

201—44.9(904,910) Home work release. Pursuant to Iowa Code section 904.901, home work release provides the opportunity in exceptional circumstances for qualified clients of correctional institutions to return to their homes.

44.9(1) Administration.

a. Supervision. Persons committed to the director of the department of corrections and approved for home work release by the board of parole shall be supervised by the judicial district departments of correctional services in accordance with contractual provisions between the district departments and the department of corrections.

b. Housing requirements. The physical structure shall provide for adequate space, meet basic sanitary requirements and be in good repair. A functional telephone will be available to the client in the residence at all times. The residence shall not be occupied by persons outside the nuclear family except in rare instances where financial considerations are a factor and prior approval has been granted by the board of parole or the deputy director.

c. Admission.

(1) The district departments shall assume supervision of home work releasees in accordance with a contract with the department of corrections or federal correctional agencies.

(2) At the time of supervision, the staff shall discuss with each home work releasee program goals, services available, rules governing conduct, disciplinary procedures, the home work releasee's fiscal management, responsibilities, rights and communication privileges and shall obtain written documentation from the home work releasee that these matters were discussed.

d. Travel. Supervisory staff may grant permission for travel within the state. Standard policy will apply to out-of-state travel.

e. Earned time. Earned time shall be awarded in accordance with department of corrections policy.

f. Records.

(1) The district department shall maintain records for state home work release clients as required by the department of corrections.

(2) The district department shall maintain a case record for each home work releasee under supervision which shall include, when applicable, the following:

1. Identification date,
2. Institutional information packet,
3. Case plan,
4. Restitution plan,
5. Work release plans,
6. Generic notes,
7. Disciplinary reports,
8. Hold orders,
9. Transfer reports,
10. Parole progress reports,
11. Signed release of information forms, and
12. Discharge reports.

The district department shall have written procedures concerning the security, maintenance, accessibility, closure and destruction of said case records.

(3) The district departments shall have written policies and procedures which ensure that an individual case plan is maintained on each work release resident which includes a uniform, validated assessment of client risk, needs and protective factors, and resources utilized to meet those needs.

44.9(2) Restitution.

a. Restitution plan of payment. There shall be a restitution plan of payment developed on those home work releasees 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 present income, employment, physical and mental health, education, financial situation and 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.

b. Compliance.

(1) The home work releasee shall submit payments in a timely manner to the clerk of court or the district department.

(2) If payments are made to the clerk of the district court, the home work releasee shall provide the district department proof of payments.

(3) The district department will provide statements to the appropriate clerks of court when community service is ordered in lieu of financial restitution.

44.9(3) *Home work releasee finances.* The home work releasee shall assume total financial responsibility, including medical expenses, for releasee care and the care of the releasee's minor dependent children. Neither the department of corrections nor the district department shall incur any expense on the part of the home work releasee or dependents.

44.9(4) *Violations.*

a. Preplacement violations. When disciplinary problems occur with clients who have been approved for home work release but not yet placed, designated staff shall determine whether or not the situation is serious enough to warrant further review by the board of parole. Designated staff herein shall mean authorized persons from the judicial district department of correctional services, the community services division or the sending institution.

b. Postplacement violation. Work release violations may be classified as technical, minor, or major in accordance with state policy depending on the seriousness and frequency. Such classification shall determine the sanction or range of sanctions to correspond with the violation(s).

c. Requests for temporary custody. Requests for temporary custody in a county jail or municipal holding facility may be issued by an authorized staff person of the district department of correctional services, in those cases where the home work releasee is considered dangerous, likely to flee or in serious violation of the work release program and shall be consistent with department of corrections policy.

d. Out of place/escape. Home work releasees who are out of place of assignment are considered in serious violation of work release rules and possibly guilty of a felony under Iowa Code section 719.4. Escapes shall be reported to designated authorities in accordance with department of corrections work release policy.

e. Reimbursement for transportation. Transportation costs incurred due to a home work releasee escaping or absconding shall be assessed against the home work releasee. The amount of reimbursement shall be the actual cost incurred by the department of corrections or the judicial district department and shall be credited to the support of correctional services account from which the billing occurred. Actual cost shall mean the following:

(1) Actual salary, to include overtime, of all personnel required to return the work releasee.

(2) Actual personal expenses of personnel involved.

(3) Ground mileage at the rate paid to state employees.

(4) Actual cost of any common carrier fare for personnel and the home work releasee. Air fare shall be booked at regular coach.

f. Transfer hearings. The district department shall petition the department of corrections for a transfer hearing on home work releasees found guilty of serious work release violations. The hearing officer shall determine whether or not the home work releasee is to be transferred to the designated security institution.

g. *Special transfers.* Transfers to another residential facility or to an institution may be allowed in special circumstances with the approval of the department of corrections.

44.9(5) Discharge. Under no circumstances shall home work release supervision extend beyond the expiration of a home work releasee's sentence.

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