

201—40.4(905) District board of directors.

40.4(1) The board of directors shall adopt bylaws as prescribed in Iowa Code section 905.4(1).

40.4(2) The board of directors shall establish minimum qualifications for the position of the district director which shall include, but not be limited to, those set out in Iowa Code section 905.6.

40.4(3) The board of directors shall select the district director of the overall community-based corrections program, who shall serve at the board's pleasure and the board shall set the director's salary consistent with Iowa Code section 905.4(2).

40.4(4) The board of directors shall set policies and ensure procedures are developed governing the expenditures of funds which are in compliance with the requirements of the department of corrections and the Code of Iowa.

40.4(5) The board of directors shall set policies and ensure procedures are developed governing the personnel employed by the judicial district department of correctional services.

40.4(6) The board of directors shall establish policies and ensure procedures are developed governing formal communications between the board and the staff.

40.4(7) The board of directors shall establish policies and ensure procedures are developed governing the training of staff.

40.4(8) The board of directors shall approve a table of organization reflecting current staffing of the judicial district department of correctional services.

40.4(9) The board of directors shall annually approve the budget and action plan of the judicial district department of correctional services which shall include the projected expenditures by program and identify the following source of revenue: (a) state purchase of services contract, (b) federal and local grants or contracts, (c) residential client fees, (d) county support, (e) interest, (f) other miscellaneous revenues.

40.4(10) One or more project advisory committees shall be established in accordance with Iowa Code chapter 905. The functions of the advisory committee(s) shall include, but need not be limited to, participation in and review of the district department's planning and program activities.

40.4(11) The judicial district board of directors shall decide whether to allow employees of the judicial district department of correctional services to carry a firearm while in performance of official duties. If the board allows employees to carry firearms, the judicial district board shall establish policies and ensure that procedures are developed governing the authorization of probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D to carry a firearm while in performance of their duties. Policy shall specify when the possession of a weapon is appropriate and who may approve authorization to carry a weapon.

40.4(12) Through their approval, the director, Iowa department of corrections, and the Iowa corrections board shall ensure that the director of the district department of correctional services, of districts authorized to carry firearms, has written standards and procedures which regulate the safe conveying and use of firearms. The standards shall include, but not be limited to, the following:

a. Probation/parole officers and reserve peace officers subject to Iowa Code chapter 80D must have successfully completed the Iowa law enforcement academy curriculum prior to receiving authorization to carry a firearm. Probation/parole officers authorized to carry firearms prior to February 9, 2005, will be exempt from this paragraph.

b. An officer will not be given permission to carry a weapon unless the officer has successfully completed the requirements of Iowa Code chapter 724.

(1) In addition, the officer must show proficiency in the actual firing of a firearm as required for qualification on a qualified training course firing range.

(2) Officers holding valid permits to carry firearms shall requalify annually.

c. Weapons shall not be exhibited or used except in a perilous, life-threatening situation. Drawing, pointing, or discharging a weapon for effect or warning is prohibited.

d. The judicial district director shall maintain a list of all officers granted permission to carry a weapon. The list shall include the officer's name, permit number, dates of permit, place and dates of training, and caliber of weapon.

e. Permission granting an officer the right to carry a judicial district-purchased weapon shall be in writing.

f. Any officer who discharges a weapon shall submit a written report of the incident through the department of corrections critical incident reporting policy. The judicial district director shall file a report of the incident, the investigation, and the results of the investigation with the deputy director of CBCs within five days of the occurrence.

g. No officer shall be required to carry a firearm; however, refusal may affect job assignments.

h. Firearms shall be secured under lock and key when not in use in a location inaccessible to nonauthorized personnel.

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