilitation.

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. All publications 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 or superintendent. 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, will 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, denial, or control of the publication.

a. The committee shall be appointed by the director or designee, department of corrections, and shall include a person with broad exposure to various publications and two representatives of correctional operations.

b. The committee shall fairly review all types of publications to be received by offenders 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, deny, or control publications within 30 working days of receipt of the publication.

b. When a publication is denied or controlled, the committee shall send the offender a written notice stating the publication involved, the reason for denial or control, and the offender's available appeal process.

c. The offender shall have five days from receipt of the notice of denial or control to notify the designated institution staff to destroy the publication, to specify where to send the publication at the offender'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 hard-core pornography depicting patently offensive representations of oral, anal, or vaginal intercourse, actual or simulated, involving humans, or depicting patently offensive representations of masturbation, excretory functions, or bestiality, or lewd exhibition of the genitals, which the average adult taking the material as a whole in applying statewide contemporary community standards would find appeals to the prurient interest; and which material, taken as a whole, lacks serious literary, scientific, political, or artistic value as prohibited by Iowa Code section 728.4.

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.

20.6(6) Portrayal or simulation of fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse, male erection, bestiality, sadomasochism, excretory functions, lewd exhibition of genitals, or other sexually explicit materials will be denied to offenders when the material is inconsistent with rehabilitation goals.

20.6(7) Publications which contain material portraying or simulating fellatio, cunnilingus, masturbation, ejaculation, sexual intercourse or male erection and are not approved or denied by the review committee will be controlled for the security and order of the institution and to assist in enabling its control from those offenders denied access by 20.6(6) above. Institutional procedures shall be established for the offender to reserve time in a designated controlled area and obtain the controlled publication for reading during specified times. The controlled publication will be secured until the offender makes arrangements for further review of the controlled publication. An offender may have secured no more than ten publications at any given time, none of which are over three months old from publication date or receipt, and any that are in excess of the ten limit or over three months old must be sent out of the institution at the offender's expense, destroyed, or taken with the offender upon release.

20.6(8) An offender may appeal the committee's decision or the denial of a publication because the publication is inconsistent with rehabilitation goals within ten days of receipt of the decision by

filing a written appeal and sending it to Administrator, Division of Investigative Services, Department of Corrections, 510 East 12th Street, Des Moines, Iowa 50319. The administrator's decision shall be final.

201—20.7(904) Interviews and statements.

20.7(1) When offenders 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 offender involved as well as prior consent of the warden, superintendent, or designee.

20.7(2) The warden or superintendent is responsible for all communications with mass media.

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, superintendent, 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, superintendent, 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, superintendent, or designee.

20.8(4) Guests shall be allowed personal contact with an offender only when it serves the best interests of the offender as determined by the warden, superintendent, or designee.

20.8(5) All contacts with offenders shall be absent of any encouragement, support, or suggestion of activity which would bring disorder to the institution.

20.8(6) Rescinded IAB 3/20/91.

201—20.9(904) Donations. Donations of money, books, games, recreation equipment or other such gifts shall be made directly to the warden or superintendent. The warden or superintendent shall evaluate the donation in terms of the nature of the contribution to the institution program. The warden or superintendent is responsible for accepting the donation and reporting the gift to the regional deputy director on a monthly basis.

201—20.10(904) Incarceration fees. Rescinded IAB 12/3/08, effective 1/7/09.

201—20.11(904,910) Restitution.

20.11(1) Every offender 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 offender'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 offender 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).

20.11(5) Initial offender complaints regarding restitution plans of payment or modifications may be addressed via the offender grievance procedure.

20.11(6) The staff shall explain the restitution plan of payment to the offender. Each offender shall receive a copy of the restitution plan of payment.

20.11(7) Restitution payments shall be deducted from all credits to an offender's account. Up to 50 percent may be deducted. The following are exempt for deductions from credits to an offender's account from an outside source:

a. An amount, assessed by the warden/superintendent 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 offender's expense.

b. An amount, assessed by the warden/superintendent 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/superintendent 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 offender's account by authorization of either the offender, the warden/superintendent 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.

