201—40.12(904,910) OWI programs.

40.12(1) *Applicability.* Clients convicted of an offense under Iowa Code chapter 321J, sentenced to the custody of the director of corrections, and assigned to a continuum of programming, including treatment providers, residential facilities, and institutions, will be subject to these rules and department policy governing supervision and treatment.

40.12(2) *Facility selection and oversight.* The department will select appropriate facilities and treatment providers for the risk management and programming of clients. Any facility operated by or under contract with the department will comply with department policies, including all applicable federal PREA standards.

40.12(3) *Administrative responsibility.* The district director is responsible for all programs and clients subject to this rule. Any change in the custody status of clients must be approved by a department official.

40.12(4) *Movement of clients.*

a. The department will utilize standardized placement criteria founded on the presumption that assignment will be made to the least restrictive and most cost-effective component of the continuum for the purposes of risk management, substance use treatment, education, and employment. Criteria established to determine continuum assignment consists of the client's previous criminal record, present charges and attitude toward treatment. The continuum is defined as consisting of three basic components, namely:

(1) Incarceration until released by the board of parole or expiration of sentence,

(2) Short-term incarceration of approximately 60 days with subsequent transfer to a community corrections OWI residential program, and

(3) Direct placement to a community corrections residential program.

b. When there is insufficient bed space in the community-based correctional program to accommodate the client, the court may order the client to be released on personal recognizance or bond, released to the supervision of the district department, or held in jail.

c. Priority for placement will be based on the date of institutional admission or as soon as practical unless an exception is made by the department for special circumstances.

d. When a client is sentenced and ordered to department supervision and space is unavailable in a community program, or when supervision concerns arise, the district director or designee may request temporary placement at the Iowa medical and classification center (IMCC) or the Iowa correctional institution for women (ICIW), with approval by the deputy director or designee until space is available in the community program.

e. If medical conditions prohibit program participation and community resources, including University Hospitals, are not available to sufficiently meet client needs, the client may be assigned to IMCC/ICIW for treatment until the client's health status permits placement into a community-based correctional program.

f. Transfer of clients may be delayed by the department for security or medical reasons. Clients with active detainers or clients refusing to participate in the program may be transferred to an institution.

g. Clients placed with the department will transfer out of custody to their assigned facility unless an exception is made by the department.

h. The department will maintain policies governing the temporary confinement of clients who present a threat to the safety or security of the public, facility staff, or residents.

i. The department will maintain contingency plans to ensure continuity of custody or programming during emergencies, including fire, tornado, chemical spill, or work stoppage.

j. Clients housed in community facilities may be transferred to IMCC/ICIW on the recommendation of the district director or designee and with the approval of the deputy director or designee for reclassification and assignment to an institution. Transfer recommendations may be made for security, disciplinary, treatment, medical, or legal reasons.

k. Clients whose parole or work release is revoked may be returned to the OWI continuum, if eligible, or returned to the designated classification center for reclassification and placement in an institution.

40.12(5) *Fiscal.*

a. The department will not enter into a subcontract for custody, housing, or treatment of clients without the written approval of the deputy director. Contracts must include provisions protecting the department from liability arising from subcontractor actions.

(1) Subcontractors will be paid only for services on a reimbursement basis.

(2) The department will not pay for substance use treatment otherwise available and funded from other sources.

(3) The department and any subcontractors will, whenever possible, offset the cost of providing substance use treatment with third-party reimbursements.

b. The department will maintain a schedule of daily fees.

c. Clients may not be denied services due to an inability to pay the daily fee.

d. The department will maintain policies and procedures that ensure that all clients surrender their earnings to facility staff for the purpose of financial management and savings. Those policies and procedures will provide for the proper accounting and disbursement of all client funds, including but not limited to deduction of a daily fee where appropriate.

e. Upon request by the district director or designee, the county shall provide temporary confinement of clients allegedly violating the conditions of the assignment to a treatment program. The department will negotiate a reimbursement rate with each county.

f. A county holding clients ordered to jail due to insufficient space in a community-based corrections program will be reimbursed by the department.

g. If a client escapes or participates in an act of absconding from the facility to which the client is assigned, the client will reimburse the department for the cost of transportation in accordance with rule 201—40.6(904,906).

40.12(6) *Program structure.*

a. The district department will provide or arrange 24-hour housing and supervision of clients, either directly or through a contract with other agencies or individuals.

b. Each client will sign a department-approved supervision agreement. Failure to sign or comply with the agreement may result in reason to recommend returning the client to an institution.

c. Clients will participate in an appropriate continuum of programming. To the extent possible, capable clients will be employed a minimum of 30 hours per week.

d. Clients will be allowed to leave the facility for treatment, employment, and food service when those activities are not provided at the facility. In all other circumstances, clients may only leave the facility without supervision in accordance with furlough procedures.

e. Subcontractors will utilize department policies and procedures concerning client discipline.

f. Restitution plans will be established in accordance with Iowa Code chapter 910 and rule 201—40.5(904,907,910).

g. A client identified as needing continuing care will receive follow-up treatment according to the client's identified needs. The client will receive correctional supervision following release from the facility unless the client's sentence has legally expired.

h. Visitation will be provided in accordance with department policy. Visiting privileges may be limited to the extent necessary for treatment, security, or management reasons.

i. Medical care for emergencies, illness, injury, or death will be provided in accordance with department policy.

j. The department will follow established policies governing violations, transfer recommendations, parole recommendations, earned time awards, and earned loss time.

k. The department will follow established policies for responding to an escape or unauthorized absence of a client from a facility, including circumstances indicating flight or criminal activity.

This rule is intended to implement Iowa Code sections 904.513, 904.909 and 910.5.

[**ARC 0791D**, IAB 11/25/26, effective 12/30/26]