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# BUDGET UNIT BRIEF – FY 2021

Fiscal Services Division

July 1, 2020



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Ground Floor, State Capitol Building

Des Moines, Iowa 50319

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## Board of Parole

### Purpose and History

The 32nd General Assembly (1907-1908) created an indeterminate criminal sentencing structure for Iowa and created the Board of Parole (BOP) to implement that structure. Today, Iowa's criminal sentencing structure is a mix of determinate (e.g., mandatory minimum terms) and indeterminate (e.g., length of incarceration may be modified by the BOP). The Board consists of five members appointed by the Governor and confirmed by the Senate. The chairperson and vice chairperson are full-time salaried positions, while three members are part-time and paid a per diem.

The General Assembly enacted House File 538 (Board of Parole Reserve Members Act) during the 2013 Legislative Session. This Act creates a pool of three alternate members to substitute for Board members who are disqualified or are unavailable for hearings. The alternate members receive a per diem when they serve on the Board and are subject to Senate confirmation.

### Duties of the Board

The Board's mission is to enhance public safety by making evidence-based and informed parole decisions for the successful reentry of offenders back into the community to become productive and responsible citizens. The Board implements its mission through the following duties:

- **Inmate Reviews and Interviews:** The Board is required to annually review offenders in prison except for Class A felons (life sentence), Class B felons serving time under Iowa's 70.0% law (where 70.0% of the sentence must be served in prison), felons serving other mandatory minimum terms, and those serving a determinate sentence. The Board contacts the Department of Corrections (DOC) within 20 days of its interview schedule. The DOC then makes the offenders available for a parole or work release hearing. The Board also provides the offender written notice of its parole or work release decision.
- **Risk Assessments:** The Board has used a validated risk assessment tool since March 1981 that has been periodically revised over time. The Board worked with the DOC on a revised Iowa Risk Assessment that improves the risk assessment's prediction for violence and victimization. The Board updated its administrative rules in 2012 to reflect the implementation of the new risk assessment.
- **Victim Notification:** The Board notifies registered victims of violent crimes of scheduled interviews with offenders and of decisions made at those interviews. The victim or victim's counsel has the right to attend the interviews and testify. All written communications from victims become a permanent part of the offenders' files.

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### More Information

Board of Parole: [www.bop.state.ia.us](http://www.bop.state.ia.us)

House File 538: [www.legis.iowa.gov/legislation/BillBook?ga=85&ba=hf538](http://www.legis.iowa.gov/legislation/BillBook?ga=85&ba=hf538)

Department of Corrections: [doc.iowa.gov](http://doc.iowa.gov)

Criminal and Juvenile Justice Planning Division: [humanrights.iowa.gov/cjjp](http://humanrights.iowa.gov/cjjp)

Robina Institute Study: [www.apaintl.org/resources/documents/surveys/robina.PDF](http://www.apaintl.org/resources/documents/surveys/robina.PDF)

LSA Staff Contact: Laura Book (515.725.0509) [laura.book@legis.iowa.gov](mailto:laura.book@legis.iowa.gov)

- **Parole and Work Release:** These are supervised releases from prison, where if certain conditions are met, the offender is released from prison and placed in community supervision either on parole (field services) or work release (residential services). The Board may grant, rescind, or revoke parole and work release, as well as discharge offenders from parole. The Board grants parole to offenders who are successful on work release. The Board sets the conditions of parole and work release; these conditions may be supplemented or amended by the supervising Community-Based Corrections (CBC) District Department.
- **Review of Parole and Work Release Programs:** The Board is required to review parole and work release programs both nationally and within the State of Iowa. The Board's review may lead to changes in its policies and procedures.
- **Release Studies:** The Board is required to conduct studies of the parole and work release system as requested by the Governor and the General Assembly. The Board relies on the Criminal and Juvenile Justice Planning Division of the Department of Human Rights for recidivism studies. Returns to prison have been monitored since 1998.
- **Computer Systems:** The Board is fully integrated with the DOC's Iowa Corrections Offender Network (ICON), an enterprise offender tracking system.
- **Certificate of Employability:** Iowa Code section 906.19 requires the Board to develop and implement a program to maximize opportunities and employability for unemployed or underemployed parolees, or people who have completed their parole requirements. Changes in administrative rules are being implemented to make this program more effective.
- **Pardons, Commutation of Sentences, Restoration of Citizenship:** The Board reviews and makes recommendations to the Governor for all applications for pardons, commutation of life sentences, or restoration of citizenship.

### **Funding**

The Board receives 100.0% of its funding from the General Fund. The Board of Parole is attached to the Iowa DOC for administrative purposes only, and sets its own policies and makes release and revocation decisions independent of the DOC.

### **Other States**

The structure and duties of parole boards vary across the country. The Robina Institute at the University of Minnesota conducted a study of parole boards across the nation. Of the 45 states responding to the study's survey, 20 reported having independent parole boards administratively attached to the state's DOC, seven reported having independent parole boards attached to another agency, five reported having a parole board within their DOC, and nine reported having independent and autonomous parole boards. In the Midwest, Nebraska and Illinois have independent parole boards; South Dakota, Wisconsin, and Missouri have parole boards attached to their Department of Corrections; and Minnesota has no parole board. Some boards make recommendations to the governor regarding pardons and commutations, some boards directly issue pardons and commutations, and some boards oversee death penalty cases.

Iowa Code chapter 907B governs the Interstate Compact between states. Where appropriate, the Iowa Board of Parole has paroled offenders to various states across the country if the parole plan is accepted by the Board and by the receiving state.

### **Related Statutes and Administrative Rules**

Iowa Code chapters [904A](#), [906](#), [907B](#), and [908](#)  
Iowa Administrative Code [205](#)

### **Budget Unit Number**

5470B400001

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