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/superintendent. Reasons for denial or cancellation shall be given to the offender.

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 offenders 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/superintendent and the respective regional deputy director.

20.12(5) Furloughs are additionally governed by the provisions of the department's furlough policy IS-RL-04.

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 offenders. 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 offender's visiting list shall notify the warden or superintendent 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 or superintendent.

20.13(2) Due to security considerations, those persons excluded from applying for visitation privileges pursuant to subrule 20.3(1), paragraph "f," subparagraphs (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 offender. This may be reflected in the background investigation report which shows the individual 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 (subrule 20.13(3), paragraph "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 offender 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 offender directly exchange any object or article.
 - (4) The attendee talks or communicates with an offender.
 - (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 offender 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, superintendent 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(9) 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, superintendent, 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(8).

This rule is intended to implement Iowa Code sections 904.102 and 904.103.

201—20.14(80A) Offender transportation.

20.14(1) Companies under contract to county or state agencies to transport Iowa offenders must meet the requirements of this rule to qualify for exemption under Iowa Code section 80A.2 as amended by 1998 Iowa Acts, Senate File 2331.

20.14(2) To comply with the exemption in Iowa Code section 80A.2 as amended by 1998 Iowa Acts, Senate File 2331, the following requirements shall apply:

a. A company(ies) 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 offender management procedures essential to accomplishing safe and secure movement of offenders.

b. A company contracting to provide offender transportation 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. A company 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 offender transportation companies. This exemption does not provide exemption for any other part of this statute.

This rule is intended to implement Iowa Code section 80A.2 as amended by 1998 Iowa Acts, Senate File 2331.

201—20.15(910A) 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 offender is to be released in any of the following situations:

a. Work release. Approximate date of release and whether the offender 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 offender 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 offender is expected to return to the community where the victim resides.

20.15(3) Rescinded IAB 3/20/91.

20.15(4) A victim will become registered upon official request by the county attorney to the Director, or designee, Iowa Department of Corrections, Capitol Annex, 523 East 12th Street, Des Moines, Iowa 50319.

20.15(5) Assistance for registering may be obtained through the county attorney or contacting the director of corrections at (515)281-4811.

20.15(6) All information with regard to a registered victim will be kept confidential.

20.15(7) A registered victim is responsible for notifying the department of corrections of address or telephone changes.

20.15(8) 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 offender(s) parole/work release hearing either personally or by counsel.

b. The parole board notifies victims of any scheduled parole/work release hearings where the board will interview the offender 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/superintendent of the intention to attend prior to the hearing.

d. A victim may only be denied attendance when, in the opinion of the warden/superintendent 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 victim(s) and family/friends in attendance at the same hearing. If there are any signs of conflict between victims and family/friends of offenders, the victims shall be escorted out of the institution to avoid an unsupervised contact situation on institution grounds.

This rule is intended to implement Iowa Code section 910A.9.

201—20.16 Reserved.

201—20.17(904) Institutional community placement.

20.17(1) *Home care program.* This program allows for selected offenders to be released from institutional confinement for a set period of time for the purpose of caring for the offender's immediate family. Release may be to a community correction residential facility/halfway house or to the offender'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 offender must be the natural parent or legal guardian of the child/children.

(2) The offender 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 offender must have been the primary caretaker of the child/children prior to incarceration.

(5) Investigating staff must be able to confirm that the offender had satisfactorily served this care prior to incarceration.

(6) The proposed living arrangements shall provide a suitable environment for the offender 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 offender, 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 offender 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 offender and dependents.

(11) Dependent care for an adult member of the offender'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 offender. 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 offenders 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 offender'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 offender must show a substantial need and interest for participation in the program.

b. The offender 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 offenders 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 offender'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 offender must show a substantial need and interest for participation in the program.

b. The offender 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 offenders 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. Offenders must be furlough-eligible in accordance with furlough eligibility standards in DOC policy IS-RL-04 and administrative rule 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 offender 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 offender is meeting requirements of the program plan.

j. Special needs. In situations where offenders 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. Offenders 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/superintendent.

e. If approved by the warden/superintendent, the recommendation and all pertinent information shall be forwarded to the deputy director for final approval.

f. If the recommendation is approved by the deputy director, the offender 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. Offenders 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 offender'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 offender to participate in any of the programs at any level listed under this rule, the offender 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 offender'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.

201—20.18(904) Violator/shock probation programs. The department of corrections provides violator/shock probation programs at three institutions: 30 beds for females at the Iowa correctional institution for women (ICIW) at Mitchellville, 70 beds for males at the correctional release center (CRC) at Newton, and 58 beds for males at Luster Heights (ASP) at Harpers Ferry. These programs provide up to a six-month intensive intervention for probation, parole, and work release offenders that have violated conditions of supervision and would otherwise have been returned to or sent to prison. Additionally, offenders sentenced to the custody of the department of corrections that have been identified as potential shock probation candidates are eligible for program participation.

20.18(1) The violator/shock probation programs provide up to a six-month intensive, highly structured treatment program designed to divert certain offenders from long-term incarceration.

20.18(2) Definitions.

“*Shock probation*” means reconsideration of a felon’s or misdemeanor’s sentence to confinement when the court may review its previous action and grant probation as a result of suspension or a change of the previous sentence to the custody of the department of corrections in accordance with Iowa Code sections 902.4 and 903.2.

“*Violator*” means probationer, parolee, or work releasee not having community status revoked but found to have violated conditions of supervision by the appropriate jurisdiction having statutory authority to revoke.

“*Youthful offender*” means probationer, parolee, or work releasee 25 years of age and younger not having community status revoked but found to have violated conditions of supervision by the appropriate jurisdiction having statutory authority to revoke. Additionally, offenders 25 years of age and younger sentenced to the custody of the department of corrections that have been identified as potential shock probation candidates are eligible for program participation.

20.18(3) Offenders will be committed to a violator/shock probation program pursuant to Iowa Code sections 904.207, 902.4 and 903.2.

20.18(4) All probation offenders committed to a violator/shock probation program shall be admitted to the Iowa medical and classification center (IMCC) reception unit. Upon admittance to IMCC, the transporting authority shall provide the receiving officer with a court order disposing of the violation (including commitment to the custody of the director and stating violator program participation is a condition of probation), mittimus, case origination documents, indictment or information documents, minutes of testimony, and judgment entry.

20.18(5) All parole or work release offenders committed to a violator/shock probation program shall enter the program through the IMCC reception unit.

The violator/shock probation program shall be a condition of release, and the offender will remain in the custody of the department of corrections under the terms of the offender’s original commitment.

20.18(6) Admission standards.

a. Reception process at IMCC, including medical intake screen, will normally be completed within seven days.

b. If further medical testing or treatment is necessary, transfer to the violator/shock probation program may be delayed until additional testing or treatment is completed and the offender’s health status permits transfer.

c. The department may deny admission to a violator/shock probation program if the offender is medically unable to complete the program or if an offender’s mental health status prohibits participation.

d. Offenders will not be allowed any personal property with the exception of clothing being worn at the time of admission to the IMCC reception unit. Other property will not be accepted by the IMCC receiving officer.

20.18(7) Release standards.

a. Upon successful completion of a violator/shock probation program, violator offenders will be referred to the sending or supervising judicial district department of correctional services.

b. A violator offender that does not successfully complete the violator program will be returned to the sending or supervising judicial district department of correctional services for disposition, with the exception of parole or work release offenders as reviewed by the board of parole.

c. Shock probation offenders will be referred for sentence review to the sentencing court upon successful or unsuccessful completion of a violator/shock probation program. The department of corrections will submit a report to the court that provides a full accounting of the shock probation offender's program participation, progress and recommended plan of action.

20.18(8) An offender placed in a violator/shock probation program will not be granted all the privileges and rights or may not be subject to certain requirements established in Iowa Administrative Code 201—Chapter 20. The following paragraphs establish which rules of Iowa Administrative Code 201—Chapter 20 that violators will or will not be subject to:

a. Rule 20.1(904)—Application of rules. Will not apply to violator/shock probation programs except as otherwise stated.

b. Rule 20.2(904)—Title II definitions. Will apply only where listed in the following applicable rules.

c. Rule 20.3(904)—Visits to offenders. Offenders will not be allowed visits except individuals determined by staff and only in conjunction with participation in the family treatment component. Attorney and clergy visits must be scheduled in advance so as to not conflict with program schedules. Exceptions may be authorized by the warden/superintendent or designee.

d. Rule 20.4(904)—Mail. Offenders will be allowed mail privileges pursuant to rule 20.4(904) with the following exceptions:

(1) There will be no limit on the amount of incoming mail although program policy may limit the amount of mail that can be stored or maintained in the living area.

(2) Offenders will not receive an allowance. Therefore, offenders will be provided writing materials and postage for two letters per week.

(3) Packages and publications will not be allowed.

e. Rule 20.5(904)—Money orders, cashier's checks, and electronic funds transfers for offenders. Money orders, cashier's checks, and electronic funds transfers for offenders are allowed but will be subject to a restitution plan, child support orders, fines, court costs and fees.

f. Rule 20.6(904)—Publications. Offenders will not be granted any of the privileges or rights of rule 20.6(904).

g. Rule 20.7(904)—Interviews and statements. This rule may apply only as stated "with prior consent of the warden, superintendent or designee."

h. Rule 20.8(904)—Guests of institution. This rule is not applicable since this rule has no impact on the violator/shock probation program.

i. Rule 20.9(904)—Donations. This rule is not applicable since this rule has no impact on the violator/shock probation program.

j. Rule 20.11(904,910)—Restitution. This rule will be temporarily suspended while offenders are in the program. Restitution plans will be maintained, and the plan of payment will be reinstated upon release from the program.

k. Rule 20.12(904)—Furloughs. This rule will only apply in family emergency situations in accordance with 20.12(2) although the criteria for eligibility are waived, and these furloughs will only be granted at the discretion of the warden/superintendent or designee with approval of the regional deputy director.

l. Rule 20.13(904)—Board of parole interviews. This rule is not applicable since this rule has no impact on the violator/shock probation program.

m. Rule 20.15(910A)—Victim notification. This rule will not apply to the violator/shock probation program.

n. Rule 20.17(904)—Institutional community placement. This rule will not apply to the violator/shock probation program.

20.18(9) Earned time.

a. Iowa Code chapter 903A will not apply to probationers and parolees.

b. Iowa Code chapter 903A will apply to work releasees in accordance with work release policies and procedures.

20.18(10) Clothing, transportation, and release moneys. The provisions of Iowa Code section 906.9 will not apply to violator/shock probation programs.

20.18(11) Any exceptions to these rules must be specifically approved by the warden/superintendent or designee.

This rule is intended to implement Iowa Code section 904.207.

201—20.19 Reserved.

201—20.20(904) Offender telephone commissions.

20.20(1) Definitions.

“*Corrections board*” means the department of corrections board.

“*Deputy director of administration*” means the person responsible for budgeting and planning.

“*Director*” means the chief executive officer of the department of corrections.

“*Regional deputy director*” means the person responsible for regional operation of both institution and community corrections services in either the eastern or western portions of Iowa.

“*Warden/superintendent*” 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 central office. The deputy director of administration will determine commissions generated by each institution, based on a report from the vendor, for deposit in the institution’s offender telephone rebate fund.

20.20(3) Request for funds. Each warden/superintendent will determine recurring needs and special projects and submit a written proposal to the respective regional deputy director of institutions for all expenditures and encumbrances.

20.20(4) Review and approval of expenditures. The regional deputy director of operations and the deputy director of administration will review the proposals for a quarterly 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 respective regional 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 offenders. Expenditures may include, but are not limited to, projects that provide educational, vocational or recreational services or projects, or work or treatment programs for offenders. 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 offenders.

This rule is intended to implement Iowa Code section 904.508A.

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